

# THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

## **Training and Education** **Submitted Oral & Written Testimony Received by February 14,** **2015** **Presented Alphabetically by Last Name**

### **Primary Source Documents**

This document contains all Primary Sources for oral and invited written testimony submitted to the Task Force for the listening session on Training and Education. Twenty-two documents are compiled alphabetically by last name when available or by the name of the organization when not provided. A complete list of submissions for A-Z is provided as an easy reference when looking for specific names or organizations.

#### **Note:**

\*Oral presenters who submitted written testimony

\*\*Invited written testimony

#### **Oral Presenters Who Submitted Written Testimony:**

1. Brown, Sandra: Principal Trainer-Fair and Impartial Policing
2. Ciechanowski, Arlen: President-International Association of Directors of Law Enforcement Standards and Training (IADLEST)
3. Decker, Scott: Professor-Arizona State University
4. Dupont, Randolph: Professor and Clinical Psychologist-University of Memphis
5. Flynn, Edward: Chief-Milwaukee Police Department
6. Fowler, Renaldo: Staff Advocate-Arizona Center for Disability Law
7. Friedman, David C.: Director of National Law Enforcement Initiatives-Anti-Defamation League
8. Harley, Keeshan: Member-Communities United for Police Reform
9. Hutchens, Sandra: Sheriff-Orange County Sheriff's Department
10. Jacobs, Kimberly: Chief-Columbus Division of Police
11. Johnson, William: Executive Director-National Association of Police Organizations
12. Layton, John: Sheriff-Marion County Sheriff's Office
13. Lipman, Bruce: Procedural Justice Training
14. May, Cheryl: Director-Criminal Justice Institute and National Center for Rural Law Enforcement
15. Ortolano, John: President-Arizona Fraternal Order of Police
16. Ritchie, Andrea: Senior Policy Counsel-Streetwise and Safe
17. Sarsour, Linda: Director-Arab American Association of New York
18. Scrivner, Ellen: Executive Fellow-Police Foundation

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19. Serpas, Ronal: Advisory Board Member-Cure Violence Chicago
20. Winegar, Steven: Coordinator-Public Safety Leadership Development, Oregon Department of Public Safety Standards and Training

## **Invited Written Testimony Submitted by February 14, 2015**

1. Braga, Anthony: Harvard and Rutgers University
2. Brunson, Rod K.: Rutgers University
3. Cordner, Gary: Kutztown University
4. Fridell, Lorie: University of South Florida
5. Hickman, Matthew: Seattle University
6. Lum, Cynthia: George Mason University
7. Mastrofski, Stephen D.: George Mason University
8. McDevitt, Jack: Northeastern University
9. Rosenbaum, Dennis P.: University of Illinois at Chicago
10. Skogan, Wesley G.: Northwestern University
11. Terrill, William: Michigan State University
12. Major County Sheriffs' Association



## **Testimony Submitted to the President’s Task Force on 21<sup>st</sup> Century Policing**

SUBMITTED BY: Lt. Sandra Brown (Ret.), Palo Alto Police Department

RELEVANT TOPICS: Training and Education: Fair and Impartial Policing

Commissioner Ramsey, Professor Robinson and Members of the President’s Task Force on 21<sup>st</sup> Century Policing:

I was introduced to the Fair and Impartial Policing program as a member of the Curriculum Design Team after my own department was thrust into the light with allegations of biased policing, thus entering the Fair and impartial Policing relationship retroactively. Fortunately many of the agencies we come into contact with today choose the training with a proactive attitude, seeing the change in the future of policing and how important it is to continually bridge the relationships between policing and the communities they serve.

We all know that Social Scientists have been studying “prejudicial attitudes” since the 1950’s<sup>i</sup> and report that these attitudes come in different forms<sup>ii</sup>; they also report that the way bias and prejudice manifest in our society has changed over time.<sup>iii</sup> These scientists distinguish between “explicit bias” and “implicit bias” and report that “our grandparents’ prejudice” was more likely to be in the form of *explicit* bias and modern day bias is more likely to be *implicit* bias.<sup>1iv</sup> We humans tend to link individuals to stereotypes or generalizations associated with their group(s) (e.g., women,

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<sup>1</sup> Informative and easy-to-assimilate overviews of implicit bias can be found in the documents produced by the Kirwan Institute ([www.kirwaninstitute.osu.edu](http://www.kirwaninstitute.osu.edu)), including Staats, C., (2013). *Implicit Bias Review, 2013* and Staats, C., (2014). *Implicit Bias Review, 2014*.

racial/ethnic minorities, gays and lesbians, homeless). These biases can impact on perceptions and behavior—producing discriminatory behavior.<sup>v</sup> Implicit biases are not based on animus and hostility toward groups; they can manifest outside of conscious awareness<sup>vi</sup> even in individuals who, at the conscious level, reject prejudice and stereotyping.<sup>vii</sup> The implications of the modern science of human bias are that (1) all officers—even the best—can produce biased policing because of their human biases; and (2) all agencies must be proactive in producing fair and impartial policing because they hire humans to do the work.

### **Interventions to Promote Fair and Impartial Policing**

We have five recommendations pertain to how we bring the modern science of bias into police agencies around the country. Since 2008 the USDOJ COPS Office has supported the creation this science-based training program for police agencies<sup>viii</sup> and the USDOJ recently funded the National Initiative for Building Community Trust and Justice.

#### **Recommendation #1: Law enforcement executives need information and other resources so that they can implement science-based policies and practices to promote fair and impartial policing.**

Efforts on the part of agency leaders to promote bias-free policing have fallen short. There have been attempts to identify officers who are exhibiting biased policing and hold them to account focusing on officers who have explicit bias. The science of bias indicates that agency leaders must expand their focus, and this science has implications for law enforcement policy/practice in the following realms: (1) recruitment, hiring, evaluation and promotion; (2) anti biased-policing policy; (3) the leadership message; (4) supervision and accountability; (5) training; (6) outreach to diverse communities; (7) measurement; and (8) operations. The COPS Office has supported a 1 ½ day

training program for executives and community stakeholders where trainees learn about the science and then about a “comprehensive program for producing fair and impartial policing.” The participants leave the training with preliminary action plans.

**Recommendation #2: Law enforcement agencies should provide science-based “biased policing” training to all personnel.**

Training for personnel needs to increase officers’ knowledge of the modern science of bias and then impart relevant skills for producing bias-free behavior. The good news from the science is that implicit biases are malleable and controllable; individuals can be trained to *reduce* and *manage* their biases.

All police personnel need to learn about the modern science of bias and acquire the individual-level skills for reducing and managing biases. In the COPS-sponsored Fair and Impartial Policing curricula for academy and line-level officers, trainees learn about the science and acquire skills through highly interactive and experiential sessions. A key mantra of the training is “policing based on stereotypes and biases is ineffective, unsafe and unjust.”

Supervisors/managers need additional information; they are trained to scan for biased policing on the part of their subordinates and given tools for intervening when bias is suspected. Identifying the appropriate supervisory response to biased policing can be challenging. Not only is biased behavior very difficult to prove, but, for the officers whose biased behavior is not intentional or malicious, punishment would be inappropriate. Since, in many instances, there will only be “indications” and not “proof,” it is important to guide supervisors on when and how they can (and should) intervene to stop what *appears* to be inappropriate conduct.

As above, the COPS Office has supported the creation and dissemination of four additional, science-based curricula designed for the following groups: (1) academy recruits and/or in-service

patrol officers, (2) first-line supervisors, (3) mid-level managers, and (4) trainers. Individuals from over 250 local, state and federal agencies in North America have received training in these various curricula. The response to the training has been overwhelmingly positive. Although most trainees—especially at the lower levels of organizations—come into the sessions defensive or even hostile, their hostility abates as they start to hear about the biases that all humans have.

**Recommendation #3a: Scenario-videos that are used to train use-of-force judgment should incorporate scientifically supported elements that can reduce bias in the application of force.**

The theory of implicit bias has implications for maximizing the potential of use-of-force judgment training for reducing the potential impact of bias on use-of-force decisions. In state-of-the-art use-of-force training, pre-service and in-service officers respond to video scenarios that play out on a screen. The officers must decide if the subject or subjects in the scenario are a threat and, if they are, whether and how much force to use.

Two key concepts from the theory of bias—ambiguity<sup>ix</sup> and counter stereotypes<sup>x</sup>—provide guidance on how to maximize the effectiveness of this video/scenario training in terms of reducing biased uses of force. Video scenarios, reflecting these concepts, have the potential to train officers to reduce or eliminate reliance on demographics when attempting to discern threat (or lack of threat) and include ambiguous-threat situations involving counter stereotypes.

The recently released results of research conducted by Lois James and colleagues<sup>xi</sup> were counter to those produced by Josh Correll and colleagues, but the implications of the findings for training are the same: Police personnel need high-quality, scenario-based training, involving counter stereotypes in ambiguous threat situations.

**Recommendation #3b: Resources should be made available to agencies so that they can provide frequent, scenario-based, use-of-force judgment training.**

The video scenarios described above exist and have the potential to condition officers to make their force decisions—not based on demographics—but on relevant indicators of threat (and non-threat). But, some questions remain: (1) what proportion of agencies have access to video/scenario training resources, and (2) in those agencies with these resources, what is the frequency and dosage of exposure? Research has been conducted that indicates that fewer than half of agencies provide computer-based scenario training and, of those that *do* provide the training, one-quarter expose their personnel to only one scenario annually. (Six in 10 exposed their officers to fewer than 4 scenarios annually.)<sup>xii</sup>

<sup>2</sup>Some preliminary research (Correll et al., 2010) indicates that the backdrop of the scenario—showing a high crime area or a low-crime area—might also impact on the activation of various biases. The implication is that scenario backdrops should vary, such that sometimes the ambiguous threat scene takes place in what clearly is a high crime area and sometimes the scene takes place in an area that would appear to be a low-crime environment.

<sup>3</sup>The science-based elements of scenario training could be applied to non-video, role-play training, too, such as Simunitions. For some agencies, however, particularly if their role-play “subjects” are agency personnel, it might be a challenge to involve subjects that reflect a range of demographics.

**Recommendation #3c: Research should be conducted to identify the frequency and dosage of science-based scenario training that is required to reduce/eliminate biased use-of-force decisions and the results should be used to develop standards to guide agencies.**

Indeed, we believe there is sufficient theory and empirical support to implement recommendation #3b in the near future. That said, more research *does* need to be conducted. A top priority would be to initiate research that will examine what frequency and dosage of the scenario-based training produces and maintains the desired outcomes. This research can be used to produce standards for agencies.<sup>2</sup>

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<sup>2</sup> The methods used in the research of James and her team could provide a model for future research as her methods, compared to other methods, more closely reflect actual police decision-making.

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<sup>i</sup> The leading scholar in the early years was Gordon Allport who wrote *The Nature of Prejudice* (1954) Menlo Park, CA: Addison-Wesley Publishing Company.

<sup>ii</sup> The seminal early works detecting implicit biases are Gaertner, S.L. & McLaughlin, J.P. (1983). Racial stereotypes: Associations and ascriptions of positive and negative characteristics. *Social Psychology Quarterly*, 46(1): 23 – 30. And Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56(1), 5 – 18.

<sup>iii</sup> See e.g., Schuman, H., Steeh, C., Bobo, L., & Krysan, M. (1997). *Racial Attitudes in America: Trends and Interpretations*, Revised Edition. Cambridge, MA: Harvard University Press.

<sup>iv</sup> Fiske, Susan (2008). Are we born racist? *Greater Good*, Summer 2008; pp. 14 – 17, p. 14.

<sup>v</sup> See e.g., Dasgupta, N. (2004). Implicit ingroup favoritism, outgroup favoritism and their behavioral manifestations. *Social Justice Research*, 17(2): 143 – 169. Kang, J., Carbado, D., Casey, P., Dasgupta, N., and Faigman, D. (2012). Implicit bias in the courtroom. *UCLA Law Review* 59(5): 1124 – 1186. Dovidio, J.F., Kawakami, K., and Gaertner, S.L. (2002). Implicit and explicit prejudice and interracial interaction. *Journal of Personality and Social Psychology*, 82(1): 62 – 68. Correll, J., Park, B., Judd, C.M., Wittenbrink, B., Sadler, M.S., & Keesee, T. (2007b). Across the thin blue line: Police officers and racial bias in the decision to shoot. *Journal of Personality and Social Psychology*, 92 (6): 1006 – 1023.

<sup>vi</sup> See e.g., Dovidio, J.F., Kawakami, K., Smoak, N., & Gaertner, S.L. (2009). The nature of contemporary racial prejudice. In R.E. Petty, R.H., Fazio & P. Brinol (Eds.). *Attitudes: Insights from the New Implicit Measures* (pp. 165 – 192). New York, NY: Psychology Press. Greenwald, A.G., & Krieger, L.H. (2006). Implicit bias: Scientific foundations. *California Law Review*, 94(4): 945 – 967. Kang, J., Bennett, M., Carbado, D., Casey, P., Dasgupta, N., Faigman, D., et al. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59(5): 1124 – 1186. Petty, R.E., Fazio, R.H., & Brinol, P. (2009). The new implicit measures: An overview. In R.E. Petty, R.H. Fazio & P. Brinol (Eds.). *Attitudes: Insights from the new implicit measures*. (pp. 3 – 18). New York, NY: Psychology Press.

<sup>vii</sup> See e.g., Cunningham, W.A., Preacher, K.J., & Banaji, M.R. (2001). Implicit attitude measures: Consistency, Stability, and Convergent Validity. *Psychological Science*, 12(2): 163 – 170. Dasgupta, N., McGhee, D.E., Greenwald, A.G., & Banaji, M.R. (2000). Automatic preference for White Americans: Eliminating the familiarity explanation. *Journal of Experimental Social Psychology*, 36(3): 316 – 328. Devine, 1989, *ibid*. Graham, S. & Lowery, B.S. (2004). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, 28(5): 483 -504. Kang, J., Carbado, D., Casey, P., Dasgupta, N., and Faigman, D. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59(5): 1124 – 1186.

<sup>viii</sup> Awards from the US Department of Justice Office of Community Oriented Policing Services include 2007-CK-WX-K004, 2010-CK-WX-K015, 2012-CK-WX-K018, 2013-CK-WX-K021

<sup>ix</sup> See e.g., Bertrand, M., Chugh, D., & Mullainathan, S. (2005). Implicit discrimination. *The American Economic Review*, 95(2): 94 – 98.

<sup>x</sup> Blair, I.V., Ma, J.E., & Lenton, A.P. (2001). Imagining stereotypes away: The moderation of implicit stereotypes through mental imagery. *Journal of Personality and Social Psychology*, 81(4): 828 – 841. Dasgupta, N. & Greenwald, A.G. (2001). On the malleability of automatic attitudes: Combating automatic prejudice with images of admired and disliked individuals. *Journal of Personality and Social Psychology*, 81: 800 – 814. Kang, J., & Banaji, M. (2006). Fair measures: A behavioral realist revision of 'affirmative action.' *California Law Review*, 94: 1063 – 1118.

<sup>xi</sup> James, L., Vila, B. & Daratha, K. (2013). Influence of suspect race and ethnicity on decisions to shoot in high fidelity deadly force judgement and decision-making simulations. *Journal of Experimental Criminology*, 9(2): 189 – 212. James, L., Klinger, D. & Vila, B. (2014). Racial and ethnic bias in decisions to shoot seen through a stronger lens: Experimental results from high-fidelity laboratory simulations. *Journal of Experimental Criminology*, DOI 10.1007/s11292-014-9204-9.

<sup>xii</sup> Morrison, G.B. & Garner, T.K. (2011). Latitude in deadly force training: Progress or problem? *Police Practice and Research*, 12(4): 341 – 361.



# ***The International Association of Directors of Law Enforcement Standards & Training***

## **Presidential Task Force on 21<sup>st</sup> Century Policing**

In light of recent events, the Presidential Task Force on 21<sup>st</sup> Century Policing is examining a number of high-profile issues surrounding strengthening public trust and fostering strong relationships between local law enforcement and the communities that they protect. The 21<sup>st</sup> Century police force will require new skills and approaches to strengthen public trust and strategies for effective crime reduction. Much of the public's perception of law enforcement has been underscored by recent events and the National spotlight has been thrown upon deeper issues of damaged trust between citizens and the officers that serve them.

As with all upheavals, these issues will bring to light new approaches for improving public trust and will require time and effort to disseminate positive changes across our Nation. Depending on the outcomes of the Task Force and the recommendations that emerge, we would like to make you aware of our association and the impact we can have on setting National standards for law enforcement and changing or augmenting training, both for basic recruit officers as well as in-service or continuing education. Changing cultures will require effective training programs for law enforcement in the 21<sup>st</sup> Century.

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is a national entity representing all Peace Officer Standards and Training (POST) commissions and we have long recognized the need for federal and state partnerships in meeting America's widening law enforcement training needs. Our mission is to research, develop and share information, ideas and innovations that assist states in establishing effective and defensible standards for employment and training of law enforcement officers. Almost every state has a POST, directly tasked with creating minimum standards for employment of all law enforcement officers, minimum standards for the basic training of all law enforcement officers, as well as the licensing or certification of those officers. IADLEST operates the National Law Enforcement Academy Resource Network that links every law enforcement academy in the nation together for sharing resources, training, information and best practices. IADLEST also operates the National Decertification Index, which is an aggregation of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct.

Because every state POST agency is tasked with setting minimum standards for the training of all law enforcement officers in their State, each POST has experts that develop curriculum, conduct job task analysis, and deliver training both in person and through distance learning to every law enforcement officer within their state. IADLEST is capable of establishing a national training infrastructure, utilizing existing statewide law enforcement training entities. Under our direction, and in cooperation with Federal partners, vital training could be rapidly identified, developed, delivered and tested. IADLEST has done this successfully for several programs utilizing both classroom-based instruction and, as appropriate, leveraging existing distributed and self-paced learning methodologies. With IADLEST’s National reach and access to Subject Matter Experts in every State, an immediate solution to scaling and distributing training Nationwide is available which can assure adequacy and effectiveness of all offerings, satisfaction of diverse state approval requirements and direct access to all agencies.

IADLEST is already in the vanguard of changing culture. This culture change is being accomplished through a training program called “Blue Courage.” The training is a transformational process that focuses on the human development of law enforcement professionals. Few professions are more physically, mentally and emotionally demanding than law enforcement. Blue Courage addresses personal challenges many officers face, such as cynicism, identity, judgment, integrity, leadership and stress management. One of the primary focuses of this training is to train officers on how to build relationships and trust with the communities they serve.

During this training, nine modules are taught: 1) Foundations of Courage; teaches the current and future state of policing, why Blue Courage is necessary, definition of Blue Courage and defining the heart and mind of a guardian. 2) Police Culture; understanding the influences of the police culture, the healthy and unhealthy aspects and how we influence and transform culture. 3) The Nobility of Policing; embracing the purpose and meaning of the “Guardian,” the history of policing and the responsibilities and tools of the Guardian. 4) Respect; reframing how police officers think about respect, understanding respect as a foundation of relationships, community trust and procedural justice. 5) Resilience and Hope; understanding stress and our response to the challenges of policing; Learning the practice of regulating emotions, storing resilience and energy, and developing the capacity to perform at peak levels under adverse conditions. 6) Positive Psychology; learning the power of reframing cynicism and apathy into positivity and gratitude. Learning the physical, cognitive and emotional responses to a brain in “positive” versus negative or neutral. 7) Practical Wisdom; discretion and judgment are essential to effective policing – practical wisdom teaches the highest form of ethical judgment. “Doing the right thing, in a particular circumstance, with the people engaged with, at the time, that serves the mission and purpose of policing.” 8) Health and Wellness; learning the simplest practices that promote health and wellness in all four dimensions; Physical, Mental, Spiritual,

and Emotional. Learning how to ritualize practices that promote health and wellness. 9) The Immortal Cop; understanding we are not immortal but the work we do is. Policing is a legacy profession, our actions become part of the fabric of our citizens lives – what and how cops police, matters. This training elevates the sense of responsibility police officers have for their chosen profession.

IADLEST, through a grant from the Bureau of Justice Assistance is presently delivering this training to law enforcement officers and training academies nationwide. It is designed to change the culture of Law Enforcement by reaffirming the core values of policing and by extension, to help neutralize the public's current views that police have become militarized. This training is reshaping officer's perception of their fundamental role not as warriors but as guardians and protectors of the constitution and the citizens they serve.

Today's law enforcement professionals are highly trained and highly skilled operationally. While skill training is essential today, it is not complete. The behaviors that tarnish police agencies and the badge in general are also placing officers at risk every day. It is not tactical skills that officers are lacking, but rather essential attitudes of the heart and general mindset of officers that needs to be addressed.

Blue Courage is a prime example of training that helps bridge the gap between officers and the public. Officers are taught to go beyond learning tactical and critical incident survival and develop skills that ensure their readiness to both, prevent and recover from the aftermath of incidents. More importantly, this training reignites a sense of passion, purpose and commitment to policing and reawakens the officer's moral compass to give them the courage to do what is right by improving decision-making skills while under pressure, understanding how to build relationships and trust within the community and developing an organizational culture of learning, critical thinking, tolerance and curiosity.

Training has a critically important impact on the police culture that influences the way agencies operate and the way officers conduct themselves. To be effective in changing culture, training must begin with recruit training and continue throughout an officer's career. IADLEST is the only national organization with a system capable of influencing every law enforcement training institution in the nation on this scale.

IADLEST stands ready to work with the Task Force to develop training that can be incorporated into law enforcement training nationwide, from basic recruit and throughout an officers' continuing education and training.

# Testimony given to the President's Task Force on 21<sup>st</sup> Century Policing.

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Scott H. Decker, PhD. Foundation Professor of Criminology and Criminal Justice. Arizona State University.

