

TOWN OF BRIGHTON NEW YORK

New York State Police Reform & Reinvention Collaborative

Town of Brighton Police Department

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Town of Brighton Police Department Mission Statement:

The principal mission of the Brighton Police Department is to serve and protect all those that reside in and visit the Town of Brighton, remembering that the Police must serve all individuals impartially, respecting the rights of individuals regardless of race, creed, color or origin.

It is essential to this mission that all members remember that in the execution of their duties they act not for themselves, but for the good of the public.

We will at all times work in concert with all community agencies and groups to promote a better understanding of Law Enforcement. In order to ensure the success of our mission, we will at all times work in close cooperation with other law enforcement agencies to control crime.

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

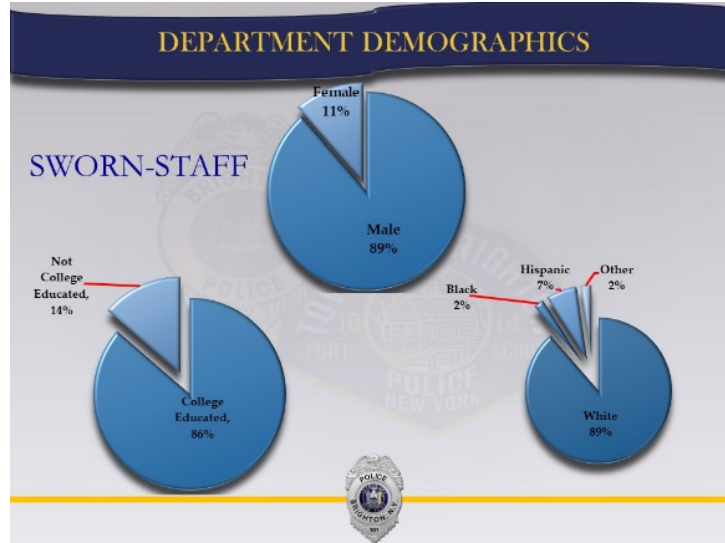
Introduction

The Town of Brighton Police Department is committed to working with community members to improve the level of service we provide. Our view is that the New York State Executive Order #203 is an opportunity for growth for all of us in law enforcement to create a long-term and ongoing effort to foster better relationships with the communities we serve.

Overview

The earliest roots of the Town of Brighton Police Department were established in 1814 with the appointment of two Town Constables who were appointed by Oliver Culver after he was elected as Brighton's first Town Supervisor. Currently, our authorized strength is comprised of forty (40) full-time sworn staff that patrols an area of approximately 15.5 square miles with an estimated population of roughly 36,000 residents. It is important to note, we serve a population considerably larger during business hours. Brighton is also home to several colleges, one of which is Monroe Community College, which has enrollment at the Brighton Campus of over 8,000 students.

We currently have 11% of sworn staff who are female members and 11% who are people of color. Another important data point is that 86% of our sworn staff have a college degree, with three members who have a Master's degree (see below chart). We currently have approximately 1.05 officers per thousand residents which is consistently below the national average of 2.4 per thousand and 2.90 in NYS (city-data.com). Our staffing level has remained consistent for over 20 years.



Our department handles about 48,000 calls for service each year, based on a five-year average. Of those calls for service, on a five-year average, they result in about 550 arrests a year and almost 5,000 traffic tickets issued a year. The National Incident Based Reporting System (NIBRS) five year average is 1,836 crime incidents. To further foster transparency, I am committed to categorizing the above data to include the racial make-up of those with whom we interact in our annual report.

Organizational Structure

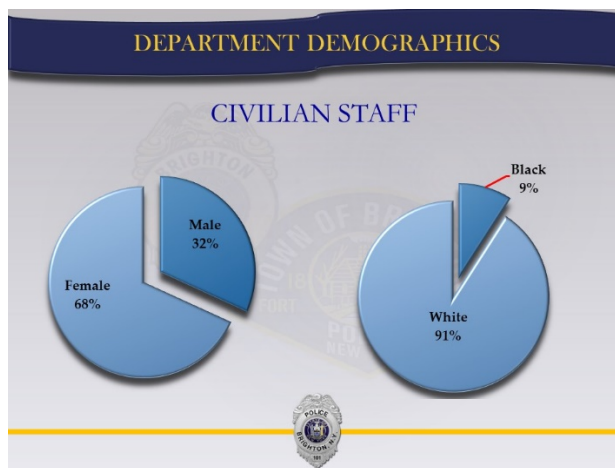
The Brighton Police Department is authorized to have forty (40) full-time sworn officers. Currently, as of March 2021, we have thirty-seven (37) full-time members. Our organizational structure provides clear and identifiable roles for command and control of the department. We have two divisions within the police department that are led by senior members of staff. The operations division is managed by a Captain and is the largest division consisting of patrol officers, part-time police officers (court-security), crossing guards, and animal control officers. The patrol Captain ensures police department tactical readiness as well as emergency preparedness. This division also works with staff personnel to organize and develop programs such as directed patrol, crime prevention approaches, new methods of delivering police service, and personnel training which aid in improving the efficiency of operations.

We currently have six (6) part-time sworn staff whose primary function is to provide security for the Town of Brighton Courts. The make-up of our part-time court security staff is

also very diverse with 33% being people of color. In 2018, after consultation with the Brighton Town Court and acting on a recommendation from a 2006 action plan for the Justice Courts, we assessed a need to provide better security in our Town Courts. For the first time in the history of our department we were authorized to staff part-time sworn officers whose jurisdiction was constrained to the Town of Brighton courts and Town Hall Complex. These officers are fully trained to the same standards as full-time sworn members of law enforcement. Their primary duties are screening persons entering Town Court and maintaining security within the courtrooms. On occasion, they can take defendants into custody as ordered by the court.

Crossing guards also come under the administration of the Operations side of the police department. We currently have an authorized strength of fourteen crossing guards whose primary responsibility is to safely cross students at the busier intersections within Town (see below chart).

We currently staff three part-time Animal Control Officers whose function is to respond to complaints dealing with all types of animals. Again, this work-group is diverse with 33% of that staff being persons of color (see below chart). This service generally concentrates on the dog population of the Town but is also responsible for complaints dealing with raccoons, deer, trapped wildlife, and other concerns dealing with domestic or wild animals. Animal Control assists the Geese Control Task Force with the management of the goose population in the Town of Brighton.



The staff services division is responsible for the overall operations of the Investigative Services and Technical Services. That Staff Services Captain conducts investigations into reports of alleged or apparent misconduct by police department personnel, both sworn and civilian. The Captain also acts as the Audit Control Officer who is responsible for conducting or directing periodic inspections and audits of the police department. From the investigative perspective, the Captain will maintain liaison with the courts and the District Attorney, and represents the agency's interest in civil litigation. Some of the other functions include administering the department's participation in multi-agency task forces and managing the accreditation program, along with the sex offender program.

Also, the Staff Services Captain assists in managing our civilian administrative staff that consists of seven members who are responsible for the collection and preservation of all Police Department records and files such as Police Reports, Vehicle Release Forms, and Freedom of Information Requests (see about chart).

Accreditation

The Brighton Police Department has been a New York State accredited agency since 1991 and has subsequently been re-accredited every five years since. We are one of approximately 25 percent of all New York law enforcement agencies across the state that holds this distinction. Additionally, Monroe County is the only county in New York wherein all the law enforcement agencies are accredited. Currently, there are 110 standards of compliance and verifications promulgated by The New York State Law Enforcement Accreditation Program. Each standard is used to evaluate and improve performance. The Accreditation Program encompasses four principles:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment, and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and

4. To promote public confidence in law enforcement agencies.

According to the New York State Law Enforcement Accreditation website:

“Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.” (see: New York State website www.criminaljustice.ny.gov/ops/accred/index.htm.)

Ensuring current and model policing by following the guidelines set by the State of New York, the Town of Brighton Police Department accreditation and continual re-accreditation speaks to the high standards set for policing in our department. We are scheduled for re-accreditation in June of 2021.

Further, in February 2021 we were determined to be in compliance with Presidential Executive Order number 13929 (the “Executive Order on Safe Policing”) and certified by the Division of Criminal Justice (DCJS), the credentialing body for New York State law enforcement. The Executive Order and certification are attached to this plan.

Ongoing Community Engagement Efforts

Our Police Department is firmly committed to the philosophy of community-oriented policing wherein we strive to work with the community to develop solutions collaboratively and increase trust with the police. We are always eager to partner with community groups in the interest of advancing the shared goals of a safe community. Last year alone we partnered with three new groups: Monroe County Alliance for the Transformation of Community and Police (MCATCP), Ministers and Police Alliance for Community Transformation (MPACT), and Uniting and Healing Through Hope of Monroe County. Already in 2021, we have partnered with “Campaign D” to help build relationships with the autism community. We currently have established liaisons in our department to other marginalized communities; however, we will seek ways to foster those relationships going forward. Our long-standing partnerships with community-based and led organizations like the United Christian Leadership Ministry (UCLM), Lifespan, Crimestoppers, Bivona Child Advocacy Center, and the Willow Domestic Center will

continue to help our efforts in building bridges to those who have been impacted by crime or violence.

In 2013 the Brighton Police Citizens' Police Academy was revived after being dormant for several years. This academy allows the community to experience the training that we offer our officers and to spend some time interacting with other criminal justice professionals such as judges, prosecutors, defense counsel, and other law enforcement agencies who assist us in our mission. Efforts were underway to take the Citizens' Police Academy on the road to those who may have difficulty commuting to the police department. When it is safe to do so my objective is to reestablish a "Community" Police Academy with a revised curriculum along with an increased outreach to marginalized parts of our community.

We also host an annual bike rodeo where young residents are offered safety tips and can demonstrate their riding skills under the guidance of a police officer. We also open the police department up formally once a year during the month of National Night Out to allow residents to tour our facility and get a chance to meet our officers on a more personal basis. We also participate in many events and neighborhood block parties throughout the year to engage with our community. As recently as a year ago we introduced Police Officers at the Brighton Farmer's Market as a way for residents to engage with officers in a casual and friendly atmosphere.

In a more formal setting I, along with other senior members of Town staff, attend a monthly public safety committee chaired by a member of the Town Board. This Committee addresses issues related to the health, safety, and welfare of the community. The Committee maintains liaison relationships with the Brighton Police Department, Brighton Fire Department, Rochester Fire Department (West Brighton), Brighton Volunteer Ambulance, as well as other community and civic organizations as their work relates to public safety in Town of Brighton. This allows an opportunity for members of the public to directly engage with senior members of public safety staff along with elected officials.

A member of senior staff is also assigned as a representative to the Brighton Central School District Safety Committee that meets quarterly. The objective of the Brighton Central School District Safety Committee is to carry out duties prescribed in law, review

recommendations from the building-based safety teams, and make recommendations to the Superintendent of Schools to implement recommendations, as appropriate.

The Brighton Police Department participates in Project T.I.P.S. (Trust, Information, Programs, and Services) along with other local law enforcement agencies, to include our federal law enforcement partners. Project T.I.P.S. is a series of events during the summer months where community agencies and law enforcement personnel work in selected neighborhoods in the City of Rochester to rebuild trust amongst residents. Locations are selected by Law Enforcement and other partner agencies. 2020 was a difficult year due to the ongoing pandemic and many of these initiatives had to be postponed. I am hopeful Project T.I.P.S will be re-instituted in 2021.

We also have several trained officers who conduct a Child Safety Seat Program as a way to interact with the community. Statistics show that a significant number of child safety seats are incorrectly installed, contributing to child injuries that might be avoided if the seats were properly installed. This program offers safety seat education and physical installation of child safety seats following the National Highway Traffic Safety Administration specifications. Specially trained and certified officers instruct parents on the proper use and installation of the seats, and physically install seats upon request.

To foster interaction with our youth we re-established our Police Explorer Program several years ago. This youth-based on-going program is affiliated with the Boy Scouts of America program. It is offered to young people between the ages of 14-21 to provide an introduction to the Police Department and is geared to break down barriers that may exist between the youth of our communities and the police. The program is designed to build character, responsibility, community service, and good decision-making. Those involved in Exploring learn about careers in law enforcement through lectures, tours, and hands-on activities. There are opportunities for community service experiences. Explorers receive advice from Brighton Police officers as to what steps they should be taking to prepare for careers in Law Enforcement. The program has proven to establish long-lasting relationships and receives high praise from attendees and the parents of attendees.

We also engage with our youth through the D.A.R.E. (Drug Abuse Resistance Education) Program in Brighton Schools. Since 1991, thousands of Brighton students have received

D.A.R.E. instruction. The program has been taught to approximately 100 students each year in the Seton Catholic School, the Harley School, and the twelve Corners Middle School. The D.A.R.E. Program consists of making students aware of drug abuse and its effect on their physical and mental well-being. Children are instructed about decision-making skills and proper educational decisions. Lessons covered include personal safety, decision making, consequences, peer pressure, and self-esteem; and feature role plays dealing with being assertive, handling stress, avoiding violence, pressure from media, life-style responsibilities, and problem-solving.

Our department also has strong partnerships with other law enforcement agencies in Monroe County and beyond. On at least a monthly basis law enforcement executives from Federal, State, and local agencies, meet to share information and work collegially on our interagency issues. Our partnerships have allowed us to use mutual aid from the Monroe County Sheriff's Office crash reconstruction unit, the bomb squad and underwater recovery unit. The New York State Police have also been a strong partner with our department. They have assisted us with the investigations of hate crimes, campus sexual assaults, and general deterrence during heightened threats specific to Brighton. Our Federal partners have also assisted us with their child exploitation unit and Joint Terrorism Task Force.

Prominent Policies & Training Efforts

Through policy, training, and supervision we are firmly committed to a “*guardian*” culture as opposed to a warrior mentality. Since 2016, the Brighton Police Department has worked to implement many of the proposals contained in President Obama’s Task Force on 21st Century Policing which are based on best practices in policing. The task force recommendations are organized around six main topic areas known as “*pillars*”: Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness. I have attached President Obama’s Task Force on 21st Century Policing to this plan.

In 2017, our agency committed to a complete review of our policies. After careful consideration, our research led us to a policy management company, Lexipol, which was able to be tailored to our specific agency needs. Lexipol provides comprehensive, state-specific policies

developed by a team of public safety attorneys and law enforcement experts. Each policy is carefully researched and continuously updated to comply with the most current federal and state legal standards and best practices. These policies provide the foundation for constitutional policing in our department. The Town made a considerable investment to bring us to where we are today when it comes to policy management and I intend to maintain that commitment. The complete overhaul of our policies was completed in 2019, however, policies are often updated to keep abreast of changing laws and best practices.

One example is the department's use of force policy, which has gone through numerous revisions to keep up with changes in New York State law and changes enacted by the Division of Criminal Justice Services (DCJS). We have met or exceeded many of the recommendations. We have never trained nor authorized our officers to use chokeholds and therefore they have effectively been banned, however, our 2019 policy expressly prohibits the use of chokeholds. Our department also has a robust reporting procedure, including the initial review from the first responding supervisor up to a Captain who reviews body-worn camera footage. Each officer at the scene also has to intercede in any unreasonable use of force. Not only does an officer have a duty to intercede when observing another law enforcement officer using force that is clearly beyond that which is objectively reasonable but our policy also requires the officer to report such conduct. In the interest of full transparency, our use of force policy can be found on the Town of Brighton website.

To ensure compliance, daily online training bulletins are offered through Lexipol each month to help officers understand and apply the policies. The agency administrator uses the system to track and verify officer completion of the bulletins along with policy acknowledgment.

Another significant achievement is our Body-Worn Camera (BWC) program and policy. Since 2016 we have equipped our officers with BWC to capture interactions between our members and the citizens with whom we interact. We were one of the first agencies in the county to adopt this technology along with a controlling policy that removed discretionary BWC activations. Outreach was conducted with members of the community to include the New York Chapter of the American Civil Liberties Union, the United Christian Leadership Ministry, and the Brighton High School Black Student Union. We also impact bargained with the Brighton

Police Patrol Association to adopt a policy. To date, we have captured over 81,000 video interactions. The videos complement our ability to review all arrests and use of force incidents that occur. We are also able to share valuable evidence with prosecutors in criminal cases. On the rare occasion when we receive a citizen complaint we are able to review the video to “see” what happened during the encounter. Even though we are five years into the BWC program we are always looking for ways to improve our service and foster transparency in our policy.

As the Town of Brighton’s website states, “Brighton is committed to open government, and one essential component of an open government is the New York Freedom of Information Law, or ‘FOIL’.” Citizens can request BWC videos through a Freedom of Information Law (FOIL) request. Under FOIL, government records, including records of the Town of Brighton, are available to the public, subject to certain exceptions. These exceptions include but are not limited to: disclosures of information that would cause an unwarranted invasion of personal privacy, disclosures that would interfere with law enforcement or a judicial proceeding or disclose a confidential source, disclosures of trade secrets, certain draft documents, or internal records.” FOIL request can be completed online at the Town of Brighton’s website under Town Clerk.

The militarization of law enforcement has received national attention. Our department has never participated in the Defense Logistics Agency Disposition Mission, commonly referred to as the 1033 program wherein police can obtain military surplus equipment. Even our police department uniforms have maintained a “soft” look with a more traditional uniform with body armor worn concealed. The soft look is opposite to a military-style uniform which can be intimidating and counterintuitive to the concept that police are present to help the public. However, recognizing the need to address potential threats such as active shooter, officers still have immediate access to enhanced body armor, including ballistic helmets, stop the bleed kits, and additional weapons securely stored in each patrol vehicle.

Another important policy that assists us in interactions with individuals who have limited English proficiency is our Language Access plan. This plan is two-fold in nature. The policy guides our interactions with those who may speak a language other than English and it effectively has de-coupled any immigration enforcement or reliance on the U.S. Border Patrol or Immigration and Customs Enforcement (ICE). We have identified members of our department

who speak a second language and utilize them when appropriate. We also have agreements to use other law enforcement agencies if needed to assist our interpretation efforts. Another alternative that is accessible to our members is to use an independent company, *Language Line Solutions*, that provides 24-hour access to interpreters with the ability to interpret and translate over 240 languages.

The DCJS accreditation program mandates that officers receive at least 21 hours of training each year. We usually exceed those hours in an endeavor to maintain a professionally trained police department. There has been a lot of public discussion on the use of law enforcement to interact with individuals in a mental health crisis. The Brighton Police Department currently has de-escalation techniques contained within several components of our training curriculums. All de-escalation begins with effective communication skills. Three years ago we certified all of our members in Mental Health First Aid (MHFA) training which has a significant impact on employing de-escalation strategies. This is important because some studies suggest 25% of officer-involved shootings involve someone with signs of mental illness. Mental Health First Aid is an international training program proven to be effective. The curriculum is eight-hours in length that teaches you how to identify, understand and respond to signs of mental illnesses and substance use disorders. The training provides the needed skills to reach out and provide initial help and support to someone who may be developing a mental health or substance use problem or experiencing a crisis. Peer-reviewed studies show that individuals trained in the program:

- Grow their knowledge of signs, symptoms, and risk factors of mental illnesses and addictions.
- Can identify multiple types of professional and self-help resources for individuals with a mental illness or addiction.
- Increase their confidence in and likelihood to help an individual in distress.
- Show increased mental wellness themselves (MHFA).

I committed to the Brighton Police Department training 100% of our full-time sworn staff in the higher level of certification known as Crisis Intervention Training (CIT). The national goal is to have 25% of staff trained in this higher level of training, and I am proud to say as of this

writing we have 45% of our members certified with more to be trained in 2021. Recently, the Law Enforcement Council, comprised of Monroe County Chiefs of Police and the Sheriff, has agreed to the same commitment in getting 100% of their staff trained.

The above-described training is one component to support our response to mental health calls for service. We currently have two liaisons within our department who proactively partner with a representative from the Monroe County Forensic Intervention Team (FIT). While the goal is to have a 24/7 response for FIT, the current format we employ in Brighton has served our community well. This model allows for post-crisis response follow-up to ensure services are being provided and that any additional services that are needed are attained. I am committed to enhancing our co-response capabilities with FIT along with the prescribed training for staff.

We also partner with the Public Safety Training Facility (PSTF) to accomplish annual training along with other Monroe County Law Enforcement to help share resources and foster inter-agency capabilities. This year the agencies in Monroe County have agreed to a mental health refresher course.

Another important aspect of our efforts involves adopting curriculum to include implicit bias awareness. Not only do we conduct annual training but our policy on Biased-Based Policing helps to ensure our staff is fair and objective when interacting with the community. We currently partner with New York Municipal Insurance Reciprocal (NYMIR), the Town of Brighton's liability and casualty insurance provider, whose mission *"is to provide the most comprehensive insurance and risk management programs for its member local governments"*. NYMIR has an online web-based platform that allows our members to have access to training on a 24/7 basis. We currently use this method to conduct our annual anti-bias policing training. Also, in January of 2021, our entire sworn staff participated in a two-hour block of in-person (zoom) instruction on Racial Diversity. I am committed to continuing the education of our staff in this area by using in-person training. These conversations will guide us in determining what the next steps are in such an important topic.

There is no better way to strengthen "trust and legitimacy" in the community than the Department's Standards of Conduct Policy. Confidence in the Department's ability and

commitment to report and investigate personnel complaints is at the core of the public's trust. Our Standards of Conduct and Personnel Complaints Policies speak to departmental expectations related to officer conduct and accountability. They additionally set forth the ability and process by which complaints or compliments are made. The policies mandate the recording of the disciplinary process along with the ability to be able to track prior conduct and report it in the aggregate as it pertains to an officer. With the passing of Local Town Law §127 Police Disciplinary Procedures in 2018 the disciplinary process has been significantly formalized, wherein discipline rests with the Town Board.

Reporting of conduct inconsistent with professional standards must be streamlined and reported “*without concern for reprisal or retaliation*”. Complaints can be filed either personally or online on the department's website directly to the Office of the Chief of Police. Equally important, a police department must have a clear and comprehensive program that provides for a thorough investigation of the aforementioned conduct coupled with a fair disciplinary process designed to correct conduct inconsistent with professional standards. Each Captain has been professionally trained to investigate such complaints.

Important considerations in the context of reporting misconduct of an officer are the consistent tracking of all personnel complaints, the investigation results, and the ability to put an officer's history in an aggregate. The Chief of Police receives an annual audit on personnel complaints. Such audit acts both as an early warning system to provide an analysis of trends for the department and as a way to improve the delivery of service by identifying future training considerations. A more detailed accounting of personnel complaints will be provided in future annual reports.

Community Engagement and Community Input Opportunities

The President's Task Force on 21st Century Policing also noted what many have known for a long time: citizens are more likely to obey the law when they perceive the police as treating them fairly and with the proper amount of respect, something commonly referred to as *procedural justice*, which is also community-oriented in practice. The public confers legitimacy only on those whom they believe are acting in procedurally just ways (President's Task Force on 21st Century Policing). Simply explaining policing actions and responding to community

concerns once a legal process has started provides the person with information that should serve to instill trust in the process and a feeling of respect. It is not to say the person is necessarily happy with what is taking place but they should feel as though they are being dealt with fairly. As described in the Guidance Document, the four pillars of procedural justice as outlined from The Task Force on 21st Century Policing are:

1. Treating individuals with dignity and respect,
2. Giving individuals a voice during law enforcement interactions,
3. Being neutral and transparent in decision making, and
4. Conveying trustworthy motives.

In 2015, our agency began to adopt many of the proposals contained within the Task Force report to include a community engagement initiative to help foster that trust. A new training curriculum created by the Division of Criminal Justice Services (DCJS) named Principled Policing has been developed that can assist us in keeping aligned with this principle. I am committed to our 2021 Goals and Objectives to bring this training to our agency.

Over five years ago several police departments, of which we were one, began to work in partnership with leaders in the faith community. The first Greater Rochester Regional Conference on Police – Community Relations was held on October 16, 2016, in cooperation with the United Christian Leadership Ministry (UCLM). This collaboration led to three other summits, creating a foundation that remains intact today. Members of this group represent a diverse body of clergy, activists, and local law enforcement. As a result of the work done by all involved, the UCLM has created a framework for reform titled, *“Proposals for Law Enforcement Reform,”* which is attached as part of this report. In 2016 when we implemented our Body-Worn Camera (BWC) program, the UCLM and the New York Civil Liberties Union (NYCLU) along with the Brighton High School Black Student Union offered input as community stakeholders. We were one of the first agencies in Monroe County to have a controlling policy in place as it relates to the activation of the BWCs. I am optimistic we can incorporate some of the proposals involving the hiring process, racial justice education, and transparency in our policies related to body worn-cameras into our future programs and policies. See the attached UCLM Proposals for Law Enforcement Reforms.

In May of 2020, all Monroe County local law enforcement leaders initiated a partnership with the Monroe County Alliance for the Transformation of Community and Police (MCATCP) which is also a group of faith leaders in the community. Their initial goal was to foster police-community relations by bringing together police officers and community members. This evolved into hosting Town Hall-style meetings to hear feedback on policing issues affecting the community. Four forums were held beginning in July and ending in late August of 2020. The forums involved communities in Rochester, Brighton, Hilton, and Fairport/East Rochester. Conversations led to valuable feedback that was collected by MCATCP. MCATCP members including Law Enforcement also met weekly for two months examining ways to transform law enforcement in Monroe County. MCATCP went through a structural change and another group known as Ministers and Police Alliance for Community Transformation (MPACT) was formed. On January 14, 2021, the newly established MPACT submitted recommendations to the RASE Commission centered on mental health issues within the community and the reformation of the civil service system which I wholeheartedly endorse. Their recommendations are attached to this plan.

I did not receive the final recommendations from the MCATCP prior to submitting this plan. MCATCP will be submitting their recommendations directly to the Governor's Office. I am also awaiting recommendations from the Town of Brighton's Inclusivity, Diversity, Equity Advisory Board and will incorporate those items into this plan.

Currently, the Brighton Police Department has partnered with two local Colleges in creating surveys within our community. The first survey was created in partnership with Roberts Wesleyan College Justice & Security Institute as part of the DCJS Consortium to study issues in criminal justice. This survey is a continuation of an earlier, smaller-scale project to study how perceptions of police in communities of color affect our ability to recruit a diverse workforce. The survey's target audience are people ages 16 to 25 year-olds and has been distributed to local schools and colleges. The results of this survey will assist us in our long-term strategy in recruiting a more diverse workforce. Due to the pandemic, those results will not be available before the submission of this report.

The second survey was created in collaboration with the Center for Public Safety Initiatives housed in the Criminal Justice Department at the Rochester Institute of Technology.

This survey is designed to assist us in gathering information to help us with our reform efforts as outlined in Governor's Executive Order #203. In late February I received the results from the survey and have attached them to this report so the community can review the results. I am very pleased that we had 856 responses which is a testament to the involvement from the community. Some of the key takeaways are that 90% of the community has a positive relationship with the Brighton Police, describing Brighton Police Officers as professional, respectful, and helpful. Eight-two percent (82%) of people identifying themselves as members of a marginalized community also described their relationship with the Brighton Police Department as positive. While I am personally pleased with those results I believe we can improve our service to the community, especially those who may feel disenfranchised or marginalized. Police Officers oftentimes have to be the voice for those who do not have a voice in society. Many of the comments in the survey were identified as themes within the responses and were balanced with comments from those who had direct knowledge from an interaction. I will address the eleven listed recommendations later in this report. The community survey report is attached to this plan where it can be read in whole rather than this brief summary.

In September 2020, I was a member of the Mental Health and Substance Use Disorder Task Force convened by Monroe County. That task-force has created several draft proposals to implement strategies that can better meet the needs of people who have behavioral health issues (mental health and/or addiction). One of the recommendations has already been approved wherein 911 calls will be diverted to 211 Lifeline to better serve those in crisis with a non-police response. There will be a sixty-day trial period for this endeavor and at the conclusion, it will be reviewed for its benefits with any input for necessary changes. As discussed earlier we are committed to working to enhance our service as it relates to our interaction with those who suffer from mental health issues.

On March 1, 2021, I received a report "*Monroe County Public Defender's Office Executive Order 203 Report*" that is attached to this plan. While most of the recommendations concentrate on policing in the City of Rochester I believe there are ways we can incorporate some of the recommendations into our efforts in Brighton. One takeaway from the Public Defender's report involves transparency when it comes to the use of force reporting, statistical information regarding demographic data on police interactions, and completing Freedom of

Information Law (FOIL) requests. I agree as a department we have to create a better way to release such statistical information to foster transparency in the community and I am committing to doing that moving forward. One way we can provide that transparency is the Brighton Police Department's annual report to the community and the inclusion of the aforementioned data. Our FOIL process is administered through the Town Clerk's Office and currently has an online mechanism for requesting reports and or police data. The FOIL process is open for anyone to request such data.

Conclusion

This plan was developed through listening sessions held in the community both within Brighton borders and throughout Monroe County, several reports by various stakeholders, and a community-wide survey about the Brighton Police Department. In the interest of full transparency, I have attached reports from each group with which I participated in direct discussion and others who have submitted a report for inclusion to this document. While I may not agree with each point contained in any one report, I do agree we have a lot of work ahead in transforming how law enforcement interacts within our community. I am very pleased that we already have a solid foundation of professional policing in the Town of Brighton which we can use to further enhance our ability to provide the highest level of service to our residents. This report is not the conclusion of our efforts or with the discussions on how to improve your police department, but rather a jumping-off point. As your Chief of Police, I am firmly committed to providing the type of policing our community desires and deserves.

Community comments can be directed to:

communityinput@townofbrighton.org

Recommended Reforms

1. Enhance officer training for engagement with marginalized groups and training in de-escalation methods and procedural justice techniques. Procedural justice is based on the concepts of fairness, transparency, voice, and impartiality in resolving disputes and the allocation of resources (Utilizing Procedural Justice in Law Enforcement - ILEAA).

For our 2021 goals, I have committed to bringing procedural justice training to members of the Brighton Police Department. This training should meet or exceed the recommendations. We currently have many components of de-escalation embedded in our training. Whether it be disability awareness training, mental health first aid training, effective communication, or our crisis intervention training, de-escalation is emphasized. For example, 100% of our staff is trained in mental health first-aid and over 45% have crisis intervention training. Moving forward we plan to have specific blocks of instruction on the topic of de-escalation. (p. 14, 17)

In 2020 our agency took the 21- Day Racial Equity Challenge hosted by the United Way of Rochester. This web-based weekly email “challenge” created a valuable dialogue among staff. We currently do annual web-based training regarding biased-based policing and in 2021 we had our first in-person (Zoom) instruction about racial and diversity training. It is my goal to incorporate more in-person racial justice training for the entire department. (p. 15, 17)

2. Specialized officers or civilian police employees for certain groups – mental health, autism spectrum, deaf or hard-of-hearing, and domestic disturbances, dispute resolution, and traffic control.

We have a well-educated police department in Brighton with 86% of staff having a college degree and 3 members with advanced degrees. Our training efforts exceed the standards of New York State accreditation requirements and we will stay at the forefront to maintain a professional police department.

We currently have a liaison/coordinator program to identify and improve engagement with marginalized communities. I plan on offering specialized training to those members who have been assigned as liaisons and will do more effective community outreach when it is safe to do so.

The first step to this will be to identify community leaders of those groups and to establish trusting relationships with our department members. (p. 8, 15)

Also, we currently partner a sworn-member of staff with a representative of the Forensic Intervention Team (FIT). Mental health response will take a collaborative approach along with efforts from Monroe County. We are committed to finding the best approach to our response and will continue our efforts to seek solutions. (p.15)

3. Expand the diversity of the Brighton Police Department (BPD) to include more members of minority groups including women.

We currently have a survey in the field to determine our best approach to attracting candidates to better diversify our agency (11% of our sworn staff are people of color and 11% are females) and I am committed to diversifying our department to better reflect the make-up of the community.

4. Some of the feedback from the community suggest we should better diversify our department. Police departments locally and nationally have struggled to diversify their departments and hopefully, the results from the Roberts Wesleyan Survey will assist us in Monroe County and across the state. However, I do believe modifications to civil service law along with a better recruiting effort can assist us in diversifying our department. While we are a diverse department, to include both sworn and civilian staff, our ability to enhance our efforts would be easier with civil service reform. Something as simple as increasing the band scoring zones could be beneficial to our efforts to have a wider pool of candidates from which to choose. (p.5, 6, 18)

5. Hiring the right candidates to become police officers is one of the most important jobs of the Chief of Police. On average we only hire one or two officers a year. We will incorporate a citizen panel of Brighton residents to participate in the interviewing process to create transparency in the process. Also, when new officers are hired, I will return to the formal introduction of newly hired officers at the official Town Board meeting wherein the new hires can be introduced to the community when it is safe to do so. (p.17)

6. Officer and community interaction events that are targeted to marginalized groups.

It is clear to me that we have to have a more effective approach in creating positive interactions with marginalized communities. The impact of the pandemic cannot be understated when it came to interacting with the community in 2020. We recently have created a new partnership with the Autism community through “Campaign D.” My plan is to foster that relationship and expand its reach into the Autism community in 2021. We have a member of our sworn-staff assigned to liaison with the LGBTQ+ community and will seeks ways to foster that relationship. I have a strong partnership with the Islamic Center of Rochester along with the Westfall Academy school. We will continue with our current outreach and will create opportunities to engage with all other marginalized groups when it is safe to do so.

7. Enact or enforce policies and practices that encourage officer interactions while patrolling.

In 2013 our department started a community engagement initiative where we could find opportunities to meet and interact with community members. This effort will continue once it is safe to do so. We actually divided the calls for service into two categories in the Brighton Police Annual Report: response calls and self-initiated calls. This method allows us to track the number of self-initiated calls to identify our community engagement efforts.

We currently teach Drug Abuse and Resistance Education in the schools, have done coffee with a cop, have a Police Explorer Program, and hosted a Citizen Police Academy. Once it is safe to do we will continue those efforts.

8. Provide better instructions about how to access data, officers’ records, case outcomes, and Body Worn Camera (BWC) recordings. Regularly provide police data on the website, possibly through the use of a data dashboard.

Communication is definitely a recurring theme where we can improve. We currently post a police blotter twice a week to inform the community of police activity. In 2021 we will begin including as much demographic data on police interactions as we currently have available in our annual report. In March of 2021 we will be switching to a new Computer Aided Dispatch (CAD) and Records Management System (RMS). This new system should provide more reliable and

responsive access to data. The creation of a “*dashboard*” maybe something we can integrate with the new system.

9. Demonstrate support for the Black Lives Matter movement.

Shortly after the murder of George Floyd the Law Enforcement Council (LEC) comprised of the local Chiefs of Police in Monroe County issued a statement condemning the actions of the officers involved. There are many ways to demonstrate support for the Black Lives Matter Movement. I currently work with three faith based groups to seek solutions to policing issues that continue to occur in our communities. I have also actively participated in several school panels interacting with members of their Black Student Unions.

10. Continue to investigate not only which types of calls could have an alternative response, but also identify what the alternative response should look like and what the expected outcomes are. This process should be done with the public’s input.

I concur with that statement and we are doing that relative to our response to mental health calls for service as previously stated. We will continue to seek those conversations with the community to determine the potential for alternative responses.

11. Continue to cultivate a culture of professional officers.

Through our recruiting, hiring, on-boarding process and our ongoing training programs I am committed to maintaining an environment where professionalism is the benchmark in everything we do.

Appendix:

The U.S. Department of Justice: *Standards for Certification on Safe Policing for Safe Communities*

Final Report of The President's Task Force on 21st Century Policing

Division of Criminal Justice Services - Certifying Letter

United Christian Leadership Ministry Proposals

Monroe County Alliance for Transformation of Community and Police – Community Forum

Ministers and Police Alliance for Community Transformation Proposals

Report: Findings from the Community Survey about the Brighton Police Department

Monroe County Public Defender's Office Executive Order 203 Report

The U.S. Department of Justice

Standards for Certification on Safe Policing for Safe Communities

Through President Donald J. Trump's Executive Order No. 13929, the U.S. Attorney General, as appropriate and consistent with applicable law, will allocate Department of Justice discretionary grant funding *only* to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain mandatory and discretionary standards for safe policing, to be set by the U.S. Attorney General.

Using safe policing principles, law enforcement will continue striving to improve policies and procedures — ensuring transparent, safe, and accountable delivery of services to our communities. This will enhance citizen confidence in law enforcement, and facilitate the identification and correction of internal issues before they result in injury to the public or to law enforcement officers.

Accordingly, set forth below are the U.S. Department of Justice's standards on safe policing for securing credentials certifying compliance with Executive Order No. 13929 and eligibility for discretionary grants. The U.S. Attorney General will regularly review this document and revise it as appropriate.

I. Definitions

APPLYING LAW ENFORCEMENT AGENCY or APPLYING AGENCY: A state, local, or university or college law enforcement agency seeking certification from an independent credentialing body pursuant to Section 2 of Executive Order No. 13929 and Part II of this document. An applying law enforcement agency shall also include any state, local, or university or college law enforcement agency whose head of agency affirms that: (a) the requirements of Section 2 of Executive Order No. 13929 and Part II of this document are met; and (b) his agency has affirmatively sought certification from an independent credentialing body.

CERTIFIED LAW ENFORCEMENT AGENCY: A state, local, or university or college law enforcement agency which an independent credentialing body has certified meets the criteria set forth in Part II of this document.

CHOKE HOLD: A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

DEADLY FORCE: Any use of force that creates a substantial risk of causing death or serious bodily injury, consistent with U.S. Supreme Court precedent.

INDEPENDENT CREDENTIALING BODY: A regionally or nationally recognized non-profit, for-profit, government entity, or other law enforcement accreditation entity that the U.S. Attorney General, in his sole discretion, determines to be: (i) independent; (ii) reputable;

(iii) in the business of establishing law enforcement standards; and (iv) capable of certifying compliance with Section 2 of Executive Order No. 13929 and Part II of this document. Independent credentialing bodies include, *inter alia*, any state law enforcement accrediting body and peace officer standards and training (POST) commission.¹

LAW ENFORCEMENT OFFICER: A state, local, or university or college employee or volunteer who is licensed under applicable state law or certified by an applicable POST commission.

NO-KNOCK WARRANT: A warrant where a judge or magistrate, upon cause shown in the warrant application, specifically authorizes that the warrant may be executed in a “no knock-and-announce” fashion.

OBJECTIVELY REASONABLE: The determination that the decision to use force, and the level of force used, is what a reasonable and prudent officer would use under the same or similar situations based upon the officer’s evaluation of the situation, experience, training, and the totality of the circumstances known to or believed to exist by the officer at the time the force is used and is consistent with U.S. Supreme Court precedent.

POLICY or POLICIES: A deliberate system of principles intended to guide agency decision-making.

PROCEDURES: The manner of implementing policies.

SERIOUS BODILY INJURY: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

TRAINING PROTOCOLS: The method and manner by which law enforcement personnel are trained on preferred practices, legal, and constitutional requirements.

WARNING SHOT: The intentional discharge of a firearm for the purpose of warning or seeking compliance from an individual, but not intended to cause physical injury.

II. Safe Policing Principles that Independent Credentialing Bodies Must Consider When Assessing Certification of Applying Law Enforcement Agencies

Pursuant to Section 2 of Executive Order No. 13929, an independent credentialing body shall certify an applying law enforcement agency if the independent credentialing body determines

¹ A list of independent credentialing bodies currently approved by the U.S. Attorney General is contained in Attachment A. Any other entity seeking to be later designated as an independent credentialing body should petition the U.S. Department of Justice by submitting an application to Director of Community Oriented Policing Services (“COPS”). Applying agencies denied certification by an independent credentialing body may make an appeal to the Deputy Attorney General for review and relief.

— or, within the past 36 months, has already determined — that the following two conditions have been met:

A. Adherence to Applicable Laws

The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.

B. Prohibition of Choke Holds

The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

After the independent credentialing body confirms that the requirements in Part II of this document are met, the independent credentialing body must include the applying law enforcement agency within its database of certified law enforcement agencies. Beginning in 2021, on or before January 31 of each year, independent credentialing bodies must provide the names of each certified law enforcement agency to the Director of the COPS Office or his delegate. Each certified law enforcement agency is qualified to receive U.S. Department of Justice discretionary grants for up to (i) 36 months from the date of its most recent certification by an independent credentialing body, or (ii) the lifecycle of any discretionary grant awarded, whichever option is longer.

III. Safe Policing Principles that Independent Credentialing Bodies Should Consider When Assessing Certification of Applying Law Enforcement Agencies

Pursuant to Section 2 of Executive Order No. 13929, the following safe policing principles will aid in law enforcement's continued self-assessment of its own policies and training on use of force and de-escalation techniques, performance management tools, and community engagement. Accordingly, in assessing whether to certify an applying law enforcement agency, an independent credentialing body should — but is not required to — consider whether the applying agency incorporates the following safe policing principles within its policies and procedures:

A. Use of Force and De-escalation Techniques

i. Termination of Use of Force

The applying agency should maintain use of force policies and procedures that address when force against individuals who fail to comply with lawful commands should terminate, including the following requirement: when it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate.

ii. Duty to Intervene

The applying agency should maintain policies and procedures that include the duty and obligation to intervene to prevent or stop the known and apparent use

of excessive force by another officer when it is objectively reasonable to do so. An agency's duty to intervene policy may be memorialized separately from the agency's use of force policies.

iii. Training Protocols on Use of Force and De-Escalation

The applying agency should maintain training protocols that adhere to, or exceed, any applicable state laws to become, and remain in good standing as, law enforcement officers. The applying agency's training protocols should include substantive instruction on the agency's use of force policies and procedures, de-escalation techniques, and related legal updates.

iv. Appropriate Medical Care

The applying agency should maintain policies and procedures that address when it is appropriate for an officer to provide medical care consistent with his training to any individual. Medical care may include providing basic first aid, requesting emergency medical services, and/or arranging for transportation to a medical facility.

v. Warn Before Shooting

The applying agency should maintain use of force policies and procedures that encourage personnel — circumstances permitting and when reasonably practical — to identify themselves as law enforcement officers and to give verbal warning of their intent to use deadly force.

vi. Shooting at or from a Moving Vehicle

The applying agency should maintain use of force policies and procedures regarding shooting at or from a moving vehicle.

vii. Warning Shots

The applying agency should maintain policies and procedures regarding warning shots.

viii. No-Knock Warrant

The applying agency should maintain policies and procedures regarding the use and execution of no-knock warrants.

B. Performance Management Tools

i. Early Intervention Systems

The applying agency should strive to routinely conduct internal audits of their policies, procedures, and training protocols, as well as officer safety and wellness programs or initiatives. Where resources permit, the applying agency should maintain human resource policies and procedures that aid in the development of human capital, protect due process for officers, and encourage the identification and assistance of law enforcement personnel who are

becoming, or likely to become, at risk to violate use of force or other agency policies or procedures.

ii. Hiring of Personnel

The applying agency should maintain policies, procedures, and training protocols to hire and promote only those employees, or others (such as independent contractors), who are the best available candidates for a position according to the accepted standards of objectivity and merit.

C. Community Engagement

The applying agency should implement community engagement plans that address the particular needs of the community being served. The implementation plans may be memorialized separately from the agency's use of force policies.

#



Division of Criminal Justice Services

February 19, 2021

Dear Chief David Catholdi:

On behalf of The Division of Criminal Justice Services this letter confirms we are certifying that Brighton Town Police Department meets certain eligibility requirements, set forth by the U.S. Department of Justice, for discretionary federal grants. Brighton Town Police Department is qualified to receive federal grants for three years from the date of this letter.

Pursuant to Section 2 of the Presidential Executive Order on Safe Policing for Safe Communities, dated June 16, 2020, Executive Order No. 13929 (the "Executive Order on Safe Policing"), the U.S. Department of Justice's discretionary grant funding is only available to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain standards on use of force. The Executive Order on Safe Policing empowers the U.S. Attorney General to designate independent credentialing bodies — including DCJS — to certify that a law enforcement agency meets the conditions of eligibility for federal grants.

Following our review, we have determined that Brighton Town Police Department meets the conditions for certification. Accordingly, DCJS will include your agency going forward within our database of certified law enforcement agencies. Each year we will provide the name of each certified law enforcement agency to the U.S. Department of Justice.

If you would like to discuss further, please do not hesitate to contact me either by email at Kevin.Fairchild@dcjs.ny.gov or by phone at 518-457-9113. Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Fairchild".

Kevin Fairchild

Criminal Justice Program Specialist I

FINAL REPORT OF

THE PRESIDENT'S TASK FORCE ON
21ST CENTURY POLICING

MAY 2015

FINAL REPORT OF

THE PRESIDENT'S TASK FORCE ON
21ST CENTURY POLICING

MAY 2015

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FROM THE CO-CHAIRS

We wish to thank President Barack Obama for giving us the honor and privilege of leading his Task Force on 21st Century Policing. The task force was created to strengthen community policing and trust among law enforcement officers and the communities they serve—especially in light of recent events around the country that have underscored the need for and importance of lasting collaborative relationships between local police and the public. We found engaging with law enforcement officials, technical advisors, youth and community leaders, and nongovernmental organizations through a transparent public process to be both enlightening and rewarding, and we again thank the President for this honor.

Given the urgency of these issues, the President gave the task force an initial 90 days to identify best policing practices and offer recommendations on how those practices can promote effective crime reduction while building public trust. In this short period, the task force conducted seven public listening sessions across the country and received testimony and recommendations from a wide range of community and faith leaders, law enforcement officers, academics, and others to ensure its recommendations would be informed by a diverse range of voices. Such a remarkable achievement could not have been accomplished without the tremendous assistance provided by the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), led by Director Ronald L. Davis, who also served as the executive director of the task force. We thank Director Davis for his leadership, as well as his chief of staff, Melanca Clark, and the COPS Office team that supported the operation and administration of the task force.

We also wish to extend our appreciation to the COPS Office's extremely capable logistical and technical assistance provider, Strategic Applications International (SAI), led by James and Colleen Copple. In addition to logistical support, SAI digested the voluminous information received from testifying witnesses and the public in record time and helped facilitate the task force's deliberations on recommendations for the President. We are also grateful for the thoughtful assistance of Darrel Stephens and Stephen Rickman, our technical advisors.

Most important, we would especially like to thank the hundreds of community members, law enforcement officers and executives, associations and stakeholders, researchers and academics, and civic leaders nationwide who stepped forward to support the efforts of the task force and to lend their experience and expertise during the development of the recommendations contained in this report. The passion and commitment shared by all to building strong relationships between law enforcement and communities became a continual source of inspiration and encouragement to the task force.

The dedication of our fellow task force members and their commitment to the process of arriving at consensus around these recommendations is also worth acknowledging. The task force members brought diverse perspectives to the table and were able to come together to engage in meaningful dialogue on emotionally charged issues in a respectful and effective manner. We believe the type of constructive dialogue we have engaged in should serve as an example of the type of dialogue that must occur in communities throughout the nation.

While much work remains to be done to address many longstanding issues and challenges—not only within the field of law enforcement but also within the broader criminal justice system—this experience has demonstrated to us that Americans are, by nature, problem solvers. It is our hope that the recommendations included here will meaningfully contribute to our nation’s efforts to increase trust between law enforcement and the communities they protect and serve.

Charles H. Ramsey
Co-Chair

Laurie O. Robinson
Co-Chair



President Barack Obama joins members of the President's Task Force on 21st Century Policing for a group photo in the Oval Office, March 2, 2015.

OFFICIAL WHITE HOUSE PHOTO BY PETE SOUZA

MEMBERS OF THE TASK FORCE

Co-Chairs

Charles Ramsey, Commissioner, Philadelphia Police Department

Laurie Robinson, Professor, George Mason University

Members

Cedric L. Alexander, Deputy Chief Operating Officer for Public Safety, DeKalb County, Georgia

Jose Lopez, Lead Organizer, Make the Road New York

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PHOTO: BRANDON TRAMEL

TASK FORCE STAFF

The U.S. Department of Justice's Office of Community Oriented Policing Services, led by Director Ronald L. Davis, provided administrative services, funds, facilities, staff, equipment, and other support services as necessary for the task force to carry out its mission:

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1. SAI provided technical and logistical support through a cooperative agreement with the COPS Office.

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The task force received support from other components of the U.S. Department of Justice, including the Office of Justice Programs, led by Assistant Attorney General Karol Mason, and the Civil Rights Division, led by Acting Assistant Attorney General Vanita Gupta.

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Cincinnati Police Chief Jeffrey Blackwell welcomes the task force to the University of Cincinnati, January 30, 2015.

PHOTO: DEBORAH SPENCE

EXECUTIVE SUMMARY

Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.

In light of recent events that have exposed rifts in the relationships between local police and the communities they protect and serve, on December 18, 2014, President Barack Obama signed an executive order establishing the Task Force on 21st Century Policing. The President charged the task force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust.

This executive summary provides an overview of the recommendations of the task force, which met seven times in January and February of 2015. These listening sessions, held in Washington, D.C.; Phoenix, Arizona; and Cincinnati, Ohio, brought the 11 members of the task force together with more than 100 individuals from diverse stakeholder groups—law enforcement officers and executives, community members, civic leaders, advocates, researchers, academics, and others—in addition to many others who submitted written testimony to study the problems from all perspectives.

The task force recommendations, each with action items, are organized around six main topic areas or “pillars:” Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness.

The task force also offered two overarching recommendations: the President should support the creation of a National Crime and Justice Task Force to examine all areas of criminal justice and pro-

pose reforms; as a corollary to this effort, the task force also recommends that the President support programs that take a comprehensive and inclusive look at community-based initiatives addressing core issues such as poverty, education, and health and safety.

Pillar One: Building Trust and Legitimacy

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those whom they believe are acting in procedurally just ways. In addition, law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community. Pillar one seeks to provide focused recommendations on building this relationship.

Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank and file officers and with the citizens they serve. Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy. This is critical to ensuring decision making is understood and in accord with stated policy.

Law enforcement agencies should also proactively promote public trust by initiating positive non-enforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies. Law enforcement agencies should also track and analyze the level of trust communities have in police just as they measure changes in crime. This can be accomplished through consistent annual community surveys. Finally, law enforcement agencies should strive to create a workforce that encompasses a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.

Pillar Two: Policy and Oversight

Pillar two emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values. Law enforcement agencies should collaborate with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.

To achieve this end, law enforcement agencies should have clear and comprehensive policies on the use of force (including training on the importance of de-escalation), mass demonstrations (including the appropriate use of equipment, particularly rifles and armored personnel carriers), consent before searches, gender identification, racial profiling, and performance measures—among others such as external and independent investigations and prosecutions of officer-involved shootings and other use of force situations and in-custody deaths. These policies should also include provisions for the collection of demographic

data on all parties involved. All policies and aggregate data should be made publicly available to ensure transparency.

To ensure policies are maintained and current, law enforcement agencies are encouraged to periodically review policies and procedures, conduct nonpunitive peer reviews of critical incidents separate from criminal and administrative investigations, and establish civilian oversight mechanisms with their communities.

Finally, to assist law enforcement and the community achieve the elements of pillar two, the U.S. Department of Justice, through the Office of Community Oriented Policing Services (COPS Office) and Office of Justice Programs (OJP), should provide technical assistance and incentive funding to jurisdictions with small police agencies that take steps toward interagency collaboration, shared services, and regional training. They should also partner with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories.

Pillar Three: Technology & Social Media

The use of technology can improve policing practices and build community trust and legitimacy, but its implementation must be built on a defined policy framework with its purposes and goals clearly delineated. Implementing new technologies can give police departments an opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy. But technology changes quickly in terms of new hardware, software, and other options. Law enforcement agencies and leaders need to be able

to identify, assess, and evaluate new technology for adoption and do so in ways that improve their effectiveness, efficiency, and evolution without infringing on individual rights.

Pillar three guides the implementation, use, and evaluation of technology and social media by law enforcement agencies. To build a solid foundation for law enforcement agencies in this field, the U.S. Department of Justice, in consultation with the law enforcement field, should establish national standards for the research and development of new technology including auditory, visual, and biometric data, “less than lethal” technology, and the development of segregated radio spectrum such as FirstNet. These standards should also address compatibility, interoperability, and implementation needs both within local law enforcement agencies and across agencies and jurisdictions and should maintain civil and human rights protections. Law enforcement implementation of technology should be designed considering local needs and aligned with these national standards. Finally, law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access.

Pillar Four: Community Policing & Crime Reduction

Pillar four focuses on the importance of community policing as a guiding philosophy for all stakeholders. Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should, therefore, work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community. Specifically, law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of com-

munity engagement in managing public safety. Law enforcement agencies should also engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors.

Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all—especially the most vulnerable, such as children and youth most at risk for crime or violence. Law enforcement agencies should avoid using law enforcement tactics that unnecessarily stigmatize youth and marginalize their participation in schools (where law enforcement officers should have limited involvement in discipline) and communities. In addition, communities need to affirm and recognize the voices of youth in community decision making, facilitate youth participation in research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions.

Pillar Five: Training & Education

As our nation becomes more pluralistic and the scope of law enforcement’s responsibilities expands, the need for expanded and more effective training has become critical. Today’s line officers and leaders must be trained and capable to address a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis.

Pillar five focuses on the training and education needs of law enforcement. To ensure the high quality and effectiveness of training and education, law enforcement agencies should engage community members, particularly those with special expertise, in the training process and provide leadership training to all personnel throughout their careers.

To further assist the training and educational needs of law enforcement, the Federal Government should support the development of partnerships with training facilities across the country to promote consistent standards for high quality training and establish training innovation hubs involving universities and police academies. A national postgraduate institute of policing for senior executives should be created with a standardized curriculum preparing participants to lead agencies in the 21st century.

One specific method of increasing the quality of training would be to ensure that Peace Officer and Standards Training (POST) boards include mandatory Crisis Intervention Training (CIT), which equips officers to deal with individuals in crisis or living with mental disabilities, as part of both basic recruit and in-service officer training—as well as instruction in disease of addiction, implicit bias and cultural responsiveness, policing in a democratic society, procedural justice, and effective social interaction and tactical skills.

Pillar Six: Officer Wellness & Safety

The wellness and safety of law enforcement officers is critical not only for the officers, their colleagues, and their agencies but also to public safety. Pillar six emphasizes the support and proper implementation of officer wellness and safety as a multi-partner effort.

The U.S. Department of Justice should enhance and further promote its multi-faceted officer safety and wellness initiative. Two specific strategies recommended for the U.S. Department of Justice include (1) encouraging and assisting departments in the implementation of scientifically supported shift lengths by law enforcement and (2) expanding efforts to collect and analyze data not only on officer deaths but also on injuries and “near misses.”

Law enforcement agencies should also promote wellness and safety at every level of the organization. For instance, every law enforcement officer should be provided with individual tactical first aid kits and training as well as anti-ballistic vests. In addition, law enforcement agencies should adopt policies that require officers to wear seat belts and bullet-proof vests and provide training to raise awareness of the consequences of failure to do so. Internal procedural justice principles should be adopted for all internal policies and interactions. The Federal Government should develop programs to provide financial support for law enforcement officers to continue to pursue educational opportunities. Finally, Congress should develop and enact peer review error management legislation.

Implementation Recommendations

The administration, through policies and practices already in place, can start right now to move forward on the recommendations contained in this report. The President should direct all federal law enforcement agencies to implement the task force recommendations to the extent practicable, and the U.S. Department of Justice should explore public-private partnership opportunities with foundations to advance implementation of the recommendations. Finally, the COPS Office and OJP should take a series of targeted actions to assist the law enforcement field in addressing current and future challenges.

Conclusion

The members of the Task Force on 21st Century Policing are convinced that the concrete recommendations contained in this publication will bring long-term improvements to the ways in which law enforcement agencies interact with and bring positive change to their communities.

INTRODUCTION

“When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us.”

—President Barack Obama

Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.

In light of the recent events that have exposed rifts in the relationships between local police and the communities they protect and serve, on December 18, 2014, President Barack Obama signed Executive Order 13684 establishing the Task Force on 21st Century Policing.

