

HEARING TWELVE

Policing Culture

June 23–24, 2020

The following summary is intended to provide an overview and highlights of the testimony and discussion during the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Use of Force and Cultural Change Within Policing, June 24, 2020

First Panelist: *James McDonnell, former Los Angeles County Sheriff*

Highlights:

- National conversations about police culture frame it as universal, but policing in the U.S. is primarily a local function, and though we share profession-wide norms each agency has a unique operating environment and cultures.
- Policing cultures are influenced by law, policy, special orders, best practices, and supervision, but most importantly by the officers who socialize our newest members. We must ensure that officers are passing down the values we want the next generation to learn.
- What values do we want officers and the police culture to embody? What values can we promote to try and eliminate excessive uses of force?
- We tend to value what we can measure, which means we champion outputs over outcomes: citations, field interviews, arrests, other measures of productivity. But we need to ask if that actually improves the community, or alienates it. We need to work with communities to identify issues and set priorities.
- Another critical issue is getting the right people on the team. Are we recruiting officers who will uphold our values? In my experience, we needed roughly 100 applicants to get four people qualified to start the academy, and only three of the four would graduate. Even then, problem recruits slip through the cracks; too often the system enables problem employees to keep working. This creates the perception that departments condone misconduct when their hands are tied.
- Another overlooked factor is support for mental health. We screen candidates during the hiring process, but the focus on mental health often ends there. Officers deal with trauma, violence, erratic schedules, and chronic stress throughout their careers, and by the time management realizes a need to intervene it may be too late. Mid-career evaluations and ongoing mental health support could address issues before they become a crisis, and making them mandatory would overcome the stigma of seeking professional help.
- Another issue is providing sufficient training and mentoring. Simply hiring someone and assuming they will catch on is a recipe for failure. Additional de-escalation techniques will help improve how responses to calls involving alcohol, drugs, and mental illness, which comprise as many as 70% of uses of force.
- Another cultural issue is who takes responsibility for particular incidents. Departments have taken on complex issues they're not always equipped to treat, such as homelessness. But simply

reassigning those roles outside police departments is an incomplete solution; requiring mental health workers or social workers to respond to situations that frequently turn violent could jeopardize everyone's safety. In the departments where I have served, we address this with hybrid teams—a professional mental health clinician and a specially trained officer. In over 90% of cases where these units respond, the individual is transported to a treatment facility without use of force or incarceration.

Recommendations:

- We need to attract and retain exemplary employees, by creating opportunities for specialized training and assignments, fostering positive leadership development, supporting advanced educational incentives, and offering compensation commensurate with expectations.

Second Panelist: *Prof. Ronal Serpas, Loyola University Criminal Justice Department and Superintendent of Police, New Orleans Police Department (ret.)*

Highlights:

- Today, I represent Law Enforcement Leaders to Reduce Crime & Incarceration (LEL) as the executive director and founding co-chair. We have over 200 members from all 50 states.
- We all know that one inappropriate use of force doesn't represent a whole department, but these events will invariably perpetuate or cause deep distrust in our communities. That's against our purposes.
- Police labor contracts, state and local laws, and civil service rules that unduly protect officers are a reflection of early 1900s ideology of labor and management. They undermine accountability, public confidence, and leadership. Labor groups advocating for pay, health care, pension, etc. is not the issue—it's the battle between labor and management over the sanctions of discipline and not the merits of the misconduct.
- If a co-pilot advises a pilot of jeopardy to the plan and the pilot doesn't react in the expected way, the co-pilot is required to take control. That represents a culture that protects someone who will point out when someone else is not doing duties as expected. That's what the policies I'm speaking about provide.
- When it comes to this notion of defunding the police, I think we have to remember that community policing is built on developing relationships. It takes resources—the community has very different demands from one block to the next. A police officer would need up to 40% of their day, not on a call for service or administrative time, to properly deploy the concepts of community policing. It's difficult to have community policing as your stated goal and, on the other end of the spectrum, discuss this notion of defunding police.
- Police in America have become the first-line mental health responders. Very few cities have a model like the excellent one in Tuscon, for how people can be diverted from the criminal justice system before they ever get into a court.

