

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

## **Summary of Major Themes from the Building Trust and Legitimacy Listening Session**

**January 13, 2015**

Task Force members will be formulating their own recommendations and priorities related to Building Trust and Legitimacy based on their review of the submitted testimony, public comment and from their own experience. This *Summary*, the *Index of Submitted Testimony/Comments* and the *Primary Source Documents* are tools that in no way serve as the deliberative work of the Task Force, only as a resource to support their review of large quantities of information.

This Summary is an overview of input provided to the President's Task Force on 21<sup>st</sup> Century Policing including oral testimony provided at the listening session on Building Trust and Legitimacy on Jan. 13, 2015, submitted written testimony, public testimony and online comments provided through Jan. 13, 2015. Input received after that date will be processed in the next rounds of listening sessions.

The purpose of this Summary document is to provide the Task Force with an overall reflection of the major themes, with specific topical areas mentioned by multiple submissions and testimony. The summary is not meant to be prescriptive in anyway, but simply an overview of what was presented at the listening session and what has been submitted to the Task Force for this pillar. It is not exhaustive.

In addition to this Summary, Task Force members will receive an Index of all submitted testimony and comments, pulling out specific recommendations, tactics and best practices into spreadsheets for easier review. Copies of the actual primary documents are also being provided in a third set of files for reference and review by Task Force members.

### **SUMMARY**

The format for the overview provides a theme followed by a summary statement with examples of specific topics or tactics provided in the testimony. They are not presented in any order of priority. Themes or topics that were more related to other listening sessions were not included unless they also had a strong relationship to Building Trust and Legitimacy.

---

**CRIMINAL JUSTICE REFORM:** The challenges facing policing are happening in the context of the entire criminal justice system outside of the jurisdiction or control of local and state law enforcement agencies. Efforts to improve policing should include a review of the entire criminal justice system with recommendations for reform.

**Call for a National Commission on Criminal Justice Reform to complement the review of Policing in the 21<sup>st</sup> Century.**

- Understand how policing intersects with and is influenced by the rest of the criminal justice system and other social systems such as education and mental health
- Address racial bias, racial profiling (defined broadly) and disproportionate minority confinement in the context of the entire criminal justice system
- Police operate under state and federal laws and local ordinances that set up punitive and negative police interactions with community. Examine ways to stop over-criminalizing, it eats away at community trust.
- Develop a national federal database to collect and report data in a uniform manner to build a culture of transparency.
- Address prison reform—reconsider the ‘tough on crime, war on drugs’ era:
  - reduce the prison population, end counter-productive mandatory minimum sentences
  - Rehabilitate rather than isolate and punish exclusively
  - Implement reentry reform nationwide
- End the criminalization of young people in the US school system. The ‘school-to-prison pipeline’ targets primarily youth of color and has created a generation of young people growing up incarcerated.
- Overhaul the justice system such that the end goal is not primarily punishment but rather reconciliation and restoring balance

---

**BROADER SOCIAL CONTEXT:** Policing is directly impacted by the broader culture, economic and social trends including poverty, lack of opportunity, poor schools and unemployment that contribute to crime, social unrest and destabilized neighborhoods and communities.

**The broader social context also has to be addressed--systemic collaboration and coordination beyond law enforcement is necessary to build strong, safe, healthy and just communities.**

- Citizens, civil society and local government share responsibility in the equation of creating a safe, healthy and just society

- Poverty and equal access to quality education, opportunity, housing, social and mental health services all directly impact crime and safety in families and neighborhoods
- Address racial reconciliation in the broader social context as well as within policing, make it a shared priority
- Identify and promote successful models of comprehensive integrated strategies at the community level where local government, civil society and community partner with law enforcement to reduce crime and protect human rights
  - More intentional constructive dialogue between the schools and police
  - Increase law enforcement outreach and community engagement through collaborative agreements with schools, churches and other key partners

---

**RACIAL PROFILING:** Racial bias in the broader society, public concern about officer use of racial profiling, and the development of agency policies addressing racial profiling present opportunities for departments to engage officers, line supervisors, leadership and the broader community in proactive and constructive strategies to ensure fair and equitable treatment under the law.