In establishing the task force, the President spoke of the distrust that exists between too many police departments and too many communities—the sense that in a country where our basic principle is equality under the law, too many individuals, particularly young people of color, do not feel as if they are being treated fairly.

“When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us,” said the President. “It’s not just a problem for some. It’s not just a problem for a particular community or a particular demographic. It means that we are not as strong as a country as we can be. And when applied to the criminal justice system, it means we’re not as effective in fighting crime as we could be.”

These remarks underpin the philosophical foundation for the Task Force on 21st Century Policing: to build trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect. Decades of research and practice tell us that the public cares as much about how police interact with them as they care about the outcomes that legal actions produce. People are more likely to obey the law when they believe those who are enforcing it have the right—the legitimate authority—to tell them what to do.² Building trust and legitimacy, therefore, is not just a policing issue. It involves all components of the criminal justice system and is inextricably bound to bedrock issues affecting the community such as poverty, education, and public health.

The mission of the task force was to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on ways policing practices can promote effective crime reduction while building public trust. The President selected members of the task force based on their ability to contribute to its mission because of their relevant perspective, experience, or subject matter expertise in policing, law enforcement and community relations, civil rights, and civil liberties.

2. T.R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990); M.S. Frazer, *The Impact of the Community Court Model on Defendant Perceptions of Fairness: A Case Study at the Red Hook Community Justice Center* (New York: Center for Court Innovation, 2006).

The task force was given 90 days to conduct hearings, review the research, and make recommendations to the President, so its focus was sharp and necessarily limited. It concentrated on defining the cross-cutting issues affecting police-community interactions, questioning the contemporary relevance and truth about long-held assumptions regarding the nature and methods of policing, and identifying the areas where research is needed to highlight examples of evidence-based policing practices compatible with present realities.

To fulfill this mission, the task force convened seven listening sessions to hear testimony—including recommendations for action—from government officials; law enforcement officers; academic experts; technical advisors; leaders from established nongovernmental organizations, including grass-roots movements; and any other members of the public who wished to comment. The listening sessions were held in Washington, D.C., January 13; Cincinnati, Ohio, January 30–31; Phoenix, Arizona, February 13–14; and again in Washington, D.C., February 23–24. Other forms of outreach included a number of White House listening sessions to engage other constituencies, such as people with disabilities, the LGBTQ community, and members of the armed forces, as well as careful study of scholarly articles, research reports, and written contributions from informed experts in various fields relevant to the task force's mission.

Each of the seven public listening sessions addressed a specific aspect of policing and police-community relations, although cross-cutting issues and concerns made their appearance at every session. At the first session, **Building Trust and Legitimacy**, the topic of procedural justice was discussed as a foundational necessity in building public trust. Subject matter experts also testified as to the meaning of “community po-

licing” in its historical and contemporary contexts, defining the difference between implicit bias and racial discrimination—two concepts at the heart of perceived difficulties between police and the people. Witnesses from community organizations stressed the need for more police involvement in community affairs as an essential component of their crime fighting duties. Police officers gave the beat cop's perspective on protecting people who do not respect their authority, and three big-city mayors told of endemic budgetary obstacles to addressing policing challenges.

The session on **Policy and Oversight** again brought witnesses from diverse police forces (both chiefs and union representatives), from law and academia, and from established civil rights organizations and grass-root groups. They discussed use of force from the point of view of both research and policy and internal and external oversight; explained how they prepare for and handle mass demonstrations; and pondered culture and diversity in law enforcement. Witnesses filled the third session, on **Technology and Social Media**, with testimony on the use of body-worn cameras and other technologies from the angles of research and legal considerations, as well as the intricacies of implementing new technologies in the face of privacy issues. They discussed the ever-expanding ubiquity of social media and its power to work both for and against policing practice and public safety.

The **Community Policing and Crime Reduction** listening session considered current research on the effectiveness of community policing on bringing down crime, as well as building up public trust. Task force members heard detailed descriptions of the methods used by chiefs in cities of varying sizes to implement effective community policing in their jurisdictions over a number of years. They also heard from a panel of young people about their encounters with the criminal justice system

and the lasting effects of positive interactions with police through structured programs as well as individual relationships. The fifth listening session considered **Training and Education** in law enforcement over an officer's entire career—from recruitment through basic training to in-service training—and the support, education, and training of supervisors, leaders, and managers. Finally, the panel on **Officer Safety and Wellness** considered the spectrum of mental and physical health issues faced by police officers from the day-to-day stress of the job, its likely effect on an officer's physical health, and the need for mental health screening to traffic accidents, burnout, suicide, and how better to manage these issues to determine the length of an officer's career.

A listening session on the **Future of Community Policing** concluded the task force's public sessions and was followed by the deliberations leading to the recommendations that follow on ways to research, improve, support, and implement policies and procedures for effective policing in the 21st century.

Many excellent and specific suggestions emerged from these listening sessions on all facets of policing in the 21st century, but many questions arose as well. Paramount among them was how to bring unity of purpose and consensus on best practices to a nation with 18,000 separate law enforcement agencies and a strong history of a preference for local control of local issues. It became very clear that it is time for a comprehensive and multifaceted examination of all the interrelated parts of the criminal justice system and a focused investigation into how poverty, lack of education, mental health, and other social conditions cause or intersect with criminal behavior. We propose two overarching recommendations that will seek the answers to these questions.

0.1 OVERARCHING RECOMMENDATION:

The President should support and provide funding for the creation of a National Crime and Justice Task Force to review and evaluate all components of the criminal justice system for the purpose of making recommendations to the country on comprehensive criminal justice reform.

Several witnesses at the task force's listening sessions pointed to the fact that police represent the "face" of the criminal justice system to the public. Yet police are obviously not responsible for laws or incarceration policies that many citizens find unfair. This misassociation leads us to call for a broader examination of such issues as drug policy, sentencing and incarceration, which are beyond the scope of a review of police practices.

This is not a new idea.

In the 1967 President's Commission on Law Enforcement and Administration of Justice report, *The Challenge of Crime in a Free Society*, one of the major findings stated, "Officials of the criminal justice system . . . must re-examine what they do. They must be honest about the system's shortcomings with the public and with themselves."³

The need to establish a formal structure to take a continuous look at criminal justice reform in the context of broad societal issues has never faded from public consciousness. When former Senator Jim Webb (D-VA) introduced legislation to create the National Criminal Justice Commission in 2009, a number of very diverse organizations from the Major Cities Chiefs Association, the Fraternal Order of Police, the National Sheriffs Association, and the National District Attorneys Association to Human Rights Watch, the American Civil Liberties Union,

3. The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office, 1967), 15, <https://www.ncjrs.gov/pdffiles1/nij/42.pdf>.



A panel of community voices with Allie Bones, Renaldo Fowler, Keeshan Harley, Andrea Ritchie, and Linda Sarsour, Phoenix, February 14, 2015.

PHOTO: DEBORAH SPENCE

and the National Association for the Advancement of Colored People all supported it. This legislation would have authorized a national criminal justice commission to conduct a comprehensive review of the criminal justice system by a bipartisan panel of stakeholders, policymakers, and experts that would make thoughtful, evidence-based recommendations for reform. The bill received strong bipartisan support and passed the House but never received a final vote.

More recently, a number of witnesses raised the idea of a national commission at the task force's listening sessions—notably Richard Beary, president of the International Association of Chiefs of Police (IACP), who said,

For over 20 years, the IACP has called for the creation of a National Commission on Criminal Justice to develop across-the-board improvements to the criminal justice system in order to address current challenges and to increase the efficiency and effectiveness of the entire criminal justice community. A deep dive into community-police relations is only one part of this puzzle. We must explore other aspects of the criminal justice system that need to be revamped and further contribute to today's challenges.⁴

4. Listening Session on Building Trust and Legitimacy (oral testimony of Richard Beary, president, IACP, for the President's Task Force on 21st Century Policing, Washington, DC, January 13–14, 2015).

And Jeremy Travis, president of John Jay College of Criminal Justice, added, in the final listening session,

You said it is time to look at the criminal justice system, and actually I would broaden the scope. We have this question of how to reintegrate into our society those who have caused harms . . . It is not just the system but these big, democratic, societal questions that go to government functions and how we deal with conflict as well.⁵

0.2 OVERARCHING RECOMMENDATION:

The President should promote programs that take a comprehensive and inclusive look at community-based initiatives that address the core issues of poverty, education, health, and safety.

As is evident from many of the recommendations in this report, the justice system alone cannot solve many of the underlying conditions that give rise to crime. It will be through partnerships across sectors and at every level of government that we will find the effective and legitimate long-term solutions to ensuring public safety.

5. Listening Session on the Future of Community Policing (oral testimony of Jeremy Travis, president, John Jay College of Criminal Justice, for the President's Task Force on 21st Century Policing, Washington, DC, January 24, 2015).

PILLAR 1. BUILDING TRUST & LEGITIMACY

People are more likely to obey the law when they believe that those who are enforcing it have the legitimate authority to tell them what to do The public confers legitimacy only on those they believe are acting in procedurally just ways.

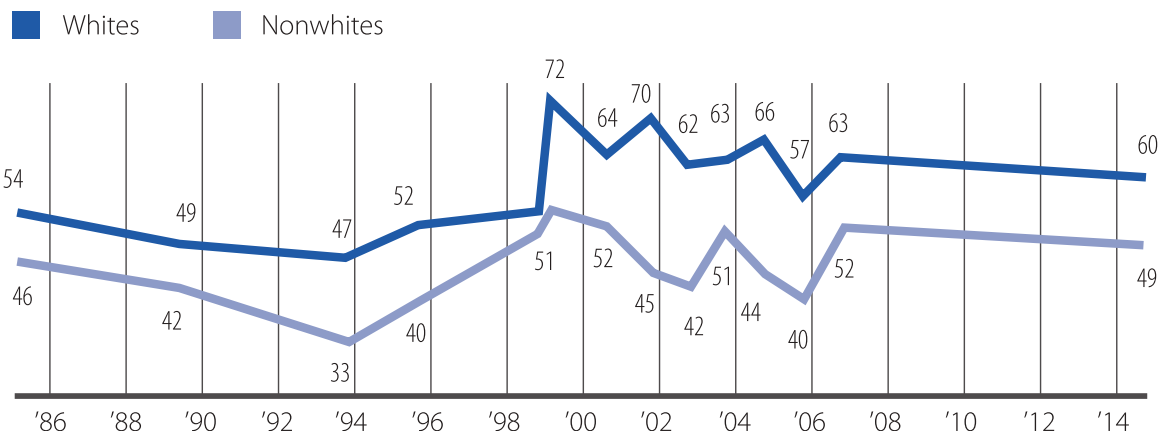
Building trust and nurturing legitimacy on both sides of the police-citizen divide is not only the first pillar of this task force's report but also the foundational principle underlying this inquiry into the nature of relations between law enforcement and the communities they serve. Since the 1990s, policing has become more effective, better equipped, and better organized to tackle crime. Despite this, Gallup polls show the public's confidence in police work has remained flat, and among some populations of color, confidence has declined.⁶

This decline is in addition to the fact that non-Whites have always had less confidence in law enforcement than Whites, likely because "the poor and people of color have felt the greatest impact of mass incarceration," such that for "too many poor citizens and people of color, arrest and imprisonment have become an inevitable and seemingly unavoidable part of the American experience."⁷ Decades of research and practice support the premise that people are more likely to obey the law when they believe that those

Figure 1. Confidence in police to protect them from violent crime, U.S. Whites vs. non-Whites

How much confidence do you have in the ability of the police to protect you from violent crime—a great deal, quite a lot, not very much, or none at all?

% A GREAT DEAL/QUITE A LOT OF CONFIDENCE



Source: Justin McCarthy, "Nonwhites Less Likely" (see note 6).

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6. Justin McCarthy, "Nonwhites Less Likely to Feel Police Protect and Serve Them," *Gallup: Politics*, November 17, 2014, <http://www.gallup.com/poll/179468/nonwhites-less-likely-feel-police-protect-serve.aspx>.

7. Bryan Stevenson, "Confronting Mass Imprisonment and Restoring Fairness to Collateral Review of Criminal Cases," *Harvard Civil Rights-Civil Liberties Law Review* 41 (Summer 2006): 339–367.

who are enforcing it have the legitimate authority to tell them what to do. But the public confers legitimacy only on those they believe are acting in procedurally just ways.

Procedurally just behavior is based on four central principles:

1. Treating people with dignity and respect
2. Giving individuals “voice” during encounters
3. Being neutral and transparent in decision making
4. Conveying trustworthy motives⁸

Research demonstrates that these principles lead to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels obligated to follow the law and the dictates of legal authorities and is more willing to cooperate with and engage those authorities because it believes that it shares a common set of interests and values with the police.⁹

There are both internal and external aspects to procedural justice in policing agencies. Internal procedural justice refers to practices within an agency and the relationships officers have with their colleagues and leaders. Research on internal procedural justice tells us that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily.¹⁰ It

follows that officers who feel respected by their organizations are more likely to bring this respect into their interactions with the people they serve.

External procedural justice focuses on the ways officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public’s trust of the police. It is important to understand that a key component of external procedural justice—the practice of fair and impartial policing—is built on understanding and acknowledging human biases,¹¹ both explicit and implicit.

All human beings have biases or prejudices as a result of their experiences, and these biases influence how they might react when dealing with unfamiliar people or situations. An explicit bias is a conscious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes.¹² Common sense shows that explicit bias is incredibly damaging to police-community relations, and there is a growing body of research evidence that shows that implicit bias—the biases people are not even aware they have—is harmful as well.

Witness Jennifer Eberhardt said,

Bias is not limited to so-called “bad people.” And it certainly is not limited to police officers. The problem is a widespread one that arises from history, from culture, and from racial inequalities that still pervade our society and are especially salient in the context of criminal justice.¹³

8. Lorraine Mazerolle, Sarah Bennett, Jacqueline Davis, Elise Sargeant, and Matthew Manning, “Legitimacy in Policing: A Systematic Review,” *The Campbell Collection Library of Systematic Reviews* 9 (Oslo, Norway: The Campbell Collaboration, 2013).

9. Tom Tyler, Jonathon Jackson, and Ben Bradford, “Procedural Justice and Cooperation,” in *Encyclopedia of Criminology and Criminal Justice*, eds. Gerben Bruinsma and David Weisburd (New York: Springer, 2014), 4011–4024.

10. Nicole Haas et al., “Explaining Officer Compliance: The Importance of Procedural Justice and Trust inside a Police Organization,” *Criminology and Criminal Justice* (January 2015), doi: 10.1177/1748895814566288; COPS Office, “Comprehensive Law Enforcement Review: Procedural Justice and Legitimacy,” accessed February 28, 2015, <http://www.cops.usdoj.gov/pdf/taskforce/Procedural-Justice-and-Legitimacy-LE-Review-Summary.pdf>.

11. Lorie Fridell, “This is Not Your Grandparents’ Prejudice: The Implications of the Modern Science of Bias for Police Training,” *Translational Criminology* (Fall 2013):10–11.

12. Susan Fiske, “Are We Born Racist?” *Greater Good* (Summer 2008):14–17.

13. Listening Session on Building Trust and Legitimacy (oral testimony of Jennifer Eberhardt for the President’s Task Force on 21st Century Policing, Washington, DC, January 13, 2015).

To achieve legitimacy, mitigating implicit bias should be a part of training at all levels of a law enforcement organization to increase awareness and ensure respectful encounters both inside the organization and with communities.

The first witnesses at the task force sessions on the first pillar also directly addressed the need for a change in the culture in which police do their work: the use of disrespectful language and the implicit biases that lead officers to rely upon race in the context of stop and frisk. They addressed the need for police officers to find how much they have in common with the people they serve—not the lines of authority they may perceive to separate them—and to continue with enduring programs proven successful over many years.

Several speakers stressed the continuing need for civilian oversight and urged more research into proving ways it can be most effective. And many spoke to the complicated issue of diversity in recruiting, especially Sherrilyn Ifill, who said of youth in poor communities,

By the time you are 17, you have been stopped and frisked a dozen times. That does not make that 17-year-old want to become a police officer The challenge is to transform the idea of policing in communities among young people into something they see as honorable. They have to see people at local events, as the person who lives across the street, not someone who comes in and knows nothing about my community.¹⁴

The task force's specific recommendations that follow offer practical ways agencies can act to promote legitimacy.

14. Listening Session on Building Trust and Legitimacy (oral testimony of Sherrilyn Ifill, president and director-counsel, NAACP Legal Defense and Educational Fund, Inc., for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015); "Statement by the NAACP Legal Defense and Educational Fund, Inc." (written testimony submitted for listening session at Washington, DC, January 13, 2015).

1.1 RECOMMENDATION: Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.

How officers define their role will set the tone for the community. As Plato wrote, "In a republic that honors the core of democracy—the greatest amount of power is given to those called Guardians. Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy."

Law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to rule and control the community.

As task force member Susan Rahr wrote,

In 2012, we began asking the question, "Why are we training police officers like soldiers?" Although police officers wear uniforms and carry weapons, the similarity ends there. The missions and rules of engagement are completely different. The soldier's mission is that of a warrior: to conquer. The rules of engagement are decided before the battle. The police officer's mission is that of a guardian: to protect. The rules of engagement evolve as the incident unfolds. Soldiers must follow orders. Police officers must make independent decisions. Soldiers come into communities as an outside, occupying force. Guardians are members of the community, protecting from within.¹⁵

There's an old saying, "Organizational culture eats policy for lunch." Any law enforcement

15. Sue Rahr, "Transforming the Culture of Policing from Warriors to Guardians in Washington State," *International Association of Directors of Law Enforcement Standards and Training Newsletter* 25, no. 4 (2014): 3–4; see also Sue Rahr and Stephen K. Rice, "From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals," *New Perspectives in Policing Bulletin* (Washington, DC: National Institute of Justice, 2015), NCJ 248654, <http://www.hks.harvard.edu/content/download/76023/1708385/version/1/file/WarriorstoGuardians.pdf>.

organization can make great rules and policies that emphasize the guardian role, but if policies conflict with the existing culture, they will not be institutionalized and behavior will not change. In police work, the vast majority of an officer's work is done independently outside the immediate oversight of a supervisor. But consistent enforcement of rules that conflict with a military-style culture, where obedience to the chain of command is the norm, is nearly impossible. Behavior is more likely to conform to culture than rules.

The culture of policing is also important to the proper exercise of officer discretion and use of authority, as task force member Tracey Meares has written.¹⁶ The values and ethics of the agency will guide officers in their decision-making process; they cannot simply rely on rules and policy to act in encounters with the public. Good policing is more than just complying with the law. Sometimes actions are perfectly permitted by policy, but that does not always mean an officer should take those actions. Adopting procedural justice as the guiding principle for internal and external policies and practices can be the underpinning of a change in culture and should contribute to building trust and confidence in the community.

1.2 RECOMMENDATION: Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.

At one listening session, a panel of police chiefs described what they had been doing in recent years to recognize and own their history and to change the culture within both their police forces and their communities.

16. Tracey L. Meares, "Rightful Policing," *New Perspectives in Policing Bulletin* (Washington, DC: National Institute of Justice, 2015), NCJ 248411, <http://www.hks.harvard.edu/content/download/74084/1679313/version/4/file/RightfulPolicing.pdf>.

Baltimore Police Commissioner Anthony Batts described the process in his city:

The process started with the commissioning of a study to evaluate the police department and the community's views of the agency The review uncovered broken policies, outdated procedures, outmoded technology, and operating norms that put officers at odds with the community they are meant to serve. It was clear that dramatic and dynamic change was needed.¹⁷

Ultimately, the Baltimore police created the Professional Standards and Accountability Bureau, tasked with rooting out corruption, holding officers accountable, and implementing national best practices for polices and training. New department heads were appointed and a use of force review structure based on the Las Vegas model was implemented. "These were critical infrastructure changes centered on the need to improve the internal systems that would build accountability and transparency, inside and outside the organization," noted Commissioner Batts.¹⁸

1.2.1 ACTION ITEM: The U.S. Department of Justice should develop and disseminate case studies that provide examples where past injustices were publicly acknowledged by law enforcement agencies in a manner to help build community trust.

1.3 RECOMMENDATION: Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.

17. Listening Session on Community Policing and Crime Reduction: Building Community Policing Organizations (oral testimony of Anthony Batts, commissioner, Baltimore Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

18. Ibid.

1.3.1 ACTION ITEM: To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department's website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics.

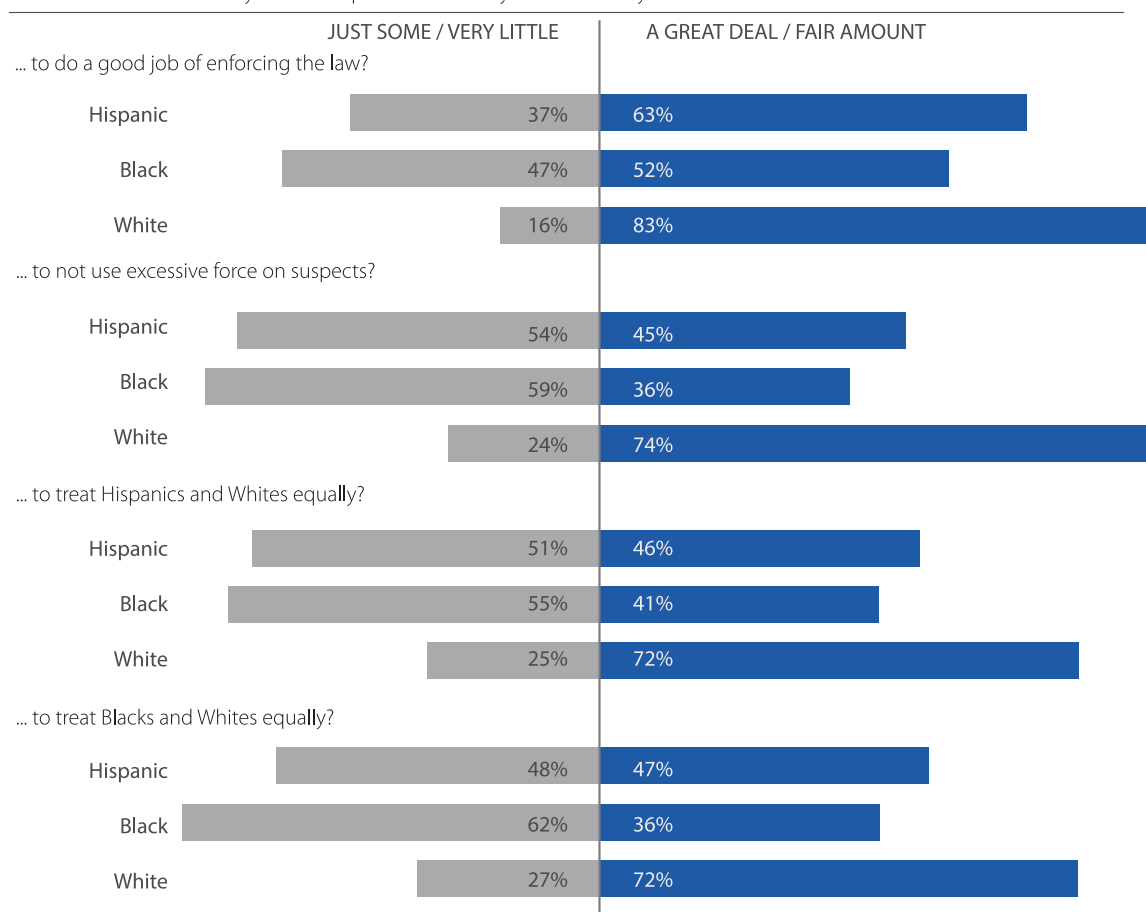
1.3.2 ACTION ITEM: When serious incidents occur, including those involving alleged police misconduct, agencies should communicate

with citizens and the media swiftly, openly, and neutrally, respecting areas where the law requires confidentiality.

One way to promote neutrality is to ensure that agencies and their members do not release background information on involved parties. While a great deal of information is often publicly available, this information should not be proactively distributed by law enforcement.

Figure 2. Community members' confidence in their police officers

How much confidence do you have in police officers in your community...



Note: Survey conducted August 20–24, 2014. Voluntary responses of “None” and “Don’t know/Refused” not shown. Blacks and Whites include only non-Hispanics. Hispanics are of any race.

Source: Jens Manuel Krogstad, “Latino Confidence in Local Police Lower than among Whites,” Pew Research Center, August 28, 2014, <http://www.pewresearch.org/fact-tank/2014/08/28/latino-confidence-in-local-police-lower-than-among-whites/>.

1.4 RECOMMENDATION: Law enforcement agencies should promote legitimacy internally within the organization by applying the principles of procedural justice.

Organizational culture created through employee interaction with management can be linked to officers' interaction with citizens. When an agency creates an environment that promotes internal procedural justice, it encourages its officers to demonstrate external procedural justice. And just as employees are more likely to take direction from management when they believe management's authority is legitimate, citizens are more likely to cooperate with the police when they believe the officers' authority is legitimate.

Internal procedural justice begins with the clear articulation of organizational core values and the transparent creation and fair application of an organization's policies, protocols, and decision-making processes. If the workforce is *actively* involved in policy development, workers are more likely to use these same principles of external procedural justice in their interactions with the community. Even though the approach to implementing procedural justice is "top down," the method should include all employees to best reach a shared vision and mission. Research shows that agencies should also use tools that encourage employee and supervisor collaboration and foster strong relationships between supervisors and employees. A more effective agency will result from a real partnership between the chief and the staff and a shared approach to public safety.¹⁹

1.4.1 ACTION ITEM: In order to achieve internal legitimacy, law enforcement agencies should involve employees in the process of developing policies and procedures.

19. Tim Richardson (senior legislative liaison, Fraternal Order of Police), in discussion with Ajima Olaghere (research assistant, COPS Office, Washington, DC), October 2014.

For example, internal department surveys should ask officers what they think of policing strategies in terms of enhancing or hurting their ability to connect with the public. Sometimes the leadership is out of step with their rank and file, and a survey like this can be a diagnostic tool—a benchmark against which leadership can measure its effectiveness and ability to create a work environment where officers feel safe to discuss their feelings about certain aspects of the job.

1.4.2 ACTION ITEM: Law enforcement agency leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. Union leadership should be partners in this process.

1.5 RECOMMENDATION: Law enforcement agencies should proactively promote public trust by initiating positive nonenforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.

In communities that have high numbers of interactions with authorities for a variety of reasons, police should actively create opportunities for interactions that are positive and not related to investigation or enforcement action. Witness Laura Murphy, for example, pointed out that when law enforcement targets people of color for the isolated actions of a few, it tags an entire community as lawless when in actuality 95 percent are law abiding.²⁰ This becomes a self-reinforcing concept. Another witness, Carmen Perez, provided an example of police engaging with citizens in another way:

20. Listening Session on Building Trust and Legitimacy (oral testimony of Laura Murphy to the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015).

In the community [where] I grew up in southern California, Oxnard, we had the Police Athletic League. A lot of officers in our communities would volunteer and coach at the police activities league. That became our alternative from violence, from gangs and things like that. That allows for police officers to really build and provide a space to build trusting relationships. No longer was that such and such over there but it was Coach Flores or Coach Brown.²¹

In recent years, agencies across the county have begun to institutionalize community trust building endeavors. They have done this through programs such as Coffee with a Cop (and Sweet Tea with the Chief), Cops and Clergy, Citizens on Patrol Mobile, Students Talking It Over with Police, and the West Side Story Project. Joint community and law dialogues and truth telling, as well as community and law enforcement training in procedural justice and bias, are also occurring nationally. Some agencies are even using training, dialogues, and workshops to take steps towards racial reconciliation.

Agencies engaging in these efforts to build relationships often experience beneficial results.²² Communities are often more willing to assist law enforcement when agencies need help during investigations. And when critical incidents occur, those agencies already have key allies who can help with information messaging and mitigating challenges.

1.5.1 ACTION ITEM: In order to achieve external legitimacy, law enforcement agencies should involve the community in the process of developing and evaluating policies and procedures.

21. Listening Session on Building Trust and Legitimacy—Community Representatives: Building Community Policing Organizations (oral testimony of Carmen Perez, executive director, The Gathering for Justice, for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015).

22. Constance Rice and Susan K. Lee, *Relationship-Based Policing: Achieving Safety in Watts* (Los Angeles: The Advancement Project, February 2015), <http://67.20.108.158/sites/default/files/imce/President%27s%20Task%20Force%20CSP%20Policy%20Brief%20FINAL%2002-27-15.pdf>.

1.5.2 ACTION ITEM: Law enforcement agencies should institute residency incentive programs such as Resident Officer Programs.

Resident Officer Programs are arrangements where law enforcement officers are provided housing in public housing neighborhoods as long as they fulfill public safety duties within the neighborhood that have been agreed to between the housing authority and the law enforcement agency.

1.5.3 ACTION ITEM: Law enforcement agencies should create opportunities in schools and communities for positive nonenforcement interactions with police. Agencies should also publicize the beneficial outcomes and images of positive, trust-building partnerships and initiatives.

For example, Michael Reynolds, a member of the Youth and Law Enforcement panel at the Listening Session on Community Policing and Crime Reduction, told the moving story of a police officer who saw him shivering on the street when he was six years old, took him to a store, and bought him a coat. Despite many negative encounters with police since then, the decency and kindness of that officer continue to favorably impact Mr. Reynolds' feelings towards the police.²³

1.5.4 ACTION ITEM: Use of physical control equipment and techniques against vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others—can undermine public trust and should be used as a last resort. Law enforcement agencies

23. Listening Session on Community Policing and Crime Reduction: Youth and Law Enforcement (oral testimony of Michael Reynolds, co-president, Youth Power Movement, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

should carefully consider and review their policies towards these populations and adopt policies if none are in place.

1.6 RECOMMENDATION: Law enforcement agencies should consider the potential damage to public trust when implementing crime fighting strategies.

Crime reduction is not self-justifying. Overly aggressive law enforcement strategies can potentially harm communities and do lasting damage to public trust, as numerous witnesses over multiple listening sessions observed.

1.6.1 ACTION ITEM: Research conducted to evaluate the effectiveness of crime fighting strategies should specifically look at the potential for collateral damage of any given strategy on community trust and legitimacy.

1.7 RECOMMENDATION: Law enforcement agencies should track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust.

Trust in institutions can only be achieved if the public can verify what they are being told about a product or service, who is responsible for the quality of the product or service, and what will be done to correct any problems. To operate effectively, law enforcement agencies must maintain public trust by having a transparent, credible system of accountability.

Agencies should partner with local universities to conduct surveys by ZIP code, for example, to measure the effectiveness of specific policing strategies, assess any negative impact they have on a community's view of police, and gain the community's input.

1.7.1 ACTION ITEM: The Federal Government should develop survey tools and instructions for use of such a model to prevent local departments from incurring the expense and to allow for consistency across jurisdictions.

A model such as the National Institute of Justice-funded National Police Research Platform could be developed and deployed to conduct such surveys. This platform seeks to advance the science and practice of policing in the United States by introducing a new system of measurement and feedback that captures organizational excellence both inside and outside the walls of the agency. The platform is managed by a team of leading police scholars from seven universities supported by the operational expertise of a respected national advisory board.

1.8 RECOMMENDATION: Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.

Many agencies have long appreciated the critical importance of hiring officers who reflect the communities they serve and also have a high level of procedural justice competency. Achieving diversity in entry level recruiting is important, but achieving systematic and comprehensive diversification throughout each segment of the



Task force members, along with Executive Director Ronald L. Davis, listen to testimony, Washington, D.C., February 23, 2015.

PHOTO: BRANDON TRAMEL

department is the ultimate goal. It is also important to recognize that diversity means not only race and gender but also the genuine diversity of identity, experience, and background that has been found to help improve the culture of police departments and build greater trust and legitimacy with all segments of the population.

A critical factor in managing bias is seeking candidates who are likely to police in an unbiased manner.²⁴ Since people are less likely to have biases against groups with which they have had positive experiences, police departments should seek candidates who have had positive interactions with people of various cultures and backgrounds.²⁵

1.8.1 ACTION ITEM: The Federal Government should create a Law Enforcement Diversity Initiative designed to help communities diversify law enforcement departments to reflect the demographics of the community.

24. Lorie Fridell, "Racially Biased Policing: The Law Enforcement Response to the Implicit Black-Crime Association," in *Racial Divide: Racial and Ethnic Bias in the Criminal Justice System*, eds. Michael J. Lynch, E. Britt Patterson, and Kristina K. Childs (Monsey, NY: Criminal Justice Press, 2008), 51.

25. *Ibid.*, 51–52.

1.8.2 ACTION ITEM: The department overseeing this initiative should help localities learn best practices for recruitment, training, and outreach to improve the diversity as well as the cultural and linguistic responsiveness of law enforcement agencies.

National and local affinity police organizations could be formally included in this effort. This program should also evaluate and assess diversity among law enforcement agencies around the country and issue public reports on national trends.

1.8.3 ACTION ITEM: Successful law enforcement agencies should be highlighted and celebrated and those with less diversity should be offered technical assistance to facilitate change.

Law enforcement agencies must be continuously creative with recruitment efforts and employ the public, business, and civic communities to help.

1.8.4 ACTION ITEM: Discretionary federal funding for law enforcement programs could be influenced by that department's efforts to improve their diversity and cultural and linguistic responsiveness.

1.8.5 ACTION ITEM: Law enforcement agencies should be encouraged to explore more flexible staffing models.

As is common in the nursing profession, offering flexible schedules can help officers achieve better work-life balance that attracts candidates and encourages retention, particularly for officers with sole responsibility for the care of family members.

1.9 RECOMMENDATION: Law enforcement agencies should build relationships based on trust with immigrant communities. This is central to overall public safety.

Immigrants often fear approaching police officers when they are victims of and witnesses to crimes and when local police are entangled with federal immigration enforcement. At all levels of government, it is important that laws, policies, and practices not hinder the ability of local law enforcement to build the strong relationships necessary to public safety and community well-being. It is the view of this task force that whenever possible, state and local law enforcement should not be involved in immigration enforcement.

1.9.1 ACTION ITEM: Decouple federal immigration enforcement from routine local policing for civil enforcement and nonserious crime.

The U.S. Department of Homeland Security should terminate the use of the state and local criminal justice system, including through detention, notification, and transfer requests, to enforce civil immigration laws against civil and nonserious criminal offenders.²⁶

26. Listening Session on Building Trust and Legitimacy: Civil Rights/Civil Liberties (oral testimony of Maria Teresa Kumar, president and CEO, Voto Latino, for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015).

In 2011, the Major Cities Chiefs Association recommended nine points to Congress and the President on this issue, noting that "immigration is a federal policy issue between the U.S. government and other countries, not local or state entities and other countries. Any immigration enforcement laws or practices should be nationally based, consistent, and federally funded."²⁷

1.9.2 ACTION ITEM: Law enforcement agencies should ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system.²⁸

1.9.3 ACTION ITEM: The U.S. Department of Justice should not include civil immigration information in the FBI's National Crime Information Center database.²⁹

The National Crime Information Center (NCIC) database is an electronic clearinghouse that law enforcement officers can access in the field. It contains data submitted by agencies across the country aimed at helping officers identify people, property, and criminal histories. At one time, NCIC also included civil immigration detainers (nonmandatory temporary hold requests issued by a federal immigration officer), although the FBI has indicated that the practice of accepting this information was discontinued and that the information does not currently exist in the database. The U.S. Department of Justice should ensure that this remains the case.

27. "Major Cities Chiefs Association Immigration Position October 2011," accessed February 26, 2015, http://majorcitieschiefs.com/pdf/news/immigration_position112811.pdf.

28. Listening Session on Building Trust and Legitimacy (written testimony of Nicholas Turner, president and director, Vera Institute of Justice, for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015).

29. Listening Session on Community Policing and Crime Reduction (written testimony of Javier Valdes, executive director, Make the Road New York, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13–14, 2015).

PILLAR 2. POLICY & OVERSIGHT

Citizens have a constitutional right to freedom of expression, including the right to peacefully demonstrate.

The issues addressed in the first pillar of this report, building trust and legitimacy between law enforcement agencies and the communities they serve, underlie all questions of law enforcement policy and community oversight. If police are to carry out their responsibilities according to established policies, these policies must be reflective of community values and not lead to practices that result in disparate impacts on various segments of the community. They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests.

Paramount among the policies of law enforcement organizations are those controlling use of force. Not only should there be policies for deadly and nondeadly uses of force but a clearly stated “sanctity of life” philosophy must also be in the forefront of every officer’s mind. This way of thinking should be accompanied by rigorous practical ongoing training in an atmosphere of nonjudgmental and safe sharing of views with fellow officers about how they behaved in use of force situations. At one listening session, Geoffrey Alpert described Officer-Created Jeopardy Training, in which officers who had been in situations where mistakes were made or force was used came to explain their decision making to other officers. Some explained what they did right and how potentially violent situations were resolved without violence. Other officers told what they did wrong, why they made

mistakes, what information was missing or misinterpreted, and how they could have improved their behavior and response to suspects.³⁰

Data collection, supervision, and accountability are also part of a comprehensive systemic approach to keeping everyone safe and protecting the rights of all involved during police encounters. Members of the Division of Policing of the American Society of Criminology recently wrote, “While the United States presently employs a broad array of social and economic indicators in order to gauge the overall ‘health’ of the nation, it has a much more limited set of indicators concerning the behavior of the police and the quality of law enforcement.”³¹

That body noted that Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994 requires the U.S. Attorney General to “acquire data about the use of excessive force by law enforcement officers” and to “publish an annual summary of the data acquired under this section.”³² But the U.S. Department of Justice (DOJ) has never been allocated the funds necessary to undertake the serious and sustained program of research and development to fulfill this mandate. Expanded research and data collection are also necessary to knowing what works and what does not work, which policing practices are effective and which

30. Listening Session on Policy and Oversight: Use of Force Research and Policies (oral testimony of Geoffrey Alpert, professor, University of South Carolina, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

31. “Recommendations to the President’s Task Force on 21st Century Policing,” Listening Session on Training and Education (written testimony of Anthony Braga et al., Ad Hoc Committee to the President’s Task Force on 21st Century Policing, Division of Policing, American Society of Criminology, February 13–14, 2015).

32. Ibid.

ones have unintended consequences. Greater acceptance of the Federal Bureau of Investigation's (FBI) National Incident-Based Reporting System could also benefit policing practice and research endeavors.

Mass demonstrations, for example, are occasions where evidence-based practices successfully applied can make the difference between a peaceful demonstration and a riot. Citizens have a constitutional right to freedom of expression, including the right to peacefully demonstrate. There are strong examples of proactive and positive communication and engagement strategies that can protect constitutional rights of demonstrators and the safety of citizens and the police.³³

2.1 RECOMMENDATION: Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation.

The development of a service model process that focuses on the root causes of crime should include the community members themselves because what works in one neighborhood might not be equally successful in every other one. Larger departments could commit resources and personnel to areas of high poverty, limited services, and at-risk or vulnerable populations through creating priority units with specialized training and added status and pay. Chief Charlie Beck of the Los

Angeles Police Department (LAPD) described the LAPD's Community Safety Partnership, in which officers engage the community and build trust where it is needed most, in the public housing projects in Watts. The department has assigned 45 officers to serve for five years at three housing projects in Watts and at an additional housing project in East Los Angeles. Through a partnership with the Advancement Project and the Housing Authority of the City of Los Angeles, the program involves officers going into the housing developments with the intent *not* to make arrests but to create partnerships, create relationships, hear the community, and see what they need—and then work together to make those things happen.³⁴ The work in Watts has been documented in an Advancement Project report presented to the task force.³⁵

2.1.1 ACTION ITEM: The Federal Government should incentivize this collaboration through a variety of programs that focus on public health, education, mental health, and other programs not traditionally part of the criminal justice system.

2.2 RECOMMENDATION: Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.

2.2.1 ACTION ITEM: Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.

33. Listening Session on Policy and Oversight: Mass Demonstrations (oral testimony of Garry McCarthy, chief of police, Chicago Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015); Listening Session on Policy and Oversight: Mass Demonstrations (oral testimony of Rodney Monroe, chief of police, Charlotte-Mecklenburg [NC] Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

34. Listening Session on Policy and Oversight: Civilian Oversight (oral testimony of Charlie Beck, chief, Los Angeles Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

35. Rice and Lee, *Relationship-Based Policing* (see note 22).

As Chuck Wexler noted in his testimony,

In traditional police culture, officers are taught never to back down from a confrontation, but instead to run *toward* the dangerous situation that everyone else is running away from. However, sometimes the best tactic for dealing with a minor confrontation is to step back, call for assistance, de-escalate, and perhaps plan a different enforcement action that can be taken more safely later.³⁶

Policies should also include, at a minimum, annual training that includes shoot/don't shoot scenarios and the use of less than lethal technologies.

2.2.2 ACTION ITEM: These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

One way this can be accomplished is by the creation of multi-agency force investigation task forces comprising state and local investigators. Other ways to structure this investigative process include referring to neighboring jurisdictions or to the next higher levels of government (many smaller departments may already have state agencies handle investigations), but in order to restore and maintain trust, this independence is crucial.

In written testimony to the task force, James Palmer of the Wisconsin Professional Police Association offered an example in that state's statutes requiring that agency written policies "require an investigation that is conducted by at least two investigators . . . neither of whom is employed by

a law enforcement agency that employs a law enforcement officer involved in the officer-involved death."³⁷ Furthermore, in order to establish and maintain internal legitimacy and procedural justice, these investigations should be performed by law enforcement agencies with adequate training, knowledge, and experience investigating police use of force.

2.2.3 ACTION ITEM: The task force encourages policies that mandate the use of external and independent prosecutors in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

Strong systems and policies that encourage use of an independent prosecutor for reviewing police uses of force and for prosecution in cases of inappropriate deadly force and in-custody death will demonstrate the transparency to the public that can lead to mutual trust between community and law enforcement.

2.2.4 ACTION ITEM: Policies on use of force should also require agencies to collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody death.

In-custody deaths are not only deaths in a prison or jail but also deaths that occur in the process of an arrest. The Bureau of Justice Statistics (BJS) implemented the Arrest Related Deaths data collection in 2003 as part of requirements set forth in the Deaths in Custody Reporting Act of

36. Listening Session on Policy and Oversight: Use of Force Investigations and Oversight (oral testimony of Chuck Wexler, executive director, Police Executive Research Forum, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

37. Listening Session on Policy and Oversight (written testimony of James Palmer, executive director, Wisconsin Professional Police Association, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30–31, 2015).

2000 and reenacted in 2014. Although states receiving grants under the Edward Byrne Memorial Justice Assistance Grant Program are required to provide this data to BJS, the Arrest Related Deaths data collection is a voluntary reporting program for law enforcement agencies. Access to this data is important to gain a national picture of police use of force as well as to incentivize the systematic and transparent collection and analysis of use of force incident data at the local level. The agency-reported data should include information on the circumstances of the use of force, as well as the race, gender, and age of the decedents. Agency data should be reported to the U.S. Department of Justice through the FBI's Uniform Crime Reporting System or an expansion of collections managed by the BJS.

2.2.5 ACTION ITEM: Policies on use of force should clearly state what types of information will be released, when, and in what situation, to maintain transparency.

This should also include procedures on the release of a summary statement regarding the circumstances of the incident by the department as soon as possible and within 24 hours. The intent of this directive should be to share as much information as possible without compromising the integrity of the investigation or anyone's rights.

2.2.6 ACTION ITEM: Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed.

2.3 RECOMMENDATION: Law enforcement agencies are encouraged to implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations.

These reviews, sometimes known as "near miss" or "sentinel event" reviews, focus on the improvement of practices and policy. Such reviews already exist in medicine, aviation, and other industries. According to the National Institute of Justice (NIJ), a sentinel event in criminal justice would include wrongful convictions but also "near miss" acquittals and dismissals of cases that at earlier points seemed solid; cold cases that stayed cold too long; wrongful releases of dangerous or factually guilty criminals or of vulnerable arrestees with mental disabilities; and failures to prevent domestic violence within at-risk families.

Sentinel events can include episodes that are within policy but disastrous in terms of community relations, whether or not everyone agrees that the event should be classified as an error. In fact, anything that stakeholders agree can cause widespread or viral attention could be considered a sentinel event.³⁸

What distinguishes sentinel event reviews from other kinds of internal investigations of apparent errors is that they are nonadversarial. As task force member Sean Smoot has written,

For sentinel event reviews to be effective and practical, they must be cooperative efforts that afford the types of protections provided in the medical context, where state and federal laws protect the privacy of participants and prevent the disclosure of information to anyone outside of the sentinel event review . . . Unless the sentinel event

38. James M. Doyle, "Learning from Error in the Criminal Justice System: Sentinel Event Reviews," *Mending Justice: Sentinel Event Reviews* (Special Report from the National Institute of Justice, September 2014): 3–20.



Barbara O'Connor, President of the National Association of Women Law Enforcement Executives, speaks during a panel on diversity in law enforcement, Cincinnati, January 30, 2015.

PHOTO: DEBORAH SPENCE

process is honest and trustworthy, with adequate legal protections—including use immunity, privacy, confidentiality, and nondisclosure, for example—police officers, who have the very best information about how things really work and what really happened, will not be motivated to fully participate. The sentinel event review approach will have a better chance of success if departments can abandon the process of adversarial/punitive-based discipline, adopting instead “education-based” disciplinary procedures and policies.³⁹

2.4 RECOMMENDATION: Law enforcement agencies are encouraged to adopt identification procedures that implement scientifically supported practices that eliminate or minimize presenter bias or influence.

A recent study by the National Academy of Sciences, *Identifying the Culprit: Assessing Eyewitness Identification*, studied the important role played by eyewitnesses in criminal cases, noting that research on factors affecting the accuracy of eyewitness identification procedures has given an increasingly clear picture of how identifications are made and, more important, an improved understanding of the limits on vision and memory that can lead to failure of identification.⁴⁰ Many factors, including external conditions and the witness’s emotional state and biases, influence what a witness sees or thinks she sees. Memories can be forgotten, reconstructed, updated, and distorted. Meanwhile, policies governing law enforcement procedures for conducting and recording identifications are not standard, and policies and practices to address the issue of misidentification vary widely.

39. Sean Smoot “Punishment-Based vs. Education-Based Discipline: A Surmountable Challenge?” in *Mending Justice: Sentinel Event Reviews* (Special Report from the National Institute of Justice, September 2014): 48–50.

40. Samuel R. Gross et al., “Rate of False Conviction of Criminal Defendants who are Sentenced to Death,” *Proceedings of the National Academy of Sciences of the United States of America* 111, no. 20 (2014): 7230–7235. <http://www.pnas.org/content/111/20/7230.full.pdf+html>.

2.5 RECOMMENDATION: All federal, state, local, and tribal law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data.

While the BJS collects information on many aspects of police activities, there is no single data collection instrument that yields the information requested in this recommendation. Demographic data should be collected and made available to the public so communities can assess the diversity of their departments and do so in a national context. This data will also be important to better understand the impact of diversity on the functioning of departments. Malik Aziz, National Chair of the National Black Police Association (NBPA), reminded the task force that the NBPA not only urges all departments to meet the demographics of the community in which they serve by maintaining a plan of action to recruit and retain police officers of color but also has called for the DOJ to collect the annual demographic statistics from the 18,000 police agencies across the nation. “It is not enough to mandate diversity,” he stated, “but it becomes necessary to diversify command ranks in departments that have historically failed to develop and/or promote qualified and credentialed officers to executive and command ranks.”⁴¹

2.5.1 ACTION ITEM: The Bureau of Justice Statistics should add additional demographic questions to the Law Enforcement Management and Administrative Statistics (LEMAS) survey in order to meet the intent of this recommendation.

2.6 RECOMMENDATION: Law enforcement agencies should be encouraged to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests). This data should be disaggregated by school and non-school contacts.

The BJS periodically conducts the Police-Public Contact Survey, a supplement to the National Crime Victimization Survey. The most recent survey, released in 2013, asked a nationally representative sample of U.S. residents age 16 or older about experiences with police during the prior 12 months.⁴² But these surveys do not reflect what is happening every day at the local level when police interact with members of the communities they serve. More research and tools along the lines of Lorie Fridell’s 2004 publication, *By the Numbers: A Guide for Analyzing Race Data From Vehicle Stops*—to help local agencies collect and analyze their data, understand the importance of context to the analysis and reporting process, and establish benchmarks resulting from their findings—would improve understanding and lead to evidence-based policies.

41. Listening Session on Policy and Oversight: Law Enforcement Culture and Diversity (oral testimony of Malik Aziz, chairman, National Black Police Association, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

42. Lynn Langton and Matthew Durose, *Police Behavior during Traffic and Street Stops, 2011*, Special Report (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2013), NCJ 242937; Matthew Durose and Lynn Langton, *Requests for Police Assistance, 2011*, Special Report (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2013), NCJ 242938.

2.6.1 ACTION ITEM: The Federal Government could further incentivize universities and other organizations to partner with police departments to collect data and develop knowledge about analysis and benchmarks as well as to develop tools and templates that help departments manage data collection and analysis.

2.7 RECOMMENDATION: Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.

Policies should emphasize protection of the First Amendment rights of demonstrators and effective ways of communicating with them. Superintendent Garry McCarthy of the Chicago Police Department detailed his police force training and operations in advance of the 2012 NATO Summit at the height of the “Occupy” movement. The department was determined not to turn what it knew would be a mass demonstration into a riot. Police officers refreshed “perishable” skills, such as engaging in respectful conversations with demonstrators, avoiding confrontation, and using “extraction techniques” not only on the minority of demonstrators who were behaving unlawfully (throwing rocks, etc.) but also on officers who were becoming visibly upset and at risk of losing their composure and professional demeanor.⁴³

43. Listening Session on Policy and Oversight (oral testimony of Garry McCarthy, Chicago Police Department, to the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

2.7.1 ACTION ITEM: Law enforcement agency policies should address procedures for implementing a layered response to mass demonstrations that prioritize de-escalation and a guardian mindset.

These policies could include plans to minimize confrontation by using “soft look” uniforms, having officers remove riot gear as soon as practical, and maintaining open postures. “When officers line up in a military formation while wearing full protective gear, their visual appearance may have a dramatic influence on how the crowd perceives them and how the event ends.”⁴⁴

2.7.2 ACTION ITEM: The Federal Government should create a mechanism for investigating complaints and issuing sanctions regarding the inappropriate use of equipment and tactics during mass demonstrations.

There has been substantial media attention in recent months surrounding the police use of military equipment at events where members of the public are exercising their First Amendment rights. This has led to the creation of the President’s Interagency Law Enforcement Equipment Working Group.

That group has been tasked by the Executive Order 13688 of January 16, 2015 with a number of issues, including ensuring that law enforcement agencies adopt organizational and operational practices and standards that prevent the misuse or abuse of controlled equipment and ensuring compliance with civil rights requirements resulting from receipt of federal financial assistance.

44. Listening Session on Policy and Oversight (written testimony of Edward Maguire, American University, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

2.8 RECOMMENDATION: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.

Many, but not all, state and local agencies operate with the oversight or input of civilian police boards or commissions. Part of the process of assessing the need and desire for new or additional civilian oversight should include input from and collaboration with police employees because the people to be overseen should be part of the process that will oversee them. This guarantees that the principles of internal procedural justice are in place to benefit both the police and the community they serve.

We must examine civilian oversight in the communities where it operates and determine which models are successful in promoting police and community understanding. There are important arguments for having civilian oversight even though we lack strong research evidence that it works. Therefore we urge action on further research, based on the guiding principle of procedural justice, to find evidence-based practices to implement successful civilian oversight mechanisms.

As noted by witness Brian Buchner at the Policy and Oversight Listening Session on January 30,

Citizen review is not an advocate for the community or for the police. This impartiality allows oversight to bring stakeholders together to work collaboratively and proactively to help make policing more effective and responsive to the community. Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.⁴⁵

45. Listening Session on Policy and Oversight (oral testimony of Brian Buchner, president, National Association for Civilian Oversight of Law Enforcement, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

2.8.1 ACTION ITEM: The U.S. Department of Justice, through its research arm, the National Institute of Justice (NIJ), should expand its research agenda to include civilian oversight.

NIJ recently announced its research priorities in policing for FY 2015, which include such topics as police use of force, body-worn cameras, and procedural justice. While proposals related to research on police oversight might fit into several of these topical areas, police oversight is not highlighted by NIJ in any of them. NIJ should specifically invite research into civilian oversight and its impact on and relationship to policing in one or more of these areas.

2.8.2 ACTION ITEM: The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.

2.9 RECOMMENDATION: Law enforcement agencies and municipalities should refrain from practices requiring officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with citizens for reasons not directly related to improving public safety, such as generating revenue.

Productivity expectations can be effective performance management tools. But testimony from Laura Murphy, Director of the Washington Legislative Office of the American Civil Liberties Union, identifies some of the negative effects of these practices:

One only needs to paint a quick picture of the state of policing to understand the dire need for reform. First, there are local and federal incentives that



Co-chair Laurie Robinson asks a panelist a question, Phoenix, February 13, 2015.

PHOTO: DEBORAH SPENCE

instigate arrests. At the local level, cities across the country generate much of their revenue through court fines and fees, with those who can't pay subject to arrest and jail time. These debtors' prisons are found in cities like Ferguson, where the number of arrest warrants in 2013—33,000—exceeded its population of 21,000. Most of the warrants were for driving violations.⁴⁶

2.10 RECOMMENDATION: Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances.

46. Listening Session on Trust and Legitimacy (oral testimony of Laura Murphy, director of the Washington Legislative Office, American Civil Liberties Union, for the President's Task Force on 21st Century Policing, Washington, DC, January 13, 2015); Joseph Shapiro, "In Ferguson, Court Fines and Fees Fuel Anger," NPR.com, last updated August 25, 2014, <http://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger>; *In For A Penny: The Rise of America's Debtors' Prisons* (New York: American Civil Liberties Union, 2010), http://www.aclu.org/files/assets/InForAPenny_web.pdf.

2.11 RECOMMENDATION: Law enforcement agencies should adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted.

2.11.1 ACTION ITEM: One example of how to do this is for law enforcement officers to carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office, or board. These cards would be easily distributed in all encounters.

2.12 RECOMMENDATION: Law enforcement agencies should establish search and seizure procedures related to LGBTQ and transgender populations and adopt as policy the recommendation from the President's

Advisory Council on HIV/AIDS (PACHA) to cease using the possession of condoms as the sole evidence of vice.

2.13 RECOMMENDATION: Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

The task force heard from a number of witnesses about the importance of protecting the safety and dignity of all people. Andrea Ritchie noted that

gender and sexuality-specific forms of racial profiling and discriminatory policing [include] . . . Failure to respect individuals' gender identity and expression when addressing members of the public and during arrest processing, searches, and placement in police custody.⁴⁷

Invasive searches should never be used for the sole purpose of determining gender identity, and an individual's gender identity should be respected in lock-ups and holding cells to the extent that the facility allows for gender segregation. And witness Linda Sarsour spoke to how

an issue plaguing and deeply impacting Arab-American and American Muslim communities across the country is racial and religious profiling by local, state, and federal law enforcement. We have learned

through investigative reports, Freedom of Information Act (FOIA) requests, and lawsuits that agencies target communities by religion and national origin.⁴⁸

2.13.1 ACTION ITEM: The Bureau of Justice Statistics should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the Police Public Contact Survey.

2.13.2 ACTION ITEM: The Centers for Disease Control should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the National Intimate Partner and Sexual Violence Survey.

2.13.3 ACTION ITEM: The U.S. Department of Justice should promote and disseminate guidance to federal, state, and local law enforcement agencies on documenting, preventing, and addressing sexual harassment and misconduct by local law enforcement agents, consistent with the recommendations of the International Association of Chiefs of Police.⁴⁹

2.14 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services and Office of Justice Programs, should provide technical assistance and incentive funding to jurisdictions with small police agencies that take steps towards shared services, regional training, and consolidation.

