● Guide to Critical Issues in Policing

The information in this guide has been adapted from publications in PERF's *Critical Issues in Policing* Series, from PERF's work with police executives and researchers, and from other research and publications that are shaping current thinking on these issues in the field. Links to the full resources can be found at the end of each section under the heading "Resource Guide."

The critical issue topic areas are:

1. Police Use of Force and Accountability
2. Managing Mass Demonstrations
3. Police Encounters with Persons with Mental Illness/Behavioral Health Challenges
4. Civil Rights Investigations of Local Police Agencies
5. Community Policing and Establishing Police Legitimacy
6. Union-Management Relations in Policing

Critical Issue #1: Police Use of Force and Accountability

Overview

A controversial use of force by a police officer can jeopardize the stability of a police department and its relationships with the community overnight. Beginning in the summer of 2014, the policing profession in the United States was shaken by a series of incidents, including the police-involved deaths of Eric Garner in Staten Island, New York, and Michael Brown in Ferguson, Missouri, and continuing with at least a dozen other controversial police uses of force that received nationwide and even international attention.

Large-scale community protests and news media responses to these incidents sparked a national debate on police use of force, causing many police agencies to take a closer look at their use-of-force policies, training, and accountability systems. This section discusses how police leaders are changing policies, training, and police "culture" with respect to use of force.

Policies

A number of departments have begun to build their use-of-force policies around statements of principle, emphasizing **the sanctity of all human life**. The Las Vegas Metropolitan Police Department was a leader in this area, having adopted a policy in 2012 stating that "the department respects the value of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances."[1]

De-escalation

Police use-of-force policies also should stress the importance of officers knowing how to de-escalate encounters whenever possible, particularly when responding to calls involving persons with mental illness or other conditions that can cause them to behave erratically, unpredictably, and dangerously, or make them unable to understand or respond appropriately to a police officer's commands. Policies also should stress the importance of using the least amount of force necessary to resolve a situation. Based on the principles of the Supreme Court's 1989 precedent, *Graham v. Connor,* the constitutionality of an officer's use of force must be judged "in light of the facts and circumstances confronting them, … from the perspective of a reasonable officer on the scene." Because the Supreme Court said that this test of reasonableness "is not capable of precise definition or mechanical application," many departments have moved away from policies that create a "continuum" of force options to be applied in a mechanical way, with increasingly severe types of force matched with increasing levels of resistance by a subject.

Rather, these departments aim to provide broader policies that reflect the Supreme Court's analysis, which provides that officers should consider factors such as:

- "the severity of the crime at issue,
- whether the suspect poses an immediate threat to the safety of the officers or others, and
- whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight."[2]

There is also a growing recognition within the policing profession that "could" is not the same as "should." For example, one chief said at a recent PERF conference, "The question is not, can you use deadly force? The question is, did you *absolutely have to* use deadly force?"

Furthermore, the analysis should not focus solely on the moment when deadly force was used. "You start from the beginning and look at each and every decision the officer made *prior to using force*, and you ask: Where was the first decision that went wrong that led to having to use force later?" the chief said.[3]

Because of the proliferation of guns in the United States, American law enforcement agencies have unique challenges in responding to incidents involving persons armed with firearms. However, other nations have lessons to teach us about handling encounters in which mentally ill persons or others who are behaving dangerously but who are armed only with knives, rocks, or similar weapons. Police in the United Kingdom have had remarkable success in resolving such encounters without using firearms and

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1. "GO-021-12 Use of Force," *Las Vegas Metropolitan Police Department,* page 1. http://www.lvmpd.com/portals/0/oio/go-021-12 use of force signed copy.pdf

2. *Graham v. Connor,* 490 U.S. 386 (1989)

3. "Re-Engineering Training on Police Use of Force." Police Executive Research Forum, 2015. Pp. 16-17. http://www.policeforum.org/assets/reengineeringtraining1.pdf

involve strategies that aim to begin at a much lower level of force, such as communication strategies and gradually increase as the situation warrants it.[4]

For example, police in Scotland have not shot a single person in the last three and one-half years, even though they handle 1.8 million emergency calls per year.[5]

A key element of the UK response is a tool called the "National Decision Model" (NDM), which helps officers make logical, well-informed decisions about many things, including how they respond to incidents involving mentally ill persons with knives, screwdrivers, rocks, or similar weapons.[6]

Importantly, we must not blame officers in any community who are using force in the ways that they have been trained to use it. Rather, the policing profession must work to affect a wholesale change in use of force, starting with implementing improved policies, supervision, and accountability measures, and strengthening and reinforcing training that increases the options, skills and alternative resources that officers have available, particularly in situations where a subject is behaving erratically and threateningly but does not have a firearm. When we do these things, both our officers and our communities will be safer, and the foundation for true community policing will be stronger.

Currently, there is a national movement of over 20 major police agencies to study the UK's model of decision making related to use of force and to develop and implement new training that adopts such principles and applies them to policing in the U.S. in an effort to provide officers with the critical thinking and de-escalation skills and additional response options needed for handling these situations without use of deadly force.[7]

Use of Force Involving Vehicles

Police departments are also reviewing and tightening their policies on high-speed vehicle pursuits and to prohibit shooting at or from moving vehicles, in order to reduce the risks to the public.

Show of Force/Reportable Force

Policies also usually include specific statements on when officers can draw and point their firearm, as well as definitions and reporting requirements for "reportable" uses of force.[8]

Use of Force Policy Components

A 2012 PERF review of "consent decrees," in which the Department of Justice requires local agencies to implement specific reforms in order to prevent civil rights violations, found that DOJ typically required use-of-force policies to include certain elements, including:

1. Clear definitions of the types and levels of force;

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4. Ibid.