**Require all law enforcement agencies to have a written policy against the use of racial profiling and sanctions for any officer who violates the policy.**

- Departments should engage the community in formulating their policies on racial profiling.
- Initiate early warning tracking on all law enforcement officers who enforce traffic and arrest laws to minorities at a rate greater than their population census rates.
- When police officers serve in the communities in which they live, violence and abuses go down, public safety goes up, and trust is built.
- Officer training, supervision and performance review should address knowledge and skills related to Critical Race Theory, implicit bias and cultural competency.

---

**TRANSPARENCY & ACCOUNTABILITY:** Community trust and legitimacy is eroded when there is a real or perceived lack of accountability, equity and fairness, dignity and respect and simple safety in police interactions. Finding solutions that protect citizen and officer due process and respectful interactions are critical to moving toward a climate of mutual trust and cooperation.

**Strengthen police transparency and accountability through evidence-based policies, practices, supervision, systemic reform, data collection and reporting.**

- Departments should embrace a culture of transparency:
  - and make available for public review all Department directives;
  - regularly post on the Department's Website information about arrests, reported crime and other law enforcement data, even when it is less than favorable;
  - when incidents occur (including those involving alleged police misconduct), communicate with citizens and the media swiftly, openly and non-defensively (recognizing that there are some areas where the law requires confidentiality).
- Evaluate DOJ funded programs, identify strategies programs or tactics that undermine police community relations, monitor for unintended consequences.
  - Don't fund departments that violate civil rights—create a consequence
- Disseminate evidence-based programs and policies for police transparency and accountability that show positive results.
- Promote the use of Special Prosecutors/Independent Investigators for Officer Involved Shootings/Deaths/Crisis Situations.
  - Encourage LE agencies to have in place systems to respond to complaints from the public in a transparent and objective manner such as independent, civilian review boards with real authority, properly staffed and funded
- Develop early warning systems for individual officers, law enforcement agencies and national trends to ensure early intervention and effective responses
  - By officer- identify, manage and incentivize/reward individual officer behavior, use of force, stop data
  - By agency-- Data collection and reporting on key factors, citizen surveys
  - National data collection and reporting systems consistent across jurisdictions
- Performance review
  - Use of tools and technology such as body cameras to provide accurate/objective information and transparency to aid in the fair and transparent handling of police encounters
  - Police departments should rely less on the raw numbers of stops, citations, summons, and arrests to measure their productivity and effectiveness. Should include measuring public

---

**OFFICER BEHAVIOR:** Public perception and the reality of law enforcement as an occupying force are directly linked to police behavior. This includes the nature of the attitude, language and volume used by an officer to the use of force and incidents resulting in injury or death. Officer

behavior during each encounter adds to the positive or negative balance sheet between the community and law enforcement.

**All police departments should have clear, state of the art policies and guideline governing police behavior.**

- Departments have polices and practice that address all forms of police use of force; the respectful treatment of people in routine encounters on the street; the improper use of race and ethnicity in police actions, including, but not limited to street encounters, traffic stops, and arrests
- U.S. Department of Justice should take the lead in developing a ‘Respectful Policing Initiative’
- Use the “Listen First” program utilized in Philadelphia Police training. Initiate asking citizens what goes unaddressed in their communities
- Every encounter with the public is a teachable moment, and police departments and officers should ask what they are teaching the public about the police

---

**DIVERSE WORKFORCE:** Community concerns about racial profiling and racial bias (defined broadly) by law enforcement agencies are heightened when there is a lack of diversity in the workforce of the agency. While diversity is not a guarantee, it can be a positive factor in creating deeper cultural competency and more respectful interactions with community.

**Departments should develop and implement a strategy to hire a diverse workforce that closely mirrors the demographics of their general population.**

- Promote evidence-based practices that result in a qualified and diverse workforce that reflects the community it serves
- Kids have to want to be police officers, negative contact in neighborhoods has an impact
- Need for youth programs that focus on law enforcement as mentors and role models as opposed to security and discipline only

---

**CULUTRAL SHIFT IN POLICING:** Policing culture that focuses on harsh enforcement, treats the community and individuals with disrespect, or disregards community perceptions of racial profiling needs to shift from a ‘warrior’ model to a ‘guardian’ model. POST Academies and FTO training set the framework for policing culture and need special attention.