Thank you for the opportunity to provide testimony today. I appreciate the importance of your task and am hopeful that the Task Force will provide recommendations that can enhance public safety, improve law enforcement and more effectively integrate the public into crime control and public safety functions. This is the first national task force on policing since the Kerner Commission, was formed in 1967. Such a commission is long overdue and I urge the Commission to take a broad view of policing.

Why do people obey the law? In large part, people obey the law because they believe it to be a legitimate tool that is administered fairly that they are socialized to obey. Training enhances these beliefs by emphasizing the fair and regular application of the law.

Policing provides a public value, albeit a very expensive one. We train the police to enhance and expand this public value – the safety and security to conduct our daily lives.

There has been an unfortunate recent tendency in law enforcement to “circle the wagons”; it was palpable at IACP and can be seen in many police departments as officers and police leaders feel under siege. This is unfortunate because what we need at this time is just the opposite, more integration and interaction with the community. The recent example in Phoenix of Rev. Jarrett Maupin, a civil rights activist and long-time critic of the police is a case in point. Maupin underwent “use of force” training in which he participated in “Shoot/Don’t Shoot”

training. His attitudes about the police changed as a consequence of this training, documenting that outreach to the community – and integrating them into training opportunities such as citizen academies – can build trust in law enforcement.

Training. Training is the backbone of fair and effective policing. While academy training is at the core of creating officers who engage in fair and effective policing, in-service training provides a “booster” to those who are receptive and an important correction to those whose knowledge and skills may have weakened through time. In addition, in-service training enables law enforcement officers to keep up with a rapidly changing world of technology, people and circumstances. The public has a right to expect that law enforcement will produce consistent results and not be a patchwork of decisions with no common themes or practices. Such training also can save careers, by re-directing officers whose behavior has become problematic. In the five years I served on the Arizona POST, we reviewed nearly 1,000 cases of alleged officer misconduct. Most of those violations could have been prevented or corrected by the appropriate training, either one-on-one or in a group setting. There are three notable training activities around the country I would call your attention to. The first of these is the Supervisory Leadership Academy at the Center for Policing Excellence, Oregon Department of Public Safety Standards and Training (DPSST). This is exceptional training that emphasizes procedural justice, legitimacy and best practices. I believe you heard about this from Steve Winegar who runs that training. The second is the concept of “perishable skills” used by the California POST, which requires a 12 hour training module in communication skills every other year. Third, the recent effort by the Chicago Police Department to provide Procedural Justice Workshops for all officers is worth a closer look. What these three innovations have in common is a commitment to

enhance public trust in the police and expanding their legitimacy among individuals in our communities.

Training isn't value neutral; training announces and reinforces the values that underscore fair and effective policing. In this context, in-service training is especially important as it leads to patterns of behavior and expectations among law enforcement officers. Indeed, training reinforces the mutual bonds and expectations between the police and with the public.

In-service training prepares officers to respond effectively and safely to new circumstances as well as to existing problems. The language of 21<sup>st</sup> Century Policing is the language of legitimacy, procedural justice, evidence based interventions, collaboration and social media. The police need in-service training and basic training that prepares them for this language and the new knowledge generated weekly about fair and effective policing.

Diversity training is an essential component of 21<sup>st</sup> Century Policing. The world is dynamic and diverse and building empathy and understanding is a requirement of serving the public. The police are the government agency most likely to first see and be affected by these changes.

The challenges faced by law enforcement in the area of immigration are a good example of the need for in-service training to be dynamic. Dealing with new immigrants is an area where local policing hasn't been helped by the changing federal initiatives and lack of a clear and coherent federal policy. Between the rise and fall of 287G and Secure Communities, local law enforcement has been left largely to fend for itself. My colleagues at Arizona State and John Jay College and I recently completed two studies funded by the National Science Foundation in which we surveyed more than 200 chiefs in large cities, more than 100 in small cities and more

than 100 Sheriffs. Nearly half of the cities we surveyed have no clear policy regarding how to deal with undocumented. This means that police departments either develop ad hoc strategies for dealing with possible unauthorized immigrants, or leave decisions to the discretion of individual officers. Many key decisions about how police should deal with violations of immigration law take place on the street, during the day-to-day encounters between police and immigrants. This means that neither the national government, nor local elected officials, nor police executives have clear control over the enforcement activities now taking place. The patchwork that is immigration enforcement, in short, is made by individual officers on patrol with little or no guidance or oversight. In cities with no policy, there is no training on how to interact with immigrants. Even among cities in our survey that acknowledged the existence of local policy fewer than half provided training to their officers.

#### RECOMMENDATIONS:

1. Training should take place in cross-disciplinary settings. This should include line and supervisory personnel from probation, parole, prosecution, juvenile justice and correctional officers. Promoting a broader awareness of other aspects of the criminal justice system should be a goal of effective police training.
2. All members of a police department (line level officers, command staff, members of specialized units and civilian employees) should receive diversity training. The training should be revised and repeated regularly.
3. Training should integrate group experiences with classroom components. Going to the Holocaust museum, a Civil Rights museum, tutoring elementary school children, visiting a VA hospital and other activities should be integrated into police training.

4. There should be leadership and support for the development of training at the federal level. The COPS office is the right place for this to be housed.
5. Communication skills should be an integral part of all in-service and basic training. Training should emphasize the use of appropriate language in interacting with the public. The vocabulary of policing should not include the F or the N words.<sup>i</sup>
6. There is a dire need to evaluate the effectiveness of training both its content and method of delivery. This should be a solicitation at the National Institute of Justice.
7. Police basic and in-service training should integrate citizens wherever practical.
8. Both the substance and method of delivery are important for training. The use of web-based training, including the integration of video must be a fundamental part of training in the 21<sup>st</sup> century.
9. Police training must integrate and reinforce the principles of community policing.
10. The Commission should consider recommending that state level POSTs provide Continuing Education Units (CEUs) as is done in many professions including law and medicine.
11. Contemporary research on police has a lot to offer in crafting officer training. Partnerships between researchers and those who develop training should be encouraged and supported.

## Special Training on Building Trust<sup>1</sup>

Trust can be built during law enforcement training if it is integrated into the training curriculum rather than added on as a special focus class. The building of trust during training is possible because police officers, deputies and other law enforcement officers enter the profession with a great deal of idealism. However, this idealism is often destroyed by struggles on the job which include the enormous pressure of the work itself, the toll such pressures take on an officer's personal life and the exposure to behavior that reflects the worse side of all of us. This exposure creates a cynicism and understandable distrust in many law enforcement officers. As a result, officers can lose their way and become disillusioned with the community in which they work. However, experience and outcome research with a specialized crisis intervention program for law enforcement (CIT) has led to the conclusion that trust can be re-built through training and policy changes<sup>2</sup>.

### Recommendations:

1. *Establish meaningful common tasks with the community that take place prior to training.*
2. *Make training strategic and not traumatic.*
3. *Redesign and rename cultural competency and empathy training.*
4. *Address negative attitudes toward police officers as part of the training.*
5. *Expand the use of force continuum training so that verbal interventions and de-escalation techniques are more than just one or two items on a short list of options.*

In order to foster trust with the community, it is important to establish meaningful common tasks that take place prior to training. Community involvement can be complex and messy for departments that conduct training on a highly efficient schedule. However, community involvement is important and well worth the additional effort necessary for success.

Law enforcement agencies should be required to work on common tasks with community members.<sup>3</sup> These tasks should be related to training and corresponding policy changes. The work on common tasks creates the relationships and experiences that form the basis of trust. Trust is ultimately built on personal relationships and knowledge of another person. This trust has to start on a one-to-one basis. Shared tasks and shared accomplishments are needed to make the trust meaningful and lasting. The strategy of shared tasks works best when conducted as part of a systematic attempt to make the community a partner in addressing citizen concerns. Common tasks can start with the establishment of initial timetables, establishing a training agenda, and the selection of trainers who understand how to relate to officers. Eventually the tasks can become more substantive such as having input into policy changes and working with law enforcement to expand community support for police initiatives. Feedback from successful crisis intervention programs has a common theme. The programs consistently report that success is all about the networking.

Law enforcement builds greater trust when training is made strategic and not traumatic as a learning experience for the officer. Police training has changed over the past 25 years. Officers are better educated and look for more sophisticated and complex training. The change to a more strategic approach to policing is positive because too often training in the past has been focused on showing the officers graphic images of terrible outcomes to police/citizen interactions. In these training films, the officers are often hurt or killed. While law enforcement is a dangerous job, the concern is that focusing on graphic images or stories of harm to the officer is less effective than teaching new skills and strategies. Additionally, these scenarios may impact officer judgment<sup>4</sup> and such techniques need to be re-assessed<sup>5</sup>. Law enforcement training is becoming more sophisticated with an emphasis on realistic scenario-based training. Trainers

understand the importance of relying on the skills of the officer and the ability of the officer to comprehend the unique circumstances encountered in a citizen event.

Teaching officers cultural competency and empathy training is a well-meaning pursuit that could use redesign and renaming. Cultural competency and empathy training should be integrated into the curriculum so that it would be redundant to have separate courses. These courses rarely give the officers a chance to learn from personal relationships about individuals different from themselves. While some lecture material may be necessary, the change in behavior is more likely to come from the officer learning on their own. In CIT training, officers participate in a free form discussion with Veterans and individuals with mental illness in a non-crisis environment. Afterwards, officers in Memphis reported “they are just like us.” The site visits led correctional and law enforcement officers in Orange County, Florida to help paint and refurbish a drop-in center that was struggling financially<sup>6</sup>. These responses were substantiated more broadly by research that found officers indicated greater interpersonal comfort with those with mental illness when compared with officers who had not received training.<sup>7</sup>

A corollary to changing officer attitudes towards the community is to address the negative image and stereotypes some community members have towards the officers. As discussed earlier, working on common tasks can produce trust with the community. However, more intensive experiences can produce attitude change as well. Many of the Crisis Intervention Team programs require community members who participate in the training to ride with the officers. Both the original receiving facility and the VA Medical Center for the Memphis Model CIT program had psychiatric staff and trainees ride with the officers. Riding with an officer and viewing the challenges faced on the street created enormous respect and changed attitudes towards the police.

Previous research has indicated that citizen use of force complaints run between 6 and 12 complaints per 100 officers.<sup>8</sup> While a small percentage of the complaints were substantiated (8% of complaints), nonetheless, issues around the use of force continue to challenge law enforcement agencies. Community trust in police departments might be well served if the use of force continuum was expanded during law enforcement training. Currently verbal interventions can be limited to commands such as “stop” and corresponding more complex de-escalation techniques are not always a clear part of use of force continuums.<sup>9</sup> De-escalation techniques are rated by Crisis Intervention Team officers as one of the best set of courses in their 40 hour training. Work with senior CIT officers suggests that interventions consist of a wide range of different interventions at multiple points in an escalating crisis event. The reliance on extensive training in verbal interventions and corresponding de-escalation techniques may well be responsible for the success of the program.<sup>10</sup>

The five recommendations to build trust (common tasks, strategic training, redesigned cultural competency, changing community attitudes, and expansion of use of force continuum training) are based on the assumption that communities and law enforcement agencies can find appropriate support in their attempts to make change. In addressing the population of those living with mental illness, a number of barriers need to be addressed, most notably the lack of emergency mental health services. The lack of services is often the reason cited by municipalities that do not implement a Crisis Intervention Team program. Additionally, innovative programs have had to be developed to assist smaller rural and suburban departments. However, the success of a grassroots program like the Crisis Intervention Team in developing over 2800 sites shows that meaningful trust can be established.

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**PRESIDENT'S TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING  
LISTENING SESSION 02/14/15 – TRAINING & EDUCATION**

TESTIMONY OF: CHIEF EDWARD A. FLYNN, MILWAUKEE POLICE DEPARTMENT

Thank you for the opportunity to address the President's Task Force on 21<sup>st</sup> Century Policing. My testimony includes the contextualized themes of more than 40 years of police service, including 25 years as a chief executive. I am a member of the International Chiefs of Police Executive Committee and the chair of IACP's Education and Training Committee.

I will explore several crucial questions today: Who are the police and what do we expect of them? How do we innovatively train, lead and manage our police? What about the hot topics of mental health and critical incidents? What else is needed for us to accelerate improvements in community-police engagement?

Who are the police and what do we expect of them?

The police do not exist to stop cars, write tickets, make arrests and apprehend criminals. The police exist to prevent crime. The police exist to help society maintain order. The police exist to do "something" about those "things" that should not be happening but are happening right now and about which "something" should be done by "someone." The police exist to intervene in acts of disorder, crime and violence on behalf of their public in the most diverse, challenged democracy on earth.

A free people expect a police presence that allows them to pursue the American dream and raise their children in safety.

The mission of the Milwaukee Police Department is, "In partnership with the community, we will create and maintain neighborhoods capable of sustaining civic life." This, at its core, is a form of nation building right here at home. Unlike the military, our frontline staff are authorized leaders. They are not privates following orders. We expect them to be ethical decision-makers not for fear of being caught, but out of a chosen responsibility for both the culture of which they are a part and for creating relationships to fight crime, violence, fear and disorder.

What kind of person can handle the emergency, the rapid response, the crime fighting, the communication, and the constant urgent need to build neighborhood capacity? A leader. A flexible, dynamic, insightful, thoughtful, ethical leader who is able to partner with community members to develop the informal social control and social capital required for a civil society to flourish. This takes a leader every bit as sophisticated as a Peace Corps member or a member of the Special Forces in some village in Afghanistan. We attract those people, but for too long, we have tried to train them differently than we have tried to use them.

### How do we innovatively train, lead and manage our police?

We hire young, energetic, idealistic, morally driven people as our brand new police officers and teach them to forget the lessons their mothers and fathers taught them from birth: don't stare; mind your own business; don't ask embarrassing questions. It is contrary to their existence, and if we do not recognize this contradiction and account for it, we will do lasting damage to our officers, our agencies and our communities.

It is not about body-worn cameras and more effective sergeants. It is all about values, communication and relationship building, both inside the organization and throughout our neighborhoods.

We moved from a rules based organization in which we promulgated a rule prohibiting certain behavior every time someone made a mistake to a values based organization that recast its recognition and discipline systems around core values essential to the success of the organization and its members.

In Milwaukee, all of our officers are training in Fair and Impartial Policing, a curriculum designed to acknowledge the existence of unconscious bias in all human beings. We take this issue very seriously. It is not a new phenomenon, but our profession's willingness to tackle it is noteworthy. It is our core Standard Operating Procedure: SOP 001. One of the handful of national instructor trainers is a member of my executive command staff. The willingness to accept and continuously communicate the impact of our biases on our decision-making is the foundation of every single advance in police education.

For too many years American policing has trained entry level officers as though they were order following privates rather than decision making officers. Recognizing that the police needed officer-like training, the IACP modified a West Point leadership course and created the Leadership in Policing Organizations (LPO) model. I was the pilot site when I was the police chief in Arlington and in Milwaukee we have made it a core component of organizational and cultural change. LPO also has applications for leading community groups in developing the capacity of residents to work together with the police on common problems. To date, more than a third of our line staff and nearly all of our supervisors have completed the course.

Early in my tenure in Milwaukee, I realized that we did a poor job of engaging the great majority of children who were *not* in trouble with their parents, schools or the police and who *are* the next generation of civic leaders. I asked a team of officers to develop a program that would educate our young people in the role of police in society, their responsibilities as citizens to work with the police and the rightful expectations to be treated fairly and equitably. It has blossomed into a national award winning curriculum that engages children in our neighborhoods around the mutual relationship between police, residents, businesses and neighborhoods. To date, 1,647 children have graduated from the STOP program, providing thousands of hours of opportunity for real-life

conversations between young residents and their police about their respective expectations. This effort has been evaluated by social scientists and is being replicated in cities throughout the country. We are very proud of this program and continue to expand its breadth in Milwaukee. My hope is that a police academy class in the next year or two will include our first installment of STOP graduates as recruit officers in our city.

Realizing that police agencies throughout the country serve as the *de facto* primary (but often silent) agency of economic and community development, we have dedicated substantial effort and resources to highlighting these efforts. In addition to having a senior staff member assigned to oversee our community development partnerships, we are one of just three advisor sites for a COPS-funded project with LISC to develop a community development training curriculum for police officers.

This counter-intuitive engagement in community development is further evidenced by our active engagement in two federal programs: the Building Neighborhood Capacity Program (BNCP) and the Byrne Criminal Justice Initiative (BCJI). The core mission of building neighborhoods capable of sustaining civic life requires neighborhoods that have the capacity to problem-solve in partnership with their government agencies and these two programs provide technical assistance and match dollars for true, unvarnished community partnership work in some of our most challenged neighborhoods. We are the only city in the country to receive both awards. We are the only city in the country in which the police department was the author and fiscal agent for the grants.

The core mission of the BNCP is to help neighborhoods develop community capacity – the knowledge, skills, relationships, interactions and organizational resources that enable residents, police, civic leaders, public and private sectors and local organizations to create comprehensive neighborhood revitalization plans. A team of police officers and supervisors are assigned specific responsibility for the BNCP neighborhoods and are charged with coordinating the partners in problem solving efforts to reduce crime, fear of crime, and quality of life issues. This becomes a problem solving process that aligns expectations between police and community.

### What about mental health?

We respond to over 8,000 calls for service involving persons suffering from mental illness each year. We convey over 5,000 people to a psychiatric hospital, not for criminal prosecution but for their own safety.

Recognizing that all of our officers will benefit from receiving the most up-to-date skill training, we have committed to training all of our nearly 1900 commissioned staff. There are fiscal and opportunity costs associated with this commitment, all of which I am gladly willing to bear.

Mechanically, we are removing the training silos to ensure that the so-called “hard” and “soft” sides of policing are taught in concert. Mental health courses and lessons from

Critical Incident Team classes are combined with weapons training because, unfortunately, many of our uses of force involve people suffering from some form of mental illness.

At the same time, we are consciously addressing the historic mindset that has been trained into police officers for generations: we are changing from “I must go home at all costs” to “we must go home at all costs.” Tactical disengagement can work. It is all situational specific. It is not implying that police have a duty to retreat in the face of danger. In truth, police officers have a societally-imposed duty to engage in the face of danger.

Two of my officers recently chose to disengage when they were lawfully and procedurally authorized to use deadly force against a mentally ill man armed with a knife. They ensured their safety, the safety of bystanders, and ultimately the safe disarming of a dangerous person. After the fact, they were questioned by their peers and have now produced a video being used to explain and discuss their decision-making with the entire department.

This is counter-cultural to our profession, but we have to address it. We need to maintain the willingness to constantly reexamine our training and protocols around the appropriate use of mitigating factors in deadly force situations.

### What now?

Critical incidents will happen. No police department is immune from a critical incident that will challenge the trust of the community or be opportunistically used to marginalize the police department. We have to recognize that police are people of good will doing the best they can in a volatile environment with ambiguous circumstances in which sometimes things go wrong. When those things happen, it does not mean that the profession, the agency, or the individual officer is fundamentally flawed.

You can succeed at everything we’ve discussed and conceived of and still have critical incidents. Remember that we are the most violent and most heavily armed Western society. Police uses of force are the most publicly scrutinized government action, and they should be. Uses of force against human beings - no matter how righteous and justified - are never easy to watch. They are never pleasant. They are also not entirely avoidable.

Uses of force will occur. Errors in judgment will occur. Acts of malfeasance will occur. Eliminating the likelihood of bad outcomes in policing - both righteous and otherwise - is a fool’s errand. While we absolutely must hold ourselves accountable for these situations, they alone cannot drive the discussion on American policing.

The federal government has periodically played an essential role in the development of the profession of policing in America. I am in many ways a legacy of that intervention as I received my Master’s degree courtesy of the Law Enforcement Education Program which was an offspring of the Law Enforcement Assistance Administration of the late 1960’s and early 1970’s. Indeed that program educated the future leaders of American policing, those who would implement the community-based, problem-solving strategies of the 1990’s that were also funded by strong and thoughtful federal education programs administered

through the Office Community Oriented Policing Services. We are now at a stage where the federal government can have a role to play building on prior successes and the advancements the profession has made over the last several decades in professionalizing itself. I would recommend the following: First when there is a local crisis, there is very seldom any contextual data to draw a distinction as to whether or not this incident is an aberration or a symbol of the dysfunction of an entire organization. The federal government needs to do a much better job of having central depositories of data collection for police uses of force, particularly police uses of deadly force as well as for deaths in police custody.

It would also be helpful to get a better sense of the what the citizens of this nation think about their policing if there were standardized surveys that could be given across jurisdictions for comparison purposes to identify the levels and approval of the police in every community in America. Identify those gaps in approval between majority and minority groups that should be targets for special attention for improving the perceptions of police impartiality and fairness. There are no such instruments now and there are no reliable gauges for when police are improving their connections with disadvantaged or minority groups.

Finally, I think it would be extremely useful if the federal government encouraged innovation in the development in the culture of leadership in police organizations. Building on the successes of the LPO and similar models, there is rich opportunity to acknowledge the complexity of the police role and the extraordinary amounts of discretion to perform it successfully and the requirement that discretion be exercised in a fair, impartial, and unbiased manner. That will be achieved through training in ethical decision making. Officers will perform ethically not because they are armed with body cameras, but rather because they have inculcated a set of values in a peer group that is disapproving of misconduct and biased policing.

**The President's Task Force on  
21<sup>st</sup> Century Policing  
February 14, 2015  
Phoenix, Arizona**

Good Afternoon, my name is Renaldo Fowler; I am a Senior Staff Advocate with the Arizona Center for Disability Law.

I would like to thank President Obama for convening the task force on 21<sup>st</sup> Century Policing and for the panel for asking me to be here today to present this testimony on behalf of the Arizona Center on Disability Law (Center) and the National Disability Rights Network (NDRN)

The (Center) is the federally-designated Protection and Advocacy System for the State of Arizona. Protection and Advocacy Systems (P&As) throughout the United States assure that the human and civil rights of persons with disabilities are protected. P&A's are also authorized to pursue appropriate legal and administrative remedies on behalf of persons with disabilities to insure the enforcement of their constitutional and statutory rights.

