



**King County
Charter Review Commission
Agenda**

King County Chinook Building

1st Floor Conference Rooms 121/123

401 5th Ave. Seattle, WA 98104

March 27, 2019

6:00 p.m. – 8:00 p.m.

Purpose:

- Consider input from Law Enforcement representatives
- Finalize meeting and process protocols for the Charter Commission and Sub-Committees
- Finalize categories and topics for sub-committee discussions
- Finalize timeline and milestones for completion of Commission objectives

Agenda Topic	Lead	Time	Attachments
1. Welcome and Review Agenda - Ethics Forms	Co-Chairs	5 min	Ethics Forms (at meeting)
2. Public Comment	Co-Chairs	As needed	
3. Approve 2-27-19 Minutes	Co-Chairs	5 min	Draft Meeting Minutes
4. Presentation from Nick Bowman, King County Staff: - Overview of OLEO - History of Sheriff becoming an elected position	Facilitator	15 min	Staff Reports and Attachments
5. Presentation from King County Sheriff Mitzi Johanknecht	Facilitator	15 min	
6. Presentation from OLEO Director Deborah Jacobs	Facilitator	15 min	OLEO's Proposed Changes to Charter
7. Finalize Approach, Topics, Calendar and Expectations for Sub-committees and Commission	Facilitator and County Staff	45 min	- Final Commission Protocols - Proposed Subgroup Categories, Topics, and Members - Updated Commission Calendar
8. Other Business:	Facilitator and County Staff	10 min	
9. Adjourn	Co-Chairs		

[Blank Page]



King County

Charter Review Commission

February 27, 2019

Meeting Minutes

In Attendance:

Louise Miller (Co-Chair), Ron Sims (Co-Chair), David Heller, Michael Herschensohn, Sean Kelly, Clayton Lewis (via telephone), Nat Morales (via telephone), Jeff Natter, Toby Nixon, Nikkita Oliver, Rob Saka, Brooks Salazar (via telephone), Beth Sigall, Alejandra Tres and Sung Yang

Excused:

Tim Ceis, Joe Fain, Elizabeth Ford, Ian Goodhew, Linda Larson, Marcos Martinez and Kinnon Williams

Council and Executive Staff:

Kelli Carroll, Director of Special Projects, Patrick Hamacher, Director of Legislative Analysis, Calli Knight, External Relations Specialist, and Mac Nicholson, Director of Government Relations.

Also in Attendance:

Mike Sinsky and Mari Isaacson, Senior Deputy Prosecuting Attorneys, King County Prosecuting Attorney's Office, meeting facilitator Betsy Daniels, Co-President, Triangle Associates Inc., and Mishu Pham-Whipple, Project Associate, Triangle Associates, Inc.

1. Welcome and Call to Order

Co-Chair Miller called the meeting to order at 6:05 p.m. and asked those on the telephone to introduce themselves.

2. Public Comment:

There was no one present to provide public comment.

3. Approval of Minutes

Co-Chair Sims moved approval of the minutes of the January 16 and January 23, 2019 meetings. The motion was seconded. There being no objections, the minutes were approved.

4. Introduction – Facilitator Betsy Daniels

Co-chair Miller introduced Betsy Daniels, Co-President, Triangle Associates Inc., who explained her role as the group's facilitator. Discussion ensued regarding what the report to the Council should include.

5. Process Review

a. Process Recommendations

Ms. Daniels provided a brief overview of the Guide for Charter Commissions published by the National Civic League.

The group agreed that the components of the report will likely include the Commission's recommended Charter amendments, specific amendment language, and possibly other options worth meriting pursuit to be determined later, topics that were considered as well as changes that were considered but were not supported and why.

Information request: A handout entitled, "Facilitated, Collaborative Decision-Making" was distributed and reviewed.

A review will be conducted of past Auditor reports to determine whether any recommendations for structural changes have been made by the Auditor.

b. Draft Commission Protocols

Draft Process and Meeting Protocols were presented for review.

c. Draft Workplan/Timeline

A handout was provided listing potential subgroups and timelines. The merits of breaking into subgroups to bring back recommendations on specific topics was discussed, along with amending the timeline to allow for more time, and whether it might be more effective to submit recommendations in phases.

The consensus was to first determine the options, organize topics into common themes and prioritize them, develop phases, create guidelines for subgroups, establish clear milestones and deadlines, determine agreed upon consequences if deadlines aren't met, and possibly extend the timeline. One initial longer meeting was proposed.

d. Overview of information requests

The most current version of each of the white papers and other Commission related information will be posted to the Charter Review Commission's web page.

A one-page gap analysis related to protected classes was requested.

It was noted that the Commission should make a point to look at items that the separately electeds brought up and to make Charter updates to reflect changes at the County and State levels.

Language updates surrounding personnel issues are in the works and will be presented at a future meeting.

A request will be submitted to Harborview regarding any changes they might suggest to the Charter.

6. Review outcomes of Town Hall meetings and next steps

In regard to feedback related to the Town Hall meetings, discussion addressed whether more energy needs to go into outreach to specific groups that interact with the County, whether public feedback might be more appropriate and useful when things are less high-level and more specific, getting feedback from issues-based groups, having the Commissioners go out and meet with various groups where they are at, partnering with organizations to put on the Town Hall meetings, and including interaction with groups that have a specific interest in the issue being addressed.

7. Other Business

A meeting will be scheduled for March 14, 2019, from 6:00 – 8:00 p.m. to get started on categorizing topics. The results of this will be brought back to the full Commission.

The consultant will meet with the Co-chairs to come up with a phased approach.

The meeting was adjourned at 8:07 p.m.

[Blank Page]



King County

Metropolitan King County Council Charter Review Commission

STAFF REPORT

Agenda Item:	4	Name:	Nick Bowman
Proposed No.:		Date:	March 27, 2019

SUBJECT

Overview of civilian oversight of law enforcement in King County.

BACKGROUND

Civilian oversight of law enforcement in the United States is an evolving governmental function intended to examine police practices and misconduct complaint processes, and to review police policies and training. This function provides a means to monitor and assess a wide range of issues within law enforcement agencies to ensure that policing is responsive to the standards, values and needs of the communities served. In addition to reviewing and suggesting improvements to police systems and training, civilian oversight works toward the shared goal of improving trust between police and the public through transparent oversight activities.

For more than a decade, King County has worked to improve oversight of the King County Sheriff's Office (KCSO). In 2006, the county council's Law, Justice and Human Services Committee held eleven meetings to consider civilian oversight for the sheriff's office. The committee reviewed existing systems for the resolution of complaints and other investigations of employee misconduct. The committee also reviewed the systems used by the Ombuds/Office of Citizen Complaint to evaluate, categorize, and investigate complaints against KCSO employees. Additionally, the committee received an extensive briefing on the systems in place in KCSO's Internal Investigations Unit for their review of allegations of misconduct and other complaints. Finally, committee members had several briefings from the sheriff's Blue Ribbon Panel which was charged in March 2006 to evaluate many of the areas that the committee was reviewing.

Ordinance 15611—Initial Oversight Ordinance. Based on its deliberations and review of the KCSO Blue Ribbon Panel report, the King County Council developed legislation designing a system for civilian oversight that allowed for independent civilian monitoring and evaluation of ongoing investigations. On October 9, 2006, the Council approved Ordinance 15611 regarding civilian oversight of KCSO and creating the Office of Law Enforcement Oversight (OLEO) as an independent office within the legislative branch. The legislation gave OLEO authority to review complaints and investigations that paralleled the responsibilities identified as best practices during Council deliberations

and advanced by the Blue Ribbon Panel. The legislation also allowed for the creation of an oversight committee made up of members of the public to support the new office.

Shortly after the council approved Ordinance 15611 however, the King County Police Officers Guild (KCPOG) filed an unfair labor practice charge against the county. On November 19, 2007, the county and the KCPOG finalized an agreement that Ordinance 15611 would be treated as a labor policy and that this policy would need to be bargained in good faith. After which, the KCPOG dismissed its unfair labor practice charge against the county. As a consequence of this agreement, the executive took no action to implement Ordinance 15611.

Oversight Legislation Modified to Address Labor Agreement. On December 8, 2008, the Council passed Ordinance 16327 approving a new five-year collective bargaining agreement between King County and the KCPOG. The new collective bargaining agreement required the county to repeal most of Ordinance 15611, eliminating the primary components of the legislation establishing the OLEO. However, also on December 8, 2008, the Council adopted Motion 12892, which reaffirmed its commitment to establishing a system of civilian oversight.

Following through on that commitment, the Council adopted Ordinance 16511 in May 2009 to establish a system of civilian oversight in accordance with the existing labor agreement. The ordinance was developed to address the adopted collective bargaining agreement while also preserving some civilian oversight capabilities for the OLEO.

Establishing a Citizen's Committee on Independent Oversight. In Ordinance 16511, the Council created an eleven member Citizen's Committee on Independent Oversight (committee) to work with OLEO. The legislation directed the committee to advise the OLEO Director on matters important to the county's diverse communities and to provide community input as needed. The Council also intended the committee to serve as a resource that represented the county's diverse population and to advise the Director on policy and public perceptions of the sheriff's office.

The Council envisioned that the committee would advance community communication that fosters accountability and public understanding of the misconduct and discipline policies, procedures and practices of the sheriff's office, as well as, other issues related to the OLEO Director's oversight responsibilities. However, Ordinance 16511 made it clear that the committee shall not review or advise the OLEO Director on individual complaints, investigations, or disciplinary actions.

Additionally, the legislation provided no direct guidance for the establishment of committee operations including, how often meetings should be convened, what level of support the committee would need from the OLEO Director, or how the committee could best support the OLEO Director in carrying out oversight requirements.

Charter Amendment and Council Action Expanding OLEO Authorities. In November, 2015, the voters of King County approved an amendment to the King County Charter that established OLEO as a charter-mandated county office within the legislative branch. This amendment, now Section 265 of the King County Charter,

increased oversight responsibilities for OLEO and required that those authorities be established by ordinance.

In April 2017, the Council adopted Ordinance 18500 expanding OLEO's authorities to align with the 2015 voter approved charter amendment. Examples of the expanded powers, under Ordinance 18500, include:

- investigatory authority with subpoena powers for the office;
- complaint and concern intake responsibilities, including the authority to review KCSO complaint intake classifications;
- authorization to review policies, procedures, training, operations, et al and make recommendations prior to adoption;
- access to relevant information and crime scene authorities;
- notification requirements regarding the KCSO complaint handling process; and
- review inquests findings.

These responsibilities are currently the subject of bargaining with the KCPOG.

SUMMARY

What models of civilian oversight are employed throughout the United States?

As stated earlier, civilian oversight of law enforcement in the United States is an evolving governmental function whose emergence is generally associated with the adoption of community policing models in municipalities and other local jurisdictions, both big and small, across the country. According to the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that tracks and provides resources for civilian oversight bodies, there are around 150 jurisdictions in the U.S. with some form of civilian oversight of law enforcement agencies.¹ Despite their wide-spread use, there is no clear consensus on what organizational structure, model or approach constitutes the most effective form of oversight.

Comparative analysis of the many civilian oversight agencies in the U.S. shows high variability in organizational structure and operational authority. “[Some agencies operate entirely with community volunteers with no operating budgets, while others have substantial budgets and a large number of paid professional staff. The authority granted to oversight bodies is even more varied, from oversight’s role in the intake of complaints and involvement in complaint investigations, to levels of access to police records and findings, and whether or not the oversight office can make general policy recommendations and/or individual recommendations on complaint findings and discipline.]”²

The variability of oversight agencies across jurisdictions reflects the community focused nature of their development, as well, as the diversity of state and local laws which may favor one type of oversight structure over another. In 2015, the President’s Task Force

¹ https://www.nacole.org/police_oversight_by_jurisdiction_usa

² De Angelis, J., Rosenthal, R. Buchner, B. Civilian Oversight of Law Enforcement: A review of the Strengths and Weaknesses of Various Models (National Association for Civilian Oversight of Law Enforcement, OJP Diagnostic Center, September, 2016), https://www.nacole.org/reports_publications.

on 21st Century Policing recommended the adoption of civilian oversight, that communities should “define” what form of independent oversight fits their community needs, and that the federal government “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.”³ While no two civilian oversight agencies in the U.S. are identical, the research reviewed for this staff report identified three general types of oversight models based on core agency functions. Table 1, provides a summary of these three primary models, their key characteristics and a list of jurisdictions where they are used.

Table 1⁴

Model	Key Characteristics	Jurisdictions
Investigative	<ul style="list-style-type: none"> • Routinely conduct independent investigations of complaints against police officers. • May replace or duplicate the police internal affairs process. • Staffed by civilian investigators. 	<ul style="list-style-type: none"> • Chicago, IL • Washington, D.C. • New York, NY • San Diego County, CA • Pittsburg, PA
Review	<ul style="list-style-type: none"> • Review the quality of completed internal affairs investigations. • May make recommendations to police executives regarding findings or request that further investigation be conducted. • Commonly comprised of community volunteers/appointees. • May hold public meetings for community input and facilitate dialogue with police. 	<ul style="list-style-type: none"> • Albany, NY • Berkeley, CA • New Haven, CT • Philadelphia, PA • Indianapolis, IN • St. Petersburg FL • San Diego, CA • Charlotte, NC
Auditor/Monitor	<ul style="list-style-type: none"> • Generally examine broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline. • Some may actively participate in or monitor open internal investigations. • Often work to promote broad organizational changes through systemic reviews of police policies, practices or training and making recommendations for improvement. 	<ul style="list-style-type: none"> • Denver, CO • New Orleans, LA • San Jose, CA • Los Angeles, CA • New York, NY

It is important to note that while Table 1 describes the three basic models for oversight, “hybrid” oversight agencies are common throughout the U.S. These “hybrids” often

³ President’s Task Force on 21st Century Policing, Final Report of the President’s Task Force on 21st Century Policing (Washington, DC: U.S. Department of Justice: Community Oriented Policing Services, 2015), www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf, 26.

⁴ De Angelis, J., Rosenthal, R. Buchner, B., 2016, https://www.nacole.org/reports_publications and Attard, B. Olson, K. Overview of Civilian Oversight of Law Enforcement in the United States, 2013, <http://accountabilityassociates.org/wp-content/uploads/Oversight-in-the-US-%E2%80%A6FINAL.pdf>

incorporate a combination of functions across the three primary oversight models to address issues at both the functional and structural levels of law enforcement. King County's OLEO would be considered a "hybrid" oversight agency having review, investigatory and auditing responsibilities.

INVITED

- Deborah Jacobs, Director, King County Office of Law Enforcement Oversight
- Mitzi Johanknecht, Sheriff, King County Sheriff's Office

ATTACHMENTS

1. Overview of Civilian Oversight of Law Enforcement in the United States, 2013.
2. President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, 2015.
3. Civilian Oversight of Law Enforcement: A review of the Strengths and Weaknesses of Various Models, 2016.

[Blank Page]

OVERVIEW OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT IN THE UNITED STATES

By Barbara Attard and Kathryn Olson

I. Introduction¹

Civilian oversight of law enforcement in the United States is an evolving governmental function established to provide monitoring of police practices and the misconduct complaint process, along with review of police agency policy and training systems. Civilian oversight can provide a means to examine a wide range of issues within law enforcement agencies to ensure that policing is responsive to the standards, values, and needs of the community served.²

Policing in the U.S. is primarily the responsibility of local municipal and county governments, although the laws enforced by local police agencies can involve municipal or state penal codes. Individual state governments focus law enforcement efforts on public highways, and have the primary responsibility for housing prisoners found guilty of state crimes. Also, the U.S. federal government has a number of law enforcement branches with jurisdiction to address federal laws, such as the Federal Bureau of Investigation, the U.S. Border Patrol, and the Drug Enforcement Administration. The federal government also manages prisons for those convicted of federal crimes. While there is some oversight at the state and federal levels, this report focuses on civilian oversight of law enforcement at the local level.³

Civilian oversight in the U.S. is not regulated or standardized by national or state statutes. Until the 20th century, city mayors acting alone or in conjunction with politically appointed police commissions were responsible for overseeing the police. Police commissions had varied responsibilities and their members served at the pleasure of the appointing authority, with expectations of loyalty to the executive as well as to the police departments.⁴ Because politically

¹Though a number of changes have been made, this paper initially was developed pursuant to a U.S.-Russia Civil Society Partnership Program in the spring of 2013, to review civilian oversight of law enforcement in the United States and prison oversight in Russia, and was supported by a grant funded by the Eurasia Foundation. Barbara Attard, Consultant, Accountability Associates, and Kathryn Olson, Former Director, Office of Professional Accountability, Seattle Police Department participated in the U.S. – Russia Partnership project on behalf of the National Association for Oversight of Law Enforcement (NACOLE). Barbara is a past president of NACOLE and Kathryn Olson is the immediate past president and currently on the NACOLE Board of Directors. Brian Buchner, Special Investigator II, Los Angeles Board of Police Commissioners, Office of the Inspector General and NACOLE Vice-President made significant contributions throughout the project.

² Numerous resources were reviewed in preparing this paper. For historical perspective, the authors relied on Merrick Bobb, Police Assessment Resources Center, “Internal and External Oversight in the U.S.,” October 2005, and “Review of National Police Oversight Models for the Eugene Police Commission,” February 2005 (available at: <http://www.parc.info/publications.chtml>), and, Samuel Walker, *The New World of Police Accountability*, Sage Publications: Thousand Oaks, 2005; and *Police Accountability: The Role of Citizen Oversight*, Belmont: Wadsworth Professionalism in Policing Series, 2001.

³ For example, both the California State Department of Corrections and the California Highway Patrol have Inspector General offices providing oversight of those organizations.

⁴ Police commissions continue in some jurisdictions today, though with more accountability to the public. They may participate in the hiring and firing of the police chief, have input on police department policies, and/or have authority to decide misconduct cases. The Chicago Police Board and the San Francisco Police

entrenched commissions of this era were ineffective in providing oversight, police departments were not accountable to anyone and there was an increase in abuse of power by the police.

Beginning as early as the 1940's, racial tensions and riots erupting in larger cities across the country led to the creation of the first citizen oversight agency, the Citizens Review Board (CRB) for the Metropolitan Police in the District of Columbia.⁵ Despite challenges for the CRB and its ultimate demise, the call for closer scrutiny of the police continued, particularly in minority and immigrant communities where individuals felt unfairly targeted by heavy-handed police tactics. Although much of the early oversight that developed in the U.S. focused on investigations of individual police misconduct complaints, the field expanded to examine systemic issues where policy and training changes are required to address matters such as civil rights concerns, racial profiling, discrimination, illegal search, seizure and arrest, misuse of force, and other matters.⁶

Oversight in a particular jurisdiction can be established as a response to recurring problems within a law enforcement agency, such as wide-spread unnecessary use of force, or in response to a particular high profile police misconduct incident. In some cases, a local government or law enforcement agency will proactively develop an oversight model to address issues in their jurisdiction. Oversight has become an integral part of municipal governments in most large cities in the United States, with some smaller municipalities and counties developing agencies to allow community members to weigh in on policing as well.⁷ By creating a system of accountability and transparency, civilian oversight of law enforcement in the U.S. has the goal of fostering trust and respect between the police and community served, constitutional policing, and enhanced public safety.

II. Three Primary Approaches to Oversight

Most oversight agencies in the U.S. today are multifaceted “hybrids” that incorporate a combination of functions and can include a community board or commission, investigation of police misconduct complaints, monitoring/auditing of a police department's internal investigations, or review of broader policy and training systems. The development of a new oversight office typically involves stakeholders from many differing perspectives coming together and negotiating to establish a program that will benefit their jurisdiction. Traditionally, three primary approaches to oversight have been used in the U.S., though today, we more typically find individualized “models” of oversight utilizing a variety of the components

Commission are examples of present day commissions serving as independent civilian bodies that oversee some activities of their respective police departments and have some authority to decide disciplinary cases.

⁵ Frank V. Ferdik, Jeff Rojek & Geoffrey P. Alpert (2013): Citizen oversight in the United States and Canada: an overview, *Police Practice and Research: An International Journal*, 14:2, 104-116, at 105 (citing to Walker, S. (2000)).

⁶ Justina Cintron Perino. Editor, *Citizen Oversight of Law Enforcement*, American Bar Association (ABA) Publishing, (2006), Chapter 1.

⁷ The resource page on the website for the National Association for Civilian Oversight of Law Enforcement (NACOLE) lists 116 links to cities and counties in the United States that have oversight, as well the Washington D.C. Office of Police Complaints and one university oversight agency, the UC Berkeley Police Review Board. NACOLE is currently in the process of updating the list in order to confirm the existence and role of each oversight organization listed. See: <http://nacole.org/resources/police-oversight-jurisdiction-usa>

described below.⁸ Two of the three primary approaches (conducting misconduct complaint investigations and auditing/monitoring investigations or other police practices) are focused on oversight processes, while the third approach (creating civilian review boards or commissions) is generally described from a structural perspective.

A. Conducting Investigations

Many oversight agencies conduct investigations of complaints of police misconduct. Investigative agencies have the authority to accept complaints, collect evidence, interview witnesses—including law enforcement personnel—and make findings or recommendations for findings on the misconduct allegations involved. In agencies that have a community board or commission as the adjudicatory body, a civilian staff typically conducts fact-finding investigations and a hearing is held before the commission or review board to determine findings. In other jurisdictions, recommended findings are presented to the chief of police who has the ultimate decision-making authority on matters of conduct and discipline.

Investigative authority strengthens an oversight agency's influence. Investigative agencies classify complaints, frame the misconduct issues by delineating allegations, identify witnesses to be interviewed and questions to be asked, and determine relevant evidence to review. Civilian witnesses may be more willing to be involved and forthcoming in an investigation if it is conducted by an independent agency separate from the law enforcement agency. Investigative methods, skill level, and creativity influence the thoroughness and, in many instances, the outcome of the case.

In considering an oversight approach involving investigative powers, among other considerations, it is important to contemplate: (1) the types of complaints that can be investigated (e.g., on duty/off duty, criminal, use of force, biased policing, discourteous conduct, etc.); (2) the ability to require witnesses to provide testimony (though subpoena power or otherwise); (3) whether investigators will roll out to critical incidents; (4) access to incident reports, communications data, use-of-force statements, video and audio recordings, and other evidence maintained by the law enforcement agency; (5) witness representation rights; (6) the statute of limitations for bringing complaints; (7) timelines for completing investigations; (8) whether complaints need to be triaged so that only the most serious allegations or those involving broader organizational issues will be investigated; (9) who will make final decisions on complaints and how discipline will be determined; (10) review and appeal options for complainants and officers; and, (11) whether there will be systematic reviews of complaint trends to report to the police agency and public.