5. Ibid., p. 42.

6. For more information on the NDM, visit https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/.

7. Additional information on this initiative will be available from PERF. Please visit http://www.policeforum.org for updates and access to the new training materials once they are available.

8. Police departments will often require that officers submit a written report documenting a use of force incident if that incident reached a certain threshold. The threshold can be different in each department. One department may require an officer to submit a report if they had to forcibly handcuff an individual, whereas another department might not consider this a "reportable" use of force.

2. Clearly described consequences for unreasonable uses of force;

3. Policies, procedures, and training specific to certain weapons or types of force, such as firearms, Electronic Control Weapons (such as Tasers), and vehicle pursuits; and

4. Requirements for certification of officers in use of certain types of force; de-escalation techniques; reporting, documentation, and investigation of force incidents; supervisor response; and auditing and review of incidents.[9]

Use of Force Training

It is important that officers receive training that accurately reflects department policy. There also is a growing recognition that officers should be given training that more effectively prepares them for the types of difficult situations they will face in the field.

In May 2015, the Police Executive Research Forum conducted research on police agencies' training, and held a one-day national conference in which leading police chiefs discussed training issues in the context of use of force and de-escalation.

One major issue that emerged was that, currently, the various aspects of use-of-force training often are handled as separate issues, with each element discussed days, weeks, or even months apart from the related issues. For example, new recruits may begin their Police Academy training with a week of training on the mechanics of using a firearm, and only weeks later receive education about the legal issues governing use of lethal force. Further training on how to de-escalate encounters to avoid the use of force may be provided a month later. This fragmented approach makes it difficult for new officers to understand how all of these related issues fit together.

A consensus was reached, based on PERF's research and the national conference, that training on use-of-force issues should be more holistic and integrated, with fewer lecture-based training sessions, and more "scenario-based" training, in which officers are put through realistic role-playing exercises where they must make choices about how to respond to the types of incidents that often occur. For example, in an incident where a person with mental illness is creating a disturbance and brandishing a knife, there is no simple step-by-step system for training officers to respond. The best response may involve elements of crisis intervention, de-escalation strategies, defensive tactics, and less-lethal weapons options. The best way to train officers to handle complex situations is to provide them with scenario-based training in which all of the issues are considered jointly, and officers practice assessing the various situations, applying department policy, making decisions, and then discuss and receive feedback on their performance and decision-making.

Police "Culture"

Minimizing use of force also involves confronting issues of the "culture" of policing. For example, traditional police culture has encouraged officers to think that their job involves going into a situation, immediately taking charge, and resolving it quickly. However, the best approach to certain situations, such as a person with mental illness who is behaving erratically, is usually to slow the situation down, so that the officer has more time to ask the person questions, establish a rapport, assess the situation,

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9. Police Executive Research Forum, 2013. "Civil Rights Investigations of Local Police: Lessons Learned." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington D.C. http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil rights investigations of local police - lessons learned 2013.pdf

call for additional resources such as a Crisis Intervention Team and a supervisor to respond, and formulate a plan for de-escalating the situation. [10]

Thus, changing the police response to certain situations requires changes in the culture, or the way of thinking, that is sometimes passed from one generation of officers to the next.

Furthermore, these changes must be reinforced through other systems within the department. Currently, officers in some agencies are evaluated in part by how many calls for service they handle during a shift or over the course of a week or a month. If police leaders want officers to "slow the situation down" in certain types of cases, they must ensure that performance evaluation systems do not penalize officers who take the necessary time to resolve an incident without use of force, which has manpower and fiscal implications. For example, shifting traditional performance benchmarks away from indicators such as "number of calls cleared" would demonstrate organizational support for officers' efforts to take additional time on calls when needed. Departments may also consider expanded de-escalation training for officers, and should work to ensure that first-line supervisors are reinforcing these behaviors and tactics in the field. Such efforts will help departments to emphasize the importance of taking a more measured approach to high-risk calls for service.

Accountability

Police departments need accountability systems to ensure that their personnel are operating in a fair and legal manner. Police departments are responsible for identifying and addressing potentially problematic behavior quickly, and for holding officers accountable for their actions.

To do this, departments need to have a variety of accountability mechanisms in place and procedures to ensure these mechanisms are being used consistently.

Accountability mechanisms include supervision practices, disciplinary systems, internal audits and investigations, external oversight/review boards, and citizen complaint processes. Early Intervention Systems (EIS) are an important tool for ensuring that accountability is built into a department's daily operations.

Early Intervention Systems

Having a robust Early Intervention System (EIS) is recognized as a best practice in policing.[11] An Early Intervention System (EIS) is a computerized database of individual officer performance indicators that supervisors use to identify officers who may be engaging in improper or illegal conduct, such as excessive or unnecessary uses of force or abusive behavior toward community members. As the name implies, an EIS also can alert supervisors to early signs that an officer may be under stress and at risk for engaging in improper behavior, or that officers may need additional training to improve their performance.

Data points in an EIS vary from one department to the next, based in part on the level of sophistication in the department's computer systems that allow for data collection. Indicators tracked in an EIS often include:

- Officer-involved shootings

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10. See, for example, "An Integrated Approach to De-Escalation and Minimizing Use of Force" (2012). Pp. 12-16. http://www.policeforum.org/assets/docs/Critical_Issues_Series/an integrated approach to de-escalation and minimizing use of force 2012.pdf

11. Police Executive Research Forum, *Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Executives,* (Washington, DC: Department of Justice, Office of Community Oriented Policing Services, 2005).