NDRN is the national membership organization for the Protection and Advocacy (P&A) System, the nationwide network of congressionally mandated, legally based disability rights agencies. (P&A) exists in every U.S. state and territory and are the largest providers of legally-based services for people with disabilities in the country.

My testimony today will focus on several areas: the interaction of law enforcement relating to students with special needs in the educational setting and; the interaction of law enforcement with persons with mental illness, intellectual disabilities, physical disabilities and the deaf and hard of hearing community.

We (Center) have observed a troubling trend, in the manner in which schools are utilizing law enforcement, in response to disability related behaviors. In many of these cases, school often seeks intervention from law enforcement, instead of providing the appropriate positive behavior supports to address the student's needs. Students with emotional disabilities and intellectual disabilities are at the greatest risk of these interactions. These interactions with law enforcement often start at a very young age, in our school systems. We have encountered students with disabilities as young as 8 having contact with law enforcement.

Additionally we have been made aware that large numbers of persons with mental illness, intellectual disabilities, and hearing impairments are coming into contact with law enforcement agencies. Unfortunately, many of these interactions with law enforcement have led to injury and in some instances, death of individuals with disabilities.

The Center puts forth the following recommendations:

- Training for all Resource Officers relating to special needs students

- Develop uniform standards for collecting data and reporting law enforcement interaction in the school system to the U. S Department of Education.

- Continue Federal and State support for Positive Behavior Supports in the school system

For many adult individuals with mental illness and intellectual disabilities, they are frequently faced with inadequate access to appropriate community mental health treatment and other community base supports and services often resulting in people with disabilities coming into contact with law enforcement. We recommend ....training of officers???

The deaf and hard of hearing community continues to experience challenges when encountering law enforcement. State and local police and law enforcement agencies are required to take action to ensure effective communication with individuals who are deaf or hard of hearing. They are required to provide the accommodations that are necessary to ensure effective communication, such as qualified interpreters, CART, or assistive listening devices. For example, it may be impossible to provide interpreter services when a police officer stops a person with a hearing disability on a routine traffic violation. The police officer should take any other action possible to communicate effectively with the individual, such as exchanging written information until the effective accommodation arrives.

**The President's Task Force on 21<sup>st</sup> Century Policing  
Training and Education Listening Session**  
Written Testimony Submitted by the Anti-Defamation League  
February 9, 2015

I am David Friedman, Regional Director for the Washington, DC Regional Office of the Anti-Defamation League (ADL) and Director of National Law Enforcement Initiatives for ADL.

We very much appreciate the opportunity to participate in this important listening session. On January 9, the League submitted a broader statement to the Task Force on policing practices that can promote effective crime reduction while building trust and collaborative relationships between law enforcement officials and the communities they serve and protect. This statement will focus quite specifically on our training initiatives and expertise.

**The Anti-Defamation League and Law Enforcement**

Founded in 1913, the Anti-Defamation League ("ADL") is one of the nation's most respected civil rights organizations. ADL is also the foremost non-governmental authority on extremism, hate groups, and domestic terrorism. ADL's work with law enforcement was an outgrowth of our efforts to combat extremism and hate crimes and our advocacy on behalf of civil rights and equal justice. Working both on the national and grassroots levels through our network of 27 regional offices, ADL is regarded as the most important non-governmental partner of law enforcement.

ADL is the leading organization in the fight against hate crimes. Forty-five states and the District of Columbia have enacted hate crimes laws based on or similar to the model we created more than three decades ago. In Washington, we chaired the national coalition of more than 200 civil rights, advocacy, religious and law enforcement organizations which helped secure the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009. ADL is also at the forefront of national and state efforts to train law enforcement officials and civic leaders to deter and counteract hate crimes.

ADL's dual role as one of the country's leading civil rights organizations and a strong partner of law enforcement is unique. It gives us a singular understanding of the needs and expectations of the people and communities in our nation and of the men and women who serve and protect us.

**ADL Leadership in Education and Training for Law Enforcement**

Education and training constitute the largest part of ADL's operations. We are one of the nation's leading providers of educational resources for schools and academic institutions to combat bias, discrimination and stereotyping and to reduce intergroup conflict and increase

understanding. ADL trains thousands of law enforcement personnel each year through our national programs and 27 regional offices on subjects including hate crimes, anti-bias, extremism, domestic and international terrorism, and cyber-hate.

In 1998, Charles H. Ramsey, then the new chief of police of the Washington, DC Metropolitan Police Department (MPD), asked ADL and the United States Holocaust Memorial Museum (USHMM) to develop a recruit training program for MPD. Chief Ramsey believed that examining the systematic murder, brutality and abuse that occurred during the Holocaust would strengthen recruits' understanding of their relationship to the people they serve and their role as protectors of individual rights and the Constitution. The training program that was created—*Law Enforcement and Society (LEAS)*—was revolutionary and innovative, and has had a far reaching impact on law enforcement. Shortly after recruit training had begun, Chief Ramsey expanded *Law Enforcement and Society* training to all of MPD's 3,500 sworn personnel. In 2000, the Federal Bureau of Investigation mandated that all FBI New Agents participate in *LEAS* training, a requirement that continues today. To date, more than 95,000 law enforcement professionals have participated in *LEAS* training. Federal, state and local law enforcement agencies ask for this training, which is free of charge and never marketed, because it addresses the issues that the President's Task Force on 21<sup>st</sup> Century Policing was empanelled to examine—ensuring that police are trusted by the community, and treat the people they serve fairly, with respect and compassion.

In envisioning *Law Enforcement and Society*, Chief Ramsey showed a profound understanding of the needs of American law enforcement and the qualities necessary for a transformative training. The men and women who go into law enforcement have chosen an inherently difficult and increasingly complicated calling. They are responsible for enforcing our nation's laws, preserving the peace, and preventing and responding to crime and terrorism. To do so, they are given powers that are entrusted to few others in our society – the authority to use force, even lethal force, and to deprive people of their freedoms. They are expected to confront danger—risking their lives to protect ours—to quell violence, and make split-second decisions about the use of force. And they must carry out these responsibilities within the framework of our country's democratic principles and values, without abusing their powers or violating individual rights or our Constitution.

With so much at stake, training and education are pivotal. But the traditional focus on technical proficiency, knowledge of the law, policies and procedures is not enough. Policing in a democracy is about dealing with people, and an officer's success depends upon having a clear understanding of one's role and the relationship to the people he or she serves. Ethics training for police too often consists merely of admonitions of what not to do, and encouragement to do the right thing through codes of conduct and statements of values. But these behaviors cannot be transformed into practice unless they are internalized. In advocating for the creation of a training program using the Holocaust as its foundation, Chief Ramsey recognized that it was imperative to reach officers not just on the intellectual level, but as “an emotional, spiritual and moral experience.”<sup>i</sup> Chief Ramsey explained, “We need to affect the way in which officers

see themselves and their role in society. We need to change what is inside them and help them see things differently.”<sup>ii</sup>

*Law Enforcement and Society* is a full day training session which begins with an examination of the Holocaust and the conduct of police under the Nazis. It is a window into an ideology responsible for exterminating people because of their identity and perceived inferiority. Looking at this history affects law enforcement participants profoundly, on the professional and personal levels, because the atrocities committed by the Nazis violate our nation’s deepest principles and their professional values.

The heart of *LEAS* is an interactive discussion of the role of police today. The contemporary discussion explores the stereotypes of law enforcement - how police are seen and treated by the public, and asks them how they want to be seen. The common responses are “fair, unbiased, professional, compassionate, courageous and selfless, as role models and protectors.” They discuss the reasons they chose to become police officers (“to help people, make a difference, to give back to the community,”) and speak frankly about the daily challenges of interacting with the people they serve and the struggle to prevent looking at the community in terms of “us versus them.” *LEAS* examines the centrality of trust in the relationship between the people and police, and provides strategies to assist in building trust, changing community perceptions and understanding the role of a law enforcement professional in a democracy.

*LEAS* culminates with a discussion of what prevents police from abusing their power. Ultimately, the transformational message that *LEAS* drives home is this: the only real safeguard we have from abuse is the conscious decision that officers make to act according to their profession’s core values. These values are translated into daily behavior by an officer’s understanding that the meaning of his or her identity as a professional is bound to how they want to be perceived by the people. For participants in *LEAS*, the training is a powerful reminder that their success is inextricably tied to how they are viewed by the people they serve. If they are feared, they have failed. For that reason, *LEAS* is not conducted by law enforcement trainers, but rather is facilitated by civilian trainers from ADL and the USHMM.

### ***Law Enforcement and Society Leadership Training***

The greatest demand for *LEAS* training is for training leaders and supervisors, and above all senior leaders – from more than 1,000 agencies and every state. *LEAS* is now a required component of the FBI National Academy, and FBI Academy has incorporated it into the curriculum for its National Executive Institute (NEI), Law Enforcement Executive Development Seminar (LEEDS), and Law Enforcement in Counter-Terrorist (LinCT). *LEAS* is training senior personnel of the Immigration and Customs Enforcement, United States Secret Service, the United States Marshals Service, the Bureau of Alcohol, Tobacco, Fire Arms and Explosives, and Drug Enforcement Administration. *LEAS* has been integrated into Chief Ramsey’s own Police Executive Leadership Institute (PELI) and has trained senior law enforcement leaders from 85 foreign countries.

*LEAS* reinforces two central tenets of policing in a democracy relating to leadership. First, that the values of law enforcement are rooted in the relationship between police and the people they serve. Second, that one of the primary responsibilities of law enforcement leaders at all levels, from the first line supervisor to the chief of police, is to build and sustain a culture that helps to ensure that police behave according to their professional values. *LEAS* helps leaders understand that in expecting the men and women under them to act according to the values of their profession, any separation between their words and actions will undermine efforts to build trust with the community, insure integrity and prevent abuse.

### **National Expansion of *Law Enforcement and Society***

In 2004, the first *Law Enforcement and Society* training programs outside of Washington, DC, were launched in St. Louis, MO and Houston, TX through a grant provided by the Department of Justice's Office of Community Oriented Policing Services (COPS). In addition, *LEAS* programs are now offered in Nassau County, NY, Tampa, FL, and Arizona, and *LEAS* will be launched in Los Angeles in 2015.

### **Conclusion: The Important of Training that Builds Trust**

Law enforcement agencies and their training academies are in the unenviable position of having too many required or critical subjects to teach in too few hours. Policing in the 21<sup>st</sup> century requires that all sworn and civilian personnel have a clear understanding of their role in a democracy and their relationship to the people and communities they serve. For that reason *Law Enforcement and Society*, and training programs on hate crimes, anti-bias and cultural competency, must be integrated into the curricula for recruit, in-service, supervisory and leadership training. The days of including these subjects in training only when there is time, or after a crisis, or diminishing their importance by separating them from the core curricula, are long gone. Policing in a democracy requires that knowledge, skills and competencies which strengthen law enforcement's ability to serve and protect people in a pluralistic society be given a central place in their training and education.

### **Recommendations**

1. The Department of Justice and the COPS Office should work with ADL and the USHMM to expand *Law Enforcement and Society* training to selected jurisdictions. Special emphasis should be placed on expanding *LEAS* training to law enforcement executives.
  - a. Expand education and training opportunities that strengthen law enforcement's understanding of core values and their role as protectors of individual rights and the Constitution.
  - b. Increase leadership training opportunities for law enforcement commanders focused on ways to sustain core values and pass them on to the next generation of law enforcement.

- c. Increase training opportunities in which community groups and leaders can have an integral role, such as with hate crime training.
2. Promote the Department of Justice revised and updated federal profiling guidance for law enforcement<sup>iii</sup>, which expands protection on the basis of gender, national origin, religion, sexual orientation, and gender identity. This demonstrates the government's commitment to ensuring that law enforcement conduct their activities in an unbiased manner.
3. Congress and the Administration should support outreach programs to promote an inclusive and diverse police force that better reflects the racial, ethnic, and religious communities it serves.
4. Department of Justice and the COPS Office should promote best practices in hate crimes training. With funding from Congress, the FBI, the Justice Department, and US Attorneys should incentivize police participation in the FBI's HCSA data collection program through national recognition, targeted funding, matching grants for HCSA-related training, and replication of effective programs.

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<sup>i</sup> Charles H. Ramsey, *The Challenge of Policing in a Democratic Society: A Personal Journey Toward Understanding*, New Perspectives in Policing (June 2014).

<sup>ii</sup> Ibid.

<sup>iii</sup> <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>

# **COMMUNITIES UNITED FOR POLICE REFORM**

## **WRITTEN TESTIMONY OF KEESHAN HARLEY, COMMUNITIES UNITED FOR POLICE REFORM**

### **TO THE PRESIDENT'S TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING FEBRUARY 14, 2015 LISTENING SESSION ON TRAINING AND EDUCATION**

I would like to thank the President's Task Force on 21<sup>st</sup> Century Policing for inviting me to testify on behalf of Communities United for Police Reform (CPR) to this important panel on the training and education of police.

CPR is a New York-based campaign to end discriminatory and abusive policing practices. The diverse partners in this campaign, representing many of those unfairly targeted by police action and aggression, are working for systemic, policy and cultural change in the NYPD to promote safety while respecting the rights and dignity of all New Yorkers.

Our campaign has helped transform the local dialogue on policing and public safety, increased the knowledge and practice of civilians observing and documenting police misconduct to increase accountability and transparency, and built popular support to enact the Community Safety Act – two landmark laws that prohibited discriminatory police profiling and established New York City's first-ever NYPD inspector general.

Our work primarily focuses in New York, but we are aware that the challenges New York faces – and has faced for years – are ones that other communities across the nation must address as well. In that regard, we communicate and collaborate with organizations throughout the country to share useful lessons, learn from one another, and help to develop and implement concrete solutions that empower communities to improve safety and policing in local neighborhoods.

As a young Black 20-year-old man, first stopped by police at the age of 13 and stopped-and-frisked over 100 times since, I know firsthand the issues our communities face with respect to everyday interactions with police. I have been slammed against the wall, placed in handcuffs, yelled at and questioned by police in my city, while doing nothing wrong – whether on my way home from school or just walking in my neighborhood.

While the reported decrease in the number of stop-and-frisks in New York has fueled a popular perception that reform in this area has been accomplished, this is inconsistent with the sad reality in our neighborhoods. The hyper-aggressive policing that only certain communities – largely communities of color – face, just like stop-and-frisk, is still being experienced.

The treatment of members of our communities for activity as benign as riding a bike on the sidewalk can lead to heavy-handed enforcement, while it is ignored entirely in different

neighborhoods. This over-aggressive enforcement criminalizes our communities and these types of interactions too often are escalated by police officers into more forceful actions.

As I watch closely all that is happening across the country, it is hard to avoid thinking about my own interactions with the NYPD in my neighborhood of Bedford-Stuyvesant, Brooklyn and how they could have been fatal for no justifiable reason. The sheer number of these unnecessary interactions increased the probability.

The killings of Akai Gurley, Eric Garner and Ramarley Graham in New York, Mike Brown in Ferguson, Tamir Rice, Tanisha Anderson and John Crawford in Ohio, Jessie Hernandez in Denver, and so many others at the hands of police demonstrate the tragic consequences of systemic problems with police accountability and the disregard for Black and Brown lives.

The history of incidents like these occurring is long and painful. Some debate the role that the inadequate training and education of police officers plays in many of these cases. What is certain is that the systemic lack of timely and meaningful accountability in so many of these instances sends a training message. Unfortunately, the training message too often sent to officers from these incidents is that their departments and criminal justice system will treat them as above the law and reproach.

In New York City, again and again, it seems the training message has been that there will not be timely or meaningful consequences when the lives of unarmed Black and Latino New Yorkers are taken in police incidents. Formal police training and education sessions are close to useless if there is no accountability for non-compliance or their inadequacy.

This task force has an incredible opportunity to acknowledge and urgently confront the serious problems with policing in America that have resulted in a distrust of police departments and the criminal justice system.

The challenges we face are not those of a few individual bad apples, but are more systemic and structural in the way policing approaches, targets and treats certain communities – particularly low-income communities of color. This includes young people, LGBT people, women, people who are homeless, immigrants, low-wage workers, and people with psychiatric disabilities or in emotional distress. They have produced communal sentiments of alienation and resentment.

Black and Brown young people should not have to expect to be stopped by the police simply because of who we are and where we live, and our parents should not have to prepare us for it. For young people like me, the effect of being put on display by the police in our communities and to our neighbors over and over again is demoralizing, humiliating and only serves to fracture our communities. It criminalizes us to our neighbors, who may not have the appropriate context that we have done nothing wrong and assume the opposite, stigmatizing us as criminals or delinquents in our own communities.

The collective impact of these shared experiences has caused many to see the police as antagonist rather than as a beneficial service their tax dollars fund. It is why people become

less likely to call the police for help or to cooperate with them, even if it might be seen as in the interest of their safety.

The reality is that we constantly see increases in police activity in our neighborhoods, but rarely see an equal focus by our local governments to increase other critical services outside of law enforcement. Experiencing and witnessing the largest increased investment in our neighborhoods primarily to be on the law enforcement side has a negative cumulative impact on the conscious and subconscious self-perception within our communities. It also perpetuates a destructive cycle: we are criminalized through broken windows policing, sent into the criminal justice system, returned back into our community without adequate services and with the collateral consequences of criminal records, which is then used to further justify increasing the police presence and hyper-aggressive enforcement against us.

We are not anti-police. We are against policing systems that devalue our lives and repeatedly mistreat us in daily interactions and holistically. Policing has failed our communities – failed to meet community needs for safety and accountability, failed to respect human dignity, and failed to acknowledge our humanity.

We offer three areas of recommendations with respect to police education and training: Reeducation on the Role of Policing; Transparency; and Education & Training with Accountability.

## **REEDUCATION ON THE ROLE OF POLICING**

In low-income communities of color – including amongst youth, immigrants, homeless, LGBT, women, people with disabilities – policing has increasingly been experienced as less of a public service for communities and instead as a dominating, occupying force on them. In places like New York City, where the police department is a paramilitary organization, this has a dramatically negative effect. Rather than perceiving the police as those who can provide assistance and protection, the police are often seen through the lens of excessively engaging residents in negative, disrespectful, humiliating and sometimes frightening daily interactions that make it hard for us to normally live and travel within our communities. Broken windows policing that only targets certain communities for hyper-aggressive enforcement of low-level infractions is a clear example, as it often criminalizes activity in one neighborhood or by a particular type of person even though that same activity is not questioned by law enforcement elsewhere and otherwise.

The hyper-aggressive paramilitary approach used in targeted neighborhoods increases the likelihood that these civilian-police interactions escalate – they can lead to officers demonstrating contempt, using disrespectful language, excessive force, or arrest on elevated charges. The consequences for communities and families can be severe, whether through criminalization that produces hardship or separation, or a general shift in attitudes about police.

**The role of police must be refocused through education and training to be attentive to serving communities accountably, rather than exerting control and power over them. It**

is critical that such a re-education be implemented at all levels – from the officer on patrol all the way up through police commissioners.

Consistent with this, education and training should **standardize use of force policies, seeking to eliminate excessive use of force and incentivize communication and tactics that are not based on force or humiliation.** Policies should begin with the assumption that force should be used only as an extreme last measure.

While a strong focus of any reorientation should be on a clear vision of service to people with respect for their humanity, this problem must also be addressed through a review of what performance measures incentivize. The modernization of policing that has promoted “data-driven policing,” like CompStat in New York, has deemphasized the importance of officers being in service to communities in which they are assigned to work. Instead it has encouraged racial and other discriminatory profiling, aggressive quota-driven activity in neighborhoods at all costs, using the fact that crime exists there as justification, as if those community members do not deserve the same respect and rights because they live in areas the police consider to be “high-crime.”

**Training of police departments and ongoing supervision and evaluation must emphasize and incentivize how well police officers positively interact with the communities they serve, not simply how many arrests they make or citations they give.**

## **TRANSPARENCY**

The lack of transparency in policing is a major factor that contributes to the broken trust between police and communities. It manifests itself in several ways, but there are two major components.

First, there are very few requirements for police departments to publicly report data or explain police policies and how they impact communities – not dissected by race, gender, age, etc. Reporting requirements on use of force, including deadly or excessive force, or deaths while in police custody, are too rare, and disciplinary procedures and records are too often shielded from public view.

Second, there is too often a general lack of transparency in the daily interactions between civilians and police. Police often don’t feel obligated to explain, or sometimes even identify, themselves when interacting with civilians despite the fact that they are public servants. The lack of this basic transparency during daily interactions – especially when those daily interactions are perceived as unjustified and disrespectful – only deepens the divide between police and the public.

Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. In New York City, CPR is advocating for a legislative package known as the Right to Know Act – one of the bills would require officers to identify themselves and explain their reason for engaging someone in law enforcement activity. The other bill would require officers to convey a person’s existing right to refuse a search in which

there is no legal basis – in the absence of this many civilians have been and continue to be unconstitutionally searched.

The education and training of police officers and departments must strongly convey and prioritize transparency, including substantial requirements for providing data and other critical information to the public.

**Police officers should be educated with initial training that is continually reinforced about the need for respect and transparency in their interactions with the public.**

Requirements that increase transparency and improve communication in the most common interactions civilians have with police, similar to the Right to Know Act in New York City, would help address the current crisis of confidence some communities have in the police.

**Federal funds for local police departments must come with stronger requirements for reporting on use of force (particularly excessive and deadly) and the disclosure of disciplinary action taken against officers.** Transparency regarding the data and disciplinary records of police departments is a critical component for the public's education and confidence in their police.

