

Testimony to the President's Task Force on 21st Century Policing

Kirk Primas, Assistant Sheriff, Las Vegas Metropolitan Police Department

January 30, 2015 / Cincinnati, Ohio.

Thank you for the opportunity to speak to you today. I do so with over 32 years of law enforcement experience.

In 2010 our agency had 25 officer-involved shootings (OIS). This was this highest number of OIS's in the agency's history. Six of those shootings involved unarmed persons; four were African-American males. Members from the local chapters of the American Civil Liberties Union (ACLU) and National Association for the Advancement of Colored People (NAACP) began to challenge the agency's actions. Furthermore, the *Las Vegas Review Journal* (RJ) embarked on a year-long investigation looking into OIS's going back to 1990. By the end of 2011, the RJ published its findings in a five-part series titled, "Deadly Force: When Las Vegas Officers Shoot, and Kill."

While this was occurring, our agency, like so many others in the country, was facing a significant budget deficit, reducing its workforce by not filling existing positions, and responding to increased demands for quality police services. Morale diminished and many employees were concerned about stable employment even though the Sheriff made it very clear there would no layoffs.

Compounding a work environment of uncertainty, the agency struggled with a policing philosophy that was putting us at odds with our community: Are we warriors or guardians? Many of us knew the answer, yet how does an organization convince its workforce, during a particular time of stress, that a shift in policing style was necessary for us to be successful.

Recognizing the need to *reform a culture that has been resistant to change*, the organization entered into a first ever Collaborative Reform Process through the Community Oriented Police Service (COPS) Office. After a comprehensive assessment of our agency's policies and practices, the organization agreed to focus on four goals: (1) reduce the number of officer involved shootings; (2) reduce the number of persons killed as a result of officer involved shootings; (3) transform LVMPD's organization and culture as it relates to deadly force; and, (4) enhance officer safety.

To organize our reform model, we separated our work into four primary areas: (1) developing robust *policies* that reflect community inclusion, transparency, and clear expectations (2) developing a *training curriculum* based on real-life scenarios (3) developing *investigative protocols* that clearly demonstrate our desire to get to the root of decision making and problem solving, and (4) developing an *accountability model* that was process driven, not people driven.

Developing Robust Policies

Our Use of Force policy was the most significant policy change we made during our reform. Taking advice from our multi-cultural committee and local ACLU and NAACP chapters, we added language emphasizing the *sanctity of human life*. Using this phrase as our guiding principle, we underscored *de-escalation* over the use of force, redefined levels of resistance and control, modified our Electronic Control Device (ECD) usage and reporting requirements, defined officer expectations when using less-lethal shotguns, required officers announce their intent to deploy rifles, and placed greater responsibility on first line supervisors during tactical operations.

In our mind, this was the beginning of a policy shift from a *warrior mentality* to a *guardian mentality*, but a policy is useless unless the workforce sees it as credible. To establish credibility and greater buy-in from the workforce, we knew we had to personally deliver the updated Use of Force policy to the organization. To aid us, we developed a cadre of well-respected officers who: (1) were given a chance to tear our policy apart and offer revisions; (2) identify potential questions from the workforce and appropriate responses; and (3) present the final version to the agency. Through personal and frequent messaging, we were able to reduce fears, increase organizational buy-in, and give officers a forum to voice their concerns regarding the new policy.

Training

Whereas the Use of Force policy set the direction for a culture change, the creation and implementation of Reality-Based Training (RBT) gave our reform efforts momentum and credibility with the workforce and community.

By reconstructing a number of officer involved shootings and critical incidents that occurred within the Las Vegas valley, we were able to create a series of scenario-based exercises that emphasized *containment, de-escalation, force transition, squad tactics, decision making, and problem solving*. Through this training, we were able to teach our workforce how to better problem solve a critical event before using a deadly force option. As for the community, many of our community reform stakeholders have gone through the training and frequently walk away with a different perceptiveness about force than when they started. Today, this training is well-received by our workforce and the community and serves as an incubator to test new ideas and address emerging force issues.

