

City of Rochester

Community Response
to Governor Cuomo's

EXECUTIVE ORDER 203

Police Reform and
Reinvention Collaborative

February 2021



Blieve.

City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council

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***RASE Commission Recommendations Are Forthcoming & Will Be Included In An
Updated Draft

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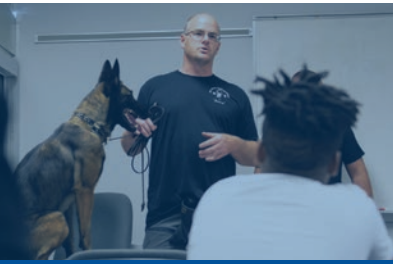
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City of Rochester

INTRODUCTION



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



I. Introduction

As stated by Governor Cuomo, “Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.” With that said, Governor Cuomo issued Executive Order 203, requiring each local government with a police force in New York State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition state aid on the adoption of such a plan.

To bring together all of the work currently being advanced in the city of Rochester around police reform, Mayor Lovely Warren formed a working group comprising representation from key groups involved in this work, including:

- The Commission on Racial and Structural Equity (RASE)
- The United Christian Leadership Ministry (UCLM)
- The Police Accountability Board (PAB)
- City Council
- The Mayor’s Office
- Rochester Police Department (RPD)

The working group met regularly to collaborate and bring in content that is relevant to the Governor’s Executive Order and the subsequently released *New York State Police Reform and Reinvention Collaborative Resources and Guide for Public Officials and Citizens* provided in August 2020.

This plan is the response to Executive Order 203 and the next critical step in Rochester’s efforts to rethink policing in the community.¹ While much has been accomplished, there is still more to be studied and implemented after this report has been delivered. For instance, the RASE Commission is not scheduled to complete its final list of recommendations until the end of February 2021. Their input into this process has been largely informal while awaiting the final recommendations. In addition, the City of Rochester engaged Wilmer Cutler Pickering Hale and Dorr, LLP on November 20, 2020 to advise the City on reforms to the Rochester Police Department. They are a nationally recognized expert on police reform. Specifically, the City engaged WilmerHale to:

- Review RPD’s policies, procedures and trainings relative to: (i) use of force; (ii) de-escalation of critical incidents; (iii) use of body worn cameras; and (iv) responding to mental health related calls for assistance;
- Make recommendations for necessary changes;
- Assess and make recommendations for changes and enhancements to RPD’s training program on uses of force, de-escalation, and responding to those experiencing mental health issues; and
-

¹ The Police Accountability Board is committed to providing full transparency over all of the RPD’s work. The Board will, in its future work, review the accuracy of the information provided by the RPD in this report.



- Hold interviews with key community stakeholders and RPD personnel to ensure that the review takes into account differing perspectives.

WilmerHale provided preliminary findings and recommendations to help inform the City's efforts to prepare the submission required by Executive Order 203. Their work, however, is ongoing and will provide further guidance in the coming months.



City of Rochester

PUBLIC ENGAGEMENT



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



II. Public Engagement

Through the collaboration of the working group and further community engagement, the contents of this plan reflect the Rochester community's goals for reform. Involving representation from the following groups was instrumental in creating a broadly representative community plan.

- In June 2020, The Mayor and County Executive announced the creation of the Commission on Racial and Structural Equity (RASE) whose mission includes examining and developing policies and legislation to overcome systemic and institutional inequities among many subject areas, including policing policies and other related systems. The RASE Commission members and subcommittee members include many people from the community. The Commission maintains a Facebook presence, conducted several community meetings and webinars, and delivered several surveys to gather necessary input to inform their work.
- In early 2020, the City created the Police Accountability Board (PAB) dedicated to helping Rochesterians reimagine public safety by "ensur[ing] public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department." The Board comprises nine city residents and full-time staff. The PAB engaged the community in the content that they provided for this report.
- Formed in 2013, UCLM is an ecumenical coalition of religious and civic institutions, headed by the Rev. Lewis Stewart to create a movement for justice and revolutionary community transformation. They work closely with community partners on criminal justice issues, especially those affecting people of color. Those issues include: effectively advocating for policy changes; improving community-police relations; advocating for individuals abused by police; and, working to reduce gun violence. The United Christian Leadership Ministry (UCLM) contributed content.

Additionally, the Mayor issued a citywide online survey, "Policing in Rochester," in October 2020 and received 3,223 responses by the time it closed on October 29, 2020. Results are as follows:

- Of the total responses, 2,041 (63.3%) were from city residents.
- Three-quarters of city resident respondents (75%) said they support Community Policing. Only 14% of city resident respondents said that they do not support Community Policing.
- 60% of city resident responses said they support having Crisis Intervention Services respond to mental health and addiction-related 911 calls instead of Police. This was double the rate of city resident responses that said they support having Police respond to these kinds of calls (30%).
- More than half of city resident responses (56%) indicated that they think new policing policies, training, general orders, and internal regulations (per the Governor's Executive Order) should be developed in conjunction with independent experts.
- Just over half of city resident respondents (52%) said that they do not believe that the City can conduct a thorough review of the RPD internally or locally without outside assistance. The results showed strong support for using independent experts (56%) and outside organizations (52%), including community groups and the Police Accountability Board, to assist City Hall in its efforts to respond to Gov. Andrew Cuomo's Executive Order.
- More than half of city resident respondents (55%) said that they support the City providing Interim Police Chief Herriott-Sullivan with the resources she needs to build police community relations, including working with the community, police employees, and other interested



parties. Less than one quarter of city resident respondents (23%) said that they do not support the City providing Interim Police Chief Herriott-Sullivan with these resources.

- 45% of city resident respondents said that they do not believe that Community Policing can be achieved without having specific municipal buildings in neighborhoods that are dedicated to policing efforts and other neighborhoods initiatives. 35% of city resident respondents said that they do believe that Community Policing could be achieved without specific municipal buildings in neighborhoods that are dedicated to policing and neighborhood initiatives.

The completed draft of this plan will be subject to review and input by the public, beginning on February 4, 2021. Following that review, the plan will be subject to authorization by City Council which also involves the community through notifications of the legislative agenda and accepting input on the legislation.

For a complete list of community engagement, please see Appendix A. For reports that informed the content of this plan, see Appendices B-F.



City of Rochester

RPD

OVERVIEW



III. Rochester Police Department (RPD) Overview

The RPD serves over 210,000 City of Rochester residents and thousands of others who work, shop, do business, and attend special events in the City. Rochester's police officers patrol a total geographical area of approximately 37 square miles located within the County of Monroe. The RPD was officially founded in 1819, marking its 200th Anniversary in 2019. The Rochester Police Department is accredited by the New York State Law Enforcement Accreditation Program, which was established in 1989 through Article 36, §846-h of the New York State Executive Law. The accreditation program is overseen by the New York State Division of Criminal Justice Services and operates on a 5-year renewal plan. The RPD was most recently reaccredited in the spring of 2020.

The stated mission of the RPD is "To Reduce Crime, to Protect and Serve the Citizens of Rochester, and to uphold the Constitution of the United States and the Constitution of the State of New York." The RPD service motto is "Serving with PRIDE - Professionalism, Respect, Integrity, Dedication, and Excellence."

A. RPD Organization

1. Current Staffing and Organization

The RPD staff currently includes 724 sworn positions and 126 civilian positions (see Table 1), divided into four areas of responsibility, including the Office of the Chief, the Operations Bureau, the Administration Bureau, and the Community Affairs Bureau.

a. Office of the Chief

The Office of the Chief is responsible for planning, staffing, directing, coordinating and controlling all Departmental functions. It coordinates and oversees the budgeting and operational and/or administrative functions of the Department. The office is responsible for maintaining positive morale and discipline, and maintaining an effective system of liaisons and an awareness of neighborhood police concerns, priorities and needs of citizens and groups affected by the RPD.

The Office includes the Professional Standards Section (PSS) which is responsible for investigating complaints of police actions or misconduct originating from any source, conducting civil claim investigations for the Corporation Counsel, the administrative review of fleet vehicle accident investigations and conducting other investigations as directed by the Chief of Police. PSS is also responsible for the maintenance of the Department's official disciplinary records.

The Office of Business Intelligence (OBI) is responsible for strategic planning and product development, data analysis, business process improvements, data transparency and major Departmental projects as designated by the Chief of Police.



b. The Operations Bureau

The Operations Bureau is responsible for providing direct police services to the public, including the protection of life and property, protection of the constitutional guarantees of all people, reduction of opportunities for the commission of crime, resolution of conflict, identification of criminal offenders and criminal activity, and apprehension of offenders.

The Operations Bureau consists of the Patrol Division and is responsible for providing general police services throughout the City of Rochester. City Patrol Divisions are composed of five geographical patrol sections: Lake, Genesee, Goodman, Clinton, and Central. This is also the Bureau and houses the Special Operations Division, Special Events, and Animal Services.

The Bureau includes the Special Operations Division (SOD) which is responsible for conducting specified investigations and providing investigative support services necessary for the effective operation of the Department. This is the Bureau responsible for the Body-Worn Camera Program. SOD is responsible for the suppression of organized crime, illegal drug trafficking, other vice-related activity and other criminal investigations. It also includes the tactical unit, K-9 unit, Traffic Enforcement Unit, Mounted Unit, Bomb Squad, Crisis Negotiation Team, Mobile Field Force, Scuba Squad, Special Weapons and Tactics Team, the Crime Research Unit, and the Special Events Section.

The Special Events Section of the Bureau is responsible for assessing logistical requirements, traffic and crowd control plans, identifying potential problems and developing contingency plans as needed in the coordination and direct supervision in the multitude of community events held in Rochester each year. The Animal Services operates the City Animal Shelter, answers calls dispatched through 911, provides community outreach by connecting with pet owners in Rochester neighborhoods, and facilitates animal adoptions.

c. The Administration Bureau

The Administration Bureau is responsible for providing the administrative support services necessary for the effective operation of the RPD and is responsible for managing RPD resources. The head of this Bureau works closely with the City of Rochester's Department of Human Resource Management in personnel matters, including employee hiring and promotion, Labor Relations (which maintains grievance records) and labor unions representing RPD employees in labor matters. The Bureau head is the liaison for building maintenance and improvement, and utility services and oversees the Officer Assistance Program for crisis intervention and stress counseling services for RPD officers and their families. The Administration Bureau contains a Professional Development Section (including the RPD Background Unit and Volunteer Services Unit), Technical Services Section, Research and Evaluation Section, and Personnel and Budget offices.

The Professional Development Section (PDS) develops, coordinates, and administers RPD In-Service and Recruit Training programs, along with Firearms and Defensive Tactics training. PDS includes Volunteer Services, responsible for background assistance, assigning civilian volunteers, and maintaining and monitoring a variety of programs within the RPD. PDS works in conjunction with the Monroe County Public Safety Training Facility for recruit and advanced training programs. The Citizen's Police Academy (CPA) is also coordinated by PDS. The CPA is a 10-week program held once a year with an average class of 20-25 attendees. Academy classes take place



over 10 consecutive weeknights from 6 PM to 9 PM and is designed to provide a broad-based look at the policies, procedures and operations of the RPD.

The Technical Services Section (TSS) is responsible for providing technical support to field personnel and public access to RPD records. TSS coordinates fleet vehicle purchasing and maintenance. TSS includes Headquarters and Records, Juvenile Records, Identification, Warrants, Court Liaison, Call Reduction, Property Clerk, Firearms Investigations, Quartermaster and Auto Pound, as well as the Police Overt Digital Surveillance System (PODSS)/Anti-Violence Cameras.

The Research and Evaluation Section (R&E) is responsible for developing, revising, and maintaining RPD policies and procedures, including Administrative and General Orders. R&E is liaison to the Monroe County Office of Emergency Preparedness and coordinates the development of policies and procedures in emergency responses involving the RPD and outside agencies. R&E is responsible for managing special projects and experimental programs, such as research, procurement and administration of grant funding and assessing compliance with RPD rules, regulations and directives. R&E develops analytic and status reports, coordinates staff and field inspections, evaluates compliance with directives, plans and regulations, and coordinates the testing of new products, equipment and technologies for Departmental use. R&E prepares status reports and recommendations regarding the administration and operation of the RPD and oversees RPD compliance with the NYS Law Enforcement Accreditation Program.

The police Personnel Office is responsible for maintaining RPD personnel and payroll records, including RPD hiring procedures. The police Budget Office is responsible for overseeing RPD purchasing and accounting procedures and monitoring RPD revenues and expenditures.

d. **Community Affairs Bureau**

The Community Affairs Bureau coordinates all communications, public information, and community engagement initiatives. This Bureau includes the Recruitment Unit and Community Policing Unit, which includes the Neighborhood Service Centers (NSC) and Crime Prevention Officers (CPOs). Typical work activities include:

- Directing change management initiatives and developing strategies related to communications and community engagement;
- Appraising local and national law enforcement issues related to community relations and recommending suitable solutions;
- Implementing new programs, procedures and policies designed to improve the community's perception and appreciation for the RPD;
- Meeting with community, business, educational, human service and civic action groups regarding their interaction with the RPD;
- Representing the RPD to various groups concerned with intergovernmental law enforcement affairs;
- Researching, developing and implementing effective communication tools to work with the diverse populations the RPD serves;
- Identifying need, leading development and implementing progressive police training and mentoring programs;
- Maintaining productive alliances with professional police agencies and other authorities;



- Reviewing investigations into alleged or apparent discrimination or misconduct by RPD personnel and recommending discipline, training, etc.;
- Representing the RPD before City Council, the County Legislature and other official entities;
- Serving as the RPD's Chief Recruitment Officer and directing the Recruitment Unit and overall recruitment efforts to solicit and encourage prospective Police Officer candidates to seek employment with the RPD;
- Serving as the RPD's Chief Public Information Officer (PIO) and directing personnel in performing public information duties;
- Serving as the RPD's Chief Community Affairs Officer, overseeing the City's Neighborhood Service Centers; and
- Directing and coordinating all RPD activities related to social media initiatives.

Table 1

RPD Staff	20/21 Budget²
Chief	1
Executive Deputy Chief	0
Deputy Chief	3
Commander	3
Captain	13
Lieutenant	31
Sergeant	93
Investigator	81
Patrol Officer	499
Sworn- Total	724
Civilian	126
Grand Total	850

² In October 2020 the 20/21 budget was restructured to eliminate one deputy chief position and add an Executive Deputy Chief.



2. Physical Location of Police Facilities

Rochester's Police Officers operate under a neighborhood-based, five-Section patrol model with officers assigned to neighborhood beats to engage in community policing initiatives. The five Sections are Lake, Genesee, Goodman, Clinton, and Central. The RPD Patrol Division currently works out of three Section Offices located at:

- 1099 Jay Street (Lake and Genesee Sections)
- 630 N. Clinton Avenue (Clinton and Goodman Sections)
- Sibley Building, 30 N. Clinton Avenue (Central Section)

Staff in the RPD Recruitment and Community Policing Unit which is part of the Community Affairs Bureau includes Crime Prevention Officers assigned to Section Offices and Neighborhood Service Centers. All RPD facilities, locations, and number of sworn officers working at each location is summarized in Table 2.



Table 2

Facility Location	Approximate Number of Sworn Officers (including Supervisors)
1099 Jay St. Bldg D (Lake and Genesee Section)	186
1190 Scottsville Rd (Public Safety Training Center)	4
185 Exchange Blvd (Public Safety Building)	137
261 Child St. (Special Operations/Tactical)	62
30 N. Clinton Ave. (Central Section)	62
320 N. Goodman #309 (Goodman Community Affairs)	5
500 Norton St. (Clinton Community Affairs)	5
630 N. Clinton Ave. (Goodman/Clinton/Investigations)	223
71 Parkway, 1st Fl. (Lake Community Affairs)	5
846 S. Clinton Ave (Professional Standards Section)	8
923 Genesee St. (Genesee/Central Community Affairs)	4
184 Verona St. (Mounted Unit)	4
Home (Long Term Injured)	19



3. Staffing Levels Compared to Other Cities

According to the most recent data released through the Uniform Crime Reporting Program, Rochester's officers per 10,000 residents ratio is 35.9. Outside of Birmingham, Rochester has more officers on a per resident basis than every other one of the 70-plus cities that have between 150,000 and 250,000 residents.³ Rochester has roughly twice as many officers per resident than the average city in this population range.⁴

Rochester has roughly twice as many officers per resident when compared to the average of the 20 major cities (that is, cities with more than 100,000 people) with the most similar property crime rates.⁵ Rochester has 67% more officers per resident compared to the average of the 20 major cities with the most similar violent crime rates.⁶

Among other major Upstate New York cities, Rochester has 18% more officers per resident than Niagara Falls, 19% more than Albany, 22% more than Binghamton, 26% more than Buffalo, 27% more than Syracuse, 32% more than Utica, 38% more than Troy, and 46% more than Schenectady.⁷

Finally, the RPD Data Portal includes a list of cities "most similar to Rochester" along a host of variables including population density, age, sex, race, ethnicity, housing, education, health, economy, transportation, income levels, and poverty rates. Of the top 20 most similar cities that reported officer employment data to the FBI in 2019, Rochester had 33% more officers than the average of those cities.⁸

³ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments. Birmingham's officers per 10,000 residents ratio is 40.6.

⁴ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments, average officer per 10,000 residents ratio for cities with over 25,000 residents that have police departments is 17.1, less than half of Rochester's 35.9 ratio. Rochester's status does not change significantly when you compare it to the 20 cities most similar in size, which have an average officer per 10,000 residents ratio of 17.9 – again, roughly half of Rochester's 35.9 ratio.

⁵ In 2019, Rochester had a property crime rate of 3470.882 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 18.3 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 96% bigger.

⁶ In 2019, Rochester had a violent crime rate of 748.412 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 21.5 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 67% bigger.

⁷ According to the most recent data released through the Uniform Crime Reporting Program, Rochester's officers per 10,000 residents ratio is 35.9, while Niagara Falls's is 30.5, Albany's is 30.1, Binghamton's is 29.5, Buffalo's is 28.5, Syracuse's is 28.3, Utica's is 27.1, Troy's is 26.0, and Schenectady's is 24.6.

⁸ A number of the cities most similar to Rochester did not appear to report officer employment data to the FBI in 2019. The list is of cities that ranked most highly on the similarity index in descending order; cities that reported officer employment data have an officer-to-10k resident ratio next to them. The list ends when it reaches 20 cities



B. RPD Budget Summary

The RPD operating budget for Fiscal Year 20/21 is \$93,616,200. The City budget also includes \$51,866,700 in “Undistributed Funds” for RPD employee benefits.

C. Recent Staff/Budgetary Changes in Response to Current Events

During the 2020-21 budget process, the Mayor and City Council agreed to reduce the budget allocation for the Police recruit class by \$750,000 and set that funding aside in Contingency for racial equity initiatives. In September 2020 Council authorized a transfer of \$236,700 from Contingency to the Department of Recreation and Human Services (DRHS) for the purpose of creating a DRHS Office of Crisis Intervention Services. The Office’s initial stated goal was to deploy emergency response teams in the community. An additional \$63,600 was appropriated for benefit expenses.

At the same time, \$681,100 in existing funding in the Police Department’s Family and Victims Services Office was also transferred to DRHS (funding transferred reflected remaining fiscal year funding). This office oversees the Family Crisis Intervention Team (FACIT) and the Victims Assistance Unit (VAU). The objective of this transfer was to allow the City to effectively respond to crisis situations with trained and experienced behavioral and mental health professionals independent of law enforcement protocols.

A full year transfer of the Family and Victims Services Office would have been \$953,200 (see City budget book page 9-28). In addition, in the month of January 2021, City Council approved the transfer of an additional \$350,000 to support the new Crisis Intervention Services function in DRHS including the establishment of an anticipated annual \$201,000 contract with Goodwill/211 LifeLine for call center services. Summing the annualized transfer from RPD (\$953,200), the initial transfer from Contingency (\$236,700) and an anticipated additional \$201,000 contract we arrive at an annualized estimated sum of \$1.39 M in funding for the new function in DRHS.

The operational implications of this budget shift is described in Section III.E.1.

that reported employment data. Buffalo’s ratio is 28.5, Milwaukee’s is 31.3, Syracuse’s is 28.3, Cleveland’s is 40.9, Pontiac did not report, Cincinnati’s is 33.8, Lansing’s is 16.8, St. Louis’s is 40, Dayton’s is 25.8, and Springfield, Mass.’s is 31.7, Wilmington’s is 21.4, Toledo’s is 23.3, Richmond’s is 31.8, Baton Rouge’s is 27.9, Saginaw’s is 11.1, South Bend’s is 23.0, Grand Rapids’s is 14.8, Schenectady’s is 24.6, Akron, Ohio did not report, Canton, Ohio’s is 23.8, Lancaster, Penn. did not report, Albany’s is 30.1, and Kalamazoo’s is 31.2. The average ratio in these cities is 27; Rochester’s ratio is 33% larger than this.



D. The Role of the RPD in Rochester Today

1. Summary of Crime Trends

The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program is the most comprehensive collection of law enforcement crime data in the United States. The Rochester Police Department (RPD) collects crime data in accordance with UCR standards and submits to the program through the New York State Division of Criminal Justice Services. The UCR program divides crime into two primary categories, Part I and Part II, with Part I representing the most serious crimes. Part I crime is subsequently broken down by offense type into Violent Crime (Murder, Rape, Robbery, and Aggravated Assault) and Property Crime (Burglary, Larceny, and Motor Vehicle Theft).

Rochester has experienced a prolonged decrease in its Part I crime rate (accounting for population changes) since a local peak in the early 1990's. The 2018 rate was the lowest level in at least 35 years and has held since. Part I crime counts are driven by the property category, most significantly by Larcenies. Larceny totals typically account for over half of all serious crime and collectively property crime historically represents roughly 80% of all Part I crimes. Nine times in the last decade (2011-2020) Larceny totals have decreased from the previous year with the trend resulting in 47% reduction. Similarly, Burglary crimes have been steadily trending down during the same time-period with 2020 having less than half of the total in 2011, even after the last two years showed slight increases.

Violent crime has also significantly decreased (38%) locally since the 1990's peak, most notably during the period of 2007-2014. Since then, violent crime rates have held steady. Historically, Robberies and Aggravated Assaults account for an overwhelming majority of violent crimes while Murders and Rapes make up less than 5%. Robbery crimes are trending down since 2013 and this year's total was the lowest annual count in the last three decades. Conversely, Aggravated Assaults are trending up with yearly increases in four of the last six years including a 15% jump in 2020. Aggravated Assaults are roughly split evenly between both significant physical assaults and threats of significance violence, often involving deadly weapons. Shooting incidents, those with a fatal or non-fatal penetrating gunshot wound, drastically impact Aggravated Assault and Murder totals. Shootings historically makeup over half of all physical assaults and close to 80% of all Murders. Although shooting totals are often prone to substantial variability, the significant increase (94%) in 2020 is directly correlated with the upward trend in Aggravated Assaults and a 63% increase in Murders (32 to 52).

Compared to only 2019, 2020 produced consistently elevated counts of shooting victims punctuated by recent high-profile multiple victim events. While these sporadic events continue to reinforce the enormous role that violence plays in the community's well-being, perception of safety, and relationship with the Police Department, it is important to put them in context. This is not a problem unique to Rochester. Nationally and across New York State firearm-related violence rose sharply in 2020.



2. Summary Calls for Service Trends

Local call for service information is generated in the Computer Aided Dispatch (CAD) system maintained by the Emergency Communication Department. The analysis work in the 2015 Patrol Reorganization project relied heavily on calls for service data, call type categorization, and response times. Process improvements were made to standardized data quality and normalization during the data collection, collation, contextualization, and analysis of the calls for service data modeling. As a result, RPD created three new priority response groupings for Non-Discretionary (citizen-generated) call types:

- Critical – presents a danger to life or property, call in progress
- Urgent – requires immediate police response, no violence indicated
- Normal – does not present an immediate danger, delayed reports

These new groupings more accurately reflect RPD's response to calls for service that are likely to involve immediate danger to life or property. It is important to note, while these grouping use existing call types to add context for additional analysis, they do not affect the existing dispatching definitions, protocols, or prioritization (e.g., Priority I, Priority II, etc.) used by the Emergency Communication Department. The new categories were adopted as Key Performance Indicators by city officials in 2016.

The five years of data since this re-categorization reflect a continuation of the preceding downward trend of citizen-generated calls for service. The trend has been consistent but gradual with 2020 levels more than 8% below 2016 totals. Critical calls for service have remained consistent at roughly 49,000 annually. Significant annual reductions, about 5% each year, in Urgent calls for service are driving the overall decrease. There was a 10% uptick in Normal calls for service in 2020 which offset the Urgent categorical increase in the year-to-year change from 2019.

While there is a long-term decrease across all priorities of non-discretionary calls for service, Urgent calls have been decreasing at a faster rate than Critical and Normal calls. Even though call volumes have decreased, the median time spent at all calls has increased substantially since 2011. Also, the total amount of time spent collectively at the calls has remained the same for those prioritized as Urgent, (again even though there has been a decrease in overall calls), but decreased and then increased correlating with the inverse of the budgeted patrol officer staffing levels for Critical and Normal calls. This may be due to an increase in multiple officer responses at the Normal and Critical calls, while not witnessing that same change at the Urgent call level. The increased median time at each call cannot be directly attributed to administrative duties, but they cannot be excluded as possibilities. Overall, officers have been staying longer on single-officer calls, but multiple officer responses may be shortening the total time spent on some of the calls that historically require more time.



3. RPD Community Programming

In 2015, RPD underwent a restructuring of its operations, returning officers to neighborhood patrol beats to engage in community policing efforts. RPD established the Community Affairs Bureau, which coordinates all communications, public information, and community engagement initiatives. The following is a list of some of RPD's current programs to help develop strong relationships in the community:

- Clergy on Patrol - Clergy on Patrol is a partnership between the RPD and the local clergy. Officers walk the neighborhoods with officers of the clergy to identify neighborhood-specific issues and build relationships with neighbors.
- Community Volunteer Response Team- CVRT volunteers check in on residents after a homicide occurs in a neighborhood to help rebuild peace of mind, and refer individuals experiencing negative physical or emotional symptoms to appropriate.
- Police and Citizens Together against Crime - PAC-TAC volunteers work with on-duty patrol officers in their neighborhood and interact with other residents and local merchants to help prevent crime. All volunteer residents receive extensive training.
- Police Citizens Interaction Committee- Each section convenes monthly meetings attended by section staff and representatives of neighborhoods groups within the section to discuss crime patterns, quality of life issues, environmental concerns, problem locations and crime statistics. Meetings are intended to be interactive, where everyone is encouraged to participate in an open dialogue.
- Police Training Advisory Committee - This committee is made up of Department representatives and community members to review current and proposed police training and advise RPD on training policies. Topic-based subgroups were formed to move matters forward. The pandemic unfortunately has delayed the work of this committee and its subgroups. Prior to this delay, police experts in many areas met with community members providing examples of police tactics; however, no formal recommendations were finalized by the committee and there is a need to reinvigorate the Advisory Committee.
- ROC Against Gun Violence Coalition - This coalition of residents, organizations, and city officials seeks to decrease gun violence in Rochester by bringing attention to the causes and effects of gun violence and promoting quality of life in Rochester's neighborhoods.
- Neighborhood Association Meetings - Police officers regularly attend neighborhood association meetings in their beat. This allows for a dialogue between police and officers of the community to address specific problems in a neighborhood.
- GIVE Program - The department's adoption of the Gun Involved Violence Elimination (GIVE) Initiative serves as another component of strategies designed to address crime through community relationships. Through this program, Focused Deterrence Steering Committees are in place. Meetings occur as agency leaders seek ways to understand disputes and proactively address them before fatal encounters arise. Working with myriad faith-based partners, grassroots organization, and Pathways to Peace helps set the stage for on-going relationships.
- Citizen's Police Academy -The Rochester Police Department's Citizen's Police Academy (CPA) was established by the RPD in 1992 with the objective of advancing our collaborative partnership between the Police and community and developing solutions to problems while increasing public trust. The CPA is a 10-week program held once a year with an average class of 20-25 attendees. It provides a broad-based look at the policies, procedures and operations of the RPD.



The Police Accountability Board believes it is difficult to gauge the success of these programs. They may be deployed infrequently or without adequate resources. Programs may require officers to listen to community members but not change police behaviors and tactics based on what community members say. Success of programs may be measured by the number of meetings or community contacts, rather than whether programs achieve their goals, satisfy residents, or fulfill the community's expressed public safety needs. Comprehensive data on the implementation of these programs is necessary to determine whether these programs should be continued, expanded, or discontinued.

With respect to interactions with youth in the community, the RPD engages in youth programming. By creating a youth-police partnership, officers can teach skills, build relationships, and encourage interest in young people joining the ranks of the Department. The following are some of the ways the Rochester Police Department, as a program leader or a partnering agency, currently engages with young people:

- Books and Bears - RPD officers keep children's books and teddy bears in the trunks of their patrol cars. The books and bears are given to children who find themselves in traumatic situations.
- Do the Right Thing Program - The program recognizes youth for helping law enforcement and other first responders, acts of heroism, courage and quick thinking, leadership and role model behavior, and volunteering in their community. The award distinguishes school-age children who strive to make good choices, do well in school, give back to their communities, or demonstrate a "turn-around" or improved behavior.
- Police Explorer Post 655 - The Police Explorer Post is an organization established with support of 'Scouts BSA' which closely follows the basic methods and policies of scouts. The purpose of the Explorer Post is to offer young men and women between 14 and 20 years-of-age insight into the field of law enforcement.
- Urban Fellows Program - The RPD offers fellowship opportunities to both graduate and undergraduate students in areas of criminal justice, sociology, and political science.
- Pathways to Peace (PTP) - PTP was initiated as part of a comprehensive effort to safeguard the lives of at-risk youth, diffuse potentially violent situations, and help them get on a track to a better life. The PTP team reaches out into targeted neighborhoods to assess the needs of youth, network with all available resources and link at risk youth to appropriate services. Pathways to Peace offers prevention, intervention and direct monitoring of youth receiving the services needed to support their positive progress.
- Police Recruit Education Program (PREP) - The mission of PREP is to prepare students for a successful law enforcement career with the Rochester Police Department. PREP is a two-year program and is open to first-year Criminal Justice students enrolled at Monroe Community College. PREP gives "Cadets" a first-hand practical training experience with the Department, including participation in a mentorship program, part-time employment, and job shadowing. PREP participants are also exposed to several law enforcement activities, such as role-play training exercises, riding along with Police Officers, and engaging in community outreach events. Several Cadets have become sworn Police Officers with the Department.
- Wegmans Mentorship Program - This program is a partnership with Wegmans to provide young adults an opportunity to explore the various aspects of a career in law enforcement with a focus on becoming a Rochester Police Officer.
- Career Pathways to Public Safety - The Career Pathways to Public Safety program is a partnership between the Rochester City School District and the City of Rochester to increase



minority representation and local residency in its uniformed divisions while increasing the awareness of career opportunities within the public safety field.

- Bigs In Blue (Big Brothers Big Sisters) - Bigs in Blue is a one-to-one mentoring program that connects the Greater Rochester area's youth with police, building strong, trusting, lasting relationships. These relationships can help children develop into confident adults and help build stronger bonds between law enforcement and the families they serve.
- Project T.I.P.S. (Trust, Information, Programs, and Services) - Project T.I.P.S. (Trust, Information, Programs, and Services) is a series of events during the summer months where community agencies and law enforcement personnel work in selected neighborhoods to rebuild trust amongst residents and to share valuable information. Locations are selected by the RPD command staff, with collaboration from the Rochester Fire Department and other partner agencies. Attendees can speak with law enforcement and other community agencies, receive information and valuable items, have a cookout, and play games.



E. Inventory and Assessment of RPD Law Enforcement Practices and Strategies

1. Response to Psychiatric Calls

Due to recent events, the role of Police Officers in responding to psychiatric calls has been in question. As a result, in September 2020, The City of Rochester announced the creation of a new Crisis Intervention Services Office in the City of Rochester Department of Recreation and Human Services. This office comprises four service units (See Figure 1). The Family and Crisis Intervention Team (FACIT) and Victim Assistance Unit were both long-running community support programs within RPD. These two units were moved as a part of legislation passed by Rochester City Council into the new office. In addition, two new response teams were commissioned to be a part of this office. The Homicide Response Team provides a community wide coordinated response to families and neighbors impacted by homicides. Finally, the Person in Crisis Team, or "PIC Team" is a program that was commissioned to create full-time (24 hour/7 day coverage) law enforcement alternative response of trained professionals to address behavioral health and related crises occurring in the City of Rochester. The program goal is to divert 911 and 211 (Lifeline) from a Law Enforcement response to a social services/mental health professional response.

Figure 1

Crisis Intervention Services Office			
<u>Family Crisis Intervention Team</u>	<u>Victim Assistance Unit</u>	<u>Homicide Response Team*</u>	<u>Person In Crisis Team (PIC)*</u>
<p>Crisis counseling to victims directly after the crisis has occurred</p> <p>Assesses and counsels clients and connects to services</p> <p>Coordinates between service providers and follow up case management</p>	<p>Crisis support services after a crime</p> <p>Home or hospital visits</p> <p>Explanation of the criminal justice system</p> <p>Referrals to other agencies</p> <p>Transportation to and from court for victims and witnesses who have exhausted all other means of transportation</p> <p>Assistance in filing NYS Crime Victim Compensation</p>	<p>Responds with a 4-6 member team to each homicide and support families of victim (s) by connecting them to support services provided by FACIT and VAU and other providers. (Coordinated Response)</p> <p>The team will also support neighbors with grief services and mediation to prevent retaliation or continued violence</p>	<p>Being formed to be a law-enforcement alternative response to mental health, domestic violence and other identified crises calls (First Responder)</p> <p>Team will be Emergency Response Social Workers</p> <p>Working on 911/211 dispatch, protocols and team training with a comprehensive advisory committee</p>

The PIC Team program, launched on January 21, 2021, is starting out as a 6-month pilot program designed to provide a better understanding for long term implementation.



The metrics that will be used to evaluate the PIC Team pilot program upon completion of the pilot include:

- **% of Calls Transitioned** - Reduce the number of behavioral health and lower acuity calls traditionally responded to by law enforcement or EMS.
- **Impact on ED/hospital utilization** - Reduce the number of individuals transported to the emergency department that could be instead addressed in a non-hospital setting.
- **Outcomes for individuals** - Along with documenting meaningful connections to services, i.e. enrollment in ongoing case management, establish and track other key performance indicators regarding the reduction in the number of non-warrant arrests that result during a 911 response.
- **Cost-Benefit Analysis** - Monitor and analyze comparing the investment into the PIC Team and related Crisis Intervention Services Office programming with the costs of sending law enforcement or EMS for the same interventions.

For the implementation of the PIC Team program, the ability to assess and assign calls coming in through 911 and 211 was analyzed by call type and a variety of factors which assigns an acuity level or level of complexity or severity to a call. Flow charts and modeling that demonstrated how calls coming in categorized as “mental health” can be routed using a risk analysis process. This analysis revealed that approximately 43% of calls could be diverted away from law enforcement.



2. Crowd Control

RPD indicates that their approach to responding to crowd control is a measured response. Crowds often do not need an RPD response because they are peaceful and lawful crowds. At times, a crowd that results from a festival or planned event will only require traffic control as the response. According to RPD practices, the organizers of an upcoming event and RPD work together to establish parameters for a peaceful event. If this is not successful, police will escalate the response to what is deemed appropriate for the level of hostility or violence they face. RPD reports that they will make every effort to address the agitators while not harming or effecting the innocent, peaceful protestors. RPD defines the following three levels of crowds for determining the appropriate response:

Level I: Peaceful/ Lawful Protest-Demonstration

Defined as a gathering(s) whereas individuals are nonviolent, not committing crimes that impact other community members, and the group or individual express disapproval of a government or institutional action. This may involve protest advocates that hold signs and may include boycotting, participating in marches, sit-ins, displaying a particular symbol, and/or handing out flyers.

In response to a Level I Protest, the Rochester police department will monitor the protest, assist protestors from individual agitators whose intent is to do harm or violence. There may be little to no police interaction. Officers may contact protestors to make them aware of current laws, noise ordinances, or road hazards to name a few.

Level II: Peaceful / Protest/ Criminal Acts (Non-Violent)

Defined as gatherings where individuals are nonviolent and actively committing crimes such as blocking a thorough-fare, acting disorderly, public expression of objection, the group or individuals having a history of aggression, and/or resisting police but have not created a high risk to the public or previously committed acts of violence.

In response to a Level II Protest, the activation of the Mobile Field Force (MMF) may only be warranted with the approval of a Deputy Police Chief and only when there is documented proof individuals present at the protest have a history of aggression, and they are actively showing signs of physical aggression and there is a reason to believe failing to use MMF will lead to a Level III activation.

Level III: Riotous/ Violent behavior/Criminal Actions

Defined as active rioting, looting, setting fires, the use of threats of violence, terror to the public, committing harmful acts that injure people require a police response. In response to Level III rioting, the activation of MMF, rapid response teams, and the utilization of the Incident Command System is warranted.

In January 2021, the Police Accountability Board launched an oversight investigation into the RPD's policies, practices, and procedures regarding protests and other mass gatherings.



3. Police in Schools

Mayor Warren in an attempt to decriminalize our schools pulled police officers out of RCSD schools at the start of the 2020 school year.

4. Practices and Strategies That May Pose an Undue Risk of Harm to the Public

Advocates, experts, and some in the law enforcement community have drawn attention to a number of specific policing strategies that may pose an undue risk of harm to the public. The discussion below provides an explanation on if and how the RPD uses these law enforcement practices. Many of these RPD practices and strategies are guided by General Orders and Legal Updates. A General Order (G.O.) is a written policy directive issued for and relayed to all RPD personnel. G.O.'s can be accessed on the RPD Open Data Portal. Legal Updates are sent to employees through a link to a program that allows employees to read the update. The program includes an audit feature that tracks who read the document. Periodic updates and training are posted as part of "information updates" housed on RpdWeb, an internal employee website. Information is also relayed in person as all police officers receive both traffic and criminal law training as part of the police academy and field training programs.

a. **Broken Windows Theory**

Broken windows theory is a criminological theory that states that visible signs of crime, anti-social behavior, and civil disorder create an urban environment that encourages further crime and disorder, including serious crimes. When the urban landscape starts changing, an influx of broken windows, graffiti, and other quality of life issues signal a potential correlated increase in crime. Recognizing these changes, officers would work with government and community members to problem solve to improve the quality of life associated with the shifting landscape. However, police agencies, not well trained, use the term "broken window" to justify aggressive police actions against BIPOC (Black, Indigenous, People of Color) instead of using community policing to work in tandem with the community. Its original design has been altered. Strategy Implementation is often misaligned with the broader theory principles.

b. **Stop and Frisk**

Stop and Frisk practice is based on a court decision (1968) "Terry Vs Ohio" whereas an officer must articulate that a person being stopped is armed and presently dangerous. This practice, in many police agencies, led officers to believe they could make stops based on their perception of the neighborhood instead of articulating the actual person stopped is armed. The widespread practice of stops based on where individuals live, coupled with not clearly understanding the legality of Stop and Frisk or "pat down" searches, led to abuse in other municipalities. Hence, the RPD neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all. As such, RPD reports that they do not engage in Stop and Frisk practices. (G.O.'s 502 & 570; Legal Updates L-05-97, L-39-02, L-40-02; and Patrol Procedure P-42-17).



c. **Chokeholds and Other Restrictions on Breathing**

Choke holds include any hold that applies pressure to a subject's throat which reduces or prevents air from passing through the neck of a subject. Lateral vascular neck restraints are techniques that apply pressure to the vascular structure of a subject's neck. For the RPD, these techniques are prohibited, except in extreme circumstances when deadly physical force is authorized. (See Legal Update L-58-15) An example of extreme circumstances could be if a subject has taken possession of an officer's weapon and is attempting to use it against the officer or the public. In this case, a chokehold would be justified to prevent the imminent injury or death at the hands of the subject.

d. **Use of Force**

The RPD trains officers to only use "Appropriate Force" defined as, "The reasonable force, based upon the totality of the circumstances known by the officer, to affect an arrest, overcome resistance, control an individual or situation, defend oneself or others, or prevent a subject's escape." (See G.O. 335).

e. **Pretextual Stops**

In 2017, the RPD issued General Order 502 ("Equitable Policing"), which states that the RPD "neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts." To this point, officers are not authorized to single out a vehicle for attention due solely to the skin color or ethnicity of the driver or occupants, or for some other discriminatory reason. Once the vehicle has been stopped, questioning of the occupants and searches of the vehicle or its occupants still must meet constitutional requirements. (Legal Update L-39-02, G.O. 502).

f. **Informal Quotas for Summonses, Tickets or Arrests**

The RPD does not engage in operational practices that encourage or mandate informal quotas for summonses, tickets, or arrest. RPD policies dictate that Patrol Officers are instead evaluated based on individual employee career development needs to assist in the formulation and achievement of career goals and objectives. (See G.O. 207).

g. **Shooting at Moving Vehicles**

The discharge of a firearm from or at a moving vehicle is prohibited unless the officer reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the officer or another person. Therefore, shooting at a fleeing vehicle that is traveling away from the officer and is no longer a threat to the officer or a third person is prohibited. (See G.O. 340).

h. **High Speed Pursuits**

Officers will not initiate or continue a pursuit unless there is reasonable suspicion to believe that the operator of, or a passenger within, the vehicle pursued has committed or is about to commit a serious violent felony crime (e.g., arson, felony assault, forcible rape, kidnapping, robbery, menacing with a firearm, murder, etc.). Officers must constantly evaluate the risks involved while continuing a pursuit or emergency response, to ensure the risks associated with the pursuit (e.g., speed involved, traffic density, time of day, weather/road conditions, etc.) does not outweigh the possible benefits. (See G.O. 530).



i. **Use of SWAT Teams**

The RPD employs a team designated as Special Weapons and Tactics (SWAT): A volunteer group of officers who are specially selected, trained, and equipped to deal with unique, high-risk, law enforcement situations. These situations include hostage incidents, barricaded armed subjects, high-risk warrant service, high-risk suspect apprehension, protection of dignitaries, and any other situations as determined by the Chief of Police, Deputy Chief of the Operations Bureau, or the Commander of the Special Operations Division. (See G.O. 630).

j. **No-Knock Warrants**

RPD policy requires that an officer prepare an Application for a Search Warrant and Search Warrant documents for submission to their immediate supervisor, who will review its prima-facie content and form. Following an investigation establishing probable cause, the preparing officer (with supervisory approval) or reviewing supervisor may consult with the on-call Assistant District Attorney to further review and obtain legal advice prior to submission of these documents to the appropriate court.

The original Application and Search Warrant will be presented to a judge who presides in the court of jurisdiction over the target location of the warrant where the warrant is given to concur with its legal sufficiency prior to execution of the warrant. If the judge approves the legal sufficiency of the submitted documents, they will sign the warrant to grant authority for the search and subsequent seizure. NOTE: The reasons for a “no-knock” or “nighttime” warrant (any time after 9:00 p.m. and before 6:00 a.m.; CPL 690.40.2) must be set forth in the application and the judge's order (warrant) must specifically give such authority to those executing the warrant. (See G.O. 415).

k. **Less-Than-Lethal Weaponry such as Tasers and Pepper Spray**

The “less-than-lethal” weaponry currently used by the RPD includes: batons, tasers (“conducted electrical weapons”), bean bag rounds (“kinetic energy impact projectiles” or “KEIP” shot via “less lethal force shotguns”), pepperballs (shot via a “pepperball launching system” or “PLS”), pepper spray (“OC spray”), and tear gas (“CS gas”).⁹ The use of less-than-lethal weaponry is explicitly restricted by RPD policy and, accordingly, is only to be used as a means of force in non-deadly use of force situations. These tools are intended to provide an officer with a less lethal alternative to safely take a violent or dangerous person(s) into custody by allowing officers to deploy these tools from an extended range. Only those officers that have successfully completed an annual training course and have demonstrated proficiency in the use of less-than-lethal weaponry is authorized to deploy them. (See G.O. 335,340,601,605,630, and SOP 700). The deployment of “less-than-lethal” weapons is a controversial subject about which many people in Rochester have serious concerns. Many recommendations found in Section VII address this subject.

Tear Gas is basically defined as “Chemical Munitions.” Chemical Munition is a system which delivers a chemical agent such Chlorobenzylidene malononitrile known as “CS” and Oleoresin Capsicum spray known as “OC”. The utilization of chemical munitions may be used by the RPD when it can aid in an officer’s abilities to make an arrest where an uncooperative person is refusing to be arrested. It is also used for crowd control, officer safety, and as dispersal tactics.

⁹ <https://www.wxxinews.org/post/protesters-report-menstrual-changes-after-tear-gas-exposure>



The use of tear gas involves basic skills provided during academy instruction and in-service training. It can require advanced skills that may require specialty equipment and training which are deployed by Mobil Field Force Members.

The RPD also uses sound cannons (“long range acoustical devices” or “LRADs”). A Standard Operating Procedure covers the use of the LRAD. Use of sound cannons is considered “Use of Force” outlined within General Order 335 Subject Resistance Report. Its usage is restricted to orders to disperse for public safety concerns that may arise from the dispersal of large crowds and/or to give routes of egress/ traffic patterns.

I. Facial Recognition Technology

The RPD does not own or employ the use of facial recognition technology.

5. Practices and Strategies Recognized As Reducing Racial Disparities and Building Trust

In Monroe County in 2018/2019, approximately 67% of the 14 – 15,000 adult crimes committed were for misdemeanor offenses which include substance abuse, simple abuse, property theft, sex work, and other property related crimes. The racial diversity of misdemeanor arrests was similar to the total arrests with approximately 40% white, 45% black, 12% latinx, and 3% other. However, in Monroe County, the misdemeanor arrest rate for white people is 10% while for blacks it is 75%. Latinx and other people are arrested at about the same rate as their respective population percentage. Over 50% of people currently incarcerated in Monroe County are there as the result of a misdemeanor offense. In 2018, 67% of final dispositions and decisions in Monroe County Courts were the result of misdemeanor offenses. Limited recidivism data exists for people who have committed a misdemeanor offense and have been released from jail.¹⁰

In Monroe County in 2018/2019, approximately 60% of youthful arrests were for misdemeanor offenses. While youthful arrests for both felony and misdemeanor charges have declined by nearly 58% over the last 5 years, there were still 452 misdemeanor arrests in 2019 (down from 1064 in 2015). Importantly, prior studies have shown that:

- 62% - 87% of adult incarcerated males experienced childhood trauma;
- 77-90% of adult incarcerated women experienced childhood trauma.¹¹

According to UCLM, “They have significant mental/behavioral health issues. Until we as a society deal with the underlying issues, we will continue to arrest and incarcerate people with a significant social safety and financial cost to individuals, families, and the community.”¹²

Law enforcement experts have suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. Listed below are a number of those strategies currently used by the RPD. A number of these strategies discussed (e.g., Diversion Programs and Restorative Justice Programs) require cooperation from the District Attorney and others from the judicial system. Additionally, without public data on

¹⁰ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 32

¹¹ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 32

¹² *Ibid.*, p. 33



effectiveness, funding, and staffing for these practices and strategies, it is unclear precisely how the City continues to engage in them.

a. **Using Summonses Rather than Warrantless Arrests for Specified Offenses**

The Rochester Police Department follows the *NYS Bail Reform Guidelines* to issues Summonses and Appearance Tickets for specified offenses within the mandate. Designed to ensure the justice system emphasizes equitable treatment and the reduction of racial disparities, the elimination of cash bail and pretrial detention for several misdemeanors and nonviolent felony defendants are based on countless stories provided to the courts where individuals suspected of crimes were held, unable to afford a bond, and lost jobs, time with family members, student loans, etc.

b. **Restorative Justice Programs**

Restorative Justice Programs use mediation and reconciliation to address disputes between parties. The practice focuses on establishing respect and understanding and has been recognized as a highly effective crime resolution strategy that contributes to lower incidents of dispute reoccurrence and recidivism.¹³ The following is a list of programs that are used as part of the RPD Restorative Justice Program:

- Victim/Offender Mediation Dialogue through Center for Dispute Settlements (CDS). Any member of the RPD may refer people to CDS.
- RPD Victim Assistance and involvement which is utilized by victims to assist them with the criminal procedure process and aids the victims of crimes through emergency housing, transportation, or financial assistance. Anyone who receives an incident report receives the contact information for victim's assistance. Additionally, there is information on the City of Rochester website, and people may walk in to the office during business hours.
- Community Service through Police and Citizen Interaction Committees (PCIC), involves periodic centralized events that offer community information and interaction with many law enforcement departments, such as RPD, NYS Troopers, District Attorney's Office, Mental Health facilities, etc.
- Outreach is provided by RPD to interact with citizens and assist with issues within their neighborhood. An outreach is a planned event in the community such as a picnic, where the City makes representatives from all the public service providers available in person to the public. These representatives also typically go door to door in the neighborhood with officers to contact the residents and solicit information regarding any issues that need to be addressed in the neighborhood.

c. **Community-Based Outreach and Violence Interruption Programs**

See Section III.D.3 above.

¹³ <https://cops.usdoj.gov/>



d. **Hot-Spot Policing and Focused Deterrence**

Pro-Active Dispatching (PAD) started May 2019 ended March 2020 (due to COVID). Pro-active Dispatching showed some positive results. Data will be further evaluated to inform a decision on whether it should be implemented citywide.

Problem Oriented Policing (POP) Areas are geographic areas with disproportional violent crime rate that is above the norm, where the department is deploying extra resources both for enforcement and community policing. In identified POP areas, incidents are noted on the Monroe Crime Analysis Center's nightly summary to better track violence within a known hot-spot so that they can be better addressed.

e. **De-Escalation Strategies**

Roll Call training and In-Service training which has been provided to all RPD. This training teaches officers how to deal with subjects in crisis, or at a heightened emotional state. Officers learn how to defuse intense emotions, establish a rapport, and gain information to work toward a successful resolution. (Created Aug. 2020)

f. **Diversion Programs**

There has been considerable discussion on strategies of law enforcement with a focus on the development of alternative measures that decrease racial disparity and inequity. The following is a list of Diversion Programs that are currently used within the RPD:

- Provided by Rochester Regional Health, the Behavioral Health Department evaluates those arrested to determine the best path for recovery in lieu of incarceration.
- Drug Treatment Court.
- Monroe County Alternatives to Incarceration (ATI); this program is in conjunction with the Monroe County Courts which evaluates those that have been arrested and finds alternative options to incarceration.
- The options that currently exist in Rochester / Monroe County for pre-arrest diversion are limited. They include:
 - Behavioral Health Access Crisis Center
 - Project HOPE – Heroin and Opioid Addiction
 - Crisis Intervention / Emotionally Disturbed Person Response Team
- Rochester and Monroe County enacted the Swift Certain and Fair initiative a few years ago which “reduces reoffending, arrest, and incarceration by replacing unpredictable and high-level sanctions for probation violations with swift, certain, but small penalties.”¹⁴ This program combines frequent, individualized, and meaningful incentives with immediate, consistent and proportionate sanctions to address gun violence committed by young offenders.¹⁵

The RPD neither screens nor recommends diversion programs directly. This is done by a judge, usually upon arraignment or intake.

¹⁴ <https://nnscommunities.org/strategies/swift-certain-fair>

¹⁵ <https://knowledgebank.criminaljustice.ny.gov/swift-certain-and-fair-program>



6. Practices and Strategies for Effectively Responding to Hate Crimes

Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community.¹⁶ The RPD takes seriously any reported crimes, in particular, those crimes that are motivated by prejudices towards protected classes. All officers are trained and expected to comply with all legal and constitutional requirements applicable during criminal investigations; conduct vigorous and thorough investigations of all offenses observed or brought to their attention; and to employ the procedures of Preliminary Investigation and Continued Investigations, as applicable. (See G.O.'s 401 & 502; and Penal Law Guidance on Hate Crime).

To aid in the handling of and investigation of crimes against people of protected classes, RPD developed policies and procedures to aid officers with assisting diverse communities in need of service. These procedures include the ability to employ interpreters to assist in interviews with those members of our community who have limited English proficiency or are deaf or hard of hearing. (See G.O.'s 401, 502 & 517; and Training Bulletins on Community Relation C-06-00 & C-09-13).

The NYS Department of Criminal Justice Services (DCJS) Basic Course for Police officers mandates a training program on cultural awareness. The training objectives identify and define characteristics (indicators) of hate crime, biased policing, and sexual harassment to include proper procedures for handling such crimes. Additional training mandated by DCJS promotes awareness and pertinent information along with proper procedures on interactions/incidents involving protected classes. DCJS training programming includes Blue Courage/Procedural Justice, Elder Abuse, Persons with Disabilities, Community Resources – Victim/Witness Services, and Ethics and Professionalism.

RPD expanded upon DCJS's cultural awareness mandates and added an additional day of training during the post academy. Members of the community representing a wide array of cultural backgrounds, are asked to come into the Public Safety Training Academy to address new recruits and to have positive dialogue regarding cultural differences.

RPD recognizes the need for continued training on these important topics. Therefore, throughout an officer's career, the department provides roll call training, training bulletins, and annual in-service trainings on these topics, so that officers will stay up to date with contemporary issues that impact members of our community. (See 3-Part Roll Call Training on Hate Crimes, G.O.s 401, 502, 517 & Training Bulletins and Penal Law Guidance on Hate Crimes)

¹⁶ Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.



F. Implementation of “Procedural Justice” in RPD Functions

Procedural justice focuses on the way law enforcement interacts with the public, and how these interactions shape the public’s trust of the police. The premise, according to the Leadership Conference on Civil and Human Rights, is that citizens judge the police “based on how they are treated rather than on the outcomes of interactions.”¹⁷ The mandate is to retool the rules of engagement for Police Officers from that of “warrior” against segments of the population to that of a “guardian” to protect the entire population.¹⁸ Procedural justice emphasizes the need for police to demonstrate their legitimacy to the public in four areas—voice, transparency, fairness, and impartiality.¹⁹

Within their practice of community-oriented policing, RPD is carrying out training centered on the tenets of Procedural Justice. This includes Implicit Bias training designed to foster relationships between the RPD and the community. In 2017, RPD trained 679 of its sworn Police Officers in a four (4) hour block of Implicit Bias training. In 2018, a total of 681 sworn employees received Procedural Justice training (an 8-hour block). Over 90% of the RPD’s sworn-uniformed Police Officers received this training. RPD, however, indicates that there has been a training gap of more than two-years.

It is acknowledged throughout RPD and the community that further adoption and implementation of the tenets of Procedural Justice would benefit the RPD culture and training programs. Refer to the Recommendations Section.

G. Community Engagement Techniques/Strategies as Applied to RPD

Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. The concept of community policing can, however, often be misunderstood and misapplied. Many applications of this concept do not capture the deeper, sustained role a community can play in policing.²⁰ Community-oriented policing seeks to address the causes of crime and to reduce fear of social disorder through problem-solving strategies and police-community partnerships.²¹ The following Community Policing techniques/strategies have been instituted in Rochester:

¹⁷ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

¹⁸ Id. at 36 and 262-63

¹⁹ Emma Peterson, Jessica Reichert, and Kaitlyn Konefa, Illinois Criminal Justice Information Authority, Research Hub, *Procedural Justice in Policing: How the Process of Justice Impacts Public Attitudes and Law Enforcement Outcomes*, November 7, 2017

²⁰ United States Department of Justice. (2015). Final Report of the President’s Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

²¹ Community Policing. (n.d.). <https://www.bjs.gov/index.cfm?ty=tp&tid=81>



1. Community Organizations, Advisory Boards, and Committees

There are myriad ways the RPD currently meets with community groups. Through a partnership with the City Neighborhood Service Centers, RPD routinely attends community meetings and events. During FY 2019-2020, RPD reported the following statistics relating to engagement with neighborhood groups (pre-Covid):

- Community Meetings Attended: 378
- Outreaches Attended/Conducted: 585
- Community Events Attended: 831
- Approximate Total Person Hours: 2,872

Additionally, the Rochester Police Department works in conjunction with many Community Advisory Boards and faith communities, including the Community Justice Advisory Board, United Christian Leadership Ministry, MPACT (Ministers and Police Alliance for Civic Transformation), MCATCP (Monroe County Alliance for Transformation of Community and Police), Clergy Response Team, and Flower City Chaplains group.

2. Police-Community Reconciliation

A process that seeks to improve strained relationships between police and communities of color, the RPD works with the Center for Dispute Settlement (CDS) to repair strained relationships between officers and community members. The CDS works as a referral agency with both parties agreeing to participate. Both parties agree to participate at a neutral location for the purposes of a structured discussion to mediate issues. G.O. 315 describes this policy. The CDS is used very infrequently. As discussed elsewhere in this report, the Community Affairs Bureau works hand in hand with youth groups, faith-based groups to include UCLM with Rev. Stewart, MPACT with Pastor Don Stevens and numerous other groups. The Bureau also conducts dozens of monthly meetings with community groups throughout the city as well as cookouts, walks, food drives, youth sports and many other activities.

3. Attention to Marginalized Communities

Marginalized communities includes people with limited English proficiency, people with communication disabilities, the LGBTQIA+ community, and immigrant communities. The RPD has a liaison assigned to the Rochester Immigrant Community and community members who have limited communication abilities. Additionally, RPD has assigned an LGBTQIA Liaison for the department, with the goal of increasing that number to three. Lastly, RPD instituted policies and procedures to aid officers with assisting diverse communities in need of service. These procedures include the ability to employ interpreters to assist in interviews with those members of our community who have limited English proficiency or are deaf or hard of hearing.



4. Partnering With Students and Schools

In addition to the Chief's Youth Advisory Council described below, the RPD officers regularly read to students in school and collaborate with student athletes for basketball camps, softball and kickball games and various other events. RPD also sponsors and runs the "DO THE RIGHT THING" program which recognizes local youth who've done amazing things within our community.

5. Involving Youth in Discussions on the Role of Law Enforcement Agencies

The Rochester Police Department currently works with The Chief's Youth Advisory Council and The Center for Teen Empowerment to discuss current issues and foster relationships. The RPD Chief's Youth Advisory Council (CYAC) meets regularly for training and networking opportunities, service-learning initiatives, and youth-led community conversations. The CYAC is a group of young people interacting with the Rochester Police Department, working together to foster positive relationships and trust. The CYAC brings a youth perspective to the table and fosters discussion and understanding between the police department and youth on current local, national, and world topics.

The Center for Teen Empowerment, Inc., according to their website, "employs youth to create and implement initiatives that positively influence their peers and create real, meaningful changes in their communities. Teen Empowerment hires core groups of youth leaders to work in their own neighborhoods, helping them develop the skills they need to identify pressing issues in their communities, amid racism, poverty, and violence in rapidly changing cities, and tap into their own and their communities' strengths to create positive change."

6. Officer Training Programs That Reflect Community Values and Build Trust

The RPD is continuously striving to better serve the community through progressive programs, training, and community engagement. Officers work side by side with faith-based community groups to identify training needs and possible deficiencies.



City of Rochester

RPD COMMUNITY- ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY

Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



IV. RPD Community-Oriented Leadership, Culture and Accountability

New Leadership plans put in place by the recently-appointed Chief of Police via her 90-day plan is setting the stage for change. An examination and realignment of the overall culture requires changes in leadership and a collaboration of efforts to align hiring, promotion, and the organization's cultural values. Police and government leadership must reject any association where police leaders set in motion dominance, demeaning behaviors, disrespect, and abuse of power. Overall, a culture that transcends the challenges to a relational mindset of fostering community-oriented leadership is needed. Once there is relational alignment, holding employees accountable will follow.

A. Community-Oriented Culture in The RPD

There is a gap between RPD's sworn officers and the people they serve. This gap is reflected in the fact that 87% of officers are white, while just 47% of Rochesterians are white; 87% of officers are men, while just 48% of Rochesterians are men; and, 94% of officers live outside of the city. Despite many policy changes and the federal consent decree, this gulf between Rochesterians and the officers sworn to protect them has persisted and even grown.²² These few statistics provide some context for the challenge faced by the RPD leadership in fostering and bolstering a community-oriented culture within the RPD.

The Mayor is working toward addressing this challenge through introducing new leadership to the RPD. The department is currently being led by a new Police Chief and Executive Deputy Police Chief. This new leadership team seeks to further the work of the Task Force on 21st Century Policing,²³ created through an Executive Order by President Obama in 2014, which leads with a philosophy that includes a sense of humility and empathy and sets the stage for adopting community-oriented policing leadership. A new RPD community-oriented policing and a violence reduction plan is being rolled out after being introduced in November 2020. Within this plan, the community policing philosophy is as follows:

The men and women that represent the Rochester Police Department (RPD) are committed to community policing. Our Community Policing Philosophy sets in motion the need for Police Officers to become familiar with community members within their problem-solving policing areas and to carve out positive relationships while working to address crime. It relies on our ability to incorporate Scanning, Analysis, Response, and Assessment (SARA) to manage crime reduction, enhance community engagement, and advance public safety initiatives.

- *Our community policing approach is balanced, and the Rochester Police Department members, specifically the officers, must shoulder the responsibility of focusing on positive non-enforcement contacts with the community while also (when necessary) address crime concerns*

²² <http://rochester.indymedia.org/node/148045>;
<https://www.democratandchronicle.com/story/news/2015/01/21/police-diveristy-minority-rochester-monroe-county-lovely-warren/22133689/>

²³ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf



- *Community policing calls for officers to be proactive, embrace community educational outreach, use historical data, incorporate technology, and leverage partnerships and human intelligence.*

Using Police Officers' experience, combined with the technology used to analyze crime patterns, the RPD aims to use evidence-based practices to address crime to improve quality of life.

Implementing a community policing approach means that the officers of the RPD are responsible for focusing on reducing crime while enhancing positive interaction in the community. Community policing calls for officers to be proactive, embrace community educational outreach, use historical data, incorporate technology, and leverage partnerships and human intelligence. It also calls for effective strategies that bridge the recognized disconnect between the community members and police department by working as collaborative problem-solving partners.

Additionally, RPD is moving toward "Problem-oriented Policing." Training took place on November 14, 2020 led by Charles Katz, Ph.D., Director for the Center for Violence Prevention and Community Safety at Arizona State University. All patrol captains that maintain Problem-Oriented-Policing areas were trained on the SARA Model and new policing concepts through what was called "Transitioning from the Traditional Policing to Problem-Oriented Policing."

B. Managing Biases in the RPD

Fostering community-oriented policing hinges on an agency's ability to minimize workplace and out of work-place biases. An initial approach is to provide training that creates awareness where employees recognize that biases exist and that we all share them. This initial step took place in 2017. Rochester Police Department trained 679 Police Officers on a four (4) hour block of Implicit Bias training.

In 2018, a total of 681 sworn employees received procedural justice training (an 8-hour block). This means that over the period of 2017 and 2018, over 90% of the police department's sworn-uniformed Police Officers received this training. There's no doubt this training is evidence the department fostered the necessary components of community-oriented policing. The department would be remiss if they did not point out that there was over a two-year gap in the training; however, the training leaders have identified those who did not receive the training, and there are current measures in place to get 100% compliance.

Whether or not four hours of implicit bias training is enough to shore-up what is needed to foster effective community relationships is being reviewed by the new leadership of the RPD as well as the RASE Commission.



C. Leadership Training

Currently, the process to be promoted in the RPD is primarily based on a civil service process. While this is the current practice for growing a leadership team, fostering community-oriented leadership needs to go beyond civil service testing. This is an area recognized by the interim Chief as needing improvement in the RPD. The Chief's strategies for ensuring that the RPD's cultural norms and informal processes reflect the formal rules and policies are through leadership training, rewarding ethical conduct, and selecting formal and informal ethical leaders for special assignments. Leadership training prepares staff members with skills that they can utilize to listen to community members and strategize on problem solving and relationship building.

Under General Municipal Law 209-q (1a), NYS Department of Criminal Justice Services designed a curriculum for the course in police supervision. DCJS mandates first line supervisors to attend the three-week training program within one year of being promoted, barring exigent circumstances (military deployments, on-duty injury). Furthermore, upon initial promotion, the Rochester Police Department requires all sergeants and lieutenants to participate in a five-day field training program specific to their duties. A basic overview of both training programs consists of the role of a supervisor, community relations and contemporary police issues (e.g., mental health issues, hate crimes, domestic violence, and child protective services).

D. Accountability

Accountability is essential for a strong institutional culture and for mutual trust between the community and the police. Much of the current unrest across the country is rooted in a belief that some police departments tolerate abuse of authority, including excessive force and other misconduct or adhere to practices that are inconsistent with community values. In the long run, this belief will harm Police Officers as well as degrade public safety.

The responsibility of tracking and reviewing uses of force and identifying misconduct, is shared by every supervisor within the RPD. Specifically, RPD has an established internal affairs unit, the Professional Standards Section (PSS), which is responsible for investigating complaints of police actions or misconduct originating from any source. There are six (6) Sergeants and one (1) Lieutenant assigned to PSS, who are selected to the position based on their professional history, supervisory experience, and ability to conduct impartial and objective investigations of complaints of official misconduct. In addition to investigating complaints, the PSS is also responsible for conducting civil claim investigations for the Corporation Counsel, the administrative review of fleet vehicle accident investigations, and conducting other investigations as directed by the Chief of Police.

Upon completion of a PSS investigation, all cases are sent through the respondent officer's chain of command for further review and supervisory findings, while contemporaneously being reviewed by the Civilian Review Board (CRB) for investigative thoroughness, objectiveness and independent case findings. In accordance with the City of Rochester's Charter, the CRB, which consist of volunteer members of the community who are trained in arbitration and police policy and tactics, is responsible for reviewing completed internal investigations of all cases involving allegations that if proven would constitute a crime, unnecessary force, or biased policing. The CRB can conduct voluntary interviews of officers, complainants, and witnesses, as well as send investigations back to PSS that they believe is



incomplete or requires additional interviews to be conducted by PSS. The CRB has the authority to vote as a group on the PSS conclusion and prepare a report of findings for the Chief of Police with dissenting opinions if a unanimous conclusion is not reached. Within their reported findings, the CRB may recommend changes or review of policy and procedures, recommend departmental training to the Chief of Police, or they could recommend a case be referred to the Attorney General or District Attorney's Office (See RPD General Order 320, and PSS Manual). According to the UCLM, the problem with the CRB only having the authority to review the work done by PSS diminishes the effectiveness of the CRB because the Chief can overrule them.

Additionally, an officer's uses of force, citizen-generated complaints, and sustained findings of misconduct are topics of discussion during annual performance reviews. However, the annual performance assessment does not relieve supervisors of the responsibility to address performance issues as they are identified. (See RPD General Order 207). Supervisors can mandate or submit a request for additional training for those officers whose use of force techniques are viewed as questionable due to reasons analogous to misfeasance; however, additional training does not preclude further discipline for those officers whose questionable uses of force are determined to be the result of malfeasance or general misconduct (See RPD General Order 301 & 335). The RPD also expects officers to understand that they have a legal obligation and departmental duty to intervene when witnessing another officer engaged in general misconduct (See RPD Rules and Regulations).

The RPD indicates that they have a clear and transparent process for investigating reports of misconduct, as well as defining the authority and responsibility delegated to departmental supervisors for the maintenance of discipline. (See RPD General Order 301, 305, 310, 315, 320 & 325, and PSS Manual). The RPD takes seriously the responsibility of issuing appropriate disciplinary measures against officers who are found to have engaged in actions of misconduct. In accordance with NYS Civil Service Law (NYSCSL), the Chief of Police as the Appointing Authority, has the ability to impose discipline in accordance with NYSCSL and Taylor Law regarding collective bargaining agreements (See RPD General Order 301, 305, 320 & 325; RPD Rules and Regulations; RPD current CBA 2016-19; and PSS Manual).

According to the UCLM, the public has lost confidence in the civilian complaint process and, as a result, it is seldom used. Despite changes to the process in 2012, it is reported that complainants still have little feedback, the process is slow, and results are sometimes not reported back to the complainants. UCLM reports that the interview process with PSS is done in an aggressive accusative manner which seems designed to discourage people from continuing the process. Complainants, who are already feeling violated by the police, report that officers handle the complaint with what feels like an interrogation. People who have gone through the complaint process have used the word dehumanizing to describe the way PSS investigates.



1. Identifying, Reviewing, and Tracking Use of Force and Misconduct

RPD defines deadly physical force as “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” The elucidation of this definition means that irrespective of whether the force used resulted in death or physical injury (i.e., “near miss”), the mere fact that force was applied must be reviewed and investigated as a use of force event. (See RPD General Order 335 & 340).

The RPD reviews all uses of force, including any applications of deadly physical force. All force used, whether on-duty or off-duty, requires an officer to immediately notify their immediate supervisor of the incident, and document their actions in the form of a Subject Resistance Report (SRR) (See RPD General Order 335). An internal review process is initiated once an officer notifies their supervisor that they engaged in an application of force. The supervisor is required to respond to the scene of the incident immediately, where he or she will ensure medical attention is provided for any injured party. The supervisor will then ensure that photos, a neighborhood check, and documentation is prepared for review. The completed SRR is reviewed by the supervisor and sent for further review through the officer's chain of command and to identify any need for additional training. If it is determined an officer engaged in misconduct when utilizing force, information is provided to PSS to initiate a formal investigation into the officer's actions. A citizen's complaint would also trigger PSS to begin a formal investigation surrounding an officer's application of force. (See RPD General Order 335 & 310).

The findings and the PSS case package are presented to the Chief of Police for review, during which Senior Command Staff (i.e., Deputy Chiefs, Commanders, etc.) are able to weigh in and provide experiential insight to assist the Chief in making a final disciplinary decision. Upon completion of the Chief of Police's final determination, all investigative outcomes are reported to the complainant via certified mail and/or telephonic means. Investigative findings are published in the annual PSS report, which is made available to the public, via the department's website and open data portal. This multifaceted approach of investigative case review, aids in ensuring cases are properly inspected and evaluated by the respondent officer's chain of command, while also providing civilian oversight and perspective. (See RPD General Order 301, 305, & 325; RPD current CBA 2016-19; and PSS Manual)

Cases involving the application of deadly physical force, or alleged misconduct that, if proven, would constitute a crime, are sent to the District Attorney and/or the NYS Attorney General's Office for prosecutorial review and findings. (See RPD General Order 301 & 340; and PSS Manual)

The PSS maintains RPD's official disciplinary records through a records management system that keeps an officer index of all sustained disciplinary findings, as well as civil suits lodged against individual officers. When an officer is found to have acted in an inappropriate manner, discipline and additional training is imposed against the officer using a progressive discipline method. Progressive discipline is the process of using increasingly severe steps or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. (See RPD General Order 301, 305, & 325; RPD Rules and Regulations; RPD current CBA 2016-19; and PSS Manual).

The RPD also relies on technology to identify the potential for misconduct. The RPD uses an Early Intervention System called IAPRO, a databased management tool which is designed to identify personnel whose performance exhibits potential problems; it is a tool to provide early interventions, usually counseling or training, to correct those performance problems. The purpose of this system is to identify personnel with performance problems, not to identify problem personnel. (See PSS Manual).



2. Transparency

The statute, section 50-a of the New York Civil Rights Law, adopted in 1976, prohibiting access to personnel and misconduct records of Police Officers was repealed in June 2020 by state lawmakers. Current events have prompted conversations and challenges involving this statute; however courses of action remain within the scope of attorneys and city government leadership tasked with making decisions. Police unions will provide a perspective on these matters based on direction from their members. It is important to recognize that the release of an individual's information that is not adequately redacted and not accurate can create legal challenges and, in some cases, officer safety issues. On the other hand, transparency is essential when there are allegations of Use of Force and unlawful arrest. These issues must be considered (legally) before a final decision for law enforcement decides. Once determined, the frequency of release can be determined.

Monthly Integrity Bulletins, which include the circumstance that led to an officer's dismissal, are posted for the purposes of keeping officers aware of occurrences. This is done after a case has been adjudicated. These monthly bulletins allow for transparency while also allowing the data to be used to train Police Officers.

3. Citizen Oversight and Other External Accountability

In 1992 the City of Rochester created the Civilian Review Board (CRB) to review internal police investigations when a civilian alleges that a Police Officer used excessive force or committed a crime. As stated above, the CRB is composed of volunteer members of the community who are trained in arbitration and police policy and tactics and are responsible for reviewing completed internal investigations of all cases involving allegations that if proven would constitute a crime, unnecessary force, or biased policing. (See RPD General Order 320, and PSS Manual).

In addition to the work of the CRB, in 2019, legislation was proposed, and later enacted, to form a civilian-led police oversight board, the Police Accountability Board (PAB). According to the PAB's website, this is a part of City government dedicated to helping Rochesterians reimagine public safety by ensuring public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department. The Board is comprised of nine city residents and currently has one full-time staff member, its Executive Director. The legal authority exercised by PAB is still under legal review, via pending litigation.

In the Police Accountability Board, Rochester has the foundation for becoming a national model for holding the police accountable. The Police Accountability Board has a robust set of legal powers that can allow it to hold the RPD accountable. The Board has the power to create a justice system that fairly and transparently prosecutes officer misconduct. It has the power to reveal the RPD's practices and priorities to the public. It has the power to canvass everyday Rochesterians so the City understands their public safety priorities. And it has the power to create disciplinary rules that ensure those priorities help



govern the RPD's operations. If exercised with the proper financial and staffing support, these powers can help transform Rochester into a safer, more just city.²⁴

Sixty (60) days after the PAB hires an Executive Director *and* adopts the procedural rules necessary to conduct disciplinary hearings, the CRB shall no longer exist. However, with the Locust Club's lawsuit pending against the City, the PAB is currently unable to conduct disciplinary hearings into officer misconduct. Until those powers come back, the PAB will refer all complaints seeking disciplinary action against individual RPD officers to the CRB for resolution.

Lastly, Rochester's City Council has an oversight role in the RPD. City Council has subpoena power and has exercised that ability (both formally and informally) to review PSS investigative findings and to initiate an investigative review regarding employees' actions.

²⁴ <https://www.ecode360.com/35278812>



City of Rochester

DATA, TECHNOLOGY AND TRANSPARENCY



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



V. Data, Technology and Transparency

Transparency is one of the four pillars of procedural justice and is critical to ensuring accountability. Without a full picture of law enforcement policies, procedures, and activity, the public cannot meaningfully evaluate the performance of law enforcement. Even a well-functioning department risks losing public confidence when it does not engage in meaningful transparency.

Policing has changed drastically over the past few decades. In just the last decade alone, the Rochester Police Department has made significant changes to better align with the continuously evolving practices seen at national levels through the adoption of records management and data analytics, a patrol reorganization to better serve the community, body-worn cameras as well as other proactive policing experiments. It should be noted that, though these technologies and adaptations are meant to better the experience for RPD and the citizens of Rochester, there is the possibility that these more advanced systems can increase workload for individual officers.

Demographic information that detects racial disparities and biases is essential to increasing public trust, improving police training, guiding policy and procedure, and monitoring compliance. Data collection on violence, weapons, injuries, use of force, use of non-approved tactics such as chokeholds and elbow strikes, arrests, and other serious incidents is essential.

A. Open Data

Data collection and transparency provides critical information that the City, the RPD, and the community need to make informed decisions for assessing and improving the operations of the RPD and enhance accountability.

Typically, data collected by law enforcement has served only as a repository for official records of activity. It is commonly used internally for operational response and assessment and externally for statistical reporting. Most law enforcement data are transactional, describing an event with a time dimension, a numerical value, and referring to one or more objects. Data captured is (1) created by personnel, gathered by employees to record business processes or (2) generated by technology, produced without the need for human interaction.

Data collected by the RPD generally falls into eight major categories: calls for service, crimes, arrests, traffic and street stops, uses of force, case management, internal policy and procedures, and digital media. While this is not intended to be a complete list of all possible data sources, these groups do contain the largest sets of data maintained, at least in part, by RPD. Each of these categories include data that documents the routine activities of department personnel including citizen-police interactions, service-level response, and procedural standards. Data captured includes, but is not limited to, specific information on people, places, event circumstances, and criminal and non-criminal activities.

Since the early professionalization of the field, policing agencies have been methodically recording, storing, and analyzing data, however until recently this predominately occurred through handwritten reporting and manual records review. In the 1990's commercially available computer hardware and software began to reshape the law enforcement data landscape for larger agencies while small and mid-sized agencies were slower to adopt, primarily due to budgetary restrictions. The technological advances



of the last two decades have continued to outpace the ability of many law enforcement agencies, like RPD, to acquire leading-edge standards. However, these advancements have also reduced the barriers to incremental technology improvement for agencies. Often, these financial limitations have resulted in agencies implementing a solution that focuses on a single need (e.g. computer aided dispatch, records management, case management systems, etc.). RPD is no exception. Over time, these single solution technology enhancements have transitioned to legacy applications that act as silos of information. This presents challenges:

- Data reliability issues at multiple collection points.
- Uneven adoption of governance, quality assurance, and security.
- Data interoperability barriers.
- Training and data literacy gaps.

In 2017, the RPD established the Office of Business Intelligence (OBI) to being to address the data obstacles in the department. The primary objective was to leverage police data sets to support evidence-based decision making. OBI began a process-oriented approach to managing RPD data through standardization, automation, and self-service delivery of existing datasets throughout the organization and externally to the public. OBI launched the RPD Open Data Portal as a public platform for exploring and downloading open data, discovering, and building applications, and engaging to solve important local issues. Datasets and tools available on the portal include all Uniform Crime Reporting (UCR) Part I crimes, public crime maps, agency personnel demographics, homicide and shooting dashboards, analysis products, and a searchable index of all department general orders, standard operating procedures, and training bulletins. The OBI maintains this free, publicly available online repository to publish open datasets, making them available for both view and download. All the published datasets are placed into the public domain in a machine-readable format, with no restrictions or requirements placed on their use. Appropriate metadata for each dataset also supplies information about data fields' content and meaning to enable appropriate and accurate use. Additionally, the raw datasets are enhanced with both narrative content and statistical and geospatial analytics to provide deeper insight, narrative, and context around the data's collection, operational and strategic uses, and analytical meaning.

The RPD's Open Data Portal is in place to allow for "Engagement through Transparency." It is accessible from the RPD website's home page, where anyone can gain access to datasets, maps, RPD policies and procedures, training manuals, program reviews and MOU's, and annual reports. The Open Data Portal is a public platform for exploring and downloading data, discovering and building applications, and engaging in solving critical local issues. It allows the City Administration, RPD, and the community to improve communication and participation in a holistic way. The Rochester Police Department is among only a few agencies that subscribe to open data portals.

Analyzing and combining open datasets, using maps, as well as developing new web and mobile applications, is possible through the Open Data Portal. It allows the community access to crime locations and the types of crime in a given area. It provides the community with information about how to report crimes in progress, provide anonymous tips, and report misconduct.



B. Automated Systems and Technologies

1. Technology Procurement and Maintenance

There are multiple ways in which technology is currently acquired by the RPD. While most of the RPD's technology hardware, software and maintenance is provided by the City's Information Technology (IT) Department, there are also some technologies used that are specific to police work. The acquisition of new technologies usually involves research as well as the solicitation of stakeholder input and, occasionally, community input. Currently, technology is not analyzed for biases prior to acquisition. While the RPD anti-bias policy governs employee actions with using technology, examining the potential for bias inherent to the technology is not currently practiced prior to acquiring that technology.

RPD follows up the acquisition of technology with the creation of policies for the end user and basic administrative functions for each system the RPD implements.

2. Transparency and Information Management/Protection

RPD currently uses the software IAPRO which is an early warning professional standards software program designed to monitor specific criteria of an officer's activities to identify potential problems.²⁵ RPD uses IAPRO to maintain data and reports pertaining to use of force, firearm discharges, and motor vehicle accidents/pursuits that involve RPD personnel. It is also used to track remedial training that RPD members receive, and log administrative inquiries and complaints that involve RPD members. Each RPD member has their own "profile" where this data is stored so it can be accessed quickly by those who have specific permissions to do so. When investigations are undergoing command review, supervisors use IAPRO to view the case file. Supervisors can research their team members so they can look at their past use of force history, training, and address any alerts that may be triggered based on specific thresholds that are set within the system. This is part of an early intervention system where a supervisor may see a pattern with an employee and be able to address the situation early on to prevent problems from leading to formal complaints.

The RPD relies on the City's IT Department and the Freedom of Information Law ("FOIL") for guiding the balance of transparency and protection of private information. The Freedom of Information Law, Article 6 of the NYS Public Officers Law, provides the public right to access records maintained by government agencies. "Record" means any information kept, held, filed, produced or reproduced by, with, or for this agency, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

The RPD utilizes technology in their investigative process, which often involves sensitive matters and personal information. Disclosing this information could compromise an investigation or share personal information of the people involved in the investigation, therefore the RPD has policies that address when information can be disclosed. This policy is RPD's FOIL procedure policy which outlines when information can and cannot be released to the FOIL requestor.

²⁵ <https://www.iapro.com>



C. Body-Worn Cameras

In 2015, to improve police-community relations, Rochester Mayor Lovely Warren, working in conjunction with the RPD, created the RPD Body-Worn Camera (BWC) initiative. The City of Rochester engaged in extensive research on equipment, data management, policies, and community involvement for successful deployment of the program. All Rochester Police Lieutenants, Sergeants and officers presently assigned to patrol Sections are equipped with BWCs. There are currently about 500 BWCs assigned to patrol personnel.

To ensure success of this initiative, the RPD entered into partnerships internal to City Hall, such as IT and the Law Department, as well as external partnerships with the Offices of the District Attorney and Public Defender, and the Civilian Review Board. Most significantly, the program included a strong partnership with the community by engaging a variety of community and neighborhood organizations during the implementation phase. A series of community meetings was held to get feedback from the community on how the BWC program was administered. This included feedback on policy, body-worn camera use, and expectations from these community organizations. This feedback helped in drafting the current policy.

In November, 2017, the City of Rochester formalized a process for ongoing community input into the BWC program by signing a Memorandum of Understanding (MOU) with the Coalition for Police Reform (CPR). CPR is a consortium of community groups led by United Christian Leadership Ministry (UCLM). This MOU established regular meetings between CPR and the RPD, as well as making other commitments of cooperation between the City, RPD, and CPR. A CPR subcommittee, the Community Justice Advisory Board (CJAB), was formed for this purpose and has been meeting quarterly with RPD since January, 2018. The CJAB is made up of citizens that belong to the UCLM. Some of the board members include Rev. Lewis Stewart and members of the New York Civil Liberties Union. This board regularly makes suggestions on changes to the BWC Program that may be used to make policy changes. UCLM reports, however, that RPD has resisted attempts to obtain information which would provide insight into the BWC program. Further, they have often answered requests for information with answers that are misleading or false. Attempts by the CJAB to get BWC footage through the FOIL process has resulted in more than 75% of their requests being denied.

The RPD continues to develop policy that directs the use of BWCs by its members. These policies can be found in the RPD BWC Manual which is used for training and implementation of the BWC program. Based on comments and suggestions by RPD personnel, community organizations and other stakeholders, this manual continues to be reviewed and amended on an as-needed basis. Policies address such things as:

- Officers are required to activate and record all activities, and contact with persons, while performing, or when present at, any enforcement activity (e.g., arrest and prisoner transports, pursuits, detentions/stops of persons and vehicles, Use of Force).
- When interacting with the public for any non-enforcement activities, unless a mandatory or standard event arises which must be recorded, officers are not required to record activities, but may do so if they believe it serves a legitimate law enforcement purpose.
- Officers are encouraged to inform persons they are recording with a BWC unless unsafe to do so.
- Civilians may request to stop recording unless mandatory recording is required.



- Officers will not record while in the locker room or any personal, non-police conversations with other members or other City employees that do not occur during an official police duty. Officers will not record while attending internal RPD meetings, other law enforcement meetings, or meetings with prosecutors.
- The penalties for non-compliance include “Progressive Discipline” (i.e., verbal, memorandum, command discipline).
- Requirements include retention times which vary according to offense or incident.
- Footage is made available to officers for official duties, including conducting criminal investigations, conducting supervisory duties, preparing for testimony, assisting with training, or other official RPD duties as authorized by departmental policy or by competent authority.
- Footage is made available to the public in accordance with NYS Freedom of Information Law (Public Officer’s Law, Article 6; SS 84-90).



City of Rochester

RECRUITING AND SUPPORTING EXCELLENT PERSONNEL

 believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



VI. Recruiting and Supporting Excellent Personnel

Staffing and personnel management is one of the most critical responsibilities of law enforcement leaders and the communities which they protect and serve.²⁶ The RPD must therefore have robust strategies for recruitment, hiring, and retention of officers whose diversity reflects the communities being served. Law enforcement agencies should also design and oversee training and wellness programs that aim to ensure the safety of officers and the public while reinforcing relationships of trust between police departments and their communities.

A. Recruiting a Diverse Workforce

The RPD sworn personnel is approximately 87% White, 11% Black, and the remaining 2% is another racial or ethnic identity. The Rochester community, however, is approximately 47% White, 41% Black, with the remaining 12% being another race or combination of races, according to the 2019 American Community Survey of the US Census. In addition, the RPD civilian personnel is approximately 74% White, 21% Black, and the remaining 5% is another racial or ethnic identity.

Since 1975, the RPD has been operating under a court-ordered federal consent decree from the United States Department of Justice. The decree was part of a settlement involving racial discrimination in the RPD hiring practices. The decree requires that 25% of the sworn officers of the RPD are “minority persons.” The term “minority” is defined in the decree as “a person who is black, Spanish-surnamed, or a member of some other nonwhite minority group.” The RPD is not meeting this minimum standard set in 1975, and the standards of today seek to try to match the police-force demographics with the demographics of the population they serve.

Currently recruitment efforts are focused on attracting candidates who are reflective of the city demographics. All candidates must pass the police exam administered by NYS, a physical agility test, and a background check. Many candidates find it difficult to pass all three of these components of the hiring requirements. The background check is rigorous in that it requires a review of previous criminal convictions, prior drug usage, medical history, and “psychological failures” (NYS requirement), including not telling the truth.

The current recruitment and screening process is not successful in advancing diversity into the ranks of serving the community as a Police Officer. This suggests that new marketing and recruiting needs to be developed to seek and hire the diversity that reflects the city demographics. Given the nature of policing in Black and Brown communities, there is a negative perception of police interaction and one component of combatting that perception is with increased diversity among Police Officers.

²⁶ United States Department of Justice. (2015). Final Report of the President's Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf



B. Supporting Officer Wellness and Well-being

The RPD has high expectations of our law enforcement officers and recognizes that their health and wellbeing is linked to the reform and community outcomes sought. Caring for Police Officers and supporting them in their work in a holistic way is a vital piece in bringing about reform that changes culture—from the existing paradigm of police as “warrior” to police as “servant-protector”.²⁷

Many factors can negatively influence officer wellness and/or exacerbate existing struggles an officer may be experiencing. These factors can range from sleep disorders, sleep deprivation, and sleep apnea, to critical incident trauma, organizational stress, depression, and alcohol use/abuse. And all of these factors are negatively affected by lack of exercise, poor nutrition, high cortisol levels, and heart disease. Within the President’s Task Force on 21st Century Policing (2015), Pillar 6 is Officer Wellness and Safety. As a result of the findings of the task force, the 2017 Law Enforcement Mental Health and Wellness Act (LEMHWA) was signed into law. The LEMHWA officially recognized the need for departments to provide ongoing support for officers’ well-being and mental health.

The RPD currently participates in the City of Rochester’s Employee Assistance Program for providing mental and emotional support to officers, when needed. The RPD also engages with a contracted physician, as well as the Flower City Chaplains Corp, to specifically respond to and assist with mental health issues. These are offered as confidential programs.

²⁷ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 20



City of Rochester

REFORM RECOMMENDATIONS

Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



VII. Reform Recommendations

The preceding sections describe and, in some cases, evaluate the current operations of the RPD and present some of the evolving changes that have recently occurred or are underway to improve the community interactions with the RPD and the overall administration of public safety.

There has been and continues to be substantial community engagement and input into how the administration of public safety should evolve in Rochester. Refer to Appendix A for a list of all the community engagement activities that have contributed to the following recommendations and the ongoing changes already underway in the organization and implementation of public safety service to the Rochester community.

It should be noted that this plan – the fulfilment of Governor Cuomo's Executive Order 203 – is an important next step in Rochester's efforts to reform police policies and operations in the community. However, much work remains to be done. This plan contains recommendations for immediate changes as well as further study of specific issues. The community, including the key stakeholders involved in developing this plan, must continue to work together on challenging issues well beyond the delivery of this plan.



A. Accountability

1. Petition the State of New York to amend the Taylor Law and the Triborough Agreement to allow the City to terminate RPD personnel immediately for cause and enable the City to develop a completely new collective bargaining agreement.
2. Release comprehensive statistics on the RPD's internal investigations, as required by law.
3. Invest in whatever resources are necessary to release, as soon as possible, an online portal that will allow the public to review the disciplinary histories of individual officers, including comprehensive information on officer disciplinary history in compliance with Article 86(6) and (7) of the Public Officers Law.^{28&29} Note: Litigation, currently underway, will provide guidance on this topic in coming months.
4. Create strict disciplinary rules banning discriminatory enforcement patterns, (e.g., broken window theory, structural racism, racial profiling, stop and frisk, pretextual stops, etc.) and enforce those rules using data gathering methods that reveal the enforcement patterns of individual officers. Utilize data that includes demographic information, for the purpose of officer accountability. Hold those accountable that violate disciplinary rules.
5. Fully comply with the Police Accountability Board's authority as outlined in Article XVII of the City Charter.

²⁸ Pursuant to Public Officers Law Sections 86(6) and 86(7), law enforcement disciplinary records are defined as those created in furtherance of a law enforcement disciplinary proceeding. A law enforcement disciplinary proceeding is defined as the commencement of any investigation **and** any subsequent hearing or disciplinary action. Accordingly, complaints or investigations that did not result in a hearing or disciplinary action are not encompassed within the definition of law enforcement disciplinary records set forth in the Freedom of Information Law. Additionally, the Committee on Open Government has long opined that disclosure of employee misconduct allegations that are not sustained or do not result in discipline would constitute an unwarranted invasion of privacy. In light of the foregoing, there are no records that respond to your request for disciplinary records.

²⁹ See Appendix B for alternative opinion from the Rochester Police Accountability Board.



B. Community Engagement and Programming

1. Advocate for more resources and financial support for programs such as Mental Health Programs, Youth and Recreation Programs, Job Development, Pathways to Peace, Conflict Resolution Programs, Rise Up Rochester, Roc the Peace, UCLM's Light the Way, Save our Youth, Squash the Beef, and other evidence-based programs that include oversight, evaluation, transparency, and training so that programs that are effective can be expanded and improved.
2. Implement and support programs that provide increased and effective community engagement. Work with leaders of existing programs to reach out to participants in these programs to see if they can generate ideas for increasing impact. Assess how the RPD and the City can offer to help build trust, transparency, and legitimacy within and through these programs. Help the program leaders with their volunteerism capacity through guidance on defining metrics for them to use in their own measure of success. Some of these programs include:
 - Clergy on Patrol
 - Community Volunteer Response Team
 - Police and Citizens Together against Crime
 - Police Citizens Interaction Committee
 - Police Training Advisory Committee
 - ROC Against Gun Violence Coalition
 - Attendance at Neighborhood Association Meetings
 - GIVE Program
 - UCLM Community Police Summits (Note, add these to section III)
 - UCLM Community Justice Advisory Board
 - Citizen's Police Academy
 - No Mas
 - Project TIPS
 - Other Community-led support groups and initiatives



C. Data, Technology and Transparency

1. Recognize the importance of using data to:
 - inform leadership and the community of crime trends and causal factors;
 - engage the community in collaborative problem-solving;
 - drive strategies to prevent crime, address crimes in progress, and to develop a response to trends and patterns;
 - ensure equity in the application of public safety;
 - identify training needs and programming;
 - properly assess and evaluate operational responses, organizational changes, technology use and implementation and officer wellness and,
 - make budgetary decisions about the organization.
2. Leverage RPD's existing technology and personnel to create a data-first culture. One which:
 - builds services on shared resources;
 - fosters efficient collaboration;
 - works seamlessly with modern visualization and analysis tools;
 - allows user focus on function and outcomes, removing technology lock-in;
 - lowers the barriers (cost and complexity) for integrations; and,
 - provides measures for data usage and civic engagement.
3. Allocate funds to boost support for the RPD Office of Business Intelligence and other citywide data analytics departments to ensure accurate data is released in a timely and accessible manner.
4. Mandate the collection and regular reporting of demographic information, allowed by law, of all individuals that officers interact with in arrests, traffic investigations, street stops, personnel complaints, and uses of force.³⁰ This data should be included in the RPD Annual Report, published on the RPD Open Data Portal. Demographic information, can be utilized to inform leaders about biases related to the police, federal, state, and city governmental policies and practices.

³⁰ Demographic information is not a required field in New York State's electronic ticketing system (TRACS). This would require a local policy that mandates demographic data is collected on the electronic traffic ticket, to the extent that the information is provided by the individual.



5. Expand the RPD Open Data Portal and Data Sharing with information on police-citizen interaction types, demographics (i.e., age, gender, race) of people involved, type of response and whether force was used, along with all other data that will allow Rochesterians to better understand the nature of police response³¹, for the following:
 - calls for service, including through 911, 311, and 211 calls;
 - crimes, including low-level offenses (“Part II crimes”³²);
 - arrests;
 - alternatives to arrest;
 - traffic/street stops, including issuance of warnings for traffic violations;
 - uses of force;
 - officer discharges of a weapon;
 - high-speed pursuits;
 - fleet vehicle accidents;
 - hate crimes;
 - assaults on officers;
 - firearms seized, including type, circumstance, origin, etc.;
 - search warrants;
 - investigative case management;
 - internal policy and procedures; and,
 - digital media.
6. Correlate the Open Data Portal’s data listed above with community surveys to assess the manner in which police approach and speak to individuals of color and the impact of the encounter on both the victim and the community.
7. Include, on the Open Data Portal, to the extent available, if and how the RPD uses de-escalation tactics, including information on: (1) hours spent training officers on de-escalation tactics; (2) percentage of training devoted to de-escalation; (3) specific de-escalation tactics taught to officers; (4) what written and verbal policies relating to de-escalation the RPD has issued.
8. Using the data collected and included on the Open Data Portal, assess the occurrences of “Stop and Frisk” activities.

³¹ Currently, the City is in the process of working with other agencies to be able to collect and provide this data, which requires data-sharing agreements

³² The Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program includes data from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies. The program has been collecting crime statistics since 1930. The Rochester Police Department participates voluntarily and submits crime data through the New York State UCR program. In the UCR program crimes are broken into two major categories: Part I Index crimes (Violent: Murder, Rape, Robbery, Aggravated Assaults, Property: Burglary, Larceny, Motor Vehicle Theft) and Part II crimes (all other offenses).



9. Include on the Open Data Portal, information on if and how the RPD uses “less-than-lethal” weaponry, including information such as data on: (1) relevant training procedures; (2) spending on such weaponry; (3) use and equipment rates; (4) related injuries; (5) the cost-benefit analyses the RPD uses to justify the training regarding, purchase of, and use of such weaponry; and (6) verbal and written instructions about how to use such weaponry.
10. Include, on the Open Data Portal, to the extent available, past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests, claims against the city for personal injuries or property damage linked to no-knock warrants, and statistics regarding raids involving no-knock warrants that were executed at the wrong location.
11. Include on the Open Data Portal the number of citizen complaints to the PSS, their disposition, and the time elapsed to disposition.
12. Include on the Open Data Portal, information on the training and directions officers receive regarding whether and how to address low-level offenses (“Part II Crimes”). Conduct an assessment of all calls for service and create a process for disclosing the percentage of officer time spent addressing these low-level offenses.
13. Include, on the Open Data Portal, to the extent available, information on SWAT training and SWAT activity, including the use of SWAT for hostage or active shooter situations, as opposed to search warrant execution.
14. Explore the availability of historical crime data and determine the feasibility of including that on the Open Data Portal.
15. Digitize officer training manuals and post them on the Open Data Portal. Include hours per training session, how officer training is reinforced, how often officers face discipline for failing to follow training rules, whether and how the RPD addresses race, ethnicity, gender, LGBTQ individuals, and religion, and how training addresses on-the-job trauma.
16. Inform the community about revenue the City generates from traffic tickets and code enforcement, demographics of those subjected to this kind of enforcement, the difference between what violations people are ticketed for and what violations people are pleading to, and whether the City is using this kind of enforcement to fill budget gaps.
17. Collaborate with other city agencies to comprehensively report data and information in a coordinated way. These other agencies include the Emergency Communications Department, the City Information Technology Department, Monroe County Sheriff, Monroe County District Attorney’s Office, etc.



18. Work toward creating a dataset that includes RPD staffing and budget information, such as the historical size and budget of the RPD, comparative data that allows Rochesterians to compare the RPD's operations and per-resident staffing levels to other communities, and program-specific budget and staffing data that will reveal the RPD's public safety priorities.
19. Publish anonymized aggregate data on how officers who are Black and Brown, women, and LGBTQ populations are disciplined, promoted, and terminated.
20. To the extent practicable, report on per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma; data on number of officers who claim disability for injuries stemming from incidents where civilians were also injured; number of civil and criminal cases filed against officers, along with case disposition and settlement data; number of cases where felony for causing an injury to an officer was filed, nature of injuries to officers in such cases, and nature of injuries to civilians in such cases.
21. Include on the Open Data Portal, the contracts and maintenance agreements related to the purchase and use of advanced technologies such as ShotSpotter, Surveillance technology/programs, and Body-worn cameras.
22. Improve the use and purchase of technology.
 - a. Analyze new technology for how it may cause or perpetuate biases. While the RPD anti-bias policy governs employee actions with technology, examining the potential for bias inherent to the technology is not currently practiced prior to acquiring technology.
 - b. Create policies and data-release procedures that allow the public to monitor the RPD's justifications for, purchase of, and use of all its technologies, including ShotSpotter.
 - c. Use the RPD's IAPRO early warning software to its fullest capacity to ensure any personnel concerns are identified as quickly as possible and addressed. The corrective measures should then be shared with the Police Accountability Board for follow up.
 - d. Recognizing the problems created by the City of Rochester's former red light camera program, examine the use of any technology that will decrease the necessity for direct officer / citizen interaction for enforcement purposes so long as any technology is universally deployed and does not disproportionately impact one demographics of the City of Rochester.
 - e. Expand the City of Rochester's Blue-Light camera program, being mindful of future camera placement and use that does not disproportionately impact Rochester's citizens.
 - f. Fully utilize a new feature of the City's IAPRO technology that would allow for use of force tactics to be researched and publicly reported, which shall include what force tactics RPD officers are using (including, but not limited to, breathing restrictions), how often those tactics are being used, the racial and ethnic demographics of individuals those tactics are being used against, the location of the incident, the written and verbal instructions that determine how officers choose what tactics to use, when those tactics cause injuries, and whether the internal review process that was conducted after the use of a given tactic.



23. Improve the use of body-worn cameras.

- a. In a spirit of partnership, with mutual goals for safety, security and justice, consider the implementation of a qualified Community BWC Panel.
- b. Continue to maintain the Community Justice BWC program in cooperation with the RPD. The panel would also develop an annual report of the BWC program, to be presented not only to the agency, but to appropriate community bodies.³³
- c. Using existing RPD funding, provide the training and resources to ensure officers use their cameras as trained.
- d. Measure the effectiveness of the BWC program, using agreed upon metrics such as:
 - reduction in use-of-force incidents over time;
 - reduction in citizen complaints over time;
 - proven value of BWC footage in court cases; and
 - surveys of participating officers and of the community itself.³⁴
- e. Find a new BWC vendor that can provide the technology necessary for improving the RPD's ability to collect and use data from BWCs. Collecting the appropriate data in order to evaluate the effectiveness and compliance with the Department's policies is obviously an important part of the BWC program.

³³ Reform Proposals, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 29.

³⁴ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 31.



D. Fostering a Community-oriented Culture

1. Continue furthering the work of the Task Force on 21st Century Policing, which leads with a philosophy that includes a sense of humility and empathy and sets the stage for adopting community-oriented policing leadership.
2. Attempt to collect anonymous information from current and former officers to determine their experiences with oppression on the force; ask these populations what policies and practices would (or would have) made their work healthier and free of racism, misogyny, homophobia, and transphobia; and release anonymized aggregate data on how these officer populations are disciplined, promoted, recruited, and terminated.
3. Fund policies and practices that begin to inoculate the RPD from systemic oppression. These practices should include: educating officers using immersive training methods that teach how systemic racism and other forms of structural oppression, as opposed to mere “bias” or “prejudice,” can influence policing practices; reinforcing this training throughout officers’ careers; testing officers on their knowledge and providing assistance as necessary; and, creating and enforcing disciplinary rules that combat racism, misogyny, and homophobia.
4. Monitor state and federal legislative actions that deal with officers who support or engage with hate and/or extremist groups (e.g., white supremacist groups, domestic terrorists, religious extremists, and other groups).



E. Officer Wellness

1. Proactively conduct routine wellness needs assessment surveys with RPD officers. Law enforcement agencies and officers both need to have a much better understanding of many potentially deadly concerns such as, cumulative career traumatic stress, PTSD, suicidal ideation, depression, and alcohol abuse, amongst others. This process may start with a needs assessment survey to gauge specific needs of officers. Through the use of the survey along with a program evaluation of the current program, the department can begin to identify the needs of—and enhance—the existing wellness program. In addition to the department's existing EAP, other mental health programs should be considered for implementation. These programs need to be proactive and focus upon early intervention and early detection.
2. Conduct RPD fitness and annual psychological evaluations. The inherent stress and trauma associated with a career in law enforcement has contributed to high rates of alcoholism, substance abuse, domestic violence, and suicide of police officers. Rochester has not been immune to the tragic loss of officers to suicide. RPD officers need to be physically, emotionally and psychology well. To that end, the RPD, while being cognizant of the collective bargaining implications, should examine requiring officers to maintain an agreed upon level of fitness. Furthermore, RPD should consider requiring officers to receive annual or bi-annual psychological evaluations to determine their psychological and emotional well-being, and enhance peer support efforts and officer assistance programming.
3. Provide trauma-related officer support. The City should consider reallocating existing RPD funding to significantly increase funding for training, monitoring, prevention, and response systems that protect officers, their families, and the people they serve from officers' stress and trauma. The community should be educated on what trauma, stress, and other mental health impacts officers have to experience by merely doing their jobs – especially officers who are Black and Brown, women, and members of the LGBTQ community. Officers carry heavy burdens and frequently deal with trauma. The statistics regarding officer divorce, addiction, and other emotional issues are well known. De-escalating issues in their lives should be at the core of de-escalation [training].³⁵ The City should release data on per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma.
4. Conduct in-service training to familiarize officers with how all the dimensions of officers' lives are one interdependent system and how deficiencies in any one dimension can create or exacerbate problems in other dimensions. In-service training can help officers and their families not only identify, but also problem-solve issues that hurt their overall wellness and well-being. These types of programs coincide with the recommendations from the Department of Justice (DOJ) and the Bureau of Justice Statistics (BJA) report to Congress in 2019 regarding the 2017 Law Enforcement Mental Health and Wellness Act.

³⁵ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 14.



5. Provide Mindfulness Training for RPD officers as a wellness strategy. Branded as Mindful Badge training by a former Police Lieutenant Goerling, his training has been studied to understand wellbeing measures such as:
 - The impact of a constant state of hyper-vigilance on officers;
 - Cortisol awakening response;
 - Health outcomes among Officers.Mindful policing has the potential to transform the approach to officer wellness, while also impacting police reform goals such as implicit bias training; de-escalation/Use of Force; maintaining empathy, compassion and reverence for all of humanity/life. Mindful Badge studies show the following benefits, and they show that continued practice is needed to sustain these benefits. In other words, outcomes diminish if skills aren't practiced.
 - significant increases in resilience, mental health and emotional intelligence;
 - significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
 - reduction in the levels of the stress hormone cortisol;
 - Officers reported less difficulty with emotional regulation, organizational and operational stress.³⁶
6. Consider creating a wellness unit in the RPD. Another increasingly used program or initiative in departments is the creation of a Wellness Unit in order to proactively assist officers with their wellness and well-being. As an example, the San Diego Police Department (SDPD) established a Wellness Unit in 2011. The SDPD's Wellness Unit consists of four full-time Officers and Sergeants with the goal of training on—and connecting Officers with—services to improve their emotional and physical well-being. The SDPD's Wellness unit also manages the Department's Peer Support Program, Police Chaplain Program, Alcohol/Substance Abuse Programs, and psychological services; and, provides instruction and services to family members of Officers, as well as the Department's civilian employees.³⁷
7. Consider appointing a Chief Resiliency Officer, similar to the program started by New Jersey Attorney General Grewal. The Chief Resiliency Officer is responsible for ensuring the implementation of the New Jersey Resiliency Program for Law Enforcement. This statewide program aims to help officers "to become better equipped to handle the daily stress of police work that, when left unchecked, may lead to physical ailments, depression, and burnout."³⁸

³⁶ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, pp. 19-20

³⁷ Albreksten, S. (n.d.). *San Diego Police Wellness Unit Overview*. Retrieved from <https://www.californiapolicechiefs.org/assets/news/Executive%20Summary%20Wellness%20Unit%20San%20Diego%20PD.pdf>

³⁸ Crespolini, R. (2020, November 23). *Training Helps Mendham Officers Handle Mental Health Challenges*. Retrieved from <https://patch.com/new-jersey/mendham-chester/training-helps-mendham-officers-handle-mental-health-challenges>



8. Promote peer support as an effective method to assist officers throughout their career, but more importantly, following a traumatic event. Many officers may be hesitant to utilize outside counseling services following a traumatic event, however many are willing to turn to their fellow officers to seek support. Peer services have a significant and positive impact increasing officer morale and ameliorating post-traumatic stress.³⁹ Peer support services are supported and recommended by the Department of Justice, the IACP, FLETC, Lexipol, as well as by Mental Health Professionals and Medical Doctors. In addition overwhelming majority of police wellness programs consist of peer support as a critical element of their programs. For example, the Asher Model Seven Point Approach to Culture of Wellness developed by the Pinole Police Department lists peer support as its third point of their program's seven-point star.⁴⁰
9. Utilize Smartphone applications as an increasingly common method to assist Officers after a traumatic event. An example of a widely used app is the CordicoShield Employee Wellness App. Cordico provides confidential and anonymous access to powerful resources and self-evaluations 24/7/365 via a smartphone app that is custom tailored to a specific department. Several departments nationally have provided this resource as an option to their officers. In August of this year, the Syracuse Police Department began providing access to their department-specific app to their officers via the CordicoShield Employee Wellness App.⁴¹ Cordico has contracted Kevin Gilmartin, PhD to assist in the development and continued support of the CordicoShield Employee Wellness App. Dr. Gilmartin is perhaps best known for his book, *Emotional Survival of Law Enforcement* (2002) which is commonly cited and used throughout departments nationally in wellness programs.
10. Provide Chaplain services as another method to provide support to officers following a traumatic event. These services are non-denominational, are spiritual, but not necessarily religious. Since Chaplains are ordained, the use of Chaplain services is both confidential and privileged in nature.

³⁹ Willis, D. (2014). *Bulletproof Spirit: The First Responder's Essential Resource for Protection and Healing Mind and Heart*. Novato, CA: New World Library.

⁴⁰ Gang, N. (2019). *Aher Model 7-Point Approach to a Culture of Wellness*. Retrieved at <https://www.cordico.com/2020/09/23/asher-model-7-point-approach-to-a-culture-of-wellness/>

⁴¹ Baker, C. (2020, August 20). *Syracuse Police Department to Adopt New Mental Health Service for Officers* [webpage]. Retrieved at <https://www.syracuse.com/news/2020/08/syracuse-police-department-to-adopt-new-mental-health-service-for-officers.html>



F. Police Policy, Strategies, and Practices

1. Place the sanctity of human life at the core of RPD's policing philosophy. Current RPD policy does not include an express sanctity of life provision.
2. Based on data collected, assess whether low-level offenses are being disproportionately applied in Rochester. If they are, then create policies and strategies to cease this activity and create disciplinary rules, policies, and practices that ensure the RPD's low-level enforcement patterns and priorities are equitable.
3. Periodically survey the public to shed light on how they feel the police profile black and brown people for minor violations.
4. Mandate the completion of incident reports that include demographic data to better track stops made by the RPD.
5. Develop a policy limiting the use of spit socks or hoods and outlining strict guidelines for appropriate and safe use of spit socks if and when they are used.
6. Create and enforce laws and policies related to the use of breathing restrictions in accordance with New York State law and create training and disciplinary rules that will be enforced if there are violations of the policies.⁴² New policies should ban applying significant body weight on a handcuffed or restrained person (including a person restrained by a "spit sock") unless exceptional circumstances are present that pose an immediate threat of harm to the person or others and no reasonable alternative is available.
7. Revise policies and practices pertaining to RPD's Use of Force and De-escalation Strategies.
 - a. Revise General Order 340, "Use of Deadly Physical Force" to set the standard for any use of force at all— clearly stating that force is only to be used when necessary, and if it is used at all, to be used in proportion to the threat. Integrate into the policy other force-related policies to address all permissible uses of force and any limitations on those uses of force. Explicitly state in the policy the situations in which force should never be used, including, for example, using force as punishment or in retaliation against a subject.
 - b. Integrate the "Duty to Intervene" into RPD's restructured use of force policy as other model policies recommend and police departments have done. In addition to incorporating the "Duty to Intervene" into a restructured use of force policy, implement policies to protect from retaliation any members who act to prevent excessive uses of force or other misconduct.
 - c. Make clear that Department policy requires officers to attempt to de-escalate their encounters with members of the public. Require officers to use de-escalation techniques to reduce the use of force required, or to prevent any use of force at all, so long as it is safe for them to do so.

⁴² In summer 2020, the State of New York passed the Eric Garner Anti-Chokehold Act, which made it a felony for a Police Officer to "us[e] a chokehold or similar restraint and thereby caus[e] serious physical injury or death to another person."



- d. Support the Crisis Intervention Team in the de-escalation support it provides to the community. The training teaches officers how to de-escalate emotionally charged situations while helping to connect them to vital resources. CIT officers should continue to work with 911 dispatchers to respond to emergency calls where they may be able to help tense situations from becoming worse.
8. Prohibit officers from firing at moving vehicles except (1) to counter an imminent threat of death or serious physical injury to the officer or another person, by a person in the vehicle, other than the vehicle itself or (2) to counter a situation where the officer or others are unavoidably in the path of the vehicle and cannot move safely. Officers should avoid positioning themselves in the path of a moving vehicle where they have no option but to use deadly force.
 9. RPD and the City are currently reviewing the Department's policies and practices related to Less-Than-Lethal Weapons. These weapons were intended as a way to avoid the use of deadly force, but are subject to abuse. RPD and the City are working to consider and implement changes to policy, practice, and trainings regarding these weapons. The new policies and strategies for the use of Less-Than-Lethal Weapons include:
 - a. Gathering data on the use of these weapons, whether they should be phased out in whole or in part, what alternatives exist, and how officers are trained on the alternatives so that they have tools to safely do their jobs while protecting the public and members of the community.
 - b. Mandating that less-than-lethal weapons only be used as a last resort, once other alternatives have been reasonably exhausted and multiple warnings given.
 - c. A ban on the use of chemical weapons, like tear gas, for peaceful crowd control, and restricting their use to the case of riots and violent demonstrations and only when a command-level decision has been made to deploy them.
 - d. Phasing out the use of chemical irritants, as alternatives are developed.
 - e. Ban the use of irritants on minors 15 and under. Ban the use of irritants on all other minors and elders unless exceptional circumstances are present that pose an immediate threat of death or seriously bodily harm to the elder, child or others and no reasonable alternative is available. Support NYS legislation to accomplish these bans.
 - f. Ban the use of irritants when a person is restrained (including a person restrained by a "spit sock") unless exceptional circumstances are present that pose an immediate threat of death or seriously bodily harm to the person or others and no reasonable alternative is available.
 - g. Conducting a cost-benefit analysis on the use of flash bangs and sound cannons and develop alternatives to the use of these devices for dispersing crowds.
 - h. Requiring the volume set for the sound cannons/flash bangs shall be such that it will not cause long-term damage to a person's hearing.
 - i. Consider banning other "less-than-lethal" weaponry on a weapon-by-weapon basis. Before doing so, the City should hold public education/deliberation sessions that make the costs and benefits of these weapons clear and conduct public surveys to determine if and how Rochesterians wish to see these weapons used against civilians.
 - j. Clearly restricting use of less-than-lethal weapons that are not banned, in order to prevent disproportionate use of force, including a ban shooting civilians in the face, neck, or spine with a bean bag round or other projectile unless deadly force is justified.
 - k. Provide training to officers on these policy changes, the use of less than lethal weapons, and alternatives.



10. The RPD does not have Facial Recognition Technology or the ability to conduct biometric search and has no intent to acquire these technologies. If, these technologies were ever pursued, the City will engage the community in that decision-making process.
11. Maintain the mindset of a “Servant/Protector” versus a “Warrior” attitude at all times in crowd control situations. The focus should be on the safety and protection of people first, property second, whenever possible. Inevitably, some situations will involve confrontations with the public. Police should be skilled with de-escalation techniques to reduce the risks to all involved. Lower-level management techniques such as slowly moving crowds, giving directions over loudspeaker, limiting hostility, respecting First Amendment rights, should be priorities over more intensive techniques such as pepper balls, rubber bullets, flash bangs and tear gas, which should be deployed as a last resort under clear guidelines for use of force.
12. Institute policy that officers shall not handcuff juveniles aged 12 and under unless the juvenile presents a danger to themselves or others.
13. Research and develop a coordinated expanded pre-arrest diversion program that has empirical support of its success. Adapt a similar diversion approach for youthful offenders that is similar to the adult program with additional focus on strengthening family relations. Explore additional opportunities for diversion opportunities by establishing partnerships with the Monroe County District Attorney’s office and the Monroe County court system for program development.
14. Improve the RPD Body-worn Cameras program.
 - a. Add a list of examples of the types of law enforcement activities that officers are expected to record under the existing BWC policy. The BWC Manual’s standard recording policy requires officers assigned a BWC to “record all activities, and contact with persons, in the course of performing police duties.” This includes recording, “all calls for service and self-initiated police activity.” However, the Manual does not further enumerate examples of the types of law enforcement activities that officers are expected to record under this policy.
 - b. Expand the mandatory recording activities to explicitly require BWC use for (1) the execution of search and arrest warrants, and during (2) protest, crowd control, and demonstration-related operations.
 - c. Develop clear rules and training regarding the application of BWC usage for search warrant execution involving undercover operations and for SWAT teams operations. The RPD does not currently require BWC recordings for those operations for the protection of officers and law enforcement methods so policy clarification and further discussions with RPD are needed.
 - d. Update the BWC Manual to require officers to provide and record either a verbal or written justification to their supervisors when there is a (1) failure to activate the BWC to capture a mandatory or standard recording activity or (2) a premature deactivation of a BWC prior to the conclusion of a mandatory or standard recording event. (New- WH)
 - e. Add specific procedures in the BWC Manual that describe how an officer may be disciplined for failing to comply with the BWC policies. RPD’s BWC Manual does not currently address the repercussions for officers who fail to use their BWCs in accordance with Department policy.



- f. Amend/Update the RPD BWC policy to:
 - Provide a clear definition for the “safe and practical” exception to BWC recording requirements.
 - Consider eliminating the practice of officers previewing the BWC footage before writing reports because it is time consuming and creates bias.
 - Require officers to notify the public truthfully and effectively if they are being recorded.
 - g. Institute a zero tolerance policy for officers who routinely fail to turn on their body worn cameras when it is safe and practical; that policy should be accompanied by strict penalties, which may include dismissal.
 - h. Update Departmental policies regarding the release of complete BWC footage, in compliance with Freedom of Information Law.
 - i. Update Departmental policies regarding storage of body worn camera footage and public release of that footage.
 - j. Supervisory review of BWC footage will be required to audit and track use of BWC.
15. Continue to work with the Rochester City School District on not having police presence in educational settings and preparing a safety plan.
16. Update the RPD language access and interpretation plan. The City shall make its public safety system accessible and responsive to all Rochesterians, regardless of the languages they speak, and develop a full and robust language access plan and interpretation services in all contexts regarding emergency services, critical information provision, and law enforcement.



G. Resizing the RPD

1. Aim to reduce RPD personnel within the next 5-10 years so it can reallocate these resources to other programs.
2. Identify tasks handled by uniformed officers that could be handled by civilian individuals.
3. Consider reinstating and rehiring a Commissioner of Public Safety who has a final say on both budget and management.
4. Commit to providing the financial and institutional support for a process to achieve long-term change to Rochester's policing/public safety budget.
 - a. Bring all parts of our community to the table to examine and change our fundamental blueprint of policing and public safety.
 - b. Through a broad partnership with the community, educate and engage Rochesterians on how the RPD is funded. That partnership shall develop budget recommendations that captures Rochesterians' public safety priorities, then review the proposed budget and make suggestions. Regardless of what form this partnership takes, it must educate Rochesterians about how different tools, from police to social services, can change public safety in our community. It may need to be led by a coalition of organizations, inside or outside of government, that are trusted by the community. It should canvass Black and Brown people, people facing homelessness and poverty, and marginalized communities. The City will explore opportunities for a people's budgeting process.
 - c. Support the PAB in its necessary work, as outlined by the City Charter.



H. Response to Mental Health Calls

1. Significantly increase the number of officers with Crisis Intervention Team (CIT) training such that a sufficient number of CIT-trained officers are available on each shift. The RPD CIT program is an important tool for ensuring that RPD officers have the requisite skills to respond appropriately to a mental health crisis. This intensive training program has been completed by approximately 125 active-duty RPD officers. The program currently accepts officers on a voluntary basis. At this time, it is not recommended that RPD mandate CIT training for all officers, as at least some research suggests that mandatory, across-the-board CIT training lowers the effectiveness of the program overall. This may also require the RPD to examine how officers switch shifts to ensure that there are CIT-trained officers available 24 hours.
2. Expand the scope of mental health awareness training, and include explicit training on the availability of other mental health response programs and appropriate coordination, including mobile crisis intervention available nights and weekends.
3. Evaluate the Person in Crisis Team, or "PIC Team" Pilot Program that the City kicked off in January 2021 as a 6-month pilot program. At the end of the six months, the City will evaluate the effectiveness of the program using the following metrics:
 - **% of Calls Transitioned** - Reduce the number of behavioral health and lower acuity calls traditionally responded to by law enforcement or EMS.
 - **Impact on ED/hospital utilization** - Reduce the number of individuals transported to the emergency department that could be instead addressed in a non-hospital setting.
 - **Outcomes for individuals** - Along with documenting meaningful connections to services, i.e. enrollment in ongoing case management, establish and track other key performance indicators regarding the reduction in the number of non-warrant arrests that result during a 911 response.
 - **Cost-Benefit Analysis** - Monitor and analyze comparing the investment into the PIC Team and related Crisis Intervention Services Office programming with the costs of sending law enforcement or EMS for the same interventions.
4. Increase funding for first responder systems that appropriately replace police with social workers, mental health providers, and other non-police personnel.
 - a. Upon review of the metrics of the Office of Crisis Intervention Services pilot, evaluate the budget implications and provide funding where necessary.
 - b. Work with advocates and the court system to develop a program to improve evictions and the removal of tenants as part of the work being done in the City's Department of Neighborhood and Business Development.



I. RPD Recruitment

1. Overhaul the Civil Service hiring system. The City of Rochester is requesting a complete overhaul of the NYS Civil Service hiring and promotion system. It is evident and research shows that this practice has been and continues to be biased toward communities of color. In fact, the deciding factor of if someone would be a good officer or manager should not be based on how well someone scores on a written Civil Service exam. The state should immediately convene a Civil Service Commission to review and change the process for governmental hiring and promotions.
2. Create Civilian Public Safety Interview Panels to assess candidates for the Rochester Police Department. The purpose would be to bridge the gap of hostility and suspicion by giving the citizens the power to interview and assess candidates for the Police Department and make a recommendation to the Chief of Police before they are accepted into that process, and before the agencies make that commitment and investment in them. The purpose of the interviews will be to assess an applicant's attitudes, experience, cultural fit and implicit biases, to determine whether the applicant is fit to serve as a Police Officer with ethics, integrity and non-racist attitudes and behaviors.
3. Petition Judge Geraci's court to alter the language in the federal consent decree requiring the RPD to accurately reflect the various racial demographic populations of Rochester, and to maintain this status through aggressive hiring of minorities. The 1974 federal consent decree significantly contributes to the racial imbalance within the Rochester Police Department's ranks. The purpose of the decree, as written, was to increase the minority representation within the Rochester Police Department to 25%. This was reflective of the minority population of Rochester when it was written, however the minority population of Rochester currently stands at over 50%.
4. Increase the recruitment for the Career Pathways to Public Safety program offered by the Rochester City School District, and the PREP program offered by Monroe Community College to firmly establish a direct pipeline for the youth of Rochester to enter the ranks of the Rochester Police Department.
5. In compliance with relevant laws, share information with the community about the backgrounds of recruits and new hires, including information on whether officers are recruited or hired from the military and information on whether new hires have disciplinary histories from law enforcement agencies in which they previously served.
6. Consider requiring city residency for newly-hired police officers.



J. Training

1. Improve leadership training to cultivate community-supportive leaders in the RPD ranks.
 - a. Institute the Stratified Leadership Model to prepare leaders to create new competencies as they move up the ranks. Stratified Leadership is needed as leaders move up through the hierarchy. The complexities of the next level requires a different set of competencies and capabilities to function effectively with respect to community policing. Through the use of this leadership model, leaders know what decisions should be made and at what level they should be made.
 - b. Foster community-oriented policing leadership and its culture by adopting the following concepts:
 - The promotional processes identify and select leaders that grasp the concepts of community-oriented policing.
 - The leaders regularly have informal and formal conversations about how they can embrace community-oriented policing.
 - Outside influences, such as the community, influence city leaders to ensure police leaders adopt community-oriented policing.
 - Police leaders recognize the importance of community-oriented policing and put in place measures that permeate the agency's philosophy.
 - City elected leadership direct the police department to put in place plans to ensure there is community-oriented policing.
 - Performance standards (ratings) are structured to drive the acceptance of community-oriented policing.
 - c. Learn from other industries and police organizations to stimulate organizational growth. Leadership training allows for leaders to broaden their global view. While working with partnering agencies, common bonds help to allow for a unified response to emergencies and ways to impart strategies to better work with the community.
2. Use empirical data to support the selection of new training programs.
3. Select and implement a strong curriculum for responding thoroughly and effectively to the need for racial justice education of police recruits at the Police Academy level and in-service education for Officers.
4. Invest in available cultural diversity training to include implicit and explicit bias training, procedural justice training, systemic racism, cultural competency, and Rochester history training that includes cultural diversity, redlining and neighborhood development instruction during a recruit's post academy as well as in-service for all staff.
5. Advocate for a change in NYS law to require DCJS to mandate explicit and implicit biases, systemic racism, cultural competency, and procedural justice training in the Basic Course for their Police Officer certification program. Mandate that this training be continued through required routine in-service courses. Advocate for funding for this additional mandated training.