## **EDUCATION & TRAINING WITH ACCOUNTABILITY**

The lack of police accountability for police officers is one of the most critical reasons for mistrust in police and the criminal justice system. Officers are rarely held sufficiently accountable for misconduct, brutality or unjust deadly force against communities of color. The implicit education this provides to officers is that they are above the law and wrongdoing perpetrated against certain communities is tolerated. Reforms of education and training must reverse this by ensuring that officers are held accountable for abuses and misconduct in all communities.

Education and training for police officers are essential, but they are ineffective if officers are not held responsible for following them and if police leadership is not accountable for sufficient training. **Accountability must contain real consequences, because the costs to civilians are too often severe harm, including the loss of liberty and death.**

**President's Task Force on 21<sup>st</sup> Century Policing**  
**Saturday, February 14, 2015**  
**Sheriff Sandra Hutchens**

Good morning, my name is Sandra Hutchens and I am the Sheriff of Orange County, California. It is my pleasure to be with you all today on behalf of the Major County Sheriffs' Association.

I currently serve as the Vice President of the Major County Sheriffs' and have been in law enforcement for 37 years – the past 7 as Sheriff of Orange County.

Today's Listening Session on "Training and Education" is of vital importance and I thank you all again for allowing me to be part of this discussion.

- Training and education *together* serve as the cornerstone to good community policing. Law enforcement officers face a variety of challenges day in and day out – every situation is unique. Without proper training and education, our deputies and police officers wouldn't have the tools and knowledge they need to help resolve a domestic violence incident, a mentally ill individual set on self harm, a victim of sex trafficking, or an adolescent in the midst of an opioid overdose.

One of the topics you have noted for discussion asks for recommendations on working with the mentally ill.

- Mental illness is as prevalent as ever and for far too long, our nation has stigmatized the issue instead of confronting it head on. Over the years, our nation's local jails have progressively become the primary lodging and treatment institutions for the mentally ill although their actions are more often than not, driven by the manifestations of their illness, rather than criminal intent. Jails were never meant or designed to be hospital facilities however, that's the reality we are currently facing.

- In my county, our monthly average for active/open mental health cases is 1,500. The monthly average for inmates on mental health medication is 856. My total average daily population is 5,300.

As a nation, we need to take the initiative to improve access to treatment and strengthen community oriented programs to effectively combat recidivism.

- Specifically, I'll mention the Mentally Ill Offender Treatment Crime Reduction Act (MIOTCRA). MIOTCRA was signed into law under President George W. Bush in 2004 and since 2006, has provided 321 grants to fund innovative and critical initiatives such as mental health courts for adults and juveniles, training for law enforcement officers and diversion programs.
- For fiscal year 2015, MIOTCRA was funded at \$8.5 million dollars and the President's budget request for fiscal year 2016 included a plus up of \$5.5 million. As my colleague, Sheriff Rich Stanek from Hennepin Co., Minnesota, recommended to you at the first listening session, Sheriffs need stable and consistent funding for programs and initiatives designed to assist State and local law enforcement. Changes from year to year can disrupt our community initiatives, training and counseling services – all needed to ensure an effective, reliable and responsive police force.

Special attention should also be paid to community based diversion programs.

- Low level mentally ill offenders do not belong in jail and should not be caught in the revolving door. With the help of community based diversion initiatives, law enforcement officials, prosecutors and courts can effectively reduce recidivism and save lives.

- Orange County has utilized a successful collaboration between the Superior Court, the Public Defender, the Public Law Center, the Veteran's Administration, and Health Care to address low level mentally ill and drug offenders. The Orange County Collaborative Courts include Homeless Outreach Court, Drug Court, and Veteran's Court. Individuals are effectively diverted from jail to programs designed to meet their individual needs.

Crisis intervention training has proven to be a valuable and worthwhile tool for law enforcement officials. Designed to improve the outcomes of police interactions for those suffering from mental illness, CIT training calls upon law enforcement agencies, mental health providers and community support networks to collaborate and work together towards recognizing mental illness, providing the right resources and fostering sustainable change.

In far too many organizations, including those in the law enforcement community, training is severely reduced or eliminated when budgets are tight.

- When these decisions are made, Sheriffs and Chiefs prioritize certification training, such as fire arms qualifications, for the few dollars that remain. As a result, training and educational opportunities for supervisors, managers and the executive staff are put on hold until money is available. Yet frequently, it is the failure to train and supervise that form the basis for bad out comes and law suits arising from critical events.

Regarding your request for recommendations related to education, within the field of leadership development, there are many important topics and behaviors to consider.

- One area of focus that is absolutely critical is the employee performance appraisal system. While it must begin with a well-structured process and document that focuses on relevant and

measurable behaviors, the most *important* element is the skill of the supervisor to advise the employee of performance expectation, continuous observation during the rating period, frank and professional feedback and the development of an improvement plan.

The development of the Citizen's Police Academy is an excellent example of a co-educational opportunity for law enforcement and the community.

- It provides a non-threatening environment to bring representatives together for the purpose of creating a better understanding of the role and practice of policing.
- Unfortunately, like most good ideas, Citizen's Academies, due to their success, have fallen victim to the adage 'If it's not broke, don't fix it'. What is needed now is a critical examination of this community program to determine if the program is reaching all segments of the community. We also need to consider ways to exploit this opportunity in a way to move from an objective of educating the public to one that also educates the police.
- Creating events in the curriculum that include small group facilitated discussions focused on critical issues of trust, shared responsibilities and cooperation would be just one way to improve the utilization of the Citizen's Academy program

In closing, as you all work towards your goal of identifying best practices and providing concrete recommendations to the President, I encourage you to look upon Sheriffs as a resource – we are willing partners.

Thank you again for the opportunity to testify today and I look forward to any questions you might have.

**President's Task Force on 21<sup>st</sup> Century Policing**  
**Testimony by Chief Kim Jacobs**  
**Columbus Division of Police**  
**Training and Education**  
**February 14, 2015**



Ms. Robinson, Commissioner Ramsey, Mr. Davis and members of the task force, I am honored to have the opportunity to discuss a topic of great importance with you and the audience. The majority of my testimony will discuss recommendations that I believe will help educate our police supervisors, managers and leaders to make wise decisions that result in building trust in their communities and increasing the delivery of community-minded policing.

Aristotle said, "We are what we repeatedly do. Excellence then, is not an act, but a habit." Excellent community policing requires continuous training yet, in late 2010, USA Today reported that nearly 70% of police agencies cut back or eliminated training programs. <sup>i</sup> Public officials and police chiefs must be consistent in their message, if they believe training is important, and I trust they do, they must support it financially. But I believe we can be more creative in finding training, funding it and sharing it. Our police officers and leaders face a myriad of demands each day, which requires specific skills and problem-solving capabilities in stressful conditions. Access to high quality training that builds competence, builds confidence. Training that includes coaching, builds credibility. Training that builds character, builds community-minded compassion. Progressive actions on police training can take us into the future where such training is more accessible and successful.

**Recommendation-Implement Training Model Policies or Accreditation Standards**

Chiefs have a duty to implement model training policies or standards that have been created by law enforcement and academic professionals with best practices in mind. These policies and standards require training and record keeping that ensures personnel are receiving training courses that are viewed as essential to successful organizations. Ethics, bias-based profiling, less-lethal weapons, self-defense tactics that are legally sound, all hazards training, legal updates are but a sample of the courses that must be offered. Chiefs who recognize the value of outside review and oversight of policies and procedures can seek accreditation or follow IACP model policies. Accreditation standards require data and proof that the agency, and its members, buy in to following those best practices, seek continuous improvement and are willing to impartially analyze many of its programs and systems.

### **Recommendation-Supervisory Training in Accountability Measures**

Chiefs must insist on supervisor and management training that informs police supervisors on current issues and practices, explains how to critically and objectively review and examine investigations of police actions and behavior (on and off duty) and to prepare comprehensive reports that are responsive to all stakeholders, including the media and citizens. Additionally, these leaders need to be educated in the value of technology that improves and monitors performance, systems designed for early-intervention with problem officers<sup>ii</sup>, and how to reduce errors and risks while preserving lives and increasing officer safety, such as close-call reporting<sup>iii</sup>.

### **Recommendation-Values Based Training**

All training courses offered internally by police agencies must explicitly emphasize how the material being taught aligns with the agency's values and guiding principles and how it will impact the community. For instance, when training on police pursuits, we discuss our respect for life and the dangers the pursuit presents to our citizens who may be engaged in either vehicular or pedestrian travel. Training officers to internalize empathy for the citizens they interact with can positively change the outcome of that interaction as well as the citizen's perception of the officer and the police in general. When officers are viewed by citizens to be fair and good-intentioned, trust is built and legitimacy is more readily perceived.<sup>iv</sup>

### **Recommendation-Integrating Communications Skills, De-escalation and Use of Force Training**

Training in de-escalation and interpersonal communications skills is as important as physical defense and firearms training but historically has not been given as much attention. Chiefs must insist on training for new and veteran officers every year that teaches and demonstrates (via reality based training) how techniques and tactics that slow things down, employ less aggressive actions, and force, have positive outcomes without sacrificing officer safety.

### **Recommendation-Help the Mentally Disturbed with more Crisis Intervention Training**

Crisis Intervention Training is nationally recognized as an effective training program that prepares officers to professionally and effectively deal with a significant public health issue in our communities. Each and every day officers are called to assist families and health care providers that need help with a mentally disturbed individual. The standard 40 hour CIT training many agencies utilize is difficult to provide to all officers because the trainers are community members in the mental health field. Thus the trainers are rarely available and class size is quite small due to its intensive training method. This course needs to be available on demand for any police agency that wants the training and as this is a public health issue, federal, state or university assistance should be sought in providing this vital training to more officers.

## **Recommendation-Specific Training Areas That Need Research**

Academic research in some vital areas can greatly impact police training, its costs and its effectiveness.

- Research to determine if a college education for new hires is the best practice to achieve performance outcomes that meet current and future policing philosophies and demands, and to determine the effect such practices would have on hiring sufficient numbers of officers locally and nationwide.
- Research that accurately identifies trainees, new and veteran, that are slow to comprehend or apply subjective training, who act out of unreasonable fear or biases, use poor discretion, act on emotion or because they suffer from trauma will allow Chiefs and trainers to pay special attention to those personnel, making training more efficient. Additionally, research to measure aptitude and commitment to community and constitutional policing ideals early on in a career is an area that will benefit police leaders.
- Officers who face dangerous people and situations involving weapons routinely handle them without the use of force or their weapons. This is due to good training, proper threat assessments and experience. However, not all use of force and defensive tactics training programs achieve optimal results because of variations in the trainers' skills, facilities and training models. Research on new training methods such as the "Suspect Threat Assessment and Response Training (START)"<sup>v</sup> must be further explored as perhaps a viable new approach to instruct officers when the constitutional use of force may be appropriate and how to apply it. *Graham v Connor* has brought consistency to rulings on police use of force but it is time to seek a national best practice which is supported by research and positive outcomes and clearly defines the ideal way to train officers to that standard. Such training practices will reduce excessive force, civil suits, ease community concerns, and justify budget expenditures for the necessary facilities and trainers.

## **Recommendation-Higher Education**

Tuition reimbursement for higher education will ideally be a part of all police agency budgets so officers have access to college and the benefits of that experience. Promotion to progressively higher ranks should include requirements for certain educational degrees or at minimum, high quality leadership training programs.

## **Recommendation-Access to regional high-quality training**

Establish a national resource, much like Angie's List or the Better Business Bureau, which provides police leaders a catalog of training programs offered throughout the country. The information will rate and describe the training and its reviews. Agencies with few training

dollars will not waste funds on ineffective courses or poor instructors, and can see what is available in their area. This will reduce high expenditures on travel to distant courses and allow more personnel to attend. There is little reliable information available about trainers that are boring, uninteresting or less than credible but those instructors tend to decrease the student's interest in seeking out more training. This catalog will improve access to highly-rated courses and superior instructors that effectively impart new knowledge for police personnel and leaders.

### **Recommendation-Mentoring for Chiefs**

Mentoring programs like the Major City Chiefs Police Executive Leadership Institute must be expanded and supported through public or private funding grants for Chiefs from all sized agencies. As a mentor for the MCC PELI program, I believe that it is beneficial when mentors and their "mentees" are from similarly situated agencies. IACP, PERF or even universities could serve as the coordinators for such programs. Some classroom instruction is very necessary, but even executive training programs such as the FBI National Academy, Southern Police Institute and Ohio's Certified Law Enforcement Executive program do not give a Chief all that she or he will need to know about managing a workforce of public servants whose responsibilities cover hundreds of critical areas and social issues. Mayors will be better served with Chiefs that have participated in such mentoring programs.

### **Recommendation-Learning from Experts**

Chiefs and other police leaders have a unique perspective that they must take the time to share with the leaders in their agencies and elsewhere. Though it may not be considered training, it most certainly is educating our staff when we share those "aha" moments and insights we have learned through our experience, our challenging assignments, the projects we have worked on, our mistakes, our colleagues, and our citizen contacts. Chiefs can teach other police leaders how to navigate political and critical situations as well as when to adapt policies and training to effectively preserve public favor and secure cooperation from the community. Though it takes time away from very busy schedules, sharing years of wisdom and experience, as demonstrated on this task force by Commissioner Ramsey and Chief Villasenor, is an important duty of police leaders everywhere and must be expanded. A nationally known resource that collates and advertises this leadership sharing, such as the BJA Executive Sessions on Leadership<sup>vi</sup> should be made available widely and free of charge, by our Federal partners.

### **Recommendation-Grants to Fund Leadership Training**

Grants from funding sources such as the DOJ COPS office, the NIJ (such as Coverdell) or state agencies should be obtainable every year to cover tuition, housing and travel costs to send police managers and supervisors to high-quality, but costly leadership schools. While COPS and

Byrne grants have been offered to help agencies hire more officers, it is important to ensure that police leaders have access to training programs that prepare them to lead their employees. Police Chiefs should also create or support police foundations that can assist with training costs. Additionally, more Police Chiefs must seek leadership training for their supervisors and managers from non-traditional trainers who are successfully used by corporations and universities to teach leaders on topics such as interpersonal communications, creativity, leading change, organizational improvement, cultural competency, and customer service. Training of this caliber is expensive but will better serve the police leaders for the 21<sup>st</sup> century.

### **Recommendation-Community Outreach and Education**

Chiefs must do everything possible to inspire and achieve values-driven, ethical and constitutional behavior by their supervisors and officers. That dedicated work must then be shared widely with citizens to build trust and educate them about the noble efforts of the majority of the officers who work in their community. A lack of knowledge or fear of the police can be overcome with community outreach programs. Citizen Police Academies, which most progressive agencies offer, is but one very successful education program, though it does require an investment of time from the attendees. Chiefs need to make this training and other educational outreach programs more accessible, possibly doing the training in private workplaces that want to host it, or by utilizing YouTube or other social media that allows citizens to learn more about how officers do their jobs while in their homes or at their own pace, with opportunities for questions and answers via email or other means.

Thank you for this opportunity to share my recommendations with this task force and I am ready to answer any questions you may have.

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<sup>i</sup> USA Today, October 5, 2010, page 3A, "Budget knife falls on police training", by Kevin Johnson

<sup>ii</sup> National Institute of Justice, Research in Brief, July 2001; "Early Warning Systems: Responding to the Problem Officer", by Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney

<sup>iii</sup> Ohio Attorney General Close Call Reporting Database; <http://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Close-Call-Reporting-Database/Close-Call-Reporting>

<sup>iv</sup> "Can Different Training Make Police Officers Guardians, Not Warriors?", by Christopher Moraff, Next City, December, 2014

<sup>v</sup> "A Rational Foundation for Use of Force Policy, Training and Assessment", by John Klein and Ken Wallentine, 2014

<sup>vi</sup> <http://bjaexecutivesessiononpoliceleadership.org/>



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## **Testimony of William Johnson**

**Executive Director, National Association of Police  
Organizations**

**“Training and Education Listening Session”  
President’s Task Force on 21<sup>st</sup> Century Policing**

**Phoenix Convention Center  
Phoenix, Arizona**

**February 14, 2015**

Professor Robinson, Commissioner Ramsey, and members of the Task Force, thank you for inviting me to speak today. My name is Bill Johnson, and I serve as the Executive Director of the National Association of Police Organizations, NAPO. NAPO represents some 241,000 sworn law enforcement officers from across the country and I am here today to testify on behalf of NAPO's members.

I appreciate this opportunity to provide information to you on today's topic of training and education. At the same time, however, we are deeply concerned about the quite limited opportunities to inform this panel due to the page and time limits imposed on written and oral testimony. These brief comments cannot do full justice to many of these important areas. Five minutes' time, and five pages' length, is manifestly insufficient to provide guidance for a century of policing. **Recommendation: Increase both the time and page limitations for testimony.**

That being said, NAPO supports the goal of establishing and maintaining collaborative working relationships amongst law enforcement officers, their agencies, and the communities they serve. Educating the public and the media about what police actually do, and what the law actually says, is a major component of this project, a critical part that deserves more attention and constructive effort. We urge Task Force members to be receptive to the institutional knowledge and experience of the line officers represented by NAPO. Unless the aspirations and legitimate concerns of the men and women actually doing the job are acknowledged and honored, no meaningful improvement in relations can be expected between law enforcement officers and the fellow citizens they serve.

NAPO's member groups have a long history of diligent efforts to educate the public about law enforcement's role in our communities. Our member groups continue to work with the media and their communities to diffuse knowledge about current threats to the community, police activity and resources. Active outreach, community meetings, citizen police academies, and a vast and rapidly increasing use of social media are common. We are working to ensure these tools are widely accessible.

To be clear, our efforts are not a product of recent events. As both protectors and citizens of the communities they serve, law enforcement officers have always considered efforts to build trust a top priority. Mutual trust between officers and other citizens makes for a much safer job for officers, and a safer community for all. This fact is not sufficiently pointed out to the public at large.

Many of our efforts have been hampered by the media and political leaders, who continue to paint a false picture of law enforcement officers as aggressors. It is practically impossible to achieve mutual trust when officers continue to be stereotyped and demonized. In much of what passes for political dialogue, the officer is portrayed as the other, the outsider, the occupier. Worse, individual men and women are painted with a very broad brush as brutal, racist and xenophobic. The public deserves political leadership courageous enough to speak the truth: That men and women volunteer for this job to serve. They aren't going to get rich from it. They might in fact get killed or maimed. Officers do not go to work hoping to get into a fight with someone any more than persons in any other profession. But the officer has given his or her word that he or she will not allow the law to be broken, or people to be victimized, and is willing

to use force when it becomes necessary. The use of force is a sad necessity, but a necessity none the less. There really are people out there who would rather kill you than get a traffic ticket. Actually, as we have seen with two of our own NAPO members recently, there really are people out there who would rather kill you than see you sitting in a car.

Unfortunately, then, officers must sometimes use force, not only to enforce the law, but to defend themselves and protect other citizens in dangerous situations. This is why officers spend so many weeks training on how to properly and effectively use force to protect themselves and others. During this training, officers learn that the person who comes into contact with the officer controls the level of force. That person controls the application, escalation or cessation of force, not the officer. This message must be conveyed to the public. Even the use of deadly force is frequently mischaracterized as “shoot to kill,” for example, when a more accurate nomenclature would be “shoot to stay alive” or “shoot to stop the threat.” Lost in the ill-informed uproar surrounding police use of force is the fact that it is almost always the same officer who just used force who summons help for the wounded suspect, who tries to ascertain the extent of injuries, and who calls for medical response.

When officers are forced to make these difficult decisions, they must know that they will be supported by political leadership. Political leadership at all levels of government needs to publicly support and defend our officers when they have correctly carried out their duties. The officer on the street didn't enact the law; she didn't assign herself to that precinct or beat; he didn't choose to be dispatched to that disturbance. But the officer is sent, and he or she must act if the legitimate rights of peaceful and law-abiding citizens are to be secure. When an officer

makes a tough decision that is right, our leadership must support that officer. Without that support, police officers will never be able to enjoy mutual respect and trust within their communities. Educating the public on police officers' roles and duties is pointless if officers do not receive support when they carry out their mission to keep the public safe.

We hope you will work with us to show the media and the public at large that police officers are ordinary men and women doing an extraordinarily difficult job, and still usually getting it right. They must have the support of our leaders. **Recommendation: The U.S. Department of Justice, at the very highest levels, must publicly support officers when they have made unpopular, but legally correct, decisions.**

Next, as NAPO's President emphasized at the Cincinnati listening session, we hold our officers to the highest standards, and we expect our officers to afford every citizen respect, dignity, compassion, and fairness. Officers are expected to enforce the law strictly based on the law, not based on politics, gender, or race. But it is vital to emphasize, particularly as it regards training and enculturation, that officers, like any other persons, can be expected to treat others the way they are treated themselves. If officers are consistently exposed to a corrosive climate of suspicion, distrust, second-guessing and heavy-handed or arbitrary discipline, then we cannot feign surprise when those same officers accrete a similar worldview of the social environment outside the department. On the other hand, everyone benefits when a sense of fairness, mutual respect, and benefit of the doubt is recognized as not just being expected *from* officers, but as being owed *to* them as well. **Recommendation: Publicly support the legitimate workplace and adjudicative rights of officers.**

We continue to support efforts to hire a diverse workforce. We continue to advocate that expectations be set high and that only the most highly qualified officer candidates are recruited. One often overlooked aspect of recruiting and hiring deserves to be pointed out: There is an obvious relationship between the minimum standards of education or experience that a hiring agency sets and the set of candidates who will meet those threshold requirements. In economically depressed communities, and communities with failing schools, for example, it is far more difficult for a young man or woman to acquire the needed credentials to become a viable candidate. At the same time, critics of policing will often urge that a department needs better educated officers, or officers from our own community. Our community shouldn't be policed by outsiders, or by an agency whose demographic makeup is different than ours, they say. There is thus a risk of tension between demands for highly qualified candidates and demands that candidates be selected from a locality when the school system or job market is failing to provide the needed tools and experience. **Recommendation: Provide financial resources directly to agencies who wish to hire local applicants, to enable those agencies and their academies to provide educational opportunities to assist local applicants to become viable candidates.**

Finally, as we pursue policy changes, an educated public must be involved in the process so that appropriate expectations can be set. For example, many of our member groups have worked on policies regarding officer-worn body cameras. Promotion of officer-worn body cameras has been grounded in the argument that these devices will increase transparency, decrease tensions between police and community members, and create a record of events. NAPO supports all of these goals. However, the public must be accurately informed and realistic expectations

encouraged for the use of such tools. Although such technology can be very helpful, equipping all officers with cameras will not be a cure-all for friction felt within communities. The public must understand the limitations of cameras and other technology. Not every facet of an incident can be captured, not every angle viewed, nor every word or preceding event recorded. Most critically, no device can capture the thought processes, perceptions, experience and beliefs of an officer. And all these criteria go directly to the crux of any legal evaluation of a use of force by officers. A lack of understanding and false expectations can only lead to increased conflict between officers and the communities they serve. **Recommendation: Education on new technology and related policies must include the public at large, using the already existing media as well as departmental and community resources.**

We hope you will work with us to educate the public about police officers' roles, rights, and duties. Help us to continue efforts to engage citizens through community policing efforts. Help us to encourage people, especially young people, to go on ride-alongs, participate in civilian police academies, try shoot/don't shoot simulators, and explore other opportunities to increase their understanding of law enforcement's mission. These interactions can counter the perception of the police officer as "other" and begin to provide an environment where the officer, regardless of race, background, or sex, is, to the community, "one of us," and officers, who quite literally bleed for their community, know in their hearts that they are "one of the community" as well.