In my view this is the leading reason why we were able to reduce officer involved shootings. Our success was clearly evident in the numbers. We reduced our OISs to 13 shootings in 2012. In 2014, although we experienced 16 OISs, each of the subjects encountered in the OISs was armed. We have also experienced a significant reduction in our lower-level uses of force.

Developing Investigative Protocols

In 2010 we created the Critical Incident Review Team (CIRT), which was and is responsible for conducting the administrative review of all officer involved shootings and other high risk operations. These reviews serve a number of purposes. First, they are complete, thorough, and

offer the organization a systematic view into an officer's decision to use deadly force. Second, the reviews explore actions and decision making of officers leading up to, during, and after the use of deadly force. Many lessons can be learned by viewing a critical incident in its entirety as opposed to limiting the review to only that moment in time when force is used. Third, the criminal investigation is reviewed to ensure investigative integrity. Fourth, the findings from the CIRT review can be measured against training objectives to compare what is occurring on the street to what is being trained in a controlled environment. And last, the findings of the review are presented at the Critical Incident Review Process, which I will explain in a moment.

In 2014, at the recommendation of the COPS Office, we removed the responsibility of investigating deadly force incidents from the Homicide Section and established a stand-alone Force Investigation Team (FIT). There are a number of benefits for doing so that I would like to highlight. First, FIT detectives only investigate deadly force and categorical uses of force incidents. This allows FIT detectives to focus singularly on force investigations. Second, FIT detectives become experts in their field, thus establishing credibility and trust between the agency and the community regarding their criminal investigations. Third, FIT detectives are part of the organizational learning environment, thus offer an immediate glimpse into training and equipment issues that may arise during the course of a criminal investigation. And last, the team is small, thus making it easier to ensure acceptable and standardized investigative protocols.

Developing An Accountability Model

There is no one perfect accountability system. But we can rest assured that if such a system is based on personality, it is certain to fail. That said, our agency and community has worked hard to create and modify several accountability systems that we hope leads to greater transparency and community trust.

First, within an hour or so after a deadly force incident, the captain overseeing the Force Investigative Team conducts a media statement about the event; this is immediately placed on YouTube for the public and our agency to see. Following the media statement, the captain participates in a media briefing with the local press. More than ever before, we find ourselves getting ahead of the conversation by providing timely and accurate information to the public.

Second, completed investigative reports from the Force Investigation Team as well as the District Attorney are uploaded onto our agency website. This allows for interested parties to come to their own conclusions about the case and how effective our agency was in conducting the investigation. To this end, the District Attorney plays an important and active role; DAs respond to the scene during the initial incident and they are also present during an early FIT briefing to the Sheriff (72-hours) detailing what the agency knows at that time. Accuracy and timely follow-up are important aspects of this briefing for providing the Sheriff with information that may be critical to act upon in mitigating risk for the agency.

And last, we established a bifurcated deadly force review process, referred to as the Critical Incident Review Process (CIRP) that thoroughly reviews all aspects of an incident involving the use of deadly force by an officer. The Board is composed of citizen members, who are not affiliated with the agency, and commissioned police officers. It is a two-part process that examines *tactics, decision-making, policy and procedure, training, supervision*, as well as the *actual use of force*. At the conclusion of the presentation all members of the board are permitted

to ask questions of the investigator and the members who were involved in the incident. The board then renders a decision, first on the actual use of force, and then on all areas associated with the incident. As compared to other systems we had in place, we've seen a 30% increase in sanctions coming from the board regarding tactics, decision making, supervision and the choice to use deadly force. In my view, this is evidence that our system is demonstrating greater accountability and improving officer performance.

It is important to note that the citizen board members are invited to the scene of an officer involved shooting to get a sense of what happened.

Next Steps

As a forward learning organization, we are not done examining best practices, nor are we done with the Collaborative Reform Process. We continue to seek new and innovative ways to reduce the use of deadly force, enhance training, improve officer safety, and analyze our agency's force profile. We continue to build community support and trust with community activities and faith-based leaders.

Recommendations

As we share with the many agencies that visit us and review our programs, there are four areas that we will continue to focus on are, and that the Task Force should consider:

- Relevant and updated policies.
- Frequent and effective training.
- Consistent and transparent Investigative Protocols.
- Maintaining an effective Accountability Model

Thank you again for allowing me to speak today.