6. Reinforce Police Officers as “Servant/Protectors” as opposed to “Warriors” through training. In comparing the documented and required police recruit training in de-escalation techniques to the greater amount of time spent on firearms, baton, and OC spray training, it appears that there is an imbalance that could further the perception of the concept of Police Officers as “Warriors” as opposed to “Servant/Protectors.” While most agencies provide de-escalation training, there are key success factors that are often not incorporated into the training process. These include:
- Making de-escalation a core theme of an agency’s training program.
 - The responsibility for an officer to intervene to prevent other officers from using excessive force.
 - In-field training, video scenario reviews, and discussions focused on Use of Force and de-escalation policies and procedures provided by skilled certified instructors.
 - An audit process with data that is transparent and provided on a routine basis.
 - Annual refresher training for all officers.
 - Hours in de-escalation training at least as long as firearms, weapons, and defensive training combined.

This training will require certified trainers trained by a nationally recognized de-escalation specialist. It is recommended that officers at the academy receive eighty plus hours of de-escalation training and every officer should be required to take at least one two-hour yearly training course in de-escalation tactics.

7. Focus training on humanity and the sanctity of life. Focusing on “Sanctity of life” as a guiding principle is an example of a values-based approach to Use of Force which includes the following points:
- Respect human rights.
 - Officers should not engage in unreasonable actions that precipitate the use of force as result of tactical, strategic, and procedural errors.
 - Individuals are entitled to Constitutional Rights free from excessive force.
 - It recognizes that split-seconds judgements are made.
 - Reasonableness inquiry in excessive force situations is objective. When reasonable, officers should use advisements, warnings, verbal persuasion and other tactics including withdrawing.
 - It is important for officers to bear in mind that many reasons exist that individuals may resist arrest:
 - The person may not be capable of understanding the gravity of the situation.
 - An individual’s reasoning ability may be dramatically affected by several factors, i.e. medical condition, mental impairment, developmental disability, language barrier, drug interdiction and emotional crisis.
8. Utilize training programs that have proven successes, such as Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents, published by the Police Executive Research Forum in 2016.



9. Integrate training topics into each officer's annual performance review process. Recognize individual officer's very good performance and discipline individual officer's performance below the acceptable level.
10. Prioritize spending hours training on use of force and de-escalation in such settings, which are generally the most effective for adult learning, as opposed to purely classroom learning.
11. Explore working with the Active Bystandership for Law Enforcement ("ABLE") Project, which has created trainings designed to train officers on how to intervene to prevent harm and to create a law enforcement culture that supports such peer intervention.
12. Provide training on the proper use of pretextual stop. Ensure that it is not applied in an inequitable manner.
13. Take advantage of available outside funding for De-escalation Training.
 - a. Seek a grant from the U.S. Department of Justice, which announced recently that it has put \$3 million toward the creation of a national center that will provide training and assistance to help law enforcement agencies prevent the use of excessive force. The grant would provide additional support for training officers, and assist with reviewing current policing policies, as well as providing for the mental health of officers.
 - b. Pursue a Byrne Memorial Justice Assistance Grant – JAG. The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement.
 - c. Apply to the NYS Division of Criminal Justice Services.
12. Explore a possible pilot program for providing mindfulness-based de-escalation, anti-racism, wellness and resiliency training. There is a growing focus on what is commonly referred to as Mindful Policing in recent years. Studies show the following benefits, and they show that continued practice is needed to sustain these benefits.
 - Significant increases in resilience, mental health and emotional intelligence;
 - Significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
 - Reduction in the levels of the stress hormone cortisol;
 - Officers reported less difficulty with emotional regulation, organizational and operational stress.



City of Rochester

APPENDIX A LIST OF PUBLIC ENGAGEMENT ACTIVITIES



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



Appendix A – Community Engagement

Rochester, NY Public Safety Reform Plan

Host/Sponsor	Type of Outreach	Topic	Month/Year
City of Rochester	Survey	Policing in Rochester	10/20
UCLM/PMD Church	Rally	Police Reform	08/20
UCLM	Meeting	Police Reform Proposals	08/20
UCLM/First Genesis	Meeting	Police Reform Proposals	08/20
UCLM/Dr. Cedric Alexander	Zoom	Police Reform Proposals	08/20
UCLM/First Church of God	Meeting	Police Reform Proposals	08/20
UCLM	Meeting	Police Reform Proposals	09/20
UCLM	Meeting	Police Reform	10/20
UCLM/Community Justice Council	Meeting	Police Reform	10/20
UCLM/Buntu	Zoom	Police Reform	11/20
UCLM	Zoom/Webinar	Police Reform	12/20
UCLM/WHEC TV	Program	Police Reform	01/21
UCLM	Zoom	Police Reform Proposals	01/21
UCLM	Zoom	Police Reform	01/21
UCLM	Zoom	Monroe County Sheriff	01/21
UCLM	Zoom	Police Reform	01/21
UCLM	Zoom	Police Reform	01/21
UCLM/Clergy Caucus	Zoom	Police Reform	01/21
UCLM	Zoom	Police Reform	01/21
UCLM/Greater Rochester Police-Community	Zoom	Police Reform	01/21
UCLM/Christian Community Church	Zoom	Police Reform	01/21
UCLM/WHEC TV	Zoom/TV	Police Reform	01/21
UCLM/Press Conference	Press Conference	Police Reform	01/21
UCLM/Connections Radio	Radio Program	Police Reform	01/21
UCLM/Broome County-MLK Commission	Zoom	Police Reform	01/21



Host/Sponsor	Type of Outreach	Topic	Month/Year
UCLM/Keith Brown-Albany LEAD Coordinator	Meeting	Key features of Law Enforcement Assisted Diversion	02/19
University of Rochester – Prof.	Meeting	Education and feedback on multiple pre-arrest Rochester Area Diversion Services	04/19
Albany LEAD Organization- Law Enforcement and Providers	Meeting in Albany	Operational Aspects of LEAD	08/19
Monroe County Police Chiefs	Meeting	Discussion with Albany LEAD Police and Local Police Chiefs	02/20
RMAPI Policy Committee	Meeting	Education and Feedback re: LEAD and Benefits to Reduce Poverty, etc.	04/20
Rochester Area Diversion Providers	Virtual Meeting	Establish A Single Coordinated Pre-Arrest Diversion Service	06/20 10/20
RASE Police working group	Meeting	Feedback from United Christen Leadership Ministry (UCLM),	09/20-01/21
RASE Police working group	Meeting	Feedback from County Alliance for Transformation of Community and Police (MCATCP)	09/20-01/21
RASE Police working group	Meeting	Feedback from The Rochester Police Department Chief's Police Citizen Interaction Committee (PCIC)	09/20-01/21
RASE Police working group	Focus Groups	Feedback from RPD Officers	09/20-01/21
RASE Police working group	Individual Conversations	Feedback from various demographic area residents	09/20-01/21
RASE Police working group	Meetings	Feedback from 3 youth groups represented by Teen Empowerment, Greece Odyssey	09/20-01/21



Host/Sponsor	Type of Outreach	Topic	Month/Year
		Academy, and Pittsford Sutherland High School	
RPD	Meeting	Black Lives Matter Group - Community Violence Initiative.	12/20
RPD	Meeting	Nation of Islam- Building community relationships	01/21
RPD	Meeting	Community Justice Initiative	01/21
RPD	Zoom	Faith-based community protest (March) rules of engagement	01/21
RPD	Zoom	Rochester Clergy Roundtable	01/21
RPD	Zoom	Ibero Leadership- plan for protest and public safety	01/21
Rochester PAB	8 Virtual Meetings to Private Organizations and/or the Public at Large	Review of PAB's Findings & Recommendations	12/20 – 01/21
Rochester PAB	Call for Written & Oral Feedback (30 pages of feedback received)	Review of PAB's Findings & Recommendations	12/20 – 01/21
City of Rochester	Website, Social Media, Press Release	Public Comment Period on Draft Plan	02/21



City of Rochester

APPENDIX B REPORTS PROVIDED BY THE POLICE ACCOUNTABILITY BOARD

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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council

DRAFT ANSWERS

TO

**QUESTIONS FROM THE WORKING GROUP ON POLICE REFORM &
REINVENTION**

ROCHESTER POLICE ACCOUNTABILITY BOARD

DECEMBER 2020

EXECUTIVE SUMMARY

In October 2020, the Police Accountability Board was asked to participate in the City of Rochester's Working Group on Police Reform & Reinvention. The Board was asked to submit answers to questions that ask about the City's policing practices and whether the City should implement specific public safety reforms. These answers will inform the Working Group's reform plan that must be approved by City Council in April 2021.

The Board needs community input on its answers. To get that input, the Board is submitting a preliminary set of answers to the Working Group and the public, along with the questions it was asked and community testimonials on policing that the Board has solicited in recent weeks. The Board hopes other Working Group members, Rochesterians, and local organizations will read those testimonials, reflect on the Working Group questions, and suggest additions or revisions to the Board's answers. Comments must be emailed to pab@cityofrochester.gov by January 8, 2021.

While the Board needs additional data to come to firm conclusions, its initial answers contain notable tentative findings, such as:

- Rochester has twice as many police officers per resident than the average similarly sized city.
- The Rochester Police Department has used practices widely seen as controversial or harmful.
- The RPD may lack an internal culture that keeps its officers and Rochesterians fully safe.
- Rochesterians from many backgrounds appear to want a thorough reimagining of public safety, rather than piecemeal reform.

These tentative findings have led the Board to make a set of recommended changes that can serve as first steps toward that reimagining of public safety. These proposals are meant to be a starting point for community discussions that will inform the Board's final recommendations and ongoing work. The Board's key initial recommendations are that, by the end of 2021, the City should:

- drastically expand staffing for and use of first responder systems that substitute police officers with social workers and mental health providers;
- support a community-led process to educate Rochesterians about how the City's limited public safety dollars can be spent, learn the spending priorities of city residents, and develop a budget that reflects those priorities in staffing and funding levels;
- create trainings and disciplinary policies that end RPD's use of breathing restrictions like chokeholds, chemical weapons like tear gas, protest response devices like sound cannons, and high-risk practices like no-knock warrants;
- boost funding for training, prevention, and response systems within RPD that address work-related stress and trauma in ways that shield officers, their families, and the people they serve;
- make policing transparent by collecting and releasing comprehensive data on the RPD's enforcement patterns, internal culture, and policing practices while making public all aspects of officer training; and
- protect residents and officers by investigating and dismantling structures of white supremacy, misogyny, homophobia, and transphobia that may exist in the RPD's culture and practices.

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INTRODUCTION

In June 2020, Governor Andrew Cuomo issued Executive Order 203, titled “New York State Police Reform and Reinvention Collaborative.”¹ The order required the state’s Division of the Budget to, through “guidance,” direct all local government entities in New York to “convene the head of the local police agency and stakeholders in the community” and: (1) “perform a comprehensive review” of the local police department; (2) “develop a plan” to improve that department; (3) offer that plan “for public comment to all citizens in the locality”; and (4) “adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021.” In August 2020, the state’s Executive Order 203 guidance was released. That guidance was “not intended to be the plan for any given community,” but rather intended to suggest “critical questions, information, and resources to frame and guide each community’s dialogue.”²

In mid-October 2020, Mayor Lovely Warren convened a Working Group on Police Reform & Reinvention to fulfill the requirements of Executive Order 203. To serve on the Working Group, the Mayor selected representatives from the Rochester Police Department, the Commission on Racial & Structural Equity, United Christian Leadership Ministry of Western New York, Inc., and the Police Accountability Board. Representatives from City Council have also participated in Working Group meetings. The Working Group as a whole was tasked with providing answers to thirteen core questions derived from the state’s guidance document. Each core question was accompanied by a number of subsidiary questions or issues to address.

Each Working Group entity was assigned specific core questions to answer. Some questions were assigned to multiple entities, while some questions were only assigned to the RPD. Each entity was responsible for deciding how it would answer its questions and what precise format its answers would take. The final set of answers from each Working Group entity aim to inform the initial reform plan released by the Working Group. Further details on the Working Group, including meeting minutes, can be found on the City’s Executive Order 203 webpage that is available [here](#).

The Police Accountability Board was assigned eight core questions, many of which asked for recommended changes to City policies and practices. Some questions asked whether the RPD engages in and should engage in certain controversial police practices. Other questions asked about whether the City should fundamentally reimagine public safety by changing the budget and size of the RPD. Given the size and complexity of these questions, the Board recognizes that complete answers can only come with robust data collection and extensive community engagement that must be conducted over a time period of months and years, rather than weeks.

Nevertheless, the Board began its work by attempting to understand the perspectives of everyday Rochesterians on these issues. The Board examined hundreds of public comments on policing made during recent City public engagement processes, dozens of newspaper articles, and many other documents that reveal those perspectives. The Board also solicited community testimonials from people who are either traditionally ignored in government decision making processes or who have deep experience with Rochester’s public safety system. The voices expressed in the community testimonials, which are presented at the end of this document, include those of Black

and Brown people, people from the LGBTQ community, people with disabilities, people who have faced homelessness and poverty, people who have been hurt by police officers, people who have served as police officers, medical professionals, social workers, people from a range of religious traditions, young people, community elders, parents, workers, community organizers, business owners, and retirees.

The Board recognizes that whatever final answers it submits to the Working Group will be incomplete, with recommendations that aim for achievable goals while setting the stage for the longer work of reimagining public safety that must occur in the months and years to come. Before it submits its final answers, however, the Board hopes to obtain additional community input by releasing a first draft of its answers to other members of the Working Group and the public. This document presents the Board's preliminary answers in a format that allows the public to understand those answers and provide appropriate feedback.

Each section of this document addresses a subject at the heart of a particular Working Group question, like "reimagining public safety" or "addressing controversial police practices." Each section then provides the specific question posed to the Board and a summary of the subsidiary questions or issues the Board was asked to address. Finally, each section provides an answer to these questions. The document concludes with appendices that provide the specific questions assigned to the Working Group as well as the community testimonials solicited by the Board.

The Board wishes to thank all Rochesterians who generously gave their time submitting community testimonials. The Board thanks members of City Council, the Police Accountability Board Alliance, Vocal NY, and many other community partners who assisted the Board in collecting community testimonials on short notice. Finally, the Board wishes to thank its staff for providing drafting and research assistance.

Any individual or organization looking to comment on the Board's initial answers should submit those comments via email to pab@cityofrochester.gov by Friday, January 8 at 5 PM. Comments may suggest that the Board's answers include new or revised factual statements, new or revised recommendations, or other information relevant to the Working Group or the Executive Order.

REIMAGINING PUBLIC SAFETY

How Are You Incorporating “Procedural Justice,” Which Focuses On The Manner In Which Law Enforcement Interacts With The Public?

This question asks how Rochester should (or should not) use police to keep Rochesterians safe. It poses big picture questions like: What things should the police do? What things are the police doing that should be done by others? Should resources be redistributed from the police department? Does the community think there should be more, less, or different kinds of police officers? Should police officers be in schools, be demilitarized, or be civilianized?

Brief Answer

These big picture questions about policing can only be answered by the community. The Police Accountability Board itself is designed to, in the long term, help the community answer these questions. It can do so by bringing transparency to the RPD, creating spaces for community discussion, conducting public surveys, and providing tools for translating demands into change.

Despite the need for long term community engagement on these issues, it is clear that the City needs to do some big picture things immediately. The Board recommends that the City, by the end of 2021, do the following: (1) drastically expand staffing for and use of first responder systems that substitute police with social workers and mental health providers and (2) support an independent process to educate Rochesterians about how the City’s limited public safety dollars can be spent, learn the spending priorities of city residents, and develop a budget that accurately reflects those priorities and begins to right-size the RPD and all City public safety agencies.

Full Answer

This question asks how Rochester should reimagine public safety. Another way to pose this question is to ask if the RPD is being held accountable. Government is accountable when its priorities – expressed in budgets, policies, and practices – match those of the people that government serves. For the RPD to be held accountable, then, the public safety priorities of the City must be made to match those of its residents.

Holding the RPD accountable will require investigations into the department’s inner workings, informational sessions to educate Rochesterians about those inner workings, processes that listen to both police officers and the residents who are subject to policing, public forums to discuss alternative models of public safety, commissioning of public surveys conducted and crafted by professionals, and many other tasks. Thankfully, the City has a tool with which to help lead these efforts: the Police Accountability Board. The Board has a legal duty to “ensure public accountability and transparency over the powers exercised by sworn officers of the RPD.” With its Charter-granted powers relating to transparency and public engagement, along with time and the necessary resources discussed later in the Board’s answers, the Board can fulfill this duty.

In the present moment, however, it seems premature to provide detailed answers to big picture questions about how Rochesterians want their public safety system to operate. Rochester is a richly

diverse community, one with a multitude of perspectives on policing. Some residents may want more police. Some may want fewer. Many may want more information about policing before coming to any conclusions. Reconciling these differences and determining the right path forward will take time. The data we have now includes perspectives written in newspapers, announced by community organizations, and reflected in comments submitted through the City's survey on policing that was released in November 2020. Unfortunately, this data is deeply incomplete, and may omit or obscure many sources of relevant and valuable information.

Curing this flaw in this pool of public information will take well-developed, long-term community engagement efforts that are thorough and transparent. To obtain some additional data immediately, the Board chose to solicit perspectives from people who are either traditionally ignored in government decision making processes or who have deep experience with Rochester's public safety system. By asking community partners for assistance, the Board was able to obtain a set of *community testimonials* – publicly-stated answers to the following “big picture” questions:

- Imagine a Rochester that makes you feel safe. What role do police officers play in that city?
- What, if anything, should change about policing to make people in Rochester safer?
- When, if ever, should people who are NOT police officers respond first to a 911 call? Who should those people be?
- Rochester spends roughly \$150 million on policing each year. To make our community safer, should any of these funds be spent elsewhere? If so, where?

The full set of community testimonials are provided at the end of this document. The testimonials are too few and too limited in scope to serve as a strong data point on their own. Yet they are still valuable, allowing us to hear the voices of people who have seen many aspects of Rochester's public safety system. Some themes from the testimonials include:

- *Desires for Public Safety Systems to Center Responders Who Are Not Armed Police Officers.* Many responses focused on fears about armed police officers who are not from the community responding to calls involving mental health crises, substance abuse, and unhoused people. A commonly expressed solution was to dramatically increase the use of social workers, mental health professionals, and other unarmed, non-police first responders.
- *Concerns About the City's Public Safety Budget.* Many responses expressed concerns that the City's public safety dollars need to be reallocated. Testimonials suggested reallocating spending from the RPD to educational, health, and youth support systems that respondents saw as better tools for addressing threats to public safety.
- *Support for Policing & Public Safety Systems That Reflect The Community and Are Controlled By The Community.* Many responses suggested that the RPD is often not respectful toward, accountable to, or reflective of everyday Rochesterians. By expressing

support for the community-led Police Accountability Board, organizational changes to the RPD, and the RPD being comprised of people who live in the city and are from the city, respondents often called for policing and public safety systems that reflect, and are controlled by, the community.

With these testimonials and the other available data in mind, there appear to be at least two changes that may have consensus or majority support from Rochesterians: drastically expanding funding for alternative first responder models and supporting a community-led public safety budgeting process.

Drastically Expanding Funding for Alternative First Responder Models

In 1976, the City of Rochester convened a Citizens Committee on Police Affairs.³ Part of the Committee’s task was to “evaluate and make recommendations concerning the policies and procedures of the RPD in responding to crisis calls.” When the Committee released its final report, it focused on the Family Crisis Intervention Program (“FACIT”), a program originally housed in the RPD that used social services professionals as part of the first responder system. The Committee advocated for FACIT’s “expansion” and to “increase its personnel” – which, in 1977, stood at just eight people.⁴ Over forty years later, FACIT was reported to have just 10 staff, who only take about 12% of the RPD’s domestic violence service calls.⁵

In September 2020, the City created a new Office of Crisis Intervention Services that is housed within the Department of Recreation and Youth Services. The Office’s goal is to “create a comprehensive, community-based response to support victims and families dealing with homicides, mental health, domestic violence, and other related issues.”⁶ FACIT, along with the RPD’s Victim Assistance Unit, were transferred out of the RPD and into the Office in October 2020.⁷ In December 2020, the City signed a one-year, \$25,000 contract with Eugene, Oregon’s White Bird Clinic – a national model for alternative first responder systems – to provide “guidance and technical support” for the Office.⁸

The Board has hopes for the work of the Office of Crisis Intervention Services. However, more information is needed to judge whether the Office’s policies, practices, and procedures will create the comprehensive alternative first responder model Rochester needs. As the program coordinator for Eugene’s alternative first responder program has said, the “key thing” for communities looking to create successful alternative first responder models is determining how residents can access the relevant services. Moreover, the success of those models is dependent on the expansiveness of the services they provide, which may include: conflict resolution and mediation; dispute mediation and resolution; grief and loss counseling; substance abuse counseling; providing basic supplies; addressing housing crises; providing non-emergency medical care; and providing direct funds for essential items.⁹

Funding is perhaps the most important determinant of an alternative first responder program’s success. Currently, the Office of Crisis Intervention Services receives about \$1 million – or roughly 1% of the RPD’s line-level budget.¹⁰ The Office will have about 14 staff, or roughly 1.5% of the RPD’s budgeted staffing levels.¹¹ These budget and staffing figures should be made proportionate to the volume of calls that could be taken first by the Office’s staff rather than RPD officers. It will take hard data, including information about other alternative first responder systems in Monroe County, to determine the

Office's optimal budget and staffing size. However, if the Citizens Committee on Police Affairs's estimate that 90% of police time was spent on service calls remains even remotely accurate,¹² then the Office's budget should be far more than doubled. It should be drastically expanded.

Supporting a Community-Led Public Safety Budgeting Process

Rochesterians from across a diversity backgrounds have questioned whether the City has the right-sized police department. Some Rochesterians may believe the RPD is too large. Others may believe it is too small. Regardless of which is the case, the community must review the City's current levels of policing. The question of right-sizing the RPD and all departments that aim to provide public safety services is especially pressing given that the City is facing an unprecedented budget crisis in 2021, one that will likely require cuts from many of the City's departments.¹³

The Board believes the City should have a police department in the size and scope that its residents want. Rochesterians know what makes them feel safe. With public education about different methods of spending limited public safety dollars and the costs and benefits of those methods, everyday Rochesterians can be trusted to communicate a rough sense of their public safety priorities. The City must learn these priorities and translate them into a budget that right-sizes the RPD and all other City departments that aim to achieve public safety.

This public education program must begin with basic facts about the RPD and how it compares to police departments in other communities. Some of those facts can be taken from employment data made available through the Federal Bureau of Investigation. The most recent data from the FBI, for calendar year 2019, indicates that Rochester employs a strikingly high number of police officers compared to the towns surrounding it that have police departments.¹⁴ Rochester has over three times as many officers per resident as Brighton, Gates, or Greece, nearly five times as many as Webster, and six times as many as Ogden.¹⁵

Rochester also employs a strikingly high number of officers compared to other cities. Compared to the average city among the largest 1,000 U.S. cities with police departments, Rochester has more than twice as many officers on a per resident basis.¹⁶ Of these largest cities, Rochester ranks 18th in officers per resident, ahead of cities like Atlanta, Boston, Dallas, Los Angeles, Miami, and San Francisco.¹⁷

Of course, all cities are different. Do cities with similar sizes as Rochester have similarly large police departments? The data suggests not. **Outside of Birmingham, Rochester has more officers on a per resident basis than every other one of the 70-plus cities that have between 150,000 and 250,000 residents.¹⁸ Rochester has roughly twice as many officers per resident than the average city in this population range.¹⁹**

What about cities with similar crime rates? Again, the data suggests this is not the answer. Rochester has roughly twice as many officers per resident when compared to the average of the 20 major cities (that is, cities with more than 100,000 people) with the most similar property crime rates.²⁰ Rochester has 67% more officers per resident compared to the average of the 20 major cities with the most similar violent crime rates.²¹

What about cities with similar geographic locations? Among other major Upstate New York cities, Rochester is an outlier, with 18% more officers per resident than Niagara Falls, 19% more than Albany, 22% more than Binghamton, 26% more than Buffalo, 27% more than Syracuse, 32% more than Utica, 38% more than Troy, and 46% more than Schenectady.²² Geography doesn't fully seem to explain Rochester's levels of policing.

Finally, what about cities with similar demographics? The data suggests there is no complete answer here. In recent years, the RPD created a list of cities "most similar to Rochester" along a host of variables including population density, age, sex, race, ethnicity, housing, education, health, economy, transportation, income levels, and poverty rates.²³ Of the top 20 most similar cities that reported officer employment data to the FBI in 2019, Rochester had 33% more officers than the average city.²⁴

If size, crime rate, geography, and demographics fail to fully explain the number of officers in Rochester, what does? Perhaps the answer lies in the story of a Rust Belt city maintaining the same levels of service that it once provided when its population was significantly higher. Historical employment and population figures suggest this may not be the case. Rochester reached its peak population in 1950, when it had roughly 330,000 residents; that year, the RPD had roughly 430 sworn officers.²⁵ In the years since, the size of Rochester's police force increased by two-thirds while its population shrank by a third.²⁶ In other words, Rochester's officer-to-resident ratio has nearly tripled in the last seventy years.

Before the City continues funding its police department at current levels, it must engage in deep, public reflection about the size of its department that addresses a number of questions. What caused the dramatic expansion of the RPD as the City shrunk after 1950? Why do factors like size, crime rates, geography, and demographics seem unable to fully explain the RPD's current size? Is the RPD's size justified on a cost-benefit basis, especially when taking into account the costs of harmful policing practices that are disproportionately born by marginalized communities?

While the City itself must answer these questions, Rochesterians must also be asked more fundamental questions about how they want to spend the community's limited public safety dollars. Asking the right questions will be important. Questions like "Do you want more police?" are, on their own, unilluminating. This is, in part, because residents may want more police at the same time that want more youth programs, parks, mental health services, and educational spending. Deciding how to prioritize these desires given the City's limited budget means asking questions like "What percent of the City's budget should be spent on each public safety agency?"

The Board acknowledges that the right-sizing of the RPD and all the City's public safety agencies will take time. Yet the questions to guide that right-sizing can and should be answered beginning in 2021. Those questions should be asked as part of a broader partnership with the community to educate and engage Rochesterians. That partnership should develop a new budget that accurately captures Rochesterians' public safety priorities.

Regardless of what form this partnership takes, it must educate Rochesterians about how different tools, from police to social services, can change public safety in our community. It may need to be led by a coalition of organizations, inside or outside of government, that are trusted by the

community. It should canvass Black and Brown people, people facing homelessness and poverty, and marginalized communities. It should also survey Rochesterians to determine their priorities about how to deploy police, keep the community safe, and spend the City's limited public safety budget. The goal of this partnership should be a public safety budget that reflects Rochesterians' priorities – and an RPD with staffing levels justified by those priorities and a thorough cost-benefit analysis. The City should support the development of this community-driven budget during the present budget cycle.

* * *

In addition to these two recommendations, the Board also suggests the City explore more fundamental changes to the institutions within the City's public safety ecosystem. For example, the Board was not asked to discuss or address the role of the Locust Club, yet police unions play a crucial role in determining what policing looks like in a community.²⁷ *The City may wish to reexamine that role as it exists in Rochester and alter its approach to negotiating the union contract.*

The City may also wish to return to the basic public safety framework that existed in Rochester for most of the 20th century. Within that framework, which lasted from 1900 to 1970, there was no independent City department dedicated to policing. Instead, a police bureau existed within a Department of Public Safety alongside other agencies like a board of health. While the Department of Public Safety was abolished in the wake of the Civil Rights movement, thanks to politicians' concerns about "increased crime," *the City may wish to reorganize its public safety apparatuses into a structure that sees policing as one tool among many that can achieve the ultimate goal of keeping Rochesterians safe.*²⁸

ADDRESSING CONTROVERSIAL POLICE PRACTICES

Does Your Police Department Use [Certain Practices] And, If So, Which Should Be Reformed, Curtailed or Discontinued?

This question asks whether the RPD uses a specific set of practices and whether these practices should be changed. These practices are: “broken windows” policing practices; stop-and-frisk; chokeholds and other officer-initiated breathing restrictions; “less-than-lethal” weapons including tasers and pepper spray; use of force as punishment or retaliation; pretextual stops and racial profiling; informal quotas for summonses, tickets or arrests; shooting at moving vehicles; high speed pursuits; SWAT teams; no-knock warrants; and facial recognition technology.

Brief Answer

The data we have suggests that the RPD has used a number of these potentially controversial and harmful police practices. To understand the full extent of these practices in Rochester, the City must release comprehensive data on enforcement patterns, officer behavior, and training. Until that data is released, it is impossible to know precisely what changes are necessary. Nevertheless, there are some straightforward changes the City should implement immediately, including: (1) banning the use of chokeholds, neckholds, and headlocks not just through policies, but through training and strictly enforced disciplinary rules; (2) using similar tools to ban the use of chemical weapons like “CS” tear gas, protest response devices like sound cannons, and the execution of no-knock warrants; (3) restricting through policy, training, and disciplinary rules the high-risk use of “less-than-lethal” weapons like bean bag rounds to situations where deadly force is justified; and (4) learning Rochesterians’ priorities about policing low-level offenses and creating policies, trainings, and disciplinary rules to enforce those priorities.

Full Answer

Unlike a police department’s formal policies, procedures, and training regimes, police practices do not exist on paper. They can only be seen by watching the behavior of officers and other departmental employees. Unless this behavior is comprehensively measured and reported, the public must rely on media accounts, eyewitness testimony, and other fragments of evidence to gain an incomplete picture of what a police department is doing.

Presently, there are few reporting systems that allow Rochesterians to know precisely if and how the RPD uses potentially controversial police practices. For some practices, like pepperball use, the RPD may already be collecting the data necessary to understand the extent of a particular practice.²⁹ Yet unless this data and the processes for gathering it are made public, Rochesterians will never be sure about what the RPD does and does not do.

Still, there are some practices we do know about. These include:

Chokeholds & Breathing Restrictions

Definition. The RPD’s general orders define chokeholds and “similar restraints” as “[a]ny application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.”³⁰ This definition matches the one in New York State law.³¹ As noted in Governor Cuomo’s Executive Order 203 guidance, non-chokehold breathing restrictions include “positioning someone on their stomach while in restraints” and “the application of pressure on someone’s back while restrained face down.”³²

Data. To understand precisely if and how the RPD uses chokeholds and other breathing restrictions, we would need accurate and comprehensive data on use of force, including what breathing restrictions the RPD’s officers are using, how often those restrictions are being used, and whether those restrictions are causing injuries. The RPD may currently be collecting and releasing some of this data via the New York State Department of Criminal Justice, which recently created an online portal for police departments to submit data on use of force, users of force, and people on whom force is used.³³

What We Know. The RPD has a practice of using chokeholds and breathing restraints. In 2017, then-Chief of Police Michael Ciminelli said that the RPD “do[esn’t] train” officers to use chokeholds and said they are “prohibited unless there’s a life threatening situation.”³⁴ Ciminelli’s comments were made after the RPD suspended an officer for “appear[ing] to . . . chok[e] a handcuffed prisoner.”³⁵ Since that time, the RPD has been sued over its officers allegedly using a chokehold on a teenager³⁶ and allegedly killing Daniel Prude by applying pressure on his handcuffed body and causing him to asphyxiate.³⁷ In the latter case, according to media reports, an initial RPD investigation determined that the actions of officers were “consistent with their training.”³⁸

Controversy. The reason for the nationwide controversy over police use of chokeholds and breathing restraints is clear: these techniques have killed people, including people who may have posed little or no risk to officers.³⁹

Changes Needed. In summer 2020, the State of New York passed the Eric Garner Anti-Chokehold Act, which made it a felony for a police officer to “us[e] a chokehold or similar restraint . . . and thereby caus[e] serious physical injury or death to another person.”⁴⁰ After the Act was passed, the New York City Police Department reportedly ordered its officers to “never use a chokehold, neckhold, or headlock on the subject of an arrest” and to never “sit, kneel or stand on the subject’s torso – including the back, the chest, or the abdomen.” Moreover, officers were told “to stop any other officers who don’t follow the guidance.”⁴¹ **In August 2020, the NYPD issued a draft of new disciplinary rules that classified any use of a chokehold or refusal to stop a chokehold – even uses that do not cause an injury – as wrongdoing.**⁴² The RPD should create similar orders, training, and disciplinary rules that end the use of chokeholds, neckholds, and headlocks, as well as the use of sitting, kneeling, standing, or applying significant body weight on a handcuffed or restrained person. The RPD must strictly enforce disciplinary rules that ban these practices.

Use of “Less-Than-Lethal” Weapons

Definition. “Less-than-lethal” is an inaccurate description of the weapons the term aims to describe. As one report to the National Institute of Justice put it, less than lethal weapons are weapons “considerably less harmful than the projectiles fired from firearms” that nevertheless retain the “potential to cause death or serious injury.”⁴³

Data. To understand precisely if and how the RPD uses “less-than-lethal” weaponry, we would need accurate data on: (1) relevant training procedures; (2) spending on such weaponry; (3) use and equipment rates; (4) related injuries; and (5) the cost-benefit analyses the RPD uses to justify the training regarding, purchase of, and use of such weaponry.

What We Know. The “less-than-lethal” weaponry currently used by the RPD includes: batons, tasers (“conducted electrical weapons”), bean bag rounds (“kinetic energy impact projectiles” or “KEIP” shot via “less lethal force shotguns”), pepperballs (shot via a “pepperball launching system” or “PLS”), pepper spray (“OC spray”), and tear gas (“CS gas”).⁴⁴ The RPD also uses sound cannons (“long range acoustic devices” or “LRADs”),⁴⁵ which – while non-physical – can potentially cause serious hearing loss and harm.⁴⁶ The RPD says it does not use rubber bullets.⁴⁷

While the full extent of the deployment, training, restrictions regarding, and use of these weapons is unclear, there are some rules we do know about. For example, the RPD has published a detailed standard operating procedure manual that states the rules governing its officers’ use of pepperballs.⁴⁸ These rules explicitly allow for officers to shoot pepperballs “directly” at the “face, throat, base of the neck and spine” when the officer is “justified” in doing so. While the rules state that an officer would be “justified” if “the subject is presenting a deadly physical force threat to an officer or a third person,” the rules do not list the other circumstances that would justify – or, more importantly, not justify – shooting pepperballs at a person’s face, throat, base of neck or spine. The only clear ban on pepperball use occurs when “it is known that the subject is pregnant.” In short, even when there are published rules about less-than-lethal weaponry, it is unclear if and how these rules actually constrain and guide officer behavior.

Controversy. Less-than-lethal weaponry can carry such high risk of injury and trauma that, regardless of how they compare to “lethal” firearms, the public may want them rarely used, if at all.⁴⁹ Some of these weapons, such as tear gas, are considered so devastating that they are banned for use in warfare under both the Geneva Convention and the Chemical Weapons Convention.⁵⁰ Research suggests that the introduction of less-than-lethal weapons like tasers into a police department “leads to increased aggression” by both officers and people officers encounter.⁵¹ The RPD’s own use of less-than-lethal weaponry during recent protests has allegedly caused numerous injuries, including “broken bones and more permanent injuries.”⁵² After being exposed to tear gas thrown by officers during this summer’s protest, some Rochesterians reported “menstrual irregularities.”⁵³

Changes Needed. The use of chemical weapons like tear gas must be banned. If the international community agrees that a weapon is too brutal for warfare, it is too brutal for use on Rochesterians – no matter how disorderly. Disorders were controlled before the era of chemical weapons and can be controlled after the era of chemical weapons. Lawmakers in other cities have banned specific

uses of chemical weapons by their police departments.⁵⁴ The use of sound cannons should also be banned, especially given the uncertainties about the long-lasting effects on citizens' health.⁵⁵

Given the harms posed by other “less-than-lethal” weaponry, the City should consider banning them in 2021 on a weapon-by-weapon basis. Before doing so, the City should hold public education/deliberation sessions that make the costs and benefits of these weapons clear and conduct public surveys to determine if and how Rochesterians wish to see these weapons used against civilians. If Rochesterians appear to want a weapon banned, the City should follow their wishes – and do so without creating rules that appear to ban a weapon's use while in fact giving the RPD broad discretion to use weapons at-will.

Regardless of whether the City chooses to ban some less-than-lethal weapons, the City must more heavily restrict their use to prevent disproportionate use of force. At minimum, the City must issue policies that ban shooting civilians in the face, neck, or spine with a bean bag round or other projectile unless deadly force is justified. Moreover, the City must create training programs and strictly enforced disciplinary rules that ensure these on-paper restrictions translate into real-world changes.

Finally, the City must publicly release relevant data on training, spending, use, injuries, and cost-benefit analyses listed above.

Broken Windows Policing

Definition. According to the people who defined the term, broken windows policing is a practice of focusing police work on “enforc[ing] rules about smoking, drinking, disorderly conduct,” with enforcement typically targeted against supposedly “undesirable” people such as “addicts,” “drunks,” “derelicts,” and “strange youth.”⁵⁶ Broken windows policing (sometimes called “quality of life” policing) is based on the idea that “increased attention to, and enforcement against, lesser crimes and offenses will have a positive impact on more serious crimes.”⁵⁷ The working assumption behind this practice is that the “broken windows” and other problems in a neighborhood create an atmosphere where violence and danger are commonplace and tolerated.

Data. To understand if and how the RPD enforces low-level violations, we would need data on: (1) how often officers enforce, through both arrests and stops, certain misdemeanors and infractions including disorderly conduct, harassment, loitering, simple trespass, criminal mischief, and petit larceny; (2) what percentage of officer time is spent addressing these low-level offences; (3) the training and directions officers receive regarding whether and how to address these low-level offenses; (4) the age, gender, race, and socioeconomic status of the people whom these laws are enforced against; and (5) historical enforcement figures to compare current and past practices. Some of this data may soon become public thanks to the Police Statistics and Transparency Act recently enacted in New York State, which supporters say will help “paint a truly clear factual picture” about broken windows policing by mandating the release of “detailed data on street policing practices.”⁵⁸ The RPD should go beyond the requirements of the Act and release all of the data described above through easy-to-access public data portals.

What We Know. The RPD has regularly engaged in broken windows policing. In 2007, the RPD formally launched a “Zero Tolerance” campaign that “ignore[d] no violation, no matter how small,” focusing officers on tasks like “question[ing] people who look or act suspicious”⁵⁹ and “enforcing everything from cell phone laws to taillight infractions.”⁶⁰ Zero Tolerance, which aimed to “[m]ake people afraid to leave their home with criminal intent,” focused policing “in the city’s poorest neighborhoods.”⁶¹ Zero Tolerance was later “rebranded” as Operation Cool Down in 2012, which again focused officer response on issues like “loitering” and “broken taillights” in “crime-ridden” areas.⁶² In 2013, the RPD referred to its broken windows policing policy as place-based “quality of life enforcement” to manage “spikes and patterns” in firearm violence.⁶³ Some evidence, like a 94% drop in reported disorderly conduct incidents between 2007 and 2019, suggests that the RPD may have changed its approach to broken windows policing.⁶⁴ Nevertheless, given the absence of public data noted above, it is unclear to what extent the RPD continues to practice broken windows policing in Rochester.

However, there is evidence that broken windows policing continues to occur in Rochester. According to data publicly released by the City, in this year alone, RPD has ticketed dozens of people for low-level violations like jaywalking, not having bells or lights on a bicycle, and failing to properly use a car’s turn signal.⁶⁵ Preliminary data compiled by the Monroe County Public Defender’s Office suggests many, if not nearly all, of these tickets were given to Black and Brown people.⁶⁶

Controversy. Broken windows policing is controversial, in part, because there is limited evidence that it succeeds in achieving its goal of safer, healthier neighborhoods.⁶⁷ Questions over the benefits of broken windows policing stand in contrast to the clear evidence regarding its costs. According to critics, what broken windows policing does is “make public spaces *very, very dangerous* for black people, Latino people, poor people, LGBTQ people, people with substance abuse problems, people with mental health problems, and homeless people.”⁶⁸ This is because “every police encounter that arises out of a minor offense has the potential to end in tragedy,” given the ability of officers to use lethal force to “control” situations. In addition, “[o]ver-enforcement of minor offenses affects employment, schooling, housing, and has the potential to break up families.” Because broken windows policing often targets disproportionately poor and non-white neighborhoods, while “the intentions driving Broken Windows policing may not be discriminatory, the effects are visited largely on people of color,” causing “loss of legitimacy and trust in law enforcement and the criminal justice system.” Indeed, the *Democrat & Chronicle* noted in 2008 that “public feelings toward Zero Tolerance [in Rochester] range from support to skepticism to bitter opposition.”⁶⁹

Changes Needed. First and foremost, the City must gather and publicly release the data needed to assess the scope of broken windows policing in Rochester. Next, the City must educate the community about this data and survey Rochesterians – especially Rochesterians who bear the costs of broken windows policing – to see if they support current enforcement patterns regarding low-level offenses. Finally, the City must create disciplinary rules, policies, and practices that ensure the RPD’s low-level enforcement patterns and priorities match those of everyday Rochesterians.

Executing No-Knock Warrants

Definition. Usually, police officers can only search a house with a warrant (that is, legal permission to search from a judge) that requires them to knock, announce their presence, and state their intention to enter.⁷⁰ No-knock warrants allow police officers to ignore these requirements, though police may not necessarily need a no-knock warrant to enter a residence without warning in certain circumstances.⁷¹

Data. To understand precisely how the RPD uses no-knock warrants, we would need accurate data on past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests, claims against the City for personal injuries or property damage linked to no-knock warrants, and statistics regarding raids involving no-knock warrants that were executed at the wrong location.

What We Know. The RPD engages in this practice.⁷² While many police departments say that banning no-knock warrants “would either jeopardize police safety or make it impossible for them to fight crime,”⁷³ states like Florida, Oregon, and Virginia have banned no-knock warrants,⁷⁴ as have cities like Louisville, Memphis, Indianapolis,⁷⁵ Aurora,⁷⁶ and Santa Fe.⁷⁷

Controversy. As one legal expert said, executing no-knock warrants is a “very dangerous tactic” that “appears to be used most frequently in drug cases, and it disproportionately impacts African Americans and other people of color.”⁷⁸ As one recent newspaper editorial stated:

The use of “no-knock” warrants has greatly increased since the early 1980s, growing from approximately 1,500 executed annually to about 45,000 in 2010. Primarily used in drug investigations, such warrants are typically justified by the belief that offenders will destroy evidence if the police announce their presence. However, these efforts at preserving evidence come at a cost: at least 81 civilians and 13 law enforcement officers died executing such warrants from 2010 through 2016. That is at least 94 people who are no longer with us because evidence from drug activity needed to be preserved. Importantly, these numbers only include deaths. They do not include people who have been permanently injured or wounded or had property damaged as a result of these raids. . . . Of those 81 civilian deaths, half were members of minority groups.⁷⁹

Changes Needed. The City should ban the execution of no-knock warrants. It should also release public data on past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests.

Other Potentially Controversial Policies

The other potentially controversial policies the Board was asked to review are discussed briefly below.

- 1. Use Of Force As Punishment Or Retaliation.** The RPD may engage in this practice. In recent years, Rochester police officers have been suspended for – and found guilty of –

assaults on civilians that may have been punitive or retaliatory.⁸⁰ To ensure this practice is not used, the City must: investigate what role systemic racism plays in officer use of force; create disciplinary rules, training, and orders that eliminate the potential use of punitive or retaliatory practices; and support the Police Accountability Board's disciplinary process, which allows civilians – rather than officers – to determine whether officer action is punitive or retaliatory.

- 2. Pretextual Stops & Racial Profiling.** Police engage in pretextual stops when they use the appearance of a low-level violation to justify a stop that, in reality, is not actually about the low-level violation. One kind of pretextual stop is “driving while Black,” where officers use minor traffic violations to stop and harass Black drivers.⁸¹ The RPD may engage in these kinds of pretextual stops. As the *Democrat & Chronicle* reported in 1999, “racism – as evidenced by allegations of racial profiling – has woven its way into [Rochester] law enforcement, some lawmaker and activists maintain. Many local American men and women, whatever their profession, have stories about times they were stopped and questioned by police on the pretext of a minor traffic violation. They say their only ‘offense’ is DWB – Driving While Black.”⁸²

The RPD has held meetings to specifically address concerns about pretextual stops⁸³ and has issued General Order 502 (“Equitable Policing”), which states that the RPD “neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts.”⁸⁴ However, it is unclear whether this rule is followed in practice. The City must create strict disciplinary rules banning discriminatory enforcement patterns and enforce those rules using data gathering methods that reveal the enforcement patterns of individual officers who conduct arrests and stops. While these rules may identify and address “outliers” in the RPD, they are not enough to end department-wide discriminatory enforcement patterns. The City must therefore craft and fund robust training on white supremacy and structural racism – training that must be transparent to the public, regularly conducted, and closely monitored for effectiveness on an officer-by-officer basis.

- 3. Informal Quotas For Summonses, Tickets Or Arrests.** It is unclear if the RPD engages in a practice of requiring its officers to issue a certain number of tickets or make a certain number of arrests in a given period of time. This kind of practice, if tied to any implicit or explicit penalty, would be illegal under New York State law.⁸⁵ The City may need to conduct confidential interviews with former officers, union officials, Monroe County public defenders, and others to determine if the RPD or subunits of the RPD use “enforcement goals” or other performance-based metrics to constrain officer behavior.
- 4. Shooting At Moving Vehicles.** The RPD engages in this practice, as its officers have shot teenagers driving stolen cars in 2002 and 2018.⁸⁶ The RPD’s “Use of Deadly Force” policy allows officers to shoot at moving vehicles when “the member reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the member or another person.”⁸⁷ The RPD’s policy stands in contrast to that of the NYPD, which “banned shooting at moving vehicles altogether as long as the only physical threat was from the car, not another weapon.” As reported in Vox, “experts widely argue” that

the NYPD's more restrictive policy "should be the policy for all police departments," as the policy would prevent deaths "while actually making police safer."⁸⁸ The RPD should ban shooting at moving vehicles unless there is a threat of deadly physical, non-vehicular force against an officer or civilian.

5. **High Speed Pursuits.** The RPD engages in this practice.⁸⁹ The RPD's General Order 530 places significant restrictions on vehicular pursuits, including a ban on "overtaking," a limit on pursuing vehicles that have been engaged in low-level offenses, and a requirement that officers engage in cost-benefit analyses before conducting pursuits. To better understand if and how officers follow these guidelines, the RPD should publicly release data on number of pursuits, speed by which pursuing officers override the speed limit, and any accidents officers have been involved in during pursuits.
6. **Use of SWAT Teams.** The RPD engages in this practice. The RPD's SWAT team has been criticized for its killings of people and animals.⁹⁰ The City must make the RPD's use of SWAT teams transparent by releasing data on SWAT training and SWAT activity to determine how often SWAT is used in hostage or active shooter situations as opposed to search warrant execution that could be performed by different public safety officials.⁹¹
7. **Facial Recognition Technology.** It is unclear if the RPD engages in this practice, though it may have the capacity to do so in the future. The RPD has signed an agreement in 2019 with Ring,⁹² an Amazon-owned company that sells a "smart" doorbell that "records video footage of people who come to your home which police can gain access to."⁹³ While Ring says it "does not use facial recognition technology in any of its devices,"⁹⁴ investigative reports suggest that Ring may be "testing the waters" about using "facial recognition and license plate scanning tools in their devices."⁹⁵ The RPD should state if it uses any facial recognition technology and the City should survey residents on whether the RPD should use facial recognition technology.

ADDRESSING POTENTIALLY POSITIVE LAW ENFORCEMENT PRACTICES

To What Extent Is Law Enforcement Utilizing [Certain] Strategies, Which Reduce Racial Disparities And Build Trust?

This question asks whether the City of Rochester uses a specific set of potentially positive law enforcement practices. These practices include: using summonses rather than warrantless arrests for specified offences; diversion programs; restorative justice programs; community-based outreach and violence interruption programs; hot-spot policing and focused deterrence; and de-escalation strategies.

Brief Answer

While the City may use many of the practices listed above, it is unclear whether these programs have been funded and implemented in ways that effectively reduce harm and enhance public safety. This is particularly true of the RPD's de-escalation practices. The Board was not asked to determine if any of these programs should be used more or less extensively. Nevertheless, the City must release comprehensive data on budgets, staffing, training, goal achievement, and resident satisfaction regarding nontraditional policing programs and tactics – including de-escalation – to ensure Rochesterians can determine whether these programs should be continued, expanded, or ended. Moreover, the City must release demographic data to reveal if and how alternatives to incarceration are being provided disproportionately to people of certain races or backgrounds.

Full Answer

The City uses many practices seen as alternatives to traditional policing. These include civilian-police patrol partnerships (“Clergy on Patrol” and “Police and Citizens Together Against Crime” or “PAC-TAC”), community advisory committees (“Police Citizens Interaction Committees” and the “Police Training Advisory Committee”), violence prevention initiatives (“ROC Against Gun Violence Coalition” and “Pathways to Peace”), and programs to gather information about the policing preferences of residents (“Project T.I.P.S.” and officer attendance at neighborhood association meetings). Many of these programs have admirable goals and may be defined by community satisfaction.

However, it is difficult to gauge the success of these programs. These programs may be deployed infrequently or without adequate resources. Programs may require officers to listen to community members but not change police behaviors and tactics based on what community members say. Success of programs may be measured by number of meetings or community contacts, rather than whether programs achieve their goals, satisfy residents, or fulfill the community's expressed public safety needs. Without comprehensive data on the implementation of these programs, the City cannot know whether these programs should be continued, expanded, or ended. Moreover, the City must release demographic data to reveal if and how alternatives to incarceration are being provided disproportionately to people of certain races or backgrounds.

The Board's answers here will focus on two practices: de-escalation and officer alternatives to arrest & penalties.

De-Escalation

Definition. De-escalation is the attempt to peacefully defuse a potentially dangerous situation.⁹⁶ When it comes to policing, de-escalation can be accomplished in two ways. First, officers can deploy specific techniques, like active listening and empathy exercises, to defuse situations themselves.⁹⁷ Second, cities can create systems where crisis situations are responded to by people who are not armed and/or dressed up like ordinary police officers.⁹⁸

Data. To understand precisely if and how the RPD uses de-escalation tactics, the City would need to publicly release accurate data on: (1) hours spent training officers on de-escalation tactics; (2) percentage of training devoted to de-escalation; (3) specific de-escalation tactics taught to officers; (4) percentage of crisis calls responded to by people not armed and/or dressed up as ordinary police officers; (5) how and when officers are deploying de-escalation tactics on a day-to-day basis; and (6) what written and verbal policies relating to de-escalation the RPD has issued.

What We Know. Without all of the data listed above, it is difficult to understand if and how the RPD uses de-escalation tactics. In 2016, a national police reform group criticized the RPD because its use-of-force policy did not require de-escalation, a warning before shooting, or the exhaustion of all other means before shooting.⁹⁹ Since then, the City has announced that it has implemented policies that provide officers with de-escalation training, require officers to provide verbalized warnings in certain circumstances, and require officers to exhaust of all available alternatives before the use of force.¹⁰⁰ Nevertheless, the RPD has recently been criticized by mental health experts for its officers' apparent failure to properly de-escalate potentially dangerous situations.¹⁰¹

Officer Alternatives to Arrest & Penalties

Definition. Police officers are often given discretion in choosing whether to arrest people for low-level violations.¹⁰² Officers can issue "summonses" or "appearance tickets" that allow potential offenders to avoid arrest and instead appear at court at a later date to deal with their alleged wrongdoing. Officers can also be given discretion to void tickets for traffic violations.

Data. To understand precisely if and how the RPD uses alternatives to arrest, the City would need to publicly release accurate data on enforcement, non-enforcement, and offender demographics regarding appearance tickets, issuance of warnings for traffic violations, and voiding of parking violations.

What We Know. The City engages in this practice, though it is unclear exactly how it does so. The RPD's general orders regarding traffic enforcement, parking violations, and appearance tickets give officers great discretion in allowing low-level offenders to avoid arrest and/or penalty.¹⁰³ For example, rather than forcing officers to issue appearance tickets to eligible offenders, the RPD allows officers to use their "good judgment" to deny such tickets.¹⁰⁴ By allowing officers to issue appearance tickets based on temperament, perspective, and chance, the RPD may be allowing wrongdoing and discrimination to seep into law enforcement practices. In 2012, a *Democrat &*

Chronicle investigation found that a “large number of officers [are] thought to have improperly voided tickets for themselves, other officers, friends and relatives,” with then-Chief James Sheppard calling ticket-fixing “systemic” within the RPD.¹⁰⁵ While Sheppard “put in place more stringent orders governing the issuing and voiding of parking tickets,” it is unclear whether those orders have changed officer behavior.

Other Potentially Positive Policies

The other potentially positive policies the Board was asked to review are discussed briefly below.

- 1. Diversion Programs.** Diversion programs aim to prevent people, especially youth, from being arrested or incarcerated because of criminal offenses. The City engages in this practice through programs like Rochester Teen Court.¹⁰⁶ However, without public data on effectiveness, funding, and staffing for these programs, it is unclear precisely how the City continues to engage in these kinds of practices.
- 2. Restorative Justice Programs.** Restorative justice programs “offer people a meaningful chance to respond to a conflict outside of the traditional courtroom process” and avoid violence and the criminal justice system.¹⁰⁷ The City has engaged in this practice in some Rochester City School District settings.¹⁰⁸ However, without public data on effectiveness, funding, and staffing for these programs, it is unclear precisely how the City continues to engage in these kinds of practices.
- 3. Community-Based Outreach & Violence Interruption Programs.** These practices aim to prevent crime and violence by educating residents, listening to their needs, and addressing those needs before wrongdoing occurs. The City engages in this practice through programs like the Pathways to Peace program.¹⁰⁹ However, without public data on effectiveness, funding, and staffing for these programs, it is unclear precisely how the City continues to engage in these kinds of practices.
- 4. Hot Spot Policing.** Hot spot policing is the practice of concentrating police activity on a specific area deemed to be “high crime.” The City has long engaged in this practice.¹¹⁰ However, without public data on costs, benefits, funding, and staffing for this kind of practice, it is unclear precisely how the City engages in hot spot policing.

HOLDING THE POLICE ACCOUNTABLE

Do You Engage [In] Citizen Oversight And Other External Accountability?

This question asks whether the City of Rochester has created an effective mechanism for holding the RPD accountable. Specifically, the question asks if there is an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct, with investigation outcomes reported to the complainant and the public. It also asks if City Council engages in formal oversight of the police (and if those oversight powers should change), if the RPD is accredited by any external entity, and whether the RPD conducts an annual community survey to gauge community trust. The question then asks about what systems of external accountability Rochester should have over the RPD. Specifically, the question asks what “level of review” an accountability agency should conduct, whether the agency has “mechanisms in place to ensure subject and witness officers fully cooperate,” and if: its investigations should be independent of the RPD’s; it needs the power to interview witnesses, compel testimony, review Department-created documents and evidence, impose discipline, and refer cases to the Attorney General or District Attorney.

Brief Answer

Yes, the City uses citizen oversight and forms of police accountability – though these systems need the proper resources to ensure they work. In the Police Accountability Board, Rochester has the foundation for becoming a national model for holding the police accountable. The Board has the right on-paper legal powers, the right leadership, and the necessary commitment to fairness, truth, and justice. To have disciplinary and oversight processes are effective, quick, and thorough, the City should: (1) approve the proposed Board budget described in the City Charter, which must “provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days”; and (2) make the RPD’s internal disciplinary processes transparent, especially by making public the disciplinary history of individual officers.

Full Answer

The City currently lacks an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct. The model of oversight reflected in the City’s Civilian Review Board and the RPD’s Professional Standards Section has failed in the eyes of Rochester’s voters, who overwhelmingly chose to create a robust system of independent oversight that is reflected in the Police Accountability Board.¹¹¹ Rather than reviewing the failures of the old system, the Board’s answer will focus on the potential of the new system, detailed in the next answer below.

Nevertheless, as the Board’s disciplinary powers are currently suspended,¹¹² it is worth addressing a major flaw of the current system: a lack of transparency. Everyday Rochesterians do not understand how the RPD’s Professional Standards Section investigates officer wrongdoing and holds wrongdoers accountable. The City should fix this flaw by releasing comprehensive statistics

on the RPD's internal investigations. The City should invest whatever resources are necessary to release, as soon as possible, its planned online portal that will allow the public to review the disciplinary histories of individual officers.¹¹³

Turning back to the City's new model, it is clear that the Police Accountability Board has a robust set of legal powers that can allow it to hold the RPD accountable. The Board has the power to create a justice system that fairly and transparently prosecutes officer misconduct. It has the power to reveal the RPD's practices and priorities to the public. It has the power to canvass everyday Rochesterians so the City understands their public safety priorities. And it has the power to create disciplinary rules that ensure those priorities help govern the RPD's operations. If exercised properly, these powers will transform Rochester into a safer, more just city.¹¹⁴

Properly exercising these powers will require proper resources. Without the appropriate staff, equipment, and services, the Board's legal powers will merely be words on a page. Indeed, the failures of many (if not most) civilian oversight boards can be blamed on a lack of resources.¹¹⁵ Some cities give their boards no funding at all, while others spend a few hundred dollars per officer on civilian oversight. Cities that lead on civilian oversight like Berkeley, Eugene, and Oakland spend thousands of dollars per officer on civilian oversight and still struggle to conduct thorough oversight operations.¹¹⁶ In short, there is no model when it comes to financially supporting civilian oversight boards.

Rochester, however, may become that model. This is, in part, because the link between funding and oversight success is recognized in the City Charter itself. Section 18-13 of the Charter, located in the article devoted to the Police Accountability Board, states: "The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days."

The City should craft a proposed budget for the Police Accountability that, using accurate case processing statistics from other jurisdictions and other data, fulfills the City Charter's requirements. The City should approve this proposed budget and revise it as necessary to ensure that the Board can continue to fulfill its duties as more and more Rochesterians engage with its work. The City should also take whatever legal steps are necessary to fully protect and support the Board's investigations into individual RPD officers as well as the RPD's policies, practices, and procedures.

GATHERING DATA & CREATING TRANSPARENCY

How Are You Using Data To Guide Policies, Procedures And Activity While Enhancing Public Transparency?

This question asks what public safety related data the City should collect and how the City can use that data to improve public safety. Specifically, the question asks: what data relating to policing – such as that relating to incidents, complaints, activity, and demographics – should be collected; what part of this data should be made public; how often that data should be made public; whether and when the City should release aggregated data about the RPD, individualized data about specific officers, or both; whether use-of-force incident data should be released that communicates how the RPD is reviewing such incidents, how many incidents are reviewed, how many are found to be inconsistent with Department policy, and how many are referred for prosecution; and whether complaint-related data should be released that communicates how many complaints are filed, how those complaints are dealt with, and what discipline comes from those complaints. More broadly, the question asks how the City should: leverage data to drive policing strategies; demonstrate a commitment to transparency in public interactions; and make its policies and procedures more transparent.

Full Answer

The City has taken important steps to develop, use, and publicize data about its public safety operations, thanks in part to the work of its Office of Business Intelligence.¹¹⁷ However, as explained in the Board's other answers, more steps must be taken. Collecting and releasing data that will make the RPD's work transparent to the public will take significant resources. The City must reallocate RPD funds to boost support for the Office of Business Intelligence or other citywide information-gathering entities to ensure accurate data is released in a timely and accessible manner. Some information may need to be anonymized to be released without jeopardizing officer safety.

At minimum, the City must create easily accessible online portals where a wide swath of data is publicly released on a regular basis without individuals or organizations having to submit Freedom of Information Law requests. At minimum, these portals must provide data on:

- responses to 911 and 311 calls, with information on call type, demographics of people involved in the calls, type of personnel, officer, or unit dispatched to the call, and whether force was used by responding officer, along with all other data that will allow Rochesterians to understand how many calls involve the need for armed police response;
- what officers are being trained on, what officers are not being trained on, hours per training session, how officer training is reinforced, how often officers face discipline for failing to follow training rules, whether and how training explicitly addresses white supremacy, misogyny, homophobia, and transphobia, and whether and how training addresses on-the-job trauma;

- the historical size and budget of the RPD, comparative data that allows Rochesterians to compare the RPD’s operations and per-resident staffing levels to other communities, and program-specific budget and staffing data that will reveal the RPD’s public safety priorities;
- what force tactics RPD officers are using (including, but not limited to, breathing restrictions), how often those tactics are being used, what racial and ethnic groups those tactics are being used against, the written and verbal instructions that determine how officers choose what tactics to use, when those tactics cause injuries, and whether an internal review was conducted after the use of a given tactic;
- if and how the RPD uses “less-than-lethal” weaponry, including data on: (1) relevant training procedures; (2) spending on such weaponry; (3) use and equipment rates; (4) related injuries; (5) the cost-benefit analyses the RPD uses to justify the training regarding, purchase of, and use of such weaponry; and (6) verbal and written instructions about how to use such weaponry;
- if and how the RPD enforces low-level violations, including data on: (1) how often officers enforce, through both arrests and stops, certain misdemeanors and infractions including disorderly conduct, harassment, loitering, simple trespass, criminal mischief, and petit larceny; (2) what percentage of officer time is spent addressing these low-level offenses; (3) the training and directions officers receive regarding whether and how to address these low-level offenses; (4) the age, gender, race, and socioeconomic status of the people whom these laws are enforced against; and (5) historical enforcement figures to compare current and past practices;
- how much revenue the City generates from traffic tickets and code enforcement, who is subject to this kind of enforcement, the difference between what violations people are ticketed for and what violations people are pleading to, and whether the City is using this kind of enforcement to fill budget gaps;
- if and how the RPD conducts stop-and-frisk practices, including data on enforcement patterns of individual officers who conduct arrests and stops and data on numbers of stop-and-frisk incidents that retrieve no evidence or contraband along with demographic and geographic data;
- how the RPD engages in high-speed pursuits, including data on the number of pursuits, speed by which pursuing officers override the speed limit, and any accidents officers have been involved in during pursuits;
- SWAT training and SWAT activity to determine how often SWAT is used in hostage or active shooter situations as opposed to search warrant execution;

- past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests, claims against the city for personal injuries or property damage linked to no-knock warrants, and statistics regarding raids involving no-knock warrants that were executed at the wrong location;
- if and how the RPD uses de-escalation tactics, including data on: (1) hours spent training officers on de-escalation tactics; (2) percentage of training devoted to de-escalation; (3) specific de-escalation tactics taught to officers; (4) percentage of crisis calls responded to by people not armed and/or dressed up as ordinary police officers; (5) how and when officers are deploying de-escalation tactics on a day-to-day basis; and (6) what written and verbal policies relating to de-escalation the RPD has issued;
- if and how the RPD uses alternatives to arrest, including data on enforcement, non-enforcement, and offender demographics regarding appearance tickets, issuance of warnings for traffic violations, voiding of parking violations, and a list of all cases where these alternatives were used that include demographic data and location;
- effectiveness, funding, and staffing for diversion programs, restorative justice programs, community-based outreach & violence interruption programs, and hot spot policing;
- purchase and use of advanced technologies such as ShotSpotter;
- budgets, case processing statistics, and staffing levels of other civilian review boards, as well as any other data that will allow the City to craft a proposed budget for the Police Accountability Board that fulfills the City Charter's requirements;
- anonymized aggregate data on how officers who are Black and Brown, women, and LGBTQ populations are disciplined, promoted, recruited, and terminated;
- per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma;
- backgrounds of recruits and new hires, including information on whether officers are recruited or hired from the military and information on whether new hires have disciplinary histories from law enforcement agencies in which they previously served;
- data on number of officers who claim disability for injuries stemming from incidents where civilians were also injured;
- number of civil and criminal cases filed against officers, along with case disposition and settlement data;

- number of cases where felony for causing an injury to an officer was filed, nature of injuries to officers in such cases, and nature of injuries to civilians in such cases; and
- budgets, staffing, training, goal achievement, and resident satisfaction regarding nontraditional policing programs and tactics to ensure Rochesterians can determine whether these programs should be continued, expanded, or ended.

MAKING POLICE TECHNOLOGY TRANSPARENT

How Can Your Police Department Ensure Adequate Transparency In Its Use Of Automated Systems And “High-Risk” Technologies?

This question specifically asks about the processes the RPD has to: adopt new technologies while soliciting community, stakeholder, and researcher input; publish clear policies about technology function, use, and auditing; perform cost-benefit analysis when adopting new technologies; consider all the risks of novel technologies and their ability to actually solve existing problems; procuring or using new technologies; study the effectiveness of new technologies and their potential for biases; train officers on how properly to use new technologies; ensure that vendor contracts do not interfere with transparency; allow residents to register feedback on a certain technology or request information on any personal data it has collected about them without their knowledge; maintain sensitive data or information; and disclose the technologies its uses to the public, including whether technologies were given to the police department (i.e., not procured).

Full Answer

It is unclear if and how the RPD makes its purchase and use of technology transparent. However, the Police Accountability Board’s own inability to gather publicly available information about the RPD’s technology use suggests that the RPD may be failing to do so. This is a problem, as technologies used by the RPD like ShotSpotter – which may be beneficial to the public¹¹⁸ – have nevertheless become heavily criticized.¹¹⁹ The City must create policies and data-release procedures that allow the public to monitor the RPD’s justifications for, purchase of, and use of all its technologies, including ShotSpotter. The City must also release comprehensive data on its citizen surveillance technology, such as traffic cameras, police surveillance cameras, and wiretap usage, as Rochester was found by one recent survey to be the fifth-most surveilled city in the United States.¹²⁰

EFFECTIVELY USING BODY WORN CAMERAS

Should Your Police Department Leverage Video Cameras To Ensure Law Enforcement Accountability And Increase Transparency?

This question specifically asks when officers should be required to turn on body worn cameras and notify members of the public that those cameras are on. The question also asks what the penalties should be for non-compliance with body worn camera policies, how long the RPD should maintain body worn camera footage, and when such footage should be given to officers, investigators, and/or the public.

Full Answer

Yes, the City needs to leverage video cameras in policing. The City should be commended for bringing body worn cameras into the RPD. Yet there is more work to be done, as the work of the Community Justice Advisory Board has shown.¹²¹ The public must know what, if any, difficulties officers have in using body worn cameras. The City must provide the training and resources to ensure officers use their cameras correctly. A zero tolerance policy may be appropriate for officers who fail to turn on their body worn cameras; that policy should be accompanied by strict penalties, which may include dismissal. Current Departmental policies regarding storage of body worn camera footage and public release of that footage may be inappropriate. The Board may investigate body worn camera usage and policies in the future.

CREATING A DIVERSE & HEALTHY POLICE CULTURE

Are You Recruiting A Diverse [Police] Workforce & Is Training Sufficient?

This question asks for information about the demographics of the RPD, the demographics of Rochester residents, whether those demographics are “aligned,” what steps the RPD has taken to make itself more diverse, and whether the RPD’s officers relate to the community in terms of socioeconomic background, life experience, and “other metrics.” Next, the question asks recruitment-related questions about how the RPD can: re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities; encourage local youth to pursue careers in law enforcement; and foster the continued development and retention of diverse officers. The question then asks training-related questions about how the RPD can: develop officer training programs that reflect community values and build trust between police officers and the communities they serve; ensure that police officers continuously receive high-quality and relevant in-service training sessions; use training programs to avoid incidents involving unnecessary use of lethal or nonlethal force; use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations; help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse; and measure the quality and efficacy of a police department’s training programs using specific practices and procedures.

Full Answer

No, the RPD is not recruiting a diverse workforce or providing officers with sufficient training and support.

There is a gulf between the RPD’s sworn officers and the people they serve. Data released by the RPD and the U.S. Census Bureau establish some stark facts.¹²² 87% of officers are white, while just 47% of Rochesterians are white. 87% of officers are men, while just 48% of Rochesterians are men. 94% of officers live outside of the city. Despite many policy changes and a federal consent decree, this gulf between Rochesterians and the officers sworn to protect them has persisted and even grown.¹²³

The City must uncover and confront whatever realities sustain this gulf. These realities may include inappropriate or underfunded recruiting programs. Yet the barriers to a diverse public safety workforce may be more fundamental. These barriers may include systemic racism, white supremacy, misogyny, homophobia, and other structures of oppression that harm the advancement, recruitment, and health of officers – and the safety of civilians – who are Black and Brown, women, or belong to the LGBTQ community. As Locust Club President Mike Mazzeo recently said, “I believe that there is some level of systemic racism which currently exists within the RPD. I also believe that there is systemic racism existing in every institution that exists in this country.”¹²⁴

The Board recommends that the City formally investigate racism and structural oppression within the RPD. The City should: anonymously survey current and former officers who are Black and Brown, women, and from the LGBTQ community to determine their experiences with oppression on the force; ask these populations what policies and practices would (or would have) made their

work healthier and free of racism, misogyny, homophobia, and transphobia; and release anonymized aggregate data on how these officer populations are disciplined, promoted, recruited, and terminated.

Regardless of what this investigation finds, the City must fund policies and practices that begin to inoculate the RPD from systemic oppression. These practices should include: educating officers using immersive training methods that teach how systemic racism and other forms of structural oppression, as opposed to mere “bias” or “prejudice,” can influence policing practices; reinforcing this training throughout officers’ careers; testing officers on their knowledge and providing assistance as necessary; creating and enforcing disciplinary rules that combat racism, misogyny, and homophobia, including by terminating officers who support white supremacist organizations; and ensuring that all emergency services are provided in Spanish and the other languages that predominate in Rochester’s Limited English Proficiency and deaf-and-hard-of-hearing communities.

The Board also recommends that the City fund policies and practices that address officer trauma and make its effects known to the public. The City must significantly increase funding for training, monitoring, prevention, and response systems that protect officers, their families, and the people they serve from officers’ stress and trauma. The City must educate Rochesterians on what trauma officers have to suffer by merely doing their jobs – especially officers who are Black and Brown, women, and members of the LGBTQ community. The City must also release data on per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma.

APPENDIX I: WORKING GROUP ON POLICE REFORM & REINVENTION QUESTIONS

Below are the list of questions posed to the various members of the City’s Working Group on Police Reform & Reinvention. These questions are presented in the format that they were circulated in, with one exception: the Working Group members who were assigned to a particular question are named in red text next to each question.

Key Questions to be answered:

- 1. How are you incorporating “Procedural Justice,” which focuses on the manner in which law enforcement interacts with the public? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]**
 - What functions should the Police perform?
 - Should you deploy social services personnel instead of or in addition to police officers in some situations?
 - Can your community reduce violence more effectively by redeploying resources from policing to other programs?
 - What function should 911 call centers play in your community?
 - Should law enforcement have a presence in schools?
 - What are the staffing needs of the police department the community wants?
 - Should components of the police department be civilianized?
 - How should the police engage in crowd control?
 - Should the police be “demilitarized”?

- 2. Does your Police Department use these practices and, if so, which should be reformed, curtailed or discontinued? [Question Assigned to: Rochester Police Department, Police Accountability Board, and United Christian Leadership Ministry]**
 - “Broken Windows”
 - “Stop and Frisk”
 - Chokeholds and Other Restrictions on Breathing
 - Use of Force for Punitive or Retaliatory Reasons
 - Pretextual Stops
 - Informal Quotas for Summonses, Tickets or Arrests
 - Shooting at Moving Vehicles
 - High Speed Pursuits
 - Use of SWAT Teams
 - No-Knock Warrants
 - Less-Than-Lethal Weaponry such as Tasers and Pepper Spray
 - Facial Recognition Technology

- 3. To what extent is Law Enforcement utilizing the following strategies, which reduce racial disparities and build trust? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]**

- Using Summonses Rather than Warrantless Arrests for Specified Offenses
- Diversion Programs
- Restorative Justice Programs
- Community-Based Outreach and Violence Interruption Programs
- Hot-Spot Policing and Focused Deterrence
- De-Escalation Strategies

4. Can Law Enforcement effectively identify, investigate and prosecute hate crimes? [Question Assigned to: Rochester Police Department]

- Are members of your department trained to investigate hate crimes and interview members of minority communities and groups?
- What additional training and community resources can you draw on to enhance hate crime prevention and response?

5. Have the following Community Policing techniques/strategies been instituted in your community? [Question Assigned to: Rochester Police Department]

- Community outreach plans – These are plans for institutionalizing community engagement.
- Citizen advisory boards and committees – A community advisory board/committee is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies.
- Partnership with community organizations and faith communities
- Partnering with students and schools
- Police-community reconciliation – A process that seeks to improve strained relationships between police and communities of color
- Attention to Marginalized Communities, such as Limited English Proficiency Citizens, Citizens with communication disabilities, The LGBTQIA+ Community, Immigrant Communities
- Involving youth in discussions on the role of law enforcement agencies
- How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?

6. How are you fostering community-oriented leadership, culture and accountability? [Question Assigned to: Rochester Police Department]

- Is your leadership selection process designed to produce the police community relationship you want?
- Does your officer evaluation structure help advance your policing goals?
- What incentives does your department offer officers to advance policing goals?
- Does your hiring and promotion process help build an effective and diverse leadership team?
- What is your strategy to ensure that your department’s cultural-norms and informal processes reflect your formal rules and policies?
- How can leadership training improve community policing and strengthen relationships between your police department and members of the public?

7. Are you tracking and reviewing use of force and identifying misconduct? [Question Assigned to: Rochester Police Department]

- When should officers be required to report use of force to their supervisor?
- What internal review is required after a use of force?
- Does your department review officers’ use of force and/or misconduct during performance reviews?

- Does your department use external, independent reviewers to examine uses of force or misconduct?
- Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?
- Does your department review “sentinel” or “near-miss” events?
- Does the RPD respond to questionable uses of force with non-punitive measures designed to improve officer performance?
- What does your department expect of officers who know of misconduct by another officer?
- Does your department have a clear and transparent process for investigating reports of misconduct?
- Does your department respond to officer misconduct with appropriate disciplinary measures?
- What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?
- What controls are in place to ensure impartiality when reviewing potential misconduct or complaints? When appropriate, are cases referred to either the District Attorney or another prosecutor?
- Does your department expect leaders and officers to uphold the RPD’s values and culture when off-duty?

8. Do you engage citizen oversight and other external accountability? [Question Assigned to: Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]

- Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?
- Are investigation outcomes reported to the complainant? Are they reported to the public? Should the RPD or the citizen complaint review entity, if any, accept anonymous complaints?
- Does your local legislature engage in formal oversight of the police department? Should any changes be made in the legislature’s oversight powers or responsibilities?
- Is your police department accredited by any external entity?
- Does your police department do an annual community survey to track level of trust?

If you are considering an entity outside the police department to review citizen complaints, here are some relevant questions:

- What level of review should it conduct? Should it review the findings of an Internal Affairs Bureau or conduct its own investigation?
- What power should it have to interview officers or other witnesses, to compel officers or other witnesses to be interviewed, and to review documents, recordings, interviews conducted by Internal Affairs or other evidence?
- Should it be empowered to impose disciplinary action, recommend disciplinary action, or simply to substantiate complaints?
- Should it be authorized to formally refer cases to the Attorney General or District Attorney?
- What mechanisms are in place to ensure subject and witness officers fully cooperate with civilian oversight investigations?

9. How are you using data to guide policies, procedures and activity while enhancing public transparency? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]

- What police incident and complaint data should be collected? What data should be available to the public?

- What policing activity data should be collected by your department? This could include data regarding shootings by officers, firearm discharges, civilian injuries, use of force incidents, and officer stops, searches, and/or arrests.
- Should this data include demographic data, which can be used to detect racial disparities and biases?
- Beyond disclosures required under state and federal law, what other policing data should be disclosed? Made public? Should this data be aggregate data or individualized data? Should individualized data be anonymized or redacted? How frequently should data be disclosed?
- Should the RPD make available to the public aggregate data on its review of use of force incidents, such as number of incidents reviewed, number found to be inconsistent with department policy or number referred for prosecution?
- Should the RPD make available to the public aggregate data about the number and disposition of citizen complaints, including the nature of any discipline imposed?
- How should your law enforcement agency leverage data to drive policing strategies?
- How can your police department demonstrate a commitment to transparency in its interactions with the public?
- How can your police department make its policies and procedures more transparent?

10. How can your police department ensure adequate transparency in its use of automated systems and “high-risk” technologies? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, and Police Accountability Board]

- What process does your department have in place for the adoption of new technologies? Does the process include the solicitation of stakeholder and researcher input? Is there a process for community input? Does the process include the creation and publication of clear policies that articulate how the technology works, how it can be audited, and how, where, when, and why it is used?
- Does your department perform a cost-benefit analysis when adopting new technologies? Does your department consider the risks of using a novel technology (unstudied effectiveness, potential biases and intrusion on civil liberties), as well as the ability of the technology to solve an existing problem?
- What is your department’s process for procuring or using a new technology? Does your department study the effectiveness of the technology and analyze potential biases?
- Does your department have policies or procedures for training officers on how properly to use new technologies?
- Does your department have policies in place to ensure that vendor contracts do not interfere with transparency?
- Does your department have a process through which residents can register feedback on a certain technology or request information on any personal data it has collected about them without their knowledge?
- Does your department have a policy for maintaining sensitive data or information?
- Is your department required to disclose the technologies its uses to the public? If so, does this disclosure requirement extend to technologies that were given to the police department (i.e., not procured)?

11. Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]

- When should officers be required to turn on their BWCs? When interacting with members of the public? When conducting a law enforcement investigation?
- When should officers be required to notify members of the public that BWCs are on? In private settings? In public settings?
- What should the penalties be for non-compliance?
- How long should the RPD maintain footage?
- Under what conditions should footage be accessible to officers, the public, or investigators?

12. Are you recruiting a diverse workforce? Is training sufficient? [Question Assigned to: Rochester Police Department, Commission on Racial & Structural Equity, Police Accountability Board, and United Christian Leadership Ministry]

- What are the demographics of your agency?
- What are the demographics of your community?
- Are those demographics aligned?
- What steps, if any, has your agency taken to increase diversity in the workforce?
- Can my officers and my community relate in terms of socioeconomic background? Life experiences? Any other metrics?
- What are ways in which you can re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities?
- How can you encourage youth in your community to pursue careers in law enforcement?
- What actions can your agency take to foster the continued development and retention of diverse officers?
- How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?
- What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?
- How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?
- How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?
- How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?
- What practices and procedures can you put in place to measure the quality and efficacy of your police department's training programs?

13. What steps can you take to promote wellness and well-being within your police department? [Question Assigned to: Rochester Police Department]

- Are there ways to address officer wellness and well-being through smarter scheduling?
- How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?
- How can you address the well-being of an officer after a traumatic event?

Source: New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens (August 2020)

APPENDIX II: COMMUNITY TESTIMONIALS

When cities look to change their police departments, the unfiltered views of people most connected to the public safety system can often be overlooked or ignored. The Police Accountability Board chose to solicit those perspectives by asking a host of community partners to identify individuals with deep experience with policing who are often left out of government decisionmaking processes.

Thanks to the help of groups like the House of Mercy, the Police Accountability Board Alliance, and Vocal NY, the Police Accountability Board collected over 30 *community testimonials* – answers to some of the most fundamental questions posed to the Working Group’s members. These community testimonials came from Rochesterians and people who work in Rochester’s public safety system, including Black and Brown people, people from the LGBTQ community, people with disabilities, people who have faced homelessness and poverty, people who have been hurt by police officers, people who have served as police officers, medical professionals, social workers, people from a range of religious traditions, young people, community elders, parents, workers, community organizers, business owners, and retirees. Together, these testimonials represent a pool of knowledge that is deeply relevant to discussions about policing.

These community testimonials are revealing. They suggest that Rochesterians with a divergent set of viewpoints tend to share a desire for fundamental changes to our public safety system. This suggests the existence of a gap between the public safety system we have and the system Rochesterians want. Understanding how best to bridge that gap will take broad, deep, and sustained community engagement efforts that go far beyond these testimonials.

Testimonials are presented unedited except for minor corrections of typographical or formatting errors. People who submitted testimony were notified that their answers would be made public. Many individuals chose not to submit testimony for fear of retribution. To protect those who nevertheless chose to testify, the Board has anonymized all responses by only giving the first and last initials of testifying individuals. Anyone who wishes to have their full names printed in their testimonials may do so by contacting the Board.

Community Testimonial of

T. N.

November 23, 2020

1. This is who I am and what I do:

I am an artist, an archivist, a teacher, a curator and a Buddhist.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Police would not be allowed to carry weapons. Instead, police would be part of a team of trained de-escalators including mental health specialists, paramedics, domestic violence counsellors, and child abuse specialists and animal abuse specialists. The role of police would be to act as documentarians in the aftermath of incidents such as car accidents, thefts and other property-related crimes. They would take reports from witnesses, take pictures, and make sure all of the evidence was collected and logged accurately so that detectives could investigate thoroughly. I would feel very safe if Police were trained as librarians to keep good records, maintain efficient databases and make all of their work transparent and traceable. No more weapons, no more secrecy.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Fire and prosecute the Police who murdered Daniel Prude, and all Police who harm or murder or harm citizens. Take away their weapons, military vehicles, surveillance drones, mace, pepper spray, clubs and handcuffs. Require all police to learn to de-escalate without the use of force.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Every call related to domestic violence, mental health, child and animal abuse, and drugs should have a group of responders specifically trained in mental health and drug counseling, child psychology, animal advocacy and active de-escalation tactics, as well as paramedics. I think the CAHOOTS program in Eugene OR provides a good example of this type of team.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

The Rochester City Schools need some reform, but ultimately that money should be invested in public education as a priority. Specifically, we need public schools that directly support the needs of Black and Brown communities in Rochester, create effective skill-training programs, and pay teachers fairly and consistently. Rochester could also use these funds to support safe care for the elderly and families with special-needs children. No family - especially not Black or Latino families - should have to pay for day care or elder care. I think there is a way to provide public school training in nursing, mental health care and child care and invest in a Public Health program that provides these services to families that need them, paid for by the City with these funds.

Community Testimonial of

O. R.

November 24, 2020

1. This is who I am and what I do:

I am a Leader and Activist with VOCAL-NY.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Police would not harass me. Police would take the time to listen and understand me and not quick to judge or threaten me with incarceration.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Police should not be so quick to call in other officers when they are needed. Don't walk away from me while I am explaining my situation. Be more considerate and patient. Be resourceful.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Community Leaders should respond. Mental Health should respond. Pastors of the church should respond.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Housing, mental health, nonviolent individuals should get mental health services. Medical services and care where people can be treated and counseled.

Community Testimonial of

S. B.

November 24, 2020

1. This is who I am and what I do:

I am a consumer in Monroe County and I advocate to prevent HIV and Hep C. I offer solutions to help with harm reduction. I am a Leader with VOCAL-NY. Help people in poverty.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

They would patrol and ride around to check on businesses. Respond to domestic violence but not the way they do it now. They wouldn't have so many weapons. We get scared when we know there are so many weapons.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Have community meetings with police and the community so we can say what needs to be changed. At least listen to us. Stop overtime.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

It depends on the call. If mental health then mental health people. If its domestic violence go with domestic violence people.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere?

Pave roads. Put more money in schools and school lunches. Better things for bikes. Redo zombie houses. House people.

Community Testimonial of

P. B.

November 24, 2020

1. This is who I am and what I do:

Peer Educator and Advocate for prevention of HIV/AIDS.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I would see police officers as the last result. Community members first, police officers will not interact unless community needs them. Or if the law has been broken.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

They need different training and cultural compassion. And people that come from the area.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

The Community Response team that would include: Police Officer, Mental Health Worker and Community Liaison

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Fund Community Response Team, Day Cares, After-School Programs, Recreation for the youths, Summer Employment and Programs and also the homeless.

Community Testimonial of

N. P.

November 24, 2020

1. This is who I am and what I do:

I am a VOCAL-NY Community Leader, fight for what the community needs.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Protecting the city from the violence in the streets.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Change the aggressiveness the Police Officers have against the people in the community. And they need to know how to handle people with mental health issues.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Community Leader or Crisis Leader.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Should be used for the Homelessness, Mental Health and all the things the community needs.

Community Testimonial of

R. P.

November 24, 2020

1. This is who I am and what I do:

VOCAL-NY Leader, fight for policies for the community

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Help the community when they need help.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

STOP KILLING THE COMMUNITY.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Community Leaders and those who know what is going on.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

For affordable housing and jobs for the community.

Community Testimonial of

T. M.

November 24, 2020

1. This is who I am and what I do:

Positive member of the community, who helps uplift her community.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Police Officers role with small children, they are good.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

The Leadership needs to change and the corruption of the police.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Community liaisons (mental health) should be the first responders, and police second if they are needed.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Homelessness, Women Shelters w/children for HIV, Shelters designed for mental health people.

Community Testimonial of

J. S.

November 24, 2020

1. This is who I am and what I do:

I'm a UBPCA board member. *Note – UBPCA is the United Professional Barbers and Cosmetologists Association.*

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

i've always had a great encounter with rpd personality i have no complaints.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

in my opinion the RPD does a very good job and i wouldn't change anything.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

it should definitely be police officers.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

No i think they should spend whatever is necessary to keep the community safe.

Community Testimonial of

N. M.

November 24, 2020

1. This is who I am and what I do:

I am a retired Xerox executive and former high-technology business owner. I am presently very involved in climate change activism as the representative from the Rochester Zen Center on the Rochester Area Interfaith Climate Action steering committee.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

A safe Rochester is a place where one can go into any neighborhood without fear. A safe Rochester is a place where racial, ethnic and cultural differences are celebrated and shared. It is a place where every resident is valued equally regardless of racial or economic status. The primary role of the police should be supporting the neighborhoods they work in, not simply fighting crime. The police should be viewed as someone who can be counted on to help people in trouble not a force to be feared.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Police officers should become part of the neighborhoods they serve in. They should be assigned to neighborhoods long enough to get to know the residents so that they can respond to problems with understanding and compassion. This implies a change in mindset from law enforcement to community protection.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Mental health professionals and social workers, accompanied by medics, should respond to mental illness and substance abuse calls where there is low threat of physical violence or criminal activity. Social workers should respond to other non-criminal calls like homeless or public nuisance.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

A portion of the police budget should be spent on civilian mental health professionals, social workers and medics as a first response teams for non-violent, non-criminal, calls. Some of the budget should be spent on community infrastructure. Safe havens, manned by police and social workers, can be established in high crime neighborhoods, to provide a place where people at risk can go for help. Community based outreach, youth and family support, and violence interruption programs are also better uses of police funds than military equipment or SWAT teams.

Community Testimonial of

L. H.

November 27, 2020

1. This is who I am and what I do:

I am a Rochester city resident, a person of white settler descent, a 38-year-old queer trans person whose gender is outside the binary. I am a writer, a sibling to several beloved younger sisters, a dancer, and an avid cook who places great importance in the building of community. I am a practitioner at the Rochester Zen Center as well as a frequent virtual visitor at Temple Emanuel. For work, I have the fortune and privilege to have a remote job working for a small startup based out-of-state, and I have so far been able to avoid COVID. I depend upon prescription medications for my mental and physical function. I am not originally from here, but I care deeply about this city and its future.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

None. There have not always been police. Police are dangerous and consistently harm our community, especially the most marginalized among us. We do not need them and I sincerely believe in our ability to build a safer future without them. It will not be effortless, but it will be worthwhile.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Completely reimagining public safety without policing would make everyone in Rochester safer. Leading up to that, the police "union," the Locust Club, must be dismantled. It wields enormous power and places great pressure on the City to bend to its will, regardless of ethics or morality of officers and policy. Just as it would be in international politics with a shadow government controlling a nation's military, it is fundamentally unsafe to have an outside organization that is not publicly accountable controlling and protecting much of the armed and legal response in our city. Learning about what happened to Silvon Simmons in 2016 and about the long historical track record of violence from police officers toward Rochester citizens has

helped me realize that there is no reform possible when a thuggish and corrupt institution like the Locust Club holds the city and its officials in the palm of its hand.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

People who are not police officers should always be the first to respond to a 911 call. Depending on the nature of the call, first responders should be publicly-funded EMTs, trained crisis de-escalators, culturally-competent mental health providers able to intervene in tense and violent situations, social workers, firefighters, even community leaders and food relief workers.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes. As much as possible from this enormous sum should be spent instead on creating a unified, public Monroe County school district so we stop leaving our city's children behind, re-greening of the city (tree-planting, greenspace creation, park creation, community garden design and planting) for climate and environmental justice, a sizable and QTPOC-inclusive department of community mental health intervention, creative solutions to combatting food apartheid in our city, quality public transportation, arts programs, housing and medical care for the unhoused, public libraries, literacy programs for children and adults, and free, universal preschool for all of our city's children.

Community Testimonial of

M. B.

November 29, 2020

1. This is who I am and what I do:

I advocate for public policies that prevent abuse and childhood trauma. I also have spent years working with some of those most affected by childhood trauma; human trafficking victims, and am currently a board member of the Rochester Regional Coalition Against Human Trafficking.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

The police understand the dynamics at play in drug addiction, domestic violence, sexual assault and human trafficking. They understand that some of the people who need the most help are the least likely to ask for it, they understand that there can be a lot more than meets the eye going on with some of the people they see again and again.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

The police need to understand the power dynamics at play in domestic violence, human trafficking, and sexual assault. They should also have an understanding of trauma, and use trauma-informed practices both when interacting with the public and among themselves. And like it or not, the police need to be familiar with and good at connecting people with local resources for mental health care, housing, etc.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Possibly in some circumstances involving drug possession or MHA's.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

If the city of Rochester, Monroe County were each to use 1% of their budget and combine with some local charities and philanthropists they could start a pilot where every new parent in the highest-crime zip codes has access to an evidence-based maternal home visiting program. This would start improving the quality of life in that zip code immediately and eventually would slash crime and poverty in that zip code.

Community Testimonial of

E. C.

November 29, 2020

1. This is who I am and what I do:

Professor (part-time), URMC; Co-Director, Center for the Study and Prevention of Suicide; Acting Chair, Dept of Psychiatry, URMC, 1993-96, and Chair, 1996-2017. Expert Consultant to CDC's Suicide Prevention Team.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Police serve to investigate and solve violent crimes. On rare occasions, when called upon by mental health professionals, they assist when dealing with persons who are violent to themselves. Also, together with mental health personnel, they are available to intervene with potentially violent domestic confrontations.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Policing now is reactive, confrontational, and used as a default-mode response in the absence of sufficient alternative resources for addressing mental health and substance related emergencies. Enhancing PUBLIC SAFETY does not equal more policing. Rather it involves the development of collaborative community-driven prevention and early intervention initiatives, use of rehabilitative approaches to non-violent infractions, decriminalization of addiction-related behaviors that are not harmful to others, and wide spread implementation of harm reduction procedures. Police officers should be local residents, have a higher standard of educational expectation, and receive expanded training and developmental support for dealing with the diverse problems that they encounter. As well, there needs to be a locally based educational pipeline to encourage future public safety careers.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

With the exception of calls that relate to violence and apparent criminal activity, first responders should be EMS providers with enhanced preparation to deal with persons

suffering mental health or drug toxicity problems, together with mental health providers who have been carefully trained in dealing with agitated persons. (Many MH training programs do NOT provide such education.) This combination will be most effective dealing with overdose situations, for example. Domestic disputes are a complex and potentially dangerous situation that require careful screening before deciding not to include police. In the most violent situations involving persons with mental health problems, a combination of a mental health professional and a CIT trained officer is most appropriate. FIT does involve calling upon a trained MH provider; however, it may not involve a sufficiently trained officer for some instances.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes. (1) We need a cadre of Community Behavioral Health Advocates. This could be composed of persons with some level of education beyond h.s.—to be defined...perhaps Assoc. degree or Bachelor's or deeply experienced 'street savvy' folks...again, to be defined. Peers included but not exclusively so or required. Based in communities, connected officially to mental health and substance providers—i.e., linked as members of multidisciplinary care teams—but accountable well beyond those providers in a transparent fashion. NOT paid directly by those health providers and not on fee-for-service, such that their work is not ""clinical"" or ""billable."" Use of a transparent RFP process to develop and administer the program with institutional ACCOUNTABILITY and regular external review.

Roles: advocates, health navigators, assisting case managers in primary care, facilitating access to mental health and addiction treatment systems, informal supports for families, connectors to diverse community organizations, promulgators of prevention and early intervention initiatives...i.e., local persons living in the communities; part SW, part informal mental health provider (modest psychoRx training--e.g., problem solving therapy), sage voice, etc. Ultimately this is about mental health promotion, prevention and early intervention re drug use, and facilitating access to the best care available. They can work with community NGOs, faith based institutions, as well as having 'facilitated connections' to health systems and providers. They also may help navigate access to DHS. Such Advocates could, in theory, also work collaboratively with a 'rehabilitative' probation workforce to facilitate access for services for persons who now would be sent to jail.

They must be paid at a sustainable 'living salary' level. Benefits include family health insurance, paid leave, modest 401K or 403B, etc.

(2) Educational pipelines for youth in the City and County who want to pursue careers in public safety, mental health and addiction services, as well as medicine and psychology. Beyond h.s., any need-based support for college/university and graduate training would be tied to payback time in local service--years depending on level of support.

(3) Development of a single, integrated City-County emergency response system for mental health and substance related emergencies that is built around teams of EMS and MH responders."

Community Testimonial of

E. K.

December 2, 2020

1. This is who I am and what I do:

I am an adopted woman from South Korea and was raised in the Bronx, NY. I am a full time freelance artist. I worked for the past several years for New York Fashion Week, and Vogue Magazine. I moved to Rochester, NY one year ago to be with my partner.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Growing up in NYC, I have never fully felt safe within any system that intentionally impacts vulnerable communities for the worst i.e.: NYPD. When I moved to Rochester, I realized how poverty was and that this city had a lot of inner community work that needed to be done. With a budget of 150 million dollars that RPD receives, I do not believe they play any role in safety when it comes to the city of Rochester. I have not felt safe being in the proximity of any RPD officers, and I feel unsafe and uneasy while stepping foot into the Public Safety Building. I am an Asian American woman who has had to interact with RPD for an assault case, and I do not feel as if they managed the case nor my safety responsibly.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Less policing around the city, without a doubt. Especially in the neighborhoods that are enforced with police "protection." I believe the presence of this particular department is automatically intimidating and that is not the point of any service departments. The RPD induces fear; not a safety net. What keeps us safe are our neighbors, our community and organizations that feed and clothes us.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Medically trained professionals and social workers. My mother, older sister, and older brother are doctors in New York City. I believe in the medically trained, but

institutions often defer to Police Departments, especially during the COVID-19 Pandemic. I believe there are efficient and effective ways to have first responders that do not intimidate or threaten people - especially our vulnerable communities here. I know factually that if there were money being pumped into organizations of professionally trained social workers, mental health professionals, etc. there would be an automatic shift in the city of Rochester. I have also been mentally health arrested before and I know personally that the last thing I want to see in a state of shock and fear is a person with a gun.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Public Schools. Public transportation, without a doubt. Community centers, especially ones that are outside e.g.: like the skate park where people can come together doing what they love. I see that this city is failing at putting all parts of the community together. This city is divided because people are not treated fairly and there is no equality. This city would have less crime if there were more opportunities for people express themselves. It is that simple. I know this because of where I am from in the Bronx. In that case, start pumping money into art programs, music programs, theatre, activities where people from the 19th ward can come together with people on Park Ave. Shift funding or this whole city will fall apart.

Community Testimonial of

M. C.

December 2, 2020

1. This is who I am and what I do:

I am a nature lover and creativity enthusiast. I am a local therapist of over 21 years, and own a local, well respected and established wellness practice of almost 20 years. I have dedicated my time to helping others in both my personal and professional life.

I was a victim of police abuse 2 times. During an approximately 2 year period I was victim of extreme spousal abuse which left me extremely depressed and suicidal at times. An officer was called in 2012 to my office while I was in the middle of a session with a client- when I came in the door the officer asked my name and when I answered he said I was under arrest. I was confused and when i asked him why I was there, he said ""you know why"" which I didn't (my ex was also targeting me at work and I assumed it was another one of those abusive manipulations), I told the officer I had let my client who was on the table know what was going on, and turned to walk toward the room. The officer violently grabbed me and through me down and hand cuffed me. I screamed for my clients help (all while still having no idea why I was being put under arrest). There was much more but for the purposes of keeping short to tell other police abuse I'll end here.

The next time was July 2013 officer Klinkman. - my friend Juan had spent 4 hours of hours time this day walking and talking me out of an extreme suicidal depression. As we were walking down main st heading back towards his home, 3 police cruisers all pulled up fast to where we were on the sidewalk underneath the overpass at Broad. We commented to each other that "woah, I wonder who they're after. It must be serious". When they all got out of their cars and approached us and asked our names and said "they were looking for 2 people that matched our description". They then proceeded to pat my friend down but NOT me and target- him only. I was frustrated with the clear racial profiling taking place before my eyes. I asked why if they were looking for 2 people did they only pat him down? No answers. He had an outstanding ticket so they took him to jail. It took me about an hour and a half to then get back to my car, get money to bail him out, Ahmed found out where i needed to go to get him out (I'd never done that before). I went to public safety building.

Klinkman was alone at desk. I asked her if this was the right place and. If it was ok to park out front that day (it was the weekend and I wanted to make sure I wasn't going to get ticketed). She just gave an unfriendly abrupt yes and I don't know answer. I said- ok. And continued I need to bail out my friend. She told me the amount and I handed her an amount \$5 over bail fee. She pushed all the money back toward me and said- "i can't take that"" unclear what she meant. I asked ""what do you mean?" she said ""it has to be exact change"". So I thought for a couple of seconds and handed it back to her and said ""just keep the \$5 then). She then said she couldn't and pushed it back to me. I mumbled under my breathe something to the effect of "got to be f% @&ing kidding me" So I asked what was I supposed to do and she said go get change. I went to 3 different places (all but third not giving me change) outside of PSB, having to leave my parking spot and come back. When I came back about 30 to 45 minutes later (the time it took to do all that) I gave her \$, she finished paperwork, handed it to me and asked me to sign, I signed it and handed it back to her and was waiting for her direction on what comes next when she said "you know I can have you arrested for swearing" . Mind you, I was suicidal and depressed that day (my friend had helped me through that) so I was confused with what she was talking about. I asked what- she said for swearing when you were here earlier. At which point I engaged her in how I had done anything illegal. She said- if you keep asking questions, you're going to find out. I asked her how anything I had said was illegal- she came around glass maced me".

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Police are there to establish safety and an environment of calm to keep the peace. They do not use force. They are only used in situations of high crime; violence in community.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

We need the appropriate professionals called in to help community. For instance, if domestic situation- counselors in addition to police presence -to support only. A MUCH stronger vetting process for an individual to become an officer of the law. For instance, not using their position of power to abuse community and create a situation or escalate it.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Mental health professionals as mentioned above.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Absolutely! On community programs - education, counseling, community outreach-housing, health, feeding poor, etc

Community Testimonial of

R. C.

December 2, 2020

1. This is who I am and what I do:

I am a twenty-something educated African American woman that lived and worked in Syracuse, New York, and Rochester, New York. I worked as an adjunct professor in African American Studies and Academic Advisor at Syracuse University and University of Rochester respectively. I love gardening and is slowly getting committed to land and food social justice efforts.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I would feel safe in a Rochester with community engagement at the forefront of "policing." In the end, I would love to see a dismantling of police power related to traffic stops, drug enforcement, mental health interventions, and homeless/vulnerable population interventions.

In the end, I see the police investigating high crimes such as sexual assault and violent crime resulting in assaults or murder, but every day issues in the community being regulated by the community. Additionally, allocating funds to alleviate these issues addressed earlier in my paragraph. These community interventions do not have to run by black people, specifically, but people that share my politic of a less police Rochester.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Decreasing polices ability to harass and harm black people in the community without consequence. Additionally, regulation of the police be handled by an independent board that values community organization and uplift, rather than the minimal political power of the police.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Incidents related to mental health, sexual assault, and aftermath of domestic violence incidents. These people should be an independent social worker, or someone apart of the community directly.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

These \$150 million police fund need to allocated to combat homelessness by providing long-term housing to transition people out of homelessness, food shelters to feed underfed populations, housing benefits, school distinct to true intervention, creating long term job creation and infrastructure improvements.

Community Testimonial of

T. H.

December 2, 2020

1. This is who I am and what I do:

I am a 56 y/o black female disabled since 2009 after being physically brutalized by a rogue cop in Gates NY. Dragged through the Monroe County criminal injustice system to overturn a bogus resisting arrest charge, and still fighting for justice. I suffered a Traumatic Brain Injury which was purposely hidden for 10 years by the medical community . . . i.e., Strong/Highland/Jordan Health. I have plenty of documents to prove this claim.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

All LEO's must be banned from using Anabolic Steroids. This drugs helps to fuel their Roid rage tendencies. We must get rid of Qualified Immunity. No one should be Above the Law. Extensive background checks. Racial sensitivity training.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Same as above.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

TRAINED Mental health professionals.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Absolutely spent elsewhere. Not sure where . . . what are the options? Social programs?

Community Testimonial of

L. H.

December 2, 2020

1. This is who I am and what I do:

Retired Baptist Minister, having served 4 churches in the city and the Colgate Rochester Crozer Divinity School.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Competent, professional, respectful officers who do not have a union that functions as an adversary to citizens and government.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Police should be as accountable for their actions as the citizens that they police.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

I would suggest that for a mental health call, a mental health professional should accompany the police officer.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Mental health professionals and trained negotiators/trained de-escalate professionals / social workers should be part of the budget.

Community Testimonial of

A.V.

December 2, 2020

1. This is who I am and what I do:

I am retired from the RPD, I live in the city and am a private investigator. I work primarily for defense counsel.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

The police would prevent crime rather than just react to crime. The police would take a balanced approach to issues, not a one size fits all approach. The police would take criticism to heart and not react defensively.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

If the police were part of the community and saw themselves that way instead of the warrior mentality we would all be safer, them included. If they actually lived here they would know that there are many people who are not engaged in criminal activities. But they don't live here so the picture they get of the citizens of this city is skewed. I have lived in the city for my entire career and still live here. The people in my neighborhood who are drug addicts and petty criminals knew that I was the police when I was and know that I was. They adjusted their behavior in my immediate area. People actually thanked me for living here and my next door neighbor sold their house advertised that it was right next door to a cop. It was actually a selling point. Still officers I worked with would routinely ask, "Why do you live there?"

Arrests and court proceeding should be routinely reviewed by supervisors. Officers who have cases dismissed because they are deficient on their face should be required to undergo additional training. If the training does not work then discipline. For example, how many people have been arrested for video recording the police post Emily Good? How many people are arrested for disorderly conduct in their own homes when the police follow them inside?

Officers who commit perjury should be fired. Perjury should be on the discipline list of “one and done”.

Police officers should have routine mental health evaluations to include but not be limited to chemical dependency. Without good mental health people cannot be good officers. We all understand the toll trauma can take on victims. It takes a toll on officers as well and we do not do a good enough job of taking care of officers.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

We already have lots of people who respond to 911 calls who are not the police, fire & EMT's. I can see two different groups responding to 911 calls: mental health professionals/social workers and community outreach workers (something along the lines of Pathways to Peace). Moving FACIT from the RPD to another department looks to me like a cosmetic adjustment. I worked for FACIT early in its history. There are good reasons to keep it in the police department as it gives the officers a place to refer matters that do not require the police but require intervention. The people who work in the RPD's victim's assistance unit are civilian and they could be utilized more if the city would fund them direction rather than make them rely on grants. (Because of the way they are funded they spend an inordinate amount of time helping victims get reimbursements from NYS.) They should be assigned to victims of violent crimes immediately and be of emotional support to them. Currently they only work during regular business hours and are not available to do this. (There is so much more I could say...).

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Look at where this money is being spent not just what else do I want to spend this money on. Here's my list: 24/7 mobile mental health unit, Victim's Assistance and/or FACIT available 24/7 to response to both non-police issues and to liaison with victims and their families, take the police out of the neighborhood service centers (yes I was one of the first NET lieutenants). They were supposed to be there to solve problems now it seems that all they do is attend meetings where pro-police community members heap praise on them.

Eliminate the community affairs unit of the RPD. All officers, no matter where they are assigned, need to be responsible for fostering good relationships with the community. It is not about “Bears and Books”, reading to first graders or flashing lights at the hospital. It is about treating people with the dignity every person deserves.

I want the police to be the police, to do what they are uniquely capable of doing. I don't want them doing what other people can do equally as well.

Police should not be engaged in copaganda.

Community Testimonial of

T. G.

December 2, 2020

1. This is who I am and what I do:

I am now an employee of the county, formally Director of a State Drug Program, and a Human Service agency in the heart of the city.

I served on many community program, presently on a board, Concern Citizen Community Board and we were the first to push for a Citizen Police Accountability Board in Monroe County.

Rev. Graves, Minister Florance, Apoatle Francis, Katherine Jordan, and many more...

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

A group of people who foot patrol their area, know their residents, no racial bias in the community or preconceived a racial/ religious people in a negative way.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

That they respect us and we in turn will respect them. Make them accountable for their actions.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Community people with some knowledge of a citizen's rights. So also Workers, first minority.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes.

Community Testimonial of

M. F.

December 2, 2020

1. This is who I am and what I do:

I am a semi retire attorney who represented civil rights groups and individuals with police brutality complainants.

I represented Rev. Raymond Graves and the United Church Ministries, Minister Franklin Florence and Minister Lewis Stewart. I also represented the Center for Disability Rights. My main work was as a labor lawyer representing the RTA, Teamsters, Bricklayer, ATU (RTs bus driver), Rochester Firefighters Union and many others.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Response to violent crime, property crime, traffic enforcement and emergency response.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Legalize marijuana and decriminalize other drugs. Require city residency for police. Limit police access to paramilitary equipment.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Many domestic violence and most mental health calls should not initially have police response. Other trained professional, nurses, EMTs, counselors, etc. We can train new professional with de-escalation skills and non-lethal confinement skills.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Food, housing, jobs. Any number of programs to put money directly into the hands of the poor and not a penny more for programs or committees to study poverty.

Community Testimonial of

R. R.

December 2, 2020

1. This is who I am and what I do:

I am a local political activist and staff member of the NYWFP Elections team though I am speaking for myself. I worked with Ted and other activists to help coordinate for the passage of the Police Accountability Board when I worked for RocACTs.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I imagine officers playing a very minimal role in society. A small percentage of officers work focus on violent and dangerous human behavior. I would like it to be reserved for only that where a mental health professional does not feel safe dealing with that individual.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

The need for police should be addressed by looking at what causes community harm. Large levels of unemployment and untreated mental health issues are a much more dangerous component of our society that can be dealt with using mental health professionals and stronger social safety nets.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

All calls that regard homeless individuals, transient peoples, domestic violence, sex worker situations where a response is needed, or people suffering mental health or drug abuse episode should not involve police officers. We should have a network of services available for individuals suffering these states where they are at their most vulnerable.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes. These should be spent on direct social services in a holistic fashion to address a person's needs at their source.

Community Testimonial of

A.B.

December 2, 2020

1. This is who I am and what I do:

My name is [A.B.] and I am a roofer.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I feel safer with criminals around me then police.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Have people who live in the community police their own community.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Fire department emt.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes, in Inner city schools Programs for more jobs for kids and adults with criminal records.

Community Testimonial of

F. A.

December 2, 2020

1. This is who I am and what I do:

I am an African American woman with two children one male and female.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

One with empathy and social courtesy.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Truly the beating and killing of innocent black men/ women in our communities.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

The appropriate services should show up for people who are having a mental situation.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Education.

Community Testimonial of

M

December 2, 2020

1. This is who I am and what I do:

I am a 42 year old 19 year city of Rochester resident, dental assistant, art enthusiast, Asian American human.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

Secondary to human services.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

If there were specialized police for specific scenarios (traffic, burglary/mischief, assisting service workers as backup) that were trained for non-violent assistance roles, there would be little need for gun use on the job.

The only way i would feel safe with police near me is to have a completely new and retrained force of employees who must live in the neighborhoods they patrol, regularly interact with the public UNARMED, and forge personal connection with the community they work for. There could be a specialized small unit for violent crimes in action, but most of the units would not have a need for guns. Being secondary to trained social workers/mediators/elders etc, balances the power dynamic, emphasize community work, and de-escalates potentially violent situations.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

- mental health calls should be answered by...mental health specialists
- domestic disputes: therapists/mediators in teams
- medical emergencies including drug overdoses: medical professionals.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Funds should absolutely be spent elsewhere!!!

- creating large mental health teams
- drug safety team
- community safety teams that could include drug, mental health, mediator, security members

Teams could have headquarters in each quadrant and then eventually individual neighborhoods to allow fast response. These public service workers **MUST** be paid adequately and given benefits comparable or higher than current police to offset the stress and training necessary for the job.

Community Testimonial of

T. G.

December 2, 2020

1. This is who I am and what I do:

I am a child of God, a citizen, student, a business-owner; I've acquired up to a master's degree in criminal justice and currently pending going to law school and getting a JD/PhD. I am a local Homesteader who grows my own produce and turn them into edible goodness and essential oils.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

They are our neighbors who addresses community issues with the community, weighing in the feedback from non-governmental actors.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

The procedural justice conducted by police. The police doesn't recognize white-collared crime as criminal, so when called, they do the bare minimum, if that.

Also, the lack of investigation based on the characteristics of the crime. For example, RPD responded to multiple calls about an incident 8/28/2020. Because a gun was mentioned, the police did not properly investigate. Ignored all parties except the alleged person menacing with a weapon and the only testimonials (3 and 2 of the witnesses are a part of the incident). Although, after arriving onto the scene, seen there was no imminent danger and no weapon present, they acted as if they did because of the trigger word "gun."

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

At all times, not all calls made to the police are straight to the point murder. There are homeless individuals who get called on for being a nuisance which isn't police worthy, other examples that doesn't render the police with their current state are but not limited to prostitution, domestic violence, drugs, mental health issues, sexual

assault victims (the police are needed but should alter their current approach because their presence can make matters worse.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Yes, funding maternity/paternity programs that are universal and efficient, extra-curricular activities (for all, including adults), social programs like trade training (blue-collared jobs like plumbing, engineering, transportation, etc.), back into communities negatively affected by the police (Joshua & Maplewood neighborhoods, etc.), educational programs (implement agricultural, technological (software programming, drone building, Raspi, etc.) classes in all schools.

Community Testimonial of

J. R.

December 1, 2020

1. This is who I am and what I do:

Im a kid out been in the street for 17 yrs

I help out in the House of Mercy

They the one at take me in.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

House of Mercy

Police is there to help us out.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

The police make me feel safe because when I need Them they are there.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

When we call 911 for police to say we need help it is because we are scared.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

They are doing a good job

Community Testimonial of

E. T.

December 1, 2020

1. This is who I am and what I do:

I work with the house of mercy

I do self improvement group. Run meetings, help out with food, clothing.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I think being outside more

talking to people.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

listening to them.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

I think police should be first.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

[No answer.]

Community Testimonial of

K. F.

December 1, 2020

1. This is who I am and what I do:

Social worker / staff member at House of Mercy.

Life in Brighton. Father, husband

Committed to real, positive change for folks facing poverty, discrimination, disenfranchisement.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

- Role models and mentors

- Responsive

- Understanding of factors that may lead to "criminal" or inappropriate behavior such as mental illness, poverty, substance abuse issues

- Community understanding that "policing" is difficult, challenging and at times dangerous

- Police seen as peacemakers and a very positive influence for a community. Similar to teachers, religious leaders, community elders.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

- Recruiting, educating, training police officers / staff that focuses on the issues they will experience most often

- Role of the union deserves discussion. Local police union seems to have too much power and influence which may actually be harming a profession that deserves better.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

- Ability to diffuse and mediate most important
- I think there needs to be an analysis done - if not done already - that looks at 911 calls - what are percentages of type of calls such as domestic violence, public nuisance, possible weapons / violence. Data would inform how best to handle calls.
- Look at how other cities / municipalities handle calls and are doing innovative interventions. Can we send social workers / mediators first w/ police as back-up if needed?

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Don't think issue is funding amount; can frankly see spending more if needed. Issue is reframing / redefining what policing is and who we recruit to be police. Can justify spending more \$ to raise salaries, benefits and \$ for more comprehensive training and education. Perhaps similar to teaching in recruit and education requirements + master's degree and certification.

"Defunding" has become a misnomer. Rather than defund need to redefine, refocus

In summary don't defund policing or spend that \$ elsewhere. Rather fully transform who and what police are and what they do.

Community Testimonial of

K. S.

December 4, 2020

1. This is who I am and what I do:

I'm a mother and grandmother. I'm a member of the City Wide Tenant Union.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

They would be a part of the community. They would know the citizens of that community and make us feel safe.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

They should be more reachable, more trusting. People should be able to go to the police and tell them what's going on without worrying about the police going back and tell the person or person's that you told.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

When someone's hurt (paramedics).

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

No.

Community Testimonial of

E. G.

December 5, 2020

1. This is who I am and what I do:

I'm a mental health counselor and I work specifically with people who are currently or recently homeless. I'm also a regular user of the city parks, a wildlife enthusiast, and I'm occasionally a legal observer at community events.

2. When I imagine a Rochester that makes me feel safe, this is the role that police officers play in that city:

I imagine police officers (without guns) could respond to situations that call for urgent help, such as an accident when traffic needs to be diverted, or a home break-in.

3. This is what, if anything, I think should change about policing to make people in Rochester safer:

Disarm police. Be sure that police officers live in the city, so they know more about and are more invested in the community.

4. This is when I think people who are not police officers should respond first to a 911 call – and who I think those responders should be:

Calls responding to mental health concerns could go straight to a mental health team when there is no report of safety concerns for responders.

5. Knowing that Rochester spends roughly \$150 million on policing each year, do I believe that, to make our community safer, any of these funds should be spent elsewhere? If so, where do I think they should be spent?

Housing, mental health, and social services. I work with people who are needlessly stressed to the point that they become extremely distressed, tearful, and hopeless. I have called to dispatch police for welfare checks when I have concerns about their safety. I can say with great confidence that our community would be safer and more stable if we were able to offer a clear and simple path to get everyone's basic needs met.

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- ¹⁶ According to the most recent data released through the Uniform Crime Reporting Program, the average officer per 10,000 residents ratio for the 1,000 largest cities that have police departments is 16.9, less than half of Rochester's ratio of 35.9.
- ¹⁷ The city with the highest ratio is Washington, D.C., with a ratio of 54. Atlanta's ratio is 31.5, Boston's is 30.7, Dallas's is 22.6, Los Angeles's is 24.9, Miami's is 27.0, and San Francisco's is 25.7.
- ¹⁸ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments. Birmingham's officers per 10,000 residents ratio is 40.6.
- ¹⁹ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments, average officer per 10,000 residents ratio for cities with over 25,000 residents that have police departments is 17.1, less than half of Rochester's 35.9 ratio. Rochester's outlier status does not change significantly when you compare it to the 20 cities most similar in size, which have an average officer per 10,000 residents ratio of 17.9 – again, roughly half of Rochester's 35.9 ratio.
- ²⁰ In 2019, Rochester had a property crime rate of 3470.882 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 18.3 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 96% bigger.
- ²¹ In 2019, Rochester had a violent crime rate of 748.412 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 21.5 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 67% bigger.
- ²² According to the most recent data released through the Uniform Crime Reporting Program, Rochester's officers per 10,000 residents ratio is 35.9, while Niagara Falls's is 30.5, Albany's is 30.1, Binghamton's is 29.5, Buffalo's is 28.5, Syracuse's is 28.3, Utica's is 27.1, Troy's is 26.0, and Schenectady's is 24.6.
- ²³ <https://data-rpdny.opendata.arcgis.com/pages/similar-cities>
- ²⁴ A number of the cities most similar to Rochester did not appear to report officer employment data to the FBI in 2019. What follows is a list of cities that ranked most highly on the similarity index in descending order; cities that

reported officer employment data have an officer-to-10k resident ratio next to them. The list ends when it reaches 20 cities that reported employment data. Buffalo's ratio is 28.5, Milwaukee's is 31.3, Syracuse's is 28.3, Cleveland's is 40.9, Pontiac did not report, Cincinnati's is 33.8, Lansing's is 16.8, St. Louis's is 40, Dayton's is 25.8, and Springfield, Mass.'s is 31.7, Wilmington's is 21.4, Toledo's is 23.3, Richmond's is 31.8, Baton Rouge's is 27.9, Saginaw's is 11.1, South Bend's is 23.0, Grand Rapids's is 14.8, Schenectady's is 24.6, Akron, Ohio did not report, Canton, Ohio's is 23.8, Lancaster, Penn. did not report, Albany's is 30.1, and Kalamazoo's is 31.2. The average ratio in these cities is 27; Rochester's ratio is 33% larger than this.

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January 2021

FINAL ANSWERS

**TO QUESTIONS FROM
THE WORKING GROUP ON
POLICE REFORM & REINVENTION**



**CITY OF ROCHESTER
POLICE ACCOUNTABILITY BOARD**

INTRODUCTION

In December 2020, the Police Accountability Board released its *Draft Answers to the Working Group on Police Reform & Reinvention*. These answers included a preliminary set of findings and recommendations regarding policing in Rochester. After releasing the *Draft Answers* to the public, the PAB asked for feedback that would help us draft an improved, final set of recommendations to submit to the Working Group. This document, when read alongside our *Draft Answers*, represents our *Final Answers to the Working Group on Police Reform & Reinvention*.

To collect the feedback we requested in December, the PAB conducted over a dozen presentations to the public, private organizations, lawmakers, and other individuals. Hundreds of people attended and viewed these presentations. Thanks to the efforts of our partners and supporters in the community – especially those in the Police Accountability Board Alliance – the PAB received a significant amount of feedback. Rochesterians called us, left us voicemails, sent us emails, and submitted markups of our report with line-by-line edits. We received feedback from social workers, medical professionals, RCSD parents, former police officers, religious leaders, and community activists. The feedback we received was remarkable given the limited time the PAB had to collect it. The written feedback alone added up to over 30 pages of commentary.

Some feedback we received dealt with our factual findings. This feedback was deeply useful in illuminating the realities of police work and RPD's history in Rochester. While this feedback did not lead us to rewrite our core factual findings, it does cause us to emphasize this: we cannot know the full extent of RPD's work without robust data and community engagement. Rather than issuing revised factual findings, we are noting that our initial factual findings are an imperfect foundation that will soon be built upon in our future investigations. The community knowledge we've received through this process will guide those investigations and be incorporated into the reports we issue in the near future.

Most of the feedback we received addressed our recommendations. Much of this feedback supported our recommendations as-is. Some of this feedback suggested changes that we want to investigate more before fully supporting. Other feedback proved that our core recommendations had overlooked important aspects of public safety and our community's desires.

With this feedback in mind, the PAB has chosen to issue a revised set of core recommendations. These revisions reflect three major changes. First, while still calling for the Office of Crisis Intervention Services' budget to be set using potential call volume, we are also calling for full transparency in the Office's work, \$10 million to fund alternative first responder systems this year, and for the City to use social workers & other non-police personnel as first responders to evictions. Second, we are clarifying that our recommendations should be implemented by reallocating, not expanding, existing RPD funding. Third, we are calling for the City to provide the financial and organizational support community organizations and agencies like the PAB need to create inclusive, transparent, and long-term change to Rochester's public safety blueprint.

The PAB is issuing these recommendations as a document that modifies our *Draft Answers*. This document explains each revision in light of the feedback we received. Together, this document and our *Draft Answers* represent our *Final Answers*, a full set of findings and recommendations the PAB is submitting to the Working Group. The PAB will be making many more factual findings and recommendations for change in the months and years to come. This is just the beginning.

FINAL RECOMMENDATION #1

Drastically Increase Staffing For First Responder Systems That Appropriately Replace Police With Social Workers and Mental Health Providers – And Begin By:

- **Making the Goals, Work, and Evaluation of the Office of Crisis Intervention Services (OCIS) Fully Transparent**
- **Immediately Increasing Funding for Alternative First Responder Systems to \$10 Million**
- **Using Social Workers & Other Non-Police Personnel As First Responders to Evictions**

Initial Recommendation: Drastically Expand Staffing For And Use Of First Responder Systems That Substitute Police Officers With Social Workers And Mental Health Providers.

Of all our recommendations, this one received the most feedback. That feedback fell into three categories.

The first type of feedback responded to the word “substitute” in our initial recommendation. This feedback, which often came from former police officers, social workers, and people who have been involved in crises calls, offered up many visions for how law enforcement should or should not be involved in alternative first responder models. Some expressed concern about the safety of unarmed social workers responding alone to situations that could rapidly escalate into violence. Others expressed concern that the presence of armed officers in any situation would escalate situations into violence. Still others worried that, without antiracist training, staff selection systems, transparency, and community oversight, non-police first responders may reproduce the problems of the current first response system.

This type of feedback made two points clear. First, it showed we needed to revise our recommendation to make clear that “appropriately replacing” police – rather than immediately and totally “substituting” them – is the near-term goal of any new first responder system. There may be circumstances where law enforcement support is necessary to ensure the safety of both residents in crisis and non-police first responders.

This kind of feedback also made clear that it will take extensive data and in-depth evaluation to determine precisely what alternative first responder system Rochester

needs. The City’s new Office of Crisis Intervention Services may be the right system. We can only know if this is the case if the City makes the Office’s goals and work fully transparent. Transparency requires, among other things, explaining and justifying – in expansive detail, rather than brief summary – how the Office’s alternative first responder systems will: (1) defuse crisis situations and/or provide residents directly with social services; (2) allow first responders to actually control the response to a given crisis; and (3) determine whether police officers or non-police personnel will be in charge of a scene. The City will be evaluating the Office’s new “Person in Crisis Team” during a six-month pilot period. This evaluation must itself be transparent, ensuring Rochesterians have access to the data the City is using to judge the Person in Crisis Team’s success.

The second type of feedback responded to our call to “drastically increase” the staffing for alternative first responder systems. Our recommendations call for the City to link the budget of the Office of Crisis Interventions Services to the percentage of calls staff in the Office could potentially take (such as substance-abuse and mental health calls). While the feedback we received generally supported this recommendation, some Rochesterians suggested that our recommendation was too vague; without a specific funding request, it would be difficult to know if the City was actually implementing our recommendation. Moreover, a study to analyze call data may take years to come to firm conclusions about the percentage of calls the Office should be taking. In response to this feedback, the PAB is recommending that – in addition to linking the Office of Crisis Intervention Services budget to the percentage of relevant crisis calls – the City should immediately boost the funding it directs to all alternative first responder systems (inside or outside of the Office) from \$1 million to \$10 million. We don’t know precisely how much funding these systems need. But we know that, given the needs of our community for social services and appropriate crisis response, \$10 million is a bare minimum for success.

The third type of feedback on our alternative first responder recommendation called for PAB to support a new system that reduced officer involvement in evictions. This feedback came from those involved in law enforcement *and* tenant advocacy organizations. Some, if not many, officers view eviction-response calls as messy, unfortunate circumstances that they do not want to be involved in. At the same time, tenants and tenant advocates often feel that officers can complicate and escalate, rather than resolve, eviction-related situations – especially when officers are forced to conduct fact-finding about whether an eviction is illegal. While laws may need to be enforced in eviction-related circumstances (especially against landlords illegally

evicting tenants) it is not clear that police officers should be the people first called on to enforce those laws.

The RPD's Eviction Response Team is a noble effort that aims to have police prevent illegal evictions and connect tenants with the resources they need. Given feedback from officers and tenants, however, it is clear a new system is appropriate. Social workers and community advocates have the training and trust needed to manage evictions by providing resources to legally evicted tenants, determining whether an eviction is illegal, and informing tenants and landlords of the law. They, rather than police officers, should be the first on the scene responding to an emergency call regarding an eviction. Of course, these alternative first responders should be empowered to call police if a situation becomes unmanageable. Nevertheless, a system that minimizes officer contact with eviction situations should be a win-win for community members and officers. The PAB recommends that, over the coming weeks, the City – in partnership with tenant advocacy organizations and legal aid staffers with knowledge of the eviction system – create and deploy an alternative first responder system that specifically addresses evictions.

