

International Association of Chiefs of Police

Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement

John Markovic



2006 COPS Conference

Session: Policing Racial Bias: What Agencies Can Do to Promote Fair and Equitable Law Enforcement Practices

Thursday, July, 27, 2006 from 10:30am to 11:45am
Washington, DC

Presentation Objectives

- IACP Background
- Inspiration for Project
- Project Approach
- Overview of Publication
 - How it relates to bias-free policing
 - Understanding “racial profiling” in the broader context: **Effective leadership and organizational management**

Introduction to the IACP

- Founded in 1893
- Membership - 20,000 members \ 89 different countries
- Goals
 - Advance the science and art of police services
 - Develop and disseminate improved administrative, technical and operational practices and promote their use in police work;
 - Foster police cooperation and the exchange of information and experience among police administrators throughout the world;
 - Bring about recruitment and training in the police profession of qualified persons; and to
 - Encourage adherence of all police officers to high professional standards of performance and conduct

Brief History of Project

- Started from conversations among three agencies
 - COPS Office
 - Special Litigation Section of Civil Rights Division (DOJ)
 - IACP
- Reflection on 10 years of federal consent decrees and memorandums of understanding (MOU)
- Developing a Proactive “Promising Practices” Guide for Local Law Enforcement

Project Approach

■ Partnership

- U.S. Department of Justice (DOJ)



- COPS Office
- Special Litigation Section (SPL) of Civil Rights Division
- Community Relations Services
- Others doing similar work funded by DOJ

- IACP Standing Committees



- Civil Rights
- Professional Standards

- Agencies involved in federal agreements and those with promising practices

Project Approach

- Thoroughly examine existing federal “**pattern or practice**” consent decrees and memorandums of agreement
- Meetings convened in support of project
 - Project Advisory Group – Memphis kickoff (04/2004)
 - Thorough overview provided by SPL
 - Regular meeting of IACP Committees
 - Project Focus Group – Pittsburgh (04/2005)
- Attended other related meetings funded by COPS
- Review civil rights implications of advances in police practices and technology

Early Determinations

- “Learning from mistakes” approach valuable, but not enough
 - “Turning necessity into virtue” motivation
 - Agencies recognize problems and the need for assistance
 - Engaging in constructive versus adversarial approaches
- Learning from others
 - Promising Practices
 - Promote reform “from within”
 - Agency being investigated/under agreement
 - Profession

Overview of Publication

- Eight Chapters
 - Introduction
 - Sustaining Community Outreach and Engagement: The Intersection of Civil Rights and Community Policing
 - Developing and Early Intervention Strategy
 - Managing the Complaint Process
 - Managing Use of Force
 - **Addressing Racial Profiling: Creating a Comprehensive Commitment of Bias-Free Policing**
 - Personnel Management Issues (in civil rights context)
 - Data Management Issues (in civil rights context)

Interdependence of Issues

[P]olice chiefs must know that the concepts of community policing and the concepts of protecting human and civil rights are inseparable. They are one and the same. And for law enforcement you can't have one without the other.

Chief Charles Gruber, South Barrington (Illinois) Police Department

Understanding “Racial Profiling” in the Broader Context

■ Systemic Approach

- Not to be treated as an isolated “problem” to be proved or disproved
- Understood in context of organization
 - Organizational culture, ethics, and missions
 - Accountability mechanisms
 - Police leaders influence on the above
- Notes on terminology
 - “Racial Profiling” vs. “Bias-Based Policing” vs. focus on positive “Bias-Free Policing”

Understanding “Racial Profiling” in the Broader Context

■ Practical Realizations

- Strategies for managing the issue go beyond data collection and numbers crunching
- An issue that will affect most departments, whether racial profiling is “real” or “perceived”
- Better to take proactive rather than reactive approach
- Community outreach as “money in the bank”
- Assessed at various “units of analysis”
- More than traffic stops, also pedestrian stops
- Also should address equality of service

Practical Examples from Chapters

■ Civilian Complaint Process

- Major source of information for individual complaints of racial profiling
 - Complaints should not only be treated as individual allegations to be adjudicated
 - “Problem-solving” approach
- Data-driven management
- Cross-validate stop data or survey data

Practical Examples from Chapters

■ Early Intervention Strategies

- Opportunity to address disproportionalities at individual or unit level
- Early identification and intervention before patterns set in
- Peer-based analysis of stop data can be incorporated into the early intervention strategy
- Early intervention must be coupled with sound supervision and contextual assessment

Practical Examples from Chapters

■ Personnel Practices

- Strategic recruitment strategies to establish and maintain a department that reflects the community it serves
- Screening-in for characteristics that are consistent with civil rights protections, service orientation, and bias-free policing
- Retention matters; rewarding those with commitment to bias-free policing
- Interdependence between perceptions of fair and equitable policing and recruitment

Leadership Guide

Selected Recommendations

- **SYSTEMATIC APPROACH: Reinforce commitment to bias-free policing throughout agency culture**
 - Embed the ideals within the department's mission statement
 - Develop a clear and unequivocal policy prohibiting racial profiling
 - Consistently stress the benefits of bias free policing in training at the academy, during field training, and in-service training

Leadership Guide

Recommendations

- **ACCOUNTABILITY AND ETHICS: Strict Adherence to Legal and Professional Standards**
 - Departmental policy must, at the very least, be consistent with all laws and professional standards applicable to its jurisdiction.
 - Department policies should be both prescriptive and proscriptive
 - Stress the benefits of bias-free police
 - Define racial profiling and unequivocally state department's intolerance
 - IACP advocates a narrow use of race/ethnicity as basis of police activity -- under "be on the look out" (BOLO) circumstances