- Other uses of force

- Citizen-initiated complaints against the officer

- Internal investigations involving the officer

- Missed scheduled firearms qualification or missed court appearances

- Vehicle collisions in which the officer was driving

- Elevated use of time off

- Overtime usage

- Work-related injuries

- Unsatisfactory performance evaluation

- Civil litigation against the officer

- Tardiness

- An EIS may also track positive indicators, including satisfactory performance evaluations, awards, commendations, and community member thank/you appreciation letters.[12]

Being "flagged" by an EIS does not necessarily mean that an officer has engaged in misconduct. For example, officers who work in high-crime neighborhoods may be involved in more high-risk encounters that can generate citizen complaints or other indicators monitored by the EIS. Rather, an EIS is intended to give supervisors notice that they should review the activities of an officer. An EIS is used to identify areas of an officer's performance that can be improved upon, with guidance from the officer's supervisor, as well as issues that require discipline.

Because the role of the first-line supervisor (usually the rank of sergeant) is critical to identifying potentially problematic behavior or performance, these supervisors are often responsible for monitoring the data in an EIS to identify individual incidents of misconduct and patterns of problematic performance.[13]

The U.S. Justice Department's Civil Rights Division has required a number of police departments to establish Early Intervention Systems as part of consent decrees, including the police departments in Los Angeles, Cincinnati, Pittsburgh, Washington, DC, New Orleans, and the New Jersey State Police.[14] The settlement agreements in these cities generally include requirements that the EIS have the following features:

- The system must be maintained and *used* by supervisors and managers (not merely created and then given little attention).

- The EIS should have policies and protocols for data collection, maintenance, retrieval, data security, access, and other processes.

- Personnel who create or use the system must receive proper training.

- Threshold criteria for flagging risk patterns must be developed.

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12. Additional examples of indicators can be found in: International Association of Chiefs of Police, *Protecting Civil Rights: A Guide for State, Local, and Tribal Law Enforcement,* (Washington, DC: Department of Justice, Office of Community Oriented Policing Services, 2006): 48-77. http://www.theiacp.org/portals/0/pdfs/PCR_LdrshpGde_Part2.pdf

13. Walker and Archbold, *The New World of Police Accountability* (see note 5), 19.

14. "Civil Rights Investigations of Local Police: Lessons Learned." Police Executive Research Forum, 2013. Pp. 16-18. http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil rights investigations of local police - lessons learned 2013.pdf

- Follow-up actions for supervisors must be specified.
- Interventions by supervisors must be implemented in a timely manner, and must be tracked.[15]

Internal Affairs (IA)

Internal affairs units investigate allegations and complaints against police officers made by community members or by other officers. Generally, allegations concern misconduct, corruption, inappropriate application of the department's policies and procedures, lack of professionalism, and other issues.

Allegations against police officers can be criminal and/or administrative in nature, depending on whether the alleged misconduct is a violation of law or of police department policies. The practices and procedures used by internal affairs units are often influenced by labor union contracts and state employment laws. Investigations should be fair, impartial, thorough, consistent, and timely.

To be effective, internal affairs units need to have support from the command staff within a police department, and especially support from the police chief. Accountability is crucial, so there should be written policies and procedures in place to address IA investigations, dispositions, and disciplinary procedures, and the IA unit should report directly to the chief.

Citizen Complaint Process

Police departments should have an open and accessible complaint process. Community members should find it easy to file a complaint about any experience with the police. This means the department should have information readily available about the complaint process; should provide this information in multiple languages reflecting the makeup of the community; and should provide multiple ways of filing complaints, such as submitting them online through the police department website, by email, by mail, by telephone, or in person.

Complaint data should be tracked, and police departments should provide a way for complainants to follow up and learn the status and disposition of their complaints. Tracking complaints allows police departments to evaluate what types of complaints are most common and analyze trends.

Resource Guide: Use of Force/Accountability

Use of Force Resources

Police Executive Research Forum, 2015. "Re-Engineering Training on Police Use of Force." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington, D.C.
https://perf.memberclicks.net/assets/
reengineeringtraining.pdf

Police Executive Research Forum, 2015. "Defining Moments for Police Chiefs." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington, D.C.
http://www.policeforum.org/assets/
definingmoments.pdf

Police Executive Research Forum, 2012. "An Integrated Approach to De-Escalation and Minimizing Use of Force." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington, D.C.
http://www.police

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15. Ibid, p. 18.

forum.org/assets/docs/Critical_Issues_Series/an integrated approach to de-escalation and minimizing use of force 2012.pdf

Police Executive Research Forum, 2013. "Civil Rights Investigations of Local Police: Lessons Learned." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington D.C. http://www.policeforum.org/ assets/docs/Critical_Issues_Series/civil rights investigations of local police - lessons learned 2013.pdf

Smith, Michael R., Robert J. Kaminski, Geoffrey P. Alpert, Lorie A. Fridell, John MacDonald, and Bruce Kubu, 2009. "A multi-method evaluation of police use of force outcomes: final report to the National Institute of Justice." *U.S. Department of Justice, Washington D.C.* https://www.ncjrs.gov/pdffiles1/nij/grants/231176.pdf

Police Executive Research Forum, 2007. "Strategies for Resolving Conflict and Minimizing Use of Force." *Critical Issues in Policing Series.* Police Executive Research Forum, Washington D.C. http://www.policeforum.org/ assets/docs/Critical_Issues_Series/strategies for resolving conflict and minimizing use of force 2007.pdf