FINAL RECOMMENDATION #2

Provide the Financial & Institutional Support Necessary to Organizations Working to Change Our Policing/Public Safety Blueprint

Perhaps the most common piece of feedback the PAB received had to do with this Working Group's process. Residents expressed a desire for a process that had a longer timeframe, involved more community groups to the table, was conducted through open meetings, and was given the resources necessary to do its job. Residents also wondered if any reform plan coming out of the Working Group could succeed without firm deadlines regarding (and clear responsibilities for) implementation – along with consequences for delay or failure. Finally, residents questioned whether the Working Group's reform plan would actually address what they believed were the core issues driving problems with policing – issues that, according to many residents, included the power of police unions.

These criticisms are justified. Indeed, they have been echoed by many participants in the Working Group process itself – including the PAB.

One way to address some of these criticisms is for the Working Group's reform plan to establish a process for longer-term change. That process should be transparent and fully funded. It should bring all parts of our community to the table to examine and change our fundamental blueprint of policing and public safety.

Rochester already has the organizations to support such a process. City Council, the Police Accountability Board Alliance, Free the People ROC, the Faith Leader's Roundtable, the Interfaith Alliance of Rochester, Roc/ACTS, the Latino Leadership Roundtable, and United Christian Leadership Ministry are just a few of the organizations doing remarkable work on policing and public safety. The City must create a process that brings the work of these and other groups together with the proper organizational and financial support.

A fully funded PAB must also play a key role in this process. Even with the lawsuit against it, the PAB retains the tools to help our community control and change our system of policing. The PAB has legal duties to investigate all aspects of the RPD's work, make our city's current policing blueprint transparent, survey Rochesterians to learn their public safety priorities, and push for changes that translate those priorities into reality.

To ensure it has the resources to fulfill these duties, the City should adopt the proposed PAB budget described in the City Charter. The Charter's description says:

“The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days.” The PAB should craft such a proposed budget using appropriate data and analysis. In accordance with the City Charter, “The Board shall submit the proposed budget, along with appropriate financial documentation, to the Mayor and Council during the City’s annual budgetary process.”

This recommendation aims to allow the PAB to study (and, if appropriate, advocate for) many important changes proposed in the feedback received during the Working Group process. These proposed changes include:

- reducing or eliminating officer involvement in routine traffic enforcement;
- eliminating officer use of pepperspray, pepperballs, and beanbag rounds;
- identifying and limiting RPD involvement in local jails;
- adopting a “defund/refund” model and other alternatives;
- making the role of police union contracts and power transparent;
- creating additional incentives and protections for RPD whistleblowers;
- implementing residency requirements for future *and* current officers;
- removing all police presence at schools;
- reallocating police funding to promote restorative justice programs; and
- eliminating qualified immunity through new Law Department policies.

FINAL RECOMMENDATION #3

Reallocate Existing RPD Funding To Create Training, Prevention, And Response Systems That Address Officer Mental Health

Initial Recommendation: Boost Funding For Training, Prevention, And Response Systems Within RPD That Address Work-Related Stress And Trauma In Ways That Shield Officers, Their Families, And The People They Serve.

This revision changed the recommendation's focus from officer "stress and trauma" to officer "mental health." This change clarifies that the requested systems should address all aspects of officer mental well-being. The revised recommendation also changed the phrase "boost funding" to "reallocate existing RPD funding." Some Rochesterians rightly noted that the phrase "boost funding" could suggest that the PAB was advocating for an increase to the RPD's budget to address officer mental health. The PAB agrees that the RPD has enough funding to make *all* of the changes PAB is recommending, including those about mental health. The PAB does not support a boost in the RPD's budget.

FINAL RECOMMENDATION #4

Create Trainings and Disciplinary Policies That End RPD's Use Of:

- **Breathing Restrictions Including Chokeholds**
- **Chemical Weapons Including Tear Gas**
- **Protest Response Devices Including Sound Cannons**
- **High-Risk Practices Including The Use Of No-Knock Warrants**
- **The Use of Flashbangs During Protests**

Initial Recommendation: Create Trainings and Disciplinary Policies That End RPD's Use Of Breathing Restrictions Including Chokeholds, Chemical Weapons Including Tear Gas, Protest Response Devices Including Sound Cannons, And High-Risk Practices Including The Use Of No-Knock Warrants.

This core recommendation was revised to agree with community feedback calling for RPD to end use of flashbangs during protests. The PAB is also clarifying that it is not calling for the banning of *all* “protest response devices,” but rather a concrete list that includes things like sound cannons and flashbangs. Nor is the PAB calling for the banning of *all* “less-than-lethal” weaponry, but rather a concrete list that includes things like tear gas.

FINAL RECOMMENDATION #5

Support A Community-Led Process To Educate Rochesterians About How The City's Limited Public Safety Dollars Can Be Spent, Learn The Spending Priorities Of City Residents, And Develop A Budget That Reflects Those Priorities In Staffing And Funding Levels

This core recommendation was not revised.

FINAL RECOMMENDATION #6

Make Policing Transparent By Collecting And Releasing Comprehensive Data On The RPD's Enforcement Patterns, Internal Culture, And Policing Practices While Making Public All Aspects Of Officer Training

This core recommendation was not revised. However, the PAB is expanding the list of data that the City should include in an accessible open data portal. This data includes comprehensive information on officer disciplinary history, including pending, exonerated, unfounded or unsubstantiated allegations or charges (so long as those allegations or charges are listed as such).

FINAL RECOMMENDATION #7

Protect Residents And Officers By Investigating And Dismantling Structures Of White Supremacy, Misogyny, Homophobia, And Transphobia That May Exist In The RPD's Culture And Practices.

This core recommendation was not revised.



City of Rochester

APPENDIX C
REPORTS PROVIDED BY
THE UNITED CHRISTIAN
LEADERSHIP MINISTRY



Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



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Proposal for Formation of a Civilian Public Safety Interview Panel to Assess Candidates for the Police Academy

Submitted by United Christian Leadership Ministry

The Current Situation:

The sense of division, suspicion and mistrust that exists now between the law enforcement agencies and People of Color in Monroe County has historical roots. The community sees the police as disconnected from the community they serve, not helped by the fact that 93% of Rochester Police Department (RPD) officers reside outside the City they serve. Many of the contentious issues that arise from the community have to do with perceived racial bias and a lack of respect for the community's values and culture.

Especially fueled by recent incidents of police brutality around the country and in Rochester:

- There is a call for a model of community policing, a way to draw police and citizens together into a working partnership for public safety.
- There is also a call for the power relationship to shift, so that the police are rightfully seen as subservient to and accountable to the communities they serve.
- There is a call for police officers to become more familiar with the people they are called to serve and protect, to find more positive and non-racist ways of engaging the community.
- The idea is to develop connections and working relationships with individual citizens, religious institutions, businesses, neighborhood organizations and agencies, schools and colleges to create partnerships and to reduce crime.

Thus it is important that those who are selected to be trained as officers have a knowledge of and respect for those communities, and that they do not harbor any basic animosity or prejudice about those communities.

For this reason, we propose that local law enforcement agencies create Civilian Public Safety Interview Panels to assess candidates for the Police Academy. The purpose would be to bridge the gap of hostility and suspicion by giving the citizens the power to interview and assess candidates for the Police Academy before they are accepted into that process, and before the agencies make that commitment and investment in them.

The purpose of the interviews will be to assess an applicant's attitudes, experience, cultural fit and implicit biases, to determine whether the applicant is fit to serve as a police officer with ethics, integrity and non-racist attitudes and behaviors.

Guidelines for This Process:

Using the Rochester Police Department (RPD) as an example:

In the past year, the number of applicants taking the annual initial examination to become an RPD officer slipped to 454. After this initial examination, candidates go through a battery of tests, including further test of intelligence, physical abilities and psychological readiness. The final step prior to acceptance into the Police Academy is an interview with the current Police Chief. Recent experience indicates that 20-25 candidates are finally accepted into the Academy each year. In discussion with RPD personnel familiar with the process, it was suggested that the Citizens' Interview Panel take place just prior to the interview with the Chief.

We propose that:

- Community organizations will propose a total of 15 members to be designated as interviewers. Those submitted will represent a cross-section of the communities to be served. We recommend that the pool of interviewers include a former law enforcement officer and a mature young person. Suggested additional community organizations who might nominate potential interviewers:
 - Ibero-American Action League

- Action for a Better Community
- NAACP Rochester Chapter
- The Children’s Agenda
- Teen Empowerment
- Puerto-Rican Youth Development
- Center for Youth Services
- A slate of 10 interviewers will be chosen from that list by United Christian Leadership Ministry. They will be submitted to Rochester City Council for ratification. City Council and UCLM will also determine the future oversight of the Panel’s operations.
- Those who agree to serve will commit to an initial service term of three years.
- The chosen interviewers will experience professional training in interviewing techniques. See Addendum I below for the content of that training, which has been developed by the Center for Dispute Settlement and is offered for this purpose free-of-charge.
- They will also experience an abbreviated version Of RPD’s Citizen’s Police Academy in order to gain an understanding of RPD’s practices and procedures and the expectations of officers. We recommend a 5-week process, three hours per session vs. the usual 10-week process.
- The interviewers will work in groups of three for each interview.
- The Chief of Police will have his/her designee coordinate interview dates and times to coincide with candidates who have been referred by the Civil Service Committee. RPD will provide an appropriate space for the interviews to take place.
- Interviewers will be given copies of the candidates’ applications, and any other pertinent data that would be important for them to know about each applicant.
- To avoid conflicts of interest, Panelists would not be assigned to interview family members or friends.
- A series of potential questions that might be used by the Panelists is listed below as Addendum II to this proposal. One hour is suggested as the time allotted for the interview.
- On completion of the interviews, the Panelists will then consult among themselves as to the applicant’s qualifications and competency, attitudes

and characteristics, and will decide whether the applicant will advance to the Academy.

- The decision will be signed by all of the participating Panelists and sent to the Chief or the Chief's designee. Panelists will be sworn to strict confidentiality about their proceedings.
- After one year, the candidate may elect to apply again and be interviewed again by the Panel, with the same process applying.

The community will gain by deciding which candidates will be selected to “serve and protect.” The law enforcement agency will gain by assistance from the community in testing potential candidates for their ability to engage in positive ways with those they will serve, and in avoiding hiring candidates that would prove to be problematic employees in the future.

A search for similar programs in other areas revealed one parallel initiative in Shelby County, Memphis, TN. The County Sheriff Floyd Bonner started a civilian hiring committee to give citizens a chance to “get to know these men and women” who were applying. Here is his assessment of the value of the process to date:

“The Civilian Hiring Committee has been a tremendous asset to our hiring process,” Said Sheriff Floyd Bonner. “I am confident that this diverse group of citizens will continue to help us hire the best group of Deputy Sheriffs to serve the citizens of Memphis & Shelby County.”

Cost Considerations:

Again, using RPD as an example:

The City would incur the cost of training the initial cadre of interviewers in interviewing skills, which would be repeated for new Interviewers perhaps every three or four years. However, the Center for Dispute Settlement has offered to do this training free-of-charge.

RPD would incur the minor additional cost of including the panelists in the Citizen's Police Academy orientation process for the interviewers.

Other costs of operating the process appear to be minimal.

Metrics:

Tracking the impact of this initiative using concrete statistics may prove challenging. This is due to the fact that there are no current concrete measures of the community's experience of current policing beyond anecdotal evidence. RPD does keep statistics on number of Citizen Complaints, and on Use-of-Force, but making a direct link to the impact of a Citizen Interview Panel could be considered speculative. We strongly advise that more concrete metrics for the Panel's effectiveness be developed by the Panel as part of the oversight process to be designed by UCLM and City Council.

We recommend a narrative report be submitted annually to the Mayor and City Council, the report to be developed jointly by the Chief of Police and the cadre of interviewers, citing their evaluation of the efficacy of this process. This report might also include testimonies from candidates who have completed the interview process.

Addendum: Outline of Training for Interviewers on Interviewing Skills:

The Citizen Interview Panelists will participate in an interactive training session on interview skills for this purpose. Estimated time: 4-5 hours. Developed by the Center for Dispute Settlement, covering the following topics:

Note: In advance of the training each panelist will be requested to take 3 online Harvard Implicit Bias tests on these topics –Race, Gender-Career, Skin Tone

<https://implicit.harvard.edu/implicit/selectatest.html>

- Implicit Bias using Dr. Jennifer Eberhardt's video and examples of Police Response Studies
- Policing in Communities of Color
- Evaluating each interviewees' responses to questions
- Developing key situational scenario questions
- Exploring: Why do you want to be a Police Officer?

Addendum: Potential Questions to be Asked by Interviewers:

Note that UCLM has developed a form to be used by interviewers including room for scoring and notations. This is available. For simplicity, only the questions are noted here:

Getting to Know You:

#1. Tell us about yourself - Where you were raised, where you presently reside. What are your extra-curricular activities?

#2. What do you like best about Rochester? Are there particular neighborhoods or people you feel most comfortable with and/or connected to?

#3. How do you deal with the stress-related issues within your personal life and how would you deal with the added stress of policing?

Police Policy:

We would like to hear a bit more about your vision for policing.

#4. Why do you want to become a Rochester Police Officer? Were there particular experiences or people who influenced your choice of career?

#5. While it is important to display confidence in this role, the job requires a lot of responsibility and can be quite dangerous. What fears and/or concerns do you have about this occupation and how do you plan to manage those concerns?

Community Relationships:

Like any job, relationships are very important. In policing, it's not only about how you interact with superiors and co-workers, but also how you interact with the community.

#6. What type of relationship do you think police should have with its citizens, that is, people who live within the community they're sworn to serve and protect? How would you make that happen?

#7. Imagine you and a partner are on foot patrol in a city park and observe a family. Share with us what interactions you would seek to have with them?

#8. Imagine you are in a residential neighborhood and observe two individuals positioned outside their property on the front lawn arguing. How would you respond?

Race & Ethnicity:

The Law Enforcement community has recently come under scrutiny both nationwide and here in the City of Rochester. Reportedly, there appears to be a lack of trust that is connected to a history of racism. The following are questions pertaining to racism and accountability for police officers.

#9. Explain how you interact with people of a different race and/or ethnicity? E.g., how you communicate, and how you work together.

#10. What do you think of when you hear the word "racism"? In other words, what does it look like, how does it feel and/or affect you?

#11. Did the death of George Floyd and/or Daniel Prude affect you personally and/or change the manner in which you think about policing?

#12. If you observed your superior, a partner and/or any other member of law enforcement treating a citizen unfairly or subjecting them to verbal or physical abuse, how would you respond?

#13. If you observed your superior, a partner and/or any other member of law enforcement using unnecessary force upon its citizens, how would you respond?

#14. Imagine you're on duty at a protest event and tensions between protestors and police escalated. What would you personally do to de-escalate the situation?

Conclusion:

#15. Please share anything additional you would like us to know that has not been covered in our interview questions.

Submitted by United Christian Leadership Ministry



Racial Justice Education Curriculum
For Inclusion in Law Enforcement Training
Submitted by United Christian Leadership Ministry

The United Cristian Leadership Ministry (UCLM) Racial Justice Education Committee recommends a strong curriculum for responding thoroughly and effectively to the need for racial justice education of police recruits at the Police Academy level and in-service education for officers.

Serious police reform is essential in Rochester and Monroe County, in New York State and in the nation for law enforcement to build trust, legitimacy, transparency, and accountability with communities of color. UCLM subcommittee members have met intensively to establish the foundational elements of these recommendations. Guidelines are provided by President Obama’s President’s Task Force on 21st Century Policing and Governor Cuomo’s New York State Police Reform and Reinvention Collaborative and Executive Order #203 requiring local police agencies to submit detailed reform plans by April 1, 2021.

This Curriculum was developed through the lived experience and expertise of subcommittee members, and in consultation with Dr. Taj Smith (Director, Diversity Education, Rochester Institute of Technology). It is designed to be delivered in 20 hours of classroom and field settings, using interactive experiential learning, video segments and community involvement for cadets at the Academy level. Current officers will receive the same material in 20 hours of in-service education divided into segments over the span of a year. Assessment measures will ensure that the material is retained and understood.

This curriculum includes:

- Foundation of Policing and Law Enforcement in America

- Historical Background of Rochester Police Department
- What is Racism?
- Poverty Simulator
- Building Community
- 21st Century Policing
- Graduation Ceremony and Assessment

The committee recognizes that the process of education is one of life-long learning. The content areas will be provided in an engaging manner that allows for self-discovery and the building of a new knowledge base. These innovations are vitally necessary and cannot be delayed. Our community must act decisively and effectively at this pivotal moment, to demonstrate true leadership, community unity and the willingness to confront our history without flinching, with the goal of creating a more just and safe society for all.

“The vast majority of African-Americans who lived in this land in the first 246 years of what is now the United States lived under the terror of people who had absolute power over their bodies and their very breath, subject to people who faced no sanction for any atrocity they could conjure. This fact is of great significance for the understanding of racial conflict, for it means that white people during the long period of slavery became accustomed to the idea of ‘regulating’ Negro insolence and insubordination by force with the consent and approval of the law.” Sociologist Guy B. Johnson as quoted in Isabel Wilkerson’s *Caste: The Origins of Our Discontent*.

Note: The full curriculum is a copyrighted packet. If you are interested in learning more about this, please contact United Christian Leadership Ministry at 585-402-9785.



Proposal for Enhanced De-Escalation Training

Submitted by United Christian Leadership Ministry

A. De-escalation as part of Police Reform:

De-escalation is a tactic that has been successfully integrated into Use of Force Policies in police agencies across the country. In September 2016, 200 police chiefs and other community executives from across the country gathered to discuss the critical need for revising Use of Force policies at the Police Executive Research Forum (PERF). They were reacting to a number of national incidents of civilian deaths at the hands of police officers captured on video as well as their knowledge of the countless incidents not gaining public attention. They reviewed a document outlining guiding principles on Use of Force. The first principle was and is “The sanctity of human life should be at the heart of everything an agency does.” That sanctity refers to the lives of police officers and the people they serve and protect. The ultimate goal is a police agency that enforces laws in a way that ensures the safety of all and promotes connection and trust.

Many agencies provide de-escalation training to their recruits and existing officers. This proposal emphasizes the need to enhance de-escalation training and review procedures that govern Use of Force decisions by providing examples of policies and procedures from other agencies that have successfully implemented enhanced de-escalation policies which have resulted in a decrease of higher levels of Use of Force without an increase in officer injury.

While we recognize that Police Officers regularly intervene in crisis situations and de-escalate situations of varying volatility, it appears that there is an opportunity for Police Agencies to increase and improve training in de-escalation, crisis intervention, and communication. In comparing the documented and required police recruit training in these areas to the greater amount of time spent on firearms, baton, and OC spray training, it appears that this imbalance could

further the perception of the concept of police officers as “Warriors” as opposed to “Servant/Protectors”. This training ratio appears to be consistent across most of our nation and with local agencies.

De-escalation training is an essential element of total police reform. Many police agencies have implemented this training and have seen significant decreases in traditional more aggressive Use of Force methods. De-escalation means slowing down or trying to calm tense situations peacefully and in a way that is consistent with the police department’s Use of Force tiers. It can also be described as the result of a combination of critical thinking, communication, empathy, instinct, and sound officer safety tactics. The goal is to end the encounter without harm to the officer or civilian, minimizing situations from ever reaching the point where anyone’s life is in danger and where officers have little choice but to use deadly force.

De-escalation tactics can lower use of force by officers and reduce the severity of the force used. Eleven law enforcement groups, including the Fraternal Order of Police and the International Association of Chiefs of Police, in 2017 put forth a consensus policy saying an officer should “use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.” The policy states that an officer should “use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force.” Elements of police officer de-escalation training should demonstrate scenarios in which the officer:

- In a manner consistent with Use of Force policies tactically repositions himself/herself in order to isolate and contain a person, and not to “draw a line in the sand.”
- Takes as much time as needed to safely resolve an incident. The officer should not be compelled to force a quick (and potentially dangerous) resolution, in order to get back on the radio and race to the next call.
- Engages a citizen in calm and constructive conversation and asks open-ended questions. This is usually more productive than barking the same commands again and again. It is usually best if one officer is designated to communicate with an emotionally disturbed person.

While most agencies provide de-escalation training, there are key success factors that are often not incorporated into the training process. These include:

- Making de-escalation a core theme of an agency's training program.
- The responsibility for an officer to intervene to prevent other officers from using excessive force.
- In-field training, video scenario reviews, and discussions focused on Use of Force and de-escalation policies and procedures provided by skilled certified instructors.
- An audit process with data that is transparent and provided on a routine basis.
- Annual refresher training for all officers.
- Hours in de-escalation training at least as long as firearms, weapons, and defensive training combined.

The training for on-going operational police management of de-escalation must include:

- Incident report by all officer(s) related to the Use of Force.
- Supervisor or Police Chief review of individual high-level or frequent Use of Force incidents.
- De-escalation measurement and results to be included in an individual police officer's review.

Training that follows these principles results in a decrease in Use of Force and has helped many police departments fulfill their core mission of making cities safer while building trust and decreasing injuries to civilians and officers.

Clearly, de-escalation training is a philosophy of serving, of preserving life, of treating people with dignity while protecting those whose job it is to provide those services. Training that supports Police officers' wellness is a critical part of the on-going support we recommend. Officers carry heavy burdens and frequently deal with trauma. The statistics regarding police officer divorce, addiction and other emotional issues are well known. De-escalating issues in their lives should also be at the core of a de-escalation policy. This proposal also recommends voluntary mindfulness training for police officers. Mindful policing has the potential to transform the approach to officer wellness, while also impacting police reform goals such as implicit bias training; de-escalation/Use of Force; maintaining empathy, compassion and reverence for all of humanity/life.

See Appendix A for a proposal from Center for Mindfulness in Public Safety. Additional information about our Mindfulness Training recommendation can be found in Section D of this proposal.

B. Values Centered Approach:

Having a values-based approach in dealing with people in the community promotes connection and trust.

Focusing on “Sanctity of life” as a guiding principle (PERF guidelines) is an example of a values-based approach to Use of Force. The Denver police department has a powerful statement at the beginning of their Use of Force Policy which includes the following points:

- Respect human rights.
- Officers should not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors.
- Individuals are entitled to Constitutional Rights free from excessive force.
- It recognizes that split-seconds judgements are made.
- Reasonableness inquiry in excessive force situations is objective.
- When reasonable, officers should use advisements, warnings, verbal persuasion and other tactics including withdrawing.
- It is important for officers to bear in mind that many reasons exist that individuals may resist arrest:
 - The person may not be capable of understanding the gravity of the situation.
 - An individual’s reasoning ability may be dramatically affected by several factors, i.e. medical condition, mental impairment, developmental disability, language barrier, drug interdiction and emotional crisis.

C. De-escalation Next Steps in Rochester:

Since the PERF conference in 2016, the call for police reform has increased. Rochester is at the center of this call for reform since the death of Daniel Prude, a black man experiencing a mental health crisis. He suffocated and died while in police custody and his death was ruled a homicide. Police reform has gained support due to public reaction to this incident.



Use of Force and De-escalation Policy and Procedures:

Below is information copied from the Rochester Police Department (RPD) Manual and the NYS Penal Law. This is followed by related information from the Seattle Police Department (SPD) Manual. The SPD document provides more defined Use of Force definitions than the RPD and the NYS Penal Code. Consistent with the recommended de-escalation and Use of Force information in this proposal, we recommend that Monroe County law enforcement agencies review and consider how they might incorporate some of the SPD policies and procedures.

Here is a summary of policy points in RPD, NYS Penal Law, and the Seattle Police Department:

1. Rochester Police Department Policy and Procedures:

The RPD Manual focuses primarily on when deadly physical force can be used. There is very little/ no information about de-escalation and Uses of Force that are not lethal. The following is the opening Use of Force statement:

“Members of the Rochester Police Department (RPD) may use deadly physical force, as defined by Article 10 of the New York State Penal Law, only when the use of deadly physical force is necessary to defend the member or another person from what the member reasonably believes to be the use or imminent use of deadly physical force. Reasonable belief exists when both of the following subjective and objective conditions are met:

- The member reasonably believes another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person, and
- Evidence or information which appears reliable discloses facts circumstance which are collectively of such weight and persuasiveness as to convince a member of ordinary intelligence, training, judgment, and experience that another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person.”

Guidelines regarding the use other weapons, e.g., kinetic energy projectiles and less lethal shotguns, are subsequently cited in the manual. The manual also

includes procedures for reporting the use of these weapons, the investigation, administrative leave, and related activities.

2. NYS Penal Law Policies and Procedures:

Re use of physical force in making an arrest or in preventing an escape:

“ 1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest there for or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use of imminent use of deadly physical force.

2. The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.”

3. Seattle Police Department Policies and Procedures:

The Seattle Police Department’s policies and procedures related to Use of Force and De-escalation are very detailed. The 8000 section of the SPD’s Policies and

Procedures is 60+ pages. The following are many of the sub-sections and descriptors.

Core Principles include references to everything from the US Constitution to community relations. The emphasis *is* on the desired culture.

Definitions - Use of Force levels include:

- “De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury;
- Handcuff Discomfort - Discomfort or minor transient pain caused solely by wearing handcuffs after they have been properly applied;
- Type I – Force that causes transitory pain or the complaint of transitory pain;
- Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm;
- Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death;
- Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, great bodily harm.”

Tools - Multiple tools including canines, firearms, blast balls, etc. are described, along with their proper use.

De-escalation tactics and techniques are actions used by officers:

- When safe and feasible without compromising law enforcement priorities;
- To minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance;

When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

Procedures to enable de-escalation include critical thinking, communications, take more time, distance yourself from the person, and use shields of various types.

Reporting – To ensure transparency and accountability, officers must clearly and

reliably report and thoroughly document each time they use force defined as Type I, II, or III. All uses of force are reportable except de minimis force.

Investigations - The following factors are used to categorize each investigation:

- degree of injury caused;
- potential of the technique or weapon to cause injury;
- degree of pain, disability, restraint, impairment, and physical vulnerability experienced by the subject;
- complaint by the subject;
- duration of the force.

An investigation may result in an incident being re-classified, when appropriate officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application. The investigation responsibilities of various SPD personnel are detailed.

Review – Individual use of force are reviewed and appropriate individual incident discipline is noted. Also, periodic and annual reviews of the incidents related to what and how policy and procedure changes should be made are provided to the SPD Chief.

D. Mindfulness Training:

The world of policing is incredibly stressful and filled with traumatic events. Resiliency is the ability to rebound from stress filled events. There has been a growing focus on what is commonly referred to as Mindful Policing in recent years. MBRT, Mindfulness Based Resiliency Training was developed as a secular practice in 1979 and has been offered with successful outcomes to law enforcement professionals. Branded as Mindful Badge training by a former Police Lieutenant Goerling his training has been studied to understand wellbeing measures such as:

- The impact of a constant state of hyper-vigilance on officers;
- Cortisol awakening response;
- Health outcomes among officers.

Mindful Badge studies show the following benefits, and they show that continued practice is needed to sustain these benefits. In other words, outcomes diminish if skills aren't practiced.

- significant increases in resilience, mental health and emotional intelligence;
- significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
- reduction in the levels of the stress hormone cortisol;
- officers reported less difficulty with emotional regulation, organizational and operational stress.

We have tremendous expectations of our law enforcement officers and we recognize that their health and wellbeing is linked to the reform and community outcomes we seek. Caring for Police officers and supporting them in their work in a wholistic way is a vital piece in bringing about reform that changes culture—from the existing paradigm of police as “warrior” to police as “servant-protector”.

Wellbeing is a strategic pillar of UCLMs reform recommendations, and we would like to see local law enforcement pilot a 10-week program providing mindfulness-based de-escalation, anti-racism and wellness and resiliency training. Having done substantial due diligence on mindfulness in policing we are recommending the 10-week program offered by [Center for Mindfulness in Public Safety](#).

See our **Strategy and Executive Summary** document for more information on this our Mindfulness recommendations.

See Appendix A for the A Proposal for Rochester Law Enforcement Agencies from Center for Mindfulness in Public Safety. Their proposal includes a training summary of topics covered, skills and outcomes produced and includes evidence-based outcomes from their program.

E. Results:

Data from the following cities provide strong support for de-escalation within the Use of Force policies.

1. Dallas:

In order to understand the importance of de-escalation as a practice, it is relevant to review and study the results of other departments that have implemented this as policy. Perhaps one of the most interesting departments to use de-escalation is Dallas. This is a large urban department which received significant focus and scrutiny as a result of police shootings involving unarmed people from 2010-2012. In 2013, then Chief David Brown over hauled the use of force policy of the department, implemented de-escalation training, and new reporting techniques. The results can be seen in the following chart:

Year	Total Crime	Use of Force of all types	Percentage of Crime
2013	60604	2819	4.65
2016	54982	1666	3.03

Source data: <https://dallaspolice.net/reports/Shared%20Documents/Use-of-Force-Report.pdf> for the Use of Force data and Department of Justice for information on crime.

In the final year before the full implementation of de-escalation, 4.65% of all arrests resulted in the officer using force. After only three years of the new policy, that total had fallen to 3.03%. To put this into perspective, in Rochester the police used force in 6.16% of all arrests in 2016 which is more than double the rate of force used in Dallas. (Rochester Use of Force data from the Suspect Resistance reports, as reported by the Professional Standards Section to the Criminal Justice Advisory Board of UCLM.)

2. Seattle:

In 2011, the Department of Justice’s (DOJ) investigation of the Seattle Police Department identified a pattern or practice of unconstitutional Use of Force including “deficiencies in SPD’s training, policies, and oversight with regard to the use of force”. A Consent Decree was agreed to by the City and the DOJ. The Consent Decree was fully implemented by mid-2014, and it included related policy, procedure, training, investigation, reporting, tracking, and on-going review of the Use of Force.

The first report was issued in April 2017, and it assessed the impact over two 14-month time periods – July 2014-August 2015 and Sept. 2015 to Oct. 2016.

- **Type II and Type III Use of Force:** There was a net decrease of 743 incidents – a 60 percent reduction in Type II force (officer use of taser, baton, etc.) and Type III force (officer-involved shootings) in the 2014-2016 period analyzed.
- **Type III Use of Force:** Of the 2,385 use of force incidents, only 39 (1.6 %) involved Type III use of force, the most significant and serious type of force.
- **Type I Use of Force:** The officer use of handcuffs, etc. incidents spiked initially and continue to make up a large portion of all force used. The number of Type I force incidents has increased over time. An average monthly increase of 4 percent per month in Type I force incidents from August 2014 to August 2015. Comparing the first part of the study period with the latter part, the number of Type I incidents went down. What is clear from the Type I trends – both the early spike and the subsequent increase in proportion – is that, when force occurs, it happens increasingly at the lower end of the force spectrum.
- **Officer injuries:** Injuries were flat to slightly down over the study period, although the decrease is not statistically significant, based on SPD injury and hospitalization data. Accordingly, officer force has gone down without any increases in officer injury. It appeared to the Monitoring Team, then, that the decreased Use of Force had not placed officers at any higher risk or made officers less able or willing to use force to defend themselves from threats or harm.
- **Crime Level:** By most measures and accounting for seasonal trends, crime in Seattle appears relatively flat overall across the study period, with property crimes flat to slightly down and personal crimes showing a mild uptick. In fact, not only does it not appear that decreased use of force has been associated with increased crime, but it is actually the opposite: officers have used the most force when crime has been the highest in Seattle.
- **Use of Force Policy Consistency:** Across the more recent half of the study period, officers used force that was consistent with SPD policy more than 99 percent (99.27 percent) of the time. Officers also complied with the duty to de-escalate in 99 percent of cases where that duty was applicable (up from 81 percent in the earlier time period). Intermediate-level Type II and serious Type III force from the more recent 14-month period, nearly 95.7 percent of force incidents were consistent with SPD policy.

The following table shows all use of force reported between January 1, 2015 and December 31, 2018; Figure 2 shows a linear regression time series analysis of use of force trends, citywide, over a five-year time period dating back to 2014.

Use of Force Counts by Year (January 1, 2015 – December 31, 2018)

Incident Type	2015	2016	2017	2018	Grand Total
Level 1 - Use of Force	1,554	1,177	1,272	1,818	5,821
Level 2 - Use of Force	477	376	358	348	1,559
Level 3 - OIS	15	5	21	3	44
Level 3 - Use of Force	20	20	12	21	73
Grand Total	2,066	1,578	1,663	2,190	7,497

A linear regression time series analysis of Type I and Type II force over this four-year period, citywide, is shown in Figure 2. As noted earlier, Type III force continues to occur so infrequently in Seattle as to be considered a statistically random event and is therefore not subject to statistical trend analysis. As across prior years, a continuous decline is observed in Type II force. Type I force appears graphically to be trending upwards; again, however, whether the observed increase in Type I force in 2018 is statistically meaningful, attributable to overreporting of discomfort as Type I force, or perhaps reflecting of not-unexpected normal periodicity or fluctuation of the data over time cannot be determined from this data set or data period.

F. Funding:

There are several sources of funds to support the change from the RPD’s current use of force and de-escalation training, policies, procedures, etc. to the recommendations included in this proposal. The sources include:

1. Transfer money from the current funds set aside for citizen suits against the RPD for improper use of force. These funds include the legal costs and the money paid to the citizen.
2. The U.S. Department of Justice announced recently that it has put \$3 million toward the creation of a national center that will provide training

and assistance to help law enforcement agencies prevent the use of excessive force. The grant would provide additional support for training officers, and assist with reviewing current policing policies, as well as providing for the mental health of officers.

3. Byrne Memorial Justice Assistance Grant – JAG: The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement.
4. NYS Division of Criminal Justice Services
5. Over time, changing to a de-escalation policy should reduce incidents of Use of Force, decrease complaints, and potentially decrease settlements which should provide significant savings to the department.

G. How We Can Measure Success:

Whenever policy is put in place one of the most important things to do is measure the success of this policy in order to tell if it is achieving the desired results, and not resulting in any undesired affects. This is a crucial part of de-escalation policy as it is important to make sure all officers are engaged in this approach to policing. To do this, it is important that all officers involved in a Use-of-Force incident fill out a form indicating what force levels were used and why. These statistics need to be tabulated for every officer to ensure every officer is complying with the Use of Force de-escalation tactics in keeping with agency directives and allow assessment for the need for additional training or intervention. Further, it is important to track any injuries sustained to officers or to persons in custody as a result of any police action. For example, the department should keep track of firearms use, aerosol use, taser use, physical restraints, physical take down, and other uses of force tactics. The-data should be compiled in ways that are easy to compare both type of incidents and time period they occurred. The department should also track total uses of force as an aggregate and as a percentage of arrests. Finally, all the information to be recorded should include a suspect's ethnicity, gender, age in order to generate reports based on these factors.

From this record keeping it will be possible to tell if the use of force is increasing or decreasing, and also, what types of force are being used, by whom, and upon whom. With such data, it will be possible to determine if de-escalation is working to make our community safer.

Finally, it is important to measure public opinion. One of the important desired results of this change is a building of trust between the police and the community they police as a police officer's success often depends upon public support. De-escalation tactics if successful should also increase public confidence in the police department. This should be measured through public surveys on a yearly basis with specific questions about police treatment of the public.

UCLM also recommends that Rochester engages with organizations that can create a Community Transparency portal featuring our criminal justice data. This would allow the community, police and elected officials to evaluate the efficacy of de-escalation training and mindfulness training.

H. Conclusion:

It is clear that de-escalation tactics in Use of Force have become accepted in many police circles. They are not new and a number of departments are currently using them. The results of such implementation is that Use of Force declines, high level Use of force tactics decline, and officer injuries do not increase.

In light of these finding we recommend a changing of Use of Force policy to conform with the guidelines put forth by PERF. We feel to implement this training, we will need certified trainers trained by a nationally recognized de-escalation specialist. We would like to see officers at the academy receive eighty plus hours of de-escalation training and every officer should be required to take at least one two-hour yearly training course in de-escalation tactics. To make this successful, it is important that de-escalation become a core principle of the department and that effective measurements of officers are put in place to ensure that all officers are adhering to the guidelines. To help make this more effective, we also recommend that Mindfulness Based Resilience Training be made available to all officers.

We feel that with these policies in place, our police can continue to keep our community safe. They will result in fewer incidents, a decrease in injuries, fewer unnecessary deaths, and greater trust between the police and the communities they serve.

Submitted by United Christian Leadership Ministry



Proposal for Implementation of Body-Worn Camera Programs and Implementation of Community Panels to Review Those Programs

Submitted by United Christian Leadership Ministry

Proposal Overview:

Proposed that all Monroe County Law Enforcement agencies that have not yet adopted a Body-Worn Camera (BWC) Program move to do so, and at the same time, adopt a BWC policy which provides clear rules for use, retention of records, public access to those records, and levels of discipline for failure to follow procedures.

Proposed that all Monroe County law enforcement agencies that have an existing BWC program contract with an objective community-based organization to help assess that program.

Background:

Body-Worn Cameras (BWCs) for law enforcement is a development still in relative infancy.

There are many proven benefits from the use of BWCs, and in the programs developed thus far, these benefits are clearly demonstrated. For example:

- The entire criminal justice system benefits from additional evidence regarding public safety incidents and crimes. Courts have relied on BWC evidence as a key factor in determining what actually occurred.
- BWCs also provide a tangible means for law enforcement administrators to oversee the performance of their personnel, enabling them to track compliance with policy, and to pinpoint the need for additional training or

for discipline. They become a surveillance tool to promote officer safety and efficiency.

- Their use also can reduce complaints, since citizens are inclined to behave differently if they are aware that they are being filmed. In the same vein, officers may be inclined to be more conscious of best practices.
- BWCs reduce the amount departments pay out to settle civil suits. They also result in reduced time required to resolve complaints, a significant cost savings for the departments.
- BWC's protect officers from unwarranted and spurious complaints.

While there is substantial evidence to demonstrate the effectiveness of BWCs, we understand that the implementation of BWC programs over the last five years has been hampered by several classic start-up issues, such as:

- Early technology glitches and malfunctions of the cameras themselves
- Inadequate policy development
- Insufficient training by qualified trainers
- Insufficient oversight systems to track their appropriate use
- Inadequate supervisory and disciplinary measurements by the agencies
- Lack of oversight by an objective, community-based organization

Many of these issues can be seen in the implementation of the Rochester Police Department's BWC Program. However, these should be viewed as growth points for further development rather than evidence of a lack of effectiveness. This would also be true for the assessments that exist for other programs that have been implemented nationally.

Here is how some local criminal justice leaders assess the value of the Rochester Police Department's BWC Program:

“As the District Attorney and a resident of Monroe County, I fully support the use of body-worn cameras by police departments. In the Monroe County District Attorney's Office, body-worn cameras provide detailed evidence that greatly assist with the investigation and prosecution of cases. Body-worn camera footage provides direct accounts of incidents that come through the criminal justice system. Also, body-worn cameras enhance

community relations by ensuring transparency of events holding police officers accountable while also protecting officers from unfounded allegations. All this considered, body-worn cameras are an overall benefit to our criminal justice system.” Sandra Doorley, Monroe County District Attorney

“BWCs have become a valuable tool in ensuring the integrity of the criminal justice system, by shining a much-needed light on the interactions between police officers and members of the community. Often those interactions are conducted professionally, but in cases where the conduct of an individual police officer was unprofessional, or violated a citizen’s constitutional rights, the BWC footage is vital in establishing the truth of what occurred. True reform of the police cannot happen without an effective BWC program being implemented in each police agency in our community.” Timothy Donaher, Monroe County Public Defender

Community Body-Worn Camera Panels:

In a spirit of partnership, with mutual goals for safety and security and justice, a qualified Community BWC Panel is invaluable in assuring an effective BWC program. In an intentional relationship for mutual benefit, these community panels are a prime example of well-connected community policing. The municipality, the law enforcement agency and the panel would need to develop a Memorandum of Understanding (MOU) that clearly specifies functions and expectations (model attached). The community panel members would have access to an agency’s open electronic portal for crime data, and other information as detailed in the MOU.

These panels would meet quarterly with the senior law enforcement heads, reviewing agreed-upon reports that highlight the effectiveness of the BWC Program. The panel would also develop an annual report of the BWC program, to be presented not only to the agency, but to appropriate community bodies (e.g., a town council, town mayor, and media outlets), presumably the bodies which approve the BWC program in the first place.

Membership on these community panels would be determined by the municipalities and law enforcement agencies that approve the BWC program, in close consultation with representative citizen groups.

Suggested membership on community panels:

- Several representatives of community organizations that have a stake in community/police relations
- A former Monroe County Prosecutor
- A former Monroe County Public Defender
- An expert in management information systems
- An expert in personnel development and oversight systems

It is also advised that United Christian Leadership Ministry (UCLM) be consulted in the formation of these panels and conduct training and ongoing consultation as the panels are established and begin operating. This is based on UCLM's experience with oversight of the Rochester Police Department's BWC Program, under an MOU with the City of Rochester.

Cost Considerations:

Each law enforcement agency that does not currently have a BWC program would need to research the existing options and secure the necessary funding. Based on available data, the initial implementation cost of a BWC program might be approximately \$8,000 per officer for a five-year plan, according to one estimate.

Another study showed that while BWCs cost between \$828 and \$1,097 per user per year, they have been shown to generate net annual savings of between \$2909 and \$3,178 per user, mainly due to faster investigation of complaints.

There are several pricing models that include maintenance agreements and IT support. Pricing decisions also involve charging stations, and the decision to use either a cloud base or a server for collection purposes.

The Community BWC Panels would be considered as volunteer organizations, with the law enforcement agencies providing basic necessary space and organizational support. Thus, their cost would be minimal.

Metrics:

The effectiveness of the BWC programs themselves would be determined by the metrics developed in the MOU signed by the municipality, the agency and the community BWC panel, e.g.:

- Reduction in use-of-force incidents over time.
- Reduction in citizen complaints over time.
- Proven value of BWC footage in court cases.
- Surveys of participating officers and of the community itself.

The effectiveness of the community panels themselves would be pinned to that same data, and particularly to evidence of improvement in critical statistics over time.

Resources for this proposal:

[Body Worn Camera: Costs and Benefits](#) National Police Foundation, 2018.

[Benefits and Opportunities for Police Using BWC's](#) Wireless CCTV, 2020.

[Implementation – BWC toolkit](#) - U.S. Department of Justice.

[Implementing a BWC Program – Recommendations and Lessons Learned](#) – U.S. Department of Justice.

[BWCs for Law Enforcement - Assessment Report](#) – Dept. of Homeland Security 2015.

[BWCs: What the Evidence Tells Us](#) – National Institute of Justice Journal 2018.

[The Benefits of Body-Worn Cameras: New Finding from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department](#) National Criminal Justice Reference Service, 2017.

“Police Body Cameras Cited as ‘Powerful Tool’ Against Stop-and-Frisk Abuses”
New York Times 11/30/20.

Submitted by United Christian Leadership Ministry



**Proposal for A Substantial Increase in the Number and Usage of Pre-Arrest
Diversion Options
Submitted by United Christian Leadership Ministry**

Existing Rochester-Area Arrest Data and Diversion Initiatives

In Monroe County in 2018/2019, approximately 67% of the 14 – 15,000 adult crimes committed were for misdemeanor offenses which include substance abuse, simple abuse, property theft, sex work, and other property related crimes. The racial diversity of misdemeanor arrests was similar to the total arrests with approximately 40% white, 45% black, 12% latinx, and 3% other. However, in Monroe County, the misdemeanor arrest rate for white people is *10% while for blacks it is 75%. Latinx and other people are arrested at about the same rate as their respective population percentage.*

Over 50% of people currently incarcerated in Monroe County are there as the result of a misdemeanor offense. In 2018, 67% of final dispositions and decisions in Monroe County Courts were the result of misdemeanor offenses. Limited recidivism data exists for people who have committed a misdemeanor offense and have been released from jail.

Again, in Monroe County in 2018/2019, approximately 60% of youthful arrests were for misdemeanor offenses. While youthful arrests for both felony and misdemeanor charges have declined by nearly 58% over the last 5 years, there were still 452 misdemeanor arrests in 2019 (down from 1064 in 2015).

Importantly, prior studies have shown that:

- 62% - 87% of adult incarcerated males experienced childhood trauma;
- 77-90% of adult incarcerated women experienced childhood trauma.

They have significant mental/behavioral health issues. Until we as a society deal with the underlying issues, we will continue to arrest and incarcerate people with a significant social safety and financial cost to individuals, families, and the community.

Current Diversion Options:

The options that currently exist in Rochester / Monroe County for pre-arrest diversion are limited. They include:

- Behavioral Health Access Crisis Center – Mental Health
- Project HOPE – Heroin and Opioid Addiction
- Crisis Intervention / Emotionally Disturbed Person Response Team – Mental Health.

These options are rarely utilized by Rochester Police Department officers.

Proven Pre-Arrest Diversion Programs

The coordinated, expanded Pre-Arrest Diversion Program we recommend is based on the Law Enforcement Assisted Diversion (LEAD) program which started in 2011 in Seattle/King County, WA. It has expanded to over 40 cities throughout the United States, including Albany and Schoharie County in New York. In Albany, LEAD started in 2016. A significant number of officers and a broad range of community leaders and residents now support pre-arrest diversion.

Instead of arresting the person, the police officer could assess the person's eligibility for pre-arrest diversion. The diversion criteria are agreed to by a broad range of stakeholders including law enforcement agencies and the District Attorney. If the person is eligible, then he/she can be taken to a case management coordinator who will immediately begin to work with the individual on an individualized, intensive harm-reduction. LEAD is completely non-coercive, so if the person does not agree to participate, then he/she is arrested, charged, arraigned, etc. based on the level of the offense.

If the person agrees, then the coordinator will do a person-centered intake assessment. This is designed to establish needs and goals including various health-related treatment services, and social services, e.g. housing, and

employment. A case manager connects the person to the appropriate service providers and stays with the person for an unspecified number of months based on the needs of the individual.

Operational Principles

Across the communities that have implemented LEAD, various Core Principles exist. Below is a summary of the on-going operational principles:

- Police and community engagement.
- Coordinated case management across all providers.
- Client and community tailored intervention that is personalized by individual.
- Harm reduction and housing first framework.
- Cultural competency to include racial, social, and economic.
- Connections with a peer who previously participated in LEAD or similar services, to establish a supportive community.
- Monthly or more frequent discussion of individual progress and on-going program changes and improvements.

Results

Seattle and Santa Fe have evaluated their respective LEAD programs, both of which focus on substance-abuse diversion. In 2016, three University of Washington Professors published a Seattle LEAD evaluation study. Two important findings were:

- LEAD participants were 58% less likely to be re-arrested and were 39% less likely to be charged with a felony than people who did not participate in LEAD.
- Participants were also almost twice as likely to have permanent housing than had been before entering LEAD, and 46 percent were more likely to be employed or getting job training. The health and well-being of participants is difficult to measure, but overall improvement exists.

A follow-up 2019 study by the same group indicated the positive impact of LEAD in reducing average yearly criminal justice and legal system utilization and associated costs. LEAD participants had 1.4 fewer average yearly jail bookings, spent about 41 fewer days in jail per year, and had 88% lower odds of prison incarceration relative to comparison participants. LEAD participants also showed

significant reductions in legal costs whereas comparison participants showed legal cost increases.

The 2018 Santa Fe evaluation conducted by the New Mexico Sentencing Commission highlighted the lower criminal justice and medical care costs of LEAD participants. Emergency medical and days-incarcerated cost reductions were an important source of the cost benefits. The average annual cost for a LEAD participant was \$7,541 per client per year vs. \$9098 for the comparison group participant. Thus, overall cost savings of LEAD compared to the past was \$1,558 per client per year, a savings of 17%.

RECOMMENDATION:

Governor Cuomo, in his June, 2019 Executive Order, cited law enforcement assisted diversion as one of multiple programs to address the “particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

To comply with the Governor’s Order, we recommend that the community start a coordinated Pre-arrest Diversion Initiative by the 3rd quarter 2021. With the Rochester Police Department support, police officers can assess a person’s eligibility for pre-arrest diversion, and begin the process of helping that individual as opposed to arresting him/her.

A team to include existing diversion initiative members, government, health care, public safety, and neighborhood group stakeholders would develop the specific proposal. An important step in this process would be learning through interaction with other groups, e.g. the Albany LEAD team. The team would also:

- Obtain needed funding; the case for this funding is strengthened by the verified savings realized in existing LEAD Programs.
- Establish the organization infrastructure to include Project Management and Coordinated Case Management;
- Create a Memorandum of Understanding (MOU) that is agreed to by the appropriate organizations.
- Establish first year, five year, and ten-year goals to include:

- Number of people diverted consistent with racial diversity, gender, etc. of those people arrested;
- Percentage of people who successfully complete diversion;
- Percentage of people who achieve permanent housing and employment;
- Percentage of people who do not recidivate;
- Public safety costs saved because of diversion;
- Net community cost savings.

The United Way System Integration Project approach would promote transparency and provide the status of participant services to the appropriate providers and Law Enforcement personnel. A group like Coordinated Care Services, Inc. could be the Project Manager. An initial meeting with multiple County personnel, including Office of Mental Health, has been held to establish such a coordinated/collaborative service.

Start Small and Grow

An important diversion principle is non-displacement. People who are diverted should not displace people currently receiving similar services. In the first year, given the limited Rochester-area health care and social service resources and the need to operate an effective program, pre-arrest diversion would only service about 100 participants, about 1% of the people who commit a misdemeanor offense. As appropriate service resources increase, then participation and benefits will also increase. Also, over time, referrals to the diversion services could be made by a family member or someone who lives in the neighborhood.

A similar diversion approach must be adapted for youthful offenders. The diversion process would be similar to the adult program with additional focus on strengthening family relations.

Implementation and on-going Management – Key Elements

- Voluntary agreement among independent decision-makers:

Collaboration across the community stakeholders is required to make LEAD work. A Memorandum of Understanding (MOU) must be agreed to by the decision-makers prior to implementation.

LEAD cannot work without the dedicated efforts of independent agencies and, sometimes, multiple jurisdictions. The program can only proceed as far as the key

entities can achieve agreement at any given time. In addition to law enforcement, service providers, community groups, prosecutors, elected officials and others, such as persons with relevant lived experience (e.g. drug use, sex work, homelessness, poverty, etc.) are essential stakeholders who should be meaningfully involved partners. All stakeholders should commit to share credit and blame equally and to acknowledge the critical role of other partners.

- Law enforcement officer “buy-in”:

LEAD only works because of the effort and insight of line officers and their sergeants. As patrol officers talk with fellow officers about the benefits of LEAD, for both the officers and the community, more officers “buy in” to the program. The program relies on their initiative and discretion. They must be equal partners of the program and must be involved in operational design and improvement conversations. In Albany, line officers established the initial diversion criteria. Over time, the criteria have changed based on experiences.

- Command-level support:

To support line officer commitment to LEAD, Command officers must implement deployment, overtime processes, and shift scheduling that supports the program. Officers need to know and see that participation in this approach is valued. Command officers must agree to the process for making a diversion. In Albany, the diversion process is a one-page document, and takes much less line officer time than submitting an arrest package.

- Prosecutorial discretion should be utilized in LEAD participants’ non-diverted cases:

LEAD participants typically have other cases from both before and after their referral to the program. Coordinating prosecution decisions in those filed cases with the LEAD intervention plan maximizes the success of the program in achieving behavior changes, and in reducing system utilization costs.

- Dedicated project manager:

The project manager troubleshoots stakeholders’ concerns, works to identify resources, facilitates meetings, develops information-sharing systems, and streamlines communication. LEAD is a consortium of multiple different organizations. The project manager must be primarily loyal to the program itself, independent from all political and operational stakeholders. The project manager should report to an organization that does not provide individual direct services and has experience in coordinating services across organizations.

- Bi-weekly / monthly Meetings:

Providers, law enforcement, case managers, and community stakeholder representatives meet every 2 to 4 weeks to discuss the status of individual participants, and the overall program needs and improvements. This interaction builds the relationship among the various representatives, provides input from different experiences and perspectives, and helps the case manager connect a person to the appropriate resources. The Albany LEAD team excels in these bi-weekly sessions.

- **Semi-Annual / Annual Reports:**

An independent external organization should provide a semi-annual or annual report to include:

- The number of people who:
 - currently participate in LEAD services;
 - have successfully completed the services;
 - have dropped out of the services.
- Have on-going interaction, if any, with law enforcement
- Have on-going health, social and
- Structural and operational costs and funding received.

Actual Diversion Services

- **Harm reduction:**

For a person diverted for substance abuse service, the primary focus is general wellness rather than an exclusive focus on sobriety. The goals are to address the participant's drug activity and other factors driving his/her problematic behavior, and to build long-term relationships with participants without employing coercion or shame.

- **Intensive case management:**

Development of an Individual Intervention Plan serves as the action blueprint. This personalized plan may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, childcare, or other services. Intensive case management provides increased support and assistance in all aspects of the participant's life.

- **Housing First:**

An individual's Levels of Need starts with housing, food, and other basic services. Until these needs are met, it is difficult for an individual to move forward to subsequent levels of need. The permanent housing should be sustained for a minimum of one year based on the participant's progress.

- **Utilize and Expand Available Resources:**

The services support plan for each LEAD participant is dependent on the currently available resources. The Case Manager connects a participant only to a service provider who has the necessary support capability. A referral to a provider waitlist and to an over-taxed social services infrastructure will disappoint the participants and stakeholders and will produce poor outcomes. Even when resources are not robust, LEAD typically is more effective than traditional responses that tend to stigmatize the participants. Medicaid and related government programs provide most of the funding for the services provided to LEAD participants. Provider resource services must be expanded in order to increase the number of LEAD participants.

- **Non-displacement:**

The net effect of LEAD is to improve individual and community health and safety. The provider resources available are typically less than needed. It is not appropriate to give LEAD participants preferential access to scarce resources. Displacement drives other people down or off waitlists for services they need as much as LEAD participants.

- **Peer connection:**

Peer connection is about linking a LEAD participant to a person who has lived through related health care and arrest issues. Peer outreach workers enhance the program's effectiveness. Decades of research demonstrates that peer-based interventions are a highly successful way to intervene with disenfranchised and stigmatized populations. These peer outreach workers stay connected to participants, provide important insight into the ongoing case management process, serve as community guides, coaches, and/or advocates, while also providing credible role models of success.

Community Engagement:

- **Involve community public safety leaders:**

Ultimately, LEAD must meet neighborhood leader needs for a safer and healthier community. Community members should be able to refer individuals as social contact referrals and suggest areas of focus for outreach and referral. They should also receive regular information about the program, its successes, and obstacles to improve implementation. This may best be accomplished by hiring a community liaison. Expectations should be reasonable given available resources, and program operations must be highly transparent.

- **Involve the business community:**

When appropriate, involve representatives, especially small business owners, franchise operations, and/or members of the Chamber of Commerce groups in the planning and implementation of LEAD. Shoplifting is common among individuals with problematic drug and alcohol use. Involving business owners shows that the program is working to improve public safety for residents and business owners alike. Buy-in from this critical sector can greatly influence support from local elected officials.

- **Officers:**

In Albany and other locations, LEAD fosters line officer engagement with neighbors and business owners. For example, if the complainant is a business owner or a neighbor, he/she must sign-off on a deferral before the officer engages the case manager. This requires trust and relationship building by the officer and the complainant.

- **Create tailored interventions:**

Address individual and community needs. Each community has its own unique character, involving different demographics and social dynamics. Rather than attempting a “one size fits all” approach, community-based interventions should be specifically designed for the population in that particular neighborhood.

- **Related Services:**

In Monroe County / Rochester at least three related Court related programs exist with many of the same service providers and objectives. These programs include:

- Alternatives to Incarceration / Pre-Trial Diversion
- Monroe County Judicial Diversion
- Rochester Crisis Intervention Services / Crisis Response

Over time the various programs should evaluate whether an “overall” coordinated Case Management and provider services would improve results and lower costs.

Structural Change:

- **Evaluation criteria, procedures, and assessment:**

Public accountability requires that these factors must be established prior to LEAD implementation. Albany and other communities can provide specific information on these elements. There should be a regular review of program effectiveness by stakeholders and an independent evaluation of the program by outside experts. Agreed to objectives should be assessed and appropriate changes, etc. should be made based on results.

- **Cultural competency:**

All aspects of the program to include outreach, case management, and service provision, must have ingrained cultural competency. Meaningful involvement of persons with relevant lived experience in project design, implementation, and evaluation is one way to foster cultural competency. Training and on-going feedback are also important aspects of establishing a culturally competent environment.

- Capture and reinvest criminal justice savings:

To support rehabilitation and prevention services, reinvesting criminal justice savings is critical. Priority should be given to sustaining community diversion programs, and to improving and expanding other “upstream” human services and education efforts.

- Time and patience:

LEAD participants with drug and/or mental health issues are often homeless, sometimes it takes months or even years to make major behavior changes. When individuals do change, they almost unanimously say they found the strength to change in part because case managers and officers refused to give up on them and used positive approaches to incentivize individual change. Patience and relationship-building can eventually yield results that shorter-term strategies cannot.

Available Funding:

- State and National Grants:

The U.S. Department of Justice funds diversion programs, especially those focused on substance abuse. Multi-year project management and coordinated case management funding would be funded by DOJ. SAMSHA, Substance Abuse and Mental Health Services Administration, could be another source of such funding.

The New York State Health Department helped fund diversion initiatives in Albany, Buffalo, and Staten Island. The New York State Division of Criminal Justice also provides Alternatives to Incarceration funding. In 2018 the Legislature also established funding for LEAD. Rochester area organizations need to collaborate with other NYS diversion groups to get this funding approved in the 2021 State budget. Given the Governor’s support of LEAD, this should be likely.

- Local Law Enforcement Re-allocation:

A properly implemented and administered LEAD program should result in cost savings across the Public Safety sector that can be re-allocated.

- Local Grant Funders:

Grant fund requests from various local organizations would be used to supplement the operational organization expenses.

- Individual health care and social services:

The vast majority of the health care and social services expenses would be paid through Medicaid and related Government programs for poor people. The case manager would link the eligible person to the various funding programs.

Benefits – Individual, Community, and Cost

- Individual:

The majority of LEAD participants have realized multiple benefits including improved healthcare, permanent housing, and employment, and reduced incarceration time. They are more active in their family and community.

- Community:

The community is safer because there is less crime. Also, police officers and community members are more personally engaged with one another. Over time, these benefits will have a ripple effect, especially when pre-arrest diversion is combined with other public safety cultural changes.

- Economic Savings:

The bottom-line cost to provide LEAD structure and operational support is less than the current cost for related healthcare, especially emergency support: and public safety, especially incarceration. The government and community reduce expenses through LEAD.

Submitted by United Christian Leadership Ministry



**UNITED CHRISTIAN LEADERSHIP MINISTRY'S
RESPONSE TO POLICE REFORM AND REINVENTION
RECOMMENDATIONS FOR THE MAYOR'S WORKING GROUP
ON EXECUTIVE ORDER 203**

UNITED CHRISTIAN LEADERSHIP MINISTRY, INC.

JANUARY, 2021

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QUESTION 1: How are you incorporating “Procedural Justice,” which focuses on the manner in which law enforcement interacts with the public?

What functions should the Police perform?

The police should respond to citizen’s calls for violent crimes and activities such as shootings, burglaries, robberies, assault, murders, rape, larceny, solve and investigate crimes, domestic violence calls in partnership with FACIT, and be present at protests with the mindset of a Guardian verses a Warrior attitude at all times. They should protect all people’s 1st Amendment rights. Police Officers should demonstrate fairness and respect to all people they encounter. The respect of human rights, dignity and sanctity of life must be a consistent priority in all interactions.

In all functions, Police Officers must be fair, transparent, impartial and offer the opportunity for dialogue to the involved parties. (<https://cops.usdoj.gov/procdceduraljustice>) (note: spelling error appears in the URL)

Should you deploy social services personnel instead of or in addition to Police Officers in some situations?

Social services personnel should be deployed in partnership with Police Officers on a consistent basis defined by a clear policy which highlights specific criteria. These policies must apply to 911, 311 and all police agencies. Each party should mutually respect each other’s role, which must be clearly defined, with clear communications between the different personnel. Team building with community partnerships is crucial.

Can your community reduce violence more effectively by redeploying resources from policing to other programs?

Yes. Our community needs Mental Health Programs, Youth and Recreation Programs and Job Development. Existing programs such as Pathways to Peace, Conflict Resolution Programs, Rise Up Rochester, Roc the Peace, UCLM (Light the Way) and Squash the Beef will benefit from increased funding and support. The ABC program Save Our Youth, (SOY) was very effective under the leadership of Chiara Smith and received recognition for one year effort of not having any murders in the 14621 community. This was due to the efforts of the program and the crisis and response of SOY in this part of the community. Squash the Beef, under the leadership of Brother Kenneth Muhammad, should be noted as the group has established itself in the community and are received as highly credible by the communities they serve. More resources need to be put into expanding these programs.

In addition, provide more resources for program oversight, evaluation, transparency, effectiveness and training so that what is working can be expanded and what needs improvement can be assessed.

What function should 911 call centers play in your community?

Receive and triage emergency calls, effectively and accurately determining emergencies that require police response. When appropriate, direct to alternative resources such as 311 and 211 depending on caller needs. Increase staffing and training to have the capacity to identify mental health issues that may be present in the situation and refer to community-based programs that can meet needs more effectively, including mobile crisis intervention available nights and weekends. They should build on the progress being made with the crisis response team.

This article reviews the history, functions and challenges of 911 call centers and the need for more robust data to assess and improve them.

(<https://www.vera.org/downloads/publications/911-call-processing-system-review-of-policing-literature.pdf>)

Should law enforcement have a presence in schools?

No, absolutely not. While some individual officers may have the skills to work with youth in school, in general we recommend not having police presence in educational settings. Routine presence of police creates the impression that students are potential offenders who require on-site control and intervention. Age-appropriate conflict resolution programs should be available in every school to resolve disputes and provide restorative justice opportunities. Provide access to services that address unmet needs that contribute to student distress. Actively disrupt the disciplinary mechanisms that lead to the "school to prison pipeline." There may be occasions in which police contact is unavoidable, but alternatives should be available and tried first.

What are the staffing needs of the police department the community wants?

As previously noted, staff focus should be on responding to, investigating and solving violent crime. Emergency social services, mental health crisis services, and urgent addictions and homelessness responses can be coordinated through the 911 system and, when necessary, police service. The types of programs that address the unmet needs that typically lead to crisis situations need to be permanent and effectively staffed, funded, evaluated and revised as needed, but should not come and go as they have in the past.

RPD has the second highest per capita policing level in the nation. The city is heavily over policed by a department that has over 30% management. This has resulted in a huge over allocation of scarce resources. The department needs to be rightsized and should aim to reduce its personnel to a national average within the next 5-10 years so it can reallocate these resources to other programs that actually reduce crime.

Should components of the police department be civilianized?

Yes, take uniformed police out of the jobs they do not need to do so they can focus on the most important tasks of policing. Management of parking violations is one example of how routine tasks can be dealt with by workers who are not uniformed officers. Conflict resolution services in the community can work to resolve problems before they escalate. Transport, clerical, and internal investigation could all be done by non-uniformed staff. Referral for mental health and social services should be provided to address unmet needs. Survey the community to identify the kinds of services that are needed in the area and develop responses to take these concerns out of the purview of police.

How should the police engage in crowd control?

At all times, respect human rights, affording dignity and respect to all. All interactions with crowds should start with communications which must come from a guardian and service perspective rather than warrior mentality. The focus should be on the safety and protection of people first, property second, whenever possible. Inevitably, some situations will involve confrontations with the public. Police should be skilled with de-escalation techniques to reduce the risks to all involved. Lower-level management techniques such as slowly moving crowds, giving directions over loudspeaker, limiting hostility, respecting First Amendment rights, should be priorities over more intensive techniques such as pepper balls, rubber bullets, flash bangs and tear gas, which should be deployed as a last resort under clear guidelines for use of force.

Should the police be “demilitarized”?

Absolutely, unless it is in a SWAT situation, militarization is unnecessary, intimidating and escalating. The appearance of militarized police, tanks and armored vehicles creates a warlike atmosphere that by itself escalates situations by increasing fear and intimidation. Government programs that supply local police departments with surplus military equipment should be ended. Police departments should review the gear they currently own to determine what is appropriate to have available and what can be eliminated. If anything is kept, use of this equipment needs to be evaluated and very clearly defined with agreement by community-based leaders.

QUESTION 2: Does your Police Department use these practices and, if so, which should be reformed, curtailed, or discontinued?

“Broken Windows”- Community policing should be enacted in the Rochester Police Department. Police who do not live in the neighborhood they have sworn to serve and protect should be subjected to sensitivity training. As a result, renegade racist police officers who have the inclination to stereotype residents in order to defend their use of excessive force toward their non-neighbors by using embellishment should be prosecuted. Many Police officers in cars have insufficient contact with the community, leading to a social rift between the two. The state needs to enact laws to charge police officers for using excessive force because of they feared for their lives. Reform should reverse the loophole police use to use fear as miscarriages of justice aimed at black and brown people. Mandatory training should be backed up by the use of body cameras. Litigation holding officers accountable for systematic racism which leads to the abuse of police power to “Stop and Frisk” needs to be in place. Reform should include periodic surveys of the public by a community organization to shed light on how they feel the police profile black and brown skinned people for minor violations. Police do not report on each other. Reform should include charges against police who cover up what their partner is doing to harm innocent citizens. The governor needs to be informed by citizens on what is happening in the community rather than depend on Rochester Police for information on police violence. (This concept of how to do this is something that should be developed on its own in a separate proposal.) Reform should include a citizens’ database to show police actions when they cover up and protect themselves to escape prosecution. Reform should include a database of cameras footage taken by citizens documenting Stop and Frisk. Reform should include accountability in the form of a layoff or fine when police do not use their body worn cameras and prosecute them for use of excessive force.

Stop and Frisk - For a long time RPD has claimed that they do not use this tactic. Too many residents of the city disagree particularly brown and black young men. In NYC a large study was done of stops by police which demonstrated both the ineffectiveness of this policy, the extent it was used, and the racial bias of the stop and frisk policy. Unfortunately, the policy and record keeping of RPD does not allow a similar look into the operations of RPD. They have a form for stops called an incident report form but it is not mandatory to be filled out, and does not include demographic information on the person stopped or reason for the stop. These forms need to be mandatory and need to include demographic information on the person stopped and why they stopped the person. This sort of policing needs to stop and adequate records need to be kept to prove it is not being used.

Chokeholds and Other Restrictions on Breathing - Currently RPD claims these are not taught and used only to protect an officer's life or the life of another person. In practice it seems they are used by officers more often than this and officers are not punished for using them. There must be reform laws respecting human life by prosecuting officers that use the same line of being afraid for their life while

encountering an unarmed citizen. Because Rochester has body cameras, reform should include a law that if they do not properly operate their cameras, they will be subject to cover up charges in the event of death or injury to a person in their custody. Reform should include statewide laws to fire and prosecute a police officer who kill unarmed citizens who are posing no extreme circumstances. Reform should include mandatory de-escalation training.

Use of Force for Punitive or Retaliatory Reason - Currently the RPD manual on use of force is a statement of when to use deadly force. The department in its review of officers who have injured or killed citizens shows that the focus is on justification of escalation to deadly force. The focus needs to be more on de-escalation than on firearms and self-defense tactics. Officers need to be trained in mediation, de-escalation, and ability to manage their emotional and physiological reactions, particularly in high stress situations.

Pretextual Stops -This has been used but new legislation enacted to stop police from profiling black and brown citizens for investigation purposes hopefully will correct this problem. Regardless, this practice needs to stop immediately and officers need to be punished for doing it. If the profiling results in death or personal injury by a police officer, the officer should not have access to their old loopholes to avoid prosecution.

Informal Quotas for Summonses Tickets or Arrests - This should be curtailed. We can see on the news how lethal police violence is and the lack of police accountability that tilts toward them, not the black and brown victim. We need laws to deal with police conduct when they use their quotas against the victim. We need reform and legislation to stop predator police from acting on their bias. Policy changed should be legislated so that police cannot use residents for that purpose.

Shooting at Moving Vehicles - Happened a few times last year and should never be done because innocent people could get killed. They should never happen and officers who engage in them should be terminated for violating this policy.

High Speed Pursuits - RPD has a policy in general order 530 to not engage in them except under defined situations. This order seems confusing and high-speed chases still happen and have in the last year. The policy should be clarified and officers who violate it should be terminated.

No-Knock Warrants - This is a dangerous tactic because of the warrior mentality of some police officers. This tactic brings out the worst in officers and often is used when a far better and safer tactic could be employed. More training that emphasizes listening and clarifying the decision-making process to residents is needed.

Less-Than-Lethal Weaponry such as Tasers and Pepper Spray - This tactic has been over employed particularly against protestors and people of color and these tactics can cause serious injury or even death. While better than using the handgun, more training on de-escalation would decrease the need for the use of these weapons. Policies need to be put in place which better define when various force tactics should be used. Many demonstrators know police used them in the BLM demonstrations in Rochester often incorrectly and in ways which injured people exercising their first amendment rights.

Facial Recognition Technology - Currently the RPD does not have this technology and has no policy for its use. With RPD's data base of body worn camera footage, blue light camera footage, and other camera footage there is a huge database for which facial recognition programs could be used. Due to

racial biases in the application of facial recognition we feel it should not be used. We do feel that RPD should have a policy for use if other agencies want to search their data bases. This policy could be as simple as RPD does not conduct biometric search on any of their video databases. If any outside law enforcement agency wishes to conduct a biometric search of the body worn camera or any other database, they must submit a request in writing to the department. This request must include dates to be searched, what specifically is being searched for, who will view this data, what specifically is it to be used for, and how results of this search will be stored. All requests will be logged at the department.

QUESTION 3: To what extent is Law Enforcement utilizing the following strategies, which reduce racial disparities and build trust?

Using Summonses rather than warrantless arrests for Specified Offenses

Summonses normally relate to Court or Dept. of Motor Vehicles orders to appear. Warrantless arrest information is part of the RPD Training document. It details when such arrests/entries are permitted and not permitted. It also provides legal information as to the basis for this policy.

Diversion Programs

The Rochester Police Department in a very limited way participates in the following adult diversion programs:

- Behavioral Health Access Crisis Center (BHACC)– Mental Health
- Project HOPE (the county initiative) – Heroin and Opioid Addiction

Very few diversions to BHACC and Project Hope are made by RPD Officers. The Crisis Intervention Team and the Crisis Negotiation Team are services within RPD Special Operations Division.

Rochester Recreation and Human Services recently implemented a Crisis Response Team. This group will provide most or all of these services in the future. The Police Department works with The Center for Youth relative to diversion of youth who are charged with misdemeanor offenses.

Restorative Justice Programs

The Rochester School Resources Officer program no longer exist. As appropriate, they did participate in restorative justice programs. Discipline decisions was the School's responsibility. Some officers did refer students to Pathways to Peace and the Bivona Child Advocacy Center. Outside the school there does not appear to be training or use of restorative Justice Programs by RPD.

Community Based Outreach and Violence Interruption Programs

Over many years, Rochester Police Officers have participated in multiple community outreach initiatives to include youth and adult outreach. The Good Night Lights event is an example. The Community Affairs Bureau assists in coordinating the community engagement services. Community building activities include Police Activities League, the Police and Citizen Interaction Committees and the Do the Right Thing Program. Links to Pathways to Peace and A.B.C. Save Our Youth are also important.

Hot-spot policing and focused Deterrence

Three Sections in Rochester have these Hot Spot areas - Lake, Clinton and Genesee. Hot spots within these sections are regularly evaluated as issues or offenders are dealt with, or are taken off the street. Other tactics include walking patrols, directed patrols, and Crime Prevention Through Environmental Design (CPTED) work. CPTED work can include cleaning up areas, fencing, boarding up properties, rehabbing sidewalks, and more.

A Chronic Firearm Offender List has been created based on data and history of firearm related convictions, victimizations or involvement in disputes. From this list, individuals can be selected for one or more of the following events:

- Offender Orientations: A meeting to inform individuals of Gun Involved Violence Elimination (GIVE), and what can happen if they do not stop violent activity. Services are offered to attendees.
- Call-In's: Large meeting with a strong warning message, and services are offered.
- Custom Notifications: A personalized prevention message for individuals who are a high risk of shooting someone, or being shot themselves. Services are offered to individuals and their families.

De-escalation strategies

The Crisis Intervention Team provides de-escalation support to the community. The training teaches officers how to de-escalate emotionally charged situations while helping to connect them to vital resources. CIT officers work with 911 dispatchers to respond to emergency calls where they may be able to help tense situations from becoming worse. See the recent changes noted in the Diversion program.

In conclusion, while various programs and training exist, the overall response to these questions/programs is that the Rochester Police Department has poor results in reducing racial disparities and building trust with the community. To improve the results, the Rochester Police Department needs to implement at least the following:

- Increase training time. Utilize training programs that have proven successes such as “Integrating Communications, Assessment, and Tactics” from the Police Executive Research Forum (Implemented in Louisville, KY).
- Establish objectives, data collection, and measurement process to assess effectiveness and make on-going improvements on an annual basis.
- Publish measurement information to make available to the community
- Integrate training topics into each officer’s annual performance review process. Recognize individual officer’s very good performance and discipline individual officer’s performance below the acceptable level.

QUESTION 8: Do you engage citizen oversight and other external accountability?

The public has lost so much confidence in the civilian complaint process that it is now seldom used. From 2011 to 2019 citizen complaints successfully investigated by PSS, which is internal affairs of RPD, have fallen from 86 to 13 while crime only fell 46%. Despite changes to the process in 2012, complainants still have little feedback, the process is slow and results are sometimes not reported back to the complainants. Perhaps the worst part of this process is that the interview process with PSS is done in an aggressive accusative manner which seems designed to discourage people from continuing the process. The officer is dealing with a person who feels violated by police and yet they treat this as an interrogation. People who have gone through this have used the word dehumanizing to describe the way PSS investigates. As such this process has lost all public confidence.

The Civilian Review Board (CRB) was created to provide oversight for the PSS investigations. The problem with this is that they only review the work done by PSS. Even so, effectiveness of the CRB is diminished because the chief can over-rule them. In 2019 the CRB sustained 20% of the complaints but the chief only sustained 4.8%.

After much work by the Coalition for Police Reform and UCLM, the city agreed to put cameras on all the officers. All along the Police have met with these groups. When BWC's were finally rolled out the city agreed to formally create a board to oversee this program called Community Justice Advisory Board (CJAB). CJAB met with RPD staff four times a year since its inception. Unfortunately, RPD has resisted attempts to obtain information which would provide insight into this program. Further and more damaging, they have often answered requests for information with answers that are misleading or false. Even attempts by this group to get FOILS of BWC footage has been too frequently denied as more than 75% of their requests are denied.

Further problems with supervision are easy to spot. Several officers have had testimony thrown out in court with no discipline and some have had this happen several times. A judge has refused to accept probable cause without BWC footage so several cases have been dismissed, yet the officers who failed to follow policy seemed to receive no discipline. Further, in public cases like the Daniel Prude case, the public can see on the released footage officers act disrespectfully, inhumanly, and perhaps criminally yet the PSS found nothing wrong.

Theoretically the mayor and city council have some oversight ability over RPD but it is hard to tell as they do not exercise this power.

Civilian oversight can best be summarized by the experience of PAB. This process was fought by the city and the police but the public passed it by more than 75% in a referendum. The union continues to fight it in court, the city has failed to completely fund it, and it is still only a compliment to PSS for investigation of police rather than replacing PSS as the internal investigations for RPD.

The worst part about all of this is we have been at this place for 60 years. For this whole time the public has tried to get some control over the police and despite numerous attempts, reforms, boards, and programs we are still right back where we were in 1964. As a result, extensive changes are needed.

What is needed is a complete restructuring of the police in Rochester. They need to be under a civilian commissioner who has final say on both budget and management. The PAB or some other civilian agency, needs to completely replace PSS for investigation of the police. They need to handle all civilian complaints, have full access to BWC files, the ability to change policy, review of all uses of force by officers, and be the final say for discipline. Officers who fail to tell the public the truth or fail to testify before PAB need to face strict punishments. Yearly reports should be made public and a standard survey should be done each year.

QUESTION 9:

How are you using data to guide policies, procedures and activity while enhancing public transparency?

The United Christian Leadership Ministry (UCLM) is particularly concerned with the impact of issues of public safety and the justice system on people and communities of color. The affected communities and leaders must be consulted to assess the data points that they feel are necessary to be collected and publicized. We encourage the City to undertake a representative survey of communities of color to answer this question. Community leaders, such as clergy members and business owners, have access to anecdotal information and personal stories and can identify specific points of concern. For example,

what is the incidence of police confronting young Black men in stop and frisk encounters? How do officers decide when and how to initiate these contacts?

A 2019 Pew Research Center survey of American adults found that white people consistently underestimate the degree to which Black people are treated unfairly across a range of measures. In dealing with the police, 63% of whites and 84% of Blacks agreed that Black people are treated unfairly. Unfair treatment in the criminal justice system was agreed by 61% of whites and 87% of Blacks, a wider gap. The disparity is even greater when it comes to hiring, pay and promotions, and applying for loans and mortgages. This demonstrates that whites are significantly uninformed about the realities that Black Americans experience and the pernicious impact of racism and disparities. Predominantly white decision-makers are likely to implement policies and procedures that do not meet the needs and concerns of people of color. Collecting, analyzing and interpreting data helps make the system fairer and just. (<https://www.pewsocialtrends.org/2019/04/09/race-in-america-2019/#majorities-of-black-and-white-adults-say-blacks-are-treated-less-fairly-than-whites-in-dealing-with-police-and-by-the-criminal-justice-system>)

Demographic information that detects racial disparities and biases is essential to increasing public trust, improving police training, guiding policy and procedure, and monitoring compliance. Data collection on violence, weapons, injuries, use of force, use of non-approved tactics such as chokeholds and elbow strikes, arrests and other serious incidents is essential. Information on less intense encounters that are harassing to community members, such as traffic stops with minimal cause, are important to collect and make public. This data should be correlated with community surveys to assess the manner in which police approach and speak to individuals of color and the impact of the encounter on both the victim and the community. In the case of Daniel Prude, pain and consternation erupted over the stunning lack of basic compassion and care for an obviously distressed individual who was not even covered with a blanket while naked on the cold pavement before being subdued in a manner that led to his death.

Examples of Data to Be Gathered to Assess Both Law Enforcement Agencies and the Court Systems:

General note: All statistics noted below are to be delineated by appropriate demographic categories whenever possible and useful. The purpose is to highlight any biases detected in both policing and court systems. These categories are commonly found to be important and informative in evaluating processes and procedures:

- Race
- Gender
- Indigent status
- Age
- Severity and type of offense
- Geographic area

Policing Systems:

A robust platform of datasets for policing systems is essential for effective monitoring, by the law enforcement agencies themselves as well as by the communities they serve. Here is one listing of the key dimensions of policing to measure:

- Trust, legitimacy, and community engagement
- Crime reduction and public safety
- Use of force

- Least harm practices
- Accountability
- Officer wellness and safety
- Fiscal needs and responsibility
- Recruitment, training, and education.

Examples of specific data re policing that would clearly be useful in Rochester/Monroe County:

- Statistics related to all the practices noted in Question #2 issued by the Working Group on Police Reform & Reinvention (demographic breakdown will be especially important here)
- Causes for traffic stops – here again, demographic data will be important; what is the result of the traffic stops?
- Use-of-force incidents by officer, by quarter and by year
- Compliance with body-worn camera written policies
- Number of citizen complaints, their disposition, and the time elapsed to disposition
- Nature of calls responded to by police; and the results of those incidents
- Statistics on specific crimes investigated by type
- Statistics on crimes solved by type, and time elapsed to resolve
- Calls responded to which did not require an RPD officer and/or would be better handled by another trained professional
- In-service training for existing officers; topics covered and number of hours

The Court Systems:

As with policing systems, data for court systems must be comprehensive and accessible, to allow for effective monitoring of the systems by the courts themselves and by the community. One example of the key dimensions to be included:

- Fairness (preserving individual liberties by affording due process, etc.)
- Public Safety (do people feel safe at home, in public places and in correctional facilities?)
- Fiscal Responsibility (cost efficiency in using public funds)

Examples of specific data re the court systems that would clearly be useful in Rochester/Monroe County:

- Number of nights in jail prior to seeing a judge for a hearing (this can particularly be an issue on weekends and holidays).
- Jury composition
- Number of felony charges pled down to a misdemeanor
- Number of drug possession convictions resulting in prison time vs. alternative sentencing
- Number of individuals in jail who have not been charged with a crime
- Number of cases dismissed and the stated causes
- Median length of jail sentences for non-violent misdemeanors
- Eventual outcome of criminal charges by type of crime
- Matters pending by type of matter and by judge
- Criminal cases pending more than six months
- Number of cases filed involving injury to either a civilian or an officer, and the disposition of those cases

The City should disclose settlements reached with individuals and families impacted by fatal, injurious and inappropriate police contact. The complaint process should be easy to access and free of intimidation. Data should be analyzed for both the City and the County so that the public can easily determine patterns of policing problems across neighborhoods and populations. Provide data on encounters that are resolved using restorative practices rather than law enforcement and legal remedies. Equip officers with referral information for various community services and track when this information is shared with individuals on the scene of a police contact and whether any follow-up assistance is provided.

The Rochester Police Department Open Access Data Portal offers a variety of information but is not highly accessible and user-friendly. Improvement in this area would increase transparency and public disclosure. Data collection should not be an abstract concept for officers and leadership, but an accountability measure that all recognize as starting on the street level with individual officers and members of the community. Tracking actual behaviors and practices that fulfill or violate the sworn mission of officers to serve and protect begins there.

QUESTION 11: Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?

The policy adopted by the department has clearly defined rules for when the camera should be on and includes both a list of times the officer has discretion to record and when they should be exempted from recording. To audit compliance, they use a random sampling of vehicle stops to see if recording is happening. In all cases they rely upon the sergeants to check to make sure recording is following procedures and to verbally discipline officers. Unfortunately, no record of this discipline is kept, no record of these failures is maintained, and no further discipline is usually done. This is particularly acute in regards to arrests. Every arrest is a mandatory recording situation, yet a troubling number of these have not been recorded. The Public Defender and the courts have seen numerous such cases yet RPD has no record of these even if the case is dismissed due to lack of BWC evidence. There is no discipline on these cases.

RPD needs a significant update to their record keeping capacity and capabilities. They should have auditable incident detail records by officer including all filed forms and how many of the incidents lack BWC footage. Failure to follow the policy should be treated as a serious offense with accountability that could include retraining, letters in files, unpaid leave, and termination.

When BWC footage is obtained it is stored in a secure server maintained by the department. This should be the standard used by all departments. The rules for retention are clearly laid out and very good.

Community access to this information has been problematic. The monitoring committee which works with the department on BWCs has only had 2 of 8 FOIL requests honored. It took a legal ruling to get the footage release to the public in a non-blurred manner. Lawyers have had problems with the timely release of footage and even the Public Defender's Office has found discovery more useful than FOILS to obtain BWC footage. All this is not acceptable. The public should not be denied access to these public recordings.

Footage is also not used for the purpose of evaluation of officers. We recommend that officer reviews include an audit of frequency of recording and quality of the recordings.

The BWC policy needs updating. Currently they still use the phrase “safe and practical” without an adequate definition. Officers can still pre-view the footage before writing reports which is time consuming and creates bias. Officers should be required to notify the public truthfully and effectively if they are being recorded. Finally, the policy needs to have a section on use of biometric searches.

QUESTION 12: Are you recruiting a diverse workforce? Is training sufficient?

Department record keeping lacks specificity regarding workforce diversity tracking. Currently, their data shows 25% minorities but this includes 13.4% female. It is not clear if a Black woman is counted twice. Ethnicity data does not exist. Black, Hispanic, and all other non-white ethnicities are lumped together. This makes the data not very useful. Current workforce diversity does not match the make-up of our community which is 38.2% Black, 36.6% White and 10.7% Hispanic. This situation exists despite a court order which is more than 40 years old to make sure at least one in four people in every training class is black. The numbers are even worse for other departments such as the Sheriff's department where only 7% are people of color and the Greece police department which has only 3% people of color.

The training academy does have some anti-bias training; however, it is not very extensive and this sort of training has been proven to have little effect on changing behavior or attitudes of participants.

For many reasons local recruitment of people of color is a difficult undertaking. The extensive use of stop and frisk and broken window policing has left many young people with negative views of law enforcement or worse, a criminal record. Little effort is done to reach out to persons of color at schools, recreation centers, community centers, and community groups.

CONTRIBUTORS

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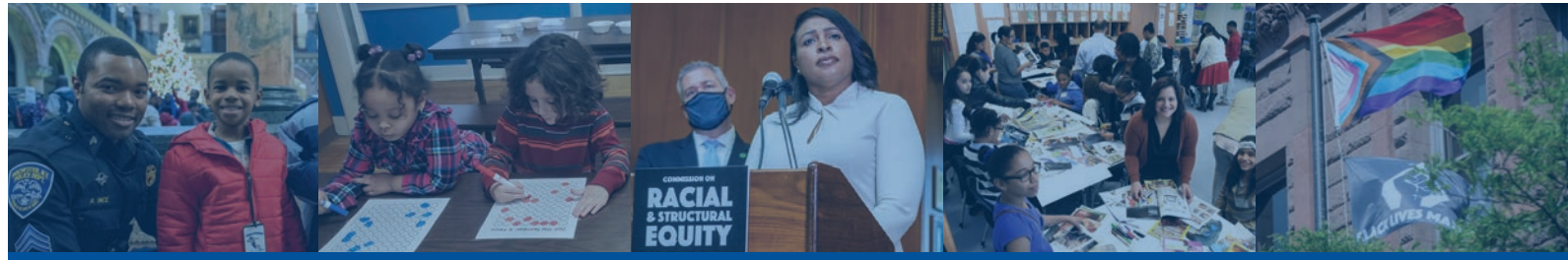
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City of Rochester

APPENDIX D
REPORT PROVIDED BY
THE RASE COMMISSION
POLICE WORKING GROUP
(FORTHCOMING & WILL BE
ADDED IN A LATER DRAFT)



Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



City of Rochester

APPENDIX E

NEW POLICING BLUEPRINT

PROPOSAL FROM THE

PASTOR'S ROUNDTABLE

Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council

Becoming a New Policing Blueprint community

Public safety and Thriving Communities

A model for dignity- The Faith Leaders Roundtable- Rochester, NY

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Current policing philosophy

- *Clear and consistent messages of offender accountability and victim safety believed to reduce violence. (This must include officers as well as community members.)*
- *Sure and swift consequences for offenders can reduce recidivism and the severity of future crime.*
- *What is our current philosophy if the perpetrator is a public safety practitioner under the current blueprint?*


- +
 - - Historical context is essential to knowing where to go in a new design to be a trendsetter

- *1819 blueprint for policing created in Rochester no longer serves us as a community.*
- *2007-2010 Blueprint for safety created and tested in St. Paul, MN focused on Domestic violence*
- *A blueprint for a safe and just America*
<https://thejusticecollaborative.com/about/blueprint/>
- *Epic initiative* <http://epic.nola.gov/home/>



A New Blueprint for Public Safety and Thriving Communities is needed



- “The current blueprint for policing was designed in 1819 from slave patrols”
 - This is a blueprint for ending the dehumanization that has criminalized extreme vulnerability and created an incarceration crisis in communities of color
 - “ Nothing in the current system gives people of color any accountability for police abusing, hurting, targeting, or killing People of Color”
 - “ The current blueprint asked the wrong question of what to do with the black people in 1819, instead of asking how to create public safety and thriving communities, in light of blacks who were released from enslavement.”
 - ” The result was a slave patrol policing blueprint designed disseminated throughout America to attend to white anxiety, protect white property and wealth, while monitoring people of color”
 - Consequently, policing must be re-imagined!
- 

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Addressing criminal activity is not the same as creating public Safety

- *Redefining Public Safety is essential in Coordinated work across and within agencies. Built in systemic accountability will increase protection and public safety*
- *Outcomes improve when the system stops treating social/racial problems as criminal ones, requiring a violent or surveilling response*
- *White supremacy patterns in criminal justice that treat black and brown circumstances as punishable events must end.*
- *We must redo and rewrite state laws giving permission to such patterns.*
- *A justice system that practice injustice is incongruent with its mission*



Redefining Public Safety

- *Traditional narratives of public safety have been defined by responses to crime that warrant interactions with the criminal justice system.*
- *This model disproportionately impacts people of color and omits obtaining thriving communities .*
- *We fund policing under the guise of public safety language to deal with keeping the peace, homelessness, prostitution, theft, gang violence, drug dealers, school security, domestic violence, and every unexpected crisis.*
- *The truth is that public safety can exist outside of law enforcement interaction and involves the full health and safety of a community.*
- *Our current blueprint criminalizes social problems that require investment, and not policing!*
- *You cannot protect and serve when there is mistrust, trauma, and a lack of accountability!*




As a
Result.....

- *Over time law enforcement has subjected vulnerable community members to more systemic violence in it's attempt to address social problems like, homelessness, mental health, vagrancy, unemployment, protecting property, and attending to white racial anxiety.*
- *The potential use of institutional power and ongoing systemic violence in the name of law and order traumatizes, erodes trust ,and violates a sense of public safety in communities of color with the current blueprint.*
- *If we do not attend to this harm, we can never achieve true public safety or thriving communities.*
- *The impact: we are loosing a generation of young people, fostering fear, distrust, and a generation of resentment under the current blueprint.*



Essential commitments of a New Blueprint Community

- *Crafting a new mission/vision with self examination and problem solving of the old.*
 - *Establish foundational principles that transforms the authoritarian model into a servant model of public safety.*
 - *Redefining central roles for policing and public safety outcomes*
 - *Collaboration with community for community-based solutions, accountability, and advocacy*
- 




New mission and vision statement

- *Mission:* To accelerate an end to racism in policing by focusing on public safety and partnership models that create thriving communities for all.
- *Vision:* To create a racially just policing blueprint that fosters community trust, investment, and mutual partnerships.
-





Six Principles

- *1. Adhere to commitment of equity, transparency, and justice as we build an interagency, inter community approach with collective intervention goals devoid of authoritarianism.*
- *2. Build in commitment to end police abuse by reassigning roles that could be attended too by community members who are trained in intervention and understanding the community it serves.*
- *3. Recognize that systemic violence is a patterned crime like all other crimes and that it requires continuing engagement with victims and offenders as well as sure and swift consequences*
- *4. Refunding the community is essential for additional support services to create public safety.*
- *5. The power of the criminal justice system should be steeped in sending messages of help, accountability, & partnership to create a thriving community.*
- *6. Policing should act in ways that reduce unintended consequences and the disparity of impact on victims and offenders throughout the community*



7 Steps behind the Principles



- *1. Decriminalize social problems, remove all barriers to minority hiring, officer accountability and privileges that place them above the law.*
 - *2. Urge and create incentives for transparency of information sharing imperative to the community.*
 - *3. Design a mandatory shared approach between public safety and criminal justice inter agencies along with the communities they serve to develop collective intervention goals in building a racially just servant model.*
 - *4. Support defund/refund by assigning 40 % of the current policing roles to community members of color who are trained in intervention, de-escalation, referral, service delivery, and self defense protocols to address social problems.*
 - *5. Collect data through surveys and complaints on patterned systemic violence in community policing, negative unintended consequences and disparity of impact.*
 - *6. Re-allocate portions of policing budgets into a Community Chest that resources communities of color toward public safety as a redress for historic harm.*
 - *7. Focus on harnessing the power of the criminal justice system to send cross cultural messages of help, accountability and partnership to create thriving communities by developing a collaborative decision matrix for justice.*
- 

Neal Skorpen cartoon on defunding the police



Becoming a Blueprint community requires:



Currently functioning interagency group buy in and cooperation



Ongoing leadership by advocates and system actors



Coordinated efforts for equal justice and public safety



Agencies understand this is a process of assessment and change



Leadership and commitment for systemic change to explore, prepare, assess practice, rewrite policy, implement & monitor



Spirit of trying new things and commitment to a unite approach and shared purpose

To develop a basic statistical picture for our community with a new blueprint means understanding:

- *Calls to 911*
- *Proportion of police work and work that proportionately should remain with community members/organizations*
- *Prosecution & probation data based on race & class*
- *# crisis calls and outcomes- data from community-based organizations*
- *Vulnerable community member complaints of wrongdoing in policing and outcomes.*
- *Assess scope & scale of community & policing success and violence in local neighborhoods*
- *Differentiation of calls that require community investment strategies versus a policing response.*
- *Ultimately, we must redefine public safety to reflect an end to racial targeting with a collaborative decision matrix for justice .*
- *Institute mandatory reporting by hospitals of police interactions*
- *Rewrite section 3 of Officers Law as well as ending qualified immunity*
- *Dismantle the European paradigm for service delivery to people of color in policing and public safety*

The faces and
names behind
the numbers

- <https://interactive.aljazeera.com/aje/2020/know-their-names/index.html>



The New blueprint will....

- *Have a coordinated justice system response to public safety and thriving communities that...*
- *Decriminalizes people of color for being black and poor*
- *Responds more quickly and effectively to violent crimes when needed, expanding the definition of violence to include systemic offenses.*
- *Enhances capacity to stop violence, live into its values and hold itself accountable to build trust across the spectrum while saving lives.*
- *Provides a fully articulated CCR(contact and control room hub of communication across the force that works via plan and method.*
- *Address non-emergency enquiries via telephone, email, text, social media and facsimile*
- *Broadens the concept of public safety evidenced by appropriate contact with officers and staff on the ground.*

Approach- Document - Process



Approach: shared, coherent way of thinking about public safety and types of intervention that are effective toward thriving communities

A document: collection of interagency practices designed to guide our collective approach. They must include community of color led agencies and perspectives on public safety.

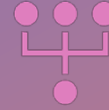
A process: ongoing evaluation and adjustment of practices as needed
Across the legal system
Representatives from communities of color must have a seat at the table to approve, challenge, or sign off on decisions that impact their community

The why of Approach, Document, & Process



Approach:

- ✓ *Put Stability within everyone's reach!*
- ✓ *Stop making poverty into a crime!*
- ✓ *Treat kids like kids!*
- ✓ *Allow people to grow and change!*
- ✓ *Treat addiction and Mental illness like medical issues!*



A document:

- ✓ *Collection of data to understand and address the circumstances that cause violence to erupt and spread.*
- ✓ *Community of color led agencies and perspectives on public safety must be included.*



A process:

- ✓ *Provide targeted resources to people who are victims of serious physical harm.*
- ✓ *Include also those who are most at risk of being a future perpetrator or victim of violence.*

In conclusion
a new
blueprint is
one that
commits to...

- *Asking the right questions about public safety and thriving communities with a single, overarching policy of equity.*
- *Partnerships with community- based advocates with best practices grounded in equity research r/t policing and public safety*
- *All agencies cooperation that identify, document, act on risk/danger/community investment protocols*
- *Employs victim / perpetrator engagement strategies that are humane and maintains dignity*
- *Pays attention to and is aware of disparity of impact and unintended consequences from policing and public safety*
- *Inter- and intra- agency monitoring built in =ongoing problem solving among public safety practitioners with community agreements*



In conclusion
a new
blueprint is
one that
commits to...

- *New forms of documentation and communication*
- *Information disseminated about risk/danger of certain officers/suspects/ and crimes across system in new ways.*
- *Independent police accountability board with full power to engage the system.*
- *Develop new tools and links for officer support and decision making.*
- *Ending the use of over policing & overcharged crimes in communities of color.*
- *Mandatory Racial Justice training*
- *Improve investigative crime solving percentages & the use of restorative practices where appropriate.*

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What steps
need to
happen to
make it a
reality?

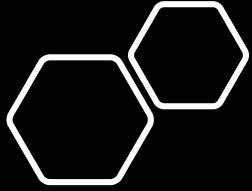
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- *Asses local needs and create plan*
 - *Secure Funding and support for developing a new model from the state and federal resources*
 - *Work with an array of partners that include the structural racism commission, social justice leaders, Youth, community members, faith community leaders, retired officers who have a critical analysis of the problem, & political leaders, like Mayor and City Council who are stake holders*
 - **Call on state legislators to rewrite laws ensuring that the legal framework does not impede accountability for law enforcement.**
 - **Remove credit score requirements as barrier to hiring and replace with lie detector tests as needed**
-



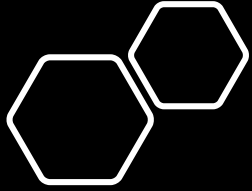
What steps
need to
happen to
make it a
reality?

- *Understand the terms and goals of public safety*
- *Take inventory of what city and county resource are available for the new design.*
- *Reassign roles for policing and community in partnership dividing up allocated budget funds*
- *Know how many officers you need on the ground to keep a community safe bases on wards, districts, etc. and crunch the numbers*
- *Negotiate buy in from police union and change necessary state laws that impede changes needed*



Resources

- <https://www.sentencingproject.org/wp-content/uploads/2016/05/Expanding-Public-Safety-in-the-Era-of-Black-Lives-Matter.pdf>

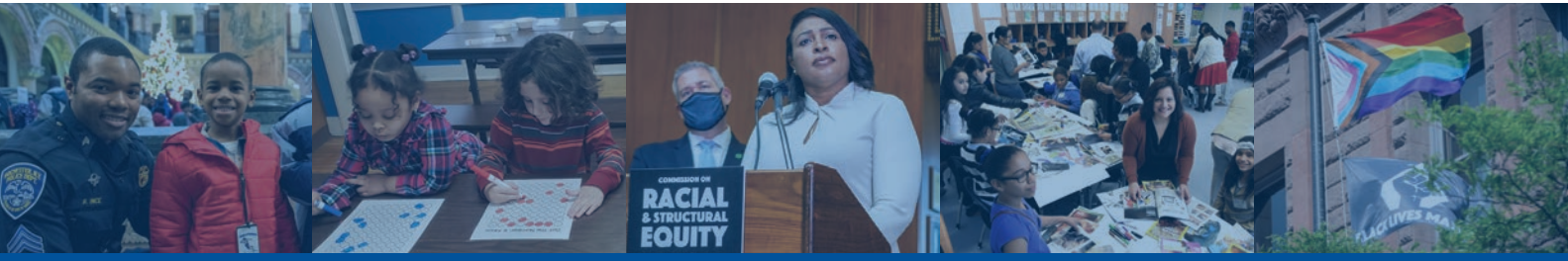


Public Safety Support services

- *Trauma informed care training, Drug treatment programs, Mental Health Services, Social Workers, Education, Living wage Job placement & training, affordable quality housing, Universal Health Care, Cultural Led Youth Services, entrepreneur programs etc.*
- *Create new frameworks for pretrial release conditions, and bail reform that reflect needs/risk/danger/inequities & include victim input where possible; swift response to violations that are restorative*
- *Position probation to differentiate context /severity & provide community accountability for how it functions as support*
- *District Attorney's office – institute community accountability and input as it relates to charges brought disproportionately and those used to suppress protest calls for systemic justice thwarting needed changes.*
- *The police accountability board*
- *More diversity in the criminal justice system, checks and balances along with community input that is detailed to judges about pattern, type, scope, & severity of alleged crime!*
- *Court & seized funds returned to community for additional resources*

Central Role for Advocates





City of Rochester

APPENDIX F SELECTED STUDIES, REPORTS AND RELEVANT POLICIES FROM WILMERHALE



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council

***SELECTED STUDIES, REPORTS AND RELEVANT POLICIES
POLICE USE OF FORCE and DE-ESCALATION***

Table of Contents

1. Sanctity of Life

- a. Final Report of The President’s Task Force on 21st Century Policing (see Pillar 2. Policy & Oversight)
- b. Police Executive Research Forum: Guiding Principles on Use of Force (“PERF 30”) (Recommendation #1: “The *sanctity of human life* should be at the heart of everything an agency does. Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.”)
- c. United States Conference of Mayors Report on Police Reform and Racial Justice (“At the core of a police officer’s responsibilities is the duty to protect all human life and physical safety. To ingrain this fundamental principle, use of force policies must clearly state this requirement, with specificity, and require officers to intervene when a fellow officer is using disproportionate or unnecessary force.”)
- d. New York City Police Department: Use of Force Guidelines (“The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody.”)
- e. Buffalo Police Department: Use of Force Policy (“This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force to protect the public welfare requires a careful balancing of all interests.”)
- f. Syracuse Police Department: Use of Force Policy (“The Department and this Policy recognize and respect the value and sanctity of human life and the dignity to be accorded to the citizens the Department is sworn to protect.”)
- g. Philadelphia Police Department: Use of Force Directive (“It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons.”)
- h. Ferguson Consent Decree (“The Parties agree that all FPD officers and employees must have an unwavering commitment to protecting human life, and to upholding the value and dignity of every person.”)
- i. Chicago Police Department: Use of Force Policy (“The Department’s highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.”)
- j. Denver Police Department: Use of Force Policy (“The Denver Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual, and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer.”)
- k. Las Vegas Metropolitan Police Department: Use of Force (“It is the policy of this Department that officers hold the highest regard for the dignity and liberty of all persons and place the

minimal reliance upon the use of force. The Department respects the sanctity of every human life.”)

1. Opinion: Police officers should be guardians, not warriors. That could have saved Andre Hill's life, *The Washington Post*, December 31, 2020, written by Christy E. Lopez, Georgetown law professor and former deputy chief in the Special Litigation Section of the Civil Rights Division at the U.S. Department of Justice (“Communities should demand that their police agencies equip and train their officers to save lives, require them to do so, and hold them accountable when they don’t. That means demanding accountability for every officer on the scene of Hill’s death, not just Coy. It means states should require by statute that officers render first aid. It also means that departments must communicate unequivocally to officers that they are expected to save lives — even if they think that person tried to kill them — and train them how do it. And we need to provide police with the emergency equipment needed to fulfill this mandate.”)

2. Necessity and Proportionality

- a. Chicago Consent Decree (“CPD’s use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and the requirements of this Agreement; . . . when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances.”)
- b. Seattle Police Department: Use of Force Policy (“An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.”)
- c. Police Executive Research Forum: Guiding Principles on Use of Force (“PERF’s Critical Decision-Making Model”)
- d. New York City Law Department, Corporation Counsel Report Pursuant to Executive Order 58 (June 20, 2020) Directing an Analysis of Factors Impacting the George Floyd Protests in New York City (December 2020) (noting that NYPD’s training program has adopted PERF’s Critical Decision-Making Model)

3. Duty to Intervene

- a. Keeping Each Other Safe: An Assessment of The Use of Peet Intervention Programs to Prevent Police Officer Mistakes and Misconduct Using New Orleans’ EPIC Program As A Potential National Model
- b. Ethical Policing is Courageous (EPIC)
- c. Seattle Police Department Joins ABLE Project
- d. Baltimore Police Department Consent Decree (“BPD will ensure that officers. . . [r]ecognize and act upon the duty to intervene to stop any officers from using excessive force.”)
- e. Baltimore Police Department: Duty to Intervene Draft Policy (“Duty to Intervene” draft policy dated December 4, 2020)
- f. Active Bystandership for Law Enforcement (ABLE) Project (providing cost information on ABLE project)
- g. ABLE Project Fact Sheet (providing information about the agencies that have signed up for ABLE training)

4. Prohibited Uses of Force

- a. The Eric Garner Anti-Chokehold Act (N.Y. Penal Law § 121.13) (“A person is guilty of strangulation in the first degree when he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, and thereby causes serious physical injury to such other person. Strangulation in the first degree is a class C felony.”)
- b. The Eric Garner Anti-Chokehold Act: Justification (“This bill does not bar any affirmative defenses or justifications for the use of force in making an arrest or in preventing an escape as outlined in Section 35.30 of the Penal Law.”)
- c. N.Y. Penal Law § 35.30 (Justification; use of physical force in making an arrest or in preventing an escape)
- d. Municipal Police Training Council, Use of Force Model Policy (suggesting four areas of prohibited uses of force)
- e. Baltimore Police Department: Use of Force (outlining use of deadly force prohibitions)
- f. New York City Police Department: Use of Force Guidelines (outlining use of force prohibitions)
- g. Chicago Police Department: Use of Force Policy (outlining use of force prohibitions)
- h. Seattle Police Department: Use of Force Policy (outlining use of force prohibitions)

5. De-Escalation

- a. PERF Integrating Communications, Assessment, and Tactics (“ICAT”)
- b. IACP/University of Cincinnati: Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings (“Of the utmost importance, *the randomly assigned timing of de-escalation training in Louisville was associated with a statistically significant decline in use of force (-26%) and officer injuries (-36%). . . . ICAT de-escalation training delivered within the LMPD had its intended effect, improving officers’ attitudes and reducing the frequency of use of force and resulting injuries to both officers and members of the public.*”)
- c. Baltimore Police Department Consent Decree (“BPD has recently implemented improved policies regarding officers’ use of force, and force reporting, investigations, and reviews. BPD shall build on its recently improved policies. . . . BPD will ensure that officers: [a]re encouraged to resolve incidents without resorting to the use of force, when possible; [u]se de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntarily compliance with legitimate and lawful orders; [u]se tactics that do not unnecessarily escalate an encounter. . . .”)
- d. Chicago Consent Decree (“CPD’s use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible. . . .”)
- e. ‘Police must first do no harm’: How one of the nation’s toughest cities is reshaping use-of-force tactics
- f. Law Enforcement Best Practices: Lessons Learned from the Field (providing a summary of existing DOJ and other sources on de-escalation)

FINAL REPORT OF

THE PRESIDENT'S TASK FORCE ON
21ST CENTURY POLICING

MAY 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

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-Mecklenberg [NC] Police Department, for the President's Task Force on 21st Century Policing, Cincinnati, OH, January 30, 2015).

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.

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

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

As Chuck Wexler noted in his testimony,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

PHOTO: DEBORAH SPENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

PHOTO: DEBORAH SPENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52. “National Decertification Index—FAQs,” accessed February 27, 2015, https://www.iadlest.org/Portals/0/Files/NDI/FAQ/ndi_faq.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.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3538&issue_id=112014.

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

—President Barack Obama

These remarks underpin the mission of the President’s Task Force on 21st Century Policing: to identify ways to build trust between citizens and their law enforcement officers so that all components of a community treat one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.

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Guiding Principles On Use of Force



SANCTITY OF LIFE • PROPORTIONALITY • DUTY TO INTERVENE • DE-ESCALATION
• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-
VENTIONAL THINKING • TACTICS • SCENARIO-BASED TRAINING • LESS-LETHAL
OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



CRITICAL ISSUES IN POLICING SERIES

Guiding Principles on Use of Force

March 2016



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PERF’s January 29, 2016 Summit at the Newseum in Washington, DC

Guiding Principles: Policy

POLICY

- 1 **The sanctity of human life should be at the heart of everything an agency does.**

Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.

Examples

Following are some agencies that currently stress the sanctity of human life in their mission and policy statements:

- **Las Vegas Metropolitan Police Department**⁴⁴ — “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.”
- **Philadelphia Police Department**⁴⁵ — “It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.”

Montgomery County, MD Police Chief Tom Manger:

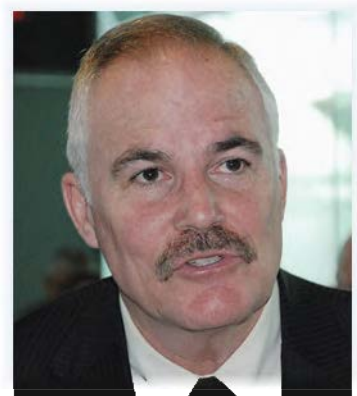
*Officer Safety Is Very Important,
And So Is Everyone Else’s Safety*

Wexler: Tom, what was your takeaway from the Scotland trip?

Chief Manger: It made me realize a couple of things. One was that our use-of-force training, our defensive tactics training, are so wrapped around one issue—the fear of the gun, and the gun culture we have in the United States—that it permeates everything we do in terms of training.

It also made me realize that there are some cultural issues in American policing that we may need to rethink. All of us have heard a sergeant tell us in roll call, “The most important thing is that you go home safe today.” And when you hear that over and over again, it almost gets to the point where we are thinking that our safety is more important than anything else, or that other people’s safety is not as important as ours.

In Scotland, the culture is that the police officer’s safety is in fact very important, but it’s no more important than the safety of everybody else



44. http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf

45. <https://www.phillypolice.com/assets/directives/PPD-Directive-10.1.pdf>

Chief Tom Manger continued

among the public. They have this notion of the sanctity of life, which is something that we are talking about more than we did 20 or 30 years ago. I think we've got to emphasize to our cops that their safety is important, but so is the safety of the public and the people that they're dealing with, and our goal should be that everybody goes home safely at the end of the day.

Houston Executive Assistant Police Chief George Buenik:

SWAT Captain: “We’re Not Going To Kill this Person”

Wexler: George, when we were in Scotland, you turned to me and said, “We’re already doing this with our SWAT team in Houston.” By the way, tell everyone what your Captain says when he gets to the scene...

Chief Buenik: When our SWAT captain gets to the scene and meets with all the team members, one of the things he says, especially when it’s someone who is threatening to harm himself, is “We’re not going to kill this person. We’re not going to kill this person. We’re not going to kill this person.” It’s probably the first time we’ve had a SWAT captain go out there, with all the equipment, all the guns, all the high-powered tools, and say we’re not going to kill somebody. It gets to the sanctity of life.



POLICY

2 Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.

Discussion

The U.S. Supreme Court’s landmark 1989 decision, *Graham v. Connor*, holds that police use of force is to be judged against a standard of “objective reasonableness” under the 4th Amendment ban on “unreasonable searches and seizures.”⁴⁶ Specifically, the Court stated:

The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

46. *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>

The United States Conference of Mayors

Report on Police Reform and Racial Justice

August 2020



THE UNITED STATES
CONFERENCE OF MAYORS

Sanctity of Life

At the core of a police officer's responsibilities is the duty to protect all human life and physical safety. To ingrain this fundamental principle, use of force policies must clearly state this requirement, with specificity, and require officers to intervene when a fellow officer is using disproportionate or unnecessary force.

As is often stated, just because one can use force, does not mean that it should be used. It is critical that we ensure that officers are properly trained to value the sanctity of life and only use the minimum amount of force necessary, if any, to accomplish lawful objectives.

Officers must have the tools and judgment to differentiate circumstances that do not warrant the use of force. Use of force policies and training must also include, but not be limited to: bans on chokeholds or any other carotid restraints; de-escalation and critical incident training; peer intervention to prevent misconduct; bans on shooting at moving vehicles except under extreme circumstances where a life is at risk; limitations on car pursuits to avoid death or great bodily harm; and defined parameters for foot pursuits, among other things.



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01	
FORCE GUIDELINES			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 4

SCOPE

The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

6.0 USE OF FORCE

6.1 POLICY

It is the policy of the Buffalo Police Department to use only that amount of physical force that is objectively reasonable to achieve a legitimate law enforcement objective, including protecting a person from the imminent use of physical force, effecting an arrest or preventing an escape from custody. Any force used must be consistent with the Fourth Amendment of the United States Constitution and Article 35 of the New York State Penal Law. Excessive or unreasonable force shall not be used.

** This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force to protect the public welfare requires a careful balancing of all interests.

DEFINITIONS

A. **Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

C. **Physical Injury** – Impairment of physical condition or substantial pain.

D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.



Volume 1, Article 4 – Rules of Conduct

Section 3.00

Use of Force

3.00 PURPOSE AND SCOPE: ¹

The purpose of the Syracuse Police Department (“Department”) Use of Force Policy (“Policy”) is to provide guidelines on the reasonable use of force for officers of the Department as part of their sworn duty to protect and serve the public of the City of Syracuse. The policies set forth in this section are operational guideposts and the Department’s policy shall also include the standards, techniques and requirements contained within the instruction provided to officers as part of their basic, in-service, and on-the-job training. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The Department and this Policy recognize and respect the value and sanctity of human life and the dignity to be accorded to the citizens the Department is sworn to protect. This Policy equally protects the welfare and safety of the Department’s officers who place themselves in danger on a daily basis. Vesting officers with the authority to use reasonable force and to protect the public welfare and themselves requires monitoring, evaluation and a careful balancing of these interests.



Issued Date: 9-18-15	Effective Date: 9-18-15	Updated Date: 01-30-17
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**SUBJECT: USE OF FORCE – INVOLVING THE DISCHARGE OF FIREARMS
(PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)**

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Issued Date: 9-18-15	Effective Date: 9-18-15	Updated Date: 01-30-17
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**SUBJECT: USE OF FORCE – INVOLVING THE DISCHARGE OF FIREARMS
(PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)**

1. POLICY

- A. It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.
- B. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.
- C. Police Officers shall not use deadly force against another person, unless they have an objectively reasonable belief that they must protect themselves or another person from death or serious bodily injury. Further, an officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time. (PLEAC 1.3.2)
- D. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- E. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger innocent people.
- F. Subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. Officers should be mindful of this when making use of force decisions.
- G. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals when necessary and safe to do so and will not be delayed to await the arrival of medical assistance. (PLEAC 1.3.5)

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At a minimum, supervisors must be present to approve arrests and other actions prior to arrestees being transported to a holding facility, absent exigent circumstances to be documented as soon as practicable.

- a. Issuing any citation or making any arrest related to the use of a recording device;
- b. Issuing any citation or making any arrest of any member of the media, whether formally credentialed or not, including citizen-journalists and live-streamers;
- c. Performing any warrantless seizure of a recording device or recording; and
- d. Taking any other significant action involving recording devices or recordings.

E. Ongoing Assessment and Improvement

126. Within 180 days of the Effective Date, the City and FPD will develop protocols for conducting, at least annually, cost-feasible data-driven and qualitative assessments of FPD's practices related to First Amendment protected activity. These assessments will be designed to ensure that FPD officers are policing within the parameters of the First Amendment.

127. Assessments will include the review and analysis of complaints alleging misconduct related to First Amendment protected activity; an analysis of the number and nature of recording device seizures, arrests, or other interference with members of the press; and analysis of law enforcement response to public protest or demonstration. Any officer identified as having committed such misconduct shall be afforded an opportunity to respond to such complaints. As part of this assessment process, the City and FPD will identify deficiencies and opportunities for improvement; implement appropriate corrective action or improvement measures; and document measures taken.

IX. FORCE

128. The Parties agree that all FPD officers and employees must have an unwavering commitment to protecting human life, and to upholding the value and dignity of every person. To foster this commitment, and to ensure adherence to the Constitution and all other laws, FPD will ensure that its use-of-force policies, training, supervision, and accountability systems are designed to ensure that FPD officers, including civilian correctional officers:

- a. Use force only when necessary to accomplish a legitimate public safety objective;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate police orders;



Chicago Police Department

General Order G03-02

USE OF FORCE



ISSUE DATE:	16 October 2017	EFFECTIVE DATE:	16 October 2017
RESCINDS:	1 October 2002 Version		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive sets forth Department policy regarding sworn members' and detention aides' use of force.

II. DEPARTMENT POLICY

- A. **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. **Public Cooperation.** A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- C. **Core Principle.** The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- D. **Assessing Uses of Force.** The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

NOTE: Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

III. USE OF FORCE - WHEN AUTHORIZED

- A. **Definition of Force.** Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.

- B. **Use of Force: Objectively Reasonable, Necessary, and Proportional.** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.
 - 1. Objectively reasonable. The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:
 - a. whether the subject is posing an imminent threat to the officer or others.
 - b. the risk of harm, level of threat or resistance presented by the subject.
 - c. the subject's proximity or access to weapons.

 - 2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.

 - 3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.

 - 4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
 - a. exercising persuasion and advice, and providing a warning prior to the

use of force.

- b. determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
- c. requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.

5. Prohibitions.

- a. The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated.
- b. Department members are prohibited from using force based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic as outlined in the Department directive entitled "[Prohibition Regarding Racial Profiling and Other Bias Based Policing.](#)"
- c. Force used as punishment or retaliation is prohibited.
- d. Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, and filming police activity) is prohibited.

NOTE: First Amendment rights are not absolute and are subject to reasonable time, place, manner restrictions. Further guidance may be found in the Department directive entitled "[The First Amendment and Police Actions.](#)"

6. Additional procedures. For further procedures on de-escalation, the principles of Force Mitigation, and when force is authorized, Department members will refer to the Department directive entitled "[Force Options.](#)"

C. **Use of Deadly Force: Necessary to Prevent Death or Great Bodily Harm.** The following additional policies apply to the use of deadly force:

- 1. Definition of Deadly Force. Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to:

- a. firing of a firearm in the direction of the person to be arrested.
 - b. firing of a firearm at a vehicle in which the person to be arrested is riding.
 - c. intentional striking of a subject's head with an impact weapon.
 - d. application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.
2. Definition of Imminent Threat. A threat is imminent when it is objectively reasonable to believe that:
- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
 - b. the subject has the means or instruments to cause death or great bodily harm; and
 - c. the subject has the opportunity and ability to cause death or great bodily harm.
3. Last Resort. The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. Consistent with this requirement, a sworn Department member may use deadly force only when such force is necessary to prevent:
- a. death or great bodily harm from an imminent threat posed to the sworn member or to another person.
 - b. an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.
4. Fleeing Persons. Deadly force may not be used on a fleeing person unless the subject poses an imminent threat, as defined above.
5. Sworn members will, whenever possible, identify themselves as police officers prior to using deadly force, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.

6. A sworn member is justified in using deadly force to stop a dangerous animal only when the animal reasonably appears to pose an imminent threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.

D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:

1. Firing warning shots.
2. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
3. Firing solely in defense or protection of property.
4. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, but the use of deadly force in such circumstances is only permitted in the limited circumstances when such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
5. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
6. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

NOTE: When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.

IV. MEDICAL ATTENTION

- A. Once the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members:
 - 1. will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC).
 - 2. may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- B. Members will treat injured persons, whether another officer, a member of the public, or a subject, with dignity and respect.

V. DUTY TO INTERVENE AND REPORT

- A. **Ensure Compliance.** All Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law.
- B. **Intervention, Notifying Superiors, Supervisory Intervention.** A Department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. Except in extraordinary circumstances, the member will act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation.
- C. **Written Reporting Obligation.** Consistent with the Department directive entitled "[Complaint and Disciplinary Procedures](#)," Department members who have knowledge of the use of force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct.
- D. **Retaliation Prohibited.** The Department prohibits any form of retaliation against a Department member for:
 - 1. reporting a use of force that is allegedly in violation of this directive, or
 - 2. cooperating with any internal investigation of the complaint.

- E. **Accuracy and Candor.** Department members will be responsible at all times:
1. for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.
 2. for articulating the specific facts to explain the member's own decision to employ a particular use of force.

VI. DEPARTMENT MEMBER'S BILL OF RIGHTS

Use of Force investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive entitled "[Department Member's Bill of Rights.](#)"

Kevin B. Navarro
Acting Superintendent of Police

16-021 MWK

GLOSSARY TERMS:

ADDENDA:

1. G03-02-01 - Force Options
2. G03-02-02 - Incidents Requiring the Completion of a Tactical Response Report
3. G03-02-03 - Firearms Discharge Incidents Involving Sworn Members
4. G03-02-04 - Taser Use Incidents
5. G03-02-05 - Oleoresin Capsicum (OC) Devices And Other Chemical Agent Use Incidents
6. G03-02-06 - Canine Use Incidents
7. G03-02-07 - Force Review Unit

105.00 Use of Force Policy

105.01 Use of Force Policy

(1) POLICY:

- a. The Denver Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual, and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer. The use of force, especially force likely to result in serious bodily injury or death (including a firearm), is a serious action. When deciding whether to use force, officers shall act within the boundaries of the United States and Colorado constitutions and laws, ethics, good judgment, this use of force policy, and all other relevant Denver Police Department policies, practices and training. With these values in mind, an officer shall use only that degree of force necessary and reasonable under the circumstances. An officer may use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving, about the amount of force that is necessary in a particular situation. The reasonableness inquiry in an excessive force case is an objective one; the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to a medical condition, mental impairment, developmental disability, physical limitation, language, drug interaction, or emotional crisis. Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Policing requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force should be de-escalated accordingly.

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practicable, secure or holster the firearm.

- b. The Denver Police Department recognizes that the duties of a peace officer may require officers to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State, and Local laws shall govern use of force by officers.

The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

Officers who use force as described in the Colorado Revised Statutes or the Operations Manual of the Denver Police Department must immediately report the circumstances to a command or supervisory officer and comply with all reporting requirements.

An officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall report it immediately to a command or supervisory officer.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty Denver Police Department command or supervisory officer as soon as the situation is stabilized. An exception to the requirement of reporting to an on duty supervisor or command officer may be granted by the Chief of Police for major events involving off duty officers. If an exception is granted a supervisor or command officer working the event may be allowed to fulfill the reporting requirements.

Officers are responsible to ensure that medical treatment is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

(2) STATE STATUTES

- a. C.R.S. §18-1-707 states in the pertinent part: Use of physical force in making an arrest or in preventing an escape:
 1. "(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate **physical force** upon another person when and to the extent that he reasonably believes it necessary:
 - a. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
 - b. To defend him self or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest or while preventing or attempting to prevent such an escape.
 2. A peace officer is justified in using **deadly physical force** upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - b. To affect an arrest or prevent the escape from custody, of a person whom he reasonably believes:
 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 2. Is attempting to escape by the use of a deadly weapon; or
 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (The Denver Police Department policy on use of deadly force in this situation is more restrictive than state law – see OMS 105.05(5).
 3. Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain custody.

4. For the purposes of this section a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts and circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid."
- b. The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is necessary and within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Colorado law mandates, and holds an officer accountable to do so, in C.R.S. §18-8-803: which states in part:
- "(1)...a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen."
- "(2)...'excessive force' means physical force which exceeds the degree of force permitted pursuant to 18-1-707 (Use of force in making an arrest or in preventing an escape). The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest. "
- c. The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. C.R.S. §18-8-802 states in part:
- "(1)(a) A peace officer who... witnesses *another* peace officer... use physical force which exceeds the degree of physical force permitted pursuant to 18-1-707 [Use of force in *making an arrest* or *in preventing an escape*] must report such use of force to *such officer's immediate supervisor*.
- "(1)(c) Any peace officer who fails to report *such use of force* in the *manner prescribed* commits a class 1 misdemeanor..."

(3) CASE LAW

- a. Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin V. People, 22 CO. 496, 45 P. 419).
- Law enforcement officers are permitted to use force to affect an arrest only to the extent that it is "objectively reasonable" under the circumstances (Graham v. Connor, 490 U. S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

(4) PERTINENT CONCEPTS AND DEFINITIONS

- a. Definitions:
1. Reasonable Belief - When facts or circumstances the officer reasonably believes, knows, or should know; are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
 2. Deadly Physical Force - That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
 3. Bodily Injury - "Physical pain, illness, or any impairment of physical or mental condition."
 4. Serious Bodily Injury - "Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree."
- b. Types of Resistance

1. Psychological Intimidation - Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.
 2. Verbal Non-Compliance - Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.
 3. Passive Resistance - Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp or prone position.
 4. Defensive Resistance - Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.
 5. Active Aggression - A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
 6. Aggravated Active Aggression - Deadly force encounter.
 7. Psychological Intimidation, Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.
- c. Factors to determine "objectively reasonable" force options.
1. The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:
 - a. The severity of the crime at issue and
 - b. Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 2. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.
- d. Use of Force/Control Options
1. The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
 2. **Requesting a CIT officer:** Whenever an officer learns, through his or her observations or otherwise, that a person with whom the officer is dealing may be a mentally ill, developmentally disabled, or emotionally disturbed individual, the officer will, if time and circumstances reasonably permit and dictate, contact dispatch and request that a CIT officer respond to the scene. If time and circumstances reasonably permit, officers will use distance, time, verbal tactics, or other tactics, to de-escalate the situation when dealing with such persons. When a CIT officer arrives on the scene, he or she should be the primary officer responsible for coordinating negotiations with the mentally ill, developmentally disabled, or emotionally disturbed individual unless determined otherwise by the CIT officer or a superior officer.
 3. **Edged Weapons:** When confronted by a suspect armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available.

Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers or retreat, although not required by law, may be a tactically preferable police response to a confrontation.

The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

- e. The following list of use of force/control options is not intended to suggest the order in which the various categories of force should be used in any specific situation:
1. Command presence
 2. Voice
 3. Hand control
 4. Chemical agent
 5. Hand strike, leg thrust / kick
 6. Baton / impact instrument
 7. Carotid compression technique
 8. RIPP™ restraint devices
 9. Less lethal weapons
 10. Deadly force
 11. Police service dog

105.02 Use of Force Procedures (Revised 04/2015)

(1) DUTY TO REPORT

Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the Denver Police Department Operations Manual and the Colorado Revised Statutes have been followed.

- a. The Use of Force Report DPD 12, the related supervisory investigation and reports are required in any of the following circumstances:
1. An officer discharges a firearm other than in training or for bona fide recreational purposes.
 2. A person is injured or dies while in custody. See OMS 301.13, In-Custody Incident Investigations and OMS 301.14(8), In-Custody Death Investigations.
 3. A person is injured or complains of injury as a result of use of any physical force including the use of any weapon, chemical agent or deployment of a police service dog.
 4. A defendant is charged with resistance and/or assault and a police officer is listed as the victim.
 - a. In any case of assault on a police officer, "Investigation of Assault" will be charged, except when citing directly using DRMC 38-93 Assault. The suspect should not be charged with resistance or any additional charges at this time. Details of the incident, including any additional charges, will be described in narrative form on the Unified Summons and Complaint.
 5. An officer encounters an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer.
 6. An officer applies force through use of the following, whether an arrest is or is not made:
 - a. Any tool, object or device used as an impact weapon
 - b. Carotid compression technique

- c. Chemical agent
 - d. Pepper Ball System
 - e. ERD/TASER
 - f. Shotgun or forty (40) mm less lethal round
 - g. Police service dog
 - h. Hand strike, leg thrust / kick
 - i. RIPP™ restraint devices
7. An officer has an accidental discharge of a pepper ball system, chemical agent or an ERD/TASER, other than in training, which occurs in view of the public or where members of the public are affected.
- b. The primary involved officer will prepare the Use of Force report, or Injury While in Custody/Injury Prior to Arrest report, paying particular attention to the facts of the incident. The report shall include:
- 1. An accurate description of the incident using the coded tables and text boxes on the Use of Force report, and
 - 2. Names of all involved officers, suspect(s) and witnesses. Additional forms will be used as continuation pages. Only those sections applicable need be completed on continuation pages, and
 - 3. A narrative summary of the significant facts of the incident which are not listed on the front of the form.
- c. The officer's supervisor shall respond to the scene and shall personally contact the officer immediately after the incident. The supervisor will interview witnesses and suspects, collect evidence and take photographs when appropriate. The supervisor will assist in preparing the Use of Force report, or Report of Injury While in Custody/Injury Prior to Arrest paying particular attention to the facts of the incident. When indicated, supervisors shall counsel officers in methods to better handle future situations to avoid or minimize the use of force.
- d. Each resistance, injury prior to arrest and injury while in custody incident will require the supervisor to conduct an independent and complete investigation and prepare and distribute written reports and documents. The minimum guidelines are described below.
- 1. The supervisor's conclusion that the details of the incident and facts contained in the Report of Use of Force or Report of Injury While in Custody/Injury Prior to Arrest are accurate, and
 - 2. Names and statements of all witnesses, and
 - 3. A narrative summary of any significant facts determined through investigation, and
 - 4. Make every reasonable effort to identify video and/or still photos that may contain evidence relevant to the investigation and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence, and
 - 5. The supervisor's conclusions that:
 - a. The use of force, employed tactics, and all reporting requirements were performed within policy, or
 - b. One or more policies or procedures may have been violated. The specific Operations Manual section(s) will be cited, and if the supervisor finds that violations may have occurred, his/her commanding officer will be immediately notified and will determine the appropriate course of action regarding additional investigation, i.e. notifying IAD, etc.
 - 6. When investigating a use of force incident involving deployment of the ERD/Taser, the supervisor must recover and place into the Property Management Bureau the Taser probes and identification confetti. Only medical personnel will be allowed to remove probes from individuals struck by the ERD/Taser.

Data from the ERD/Taser shall be downloaded into a computer file and the results shall be documented as part of the use of force investigation.

7. The Report of Use of Force, or Report of Injury While in Custody/Injury Prior to Arrest shall be promptly distributed as follows:
 - a. The original report, along with all original statements, copies of other reports and photos, shall be forwarded to the Internal Affairs Division in a sealed envelope.
 - b. One copy shall be forwarded to the officer's Deputy Chief.
 - c. One copy shall be forwarded to the officer's division or bureau commander through the chain of command.
8. Supervisory or command officers performing secondary employment SHALL NOT investigate use of force incidents or injury prior to arrest incidents involving themselves or any officer performing secondary employment under their supervision. On-duty personnel shall be summoned for this function. See 105.00(1) (b) above.
9. Any supervisory or command officer who investigates any incident involving any officer engaged in secondary employment must verify in TeleStaff that the officer was approved for secondary employment and document the results.
10. Supervisors and command officers SHALL NOT investigate use of force incidents in which they are personally involved.
11. If the involved employee is a member of the Denver Sheriff's Department, a supervisor from that agency will be requested via radio to respond to the scene and complete the appropriate reports required by that agency. Denver Police officers will assist with witnesses and/or statements if requested, however the reporting requirements **will** be the responsibility of Denver Sheriffs personnel.
12. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 403.01(9).

(2) DUTY TO REQUEST MEDICAL ATTENTION

- a. Any time there is an injury or an alleged injury as a result of force used by department personnel or an officer encounters an individual with obvious injuries and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from the contact with the officer, the involved officer(s) shall:
 1. Visually examine any person claiming injury, request medical attention and immediately notify a supervisor. When an individual is struck with a less lethal weapon or an impact tool/device, or is subjected to the carotid compression technique or sprayed with a chemical agent, an ambulance shall be called to the scene of the incident to examine the person at the earliest and safest opportunity. Medical personnel **will** determine whether further medical attention is required.
 2. Any prisoner suffering from any illness, injury or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center for treatment.
 3. It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility.
 4. Violent behavior may mask dangerous medical conditions; therefore, detainees shall be continuously monitored and provided with medical treatment if needed.

105.03 Less Lethal Force and Control Options

(1) POLICY

The primary duty of police officers is to protect the public, themselves and other officers. Less lethal force and control options may assist officers in performing these duties, but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.

(2) LESS LETHAL OPTIONS

The Denver Police Department authorizes the use of Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, twelve (12) gauge and forty (40) mm specialty impact munitions to be carried by certain officers in their normal duty assignments.

(3) LESS LETHAL WEAPONS DEFINITIONS

- a. Less lethal: A concept of planning and force application which meets an operational or tactical objective, with less potential for causing death or serious injury than conventional more lethal police tactics.
- b. Less lethal weapon: Any apprehension or restraint device approved for carry, which when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, less lethal twelve (12) gauge shotguns and forty (40) mm projectile systems and others as approved by the Chief of Police.
- c. Less lethal officer: An officer trained in the principles of less lethal force and the use of less lethal weapons. One who is authorized by the department to carry and deploy one or more of the weapons in the performance of their duties.
- d. Less lethal shotgun: Department approved twelve (12) gauge shotgun with a cylinder bore eighteen-inch (18) barrel. The shotgun, except those approved by the Chief of Police for use by Metro/Swat, has a high visibility stock and fore-end and is equipped with rifle sights.
- e. Twelve (12) gauge beanbag projectile: Department approved and issued. The beanbag projectile is a lead-shot-filled fabric bag designed to be non-penetrating and to deliver its kinetic energy over a broad surface area.
- f. Forty (40) mm Launcher: Either a single round or multi-launcher, department approved, with fixed stock and rifle barrel.
- g. Forty (40) mm Projectile: Only department approved and issued specialty impact munitions may be deployed.
- h. ERD/TASER: Advanced Taser ERD (Electronic Restraint Device) which uses an electrical signal to temporarily override the motor and sensory nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to physically debilitate a target regardless of pain tolerance or mental focus.
- i. Pepper Ball System: Air-Powered launch device and projectiles that are plastic spheres filled with powdered Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs, and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases, the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.
- j. Cycle: A single application of the ERD/Taser's electrical impulse, regardless of duration, which causes electro-muscular disruption.

(4) LESS LETHAL WEAPON PROCEDURES

The authorization to carry a less lethal weapon is a privilege and can be revoked at any time, for any reason by the officer's commander with approval of the officer's deputy chief or higher.

- a. Officers will be selected, trained and certified as less lethal officers and alternates. Only less lethal officers and alternates are authorized to display, carry or deploy any less lethal weapon. When vacancies occur among the ranks of less lethal officers, they will be filled by designation of an officer from the alternate pool. Selection of less lethal officers and alternates will be based on the following criteria:
- b. Officers must be selected by their commanding officer and approved by their deputy chief.
 - 1. Officers must attend and pass a mandatory training course, an annual in-service course and periodic qualification conducted by Firearms Section personnel. The formal updated training curriculum and list of qualified officers will be kept on file at the Training Bureau.

2. Less lethal certified officers who fail to qualify with their firearm two or more quarters in a twelve (12) month period shall be removed from the less lethal program. It is the responsibility of the officer and the supervisor of the Firearms Section to notify the officer's commander and the officer's deputy chief verbally and in writing of the failure to qualify as required by this section.
 3. Violations of this policy may result in revocation of the privilege to carry a less lethal weapon.
- c. Storage and issuance of less lethal weapons.
1. All departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of only less lethal weapons.
 2. Less lethal weapons will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
 3. The Pepper Ball system may be issued for general patrol use and Field Force Squad or Zone commanders may also issue Pepper Ball deployment systems and less lethal shotguns or forty (40) mm projectile systems to qualified personnel assigned to each squad.
 4. All available less lethal weapons will be issued at the beginning of each shift provided sufficient numbers of qualified officers are on duty and returned at the end of the officer's shift to an armory officer or a supervisor.
 5. Qualified officers may not decline to be issued, carry, or deploy less lethal weapons.
 6. Each unit will designate a supervisor to perform the following maintenance on the unit's less lethal inventory on a twice-yearly basis on the date of the time change:
 - a. Inspect all ERD/Tasers, Pepper Ball launchers, and less-lethal shotguns. Any defective weapons will be delivered to the Less Lethal Coordinator in the Firearms Section.
 - b. Perform a data download from all ERD/Tasers in inventory. The data disks will be delivered to and retained by the Internal Affairs Division.
 - c. Adjust the time in the ERD/Taser's internal clock to reflect the regional time.
 7. Officers are responsible for the care and handling of less lethal weapons to the same degree and under the same conditions as other weapons. The less lethal weapons shall be safely handled, carried, and stored while on and off duty.
- d. Carrying and deployment of less lethal weapons
1. Officers or supervisors will determine when less lethal weapons are to be deployed. Officers deploying a less lethal weapon usually serve as cover officers only. Less lethal officers shall not perform any other duties, such as searching or handcuffing, until their weapon is secured. Planning and communication between officers and supervisors is important when making deployment and strategy decisions.
 - a. The less lethal shotgun is to be carried in the trunk of the police car, either in its case or in a dedicated rack if the vehicle is so equipped, with an empty chamber, the safety on and magazine loaded with four (4) rounds of less lethal ammunition.
 - b. The ERD will be carried on the belt in an approved holster, worn on the side opposite the firearm. When not worn, the ERD will be secured in a locked vehicle, not visible to passers-by.
 - c. The Firearms Section will maintain a list of department approved ERD holsters, and all ERD/Tasers will be carried in a holster from the approved list.
 - d. Pepper Ball guns may be authorized by Field Force Commanders for use during field force operations and major crowd control events. Subject to availability certified supervisors or officers may carry the Pepper Ball gun while on patrol.

- e. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.

2. Less lethal shotgun or forty (40) mm projectile:

a. Deployment

- 1. Use of a less lethal shotgun or the forty (40) mm projectile will be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
- 2. Acceptable uses of a less lethal shotgun or forty (40) mm projectile include:
 - a. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary in order to attempt to avoid having to use deadly force. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
 - b. As a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed. OR
 - c. To incapacitate a suicidal person who cannot be safely controlled with other force options.

3. Unless deadly force is warranted, an officer shall not intentionally deploy the less lethal shotgun projectile or forty (40) mm projectile

- a. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
- b. To a pregnant female, (if the officer has knowledge of the pregnancy).
- c. From a range of less than ten (10) feet with the less lethal shotgun, or less than five (5) feet with the forty (40) mm projectile.

4. When practicable, officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.

a. Reporting

- 1. When any person is struck by the projectile from a less lethal shotgun or forty (40) mm launcher, immediate evaluation by medical personnel is required, and paramedics will be called to the scene.
- 2. If the subject is examined and released at the scene by the paramedics, the use of the less lethal shotgun or forty (40) mm projectile shall be reported as an impact use of force. The Use of Force Report, DPD 12, shall be completed in accordance with the requirements of OMS 105.01, Use of Force Procedures.
- 3. The on-scene supervisor will notify a Crimes Against Persons (CAP) supervisor in the following circumstances, and the CAP supervisor will determine the appropriate level of investigation and coordinate documentation of the incident with the on-scene patrol supervisor:
 - a. If paramedics determine the subject is to be transported from the scene by ambulance, or
 - b. If the subject was struck by the less lethal projectile in the head or neck, regardless of the level of injury, or
 - c. If any part of the projectile penetrated the subject's body.
 - d. If it is discovered that the subject is a juvenile.

4. The medical examination by paramedics shall be documented on the Use of Force report, DPD 12, and the arrest paperwork, if any. Additionally, if the subject is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
5. Pepper Ball System Deployment
 - a. Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
 - b. Acceptable uses of the Pepper Ball projectile may include:
 1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Defensive Resistance. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. (Defensive Resistance is defined as physical actions that attempt to prevent an officer's control including flight or attempt to flee, but do not involve attempts to harm the officer). OR
 2. In situations when its use is likely to prevent an officer or a third person from being injured, OR
 3. To incapacitate a suicidal person who cannot be safely controlled with other force options, OR
 4. When ordered by the field force commander or other command officer in crowd control or riot situations.
 - c. Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile as follows:
 1. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
 2. To a pregnant female, if the officer has knowledge of the pregnancy.
 3. On or in an open wound if the officer has knowledge of the open wound.
 - d. Officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
 - e. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
6. Less lethal ERD/TASER Deployment
 - a. Use of an Electronic Restraint Device (ERD/TASER) shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
 - b. Acceptable uses of the ERD/TASER include:
 1. To incapacitate a combative or physically resistive person; whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.), OR
 2. In situations when its use is likely to prevent an officer or a third person from serious bodily injury, OR
 3. To incapacitate a suicidal person who can't be safely controlled with other force options.
 - c. Unless deadly force is warranted, officers shall not intentionally deploy the ERD/TASER as follows:

1. To the head, eyes, throat, neck, chest, breast(s) of a female, genitalia, or spinal column.
 - a. The point of aim (meaning the placement of the red laser dot) shall be the muscles of the upper abdominal area just below the sternum.
 - b. Probe strikes in any restricted area shall be specifically noted in the Use of Force Report, with an articulation of the specific suspect action(s) that may have caused the probe to strike the restricted area.
 2. To a pregnant female, unless deadly force is warranted and if the officer has knowledge of the pregnancy.
 3. On an open wound, if the officer has knowledge of the open wound.
- d. Officers will not use the ERD/Taser in the following situations:
1. When the suspect has come in contact with or is in an environment containing flammable gases or liquids.
 2. Drug houses where ether or other flammable chemicals are suspected.
 3. To prevent a suspect from swallowing evidence.
 4. To terminate a foot chase unless the suspect's actions rise to the level of Active Aggression.
 5. When the subject is in a position where a fall may cause serious bodily injury or death.
 6. Where the suspect is in water of sufficient depth that the suspect may drown once incapacitated.
 7. Where its use will cause the suspect to lose control of a motor vehicle unless they can articulate compelling reasons.
 8. When the subject is holding a firearm, unless they can articulate compelling reasons.
 9. When the subject is at the extremes of age or physically disabled, unless they can articulate compelling reasons.
 10. In a situation where deadly force is clearly justifiable, unless sufficient cover is present and is capable of providing deadly force (Lethal Cover) to protect the officers and or civilians as necessary.
 11. As a tool of coercion or punishment. Officers will not activate the Taser against a suspect more than the minimum number of times necessary to safely take the suspect into custody, and the suspect should be secured as soon as practical, while experiencing electro-muscular disruption, in order to minimize the number of cycles.
 12. On a handcuffed prisoner, unless the officer can articulate an immediate need to stop a threat or action that will cause serious injury or death to the officer or another person.
 13. No officer shall playfully or maliciously display, or intentionally misuse the ERD/Taser. See OMS 105.02(4)d.6.b. for acceptable uses of the ERD/Taser.
- e. Use of the Drive/Contact Stun is discouraged except in situations where the deployment of the "Probes" is not possible and the immediate application of the "Drive/Contact Stun" will control a subject displaying, at least, Active Aggression.
- f. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use by announcing "Taser, Taser, Taser"; or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- g. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. Officers shall advise responding medical personnel of any observations indicating that the suspect was under the influence of alcohol or controlled substance(s). This medical check shall be documented on the Use of Force report, DPD 12, and the GSS&C.
- h. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
- i. Medical evaluation is required whether the subject is shot with probes or the ERD / TASER is used as a contact stun device. Only medical personnel will be allowed to remove probes from individuals shot with the ERD/TASER.

- j. Probes and identification confetti will be recovered and placed in the Property Management Bureau by the supervisor conducting the Use of Force investigation.
 - k. Data from the Taser shall be downloaded into a computer file and the results shall be documented as part of the Use of Force investigation.
 - l. Should a subject die after the use of the ERD/Taser, the Homicide Unit shall be notified per the procedure outlined in OMS 301.14(8), In-Custody Death Investigations. In addition to the procedure outlined in (i) and (j) above, the ERD/Taser will be secured as evidence and submitted to an independent laboratory for testing to ensure proper functioning.
- (5) **IMPACT TOOLS/DEVICES:** Include the department approved police batons (listed below) and the Orcutt Police Nunchaku (O.P.N.) when used as an impact device.
- a. Impact tools/devices authorized.
 - 1. Police Batons:
 - a. Standard issue twenty-nine (29) inch baton.
 - b. Standard issue thirty-six (36) inch riot baton.
 - c. Commercially manufactured or custom made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
 - d. An approved expandable baton upon successful completion of specialized training. The Training Bureau will maintain a list of approved expandable batons.
 - e. All officers are required to receive yearly refresher training with the police baton in conjunction with Arrest Control Techniques (ACT) training.
 - 2. **Items prohibited for carry:** All other devices including but not limited to saps, sap gloves, brass knuckles, billy clubs, batons with ornate carvings or a metal ball attached to either end, yawara sticks, iron claws, shirkins, ropes, and non-department issued leg restraint devices, including rope or cord hobbles are not authorized for carry. See OMS 111.03.
 - 3. Officers must be able to articulate a compelling need to use any other device or object as an impact weapon.
 - 4. Officers are discouraged from using a duty handgun as an impact weapon for the following reasons:
 - a. The inherent danger of an accidental discharge endangering the officer and other bystanders.
 - b. The firearm is generally an ineffective impact weapon due to its construction and weight.
 - b. Impact Tool/Device - General Guidelines:
 - 1. If a person resists non-violently (Defensive Resistance), the impact tool/device may be used only to apply come along/escort compliance holds. A person, who remains non-violent, will not intentionally be struck with the impact tool.
 - 2. If a person forcefully resists and/or attacks an officer or other person, an officer is permitted to strike the person with an impact tool/device, provided the officer uses reasonable care to confine such strikes and power levels, to areas of the body which, if struck, are not intended or likely to cause serious bodily injury.
 - 3. The head and neck shall not be intentionally struck with the impact tool/device, unless the officer is justified in using deadly force.
 - 4. Impact tools/devices shall be maintained in serviceable condition and shall not be modified, altered or fitted with any unauthorized add-on device in any way that is not approved in writing by the department. They may be marked with the officer's serial number but shall not be marked or adorned in any other fashion.
 - 5. Defective, broken, or altered impact tools shall not be carried.
 - a. An officer who discovers an impact tool/device that is unserviceable must immediately cease carrying the item and, if issued by the department, promptly submit a written request for replacement through the chain of command.

- b. All officers shall receive the designated training on each impact tool or device that they intend to carry before carrying the tool or device on or off duty. The mandatory training will be recorded in the officer's permanent training record. Division and bureau commanders will insure that the appropriate training is current and documented for all officers under their commands.

c. Use of Impact Tools or Devices to Apply Deadly Force:

- 1. An impact tool or device is generally used as a "compliance tool" to overcome non-deadly force exercised by a person resisting the officer's authority. However, in certain circumstances the impact tool or device can be properly used to apply greater force up to and including deadly physical force. Refer to CRS §18-1-707(2) for the circumstances under which deadly physical force can be used.
- 2. Examples of reasonable deadly force applications of impact tool or devices include:
 - a. Controlling a suspect who has disarmed an officer and the officer reasonably believes that the suspect is about to use the firearm against the officer or another.
 - b. Controlling a suspect who is armed with a knife or other deadly weapon and due to the suspect's close proximity, the officer reasonably believes that the suspect is threatening the officer with imminent death or serious bodily injury.

(6) Additional Force Options

a. Orcutt Police Nunchaku (OPN)

- 1. The Orcutt Police Nunchaku is an authorized safety tool primarily used for arrest control and self-defense. Other brands, designs, or types of nunchaku are not authorized.
- 2. Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to carry or use of the OPN in the performance of duties.
- 3. Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required shall no longer carry or use the OPN in the performance of duties.
- 4. If the OPN is used to strike a subject or injury occurs, whether or not an arrest is made, a Use of Force Report is required, in accordance with OMS 105.01(1).

b. Chemical Agent

- 1. Chemical agents provide an excellent force option in certain situations.
- 2. Chemical agents may be used when reasonable and justified in the following situations:
 - a. To prevent an injury to an officer or a third person.
 - b. To ward off threatening dogs and other animals.
 - c. To subdue a person who is threatening or attempting physical harm to himself or another.
 - d. Against subjects resisting arrest.
 - e. To quell rioting.
 - f. Against subjects interfering with an arrest.
 - g. Any situation where the officer can clearly articulate the need to deploy this device.
- 3. Authorization for use of a chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant. The use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency were the officer in charge of a field situation cannot reasonably contact higher authority.

4. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

c. Carotid Compression Technique

1. Only officers who have been trained by the Denver Police Department in the application of the carotid compression technique may utilize this force option. Application of the carotid compression technique shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statutes.
2. Acceptable application of the carotid compression technique:
 - a. To incapacitate a combative or physically resistive person whose conduct rises to the level of Aggravated Active Aggression. The purpose is to subdue the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Aggravated Active Aggression - Deadly force encounter)
3. Officers should be mindful not to apply direct pressure to either the front of the throat, back of the neck or head area either through compounded body weight, or direct pressure from a knee or arm in an effort to gain physical control of the person. Application of such pressure can cause unintended serious bodily injury or even death.
4. An immediate medical evaluation by paramedics is required to determine, if any, the degree of injury sustained by the suspect. This medical check shall be documented on the Use of Force report and any other charging document. If the arrestee is jailed, the officer will notify detention facility personnel that a carotid compression technique was applied.

d. Police Service Dogs

Policy

The mission of the Denver Police Department is to deliver high quality public safety services so all people may share a safe and healthy environment. The department, in partnership with the community, will endeavor to achieve our mission by utilizing the most modern and effective practices and methods. One of those effective practices is the utilization of a well trained professional Police Canine Unit. The police canine provides many valuable services including criminal apprehension, evidence and contraband detection, locating missing persons, and public relations activities.

1. Canines assigned to the Metro/SWAT Bureau will be available to assist in searches, crowd control, tracking, explosive and narcotic detection, security at scenes of major crimes or disasters, in addition to regular patrol duties and special assignments.
 - a. If an officer needs a canine and none are on duty, the dispatcher shall be notified. The canine supervisor will be contacted and will make the determination of which canine officer to send.
 - b. Canine handlers will be in complete charge and responsible for their dogs' deployment, regardless of the ranking officer on the scene. Canine handlers will determine the appropriate utilization of their dogs.
 - c. When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the handler may exercise his/her discretion before deploying the dog.
 - d. Any conflicts in utilization shall be reported in writing, via the chain of command, to the commanders of the officers involved, as soon as possible.
2. A police service dog may be used to perform a search or apprehension in a reasonable manner as determined by the handler and in compliance with all applicable laws and statutes regarding police use of force, the Denver Police Department Use of Force Policy, and the Canine Unit Policies and Procedures when the following conditions exist:

- a. When there is probable cause to believe the suspect has committed a crime or is a danger to themselves or others, and
 - b. When the suspect is actively evading efforts to take them into custody and the use of a canine would reduce risk to officers or the public.
3. Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
 4. Should a police service dog injure any person:
 - a. The arrest scene and any criminal suspects will be immediately secured.
 - b. The canine officer/handler will immediately request medical assistance.
 - c. The injury will be reported on a Report of Use of Force, DPD 12, and in accordance with the requirements of OMS 105.01, Use of Force Procedures.
 - d. Injuries caused by the police service dog to persons who were not the subject of the search will be reported on a Use of Force Report.

105.04 Shooting By and/or of Police Officers

- (1) When any law enforcement officer, regardless of agency or department, discharges a firearm as a result of contact with a person, whether or not a death or wounding occurs, officers shall immediately notify the Denver 911 dispatcher. Officers may request I-Call communication if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all radio and telephone conversations and provides them for use in an investigation upon request. This procedure also applies when investigating the death or wounding of law enforcement officers.
 - a. The dispatcher will immediately follow Denver 911 procedures by notifying the following as required:
 1. Ambulance.
 2. Sufficient patrol coverage.
 3. The on-duty command officer for the district of occurrence.
 4. The on-duty homicide and/or general assignment detectives.
 5. The on-call Police Shoot Team.
 - a. Major Crimes Section command officer
 - b. Homicide Unit supervisor
 - c. Primary and secondary homicide investigators
 6. The Crime Laboratory
 7. The on-call District Attorney.
 8. The Commander of the Major Crimes Division
 10. The Deputy Chief of Operations
 11. The Commander of the Internal Affairs Division
 12. The Public Information Officer
 13. The Chief of Police
 14. The Executive Director of Safety
 15. The involved officer's commander. If the officer has been injured or killed, this commander is responsible for notification of the officer's family.
 16. The Coroner's Office, in any case where death occurs.

- (2) Officers shall use the following procedure when handling the Person/Officer wounded by gunfire:
- a. Use appropriate first aid.
 - b. Remove the person/officer to the hospital by ambulance if any possibility of life exists.
 - c. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
 - d. When placing a hold order on a victim who is also a suspect in a crime, notify the Denver Sheriffs Department.
 - e. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS. 505.10(5).
- (3) The ranking officer at the scene is immediately responsible for crime scene protection.
- (4) The responsibilities of the ranking officer at the scene of a Police Shooting include, but are not limited to, the following:
- a. Protect the crime scene using appropriate personnel and methods.
 - b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
 - c. Officers shall identify and sequester all witnesses to the incident. Officers shall obtain written statements from all civilian witnesses. Investigators will review all statements and determine the need for additional detail or recording of the statement. Investigators shall obtain statements from all officer witnesses.
 - d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm, except to make the firearm safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited. Detectives shall document and collect these items during crime scene processing. The involved officer shall maintain custody of his/her firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement firearm. An investigator from the Homicide Unit shall document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer shall release the officer's firearm.
 - e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain there with him/her until relieved. Only investigators assigned to the Police Shooting Team, the officer's commander, the officer's attorney and the District Attorney have access to the officer while sequestered. The Commander of the Major Crimes Division must approve all other access.
 - f. Provide the dispatcher and responding detectives with all available information.
 - g. Assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 14.12.
 - h. Assign an officer to complete a General Offense Report (GO).
 1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be "Shooting by a Peace Officer".
 2. When a suspect shoots and wounds an officer the title will be "Assault on a Peace Officer".
 3. When the shooting results in the death of any person/officer the title is "Homicide".
 4. When an officer discharges a firearm causing injury or death the person shot will be reported as the victim and the involved officer is listed as the person reporting.
 5. Officers shall leave the suspect section blank and keep the narrative section brief.
 - i. Complete an After Action Report and route copies as appropriate and send a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for that day for all districts or other units that covered the scene.
 - j. Ensure the completion of a Use of Force Report (UOF) DPD 12:

1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report".
2. Attach a copy of the After Action report to the UOF report. Forward the original UOF report to the Internal Affairs Division, with one copy to the division commander and one copy to the respective deputy chief.

k. Ensure that ALL officers who respond to the scene, or who assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.

(5) The investigation of a shooting, by or of, a peace officer is a cooperative endeavor between the Denver Police Department and the Denver District Attorney's Office. The investigation is under the command of the Commander of the Major Crimes Division or designee. Officers and investigators shall use all appropriate investigative methods and techniques including, but not limited to, the following:

- a. Completely process and document the crime scene using diagrams, photographs and video recordings in accordance with crime scene protocols outlined in OMS 301.01.
- b. Investigators shall document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the District Attorney. The interview order is generally civilian witnesses first, followed by officer witnesses. The interview(s) of the involved officer, those officers discharging a firearm, usually occur last.
- c. The officer involved in the shooting may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the "Officer Advisement in Police Shootings" form (DPD 759). The "Miranda Warning", Internal Affairs Division "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- d. The Commander of the Internal Affairs Division (IAD) or designee will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriffs Department and the Denver Fire Department's arson investigators. The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division or designee, or the Chief of Police. This participation only involves those cases where information or evidence supports there is a suspected crime or serious rule violation.
- e. Refer all media inquiries to the Commander of the Major Crimes Division or designee, generally, the Public Information Officer.
- f. The command officer in charge of the investigation will prepare, or cause the preparation, of an After Action Report (DPD286) and distribute the report as appropriate prior to going off duty.
- g. The criminal charge filing decision for a police shooting case is solely the responsibility of the Denver District Attorney's Office. Officers shall not publicly speculate about the decision. The District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case. The District Attorney bases the review and filing decision on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

(6) Considerations for the involved officer following the investigation of the Police Shooting/Critical Incident

- a. When death occurs the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. The officer's command will contact Police Psychological Services as soon as possible after the incident and schedule an appointment for the officer. The commander, with approval from their deputy chief, may arrange excused days for the officer until the police psychologist has met with the officer and made a verbal recommendation to the commander as to when the officer can return to duty. The purpose of the Psychological Services appointment is not to investigate the officer's actions or assess his/her fitness for duty.

In cases with extenuating circumstances, temporary or permanent assignment changes may occur.

- c. When death results, from any officer involved use of force, an in custody death or death which occurred as a direct result of police action and the incident is investigated by Major Crimes as a critical incident, the commander will follow the same procedures listed above in (6)b.
Absolute confidentiality exists and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview, such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).
- d. The commanding officer of the officers involved in a shooting incident will notify the officers of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, Psychological Services will notify the commanding officer who shall provide for such arrangements. No other exchange of information will occur without the express written consent of the officer before the interview.
- e. In the event of a civil lawsuit against the City and County of Denver and the officer, the City Attorney's office will provide legal representation. Exceptions include when the officer acts outside of the scope of his/her employment or neglects to notify the Civil Liability Unit of the potential action for a lawsuit.

105.05 Discharge of Firearms

- (1) Officers shall not discharge any firearm in the performance of their duties except as authorized by law and the rules, regulations and procedures of the Denver Police Department.
- (2) All members of the Denver Police Department shall safely handle firearms while performing on-duty assignments and at all times while carrying/handling firearms while off-duty.
- (3) When all reasonable alternatives appear impractical, a law enforcement officer may resort to the lawful use of firearms under the following conditions when he/she reasonably believes that it is necessary. **When feasible**, it is necessary, to give some warning before engaging in the use of deadly force. If possible, identify yourself as a police officer, give the command you want followed, and state your intention to shoot.
 - a. To defend him/herself, or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force (C.R.S. §18-1-707); or
 - b. To affect an arrest, or to prevent the escape from custody of a person whom he/she reasonably believes:
 - 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - 2. Is attempting to escape by the use of a deadly weapon; or
 - 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (C.R.S. §18-1-707).
 - 4. The following definitions shall apply to all of OMS 105.04(3) a. and b:
 - a. REASONABLE BELIEF: When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
 - b. DEADLY PHYSICAL FORCE: That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
 - c. SERIOUS BODILY INJURY: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk or protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage) or burns of the second or third degree.

- c. A law enforcement officer may also engage in the lawful use of firearms under the following conditions:
 - 1. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
 - 2. To participate in authorized training at a target range.
 - 3. To participate in any legitimate sporting activity.
- (4) Officers will not discharge firearms under the following conditions:
 - a. At another person unless the circumstances are such that the officer would be justified under the law if the shot killed the person.
 - b. Where there is likelihood of serious injury to persons other than the person to be apprehended.
 - c. As a warning or attention shots.
 - d. Solely to protect property.
- (5) Moving vehicles
 - a. Firing at moving vehicles: Firing at a moving vehicle may have very little impact on stopping the vehicle. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment. An officer threatened by an oncoming vehicle shall, if feasible, move out of the way rather than discharging a firearm. Officer(s) shall not discharge a firearm at a moving vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the officer has an objectively reasonable belief that:
 - 1. The vehicle or suspect poses an immediate threat of death or serious physical injury to the officer or another person and
 - 2. The officer has no reasonable alternative course of action to prevent death or serious physical injury.
 - b. Firing from a moving vehicle: Accuracy may be severely impacted when firing from a moving vehicle, and firing from a moving vehicle may increase the risk of harm to officers or other citizens. Officers should not fire from a moving vehicle except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- (6) Above all, the safety of the public and the officer must be the overriding concern when the use of force is considered.

105.06 Use of Force Review Board

- (1) The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.04(3) d. & e, any in-custody death and any incident as directed by the Chief of Police. The board is investigative in nature and is responsible for making recommendations on administrative justification, Internal Affairs investigations, department policy modifications, training, and commendations. The board is empowered to classify a case as in or out of policy.
 - a. The board may refer a case to the involved officer's commander for consideration of a commendation.
 - b. The board may refer a case to the Tactics Review Board.
 - c. The Use of Force Board review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision from the District Attorney stating whether or not criminal charges will be filed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.

- d. The Use of Force Board review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.
- (2) The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharge and use of force incidents, including, but not limited to the following:
- a. The Use of Force Board shall review all reports, photographs, video tapes, statements and other documents relating to the incident.
 - b. The Use of Force Board is empowered to call any officer witnesses needed for further clarification.
 - c. The Use of Force Board may invite any civilian witnesses needed for further clarification.
 - d. The Use of Force Board may direct additional investigation to be conducted by those who completed the original report of the incident under review.
 - e. The Use of Force Board must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations.
 - f. The involved officer is not required to attend the hearing. If the involved officer decides not to attend the hearing, the hearing shall be held in the officer's absence.
- (3) Following full review of the use of force incident, the Use of Force Board has the following responsibilities:
- a. If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this fact in writing. Copies of this notification will be provided to the involved officer, his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file subject to purge at periods specified by the Chief of Police.
 - b. If the Use of Force Board has concluded that any Departmental Policy, Procedure, Rule or Regulation appears to have been violated, the Chief of Police will be notified of this fact in writing. The Use of Force Board will document the areas which it considers to be deficient, and forward a copy if its findings to the Commander of the Internal Affairs Division. The Internal Affairs Division will be responsible for investigating the specific points the Use of Force Board has found to be deficient. At the conclusion of the investigation, the case will be resubmitted to the Use of Force Review Board for an administrative finding. Sustained cases will then be processed and forwarded to the Conduct Review Division. As in all other disciplinary matters, final authority and responsibility rests with the Chief of Police.
 - c. If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training, or policy changes will be forwarded to the Chief of Police.
 - d. The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.
 - e. Upon completion of its review the Use of Force Board may recommend that the involved officer(s) be considered for a commendation. The involved officers' commander or his/her designee will then be responsible for the following:
 1. Approve or reject the recommendation for commendation made by the Use of Force Board, and;
 2. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
 - f. The facts of the case shall be presented to the Use of Force Board by the IAD investigator assigned to the case, or in the event of a death, it may be presented by a Homicide Unit supervisor.
 - g. The involved officer(s) may have an observer present, who was not involved in the incident under review, during the presentation of the case, including witness testimony but not during any Use of Force Board deliberations. The observer shall not participate in any Use of Force Board proceedings.

- (4) All records of the Use of Force Board are to be considered confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
 - a. This confidentiality shall extend to cover the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending as allowed by the Chief of Police.
 - b. Records of the Use of Force Review Board will be retained by the Internal Affairs Division.
- (5) Board Membership and Responsibilities
 - a. The commanding officer of the Conduct Review Division is the non-voting Chair. Exception: in the case of a tie, the Use of Force Board Chair shall cast the deciding vote.
 - 1. An IAD staff member, designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair will determine the date and time of the meeting in compliance with OMS 105.06(1)c.& d., and will notify the other board members.
 - 2. The Use of Force Board will be called within a reasonable time after the final report of any use of force that meets the criteria outlined in OMS 105.06(1).
 - 3. The Use of Force Board Chair is responsible for gathering any reports needed by the Board. He may delegate this duty to an IAD staff member.
 - b. The voting membership of the Use of Force Review Board will be composed of the following persons:
 - 1. The Commander of Major Crimes Division
 - 2. A designated rotating commander
 - 3. Two community members trained and certified by the department.
 - c. The Use of Force Board Chair shall select a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the board.
 - d. Use of Force Board findings shall be by majority rule.
 - e. Community Board Members
 - 1. The community member must have received training as designated by the Chief of Police, which at a minimum shall include instruction in:
 - a. The Denver Police Department Use of Force Policy. See OMS 105
 - b. Colorado State Statutes pertaining to the use of force by police officers
 - c. Hands-on training on all forms of the department's less-lethal alternatives
 - d. Overview of the Crisis Intervention Team (CIT) program
 - e. Overview of firearms training and policy
 - 2. Community representatives will be rotated through the pool of qualified candidates and the Commander of the Internal Affairs Division will make the assignments at the discretion of the Chief of Police.
 - f. Advisory Witnesses
 - 1. The involved officer's division or bureau commander may be present for the hearing, but will not be a voting member.
 - 2. Advisory witnesses may be called as determined by the Use of Force Board Chair. These may include a city attorney, the supervisor of the Firearms Section, the department less lethal advisor, or the Commander of the Training Bureau.
 - 3. Any additional persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.
- (6) Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case the member will be excused and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Division.

- (7) Should any member of the Use of Force Board be unavailable to attend a meeting for any reason, that member will be replaced by a temporary member appointed by the Chief of Police.

105.07 Firearms - Requirements and Inspection (Revised 11/2014)

- (1) Officers will equip themselves with firearms of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer with the approval of the Chief of Police.
- a. Prior to purchasing a firearm for official use, officers may obtain a copy of the Firearms Purchase Authorization, DPD 30. The use of this form eliminates the requirement to submit to the CBI background check required by Colorado Law. Officers are to submit the form to THEIR commanding officers for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the gun dealer prior to the purchase of the weapon.
- (2) The Chief Firearms Officer, with the approval of the Chief of Police, shall prepare a list of firearms which are approved for carry. The list shall be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police; the DPD 30 form will be revised with the current list.

The five (5) categories of authorized firearms are as follows:

- a. Uniform: This category lists the handguns approved for uniform carry. Officers shall carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
- b. Plain Clothes: This category lists the handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
- c. Administration: This category lists the handguns approved for carry by non-uniform administrative officers while on duty. The administrative status of a Denver Police Department officer's assignment will be determined by the deputy chief in charge of the officer's assignment.
- d. Off-duty/back-up: This category lists the handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off duty or back-up use.
- e. Utility: This category lists firearms approved for carry while performing specialized functions. The unit commander will determine the necessity for utilization of this category.
- (3) Inspection of Firearms. All firearms must be inspected, function tested, and approved by the Firearms Section prior to being carried either on or off duty.
- a. An annual inspection of all firearms will be required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each firearm will be inspected and fired for qualification once in each calendar year.
- b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Section officer for inspection and approval prior to being carried.
- c. Qualification must be accomplished prior to carrying the firearm.
- (4) Repairs to firearms. Officers assigned to the Firearms Section are authorized to repair certain approved firearms. The following applies to in-house repairs.
- a. The firearm(s) in question must be an approved firearm.
- b. Department owned firearms shall not be altered in any way, except by Firearms Section personnel or by order of the Chief of Police.
- c. The officer reserves the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs shall be borne by the officer. After repair or alteration by any person or firm other than the Firearms Section the firearm must be submitted to the Firearms Section for inspection and approval prior to being carried.
- d. In the event that needed repairs are of such nature that factory repair is required, personally owned firearms shall be returned by the officer to the factory for repair at the officer's expense.

e. Loaner handguns will be provided by the Firearms Section under the following conditions:

1. The firearm being repaired is a departmentally approved firearm.
2. The loaner must be of the same make, model and barrel length as the one being repaired, if available.

(5) Method of carrying handguns

a. All semi-automatic handguns will be carried in departmentally approved directional draw holsters and shall be worn on the strong side. Uniform holsters must have a covered trigger and retention method. Holster Authorization Letter, DPD 30H, will list approved holsters for uniform carry and requirements for plain clothes and off duty holsters.

(6) Cleaning and loading firearms

Officers shall clean, repair, load or unload firearms only in those locations designated by the building manager. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisory officer for inspection or training purposes, or in the official performance of duties.

(7) Utility firearms

- a. No personal or unauthorized utility firearms, including privately owned shotguns, shall be carried without prior authorization of the officer's commander.
- b. Utility firearms, when carried routinely in police cars, shall not have a round in the chamber. Rounds will be carried in the magazine. Rounds which are chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the firearm to the police vehicle.
- c. Firearms maintenance will be performed by Firearms Section personnel on departmentally owned firearms.
- d. Only ammunition deemed appropriate by the Firearms Section will be used in these firearms.
- e. Department approved utility firearms include:
 1. Utility firearms listed on the DPD 30
 2. 40mm less lethal firearms loaded with department issued less lethal ammunition.
 3. Specialized firearms authorized for use by Metro/Swat or other specialized units loaded with department issued or authorized ammunition.

(8) Report of firearm purchase, loss or replacement (DPD 30).

- a. Officers shall file a General Occurrence (GO) report when a firearm is lost by any means. A General Occurrence (GO) report concerning the loss of any firearms shall contain all pertinent facts and information surrounding the incident.
- b. Officers using DPD 30 to purchase a firearm are reminded that disposition of these firearms must be in compliance with Federal law.

(9) Ammunition

All officers shall load their firearms and carry on their person only ammunition issued or approved by the Firearms Section. Officers are prohibited from carrying reloaded ammunition of any kind.

- a. Ammunition, both service and practice, will be furnished by the department for standard firearms.
- b. Ammunition for non-standard firearms is the responsibility of the individual officer. All ammunition for non-standard firearms must meet the requirements of the Chief Firearms Officer.

Officers will load their firearms with and carry on their person only ammunition specifically approved by the Chief Firearms Officer.

(10) Storage of Utility Firearms in police vehicles.

- a. Only Denver Police Department authorized and/or issued utility firearms shall be carried in police vehicles for use by officers in the performance of their official police duties.

- b. Department authorized utility firearms shall be carried in the police vehicle in accordance with the OMS 105.06(7)b, 105.08(2), and 108.08(3)
- c. To ensure that all firearms are kept secure when officers are off duty or their police vehicle is not in use, department authorized utility firearms (including less lethal) will be stored in the following manner:
 - 1. Department issued utility firearms will either be stored in a locked rack inside the police vehicle passenger compartment, in a trunk, mounted rack, or stored, unloaded, in a police facility armory, gun locker, or in a safe and secure manner at the officer's residence when off duty. If firearms are left unattended in a vehicle when the officer is off duty (i.e. at an off-duty job) and the firearm is not secured in a department supplied rack, it is the officer's responsibility that the firearm is out of sight and secured in a manner that will not allow access by an unauthorized third party.
 - 2. Personally owned and authorized rifles or shotguns will not be left in any unattended vehicle while the officer is off duty and will be stored at all times while off duty or on duty in a locked storage device or locker.
- d. Department issued utility firearms are the responsibility of the officer to whom the weapon is issued.

(11) Storage of any department authorized firearm

- a. Officers must ensure that all personally owned, department authorized firearms, including any firearm used on or off-duty, are kept secure at all times.

105.08 Firearms Section

- (1) The Firearms Section commander shall be in charge of the Firearms Section and all its facilities. This officer will also be known as the Chief Firearms Officer.
- (2) The Assistant Chief Firearms Officer shall be a supervisory position assigned to the Firearms Section.
- (3) Firearms Training Officers. These individuals shall be chosen from the ranks of 1st grade patrol officer, technician or detective. This position will carry the rank of technician, and will be assigned to the Firearms Section.
- (4) Range Operations
 - a. Rules, regulations and procedures for operations at the Denver Police Department Firearms Section facilities shall be posted in a conspicuous place and be strictly adhered to at all times.
 - b. All firearms that are to be inspected and used at the Denver Police Firearms facilities will be unloaded and cleared in the area provided outside the entrance doors to the range.
 - c. Clean firearms policy. All firearms to be used on the Denver Police Firearms facilities will be cleaned prior to inspection by Firearms Section personnel before being fired. In addition, all firearms will also be cleaned immediately after being fired. This cleaning procedure will be completed in the area provided. The *shoot slip* will be issued only after the firearm is re-inspected by the firearms personnel. (Officers are strongly urged to wash their hands after cleaning their firearm and prior to returning to duty.)
 - d. All visitors must be accompanied by a Denver Police Department officer and shall be governed by the posted rules and regulations. No children are allowed in range facility without prior approval from the Chief Firearms Officer or designee.
 - e. Any person who is not a member of the Denver Police Department must have written permission from the Chief of Police or his designee and the Chief Firearms Officer before being permitted to use these facilities.
 - f. All officers shall wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
- (5) Firearms Proficiency
 - a. The minimum firearms qualification requirements are as follows:
 - 1. All police officers at the rank of sergeant and below are required to shoot once during each shoot quarter and achieve a passing score on the course of fire specified by the Firearms Section.

- 2. All command officers (lieutenants and above) are required to shoot biannually, in two separate quarters, and achieve a passing score on the course of fire specified by the Firearms Section.
- 3. Officers may shoot more frequently, but must be **on duty**, if not shooting for a required qualification. Overtime is not authorized for additional, non-required shoot time.
- b. Any Officer who, for any reason, fails to attend the above listed required firearms training during any quarter, or biannual shoot will be required to make up the missed shoot during the following quarter along with remedial training if deemed necessary by Firearms Section personnel. It is the officer's responsibility to make necessary arrangements.
- c. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from two or more shoot quarters, or one biannual shoot will attend remedial training if the officer fails to qualify upon their return.
- d. An unexcused failure to shoot for qualification as required and described in 105.08(5) shall constitute a violation of this section with the following penalties:
 - 1. First violation will result in a fine of one (1) day.
 - 2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
 - 3. The Chief of Police or his designees may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders shall be imposed separate and apart from the provisions of OMS 105.08 (5) b.1 or 2, and the penalty therefore may be imposed, based on the officer's entire history of failing to shoot for qualification.
- e. After each shoot quarter and annually reports will be generated by the Firearms Section delineating the following:
 - 1. Officers who failed to attend.
 - 2. Officers who failed to qualify.
- f. Remedial Training
 - 1. Officers failing to qualify during any regularly scheduled shoot quarter or during a biannual shoot will be required to attend remedial training conducted by the Firearms Section, until such time as they can qualify.
 - 2. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
 - 3. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
- g. Passing score for each shoot quarter is 80% of the approved course.
- h. Prior to carrying any departmentally approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that firearm.
- i. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized firearm. The Chief Firearms Officer shall maintain written records describing the course of fire. Such record shall contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.

105.09 Denver Police Utility Weapon Program

- (1) The Denver Police Department authorizes the use of a .223 rifle and Remington 870 shotgun to be carried by certain officers in their normal duty assignment. The Firearm Purchase Authorization, DPD 30, will list the approved utility firearms allowed in the program.
 - a. The authorization to carry a utility weapon is a privilege and can be revoked at anytime, for any reason, by an officer's respective commander.
 - b. Blatant violations of this policy will result in revocation of the privilege to carry a utility weapon.

- (2) The utility weapon may be carried in the trunk of the police car. The rifle will be in a case with the chamber empty, bolt forward, magazine in the firearm, and the safety on. The shotgun will be in a case with the chamber empty, bolt forward, magazine loaded and the safety on.
- (3) Utility weapons may be carried in a vehicle weapon rack designed to fit that specific firearm. Carrying a utility weapon in a vehicle rack not designed for that specific weapon is not authorized.
- (4) Officers shall be selected and certified based on the following criteria:
- a. Officers must have exhibited proficiency with a handgun, scoring ninety percent (90%) average or above for the previous one year period.
 - b. Officers must have completed their probationary period.
 - c. Officers must be recommended and approved by their commander. Selection within the patrol divisions will be monitored and approved by the deputy chief of operations, at the request of each district commander with consideration given to the equal distribution of departmentally owned/issued firearms across details one, two, and three.
 - d. Officers must attend and pass a mandatory training course to be conducted by range personnel.
 1. Urban Rifle – 40 hour operator’s class
 2. Shotgun – 16 hour operator’s class for officers hired after January 1, 2010.
 - e. Quarterly utility weapon and handgun proficiency shooting courses must be maintained at ninety percent (90%) yearly average or above.
 1. Officers who miss a quarterly qualification will notify his/her division/bureau commander, in writing, as to the reason for the missed qualification. Upon the approval of the division/bureau commander the officer will make-up the missed qualification during the next calendar quarter. Officers will not carry or deploy the utility weapon until the missed qualification is rectified.
 2. Officers who are on approved extended leave (i.e. military leave, light duty, suspension, leave of absence, or FMLA) and are unavailable for the required qualification will not carry a utility weapon. Upon the officer’s return to full duty, he/she must qualify in the first available quarter prior to carrying or deploying a utility weapon. Supervisors will ensure compliance with this requirement.
 3. Officers will be removed from the utility weapon program and approval to deploy such weapon will be rescinded under the following conditions:
 - a. If an officer misses two (2) quarterly qualifications in a calendar year (January – December); or
 - b. If an officer misses two (2) consecutive quarters without the approval of his/her commander through the chain of command; or
 - c. If an officer fails to qualify within the first available quarter after his/her return from approved extended leave, as stated above in 2.
- (5) The Firearms Section will track and record all utility weapons, quarterly qualifications for authorized users/carriers. In addition, the Firearms Section will produce a quarterly qualifications report, no later than fourteen (14) days after the end of a quarter and forward the report to the and deputy chief of operations.
- (6) The formal updated training curriculum will be on file at the Firearms Section.
- (7) Officers would only deploy the utility weapon only under the following circumstances:
- a. At the direction of their supervisor; or
 - b. When an officer can clearly articulate a need; in which the deployment of a handgun might not be sufficient to neutralize the threat, or greater precautionary measures are deemed appropriate.
- (8) Officers deploying a utility weapon would function as a cover officer, with no other duties such as searching or handcuffing until the weapon is secured in the patrol car.

- (9) When an officer is transferred, promoted, leaves the department, or is no longer certified to carry a utility weapon, the department owned firearm assigned to that officer, along with the rifle sling, carrying case, extra magazine, magazine pouch, rifle cleaning kit, all ammunition, and any other issued rifle or shotgun equipment, shall be returned to the Firearms Section where it will be inventoried and stored until being reassigned.
- (10) Unassigned utility weapons will be stored at the Firearms Section until the next training class, when the firearm will be assigned to another officer, in order to replace utility weapon vacancies left in various assignments due to transfers, promotions, etc.

105.10 Tactics Review Board

- (1) The primary function of the Tactics Review Board is to review those tactical situations or incidents reported on a Use of Force Report, an After Action Report, a Vehicular Pursuit Report, or a Police Vehicle Accident Report, where there is a possible deviation from department training, policy, or procedure. These do not include incidents reviewed by the Use of Force Review Board except as requested. The Tactics Review Board will conduct its review in order to determine compliance with existing policy and procedure; the need for revisions to policy, procedure, or training; proper management of the situation by supervision and command; and commendatory actions. The secondary function of the Tactics Review Board is to review and make recommendations on tactics under consideration by the department for adoption as a tactical option.

As used in this policy, the term tactics shall be defined as the strategies and techniques employed by officers designed to reduce risk to themselves or others in order to achieve a legitimate police goal. These shall include **but not be limited to** the elements of communication, vehicle operation, arrest control, crowd control, less-lethal force, firearms, search, movement, cover and concealment, and positions of peril.

- (2) Tactics Review Board Composition

- a. The non-voting chair will be the Commander of the Conduct Review Division.
- b. The Deputy Chief of Administration shall select a department member with demonstrated experience in the area of police tactics and officer safety to serve as a non-voting advisor. This advisor shall also assist with the screening of reports for eventual review by the Tactics Review Board, and with research into tactics under consideration for adoption by the department as a tactical option.
- c. The Chief of Police will appoint seven voting Tactics Review Board members with demonstrated experience in the area of police tactics and officer safety.
 1. One member of the Tactics Review Board shall be from the rank of Police Officer First Grade, Corporal, Technician or Sergeant.
 2. No more than two members may be appointed from outside of the department. These members must have superior knowledge and demonstrated ability in the areas of police tactics and officer safety.
- d. If any member of the Tactics Review Board is not able to attend a meeting, the Chief of Police or the Commander of the Conduct Review Division may appoint a temporary replacement for that meeting. This temporary board member shall meet the same requirements as other Tactics Review Board members.

- (3) Case Selection

- a. The Deputy Chief of Administration or designee, shall screen all Use of Force Reports and After Action Reports. The Commander of the Conduct Review Division shall review all vehicular Pursuit Reports and police Vehicle Accident Reports.
- b. The Deputy Chief of Administration shall recommend a Tactics Board review of those cases in which there is any question regarding the tactics employed during the incident or where there is a possible deviation from department training, policy, or procedures.
- c. Cases involving the demonstration of innovative or superior tactics shall also be reviewed.
- d. The Chief of Police may also direct that the Tactics Review Board review a particular incident.
- e. Any supervisor or command officer may recommend a review of a particular incident by the Tactics Review Board.

(4) Tactics Review Board Procedures

- a. The Tactics Review Board will meet on an as needed basis as determined by the Commander of the Conduct Review Division.
- b. Witnesses may be requested to provide additional information to the Tactics Review Board
- c. All recommendations of the Tactics Review Board will be on the basis of a majority vote. Exception: in the case of a tie, the Tactics Review Board Chair shall cast the deciding vote.
 1. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for disciplinary action shall be forwarded to the Internal Affairs Division for investigation based on the facts of the alleged infraction.
 2. Recommendations for changes to policy or training will be forwarded to the Chief of Police.
 3. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for commendatory action will be forwarded to the involved officer's commander. The involved officers' commander, or his/her designee will then be responsible for the following:
 - a. Approve or reject the Tactics Review Board recommendation for a commendation.
 - b. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
 4. Recommendations for additional training of the involved officer(s) will be forwarded to the Chief of Police.
 - a. If deemed appropriate, the Chief of Police may forward the recommendation to the appropriate commander.
 - b. The involved officer's supervisor will ensure that the officer receives training on the tactic in question. This training will be coordinated with, but not necessarily given by, the academy training staff.
 - c. The supervisor will document specific details of the training on an Inter-Departmental Correspondence, DPD 200, and will make a Journal Entry that the training was administered.
 - d. The Inter-Departmental Correspondence, DPD 200 and a copy of the Journal Entry will be retained in the officer's station personnel file and a copy forwarded to the Training Bureau for inclusion in the officer's training file.
 - e. Cases that have come to the Tactics Review Board from the Use of Force Review Board via a request for an advisory opinion will be reviewed and recommendations made. Upon completion of its review, the Tactics Review Board will return the entire case, including recommendations, to the Use of Force Review Board. Recommendations for changes in policy or training will also be forwarded to the Chief of Police.

(5) Procedure for Submitting Proposed Tactics for Review and Consideration

- a. Department members who become aware of a technique or tactic that may be beneficial to the department; may request that it be considered by the department for adoption as a tactical option.
- b. The tactic should be fully described on an Inter-Departmental Correspondence, DPD 200. Included should be a list of other law enforcement agencies that employ the tactic, if any. Supporting documentation such as training materials, video demonstrations, or other law enforcement agencies' policies and procedures regarding the tactic, should be included when available.
- c. The packet of documentation will be forwarded through the chain of command to the Commander of the Conduct Review Division.- Copies **will** also be forwarded to the Academy training staff and the Department Less-Lethal Advisor.

- d. When the Tactics Review Board feels there were tactics employed in a situation under review that may warrant consideration by the department for adoption as a tactical option, they will be forwarded to the Training Bureau for assessment and recommendations.
 - e. The Academy training staff and the Department Less-Lethal Advisor will review the information and give their written opinion regarding the proposed tactic to the Chief of Police.
 - f. If approved, the Academy will develop and implement an appropriate training plan for the new tactic, including whether the training will be conducted by Academy training staff, at the division/bureau level, or by some other source.
 - g. Officers trained in the new tactic will have the training documented in their training records.
- (6) All records of the Tactics Review Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- (7) Records of the Tactics Review Board will be retained by the Conduct Review Division.

105.11 Crisis Intervention Team

- (1) **DEFINITION:** CIT is an innovative first responder model of police-based crisis intervention that combines community, health care and mental health advocacy partnerships. CIT is a program that provides the foundation necessary to promote community solutions to assist individuals with a mental illness.
- (2) **PURPOSE:** The Crisis Intervention Training is a curriculum that provides officers with alternatives to incarcerating persons with mental illnesses that may be in crisis. The purpose of CIT is to reduce the incidents of violence, injury, and potential litigation. In addition to providing effective services to citizens within the City and County of Denver with mental illness, mental disabilities, or suicidal tendencies who are in crisis.
- (3) **PROCEDURE:**
- a. Anytime a citizen or officer makes a request to have a CIT officer present, the dispatcher shall be notified of the request.
 - b. Generally, CIT trained officers shall handle all CIT-related calls for service in the same manner as other calls for service. In addition, however, CIT officers shall:
 - 1. Be both allowed and encouraged to use as much time as they deem reasonable and necessary to successfully deescalate individuals who are in crisis.
 - 2. Use appropriate time and distance tactics to their advantage to successfully deescalate individuals that are in crisis.
 - 3. Use appropriate safety tactics to protect themselves and individuals who are in crisis, along with others that may be affected.
 - a. CIT officers shall use cover officers who are armed with less lethal and/or lethal weapons when appropriate.
 - b. CIT officers may use retreat as a positive tactic.
 - c. Once CIT officers are engaged in negotiations, they will be in control of the scene until relieved by a superior officer or department hostage negotiator.
 - d. CIT officers shall be permitted and encouraged to cross district boundaries to handle CIT related calls for service when needed.
 - e. CIT officers shall be dispatched to calls when the information received by the Communications Center indicates that mental illness, mental disabilities, or suicidal tendencies are present.
 - f. When available, CIT officers shall volunteer for calls for service that involve mental illness, mental disabilities, or threats of suicide.
 - g. CIT officers shall document all CIT incidents in the Records Management System (RMS) following the investigative and reporting procedures currently in place.

In addition to completing all required electronic and hand-written reports, CIT officers will complete a Street Check, DPD 305, in the MRE program that includes entity details about the subject and the text document utilizing the CIT template. After completing the Street Check, DPD 305, the CIT officers will send a brief MDT V-Mail message to the CIT Coordinator. ***(Refer to RMS Procedure Guide dated 03/07/2008 for instructions regarding the completion of this procedure.)***

- h. If a CIT form is deemed necessary by the CIT officer, the call completion code CT will be entered in the CAD by the dispatcher upon notification by the CIT officer.
- i. When circumstances warrant, CIT officers will follow-up with the person in crisis or the Mental Health agency to determine the outcome to establish whether further action is required.
- j. CIT officers shall follow the procedures outlined in OMS 104.30.
 - 1. If the CIT officer develops information regarding a respondent's current mental health treatment program, which indicates a Mental Health Hold is not the best course of action; the CIT officer may make alternative arrangements for the disposition of the respondent, such as transport directly to a mental health provider.

(4) DEPLOYMENT OF THE CRISIS INTERVENTION TEAM AS NEGOTIATORS:

- a. When requested by the Incident Commander at the scene of a barricaded suspect or hostage incident, the dispatcher shall contact an on-duty CIT officer and have them respond.
- b. If needed, the CIT officer will begin and continue negotiations until relieved by a superior officer or the department hostage negotiators.
- c. At the request of the department hostage negotiators, a CIT officer may assist with ongoing negotiations.

(5) CIT DISTRICT COORDINATOR RESPONSIBILITIES:

- a. Insure that CIT officers complete CIT Data Collection Forms in the RMS per RMS Procedure Guide dated 03/07/2008.
- b. Liaison to disability and mental health providers in the District.
- c. Attend quarterly meetings with Department Coordinator and District CIT officers as needed.
- d. Assist the Department Coordinator with the selection and training of CIT officers.

(6) DEPARTMENT CIT COORDINATOR/ADMINISTRATOR RESPONSIBILITIES:

- a. Retrieve CIT Data Collection forms from the RMS, review, and follow-up as needed.
- b. Establish quarterly meetings with district CIT Coordinators.
- c. Liaison to all disability and mental health providers.
- d. Liaison to other CIT law enforcement agencies.
- e. Develop training and continuing education in concert with current best practices.
- f. Coordinate and facilitate all CIT training sessions and updates.
- g. Coordinate with district coordinators on follow-up investigations of calls for police service involving individuals having experienced an acute mental health crisis or suffering from mental health disorders.
- h. Provide guidance and resources to entities, both inside and outside the Denver Police Department, regarding both CIT program and law enforcement response to the mental health community.

***P*ROCEDURAL**

Las Vegas Metropolitan Police Department

***O*RDER**

Partners with the Community

TO	:	ALL PERSONNEL	May 15, 2020	Directive No. PO-035-20
SUBJECT	:	USE OF FORCE	Effective Date IMMEDIATELY	
Additional Information	:	Initiated by Office of the Sheriff to revise the entire policy and associated procedures. Policy has been reissued.		
Dept. Manual Reference	:	6/002.00		
Approval Signature	:	Joseph Lombardo, Sheriff Kevin McMahill, Undersheriff		

POLICY BEGINS ON NEXT PAGE

6/002.00 USE OF FORCE POLICY

- I. POLICY**
- II. DEFINITIONS**
- III. GOVERNMENT AUTHORIZATION FOR USE OF FORCE**
- IV. DETERMINING THE APPROPRIATENESS OF FORCE**
- V. DE-ESCALATION**
- VI. DUTY TO INTERVENE**
- VII. MEDICAL ATTENTION**

I. POLICY

It is the policy of this Department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Las Vegas Metropolitan Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. The proper use of force is essential for ensuring impartial policing and for building trust in the community. There are circumstances where individuals will not comply with the law unless compelled or controlled by police officers through the use of force. Officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (see LVMPD 4/103.26, *Respect for Individual Rights of Persons*).

The Department seeks to manage use of force beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

Opinion: Police officers should be guardians, not warriors. That could have saved Andre Hill's life.

Opinion by **Christy E. Lopez**

Dec. 31, 2020 at 6:37 a.m. MST

Following a fatal police shooting in Columbus, Ohio, this month, Mayor Andrew J. Ginther acknowledged that firing the officer responsible “does not bring Andre Hill back to those who love him.” True, of course, but we’ll never know whether something else could have prevented Hill’s death: skilled first aid given immediately by the officers on the scene.

Three days before Christmas, Columbus police officer Adam Coy shot Hill as Hill was exiting a garage, unarmed and at Coy’s request. Police reportedly did not call for a medic until six minutes after Hill was shot, much less rush Hill to a hospital themselves. It took 15 minutes for an ambulance to arrive. During that time, neither Coy nor any other officer provided aid to Hill, or even words of comfort. Rather, Hill was placed in handcuffs.

First and foremost, our goal must always be to prevent police shootings from happening — and there appears to be no shortage of steps that could have been taken to prevent this one. After-the-fact accountability, such as firings and legal action, while essential, can never cure the harm and trauma inflicted by such a shooting.

But one after-the-fact step by police can reduce the harm of a officer-involved shooting: providing immediate first aid to the person the police have shot. Columbus police did not do that in Hill’s case, and unfortunately, this failure is common in the United States. In the hundreds of police shootings I reviewed during my work investigating police departments with the Justice Department and as a federal police monitor, rarely did I see evidence of police providing care after a shooting. While practices are changing, progress has been too slow.

For many years, it has been standard operating procedure for police to handcuff a person they’ve shot, even when the person clearly presents no threat, even when the person is unconscious or dying. Anyone who studies police shootings for long will find many examples of officers idly standing over the dying person, waiting for an ambulance, often as a crowd of onlookers builds.

Several years ago, police-reform advocates began to be more vocal in challenging this long-standing protocol. After all, if we truly believe that police should use deadly force only when necessary to protect life, shouldn’t police immediately turn to saving lives the moment they can? Isn’t that duty even

greater when they've used deadly force, whether justified in the moment or not?

Policing has begun to respond to this call. Force guidelines broadly accepted by some more-progressive policing agencies have established protecting the “sanctity of life” as a fundamental principle of police use of force and advised agencies they should “respect the sanctity of life by promptly rendering first aid.” Some departments, such as the one in Camden, N.J., changed policies to require officers to use their squad cars as ambulances to rush gunshot victims to hospitals, as has been common practice in a few cities for decades. Departments have also begun issuing first-aid kits to officers and providing training on how to use them; in agencies where officers are not provided such kits, many officers buy them on their own.

A 2018 report from Chicago's Civilian Office of Police Accountability noted that it had become “nationally accepted best practice” for officers to get training in emergency medical care and “to carry first aid kits, and to render aid consistent with their training following uses of force, particularly following an officer-involved shooting incident.” The same report noted that Chicago police did not meet those best practices, but cited cities that had adopted model policies. Many of these cities made these changes as part of Justice Department consent decrees.

These are important steps in the right direction but, in most places, what happened in Columbus remains the norm.

We can do better. Communities should demand that their police agencies equip and train their officers to save lives, require them to do so, and hold them accountable when they don't. That means demanding accountability for every officer on the scene of Hill's death, not just Coy. It means states should require by statute that officers render first aid. It also means that departments must communicate unequivocally to officers that they are expected to save lives — even if they think that person tried to kill them — and train them how to do it. And we need to provide police with the emergency equipment needed to fulfill this mandate.

Most fundamentally, communities should demand a policing ethos under which failing to provide care to someone shot by police is an unthinkable response from any person entrusted with a badge and the power to take life and liberty. This requires changes in who we hire to be police, what we ask them to do and how we ask them to do it. It is a critical part of the broader shift we must have in policing from warrior to guardian.

Read more:

Christy E. Lopez: Two things law enforcement agencies should do to keep police responses from ending in tragedy

Paul Butler: Pence may believe what he said about Breonna Taylor. But it's not true.

Paul Butler: I'm a former prosecutor. The charge in Breonna Taylor's death is pathetically weak.

Christy E. Lopez: Just prosecuting police officers won't make us safe. Here's what's needed.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STATE OF ILLINOIS,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

Case No. 17-cv-6260

Judge Robert M. Dow, Jr.

CONSENT DECREE

feedback from the CIT Coordinator and the Advisory Committee when conducting its evaluation.

148. OEMC will develop and implement its portion of the Crisis Intervention Plan.

149. OEMC supervisors, on an ongoing basis, will audit and provide feedback to call-takers and dispatchers regarding their ability to identify, dispatch, and respond appropriately to calls for service involving individuals in crisis.

150. The Parties acknowledge that OEMC currently meets regularly with CPD and the City-wide Mental Health Steering Committee. OEMC will continue to meet regularly with CPD, in addition to appropriate members of the Advisory Committee, including service providers and advocates, to review and assess data and information regarding the identification of, the dispatch of, and response to calls for service involving individuals in crisis by OEMC tele-communicators.

151. Within 180 days of the Effective Date, and annually thereafter, OEMC will review and revise its intake and dispatch policies and protocols as necessary to meet the requirements of this Agreement. OEMC will consider any recommendations or feedback provided by the Advisory Committee when revising its policies.

152. OEMC will ensure that the language used in policies, procedures, forms, databases, trainings, and by tele-communicators to communicate about calls involving individuals in crisis is appropriate, respectful, and consistent with industry-recognized terminology. OEMC will seek input from the Advisory Committee for recommendations to identify appropriate and respectful terminology.

V. USE OF FORCE

153. CPD's use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and

the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and any use of unreasonable or unnecessary force is promptly identified and responded to appropriately.

154. CPD adopted revised use of force policies on October 16, 2017 (“October 2017 Policies”). The October 2017 Policies incorporated multiple best practices that were not reflected in CPD’s prior use of force policies. Building on these improvements, CPD will maintain the best practices reflected in the October 2017 Policies and make additional improvements to its policies consistent with the terms of this Agreement.

A. Objectives

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.

156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members:

- a. act at all times in a manner consistent with the sanctity of human life;
- b. act at all times with a high degree of ethics, professionalism, and respect for the public;
- c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;

Seattle Police Department Manual

Adrian Diaz, Chief of Police

8.200 - Using Force

Effective Date: 06/19/2020

1. Use of Force: When Authorized

An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See **8.300 - Use of Force Tools**. Once it is safe to do so and the threat has ended, the force must stop.

Use of Force Core Principles

Objectively Reasonable defined

Necessary defined

Proportional defined

2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances

- An officer will not use force to punish or retaliate

- An officer will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 - Observation of Officers**).

- An officer will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
 - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth

- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers shall summon medical assistance as soon as feasible.

- An officer may not use force to extract a substance or item from inside the body of a suspect.

Exception: This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

3. Officers Should Assess and Modulate the Use-Of-Force as Resistance Changes

For example, as resistance decreases, the use of force may decrease.

4. Use of Deadly Force

Deadly force may only be used in circumstances where a threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would believe that:

- A suspect is acting or threatening to cause death or serious physical injury to the officer or others; and
- The suspect has the means or instrumentalities to do so; and
- The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.

See also **8.050 – Deadly Force**

5. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Believe That it Is Necessary and That There is Probable Cause That:

- The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
- The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and

- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

6. Officers May Only Use Force on Restrained Subjects When Objectively Reasonable, Necessary, and Proportional

Officers may only use objectively reasonable, necessary and proportional force on restrained subjects (e.g. including handcuffed or contained in a law enforcement vehicle).

Officers may use objectively reasonable, necessary and proportional force to get subjects into or out of a law enforcement vehicle only after reasonable attempts to gain voluntary compliance have failed. When feasible, officers shall obtain supervisor approval prior to using force to remove a subject from a Department vehicle.

Officers may only use force on restrained subjects that would foreseeably result in a Type II or Type III investigation under exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. All such force shall be closely and critically reviewed.

The investigating supervisor will consult with FIT regarding the classification of force used on restrained subjects when such force is not easily identifiable as de minimis or Type I.

7. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life, Following a Use-of-Force, Officers Will Evaluate the Subject for Injuries, Request Medical Aid if Needed or if Requested By Anyone, and Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

When safe and feasible, officers will request a medical aid response for any apparent injury, complaint of injury, or sign of medical distress for subjects and others even if the aid is declined. Officers will closely monitor subjects taken into custody.

After requesting a medical aid response, officers will render aid within the scope of their training unless aid is declined. Certified EMT officers should be given priority to render care, when feasible. Consent should be assumed for unconscious subjects or subjects incapable of providing consent.

Exception: A call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g. minor cuts and abrasions).

Absent exigent circumstances, prone subjects will be placed on their side in the recovery position or assisted to an upright position as soon as safe and feasible. Officers shall not restrain subjects who are in custody and under control in a manner that restricts the subject's ability to breathe.

8. Officers Shall Automatically Request Medical Aid in Certain Situations

Every Type III use-of-force.

The following less-lethal incidents:

- TASER applications
- 40 mm LL Launcher applications

After any use-of-force greater than Type I force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly

- Physically frail or disabled

Police

Address: [610 5th Avenue, Seattle, WA, 98104-1900](#)

Mailing Address: PO Box 34986, Seattle, WA, 98124-4986

Phone: (206) 625-5011



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3. [Police Locations](#)

4. [Crime Information](#)

5. [SPD Manual](#)

The Seattle Police Department (SPD) prevents crime, enforces laws, and supports quality public safety by delivering respectful, professional, and dependable police services. SPD operates within a framework that divides the city into five geographical areas called "precincts". These precincts define east, west, north, south, and southwest patrol areas, with a police station in each.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

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Guiding Principles On Use of Force



SANCTITY OF LIFE • PROPORTIONALITY • DUTY TO INTERVENE • DE-ESCALATION
• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-
VENTIONAL THINKING • TACTICS • SCENARIO-BASED TRAINING • LESS-LETHAL
OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



CRITICAL ISSUES IN POLICING SERIES

Guiding Principles on Use of Force

March 2016



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PERF’s January 29, 2016 Summit at the Newseum in Washington, DC

PERF's Critical Decision-Making Model

FOR DECADES, SPECIALIZED POLICE TACTICAL UNITS SUCH AS SWAT have employed critical thinking and decision-making processes to guide their unique, often dangerous work. Prior to taking action, these teams typically take the time to collect and analyze information, assess risks and threats, consider contingencies, and then act and review. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

As PERF explored training and tactics on use of force, one question kept coming up: **If this type of critical thinking process works for specialized tactical units, why can't it be used by patrol officers as well?** If patrol officers had a structured, easy-to-use decision-making process to follow, and could combine that with tactical concepts such as distance, cover, and time, they could more effectively and safely resolve many types of critical incidents.

Other Decision-Making Models

For several years, police personnel in England, Scotland, Northern Ireland, and Wales have utilized the National Decision Model (NDM), a five-stage process that revolves around the police code of ethics. In the UK, police officers use the NDM when responding to unplanned incidents and also when planning operations that are known ahead of time, such as the handling of a major sporting event. The National Decision Model is employed by individual officers and teams, and it applies to both operational and non-operational situations. In fact, some of the early applications of the NDM were in support of police budgeting and administrative decisions.

During the PERF-led field visit to Scotland in November 2015, officials from 23 U.S. police agencies learned more about the NDM and observed training scenarios in which the NDM was used. Overall, the U.S. delegation was impressed with the NDM's depth and simplicity. To members of Police Scotland, the NDM has become second-nature. From recruits up to the Chief Constable, personnel understand the model and can readily explain its purpose and implementation in clear and straightforward terms. And police officers in

the UK use the NDM in hundreds of incidents every day—both serious and minor—to *support sound and accountable decision making*.

PERF researchers also examined other decision-making models. One of them is the OODA Loop (Observe, Orient, Decide, Act), which was developed in the 1950s by a U.S. Air Force Colonel named John Boyd. Like the NDM and other models, it is a recurring cycle that users work through as new information is observed and circumstances change. Although it was initially applied to decision-making in military combat operations, the OODA Loop over the years has been used in business, legal, and other professions. Some police agencies have applied the OODA Loop as well.

Why Adopt the Critical Decision-Making Model?

PERF's 30 Guiding Principles recommend that police agencies adopt a decision-making framework for use during critical incidents and other tactical situations, and then train officers in how to use that framework. This section of the report presents the Critical Decision-Making Model (CDM) as a preferred framework that agencies can adopt.

The CDM is based largely on the UK's National Decision Model and concepts from other models. Like the NDM, the CDM is a logical, straightforward, and ethically based thought process that is intended to help U.S. police officers manage a range of incidents effectively and safely. And while the CDM can be employed in a wide range of events, PERF believes it will be especially valuable in helping officers manage those critical incidents we are trying to impact the most—i.e., situations involving subjects who either are unarmed or have an edged weapon, rock, or similar weapon, as well as incidents involving persons who are experiencing a mental health crisis or who are behaving erratically because of a developmental disability, a mental condition such as autism, substance abuse, or other conditions.

Elements of the CDM

The Critical Decision-Making Model is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession.

CDM Core

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Police ethics
- Agency values
- Concept of proportionality (Guiding Principle #3)
- Sanctity of all human life (Guiding Principle #1).

Critical Decision-Making Model



Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

Step 1 Collect Information

The logical first step in the process is for officers to gather information and intelligence, a process that begins as officers are heading toward the incident. During this step, officers ask themselves and others, including Dispatch personnel, a series of key questions.

It is important to remember that while the collection of information represents the beginning of the process, it is not a one-time activity in the CDM. Information gathering is ongoing, and new information is collected continuously to help inform the other steps in the process.

Officers should ask themselves ...

- What do I know so far about this incident?
- What else do I need to know?
- What do my training and experience tell me about this type of incident?

Officers should query others (dispatchers, fellow officers, supervisors, computer networks) ...

- What more can you tell me about *this incident*? For example:
 - Circumstances that prompted the call
 - Individuals on the scene, the physical environment
 - Presence of weapons
 - Presence of bystanders, including children
 - Mental health/substance abuse issues
- What more can you tell me about *previous incidents* involving this location or the person or persons who are involved?

Step 2

Assess Situation, Threat and Risks

This step typically begins as officers are responding to the incident and are evaluating what they are being told by dispatchers or others. That is the time when officers begin considering “what if?” scenarios in their minds. The assessment step shifts into high gear as officers arrive on scene and can visually begin to gauge threats and risks. During this step:

Officers should ask themselves ...

- Do I need to take immediate action?
- What is the threat/risk, if any?
- What more information do I need?
- What could go wrong, and how serious would the harm be?
- Am I trained and equipped to handle this situation by myself?
- Does this situation require a supervisory response to provide additional planning and coordination?
- Do I need additional police resources (e.g., other less-lethal weaponry, specialized equipment, other units, officers specially trained in mental health issues)?
- Is this a situation for the police to handle alone, or should other agencies/resources be involved?

Officers should also request that others ...

- Provide additional information, as needed.
- Respond to the scene, as needed.
- Provide the additional equipment or resources needed.

The first question in this step is noteworthy: “Do I need to take immediate action?” The CDM does not prevent or restrict officers from taking immediate action if that is what the circumstances dictate. In these

>> *continued on page 84*

How Nassau County PD Is Using The Critical Decision-Making Model

By Inspector Ronald Walsh

All police officers think and react based on their training and experience. However, very few police academies train officers to “think” as a specific learning objective. Through the leadership of Commissioner Thomas Krumpter, that is exactly what the Nassau County Police Department (NCPD) has started doing.

The NCPD Police Academy has implemented a customized version of the Critical Decision-Making Model as part of our commitment to continual improvement. Our model is designed as a wheel. In the center are our department’s mission, vision, values and ethics—the foundational principles that all decisions are based on, especially those concerning the use of force. On the perimeter are the five categories or steps that each officer works through when making a decision.



We still teach a comprehensive curriculum in law and U.S. Supreme Court and other critical court decisions. But we have added the Decision Making Model as a way to systematize the pragmatic approach we already take to our training. The model is a framework for making decisions and for assessing and judging those decisions. Did an officer make the right choice, and could or should improvements be made?

While still new, the model is already proving beneficial. Recruits are displaying a better understanding of their training and are able to more fully articulate their thoughts and actions. They can identify where they need additional support, since they can now quickly determine on which step they “get stuck” on the wheel. One recruit, during role play, recently stated:

“I knew where I was stuck on the model, but I resisted changing my approach. I realized I should have moved on and de-escalated by letting my partner step in when what I was doing was just not working!”

Initially some officers and trainers were concerned that the model may “slow down the decision making process” and cause officers to think too much before acting, taking up valuable time in critical situations. In my mind, the best analogy to explain how the Model works is to compare its use to driving a car. The first time drivers get behind the wheel, they have absolutely no idea how to drive. They press too hard on the gas pedal, break unevenly, and the like. It takes time to get to the point where driving is automatic.

Now, try to remember your drive to work this morning. I bet you have no conscious memory of pulling from the curb or pressing the brake pedal to stop. And if you were having a conversation or listening to the radio, you probably made it to work having no idea, at least consciously, how you got there!



The difference between these two processes is simple. When you first learn to drive a car, everything requires a conscious effort, purposeful thinking, and energy. Now, when you drive a car, over 90 percent of the process has been taken over by your subconscious brain—it's automatic. Conscious thought takes energy and time; subconscious thinking is very quick. Your brain is constantly looking to automate as much as possible. Your brain remembers each experience, and if it's repeated often, your brain will begin to automate and move the task and its response to the subconscious.

By training officers to use the Decision Making Model, processes will become subconscious to the point that officers are able to gather intel, assess a threat, recognize policy and legal considerations, choose among a plethora of responses, and adjust their actions in the blink of an eye. Learning how to systematically think and then recall what actions we took and why, gives us the opportunity to improve our responses and to make better decisions.

A 24-year veteran of the Nassau County, NY Police Department, Ronald Walsh is the commanding officer of the Nassau County Police Academy.

continued from page 82

situations, officers would “spin” through the rest of the model in a matter of seconds, determine the best course of action, and then act immediately.

For example, in active shooter situations, many American police agencies have policies directing the first officers at the scene to respond as quickly as possible to stop the threat. Some departments have policies that allow a single officer to move to stop the threat without waiting for any additional officers to arrive. Other departments have policies requiring officers to wait until a minimum number of officers can form a “contact team” to stop the shooter. Other agencies call for the creation of a contact team, often made up of four officers, but also specify that fewer officers may respond immediately if it is apparent that a full contact team cannot be assembled quickly.⁷² These are the types of factors that officers would quickly consider under the CDM in responding to this type of emergency.

However, if the answer to this question is, “No, I do not need to take immediate action,” then officers can go through the CDM at a more deliberate pace. The CDM can be “spun” as quickly or as deliberately as circumstance dictate, and officers can always take immediate action if that is appropriate.

Step 3 **Consider Police Powers and Agency Policy**

This step represents an important self-check of officers' authority to take action. In addition to considering their legal authority to act, officers must think about what their agencies' policies say about the situation.

For example, a police agency's policy may place restrictions, beyond what is allowed by law, on shooting at vehicles, engaging in vehicle or foot pursuits,

72. See *The Police Response to Active Shooter Incidents*. Police Executive Research Forum, 2014. Pages 8–15. http://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf

or using less-lethal options in certain situations. These internal policies must be considered at this stage, before specific options are identified and actions taken. During this step:

Officers should ask themselves ...

- What legal powers do I have to take action?
- What agency policies control my response?
- Are there other issues I should think about? (e.g., jurisdictional or mutual aid considerations—Am I authorized to take action *here*?)

Step 4

Identify Options and Determine the Best Course of Action

Using the information and assessment from earlier steps, officers now begin to narrow their options and determine the best course of action. Again, part of this step is to determine if the officers have enough information and resources, and a compelling interest, to act right away. Or should they hold off, possibly to get even more information and resources? During this step:

Officers should ask themselves ...

- What am I trying to achieve?
- What options are open to me?
- What contingencies must I consider if I choose a particular option?
- How might the subject respond if I choose a particular option?
- Is there a compelling reason to act now, or can I wait?
- Do I have the information and resources I need to act now?

Then, officers should select the best course of action, keeping in mind ...

- The greatest likelihood of success and the least potential for harm.
- How proportional the response will be, given the risk/threats posed by the subject and the totality of the circumstances.
- The safety of the public, officer safety, and the sanctity of all life.

Step 5

Act, Review and Reassess

In this step, officers execute the plan, evaluate the impact, and determine what more, if anything, they need to do.

Officers should execute the plan, then ask themselves ...

- Did I achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons did I learn?

If the incident is not resolved, then officers should begin the Critical Decision-Making Model again, starting with the collection of additional information and intelligence.

Benefits of the Critical Decision-Making Model

The thought processes embedded in the CDM are not very different from what many police officers already do on a daily basis. The CDM is certainly in line with how specialized tactical units are trained to approach their assignments. And it likely reflects the activities of many patrol officers, whether consciously or by instinct, when responding to calls for service or engaging in proactive policing.

What is new and different about the CDM is that it offers a *structure* for working through a series of steps that officers may already be following and questions they are probably asking already. This structure helps to ensure that each critical step is followed and that all key questions are asked along the way.

The Palm Beach County, FL Sheriff’s Office has implemented a concept called the “Tactical Pause,” which incorporates some of the elements of the CDM, such as slowing down the police response in certain types of incidents and taking time to carefully evaluate possible actions (see page 55).

Useful in Everyday Situations and Complex, High-Risk Incidents

By practicing the CDM in everyday situations, officers become more fluent in asking questions and formulating effective plans for their responses to a variety of situations. These skills are critically important when the officers are called on to respond to especially difficult, complex, or high-risk incidents. Officers who have used decision models speak of developing “muscle memory” in making critical decisions through everyday practice.

The CDM provides operational support for many of the key concepts articulated in PERF’s 30 Guiding Principles—for example, using distance and cover to create time, applying de-escalation strategies, considering the proportionality of police actions, and handling individuals experiencing mental health crises. The CDM will help police officers put these concepts into action by providing them with a logical thought process for managing challenging situations.

The CDM offers an alternative to officers who in the past have been trained to immediately “move in and take control,” even when those responses are not appropriate or safe given the circumstances.

A Framework for Explaining Actions After the Fact

In addition, the CDM gives officers a framework for *explaining* the thought process behind their actions *after the fact*, such as when they testify in court or provide statements to investigators. The experience in the UK has demonstrated that the NDM can be quite valuable in helping officers describe and

explain their actions, which lends credibility to their testimony. Officials report that officers routinely use the NDM as the outline for articulating their actions and decisions (“I first collected information by asking the following questions. Then I assessed the threat and risk by asking these questions...”).

The CDM should have similar benefits in the United States by providing officers with a detailed and logical mechanism for explaining their actions and decisions beyond the boilerplate language that is often found in police reports today.

For the CDM to be effective and beneficial, agencies must commit to thoroughly training their personnel on it. Scenario-based exercises should be coupled with the CDM. Officers who complete a particular scenario should then be asked to explain their actions in the context of the five-step CDM process.



New York City Law Department

Corporation Counsel Report
Pursuant to Executive Order 58 (June 20, 2020)
Directing an Analysis of Factors Impacting the
George Floyd Protests in New York City

James E. Johnson
Corporation Counsel

December 2020

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equipment to maintain public order.” There is no reference in the mission statement regarding the First Amendment or the rights of protesters. Likewise, while SRG training does include modules that train SRG officers on the First Amendment, the overwhelming focus of the training is on tactics and strategies to control crowds, maintain order, and address violations of the law. As stated above, it is a fundamental responsibility of government officials to support and defend the Constitution, including the First Amendment. Going forward training materials should more comprehensively reflect that duty.

For non-SRG officers, their first exposure to policing protests is in the Police Academy. The recruit curriculum that the NYPD supplied to the Law Department does include a module on “Maintaining Public Order” which notes that:

The role of the Police Department includes protecting the right of protesters to peaceably express their views, while at the same time protecting the right of non-protesters to go about their daily life unaffected by public disorder. Most protests and demonstrations are conducted in a peaceful manner. However, acts of civil disobedience may sometimes evolve into disruptive and/or violent conduct requiring immediate police action.²⁰¹

The question is how strongly this message is reinforced to officers “on the job.”

NYPD Patrol Guide provisions relating to special events and emergency mobilization (e.g., P.G. §213-02 through §213-19) make only one passing reference to the NYPD’s role of protecting the rights of speech and assembly – “[The] incident commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety.”²⁰²

As discussed further below, the limited framing of the First Amendment and the rights of protesters in NYPD’s policies, training, and actions stands in contrast to other police department practices and expert recommendations.

In making observations about how the NYPD frames its role and conduct in policing protests, we are not reaching a conclusion on the commitment of the Department or its leadership to the principles of the First Amendment and the free speech and free assembly rights of New Yorkers. Rather, we are observing how this commitment is framed in its training and policies, and identifying the risk that current framing can pose to police responses to protest events. Going forward, the NYPD should consult with experts in behavioral psychology, civil rights, and other fields, in the evaluation of its offerings to ensure that they are consistent with the current state of the science and appropriately balance the needs of security with the rights of protesters.

4. Comparative Review

As discussed above, the NYPD’s training units have informal relationships with their counter-parts in other police forces and are willing to share ideas and incorporate things they learn. They also take part in police forums such as PERF. For example, the NYPD’s training program has adopted PERF model practices such as the Critical Decision Making Model (CDMM) for officer

²⁰¹ New York City Police Department, Police Academy, Chapter 11 Maintaining Public Order.

²⁰² See City of New York Police Department, Patrol Guide, § 213-11, “Policing Special Events/Crowd Control.”

guidance.²⁰³ SRG also undergoes training in connection with FEMA's Center for Domestic Preparedness which identifies, develops, tests and delivers training on a variety of law enforcement situations, including mass demonstrations.²⁰⁴ The NYPD's trainings have evolved over time, particularly with the increasing use of scenario-based trainings.

That said, there likely is more that the NYPD can learn about protest policing by looking to other law enforcement agencies and experts. For example, de-escalation tactics have significantly developed in the United Kingdom as well as other U.S. cities.²⁰⁵ The Baltimore Police Department ("BPD") has generated new training courses, including courses for de-escalation according to the PERF Integrating Communications, Assessments and Tactics ("ICAT") use of force procedures, which incorporate the PERF Critical Decision Making Model (already used by the NYPD).²⁰⁶ The newly developed Baltimore trainings employ "adult-learning" precepts, such as "mind mapping,"²⁰⁷ in an attempt to improve retention.²⁰⁸ In coordination and consultation with the Baltimore Consent Decree, BPD has created a new detailed section of their Patrol Guide explaining and listing de-escalation precepts and techniques (Section #1107).

In 2015, Baltimore was the scene of intense and, at times, violent protests over policing following the death of Freddie Gray in police custody. There is little question that police-community relations in Baltimore had been at a low point for some time. Nevertheless, the George Floyd protests were different in Baltimore. The BPD was widely credited in their handling of the George Floyd protests as they managed, for the most part, to avoid violent incidents between police and protesters.²⁰⁹ It is important to consider if there are lessons to be learned to NYC's advantage. For instance, the Baltimore Consent Decree Monitoring Team cited the de-escalation of BPD commanders who "lowered the temperature" by, among other things, deploying officers in their regular uniforms and encouraging officers to calmly engage in discussion with protesters.²¹⁰ While the new BPD trainings were not in effect officially when the George Floyd protests occurred, the Baltimore Consent Decree Monitoring report noted that the new training and protocols were used as a guide for the agency's approach.²¹¹

²⁰³ However, it was not until this summer, in the aftermath of the George Floyd protests, that NYPD decided to institute mandatory refresher training for all officers, something which aligns with the best practices recommendations of PERF and is also found in other jurisdictions.

²⁰⁴ UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY'S CENTER FOR DOMESTIC PREPAREDNESS, <https://cdp.dhs.gov/news-media/article/cdp-offers-critical-mass-protest-training> (last visited Dec. 23, 2020).

²⁰⁵ CRAIG PATTERSON, POLICING POLITICAL PROTESTS IN THE UNITED KINGDOM (2014); EDWARD R. MAGUIRE & MEGAN OAKLEY, POLICING PROTESTS: LESSONS FROM THE OCCUPY MOVEMENT, FERGUSON & BEYOND: A GUIDE FOR POLICE (2020).

²⁰⁶ BALTIMORE POLICE DEPARTMENT, FIRST AMENDMENT PROTECTED ACTIVITY ASSESSMENT (FEB 2020); BALTIMORE CONSENT DECREE MONITORING TEAM, FIRST COMPREHENSIVE RE-ASSESSMENT (SEPT 2020).

²⁰⁷ A "mind map" is a diagram for representing tasks, words, concepts, or items linked to and arranged around a central concept or subject using a non-linear graphical layout that allows the user to build an intuitive framework around a central concept; <https://www.mindmapping.com/mind-map> (last visited Dec. 23, 2020).

²⁰⁸ Baltimore Police Department, 2019 Draft Use of Force Policy Training Curriculum (2019).

²⁰⁹ BALTIMORE CONSENT DECREE MONITORING TEAM, FIRST COMPREHENSIVE RE-ASSESSMENT (SEPT 2020); *see also* Ron Cassie, *Why Baltimore's Protests Are So Peaceful*, (June 4, 2020), BLOOMBERG CITYLAB, <https://www.bloomberg.com/news/articles/2020-06-04/why-baltimore-s-george-floyd-protest-is-different> (last visited Dec. 23, 2020).

²¹⁰ BALTIMORE CONSENT DECREE MONITORING TEAM, "FIRST COMPREHENSIVE RE-ASSESSMENT" (SEPT 2020) at p. 16.

²¹¹ *Id.*

Keeping Each Other Safe: An Assessment of The Use of Peer Intervention Programs to Prevent Police Officer Mistakes and Misconduct, Using New Orleans' EPIC Program As A Potential National Model

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Abstract

This article examines the principles of “active bystandership” and “peer intervention” and considers their application in the context of policing to prevent or mitigate police officer mistakes or misconduct. We begin by exploring the science behind bystandership and the application of the concept to solve a number of national problems in nonpolicing contexts. We then explore the unique dynamics of policing and argue these dynamics make active bystandership training, as part of an overarching implementation of an active bystandership ethos, critical to overcoming entrenched inhibitors to peer intervention. We also discuss the significant risks to officers, agencies, cities, and communities of not creating an ethos of active bystandership among officers. Finally, we consider the New Orleans Police Department’s implementation of a peer intervention or active bystandership program beginning in 2015 (during which time it was under the oversight of federal consent decree) and present some “lessons learned” from that department’s experience.

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Introduction

On July 30, 2005, according to the jury findings outlined in the criminal conviction, New Orleans police officer and Field Training Officer Melvin Williams beat and kicked Raymond Robair so violently he fractured his ribs and lacerated his spleen (Judonna Mitchell et al. v. City of New Orleans, 2016; U.S. v. Moore, 2013). Mr. Robair ultimately died at a local hospital, where Officer Williams and his rookie partner Matthew Dean Moore dropped him off, claiming they found him under an overpass and that he had a history of drug use but saying nothing about the beating. According to expert testimony at the criminal trial, had the doctors known of the blunt force trauma, Mr. Robair's life likely would have been saved (U.S. v. Moore, 2013). Officer Williams ultimately was convicted of federal criminal civil rights violations resulting in Mr. Robair's death and was sentenced to 21 years in prison for the use of excessive force and obstruction of justice. Rookie Moore, just 2 months out of the academy, was convicted of obstruction and lying to the FBI, and was sentenced to 5 years in prison. In sentencing Moore, the federal judge noted he was present during the beating and did nothing to stop it (Judonna Mitchell et al. v. City of New Orleans, 2016).

The Raymond Robair case, and many more like it across the country, traditionally is portrayed as quintessential excessive use of force cases; as lessons in the dangers of poor hiring, poor training, poor supervision, bias, or as blatant criminal misconduct. But these cases also provide a less-talked-about illustration of what can happen when bystander officers fail to intervene to prevent misconduct by a fellow officer, that is, "passive bystandership."

For purposes of this manuscript, we define a *bystander* as a witness who is in a position to know what is happening and is in a position to take action (Staub, 2007). A "passive bystander," then, is someone who fails to take action where the circumstances would seem to require action. While use of force, de-escalation techniques, and other force-related topics are commonplace in police academies, a focus on *how* those who witness the use of excessive force can stop or mitigate it still is not (Attard, 2015; Staub, 2007).

The importance of peer intervention by police officers to prevent misconduct by fellow officers as a key police reform tool recently was considered by the President's Task Force on 21st Century Policing through testimony by the National Association for Civilian Oversight of Law Enforcement:

Police Peer Intervention is a training program that teaches, in a practical and positive way, the powerful influence that police officers have on the conduct and behavior of their fellow officers. The training equips, encourages, and supports officers to intervene and prevent their colleagues from committing acts of serious misconduct

and criminal behavior, particularly those directed against citizens. The basic premise is that police officers themselves, properly trained in ethical decision making and tactics of peer intervention, are an essential and too often overlooked resource in the effort to prevent misconduct by fellow officers. (Attard, 2015, pp. 3–4)

This potential to prevent misconduct is what motivated the U.S. Department of Justice and the City of New Orleans to incorporate the basic tenets of police peer intervention into the New Orleans Police Department (NOPD) Consent Decree in 2012 (Consent Decree, 2013; Staub, 2015; U.S. v City of New Orleans, 2013).

The NOPD Consent Decree followed a lengthy “patterns and practices” investigation conducted by the United States Department of Justice (U.S. v City of New Orleans, 2013). Among other things, the resulting Consent Decree provides that NOPD’s use of force training include “the importance and impact of ethical decision making and peer intervention,” that NOPD must “ensure sufficient recruit academy instructional hours” in the area of “police intervention,” and that “NOPD agrees to involve mental health professionals in officer training on use of force, to address such topics as peer intervention by fellow officers to stop the use of excessive force” (Consent Decree, 2013, p. 294).

The inclusion of peer intervention principles in the NOPD Consent Decree was meant to fill a gap in both law enforcement training and in remedies designed to change the culture of an agency where officers have been found routinely to engage in misconduct or to remain silent when others did so. Specifically, while training and accountability measures frequently address an officer’s duty to report misconduct after it occurs, the NOPD Consent Decree was the first to include a provision focused on *preventing* misconduct by officers by requiring NOPD to train officers on the mechanics of how to intervene to keep another officer from committing misconduct.

While the principles of “active bystandership” and peer intervention are not new, their application to policing in the manner described here is. Few police agencies to date have demonstrated the commitment and resolve to teach peer intervention as a core set of skills and behaviors bolstered by a department-wide cultural commitment. While certainly there always have been and likely always will be officers who intervene in another’s actions to prevent or mitigate misconduct or mistakes, the tools officers need to do so consistently, effectively, and safely rarely are taught in police academies. Without being taught how to use these tools, and in the absence of an active bystandership culture, few of us would be able to muster the extraordinary moral courage required to intervene in the actions of a fellow officer.

The academic literature shows that officers are ready for this change; in a recent nationally representative survey of over 8,000 officers, fully 84% of officers said that officers should be required to intervene when they believe another officer is about to use unnecessary force (Morin, Parker, Stepler, & Mercer, 2017).

The Science of Active Versus Passive Bystandership

The question of why good people fail to act when, in hindsight, our collective moral compass suggests they should have acted, has interested social scientists for decades. Among other contexts, the questions are frequently discussed in connection with the holocaust (Browning, 1992; Staub, 2015). More recently, the tragedies in Cambodia, Yugoslavia, Turkey, and Rawanda stand as very recent reminders that, as Edmund Burke so eloquently stated, the only thing necessary for the triumph of evil is that good (people) do nothing.

While many scholars have studied the fascinating and discouraging history of active versus passive bystandership, few scholars have dedicated their lives to understanding the phenomenon like Dr. Staub. A child holocaust survivor himself, Dr. Staub has spent a lifetime studying and drawing parallels between and among some of the world's most horrific atrocities. What truly sets Dr. Staub apart from other great contributors to the field, however, is his interest in supplementing those historic lessons with conclusions from current-day, real-world experiments.

A few concepts obtained from Dr. Staub's (2003) work are worth explaining here since they bear directly upon the applicability of peer intervention techniques to police agencies:

- First, there are a number of common *inhibitors* to bystander intervention that often are present regardless of context.
- Second, the actions (or inaction) of some people will have a significant impact on the likelihood others will intervene.
- Third, people who do harm take the passivity of others as acceptance or even approval of their actions, which makes increased harm-doing more likely. Further, once there has been a failure to intervene, the continuation of the nonintervention becomes more likely the next time similar circumstances arise.

Each of these discoveries has direct applicability to policing.

Inhibitors

Through much research in this area, psychologists have identified a number of common *inhibitors* to active bystandership (Staub, 2015). According to Dr. Staub and others, (Latane & Darley, 1968) common inhibitors include pluralistic ignorance (i.e., people tend to put on a "poker face" in public and a person is more likely to act as if there is no problem when others around him or her are acting like there is no problem); diffusion of responsibility (i.e., someone else will take action so I do not need to); (Latane & Darley, 1968) ambiguity whether help is needed, for example, lack of words or actions to indicate help is needed

(those in need of help often do not express their need clearly); greater cost of helping, such as physical or emotional effort or danger; concern about negative reaction to intervention (including taking inappropriate actions, looking foolish, lacking the necessary skills to take action, etc.), devaluation of the potential or actual targets (as discussed later, devaluation is a defense mechanism that allows the perpetrator or bystander to dehumanize the target of the wrongdoing); and a feeling that it is best if people take care of themselves (Staub, 2015).

Most of us readily can understand—or at least empathize with—these inhibitors. Anyone with kids in school (or even anyone who was a kid in school) has seen or experienced playground bullying and the many different inhibitors to intervention that keep the kids watching from entering the fray. But whether you are dealing with a middle school students contemplating standing up to a bully on the playground or a young police officer contemplating telling a supervisor he or she should “calm down,” these inhibitors can be extremely powerful. And the more hierarchical the organization, the more strongly many of these inhibitors exist.

Actions of Others

One should not underestimate the power of those with the first opportunity to intervene to prevent or mitigate a problem. If he or she takes action, others will follow. If he or she stands by, others are more likely to remain passive. Dr. Staub’s experiments with an unwitting subject sitting next to a confederate in a room when sounds of distress come from the next room are telling. If the confederate said, “may be that is another experiment, I don’t think it has anything to do with us,” about 25% of the actual participants helped. If the confederate said “that sounds bad, I will go and get the person in charge, you go into the other room to see what is happening,” 100% acted. The simple step of verbally defining the meaning of an event and appropriate action can make a huge difference in leading to action (Staub, 1974; Staub, 2014).

Relatedly, Dr. Staub and others have discovered that inactions by others beget further inaction. While news headlines may suggest otherwise, most humans are imbued with a preference for fairness and justice (Lieberman, 2013). It also seems, for most humans at least, that acting unfairly causes stress, anxiety, or unhappiness (Lieberman, 2013; Shalvi, Gino, Barkan, & Ayal, 2015; Shue, Gino, & Bazerman, 2011). This stress, in turn, prompts a number of different defense mechanisms that make it easier for the actor to cope with the stress. Common defense mechanisms include distancing, devaluing, and dehumanizing (Shu, Gino, & Bazerman, 2011). Dr. Staub described distancing and devaluing in the context of school bullying (Staub, 2007):

Watching other people be harmed or suffer is painful. To avoid feeling bad for the target, they distance themselves from the person being harmed. Passive bystanders

also need to make their failure to act more acceptable to themselves, so they devalue those who are harmed, seeing them as different, bad, strange, stupid, outsiders, “them” not “us.” However, not all bystanders do this, and some passive bystanders feel guilty, bad about themselves. This could happen during or right after the event, or later in their lives. (p. 14)

Distancing, devaluing, and dehumanizing go hand in hand (Shu et al., 2011). Passive bystanders subconsciously defend themselves by adopting a “they must have deserved it” perspective (Bandura, Underwood, & Fromson, 1975). These self-defense mechanisms—distancing, devaluing, and dehumanizing—can metastasize and start being used to justify not only inaction but also affirmative bad action (Staub, 2010).

Other Applications of Active Bystandership

The application of active bystandership principles to modern problems is not new. The principles of peer intervention have been explored and applied in a number of contexts, including in efforts to curtail drunk driving, sexual assault, school bullying, medical errors, and in-flight mistakes. We describe three examples here.

Drunk Driving

By now, we all know friends do not let friends drive drunk. But this axiom was not always quite so axiomatic. The Ad Council in cooperation with the National Highway Traffic Safety Administration adopted the *Friends* campaign in 1983 in an effort to stem the tide of drunk driving deaths sweeping the nation at that time. According to the Ad Council, “more than 20,000 people were being killed each year in alcohol-related crashes” (Smokey Bear and Friends Don’t Let Friends Drive Drunk, 2014, p. 1). The campaign was highly effective (National Institute of Health, 2006). The Ad Council reports that

[d]uring the life of the campaign (1983-1999), the number of fatalities due to alcohol-related crashes dropped from 21,000 to 12,500 and even as of 2013, more than two thirds of American adults report having stopped a friend from driving while under the influence, speaking to the enormous impact of this intervener strategy. (Fisher, 2014)

What makes the program so interesting for our purposes is that it targeted the intervenor not the perpetrator. The Ad Council described its approach this way:

The campaign took the unique approach of targeting the intervener-first with the tagline, “Drinking and Driving Can Kill a Friendship,” which eventually evolved to the widely recognized “Friends Don’t Let Friends Drive Drunk.” (Fisher, 2014)

In 2014, the “Friends Don’t Let Friends Drive Drunk” campaign was added to the Advertising Walk of Fame alongside Madison Avenue. Even today, years after the program’s roll out, more than 84% of respondents report being aware of the tag line (Lee & Kotler, 2015).

In-Flight Mistakes

Retired American Airline pilot, Dr. Robert Besco, wrote an interesting article titled “To Intervene or Not to Intervene? The Co-Pilot’s Catch 22” (Besco, 1995). After invoking 16 plane crashes where “subordinate flight crew members had detected serious problems in the performance of the Captain,” Dr. Besco went about exploring the unique problems of passive bystandership in the cockpit and offered a four-step solution called PACE. Dr. Besco (1995) described the approach as follows:

The “P.A.C.E.” operational methodology presented here is designed to assist subordinate crew members in resolving the basic question of the junior airman: “To Intervene or Not to Intervene?” The “P.A.C.E.” system has unraveled “The Co-pilot’s Catch 22; You are damned if you ignore the Captain’s mistakes and you are damned if you do something about them.” (p. 1)

According to Dr. Besco (1995),

‘P.A.C.E.’ procedures have been developed from case studies of voice recorder transcripts of National Transportation Safety Board aircraft accident reports. The ‘P.A.C.E.’ methodology provides the skill and knowledge to implement new, operationally relevant components into Crew Resource Management training for each individual organization. (p. 1)

Dr. Besco (1995) described the challenges of being an active bystander as follows:

This paper examines the question of what subordinate crew members can do when they must challenge the unacceptable performance of a Captain. Such a critical situation can be very difficult for junior crew members, particularly if they are still in their new-hire, probationary period. If the organization is one that sanctions fear, intimidation, and reprisal, crew members might be very reluctant to suggest to an established Captain that mistakes are being made. (p. 1)

The parallels between the challenges faced by cockpit crews and those faced by police agencies are readily apparent.

Medical Mistakes and Misconduct

In 1999, according to a report by the National Academy of Sciences' Institute of Medicine, somewhere between 44,000 and 98,000 people die every year from preventable errors in hospitals (Donaldson, Corrigan, & Kohn, 2000). But that number may be way too low. According to a more recent study in the *Journal of Patient Safety*, 440,000 people die every year from preventable medical errors (James, 2013). While some dispute the precise numbers and various commentators argue with the studies' methodologies, most will agree the number is high (Makary & Daniel, 2016).

The medical profession is like the policing profession in many ways. Hospitals operate in the context of a clear hierarchy, with doctors sitting high atop the pyramid and others operating in an environment of either actual or perceived intimidation (Smetzer & Cohen, 2005). As in policing, mistakes or misconduct by doctors often goes unchecked and unreported. One survey, conducted by the *Institute of Safe Medication Practices*, found that 40% of clinicians have kept quiet or remained passive during patient care events rather than question a known intimidator, according to a patient safety alert from the Joint Commission (Institute for Safe Medication Practices, 2004). Other studies have found passivity by bystanders when faced with doctor mistakes as well (Stavert, 2013).

To combat passive bystanders in the hospital, surgical unit, and doctor's office, some hospitals have adopted their own bystander intervention program. As one advocate for one program described it,

our collective status quo has allowed, and perhaps promoted, a mindset where witnesses to disruptive behavior look the other way, justify the behavior or offer support to victims off the record. The rules for a 'code of silence' are generally implicit and involve complicated combinations of tradition, fear and power mixed with a lack of knowledge, skills and support. (Boynton, 2012, pp. 3-4)

According to proponents of the program, an active bystandership program combats institutional pressure to remain silent. This goal could be written just as aptly about police departments (Boynton, 2007):

The unwritten rules and fears that keep us silent are extremely powerful. Worries about job loss, retribution, or uncertainty about appropriate behavior are very real factors in maintaining silence. Silent witnesses, regardless of intention, give more power to bullies and more fear to victims. When bad behavior occurs in workplaces and no one speaks up, there is a sense of acceptance for the inappropriate conduct. This acceptance inadvertently condones the bullying and isolates the victim. (pp. 3-4)

Others studies have identified a similar problem (see Muha, 2014).

The authors of one study, *A Renewed Call To 'Do No Harm'* (Shapiro, 2011), identified several steps to address the problem of clinician misconduct and passive bystandership, including, among other things, engaging leadership at the highest levels, framing the problem as one that has consequences for everyone, creating a committee to develop solutions that include making it safe to speak up in the face of disruptive behavior, and engaging in a robust internal marketing campaign (p. 6). Notably, these are the same principles that one sees employed in the fight against bullying, sexual assault, cockpit errors and are the same principles that infuse NOPD's active bystandership program.

Risks to Officers—and the Cities That Employ Them—Of Not Incorporating Active Bystandership Into Policing

There are many reasons creating a police culture of active bystandership—including providing active bystandership training to officers—is both the right and prudent thing for any police agency to do. First, not supporting a culture of active bystandership expose individual officers, and the police agencies and jurisdictions that employ them, to potentially significant legal liability. Second, there is good reason to believe there are consequential health risks and personal costs not only for those officers who commit misconduct but also for those who passively observe it. Third, and perhaps most importantly, the very efficacy of policing, including its ability to prevent rather than cause harm, may require imbuing an agency with a culture of active bystandership.

Legal Risks of Not Incorporating Active Bystandership Into Policing

Individual officers, and the law enforcement agencies that hire, train, and supervise them, face potential legal liability should the officer observe another officer violate someone's legal rights and fail to intervene to prevent that violation.

Officer bystander liability is premised on the idea that officers' obligation to uphold the law and protect the public is particularly salient where the person committing the harm is another officer. As stated in the context of an excessive force case from over 40 years ago:

[O]ne who is given the badge of authority of a police officer may not ignore the duty imposed by his office and fail to stop other officers who summarily punish a third person in his presence or otherwise within his knowledge. (*Byrd v. Brishke*, 1972, p. 11)

This duty is, thus, distinct from, and arguably more powerful than, officers' duty to protect individuals from harm by nonofficer members of the public

(DeShaney v. Winnebago Co. Dept. of Social Services, et al., 1989; Mark v. Borough of Hatboro, 1995; *Farmer v. Brennan*, 1994).

Every federal circuit has held that officers have a duty to take reasonable steps to intervene to prevent another officer from violating an individual's constitutional rights. Courts in fact have been remarkably consistent in holding that officers have a duty to intervene to prevent harm by another officer, and have long ago held that this right is "clearly established," at least in the context of excessive force and some searches. Courts generally frame the requirement as a law enforcement officer having "an affirmative duty to intercede on behalf of a citizen whose constitutional rights are being violated in their presence by other officers" (O'Neill v. Krzeminski, 1988, p. 11).

Where officers fail to exercise this duty, they may be held liable pursuant to 42 U.S.C. § 1983. Liability pursuant to Section 1983 can subject an officer to significant financial liability, as well as the possible loss of employment (Anderson v. Branen, 1994; *Cotto v. City of Middletown*, 2016). Officers also *may* be held criminally liable under 18 U.S.C.A. § 242, for willfully failing to intervene to protect a person from an unconstitutional use of force (United States v. Reese, 1993). An officer's failure to intervene may also subject an officer to liability in state court (Com. v. Adams, 1993).

What types of harm do officers have a duty to intervene to prevent? At a minimum, officers have a duty to take feasible steps to prevent excessive force (Sanchez v. Hialeah Police Department, 2009; *Priester v. City of Riviera Beach, Fla.*, 2000; *Boyd v. Benton County*, 2004). The law is less settled regarding officers' duty to intervene to prevent an unlawful arrest, unlawful search, or other constitutional violations (Livers v. Schenk, 2012; *Walker v. Jackson*, 2013). Some courts have held that the duty to intervene does apply to these contexts, and doctrinally, there is no reason not to apply the duty to these circumstances (Anderson v. Branen, 1994). Courts further have held that officers have a duty to intervene even where the officers committing the constitutional violations are their superiors (Putman v. Gerloff, 1981), or where they are from different agencies (Tanner v. San Juan County Sheriff's Office, 2012). Supervisors have an *additional* responsibility to take steps to prevent illegal acts by their subordinates (Randall v. Prince George's County, 2002).

Courts have recognized that in some instances there will be no reasonable opportunity for an officer to intervene. In such cases, an officer of course will not be held liable for not intervening. For instance, in some cases, there simply will not be time or opportunity to intervene to prevent another officer from violating someone's rights. In other cases, there will be no reason or opportunity for an officer to know or believe that a constitutional violation is occurring (Noga v. Potenza, 2002; *Ensley v. Soper*, 1998).

It is important to keep in mind, however, that a single incident may involve both misconduct that is preventable and observed, and misconduct

that is not. Thus, there are incidents during which an officer may have a duty to intervene to stop some aspect of another officer's conduct (e.g., some or all of an officer's use of unreasonable force), even where the officer has no duty to intervene in another aspect of the officer's conduct (e.g., an unlawful search that preceded the use of force, where the officer had no reason to believe that the search was unlawful; *O'Neill v. Krzeminski*, 1988).

Under *Monell* and its progeny, a law enforcement agency or related entity (e.g., city or county) also may be liable if it fails to train officers on their duty to intervene to prevent constitutional misconduct, or how to carry out that duty (*Monell v. Dept. of Social Services*, 1978). The fact that the duty to intervene has been long established and consistently followed indicates not only that qualified immunity is unlikely to be a successful defense (particularly as it applies to excessive force) but also that courts may be less hesitant to hold law enforcement agencies liable for failing to train and supervise in a manner that enables and requires officers to intervene to prevent constitutional rights (*Ricciuti v. N.Y.C. Transit Authority*, 1997). Similarly, a failure to intervene, especially if it appears to be commonplace rather than the exception, may also be evidence that observed constitutional violations are systemic rather than aberrational, giving rise to liability in cases brought by the United States pursuant to 42 U.S.C. § 14141.

In addition to insulating jurisdictions and officers from suits for failing to intervene, creating a culture of active bystandership also can reduce legal risk more directly, for example, by reducing the *number and severity* of incidents of excessive force and other constitutional violations. When it works as it should, active bystandership prevents misconduct from occurring in the first instance. Thus, jurisdictions that successfully implement active bystandership would be expected to see a drop in both the number of misconduct-related lawsuits, as well as in the dollar amount of lawsuit payouts and other costs related to lawsuits (such as legal fees).

As the earlier discussion shows, the law clearly indicates a need for agencies to implement training and related measures aimed at ensuring officers can and do abide by their duty to intervene to prevent constitutional misconduct by fellow officers. As discussed later, fulfilling this legal duty likely requires more than simply providing training in active bystandership since, to be effective, an agency must more broadly inculcate active bystandership throughout the agency culture (Police Executive Research Forum, 2016).

Risk to Officer Well-Being and Agency Efficacy

There are many reasons beyond minimizing legal risk that creating a culture of active bystandership is the right thing to do—not only for the public but also for an agency's own police officers.

Saving Officer Careers and Officer Lives

It is evident that the creation of a culture of active bystandership can save lives and careers. We know individuals can be reluctant to intervene to promote proper conduct even where this failure can result in serious injury, or even death, to the individual committing misconduct and the bystander-colleagues themselves. Many officers can tell you of a time they or a partner did something dangerously wrong and no one stepped up to call the officer on it—instead just hoping it would turn out okay. Usually it does, but tragically, not always. This may not be a frequent occurrence, but when we think about the emphasis put on police protecting one another from attack by others, despite (or perhaps resulting in) the relative rarity of such an occurrence, does it not make sense to put at least as much emphasis on measures that could prevent avoidable police injury or death resulting from bystander-colleagues not intervening?

Making bystander intervention the norm also will save officers' careers. One of the luminaries in the field of police bystander intervention, former Minneapolis Police Department training sergeant Michael W. Quinn (2011), was motivated to write a book encouraging officers to speak out after

seeing some of the good men and women I trained losing their careers and wasting their lives because of bad decisions: decisions that might have been different if their partners, or trainers, had done the right thing and stopped them before it was too late. (p. 6)

The authors of this article can tell you similarly that many officers will recount with gratitude the partner or sergeant who called them on bad behavior at the outset of their career and will more gravely recount the truncated careers of officers whose colleagues failed to step up to help correct or prevent bad behavior.

Health Risks and Personal Costs of Committing—and Observing—Misconduct

Some of the research literature indicate that law enforcement officers generally experience higher mortality rates and long-term health problems than other occupations and the general public, and there is some evidence that this disparity may be related to officer involvement in critical incidents. Posttraumatic stress disorder (PTSD) is linked to participation in, or observance of, critical incidents (Mumford, Taylor, & Kubu, 2015), and PTSD, in turn, is thought to underlie a host of officer problems, from compromising physical and mental health, to increasing alcohol and substance abuse, to damaging familial and personal relationships (Charles, 2011).

While most law enforcement officers of course cannot (and should not) avoid critical incidents entirely, there is reason to believe that these critical incidents

will be experienced and self-appraised more negatively, and thus take a greater toll on officers, if the officer believes that force was used unnecessarily or inappropriately, or that the incident otherwise involved officer misconduct. One study, for example, found that one of the four key factors determining the traumatic stress of an event is whether there is “an element of disruption of the officer’s values or assumptions about his/her environment or those who live in it” (Nielson, 1986, p. 369). Another study of officer suicide included interviews with family members of officers who committed suicide and found a correlation to a negative view of their vocation, with one family member reporting that the officer who had committed suicide “hated cops,” and another “wanted to leave policing” (Rouse et al., 2015). It is of course impossible to know whether observing officer misconduct was the reason for hating colleagues or wanting to leave the profession, but it should be cause for further inquiry. Many other studies of law enforcement officers and PTSD similarly emphasize the extent to which the effect of a traumatic event is exacerbated when the event contradicts the officer’s assumptions about how the world does, and should, work (Green, 2016). This dissonance may help explain the statement in the Mollen report that, “[a]lthough most honest cops will not report serious corruption, we despise corrupt cops and silently hope that they will be removed from the ranks” (City of New York Commission Report, 1994, p. 56).

The risk of harm caused by observing misconduct in the context of critical incidents may be increased where an officer experiences such incidents repeatedly (Green, 2016). As noted on the website of Badge of Life, an organization advocating for officer mental health:

[W]e need to recognize the important role of cumulative events in police work—the daily wounding of the soul over years, over decades—that can result in PTSD. Such events include the constant exposure to death, the screams of the innocent, the struggles during “routine” arrests, the mistakes, the pursuits, and many other factors.

And as Michael Quinn (2011) affirms,

[e]ach stinging battle with the Code [of silence] will either be an inoculation of the spirit and an opportunity to grow stronger or a crippling injury to your integrity. Regardless of the outcome, there will be vivid images you can’t erase from your memory. There will always be the mental and physical scars to remind you of your battles. (p. 26)

There are also indications that some officer suicides may be related to officer involvement in problematic critical incidents, including related issues of PTSD and resulting lawsuits (Clark, 2016). This is a significant consideration, especially when one considers that more law enforcement officers die of suicide than are

killed by gunfire and traffic accidents combined (Clark, 2016). According to some studies, over the past several years the number of officer suicides has ranged between about 100 and 140 per year (policesuicidestudy.com). Other sources put the number of officer suicides at over twice that number (policeone.com/health-fitness/articles/137133-Police-Officer-Suicide-Frequency-and-officer-profiles). Some studies have singled out “legal problems” as a “major contributor” to stress for officers who completed suicide, with one study putting legal problems as second only to “relationship problems,” as a risk factor for suicide (Rouse et al., 2015). Of particular import to the role of the police agency, one study found that, given the nature and intensity of police work, an officer’s colleagues may be aware of an officer’s mental or physical health struggles before that officer’s own family (Rouse et al., 2015).

Perhaps of greatest significance to the topic for this article, however, is the finding that “colleagues felt unprepared to intervene with coworkers they believed to be impaired” (Rouse et al., 2015, pp. 101–102). Participants in the study noted the “historically closed nature” of policing and “a desire to protect coworkers.” This finding underscores the importance of teaching active bystandership to prevent misconduct—after all, if officers are unsure how to intervene to protect an officer from hurting himself or herself, we can expect it to be difficult for an officer to intervene to prevent harm to an arrestee or other stranger. This finding also indicates that imbuing a police culture with active bystander principles, skills, and tactics may help officers step up to help each other in ways beyond those originally anticipated.

While more research into the link between police misconduct and officer mental and physical well-being clearly is warranted, what we know already indicates that officers will benefit from being trained in active bystandership, and working within an agency that supports those principles.

Restoring Community Confidence in Policing

Perhaps the most important consequence of not providing a culture of active bystandership is that it undermines a police agency’s ability to serve its public effectively and ethically. The link between effective policing and policing that engenders community trust and confidence becomes more apparent every day. At the same time, we are increasingly aware that this community trust has been broken in too many cities across our country. Active bystandership can be a potent tool in restoring community confidence in police, thus allowing police to more ethically and effectively serve the public they are sworn to protect.

In his book, “Walking with the Devil,” Michael Quinn recounts the executive director of the Urban League of Minneapolis telling him how black teenagers *hate* the police because *some* officers lie, use excessive force, and target people of color, and that as a result these young people have lost faith

in the police department. Quinn (2011) goes on to say that, “[t]his hate doesn’t just stem from seeing bad cops do bad acts. More than anything, it grows out of the community’s frustration with the good cops who do nothing to stop it” (p.106). This sentiment resonates with the authors of this article, who have spent decades talking with individuals and communities, in New Orleans and across the country, who have lost faith in their police departments. For these individuals and groups, the official position that police misconduct is the result of the acts of a “few bad apples” is belied by the incidents they have observed where officers fail to step in and stop abuse, and where the department investigation of the incident is rendered useless by an impenetrable code of silence.

One only has to imagine an officer caught on video stepping in to take over a tense situation where his partner is clearly about to lose it; or an officer pulling her partner off a arrestee before the partner continues to use force that would be excessive, to begin to see how such actions could transform the public’s view of “the police.” With a culture that nurtures and supports active bystandership, these are the kinds of viral videos that could replace the far more damaging ones that circulate today, too often showing officers using force that is clearly excessive, while other officers, at best, do nothing to stop it.

How to Adapt Active Bystandership Principles to Policing

As discussed later, to be successful, active bystandership programs must be adapted to the dynamics of each particular context. Policing shares many of the same *inhibitors* to active bystandership present in other professional contexts and adds several more. These inhibitors, and suggestions for overcoming them, are addressed later.