Recommendations:

- At a minimum, we recommend that police agencies and municipalities that receive federal fund should be required to adopt the policies that are incorporated in the guidelines in the National

Consensus Policy Discussion Paper on Use of Force published by the IACP and 11 other law enforcement and labor organizations in 2017.

- Police agencies and municipalities that receive federal funds should be required to track uses of force by law enforcement and submit that data to a national database. The FBI launched such an effort in 2018, but only 40% of jurisdictions have submitted data. We may even consider conditional receiving any federal funds on reporting to the national database.
- The federal government could and should encourage and where possible require localities to undertake reforms to collective bargaining agreements and civil service protections to promote officer accountability.
- The federal government should encourage accountability and transparency by establishing a national database of officers who have been terminated or resigned due to misconduct while being investigated. Every police chief in America should be able to know who they are hiring.
- The states have many different standards for certifying officers, so we should consider a baseline of behavior that would trigger decertification: any inappropriate use of force, failure to intervene in an inappropriate use of force, untruthfulness in the workplace, false or inaccurate reports, and a willing failure to notify a supervisor of observed misconduct; any officer who fired, terminated, or resigned while under investigation for these things.

Third Panelist: Chief Robert C. White, Denver Police Department (ret.)

Highlights:

- My testimony will focus mainly on community involvement with the police. There's a difference between the community having a hand in what we do, and just having a voice. A voice means we hear you; a hand means you have a seat at the table.
- In Denver, residents have a seat at the table in shaping police policies on use of force, hiring, awards, even the selection of district commanders. We went to the 13 council members and offered to have them or one of their constituents sit on the committee, which formed with the assistance of a non-voting deputy chief. They gave the committee 12 recommendations and we selected seven of them, and most of those members have stayed in that situation, except for those who were promoted.
- To change police culture requires empowering the community. This starts with chiefs and sheriffs understanding the community's expectations as well as the officers'. Officers are trained on policies, procedures, and law. Communities expect officers to perform duties that are legal, but also to ensure that those actions are absolutely necessary. Just because it's legal doesn't make it always necessary.
- We gave the community an opportunity to weigh in on use of force policies. We actually pulled the new policy in response to some challenges. After four and a half months we came up with a policy that was really relatively acceptable to everyone. Our partnership has resulted in the establishment of critical policies under the use of force policy, such as duty to intervene, eliminating the chokehold policy, and only using deadly force if your life or someone else's life is in immediate danger.

- In many departments, officers have received awards for justified shootings. There is no such thing as a good shooting, but there are justified shootings. But in addition to that we created the Preservation of Life Award, for when an officer would have been justified in taking a life but made the decision not to. This award is very distinguished in our community.

Recommendations:

- We must raise the bar in training officers to ensure that necessity is included in making legal decisions.
- Police departments should examine their relationships with the community to ensure the community has a seat at the table and helps shape policies and procedures that impact their lives.

Fourth Panelist: Erik Gabliks, Director, Oregon Department of Public Safety Standards and Training

Highlights:

- The Department of Public Safety is the equivalent of many states' POST (Peace Officer Standards and Training) agency, but we serve a larger base than just police officers. We also serve corrections, probation, 911, private security, fire, and polygraph examiners.
- To change policing culture, we have to start with hiring. We need to use character-based hiring strategies; complete thorough background investigations; and make sure we have thorough psychological screening completed by a board-certified psychologist in either police or public psychology. And as part of that screening, we need to include a discussion on cultural competence.
- In Oregon, all police officers come to our centralized academy. A newly hired officer has 18 months from date of hire to be certified by the state, and the initial part of that is a 16-week basic training program. You won't find community policing as a stand-alone course; it is a philosophy and culture embedded throughout the curriculum. We are in the process of revamping that course to meet the needs of our community stakeholders; it is now almost 50% scenario-based training.
- To increase transparency, we not only invite community role-players to those scenarios, but have members of the public sit on our curriculum development committee and invite the public, media, community leaders, and elected officials to sit in on academy courses.
- The field training officer and their first-level supervisors are the ones who make the academy training stick. We need to make sure that they are there for the right reasons. Nothing diminishes training more than the attitude that you are just there to check a box—than the attitude of “forget what you learned in the academy; this is how we do it here.”
- Nationally, we need to support evidenced-based policing and rigorous scientific evaluations to help identify and monitor the impacts of strategies on public safety, community relations, BIPOC, and the allocation of resources.
- Police officer is mandatory in the state of Oregon; annually our organization reviews more than 300 professional standards cases and approximately 50 officers lose their certification. We are the state licensing body. Our national partner organization, the International Association of Directors of Law Enforcement Standards and Training (IADLEST), created the National Decertification Index, essentially a pointer system that flags records for hiring agencies. It has

worked well but there are challenges—not every state certifies, or decertifies or is able to enter people into the database.