B. Auditing or Monitoring Police Internal Investigations and Other Systems

Auditor/monitor oversight agencies review and analyze a police department's internal investigations of police misconduct or other police action, such as use of force, and may have

⁸ The Appendix to this report provides examples of the three primary models, with details illustrating how each oversight agency is unique in its authority and approach to accomplishing its mission.

broad authority to evaluate the policies and procedures of the department.⁹ It is a newer form of oversight, developed since the 1990s. Where the auditing/monitoring is focused on misconduct, it involves a systematic examination of the police agency's internal complaint process to ensure that misconduct investigations are conducted in a fair and thorough manner. In many jurisdictions, the auditor/monitor may sit in on officer or witness interviews and present questions to be asked. The process may include an appeal procedure for disagreements between the auditor and internal affairs, but in most organizations the police chief or the city manager has the authority to determine the final outcome of misconduct investigations. The more effective auditor/monitor oversight agencies have been fortified with the authority to delineate allegations, classify complaints based on the seriousness of the issues involved, and conduct investigations in cases that internal affairs either refuses to investigate or has handled in a less than thorough or fair manner.

A significant strength of the auditor/monitor approach is the ability to review all complaints and other sources of information about police activity to analyze trends and patterns of conduct, as is also often seen in investigative models. The auditor/monitor may also evaluate other police agency systems, such as use of force review procedures, police training, or risk management programs. This information is used to generate reports, make policy and training recommendations, and effect broader change in the police agency, as well as identify officers or specialized units with a problematic complaint history.

In considering an auditing/monitoring oversight approach, factors to assess include: (1) whether the auditor/monitor will focus only on reviewing complaint investigations or has the authority to investigate cases; (2) the range of the auditor/monitor's access to police agency data; (3) whether the auditor/monitor will roll out to critical incidents; (4) the statute of limitations for bringing complaints; (5) review and appeal options for complainants and officers; (6) whether the auditor/monitor has the authority to analyze other police systems such as use of force review procedures or training programs; (7) whether there are clear procedures for the law enforcement agency to respond to recommendations made by the auditor/monitor; (8) whether the auditor/monitor has the power to require implementation of policy and training recommendations; and, (9) the frequency and nature of reports to be generated by the auditor/monitor to the police agency and public.

C. Civilian Review Boards and Commissions¹⁰

Many oversight organizations in the U.S. include a civilian body that brings the perspective of the community to the police agency. Authority of police review commissions or boards vary, ranging from hearing appeals of cases brought forward by disgruntled complainants or officers, to conducting evidentiary hearings and making findings in misconduct investigations conducted by commission staff or the police agency's internal affairs bureau. Some review commissions or boards have a primary purpose of holding regular forums to elicit testimony from the community

⁹The auditor/monitor role is called an Inspector General in some oversight agencies, such as the Los Angeles Board of Police Commissioners Office of the Inspector General.

¹⁰ As discussed in Footnote 3 above, the term "commission" is used for oversight bodies with a wide range of authority, with some functioning like a board of directors for a police department, while others may have a more narrow role, such as reviewing complaints or bringing community concerns to the attention of the department.

about police concerns or to facilitate discussions between law enforcement and community members.

Commissioners or civilian review board members are typically political appointees, selected by the mayor, city council, or county supervisors. Because of an interest in selecting members representing a cross-section of the community, a challenge presented by the commission or board form of oversight is that members may have a wide range of skills and analytical ability regarding oversight of law enforcement. It is incumbent upon the commission or board staff and the law enforcement agency involved to ensure that members receive training regarding their authority, police practices, investigative procedures, and ethics involved in oversight. They also must be provided with sufficient documentation and information upon which to base their decisions or recommendations.

Boards and commissions can greatly enhance community confidence in a law enforcement agency. When members of the public are empowered to hear concerns and weigh in on complaints and policy recommendations, as well as provide an avenue of access to those who may otherwise feel disenfranchised, public trust is increased. However, if the power of the board or commission is limited or ill defined, there can be a sense of frustration for all involved.

Important considerations in using the board or commission approach include: (1) whether there is a means to ensure broad community representation; (2) whether there are administrative staff and other resources to support the oversight work; (3) how members of the board/commission receive training in relevant legal issues and police practices, and are provided with the skills and documentation needed to make informed decisions; (4) if the board/commission or assigned staff investigates or reviews complaints, what are the statute of limitations for bringing complaints and review and appeal options for the parties; (5) whether the commission and/or staff will roll out to critical incidents; (6) whether the commission has the authority to analyze other police systems such as use of force review procedures or training programs; (7) whether there are clear procedures for the law enforcement agency to respond to recommendations made by the commission; (8) whether the commission has the power to require implementation of policy and training recommendations; and, (9) the frequency and nature of reports to be generated by the auditor/monitor to the police agency and public; and, (10) whether there is an effective mechanism for members of the civilian body to communicate with the law enforcement agency, other governmental entities, and the public about oversight efforts.

III. Components Contributing to Successful Oversight

Regardless of the oversight structure set up in a particular jurisdiction, there are a number of factors that contribute to whether an approach will be successful. As stakeholders learn more about the strengths and weaknesses of a model adopted in their community, there may be interest in changing or enhancing the police oversight system. Oversight is not a static process and should evolve over time to incorporate effective practices learned from others and to be continually responsive to changing community needs. The components outlined below should be considered in adopting oversight at the outset or as changes are contemplated.

A. Independence

In order to succeed, the oversight body must be independent from special interest groups, police, and elected and other government officials. The community, as well as the police officers under oversight scrutiny, must trust that the oversight agency and its leadership are fair and unbiased. If investigations are conducted by an oversight agency, it is vital that both community members and officers receive due process and are treated respectfully. The oversight body and leadership should not be censored or controlled in making findings or issuing public reports, as long as they act within the law.¹¹ Oversight bodies must be empowered to make independent judgments about cases and policy issues without fear of reprisal.

Oversight agencies should have the authority and funding to hire outside consultants, including independent counsel, as needed. At times, outside consultants are needed to gather and present information underlying policy recommendations, and can do so more effectively than members of the oversight agency. City and county counsel offices, which represent the larger jurisdiction and may be defending the law enforcement agency against law suits, often have a conflict of interest and do not independently represent the oversight agency—particularly in times of controversy. Inadequate legal representation can result in decisions being made without all of the relevant issues being vetted and could negatively impact the oversight agency and its mission.

B. Support of Government Officials

Without the political will to support independent oversight, the agency will flounder and fight a constant uphill battle to address problems in the law enforcement agency it oversees. Oversight is most often created in a time of crisis. Whether it is the result of public outrage over a questionable police shooting, or in response to the sustained action of a particular community group that feels victimized by disparate treatment, political pressure is usually necessary to move government officials to establish an accountability mechanism. Oversight agencies and their recommendations can sometimes be portrayed as anti-police in an effort to undermine the oversight body's authority. The backing of courageous politicians who value independence, accountability, and transparency is necessary for the survival of oversight.

In the end, political support can determine whether oversight is successful. An agency can have significant authority, yet if it does not have the support of those in power, it may not succeed. Oversight can be undermined in many ways, such as by appointments of ineffective or inept managers or board members, cuts in funding, inadequate authority, or failure to obtain support for its recommendations and findings. Where government officials or those seeking office value police oversight, political contests about the “best” oversight model can undermine contributions already being made. In order for the civilian oversight movement to succeed in transforming law enforcement, government representatives on all levels must be willing to confront issues of police misconduct and embrace the role of independent oversight, while acknowledging that political differences can interfere with the ultimate goal of promoting accountability and transparency in policing.

C. Access to the Law Enforcement Agency and Government Officials

¹¹In the U.S, states have a wide range of laws regarding confidentiality of police officers' complaint and discipline histories.

Oversight agencies throughout the U.S. differ in regard to their authority to work directly with those in the government structure. Most agencies have authority to meet with the chief of police, and in some cases an oversight commission may have authority to weigh in on the hiring of a police chief. It is important for the integration of the oversight agency into the government structure that oversight practitioners have direct access to elected and other government officials, along with the law enforcement agency involved. Regular meetings between oversight bodies, government representatives, and the police ensure that everyone understands and supports each other's role in fostering police accountability.

D. Ample Authority

It is imperative that oversight organizations have ample authority to provide a credible service to the communities they serve. For example, agencies that have investigative authority must have the ability to interview all witnesses, including officers, and have access (via subpoena power or otherwise) to all documents and other evidence needed to complete their investigations. Auditor/monitor agencies must have the ability to correct deficient investigations either by requiring further inquiry or having the authority to conduct an independent investigation. Boards and commissions must have the ability to initiate change or positively impact the police department it oversees. The creation of an oversight agency is usually a process that involves community support and action, and with it community expectations are raised. In order for the oversight agency to be effective and maintain the support of the community it serves, it must have ample authority to ensure changes are made, when needed, in the law enforcement agency under its jurisdiction.

E. Reviewing Police Policies, Training and Other Systemic Issues

Policy review is widely seen as one of the most important aspects of an oversight program in that it can effect broad organizational change in the law enforcement agency. Reviewing a police agency's policies and training, and making recommendations for improvements are functions that can be associated with any oversight approach. Systemic problems may surface through the investigation process, during an audit, or through testimony taken during community meetings. Whenever an oversight body makes recommended changes, it is imperative that the law enforcement agency responds through implementation or public explanation as to why a recommendation is not adopted. It is also important that there is ongoing monitoring to ensure follow through and training in new procedures that result from recommended changes.

Given the range of issues at any law enforcement agency that could be of interest to an oversight body, it is important to strategize about where to focus attention and how to effectively garner support for the oversight agency's initiatives. Because of the limited resources available to any oversight organization, prioritizing concerns will allow for a more systematic and effective review process. It is also important that the oversight agency inform stakeholders (community members, government officials and police personnel) from the outset and at regular intervals that it brings a valuable perspective to policing.

F. Adequate Funding

Oversight programs must have adequate funding and spending authority to complete the work outlined in the enabling legislation and to be effective in their efforts. Oversight agencies must have funding and authority to hire staff at a level that allows for timely and thorough investigations, reviews, or audits. Staff must be able to analyze investigations or other police systems and prepare documentation in a timely manner for reports, appeals, public disclosure, litigation, and other purposes. Funding to support outreach efforts is also imperative, in order to maintain strong communications with both law enforcement agency members and the community. Some agencies have staffing ratios written into the enabling legislation.¹²

Oversight agencies that investigate, audit, or monitor complaints must have funding to purchase and utilize databases to track all aspects of the process. Complaints are important quality-control indicators, and the statistical information they provide, if properly gathered and analyzed, provides invaluable information for police managers and government officials to identify potential areas for remediation. This data can identify specific police practices, such as “stop and frisk” detentions, consent searches, and discretionary arrests, which give rise to complaints, along with police units or commands where patterns of police-civilian interactions merit closer examination. Complaint history should be seen as one of many factors in the assessment of an officer or a police unit or team—a factor that is taken seriously as an indicator as to how officers are handling interactions with those with whom they have contact. An effective computerized complaint tracking system allows for this important analysis. Many oversight agencies have joint databases, shared with the internal affairs unit of the police agency, providing valuable real-time complaint data simultaneously to the law enforcement and oversight agency.

G. Core Qualifications for Effective Oversight

In order to be effective and seen as legitimate in conducting police oversight, it is vital that practitioners have adequate training and experience to perform the work. Some oversight agencies require that staff have a background in law or criminal justice, whereas consideration of possible board/commission members might focus more on broad community representation. Regardless, some basic understanding of policing and the role of oversight is imperative. Fortunately, those involved in oversight often have access to police training facilities, can go on “ride-alongs” with patrol officers, can learn about law enforcement challenges by participating in shoot/don’t shoot simulations, and can access other training opportunities.

In support of its training program for oversight professionals, the National Association for Civilian Oversight of Law Enforcement (NACOLE) has developed a set of core competencies that are central to effective oversight. The competencies fall into six categories: (1) the history, theories, and models of oversight; (2) skills and techniques for conducting or auditing complaint investigations; (3) informing the public and transparency, including outreach and reporting; (4) relevant law, including constitutional standards, police bill of rights and collective bargaining, public disclosure regulations, and ethics of law enforcement and oversight; (5) policing policies and procedures; and, (6) remediation and discipline, including mediation, early warning systems,

¹²A San Francisco voter initiative in 1996 amended the S.F. Charter to require the San Francisco Office of Citizen Complaints to have one investigator for every 150 police officers.

education-based discipline, and the appellate process. The NACOLE website (www.nacole.org) provides a wealth of information about training recommendations for oversight practitioners.

H. Ethical Standards

The development of ethical standards for practitioners of civilian oversight of law enforcement is an important step for the field. NACOLE has adopted a Code of Ethics to guide the practice of civilian oversight in promoting public trust, integrity, and transparency. As noted in the preamble to the Code, “Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and to the ethical and professional standards described [in the Code].”¹³ The Code of Ethics includes expectations: (1) to demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude; (2) to conduct investigations, audits, evaluations and reviews with diligence, an open mind, objectivity and fairness; (3) to respect the confidentiality of information that cannot be disclosed while striving for transparency concerning oversight activities and analysis of work conducted; (4) to treat all individuals with dignity and respect; (5) to disseminate information and learn about community interests through outreach; (6) to continually seek ways to improve the effectiveness of oversight efforts; and, (7) to seek opportunities for professional development.

I. Community/Stakeholder Support and Outreach

In many U.S. jurisdictions, oversight is started as a grass roots or a voter initiative. Regardless of how oversight begins, garnering community support is important for the success of the agency. Maintaining community interest is important for sustaining an agency through difficult times when cities or government jurisdictions may need to cut services for budget reasons—or during periods when the oversight agency reports critical information that may create new demands for the government entity. Yet, maintaining this support can be difficult for oversight practitioners, who must remain objective and unbiased whether investigating a misconduct complaint or assessing the need for policy or training changes. The oversight agency cannot be seen as a champion of the community or a mouthpiece for the police department; instead, in order to have legitimacy, the agency must be seen as fair to all stakeholders. It is important that through community outreach, websites, reporting and other methods of communication, the agency keep the community (and all stakeholders) informed of how the process works and what the agency is doing to improve policing. Community members, government officials, and members of the law enforcement agency will support effective, fair and impartial oversight.

Educational outreach should also clarify the limitations to the oversight agency’s authority. Too often, the community expects oversight to address all individual and organizational problems encountered at a law enforcement agency, while most oversight agencies are not empowered to do so.

¹³The full Code of Ethics is available at: <http://nacole.org/resources/nacole-code-ethics>

J. Transparency

A major benefit of oversight is shining a light on otherwise closed institutions. Investigations of police misconduct were historically the purview only of internal investigators and were handled by the police department, often with a great deal of secrecy and suspicion from the public. The growth in oversight has increased the amount of information about police organizations available to the public, as established oversight agencies publish regular reports about their activities. Systematic reporting provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure. While privacy laws in many jurisdictions prohibit the reporting of officer's names or specific case identifiers, information on complaint numbers, trends, types of allegations, policy recommendations and follow-up go a long way to informing the community about the process, and help establish an historical context and baseline for future research and reporting.¹⁴

As oversight functions are considered, important questions to ask related to transparency include: (1) Is there an expectation of confidentiality by the officer and/or citizen and, if so, what must the oversight agency do to ensure confidentiality rights are protected? (2) Should the oversight agency respond directly to public disclosure requests or discovery demands involving the work of the agency, or should such requests be handled by another entity, such as the police department's public disclosure unit or the jurisdiction's law department? (3) How often should reports be issued, what is the best reporting format to use, and should information be shared through websites and/or via hard copy reports? and, (4) Should oversight agencies be making better use of social media to receive and share information about their work?

IV. Other Considerations When Establishing Oversight

A. Alternative Dispute Resolution for Misconduct Complaints

More and more oversight agencies are establishing mediation and other alternative dispute resolution options to resolve complaints of police misconduct. While programs differ in determining the types of cases that can be mediated, traditional misconduct investigations can have limited efficacy since some complaints are difficult to prove (or disprove) or involve misperceptions or miscommunication between the complainant and officer. Mediation provides an opportunity to meet and discuss the incident to learn about each other's experience and perspective. In successfully mediated complaints, both the complainant and the officer can gain an understanding of why the other person acted as he or she did. This understanding can change

¹⁴In areas where there are not privacy laws shielding officers names, oversight bodies have posted information on the Internet regarding specific complaints, such as reports posted by the Philadelphia Police Advisory Commission, which include opinions detailing recommendations from commission hearings. Other jurisdictions with privacy restrictions post redacted data; for example, the Los Angeles Board of Police Commissioners Office of the Inspector General posts public discipline reports that provide an overview of disciplinary actions and describe sample cases in detail and the Seattle Office of Professional Accountability regularly posts summaries of all closed cases, with information about findings, discipline, training referrals and policy and training recommendations growing out of each complaint.

behavior in a more meaningful and effective way than is possible through the disciplinary process, and helps build police/community trust on the individual level.

While most programs offer voluntary mediation, a limited few have mandatory mediation, whereby the oversight agency director can require that the complainant and the involved officer meet to discuss the incident. Whether mandatory or voluntary, mediation participants generally find the mediation experience to be very satisfying.

Other forms of dispute resolution for police misconduct complaints are emerging, including the use of restorative justice and restorative circles. This approach might be particularly useful where there are larger police/community concerns at play and a structured group experience to help everyone understand each other's concerns would be valuable.

B. Term Limits and Staff Rotation

The enabling legislation that creates oversight entities often includes term limits for directors, auditors, monitors, and board and commission members involved in oversight. The purpose is to ensure that those involved do not become entrenched in a particular perspective of problem solving or complacent in performing their oversight function. Also, because political appointees often fill these roles, term limits ensure turnover as elections bring new governmental representatives into power.

Consideration also should be given to regular staff rotations. For example, if the oversight agency conducts investigations and investigators are assigned to work in specific locations in the law enforcement agency, they may develop relationships with police personnel that cause favoritism or familiarity with certain issues that lead them to be less rigorous in their work. A regular rotation in assignments helps avoid these sorts of concerns and promotes staff professional development.

C. Effective Use of Current and Changing Media and Technology

Oversight in the U.S. has benefited historically from a robust investigative journalistic tradition in print news outlets in most large cities. Stories of police misconduct on the front page of daily newspapers and television newscasts have helped to generate community interest in establishing and supporting independent oversight. However, today in the U.S., online news sources have increased and print media outlets (newspapers) are shutting down. News is now communicated through Twitter, cell phone texting, blogs, and the Internet. Oversight agencies are learning to put the word out on Twitter to find witnesses and establish Facebook pages to inform constituents about their work.

Modern technology has dramatically changed the policing environment. Cell phone camera videos of police use of force, even shootings, are posted and broadcast worldwide. Many police departments have placed video cameras in police vehicles and on officers' lapels. Surveillance cameras are posted on many storefronts and intersections. There is more evidence—and real-time documentation of incidents. Oversight agencies must keep informed of all available

technology to conduct thorough investigations, as well as utilize current technology to inform the public about their services.

C. Measuring the Impact of Oversight

While civilian oversight of law enforcement has been in existence in a variety of forms across the U.S. for over 50 years, there is a limited body of independent empirical research evaluating the different systems involved. Among other recommendations, Ferdik, Rojek & Alpert suggest that future research should focus on the perceptions of complainants and officers about the complaint investigation process and outcomes.¹⁵ Others have stressed the importance of systemic change in positively impacting police culture, and the need to evaluate organizational interventions that involve different oversight models. Regardless of the research mode or focus, oversight bodies should recognize the importance of using evaluation tools to measure their impact, and should seek out opportunities to partner with academic institutions to conduct research on the impacts of civilian oversight.

V. The Importance and Benefits of Oversight Associations

In many parts of the world there are regional associations that support oversight practitioners.¹⁶ The associations provide a source of training, development of professional standards, and keep those involved current on updates and trends in oversight and law enforcement practices.

The National Association for Civilian Oversight of Law Enforcement (NACOLE) in the United States was an offshoot of IACOLE, the International Association for Civilian Oversight of Law Enforcement (which no longer exists). NACOLE's international beginnings have made the leadership aware of the importance of international dialogue for more in-depth learning and understanding of oversight practices. To this end, NACOLE has traditionally reached out to international oversight practitioners to participate in NACOLE conferences and other projects.

NACOLE brings its members and the larger community, including government and police officials, community members, international attendees and academics, together for conferences and other meetings. NACOLE's annual professional development conference provides training, certification, and credentialing opportunities, offers panel discussions and workshops to keep attendees up to date on developments in the field and programs in other agencies, and features inspirational keynote speakers who make presentations on best practices and critical issues related to the work of oversight. The conferences provide an opportunity for dialogue and networking, and challenge attendees to approach their work with new insights and ideas.¹⁷

NACOLE has no official offices; its board of directors, with members representing oversight agencies across the U.S., meets primarily via teleconference throughout the year, working to further the goals of the organization—to support oversight practitioners and improve policing and police accountability. NACOLE's website includes resource documents and links providing

¹⁵ See FN 5, *supra*, at 113-114.

¹⁶ The NACOLE website has links to associations in Canada, Europe and Africa.

<http://nacole.org/resources/accountability-organizations>

¹⁷ NACOLE's 19th annual conference is scheduled for September 22-26, 2013, in Salt Lake City, Utah.

information to those establishing or researching oversight issues. A Yahoo email group delivers multiple articles daily regarding policing and oversight issues in the U.S and internationally. For more information, see: www.nacole.org.

VI. Conclusion

Oversight continues to develop and expand throughout the U.S. and the world. Oversight is no longer a radical notion; it is now a recognized profession and an integral part of “good government.” Law enforcement officials in the U.S. are increasingly learning that independent oversight raises the bar on integrity in their departments, as well as improving the quality of internal investigations in misconduct cases. They also are seeing that they stand to reap the benefit of an independent agent working to improve police policies and initiate changes that might be difficult for them to make without outside support. Ultimately, oversight contributes to trust and respect between the community and law enforcement agency, and everyone benefits from the more effective public safety program that results.

Oversight is borne of negotiation and compromise, as jurisdictions work to develop a program that works for their community. The wide variety of “models” is indicative of the process of cooperation necessary to establish oversight, and the evolving nature of the field. While no oversight agency embodies all of the possible “features” discussed above, each provides a level of transparency, increased accountability, and an avenue for community participation in policing. As the oversight field continues to grow and mature, the expectations for leadership to make a difference will increase as well, to provide assurance that law enforcement agencies practice constitutional policing and are accountable to the communities they serve.

Appendix

Examples of Oversight Models in the United States

With well over 100 oversight agencies in the U.S., it is difficult to pick a sample that is truly representative of the variety of approaches that have evolved over time. As we have emphasized throughout this report, most oversight bodies are a hybrid of the investigative, auditor/monitor, or commission/board models. Recognizing there are many agencies throughout the U.S. doing very important work to further police accountability and transparency, we describe just a few of them below in an effort to illustrate differing approaches to the practice of oversight.