Police Executive Research Forum, 2005. "Chief Concerns: Exploring the Challenges of Police Use of Force." *Police Executive Research Forum, Washington D.C.* http://www.policeforum.org/assets/chiefconcernsuseofforce.pdf

EIS Resources

San Diego Police Department, 2011. **"**Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems – Technical Assistance Guide." *U.S. Department of Justice, Office of Community Oriented Policing Services, Washington D.C.* https://cops.usdoj.gov/RIC/Publications/cops-p052-pub.pdf

Samuel Walker and Carol Archbold. The New World of Police Accountability. Second edition. Los Angeles: SAGE, 2014 (See additional work by Samuel Walker at http://www.samuelwalker.net)

Samuel Walker, Stacy Osnick Milligan, Anna Berke, 2006. "Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors." *Police Executive Research Forum and the U.S. Department of Justice Office of Community Oriented Policing Services, Washington D.C.* https://cops.usdoj.gov/RIC/Publications/cops-p093-pub.pdf

Samuel Walker, Stacy Osnick Milligan, Anna Berke, 2005. "Supervision and Intervention Within Early Intervention Systems: A Guide for Law Enforcement Chief Executives." *Police Executive Research Forum and the U.S. Department of Justice Office of Community Oriented Policing Services, Washington D.C.* http://www.policeforum.org/assets/docs/Free_Online_Documents/Early_Intervention_Systems/supervision and intervention within early intervention systems 2005.pdf

The USDOJ Civil Rights Division has required a number of police agencies to establish EIS systems. The documents detailing these requirements are available online at http://www.justice.gov/crt/about/spl/findsettle.php, under "Law Enforcement Agencies."

For example, the New Orleans consent decree requirements for that city's EIS are available at http://www.justice. gov/crt/about/spl/documents/nopd_agreement_1-11-13.pdf, pp. 80-83.

Internal Affairs Resources

National Internal Affairs Community of Practice, 2008. "Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice." *U.S. Department of Justice Community Oriented Policing Services, Washington D.C.* https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf

Mark Perez and Albert Pearsall, 2008. "Internal Affairs Community of Practice: A Novel Approach to Advancing Community Policing." *Community Policing Dispatch,* U.S. Department of Justice, Office of Community Oriented Policing Services. http://cops.usdoj.gov/html/dispatch/june_2008/internal_affairs.htm

International Association of Chiefs of Police, 2009. "Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement." *International Association of Chief of Police, Alexandria VA.* http://www.theiacp.org/ViewResult?SearchID=1141

Citizen Complaint Resources

Samuel Walker, Carol Archbold, Leigh Herbst, 2002. "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders." *U.S. Department of Justice, Office of Community Oriented Policing Services, Washington D.C.* http://www.cops.usdoj.gov/pdf/e04021486web.pdf

Hickman, Matthew J., 2006. "Citizen Complaints about Police Use of Force." *U.S. Department of Justice, Bureau of Justice Assistance.* http://www.bjs.gov/index.cfm?ty=pbdetail&iid=553

Critical Issue #2: Managing Mass Demonstrations

Overview

Managing large-scale protests and demonstrations is one of the most challenging aspects of policing. To some extent, demonstrations are like other major events that require a significant police presence, such as sporting events or natural disasters. All these major events can test the capabilities of police agencies to organize large numbers of officers, including officers from multiple departments, to gather and disseminate information efficiently, and to respond to quickly changing conditions on the ground.

Managing demonstrations and protests also requires police to have a firm understanding that they have a dual role: they must work to ensure the safety of everyone present, and they must work to protect participants' First Amendment rights to speak freely, to assemble peaceably, and to petition the government for redress of grievances. It is not merely a best practice; it is a police department's *job* to protect these Constitutional rights.

In recent years, there has been a growing recognition in the policing profession that managing demonstrations requires a "softer" approach than sometimes occurred in the past. Leading police chiefs today call for a careful, nuanced plan, in which police are prepared to respond quickly if rioting or other serious lawbreaking occurs, but are also careful not to send a message that they expect a peaceful demonstration to become violent.[16]

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16. Police Executive Research Forum, 2011. *"Managing Major Events: Best Practices from the Field."* http://www.policeforum.org/assets/ docs/Critical_Issues_Series/managing major events - best practices from the field 2011.pdf

Promising Practices

Recognized best practices for police in managing major demonstrations include:

- Meeting with protest organizers in advance to discuss plans and develop a working relationship of trust.

- Engaging demonstrators on the day of the event in order to show good faith and communicate the message that police are present in order to protect First Amendment rights.

- Avoiding any unnecessary display of armored vehicles or protective equipment such as helmets and shields ("turtle gear"), but keeping such equipment ready at a nearby location in case it is needed to stop serious violent criminal activity.

- Using the National Incident Management System[17] to organize a complex response by multiple agencies.

- Establishing clear lines of authority under mutual aid agreements in advance, and ensuring that police agencies from various jurisdictions know the rules established by the agency in command.

- Developing a strong presence on social media, such as Facebook and Twitter, that can be utilized during a major demonstration to communicate with protesters. Social media offers an excellent way for police to immediately send messages directly to demonstrators, the news media, and the general public on a minute-by-minute basis about what is happening and any instructions the police may have. Police can also receive messages from demonstrators, and can keep an eye on social media postings to assess the general mood of a crowd.