47. Listening Session on Training and Education (oral testimony of Andrea Ritchie, founder of Streetwise and Safe, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

48. Listening Session on Training and Education (oral testimony of Linda Sarsour, Advocacy And Civic Engagement coordinator for the National Network for Arab American Communities, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

49. IACP, *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide* (Alexandria, VA: International Association of Chiefs of Police, 2011).

Half of all law enforcement agencies in the United States have fewer than ten officers, and nearly three-quarters have fewer than 25 officers.⁵⁰ Lawrence Sherman noted in his testimony that “so many problems of organizational quality control are made worse by the tiny size of most local police agencies . . . less than 1 percent of 17,985 U.S. police agencies meet the English minimum of 1,000 employees or more.”⁵¹ These small forces often lack the resources for training and equipment accessible to larger departments and often are prevented by municipal boundaries and local custom from combining forces with neighboring agencies. Funding and technical assistance can give smaller agencies the incentive to share policies and practices and give them access to a wider variety of training, equipment, and communications technology than they could acquire on their own.

2.15 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services, should partner with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories.

The National Decertification Index is an aggregation of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct. It was designed as an answer to the problem “wherein a police officer is discharged for improper conduct and loses his/her certification in that state . . . [only to relocate] to another state and hire on with another police department.”⁵² Peace Officer Standards and

Table 1. Full-time state and local law enforcement employees, by size of agency, 2008

Size of agency	Number of agencies	Total number of full-time employees
All agencies	17,985	1,133,915
1,000 or more officers	83	326,197
500–999	89	94,168
250–499	237	133,024
100–249	778	174,505
500–99	1,300	136,390
25–49	2,402	124,492
10–24	4,300	98,563
5–9	3,446	32,493
2–4	3,225	11,498
0–1	2,125	2,585

Source: Brian A. Reaves, “State and Local Law Enforcement Agencies” (see note 50).

50. Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008*, Bulletin (Washington, DC: Office of Justice Programs Bureau of Justice Statistics, 2011), NCJ 233982.

51. Listening Session on the Future of Community Policing (oral testimony of Lawrence Sherman, Cambridge University, for the President’s Task Force on 21st Century Policing, Washington, DC, February 24, 2015).

52. “National Decertification Index—FAQs,” accessed February 27, 2015, https://www.iadlest.org/Portals/0/Files/NDI/FAQ/ndi_faqs.html.



Bill Schrier of the Office of the Chief Information Officer for the state of Washington used PowerPoint to demonstrate how agencies can use Twitter for engagement, Cincinnati, January 31, 2015.

PHOTO: DEBORAH SPENCE

Training (POST) boards can record administrative actions taken against certified police and correctional officers. Currently the criteria for reporting an action on an officer is determined by each POST independently, as is the granting of read-only access to hiring departments to use as part of their pre-hire screening process. Expanding this system to ensure national and standardized reporting would assist in ensuring that officers who

have lost their certification for misconduct are not easily hired in other jurisdictions. A national register would effectively treat “police professionals the way states’ licensing laws treat other professionals. If anything, the need for such a system is even more important for law enforcement, as officers have the power to make arrests, perform searches, and use deadly force.”⁵³

53. Roger L. Goldman, “Police Officer Decertification: Promoting Police Professionalism through State Licensing and the National Decertification Index,” *Police Chief* 81 (November 2014): 40–42, http://www.policemagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3538&issue_id=112014.

PILLAR 3. TECHNOLOGY & SOCIAL MEDIA

Implementing new technologies can give police departments an opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy.

We live in a time when technology and its many uses are advancing far more quickly than are policies and laws. “Technology” available to law enforcement today includes everything from body-worn cameras (BWC) to unmanned aircraft to social media and a myriad of products in between.

The use of technology can improve policing practices and build community trust and legitimacy, but its implementation must be built on a defined policy framework with its purposes and goals clearly delineated. Implementing new technologies can give police departments an opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy. But technology changes quickly in terms of new hardware, software, and other options. Law enforcement agencies and leaders need to be able to identify, assess, and evaluate new technology for adoption and do so in ways that improve their effectiveness, efficiency, and evolution without infringing on individual rights.

Thus, despite (and because of) the centrality of technology in policing, law enforcement agencies face major challenges including determining the effects of implementing various technologies; identifying costs and benefits; examining unintended consequences; and exploring the best practices by which technology can be evaluated, acquired, maintained, and managed. Addressing these technology challenges by using research, accumulated

knowledge, and practical experiences can help agencies reach their goals;⁵⁴ but law enforcement agencies and personnel also need to recognize that technology is only a tool for doing their jobs: just because you have access to technology does not necessarily mean you should always use it.⁵⁵

BWCs are a case in point. An increasing number of law enforcement agencies are adopting BWC programs as a means to improve evidence collection, to strengthen officer performance and accountability, and to enhance agency transparency. By documenting encounters between police and the public, BWCs can also be used to investigate and resolve complaints about officer-involved incidents.

Jim Bueermann, retired chief of the Redlands (California) Police Department and President of the Police Foundation, told the task force about a seminal piece of research that demonstrated a positive impact of BWCs in policing. The researchers used the gold standard of research models, a randomized control trial, in which the people

54. Elizabeth Groff and Tom McEwen, *Identifying and Measuring the Effects of Information Technologies on Law Enforcement Agencies: The Making Officer Redeployment Effective Program* (Washington, DC: Office of Community Oriented Policing Services, 2008), <http://www.cops.usdoj.gov/Publications/e08084156-IT.pdf>; Christopher S. Koper, Cynthia Lum, James J. Willis, Daniel J. Woods, and Julie Hibdon, *Realizing the Potential of Technology in Policing: A Multi-Site Study of the Social, Organizational, and Behavioral Aspects of Implementing Police Technologies* (Washington, DC: National Institute of Justice, 2015), <http://cebcp.org/wp-content/evidence-based-policing/ImpactTechnologyFinalReport>.

55. IACP Technology Policy Framework (Alexandria, VA: International Association of Chiefs of Police, 2014), <http://www.theiacp.org/Portals/0/documents/pdfs/IACP%20Technology%20Policy%20Framework%20January%202014%20Final.pdf>.

being studied are randomly assigned either to a control group that does not receive the treatment being studied or to a treatment group that does. The results of this 12-month study strongly suggest that the use of BWCs by the police can significantly reduce both officer use of force and complaints against officers. The study found that the officers wearing the cameras had 87.5 percent fewer incidents of use of force and 59 percent fewer complaints than the officers not wearing the cameras. One of the important findings of the study was the impact BWCs might have on the self-awareness of officers and citizens alike. When police officers are acutely aware that their behavior is being monitored (because they turn on the cameras) and when officers tell citizens that the cameras are recording their behavior, everyone behaves better. The results of this study strongly suggest that this increase in self-awareness contributes to more positive outcomes in police-citizen interaction.⁵⁶

But other considerations make the issue of BWCs more complex. A 2014 Police Executive Research Forum (PERF) publication, funded by the Office of Community Oriented Policing Services (COPS Office), reporting on extensive research exploring the policy and implementation questions surrounding BWCs noted:

Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's

perception of the police, and expectations about how police agencies should share information with the public.⁵⁷

Now that agencies operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, BWCs help police departments ensure that events are also captured from an officer's perspective.⁵⁸ But when the public does not believe its privacy is being protected by law enforcement, a breakdown in community trust can occur. Agencies need to consider ways to involve the public in discussions related to the protection of their privacy and civil liberties prior to implementing new technology, as well work with the public and other partners in the justice system to develop appropriate policies and procedures for use.

Another technology relatively new to law enforcement is social media. Social media is a communication tool the police can use to engage the community on issues of importance to both and to gauge community sentiment regarding agency policies and practices. Social media can also help police identify the potential nature and location of gang and other criminal or disorderly activity such as spontaneous crowd gatherings.⁵⁹

The Boston Police Department (BPD), for example, has long embraced both community policing and the use of social media. The department put its experience to good and highly visible use in April 2013 during the rapidly developing investigation that followed the deadly explosion of two bombs at the finish line of the Boston Marathon. The

56. Listening Session on Technology and Social Media: Body Cameras-Research and Legal Considerations (oral testimony of Jim Bueermann, president, Police Foundation, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015); Ariel Barak, William A. Farrar, and Alex Sutherland, "The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Controlled Trial," *Journal of Quantitative Criminology* 2014.

57. Lindsay Miller and Jessica Toliver, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* (Washington, DC: Office of Community Oriented Policing Services, 2014), vii, <http://ric-zai-inc.com/Publications/cops-p296-pub.pdf>.

58. *Ibid.*, 1.

59. Police Executive Research Forum, *Social Media and Tactical Considerations for Law Enforcement* (Washington, DC: Office of Community Oriented Policing Services, 2013), <http://ric-zai-inc.com/Publications/cops-p261-pub.pdf>.

BPD successfully used Twitter to keep the public informed about the status of the investigation, to calm nerves and request assistance, to correct mistaken information reported by the press, and to ask for public restraint in the tweeting of information from police scanners. This demonstrated the level of trust and interaction that a department and a community can attain online.⁶⁰

While technology is crucial to law enforcement, it is never a panacea. Its acquisition and use can have unintended consequences for both the organization and the community it serves, which may limit its potential. Thus, agencies need clearly defined policies related to implementation of technology, and must pay close attention to community concerns about its use.

3.1 RECOMMENDATION: The U.S. Department of Justice, in consultation with the law enforcement field, should broaden the efforts of the National Institute of Justice to establish national standards for the research and development of new technology. These standards should also address compatibility and interoperability needs both within law enforcement agencies and across agencies and jurisdictions and maintain civil and human rights protections.

The lack of consistent standards leads to a constantly spiraling increase in technology costs. Law enforcement often has to invest in new layers of

technology to enable their systems to operate with different systems and sometimes must also make expensive modifications or additions to legacy systems to support interoperability with newer technology. And these costs do not include the additional funds needed for training. Agencies are often unprepared for the unintended consequences that may accompany the acquisition of new technologies. Implementation of new technologies can cause disruptions to daily routines, lack of buy-in, and lack of understanding of the purpose and appropriate uses of the technologies. It also often raises questions regarding how the new technologies will impact the officer's expectations, discretion, decision making, and accountability.⁶¹

Inconsistent or nonexistent standards also lead to isolated and fractured information systems that cannot effectively manage, store, analyze, or share their data with other systems. As a result, much information is lost or unavailable—which allows vital information to go unused and have no impact on crime reduction efforts. As one witness noted, the development of mature crime analysis and CompStat processes allows law enforcement to effectively develop policy and deploy resources for crime prevention, but there is a lack of uniformity in data collection throughout law enforcement, and only patchwork methods of near real-time information sharing exist.⁶² These problems are especially critical in light of the threats from terrorism and cybercrime.

60. Edward F. Davis III, Alejandro A. Alves, and David Alan Sklansky, "Social Media and Police Leadership: Lessons from Boston," *New Perspectives in Policing* (Washington, DC: National Institute of Justice, March 2014), <http://www.hks.harvard.edu/content/download/67536/1242954/version/1/file/SocialMediaandPoliceLeadership-03-14.pdf>.

61. Koper et al., *Potential of Technology in Policing* (see note 54).

62. Listening Session on Technology and Social Media (oral testimony of Elliot Cohen, Maryland State Police, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).



All of the task force listening sessions were streamed live and can still be viewed at the task force website.

PHOTO: DEBORAH SPENCE

3.1.1 ACTION ITEM: The Federal Government should support the development and delivery of training to help law enforcement agencies learn, acquire, and implement technology tools and tactics that are consistent with the best practices of 21st century policing.

3.1.2 ACTION ITEM: As part of national standards, the issue of technology's impact on privacy concerns should be addressed in accordance with protections provided by constitutional law.

Though all constitutional guidelines must be maintained in the performance of law enforcement duties, the legal framework (warrants, etc.) should continue to protect law enforcement

access to data obtained from cell phones, social media, GPS, and other sources, allowing officers to detect, prevent, or respond to crime.

3.1.3 ACTION ITEM: Law enforcement agencies should deploy smart technology that is designed to prevent the tampering with or manipulating of evidence in violation of policy.

3.2 RECOMMENDATION: The implementation of appropriate technology by law enforcement agencies should be designed considering local needs and aligned with national standards.

While standards should be created for development and research of technology at the national level, implementation of developed technologies should remain a local decision to address the needs and resources of the community.

In addition to the expense of acquiring technology, implementation and training also requires funds, as well as time, personnel, and physical capacity. A case in point is the Phoenix Police Department's adoption of BWCs mentioned by witness Michael White, who said that the real costs came on the back end for managing the vast amount of data generated by the cameras. He quoted the Chief of the Phoenix Police Department as saying that it would cost their department \$3.5 million to not only outfit all of their officers with the cameras but also successfully manage the program.

3.2.1 ACTION ITEM: Law enforcement agencies should encourage public engagement and collaboration, including the use of community advisory bodies, when developing a policy for the use of a new technology.

Local residents will be more accepting of and respond more positively to technology when they have been informed of new developments and their input has been encouraged. How police use technology and how they share that information with the public is critical. Task force witness Jim Bueermann, president of the Police Foundation, addressed this issue, noting that concerns about BWCs include potential compromises to the privacy of both officers and citizens, who are reluctant to speak to police if they think they are being recorded. And as the task force co-chair, Charles Ramsey, noted, "Just having the conversation can increase trust and legitimacy and help departments make better decisions."

3.2.2 ACTION ITEM: Law enforcement agencies should include an evaluation or assessment process to gauge the effectiveness of any new technology, soliciting input from all levels of the agency, from line officer to leadership, as well as assessment from members of the community.⁶³

Witnesses suggested that law enforcement agencies create an advisory group when adopting a new technology.⁶⁴ Ideally, it would include line officers, union representatives, and members from other departmental units, such as research and planning, technology, and internal affairs. External stakeholders, such as representatives from the prosecutor's office, the defense bar, advocacy groups, and citizens should also be included, giving each group the opportunity to ask questions, express their concerns, and offer suggestions on policy and training.

3.2.3 ACTION ITEM: Law enforcement agencies should adopt the use of new technologies that will help them better serve people with special needs or disabilities.

3.3 RECOMMENDATION: The U.S. Department of Justice should develop best practices that can be adopted by state legislative bodies to govern the acquisition, use, retention, and dissemination of auditory, visual, and biometric data by law enforcement.

63. Sharon Stolting, Shawn Barrett, and David Kurz, *Best Practices Guide for Acquisition of New Technology* (Alexandria, VA: International Association of Chiefs of Police, n.d.), <http://www.theiacp.org/portals/0/pdfs/BP-NewTechnology.pdf>.

64. Listening Session on Technology and Social Media: Body Cameras—Research and Legal Considerations (oral testimony of Michael White, professor, Arizona State University, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).

These model policies and practices should at minimum address technology usage and data and evidence acquisition and retention, as well as privacy issues, accountability and discipline. They must also consider the impact of data collection and use on public trust and police legitimacy.

3.3.1 ACTION ITEM: As part of the process for developing best practices, the U.S. Department of Justice should consult with civil rights and civil liberties organizations, as well as law enforcement research groups and other experts, concerning the constitutional issues that can arise as a result of the use of new technologies.

3.3.2 ACTION ITEM: The U.S. Department of Justice should create toolkits for the most effective and constitutional use of multiple forms of innovative technology that will provide state, local, and tribal law enforcement agencies with a one-stop clearinghouse of information and resources.

3.3.3 ACTION ITEM: Law enforcement agencies should review and consider the Bureau of Justice Assistance's (BJA) Body Worn Camera Toolkit to assist in implementing BWCs.

A Body-Worn Camera Expert Panel of law enforcement leaders, recognized practitioners, national policy leaders, and community advocates convened a two-day workshop in February, 2015 to develop a toolkit and provide guidance and model policy for law enforcement agencies implementing BWC programs. Subject matter experts contributed ideas and content for the proposed toolkit while a panel composed of privacy and victim advocates contributed ideas and content for the toolkit to broaden input and ensure transparency.

3.4 RECOMMENDATION: Federal, state, local, and tribal legislative bodies should be encouraged to update public record laws.

The quickly evolving nature of new technologies that collect video, audio, information, and biometric data on members of the community can cause unforeseen consequences. Public record laws, which allow public access to information held by government agencies, including law enforcement, should be modified to protect the privacy of the individuals whose records they hold and to maintain the trust of the community.

Issues such as the accessibility of video captured through dashboard or body-worn cameras are especially complex. So too are the officer use of force events that will be captured by video camera systems and then broadcast by local media outlets. Use of force, even when lawful and appropriate, can negatively influence public perception and trust of police. Sean Smoot, task force member, addressed this by recalling the shooting of a Flagstaff, Arizona, police officer whose death was recorded by his BWC. Responding to public record requests by local media, the police department released the graphic footage, which was then shown on local TV and also on YouTube.⁶⁵ This illustration also raises questions concerning the recording of police interactions with minors and the appropriateness of releasing those videos for public view given their inability to give informed consent for distribution.

3.5 RECOMMENDATION: Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access.

65. Listening Session on Technology and Social Media (Sean Smoot, task force member, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).

Table 2. What types of social media does your agency currently use, and what types of social media do you plan to begin using within the next 2 to 5 years?

Social media type	Percent of responding agencies currently using	Percent of responding agencies planning to begin using in 2 to 5 years
Agency website	100	—
Facebook	82	14
Twitter	69	18
YouTube	48	20
LinkedIn	34	20

Note: PERF, with the support of the COPS Office and Target Corporation, disseminated a “Future of Policing” survey in 2012 to more than 500 police agencies; nearly 200 responded.

Source: Police Executive Research Forum, *Future Trends in Policing* (Washington, DC: Office of Community Oriented Policing Services, 2014), <http://ric-zai-inc.com/Publications/cops-p282-pub.pdf>.

These policies and practices should at a minimum increase transparency and accessibility, provide access to information (crime statistics, current calls for service), allow for public posting of policy and procedures, and enable access and usage for persons with disabilities. They should also address issues surrounding the use of new and social media, encouraging the use of social media as a means of community interaction and relationship building, which can result in stronger law enforcement. As witness Elliot Cohen noted,

We have seen social media support policing efforts in gathering intelligence during active assailant incidents: the Columbia Mall shooting and the Boston Marathon bombing. Social media allowed for a greater volume of information to be collected in an electronic format, both audibly and visually.⁶⁶

But to engage the community, social media must be responsive and current. Said Bill Schrier, “Regularly refresh the content to maintain and engage the audience, post content rapidly during incidents to dispel rumors, and use it for engagement,

not just public information.”⁶⁷ False or incorrect statements made via social media, mainstream media, and other means of technology deeply harm trust and legitimacy and can only be overcome with targeted and continuing community engagement and repeated positive interaction. Agencies need to unequivocally discourage falsities by underlining how harmful they are and how difficult they are to overcome.

Agencies should also develop policies and practices on social media use that consider individual officer expression, professional representation, truthful communication, and other concerns that can impact trust and legitimacy.

3.6 RECOMMENDATION: The Federal Government should support the development of new “less than lethal” technology to help control combative suspects.

The fatal shootings in Ferguson, Cleveland, and elsewhere have put the consequences of use of force front and center in the national news.

66. Listening Session on Technology and Social Media: Technology Policy (oral testimony of Elliot Cohen, lieutenant, Maryland State Police, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).

67. Listening Session on Technology and Social Media: Technology Policy (oral testimony of Bill Schrier, senior policy advisor, Office of the Chief Information Officer, State of Washington, for the President’s Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).



Rev. Jeff Brown speaks on restoring trust between police and communities, Phoenix, February 13, 2015.

PHOTO: DEBORAH SPENCE

Policies and procedures must change, but so should the weaponry. New technologies such as conductive energy devices (CED) have been developed and may be used and evaluated to decrease the number of fatal police interventions. Studies of CEDs have shown them to be effective at reducing both officer and civilian injuries. For example, in one study that compared seven law enforcement agencies that use CEDs with six agencies that do not, researchers found a 70 percent decrease in officer injuries and a 40 percent decrease in suspect injuries.⁶⁸ But new technologies should still be

subject to the appropriate use of force continuum restrictions. And Vincent Talucci made the point in his testimony that over-reliance on technological weapons can also be dangerous.⁶⁹

3.6.1 ACTION ITEM: Relevant federal agencies, including the U.S. Departments of Defense and Justice, should expand their efforts to study the development and use of new less than lethal technologies and evaluate their impact on public safety, reducing lethal violence against citizens, constitutionality, and officer safety.

68. Bruce Taylor et al., *Comparing Safety Outcomes in Police Use-Of-Force Cases for Law Enforcement Agencies That Have Deployed Conducted Energy Devices and A Matched Comparison Group That Have Not: A Quasi-Experimental Evaluation* (Washington, DC: Police Executive Research Forum, 2009), <https://www.ncjrs.gov/pdffiles1/nij/grants/237965.pdf>; John M. MacDonald, Robert J. Kaminski, and Michael R. Smith, "The Effect of Less-Lethal Weapons on Injuries in Police Use-of-Force Events," *American Journal of Public Health* 99, no. 12 (2009) 2268–2274, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2775771/pdf/2268.pdf>; Bruce G.

Taylor and Daniel J. Woods, "Injuries to Officers and Suspects in Police Use-of-Force Cases: A Quasi-Experimental Evaluation," *Police Quarterly* 13, no. 3 (2010): 260–289, <http://pqx.sagepub.com/content/13/3/260.full.pdf>.

69. Listening Session on Technology and Social Media (oral testimony of Vincent Talucci, International Association of Chiefs of Police, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).

3.7 RECOMMENDATION: The Federal Government should make the development and building of segregated radio spectrum and increased bandwidth by FirstNet for exclusive use by local, state, tribal, and federal public safety agencies a top priority.⁷⁰

A national public safety broadband network which creates bandwidth for the exclusive use of law enforcement, the First Responder Network (FirstNet) is considered a game-changing public safety project, which would allow instantaneous communication in even the most remote areas whenever a disaster or incident occurs. It can also support many other technologies, including video transmission from BWCs.

70. Listening Session on Technology and Social Media: Technology Policy (oral testimony of Bill Schrier, senior policy advisor, Office of the Chief Information Officer, State of Washington, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 31, 2015).



President Barack Obama delivers remarks to the press following a meeting with members of the President's Task Force on 21st Century Policing in the Roosevelt Room of the White House, March 2, 2015.

OFFICIAL WHITE HOUSE PHOTO BY CHUCK KENNEDY

PILLAR 4. COMMUNITY POLICING & CRIME REDUCTION

Community policing requires the active building of positive relationships with members of the community.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.⁷¹

Over the past few decades, rates of both violent and property crime have dropped dramatically across the United States.⁷² However, some communities and segments of the population have not benefited from the decrease as much as others, and some not at all.⁷³ Though law enforcement must concentrate their efforts in these neighborhoods to maintain public safety, sometimes those specific efforts arouse resentment in the neighborhoods the police are striving to protect.

Police interventions must be implemented with strong policies and training in place, rooted in an understanding of procedural justice. Indeed, without that, police interventions can easily devolve into racial profiling, excessive use of force, and other practices that disregard civil rights, causing negative reactions from people living in already challenged communities.

Yet mutual trust and cooperation, two key elements of community policing, are vital to protecting residents of these communities from the crime that plagues them. Community policing combines a focus on intervention and prevention through problem solving with building collaborative partnerships between law enforcement agencies and schools, social services, and other stakeholders. In this way, community policing not only improves public safety but also enhances social connectivity and economic strength, which increases community resilience to crime. And, as noted by one speaker, it improves job satisfaction for line officers, too.

In his testimony to the task force, Camden County, New Jersey, Police Chief J. Scott Thomson noted that community policing starts on the street corner, with respectful interaction between a police officer and a local resident, a discussion that need not be related to a criminal matter.⁷⁴ In fact, it is important that not all interactions be based on emergency calls or crime investigations.

Another aspect of community policing that was discussed in the listening session on this topic is the premise that officers enforce the law *with* the people not just *on* the people. In reflecting this belief, some commented on the negative

71. *Community Policing Defined* (Washington, DC: Office of Community Oriented Policing Services, 2014), <http://ric-zai-inc.com/Publications/cops-p157-pub.pdf>.

72. "Crime Statistics for 2013 Released: Decrease in Violent Crimes and Property Crimes," Federal Bureau of Investigation, last modified November 10, 2014, <http://www.fbi.gov/news/stories/2014/november/crime-statistics-for-2013-released/crime-statistics-for-2013-released>.

73. Listening Session on Community Policing and Crime Reduction: Building Community Policing Organizations (oral testimony of Chris Magnus, chief, Richmond [CA] Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

74. Listening Session on Community Policing and Crime Reduction: Using Community Policing to Reduce Crime (oral testimony of J. Scott Thomson, chief, Camden County [NJ] Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

results of zero tolerance policies, which mete out automatic and predetermined actions by officers regardless of extenuating circumstances.

Community policing requires the active building of positive relationships with members of the community—on an agency as well as on a personal basis. This can be done through assigning officers to geographic areas on a consistent basis, so that through the continuity of assignment they have the opportunity to know the members of the community. It can also be aided by the use of programs such as Eagle County, Colorado's Law Enforcement Immigrant Advisory Committee, which the police department formed with Catholic Charities to help the local immigrant community.⁷⁵ This type of policing also requires participation in community organizations, local meetings and public service activities.

To be most effective, community policing also requires collaborative partnerships with agencies beyond law enforcement, such as Philadelphia's successful Police Diversion Program described by Kevin Bethel, Deputy Commissioner of Patrol Operations in the Philadelphia Police Department in his testimony to the task force.⁷⁶ This partnership with the Philadelphia Department of Human Services, the school district, the District Attorney's office, Family Court, and other stakeholders significantly reduced the number of arrests of minority youths for minor offenses.

Problem solving, another key element of community policing, is critical to prevention. And problems must be solved in partnership with the

community in order to effectively address chronic crime and disorder problems. As Office of Community Oriented Policing Services Director Ronald L. Davis has said, "We need to teach new recruits that law enforcement is more than just cuffing 'perps'—it's understanding why people do what they do."⁷⁷

In summary, law enforcement's obligation is not only to reduce crime but also to do so fairly while protecting the rights of citizens. Any prevention strategy that unintentionally violates civil rights, compromises police legitimacy, or undermines trust is counterproductive from both ethical and cost-benefit perspectives. Ignoring these considerations can have both financial costs (e.g., lawsuits) and social costs (e.g., loss of public support).

It must also be stressed that the absence of crime is not the final goal of law enforcement. Rather, it is the promotion and protection of public safety while respecting the dignity and rights of all. And public safety and well-being cannot be attained without the community's belief that their well-being is at the heart of all law enforcement activities. It is critical to help community members see police as allies rather than as an occupying force and to work in concert with other community stakeholders to create more economically and socially stable neighborhoods.

4.1 RECOMMENDATION: Law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.

75. Listening Session on Community Policing and Crime Reduction: Building Community Policing Organizations (oral testimony of Chris Magnus, chief, Richmond [CA] Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

76. Listening Session on Community Policing and Crime Reduction: Using Community Policing to Reduce Crime (oral testimony of Kevin Bethel, deputy police commissioner, Philadelphia Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

77. Faye Elkins, "Five COPS Office Directors Look Back and Think Forward at the 20th Anniversary Celebration," *Community Policing Dispatch* 8, no. 1 (January 12, 2014), http://cops.usdoj.gov/html/dispatch/01-2015/cops_office_20th_anniversary.asp.

Community policing is not just about the relationship between individual officers and individual neighborhood residents. It is also about the relationship between law enforcement leaders and leaders of key institutions in a community, such as churches, businesses, and schools, supporting the community's own process to define prevention and reach goals.

Law enforcement agencies cannot ensure the safety of communities alone but should seek to contribute to the strengthening of neighborhood capacity to prevent and reduce crime through informal social control. More than a century of research shows that informal social control is a much more powerful mechanism for crime control and reduction than is formal punishment. And perhaps the best evidence for the preventive power of informal social control may be the millions of unguarded opportunities to commit crime that are passed up each day.⁷⁸

4.1.1 ACTION ITEM: Law enforcement agencies should consider adopting preferences for seeking “least harm” resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions.

4.2 RECOMMENDATION: Community policing should be infused throughout the culture and organizational structure of law enforcement agencies.

Community policing must be a way of doing business by an entire police force, not just a specialized unit of that force.⁷⁹ The task force heard testimony from Police Chief J. Scott Thomson of Camden County, New Jersey, who noted:

78. Lawrence Cohen and Marcus Felson, “Social Change and Crime Rate Trends: A Routine Activities Approach,” *American Sociological Review* 44 (August 1979): 588–607.

79. Tracey Meares, “Praying for Community Policing,” *California Law Review* 90 (2002): 1593–1634, http://digitalcommons.law.yale.edu/fss_papers/518/.

Community policing cannot be a program, unit, strategy or tactic. It must be the core principle that lies at the foundation of a police department's culture. The only way to significantly reduce fear, crime, and disorder and then sustain these gains is to leverage the greatest force multiplier: the people of the community.⁸⁰

This message was closely echoed by Chris Magnus, the police chief in Richmond, California. To build a more effective partnership with residents and transform culture within the police department as well as in the community, the Richmond police made sure that *all* officers, not just a select few, were doing community policing and neighborhood problem solving. Every officer is expected to get to know the residents, businesses, community groups, churches, and schools on their beat and work with them to identify and address public safety challenges, including quality of life issues such as blight. Officers remain in the same beat or district for several years or more—which builds familiarity and trust.⁸¹

Testimony from a number of witnesses also made clear that hiring, training, evaluating, and promoting officers based on their ability and track record in community engagement—not just traditional measures of policing such as arrests, tickets, or tactical skills—is an equally important component of the successful infusion of community policing throughout an organization.

80. Listening Session on Community Policing and Crime Reduction: Using Community Policing to Reduce Crime (oral testimony of J. Scott Thomson, chief, Camden County [NJ] Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

81. Listening Session on Community Policing and Crime Reduction: Building Community Policing Organizations (oral testimony of Chris Magnus, chief, Richmond [CA] Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

4.2.1 ACTION ITEM: Law enforcement agencies should evaluate officers on their efforts to engage members of the community and the partnerships they build. Making this part of the performance evaluation process places an increased value on developing partnerships.

4.2.2 ACTION ITEM: Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities.

4.2.3 ACTION ITEM: The U.S. Department of Justice and other public and private entities should support research into the factors that have led to dramatic successes in crime reduction in some communities through the infusion of non-discriminatory policing and to determine replicable factors that could be used to guide law enforcement agencies in other communities.

4.3 RECOMMENDATION: Law enforcement agencies should engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors.

Collaborative approaches that engage professionals from across systems have emerged as model practices for addressing community problems that are not resolvable by the police alone. These team approaches call upon law enforcement agencies, service providers, and community support networks to work together to provide the right resources for the situation and foster sustainable change. Multiple witnesses before the task force spoke of departments coordinating mental health response teams that include mental health professionals, social workers, crisis counselors, and

other professionals making decisions alongside the police regarding planning, implementing, and responding to mental health crisis situations. But this model is applicable to a number of community problems that regularly involve a police response, including homelessness, substance abuse, domestic violence, human trafficking, and child abuse. Ultimately, the idea is for officers to be trained and equipped to make use of existing community resources in the diffusion of crisis situations.

4.3.1 ACTION ITEM: The U.S. Department of Justice should collaborate with others to develop and disseminate baseline models of this crisis intervention team approach that can be adapted to local contexts.

4.3.2 ACTION ITEM: Communities should look to involve peer support counselors as part of multidisciplinary teams when appropriate. Persons who have experienced the same trauma can provide both insight to the first responders and immediate support to individuals in crisis.

4.3.3 ACTION ITEM: Communities should be encouraged to evaluate the efficacy of these crisis intervention team approaches and hold agency leaders accountable for outcomes.

4.4 RECOMMENDATION: Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all, especially the most vulnerable.

The task force heard many different ways of describing a positive culture of policing. David Kennedy suggested there could be a Hippocratic



Chief Edward Flynn of the Milwaukee Police Department, Phoenix, February 14, 2015.

PHOTO: DEBORAH SPENCE

Oath for Policing: First, Do No Harm.⁸² Law enforcement officers' goal should be to avoid use of force if at all possible, even when it is allowed by law and by policy. Terms such as *fair and impartial policing*, *rightful policing*, *constitutional policing*, *neighborhood policing*, *procedural justice*, and *implicit bias training* all address changing the culture of policing. Respectful language; thoughtful and intentional dialogue about the perception and reality of profiling and the mass incarceration of minorities; and consistent involvement, both formal and informal, in community events all help ensure that relationships of trust between police and community will be built. The vision of policing in the 21st century should be that of officers as guardians of human and constitutional rights.

4.4.1 ACTION ITEM: Because offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the

importance of language used and adopt policies directing officers to speak to individuals with respect.

4.4.2 ACTION ITEM: Law enforcement agencies should develop programs that create opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders.

4.5 RECOMMENDATION: Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.

As Delores Jones Brown testified, "Neighborhood policing provides an opportunity for police departments to do things with residents in the co-production of public safety rather than doing

82. Listening Session on Community Policing and Crime Reduction: Using Community Policing to Reduce Crime (oral testimony of David Kennedy, professor, John Jay College of Criminal Justice, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

things to or for them.”⁸³ Community policing is not just about the behavior and tactics of police; it is also about the civic engagement and capacity of communities to improve their own neighborhoods, their quality of life, and their sense of safety and well-being. Members of communities are key partners in creating public safety, so communities and police need mechanisms to engage with each other in consistent and meaningful ways. One model for formalizing this engagement is through a civilian governance system such as is found in Los Angeles. As Chief Charlie Beck explained in testimony to the task force,

The Los Angeles Police Department is formally governed by the Board of Police Commissioners, a five-person civilian body with each member appointed by the mayor. The commission has formal authority to hire the chief of police, to set broad policy for the department, and to hold the LAPD and its chief accountable to the people.⁸⁴

Community policing, therefore, is concerned with changing the way in which citizens respond to police in more constructive and proactive ways. If officers feel unsafe and threatened, their ability to operate in an open and shared dialogue with community is inhibited. On the other hand, the police have the responsibility to understand the culture, history, and quality of life issues of the entire community—youth, elders, faith communities, special populations—and to educate the community, including its children, on the role and function of police and ways the community can

protect itself, be part of solving problems, and prevent crime. Community and police jointly share the responsibility for civil dialogue and interaction.

4.5.1 ACTION ITEM: Law enforcement agencies should schedule regular forums and meetings where all community members can interact with police and help influence programs and policy.

4.5.2 ACTION ITEM: Law enforcement agencies should engage youth and communities in joint training with law enforcement, citizen academies, ride-alongs, problem solving teams, community action teams, and quality of life teams.

4.5.3 ACTION ITEM: Law enforcement agencies should establish formal community/citizen advisory committees to assist in developing crime prevention strategies and agency policies as well as provide input on policing issues.

Larger agencies should establish multiple committees to ensure they inform all levels of the organization. The makeup of these committees should reflect the demographics of the community or neighborhood being served.

4.5.4 ACTION ITEM: Law enforcement agencies should adopt community policing strategies that support and work in concert with economic development efforts within communities.

As several witnesses, including Bill Geller, testified, public safety and the economic health of communities go hand in hand.⁸⁵ It is therefore important

83. Listening Session on Community Policing and Crime Reduction: Community Policing and Crime Prevention Research (oral testimony of Delores Jones Brown, professor, Department of Law, Police Science & Criminal Justice Administration, John Jay College of Criminal Justice, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

84. Listening Session on Policy and Oversight: Civilian Oversight (oral testimony of Charles Beck, chief, Los Angeles Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

85. Listening Session on Community Policing and Crime Reduction: Community Policing and Crime Prevention Research (oral testimony of Bill Geller, director, Geller & Associates, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

for agencies to work with local, state, and federal partners on projects devoted to enhancing the economic health of the communities in which departments are located.

4.6 RECOMMENDATION: Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities.

The past decade has seen an explosion of knowledge about adolescent development and the neurological underpinnings of adolescent behavior. Much has also been learned about the pathways by which adolescents become delinquent, the effectiveness of prevention and treatment programs, and the long-term effects of transferring youths to the adult system and confining them in harsh conditions. These findings have raised doubts about a series of policies and practices of “zero tolerance” that have contributed to increasing the school-to-prison pipeline by criminalizing the behaviors of children as young as kindergarten age. Noncriminal offenses can escalate to criminal charges when officers are not trained in child and adolescent development and are unable to recognize and manage a child’s emotional, intellectual, and physical development issues. School district policies and practices that push students out of schools and into the juvenile justice system cause great harm and do no good.

One witness told the task force a stunning story about what happened to him one day when he was a high school freshman:

As I walked down the hall, one of the police officers employed in the school noticed I did not have my identification badge with me. Before I could explain why I did not have my badge, I was escorted to the office and suspended for an entire week. I had to leave the school premises immediately. Walking to the bus stop, a different police officer pulled me over and demanded to know why I was not in school. As I tried to explain, I was thrown into the back of the police car. They drove back to my school to see if I was telling the truth, and I was left waiting in the car for over two hours. When they came back, they told me I was in fact suspended, but because the school did not provide me with the proper forms, my guardian and I both had to pay tickets for me being off of school property. The tickets together were 600 dollars, and I had a court date for each one. Was forgetting my ID worth missing school? Me being kicked out of school did not solve or help anything. I was at home alone watching Jerry Springer, doing nothing.⁸⁶

4.6.1 ACTION ITEM: Education and criminal justice agencies at all levels of government should work together to reform policies and procedures that push children into the juvenile justice system.⁸⁷

86. Listening Session on Community Policing and Crime Prevention (oral testimony of Michael Reynolds for the President’s Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

87. For more information about such policies and procedures, see the U.S. Department of Justice’s Civil Rights Division and U.S. Department of Education’s Office for Civil Rights, “Joint ‘Dear Colleague’ Letter,” last updated February 4, 2014, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

4.6.2 ACTION ITEM: In order to keep youth in school and to keep them from criminal and violent behavior, law enforcement agencies should work with schools to encourage the creation of alternatives to student suspensions and expulsion through restorative justice, diversion, counseling, and family interventions.

4.6.3 ACTION ITEM: Law enforcement agencies should work with schools to encourage the use of alternative strategies that involve youth in decision making, such as restorative justice, youth courts, and peer interventions.

The Federal Government could incentivize schools to adopt this practice by tying federal funding to schools implementing restorative justice practices.

4.6.4 ACTION ITEM: Law enforcement agencies should work with schools to adopt an instructional approach to discipline that uses interventions or disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning.

4.6.5 ACTION ITEM: Law enforcement agencies should work with schools to develop and monitor school discipline policies with input and collaboration from school personnel, students, families, and community members. These policies should prohibit the use of corporal punishment and electronic control devices.

4.6.6 ACTION ITEM: Law enforcement agencies should work with schools to create a continuum of developmentally appropriate and proportional consequences for addressing ongoing and escalating student misbehavior after all appropriate interventions have been attempted.

4.6.7 ACTION ITEM: Law enforcement agencies should work with communities to play a role in programs and procedures to reintegrate juveniles back into their communities as they leave the juvenile justice system.

Although this recommendation—and therefore its action items—specifically focuses on juveniles, this task force believes that law enforcement agencies should also work with communities to play a role in re-entry programs for adults leaving prisons and jails.

4.6.8 ACTION ITEM: Law enforcement agencies and schools should establish memoranda of agreement for the placement of School Resource Officers that limit police involvement in student discipline.

Such agreements could include provisions for special training for School Resource Officers to help them better understand and deal with issues involving youth.

4.6.9 ACTION ITEM: The Federal Government should assess and evaluate zero tolerance strategies and examine the role of reasonable discretion when dealing with adolescents in consideration of their stages of maturation or development.



Task force executive director Ronald L. Davis and co-chairs Laurie Robinson and Charles Ramsey, Washington, D.C., February 23, 2015.

PHOTO: DEBORAH SPENCE

4.7 RECOMMENDATION: Communities need to affirm and recognize the voices of youth in community decision making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions.

Youth face unique challenges when encountering the criminal justice system. Law enforcement contacts for apparent infractions create trauma and fear in children and disillusionment in youth, but proactive and positive youth interactions with police create the opportunity for coaching, mentoring, and diversion into constructive alternative activities. Moving testimony from a panel of young people allowed the task force members to hear how officers can lead youth out of the conditions that keep them in the juvenile justice system and into self-awareness and self-help.

Phoenix native Jose Gonzales, 21, first went to jail at age nine and had a chaotic childhood, but in turning his life towards a productive and healthy future, he vividly remembers one officer who made a difference:

Needless to say, I have had a fair amount of interaction with law enforcement in my youth. Some has been very positive. Like the time that a School Resource Officer got me involved in an after school club. Officer Bill D. helped me stop being a bad kid and assisted with after school activities. He sought me out to be a part of a club that included all sorts of youth—athletes, academics—and helped me gain confidence in reaching out to other social circles beyond my troubled community. The important idea I'd like to convey is that approach is everything.⁸⁸

88. Listening Session on Community Policing and Crime Reduction: Youth and Law Enforcement (oral testimony of Jose Gonzales for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

4.7.1 ACTION ITEM: Communities and law enforcement agencies should restore and build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police.

4.7.2 ACTION ITEM: Communities should develop community- and school-based evidence-based programs that mitigate punitive and authoritarian solutions to teen problems.

PILLAR 5. TRAINING & EDUCATION

Hiring officers who reflect the community they serve is important not only to external relations but also to increasing understanding within the agency.

As our nation becomes more pluralistic and the scope of law enforcement's responsibilities expands, the need for more and better training has become critical. Today's line officers and leaders must meet a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis. All states and territories and the District of Columbia should establish standards for hiring, training, and education.

The skills and knowledge required to effectively deal with these issues requires a higher level of education as well as extensive and ongoing training in specific disciplines. The task force discussed these needs in depth, making recommendations for basic recruit and in-service training, as well as leadership development in a wide variety of areas:

- Community policing and problem-solving principles
- Interpersonal and communication skills
- Bias awareness
- Scenario-based, situational decision making
- Crisis intervention
- Procedural justice and impartial policing
- Trauma and victim services
- Mental health issues
- Analytical research and technology
- Languages and cultural responsiveness

Many who spoke before the task force recommended that law enforcement partner with academic institutions; organizations such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs Association (MCCA), the National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum (PERF); and other sources of appropriate training. Establishing fellowships and exchange programs with other agencies was also suggested.

Other witnesses spoke about the police education now offered by universities, noting that undergraduate criminal justice and criminology programs provide a serviceable foundation but that short courses of mixed quality and even some graduate university degree programs do not come close to addressing the needs of 21st-century law enforcement.

In addition to discussion of training programs and educational expectations, witnesses at the listening session made clear that new approaches to recruitment, hiring, evaluation, and promotion are also essential to developing a more highly educated workforce with the character traits and social skills that enable effective policing and positive community relationships.

To build a police force capable of dealing with the complexity of the 21st century, it is imperative that agencies place value on both educational achievements and socialization skills when making hiring decisions. Hiring officers who reflect the

To be effective in an ever-changing world, training must continue throughout an officer's career.

community they serve is also important not only to external relations but also to increasing understanding within the agency. On the other hand, task force member Constance Rice described the best line officer she knew—White, but better at relating to the African-American community than his Black colleagues. Her recommendation was to look for the character traits that support fairness, compassion, and cultural sensitivity.⁸⁹

The need for understanding, tolerance, and sensitivity to African Americans, Latinos, recent immigrants, Muslims, and the LGBTQ community was discussed at length at the listening session, with witnesses giving examples of unacceptable behavior in law enforcement's dealings with all of these groups. Participants also discussed the need to move towards practices that respect all members of the community equally and away from policing tactics that can unintentionally lead to excessive enforcement against minorities.

Witnesses noted that officers need to develop the skills and knowledge necessary in the fight against terrorism by gaining an understanding of the links between normal criminal activity and terrorism, for example. What is more, this training must be ongoing, as threats and procedures for combating terrorism evolve.

The need for realistic, scenario-based training to better manage interactions and minimize using force was discussed by a number of witnesses. Others focused more on content than delivery: Dennis Rosenbaum suggested putting procedural justice at the center of training, not on the

fringes.⁹⁰ Ronal Serpas recommended training on the effects of violence not only on the community and individual victims but also on police officers themselves, noting that exposure to violence can make individuals more prone to violent behavior.⁹¹ And witnesses Bruce Lipman and David Friedman both spoke about providing officers with historical perspectives of policing to provide context as to why some communities have negative feelings toward the police and improve understanding of the role of the police in a democratic society.⁹²

Though today's law enforcement professionals are highly trained and highly skilled operationally, they must develop specialized knowledge and understanding that enable fair and procedurally just policing and allow them to meet a wide variety of new challenges and expectations. Tactical skills are important, but attitude, tolerance, and interpersonal skills are equally so. And to be effective in an ever-changing world, training must continue throughout an officer's career.

The goal is not only effective, efficient policing but also procedural justice and fairness. Following are the task force's recommendations for implementing career-long education and training practices for law enforcement in the 21st century.

89. Listening Session on Training and Education (Constance Rice, task force member, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

90. Listening Session on Community Policing and Crime Reduction: Community Policing and Crime Prevention Research (oral testimony of Dennis Rosenbaum, professor, University of Illinois at Chicago, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13, 2015).

91. Listening Session on Training and Education: Special Training on Building Trust (oral testimony of Ronal Serpas, advisory board member, Cure Violence Chicago, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

92. Listening Session on Training and Education: Special Training on Building Trust (oral testimony of David C. Friedman, director of National Law Enforcement Initiatives, Anti-Defamation League, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015); Listening Session on Training and Education: Special Training on Building Trust (oral testimony of Bruce Lipman, Procedural Justice Training, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).



Task force members Jose Lopez and Brittany Packnett listen to testimony, Phoenix, February 14, 2015.

PHOTO: DEBORAH SPENCE

5.1 RECOMMENDATION: The Federal Government should support the development of partnerships with training facilities across the country to promote consistent standards for high quality training and establish training innovation hubs.

A starting point for changing the culture of policing is to change the culture of training academies. The designation of certain training academies as federally supported regional “training innovation hubs” could act as leverage points for changing training culture while taking into consideration regional variations. Federal funding would be a powerful incentive to these designated academies to conduct the necessary research to develop and implement the highest quality curricula focused on the needs of 21st century American policing, along with cutting-edge delivery modalities.

5.1.1 ACTION ITEM: The training innovation hubs should develop replicable model programs that use adult-based learning and scenario-based training in a training environment modeled less like boot camp. Through these programs the hubs would influence nationwide curricula, as well as instructional methodology.

5.1.2 ACTION ITEM: The training innovation hubs should establish partnerships with academic institutions to develop rigorous training practices, evaluation, and the development of curricula based on evidence-based practices.

5.1.3 ACTION ITEM: The Department of Justice should build a stronger relationship with the International Association of Directors of Law

Enforcement (IADLEST) in order to leverage their network with state boards and commissions of Peace Officer Standards and Training (POST).

The POSTs are critical to the development and implementation of statewide training standards and the certification of instructors and training courses, as well as integral to facilitating communication, coordination, and influence with the more than 650 police academies across the nation. This relationship would also serve as a pipeline for disseminating information and creating discussion around best practices.

5.2 RECOMMENDATION: Law enforcement agencies should engage community members in the training process.

Not only can agencies make important contributions to the design and implementation of training that reflects the needs and character of their communities but it is also important for police training to be as transparent as possible. This will result in both a better informed public and a better informed officer.

Where appropriate and through managed programs, the community would

- learn about and evaluate the existing training within departments;
- provide input into shaping that some training content and delivery;
- in some cases, participate in training alongside officers.

5.2.1 ACTION ITEM: The U.S. Department of Justice should conduct research to develop and disseminate a toolkit on how law enforcement agencies and training programs can integrate community members into this training process.

5.3 RECOMMENDATION: Law enforcement agencies should provide leadership training to all personnel throughout their careers.

Standards and programs need to be established for every level of leadership from the first line to middle management to executive leadership. If there is good leadership and procedural justice within the agency, the officers are more likely to behave according to those standards in the community. As Chief Edward Flynn of the Milwaukee Police Department noted, "Flexible, dynamic, insightful, ethical leaders are needed to develop the informal social control and social capital required for a civil society to flourish."⁹³ One example of leadership training is Leading Police Organizations, a program developed by the IACP and modeled after the West Point Leadership Program, which offers training for all levels of agency management in programs based on a behavioral science approach to leading people groups, change, and organizations, focusing on the concept of "every officer a leader."

5.3.1 ACTION ITEM: Recognizing that strong, capable leadership is required to create cultural transformation, the U.S. Department of Justice should invest in developing learning goals and model curricula/training for each level of leadership.

This training should focus on organizational procedural justice, community policing, police accountability, teaching, coaching, mentoring, and communicating with the media and the public. Chief Kim Jacobs noted this in her testimony discussing current issues with training on reviewing investigations of police actions and prepare comprehensive reports for all stakeholders,

93. Listening Session on Training and Education (oral testimony of Edward Flynn, chief, Milwaukee Police Department, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

including the media and citizens.⁹⁴ These standards should also influence requirements for promotion and continuing/ongoing education should also be required to maintain leadership positions.

5.3.2 ACTION ITEM: The Federal Government should encourage and support partnerships between law enforcement and academic institutions to support a culture that values ongoing education and the integration of current research into the development of training, policies, and practices.

5.3.3 ACTION ITEM: The U.S. Department of Justice should support and encourage cross-discipline leadership training.

This can be within the criminal justice system but also across governments, nonprofits, and the private sector, including social services, legal aid, businesses, community corrections, education, the courts, mental health organizations, civic and religious organizations, and others. When people come together from different disciplines and backgrounds, there is a cross-fertilization of ideas that often leads to better solutions. Furthermore, by interacting with a more diverse group of professionals, police can establish a valuable network of contacts whose knowledge and skills differ from but complement their own. This opportunity does exist for front-line staff on a variety of specialized topics but also needs to happen at decision/policy maker levels. For example, the National Alliance for Drug Endangered Children is an especially appropriate model for the value of cross-discipline training. Their written testimony to the task force explains how their training approach focuses on the formation of community partnerships that

94. Listening Session on Training and Education (oral testimony of Kim Jacobs, chief, Columbus [OH] Division of Police, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

engage law enforcement and professionals from multiple disciplines to collaboratively identify and protect drug endangered children and their families.⁹⁵

5.4 RECOMMENDATION: The U.S. Department of Justice should develop, in partnership with institutions of higher education, a national postgraduate institute of policing for senior executives with a standardized curriculum preparing them to lead agencies in the 21st century.

To advance American law enforcement, we must advance its leadership. To that end, the task force recommends the establishment of a top quality graduate institute of policing to provide ongoing leadership training, education, and research programs which will enhance the quality of law enforcement culture, knowledge, skills, practices and policies. Modeled after the Naval Postgraduate School in Monterey, California, this institute will be staffed with subject matter experts and instructors drawn from the nation's top educational institutions, who will focus on the real world problems that challenge today's and tomorrow's law enforcement, teaching practical skills and providing the most current information for improving policing services throughout the nation. This institute could even, as witness Lawrence Sherman proposed, "admit qualified applicants to a three-month residential course for potential police executives, concluding in an assessment center and examination that would certify qualified graduates to serve as chief police executives anywhere in the United States."⁹⁶

95. Listening Session on Training and Education (written testimony of the National Alliance for Drug Endangered Children for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015).

96. Listening Session on The Future of Community Policing (oral testimony of Lawrence Sherman, Wolfson Professor of Criminology, University of Cambridge, and Distinguished University Professor, University of Maryland, for the President's Task Force on 21st Century Policing, Washington, DC, February 24, 2015).

5.5 RECOMMENDATION: The U.S. Department of Justice should instruct the Federal Bureau of Investigation to modify the curriculum of the National Academy at Quantico to include prominent coverage of the topical areas addressed in this report. In addition, the COPS Office and the Office of Justice Programs should work with law enforcement professional organizations to encourage modification of their curricula in a similar fashion.⁹⁷

The Office of Community Oriented Policing Services (COPS Office) and the Office of Justice Programs (OJP) should work with the law enforcement professional organizations to encourage modification of their curricula—for example, the Senior Management Institute for Police run by PERF and the Police Executive Leadership Institute managed by the Major Cities Chiefs Association.

5.6 RECOMMENDATION: POSTs should make Crisis Intervention Training (CIT) a part of both basic recruit and in-service officer training.

Crisis intervention training (CIT) was developed in Memphis, Tennessee, in 1988 and has been shown to improve police ability to recognize symptoms of a mental health crisis, enhance their confidence in addressing such an emergency, and reduce inaccurate beliefs about mental illness.⁹⁸ It has

been found that after completing CIT orientation, officers felt encouraged to interact with people suffering a mental health crisis and to delay their “rush to resolution.”⁹⁹ Dr. Randolph Dupont, Chair of the Department of Criminology and Criminal Justice at the University of Memphis, spoke to the task force about the effectiveness of the Memphis Crisis Intervention Team (CIT), which stresses verbal intervention and other de-escalation techniques.

Noting that empathy training is an important component, Dr. Dupont said the Memphis CIT includes personal interaction between officers and individuals with mental health problems. Officers who had contact with these individuals felt more comfortable with them, and hospital mental health staff who participated with the officers had more positive views of law enforcement. CIT also provides a unique opportunity to develop cross-disciplinary training and partnerships.

5.6.1 ACTION ITEM: Because of the importance of this issue, Congress should appropriate funds to help support law enforcement crisis intervention training.

5.7 RECOMMENDATION: POSTs should ensure that basic officer training includes lessons to improve social interaction as well as tactical skills.

These include topics such as critical thinking, social intelligence, implicit bias, fair and impartial policing, historical trauma, and other topics that address capacity to build trust and legitimacy in diverse communities and offer better skills for gaining compliance without the use of physical

97. Listening Session on Training and Education: Supervisory, Leadership and Management Training (oral testimony of Kimberly Jacobs, chief, Columbus [OH] Division of Police, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015); Listening Session on Training and Education (e-mail of Annie McKee, senior fellow, University of Pennsylvania, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13–14, 2015); Listening Session on Training and Education (written testimony of Anthony Braga et al. for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 13–14, 2015).

98. Natalie Bonfine, Christian Ritter, and Mark R. Munetz, “Police Officer Perceptions of the Impact of Crisis Intervention Team (CIT) Programs,” *International Journal of Law and Psychiatry* 37, no. 4 (July–August 2014): 341–350, doi:10.1016/j.ijlp.2014.02.004.

99. Kelly E. Canada, Beth Angell, and Amy C. Watson, “Crisis Intervention Teams in Chicago: Successes on the Ground,” *Journal of Police Crisis Negotiations* 10, no. 1–2 (2010), 86–100, doi:10.1080/15332581003792070.



Task force member Bryan Stevenson asks a panelist a question, Phoenix, February 13, 2015.

PHOTO: DEBORAH SPENCE

force. Basic recruit training must also include tactical and operations training on lethal and nonlethal use of force with an emphasis on de-escalation and tactical retreat skills.

5.8 RECOMMENDATION: POSTs should ensure that basic recruit and in-service officer training include curriculum on the disease of addiction.

It is important that officers be able to recognize the signs of addiction and respond accordingly when they are interacting with people who may be impaired as a result of their addiction. Science has demonstrated that addiction is a disease of the brain—a disease that can be prevented and treated and from which people can recover.

The growing understanding of this science has led to a number of law enforcement agencies equipping officers with overdose-reversal drugs such as naloxone and the passage of legislation in many states that shield any person from civil and criminal liability if they administer naloxone.