A. Examples of Agencies that use the Investigative Model

(1) District of Columbia Police Complaints Board – Office of Police Complaints (OPC)

- Established by ordinance passed by the Council of the District of Columbia (DC) in 1999 and opened to the public in 2001.
- Governed by the Police Complaints Board (PCB), composed of five members appointed by the Mayor; one of who shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency.
- Produces detailed statistical reports assessing complaint trends and summarizing policy recommendations.

Authority of OPC:

- Independent of the DC Metropolitan Police Department and the DC Housing Authority Police Department, but investigates complaints filed against officers in both departments.
- Has authority to investigate complaints involving harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure of an officer to self-identify.
- If finds reasonable cause to believe misconduct occurred, the case is referred to a complaint examiner with the DC Police Complaints Board who makes a final determination, based either on OPC's investigation or following an evidentiary hearing.
- By statute, officers must cooperate fully during investigations and OPC issues discipline memorandum if there is non-cooperation.
- Makes recommendations to improve the police departments' policies.

Other Functions of OPC:

- Has a mediation program in which complainants and officers are required to participate if the case is selected as appropriate for mediation.
- Conducts outreach online, through social media, and in-person throughout the community.

<http://policecomplaints.dc.gov>

(2) **City of Chicago Independent Police Review Authority (IPRA)**

- Established by ordinance passed by the City of Chicago City Council in 2007.
- Produces detailed statistical reports assessing complaint trends and summarizing policy recommendations.

Authority of IPRA:

- Independent agency of the City of Chicago.
- Has direct access to Chicago Police Department (CPD) documents.
- Has authority to receive all allegations of misconduct against CPD officers, whether generated by the public or by police department personnel.
- Investigates allegations of excessive force, domestic violence, coercion through violence, and verbal bias-based abuse. All other allegations are referred to the CPD Internal Affairs Division for resolution.
- Investigates and reviews (even if no complaint is involved) all officer-involved shootings, extraordinary occurrences in lock-up, and use of Tasers.
- Recommends findings to the CPD for review and implementation.
- Makes training and policy recommendations.

Other Functions of IPRA:

- Has a mediation program used when officers admit to misconduct, as a means to reduce the discipline that otherwise would be imposed.
- Conducts outreach through training at the CPD and throughout the community.

<http://www.iprachicago.org/index.html>

(3) **Seattle Police Department – Office of Professional Accountability (OPA)**

- Established by ordinance passed by the Seattle City Council in 1999.
- Produces detailed monthly and annual statistical reports assessing complaint trends and making policy recommendations.

Authority of OPA:

- Located inside the Seattle Police Department (SPD)
- A civilian director, appointed by the Mayor and confirmed by Seattle City Council, manages OPA and oversees investigations performed by sworn personnel.
- Has direct access to SPD documents, reports, video and audio recordings and any other material relevant to a complaint investigation.
- Investigates all allegations of misconduct against SPD officers and civilian employees, whether generated by the public or by department personnel.

- OPA Director makes findings on all cases except those where there is a sustained recommendation and discipline is involved. Chief of Police has final authority on all discipline matters, with OPA Director consulting throughout the decision making process.
- Can refer individual officers for training.
- Makes department-wide training and policy recommendations.

Other Functions of OPA:

- Has a mediation program used primarily for cases in which it appears there was a miscommunication or misunderstanding between the officer and complainant, such that an opportunity to share perspectives would be useful.
- Conducts outreach through social media, training at SPD and throughout the community.
- In addition to the OPA, Seattle has an OPA Auditor and an OPA Review Board, both of which are outside the police department. Along with the OPA Director, the Auditor reviews all complaints from the outset and after investigations are completed to ensure quality, and makes policy and training recommendations. The OPA Review Board can look at closed cases to assess complaint trends, can make policy and training recommendations, and is tasked with taking the lead on community outreach.

<http://www.seattle.gov/police/opa/default.htm>

B. Examples of Agencies that use the Auditor/Monitor model

(1) Denver Independent Police Monitor (OIM)

- Established by the City of Denver and began its work in 2005.
- Has a Citizen Oversight Board (COB) component which consists of seven residents appointed by the Mayor and confirmed by City Council. The COB assesses the effectiveness of the Monitor's Office, makes policy-level recommendations relevant to the Police, Sheriff and Fire Departments, and, reviews and make recommendations as to closed internal affairs cases where the findings were not sustained, as appropriate.
- Produces detailed reports on patterns of complaints, findings, and discipline.

Authority of OIM:

- Works to ensure accountability, effectiveness, and transparency in the Denver police and sheriff's disciplinary processes.
- Monitors internal investigations into community complaints, internal complaints, and critical incidents involving sworn personnel.
- May request additional investigation in cases that the Monitor cannot certify that the internal investigation was thorough and complete; if satisfaction with the investigation is not achieved, may conduct additional investigation.
- Makes recommendations on findings and discipline to the Manager of Safety, Chief of Police and Director of Corrections.
- Issues recommendations for improving police and sheriff policy, practices, and training.

- The COB has the ability to hire consultants to assist in assessing the effectiveness of the Monitor and in preparing the COB's annual report and any other reports.

Other Functions of OIM:

- Conducts outreach to the Denver community and stakeholders in the disciplinary process.
- Promotes alternative and innovative means for resolving complaints, such as mediation.

www.denvergov.org/oim

(2) **New Orleans Office of the Independent Police Monitor (OIPM)**

- Was created in 2009. Although a Police Civilian Review Task Force recommended the office in 2002, it was not until 2008 that it was supported by a City Council resolution. In 2008, the Police Monitor's Office, along with the Office of Inspector General, were voted into the city charter by over 70% of the New Orleans electorate.
- Produces annual reports detailing investigations, complaint data, and disciplinary action, including names of involved officers.

Authority of OIPM:

- Receives misconduct complaints that are referred to the New Orleans Police Department (NOPD) Public Integrity Bureau (PIB) for investigation. When making the complaint referral, the OIPM includes a review of the subject officer's disciplinary history for the previous five years, and makes a recommendation as to whether the officer should attend the Professional Performance Enhancement Program.
- Reviews the classification of the complaint and can make recommendations for a change in classification. Reviews the PIB investigation upon completion to determine whether it was fair, thorough and timely. If finds the NOPD PIB investigation was not fair, thorough and timely, it will inform the NOPD. Complainants are informed of recommendations for change in classification and/or recommendations about complaint investigations.
- Reviews disciplinary action for appropriateness.
- Monitors the NOPD's early warning system to identify problem officers and analyzes complaint statistics and risk-levels of police behavior to reveal trends in the department.
- Has access to a database shared with NOPD that tracks internally and externally generated complaints.
- Can develop and make recommendations for improvements in policies, procedures, tactics and training to increase police integrity and improve the performance of the NOPD.
- Monitors critical incidents, to include deadly force and specified use of force cases, on the same level it monitors complaint investigations.

Other Functions of the OIPM:

- Conducts extensive community and stakeholder outreach and online outreach through Facebook and Twitter.

<http://www.nolaipm.org/main/index.php?page=home>

(3) San Jose Independent Police Auditor (IPA)

- Was established by ordinance passed by the San Jose City Council in 1993 as a proactive response to the Rodney King incident in Los Angeles, CA.
- Produces detailed statistical annual reports assessing trends and complaint statistics, detailing outreach conducted throughout the year, and presenting policy recommendations.

Authority of IPA:

- Office is an alternative to the police department to receive complaints. Complaints filed at the both the IPA and the San Jose Police Department internal affairs office are entered into a shared database, accessible to both units.
- Has the authority to interview complainants and witnesses and sit in on internal affairs interviews of police officers.
- Reviews internal investigations of complaints upon completion and can request additional investigation or review. Disagreements are reported in annual reports.
- Makes recommendations to improve police department policies.
- Reviews officer-involved shootings and death in custody cases and sits in on high-level meetings to assess the incidents.

Other Functions of IPA:

- The office has a strong public outreach component that meets with community groups, has regular television appearances, and meets with youth in the community and incarcerated settings. The IPA produces “A Student’s Guide to Police Practices” in multiple languages.
- Promotes mediation as an alternative means for resolving complaints.

<http://www.sanjoseca.gov/index.aspx?nid=200>

C. Examples of agencies using a Board or Commission Model

(1) Berkeley Police Review Commission (PRC)

- Established by ordinance passed by City of Berkeley voters in 1973 as a response to police handling of demonstrations associated with the Free Speech Movement at the University of California, Berkeley and police handling of arrests related to the Black Panther Movement.
- Is a nine-member commission composed of Berkeley residents appointed by the Mayor and City Council members.
- Produces annual reports about the complaint process and policy recommendations.

Authority of PRC:

- Civilian staff receives and investigates complaints and presents cases before a subcommittee of the PRC. Due to privacy laws, the commission's hearings are now held behind closed doors.
- Findings of the PRC are advisory to police chief and city manager.
- Makes recommendations to improve police department policies.

Other functions of PRC:

- Meetings and policy subcommittee meetings are open to the public.
- Promotes mediation as an alternative means for resolving complaints.

<http://www.ci.berkeley.ca.us/DepartmentHome.aspx?id=10184>

(2) **New Haven Civilian Review Board (CRB)**

- Established by Executive Order of the Mayor in 2001.
- Is comprised of 16 members: 2 appointed by the New Haven Mayor, 1 appointed by the President of the Board of Alderman; 1 appointed by the Chair of the Police Commissioners, and 1 from each of the 12 Community Management Teams for all Police Districts.
- Members serve without compensation.
- The staff of the Chief Administrators Office (CAO) provides administrative and clerical support to CRB. The office of Corporation Counsel provides legal assistance.
- A comprehensive training program for members is required under the enabling Executive Order and CRB Bylaws.

Authority of CRB:

- Reviews all civilian complaints filed with the New Haven Police Department, including all complaints resulting in an investigation by the Internal Affairs Unit.
- Can recommend further investigation, indicate to the Chief of Police that the Internal Affairs' determination was biased or incomplete, state that the investigation appears complete and unbiased, or recommend other actions deemed appropriate, including discipline.
- Has the power to conduct random or targeted reviews of investigations handled by the Internal Affairs Unit and reviews any incident resulting in the death of an individual in connection with police action.

Other Functions of CRB:

- Members speak to the public and press through the CRB Chair.

<http://cityofnewhaven.com/CivilianReviewBoard/>

(3) Philadelphia Police Advisory Commission (PAC)

- Established by executive order signed by the mayor in 1994.
- Made up of fifteen volunteer members appointed by the mayor.
- Produces annual reports documenting the complaint process and the work of the commission.

Authority of PAC:

- Conducts investigations of complaints of police misconduct from the public and prepares reports for public hearings before a subcommittee of the PAC.
- Findings and recommendations made by the Commission are forwarded directly to the Mayor, the City Managing Director and the Police Commissioner for their review and appropriate action.
- Conducts studies of police department policies, procedures or practices and makes recommendations for improvements.

Other functions of PAC:

- Meetings, hearings, and community meetings are open to the public.
- Conducts outreach online with Twitter and through a Facebook page

<http://www.phila.gov/pac/>

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

Recommended citation:

President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.

Published 2015

CONTENTS

From the Co-Chairs	iii
Members of the Task Force	v
Task Force Staff	vii
Acknowledgments	ix
Executive Summary	1
Introduction	5
Pillar 1. Building Trust & Legitimacy	9
Pillar 2. Policy & Oversight	19
Pillar 3. Technology & Social Media	31
Pillar 4. Community Policing & Crime Reduction	41
Pillar 5. Training & Education	51
Pillar 6. Officer Wellness & Safety	61
Implementation	69
Appendix A. Public Listening Sessions & Witnesses	71
Appendix B. Individuals & Organizations That Submitted Written Testimony	75
Appendix C. Executive Order 13684 of December 18, 2014	79
Appendix D. Task Force Members' Biographies	81
Appendix E. Recommendations and Actions	85

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

Tracey L. Meares, Walton Hale Hamilton Professor of Law, Yale Law School

Brittany N. Packnett, Executive Director, Teach For America, St. Louis, Missouri

Susan Lee Rahr, Executive Director, Washington State Criminal Justice Training Commission

Constance Rice, Co-Director, Advancement Project

Sean Michael Smoot, Director and Chief Counsel, Police Benevolent & Protective Association of Illinois

Bryan Stevenson, Founder and Executive Director, Equal Justice Initiative

Roberto Villaseñor, Chief of Police, Tucson Police Department



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:

Executive Director	Ronald L. Davis
Chief of Staff	Melanca Clark
Communications Director	Silas Darden (Office of Justice Programs)
General Counsel	Charlotte Grzebien
External Affairs Liaison	Danielle Ouellette
External Affairs Liaison	Sheryl Thomas
Legislative Liaison	Shannon Long
Project Manager	Deborah Spence
Senior Policy Advisor	Katherine McQuay
Site Manager	Laurel Matthews
Special Assistant	Michael Franko
Special Assistant	Jennifer Rosenberger
Writer	Janice Delaney (Office of Justice Programs)
Writer	Faye Elkins

Strategic Applications International (SAI):¹ James Copple, Colleen Copple, Jessica Drake, Jason Drake, Steven Minson, Letitia Harmon, Anthony Coulson, Mike McCormack, Shawnee Bigelow, Monica Palacio, and Adrienne Semidey

Technical Advisors: Stephen Rickman and Darrel Stephens

Consultant Research Assistants: Jan Hudson, Yasemin Irvin-Erickson, Katie Jares, Erin Kearns, Belen Lowrey, and Kristina Lugo

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

ACKNOWLEDGMENTS

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.

The following individuals from across the U.S. Department of Justice also assisted the task force in its work: Eric Agner, Amin Aminfar, Pete Brien, Pamela Cammarata, Erin Canning, Ed Chung, Caitlin Currie, Shanetta Cutlar, Melissa Fox, Shirlethia Franklin, Ann Hamilton, Najla Haywood, Esteban Hernandez, Natalie Hopewell, Arthur Gary, Tammie Gregg, Richard Hughes, Valerie Jordan, Mark Kappelhoff, John Kim, Kevin Lewis, Robert Listenbee, Cynthia Pappas, Scott Pestridge, Channing Phillips, Melissa Randolph, Margaret Richardson, Janice Rodgers, Elizabeth Simpson, Jonathan Smith, Brandon Tramel, Donte Turner, and Miriam Vogel.



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.

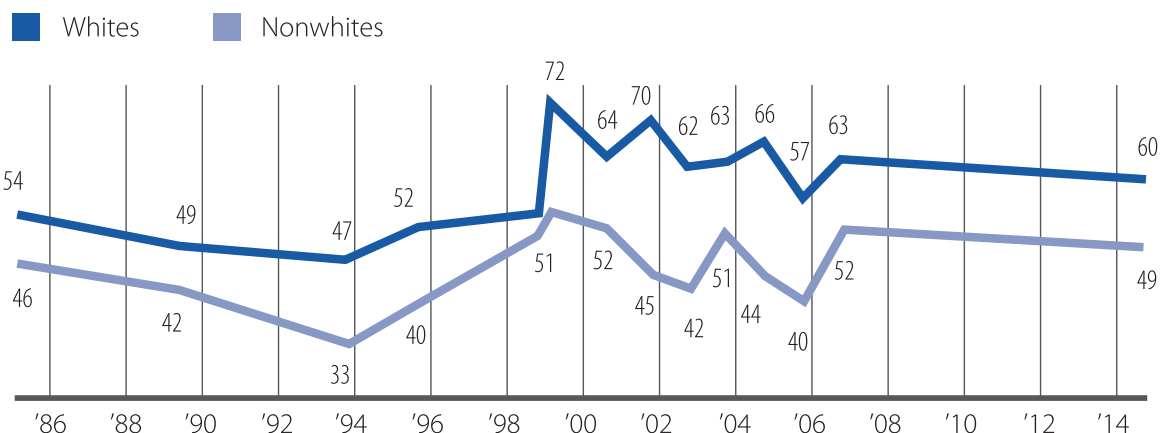
Building trust and nurturing legitimacy on both sides of the police-citizen divide is not only the first pillar of this task force's report but also the foundational principle underlying this inquiry into the nature of relations between law enforcement and the communities they serve. Since the 1990s, 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).

Copyright © 2014 Gallup, Inc. All rights reserved. The content is used with permission; however, Gallup retains all rights of republication.

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.

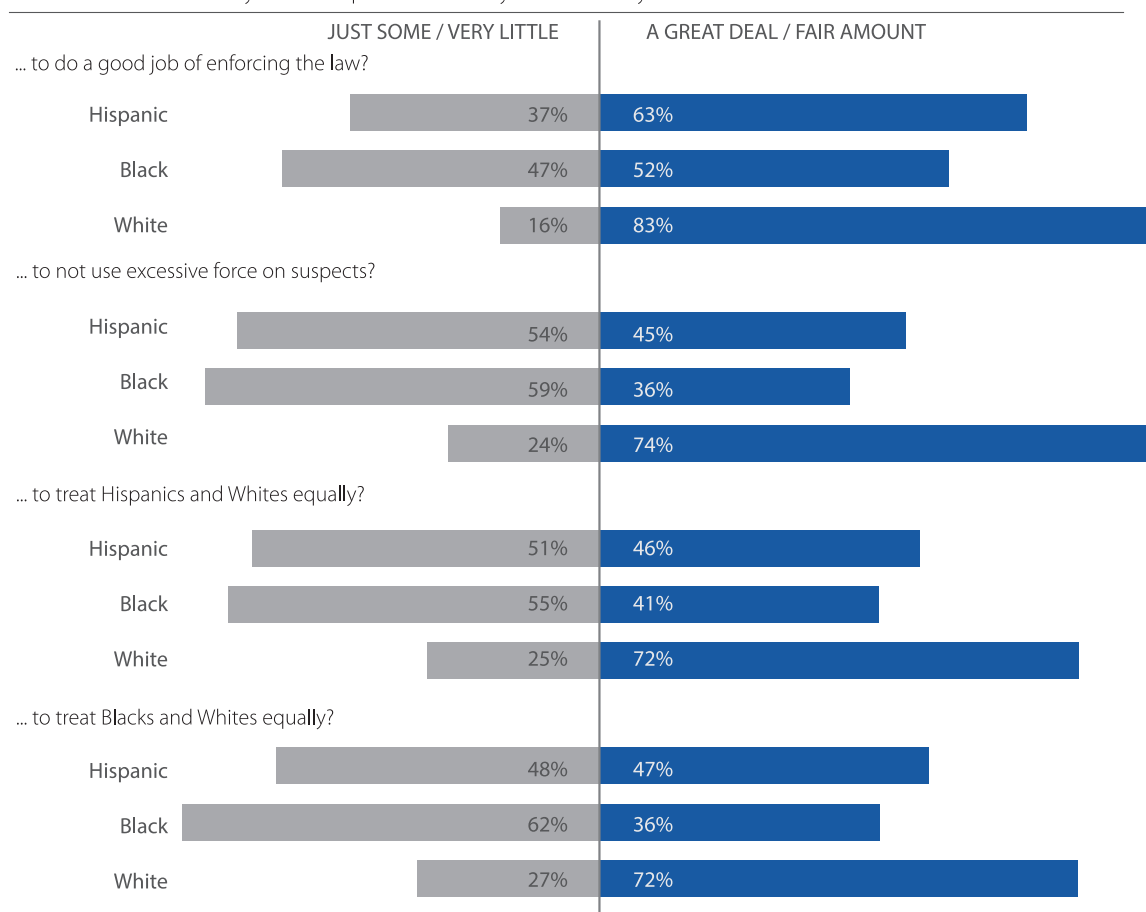
1.3.2 ACTION ITEM: When serious incidents occur, including those involving alleged police misconduct, agencies should communicate

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

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).

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.

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.policchiefmagazine.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://cebcop.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/PMC2775771.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.

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).

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

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

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).

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.



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—anononymously 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>.

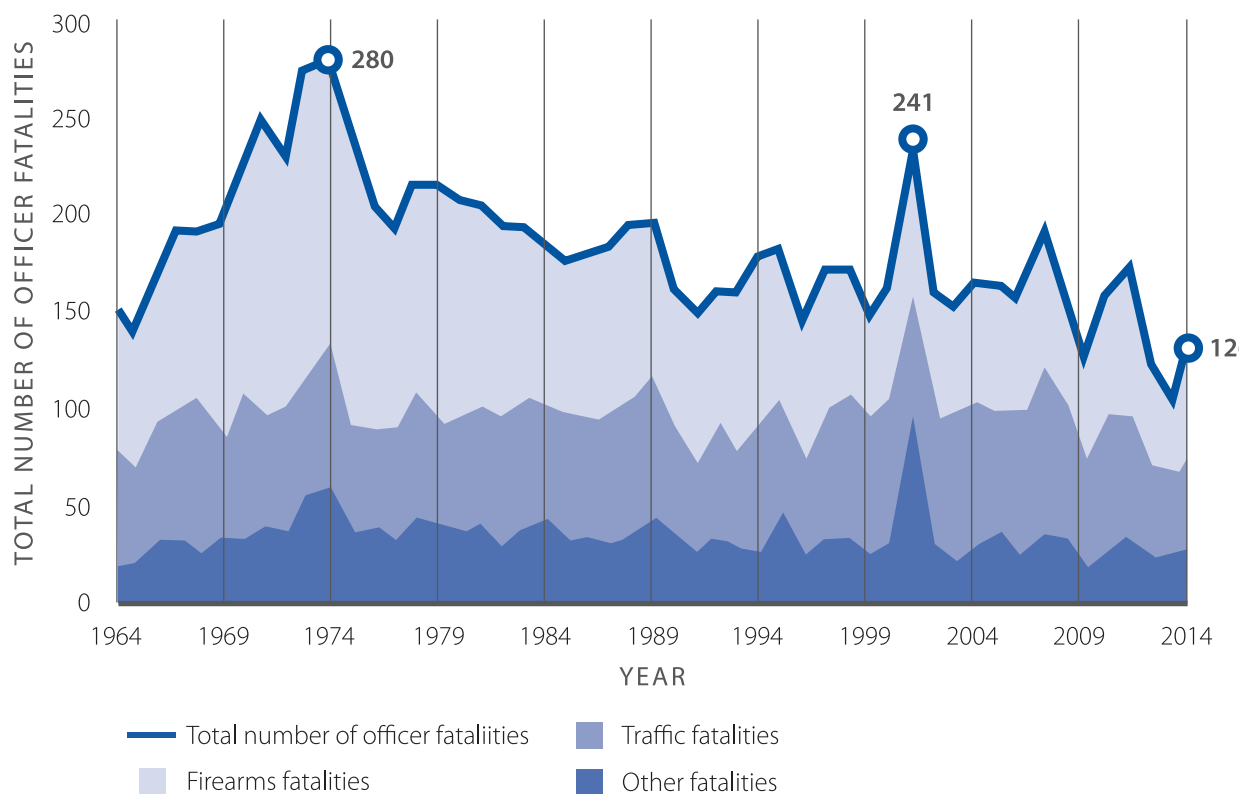
near misses *without fear of legal repercussions*—would go a long way toward reducing injuries and fatalities by improving tactics, policies, and procedures. Protecting peer review error management findings from being used in legal discovery would enable the widespread adoption of this program by law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

- 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;
- 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.