- Avoiding making arrests if at all possible. For example, if protesters block a city street, police may be able to reroute traffic, rather than making arrests.

Resource Guide: Mass Demonstrations

Police Executive Research Forum, 2011. "Managing Major Events: Best Practices from the Field." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington D.C. http://www.policeforum.org/assets/docs/ Critical_Issues_Series/managing major events - best practices from the field 2011.pdf

Police Executive Research Forum, 2006. "Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington D.C. http://www.policeforum.org/assets/docs/Critical_Issues_Series/police management of mass demonstrations - identifying issues and successful approaches 2006.pdf

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17. According to the Department of Homeland Security Federal Emergency Management Agency (FEMA), the National Incident Management System (NIMS) is defined as "a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property and harm to the environment." NIMS may also be used to ensure a coordinated response for large planned protests or demonstrations. See: http://www.fema.gov/national-incident-management-system

Critical Issue #3: Police Encounters with Persons with Mental Illness/Behavioral Health Challenges

Overview

Persons who have a mental illness, are under the influence of drugs or alcohol, or have disorders such as autism can present police officers with difficult challenges. In some cases, a person may brandish a weapon or otherwise appear to pose a threat to the public, to the police, or to himself or herself. The threat may be a real one, or the situation may be less dangerous than it appears. These situations often are complicated when, because of their conditions, persons cannot understand an officer's questions or orders or cannot communicate effectively with the officer.

Many police agencies have recognized the special challenges they face in handling these situations and have undertaken specialized training programs designed to teach officers to understand these situations when they happen, and to make special efforts to de-escalate the situations.[18]

In some cases, suicidal persons may try to commit "suicide by cop" – i.e, threatening an officer with imminent harm in order to force the officer to use deadly force against them. These encounters may unfold quickly and can be among the most challenging and dangerous situations for law enforcement officials and the individuals.

Training

There is a growing recognition within the policing profession that in addition to providing officers with basic training in "crisis intervention" to respond to incidents involving persons with a mental illness or other condition, police agencies that have not already done so should create Crisis Intervention Teams (CITs). These teams are made up of police officers who have received extensive crisis intervention training and mental health workers. The Memphis Police Department pioneered the CIT concept in 1988.[19]

The police and mental health workers respond as a team to critical incidents, and also work to resolve the underlying problems of "chronic consumers" whose conditions result in repeated calls to the police.

Having a CIT program is considered preferable to merely providing some crisis intervention training to all officers, because the teams develop a level of expertise and familiarity with the people who are involved. This can result in reduced calls for service, to the extent that the teams are able to help persons with mental health issues to obtain treatment. And when the police are called to assist a person in crisis, the outcomes are improved if the responding officers and mental health workers are familiar with the people and their conditions and histories. Crisis Intervention Team members also naturally develop understanding and empathy for the clients, in part because they get to see them on their "good days," and not merely on the occasions when they are in a crisis that results in a call to the police.[20]

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18. Police Executive Research Forum, 2012. "An Integrated Approach to De-Escalation and Minimizing Use of Force." http://www.policeforum.org/assets/docs/Critical_Issues_Series/an integrated approach to de-escalation and minimizing use of force 2012.pdf

19. "Crisis Intervention Team," *City of Memphis,* accessed on October 27, 2015, http://www.memphistn.gov/Government/PoliceServices/ CrisisInterventionTeam.aspx

20. Police Executive Research Forum, 2015. "Re-Engineering Training on Police Use of Force." See "Crisis Intervention Teams: A Key to Minimizing Use of Force." Forthcoming August 2015.

Resource Guide: Police Encounters with Persons with Mental Illness and/or Other Behavioral Health Challenges

Police Executive Research Forum, 2012. "An Integrated Approach to De-Escalation and Minimizing Use of Force." *Critical Issues in Policing Series.* Police Executive Research Forum, Washington D.C. https://perf.member clicks.net/assets/docs/Critical_Issues_Series/an_integrated_approach_to_de-escalation_and_minimizing use_of_force_2012.pdf

Canada, Kelli E., Angell, Beth and Watson, Amy C, 2010. "Crisis Intervention Teams in Chicago: Successes on the Ground." *Journal of Police Crisis Negotiations* 10, Nos. 1-2: 86-100. http://www.researchgate.net/profile/ Kelli_Canada/publication/49641147_Crisis_Intervention_Teams_in_Chicago_Successes_on_the_G round/ links/0c960520b9f93e4153000000.pdf

Reuland, Melissa, 2010. "Tailoring the police response to people with mental illness to community characteristics in the USA," *Police Practice and Research* 11, No. 4: 315-329. http://www.tandfonline.com/doi/abs/ 10.1080/15614261003701723?journalCode=gppr20 - .VbtyRfmHl_k

Steadman, Henry J., Morrisey, Joseph P., Deane, Martha W., and Borum, Randy, 1999. "Police Response to Emotionally Disturbed Persons: Analyzing New Models of Police Interactions with the Mental Health System." *National Institute of Justice, U.S. Department of Justice, Washington D.C.* https://www.ncjrs.gov/pdffiles1/ nij/grants/179984.pdf

CIT International. "CIT: Facts and Benefits." http://www.citinternational.org/cit-overview/131-cit-facts-and-benefits.html

Critical Issue #4: Civil Rights Investigations of Local Police Agencies

Overview

The 1994 Violent Crime Control and Law Enforcement Act gives the U.S. Department of Justice's Civil Rights Division authority to investigate state and local law enforcement agencies if there is reason to believe they have unconstitutional policies or engage in a "pattern or practice" of unconstitutional conduct.[21] The types of conduct covered by this law include excessive use of force, discriminatory harassment, false arrests, coercive sexual conduct, and unlawful stops, searches, or arrests.[22]

