VENABLE LLP

Response to Request for Applications for Independent Monitor of the Police Department of Baltimore City

June 8, 2017

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I. Executive Summary (RFA ¶ 32)

It has been several years since the City of Baltimore and the Baltimore Police Department (BPD) first began to address concerns about the conduct of BPD officers. Notwithstanding the City's good faith efforts, there is more to be done. By entering into a comprehensive Consent Decree that addresses a wide array of BPD policies and practices, the City and the United States Department of Justice (DOJ) have agreed that the time for lasting, sustainable reform is now. Venable LLP has assembled a monitoring team that possesses the experience and the vision to help the BPD achieve that reform and, in turn, establish a relationship of trust with the City's diverse communities.

We are led by an independent, decisive proposed monitor, Ken Thompson, and equally independent, decisive deputy monitors, Seth Rosenthal and Theron Bowman, whose diligence, integrity, and credibility are unquestioned. We are supported by a large national law firm that has deep Baltimore roots, has consistently demonstrated its devotion to the welfare of the City and its residents, and is firmly committed to the efficient administration of the monitorship. Our law enforcement leaders, with over 200 years of experience among them, viscerally understand both the challenges of police work and the vital importance of community-oriented, constitutional policing. Many have served on monitoring teams before, and all have extensive experience interacting with courts, municipal authorities, and community residents. Our academics have devoted decades to analyzing and crafting solutions to the very issues the BPD is facing. Our lawyers, who prosecuted civil rights cases for the federal government, cleared officers, and declined to prosecute many more, have spent substantial parts of their careers addressing the legality of police practices and learning how individual police departments operate.

In short, our team is unique. Featuring not only seasoned law enforcement officers, but social scientists, mental health experts, and civil rights attorneys with extensive experience assessing police conduct, we are built to ensure that our findings and recommendations for the Court enjoy credibility with all of the Consent Decree's stakeholders—DOJ, the City, the BPD, and, most importantly, the City's residents.

Team Organization

Ken Thompson will serve as the monitor. A life-long Baltimore native and Venable partner, Ken is an accomplished lawyer with a distinguished record of engagement in community affairs. Seth Rosenthal and Chief Bowman will serve as deputy monitors. Seth is a Venable partner and long-time civil rights lawyer (including in DOJ's Civil Rights Division) with extensive experience in complex investigations, constitutional policing, and consent order monitoring. Currently Deputy City Manager of Arlington, Texas, Chief Bowman served on the Arlington Police Department for 29 years, including 13 years as chief, works on the New Orleans Police Department consent decree monitoring team, and has consulted for DOJ as a police practices expert in numerous jurisdictions.

Ken will be the principal public spokesperson for the team, lead public meetings, and bear ultimate responsibility for overseeing BPD's efforts to achieve full and effective compliance with the Consent Decree. Ken, Seth, and Chief Bowman will be the principal liaisons to the Court and the parties, though other team members will always be available. Day to day, Seth and Chief Bowman will manage the team and coordinate each aspect of the team's work, including policy and training review, technical assistance, data review and analysis, outcome assessments, community surveys, and report writing. Seth and Chief Bowman will also assist Ken in his role as principal public spokesperson. So will other team members, as circumstances dictate.

Each of the other members of the team will be responsible for overseeing one or more of the substantive requirements of the Consent Decree. To be sure, many team members are qualified to oversee all of the Decree's substantive requirements. The breadth of our experience will provide the flexibility that monitoring compliance with a remedial court order over a lengthy five-year period is likely to require. Our team also will include a prominent, trusted member of the Baltimore community to serve as a liaison among the community, the BPD, and our team.