I appreciate the opportunity to share these insights with you, and urge you to carefully consider them moving forward. I look forward to answering your questions.



# NATIONAL SHERIFFS' ASSOCIATION

JONATHAN F. THOMPSON  
Executive Director

## **Sheriff John R. Layton's Oral Remarks on Behalf of the National Sheriffs' Association**

Good afternoon, everyone. I'm John Layton, Sheriff of Marion County, Indiana, and it is my distinct honor to be with you here today.

I want to start off by thanking the Task Force for holding this listening session. These forums are critical in helping provide the public with insights and experience from the perspectives of Sheriffs.

I am speaking here today on behalf of the National Sheriffs' Association which represents the more than 3,000 elected sheriffs nationwide. As you may recall from previous testimony, sheriffs are the only democratically-elected law enforcement leaders in the country and each sheriff serves as the chief law enforcement officer in his or her respective county or parish. Sheriffs are directly accountable to their communities and, as such, give us a unique perspective on the needs those communities.

Education is a key component for every sheriff's office. We begin educating our deputies in the academy and continue that education throughout their careers. Sheriffs are not exempt from education and we participate in a range of seminars, workshops, trainings, and conferences to continually enhance our ability to be effective leaders.

The cornerstone of that education is the National Sheriffs' Institute (NSI) which was developed in the early 1970s as the foundation for first-term sheriffs and has continued to change in response to the needs of those sheriffs and the communities they serve. The NSI was first developed with federal funding through a partnership between the National Sheriffs' Association and the University of Southern California. Since 1993, it has been housed in the National Institute of Corrections Jails Division and cosponsored by NSA and NIC.

Concepts at NSI are taught in the context of their relationship to effective leadership and the sheriff's ability to achieve his or her leadership direction. Over a week-long intensive course, first-term sheriffs examine topics such as "The Sheriff as Leader," "Ethics," "The External Environment and the Office of Sheriff," "Leading Change," and "Defining Your Leadership Direction." Each topic is explored in depth to address direct and practical challenges a sheriff may face at home and discussion is led by NIC staff, NSA staff and expert instructors.

For example, in the module on "The External Environment and the Office of Sheriff," first-time sheriffs explore public partnerships, identification of critical stakeholders, steps to establishing partnerships with those stakeholders, relationships with the media, and the partnership between the sheriff's office and the funding authority. Each of these discussions is critical in helping a first-time sheriff understand the enormous responsibilities to his or her community. NSI graduates all over the country will tell you that this module and others uniquely prepared them to better serve their communities. From better media relations to reducing budgetary constraints, NSI has proven an invaluable resource to our nation's sheriffs.

Personally, for this Sheriff, the NSI was invaluable in preparing me as a freshman Sheriff. Workshops, exchanging of ideas, professional instructions and an in depth study of historical successes of the Sheriffs who have gone before me, were paramount in my accomplishments thus far. During NSI, I personally networked with Sheriffs who either ran or had utilized a Sheriffs' Ranch in their county or state. For those not familiar with the concept, a Sheriffs' Ranch is a facility that fosters youth mentoring and interaction in an outdoor camp situation. In the training, we discussed many helpful ideas concerning fundraising, organizing a volunteer corps and even the pitfalls related to developing a Sheriffs' Ranch. I was able document and build upon those ideas and begin the process of developing a Sheriffs Ranch in Indiana. Now I am the Chairman of the Indiana Sheriffs Ranch committee and it will become a reality in just a few months.

In addition to the education offered to first-time sheriffs at NSI, the National Sheriffs' Association provides all sheriffs with the opportunity to participate in seminars and workshops annually at its conferences. At our 2014 Annual Conference in Fort Worth last June, NSA offered more than 100 seminars on topics ranging from active shooter training to inmate communication technology to reducing line of duty deaths to keeping our seniors safe. My time today does not allow me to go in depth on any of those topics nor is it an exhaustive list of all the areas in which education and training is ongoing for every Sheriff and sheriff's office. However, I hope that this very small sampling of topics helps this Task Force to remember the vast knowledge we much equip each Sheriff and deputy with to protect him or her on the street. Sheriffs, and the law enforcement community as a whole, rely on our training to ensure that we are prepared for any of the thousands of unique calls for service we receive each and every day.

Again, I thank the Task Force for allowing me to speak on this important topic today. I hope that events like this listening session will lead to more regular and open discussions between law enforcement leaders across the country and policymakers in DC. I look forward to any questions you may have.

**Bruce D. Lipman**

**Oral Testimony**

**Presidents Task Force on 21<sup>st</sup> Century Policing**

**Listening Session: Training and Education**

**February 14, 2015**

## **A Little Background**

A few months after Garry McCarthy became Superintendent of the Chicago Police Department in May of 2010, he directed the Training and Education Academy to prepare and deliver Police Legitimacy to the entire CPD. To date over 10,000 Chicago Police Officers have been trained as well civilian department members. The program has also been modified and presented to several hundred community residents as well as the entire Independent Review Authority (IPRA), the city agency that investigates police misconduct. The training has been shared with police departments, criminal justice agencies and universities in 19 states and England. In some cases visitors attended the training in other cases train the trainer programs were conducted for visiting departments, as was the case the case with the Oakland PD and some others.

Occasionally, our trainers would visit another location and conduct training as was the case with the Baltimore P.D. and other agencies. The PowerPoint, Participant Guide and Lesson Plans were given to any law enforcement agency or other legitimate entity requesting it. New York, Dallas, Las Vegas, Seattle, New Orleans and Boston are just a few of the other departments that either received materials or attended the training.

## **Program Design and Presentation**

A good deal of research was conducted before program design was initiated. We were fortunate in that Dr. Dennis Rosenbaum and Dr. Amie Schuck from the University of Illinois Chicago had developed a four hour block of instruction for recruit training called Quality Interactions with People (QIP) we had been presenting to recruits for a couple of years. This program was built on the tenets of Procedural Justice; i.e.: Fairness, Listening, Respect and Trust. As Police Legitimacy is built through Procedural Justice, we built the program around the principals of Procedural Justice. The biggest breakthrough we had was when Police Officer Al Ferreira and I

were able to spend two days with Dr. Tom Tyler and Dr. Tracey Meares at Yale University. Tom and Tracey graciously shared their wisdom and insights with two cops from Chicago. By the time we left Yale we had the outline for the content of the training program and for a second phase to be conducted at a later time. It was important that training be more than just a class defining Procedural Justice and Police Legitimacy; we wanted to make a lasting impact on attendees. Using Bloom's Taxonomy Model, we looked to operate in the Affective Domain where feelings, emotions and values are addressed. To accomplish this we worked hard to use the Socratic Method of learning where questions and discussions lead to self learning. The training was conducted over an eight hour day with an hour for lunch and a ten minute break every hour. The day is divided into five modules. There were videos used to stimulate discussion as well as four group exercises intended to stimulate small discussion in smaller groups and raise questions and concerns that the entire class could discuss. Adult learners want to know, "What's In It For Me," when they take a class; what will they get from the training to benefit them. This was always in our mind in designing and presenting the class.

## **Results**

We have both anecdotal and scientific proof that the class was effective. Evaluations were given out at the end of every class and we had around a 98% participation rate. 93% of participants rated the class as good, very good or excellent; with 83% rating the class as very good or excellent. The director of IPRA related that he believed that a little credit is owed this class for a reduction in complaints against the police. Dr. Wes Skogan from Northwestern University conducted a pre and post class survey and found that officers taking the class were in fact learning the concepts. A longitudinal study of officers on the street found that a small but significant number of officers were doing it.

## **Training**

Training is just the start of the process of making our police departments legitimate and training cannot be a one and done, but on going. The Chicago Police Legitimacy program was always been envisioned as being three parts. The second part is done and in the process of being rolled out and may even be better than the first training. Typically the cost of the training is only looked at in terms of actual cost of the training. What isn't looked at is the cost to replace officers who at training to maintain appropriate staffing levels. Something simple that is often over looked is refreshments for those attending class. Coffee, water and snacks can go along way toward making training more enjoyable and effective. Department leaders have to demonstrate Police Legitimacy towards their own department members as well if they wish to develop trust between them and their subordinates. Procedural Justice must be the way department's conduct business at all levels and in every aspect of their operations. To this end leadership training that is designed specifically to teach how to use the principals of Procedural Justice can be applied to leadership should be developed and delivered. It is absolutely critical; however, that training is not looked at as a be all and end all. Departments must fully integrate the Procedural Justice Principals into the fabric of their organizations. Performance evaluations, promotions, awards, promotions, etc. must all be reflective of Procedural Justice Principals. The community should be made aware of what departments are trying to achieve with Procedural Justice and should receive training too.

## **Recommendations**

1. There needs to be a nationally recognized training program approved by and funded by the Federal Government so everyone is on the same page.

2. Funding must not only include training, but also include the cost of materials, travel, refreshments and paying for officers to take the place of those taking training.
3. Training should not be a onetime event, but be ongoing.
4. Training in and of itself is not the be all and end all, if support structure are not built into the organization to support Procedural Justice, the training will not be as effective.
5. Funding needs to be provided to help departments fully integrate Procedural Justice into their organizations.
6. Training must be learner focused.
7. Training on what Procedural Justice is and what they should expect from the police must be provided for the community as well.

## **President's Task Force on 21<sup>st</sup> Century Policing**

Listening Session: Training and Education

Written Testimony of Cheryl P. May, Ph.D.

Director

Criminal Justice Institute

Rural Executive Management Institute

Little Rock, AR

February 14, 2015

Commissioner Ramsey, Professor Robinson, Director Davis, distinguished members of the President's Task Force on 21<sup>st</sup> Century Policing, it is an honor to be with you today. Thank you for the opportunity to speak with you. Most importantly, thank you for your valuable service on this important Task Force.

My name is Cheryl May. I am Director of the Criminal Justice Institute (CJI) and National Center for Rural Law Enforcement (NCRLE). We are one of 18 campuses under the University of Arkansas System. Since 1994 we have provided advanced and specialized training and educational opportunities for law enforcement professionals in agencies of all sizes in Arkansas and non-metropolitan police nationally. Our goal is to enhance the proficiency and professionalism of police through training, education, resources and collaborative partnerships.

During my 35 year career as a forensic professional and my 20 years as a police trainer, I have worked closely with law enforcement professionals who go to work every day prepared and willing to risk their lives to save a complete stranger. Through these interactions I have gained incredible respect and admiration for the men and women of all ranks that are dedicated and committed to strengthening and ensuring the safety of and high quality of life for their community.

Utilizing classroom-based, online and practical hands-on oriented programs, CJI trains and educates law enforcement professionals in the general topical areas of leadership, supervision and management, crime scene and death investigation, computer technology, professional development, drug investigation, and school, traffic, and officer safety. CJI's Rural Executive Management Institute (REMI) is one of a few programs in the country to provide needed leadership training to law enforcement executives serving non-metropolitan communities. Rural communities in 48 states and 2 U.S. Territories have benefitted from the leadership training provided by REMI. Through a partnership with 22 institutions of higher education in Arkansas, select CJI practitioner-focused courses are combined with general education courses such as English, Speech, Business, Psychology, and Sociology to provide a unique opportunity for law enforcement professionals to enhance their proficiency while also achieving educational goals. In doing so, these officers gain critical technical, supervisory, policing and leadership

skills while also expanding their world view and enhancing interpersonal communication and critical thinking skills.

### **Importance of In-Service Training**

Education and training at the academy, in-service and leadership levels are critically and equally important in enhancing the ability of law enforcement agencies to professionally and safely meet the ever changing and unique needs of the communities they serve and protect. Much of the testimony you have heard in previous listening sessions has pointed to the importance of training in improving police and community interactions through the implementation of policies and new technology. Failure to adequately train can result in higher crime rates, poor department morale, poor or inadequate services to the community, terminations, and fiscal liability for the department and /or city or county. While state and local academies across this country are important in preparing new recruits for their roles and responsibilities, the curricula tend to be constrained by the inherent need to focus on the fundamentals of law enforcement and officer safety. The inability of recruits from major and non-metropolitan departments to be away from their agencies for an unlimited amount of time further complicates the ability of academies to cover many additional topics in-depth. Longer academy sessions create great challenges for all departments, particularly during difficult economic times, and are an especially difficult routine challenge for agencies serving non-metropolitan communities.

In-service training supplements academy training and is critical in providing the non-recruit officer, deputy, supervisor, or leader the opportunity to more effectively implement new technology, best practices and departmental policies, enhance their level of proficiency and professionalism and provide opportunities for professional growth. All of which enhance the ability of departments to professionally meet the safety and service needs of their communities.

Expanded training in effective written and verbal communication skills, cultural competence, conflict resolution, social intelligence, ethics, community policing concepts and strategies, and emerging community issues such as working with the mentally ill and others can assist non-recruit personnel in developing and sharpening skills to enhance interpersonal and professional interactions with individuals within their department and communities. Unfortunately, access to programs such as these is not mandatory and may be limited based on the priorities of their supervisor, law enforcement executive, mayor or county quorum, which may be dictated by funding and staffing considerations.

In-service and leadership training for frontline and mid-level supervisors, including FTOs, is critically important in helping to shape the culture of the department. Supervisors and FTOs are not only responsible for ensuring services are delivered effectively, but they also set the

tone with the officers/deputies they mentor, coach, and evaluate. Basic supervision skills coupled with effective written and verbal communication, ethics, interpersonal and conflict resolution skills are key elements to establishing the level of professionalism within the department. The role of supervisors is essential in appropriate discipline. Without fair and consistent supervision, bad habits are likely to prosper within the agency and undermine the ability of the agency to adequately and professionally serve their communities.

### **In-Service Training Delivery Strategies**

A variety of strategies can be utilized to make in-service opportunities more accessible. Such strategies include roll call training, webinars, synchronous and asynchronous online courses, traditional classroom and blended learning approaches. Each of these approaches has merits and limitations. Implementation of all strategies may be necessary to maximize the number of personnel trained. CJ's online programs have greatly expanded access for non-recruit personnel in departments of all sizes. Non-metropolitan departments have benefitted the greatest. While traditional classroom instruction can be more expensive to implement, the benefits of face-to-face instruction can outweigh the costs. Interacting with diverse members of the law enforcement community having different opinions, backgrounds and experiences and the ability to establish a network of professional contacts with different mindsets and world views are two such benefits.

### **Recommendation #1:**

#### ***Advocate for Funding for In-Service Police Training***

Despite the importance of training in developing a proficient and professional police force, in more difficult economic times the reduction or elimination of training budgets is likely. In a 2010 report published by the Police Executive Research Forum (PERF) entitled *Is the Economic Downturn Fundamentally Changing How We Police?*, two-thirds of the responding departments reported that they had reduced or discontinued training programs.<sup>1</sup> The reduction or elimination of training ranked second only to reduced out-of-town travel when law enforcement executives were asked about the impact of budget cuts on departmental policies.

Access to training has been traditionally difficult in both good and difficult times for non-metropolitan departments. Non-metropolitan agencies account for more than 90% of the law enforcement departments within the U.S., and serve 20% of the U.S. population.<sup>2</sup> Forty-nine percent (49%) of the total number of state and local law enforcement departments employed less than 10 full-time officers, with 30% (5,400) having less than 5 full-time sworn personnel.<sup>3</sup> Unlike their urban counterparts, rural police, by necessity, tend to be generalists. As in urban areas, rural communities can vary significantly with respect to crime rate and socioeconomic profile. However, non-metropolitan agencies, due to the smaller number of constituents, have

lower tax bases and limited staffing. Both of these variables significantly restrict training and education opportunities for officers and deputies serving the non-metropolitan areas of the U.S.

**Recommendation #2:**

***Encourage and Facilitate Partnerships with Universities and Community Colleges to Make Educational Opportunities More Accessible and Meaningful for Police in Agencies of All Sizes***

Promoting and providing educational opportunities for the police can enhance community relations in departments of all sizes. The Criminal Justice Institute has had a long history of working with law enforcement professionals and institutions of higher education to provide meaningful practitioner-focused educational programs for Arkansas law enforcement personnel. When we have asked police executives about those traits officers with some education exhibit which they think are very beneficial to the profession, the following are consistently mentioned: 1.) exposed to more; broader worldview, 2.) tend to think outside of the box, 3.) problem solvers, 4.) more analytical, 5.) embrace technology, 6.) better interpersonal skills, 7.) good written and verbal communication skills, and 8.) used to diversity. These traits are conducive for community-oriented policing programs and enhance decision making abilities and interpersonal skills. Having officers in the ranks with some education is seen as a clear benefit by these executives.

In the November issue of *The Police Chief*, Dr. Deborah Newman discusses the “disconnect” between police and institutions of higher education with respect to academic programs which emphasize theory as opposed to more police practitioner-focused curricula. From the perspective of the officers, the pay offs do not outweigh their investments in time and cost.<sup>4</sup> Educational programs which incorporate in-service and leadership training along with general education courses can enhance the proficiency of officers while also providing them with better communication and interpersonal skills and broader world views, and in doing so better position them for professional interactions with their community. The expansion in the availability of online academic courses makes practitioner-focused certificate and associate degrees more realistically obtainable for the law enforcement professional.

## Endnotes

<sup>1</sup>Police Executive Research Forum. (December 2010). *Is the Economic Downturn Fundamentally Changing How We Police?* Washington, DC

<sup>2</sup> National Law Enforcement Corrections and Technology Center. (August 2010). *Report on the National Small and Rural Agency Summit* (as cited in Weisheit, Falcone & Wells, 1999). Cheney, WA. Sale, Jeffry.

<sup>3</sup>Bureau of Justice Statistics. (July 2011). *Census of State and Local Law Enforcement Agencies, 2008*. (NCJ Publication 233982). Washington, DC: U.S. Government Printing Office.

<sup>4</sup>Newman, Deborah W., (November 2014). Evaluating and Utilizing Specialized College Courses for Police Officers. *Police Chief*, 81, 36-39.