Close Shared Identity With Fellow Police Officers

Policing encourages officers to band together and supports one another without question. Officers work long hours alongside their colleagues, face extremely dangerous and stressful situations together, and as a group endure abuse and hostility from members of the public (Paoline, 2003). They know that at any moment, if they have not already, they may have to rely on another officer—who may be a complete stranger but for the uniform—to protect their life. These ties can even overshadow racial differences among officers: hence the metaphor “more blue than black,” which, while probably an overstatement (Pew Research Center, 2017), is nonetheless illuminating. As Michael Quinn (2011) puts it, “publicly confronting [a fellow officer] about criminal or unethical behavior is like testifying against your spouse” (p. 6)

Information About Threats to Officers Underemphasizes the Most Common Dangers

As discussed later, suicide, poor physical health, and traffic accidents are a more common threat to officers than the officer losing his or her life to violence at the hands of a criminal. Yet in training and popular culture, there is almost exclusive emphasis on officers losing their lives at the hands of a criminal. Officer-safety training is of course critical, and likely one of the reasons that officers are so unlikely to be killed in the line of duty. But the underemphasis of the most common threats to officers does them a disservice by masking the need for officers to be prepared to step in or speak up to keep another officer from committing violations that can have disastrous consequences for the fellow officer's physical or mental health, or their livelihood and family relationships.

Fear of Retaliation or of Being Ostracized

Most of us would think twice about speaking up to prevent wrongdoing at work if we feared being retaliated against, or ostracized by, our coworkers for doing so. This fear is particularly rational for officers, who work in a climate that, historically, has been replete with retaliation against officers who have reported or sought to prevent misconduct, and where one may need to rely on one's colleagues to protect one's life (Mason, 2010). This fear may be more pronounced among minority (including women) officers, many of whom may already feel (or be) marginalized, or feel a need to prove that they identify as officers first and foremost (Morin, Parker, Stepler, & Mercer, 2017).

Police Hierarchy: Formal and Informal

Just as policing's paramilitary aspects emphasize the importance of a shared identity, as discussed earlier, police also enforce a hierarchical command structure that, as in the military, can make it particularly challenging for officers to speak out or intervene where they are outranked (Cruickshank, 2013). While the paramilitary structure of policing is often discussed, less acknowledged is the influence of informal leaders who, regardless of rank, can have a profound influence over police culture. Both dynamics have the potential to inhibit or encourage active bystandership (Eaglin, 2015; Reilly, 2012; Milo, 2016).

Incidents Often Unfold Rapidly and Can Be Complex

Unlike other contexts in which active bystandership has been implemented successfully, and as the law recognizes, many police actions are "rapidly evolving" as the caselaw often notes (*Graham v. Connor*, 1989) and may not give an officer

the opportunity to prevent misconduct. Foot chases, vehicle pursuits, hot-pursuit searches of dwellings, or the combative arrestee are just some examples of these types of circumstances. And yet, as anyone who has been an officer or worked with police will tell you, these adrenaline-raising incidents are among the situations most likely to result in officer misconduct (Schultz, Hudak, & Alpert, 2010).

Victims of Police Misconduct Are Rarely Innocents

In some respects, the aspect of policing that most distinguishes it from other contexts in which active bystander programs have been implemented is the nature of the victim of the conduct. The victims of police abuse often appear less sympathetic or innocent than the victims of bullying, the unconscious patient on the operating table, or the passengers of an airplane. This may fundamentally alter the equation for an officer who must quickly determine whether and how to intervene. Of course, this is a dynamic present in many aspects of policing, and police leaders must be able to inculcate a culture of respect and service notwithstanding it.

Strategies for overcoming these inhibitors include teaching officers that intervening can be one of the most important things they ever do to protect another officer—or themselves. Hearing from officers who have had another officer call them out for bad behavior, and who are better officers for it; or hearing from officers who have been fired because of misconduct committed by another officer (which they then felt compelled to help cover), may have particular resonance for officers. Agencies also must be unwavering in their support for officers who intervene to prevent misconduct, and just as unyielding in their pursuit of discipline against officers who retaliate against officers who intervene. This requires strong anti-retaliation policies, a values-system that permeates all ranks and includes officer integrity and public service at its center, and well-functioning accountability systems.

Law enforcement agencies also should look at their policies and training related to force, foot and vehicle pursuits, and searches (and likely other topics as well), to see where they can safely and feasibly slow down a situation to allow officers more time to consider their actions, and allow colleagues more opportunity to intervene as necessary to prevent misconduct (Jackman, 2016). Moving toward force de-escalation, crisis intervention training, and changes to practices related to foot chases and vehicle pursuits are practices already underway in many departments. These and other departments should consider the potential for police and training changes to encourage a culture of active bystandership.

Law enforcement agencies seeking to implement successful active bystander programs also may need to take steps to humanize community members to police officers—especially those against whom officers are more likely to use

force, search, or arrest. While these individuals may not in most cases be innocents, only rarely are they the incorrigibles they are often made out to be. Many times, they are simply people trying to feel safe and make a living, often in the face of challenges most of us will never have to face. Regardless, officers have a sworn duty to protect their rights. Officers may need to have opportunities to get to know, outside the enforcement context, people who live in the places they police. They may also need to be taught about their own potential to hold implicit biases and, perhaps explicit stereotypes, and how these can impact officer decision making. Having individuals who have been victims of excessive police force, or even members of the public who have been traumatized by observing abuse by officers, may help remind officers of the potential human impact of police misconduct and further incentivize them to step in to stop it.

As the earlier discussion underscores, creating a police culture in which bystander intervention is the norm rather than the exception requires more than running officers through a training program. It requires creating a culture that incentivizes and teaches officers how to intervene to prevent misconduct, and that supports them when they do. Such a culture starts with who a department recruits and how they train those recruits; adopting seizure and force policies that encourage officers to slow things down when possible; ensuring that the entire chain-of-command, from the first line supervisor to the Chief, not only support but also demand that officers intervene to stop misconduct; an employee-wellness program that overcomes the barriers to officers seeking needed physical and mental health care; and a disciplinary system that reinforces the agency's values of intervention and public service.

Consideration of and Lessons Learned From the New Orleans Model

The New Orleans Consent Decree comprises 127 pages and 492 paragraphs of obligations, guidance, and best practices aimed at ensuring “police services are delivered to the people of New Orleans in a manner that complies with the Constitution and laws of the United States” (Consent Decree). The Consent Decree Department required NOPD to “implement new policies, training, and practices throughout the Department, including in the areas of use of force; stops, searches, seizures, and arrests; discriminatory policing; community engagement; and much more (Consent Decree).” Each of these areas received a good amount of public attention. With somewhat less fanfare, the Consent Decree also incorporated a requirement to implement peer intervention principles in the areas of recruit training (para. 266), use of force training (para. 109), dealing with those in need of mental health service (para. 294), and supervisor training (para. 315).

To implement a department-wide peer intervention program (which the Department calls EPIC, for Ethical Policing is Courageous), the NOPD

Superintendent appointed a working group and directed them to come up with a practical, meaningful, and effective peer intervention program that not only would meet, but also would exceed, the requirements of the Consent Decree (Westbrook & Howell personal communication, 2015). The working group included patrol officers, supervisors, and command staff, and a number of *outsiders*, including a civil rights lawyer, a community activist (who describes himself as a “very unlikely member of any police working group”), a mental health professional, and others (NOPD).

Going into the first meeting, the officers on the working group, for the most part, were concerned EPIC was just another way to discipline officers, that it was a rat-on-your-fellow-officers program, and that it was being championed simply because of the Consent Decree. Each perception was incorrect, but each was strongly held.

The working group slowly broke down misperceptions and came to recognize that they really had in their hands a simple, straight-forward, unobjectionable means to give officers the tools to protect themselves and protect the community at the same time. Several of the myths the work group had to confront follow:

Myth 1: “This is just another discipline program.”

Some of the NOPD officers from the start were convinced “peer intervention” meant they were obligated now to step in and prevent misconduct and that they would be disciplined for failing to do so. Putting aside the fact that every police department in the nation requires officers to take action to stop officer misconduct, the idea of a formal program scared many.

To combat this misperception, the working group decided EPIC would not impose any new requirements on NOPD officers. Instead, EPIC simply would teach officer how to intervene safely and effectively if they chose to do so—and remind officers of the existing law that already puts nonintervening officers at significant legal risk. By focusing on teaching peer intervention as a learnable skill—no different from learning how to put on a bullet resistant vest, use a firearm, or apply handcuffs—NOPD was able to offer a very strong response to this myth.

Myth 2: “This is just a ploy to get us to rat on one another.”

Whether they say it or not, police officers are not inclined to *rat* on their colleagues (Trautman, 2000). While there is no lack of focus on this blue wall of silence, it is unfair to view this as a problem unique to policing. Most professionals are hesitant to *rat* on their peers (CNN). Police agencies for years have tried to combat the blue wall with ethics training, reason, logic, discipline, carrots, sticks, and every other tool imaginable, with only modest success. NOPD took a different tact. Instead of focusing EPIC on the blue wall, NOPD focused

EPIC on teaching officers how to avoid putting themselves in the untenable position of having their back up against that wall in the first place. As one of the experts NOPD brought in to advise the working group put it: “Having to choose between doing the right thing and losing the trust of your colleagues or staying silent and putting yourself at personal legal risk is a horrible position to be in.” EPIC is targeted at keeping officers out of that horrible dilemma by teaching them to help their fellow officers do the right think in the first place.

Myth 3: “We do this anyway. Why do we need a formal program?”

While police officers no doubt intervene to prevent or mitigate wrongdoing, there is no reason to believe police officers intervene in their peer’s actions any more than the rest of us do. And research makes it clear most of us intervene far less than we think we do. Thus, the numbers alone suggest the need for more formalized training. But perhaps more importantly, an attempted intervention does not necessarily translate into an effective intervention. By teaching proper intervention techniques, officers will be able to take action more effectively, more consistently, and more safely.

Myth 4: “We don’t engage in excessive use of force so why do we need this?”

Despite NOPD’s notorious history, NOPD officers generally view themselves as not engaging in activities requiring intervention. The working group dealt with this in a very practical and strategic manner. Rather than focusing the EPIC training on the very public and obviously over-the-top incidents of excessive force covered by the national media, the working group focused NOPD’s training on incidents that are far more realistic to officers—incidents that every officer could see him or herself having to deal with.

For example, the quintessential EPIC scenario is what NOPD calls the “frustrated officer” scenario. In that scenario, a visibly frustrated officer is approaching a driver during a traffic stop. EPIC teaches the second officer how to recognize the signs of frustration, smartly intervene to handle the scene, and do so without alienating his or her partner. From these simple scenarios, NOPD’s EPIC instructors then show how the same principles apply to the more problematic, but less frequently, excessive uses of force.

By attacking the common myths, the NOPD EPIC working group was able to develop a program that was modest in its goals and simple in its execution. The modesty component in hindsight turned out to be a significant key to the department’s success. In speaking with experts, the working group recognized that far too often ethics programs fail because they target the wrong universe of actors (Bazerman & Tenbrunsel, 2011). Ethics programs typically target the bad actors. But such efforts produce only modest results because good people generally do not need to be told to not violate the rules and bad people will give such lessons little

heed. NOPD's EPIC program, on the other hand, is a program neither for angels nor devils. EPIC, as NOPD explains it, is a program "for the rest of us."

This focus, interestingly, leads to a common question NOPD managers receive when discussing the program. "What do you do about those officers who always will hide behind the blue wall of silence?" NOPD's answer is simple: "EPIC is not worried about those officers." The truth is, there always will be officers—just like there will always be lawyers, doctors, athletes, and clergy—not interested in or unwilling to step in to stop wrongdoing. Other programs, like existing discipline programs, will continue to deal with those folks. EPIC focuses on those who would like to do the right thing if they knew what the right thing was, knew how to do it, and felt safe doing it.

While the working group also struggled for some time with the problem of naysayers and those who are intent on doing the wrong thing, it finally was a statement by Dr. Staub that brought the working group to the tipping point. According to Dr. Staub's research, individuals are more likely to intervene to help others simply by being introduced to the concepts of active and passive bystandership, including the concept of inhibitors to intervention. Being introduced to that concept was a breakthrough for the working group and bears repeating. Whether an officer thinks he or she is likely to intervene in the actions of another, simply by taking training and being exposed to the concepts underlying active intervention, that officer is more likely to intervene. That realization helped the working group stop worrying about designing a program that solved all NOPD's problems and instead focus on designing a program that attacked a particular problem.

Another very strong idea the NOPD came up with was to incorporate a successful intervention as a formal mitigating factor in any resulting disciplinary hearing (NOPD Policy 26.2.1). The fact that internal affairs *must consider* a successful intervention as a mitigating factor means the intervening officer very accurately can tell him or herself that he is doing the officer (not just the subject) a favor by jumping in—whether the officer recognizes it at the time or not.

Once the broad outlines of the program came together, the department put together a PowerPoint presentation, a teacher's guide, multiple role-playing scenarios, and even a video using NOPD members to illustrate positive intervention strategies. Currently, more than 70% of NOPD's officers have received EPIC training either at the Academy or through a day-long in-service program. While the department admittedly has a long way to go to ingrain peer intervention in officer thinking to the same extent as putting on a vest or proper handcuff techniques, the department has taken a significant step along that path.

Measuring Effectiveness

One of the most significant struggles NOPD faced in standing up its EPIC program is figuring out how to measure its success. Under the terms of the Consent Decree, NOPD is implementing a wide range of reforms at the same time.

Figuring out whether EPIC is bringing about the intended improvements is no easy task. The working group considered a number of indicia of success but recognized none could be laid squarely at the feet of the EPIC program.

- ***Reduced use of excessive force.*** If EPIC is successful and police officers intervene more frequently and more effectively, then one would expect uses of excessive force to go down. In fact, NOPD has seen a reduction in its uses of excessive force but that reduction cannot solely be attributed to EPIC. At the same time NOPD is rolling out EPIC, it also has created new Use of Force policies, improved its use of force training, created a thriving Use of Force Review Board, and implemented a Body Worn Camera program (Consent Decree). Each of these improvements no doubt contributed to a decreased use of excessive force.
- ***Fewer discipline cases or citizen complaints.*** Here again, there are far too many factors to attribute improved numbers to peer intervention. Although, one certainly could intuit that more peer intervention would lead to fewer discipline cases or fewer citizen complaints.
- ***Increased reporting of interventions.*** Certainly, this metric could fairly be attributed to a program that taught effective peer intervention techniques. But the metric does not materialize in reality because, by definition, a successful intervention means nothing happens, and, thus, there is nothing to report.

While these metrics proved elusive, the working group did come up with a few perhaps less data-driven means to measure the program's effectiveness.

First, NOPD can measure discipline cases where an intervention is used as a mitigating factor. Second, NOPD supervisors and managers are on the look-out for positive interventions when they review BWC videos. While many interventions will not make it onto the camera because they occur before cameras are even turned on and, thus, prevent any problem from happening in the first place, some interventions are captured on video. Third, NOPD plans to survey officers to try to get at whether they have intervened or been intervened upon in the past 10 months. While officers obviously will resist giving details about such incidents, officers may be willing to discuss such events in general terms. Fourth, while the least interesting to those looking for hard data is the number of anecdotes coming from officers in the field. Over the past 2 years, NOPD has seen more officers and supervisors recounting more stories of "EPIC events." While hard to measure with any analytical precision, keeping track of those stories provides additional useful information.

Conclusion

While still in its infancy, the NOPD's EPIC program both builds on past active-bystandership work developed by Dr. Ervin Staub and others and represents a

significant step forward. The aim of this article has been both to show that this program can work (and is working) and to persuade law enforcement officials and others that there are good reasons to consider implementing active bystandership training in their own agencies. Moreover, because most agencies are fortunate enough not to face the same breadth and depth of challenges NOPD has faced in its past, other communities may be able to meet or exceed NOPD's success, thus broadening the number and type of police active-bystandership models for others to emulate. Active bystandership training provides significant promise to law enforcement agencies seeking to increase community confidence in policing as we all work together to keep one other safe.

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Author Biographies

Jonathan Aronie was appointed by the U.S. District Court for the Eastern District of Louisiana in August 2013 to serve as the Federal Monitor over the New Orleans Police Department's Consent Decree in *United States vs. City of New Orleans*, No. 12-1924.

Christy E. Lopez was a deputy chief in the Department of Justice's Civil Rights Division from 2010 to 2017. While there, Ms. Lopez led the investigation of several police departments and negotiated and implemented consent decrees to reform police practices. These law enforcement agencies included the New Orleans Police Department. She is professor from Practice at Georgetown University Law Center, Washington, DC, USA.

EPIC (/HOME)

ETHICAL POLICING IS COURAGEOUS

WHAT IS EPIC?

Ethical Policing Is Courageous (EPIC) is a peer intervention program developed by the NOPD, in collaboration with community partners, to promote a culture of high-quality and ethical policing. EPIC educates, empowers, and supports the officers on the streets to play a meaningful role in “policing” one another. EPIC is a peer intervention program that teaches officers how to intervene to stop a wrongful action before it occurs.

At its core, EPIC is an officer survival program, a community safety program, and a job satisfaction program. EPIC represents a cultural change in policing that equips, encourages, and supports officers to intervene to prevent misconduct and ensure high-quality policing. Everyone benefits when potential misconduct is not perpetrated or when a potential mistake is not made.

ABLE PROJECT TRAIN THE TRAINER EVENT

LATE SEPTEMBER

TO BE DELIVERED VIA ZOOM

Our team at the NOPD is excited to see a surge of interest in peer intervention from our colleagues in law enforcement throughout the country. To help us meet the growing demand for peer intervention training, the NOPD is working with the Georgetown University Law Center's **ABLE (Active Bystandership for Law Enforcement) Project**, a national police peer intervention program founded upon the success of EPIC. The NOPD is intimately involved in the work of the ABLE Project, as much of it is built upon the work we have been doing in New Orleans since we introduced our EPIC program in 2014.

ABLE is offering a **comprehensive active bystandership train-the-trainer event**, to be delivered virtually via Zoom. This event, in which the NOPD will play an active role, will be provided at no cost to local law enforcement agencies, but those agencies will have to commit to creating a culture of active bystandership and peer intervention through policy, training, support, and accountability. To learn more about the train-the-trainer event, **please visit the ABLE website (<https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/events/>)**.

“It is curious that physical courage should be so common in the world and moral courage so rare.”

—MARK TWAIN

EPIC Video



HOW DOES EPIC WORK?

EPIC seeks to incorporate active bystandership into everything an officer does, and to provide officers with the tools and resources needed to do it well. EPIC strives to redefine police culture so that intervention to prevent or stop harmful action is not an exception to good team-work; it is the very definition of good teamwork. To do this, EPIC reaches throughout the NOPD and touches everything the Department does. EPIC:

- Redefines critical loyalty;
- Changes (or at least adds to) what we look for in the officers we hire;
- Trains officers and supervisors to identify danger signs;
- Equips officers with the skills they need to intervene before problems occur/escalate, and to do so safely;
- Supports and protects officers who do the right thing; and
- Provides officers with resources to help them make ethical decisions.

The Department's management is fully committed to peer intervention and to the key role it will play as we all work together to transform the NOPD into a premier law enforcement institution.

TRAINING MATERIALS

BY NOPD

The materials provided here are available for use by law enforcement agencies across the country.

[EPIC Overview \(/epic/media/Assets/EPIC-Overview.pdf\)](/epic/media/Assets/EPIC-Overview.pdf)

[EPIC One-Page Overview \(/epic/media/Assets/EPIC-One-Page.pdf\)](/epic/media/Assets/EPIC-One-Page.pdf)

RECOMMENDED READING AVAILABLE ONLINE

[Browning, Christopher R. "Ordinary Men."](http://www.faculty.umb.edu/lawrence_blum/courses/290h_09/readings/browning&goldhagen.pdf)

(http://www.faculty.umb.edu/lawrence_blum/courses/290h_09/readings/browning&goldhagen.pdf)

[Scully, Maureen and Rowe, Mary. "Bystander Training within Organizations."](https://www.bu.edu/fafc/files/2012/05/bystander.pdf) (<https://www.bu.edu/fafc/files/2012/05/bystander.pdf>)

[Staub, Ervin. "The Psychology of Bystanders, Perpetrators, and Heroic Helpers."](http://people.umass.edu/estaub/The_Psychology_of_Bystanders.pdf)

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[Teaching Excellence in Adult Literacy. "Adult Learning Theories."](https://lincs.ed.gov/sites/default/files/11_%20TEAL_Adult_Learning_Theory.pdf)

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[Aronie, Jonathan. "An EPIC Idea by NOPD: A New Model for Ethical Policing."](http://www.policechiefmagazine.org/an-epic-idea-by-nopd-a-new-model-for-ethical-policing/) (<http://www.policechiefmagazine.org/an-epic-idea-by-nopd-a-new-model-for-ethical-policing/>)

[Aronie, Jonathan and Lopez, Christy. "Keeping Each Other Safe: An Assessment of the Use of Peer Intervention Programs to Prevent Police Officer Mistakes and Misconduct, Using New Orleans' EPIC Program as a Potential National Model."](/epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf)

(</epic/media/Assets/Aronie-Lopez,-Keeping-Each-Other-Safe.pdf>)


ADDITIONAL RECOMMENDED READING

Cook, Kevin. *Kitty Genovese: The Murder, the Bystander, the Crime that Changed America*.

Goodman, Nancy R. and Meyers, Marilyn B. *The Power of Witnessing: Reflections, Reverberations, and Traces of the Holocaust: Trauma, Psychoanalysis, and the Living Mind*.

Staub, Ervin. *The Roots of Goodness and Resistance to Evil: Inclusive Caring, Moral Courage, Altruism Born of Suffering, Active Bystandership, and Heroism*.

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OFFICERS SHARE THEIR EPIC STORIES

"I apprehended a subject who had fled the scene of a possible theft. The subject was face-down on the ground being handcuffed, at which time a deputy from another law enforcement agency quickly approached from the side, just out of my line of sight, and kicked the subject about the head area. I immediately told the deputy, 'Stop and back away. We don't do that here!'"

Sergeant Terrence Wilson, New Orleans Police Department

"In addition to promoting EPIC-style peer intervention principles in our department (Arlington, Texas - just under 700 sworn officers), we also expanded on those principles in a very innovative way. We took our existing CIT program and flipped it to teach our officers how to recognize and react to emotional issues among other officers. While most CIT programs are "outward looking," our CIT program now is outward AND inward looking. It's an idea that is wholly consistent with the core principles of NOPD's EPIC program."

Will Johnson, Chief of Police, Arlington, Texas

EPIC - Sgt. Brooks



“In EPIC training, one of our role-play scenarios was about how to respond if a subject spits at you. The day after I took the training, I apprehended a subject who had previously evaded arrest. He was resisting being handcuffed, and as I was restraining him, he turned and spat right in my face. Everything seemed to happen in slow motion. I was thinking, “We *just* talked about this!” I did what we had done in the role play – I turned the subject’s head away from me so he couldn’t do it again. I got him into the vehicle and took him to the station with no further incident.”

Eighth District Officer Shares Testimonial on EPIC



CONTACT

WHERE CAN I LEARN MORE?

For more information, please reach out to EPIC Program at epic@nola.gov (<mailto:epic@nola.gov>), or to Innovation Manager Lisa A. Kurtz at LAKurtz@nola.gov (<mailto:LAKurtz@nola.gov>) or at (504) 330-7658.

HOW DO I SHARE MY STORY?

We would be happy to read your stories of successful interventions. If you have an example of putting EPIC into practice, you may share it anonymously using this form.

[Tell your story](#)

(<https://nola.gov>)

(<https://nola.gov/nopd>)

SPD Blotter

Seattle Police Department

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The Seattle Police Department Joins National ABLE Project

by [Public Affairs](#) on December 10, 2020 10:06 am

The Seattle Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project, Georgetown University Law Center's national training and support initiative for U.S. law enforcement agencies committed to building a culture of peer intervention that prevents harm.

By demonstrating agency commitment to transformational reform with support from local community groups and elected leaders, the SPD joins a select group of more than 60 other law enforcement agencies and statewide and regional training academies chosen to participate in the ABLE Project's national rollout. To date, hundreds of agencies across the country have expressed interest in participating.

Backed by prominent civil rights and law enforcement leaders, the evidence-based, field-tested ABLE Project was developed by Georgetown Law's Innovative Policing Program in collaboration with global law firm Sheppard Mullin LLP to provide practical active bystandership strategies and tactics to law enforcement officers to prevent misconduct, reduce officer mistakes, and promote health and wellness.

ABLE gives officers the tools they need to overcome the innate and powerful inhibitors all individuals face when called upon to intervene in actions taken by their peers.

Chief Adrian Diaz said, seeking inclusion to join the ABLE Project reflected important priorities for the SPD.

“Every member of the Seattle Police Department understands how critical it is for officers to watch out for each other,” said Chief Diaz. “That responsibility includes inspiring each other to always do the right thing and being an active bystander when our behavior may need improving. Participating in the ABLE Project will encourage SPD Officers to speak up if they witness wrongdoing in their fellow officers, and you have my word those concerns will be addressed.”

Assistant Chief Lesley Cordner, head of the SPD’s Professional Standards Bureau, will oversee all ABLE Project training in the coming weeks. Instructors will be certified as ABLE trainers, and over the coming months, all the Department’s officers will receive 8 hours of evidence-based active bystandership education designed not only to prevent harm, but to change the culture of policing.

Professor Christy Lopez, co-director of Georgetown Law’s Innovative Policing Program, which runs ABLE, explained: “The ABLE Project seeks to ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training, and to

help agencies transform their approach to policing by building a culture that supports and sustains successful peer intervention to prevent harm.”

Chair of the ABLE Project Board of Advisors, Sheppard Mullin partner Jonathan Aronie, added: “Intervening in another’s action is harder than it looks after the fact, but it’s a skill we all can learn. And, frankly, it’s a skill we all need – police and non-police. ABLE teaches that skill.”

The ABLE Project is guided by a Board of Advisors comprised of civil rights, social justice, and law enforcement leaders, including Vanita Gupta, the president of the Leadership Conference on Civil and Human Rights; Commissioner Michael Harrison of the Baltimore Police Department; Commissioner Danielle Outlaw of the Philadelphia Police Department; Dr. Ervin Staub, professor emeritus at the University of Massachusetts Amherst and the founder of the Psychology of Peace and Justice Program; and an impressive collection of other police leaders, rank and file officers, and social justice leaders.

- See the complete list of the [ABLE Project Board of Advisors](#).

- For more information about the ABLE Project, visit the program's [website](#).
- See a list of the [ABLE Standards](#) to which every participating agency must adhere.
- [These articles](#) share more information about active bystandership generally, and the ABLE Project in particular.

For more information on the ABLE Project, contact Liza, ABLE Program Manager, at lba17@georgetown.edu.

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[SPD Seeks Community Feedback on Draft Use of Force...](#)

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Police

Address: 610 5th Avenue, Seattle, WA, 98104-1900

Mailing Address: PO Box 34986, Seattle, WA, 98124-4986

Phone: 206-625-5011

City-Wide Information

Departments & Agencies

List

Elected Officials

Open Data Portal

Public Information

Requests

Services & Information

Top Requests

1. Find a Police Job
2. Contact SPD
3. Police Locations
4. Crime Information
5. SPD Manual

The Seattle Police Department (SPD) prevents crime, enforces laws, and supports quality public safety by delivering respectful, professional, and dependable police services. SPD operates within a framework that divides the city into five geographical areas called "precincts". These precincts define east, west, north, south, and southwest patrol areas, with a police station in each.

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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

Plaintiff;

v.

POLICE DEPARTMENT OF BALTIMORE
CITY, et. al.,

Defendants.

Civil Action No. ____

CONSENT DECREE

as enumerated below, improve its training, investigations and review regarding officers' uses of force to ensure that officers uphold the value and dignity of all individuals they encounter. To the extent BPD's use of force and related policies meet the requirements of this Agreement, the policies need not be revised. As noted below, however, BPD must adhere to those requirements.

124. BPD will ensure that officers:

- a. Are encouraged to resolve incidents without resorting to the use of force, when possible;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate and lawful orders;
- c. Use tactics that do not unnecessarily escalate an encounter;
- d. Continually assess the situation and changing circumstances, and modulate the use of force appropriately;
- e. When force is necessary, use force in a manner that avoids unnecessary injury or risk of injury to officers and civilians;
- f. Recognize and act upon the duty to intervene to stop any officer from using excessive force;
- g. Accurately and completely report all Reportable Force used or observed; and
- h. Are held accountable for use of force that is not objectively reasonable or otherwise violates law or policy.

B. Policies on Officers' Use of Force

125. BPD will require officers to use de-escalation techniques, including verbal persuasion and warnings and tactical de-escalation techniques such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the



Policy 319

Subject	
DUTY TO INTERVENE	
Date Published	Page
DRAFT 4 December 2020	1 of 4

By Order of the Police Commissioner

POLICY

The purpose of this policy is to set forth the legal, ethical, and affirmative duty of Baltimore Police Department (BPD) members to Intervene to prevent or stop Misconduct and/or other problematic behavior. **This policy creates no new reporting requirements for members beyond their existing duty to report Misconduct.** Instead, Intervening can prevent or stop member misconduct, reduce harm to individuals, and preserve the integrity of the Department. When Misconduct is prevented, there is no reporting requirement, however, members – with the consent of the intervened-upon – may report a successful Intervention. When Misconduct occurs, it must be reported (See Policy 302, *Rules and Regulations*).

CORE PRINCIPLES

Ethical Policing. BPD is a proud proponent of the peer intervention program, EPIC—Ethical Policing is Courageous. Indeed, the duty to Intervene is reflected in the BPD’s statement of values and mission, in the law enforcement officer’s code of ethics, and through BPD’s training. By actively preventing or stopping Misconduct and/or other problematic behavior will preserve the integrity of the BPD and promote a culture of accountability.

Community Safety and Wellness. A member’s duty to Intervene is rooted in the BPD’s commitment to community service and treating members of the public fairly, respectfully, and with every effort to preserve human life, value, and dignity in all situations. Intervention can build community trust through accountability for problematic incidents.

Officer Safety & Wellness. A member’s duty to Intervene is rooted in the BPD’s commitment to member safety and wellness. Member Interventions that prevent Misconduct and/or other problematic behavior will lead to fewer citizen complaints, fewer member grievances, higher morale, and a healthier working environment. Preventing misconduct preserves job security and the integrity of all BPD members, ultimately protecting members from jeopardizing their careers as a result of Misconduct or, in some instances, as a result of a failure to Intervene to prevent Misconduct by others. In turn, a more accountable and healthy police department restores community trust, and aids in the shared policing goals of the community and the BPD, which ultimately helps the crime fight.

DEFINITIONS

Intervene — To verbally or physically interact with another member so as to prevent or alter a result or course of events.

Misconduct – Action, inaction, and/or failure to act by any member of the BPD, civilian or sworn, that violates BPD policy, the Constitution, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations.

GENERAL

1. All members must recognize and act upon the affirmative duty to Intervene to prevent or stop any member from conducting any act that is unethical or that violates law or policy, including, but not limited to:
 - 1.1. Excessive force, including intentionally escalating an encounter absent a lawful, necessary purpose,
 - 1.2. Stops, searches, and arrests that are unconstitutional or violate BPD policy,
 - 1.3. Discriminatory policing (See Policy 317, *Fair and Impartial Policing*),
 - 1.4. Retaliation against an individual participating in 1st Amendment protected activity,
 - 1.5. Theft/fraud/waste,
 - 1.6. Inappropriate language including discourteous language to members of the public,
 - 1.7. Sexual misconduct,
 - 1.8. Harassment,
 - 1.9. Falsifying documents, and
 - 1.10. Inappropriate behavior.
2. Additionally, members have an affirmative duty to Intervene when they see unsafe behavior and/or bad tactics, corner-cutting, and signs of a fellow member's stress and/or mental health issues that are affecting their performance. If apparent signs of stress and/or mental health issues are affecting a colleague's performance, members may Intervene by connecting their colleague to the Officer Safety and Wellness (OSW) Section, and/or informing their Supervisor for a referral to the BPD's Employee Assistance Program (EAP) (See Policy 1703, *Employee Assistance Program*). Specific EAP resources and the direct contact information for the OSW Section are available on the BPD's Intranet at:
http://intranet.bpdnet.org/Documents/Officer%20Safety/OSW_Resource_and_Contact_List.pdf
3. Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of Misconduct and/or problematic behavior.
4. Instances of successful member Intervention may be referred to the BPD's Meritorious Service Board for a commendation (See Policy 1712, *Departmental Awards and Commendations*).

REQUIRED ACTION**Member**

5. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to engage in unethical or inappropriate behavior.
 - 5.1. Examine the circumstances surrounding the incident to determine the appropriate form of Intervention.
 - 5.2. Intervene verbally or physically, depending on the circumstances.
6. Take an active approach to Intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.
7. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
8. If the other member is receptive to the Intervention, and the unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
9. If the other member is **not** receptive to the Intervention and **misconduct** occurs, members shall immediately contact a supervisor to respond to the scene, and ensure their body-worn camera (BWC) is activated.

Supervisors

10. If appropriate, consider making a recommendation to the Meritorious Service Board that the member who Intervened receive the Peer Intervention Ribbon for his/her actions.
11. If misconduct occurred, supervisors shall report it per BPD policy.

Public Integrity Bureau (PIB)

12. Consider attempts to intervene or the reception of intervention as mitigating factors in disciplinary decisions resulting from misconduct investigations as appropriate.

ASSOCIATED POLICIES

Policy 301, *Code of Ethics*
Policy 302, *Rules and Regulations*
Policy 308, *General Disciplinary Process*
Policy 310, *Disciplinary Matrix / Failure to Appear and Traffic Matrix*
Policy 317, *Fair and Impartial Policing*
Policy 804, *First Amendment Protected Activity*
Policy 1016, *Public Observation/Recording of Officers*
Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*
Policy 1109, *Warrantless Searches*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*
Policy 1115, *Use of Force*
Policy 1701, *Equal Employment Opportunity and Diversity*
Policy 1703, *Employee Assistance Program (EAP)*
Policy 1712, *Departmental Awards and Commendations*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Active Bystandership for Law Enforcement (ABLE) Project

Now more than ever, communities across the country, and the law enforcement agencies that serve those communities, are recognizing that first responders must do a better job intervening when necessary to prevent their colleagues from causing harm or making costly mistakes.

Years of academic research and on-the-ground experience has shown us that effective active bystandership can be taught. The Georgetown Innovative Policing Program, partnering with global law firm Sheppard Mullin, has created Project ABLE* (Active Bystandership for Law Enforcement) to prepare officers to successfully intervene to prevent harm and to create a law enforcement culture that supports peer intervention.

Project ABLE is a national hub for training, technical assistance, and research, all with the aim of creating a police culture in which officers routinely intervene as necessary to:

- Prevent misconduct

- Avoid police mistakes, and

- Promote officer health and wellness.

Building upon a training developed by Dr. Ervin Staub, the Founding Director of a program on the psychology of peace and violence, to

help police officers stop unnecessary harmful behavior by fellow officers, in 2014, Dr. Staub, other consultants, and the New Orleans Police Department developed the EPIC Peer Intervention Program. Project ABLE builds upon EPIC and Dr. Staub's prior work to develop and deliver practical, scenario-based training for police agencies in the strategies and tactics of police peer intervention. Project ABLE will guide agencies and communities on the concrete measures that must be in place to create and sustain a culture of peer intervention. Project ABLE also will provide a wide array of resources to communities and law enforcement agencies across the country interested in developing peer intervention programs of their own.

ABLE training will be provided at no cost to local law enforcement agencies, but those agencies must commit to creating a culture of active bystandership and peer intervention through policy, training, support, and accountability.

**Project ABLE, ABLE Project, ABLE, and Active Bystandership for Law Enforcement are trademarks of the President and Directors of Georgetown College.*

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ABLE

Active Bystandership
for Law Enforcement

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Partner, Sheppard Mullin LLP
Chair, ABLE Project Board of Advisors

Active Bystandership for Law Enforcement (ABLE) Project

FACT SHEET

Executive Summary

Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project, to serve as a national hub for active bystander scholarship, training, and technical assistance.

- **ABLE teaches a practical skill.** ABLE training provides practical active bystandership strategies and tactics to prevent misconduct, reduce officer mistakes, and promote health and wellness. ABLE gives officers the tools they need to overcome the powerful inhibitors to intervene in another's actions.
- **ABLE requires agency commitment.** ABLE training currently is provided primarily through a Train-The-Trainer (TTT) program. To be considered for the TTT program, law enforcement agencies must commit to 10 ABLE Standards and submit four letters of support – one from the agency head (e.g., Chief/Sheriff), one from the locality head (e.g., Mayor/County Executive), and two from community groups vouching for the agency's commitment to ABLE. These Standards are meant to ensure that ABLE training is effective at preventing harm and changing culture.
- **ABLE is evidence-based.** The ABLE Project is unique in how carefully the training is built upon decades of research, field studies, and on-the-ground experience. When based on sound research, active bystandership works and can be taught.
- **ABLE is widely supported.** Officers, departments, civil rights/social justice groups, and members of the community embrace ABLE. Law Enforcement agencies that have made public commitments to ABLE include the New Orleans Police Department, the Philadelphia Police Department, the Washington State Criminal Justice Training Commission, the Northern Virginia Criminal Justice Training Academy, the New Hampshire Police Standards and Training Council, the Clemson University Police Department, the Wilmington North Carolina Police Department, and many others.
- **ABLE is not a reporting program.** ABLE is not a disciplinary program or a reporting program. If an action is reportable before the implementation of ABLE, it remains reportable after the implementation of ABLE. ABLE simply teaches officers a new skill – a better way to do something many want to do anyway – and seeks to promote a departmental culture where the use of that skill is encouraged, accepted, and even rewarded.



ABLE

Active Bystandership
for Law Enforcement

2.

- **ABLE is tested.** The ABLE Project is founded upon the scholarship and research of Dr. Ervin Staub, professor emeritus, U. Mass. Amherst. Dr. Staub worked hand in hand with other experts and the men and women of the New Orleans Police Department to develop the country's first department-wide peer intervention program, called EPIC (Ethical Policing Is Courageous). EPIC has been in use successfully in New Orleans since 2016.

- **ABLE is adaptable.** No matter what policing or police departments look like tomorrow, we still will need active bystandership training.

The ABLE Project Mission

The mission of the ABLE Project is simple and straightforward.

- Ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training.
- Produce and serve as a clearinghouse for thoughtful and sound training materials, including curricula, lesson plans, presentation materials, and teacher's aides.
- Provide guidance to police agencies and communities that want to develop meaningful active bystandership programs and build the cultures that sustain them.
- Establish standards and benchmarks for effective active bystandership programs.
- Serve as a hub to connect ABLE partners agencies, community groups, and other organizations across the U.S.

ABLE Project Programs

The ABLE Project offers different active bystandership programs for law enforcement agencies of all sizes.

- **ABLE Train-The-Trainer Events.** ABLE Train-The-Trainer events are offered free of charge to agencies willing to commit to the 10 ABLE Standards available at www.law.georgetown.edu/IPP/ABLE. Interested agencies must submit FOUR letters of support in conjunction with their applications: One letter from the agency head (chief/sheriff/director) one letter from the locality head (mayor/county executive/governor), and two letters from community groups vouching for the agencies sincerity in implementing ABLE.

- **ABLE Academy/POST-Focused Train-The-Trainer Events.** The ABLE Project is working with a number of statewide and regional academies and standards-setting agencies to offer dedicated Train-The-Trainer events for those organizations.



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- **ABLE Overview Programs.** The ABLE Project from time to time holds “virtual open houses” to provide more information about active bystandership generally and the ABLE Project in particular. The first Open House was held in July 2020, and is available for free download at <https://www.youtube.com/playlist?list=PL2QPFPgZ63f-40iGfVATW4DZjaiqaGK15>.
- **Implementation Work Shops.** ABLE participants will be invited to participate in free, dedicated online workshops. These workshops will provide implementation support for agencies accepted into the ABLE Project.
- **Command Staff “Lunch & Learns.”** Upon request and subject to availability, the ABLE Project offers free virtual overview programs to law enforcement agencies looking to participate in the ABLE Project.
- **Complementary Programs.** The New Orleans Police Department, in partnership with Loyola University New Orleans Law School, holds an annual Executive Leadership Conference focusing on peer intervention. More information about the EPIC conference can be found at <https://epic.nola.gov>. While this is not an ABLE-sponsored program, it is an excellent complement to the ABLE Project.

How We Know Active Bystandership Training Works

While it is hard to quantify the success of active bystandership training because, in most cases, when it works, nothing happens, we have strong evidence it is effective.

- Dr. Ervin Staub and other scholars have studied active bystandership for decades. Their research confirms the skills necessary to intervene successfully can be taught and learned.
- Dr. Staub and others have conducted extensive field experiments that show the inhibitors to an intervention can be overcome even in hierarchical environments.
- Other national problems have been successfully mitigated using active bystandership techniques, including drunk driving, mistakes in surgery, pilot errors, and sexual assaults on campus.
- The on-the-ground experience of the New Orleans Police Department evidences the success of the ABLE principles. The NOPD developed and implemented a successful bystandership program called EPIC (Ethical Policing Is Courageous) in New Orleans in 2015, much of which served as the foundation for the ABLE Project.
- A survey of police officers in New Orleans showed officers who have gone through EPIC training perceive themselves as being more likely to intervene in another officer’s actions.



ABLE

Active Bystandership
for Law Enforcement

ABLE History

The ABLE Project was launched in March 2020, but is built upon decades of research, field studies, and on-the-ground experience.

- Dr. Ervin Staub, Professor Emeritus at the University of Massachusetts and the founder of the Psychology of Peace and Violence Program, has studied active and passive bystandership for decades. Following the Rodney King beating, Dr. Staub was engaged by the LAPD to create active bystander training for LAPD officers.
- The 2012 New Orleans Consent Decree incorporated a requirement that NOPD teach peer intervention to its officers.
- In 2014 civil rights lawyer Mary Howell, social activist Ted Quant, psychologist Dr. Joel Dvoskin and others proposed incorporating an active bystandership training recommendation in the President's Task Force on 21st Century Policing Report.
- In 2014 and 2015, the New Orleans Police Department worked with Dr. Staub, Dr. Dvoskin, community members, and other experts to develop the country's first department-wide active bystandership program, called EPIC (Ethical Policing Is Courageous).
- The push to develop EPIC came from NOPD rank and file officers, working closely with Department leadership and community members, looking for a way to protect the public and save careers at the same time.
- In March 2020, following the tragic killing of George Floyd, Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project to serve as a national hub for active bystander scholarship, training, and technical assistance. The Active Bystandership for Law Enforcement (ABLE) Project is housed within Georgetown's existing Innovative Policing Program, led by Professors Christy Lopez and Rosa Brooks. The creators of the New Orleans EPIC program remain significantly involved in the ABLE Project.
- In September 2020, the ABLE Project began working with the FBI National Academy (NA), the country's premier education program for law enforcement executives, to bring the ABLE Project to even more agencies and communities across the country. Among other things, the FBI NA will incorporate active bystandership training taught by ABLE-certified professional NA instructors for all NA attendees and will give NA participants the option of taking a two-day ABLE certification program while at the NA to become an ABLE-certified instructor.



ABLE

Active Bystandership
for Law Enforcement

ABLE Resources

The ABLE Project is always evolving. We continue to expand our training offerings and expand the resources available on our website. Here is a look at the resources that are or soon will be available via the ABLE Project web site:

- **Caselaw Digests.** Federal and state law regarding the civil and criminal liability of bystander officers continues to evolve. The ABLE Project website will provide a digest of relevant federal and state bystander caselaw.
- **Statutory Digests.** Legislatures across the country are actively seeking to impose requirements for officers to intervene to prevent wrongdoing. The ABLE Project website will track these legislative efforts.
- **Policy Best Practices.** To participate in the ABLE Project, law enforcement agencies must adopt certain policies designed to create a culture in which active bystandership will thrive. The ABLE Project website will provide a collection of model policies to assist agencies in adopting best practices in these areas.
- **Online "ABLE Shorts" Video Series.** To give agencies and communities a deeper understanding of what active bystandership is and how it works in the context of policing, the ABLE Project will host a series of 20-minute Zoom interviews with thought-leaders in the areas of policing, social justice, civil rights, teaching, psychology, and related fields. These videos will be free to all, and will air beginning in November 2020.
- **Implementation Technical Assistance.** The ABLE Project provides law enforcement agencies accepted in the program with a wide variety of free implementation support. For agencies that require additional assistance, the ABLE Project website will offer a list of individuals and agencies offering free and fee-based support.

For More Information regarding the ABLE Project, please visit

[https://www.law.georgetown.edu/innovative-policing-program/
active-bystandership-for-law-enforcement/](https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/)
or email Lba17@georgetown.edu.

[PREV](#)

[SECTION 121.12](#)

[Strangulation In The Second Degree \(/Legislation/Laws/PEN/121.12/\)](#)

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[SECTION 121.13-A](#)

[Aggravated Strangulation \(/Legislation/Laws/PEN/121.13-A/\)](#)

Section 121.13

Strangulation in the first degree

Penal (PEN)

SHARE



A person is guilty of strangulation in the first degree when he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, and thereby causes serious physical injury to such other person.

Strangulation in the first degree is a class C felony.

Senate Bill S6670B

SIGNED BY GOVERNOR

2019-2020 Legislative Session

Establishes the crime of aggravated strangulation

JUSTIFICATION:

In 1993, the New York City Police Department completely banned its officers from using a procedure commonly referred to as a "chokehold." According to the NY Daily News: "Members of the NYPD will NOT. Usechokeholds," the NYPD patrol guide clearly states. "A chokehold shall include, but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intakes of air" (NYPD patrol guide clearly states members cannot use chokeholds; New York Daily News Barry Paddock, Thomas Tracy; Friday, July 18, 2014)

Despite the ban, Bronx resident Anthony Baez died in 1994 as a result of a chokehold. Baez's crime was throwing a football with some friends and the football hit a cop's car. He was unarmed. The officer was ultimately tried by a federal jury and convicted.

On Thursday, July 17, 2014, Eric Garner, who was also unarmed and accused of selling loose cigarettes, was placed in a chokehold by an officer of the NYPD. Despite Mr. Garner's audible pleas that he could not breathe, the officers proceeded to put him in handcuffs. He died later at the hospital.

It is clear that the NYPD's ban on the use of chokeholds is not sufficient to prevent police officers from using this method to restrain individuals whom they are trying to arrest. Between 2009 and 2013, the Civilian Complaint Review Board substantiated nine complaints by people who said they had been subjected to a chokehold. Not only has this supposed ban not been enforced, there is evidence that the penalties for using a chokehold have resulted in little more than the loss of vacation time. (New York Times, J. David Goodman, July 21, 2014).

It is obvious that the NYPD is either unable or unwilling to enforce its own employee manual. The use of chokeholds has resulted in too many deaths. Criminal sanctions must be established for those who continue to disregard this banned procedure.

This bill does not bar any affirmative defenses or justifications for the use of force in making an arrest or in preventing an escape as outlined in Section 35.30 of the Penal Law.

LEGISLATIVE HISTORY:

2017-18: A.1699; referred to codes

2015-16: A3361; Referred to Codes / S346; Referred to Codes

2014: A10170; Referred to Codes / S7929; Referred to Rules

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

This act shall take effect immediately.

New York State Law

Penal Law

Consolidated Laws of New York's Penal code

S 35.30 Justification; use of physical force in making an arrest or in preventing an escape.

1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

2. The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.

3. A person who has been directed by a police officer or a peace officer to assist such police officer or peace officer to effect an arrest or to prevent an escape from custody may use physical force, other than deadly physical force, when and to the extent that he or she reasonably believes such to be necessary to carry out such police officer's or peace officer's direction, unless he or she knows that the arrest or prospective arrest is not or was not authorized and may use deadly physical force under such circumstances when:

(a) He or she reasonably believes such to be necessary for self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) He or she is directed or authorized by such police officer or peace officer to use deadly physical force unless he or she knows that the police officer or peace officer is not authorized to use deadly physical force under the circumstances.

4. A private person acting on his or her own account may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; and may use deadly physical force for such purpose when he or she reasonably believes such to be necessary to:

(a) Defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible criminal sexual act and who is in immediate flight therefrom.

5. A guard, police officer or peace officer who is charged with the duty of guarding prisoners in a detention facility, as that term is defined in section 205.00, or while in transit to or from a detention facility, may use physical force when and to the extent that he or she reasonably believes such to be necessary to prevent the escape of a prisoner from a detention facility or from custody while in transit thereto or therefrom.

Use of Force

Model Policy

September 2020



New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov



**Municipal Police
Training Council**

Use of Force Model Policy



STATE OF NEW YORK
Division of Criminal Justice Services
Office of Public Safety

Use of Force - Model Policy

Municipal Police Training Council

VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.¹⁶
- B. Deadly physical force may be used to stop a fleeing suspect where:
 - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.¹⁷
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
 - 1. Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.¹⁸

VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;

¹⁶ NY Penal Law and § 35.30(1)(c)(McKinney 2013)

¹⁷ NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses “significant threat of serious physical harm, either to the officer or others” in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

¹⁸ NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

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3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

IX. REPORTING & REVIEWING THE USE OF FORCE

- A. A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.¹⁹
 1. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
 2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.²⁰
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
 1. Use of force that results in a physical injury.
 2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
 3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
 4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

¹⁹ NY Civil Rights Law § 28

²⁰ NY Mental Hygiene Law § 9.41



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By Order of the Police Commissioner

POLICY

The purpose of this policy is to establish when a member may use force, and members' duties before, during, and after the Use of Force. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully.

While members must at all times comply with the minimum legal requirements governing the Use of Force, they must also comply with even stricter standards set forth by Department policy.

CORE PRINCIPLES

1. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
2. **Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
3. **Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.
4. **De-Escalation.** Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).
5. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
6. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.
7. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
8. **Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the Use of Force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

9. **Duty to Intervene.** Members shall intervene to prevent the abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).
10. **Duty to Provide Medical Assistance.** After any Use of Force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.
11. **Accountability.** Members shall be held accountable for uses of force that violate law or policy.
12. **Retaliatory Force.** Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason (See Policy 804, *First Amendment Protected Activity*).

DEFINITIONS

Active Aggression — Active Aggression is when a person attacks or attempts to attack a member or another person. Strikes, kicks, or attempted strikes or kicks with hands, fists, the head, elbows, knees, or an instrument, constitute Active Aggression.

Aggravated Aggression — Aggravated Aggression is when a person presents an Imminent Threat of death or Serious Physical Injury to the member or another person based on the Totality of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat to a member or other person. Even when confronted with Aggravated Aggression, the member is required to make every reasonable effort to de-escalate and to continuously assess the member's Use of Force.

Chemical Agents — Substances designed to irritate the eyes and mucous membranes (CS gas, PepperBall, Mk-9 Pepper Fogger, smoke, etc.).

Chokehold/Neck Hold — A Chokehold or Neck hold is any hold or contact with the neck that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck. Chokeholds/Neck Holds are prohibited unless the use of Deadly Force/Lethal Force is justified.

Conducted Electrical Weapon (CEW) — A weapon designed to discharge electrical impulses in two modes:

Drive Stun — Pulling the trigger on the CEW with the cartridge removed or discharged, and placing the electrodes upon the skin/clothing of the person. Drive Stunning does not cause neuro-muscular incapacitation but causes severe pain.

Probes Deployment — Probes Deployment is the primary way that CEWs are used. With a cartridge attached, pulling the trigger fires two probes with barbs on the end that can penetrate the clothing or skin of a person. The two probes are connected to the CEW by wires and upon contact, if an electrical circuit is established, the CEW delivers pulsed electricity into the person, and overrides the person's voluntary motor function. Probes Deployment also causes significant pain.

Deadly Force/Lethal Force — Any force likely to cause death or Serious Physical Injury, whether the member intended to cause death or Serious Physical Injury or not. Deadly Force/Lethal Force includes, but is not limited to:

- The discharge of a firearm at a person;
- Strikes with any hard object such as a baton, flashlight, radio, weapon stock/handle, or Improvised Impact Weapon to the head, neck, sternum, spine, groin, or kidneys;
- Intentionally striking a person's head against a hard, fixed object such as a roadway, concrete floor, wall, or iron bars;
- Knee strikes or kicks to a person's head;
- Any strikes to a person's throat;
- "Knee drops" against a prone or supine person's head, neck, or torso;
- Chokeholds/Neck Holds;
- Shooting someone in the head, neck, chest, or back, with a Less-Lethal Launcher at close range.
- The use of any force on a person whose health, age, condition, or circumstances make it likely death or Serious Physical Injury will result.

De-Escalation Techniques — De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical re-positioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully (See Policy 1107, *De-Escalation*).

Imminent Threat — A person presents an Imminent Threat when the person has the means and ability to harm the member or another person, and the member reasonably believes the person intends to deliver that harm.

Improvised Impact Weapon (IIW) — An Improvised Impact Weapon (IIW) is a device or object that is not a department approved weapon, but is nonetheless used as an impact weapon (e.g., flashlight, radio, or stick). Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of damage (e.g., board with protruding nail). Consequently, members shall use Improvised Impact Weapons only in rare, emergency conditions where members lack an authorized Baton or other approved less-lethal alternatives, and use of an Improvised Impact Weapon is reasonable and necessary to defend against a person displaying Active or Aggravated Aggression.

Less-Lethal Force — Force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or Serious Physical Injury. Devices of Less-Lethal Force may include, but not be limited to, a DS-3027 bean bag, FN-303, Pepper Ball rounds, batons/impact weapons, O.C. spray, and CEW. The way a Less-Lethal Force device is used and the circumstances in which it is used could constitute Deadly Force/Lethal Force.

Less-Lethal Launchers/Munitions — A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a conventional lethal weapon such as a firearm. Less-Lethal Launchers/Munitions are only approved for use by certified members.

Physical Force — A member uses Physical Force any time a member coercively touches, directly or indirectly, any person. Physical Force includes holds, grabs, blows, and strikes as well as the use of instruments, such as batons, devices, such as CEWs, tools such as O.C. spray, canines, or firearms, whether

lethal or less-lethal.

Reasonable, Necessary, and Proportional — The review of every Use of Force shall be to determine whether it was reasonable, necessary, and proportional in light of the Totality of the Circumstances that were known, or should have been known, to the member, and in light of the mandates of BPD Policies.

Reasonable — A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.

Necessary — Force is necessary only when no reasonably effective alternative exists. When force is Necessary, members shall use force in a manner that avoids unnecessary injury or risk of injury to members and civilians.

Proportional — Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.

NOTE: Members who use force that is not Reasonable, Necessary, and Proportional will be subject to corrective action, possible discipline, possible criminal prosecution, and/or civil liability.

Resistance — Members may face the following types of Resistance to lawful directives:

Active Resistance — Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person's reaction to pain caused by a member or purely defensive reactions to force does not constitute Active Resistance.

Passive Resistance — Passive Resistance is when a non-assaultive person fails to comply with the member's commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.

Serious Physical Injury — Serious Physical Injury is when there is disfigurement or substantial disruption or harm to one or more body parts, organs, or systems. The term includes, for example, brain injury, with or without unconsciousness, gunshot wounds, cardiac arrhythmia, difficulty breathing, cardiac or respiratory arrest, broken bones, dislocations, torn ligaments or tendons, or significant bleeding. This list is not exhaustive and is intended only to provide representative examples for guidance.

Temporary Pain — Any pain or complaint of pain that is brief, does not result in injury, and is delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, elbow grips, wrist grips, shoulder grips, pressure point techniques, and/or forcible takedowns.

Totality of Circumstances — The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:

- Whether an offense has occurred;
- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The number of persons;

- The availability of weapons;
- Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis;
- Whether a person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier;
- Other force options;
- Availability of non-force options, including tactical repositioning, going to cover, or other De-Escalation Techniques;
- Environmental factors;
- Availability of back up and specialized units.

Use of Force — Any Use of Force or show of force that falls within Level 1, Level 2, or Level 3 force as defined in this policy. Use of Force Levels are:

Level 1 Use of Force — Includes:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and pressure point compliance techniques. Force under this category is not reasonably expected to cause injury,
- Pointing a firearm, Less-Lethal Launcher, or CEW at a person,
- “Displaying the arc” with a CEW as a form of warning, and
- Forcible takedowns that do not result in actual injury or complaint of injury.

NOTE: Escorting, touching, or handcuffing a person with minimal or no resistance does not constitute a Level 1 Use of Force.

EXCEPTION #1: SWAT team members and members assigned to work on a federal task force will not be required to report the pointing of a firearm at a person as a Use of Force during the execution of SWAT team or federal task force duties.

EXCEPTION #2: Pointing of a firearm at a person by any member, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant, will not be a Use of Force. A permanent-rank supervisor must still complete a Form 93, Weapons-Pointing Report detailing the incident (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

Level 2 Use of Force — Includes:

- Force that causes or could reasonably be expected to cause an injury greater than Temporary Pain or the use of weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force:
- Discharge of a CEW in Drive-Stun or Probes Deployment, in the direction of a person, including where a CEW is fired at a person but misses,
- Use of OC spray or other Chemical Agents,
- Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,
- Discharge of a Less-Lethal Launcher/Munitions in the direction of a person,
- Canine-inflicted injuries that do not rise to a Level 3 Use of Force,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Striking of a person or a vehicle with a vehicle that does not rise to Level 3 Use of Force.

Level 3 Use of Force — Includes:

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges by a BPD member,
- Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different members,
- CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications,
- Uses of Force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, and
- Uses of Deadly Force/Lethal Force.

NOTE: Hospitalization refers to admission to the hospital, and does not include treatment and release in the emergency department, no matter how long the stay.

DIRECTIVES**Use of Force**

1. Sworn members have the authority to use Reasonable force when Necessary to accomplish lawful ends. This authority is limited by the laws of the State of Maryland, federal law, the United States Constitution, and the provisions of this policy. Members must conform their actions to the law, the Constitution, and BPD policies. When members use force, they shall exercise the utmost restraint. When practical, members should announce that force will be utilized prior to the application of such force.
2. Members shall prevent or stop the illegal, inappropriate, or excessive Use of Force by other members. Failure to intervene may subject a member to disciplinary action (See Policy 319, *Duty to Intervene*).
3. Members may only use weapons and/or force techniques that are allowed by policy and on which the member is trained, unless warranted by the Totality of Circumstances.

De-Escalation

Members shall, unless it is not possible to do so, avoid the Use of Force by using De-Escalation Techniques, including verbal persuasion and warnings, slowing down the pace of an incident, waiting out persons, using barriers, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources such as specialized units, CIT trained members, behavioral health care providers, or negotiators, before resorting to force, and to reduce the need for force. De-Escalation Techniques mitigate the threats and gives officers time to utilize extra resources, and increases time available to call more officers or specialty units (See Policy 1107, *De-Escalation*).

1. Members shall talk to the person; attempt to convince the person to comply; reduce any threat presented by withdrawing to a position that is tactically advantageous; or take actions that allow the member greater distance and time, in order to de-escalate a situation or deploy a lesser force option or no force at all.

2. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the member and the person, closing the reactionary gap, or escalating a situation.
3. Members shall not use tactics that unnecessarily escalate an encounter or create a need for force.
4. Members shall de-escalate force immediately as resistance decreases.
5. If the member has no alternative to using force, the member shall use only the amount of force that is Reasonable, Necessary and Proportional to respond to the threat or resistance and shall immediately reduce the level of force as the threat or resistance lessens or stops.

Critical Thinking

Prior to using force, members shall use a critical thinking and decision-making framework to analyze and respond to incidents. This framework will allow members to uphold the sanctity of life and protect themselves by decelerating and stabilizing a situation to minimize the likelihood of a Use of Force incident. Using this framework, members will:

1. Assess the situation, threats, and risks;
2. Gather relevant facts about the incident;
3. Consider police powers and BPD policy;
4. Identify options and determine the best course of action; and
5. Act, review, and re-assess the situation.

Restrained Persons

1. Members shall not use force against persons who are handcuffed or otherwise restrained, except in exceptional circumstances where the Totality of Circumstances makes it Reasonable and Necessary to prevent injury or escape. Members are cautioned that force that may be Proportional against an unrestrained person may not be Proportional when used on a restrained person. As with any Use of Force, members shall be required to use De-Escalation Techniques and critical thinking in order to avoid the Use of Force.
2. Members shall not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
3. Members shall **not** position a restrained person face-down as it may cause positional asphyxia, placing persons on their back can cause radial nerve damage to the wrist and forearm area. Restrained persons are to be seated or placed on their side.

Use of Deadly Force/Lethal Force

1. The use of Deadly Force/Lethal Force shall always be the last resort.
2. Members shall not use Deadly Force/Lethal Force unless they have exhausted de-escalation

(See Policy 1107, *De-Escalation*) and Less-Lethal Force options have been tried and failed, or are not safe based on the Totality of Circumstances.

3. A member may use Deadly Force/Lethal Force when they reasonably believe such action is immediately necessary to protect a member or another person from an Imminent Threat of death or Serious Physical Injury.
4. Prior to the decision to employ Deadly Force/Lethal Force members shall consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.
5. Where safety permits, a member should identify himself/herself as a law enforcement officer and state his/her intention to use Deadly Force/Lethal Force before using a firearm or employing Deadly Force/Lethal Force.
6. A member may use Deadly Force/Lethal Force to prevent the escape of a fleeing person if force is authorized and no Reasonable force alternative exists that is within BPD policy, the member has given a verbal warning to the person (if time, safety, and circumstances permit), and there is probable cause to believe that:
 - 6.1. The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death, and
 - 6.2. The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the member or another unless the person is apprehended without delay, and
 - 6.3. Members have identified themselves as law enforcement officers, have stated their intention to use Deadly Force/Lethal Force, and have given the person a reasonable opportunity to comply voluntarily, if time, safety, and the circumstances permit.

Restrictions on the Use of Deadly Force/Lethal Force

1. Deadly Force/Lethal Force shall not be used to subdue persons whose conduct is a threat only to property.
2. Deadly Force/Lethal Force shall not be used against persons whose conduct is a threat only to themselves.
3. **The following are prohibited** unless the use of Deadly Force/Lethal Force is authorized and no reasonable alternatives exist:
 - 3.1. Discharge of a firearm at a person.
 - 3.2. Strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, or IIW to the person's head, neck, sternum, spine, groin, or kidneys.
 - 3.3. Intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars.
 - 3.4. Kneeing or kicking a person's head, neck, back, or torso, including "knee drops" onto a prone or supine person.

- 3.5. Intentionally deploying a CEW to the neck, chest, groin or face of a person.
 - 3.6. Application of Chokeholds/Neck Holds.
 - 3.7. Discharge of a Less-Lethal Launcher to the chest, neck, or head at close range.
 - 3.8. The use of any force on a person whose health, age, condition, or circumstances make it likely that death or Serious Physical Injury will result.
4. Firing warning shots is prohibited.
 5. Firing into crowds is prohibited.
 6. Members shall not fire any weapon from or at a moving vehicle, except:
 - 6.1. To counter an immediate threat of death or Serious Physical Injury to the member or another person, by a person in the vehicle using means other than the vehicle.
 - 6.2. To counter a situation where the member or another person is unavoidably in the path of the vehicle and cannot move to safety. Members shall not position themselves in the path of a moving vehicle where they have no option but to use Deadly Force/Lethal Force.

NOTE: Refer to Policy 409, *Firearms Regulations*, for instructions on the use of firearms.

REQUIRED ACTION

Duty to Intervene

Members shall intervene to stop any member from using excessive force. Intervention may be verbal and/or physical (see Policy 319, *Duty to Intervene*).

NOTE: Failure to intervene may subject a member to disciplinary action. Members must immediately, or as soon as safety allows, notify a permanent-rank supervisor after such an intervention.

Duty to Provide Medical Assistance

1. When there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, members shall immediately render aid consistent with their training and shall request that a medic respond to the scene, or transport the person directly to the nearest hospital emergency room. The member shall then notify their supervisor and the Communications Section.
2. If a person has been subjected to impact by any type of Less-Lethal Force including CEW, impact weapons or impact projectile, he/she will be provided with medical treatment. If the person refuses medical treatment or leaves the location (e.g., persons of an unlawful gathering dispersed by Less-Lethal Force that may voluntarily leave without aid), members must document the actions taken to identify and render aid to the person in the Use of Force Review.

Children and Youth

1. As with any encounter, members are expected to continually assess the situation, employ De-Escalation Techniques, and seek peaceful resolutions during incidents involving children and youth.
2. Members will, when feasible, recognize and employ developmentally-appropriate and trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language. Members will also account for any fear-based reactions children and youth may experience during an encounter.
3. When force against a child or young person is necessary, take into account personalized factors of the child or young person including, apparent age, body size, and relative strength of the member relative to the child or young person; and risk posed by the child or young person; and,
4. In the case of injury resulting from a Use of Force, in addition to the requirements to render aid, summon medical care and notify a supervisor, the member will notify the child or young person's parent, guardian, or other responsible adult.

Reporting

1. All members will adhere to the Use of Force guidelines found in Policy 725, *Use of Force Reporting, Review, and Assessment*.
2. Members of the BPD must notify a permanent-rank supervisor immediately, or as soon as practicable, following a Use of Force. The supervisor will notify the Shift Commander by the end of the shift during which the force occurred. The notification will contain basic information concerning the incident. Any member with knowledge that another member used force must also immediately report that Use of Force to a permanent-rank supervisor. In all instances, the permanent-rank supervisor will conduct a thorough review of the Use of Force, and document this review by completing a BlueTeam entry before the conclusion of the supervisor's tour of duty.
3. The failure of any commander, supervisor or member to fulfill any of the requirements of this policy will not prevent, inhibit or otherwise affect the ability of the Department to conduct an investigation of any misconduct arising from a Use of Force incident or to otherwise discipline a member for any violation of this policy.

ASSOCIATED POLICIES

Policy 302,	<i>Rules and Regulations</i>
Policy 319,	<i>Duty to Intervene</i>
Policy 409,	<i>Firearms Regulations</i>
Policy 414,	<i>Less-Lethal Munitions and Chemical Agents</i>
Policy 710,	<i>Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)</i>
Policy 719,	<i>Conducted Electrical Weapon</i>
Policy 724,	<i>Performance Review Board</i>
Policy 725,	<i>Use of Force Reporting, Review, and Assessment</i>
Policy 824,	<i>Body-Worn Camera</i>
Policy 1107,	<i>De-Escalation</i>
Policy 1111,	<i>Batons / Impact Weapons</i>
Policy 1114,	<i>Persons in Police Custody</i>
Policy 1118,	<i>Oleoresin Capsicum Spray</i>
Policy 1602,	<i>Canine Procedure</i>

RECISSION

Remove and destroy/recycle Policy 1115, *Use of Force*, dated 2 March 2018.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01	
FORCE GUIDELINES			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 4

SCOPE

The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

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SCOPE (continued)

Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

NOTE

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.

DEFINITIONS

DE-ESCALATION - Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation.

EXCESSIVE FORCE - Use of force deemed by the investigating supervisor as greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the MOS at the time force was used.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

PROCEDURE

To provide members of the service with the Department's force/restraint and firearm prohibitions:

PROHIBITIONS

UNIFORMED MEMBER OF THE SERVICE

1. Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, taking into account the below prohibitions imposed by the Department.

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UNIFORMED MEMBER OF THE SERVICE (continued)

Members of the service **SHALL NOT**:

- a. Discharge a firearm when, in the professional judgment of a reasonable member of the service, doing so will unnecessarily endanger innocent persons
- b. Discharge firearms in defense of property
- c. Discharge firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to the MOS or another person present
- d. Fire warning shots
- e. Discharge firearm to summon assistance, except in emergency situations when someone's personal safety is endangered and no other reasonable means to obtain assistance is available
- f. Discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle
- g. Discharge firearm at a dog or other animal, except to protect a member of the service or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat
- h. Cock a firearm. Firearms must be fired double action at all times.

NOTE

Drawing a firearm prematurely or unnecessarily limits a uniformed member's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.

2. Members of the service **SHALL NOT**:

- a. Use a chokehold
- b. Use any level of force to punish, retaliate or coerce a subject to make statements
- c. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault
- d. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs
- e. Transport a subject facedown
- f. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject's mouth or other body cavity.

NOTE

Any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The review may find that, under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines.

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NOTE
(continued)

Members who are subject to investigation, the subject of disciplinary action, civil action, or a civilian complaint related to a violation of the above prohibitions may submit a request for review of the circumstances to the Use of Force Review Board. The Use of Force Review Board will review the facts and circumstances and make a final determination of whether the force used was reasonable under the circumstances and within guidelines.

When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility.



Chicago Police Department

General Order G03-02

USE OF FORCE



ISSUE DATE:	16 October 2017	EFFECTIVE DATE:	16 October 2017
RESCINDS:	1 October 2002 Version		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive sets forth Department policy regarding sworn members' and detention aides' use of force.

II. DEPARTMENT POLICY

- A. **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. **Public Cooperation.** A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- C. **Core Principle.** The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- D. **Assessing Uses of Force.** The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

NOTE: Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

III. USE OF FORCE - WHEN AUTHORIZED

- A. **Definition of Force.** Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.

- B. **Use of Force: Objectively Reasonable, Necessary, and Proportional.** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.
 - 1. Objectively reasonable. The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:
 - a. whether the subject is posing an imminent threat to the officer or others.
 - b. the risk of harm, level of threat or resistance presented by the subject.
 - c. the subject's proximity or access to weapons.

 - 2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.

 - 3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.

 - 4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
 - a. exercising persuasion and advice, and providing a warning prior to the

use of force.

- b. determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
- c. requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.

5. Prohibitions.

- a. The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated.
- b. Department members are prohibited from using force based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic as outlined in the Department directive entitled "[Prohibition Regarding Racial Profiling and Other Bias Based Policing.](#)"
- c. Force used as punishment or retaliation is prohibited.
- d. Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, and filming police activity) is prohibited.

NOTE: First Amendment rights are not absolute and are subject to reasonable time, place, manner restrictions. Further guidance may be found in the Department directive entitled "[The First Amendment and Police Actions.](#)"

6. Additional procedures. For further procedures on de-escalation, the principles of Force Mitigation, and when force is authorized, Department members will refer to the Department directive entitled "[Force Options.](#)"

C. **Use of Deadly Force: Necessary to Prevent Death or Great Bodily Harm.** The following additional policies apply to the use of deadly force:

- 1. Definition of Deadly Force. Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to:

- a. firing of a firearm in the direction of the person to be arrested.
 - b. firing of a firearm at a vehicle in which the person to be arrested is riding.
 - c. intentional striking of a subject's head with an impact weapon.
 - d. application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.
2. Definition of Imminent Threat. A threat is imminent when it is objectively reasonable to believe that:
- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
 - b. the subject has the means or instruments to cause death or great bodily harm; and
 - c. the subject has the opportunity and ability to cause death or great bodily harm.
3. Last Resort. The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. Consistent with this requirement, a sworn Department member may use deadly force only when such force is necessary to prevent:
- a. death or great bodily harm from an imminent threat posed to the sworn member or to another person.
 - b. an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.
4. Fleeing Persons. Deadly force may not be used on a fleeing person unless the subject poses an imminent threat, as defined above.
5. Sworn members will, whenever possible, identify themselves as police officers prior to using deadly force, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.

6. A sworn member is justified in using deadly force to stop a dangerous animal only when the animal reasonably appears to pose an imminent threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.

D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:

1. Firing warning shots.
2. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
3. Firing solely in defense or protection of property.
4. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, but the use of deadly force in such circumstances is only permitted in the limited circumstances when such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
5. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken reasonable precautions to ensure that people other than the target will not be struck.
6. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

NOTE: When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.

IV. MEDICAL ATTENTION

- A. Once the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members:
 - 1. will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC).
 - 2. may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- B. Members will treat injured persons, whether another officer, a member of the public, or a subject, with dignity and respect.

V. DUTY TO INTERVENE AND REPORT

- A. **Ensure Compliance.** All Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law.
- B. **Intervention, Notifying Superiors, Supervisory Intervention.** A Department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. Except in extraordinary circumstances, the member will act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation.
- C. **Written Reporting Obligation.** Consistent with the Department directive entitled "[Complaint and Disciplinary Procedures](#)," Department members who have knowledge of the use of force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct.
- D. **Retaliation Prohibited.** The Department prohibits any form of retaliation against a Department member for:
 - 1. reporting a use of force that is allegedly in violation of this directive, or
 - 2. cooperating with any internal investigation of the complaint.

- E. **Accuracy and Candor.** Department members will be responsible at all times:
1. for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.
 2. for articulating the specific facts to explain the member's own decision to employ a particular use of force.

VI. DEPARTMENT MEMBER'S BILL OF RIGHTS

Use of Force investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive entitled "[Department Member's Bill of Rights.](#)"

Kevin B. Navarro
Acting Superintendent of Police

16-021 MWK

GLOSSARY TERMS:

ADDENDA:

1. G03-02-01 - Force Options
2. G03-02-02 - Incidents Requiring the Completion of a Tactical Response Report
3. G03-02-03 - Firearms Discharge Incidents Involving Sworn Members
4. G03-02-04 - Taser Use Incidents
5. G03-02-05 - Oleoresin Capsicum (OC) Devices And Other Chemical Agent Use Incidents
6. G03-02-06 - Canine Use Incidents
7. G03-02-07 - Force Review Unit

Seattle Police Department Manual

Adrian Diaz, Chief of Police

8.200 - Using Force

Effective Date: 06/19/2020

1. Use of Force: When Authorized

An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See **8.300 - Use of Force Tools**. Once it is safe to do so and the threat has ended, the force must stop.

Use of Force Core Principles

Objectively Reasonable defined

Necessary defined

Proportional defined

2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances

- An officer will not use force to punish or retaliate

- An officer will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 - Observation of Officers**).

- An officer will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
 - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth

- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers shall summon medical assistance as soon as feasible.

- An officer may not use force to extract a substance or item from inside the body of a suspect.

Exception: This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

ICAT

Integrating Communications, Assessment, and Tactics



TRAINING GUIDE
For Defusing Critical Incidents

CRITICAL ISSUES IN POLICING SERIES

ICAT

Integrating Communications, Assessment, and Tactics

A Training Guide for Defusing Critical Incidents

October 2016



Note: About this ICAT Training Guide

This report is a summary of the Police Executive Research Forum's Training Guide on Use of Force.

The complete Training Guide, with all related materials, is available online at www.policeforum.org/TrainingGuide.

The online Training Guide will be a "living document." Over time, as new materials become available, such as police body-worn camera footage of new incidents that illustrate training principles, they will be added to the online Training Guide.

The information and attachments contained in this Training Guide are designed to be used as a guide to the subject matter covered, and should be thoroughly reviewed by your agency's training academy, legal department and policy unit before implementation in your agency. This substantive agency review is to ensure that the material presented or suggested in this Training Guide conforms to and is consistent with your agency's policies, training and legal guidelines. For maximum impact and effectiveness, PERF recommends that the Training Guide be implemented in a comprehensive manner, and not in a haphazard, arbitrary or piecemeal way. Further, PERF cautions against announcing and implementing changes in training before all relevant policies, equipment, and other operational considerations have been updated, as needed, to support the training. Accordingly, PERF shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused or alleged to be caused directly or indirectly by the information, in whole or in part, contained in this Guide.

This publication was supported by the Motorola Solutions Foundation. The points of view expressed herein are the authors' and do not necessarily represent the opinions of the Motorola Solutions Foundation or all Police Executive Research Forum members.

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Members of PERF's Use of Force Working Group—more than 60 training and tactical experts representing more than 30 police agencies and other organizations across the country—outside New York Police Department headquarters, following a meeting with then-Police Commissioner William Bratton. In April 2016, the Working Group spent a week at the New York City Police Academy exploring and discussing the key concepts in this Training Guide.

Acknowledgments

THE CREATION OF THIS TRAINING GUIDE WAS TRULY A TEAM EFFORT by many people, representing dozens of police agencies at the local, state, federal, and international levels as well as private and nonprofit organizations. Throughout this process, we learned from dedicated police professionals *at all ranks*—from police officers to police chiefs—who brought expertise in such diverse areas as tactics, crisis intervention, negotiations, lethal and less-lethal weapons, officer safety and wellness, and training and curriculum development.

We are especially indebted to the nearly 70 individuals who devoted a week of their time in April 2016 to work with us at the New York City Police Academy (see the Appendix for a list of participants). This working group engaged in intense, sometimes heated, but always productive discussions about the content, organization, and presentation of this Training Guide. Their ideas and expertise helped to shape this publication. Our goal was to help police agencies build training programs that will be helpful and meaningful to front-line patrol officers, because they are the ones who most often respond to the challenging and often dangerous calls that are the focus of this guide.

Special thanks go out to recently retired New York City Police Commissioner William Bratton, his successor James O’Neill, First Deputy Commissioner Benjamin B. Tucker, Chief of Staff Kevin Ward, and the entire command staff of the NYPD. Whenever PERF asked for assistance and support throughout this project, they answered the call. Deputy Chief Theresa Tobin and Assistant Chief Terry Shortell were instrumental in making arrangements for our use of the Police Academy for the week-long working group meeting in April, as well as a follow-up day of videotaping at the Academy in July. The men and women of the NYPD Emergency Service Unit have been particularly supportive in helping us understand how the specialized training and tactics that the ESU employs can be applied to patrol officers. We are deeply indebted to Deputy Chief Vincent Giordano, Deputy Inspector Matthew Galvin, Lieutenant Sean Patterson, Sergeant John Flynn, Officer Robert Zajac, Officer Steve Stefanakos, Detective Jim Shields, Officer Kimberly Zarrilli, and their ESU team. Special thanks also go to Detective Jose Otero, who sets the standard for the critically important job of playing the roles of people with disabilities, mental illnesses, or other conditions that can cause them to behave erratically and sometimes dangerously, in the realistic scenario-based training that is at the heart of this guide. We are also indebted to Lieutenant Mark Turner and Detectives Jeff Thompson and Jim Shanahan, who taught us so much about

crisis intervention, communications, and negotiations, and how patrol officers can apply those skills as well.

We are also grateful to the individuals who reviewed an early draft of this Training Guide: Assistant Chief Pam Davis, Anne Arundel County, MD Police; Assistant Commissioner Tatum Fox, Nassau County, NY Police; Sergeant Dan Nelson, Seattle Police; Deputy Assistant Director Ariana Roddini, Federal Law Enforcement Training Center; Detective Jeff Thompson, New York City Police; Laura Usher, National Alliance on Mental Illness; and from Police Scotland, retired Chief Constable Stephen House, Superintendents Alan Gibson and Kirk Kinnell, and Sergeant James Young.

Following peer review of this guide, six police agencies stepped forward to serve as pilot sites for presenting this training to classes of their officers. I am thankful to the chief executives and training staffs of the following agencies: the Bay Area Rapid Transit (BART) Police Department; the Burlington, VT Police Department; the Camden County, NJ Police Department; the Daytona Beach, FL Police Department; the Houston Police Department; and the Prince William County, VA Police Department. These departments provided valuable, real-world feedback on how our materials work in the classroom.

This Training Guide also benefited from the hard work, insights and experience of two individuals who were part of the April working group session in New York City—and then stayed deeply involved in the project over the next six months. Sergeant Bryan Hubbard of the Oakland, CA Police Department, and Michael Schlosser, Director of the Police Training Institute at the University of Illinois at Urbana-Champaign, volunteered countless hours of their time to drafting and reviewing materials, challenging our thinking, and offering practical insights and suggestions. Along with retired Deputy Chief Howard Lodding of the Chicago Police Department, a consultant on the project, Bryan and Mike provided guidance and support at every stage of this process.

Of course, none of our work would have been possible without the continued generous support of the Motorola Solutions Foundation. This is the 31st report in the Critical Issues in Policing Series, which has been supported solely by Motorola for nearly two decades. Just since 2014, the Motorola Solutions Foundation has supported four projects, resulting in four reports, that serve as the foundation of this training guide.¹ Motorola also helped us see this project through to its practical next step: the creation of this Training Guide. Motorola supported the April working group session at the NYPD and a meeting with officials from the six pilot sites that tested this training. In addition, Motorola supported PERF's work in observing the pilot training at each agency, so that we could gather quantitative and qualitative feedback that guided the final product.

Thanks go to Jack Molloy, Motorola's Senior Vice President for Sales, North America; Jim Mears, Senior Vice President; Gino Bonanotte, Executive Vice President and Chief Financial Officer; Cathy Seidel, Corporate Vice President,

1. *Defining Moments for Police Chiefs; Re-Engineering Training on Police Use of Force; Advice from Police Chiefs and Community Leaders on Building Trust; and Guiding Principles on Use of Force.* Available at <http://www.policeforum.org/free-online-documents>.

Government Relations; Matt Blakely, Director of the Motorola Solutions Foundation; and Rick Neal, retired Vice President at Motorola Solutions and now President of the Government Strategies Advisory Group, who continues to assist us with these projects. We are also most grateful to Motorola Solutions Vice President James Munro and Vice President David White, who came to the NYPD Police Academy for our Working Group session.

Finally, I want to thank the talented and dedicated PERF staff. Our work on use-of-force issues has been a top priority for PERF for the past two years, as one of the most important challenges we have addressed in our 40-year history. Development of this Training Guide was an “all-hands-on-deck” undertaking. In addition to organizing meetings, compiling and reviewing materials, and working with dozens of collaborators from across the country and internationally, PERF staff built and tested this Training Guide from the ground up.

Kevin Morison, Director of Program Management, demonstrated phenomenal skill in directing the entire project and developing the Training Guide materials. Kevin and Communications Director Craig Fischer drafted and produced this report. Tom Wilson, Director of Applied Research and Management, was instrumental in content development and organization of the Training Guide, drawing upon his 24-year career with the Anne Arundel County, MD Police Department. Communications Coordinator James McGinty assisted in countless ways, including creating and managing key content—video, audio, and print—for our planning meetings. James also spearheaded the launch of the online Training Guide on our website, and served as an observer at one of the pilot training sites. Research Assistant Matt Harman oversaw logistics and planning for the April 2016 working group meeting and was the on-site staff coordinator in New York City. Research Assistant Sarah Mostyn oversaw logistics and planning for our August meeting with representatives from the six pilot sites. Research Associate Rachael Arietti oversaw development of the Course Feedback Form used by the pilot sites, and the collection and analysis of the feedback we received, with assistance from Christine Litten. Sarah, Rachael and James all assisted with preparations for the working group meeting in New York.

This project had many moving parts, and my Executive Assistant, Soline Simenauer, continued to keep me on track, providing exceptional administrative and planning support. My Chief of Staff, Andrea Luna, provided vital project direction and budget management, in her role of overseeing the entire Critical Issues in Policing series. She also observed and reported on one of the pilot site trainings. PERF’s graphic designer, Dave Williams, produced this report—another attractive and easy-to-read publication.

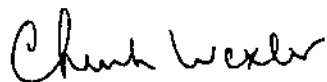
Special thanks also go to Richard Herard, who provided excellent videotaping and editing support for the online Training Guide. Richard’s “day job” is as a detective with the Anne Arundel County, MD Police Department.

The report you are holding (or reading online) provides an overview of PERF’s latest work on improving training on police use of force and, as a result, on strengthening police-community relations.

However, the real power of this initiative lies in the various materials that make up the online Training Guide. The online ICAT Training Guide

is far more detailed than this report, and it includes links to training videos and other materials. Please to to www.policeforum.org/TrainingGuide to review the Training Guide resources we have created.

If you are a police chief, training director, or otherwise are involved in training of police officers, this ICAT Training Guide will show you how you can incorporate our materials into your own training programs. I am convinced that by working together and providing our police officers with more and better training in this vital area, we can save lives—and we can save officers' careers and advance their well-being as well.

A handwritten signature in black ink that reads "Chuck Wexler". The signature is written in a cursive, flowing style.

Executive Director
Police Executive Research Forum
Washington, D.C.

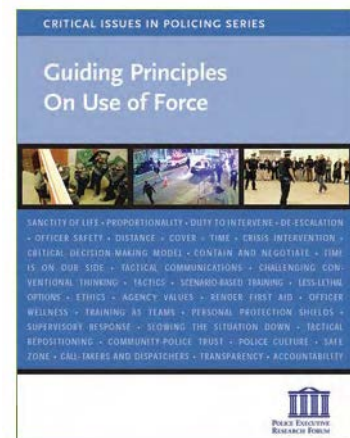
Introduction: Filling a Critical Gap in Training

By Chuck Wexler

SINCE 2014, THE POLICE EXECUTIVE RESEARCH FORUM (PERF) HAS been studying developments regarding police use of force, particularly with respect to officer safety and the safety of the people they encounter, and the impact of these issues on police-community relationships. While PERF's research and policy development on use-of-force issues go back decades,² our recent efforts have followed a series of highly publicized police use-of-force incidents across the country, many of them captured on video and some resulting in large-scale protests and demonstrations.

There is a growing realization among leaders of the policing profession and members of the public that, in many communities, police use of force has become a critical issue that is setting back community-police relations and may even be impacting public safety and officer safety. It was clear that additional research and new ways of thinking about police use of force were needed, and PERF members and PERF as an organization stepped forward to fill that need.

PERF has convened several national conferences and working groups of police officials from across the country on these issues. We also have conducted survey research and field visits in the United States and internationally, and have published a series of reports detailing our work. Our most recent publication, *Guiding Principles on Use of Force*, presents 30 recommended best practices in the key areas of use-of-force policy, training and tactics, equipment, and information needs.³ This ICAT Training Guide should be used in conjunction with the *Guiding Principles* report.



A Critical Need for Training on Certain Types of Encounters

Throughout our research on use of force, one critical issue surfaced repeatedly—the need for better and more consistent training of police officers.

2. See, for example, the groundbreaking study, *Deadly Force: What We Know* (1992). Police Executive Research Forum.

3. *Guiding Principles on Use of Force*, Police Executive Research Forum. 2016. <https://perf.memberclicks.net/assets/guidingprinciples1.pdf>

Specifically, we found that *training is lacking in many departments for front-line patrol officers about how to respond to a particular set of circumstances, namely:*

- A person is behaving erratically and perhaps dangerously;
- The person's behavior is often the result of mental illness, drug or alcohol abuse, post-traumatic stress disorder, intellectual disabilities, developmental disabilities, or conditions such as autism that may *limit the person's ability to understand or respond rationally to a police officer's orders*;
- The person either is *unarmed or has a weapon other than a firearm*, such as a knife, baseball bat, or rocks.

It is the police response to these types of circumstances that have raised the most questions about police training and practices on use of force. Few people second-guess an officer's decision to use lethal force against a criminal or a suspect who is armed with a firearm and is threatening the officer or the public. But incidents involving persons who are *not* armed with a firearm, and who come to the attention of the police because of their mental illness or other condition, not because they have committed a crime, are receiving closer scrutiny.

In these types of incidents, officers should be trained in a wider array of options, including opportunities to “slow the situation down” in order to avoid the need for use of force.

These incidents are the focus of this Training Guide.

It's Unfair to Blame Officers for Doing What They Were Trained to Do

In our discussions with police officials at all ranks, PERF heard that officers often do not have the training that would equip them with options (and alternatives to deadly force) in these types of non-firearms encounters. Use of lethal force in these incidents can have far-reaching implications for everyone involved: the person in the encounter, the officer, the police department, and the entire community.

In researching this issue, PERF has emphasized that it is unfair to blame individual police officers for using force in the ways they have been trained to use it. Our research revealed major shortcomings in the training that most officers currently receive. For example, a 2015 nationwide survey of PERF members found that recruit officers in responding agencies receive substantial training on firearms and defensive tactics, which is appropriate given the firearms threats that officers in the United States face. However, officers receive considerably less training on subjects such as de-escalation, crisis intervention, tactical communications, and less-lethal options such as Electronic Control Weapons (ECWs). A similar imbalance was noted with in-service training.⁴

4. The survey findings are summarized in the PERF report, *Re-Engineering Training on Police Use of Force* (2015), <http://www.policeforum.org/assets/reengineeringtraining1.pdf>, pp. 11–12.

This ICAT Training Guide provides new options to traditional approaches to police use of force.

Our research also documented how outdated concepts such as the “21-foot rule,” “drawing a line in the sand,” and never backing away from a threat or repositioning continue to permeate police culture and practice. In some cases, these outdated concepts are presented to recruits in the police academy; in other departments, they are not formally presented but they are discussed by Field Training Officers or generally within the profession, and they continue to influence the actions and behavior of officers.⁵

Compounding the challenges for today’s police officers are increased workloads and complexity caused by the failures of other social service systems, including mental health care, education, public health, and others. While the exact percentage of police encounters that involve people with mental illness is difficult to measure, one study estimated that in the police departments of U.S. cities with populations greater than 100,000, approximately 7% of all police contacts, both investigations and complaints, involve a person believed to have a mental illness.⁶

More recent research suggests that the percentage of time officers spend on situations involving people with mental illness has increased in recent years, as community mental health services have shrunk.⁷ In addition, many of these contacts involve subjects who may also be under the influence of drugs or alcohol.

Given how volatile and potentially dangerous these situations can be, first-responding police officers face considerable challenges in trying to maintain the safety of everyone involved, peacefully resolve the incident, and avoid reaching the point where deadly force becomes an option.

Police agencies and their leaders can work to increase the options and tools that are available to their first-responding patrol officers. Agencies can train officers on how to use those options and tools safely and effectively. When agencies focus on increasing options and providing training, both the officers and the communities they serve are safer. Community trust in the police increases, and community willingness to engage with officers in community policing also grows.

Filling the Gap in Training

The ICAT Training Guide attempts to fill the gap in training for these types of dynamic and potentially dangerous encounters. It presents model lesson plans and support materials (including PowerPoint presentations, video recordings of use-of-force incidents, and other resources) in the key areas of decision-making, crisis recognition and response, tactical communications

5. See *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <https://perf.memberclicks.net/assets/guidingprinciples1.pdf>, pp. 19–22.

6. Deane, Martha; Steadman, Henry J.; Borum, Randy; Veysey, Bonita; Morrissey, J.P. “Emerging Partnerships Between Mental Health and Law Enforcement.” *Psychiatric Services* Vol. 50, No. 1 January 1999: pp.99–101. <http://ps.psychiatryonline.org/doi/full/10.1176/ps.50.1.99>

7. Biasotti, Michael C. “Management of the Severely Mentally Ill and Its Effects on Homeland Security.” Thesis: Naval Postgraduate School, Monterey, California. 2011. <http://mentalillnesspolicy.org/crimjust/homelandsecuritymentalillness.pdf>

and negotiations, and operational safety tactics. The guide integrates these skills and provides opportunities to practice them through video case studies and scenario-based training exercises.

In recent years, a number of police agencies have launched large-scale training programs focused on crisis intervention, de-escalation, and less-lethal options. In putting together this guide, PERF staff relied on the insights and materials of leading agencies and their training professionals from across the country.

Throughout this research, PERF has involved training experts of all ranks from dozens of local, state, and federal police agencies throughout the country.⁸ Most recently, in April 2016 PERF assembled a working group of more than 60 training professionals representing more than 30 local and state law enforcement agencies from across the country, plus Police Scotland⁹, for a week-long session at the New York City Police Academy.¹⁰ Top officials from the Federal Law Enforcement Training Center and DHS Customs and Border Protection also participated, along with representatives of the National Alliance on Mental Illness and the Police Training Institute at the University of Illinois.

PERF's April 11–15, 2016 meeting included officers, sergeants, lieutenants, captains, commanders, and higher-ranking officials. They brought a diverse set of skills and expertise, including crisis intervention, negotiations, tactics, firearms and less-lethal weaponry, and curriculum design and development. The working group reviewed the proposed outline and presentation of this Training Guide, and offered feedback, suggestions, and continued assistance. And

NYPD Emergency Service Unit officers demonstrate communication skills and safety tactics in a scenario-based training exercise at the NYPD Police Academy.



8. For a review of PERF research on use of force over the past two years, see *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 8-13.

9. Police Scotland has contributed expertise to PERF's research for this Training Guide, because the overwhelming majority of Scottish officers do not carry firearms, so they have become expert in de-escalating and resolving the types of incidents that are the subject of this Guide.

10. See Appendix to this report for a list of participants at the April 2016 working group meeting.

NYPD officials conducted demonstrations of their scenario-based training in many of the concepts that were incorporated into the PERF Guiding Principles.

In addition, the working group participants provided PERF staff with many of their agencies' lesson plans and supporting documents in the areas covered in the Training Guide. In developing the model lesson plans included here, PERF reviewed hundreds of documents submitted by more than a dozen participating agencies. Some of these agencies have dramatically overhauled their use-of-force policies, practices, and training in recent years, and PERF was able to benefit from the work these agencies have done. In addition, members of the New York City Police Department staged a scenario-based training exercise during the working group session, which provided a model for the scenarios that are included in this guide.

This guide focuses on the unique training needs of first-line officers, who are usually the first to respond to volatile situations that involve subjects behaving erratically. The guide integrates these components into a cohesive training program that promotes the safety of the public, the officers, and the involved subjects.

Focus of the ICAT Training Guide

This guide is focused on the following key areas:

Patrol officers. In almost every instance involving a subject acting erratically and dangerously, the first police personnel on the scene are front-line patrol officers—"beat cops." Supervisory personnel and more specialized units such as SWAT, emergency services, Crisis Intervention Teams (CIT), K9 teams, and hostage negotiators often are called in as the situation develops. This is a best practice, and this Guide recommends calling in additional resources to help de-escalate situations.

But in the critical first few minutes, often it is up to the responding patrol officer or officers to manage the situation. This ICAT Training Guide is designed to provide those officers with more options and additional tactical and communications skills to safely and effectively manage those situations and resolve conflicts peacefully whenever possible. In many instances, the goal is to buy enough time until additional, specialized resources can get to the scene.

Non-firearms incidents. Like PERF's 30 Guiding Principles report, the ICAT Training Guide is not focused on situations where police officers encounter offenders with firearms. As the *Washington Post* found in its Pulitzer Prize-winning project detailing the circumstances of the 990 fatal officer-involved shootings in 2015 that it identified, incidents in which an offender was shooting or pointing a gun at officers or someone else accounted for the majority of the fatal police shootings.¹¹ In these situations, officers generally have limited options besides deadly force for stopping that threat.

11. <https://www.washingtonpost.com/graphics/national/police-shootings-year-end/>

However, the *Washington Post* also found that in 2015 there were several hundred fatal officer-involved shootings that did *not* involve subjects with firearms. Incidents in which subjects had knives (16%), were unarmed (9%), or were trying to use a vehicle as a “weapon” (5%) accounted for approximately 300 fatal shootings in 2015. Furthermore, in approximately 25 percent of the 990 fatal police shootings, the subject displayed signs of mental illness.

Of course, some of these non-firearms situations involve serious imminent threats to police officers or others, and the officers may have had little choice but to take immediate steps to stop the threat, including the use of deadly force. But in many of these non-firearms situations, officers have time and opportunity to consider other options. Helping officers effectively and safely manage these types of encounters is the focus of this Training Guide.

Integration of crisis recognition/intervention, communications and tactics. PERF’s research found that in recent years, a growing number of police agencies have been providing their officers with specialized training on how to interact with persons who are in crisis because of mental illness or other conditions. The Crisis Intervention Team (CIT) training program has become a model in this area, and in cities that have embraced the CIT concept, positive results are occurring.¹² Other agencies have developed their own training curricula that, like CIT, focus on crisis recognition (teaching officers how to recognize the nature of a situation and the factors that may be contributing to the subject’s behavior), intervention, and communications.

While these efforts are important and promising, PERF also found that there is often a gap between crisis intervention and communications on one hand, and on the other hand, tactics. In many of the officer-involved shootings that PERF reviewed, we found that officers on the scene had been trained in CIT. However, CIT is mainly about communications. So when a situation turns dynamic, officers may forget or downplay their CIT communications skills and instead resort to the basic defensive tactics they had been trained in.

In other words, officers in some cases may use deadly force when other options might have been available because of the gap between communications training and tactical training.

For PERF, the takeaway is that crisis intervention training is important and necessary, but it is not always sufficient to produce the best outcomes in situations involving people who have a mental illness or are otherwise in crisis and are behaving erratically or dangerously, but are not brandishing a firearm. Tactical skills are also necessary. What ICAT does is bridge that gap.

Crisis recognition and response, tactical communications, and operational safety tactics must be integrated in both training and field operations. This Training Guide provides such an integrated approach to training for incidents in which the subject is not threatening anyone with a firearm. The guide presents this integrated approach within the context of a Critical

12. See, for example, *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 58–59, which documents the progress being made in Seattle.

Decision-Making Model that is designed to help officers develop and think through their options in these situations.

This Training Guide also presents a number of “micro-skills,” especially in the area of tactical communications. For example, the guide explores useful and effective alternatives to repeatedly shouting “Drop the knife!” at persons who are not complying—in many cases, because they are suffering a mental health crisis and cannot understand or process the commands.

Officer safety and wellness—physical, emotional, legal. This Training Guide is centered on PERF’s Guiding Principle #1: “The sanctity of human life should be at the heart of everything an agency does.” As PERF said in the Guiding Principles report, “Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.”

Protecting officers from physical threats and harm lies at the heart of all of PERF’s work, not just on use of force but on other issues as well. Whether the topic has been handling mass demonstrations, using Electronic Control Weapons (ECWs), or reducing officer fatalities through the negotiation of mandatory-wear policies for body armor and motor vehicle seat belts, PERF has focused on policies and practices that protect officers from danger.

PERF’s *Guiding Principles on Use of Force* and this Training Guide continue that focus, and expand it to include officer safety and wellness from an emotional and legal standpoint as well. In recent years, police agencies have begun to dedicate attention and resources to the mental and emotional well-being of officers with regard to use of force and other issues. The San Diego Police Department stands out as a leader in this area.¹³

At its core, this ICAT Training Guide is focused on protecting officers in non-firearms incidents in terms of physical safety as well as wellness. This is accomplished by equipping officers with the tools and techniques needed to slow down some situations, and provide additional specific options for safely resolving them. The goal is to help officers avoid reaching the point where their lives or the lives of others become endangered and the officers have no choice but to use lethal force.

In addition to protecting officers from physical harm, providing officers with more options can minimize the risk of emotional turmoil and legal and media scrutiny that accompany most officer-involved shootings, even those that are clearly appropriate and necessary. This Training Guide is intended to help officers stay out of harm’s way physically and to protect their emotional well-being, their family lives, and their careers.

13. See *Guiding Principles on Use of Force*, Police Executive Research Forum (2016), <http://www.policeforum.org/assets/guidingprinciples1.pdf>, pp. 23–24. The San Diego Police Department also received the 2016 Agency Officer Wellness award from the National Law Enforcement Officers Memorial Fund: <http://www.nleomf.org/newsroom/news-releases/national-officer-safety-and.html>.

Approaches to Promoting Officer Safety and Wellness Following an Officer-Involved Shooting

Recognizing that involvement in a police shooting can have detrimental and lasting effects on officers, participants at PERF's April 2016 working group meeting of police training professionals discussed how their agencies are promoting officer safety and wellness in the aftermath of these incidents. Here are some of the ideas that were presented:

Mandatory wellness visits. Most agencies mandate that officers involved in a shooting or other critical incident see medical professionals promptly. The Las Vegas Metropolitan Police Department maintains doctors on staff and requires that officers have regular contact with them. Similarly, the Washington, D.C. Metropolitan Police Department mandates days off to see a clinical psychologist.

Follow-Up Visits. In Miami Beach, officers have follow-up wellness visits at 3, 6, and 12 months following an incident. Multiple visits are required because circumstances and emotions can change over time.

Peer support. Several agencies maintain peer support groups. Officers who have experienced the aftermath of an officer-involved shooting are often in the best position to understand the feelings that fellow officers are experiencing, to help them cope, and to provide referrals to additional resources. In New York City, the peer support structure has been formalized outside the agency. In 1996, various police unions came together to create Police Organization Providing Peer Assistance (POPPA), a private, volunteer peer support group.¹⁴ Moving this function outside the department created a confidential, safe, and supportive environment for officers and their families to discuss a range of issues.

Addressing “collateral stress.” Recognizing that the partners of officers involved in shootings and other officers on the scene may be impacted, the Madison (WI) Police Department created a program in which the department reaches out every six months to all officers who were on the scene, to help ensure their safety and well-being.

Keeping officers informed. Several participants noted that for many officers, one of the most stressful aspects of being involved in a shooting is not knowing the status of the legal and administrative review processes. Many agencies have dedicated department liaisons who are tasked with updating officers on their cases. In Nassau County, NY, two supervisors respond to all critical incidents: one is responsible for the investigation; the other is responsible for serving as a liaison for the officer involved. Often, agency Wellness Center personnel also respond to scenes and can make appropriate referrals to the employee assistance program right away.

Seizing training opportunities. Some agencies, such as the Washington, DC Metropolitan Police, have their Academy personnel respond to the scenes of some critical incidents. They use information gathered at the scene (which increasingly includes body-worn camera footage) in order to examine, from a training perspective, the tactics and decision-making that officers used. If better approaches are identified, they can be addressed in future lesson plans. If there are immediate officer safety implications, agencies work to get training bulletins and other information out immediately. In New York City, this is being accomplished quickly and comprehensively through text and video distributed through the smartphone technology that has been issued to officers.

14. <http://poppanewyork.org/>

The ICAT Mission Statement

ICAT is anchored by the following mission statement and broad training goals:

Mission Statement

Patrol officers will learn to safely and professionally resolve critical incidents involving subjects who may pose a danger to themselves or others but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm are the cornerstones of ICAT.

Training Goals

- Reinforce with patrol officers the core ideal of sanctity of human life—the need to protect themselves, members of the public and, whenever possible, criminal suspects and subjects in crisis from danger and harm.
- Promote public safety and officer safety by learning and integrating skills and strategies related to decision-making, crisis recognition, tactical communications, and safety tactics.
- Provide patrol officers with the skills, knowledge, and confidence they need to assess and manage threats, influence behavioral change, and gain voluntary compliance whenever possible in dynamic and dangerous situations.
- Provide patrol officers with a decision-making model that is intuitive, practical, and effective for safely resolving non-firearms critical incidents and for documenting and explaining actions after the fact.
- Provide patrol officers with basic skills needed to recognize individuals in crisis and to approach and attempt to engage them in a safe and effective manner.
- Provide patrol officers with key communications skills needed to safely engage with, de-escalate, and gain compliance from subjects who are in crisis and/or non-compliant.
- Reinforce with patrol officers effective tactical approaches and teamwork skills needed to safely resolve incidents.
- Provide patrol officers with realistic and challenging scenario-based training which focuses on recognition of persons in crisis, tactical communication, and safe tactics as part of an overall, integrated de-escalation strategy.

How the ICAT Training Guide Was Created

This Training Guide is the next step in PERF's work on use-of-force reforms. Following the publication of *Guiding Principles on Use of Force* in March 2016, PERF assembled a Working Group of more than 60 professionals representing law enforcement agencies and other organizations from across the country (see Appendix, page 60, for a list of participants). The Working Group met in New York City on April 11–15 to discuss the key concepts, review an early draft of this Training Guide, and work on scenarios for the scenario-based training described herein.

PERF then completed a draft of this Training Guide, which was reviewed by a panel of 10 policing experts from across the country. The draft was updated and refined.

Finally, PERF obtained the assistance of police agencies in six jurisdictions for “pilot-testing” of the training. The pilot sites were the Bay Area Rapid Transit Police Department; the Burlington, VT Police Department; the Camden County, NJ Police Department; the Daytona Beach, FL Police Department; the Houston Police Department; and the Prince William County, VA Police Department. These training sessions, based on the key elements of this Training Guide, were conducted in August and September 2016. PERF obtained quantitative and qualitative feedback about the training from police officers and instructors in these six departments, and that feedback is reflected in this final report.

The online version of the ICAT Training Guide, which can be found at www.policeforum.org/TrainingGuide, is more detailed than this summary report, and will continue to be updated and expanded over time.



Commissioner William Bratton addressed the April 2016 Working Group meeting at the NYPD training academy in which 60 officials from all ranks at more than 30 local, state, and federal law enforcement agencies reviewed and commented on a draft of PERF's training guide. Participants also witnessed scenario-based training exercises conducted by NYPD personnel to demonstrate the elements of the training.

How to Use This ICAT Training Guide

PERF HAS LABELED THIS DOCUMENT THE ICAT TRAINING GUIDE (AS opposed to a “lesson plan” or “curriculum”) for a reason. This report provides a new approach to incidents that in the past have sometimes ended with a use of force by police, but which in many cases could potentially be resolved peacefully if officers had better options for assessing the situation and using specialized communications skills and tactics to “slow the situation down,” while protecting their own safety and public safety.

Because some police agencies and training academies already have curricula on topics like crisis intervention, communications, tactics, and decision-making, it may not be possible to simply drop this ICAT Training Guide into an existing training program. Elements of this Training Guide may duplicate certain aspects of a police department’s current training, or in other cases, parts of this Training Guide may contradict existing policy or training. Thus, each agency should review the six Modules of this Training Guide, and decide how to merge new concepts with existing training, or to make adjustments as necessary.

And although the lessons in this ICAT Training Guide are especially pertinent to critical incidents involving subjects who are not armed with a firearm, some of the concepts, approaches, and techniques presented here can also be applied to certain situations in which firearms may be present. For example, if a barricaded subject has a firearm but is not actively shooting or pointing the weapon at an officer or someone else, the same elements covered in this Training Guide—good decision-making, effective communications, officer safety issues, and sound tactics—are still critical parts of a safe and effective response.

This Training Guide will be most effective in agencies and training academies that have reviewed and embraced the 30 guiding principles on use-of-force policy, training and tactics, equipment, and information exchange that are contained in PERF’s 2016 report, *Guiding Principles on Use of Force*.¹⁵ That 127-page document provides the context, supporting research, and commentary by

The complete Training Guide, with links to training videos and other materials, can be accessed online at www.policeforum.org/TrainingGuide.

15. <http://www.policeforum.org/assets/guidingprinciples1.pdf>



At PERF's April 2016 meeting, NYPD officers demonstrated effective approaches for handling a situation in which a woman called police to report that her son is "off his meds," is refusing to cooperate, and is waving a baseball bat.

leading police executives and other experts about how the Guiding Principles and this Training Guide were developed and how the two documents complement each other.

ICAT Is Flexible and Adaptable

PERF encourages police agencies and training academies to be creative in how they choose to use this Training Guide.

Some agencies and academies may decide to present the Training Guide materials as a *stand-alone training program* for the types of situations described above, in which patrol officers encounter a person behaving erratically, possibly because of a behavioral crisis, who is either unarmed or armed with a weapon other than a firearm.

Other agencies or academies may choose to incorporate the modules in this Training Guide into existing training programs on de-escalation, tactical communications, or crisis intervention. Still others may want to take elements of individual modules and create their own lesson plans. This Training Guide is designed to accommodate these and other approaches.

ICAT can be used to support recruit training, in-service training, or both. Again, it will be up to individual agencies and academies to determine how to best integrate this material into their overall training strategies and approaches.

One of the key points raised by the training experts that PERF consulted in the development of this guide¹⁶ is that many skills—in particular, tactical communications skills—are perishable and need to be reinforced and practiced on a regular basis. This guide can be used to provide officers with regular "training booster shots" in a number of areas. Elements of this training can be reinforced during roll call or team training exercises.

16. See "How The ICAT Training Guide Was Created," page 14.

Menu of ICAT Training Modules

This Training Guide is presented in six modules:

Module 1: Introduction. This module explains the purpose and focus of the training, emphasizing that public safety and officer safety lie at the heart of the entire Training Guide.

Module 2: Critical Decision-Making Model (CDM). This module discusses the importance of critical thinking and decision-making for officers responding to the types of incidents that are the focus of this Training Guide. It presents the Critical Decision-Making Model as a training and operational tool for agencies to structure and support officers' decision-making.

Module 3: Crisis recognition and response. This module provides basic information on how to recognize individuals who are experiencing a behavioral crisis caused by mental illness, drug addiction, or other conditions. It also provides techniques on how to respond to such individuals and initiate communications with them.

Module 4: Tactical communications. This module provides more specific and detailed instruction on communicating with subjects who are agitated and initially non-compliant. It focuses on key communications skills, including active listening and non-verbal communication, that are designed to help officers manage these situations and gain voluntary compliance.

Module 5: Operational safety tactics. Using the Critical Decision-Making Model as the foundation, this module reviews critical pre-response, response, and post-response tactics to incidents in which a person in behavioral crisis is acting erratically or dangerously but is not brandishing a firearm. It emphasizes concepts such as the "tactical pause"; using distance and cover to create time; using time to continue communications, de-escalate heightened emotional responses, and bring additional resources to the scene; tactical positioning and re-positioning; and teamwork.

Module 6: Integration and practice. This module pulls the preceding modules together. Using video case studies and scenario-based exercises, it gives officers additional opportunities to practice the concepts and skills learned throughout the training.

These modules, and the material within each module, are presented in a recommended sequence. However, it is not required that the material be delivered in this exact order or format. An agency or instructor may feel it beneficial to transition between modules to more closely represent recent events or challenges particular to the operational environment for that agency.

Different Training Methods for Visual, Auditory and Kinesthetic Learners

ICAT utilizes both lecture/discussion-based training and practical instruction. As such, the guide attempts to accommodate the three basic types of adult

learners: visual, auditory, and kinesthetic. Because traditional, lecture-based classes do not provide kinesthetic learners with an avenue to easily retain the information presented, the guide includes multiple hands-on activities. In addition, some individuals do not have a single learning style. For example, visual/kinesthetic learners will retain more information if it is presented across the two different learning styles. The Training Guide is designed for these types of learners as well.

The material is presented in a basic lesson plan format that should be familiar to police trainers. It is also designed for agencies and academies to customize the modules to match their own policy considerations, training philosophies, state-level requirements, and available training resources.

Course Goals and Learning Objectives

For each module, the Training Guide specifies course goals and specific learning objectives. The guide also provides suggestions about the amount of time that should be devoted to each module, based on the material presented and recommended exercises. However, individual agencies or academies can adjust the material and the amount of time used to cover it.

Lectures and discussions: Each module includes an outline of suggested material to cover during lectures and class discussions. This material is not tightly scripted; rather, individual instructors will be expected to provide additional context and depth to the major learning points that are included. To assist instructors, the guide includes “Instructor Notes” that provide additional explanation and resources. Again, agencies and academies should add to these notes as appropriate.

Suggested Power Point: To support the lectures and class discussions, the Training Guide includes a Power Point presentation for each module. Use of the Power Point files is recommended, but optional. Agencies and academies should customize the presentations to fit their training requirements and philosophies. The format of the Power Point slides is simple, allowing agencies or academies to insert their own logos or other training information, as appropriate.

Video case studies: The Training Guide includes several video case studies that illustrate and amplify the material presented in the various modules. The modules include suggested questions and discussion points for each video case study. Instructors should feel free to augment these discussion points or introduce different or additional videos that cover the same learning objectives as those included in the Training Guide.

Scenario-Based Training (SBT): This guide also includes several scenario-based training exercises. These exercises are presented in two ways: as written scripts and as videos of the recommended scenarios. The scripts are intended to help agencies and academies create and run their own SBT exercises. They provide the background on the scenario and guidance to the role players, as well as key discussion and learning points for the instructors to use. The SBT



videos can be used in one of two ways. For agencies and academies that want to run their own live SBT exercises, the videos offer a visual guide in how to structure and stage the exercises. For agencies and academies that may not be able to run their own SBT exercises, the videos can be used as case studies to illustrate the same discussion points and learning objectives. It should be noted, however, that to most effectively reach different types of adult learners, running actual scenarios is recommended.

Local police officers from various ranks in 30 agencies discussed the organization and content of this Training Guide at the NYPD training academy.

Consider Stepping Outside the Regular Training Academy Structure

The training experts who have advised PERF on this Training Guide emphasized that selecting the right instructors to deliver this type of training is critically important. Some agencies that have rolled out new use-of-force training have decided to go outside their traditional academy structure, and use trusted individuals within their agencies, as well as community leaders or outside experts in some cases. When training challenges conventional thinking and presents innovative new ideas and approaches, it is essential to have trainers who endorse the new approach and who are trusted and respected by members of the organization.

That is the blueprint the Camden County, NJ Police Department followed in rolling out its “Ethical Protector” training—a department-wide initiative that stresses de-escalation, tactical communications, and the sanctity of human life. Rather than simply assigning the new training to regular training personnel, the department identified and recruited approximately 20 informal leaders within the agency. These were people who, regardless of rank, assignment, or patterns of experience, were well known and widely respected by fellow officers. The department provided those personnel with intensive train-the-trainer instruction on the Ethical Protector philosophy and program. These mentors then delivered the Ethical Protector training to the entire department. Department leaders and rank-and-file officers have attributed the effectiveness of the training to this unconventional approach.

>> *continued on page 23*

Some Tips and Techniques for Conducting Scenario-Based Training

The training experts who have assisted PERF in the development of this Training Guide emphasized the importance of scenario-based training (SBT) for police officers. They said SBT is particularly important for the subject of this training: patrol officers responding to an agitated subject, possibly in crisis, and either unarmed or possessing a weapon other than a firearm. These situations are dynamic, potentially dangerous, and require a mix of communications, tactical, and decision-making skills. SBT provides opportunities for officers to practice and demonstrate proficiency in all of those skills sets, in a realistic, hands-on, and sometimes stressful environment.

What is scenario-based training? (Also referred to as reality-based training, or RBT)

The Dallas Police Department, which helped to pioneer the concept with the creation of a dedicated Reality Based Training Team in 2006, provides this definition:¹⁷

Reality Based Training is training that places the student into a setting that simulates a real-life encounter, in order to test his/her ability to respond to an incident while acting within the law and departmental policy. RBT allows a student to experience various situations under stress before they reach the street and experience them for real. The student can experience these situations while in a safe/sterile environment.

SBT is designed to complement, reinforce, and extend the other training methods that are used here and in other training. The Dallas Police Department presents the following learning continuum, emphasizing the advantages of RBT, or SBT:

Reality Based Training

Advantage of RBT's hands on approach compared to other styles of training:

I hear it, I forget- Lectures, Speeches

I see it, I remember- Power Point Lectures, Visual Demonstrations

I do it, I understand- Reality Based Training, Hands On Approach

Building officers' skills and confidence

Training experts emphasize that while effective SBT exercises inject physical and mental stress into the scenarios, SBT is ultimately designed to build up officers' skills and confidence. Scenarios should be designed for officers to practice and learn—and to *succeed*. SBT is not effective if the scenarios are seen as “gotcha” exercises that embarrass or shame students for not performing perfectly every time. The training should emphasize that the situations are complex and difficult to navigate until they have been practiced and the critical thinking process starts to become more automatic. The scenarios included in this Training Guide adhere to these principles, and it is important for agencies and academies to conduct their SBT in this same spirit.

How do you select and coach role-players?

A key component of any successful SBT exercise is the selection and coaching of “role players.” Role players are the people who portray, for example, the subjects who are acting irrationally, relatives who call the police and may help calm the person down, and bystanders who may interfere and complicate the police response.

Role players must not only understand the parts they are playing; they must immerse themselves in those roles. The training experts who advised PERF emphasized that for SBT to be effective, the role players must be realistic and adept at playing their parts. Police department staff members can be effective role players, but they must demonstrate the ability to carry out the parts in the scenarios. However, it is *not recommended* that police personnel attending the training also serve as role players during that same training session. The roles of students and role players should be kept separate. Some agencies and academies hire professional actors,

17. “Introduction to Reality Based Training.” Dallas Police Department Power Point presentation. (Included as a resource with the online Training Guide.)

where resources are available.¹⁸ Others, including the Metropolitan Police Department of Washington, DC, partner with the theater programs at local colleges or universities to supply student actors at little or no cost.

Stop at key points and discuss? Or complete the entire scenario and then discuss?

PERF's training experts identified two basic approaches for running SBT exercises:

1. Stop the exercise at key points to discuss what is happening and various possible responses, or
2. Run through the entire exercise, and then discuss.

Under option 1, instructors stop the action at key points during the scenario, sometimes to reinforce a successful action or technique by the officer, to point out warning signs, or to amplify an important teaching point. Frequent "cuts" in the action are not intended to indicate that anything is necessarily "wrong." Rather, they represent key decision points at which to explore tactical options (e.g., Where is your cover? What are your options for protecting yourself? Is the nature or severity of any threat posed by the subject changing? How has the threat changed? Is the person becoming more or less compliant? What communications and tactical strategies are warranted given the change in the threat?). Instructors should emphasize these points prior to the scenario starting, so that students understand the purpose behind the frequent breaks in the action.



At the conclusion of a scenario-based exercise, an instructor and participants discuss how officers responded and alternative strategies and tactics that they could have considered.

One other consideration: when conducting this type of training, part of the memory has no recall of the perception of time. By infusing "pauses" into the scenario, the student has more time to come up with the correct answer or action. When recalling the scenario later, the student will likely recall only his or her correct actions, not the pauses. This allows for the student to perform the "perfect rep," which will later be recalled as a template when confronted with a similar scenario, either in training or in the field.

The New York City and St. Paul Police Departments are among the agencies that use this stop-and-discuss approach. The primary advantage is that issues and questions can be addressed right away as they come up. The main disadvantage is that the "cuts" interrupt the flow of the scenario, and thus do not mirror actual events as they would unfold.

Under option 2, instructors allow the scenario to run all the way through, and then debrief and discuss important learning points. Prince William County, VA and Police Scotland, among others, have adopted this approach. The primary advantage here is that the scenarios more realistically mimic the structure and pace of the actual situations that officers will encounter on the street. A potential disadvantage is that some key decision points may not be fully covered in the post-scenario discussion and debrief.

Neither approach is necessarily better than the other. Each has its strengths and drawbacks, and agencies and academies will need to decide which approach works better for them. Agencies may use a mix of options 1 and 2, depending on which works best in a given scenario. In a certain scenario, it may make sense to stop just once to highlight a critically important decision point, but otherwise allow the scenario to run without interruption.

18. For example, for its crisis intervention training, the New York City Police Department hired professional improv actors.

In all scenarios, the purpose is not to render a simple “pass-fail” judgment on individual officers. Rather, SBT is intended to get officers to think about their decision-making, both as the situation unfolds and after the fact, as the officers are called on to explain their actions.

Finally, some agencies, including Oakland and Fresno, CA, take their scenarios all the way through to the end of the call for the officer. For example, officers are expected to call for medical backup if appropriate, write reports, and conduct other follow-up activities, as they would in a real-world encounter.

What to do with students not actively engaged in an SBT exercise?

One of the common concerns about SBT is that there is a lot of “down time” for students who are not actively involved in the scenario. The training experts who advised PERF generally recommended that students who had not yet been through the scenario should not be allowed to observe it before their turn. After students have completed the scenario, some agencies allow them to observe subsequent scenarios. In some cases, students are given specific “assignments,” such as watching for particular communications techniques or tactical approaches. However, students should never be involved in evaluating or debriefing with other students; those are the job of the instructors.

One other option (recommended in this Training Guide) is to split a class into two groups (or more, depending on the overall size of the class). While one group is performing SBT, the others can be engaged in other practical training activities, such as video case studies.

What type of investment do agencies and academies need to make in SBT?

The training experts who advised PERF on this initiative emphasized that agencies and police academies need to be prepared to invest in their scenario-based training. This investment means devoting resources to create and implement a robust SBT program, with realistic scenarios, high-quality role players, and highly trained instructors. Agencies should also consider investing in video recording and editing equipment to film and play back scenarios for students. Such videos can be useful during one-on-one discussions about an officer’s actions during the scenario.

Realistic scenes: Agencies and academies should also work to provide realistic locations for scenario-based training. Some organizations have robust “tactical villages” and similar facilities to stage a wide range of scenarios. Other agencies may need to be creative in finding realistic locations, such as storefronts that are temporarily closed, vacant office space, school facilities after hours, and the like.

Don’t rush the scenarios: Devoting time to scenario-based training also means giving individual scenarios the time to play out. One of the key lessons of the PERF Guiding Principles on Use of Force is that police often achieve better outcomes if they can “slow a situation down,” in order to give themselves more time to communicate with the subject and establish a rapport, assess the nature of the crisis, thoughtfully consider options for responding, call mental health experts and additional police resources to the scene, and give the person time to calm down and de-escalate. Thus, patience is important in handling these incidents.

It is equally important to have patience and allow time for the scenarios in this training to play out. By giving scenarios the time to evolve and play out, agencies and academies send the message to officers that their goal is to resolve the situation peacefully, which often does not mean quickly, and that officers are encouraged to take the time they need. It is important to emphasize this point, because in many departments, the traditional way of thinking is that officers should resolve every incident as quickly as possible, so the officers can move on to the next call.

Train as a team, if possible: If possible, agencies and academies should also attempt to have units, or at least partners, go through scenario-based training as a team. This approach allows for units and partners to practice team tactics during SBT, which is likely to translate into greater coordination and increased officer and public safety in the field.

The Chief Must Endorse the Training—Publicly and Internally. Experts said it is critically important for the police chief, sheriff, or other agency top executive to proactively demonstrate support for the training with internal and external audiences. That is why Module 1: Introduction recommends an in-person visit or video message from the agency’s chief executive at the very beginning of the program. Beyond just endorsing the training, chief executives and other top leadership can demonstrate their support by either attending the training themselves or spending time getting an overview of the training. In addition, it is important for all instructors to enhance and localize the training using anecdotes and experiences from their community.

Involve Community Partners: Agencies should also look to include other community partners in the training, where appropriate. For example, the National Alliance on Mental Illness (NAMI) is closely involved in the Crisis Intervention Team (CIT) training offered in many agencies. The Training Guide recommends that NAMI’s “In Our Own Voice” program could be easily and effectively integrated into Module 3: Crisis Recognition and Response.¹⁹ Other community partners in fields such as mental health, substance abuse, juvenile justice, elder care, and caring for other vulnerable populations could be effectively incorporated into this Training Guide as well. These partners add not only subject matter expertise, but also legitimacy to the training. In the interest of transparency and building community-police relations, agencies should also consider inviting selected community stakeholders, and possibly the news media, to observe the training in action.

Assessment and Testing Protocols

Each agency and academy will need to determine how to present this training within the context of its own assessment and testing protocols. This Training Guide does not include recommended or sample examinations or other assessments. These types of protocols are important in demonstrating that officers have understood and can implement the key ideas presented in the Training Guide. Developing these instruments will be up to the individual agencies, based on their own experiences and preferences.

19. For information on NAMI “In Our Own Voice,” visit <https://www.nami.org/Find-Support/NAMI-Programs/NAMI-In-Our-Own-Voice>.

Training Module 1: Introduction

IN THE FIRST MODULE OF INSTRUCTION, STUDENTS ARE INTRODUCED to the purpose of the training: to improve the response of patrol officers to incidents that involve persons in crisis, who are behaving erratically and perhaps dangerously, but are not brandishing a firearm.

Message from the chief: It is recommended that the training begin with a message from the police chief, sheriff, or other chief executive of the agency, expressing support for the training. It is important for officers to understand that the training is being conducted because the top leaders of the agency consider it important and beneficial. The message from the chief can be delivered in person or in a video recording.

In their introductory message to officers, police chiefs and sheriffs should note that the training advances officers' interests as well as the community's interests. According to the U.S. Justice Department, approximately 63 million residents of the United States age 16 or older—more than one-fourth of the population—have at least one contact with the police over the course of a year. And police make more than 10 million arrests per year. In the vast majority of these millions of encounters, police use no force of any kind.

But in a small fraction of all these encounters, officers have used force in ways that have proved intensely controversial. These cases can have a dramatic impact on police-community relationships. If community members believe that a use of force by an officer was not necessary, it damages the relationships of trust that police have spent decades trying to build. In cases where a use of force is fatal, the stakes could not be higher, not only to the person who dies, but also to his or her family members, and to the entire community.

Furthermore, from police officers' point of view, using force, particularly lethal force, can be traumatic. They may face disciplinary action or criminal charges. And even if a use of lethal force is eventually found to be legally justified, the officer's life may never be the same. Some leave the profession.