Qualifications

The Consent Decree requires the BPD to address a number of systemic problems. It obligates the BPD to revise its policies, training regime, and practices in order to achieve measurable improvement in the following areas: how and when officers make stops, searches, and arrests; bias-free policing; how and when officers use force; how officers respond to individuals in crisis; community policing; community oversight; dealing with youth; transporting prisoners; protecting First Amendment rights; reporting and investigating alleged sexual assaults; and ensuring officer accountability by making internal investigations and disciplinary procedures more robust. Our team has extensive experience in each of these areas. The following is merely illustrative of the relevant experience our team possesses—experience described in more detail in Sections IV and V of this proposal:

- **Stop, Search, and Arrest:** Steve Parker, a former Memphis police officer and long-serving Assistant U.S. Attorney, has taught search and seizure law for years at the Memphis Police Academy, numerous other police agencies, and the University of Memphis law school, litigated countless search and seizure issues over the course of his three-decade career as a prosecutor, and served as a subject matter expert on search and seizure for the Department of Justice's investigations of the New Orleans Police Department and Ferguson, Missouri Police Department. Presently, he serves as an expert witness for several cities in lawsuits involving search and seizure and use of force.

- **Impartial Policing:** As an academic, consultant, and expert witness, Dr. John Lamberth has performed pioneering, internationally recognized work using rigorous, data-driven statistical methods to gauge whether police departments are engaged in racial profiling. Washtenaw County Sheriff Jerry Clayton, who is a former chair of the Michigan Commission on Law Enforcement Standards, co-developed and teaches a bias-free policing program to officers, supervisors, executives, and field trainers.

- **Use of Force and Transportation of Prisoners:** Every member of our team—law enforcement officers, academics, and lawyers—has spent considerable time addressing police uses of force. The nation's preeminent academic expert on use of force, Dr. Geoff Alpert has over 40 years of experience researching, investigating, teaching, and advising law enforcement agencies (including the National Institute of Justice, the Department of Justice's Civil Rights Division, the Bureau of Justice Statistics, and the Office of Community Oriented Police Services) on the subject. He also has experience in consent decree administration, serving as the Portland Police Department's Consent Decree Compliance Officer, the community liaison for the PPD, and a member of the New Orleans Police Department consent decree monitoring team. Alongside Dr. Alpert, Captain Mike Teeter has served as commander of the Force Investigation Team and Chair of the Use of Force Review Board for the Seattle Police Department, and has led SPD's efforts to reform investigations of the most serious uses of force under SPD's consent decree with DOJ. Captain Teeter was a founding board member of the Society for Integrity in Force Investigation and Reporting (SIFIR).

- **Community Policing and Engagement:** Ellen Scrivner has had a distinguished thirty-year career devoted to advancing community policing. She was one of the very first staff members of the Office of Community-Oriented Policing at the Department of Justice (COPS). As Assistant Director of Training and Technical Assistance, she developed a national community policing training program that was implemented through a nationwide network of innovative Regional Community Policing Institutes. Subsequently, as Deputy Director, she oversaw large grant programs that provided funding to 75% of police chiefs and sheriffs across the country. A recognized expert on criminal justice and policing, Dr. Scrivner participated in the President's Task Force on 21st Century Policing.

- **Sexual Assault**: Mary Ann Viverette is former Chief of the Gaithersburg Police Department, former head of the International Association of Chiefs of Police (IACP), a long-serving member of the Commission on Accreditation for Law Enforcement Agencies (CALEA), and a decade-long member of the Maryland Chiefs of Police Training

Committee. She is the current subject matter expert on sexual assault and domestic violence investigations for the New Orleans Police Department consent decree monitoring team.

- **De-escalation and Crisis Intervention**: University of Memphis Professor Randolph Dupont is the nation's leading expert on crisis intervention policies and de-escalation techniques. He helped establish the first crisis intervention team in the country and has assisted in the development of such teams in other agencies (including agencies under federal court consent decrees), has trained thousands of officers on crisis intervention methods, and delivered testimony involving crisis intervention policies to the President's Task Force on 21st Century Policing. At present he is part of the consent decree monitoring team for the Cleveland Division of Police. In that role, he is evaluating the CDP's de-escalation policies, training, and performance, and providing related technical assistance.