The law is intended to address systemic issues, rather than individual complaints; the alleged misconduct cannot be an isolated incident. There is no private right of action under the 1994 law; only the Department of Justice has the authority to launch investigations and file litigation under this statute. The law gives DOJ the authority to file civil lawsuits against local governments in order to stop the

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21. "Conduct of Law Enforcement," U.S. Department of Justice, Civil Rights Division, Special Litigation. Accessed July 31, 2015, http://www.justice.gov/crt/about/spl/police.php
22. "Addressing Police Misconduct Laws Enforced by the Department of Justice," U.S. Department of Justice, Civil Rights Division, Special Litigation. Accessed July 31, 2015, http://www.justice.gov/crt/about/spl/documents/polmis.php

unconstitutional conduct. However, cities usually settle these cases before they go to trial or before a lawsuit is filed.[23]

In October 2012, the Police Executive Research Forum (PERF) held a summit in which police chiefs and DOJ Civil Rights Division officials discussed the lessons that have been learned regarding the civil rights investigations of local police departments that have been undertaken under the 1994 law. Many of the DOJ investigations have focused on certain key issues (many of which are also addressed as critical policing issues in this guide), including: police use of force; Early Intervention Systems; management and supervision of officers; unlawful stops, searches, and arrests; and bias in policing.

Following are some of the key findings from the summit regarding DOJ civil rights investigations of local police:

- A review of consent decree documents in cases that included use-of-force issues revealed that DOJ typically requires local police policies to include certain elements, including:
  - Clearly identified types and levels of force;
  - Clearly described consequences for unreasonable use of force;
  - Policies, procedures, and training specific to certain weapons or types of force, such as firearms, Electronic Control Weapons (ECWs), and oleoresin capsicum (OC or pepper spray);
  - Various other requirements, including: certification of officers in use of certain types of force; use of de-escalation techniques; reporting, documentation, and investigation of force incidents; supervisor response; and auditing and review of incidents.

- Several consent decrees have required police to implement Early Intervention Systems (EIS), which automatically flag officers who may be engaging in inappropriate behavior. Certain components are becoming standard features of Early Intervention Systems, such as policies governing data collection, retrieval, and security; training of those who create or use the EIS; threshold criteria for flagging certain officers; and specified follow-up actions that must be taken by supervisors.

- Consent decrees typically include requirements designed to ensure that officers receive adequate supervision by their superior officers. The ratio of the number of officers to the number of supervisors is often an issue, because there are limits to how many officers one supervisor can manage effectively. In a number of cities, consent decrees have included requirements that supervisors take certain actions, such as responding to the scene of use-of-force incidents, reviewing arrest reports, and responding to misconduct complaints.

- Recent consent decrees require departments to have policies to prevent biased policing, such as a statement that officers may not use race, ethnicity, or national origin in determining reasonable suspicion or probable cause, unless these factors are used as part of a suspect's description. Some policies prohibit officers from ignoring or condoning biased policing, and require officers to report incidents in which they observe other officers engaging in biased policing.

- There has also been increased attention to complaints of sexual bias in the police response to sexual assault victims. Recent consent decrees require clear and detailed policies for each stage in the response to a sex offense call; protocols for forensic examinations of victims and suspects; specialized training for detectives; supervisory review of unfounded cases and

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23. Police Executive Research Forum, 2013. "Civil Rights Investigations of Local Police: Lessons Learned." *Critical Issues in Policing Series*. Police Executive Research Forum, Washington D.C.
http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil rights investigations of local police - lessons learned 2013.pdf

complaints that are coded as non-criminal; creation of a Sexual Assault Response Team; and development of a system for external review of cases.

- Some consent decrees have included provisions on the police response to persons with mental illness. For example, some call for specialized training, policies, and protocols; training of officers in "crisis intervention;" and training of dispatchers to recognize calls that may involve persons in crisis with mental illness.

- DOJ officials say that the key steps to avoiding a federal investigation and consent decree include the following:

  1. Adopting strong policies on key issues, such as use of force.

  2. Ensuring that officers are trained and managed effectively so that the policies will be followed.

  3. Developing management and supervision measures, such as an Early Intervention System, to help managers detect and respond to problems as they develop.

Resource Guide: Civil Rights Investigations

Police Executive Research Forum, 2013. "Civil Rights Investigations of Local Police: Lessons Learned." *Critical Issues in Policing Series.* Police Executive Research Forum, Washington D.C. http://www.policeforum.org/ assets/docs/Critical_Issues_Series/civil rights investigations of local police - lessons learned 2013.pdf

"Addressing Police Misconduct Laws Enforced by the Department of Justice," U.S. Department of Justice, Civil Rights Division, Special Litigation. Accessed July 31, 2015, http://www.justice.gov/crt/about/spl/ documents/polmis.php

Critical Issue #5: Community Policing and Establishing Police Legitimacy

Overview

In 1994, the Violent Crime Control and Law Enforcement Act established the Office of Community Oriented Policing Services (COPS Office) to advance public safety through community policing in the field. Community policing is based on three core components: community partnerships, organizational transformation, and problem-solving.[24]

The COPS Office describes these components as follows:

- *Community Partnerships*: Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police;

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24. *About,* COPS Office Website. (2014). Washington, DC: Office of Community Oriented Policing Services. http://www.cops.usdoj. gov/Default.asp?Item=35

- *Organizational Transformation*: The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving; and

- *Problem-Solving:* The process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.[25]

Community policing is more than a program; it is an organizational philosophy that recognizes that the community's support is a critical factor in the ability of the police to effectively address crime. The relationship between the police and the communities they serve determines whether or not police will have community support, and these relationships are strengthened or weakened by every police-community interaction.