**TESTIMONY**

**of**

**John Ortolano**

**President and National Trustee,**

**Arizona State Lodge, Fraternal Order of Police**

**on**

**“Training and Education”**

**before the**

**President’s Task Force on 21<sup>st</sup> Century Policing**

**14 February 2015**

**Good morning Commissioner Ramsey, Ms. Robinson and distinguished members of the President’s Task Force on 21<sup>st</sup> Century Policing. My name is John Ortolano, a Captain with the Highway Patrol Division of the Arizona Department of Public Safety, and the current State President and National Trustee for the Arizona State Lodge of the Fraternal Order of Police representing more than 8,300 police officers. I am pleased to be able to be here with you today to share the perspective of the rank-and-file members of the Fraternal Order of Police on the subject of “Training and Education,” with a focus on in-service training.**

**The amount of hours an individual officer will spend taking in-service training varies by department, rank and areas of responsibility. In the Highway Division, recent in-service training has focused on legal issues and changes to current State law and policy. Changes in departmental policies with respect to foot pursuits and encounters with the mentally ill also required newly developed in-service training. In fact, any change in policy or law typically triggers a need for in-service retraining for all officers. Because of its flexibility, in-service training is often reactive and can also be important to deliver corrective training if officers are not performing according to agency guidelines.**

**To give you another example, we are now training our highway patrol officers to make what we are calling “complete” traffic stops and move beyond just a perfunctory stop at which a citation is issued. Officers are being trained to develop situational awareness for their own safety and to probe the driver and passenger with additional questions to determine the potential for any criminal activity which might pose a danger to public safety.**

**Another important use of in-service training is the incorporation of new technological advances in law enforcement and how they are deployed in the field. The first step is at the command level. Officers like me must understand or anticipate the impact of any new technological tool on officer safety, public safety and utility in the performance of the law enforcement mission.**

**Let’s consider the FOP’s draft of a model policy on the use of Body-Worn Cameras (BWC). I know the Task Force has already been provided with a copy and I cannot emphasize enough the importance of having policies in place, training which is complete and thorough before deploying this type of technology.**

**So let’s examine the policy and how in-service training would be used if an agency elects to use BWC. The first thing to consider is**

**the reason for and the role the new technology will play. In the case of BWC, the aim of the technology should be to increase the efficiency and integrity of the department's law enforcement mission, increase officer safety, and safeguard the rights of the citizens and employees in the use of such technology. While having the right policy in place is a crucial first step, it won't be of much value if the officers are not trained to comply. This is even more important when policies rely in part on the discretion and judgment of the individual officer.**

**Using the FOP policy as a model, BWC should be used in all field contacts involving actual or potential criminal conduct, including:**

- a) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)**
- b) Emergency responses**
- c) Vehicle pursuits**
- d) Suspicious vehicles**
- e) Arrests and transports**
- f) Vehicle searches**
- g) Consent to Search**
- h) Physical or verbal confrontations or use of force**
- I) Pedestrian checks/Terry Stops**
- j) DUI/DWI investigations including field sobriety tests**

**k) Domestic violence calls**

**l) Statements made by individuals in the course of an investigation or complaint**

**m) Advisements of Miranda rights**

**n) Seizure of evidence**

**o) SWAT calls for service**

**p) High Risk Warrants**

**q) On all calls for service**

**Officer discretion would come into play as the policy must be flexible enough to allow for the activation of the BWC during any contact that becomes adversarial, even if the initial contact was not a situation in which the BWC should be deployed. Officers should also be permitted to activate the BWC in situations where they believe that a recording of an incident would be appropriate. When exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations, especially victims of crime and potential witnesses to an incident.**

**Training programs must also emphasize that situations requiring immediate action to prevent injury, death, destruction of evidence or escape should take priority over the activation of the BWC. The policy and the accompanying training should also make plain that**

**the use of the BWC should not be used for intimidating an individual during contact.**

**Time limitations in place today prevent me from discussing at further length other policy and training questions regarding the modes of operation, operation protocols, electronic storage rules and training specific to State laws on the use of recording devices. A lot more work and development has to take place, with agencies learning from each other how best to use this new technology.**

**I thank you again for the opportunity and look forward to answering any questions you might have,**

President's Task Force on 21st Century Policing  
Office of Community Oriented Policing Services  
U.S. Department of Justice  
145 N Street, N.E. 11th Floor  
Washington, DC 20530

February 9, 2015

## **Training and Education | Voices of the Community – Women and LGBT People**

Streetwise and Safe (SAS) is a New York City based organization focused on profiling, policing and safety of lesbian, gay, bisexual, and transgender youth of color. Along with the Center for American Progress, the Columbia University Center for Gender and Sexuality Law, and the Center for HIV Law and Policy, we coauthored *A Roadmap for Change: Federal Policy Recommendations to Address Criminalization of LGBT People and People Living With HIV*, and plays a leadership role in a national coalition of LGBTQ organizations working toward adoption of its recommendations.

Streetwise and Safe also co-founded, along with BreakOUT! in New Orleans, *Get Yr Rights! A National LGBT Know Your Rights Network*, made up of over 30 LGBTQ youth and youth serving organizations across the country ([www.getyrrights.org](http://www.getyrrights.org)). We have the privilege of serving on the Steering Committee of Communities United for Police Reform ([www.changethenypd.org](http://www.changethenypd.org)), a broad-based city-wide campaign to challenge discriminatory policing practices in New York City, and of the Access to Condoms Coalition, a statewide coalition made up of public health, anti-trafficking, LGBT and civil and reproductive rights organizations working to end the use of condoms as evidence in all prostitution-related cases in New York State. For the past three years Streetwise and Safe has also served a member of the LGBT Advisory Panel to the NYPD Police Commissioner.

In order to supplement our testimony today, we refer you to the submission drafted by Streetwise and Safe, endorsed by over 40 local, state and national LGBTQ organizations, and adopted by Lambda Legal in its testimony before for the January 28<sup>th</sup> Task Force Listening Session on Policy and Oversight, as well as my submission in my capacity as a Senior Soros Justice Fellow focusing on the experiences of women of color, which was endorsed by over 75 organizations and individuals.

### **INTRODUCTION**

To briefly summarize our prior testimony, as documented by researchers, civil and human rights organizations, and LGBT groups, women and LGBTQ people of color share similar experiences of racial profiling and police brutality as other members of communities of color,<sup>i</sup> as well as pervasive profiling and discriminatory treatment by local, state and federal law enforcement agents based on actual or perceived gender, gender identity or expression, sexual orientation, and HIV status.<sup>ii</sup> Investigations of local police departments in New Orleans and Puerto Rico by the U.S. Department of Justice have documented patterns and practices of profiling, discriminatory policing and police brutality against LGBTQ people,<sup>iii</sup> as have a number of national and local studies.<sup>iv</sup>

Black women and LGBT people and women and LGBT people of color are also targets of police brutality up to and including police shootings,<sup>v</sup> including most recently Jessie Hernandez, a 16 year old Latina killed by Denver police,<sup>vi</sup> Aura Rosser, a 40 year old Black woman killed by Ann Arbor

police,<sup>vii</sup> and Tanisha Anderson, a 37 year old Black woman killed by Cleveland police,<sup>viii</sup> all of whom were killed in the short period of time since this Task Force was established. In the weeks following Eric Garner's killing in New York City, an NYPD officer put Rosan Miller, a Black 27 year-old 5 month pregnant woman in a choke hold as they attempted to arrest her for grilling on the sidewalk,<sup>ix</sup> Denise Stewart, a Black grandmother who, like Eric Garner, had asthma was dragged naked into a hallway by officers who falsely assumed she was abusing her children,<sup>x</sup> Stephanie Maldonado, perceived by NYPD officers to be queer, was thrown to the ground and beaten after being accused of jaywalking in the West Village,<sup>xi</sup> and another pregnant mother was thrown to the ground in by NYPD officers who then used a TASER on her stomach.<sup>xii</sup> These are but a few examples of the excessive force to which women and LGBT people of color are submitted on a routine basis, and which must also be at the center of national debates surrounding use of excessive force.

Particular deficiencies exist with respect to police policies, training, education, and oversight with respect to police interactions, searches, and placement of LGBT people in police custody which contribute to routine violations of the rights of women and LGBTQ people, and to reduced safety for our communities. Gender and sexuality-specific forms of racial profiling and discriminatory policing, requiring specific policy, training, education and oversight responses, include:

- Homophobic and transphobic verbal harassment and abuse by law enforcement officers;
- Profiling and discriminatory enforcement of prostitution-related and lewd conduct offenses, including citation of possession or presence of condoms as evidence of intent to engage in prostitution-related or lewd conduct offenses;<sup>xiii</sup>
- Failure to respect individuals' gender identity and expression when addressing members of the public and during arrest processing, searches, and placement in police custody;
- Unconstitutional and unlawful searches to assign gender, and more invasive and intrusive searches of transgender and gender nonconforming people than non transgender people;
- Dangerous placement and cruel, inhuman and degrading treatment in police custody.

Moreover, although no official data currently exists, research indicates that sexual harassment and assault of women and LGBT people by police officers occurs with alarming frequency, yet the vast majority of departments have no policies or training explicitly addressing this issue.<sup>xiv</sup>

## RECOMMENDATIONS

### **1) Establish federal and nationwide standards and training with respect to treatment of LGBTQ people in police custody**

While training and education are critical, without clear policies on which to base officer training, accompanied by effective discipline and oversight, impacts on individual officer behavior will be limited, and structural and systemic change cannot be achieved.

For instance, in the absence of clear guidance to officers with respect to determination of gender for the purposes of arrest processing, searches and placement in police custody, along with a clear statement as to the unconstitutional and impermissible nature of searches for the purpose of assigning gender, no matter how much sensitivity and cultural competency training officers receive with respect to LGBT communities, transgender and gender nonconforming people will continue to experience unconstitutional searches and invasive questioning in order to assign gender based on anatomical features, ongoing assaults on their human dignity, and dangerous and degrading

placement in police custody based on anatomy rather than safety. In particular, searches conducted by police officers on the street or in police detention facilities for the purposes of assigning a gender to detainees based on anatomical features—or simply to ogle or humiliate transgender and gender nonconforming arrestees—are both constitutionally prohibited and widespread.<sup>xv</sup>

While the Department of Justice has created model training with respect to how to address transgender individuals during police interactions, **we urge the Department to go further, and, in consultation with LGBTQ advocates who have successfully advocated for local policies, issue national standards and training for federal, state and local law enforcement agencies offering guidance concerning police interactions, forms of address, searches, placement, and access to medication for LGBTQ people in police custody consistent with the provisions of consent decrees entered into with the New Orleans Police Department and best practices in other departments, and to condition receipt of federal funding on adoption and enforcement of such policies.**

**In order to ensure that policies, training, education and oversight effectively improve the safety of women and LGBTQ people, they must be developed in partnership with community-based organizations working directly with individuals affected by discriminatory and abusive policing practices.**

For instance, where members of transgender communities were directly involved in creating policies and training every single officer of the San Francisco Police Department, complaints of police misconduct against transgender people decreased.<sup>xvi</sup> As part of a team of transgender advocates and LGBT organizations who drew on policies in place in San Francisco and jurisdictions across the U.S. to develop and negotiate comprehensive changes to the NYPD's Patrol Guide which have served as a model to departments across the country, Streetwise and Safe has seen firsthand how the involvement of members of LGBT communities, and particularly transgender people and organizations directly organizing and representing transgender people, was essential to the development of effective policies and training to protect the rights of LGBT people who come into contact with police. Similarly, under the aegis of the Department of Justice's consent decree with the New Orleans Police Department, LGBTQ youth of color directly impacted by discriminatory policing practices played an essential role through our partners at BreakOUT in developing both policies and a video directly informed by their experiences to be shown to all new recruits. A similar process involving transgender advocates, LGBT service providers and community-based organizations has successfully taken place in Los Angeles, and is currently underway in Atlanta.

In a number of instances, community-based organizations have also been directly involved in ensuring compliance with these policies. For instance, BreakOUT has been certified as an official intake site for the Independent Police Monitor, which takes complaints against NOPD officers, thereby increasing the likelihood that individuals whose rights under existing training and policies have been violated will come forward without fear of further discrimination or retaliation. Streetwise and Safe monitors compliance with NYPD policies and training through its know your rights trainings and outreach to LGBTQ youth and adults, and has asked the newly established NYPD Inspector General to conduct an independent audit of their implementation. These experiences can serve as models for effective training and education of police departments based on sound policies developed in collaboration with directly affected communities.

## **2) Establish federal and national standards and training for prevention, documentation, and responding to sexual assault by law enforcement officers**

As documented by the International Association of Chiefs of Police, (IACP), the Cato Institute, Amnesty International, and independent researchers, sexual harassment and assault by law enforcement officers is an often invisible but pervasive practice requiring the immediate adoption and effective enforcement of policies, training, oversight and disciplinary practices.<sup>xvii</sup>

As the IACP concludes, without clear policies explicitly prohibiting and preventing sexual harassment and misconduct by police officers with respect to members of the public, sexual harassment and assault will continue to take place with impunity, in spite of existing training concerning professional courtesy and respect. Sexual misconduct, while not justified by any lawful purpose, is by no means an isolated phenomenon, facilitated by the considerable authority vested in law enforcement officers, and therefore requires a specific policy, training and oversight response by law enforcement agencies.<sup>xviii</sup>

**We therefore urge the Department of Justice to develop, in consultation with advocates for women and LGBTQ communities, model policies and training aimed at documenting, preventing, and addressing sexual harassment, abuse, and assault by federal, state and local law enforcement agents** which are consistent with the recommendations of the International Association of Chiefs of Police, and to condition federal funding on adoption and effective enforcement of such policies. Additionally, the U.S. Department of Justice should **aggressively pursue enforcement of existing PREA standards for police lock-ups**, including requirements relating to training and education.

## **3) Pass, effectively implement, and enforce LGBTQ-inclusive anti-profiling measures**

Sensitivity training and cultural competency must have as their foundation strong and enforceable anti-profiling legislation and anti-discrimination provisions. Accordingly,

- The Administration should immediately **expand the protections of the Guidance for Federal Law Enforcement Agencies** issued by the U.S. Department of Justice in December 2014 to reach all federal and federally funded law enforcement activities, including and especially those that target Muslim, Arab, Sikh and South Asian communities and take place at our borders. Federal law enforcement agents should be mandated to attend training created in consultation with organizations working with directly affected communities providing clear examples of prohibited profiling practices and clearly outlining the consequences of failing to follow the guidance.
- Consistent with Title VI of the Civil Rights Act of 1964, the Safe Streets Act of 1968, the Violence Against Women Act of 1994 (as amended), and consistent with the Department of Justice's authority to adopt reasonable requirements for the effective use of federal funds consistent with statutorily authorized program goals, local law enforcement agencies should be required, as a condition of receipt of federal funding, to **adopt, effectively implement, provide training on, and enforce prohibitions against profiling consistent with the Guidance for Federal Law Enforcement Agencies on the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation and Gender Identity** issued by the U.S. Department of

Justice in December 2014. These requirements should include an **independent enforcement mechanism** accessible to members of the public.

- The Administration should work with Congress toward the passage of an **End Racial Profiling Act that includes protections against profiling on the basis of gender, sexual orientation, and gender identity and requires training and education of officers on prohibited profiling as a condition of receipt of federal funding.**
- The Department of Justice should, consistent with the recommendation of the Presidential Advisory Commission on HIV/AIDS, **issue and publicize guidance and model training to federal, state and local law enforcement agencies condemning the reliance on mere possession or presence of condoms as evidence of intent to engage in criminal activity,** and encourage agencies to adopt policies prohibiting this practice and to train local law enforcement officers accordingly.
- The Department of Justice should, in consultation with organizations made up of and advocating on behalf of homeless people, **issue guidance and model trainings to state and local governments** on the constitutionality and cost-effectiveness of adoption and enforcement of ordinances criminalizing ordinary life-sustaining activities in public spaces, and develop and disseminate model training governing interactions with homeless people;

As evidenced by the use of a prohibited chokehold by NYPD officers against Eric Garner and against Rosann Miller just a few days after Garner was killed, even the existence of clear policies and training will not ensure safety or prevent violations of the rights of people who come into contact with police. Incidents such as these, and countless others like them, underscore the importance of effective prevention, oversight and discipline when training and education are ignored and policies are violated. In order to ensure that training and education result in real changes to police interactions with women and LGBTQ people, and a meaningful reduction of instances of police brutality and other violations of constitutional rights, there must be effective oversight of police departments and disciplinary procedures that will ensure that training and education is accompanied by compliance.

- **Civilian oversight bodies must be made up of representatives from communities directly impacted by discriminatory policing,** including youth, women, and LGBTQ communities, similar to those established under federal consent decrees with Seattle and Cincinnati, and be **vested with substantial authority, including subpoena power and independent disciplinary authority.** They must also be empowered to **collect and regularly analyze data on a range of police department practices to determine if there are disparities based on race, age, gender, gender identity, or sexual orientation in enforcement practices** and provided with sufficient resources to do so. Information relating to sexual orientation and gender identity of complainants must be collected on a voluntary and anonymous basis, after informed consent, and analyzed separately from any identifying information regarding the complainant.
- Where **special prosecutors** or independent investigatory bodies are established to respond to incidents of police killings and use of excessive force, they should pay special attention to incidents involving women and LGBT of color, and their **jurisdiction should include investigation of allegations of police rape and sexual assault.**

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<sup>i</sup> National Association for the Advancement of Colored People, *Born Suspect: Stop-and-Frisk Abuses &*

<sup>ii</sup> Lambda Legal, *Protected and Served? Survey of LGBT/HIV Contact with Police, Courts, Prisons, and Security* (2014) (finding a quarter of respondents to a national survey, and over a third of respondents of color, youth, and transgender respondents, had experienced some form of police harassment), available at [www.lambdalegal.org/protectedandserved](http://www.lambdalegal.org/protectedandserved); Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011); Kathryn E. W. Himmelstein and Hannah Brückner, “Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study,” *Pediatrics* 127 (1) (2011): 49-57 (non-heterosexual youth more likely to be stopped by the police and experience greater criminal justice sanctions not explained by greater involvement in violating the law or engaging in transgressive behavior); Brett G. Stoudt, Michelle Fine, and Madeline Fox, *Growing Up Policed in the Age of Aggressive Policing Policies*, 56 N.Y.L. Sch. L. Rev. 1331 (2011) (LGB youth are more likely to experience negative verbal, physical, and legal contact with the police, and more than twice as likely to experience negative sexual contact in preceding six months); National Coalition of Anti-Violence Programs, *Hate Violence Against Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Communities in the United States in 2010*, (New York: National Coalition of Anti-Violence Programs, 2011) (finding law enforcement agents to be among the top three categories of perpetrators of homophobic and transphobic violence reported), available at [http://www.avp.org/storage/documents/Reports/2011\\_NCAVP\\_HV\\_Reports.pdf](http://www.avp.org/storage/documents/Reports/2011_NCAVP_HV_Reports.pdf); Jaime M. Grant, Lisa A. Mottet, and Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), available at [http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf); Amnesty International, *Stonewalled: Police Abuse and Misconduct Against LGBT People in the United States* (Washington: Amnesty International, 2005) (documenting multiple patterns of police profiling, misconduct and violence against LGBT people across the country), available at <http://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf>.

<sup>iii</sup> U.S. Department of Justice, Civil Rights Division, *Investigation of the New Orleans Police Department*, March 16, 2011; U.S. Department of Justice, Civil Rights Division, *Investigation of the Puerto Rico Police Department*, September 5, 2011.

<sup>iv</sup> BreakOUT!, *We Deserve Better!* (2014), available at:

<http://www.youthbreakout.org/sites/g/files/g189161/f/201410/WE%20DESERVE%20BETTER%20REPORT.pdf>; Make the Road New York, *Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights*, (New York: Make the Road, 2012), available at [http://www.maketheroad.org/pix\\_reports/MRNY\\_Transgressive\\_Policing\\_Full\\_Report\\_10.23.12B.pdf](http://www.maketheroad.org/pix_reports/MRNY_Transgressive_Policing_Full_Report_10.23.12B.pdf); Frank H. Galvan and Mohsen Bazargan, *Interactions of Latina Transgender Women with Law Enforcement* (Los Angeles: Bienestar, 2012), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Galvan-Bazargan-Interactions-April-2012.pdf>;

<sup>v</sup> See, e.g., Andrea J. Ritchie, *Law Enforcement Violence Against Women of Color*, in *Color of Violence: The INCITE! Anthology* (South End Press 2006).

<sup>vi</sup> Michael Roberts, *Jessie Hernandez, Teen Killed By Denver Cops: Protests Over Alleged Police Violence*, [http://blogs.westword.com/latestword/2015/01/jessie\\_hernandez\\_killed\\_denver\\_police.php](http://blogs.westword.com/latestword/2015/01/jessie_hernandez_killed_denver_police.php)

<sup>vii</sup> John Counts, *40 Year Old Woman Fatally Shot By Ann Arbor Police Officer Identified*, MI News November 11, 2014, available at: [http://www.mlive.com/news/ann-arbor/index.ssf/2014/11/ann\\_arbor\\_police\\_shooting\\_name.html](http://www.mlive.com/news/ann-arbor/index.ssf/2014/11/ann_arbor_police_shooting_name.html)

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<sup>viii</sup> Tom Beres, *Woman's Death in Police Custody Ruled a Homicide*, USA Today January 2, 2015, available at: <http://www.usatoday.com/story/news/nation/2015/01/02/womans-death-in-police-custody-ruled-a-homicide/21218595/>

<sup>ix</sup> Kirstan Conley, Leonica Valentine and Daniel Prendergast, New 'chokehold' video shows NYPD scuffle with pregnant woman July 28, 2014, <http://nypost.com/2014/07/28/new-chokehold-video-shows-nypd-scuffle-with-pregnant-woman/>.

<sup>x</sup> John Marzulli, Laura Dimon, Ginger Adams Otis, *Naked Brooklyn woman dragged from apartment, left topless in hallway for minutes by NYPD officers*, August 1, 2014, NY Daily News, available at: <http://www.nydailynews.com/new-york/brooklyn/nypd-officers-drag-naked-brooklyn-woman-apartment-video-article-1.1889292>

<sup>xi</sup> Jim Hoffer, *Investigation: Woman Claims Police Brutality Against NYPD Officer*, ABC News, August 1, 2014, available at: <http://7online.com/news/investigation-woman-claims-police-brutality-against-nypd-officer/229978/>

<sup>xii</sup> *Watchdog Group: Officer Seen Throwing Pregnant Woman To Ground In Sunset Park*, CBS News, September 23, 2014, available at: <http://newyork.cbslocal.com/2014/09/23/watchdog-group-officer-seen-throwing-pregnant-woman-to-ground-in-sunset-park/>

<sup>xiii</sup> Florrie Burke (founder of national Freedom Network and recipient of the inaugural Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons from President Barack Obama), *Forced Into Prostitution and Denied a Lifeline*, Huffington Post May 15, 2013, available at: [http://www.huffingtonpost.com/florrie-burke/forced-into-prostitution-\\_b\\_3279937.html](http://www.huffingtonpost.com/florrie-burke/forced-into-prostitution-_b_3279937.html); Human Rights Watch, *Sex Workers at Risk: Condoms as Evidence of Prostitution in Four U.S. Cities*, (2012) available at [http://www.hrw.org/sites/default/files/reports/us0712ForUpload\\_1.pdf](http://www.hrw.org/sites/default/files/reports/us0712ForUpload_1.pdf); Acacia Shields, *Criminalizing Condoms: How Policing Practices Put Sex Workers at IV Services at Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe* (New York: Open Society Foundations, 2012), available at <http://www.opensocietyfoundations.org/reports/criminalizing-condoms>; PROS Network and Leigh Tomppert, *Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City*, (New York: PROS Network and Sex Workers Project, 2012), available at <http://sexworkersproject.org/downloads/2012/20120417-public-health-crisis.pdf>;

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<sup>xvi</sup> Expert opinion of Marcus Arana in *Tikkun v. City of New York*, 05cv9901 (JCF)(KMK)(S.D.N.Y.), August 3, 2009.