- 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.

e011522679
Published 2015

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

A REVIEW OF THE STRENGTHS AND
WEAKNESSES OF VARIOUS MODELS

Joseph De Angelis | Richard Rosenthal | Brian Buchner



Table of Contents

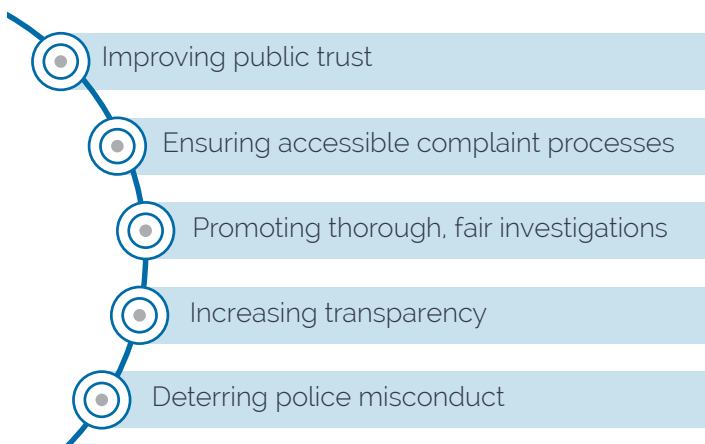
Introduction and Overview.	3
Brief History of Civilian Oversight	3
Early Efforts at Establishing Civilian Oversight, 1920s-1960s.	3
Emergence of Investigative Models of Civilian Oversight, 1970s-1980s.	4
Emergence of Auditor, Monitor and Hybrid Models of Civilian Oversight, 1990s-Present.	4
Contemporary Models of Civilian Oversight.	6
Classifying Contemporary Models of Civilian Oversight	6
Three Categories of Civilian Oversight Models.	7
Potential Strengths of the Investigation-focused Model	8
Potential Limitations of the Investigation-focused Model	8
Summary of Review-focused Agencies.	9
Potential Strengths of the Review-focused Model	10
Potential Limitations of the Review-focused Model	11
Summary of Auditor/Monitor-focused Agencies.	11
Potential Strengths of the Auditor/Monitor-focused Model	12
Potential Limitations to the Auditor/Monitor-focused Model	13
Considerations When Implementing or Reforming a Civilian Oversight Program	14
Jurisdictions Should Focus on the “Best-Fit” Rather Than the “Best Practices”	
When Considering How to Structure Civilian Oversight.	14
Oversight Should Employ the “Least Force” Necessary to Accomplish Its Goals	15
A Number of Resources are Available to Jurisdictions Considering Implementing	
Oversight or Reforming Their Current Oversight Framework	15
References	16

Introduction and Overview

Over the last several decades, issues of trust and accountability have moved to the forefront of community-police relations, and a great deal of scholarship has been devoted to enhancing police performance including strengthening police accountability and oversight functions. During this same period, the creation of organizational mechanisms for reviewing and improving officer conduct has also increased (Walker 2001; Ferdik et al. 2013; Alpert et al. 2016).

One such mechanism for increasing accountability is civilian oversight of law enforcement. Sometimes referred to as *citizen oversight*, *civilian review*, *external review* and *citizen review boards* (Alpert et al. 2016), this accountability tool utilizes citizens (non-sworn officers) to review police conduct. In some jurisdictions, this is accomplished by allowing oversight practitioners (both paid and volunteer) to review, audit or monitor complaint investigations conducted by police internal affairs investigators. In other jurisdictions, this is done by allowing civilians to conduct independent investigations of allegations of misconduct against sworn officers. Civilian oversight can also be accomplished through the creation of mechanisms to authorize review and comment on police policies, practices, training and systemic conduct. Some oversight mechanisms involve a combination of systemic analysis and complaint handling or review.

Figure 1: Five Common Goals of Civilian Oversight Programs*



*Based on data collected from 97 civilian oversight programs

The goal of this publication is to provide an overview of civilian oversight models and a discussion of the strengths and challenges of each model. This report draws from available research as well as data collected from 97 police oversight agencies. This report is designed to help local policy makers, police executives and members of the local community explore key issues that can accompany the implementation and sustainability of civilian oversight of law enforcement at the municipal and county levels.

This report:

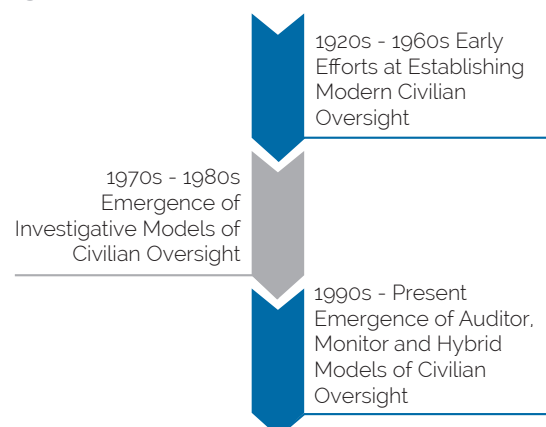
1. Provides a brief history of civilian oversight
2. Reviews contemporary models of civilian oversight
3. Details three different models of oversight: investigation-focused models, review-focused models and auditor/monitor-focused models
4. Presents considerations for implementing or reforming a civilian oversight program

Brief History of Civilian Oversight

The history of civilian oversight in the United States can be broken down into several distinct waves of development (Walker 2001; 2006).¹

¹ See Walker's (2001; 2006) work for a more detailed historical review of the key stages in the development of civilian oversight. Bobb (2003), Ferdik et al. (2013) and Alpert et al. (2016) also provide useful historical descriptions of the evolution of civilian oversight in the United States.

Figure 2: Waves of Development of Civilian Oversight in the United States



Early Efforts at Establishing Civilian Oversight, 1920s-1960s.

Modern forms of civilian oversight began to emerge in several large cities in the middle of the 20th century. These early agencies were organized around volunteer review boards that played a role in receiving complaints and reviewing completed internal police investigations of community complaints filed against officers (Hudson 1971; Terrill 1988; Walker 2001; Walker 2006). Early review boards were implemented in Washington, D.C., Philadelphia and New York City. Overall, these early efforts shared several key, common characteristics. First, the implementation of each of these oversight mechanisms in the middle of the 20th century was strongly influenced by the early civil rights movement and local crises resulting from police uses of force in communities of color (Walker 2001). Second, these early oversight agencies were designed around a civilian review board model—that is, they were largely composed of volunteer members with relatively little expertise in police issues, had small or non-existent budgets and little staff support (Jones 1994; Walker 2001). Third, these agencies all encountered significant resistance from police unions, local politicians and policy makers, which ultimately resulted in their dissolution (Bayley 1991; Walker 2001; Walker 2006).

Emergence of Investigative Models of Civilian Oversight, 1970s-1980s.

Although all of the oversight agencies implemented during the first wave ultimately failed, a second wave of development began in the late 1960s and carried through to the 1980s (Walker 2001; Walker 2006; Alpert et al. 2016). Oversight agencies implemented in the second wave had enhanced resources, greater durability and expanded organizational authority (Walker 2006). For example, a number of oversight agencies created in the second wave were granted the power to conduct investigations that were entirely independent of the police. In Berkeley, California in 1973, a city ordinance created the Police Review Commission (PRC) and granted it the ability to independently investigate complaints filed by members of the public against police officers (Walker 2001). Nearly ten years later, in 1982, an amendment to the City Charter

created the Office of Citizen Complaints in San Francisco, California. The Office of Citizen Complaints completely replaced the police internal affairs function in relation to citizen complaints and was granted the authority to both receive and investigate all citizen complaints (the police department continued to investigate internally-generated complaints against officers) (Walker 2001; Ferdik et al. 2013). Many of the agencies created in this second wave of development are still in operation today.

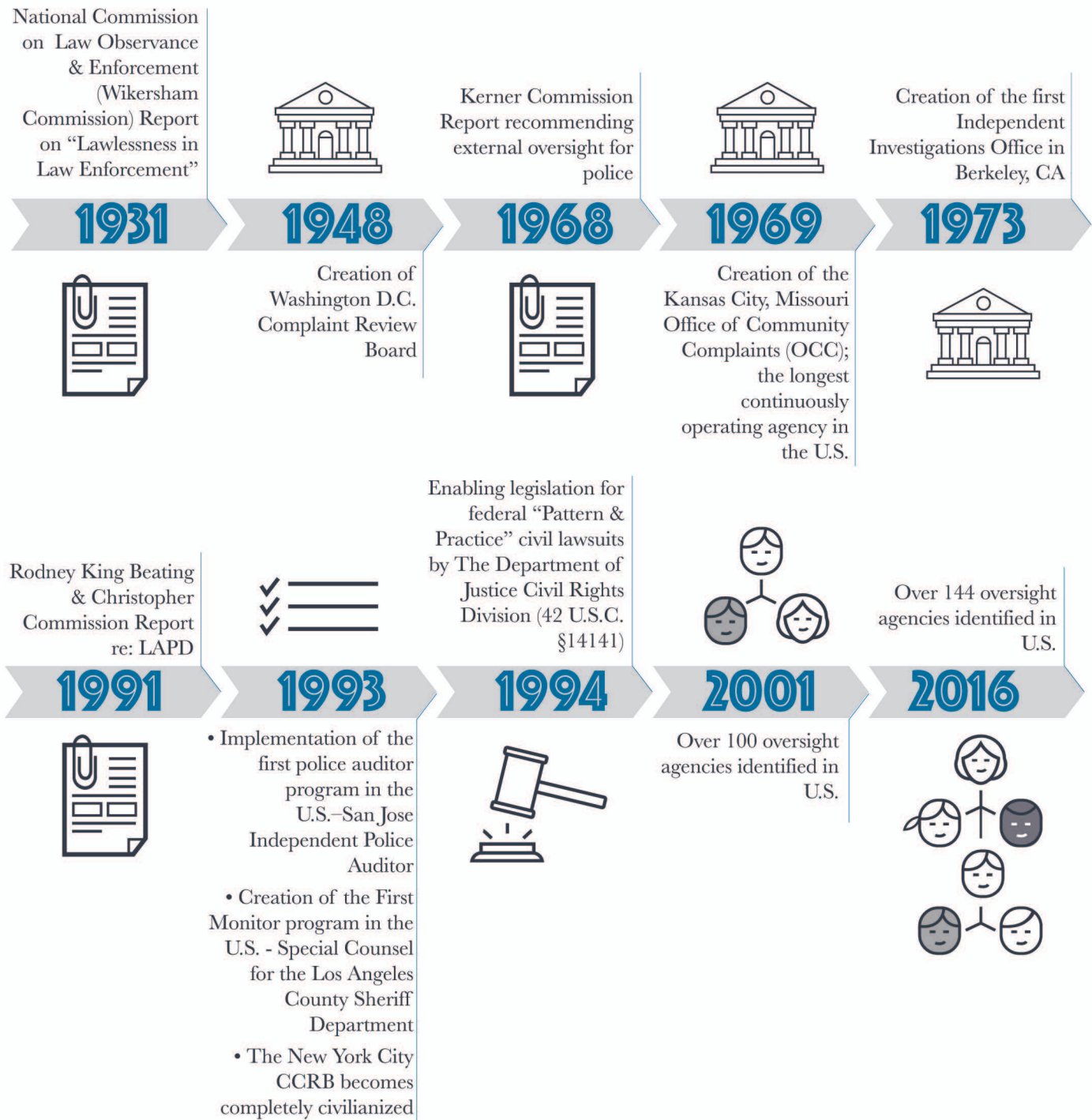
Emergence of Auditor, Monitor and Hybrid Models of Civilian Oversight, 1990s-Present.

A third wave of development began in the 1990s and continues even today. During this period there was a rapid expansion of the number of police oversight agencies in the United States. If the first wave of oversight agencies was marked by review boards, and the second wave was characterized by the development of fully independent investigative oversight agencies, the third wave saw the emergence of a new model of oversight—the auditor/monitor model (Bobb 2003; Walker 2006). The first auditor-focused oversight agency was implemented in 1993 in San Jose, California and was followed a short time later by the Seattle Police Auditor (Walker 2006; Ferdik et al. 2013).

Unlike earlier models of oversight that tended to focus on either reviewing or investigating individual complaints, these auditor/monitor agencies had the mandate to examine systemic patterns in complaints, critical incidents, or other types of police officer conduct. These auditor/monitor agencies were granted the authority to conduct broad evaluations so they could offer data-driven recommendations for improving police policies, practices and training (Walker and Archbold 2014).

By the late 1990s and early 2000s, the United States also began to see the development of a new generation of hybridized forms of civilian oversight, which often emerged as replacements for earlier civilian review boards. For example, the Independent Police Review Division (IPR) was implemented in Portland, Oregon in 2001 and was consciously designed to draw its organizational structure from different models of oversight (c.f. Office of the City Auditor 2001). Similar hybridized auditor/monitor oversight agencies were also implemented in other large cities, including Denver (2005) and New Orleans (2009).

Figure 3. Civilian Oversight Evolution



Contemporary Models of Civilian Oversight

While almost no two civilian oversight agencies in the U.S. are identical, the literature offers several initial observations about characteristics of contemporary forms of civilian oversight. These include:

- *High Variability in Organizational Structure.* There is currently a tremendous amount of variation in the structure of different oversight agencies (Walker and Kreisel 1996; Walker 2001; Bobb 2003; Alpert et al. 2016). Some agencies are operated almost completely by a small number of community volunteers while others have a large number of paid professional staff. Some oversight agencies have no operating budget while other agencies have multi-million-dollar budgets.
- *Wide Differences in Organizational Authority.* There is substantial variation in the role that oversight agencies play in relation to the intake of complaints, the relationship they have to the complaint investigation process, their level of access to police records, whether they can make recommendations as to findings and discipline, their ability to make policy recommendations and a long list of other characteristics (Walker and Kreisel 1996; Walker 2001; Bobb 2003; Alpert et al. 2016).
- *Organizational “Hybrids” are Common.* While early forms of oversight tended to operate as “citizen review boards,” and focused on reviewing and commenting on completed internal affairs investigations, many contemporary oversight agencies combine different organizational forms and types of organizational authority in relatively complex ways (Walker 2001; Finn 2001; Attard and Olson 2013; Alpert et al. 2016).

Classifying Contemporary Models of Civilian Oversight

Over the years, there have been multiple attempts to classify approaches to civilian oversight of law enforcement. The primary challenge in doing this is that almost no two civilian oversight agencies in the U.S. are identical. Each jurisdiction

has its own political, social and cultural tensions that influenced the development of each oversight entity’s legal authority and organizational structure, and practices vary widely (NACOLE 2015).

In the late 1990’s, Walker (2001) developed one of the earliest and most sophisticated classification systems for oversight.² Describing the different models as Class I, Class II, Class III and Class IV systems, Walker argued that models of oversight should be considered along a continuum that range from forms of oversight that are the most independent from police departments to oversight systems that are the least independent. He defined Class I systems as agencies that are independent of police departments and conduct fully independent investigations into allegations of officer misconduct. Class II systems review and comment on internal investigations conducted by the police. Class III systems function as appellate bodies, with complainants filing appeals with the oversight agency when they are dissatisfied with the outcomes on complaints investigated by local law enforcement. Class IV systems have the ability to audit, monitor or review the police/sheriff department’s complaint handling system. In addition to these classes, Walker also recognized that there are hybrid oversight agencies that did not fit easily within any of these categories (Walker 2001: 62).

Since Walker developed this classification scheme, a number of others attempts to update it have occurred. Ferdik, Alpert and Rojek (2013) adapted Walker’s (2001) classification schema to explore organizational variation in U.S. and Canadian oversight agencies. In 2005, the Police Assessment Resource Center (PARC) conducted a research project for the city of Eugene, Oregon to assist that city in determining an appropriate oversight model for the Eugene Police Department (PARC 2005). The research project created a three-part classification scheme: (1) *Review & Appellate models*, which are designed to review completed police internal investigations or hear appeals from the public on investigation findings; (2) *Investigative & Quality Assurance models*, which replace the police internal affairs process in whole or in part; and (3) *Evaluative and Performance-*

² A number of other academics and practitioners have recently developed classification schema that group police oversight agencies in slightly different ways (c.f. Prenzler and Ronken 2001; PARC 2005).

Based models, which adopt a holistic approach to evaluating patterns in police risk management, performance, operations or other organizational systems in order to promote systemic reform.

In another recent review of models of oversight, Attard and Olson (2013) revised Walker's oversight schema, and grouped oversight agencies based on their role in the complaint handling process, as well as by their organizational structure. Accordingly, they grouped oversight agencies into three categories: (1) *Investigative agencies* which conduct independent investigations of complaints filed against police officers; (2) *Auditing/monitoring agencies* that systematically review and examine police internal investigations and other law enforcement activity to make recommendations around policy and training; and (3) *Review boards and commissions*, which includes a diverse range of agencies headed by volunteer community members who may hold community forums, hear appeals or issue findings on investigations completed by paid staff (Attard and Olson 2013: 3-5).

This report adopts an oversight classification scheme that is a slightly revised version of Walker's (2001) and groups oversight agencies into three categories based on the core agency functions: (1) Investigation-focused; (2) Review-focused; and (3) Auditor/monitor-focused.

Three Categories of Civilian Oversight Models

Investigation-focused Model

Summary of Investigation-focused Agencies

Key Characteristics

1. Routinely conducts independent investigations of complaints against police officers
2. May replace or duplicate the police internal affairs process
3. Staffed by non-police, "civilian" investigators

Potential Key Strengths

1. May reduce bias in investigations into citizen complaints
2. Full-time civilian investigators may have highly specialized training

3. Civilian-led investigations may increase community trust in the investigations process

Potential Key Weaknesses

1. Most expensive and organizationally complex form of civilian oversight
2. Civilian investigators may face strong resistance from police personnel
3. Disillusionment among the public may develop overtime when community expectations for change are not met

The investigation-focused agency operates separately from the local police or sheriff's department. While the structure, resources and authority of these types of agencies can vary between jurisdictions, they are tied together by their ability to conduct independent investigations of allegations of misconduct against police officers. These oversight agencies may either completely replace the police internal affairs function or they may conduct investigations that supplant, parallel or duplicate the work of internal affairs (Finn 2001; PARC 2005).

San Francisco's Office of Citizen Complaints is one example of an entirely civilian governmental agency that is solely responsible for investigating complaints filed by community members against sworn members of the San Francisco Police Department (OCC 2016).

The organizational structure of investigative agencies can vary significantly. In some cases, an investigative agency may be governed by a volunteer board and supported by a professional staff of investigators. In small jurisdictions, an investigative agency may be staffed by a single investigator or consultant (Finn 2001; PARC 2005).

The available literature on investigation-focused agencies identifies a common set of organizational functions, including:

- Serving as the intake point for public complaints against police officers (Bobb 2003)
- Reviewing and classifying the nature of the complainants' allegations (King 2015)

- Conducting independent interviews of complainants, officers and witnesses (Attard and Olson 2013)
- Being staffed by non-police “civilian” investigators, although some agencies may employ retired or former police officers (Finn 2001)³
- Being headed by a community board or commission that may hold hearings, issue subpoenas or make findings on investigations conducted by professional non-police investigative staff (Attard and Olson 2013)

Table 1 provides examples of investigation-focused models in the United States.

Table 1: Examples of Investigation-focused Models in the U.S.

Agency	Jurisdiction	Website
Office of Citizen Complaints	San Francisco, CA	www.sfgov.org/occ
Office of Police Complaints	Washington, D.C.	www.policecomplaints.dc.gov
Citizen Complaint Review Board	New York, NY	www.nyc.gov/html/ccrb
Citizens’ Law Enforcement Review Board	San Diego County, CA	www.sandiegocounty.gov/clerb.html
Citizen Police Review Board & Office of Municipal Investigations	Pittsburgh, PA	www.cprbpgh.org & www.pittsburghpa.gov/omi

Potential Strengths of the Investigation-focused Model

An investigation-focused agency with appropriately trained staff can complete thorough and impartial investigations (Prenzler and Ronken 2001; PARC 2005). Investigation-focused agencies are the most independent forms of

oversight (Walker 2001) and tend to have more resources and larger staffs than other types of oversight. Their investigators are also likely to have had highly specialized training and experience in relation to investigations, particularly as the organization matures. Thus, where investigation-focused agencies are sufficiently resourced, have well-trained, competent staff and are granted sufficient access to department personnel and records, they may be able to improve the quality of internal investigations. Even though this is a commonly identified strength of the investigation-focused oversight agency, more rigorous comparative research is needed on this issue.

A related potential strength of the investigation-focused model is its ability to increase public faith in the integrity of the investigations process, especially in the aftermath of significant public scandals involving the police. Available public opinion research demonstrates strong public support for the independent investigation of serious complaints against police officers (Prenzler 2016). Most investigation-focused agencies utilize civilian staff to conduct fact-finding investigations and operate a multi-member community board that may hold hearings, issue findings and/or make recommendations to the police department. As a result, this model may reassure a community that investigations are unbiased, thorough and that civilian perspectives are represented both within the complaint investigation process and upon review of completed investigations (PARC 2005).

Potential Limitations of the Investigation-focused Model

One potential limitation of the investigative model is the significant costs and resources necessary to conduct competent, timely investigations, including large staffing requirements and complex organizational issues that can accompany the implementation of a stand-alone investigative oversight agency. Full investigative agencies are more expensive than other models of oversight, largely due to the increased personnel costs that accompany the hiring of professional investigators (Finn 2001: vii).⁴

³ Some Canadian independent investigation agencies employ “seconded” officers who are currently serving police officers assigned as full-time investigators serving at the pleasure of the oversight agency director (e.g., the Alberta Serious Incident Response Team (ASIRT) and the Nova Scotia Serious Incident Response Team (SiRT)).

⁴ Although the cost of an investigation-focused oversight agency is by necessity higher than the other models of oversight, the higher cost could be mitigated by the savings realized from a reduction or the elimination of personnel needed to conduct police internal investigations.

Another potential weakness is that investigation-focused agencies tend to generate significant resistance from police unions and their allies (King 2015). Unions have routinely argued that civilian investigators do not have the technical background or professional experience to conduct competent investigations into allegations of officer misconduct (Prenzler and Ronken 2001; Walker 2001). Arguing that they will be biased against police officers, police unions have often opposed the implementation of full investigatory oversight agencies (King 2015).