The Obama Administration's drug policy reflects this understanding and emphasizes access to treatment over incarceration, pursuing "smart on crime" rather than "tough on crime" approaches to drug-related offenses, and support for early health interventions designed to break the cycle of drug use, crime, incarceration, and re-arrest.¹⁰⁰ And the relationship between incarceration and addiction is a significant one. A 2004 survey by the U.S.

100. *A Drug Policy for the 21st Century*, July 2014, accessed February 27, 2015, <http://www.whitehouse.gov/ondcp/drugpolicyreform>.

Department of Justice estimated that about 70 percent of state and 64 percent of federal prisoners regularly used drugs prior to incarceration.¹⁰¹

5.9 RECOMMENDATION: POSTs should ensure both basic recruit and in-service training incorporates content around recognizing and confronting implicit bias and cultural responsiveness.

As the nation becomes more diverse, it will become increasingly important that police officers be sensitive to and tolerant of differences. It is vital that law enforcement provide training that recognizes the unique needs and characteristics of minority communities, whether they are victims or witnesses of crimes, subjects of stops, or criminal suspects.

Keeshan Harley, a young Black man, testified that he estimates that he's been stopped and frisked more than 100 times and that he felt that the problem is not just a few individual bad apples, but the systemic way policing treats certain communities—including low-income and young people, African Americans, LGBTQ people, the homeless, immigrants, and people with psychiatric disabilities. In so doing, police have produced communities of alienation and resentment.¹⁰² He is arguably not alone in his opinions, given that

research has shown that “of those involved in traffic and street stops, a smaller percentage of Blacks than Whites believed the police behaved properly during the stop.”¹⁰³

And in a 2012 survey of LGBTQ/HIV contact with police, 25 percent of respondents with any recent police contact reported at least one type of misconduct or harassment, such as being accused of an offense they did not commit, verbal assault, being arrested for an offense they did not commit, sexual harassment, physical assault, or sexual assault.¹⁰⁴

5.9.1 ACTION ITEM: Law enforcement agencies should implement ongoing, top down training for all officers in cultural diversity and related topics that can build trust and legitimacy in diverse communities. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement.

5.9.2 ACTION ITEM: Law enforcement agencies should implement training for officers that covers policies for interactions with the LGBTQ population, including issues such as determining gender identity for arrest placement, the Muslim, Arab, and South Asian communities, and immigrant or non-English speaking groups, as well as reinforcing policies for the prevention of sexual misconduct and harassment.

101. C. Mumola and J.C. Karberg, *Drug Use and Dependence, State and Federal Prisoners, 2004* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2007), <http://www.bjs.gov/content/pub/pdf/dudsf04.pdf>.

102. Listening Session on Training and Education: Voices in the Community (oral testimony of Keeshan Harley, member, Communities United for Police Reform, for the President's Task Force on 21st Century Policing, Phoenix, AZ, February 14, 2015); see also Tracey L. Meares, “Programming Errors: Understanding the Constitutionality of Stop-and-Frisk as a Program, Not an Incident,” University of Chicago Law Review (forthcoming).

103. Langton and Durose, *Traffic and Street Stops, 2011* (see note 42).

104. Listening Session on Policy and Oversight (written testimony of Lambda Legal for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30–31, 2015); Lambda Legal, *Protected and Served? Survey of LGBTQ/HIV Contact with Police, Courts, Prisons, and Security, 2014*, accessed February 28, 2015, <http://www.lambdalegal.org/protected-and-served>.

Table 3. College degree requirements for full-time instructors in state and local law enforcement training academies, by type of operating agency, 2006

Primary operating agency	Total percentage of academies with a minimum educational requirement that included a college degree	Percentage of academies requiring a 4-year degree	Percent of academies requiring a 2-year degree
All types	19	11	8
State Peace Officer Standards and Training	13	13	0
State police	11	7	5
Sheriff's office	2	0	2
County police	5	0	5
Municipal police	7	4	3
College/university	35	22	13
Multiagency	15	2	13
Other types	8	8	0

Source: Brian A. Reeves, *State and Local Law Enforcement Training Academies, 2006, Special Report* (Washington, DC: Bureau of Justice Statistics, 2009), <http://www.bjs.gov/content/pub/pdf/slleta06.pdf>.

5.10 RECOMMENDATION: POSTs should require both basic recruit and in-service training on policing in a democratic society.

Police officers are granted a great deal of authority, and it is therefore important that they receive training on the constitutional basis of and the proper use of that power and authority. Particular focus should be placed on ensuring that Terry stops¹⁰⁵ are conducted within constitutional guidelines.

5.11 RECOMMENDATION: The Federal Government, as well as state and local agencies, should encourage and incentivize higher education for law enforcement officers.

While many believe that a higher level of required education could raise the quality of officer performance, law enforcement also benefits from a diverse range of officers who bring their cultures, languages, and life experiences to policing.

¹⁰⁵ *Terry v. Ohio*, 392 U.S. 1 (1968).

Offering entry level opportunities to recruits without a college degree can be combined with the provision of means to obtain higher education throughout their career, thereby ensuring the benefits of a diverse staff with a well-educated police force and an active learning culture. Current student loan programs allow repayment based on income, and some already provide tuition debt forgiveness after 120 months of service in the government or nonprofit sector.

5.11.1 ACTION ITEM: The Federal Government should create a loan repayment and forgiveness incentive program specifically for policing.

This could be modeled on similar programs that already exist for government service and other fields or the reinstitution of funding for programs such as the 1960s and 70s Law Enforcement Education Program.

5.12 RECOMMENDATION: The Federal Government should support research into the development of technology that enhances scenario-based training, social interaction skills, and enables the dissemination of interactive distance learning for law enforcement.

This will lead to new modalities that enhance the effectiveness of the learning experience, reduce instructional costs, and ensure the broad dissemination of training through platforms that do not require time away from agencies.

This would be especially helpful for smaller and more rural departments who cannot spare the time for their officers to participate in residential/in-person training programs. Present day technologies should also be employed more often—web-based learning, behavior evaluations through body worn camera videos, software programs for independent learning, scenario-based instruction through videos, and other methods. This can also increase access to evidence-based research and other sources of knowledge.

5.13 RECOMMENDATION: The U.S. Department of Justice should support the development and implementation of improved Field Training Officer programs.

This is critical in terms of changing officer culture. Field Training Officers impart the organizational culture to the newest members. The most common current program, known as the San Jose Model, is more than 40 years old and is not based on current research knowledge of adult learning modalities. In many ways it even conflicts with innovative training strategies that encourage problem-based learning and support organizational procedural justice.

5.13.1 ACTION ITEM: The U.S. Department of Justice should support the development of broad Field Training Program standards and training strategies that address changing police culture and organizational procedural justice issues that agencies can adopt and customize to local needs.

A potential model for this is the Police Training Officer program developed by the COPS Office in collaboration with PERF and the Reno (Nevada) Police Department. This problem-based learning strategy used adult learning theory and problem solving tools to encourage new officers to think with a proactive mindset, enabling the identification of and solution to problems within their communities.

5.13.2 ACTION ITEM: The U.S. Department of Justice should provide funding to incentivize agencies to update their Field Training Programs in accordance with the new standards.

PILLAR 6. OFFICER WELLNESS & SAFETY

The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety.

Most law enforcement officers walk into risky situations and encounter tragedy on a regular basis. Some, such as the police who responded to the carnage of Sandy Hook Elementary School, witness horror that stays with them for the rest of their lives. Others are physically injured in carrying out their duties, sometimes needlessly, through mistakes made in high stress situations. The recent notable deaths of officers are stark reminders of the risk officers face. As a result, physical, mental, and emotional injuries plague many law enforcement agencies.

However, a large proportion of officer injuries and deaths are not the result of interaction with criminal offenders but the outcome of poor physical health due to poor nutrition, lack of exercise, sleep deprivation, and substance abuse. Yet these causes are often overlooked or given scant attention. Many other injuries and fatalities are the result of vehicular accidents.

The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety. An officer whose capabilities, judgment, and behavior are adversely affected by poor physical or psychological health not only may be of little use to the community he or she serves but also may be a danger to the community and to other officers. As task force member Tracey Meares observed, “Hurt people can hurt people.”¹⁰⁶

106. Listening Session on Officer Safety and Wellness (comment of Tracey Meares, task force member, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Commenting on the irony of law enforcement’s lack of services and practices to support wellness and safety, Dr. Laurence Miller observed in his testimony that supervisors would not allow an officer to go on patrol with a deficiently maintained vehicle, an un-serviced duty weapon, or a malfunctioning radio—but pay little attention to the maintenance of what is all officers’ most valuable resource: their brains.¹⁰⁷

Officer suicide is also a problem: a national study using data of the National Occupational Mortality Surveillance found that police died from suicide 2.4 times as often as from homicides. And though depression resulting from traumatic experiences is often the cause, routine work and life stressors—serving hostile communities, working long shifts, lack of family or departmental support—are frequent motivators too.

In this pillar, the task force focused on many of the issues that impact and are impacted by officer wellness and safety, focusing on strategies in several areas: physical, mental, and emotional health; vehicular accidents; officer suicide; shootings and assaults; and the partnerships with social services, unions, and other organizations that can support solutions.

107. Listening Session on Officer Safety and Wellness (oral testimony of Laurence Miller, psychologist, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Physical injuries and death in the line of duty, while declining, are still too high. According to estimates of U.S. Bureau of Labor Statistics, more than 100,000 law enforcement professionals are injured in the line of duty each year. Many are the result of assaults, which underscores the need for body armor, but most are due to vehicular accidents.

To protect against assaults, Orange County (Florida) Sheriff Jerry Demings talked about immersing new officers in simulation training that realistically depicts what they are going to face in the real world. “I subscribe to an edict that there is no substitute for training and experience . . . deaths and injuries can be prevented through training that is both realistic and repetitive.”¹⁰⁸

But to design effective training first requires collecting substantially more information about the nature of injuries sustained by officers on the job. Dr. Alexander Eastman’s testimony noted that the field of emergency medicine involves the analysis of vast amounts of data with regard to injuries in order to improve prevention as well as treatment.

In order to make the job of policing more safe, a nationwide repository for [law enforcement officer] injuries sustained is desperately needed. A robust database of this nature, analyzed by medical providers and scientists involved in law enforcement, would allow for recommendations in tactics, training, equipment, medical care and even policies/procedures that are grounded in that interface between scientific evidence, best medical practice, and sound policing.¹⁰⁹

Poor nutrition and fitness are also serious threats, as is sleep deprivation. Many errors in judgment can be traced to fatigue, which also makes it harder to connect with people and control emotions. But administrative changes such as reducing work shifts can improve officer’s feelings of well-being, and the implementation of mental health strategies can lessen the impact of the stress and trauma.

However, the most important factor to consider when discussing wellness and safety is the culture of law enforcement, which needs to be transformed. Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors. An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.

Partnerships are another crucial element. An agency cannot successfully tackle these issues without partners such as industrial hygienists, chaplains, unions, and mental health providers. But no program can succeed without buy-in from agency leadership as well as the rank and file.

The “bulletproof cop” does not exist. The officers who protect us must also be protected—against incapacitating physical, mental, and emotional health problems as well as against the hazards of their job. Their wellness and safety are crucial for them, their colleagues, and their agencies, as well as the well-being of the communities they serve.

108. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Jerry Demings, sheriff, Orange County, FL, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

109. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Dr. Alexander Eastman, lieutenant and deputy medical director, Dallas Police Department, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).



Elliot Cohen of the Maryland State Police speaks about technology usage while Madhu Grewal of the Constitution Project waits her turn to testify, Cincinnati, January 31, 2015.

PHOTO: DEBORAH SPENCE

6.1 RECOMMENDATION: The U.S. Department of Justice should enhance and further promote its multi-faceted officer safety and wellness initiative.

As noted by all task force members during the listening session, officer wellness and safety supports public safety. Officers who are mentally or physically incapacitated cannot serve their communities adequately and can be a danger to the people they serve, to their fellow officers, and to themselves.

6.1.1 ACTION ITEM: Congress should establish and fund a national “Blue Alert” warning system.

Leveraging the current Amber Alert program used to locate abducted children, the Blue Alert would enlist the help of the public in finding suspects after a law enforcement officer is killed in the line of duty. Some similar state systems do exist, but there are large gaps; a national system is needed. In addition to aiding the apprehension of suspects, it would send a message about the importance of protecting law enforcement from undue harm.

6.1.2 ACTION ITEM: The U.S. Department of Justice, in partnership with the U.S. Department of Health and Human Services, should establish a task force to study mental health issues unique to officers and recommend tailored treatments.

Law enforcement officers are subject to more stress than the general population owing to the nature of their jobs. In addition to working with difficult—even hostile—individuals, responding to tragic events, and sometimes coming under fire themselves, they suffer from the effects of everyday stressors—the most acute of which often come from their agencies, because of confusing messages or non-supportive management; and their families, who do not fully understand the pressures the officers face on the job. And as witness Laurence Miller said, “When both work and family relations fray, the individual’s coping abilities can be stretched to the limit, resulting in alcohol abuse, domestic violence, overaggressive policing, even suicide.”¹¹⁰

110. Listening Session on Officer Safety and Wellness (oral testimony of Laurence Miller, psychologist, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

To add to the problems of those suffering from psychological distress, law enforcement culture has not historically supported efforts to treat or even acknowledged mental health problems, which are usually seen as a sign of “weakness.” The challenges and treatments of mental health issues should therefore be viewed within the context of law enforcement’s unique culture and working environment.

This task force should also look to establish a national toll-free mental health hotline specifically for police officers. This would be a fast, easy, and confidential way for officers to get advice whenever they needed to; and because they would be anonymous, officers would be more likely to take advantage of this resource. Since nobody understands the challenges an officer faces like another officer, it should be peer driven—anonously connecting callers to officers who are not in the same agency and who could refer the caller to professional help if needed. An advisory board should be formed to guide the creation of this hotline service.

6.1.3 ACTION ITEM: The Federal Government should support the continuing research into the efficacy of an annual mental health check for officers, as well as fitness, resilience, and nutrition.

Currently, most mental health checks are ordered as interventions for anger management or substance abuse and are ordered reactively after an incident. Mental health checks need to be more frequent to prevent problems. Because officers are exposed to a wide range of stressors on a continuous basis as part of their daily routines, mental and physical health check-ups should be conducted on an ongoing basis. Furthermore, officer nutrition and fitness issues change with time, varying widely from those of the new academy graduate

to those of the veteran who has spent the last five years sitting in a squad car. Many health problems—notably cardiac issues—are cumulative.

6.1.4 ACTION ITEM: Pension plans should recognize fitness for duty examinations as definitive evidence of valid duty or non-duty related disability.

Officers who have been injured in the line of duty can exist in limbo, without pay, unable to work but also unable to get benefits because the “fitness for duty” examinations given by their agencies are not recognized as valid proof of disability. And since officers, as public servants, cannot receive social security, they can end up in a precarious financial state.

6.1.5 ACTION ITEM: Public Safety Officer Benefits (PSOB) should be provided to survivors of officers killed while working, regardless of whether the officer used safety equipment (seatbelt or anti-ballistic vest) or if officer death was the result of suicide attributed to a current diagnosis of duty-related mental illness, including but not limited to post-traumatic stress disorder (PTSD).

Families should not be penalized because an officer died in the line of duty but was not wearing a seat belt or body armor. Though these precautions are very important and strongly encouraged, there are occasions when officers can be more effective without them.¹¹¹

A couple of situations were mentioned by task force member Sean Smoot, who described the efforts of an officer who took off his seat belt to tend to the injuries of a victim in the back of the car as his partner sped to the hospital. Another

111. Listening Session on Officer Safety and Wellness: Voices from the Field (oral testimony of William Johnson, executive director, National Association of Police Organizations, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

scenario he mentioned was the rescue of a drowning woman by an officer who shed his heavy body armor to go into the water. Charles Ramsey, task force co-chair, also noted that these types of situations could be further mitigated by the invention of seatbelts that officers could quickly release without getting tangled on their belts, badges, and radios, as well as body armor that is lighter and more comfortable.

6.2 RECOMMENDATION: Law enforcement agencies should promote safety and wellness at every level of the organization.

Safety and wellness issues affect all law enforcement professionals, regardless of their management status, duty, or tenure. Moreover, line officers are more likely to adopt procedures or change practices if they are advised to do so by managers who also model the behavior they encourage. According to witness David Orr, buy-in from the leaders as well as the rank and file is essential to the success of any program.¹¹²

6.2.1 ACTION ITEM: Though the Federal Government can support many of the programs and best practices identified by the U.S. Department of Justice initiative described in recommendation 6.1, the ultimate responsibility lies with each agency.

Though legislation and funding from the Federal Government is necessary in some cases, most of the policies, programs, and practices recommended by the task force can and should be implemented at the local level. It is understood, however, that there are no “one size fits all” solutions and that implementation will vary according to agency size, location, resources, and other factors.

6.3 RECOMMENDATION: The U.S. Department of Justice should encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement.

It has been established by significant bodies of research that long shifts can not only cause fatigue, stress, and decreased ability to concentrate but also lead to other more serious consequences.¹¹³ Fatigue and stress undermine not only the immune system but also the ability to work at full capacity, make decisions, and maintain emotional equilibrium. Though long shifts are understandable in the case of emergencies, as a standard practice they can lead to poor morale, poor job performance, irritability, and errors in judgment that can have serious, even deadly, consequences.

6.3.1 ACTION ITEM: The U.S. Department of Justice should fund additional research into the efficacy of limiting the total number of hours an officer should work within a 24–48-hour period, including special findings on the maximum number of hours an officer should work in a high risk or high stress environment (e.g., public demonstrations or emergency situations).

112. Listening Session on Officer Safety and Wellness (oral testimony of David Orr, sergeant, Norwalk [CT] Police Department, to the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

113. Bryan Vila, *Tired Cops: The Importance of Managing Police Fatigue*, (Washington, DC: Police Executive Research Forum, 2000); Mora L. Fiedler, *Officer Safety and Wellness: An Overview of the Issues* (Washington, DC: Office of Community Oriented Policing Services, 2011), 4, <http://cops.usdoj.gov/pdf/OSWG/e091120401-OSWGReport.pdf>.



Christina Brown of Black Lives Matter Cincinnati speaks about mass demonstrations while Superintendent Garry McCarthy of the Chicago Police Department looks on, Cincinnati, January 30, 2015.

PHOTO: DEBORAH SPENCE

6.4 RECOMMENDATION: Every law enforcement officer should be provided with individual tactical first aid kits and training as well as anti-ballistic vests.

Task force witness Dr. Alexander Eastman, who is a trauma surgeon as well as a law enforcement professional, noted that tactical first aid kits would significantly reduce the loss of both officer and civilian lives due to blood loss. Already available to members of the military engaged in combat missions, these kits are designed to save lives by controlling hemorrhaging. They contain tourniquets, an Olas modular bandage, and QuikClot gauze and would be provided along with training in hemorrhage control. Dr. Eastman estimated that the kits could cost less than \$50 each and require about two hours of training, which could be provided through officers who have completed “train the trainer” programs.¹¹⁴

This would be a national adoption of the Hartford Consensus, which calls for agencies to adopt hemorrhage control as a core law enforcement skill and

to integrate rescue/emergency medical services personnel into community-wide active shooter preparedness and training. These activities would complement the current “Save Our Own” law enforcement-based hemorrhage control programs.¹¹⁵

To further reduce officer deaths, the task force also strongly recommends the provision of body armor to all officers with replacements when necessary.

6.4.1 ACTION ITEM: Congress should authorize funding for the distribution of law enforcement individual tactical first aid kits.

6.4.2 ACTION ITEM: Congress should reauthorize and expand the Bulletproof Vest Partnership (BVP) program.

Created by statute in 1998, this program is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Based on data collected and recorded by Bureau of Justice Assistance staff,

114. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Dr. Alexander Eastman, lieutenant and deputy medical director, Dallas Police Department, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

115. M. Jacobs Lenworth, Jr., “Joint Committee to Create a National Policy to Enhance Survivability from Mass Casualty Shooting Events: Hartford Consensus II,” *Journal of the American College of Surgeons* 218, no. 3 (March 2014): 476–478.

in FY 2012 protective vests were directly attributed to saving the lives of at least 33 law enforcement and corrections officers.

6.5 RECOMMENDATION: The U.S. Department of Justice should expand efforts to collect and analyze data not only on officer deaths but also on injuries and “near misses.”

Another recommendation mentioned by multiple witnesses is the establishment of a nationwide repository of data on law enforcement injuries, deaths, and near misses. Though the Federal Bureau of Investigation (FBI) does maintain a database of information pertinent to police procedures on officers killed in the line of duty, it does not contain the medical details that could be analyzed by medical providers and scientists to improve medical care, tactics, training, equipment, and procedures that would prevent or reduce injuries and save lives. The Police Foundation, with the support of a number of other law enforcement organizations, launched an online Law Enforcement Near Miss Reporting System in late 2014, but it is limited in its ability to systematically analyze national trends in this important data by its voluntary nature.¹¹⁶

6.6 RECOMMENDATION: Law enforcement agencies should adopt policies that require officers to wear seat belts and bullet-proof vests and provide training to raise awareness of the consequences of failure to do so.

According to task force witness Craig Floyd, traffic accidents have been the number one cause of officer fatalities in recent years, and nearly half of those officers were not wearing seat belts.¹¹⁷ He

116. Deborah L. Spence, “One on One with LEO Near Miss,” *Community Policing Dispatch* 8, no. 2 (February 2015), http://cops.usdoj.gov/html/dispatch/02-2015/leo_near_miss.asp.

117. Listening Session on Officer Safety and Wellness (oral testimony of Craig Floyd, National Law Enforcement Officer Memorial Foundation, for the President’s

suggests in-car cameras and seat belt sensors to encourage use along with aggressive safety campaigns. Some witnesses endorsed mandatory seat belt policies as well.

The Prince George’s County (Maryland) Arrive Alive Campaign initiated by task force witness Chief Mark Magraw to promote 100 percent seat belt usage relied on incentives and peer pressure for success. The message was, “it is not just about you, it is also about your family and your department.”¹¹⁸

There were also many calls for mandatory requirements that all officers wear soft body armor any time they are going to be engaging in enforcement activities, uniformed or not. It was also suggested that law enforcement agencies be required to provide these for all commissioned personnel.

6.7 RECOMMENDATION: Congress should develop and enact peer review error management legislation.

The task force recommends that Congress enact legislation similar to the Healthcare Quality Improvement Act of 1986¹¹⁹ that would support the development of an effective peer review error management system for law enforcement similar to what exists in medicine. A robust but nonpunitive peer review error management program—in which law enforcement officers could openly and frankly discuss their own or others’ mistakes or

Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

118. Listening Session on Officer Safety and Wellness (oral testimony of Mark Magraw, chief, Prince Georges County [MD] Police Department, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

119. The Health Care Quality Improvement Act of 1986 (HCQIA), 42 USC §11101 et seq., sets out standards for professional review actions. If a professional review body meets these standards, then neither the professional review body nor any person acting as a member or staff to the body will be liable in damages under most federal or state laws with respect to the action. For more information, see “Medical Peer Review,” American Medical Association, accessed February 28, 2015, <http://www.ama-assn.org/ama/pub/physician-resources/legal-topics/medical-peer-review.page>.

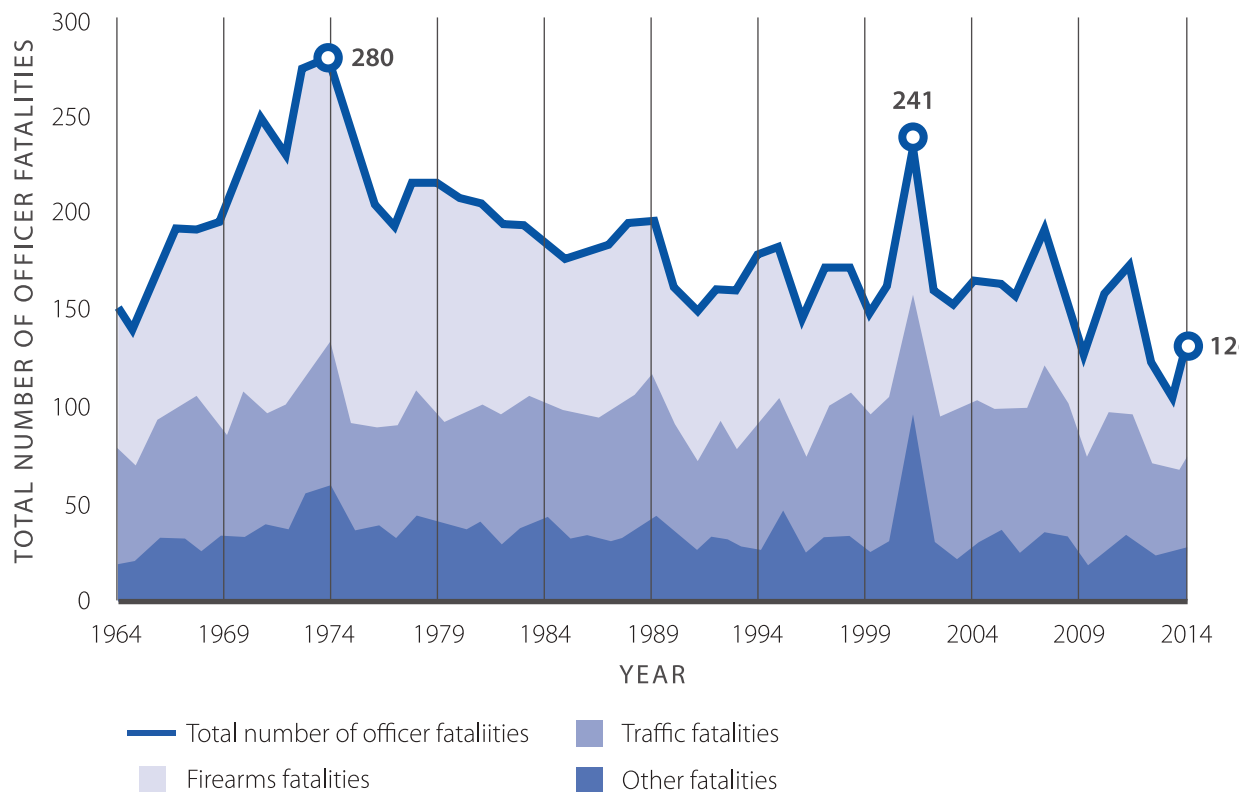
near misses *without fear of legal repercussions*—would go a long way toward reducing injuries and fatalities by improving tactics, policies, and procedures. Protecting peer review error management findings from being used in legal discovery would enable the widespread adoption of this program by law enforcement.

The Near Miss anonymous reporting system developed by the Police Foundation in Washington, D.C., currently collects anonymous data that can be very helpful in learning from and preventing mistakes, fatalities, and injuries—but a program that enabled peer review of errors would provide even more valuable perspectives and solutions.

6.8 RECOMMENDATION: The U.S. Department of Transportation should provide technical assistance opportunities for departments to explore the use of vehicles equipped with vehicle collision prevention “smart car” technology that will reduce the number of accidents.

Given that the FBI's 2003 to 2012 Law Enforcement Officers Killed in Action report showed that 49 percent of officer fatalities were a result of vehicle-related accidents, the need for protective devices cannot be understated. New technologies such as vehicle collision prevention systems should be explored.

Figure 3. Total law enforcement fatalities from 1964–2014



Source: “126 Law Enforcement Fatalities Nationwide in 2014,” *Preliminary 2014 Law Enforcement Officer Fatalities Report* (Washington, DC: National Law Enforcement Officers Memorial Fund, December 2014), <http://www.nleomf.org/assets/pdfs/reports/Preliminary-2014-Officer-Fatalities-Report.pdf>.

IMPLEMENTATION

The members of the President's Task Force on 21st Century Policing are convinced that these 59 concrete recommendations for research, action, and further study will bring long-term improvements to the ways in which law enforcement agencies interact with and bring positive change to their communities. But we also recognize that the Administration, through policies and practices already in place, can start right now to move forward on the bedrock recommendations in this report. Accordingly, we propose the following items for immediate action.

7.1 RECOMMENDATION: The President should direct all federal law enforcement agencies to review the recommendations made by the Task Force on 21st Century Policing and, to the extent practicable, to adopt those that can be implemented at the federal level.

7.2 RECOMMENDATION: The U.S. Department of Justice should explore public-private partnership opportunities, starting by convening a meeting with local, regional, and national foundations to discuss the proposals for reform described in this report and seeking their engagement and support in advancing implementation of these recommendations.

7.3 RECOMMENDATION: The U.S. Department of Justice should charge its Office of Community Oriented Policing Services (COPS Office) with assisting the law enforcement field in addressing current and future challenges.

For recommendation 7.3, the COPS Office should consider taking actions including but not limited to the following:

- Create a National Policing Practices and Accountability Division within the COPS Office.
- Establish national benchmarks and best practices for federal, state, local, and tribal police departments.
- Provide technical assistance and funding to national, state, local, and tribal accreditation bodies that evaluate policing practices.
- Recommend additional benchmarks and best practices for state training and standards boards.
- Provide technical assistance and funding to state training boards to help them meet national benchmarks and best practices in training methodologies and content.
- Prioritize grant funding to departments meeting benchmarks.
- Support departments through an expansion of the COPS Office Collaborative Reform Initiative.
- Collaborate with universities, the Office of Justice Programs and its bureaus (Bureau of Justice Assistance [BJA], Bureau of Justice Statistics [BJS], National Institute of Justice [NIJ], and Office of Juvenile Justice and Delinquency Prevention [OJJDP]), and others to review research and literature in order to inform law enforcement agencies about evidence-based practices and to identify areas of police operations where additional research is needed.
- Collaborate with the BJS to
 - establish a central repository for data concerning police use of force resulting in death, as well as in-custody deaths, and disseminate this data for use by both community and police;



PHOTO: BRANDON TRAMEL

- provide local agencies with technical assistance and a template to conduct local citizen satisfaction surveys;
- compile annual citizen satisfaction surveys based on the submission of voluntary local surveys, develop a national level survey as well as surveys for use by local agencies and by small geographic units, and develop questions to be added to the National Crime Victimization Survey relating to citizen satisfaction with police agencies and public trust.
- Collaborate with the BJS and others to develop a template of broader indicators of performance for police departments beyond crime rates alone that could comprise a Uniform Justice Report.
- Collaborate with the NIJ and the BJS to publish an annual report on the “State of Policing” in the United States.
- Provide support to national police leadership associations and national rank and file organizations to encourage them to implement task force recommendations.
- Work with the U.S. Department of Homeland Security to ensure that community policing tactics in state, local, and tribal law enforcement agencies are incorporated into their role in homeland security.

APPENDIX A. PUBLIC LISTENING SESSIONS & WITNESSES

The President's Task Force on 21st Century Policing hosted multiple public listening sessions to gain broad input and expertise from stakeholders. The information collected in these meetings informed and advised the task force in developing its recommendations.

Listening Session 1. Building Trust & Legitimacy

Washington, D.C., January 13, 2015

Panel One: Subject Matter Experts

Jennifer Eberhardt, Associate Professor of Psychology, Stanford University

Charles Ogletree, Jesse Climenko Professor of Law, Harvard Law School

Tom Tyler, Macklin Fleming Professor of Law and Professor of Psychology, Yale Law School

Samuel Walker, Emeritus Professor of Criminal Justice, University of Nebraska Omaha

Panel Two: Community Representatives

Carmen Perez, Executive Director, The Gathering for Justice

Jim St. Germain, Co-Founder, Preparing Leaders of Tomorrow, Inc.

Jim Winkler, President and General Secretary, National Council of Churches of Christ in the USA

Panel Three: Law Enforcement Organizations

Richard Beary, President, International Association of Chiefs of Police

Chuck Canterbury, National President, Fraternal Order of Police

Andrew Peralta, National President, National Latino Peace Officers Association

Richard Stanek, Immediate Past President, Major County Sheriffs' Association

Panel Four: Civil Rights / Civil Liberties

Sherrilyn Ifill, President and Director-Counsel, National Association for the Advancement of Colored People Legal Defense and Educational Fund

Maria Teresa Kumar, President and CEO, Voto Latino

Laura Murphy, Director, Washington Legislative Office, American Civil Liberties Union

Vikrant Reddy, Senior Policy Analyst, Texas Public Policy Foundation Center for Effective Justice

Panel Five: Mayors

Kevin Johnson, Sacramento

Michael Nutter, Philadelphia

Stephanie Rawlings-Blake, Baltimore

Listening Session 2. Policy & Oversight

Cincinnati, Ohio, January 30, 2015

Panel One: Use of Force Research and Policies

Geoffrey Alpert, Professor, University of South Carolina

Mick McHale, President, National Association of Police Organizations

Harold Medlock, Chief, Fayetteville (North Carolina) Police Department

Rashad Robinson, Executive Director, Color of Change

Panel Two: Use of Force Investigations and Oversight

Sim Gill, District Attorney, Salt Lake County, Utah

Jay McDonald, President, Fraternal Order of Police of Ohio

Kirk Primas, Assistant Sheriff, Las Vegas Metropolitan Police Department

Chuck Wexler, Executive Director, Police Executive Research Forum

Panel Three: Civilian Oversight

Charlie Beck, Chief, Los Angeles Police Department

Brian Buchner, President, National Association for Civilian Oversight of Law Enforcement

Darius Charney, Senior Staff Attorney, Center for Constitutional Rights

Panel Four: Mass Demonstrations

Christina Brown, Founding Organizer, Black Lives Matter: Cincinnati

Garry McCarthy, Superintendent, Chicago Police Department

Rodney Monroe, Chief, Charlotte-Mecklenburg (North Carolina) Police Department

Sean Whent, Chief, Oakland (California) Police Department

Panel Five: Law Enforcement Culture and Diversity

Malik Aziz, National Chairman, National Black Police Association

Hayley Gorenberg, Deputy Legal Director, Lambda Legal

Kathy Harrell, President, Fraternal Order of Police, Queen City Lodge #69, Cincinnati, Ohio

Barbara O'Connor, President, National Association of Women Law Enforcement Executives

Listening Session 3. Technology & Social Media

Cincinnati, Ohio, January 31, 2015

Panel One: Body Cameras—Research and Legal Considerations

Jim Bueermann, President, Police Foundation

Scott Greenwood, Attorney

Tracie Keese, Co-Founder and Director of Research Partnerships, Center for Policing Equity

Bill Lewinski, Founder and Director, Force Science Institute

Michael White, Professor, School of Criminology and Criminal Justice, Arizona State University

Panel Two: Body Cameras—Implementation

Johanna Miller, Advocacy Director, New York Civil Liberties Union

Ken Miller, Chief, Greenville (South Carolina) Police Department

Kenton Rainey, Chief, Bay Area Rapid Transit, San Francisco

Richard Van Houten, Sergeant, Fort Worth (Texas) Police Officers Association

Panel Three: Technology Policy

Eliot Cohen, Lieutenant, Maryland State Police

Madhu Grewal, Policy Counsel, The Constitution Project

Bill Schrier, Senior Policy Advisor, Office of the Chief Information Officer, State of Washington

Vincent Talucci, Executive Director / Chief Executive Officer, International Association of Chiefs of Police

Panel Four: Social Media, Community Digital Engagement and Collaboration

Hassan Aden, Director, Research and Programs, International Association of Chiefs of Police

DeRay McKesson, This is the Movement

Steve Spiker, Research and Technology Director, Urban Strategies Council

Lauri Stevens, Founder and Principal Consultant, LAWS Communications

Listening Session 4. Community Policing & Crime Reduction

Phoenix, Arizona, February 13, 2015

Panel One: Community Policing and Crime Prevention Research

Bill Geller, Director, Geller & Associates

Dr. Delores Jones-Brown, Professor, John Jay College of Criminal Justice, City University of New York

Dr. Dennis Rosenbaum, Professor, University of Illinois at Chicago

Dr. Wesley G. Skogan, Professor, Northwestern University

Panel Two: Building Community Policing Organizations

Anthony Batts, Police Commissioner, Baltimore Police Department

Jeffrey Blackwell, Chief, Cincinnati (Ohio) Police Department

Chris Magnus, Chief, Richmond (California) Police Department

Patrick Melvin, Chief, Salt River Police Department (Salt River Pima-Maricopa Indian Community)

Panel Three: Using Community Policing to Reduce Crime

Kevin Bethel, Deputy Police Commissioner, Philadelphia Police Department

Melissa Jones, Senior Program Officer, Boston's Local Initiatives Support Corporation

David Kennedy, Professor, John Jay College of Criminal Justice, City University of New York

J. Scott Thomson, Chief, Camden County (New Jersey) Police Department

George Turner, Chief, Atlanta Police Department

Panel Four: Using Community Policing to Restore Trust

Rev. Jeff Brown, Rebuilding Every City Around Peace

Dwayne Crawford, Executive Director, National Organization of Black Law Enforcement Executives

Justin Hansford, Assistant Professor of Law, Saint Louis University School of Law

Cecil Smith, Chief, Sanford (Florida) Police Department

Panel Five: Youth and Law Enforcement

Delilah Coleman, Member, Navajo Nation (Senior at Flagstaff High School)

Jose Gonzales, Alumnus, Foster Care and Crossover Youth

Jamecia Luckey, Youth Conference Committee Member, Cocoa (Florida) Police Athletic League

Nicholas Peart, Staff Member, The Brotherhood-Sister Sol (Class Member, *Floyd, et al. v. City of New York, et al.*)

Michael Reynolds, Co-President, Youth Power Movement

Listening Session 5. Training & Education

Phoenix, Arizona, February 14, 2015

Panel One: Basic Recruit Academy

Arlen Ciechanowski, President, International Association of Directors of Law Enforcement Standards and Training

William J. Johnson, Executive Director, National Association of Police Organizations

Benjamin B. Tucker, First Deputy Commissioner, New York City Police Department

Dr. Steven Winegar, Coordinator, Public Safety Leadership Development, Oregon Department of Public Safety Standards and Training

Panel Two: In-Service Training

Dr. Scott Decker, Professor, Arizona State University

Aaron Danielson, President, Public Safety Employee Association/AFSCME Local 803, Fairbanks, Alaska

Dr. Cheryl May, Director, Criminal Justice Institute and National Center for Rural Law Enforcement

John Ortolano, President, Arizona Fraternal Order of Police

Gary Schofield, Deputy Chief, Las Vegas Metropolitan Police Department

Panel Three: Supervisory, Leadership and Management Training

Edward Flynn, Chief, Milwaukee (Wisconsin) Police Department

Sandra Hutchens, Sheriff, Orange County (California) Sheriff's Department

Kimberly Jacobs, Chief, Columbus (Ohio) Division of Police

John Layton, Sheriff, Marion County (Indiana) Sheriff's Office

Dr. Ellen Scrivner, Executive Fellow, Police Foundation

Panel Four: Voices in the Community

Allie Bones, MSW, Chief Executive Officer, Arizona Coalition to End Sexual and Domestic Violence

Renaldo Fowler, Senior Staff Advocate, Arizona Center for Disability Law

Keeshan Harley, Member, Communities United for Police Reform

Andrea Ritchie, Senior Policy Counsel, Streetwise and Safe

Linda Sarsour, Executive Director, Arab American Association of New York

Panel Five: Special Training on Building Trust

Lt. Sandra Brown (retired), Principal Trainer, Fair and Impartial Policing

Dr. Randolph Dupont, Professor and Clinical Psychologist, University of Memphis

David C. Friedman, Regional Director of National Law Enforcement Initiatives, Anti-Defamation League

Lt. Bruce Lipman (retired), Procedural Justice /Police Legitimacy Training

Dr. Ronal Serpas, Advisory Board Member, Cure Violence Chicago

Listening Session 6. Officer Safety & Wellness

Washington, D.C., February 23, 2015

Panel One: Officer Wellness

Dr. Laurence Miller, Clinical Forensic Psychologist and Law Enforcement Educator

David Orr, Sergeant, Norwalk (Connecticut) Police Department

Dr. Sandra Ramey, Assistant Professor, University of Iowa College of Nursing

Dr. John Violanti, Research Professor, State University of New York Buffalo

Yost Zakhary, Public Safety Director, City of Woodway, Texas

Panel Two: Officer Safety

Jane Castor, Chief, Tampa (Florida) Police Department

Jerry L. Demings, Sheriff, Orange County (Florida) Sheriff's Office

Dr. Alexander L. Eastman, Lieutenant and Deputy Medical Director, Dallas Police Department

Craig W. Floyd, Chairman and Chief Executive Officer, National Law Enforcement Officers Memorial Fund

Panel Three: Voices from the Field

Dianne Bernhard, Executive Director, Concerns of Police Survivors

Robert Bryant, Chief, Penobscot Nation

Chuck Canterbury, National President, Fraternal Order of Police

William J. Johnson, Executive Director, National Association of Police Organizations

Jonathan Thompson, Executive Director, National Sheriffs' Association

Panel Four: Labor/Management Relations

Dr. Chuck Wexler, Executive Director, Police Executive Research Forum

Karen Freeman-Wilson, Mayor, Gary, Indiana

Mark Magaw, Chief, Prince George's County (Maryland) Police Department

James Pasco, Executive Director, Fraternal Order of Police

Dustin Smith, President, Sacramento (California) Police Officers Association

Listening Session 7. Future of Community Policing

Washington, D.C., February 24, 2015

Panel: Future of Community Policing

Dr. Phillip Goff, Professor, University of California, Los Angeles

Jim McDonnell, Sheriff, Los Angeles County Sheriff's Department

Dr. Daniel Nagin, Teresa and H. John Heinz III Professor of Public Policy, Carnegie Mellon University

Dr. Lawrence Sherman, Director of the Institute of Criminology of the University of Cambridge, United Kingdom

Jeremy Travis, President, John Jay College of Criminal Justice, City University of New York

APPENDIX B. INDIVIDUALS & ORGANIZATIONS THAT SUBMITTED WRITTEN TESTIMONY

In addition to receiving testimony from those individuals that appeared as witnesses during public listening sessions, the President's Task Force on 21st Century Policing accepted written testimony from any individual or organization to ensure that its information gathering efforts included as many people and perspectives as possible. The task force thanks the individuals and organizations who submitted written testimony for their time and expertise.

This list reflects organizational affiliation at the time of testimony submission and may not represent submitters' current positions.

Individuals

Robert Abraham, Chair, Gang Resistance Education & Training (GREAT) National Policy Board

Phillip Agnew, Executive Director, Dream Defenders

Kilolo Ajanaku, National Executive Director, World Conference of Mayors' Dr. Martin Luther King, Jr. American Dream Initiative

Barbara Attard, Past President, National Association for Civilian Oversight of Law Enforcement

Paul Babeu, Vice President, Arizona Sheriffs Association

Monifa Bandle, Communities United for Police Reform

Dante Barry, Executive Director, Million Hoodies

David Bayley, Distinguished Professor Emeritus, University of Albany

Michael Bell, Lt. Colonel (retired), United States Air Force

Michael Berkow, Chief, Savannah (Georgia) Police Department

Greg Berman and **Emily Gold LaGratta**, Center for Court Innovation

Angela Glover Blackwell, Founder and CEO, PolicyLink

Mark Bowman, Assistant Professor of Justice Studies, Methodist University

Eli Briggs, Director of Government Affairs, National Association of County and City Health Officials (NACCHO)

Cherie Brown, Executive Director, National Coalition Building Institute

Steven Brown, Journalist / Public Relations Consultant

Chris Calabrese, Senior Policy Director, Center for Democracy and Technology—with **Jake Laperruque**, Fellow on Privacy, Surveillance, and Security

Melanie Campbell, President and CEO, National Coalition on Black Civic Participation

Mo Canady, Executive Director, National Association of School Resource Officers (NASRO)

Hugh Carter Donahue, Adjunct Professor, Department of History, Rowan University

Anthony Chapa, President, Hispanic American Police Command Officers Association

Lorig Charkoudian, Executive Director, Community Mediation Maryland

Ralph Clark, President and CEO, SST Inc.

Faye Coffield, CJ Federal Task Force

The Hon. LaDoris Cordell, Office of the Independent Police Auditor, San Jose, California

Jill Corson Lake, Director of Global Advising, Parsons The New School for Design

David Couper, Chief of Police (retired), Madison (Wisconsin) Police Department

Madeline deLone, Executive Director, The Innocence Project—with **Marvin Anderson**, Board Member

Jimmie Dotson, Police Chief (retired), Houston Independent School District / GeoDD GeoPolicing Team

Ronnie Dunn, Professor, Cleveland State University

Lauren-Brooke Eisen and **Nicole Fortier**—Counsel, Justice Program, Brennan Center for Justice at NYU School of Law

Christian Ellis, CEO, Alternative Ballistics

Jeffrey Fagan, Professor of Law, Columbia Law School

Mai Fernandez, Executive Director, National Center for Victims of Crime

Johnny Ford, Founder, Alabama Conference of Black Mayors and Mayor, Tuskegee, Alabama

Lisa Foster, Director, Access to Justice Initiative, U.S. Department of Justice

Neill Franklin, Executive Director, Law Enforcement Against Prohibition

S. Gabrielle Frey, Interim Executive Director, National Association of Community Mediation

Lorie Fridell, Associate Professor of Criminology, University of South Florida

Allen Frimpong, Activist—Malcolm X Grassroots Movement: New York's Self Defensive Campaign

Ethan Garcia, Youth Specialist, Identity Inc.

Michael Gennaco, Principal, OIR Group

Al Gerhardstein, Civil Rights Attorney

James Gierach, Executive Board Vice Chairman, Law Enforcement Against Prohibition

Fred Ginyard, Organizing Director, Fabulous Independent Educated Radical for Community Empowerment (FIERCE)

Mark Gissiner, Past President, International Association for Civilian Oversight of Law Enforcement

Becca Gomby, SDR Academy

Rev. Aaron Graham, Lead Pastor, The District Church

Fatima Graves, Vice President, National Women's Law Center—with **Lara S. Kaufmann**, Senior Counsel and Director of Education Policy for At-Risk Students

Virgil Green, Chairman, Future America National Crime Solution Commission

Sheldon Greenberg, Professor, School of Education, Division of Public Safety Leadership, The Johns Hopkins University

Robert Haas, Police Commissioner, Cambridge (Massachusetts) Police Department

David Harris, Distinguished Faculty Scholar and Professor of Law Associates Dean for Research, University of Pittsburgh School of Law

W. Craig Hartley, Executive Director, CALEA

Steven Hawkins, Executive Director, Amnesty International USA

Louis Hayes, The Virtus Group, Inc.

Wade Henderson, President and CEO, The Leadership Conference on Civil and Human Rights—with **Nancy Zirkin**, Executive Vice President

Maulin Chris Herring, Trainer/Consultant, Public Safety

Sandy Holman, Director, The Culture CO-OP

Zachary Horn and **Kent Halverson**, Aptima, Inc.—with **Rebecca Damari** and **Aubrey Logan-Terry**, Georgetown University

Tanya Clay House, Director of Public Policy, Lawyers' Committee for Civil Rights Under Law

Susan Hutson, Office of the Independent Police Monitor, New Orleans

Ingram Janaye, Executive Director, National Action Network

Melanie Jeffers

Megan Johnston, Executive Director, Northern Virginia Mediation Service

Nola Joyce, Deputy Commissioner, Philadelphia Police Department

Keith Kauffman, Captain, Hawthorne (California) Police Department

Gwendolyn Puryear Keita, Executive Director, American Psychological Association, Public Interest Directorate

Stanley Knee, Chief, Austin (Texas) Police Department

Laura Kunard, Senior Research Scientist, CNA Corporation

David Kurz, Chief, Durham (New Hampshire) Police Department

Deborah Lauter, Director of Civil Rights, Anti-Defamation League—with **Michael Lieberman**, Washington Counsel

Cynthia Lum and **Christopher Koper**, George Mason University, Center for Evidence-Based Crime Policy

Bruce Lumpkins

Edward Maguire, Professor of Justice, Law & Criminology, American University

Baron Marquis, Member, Riverside Church, New York

Travis Martinez, Lieutenant, Redlands (California) Police Department

Mike Masterson, Chief, Boise (Idaho) Police Department

Andrew Mazzara, Executive Director, International Law Enforcement Forum—with **Colin Burrows** QMP (U.K.), ILEF Advisory Board Chair

R. Paul McCauley, Past President, Academy of Criminal Justice Sciences

V. Michael McKenzie

Harvey McMurray, Chair, Department of Criminal Justice, North Carolina Central University

Pamela Meanes, President, National Bar Association

Doug Mellis, President, Massachusetts Chiefs of Police Association—with **Brian Kyes**, President, Massachusetts Major City Chiefs Association

Seth Miller, President, The Innocence Network

Charlene Moe, Program Coordinator, Center for Public Safety and Justice, Institute of Government and Public Affairs, University of Illinois

Marc Morial, CEO, National Urban League

Richard Myers, Chief, Newport News (Virginia) Police Department

Toye Nash, Sergeant, Phoenix Police Department

Rebecca Neri and **Anthony Berryman** — UCLA Improvement by Design Research Group

Chuck Noerenberg, President, National Alliance for Drug Endangered Children

Newell Normand, Sheriff, Jefferson Parish (Louisiana) Sheriff's Office—submitted with **Adrian Garcia**, Sheriff, Harris County (Texas) Sheriff's Office; **David Mahoney**, Sheriff, Dane County (Wisconsin) Sheriff's Office; **Anthony Normore**, Ph.D., Criminal Justice Commission for Credible Leadership Development; and **Mitch Javidi**, Ph.D., International Academy of Public Safety

Gbadegesin Olubukola, St. Louis University

Patrice O'Neill, CEO/Executive Producer, Not In Our Town

Jim Palmer, Executive Director, Wisconsin Professional Police Association

Julie Parker, Media Relations Division Director, Prince George's County (Maryland) Police Department

George Patterson, Associate Professor, City University of New York

David Perry, President, International Association of Campus Law Enforcement Administrators (IACLEA)

Megan Price, Director, Insight Conflict Resolution Program, School for Conflict Analysis and Resolution, George Mason University

Sue Quinn, Past President, National Association for Civilian Oversight of Law Enforcement

Tess Raser, Teacher, Brooklyn, New York

Darakshan Raja, Program Manager, Washington Peace Center

Sir Desmond Rea and **Robin Masefield**, Northern Ireland Policing Board

Nuno Rocha

Edwin Roessler, Jr., Chief, Fairfax County (Virginia) Police Department

Jeffrey Rojek, University of Texas at El Paso

Iris Roley, Black United Front of Cincinnati

Julia Ryan, Community Safety Initiative Director, LISC

Robert Samuels, Former Acting Director, DOJ Executive Office for Weed and Seed

Kami Chavis Simmons, Professor of Law and Director of the Criminal Justice Program, Wake Forest University School of Law

Russell Skiba, Professor and Director, Equity Project at Indiana University

Ronald Sloan, President, Association of State Criminal Investigative Agencies

Samuel Somers, Jr., Chief, Sacramento Police Department

Brett Stoudt, Morris Justice Project and Professor, John Jay College of Criminal Justice

"Think Tank Johnny"

Don Tijerina, President, Hispanic American Police Command Officers Association

Nicholas Turner, President and Director, Vera Institute of Justice

James Unnever, Professor of Criminology, University of South Florida

Javier Valdes, Executive Director, Make the Road New York

Kim Vansell, Director, National Center for Campus Public Safety

Nina Vinik, Program Director, Gun Violence Prevention, The Joyce Foundation

Vincent Warren, Executive Director, Center for Constitutional Rights

Barbara Weinstein, Associate Director, Religious Action Center of Reform Judaism

Jenny Yang, Chair, U.S. Equal Employment Opportunity Commission

Organizations

American Friends Service Committee

American Society of Criminology, Division of Policing, Ad Hoc Committee to the President’s Task Force on 21st Century Policing (Anthony Braga, Rod K. Brunson, Gary Cordner, Lorie Fridell, Matthew Hickman, Cynthia Lum, Stephen D. Mastrofski, Jack McDevitt, Dennis P. Rosenbaum, Wesley G. Skogan, and William Terrill)

Brooklyn Defender Services

The Bronx Defenders

Center for Popular Democracy

Civil Rights Coalition on Police Reform

CNA Corporation (George Fachner, Michael D. White, James R. Coldren, Jr., and James K. Stewart)

Color of Change

Dignity in Schools Campaign

Ethics Bureau at Yale (Lawrence Fox, Supervising Lawyer)

Evangelical Lutheran Church in America

Harvard Kennedy School (John F. Kennedy School of Government)

Illinois Coalition for Immigrant and Refugee Rights

Immigrant Defense Project

International Association for Human Values (IAHV) / Works of Wonder International

Latino Justice

Lawyers’ Committee for Civil Rights Under Law (including A. Phillip Randolph Institute, Black Youth Vote, Empowerment Movement, Hip Hop Caucus, Leadership Conference on Civil and Human Rights, Muslim Advocates, National Association for the Advancement of Colored People [NAACP], NAACP Legal Defense Fund, National Coalition on Black Civic Participation, National Council of Churches of Christ in the USA, PICO National Network, and Rainbow PUSH Coalition)

Local Initiatives Support Corporation (LISC)

Major County Sheriffs’ Association

Make the Road New York

National Action Network (NAN)

National Association for Civilian Oversight of Law Enforcement

National Association of Counties

National Association of Police Organizations

National Association of Women Law Enforcement Executives

National Collaborative for Health Equity, Dellums Commission

National Day Laborer Organizing Network

National Immigration Law Center

National Fraternal Order of Police

National Organization of Black Law Enforcement Executives (NOBLE)

National Sheriffs’ Association

New Sanctuary Coalition of New York

Northern Manhattan Coalition for Immigrant Rights

Northwest Immigrant Rights Project

PICO National Network

Public Science Project

Santa Fe College and the Santa Fe College Police Department, Gainesville, Florida

Southern Poverty Law Center

Streetwise & Safe

Team Kids

Works of Wonder International

APPENDIX C. EXECUTIVE ORDER 13684 OF DECEMBER 18, 2014

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to identify the best means to provide an effective partnership between law enforcement and local communities that reduces crime and increases trust, it is hereby ordered as follows:

Section 1. *Establishment.* There is established a President's Task Force on 21st Century Policing (Task Force).

Sec. 2. *Membership.* (a) The Task Force shall be composed of not more than eleven members appointed by the President. The members shall include distinguished individuals with relevant experience or subject-matter expertise in law enforcement, civil rights, and civil liberties.

(b) The President shall designate two members of the Task Force to serve as Co-Chairs.

Sec. 3. *Mission.* (a) The Task Force shall, consistent with applicable law, identify best practices and otherwise make recommendations to the President on how policing practices can promote effective crime reduction while building public trust.

(b) The Task Force shall be solely advisory and shall submit a report to the President by March 2, 2015.

Sec. 4. *Administration.* (a) The Task Force shall hold public meetings and engage with Federal, State, tribal, and local officials, technical advisors, and nongovernmental organizations, among others, as necessary to carry out its mission.

(b) The Director of the Office of Community Oriented Policing Services shall serve as Executive Director of the Task Force and shall, as directed by the Co-Chairs, convene regular meetings of the Task Force and supervise its work.

(c) In carrying out its mission, the Task Force shall be informed by, and shall strive to avoid duplicating, the efforts of other governmental entities.

(d) The Department of Justice shall provide administrative services, funds, facilities, staff, equipment, and other support services as may be necessary for the Task Force to carry out its mission to the extent permitted by law and subject to the availability of appropriations.

(e) Members of the Task Force shall serve without any additional compensation for their work on the Task Force, but shall be allowed travel expenses, including per diem, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C.5701-5707).

Sec. 5. *Termination.* The Task Force shall terminate 30 days after the President requests a final report from the Task Force.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act") may apply to the Task Force, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Attorney General.

THE WHITE HOUSE,
December 18, 2014.

