

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Items for Discussion by Task Force

February 27, 2015

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

1.3.2 Action Item: When serious incidents occur, including those involving alleged police misconduct, departments should communicate with citizens and the media swiftly, openly and neutrally, while recognizing that there are some areas where the law requires confidentiality.

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

Immigrants, both legal and not, often fear approaching police officers when they are victims and witnesses of crimes when local police are entangled with federal immigration enforcement. It is important that at all levels of government the laws, policies, and practices do not hinder the ability of local law enforcement to build the strong relationships that are necessary to public safety and community well-being.

1.9.1 Action Item: Decouple federal immigration enforcement from local policing for civil and non-serious crime. The Department of Homeland Security should terminate the use of the state and local criminal justice system, including through detention, notification and transfer requests, to enforce immigration laws against civil and non-serious criminal offenders. In 2011, the Major Cities Chiefs Association recommended nine points to Congress and the President on this issue, noting that, "immigration is a federal policy issue between the United States government and other countries, not local or state entities and other countries. Any immigration enforcement laws or practices should be nationally based, consistent, and federally funded."¹

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

1.9.3 Action Item: The Department of Justice should remove civil immigration information from the FBI's National Crime Information Center database.

¹ Major Cities Chiefs Association. Immigration Position October 2011. Accessed at http://majorcitieschiefs.com/pdf/news/immigration_position112811.pdf

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FBI-led or Multi-Agency?

1.2.2 Action Item: These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death or in-custody deaths. This can be accomplished by the creation of FBI-led Force Investigation Task Forces comprised of federal, state and local investigators. Other ways to structure this investigative process include referring to neighborhood jurisdictions.

2.2.4 Action Item: Policies on use of force should also require agencies to collect, maintain, and report data on all officer-involved shootings and alleged excessive use of force whether fatal or non-fatal, as well as any in-custody death.

Any other discussion on action items relating to 2.2

2.3 RECOMMENDATION THREE: The federal government should require all federal, state, local, and tribal law enforcement agencies to report data on all officer-involved fatal and non-fatal use of force/shootings as well as any in-custody death.

2.8.1. Action Item: Policies should address procedures for implementing a layered response to mass demonstrations that prioritize de-escalation and a guardian mindset. These policies could include plans to minimize confrontation through the use of “soft look” uniforms, having officers remove riot gear, maintain open postures, and only using force with supervisor approval.

2.8.2 Action Item: The federal government should create a mechanism for investigating complaints about the inappropriate use of militarized equipment and tactics.

2.8.3 Action Item: Law enforcement agencies should adopt the findings and recommendations of The President’s Interagency Law Enforcement Equipment Working Group.

This working group, established by Executive Order on January 16, 2015, is to identify agency actions that can improve federal support for the acquisition of controlled equipment by law enforcement agencies (LEAs), including by providing LEAs with controlled equipment that is appropriate to the needs of their community; ensuring that LEAs are properly trained to employ the controlled equipment they acquire; ensuring that LEAs adopt organizational and operational practices and

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standards that prevent the misuse or abuse of controlled equipment; and ensuring LEA compliance with civil rights requirements resulting from receipt of federal financial assistance.

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

2.11 RECOMMENDATION ELEVEN: Unless otherwise permissible under established law, officers must be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should obtain proof of consent to a search in these circumstances .

2.13 RECOMMENDATION THIRTEEN: Law enforcement agencies should assess, evaluate and report on gender and sexuality specific forms of profiling and discriminatory treatment of women and LGBTQ people by local, state and federal law enforcement agents.

3.3.3. Action Item: Law enforcement agencies should use the Bureau of Justice Assistance's (BJA) Body Worn Camera Toolkit

3.7 RECOMMENDATION SEVEN: Support and expand the use of segregated spectrum and Internet, giving special consideration to the nationwide implementation of FirstNet.

3.8 RECOMMENDATION EIGHT: Support net neutrality to allow equitable Internet access to all communities.

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

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4.5.4 Action Item: Agencies should adopt community-policing strategies that support and work in concert with economic development efforts within communities.

4.6.8 Action Item: Communities should establish programs and procedures to reintegrate juveniles back into their communities as they leave the juvenile justice system.

5.8 RECOMMENDATION EIGHT: POSTS should ensure that basic recruit and in-service officer training include curriculum on the disease of addiction. It is important that officers be able to recognize the signs of addiction and respond accordingly when they are interacting with people who may be impaired as a result of their addiction.

6.1.4. Action Item: IRS qualified pension plans should recognize fitness for duty examinations as definitive evidence of duty or non-duty related disability. According to Task Force witness, Steven Bryant, many officers who have been injured in the line of duty exist in limbo, without pay, unable to work but also unable to get benefits because the “fitness for duty” examinations given by their agencies are not recognized as proof that their disability is related to their work. And since officers, as public servants, cannot receive social security, they can end up in a precarious financial state.

6.1.5 Action Item: Public Safety Officer Benefits (PSOB) should be provided to survivors of officers killed while working, REGARDLESS of whether the officer used safety equipment (seatbelt or anti-ballistic vest) or if officer death was the result of suicide attributed to a previous diagnosis of employment-related mental illness, including PTSD.

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

NEW action item 2.2.5. Law Enforcement agencies should establish a Use of Force Review Board (UFRB) comprised of sworn and community members to review cases involving OIS incidents to identify any administrative, training, tactical or policy issues that should be addressed.

Recommendation : Law enforcement agencies should assess, evaluate and report on complaints of gender and sexuality-specific forms of pervasive profiling and discriminatory treatment of LGBTQ people by local, state and federal law enforcement agents.

Action Item: In consultation with LGBT organizations who have successfully advocated for local policies, develop and promulgate national standards for local law enforcement agencies relating to arrest processing, placement, searches, access to HIV and other medications, and interactions with transgender and gender non-

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conforming individuals consistent with the provisions of consent decrees entered into with the New Orleans Police Department and the Puerto Rico Police Department.

Action Item: Add questions concerning sexual harassment and assault and mistreatment of LGBTQ and gender-nonconforming people by law enforcement officers to the Bureau of Justice Statistics's Police Contact Survey and the Center for Disease Control's National Intimate Partner and Sexual Violence Survey.

Action Item: Issue guidance to federal, state and local law enforcement agencies on documenting, preventing, and addressing sexual harassment, and assault by local law enforcement agents, consistent with the recommendations of the IACP.

Action Item: Initiate new rule-making pursuant to PREA that would more closely harmonize the PREA provisions pertaining to police lockups with those pertaining to adult jails and prisons, including augmenting provisions regarding access to victim advocates, response planning, training, education, and screening for risk of sexual victimization and abusiveness.