As a result of police resistance and suspicion, civilian investigators may have trouble penetrating the defensive police subculture that can characterize police organizations (Prenzler and Ronken 2001; Livingston 2004). In some cases, officers who are distrustful of independent investigators may be less likely to be truthful and forthcoming during investigative interviews (Livingston 2004).

In addition, it can be argued that the use of former police officers or even civilian investigators who have not previously served as police officers may not eliminate pro-police bias in complaint investigations. Oversight investigators may harbor either pro-police bias or anti-police bias, depending on their own personal background and experiences.

Independent investigation-focused agencies in large cities have also been plagued with budgetary and personnel limitations that have resulted in untimely investigations. The New York City CCRB has often been criticized for lack of timely investigations as well as efforts taken by that agency to reduce its workload through re-allocation of resources (Clarke 2009).

Some researchers have argued that while the community may have great confidence in full investigative models initially, community confidence can wane over time if these models are perceived as not leading to the reforms promised during implementation (McDevitt et al. 2005: 5). For example, the public may expect that more citizen complaints will be sustained and stronger punishments imposed after full investigative oversight models are implemented. However, there is currently no systematic evidence to support this expectation, and it is currently unclear what impact full investigative models have on

patterns in findings and discipline for police officers alleged to have engaged in misconduct.

One final challenge associated with investigation-focused agencies is that they have the potential to undermine the responsibility of police chiefs and sheriffs to maintain discipline (McDonald 1981; Prenzler and Ronken 2001). That is, by removing the responsibility for investigating allegations of officer misconduct reported in citizen complaints, chiefs of police and sheriffs may be “let off the hook,” have less incentive to create robust internal accountability mechanisms and simply blame the external oversight agency when misconduct occurs (PARC 2005: 21)⁵. In addition, in police agencies where internal affairs units are reduced or eliminated, the opportunity for officers to obtain experience in conducting personnel investigations and recognizing the extent to which bad conduct can negatively affect the agency, becomes limited or nonexistent.

Review-focused Model

Summary of Review-focused Agencies

Key Characteristics

1. Often focus on reviewing the quality of completed police internal affairs investigations
2. May make recommendations to police executives regarding findings or request that further investigation be conducted
3. Commonly headed by a review board composed of citizen volunteers
4. May hold public meetings to collect community input and facilitate police-community communication

Potential Key Strengths

1. Ensures that the community has the ability to provide input into the complaint investigation process
2. Community review of complaint investigations may increase public trust in the process
3. Generally the least expensive form of oversight since it typically relies on the work of volunteers

⁵ It is important to note that most jurisdictions still grant the police chief or sheriff the final decision-making authority when it comes to findings and employee discipline.

Potential Key Weaknesses

1. May have limited authority and few organizational resources
2. Review board volunteers may have significantly less expertise in police issues and limited time to perform their work
3. May be less independent than other forms of oversight

Review-focused agencies examine the quality of internal investigations, primarily those conducted by internal affairs. Many review agencies take the form of volunteer review boards or commissions and are designed around the goal of providing community input into the internal investigations process (PARC 2005). Instead of conducting independent investigations, review-focused agencies may evaluate completed internal affairs investigations, hear appeals, hold public forums, make recommendations for further investigation or conduct community outreach (Attard and Olson 2013). As with investigation-focused agencies, review-focused agencies vary in their organizational structure and can perform a range of functions (Walker and Kreisel 1996; Prenzler and Ronken 2001; Walker 2001; Finn 2001; Bobb 2003; Attard and Olson 2013; Ferdik et al. 2013; Walker and Archbold 2014).

The available literature on review-focused agencies indicates they:

- Receive complaints from the community
- Review completed police investigations of externally-generated complaints
- Make recommendations to the police executive on individual investigations
- Hear appeals
- Gather, review and report on public concerns (Walker 2001; Finn 2001; Prenzler and Ronken 2001; Bobb 2003; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; King 2015; Alpert et al. 2016).

Table 2 provides examples of review-focused models in the United States.

Table 2: Examples of Review –focused Models in the U.S.

Agency	Jurisdiction	Website
Citizen's Police Review Board	Albany, NY	www.albanylaw.edu/cprb
Citizens' Police Complaint Board	Indianapolis, IN	www.indy.gov/egov/city/dps/cpcbo
Civilian Police Review Board	Urbana, IL	www.urbanailinois.us/boards/civilian-police-review-board
Citizen Review Committee	St. Petersburg, FL	www.stpetc.org/boards_and_committees/civilian_police_review_committee
Citizens' Review Board on Police Practices	San Diego, CA	www.sandiego.gov/citizensreviewboard

Potential Strengths of the Review-focused Model

Some researchers argue that review boards and commissions may be perceived by the public as more representative of the community than programs that are staffed by full-time professionals (Finn 2001; Attard and Olson 2013). As such, community members may be more likely to perceive the review-focused model as supporting and protecting community interests (Walker 2001).

Beyond public perception, review-focused agencies have the benefit of allowing community representatives to bring an outsider's perspective to the complaint investigations process, which may help jurisdictions identify and correct deficiencies within individual complaint investigations (PARC 2005). Where review boards have a diversity of community representation, there may be a stronger motivation on the part of police investigators to ensure that not only is there no bias in the conduct of their investigations, but that any appearance of bias is also removed. With respect to the review of policy and officer conduct, review-focused agencies have the ability to identify deficiencies in policy or training as they apply to individual

cases being reviewed. A diverse board will have the ability to provide different perspectives on police policy and training and make recommendations for change that could result in improved police-community relations.

Finally, review focused agencies tend to be the least expensive form of oversight. They are often operated by volunteers and may have no stand-alone budget (PARC 2005). As a result, this type of oversight is popular in smaller jurisdictions that have limited resources.

Potential Limitations of the Review-focused Model

Review-focused agencies tend to have limited authority and, like investigation-focused agencies, typically focus on individual case investigations. As a result of such a reactive focus, their ability to promote large-scale systemic organizational change may be limited (Walker 2001; PARC 2005). Moreover, review-focused agencies may not have the authority to systemically evaluate police policies or procedures, make policy recommendations, or examine aggregate patterns in officer conduct (PARC 2005: 11).

Depending on the structure of the review agency, they may be less independent from the police than other oversight models. These types of oversight agencies may be more likely to report to the police chief, have a small or no stand-alone budget, have limited or no staff support and board members tend to be political or police chief appointees (Walker 2001; PARC 2005; Olson 2016). Moreover, they may have to rely on the police or sheriff's department for meeting space, administrative support and training. Since review-focused agencies do not always have the power to conduct independent investigations, they are also more likely to rely on the police or sheriff's department for information (McDevitt et al. 2005; Olson 2016).

Since review-focused agency board members are generally volunteers drawn from a range of professional backgrounds, they may have less expertise than paid professional oversight staff and have limited time to perform oversight functions. This aspect may reduce the efficiency of a jurisdiction's oversight function and lead to a shallow impact on the quality of internal investigations (Finn 2001; Olson 2016).

Auditor/Monitor-focused Model

Summary of Auditor/Monitor-focused Agencies

Key Characteristics

1. Often focuses on examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline
2. Some auditors/monitors may actively participate in or monitor open internal investigations
3. Often seek to promote broad organizational change by conducting systematic reviews of police policies, practices or training and making recommendations for improvement

Potential Key Strengths

1. Often have more robust public reporting practices than other types of oversight
2. Generally less expensive than full investigative agencies, but more expensive than review-focused agencies
3. May be more effective at promoting long-term, systemic change in police departments

Potential Key Weaknesses

1. Auditor/monitor focus on examining broad patterns rather than individual cases may be treated with skepticism by some local rights activists
2. Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tension between the oversight agency and police officers
3. Most auditors/monitors can only make recommendations and cannot compel law enforcement agencies to make systemic changes

One of the newest forms of police oversight can be found in the auditor/monitor-focused model of oversight. Civilian oversight agencies that follow this model can also be referred to by several different names including police

monitor⁶ or inspector general. This model of civilian oversight began to develop in the 1990s and generally emerged as a type of political compromise to satisfy police and community concerns about bias and professionalism (Walker 2006; Walker and Archbold 2014: 180). While local community and civil rights activists tended to argue in favor of citizen review boards or full investigative models, police unions tended to be strongly opposed to those models. As a result, the auditor/monitor-focused model emerged partly as a mechanism for bridging the disparate goals held by the different stakeholders to the complaint process (Walker and Archbold 2014).

While there can be variation in the organizational structure of this type of civilian oversight, auditor/monitor agencies tend to focus on promoting large-scale, systemic reform of police organizations (PARC 2005). Accordingly, this type of organization tends to have a unique set of goals that distinguish it from investigation-focused and review-focused models of oversight (Walker 2001; Finn 2001; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; Walker and Archbold 2014).

The available literature on auditor/monitor-focused agencies identifies a core set of functions which include:

- Ensuring a jurisdiction's processes for investigating allegations of misconduct are thorough, complete and fair
- Conducting evaluations of police policies, practices and training
- Participating in open internal affairs investigations
- Robust public reporting (Walker 2001; Finn 2001; Prenzler and Ronken 2001; Bobb 2003; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; King 2015; Alpert et al. 2016).

⁶ It is important to distinguish between court appointed monitors, who are limited term appointees charged with overseeing the implementation of a court-sanctioned reform agreement, and municipal or county civilian monitors who are local oversight professionals or consultants employed by the local jurisdiction. For purposes of this report, the term monitor is used to refer to locally employed police monitors. The role of court-appointed monitors in promoting police reform is beyond the scope of this publication, but has been explored elsewhere (see Davis et al. 2002; Chanin 2015).

Table 3 provides examples of auditor/monitor-focused agencies in the United States.

Table 3: Examples of Auditor/Monitor-Focused Agencies

Agency	Jurisdiction	Website
Independent Police Auditor	San Jose, CA	www.sanjoseca.gov/ipa
Office of the Independent Monitor	Denver, CO	www.denvergov.org/oim
Independent Police Monitor	New Orleans, LA	www.nolaipm.gov
Los Angeles Board of Police Commissioners Office of the Inspector General	Los Angeles, CA	www.oig.lacity.org
Office of the Inspector General for the New York City Police Department	New York, NY	www.nyc.gov/oignypd

Potential Strengths of the Auditor/Monitor-focused Model

Since these agencies tend to focus on exploring patterns in complaints, auditor/monitor-focused models may have broader access to police and sheriff's department records, case files and electronic databases than review-focused agencies (McDevitt et al. 2005; Olson and Attard 2016). While review-focused agencies tend to have only limited access to individual closed internal affairs files, auditor/monitors-focused models tend to be granted more expansive access to police department records (Walker and Archbold 2014). Moreover, auditor/monitor-focused agencies tend to be (or become) policing experts, have larger budgets and may have more extensive training than might be found in volunteer-based oversight agencies (McDevitt et al. 2005).

It is possible that the auditor/monitor-focused model may be more effective at promoting long-term, systemic change in police organizations, in part because they can focus on broader trends and patterns in complaints and make public recommendations for how the police department can improve (Walker and Archbold 2014). Unlike investigative agencies, auditor/monitor-focused models do not generally take the investigations process away from the police department, but instead use systematic evaluation and public reporting to ensure that policy makers and the local community knows whether the department is holding its officers accountable (PARC 2005). Auditor/monitor-focused agencies also have the ability to track whether police departments implement their recommendations and whether those changes have resulted in organizational improvements over time (PARC 2005; Walker and Archbold 2014).

Some scholars have argued that the independence of auditor/monitor agencies may increase their credibility with the public, leading to more effective public outreach (Walker and Archbold 2014: 183). The more robust public reporting authority and greater staffing resources may enhance the ability of auditor/monitor agencies to conduct effective community outreach when compared to review-focused agencies, which rely on community volunteers or even independent investigation agencies that focus on specific, individual complaints of misconduct.

Potential Limitations to the Auditor/Monitor-focused Model

Local civil rights or community activists may oppose this type of civilian oversight because they may view this model's reliance on full-time, paid staff with skepticism. Some community members and civil rights activists may be left dissatisfied, since they may desire that discipline be imposed in specific cases of officer misconduct versus the auditor/monitor agencies' focus on aggregate patterns in complaints and other metrics within law enforcement agencies (Walker and Archbold 2014). In fact, the very nature of the auditor/monitor-focused model concept may put the police auditor/monitor at odds with community demands or expectations in high profile and controversial cases. The concept behind the auditor/monitor model is that the office be fair, unbiased and evidence-based in

its decision-making (Walker and Archbold 2014). Such decision-making may result in criticism of the oversight agency by the community, the police or both.

In some cases, an auditor/monitor agency may choose to allow the police executive to take credit for a reform initiative, to maintain long-term relationships with police leadership. Such actions, while they may promote positive reform in a police organization, may result in a lack of understanding in the community as to the actual effectiveness of the oversight program.

Like other models of oversight, most auditor/monitor-focused agencies can only make recommendations and cannot compel law enforcement agencies to make changes (Walker and Archbold 2014: 195). In situations where the law enforcement agency regularly declines to accept recommendations or continues to engage in activities contrary to the expectations of certain members of the public, the oversight agency may be perceived as ineffective.

One final limitation is that the auditor/monitor-focused model is strongly dependent on the quality of the staff hired to do the work (Walker and Archbold 2014). Analyzing patterns in complaints, findings, discipline or conducting performance evaluations of other police policies and practices requires a high level of technical sophistication and training, as well as a commitment to objective, evidence-based evaluation. The hiring of staff without relevant experience or a commitment to objective, dispassionate evaluation methods may cause significant tension between the oversight agency and police executives, as well as with rank-and-file officers.

Table 4 summarizes the common characteristics and forms of authority for the three types of oversight models.

Table 4: Common Characteristics and Forms of Authority by Oversight Model

	Investigation-Focused Agencies	Review-Focused Agencies	Auditor/Monitor Agencies
Receive Community Complaints	Frequently	Frequently	Frequently
Decide How a Complaint will be Handled	Frequently	Rarely	Sometimes
Review Police Complaint Investigations (e.g., for thoroughness, completeness, accuracy)	Sometimes	Frequently	Frequently
Conduct Independent, Fact-Finding Investigations	Frequently	Rarely	Sometimes
Perform Data-Driven Policy Evaluations	Sometimes	Sometimes	Frequently
Recommend Findings on Investigations	Frequently	Sometimes	Frequently
Recommend Discipline to the Police Chief	Sometimes	Rarely	Sometimes
Attend Disciplinary Hearings	Sometimes	Rarely	Sometimes
Have a Board Composed of Community Members	Frequently	Frequently	Sometimes
Hear Appeals	Sometimes	Sometimes	Rarely
Have Paid Professional Staff	Frequently	Sometimes	Frequently
Staffing and Operational Costs	Most Expensive	Least Expensive	Intermediate Expense

Table notes: Based on data collected from 97 U.S. oversight agencies, 2016.

Considerations When Implementing or Reforming a Civilian Oversight Program

Over the past 30 years, local experimentation with different types of oversight models, to include hybridization of these different models, has resulted in a complex, heterogeneous organizational field. And while the data included in this report explores organizational variation across different oversight agencies, it does not answer two fundamental questions:

- Which forms of oversight are the most effective?
- Under what circumstances should a jurisdiction implement a review-focused model of oversight as opposed to an investigative or auditor/monitor-focused model?

Even though the question of what type of model constitutes a “best” form of oversight remains unanswered, much can be learned from patterns shown in this paper. In fact, the growing hybridization of police oversight and the blurring of the boundaries between different models of oversight carry an important lesson for local jurisdictions that are exploring whether to implement oversight or are considering revising their current oversight framework.

Jurisdictions Should Focus on the “Best-Fit” Rather Than the “Best Practices” When Considering How to Structure Civilian Oversight

A key lesson that can be learned from the history of oversight in the U.S. is that there is not necessarily any “best practice”

in the creation of a civilian oversight of law enforcement program. Rather, a jurisdiction should look for a “best-fit” model of oversight (Bobb 2003). Every jurisdiction has its own social, cultural and political issues, and every police agency has its own unique organizational history, traditions and sub-cultural characteristics. While some police agencies may be proficient at holding their officers to account with respect to certain types of conduct, other police agencies may struggle. Some large jurisdictions have ample financial resources to implement highly professionalized, organizationally complex forms of oversight while smaller jurisdictions may have far fewer resources with which to implement and sustain police oversight.

“Evidence that that any one civilian oversight approach or mechanism is more effective than another does not yet exist, although the role and authority of a civilian oversight function often grows over time to meet emerging community needs and expectations.” (Anderson et al. 2015: 3)

Given these differences between cities and counties in the U.S., it is likely that no single model of oversight is going to work for all jurisdictions. As a result, the best form of oversight for individual jurisdictions simply depends on the circumstances faced by the jurisdiction that is either creating or updating its oversight processes.

Oversight Should Employ the “Least Force” Necessary to Accomplish Its Goals

Even though law enforcement resistance to the concept of police oversight has diminished over time, it can still be argued that “the least intrusive means of oversight” (Bobb 2003) necessary to achieve police accountability is the best means of approaching the oversight function in the long-term. Just as the police are expected to only use that amount of force that is proportionate, necessary and reasonable to accomplish their task, so it can be argued that jurisdictions creating or reforming an oversight function should similarly accomplish the feat of ensuring police accountability (Bobb 2003). In other words, a jurisdiction seeking to create or update an oversight function should choose the least intrusive model of oversight necessary to accomplish the task. If the model chosen does not accomplish that objective, a more aggressive form of oversight would then be required. As such, it is impossible to suggest that

any one model of oversight is better than another. Each jurisdiction must evaluate its own police agency; its culture, its leadership, its overall current capacity to police itself and its future potential in that regard before choosing the most appropriate form of oversight that will have the highest likelihood of success over time.

A Number of Resources are Available to Jurisdictions Considering Implementing Oversight or Reforming Their Current Oversight Framework

One of the key challenges for local jurisdictions that are considering whether to implement oversight is to find examples of jurisdictions that have successfully implemented and sustained effective oversight agencies. It can also be difficult and resource intensive for local jurisdictions to collect examples of legal language, organizational procedures, and other “nuts-and-bolts” documents that they can use as models after they decide to implement oversight. Several relatively recent reports have sought to overcome these problems by providing detailed cases studies of existing oversight agencies (Finn 2001; PARC 2005; McDevitt et al. 2005; Attard and Olson 2013; Noe 2013; Olson 2016; PARC 2016). These reports contain key details about oversight agency powers, organizational, structure, funding and staffing and should be consulted by local jurisdictions who are considering oversight or interested in reforming their local oversight agency. A number of academic books also provide practical information about civilian oversight of law enforcement (Goldsmith and Lewis 2000; Walker 2001; Perino 2006; Walker and Archbold 2014; Prenzler and den Heyer 2016).

In addition, to help local jurisdictions gain access to examples of oversight policies, legal language and key organizational documents, the National Association for Civilian Oversight for Law Enforcement (NACOLE) has created a companion website to this report that includes up-to-date profiles for model police oversight agencies. This website’s toolkit includes examples of ordinance/charter language, oversight policies and procedures, annual reports, special topics reports, complaint forms, outreach brochures and other documents that can serve as examples for new oversight agencies. This website’s toolkit can be accessed by visiting: www.nacole.org/agency_profiles

References

- Alpert, Geoffrey P., Tyler Cawthray, Jeff Rojek and Frank V. Ferdik. 2016. "Citizen Oversight in the United States and Canada: Applying Outcome Measures and Evidence-Based Concepts." In *Civilian Oversight of Police: Advancing Accountability in Law Enforcement*, 179–204. New York: CRC Press.
- Anderson, Justin, Larry Brubaker, Sean DeBlieck, Brooke Leary and David Dean. 2015. *Law Enforcement Oversight: Limited Independence, Authority & Access to Information Impede Effectiveness*. King County, Washington: King County Auditor's Office.
- Attard, Barbara and Kathryn Olson. 2013. "Oversight in the United States." Accessed October 6, 2015. <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>.
- Bayley, David. 1991. "Preface." In *Complaints Against the Police: The Trend to External Review*, edited by Andrew Goldsmith, v–vii. Oxford: Clarendon.
- Bobb, Merrick. 2003. "Civilian Oversight of the Police in the United States." *Saint Louis University Public Law Review* 22: 151.
- Chanin, Joshua. 2015. "Examining the Sustainability of Pattern or Practice Police Misconduct Reform." *Police Quarterly* 18 (2): 163–92. doi:10.1177/1098611114561305.
- Clarke, Stephen. 2009. "Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How It Fails." *Columbia Journal of Law and Social Problems* 43 (1): 1–49.
- Davis, Robert, Christopher Ortiz, Nicole Henderson, Joel Miller and Michelle Massie. 2002. *Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree*. New York: Vera Institute of Justice. www.cops.usdoj.gov/html/cd_rom/inaction1/pubs/TurningNecessityintoVirtue.pdf.
- Farrow, Joe and Trac Pham. 2003. "Citizen Oversight of Law Enforcement: Challenge and Opportunity." *The Police Chief* 70 (10): 22–29.
- Ferdik, Frank V., Jeff Rojek and Geoffrey P. Alpert. 2013. "Citizen Oversight in the United States and Canada: An Overview." *Police Practice and Research* 14 (2): 104–16. doi:10.1080/15614263.2013.767089.
- Finn, Peter. 2001. *Citizen Review of the Police: Approaches & Implementation*. Office of Justice Programs, National Institute of Justice.
- Goldsmith, Andrew John and Colleen Lewis. 2000. *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Hart Publishing.
- Hudson, James R. 1971. "Police Review Boards and Police Accountability." *Law and Contemporary Problems* 36 (4): 515. doi:10.2307/1190933.
- Jones, Richard. 1994. "Processing Civilian Complaints: A Study of the Milwaukee Fire and Police Commission." *Marquette Law Review* 77: 505–19.
- King, Kevin. 2015. "Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations." *Hastings Race & Poverty Law Journal* 12 (91–259).
- Livingston, Debra. 2004. "The Unfulfilled Promise of Citizen Review." *Ohio State Journal of Criminal Law* 1 (2): 653–67.

McDevitt, Jack, Amy Farrell and W Andresen. 2005. "Enhancing Citizen Participation in the Review of Complaints and the Use of Force in the Boston Police Department." Institute on Race and Justice, Northeastern University. <http://www.nlg-npap.org/sites/default/files/Northeasternreport12-05.pdf>.

McDonald, D. 1981. Royal Commission on Inquiry Into Certain Activities of the Royal Canadian Mounted Police. Ottawa: Canadian Publishing Government Center.

National Association for Civilian Oversight of Law Enforcement. 2015. "Building Legitimacy and Public Trust through Civilian Oversight: Written Testimony for the President's Task Force on 21st Century Policing." National Association for Civilian Oversight of Law Enforcement.