Why are police-community relationships important?

When police-community relationships are good, the police have a better understanding of the community, and community members are more inclined to cooperate with the police, report crimes, provide information, and participate in the justice process to ensure successful prosecution of criminals. Community support validates the authority, or "legitimacy," of the police to enforce the law. Conversely, when police-community relations are poor, police typically lack a basic understanding of community problems, and the community, particularly residents who are experiencing high rates of crime, poverty, and other social problems, may perceive police as an occupying force.[26] Thus, partnerships based on trust and mutual respect between police and the communities they serve are essential for effective policing.

Most communities are composed of diverse segments which may include people of various racial, ethnic, demographic, and socioeconomic backgrounds; individuals with various disabilities or illnesses; non-English speaking groups; lesbian, gay, bisexual, transgender, questioning, and intersexed (LGBTQI) individuals; various faith-based communities; and others. Each of these groups has unique needs and challenges, and police should consider how to engage the communities in a way that is inclusive of all unique elements.[27] Some of these communities have a history of being marginalized, targeted, and mistreated by the police, leading to lack of trust. It is therefore important that police focus on understanding and engaging these communities to build relationships, so that community members will work with the police to make local policing efforts more effective.

For example, research shows that LGBTQI communities experience barriers to reporting crimes, including mistrust of the police and fears that police will fail to take the reported crime seriously.[28]

Community policing builds on active partnerships and open communication between police and local leaders in underserved communities. If open communication and partnerships do not exist between police and the community, it is important to try to establish these relationships. Local community

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25. *Community Policing Defined*, (Washington, DC: Office of Community Oriented Policing Services, 2014). https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf

26. Ross, Jeffrey Ian. "Poor Police-Community Relations," *Policing Issues: Challenges and Controversies*. (Sudbury, MA: Jones & Bartlett Learning, LLC, 2012), 115-129. http://samples.jbpub.com/9780763771386/Ross_71386_CH08_115_130.pdf

27. International Association of Chiefs of Police, 2015. "IACP National Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust*," International Association of Chiefs of Police, Alexandria, VA*, http://www.theiacp.org/Portals/0/documents/pdfs/CommunityPoliceRelationsSummitReport_web.pdf

28. See, for example: Kuehnle, Kristen and Sullivan, Anne, 2003. "Gay and lesbian victimization: reporting factors in domestic violence and bias incidents," *Criminal Justice and Behavior* 30, no. 1: 85-96; Wolff, Kristina B. & Cokely, Carrie L., 2007. "To Protect and to Serve?: An Exploration of Police Conduct in Relation to the Gay, Lesbian, Bisexual, and Transgender Community," *Sexuality and Culture* 11. No. 2,: 1-23.

leaders can help police departments deliver "cultural competency" trainings and establish liaisons and advisory boards to address the needs of the communities. It is also important that departments seek to hire personnel who reflect the diversity of the community. Many departments are placing an increased emphasis on recruiting and outreach to these groups as well.

Building Trust with the Community through a Procedural Justice Approach

Some police agencies have lost the trust and confidence of those that they serve. Recent high-profile police use-of-force incidents have exposed underlying tensions between the police and these communities, and have reinforced the importance of positive police-community relationships. Police officials rely on the cooperation of community members to enforce the law, and the community's willingness to cooperate is based on their perceptions of the *legitimacy* of the police. Perceptions of legitimacy are established using a procedural justice approach.[29]

Procedural justice is the extent to which community members believe that the police treat people with fairness, dignity, and respect. Police departments that operate using a procedural justice model seek to build trust by applying four elements to every aspect of their work:

1. **Voice**: Police provide procedural justice when they give community members opportunities to voice their concerns, or to "tell their side of the story."

2. **Neutrality**: Police provide procedural justice when they treat people in a neutral manner and apply rules fairly and consistently.

3. **Respect**: Police provide procedural justice when they treat each community member with respect and dignity.

4. **Trust**: Police provide procedural justice when they demonstrate that they are trustworthy through their actions and words.[30]

The four pillars of procedural justice should be applied broadly to every aspect of a police agency's operations. Agencies should apply these concepts in their interactions with community members (externally); and police leaders should also apply them in their relationships with officers and other police agency employees (internally).

Police employees need to see that they are being treated fairly and that the objectives of community policing and procedural justice that are being implemented in the community are also being applied internally. "Internal procedural justice is important not only because it represents the right thing to do, but also because officers who experience procedural justice from their supervisors are more likely to understand those principles and use them in their interactions with the public."[31]

White House Task Force on 21st Century Policing

In 2014, President Barack Obama created the White House Task Force on 21st Century Policing in response to a growing concern in many communities about police practices. The Task Force was given

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29. See "Legitimacy and Procedural Justice: A New Element of Police Leadership." Police Executive Research Forum, 2014. http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy and procedural justice - a new element of police leadership.pdf

30. These four elements of procedural justice can be referenced in the work of Dr. Tom Tyler and others (Lind, Edgar Allan and Tyler, Tom R. *The Social Psychology of Procedural Justice*. (New York: Plenum, 1988).