<sup>xvii</sup> Stinson et al., *supra* note xiv; IACP, *supra* note xiv; National LGBTQ Task Force, *supra* note ii; Cato Institute, *supra* note xiv; Amnesty International, *supra* note ii; Samuel Walker and Dawn Irlbeck, *supra* note xiv.

<sup>xviii</sup> Stinson et al., *supra* note xiv; IACP, *supra* note xiv.

## **Testimony OF**

**Linda Sarsour, National Advocacy Director, National Network for Arab American Communities**

President's Taskforce on 21<sup>st</sup> Century Policing

**Phoenix, AZ**

**February 14<sup>th</sup>, 2015**

My name is Linda Sarsour and I am honored to submit this testimony for the record on behalf of the National Network for Arab American Communities regarding today's listening session for the President's 21<sup>st</sup> Century Taskforce on Policing. NNAAC, which was established in 2004, currently has 23 member organizations in 11 states. Our member organizations are grassroots nonprofits located in the most highly concentrated Arab American communities in the country. Since 9/11, NNAAC has been at the forefront of public discourse, policy campaigns and grassroots organizing to address grave civil and human rights violations against Arab Americans and American Muslims. I commend President Obama on his leadership to bring the critical issue of policing to the forefront of public discourse and amongst our government representatives. We at NNAAC believe in the values our nation proclaims; inclusion, plurality, and diversity. We continue to be committed to upholding the civil and human rights of all Americans.

The Arab American and American Muslim communities continue to face one of the most hostile civic environment since 9/11. It has been thirteen years since the tragic events of 9/11. And unfortunately, Arab Americans, South Asians, Muslim Americans, and those perceived to be Muslim continue to be impacted by post 9/11 policies. Anti-Arab sentiments and Islamophobia have been on the rise and increased dramatically this past year. Hate crimes against Muslims and those perceived have rose significantly. According to the NYPD's Deputy Chief Michael Osgood, hate crimes against Muslims increased by 143%. We urge federal government and law enforcement agencies to take increased measures to prevent, address, and combat hate crimes in the United States. When one community feels unsafe, we all are unsafe. Since the tragic events of 9/11, we have witnessed a fixation by some in government with radicalization and extremism of Muslim Americans. While it

has been nearly five years since the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was signed in 2009, strengthening existing legal protections, hate crimes and hate groups continue to be a serious threat facing this country.

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, FOIA requests and lawsuits that agencies target communities by religion and national origin. For instance, we learned through the Associated Press that the NYPD engages in unwarranted surveillance of American Muslim communities in the Northeast. They continue to spy on every aspect of Muslim daily life; cafes, mosques, bookstores, community centers, and Muslim student associations. NYPD has gone as far as attempting to infiltrate the Board of Directors of one of our member agencies in New York City. Unwarranted surveillance, racial and religious profiling clearly violates the constitutional rights of these communities. Surveillance chills free speech and creates unnecessary fear, alienation, and isolation. The actions by members of law enforcement can perpetuate biased perceptions of community members through discriminatory policing. Discriminatory police practices diminish trust of law enforcement by targeted communities, including during times when assistance is needed when faced with hate crimes or in cases of domestic violence.

Another issue of concern for the Arab American and American Muslim communities relates to pseudo-experts on Islam and Muslims training law enforcement about our communities. So-called experts have been used to spread misinformation about American Muslims, falsely portraying Muslims as intrinsic threats or fifth columns within the homeland. Moreover within the context of training, faux documentaries, which are in fact anti-Muslim propaganda such as “The Third Jihad” have been shown to law enforcement officials, thus solidify the framework advanced by pseudo-experts to paint loyal Americans as having a secret plan to fundamentally undermine the American way of life. Such trainings shape law enforcement perceptions of Arab Americans and American Muslims, which translates into the misuse of tax dollars and manpower hours of law enforcement as

well as the overextended use of surveillance. I have had the privilege in the past of training probationary FBI agents on how to interact with American Muslims in a religiously sensitive matter. Law enforcement agents and officers need practical information to make lawful interactions between them and our communities comfortable and effective.

Our recommendations include:

- Consult with civil rights, advocacy and community-based organizations regarding trainers that pertain to community outreach and education. In particular, do not invite trainers who have been deemed members of hate groups or have obvious biases towards any communities. Law enforcement should allow members of the community at large to train law enforcement agencies or do presentations. There should be some guidelines set for all trainers or thresholds that must be met. The vetting process must be clear to all parties.
- Create a mechanism for advocates, faith based leaders, community leaders and academics to provide input on training curriculum. The more communities feel included and invested in the curriculum, the more trust this builds amongst communities.
- Allow civil rights leaders and advocates an opportunity to observe aspects of law enforcement trainings about engagement and outreach in Arab, Muslim, and South Asian communities and give feedback.
- The Department of Justice should create a civilian review board to give feedback when police departments accrue a significant number of complaints that are systemic or egregious in nature. The review board would consist of community stakeholders and/or advocates that can provide suggestions on what the DOJ mandates on those departments so they can be compliant with civil rights.

We are at a critical juncture in law enforcement and community relations in American society at this time. Training is only one part of reforming policing in our communities. It is an important first step but we must first end policies that target specific communities and ensure that we engage in fair policing that focuses

on criminals and not entire communities. In order to rebuild trust and improve public safety new mechanisms need to be implemented to better ensure that law enforcement is equipped to optimally perform its duties while at the same time purge the potential for biased policing and unwarranted surveillance of communities. We hope that the recommendations presented today will help facilitate this mutual goal of better policing and safer communities.

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**TESTIMONY TO PRESIDENTIAL TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING:  
TRAINING & EDUCATION---Ellen Scrivner, Ph.D., ABPP, February 14, 2015**

**Introduction:** I am pleased to see the Task Force focus on Training and Education as one of the significant topics under consideration. This is a critical area and goes beyond tactical training since it can lay the foundation for how police, very early in their careers, can learn about their communities and how their responses may be perceived when providing police services to their communities. If configured appropriately, this expanded focus will go beyond traditional and required crime control techniques and tactical skills taught in academies, as well as the discrete management skills taught in much of the leadership training provided to law enforcement. In essence, the Task Force has an opportunity to broaden the field of how police develop knowledge about the intricacies of their communities and how they learn the importance of their role, not just in fighting crime but in creating communities where people feel safe going about their everyday activities without being targets of crime or subject to police harassment.

**Background:** Unfortunately, in many of our communities there is the perception that those who are targets of crime are probably involved in crime even though they may be innocent of wrong doing. However, if police do not see them that way, then they may identify them as part of a problem and go all out to see that they are deterred. There is little doubt that it is this type of behavior that is one element accounting for large numbers of young black males behind bars, and a major factor contributing to neighborhood distrust of the police.

This level of distrust can go both ways. Community members may look at the police as those coming into their neighborhoods to do them harm rather than to help them.

Consequently, they may never give the police a chance. In these instances, neither the police officers nor community members have “learned” about each other because opportunities for mutual “learning” were not included in police training which typically involves required skill-based programs delivered in a para-military policing framework.

**Transformations and New Directions:** Some of the topics of interest to the Task Force are particularly relevant to easing this dilemma including: community oriented policing, fair and impartial policing, cultural competency, use of force de-escalation, particularly when working with the mentally ill, and the critical distinction between the “Guardian” vs. “Warrior” mentality. However, rather than presenting them as a list of single classes, my recommendation would be to group them into a new framework based on reality based and experiential learning that also engages the community and provides opportunities to learn about each other. The end goal would be the shifting of the police culture.

I contend that the police culture cannot be changed based on several two hour classes no matter how good the curriculum is or how powerful the instructor may be. Rather, we are talking about the need for a national systemic change that creates major shifts in law enforcement mind-sets. That type of change will require immersion into a framework that integrates the previously mentioned topics into a coherent strategy for changing how police both experience and respond to the community. That change cannot occur unless officers learn about themselves and how they use their learning when thinking about, and responding to, community members, particularly in communities of color. This approach involves a new strategy and is far more than simply teaching a skill.

We see many of these same issues playing out in leadership training. Currently there is a wealth of police management and leadership training available but generally the training is based on models from the 20<sup>th</sup> century, using talking heads, case studies, and “great men” theories of leadership. They are delivered in a classroom format or in time-limited workshops and some coincide with academic criminal justice programs focused on management curricula. While many contend that they still work well, and for some that may be true, the question remains, if they work so well, why are we having so many problems? I contend that it may be more a problem with the model in that 21<sup>st</sup> Century leadership training and development cannot be based on models from the past. The world has changed and continues to evolve. It is a digital age that is more complex and unpredictable, and there is a new generation of tech savvy officers as well as those potential leaders waiting in the wings that bring very different perspectives to management.

Consequently, it is time to take a look at how we can do this better rather than just create more of the same. Across all ranks, from recruit to command level executives, we need a 21<sup>st</sup> Century transformational process that incorporates innovations in the world of police development, particularly those that focus on law enforcement’s role as a collaborative partner with the community and where social justice is the norm.

**Recommendations to Achieve Transformational Goals:**

- 1). Focus on “Learning” rather than training since learning to collaborate with the community is far different from being trained in a skill, such as shooting a firearm.

- 2). Review the best of existing models, reconfigure, and add approaches designed to build trust with communities and with a goal of beginning to change the police culture.
- 3). Create a National Law Enforcement Learning Network with learning centers across the country that include the best of existing models but which also provide trust building experiences and comprehensive programs where the community is an integral partner.
- 4). Incorporate police reforms and police patterns and practices into this network that are based both on the law and on scientific evidence reflective of constitutional policing.
- 5). Sustain on-site Learning Center experiences by combining post-experiences with innovations such as E-learning, where appropriate, community internships, and maintaining communication through regularly scheduled conference calls or virtual meetings that are focused on best practices and new initiatives and that will create an ongoing community of practice.
- 6). Strive to achieve end product goals: shifting of police culture to a Guardian versus Warrior mentality; growing police legitimacy; and enhancing greater trust in the police.

None of this means that police will go soft on crime. Quite in contrast, they will work more closely with community to solve problems and control crime, and the Task Force can provide the needed direction in training and education to achieve these goals.

More importantly, the Task Force represents an important moment in history and has the opportunity to create a new day for how police services are delivered across the country, for changing a national police mindset, and shifting the police culture to that of service rather than adventure.



## **Testimony of Ronal Serpas, Ph.D.**

### **President's Task Force on 21st Century Policing**

#### **5<sup>th</sup> Public Listening Session On The Topic Of Training and Education**

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To begin, I would like to thank the task force for the invitation to testify. My name is Ronal Serpas. I am currently a Professor of Practice in the Criminal Justice Department at Loyola University New Orleans and a former Superintendent of the New Orleans Police Department, Chief of the Nashville Police Department and Chief of the Washington State Patrol. Today I speak to you as a board member and representative of the non-profit organization Cure Violence.

In communities where violence and crime are endemic, law enforcement has sometimes taken a warrior mentality – as police officers we were taught to “fight” crime and to lead the “war on drugs.” We have, at times, treated these communities as combatants, and it should therefore be no surprise that there is now a fractured relationship between law enforcement and far too many communities in America.

As the Chairman of the International Association of Chiefs of Police Community Policing Committee, and in partnership with the Bureau of Justice Assistance and the DOJ-Community Oriented Policing Services, we define the key components of Community Policing as developing community partnerships, engaging in problem solving, and implementing community policing organizational features. I believe it makes perfect sense to recognize as part of our key components of Community Policing that building stronger relationships and trust between police and the community requires that we adopt and add a health perspective to violence and train our officers and the community in this understanding and approach.

A health perspective offers an understanding of the causes of violent behavior that is based in the latest science. This science tells us that violent behavior is transmitted between individuals for all types of violence – including child abuse, community violence, and intimate partner violence.<sup>1</sup> An evolving science based understanding of the causes of violent behavior is an essential component of the “problem solving” feature of the Community Policing model.

This transmission of violence occurs as a result of exposure – we unconsciously learn violent behavior, as all behaviors, from those around us.<sup>2</sup> Violent behavior has the added effect of being a traumatic experience, which can have a profound mental health impact, leading to increased impulsivity, depression, stress, and exaggerated startle responses.<sup>3</sup> Exposure to violence also creates physiological effects such as changes in our neurochemistry and brain structure.<sup>4</sup>

While the details of this transmission process may be superfluous, understanding that violence is a transmitted behavior is essential to moving law enforcement to a more fair, equitable, and effective approach. This understanding moves us away from an adversarial relationship where community and law enforcement blame each other and think of each other as the “bad guy.” It moves us towards understanding why some human beings – in the community and in law enforcement – exhibit violent behavior.

The health perspective is not in any way contrary to society’s need for accountability for crimes committed. The rule of law is fundamental to a civilized society. Rather, this approach rests on an acknowledgement that we cannot arrest our way out of the problem of violence. As in Community Policing, we seek to more fully understand the causes of violence and in partnership with the community devise and implement alternatives that do not rely on arrest.

The health approach can help us move from the warrior mentality to the guardian mentality. Fundamentally, this approach is about preventing future violence by

understanding what is perpetuating it. It recognizes that the experience of living in a violent community is creating more violence, and the only way to stop violence is to address the underlying causes.

My specific recommendation for this task force and for President Obama is that we need to implement training in the health approach to violence for all law enforcement officers. Further, we need to make this training available to the community. This training would serve three main purposes:

First, health training increases our officers' and communities' understanding of how violent behaviors are formed, including the dynamics in the community, the experiences of individuals in the community, and the traumatic effects of exposure to violence. Having a more complete understanding that is common to both the community and law enforcement would help each side to humanize the other and is a fundamental step to building relationships.

Second, fostering this understanding of violence helps us identify treatment needs for both law enforcement and the entire community. Trauma from exposure to violence is widespread, largely untreated, and is a significant factor in the perpetuation of violence on both sides. By understanding this, we can begin to identify resources in the community to treat it.

Third, this training can help our law enforcement officers learn methods for de-escalating violence, addressing high-risk individuals, and partnering with the community to change behaviors and norms that perpetuate violence. If we want our officers to succeed, we have to give them the tools to be as effective as possible, something that this training can provide.

Details on what this training would include are available upon request and are currently being developed with law enforcement agencies in Baltimore and Los Angeles.

Most of us got into the field of law enforcement and criminal justice because of a desire to make our communities safer and better places. As we have sought solutions, despite our best intentions, our strategies have sometimes perpetuated the problem of violence.

Just as the science of DNA has revolutionized our understanding of crime and wrongful convictions, the power of bringing an awareness to police officers and the community of the science of a health based understanding of violence to more fully inform and support our Community Policing efforts is timely and needed.

We must remember what the ultimate goal is – safe and healthy communities. Training in the health approach to violence can help us get there.

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<sup>1</sup> Institute of Medicine (2013). “Contagion of Violence.” Forum on Global Violence Prevention. IOM and National Research Council of the National Academies.

<sup>2</sup> Slutkin, G. (2013). “Violence Is a Contagious Disease.” The Contagion of Violence. Institute of Medicine. Available at: [www.cureviolence.org/wp-content/uploads/2014/01/iom.pdf](http://www.cureviolence.org/wp-content/uploads/2014/01/iom.pdf).

<sup>3</sup> Martinez, P, and Richters, J. E. (1993). The NIMH community violence project: II. Children's distress symptoms associated with violence exposure. *Psychiatry*, 22-35. Gorman-Smith, Deborah and Patrick Tolan. (1998) “The role of exposure to community violence and developmental problems among inner-city youth.” *Development and Psychopathology* 10:101-116. Hurt, Hallam MD; Elsa Malmud, PhD; Nancy L. Brodsky, PhD; Joan Giannetta, BA (2001). Exposure to Violence: Psychological and Academic Correlates in Child Witnesses. *Pediatrics and Adolescent Medicine* Vol. 155 No. 12. DuRant, R. H., Getts, A., Cadenhead, C., Emans, S. J., & Woods, E. R. (1995). Exposure to violence and victimization and depression, hopelessness, and purpose in life among adolescents living in and around public housing. *Developmental and Behavioral Pediatrics*, 16, 233-237. Singer, M. I., Anglin, T. M., Song, L. Y., & Lunghofer, L. (1995). Adolescents' exposure to violence and associated symptoms of psychological trauma. *Journal of the American Medical Association*, 273, 477-482. Rosenthal, B. S. (2000).

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Exposure to community violence in adolescents: Trauma symptoms. *Adolescence*, 35, 271–284. Schuler M E; Nair P. Witnessing violence among inner-city children of substance-abusing and non-substance-abusing women. *Archives of Pediatrics & Adolescent Medicine*. 2001;155(3):342-6. Mead, Hilary K.; Theodore P. Beauchaine; And Katherine E. Shannon. (2010). Neurobiological adaptations to violence across development. *Development and Psychopathology* 22: 1–22.

<sup>4</sup> Mead, Hilary K.; Theodore P. Beauchaine; And Katherine E. Shannon. (2010). Neurobiological adaptations to violence across development. *Development and Psychopathology* 22: 1–22. Perry, B. D. (2001). The Neurodevelopmental Impact of Violence in Childhood. In *Textbook of Child and Adolescent Forensic Psychiatry*, (Eds., D. Schetky and E.P. Benedek) American Psychiatric Press, Inc., Washington, D.C. pp. 221-238

**Testimony before the President's Task Force on 21<sup>st</sup> Century Policing**  
February 14, 2015

**Training Officers to Police in the 21<sup>st</sup> Century**

Steve Winegar, Ph.D.  
Center for Policing Excellence  
Oregon Department of Public Safety Standards and Training

Ms. Robinson, Commissioner Ramsey, Mr. Davis and members of the Task Force, I appreciate the opportunity to speak with you today about an issue that I have committed my adult life to: policing. I began my police career over 40 years ago, and retired from policing in 2003. Since that time I have been involved in the training and education of police officers and police leaders.

My perspective on training issues is from that of a relatively small state, Oregon. We have less than 6000 certified police officers in the entire state, and all officers are required to attend a centralized basic police academy at the Oregon Department of Public Safety Standards and Training facility in Salem, Oregon.

The police face a challenge – we have to produce a product or service that has value for our constituents<sup>i</sup>. Policing learned what the public values from us when we met with our communities as part of our community policing efforts. In the city where I was chief in the 1990's we heard what the public valued came down to four factors or the best outcomes from the perspective of a member of the community:

- Not be a victim of crime
- Feel safe
- Have trust and confidence in the police
- The police use resources effectively and efficiently

I think these four factors are still relevant today. Our challenge in basic recruit academy training is to produce officers who can deliver on these best outcomes for our communities.

How do we prepare police officers for the 21<sup>st</sup> century? There are four important considerations for basic police academies:

**Recommendation #1:** Police academies need to include training that addresses the “how” and “why” aspects of the police profession.

Officers are policing people and communities that may not have the same experiences as the officers. Community culture and the history of policing may influence how a person perceives an action by a police officer.

Basic Academy training has traditionally focused on “what” a police officer needs to be able to do in order for the officer to perform his or her job – the knowledge of the law and how to apply it, police officer authority under the law, and the skills (like defensive tactics and use of force) that may be necessary to perform their job tasks.

Reported crime has decreased dramatically over the past 20 years, but the image or perception of the police has not changed<sup>ii</sup>. To police society in the 21<sup>st</sup> century we need to train our new officers on more than just “what” a police officer needs to be able to do; training “how” best to do it and “why” it is part of a police officer’s role will be equally important.

The “how” includes efforts to establish the police as legitimate within society, so the people believe the police ought to be able to do their jobs, keep people safe, and maintain order through the proper exercise of police authority. The “how” relates to the process officers use rather than the outcome. Establishing this legitimacy requires the police understand and apply the principles of procedural justice.<sup>iii</sup>

In order for the police to legitimately exercise their authority, they also need to understand the “why” of policing – that the police exist to assist in providing for a safe community where people are not victims of crime, and where the people and the police feel safe. Police officers need to understand the underlying tension that has influenced the relationship between government, including the police, and the people since before this country declared its independence – the balance between governmental authority and individual rights – because it plays out every day for police officers on the street.

In an effort to address these challenges, in the Oregon Basic Police Academy course we include segments on the history of policing, legitimacy, implicit bias, communication and ethics in an effort to address the “how” and “why” of policing.

**Recommendation #2:** Police academies cannot diminish the importance of the training new officers with the skills they will need to perform the tasks they will be called upon to perform.

We need to continue to provide training for new officers so they have the skills they need when they face the challenges of policing today. In June of last year in the city of Troutdale, Oregon a student brought a semi-automatic rifle and a handgun along with more than 450 rounds of ammunition for the guns to school. He shot and killed one student, wounded a teacher, and there likely would have been more casualties were it not for the two school resource officers who were at the school and responded in less than 30 seconds from the time the first call of shots fired was dispatched. The officers responded as they had been trained, and Chief Anderson of the Troutdale Police Department believes there would have been many more casualties if the officers had not responded as they did.<sup>iv</sup>

The challenge for police academies today is to find the appropriate balance between training in skills and training in the “how” to do the job.

**Recommendation #3:** Police academies need to make use of the knowledge on the most effective training methodology, and incorporate those methods to produce police officers who can function in the 21<sup>st</sup> century environment.

We cannot rely on lecture and power point slides to train police officers. Police Academies need to incorporate the most effective training methodologies into their training approach; everything must contribute to preparing the new officer to do the job. In Oregon over half of our Basic Police Academy is spent on application based training, everything from hands on learning activities to scenarios in our 100 acre scenario village involving trained role players. We are utilizing more facilitated learning, and are piloting the use of I-Pads for the basic students to conduct research, analyze data, and access resources just as they will be asked to on the job.

**Recommendation #4:** Training needs to continue beyond the basic police academy. We need to ensure that police officers receive ongoing training to reduce the cynicism that can build and to keep their perishable skills fresh. In addition to the training of police officers in basic academy course we need to train field training officers, police supervisors, managers and administrators, to ensure officers are going to work in 21<sup>st</sup> century police agencies.