The ICAT Training Guide is designed to give police officers more options, and better options, for responding to difficult, complicated situations, with strategies and tactics that are more likely to end with minimal use of force.

Lives can be saved with this approach. It is in everyone's best interest, including officers', to teach strategies and tactics for resolving these incidents peacefully, whenever possible.

Mission Statement: In Module 1, instructors also should review the mission statement of the training program (see previous section, page 13).

Start with a video case study: To start the training in an interesting manner, instructors may begin by showing the students a video case study that demonstrates the type of incident that the training is about.

One option is to show a video that illustrates the dynamic nature of many of these incidents and the challenges that first responding officers face. (There are many options for such videos, obtained from police body-worn cameras or dash cams, community members' cell phone cameras, or security camera footage. The online version of this Training Guide provides examples.)

Rather than playing the video all the way through, instructors can stop the video at certain points to discuss the issues the officer or officers were facing in tactical areas of threat assessment, critical decision-making, crisis intervention, communications, and tactics. This approach can provide a real-world, visually compelling introduction to the training.

What the training is NOT about: Next, instructors can clarify the focus of the training by explaining what it is *not* about:

- The training does *not* instruct officers to walk away from danger.
- The training does *not* tell officers that they cannot use their firearms when necessary.
- The training is *not* about limiting options for officers. Rather, it is about *increasing* officers' options in the types of situations covered in the training.

4 Key Areas of Focus: Finally, instructors should explain that the training will focus on four key areas:

1. **Patrol officer response:** The training is about *patrol officers'* response to the types of incidents at issue. Patrol officers almost always are the first officers to respond to a call or happen to be at the scene of such an incident. And the training generally instructs officers to "slow the situation down" whenever possible, in order to buy time to bring additional resources to the scene, such as a supervisor, specially trained Crisis Intervention Teams, and/or other specialized units. However, in the first critical minutes, it is often up to patrol officers to manage the situation safely and effectively.
2. **No firearms:** The major subject matter of the training is incidents in which a person is behaving oddly or dangerously but *does not have a firearm*. One-third of the fatal officer-involved shootings in 2015—approximately 300 incidents—involved subjects who were unarmed or were armed with a weapon other than a firearm. Many of these incidents are dangerous, but at the same time, many of them can be resolved without lethal force.

Training Module 2: Critical Decision-Making Model

What is the Critical Decision-Making Model? PERF's Critical Decision-Making Model (CDM) is at the heart of this Training Guide, because it provides officers with an organized way of making decisions about how they will act in any situation, including situations that may involve potential uses of force.

For decades, specialized police tactical units such as SWAT have employed the critical thinking and decision-making processes contained in the CDM to guide their complex, often dangerous work. Prior to taking action, SWAT teams typically take time to collect and analyze information about the situation they are facing, assess risks and threats, consider contingencies, and then act and review the outcome of their actions. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

ICAT is based on the idea that if a critical thinking process works well for specialized tactical units, it can also help patrol officers do the same thing.

PERF's CDM is based largely on a similar National Decision Model that has been used for a number of years in the United Kingdom. Like the UK model, the CDM is a logical, straightforward, ethically-based thought process that will help American police officers manage a wide range of incidents effectively and safely. While the CDM can be employed in many types of situations, PERF believes it will be especially valuable in managing the types of critical incidents that are the focus of this training: situations involving persons who are behaving erratically or dangerously, often because of a mental illness or other condition, and who either are unarmed or have an edged weapon, rock, or other weapon, but not a firearm.

Critical Decision-Making Model



The Training Guide covers the key elements of the CDM, describes the process of using it, and explains its benefits.

CDM core: At the center of the CDM is an ethical core that provides grounding and guidance for the entire process of using the CDM. In PERF's CDM, there are four elements that guide decision-making:

- Police ethics
- The values of the police agency
- Proportionality²⁰
- The sanctity of human life.²¹

However, officials should feel free to adjust the core of the CDM to best match the philosophy and values of their agency. The Nassau County, NY Police Department did that in creating its own decision-making model. While the Nassau County model is quite similar to PERF's CDM, the elements of the core are unique to Nassau County.

The CDM is a circular process, not a linear one:

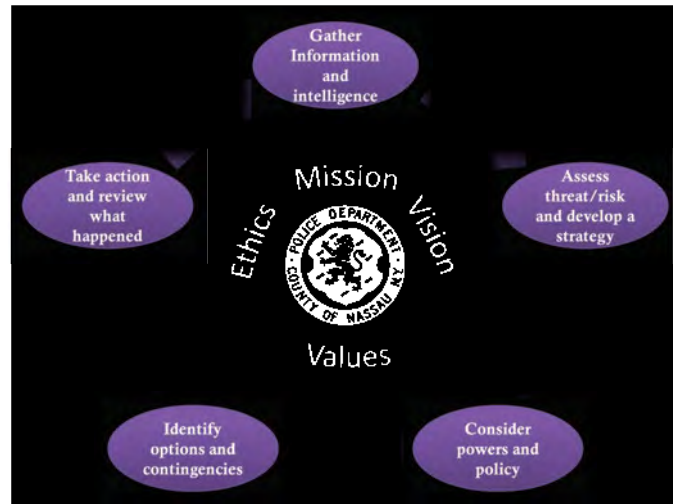
The CDM has 5 steps. It is a circular process, not a linear one. It is important to note that Step 5 is “Act, review, and re-assess.” In other words, if the officer takes action but finds that the action does not resolve the situation, the officer restarts the process.

Furthermore, officers may move to any step as needed, as the situation changes. This is sometimes called “spinning the wheel.”

For example, in a situation involving a man in a mental health crisis on the street brandishing a knife, an officer may be in Step 4, “Identify options and determine best course of action,” and on the verge of deciding to use an Electronic Control Weapon. But if the man's wife arrives at the scene and says, “Let me talk to him, I can calm him down. He's off his medications. I have them, and he will probably calm down,” the officer might go back to Step 2, “Assess situation, threats, and risks.”

Instructors should explain the 5 steps, and allow time for answering questions at the end of each step.

Step 1: Collect information – This step is the starting point, but collecting information and intelligence is an ongoing process, from the time an officer receives a call all the way through completing the call, report-writing, and debriefing to identify any lessons that can be applied to future situations.



20. See Guiding Principle #3 in *Guiding Principles on Use of Force*, pp. 38-40. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

21. See Guiding Principle #1 in *Guiding Principles on Use of Force*, pp. 34-35. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

Gathering information includes:

- **Asking yourself key questions**, such as: “What do I know about this situation so far? What additional information do I need? What is the best way to get that information? What do my training and experience tell me about this type of incident?”
- **Seeking information from others**, including dispatchers, supervisors, other officers, and agency computer networks. This process often begins as the officer travels to the scene. Questions include: Who called the police, and what prompted the call? Who is on the scene? What do we know about the subject? What is the physical environment? Are there weapons at the scene? Are there issues of mental illness or substance abuse involved?

Officers also should ask about **previous incidents** involving the location or the person(s) who are the subject of the call, such as past arrests, past assaults on officers, and uses of force.

The training on Step 1 may include a video case study, such as the body-worn camera video²² of a 2014 incident in which a Coeur d’Alene police officer encounters a man brandishing two knives after the man’s friend said she was “worried about him cutting himself.”

Step 2: Assess situation, threats, and risks – In this step, the officer begins to evaluate the information he or she has gathered, particularly with respect to any threats or risks to the public and/or the officer:

- A key question is: “**Do I need to take immediate action?**” Nothing in the CDM prevents an officer from taking immediate action if circumstances dictate.
- Risk assessment includes assessing the subject’s **means, ability, opportunity, and intent**. These factors may change as the situation develops.
- Officers should **look beyond the presence of a weapon** such as a knife or rocks, and consider what the subject is doing with the weapon, which can speak to the subject’s intent. The subject’s intent may be to do harm to someone else, to do harm to himself, or to protect himself. Mental illness may cause a person to perceive threats that do not exist.
- Another factor in threat assessment is “**transfer of malice.**” For example, a person may initially be upset with his boss or his spouse. Is he showing signs of transferring those emotions to the police or others? Offices should avoid saying or doing things that could cause the subject to transfer malice to others.
- In Step 2, officers also consider the need for **additional resources** by asking questions such as: “Should I summon my supervisor to this scene? Would specialized resources be helpful, such as a Crisis Intervention Team? Are there other government or private agencies that could offer assistance in understanding or managing the subject?”

22. <https://www.youtube.com/watch?v=HnOBfCmled8>

- Step 2 is also the stage when the officer begins to develop a **working strategy** for minimizing risks to the public, the officer, and the subject, while providing for the safe detention of the subject.

Step 3: Consider police powers and agency policy – This is a relatively simple, but critically important, step in the process. Officers should ask themselves:

- Under what **legal authority** am I responding here? Is this a matter for the police?
- What **legal powers** do I have to take action, under federal laws, state laws, and local ordinances?
- What **agency policies** control my response, particularly use-of-force policies and de-escalation policies?
- Are there other issues to consider, such as **jurisdictional issues** or mutual aid agreements with other law enforcement agencies?

Step 4: Identify options and determine best course of action – In this step, officers narrow their options and select the most appropriate one:

- Officers should ask themselves: “**What exactly am I trying to achieve?** What are my options? What are the contingencies for each option? Should I act now or wait? Do I have all the information I need to act now?”
- In some circumstances, **waiting and collecting more information** may be the best option. “Slowing the situation down” is a key strategy for handling incidents involving persons who do not have a firearm but who are behaving erratically because of mental illness or other conditions.
- **Communicating with the subject** is almost always an option and a key part of the response.
- **Tactical repositioning** (e.g., moving to keep a safe distance from any threat posed by the subject or to obtain a better vantage point for responding) and containment are options in many cases.
- Taking **decisive action** may be required. Nothing in the CDM prevents officers from taking swift and forceful action, if circumstances warrant it. But if time is on your side, the CDM helps officers to use time to everyone’s advantage.
- After considering options, the officer selects the best course of action. The goal of **proportionality** is important in this step.²³

Step 5: Act, review, and re-assess – In this step, the officer takes an action and then assesses whether the action had the desired effect.

- If the action did have the desired effect, the officer should ask, “Is there anything more I need to do or consider? What lessons did I learn that will help me the next time I face a similar situation?”

23. See Guiding Principle #3 in *Guiding Principles on Use of Force*, pp. 38–40. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

- If the situation is not resolved, the officer “spins the model” and goes back to an earlier step of gathering additional information; re-assessing the situation, threats, and risks; or considering other options.

The Critical Decision-Making Model may sound complicated, but with practice, it becomes second-nature to officers.

When the CDM is first presented to officers, many officers ask, “You expect me to remember all this and apply it in a tense, potentially dangerous situation?”

However, officers in the United Kingdom who have been using a similar model told PERF that they apply it in many different types of situations they face, not only in situations where use of force may be at issue. And by doing so, they become familiar with the model, and it becomes second-nature to them.

Many officers compare learning the CDM to learning to drive a car. At first, a new driver must think about how hard to step on the accelerator and brake pedal for smooth driving, how quickly to turn the steering wheel to make an even turn, how to scan the field of vision to watch for potential hazards, how closely to follow other cars, how to position the car correctly in a lane, how to check the side mirrors and rear-view mirror often enough, and so on. But within a few weeks or months, the process becomes so automatic that many motorists can drive for miles without actively thinking about what they are doing.

In a similar way, police officers should use the CDM every day as they consider their goals, their options, and their strategies for handling many situations. Not every situation will have the same level of risk as a mentally ill person brandishing a knife, but there are many types of calls and police actions in which it benefits officers to ask most of the questions contained in the CDM, such as: “What exactly is happening here? What do I know so far? What additional information do I need? What prompted the call? What do I know about the subject? Is there a history of past incidents involving this person or this location? What exactly am I trying to achieve? Do I need to take immediate action? Is ‘transfer of malice’ a potential issue? What is my legal authority in this situation? What are my options? Which option seems to offer the greatest likelihood of success and the least risk of doing harm?”

Officers who use the CDM on a daily basis will find it second-nature to use it when they face a high-risk critical situation.

Benefits of the CDM: By providing a structure for critical thinking, the CDM helps officers to organize their decision-making process and reach better decisions. Officers sometimes say, “I didn’t have time to think” in a critical situation, but in many situations, that is not the case. Rather, the problem was that the officers had not received guidance on the key questions to ask themselves in a critical situation.

The CDM not only helps officers to make better decisions; it also helps officers to explain their actions after the fact. An officer who is accustomed to using the CDM will be able to recall and explain his thought processes: “First, I collected the following information about the situation.....Next, I assessed the following threats and risks, and developed a working strategy.... Then, I



Nassau County Officers Discuss The Decision-Making Model

One suggested training element is a video produced by the Nassau County, NY Police Department in which six officers discuss their reactions when they were trained in the Nassau Decision-Making Model. Some of the officers state that they were skeptical at first, but realized that the Decision-Making Model fits well with their own most effective strategies, and that it enlarges their “tool box” of options and “puts a flow chart” on what they already do, in order to help them consider their options, recognize what is happening in a situation, and in some cases get past an obstacle that was blocking a resolution to an incident.

considered the applicable laws and my agency’s policies, and then, I decided that the best option was the following...”

This type of structured, rational explanation increases the officer’s credibility with supervisors, investigators, and attorneys, judges, and juries in court.

Instructional exercises to explore the lessons of the CDM: The final portion of Module #2 is one or more video case studies, in which instructors and students watch a video of an actual incident, as seen through an officer’s body-worn camera and/or other footage, and analyze how the officer’s actions fit with the CDM. The PERF online Training Guide will include such videos and will be updated as new videos become available.

This type of case study can be made more instructive by dividing the class into several groups, each of which conducts its own analysis separately. Then, a spokesman for each group presents the group’s findings to the entire class, in order to explore any differences in how class members interpret the finer points of the CDM process.

Training Module 3:

Crisis Recognition and Response

INCIDENTS INVOLVING PERSONS IN CRISIS REPRESENT A RELATIVELY small percentage of all calls for service to police agencies. How these cases are handled, however, can have significant consequences for these persons and their loved ones, for the responding officers, and for the police agency and the entire community.

Many police agencies nationwide have recognized the importance of these situations and have provided crisis intervention training to officers and/or created Crisis Intervention Teams (CIT), made up of specially trained officers working with mental health workers.

Module 3 is not intended to be a replacement for CIT or other programs. Rather, it is designed to help the first patrol officers arriving at a scene involving a person in crisis to better evaluate the situation, slow the situation down and de-escalate it, whenever possible, with the goal of laying the groundwork for a safe and successful conclusion, often with the assistance of specialized personnel.

Following are the key elements of the Training Guide covered in Module 3.

Recognizing a person in crisis: When someone is in crisis, often there was a precipitating event that made the person unable to resolve the problem using normal coping methods. Emotions and irrational reasoning control the person's actions, and he or she is likely to experience high levels of frustration and aggravation. This crisis may be a result of mental disorders, physical or developmental disabilities, a major incident in one's life, or a combination of factors.

Patrol officers are not expected to be able to clinically diagnose a person in crisis. However, officers are more effective and safer during critical incidents when they can recognize the common signs that a person they encounter may be in crisis.

Definition of "crisis": In this context, a crisis is an episode of mental and/or emotional upheaval or distress that creates instability or danger, and causes

behavior that is considered disruptive by the community, by friends or family members of the person, and/or by the person himself.²⁴

The three key factors are:

- It's episodic.
- It creates instability or danger.
- Other people consider it disruptive or in some cases, dangerous.

The elements of disruption and danger are why people call the police in these situations, rather than Emergency Medical Services or mental health agencies.

How does a crisis typically occur? Often there is a precipitating event, such as the death of a loved one, an act of violence, divorce, job loss, or a reaction to medication or a reaction cause by a failure to take medication. The person's perception of the event may be accurate, erroneous, or somewhere in between. Normal methods of coping and solving problems fail, resulting in a breakdown in control, an inability to respond appropriately, and generally feeling "overwhelmed."

A person in crisis, known in some police agencies as an Emotionally Distressed Person (EDP), can be influenced by a number of factors, including the following:

- **Mental illness:** Mental illnesses can cause perception disorders (such as hallucinations); thought disorders (such as delusions), and mood disorders (such as violent swings or extremes in mood).

It is important for officers to understand that mental illness is a biological illness, like heart disease, cancer, or diabetes. Nobody chooses to develop a mental illness, and one in four families is affected. There is no cure, but many people stabilize to live full, productive lives. Medications often help, but they are not perfect, and there can be side effects or episodes even when people are taking their medications.

- **Substance abuse:** This may include alcohol abuse or abuse of prescription drugs, abuse of illegal drugs, abuse of "synthetic" drugs, or a combination of substances.
- **Medical condition:** This may include a failure to take medication, side effects from medication, or a traumatic brain injury.
- **Situational stress:** A job loss, financial problems, troubled personal relationships, or other situations may contribute to a personal crisis.

Other factors that officers should consider include the following:

- **Developmental disabilities:** There are many types of developmental disabilities—lifelong disabilities that occur before adulthood and require support. Developmental disabilities can result in difficulties in life areas, such as communication, learning, adaptive living skills, self-direction, self-help, and/or

24. Seattle Police Department Crisis Intervention Training (2015).

mobility. In some cases, developmental disabilities are complicated by an intellectual disability. Common examples include autism, cerebral palsy, and epilepsy.

- **Physical disabilities:** There are many types of physical disabilities that also can make it difficult for a person to understand and follow directions and interact with the police, such as deafness or partial loss of hearing, blindness or low vision, muscular dystrophy, multiple sclerosis, stroke, Alzheimer’s Disease and other types of dementia, and traumatic neurological disorders. People with physical and/or developmental disabilities may exhibit some of the same unusual or erratic behaviors as Emotionally Distressed Persons.

Persons in crisis may be influenced by a combination of these factors, which can be especially challenging for the police to handle.

What callers say when they call the police about a person in crisis:

Often, when police are called to respond to a person in crisis, there is no crime involved. Typically, callers report that the person is “acting weird,” is walking into traffic, entering people’s homes or looking into windows, wandering, rearranging store displays, following customers around a store, etc. The person may be attracted to shiny objects, or overly sensitive to light, sound or touch. The person may run from the police or display erratic behavior because they fear the police, not necessarily because they committed a crime.

The role of the patrol officer: The training emphasizes that it is not the job of a police officer to diagnose the factors that may be causing a person’s behavior, but rather to simply recognize that behavior may be the result of one or more of these factors, and that these types of erratic behavior are usually not intentional or criminal in nature.

Therefore, officers should focus on the subject’s *behavior*. Is the person responding to your questions or directions? Is the person coherent? Is the person able to make eye contact? Agitated? Talking to himself?

These behaviors can help an officer to discern whether the person is in crisis or merely has a developmental or physical disability.

For the first responding officer on the scene, the mission is not to diagnose the person, counsel him, or achieve an immediate resolution of the incident. Rather, the mission is to assess the situation and make it safe, de-escalate the situation if possible, “buy time” for specialized resources to arrive, and help the person get to a state where he can make rational decisions that will eventually result in a safe resolution.

A video that shows the point of view of a bipolar person: At this point, instructors may play a 3-minute video²⁵ in which Paton Blough, a man who has a bipolar disorder and who has been arrested six times while in a delusional state of mind because of his illness, offers his story.



25. PBS News Hour. “This is what it’s like to be arrested while suffering mental illness.” May 23, 2016. <https://www.youtube.com/watch?v=36l5-4k6H-A>

“Three of my six arrests went relatively well, with police getting me into custody safely,” Mr. Blough explains. “The other three were extremely violent, because in my head, I was fighting for my life.”

Blough’s recovery has gone well in recent years, and today he participates in Crisis Intervention training for officers. “In my experience, most officers want to help, but often simply lack the training to know what to do in these tough situations,” he says on the video. “One time, I was arrested by an officer who I believe naturally possessed many of the things we train. He slowed down and didn’t force the issue when I accused him of being an undercover agent. He waited for my brother to come across town to bring my meds. When I accused him of giving me a poisoned bottle of water so I could take my pills, he immediately offered to take a sip to prove it was fine.”

Blough said he asks officers to “imagine that the person you’re dealing with is your brother, mother, or good friend.”

Tips for responding effectively and safely in the first minutes, before additional personnel arrive: Modules 4 and 5 of this Training Guide provide detailed guidance on tactical communications and operational safety tactics for officers. But Module 3 provides general advice and tips for the initial response, including the following:

- Most persons with a mental illness are no more likely to be violent than the general population. In fact, persons with mental illness are much more likely to be victims of crime than perpetrators.
- Jail is usually not a good place for an Emotionally Distressed Person (EDP) to be stabilized. So officers should not approach an encounter with an EDP thinking that it will be “resolved” by taking the person into custody as quickly as possible.
- Crisis intervention is a process to help individuals in crisis find a solution. First responding police officers are part of that process.
- **The subject’s first interaction with police is critical. That officer sets the tone and helps chart the course.**
- **But the first responding officer’s role is not to diagnose the subject or treat the underlying issues. Officers should not assume they can correctly diagnose a person. Rather, their role is to verbally de-escalate the situation as much as possible, aiming to get the person to a state where he or she can function and reason more clearly.**
- De-escalation does *not* take away or restrict officers’ discretion to make an arrest if that is necessary, or to use force against an imminent threat. But arrests and force should generally be considered last resorts in dealing with Emotionally Distressed Persons.
- Request backup and specialized help, such as officers or teams of officers and mental health workers who have received crisis intervention training.
- Don’t rush into situations unless immediate action is required. Move slowly, calm the situation, and strive to reduce the stress level.

- **Communicate, communicate, communicate. Shouting commands is often counterproductive. Ask questions. Do not make threats. Make one request or ask one question at a time.** Ask open-ended questions to initiate dialogue and gather information about the subject’s state of mind. Use “active listening” techniques. Verify that the person understands what you are saying. Don’t take it personally if the person does not respond to you; he may not hear or understand you.
- Be careful with your body language. People in crisis may not understand your words, but they can “read” your tone and body language, and can sense whether you care about them. Be sincere and compassionate.
- Be aware of “hot buttons”—topics that agitate the subject. Avoid them.
- Be aware of “hooks”—topics that engage or help to calm the subject. Use these topics to establish rapport.
- Always be respectful. Never be dismissive. Do not say things like, “Just take your meds.” Do not diminish the subject by whispering or laughing. Do not lie or deceive. If you are caught in a lie, you may never recover your level of trust with the subject.
- Do not automatically view non-compliance as a threat. There are many reasons why a subject may not hear or comprehend your directions.
- Manage your own reactions. When faced with a person in crisis, officers may experience some of the same physiological changes the subject is experiencing, such as rapid breathing and a rapid heart rate. It is important for officers to consciously stay as calm as possible, breathe slowly, and move slowly and smoothly.

Americans with Disabilities Act: Finally, the training includes material regarding the American with Disabilities Act (ADA), a comprehensive federal law that prohibits discrimination against individuals with mental or physical disabilities. The ADA covers many police activities, including enforcing laws; interrogating witnesses; arresting, booking, and holding suspects; operating 911 systems; and receiving citizen complaints.

The ADA does not prohibit officers from taking enforcement actions against persons with disabilities, but it does envision that officers will be trained in the behaviors of individuals that may be mistaken for a sign of criminal activity but actually are a result of a disability.

“In Our Own Voice” presentation: Following discussion of the topics listed above, the Training Guide recommends a “group engagement exercise” in which a person with mental health issues makes a presentation to the students and then has a Q-and-A discussion with them. The National Alliance on Mental Illness (NAMI) offers a free program called “In Our Own Voice,” in which local NAMI affiliates arrange for persons with mental health conditions to share their stories. Local mental health departments or service providers also may help arrange such a presentation.

Another option is for police agencies to involve local mental health professionals in co-teaching the entire module with police or academy instructors.

These community partners can provide valuable experience and insights into police encounters with persons in crisis, and they, in turn, can learn about police protocols and polices.

Training Module 4:

Tactical Communications

Why tactical communications can increase safety for everyone, including officers: Through classroom instruction, exercises, and scenario-based training, students will learn the basic principles and concepts of tactical communications in this module. Students will develop skills for safely and effectively communicating with people in a variety of difficult situations. They will learn “active listening” skills, as well as verbal and non-verbal “micro skills,” that help to de-escalate tense situations and gain voluntary compliance from subjects.

Today’s police officers have better equipment and technology than ever before, but the fact remains that nearly every encounter between a police officer and a member of the public starts and ends with words. Officers are more effective—and safer—when they can use communication skills to their tactical advantage. The goal is to obtain voluntary compliance and resolve a situation without use of force, which makes the encounter safer for everyone, including the officer. These tactical communication skills are especially important in dealing with persons who are in crisis due to mental illness or other conditions.

Warm-up activity: Instructors can launch Module 4 with a brief exercise in which they divide the class into small groups. Each group will brainstorm for approximately 10 minutes and list the attributes of a police officer they know who is an effective communicator. Each group then chooses a spokesperson who will present the group’s findings to the entire class. Then, during the rest of Module 4, the attributes of good communicators that were cited by each group will likely be reinforced and placed in a larger context.

Active listening skills

Many people don’t actually listen very well; during a conversation, when they are silent, they are simply waiting for their turn to talk. “Active listening” is the opposite of this. Active listening means paying close attention to what others are saying as well as what they may be communicating non-verbally, through gestures or body language. Active listening takes effort, and it is vitally important

that police officers know how to be active listeners when they are trying to communicate with a person in crisis.

The concepts of active listening covered in this module include the following:

80-20 rule: A simple way of thinking about active listening covered in this module is that you are on the right track if 80 percent of your time is spent listening, and only 20 percent talking.

Listen to understand and learn, not to respond: In listening, your goal is to understand and gather information about what the person is thinking and feeling. As the subject speaks, he may give you important information about his intentions, his capabilities, his mental health history and any medications he is taking or should be taking, any history he may have with the criminal justice system, any history of violence he may have, any “hot button” topics he may have that you should avoid talking about because they may escalate tensions, and any “hooks” he may have that may provide you with an opportunity to make a connection and establish rapport (e.g., maybe he will mention having attended a school that you are familiar with). The more the subject talks to you, the more you may learn and the more likely it will be that you may develop understanding and empathy. Furthermore, the longer you can keep the person talking, the more time you have to bring additional resources to the scene, if necessary.

Avoid distractions: In situations where there are multiple officers on the scene, one officer takes the role of talking to the subject (contact officer) while others focus on ensuring safety (cover officers), establishing perimeters, and other roles. The contact officer should stay focused on the person he or she is communicating with. Try to avoid being distracted by additional officers arriving, by persons who may be video-recording you, and other environmental factors.

Show the subject that you are listening carefully: There are many ways to demonstrate to the subject that you are listening, that you are empathetic, and



NYPD officers conduct a scenario-based demonstration of the police response to a potentially suicidal woman holding a knife to her neck.

that you care. Make eye contact. Nod your head to show you understand. Say things like “Yes, I see,” etc. Use your body language to convey calmness. When you speak, summarize the last few words the subject said, in order to show you are listening (“So you are upset with your boss...”) And acknowledge that the subject’s problems are important to him or her; never belittle or dismiss their concerns. Be respectful, fair, and non-opinionated.

Use silence to your advantage: Don’t interrupt, or feel the need to respond immediately to everything the subject says. If there is no immediate threat and the subject seems comfortable with silence, don’t be in a hurry to speed up the conversation. Silence may prompt the subject to talk more.

Non-Verbal Communication Skills

Much of “spoken” communication is actually non-verbal in nature. Facial expressions and gestures, and vocal elements such as “tone of voice” can be equally important to the words that are said. In many situations, the listener trusts and believes the non-verbal cues more than the actual words. Understanding these non-verbal elements can make police officers more effective in communicating, which can help to de-escalate volatile situations.

Following are some of the concepts covered in this module:

Project the right body language: Do not cross your arms; that can suggest you are not interested in what the subject has to say.

Make eye contact and use open-handed gestures. These techniques present you in a strong, stable manner, and also project concern and understanding. At the same time, they support a quick tactical response if needed.

Modulate your tone of voice: Your tone of voice can entirely change how your words are perceived; for example, words can mean the opposite of their literal meaning if they are delivered with a sarcastic tone. Avoid any tone that suggests you are annoyed or exasperated with the subject. Speak calmly and in a moderate volume whenever possible. Don’t respond to a raised voice by raising your own voice. Try to bring the subject down to your tone, rather than vice-versa. Yelling sends a signal that you are not in control. However, understand that persons with hearing impairments may need you to speak more loudly. And when appropriate, you can speak assertively, in a strong “command voice,” without being aggressive.

Verbal Communication Skills

Precise and professional verbal communications have always been important in policing, especially with respect to de-escalating tense encounters and obtaining voluntary compliance with persons who have a mental illness or other condition that can cause erratic behavior. Careful use of language is important for another reason today: Many police interactions are recorded by members of the public and posted online. Ill-considered remarks by a police officer can

quickly “go viral” and damage police-community relationships not only in the police agency for which the officer works, but in all agencies.

This module covers a number of verbal communications techniques and skills.

Use the team concept — One officer should do the talking: If multiple officers and other responders are present, one officer should take the role of being the contact officer, and that officer should do all the talking, in order to avoid confusing the subject or sending mixed messages. Other officers should take other roles, such as providing cover, managing bystanders, and responding if the subject begins to behave threateningly. However, *all* officers should be actively listening, so they will be ready to respond appropriately if necessary. If the contact officer is not able to engage the subject, officers may switch roles, and another officer should be the contact officer and try to establish a connection with the subject.

Establish rapport: Introduce yourself. Ask the subject for his or her name, and then use the name as you converse. Use the vernacular of the subject; speak in terms they understand, and avoid police jargon. Be patient and tolerant. Let people work through their range of emotions. Always be truthful. If you are caught in a lie, you may not be able to recover credibility.

Ask questions or make requests clearly, and one at a time: If you give multiple commands, the subject may only be able to process the last one. For example, do not say, “Take your hands out of your pockets and move away



Scenario-based training by the Burlington, VT Police Department.

PHOTO CREDIT: BURLINGTON, VT POLICE DEPARTMENT



from the vehicle.” The subject may only do the latter, creating a safety risk. Say one thing at a time. Expect that you may have to repeat questions or commands, because mental illness or other conditions often interfere with the ability to understand or process information. Whenever possible, communicate your actions in advance. (“I am going to handcuff you now because....”)

Ask open-ended questions, especially “what” and “how” questions:

These types of questions generate discussion and provide you with more information. (“What is your name? What happened? How are you feeling? How can I help you? Why are you holding a knife? I can see that you are upset. Tell me about it....”) Avoid “yes or no” questions, unless you are trying to elicit a specific piece of information, such as, “Are you supposed to be taking medication? Are you currently taking your medication?”

Encourage conversation, but do not dominate it: Remember the 80-20 rule. Encourage conversation, but try not to steer it or dominate it. You are trying to obtain information, not win an argument. After the subject answers a question, follow up with acknowledgments, “encouraging” remarks, clarifications, and empathetic responses. If you don’t understand the subject’s response, ask more questions to clarify (“I hear you saying _____. Is that correct?”)

Provide options: Don’t talk yourself into a corner or give ultimatums, such as “Drop the knife or I will shoot you.” The person may not understand or be able to comprehend what you are saying, so ultimatums are counter-productive. Offer reassurance (“No one is going to hurt you.”) and allow the subject to save face. Give the subject options (“If you sit down on that bench, we can talk about what’s bothering you.”).

Emotional contagion: A person with a mental illness or other condition may not understand all of the words you say, but he or she probably will be able to sense your tone and attitude, and may respond accordingly. So ask yourself which direction you wish to take the encounter—toward tension and chaos, or toward voluntary compliance and a peaceful resolution? Remember that you are the person in control, so exercise that control, with your words, actions, and attitude, in order to take the situation to the resolution you want.

Large Group Exercise— Discovering Productive Ways of Speaking

At this point, instructors can work with the entire class to think of alternatives to hostile-sounding phrases for situations that often occur in policing.

Using a large pad of paper on an easel and markers, the instructor should write a phrase at the top of the page, ask the class what’s wrong with the phrase, and write down good alternatives proposed by class members. This exercise can be done fairly quickly, spending only a few minutes on each phrase.²⁶

26. This exercise is modeled on the concept of “anti-peace phrases” that should be avoided, developed by Dr. George Thompson and the Verbal Judo Institute. Examples of anti-peace phrases are “I’m not going to tell you again” and “You people.”

For example:

Adversarial phrase: “What’s your problem?”

Alternatives: “What can I do to help you?”

Adversarial phrase: “Calm down!”

Alternatives: “I see that you are upset. Please tell me about it.”

Adversarial phrase: “Drop the knife! Drop the knife! Drop the knife!”

Alternatives: “Why are you holding a knife? I’m concerned that you might hurt someone. What can I do for you? I want to help you.”

Learning Activity: Scenario-Based Exercise

The online Training Guide provides plans for a scenario-based exercise in which police respond to a 911 call about a woman who is pacing in front of an apartment building and holding a knife. Two students play responding officers. The woman appears to be crying and talking to herself, threatening to commit suicide, and occasionally holding the knife to her throat. One student is expected to take the role of contact officer, and the other student takes the role of cover officer. The students are encouraged to use active listening and communication skills with the objective of stabilizing the situation until a CIT team and other resources can be brought to the scene, and/or getting the woman to put down the knife and agree to be taken to a medical or mental health facility for an evaluation.

Learning Activity: Video Case Study

In this activity, the instructor would play a 2009 video from an Appleton, WI officer’s body-worn camera²⁷, which shows the officer’s response to a woman who called police because her son was behaving strangely, removing his clothes and yelling that he was dying. The dispatcher relayed detailed information to the responding officer. Upon arriving at the scene, the officer spoke calmly and quietly to the man and worked with medics to strap him to a stretcher so he could be taken to a hospital.

The instructor would facilitate a discussion of the officer’s skills in crisis recognition, tactical communications, and tactical response, as well as any ways in which the officer could have improved his response.

27. YouTube video. “Excited Delirium.” May 23, 2012. <https://www.youtube.com/watch?v=HfEepVOQrpE>

Training Module 5: Operational Safety Tactics

RESOLVING CRITICAL INCIDENTS REQUIRES STRONG SKILLS IN (1) recognizing the nature of the incident and knowing about effective responses for different types of incidents, (2) communicating well with the subject of the incident and with other officers and persons who are involved in the response, and (3) sound tactics. All three elements must work in unison. Good crisis intervention and communications skills coupled with flawed tactics, or sound tactics paired with poor crisis intervention and communications, are unlikely to produce the desired result of a safe resolution through voluntary compliance.

Particularly in situations involving persons in crisis, police tactics must support, complement, and enable the crisis intervention and communications approaches to take hold and succeed. This combination of skills promotes the safety of everyone involved: the public, the officers, and the subject.

Because no two critical incidents are exactly the same, it is not possible to teach officers a standard set of tactics that can be applied in every situation. There is no one-size-fits-all approach. But key concepts can be learned through discussion and scenario-based exercises. This module focuses on a number of sound tactical considerations that can be applied to most non-fire-arms incidents.

Learning Activity: Assess Officers' Expectations

Module 5 can begin with a brief exercise to explore officers' current thinking on the topics that will be addressed in the training. The class should break into small groups and brainstorm how officers would manage a sample scenario, such as a person with a mental illness on a city street, holding a knife and talking to himself, but not making verbal threats or taking notice of passersby. Each group should appoint a spokesperson who will take notes about what officers say they would do as they travel to the scene, during the response, and after the incident is resolved. The spokespersons would then present the findings to the class.

Pre-Response Considerations

Information is at the core of any tactical response. As detailed in Step 1 of the Critical Decision-Making Model (see Module 2), it is essential that responding officers collect as much information as possible, from Dispatch and other sources, while en route to a critical incident. It is also important for responding officers and supervisors to share information with each other and begin developing a plan for responding, if possible.

As always, circumstances dictate tactics, and officers must be prepared to act as soon as they arrive at the scene, if necessary. But if there is no immediate threat and officers have time to “slow the situation down,” they should use that time to their tactical advantage.

Video Case Study: This section of training can be based on a comparison of two video clips: (1) the fatal police shooting of Tamir Rice in Cleveland in November 2014²⁸, and (2) the response by police in Parma, Ohio to a similar incident in February 2016²⁹. Both incidents involved boys in a park with Air-soft or BB guns that resembled firearms. In Cleveland, the 911 caller said that the gun was “probably fake” and that the suspect was “probably a juvenile,” but that information was not given to the responding officers. In Parma, the officers were told that the gun might not be a real firearm. In Cleveland, officers pulled right up to Rice and shot him almost immediately. In Parma, officers kept their distance, initiated communications, slowed the situation down, and took the youths into custody after they voluntarily complied with the officers’ orders.

Collect information: Step 1 of the Critical Decision-Making Model calls on officers to “collect information.” In the pre-response time frame, officers may collect information from dispatchers, fellow officers or supervisors, police department databases, online sources, or other sources. The goal is to know as much as possible about the subject of the call, about the location, about whether there have been previous calls to the police about the subject or from the same location, about the reason for the call, about whether the subject is known to be brandishing any weapons or to possess weapons, about other persons at the scene, etc.

As the responding officers gather information, they should also consider the importance of the information in the context of their own experience and training. For example, if a 911 caller says that the call is about a domestic violence disturbance and that police have been called before to the same address, that is critically important information for the officers to know, because they may already be familiar with the subject of the call.

When officers think about the nature of the call as they travel to the scene, it reinforces their readiness and guards against complacency or being caught off-guard. This increases officer safety.

28. http://www.cleveland.com/metro/index.ssf/2016/02/the_tamir_rice_effect_parma_po.html#8

29. http://www.cleveland.com/metro/index.ssf/2016/02/the_tamir_rice_effect_parma_po.html#9

“Tactical pause”: Some incidents, including those in which a subject is posing an imminent threat of harm to officers or the public, require an immediate response by the police. However, in many other situations, responding officers have time to take a “tactical pause,” in which they “huddle up” (in person or over the radio), share information, and begin developing a strategy. Taking time to create a “team” mindset and to think more methodically results in a better response. The goal is to obtain voluntary compliance whenever possible, which reduces risks to everyone, including the officers.

In a 2016 study of the Palm Beach County, FL Sheriff’s Office (PBSO), PERF commended the agency for implementing a “tactical pause” concept in its training in 2014. “While tactical pause is largely a training and operational tool, it appears to be sparking a larger cultural change within the PBSO,” PERF said. “Personnel are approaching situations with a different mindset that focuses on up-front information gathering, planning, teamwork, and sound tactics.... Early figures suggest this new approach may be having a positive impact on the overall number of deputy-involved shootings, which declined from nine per year in 2012-2014 to three in 2015.”

Preparing yourself: Officers should be taught to understand how their bodies will react to a stressful situation, and how managing their reactions can help them maintain control over the situation and resolve it effectively. An emotional or angry response by an officer can cause the incident to escalate, which makes it more difficult to resolve. Officers should be taught to separate their own reactions from those of others. For example, if the subject of the call or bystanders are yelling loudly, that does not mean that the officer should do the same. The goal for the officer is to control the situation, not to let the situation or other persons be in control.

Effective Response

The circumstances of an incident always dictate police tactics. That’s why it’s important for officers to accurately analyze and understand the circumstances they face.

For example, if officers respond to a call and find a person with a knife attacking a victim, they will use tactics designed to immediately neutralize the threat. However, if police respond to a call and find a person with a knife pacing up and down the sidewalk, talking to himself, taking little notice of anyone else, holding the knife defensively, and not actively threatening anyone, that presents a different set of circumstances that will require a different tactical response. In the latter scenario, the officers may be able to take some time to assess the situation, try to communicate with the person, bring additional resources to the scene, and otherwise formulate a response designed to obtain voluntary compliance.

This module emphasizes how information gathering, teamwork, and flexibility in considering different options are key to identifying and executing the most appropriate and safest tactical response.

Continue gathering information: When officers respond to an incident that does *not* require the immediate neutralization of an active threat, the first step is to continue gathering information—from their own observations, from witnesses, and from the subject, who is often the best source of information about what is going on and why he is behaving in a certain way.

Collecting information is an ongoing process that helps the officer to refine his or her threat assessment. Assessing a threat requires officers to analyze the subject’s means, ability, opportunity, and intent to cause harm. By negating one or more of those elements, the officer can reduce or neutralize the threat.

Respond as a team: Many situations, particularly those involving persons with mental illness or other conditions that cause them to behave erratically, can be handled more effectively if responding officers call for additional personnel—such as a supervisor, officers who have received a higher level of crisis intervention training, special teams of officers and mental health workers who may have had previous contacts with the person, or SWAT officers.

In any situation with multiple officers responding, it is important that everyone should have a defined role, and everyone should know what their role is.

If there are only two officers at the scene, one officer should be the contact officer and the other should be the cover officer. The contact officer should communicate with the subject, while the cover officer focuses on protecting the safety of both officers and any bystanders. It is preferable that only one officer communicate with the subject, in order to ensure that messages are consistent. Persons with mental illness or other conditions may have trouble comprehending what people are saying, a situation that is made worse if multiple officers are speaking.

However, if the contact officer does not seem to be establishing any connection with the subject, the two officers can switch roles. In some cases, it just happens that one officer can reach a subject and establish rapport, while another officer cannot.

As additional officers arrive, they can take on additional roles in providing cover, using less-lethal weapons, establishing perimeters and managing/containing the scene, and internal communications and coordination.

Having a supervisor at the scene often has the effect of slowing the incident down, which can be very helpful. If there is no supervisor at the scene, a senior officer should step up and take the role of managing the overall response.

Video case study: A case study of the importance of assigning particular roles to officers is the fatal shooting by San Francisco police of Mario Woods in December 2015. The incident was captured from several angles on cell phone videos.³⁰

Distance + Cover = Time: Police officers, especially those in busy urban departments, often respond to one call after another. This can result in a feeling



30. New York Daily News. “Multiple videos capture fatal San Francisco shooting by cops.” Dec. 4, 2015. <https://www.youtube.com/watch?v=BolqWQ4iIY4>

of pressure to resolve calls quickly, so they can move on to the next one. Police agency leaders in some departments may need to issue new guidance in order to assure officers that there are some incidents that call for a more deliberate response, and that officers are not expected to resolve all calls quickly. **Rather, agencies should establish clear expectations that officers will *take as much time as they need, perhaps many hours in some cases, to handle certain calls.***

The types of calls that require a slower, more careful response are those that have the potential to turn into incidents in which police will be required to use force, particularly lethal force. Often, these calls involve persons with a mental illness, developmental disability, drug addiction, or other condition that causes them to behave erratically. And if the call involves a weapon such as a knife, or a person who is throwing rocks or other objects, the chances increase that the officer may use lethal force if the police response is not carefully considered.

Slowing down the response is not only a question of providing a greater likelihood of safety for the subject of the call; it is a matter of officer safety as well. It is better for everyone at the scene if police can de-escalate the incident and *avoid ever reaching a point* where the use of lethal force is necessary.

Here is what the expression “Distance + Cover = Time” means to an officer responding to a situation of a person on a street in a mental health crisis, holding a knife and speaking somewhat incoherently: If the responding officer immediately moves in close to the person, he may create a situation in which he must use deadly force to protect himself. But depending on whether there are bystanders nearby and other circumstances, officers may be able to keep their distance from the person, and use cars, fences, or other objects as cover, in order to protect themselves. If officers can use these tactics to protect themselves and if there is no threat to bystanders, the officers can buy time. And they can use this time to communicate with the person, establish rapport and trust, strategize, and get additional resources to the scene—all of which increases the chances that the police will be able to convince the person to set down the knife and comply with officers’ instructions voluntarily.

In other words, when officers are in close quarters with a potential threat and they feel pressed for time, options quickly dwindle. But when officers have distance, cover, and time, their options multiply.

Officers sometimes ask, “How long are we supposed to let this situation go on?” The answer from trainers and police agency leadership should be “as long as it takes.”

Tactical positioning and repositioning: In the aftermath of a controversial use of force by police, an officer or police spokesman is sometimes quoted as saying, “We had to draw a line in the sand.” That is an unhelpful concept in many of the types of situations that ICAT focuses on. “Drawing a line in the sand” is arbitrary and meaningless if the person you are dealing with cannot comprehend what you are saying, has no understanding of where you drew your line, and is unaware of the consequences for crossing the line.

Instead of drawing a line, officers should be taught to *maintain a position of advantage* and a safety zone. Maintaining a zone may require an officer to move sideways or backwards at times. The size of the zone is not an arbitrary

distance such as the so-called “21-foot rule.” Rather, it is the amount of space needed to ensure that the officer cannot be caught off-guard if the person suddenly moves to attack.

Video case study: The concepts of “Distance + Cover = Time” and tactical positioning and repositioning are illustrated in a video of an incident in November 2015 in Camden, NJ, in which police responded to a man on the street with a knife.³¹ Body-worn camera footage as well as security camera videos show more than a dozen officers following the man down a street. While it may be possible to find fault with particular aspects of almost any video of a police response to a difficult encounter, Camden County Police Chief J. Scott Thomson described what went well during this incident:



Our Camden officers didn't rush toward this man or rigidly put themselves in a position where they had to use deadly force. Instead, they maintained flexibility to reposition themselves throughout the entire incident, until they were eventually able to safely arrest him when he dropped the knife. No shots were fired, and no one was injured. We enveloped him with officers, we protected the public, and we were willing to walk with him as far as he wanted to walk that night.³²

Put yourself in a winnable situation: Some of the operational safety tactics described in Module 5 can be summarized as follows:

1. Isolate, contain, hold, assess.
2. Call out for additional resources.
3. Use tactical communications.
4. Identify options and develop a plan.
5. Intervene only if there is an immediate threat to life/safety
6. Remember that you don't have to succeed on your first try. Trying again or trying a new tactic is not only allowed; it may be the best approach. There may be multiple routes to success.
7. Do not put yourself in an unwinnable situation through your actions, such as closing the distance unnecessarily or rushing to action if you don't need to act.

Post-Response Considerations

Critical incidents can involve a number of possible outcomes, including voluntary compliance, arrest, referral to mental health treatment, and/or use of some level of force. Everyone involved in a critical incident should participate in an After-Action Review (AAR) process. This debriefing should cover the actions taken, the agency policies and procedures governing the situation,

31. “Broadway & Mickle man with a knife incident.” Camden County Police You Tube channel. <https://www.youtube.com/watch?v=YtVUMT9P8iw>

32. Police Executive Research Forum. *Guiding Principles on Use of Force*. 2016. Page 31. <http://www.policeforum.org/assets/guidingprinciples1.pdf>

and the decision-making behind the actions. By fully capturing the strengths and shortcomings during the incident, agencies can continuously improve the response to future incidents. This module demonstrates how the Critical Decision-Making Model provides a useful structure for the AAR process.

Basics of After-Action Reviews: Whenever possible, AARs are conducted immediately after a critical incident. They are conducted to uncover and document strengths and weaknesses of the response to an incident. AARs are not “Monday-morning quarterbacking.” Rather, they are part of a continuous learning and improvement process. No one, regardless of rank, position or strength of personality has all the answers; AARs incorporate the ideas and experiences of a wide range of people. The sole purpose of AARs is to improve future performance, not to grade an incident as a “success” or “failure.”

AAR ground rules: The AAR process must be inclusive; anyone who has an insight or question should be encouraged to provide input. Any information that can identify and correct deficiencies or sustain strengths should be solicited. Facilitators are central to the process; the facilitator should ask open-ended questions to bring out relevant information. Participants should be asked to “leave their egos at the door.” Participants must feel free to express honest opinions, but views should be articulated in a professional and respectful manner. Professional disagreements during the AAR process should be encouraged.

Critical Decision-Making Model: The CDM, which officers use to guide their thinking during a critical incident, also serves as a useful tool for examining the decision-making after the fact. AARs are designed to answer the questions contained in the CDM: What information did officers request and receive? How did they assess the situation? Did the assessment change as new information came in? Did the officers consider their police powers and agency policies in formulating a response? How did they identify and narrow their options? Did they select the best course of action? After acting, did the officers review the outcome and re-assess? Did they “spin the model” if appropriate?

Learning Activity: Scenario-Based Exercise

The online Training Guide provides for a scenario-based exercise in which police respond to a call from a parent reporting a son with mental health issues who is off his medications and is swinging a baseball bat wildly in the home. The scenario focuses on how officers responding to the scene should gather important information from the parent outside the home, and then develop a safe, tactically sound response based on their analysis of the information collected.

Training Module 6:

Integration and Practice

IN THE FINAL MODULE OF TRAINING, INSTRUCTORS USE VIDEO CASE studies and scenario-based training to help officers integrate their understanding of several concepts covered in earlier modules: how to recognize a critical incident and respond effectively, how to use crisis communication skills, and how to use operational safety tactics that are designed for the types of situations that are the focus of this training. The entire process is presented in the context of the Critical Decision-Making Model.

The course is designed to be flexible, depending on the amount of time and resources available in a given department or training academy. The Training Guide provides three videos to be used as case studies, taken from incidents in Appleton, WI,³³ Shenandoah County, VA,³⁴ and Camden County, NJ.³⁵ And the Guide provides two additional scenarios beyond those included in Modules 4 and 5: “man with a knife” and “attempted suicide by cop.”

The video case studies included in ICAT are designed to promote discussion and learning. They are not intended to judge the officers’ actions or render a “pass” or “fail” grade. In every video, there are examples of how the officers exemplified ICAT concepts and approaches, as well as examples of how the officers might have done things differently.

Video case studies: The video case studies will offer students an opportunity to demonstrate their understanding of the key concepts in Modules 2 through 5. For example, the Shenandoah County video consists of five minutes of body-worn camera footage from a 2015 incident in which deputies responded to a call about a man with a knife in a rural back yard.

The video demonstrates the deputies’ crisis communications skills. One deputy takes the role of contact officer and does all of the talking. He constantly

33. YouTube. “Excited Delirium.” Published May 23, 2012. <https://www.youtube.com/watch?v=HfEepVOQrpE&feature=youtu.be>

34. YouTube. “Bodycam Shows Police Subdue Man With Knife.” Published December 14, 2015. <https://www.youtube.com/watch?v=NrrJj2D8TL0>

35. Ibid.

calls the subject by his name, generally speaks in a normal tone of voice, and repeatedly says things like, “Just tell us what’s going on. Talk to us a little bit, buddy. What’s wrong today?” When the man says, “Shoot me,” the deputy says, “No, we don’t want to shoot you!”

The video also demonstrates deputies’ tactical skills and communications with each other. For example, they speak to each other about their positioning to avoid potential cross-fire, and they constantly used an “ebb and flow” approach to positioning to maintain a reaction gap.

Other discussion points include: issuing clear, simple commands; establishing rapport; demonstrating empathy; threat assessment; not rushing the situation; and tactics, including the use of an Electronic Control Weapon (ECW). The video shows that the deployment of the ECW angered the subject. The contact deputy quickly directed the subject’s attention away from the deputy who had used the ECW, saying, “Talk to *me*, man, talk to *me*.” But moments later, the subject dropped his knife as he removed an ECW prong, which provided an opportunity for deputies to rush in and subdue him.

On some points, there is room for discussion about whether the deputies’ actions were the best option. For example, students may have different views about whether the use of an ECW was appropriate. The ECW angered the subject, which could have escalated the tensions, but as it happened, the subject dropped his knife while removing the ECW prong, which ended the encounter.

Scenario-based training: In the video case studies, students review and discuss other officers’ actions, but in the scenario-based training exercises, officers are given an opportunity to demonstrate how they would put the concepts of the training into practice, in realistic scenarios of the type they are likely to encounter on the job.

For example, in one of the scenarios laid out in the online Training Guide, students are told that they are responding to a call about an agitated man walking in a residential street, yelling and slashing at the air with a knife. The 911 caller reported that the man had just had another argument with his wife, who is threatening to leave him. Two officers respond. The subject is pacing excitedly, and he tells the officers to leave him alone.

The officers are expected to establish tactical positions to contain the subject and begin communications. The goal is to get the subject to voluntarily drop the knife and agree to be transported to a medical/mental health facility for an evaluation.

The subject is played by a role-player. Some police agencies seek out local actors from community theater groups or colleges to play these roles; other agencies look for acting talent among their own employees. Role-players are given information in advance about the characters they play. Some or all of this information may come out during the exercise, depending on the skills of the students in asking questions and gathering information.

In the scenario described here, the subject is a 42-year-old Marine Corps veteran who has been treated for PTSD for years, but who recently stopped taking medication because it made him feel bad. He is suspicious of one of the officers, thinking that the officer beat him the last time police were called to

his address. He has been drinking heavily for several days. He has several “hot buttons”—issues that make him angry, including any comments about his wife, positive or negative, and anything he perceives as a challenge to his military service or patriotism. (If the officers happen to touch on one of the “hot buttons,” they should change the subject.) The subject also has several “hooks”—things that he likes—including jazz music and military history. (If the officers are able to find out about these “hooks,” it may provide an opportunity to make a connection and establish rapport.)

The exercise does not have any fixed ending. The role-players are given limited instructions to “stay in character” and to react to what the officers say and do. But because mental illness and other conditions are key elements of many of these scenarios, the scenario may take unexpected turns.

At the conclusion of each exercise, the instructors debrief with officers, reviewing their decision-making, communications, and tactical approaches.

Trainers may also use an optional element of making a video recording of the exercise, so that instructors and students can replay some or all of the exercise for purposes of the discussion.

Summary and Next Steps for Implementing ICAT

PERF'S ICAT TRAINING GUIDE IS DESIGNED TO HELP POLICE AGENCIES challenge conventional ways of responding to certain situations that in the past have ended with a police use of force. ICAT is a model that integrates officer safety tactics, communication skills, critical thinking and assessment tools, and other elements in an effort to resolve situations with minimal use of force, whenever possible. Building polices and training centered on the sanctity of human life can increase officer safety as well as public safety.

Many of the incidents cited in the ICAT Training Guide involve persons with mental illness or other conditions who are not brandishing a firearm. However, in certain situations, the concepts and techniques presented in the ICAT Training Guide can be applied even when firearms may be present. For example, if a mentally ill or suicidal person is barricaded in a room and has a firearm but is not pointing it at anyone, and if officers can maintain protective cover and ensure that the subject is not a threat to the public, the officers may be able to “slow the situation down” in order to give themselves more time to talk to the person, assess his mental state, utilize negotiators, and develop a plan to resolve the incident. Officers should be taught to understand that they need not feel pressure to resolve all situations quickly; in many cases, slowing it down and bringing in additional resources, as necessary, can result in a better and safer outcome for everyone.

In many police departments, this Training Guide should not simply be dropped into an existing recruit training or in-service training program, because ICAT involves communications, assessment, tactics, critical thinking, decision-making skills, crisis intervention, operational safety considerations, and other elements, many of which may already be covered to varying degrees in existing training curricula.

Therefore, top agency officials should read this summary of the ICAT Training Guide (as well as the more detailed online version of the guide), absorb its content, and decide where it fits best in their training program, and whether adjustments to existing training need to be made, so that the final result is integrated and internally consistent.

ICAT also should be considered a companion to PERF's March 2016 report, *Guiding Principles on Use of Force*. The ICAT training is based in large part on the 30 Guiding Principles in that earlier report.

This ICAT Training Guide is available online at PERF's website because it will be a "living document." Over time, as new materials become available, such as body-worn camera footage of actual incidents that demonstrate key concepts and lessons learned, these materials will be continually added to the online Training Guide.

PERF invites police officials to submit materials that are instructive and can be added to the ICAT Training Guide resources. For details, please contact PERF Director of Program Management Kevin Morison at kmorison@police-forum.org.

As stated in the Acknowledgments section of this report, PERF is grateful to the hundreds of police officials at all ranks, from departments across the country, who have contributed to this work. We believe strongly that ICAT will help save lives and will save officers' careers as well.

About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) IS AN INDEPENDENT research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and developing and assessing crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership; public debate of police and criminal justice issues; and research and policy development.

The nature of PERF's work can be seen in the titles of a sample of PERF's reports over the last decade. Most PERF reports are available without charge online at <http://www.policeforum.org/free-online-documents>.

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- *2011 Electronic Control Weapon Guidelines* (2011)
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In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies; educates hundreds of police officials each year in the Senior Management Institute for Police, a three-week executive development program; and provides executive search services to governments that wish to conduct national searches for their next police chief.

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APPENDIX

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Solutions

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New Ground By Focusing
on the Local Impact

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Fundamentally Changing
How We Police?

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and Finding Common Ground

“How Are Innovations
in Technology
Transforming Policing?”

Improving the Police Response
to Sexual Assault

An Integrated Approach to
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Examining the Impact of *Integrating Communications, Assessment, and Tactics (ICAT)* De-escalation Training for the Louisville Metro Police Department: Initial Findings



September 16, 2020
Updated: October 30, 2020

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Research conducted by the *International Association of Chief of Police (IACP) / University of Cincinnati (UC) Center for Police Research and Policy* is supported by Arnold Ventures (formerly the Laura and John Arnold Foundation). The findings and recommendations presented within this report are from the authors and do not necessarily reflect the official positions or opinions of Arnold Ventures (AV), the IACP, or the Louisville Metro Police Department (LMPD). The authors wish to thank LMPD Interim Chief Robert Schroeder, Chief Steven Conrad (retired), Major Paul Humphrey, Sergeant Justin Witt, Sergeant Chris Keith, Officer Pete Pastin, Travis Eicher, and all the LMPD Officers and staff for their assistance in conducting this research. Executives and staff members from the Police Executive Research Forum (PERF) also provided valuable assistance to both the LMPD and the UC research team. We are also grateful for the editorial assistance and graphics created by Ashley Sandburg from the IACP /UC Center. Please direct all correspondence regarding this report to Dr. Robin Engel, Director, IACP/UC Center for Police Research and Policy, University of Cincinnati, 600 Teachers-Dyer Complex, 2610 McMicken Circle, Cincinnati, OH 45221-0632; 513.556.5850; robin.engel@uc.edu.

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NOTE FROM THE AUTHORS

As researchers, we strive to produce meaningful evidence to reduce harm in communities and make police-citizen encounters safer for all. As we issue this report, we recognize the challenging circumstances facing residents and police officers in the City of Louisville. When we implemented this study with the LMPD in the fall of 2018, we could not have imagined the circumstances facing our country when our research was completed two years later. Although our work examining LMPD's use of force is anonymized and conducted at the aggregate level, we recognize the value of every life that is included in the numbers we analyze and report. For a variety of complicated reasons, situations involving crime, violence, and police use of force disproportionately impact communities of color, and our collective work is specifically designed to better understand and address these problems. While heartbreaking, encounters that result in injuries and fatalities of citizens and officers motivate those of us who work in partnership with police agencies to work even harder, generating evidence designed to make policing practices safer, and more effective and equitable for all communities.

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EXECUTIVE SUMMARY

In recent months, law enforcement officers have been faced with an unprecedented set of circumstances, navigating major social unrest in communities amid a pandemic and economic crisis. Acknowledging the dangers to both the community and officers, efforts have intensified to identify “solutions” to reduce the frequency and severity of violent encounters between police and the public. Calls for the adoption of “de-escalation” policies and training – widely endorsed by policy makers, policing experts, and the public – have been especially strong, and recent statistics on law enforcement practices suggest the field has responded (Engel et al., 2020b). For example, in a 2019 national survey of 155 large police departments in the United States, nearly all responding agencies indicated they offered some form of de-escalation training to officers in their agency (CBS, 2019).

Although the implementation of de-escalation training is often encouraged, the effects of this training on police officers and their interactions with the public has not been systematically evaluated (Engel et al., 2020a). For this reason, the impact of de-escalation training on the frequency and severity of officers’ use of force and the subsequent injuries to citizens and officers is not well understood. It was within this context that the Louisville (KY) Metro Police Department (LMPD) stepped forward to both deliver and participate in the evaluation of a de-escalation training. Specifically, the LMPD introduced the Police Executive Research Forum’s (PERF) *Integrating Communications, Assessment, and Tactics* (ICAT) training program to instruct officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters. Seeking to understand the effectiveness of this training, the LMPD partnered with the *International Association of Chiefs of Police/University of Cincinnati Center for Police Research and Policy* (IACP/UC Center) to conduct an independent, external evaluation of the effects of the ICAT training on their agency.

This report documents the methodology and findings of the evaluation of ICAT training implemented within the LMPD. This study represents one of the first large-scale, methodologically rigorous evaluations of a well-known de-escalation training for police. Specifically, this study uses a multi-method approach, relying upon two distinct survey designs (i.e., repeated measure survey design, cross-sectional survey design) to assess the impact of training on the perceptions and self-reported experiences of officers and first-line supervisors, and a stepped-wedge randomized control trial design to examine training effects on officers’ behaviors and changes in the outcomes of police-citizen encounters. This seminal study is the first randomized control trial to demonstrate a significant reduction in officer use of force following de-escalation training implementation.

A. LMPD’s Implementation of the ICAT Training

The *Integrating Communications, Assessment, and Tactics* (ICAT) training instructs police officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters, encouraging the integration of crisis recognition and intervention, communication skills, and operational tactics in police responses. This training is designed for patrol officers responding to circumstances involving persons in crisis – that is, individuals that may be behaving erratically due to mental health concerns, substance use,

situational stress, and/or intellectual/developmental disabilities. ICAT training is meant to apply to situations where individuals are either unarmed or armed with anything less than a firearm (PERF, 2016). A full summary of the ICAT training can be accessed here:

<https://www.policeforum.org/icat-training-guide>.

The ICAT curriculum is comprised of six modules. These modules include content related to: (1) Introduction; (2) Critical Decision-Making Model; (3) Crisis Recognition and Response; (4) Tactical Communications; (5) Operational Safety Tactics; and (6) Integration and Practice (PERF, 2016b). However, PERF emphasizes that ICAT training is flexible and adaptable, encouraging that agencies be creative in how they incorporate the training modules into new or existing programs on de-escalation, tactical communication, or crisis intervention. Notably, the LMPD followed this advice, tailoring the ICAT curriculum to fit within the local context and experiences of LMPD officers.

Brought to the department by then-Assistant Chief Robert Schroeder, the implementation of ICAT training in the LMPD was led by the LMPD Training Division officers and staff. Two LMPD instructors, Sergeant Justin Witt and Sergeant Christopher Keith, initially participated in a train-the-trainer course provided by PERF staff and have subsequently become PERF national instructors. These two instructors provided train-the-trainer instruction for three additional officers – Travis Hayden, Anthony Stallard, and Rich Wilson – within the LMPD Training Division. The LMPD asked PERF to observe and provide feedback on its ICAT training, and PERF Director of Applied Research and Management, Tom Wilson, went to Louisville to observe the initial sessions and offer guidance. Thereafter, these five LMPD instructors provided the ICAT training to the remaining LMPD sworn personnel. The ICAT training program was delivered during two consecutive eight-hour training days (Wednesday and Thursday) within a 40-hour week in-service training block required for all sworn officers. Approximately 40 to 50 officers were present in each training session. From February 2019 through November 2019, LMPD trained 1,049 officers of all ranks and assignments following a randomized training schedule developed by the research team. The officers who attended ICAT training were largely male (83.6%), White (80.2%) and served as patrol officers (57.7%). Officers were fairly evenly distributed in terms of age, law enforcement tenure, and LMPD tenure. A majority (53%) had a Bachelor's degree or higher, and slightly less than one-third had military experience (30.9%).

B. Methodology

The evaluation was designed to assess the effects of the training across the following outcomes:

- (1) Officers' knowledge of and attitudes toward persons in crisis
- (2) Officers' confidence in handling critical incidents
- (3) First-line supervisors' perceptions and self-reported activities related to their use and supervision of de-escalation skills
- (4) The frequency of officer use of force and the types/severity of force used during encounters with resistant suspects
- (5) The frequency of injuries to citizens and officers during use of force encounters
- (6) Changes in training impact over time

Three research designs were used to examine these outcomes, including: (1) a repeated measure survey design to assess officers' knowledge and attitudes; (2) a cross-sectional survey design to identify first-line supervisors' perceptions and self-reported activities; and (3) a stepped-wedge randomized control trial to coordinate the LMPD's training schedule and assess behavioral outcomes.

Repeated Measures Survey Design

To examine the impact of de-escalation training on LMPD officers' knowledge and attitudes, three training surveys (pre-training, post-training, and follow-up) designed by the research team were administered by the LMPD Training Division staff to officers immediately before, immediately after, and approximately four to six months following officers' participation in the training. These surveys allow for comparisons of officers' knowledge and attitudes over time. Specifically, statistical comparisons of pre-training to post-training survey responses assess changes in responses following officers' participation in the ICAT training program. Additionally, comparisons of the post-training and follow-up survey responses provide insight on training effects over time. Finally, comparisons of the pre-training and follow-up survey responses consider the overall impact of the ICAT training program on LMPD officers' knowledge and attitudes.

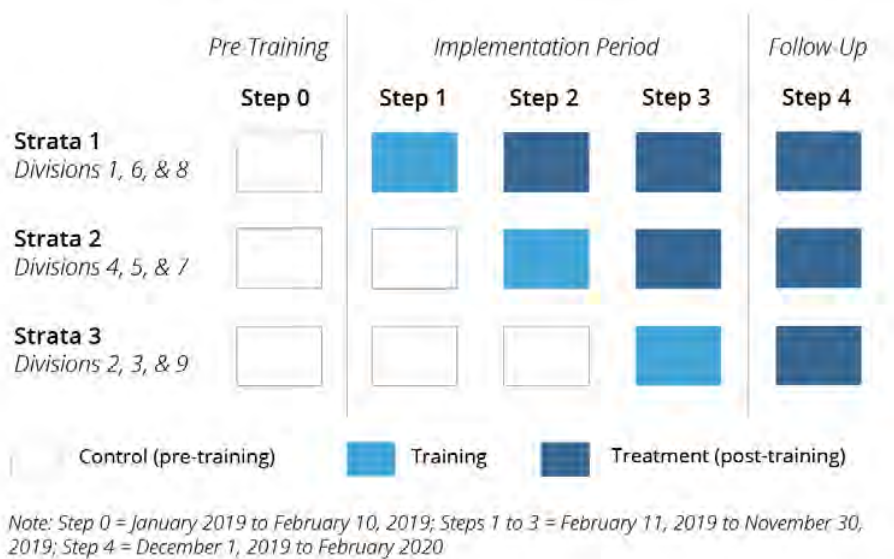
Cross-Sectional Survey Design

To supplement the evaluation of the training program, LMPD supervising officers (i.e., sergeants and lieutenants) were administered a survey in March of 2020, designed by the research team to assess their general perceptions of the role of supervisors, and more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. This cross-sectional design collected information from supervisors at a single point in time after the implementation of the ICAT training. Descriptive analyses are conducted to provide an examination of the role of supervision in ICAT training.

Stepped-Wedge Randomized Control Trial Design

To examine the impact of ICAT training on LMPD officers' behavior, the research team developed a stepped-wedge randomized control trial (RCT) design that was implemented by the LMPD Training Division. The stepped-wedge cluster RCT is a crossover design in which clusters of subjects begin as no-intervention controls, crossing over permanently from the control group to the intervention group in sequence at randomized, pre-specified points in time (Hussey & Hughes, 2007). In the present study, a stepped-wedge cluster RCT crossover design allowed for clusters of LMPD officers to begin as non-intervention controls (i.e., untrained in ICAT). Individual clusters of officers were then randomly selected in a sequence at pre-planned time points to cross over from the control group to the intervention group (i.e., trained in ICAT). At the end of the experiment, all officer clusters had crossed over to the intervention group. To implement the stepped-wedge RCT design, the nine LMPD Patrol Divisions, including eight geographic-based divisions and one mobile unit operating across the city of Louisville, were grouped into three strata, which were then randomly selected for training. This implementation of the stepped-wedge RCT design is displayed in Figure 1.

Figure 1: The Stepped-Wedge Design



The research team’s examination of the LMPD training regimen was consistent with the randomly arranged stepped-wedge training plan, suggesting high fidelity between the treatment as delivered and treatment as intended. Additionally, sensitivity testing examining the potential movement of LMPD officers from one Patrol Division to another during the research period – creating a potential contamination effect of the treatment condition – demonstrated little concern for possible contamination during the evaluation period.

Data Sources

Using the research designs described above, the research team gathered quantitative data from three sources: (1) officer surveys, (2) field supervisor surveys, and (3) official reports of officer behavior.¹ All data collection and related research activities were reviewed and approved by the University of Cincinnati’s Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). The research questions for this study were assessed using a variety of analytic techniques to provide descriptive statistics, two-wave survey comparisons, and three-wave survey comparisons to assess officer attitudes and perceptions. Changes in frequency and severity of LMPD uses of force, citizen injuries, and officer injuries are assessed using a series of univariate statistics, including monthly and annual changes in uses of force over time, followed by a series

¹ The original research plan included a qualitative component that was not implemented. Four focus groups were scheduled with approximately 40-45 LMPD officers to be convened on March 20 and 27, 2020, but were canceled due to Ohio and Kentucky travel restrictions associated with COVID-19. Unfortunately, these focus groups were unable to be rescheduled during the study period due to the continued restrictions of group meetings. The intent of these focus groups was to gather additional context regarding the strengths and limitations of implementing de-escalation tactics in the field, comments regarding the ICAT training, and reactions to the study results specifically. If deemed appropriate and still of value, these sessions may be rescheduled sometime in 2021.

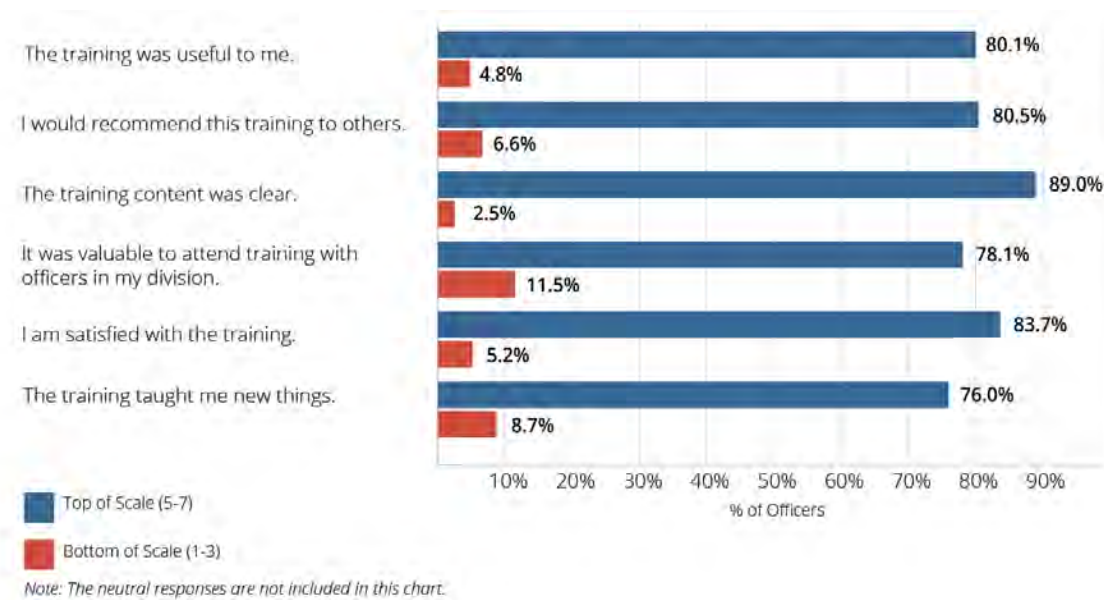
of panel regression analyses that corresponded to the stepped-wedge RCT design to assess the changes in uses of force that corresponded with the randomized timing of the training.

C. Officer Surveys

Officer training surveys (pre-training, post-training, and follow-up) were administered to LMPD officers immediately before, immediately after, and approximately four to six months following their participation in the ICAT training, all with high response rates (87, 100, and 74 percent, respectively). Prior to the training, LMPD officers reported high levels of agreement that their roles involved activities consistent with community-oriented policing principles, however slightly more than half of the officers viewed law enforcement as their most important responsibility. Also of interest in the baseline measures, a majority (75%) of officers agreed or strongly agreed that the jurisdiction they work in is dangerous, and 85% agreed or strongly agreed that there is a good chance they would be assaulted while on the job, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics. In addition, only slightly over a quarter of officers agreed/strongly agreed that overall the LMPD is a good agency to work for, suggesting potential issues with officer morale that may impact receptivity to training.

Despite these possible challenges, as reported in Figure 2, the ICAT training was well received, with over three-quarters of the officers reporting positive reactions immediately following the training. A vast majority of surveyed LMPD officers found the training useful and would recommend to others, both immediately following training, as well as four to six months later.

Figure 2: LMPD Officer Post-Training Perceptions of ICAT Training



However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after their initial training. When asked during the follow-up period four to six months after the initial training, 63% of officers reported that the

training strategies were useful, and 57% reported they would recommend ICAT training to other officers. This highlights the need for continual reinforcement of ICAT training for officers, whether this is through roll call or other forms of refresher trainings. Over 40% of officers agreed they would benefit from a refresher course.

Officers were also asked a series of questions designed to measure their attitudes regarding *Views on Interactions with the Public*, *Attitudes towards Persons in Crisis*, and *Attitudes Toward Use of Force*. Examination of these various items and scales demonstrated statistically significant changes in officer attitudes the expected direction following the training. For example, after the training, officers were more likely to strongly support the notion that force should be used as a last resort compared to scores before the training.

The summed *Attitudes Toward Use of Force Scale* also demonstrated a statistically significant change in the pre-training to post-training scores, and in the pre-training to follow-up scores, in line with the expected changes from the training. This indicates that officers may have sustained attitudinal changes regarding the use of force after participation in the ICAT training that do not appear to decay over time. In contrast, officers reported *Attitudes towards Persons in Crisis*, demonstrated immediate positive changes that were consistent with the tenants of ICAT training, however, these positive attitudinal changes decayed significantly over time.

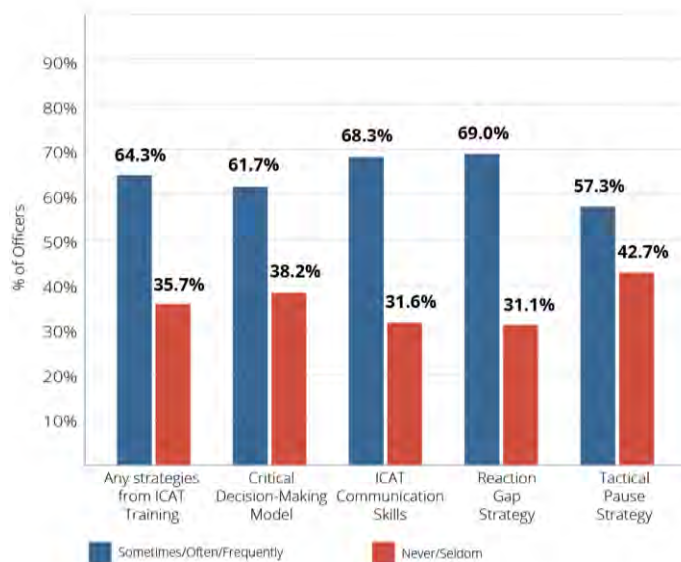
The officer survey findings illuminated some avenues for improvement on training curricula. The findings indicate there remains a small minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. Additionally, the large percentages of “neutral” respondents also present an opportunity for trainers to enhance the perceived utility of ICAT training. Reinforcement of the benefits of the training may be an important step for LMPD ICAT trainers for these groups of officers.

One aspect of ICAT training in particular, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers’ reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the *opposite direction* than would be expected, indicating that officers reported finding the CDM less useful over time. This is an area for reconsideration regarding how the training curricula is created and delivered by the LMPD Training Division.

Finally, officers were asked to self-report their confidence in handling interactions with persons in crisis. The findings demonstrate that officers’ confidence did not significantly improve immediate after or in the months following the ICAT training. This lack of reported change is likely because officers started with high levels of reported confidence in handling these types of situations pre-training.

Nevertheless, when considering self-reported use of ICAT skills in the field, the majority of surveyed officers (over 60%) self-reported using ICAT skills during their previous 60 days of work. Use of the *Reaction Gap Strategy* was reported most frequently of all four skills assessed (CDM, ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy), demonstrated in Figure 3.

Figure 3: LMPD Officer Self-Reported Use of Trained Skills, Follow-Up Survey



D. Supervisor Surveys

Recognizing the key position of first-line supervisors in the reinforcement of de-escalation training, the research team sought to examine the activities of sergeants and lieutenants within the LMPD as they relate to their own use of ICAT de-escalation skills and the supervision and support of those de-escalation skills among their subordinates. To assess these outcomes, LMPD supervising officers (N = 157) were administered a single survey in March 2020 by LMPD Training Division staff. Of these, 131 surveys were completed (83.4% response rate). Descriptive analyses are used to present the average responses of LMPD supervisors across five key areas, including their (1) use of ICAT de-escalation skills, (2) ability to supervise officers' use of ICAT de-escalation skills, (3) observations of officers' use of ICAT de-escalation skills, (4) frequency of participation in supervisory activities related to ICAT de-escalation skills, and (5) frequency of participation in general supervisory activities.

The survey analyses revealed several important findings. The LMPD supervisors appear to hold positive attitudes regarding their own use of the ICAT de-escalation skills. On average, supervisors expressed confidence in their ability to use the skills during both interactions with the public and their subordinate officers. Additionally, supervisors indicated they can effectively supervise and coach subordinate officers in the use of these de-escalation skills, with nearly 90% indicating they did not require additional training or support from leadership to complete these tasks.

Importantly, however, while most survey respondents (57%) suggest it is not difficult to supervise the use of ICAT de-escalation skills by their subordinate officers, the average frequency of participation in supervisory activities that may serve to support or reinforce officers' use of de-escalation were fairly low. The average responses of supervisors suggest they seldom (i.e., once per month) or only sometimes (i.e., two to three times per month) communicate with their subordinate officers about the use of ICAT de-escalation skills in a

general or incident-specific manner. Additionally, survey responses suggest the documentation of officers' use of de-escalation skills – by means of use of force reports, letters of commendation, or other formal recognition – is uncommon. In turn, supervisors reported limited observations of the use of de-escalation by officers in the field or through video review.

These low self-reports of supervisory activities associated with reinforcing de-escalation training content were echoed in the findings from the officer surveys. When officers were asked how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

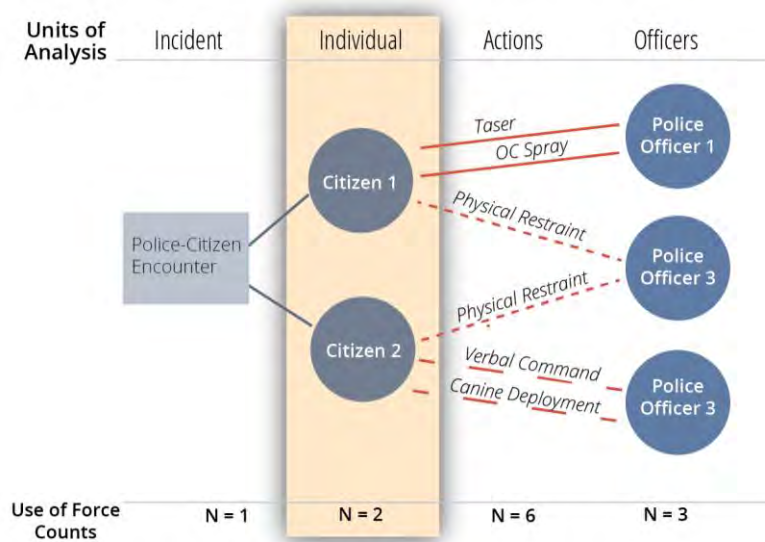
E. Impact of ICAT Training on Officer Behavior

The most important consideration for this evaluation is the impact of ICAT de-escalation training on changes in officer behavior during interactions with the public. Use of force is governed by LMPD Standard Operating Procedure (SOP) 9.1 (Use of Force Policy), which delineates when and how force can be used by LMPD officers. This evaluation of the ICAT de-escalation training relies on LMPD's official use of force data. The LMPD's reportable uses of force include *all use of force incidents resulting in any injury, or the complaint of any injury, to either the officer or subject, or when physical force other than a control hold (a technique with a low probability of injury to the officer or subject, utilized to maintain physical control of a subject) is used.*

For all of the analyses that follow, *we measure the use of force as the number of individuals that had force used against them during a single encounter* (see Figure 4, "individual" unit of analysis). If an individual had force used against him/her in more than one encounter with police during the study time period, those multiple uses of force are included in the data analyses. Measured in this way, our individual use of force count (# of individuals having force used against them) includes multiple police actions, given the escalating nature of force (i.e., an officer may initiate with a low level of force and increase in severity if resistance increases), and multiple officers that could use force against a single individual. In addition, *we measure injuries as those reported by individuals or officers, regardless of whether medical attention was received.*²

² Measuring the count of injuries in the manner will necessarily include injuries that, while reported by officers and citizens, were likely minor in severity. Of the 758 citizen injuries reported during the study time period (Jan 1, 2018 – April 30, 2020), over half (50.5%) did not require medical attention. Likewise, of the 681 officer injuries reported, 59.7% did not require medical attention.

Figure 4: Hypothetical Example of Use of Force Measures, by Unit of Analysis



Note: The individual level is the unit of analysis used in this study.

The research team first considered the historical context of use of force incidents in Louisville between 2010 and 2020. Using time series analyses, three changes in the pattern of use of force counts over time were identified. Specifically, as shown in Figure 5, the univariate moving average graph demonstrates consistent trends in the data, indicated by patterns of long-term stability in event counts and clear structural breaks in the time series. First, from January 2010 through December 2014, the average number of uses of force was roughly 51 per month for this stage in the time series. Second, from January 2015 through December 2018, the average number of uses of force was roughly 40 per month. Finally, during the period of the randomized experiment (beginning in February 2020) through April 2020, the average number of uses of force was roughly 30 per month. Thus, the use of force events in Louisville were consistently stable for a six-year period (2010-2015) as well as three-year period (2016-2018) prior to the implementation of the ICAT training.

Figure 5: Time Series Analysis January 2010 to April 2020

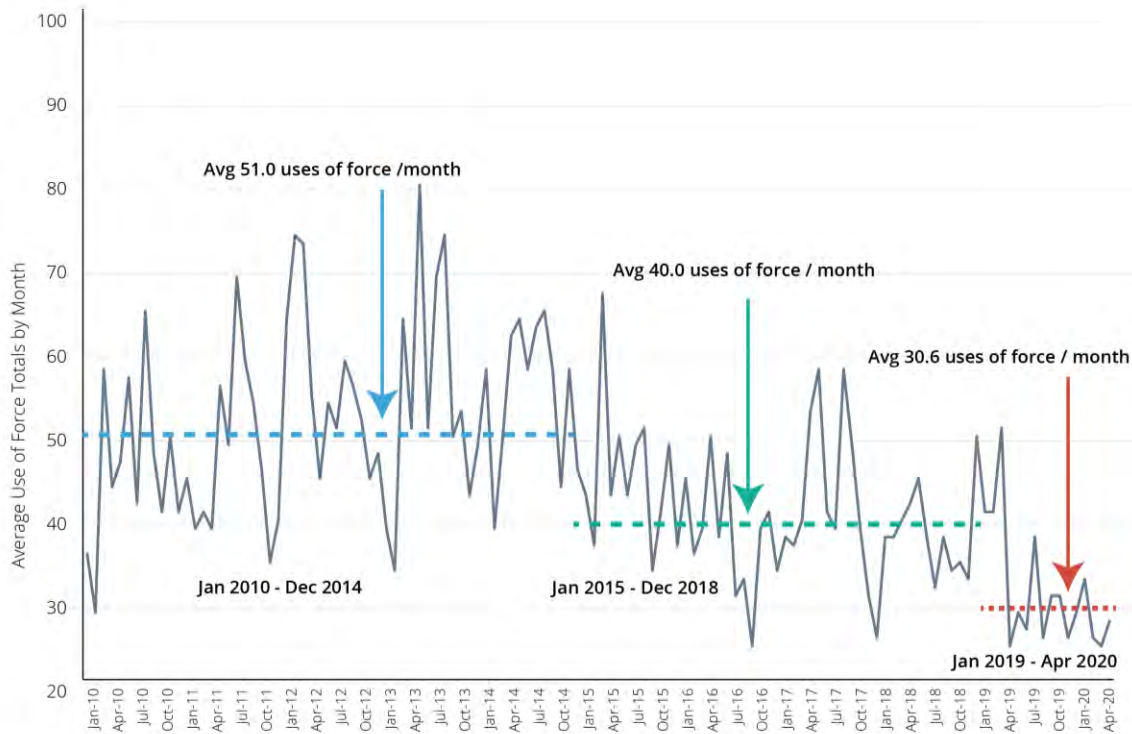
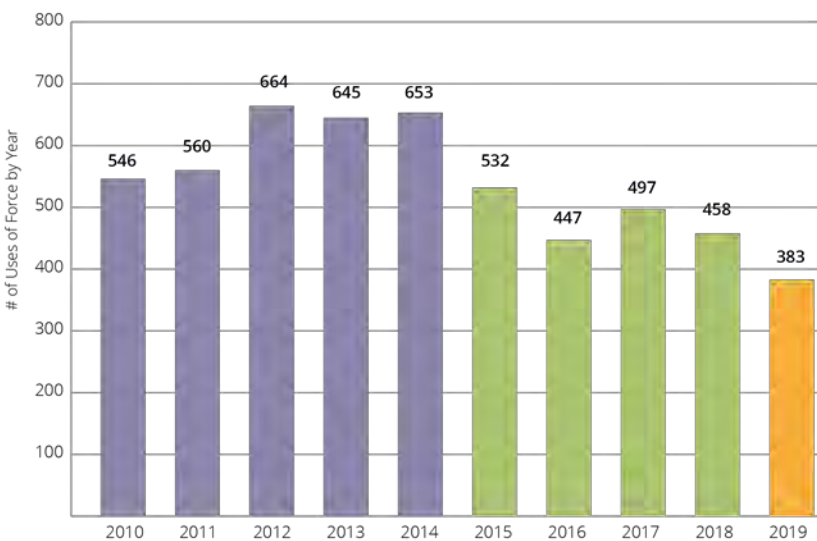


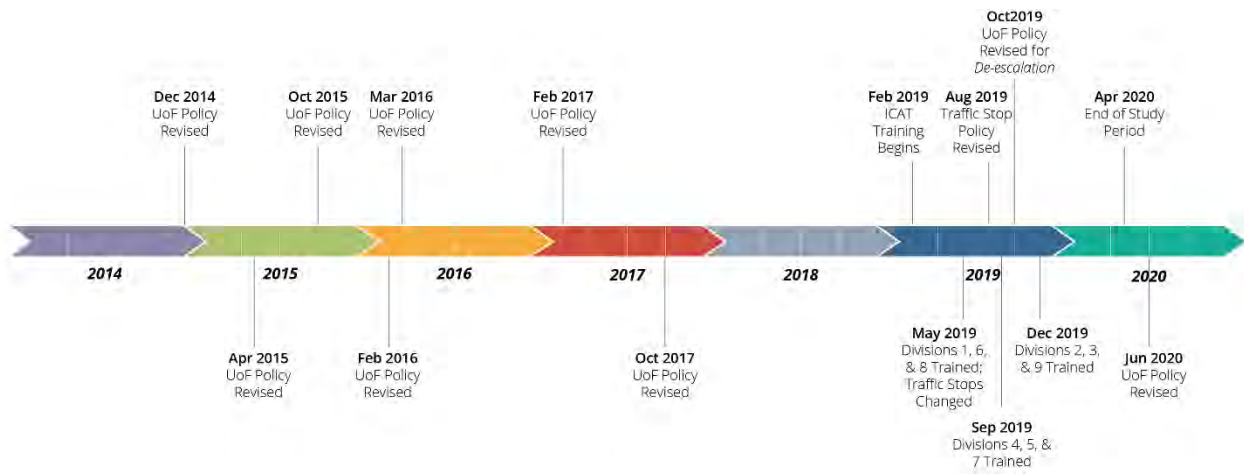
Figure 6 reports the number of reported uses of force each year, across the ten-year period. The three identified breaks in the data from the interrupted time series analyses are represented by different colors.

Figure 6: Use of Force Totals by Year (2010 – 2019)



These changes in the pattern of use of force counts are roughly correlated with LMPD policy changes. For a five-year period (from 2010 – 2014), use of force counts were consistently stable. After a series of changes to the LMPD Use of Force Policy (SOP 9.1) in 2015 and early 2016, the following four years (2015 – 2018) demonstrated a stable reduction compared to the previous time period (see Figure 7). This established stable four-year time period (2015 – 2018) serves as the baseline prior to the implementation of the training and additional policy changes. From January 2019 – April 2020 (the current study time period, inclusive of the ICAT training implementation), the monthly average number of uses of force again significantly declined.

Figure 7: LMPD Use of Force Policy Changes 2014-2020



To study the impact of ICAT training specifically using the stepped-wedge RCT design, uses of force were examined for a 28-month period, from January 1, 2018 – April 30, 2020. As shown in Figure 8, these analyses include a pre-training period (January 2018 – February 2019), training intervention period (February 2019 – November 2019), and follow-up period (December 2019 – April 2020).

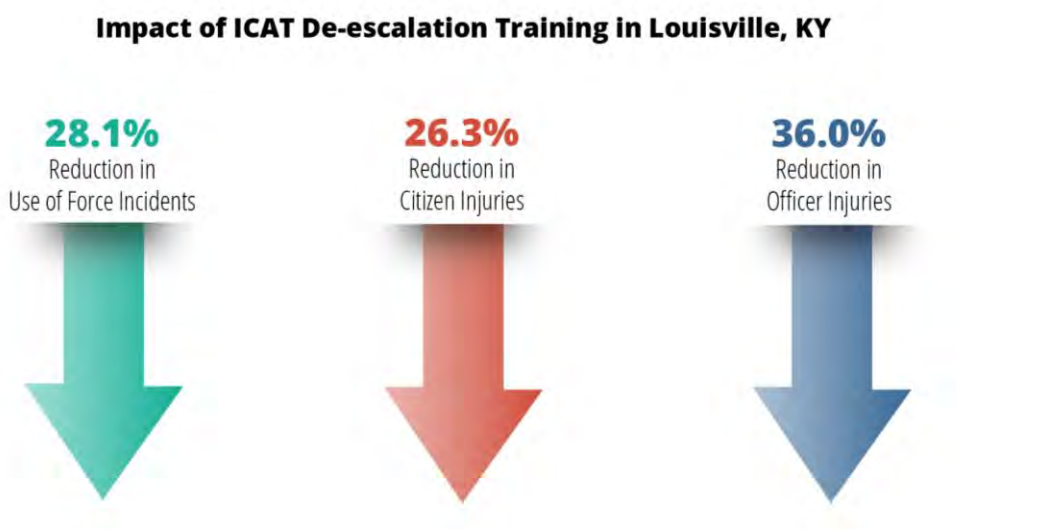
Figure 8: LMPD ICAT Training Implementation Timeline 2019-2020



Analyses of patrol officers' behaviors (i.e., frequency of use of force, and likelihood of officer/citizen injuries) relied on fixed effects panel regression models. The count regression results indicate that the ICAT training may lead to changes in officer behaviors associated with use of force and related issues surrounding use of force (i.e., injuries). Between January 2018 and April 2020, *the monthly average use of force counts declined in six of the eight patrol divisions*, ranging from a decrease of -16% to -52% among the vast majority of divisions that experienced sizable and notable declines in use of force.

The difference-in-difference estimates via the stepped-wedge panel regression models show three primary, consistent, and robust findings, net of controls and net of prior trends in the data. Of the utmost importance, *the randomly assigned timing of de-escalation training in Louisville was associated with a statistically significant decline in use of force (-28%), citizen injuries (-26%), and officer injuries (-36%),* shown in Figure 9.

Figure 9. Summary Impact of ICAT Training on LMPD Officer Behavior in Stepped-Wedge RCT



Notably, these results were beyond chance. Further, these significant reductions in force and injuries occurred above and beyond observed changes in arrest patterns. The research team is confident that the changes in uses of force – and the subsequent reductions in citizen and officer injuries – corresponded with the timing of the training across the various police divisions.

F. Recommendations

While we continue to conduct more detailed analyses of these data, the initial findings are clear: ICAT de-escalation training delivered within the LMPD had its intended effect, improving officers' attitudes and reducing the frequency of use of force and resulting injuries to both officers and members of the public. The results also demonstrate the importance of developing a coordinated and comprehensive effort, where changes in de-escalation training are reinforced in policies, emphasized through direct field supervision, and supported through an established

managerial accountability system for using these tactics – and all of these approaches should be tested to determine effectiveness. As a result of this work, we provide the following recommendations to the LMPD (further detailed in Section VIII):

1. Continue, Refine, and Expand ICAT De-escalation Training within the LMPD

Based on the compelling benefits of LMPD’s ICAT de-escalation training that were revealed in this evaluation, we strongly urge LMPD officials to continue and further expand training in this area. The modifications made by LMPD trainers to the original ICAT training for application in Louisville are associated with successful outcomes. There is always room for improvement in any training curriculum, however, and some changes have already been identified by the LMPD Training staff. This work needs to be supported and expanded.

2. Include Louisville Residents in ICAT Training

In addition to educating officers regarding the importance and use of de-escalation tactics to handle potentially problematic encounters, it is important to educate local policy makers and community leaders. There is substantial misunderstanding around police use of force in general, and the relationship between police and the public in the City of Louisville is fractured, as exemplified by months of protests associated with police use of force. Inclusion of the Louisville community with the LMPD must be both purposeful and meaningful. It is recommended that the LMPD Training Division develop a specialized ICAT training session for community and political leaders. It will be helpful for these and other local residents to see and better understand the purpose and use of de-escalation training, and also for LMPD to hear and incorporate their feedback. LMPD instructors may even consider the inclusion of community members within the ICAT training itself, in the form of actors for role-play scenarios, or speakers to provide additional context and perspectives for officers. Developing meaningful ways to incorporate the community into LMPD training will be an important first step toward rebuilding partnerships.

3. Continue Use of Force Policy Changes and Updates

Although it appears that routine reviews of use of force policies is already occurring within the LMPD, it is important that these policies receive continual review to reduce the risk of officer and citizen injury, and reduce the likelihood of racial/ethnic disparities in the application of force. Additionally, the department should continue to analyze and review its use of force activities, policies, and training to identify patterns and trends that suggest needed changes or revisions. When needed, the LMPD should engage with outside research partners or consultants to assist in this review and make necessary adjustments and updates to both its policy and training.

4. Examine the Availability and Use of Less Lethal Equipment by the LMPD

The survey findings revealed some discrepancies regarding the perceived need and use of additional less-lethal tools for officers. Although the specific context around these issues within the LMPD is unknown to the research team, it is recommended that LMPD

officials consider these findings in combination with recent local and national concerns regarding the use of less-lethal tools, particularly when used as a response to protests.

5. Revisit the Role of Supervisors to Reinforce ICAT Training

LMPD officials should develop a plan to support supervisors in their reinforcement of the ICAT de-escalation training – encouraging sergeants and lieutenants to speak more openly and directly to their subordinate officers regarding the value and application of the de-escalation skills in their day-to-day work. Specifically, the LMPD should identify opportunities when these messages can be communicated (e.g., roll call, post-incident reviews), discussing both successful use of de-escalation skills, as well as areas for improvement. In particular, incorporating the documentation of the use of de-escalation in use of force reports, letters of commendation, and other formal ways of positive recognition within the agency can further integrate the principles and application of ICAT de-escalation training into the agency.

6. Implement Changes to LMPD Use of Force Data Collection

The LMPD should begin systematically documenting the frequency, type, and circumstances surrounding the use of de-escalation tactics. This information will be critical to identify patterns and trends in the use of de-escalation skills that reduce uses of force. Regarding current practices in data collection on use of force incidents, we recommend that when narrative-based incident details are collected, it is done in a manner that will make data culling and analyses more readily available to LMPD officials. Further, the LMPD may consider a change in the reporting system to accommodate all uses of force into a single database that may be more easily analyzed. Specific recommendation regarding these changes are presented in Section VIII.

7. Examine the Impact of Changes to the LMPD Traffic Stop Policy

Revisions to the Traffic Stop Policy (SOP 7.12) were made by LMPD on August 1, 2019 based, in part, on public concerns regarding the frequent use of (and police conduct during) traffic stops. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias. It is recommended that the City of Louisville commission an independent assessment to determine the impact of these changes to the LMPD Traffic Stop Policy on the frequency, patterns, and racial/ethnic disparities associated with traffic stops.

8. Continue and Expand External Review of Reported Use of Force Incidents and Training

Mandating the collection and reporting of police use of force data is insufficient to significantly change police practice; these data, once collected, must be properly analyzed. It is recommended that the LMPD continue to prioritize its willingness to have independent assessments conducted, to use the findings from these assessments to change

policy, practice, and training, and to widely disseminate findings to other law enforcement agencies in an effort to continually to build the evidence base.

Finally, note that this report is the first of two reports that will be issued to the LMPD based on our research. The findings documented throughout this first report demonstrate patterns of change in various survey constructs that corresponded with de-escalation training and the CDM model of officer decision-making. Our second report (scheduled for delivery in January 2021) will unpack these patterns of attitudinal and behavioral changes in a more precise and detailed manner, and provide a more robust examination of individual officer and citizen characteristics that lead to use of force incidents. For example, we plan to identify the types of officers and supervisors – including consideration of demographics, experience, attitudes, and ICAT training – who are more likely to report using de-escalation skills and supervise these skills in the field. These analyses will be designed to help the LMPD Training Division modify and refine their training curricula for optimal impact. We will further examine all arrest situations and statistically model the types of police-citizen encounters that are more likely to result in use of force, and provide additional clarity around the racial/ethnic disparities in police response.

Moving forward, it is essential to better understand and systematically assess the impact of changes in police policies and trainings, and in particular, use of force de-escalation training – including assessments of which de-escalation skills are most often used in the field, during what types of encounters, by what types of officers, and their resulting impact on officer/citizen injury. We must continue to generate evidence to identify and support what works in policing. The safety of our police officers, and the community they serve, hinges on this collective work to advance the evidence base in the policing profession. This work is especially imperative for the City of Louisville, where trust between the police and the communities they serve has been fractured. The challenging work that lies before the Louisville community – to repair frayed police-community relations – will not be easy. It must start with a foundation of transparency regarding LMPD’s policies and practices, and an understanding of the role and impact of de-escalation training designed to make police-citizen encounters safer for everyone.

I. INTRODUCTION

In recent months, law enforcement agencies in the United States have been faced with an unprecedented set of circumstances requiring the navigation of major social unrest in communities amid a pandemic and economic crisis. Acknowledging the dangers to both the community and officers embedded within this crisis of police-community relations, efforts have intensified to identify “solutions” to reduce the frequency and severity of violent encounters between police and the public. Calls for the adoption of use of force “de-escalation” policies and training have been especially strong – widely endorsed by policymakers, policing experts, and the public – and the law enforcement field has responded (Engel et al., 2020b). In a U.S. national survey of 155 large police departments conducted in 2019, nearly all responding agencies indicated they offered some form of de-escalation training to at least some officers in their agency (CBS, 2019).

Although the implementation of use of force de-escalation training has been emphasized across the field of law enforcement, the effects of de-escalation training have not been systematically evaluated (Engel et al., 2020a). As such, the law enforcement agencies implementing de-escalation training, as well as the field more generally, do not fully understand the impact of this type of training on the frequency and severity of officers’ use of force or on subsequent injuries to citizens and officers. To address this gap in knowledge, researchers at the *IACP/UC Center for Police Research and Policy* partnered with the Louisville Metro Police Department (LMPD) in 2019 to conduct a randomized control trial evaluation of de-escalation training for police. Specifically, from February through November 2019, the LMPD delivered in-service de-escalation training to approximately 85% of its sworn personnel, including all officers assigned to the Patrol Division. This training – *Integrating Communications, Assessment, and Tactics* (ICAT) – was developed by the Police Executive Research Forum (PERF) to instruct officers in de-escalation tactics and critical thinking skills for the management of potentially volatile police-citizen encounters.

Louisville Metro Police Department

Louisville is the largest city in Kentucky, with roughly 620,000 residents, representing over 15% of the state population. Based on 2010 Census figures, the City of Louisville’s residential population is 69.9% White; 23.5% Black; 2.7% Asian; 5.4% Hispanic; and 3.0% other. The percentage of women is 51.6%, foreign-born citizens is 7.4%, and the median age is 37.2 years (U.S. Census, 2020). In January of 2003, the Jefferson County Police Department and the Louisville Division of Police merged to form the Louisville Metro Police Department (LMPD), which has been led by Interim Chief Robert Schroeder since June 1, 2020. Based on personnel records from January 2019, the LMPD is comprised of 1,245 sworn officers and 325 civilian personnel. The agency is organized into three bureaus (administration, support, and patrol), which encompass the LMPD’s eight patrol divisions, along with other specialized, and support

units.³ There are approximately 800 officers assigned to patrol and the LMPD is responsible for roughly 400 square miles of territory.

In the winter of 2018, LMPD executives expressed interest in partnering with the IACP/UC Center's research team to evaluate the ICAT training scheduled for delivery to all sworn officers within the LMPD. After receiving and agreeing to an evaluation proposal developed by the research team, a Memorandum of Understanding was signed by the LMPD and the University of Cincinnati (UC) research team that described the work and commitments from both parties. In addition, a Data Use Agreement was signed by both parties to guide the exchange, storage, and use of official LMPD use of force, officer, and supervisor survey data. The LMPD agreed to: (1) participate in the proposed research design, including altering their training schedule for randomization, (2) provide access to LMPD personnel and data as required for the study, (3) allow the research team to observe ICAT training sessions, and (4) allow the findings of the study to be publicly disseminated. This independent evaluation was completed using existing resources within the *IACP/UC Center for Police Research and Policy*, primarily supported by Arnold Ventures (previously the Laura and John Arnold Foundation). No costs associated with this evaluation were assigned to the LMPD or the City of Louisville.

The evaluation was designed to address the impact of ICAT training across several outcomes, including: (1) officers' knowledge of and attitudes toward persons in crisis; (2) officers' confidence in handling critical incidents; (3) supervisors' perceptions and self-reported activities related to de-escalation; (4) the frequency of officer use of force and the types of force used during encounters with resistant suspects, (5) the frequency of injuries to citizens and officers during use of force encounters; and (6) changes in training impact over time, including training decay. A stepped-wedge randomized control trial (RCT) design was employed for the training schedule, along with three officer surveys (pre-training, immediately post-training, and four to six-months follow-up), and one supervisor survey (during the follow-up period).

This report documents the methodology and findings of the evaluation of ICAT training implemented within the LMPD. Building upon a pilot-test conducted with the University of Cincinnati Police Division (UCPD) that facilitated the development and assessment of officer training survey instruments (see Isaza et al., 2020),⁴ the LMPD study represents one of the first large-scale, methodologically rigorous evaluations of a well-known de-escalation training for police. This seminal study is the first randomized control trial to demonstrate a significant reduction in officer use of force following training implementation.

³ In addition to eight Patrol Divisions, the Patrol Bureau also includes the 9th Mobile Division, which provides additional patrol services throughout LMPD's jurisdiction.

⁴ Similar to the LMPD, UCPD instructors also attended a train-the-trainer session with PERF staff, and then internally delivered ICAT training over a two-day period. A total of 62 UCPD officers were trained over a five-month period, and these officers were the subjects of the pilot evaluation study. This evaluation focused on the impact of de-escalation training on officers' attitudes, but was unable to consider the impacts on officer behavior due to the infrequency in the use of force.

Report Outline

This report begins in **Section II** with a review of available research examining the implementation and impact of de-escalation training for police. **Section III** describes the delivery of the ICAT training to 1,049 LMPD sworn officers over an approximate 10-month period (February 2019 – November 2019). **Section IV** outlines the methodology used in this study, including a description of the research questions, design, and data sources. **Section V** presents the findings from three waves of officer surveys (i.e., pre-training, post-training, follow-up), that were designed to assess changes in officers' perceptions of the role of police and the ICAT training, as well as changes in officers' attitudes regarding use of force and their reported confidence in using de-escalation tactics based on the ICAT training program. **Section VI** reports the findings from a single supervisory survey, administered to assess the perceptions of sergeants and lieutenants regarding their roles and activities in reinforcing ICAT training in the field. **Section VII** reviews the LMPD use of force data and the frequency and severity of force over a 10-year period. The report concludes with **Section VIII**, where the study findings are summarized, and a series of conclusions and recommendations for policy, research, and practice are presented. A description of future analyses to be conducted by the *IACP/UC Center for Police Research and Policy* using these data to further build our understanding of the impact of ICAT training is also provided.

II. LITERATURE REVIEW

Decades of research examining the function of law enforcement in society have highlighted the ability of officers to use force as a defining role of the police (e.g., Bittner, 1974; Fyfe, 1988). This role has been subject to serious scrutiny and debate as researchers, policymakers, practitioners, and the public examine *why* and *how* police use force in their encounters with the public. In recent years, a series of highly publicized incidents involving the killing of unarmed individuals by American police has sparked protests, civil unrest, and demands for police reform to reduce the frequency and severity of use of force encounters between police and the public they serve. Facing this National Police Crisis (Walker, 2018), police executives have been encouraged to make significant changes regarding policies, procedures, training, and equipment related to officer use of force (e.g., see National Consensus Policy on Use of Force, 2017; Police Executive Research Forum, 2016a; President's Task Force on 21st Century Policing, 2015).

Police use of force is generally defined as an action taken by police that threatens, attempts, or employs physical force to compel compliance from an unwilling subject (Garner et al., 1995; Henriquez, 1999). Most studies find that police use of force is a rare occurrence, with approximately 1-5% of all police-citizen encounters resulting in force (Davis et al., 2018; Garner et al., 2018). Studies have also found that when force does occur, it is often at lower levels of severity (Garner et al., 2018; Stroshine & Brandl, 2019; Torres, 2018). The prevalence of police force, however, depends upon how it is measured. Many use of force studies do not clearly define the concept of force, and they also vary in how it is measured. In addition, police agencies themselves vary in how use of force data is collected and counted, making it challenging to compare across agencies (Garner et al. 2002, 2018; Hickman et al., 2008; Terrill et al., 2018).⁵ Although some police actions are nearly always conceptualized and documented as force (e.g., weaponless physical force involving injuries, physical restraints, chemical spray, nonlethal tactics and weapons, firearm threat or use), the inclusion of other minor actions as uses of force (e.g., verbal commands, handcuffing, and minor physical force without injuries) varies widely across agencies (Fridell, 2017; Klahm et al., 2014; Klinger, 1995; Terrill, 2003).

While the calls continue for a national database tracking officer use of force (see Jackman, 2020), advocates for police reform have also focused heavily on the need to change police use of force policy and training. De-escalation training, specifically, has been widely implemented by U.S. police agencies in the wake of adverse public reaction to recent controversial police use of force incidents. Despite vast promotion from politicians, academics, expert panels, and the public, however, we know little about the effects of de-escalation training on officers and police-citizen interactions (Engel et al., 2020a, 2020b). Although de-escalation training has become widely accepted as a common-sense approach to reduce unnecessary use of force by the police and to enhance the safety of both officers and the public during their encounters, the empirical

⁵ For a comprehensive review summarizing how police use of force has been conceptualized and measured, as well as the methodological limitations of previous research, see Hollis, 2018. For a review of the strengths and weaknesses of various use of force data sources, see Garner et al., 2002.

evidence to support these claims is nearly non-existent. Although important initial investments have been made in the evaluation of de-escalation training on policing outcomes, the widespread implementation of, and substantial variation in de-escalation training curricula currently precludes strong conclusions regarding its effects on the attitudes and behaviors of police officers and the public (CBS News, 2019; Engel et al., 2020a).

Even the term “de-escalation” lacks an evidence-based definition in the policing field (Engel et al., 2020a; Todak & James, 2018). Broadly speaking, nursing and psychiatry fields refer to de-escalation as a process used to prevent, reduce, or manage aggressive behavior during an interaction between two or more persons (Engel et al., 2020a). The *National Consensus Policy and Discussion Paper on Use of Force*, released in October 2017, was one of the first documents to define de-escalation as it relates to policing. They proposed the following definition:

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning (p. 2).

Rather than a description of the tactics or process, others have recommended a more succinct definition. For example, based on feedback gathered during focus groups with police officers, Todak and White (2019, p. 842) define de-escalation as “bringing a situation or citizen in crisis back to a calm state, using the least amount of force possible.”

Proponents of de-escalation training within law enforcement agencies argue that this type of training provides officers with enhanced skills to resolve conflicts in highly confrontational situations without the use of force (Oliva et al., 2010). In turn, an officer’s ability to defuse these encounters is viewed to enhance both officer and civilian safety in police-citizen interactions. Critics of de-escalation training, however, suggest these tactics contradict traditional policing operational responses, increasing officers’ risk for injury by encouraging slow responses to potentially volatile situations (Blake, 2017; Jackman, 2016). Unfortunately, available research on the impacts of de-escalation training provides limited insight on arguments pertaining to the efficacy of this training. Like most trainings implemented within law enforcement, de-escalation training has not been the subject of substantial empirical evaluation (Lum et al., 2016; National Research Council, 2004). As a result, little is known regarding the development, delivery, and impact of this type of training.

Illustrating this gap in research, a recent multidisciplinary systematic review of de-escalation training evaluations showed that while a limited number of de-escalation trainings were evaluated across professions (N = 64), most studies appeared in the fields of nursing and psychiatry. *No evaluations* published within the policing or the criminal justice fields were identified (Engel et al., 2020a). Still, the findings produced from studies conducted in other professional fields provide some insight regarding the possible attitudinal (i.e., self-reported) and behavioral impact of de-escalation training. Specifically, studies examining self-reported outcomes suggest that de-escalation training has led to favorable effects on the attitudes, perceptions, and self-reported experiences and behaviors of trained individuals. In contrast, the

understanding of the impact of de-escalation training on behavioral outcomes is less clear. Although the majority of studies report favorable effects associated with de-escalation training (e.g., reduction in number and severity of violent incidents, increased application in use of de-escalation techniques), there are also findings suggesting de-escalation training has no, or in some cases, unfavorable effects on behavioral outcomes (Engel et al., 2020a).

Notably, confidence in the validity and generalizability of this available research is threatened by several considerations, including: (1) the variation across de-escalation training programs under examination; (2) the reliance on non-experimental research designs lacking a comparable control group; (3) the failure to assess behavioral outcomes; (4) the prioritization of short-term outcomes; and (5) the lack of examination of police officers specifically (Engel et al., 2020a). As a result, recommendations for de-escalation training, as well as larger conversations on the safety and well-being of police officers and the individuals they encounter, continue to rely heavily on anecdotal evidence and untested (or unsupported) propositions about best practice.

In the year since this systematic review was conducted, results from one study examining the impact of de-escalation training for police were published (see Mclean et al., 2020). Using a randomized control trial (RCT) design to assess the impact of the Tact, Tactics, and Trust (T3) training program offered by Polis Solutions in two police departments (Fayetteville, NC and Tucson, AZ), McLean and his colleagues (2020) reported that, although officers' attitudes improved, there were no discernable changes in actual officer behavior in the field. Similarly, researchers are currently in the process of evaluating a de-escalation training program in partnership with the Tempe (AZ) Police Department (White & Pooley, 2018). Using a randomized control trial, this research team plans to measure changes in behavioral outcomes including officers' use of force and de-escalation, and citizen complaints, as well as attitudinal outcomes such as changes in citizen and officer perceptions of police encounters over time. However, the results of this study are not yet available.

In summary, the available research provides a limited understanding of the impact of de-escalation training on police behavior and police-citizen encounters. As a result, police may be implementing trainings that are ineffective, perhaps even with unintended consequences to the safety of officers and the public. However, if de-escalation trainings can be implemented effectively, there is great opportunity to reduce the likelihood of injury for both citizens and officers. Therefore, it is critical to better understand the effects of de-escalation training on law enforcement. The study results documented within this initial report provide several important contributions to the knowledge base regarding the impact of de-escalation training on police attitudes and behaviors, as well as on police-citizen encounters. *Most critical, this current study represents the first large-scale, rigorous empirical evaluation of police de-escalation training that has demonstrated a significant reduction in police use of force.*

III. LMPD IMPLEMENTATION OF ICAT TRAINING

The *Integrating Communications, Assessment, and Tactics* (ICAT) training for law enforcement officers was implemented within the LMPD over a 10-month period (February 11, 2019 to November 21, 2019). During this time, a total of 1,049 LMPD officers – approximately 85% of 1,245 officers identified by personnel records in January 2019 – participated in the ICAT training.⁶

The ICAT training was originally developed in April 2016 by staff and consultants affiliated with the Police Executive Research Forum (PERF). Designed to enhance both officer safety and the safety of the individuals they encounter, this training relies on tactics and skills to de-escalate potentially volatile officer-citizen interactions. Specifically, this training is designed for police officers responding to circumstances where a person is behaving erratically and is either unarmed, or armed with anything less than a firearm (PERF, 2016b). It is these types of encounters, PERF contends, that have received the most criticism on police training and use of force. Further, the potential lethality of these types of situations is of great concern. This notion is supported by research demonstrating that in over 40% of fatal encounters with police, the suspect was unarmed, or using a weapon other than a firearm (Sherman, 2018; Zimring, 2017). By training officers in a wider array of options to handle and “slow down” these situations, officers may be better equipped to use alternative actions to the use of force.

Integrating Communications, Assessment, and Tactics (ICAT)

The ICAT curriculum is an integration of critical thinking, crisis recognition and intervention, communication skills, and operational tactics. While Crisis Intervention Team (CIT) training has become a model in dealing with persons in crisis, PERF aptly notes that CIT training is largely focused on communication, yet when situations are evolving, officers may forget or downplay their CIT training and instead resort to defensive tactics such as the use of force. In contrast, ICAT is designed primarily to help officers handling *persons in crisis* – including individuals who may be behaving erratically due to mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. An important component of the ICAT curriculum is providing officers with the skills to recognize these types of individuals and behaviors and identify tactics to approach these encounters in a safe, effective manner.

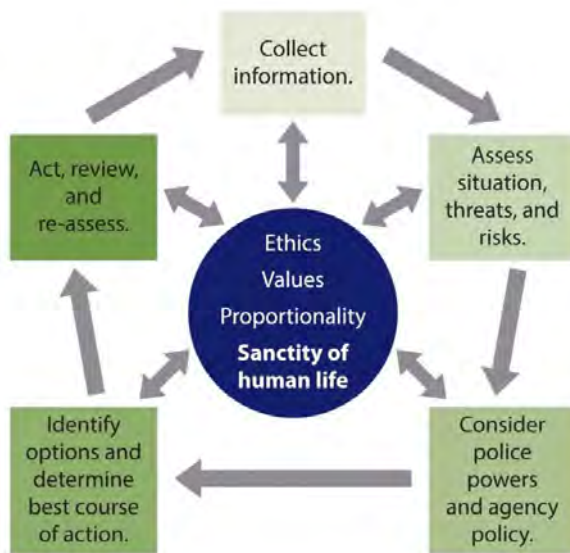
The ICAT curriculum is comprised of six modules. These modules include content related to: (1) Introduction; (2) Critical Decision-Making Model; (3) Crisis Recognition and Response; (4) Tactical Communications; (5) Operational Safety Tactics; and (6) Integration and Practice

⁶ Although LMPD Training Division’s official roster included 1,042 officers trained, seven more post-training surveys were received compared to the roster, possibly because officers may have been added late to training sessions and did not appear on the training roster. Based on a review of the officer code numbers reported on the surveys, it was determined that these additional seven surveys were not duplicates, and therefore are included in the analyses as trainees.

(PERF, 2016b). However, PERF emphasizes that ICAT training is flexible and adaptable, encouraging that agencies be creative in how they incorporate the training modules into new or existing programs on de-escalation, tactical communication or crisis intervention.⁷ ICAT uses both lecture/discussion-based training and practical instruction and emphasizes the importance of scenario-based training for police. A full summary of the ICAT training can be accessed here: <https://www.policeforum.org/icat-training-guide>.

An integral component of the ICAT training program is the use of Critical Decision-Making Model (CDM). Developed in the United Kingdom and historically used by SWAT teams in the United States, the CDM focuses on a different style of thinking than the traditionally taught use-of-force continuum. Specifically, the CDM is based on a circular thought process designed to help officers develop and think through their options in a situation (see Figure 1). This five-step critical thinking process is centered on an agency’s core values, ethics, and sanctity of human life. Every action that an officer takes should reflect a consideration of these central themes and should not go against those ideals. While the CDM is particularly useful in critical situations, its application is meant to be much broader, and can be used in everyday situations as well.

Figure 1: The Critical Decision-Making Model (PERF, 2016b)



The ICAT training program is being implemented in numerous police agencies across the United States (for a list, see <https://www.policeforum.org/icat-agencies>). PERF staff indicate that to date, over 600 individual agencies have participated in some form of ICAT training, including training

⁷ PERF continues to develop the ICAT training. In 2019, PERF added a module that provides guidance to officers about how to recognize and respond effectively to “Suicide by Cop” incidents, in which a person attempts to die at the hands of a police officer. “Suicide by Cop: Protocol and Training Guide.” <https://www.policeforum.org/suicidebycop>

officers by PERF staff, or train-the-trainer sessions (A. Kass, personal communication, January 6, 2020).

LMPD Implementation

Brought to the department by then-Assistant Chief Robert Schroeder, the implementation of ICAT training in the LMPD was led by the LMPD Training Division officers and staff. Two LMPD instructors, Sergeant Justin Witt and Sergeant Christopher Keith, initially participated in a train-the-trainer course provided by PERF staff and have subsequently become PERF national instructors. These two instructors provided train-the-trainer instruction for three additional officers –Travis Hayden, Anthony Stallard, and Rich Wilson – within the LMPD Training Division. The LMPD asked PERF to observe and provide feedback on its ICAT training, and PERF Director of Applied Research and Management, Tom Wilson, went to Louisville to observe the initial sessions and offer guidance. Thereafter, these five instructors provided the ICAT training to the remaining LMPD sworn personnel.

Prior to training delivery, the LMPD instructors and Training Division Major Paul Humphrey, made several minor adaptations to the curriculum to tailor the training program to local contexts. For example, LMPD instructors specifically modified the training to be more interactive and emphasized the importance of sound decision-making. To do this, they added additional practical components and exercises around communication and the CDM. Additionally, the LMPD modified the training to stress the importance of safety priorities (which was also added to LMPD's Use of Force Policy, SOP 9.1) along with the differences in goals and priorities during these types of situations.

To provide context to the training evaluation, the research team completed a comprehensive review of the ICAT training curricula. Additionally, research team members observed the delivery of the ICAT training within the LMPD across two distinct sessions. Observing training delivery in this manner provided the opportunity for a qualitative assessment of the LMPD instructors' fidelity to the curricula. In the assessment of the research team, both observed sessions demonstrated that the LMPD trainers were adhering to the training curricula, successfully illustrating model fidelity. A general overview of the timeline and delivery of the ICAT training and specific descriptions of training activities can be found below.

The ICAT training program was delivered during two consecutive eight-hour training days (Wednesday and Thursday) within a 40-hour week in-service training block required for all sworn officers. From February 2019 through November 2019, LMPD trained 1,049 officers of all ranks and assignments following a randomized training schedule developed by the research team (for details, see Section IV). Approximately 40 to 50 officers were present in each training session. Officers had assigned seating at group tables with their respective Division officers, often with a Division supervisor. The group seating arrangements were specifically designed to reinforce collaboration among officers who often work in the field with one another.

The structure of the first training day centered on the use of videos (both pop culture and real-life use of force incidents), the use of team building activities, and the use of PowerPoint slides and discussion on ICAT training content. The content covered during the first day of training included the first four modules of ICAT training: (1) Introduction to ICAT, (2) The Critical

Decision-Making Model (CDM), (3) Communication skills, and (4) Crisis recognition. Officers engaged in candid group discussions, guided by the instructors, during each module. The instructors also directed the officers in activities to reinforce the tenets of the curriculum. For example, officers split into two groups in different rooms to engage in an exercise using building blocks and a telephone to reinforce the importance of communication skills amongst officers.

The second day of training covered the final two modules of ICAT: (1) Operational tactics and (2) Integration and practice. The remainder of the curriculum is covered through PowerPoint slides, the review of use of force videos, and group discussion. The ICAT curriculum is also practiced through two live-action scenarios, where training staff act as subjects going through crisis. The first incident included officers responding to a person in a wheelchair and the second scenario involved officers called to an apartment building for reports of a man with a knife. While scenarios began the same, the training staff took different actions based on the officers' decision-making. Therefore, the live scenarios could play out in many ways, ending successfully or unsuccessfully. The officers also engaged in practice with firearm simulators, receiving feedback from the LMPD instructors, which may also end successfully or unsuccessfully.

IV. METHODOLOGY

This study relies on multiple data sources and analytic techniques embedded within an adaptation of a randomized control trial (RCT) design. The various components of the research methodology are described below, including the research questions, study design, data sources, and analytic techniques employed to complete this research.

A. Research Questions

This evaluation aims to examine changes in officers' knowledge, attitudes, and behavior following their participation in a two-day de-escalation training program. Additionally, this research seeks to understand supervisors' perceptions and self-reported behaviors as they relate to the reinforcement of the ICAT training. These outcomes are examined using officer training surveys and the combined analysis of officer-level data provided by the LMPD. A series of convergent analytical approaches are used to answer the following research questions:

1. What is the impact of ICAT training on officers' reported knowledge about and attitudes toward persons in crisis?
2. What is the impact of ICAT training on officers' reported confidence in handling critical incidents?
3. How do first-line supervisors reinforce and/or supervise subordinates' use of ICAT de-escalation skills?
4. What is the impact of ICAT training on the frequency of officer use of force and the types of force used during encounters with resistant suspects?
5. What is the impact of ICAT training on the frequency of injuries to citizens and officers during use of force encounters?
6. Do the observed impacts of the ICAT training change over time?

B. Research Design

To assess the impact of ICAT training on (1) the knowledge and attitudes of officers, (2) the attitudes and self-reported behaviors of supervisors, (3) the behaviors of officers, the research team employed three distinct research designs. Specifically, the evaluation of training effects included (1) a repeated measure survey design, (2) a cross-sectional survey design, and (3) a stepped-wedge randomized control trial design. All data collection and related research activities were reviewed and approved by the University of Cincinnati's Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). Each of these designs are discussed in greater detail below.

1. Repeated Measure Survey Design

To examine the impact of ICAT training on LMPD officers' knowledge and attitudes, three training surveys (pre-training, post-training, and follow-up) were administered by the Training Division staff to officers immediately before, immediately after, and approximately four to six

months following officers' participation in the ICAT training. These surveys allow for comparisons of officers' knowledge and attitudes over time. Specifically, statistical comparisons of pre-training to post-training survey responses assess changes in responses following officers' participation in the ICAT training program. Additionally, comparisons of the post-training and follow-up survey responses provide insight on training effects over time. Finally, comparisons of the pre-training and follow-up survey responses consider the overall impact of the ICAT training program on LMPD officers' knowledge and attitudes. Details related to the survey measures, study sample, and analytic strategy are described more fully in Section V of this report.