Leadership Guide Recommendations

■ **Personnel Practices**

- Establish and sustain a diverse police force reflective of the community it serves
- Pay attention to bias-free policing as part of the recruitment and screening-in process
- Use early intervention strategies to identify and remedy signs of problems before they turn into legal and disciplinary issues

Leadership Guide Recommendations

■ **Training**

- Develop comprehensive and meaning training programs
- Rely on interactive and scenario based training programs

Leadership Guide Recommendations

■ **Community Outreach**

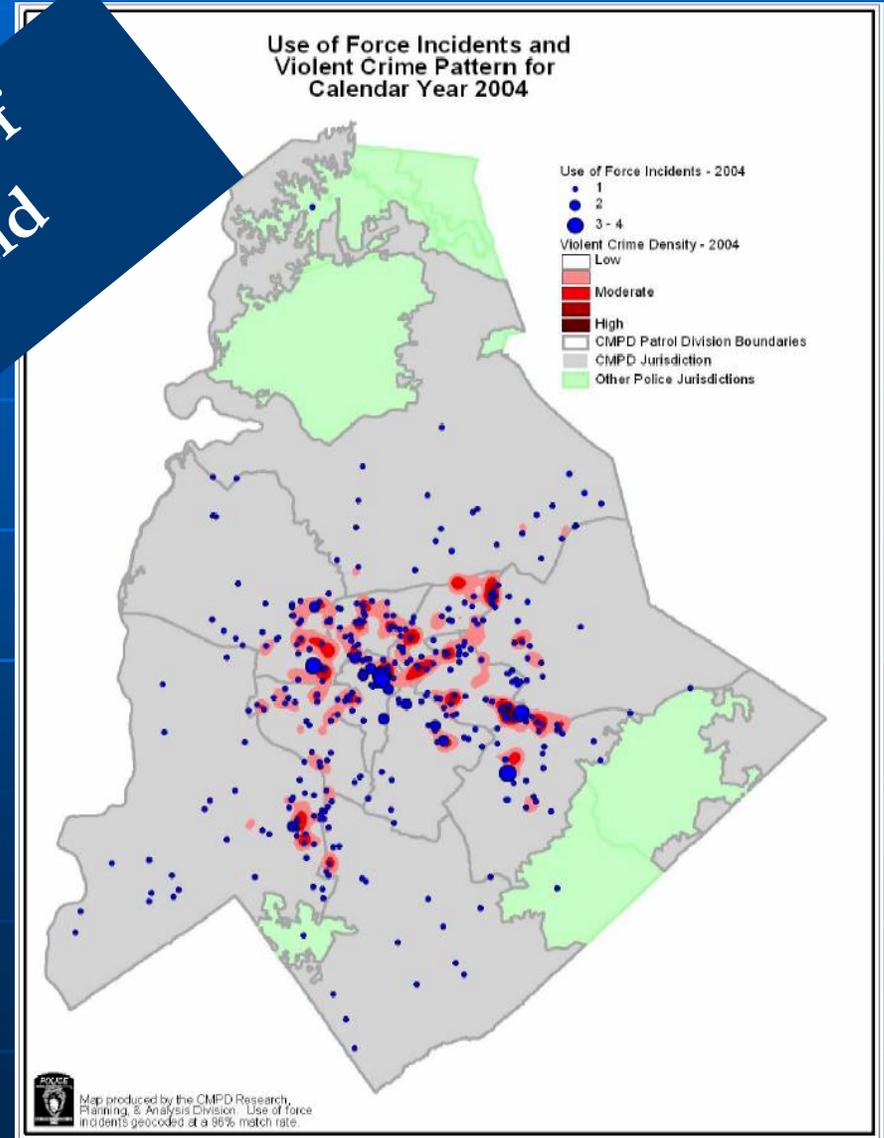
- Community outreach programs will often raise issues of disproportionality
- Create an atmosphere promote a dialogue about data and findings in context
- Understanding the value of engaging community stakeholders

Leadership Guide Recommendations

- **Data Driven Management** (short of specific racial profiling data collection)
 - Assess racial profiling complaint data from a management perspective, not just as isolated cases to be adjudicated
 - Use community surveys and analyze along critical

Mapping and Police Contact Data

The gunfire next door: In 'hot spots' of violence, residents feel trapped, afraid
Boston Globe July 21, 2006



Racial Profiling Data Capacities and Limitations

- Recognize the value of data for establishing community dialogue
- Unit of analysis issues
 - Agency-level analysis often emphasized
 - Stress that data has value for assessing individuals or units statistical outliers

Racial Profiling Data Capacities and Limitations

State 'racial profiling' statistics are meaningless
Bloomington-Normal (IL) Pantagraph Editorial July 13, 2006

State study shows racial profiling down slightly in 2005
Chicago Defender July 13, 2006

No racial profiling in Glencoe
Pioneer Press (IL) July 20, 2006

Key Principles

- ➔ Fair and equitable policing must be an agency-wide and comprehensive endeavor
- ➔ The components to ensure fair and equitable policing are interdependent; they cannot be assessed in isolation
- ➔ Solutions must address multiple-levels of analysis
- ➔ Fair and equitable policing achieved by creating a culture of ethics combined with sound accountability

Why Protect Civil Rights

- It is the right thing to do!
 - An obligation under the U.S. Constitution
 - Consistent with oath of office
- Failure to do results in liability
 - Loss of legitimacy, trust, and cooperation of community
 - Results financial losses from lawsuits
- Consistent with the principles of community policing

Contact Information

John Markovic
Program Manager
International Association of Chiefs of Police
(IACP)

703-836-6767 or 1-800-843-4227, Ext. 801

markovic@theiacp.org

www.theiacp.org