Recommendations:

- We recommend scenario-based training and the use of community role-players as a part of all training academies.
- We suggest moving away from larger blocks of training to smaller instructional blocks, interweaving aspects of use of force training such as de-escalation, communications, ethics, and integrity into those scenarios.
- We suggest that research be conducted with the police, not just on the police. One starting point could be federal funding for small and mid-sized agencies to employ crime analysts: most research is done at populations of 100,000 and more.
- Consider taking the IADLEST database to a national level with federal funding assigned to a federal agency.
- Consider funding technology for training organizations and POSTS to set up use of force decision-making systems and digital learning platforms.

Fifth Panelist: Sheriff Michael Chitwood, Volusia County, Florida

Highlights:

- In Daytona Beach, I implemented a log of the initiatives the Police Executive Research Forum (PERF) put forth, using a model from Philadelphia. And over a five-year period the Daytona Beach Police Department was the least likely to use force in the entire state, even with six to eight million visitors a year. I was proud of that.
- We implemented 30 guiding principles on use of force, broken down into policy, training and tactics, equipment, and information exchange.
- In my first six months as sheriff, I encountered six police shootings—all of them were lawful, but some of them were awful as well. And I reached back to a trip I had taken with PERF to Scotland, to study how they police a nation without guns, and they use a critical decision-making model. PERF came in and studied our culture, and we used their report to train the organization in this model. In 2019, the year we rolled it out, use of force in Volusia County dropped 50%, and we gave out 24 de-escalation awards.
- When I became sheriff, you washed out of the department's application process if you didn't pass the firearms test with a high score; we took that out. Our police academy had "Competence in the line of fire" [as a motto] over every classroom; we replaced that with "Enter to learn, leave to serve." And we redesigned our training division—more tactical-based training, more interview-based screening of applicants to assess critical reasoning and thinking ability, empathy, compassion.
- One problem I face in Florida is regional policing academies. I get a kid who graduates one of them after 770 hours and has no de-escalation training, no talk about race in policing, so I have to spend another 12 to 14 weeks in the classroom to indoctrinate that young person into the values of our organization.

Recommendations:

- What we should be doing for de-escalation is time, distance, and cover. Take the time, get as much information as possible. Use the values of the proportionality of force and the sanctity of human life.
- The 30 PERF guiding principles need to be implemented throughout the country.

Question-and-Answer Session, June 24 2020

Q: [Frederick Frazier for the panel]: Can someone explain how the database model will be important for hiring?

A: [Director Gabliks for Mr. Frazier]: Background investigations are expensive and timely; not every organization has the ability to send a background investigator from Oregon to Florida if we are looking to hire a person currently working there. A lot of agencies do have the funds, but the decertification database is a tool we can look at to see if people in the profession have a revocation issue in another state.

It's important to have a broader discussion about how other professions already do this. You can look up where nurses have worked. In Oregon, we're looking at being a database repository for backgrounds so we can see if an individual, for example, has applied at four agencies and was hired at the fourth because they changed their answers from the first three.

A: [Dr. Serpas for Mr. Frazier]: A national database would help create a baseline so that for any officer terminated or resigned while under investigation for these core principle violations, another city or county could know about it with one click. Background checks are laborious; screening people out through a quick look at a decertification list would not only be smart, but enhance the profession.

A: [Sheriff McDonnell for Mr. Frazier]: It's a great source of intel, particularly on those individuals that leave bigger cities under a cloud and end up going to smaller jurisdictions that don't have the resources for a deep dive. You start to see patterns over time, where a particular agency that is less onerous with background checks ends up with a lot of people with prior histories.

A: [Chief White for Mr. Frazier]: The other thing that's really challenging is that there are some agencies that refuse to give information on applicants' histories. They say that legally they can't release it. So a national database would help eliminate that.