2. Cross-Sectional Survey Design

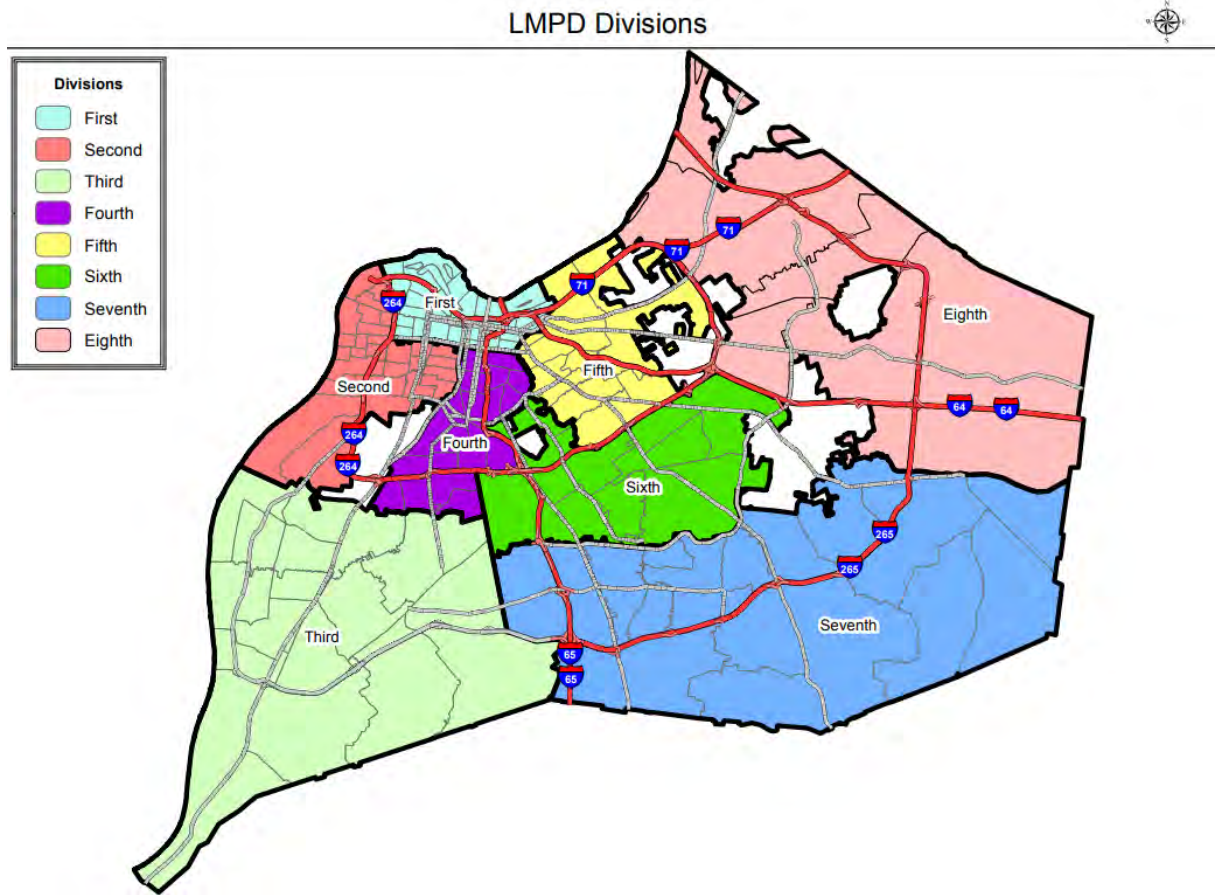
To supplement the evaluation of the ICAT training program, LMPD supervising officers (i.e., sergeants, lieutenants) were administered a survey in March 2020, designed to assess their general perceptions of the role of supervisors, and more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. This cross-sectional design collected information from supervisors at a single point in time after the implementation of the ICAT training. Descriptive analyses are conducted to provide an examination of the role of supervision in ICAT training. Details related to the survey measures, study sample, and analytic strategy are described more fully in Section VI of this report.

3. Stepped-Wedge Randomized Control Trial Design

To examine the impact of ICAT training on LMPD officers' behavior, the research team developed a stepped-wedge randomized control trial (RCT) design that was implemented by the LMPD Training Division. The stepped-wedge cluster RCT is a crossover design in which clusters of subjects begin as no-intervention controls, crossing over permanently from the control group to the intervention group in sequence at randomized, pre-specified points in time (Hussey & Hughes, 2007). This design allows for an experimental comparison between participants in clusters receiving the intervention and clusters receiving "conditions as usual" awaiting crossover to the intervention group. There are practical benefits to this approach such as minimizing ethical concerns that control participants in traditional RCTs do not receive a treatment or intervention that may prove to be beneficial.

In the present study, a stepped-wedge cluster RCT crossover design allowed for clusters of LMPD officers to begin as non-intervention controls (i.e., untrained in ICAT). Individual clusters of officers were then randomly selected in a sequence at pre-planned time points to cross over from the control group to the intervention group (i.e., trained in ICAT). At the end of the experiment, all officer clusters had crossed over to the intervention group. To implement the stepped-wedge RCT design, the nine LMPD Patrol Divisions, including eight geographic-based divisions and one mobile unit operating across the city of Louisville (see Figure 2), were grouped into three strata, which were then randomly selected for training.

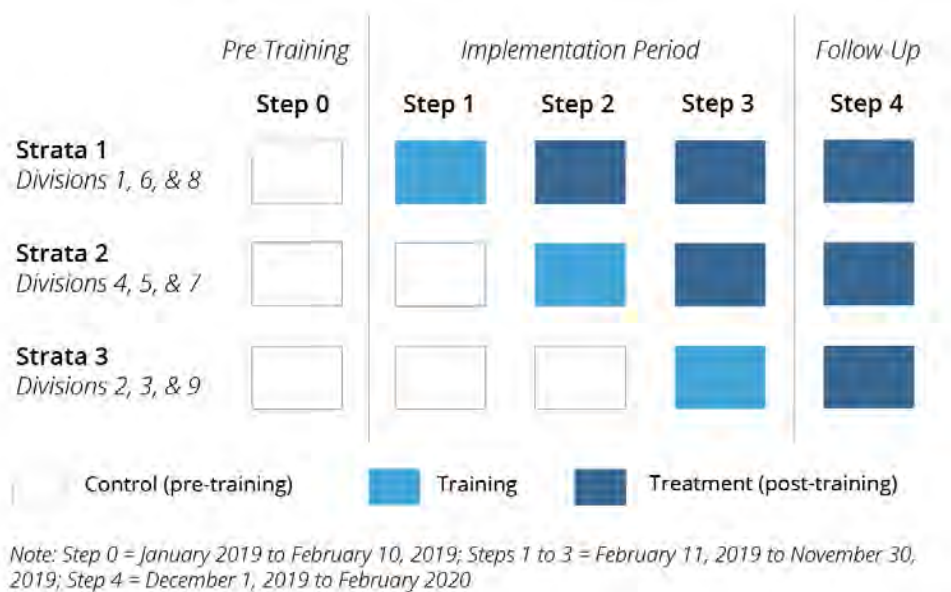
Figure 2: LMPD Patrol Division Map of Louisville/Jefferson County



The Divisions were selected into strata while ensuring relative equivalency of patrol officer counts, as well as comparable pre-intervention crime and arrest rates across the pooled clusters.⁸ The next step was to randomly select each strata for the various discrete time points of training. Strata 1 (Divisions 1, 6, and 8) were randomly selected to attend training first from February 11 to May 17, 2019. Thereafter, officers from Strata 2 (Divisions 4, 5, and 7) were trained from May 20 to August 23, 2019, and officers from Strata 3 (Divisions 2, 3, and 9) completed their training from September 9, 2019 to November 21, 2019. By the end of the current experimental trial, all clusters moved to the intervention group, which meant that all Patrol Divisions (1-8), as well as the Mobile 9th Division, had received ICAT training. This process is shown in Figure 3.

⁸ For example, when comparing monthly event counts of use of force by strata, the mean differences for the entire year of 2018 (the year preceding the experiment) yielded no significant mean difference across any of the strata over the monthly counts ($F = 1.775$, $p = .175$).

Figure 3: The Stepped-Wedge Design



An examination of the LMPD training regimen was consistent with the randomly arranged stepped-wedge training plan, suggesting high fidelity between the treatment as delivered and treatment as intended. Specifically, 92.0% of officers (N = 192) in Divisions 1, 6, and 8 were trained by the end of Step 1; 92.4% of officers (N = 180) in Divisions 4, 5, and 7 were trained by the end of Step 2; and 95.0% of officers (N = 88) from Divisions 2, 3, and 9 were trained by the end of Step 3. In total, 98.0% of patrol officers (N = 528) were trained by the end of their Division’s planned training period, demonstrating LMPD’s adherence to the research design and fidelity to the pre-determined randomization conditions. The timeline for LMPD’s implementation of the stepped-wedge research design is displayed in Figure 4.

Figure 4: LMPD ICAT Training Implementation Timeline 2019-2020



C. Officer Mobility (Sensitivity Testing)

One complication for the stepped-wedge RCT design is the potential movement of officers from one patrol division to another between Steps 1 and 4 of the training delivery period. For example, an officer may be trained with a division assigned to Strata 1, and subsequently be transferred to a division within a different training strata. To examine the frequency of this possible contamination effect of the treatment condition, we randomly sampled 40 officers – noting the division where they were trained as part of the experiment (17 were selected from Strata 1, 15 from Strata 2, and 8 from Strata 3). Of the 40 randomly selected officers, 38 (95%) had observable activity (e.g., tickets and arrests) during the follow-up period within the same division where they were initially trained at the end of the training period.⁹ When generalized to the agency, it is likely that majority of patrol officers remained within the division in which they were trained for the follow-up time period, substantially reducing concerns of possible contamination effect.¹⁰

D. Data Sources

Using the research designs described above, the research team gathered quantitative data from three sources: (1) officer surveys, (2) field supervisor surveys, and (3) official reports of officer behavior.¹¹ All data collection and related research activities were reviewed and approved by the University of Cincinnati’s Institutional Review Board (IRB) in February 2019 (IRB# 2019-0118). The research questions for this study were assessed using a variety of analytic techniques to provide descriptive statistics, two-wave survey comparisons, and three-wave survey comparisons to assess officer attitudes and perceptions. Advanced statistical modeling was used to assess any LMPD Division-level changes in police-citizen encounters as measured by arrests, use of force, and officer/citizen injury. These three data sources, associated statistical analyses, and study findings are documented within Sections V through VII to follow.

⁹ Note that one of the two officers who transferred to a different Division still remained in the same strata (moving from Division 4 to Division 5, both within Strata 2).

¹⁰ Research contamination occurs when the members of one group (the “control” group) in a trial receive the treatment or are exposed to the treatment that is meant for the treatment group. This would bias the contrast between the control group and the treatment group, reducing the confidence that experimental effects are actually due to the treatment (in this study, ICAT training).

¹¹ The original research plan included a qualitative component that was not implemented. Four focus groups were scheduled with approximately 40-45 LMPD officers to be convened on March 20 and 27, 2020, but were canceled due to Ohio and Kentucky travel restrictions associated with COVID-19. Unfortunately, these focus groups were unable to be rescheduled during the study period due to the continued restrictions of group meetings. The intent of these focus groups was to gather additional context regarding the strengths and limitations of implementing de-escalation tactics in the field, comments regarding the ICAT training, and reactions to the study results specifically. If deemed appropriate and still of value, these sessions may be rescheduled sometime in 2021.

V. IMPACT OF TRAINING ON OFFICERS' ATTITUDES

To assess the impact of the ICAT training on officers' knowledge and attitudes, the research team used a repeated measures survey design. Three training surveys were administered to officers by the LMPD Training Division staff immediately before, immediately after, and approximately four to six months following officers' participation in the ICAT training. Both the pre- and post-training surveys were administered in a paper format to all training participants and placed into a collection box that was retrieved by the research team approximately every two to three weeks.¹² The online follow-up survey – provided to patrol officers only – was administered using LMPD software (i.e., PowerDMS).¹³ The inclusion of a unique identifier for each officer allowed survey responses to be linked across waves of measurement (i.e., pre, post-, and follow-up), as well as linked to observations of officer behavior (e.g., uses of force, arrests, injuries).

The survey instruments were created by the research team in consultation with LMPD officials. Where possible, the survey items were informed by previous research measuring police officers' self-reported attitudes related to the role of police, interactions with the public, use of force, training, and police agencies. Additionally, the surveys contain survey items designed specifically for the evaluation of the ICAT training, including measures regarding officers' perceptions of persons in crisis and the Critical Decision-Making Model (CDM). The majority of the items presented in the LMPD officer training surveys were pilot tested in the evaluation of ICAT training with the University of Cincinnati Police Division (see Isaza et al., 2020). Aligning with previous survey research, many of these items are measured using variations of a Likert scale, allowing the research team to capture both the nature – for example, agreement or disagreement – and the intensity of officers' attitudes across the outcomes of interest.

The LMPD officer training surveys included questions grouped within 10 different conceptual areas. Although many of these items were designed to measure officer attitudes that might be affected by their participation in a use of force training program, other items serve as “control” measures and, as such, are not expected to change over time. The survey items presented to officers differed across the waves of the training survey. The inclusion of specific items across periods of measurement was determined by the need to collect specific information across multiple points in time, as well as by the desire to shorten the follow-up survey to increase response rates. The 10 sections of the officer training surveys include:

- (1) *Views on Interactions with the Public* – Included in pre- and post-training surveys, officers' general views on citizen interactions – including issues of officer safety and de-escalation – were measured using seven survey items. Officers were asked to indicate

¹² ICAT training was delivered on Wednesdays and Thursdays of the 40-hour in-service training week; the pre-training survey was administered on Wednesday mornings before ICAT training began and post-training survey was administered on Thursdays after the curriculum was complete, over the course of 24-weeks of training.

¹³ PowerDMS, a police management software used for policy and procedure management, was used for administration of the follow-up survey. Officers signed into their individual accounts to fill out the surveys, which were later exported to Excel files by LMPD staff and provided to the research team. The research team entered all excel file responses into an SPSS database for analysis.

their level of agreement to each of the seven survey items on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). After the appropriate reverse coding, higher scores indicate a greater agreement to the tenets taught during ICAT training.

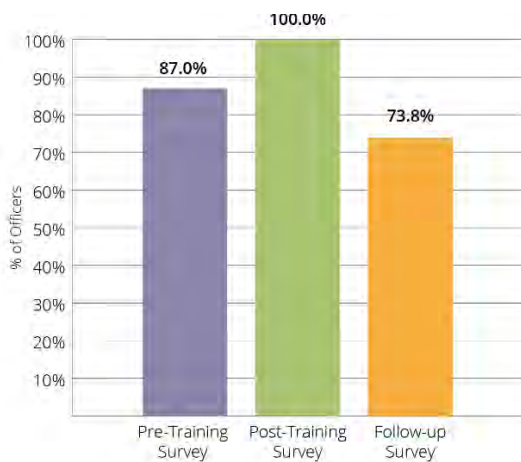
- (2) *Attitudes Towards Persons in Crisis* – Included in pre-, post-, and follow-up training surveys, 14 survey items were used to measure officers' attitudes toward interactions with persons in crisis. Based on the ICAT curriculum, a person in crisis refers to an individual that may be behaving erratically due to factors such as mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. For each survey item, officers were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a greater agreement to the tenets taught during the ICAT training.
- (3) *Views on Policing* – Included in pre- and post-training surveys, 15 survey items were used to assess officers' view of the role of police – including the importance of various job duties – and officers' perspectives regarding their peers and agency. Respondents were asked to indicate their level of agreement to each survey item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree).
- (4) *Attitudes Toward Use of Force* – Included in pre-, post-, and follow-up training surveys, 11 items were asked to garner officers' attitudes toward using force, including their preference for using force and communication skills. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a greater agreement to the tenets taught during the ICAT course.
- (5) *Officer Confidence in Interactions with Persons in Crisis* – Included in pre-, post-, and follow-up training surveys, officers were asked to indicate their level of confidence on a four-point scale (1 = Not Confident at All; 4 = Very Confident) to a series of actions when responding to a hypothetical person in crisis. Thirteen survey items measured respondents' confidence, in managing the described situation. Item values are expected to increase as a result of the ICAT training.
- (6) *Utility of the Critical Decision-Making Model (CDM)* – Included in post- and follow-up training surveys, 11 survey items were measured to determine the perceived utility of the Critical Decision-Making Model (CDM). Respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate officers' greater agreement regarding the utility of the CDM.
- (7) *Receptivity to Training* – Included in pre-training survey, survey respondents were asked to indicate their level of agreement with seven statements related to training in law enforcement using a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). These items were adapted from a study on employees' openness toward change conducted by Miller, Johnson and Grau (1994). These items serve as control measures for the evaluation and were only asked on the pre-training survey.
- (8) *Perceptions of the ICAT Training Program* – Included in the post-training survey, officers' perceptions of the ICAT training program – including the content, delivery, and perceived outcomes – were assessed using eight items where respondents indicated how

applicable they felt each statement was to them (1 = Not At All Applicable to Me to 7 = Very Applicable to Me).

- (9) *Use of ICAT Skills* – Included in the follow-up survey, 10 survey items assessed respondents’ perceptions of ICAT training, based on their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Items also determined how often ICAT specific de-escalation skills were used by officers in the last 60 days, including their difficulty and effectiveness of use. An additional 20 questions were posed to respondents in a variety of formats to gather feedback on the use of ICAT de-escalation skills in the field.
- (10) *Demographics* – Included in pre-, post-, and follow-up training surveys, 14 survey items measured respondents’ demographics, previous experiences with persons in crisis, and participation in specific trainings during the last three years.

Officer training surveys received high response rates at all three waves of measurement. Specifically, 907 of the 1,049 officers trained completed the pre-training survey (87%), while all officers (100%) completed the post-training surveys.¹⁴ Finally, of the 809 trained officers assigned to patrol, 597 (73.8%) completed the follow-up survey. These response rates are presented in Figure 5.

Figure 5. LMPD Training Survey Response Rates



A. Data Analyses

The officer training survey data were primarily analyzed using SPSS, a social science statistical software program. The statistical approach to assess these data include: (1) descriptive analyses of survey items presented in a single wave of measurement (e.g., reactions to ICAT training measured in the post-training survey only), (2) independent t-test comparisons of survey items

¹⁴ The lower pre-training response rate was likely due to some officers arriving late to the 8:00 am training, after the pre-training survey had been administered.

presented across two waves of measurement,¹⁵ and (3) repeated measures analysis-of-variance (ANOVA) models for comparisons of those survey items measured at all three waves of the officer training survey.¹⁶ In short, findings from analyses of the officer training survey data are produced from both descriptive analyses and statistical comparisons of officers' average responses on survey items across the pre-training, post-training, and follow-up training surveys. Specifically, statistical comparisons of pre-training to post-training survey responses are intended to examine changes in officers' attitudes affected by the ICAT training program. In turn, comparisons of post-training and follow-up survey responses are intended to assess training impacts on officers' attitudes over time. Finally, comparisons of the pre-training responses to follow-up responses considers the overall impactful change in officers' attitudes produced by the ICAT training program. Tests for statistically meaningful differences in officers' average responses are conducted across these comparisons. In this report, the research team considers tests with p-values lower than the convention 0.05 level to be statistically meaningful, indicating 95% confidence that there is a difference in that item across the two waves that could be attributed to ICAT training. These differences are denoted in all tables with an asterisk (*).

B. Section Outline

The remainder of this sections is organized into five areas. First, the demographic characteristics and baseline attitudinal measures of officers are presented. Second, officers' reactions to the ICAT curriculum both immediately after and several months following the training are considered. Next, officers' self-reported use of the ICAT de-escalation skills four to six months following their participation in training are reported. Then, changes in officer attitudes over time are presented. Finally, a summary of the findings across these analyses is provided. Appendices A through C contain the descriptive statistics for the three training surveys, including the percentages representing how many respondents selected each response option across the survey items.

C. Officer Demographics and Baseline Measures

This section contains descriptive statistics regarding the demographic characteristics of the officer sample, as well as baseline measures of officers' views of policing prior to their participation in the ICAT training.

Table 1 describes the characteristics of the LMPD officers that completed a post-training survey (N = 1,049; response rate = 100%). As shown, the officers who attended ICAT training were

¹⁵ Independent t-test comparisons determine whether the mean (average) difference of two sets of observations is zero. If the resulting t-test statistic rejects the null hypotheses of zero mean difference, then there is a statistically meaningful difference between the two observations.

¹⁶ Repeated measures ANOVA derives from the one-way ANOVA statistical family – but for related (rather than independent) groups (Keselman et al., 2001). In short, repeated measures ANOVA allows for the analysis of repeated measures for at least three or more points in time for the same individuals in a panel design. The analysis describes the levels and the change in these measures over time. Additionally, the Bonferroni post-hoc tests allow for multiple comparisons (i.e., pre-training with post-training, post-training with follow-up, and pre-training with follow-up) to demonstrate which comparisons are statistically significant.

largely male (83.6%), White (80.2%) and served as patrol officers (57.7%). Officers were fairly evenly distributed in terms of age, law enforcement tenure, and LMPD tenure. A majority (53%) had a Bachelor's degree or higher, and slightly less than one-third had prior military experience (30.9%).

Table 1. Post-Training Sample Demographics (N = 1,049)

	% (n)		% (n)
Gender		LE Tenure	
Male	83.6 (877)	Less than 1 year	3.6 (38)
Female	14.7 (154)	1 – 4 years	21.5 (226)
Other	1.0 (10)	5 – 9 years	22.3 (234)
Unknown	0.8 (8)	10 – 14 years	19.7 (207)
Age		15 – 19 years	18.2 (191)
18 - 20 years old	0.2 (2)	20 or more years	14.0 (147)
21 - 24 years old	5.1 (54)	Unknown	0.6 (6)
25 - 29 years old	16.7 (175)	LMPD Tenure	
30 - 34 years old	20.6 (216)	Less than 1 year	4.2 (44)
35 - 39 years old	17.5 (184)	1 – 4 years	24.3 (255)
40 - 44 years old	16.9 (177)	5 – 9 years	21.7 (228)
45 - 49 years old	13.4 (141)	10 – 14 years	20.4 (214)
50 + years old	9.0 (94)	15 – 19 years	18.0 (189)
Unknown	0.6 (6)	20 or more years	10.7 (112)
Race		Unknown	0.7 (7)
Caucasian/White	80.2 (841)	Education	
African American/Black	11.8 (124)	High School	7.4 (78)
Latino/Hispanic	2.8 (29)	> 2 years college	21.5 (226)
Asian/Pacific Islander	1.9 (20)	Associate's Degree	16.4 (172)
Other	2.5 (26)	Professional Degree	0.8 (8)
Unknown	0.9 (9)	Bachelor's Degree	47.0 (493)
Rank		Graduate Degree	6.2 (65)
Patrol Officer	57.7 (605)	Unknown	0.7 (7)
Detective	20.9 (219)	Military Experience	
Sergeant	14.2 (149)	Yes	30.9 (324)
Lieutenant	4.8 (50)	No	68.7 (721)
Major and Above	0.8 (8)	Unknown	0.4 (4)
Other	1.4 (15)		
Unknown	0.3 (3)		

Table 2 presents the baseline assessment of officers' views on policing. Specifically, officers' perceptions were prompted regarding the role of police, as were their perceptions of working as a police officer in Louisville / Jefferson County. Respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to 15 survey items. Table 2 reports the average response (\bar{X}), standard deviation (SD), and number of officers responding to each question (N).

Table 2: LMPD Officer Views on Policing, Pre-Training

Survey Statements	\bar{X}	SD	N
1. Enforcing the law is a patrol officer's most important responsibility.	3.47	0.98	901
2. Law enforcement and community members must work together to solve local problems.	4.15	0.65	901
3. Working with the community to solve problems is an effective means of providing services to this area.	4.07	0.68	899
4. I routinely collaborate with community members in my daily duties.	3.44	1.94	900
5. My primary responsibility as a police officer is to fight crime.	3.54	0.90	901
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents.	4.09	0.66	900
7. A primary responsibility of a police officer is to build trust between the department and community.	3.76	0.83	901
8. As a police officer, it is important that I have non-enforcement contacts with the public.	4.08	0.71	899
9. As a police officer, I see myself primarily as a public servant.	3.87	0.79	900
10. My primary role is to control predatory suspects who threaten members of the public.	3.92	0.77	900
11. The jurisdiction that I work in is dangerous.	3.96	0.89	900
12. As a police officer, there is a good chance you will be assaulted while on the job.	4.17	0.77	901
13. Overall, I am satisfied with my job.	3.68	0.95	901
14. I enjoy working with my colleagues.	4.27	0.71	901
15. Overall, this is a good agency to work for.	2.71	1.14	900

Presented differently, the percentage of officers who indicated that they agree (shown in blue) or disagree (shown in red) with each of these statements is graphically displayed in Figure 6 and Figure 7. Figure 6 demonstrates that prior to the training, LMPD officers reported high levels of agreement that their roles involved activities consistent with community-oriented policing principles, however slightly more than half of the officers viewed law enforcement as their most important responsibility. Also, of interest in the baseline measures, a majority (75%) of officers agreed or strongly agreed that the jurisdiction they work in is dangerous, and 85% agreed that there is a good chance they would be assaulted while on the job, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics. In addition, only slightly over a quarter of officers agreed / strongly agreed that overall the LMPD is a good agency to work for, suggesting potential issues with officer morale that may impact receptivity to training.

Figure 6. LMPD Officer Views on Policing, Pre-Training

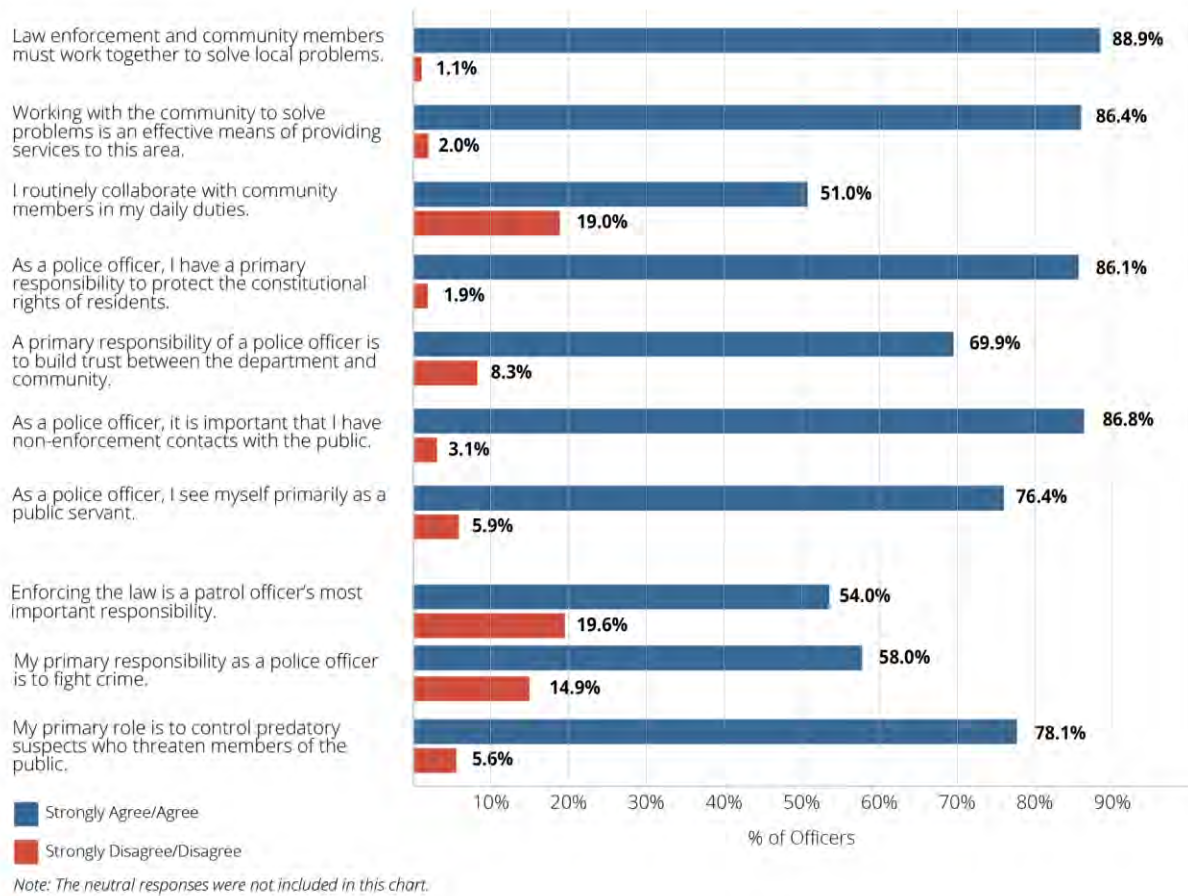
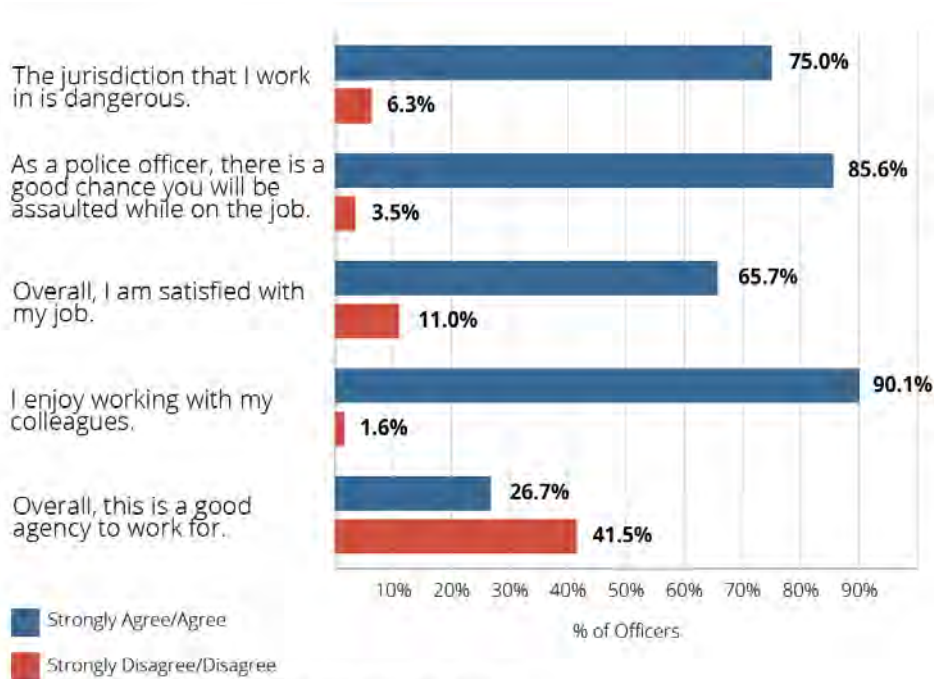


Figure 7 displays officer agreement (shown in blue) or disagreement (shown in red) to several statements related to policing in the Louisville Metro area. A low percentage (26.7%) of LMPD officers agreed that the LMPD was a good agency to work for, with almost 42% disagreeing to this statement. A majority (75%) of surveyed officers agree or strongly agree that the jurisdiction they work in is dangerous. Additionally, most officers suggested that police officers are likely to be assaulted on the job (85.6%). Importantly, this perception of danger could present a potential challenge for LMPD trainers when encouraging officers to think differently about their use of force and de-escalation.

Figure 7: LMPD Officer Perceptions of Policing in Louisville



D. Officers’ Reactions to the ICAT Training

Guided by observations of the importance of documenting officers’ assessment of the quality and utility of training (see Kirkpatrick, 1998), this portion of the report details officer reactions to and perceptions of the ICAT curriculum, including: (1) officers’ post-training perceptions of the ICAT curriculum, (2) officers’ perceptions of the Critical Decision-Making Model (CDM) at the post-training and follow-up periods of measurement, and (3) officers’ impressions of the impact of ICAT on their work four to six months after their participation in the training.

1. Post-Training Perceptions of the ICAT Training Program

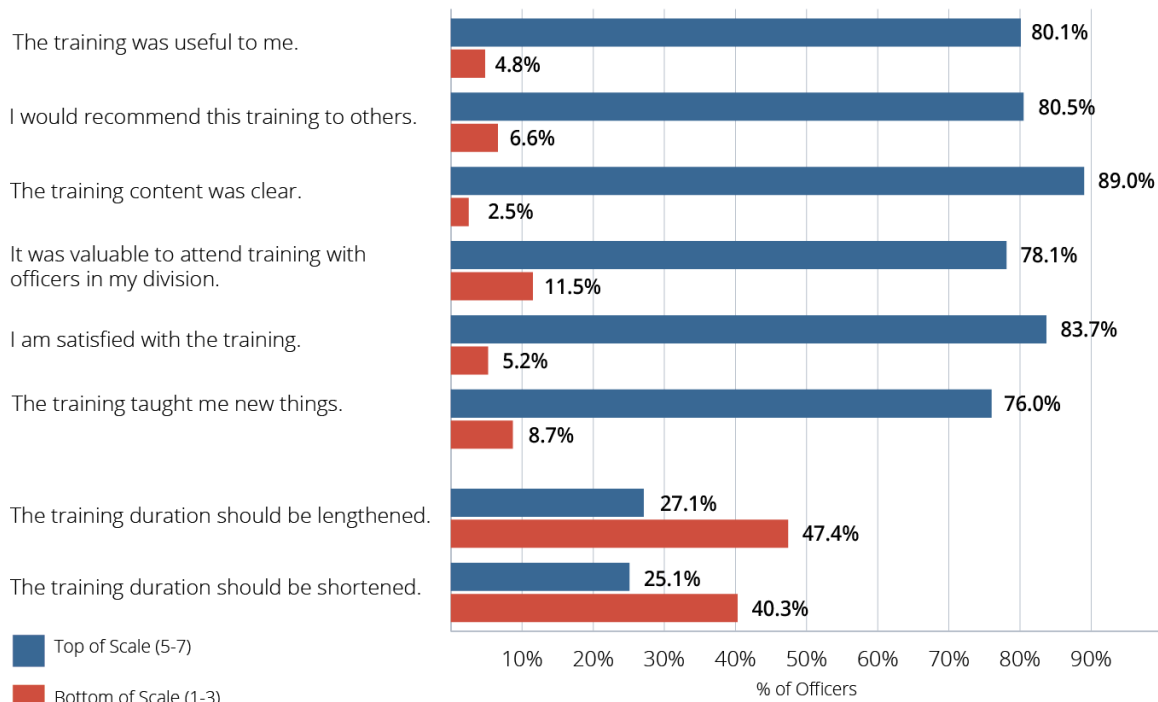
In the post-training survey, eight survey items were designed to assess the delivery and perceived value of the ICAT training curriculum. Officers were asked to provide their perceptions of the ICAT training using a seven-point scale (where 1 = not at all applicable to me, 4 = somewhat applicable to me, and 7 = very applicable to me). The average responses across these survey items are presented in Table 3. As seen in Table 3, officers’ perceptions of the training were consistently positive on items 1 through 5, with an average response of 5.5 or higher. When asked specifically about the duration of the training, officers were generally split on their responses of whether it should be longer or shorter, with the majority indicating a neutral opinion.

Table 3: LMPD Officer Post-Training Perceptions of the ICAT Training

Survey Statements	\bar{X}	SD	N
1. This training was useful to me	5.53	1.26	1043
2. I would recommend this training to others	5.55	1.30	1042
3. The training content was clear	5.89	1.08	1041
4. It was valuable to attend training with officers in my division	5.54	1.70	1039
5. I am satisfied with the training	5.68	1.26	1042
6. The training taught me new things	5.38	1.42	1042
7. The training duration should be lengthened	3.56	1.79	1038
8. The training duration should be shortened	3.65	1.66	1037

To further illustrate these findings, officers' responses across the seven-point Likert scale are collapsed and displayed in Figure 8. Specifically, scores ranging from 1 to 3 represent the bottom of the response scale (see bars in red), with officers providing these responses suggesting that the statements about the ICAT training *do not align* with their perceptions. Scores ranging from 5 to 7 represent the top of the scale (see bars in blue), with officers providing these responses suggesting the statements about the ICAT training align with their perceptions. A score of 4 is interpreted as a neutral response and is not presented. As shown in Figure 8, 80.1% of officers reported the training was useful to them (reporting a score of 5 or higher). Further 83.7% of officers expressed satisfaction with the training, with 78.1% suggesting it was valuable to attend the training with officers in their division. Frequencies across the remaining survey items demonstrate that the majority of officers viewed the ICAT training program positively.

Figure 8: LMPD Officer Post-Training Perceptions of ICAT Training



Note: The neutral responses are not included in this chart.

2. Perceptions of the Critical Decision-Making Model

As stated previously, an integral component of the ICAT training program is the use of Critical Decision-Making Model (CDM). Recognizing the importance of officers’ reactions to the CDM, the research team presented survey respondents with 11 survey items designed to assess their views on the utility of the CDM. The questions were first asked on the post-training survey (after the concepts were introduced to officers), and then again during the four to six-month follow-up survey.

Table 4: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility

The CDM Model...	Post-Training			Follow-up			T-Value
	\bar{X}	SD	N	\bar{X}	SD	N	
1. ...increases my decision-making skills during everyday situations.	3.92	0.70	1049	3.65	0.81	544	-7.07**
2. ...often takes too much time to use in encounters with a person in crisis.	2.60	0.80	1049	2.77	0.79	545	4.15**
3. ...may make officers hesitate to take action when needed.	2.92	0.88	1049	2.97	0.82	544	1.09
4. ...helps me to assess the risks in a situation.	3.95	0.61	1048	3.57	0.73	542	-10.83**
5. ...helps me identify my options for action in a situation.	3.97	0.61	1049	3.58	0.75	543	-11.02**
6. ...helps me select an option to resolve a situation.	3.92	0.64	1049	3.56	0.73	544	-10.11**
7. ...reminds me to continuously gather information during a situation.	4.01	0.65	1049	3.65	0.77	543	-9.89**
8. ...is too complicated.	2.35	0.81	1049	2.73	0.81	543	8.84**
9. ...helps me review the action I took during a situation.	3.86	0.64	1049	3.52	0.72	543	-9.43**
10. ...helps me to explain my decision-making after I act in a situation.	3.92	0.65	1049	3.54	0.73	542	-10.49**
11. I am confident using the CDM during an encounter with a person in crisis.	3.88	0.70	1049	3.51	0.79	540	-9.66**
<i>CDM Utility Scale</i> ¹⁷	31.42	4.44	1038	28.55	5.28	531	11.35**

**p < 0.01; *p < 0.05

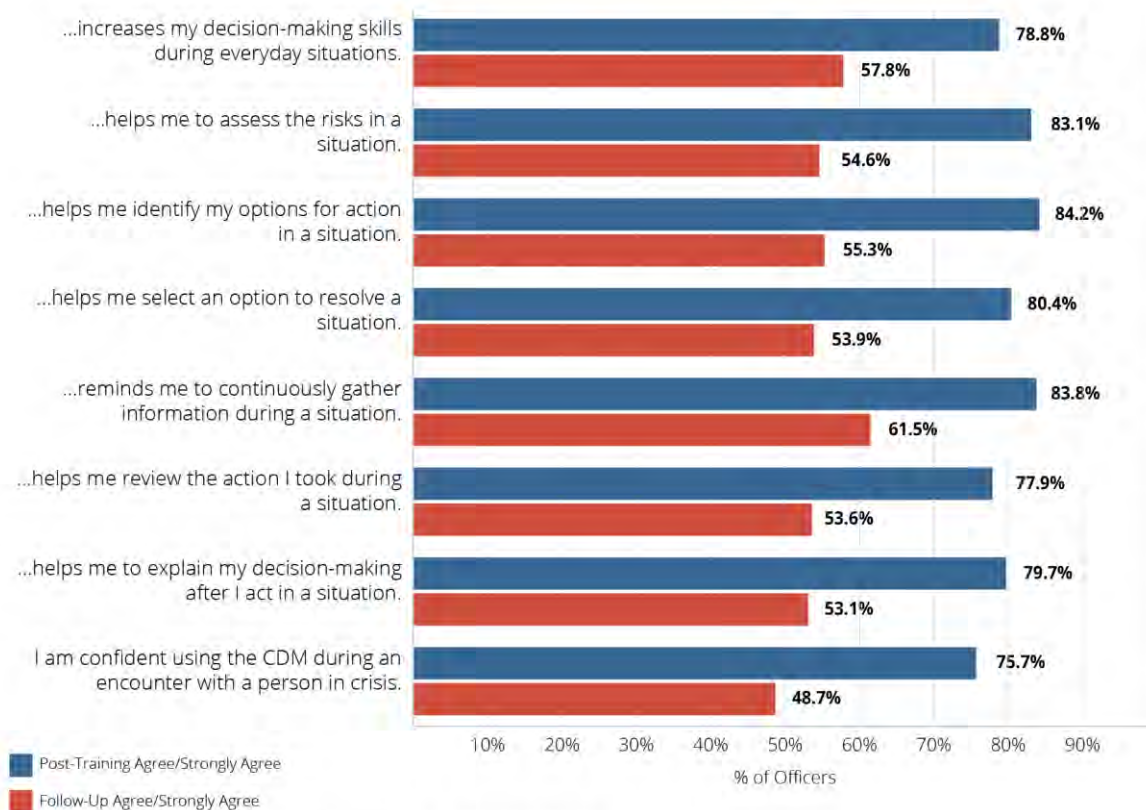
Officers were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to 11 items concerning the CDM (see Table 4). Higher scores indicate officers' greater agreement regarding the utility of the CDM (with the exception of items 2, 3, and 8 which are expected to decrease).¹⁸ The t-test results indicate that 10 of the 11 items demonstrate statistically significant changes in the mean score from post-training to follow-up periods of measurement. Notably, however, all changes in officers' perceptions are in the *opposite direction* than would be expected. The additive *CDM Utility Scale*, presented at the bottom of Table 4, which should increase in the follow-up period if the CDM is found to be useful with practice, demonstrates a significant reduction in the score. In other words, these findings indicate that when surveyed four to six months after training, officers reported less utility of the CDM in their work.

¹⁷ Based on an additive scale composed of item 1, items 3-7, and items 9-11. The Cronbach's Alpha score for Post-Training is 0.947 and 0.954 for Follow-up.

¹⁸ These 11 items were summed to create an additive *CDM Utility Scale* for each wave of data; the Cronbach's Alpha score for Post-Training is 0.75 and 0.77 for Follow-up.

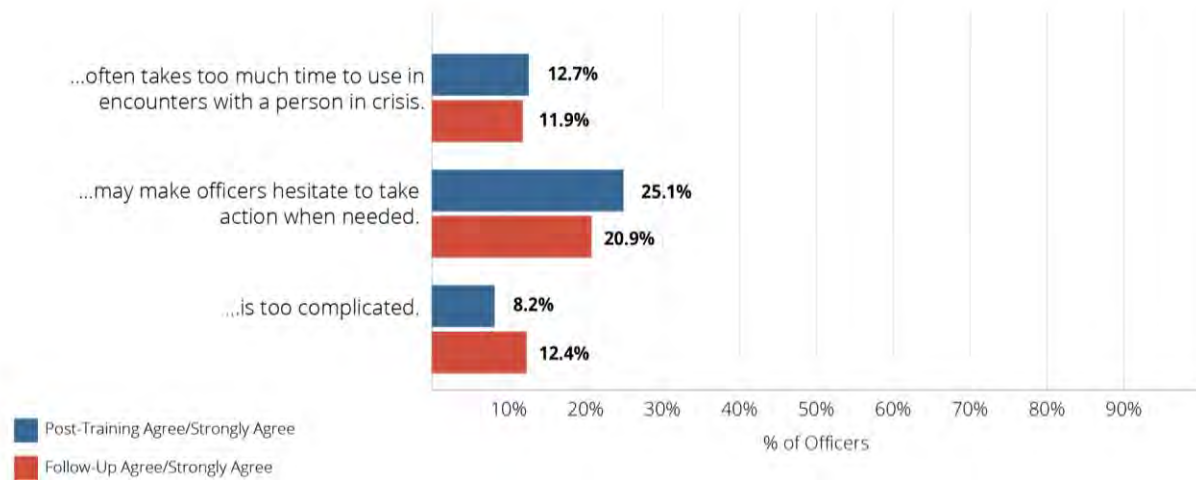
Presented differently, Figures 9 and 10 display the frequencies of officer responses to each of the survey items assessing CDM utility. Figure 9 contains those survey items that are worded positively. It was expected that the frequencies for officers’ follow-up responses (shown in red) would be greater than the frequencies for officers’ post-training responses (shown in blue) – suggesting that officers perceived greater utility of the CDM over time. However, as shown in Figure 9, we find the opposite to be true.

Figure 9: LMPD Officer Views on Critical Decision-Making Model Utility, Positive Items



In turn, Figure 10 contains survey items related to the CDM that were negatively worded. It was expected that the frequencies for officers’ follow-up responses (shown in red) would be smaller than the frequencies for officers’ post-training responses (shown in blue) – suggesting that officers perceived fewer challenges to the CDM over time. Although the difference in officers’ responses from post-training to follow-up are less pronounced across these items, the findings do not suggest improvements in officers’ perceptions of the CDM utility over time. Given that these changes are inconsistent with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

Figure 10: LMPD Officer Views on Critical Decision-Making Model Utility, Negative Items



3. Follow-Up Reactions to the ICAT Training

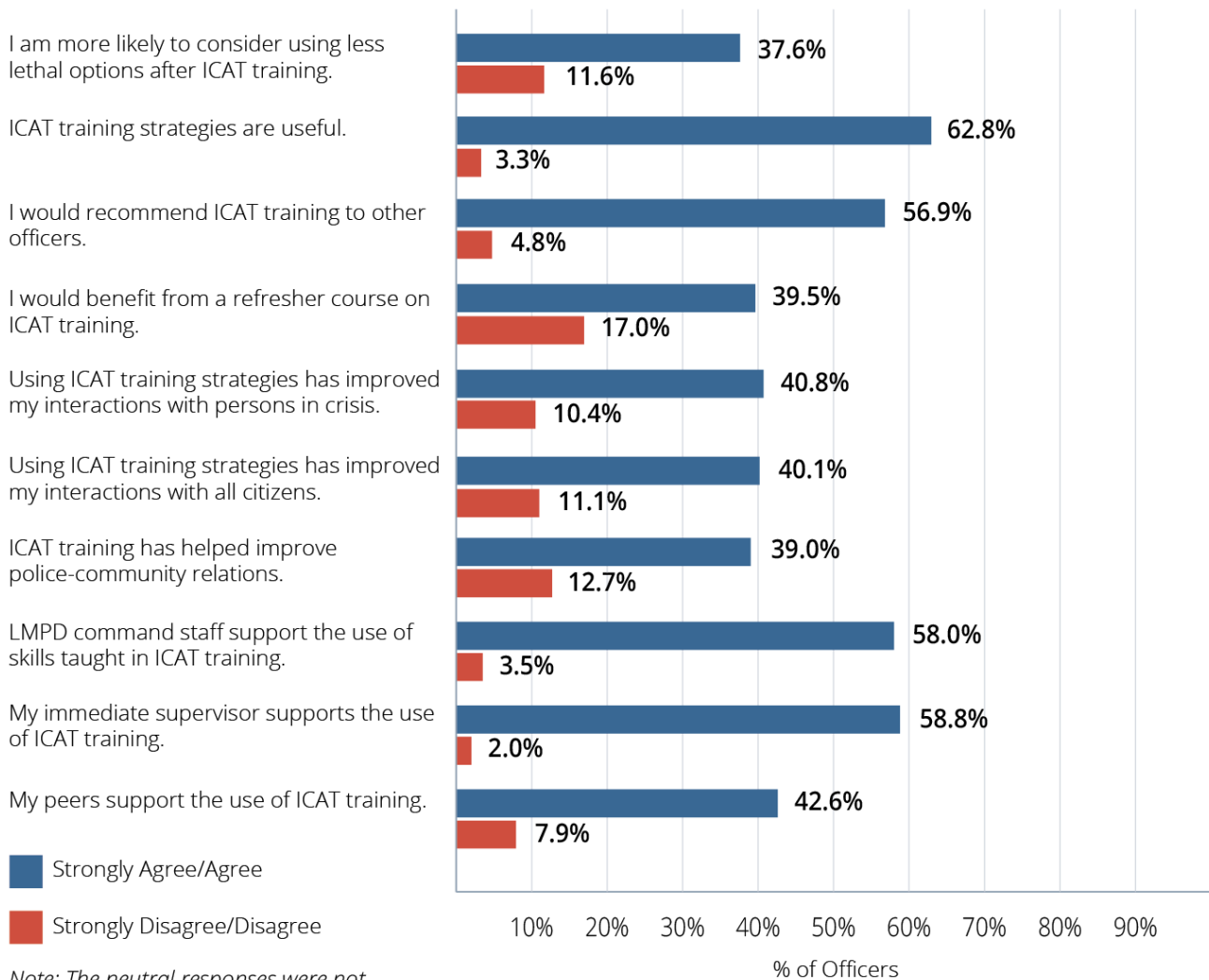
Officers were also asked about their impressions of the impact of ICAT training on their work during the follow-up survey. Table 5 displays the frequencies of responses to the 10 survey items assessing officers' perceptions of the training program. For each item, respondents were asked to indicate their level of agreement on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). As shown in Table 5, a majority of officers (62.8%) agreed or strongly agreed that the ICAT training strategies were useful. A majority of officers (56.9%) also agreed or strongly agreed that they would recommend the ICAT training to others. Importantly, 39.5% of respondents indicated they would benefit from an ICAT refresher training. When asked if ICAT training has helped to improve interactions with the public, persons in crisis, and with police-community relations, the majority of surveyed LMPD officers were neutral. Finally, the majority of surveyed LMPD officers agreed or strongly agreed that they felt the support of ICAT skills from command staff (58.0%) and from their immediate supervisor (58.8%), but the majority reported feeling neutral about support from their peers (49.5%).

Table 5: LMPD Officer Follow-up Reactions to ICAT Training

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. I am more likely to consider using less lethal options after ICAT training. (n = 543)	2.6%	9.0%	50.8%	30.8%	6.8%
2. ICAT training strategies are useful. (n = 542)	1.8%	1.5%	33.9%	55.2%	7.6%
3. I would recommend ICAT training to other officers. (n = 543)	1.7%	3.1%	38.3%	46.6%	10.3%
4. I would benefit from a refresher course on ICAT training. (n = 542)	5.0%	12.0%	43.5%	33.0%	6.5%
5. Using ICAT training strategies has improved my interactions with persons in crisis. (n = 539)	2.4%	8.0%	48.8%	34.5%	6.3%
6. Using ICAT training strategies has improved my interactions with all citizens. (n = 542)	2.6%	8.5%	48.9%	33.8%	6.3%
7. ICAT training has helped improve police-community relations. (n = 543)	3.5%	9.2%	48.3%	33.7%	5.3%
8. LMPD command staff support the use of skills taught in ICAT training. (n = 540)	1.5%	2.0%	38.5%	45.0%	13.0%
9. My immediate supervisor supports the use of ICAT training. (n = 543)	0.9%	1.1%	39.2%	45.7%	13.1%
10. My peers support the use of ICAT training. 9. (n = 543)	2.0%	5.9%	49.5%	36.3%	6.3%

Figure 11 displays the grouped (agree or disagree) responses to the survey items presented in Table 5. Those who responded “neutral” were excluded from the graphic. This figure illustrates the variation in responses, and also highlights that the greatest agreement was seen for item 2, (ICAT strategies are useful), and the greatest disagreement was seen for item 4 (I would benefit from a refresher course on ICAT training). It is evident that the majority of LMPD officers perceive ICAT training in a positive light, but there is a vocal minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. Importantly, however, the large percentages of “neutral” respondents across these survey items (see Table 4) present an opportunity for the Training Division to persuade LMPD officers of the utility of ICAT training. Reinforcement of the benefits of the training may be an important avenue for LMPD ICAT trainers.

Figure 11: LMPD Officer Follow-Up Reactions to ICAT Training



Note: The neutral responses were not included in this chart.

In summary, these findings demonstrate that the ICAT training was generally received positively by LMPD officers. However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after. This highlights the need for continual reinforcement of ICAT training for officers, whether this is through roll call or other forms to “refresh” the content in the minds of the officers.

E. Officers’ Self-Reported Use of ICAT Skills

This section of the report contains summary and descriptive statistics surrounding LMPD officers’ self-reported use of ICAT training skills in the field. These findings rely on survey items contained in the follow-up survey, administered to officers four to six months after ICAT training. The average or mean response for each survey item is presented (denoted by “ \bar{X} ”). The standard deviation (“SD”) from this average is also noted. Finally, the number of officers that answered each survey item may vary and is noted within each table (“N”) to provide insight on

the number of responses used to calculate each average score. The frequencies of officer responses are also reported when useful/appropriate.

LMPD officers were asked a series of items related to the reinforcement and application of ICAT training strategies during the previous 60 days. When asked about how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Officers were asked about the ways that immediate supervisors may reinforce ICAT training (in direct conversations, during roll call, during monthly review, during post-incident reviews, and “other”). These results are shown in Table 6. Of those who indicated their supervisor reinforced ICAT training, the most common response to when it was reinforced was roll call (46.4% of respondents), followed by post-incident reviews (36.5%). Only 29% of responding officers indicated that ICAT was reinforced through direct conversations with immediate supervisors, while 15% reported reinforcement through monthly reviews and 23% reported reinforcement through other ways. Note that officers could select multiple responses for this survey item.

Table 6: ICAT Training Supervisor Reinforcement

ICAT training is reinforced by my immediate supervisor...	% (n)
1. ...in conversations with me (n = 405)	29.6 (120)
2. ...during roll call (n = 405)	46.4 (188)
3. ...during my monthly review (n = 404)	15.3 (62)
4. ...during post-incident reviews (n = 405)	36.5 (148)
5. Other (n = 403)	22.8 (92)

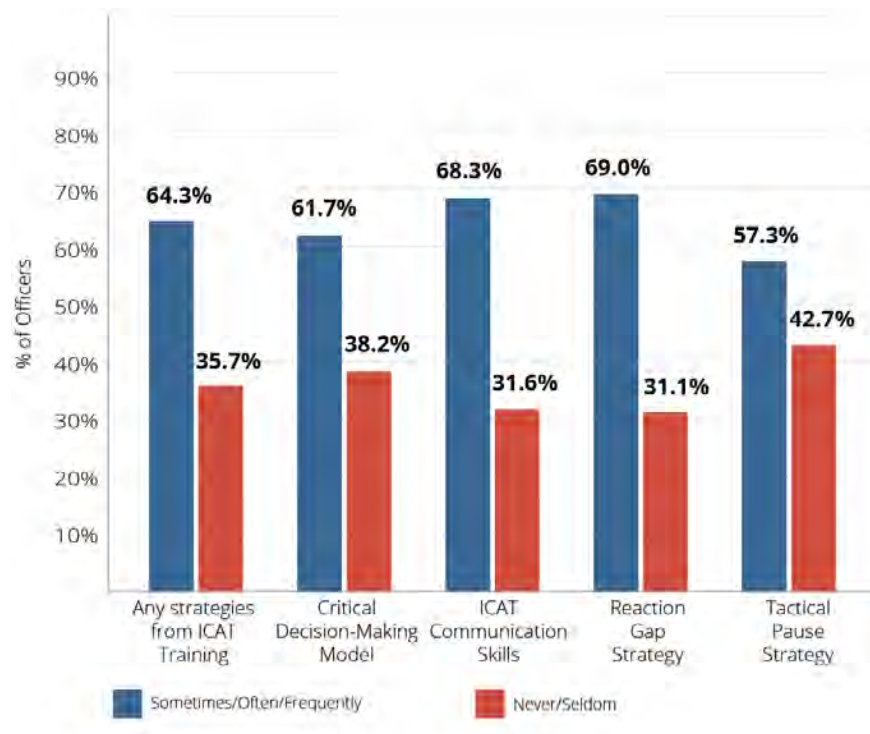
Table 7 documents officers’ self-reported use of specific types of ICAT skills in the previous 60 days. The frequency of these activities was measured on a five-point scale, represented by, 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week). Officers reported using the “Reaction Gap” strategy most frequently of all skills, but a substantial portion (between 17% and 26%) reported never using any ICAT skills in the previous 60 days. Notably, however, non-use could be related to officers’ specific job assignments within the Patrol Division.

Table 7: LMPD Officer Self-Reported Use of ICAT Skills

In the last 60 days, did you apply...	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. ...any strategies from ICAT training? (n = 527)	19.4	16.3	33.2	20.7	10.4
2. ...the Critical Decision-Making Model (n = 538)	23.0	15.2	31.6	18.8	11.3
3. ...ICAT Communication Skills (n = 534)	17.7	13.9	28.8	18.6	20.9
4. ...the Reaction Gap Strategy (n = 532)	17.9	13.2	20.3	20.1	28.6
5. ...the Tactical Pause Strategy (n = 532)	25.8	16.9	25.2	18.8	13.3

Figure 12 displays the grouped frequencies of survey responses contained in Table 7. Those who report that they sometimes, often, or frequently use skills are shown in blue whereas those who report that they never or seldom use skills are shown in red. Figure 12 illustrates that at least 57% of respondents indicate they had used one of the skills during the previous 60 days.

Figure 12: LMPD Officer Self-Reported Use of Trained Skills



In contrast, a small percentage of officers that indicate they did not use one of the ICAT skills in the previous 60 days. For example, only a minority of respondents indicated they did not use each of the skills—less than 15% of all respondents per skill type.

To provide additional context around officers’ use of the ICAT skills in the previous 60 days, officers were asked to self-report the perceived difficulty in using specific ICAT skills. Table 8 presents perceptions related to the degree of difficulty in the use of each ICAT skill among the officers who self-reported using the skill in the previous 60 days. In general, very few surveyed officers found any of the four skills difficult to use; rather, nearly 63.3% agreed that the reaction gap strategy was not at all difficult, 51.6% agreed that the tactical pause strategy was not at all difficult, 48.3% agreed that ICAT communication skills were not difficult, and 32.2% found the CDM not difficult at all.

Table 8: LMPD Officer Self-Reported Difficulty in Using ICAT Skills

<i>How difficult is it to use...</i>	Very Difficult (%)	Difficult (%)	Neutral (%)	Somewhat Difficult (%)	Not at all Difficult (%)
the Critical Decision-Making Model (n = 503)	3.0	2.6	53.3	8.9	32.2
ICAT Communication Skills (n = 503)	1.4	0.8	42.3	7.2	48.3
the Reaction Gap Strategy (n = 498)	1.0	0.6	27.3	7.8	63.3
the Tactical Pause Strategy (n = 461)	3.7	1.5	35.1	8.0	51.6

In the instances where officers suggested that they were unable to use ICAT skills in the previous 60 days, they were prompted to identify the obstacle(s) they faced in using those skills. Figures 13 and 14 present officers’ responses to these questions. Specifically, Figure 13, which examines the perceived obstacles for officers in their use of the CDM, demonstrates that 24.8% of responding officers indicated they faced an obstacle to implementing the CDM. Of those officers, 28% indicated it was for an “other” reason, followed by 26.5% indicating they could not remember the model. Note that officers were able to select multiple perceived obstacles to CDM use.

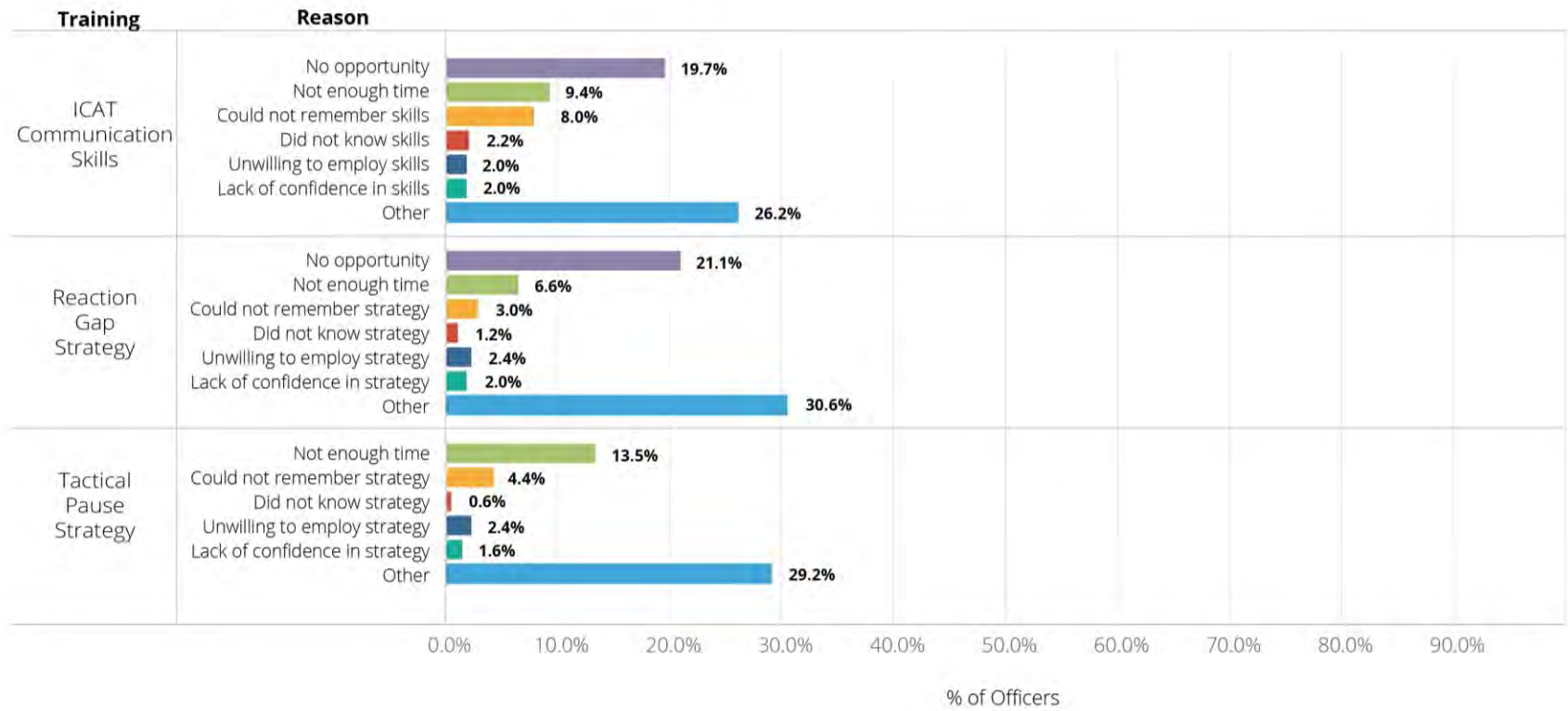
Figure 13: Officer Perceived Obstacles to Using the CDM Model

Officer Perceived Obstacles to Using the CDM Model



Figure 14 displays officers' perceived barriers for the other three skill types: ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy. For all three types, officers most commonly selected "other" for their perceived barrier to skill use. Note that multiple reasons could be selected by officers.

Figure 14: LMPD Officer Perceived Obstacles to Using Trained Skills



Finally, officers were asked to report whether they had responded to an incident involving a person in crisis since they were trained in ICAT. A majority, 71.6 % (n = 381), of LMPD officers indicated that they *had responded* to this type of incident, while 28.4% (n = 151) of surveyed officers indicated that they *had not responded* to this type of incident. Nearly 79% (n = 370) of these individuals indicated that these ICAT strategies were not applicable during their most recent encounter. However, Table 9 displays the results from officers who reported that they had used a particular skill during a recent encounter. As shown in Table 9, when ICAT skills were used they were generally perceived as effective.

Table 9: LMPD Officer Self-Reported Use of ICAT Skills During Most Recent Encounter with a Person in Crisis

Skill Type and Perceived Effectiveness	Effective % (n)	Partially Effective % (n)	Not Effective % (n)
Critical Decision-Making Model (CDM) (n = 184)	79.3 (146)	18.5 (34)	2.2 (4)
ICAT Communication Skills (n = 254)	84.3 (214)	14.2 (36)	1.6 (4)
Reaction Gap (n = 229)	86.5 (198)	13.5 (31)	0 (0)
Tactical Pause (n = 164)	84.8 (139)	13.4 (22)	1.8 (3)
Less Lethal Tool (n = 26)	76.9 (20)	11.5 (3)	11.5 (3)

In summary, a majority of surveyed LMPD officers found the ICAT training program useful and would recommend this training to others, both in the times immediately after training as well as four to six months later. ICAT training was reportedly reinforced by immediate supervisors only sometimes (2-3 times per month), although nearly a quarter of respondents indicated their immediate supervisor has never reinforced ICAT training. Approximately 80% of surveyed LMPD officers had used some form of ICAT skills during the previous 60 days, with the *Tactical Pause Strategy* applied most frequently. It appeared that most surveyed officers did attempt to apply ICAT skills successfully, but when there were obstacles to their use it was most often due to a lack of opportunity to apply the skill or running out of time. Additionally, when ICAT skills were used they were generally perceived to be effective by the LMPD officer when considering their most recent encounter with a person in crisis.

F. Changes in Officers' Attitudes

This section of the report details the changes in measured officer attitudes as a result of ICAT training. Two analytic approaches are used. First, immediate training impacts are considered by comparing pre-training to post-training scores. This change is measured using T-test comparisons that assess statistical differences in the mean scores of survey items asked across two waves of data are presented below, examining officer changes in *Views on Interactions with the Public*, and *Views on Policing*. For each survey item, the tables below display the average or mean score (“ \bar{X} ”), the standard deviation (“SD”), the number of respondents (“N”), and the T-statistic value, with an asterisk (*) demonstrating values with a p-value below 0.05 or 0.01. An asterisk indicates a statistically significant change in officers’ responses from Time 1 (pre-training) to Time 2 (post-training).

Second, changes in attitudes across all three survey waves (pre-training, post-training, and follow-up) are assessed for two areas: *Interactions with Persons in Crisis* and (2) *Attitudes Toward Use of Force*. These tables also display mean scores (“ \bar{X} ”), standard deviation scores (“SD”), and number of respondents (“N”) for each particular survey item. These changes are measured using repeated measures ANOVA analyses, which describe the levels and change in repeated survey responses over time. For inclusion in the ANOVA analyses reported below, officers had to respond to each of the three survey waves, reducing the number of respondents to approximately 430 officers or less.

For each survey item that demonstrates a statistically meaningful difference, an asterisk (*) is shown in the far-left column to demonstrate a Wilks Lambda F Statistic with a p-value below 0.05. In addition, the Partial Eta Square statistic is shown, which demonstrates the magnitude of the differences between average scores, also known as an effect size. Some suggested norms for the effect size interpretation based on partial eta square include estimations of small (around 0.01) to medium (around 0.06) and large (around 0.14). The final column of each table contains the Bonferroni Post Hoc Significant Differences across the three waves, identifying which comparisons are statistically different. There can be one of three meaningful differences: between pre-training and post training scores (“ $\bar{X}1$ & $\bar{X}2$ ”); between post-training and follow-up scores (“ $\bar{X}2$ & $\bar{X}3$ ”); and finally, between pre-training and follow-up scores (“ $\bar{X}1$ & $\bar{X}3$ ”).

1. Views on Interactions with the Public

Table 10 displays the first set of survey items assessing officers’ views on interactions with the public. This table compares pre-training to post-training scores. Seven survey items related to officers’ general views of encounters with the public – including issues of officer safety and de-escalation – were measured using a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree) to assess officers’ level of agreement with each statement. If the ICAT training is effective, it is expected that some items will show an increase in the level of agreement (e.g., I have considerable ability to control the nature of citizen interactions to create positive outcomes), while other items will show a decrease in the level of agreement (e.g., In tense citizen encounters, the most important thing is that I get home safely).

Four of the seven survey items achieved statistically significant differences, and all changes are in the direction expected based on the training curricula. For example, officers reported statistically significant increases in their agreement that they have considerable ability to control the nature of citizen interactions to create positive outcomes, that officers can be trained to increase the likelihood of positive encounters with citizens, and that officers can be trained to improve their ability to de-escalate citizen encounters. They also reported significantly less agreement that during tense citizen encounters, the most important thing is for them to get home safely.

These individual seven items were also included in an additive scale (with reverse coded questions where appropriate). The *Views on Interactions with the Public Scale* demonstrates a

statistically significant difference in officers' reported attitudes pre-training compared to post-training, in the expected direction based on the ICAT training curricula.¹⁹

Table 10: Changes in LMPD Officer Views on Interactions with the Public

	Pre-Training			Post-Training			T-Value
	\bar{X}	SD	N	\bar{X}	SD	N	
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes.	3.90	0.73	901	4.05	0.68	1048	-4.80**
2. I am good at identifying officer safety risks in citizen encounters.	4.34	0.58	902	4.32	0.58	1049	0.90
3. I am good at de-escalating encounters with citizens.	4.19	0.71	902	4.17	0.58	1047	0.67
4. In tense citizen encounters, the most important thing is that I get home safely.	4.58	.71	900	4.20	0.84	1049	10.52**
5. Officers can be trained to increase the likelihood of positive encounters with citizens.	3.99	0.74	902	4.22	0.65	1045	-7.15**
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters.	4.30	0.61	902	4.29	0.61	1046	0.10
7. Officers can be trained to improve their ability to de-escalate citizen encounters.	4.12	0.66	902	4.23	0.64	1048	-4.06**
<i>Views on Interactions with the Public Scale</i> ²⁰	26.26	2.76	899	27.08	2.95	1040	-6.27**

**p < 0.01; *p < 0.05

2. Views on the Role of Police

As noted previously, officers were also asked about their perceptions regarding the role of police (see Table 2). It is possible that participation in ICAT will impact officers' more global perceptions about their roles. To test for this possibility, officers were asked again to report their perceptions of their roles immediately following the ICAT training in the post-training survey by indicating their level of agreement with each item based on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Table 11 reports the mean, standard deviation, and number of officers responding to each question, along with the T-value comparison and significance of the p-value. As shown, officers reported significant differences in their

¹⁹ The Cronbach's Alpha score for Pre-Training is 0.69 and 0.76 for Post-Training.

²⁰ Based on an additive scale composed of all survey items, where item 4 is reverse coded. The Cronbach's Alpha score for Pre-Training is 0.694 and 0.761 for Post-Training.

perceptions of the role of police after the ICAT training. Specifically, officers were significantly more likely to agree that: working with the community to solve problems is an effective means of providing service; they routinely collaborate with community members in daily duties; a primary responsibility is to build trust between the department and community; it is important to have non-enforcement contacts with the public, and they see themselves primarily as public servants.

Table 11: Changes in LMPD Officer Views on Policing

	Pre-Training			Post-Training			T-Value
	Mean	SD	N	Mean	SD	N	
1. Enforcing the law is a patrol officer's most important responsibility.	3.47	0.98	901	3.40	0.92	1046	1.70
2. Law enforcement and community members must work together to solve local problems.	4.15	0.65	901	4.17	0.60	1045	-0.61
3. Working with the community to solve problems is an effective means of providing services to this area.	4.07	0.68	899	4.13	0.63	1045	-2.06*
4. I routinely collaborate with community members in my daily duties.	3.44	1.94	900	3.62	0.87	1045	-2.70**
5. My primary responsibility as a police officer is to fight crime.	3.54	0.90	901	3.55	1.53	1042	-0.023
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents.	4.09	0.66	900	4.10	0.66	1045	-0.039
7. A primary responsibility of a police officer is to build trust between the department and community.	3.76	0.83	901	3.94	0.73	1044	-4.95**
8. As a police officer, it is important that I have non-enforcement contacts with the public.	4.08	0.71	899	4.17	0.66	1044	-2.70**
9. As a police officer, I see myself primarily as a public servant.	3.87	0.79	900	3.99	0.71	1045	-3.50**
10. My primary role is to control predatory suspects who threaten members of the public.	3.92	0.77	900	3.91	0.78	1046	0.48

**p < 0.01; *p < 0.05

3. Attitudes Towards Persons in Crisis

Results for the ANOVA, or three-way mean score comparisons, for the LMPD officer *Attitudes Towards Persons in Crisis* survey items are shown in Table 13, however Table 12 summarizes these changes and their direction. A person in crisis refers to an individual that may be behaving erratically due to factors such as mental health concerns, substance use, situational stress, and/or intellectual/developmental disabilities. The ICAT training program should teach officers to view

persons in crisis in a more understanding manner in an effort to make encounters with these individuals safer. Therefore, these items measuring attitudes should change in the post-training and follow-up scores. As seen in Table 12, a total of 11 of the 14 survey items have significant differences between the pre-training and post-training scores. Changes that are in the expected direction, or positive, are shown with a plus (+) sign, whereas changes that are opposite to the expected direction, or negative, are shown with negative (-) sign. Most of these changes are in the expected direction, as agreement with the statements should increase post-training (with the exception of items 2, 3, 13 and 14 which should decrease).

When comparing pre-training to follow-up scores, seven of the 14 items demonstrate sustained significant differences. Four of the changes are in the expected direction whereas three changes are in the unexpected direction. Finally, six of the 14 items have meaningful changes from the post-training survey to follow-up survey. Some large changes are seen, such as for item 6 (In crisis situations, it is beneficial to keep a subject talking) and item 10 (The majority of time spent communicating with a subject should be spent listening), which both increase in the expected direction when comparing post-training scores to pre-training scores.

Examining the summed *Attitudes Towards Persons in Crisis Scale*, this change demonstrates a statistically significant increase from the pre-training to post-training score aligned with the expected changes from the training.²¹ Note, however, that this overall score then decreases in the follow-up results, also a statistically significant change. This indicates that there is a possibility of training decay demonstrated in attitudinal changes a few months after the training has been conducted. Interestingly, this follow-up score is slightly lower than the initial pre-training score, demonstrating a possible substantial decay in the training impact.

²¹ In addition to the individual items, an additive scale based on survey items 1, and items 3 through 13 was created. The Cronbach's alpha scores are 0.70, 0.69, and 0.80 for the Pre-, Post-, and Follow-up Training Surveys, respectively.

Table 12: ANOVA Summary for LMPD Officer Attitudes Towards Persons in Crisis

Survey Item	Pre-Training & Post- Training	Post- Training & Follow-Up	Pre- Training & Follow-Up
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual.	+	-	-
2. There is no explaining why a person in crisis acts the way they do.	-	+	
3. Noncompliance should be viewed as a threat.	+		+
4. Unnecessary risks should be avoided in encounters.			
5. The most important role of an officer responding to a crisis is to stabilize the situation.	+	-	-
6. In crisis situations, it is beneficial to keep a subject talking.	+	-	
7. In many cases, the use of force against a person in crisis can be avoided.	+	-	+
8. As a person's emotions rise, their rational thinking declines.	+	-	
9. When responding as a team, it's important to designate roles in the crisis intervention.	+	-	
10. The majority of time spent communicating with a subject should be spent listening.	+	-	+
11. An officer's nonverbal communication, such as body language, influences how a subject reacts.	+	-	
12. I know how to slow down an encounter with a person in crisis.	+	-	
13. Situational stress is no excuse for a person to act irrational.		+	+
14. Responding to persons in crisis should not be a role of the police.		-	-
<i>Attitudes Towards Persons in Crisis Scale</i>	+	-	-

Table 13: ANOVA Results for LMPD Officer Attitudes Towards Persons in Crisis

	N	\bar{X}_1 (SD1)	\bar{X}_2 (SD2)	\bar{X}_3 (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual.*	422	4.18 (0.68)	4.32 (0.66)	3.95 (1.16)	0.093	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
2. There is no explaining why a person in crisis acts the way they do.*	419	2.61 (0.92)	2.79 (0.99)	2.56 (0.88)	0.052	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
3. Noncompliance should be viewed as a threat.*	415	3.40 (0.88)	3.00 (0.89)	3.00 (0.87)	0.217	\bar{X}_1 & \bar{X}_2 ; \bar{X}_1 & \bar{X}_3
4. Unnecessary risks should be avoided in encounters.*	416	4.11 (0.75)	4.19 (0.65)	4.09 (0.86)	0.015	--
5. The most important role of an officer responding to a crisis is to stabilize the situation.*	413	4.06 (0.72)	4.20 (0.63)	3.92 (0.87)	0.086	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
6. In crisis situations, it is beneficial to keep a subject talking.*	414	3.84 (0.72)	4.22 (0.62)	3.88 (0.76)	0.267	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
7. In many cases, the use of force against a person in crisis can be avoided.*	414	3.28 (0.78)	3.60 (0.74)	3.45 (0.81)	0.144	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
8. As a person's emotions rise, their rational thinking declines.*	415	4.22 (0.66)	4.39 (0.60)	4.13 (0.77)	0.111	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
9. When responding as a team, it's important to designate roles in the crisis intervention.*	414	4.10 (0.68)	4.36 (0.58)	4.09 (0.73)	0.167	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
10. The majority of time spent communicating with a subject should be spent listening.*	416	3.75 (0.66)	4.12 (0.65)	3.86 (0.70)	0.227	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
11. An officer's nonverbal communication, such as body language, influences how a subject reacts.*	414	3.96 (0.65)	4.20 (0.57)	4.00 (0.70)	0.149	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
12. I know how to slow down an encounter with a person in crisis.*	416	3.96 (0.56)	4.13 (0.57)	3.94 (0.69)	0.098	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
13. Situational stress is no excuse for a person to act irrational.*	413	2.85 (0.89)	2.83 (0.91)	2.64 (0.78)	0.048	\bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
14. Responding to persons in crisis should not be a role of the police.*	413	2.38 (0.94)	2.36 (0.92)	2.49 (0.91)	0.020	\bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
<i>Attitudes Towards Persons in Crisis Scale</i> ^{22*}	398	45.72 (3.99)	47.64 (4.33)	44.97 (5.68)	0.297	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3

*Wilks Lambda F Statistic p-value < 0.05

²² Additive scale based on survey items 1, and 3 through 13. The Cronbach's Alpha score for Pre-Training is 0.704 and 0.690 for Post-Training.

4. *Attitudes Toward Use of Force*

Officers' attitudes and perceptions regarding the use of force was the second area of the training survey measured across all three waves, as these attitudes are expected to change as a result of the ICAT training program. Results for the ANOVA, or three-way mean score comparisons, for these eleven survey items are shown in Table 15. The ICAT training is expected to teach officers that use of force should be a last resort, and therefore most of these items (with the exception of items 8, 9 and 10) should *decrease* after ICAT training. Seven of the 11 survey items demonstrate a significant difference between the pre-training and post-training scores, and these are all in the expected direction. Displayed in Table 14, changes that are in the expected direction, or positive, are shown with a plus (+) sign, whereas changes that are opposite to the expected direction, or negative, are shown with negative (-) sign.

When comparing pre-training to follow-up scores, nine of the 11 survey demonstrate sustained significant differences in the expected direction. Finally, six of the 11 items have meaningful changes from post-training to follow-up scores. Some large effect sizes are noted, such as for item 2 (It is sometimes necessary to use more force than is technically allowable) and for item 4 (Refraining from using force when you are legally able to puts yourself and other officers at risk) both significantly change in the expected (negative) direction when comparing pre-training to post-training scores, as well as when comparing pre-training to follow-up scores.

Considering the summed *Attitudes Toward Use of Force Scale*, there is a statistically significant reduction from the pre-training to post-training score (in line with the expected changes from the training).²³ Additionally, the follow-up score is also significantly lower than the pre-training score, indicating that is sustained changes in officers' attitudes toward use of force that do not appear to decay over time.

²³ In addition to the individual items, an additive scale based on survey items 1 through 7 and item 11 was created. The Cronbach's alpha score for Pre-Training is 0.70, Post-Training is 0.73 and 0.71 for Follow-up.

Table 14: Summary of ANOVA Changes for LMPD Officer Attitudes Towards Use of Force

Survey Question	Pre-Training & Post-Training	Post-Training & Follow-Up	Pre-Training & Follow-Up
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply.	+	+	+
2. It is sometimes necessary to use more force than is technically allowable.	+	+	+
3. Verbally disrespectful suspects sometimes deserve physical force.		+	+
4. Refraining from using force when you are legally able to puts yourself and other officers at risk.	+		+
5. It is important to have a reputation that you are an officer willing to use force.		+	+
6. Not using force when you could have makes suspects more likely to resist in future interactions.	+		+
7. It is important that my fellow officers trust me to handle myself in a fight.	+		+
8. Trying to talk my way out of a situation is always safer than using force.	+	-	
9. It is important that my fellow officers trust my communication skills.			-
10. I respect officers' ability to talk suspects down rather than using force to make them comply.		-	
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later.	+		+
<i>Attitudes Toward Use of Force Scale</i>	+	+	+

Table 15: ANOVA Results for LMPD Officer Attitudes Towards Use of Force

	N	\bar{X}_1 (SD1)	\bar{X}_2 (SD2)	\bar{X}_3 (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply.*	411	2.80 (1.14)	2.65 (.98)	2.38 (.98)	.099	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
2. It is sometimes necessary to use more force than is technically allowable.*	408	3.17 (1.01)	2.87 (1.01)	2.64 (.97)	.192	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
3. Verbally disrespectful suspects sometimes deserve physical force.*	409	2.30 (.89)	2.25 (.85)	2.14 (.83)	.031	\bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
4. Refraining from using force when you are legally able to puts yourself and other officers at risk.*	409	3.41 (.99)	2.99 (.89)	3.03 (.85)	.158	\bar{X}_1 & \bar{X}_2 ; \bar{X}_1 & \bar{X}_3
5. It is important to have a reputation that you are an officer willing to use force.*	406	2.79 (.94)	2.70 (.94)	2.59 (.88)	.041	\bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3
6. Not using force when you could have makes suspects more likely to resist in future interactions.*	406	3.06 (1.03)	2.80 (.89)	2.72 (.91)	.108	\bar{X}_1 & \bar{X}_2 ; \bar{X}_1 & \bar{X}_3
7. It is important that my fellow officers trust me to handle myself in a fight.*	407	4.30 (.68)	4.16 (.69)	4.10 (.82)	.060	\bar{X}_1 & \bar{X}_2 ; \bar{X}_1 & \bar{X}_3
8. Trying to talk my way out of a situation is always safer than using force.*	408	3.61 (1.01)	3.91 (.91)	3.70 (.97)	.086	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3
9. It is important that my fellow officers trust my communication skills.*	407	4.38 (.53)	4.35 (.55)	4.27 (.75)	.018	\bar{X}_1 & \bar{X}_3
10. I respect officers' ability to talk suspects down rather than using force to make them comply.*	407	4.18 (.65)	4.26 (.65)	4.15 (.78)	.019	\bar{X}_2 & \bar{X}_3
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later.*	406	3.21 (.90)	2.85 (.91)	2.94 (.86)	.125	\bar{X}_1 & \bar{X}_2 ; \bar{X}_1 & \bar{X}_3
<i>Attitudes Toward Use of Force Scale²⁴*</i>	396	24.95 (4.28)	23.20 (4.40)	22.46 (4.09)	.317	\bar{X}_1 & \bar{X}_2 ; \bar{X}_2 & \bar{X}_3 ; \bar{X}_1 & \bar{X}_3

²⁴ Additive scale based on survey items 1 through 7, and item 11. The Cronbach's alpha score for Pre-Training is 0.70 and 0.73 for Post-Training.

5. *Officer Confidence in Interacting with Persons in Crisis*

In addition to reported changes in officers' attitudes, the research team measured officers' reported confidence in interacting with persons in crisis. This section of the survey contained 13 items related to a respondent's self-efficacy, or confidence, in handling the described actions. Confidence in handling each of the listed items is expected to increase as a result of ICAT training. Interestingly, only one of the 13 items demonstrated a statistically significant difference in reported confidence in handling any of the situations described, demonstrated in Table 16. Moreover, the summed *Officer Confidence Scale* did not demonstrate any significant changes from the pre-training to the post-training, or follow-up scores.²⁵ Although 12 of the 13 scores did slightly increase from pre-training to post-training, as well as with the summed *Officer Confidence Scale* comparison, these changes were not statistically significant. Additionally, six of the 13 scores slightly increased from post-training to follow-up, as well as with the summed *Officer Confidence Scale* comparison, again, however not statistically significant changes. Finally, a comparison of pre-training scores to follow-up scores indicates that eight of the 13 scores slightly increased, which was also demonstrated with the *Officer Confidence Scale* comparison, none reaching statistical significance. In summary, it appears that the ICAT training did not significantly impact officers' reported confidence during interactions with persons in crisis.

²⁵ These 13 items were summed to create an additive *Officer Confidence Scale* for each wave of data, with a Cronbach's Alpha score of 0.95 for Pre-Training, 0.96 for Post-Training, and 0.95 for Follow-up.

Table 16: ANOVA Results for LMPD Officer Confidence in Interacting with Persons in Crisis

	N	$\bar{X}1$ (SD1)	$\bar{X}2$ (SD2)	$\bar{X}3$ (SD3)	Partial Eta Squared	Bonferroni Post Hoc Significant Differences
...interacting with a person in crisis?	398	3.62 (0.50)	3.63 (0.52)	3.66 (0.51)	0.005	--
...in your ability to effectively communicate with someone in crisis?	396	3.56 (0.52)	3.60 (0.53)	3.62 (0.55)	0.011	--
...taking someone in crisis to a social service agency?	399	3.52 (0.61)	3.55 (0.60)	3.52 (0.66)	0.005	--
...asking someone in crisis open-ended questions to gather information about what is going on?	398	3.60 (0.52)	3.65 (0.53)	3.67 (0.53)	0.013	--
...interacting with family members of a person in crisis?	398	3.66 (0.49)	3.66 (0.50)	3.64 (0.54)	0.001	--
...in your ability to summarize/paraphrase statements made by a person in crisis in your own words?	399	3.58 (0.52)	3.59 (0.54)	3.62 (0.56)	0.006	--
...calming down someone in crisis?	397	3.49 (0.53)	3.52 (0.54)	3.55 (0.56)	0.013	--
...helping someone in crisis call a social services agency?	397	3.49 (0.61)	3.50 (0.63)	3.48 (0.65)	0.001	--
...de-escalating a situation involving a person in crisis?	398	3.54 (0.54)	3.56 (0.55)	3.58 (0.56)	0.005	--
...talking to a person in crisis about his/her medications?	396	3.38 (0.68)	3.43 (0.62)	3.38 (0.69)	0.011	--
...expressing understanding towards a person in crisis?	399	3.53 (0.57)	3.59 (0.52)	3.57 (0.57)	0.010	--
...getting someone in crisis to talk to you rather than acting out?*	398	3.48 (0.54)	3.55 (0.52)	3.48 (0.59)	0.017	$\bar{X}1$ & $\bar{X}2$
...talking to someone in crisis about whether or not he/she uses alcohol or drugs?	398	3.56 (0.55)	3.61 (0.53)	3.62 (0.55)	0.014	--
<i>Officer Confidence Scale</i> ²⁶	378	46.02 (5.73)	46.38 (5.93)	46.47 (5.91)	0.009	--

*Wilks Lambda F Statistic p-value < 0.05

²⁶ Based on an additive scale composed of all thirteen survey items, the Cronbach's Alpha score for Pre-Training is 0.949 and 0.960 for Post-Training.

G. Summary

The various findings in the areas described above demonstrate some important potential impacts from the ICAT training. First, baseline measures of officer attitudes prior to training indicate a majority (75%) of surveyed officers agree or strongly agree that the jurisdiction they work in is dangerous, which presents a potential challenge for trainers when encouraging officers to think differently about use of force and the promotion of de-escalation tactics.

Considering officer reactions to the training, it appears that the ICAT training was generally received positively by LMPD officers with 80.1% of officers reporting that the training was useful to them. Further, 80.5% of officers reported that they would recommend this training to others. However, these positive impressions of the training appear to be stronger immediately after training, declining somewhat in the months after their initial training. This highlights the need for continual reinforcement of the ICAT training for officers, whether this is through roll call or other forms of refresher trainings.

Importantly, there is a small, but vocal, minority of respondents who are not convinced that ICAT training is useful nor beneficial to their police work. The large percentages of “neutral” respondents, however, represent a sample of officers primed to be convinced of the utility of ICAT training. Reinforcement of the benefits of the training may be an important avenue for LMPD ICAT trainers for these groups of officers.

One aspect of ICAT training, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers’ reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the mean score in the *opposite direction* than would be expected. Importantly, these changes demonstrate the officers find the CDM to be generally less useful with practice. Given that these changes are inconsistent with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

During the follow-up survey, administered four to six months after training, officers were asked about their use of four ICAT skills: CDM, ICAT Communication Skills, Reaction Gap Strategy, and the Tactical Pause Strategy. For officers who responded to the follow-up survey, at least 57% of respondents indicated they had used at least one ICAT skill during the previous 60 days. Officers reported using the Reaction Gap Strategy most frequently of all skills, but a substantial portion (between 17% and 26%) reported never using any ICAT skills within the previous sixty days. However, non-use may be related to officers’ specific job assignment within the Patrol Division. In general, very few surveyed officers found any of the four skills difficult to use. When officers reported using skills, these skills were largely found to be effective.

Examining the additive *CDM Utility Scale*, which should increase in the follow-up period if the CDM is found to be useful with practice, demonstrates a significant reduction in the score. In other words, these findings indicate that when surveyed four to six months later, officers are *less* likely to indicate the utility of the CDM in their work. Given that these changes are inconsistent

with the objectives of the ICAT training, the LMPD Training Division should reconsider how material is presented for this area of the curriculum.

Considering officer attitudinal changes, several positive and significant changes appear to be associated with ICAT training. First, immediate and positive training impacts were found for changes in officer views on interactions with the public, measured with seven survey items. Second, immediate and positive training impacts were demonstrated for officers' more global perceptions about policing. For example, officers were significantly more likely to agree that working with the community to solve problems is an effective means of providing service and that a primary responsibility is to build trust between the department and community.

Third, officer measures surrounding *Attitudes Toward Persons in Crisis* demonstrated significant changes, most in the expected direction. However, some significant changes were seen in the opposite direction. Examining the summed *Attitudes Towards Persons in Crisis Scale*, a statistically significant change between the pre-training post-training scores was achieved, aligned with the expected changes from the training. Note, however, that this overall score then decreases in the follow-up results, also a statistically significant change. This indicates that there is a possibility of training decay demonstrated in attitudinal changes a few months after the training has been conducted. Interestingly, this follow-up score is slightly lower than the initial pre-training score, demonstrating a possible substantial decay in the training impact.

Importantly, the majority of *Attitudes Toward Use of Force* survey items demonstrated a significant change between the pre-training and post-training scores, all in the expected direction. Furthermore, the summed *Attitudes Toward Use of Force Scale* demonstrated a statistically significant reduction from the pre-training to post-training scores, and in the pre-training to follow-up scores, in line with the expected changes from the training. This indicates that here may be sustained attitudinal changes in the measured use of force items that do not appear to decay over time. Finally, it appears that the ICAT training did not significantly impact officers' reported confidence in interactions with persons in crisis. The implications and recommendations based on these findings will be explored in the concluding section of the report.

VI. SUPERVISOR SURVEY

Many have noted the importance of field supervisors in the reinforcement and promotion of training objectives among their subordinates. For example, the PERF (2018) suggests actions of first-line supervisors are critical in reinforcing the tenets taught during any training and in communicating the expectations for changes in practices, such as use of force (see also Van Craen & Skogan, 2017). Although other organizational support is needed to promote the use of de-escalation tactics (e.g., policies, procedures), immediate supervisors play a critical role in encouraging officers' application of de-escalation in their day-to-day work. Recognizing the key position of supervisors in the reinforcement of de-escalation, the research team sought to examine the activities of sergeants and lieutenants within the LMPD as they relate to their own use of ICAT de-escalation skills and the supervision and reinforcement of those de-escalation skills among their subordinates.

To assess these outcomes, LMPD supervising officers were administered a survey in March 2020 designed to assess their general perceptions of the role of supervisors and, more specifically, their views regarding how and when they supervise and/or reinforce the ICAT training. Broadly speaking, the purpose of this survey – which was developed by the research team in consultation with LMPD administrators and Training Division staff – was to examine the role of first-line supervisors as part of the ICAT training program. To administer the survey, LMPD officials took advantage of supervisors' mandatory attendance for an unrelated inspection (i.e., annual gas mask fit testing). During the inspection check-in, 157 LMPD supervisors were provided a paper survey by LMPD Training Division staff; 131 surveys were completed, resulting in an 83.4% response rate. Completed surveys were placed by respondents in a sealed box that was mailed to the research team.²⁷ These survey responses were entered into an electronic database and analyzed by the research team.

The ICAT supervisor survey included eight sections examining the following topics:

- (1) *Perceptions Related to Using ICAT De-escalation Skills.* Using nine survey items related to first-line supervisors' direct use of ICAT de-escalation skills, various concepts were examined, including confidence, agency support, and the perceptions of the utility and frequency of ICAT training. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). Higher scores indicate a more positive impression of supervisors' use of ICAT de-escalation skills.
- (2) *Perceptions Related to Supervising ICAT De-escalation Skills.* Seven items were included to assess supervisors' perceptions of their effectiveness in coaching, available resources for supervising, and the difficulties in directly supervising subordinate officers' use of de-escalation skills. Respondents were asked to indicate their level of agreement to each item on a five-point Likert scale (1 = Strongly Disagree; 5 = Strongly Agree). A

²⁷ Surveys could not be collected in person by the research team because of COVID-19 travel restrictions from the States of Ohio and Kentucky during the time of survey collection.

higher or lower score will indicate a more positive attitude regarding the ability to supervise subordinates' use of de-escalation skills depending on the way each item is worded.

- (3) *Field Observations of Subordinates' ICAT De-escalation Skills.* Seven survey items assessed the frequency with which first-line supervisors engage in specific activities related to observing subordinate officers' use of de-escalation skills in the field. Supervisors are asked about general observations, as well as the observations of ICAT skills. Respondents were asked to indicate how frequently they observed particular activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (4) *Video Observations of Subordinates' ICAT De-Escalation Skills.* Using seven items, the frequency with which first-line supervisors engage in specific activities related to observing subordinate officers' use of de-escalation skills through video recordings (e.g., review of body-worn camera footage) were assessed. Supervisors were asked about general observations as well as the observations of specific ICAT skills. Respondents were asked to indicate how frequently they observed particular activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (5) *Supervision Activities Related to ICAT De-escalation Skills.* Six survey questions regarding the frequency with which first-line supervisors engage in specific activities related to supervising subordinate officers' use of de-escalation skills were asked. For example, questions assessed the frequency that supervisors document the use of ICAT de-escalation skills, counsel subordinates for not using ICAT de-escalation skills, or generally talk about the use of ICAT de-escalation skills. Respondents were asked to indicate how frequently they engaged in the specified activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently. In addition to the multiple-choice survey items, two open response questions were posed to gather further information on how supervisors document the use of ICAT de-escalation skills and how they mentor or coach subordinates to improve the use of these skills.
- (6) *Self-Reported Supervisor Activities.* Six questions were used to assess the frequency that supervisors engage in general supervision activities, such as arriving to incidents being handled by subordinates, conducting video reviews, and talking about subordinate performance. Respondents were asked to indicate how frequently they engaged in the specified activities according to the following parameters: Never (0 times), Seldom (1 per month), Sometimes (2-3 times per month), Often (1 per week), and Frequently (more than 2-3 times per week). Higher scores indicate respondents engaged in the activity more frequently.
- (7) *Perceptions of Supervisor Functions.* Fourteen supervisor functions were listed, and supervisors were asked to assess the importance of each. For instance, supervisors were

asked how important it is to disseminate departmental directors, ensure reports are properly completed, ensure appropriate use of force, and to ensure fair and equal treatment of citizens. Respondents were asked to indicate the level of importance of each function on a five-point Likert scale (1 = Very Important to 5 = Very Important).

- (8) *Demographics*. Eight items gathered the demographic characteristics of respondents, including age, sex, race/ethnicity, highest level of education, years of experience in law enforcement, tenure as a supervisor, and their unique LMPD-assigned code number.

A. Data Analyses

LMPD supervisors' survey responses are examined using descriptive statistics. Specifically, for each section of measures (outlined above), the average or mean response for each survey item is presented (denoted by " \bar{X} "). The standard deviation ("SD") from this average is also noted. Finally, the number of supervisors that answered each survey item may vary and is noted within each table ("N") to provide insight on the number of responses used to calculate each average score. The frequencies of supervisor responses are also reported when useful/appropriate. Additional information related to the supervisor survey is provided in Appendix D, where the frequencies of responses across response categories for each survey item is presented as percentages. These data were analyzed using SPSS, a social science statistical software program.

B. Characteristics of LMPD Supervisors

To begin, analyses of the demographic characteristics of the supervisor sample (N = 131) are displayed in Table 17. As shown in this table, the majority of surveyed LMPD supervisors are male (80.6%), White (84.7%), and have a bachelor's degree or Graduate Degree (68.7%). The median age category for supervisors is 40-44 years old, and the vast majority had worked in law enforcement – and specifically the LMPD – for 10 years or more (90.9%). Finally, nearly half of the respondents (47%) had four or fewer years of supervisory experience.

Table 17: Demographic Characteristics of LMPD Supervisors (N = 131)

	% (n)		% (n)
Gender		LE Tenure	
Male	80.9 (106)	> 1 year	0 (0)
Female	16.8 (22)	1 – 4 years	0 (0)
Unknown	2.3 (3)	5 – 9 years	8.4 (11)
Age		10 – 14 years	29.0 (38)
> 29 years old	0 (0)	15 – 19 years	32.1 (42)
30 - 34 years old	10.7 (14)	20+ years	29.8 (39)
35 - 39 years old	20.6 (27)	Unknown	0.8 (1)
40 - 44 years old	27.5 (36)	LMPD Tenure	
45 - 49 years old	28.2 (37)	> 1 year	0 (0)
50 + years old	12.2 (16)	1 – 4 years	0 (0)
Unknown	0.8 (1)	5 – 9 years	8.4 (11)
Race		10 – 14 years	34.4 (45)
Caucasian/White	84.7 (111)	15 – 19 years	36.6 (48)
African American/Black	8.4 (11)	20+ years	19.8 (26)
Latino/Hispanic	1.5 (2)	Unknown	0.8 (1)
Asian/Pacific Islander	3.1 (4)	Education	
Other	1.5 (2)	High School	4.6 (6)
Unknown	0 (0)	> 2 years college	13.7 (18)
Years Supervising		Associate’s Degree	12.2 (16)
> 1 year	10.7 (14)	Professional Degree	0 (0)
1 – 4 years	37.4 (49)	Bachelor’s Degree	55.7 (73)
5 – 9 years	26.7 (35)	Graduate Degree	13.0 (17)
10 – 14 years	19.8 (26)	Unknown	0.8 (1)
15 – 19 years	3.1 (4)		
20 or more years	0.8 (1)		
Unknown	0.8 (1)		

C. Participation in Supervisory Activities

To gain a better understanding of LMPD supervisors’ interactions with their subordinate officers, supervisors were asked to self-report the frequency in which they engaged in a list of *general* supervisory activities. Specifically, using a five-point scale, where 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week), supervisors were asked to indicate how often they go to, participate in, and review the incidents managed by their subordinate officers.

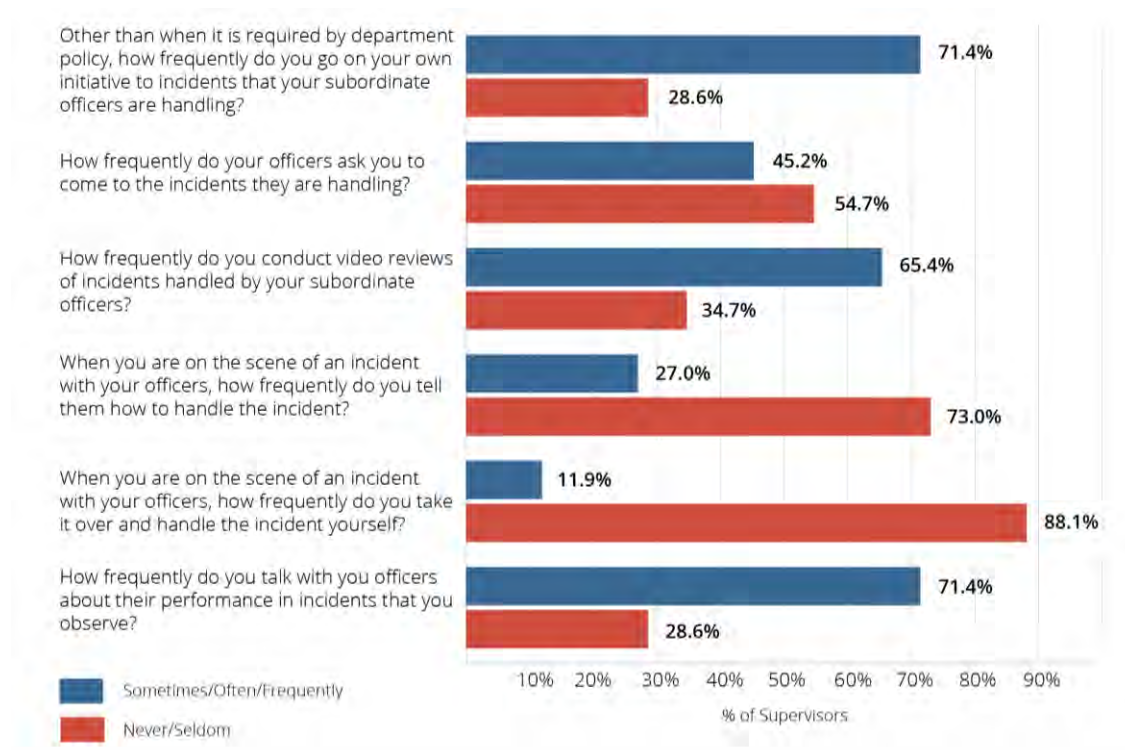
As shown in Table 18, although the majority of supervisors reported that they sometimes (2-3 times per month) go on their own initiative to incidents being handled by subordinates (\bar{X} = 3.32), they never or seldom take over the incident and handle it themselves (\bar{X} = 1.68). Generally, LMPD supervisors reported they sometimes (2-3 times per month) talk to their officers about their performance in observed incidents (\bar{X} = 3.04).

Table 18: LMPD Supervisor Self-Reported Supervision Activities

	\bar{X}	SD	N
1. Other than when it is required by department policy, how frequently do you go on your own initiative to incidents that your subordinate officers are handling?	3.32	1.37	126
2. How frequently do your officers ask you to come to the incidents they are handling?	2.37	.98	126
3. How frequently do you conduct video reviews of incidents handled by your subordinate officers?	2.92	1.30	124
4. When you are on the scene of an incident with your officers, how frequently do you tell them how to handle the incident?	2.12	.855	126
5. When you are on the scene of an incident with your officers, how frequently do you take it over and handle the incident yourself?	1.68	.80	126
6. How frequently do you talk with you officers about their performance in incidents that you observe?	3.04	1.09	126

The frequency of conducting these supervisory functions is further examined in Figure 15. Of interest here is the percentage of supervisors who indicate they *never or seldom* conduct specific tasks. For example, approximately 30-35% of supervisors indicate that they never or seldom go on their own to incidents to observe subordinates, review video incidents of their subordinates, or talk to subordinates about the incidents they observe.

Figure 15: LMPD Supervisor Self-Reported Supervision Activities



D. Perceptions of the Implementation and Utility of De-escalation Training

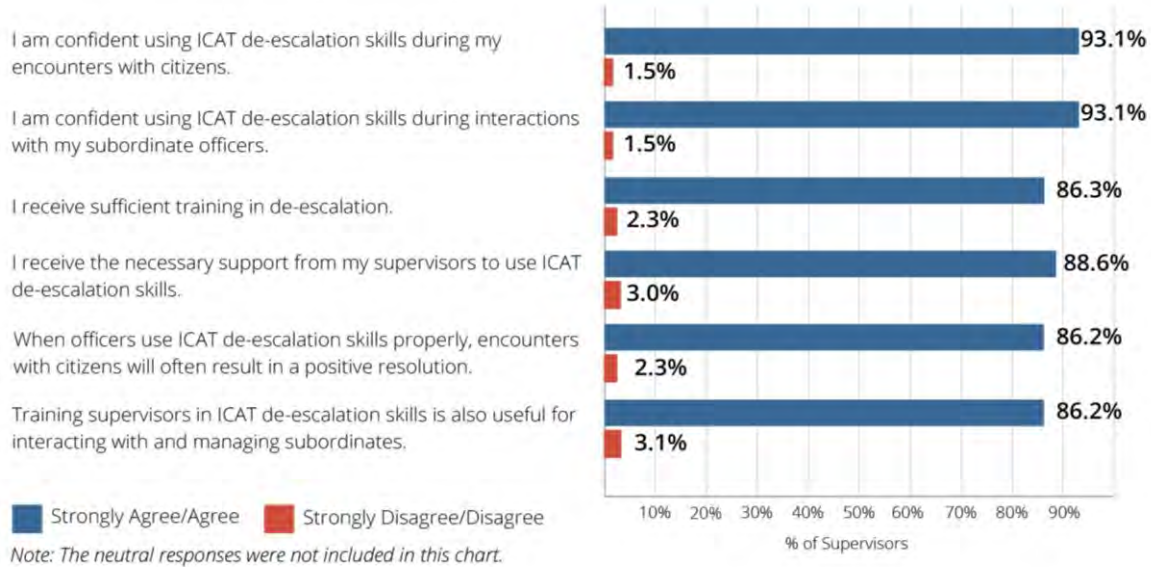
Seeking to understand the views of LMPD supervisors related to the implementation and applicability of the ICAT training in their work, supervisors were asked about their perceptions and experiences regarding *their own use* of ICAT de-escalation skills. As shown in Table 19, supervisors were asked to indicate their level of agreement to seven survey items assessing their perceptions, using a five-point Likert scale (1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, and 5 = Strongly Agree). On average, supervisors reported feeling confident using de-escalation skills with both citizens and with subordinate officers, suggesting they have received sufficient training in de-escalation, and believe that when skills are used properly, encounters with citizens will likely end with a positive resolution. Importantly, supervisors generally did *not* agree that their subordinates needed more training in de-escalation than is currently provided within the LMPD.

Table 19: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills

	\bar{X}	SD	N
1. I am confident using ICAT de-escalation skills during my encounters with citizens.	4.34	0.72	131
2. I am confident using ICAT de-escalation skills during interactions with my subordinate officers.	4.34	0.72	131
3. I receive the necessary equipment from my department to de-escalate situations.	3.99	0.94	131
4. I receive sufficient training in de-escalation.	4.22	0.80	131
5. I receive the necessary support from my supervisors to use ICAT de-escalation skills.	4.28	0.81	131
6. When officers use ICAT de-escalation skills properly, encounters with citizens will often result in a positive resolution.	4.15	0.80	131
7. Some encounters with citizens require additional less-lethal equipment than is currently available.	3.90	1.10	131
8. My subordinates need more training in de-escalation than is currently provided.	2.79	0.92	131
9. Training supervisors in ICAT de-escalation skills is also useful for interacting with and managing subordinates.	4.09	0.79	131

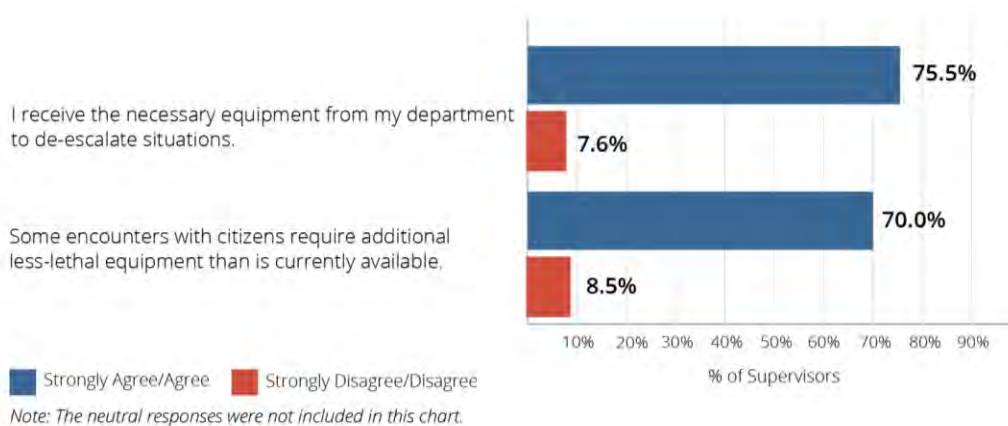
Figures 16-18 below further explore supervisors' responses by collapsing the Strongly Agree/Agree categories compared to the Strongly Disagree/Disagree categories across these survey items (while excluding the neutral category from display). For example, we see in Figure 16 that the overwhelming majority of respondents agree or strongly agree that they are confident using ICAT de-escalation skills with citizens and subordinates, that they have received sufficient training and support from superiors to used de-escalation skills, and that when these skills are properly used, encounters with citizens will often result in a positive resolution.

Figure 16: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills



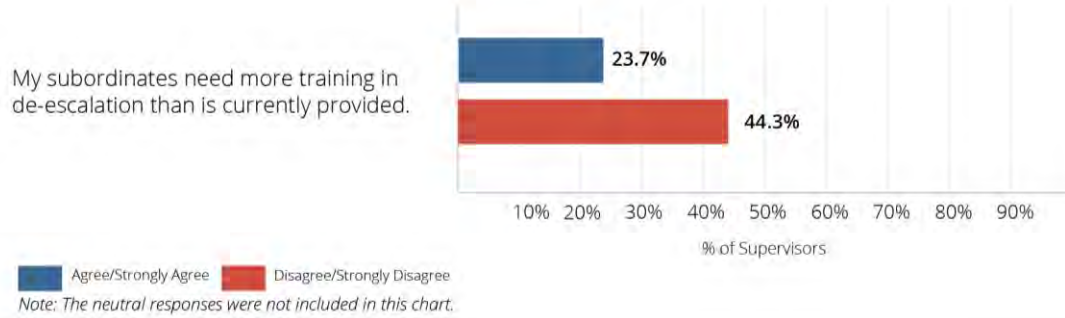
Interestingly, however, there appears to be some inconsistency in supervisors’ responses to questions regarding the availability of equipment to facilitate de-escalation in encounters. As shown in Figure 17, over 75% of supervisors agreed or strongly agreed that they receive the necessary equipment to de-escalate situations. Yet, 70% of supervisors also agreed or strongly agreed that some encounters with citizens require additional less-lethal equipment than is currently available. It is unclear to the research team the possible reasons for these discrepancies.

Figure 17: LMPD Supervisor Perceptions Regarding Equipment for De-escalation



There was also a lack of consensus among supervisors when asked if their *subordinates needed more training in de-escalation techniques* than is currently provided. Specifically, although nearly a quarter of supervisors agreed or strongly agreed that more training was needed for subordinates (23.7%), 44.3% of supervisors disagreed or strongly disagreed with this statement.

Figure 18: LMPD Supervisor Perceptions Regarding Additional De-escalation Training



Perceptions of Supervising De-escalation Skills

Supervisors were also questioned regarding their perceptions of their ability to effectively supervise their subordinates’ use of de-escalation and the support (via equipment, training, leadership) they receive from the department in fulfilling these duties.

As demonstrated in the average scores Table 20, supervisors generally suggest they can effectively supervise and coach the use of ICAT de-escalation tactics among their subordinates. Further, they generally disagreed that it was difficult to supervise subordinates’ use of de-escalation skills, or that they required more support from their superiors to accomplish this task.

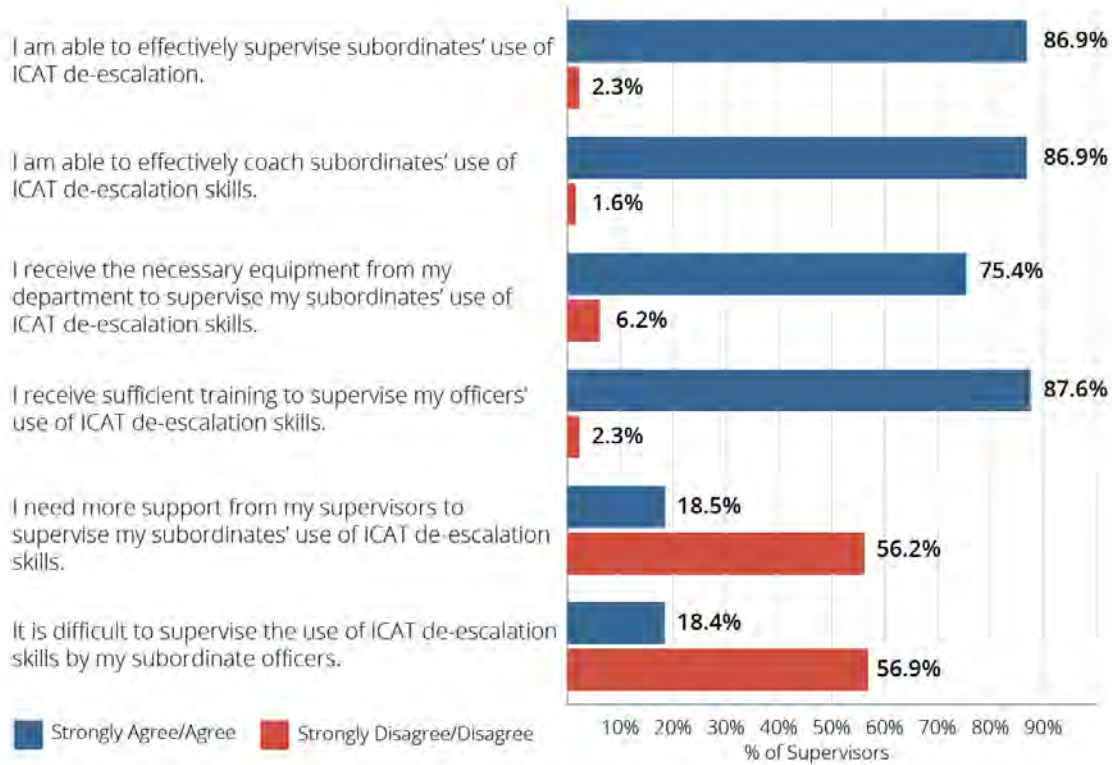
Table 20: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills

	\bar{X}	SD	N
1. I am able to effectively supervise subordinates’ use of ICAT de-escalation.	4.08	.69	130
2. I am able to effectively coach subordinates’ use of ICAT de-escalation skills.	4.09	.67	130
3. I receive the necessary equipment from my department to supervise my subordinates’ use of ICAT de-escalation skills.	3.93	.85	130
4. I receive sufficient training to supervise my officers’ use of ICAT de-escalation skills.	4.08	.68	130
5. I need more support from my supervisors to supervise my subordinates’ use of ICAT de-escalation skills.	2.58	.91	130
6. It is difficult to supervise the use of ICAT de-escalation skills by my subordinate officers.	2.53	.94	130

The consensus in supervisors’ responses across these survey items are demonstrated more thoroughly in Figure 19. Specifically, 87% of supervisors agreed or strongly agreed they were able to both effectively supervise and coach subordinates’ use of ICAT de-escalation skills. Supervisors’ responses also indicated feelings of support in completing these tasks, with the majority agreeing they have the necessary equipment (75.4%) and sufficient training (87.6%) to supervise their subordinates’ use of ICAT de-escalation skills. Finally, although a slight majority

of supervisors suggested it was not difficult to supervise the use of de-escalation skills (56.9%), a relevant minority (approximately 20%) identified challenges in this role.

Figure 19: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills



Note: The neutral responses were not included in this chart.

Observations of Subordinates' Use of De-escalation Skills

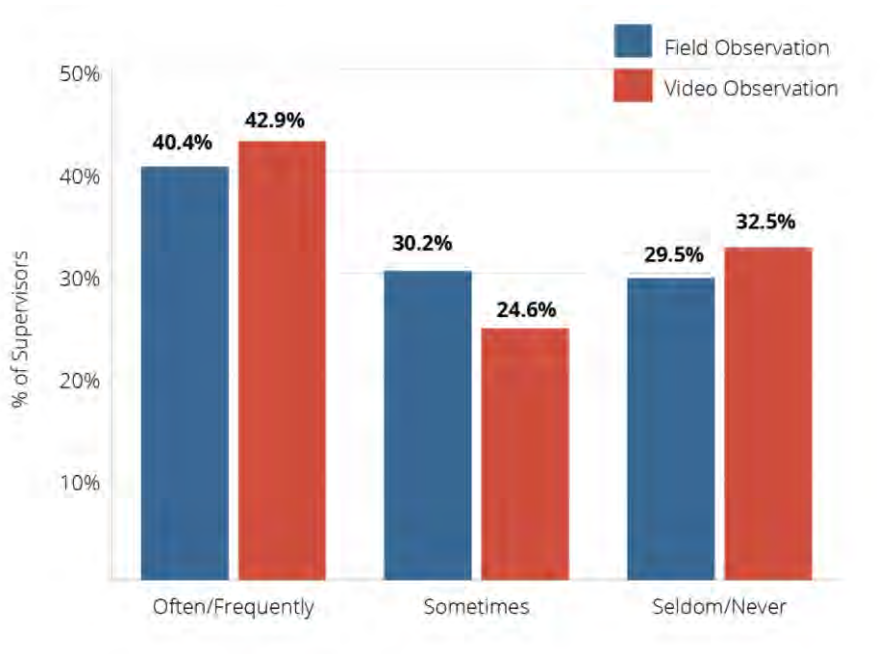
Finally, LMPD supervisors were asked to indicate how frequently they observe their subordinate officers use de-escalation in their day-to-day interactions with citizens. Specifically, survey respondents suggested the frequency by which they observe – either in the field or by video review – their officers use specific ICAT skills, using a five-point response scale: 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week). As shown in Table 21, on average, supervisors report “sometimes” observing subordinate officers using ICAT de-escalation skills in the field, reporting similar frequencies for video observations.

Table 21: LMPD Supervisor Observations of Subordinates' Use of ICAT De-escalation Skills

	In the Field			Video Review		
	\bar{X}	SD	N	\bar{X}	SD	N
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills?	3.18	1.22	129	3.07	1.40	126
2. When observing subordinate officers, how frequently do they use <i>ICAT Communication Skills</i> (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)?	3.82	1.16	129	3.40	1.45	126
3. When observing subordinate officers, how frequently do they use the <i>Reaction Gap Strategy</i> (actively re-positioning to keep a favorable position between the officer and the subject)?	3.88	1.16	129	3.35	1.42	126
4. When observing subordinate officers, how frequently do they use the <i>Tactical Pause Strategy</i> (sharing information and developing a strategy with other responding officers during a citizen encounter)?	3.63	1.14	129	3.17	1.35	126
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools?	2.68	1.21	129	2.54	1.21	125
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident?	2.29	.94	129	2.19	.98	126
7. How often have you used ICAT de-escalation skills but were unsuccessful in achieving a positive resolution to an incident?	2.02	.74	129	--	--	--

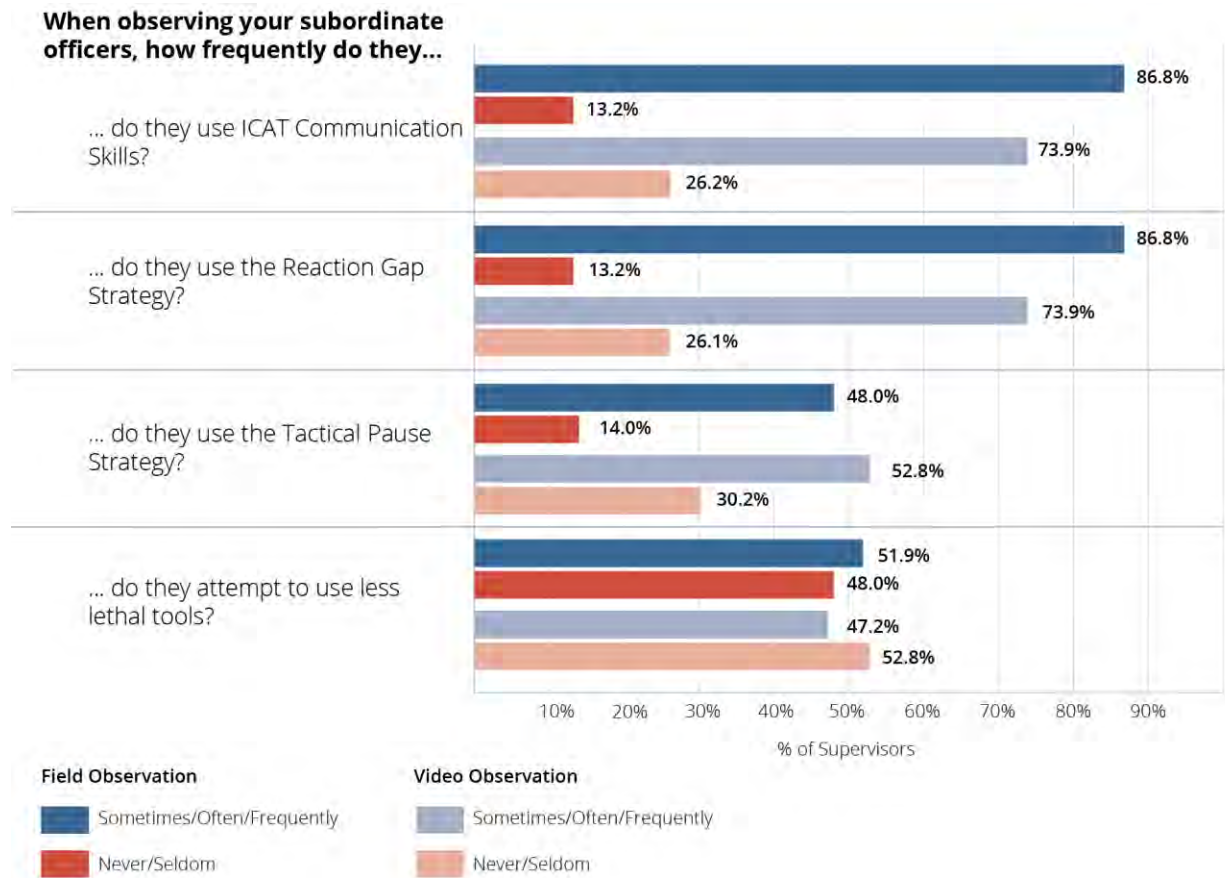
As shown in Figure 20, the frequency of supervisors' observations of subordinates' use of de-escalation skills did not vary significantly between the field observations and review of videos. That is, the method of observation did not vary substantially from one another. However, the frequency with which supervisors reported observing subordinates' de-escalation skills (either in the field or on video) did vary significantly across supervisors. For example, while approximately 40% of supervisors reported often or frequent observations of their officers, approximately 30% reported seldom or never conducting these types of observations or reviews.

Figure 20: LMPD Supervisor Observations of ICAT Skills in the Field & in Video



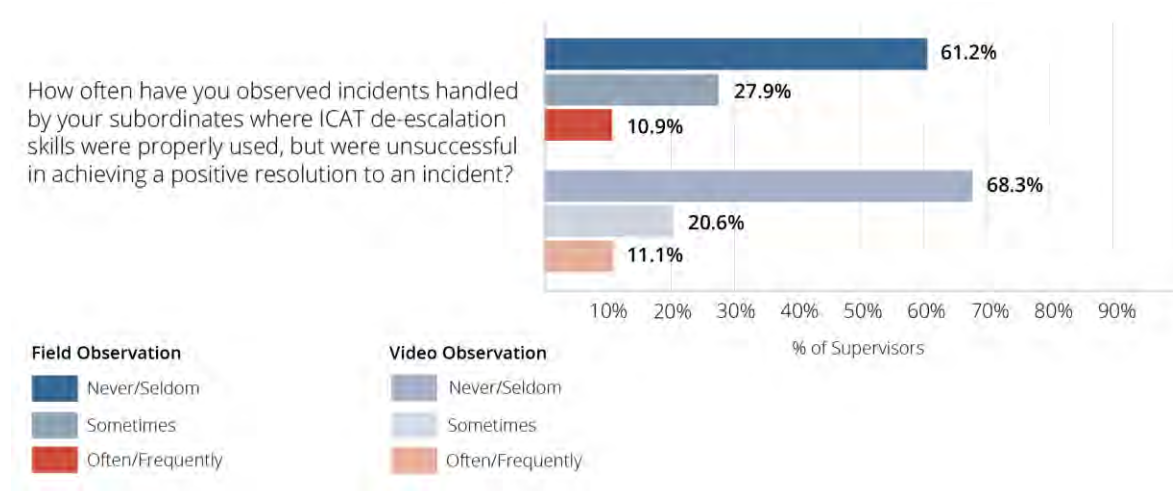
Of those supervisors who report observing subordinates' use of de-escalation tactics in the field or on video, differences emerge regarding the frequency that the four types of tactics – communication skills, reaction gap strategy, tactical pause strategy, and use of less lethal tools – are observed (see Figure 21). Of these specific de-escalation tactics, supervisors report observing subordinates' using communication skills and the reaction gap strategy significantly more frequently than the tactical pause strategy or the use of less lethal tools. Importantly, about half of the supervisors indicated that the seldom or never observe officers in the field or on video using less lethal tools to de-escalate situations. The lack of use of these tools may be related to supervisors' previously reported perception that access to additional less lethal equipment is needed.