APPENDIX D. TASK FORCE MEMBERS' BIOGRAPHIES

Co-Chairs

Charles Ramsey

Charles Ramsey is the commissioner of the Philadelphia Police Department (PPD), a position he has held since 2008. Since 2010, he has served as president of the Major Cities Chiefs Association and the Police Executive Research Forum. Commissioner Ramsey began his law enforcement career in 1968 as a cadet with the Chicago Police Department (CPD). Over the next 30 years, he held various positions with the CPD, including commander of the Narcotics Division, deputy chief of the Patrol Division, and deputy superintendent, a role he held from 1994 to 1998. In 1998, he was named chief of the Metropolitan Police Department of the District of Columbia (MPDC), where he served until early 2007. In 2007, Commissioner Ramsey served on the Independent Commission on Security Forces of Iraq, leading a review of the Iraqi Police Force. In addition to his current role at the PPD, he also serves as a member of the Homeland Security Advisory Council. Commissioner Ramsey received a BS and MS from Lewis University.

Laurie Robinson

Laurie Robinson is the Clarence J. Robinson Professor of Criminology, Law and Society at George Mason University, a position she has held since 2012. She served as assistant attorney general for the Office of Justice Programs (OJP) in the U.S. Department of Justice (DOJ) from 2009 to 2012. Prior to that, Ms. Robinson served as the Principal deputy assistant attorney general for OJP and acting assistant attorney general for OJP. Previously, she was a member of the Obama-Biden Transition Team. From 2003 to 2009, Ms. Robinson was the director of the Master of Science Program in Criminology at the University of Pennsylvania. From 1993 to 2000, she served her first term as assistant attorney general for OJP. Before joining DOJ, Ms. Robinson spent over 20 years with the American Bar Association, serving as assistant staff director of the Criminal Justice Section from 1972 to 1979, director of the Criminal Justice Section from 1979 to 1993, and director of the Professional Services Division from 1986 to 1993. She is a senior fellow at the George Mason University Center for Evidence-Based Crime Policy and serves as co-chair of the Research Advisory Committee for the International Association of Chiefs of Police. She also serves on the board of trustees of the Vera Institute of Justice. Ms. Robinson received a BA from Brown University.

Members

Cedric L. Alexander

Cedric L. Alexander is the deputy chief operating officer for Public Safety in DeKalb County, Georgia, a position he has held since late 2013. Dr. Alexander is also the national president of the National Organization of Black Law Enforcement Executives. In 2013, he served as chief of police for the DeKalb County Police Department. Prior to this, Dr. Alexander served as federal security director for the Transportation Security Administration (TSA) at Dallas/Fort Worth International Airport from 2007 to 2013. And from 2006 to 2007, he was deputy commissioner of the New York State Division of Criminal Justice Services. From 2005 to 2006, Dr. Alexander was chief of the Rochester (New York) Police Department (RPD), where he previously served as deputy chief of police from 2002 to 2005. Before joining RPD, Dr. Alexander was a faculty member in the Department of Psychiatry at the University of Rochester Medical Center from 1998 to 2002. He began his career as a deputy sheriff in Florida from 1977 to 1981, before joining the Miami-Dade Police Department, where he was as an officer and detective from 1981 to 1992. He received a BA and MS from St. Thomas University in Miami, Florida, and a PsyD from Wright State University.

Jose Lopez

Jose Lopez is currently the lead organizer at Make the Road New York (MRNY), a Brooklyn-based non-profit community organization focused on civil rights, education reform, and combating poverty. He became lead organizer of MRNY in 2013. Mr. Lopez began his career in 2000 as youth organizer with Make the Road by Walking, which later merged with the Latin American Integration Center to form MRNY in 2007. He continued to serve as youth organizer with MRNY until 2009 when he became senior organizer. Since 2011, Mr. Lopez has represented MRNY on the steering

committee of Communities United for Police Reform, a New York City organization advocating for law enforcement reform. From 2001 to 2004, he was an active contributor to the Radio Rookies Project, an initiative of New York Public Radio. He received a BA from Hofstra University.

Tracey L. Meares

Tracey Meares is the Walton Hale Hamilton Professor of Law at Yale Law School, a position she has held since 2007. From 2009 to 2011, she also served as deputy dean of Yale Law School. Before joining the faculty at Yale, she served as a professor at the University of Chicago Law School from 1995 to 2007. She has served on the Committee on Law and Justice, a National Research Council Standing Committee of the National Academy of Sciences. She was appointed by Attorney General Eric Holder to serve on the inaugural U.S. Department of Justice, Office of Justice Programs Science Advisory Board. She also currently serves on the board of directors of the Joyce Foundation. Ms. Meares began her legal career as a law clerk for Judge Harlington Wood, Jr. of the U.S. Court of Appeals for the Seventh Circuit. She later served as a trial attorney in the Antitrust Division at the U.S. Department of Justice. Ms. Meares received a BS from the University of Illinois and a JD from the University of Chicago Law School.

Brittany N. Packnett

Brittany Packnett is currently executive director of Teach For America in St. Louis, Missouri, a position she has held since 2012. From 2010 to 2012, she was a director on the Government Affairs Team at Teach For America. Ms. Packnett was a legislative assistant for the U.S. House of Representatives from 2009 to 2010. From 2007 to 2009, she was a third grade teacher in Southeast Washington, D.C., as a member of the Teach For America Corps. Ms. Packnett has volunteered as executive director

of Dream Girls DMV, a mentoring program for young girls, and was the founding co-chair of The Collective-DC, a regional organization for Teach For America alumni of color. She currently serves on the board of New City School, the COCA (Center of Creative Arts) Associate Board, the Urban League of Metro St. Louis Education Committee, and the John Burroughs School Board Diversity Committee. Ms. Packnett received a BA from Washington University in St. Louis and an MA from American University.

Susan Lee Rahr

Susan Rahr is executive director of the Washington State Criminal Justice Training Commission, a position she has held since 2012. From 2005 to 2012, she served as the first female sheriff in King County, Washington. Ms. Rahr spent over 30 years as a law enforcement officer, beginning as a patrol officer and undercover narcotics officer. While serving with the King County Sheriff's Office, she held various positions including serving as the commander of the Internal Investigations and Gang Units; commander of the Special Investigations Section; and police chief of Shoreline, Washington. Ms. Rahr received a BA from Washington State University. She has served as a member of the National Institute of Justice and Harvard Kennedy School Executive Session on Policing and Public Safety; president of the Washington State Association of Sheriffs and Police Chiefs, and an executive board member of the National Sheriffs' Association.

Constance Rice

Constance Rice is a civil rights attorney and co-director of the Advancement Project, an organization she co-founded in 1999. In 2003, Ms. Rice was selected to lead the Blue Ribbon Rampart Review Panel, which investigated the largest police corruption scandal in Los Angeles Police Department history. In 1991, Ms. Rice joined the NAACP Legal Defense and Educational Fund, and she became co-director of the Los Angeles office in 1996. She was previously an associate at Morrison & Foerster and began her legal career as a law clerk to Judge Damon J. Keith of the U.S. Court of Appeals for the Sixth Circuit. Ms. Rice received a BA from Harvard College and a JD from the New York University School of Law.

Sean Michael Smoot

Sean Smoot is currently director and chief counsel for the Police Benevolent & Protective Association of Illinois (PB&PA) and the Police Benevolent Labor Committee (PBLC), positions he has held since 2000. He began his career with PB&PA and PBLC as a staff attorney in 1995, before becoming chief counsel of both organizations in 1997. Since 2001, Mr. Smoot has served as the treasurer of the National Association of Police Organizations and has served on the Advisory Committee for the National Law Enforcement Officers' Rights Center since 1996. From 2008 to 2009, he was a policy advisor to the Obama-Biden Transition Project on public safety and state and local police issues and was a member of the National Institute of Justice and Harvard Kennedy School of Government Executive Session on Policing and Public Safety from 2008 to 2011. Mr. Smoot served as police commissioner of Leland Grove, Illinois, from 1998 to 2008. He received a BS from Illinois State University and a JD from Southern Illinois University School of Law.

Bryan Stevenson

Bryan Stevenson is founder and executive director of the Equal Justice Initiative (EJI), a private, non-profit organization headquartered in Montgomery, Alabama. In addition to directing the EJI since 1989, he is a clinical professor at New York University School of Law. He previously has served as a visiting professor of law at the University of Michigan School of Law. Mr. Stevenson has received the American Bar Association's Wisdom Award for public service, the ACLU's National Medal of Liberty, and the MacArthur Foundation "Genius" Award Prize. Mr. Stevenson received a BA from Eastern College (now Eastern University), a JD from Harvard Law School, and an MPP from the John F. Kennedy School of Government at Harvard University.

Roberto Villaseñor

Roberto Villaseñor is chief of police for the Tucson (Arizona) Police Department (TPD), a position he has held since 2009. He joined the TPD in 1980 and has served as officer, sergeant, lieutenant, and captain and as assistant chief from 2000 to 2009. Chief Villaseñor was named Officer of the Year for the TPD in 1996 and has been awarded the TPD Medal of Merit three times. He also received the TPD Medal of Distinguished Service. Chief Villaseñor is the incoming president of the Arizona Association of Chiefs of Police and a board member of the Police Executive Research Forum (PERF). He received a BS from Park University and a MEd from Northern Arizona University.

APPENDIX E. RECOMMENDATIONS AND ACTIONS

0.1 OVERARCHING RECOMMENDATION:

The President should support and provide funding for the creation of a National Crime and Justice Task Force to review and evaluate all components of the criminal justice system for the purpose of making recommendations to the country on comprehensive criminal justice reform.

0.2 OVERARCHING RECOMMENDATION:

The President should promote programs that take a comprehensive and inclusive look at community-based initiatives that address the core issues of poverty, education, health, and safety.

1.1 RECOMMENDATION: Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.

1.2 RECOMMENDATION: Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.

1.2.1 ACTION ITEM: The U.S. Department of Justice should develop and disseminate case studies that provide examples where past injustices were publicly acknowledged by law enforcement agencies in a manner to help build community trust.

1.3 RECOMMENDATION: Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.

1.3.1 ACTION ITEM: To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department's website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics.

1.3.2 ACTION ITEM: When serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrally, respecting areas where the law requires confidentiality.

1.4 RECOMMENDATION: Law enforcement agencies should promote legitimacy internally within the organization by applying the principles of procedural justice.

1.4.1 ACTION ITEM: In order to achieve internal legitimacy, law enforcement agencies should involve employees in the process of developing policies and procedures.

1.4.2 ACTION ITEM: Law enforcement agency leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing

additional importance on values adherence rather than adherence to rules. Union leadership should be partners in this process.

1.5 RECOMMENDATION: Law enforcement agencies should proactively promote public trust by initiating positive nonenforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.

1.5.1 ACTION ITEM: In order to achieve external legitimacy, law enforcement agencies should involve the community in the process of developing and evaluating policies and procedures.

1.5.2 ACTION ITEM: Law enforcement agencies should institute residency incentive programs such as Resident Officer Programs.

1.5.3 ACTION ITEM: Law enforcement agencies should create opportunities in schools and communities for positive nonenforcement interactions with police. Agencies should also publicize the beneficial outcomes and images of positive, trust-building partnerships and initiatives.

1.5.4 ACTION ITEM: Use of physical control equipment and techniques against vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others—can undermine public trust and should be used as a last resort. Law enforcement agencies should carefully consider and review their policies towards these populations and adopt policies if none are in place.

1.6 RECOMMENDATION: Law enforcement agencies should consider the potential damage to public trust when implementing crime fighting strategies.

1.6.1 ACTION ITEM: Research conducted to evaluate the effectiveness of crime fighting strategies should specifically look at the potential for collateral damage of any given strategy on community trust and legitimacy.

1.7 RECOMMENDATION: Law enforcement agencies should track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust.

1.7.1 ACTION ITEM: The Federal Government should develop survey tools and instructions for use of such a model to prevent local departments from incurring the expense and to allow for consistency across jurisdictions.

1.8 RECOMMENDATION: Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.

1.8.1 ACTION ITEM: The Federal Government should create a Law Enforcement Diversity Initiative designed to help communities diversify law enforcement departments to reflect the demographics of the community.

1.8.2 ACTION ITEM: The department overseeing this initiative should help localities learn best practices for recruitment, training, and outreach to improve the diversity as well as the cultural and linguistic responsiveness of law enforcement agencies.

1.8.3 ACTION ITEM: Successful law enforcement agencies should be highlighted and celebrated and those with less diversity should be offered technical assistance to facilitate change.

1.8.4 ACTION ITEM: Discretionary federal funding for law enforcement programs could be influenced by that department's efforts to improve their diversity and cultural and linguistic responsiveness.

1.8.5 ACTION ITEM: Law enforcement agencies should be encouraged to explore more flexible staffing models.

1.9 RECOMMENDATION: Law enforcement agencies should build relationships based on trust with immigrant communities. This is central to overall public safety.

1.9.1 ACTION ITEM: Decouple federal immigration enforcement from routine local policing for civil enforcement and nonserious crime.

1.9.2 ACTION ITEM: Law enforcement agencies should ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system.

1.9.3 ACTION ITEM: The U.S. Department of Justice should not include civil immigration information in the FBI's National Crime Information Center database.

2.1 RECOMMENDATION: Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation.

2.1.1 ACTION ITEM: The Federal Government should incentivize this collaboration through a variety of programs that focus on public health, education, mental health, and other programs not traditionally part of the criminal justice system.

2.2 RECOMMENDATION: Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.

2.2.1 ACTION ITEM: Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.

2.2.2 ACTION ITEM: These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

2.2.3 ACTION ITEM: The task force encourages policies that mandate the use of external and independent prosecutors in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

2.2.4 ACTION ITEM: Policies on use of force should also require agencies to collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody death.

2.2.5 ACTION ITEM: Policies on use of force should clearly state what types of information will be released, when, and in what situation, to maintain transparency.

2.2.6 ACTION ITEM: Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed.

2.3 RECOMMENDATION: Law enforcement agencies are encouraged to implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations.

2.4 RECOMMENDATION: Law enforcement agencies are encouraged to adopt identification procedures that implement scientifically supported practices that eliminate or minimize presenter bias or influence.

2.5 RECOMMENDATION: All federal, state, local, and tribal law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data.

2.5.1 ACTION ITEM: The Bureau of Justice Statistics should add additional demographic questions to the Law Enforcement Management and Administrative Statistics (LEMAS) survey in order to meet the intent of this recommendation.

2.6 RECOMMENDATION: Law enforcement agencies should be encouraged to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests). This data should be disaggregated by school and non-school contacts.

2.6.1 ACTION ITEM: The Federal Government could further incentivize universities and other organizations to partner with police departments to collect data and develop knowledge about analysis and benchmarks as well as to develop tools and templates that help departments manage data collection and analysis.

2.7 RECOMMENDATION: Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.

2.7.1 ACTION ITEM: Law enforcement agency policies should address procedures for implementing a layered response to mass demonstrations that prioritize de-escalation and a guardian mindset.

2.7.2 ACTION ITEM: The Federal Government should create a mechanism for investigating complaints and issuing sanctions regarding the inappropriate use of equipment and tactics during mass demonstrations.

2.8 RECOMMENDATION: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.

2.8.1 ACTION ITEM: The U.S. Department of Justice, through its research arm, the National Institute of Justice (NIJ), should expand its research agenda to include civilian oversight.

2.8.2 ACTION ITEM: The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.

2.9 RECOMMENDATION: Law enforcement agencies and municipalities should refrain from practices requiring officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate

investigative contacts with citizens for reasons not directly related to improving public safety, such as generating revenue.

2.10 RECOMMENDATION: Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances.

2.11 RECOMMENDATION: Law enforcement agencies should adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted.

2.11.1 ACTION ITEM: One example of how to do this is for law enforcement officers to carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office, or board. These cards would be easily distributed in all encounters.

2.12 RECOMMENDATION: Law enforcement agencies should establish search and seizure procedures related to LGBTQ and transgender populations and adopt as policy the recommendation from the President's Advisory Council on HIV/AIDS (PACHA) to cease using the possession of condoms as the sole evidence of vice.

2.13 RECOMMENDATION: Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

2.13.1 ACTION ITEM: The Bureau of Justice Statistics should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the Police Public Contact Survey.

2.13.2 ACTION ITEM: The Centers for Disease Control should add questions concerning sexual harassment of and misconduct toward community members, and in particular LGBTQ and gender-nonconforming people, by law enforcement officers to the National Intimate Partner and Sexual Violence Survey.

2.13.3 ACTION ITEM: The U.S. Department of Justice should promote and disseminate guidance to federal, state, and local law enforcement agencies on documenting, preventing, and addressing sexual harassment and misconduct by local law enforcement agents, consistent with the recommendations of the International Association of Chiefs of Police.

2.14 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services and Office of Justice Programs, should provide technical assistance and incentive funding to jurisdictions with small police agencies that take steps towards shared services, regional training, and consolidation.

2.15 RECOMMENDATION: The U.S. Department of Justice, through the Office of Community Oriented Policing Services, should partner with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories.

3.1 RECOMMENDATION: The U.S. Department of Justice, in consultation with the law enforcement field, should broaden the efforts of the National Institute of Justice to establish national standards for the research and development of new technology. These standards should also address compatibility and interoperability needs both within law enforcement agencies and across agencies and jurisdictions and maintain civil and human rights protections.

3.1.1 ACTION ITEM: The Federal Government should support the development and delivery of training to help law enforcement agencies learn, acquire, and implement technology tools and tactics that are consistent with the best practices of 21st century policing.

3.1.2 ACTION ITEM: As part of national standards, the issue of technology's impact on privacy concerns should be addressed in accordance with protections provided by constitutional law.

3.1.3 ACTION ITEM: Law enforcement agencies should deploy smart technology that is designed to prevent the tampering with or manipulating of evidence in violation of policy.

3.2 RECOMMENDATION:

The implementation of appropriate technology by law enforcement agencies should be designed considering local needs and aligned with national standards.

3.2.1 ACTION ITEM: Law enforcement agencies should encourage public engagement and collaboration, including the use of community advisory bodies, when developing a policy for the use of a new technology.

3.2.2 ACTION ITEM: Law enforcement agencies should include an evaluation or assessment process to gauge the effectiveness of any new technology, soliciting input from all levels of the agency, from line officer to leadership, as well as assessment from members of the community.

3.2.3 ACTION ITEM: Law enforcement agencies should adopt the use of new technologies that will help them better serve people with special needs or disabilities.

3.3 RECOMMENDATION: The U.S. Department of Justice should develop best practices that can be adopted by state legislative bodies to govern the acquisition, use, retention, and dissemination of auditory, visual, and biometric data by law enforcement.

3.3.1 ACTION ITEM: As part of the process for developing best practices, the U.S. Department of Justice should consult with civil rights and civil liberties organizations, as well as law enforcement research groups and other experts, concerning the constitutional issues that can arise as a result of the use of new technologies.

3.3.2 ACTION ITEM: The U.S. Department of Justice should create toolkits for the most effective and constitutional use of multiple forms of innovative technology that will provide state, local, and tribal law enforcement agencies with a one-stop clearinghouse of information and resources.

3.3.3 ACTION ITEM: Law enforcement agencies should review and consider the Bureau of Justice Assistance's (BJA) Body Worn Camera Toolkit to assist in implementing BWCs.

3.4 RECOMMENDATION: Federal, state, local, and tribal legislative bodies should be encouraged to update public record laws.

3.5 RECOMMENDATION: Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access.

3.6 RECOMMENDATION: The Federal Government should support the development of new "less than lethal" technology to help control combative suspects.

3.6.1 ACTION ITEM: Relevant federal agencies, including the U.S. Departments of Defense and Justice, should expand their efforts to study the development and use of new less than lethal technologies and evaluate their impact on public safety, reducing lethal violence against citizens, constitutionality, and officer safety.

3.7 RECOMMENDATION: The Federal Government should make the development and building of segregated radio spectrum

and increased bandwidth by FirstNet for exclusive use by local, state, tribal, and federal public safety agencies a top priority.

4.1 RECOMMENDATION: Law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.

4.1.1 ACTION ITEM: Law enforcement agencies should consider adopting preferences for seeking “least harm” resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions.

4.2 RECOMMENDATION: Community policing should be infused throughout the culture and organizational structure of law enforcement agencies.

4.2.1 ACTION ITEM: Law enforcement agencies should evaluate officers on their efforts to engage members of the community and the partnerships they build. Making this part of the performance evaluation process places an increased value on developing partnerships.

4.2.2 ACTION ITEM: Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities.

4.2.3 ACTION ITEM: The U.S. Department of Justice and other public and private entities should support research into the factors that have led to dramatic successes in crime reduction in some communities through the infusion of

non-discriminatory policing and to determine replicable factors that could be used to guide law enforcement agencies in other communities.

4.3 RECOMMENDATION: Law enforcement agencies should engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors.

4.3.1 ACTION ITEM: The U.S. Department of Justice should collaborate with others to develop and disseminate baseline models of this crisis intervention team approach that can be adapted to local contexts.

4.3.2 ACTION ITEM: Communities should look to involve peer support counselors as part of multidisciplinary teams when appropriate. Persons who have experienced the same trauma can provide both insight to the first responders and immediate support to individuals in crisis.

4.3.3 ACTION ITEM: Communities should be encouraged to evaluate the efficacy of these crisis intervention team approaches and hold agency leaders accountable for outcomes.

4.4 RECOMMENDATION: Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all, especially the most vulnerable.

4.4.1 ACTION ITEM: Because offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the importance of language used and adopt policies directing officers to speak to individuals with respect.

4.4.2 ACTION ITEM: Law enforcement agencies should develop programs that create opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders.

4.5 RECOMMENDATION: Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.

4.5.1 ACTION ITEM: Law enforcement agencies should schedule regular forums and meetings where all community members can interact with police and help influence programs and policy.

4.5.2 ACTION ITEM: Law enforcement agencies should engage youth and communities in joint training with law enforcement, citizen academies, ride-alongs, problem solving teams, community action teams, and quality of life teams.

4.5.3 ACTION ITEM: Law enforcement agencies should establish formal community/citizen advisory committees to assist in developing crime prevention strategies and agency policies as well as provide input on policing issues.

4.5.4 ACTION ITEM: Law enforcement agencies should adopt community policing strategies that support and work in concert with economic development efforts within communities.

4.6 RECOMMENDATION: Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities.

4.6.1 ACTION ITEM: Education and criminal justice agencies at all levels of government should work together to reform policies and procedures that push children into the juvenile justice system.

4.6.2 ACTION ITEM: In order to keep youth in school and to keep them from criminal and violent behavior, law enforcement agencies should work with schools to encourage the creation of alternatives to student suspensions and expulsion through restorative justice, diversion, counseling, and family interventions.

4.6.3 ACTION ITEM: Law enforcement agencies should work with schools to encourage the use of alternative strategies that involve youth in decision making, such as restorative justice, youth courts, and peer interventions.

4.6.4 ACTION ITEM: Law enforcement agencies should work with schools to adopt an instructional approach to discipline that uses interventions or disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning.

4.6.5 ACTION ITEM: Law enforcement agencies should work with schools to develop and monitor school discipline policies with input and collaboration from school personnel, students,

families, and community members. These policies should prohibit the use of corporal punishment and electronic control devices.

4.6.6 ACTION ITEM: Law enforcement agencies should work with schools to create a continuum of developmentally appropriate and proportional consequences for addressing ongoing and escalating student misbehavior after all appropriate interventions have been attempted.

4.6.7 ACTION ITEM: Law enforcement agencies should work with communities to play a role in programs and procedures to reintegrate juveniles back into their communities as they leave the juvenile justice system.

4.6.8 ACTION ITEM: Law enforcement agencies and schools should establish memoranda of agreement for the placement of School Resource Officers that limit police involvement in student discipline.

4.6.9 ACTION ITEM: The Federal Government should assess and evaluate zero tolerance strategies and examine the role of reasonable discretion when dealing with adolescents in consideration of their stages of maturation or development.

4.7 RECOMMENDATION: Communities need to affirm and recognize the voices of youth in community decision making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions.

4.7.1 ACTION ITEM: Communities and law enforcement agencies should restore and build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police.

4.7.2 ACTION ITEM: Communities should develop community- and school-based evidence-based programs that mitigate punitive and authoritarian solutions to teen problems.

5.1 RECOMMENDATION: The Federal Government should support the development of partnerships with training facilities across the country to promote consistent standards for high quality training and establish training innovation hubs.

5.1.1 ACTION ITEM: The training innovation hubs should develop replicable model programs that use adult-based learning and scenario-based training in a training environment modeled less like boot camp. Through these programs the hubs would influence nationwide curricula, as well as instructional methodology.

5.1.2 ACTION ITEM: The training innovation hubs should establish partnerships with academic institutions to develop rigorous training practices, evaluation, and the development of curricula based on evidence-based practices.

5.1.3 ACTION ITEM: The Department of Justice should build a stronger relationship with the International Association of Directors of Law Enforcement (IADLEST) in order to leverage their network with state boards and commissions of Peace Officer Standards and Training (POST).

5.2 RECOMMENDATION: Law enforcement agencies should engage community members in the training process.

5.2.1 ACTION ITEM: The U.S. Department of Justice should conduct research to develop and disseminate a toolkit on how law enforcement agencies and training programs can integrate community members into this training process.

5.3 RECOMMENDATION: Law enforcement agencies should provide leadership training to all personnel throughout their careers.

5.3.1 ACTION ITEM: Recognizing that strong, capable leadership is required to create cultural transformation, the U.S. Department of Justice should invest in developing learning goals and model curricula/training for each level of leadership.

5.3.2 ACTION ITEM: The Federal Government should encourage and support partnerships between law enforcement and academic institutions to support a culture that values ongoing education and the integration of current research into the development of training, policies, and practices.

5.3.3 ACTION ITEM: The U.S. Department of Justice should support and encourage cross-discipline leadership training.

5.4 RECOMMENDATION: The U.S. Department of Justice should develop, in partnership with institutions of higher education, a national postgraduate institute of policing for senior executives with a standardized curriculum preparing them to lead agencies in the 21st century.

5.5 RECOMMENDATION: The U.S. Department of Justice should instruct the Federal Bureau of Investigation to modify the curriculum of the National Academy at Quantico to include prominent coverage of the topical areas addressed in this report. In addition, the COPS Office and the Office of Justice Programs should work with law enforcement professional organizations to encourage modification of their curricula in a similar fashion.

5.6 RECOMMENDATION: POSTs should make Crisis Intervention Training (CIT) a part of both basic recruit and in-service officer training.

5.6.1 ACTION ITEM: Because of the importance of this issue, Congress should appropriate funds to help support law enforcement crisis intervention training.

5.7 RECOMMENDATION: POSTs should ensure that basic officer training includes lessons to improve social interaction as well as tactical skills.

5.8 RECOMMENDATION: POSTs should ensure that basic recruit and in-service officer training include curriculum on the disease of addiction.

5.9 RECOMMENDATION: POSTs should ensure both basic recruit and in-service training incorporates content around recognizing and confronting implicit bias and cultural responsiveness.

5.9.1 ACTION ITEM: Law enforcement agencies should implement ongoing, top down training for all officers in cultural diversity and

related topics that can build trust and legitimacy in diverse communities. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement.

5.9.2 ACTION ITEM: Law enforcement agencies should implement training for officers that covers policies for interactions with the LGBTQ population, including issues such as determining gender identity for arrest placement, the Muslim, Arab, and South Asian communities, and immigrant or non-English speaking groups, as well as reinforcing policies for the prevention of sexual misconduct and harassment.

5.10 RECOMMENDATION: POSTs should require both basic recruit and in-service training on policing in a democratic society.

5.11 RECOMMENDATION: The Federal Government, as well as state and local agencies, should encourage and incentivize higher education for law enforcement officers.

5.11.1 ACTION ITEM: The Federal Government should create a loan repayment and forgiveness incentive program specifically for policing.

5.12 RECOMMENDATION: The Federal Government should support research into the development of technology that enhances scenario-based training, social interaction skills, and enables the dissemination of interactive distance learning for law enforcement.

5.13 RECOMMENDATION: The U.S. Department of Justice should support the development and implementation of improved Field Training Officer programs.

5.13.1 ACTION ITEM: The U.S. Department of Justice should support the development of broad Field Training Program standards and training strategies that address changing police culture and organizational procedural justice issues that agencies can adopt and customize to local needs.

5.13.2 ACTION ITEM: The U.S. Department of Justice should provide funding to incentivize agencies to update their Field Training Programs in accordance with the new standards.

6.1 RECOMMENDATION: The U.S. Department of Justice should enhance and further promote its multi-faceted officer safety and wellness initiative.

6.1.1 ACTION ITEM: Congress should establish and fund a national "Blue Alert" warning system.

6.1.2 ACTION ITEM: The U.S. Department of Justice, in partnership with the U.S. Department of Health and Human Services, should establish a task force to study mental health issues unique to officers and recommend tailored treatments.

6.1.3 ACTION ITEM: The Federal Government should support the continuing research into the efficacy of an annual mental health check for officers, as well as fitness, resilience, and nutrition.

6.1.4 ACTION ITEM: Pension plans should recognize fitness for duty examinations as definitive evidence of valid duty or non-duty related disability.

6.1.5 ACTION ITEM: Public Safety Officer Benefits (PSOB) should be provided to survivors of officers killed while working, regardless of whether the officer used safety equipment (seatbelt or anti-ballistic vest) or if officer death was the result of suicide attributed to a current diagnosis of duty-related mental illness, including but not limited to post-traumatic stress disorder (PTSD).

6.2 RECOMMENDATION: Law enforcement agencies should promote safety and wellness at every level of the organization.

6.2.1 ACTION ITEM: Though the Federal Government can support many of the programs and best practices identified by the U.S. Department of Justice initiative described in recommendation 6.1, the ultimate responsibility lies with each agency.

6.3 RECOMMENDATION: The U.S. Department of Justice should encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement.

6.3.1 ACTION ITEM: The U.S. Department of Justice should fund additional research into the efficacy of limiting the total number of hours an officer should work within a 24–48-hour period, including special findings on the maximum number of hours an officer should work in a high risk or high stress environment (e.g., public demonstrations or emergency situations).

6.4 RECOMMENDATION: Every law enforcement officer should be provided with individual tactical first aid kits and training as well as anti-ballistic vests.

6.4.1 ACTION ITEM: Congress should authorize funding for the distribution of law enforcement individual tactical first aid kits.

6.4.2 ACTION ITEM: Congress should reauthorize and expand the Bulletproof Vest Partnership (BVP) program.

6.5 RECOMMENDATION: The U.S. Department of Justice should expand efforts to collect and analyze data not only on officer deaths but also on injuries and “near misses.”

6.6 RECOMMENDATION: Law enforcement agencies should adopt policies that require officers to wear seat belts and bullet-proof vests and provide training to raise awareness of the consequences of failure to do so.

6.7 RECOMMENDATION: Congress should develop and enact peer review error management legislation.

6.8 RECOMMENDATION: The U.S. Department of Transportation should provide technical assistance opportunities for departments to explore the use of vehicles equipped with vehicle collision prevention “smart car” technology that will reduce the number of accidents.

7.1 RECOMMENDATION: The President should direct all federal law enforcement agencies to review the recommendations made by the Task Force on 21st Century Policing and, to the extent practicable, to adopt those that can be implemented at the federal level.

7.2 RECOMMENDATION: The U.S. Department of Justice should explore public-private partnership opportunities, starting by convening a meeting with local, regional, and national foundations to discuss the proposals for reform described in this report and seeking their engagement and support in advancing implementation of these recommendations.

7.3 RECOMMENDATION: The U.S. Department of Justice should charge its Office of Community Oriented Policing Services (COPS Office) with assisting the law enforcement field in addressing current and future challenges.

For recommendation 7.3, the COPS Office should consider taking actions including but not limited to the following:

- Create a National Policing Practices and Accountability Division within the COPS Office.
- Establish national benchmarks and best practices for federal, state, local, and tribal police departments.
- Provide technical assistance and funding to national, state, local, and tribal accreditation bodies that evaluate policing practices.
- Recommend additional benchmarks and best practices for state training and standards boards.
- Provide technical assistance and funding to state training boards to help them meet national benchmarks and best practices in training methodologies and content.
- Prioritize grant funding to departments meeting benchmarks.
- Support departments through an expansion of the COPS Office Collaborative Reform Initiative.
- Collaborate with universities, the Office of Justice Programs and its bureaus (Bureau of Justice Assistance [BJA], Bureau of Justice Statistics [BJS], National Institute of Justice [NIJ], and Office of Juvenile Justice and Delinquency Prevention [OJJDP]), and others to review research and literature in order to inform law enforcement agencies about evidence-based practices and to identify areas of police operations where additional research is needed.
- Collaborate with the BJS to
 - establish a central repository for data concerning police use of force resulting in death, as well as in-custody deaths, and disseminate this data for use by both community and police;
 - provide local agencies with technical assistance and a template to conduct local citizen satisfaction surveys;

- compile annual citizen satisfaction surveys based on the submission of voluntary local surveys, develop a national level survey as well as surveys for use by local agencies and by small geographic units, and develop questions to be added to the National Crime Victimization Survey relating to citizen satisfaction with police agencies and public trust.
- Collaborate with the BJS and others to develop a template of broader indicators of performance for police departments beyond crime rates alone that could comprise a Uniform Justice Report.
- Collaborate with the NIJ and the BJS to publish an annual report on the “State of Policing” in the United States.
- Provide support to national police leadership associations and national rank and file organizations to encourage them to implement task force recommendations.
- Work with the U.S. Department of Homeland Security to ensure that community policing tactics in state, local, and tribal law enforcement agencies are incorporated into their role in homeland security.

“When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us. It means that we are not as strong as a country as we can be. And when applied to the criminal justice system, it means we’re not as effective in fighting crime as we could be.”

—President Barack Obama

These remarks underpin the mission of the President’s Task Force on 21st Century Policing: to identify ways to build trust between citizens and their law enforcement officers so that all components of a community treat one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.

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Specific Reform Proposals

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Proposal for Formation of a Civilian Public Safety Interview Panel to Assess Candidates for the Police Academy

Submitted by United Christian Leadership Ministry

The Current Situation:

The sense of division, suspicion and mistrust that exists now between the law enforcement agencies and People of Color in Monroe County has historical roots. The community sees the police as disconnected from the community they serve, not helped by the fact that 93% of Rochester Police Department (RPD) officers reside outside the City they serve. Many of the contentious issues that arise from the community have to do with perceived racial bias and a lack of respect for the community's values and culture.

Especially fueled by recent incidents of police brutality around the country and in Rochester:

- There is a call for a model of community policing, a way to draw police and citizens together into a working partnership for public safety.
- There is also a call for the power relationship to shift, so that the police are rightfully seen as subservient to and accountable to the communities they serve.
- There is a call for police officers to become more familiar with the people they are called to serve and protect, to find more positive and non-racist ways of engaging the community.
- The idea is to develop connections and working relationships with individual citizens, religious institutions, businesses, neighborhood organizations and agencies, schools and colleges to create partnerships and to reduce crime.

Thus it is important that those who are selected to be trained as officers have a knowledge of and respect for those communities, and that they do not harbor any basic animosity or prejudice about those communities.

For this reason, we propose that local law enforcement agencies create Civilian Public Safety Interview Panels to assess candidates for the Police Academy. The purpose would be to bridge the gap of hostility and suspicion by giving the citizens the power to interview and assess candidates for the Police Academy before they are accepted into that process, and before the agencies make that commitment and investment in them.

The purpose of the interviews will be to assess an applicant's attitudes, experience, cultural fit and implicit biases, to determine whether the applicant is fit to serve as a police officer with ethics, integrity and non-racist attitudes and behaviors.

Guidelines for This Process:

Using the Rochester Police Department (RPD) as an example:

In the past year, the number of applicants taking the annual initial examination to become an RPD officer slipped to 454. After this initial examination, candidates go through a battery of tests, including further test of intelligence, physical abilities and psychological readiness. The final step prior to acceptance into the Police Academy is an interview with the current Police Chief. Recent experience indicates that 20-25 candidates are finally accepted into the Academy each year. In discussion with RPD personnel familiar with the process, it was suggested that the Citizens' Interview Panel take place just prior to the interview with the Chief.

We propose that:

- Community organizations will propose a total of 15 members to be designated as interviewers. Those submitted will represent a cross-section of the communities to be served. We recommend that the pool of interviewers include a former law enforcement officer and a mature young person. Suggested additional community organizations who might nominate potential interviewers:
 - Ibero-American Action League

- Action for a Better Community
- NAACP Rochester Chapter
- The Children's Agenda
- Teen Empowerment
- Puerto-Rican Youth Development
- Center for Youth Services
- A slate of 10 interviewers will be chosen from that list by United Christian Leadership Ministry. They will be submitted to Rochester City Council for ratification. City Council and UCLM will also determine the future oversight of the Panel's operations.
- Those who agree to serve will commit to an initial service term of three years.
- The chosen interviewers will experience professional training in interviewing techniques. See Addendum I below for the content of that training, which has been developed by the Center for Dispute Settlement and is offered for this purpose free-of-charge.
- They will also experience an abbreviated version Of RPD's Citizen's Police Academy in order to gain an understanding of RPD's practices and procedures and the expectations of officers. We recommend a 5-week process, three hours per session vs. the usual 10-week process.
- The interviewers will work in groups of three for each interview.
- The Chief of Police will have his/her designee coordinate interview dates and times to coincide with candidates who have been referred by the Civil Service Committee. RPD will provide an appropriate space for the interviews to take place.
- Interviewers will be given copies of the candidates' applications, and any other pertinent data that would be important for them to know about each applicant.
- To avoid conflicts of interest, Panelists would not be assigned to interview family members or friends.
- A series of potential questions that might be used by the Panelists is listed below as Addendum II to this proposal. One hour is suggested as the time allotted for the interview.
- On completion of the interviews, the Panelists will then consult among themselves as to the applicant's qualifications and competency, attitudes

and characteristics, and will decide whether the applicant will advance to the Academy.

- The decision will be signed by all of the participating Panelists and sent to the Chief or the Chief's designee. Panelists will be sworn to strict confidentiality about their proceedings.
- After one year, the candidate may elect to apply again and be interviewed again by the Panel, with the same process applying.

The community will gain by deciding which candidates will be selected to "serve and protect." The law enforcement agency will gain by assistance from the community in testing potential candidates for their ability to engage in positive ways with those they will serve, and in avoiding hiring candidates that would prove to be problematic employees in the future.

A search for similar programs in other areas revealed one parallel initiative in Shelby County, Memphis, TN. The County Sheriff Floyd Bonner started a civilian hiring committee to give citizens a chance to "get to know these men and women" who were applying. Here is his assessment of the value of the process to date:

"The Civilian Hiring Committee has been a tremendous asset to our hiring process," Said Sheriff Floyd Bonner. "I am confident that this diverse group of citizens will continue to help us hire the best group of Deputy Sheriffs to serve the citizens of Memphis & Shelby County."

Cost Considerations:

Again, using RPD as an example:

The City would incur the cost of training the initial cadre of interviewers in interviewing skills, which would be repeated for new Interviewers perhaps every three or four years. However, the Center for Dispute Settlement has offered to do this training free-of-charge.

RPD would incur the minor additional cost of including the panelists in the Citizen's Police Academy orientation process for the interviewers.

Other costs of operating the process appear to be minimal.

Metrics:

Tracking the impact of this initiative using concrete statistics may prove challenging. This is due to the fact that there are no current concrete measures of the community's experience of current policing beyond anecdotal evidence. RPD does keep statistics on number of Citizen Complaints, and on Use-of-Force, but making a direct link to the impact of a Citizen Interview Panel could be considered speculative. We strongly advise that more concrete metrics for the Panel's effectiveness be developed by the Panel as part of the oversight process to be designed by UCLM and City Council.

We recommend a narrative report be submitted annually to the Mayor and City Council, the report to be developed jointly by the Chief of Police and the cadre of interviewers, citing their evaluation of the efficacy of this process. This report might also include testimonies from candidates who have completed the interview process.

Addendum: Outline of Training for Interviewers on Interviewing Skills:

The Citizen Interview Panelists will participate in an interactive training session on interview skills for this purpose. Estimated time: 4-5 hours. Developed by the Center for Dispute Settlement, covering the following topics:

Note: In advance of the training each panelist will be requested to take 3 online Harvard Implicit Bias tests on these topics –Race, Gender-Career, Skin Tone

<https://implicit.harvard.edu/implicit/selectatest.html>

- Implicit Bias using Dr. Jennifer Eberhardt's video and examples of Police Response Studies
- Policing in Communities of Color
- Evaluating each interviewees' responses to questions
- Developing key situational scenario questions
- Exploring: Why do you want to be a Police Officer?

Addendum: Potential Questions to be Asked by Interviewers:

Note that UCLM has developed a form to be used by interviewers including room for scoring and notations. This is available. For simplicity, only the questions are noted here:

Getting to Know You:

#1. Tell us about yourself - Where you were raised, where you presently reside. What are your extra-curricular activities?

#2. What do you like best about Rochester? Are there particular neighborhoods or people you feel most comfortable with and/or connected to?

#3. How do you deal with the stress-related issues within your personal life and how would you deal with the added stress of policing?

Police Policy:

We would like to hear a bit more about your vision for policing.

#4. Why do you want to become a Rochester Police Officer? Were there particular experiences or people who influenced your choice of career?

#5. While it is important to display confidence in this role, the job requires a lot of responsibility and can be quite dangerous. What fears and/or concerns do you have about this occupation and how do you plan to manage those concerns?

Community Relationships:

Like any job, relationships are very important. In policing, it's not only about how you interact with superiors and co-workers, but also how you interact with the community.

#6. What type of relationship do you think police should have with its citizens, that is, people who live within the community they're sworn to serve and protect? How would you make that happen?

#7. Imagine you and a partner are on foot patrol in a city park and observe a family. Share with us what interactions you would seek to have with them?

#8. Imagine you are in a residential neighborhood and observe two individuals positioned outside their property on the front lawn arguing. How would you respond?

Race & Ethnicity:

The Law Enforcement community has recently come under scrutiny both nationwide and here in the City of Rochester. Reportedly, there appears to be a lack of trust that is connected to a history of racism. The following are questions pertaining to racism and accountability for police officers.

#9. Explain how you interact with people of a different race and/or ethnicity? E.g., how you communicate, and how you work together.

#10. What do you think of when you hear the word "racism"? In other words, what does it look like, how does it feel and/or affect you?

#11. Did the death of George Floyd and/or Daniel Prude affect you personally and/or change the manner in which you think about policing?

#12. If you observed your superior, a partner and/or any other member of law enforcement treating a citizen unfairly or subjecting them to verbal or physical abuse, how would you respond?

#13. If you observed your superior, a partner and/or any other member of law enforcement using unnecessary force upon its citizens, how would you respond?

#14. Imagine you're on duty at a protest event and tensions between protestors and police escalated. What would you personally do to de-escalate the situation?

Conclusion:

#15. Please share anything additional you would like us to know that has not been covered in our interview questions.

Submitted by United Christian Leadership Ministry



Racial Justice Education Curriculum

For Inclusion in Law Enforcement Training

Submitted by United Christian Leadership Ministry

The United Cristian Leadership Ministry (UCLM) Racial Justice Education Committee recommends a strong curriculum for responding thoroughly and effectively to the need for racial justice education of police recruits at the Police Academy level and in-service education for officers.

Serious police reform is essential in Rochester and Monroe County, in New York State and in the nation for law enforcement to build trust, legitimacy, transparency, and accountability with communities of color. UCLM subcommittee members have met intensively to establish the foundational elements of these recommendations. Guidelines are provided by President Obama's President's Task Force on 21st Century Policing and Governor Cuomo's New York State Police Reform and Reinvention Collaborative and Executive Order #203 requiring local police agencies to submit detailed reform plans by April 1, 2021.

This Curriculum was developed through the lived experience and expertise of subcommittee members, and in consultation with Dr. Taj Smith (Director, Diversity Education, Rochester Institute of Technology). It is designed to be delivered in 20 hours of classroom and field settings, using interactive experiential learning, video segments and community involvement for cadets at the Academy level. Current officers will receive the same material in 20 hours of in-service education divided into segments over the span of a year. Assessment measures will ensure that the material is retained and understood.

This curriculum includes:

- Foundation of Policing and Law Enforcement in America

- Historical Background of Rochester Police Department
- What is Racism?
- Poverty Simulator
- Building Community
- 21st Century Policing
- Graduation Ceremony and Assessment

The committee recognizes that the process of education is one of life-long learning. The content areas will be provided in an engaging manner that allows for self-discovery and the building of a new knowledge base. These innovations are vitally necessary and cannot be delayed. Our community must act decisively and effectively at this pivotal moment, to demonstrate true leadership, community unity and the willingness to confront our history without flinching, with the goal of creating a more just and safe society for all.

“The vast majority of African-Americans who lived in this land in the first 246 years of what is now the United States lived under the terror of people who had absolute power over their bodies and their very breath, subject to people who faced no sanction for any atrocity they could conjure. This fact is of great significance for the understanding of racial conflict, for it means that white people during the long period of slavery became accustomed to the idea of ‘regulating’ Negro insolence and insubordination by force with the consent and approval of the law.” Sociologist Guy B. Johnson as quoted in Isabel Wilkerson’s *Caste: The Origins of Our Discontent*.

Note: The full curriculum is a copyrighted packet. If you are interested in learning more about this, please contact United Christian Leadership Ministry at 585-402-9785.



Proposal for Enhanced De-Escalation Training

Submitted by United Christian Leadership Ministry

A. De-escalation as part of Police Reform:

De-escalation is a tactic that has been successfully integrated into Use of Force Policies in police agencies across the country. In September 2016, 200 police chiefs and other community executives from across the country gathered to discuss the critical need for revising Use of Force policies at the Police Executive Research Forum (PERF). They were reacting to a number of national incidents of civilian deaths at the hands of police officers captured on video as well as their knowledge of the countless incidents not gaining public attention. They reviewed a document outlining guiding principles on Use of Force. The first principle was and is “The sanctity of human life should be at the heart of everything an agency does.” That sanctity refers to the lives of police officers and the people they serve and protect. The ultimate goal is a police agency that enforces laws in a way that ensures the safety of all and promotes connection and trust.

Many agencies provide de-escalation training to their recruits and existing officers. This proposal emphasizes the need to enhance de-escalation training and review procedures that govern Use of Force decisions by providing examples of policies and procedures from other agencies that have successfully implemented enhanced de-escalation policies which have resulted in a decrease of higher levels of Use of Force without an increase in officer injury.

While we recognize that Police Officers regularly intervene in crisis situations and de-escalate situations of varying volatility, it appears that there is an opportunity for Police Agencies to increase and improve training in de-escalation, crisis intervention, and communication. In comparing the documented and required police recruit training in these areas to the greater amount of time spent on firearms, baton, and OC spray training, it appears that this imbalance could

further the perception of the concept of police officers as “Warriors” as opposed to “Servant/Protectors”. This training ratio appears to be consistent across most of our nation and with local agencies.

De-escalation training is an essential element of total police reform. Many police agencies have implemented this training and have seen significant decreases in traditional more aggressive Use of Force methods. De-escalation means slowing down or trying to calm tense situations peacefully and in a way that is consistent with the police department’s Use of Force tiers. It can also be described as the result of a combination of critical thinking, communication, empathy, instinct, and sound officer safety tactics. The goal is to end the encounter without harm to the officer or civilian, minimizing situations from ever reaching the point where anyone’s life is in danger and where officers have little choice but to use deadly force.

De-escalation tactics can lower use of force by officers and reduce the severity of the force used. Eleven law enforcement groups, including the Fraternal Order of Police and the International Association of Chiefs of Police, in 2017 put forth a consensus policy saying an officer should “use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.” The policy states that an officer should “use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force.” Elements of police officer de-escalation training should demonstrate scenarios in which the officer:

- In a manner consistent with Use of Force policies tactically repositions himself/herself in order to isolate and contain a person, and not to “draw a line in the sand.”
- Takes as much time as needed to safely resolve an incident. The officer should not be compelled to force a quick (and potentially dangerous) resolution, in order to get back on the radio and race to the next call.
- Engages a citizen in calm and constructive conversation and asks open-ended questions. This is usually more productive than barking the same commands again and again. It is usually best if one officer is designated to communicate with an emotionally disturbed person.

While most agencies provide de-escalation training, there are key success factors that are often not incorporated into the training process. These include:

- Making de-escalation a core theme of an agency's training program.
- The responsibility for an officer to intervene to prevent other officers from using excessive force.
- In-field training, video scenario reviews, and discussions focused on Use of Force and de-escalation policies and procedures provided by skilled certified instructors.
- An audit process with data that is transparent and provided on a routine basis.
- Annual refresher training for all officers.
- Hours in de-escalation training at least as long as firearms, weapons, and defensive training combined.

The training for on-going operational police management of de-escalation must include:

- Incident report by all officer(s) related to the Use of Force.
- Supervisor or Police Chief review of individual high-level or frequent Use of Force incidents.
- De-escalation measurement and results to be included in an individual police officer's review.

Training that follows these principles results in a decrease in Use of Force and has helped many police departments fulfill their core mission of making cities safer while building trust and decreasing injuries to civilians and officers.

Clearly, de-escalation training is a philosophy of serving, of preserving life, of treating people with dignity while protecting those whose job it is to provide those services. Training that supports Police officers' wellness is a critical part of the on-going support we recommend. Officers carry heavy burdens and frequently deal with trauma. The statistics regarding police officer divorce, addiction and other emotional issues are well known. De-escalating issues in their lives should also be at the core of a de-escalation policy. This proposal also recommends voluntary mindfulness training for police officers. Mindful policing has the potential to transform the approach to officer wellness, while also impacting police reform goals such as implicit bias training; de-escalation/Use of Force; maintaining empathy, compassion and reverence for all of humanity/life.

See Appendix A for a proposal from Center for Mindfulness in Public Safety. Additional information about our Mindfulness Training recommendation can be found in Section D of this proposal.

B. Values Centered Approach:

Having a values-based approach in dealing with people in the community promotes connection and trust.

Focusing on “Sanctity of life” as a guiding principle (PERF guidelines) is an example of a values-based approach to Use of Force. The Denver police department has a powerful statement at the beginning of their Use of Force Policy which includes the following points:

- Respect human rights.
- Officers should not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors.
- Individuals are entitled to Constitutional Rights free from excessive force.
- It recognizes that split-seconds judgements are made.
- Reasonableness inquiry in excessive force situations is objective.
- When reasonable, officers should use advisements, warnings, verbal persuasion and other tactics including withdrawing.
- It is important for officers to bear in mind that many reasons exist that individuals may resist arrest:
 - The person may not be capable of understanding the gravity of the situation.
 - An individual’s reasoning ability may be dramatically affected by several factors, i.e. medical condition, mental impairment, developmental disability, language barrier, drug interdiction and emotional crisis.

C. De-escalation Next Steps in Rochester:

Since the PERF conference in 2016, the call for police reform has increased. Rochester is at the center of this call for reform since the death of Daniel Prude, a black man experiencing a mental health crisis. He suffocated and died while in police custody and his death was ruled a homicide. Police reform has gained support due to public reaction to this incident.

Use of Force and De-escalation Policy and Procedures:

Below is information copied from the Rochester Police Department (RPD) Manual and the NYS Penal Law. This is followed by related information from the Seattle Police Department (SPD) Manual. The SPD document provides more defined Use of Force definitions than the RPD and the NYS Penal Code. Consistent with the recommended de-escalation and Use of Force information in this proposal, we recommend that Monroe County law enforcement agencies review and consider how they might incorporate some of the SPD policies and procedures.

Here is a summary of policy points in RPD, NYS Penal Law, and the Seattle Police Department:

1. Rochester Police Department Policy and Procedures:

The RPD Manual focuses primarily on when deadly physical force can be used. There is very little/ no information about de-escalation and Uses of Force that are not lethal. The following is the opening Use of Force statement:

“Members of the Rochester Police Department (RPD) may use deadly physical force, as defined by Article 10 of the New York State Penal Law, only when the use of deadly physical force is necessary to defend the member or another person from what the member reasonably believes to be the use or imminent use of deadly physical force. Reasonable belief exists when both of the following subjective and objective conditions are met:

- The member reasonably believes another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person, and
- Evidence or information which appears reliable discloses facts circumstance which are collectively of such weight and persuasiveness as to convince a member of ordinary intelligence, training, judgment, and experience that another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person.”

Guidelines regarding the use other weapons, e.g., kinetic energy projectiles and less lethal shotguns, are subsequently cited in the manual. The manual also

includes procedures for reporting the use of these weapons, the investigation, administrative leave, and related activities.

2. NYS Penal Law Policies and Procedures:

Re use of physical force in making an arrest or in preventing an escape:

“ 1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest there for or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the office reasonably believes to be the use of imminent use of deadly physical force.

2. The fact that a police office or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.”

3. Seattle Police Department Policies and Procedures:

The Seattle Police Department’s policies and procedures related to Use of Force and De-escalation are very detailed. The 8000 section of the SPD’s Policies and

Procedures is 60+ pages. The following are many of the sub-sections and descriptors.

Core Principles include references to everything from the US Constitution to community relations. The emphasis *is* on the desired culture.

Definitions - Use of Force levels include:

- “De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury;
- Handcuff Discomfort - Discomfort or minor transient pain caused solely by wearing handcuffs after they have been properly applied;
- Type I – Force that causes transitory pain or the complaint of transitory pain;
- Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm;
- Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death;
- Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, great bodily harm.”

Tools - Multiple tools including canines, firearms, blast balls, etc. are described, along with their proper use.

De-escalation tactics and techniques are actions used by officers:

- When safe and feasible without compromising law enforcement priorities;
- To minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance;

When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

Procedures to enable de-escalation include critical thinking, communications, take more time, distance yourself from the person, and use shields of various types.

Reporting – To ensure transparency and accountability, officers must clearly and

reliably report and thoroughly document each time they use force defined as Type I, II, or III. All uses of force are reportable except de minimis force.

Investigations - The following factors are used to categorize each investigation:

- degree of injury caused;
- potential of the technique or weapon to cause injury;
- degree of pain, disability, restraint, impairment, and physical vulnerability experienced by the subject;
- complaint by the subject;
- duration of the force.

An investigation may result in an incident being re-classified, when appropriate officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application. The investigation responsibilities of various SPD personnel are detailed.

Review – Individual use of force are reviewed and appropriate individual incident discipline is noted. Also, periodic and annual reviews of the incidents related to what and how policy and procedure changes should be made are provided to the SPD Chief.

D. Mindfulness Training:

The world of policing is incredibly stressful and filled with traumatic events. Resiliency is the ability to rebound from stress filled events. There has been a growing focus on what is commonly referred to as Mindful Policing in recent years. MBRT, Mindfulness Based Resiliency Training was developed as a secular practice in 1979 and has been offered with successful outcomes to law enforcement professionals. Branded as Mindful Badge training by a former Police Lieutenant Goerling his training has been studied to understand wellbeing measures such as:

- The impact of a constant state of hyper-vigilance on officers;
- Cortisol awakening response;
- Health outcomes among officers.

Mindful Badge studies show the following benefits, and they show that continued practice is needed to sustain these benefits. In other words, outcomes diminish if skills aren't practiced.

- significant increases in resilience, mental health and emotional intelligence;
- significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
- reduction in the levels of the stress hormone cortisol;
- officers reported less difficulty with emotional regulation, organizational and operational stress.

We have tremendous expectations of our law enforcement officers and we recognize that their health and wellbeing is linked to the reform and community outcomes we seek. Caring for Police officers and supporting them in their work in a wholistic way is a vital piece in bringing about reform that changes culture—from the existing paradigm of police as “warrior” to police as “servant-protector”.

Wellbeing is a strategic pillar of UCLMs reform recommendations, and we would like to see local law enforcement pilot a 10-week program providing mindfulness-based de-escalation, anti-racism and wellness and resiliency training. Having done substantial due diligence on mindfulness in policing we are recommending the 10-week program offered by Center for Mindfulness in Public Safety.