We cannot neglect the need for ongoing training for police officers. Officers need to keep their skills current in all areas. It is easy for a police officer to become cynical and lose motivation when they are dealing with the same problems day after day; one of the antidotes for this is regular training to expose them to new ideas and concepts that challenge their thinking. We need field training officers who understand what will be required to police in the 21<sup>st</sup> century, and their role in training officers to fill that role.

We need to ensure that supervisors, managers and executives are trained and familiar with the challenges of 21<sup>st</sup> century policing. In Oregon we have developed a

unique supervisory training that encourages supervisors to think about their jobs in a different way. We focus on the concept of how to produce a product that their constituents value through the use of tactics that have been proven to be effective and that address the four factors that create value from policing. As part of this course students are required to identify a crime or disorder problem within their communities and develop a response. We also offer a leadership development program that is proving successful.<sup>v</sup> It is unique in its approach to developing leaders because it focuses on the study of leadership based in the humanities, as many of the challenges to exercising leadership today are not new. The purpose of these courses is to get police leaders to think in new and different ways in approaching the challenges the police will face in the 21<sup>st</sup> century.

Change is not going to happen overnight, but it will not happen unless there are people and forces pushing for change. Policing culture will take some time to change, but one of the best places to start that change is with the training provided in basic police academies.

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<sup>i</sup> Moore, Mark H (2013) *Recognizing Public Value*. Cambridge, MA: Harvard University Press.

<sup>ii</sup> Fischer, Craig, ed. (2014) *Legitimacy and Procedural Justice: A New Element of Police Leadership* downloaded 06-04-2014 from

[http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf)

<sup>iii</sup> See Tyler, Tom R (2004). *Enhancing Police Legitimacy*. *Annals of the American Academy of Political and Social Science*. 593:84-99 and others.

<sup>iv</sup> Personal conversation with Chief Scott Anderson, Troutdale, Oregon Police Department.

<sup>v</sup> See <http://www.ipslei.org>

# Recommendations to the President's Task Force on 21<sup>st</sup> Century Policing

Submitted by  
Ad Hoc Committee to the President's Task Force  
Division of Policing  
American Society of Criminology  
February 12, 2015

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Each member of the Ad Hoc Committee of the Division of Policing was asked to offer a single recommendation to the President's Task Force. Some recommendations overlapped, and therefore, were combined. The contributors were asked not to include references and to keep the justification to no more than one page. The topics are not presented in any particular order. Additional recommendations in the form of oral or written testimony have been submitted individually by many members of this Ad hoc committee. The current list is intended to supplement, not replace, the recommendations contained in other testimony.

**Recommendation:** *Establish a national graduate-level police university to groom the next generation of police leaders.*

**Justification:** Our universities and police professional associations have utterly failed to develop or provide serious police education. Criminal justice and criminology are fine as an undergraduate foundation, but at the graduate level future police leaders should become masters of the research and literature on policing. Unfortunately no university has been willing to make a significant commitment to do that. So what we have are some short courses of mixed intellectual quality (SMIP, FBINA, SPI) and some graduate university degree programs that are a mile wide and an inch deep. We need a finishing school for the future leaders of our million-member police industry. Such an institution would also provide a rich intellectual environment and base for the exchange of ideas among a critical mass of our most distinguished police educators, researchers, and senior executives.

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**Recommendation:** *Congress should immediately allocate funds to the Bureau of Justice Statistics for the purpose of developing and reporting annual statistics on police use of force in the United States.*

**Justification:** The legislative mandate to produce annual statistics on police use of excessive force has been in place for 20 years. Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994, codified at 42 USC 14142, 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.” At no time during the past two decades has the Department of Justice made good on this requirement. This is not for lack of wanting or trying, but for lack of the resources necessary to undertake the serious and sustained program of research and development that is necessary to fulfill this mandate. A necessary first step is to develop national data on police use of force generally. Only then can work can turn to the problem of excessive force. Absent funding, the legislative mandate will never be satisfied.

To truly engage in democratic policing requires the systematic examination of law enforcement activity in order to ensure that the democratic ideals of transparency, accountability, and fundamental fairness are reflected in police behavior. While the U.S. 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. In the wake of the recent high-profile incidents that led to the empaneling of the President’s Task Force, it is disturbing and even somewhat hypocritical that the nation known as the leading global advocate of democracy (and democratic policing) actually collects and reports very little of this type of information. How often do the police in the U.S. use force upon its citizens? We simply don’t know. We must develop national data on the use of force by law enforcement officers if we are going to continue to claim that we are “doing” democratic policing.

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**Recommendation:** *For high-crime/high distrust areas, hot spots policing initiatives should be infused with community and problem-oriented policing principles.*

**Justification:** Crime hot spots tend to cluster in disadvantaged, minority neighborhoods where police-community relationships can often be characterized by distrust and suspicion. If the police are not viewed as legitimate authorities in such neighborhoods, they will be challenged in developing the community cooperation necessary to deal with serious crime problems. Police actions that seek to prevent crime by changing places are better positioned to generate positive community perceptions of the police relative to simply increasing presence and arresting large numbers of offenders. Community engagement and treating citizens with respect and dignity need to accompany heightened levels of police activity in small places.

The concentration of crime at specific hot spot locations within neighborhoods provides an important opportunity for police to make connections with citizens who are most vulnerable to victimization and experience fear and diminished quality of life as a result of ongoing and intense crime and disorder problems. Regrettably, residents and business owners in high-activity crime places represent “hot spots” of community dissatisfaction with and mistrust of the police. Like crime, poor police-community relationships are not evenly spread throughout

city environments. If the police can win the hearts and minds of long suffering community members in hot spot areas, it seems likely to produce larger impacts on the overall legitimacy of police departments in the city than developing stronger relationships with community members in more stable neighborhoods who are more likely to already have generally positive perceptions of police services.

Unfocused and indiscriminate enforcement actions seem likely to produce poor relationships between the police and community members residing in hot spot areas. The police should adopt alternative approaches to controlling hot spots that do not rely solely on one-dimensional intensive enforcement. Of course, arresting criminal offenders is a central part of the police function and should remain an important tool in an array of responses to crime hot spots. However, available research evidence suggests situational problem-oriented policing actions that engage community members and alleviate disorderly conditions can generate both crime prevention gains and positive citizen perceptions of the police. The key idea is to change the place dynamics, characteristics, and situations that cause criminal opportunities to recur rather than simply arresting and summoning large numbers of people. Community members are explicitly engaged as partners in identifying and addressing specific problems at places. Hot spots policing programs infused with community and problem-oriented policing principles hold great promise in improving police legitimacy in the eyes of community members living in places suffering from crime and disorder problems.

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**Recommendation:** *The Department of Justice should expand the community survey work of the National Police Research Platform to hundreds of American cities so as to establish new national metrics on the quality of police services and police legitimacy.*

**Justification:** First, research has documented the importance of procedural justice during police-citizen encounters, yet little has been done to translate this work into police policy and practice; Second, despite all the political rhetoric about improving the manner in which citizens are treated by the police, we currently have no system to measure the quality of police-citizen interactions, police legitimacy, or police services overall. It is well known that citizen complaints are not an adequate measure. As such, there is virtually no accountability for

improving police service delivery within or across agencies; finally, measurement is arguably the best way to establish accountability for behavior, as we have seen with the use of crime statistics in Compstat. Agencies and individuals will perform at a higher level when people are watching and when those watching are using standardized metrics for evaluating performance. As part of the National Police Research Platform, funded by NIJ, a Police-Community Interaction (PCI) Survey has been field-tested. The latest version of the PCI survey captures not only procedural justice behaviors by the police, but other key dimensions of performance such as conversational etiquette, emotional control, use of force, helpfulness, task competence, and empathy. At this point, several steps are needed to realize the benefits of this approach: (1) Standardized PCI data should be collected on a large scale, across several hundred agencies nationwide; (2) a uniform report should be produced that establishes benchmarks and allows for intra- and inter-agency comparisons; (3) a program of technical assistance, training, and Compstat-like accountability should be developed to help agencies translate the findings and improve their PCI performance; and (4) the effectiveness of these feedback loops and new initiatives should be evaluated to determine whether agencies are able to make significant improvements in their treatment of the public, especially minorities. With this larger database, researchers can also identify community and organizational factors that account for inter-agency differences in service quality.

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**Recommendation:** *Achieve greater procedural justice on the streets by introducing procedural justice police training in the classroom.*

**Justification:** A very large body of research has demonstrated the importance of procedural justice in shaping the legitimacy of police in the eyes of the public. We know that the public expects that police decisions are made fairly and evenhandedly, that citizens are treated respectfully and given a chance to voice their views and that officers are thought to abide by the rules that govern their behavior. However, there has been almost no research regarding how to incorporate the principles of procedural justice in officers' routine interactions with the public.

Training is necessary for turning procedural justice concepts into practice. Recent studies conducted in partnership with two large police departments – Chicago and Greater Manchester – have revealed promising evidence of the effectiveness of training police in procedural justice.

The projects reflected two different organizational strategies. The Greater Manchester focused its training resources on a relatively small number of specialist officers, training them for several days; Chicago spread its resources broadly, training almost 10,000 officers in considerably less depth. Most agencies will face a similar trade-off between scale and depth when thinking about training, because it is expensive. The good news is that they both can work. Chicago and Greater Manchester collaborated with researchers who conducted randomized experiments testing the impact of their procedural justice training, and the results of both studies were positive.

Chicago's training evaluation involved two studies. The short-term effects of training were assessed at the training academy itself. Officers who had been trained for eight hours in the theory and practice of procedural justice were more likely to endorse the principles of respect, voice, neutrality and trust. The longer-term effects of training were monitored in a subsequent survey of officers conducted throughout the city. Some of them had been to training, while others had not yet been sent to the academy. Officers who had attended procedural justice training continued to be more supportive of three of the four procedural justice principles introduced in training, even after several months.

Officers from the Greater Manchester Police Service were randomly assigned to treatment or control groups in order to determine the impact of training on the perceived quality of interactions between the police and crime victims. The training program incorporated elements of procedural justice theory. The evaluation identified positive shifts on four of eight police attitudinal outcomes, and positive effects on trained officers' scores in role-playing exercises. The perceptions of crime victims who later were served by trained and control-group officers also differed on some measures.

Of course, training alone will not do the trick. It is only one in the standard package of processes that are used to steer employees in the direction of their organizations' goals. In the

long term, monitoring, supervision and discipline also have to be part of the behavior change mix. Training will be more effective (perhaps only effective) where the policies and practices of the organization support and reward dealing with the public in procedurally just fashion. If an organization is not really aligned in support of what they say they want their officers to do, training will have little influence on their behavior. Leadership is certainly called for as well, and it is likely that command staff and middle managers need procedural justice training as much as anyone in the organization, but with an eye toward exercising its principles internally.

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**Recommendation:** *Conduct data-informed community conversations about race, diversity and crime enforcement techniques.*

**Justification:** Too often the conversation between the police and the community follows a particular incident of police misconduct either in that community or nationally. This conversation is often framed around accusations of police misbehavior, either real or perceived, and ends in police defensiveness and community frustration. This dialogue, where it has occurred, has seldom been productive. If the conversation can be changed to one in which policing strategies or tactics are the focus, not police officers themselves, it can be much more useful. This conversation can begin by acknowledging that both groups share a number of common values including public safety and constitutional rights. The community wants the police to keep them safe but does not want the negative consequences of aggressive policing strategies. The police do not want to criminalize innocent youth but have a limited set of tools to reduce crime. This framework for communication can often reduce the blaming that too often derails positive conversations

A conversation between police and community members about the type of strategies to use in their neighborhood to increase public safety and uphold constitutional rights can be much more productive and effective. Additionally we have found it very helpful to share data as part of these conversations. Police have shared data on local crime problems for years but that is not sufficient. It is very useful for police to share data on police actions as well. Data that can be useful to share include traffic and pedestrian stop data, unit deployment data, de-identified citizen complaint data and arrest data. When the police are open about what they do

to help keep residents safe, a much more positive conversation can take place about how to keep citizens safe while at the same time protecting their civil liberties.

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**Recommendation:** *The Department of Justice should support collaborative practitioner-researcher evaluations to understand the effects of technology on police performance and the community.*

**Justification:** Technology has become a major force in law enforcement, and has been one of the primary public expenditures for the police. Especially in the last forty years, police agencies have experienced a significant amount of change in their technologies, which are often assumed to hold great potential for enhancing police work. But has this been the case? Has technology actually made police more effective in their two very important functions: reducing, preventing, and detecting crime; and establishing and sustaining trust and confidence with citizens? Given the current state of research on technology in policing, the answer is unclear. We know generally that technology has at least made many policing processes faster and easier. However, we still know very little about whether technology can reduce and prevent crime, improve crime clearance, or strengthen and maintain trust and confidence with citizens. Further, technologies reveal a complicated organizational sociology and culture that can limit technology's impact in crime prevention or community relations or cause unintended results.

Technological changes may not bring about easy and substantial improvements in police performance without significant planning and effort, and without adjusting organizational culture, infrastructure and norms that will help agencies maximize the benefits of technology. Part of this effort for maximizing technology's potential will require both police and researchers to make a commitment to a strong research and development agenda regarding technology. This includes police agencies systematically tracking the ways that new technologies are being used and the outcomes of those uses. This also includes researchers collaborating with the police on evaluation studies that use rigorous methods to evaluate a variety of outcomes. In addition, research is needed to clarify what organizational strategies with respect to training, implementation, management, and evaluation are most effective for achieving desired outcomes with technology and avoiding potentially negative unintended consequences.

## **Written Testimony by the Major County Sheriffs' Association to the White House Task Force on 21<sup>st</sup> Century Policing – 4<sup>th</sup> Listening Session on Training and Education**

The Major Sheriffs' Association (MCSA) appreciates the opportunity to submit a written testimony to the President's Task Force on 21<sup>st</sup> Century Policing, and to contribute ideas and concerns shared by the Sheriffs from across the country. Our Nation's Sheriffs have a number of important and unique perspectives to offer in the name of advancing the national discussion of modern policing. Under the topic of Training and Education, Sheriffs can speak to a number of specific concerns and have in fact, been continuously engaged on these issues over the past several months – key areas are examined below.

Training and education *together* serve as the cornerstone to good community policing. Law enforcement officers face a variety of challenges day in and day out – every situation is unique. Without proper training and education, our deputies and police officers wouldn't have the tools and knowledge they need to help resolve a domestic violence incident, a mentally ill individual set on self-harm, a victim of sex trafficking, or an adolescent in the midst of an opioid overdose.

### ***Working with the Mentally Ill***

Mental illness is as prevalent as ever and for far too long, our nation has stigmatized the issue instead of confronting it head on. Over the years, our nation's local jails have progressively become the primary lodging and treatment institutions for the mentally ill although their actions are more often than not, driven by the manifestations of their illness, rather than criminal intent. Jails were never meant or designed to be hospital facilities however, that's the reality law enforcement officials are currently facing.

According to the Bureau of Justice Assistance (BJA), an estimated five percent of the U.S. population has a serious mental illness<sup>i</sup>. Even more alarming, is that seventy percent of youth in juvenile justice systems have at least one mental health condition and at least twenty percent live with a severe mental illness<sup>ii</sup>. As a nation, we need to take the initiative to improve access to treatment and strengthen community oriented programs to effectively combat recidivism.

The Mentally Ill Offender Treatment Crime Reduction Act (MIOTCRA) was signed into law under President George W. Bush has provided 321 grants to fund innovative and critical initiatives such as mental health courts for adults and juveniles, training for law enforcement officers and diversion programs since 2006.

For Fiscal Year 2015, MIOTCRA was funded at \$8.5 million dollars and the President's budget request for Fiscal Year 2016 included an increase of \$5.5 million dollars. While we are pleased to see a requested increase in MIOTCRA funding, the program has fluctuated over the past years and as MCSA has consistently stated, Sheriffs need stable and consistent funding for programs and initiatives designed to assist State and local law enforcement. Changes from year to year can

disrupt our community initiatives, training and counseling services – all needed to ensure an effective, reliable and responsive police force.

In the name of accountability and fiscal responsibility, the costs associated with mental health services in our jails is astronomical and is something that needs to be addressed. In a study conducted by the Florida Mental Health Institute, 97 individuals accounted for 2,200 arrests in over 5 years and spent 13,000 days in crisis units, state hospitals and emergency rooms – all at a cost to the taxpayers of roughly \$13 million dollars<sup>iii</sup>. Incarcerated mentally ill offenders cost the U.S. an average of \$9 billion dollars a year<sup>iv</sup>. With the help of community based diversion initiatives, law enforcement officials, prosecutors and courts can effectively help those in need and reduce recidivism.

In California, the Orange County Collaborative Courts include the Homeless Outreach Court, Drug Court, and Veteran's Court. The successful collaboration between the Superior Court, Public Defender, Public Law Center, Veteran's Administration and Health Care providers has enabled the County to effectively divert the low level mentally ill and drug offenders from jail to programs best suited to meet their unique needs. Low level mentally ill offenders do not belong in jail and should not be caught in the revolving door.

### ***Training***

Crisis intervention training has also proven to be a valuable and worthwhile tool for law enforcement officials. Crisis Intervention Teams (CIT) were designed by Major Sam Cochran for the Memphis, Tennessee Police Department after a mentally ill man was shot by officers who did not understand the nature of the victim's behavior. Designed to improve the outcomes of police interactions for those suffering from mental illness, CIT training calls upon law enforcement agencies, mental health providers and community support networks to collaborate and work together towards recognizing mental illness, provide the right resources and foster sustainable change. According to Bexar County, Texas Sheriff, Susan Pamerleau, before CIT was implemented in her county, officers used force to quell a disturbance with a mentally ill individual on average of fifty times a year. In the five years after CIT adoption, officers have only had to use force twice<sup>v</sup>.

In far too many organizations, including those in the law enforcement community, training is severely reduced or eliminated when budget are tight. When these decisions are made, Sheriffs and Chiefs prioritize certification training - fire arms qualifications, legal issues, etc - for the few dollars that remain. As a result, training and educational opportunities for supervisors, managers and the executive staff are put on hold until money is available. Yet frequently it is the failure to train and supervise that form the basis for bad out comes and law suits arising from critical events.

Even when funds are available, some law enforcement agencies fail to have in place a structure program for the training and development of their supervisory and management staff as they move from one level of leadership to the next. The lack of a well thought out process to adequately prepare individuals for the next level of responsibility causes even the best of our

employees to struggle to 'do the right thing'. The lack of a leadership life cycle program increases the risk faulty decision making and reliance on individual experiences rather than learning from best practices and well vetted leadership models used by successful organizations.

Within the field of leadership development, there are many important topics and behaviors to consider. One area of focus that is absolutely critical is the employee performance appraisal system. While it must begin with a well-structured process and document that focuses on relevant and measurable behaviors, the most important element is the skill of the supervisor to advise the employee of performance expectation, continuous observation during the rating period, frank and professional feedback and the development of an improvement plan. This requires training, coaching and monitoring of the rating official to achieve the goal of creating a successful organization. Overrating employees, the lack of direct feedback, avoiding the tough issues, and viewing this process as an administrative distraction from the really important police work is all too often a direct or contributing factor to the problems causing the strained relationship with the communities we serve.

### *Co-educational Opportunities with the Community*

The development of the Citizen's Police Academy is an excellent example of a co-educational opportunity for law enforcement and the community. The Academy provides a non-threatening environment to bring representatives together for the purpose of creating a better understanding of the role and practice of policing.

Unfortunately, like most good ideas, Citizen's Academies, due to their success, have fallen victim to the adage 'If it's not broke, don't fix it'. What is needed now is a critical examination of this community program to determine if the program is reaching all segments of the community or just elements who tend to be supportive of law enforcement. Have we created a program of just educating community leaders without taking time to educate law enforcement leaders? How much better could this program be if we redesigned the curriculum and members of the community educate the police? Could we create facilitated small group discussions between the police and community participants so each could see how the world appears from another point of view? In what other ways could we ensure Citizen's Academies are truly a co-educational opportunity focused on building trust and collaboration for the good of all?

We also need to consider ways to exploit this opportunity in a way to move from an objective of educating the public to one that also educates the police. Creating events in the curriculum that include small group facilitated discussions focused on critical issues of trust, shared responsibilities and cooperation would be just one way to improve the utilization of the Citizen's Academy program.

### *Conclusion*

Sheriffs provide a unique perspective in that we are the only democratically elected law enforcement leaders in the country. As a result, we are held directly accountable to the communities we serve. As you all work towards the goal of identifying the best practices and providing concrete recommendations to the President, MCSA encourages you to look upon Sheriffs as a resource – we are willing partners.

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<sup>i</sup> [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=66](https://www.bja.gov/ProgramDetails.aspx?Program_ID=66)

<sup>ii</sup> Skowyra, K.R. & Cocozza, J.J. (2007) Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System. The National Center for Mental Health and Juvenile Justice; Policy Research Associates, Inc. The Office of Juvenile Justice and Delinquency Prevention. Delmar, N.Y: The National Center for Mental Health and Juvenile Justice; Policy Research Associates, Inc.

<sup>iii</sup> <http://www.miamiherald.com/news/local/community/miami-dade/article2319144.html>

<sup>iv</sup>

[http://www2.nami.org/Content/NavigationMenu/Inform\\_Yourself/About\\_Public\\_Policy/Policy\\_Research\\_Institute/Polymakers\\_Toolkit/Spending\\_Money\\_in\\_all\\_the\\_Wrong\\_Places\\_Jails.pdf](http://www2.nami.org/Content/NavigationMenu/Inform_Yourself/About_Public_Policy/Policy_Research_Institute/Polymakers_Toolkit/Spending_Money_in_all_the_Wrong_Places_Jails.pdf)

<sup>v</sup> <http://www.naco.org/newsroom/countynews/Current%20Issue/12-15-14/Pages/NACo,-CSG-target-mental-health-in-jails.aspx>