Figure 21: Supervisor Observation of Subordinate ICAT Skills in the Field and in Video



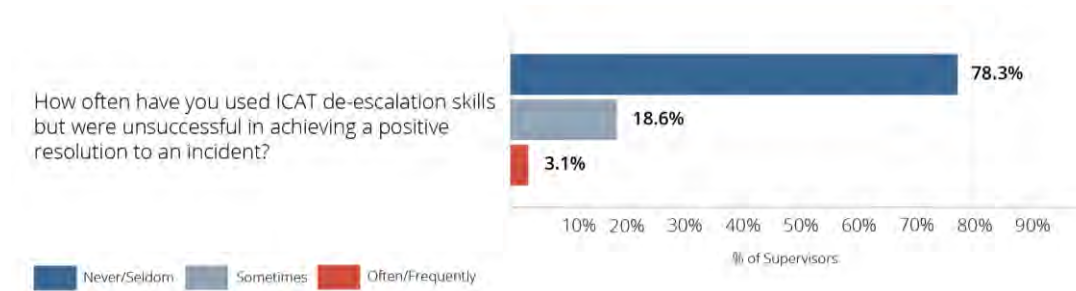
Supervisors were also asked to report how often the incidents they observed their subordinates handling where de-escalation skills were used were unsuccessful in achieving a positive resolution to the encounter. In short, how often, in their perception did their subordinates' encounters using de-escalation tactics fail to result in a positive outcome. As shown in Figure 22, over 60% of supervisors indicated that they never or seldom observed incidents where de-escalation skills were used but were unsuccessful in achieving a positive resolution. Only 10% of supervisors indicated often or frequently observing the use of these skills resulting in an unsuccessful outcome.

Figure 22: Supervisor Observation of Subordinate ICAT Skills in the Field and in Video



Likewise, Figure 23 shows over 78% of supervisors reported that they never or seldom used de-escalation skills themselves without reaching a positive resolution. Only 3% of supervisors reported that they often or frequently used de-escalation skills that resulted in an unsuccessful outcome.

Figure 23: Supervisor Field Observation of Subordinate ICAT Skills



Supervisors’ Reinforcement of ICAT Training

As stated above, a primary objective of the LMPD supervisor survey was to gain insights regarding the frequency of supervisor activities that directly support or reinforce their subordinate officers’ use of the de-escalation skills presented within the ICAT training. Using a five-point scale – where 1 = Never (0 times), 2 = Seldom (1 per month), 3 = Sometimes (2-3 times per month), 4 = Often (1 per week), and 5 = Frequently (more than 2-3 times per week) – LMPD sergeants and lieutenants were asked to indicate how often they participate in six specific supervisory activities, including talking with officers about the use of de-escalation skills both generally and in specific incidents, and documenting officers’ use of de-escalation skills in different ways. The descriptive statistics produced from these survey items are presented in Table 22.

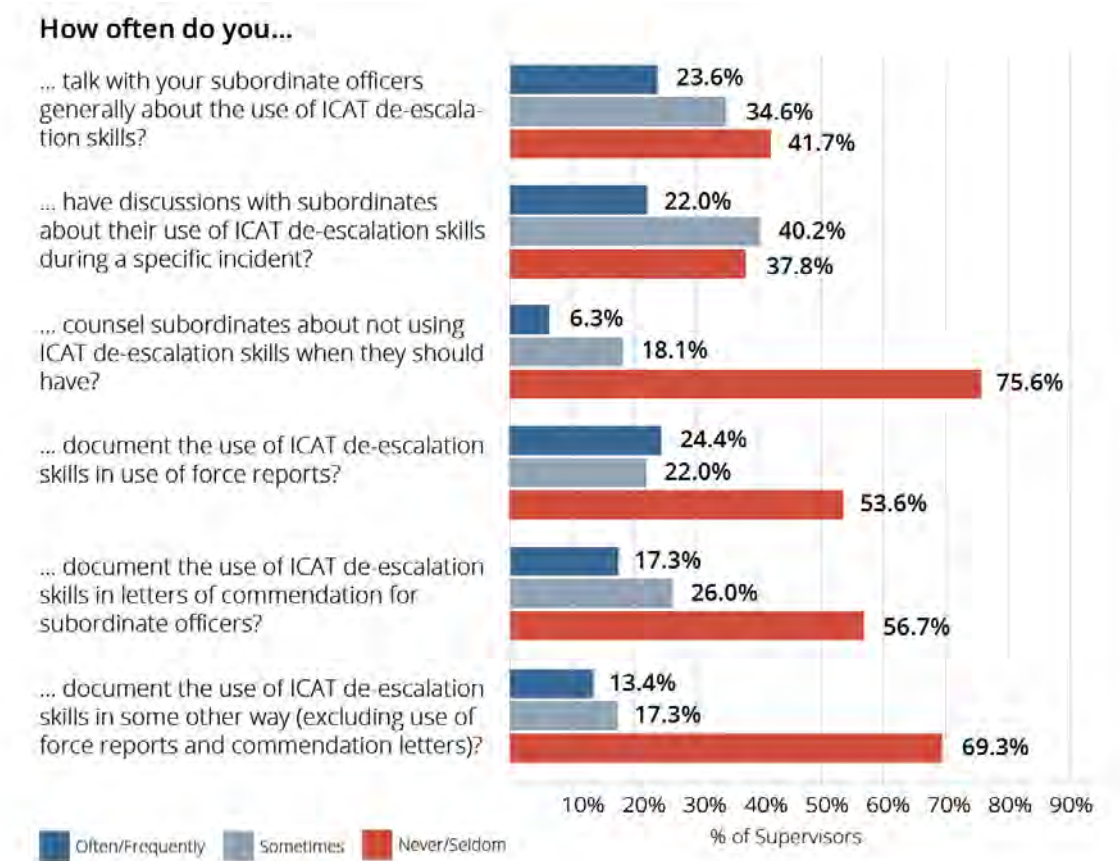
As seen in Table 22, the average frequency of LMPD supervisors’ participation in the six activities were fairly low, typically ranging from seldom (i.e., once per month) to sometimes (i.e., two to three times per month). Specifically, supervisors report talking with their officers about the use of de-escalation skills (generally or based on a specific incident) only once per month ($\bar{X} = 2.72$ and $\bar{X} = 2.79$, respectively). Further, supervisors report that they seldom (once per month) document the use of ICAT de-escalation skills through a variety of methods (i.e., use of force reports, letters of commendations, or other ways).

Table 22: Supervision Activities Related to ICAT De-escalation Skills

	\bar{X}	SD	N
1. How frequently do you talk with your subordinate officers generally about the use of ICAT de-escalation skills?	2.72	1.03	127
2. How often do you have discussions with subordinates about their use of ICAT de-escalation skills during a specific incident?	2.79	1.05	127
3. How frequently do you counsel subordinates about not using ICAT de-escalation skills when they should have?	2.01	.86	127
4. How frequently do you document the use of ICAT de-escalation skills in use of force reports?	2.60	1.22	127
5. How frequently do you document the use of ICAT de-escalation skills in letters of commendation for subordinate officers?	2.41	1.11	127
6. How frequently do you document the use of ICAT de-escalation skills in some other way (excluding use of force reports and commendation letters)?	2.16	1.04	127

Figure 24 provides additional insights on LMPD supervisors’ activities related to the support and reinforcement of subordinates’ use of ICAT de-escalation skills. Specifically, across the survey items, respondents most often reported seldom or never conducting supervisory activities related to officers’ use of de-escalation. This was the case for talking with subordinate officers generally about the use of ICAT de-escalation skills, counseling officers on using de-escalation when they did not, and documenting the use of ICAT de-escalation skills in use of force reports, letters of commendation, and other ways. Notably, however, a slightly larger percentage of supervisors suggested they “sometimes” (i.e., two to three times a month) have discussions with subordinate officers about their use of ICAT de-escalation skills during a specific incident (40.2%).

Figure 24: Supervision Activities Related to ICAT De-escalation Skills



E. Summary

In summary, a survey was administered to sergeants and lieutenants (N = 131) in March 2020 to assess LMPD first-line supervisors’ perceptions and self-reported experiences as they relate to their use of ICAT de-escalation skills and the supervision and reinforcement of those skills among their subordinates. Descriptive analyses of these survey responses reveal several important findings. First, LMPD supervisors appear to hold positive attitudes regarding their own use of the ICAT de-escalation skills. On average, supervisors expressed confidence in their ability to use the skills during their interactions with both the public and their subordinate officers. Additionally, supervisors indicated they can effectively supervise and coach subordinate officers in the use of these de-escalation skills, suggesting they did not require additional training or support from leadership to complete these tasks. Assuming supervisors’ positive perceptions related to their self-efficacy in the use/supervision of de-escalation translates to behavior, this study presents encouraging findings for the application of ICAT de-escalation skills among LMPD supervisors and effective supervision of de-escalation by officers.

Importantly, however, while most survey respondents (57%) suggest it is not difficult to supervise the use of ICAT de-escalation skills by their subordinate officers, the average frequency of participation in supervisory activities that may serve to support or reinforce officers’ use of de-escalation were fairly low. Indeed, average responses by supervisors suggest

they seldom (i.e., once per month) or only sometimes (i.e., two to three times per month) communicate with their subordinate officers about the use of ICAT de-escalation skills in a general or incident-specific manner. Additionally, survey responses suggest the documentation of officers' use of de-escalation skills – by means of use of force reports, letters of commendation, or other formal recognition – is uncommon. In turn, supervisors suggest limited observations of the use of de-escalation by officers out in the field or by video review. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

VII. ICAT TRAINING IMPACT ON OFFICER BEHAVIOR

In this section, we assess multiple parameters regarding potential changes in use of force that corresponded with ICAT training. We first describe our operationalized use of force, citizen injuries, and officer injuries, including defining our measurement that focuses on the units of analysis for use of force available in the current study. We next provide a series of univariate statistics, including monthly and annual changes in uses of force over time (as well describe many of the time-specific LMPD changes in uses of force policies). We then present an analysis of use of force severity using a rigorous index for force severity. Finally, we present a series of panel regression results that corresponded to the stepped-wedge RCT design to assess the changes in uses of force that corresponded with the randomized timing of the training.

A. Measuring LMPD Use of Force – Policies and Data

Use of force is governed by LMPD Standard Operating Procedure (SOP) 9.1 (Use of Force Policy), which delineates when and how force can be used by LMPD officers. Commanding officers are required to complete a report (*Administrative Incident Report* or *AIR*) for all use of force incidents resulting in any injury, or complaint of injury, to either the officer or subject, or when physical force other than a control hold is used. Upon using force, or conducting an arrest where the resulting charge is resisting arrest or assault on an officer, the involved officers must immediately notify commanding officers.

All LMPD policy changes are made through PowerDMS, a software used by LMPD that notifies officers to updated policy documents, requiring that they read, understand, and acknowledge all new information. Between 2015 and July 2020, SOP 9.1 (Use of Force Policy) has been revised nine times (see Figure 25). De-escalation tactics were first introduced into policy in October 2015. This revision also defined passive and active resistance, noting their difference. The Use of Force Policy underwent extensive revisions again in October 2019, adding more specific language regarding de-escalation procedures, positional asphyxia (restraint positions that interfere with breathing), shooting at, or from, a moving vehicle, and clarified the use of conducted electrical weapons. Most recently, the use of force policy was modified in June 2020, after the study period concluded. The revisions include an added definition of safety priorities, restrictions associated with using officers' weight on subjects' back, head, and neck, and expanded upon the duty for officers to intervene when unlawful or excessive force is used.

In addition to changes to the Use of Force Policy, the LMPD Traffic Stops and Enforcement Policy (SOP 7.12) was also significantly revised during the study period. Changes officially took effect August 1 2019, although officers were encouraged to make changes in May of 2019. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias.

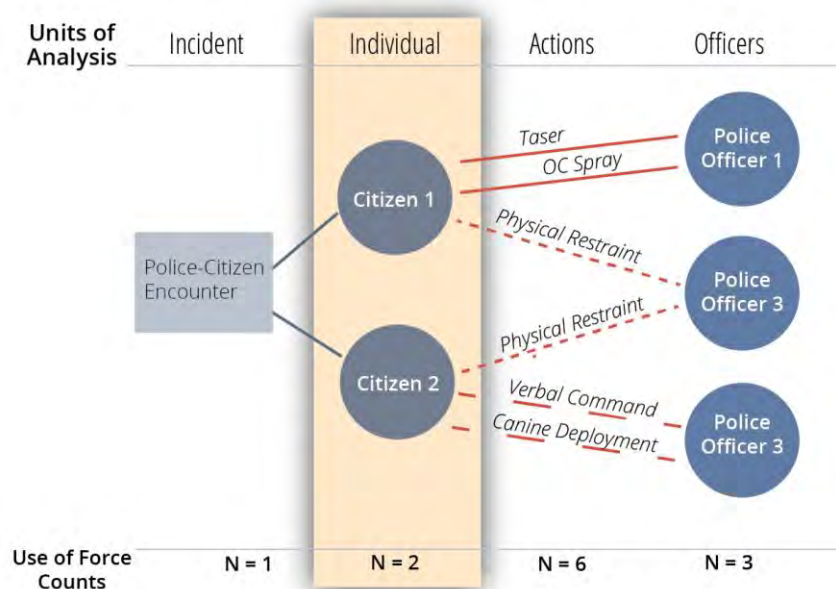
Our evaluation of the ICAT de-escalation training relies on LMPD's official use of force data. Commanding officers at a use of force scene are required to complete an AIR through Blue Team (LMPD's software program) and forward through the appropriate chain of command. LMPD's reportable uses of force include *all use of force incidents resulting in any injury, or the complaint of any injury, to either the officer or subject, or when physical force other than a*

control hold (a technique with a low probability of injury to the officer or subject, utilized to maintain physical control of a subject) is used.

It is important to note that use of force counts can vary dramatically based on the unit of analysis at which they are measured. For example, as depicted in Figure 25, a single police-citizen incident or encounter may involve one or more individuals receiving one or more police actions by one or more officers. And because a single use of force incident may include multiple types of force, used against multiple individuals, by multiple officers, there are a variety of ways force could be counted, for example as (1) the number of incidents involving any use of force, (2) the number of individuals who had force used against them in a single encounter, (3) the number of different types of force (or officer actions) used, or (4) the number of officers using force. Each of these measures would result in different use of force counts.

For all of the analyses that follow, ***we measure the use of force as the number of individuals that had force used against them during a single encounter.*** If an individual had force used against him/her during more than one encounter with police during the study time period, multiple uses of force are included in the data analyses. Measured in this way, our individual use of force count (# of individuals having force used against them) include multiple police actions given the escalating nature of force (i.e., an officer may initiate with a low level of force and increase in severity if resistance increases), and multiple officers that could use force against a single individual.²⁸

Figure 25: Hypothetical Example of Use of Force Measures, by Unit of Analysis



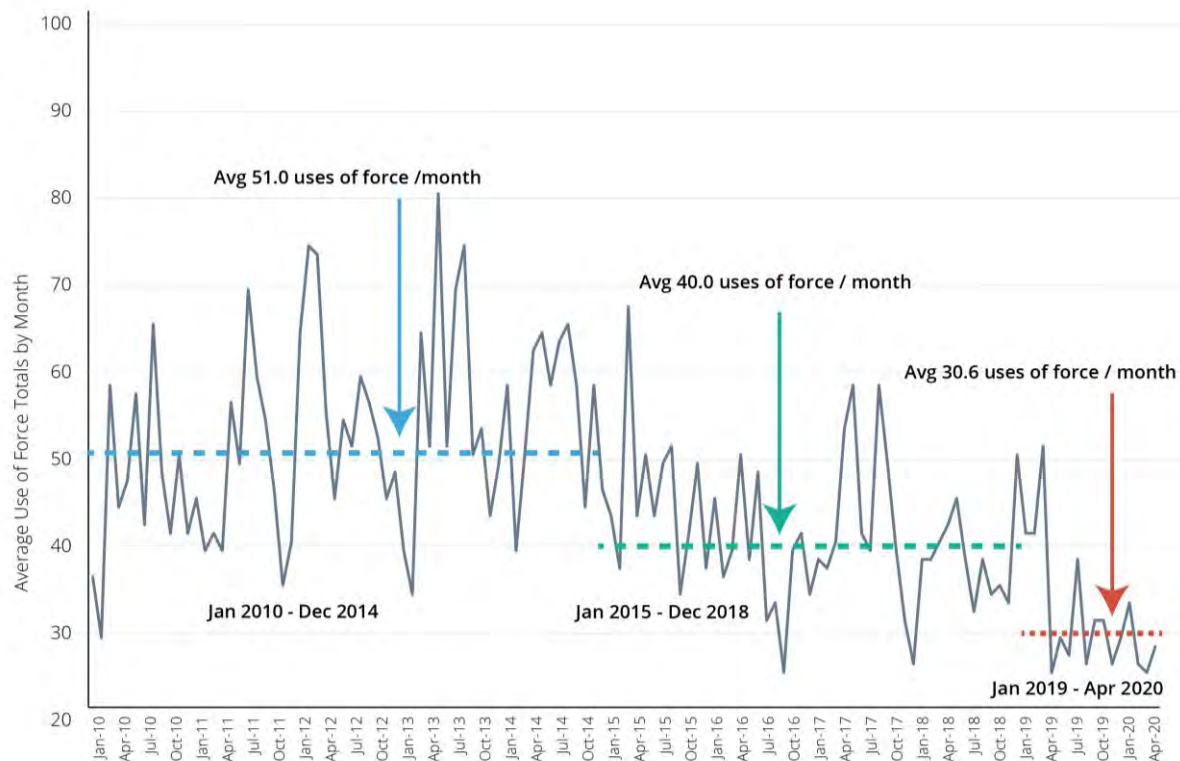
Note: The individual level is the unit of analysis used in this study.

²⁸ For example, for LMPD in 2018, there were roughly 21 officer-actions on average per each measured use of force incident across the various officers involved.

In order to provide a long-term historical context of use of force incidents in Louisville (where force incident counts represent a use of force against a civilian), we graph the use of force counts from January 2010 through April 2020.

An Augmented Dickey Fuller Unit Root test indicates that there is statistically significant mean instability in the time series ($p < 0.01$). As graphically displayed in Figure 26, the univariate moving average graphs show a consistent pattern in the data indicated by patterns of long-term stability in event counts and clear structural breaks in the time series. First, from January 2010 through December 2014, the average number of uses of force was roughly 51 per month for this stage in the time series. Second, from January 2015 through December 2018 the average number of uses of force was roughly 40 per month. Finally, during the period of the randomized experiment (beginning in February 2020) through April 2020, the average number of uses of force was roughly 30 per month. Thus, the use of force events in Louisville were consistently stable for a five-year period (2010-2014) as well as four-year period (2015-2018) prior to the implementation of the ICAT training and subsequent policy changes in Louisville after the training was completed.

Figure 26: Time Series Analysis January 2010 to April 2020



This time series analysis is accompanied by Figure 27, which provides a long-term historical context of changes to LMPD’s Use of Force Policy. These three changes in the pattern of use of force counts are roughly correlated with LMPD Use of Force Policy changes. For a five-year period (from 2010 – 2014), use of force counts were consistently stable. The following four years (2015 – 2018) demonstrated a stable reduction compared to the previous time period. This

stable four-year time period (2015 – 2018) serves as the baseline prior to the implementation of the ICAT training and additional policy changes.

Figure 27: Use of Force Policy Changes 2014-2020

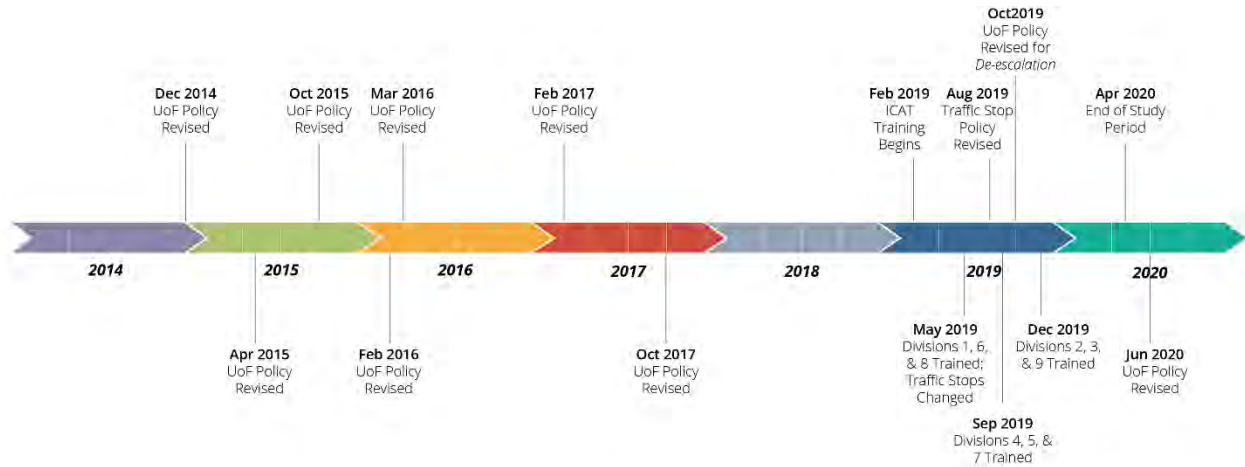
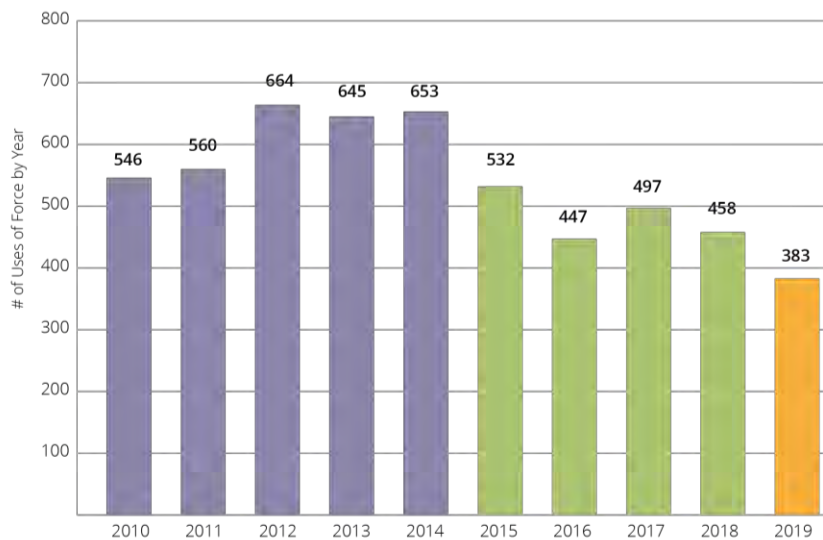


Figure 28 graphically displays the number of individuals annually who had force used against them by LMPD Officers. As previously described, for the analyses that follow, we examine the number of individuals who had force used against them during a single encounter. The color changes across years represent the breaks identified using interrupted time series analyses.

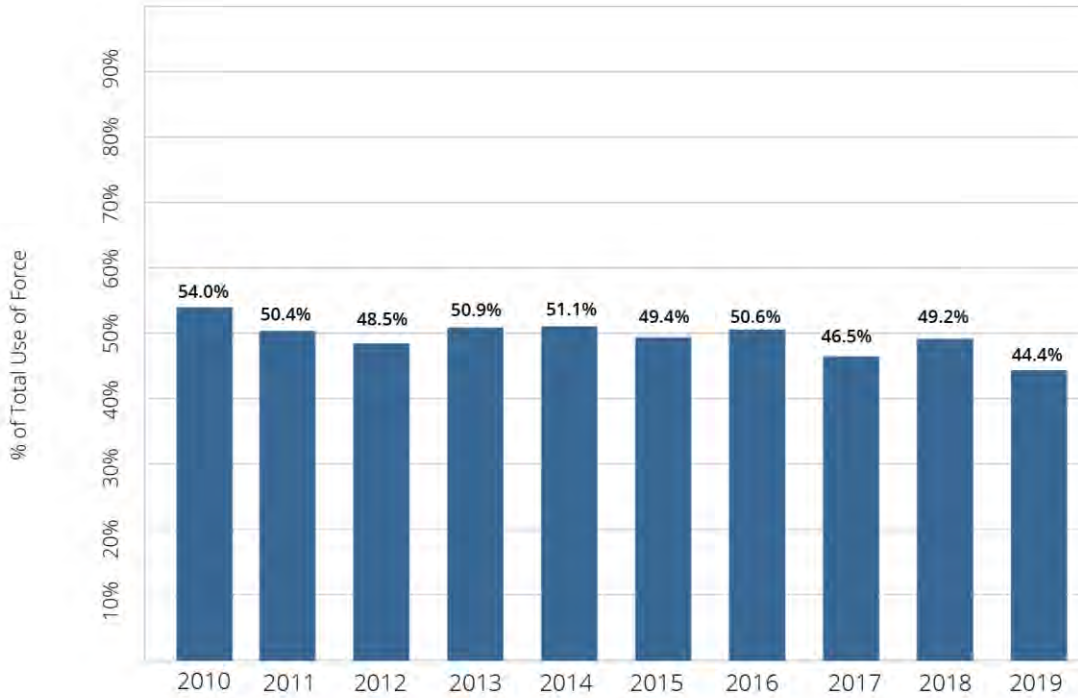
Figure 28: Use of Force Totals by Year (2010 – 2019)



As shown in Figure 29, the percent of uses of force that involve Black citizens has hovered around 50% for the majority of the ten-year period, although the lowest percentage (44.4%) was

recently observed in 2019. If this trend continues, it may represent a reduction in racial/ethnic disparities in uses of force as a result of ICAT de-escalation training.²⁹

Figure 29: Percentage of African-American Use of Force by Year (2010 - 2019)

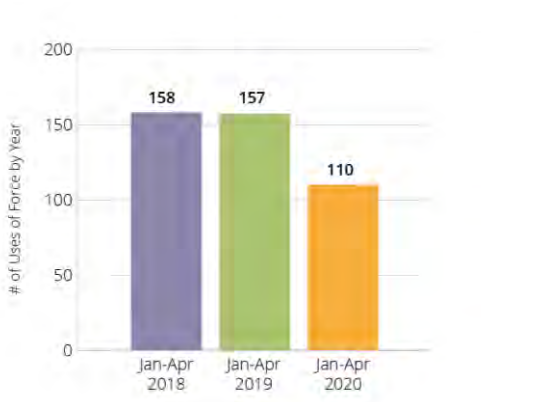


Given that the ICAT rollout began in February 2019 and continued through November 2019, we also use 2018 as the foundational baseline to provide context of the potential impact of ICAT de-escalation training.³⁰ As part of the follow-up period for the experimental study we also examined use of force incidents from January 1 – April 30, 2020. To provide context for these additional four months of data, Figure 30 displays uses of force reported from Jan 1- April 30 for each of the three years of data (2018, 2019, and 2020). As shown, 158 and 157 uses of force were reported for this four-month period in 2018 and 2019 respectively, compared to 110 uses of force for the same time period in 2020. This equates to a 30% seasonal decline in the first four months of 2020, relative to the first four months in 2018 and 2019.

²⁹ Additional analyses examining the impact of training at the individual level, including analyses that consider individuals’ demographic characteristics on the likelihood of force during arrest situations, will be included in subsequent reports.

³⁰ Also recall that the time series analyses previously reported shows that use of force counts in 2018 are relatively consistent with counts from the two previous years (2016 and 2017).

Figure 30: Use of Force Seasonal Changes (January through April) 2018, 2019, 2020



Additional descriptive analyses presented below examine the frequency of use of force based on the severity or level of force. For these analyses, the severity is determined based on the research team’s developed hierarchy of use of force tactics (presented in Figure 31). These levels of force roughly match LMPD’s Use of Force policy.

Figure 29: Use of Force Severity Index with Force Types³¹

Severity Index	Type of Force
Level 1	Verbal Directions
Level 2	Energy Conducted Weapon (ECW) Arc Display Hobble
Level 3	Come-along Empty Hand Control
Level 4	OC Spray Pepper Ball
Level 5	ECW Cartridge Deployed ECW Stun Feature
Level 6	Empty Hand Strikes Kick Kick Strike Knee Strike Take Down
Level 7	Impact Weapon K-9 Bite Special Impact Munitions
Level 8	Firearm Deployed

³¹ The “Other Narrative” use of force is linked in the incident reports and thus is not included in the use of force severity index. The highest level of force column excludes the other category – and thus the highest level of force per incident is the category prior to any officer filling out the ‘other’ category in the use of force report.

When considering the frequency of use of force severity, we document in Table 23 the overall percentage of incidents that involve each specific type of force, and also the percentage of incidents where that type of force used was the highest, or most severe.

As documented, the number of verbal directions declined from 412 in 2018 to 342 in 2019 (-16.9%). Empty hand controls were reduced from 361 in 2018 to 312 in 2019 (-13.5%). Take downs declined from 293 in 2018 to 227 in 2019 (-22.5%). Finally, the Level 6 severity index (includes empty hand strikes, kicks, knee strikes, and take downs) was consistently the highest level of use of force in both 2018 and 2019. The number of uses of force that met this index severity threshold, however, declined 21.2% (from 335 in 2018 to 264 in 2019). Thus, the most sweeping measurable change in use of force severity in 2019 relative to 2018 was the reduced number of physical take-downs, knee strikes, kicks and hand strikes. The most severe form of force (officer involved shootings, severity index = Level 8), remained relatively stable between 2018 and 2019, which is unsurprising given that officer involved shootings comprised less than 2% of use of force incidents each year.

Table 23: Use of Force by Force Type and Severity, 2018-2019

Severity Index	Type of Force	# of Use of Force ⁺ 2018	# of Use of Force ⁺ 2019	Percentage Change (2018-2019)
1	Verbal Directions	412	342	-17%
2	Energy Conducted Weapon (ECW) Arc Display	5	0	--
	Hobble	68	36	-47%
3	Come-along	18	28	56%
	Empty Hand Control	361	312	-14%
4	OC Spray	17	11	-35%
	Pepper ball	0	5	--
5	ECW Cartridge Deployed	65	44	-32%
	ECW Stun Feature	40	19	-53%
6	Empty Hand Strikes	154	121	-21%
	Kick	1	3	--
	Knee Strike	35	32	-9%
	Take Down	293	227	-23%
7	Impact Weapon	10	8	--
	K-9 Bite	14	20	43%
	Special Impact Munitions	3	3	--
8	Firearm Deployed	9	10	--
--	Other (Narrative)*	35	29	-17%

* The specific uses of force included in the “Other” use of force category are only captured in narrative form and were unavailable to the research team and are therefore not included in the severity index. Every use of force incident classified as other, however, also had at least one additional category selected that is used to determine the severity level.

⁺Categories are progressive in nature and thus are not mutually exclusive in this column.

In addition to annual comparisons, we also compare January – April 2020 use of force counts with the same monthly periods in 2018 and 2019 given that the randomized control experiment

regarding ICAT training was launched in February 2019. In short, the 2018 and 2019 periods can be viewed primarily as a baseline, while the full 2020 period occurred after full delivery of the randomized ICAT training program. Similar to earlier univariate results, there were fewer verbal directions in early 2020 (N = 87) when compared to 2018 (N = 144) and 2019 (N = 138). Similarly, empty hand controls were less common in early 2020 (N = 89) when compared to 2018 (N = 120) and 2019 (N = 117). Finally, take downs were considerably reduced (N = 65) in early 2020 when compared to 2018 (N = 109) and 2019 (N = 94).

Table 24: Use of Force by Force Type and Severity, January-April 2018-2020

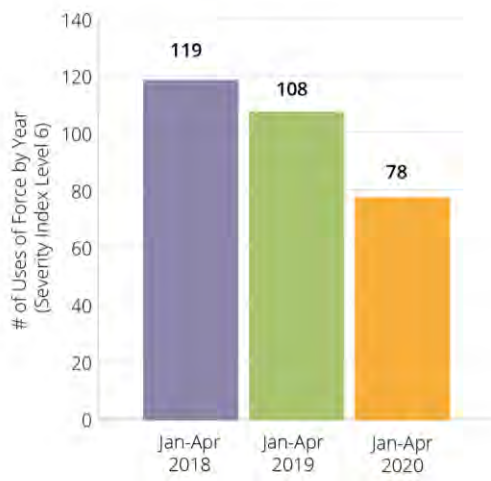
Severity Index	Type of Force	Jan-April 2018	Jan-April 2019	Jan-April 2020	3-Year Percentage Change ³²
		# of Use of Force ⁺	# of Use of Force ⁺	# of Use of Force ⁺	
1	Verbal Directions	144	138	87	-65.5%
2	Energy Conducted Weapon (ECW)	3	0	0	--
	Arc Display				
	Hobble	29	15	10	-190.0%
3	Come-along	5	15	6	--
	Empty Hand Control	120	117	89	-34.8%
4	OC Spray	16	4	16	--
	Pepper ball	0	5	0	--
5	ECW Cartridge Deployed	18	13	13	-38.5%
	ECW Stun Feature	12	10	5	-140.0%
6	Empty Hand Strikes	55	53	27	-103.7%
	Kick	1	0	1	--
	Knee Strike	11	13	11	0.0%
	Take Down	109	94	65	-67.7%
7	Impact Weapon	4	3	0	--
	K-9 Bite	7	7	2	--
	Special Impact Munitions	1	2	0	--
8	Firearm Deployed	5	4	5	--

⁺Categories are progressive in nature and thus are not mutually exclusive in this column.

A comparison of the most frequent and more severe type of force used during incidents for the four-month period (Jan 1- April 30) are graphically displayed for 2018- 2020 in Figure 32Figure 30. As shown, the use of knee strikes, empty hand strikes, take downs and kicks were considerably less in 2020 (n = 78) compared to 2018 (n=119) and 2019 (n=108).

³² For cases with fewer than 10 uses of force no percentage change is calculated

Figure 30: Use of Force January – April, 2018 – 2020 (Severity Index Level 6, Knee Strikes, Empty Hand Strikes, Take Downs and Kicks)



B. Injuries

In addition to uses of force, the research team also examined the frequency of officer and citizen injuries reported as a result of use of force incidents. The LMPD collects injury information for every individual and police officer involved in a use of force encounter regardless of the need for some type of medical attention. The data provided to the research team did not include specific information regarding the type or severity of these injuries, only whether or not an injury was reported by the officer or citizen, and if it required medical attention. For the analyses that follow, *counts of injuries include those reported by individuals or officers, regardless of whether medical attention was received.*³³ Recall that use of force incidents can involve more than one officer or suspect, and therefore, it is possible that a single incident includes multiple injuries.

As noted previously, 458 individuals had force used against them in police encounters in 2018. This same year, 1,007 officers were involved in these incidents—although note this figure includes the same officers involved in multiple incidents during the year.³⁴ Likewise, 386 individuals had force was used against them in 2019. During the same year, 899 officers were involved in these encounters (again noting that this represents only 406 different police officers during the 12-month period).

³³ Measuring the count of injuries in the manner will necessarily include injuries that, while reported by officers and citizens, were likely minor in severity. Of the 758 citizen injuries reported during the study time period (Jan 1, 2018 – April 30, 2020), over half (50.5%) did not require medical attention. Likewise, of the 681 officer injuries reported, 59.7% did not required medical attention.

³⁴ As with individuals, officers may be involved in multiple uses of force throughout the study period. For example, in 2018, 478 individual officers accounted for the 1,007 officers engaged in use of force incidents (most officers were involved in multiple use of force encounters over the course of a year).

Combined, this year-over-year change from 2018 to 2019 equates to a 15.7% decline in uses of force against individuals, and 10.7% decline in officer injuries. Finally, the civilian self-reported injury total for the use of force encounters was 355 (of 458) for 2018, and 319 (of 386) in 2019, which equates to a 10.1% decline between 2018 and 2019.

For the first four months of the year (January – April), 158 individuals had force used against them in 2018, 157 in 2019, and 110 in 2020 – or an average decline of 30.1% in 2020 relative to 2018/2019. For each year respectively, 296, 397, and 184 officers were involved in these incidents, or an average decline of 47% in 2020 relative to 2018/2019. The number of injuries reported for citizens for 2018 = 124, 2019 = 135, and 2020 = 84, or an average decline of 35% in 2020 relative to 2018/2019. Finally, the number of injuries reported for officers for 2018 = 80, 2019 = 115, and 2020 = 78, or an average decline of 20% in 2020 relative to 2018/2019

C. Univariate Summary

The combined univariate findings demonstrate the following patterns regarding the frequency and severity of use of force reported by the LMPD for the time period under study (January 1, 2018 – April 30, 2020). First, the greatest reductions in use of force incident counts were seen in the 2019 total (N = 386) relative to the 2018 total (N = 458). Second, the first four months of 2020 had considerably fewer use of force incidents (N = 110) relative to the first four months of 2018 (N = 158) and 2019 (N = 157). Third, use of force encounters in the first four months of 2020 were less likely (in terms of overall percentages) to involve more severe uses of force (Levels 6-7, including striking, kneeling, take downs, K-9 bites, and impact weapons). Thus, the types of uses of force that put the public and officers at risk for injury declined in the post-training period relative to the pre-training period. Below the impact of ICAT training based on the stepped-wedge RCT design is examined in more detail.

D. Stepped-Wedge RCT Results

The primary purpose of ICAT is to train officers in de-escalation skills and tactics designed to minimize the frequency and severity of police use of force, when and where possible. In order to assess the impact on police behaviors in the field, we conduct a series of bivariate and multivariate analyses on officers' enforcement activities (i.e., uses of force) as well as injury data (citizen and officer injury reports), while also examining changes in patterns of arrests (since use of force incidents are highly calibrated with and frequently drawn from arrest incidents).

Table 25 shows that the monthly average use of force counts declined in six of the eight patrol divisions, ranging from a decrease of -16% to -52% among the vast majority of divisions that experienced sizable and notable declines in use of force. The post-training periods were unique to each division depending on where they were allocated within the stepped-wedge training, implementation, and evaluation design – with each division having between 8 to 12 months of post-training follow-up.

*Table 25: Monthly Use of Force Counts, Per Division, Between January 1, 2018 to April 30, 2020 (Site Specific Pre- and Post-Training Dates)*³⁵

Division	Pre-Training Average	Post-Training Average	Percentage Change
1	9.30	5.77	-40%
2	5.50	4.60	-16%
3	5.06	5.40	6%
4	7.31	5.17	-30%
5	2.81	1.33	-52%
6	2.80	1.92	-31%
7	1.50	1.93	27%
8	0.93	0.46	-50%

January 1, 2018 to April 30, 2020 was the time frame used to examine changes in counts of enforcement actions. This equated to between 14 and 20 months of observational data prior to the onset of training, and eight to twelve months in the post-training period for each division. The first step of training onset occurred April 2019 for Treatment Block A, July 2019 for Treatment Block B, and October 2019 for Treatment Block C. The analyses of event counts relied upon the immediate and short-term association with ICAT training on officer use of force events across LMPD divisions.

Each behavioral outcome (i.e., use of force counts, citizen injury counts, officer injury counts, and arrest counts) was estimated by relying upon the following regression equation:

$$Y_{it}^J = \beta_0 + \beta_1 T_{it} + \theta_i + \rho_t + \varepsilon_{it}$$

In each equation, Y_{it}^J it represents the number of behavioral outcomes of type J generated by police in divisions in each cluster i in time period t. For Equations 1, T_{it} represents the contemporaneous timing of the permanent movement into the treatment group (i.e., ICAT training) for divisions assigned to cluster i in time period t, and where θ_i and ρ_t represent individual and time period (i.e., monthly and annual) fixed effects, respectively, that account for time- and individual-invariant unobserved heterogeneity, and ε is based on Huber-White Robust sandwich estimators to ensure the coefficient variances were robust to violations of homoscedastic error distributions.

Use of Force (Count Outcomes)

The Poisson regression models that rely upon Maximum Likelihood estimation indicates that use of force counts experienced statistically significant reductions in the post-training period, relative to the pre-training counts, and relative to other police divisions which had not crossed into treatment (prior to their eventual crossover). Model 1 examines the total use of force counts (where each incident count is reflective of the use of force against an individual/suspect, even if

³⁵ The ninth experimental unit, the Mobile Ninth division, operated across the city of Louisville in each of the divisions as well as in different sectors within the city. Any incident (use of force, arrest, injury) involving the small number of mobile ninth incident were coded at the location where the incident took place – and thus for consistency were culled to the broader divisions for the event count analyses.

there were multiple types of force used or multiple officers were involved in the use of force). The total number of use of force counts declined in the post-training period for treatment sites by roughly -28.1% ($b = -0.329$, $s.e. = 0.126$, $p < 0.05$, $IRR = 0.719$).

Model 2 provides the estimated changes in officer injury counts. The results showed that officer injuries experienced a statistically significant decline by -36.0% ($b = -0.447$, $s.e. = 0.235$, $p < 0.05$, $IRR = 0.639$). Finally, civilian injuries were also significantly lower in the post-training period among police divisions that experienced training by roughly -26.3% ($b = -0.305$, $s.e. = 0.141$, $p < 0.05$, $IRR = 0.737$).

Table 26: Poisson Regressions for Use of Force, Officer Injury, and Civilian Injury counts (January 1, 2018 to April 30, 2020)

Parameter	Model 1 Use of Force		Model 2 Officer Injuries		Model 3 Civilian Injuries	
	Coefficient	St. Error	Coefficient	St. Error	Coefficient	St. Error
Post-Training	-0.329**	0.126	-0.447*	0.235	-0.305*	0.141
Intercept	2.25**	0.111	0.265	0.332	2.07**	0.139
Model Statistics						
Log-Likelihood		-391.1		-248.0		-371.26
Pseudo R-Square		0.3184		0.194		0.286

There are two possible pathways by which changes in arrest counts could impact the ICAT training evaluation on use of force (the primary outcome of interest). First, use of force incidents are almost uniformly calibrated with arrests (i.e., officers tend to only use force when making an arrest, or if force is used an arrest will follow suit as a resistance charge against a suspect); thus, if arrests were to decline unrelated to ICAT or de-escalation training, a reduction in use of force incidents would simply follow the same unrelated trend, or pattern, as the change in arrests. In this case, assessing a change in use of force without examining the change in arrests might overstate the change in use of force or injuries. Second, the training itself might lead to a reduction in less serious forms of arrests (given that prior research has shown that offense severity and those with warrants against suspects provide limited discretion among arresting officers – see Engel et al., 2019). Table 27 provides a more robust assessment of both potential pathways regarding changes in arrests that corresponds with the randomized training regimen.

Model 4 indicates that the total number of arrests experienced a statistically significant decline by roughly -11.5% ($b = -0.122$, $s.e. = 0.034$, $p < 0.01$, $IRR = 0.885$). Thus, there was a reduction in all arrests that corresponded with the timing of the training that was beyond chance alone, given the significant association with the timing of the training across the various divisions. Model 5 shows that warrantless arrests (i.e., arrests that were not based on warrants that limit officer discretion) also experienced a statistically significant decline by roughly -10.0% ($b = -0.106$, $s.e. = 0.035$, $p < 0.01$, $IRR = 0.899$) suggesting a significant proactive 10% arrest rate decline that corresponded with the training. Finally, we examined arrest patterns for Part I violent crimes given that these arrest types would be unlikely to change unless there were a significant change in offense reports of violent crime – and the results indicate that Part I violent

arrests did not change in any statistically significant or measurable manner that corresponded with the timing of the ICAT training.

Table 27: Poisson Regressions for Use of Force, Officer Injury, and Civilian Injury counts (January 1, 2018 to April 30, 2020)

Parameter	Model 4 All Arrests		Model 5 Warrantless Arrests		Model 6 Part I Violent Arrests	
	Coefficient	St. Error	Coefficient	St. Error	Coefficient	St. Error
Post-Training	-0.122**	0.034	-0.106**	0.035	.110	0.075
Intercept	7.07**	0.045	6.71**	0.052	3.42**	0.079
Model Statistics						
Log-Likelihood	-1632.05		-1478.07		-602.47	
Pseudo R-Square	0.906		0.871		0.500	

The combined findings suggest that the observed change in use of force counts was unrelated (or at least not heavily dependent upon) to a change in warrantless arrests changes in serious Part I violent arrests (i.e., those arrests with the lowest discretion among responding patrol officers). It is possible, then, that use of force patterns declined independent of external factors within this randomized control trial setting. However, it is also important to examine whether the decline in use of force was ‘above and beyond’ the decline in total arrests and warrantless arrests. In order to measure this ‘difference-in-difference’ estimate, or more specifically to examine whether the coefficients that describe a relationship (in this case the randomized impact of ICAT training) empirically different from one-another, we conduct a standard approach to regression comparison estimation – the Clogg z-difference estimation (Clogg, Petkova, and Haritou, 1995). The hypothesis in this case is that if ICAT training has its intended impact on use of force, that impact should be observed above and beyond (i.e., significantly differently) than the change in arrests (and in particular warrantless arrests since warrantless arrests are more discretionary (relative to arrests that include warrant-based arrests)).

The results in Table 28 show that the reduction in use of force and officer injuries were marginally significantly different ($p < 0.10$) than were the reductions in all arrests among the post-training coefficients. This suggests that the decline in use of force and officer injuries were unique and distinct relative to the reduction in total arrests. The same pattern is even more pronounced and significant when comparing use of force, officer injuries, and civilian injuries with the changes in warrantless arrests ($p < 0.10$), particularly when comparing use of force count changes with the changes in warrantless arrests ($p < 0.05$).³⁶

In summary, under the assumption that changes in arrests were independent of the ICAT training, these results indicate that the reduction in use of force, officer injuries, and citizen

³⁶ The original report included an analysis of changes in total arrest charges. The updated table here reflects changes in total in-custody arrests. The results from both operationalizations of arrest counts yield virtually no substantive differences in outcome changes.

injuries were distinct and in greater magnitude than the changes in arrests during the same period of comparison.

Table 28: Clogg-Z Difference Coefficient Tests (Z-Table)

Post-Training Comparison Between:	B1-B2	S.E.	Z-score
<i>Arrests</i>			
Use of Force and All Arrests	-0.187	0.130	-1.43 ⁺
Use of Force and Warrantless Arrests	-0.232	0.129	-1.78*
<i>Officer Injuries</i>			
Officer Injuries and All Arrests	-0.305	0.237	-1.28 ⁺
Officer Injuries and Warrantless Arrests	-0.349	0.237	-1.48 ⁺
<i>Citizen Injuries</i>			
Citizen Injuries and All Arrests	-0.162	0.145	-1.12
Citizen Injuries and Warrantless Arrests	-0.207	0.144	-1.44 ⁺

⁺p < 0.10, * p < 0.05

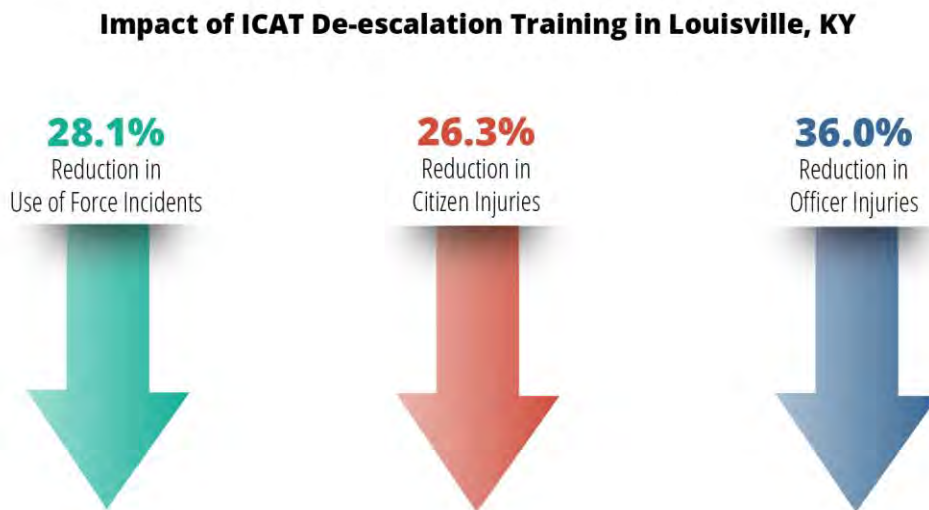
One-tailed given that both estimates were negative in the original regression models.

S.E. Relies upon Paternoster et al. (1998) Correction Parameter

E. Stepped-Wedge Regression Results Summary

The difference-in-difference estimates via the stepped-wedge panel regression models show three primary, consistent, and robust findings, net of controls and net of prior trends in the data. As shown in Figure 33, after ICAT de-escalation training, overall uses of force by the LMPD declined by 28.1%, citizen injuries during encounters with LMPD officers declined by 26.3%, and LMPD officer injuries during encounters with citizens declined by 36.0%.

Figure 313: Summary Impact of ICAT Training on Officer Behavior in Stepped-Wedge RCT



These reductions were beyond chance and held even when accounting for changes in overall arrests. The research team is confident that the changes in uses of force and the subsequent reductions in injuries that accompany uses of force that impact citizens and officers alike corresponded with the timing of the training across the various police divisions.

VIII. RECOMMENDATIONS

Based on the promising findings regarding the impact of ICAT de-escalation training conducted by the LMPD documented throughout this report, the following eight recommendations are provided by the *IACP/UC Center for Police Research and Policy* research team for consideration by LMPD Commanders.

1. Continue, Refine, and Expand ICAT De-escalation Training within the LMPD

Based on the compelling benefits of LMPD's ICAT de-escalation training that were revealed in this evaluation, we strongly urge LMPD officials to continue and further expand training in this area. The modifications made by LMPD trainers to the original ICAT training for application in Louisville are associated with successful outcomes. There is always room for improvement in any training curriculum, however, and some changes have already been identified by the LMPD Training Division. This work needs to be supported and expanded. For example, 17% of officers agreed they would benefit from a refresher course, and 44% of supervisors believe that additional training in de-escalation is needed by their subordinates, and we agree. Although training decay did not appear to be a principal concern from our findings, it will be important to consider the optimal "training dosage" needed to ensure de-escalation tactics are routinely being used by officers in the field.

One aspect of ICAT training in particular, the Critical Decision-Making Model (CDM), was not perceived as positively by officers. The CDM represents an important aspect of the ICAT training program, therefore officers' reactions to this thinking framework are especially relevant to the training evaluation. Analyses of post-training scores compared to follow-up scores revealed that ten of the eleven items demonstrate statistically significant changes in the *opposite direction* than would be expected, indicating that officers reported finding the CDM less useful over time. This is an additional area for reconsideration of the training curricula and delivery for the LMPD Training Division.

The survey findings also revealed a small percentage of LMPD officers with concerns and reluctance regarding de-escalations tactics. A few do not believe the training was effective, and some reported not using de-escalation tactics in the field. We recommend that in addition to continual training on these concepts, LMPD officers should be made aware of the main findings in this report – in particular the association of ICAT training with a 36% reduction in reported officer injuries. Often when studies are conducted within police agencies, first-line officers are never made aware of the findings. It is recommended that a brief (1-2 page) fact sheet describing the results from this study be produced by the LMPD Training Division and disseminated through PowerDMS to every officer, or some alternative method for distributing study findings.

2. Include Louisville Residents in ICAT Training

In addition to educating officers regarding the importance and use of de-escalation tactics to handle potentially problematic encounters, it is likewise important to educate local policy makers and community leaders. There is substantial misunderstanding around police use of force in general, and the relationship between police and the public within the City of Louisville is fractured, as exemplified by months of protests associated with police use of force. Inclusion of

the Louisville community with the LMPD must be both purposeful and meaningful. It is therefore recommended that the LMPD Training Division develop a specialized ICAT training session for community and political leaders. It will be helpful for these and other local residents to see and better understand the purpose and use of de-escalation training. LMPD instructors may even consider the inclusion of community members within the ICAT training itself, in the form of actors for role-play scenarios, or speakers to provide additional context and perspectives for officers. Developing meaningful ways to incorporate community members into LMPD training will be an important first step toward rebuilding partnerships.

3. Continue Use of Force Policy Changes and Updates

One finding from our moving-average time series analysis of the frequency of use of force incidents over the last ten years demonstrated significant reductions associated with major changes in use of force policies and training. From 2010 – 2015, approximately 50 individuals per month had force used against them. This average dropped to 40 per month from 2016 – 2018, after a change to use of force policy, and significantly declined again to an average of 30 individuals per month after additional policy and training changes. Given the number of policy changes in the last five years, it appears that a routine review of policy is already occurring within the LMPD. It is important that use of force policies receive continual review to reduce the risk of officer and citizen injury, and reduce the likelihood of racial/ethnic disparities in the application of force. It is clear from our analyses that policy changes do have impact.

The department should continue to analyze and review its use of force activities, policies, and training to identify patterns and trends that suggest needed changes or revisions. When needed, the LMPD should engage with outside research partners or consultants to assist in this review, and make necessary adjustments and updates to both its policy and training. For example, a study of the impact of use of force policies has found that police agencies with policies that require officers to file a use of force report when they point their guns at people but do not fire, is associated with significantly lower rates of gun deaths (Jennings and Rubado, 2017). As evidence is accumulated, appropriate changes should be made to LMPD use of force policies.

4. Examine the Availability and Use of Less Lethal Equipment by the LMPD

The survey findings revealed some discrepancies regarding the perceived need and use of additional less-lethal tools for officers. Our survey assessed first-line supervisors' perceptions of the need for less lethal tools during citizen encounters, and 70% of supervisors agreed that additional equipment was needed. However, survey findings of self-reported use of less lethal tools during the previous 60 days was quite low, used in 7% of the officers' most recent encounter with a person in crisis. However, this discrepancy may be due to the need for tools that were unavailable during the officers' most recent encounter with a person in crisis

While the specific context around these issues within the LMPD is unknown to the research team, it is recommended that LMPD officials consider these findings in combination with recent local and national concerns regarding the use of less lethal tools, particularly when used as a response to protests. For example, the International Association of Chiefs of Police (IACP) recently announced its plans to “review its recommended policies on pepper spray and less-lethal ‘impact projectiles’ as well as other aspects of crowd control” (McCoy et al., 2020). A similar

review should be conducted within the LMPD, to include a discussion of survey findings regarding officer and supervisors reported concerns of needing additional less lethal tools to effectively de-escalate situations.

5. Revisit Role of Supervisors to Reinforce ICAT Training

The supervisor survey results demonstrated an area for improvement within the LMPD. It is challenging to change officer behavior based solely on training. Rather, it is clear that actual changes in policing must be based on coordinated and comprehensive efforts that include changes in training that are reinforced in policies, emphasized through direct field supervision, with an established managerial accountability system for using these tactics. Supervisors' low self-reported participation in activities that may serve to support the tenets of the ICAT de-escalation training among their subordinate officers (e.g., communication about use of de-escalation skills, documentation of use of de-escalation skills) suggest there may be more opportunities to reinforce the lessons and tactics provided within the training.

These low self-reports of supervisory activities associated with reinforcing de-escalation training content were echoed in the findings from the officer surveys. When officers were asked how frequently immediate supervisors reinforce ICAT training, over 40% indicated this happened seldom (once per month) or never. Collectively, the rarity of these types of supervisor-officer interactions suggests LMPD first-line supervisors may be missing important opportunities to support and reinforce the skills learned in the de-escalation training sessions among their subordinate officers.

LMPD officials should develop a plan to support supervisors in their reinforcement of the ICAT de-escalation training – encouraging sergeants and lieutenants to speak more openly and directly to their subordinate officers regarding the value and application of the de-escalation skills in their day-to-day work. LMPD should identify opportunities when these messages can be communicated (e.g., roll call, post-incident reviews), discussing both successful use of de-escalation skills, as well as areas for improvement. In particular, incorporating the documentation of the use of de-escalation in use of force reports, letters of commendation, and other formal ways of positive recognition within the agency can further integrate the principles and application of ICAT de-escalation training into the agency.

6. Implement Changes to LMPD Use of Force Data Collection

The LMPD should begin systematically documenting the frequency, type, and circumstances surrounding the use of de-escalation tactics. This information will be critical to identify patterns and trends in the use of de-escalation skills that reduce uses of force. Currently, the LMPD only collects whether or not de-escalation is conducted on their use of force reports. This information is too limited to be meaningfully analyzed. It remains unknown: 1) the number and types of situations where de-escalation skills are successfully used and when no use of force was needed (and therefore no use of force report was generated), and 2) during use of force situations, the specific types of de-escalation skills that are used and the result of their use. There are several methods to systematically collect this information that would not be overly burdensome to officers, and would provide valuable information for LMPD Commanders to continually monitor and enhance the use of de-escalation skills in the field.

The LMPD should also begin systematically documenting other information relevant for understanding use of force situations, including suspected alcohol/drug use, mental health status, resistance, and the demeanor of all arrested subjects. These factors are well-documented correlates of force and resistance, but do not appear to be systematically captured on arrest and use of force reports. Adding these fields would improve use of force analysis and may suggest avenues for improved training and intervention by the LMPD among substance-involved populations or those exhibiting signs of mental illness and/or intellectual disabilities.

During our analyses of LMPD's use of force data, the research team also uncovered a few anomalies in the data collection process that could be addressed for easier access and analyses of these data. These changes have the potential to assist LMPD (and other police agencies) in their data collection and analysis of uses of force. LMPD collects detailed information in their use of force reporting database. However, two broader issues became apparent in our analyses. First, for roughly 7% of all use of force cases (where each unique suspect represents a unique case), officers filled out an 'other' category regarding the type of force that was used. Additional analysis of these 'other' narrative-based reports was not immediately possible because they are currently housed in a different reporting system. As is often the case, merging files across different data structures makes managing files particularly challenging for police agencies. We therefore recommend that when narrative-based incident details are collected, it is done in a manner that will make data culling and analyses more readily available to LMPD officials. It may also be the case that the current use of force applied control actions are insufficient, and additional categories based on commonly reported "other" types of force should be added.

Second, while shooting incidents were much less common at LMPD (typically fewer than 10 per year), they are inconsistently included in the use of force database. In some cases, these shooting incidents were not captured in the same use of force database as non-shooting use of force incidents, but they were in other cases. This made the counting the annual number of uses of force slightly challenging, and opened the possibility that the most serious use of force cases would be inadvertently underreported. A detailed review of shooting incidents was necessary to determine the true use of force counts by year during the experimental period. A change in the reporting system to accommodate all uses of force into a single database may be more easily analyzed.

7. Examine the Impact of Changes to the LMPD Traffic Stop Policy

This report documents changes in police practice based, in part, on changes to the LMPD Use of Force policy. Given some controversy surround the high frequency use and conduct of officers during traffic stops, revisions to the Traffic Stop Policy (SOP 7.12) were made by LMPD on August 1, 2019. Policy revisions included additional restrictions for conducting traffic stops, new guidelines for handcuffing people who are not under arrest, and emphasis that stops are to be conducted free of bias. It would be beneficial to determine whether the frequency and patterns of traffic stops in Louisville were altered as a result of these policy changes. Therefore, it is recommended that the City of Louisville commission an independent assessment to determine the impact of changes to the LMPD Traffic Stop Policy on the frequency, patterns, and racial/ethnic disparities associated with traffic stops.

8. Continue and Expand External Review of Reported Use of Force Incidents and Training

Mandating the collection and reporting of police use of force data is insufficient to significantly change police practice; these data, once collected, must be properly analyzed. Simply stated, the current aggregate level comparisons of use of force data to residential Census population figures by racial/ethnic group do not consider the complexity of police-citizen interactions and should not be relied upon. Rather, rigorous and methodologically sound studies of use of force provide a stronger mechanism to examine and statistically control for context at the police-civilian encounter level. If the goal is to reduce racial/ethnic disparities in police practices, the factors that cause these disparities must be understood to better inform the selection and investment in reforms efforts that have a realistic opportunity to reduce these disparities.

In order to better unravel the micro-level interactions between officers and civilians, a number of researchers are now exploring content-rich data sources like observations, report narratives, body worn camera footage, and interviews with officers and civilians to examine the “force factor” (i.e., the level of civilian resistance subtracted from the officer level of force) and other measures like time to force and duration of force. These types of research studies can also further identify shifts in LMPD use of force as the agency continues to focus on de-escalation training, and changes in use of force policies designed to reduce not only the frequency but the *severity* of force used.

It is therefore recommended that the LMPD continue to prioritize its willingness to have independent assessments conducted, to use the findings from these assessments to change policy, practice, and training, and to widely disseminate findings to other law enforcement agencies in an effort to continually to build the evidence base.

Additional Forthcoming Report

This report is the first of two reports that will be issued to the LMPD based on our research. Our findings documented throughout this first report demonstrate patterns of changes in various survey constructs that corresponded with de-escalation training and the CDM model of officer decision-making. Our second report (scheduled for delivery in January 2021) will unpack these patterns of attitudinal and behavioral changes in a more precise and detailed manner, and provide a more robust examination of individual officer and citizen characteristics that lead to use of force incidents. Examining all arrest situations, our analyses will predict the types of police-citizen encounters that are more likely to result in use of force.

This second report will also further examine the types of officers and supervisors— including consideration of demographics, experience, attitudes, and ICAT training – who are more likely to report using de-escalation skills in the field. We will also concentrate on identifying any changes in patterns and trends that may be related to the ICAT training. The second report will also further examine the types of supervisors who are more likely to reinforce the tenants of ICAT training with their subordinates. The findings from this second report will be designed to help the LMPD Training Division to modify and refine their training curricula for optimal impact.

Moving forward, it is imperative to better understand and systematically assess the impact of changes in police policies and trainings, and in particular, use of force de-escalation training. It is further critical to determine which de-escalation skills are most often used in the field, during what types of encounters, by what types of officers, and their resulting impact on officer/citizen injury. This work must be prioritized and supported. We look forward to continuing our partnership with the LMPD and City of Louisville to conduct this important work.

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X. APPENDICES

A. Appendix A. Pre-Training Frequency Tables

Table 29: LMPD Officer Views on Interactions with the Public, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes. (n=901)	0.8	3.8	15.9	63.9	15.6
2. I am good at identifying officer safety risks in citizen encounters. (n=902)	0.4	0.1	2.7	58.6	38.1
3. I am good at de-escalating encounters with citizens. (n=902)	0.4	0.2	6.8	64.9	27.7
4. In tense citizen encounters, the most important thing is that I get home safely. (n=900)	0.7	0.9	6.2	24.4	67.8
5. Officers can be trained to increase the likelihood of positive encounters with citizens. (n=902)	0.7	2.1	17.3	57.4	22.5
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters. (n=902)	0.4	0.2	5.0	57.9	36.5
7. Officers can be trained to improve their ability to de-escalate citizen encounters. (n=902)	0.6	1.0	10.4	62.4	25.6

Table 30: LMPD Officer Attitudes on Interactions with Persons in Crisis, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=899)	0.4	2.0	9.0	58.6	29.9
2. There is no explaining why a person in crisis acts the way they do. (n=900)	6.4	43.9	31.6	14.6	3.6
3. Noncompliance should be viewed as a threat. (n=901)	1.0	12.4	39.0	38.3	9.3
4. Unnecessary risks should be avoided in encounters. (n=900)	0.7	2.4	14	56.4	26.4
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=896)	0.7	2.9	10.2	63.6	22.7
6. In crisis situations, it is beneficial to keep a subject talking. (n=902)	0.2	3.3	26.8	56.9	12.7
7. In many cases, the use of force against a person in crisis can be avoided. (n=899)	2.0	12.3	45.5	36.7	3.4
8. As a person's emotions rise, their rational thinking declines. (n=901)	0.6	1.8	9.1	59.3	29.3
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=901)	0.2	2.4	11.2	61.4	24.8
10. The majority of time spent communicating with a subject should be spent listening. (n=902)	0.2	2.5	30.3	56.9	10.1
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=902)	0.7	1.7	16.1	64.6	17.0
12. I know how to slow down an encounter with a person in crisis. (n=901)	0.2	0.9	18.1	68.3	12.5
13. Situational stress is no excuse for a person to act irrational. (n=901)	3.8	33.9	38.7	21.1	2.6
14. Responding to persons in crisis should not be a role of the police. (n=901)	13.2	47.9	26.6	9.1	3.1

Table 31: LMPD Officer Views on Policing, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Enforcing the law is a patrol officer's most important responsibility. (n=901)	1.2	18.4	26.4	40.1	13.9
2. Law enforcement and community members must work together to solve local problems. (n=901)	0.3	0.8	10.0	61.0	27.9
3. Working with the community to solve problems is an effective means of providing services to this area. (n=899)	0.7	1.3	11.6	63.3	23.1
4. I routinely collaborate with community members in my daily duties. (n=900)	2.9	16.1	30.0	42.0	9.0
5. My primary responsibility as a police officer is to fight crime. (n=901)	0.9	14.0	27.1	46.5	11.5
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents. (n=900)	0.1	1.8	12.0	61.4	24.7
7. A primary responsibility of a police officer is to build trust between the department and community. (n=901)	0.9	7.4	21.8	54.4	15.5
8. As a police officer, it is important that I have non-enforcement contacts with the public. (n=899)	0.7	2.4	10.1	61.4	25.4
9. As a police officer, I see myself primarily as a public servant. (n=900)	1.1	4.8	17.8	58.7	17.7
10. My primary role is to control predatory suspects who threaten members of the public. (n=900)	0.2	5.4	16.2	58.1	20.0
11. The jurisdiction that I work in is dangerous. (n=900)	1.4	4.9	18.7	46.7	28.3
12. As a police officer, there is a good chance you will be assaulted while on the job. (n=901)	0.4	3.1	10.8	49.9	35.7
13. Overall, I am satisfied with my job. (n=901)	3.3	7.7	23.3	49.3	16.4
14. I enjoy working with my colleagues. (n=901)	0.8	0.8	8.3	51.4	38.7
15. Overall, this is a good agency to work for. (n=900)	18.9	22.6	31.8	22.3	4.4

Table 32: LMPD Officer Attitudes Toward Use of Force, Pre-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Officers are <i>NOT</i> allowed to use as much force as is necessary to make suspects comply. (n=900)	12.6	28.8	26.7	25.3	6.7
2. It is sometimes necessary to use more force than is technically allowable. (n=896)	5.4	23.9	29.5	34.4	6.9
3. Verbally disrespectful suspects sometimes deserve physical force. (n=899)	15.1	47.5	26.3	10.1	1.0
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=897)	1.6	16.6	38.4	29.5	13.9
5. It is important to have a reputation that you are an officer willing to use force. (n=897)	7.8	32.7	38.1	17.6	3.8
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=898)	3.7	28.7	34.0	25.7	7.9
7. It is important that my fellow officers trust me to handle myself in a fight. (n=900)	0.6	1.6	7.8	52.2	37.9
8. Trying to talk my way out of a situation is always safer than using force. (n=900)	3.0	11.2	28.3	39.8	17.7
9. It is important that my fellow officers trust my communication skills. (n=900)	0.1	0.3	4.2	57.1	38.2
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=900)	0.1	0.9	11.7	59.0	28.3
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=900)	1.0	18.9	48.6	23.9	7.7

Table 33: LMPD Officer Confidence in Handling Critical Incidents, Pre-Training Survey

	Not at All Confident (%)	Not Very Confident (%)	Somewhat Confident (%)	Very Confident (%)
1. ...interacting with a person in crisis? (n=900)	0.0	0.7	38.9	60.4
2. ...in your ability to effectively communicate with someone in crisis? (n=900)	0.1	1.0	42.7	56.2
3. ...taking someone in crisis to a social service agency? (n=900)	0.8	5.0	42.7	51.6
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=900)	0.0	1.3	40.0	58.7
5. ...interacting with family members of a person in crisis? (n=900)	0.0	0.9	36.8	62.3
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=900)	0.1	1.3	43.0	55.6
7. ...calming down someone in crisis? (n=900)	0.0	1.2	51.3	47.4
8. ...helping someone in crisis call a social services agency? (n=898)	0.6	5.9	43.8	49.8
9. ...de-escalating a situation involving a person in crisis? (n=900)	0.0	1.7	44.8	53.6
10. ...talking to a person in crisis about his/her medications? (n=898)	0.7	8.0	45.3	46.0
11. ...expressing understanding towards a person in crisis? (n=900)	0.2	2.0	45.1	52.7
12. ...getting someone in crisis to talk to you rather than acting out? (n=900)	0.1	1.7	51.4	46.8
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=900)	0.2	1.3	43.6	54.9

B. Appendix B. Post-Training Survey Frequency Tables

Table 34: LMPD Officer Views on Interactions with the Public, Post-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I have considerable ability to control the nature of citizen interactions to create positive outcomes. (n=1048)	0.6	1.8	11.5	64.0	22.0
2. I am good at identifying officer safety risks in citizen encounters. (n=1049)	0.4	0.2	2.9	60.6	35.9
3. I am good at de-escalating encounters with citizens. (n=1047)	0.5	0.4	5.6	68.3	25.2
4. In tense citizen encounters, the most important thing is that I get home safely. (n=1049)	0.8	3.2	12.5	41.8	41.8
5. Officers can be trained to increase the likelihood of positive encounters with citizens. (n=1045)	0.7	0.3	8.0	58.9	32.2
6. Officers can be trained to improve their ability to identify officer safety risks in citizen encounters. (n=1046)	0.6	0.0	5.0	58.3	36.1
7. Officers can be trained to improve their ability to de-escalate citizen encounters. (n=1048)	0.6	0.3	7.0	59.4	32.7

Table 35: LMPD Officer Attitudes on Interactions with Persons in Crisis, Post-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=1043)	0.7	1.0	5.2	56.5	36.7
2. There is no explaining why a person in crisis acts the way they do. (n=1046)	4.3	40.8	29.7	20.5	4.7
3. Noncompliance should be viewed as a threat. (n=1046)	2.1	27.9	40.5	24.4	5.1
4. Unnecessary risks should be avoided in encounters. (n=1046)	0.3	2.1	11.7	58.3	27.5
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=1048)	0.1	2.0	8.7	62.7	26.5
6. In crisis situations, it is beneficial to keep a subject talking. (n=1046)	0.2	1.1	9.8	62.0	27.1
7. In many cases, the use of force against a person in crisis can be avoided. (n=1047)	0.7	4.9	39.4	45.9	9.1
8. As a person's emotions rise, their rational thinking declines. (n=1048)	0.6	0.4	4.6	54.5	40.0
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=1046)	0.1	0.0	4.1	56.5	39.3
10. The majority of time spent communicating with a subject should be spent listening. (n=1048)	0.1	0.3	14.6	59.8	25.2
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=1048)	0.1	0.3	8.4	64.7	26.5
12. I know how to slow down an encounter with a person in crisis. (n=1048)	0.1	0.7	9.6	69.8	19.9
13. Situational stress is no excuse for a person to act irrational. (n=1048)	3.5	38.1	33.5	21.0	3.9
14. Responding to persons in crisis should not be a role of the police. (n=1048)	13.9	50.6	23.1	9.3	3.1

Table 36: LMPD Officer Views on Policing, Post-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Enforcing the law is a patrol officer's most important responsibility. (n=1046)	1.3	17.5	30.5	41.6	9.1
2. Law enforcement and community members must work together to solve local problems. (n=1045)	0.1	0.5	8.8	63.5	27.1
3. Working with the community to solve problems is an effective means of providing services to this area. (n=1045)	0.2	0.8	10.9	62.1	26.0
4. I routinely collaborate with community members in my daily duties. (n=1045)	1.1	10.1	27.5	48.5	12.7
5. My primary responsibility as a police officer is to fight crime. (n=1042)	0.7	14.0	28.3	47.3	9.7
6. As a police officer, I have a primary responsibility to protect the constitutional rights of residents. (n=1045)	0.0	1.3	13.1	59.8	25.7
7. A primary responsibility of a police officer is to build trust between the department and community. (n=1044)	0.5	2.8	18.6	58.8	19.3
8. As a police officer, it is important that I have non-enforcement contacts with the public. (n=1044)	0.4	1.1	9.2	59.9	29.4
9. As a police officer, I see myself primarily as a public servant. (n=1045)	0.5	2.0	16.8	59.4	21.2
10. My primary role is to control predatory suspects who threaten members of the public. (n=1046)	0.3	5.4	17.5	57.3	19.6
11. The jurisdiction that I work in is dangerous. (n=1045)	0.8	3.9	18.9	49.0	27.4
12. As a police officer, there is a good chance you will be assaulted while on the job. (n=1046)	0.3	1.9	9.7	55.1	33.1
13. Overall, I am satisfied with my job. (n=1046)	2.5	7.7	20.3	53.0	16.5
14. I enjoy working with my colleagues. (n=1045)	0.5	1.2	7.5	53.8	37.0
15. Overall, this is a good agency to work for. (n=1045)	17.6	20.5	29.3	27.2	5.5

Table 37: LMPD Officer Attitudes Toward Use of Force, Post-Training Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Officers are <i>NOT</i> allowed to use as much force as is necessary to make suspects comply. (n=1043)	9.6	39.4	29.2	19.1	2.7
2. It is sometimes necessary to use more force than is technically allowable. (n=1043)	6.3	30.0	32.9	27.9	2.9
3. Verbally disrespectful suspects sometimes deserve physical force. (n=1043)	16.3	51.9	23.8	7.5	0.6
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=1042)	2.6	27.6	44.1	21.2	4.4
5. It is important to have a reputation that you are an officer willing to use force. (n=1042)	7.7	34.8	35.5	20.2	1.8
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=1040)	3.9	35.8	39.0	18.1	3.2
7. It is important that my fellow officers trust me to handle myself in a fight. (n=1043)	0.3	2.8	9.4	58.6	29.0
8. Trying to talk my way out of a situation is always safer than using force. (n=1043)	1.2	6.1	21.7	45.9	25.1
9. It is important that my fellow officers trust my communication skills. (n=1043)	0.0	0.1	4.5	59.2	36.2
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=1043)	0.2	1.0	8.6	57.4	32.8
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=1043)	4.2	29.4	45.0	16.5	4.9

Table 38: LMPD Officer Confidence in Handling Critical Incidents, Post-Training Survey

	Not at All Confident (%)	Not Very Confident (%)	Somewhat Confident (%)	Very Confident (%)
1. ...interacting with a person in crisis? (n=1011)	0.2	0.6	39.3	59.9
2. ...in your ability to effectively communicate with someone in crisis? (n=1009)	0.2	1.0	40.5	58.3
3. ...taking someone in crisis to a social service agency? (n=1011)	0.4	4.6	40.5	54.5
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=1010)	0.2	0.9	37.5	61.4
5. ...interacting with family members of a person in crisis? (n=1010)	0.1	0.7	37.3	61.9
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=1010)	0.2	1.0	41.0	57.8
7. ...calming down someone in crisis? (n=1010)	0.1	1.3	47.1	51.5
8. ...helping someone in crisis call a social services agency? (n=1010)	0.6	6.1	42.6	50.7
9. ...de-escalating a situation involving a person in crisis? (n=1011)	0.2	1.2	45.0	53.6
10. ...talking to a person in crisis about his/her medications? (n=1010)	0.3	6.3	44.4	49.0
11. ...expressing understanding towards a person in crisis? (n=1009)	0.2	0.9	42.2	56.7
12. ...getting someone in crisis to talk to you rather than acting out? (n=1011)	0.1	1.5	47.0	51.4
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=1011)	0.2	0.9	40.8	58.2

Table 39: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility, Post-Training Survey

<i>The CDM Model...</i>	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. ...increases my decision-making skills during everyday situations. (n=1042)	0.5	2.4	18.3	62.0	16.8
2. ...often takes too much time to use in encounters with a person in crisis. (n=1041)	4.0	46.6	36.6	11.0	1.7
3. ...may make officers hesitate to take action when needed. (n=1040)	1.9	33.5	39.4	21.3	3.8
4. ...helps me to assess the risks in a situation. (n=1041)	0.5	1.2	15.1	69.6	13.5
5. ...helps me identify my options for action in a situation. (n=1041)	0.5	1.1	14.2	69.5	14.7
6. ...helps me select an option to resolve a situation. (n=1042)	0.5	1.5	17.6	66.8	13.6
7. ...reminds me to continuously gather information during a situation. (n=1041)	0.4	1.1	14.8	64.4	19.4
8. ...is too complicated. (n=1040)	10.0	54.5	27.2	6.6	1.6
9. ...helps me review the action I took during a situation. (n=1041)	0.5	2.0	19.6	67.1	10.8
10. ...helps me to explain my decision-making after I act in a situation. (n=1042)	0.5	1.4	18.3	65.5	14.2
11. I am confident using the CDM during an encounter with a person in crisis. (n=1042)	0.6	1.9	21.8	60.2	15.5

C. Appendix C. Follow-Up Survey Frequency Tables

Table 40: LMPD Officer Attitudes on Interactions with Persons in Crisis, Follow-Up Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Recognizing the signs that a person is in crisis can improve the outcome of an interaction with that individual. (n=567)	8.1	0.4	12.3	41.6	37.6
2. There is no explaining why a person in crisis acts the way they do. (n=563)	8.0	45.3	33.6	10.3	2.8
3. Noncompliance should be viewed as a threat. (n=560)	3.8	20.5	46.1	26.8	2.9
4. Unnecessary risks should be avoided in encounters. (n=560)	1.8	1.6	13.6	48.4	34.6
5. The most important role of an officer responding to a crisis is to stabilize the situation. (n=558)	2.7	2.9	15.9	54.5	24.0
6. In crisis situations, it is beneficial to keep a subject talking. (n=556)	0.9	1.3	24.3	54.1	19.4
7. In many cases, the use of force against a person in crisis can be avoided. (n=558)	1.6	5.4	43.5	41.0	8.4
8. As a person's emotions rise, their rational thinking declines. (n=559)	1.1	0.7	11.4	54.7	32.0
9. When responding as a team, it's important to designate roles in the crisis intervention. (n=558)	0.9	0.5	13.8	55.9	28.9
10. The majority of time spent communicating with a subject should be spent listening. (n=559)	0.9	0.5	23.3	60.5	14.8
11. An officer's nonverbal communication, such as body language, influences how a subject reacts. (n=557)	0.9	0.9	16.0	60.5	21.7
12. I know how to slow down an encounter with a person in crisis. (n=557)	1.3	0.0	18.3	63.7	16.7
13. Situational stress is no excuse for a person to act irrational. (n=555)	4.0	40.0	41.1	13.9	1.1
14. Responding to persons in crisis should not be a role of the police. (n=555)	10.6	45.2	34.1	7.2	2.9

Table 41: LMPD Officer Attitudes Toward Use of Force, Follow-Up Survey

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. Officers are NOT allowed to use as much force as is necessary to make suspects comply. (n=553)	18.6	39.2	28.2	11.6	2.4
2. It is sometimes necessary to use more force than is technically allowable. (n=553)	13.0	31.1	36.0	17.7	2.2
3. Verbally disrespectful suspects sometimes deserve physical force. (n=552)	23.0	48.2	24.3	4.0	0.5
4. Refraining from using force when you are legally able to puts yourself and other officers at risk. (n=552)	2.2	21.6	49.6	21.6	5.1
5. It is important to have a reputation that you are an officer willing to use force. (n=550)	11.5	35.3	40.7	11.1	1.5
6. Not using force when you could have makes suspects more likely to resist in future interactions. (n=548)	6.6	35.9	40.0	15.0	2.6
7. It is important that my fellow officers trust me to handle myself in a fight. (n=549)	1.5	1.3	16.0	47.0	34.2
8. Trying to talk my way out of a situation is always safer than using force. (n=551)	1.1	9.3	28.5	37.4	23.8
9. It is important that my fellow officers trust my communication skills. (n=549)	0.9	0.0	9.7	47.9	41.5
10. I respect officers' ability to talk suspects down rather than using force to make them comply. (n=550)	0.7	0.7	14.4	49.1	35.1
11. Generally speaking, if force has to be used, it is better to do so earlier in an interaction with a suspect, as opposed to later. (n=549)	3.3	25.1	49.9	17.7	4.0

Table 42: LMPD Officer Confidence in Handling Critical Incidents, Follow-Up Survey

	Not at All Confident (%)	Not Very Confident (%)	Somewhat Confident (%)	Very Confident (%)
1. ...interacting with a person in crisis? (n=546)	0.5	0.9	31.1	67.4
2. ...in your ability to effectively communicate with someone in crisis? (n=546)	0.7	0.9	33.5	64.8
3. ...taking someone in crisis to a social service agency? (n=547)	1.6	4.6	34.7	59.0
4. ...asking someone in crisis open-ended questions to gather information about what is going on? (n=545)	0.6	0.9	30.3	68.3
5. ...interacting with family members of a person in crisis? (n=545)	0.7	0.9	31.6	66.8
6. ...in your ability to summarize/paraphrase statements made by a person in crisis in your own words? (n=544)	0.7	0.7	34.7	63.8
7. ...calming down someone in crisis? (n=544)	0.6	1.3	41.5	56.6
8. ...helping someone in crisis call a social services agency? (n=542)	1.3	4.2	38.4	56.1
9. ...de-escalating a situation involving a person in crisis? (n=544)	0.9	1.1	37.1	60.8
10. ...talking to a person in crisis about his/her medications? (n=542)	0.9	7.4	44.3	47.4
11. ...expressing understanding towards a person in crisis? (n=545)	0.6	1.7	38.7	59.1
12. ...getting someone in crisis to talk to you rather than acting out? (n=543)	0.9	1.3	47.1	50.6
13. ...talking to someone in crisis about whether or not he/she uses alcohol or drugs? (n=544)	0.6	1.3	34.7	63.4

Table 43: LMPD Officer Views on Critical Decision-Making Model (CDM) Utility, Follow-Up Survey

<i>The CDM Model...</i>	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. ...increases my decision-making skills during everyday situations. (n=544)	2.0	2.0	38.2	44.7	13.1
14. ...often takes too much time to use in encounters with a person in crisis. (n=545)	4.2	29.4	54.5	8.6	3.3
15. ...may make officers hesitate to take action when needed. (n=544)	2.8	22.8	53.5	16.9	4.0
16. ...helps me to assess the risks in a situation. (n=542)	1.3	3.0	41.1	46.9	7.7
17. ...helps me identify my options for action in a situation. (n=543)	1.5	2.6	40.7	46.6	8.7
18. ...helps me select an option to resolve a situation. (n=544)	1.5	2.4	42.3	46.7	7.2
19. ...reminds me to continuously gather information during a situation. (n=543)	1.8	2.9	33.7	51.4	10.1
20. ...is too complicated. (n=543)	4.8	32.2	50.6	9.6	2.8
21. ...helps me review the action I took during a situation. (n=543)	1.7	3.3	41.4	48.3	5.3
22. ...helps me to explain my decision-making after I act in a situation. (n=542)	1.5	2.8	42.6	46.5	6.6
23. I am confident using the CDM during an encounter with a person in crisis. (n=540)	1.9	3.7	45.7	39.3	9.4

D. Appendix D. Supervisor Survey Frequency Tables

Table 44: LMPD Supervisor Perceptions Related to Supervising ICAT De-escalation Skills

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I am able to effectively supervise subordinates' use of ICAT de-escalation.	0.8	1.5	10.8	63.1	23.8
2. I am able to effectively coach subordinates' use of ICAT de-escalation skills.	0.8	0.8	11.5	62.3	24.6
3. I receive the necessary equipment from my department to supervise my subordinates' use of ICAT de-escalation skills.	0.8	5.4	18.5	50.8	24.6
4. I receive sufficient training to supervise my officers' use of ICAT de-escalation skills.	0.8	1.5	10.0	63.8	23.8
5. I need more support from my supervisors to supervise my subordinates' use of ICAT de-escalation skills.	6.2	50.0	25.4	16.2	2.3
6. It is difficult to supervise the use of ICAT de-escalation skills by my subordinate officers.	10.0	46.9	24.6	16.9	1.5

Table 45: LMPD Supervisor Field Observation of Subordinates' ICAT Skills

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills? (n=129)	10.1	19.4	30.2	23.3	17.1
2. When observing subordinate officers, how frequently do they use ICAT Communication Skills (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)? (n=129)	5.4	7.8	20.9	31.0	34.9
3. When observing subordinate officers, how frequently do they use the Reaction Gap Strategy (actively re-positioning to keep a favorable position between the officer and the subject)? (n=129)	6.2	7.0	15.5	34.9	36.4
4. When observing subordinate officers, how frequently do they use the Tactical Pause Strategy (sharing information and developing a strategy with other responding officers during a citizen encounter)? (n=129)	7.0	7.0	27.1	34.1	24.8
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools? (n=129)	17.8	30.2	27.1	15.5	9.3
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident? (n=129)	20.9	40.3	27.9	10.1	0.8
7. How often have you used ICAT de-escalation skills but were unsuccessful in achieving a positive resolution to an incident? (n=129)	23.3	55.0	18.6	3.1	0

Table 46: LMPD Supervisor Video Observation of Subordinates' ICAT Skills

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. How frequently do you observe your subordinate officers using ICAT de-escalation skills? (n=126)	21.4	11.1	24.6	24.6	18.3
2. When observing subordinate officers, how frequently do they use ICAT Communication Skills (such as actively gathering information from a subject, communicating to other officers, using active listening, or maintaining communication with a subject)? (n=126)	18.3	7.9	18.3	26.2	29.4
3. When observing subordinate officers, how frequently do they use the Reaction Gap Strategy (actively re-positioning to keep a favorable position between the officer and the subject)? (n=126)	19.0	7.1	18.3	31.0	24.6
4. When observing subordinate officers, how frequently do they use the Tactical Pause Strategy (sharing information and developing a strategy with other responding officers during a citizen encounter)? (n=126)	18.3	11.9	21.4	31.7	16.7
5. When observing subordinate officers, how frequently do they attempt to use less lethal tools? (n=125)	23.2	29.6	23.2	17.6	6.4
6. How often have you observed incidents handled by your subordinates where ICAT de-escalation skills were properly used, but were unsuccessful in achieving a positive resolution to an incident? (n=126)	25.4	42.9	20.6	9.5	1.6

Table 47: LMPD Supervision Activities Related to ICAT De-escalation Skills

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. How frequently do you talk with your subordinate officers generally about the use of ICAT de-escalation skills? (n=127)	12.6	29.1	34.6	20.5	3.1
2. How often do you have discussions with subordinates about their use of ICAT de-escalation skills during a specific incident? (n=127)	11.8	26.0	40.2	15.7	6.3
3. How frequently do you counsel subordinates about not using ICAT de-escalation skills when they should have? (n=127)	29.9	45.7	18.1	6.3	0
4. How frequently do you document the use of ICAT de-escalation skills in use of force reports? (n=127)	19.7	33.9	22.0	15.7	8.7
5. How frequently do you document the use of ICAT de-escalation skills in letters of commendation for subordinate officers? (n=127)	23.6	33.1	26.0	13.4	3.9
6. How frequently do you document the use of ICAT de-escalation skills in some other way (excluding use of force reports and commendation letters)? (n=127)	29.9	39.4	17.3	11.8	1.6

Table 48: LMPD Supervisor Self-Reported Supervision Activities

	Never (%)	Seldom (%)	Sometimes (%)	Often (%)	Frequently (%)
1. Other than when it is required by department policy, how frequently do you go on your own initiative to incidents that your subordinate officers are handling? (n=126)	13.5	15.1	24.6	19.8	27.0
2. How frequently do your officers ask you to come to the incidents they are handling? (n=126)	21.4	33.3	32.5	11.9	0.8
3. How frequently do you conduct video reviews of incidents handled by your subordinate officers? (n=124)	20.2	14.5	31.5	21.0	12.9
4. When you are on the scene of an incident with your officers, how frequently do you tell them how to handle the incident? (n=126)	22.2	50.8	20.6	5.6	0.8
5. When you are on the scene of an incident with your officers, how frequently do you take it over and handle the incident yourself? (n=126)	47.6	40.5	8.7	2.4	0.8
6. How frequently do you talk with you officers about their performance in incidents that you observe? (n=126)	10.3	18.3	36.5	27.0	7.9

Table 49: LMPD Supervisor Perceptions of Supervisor Functions

	Very Unimportant (%)	Unimportant (%)	Neutral (%)	Important (%)	Very Important (%)
1. Disseminating information about departmental directives (n=131)	3.1	0.8	3.1	34.4	58.8
2. Helping officers develop sound judgement (n=131)	3.1	0	1.5	23.7	71.8
3. Protecting officers from unfair criticism or punishment (n=130)	3.1	0.8	6.9	30.8	58.5
4. Ensuring appropriate use of force by officers (n=131)	3.1	0	1.5	19.8	75.6
5. Giving officers feedback on their performance (n=131)	3.1	0.8	1.5	26.0	68.7
6. Distributing the workload fairly (n=131)	3.1	0.8	9.2	40.5	46.6
7. Making superior officers aware of problems on the street (n=131)	3.1	0.8	6.9	42.0	47.3
8. Making sure that reports are properly completed (n=131)	3.1	0.8	4.6	51.1	40.5
9. Enforcing department rules and regulations (n=131)	3.1	0	6.9	50.4	42.7
10. Providing input on department policy (n=131)	3.1	3.8	7.6	51.1	37.4
11. Ensuring fair and equal treatment of citizens (n=131)	3.1	0	1.5	21.4	74.0
12. Listening or discussing concerns officers may have on the job or in their personal life (n=131)	3.1	0	1.5	27.5	67.9
13. Motivating officers to perform organizational goals (n=131)	3.1	0	3.8	37.4	55.7
14. Providing a personal example for officers to emulate (n=51)	0	0	2.0	17.6	80.4

Table 50: LMPD Supervisor Perceptions Related to Using ICAT De-escalation Skills

	Strongly Disagree (%)	Disagree (%)	Neutral (%)	Agree (%)	Strongly Agree (%)
1. I am confident using ICAT de-escalation skills during my encounters with citizens. (n=131)	1.5	0	5.3	49.6	43.5
2. I am confident using ICAT de-escalation skills during interactions with my subordinate officers. (n=131)	1.5	0	5.3	49.6	43.5
3. I receive the necessary equipment from my department to de-escalate situations. (n=131)	1.5	6.1	16.8	42.7	32.8
4. I receive sufficient training in de-escalation. (n=131)	1.5	0.8	11.5	46.6	39.7
5. I receive the necessary support from my supervisors to use ICAT de-escalation skills. (n=131)	1.5	1.5	8.4	44.3	44.3
6. When officers use ICAT de-escalation skills properly, encounters with citizens will often result in a positive resolution.(n=131)	2.3	0	11.5	53.4	32.8
7. Some encounters with citizens require additional less-lethal equipment than is currently available. (n=130)	3.1	5.4	21.5	38.5	31.5
8. My subordinates need more training in de-escalation than is currently provided.(n=131)	3.8	40.5	32.1	20.6	3.1
9. Training supervisors in ICAT de-escalation skills is also useful for interacting with and managing subordinates. (n=131)	2.3	0.8	10.7	58.0	28.2

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

Plaintiff;

v.

POLICE DEPARTMENT OF BALTIMORE
CITY, et. al.,

Defendants.

Civil Action No. ____

CONSENT DECREE

B. Behavioral Health Disability or Crisis Data Collection, Analysis, and Reporting

121. BPD will collect data on suspected Behavioral Health Disability or crisis status of individuals subject to law enforcement actions including Stops, Searches, Arrests (to include type of offense and probable cause), use of force, injuries, and in-custody deaths. For any section of this Agreement that calls for data collection, analysis, or reporting, BPD shall report on the suspected Behavioral Health Disability or crisis status of the individuals involved.

122. BPD will collect, analyze, and report data related to Behavioral Health Disability or crisis status, including:

- a. BPD will collect data regarding calls for service that involve possible Behavioral Health Disabilities or people in crisis, including the number of calls, the nature of the crisis, and the extent to which individuals previously interacted with BPD; the disposition of those calls, including whether referred to community services, an emergency room, Emergency Petition, Arrest, booking; whether force was used; the type of force used; and the steps taken, if any, to de-escalate interactions, especially when confrontations resulted in use of force, injury or death.
- b. BPD will analyze the data on an ongoing basis to drive improvement toward the goals of Paragraph 96 and report the data on a quarterly basis to the Crisis Intervention Coordinator and the CPIC.

VII. USE OF FORCE

A. Use of Force Principles

123. BPD has recently implemented improved policies regarding officers' uses of force, and force reporting, investigations, and reviews. BPD shall build on its recently improved policies, making further revisions where necessary under the provisions of this Agreement and,

as enumerated below, improve its training, investigations and review regarding officers' uses of force to ensure that officers uphold the value and dignity of all individuals they encounter. To the extent BPD's use of force and related policies meet the requirements of this Agreement, the policies need not be revised. As noted below, however, BPD must adhere to those requirements.

124. BPD will ensure that officers:

- a. Are encouraged to resolve incidents without resorting to the use of force, when possible;
- b. Use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate and lawful orders;
- c. Use tactics that do not unnecessarily escalate an encounter;
- d. Continually assess the situation and changing circumstances, and modulate the use of force appropriately;
- e. When force is necessary, use force in a manner that avoids unnecessary injury or risk of injury to officers and civilians;
- f. Recognize and act upon the duty to intervene to stop any officer from using excessive force;
- g. Accurately and completely report all Reportable Force used or observed; and
- h. Are held accountable for use of force that is not objectively reasonable or otherwise violates law or policy.

B. Policies on Officers' Use of Force

125. BPD will require officers to use de-escalation techniques, including verbal persuasion and warnings and tactical de-escalation techniques such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STATE OF ILLINOIS,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

Case No. 17-cv-6260

Judge Robert M. Dow, Jr.

CONSENT DECREE

feedback from the CIT Coordinator and the Advisory Committee when conducting its evaluation.

148. OEMC will develop and implement its portion of the Crisis Intervention Plan.

149. OEMC supervisors, on an ongoing basis, will audit and provide feedback to call-takers and dispatchers regarding their ability to identify, dispatch, and respond appropriately to calls for service involving individuals in crisis.

150. The Parties acknowledge that OEMC currently meets regularly with CPD and the City-wide Mental Health Steering Committee. OEMC will continue to meet regularly with CPD, in addition to appropriate members of the Advisory Committee, including service providers and advocates, to review and assess data and information regarding the identification of, the dispatch of, and response to calls for service involving individuals in crisis by OEMC tele-communicators.

151. Within 180 days of the Effective Date, and annually thereafter, OEMC will review and revise its intake and dispatch policies and protocols as necessary to meet the requirements of this Agreement. OEMC will consider any recommendations or feedback provided by the Advisory Committee when revising its policies.

152. OEMC will ensure that the language used in policies, procedures, forms, databases, trainings, and by tele-communicators to communicate about calls involving individuals in crisis is appropriate, respectful, and consistent with industry-recognized terminology. OEMC will seek input from the Advisory Committee for recommendations to identify appropriate and respectful terminology.

V. USE OF FORCE

153. CPD's use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and

the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and any use of unreasonable or unnecessary force is promptly identified and responded to appropriately.

154. CPD adopted revised use of force policies on October 16, 2017 (“October 2017 Policies”). The October 2017 Policies incorporated multiple best practices that were not reflected in CPD’s prior use of force policies. Building on these improvements, CPD will maintain the best practices reflected in the October 2017 Policies and make additional improvements to its policies consistent with the terms of this Agreement.

A. Objectives

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.

156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members:

- a. act at all times in a manner consistent with the sanctity of human life;
- b. act at all times with a high degree of ethics, professionalism, and respect for the public;
- c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;

The Washington Post

Democracy Dies in Darkness

‘Police must first do no harm’: How one of the nation’s roughest cities is reshaping use-of-force tactics

By **Deanna Paul**

August 21, 2019 at 5:00 a.m. MDT

Broadway & Mickle man with a knife incident



It was just after 8 p.m., when a knife-wielding man staggered out of a fast-food shop and zigzagged down Broadway in downtown Camden, N.J. More than a dozen officers — rookies with three months on the job and veterans with 13 years — formed a ring around him. When he stumbled back, slashing the carving knife unpredictably and ignoring orders to drop the weapon, the police kept their firearms holstered.

In less than 10 minutes, the man had let go of the knife and officers handcuffed him.

Similar scenarios have resulted in fatal shootings, often of unarmed people, but using time, distance and communication, the Camden Police Department de-escalated the potentially deadly situation.

“If we approached that night with the old-guard mentality, we would have had an officer-involved fatal shooting,” Camden Police Chief Scott Thomson said of the November 2015 night.

On Wednesday, the department released its new policy, codifying what has been department practice for years. Experts are calling the document — drafted with members of New York University Law School’s Policing Project and vetted by both the New Jersey ACLU and the Fraternal Order of Police — the “most progressive” use-of-force policy to date.

Since 2015, under Thomson’s stewardship, the Camden Police Department has adopted use-of-force training and procedures that promote de-escalation and make clear that force is a last resort.

An armed man in mental health crisis, who moments earlier had threatened restaurant customers, would justify an officer’s use of deadly force, Thomson told The Washington Post on Tuesday. It would have fallen in the “lawful but awful” category — a preventable encounter that would have nonetheless met the legal requirements to be classified a noncriminal shooting.

“We would have walked with him for another mile,” Thomson said. “If there’s something else [police] can do to avoid taking that person’s life, there should be an obligation on us to exercise those options.”

The 18-page directive, which boils down to six core principles, limits use of force to a narrow list of situations. Even then, the document says that the “use of force should never be considered routine” — never to be used unless it’s necessary and even then, it must be proportional to the circumstances. Once the situation is under control, officers must “promptly provide or request medical aid.”

The policy also places an affirmative duty on department employees to stop other officers from using improper force; members will be disciplined for their own violations or failing to report a fellow officer’s.

“Much like a doctor’s Hippocratic oath, police must first do no harm,” Thomson told The Post.

The expectation of de-escalation is not just from the chief, he said, but from each other. When there’s a deadly encounter, it’s deadly on both sides. The

The expectation of de-escalation is not just from the chief, he said, but from each officer. When there's a deadly encounter, it's deadly on both sides. The more officers can slow things down, the more they can reduce the need for force.

Policing has changed drastically in Camden over the past decade. Ten years ago, the city was one of America's most dangerous, the police department was in the throes of a corruption scandal and community members mistrusted law enforcement.

"To be frank, we gave them many good reasons to feel that way," Thomson said.

Since disbanding and rebuilding the police force in 2013, he said, the department has established legitimacy with a style of policing rooted in respect, dignity and accountability.

"We make far fewer mistakes or egregious acts, but are still far from perfect," he said. "When we do stumble, people know we will not tolerate inappropriate or illegal police behavior and will hold ourselves accountable."

Last September, Thomson reached out to ACLU senior supervising attorney Alexander Shalom and asked if he'd be willing to review a draft of the policy.

"There were parts of it that really knocked my socks off. It wasn't high-in-the-sky with everyone singing 'Kumbaya,'" Shalom told The Post. Of note, he said, were how "accessible," and "common-sensical" it was.

The chief also consulted Camden's Fraternal Order of Police leadership. Though it's rare to have a policy vetted by the local ACLU and police union, both supported the policy.

(Unlike New York City's police union — which on Monday attacked the police department's decision to fire the officer who used a prohibited chokehold on Eric Garner, and suggested officers would have to shy away from confrontations and make the city less safe — Thomson said the Fraternal Order of Police recognized that front-end accountability created a safer environment for both the officers and the public.)

The Supreme Court has said that use of force must be "objectively reasonable" from the officer's perspective at the time it was used, said Barry Friedman, director of the Policing Project at the NYU law school.

Rather than asking whether the force was reasonable, the question should be whether it was necessary and proportional. "The law should be the floor, not the ceiling," he said.

Thomson is changing the thought process, Ron Davis, a 30-year police veteran and former police chief, told The Post Monday.

"Taking cover is not the same as hiding, backing away is not retreating or surrendering," said Davis who also served in President Barack Obama's Justice Department as director of the Office of Community Oriented Policing Services. And even if precedent permits "lawful but awful," "just because you *can* use force doesn't mean you have to."

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Law Enforcement Best Practices

LESSONS LEARNED FROM THE FIELD



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2. De-Escalation

Why is this issue important?

Although its exact definition is disputed, de-escalation refers in this guide to the range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, in order to reduce the likelihood of a situation escalating into a physical confrontation or injury.

Maintaining public trust is an essential element of effective policing. Without trust, public deference to police legal authority diminishes, and minor incidents are more likely to escalate to use of force. A key factor in enhancing an agency's legitimacy in the eyes of the community is reducing the need for use of force through the practice of de-escalation whenever possible.

The concept is not entirely new—it has been a part of law enforcement use of force training for decades, especially for encounters with persons with social, psychological, chemical, or other impairments. In recent years, however, media coverage of high-profile police use of force cases has heightened scrutiny of law enforcement actions and affected the perception of police legitimacy across the nation, most notably in communities of color. In response to this scrutiny, de-escalation training for law enforcement personnel has grown in popularity. To meet community expectations, law enforcement administrators may feel pressure to develop policies requiring employees to receive de-escalation training as part of their agency's overall use of force training curriculum.

The introduction of de-escalation training into an agency can provide an opportunity to open lines of communication between members of the community, agency personnel, and political leadership. Crucial conversations about use of force and the related training should take place before a critical incident occurs to be effective. During the emotional aftermath of a crisis, especially a deadly force incident, little can be said or done to appease constituents who have suffered a loss or perceive some level of misconduct on behalf of the law enforcement agency. Creating an understanding of how law enforcement personnel respond to situations—and more importantly, why they respond the way they do—can help reduce mistrust. Enhanced understanding and trust can significantly improve subjects' levels of compliance during encounters with law enforcement personnel and improve personnel safety during tense encounters with the public.

Key points and challenges

Many law enforcement agencies offer some form of de-escalation training. A 2006 study looking at use of force in a sample of more than 500 agencies from around the U.S. found 60.1 percent of responding agencies had offered “de-escalation and defusing techniques” training—as defined by the agency—

in the previous two years.³⁷ (The report did not identify what activities constituted de-escalation and defusing techniques training, but they were distinct from other categories including “use of deadly force,” “arrest and control tactics,” “use of other less-lethal weapons,” “physical combat skills,” “dealing with citizens with mental illness,” “officer survival,” and “mediation skills/conflict management.”) Many more agencies made conceptually similar trainings available to personnel during the same period.

The reason law enforcement personnel in general are not focused on the value of de-escalation training may be the challenge of demonstrating that de-escalation efforts in the field actually lessen the need for use of force. Without proof that de-escalation techniques lead to different outcomes, why push for de-escalation training? Over the last decade, research on procedural justice has demonstrated that when voluntary compliance with the law improves, so does employee safety.³⁸ However, law enforcement leaders have work to do in engaging internal stakeholders to understand the value of de-escalation and incorporate it into their practice. It is worth reminding stakeholders that many de-escalation skills are grounded in crisis negotiation techniques that police crisis negotiators have used successfully for years in hostage or barricaded suspect situations, and that these skills can be leveraged and applied in the field more generally.

Data from the Federal Bureau of Investigation suggests that 29 of 543 persons who killed law enforcement officers over a ten-year period, or 5.3 percent, were known to the agency to have mental health issues, and that nine of these officers were killed responding to issues involving a person in crisis.³⁹ Another study from 17 states estimated the rate of officers killed by persons in crisis to be 13.3 percent.⁴⁰ Furthermore, research suggests that law enforcement may be at an elevated risk of injury when dealing with people in crisis as well.⁴¹ Therefore, efforts to implement de-escalation tactics in crisis situations are as much about front-line personnel safety as they are about reducing the number of use of force incidents or enhancing police-community relations. Law enforcement executives would be well served by stressing the value of de-escalation for safety reasons, particularly if their efforts are perceived as motivated by community relations priorities.

Brief summary of academic literature

The term de-escalation came to law enforcement in the 1980s from the literature and practices of health and psychiatric care systems.⁴² Crisis Intervention Team (CIT) training and de-escalation techniques have many similarities. The primary difference between the two is that de-escalation can be applied to all encounters between law enforcement and community members, whereas CIT training focuses principally on individuals suffering from mental illness. By approaching encounters with community members according to the principles of de-escalation, first responders can reduce the need for force, reduce injuries to themselves and the people with whom they interact, and enhance the legitimacy of the organization.⁴³

37. Smith et al., “A Multi-Method Evaluation.”

38. Cunningham, “Creating and Promoting a Culture of Officer Safety and Wellness.”

39. FBI, “Law Enforcement Officers Feloniously Killed.”

40. Blair et al., “Occupational Homicides of Law Enforcement Officers.”

41. Cordner, *People with Mental Illness*.

42. Oliva, Morgan, and Compton, “A Practical Overview of De-escalation.”

43. Taheri, “Do Crisis Intervention Teams Reduce Arrest.”

However, to date, there is still limited empirical literature examining the effects of de-escalation in law enforcement beyond CIT. Therefore, much of what we know about de-escalation comes from the empirical literature of clinicians.⁴⁴ These practitioners were—just as law enforcement agencies are today—looking to reduce the instances of violent or otherwise disruptive behaviors in healthcare settings.⁴⁵ Practitioners widely agree that de-escalation is a crucial skill for these clinicians, but the precise definition of de-escalation is disputed.⁴⁶ However, it is generally understood that de-escalation encapsulates a wide variety of specific verbal and non-verbal skills to reduce violence and mitigate the need to use other means of behavioral controls or force.

Research has identified five attributes common to the clinical literature of de-escalation: communication, self-regulation, assessment, actions, and maintaining safety.⁴⁷

1. **Communication** encompasses specific verbal and non-verbal strategies to begin an effective dialogue with an individual and earn that individual's trust and cooperation.
2. **Self-regulation** reflects skills and techniques used by individual service providers to manage their emotional or behavioral responses to an individual encounter. This includes techniques that they can use to provide the subject time and space to cool down.
3. **Assessment** is the task of collecting as much data about the person and situation as possible to make informed decisions about subsequent actions, including understanding when using force becomes imperative.
4. **Actions** refer to the behaviors and activities a service provider can engage in to reduce the likelihood and the severity of use of force.
5. **Maintaining safety** describes the paramount need of service providers to ensure their own welfare and public safety. Specific actions can reduce the likelihood that they will be injured if the person becomes violent or coercive methods of control are required.

The de-escalation process operates on a continuum from support to control.⁴⁸ Each of these five attributes has more passive and more active techniques that can be employed as the situation develops. It may be necessary to both escalate and de-escalate the specific techniques employed as the situation develops in an effort to reduce the likelihood of aggressive behavior or violence—or the use of physical force.

Clinical research suggests de-escalation is effective at reducing the transition from aggression to violence or use of force in 80 percent of incidents.⁴⁹ However, much of this literature suffers from methodological limitations that prevent identification of the mechanisms through which de-escalation

44. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."

45. Duperouzel, Helen, "It's OK for People to Feel Angry."

46. Bowers, "A Model of De-Escalation."

47. Bowers, "A Model of De-Escalation."

48. Price et al, "The Support-Control Continuum."

49. Taheri, "Do Crisis Intervention Teams Reduce Arrest."

succeeds or fails, or how those mechanisms generalize to law enforcement. One of the key questions that remains unanswered is whether the skills to engage in effective de-escalation are innate, developed through experience, or both. Research reveals support for both arguments, although some research indicates de-escalation is a skillset that can be taught and modeled for others.⁵⁰ Despite these limitations, the clinical literature is vastly more informative than the literature about the efficacy of de-escalation in law enforcement; and despite unanswered questions about how organizations can extract the maximum benefit from de-escalation, the practice appears promising.

Summary of existing DOJ and other resources

In the wake of several high-profile use of force events, the concept of de-escalation has entered the lexicon of law enforcement executives and employees. Most of the literature and publications looking at de-escalation tend to focus on it as a skill to be used when dealing with people in crisis (i.e., CIT). However, the Task Force on 21st Century Policing⁵¹ clearly articulated that de-escalation should be more broadly applied to all law enforcement encounters. Currently, there is a relative dearth of literature offering guidance to agencies interested in adopting a de-escalation mentality.

De-escalation is about changing the conversation on use of force from what is legally permissible under *Graham v Connor* to what is the best outcome for the safety of the public and law enforcement personnel—or, as the Police Executive Research Forum (PERF) report Guiding Principles on Use of Force⁵² put it, from what front-line personnel can legally do to what they should do. Making this transition requires at least two things: shifting the mentality of law enforcement personnel and providing skills-based training.

Law enforcement personnel should be encouraged to more fully embrace a guardian mentality. From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals⁵³ suggests that many law enforcement employees assume that residents are more concerned with the crime rate than with how the police treat them, which is not necessarily true. One way to address this misunderstanding is to change the way in which law enforcement recruits are trained. Agencies should carefully examine which training topics receive the most attention during training and how that translates to operational priorities in new law enforcement personnel's minds.

The two broad categories of de-escalation techniques are tactical and verbal. Most of the academic research to date on these techniques has focused on training, particularly with respect to use of force. The Collaborative Reform Initiative's Final Report of the Las Vegas Metropolitan Police Department⁵⁴

50. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."

51. President's Task Force on 21st Century Policing, *Final Report*.

52. PERF, "Guiding Principles on Use of Force."

53. Rahr and Rice, "From Warriors to Guardians."

54. Fachner and Carter, "Collaborative Reform Model Final Assessment Report."

notes that after training officers improved their use of tactical de-escalation techniques, which focus on slowing down the encounter and creating time and space to diminish the need to use force straight-away. Officers may struggle with successfully employing verbal de-escalation techniques, which focus on building rapport and empathizing with the person to gain voluntary compliance. The Seattle Police Department's Policy Manual⁵⁵ provides a detailed list of tactical and verbal de-escalation resources that officers can employ while working to de-escalate a situation. One promising training that tries explicitly to tie together these two elements is the Integrating Communications, Assessment, and Tactics⁵⁶ training designed by PERF.

Best or promising practices in the field

Data suggest that at least a quarter of the American population has contact with law enforcement each year.⁵⁷ The vast majority of these encounters do not involve law enforcement use of force or community member violence. Front-line personnel in these encounters balance the demands of reducing crime, improving quality of life, and enhancing public safety—including the welfare of the law enforcement member. To achieve these goals, agencies should consider a dual approach for engaging internal and external stakeholders based on a philosophy that ensures policy changes are linked to robust training. In this section, we offer a research- and practice-based roadmap to developing de-escalation skills, practices, and policy, and to earning community collaboration and trust.

Before committing to developing a de-escalation policy or including specific de-escalation mandates in a use of force policy, it is imperative to reach an understanding of the term. Additionally, administrators need to be aware that certain situations do not easily lend themselves to de-escalation techniques, and that officers' abilities to engage in de-escalation may be limited. For example, human performance under stress is affected by psychological, physiological, and biological limitations. Most importantly, cognitive ability can be reduced by up to 80 percent in stressful situations.⁵⁸ This means first responders under significant stress may not be able to process information or access language centers of the brain necessary to engage in successful de-escalation. This diminished mental processing capacity—when added to the physiological degradation that occurs when under stress—results in auditory exclusion or functional vision loss that may contribute to unnecessary force escalations.⁵⁹ Understanding these limitations and communicating them to the community is necessary to manage expectations. They should be explained proactively whenever possible, through town hall meetings, presentations, training opportunities, or newsletters.

55. Seattle Police Department, *Manual*, "De-escalation Policy."

56. PERF, "ICAT – Integrating Communications, Assessment, and Tactics."

57. Langton and Durose, "Police Behavior during Traffic Stops."

58. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."

59. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."

Practice 1: Link policy to robust training

As most experienced law enforcement executives attest, simply changing a policy does not necessarily guarantee organization-wide compliance, especially if the policy change is not viewed as beneficial to front-line personnel. People are often resistant to change. A strategy for combating this resistance is to bring together the agency's use of force, firearms, and patrol procedures trainers to evaluate what, if any, de-escalation techniques are taught in their current training programs. Working collaboratively, the instructors can integrate de-escalation techniques into their respective training curricula. Incorporating de-escalation techniques into all applicable training is important because it is during this training that true behavioral change takes place, especially if the trainers are able to demonstrate how de-escalation enhances employee safety.

Practice 2: Allow time to adapt and provide opportunities to practice

If agencies try to change unilaterally or without explanation the practices and techniques that front-line personnel believe work for them, individual receptiveness to the new training may be compromised. Therefore, another best practice is to teach the concept, demonstrate the techniques, and have law enforcement personnel perform their new skills. The chances of employees using their newly acquired skills depends greatly on the amount of time spent exercising those skills in realistic scenario-based training and the number of successes they have in using those skills. Generally speaking, people do not simply revert to their training, as is often said. Instead, they revert to training and experience that has proven successful to them in the past, which underscores the importance of hands-on training when learning de-escalation techniques.

During the training phase, it is imperative that safety tactics not be compromised, as de-escalation is not a substitute for effectively mitigating immediate threats. Agency leaders should make sure that trainers make good use of debriefing sessions with both the trainees and the observers.

Practice 3: Expect all supervisors to support a culture of de-escalation

First-line supervisors have the most contact with personnel in the field and are positioned to affect both their behavior and the agency's culture. Law enforcement executives should ensure all supervisors understand the importance of de-escalation to the agency and are able to contribute to supporting the culture of de-escalation. Supervisors should clearly articulate the agency's philosophy, be encouraged to reinforce that message during roll call briefings, and take advantage of situations in the field to discuss the importance of de-escalation. When reviewing subordinates' use of force actions and reports, supervisors should discuss whether de-escalation techniques were implemented and whether they were successful. They should use the discussion as a training opportunity to improve future performance. Supervisors should support and reward employees' attempts to de-escalate situations.

Practice 4: Set up officers and deputies to succeed—not to fail

The goal of de-escalation training should be to have front-line personnel make better use of time and space to allow for enhanced situational awareness, proper threat assessment, and better decision-making. Agencies should introduce de-escalation training in the academy and reinforce the skills through continued, routine education. They should take steps to ensure personnel can practice and demonstrate successful de-escalation skills in training situations, so they are confident employees can implement such skills in the field while ensuring their own safety. Simply developing a policy requiring de-escalation—without ensuring personnel can practice de-escalation successfully—is not an adequate approach.

Following the implementation of a de-escalation policy, any claim of excessive force should trigger an examination of the training associated with the new policy. A written policy alone, without demonstrated competence, does not shield the employee, agency, or municipality from liability. Law enforcement executives have a responsibility to their communities and employees to ensure the implemented policies and training are realistic and do not set false expectations for all involved.

Practice 5: Reward successful de-escalation efforts

Executives should create programs to recognize law enforcement personnel who have successfully de-escalated a situation and prevented injuries. Policies for agency commendations and other recognition should be designed to value those instances where de-escalation was successful, just as other heroic acts are rewarded.⁶⁰

Practice 6: Engage the community in training and policy development

As with any policy of significant public impact or interest, a best practice is to include community members in the development of training, policy, and the organizational implementation of both. Community inclusion has many benefits. It demonstrates to the community that the chief executive and the agency are committed to community policing and aware of the community's perception of police use of force. It also demonstrates the agency's understanding of how the management of use of force can affect public trust and represents a proactive effort to reduce the number of use of force incidents.

When engaging the community in training and policy issues, law enforcement agencies often tend to seek out groups or individuals with whom they already have relationships or who have been their long-time advocates. On the topics of use of force and de-escalation, it is critical to engage segments of the community who have not traditionally been accepting of the police function or policing tactics.

To earn community trust and engage groups that traditionally have not been included in conversations around law enforcement, chief executives should take advantage of individual relationships with leaders of social service and religious groups, mental health providers, and educators to encourage broader participation in de-escalation discussions. These members of the community often work closely with

60. Wasserman, "Building Relationships of Trust."

people who may not have a good rapport with law enforcement. By bringing these voices into the discussion, agencies show their willingness to hear suggestions and criticisms about not only use of force issues, but also a whole host of other law enforcement–related concerns.

Initially, these conversations can be difficult. They require great persistence and a desire to improve real and perceived shortcomings and weaknesses. But establishing these critical lines of communication—and responding positively to criticism and critique—will buttress community perceptions of procedural justice and police legitimacy.

Communities with a Voice in Austin, Texas

The Austin (Texas) Police Department (APD) exemplifies the benefits of partnering closely with local community groups to update critical policies. The APD worked with leaders of the grassroots Austin Justice Coalition to update its policy on use of force. The updated policy included elements for which groups such as the Texas Civil Rights Project and the Austin Branch of the National Association for the Advancement of Colored People have long advocated.

Source: Tony Plohetski and Andrea Ball, “New Austin Police Policy Emphasizes Alternatives to Using Force,” *Austin American-Statesman*, January 19, 2018, <https://www.mystatesman.com/news/new-austin-police-policy-emphasizes-alternatives-using-force/qFkpZdLuy0INoM3nsnq13K/>.

Practice 7: Leverage positive personnel relationships to build community trust

Internally, chief executives should tap into individual employees’ relationships with the residents in their patrol areas. Law enforcement personnel with ties to the community—especially to communities that feel as if they have no voice—can serve as a vital bridge between the agency and groups that may be disenfranchised. It is critical that personnel involved in these initial contacts have positive standing within the community. Including law enforcement personnel who have been involved in incidents of questionable use of force—or any other perceived misconduct—in these conversations immediately discredits the agency’s efforts and should be avoided.

Practice 8: Apply best practices of de-escalation in situations other than use of force

De-escalation does not only apply to use of force; it calls for law enforcement personnel to make better use in all situations of their communication skills and the techniques they have learned and practiced. One of these skills, and a significant part of de-escalation, is active listening. Law enforcement should apply active listening in calls for service and other interactions with the community, but also within the organization—for example, in mentoring situations. With the ability to listen and truly hear what people are saying, law enforcement can engage in effective problem solving on many different levels. Properly implemented, a comprehensive program of de-escalation training can directly contribute to the four pillars of procedural justice: fairness in the process, opportunities for voice, transparency in actions, and impartiality in decision-making.⁶¹

61. COPS Office, “Procedural Justice.”

Practice 9: Enhance public reporting and transparency

When the number of use of force incidents are compared to the number of law enforcement contacts that occur yearly, it is clear that a majority of encounters between law enforcement personnel and community members do not escalate to a situation where force is used. However, use of force may be viewed in some communities as the norm, not the exception. Therefore, a promising practice is for agencies to seize opportunities to increase police legitimacy by showing how infrequently law enforcement personnel use force in their daily interactions. Conversely, if there are problems, data allows the agency to pinpoint the issues.

Making agency statistics publicly available and proactively engaging with the media and community members regarding this data further supports transparency. Opening up data sources to the public or independent parties adds legitimacy to the agency's message—particularly for those communities that may distrust agency-provided statistics and analysis. The small celebrations of procedural justice, de-escalation techniques in practice, and positive police-community interactions serve to reinforce positive behaviors internally, which enhances organizational culture over time.

Special considerations for small agencies

Smaller agencies are saddled with real challenges surrounding de-escalation tactics. Specifically, front-line personnel from these agencies may not have had exposure to an extensive training regime beyond what is provided at the state academies.

However, these agencies also enjoy advantages related to de-escalation. For example, employees at small and rural agencies often do not have the luxury of immediate backup to assist them in tense situations. While this reality places significant pressure on a lone responder, it may be an advantage for the agency: first responders who understand that backup is some distance away tend to practice strategies designed to lessen the tension of the situation. In small towns, first responders are also more likely to know and recognize the people they deal with on calls for service; that familiarity is also an asset in de-escalating a crisis situation. And, as discussed in chapter 1, building relationships with all segments of the community can be easier when the community is small.

Developing a philosophy regarding the delivery of law enforcement services is critical for all sizes of agency, but small agencies can embrace this philosophy quickly and efficiently due to their size and flatter organization. Because executives of smaller agencies tend to have more contact with all personnel, they are more able to drive culture change, and instill a guardian mentality.

By meeting the community with courtesy, respect, and professionalism, small agencies can influence public safety behaviors, rather than rely on force for control. Although residents of small communities may not describe police activity in terms of procedural justice, they nonetheless understand police au-

thority to be derived from delivering the services the community expects in the manner they expect to receive it. When the guardian mentality permeates the entire organization, the community will perceive the difference.

Checklist to implement

Checklist of steps to implement de-escalation training and policy

- Assess current training curricula.

- Engage trainers and the community in discussing training.
 - Be sure to reach out to voices in the community that have not historically been included.

- Incorporate de-escalation techniques into various training topics.

- Integrate de-escalation throughout the training curriculum for new recruits.

- Practice de-escalation techniques in scenario-based training.

- Invite members of the community and the media to discuss and participate in scenario-based training.

- Assess front-line personnel's competency, comfort, and engagement in de-escalation training.

- Engage employees and members of the community in discussing the establishment of a written de-escalation policy, and the features such a policy should have.

- Establish a written de-escalation policy and enhance other relevant policies to support adherence in all applicable areas.

- Seek the support of senior personnel and senior first-line supervisors, in the creation of de-escalation policy.
 - Involve these personnel in communicating the reasons for the policies throughout the organization.

- Publicize the agency's written policy, engage internal and external stakeholders in discussing its implementation, and engage and train members of the agency on the new policy.

- Be transparent about uses of force and publicize situations where force was avoided because of law enforcement personnel's use of de-escalation tactics.

- Collect and evaluate data from incidents where de-escalation was used and enhance or adjust training and policy as needed.

Summary

De-escalation plays a crucial role in enhancing a law enforcement agency's legitimacy in the eyes of a community. This practice of using verbal and non-verbal skills to slow down the sequence of events supports the safety both of the public and of front-line law enforcement personnel. Although the techniques of de-escalation create time for first responders to enhance their situational awareness, conduct proper threat assessments, and allow for better decision-making, this practice often goes unnoticed by those within the agency and members of the community.

Educating members of the community has an iterative quality: enhancing the community members' understanding of law enforcement practices can earn their trust and thereby affect their level of compliance during police encounters. However, the time to engage and educate the community is before an incident of police use of force, not after. Therefore, law enforcement executives should begin laying the groundwork for the ongoing task of educating internal and external stakeholders on the importance of de-escalation and start incorporating de-escalation techniques into their agency's law enforcement practice.

A good first step is recognizing individuals' resistance to change and taking the approach of linking policy changes to robust training. Law enforcement executives should then provide time for employees to adapt to the agency's new model of engagement and offer multiple opportunities to test these new skills in scenario-based trainings.

Throughout this process, managing expectations is crucial to setting law enforcement personnel up for success in the eyes of agency leadership and members of the community. By engaging members of the community—especially those who have historically not been included—and mobilizing personnel with positive community relationships, law enforcement agencies can create an atmosphere of dialogue and understanding. The practice of de-escalation should appear in all law enforcement encounters—internal and external—and should not be limited to incidents likely to result in the use of force. Once these pieces are in place, law enforcement executives should take every opportunity to demonstrate how infrequently their employees use force in their daily interactions and celebrate the use of de-escalation techniques to resolve potential incidents safely.