31. Police Executive Research Forum. Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook. (Washington, DC: Office of Community Oriented Policing Services, 2015). https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf

90 days to "identify best policing practices and offer recommendations on how those practices can promote effective crime reduction while building public trust."[32] The Task Force hosted listening sessions and received the testimony of a wide range of stakeholders from around the nation. Based on this information, the Task Force developed a set of recommendations to strengthen relationships with communities while developing innovative and effective crime reduction strategies, using the principles of procedural justice.[33] The recommendations are organized around six main topic areas, or "pillars":

Pillar 1: Building Trust and Legitimacy is key to maintaining a positive relationship between law enforcement and the community.

Pillar 2: Policy and Oversight by the police must reflect community values.

Pillar 3: Technology and Social Media can improve policing practices and give departments an opportunity to engage and educate the community.

Pillar 4: Community Policing and Crime Reduction: Law enforcement agencies should work with community members to identify problems and collaborate on implementing solutions.

Pillar 5: Training and Education: Law enforcement agencies should engage with community members in the training process to ensure high quality and effectiveness of training and education.

Pillar 6: Officer Wellness and Safety is critical not only for officers and their agencies but also for public safety.

Each pillar includes a series of recommendations and action items for the policing profession to fully implement the best practices for 21st Century Policing that are identified in the report.

Resource Guide: Community Policing and Building Trust

President's Task Force on 21st Century Policing, 2015. "Final Report of the President's Task Force on 21st Century Policing." *Office of Community Oriented Policing Services, U.S. Department of Justice, Washington D.C.,* http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf

Police Executive Research Forum, 2014. "Legitimacy and Procedural Justice: A New Element of Police Leadership," *Bureau of Justice Assistance, U.S. Department of Justice, Washington D.C.,* http://www.policeforum.org/ assets/docs/Free_Online_Documents/Leadership/legitimacy and procedural justice - a new element of police leadership.pdf

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32. President's Task Force on 21st Century Policing, 2015. "Final Report of the President's Task Force on 21st Century Policing." *Office of Community Oriented Policing Services, U.S. Department of Justice, Washington D.C.,* http://www.cops.usdoj.gov/pdf/taskforce/ TaskForce_FinalReport.pdf p. iii

33. Ibid. pg 9-18

Police Executive Research Forum, 2015. "Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook." *Office of Community Oriented Policing Services, U.S. Department of Justice, Washington D.C.* https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf.

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Goodrich, Samantha A., Anderson, Stephen A., and LaMotte, Valerie, 2014. "Evaluation of a Program Designed to Promote Positive Police and Youth Interactions," *Journal of Juvenile Justice* 3, no. 2: 55-71. http://www.journalofjuvjustice.org/JOJJ0302/article04.htm

International Association of Chiefs of Police, 2014. "Law Enforcement's Leadership Role in Juvenile Justice Reform: Actionable Recommendations for Practices and Policy," *International Association of Chiefs of Police, Alexandria, VA,* http://www.theiacp.org/portals/0/documents/pdfs/JuvenileJusticeSummitReport.pdf

Critical Issue #6: Union-Management Relations in Policing

Overview

A good relationship between police executives and union leaders who represent police department employees is important but sometimes difficult to achieve. Chiefs and union leaders often disagree on policy issues, misconduct-related issues, promotions, and other issues. Police chiefs also usually take the "management" role in negotiations over pay scales and benefits of employment. Police executives and labor leaders have different roles and different constituencies. Union leaders are responsible to their members, while police chiefs have broader responsibilities to the public and to elected officials and/or the city manager, as well as to the officers and other department employees. Chiefs and labor leaders must work together to achieve common goals and overcome challenges. When they work together, police executives and union leaders can show a powerful unified front, and demonstrate to officers that collaboration and cooperation are fundamental to success in such a demanding profession.

Promising Practices

In 2015, the Department of Justice's COPS Office and PERF released "A Statement by Police Executives, Police Labor Leaders, and Elected Officials on Principles for Building Trust and Collaboration," identifying five key principles for trust-building between police chiefs and union officials:

1. Focus on finding common ground.
   - Work toward the common goals of improving the safety of the community and police officers.
   - Publicly stand together on issues. Undermining each other creates a divided and dysfunctional image.

2. Engage in open communication and seek input from one another.
   - Strive for communication and transparency.
   - Meet frequently, share information, and build personal connections with each other.

3. Handle disagreements with respect and professionalism.
   - Disagreements will happen.
   - Be professional and treat each other with respect.
   - Notify the other party if you are speaking to the news media about a disagreement.
   - Don't take disagreements personally. Personal attacks will damage the relationship.

4. Understand and respect each other's roles and responsibilities.
   - Each side's responsibilities are different. Both sides are trying to do their job.
   - Focus on common goals and work together.

5. Recognize the link between promoting officer safety and wellness and building strong police-community relationships.
   - Job satisfaction and job performance are related to each other.
   - Police chiefs and labor leaders should treat officers with respect, and thus "model" the way they want officers to treat community members.[34]

Resource Guide: Union-Management Relations

Police Executive Research Forum, 2015. "A Statement by Police Executives, Police Labor Leaders, and Elected Officials on Principles for Building Trust and Collaboration." *Office of Community Oriented Policing Services, U.S. Department of Justice, Washington D.C.* http://www.cops.usdoj.gov/pdf/taskforce/submissions/ Labor_Management_Testimony.pdf

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34. A Statement by Police Executives, Police Labor Leaders, and Elected Officials on Principles for Building Trust and Collaboration, Feb 23, 2015 http://www.cops.usdoj.gov/pdf/taskforce/submissions/Labor_Management_Testimony.pdf