Noe, George. 2013. *Findings on Models of Civilian Police Oversight Authorities*. Aurora, CO: Office of the City Manager.

Office of Citizen Complaints. 2016. "Frequently Asked Questions." In San Francisco, CA: Office of Citizen Complaints. www.sfgov.org/occ/frequently-asked-questions.

Office of the City Auditor. 2001. *Addressing Citizen Complaints about Police: A Proposal for Change*. Portland, OR: Office of the City Auditor.

Olson, Kathryn. 2016. "Citizen Advisory/Review Board Spokane County Sheriff's Office: Oversight Review." Change Integration Consulting, LLC. <http://www.spokesman.com/documents/2016/may/16/spokane-county-sheriffs-office-citizen-advisory-bo/>.

Olson, Kathryn and Barbara Attard. 2016. "Analysis of Police Oversight Models for the City of Pasadena." Change Integration Consulting, LLC. pasadenanow.com/documents/models.pdf.

Perino, Justina. 2006. *Citizen Oversight of Law Enforcement Agencies* American Bar Association. <http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=214974>.

Police Assessment Resource Center. 2005. "Review of National Police Oversight Models for the Eugene Police Commission." Police Assessment Resource Center. <http://www.parc.info/eugene>.

———. 2016. "Peer Review of the New Orleans Office of Independent Police Monitor." Police Assessment Resource Center. <http://www.parc.info/blog/2016/2/27/parc-completes-peer-review-of-new-orleans-office-of-independent-police-monitor-oipm>.

Prenzler, Tim. 2016. "Democratic Policing, Public Opinion and External Oversight." In *Civilian Oversight of Police: Advancing Accountability in Law Enforcement*, edited by Tim Prenzler and Garth den Heyer. CRC Press.

Prenzler, Tim and Garth den Heyer. 2016. *Civilian Oversight of Police: Advancing Accountability in Law Enforcement* CRC Press.

Prenzler, Tim and Carol Ronken. 2001. "Models of Police Oversight: A Critique." *Policing and Society* 11 (2): 151–80. doi:10.1080/10439463.2001.9964860.

Terrill, Richard. 1988. "Police Accountability in Philadelphia: Retrospects and Prospects." *American Journal of Police* 7 (2): 79–99.

Walker, Samuel. 2001. *Police Accountability: The Role of Citizen Oversight* 1 edition. Belmont, CA: Wadsworth Publishing.

———. 2006. "The History of the Citizen Oversight." In *Citizen Oversight of Law Enforcement Agencies*. ABA Book Publishing.

Walker, Samuel E. and Carol A. Archbold. 2014. *The New World of Police Accountability* 2nd ed. edition. Los Angeles: SAGE Publications, Inc.



King County

Metropolitan King County Council Charter Review Commission

STAFF REPORT

Agenda Item:	4	Name:	Nick Bowman
Proposed No.:		Date:	February, 2019

SUBJECT

History of the sheriff as an elected position in King County.

BACKGROUND

From 1852 to 1969, the King County Sheriff was an elected position that operated more or less independently of the three county commissioners, who exercised both legislative and executive power. According to HistoryLink.org, the sheriff, along with other elected county officials, including the assessor, auditor, clerk, coroner, prosecuting attorney and treasurer had considerable discretion over the operations of their departments without much oversight by the commissioners. The independent authority of these elected offices to, "[dispense county jobs and funds] permitted the growth of a patronage system that both political parties fought to control."¹

In 1948, the Seattle League of Women Voters and the Municipal League of Seattle and King County, successfully pushed for the adoption of Amendment 21 to the state constitution, which permitted counties to adopt Home Rule Charters with voter approval.² After rejecting an initial charter in 1952, the voters of King County approved a Home Rule Charter in November 1968. The charter replaced many quasi-independent elected officials, including the sheriff, with appointed positions subordinate to the executive. Proponents of the proposed charter stated that an appointed sheriff would be chosen on merit and professional qualifications and "[create] a climate for professional, career employees isolated from political involvement."³ According to reports at the time, the King County Sheriff's Office and the Seattle Police Department "had been buffeted by charges of corruption and cronyism, and there were state and federal investigations of reported police payoffs,"⁴ investigations which eventually led to a grand jury

¹ Oldham, Kit. "Freeholders propose new Home Rule charter for King County on July 28, 1952." Historylink.org 3 June 2006. <https://historylink.org/File/7790>

² "A History of Washington's Local Governments: Washington State Local Governance Study Commission Report (Update). Municipal Research and Services Center for Washington. October 2007. <http://leg.wa.gov/JointCommittees/Archive/JSCJTD/Documents/2007HistoryofWALocalGov.pdf>

³ Vogel, Andrea. "The Charter." *The Seattle Times*. October 6, 1968

⁴ Schaefer, David. "Back to the Future: An Elected Sheriff – Nonpartisan Office- Holder to be Chosen." *The Seattle Times*. November 6, 1996.

indictment of King County Sheriff Jack Porter and Seattle Police Chief Frank Ramon among other local government officials.⁵ Opponents of the charter, including *The Seattle Times* Editorial Board, argued that making the sheriff an appointed position would expose the county commissioners to “corrosive influences in the form of election contributions from those who might benefit from law enforcement ‘tolerances’,”⁶ or police policies that ignore activities of doubtful legality. Other charter opponents such as the King County Labor Council, argued it would undemocratically deny the public the right to elect the sheriff and undermine efforts to establish collective bargaining for county employees.⁷

For the next twenty-five years, the top law enforcement officer in King County was appointed by the executive as the Director of the Department of Public Safety, as the Sheriff’s Office was renamed under the charter. In late 1995, King County Council Chair Kent Pullen introduced Proposed Ordinance 95-755⁸ which sought to reestablish the sheriff as an independently elected position. “[At the time, King County Executive Gary Locke had proposed a budget which included cuts and staff reductions in the Dept. of Public Safety. Council Chair Pullen argued that an elected sheriff would be in a better position to protect the budget from such cuts over that of a sheriff that also is a county department head reporting to the county executive. Executive Locke stated that he opposed the ordinance on the ground that the sheriff should be viewed as a law enforcement professional rather than an elected politician.]”⁹

In May 1996, after a series of hearings in the Law, Justice and Human Services Committee, Proposed Ordinance 95-755 was adopted by the County Council. The ordinance submitted to the voters a charter amendment to establish the county sheriff as a nonpartisan elected official with a four year term. If approved by the voters, the sheriff would be elected in November 1997, with the first year of their term beginning in 1998. The ordinance maintained the Dept. of Public Safety as an executive department and also maintained the civil service employment status of the department’s employees. As listed in the available council materials, representatives from the King County Police Officers Guild and other police unions supported the ordinance, while a representative from the executive’s office opposed the measure.¹⁰

With the adoption of Proposed Ordinance 95-755, the decision to make the county sheriff an elected position went to the voters in November 1996 under the ballot title: “Charter Amendment No. 2”. Leading up to the election, various parties made their case for and against the measure.

The arguments **for** Charter Amendment No. 2 offered by a majority of the King County Council and the King County Police Officers Guild, generally consisted of the following:

⁵ Anderson, Rick. “Shakedown Streets: Excerpts from Seattle Vice.” *Seattle Weekly*. October 19, 2010

⁶ Editorial Board. “The County Charter: Controls Voters Should Retain.” *The Seattle Times*. November 19, 1967.

⁷ Bender, James King County Labor Council. “Is the Proposed King County Charter a Tax-Eating Monster in Disguise?” Paid advertisement in *The Seattle Times*. November 4, 1968

⁸ Ordinance 12301

⁹ Schaefer, David. “County Council Chairman Calls for Sheriff to be Elected Official- He Thinks Change Would Help Protect Police Budget from Cuts.” *The Seattle Times*. October 26, 1995.

¹⁰ Hurd, Catherine. “Proposed Ordinance 95-755 An Ordinance proposing to amend the King County Charter to create the elected office of county sheriff, Staff Report.” May 7, 1996.

- “[The county executive has generally appointed a sheriff from out of state with no community ties or knowledge of the interworking of the county’s police force;
- An appointed sheriff reporting to the county executive is unable to effectively fight budget cuts or go public with requests for additional funding that he or she may feel are necessary;
- Nationally, 3,085 counties have elected sheriffs while only 11 counties have appointed sheriffs; and
- King County voters are intelligent enough to choose for themselves who they want as the county’s top law enforcement officer.]”¹¹

The arguments **against** Charter Amendment No. 2, offered by Seattle Mayor Norm Rice, King County Councilmember Greg Nickels, Former King County Executive John Spellman and *The Seattle Times* Editorial Board generally consisted of the following:

- “[Politics and ‘electability’ should not determine the top law enforcement officer in such a populous county;
- Investigations into graft and corruption at the King County Sheriff’s Office was one of the reasons the voters approved the Home Rule Charter and made the sheriff an appointed position;
- Since the sheriff became and appointed position there have been no major investigations into corruption or criminal activity in the sheriff’s office;
- An ineffective, incompetent or dishonest sheriff that is appointed can be held immediately accountable by the executive, while removing an elected sheriff would require a cumbersome recall election; and
- An appointed sheriff allows for an extensive search and rigorous selection process to ensure the most qualified professional gets the job.]”¹²

Charter Amendment No. 2, establishing the King County Sheriff as a nonpartisan elected official, was approved by the voters in November 1996 with 57% voting yes¹³. In early 1997, King County Executive Ron Sims appointed Dave Reichert, a veteran of the county police force, as Director of the Department of Public Safety. Mr. Reichert was elected sheriff in November 1997. There have been a total of five elected sheriffs since Sheriff Reichert’s first term in 1998.

ATTACHMENTS

1. Proposed Ordinance 95-755 Staff Report and Law, Justice and Human Services Committee Minutes May 7, 1996

¹¹ Sources for the “for” arguments include: 1. “Charter Amendment No. 2 statements for” prepared by Kent Pullen, Paul Barden and Steve Eggert. King County Voters’ Pamphlet. November 1996. 2. “Ballot Measures” *The Seattle Times*. November 1, 1996.

¹² Sources for the “against” arguments include: 1. “Charter Amendment No. 2 statements against” prepared by Greg Nickels, Connie King and John Spellman. King County Voters’ Pamphlet. November 1996. 2. Editorial Board. “Keep Sheriff Appointed.” *The Seattle Times*. October 25, 1996. 3. Editorial Board. “Resist the Urge to Tinker.” *The Seattle Times*. May 27, 1996.

¹³ “Election Results.” *The Seattle Times*. November 6, 1996.

2. King County Voter's Pamphlet November 1996

CHRISTOPHER VANCE

May 7, 1996

Introduced By: Kent Pullen
Brian DerdowskiMay 21, 1996 clerk
95-755sb.doc(jms)

Proposed No.: 95-755

ORDINANCE NO.

12301

AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than 45 days after the enactment of this ordinance, an amendment to Article 3, Section 350.20 of the King County Charter, adding a new section, an amendment to Article 6, Section 630, and an amendment to Article 6, adding a new section, to read as follows:

NEW SECTION. Section 350.20.40. Department of Public Safety.

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and his or her term of office shall be four years. The department of public safety shall be an executive department subject to the civil service personnel system and shall utilize the services of the administrative

1 offices and the executive departments, but it shall not be
2 abolished or combined with any other executive department or
3 administrative office and shall not have its duties decreased
4 by the county council.

5 **Section 630. Qualifications.**

6 Each county officer holding an elective office shall be,
7 at the time of his appointment or election and at all times
8 while he holds office, at least twenty-one years of age, a
9 citizen of the United States and a resident and registered
10 voter of King County; and each councilman shall be a resident
11 of the district which he represents. Any change in the
12 boundaries of a councilman's district which shall cause him
13 to be no longer a resident of the district which he
14 represents shall not disqualify him from holding office
15 during the remainder of the term for which he was elected or
16 appointed. Additional qualifications of the office of
17 sheriff may be established by ordinance.

18 **NEW SECTION. Section 645. Sheriff; Election, Term of**
19 **Office and Compensation.**

20 The county sheriff shall be nominated and elected as a
21 non-partisan office by the voters of the county, and the term
22 of office shall be four years and until his or her successor
23 is elected and qualified. The initial election for county
24 sheriff shall be at the general election in 1997. The county
25 sheriff shall receive compensation as provided by ordinance.

26 **SECTION 2.** The manager of the division of records and
27 elections shall cause notice of the proposed amendment of the
28 King County Charter to be published in accordance with the
29 State Constitution and general law and placed on the ballot

1 at the November 5, 1996 election, which is the next general
2 election occurring more than 45 days after enactment of this
3 ordinance.

4 INTRODUCED AND READ for the first time this 30th
5 day of October, 1995.

6 PASSED by a vote of 7 to 5 this 28th day of
7 May, 1996.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 *Jane Hague*
11 Chair

12 ATTEST:

13 *Gerald A. Peterson*
14 Clerk of the Council

15 APPROVED this _____ day of _____, 19____.

16 DEEMED ENACTED WITHOUT
17 COUNTY EXECUTIVE'S SIGNATURE

DATED: June 4, 1996
King County Executive

18 Attachments: None

DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE
DATED: _____

DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE
DATED: _____

KING COUNTY COUNCIL
LAW, JUSTICE & HUMAN SERVICES COMMITTEE

COMMITTEE RECOMMENDATION

12301

DATE: May 7, 1996

PROPOSED ORDINANCE 95-755. Proposing to amend the King County Charter to create the elective office of county sheriff.

COMMITTEE RECOMMENDATION:

☐ DO PASS

☒ DO PASS SUBSTITUTE DATED 11/1/95 5/7/95

☐ DO NOT PASS

☐ POSTPONE INDEFINITELY

☐ PASS OUT OF COMMITTEE (WITH NO RECOMMENDATION)

☐ REFER TO _____ COMMITTEE
(cc: Clerk's Office for Tracking)

RECEIVED
96 MAY 17 PM 3:40
CLERK
KING COUNTY COUNCIL

ATTACHMENTS ADOPTED BY THE ORDINANCE OR MOTION:

☒ NONE

☐ APPROVED AS REFERRED TO COMMITTEE

☐ AMENDED BY COMMITTEE AND DATED _____ (List if more than one)

CONSENT ITEM: _____

Kent Pullen
KENT PULLEN, CHAIR

LARRY GOSSETT, VICE-CHAIR

Brian Derdowski
BRIAN DERDOWSKI, MEMBER

Louise Miller
LOUISE MILLER, MEMBER

RON SIMS, MEMBER

Chris Vance
CHRIS VANCE, MEMBER

KING COUNTY COUNCIL

RECEIVED

12301

96 JAN 17 PM 3:42

CLERK
KING COUNTY COUNCIL

DATE: January 16, 1996

TO: CLERK OF THE COUNCIL

THE FOLLOWING ORDINANCE IS FOR RE-INTRODUCTION.

TITLE:. 95-755. AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.



Kent Pullen, Councilman

12301

RECEIVED

95 OCT 25 PM 3:44

CLERK
KING COUNTY COUNCIL

INTRODUCTION SLIP

DATE: _____

TO: CLERK OF THE COUNCIL

PROPOSED ~~MOTION~~/ORDINANCE NO. 95-755 ELECTIVE SHERIFF

Kent Pullen

Brian Dombrowski

Cl. Vane

RECEIVED
95 OCT 30 PM 12:38
CLERK
KING COUNTY COUNCIL

12301

96 JAN 18 AM 9:03
CLERK
KING COUNTY COUNCIL

RECEIVED

KING COUNTY COUNCIL

Introduction Slip

To: Clerk of the Council

Date:

1/17/96

From:

BRIAN DERDOWSKI

Re:

Re- Introduction of Proposed Motion/Ordinance No 95-0755

Title:

Brian Derdowski

BRIAN DERDOWSKI

✓ R-96

On Page 2, Line 20, after 'elected' insert "as a non-partisan office"

PVR → Do Pass

Passed 9-4

LG, LP, KP, CU "No"

Council rec'd
5/28/96

12301

May 25, 1996

Councilman Kent Pullen, 9th District
Room 1200, King County Courthouse
516 3rd Ave.
Seattle, Washington 98104-3272

Dear Councilman Pullen:

In response to your request that I testify before the King County Council members, at the Public Hearing on the Ordinance of changing the Sheriff from an appointed to an elected position, I am also providing this letter as a position statement.

I do support the Sheriff's position as being an elected officer of the County for the following reasons:

- * I believe all other counties in the state have elected Sheriffs. *except for Pierce County 8/1/96*
- * Too many positions that were elected at one time have been changed to appointed positions. This takes away the choice of the people. I believe that the public should have a say in who is running THEIR government.
- * Elections, certainly, would make the Administrator more accessible to the public.
- * The argument of less corruption in an appointed position vs an elected one is rather weak, since there are plenty of laws on the books to take care of corruption. Corruption is not limited to elected officials. It is the attitude of the individual regardless of their station in life (i: Pierce County Medical Examiners Office, etc.)
- * The concern about professionalism in the office is better with an appointee than with an elected official is, in my opinion, an invalid argument. The appointee can be someone serving at the sole pleasure of one elected official in the county (County Exec.), who can change every 4 years. The appointee can change every 4 years also, without any input of the people.

I believe the electorate is intelligent enough to properly select a professional candidate, and if not 4 years later they at least have another chance to do so.

12301

Also, it is my belief that this type of a position is one of an Executive, or Administrative level and does not have to be a person trained in Law Enforcement (i: Several School Districts have decided, to not follow the tradition of hiring School Superintendents who are Educators, and several Fire Departments have followed this same philosophy in hiring a Fire Administrator, rather than a Fire Chief), this has been very successful.

The position should be occupied by one who is a Manager, one being familiar with Finances, a people manager, a motivator, etc. The position does not have to be necessarily filled by a person in that field. If a person has all of these qualifications and is trained in the particular field then that would be an added asset.

The present Director of Public Safety (Sheriff's Office), I believe is a professional (over 30 years in Law Enforcement) and who meets the additional qualifications I have listed above. But when he retires, or leaves for a more lucrative position, and the County Exec should decide to hire whomever. What voice will the people have? None. That is why the position should be either elected, or at least on the ballot to give the voters a chance to agree or disagree.

Sincerely,



Ed Henderson
38029 188th Ave. S. E.
Auburn, Washington 98092

12301

CHRISTOPHER YANCE

November 1, 1995

Introduced By: Kent Pullen
Brian Derdowski

charter.doc(jms)

Proposed No.: 95-755

Clerk's sub

ORDINANCE NO. _____

AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than 45 days after the enactment of this ordinance, an amendment to Article 3, Section 350.20 of the King County Charter, adding a new section, an amendment to Article 6, Section 630, and an amendment to Article 6, adding a new section, to read as follows:

NEW SECTION. Section 350.20.40. Department of Public Safety.

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and his or her term of office shall be four years. The department of public safety shall be an executive department subject to the personnel system and shall utilize the services of the administrative offices and

1 the executive departments, but it shall not be abolished or
2 combined with any other executive department or
3 administrative office and shall not have its duties decreased
4 by the county council.

5 **Section 630. Qualifications.**

6 Each county officer holding an elective office shall be,
7 at the time of his appointment or election and at all times
8 while he holds office, at least twenty-one years of age, a
9 citizen of the United States and a resident and registered
10 voter of King County; and each councilman shall be a resident
11 of the district which he represents. Any change in the
12 boundaries of a councilman's district which shall cause him
13 to be no longer a resident of the district which he
14 represents shall not disqualify him from holding office
15 during the remainder of the term for which he was elected or
16 appointed. Additional qualifications of the office of
17 sheriff may be established by ordinance.

18 **NEW SECTION. Section 645. Sheriff; Election, Term of**
19 **Office and Compensation.**

20 The county sheriff shall be nominated and elected by the
21 voters of the county, and his term of office shall be four
22 years and until his or her successor is elected and
23 qualified. The initial election for county sheriff shall be
24 at the general election in 1997. The county sheriff shall
25 receive compensation as provided by ordinance.

26 SECTION 2. The manager of the division of records and
27 elections shall cause notice of the proposed amendment of the
28 King County Charter to be published in accordance with the
29 State Constitution and general law and placed on the ballot

1 at the November 5, 1996 election, which is the next general
2 election occurring more than 45 days after enactment of this
3 ordinance.

4 INTRODUCED AND READ for the first time this _____
5 day of _____, 19____.

6 PASSED by a vote of _____ to _____ this _____ day of
7 _____, 19____.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 _____
11 Chair

12 ATTEST:

13 _____
14 Clerk of the Council

15 APPROVED this _____ day of _____, 19____.

16 _____
17 King County Executive

18 Attachments: None

12301

CHRISTOPHER VANCE
BRIAN DERDOWSKI
KENT PULLEN

October 24, 1995

Introduced By:

charter.doc(jms)

Proposed No.:

95 - 755

ORDINANCE NO. _____

AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than 45 days after the enactment of this ordinance, an amendment to Article 3, Section 350.20 of the King County Charter, adding a new section, an amendment to Article 6, Section 630, and an amendment to Article 6, adding a new section, to read as follows:

NEW SECTION Section 350.20.40. Department of Public Safety.

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and his or her term of office shall be four years. The department of public safety shall be an executive department subject to the personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished or

1 combined with any other executive department or
2 administrative office and shall not have its duties decreased
3 by the county council.

4
5 **Section 630. Qualifications.**

6 Each county officer holding an elective office shall be,
7 at the time of his appointment or election and at all times
8 while he holds office, at least twenty-one years of age, a
9 citizen of the United States and a resident and registered
10 voter of King County; and each councilman shall be a resident
11 of the district which he represents. Any change in the
12 boundaries of a councilman's district which shall cause him
13 to be no longer a resident of the district which he
14 represents shall not disqualify him from holding office
15 during the remainder of the term for which he was elected or
16 appointed. Additional qualifications of the office of
17 sheriff may be established by ordinance.

18
19 **NEW SECTION Section 645. Sheriff; Election, Term of Office**
20 **and Compensation.**

21 The county sheriff shall be nominated and elected by the
22 voters of the county, and his term of office shall be four
23 years and until his or her successor is elected and
24 qualified. The initial election for county sheriff shall be
25 at the general election in 1997. The county sheriff shall
26 receive compensation as provided by ordinance.

27
28 **SECTION 2.** The manager of the division of records and
29 elections shall cause notice of the proposed amendment of the
30 King County Charter to be published in accordance with the

1 State Constitution and general law and placed on the ballot
 2 at the November 5, 1996 election, which is the next general
 3 election occurring more than 45 days after enactment of this
 4 ordinance.