See our **Strategy and Executive Summary** document for more information on this our Mindfulness recommendations.

See Appendix A for the A Proposal for Rochester Law Enforcement Agencies from Center for Mindfulness in Public Safety. Their proposal includes a training summary of topics covered, skills and outcomes produced and includes evidence-based outcomes from their program.

E. Results:

Data from the following cities provide strong support for de-escalation within the Use of Force policies.

1. Dallas:

In order to understand the importance of de-escalation as a practice, it is relevant to review and study the results of other departments that have implemented this as policy. Perhaps one of the most interesting departments to use de-escalation is Dallas. This is a large urban department which received significant focus and scrutiny as a result of police shootings involving unarmed people from 2010-2012. In 2013, then Chief David Brown over hauled the use of force policy of the department, implemented de-escalation training, and new reporting techniques. The results can be seen in the following chart:

Year	Total Crime	Use of Force of all types	Percentage of Crime
2013	60604	2819	4.65
2016	54982	1666	3.03

Source data: <https://dallaspolice.net/reports/Shared%20Documents/Use-of-Force-Report.pdf> for the Use of Force data and Department of Justice for information on crime.

In the final year before the full implementation of de-escalation, 4.65% of all arrests resulted in the officer using force. After only three years of the new policy, that total had fallen to 3.03%. To put this into perspective, in Rochester the police used force in 6.16% of all arrests in 2016 which is more than double the rate of force used in Dallas. (Rochester Use of Force data from the Suspect Resistance reports, as reported by the Professional Standards Section to the Criminal Justice Advisory Board of UCLM.)

2. Seattle:

In 2011, the Department of Justice's (DOJ) investigation of the Seattle Police Department identified a pattern or practice of unconstitutional Use of Force including "deficiencies in SPD's training, policies, and oversight with regard to the use of force". A Consent Decree was agreed to by the City and the DOJ. The Consent Decree was fully implemented by mid-2014, and it included related policy, procedure, training, investigation, reporting, tracking, and on-going review of the Use of Force.

The first report was issued in April 2017, and it assessed the impact over two 14-month time periods – July 2014-August 2015 and Sept. 2015 to Oct. 2016.

- **Type II and Type III Use of Force:** There was a net decrease of 743 incidents – a 60 percent reduction in Type II force (officer use of taser, baton, etc.) and Type III force (officer-involved shootings) in the 2014-2016 period analyzed.
- **Type III Use of Force:** Of the 2,385 use of force incidents, only 39 (1.6 %) involved Type III use of force, the most significant and serious type of force.
- **Type I Use of Force:** The officer use of handcuffs, etc. incidents spiked initially and continue to make up a large portion of all force used. The number of Type I force incidents has increased over time. An average monthly increase of 4 percent per month in Type I force incidents from August 2014 to August 2015. Comparing the first part of the study period with the latter part, the number of Type I incidents went down. What is clear from the Type I trends – both the early spike and the subsequent increase in proportion – is that, when force occurs, it happens increasingly at the lower end of the force spectrum.
- **Officer injuries:** Injuries were flat to slightly down over the study period, although the decrease is not statistically significant, based on SPD injury and hospitalization data. Accordingly, officer force has gone down without any increases in officer injury. It appeared to the Monitoring Team, then, that the decreased Use of Force had not placed officers at any higher risk or made officers less able or willing to use force to defend themselves from threats or harm.
- **Crime Level:** By most measures and accounting for seasonal trends, crime in Seattle appears relatively flat overall across the study period, with property crimes flat to slightly down and personal crimes showing a mild uptick. In fact, not only does it not appear that decreased use of force has been associated with increased crime, but it is actually the opposite: officers have used the most force when crime has been the highest in Seattle.
- **Use of Force Policy Consistency:** Across the more recent half of the study period, officers used force that was consistent with SPD policy more than 99 percent (99.27 percent) of the time. Officers also complied with the duty to de-escalate in 99 percent of cases where that duty was applicable (up from 81 percent in the earlier time period). Intermediate-level Type II and serious Type III force from the more recent 14-month period, nearly 95.7 percent of force incidents were consistent with SPD policy.

The following table shows all use of force reported between January 1, 2015 and December 31, 2018; Figure 2 shows a linear regression time series analysis of use of force trends, citywide, over a five-year time period dating back to 2014.

Use of Force Counts by Year (January 1, 2015 – December 31, 2018)

Incident Type	2015	2016	2017	2018	Grand Total
Level 1 - Use of Force	1,554	1,177	1,272	1,818	5,821
Level 2 - Use of Force	477	376	358	348	1,559
Level 3 - OIS	15	5	21	3	44
Level 3 - Use of Force	20	20	12	21	73
Grand Total	2,066	1,578	1,663	2,190	7,497

A linear regression time series analysis of Type I and Type II force over this four-year period, citywide, is shown in Figure 2. As noted earlier, Type III force continues to occur so infrequently in Seattle as to be considered a statistically random event and is therefore not subject to statistical trend analysis. As across prior years, a continuous decline is observed in Type II force. Type I force appears graphically to be trending upwards; again, however, whether the observed increase in Type I force in 2018 is statistically meaningful, attributable to overreporting of discomfort as Type I force, or perhaps reflecting of not-unexpected normal periodicity or fluctuation of the data over time cannot be determined from this data set or data period.

F. Funding:

There are several sources of funds to support the change from the RPD's current use of force and de-escalation training, policies, procedures, etc. to the recommendations included in this proposal. The sources include:

1. Transfer money from the current funds set aside for citizen suits against the RPD for improper use of force. These funds include the legal costs and the money paid to the citizen.
2. The U.S. Department of Justice announced recently that it has put \$3 million toward the creation of a national center that will provide training

and assistance to help law enforcement agencies prevent the use of excessive force. The grant would provide additional support for training officers, and assist with reviewing current policing policies, as well as providing for the mental health of officers.

3. Byrne Memorial Justice Assistance Grant – JAG: The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement.
4. NYS Division of Criminal Justice Services
5. Over time, changing to a de-escalation policy should reduce incidents of Use of Force, decrease complaints, and potentially decrease settlements which should provide significant savings to the department.

G. How We Can Measure Success:

Whenever policy is put in place one of the most important things to do is measure the success of this policy in order to tell if it is achieving the desired results, and not resulting in any undesired affects. This is a crucial part of de-escalation policy as it is important to make sure all officers are engaged in this approach to policing. To do this, it is important that all officers involved in a Use-of-Force incident fill out a form indicating what force levels were used and why. These statistics need to be tabulated for every officer to ensure every officer is complying with the Use of Force de-escalation tactics in keeping with agency directives and allow assessment for the need for additional training or intervention. Further, it is important to track any injuries sustained to officers or to persons in custody as a result of any police action. For example, the department should keep track of firearms use, aerosol use, taser use, physical restraints, physical take down, and other uses of force tactics. The-data should be compiled in ways that are easy to compare both type of incidents and time period they occurred. The department should also track total uses of force as an aggregate and as a percentage of arrests. Finally, all the information to be recorded should include a suspect's ethnicity, gender, age in order to generate reports based on these factors.

From this record keeping it will be possible to tell if the use of force is increasing or decreasing, and also, what types of force are being used, by whom, and upon whom. With such data, it will be possible to determine if de-escalation is working to make our community safer.

Finally, it is important to measure public opinion. One of the important desired results of this change is a building of trust between the police and the community they police as a police officer's success often depends upon public support. De-escalation tactics if successful should also increase public confidence in the police department. This should be measured through public surveys on a yearly basis with specific questions about police treatment of the public.

UCLM also recommends that Rochester engages with organizations that can create a Community Transparency portal featuring our criminal justice data. This would allow the community, police and elected officials to evaluate the efficacy of de-escalation training and mindfulness training.

H. Conclusion:

It is clear that de-escalation tactics in Use of Force have become accepted in many police circles. They are not new and a number of departments are currently using them. The results of such implementation is that Use of Force declines, high level Use of force tactics decline, and officer injuries do not increase.

In light of these finding we recommend a changing of Use of Force policy to conform with the guidelines put forth by PERF. We feel to implement this training, we will need certified trainers trained by a nationally recognized de-escalation specialist. We would like to see officers at the academy receive eighty plus hours of de-escalation training and every officer should be required to take at least one two-hour yearly training course in de-escalation tactics. To make this successful, it is important that de-escalation become a core principle of the department and that effective measurements of officers are put in place to ensure that all officers are adhering to the guidelines. To help make this more effective, we also recommend that Mindfulness Based Resilience Training be made available to all officers.

We feel that with these policies in place, our police can continue to keep our community safe. They will result in fewer incidents, a decrease in injuries, fewer unnecessary deaths, and greater trust between the police and the communities they serve.

Submitted by United Christian Leadership Ministry



Proposal for Implementation of Body-Worn Camera Programs and Implementation of Community Panels to Review Those Programs

Submitted by United Christian Leadership Ministry

Proposal Overview:

Proposed that all Monroe County Law Enforcement agencies that have not yet adopted a Body-Worn Camera (BWC) Program move to do so, and at the same time, adopt a BWC policy which provides clear rules for use, retention of records, public access to those records, and levels of discipline for failure to follow procedures.

Proposed that all Monroe County law enforcement agencies that have an existing BWC program contract with an objective community-based organization to help assess that program.

Background:

Body-Worn Cameras (BWCs) for law enforcement is a development still in relative infancy.

There are many proven benefits from the use of BWCs, and in the programs developed thus far, these benefits are clearly demonstrated. For example:

- The entire criminal justice system benefits from additional evidence regarding public safety incidents and crimes. Courts have relied on BWC evidence as a key factor in determining what actually occurred.
- BWCs also provide a tangible means for law enforcement administrators to oversee the performance of their personnel, enabling them to track compliance with policy, and to pinpoint the need for additional training or

for discipline. They become a surveillance tool to promote officer safety and efficiency.

- Their use also can reduce complaints, since citizens are inclined to behave differently if they are aware that they are being filmed. In the same vein, officers may be inclined to be more conscious of best practices.
- BWCs reduce the amount departments pay out to settle civil suits. They also result in reduced time required to resolve complaints, a significant cost savings for the departments.
- BWC's protect officers from unwarranted and spurious complaints.

While there is substantial evidence to demonstrate the effectiveness of BWCs, we understand that the implementation of BWC programs over the last five years has been hampered by several classic start-up issues, such as:

- Early technology glitches and malfunctions of the cameras themselves
- Inadequate policy development
- Insufficient training by qualified trainers
- Insufficient oversight systems to track their appropriate use
- Inadequate supervisory and disciplinary measurements by the agencies
- Lack of oversight by an objective, community-based organization

Many of these issues can be seen in the implementation of the Rochester Police Department's BWC Program. However, these should be viewed as growth points for further development rather than evidence of a lack of effectiveness. This would also be true for the assessments that exist for other programs that have been implemented nationally.

Here is how some local criminal justice leaders assess the value of the Rochester Police Department's BWC Program:

"As the District Attorney and a resident of Monroe County, I fully support the use of body-worn cameras by police departments. In the Monroe County District Attorney's Office, body-worn cameras provide detailed evidence that greatly assist with the investigation and prosecution of cases. Body-worn camera footage provides direct accounts of incidents that come through the criminal justice system. Also, body-worn cameras enhance

community relations by ensuring transparency of events holding police officers accountable while also protecting officers from unfounded allegations. All this considered, body-worn cameras are an overall benefit to our criminal justice system.” Sandra Doorley, Monroe County District Attorney

“BWCs have become a valuable tool in ensuring the integrity of the criminal justice system, by shining a much-needed light on the interactions between police officers and members of the community. Often those interactions are conducted professionally, but in cases where the conduct of an individual police officer was unprofessional, or violated a citizen’s constitutional rights, the BWC footage is vital in establishing the truth of what occurred. True reform of the police cannot happen without an effective BWC program being implemented in each police agency in our community.” Timothy Donaher, Monroe County Public Defender

Community Body-Worn Camera Panels:

In a spirit of partnership, with mutual goals for safety and security and justice, a qualified Community BWC Panel is invaluable in assuring an effective BWC program. In an intentional relationship for mutual benefit, these community panels are a prime example of well-connected community policing. The municipality, the law enforcement agency and the panel would need to develop a Memorandum of Understanding (MOU) that clearly specifies functions and expectations (model attached). The community panel members would have access to an agency’s open electronic portal for crime data, and other information as detailed in the MOU.

These panels would meet quarterly with the senior law enforcement heads, reviewing agreed-upon reports that highlight the effectiveness of the BWC Program. The panel would also develop an annual report of the BWC program, to be presented not only to the agency, but to appropriate community bodies (e.g., a town council, town mayor, and media outlets), presumably the bodies which approve the BWC program in the first place.

Membership on these community panels would be determined by the municipalities and law enforcement agencies that approve the BWC program, in close consultation with representative citizen groups.

Suggested membership on community panels:

- Several representatives of community organizations that have a stake in community/police relations
- A former Monroe County Prosecutor
- A former Monroe County Public Defender
- An expert in management information systems
- An expert in personnel development and oversight systems

It is also advised that United Christian Leadership Ministry (UCLM) be consulted in the formation of these panels and conduct training and ongoing consultation as the panels are established and begin operating. This is based on UCLM's experience with oversight of the Rochester Police Department's BWC Program, under an MOU with the City of Rochester.

Cost Considerations:

Each law enforcement agency that does not currently have a BWC program would need to research the existing options and secure the necessary funding. Based on available data, the initial implementation cost of a BWC program might be approximately \$8,000 per officer for a five-year plan, according to one estimate.

Another study showed that while BWCs cost between \$828 and \$1,097 per user per year, they have been shown to generate net annual savings of between \$2909 and \$3,178 per user, mainly due to faster investigation of complaints.

There are several pricing models that include maintenance agreements and IT support. Pricing decisions also involve charging stations, and the decision to use either a cloud base or a server for collection purposes.

The Community BWC Panels would be considered as volunteer organizations, with the law enforcement agencies providing basic necessary space and organizational support. Thus, their cost would be minimal.

Metrics:

The effectiveness of the BWC programs themselves would be determined by the metrics developed in the MOU signed by the municipality, the agency and the community BWC panel, e.g.:

- Reduction in use-of-force incidents over time.
- Reduction in citizen complaints over time.
- Proven value of BWC footage in court cases.
- Surveys of participating officers and of the community itself.

The effectiveness of the community panels themselves would be pinned to that same data, and particularly to evidence of improvement in critical statistics over time.

Resources for this proposal:

[Body Worn Camera: Costs and Benefits](#) National Police Foundation, 2018.

[Benefits and Opportunities for Police Using BWC's](#) Wireless CCTV, 2020.

[Implementation – BWC toolkit](#) - U.S. Department of Justice.

[Implementing a BWC Program – Recommendations and Lessons Learned](#) – U.S. Department of Justice.

[BWCs for Law Enforcement - Assessment Report](#) – Dept. of Homeland Security 2015.

[BWCs: What the Evidence Tells Us](#) – National Institute of Justice Journal 2018.

[The Benefits of Body-Worn Cameras: New Finding from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department](#) National Criminal Justice Reference Service, 2017.

“Police Body Cameras Cited as ‘Powerful Tool’ Against Stop-and-Frisk Abuses”
New York Times 11/30/20.

Submitted by United Christian Leadership Ministry



Proposal for A Substantial Increase in the Number and Usage of Pre-Arrest Diversion Options Submitted by United Christian Leadership Ministry

Existing Rochester-Area Arrest Data and Diversion Initiatives

In Monroe County in 2018/2019, approximately 67% of the 14 – 15,000 adult crimes committed were for misdemeanor offenses which include substance abuse, simple abuse, property theft, sex work, and other property related crimes. The racial diversity of misdemeanor arrests was similar to the total arrests with approximately 40% white, 45% black, 12% latinx, and 3% other. However, in Monroe County, the misdemeanor arrest rate for white people is *10% while for blacks it is 75%. Latinx and other people are arrested at about the same rate as their respective population percentage.*

Over 50% of people currently incarcerated in Monroe County are there as the result of a misdemeanor offense. In 2018, 67% of final dispositions and decisions in Monroe County Courts were the result of misdemeanor offenses. Limited recidivism data exists for people who have committed a misdemeanor offense and have been released from jail.

Again, in Monroe County in 2018/2019, approximately 60% of youthful arrests were for misdemeanor offenses. While youthful arrests for both felony and misdemeanor charges have declined by nearly 58% over the last 5 years, there were still 452 misdemeanor arrests in 2019 (down from 1064 in 2015).

Importantly, prior studies have shown that:

- 62% - 87% of adult incarcerated males experienced childhood trauma;
- 77-90% of adult incarcerated women experienced childhood trauma.

They have significant mental/behavioral health issues. Until we as a society deal with the underlying issues, we will continue to arrest and incarcerate people with a significant social safety and financial cost to individuals, families, and the community.

Current Diversion Options:

The options that currently exist in Rochester / Monroe County for pre-arrest diversion are limited. They include:

- Behavioral Health Access Crisis Center – Mental Health
- Project HOPE – Heroin and Opioid Addiction
- Crisis Intervention / Emotionally Disturbed Person Response Team – Mental Health.

These options are rarely utilized by Rochester Police Department officers.

Proven Pre-Arrest Diversion Programs

The coordinated, expanded Pre-Arrest Diversion Program we recommend is based on the Law Enforcement Assisted Diversion (LEAD) program which started in 2011 in Seattle/King County, WA. It has expanded to over 40 cities throughout the United States, including Albany and Schoharie County in New York. In Albany, LEAD started in 2016. A significant number of officers and a broad range of community leaders and residents now support pre-arrest diversion.

Instead of arresting the person, the police officer could assess the person's eligibility for pre-arrest diversion. The diversion criteria are agreed to by a broad range of stakeholders including law enforcement agencies and the District Attorney. If the person is eligible, then he/she can be taken to a case management coordinator who will immediately begin to work with the individual on an individualized, intensive harm-reduction. LEAD is completely non-coercive, so if the person does not agree to participate, then he/she is arrested, charged, arraigned, etc. based on the level of the offense.

If the person agrees, then the coordinator will do a person-centered intake assessment. This is designed to establish needs and goals including various health-related treatment services, and social services, e.g. housing, and

employment. A case manager connects the person to the appropriate service providers and stays with the person for an unspecified number of months based on the needs of the individual.

Operational Principles

Across the communities that have implemented LEAD, various Core Principles exist. Below is a summary of the on-going operational principles:

- Police and community engagement.
- Coordinated case management across all providers.
- Client and community tailored intervention that is personalized by individual.
- Harm reduction and housing first framework.
- Cultural competency to include racial, social, and economic.
- Connections with a peer who previously participated in LEAD or similar services, to establish a supportive community.
- Monthly or more frequent discussion of individual progress and on-going program changes and improvements.

Results

Seattle and Santa Fe have evaluated their respective LEAD programs, both of which focus on substance-abuse diversion. In 2016, three University of Washington Professors published a Seattle LEAD evaluation study. Two important findings were:

- LEAD participants were 58% less likely to be re-arrested and were 39% less likely to be charged with a felony than people who did not participate in LEAD.
- Participants were also almost twice as likely to have permanent housing than had been before entering LEAD, and 46 percent were more likely to be employed or getting job training. The health and well-being of participants is difficult to measure, but overall improvement exists.

A follow-up 2019 study by the same group indicated the positive impact of LEAD in reducing average yearly criminal justice and legal system utilization and associated costs. LEAD participants had 1.4 fewer average yearly jail bookings, spent about 41 fewer days in jail per year, and had 88% lower odds of prison incarceration relative to comparison participants. LEAD participants also showed

significant reductions in legal costs whereas comparison participants showed legal cost increases.

The 2018 Santa Fe evaluation conducted by the New Mexico Sentencing Commission highlighted the lower criminal justice and medical care costs of LEAD participants. Emergency medical and days-incarcerated cost reductions were an important source of the cost benefits. The average annual cost for a LEAD participant was \$7,541 per client per year vs. \$9098 for the comparison group participant. Thus, overall cost savings of LEAD compared to the past was \$1,558 per client per year, a savings of 17%.

RECOMMENDATION:

Governor Cuomo, in his June, 2019 Executive Order, cited law enforcement assisted diversion as one of multiple programs to address the “particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

To comply with the Governor’s Order, we recommend that the community start a coordinated Pre-arrest Diversion Initiative by the 3rd quarter 2021. With the Rochester Police Department support, police officers can assess a person’s eligibility for pre-arrest diversion, and begin the process of helping that individual as opposed to arresting him/her.

A team to include existing diversion initiative members, government, health care, public safety, and neighborhood group stakeholders would develop the specific proposal. An important step in this process would be learning through interaction with other groups, e.g. the Albany LEAD team. The team would also:

- Obtain needed funding; the case for this funding is strengthened by the verified savings realized in existing LEAD Programs.
- Establish the organization infrastructure to include Project Management and Coordinated Case Management;
- Create a Memorandum of Understanding (MOU) that is agreed to by the appropriate organizations.
- Establish first year, five year, and ten-year goals to include:

- Number of people diverted consistent with racial diversity, gender, etc. of those people arrested;
- Percentage of people who successfully complete diversion;
- Percentage of people who achieve permanent housing and employment;
- Percentage of people who do not recidivate;
- Public safety costs saved because of diversion;
- Net community cost savings.

The United Way System Integration Project approach would promote transparency and provide the status of participant services to the appropriate providers and Law Enforcement personnel. A group like Coordinated Care Services, Inc. could be the Project Manager. An initial meeting with multiple County personnel, including Office of Mental Health, has been held to establish such a coordinated/collaborative service.

Start Small and Grow

An important diversion principle is non-displacement. People who are diverted should not displace people currently receiving similar services. In the first year, given the limited Rochester-area health care and social service resources and the need to operate an effective program, pre-arrest diversion would only service about 100 participants, about 1% of the people who commit a misdemeanor offense. As appropriate service resources increase, then participation and benefits will also increase. Also, over time, referrals to the diversion services could be made by a family member or someone who lives in the neighborhood.

A similar diversion approach must be adapted for youthful offenders. The diversion process would be similar to the adult program with additional focus on strengthening family relations.

Implementation and on-going Management – Key Elements

- Voluntary agreement among independent decision-makers:

Collaboration across the community stakeholders is required to make LEAD work. A Memorandum of Understanding (MOU) must be agreed to by the decision-makers prior to implementation.

LEAD cannot work without the dedicated efforts of independent agencies and, sometimes, multiple jurisdictions. The program can only proceed as far as the key

entities can achieve agreement at any given time. In addition to law enforcement, service providers, community groups, prosecutors, elected officials and others, such as persons with relevant lived experience (e.g. drug use, sex work, homelessness, poverty, etc.) are essential stakeholders who should be meaningfully involved partners. All stakeholders should commit to share credit and blame equally and to acknowledge the critical role of other partners.

- Law enforcement officer “buy-in”:

LEAD only works because of the effort and insight of line officers and their sergeants. As patrol officers talk with fellow officers about the benefits of LEAD, for both the officers and the community, more officers “buy in” to the program. The program relies on their initiative and discretion. They must be equal partners of the program and must be involved in operational design and improvement conversations. In Albany, line officers established the initial diversion criteria. Over time, the criteria have changed based on experiences.

- Command-level support:

To support line officer commitment to LEAD, Command officers must implement deployment, overtime processes, and shift scheduling that supports the program. Officers need to know and see that participation in this approach is valued. Command officers must agree to the process for making a diversion. In Albany, the diversion process is a one-page document, and takes much less line officer time than submitting an arrest package.

- Prosecutorial discretion should be utilized in LEAD participants’ non-diverted cases:

LEAD participants typically have other cases from both before and after their referral to the program. Coordinating prosecution decisions in those filed cases with the LEAD intervention plan maximizes the success of the program in achieving behavior changes, and in reducing system utilization costs.

- Dedicated project manager:

The project manager troubleshoots stakeholders’ concerns, works to identify resources, facilitates meetings, develops information-sharing systems, and streamlines communication. LEAD is a consortium of multiple different organizations. The project manager must be primarily loyal to the program itself, independent from all political and operational stakeholders. The project manager should report to an organization that does not provide individual direct services and has experience in coordinating services across organizations.

- Bi-weekly / monthly Meetings:

Providers, law enforcement, case managers, and community stakeholder representatives meet every 2 to 4 weeks to discuss the status of individual participants, and the overall program needs and improvements. This interaction builds the relationship among the various representatives, provides input from different experiences and perspectives, and helps the case manager connect a person to the appropriate resources. The Albany LEAD team excels in these bi-weekly sessions.

- **Semi-Annual / Annual Reports:**

An independent external organization should provide a semi-annual or annual report to include:

- The number of people who:
 - currently participate in LEAD services
 - have successfully completed the services
 - have dropped out of the services
 - have on-going interaction, if any, with law enforcement
 - have on-going health, social, and community wellness
- Structural and operational costs and funding received

Actual Diversion Services

- **Harm reduction:**

For a person diverted for substance abuse service, the primary focus is general wellness rather than an exclusive focus on sobriety. The goals are to address the participant's drug activity and other factors driving his/her problematic behavior, and to build long-term relationships with participants without employing coercion or shame.

- **Intensive case management:**

Development of an Individual Intervention Plan serves as the action blueprint. This personalized plan may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, childcare, or other services. Intensive case management provides increased support and assistance in all aspects of the participant's life.

- **Housing First:**

An individual's Levels of Need starts with housing, food, and other basic services. Until these needs are met, it is difficult for an individual to move forward to subsequent levels of need. The permanent housing should be sustained for a minimum of one year based on the participant's progress.

- **Utilize and Expand Available Resources:**

The services support plan for each LEAD participant is dependent on the currently available resources. The Case Manager connects a participant only to a service provider who has the necessary support capability. A referral to a provider waitlist and to an over-taxed social services infrastructure will disappoint the participants and stakeholders and will produce poor outcomes. Even when resources are not robust, LEAD typically is more effective than traditional responses that tend to stigmatize the participants. Medicaid and related government programs provide most of the funding for the services provided to LEAD participants. Provider resource services must be expanded in order to increase the number of LEAD participants.

- **Non-displacement:**

The net effect of LEAD is to improve individual and community health and safety. The provider resources available are typically less than needed. It is not appropriate to give LEAD participants preferential access to scarce resources. Displacement drives other people down or off waitlists for services they need as much as LEAD participants.

- **Peer connection:**

Peer connection is about linking a LEAD participant to a person who has lived through related health care and arrest issues. Peer outreach workers enhance the program's effectiveness. Decades of research demonstrates that peer-based interventions are a highly successful way to intervene with disenfranchised and stigmatized populations. These peer outreach workers stay connected to participants, provide important insight into the ongoing case management process, serve as community guides, coaches, and/or advocates, while also providing credible role models of success.

Community Engagement:

- **Involve community public safety leaders:**

Ultimately, LEAD must meet neighborhood leader needs for a safer and healthier community. Community members should be able to refer individuals as social contact referrals and suggest areas of focus for outreach and referral. They should also receive regular information about the program, its successes, and obstacles to improve implementation. This may best be accomplished by hiring a community liaison. Expectations should be reasonable given available resources, and program operations must be highly transparent.

- **Involve the business community:**

When appropriate, involve representatives, especially small business owners, franchise operations, and/or members of the Chamber of Commerce groups in the planning and implementation of LEAD. Shoplifting is common among individuals with problematic drug and alcohol use. Involving business owners shows that the program is working to improve public safety for residents and business owners alike. Buy-in from this critical sector can greatly influence support from local elected officials.

- **Officers:**

In Albany and other locations, LEAD fosters line officer engagement with neighbors and business owners. For example, if the complainant is a business owner or a neighbor, he/she must sign-off on a deferral before the officer engages the case manager. This requires trust and relationship building by the officer and the complainant.

- **Create tailored interventions:**

Address individual and community needs. Each community has its own unique character, involving different demographics and social dynamics. Rather than attempting a “one size fits all” approach, community-based interventions should be specifically designed for the population in that particular neighborhood.

- **Related Services:**

In Monroe County / Rochester at least three related Court related programs exist with many of the same service providers and objectives. These programs include:

- Alternatives to Incarceration / Pre-Trial Diversion
- Monroe County Judicial Diversion
- Rochester Crisis Intervention Services / Crisis Response

Over time the various programs should evaluate whether an “overall” coordinated Case Management and provider services would improve results and lower costs.

Structural Change:

- **Evaluation criteria, procedures, and assessment:**

Public accountability requires that these factors must be established prior to LEAD implementation. Albany and other communities can provide specific information on these elements. There should be a regular review of program effectiveness by stakeholders and an independent evaluation of the program by outside experts. Agreed to objectives should be assessed and appropriate changes, etc. should be made based on results.

- **Cultural competency:**

All aspects of the program to include outreach, case management, and service provision, must have ingrained cultural competency. Meaningful involvement of persons with relevant lived experience in project design, implementation, and evaluation is one way to foster cultural competency. Training and on-going feedback are also important aspects of establishing a culturally competent environment.

- Capture and reinvest criminal justice savings:

To support rehabilitation and prevention services, reinvesting criminal justice savings is critical. Priority should be given to sustaining community diversion programs, and to improving and expanding other “upstream” human services and education efforts.

- Time and patience:

LEAD participants with drug and/or mental health issues are often homeless, sometimes it takes months or even years to make major behavior changes. When individuals do change, they almost unanimously say they found the strength to change in part because case managers and officers refused to give up on them and used positive approaches to incentivize individual change. Patience and relationship-building can eventually yield results that shorter-term strategies cannot.

Available Funding:

- State and National Grants:

The U.S. Department of Justice funds diversion programs, especially those focused on substance abuse. Multi-year project management and coordinated case management funding would be funded by DOJ. SAMSHA, Substance Abuse and Mental Health Services Administration, could be another source of such funding.

The New York State Health Department helped fund diversion initiatives in Albany, Buffalo, and Staten Island. The New York State Division of Criminal Justice also provides Alternatives to Incarceration funding. In 2018 the Legislature also established funding for LEAD. Rochester area organizations need to collaborate with other NYS diversion groups to get this funding approved in the 2021 State budget. Given the Governor’s support of LEAD, this should be likely.

- Local Law Enforcement Re-allocation:

A properly implemented and administered LEAD program should result in cost savings across the Public Safety sector that can be re-allocated.

- Local Grant Funders:

Grant fund requests from various local organizations would be used to supplement the operational organization expenses.

- Individual health care and social services:

The vast majority of the health care and social services expenses would be paid through Medicaid and related Government programs for poor people. The case manager would link the eligible person to the various funding programs.

Benefits – Individual, Community, and Cost

- Individual:

The majority of LEAD participants have realized multiple benefits including improved healthcare, permanent housing, and employment, and reduced incarceration time. They are more active in their family and community.

- Community:

The community is safer because there is less crime. Also, police officers and community members are more personally engaged with one another. Over time, these benefits will have a ripple effect, especially when pre-arrest diversion is combined with other public safety cultural changes.

- Economic Savings:

The bottom-line cost to provide LEAD structure and operational support is less than the current cost for related healthcare, especially emergency support: and public safety, especially incarceration. The government and community reduce expenses through LEAD.

Submitted by United Christian Leadership Ministry

MCATCP

Monroe County Alliance for Transformation of Community and Police

MONROE COUNTY, NY

Brighton Community Forum Responses ~ “Chat with Chiefs ~ Reimagining Policing”

1) IN A PERFECT WORLD WHAT WOULD “COMMUNITY POLICING” LOOK LIKE?

(7) **TIMES/TABLES** - Our law enforcement (especially the Chiefs) should engage with the community through more positive interactions

- More positive engagement with teens, seniors, etc. who are OUT of uniform
- Get younger officials involved in conversations like this
- Re-learn each other
- Young people are needed in Brighton
- Relationship-based Policing
- Getting to know the police reduces fear
- No presumptions about each other: build relationships

(4) **TIMES/TABLES** - Response Residency requirement to live in the community being served

- Police are more inclined to relate to the public if they live there.
- Important to live in the community being protected.

(3) **TIMES/TABLES** Community policing looks like more diversity in the police force

(3) **TIMES/TABLES** A consistent treatment of public across all police agencies

- All people treated as equal
- Mutual respect
- Removing adversarial nature from routine interactions

(3) **TIMES/TABLES** Community & Police should be involved in solving problems together

- Community perspective should be a part of policing.
- Not always being only responsive to the 911 call – but to help and listen through community policing.

(2) **TIMES/TABLES** Restorative practices

- (ex. 14-year-old breaks into a car – no consequences except jail)
- Community Service
- Restorative justice - real engagement with the community offenders
- Need to teach that differences are good.

(2) **TIMES/TABLES** Police should handle/focus on “crime” related subjects only.

- Violent acts ONLY

(1) **TIME/TABLE**

- Possibly not armed
- Community members who are comfortable calling 911 – for low-level concerns
- academic citizenship

- Better education system | better health care | no poverty
- Community resident vigilant
- Less interaction is better
- The jury pool/panel would be made up of the same members of the community.

How is public safety structured in this world?

- Punitive vs. Restorative
- Police officers are embedded in minority communities.
- Specialized by service
- Specialized by training
- Violent vs. non-violent response
- Creating trust is a two-way street. Police perception is negative in troubled neighborhoods.

What specific services would you like to see offered?

(6) TIMES/TABLES Adequate diversity training/education

- Cultural training
- Sustained education on institutional racism
- Implicit bias / poverty simulator training (education)

(6) TIMES/TABLES Mental Health Services | Counseling services (Social Work)

- More Mental Health Resources available
- Addiction services
- Agencies / other staff should go out with police (ex. mental health).

(5) TIMES/TABLES Partnerships with community groups/trust building

- The departments of each town should create methods to build positive relationships with the community they serve
- Services working with youth
- Bridging the gap between programs
- School districts
- Faith communities
- Elected officials
- Mentoring & Internships

(3) TIMES/TABLES Police should respond to CRIME (Police should be the *last* responder with other services first.

- Focusing on law enforcement vs. non-law enforcement issues (Ex. Mental health issues)
- Ex. social workers
- Ex. counselors
- Ex. Addiction Specialist

(3) TIMES/TABLES More refresher training

- De-escalation/soft skills training
- Veterans training the new folks on the force so first interactions do not escalate to confrontations.

(2) TIMES/TABLES Police accountability board

- Support needed for police accountability board to standardize disciplinary actions which are transparent and accessible to community.

(2) TIMES/TABLES Update of psychological profile of officers at least annually to reduce personal problems during policing.

- Training on police officers thought process / decision making process

(2) TIMES/TABLES Marketing

- what are some programs that police have that the community may not know about?
- Enhance social media presence

(3) TIMES/TABLES SRO's who are trusted

- Removing SRO's is a huge mistake
- Connected people to services

(1) TIME/TABLE

- Team policing across towns
- Citizens should do Ride along
- Domestic violence services
- The ability to triage
- More use of technology/track report
- Use of force policy must be public
- Highlight cops with "golden image awards" – what cops are doing in the community

What specific services are currently provided by the police that you would like to see them no longer provide or be involved with?

(6) TIMES/TABLES Mental health/social work

- Police should not be tasked with mental health problems
- Trauma
- Drug addiction – dealing with the issue and getting into recovery
- Homelessness

(1) TIME/TABLE

- Bring back school resource officers?
- Less weaponization
- Less broken window practices
- Police must strictly be about violent crimes
 - No Traffic stops, No Speeding tickets, No parking tickets

How would those services be provided and by what agencies?

- Re-allocation of current police funds
- Drug Treatment Court / Mental Health Court
- Neighborhood Associations
- Little Italy Neighborhood Association (Lyell Avenue)
- Citizens Academy
- Coalition of Concerned Citizens

How do we get there?

- Research-experts
- Professional accountability-equal justice board
- Door-to-door outreach
- Cook-outs

(2) WHAT DOES “DEFUNDING THE POLICE” MEAN TO YOU?

(6) TIMES/TABLES - Re-allocation of funds

- Defunding is not an accurate term – it should be reallocation/ re-think for specialized personnel? Trainings?
- Defunding the police means being active in community policing – humanize the officer
- It means looking for exemplars (ex. reallocation, re-examine how settlements are paid & qualified immunity).

(14) TIMES/TABLES - It means more toward restorative/social services

- Addiction services
- Homeless services
- Increase funding for social workers and clergy (officers are asked to do too much)
- Mental health funding programs/programs
- More social workers/counselors in schools
- Social workers
- Paid mentors
- More should be given to provide services in schools.
- Youth services
 - Before/afterschool
 - Daycare
 - Affordability
- Evening weekend activities for youth
- Quality equitable youth services
- Ex. domestic, social/family services
- More follow up from service agencies
- Police must recognize what they are not equipped to handle: police must admit the help
- Taking the resources that police are not good at and redirect to services.

(7) TIMES/TABLES - Do not defund - Increase resources to law enforcement for special services

- Police Accountability Board
- Body cameras (Cameras keeps everyone professional)
- Restructuring leadership within the police department
- Building community policing requires funding.
- Mental Health Services
- Social Programs
- Increase funding/training for conflict resolution; respect for teachers/adults

(2) TIMES/TABLES - Police should not be in schools (reduce armed police from schools).

(1) TIMES/TABLES

- It means meeting people where they are.
- Defunding means politicizing the problem (lets identify the real problem)
- It means demilitarization
- The challenge in Brighton police is that we don't provide mental health services.
 - o Don't have a youth bureau
- It means investing in the community, not material things, not military
- The whole chain is just "hiring" more police = more probation, guards, larger jail/prisons, district attorney

(3) RECRUITMENT PROCESS

(2) TIMES/TABLES Civil Service reform

- o Reformed at the State level
- o Change the test

WHERE to recruit?

- o Partnerships with schools to recruit diverse candidates to police work
 - o Neighborhood
 - o Veterans groups
 - o Community agencies
 - o Spiritual organizations
- Recruiting should have compassion screening/conflict resolution
 - Better training
 - More diversification
 - More criteria to evaluate the best candidate
 - Community leaders can present a positive police image to help with recruitment.
 - Remove "law enforcement" from under the auspices of "civil service" requirement.
 - Bring more qualified people to the table.

NOTE CARD QUESTIONS & FEEDBACK

- ❖ Systemic Racism should be clearly acknowledged
- ❖ The average citizen (like me) needs a lot of information before we can make helpful comments about what "should" happen with police. Unfortunately, this means the officers at the table gets to do all the talking. That means he goes away thinking he is the expert but not having listened as much to the concerns of the citizens at the table. I don't know how to fix it. Just wanted to mention it. - Maybe frame at least one question as "what do the people wish police knew about their community/family/history?"
- ❖ How can MCATCP bring other "activist" and voices to the table?
- ❖ How can we level up more strategic initiatives that involve collaborative efforts between agencies to address the continued crime in the Lyell ave area?
- ❖ What services do police provide, and how can police provide transparency about their services?
- ❖ What's the function/impact of police unions on the ability to make changes? (Because they seem to restrict/prevent change)
- ❖ How do we better market policing to the community?
- ❖ What can the community do to better engage the police/humanize police?



Ministers and Police Alliance for Community Transformation

703 Joseph Ave, Rochester N.Y. 14621

The Ministers and Police Alliance for Community Transformation has completed community forums, interviewed stakeholders from all facets of the community and developed two key issues we feel are opportunities to not only improve the lives of people of color in Monroe County, but will impact all citizens of the County in a positive manner. Outlined below is our current assessment with regard to mental illness and civil service in Monroe County. Additionally we have delineated a number of recommendations to improve these issues.

The Ministers and Police Alliance for Community Transformation (MPACT) is comprised of ministers from the Baptist Ministers Alliance of Rochester and law enforcement. Police Chiefs from all police departments in Monroe County, including the Sheriff and the Monroe County Public Safety Director, are members of the committee. The group began meeting in May of 2020 in an effort to improve relations between law enforcement and the community in the wake of the tragic death of George Floyd in Minneapolis. Our determination to make a difference in our own community was only intensified and clarified with the death of George Floyd.

We have held community forums where law enforcement interacted with citizens across the county to hear the voices of our community. We did so in an effort to understand how the community wants to be policed. These sessions also afforded us the opportunity to educate the community as to police tactics and the laws that often dictate police involvement in much of what happens in our community. To better understand the intersection of the needs of the community, from mental health, to creating a more diverse police force that mirrors its community, we have invited and interviewed representatives from the Monroe County Office of Mental Health, Coordinated Care Services Inc., Forensic Intervention Team, as well as a Medical Director from a local emergency psychiatry department. Our law enforcement partners have also educated the group on the limitations of the current Civil Service process.

MPACT collectively is focused on two key issues it has identified as opportunities: lack of mental health resources, pre and post crisis in our community and the Civil Service process that often inhibits people of color from becoming law enforcement officers.

Mental Health - the current situation:

The mental health laws governing who can be admitted voluntarily or involuntarily have not changed over the years however, the number of patients in need of services has increased and the availability of beds has decreased in Monroe County. As a result, individuals who would likely have been admitted years ago, are now being discharged to our community. Monroe County does not have enough immediately accessible services for people in need. There is a long waiting list for respite beds (Monroe County only has 6-7), and residential treatment options have a current wait time of 6-9 months. Data from the Monroe County Office of Mental Health shows that 25% of Mental Hygiene Arrests (MHA) are new patients, meaning 75% of the MHAs

involving police intervention are individuals in repeat crisis. We have heard from the community that family members in crisis are not being admitted because the hospitals are overflowing and New York State has reduced the amount of beds designated for mental health patients. MPACT strongly believes, as a community, Monroe County needs to begin to treat mental health issues as a public health problem and stop viewing it as a public safety problem. We need to hold the system accountable for helping our most vulnerable community members. Barriers, everything from transportation challenges, hunger and affordable housing, need to be removed for these most vulnerable individuals to succeed. Once we as a community achieve this, and begin to treat these diseases of the brain the same way we do other diseases and disorders, our most vulnerable citizens, many of them people of color, will be healthier and lead more productive lives. As a result, police officers will have more time and resources to do the work they are specifically trained to do, and in turn we will reduce our jail population.

Recommendations:

- 1.) Monroe County needs to secure State funding to create more respite beds, and short term recovery facilities for patients to go to after a hospital discharge. This will provide support and oversight and allow patients to get healthy instead of being thrown back into the same situation they were in prior to being taken to psych ED for their crisis. Additionally, respite beds for children and adolescents who suffer from and exhibit behavioral issues are also needed.
- 2.) Monroe County and the State of New York need to provide the resources and mandate hospitals take ownership of creating crisis plans and discharge planning for mentally ill patients. Providing a patient who has barely stabilized from a crisis with a pamphlet of services for follow up, is not a discharge plan. The expectation for individuals in crisis to navigate the current system is not a plan for success. Contact must be made with patients within 24 hours of their discharge. The NYSOMH should mandate proper comprehensive discharge planning that is tracked for accountability purposes. Discharge plans should include housing, an individual's basic needs, as well as timely follow-up appointments.
 - a. Much work has been done to create parity for mental health and substance abuse issues with insurance companies however, the accountability for hospitals has fallen behind. For medical patients following discharge, a phone call is made within 24 hours to ensure the patient is doing well and following up with medical providers as directed. The hospital must ensure the patient is released to an appropriate level of care and that there are supports in place for the individual to succeed. There should be no difference in these mandates for continuity of care of mentally ill persons.
- 3.) Monroe County needs to develop a system to divert mental health crisis calls from 911. Citizens in our community, as well as throughout the nation, have been conditioned to call 911 for any and all issues they are facing. There are many mental health crisis calls in which police officers *will* need to respond in order to ensure the safety and security of all. However, by triaging and diverting the calls, only dangerous mental health calls

would require police involvement. We recommend reviewing work flows in the County in an attempt to change this culture.

- 4.) Monroe County needs to strengthen supports for mentally ill individuals post crisis. The mental health system in Monroe County needs to assess the individual's entire situation and address a full range of needs in order to stabilize and prevent future crises. These needs could be appropriate housing, food, assistance in obtaining medications, transportation for follow-up appointments and setting the individual up with care management staff. We need to meet these individuals where they are at currently and address their needs, not from our perspective, but theirs.
- 5.) Monroe County needs to increase the ability for Diversion. Diversion centers for law enforcement should be open 24 hours a day, 7 days a week. Law Enforcement should have the option to divert people in clear crisis due to mental illness, substance abuse or both. Diversion centers, such as the Behavioral Health Access and Crisis Center (BHACC), should be available to local Psych EDs as well.
- 6.) Monroe County needs to increase staffing for the Forensic Intervention Team (FIT) to allow for 24/7 coverage. This team, developed with MCOMH and local law enforcement, has proven to be a valuable resource for law enforcement and for the community and people in crisis. The current coverage is not acceptable for the number of service calls and need for assistance that law enforcement requires.
- 7.) Monroe County and New York State should provide funding to law enforcement agencies to support training all 1350 law enforcement officers in Monroe County on Crisis Intervention Training (CIT). With the demand on local law enforcement to be the front line service to mentally ill individuals in our community, this training would be invaluable in order to educate our officers and deputies on the proper and supportive methods required to respond to a person in crisis and de-escalate the situation safely. The community is demanding this response from law enforcement, therefore it is the County's responsibility to provide the education to do so.

Civil Service – Current Situation:

Law Enforcement, as well as other government agencies, are unable to fill civil service positions with minority candidates due to limitations with the current local and New York State Civil Service process. Civil Service is a system that was intended to prevent patronage and create a fair system for citizens to obtain secure employment with their local government. The Chiefs of all the law enforcement agencies have sounded the alarms that the system prevents them from hiring minority candidates. Community members have also made it clear they want their law enforcement agencies to reflect the demographics of their community. The civil service system requires changes to ensure the mission of sustaining a fair system for citizens to obtain secure employment is accomplished, as well as providing communities with the kind of law enforcement they desire.

In community forums held across Monroe County, there was a great deal of discussion surrounding the barriers that the civil service process creates, especially for people of color, to

get into law enforcement. Concerns were raised, from the cost of signing up for the exams to the psychological test, which contains structural racism tones within it, that unfortunately negatively impact people of color. Chiefs and Sheriffs across the State have complained that the limitations caused by the rule of three, within the banding system set up through civil service, handcuffs their ability to select people of color.

Many civil service applicants are hindered by their criminal or drug histories. While there is a perceived belief that civil service has an absolute rule when it comes to drug use preventing an applicant from being considered, the committee found this is not completely accurate. However, perception is reality. We need to work together to change this, an individual's past substance use should not be a lifetime sentence. Civil service and employers need to take a closer look at the time that has lapsed from use and what drug(s) was used, rather than automatically denying the candidate.

Civil service exams for law enforcement are administered approximately every two years. The time it takes an agency to obtain results is typically six months. Agencies then have to administer physical agility exams, psychological exams, and background checks, which can take another six months. By the time an individual is offered a position, two years has lapsed since the date of the original exam. These delays caused by civil service are also an impediment to hiring. Law enforcement agencies from outside New York are recruiting our candidates in a weekend long process, taking them away from our pool to choose from. Finally, the public has made clear, people desire a "guardian" police officer model as opposed to the "warrior." Nowhere in the civil service process do we evaluate a candidate's character, integrity or empathy. Civil service should take these attributes that make a great police officer into account during the hiring process.

Recommendations:

- 1.) Make exams pass or fail and then take into account an individual's other attributes to distinguish candidates. We often use the exam as a baseline of intelligence, placing individuals in bands based on their test score with the belief "the better the test taker or smarter the individual, the better the police officer." Chiefs and Sheriffs alike will tell you, test scores alone do not define a good police officer. It is the character of the individual, the integrity, empathy, service attitude, guardian mentality, and life experiences they bring to the job that help shape an exceptional police officer. We propose making the test pass/fail and creating a credit scoring system for education degrees earned, volunteer and/or work experience, minority status, bilingual ability etc. The current system is negatively affecting individuals who are not good test takers. Some committee members equate it to the SAT, which was primarily geared towards white males living in the Suburbs.
- 2.) If the exam cannot be changed to a pass/fail system, we recommend civil service increase the band scoring system. For example, instead of scoring in increments of five (100, 95, 90, etc.), revise the bandwidth to increments of ten (100, 90, 80, etc.), allowing Chiefs and Sheriffs a larger bandwidth from which to choose a candidate.

- 3.) We recommend civil service expedite the testing process to reduce the hiring time frame. From obtaining the bubble exams immediately upon the candidate completing the exam, to following up with the physical agility exam the next day. These revisions would reduce the process by six to eight months.
- 4.) Offer a certain amount of civil service exams at no cost to residents of Monroe County each year. Monroe County Civil Service does have an application waiver process however it is somewhat complicated and requires documentation. It is yet another hurdle to clear, and should be removed.
- 5.) We recommend the County fund courses to assist candidates in preparing to take civil service exams. All announcements include a brief description of what to expect in the exam. Candidates can seek out additional references, however it is often difficult to find quality material. Monroe County should take the lead in preparing potential candidates for civil service positions.
- 6.) Monroe County's rules regarding positive marijuana tests do currently permanently disqualify candidates from civil service positions. The City of Rochester's civil service requirements do not disqualify the individual. The City does screen for "hard drugs" for police, fire and several other positions, but not all. Monroe County should adopt the City of Rochester's policy with regard to drug use. Previous drug use should not be a lifetime disqualification. Time elapsed since last use and individual circumstances should be reviewed.
- 7.) There needs to be an overhaul of the marketing of civil service exams and jobs in Monroe County. We recommend better publicized exams with campaigns for recruitment in local high schools and colleges. We also recommend Explorer programs that lead to candidates for hire.

MPACT would like to thank the RASE Commission for reviewing its recommendations. We assure you we viewed these two major issues through the lens of structural and institutional racism with a goal of ending racism in our community. We will support any and all lobbying efforts required to enhance these recommendations and will assist in any way to ensure these efforts are realized.

Report: Findings from the Community Survey about the Brighton Police Department

February 26, 2021



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Introduction

On June 12, 2020, New York State Governor Andrew Cuomo signed [Executive Order No. 203](#): New York State Police Reform and Reinvention Collaborative. The Executive Order served as not only an order, “to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust;” but, also as a guide for how departments identify, modernize, and develop these new practices. In August, 2020, Governor Cuomo released a more detailed [roadmap for police reform and reinvention](#). One of the requirements was that police departments actively engage with the community in assessing their current state of policing and the direction in which the department wants to move.

The Brighton Police Department’s Chief David Catholdi is leading the reform and reinvention effort in the Town of Brighton, New York. Some of the activities to date include partnering with Roberts Wesleyan College to increase minority recruitment and meeting with local community leaders to discuss policing. As part of these reform efforts, Chief Catholdi and the Brighton Town Board supported the development and distribution of a community survey to understand how the community views the Brighton Police Department. The survey results would then be used to direct some of the reform efforts.

Methods

The Town of Brighton and The Center for Public Safety Initiatives (CPSI) partnered to create, disseminate, and analyze the survey. CPSI is a research center housed in the Criminal Justice Department at Rochester Institute of Technology. CPSI has longstanding research relationships with local non-profit organizations (e.g., ABC’s Save Our Youth), city agencies (e.g., Pathways to Peace), and criminal justice agencies (e.g., Rochester Police Department, Monroe County Sheriff’s Office).

CPSI staff met virtually with Chief Catholdi on multiple occasions to understand the goal of the survey, how it would be used, and what Chief Catholdi specifically wanted to know more about from the community. The survey was developed by CPSI in order to meet the stated goals. CPSI also reviewed best practices for survey development specific to policing. This included reviewing the Department of Justice’s Community Oriented Policing Services (COPS) survey guide *Community Survey on Public Safety and Law Enforcement* (2014)¹, the International Association of Chiefs of Police *Sample of Community Surveys* (2018)², and community policing surveys disseminated locally and across the country (e.g., *Policing in Rochester Survey*³ (2020)).

¹ <https://cops.usdoj.gov/ric/Publications/cops-w0743-pub.pdf>

² <https://www.theiacp.org/resources/sample-community-surveys>

³ <https://www.cityofrochester.gov/policesurvey/>

Drafts of the survey were shared with the Chief throughout the process. A final survey was developed and can be viewed in Appendix A. The survey incorporated dynamic question ordering for some questions. This meant that the questions were adapted based on earlier responses. For example, if someone responded that they had a contact with Brighton Police in the last 12 months, then they were asked a series of questions that the respondents with no contact were not asked. This is one of the benefits of online surveys, that questions can adapt based on the responses.

The survey has two substantive sections, the first includes questions about policing and the Brighton Police Department (BPD), while the second section captures demographic and background data about the survey respondents. Background data was collected so that analyses could be conducted looking at certain groups. This was done intentionally because evidence continues to demonstrate that certain groups are treated differently by the police, leading to disparate criminal justice outcomes (see Cuomo's NYS Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens, August 2020; Autistic Self Advocacy Network, 2017; Callis, 2014; Urban Institute, 2020)

The Chief took on the role of disseminating the survey. He sent out the survey link to over 40 Brighton Neighborhood Associations. Those Associations then shared the survey with their members. The Chief also shared the survey with other groups including: Brighton Fire Department, Brighton Ambulance, Jewish Federation, Rotary, Islamic Center of Rochester President, local synagogues, and local colleges. The link was also posted to the Town of Brighton website, Brighton Police Department Facebook page, the Police Blotter, and circulated to the news media. It was also shared with the Brighton School District through the district newsletter in addition to other local schools.

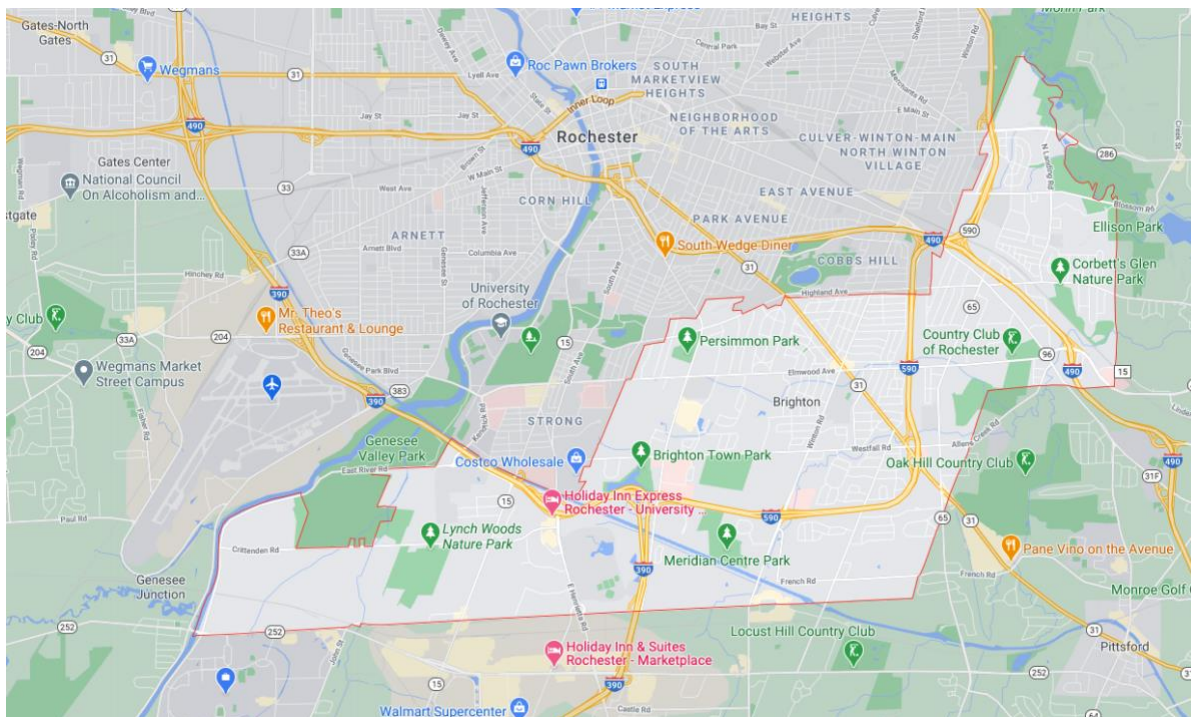
The survey was available online for three weeks at the end of January into February 2021 (January 18-February 8).