**Develop officer and agency training and education that contribute to safe officers and safe communities, while maintaining trust and legitimacy.**

- Promote POST and LE Agency training models that focus on guardian vs. warrior culture
- Develop citizen training to complement law enforcement training, train jointly with law enforcement
- Mandate Use of Force/De-escalation/Harm Reduction training
- How we train vs. what we train--We train law enforcement using a military model, Explanation of why you do what you do
  - How we treat candidates in training teaches them how to treat the public
- Training on Implicit Bias and Procedural Justice has promise to reframe policing culture
- Cultural Competency Training
  - Racial, Gender, Sexual Orientation, Youth, national origin
- Misperception of all Latinos as undocumented aliens
- Decouple local policing from immigration enforcement

---

**PROCEDURAL JUSTICE:** How police officers treat the public and how the law enforcement organization treats the officer both have impact on the culture of policing and community trust. Current Procedural Justice efforts are providing lessons learned that can inform the work of the Task Force.

**Develop evidence-based Procedural Justice (internal and external) strategies, policies and practice for both internal and external purposes to improve policing.**

- Four principles of Procedural Justice:
  - Treating people with dignity and respect
    - How officers talk to the public and suspects and how officers interact in every encounter
    - How police agencies treat their officers and staff
  - Giving citizens voice during encounters
  - Being neutral and transparent
  - Relaying trustworthy motives

---

**COMMUNITY POLICING:** The key to strong and healthy relationships between the community and law enforcement is direct relationships and dialogue between the community and law enforcement. Community engagement in the selection and application of crime prevention

and policing practices to reduce crime increases the likelihood of community support for law enforcement, assistance in reporting and solving crime, greater protection for the safety of law enforcement officers, greater job satisfaction and less stress.

**Departments should institute a philosophy and practice of community policing that includes strategies to establish and maintain dialogue with all communities they serve, including youth.**

- Police being present in the community, in communication, in relationship, working together on common goals
- Sustaining and expanding positive neighborhood policing/community policing/ problem oriented policing strategies that are effective but maintain community trust and legitimacy
- Police involved with the community more broadly—participating in community functions/events
- Good community policing makes the officer safer and more effective, increases job satisfaction, reduces stress

---

**LIMITED RESOURCES:** Law enforcement organizations have experienced cuts in funding, reductions in force, decreasing resources for training, over-time, equipment and technology. At the same time they are facing increasing responsibilities and functions including homeland security, dealing with increasing numbers of mental health situations, overdoses, and other demands.

**Identify funding mechanisms and alternatives to support strategic activities that will support the implementation of priority recommendations.**

- Identify ways that LE organizations are successfully dealing with reduced resources and increasing demands through alternative staffing patterns, partnerships, crime prevention,
- Clarify community and local government expectations of law enforcement in a changing environment
- Recognize the need for adequate local, state and federal funding for local law enforcement organizations commensurate with expectations for performance

**RECRUITMENT:** Police recruitment plays a significant role in improving the quality and performance of individual officers and departments. Changing police culture begins with recruitment practices.

**Strengthen police recruiting standards and procedures to ensure the highest quality law enforcement officers with the skill sets and personalities that support a change in the culture of policing.**

- Require thorough vetting of police recruits, including past employment, criminal record checks and evaluation of psychological fitness in order to target the skill set needed for effective community policing and a culture of respect and inclusion.
- Increase entry-level education requirements such as requiring a minimum of a two year degree
  - Starting pay for entry level positions don't pay enough to justify a student loan

---

**EVIDENCE-BASED PRACTICES IN POLICING:** Data collection, research and data analysis play a vital role in understanding effective policing practices and the value of policies, training, policing practices and community relations.

**Departments should partner with local universities to develop research collaboratives that support the knowledge base of evidence-based policing and quality data collection and reporting.**

- Conduct surveys by zip code to measure the effectiveness of specific policing strategies, any negative impact they have on a community's view of police, and to gain the community's input.
- Measure the results of policing practices for impact on crime and on community perceptions of trust and legitimacy for law enforcement

---

**UNION AS PARTNERS:** Unions play a key role in changing the culture of policing, improving procedural justice, and building strong community ties. There is a legacy of union and officer level commitment to working with the community through Police Athletic Leagues and other officer supported community projects.



**Chiefs should involve the union leadership and make it a partner in planning the department's community outreach work.**

- Cultivate trust between law enforcement leadership and the rank and file
- Strengthen internal procedural justice practices to ensure that officers are treated equitably and fairly, with due process.
- Departments and law enforcement leadership that model mutual respect and fairness with their employees affect how officers treat the public. Internal and external procedural justice are necessary to improve policing.