5 INTRODUCED AND READ for the first time this 30th
 6 day of October, 1995.

7 PASSED this _____ day of _____, 19____.

8 KING COUNTY COUNCIL
 9 KING COUNTY, WASHINGTON

10 _____
 11 Chair

12 ATTEST:

13 _____
 14 Clerk of the Council

15 APPROVED this _____ day of _____, 19____.

16 _____
 17 King County Executive

18 Attachments: None



THE LEAGUES
OF WOMEN VOTERS OF KING COUNTY

KING COUNTY SOUTH • LAKE WASHINGTON EAST • SEATTLE

Council rec'd
5/20/96

12301

May 19, 1996

To The Metropolitan King County Council Members

The positions of the Leagues of Women Voters of King County, adopted as a result of all-member study and discussion and reaffirmed annually, are clear in recommending that County government follow the short ballot principle - with jobs that primarily require skill to be appointive, and jobs that primarily require representation to be elective. We believe that the job of sheriff requires a high degree of skill and professionalism and should therefore remain an appointive position.

Pat Matteson, Chair
King County Coordinating
Committee

Dorothy Young, Sale, Pres.
LEAGUE OF WOMEN VOTERS
of Seattle
1402 18th Avenue
Seattle WA 98122

Karen Latta, Pres.
LEAGUE OF WOMEN VOTERS
of Lake Washington East
12700 S.E. 32nd
Bellevue WA 98005

Jane Sifer, Pres.
LEAGUE OF WOMEN VOTERS
of King County South
P.O. Box 6603
Seattle WA 98156

DATE: May 20, 1996

TOPIC: # 9 Law, Justice and Human Services

12301

EACH SPEAKER WILL BE ALLOWED 3 MINUTES

PLEASE PRINT!!

SPEAKER #	NAME @ ORGANIZATION	MAILING ADDRESS @ ZIP CODE
1	Mayor Connie KING-Shoreline	
2	Mayor Chuck Booth-Auburn	
3	Mayor Debbie Eddy-Kirkland	
4	Marilyn J. Berthoud - 280 SW Clark St Issaquah, WA 98027	Same
5	Patricia Matteson ^{Leagues of Women Voters of King Co.} Patricia Matteson 7705 78th S.E. Mercer Island, WA 98040	
6	George Artan 3578-109th PL NE #223 Bellevue WA 98004	Same
7	Steven L. Kendall 6520-35th Ave. SW Seattle 98126	Same
8	STEVE EBBERT Kub Co. Power Officers Cville	
9	Ted Cowan Cedar Co. Committee	14222 Hobart Rd Issaquah WA 98027
10	Con Butenko Con Butenko	14234-SE 216 Kent 98052

DATE: 5-20-96
TOPIC: Agenda item # 9

EACH SPEAKER WILL BE ALLOWED 3 MINUTES

12301

PLEASE PRINT!!

SPEAKER #	NAME @ ORGANIZATION	MAILING ADDRESS @ ZIP CODE
11	Chris Clifford	2721 Talbot Fld. S Renton, WA 98055
12		
13		
14		
15		
16		
17		
18		
19		
20		

12301

WRITTEN TESTIMONY BEFORE METROPOLITAN KING COUNTY COUNCIL

IN COMMITTEE OF THE WHOLE

THE HONORABLE JANE HAGUE, PRESIDENT

MONDAY, MAY 20, 1996

RECEIVED
96 MAY 20 AM 11:49
CLERK
KING COUNTY COUNCIL

IN OPPOSITION TO CHARTER AMENDMENT TO ELECT KING COUNTY SHERIFF

My name is Steven L. Kendall, registered to vote and residing at 6520 - 35th Ave. S.W., Seattle, WA 98126, telephone number 206/937-7933. I testify today in opposition to the proposed county charter amendment to elect the King County sheriff.

In reading Metropolitan King County Councilmember Kent Pullen's proposed charter amendment to make the office of King County sheriff elective, I find it woefully inadequate. The only stated qualifications are that candidates be 21 years-of-age, an American citizen, a registered voter, and thirty days residency. The charter amendment does expressly grant to the Metropolitan King County Council the authority to add further qualifications, by county ordinance. But, as of this writing no companion ordinance has been drafted or introduced to flesh out further qualifications for sheriff. Failure to do so is to ask King County voters to buy the proverbial pig in a poke.

The idea any Joe or Mary Schmoe with only a GED or high school diploma, 30 days residency, and a voter registration card can run for sheriff is both ludicrous and unacceptable. There should be a minimum residency of five years, in King County. This would further enhance the likelihood candidates will understand the wants and needs of county voters, and would remove the possibility of carpetbagger candidates. Academically and experientially, candidates should have the following minimum qualifications: (1) A masters degree and at least five years experience in local, state, or federal law enforcement. (2) A bachelors degree and at least 10 years law enforcement experience. (3) If no college degree, at least 15 years law enforcement experience. (4) If no law enforcement experience, they must have at least a master degree in a relevant field, i.e., political science, law, public administration, police science, etc.

In my opinion there are numerous local and federal judges who are well qualified and competent to be King County sheriff. The same holds true for professionals outside of law and law enforcement.

Last year's scandal, in Snohomish County, involving then-Snohomish County Sheriff Patrick Murphy, brings into focus a glaring inadequacy in state and local law. Sheriff Murphy was formally charged with four state felonies and wasn't legally required to be suspended, with pay, until final adjudication. He should've been. Further, any sheriff incarcerated for conviction of a misdemeanor, or contempt of a court, should be suspended, without pay, until release from incarceration. It's virtually a universal practice in law enforcement, whether it's the FBI or the Tukwila Police Department, to automatically suspend a police officer who's shot a civilian, pending a review. The officer hasn't even been charged with a crime. Why should a sheriff be treated any differently?

The King County sheriff should be limited to three consecutive four year terms in office. This office is very powerful, and power tends to corrupt. The longer one holds the same office the more likely they will develop a mindset that they own that office. They don't.

At the time of filing for the office of sheriff, all candidates should be required to submit to drug and alcohol testing (at county expense), submit a full set of fingerprints to be run through the AFIS computer, and submit relevant identifying information to run through NCIC. Also, the State Patrol and FBI should be asked to do their own thorough investigation of each candidate. If any candidate is found to have a disqualifying background, the King County Department of Records and Elections should have the clear authority to remove that candidate from the ballot.

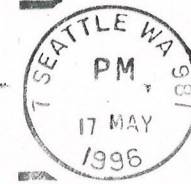
Besides any state or federal felony convictions, any convictions for any local, state, or federal misdemeanor relating to drugs, violence, sex crimes, firearms, explosives, or the willful setting of fires should be automatic disqualifiers. Also, official revocation of voter registration, while sheriff, should cause the office to become automatically vacant. Remember Seattle Senator Ray Moore?

The elective office of sheriff should be non-partisan. Partisan politics has no business being injected into a county sheriff race.

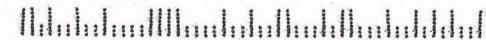
Former County Councilmember Lois North, R., wisely pointed out that if the sheriff becomes an elective position county politics will become "Balkanized," and there won't be clear accountability. Before the Metropolitan King County Council submits a charter amendment they should make sure they adequately protect the best interests of the county voters, not the county police guild.

STEVEN L. KENDALL
6520 35TH AVE. S.W. APT. 204
SEATTLE, WA 98126

Please forward/Address correction requested



Clerk of the Council
Metropolitan King Co. Council
1200 King Co. Courthouse
Seattle WA 98104-3272





**Metropolitan King County Council
Law, Justice and Human Services Committee**

STAFF REPORT

AGENDA ITEM: 3

DATE: May 7, 1996

PROPOSED NO: 95-755

PREPARED BY: Catherine Hurd

SUBJECT

AN ORDINANCE proposing to amend the King County Charter to create the elected office of county sheriff.

SUMMARY

Previous Committee Action

At the March 5, 1996 and April 16, 1996 meetings of the Law, Justice and Human Services Committee, proposed ordinance 95-755 was presented for discussion. Representatives from the King County Police Officers Guild and from Public Safety Employees Local 519 testified regarding their support of the proposed ordinance as well as potential issues associated with its implementation. As a result of these testimonies and discussion, the Chair requested that a substitute ordinance be prepared for today's meeting that would clarify the retention of civil service status by Department of Public Safety (DPS) employees if the county sheriff was established as an elected official.

Ordinance Overview

Proposed Ordinance 95-755 would submit to King County voters a proposal to establish the County Sheriff as an elected official with a four-year term. The first election for this position would be held in November 1997. The administrative purview of this elected office would remain the same as under the current structure. DPS would continue as an executive department and DPS employees would retain their present, civil service employment status. The proposed ordinance would also establish safeguards to prevent the Department's abolishment or the diminution of its duties. The attached substitute ordinance adds language intended to clarify that DPS employees would retain their civil service status if the county sheriff was established as an elected official.

ATTACHMENTS

Proposed Ordinance 95-755

Proposed Substitute Ordinance 95-755

ATTENDING

Steve Eggers, President, King County Police Officers Guild

Charles Love, Board Member, King County Police Officers Guild

Dustin Frederick, Business Manager, Local 519

Jared Karstetter, Jr., Legal Advisor, Local 519

November 1, 1995

Introduced By: Kent Pullen
Brian Derdowski

95-755.doc (jms)

Proposed No.: 95-755

ORDINANCE NO. _____

AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than 45 days after the enactment of this ordinance, an amendment to Article 3, Section 350.20 of the King County Charter, adding a new section, an amendment to Article 6, Section 630, and an amendment to Article 6, adding a new section, to read as follows:

NEW SECTION. Section 350.20.40. Department of Public Safety.

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and his or her term of office shall be four years. The department of public safety shall be an executive department subject to the personnel system and shall utilize the services of the administrative offices and

1 the executive departments, but it shall not be abolished or
2 combined with any other executive department or
3 administrative office and shall not have its duties decreased
4 by the county council.

5 Section 630. Qualifications.

6 Each county officer holding an elective office shall be,
7 at the time of his appointment or election and at all times
8 while he holds office, at least twenty-one years of age, a
9 citizen of the United States and a resident and registered
10 voter of King County; and each councilman shall be a resident
11 of the district which he represents. Any change in the
12 boundaries of a councilman's district which shall cause him
13 to be no longer a resident of the district which he
14 represents shall not disqualify him from holding office
15 during the remainder of the term for which he was elected or
16 appointed. Additional qualifications of the office of
17 sheriff may be established by ordinance.

18 NEW SECTION. Section 645. Sheriff; Election, Term of
19 Office and Compensation.

20 The county sheriff shall be nominated and elected by the
21 voters of the county, and his term of office shall be four
22 years and until his or her successor is elected and
23 qualified. The initial election for county sheriff shall be
24 at the general election in 1997. The county sheriff shall
25 receive compensation as provided by ordinance.

26 SECTION 2. The manager of the division of records and
27 elections shall cause notice of the proposed amendment of the
28 King County Charter to be published in accordance with the
29 State Constitution and general law and placed on the ballot

1 at the November 5, 1996 election, which is the next general
2 election occurring more than 45 days after enactment of this
3 ordinance.

4 INTRODUCED AND READ for the first time this _____
5 day of _____, 19____.

6 PASSED by a vote of _____ to _____ this _____ day of
7 _____, 19____.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 _____
11 Chair

12 ATTEST:

13 _____
14 Clerk of the Council

15 APPROVED this _____ day of _____, 19____.

16 _____
17 King County Executive

18 Attachments: None

November 1, 1995

Introduced By: Kent Pullen
Brian Derdowski

95-755sb.doc(jms)

Proposed No.: 95-755

SUBSTITUTE ORDINANCE NO. _____

A SUBSTITUTE ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than 45 days after the enactment of this ordinance, an amendment to Article 3, Section 350.20 of the King County Charter; adding a new section, an amendment to Article 6, Section 630, and an amendment to Article 6, adding a new section, to read as follows:

NEW SECTION. Section 350.20.40. Department of Public Safety.

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and his or her term of office shall be four years. The department of public safety shall be an executive department subject to the civil service personnel system and shall utilize the services of the administrative

1 offices and the executive departments, but it shall not be
2 abolished or combined with any other executive department or
3 administrative office and shall not have its duties decreased
4 by the county council.

5 Section 630. Qualifications.

6 Each county officer holding an elective office shall be,
7 at the time of his appointment or election and at all times
8 while he holds office, at least twenty-one years of age, a
9 citizen of the United States and a resident and registered
10 voter of King County; and each councilman shall be a resident
11 of the district which he represents. Any change in the
12 boundaries of a councilman's district which shall cause him
13 to be no longer a resident of the district which he
14 represents shall not disqualify him from holding office
15 during the remainder of the term for which he was elected or
16 appointed. Additional qualifications of the office of
17 sheriff may be established by ordinance.

18 NEW SECTION. Section 645. Sheriff; Election, Term of
19 Office and Compensation.

20 The county sheriff shall be nominated and elected by the
21 voters of the county, and his term of office shall be four
22 years and until his or her successor is elected and
23 qualified. The initial election for county sheriff shall be
24 at the general election in 1997. The county sheriff shall
25 receive compensation as provided by ordinance.

26 SECTION 2. The manager of the division of records and
27 elections shall cause notice of the proposed amendment of the
28 King County Charter to be published in accordance with the
29 State Constitution and general law and placed on the ballot

1 at the November 5, 1996 election, which is the next general
2 election occurring more than 45 days after enactment of this
3 ordinance.

4 INTRODUCED AND READ for the first time this _____
5 day of _____, 19____.

6 PASSED by a vote of _____ to _____ this _____ day of
7 _____, 19____.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 _____
11 Chair

12 ATTEST:

13 _____
14 Clerk of the Council

15 APPROVED this _____ day of _____, 19____.

16 _____
17 King County Executive

18 Attachments: None

DATE: May 28, 1996

TOPIC: #16 Law, Justice Human Services

12301

EACH SPEAKER WILL BE ALLOWED 3 MINUTES

PLEASE PRINT!!

SPEAKER #	NAME @ ORGANIZATION	MAILING ADDRESS @ ZIP CODE
1 Name →	League of Women Voters Marianne Calhoun	11818-Sylvan Beach Walk SW Vashon 98070
2 Name →	Council for Legislative Action, WA Boyd Kneeland	12656 NE 2nd Bellevue WA 98005-3208
3 Name →	self - <u>CITIZEN</u> Penny Orloff	27819 NE 49 Redmond 98053
4	Terrell Wills	516-3rd Ave Seattle, WA. 98104
5	Scott Somers	516 3rd Ave Seattle, WA 98104
6	Rick Spence	16343 SE May Valley Rd Renton WA
7	John Elliott	4231 W 137 Kirkland WA 98034
8	George W. Zander	1631 16th AV #113 Seattle WA <u>98122.</u>
9	Pat Britz	18205 Westside Hy S.W. Vashon, WA 98070
10	Dave Fields Greater Maple Valley Area Council	P.O. Box 189 Hobart,

DATE:

May 28, 1996

TOPIC:

16 Law, Justice, Human Services

12301

EACH SPEAKER WILL BE ALLOWED 3 MINUTESPLEASE PRINT!!

SPEAKER #

NAME @ ORGANIZATION

MAILING ADDRESS @ ZIP CODE

11	Reed Davis Chair, King County Republican Party	1305 Republican St Seattle, WA 98109
12	Jerry Overlin	20929 SE 2325 T Maple Valley WA 98038
13	ED HENDERSON	38029 188th Ave SE Auburn WA 98092
14		
15		
16		
17		
18		
19		
20		

Proposed Ordinance/Motion No. 95-755

Item No. 9

*defer for 1
week*

12301

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski	1		
Fimia	2		
Gossett	3		
McKenna		1	
Miller		2	
Nickels	4		
Phillips	5		
Pullen		3	
Sims	6		
Sullivan	7		
Vance		4	
von Reichbauer	8		
Madame Chair	9		

9-4

*voting on whether
to open the public
hearing*

Proposed Ordinance/Motion No. 95-755

Item No. 9

12301

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski	1		
Fimia	2		
Gossett	3		
McKenna		1	
Miller		2	
Nickels	4		
Phillips	5		
Pullen		3	
Sims	6		
Sullivan	7		
Vance		4	
von Reichbauer		5	
Madame Chair	8		

8-5

Amendment to 9

Proposed Ordinance/Motion No. 95-755

Item No. 9

12301

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski	1		
Fimia	2		
Gossett		1	
McKenna	3		
Miller	4		
Nickels	5		
Phillips		2	
Pullen		3	
Sims	6		
Sullivan	7		
Vance		4	
von Reichbauer	8		
Madame Chair	9		

9-4

12301

1995 DATE INTRODUCED

10/30/95

PROPOSED ORD. NO.

95-0755

INTRODUCED BY

KP/BD/cv

REFERRED TO

COMMITTEE

TITLE

AN ORDINANCE proposing to amend the King County Charter to create the elective office of county sheriff; amending Articles 3 and 6 of the charter by adding new sections 350.20.40 and 645 and by amending Section 630, and submitting the same to the voters of the county for their ratification or rejection at the November 1996 general election.

NEEDS ADVERTISING

COMMENTS

RECEIVED

MAY 30 1996

KING COUNTY EXECUTIVE

6/14/96

Gary Locke
King County Executive
400 King County Courthouse

Dear Mr. Locke:

ORDINANCE 12301 was passed by the King County Council on 5/28/96. Attached please find a copy for your file. The ordinance has been sent to the following:

Prosecuting Attorney	5C
King County Law Library	6C
King County Library System	1B
Sheriff Montgomery, Public Safety	1C
Bob Bruce, Elections	5A

Sincerely,

Gerald A. Peterson
Clerk of the Council

GAP:lb

Attachments

MT
request
95-755
to U A
12301

Proposed Ordinance/Motion No. _____

Item No. 16

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski		1	
Fimia	1		
Gossett	2		
McKenna		2	
Miller		3	
Nickels	3 3		
Phillips			1
Pullen		4	
Sims	4 4		
Sullivan	5 5		
Vance		5	
von Reichbauer		6	
Madame Chair		7	

5 - 7 L.Pexc.

12301

Proposed Ordinance/Motion No. 95-755 Item No. 16

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski	1		
Fimia		1	
Gossett		2	
McKenna	2		
Miller	3		
Nickels		3	
Phillips			1
Pullen	4		
Sims		4	
Sullivan		5	
Vance	5		
von Reichbauer	6		
Madame Chair	7		

7-5

[Blank Page]



King County Proposed Charter Amendment No. 2

BALLOT TITLE

PROPOSED CHARTER AMENDMENT NO. 2

Shall the King County Charter be amended to change the manner in which the office of King County Sheriff is filled, so that, instead of being appointed by and serving under the King County Executive, the sheriff would be independently elected on a non-partisan basis to a four year term with the first election to be held in November 1997, all as provided by Ordinance 12301?

Explanatory Statement

The King County sheriff is currently appointed by and subject to removal by the King County Executive. If proposed Charter Amendment No. 2 is approved by the voters, the King County sheriff would be elected rather than appointed. Under the proposed charter amendment, the sheriff would be elected on a non-partisan basis for a four year term with the first election to be held at the November 1997 general election.

The elected county sheriff would continue to perform all of the current sheriff's duties specified by general law and would continue to administer the department of public safety. The department of public safety would continue to be an executive department subject to the civil service personnel system and would utilize the services of the administrative offices and the executive department, but it would not be abolished or combined with any other executive department or administrative office and could not have its duties decreased by the county council.

Candidates for the sheriff's position would have to be at least twenty-one years old, a U.S. citizen, a King County resident and a registered voter in King County. The Metropolitan King County Council would have the authority to establish additional qualifications of the sheriff's office by ordinance.

Statement for

When the county executive appoints a sheriff, the appointee is usually from out of state. The appointee moves to King County with no community ties.

The new appointee arrives here knowing only one person, his new boss. The appointee doesn't know our community, our police department, or the needs of the public.

When the county executive proposes diverting our tax dollars away from vital police resources needed to keep our streets and citizens safe, the appointee stands silently behind his political boss. The appointee doesn't fight for the community. To fight for us would cost him his job.

We voters don't appoint our county executive, judges, or prosecuting attorney from another state. Rather, we voters elect local leaders who have demonstrated their qualifications. Shouldn't we voters be able to elect a local sheriff, whose loyalty is to the community, who will fight to provide proper police protection we desperately need, and who will be accountable to the voters?

Opponents of an elected sheriff apparently believe that the voters are not intelligent enough to choose their own sheriff. In contrast, we believe in the wisdom of the voters and are confident that you will vote "yes" for an elected sheriff.

Rebuttal of statement against

The opposition is wrong to suggest that voters are incapable of electing a competent sheriff. In fact, haven't the same officials that oppose the elected sheriff been elected themselves? Out of the 3,096 sheriffs nationwide, only 11 are appointed. In the era of community oriented policing, doesn't it make sense to elect our sheriff from our community? Please vote YES and restore your right to elect a sheriff accountable to the voters.

STATEMENT PREPARED BY: KENT PULLEN, PAUL BARDEN, STEVE EGGERT

Statement against

Let's not inject politics into King County's professional police department. Integrity, honesty and impartiality are vital. Political popularity and "electability" should not determine the police chief for 450,000 citizens and eight contract cities. A nationwide pool of outstanding police professionals offers a better choice for Sheriff than a countywide pool of ambitious political candidates.

In the late 1960's, investigation of the Sheriff's Department showed significant graft and corruption. Disgusted voters took action and adopted a Home Rule Charter that changed the Office of Sheriff from an elected to an appointed position. In the mid-70's, Pierce County voters followed suit after corruption and links to organized crime rocked their Sheriff's Department. In the 1990's, Snohomish County voters had to wait months to elect a new Sheriff after the incumbent's addiction to pain medication became public.

Today, an ineffective, incompetent or dishonest King County Sheriff can be held accountable. Our Sheriff can be removed for cause by the County Executive. Top federal, state and municipal law enforcement officers are employed the same way. Private business operates this way. Removal of an elected sheriff requires a cumbersome recall election.

King County is best served by an accountable, professional Sheriff. Vote NO on Charter Amendment #2.

Rebuttal of statement for

Shall our Sheriff be the best professional police chief we can find? Or shall we elect one of two local candidates, possibly qualified but possibly the lesser of two evils?

Effective law enforcement depends upon a professional sheriff. Efficient public safety requires a professional administrator, not a politician with a gun.

A professional sheriff is immediately accountable for his or her actions. King County deserves the best. Vote NO on Charter Amendment #2.

STATEMENT PREPARED BY: GREG NICKELS, CONNIE KING, JOHN SPELLMAN

The Division of Records and Elections is not authorized to edit statements, nor is it responsible for their contents.
The complete text of this measure may be reviewed at the Division of Records and Elections.