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Brighton Community

Brighton is a 15.42 square mile suburb of Monroe County. Brighton is located south of Rochester and spreads to the east and slightly to the west. Portions of Brighton run along the Genesee River and the Erie Canal. The map below outlines Brighton in pink. There are numerous main thoroughfares that connect Brighton to the rest of the county. This includes Elmwood Ave, Monroe Ave (route 31), West Henrietta Rd (route 15), and East Henrietta Rd (route 15a). These roads connect Monroe County residents to the community's largest employer (University of Rochester), the local community college (Monroe Community College), numerous medical offices and facilities, and large chain stores (e.g., Costco). We did not exclude non-Brighton residents from the survey, as these commuters could have interactions with Brighton Police while passing through.

Map 1. *Town of Brighton Boundary*



Brighton is considered to be one of the more diverse communities in Monroe County. Brighton has a population of 35,928 ([US Census 2019 estimate](#)), with 82.2% of the population 18 years of age or older. More than half (53.7%) are female and 75.8% of the population is white, non-Hispanic. Further, 10.2% is Asian, 6.2% Black, 5.1% Latino, 2.5% two or more races, and .5% American Indian. Nearly one-fifth (18.2%) of the population is foreign-born and 19.7% of families speak a language other than English in their home. It is a relatively affluent community, as the median household income is \$75,807 and less than 10 percent (9.2%) of Brighton residents live in poverty. A small portion (6.1%) of residents under the age of 65 have a disability.

Findings

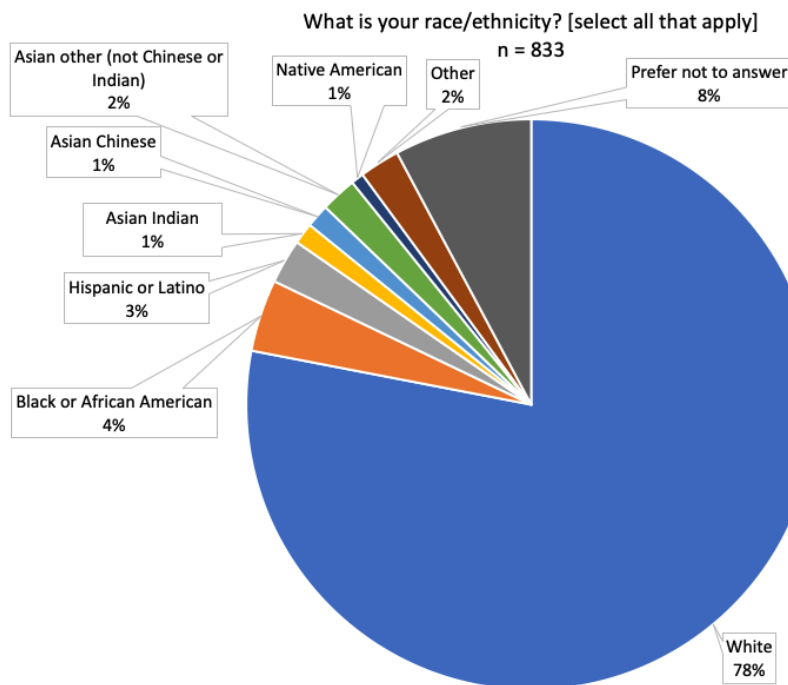
There were 856 total survey respondents, but not every respondent answered every question. The findings are presented with the number of responses for each question (referred to as an “n”). There were a few survey items that respondents could choose multiple responses (e.g., race/ethnicity, religion). This would mean that the n (number of responses) for those questions was larger than the number of respondents. In an effort to be clear when displaying the findings, if the “n” includes the word “respondents,” then this was an item where only one response could be chosen, so we are reporting how many people answered the question. For the items when multiple choices could be chosen, the word “respondents” is not included. For example, in Figure 1 there were 833 total responses because respondents could pick multiple response options.

Background/Demographics

The overwhelming majority (94%) of the survey respondents reported that they live in Brighton. Of the 6% who do not live in Brighton, most are from the suburbs of Monroe County. The majority of respondents were home owners with only 5% reporting that they currently rent their home.

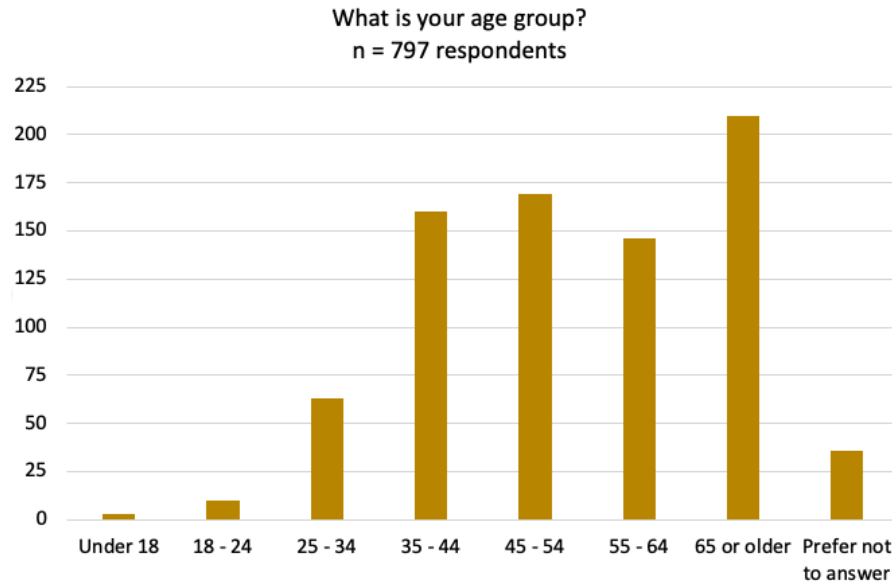
The majority (58%) of survey respondents identified as female, followed by male (36%), 5% preferred not to say, and the remaining identified as non-binary, transgender man, or transgender woman. Figure 1 shows the breakdown of the race/ethnicity of the respondents. Note that while individuals could choose multiple races/ethnicities, the majority of the respondents (78%) identified as white. The most common “other” response was Jewish.

Figure 1. *Race/Ethnicity*



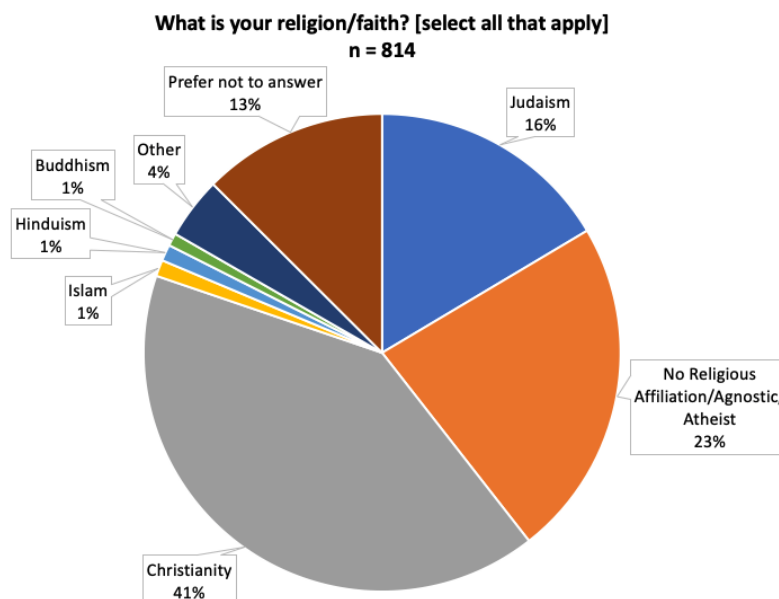
The most common age group of the respondents was 65 years and older, followed by 45-54 years. Figure 2 below shows the age distribution of the survey respondents⁴.

Figure 2. *Age Group*



Respondents were asked about their religion/faith. The three most common responses were Christianity (41%), Judaism (16%), and no religious affiliation/agnostic/atheist (23%).

Figure 3. *Religion/Faith*



⁴ Note that while 856 people took the survey, not everyone answered each question. As is common in surveys, the items at the end (which were the demographics and background questions) tend to have fewer responses than items at the beginning of the survey (Dillman, 1991; Green, Murphy, Snyder, 2000)

Finally, respondents were asked about some additional personal characteristics because evidence suggests that experience with law enforcement can be impacted by certain group membership. The results indicate that the majority of respondents (84%) do not identify with any of the characteristics listed (see Figure 4). Of those that did, the most common was immigrant (7%) followed by LGBTQIA+ (6%) and the least common was limited English proficiency.

Figure 4. *Evidence suggests that experience with law enforcement can be impacted by certain characteristics. For this reason, we would like to know if any of the following apply to you: [check all that apply]*

	Count	Percent
Immigrant	55	7%
Communication Disability	17	2%
Limited English Proficiency	2	.25%
LGBTQIA+	51	6%
None of the above apply to me	675	84%
Total	800	100%

The demographics/background survey results indicate that the survey did reach a diverse sample, but the survey respondents are not completely representative of the total Brighton population. For example, 4% identified as Asian in the survey, but 10% of the total Brighton population is Asian; further, 36% of survey respondents are male, while 46% of the total Brighton population is male. The findings described next should be interpreted with this in mind.

Brighton Police Department Survey Items

The items described in the above section provided an overview to who completed the survey, and this section provides the analysis of their responses.

There are two groups described in the findings. The first is the total respondents, referred to as the *Overall Respondents*. A sub-group from the *Overall Respondents* was created and referred to as the *Marginalized Respondents* in order to understand if that group's experiences were different or similar to the *Overall Respondents' experiences*. *Marginalized Respondents* were defined as respondents who checked at least one non-white race/ethnicity response and/or identified with one of the following groups: immigrant, communication disability, limited English proficiency, LGBTQIA+. See items #26 and #31 in the survey (Appendix A). There were 188 respondents who fell into the category: *marginalized Respondents*. Please refer to the Research Endnoteⁱ for more information on why this type of analysis was conducted.

Relationship with the Community

The overwhelming majority of respondents (90%) reported that Brighton police officers have a positive relationship with the Brighton community. A similar, but slightly less favorable finding emerged amongst the *marginalized* respondents, with 82% reporting that Brighton police officers have a positive relationship with the Brighton community.

Solving Crime

The results were more mixed when asked whether Brighton police officers are effective at solving crime. Nearly half (48%) of the *overall* respondents reported that they do not know, followed by 46% that said yes, and 6% said “no.” Many respondents indicated that they would like more transparency from the BPD concerning police activities. A few respondents said they had not been informed about any resolution of their particular case and they would have liked some communication concerning the outcome.

It seems that case clearance and/or arrest data and/or other crime-solving data may not be accessible to many community members. Many residents reported that they wanted to be able to access records pertaining to calls, arrests, disposition of cases, and body-worn camera recordings but did not know the location of the data or the procedure to access the data. As one respondent wrote, “I don't see any place I can find these on the Brighton Town Website.”

Recommendations:

1. Some means of informing citizens about the outcome of their cases should be implemented.
2. Instructions about how to access police data and BWC recordings should be made available.

Interactions with Brighton Police Department

Most survey respondents reported some sort of previous interaction with the Brighton Police Department (only 3% reported no interaction). When asked how they would characterize their interactions with the police department, the most common was professional, then respectful, followed by helpful, and then fair. Figure 5 below shows the distribution of the responses. A word cloud⁵ is also included (Figure 6) which is another way to look at the same data. The size of the word represents the frequency of it, so the larger the word, the more times that response was chosen.

⁵ <https://www.jasondavies.com/wordcloud/>

Figure 5. Overall Respondents: Characterizing BPD Interactions

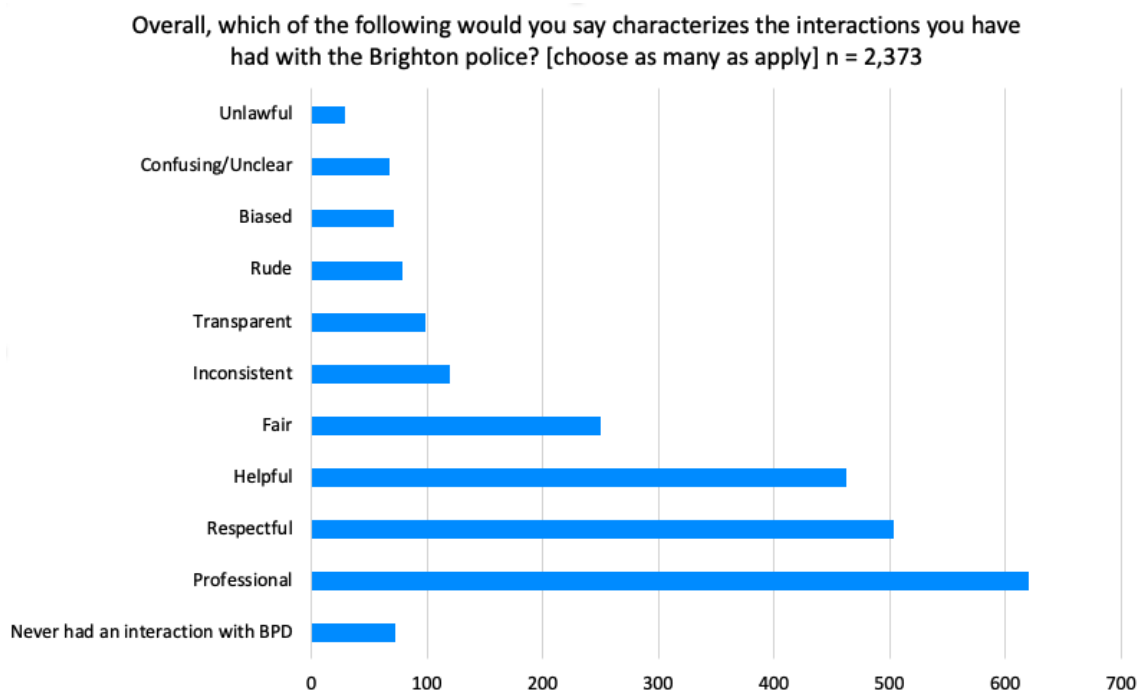
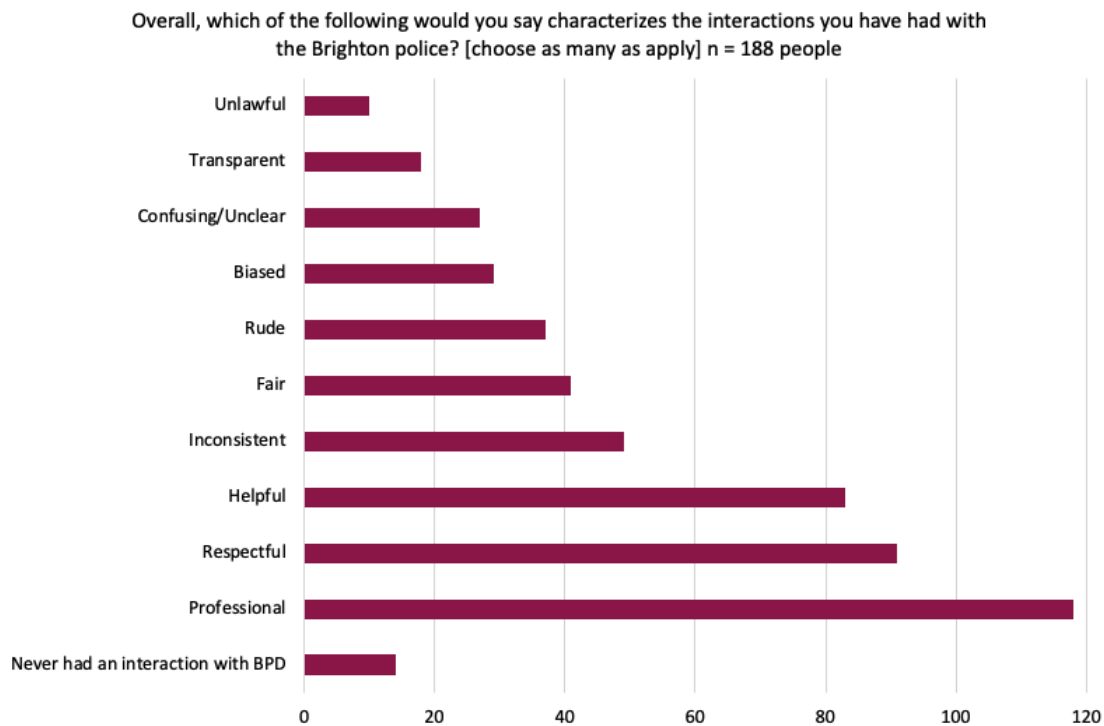


Figure 6. Overall Respondents: Characterizing BPD Interactions, Word Cloud Visualization



When looking specifically at the 188 *marginalized* respondents, some interesting differences emerged. Of the 188 marginalized respondents, 14 reported that they have never had an interaction with the BPD. That meant that there were 174 marginalized respondents who selected descriptors that characterize BPD (see Figures 7 and 8). The top three descriptors (professional, respectful, and helpful) were the same in both the *overall* respondents and the *marginalized* respondents. However, the fourth descriptor was inconsistent for the *marginalized* group, while it was fair for the *overall* group.

Figure 7. *Marginalized Respondents: Characterizing BPD Interactions*



The word cloud (Figure 8) visually displays the finding that a larger proportion of negative descriptors were selected by the *marginalized* respondents than by the *overall* respondents. Further, 82% of the descriptors that the *overall* respondents chose were positive, while for the *marginalized* group, 68% of the descriptors chosen were positive. This indicates that, overall, the *marginalized* group reported positively of BPD, however, there also seems to be numerous negative interactions that have occurred between *marginalized* respondents and BPD.

Figure 8. *Marginalized Respondents: Characterizing BPD Interactions, Word Cloud Visualization*



Many residents reported positive interactions with BPD by writing that officers were respectful, professional, and informative. “I have found Brighton officers to be respectful, helpful, and generally good people. Not true in all areas, but I think true here.”

In general, respondents described Brighton police in a positive way, though not many respondents described Brighton Police as transparent (only 4% chose transparent). One respondent complained that she was not informed that the officer would be submitting a referral to Child Protective Services concerning her case during the interaction. The respondent had called in reference to a domestic disturbance incident: “The officer also did not tell me he was reporting the case to CPS because it was witnessed by a child; I think transparency should be required.” While fewer respondents chose negative words, like inconsistent, rude, and biased; very few selected unlawful.

Some respondents reported dissatisfaction with their interactions with BPD citing rudeness, disrespectful, discriminatory, and misogynist behavior. As described by one respondent: “Multiple interactions and the majority of officers fit the following descriptions: Rude. Disrespectful. Prejudiced. Did not listen. Victim shamed.”

Recommendations:

1. Provide more opportunities for BPD officers to interact with the community on an informal basis in order to facilitate enhanced community relations.
2. BPD officers came across to the community as overwhelmingly professional, so any training and/or expectations within the department on being professional should continue.

Perceptions of Community and BPD

Respondents were asked to choose their level of agreement with a series of statements related to feelings of safety in the neighborhood, confidence in BPD, and making complaints against BPD. Respondents could choose from Likert scale response options for each statement (strongly disagree, disagree, neither agree nor disagree, agree, and strongly agree). The results are shown below, ranked by statements with the highest proportion of agreement to lowest proportion of agreement.

I feel safe and secure shopping, working, or participating in community events in Brighton:

- 91% of *overall* respondents agreed or strongly agreed
- 86% of *marginalized* respondents agreed or strongly agreed

I feel safe and secure living in my neighborhood:

- 90% of *overall* respondents agreed or strongly agreed
- 88% of *marginalized* respondents agreed or strongly agreed

Some respondents were unhappy with the BPD: “They seem overly aggressive and not true community police”, while others were satisfied with the BPD at the community level: “The

officers do very well for the community they have to deal with.” One respondent made a suggestion that BPD meet with community members in an informal manner in order to build community relations. “We need more public meetings where the police and the community can meet and greet breaking down any racial and religious barriers within our community. Coffee with a Cop is a great start.”

I feel safe and secure when driving in Brighton:

- 87% of *overall* respondents agreed or strongly agreed
- 83% of *marginalized* respondents agreed or strongly agreed

Respondents felt safe and secure when driving in Brighton. One respondent explained, “I really appreciate the traffic patrols on Brooklawn Drive, a busy cut-through street with my small children playing out front.” Another respondent explained, “I initiated informal chat at the Brighton Farmer Market, and once in my car to a cop car, to discuss the need for speed enforcement in Brighton (yes, I was actually asking for a speed trap, near Elmwood and 590, because cars fly over the hill on Elmwood (heading away from 12 corners), usually well exceeding the limit, hence a hazard to cars coming off 590). The officer agreed to look into it. Also, I think distracted driving needs more enforcement (kids using the phones while driving - we need more enforcement of this) in the 12 corners area.”

I would feel comfortable calling the Brighton police department for help:

- 83% of *overall* respondents agreed or strongly agreed
- 71% of *marginalized* respondents agreed or strongly agreed

A respondent who was being harassed stated “I do not feel I was believed or taken seriously and the perpetrator still harasses me today.” Another respondent felt that “Mental health and substance abuse are not taken seriously enough in Brighton.” However, the majority of both respondent types feel comfortable calling Brighton police for help.

I have confidence that the Brighton police department does its job well:

- 75% of *overall* respondents agreed or strongly agreed
- 60% of *marginalized* respondents agreed or strongly agreed

One respondent stated “I know they (the BPD) take keeping the neighborhood safe seriously because they woke up my neighbors when they found that their car door was ajar in their driveway and suspected someone had entered their car to look for items to steal.”

Brighton police respond appropriately to crime/disturbances at businesses:

- 71% of *overall* respondents agreed or strongly agreed
- 65% of *marginalized* respondents agreed or strongly agreed

One business was very satisfied with BPD officers’ response to a call and explained, “We've had incidents with anti-choice protesters and they have treated both our staff and patients along with

protesters with respect diffusing the situation. Also, we've had identity theft and insurance fraud with patients and the police handled what was a hostile situation calmly and effectively. “

I trust the Brighton police department to make decisions that benefit everyone in the Community:

- 65% of *overall* respondents agreed or strongly agreed
- 46% of *marginalized* respondents agreed or strongly agreed

I believe if I made a complaint about a Brighton police officer, the department would take it seriously:

- 61% of *overall* respondents agreed or strongly agreed
- 45% of *marginalized* respondents agreed or strongly agreed

These findings reveal that the respondents generally reported positive perceptions of safety while in the neighborhood. However, there was less support when asked specifically about BPD responses. For example, when it came to how Brighton police respond to crimes at businesses, 71% of the *overall* respondents agreed or strongly agreed with that statement.

When asked about their level of trust regarding complaints about officers or decisions that the Brighton police department makes, the majority of *overall* respondents agreed, but at lower levels of agreement than the other items in this series. Such that, 61% of respondents agreed or strongly agreed that if they made a complaint about a Brighton police officer, that the department would take it seriously; conversely less than half of the respondents in the *marginalized* group agreed or strongly agreed (45%). A similar pattern emerged when asked about whether the respondent trusts the Brighton police department to make decisions that benefit everyone in the community, where less than half of the *marginalized* respondents agreed or strongly agreed.

These results indicate that when it comes to trusting the Brighton police, there are differences based on certain group membership, with people of color and/or people with a communication disability, LGBTQIA+, immigrant status, and/or limited English proficiency reporting less trust in Brighton police than the general survey respondents did. However, in terms of perceptions of safety, the overwhelming majority in both groups (*overall* and *marginalized*) agreed or strongly agreed that they felt safe doing certain activities in the community.

Excessive Force

Nearly half (47%) of the *overall* survey respondents reported that Brighton police officers do not use excessive force. Forty-five percent reported that they do not know, while 7% (n = 61) reported that Brighton Police Department does use excessive force. The results were again different when looking only at the *marginalized* respondents. About 15% of the 188 respondents reported that Brighton police officers use excessive force. This is more than double the proportion than what was reported in the *overall* respondents. For any respondents that reported that BPD does use excessive force, they were then asked why they chose that response.

Respondents indicated that they, “Have seen them persecuting people of color without equality.” And “There have been incidences when more than one police car has come up on a child who is not presenting danger to self or anyone, is not in possession of a weapon, etc.” A few respondents indicated that they had been victims of or had witnessed BPD use of excessive force. One respondent explained that they, “Felt mishandled after I fell at roadside.” Others said, “I’ve seen excessive force used” or “It has happened with me.”

One respondent explained, “I work with a non-profit that helps those who cannot afford legal counsel and have witnessed accounts of excessive force.” And another stated, “I have studied a case, and seen footage of such an event. The officer received NO discipline or retraining, even after he was shown in court to have acted illegally.” Another example included, “I saw a video where they chased someone who wasn’t breaking the law and verbally and physically abused him.”

Other respondents cited some unions fighting against the release of disciplinary records as evidence of excessive force, as explained by one respondent, “Based on the fact that they are attempting to hide their disciplinary records even after the state has allowed them to be opened up, you have to assume that they have much to hide. Disgusting. They should remove any officers who won’t disclose their records.” A large number of respondents described BPD as shielding their officers’ disciplinary records, referring to the repeal of 50A. As stated by another respondent, “Every leader and supervisor in the department should come out strongly and publicly and state that they believe that the repeal of rule 50a should be followed and should commit to fighting tooth and nail in the courts and in the legislature to make those releases happen.”

Another respondent explained, “They have not advocated for eliminating qualified immunity. They are encouraging officers to shield disciplinary records and they have not once spoken out publicly against the RPDs brutality against citizens of Brighton. I thought they are supposed to be brave and serve the public? Or are they too cowardly to criticize an abusive department and follow some police code to protect each other before serving citizens?”

While these comments reveal how some of the respondents were treated and/or feel about BPD and excessive force, it is important to recognize that the majority of both respondent types (*overall* and *marginalized*) either did not know if BPD uses excessive force or reported that BPD does not use excessive force.

Discriminatory Practices

Slightly more than one-third (38%) of the *overall* respondents reported that Brighton police officers do not engage in discriminatory practices and 48% reported that they do not know. However, 14% of the *overall* respondents (more than double when asked about BPD excessive force) reported that Brighton Police Department does engage in discriminatory practices. Similar to excessive force question, the *marginalized* group reported higher levels of discriminatory practices than the general survey respondents did. Nearly one-third (32%) responded that Brighton police do engage in discriminatory practices, while 34% said BPD does not, and 34% said

they do not know. For any respondents that reported that BPD does engage in discriminatory practices, they were then asked why they chose that response.

One respondent stated, “BPD is known for being slightly racist towards people of color” and another responded, “I was dissatisfied with the traffic stop interaction and believe racial profiling was involved.” Another respondent stated: “I strongly feel that my son (adopted, Hispanic and a teenager at the time) was profiled several times by Brighton Police, who were rude and inappropriate with him.”

As explained by one respondent, “I have asked Brighton police for help in a same-sex related stalking case and I was laughed at in the police department and told it wasn’t a big deal. Though the individual stalking me has been doing so for over 15 years across several states. The homophobia and the minimization was deeply discriminatory.”

Other comments included, “For mental health, drug overdose and domestic violence or family conflict situations, it is a must for police officers to have a ASL interpreter present at the site when communicating with a deaf person. Never ask other family member to translate for them.”

Another respondent explained, “It’s helpful for all police officers to know American Sign Language as this will ease the additional stress on the deaf person esp[ecially] when dealing with mental health. Misunderstanding often occurs and it’s best for the officers to request sign language interpreter immediately and write a note saying you do want to understand and hear him or her. This validation is important and provides the safe space and respect.”

Related to Autism, a respondent had this to say, “My concern is with how officers would handle a child/adult with Autism who his having a mental break down. What tools are available to calm the person and de-escalate the situation? Can an officer recognize a person with Autism, keeping in mind that there is quite the range of verbal and mental abilities that person may have. I'm thinking of a person, who is 6' 1" and 200+ lbs, but mentally may not always be able to behave appropriately in crisis situation.”

Body-Worn Camera Transparency

When asked about transparency with body-worn camera footage, most respondents (75%) reported that they do not know if the Brighton Police Department (BPD) is transparent with their body-worn (BWC) camera footage. This was followed by 17% who said BPD is transparent with their BWC footage, and 8% said they are not. The *marginalized* respondents were similar to the overall respondents in that 71% did not know how transparent BPD is with their BWC footage, but 17% responded that BPD is not transparent with this footage, while 12% reported that they are transparent. These findings seem to indicate that the public is not clear on the accessibility and availability of BWC footage by the BPD.

Some respondents wanted to be informed if the officer was wearing or using a body-worn camera during the interaction. “I had the experience at my home of body camera on but they didn’t tell me until after. They need to disclose that first upon engaging in a residential call.” Another

respondent stated, “I’ve had many interactions with the Brighton police due to crime committed against my property. I’ve never noticed the cameras nor ever been told they wear them.”

Another respondent said, “If they are, I don’t know where to find the videos. Being transparent would entail making it available for anyone to see.” And another explained, “I’m not sure they need a survey question to tell them they’re not transparent. I’m told you have to go through all sorts of hoops to get the footage. It should just all be available on a website.”

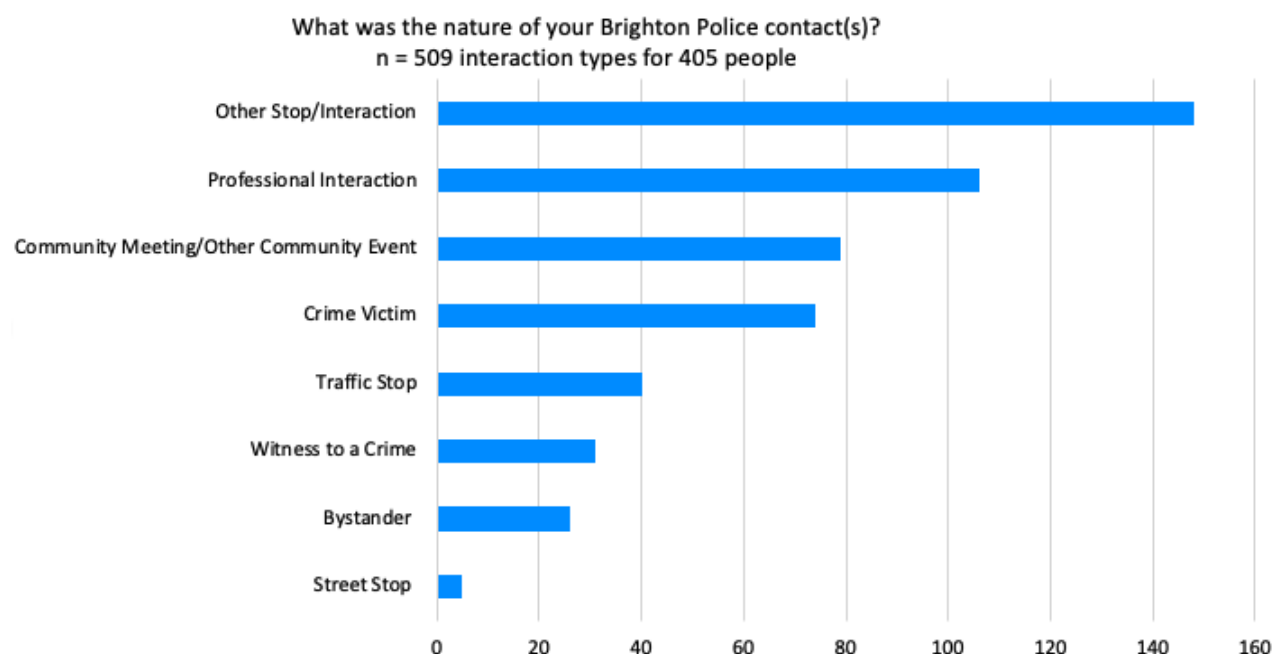
Recommendations:

1. Officers should be cognizant of informing citizens that BWC are being used and make this information accessible on the town website.
2. Make it clear how citizens can access BWC footage, including what type of information would be redacted and why a request would be denied.

BPD Contact in last 12 months

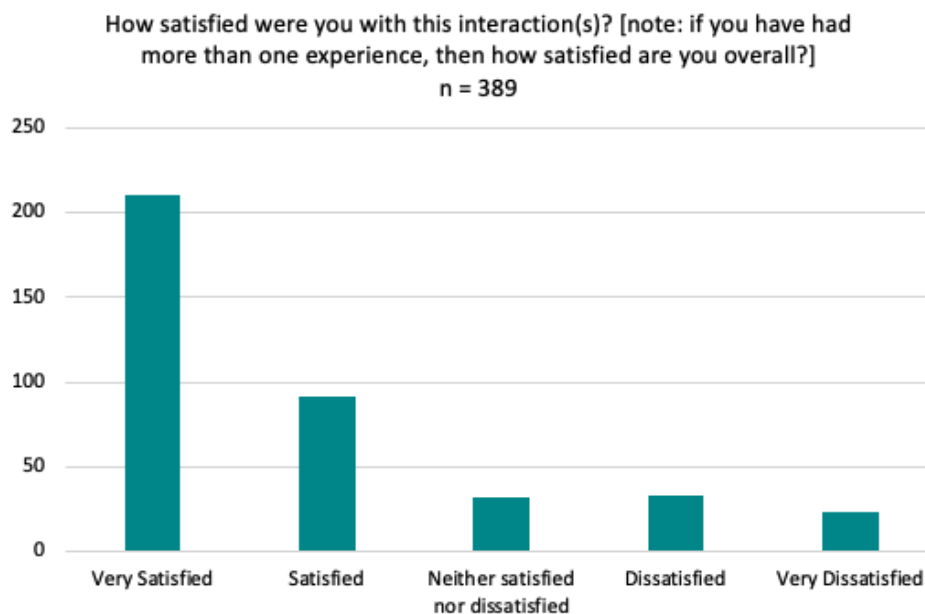
Nearly half (48%) of the *overall* respondents reported that they had contact with BPD in the last 12 months. For those that had contact with BPD in the last year, they were asked a series of questions about that contact. This section describes the findings of those 405 individuals who reported that they had contact with BPD in the last year. The table below shows the type of interactions that these 405 respondents had. The most common was some other type of interaction, followed by a professional interaction, then a community meeting or event, and then crime victim. We do not know what “other” interactions the respondents were referring to, as there was not space in the survey to describe the interaction. Respondents could select more than one contact type and the distribution is shown in Figure 6 below.

Figure 6. *Nature of BPD Interaction*



Over half (54%) reported that they were very satisfied with the interaction(s), while 14% reported that they were dissatisfied or very dissatisfied. The breakdown is shown in Figure 7 below. These results indicate that respondents were overwhelmingly satisfied with their interactions with BPD in the last 12 months.

Figure 7. *Satisfaction with BPD Interaction*



Respondents were asked why they chose the satisfaction level that they did. A number of positive comments were provided by respondents. “The officer was responding to a home alarm. I am that neighbor's designated contact when they are out of town. The officer was professional, and courteous while we walked through the home.” Another stated “The Officer was very nice, respectful and I felt was concerned for my well-being.” One respondent described a prompt BPD response, “They arrived very soon after call. Were professional and understanding of my situation.”

Other positive experiences included: “The officer I spoke with was very sympathetic and understanding. He took his time to listen to me and to respond in a professional and knowledgeable manner.” And another respondent explained, “I called for several community development opportunities, was quickly routed to an officer would could provide decision-making assistance, and was provided with appropriate, community-facing guidelines to proceed.” Specific to COVID-19 a respondent explained, “The officer came to my house, gathered the information on my identity theft and did so with respect and more importantly compassion. The officer provided additional information to help me resolve this matter. Because this was during covid I felt even better because the officer wore a mask and maintained a 6' distance.”

Other respondents had mixed reports of interactions with BPD. “There is one officer that works in the department that is AMAZING and treats people with respect no matter what race you are.

Other officers within the department that I've interacted with when I've called for assistance a few times due to an issue are rude, disrespectful, and take their authority above and beyond because they are wearing a badge."

One respondent explained, "Most of my experiences with the Brighton Police department were positive, - however, when my car was stolen, and recovered by Monroe County Sheriffs, the Brighton Officer who responded made me feel horrible. I felt worse after he left than when I realized my vehicle was stolen. I had to follow up with the police department repeatedly. When I followed up with the responding officer with information I received from the tow truck driver who recovered my vehicle, he informed me that "he was going on vacation" and I needed to contact someone else. He acted as if I was bothering him."

Police Response to Certain Call Types

Communities across the country have begun to look at whether certain types of emergency calls may warrant alternative responses to law enforcement. Once such call type, mental health crises, has gained traction as a potential call that could have an alternative response. However, just what this "alternative response" looks like is not yet clear to most communities. For this reason, there were survey items asking the community about three call types: mental health, substance abuse, and homeless. Respondents were asked how well BPD responds to these calls and then what type of, if any, alternative response they would like to see. Respondents were then asked if there were any other types of calls that might be suitable for an alternative response. This section summarizes those findings.

Mental Health Related Calls

The majority of respondents (73%) did not know how well Brighton police officers respond to calls regarding mental health. Only 6% reported not well at all, with 15% reporting that Brighton police respond very well to calls regarding mental health. As suspected, not many respondents had an opinion because most people do not have experience with this type of call.

Substance Abuse Related Calls

The majority of respondents (82%) did not know how well Brighton police officers respond to calls regarding substance abuse. Only 4% reported not well at all, with 12% reporting that Brighton police respond very well to calls regarding mental health.

Homeless Related Calls

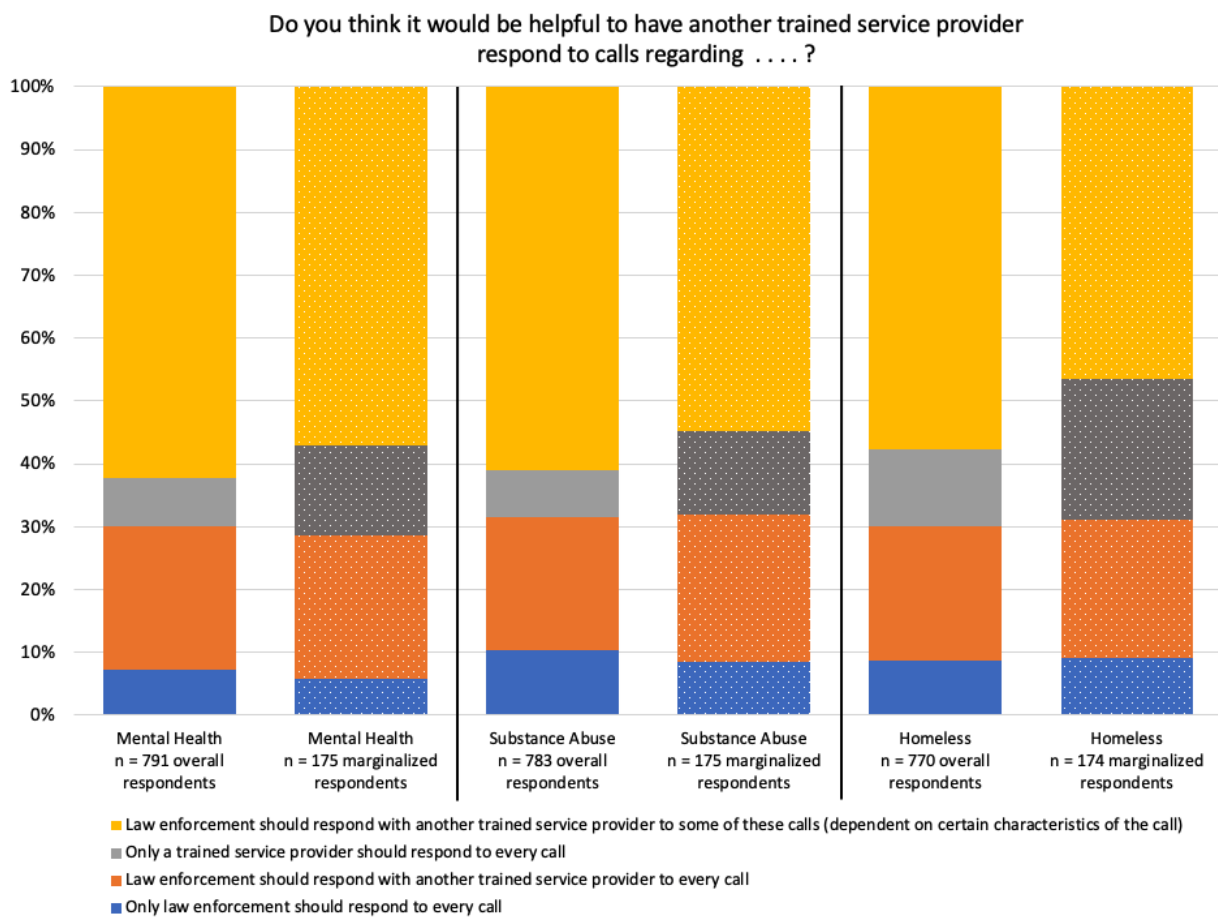
The majority of respondents (51%) did not know how well Brighton police officers respond to calls regarding homeless issues⁶. Only 9% reported not well at all, with 22% reporting that Brighton police respond very well to calls regarding the homeless.

⁶ Note that in the original survey, the response option "I do not know" for this item was mistakenly left out. When it was brought to the research team's attention on 1/23/21, that option was added in, as originally intended. This might explain why this call type received 51% for the "I don't know" response option and 22% for "Very Well".

Response Type to Mental Health, Substance Abuse, and Homeless Related Calls

Figure 8 below shows the proportion of each response type that the *overall* and *marginalized* survey respondents would like to see for each of these types of calls. For all three call types, the most frequent response they would like to see is: Law enforcement should respond with another trained service provider to some of these calls (dependent on certain characteristics of the call). This was the same for the *marginalized* respondents. For each call type, 10% or less of the *overall* and *marginalized* respondents selected “Only law enforcement should respond to every call.” This is clear evidence that both groups support a model that involves law enforcement and a trained professional.

Figure 8. *Overall and Marginalized Respondents: Emergency Response Type*



For the *overall* respondents, having only law enforcement or only a trainer service provider respond to every call had a similar proportion of responses (7-12%). However, that was not the case with the *marginalized* respondents, as the least frequent response for all three call types was a law enforcement only response. This further indicates that the *marginalized* respondents supported more of a shift away from a law enforcement only response to some call types than the *overall* respondents did. Calls regarding the homeless had the largest proportion (12%) of the

three call types to recommend only a trained service provider responds to every call. This was also similar for the *marginalized* respondents (22%).

Recommendations:

1. BPD to assess how many calls fall into these categories to get a sense of how many calls may be suitable for an alternative response
2. Begin a community and police process to more clearly and systematically identify which types of calls should receive an alternative response and what the alternative response will look like, including goals, funding, parties involved, expectations, and responsibilities.

Other Matters for Alternative Response

In addition to these specific types of calls (homeless, mental health, and substance abuse), respondents were asked if there are other matters that should receive an alternative response. Respondents identified a variety of other matters that are currently handled by police which may be better addressed by others with different skills and expertise. Some respondents felt that all calls should be handled by the police while others felt that all calls should be handled by other professionals. However, most respondents listed the types of calls that should have a different response than what is currently happening, without necessarily describing what that response should be. The most frequently suggested call types were domestic incidents, traffic situations (including, traffic stops, minor traffic violations, directing traffic, motor vehicle accidents/crashes), and parking complaints.

As one respondent wrote, “Traffic stops. It’s not really whether the police should respond but changing their uniforms to be less intimidating, ensuring they make requests and not commands, only displaying firearms in violent scenarios. Hopefully the reimagined policing will be a true reimagining and radical change and we will see a more diverse and kind unarmed force rather than what we see today.” Another suggested, “Parking complaints could be first taken to a neighborhood organization. Family problems should be handled by professional unless there are weapons involved.”

And another respondent listed types of calls and what they would like the response to look like: “Yes, parking complaints, cats in trees (not sure if that really happens!), accidents should definitely be officers. Any domestic dispute should be both. Any medical emergency, including mental health, substance abuse, should be both (even if EMS is on the way). Neighbor disputes, noise complaints, code violations, etc., could be initially handled by a civilian response team, officers called if the situation were to escalate. (a lot of times situations can escalate just because there are “uniforms” present).”

Another respondent suggested, “Only criminal law enforcement, criminal investigations and civic emergencies (traffic problems, flooding, looting, etc.) should be responded to with armed police forces. Domestic violence responses are always potentially dangerous, but in general, police do not seem well-trained in dealing with them, and their presence can precipitate violence. These

should be handled by professionals trained in domestic violence de-escalation, restorative justice practices —and quietly backed up by un-uniformed police officers ready to respond to violence and protect the family and the professional leader in the call.”

Mental health related issues and schools were also mentioned frequently. Some respondents felt that police could respond but that they should be unarmed for many of these situations especially those involving schools. As written by one respondent, “Police intervention should only be required in situations where the potential for physical danger or violence is genuine or when a criminal (or perhaps civil) investigation is required. Also, in most situations, BPD does not need to carry a firearm.”

As stated by another respondent, ““Traffic control, accidents, parking. I do not believe that a badge and a gun are necessary for these situations. Resources would be better spent towards the needs of the town and its residents. Let the police force shrink by attrition/retirement and support the police force by providing specialists to respond to non-life threatening incidents. It really is the best of both worlds for the residents. Consider the residents, not the police union, or quantity of officers.” This was mentioned a number of times about unarming policing or a distinction between unarmed police and armed police. “It depends on the definition of police. I think the school guards are police too, but they are friendly and don't carry guns. That should be the case for any police officer not responding to a violent situation.”

One respondent described from personal experience why a social worker would be helpful during a mental health crisis:

We had to call for a MHA for our teenage son several years ago. The care and support the BPD provided as we planned how they would enter our home, the layout of our home, etc... we knew he would be aggressive, and the officers prepared for that. Knowing how my son was taken care of during this MHA makes it nearly impossible for me to watch the videos of Daniel Prude. WHY DIDN'T HE HAVE THAT CARE AND COMPASSION? Why!?

Furthermore, it was the first time I had witnessed a MHA, it was very traumatizing for me, watching my son be wrestled down by police, as he tried to fight them, being taken outside in the frigid cold, no jacket no shoes, still fighting. I had no idea what the next steps would be, who we would contact once he was at the hospital, and what would happen upon his return home. Having a social worker to walk me through that, at that time, would have been INCREDIBLY helpful. It also quite possibly, could have saved us another 4 years of torture and hell with our son, had someone been able to provide guidance for us on next steps, based on this experience.

Other ideas that were shared included: having someone else take reports after a crime takes place, runaways, cyberbullying, issues involving people of color, community events, child welfare situations, pan handling, victimless crimes, identity theft, situations involving the elderly, and non-structure fires. There were also a handful of respondents who indicated that these matters

depended on the incidents and should be service-oriented and skill-specific: ““Pick the best tool/skill set for the job from a service-oriented point of view.”

Another respondent stated, “Generally speaking, the police should either be more narrowly utilized for crime prevention, crime enforcement or crime protection OR the police should be better trained and equipped in other areas. In a place like Brighton where crime is less common it may make more sense to reduce the emphasis on crime related activities and increase the emphasis on a range of service where trained experts may provide services and expertise more appropriate to the situation.”

As described by another respondent, “In general, if there is an outcome other than arrest on the table, another party should be present, just as there are calls for EMTs or firefighters in conjunction with police at need. Police need to be able to focus on their core competencies of protection and enforcement; when cases of mental health or physical dependencies come in, they should leverage other professional expertise for better all-around outcomes”.

Recommendations:

1. Mirror some police departments’ use of unarmed officers who are trained in dispute resolution and de-escalation techniques to respond to non-violent calls where a weapon is not needed.
2. Use a triage approach that includes mental health and social service workers to assist with calls that deal with such issues as domestic disturbance, neighbor disputes, mental health checks, etc.

Safety and Quality of Life

Survey respondents were asked how well the BPD maintains safety and quality of life for certain groups and geographies. The results indicated that, overall, BPD does very well with maintaining and providing safety in the community.

The vast majority of both the *Overall* Respondents and *Marginalized* Respondents agreed or strongly agreed that BPD maintains safety in residential neighborhoods and provides safety and security of school-aged children.

	Respondent Type	Disagree / Strongly Disagree	Neither agree nor disagree	Agree / Strongly Agree	Total Number
Takes care of the community's overall safety and security.	Overall Respondents	8%	11%	82%	805
	Marginalized Respondents	12%	18%	70%	186
Maintains safety in residential neighborhoods.	Overall Respondents	7%	9%	83%	804
	Marginalized Respondents	10%	11%	80%	187
Provides safety and security of school aged children	Overall Respondents	7%	14%	78%	799
	Marginalized Respondents	10%	18%	72%	186
Maintains quality of life for everyone in the community.	Overall Respondents	13%	17%	70%	798
	Marginalized Respondents	22%	21%	57%	187

There was somewhat of a divergence when respondents were asked whether they agree that the BPD takes care of the community's overall safety and security. The majority of respondents in both groups agreed or strongly agreed, but there were lower levels of agreement with the *Marginalized* Respondents (70%) versus the *Overall* Respondents (82%). A similar pattern emerged when asked about maintains quality of life for everyone in the community, with a larger proportion of the *Marginalized* Respondents disagreeing or strongly disagreeing (22%) than the *Overall* Respondents (13%).

These findings indicate that the respondents generally agree that BPD takes care of safety and security, but when it comes to maintaining quality of life for everyone in the community, there may be some room for improvement.

Open Comments

After the respondents completed the survey, they were asked if there was anything else that they wanted to add or make BPD aware of. There were 239 responses to this item. In this section, we include a summary of those responses, but we also include any other open-ended responses from prior questions that did not fit under their original item. For example, when answering what other types of calls may warrant an alternative response, one respondent explained, ""I do not know if this is a process/procedure, but training officers in other languages would help. I only know of 1 officer that speaks Spanish, do not know of any who know sign language, and we also have a high population of Slavic languages." This respondent's suggestion was similar to other suggestions related to departmental diversity.

Respondents most often commented on areas where the BPD could improve. Respondents frequently identified that the police department needed more diversity. They also identified issues of racism, biases, discrimination, and inequality either that these issues were occurring or ways they could be prevented and managed. For example, one respondent explained, "From personal experience: I have been treated several times in a condescending, disrespectful way. The fact I do have a foreign accent might be contributing to this?"

Another respondent said, "Not an LGBTQ-friendly police force. Getting slightly better, but has a long way to go to change their culture. We have a toxic neighbor due to our son being transgender. Police have often sided with neighbor." On the other hand, one respondent talked about a positive experience, "I am very happy the local police make their presence known at Jewish temples when appropriate. I very much appreciated the Brighton Citizens Police Academy and have little contact otherwise."

There were times where people indicated that their interactions tended to be positive but that it would be beneficial to ask people of color because their positive interactions could be dependent on race. Some respondents felt that BPD protects and serves the residents of the community unequally with a focus on taking care of the wealthier, white residents and not so much those of other races, ethnicities, and status. As one respondent stated, "I think to broadly say they care for everybody in the community is wrong. they care for the wealthy and for the other police officers in other communities. It should be criminal for them to put the interests of other officers over that of the public"

Another wrote, "Have observed BPD selecting a black driver to stop, out of group of cars traveling at same speed." And another respondent explained, "I am a white woman with a brown husband and black son. I am not concerned for my personal safety in Brighton but I firmly believe my husband and son's health and safety are at risk every time they leave our home due to police brutality of black and brown people." One respondent had this to say, "They do a consistently good job, although African American friends have complained about their additional scrutiny."

In addition to concerns over direct policing by BPD, some respondents felt that the department needed to be more transparent including speaking out regarding unjust issues in other departments.

This is clearly a department that works hard to appease the rich white people but fails to speak up about racial equity. The Brighton community has come out strong in favor of the Black Lives Matter movement, and everyone in the community from our schools to our town supervisor to our children to our businesses, to our town counsel persons have come out vocally in support of the movement, but the police department has been silent. How about a Black Lives Matter banner at the police station and painted on police cruisers? If you have officers leave as a result, those are exactly the ones you don't want in your department. But the police departments silence on police violence in the nation and the greater Rochester area has been very conspicuous, and should be in the forefront. Why can our Superintendent of Schools put up a banner at 12 Corners,

and our Town Supervisor speaks loudly about his support for Black Lives Matter, yet the police chief, and all the police executives have remained conspicuously silent???

And another respondent stated, “Good department, but needs much more diversity and needs to be outspoken when our citizens go to the city and get gassed by the Rochester Police. We need our officials to publicly speak out against this and show us they're not engaging in some police code of silence and will never tolerate in Brighton what the abusive department in the city of Rochester does.” Transparency suggestions also centered on disciplinary records and policies. A number of respondents described taking a closer look at contracts and the agencies that BPD works with. As one respondent explained:

Thank you for asking for our input. I think our department is great! We should tear up contracts with the racist and terrorist police unions in the past and only negotiate terms with unions that are willing to be transparent on officer disciplinary records and will allow a contract in which an officer can be immediately dismissed for an inappropriate use of force or for a racist action. We should also not use policy templates from known racist organization that pervade the companies that contract to law enforcement these days.

A number of respondents made comments related to transparency. One respondent explained, “Officer disciplinary files should be posted on the website from their current jobs and all law enforcement jobs held anywhere. The department should be outspoken on the fact that they would never consider using the kind of excessive force the RPD used against protesters.” And another respondent, “Per the governors repeal of 50a Brighton should make its police records completely transparent to the community instead of reporters having to file FOIL requests.”

Respondents also used this space to identify issues within the Brighton Community that need to be addressed better by police. Many of these issues were concerning traffic violations and speeding. One respondent explained, “Home, garage, vehicle break ins/theft seen to be more prevalent than in previous years. This really concerns me, as I don't feel safe in my home, leaving my home empty, or even doing yard work without feeling unsafe and at risk. I wish there was more regular and frequent police presence in my neighborhood. I am of the mindset that we need more police, not less. But seeing them other than an occasional (rare) speeding down the street would be beneficial.”

Another respondent described mixed experiences with BPD:

The negative scenarios I have seen and experienced overshadow the few positive interactions I've had with the Brighton Police. To be clear, I have seen some officers handle situations in both a professional and respectful manner, but the others have been ridiculous. I will share one example of what I'm talking about: on two different occasions a police officer came to our door to make an inquiry about something and both times, each officer, rather than use the doorbell, pounded on the door as if trying to break the door down. Is this an intimation tactic? If not, why is this approach

authorized or is it? To be perfectly honest, my take on the training of police officers in general is that it is a militaristic approach and needs to be seriously revamped. After all their job is to serve the public (whether they are from Brighton or not) not the other way around.

A number of respondents were concerned about the BPD's use and display of weapons. "They should not send armed police officers into a school. They should not have armed police officers at community events and parades. They can use the same police but take off their violent gear. They even show up to community meetings with their arms - which is very intimidating." As explained by another respondent, "Parking, barking dogs, and other basic things that occur in the blotter do NOT require sworn officers with guns."

There were also many respondents that indicated strong support for BPD, that they do their job well, and that they have had overall positive interactions. As described by one respondent, "I believe the BPD is more responsive to community needs, at all levels of the force, than most comparable Departments and they do a good job keeping the community safe." Another stated, "The Brighton Police Department does its mission very well and has very positive community outreach efforts. The Brighton Community is a very safe environment with a responsive and community-oriented police force. The Chief is doing a superb job at engaging the community and leading the Brighton Police." Some even took the time to use this space to thank the BPD for their service and good work.

Other comments included, "My interactions with the Brighton police department over my 25+ years living in Brighton, while limited, have always been positive." And another respondent said, "All my interactions with the Brighton Police department have been positive. In my experience they are looking to make sure everyone and their property is safe and are NOT looking to make arrests if not absolutely necessary. This is much appreciated. I do not see the need for any change. If it's not broke..."