WASHINGTON STATE VOTERS PAMPHLET

STATE GENERAL ELECTION, NOVEMBER 5, 1996



the Voter INFORMATION AGE

EDITION 14 B

PUBLISHED BY THE OFFICE OF THE SECRETARY OF STATE
& KING COUNTY DIVISION OF RECORDS AND ELECTIONS



King County

Office of Law Enforcement Oversight (OLEO)

Date: March 20, 2019
To: Charter Review Commission Members
From: Deborah Jacobs, Director, Office of Law Enforcement Oversight
Re: Recommended changes to OLEO in Charter

Thank you for the thoughtful consideration that you have already dedicated to review of OLEO's authorities in the King County Charter. I greatly appreciate the interest of the members in helping ensure that the Charter reflects the intent of the Council and public in establishing OLEO. My recommendations follow, as well as a track-changes version of the OLEO section of the Charter to reflect desired changes.

Subpoena Power

OLEO has subpoena power authority based upon King County Code 2.75.055. However, the ordinance is in collective bargaining. We would like the Charter to explicitly state that OLEO has subpoena power to bring it in-line with the OLEO ordinance and to clarify the matter for all concerned.

Subpoena power is essential to OLEO's ability to conduct independent investigations. When OLEO does conduct an investigation, our hope is that Sheriff's Office personnel will voluntarily participate in the investigation for transparency. However, in the event that does not occur, without the ability to compel Sheriff's Office personnel to be interviewed by OLEO and produce relevant records, OLEO has limited ability to complete thorough and objective investigations.

The authority to issue subpoenas is an established power within oversight agencies around the country, and granted to numerous county entities (see below). The edits I've suggested are consistent with the subpoena power provided to the King County Ombuds.

OLEO Reporting

OLEO has experienced significant difficulties due to the current collective bargaining agreement's prohibition on OLEO saying or publishing the name(s) of anyone hurt or killed in an incident with Sheriff's Office personnel (e.g. see OLEO's **report** related to release of public information in high-profile cases).

This prohibition undermines OLEO's purpose and ability to be transparent with the public, and especially the communities most impacted by police. We would like to add language to the Charter that specifies that part of OLEO's role is to report to the public, and should not be limited from

withholding critical details, like the names of people involved (if already in the public domain). We have provided suggested language, but welcome stronger versions.

Timely and Unfettered Access

Oversight cannot meet its duties without full access to the relevant information held by the agency it monitors. Additionally, over the past two and a half years, OLEO's work has suffered due to denials or delays of requested information and access by the Sheriff's Office. OLEO staff has spent countless hours following-up with the Sheriff's Office in attempt to secure needed documents or information. We have provided suggested edits, but welcome stronger versions.

Independent Investigations

We recommend adding the word "independent" in describing OLEO's authority to conduct investigations. This addition will bring the Charter in-line with OLEO's ordinance and clarify OLEO's standing in terms of being able to select the investigations it wants to undertake, and conduct the investigations in a thorough, objective, and self-directed manner based on best practice standards for independent investigations.

Director's Term

The current term is four years, which is one year short of when a King County employee vests in its pension program. The political nature of this work makes any OLEO director vulnerable to losing reappointment. In addition, other agencies, such as the Ombuds, have a five-year term. I would hope that the next OLEO director will have the comfort of a five-year term, at least for the initial term.

Additional Changes

I have recommended a few other small but important changes to improve the description of OLEO in the Charter including:

- Addition that OLEO "shall serve the interests of the public" to bring it in-line with OLEO's ordinance and clarify OLEO's purpose.
- Update to the description of OLEO's Community Advisory Committee to add clarity and direction.
- Specify that OLEO can observe as well as conduct interviews, and that OLEO can attend "boards" as well as "review hearings," since the Sheriff's Office holds both.

OLEO Bargaining

It's my understanding that a Commission member brought forth a proposal to amend Section 898 of the Charter to provide OLEO with greater standing in the collective bargaining process. This is an important idea that has the potential to protect OLEO's authority and eliminate conflict of interest.

Although there is an understandable aversion to adding additional layers of complexity to the collective bargaining process, the director of King County's Office of Labor Relations offered to open a dialogue to vet the idea of giving OLEO standing in the bargaining, and we're in talks about who might participate.

King County Entities with Subpoena Power

<i>KC Entity</i>	<i>Limits of Subpoena Power</i>	<i>Charter/Code Section</i>
Council	Limited to matters relating to proposed ordinances under consideration by the council.	Charter 220.20
Ombuds	Limited to matters under written complaints by a resident of the city or county.	Charter 260 & KCC 2.52.090 (General Authority)
	May not subpoena information that is legally privileged.	KCC 1.07.140 (Lobbyist Disclosure)
	May not subpoena information that is legally privileged or legally protected from disclosure.	KCC 3.04.055 (Ethics)
	Prohibition of subpoenaing privileged information does not appear to apply to investigations of improper governmental acts.	KCC 3.42.057 (Whistleblower Protection)
Office of Civil Rights	Shall consult with the prosecuting attorney before issuing any subpoena.	KCC 12.17.040, 12.22.050 & .080
Auditor	Requires approval of the County Council by motion before a subpoena may be issued.	KCC 2.20.65
Chief Medical Examiner	NA	KCC 2.35A.090
Personnel Board	NA	KCC 3.08.100
Hearing Examiner	Limited for witnesses to appear at a contested hearing.	KCC 23.20.080

Partial List of Nationwide Police Oversight Offices with Subpoena Power

- Oakland, CA
- Washington DC
- Chicago, IL
- Denver, CO
- St. Paul, MN
- Albuquerque, NM
- San Diego, CA
- Richmond, CA
- Indianapolis, IN
- Detroit, MI
- Syracuse, NY
- Los Angeles, CA
- New York, NY
- Cambridge, MA
- Rochester, NY
- San Francisco, CA

[Blank Page]

Section 265. Office of Law Enforcement Oversight.

The county council shall establish by ordinance an office of law enforcement oversight, which shall be a part of the legislative branch. The office shall serve the interests of the public and have a director who is appointed by a majority of the county council to serve a term of five years and until a successor is appointed. The director may be removed from office at any time for cause by a majority of the county council.

Deleted: four

The authority of the office of law enforcement oversight shall be prescribed by ordinance and includes independent investigations with the power to subpoena all parties, witnesses, documents and other evidence and to administer oaths; review and analysis of conduct of county law enforcement officers that has been the subject of a complaint and the use of force by county law enforcement officers, regardless of whether it has been the subject of a complaint; and review and analysis of internal investigations conducted and disciplinary action taken by the department of public safety regarding that conduct or use of force. The authority of the office shall also include the preparation and publication of findings, conclusions and recommendations related to the office's oversight of the department of public safety; and community outreach concerning the department of public safety and the office of law enforcement oversight.

Deleted: should include: investigation,

Deleted: should

Deleted: :

To enable the office of law enforcement oversight to exercise its authority effectively, the office shall be authorized by ordinance to obtain all relevant information in an unfettered and timely manner, including authority to review and copy relevant department of public safety files, inspect crime scenes, conduct and observe interviews, and participate in internal investigations and review hearings or boards.

To ensure transparency in its work, the office of law enforcement oversight shall provide a full and detailed report to the public on its investigations, reviews, findings and recommendations.

The county council shall establish by ordinance an advisory committee for law enforcement oversight. The committee shall advise the office of law enforcement oversight on community perspectives and concerns relating to police practices. The committee shall also advise the sheriff and the council on matters of equity and social justice related to law enforcement. The committee may also advise the sheriff and the council on systemic problems and opportunities for improvement in the law enforcement practices of the department of public safety. The committee shall act as a liaison between the office of law enforcement oversight and public. The county council shall prescribe by ordinance the committee's membership, qualifications, and rules and procedures, and the process for appointment of committee members, and may prescribe by ordinance additional duties of the committee. (Ord. 18087 § 2 (part), 2015).

Deleted: to review,

Deleted: and report on

Deleted: in a manner that may be prescribed by ordinance.

[Blank Page]



King County

Metropolitan King County Council

Charter Review Commission

Process and Meeting Protocols

Draft v.3-20-19

ARTICLE I: GENERAL

Section 1: Purpose

This document is intended to establish the process and meeting protocols for the King County Charter Review Commission to discharge its duty under Section 800 of the King County Charter.

The King County Charter is the basic governing document for King County government, which was created by the people of King County “in order to form a more just and orderly government, establish separate legislative and executive branches, insure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy rural and urban environment and economy and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington.” King County Charter, Preamble.

Section 800 of the Charter requires a decennial review of its provisions by a citizen commission:

Section 800 Charter Review and Amendments.

At least every ten years after the adoption of this charter, the county executive shall appoint a citizen commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the county council. This citizen commission shall be composed of at least one representative from each of the county council districts. The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments, as provided by ordinance.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county

executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

The 2018-2019 Charter Review Commission has begun the process of reviewing the King County Charter and making recommendations for amendment. This document is designed to set out the process that the Commission will use.

Section 2: Structure

The Commission is made up of up to 22 members appointed and confirmed as required by Section 800. The Council also appointed two members to serve as Co-Chairs of the Commission. The co-chairs are Louise Miller and Ron Sims.

The Commission is supported by staff from both the King County Council and the King County Executive.

The work of the Commission will be supported by an independent facilitator and project manager (“project management team”).

ARTICLE II: OBJECTIVES AND WORK PRODUCTS

Section 1: Objectives

The Commission will, with the support of King County staff and the project management team:

Review Charter review history and the current Charter to determine recommendations for amendments, if any, to be considered by the King County Council;

Consider the perspective of King County Councilmembers and other King County Officials regarding elements of the Charter that need to be amended and for what purpose;

Engage and consider the perspective of members of the public, urban, suburban, rural residents, jurisdictions/municipalities, and other interested or affected communities regarding elements of the Charter that need to be amended and for what purpose; and

Develop recommended amendments to the Charter, in consultation with county staff and advice from the King County Prosecutor’s Office.

Section 2: Process to Develop Recommendations

The Commission will strive to follow these general guidelines for developing amendment recommendations. A draft timeline and work plan for implementing this process is attached as Appendix A:

- I. **Information Gathering:** Commissioners will gather information from the County Council, other public officials, and the public. Commissioners will also have the opportunity to request relevant background and historical information from staff.
- II. **Charter Amendment Categories:** The Commission will group the amendments into categories.
- III. **Draft Charter Amendments for each Category:** The Commission will organize into sub-committees to evaluate each Category or a group of Categories, with membership based on each Commissioner's interests. The sub-committees will develop draft recommendations for the full Commission to review and discuss. The sub-committees will be supported by the project management team and will have access to policy analysis as necessary.
- IV. **Recommendations:** Once the sub-committees have completed their recommendations, and the Commission as a whole has discussed each option, the Commission will determine which recommendations to include in its report to Council using its decision-making protocol described in Article IV, Section 4.

Section 3: Work Products

- I. Staff will produce meeting minutes for each full Commission meeting.
- II. Commission sub-committees will be responsible for drafting products for consideration by the full Commission, with support from King County staff and project management team.
- III. Staff will assist the Commission in drafting proposed recommendations for amendments and the final recommendations report for Council.

ARTICLE III: MEMBERSHIP

Section 1: Task Force Members, Alternates, Vacancies and Attendance

The table below lists the members of the Commission appointed by the King County Council. It is expected that each Commission member make every attempt to attend each meeting of the Commission.

In the event that a Commissioner cannot attend, Commissioners are expected to notify the County Clerk Sharon Daly by email Sharon.Daly@kingcounty.gov as soon as possible. It is the responsibility of each Commissioner to review the minutes of any meetings where they are not in attendance.

Member	Affiliation	Title
Tim Ceis	Ceis Bayne East Strategies	Partner
Joe Fain	Bellevue Chamber of Commerce	CEO
Elizabeth Ford	Seattle University School of Law; Fair Work Center Legal Clinic	Distinguished Practitioner in Residence; Legal Director
Ian Goodhew	University of Washington Medicine	Director of Government Relations
David Heller	Heller Law Firm	Attorney

Michael Herschensohn	Queen Anne Historical Society	President
Sean Kelly	City of Maple Valley	Mayor
Linda Larson	Nossaman, LLP, Seattle	Partner
Clayton Lewis	Arivale	CEO and Co-Founder
Marcos Martinez	Casa Latina	Executive Director
Louise Miller	Retired	Former King County Councilmember
Nat Morales	US Senator Patty Murray	King County Outreach
Jeff Natter	Pacific Hospital Preservation and Development Authority	Executive Director
Toby Nixon	City of Kirkland; Washington Coalition for Open Government	Councilmember; President
Nikkita Oliver	Creative Justice	Advocacy Director
Rob Saka	Microsoft	Attorney
Brooks Salazar	State of Washington	Judicial Clerk
Beth Sigall	Eastside Educations Network	Founder
Ron Sims	Retired	Former King County Executive
Alejandra Tres	Municipal League of King County Foundation	Executive Director
Kinnon Williams	Inslee Best Doezier and Rider, PS	Attorney/Shareholder
Sung Yang	Pacific Public Affairs	Principal

ARTICLE IV: MEETINGS

Section 1: Meetings

The Commission shall meet on a schedule determined by the Co-Chairs. The Co-Chairs will coordinate with the Commission to select the date, time, and location of any meeting. King County Council staff will email Commission members at least five business days in advance of a meeting to confirm the time and location of the meeting and to provide any materials for that meeting.

Section 2: Methods of Meeting Participation

Commission members may participate in person, via conference call, or other supported audio and/or audiovisual medium.

Section 3: Public Participation in Commission Meetings

The Commission meetings are open to the public and time for public comment will be made available at the start of each meeting. Commission members will participate in the meeting proceedings at the table. All other interested parties may observe the meetings.

Section 4: Decision-Making Protocol

The Commission is encouraged to work toward consensus whenever possible. If necessary, Roberts Rules of Order will be used to determine areas of agreement and disagreement and to serve as the model for

voting. If consensus is not possible, the recommendations as presented to the Council will indicate areas of disagreement and include divergent perspectives.

The Commission will reach consensus on an issue when it agrees upon a single alternative and each Commission member can honestly say “Whether or not we prefer this recommendation, we support it because it was arrived at openly and fairly, and it is the best decision for us at this time.”

Section 5. Meeting Protocols.

In the spirit of achieving the Commission’s objectives, Commission members will:

- I. Participate regularly (as many meetings as possible) and arrive on time
- II. Provide notice to designated staff in a timely manner if attendance at a meeting is not possible
- III. Come to meetings prepared to contribute to discussions and to listen to others with an open mind
- IV. Share the air time and advocate for all Commission members having a voice in the process
- V. Listen attentively when others are speaking and demonstrate respect for the opinions of other members
- VI. Seek to understand before seeking to be understood
- VII. Let the facilitator know if another participant is behaving disrespectfully or preventing full participation
- VIII. Serve as a conduit of information between the Commission and their constituencies or organizations
- IX. Work to identify paths to consensus on recommendations and other decisions

Section 6. Sub-Committee Protocols.

A. Charter Review Sub-Committees will:

- I. Assign Sub-Committee Co-Chairs to help keep discussions moving forward
- II. Follow the protocols of the Charter Review Commission to ensure that the process allows for all participants to feel heard and all can contribute to the conversation
- III. Include both new voices and experienced voices in its membership
- IV. Be assigned a King County staff member or consultant team member to assist with documenting discussions and deliverables
- V. Be provided staff support for scheduling meetings and locations
- VI. Consider any additional outreach by the sub-committee as needed
- VII. Develop draft recommendations for consideration by the full Commission in a timely manner
- VIII. Report the findings of the sub-committee at all Commission meetings regarding the status of the sub-committees efforts
- IX. Make the best effort to follow the process to develop recommendations in conjunction with the agreed upon timeline

B. Each topic will be evaluated by the Sub-Committee to communicate the following:

- I. Purpose and intention of the amendment is to advance in the charter.
- II. Outcome the proposal or recommended amendment is intending to achieve
- III. Type of amendment being considered:
 - a) New language
 - b) Amended language
 - c) Removal of language
 - d) Some combination of the above
- IV. Considered but not a Charter issue
- V. Outcome of legal review by Prosecuting Attorney
- VI. Budget impact score (created by staff, if requested)
- VII. Feasibility/Implementation score (created by staff, if requested)
- VIII. Any remaining questions or uncertainty
- IX. Whether the subgroup has decided to conduct additional outreach, why and why not.

C. Steps for each Sub-Committee:

1. Purpose Meeting(s) (1-3 meetings):

- a. What is the purpose and intention for each topic?
- b. What is the intended outcome for each topic?
- c. What are the areas of agreement and disagreement on these for each topic?

2. Legality Meeting (1 meeting):

- a. Input from the prosecuting attorney on all the topics being considered and whether the intended outcome is legal within the Charter

3. Report out to Full Commission

- a. Review proposals that are legal to pursue with full Commission and determine (by vote if needed) if there is full or a majority in support of the Commission to proceed with amendment development

4. Budget and Feasibility Meeting(s) (1-2 meetings):

- a. What is the likely budget or fiscal impacts of the proposed amendments?
- b. What are the potential challenges or barriers to implementing the amendment?

5. Finalize an Updated Draft meeting (1 meeting):

- a. Update proposals based on budget, feasibility and feedback from Commission
- b. Review and choose proposed language options from the Prosecuting Attorney

6. Present Recommendation for Amendments to the Full Commission

- a. Report will include a summary of all findings as outlined in Part B

Possible CRC Sub-Committees*

Draft v. 3-20-19

Equity for All	Transparency & Accountability	Access	Regional Coordination
<ul style="list-style-type: none"> • Civilian oversight of KCSO (OLEO) • Representation for families in inquests • Workers bill of rights (from town halls) • Project Labor Agreements Changes to Personnel system requested by Exec. • Changes to non-discrimination language <p>Potential Subcommittee Members:</p> <ol style="list-style-type: none"> 1. Brooks 2. Kinnon 3. Tim 4. Liz 5. Alejandra 6. Rob 7. Sung 8. Ron 	<ul style="list-style-type: none"> • Issues related to initiative and referendum process • Issues related to the charter review process itself (including language regarding inclusiveness) • Which positions should be elected • Should there be a removal process for elected officials • Changes to the budgeting process proposed by Exec and Councilmembers <p>Potential Subcommittee Members:</p> <ol style="list-style-type: none"> 1. Clayton 2. Toby 3. Tim 4. Rob 5. Ron 6. Louise 	<ul style="list-style-type: none"> • Public financing of campaigns for office • Ranked Choice Voting • Meeting the demands of population growth • Size of the County Council • Election of Public Defender <p>Potential Subcommittee Members:</p> <ol style="list-style-type: none"> 1. Brooks 2. Clayton 3. Toby 4. Beth 5. Alejandra 6. David 7. Rob 8. Sung 9. Louise 	<ul style="list-style-type: none"> • Issues related to the regional committees • Issues related to affordable housing and selling county property below market • Issues related to economic development <p>Potential Subcommittee Members:</p> <ol style="list-style-type: none"> 1. Kinnon 2. Toby 3. Beth 4. Liz 5. Alejandra 6. Ron 7. Louise

*In addition, Staff will prepare an appendix for the report to Council that contains, technical, grammatical and non-substantive changes that can be forwarded to the Council for consideration and follow-up.

[Blank Page]

KC-CRC SCHEDULE PLANNER 2019-2020

PROJECT	CHARTER REVIEW COMMISSION	Calendar for Charter Review Commission Sub-Committees, full Commission Meetings and Final Report development.
VERSION	6 MONTH EXTENSION V3-20-19	

PROJECT PHASE	STARTING	ENDING	SUB-COMMITTEES:
1. SUBC: PURPOSE + LEGAL	March 27 to	May 21	EQUITY FOR ALL
2. CRC EARLY ACTION PROPOSALS	April 24	April 24	TRANSPARENCY AND ACCOUNTABILITY
3. CRC DETERMINE AMENDMENT PROPOSALS	May 22 5:30-8:30PM	May 22 5:30-8:30PM	ACCESS
4. SUBC: BUDGET+FEASIBILITY +OUTREACH	May 23 to	June 25	REGIONAL COORDINATION
0. CRC STATUS REPORT OUT MEETING	June 26 and	September 11	
5. SUBC FINALIZE AMENDMENT TEXT	June 27 to	September 11	
6. CRC DRAFT AND FINAL REPORTS	Sept 25, Oct 9	Oct 23, Nov 6, Nov 20	OUTREACH - TOWN HALLS

MARCH	APRIL	MAY	JUNE	JULY	AUGUST
M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S
	1 2 3 4 5 6 7	1 2 3 4 5	1 2	1 2 3 4 5 6 7	1 2 3 4
4 5 6 7 8 9 10	8 9 10 11 12 13 14	6 7 8 9 10 11 12	3 4 5 6 7 8 9	8 9 10 11 12 13 14	5 6 7 8 9 10 11
11 12 13 14 15 16 17	15 16 17 18 19 20 21	13 14 15 16 17 18 19	10 11 12 13 14 15 16	15 16 17 18 19 20 21	12 13 14 15 16 17 18
18 19 20 21 22 23 24	22 23 24 25 26 27 28	20 21 22 23 24 25 26	17 18 19 20 21 22 23	22 23 24 25 26 27 28	19 20 21 22 23 24 25
25 26 27 28 29 30 31	29 30	27 28 29 30 31	24 25 26 27 28 29 30	29 30 31	26 27 28 29 30 31
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY
M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S
	1 2 3 4 5 6	1 2 3	1	1 2 3 4 5	1 2
2 3 4 5 6 7 8	7 8 9 10 11 12 13	4 5 6 7 8 9 10	2 3 4 5 6 7 8	6 7 8 9 10 11 12	3 4 5 6 7 8 9
9 10 11 12 13 14 15	14 15 16 17 18 19 20	11 12 13 14 15 16 17	9 10 11 12 13 14 15	13 14 15 16 17 18 19	10 11 12 13 14 15 16
16 17 18 19 20 21 22	21 22 23 24 25 26 27	18 19 20 21 22 23 24	16 17 18 19 20 21 22	20 21 22 23 24 25 26	17 18 19 20 21 22 23
23 24 25 26 27 28 29	28 29 30 31	25 26 27 28 29 30	23 24 25 26 27 28 29	27 28 29 30 31	24 25 26 27 28 29
30			30 31		

Key Dates:

- April 24th** Vote on proposals that would be sent to Council for consideration for this year's Ballot.
- May 22nd** (Extended Meeting) Vote to determine proposals that will move forward for further consideration by the Commission.
- June 26th** Status report from Sub-Committees on budget, feasibility and outreach results for each proposal. Deadline for proposals from subcommittees to staff to develop amendment language.
- September 11th** Review staff proposed amendment language for each topic
- September 25th** Materials for town hall meetings in October
- October 9th** CRC discussion of full Draft Report and preparations for Town Halls
- October 23rd** CRC discussion of feedback from Town Hall regarding full Draft Report
- November 6th** Final Draft Report reviewed and completed by Commission.
- November 20th** Final Report completed by Commission.