Another stated, "My home backs up to businesses and banks in the area. I appreciate seeing a police car patrol every now and then as I think it helps them know the neighborhood for when there is a problem and makes me feel more secure. While I have not interacted w/ BPD in the last 12 months, I have interacted w/ them in the last 2 years and those interactions were helpful and positive."

A Business owner had this to say, "Although I have had frequent interaction with BPD professionally, fortunately I have had very limited interaction with BPD as a citizen of Brighton - a dog issue, a suspicious person on the street issue. In both instances, police responded quickly and seemed genuinely concerned about the problem. I think BPD knows where my street and house is. BPD adds to my family's quality of life."

In terms of reimagining the police, respondents had some ideas.

Reinventing policing is great. I look forward to seeing the upcoming changes! getting rid of the guns and military paraphernalia style uniforms and macho attitudes would be a good thing. Being approachable and not assuming that anyone they walk up to is a criminal until they have reason to is a good thing. Full transparency on everything from discipline records, officer social media presence is also key, and most importantly, let's get the racial mix up changed and not wait months or years to do it.

And another stated:

I think it's more important, as you say, to reimagine policing than to turn to other groups. Perhaps disarming police that respond to routine traffic stops, accidents, and specially schools is key. Thank you for wanting to reimagine policing. As much as Brighton is a great police department, I am glad that we are finally acknowledging as a society that policing as we have known it for decades has failed a good part of our population and needs to radically change. I look forward to seeing a radically different reimagined demilitarized, diverse police department in Brighton and look forward to your leadership in this space. Thank you for taking this very necessary and difficult step!

Finally, one respondent suggested a total change-up to how public safety is approached:

I'd like to think BPD, as a smaller suburban precinct in an economically advantaged area, has a better foundation upon which to build than many larger, city police forces. I believe our police department should be converted into a broader public safety agency with more compartmentalized responsibilities. ALL police in the US have too many expectations placed on them. Let's restructure to create Brighton Public Safety! In this model, a small portion of officers could retain core policing duties, with many others retrained and reassigned to specialized non-policing duties, and an appropriate portion released and replaced with dedicated, degreed social service workers. THAT would be incredible progress!

Discussion

The 856 respondents had a lot to say about the Brighton Police Department. Respondents overwhelmingly feel safe in their homes and community. Respondents also felt strongly that BPD has a positive relationship with the community. Words like professional, respectful, and helpful were the top words chosen to describe the Brighton Police. There were also numerous comments about the good work that the Department is doing. These comments included how professional BPD is, the safety BPD provides for the community, and their respectful interactions with the community.

This survey was created in a specific way to solicit feedback from the community, so it was expected (and hoped), that the respondents would not only have positive feedback, but that they would also have suggestions for improvement. In some cases, the suggestions were based on

actual experiences with BPD, while in other cases they were suggested based on perceptions, conversations with other community members, or knowledge of other departments.

One of the key takeaways is that there were a number of areas where respondents did not seem to have enough information to form an opinion. This included how BPD currently responds to calls regarding mental health, substance abuse, and homelessness. It might be valuable for BPD to provide some general information to the community about how frequently those calls occur, what is a typical outcome, what sort of specific issues they are for (e.g., what is a typical “mental health call”? suicidal ideation, homicidal ideation, psychotic break, etc.) and whether there have been any civilian complaints filed regarding these calls.

There were other areas that respondents also did not have enough information, and this was more surprising. For example, when it came to Body-worn camera (BWC) transparency, solving crime, excessive force, and discriminatory practices, a large portion of respondents selected, “I do not know.” Recommendations are suggested below on how to improve some of this information sharing. But, some other ideas include allocating resources to make data more readily available and accessible to the public, share training content as it relates to BWC, bias, and use of force. Also include information like how officers report misconduct regarding another officer, what the process is, and what support is offered to officers. A number of respondents were concerned about officer disciplinary records and have this perception that BPD is attempting to shield its officers from releasing the records. BPD should be clear about where they stand with this order and their reason. A specific survey or discussion forum with minority groups was also highlighted as they may have more information regarding discriminatory practices.

The findings indicated overall positive findings regarding BPD. However, when looking closer at the *marginalized* group, some important differences were identified. *Marginalized* respondents showed less support for BPD and less feelings of safety and security. Nearly one-third of the *marginalized* respondents reported that BPD does engage in discriminatory practices (14% of the *overall* respondents said BPD does). Respondents provided direct accounts of when they were discriminated against as well as general statements about BPD and discrimination.

Education or training is one effective way to reduce discrimination, but so is closer, meaningful, sustained contact with the numerous diverse Brighton community members. This is more than showing up to community meetings; it is about encouraging officers to actively speak with community members. This may include officers regularly checking in with business owners during their shifts (without any sort of crime report initiating the interaction) or conducting walking patrols or attending high school sporting events, art shows, and graduations, for example. Other ideas include conducting targeted outreach with some of the marginalized populations, like LGBTQIA or deaf and hard-of-hearing individuals. Some of this may already be occurring, and it is important that it is an expectation of the department, so there is policy that builds in specific engagement. There also may be a need to swiftly and certainly handle any officers who are intentionally discriminating or engaging in problematic behavior. While this also may be happening, finding a way to convey to the community that there have been consequences for

unacceptable behavior may help to improve the public's perception of transparency and discriminatory practices.

The respondents indicated that some sort of publicly accessible website or dashboard that includes a number of police indicators, and other community-targeted information, like how to request BWC footage, make a complaint, or request information would be helpful. This would certainly require resources, but hiring a new data analyst and/or social media person could help to make some of this happen.

There were a number of comments about BPD making public statements regarding police behavior in other jurisdictions. The respondents wanted BPD to make a statement instead of "being silent." BPD should work with the Town to determine the best course. Law enforcement is indeed a community in itself and it is reasonable to expect officers to support other officers. However, in these instances of community crises, BPD could go out into the community to hear directly from their members. This serves BPD as well, as it can be an opportunity to clarify or correct any inaccurate assumptions that the public has.

There were a lot of ideas regarding BPD responding to certain call types, and whether there should be an alternative response. The major takeaway is that the community is supportive of a shift away from law enforcement only responding to these calls. The big unanswered questions, though, are what are the resources needed and how would this be funded. It could be useful for BPD to meet with potential service providers, including crisis counselors, drug treatment specialists, homeless advocates, and others to understand what is needed on these calls, and what the goal is when responding to these calls. For example, is it just a band-aid, or are there ways to build in accountability from the other system providers to ensure that follow-up occurs? It is also recommended that BPD conduct sessions with the community to get a better sense of what types of calls should have alternative responses and whether there is a tiered response system (e.g., officer with gun, officer without gun, civilian police employee, outside agency employees) or some other response.

This community survey is only one of many ways that police can gather input from the community. Additional ways include interviewing people who have been arrested, conducting community listening sessions, proposing changes and soliciting feedback, directly targeting certain people in the community for specific feedback (e.g., business owners, residents on streets with traffic problems, etc.), and hiring an outside consultant to assess how well BPD does with certain practices.

Limitations

While this survey is one way to gather feedback from the community there are limitations to community surveys. In this particular case, it is unclear if all the respondents or potential respondents realized that the survey was not created or analyzed by BPD. There were comments that indicated that a few of the respondents thought that the survey was created by BPD. If this is the case, then it may have biased some of the responses. This survey was only available online,

so anyone with limited internet access could not complete it; the same is true in terms of language, it was only available in English. Further, the survey was open for three weeks, but if it was available for a longer period of time, there may have been more responses. Finally, the survey respondent demographics show that the respondents may not have fully reflected the demographic makeup of the area.

Recommendations

We have suggested recommendations throughout this report. In this section, we list the overall recommendations based on the totality of the findings:

1. Officer training for sensitivity toward marginalized groups and training in de-escalation methods and in procedural justice techniques. Procedural justice is based on the concepts of fairness, transparency, voice, and impartiality in resolving disputes and the allocation of resources ([Utilizing Procedural Justice in Law Enforcement - ILEAA](#)).
2. Specialized officers or civilian police employees for certain groups – mental health, autism spectrum, deaf or hard-of-hearing, and domestic disturbances, dispute resolution and traffic control.
3. Officers who are trained to respond to situations that would not require a firearm.
4. Officer and community interaction events that are targeted to marginalized groups.
5. Enact or enforce policies and practices that encourage officer interactions while patrolling, this could include business checks or conversations with groups like the URMIC's Deaf Wellness Center.
6. Expand the diversity of the BPD to include more members of minority groups including women.
7. Provide instructions about how to access data, officers' records, case outcomes, and BWC recordings which should be made available to the public. Regularly provide police data on the website, possibly through the use of a data dashboard.
8. Demonstrate support for the Black Lives Matter movement.
9. Weed out officers who have demonstrated allegiance to white power ideology.
10. Continue to investigate not only which types of calls could have an alternative response, but also identify what the alternative response should look like and what the expected outcomes are. This process should be done with the public's input.
11. Continue to cultivate a culture of professional officers.

Conclusion

In conclusion, this survey showed that the community was happy to take the survey and impressed that BPD is taking on this effort. Most of the respondents reported that BPD is doing very well, but they also suggested areas for improvement. Overall, the respondents believe BPD has a positive relationship with the community and that officers do their jobs well. Overall, respondents are interested in more transparency, a more diverse police department, and alternative ways to respond to some types of calls.

ⁱResearch Endnote: The decision to analyze the *marginalized* respondents separately was conducted in line with NYS Executive Order 203. If the analysis was only conducted across the entire group of respondents, then some potential differences would be missed. The majority of respondents identified as white, heterosexual, with no communication disability. In order to make sure that the marginalized respondents' perceptions and feedback on the BPD were not masked by the larger number of white, heterosexual respondents without disabilities, it was important to analyze this group separately. An argument can be made that the *marginalized* group could have been removed from the *overall* respondents group, as this would show more stark differences between the two. The reason we chose not to do this is because we believe that it is important to analyze the group as a whole, to get a sense of what the overall findings were. Including marginalized in the overall group will, however, soften some of the differences between heterosexual whites without disabilities and the marginalized. Future analysis could remove the marginalized from the overall group for a more straightforward comparison.

References

- Autistic Self Advocacy Network. (2017). Autism and Safety Toolkit: Research Overview on Autism and Safety. <https://autisticadvocacy.org/policy/toolkits/safety/>
- Callis, L. How the criminal justice system fails the deaf community. <https://www.signlanguagenyc.com/how-the-criminal-justice-system-fails-the-deaf-community/>
- Dillman, D. A. (1991). The design and administration of mail surveys. *Annual Review of Sociology*, 17(1), 225-249.
- Green, R. G., Murphy, K. D., & Snyder, S. M. (2000). Should demographics be placed at the end or at the beginning of mailed questionnaires? An empirical answer to a persistent methodological question. *Social Work Research*, 24(4), 237.
- International Law Enforcement Auditors Association. (2020). Utilizing Procedural Justice in Law Enforcement. Retrieved from, <https://ileaa.org/2020/06/15/utilizing-procedural-justice-in-law-enforcement/>
- Kenyon, M.D. (2019). "Rethinking Procedural Justice: Perceptions, Attitudes, and Framing," *Police Chief Online*, Retrieved from, <https://www.policechiefmagazine.org/rethinking-procedural-justice/>
- Urban Institute. "No Cops at Pride": How the Criminal Justice System Harms LGBTQ People <https://www.urban.org/urban-wire/no-cops-pride-how-criminal-justice-system-harms-lgbtq-people>

Appendix A: Survey

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The Brighton Police Department invites you to take this “Community Survey About the Brighton Police Department.” The Brighton Police Department is interested in hearing from the community that it serves and understanding the perceptions and wishes of the community. It will take 10–15 minutes to complete. The results will be used to guide any reform efforts in line with Governor Andrew Cuomo’s *Executive Order 203 NYS Police Reform and Reinvention Collaborative*.

One of the goals of the Brighton Police Department is to make Brighton a safe place to live, work, and raise a family. The following survey will ask you questions about yourself, the Brighton Police Department, and your experiences with its officers. You may come into contact with multiple law enforcement agencies, but please answer the questions thinking only about the Brighton Police Department.

This survey is voluntary, anonymous, and you do not have to answer every question. Towards the end of the survey, there is a question where you may write about anything not addressed in the survey. We appreciate your time and participation.

This survey was created in collaboration with Brighton’s Chief of Police and the Center for Public Safety Initiatives housed in the Criminal Justice Department at Rochester Institute of Technology.

In your opinion, do Brighton police officers have a positive relationship with the Brighton community?

☐ Yes

☐ No

In your opinion, are Brighton police officers effective at solving crime?

☐ Yes

☐ No

☐ I do not know

Overall, which of the following would you say characterizes the interactions you have had with the Brighton police? [choose as many as apply]

☐ I have never had an interaction with Brighton Police Department

☐ Professional

☐ Rude

☐ Fair

☐ Inconsistent

☐ Transparent

☐ Confusing/Unclear

☐ Respectful

☐ Helpful

☐ Unlawful

☐ Biased

Please mark your level of agreement with the following statements.

	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	Not Applicable
I feel safe and secure living in my neighborhood.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe and secure when driving in Brighton.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe and secure shopping, working, or participating in community events in Brighton.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brighton police respond appropriately to crime/disturbances at businesses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have confidence that the Brighton police department does its job well.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would feel comfortable calling the Brighton police department for help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe if I made a complaint about a Brighton police officer, the department would take it seriously.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I trust the Brighton police department to make decisions that benefit everyone in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Based on your knowledge or experience, do Brighton police officers use excessive force?

☐ Yes

☐ No

☐ I do not know

Why did you choose "Yes" (that Brighton police officers use excessive force)?

Based on your knowledge or experience, does the Brighton police department engage in discriminatory practices?

☐ Yes

☐ No

☐ I do not know

Why did you choose "Yes" (that the Brighton police department engages in discriminatory practices)?the

In your opinion, is the Brighton police department transparent with their body-worn camera footage?

☐ Yes

☐ No

☐ I do not know

Why did you choose "No" (that the Brighton police department is not transparent with body-worn camera footage)?

Have you had contact with the Brighton Police Department in the last 12 months?

☐ Yes

☐ No

What was the nature of your Brighton Police contact(s)?

☐ Crime Victim

☐ Witness to a Crime

☐ Traffic Stop

☐ Street Stop (officer-initiated stop of a pedestrian)

☐ Bystander (e.g., passenger during a traffic stop)

☐ Professional Interaction

☐ Community Meeting or Other Community Event

☐ Other Stop/Interaction

How satisfied were you with this interaction(s)? [note: if you have had more than one experience, then how satisfied are you overall?]

☐ Very Satisfied

☐ Satisfied

☐ Neither satisfied nor dissatisfied

☐ Dissatisfied

☐ Very Dissatisfied

Why did you choose that response?

In your opinion, how well do Brighton police officers respond to **calls regarding mental health**?

☐ Very well

☐ Moderately well

☐ Not well at all

☐ I do not know

Do you think it would be helpful to have another trained service provider (e.g., social worker, mental health professional) respond to **calls regarding mental health**?

☐ Only law enforcement should respond to every call

☐ Law enforcement should respond with another trained service provider to every call (e.g., social worker, mental health professional)

☐ Law enforcement should respond with another trained service provider to some of these calls (dependent on certain characteristics of the call)

☐ Only a trained service provider should respond to every call

In your opinion, how well do Brighton police officers respond to calls for **substance abuse related concerns** (e.g., overdoses)?

☐ Very well

☐ Moderately well

☐ Not well at all

☐ I do not know

Do you think it would be helpful to have another trained service provider (e.g., social worker, mental health professional) respond to calls for **substance abuse related concerns** (e.g., overdoses)?

☐ Only law enforcement should respond to every call

☐ Law enforcement should respond with another trained service provider to every call (e.g., social worker, mental health professional)

☐ Law enforcement should respond with another trained service provider to some of these calls (dependent on certain characteristics of the call)

☐ Only a trained service provider should respond to every call

In your opinion, how well do Brighton police officers respond to **calls regarding the homeless?**

☐ Very well

☐ Moderately well

☐ Not well at all

☐ I do not know

Do you think it would be helpful to have another trained service provider (e.g., social worker, mental health professional) respond to **calls regarding the homeless?**

☐ Only law enforcement should respond to every call

☐ Law enforcement should respond with another trained service provider to every call (e.g., social worker, mental health professional)

☐ Law enforcement should respond with another trained service provider to some of these calls (dependent on certain characteristics of the call)

☐ Only a trained service provider should respond to every call

Are there other matters for which the community currently turns to the police for assistance that might be better addressed by others with different skills and expertise (e.g, motor vehicle accidents, parking complaints)? Please list them here.

Please mark your level of agreement with the following statements.

The Brighton Police Department:

	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
Takes care of the community's overall safety and security.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintains safety in residential neighborhoods.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provides safety and security of school aged children	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintains quality of life for everyone in the community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide any additional feedback or comments about the Brighton Police Department.

Background Characteristics and Demographics

These remaining items will help us to better understand who is taking the survey.

Evidence suggests that experience with law enforcement can be impacted by certain characteristics. For this reason, we would like to know if any of the following apply to you: [check all that apply]

☐ Immigrant

☐ Communication Disability (e.g., deaf, hard-of-hearing, sensory and stimulation sensitivities)

☐ Limited English Proficiency

☐ LGBTQIA +

☐ None of the above apply to me

Do you live in Brighton?

☐ Yes

☐ No

Do you own or rent your home?

☐ Own

☐ Rent

What is your age group?

☐ Under 18

☐ 18 - 24

☐ 25 - 34

☐ 35 - 44

☐ 45 - 54

☐ 55 - 64

☐ 65 or older

☐ Prefer not to answer

What is your religion/faith? [select all that apply]

☐ Buddhism

☐ Christianity

☐ Hinduism

☐ Islam

☐ Judaism

☐ No Religious affiliation/Agnostic/Atheist

☐ Other

☐ Prefer not to answer

What is your gender?

☐ Male

☐ Female

☐ Non-binary

☐ Trans Male

☐ Trans Female

☐ Prefer not to say

What is your race/ethnicity? [select all that apply]

☐ Asian Chinese

☐ Asian Indian

☐ Asian other (not Chinese or Indian)

☐ Black or African American

☐ Hispanic or Latino

☐ Native American

☐ White

☐ Other [please specify in box below]

☐ Prefer not to answer



Monroe County Public Defender's Office
Executive Order 203 Report
March 1, 2021

INTRODUCTION

The Monroe County Public Defender's Office ("MCPD") was created in 1968 and has fought for justice and equity for our clients for 52 years. Public defenders have represented clients in all of the village and town courts in Monroe County, as well as in Rochester City Court and the Superior Courts. Each year we represent, on average, over 15,000 persons who are accused of committing a crime in Monroe County. Through that representation, we have become familiar with policies, practices, leadership, and officers in each police department throughout the county.

In June of 2020, Governor Cuomo issued an executive order requiring each police department to analyze its policies with an eye toward reform. According to the executive order, police departments have been charged with seeking input from relevant stakeholders.¹

The Monroe County Public Defender's Office is one such stakeholder.

The following police agencies practice within Monroe County: Brighton Police Department, Brockport Police Department, East Rochester Police Department, Fairport Police Department, Gates Police Department, Greece Police Department, Irondequoit Police Department, Monroe County Sheriff's Office, New York State Police, Ogden Police Department, Rochester Police Department, and Webster Police Department. The Rochester Police Department is the largest police department in Monroe County.

In preparing to respond to the Governor's mandate, the staff of the Public Defender's Office considered the many procedures, practices, and other aspects of policing of the numerous departments in an effort to decide how we might best impact and contribute to the review of police practices. The following sections examine some of the most troubling practices of police departments and their personnel in Monroe County and the City of Rochester. As it is the largest police agency in Monroe County, this Report will concentrate on the Rochester Police Department. However, the recommendations made herein are applicable to all police agencies that operate in Monroe County.

¹ "The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; **the local public defender**; and local elected officials ..."

(Executive Order No. 203: New York State Police Reform and Reinvention Collaborative, emphasis added.)

Despite the clear terms of this order, several police agencies in Monroe County failed to seek input from the Monroe County Public Defender's Office, including the Brighton Police Department, Brockport Police Department, East Rochester Police Department, Fairport Police Department, Gates Police Department, Irondequoit Police Department, and Webster Police Department.

The Rochester Police Department has a long history of policies and practices that often result in excessive use of force, unconstitutional practices, and racism. In 1975, the death of a Black woman at the hands of Rochester Police Department officers led to the creation of the Citizens Committee on Police Affairs, dubbed the Crimi Committee (after its chairman and local lawyer Charles Crimi). That committee recommended many changes to the Rochester Police Department but achieved few results.² There have been many accusations of excessive use of force by RPD officers over the years, among them the 2018 assault and cover-up of the assault on Christopher Pate, the 2020 killing and cover-up of the killing of Daniel Prude, and the January 2021 brutal cuffing and pepper-spraying of a nine-year-old girl. There have been many more instances of excessive force that went unreported in the local media. In spite of community protests, and local and national outrage, the incidents continue.

A comprehensive report on necessary reforms to change the Rochester Police Department would encompass reviewing decades of officer misconduct, as well as reviewing numerous policies and practices that have been implemented over the last several decades. As we cannot sufficiently address all of those issues with the time and resources we have available, we have chosen to focus on several areas in which we believe changes in policies and procedures can effect meaningful change.³

PRETEXT STOPS: ONE COMMUNITY, TWO SYSTEMS OF POLICING

Monroe County residents are fortunate to have a number of bike paths, including the picturesque Canal Path along the Erie Canal, the wooded paths along railroad beds (“rails to trails”), and even some marked lanes on many streets. Many residents of the county freely enjoy riding their bicycles without any interference from police officers. But not all.

Rochester Police officers frequently stop a significant segment of our community because they do not have bells on their bicycles.⁴ These police stops are not precipitated by accidents caused by the failure to use a required bell. Nor are they initiated due to other dangerous conditions. Bicycle operators without a bell on their bicycle are stopped because that is a tactic

² (See Rochester City Newspaper, 9/3/2020, “Fifty years of Rochester police reform yielded few returns,” by Gino Fanelli.)

³ A more extensive list of topics which should be examined and incorporated into reforms would include:

1. educational requirements for officers;
2. residency requirements for officers;
3. psychological assessment for prospective officers;
4. a policy requiring that any officer observing misconduct by other officers be required to report it;
5. an effective disciplinary process that seeks to find the truth and appropriately discipline officers, instead of concealing it and allowing those who violate rules or laws to remain employed;
6. a civilian review board that has the authority to review allegations of misconduct and impose discipline, as well as develop mandatory policies and procedures for the department; and
7. transparency of allegations and dispositions of disciplinary proceedings; and an in-depth revision of the police contract.

⁴ This is a violation of Vehicle and Traffic Law § 1236: “[n]o person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.” (New York V&T 1236[b].)

used by the Rochester Police Department to interfere with their movement, and to try to use the stop to leverage a search of the operator. Most, if not all, of these stops are of young Black men and boys.

While white men, women, and children ride bicycles without bells with impunity throughout Monroe County, Black men, women and children in the City of Rochester are subjected to a “police state” in which many of their movements are monitored, tracked, and interrupted.

In the Park Avenue area or South Wedge area of Rochester, pedestrians sometimes walk in the street when sidewalks are congested or they are trying to reach a destination more directly. Similarly, persons who engage in fitness running sometimes run on the street, instead of on the sidewalk.⁵ They are never ticketed for such misconduct. Yet, routinely, Black and brown members of our community are stopped for violating a Vehicle and Traffic law that prohibits walking in the street when the sidewalk is available.

The use of such pretexts to regularly interfere with the movement of members of our community is devastating to the morale of those stopped, their neighbors, friends, family, and the rest of the community who care about the fair application of the law. It promotes the concept that we have two classes of citizens, and two systems of justice—one for People of Color and one for white society. It fuels anger and resentment at over-policing. It reinforces the notion that the Rochester Police Department chooses its targets based on race and poverty.

A “pretext stop” is the stop or detention by law enforcement officers who wish to detain individuals for unlawful reasons but use a lawful, if transparently secondary, excuse for the detention. Frequently, the excuse is a traffic violation. These actions by police are too often directed against members of communities of color. For example, as noted above, in Rochester, New York, individuals are often stopped because they have no bell on their bicycle, or because they are walking in the street when the sidewalk is available, both violations of the Vehicle and Traffic laws. In the experience of the attorneys of the Monroe County Public Defender’s Office, these individuals are always, or nearly always, People of Color. In the experience and memory of MCPD staff, there have been no such stops or detentions of white members of our community represented by the MCPD Office.

Under the United States Supreme Court’s interpretation of the U.S. Constitution, a pretext stop is permissible.⁶ The New York Court of Appeals has found that a pretext stop does not violate the New York State Constitution, stating:

We hold that where a police officer has probable cause to believe that the driver of an automobile has committed a traffic violation, a stop does not violate article I, § 12 of the New York State Constitution. In making that determination of probable cause, neither the primary motivation of the officer nor a determination of what a reasonable traffic officer would have done under the circumstances is relevant.

⁵ Vehicle and Traffic Law § 1156 states: “(w)here sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.” (V&T § 1156[a].)

⁶ *Whren v. U.S.*, 517 U.S. 806 (1996).

People v. Robinson, 97 NY2d 341, 349 (2001).

As a result of the lawfulness of pretext stops and the practices of the Rochester Police Department, our community is divided into two classes of citizens—one, largely or entirely composed of People of Color, who are frequently stopped and detained for minor Vehicle and Traffic offenses such as riding a bicycle without a bell or walking in the street, and a second group, largely or completely composed of white members of the community, who violate these laws routinely and with impunity. The biased use of pretext stops devastates the lives of those who are frequently stopped and destroys police/community relationships in communities of color.

While such stops are lawful, they are corrosive and toxic to our community. They fuel anger against police officers who refuse to allow young people and adults of color to ride bicycles or walk in their neighborhoods in ways that white people can in the predominantly white city neighborhoods of the South Wedge and Park Avenue areas, or in the suburbs of Monroe County. Should People of Color live in or venture into predominantly white neighborhoods, they are far more likely to be stopped than their white counterparts.

If the Rochester Police Department, a department that has been known for a history of officers engaging in such racist conduct as issuing a vocabulary of “ghetto lingo”⁷ and creating clothing under the “Crime Dawgs” name, is sincere about reform, it must enact policies that prohibit pretext stops. It must stop interfering with the movement of Black and brown people who are merely observed walking or riding bicycles. It must stop dividing our community along racial and economic lines. In a time when minor traffic and vehicle stops across the country have led to the deaths of countless People of Color, and at a time when the Rochester Police Department is under scrutiny for its own actions and efforts to conceal them, it is imperative that the Rochester Police Department reduce the needless, aggressive, and intimidating tactic of pretext stops.

In an effort to gather data for a study of pretext stops, an MCPD staff member recently attempted to FOIL documents from the Rochester Police Department reflecting the demographics of those stopped, or at least documents relating to such stops, and was initially informed they did not exist. After appealing the claim that there were no such records, the attorney was given a summary of stops for 2020 (as a result of the pandemic there were likely fewer people as pedestrians or operating bicycles). Once the summary was provided, the attorney requested the original records. According to the limited data received, the overwhelming majority of tickets issued for no lights (or bells) on bikes, failure to use the sidewalk, and inadequate turn signal were issued in majority minority areas of the City of Rochester. Where the race of the ticketed person was provided, over 90% of recipients were Black.

The refusal to admit the existence of the records, and the ongoing dispute over what should be provided, suggest an intent to hide the statistics and information relating to the use of pretext stops to detain largely Black and brown persons in our community. Any effort to reform the policies and practices of the Rochester Police Department must include the free sharing of information which, in any case, courts have ruled citizens have a right to.

⁷ <https://www.mpnnow.com/article/20081106/NEWS/311069912>.

Recommendations

As noted above, although pretext stops are not violative of the constitution, their use significantly harms our community. While the Rochester Police Department cannot change constitutional law, it can voluntarily formulate policies that end these discriminatory practices. We urge all police departments in Monroe County to take the following steps: (1) keep demographic information on the race and ethnicity of those stopped for all V&T and violation-level offenses, and include the names of officers who engage in such stops; (2) make such demographic information available to the public; (3) prohibit pretext stops by police departments in their policies and procedures; and (4) ensure that police body-worn cameras are turned on and a reason is stated by the officer prior to any stop for the following specified Vehicle and Traffic Law offenses, as well as disorderly conduct charges: no bell on bike (Vehicle and Traffic Law § 1236); walking in street when sidewalk available (Vehicle and Traffic Law § 1156); failure to signal turn 100 feet in advance of turn (Vehicle and Traffic Law § 1163); and excessive tint (Vehicle and Traffic Law § 375[12-a]).

ROCHESTER POLICE DEPARTMENT RESPONSES TO PROTESTS

In 2014, the United States Supreme Court described the importance of public spaces as venues for the expression of political opinions:

“[P]ublic way[s]” and “sidewalk[s]” . . . occupy a “special position in terms of First Amendment protection” because of their historic role as sites for discussion and debate...These places—which we have labeled “traditional public fora”—“have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.” . . . It is no accident that public streets and sidewalks have developed as venues for the exchange of ideas. Even today, they remain one of the few places where a speaker can be confident that he is not simply preaching to the choir. With respect to other means of communication, an individual confronted with an uncomfortable message can always turn the page, change the channel, or leave the Web site. Not so on public streets and sidewalks. There, a listener often encounters speech he might otherwise tune out. In light of the First Amendment's purpose “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail,” this aspect of traditional public fora is a virtue, not a vice.

McCullem v. Coakley, 573 U.S. 464 (2014)

During the past year, communities across the country have experienced protests by people challenging racial injustice. In the greater Rochester area, most demonstrations occurred within the City of Rochester. These large demonstrations made clear that there is a great need for training, education, and leadership during demonstrations. While there was a small minority of demonstrators who engaged in property damage and other unlawful behavior, the vast majority of peaceful protestors, fighting for racial equity and exercising their treasured and protected First Amendment rights, did not. Yet many demonstrators faced unprovoked force and aggression from members of the Rochester Police Department. At times officers failed to abide by the letter and

spirit of the law in refusing to inform persons arrested during the protests of their charges and detaining them for overly lengthy periods.

The types of conduct and responses by RPD to peaceful demonstrators, documented by media and other sources, include:

- (a) Use of tear gas on civilians, including the elderly and children;
- (b) Use of tear gas and pepperballs on peaceful protesters, including the elderly and children, without any effort to first peacefully clear the area;
- (c) Insufficient warning to clear areas before use of force deployed;
- (d) Lack of clear instructions to protesters as to where to proceed in order to obey orders;
- (e) Firing pepperballs and tear gas canisters at people, instead of at the ground, injuring many;
- (f) Specifically targeting peaceful protesters with pepperballs, possibly rubber bullets and tear gas canisters;
- (g) Specifically targeting clearly identified journalists by shooting pepperballs and tear gas at them (in at least one instance, telling a journalist that he, as a member of the press, was not immune from police force, just prior to shooting him in the back with a pepperball or other item);
- (h) “Kettling” protesters on a bridge with low walls, which could easily have become a tragedy involving deaths;
- (i) Shooting pepperballs at fleeing protesters while they were dispersing in accordance with orders;
- (j) Moving protesters forcefully into residential neighborhoods;
- (k) Destroying property of protesters intended for medical use, such as water and milk to remedy tear gas and other injuries and irritations;
- (l) Chasing protesters into a church and then firing at the church;
- (m) Hiding badges and any identifying information to avoid accountability and transparency;
- (n) Upon arrest, detaining protesters for additional time on charges that only warrant issuance of appearance tickets;

(o) Refusing to accept a passport as ID and refusing to accept ID from protesters and requiring they have others bring additional ID to the station⁸;

(p) Requiring ID when identification could have been determined through questioning and a review of police records (see CPL § 150.20); and

(q) Overcharging Unlawful Assembly.⁹

There are many treatises that address how to respond to peaceful demonstrations by protestors.¹⁰ The actions by Rochester Police Department personnel not only exacerbated tensions between police and civilians, but violated all sensible recommendations for police responses to peaceful protests. The use of “kettling” of protestors, excessive force, targeting of press and other conduct of the Rochester Police Department mirrored much of the conduct of the New York Police Department during protests in the Bronx.¹¹

The methods used to interrupt, contain, and end demonstrations in Rochester have cost local police forces upwards of \$1.4 million in overtime alone¹² and, rather than quelling the community response, have created even deeper divisions. This does not even account for the costs the City will be facing once inevitable lawsuits are filed by those who were the subjects of unlawful or excessive force.

Beyond the practical and financial consequences of the Rochester Police Department’s responses to the protests, there are human and community costs. These effects are not measurable in dollars.

RECOMMENDATIONS REGARDING EXCESSIVE USE OF FORCE

As noted in the introduction, the Rochester Police Department has a long history involving allegations of excessive use of force by a notable percentage of its officers. Most recently, the entire community, and the entire country, were able to witness the slow death of Daniel Prude and the brutal cuffing and pepper-spraying of a nine-year-old girl. In order to begin to assess and respond to claims of excessive use of force, we make the following recommendations:

A. *Provide a clear indication whenever an individual is being placed under arrest.*

⁸ See CPL § 150.20.

⁹ See, generally, <https://www.democratandchronicle.com/story/news/2020/09/24/rochester-police-fired-thousands-pepper-balls-daniel-prude-protesters/3503589001/>; <https://nypost.com/2020/09/24/rochester-pd-spent-1-4m-in-ot-on-daniel-prude-blm-protests/>.

¹⁰ Some practices, including the prohibition of the use of asphyxiating agents, are addressed in the Geneva Conventions. (See Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare which may be found here: <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/>).

¹¹ The response of the NYPD was described and critiqued in a report generated by Human Rights Watch, which can be found online at: <https://www.hrw.org/report/2020/09/30/kettling-protesters-bronx/systemic-police-brutality-and-its-costs-united-states>.

¹² <https://www.rochesterfirst.com/daniel-prude/rochester-police-spent-nearly-1-4-million-in-overtime-costs-this-month-for-daniel-prude-protests/>.

Most use-of-force episodes arise in the context of arrests. The MCPD Office frequently represents individuals who are charged with a crime, plus additional charges of Resisting Arrest¹³ or Obstructing Governmental Administration,¹⁴ or who were alleged to be non-cooperative with officers, or had a complaint about their treatment by officers. It is not unusual for individuals to be confused about the nature of the underlying police actions. They may believe that they are free to leave and, thus, that police officers are acting improperly towards them, because no one has announced that they were being placed under arrest or informed them of the crime for which they were being arrested. These misunderstandings often lead to situations where officers resort to using force on the person in an attempt to effectuate an arrest. If arresting officers announce that an individual is being placed under arrest and announce the reason for the arrest, many misunderstandings would be avoided, and fewer occasions would arise where officers use force to effectuate an arrest.

By contrast, arrests for driving while intoxicated (“DWI”) appear to result in many fewer Resisting Arrest charges and officer uses of force than arrests for other criminal offenses, even though a DWI arrestee may be impaired and more likely to be combative and non-cooperative. This is likely due to the fact that these individuals are told why they are being investigated and given sobriety tests. If they are ultimately arrested, they know what is happening, and are much more likely to comply with officer requests, so the occasion for force diminishes. This is unlike many other police encounters, where the interaction can transform from a request for information to a full-blown arrest in very swift and unpredictable ways that the average civilian is unable to anticipate.

B. Collect and organize use-of-force data for individual officers and the Department as a whole.

1. Department-Wide Use-of-Force Data

All instances of officer use of force, both lethal and less than lethal, should be recorded and collected in a publicly accessible database. Such documentation should include the type of force used, any resulting physical injuries, the general location of the incident (by ward, neighborhood, precinct, etc.), and the demographics of the individuals against whom force was

¹³ New York Penal Law § 205.30. Resisting Arrest: “A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person. Resisting arrest is a class A misdemeanor.”

¹⁴ New York Penal Law § 195.05. Obstructing Governmental Administration: “A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration. Obstructing governmental administration is a class A misdemeanor.”

used, including race, ethnicity, gender, and age. Multiple police departments throughout the country already maintain such databases.¹⁵

Our clients and the a significant part of our community believe that police departments use force disproportionately against People of Color, males, young adults, and residents of certain neighborhoods. Community relations between the police departments and members of these populations will be strained as long as these beliefs persist. The first step in addressing this issue is creating and maintaining a publicly available database that can document the degree to which these disparities do or do not exist. Without such data, it will be impossible to demonstrate that a police agency's officers' decisions to employ use of force is untainted by bias. Moreover, it will be impossible to measure and demonstrate the impact of any reform on reducing disparities in the use of force. The only way to garner public trust that the police agency is addressing these issues is to obtain and publish the underlying data.

2. Officer-Specific Use-of-Force Data

Although various innocent factors can lead some officers to use force more than others, it is also true that some officers engage in the disproportionate use of force. This is likely because they use force unreasonably or have not been adequately trained on use-of-force policies. Most departments already require officers to report and document all uses of force and require supervisors to review these uses of force to ensure that they were not unreasonable or against departmental general orders. However, those reviews are incident-specific and are not designed to reveal or account for patterns in individual officer behavior.

Recording use-of-force data by officer will allow departments to identify the officers who may have a propensity to use excessive force and enable increased training and additional oversight for those officers. To the extent that disparities in the proper and improper use of force are more a reflection of “a few bad apples” than a systemic, department-wide issue, the data would be necessary to identify the “bad apples” before another tragedy occurs.¹⁶

In our experience, certain charges are regularly filed against a defendant where excessive use of force is alleged by the client or a defendant has injuries that appear to be more severe than the situation warranted. These charges include Assault in the Second Degree, Resisting Arrest, and Obstruction of Governmental Administration. With this in mind, the department should also record and examine the arrests for Assault 2nd (subdivision 3),¹⁷ Resisting Arrest, and Obstructing Governmental Administration made by each officer. Many departments already record the number of arrests department-wide for these specific offenses in annual crime statistics, so the further

¹⁵ (See, e.g., Seattle Police Department General Order Title 8, Indianapolis Metropolitan Police Department General Order 1.31).

¹⁶ Police early intervention systems are designed to flag officers with potential issues so that intervention and support may be offered. These systems often look for excessive use-of-force claims. See, e.g., *Best Practices in Early Intervention System Implementation and Use in Law Enforcement Agencies*. <https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/> ; *Early Warning Systems: Responding to the Problem Police Officer*, National Institute of Justice; <https://www.ojp.gov/pdffiles1/nij/188565.pdf> .

¹⁷ New York Penal Law § 130.05(3): “With intent to prevent a peace officer, a police officer, * * * he or she causes physical injury to such peace officer, police officer * * *”

breakdown by officer should not be burdensome. (See, e.g., 2019 Irondequoit Police Department Annual Report, at 26.) This information is valuable for a number of reasons. First, the data can identify officers whose frequency of use of force may have gone unnoticed. Second, given the ambiguities and confusions possible at any arrest, it is likely that some arrests for Assault 2nd, Resisting Arrest, and Obstructing Governmental Administration result from policework that could be improved by an analysis of particular officers' actions. An officer who frequently needs to charge individuals with these offenses may be an officer who requires training in de-escalation, or other training to avoid circumstances that lead to use of force. The department's goal should be for all arrests to be accomplished without resistance or without obstruction. Any information that can contribute to that result is valuable and can avoid future instances of avoidable uses of force.

C. Explicitly prohibit certain holds or maneuvers.

Police departments should explicitly require that officers use the minimum amount of force necessary to apprehend a subject.¹⁸ It should explicitly ban certain types of police uses of force that, despite being ostensibly less-than-lethal maneuvers, involve an unnecessary risk of death.¹⁹ For instance, the New York Police Department explicitly bans its officers from performing chokeholds or strangleholds, from hog-tying, and from transporting people face down in a vehicle.²⁰ In addition, police departments should explicitly ban the use of force for purposes unrelated to safety or law enforcement. For example, the Cleveland Police Department explicitly bans the use of force on a person for talking back to an officer or as punishment for running away from an officer.²¹

D. Develop clear guidelines and training on the use of less-than-lethal force.

Many police departments in Monroe County have detailed general orders regarding when and how officers are permitted to use lethal force. But guidance for the use of less-than-lethal force is largely missing, often just a description of the vague "reasonableness" test that courts apply to

¹⁸ See Seattle Police Department General Order 8.200(1): "1. Use of Force: When Authorized: An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See 8.300 - Use of Force Tools. Once it is safe to do so and the threat has ended, the force must stop."

¹⁹ See Seattle Police Department General Order 8.200(2): "2. Use of Force: When Prohibited: Officers are prohibited from using neck and carotid restraints in all circumstances."

²⁰ "Members of the New York City Police Department will NOT use chokeholds. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air." Patrol Guide § 203-11 (emphasis in original).

²¹ Cleveland Division of Police, Order Number 2.01.03, Procedures III, A 2: "Consistent with the principles of necessity, proportionality, objective reasonableness, and de-escalation, Officers shall not:

1. Use force to subdue a subject(s) who is not suspected of any criminal conduct, other than to protect an officer's or another person's safety.

2. Use retaliatory force (which includes, but is not limited to, force in excess of what is objectively reasonable to prevent an escape, force to punish individuals for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances)."

determine whether a use of force was unconstitutional. This oversight fails to recognize (a) that less-than-lethal uses of force are by far the majority of officer uses of force; (b) that the various available uses range dramatically in their potential for harm and their effectiveness; (c) that these techniques do still regularly cause injury and occasionally are lethal; and (d) that many officer uses of lethal force occur after an escalating use of less-than-lethal force.

FREEDOM OF INFORMATION LAW (FOIL) REQUESTS

In this section dedicated to FOIL requests, we focus on three specific areas. The first part lays out the current policy and procedures pertaining to FOIL requests, and what content town/village/city authorities are required to disseminate under the law. In the second section, we provide an overview of what is currently happening in town/village/city FOIL requests, and the deficient results and the inability to get certain types of information. In this second part, we provide a small case study to explain how localities respond to requests and the processes we used to address the failure to comply with FOIL requests. Lastly, after critiquing the current framework, we make suggestions to revise the FOIL process to provide a more transparent system that will foster trust between citizens and police.

Section 1: Policy and Procedural Framework of FOIL

New York State Law:

New York State's Freedom of Information Law was enacted to ensure that the public has access to the records of government not only to extend public accountability, but to allow for the State's citizenry to have a greater understanding and participation in government. Public Officers Law § 84. The statute applies broadly to any "state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state . . . except the judiciary or the state legislature," and is overseen by the New York Department of State's Committee on Open Government, whose stated purpose is to advise the government, public, and news media on, among other things, the Freedom of Information Law.²²

In its statutory framework, the New York State Legislature created a presumption of access, with limited enumerated exceptions, and the ability to withhold records that would otherwise be available except they may constitute an "unwarranted invasion of personal privacy."²³ Until June 12, 2020, Civil Rights Law § 50-a prevented the disclosure of:

[a]ll personnel records used to evaluate performance toward continued employment or promotion, under the control of any police agency or department of the state or any political subdivision thereof. . . . Over time this narrow exception has been expanded in the courts to allow police departments to withhold from the public virtually any record that contains any information that could conceivably be used

²² Public Officers Law § 86(3); see also About the Committee on Open Government, last accessed on January 23, 2021 at <https://www.dos.ny.gov/coog/index.html>.

²³ Public Officers Law §§ 87(2), 89(2).

to evaluate the performance of a police officer. In effect, information about officer actions and misconduct can be kept from the public in most cases. And it is.²⁴

However, on June 12, 2020, Governor Andrew Cuomo signed into law a comprehensive package which, among other things, repealed Civil Rights Law § 50-a.²⁵

Under the Freedom of Information Law, any entity that receives a request for a reasonably described record must do one of three things within five business days of receiving such a request. An agency must:

1. Make such record available to the person requesting it; or
2. Deny such request in writing; or
3. Furnish a written acknowledgment of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of section 89 of the Public Officers Law.²⁶

Should an agency grant a request in whole or in part and then be unable to produce the requested records within twenty business days from the date of acknowledging receipt of the request, the statutory framework permits the agency to inform the requestor, in writing, of both the reason for the inability to grant the request within twenty business days and of a date certain when the request will be granted.²⁷ Failure to adhere to the aforementioned statutory timelines constitutes a denial.²⁸ Upon a denial, the requesting party may, within thirty days, appeal in writing to the head of the agency from which the records are sought.²⁹ Should the head of the agency uphold the denial of the requested records, the requesting party may seek judicial intervention and bring a proceeding for review of such a denial pursuant to Article 78 of New York's Civil Practice Law and Rules.³⁰

Section 2: Case Study

For this case study, FOIL requests were made to each police agency in Monroe County seeking, first, law enforcement disciplinary records, and, second, statistical information compiled by law enforcement agencies relating to Vehicle and Traffic Law infractions issued over a one-year period for motorists cited for window-tint violations and for operation of a motor vehicle with objects hung from the rearview mirror.

²⁴ 2014 Annual Report to the Governor and State Legislature of the State of New York Department of State Committee on Open Government at page 3, <https://www.dos.ny.gov/coog/pdfs/2014AnnualReport.pdf>.

²⁵ <https://www.usnews.com/news/politics/articles/2020-06-12/new-york-gov-andrew-cuomo-signs-10-bill-police-reform-package-into-law>.

²⁶ Public Officers Law § 89 (3)(a).

²⁷ Public Officers Law § 89 (3)(a).

²⁸ Public Officers Law § 89 (4)(a).

²⁹ *Id.*

³⁰ Public Officers Law § 89 (4)(b).

a. Law Enforcement Disciplinary Records

Despite the recent repeal of Civil Rights Law § 50-a, the majority of police departments continue to deny the public access to law-enforcement disciplinary records.³¹ Upon requesting disciplinary records from various Monroe County law-enforcement agencies, our office received the following responses:

- Three agencies responded that, after review, no disciplinary records exist;
- Two agencies provided disciplinary records of law enforcement officers under their employ;
- One agency requested an extension beyond the initial 20-business-day period from the initial receipt of request to compile records, and that date has not yet passed;
- Two agencies requested an extension beyond the initial 20-business-day period from the initial receipt of request to compile records, and did not provide any records or update by that date, resulting in a constructive denial;
- Four agencies only provided a written acknowledgment of receipt of the request for records, resulting in a constructive denial;
- One agency denied the request, claiming that it was ambiguous and overbroad.

b. Statistical Information Records

In response to requests for statistical records of traffic infractions over a one-year period, our office received the following responses:

- Six agencies provided the records requested in various formats;
- Three agencies denied the requests stating that such records do not exist and the statistical information is not compiled;
 - Upon a written request for clarification, one agency provided the requested records;
 - Upon a written request for clarification, two agencies provided a written acknowledgment of receipt of the request for clarification and confirmation, but did not provide any further records or correspondence, resulting in a constructive denial;
- One agency responded that after review, no such records existed.

Section 3: Recommendations

At the outset, it is important to highlight the lack of uniformity in the methods in which records are requested from various agencies in Monroe County. Each police agency and government locality varies with respect to how to make a request and in what format the request must be made. It is our recommendation, to promote transparency in government and trust in citizens, that the FOIL request process be made more user-friendly. Specifically, an online form

³¹ <https://www.democratandchronicle.com/story/news/politics/albany/2020/12/22/new-york-state-50-a-repeal-six-months-later-police-shielding-public-records/3964062001/>.

that submits the request upon completion, similar to one the Town of Gates³² or Town of Greece³³ employs for the FOIL process, should be used. Another way to foster a healthy opinion of the police in their respective communities would be to create a category or categories of information that must be automatically disclosed to the public through an annual report or other method of disclosure. This information could include statistical reports of traffic stops, reports of police misconduct, or lists of dismissed criminal cases. The hope is that these types of automatic reporting could quash misinformation or misconceptions about the police department.

BODY-WORN CAMERAS

Body-worn cameras (BWCs) benefit both the law-enforcement agency using them and the community the agency serves. The BWC is one tool that the Rochester Police Department and other police agencies across Monroe County should use consistently in an effort to educate their officers and to hold those officers accountable for misconduct. Additionally, a BWC program builds trust with community members when they know that there is documentation of police behavior, a lack of discretion among officers as to what situations are recorded, and serious repercussions to violating BWC-use protocol. We also recommend that the Rochester Police Department and other police agencies implement dash-camera systems (or their equivalent) to expand the recording and accountability of officers and to protect the rights of those engaged in police contact.

Recording Requirements

Recommendations

The Rochester Police Department BWC Manual creates four recording requirements: mandatory, standard, optional, and prohibited. The mandatory recording requirement should be expanded. BWCs should be active at all times during officers' responses to a job call or when in contact with members of the public. The Rochester Police Department has the staff to redact BWC footage as needed. Any redacted BWC information should be documented in a memorandum/report and provided to the requestor (defense counsel or citizens through FOIL requests or, ideally, via a simpler protocol) to state the reason why the full recording was not provided. That redaction can be litigated, as needed. Timestamp values can allow for easily narrowing the footage that is recorded by an officer to only that footage that is pertinent to the needs of the requestor.

Minneapolis Police are starting a new policy requiring body cameras to be on during the entirety of every response to a call.³⁴ Minneapolis officers are also required to turn on their cameras when they began to travel to a call for service and prior to any law enforcement action. The policy specifically requires body cameras to be activated prior to "any contact with a reporting person, victim, suspect or witness." Each police agency in Monroe County should adopt a similar general order.

³² <https://www.townofgates.org/foil-request/> .

³³ <https://greecenyny.gov/freedom-of-information> .

³⁴ <https://www.cnn.com/2021/02/02/us/minneapolis-police-body-worn-camera-policy/index.html>.

Finally, each agency should conduct an annual audit to assess compliance with established policies.

Technology Issues

Recommendations

Publishing of Technical Specifications, Configurations, and Manuals. Each police department has its own BWC manuals, policies, general orders, camera models, camera technical configurations, storage systems, and disclosure processes. The details of these systems and related information are not routinely provided to the defendant in a criminal matter. All these variables and inconsistencies cause defendants to guess about technical details and fight for information that directly impacts their cases. Some BWC manuals and camera technical documentation are available online, but some information is hidden behind manufacturer website user-only areas or is otherwise unavailable.

All of the relevant information relating to BWCs should be published by police departments and publicly available. As an example, many BWCs have the ability to record with “night vision” or “enhanced low light performance,” but police departments intentionally decline to activate that feature. Defendants must be aware of exactly how the cameras have been configured to determine the value of evidence or know if something is unique to their video. An event that may be entirely visible to an officer in the field may have been recorded by a camera configured in such a way that the resulting video is of little or no value. Additionally, videos are sometimes provided with inconsistent naming or attributes, even among videos provided from the same police agency. Some videos are provided without audio for the first thirty seconds and some videos have audio that begins immediately. Sometimes videos are labeled in sequence (with files ending in 1, 2, 3, 4, etc.) and some are provided with inconsistent labeling (with files ending in 1, 2, 4, 6, etc.) seemingly skipping over clips. Some body camera videos are provided with latitude and longitude points attached, or video hardcoded with officer names, badge numbers, or other tags and metadata, and some videos are provided without these pieces of information. Without detailed and publicly available technical documentation there is no easy explanation, and defendants are left to guess what other evidence may exist, or why their evidence looks “different” from that of similarly situated defendants. Publishing all of the specifications, available options, and current settings is the only way for defendants to know what evidence exists and whether BWC policies are being followed.

Consistent Disclosure of Recording Logs and Hash Values. All body worn cameras and systems produce metadata; however, that information is inconsistently disclosed to the defendant. Different police departments, with different video cameras and different disclosure processes, make identifying non-original or altered videos nearly impossible for a defendant. Alterations are just as likely to be accidental as they are intentional, but defendants will not know anything is amiss without accompanying metadata. Often, the only log turned over with a set of video clips is an “export log” specifying what files were pulled from the police storage system. Disclosures less frequently include chain-of-custody or access logs, or logs created for the individual videos themselves. One crucial piece of information that is often missing is a “hash value.”

Generating a hash value is a digital-evidence best practice. Often referred to as a “digital fingerprint,” a hash value is a string of characters, calculated by a hash function, which uniquely identifies data. If a digital file is changed, the hash value will change. This makes comparing and identifying original files, as well as detecting possible alterations, a relatively simple math problem any computer can calculate in seconds. These hash values are often generated in any digital-evidence-system storage system and they do exist in BWC storage systems. Providing a hash value along with a video means that months or years later when a case goes to trial or is under appeal, a digital file can be definitively verified as an original and tracked from its creation. Failure to turn over this basic piece of metadata, along with other logs created with videos, may require the defendant to hire an expert to assess video authenticity when it might otherwise be accomplished by any attorney with a free and simple computer program. Hash values are quick, computationally inexpensive, and are already generated by police systems, so there is no reason they are not provided with every video.

Supplementing Body Worn Cameras with Dash Cameras

Recommendations

Body worn cameras do not capture officer observations while driving their vehicles, which is the part of a traffic stop most often relevant to the legality of a stop itself, and thus most often litigated. Adding dash cameras, particularly those that have video buffering and are activated automatically when vehicle lights or sirens are turned on, would both capture what is often a contested point in a defendant’s case and limit officer discretion. Adding dash cameras, a technology that has existed for decades, would also provide crucial additional evidence of what occurred. Police cars are increasingly being outfitted with automated license-plate-reader systems, which are a type of camera combined with artificial intelligence and image processing, which scans vehicles and their license plates as they drive past, a much more recent and sophisticated camera technology. There is no reasonable objection to the universal use of dash cameras. Automated license-plate-reader systems lead to more vehicle stops and identify more drivers with suspended licenses or other outstanding fines, but they do nothing to protect defendants’ constitutional rights.

BWC Enforcement in the Police Departments

Recommendations

There should be bright-line penalties for failing to comply with BWC procedures prescribed by Body Camera Manuals and General Orders. Police procedures in departments that employ BWCs dictate when cameras must be activated. For example, the Rochester Police Department’s BWC manual specifies “mandatory recording” events (as mentioned above) and makes clear throughout the manual that “[t]here are no exceptions to the requirement to record mandatory events.” Despite this strong language, there are no described penalties for failing to follow procedure. There must be some kind of public sanction attached to the mandatory language or the requirement has no effect. The failure to follow these mandatory procedures should not disappear into an officer’s disciplinary record never to impact the officer in pay, promotion, or continued employment.

Officer discretion is already limited in many areas of criminal law. For instance, for a sobriety checkpoint to be constitutional, it must be “maintained with a uniform procedure which afford[s] little discretion” to the officers operating the checkpoint.³⁵ Similarly, police inventory searches of vehicles must be conducted pursuant to an established procedure clearly limiting the discretion of the officer.³⁶

CONCLUSION

For decades, gradualism and quarter measures have been the hallmarks of police reform in Monroe County. We can ill afford to continue this failing tradition. The sections above are a selection of concrete proposals that would materially and immediately produce meaningful reforms in police practice in Monroe County.

As many of our proposals reflect, there is a fundamental need to collect and store data on arrests, demographics, geographics, fines, tickets, sentences, individual officers, and many other fields. The data collection must be continuous and the data public. The data produced should be searchable, not merely aggregated and placed into annual reports. Police use of force also requires unambiguous policies aimed at avoiding its excesses, minimizing its occurrence, and disciplining its abuse. Successful policies should give clarity to officers and confidence to the public.

Many additional areas deserve action, and we support the specific reform proposals by groups such as the Rochester Police Accountability Board, United Christian Leadership Ministries, Campaign Zero, and 8 Can’t Wait. Vague and aspirational proposals are inadequate to the moment. Another round of modest changes to existing policies will fail to produce necessary reforms. Fanfare followed by almost nothing will result in almost nothing except increased community cynicism. The community demands better and has waited too long for necessary reform.

³⁵ *People v. Scott*, 63 NY2d 518, 526 (1984).

³⁶ *People v. Johnson*, 1 NY3d 252, 256 (2003).