- **Supervision and Management**: All of our law enforcement experts have served as leaders in law enforcement agencies, and many have consulted for other departments on best practices in management and supervision. Robert McNeilly, former Chief of the Pittsburgh Police Department, led his agency to achieve compliance with a five-year Department of Justice Consent Decree in two and a half years, and in retirement has served on other monitoring teams, including the monitoring team for the New Orleans Police Department. Chief Bowman is a nationally recognized expert on police management and serves alongside Chief McNeilly on the New Orleans Police Department consent decree monitoring team. Robert Stewart—former Chief of the Ormond Beach, Florida Police Department and former Executive Director of the National Organization of Black Law Enforcement Officers—is on the consent decree monitoring team for the Newark Police Department, formerly served on the monitoring team for the U.S. Virgin Islands, and has advised numerous large law enforcement agencies on organizational management and supervisory accountability over the past fifteen years, including the Detroit Police Department, the Oakland Police Department, the San Antonio Police Department, the Cincinnati Police Department, and the Florida Highway Patrol.

- **Accountability:** Ensuring officer accountability through meaningful investigation and discipline of misconduct has been a priority for each of our law enforcement experts. To take one example: Sherry Woods, Washtenaw County Chief Deputy Sheriff Emerita and former Deputy Chief of the Ann Arbor Police Department, served as a lieutenant in the Ann Arbor PD's internal affairs unit, where she supervised the investigation of numerous police firearm discharge cases. As a member of the Detroit Police Department consent decree monitoring team, she has also overseen and evaluated the integrity of departmental use of force investigations.

- **First Amendment Retaliation:** Seth Rosenthal is an experienced trial attorney who often has addressed constitutional issues, including First Amendment issues, as an attorney in private practice and as a prosecutor in the Civil Rights Division's Criminal Section at DOJ. Steve Parker has taught both police officers and attorneys about First Amendment issues in policing and, as part of his review of the Ferguson Police Department, investigated and found a pattern of retaliation for the exercise of First Amendment rights.

- **Officer Assistance and Support:** Many of our team members, including Steve Parker, Bob McNeilly, Mike Teeter, Jerry Clayton, and Bob Stewart, have spent years training police officers and working with officers to achieve institutional reform. Ellen Scrivner is a board-certified Police and Public Safety Psychologist. In addition to her work with the COPS program, she has served as a police psychologist for two major police departments in the Washington, DC area and as Deputy Superintendent of the Chicago Police Department's Bureau of Administrative Services.

Our team will rely on this vast collective experience to carry out our responsibilities under the Consent Decree. We will assess the BPD's policies and training programs with a critical eye to ensure that they are optimally designed for constitutional policing. We will scrupulously review stop/search/arrest reports, use of force reports, internal investigations files, and disciplinary records to determine whether the anticipated policy revisions and training regime changes are producing measurable improvements. We will also use rigorous, scientifically accepted methods to gather and analyze statistical data to measure whether improvements are being made. We will consistently engage with community members to gauge public perceptions about the BPD and the efficacy of

the reforms the Consent Decree contemplates. We will engage with BPD officers to assess their needs and aspirations. And we will diligently produce comprehensive, readily accessible public reports explaining our findings.

Budget

We will also do our work within the budgetary framework established in the Consent Decree. Given its fiscal constraints, the City understandably wants the monitor to do high-quality work at a price that is both affordable and predictable. To that end, we offer the City two options: (1) Option One: an hourly fee and incurred cost arrangement, based on an annually variable estimated budget that totals, in the aggregate, $6,918,600 over the five-year term of the Consent Decree; and (2) Option Two: a $1.375 million per year fixed fee arrangement, which totals $6.875 million over the five years. Each option is based on the number of hours we anticipate having to work each year, rates that are substantially lower than the standard hourly rates of our team members, and other estimated direct costs, principally the costs for team travel and preparing and conducting community surveys.

For Option One—the hourly fee and incurred cost arrangement—we will cap our fees and costs at $1.475 million per year, as required by the Consent Decree, even though the estimated budget for the required work exceeds that figure in Year One, as shown in **Appendix 4**. Thus, in Year One, based on our estimated budget, the City is forecasted to realize savings as a result of both our reduced hourly rates and the Consent Decree cap. In Years Two - Five, the City may realize savings because, by virtue of our reduced hourly rates, the estimated budget for each of those years is either near or under the Consent Decree cap. Moreover, to the extent that the estimated budget overestimates the hours or costs that will be required, Option One would give the City the chance to save money vis-à-vis the estimated budget, because the City would only pay for the hours worked and costs incurred. For the five-year term of the Consent Decree, the Option One estimated total of $ $6,918,600 is $456,400 lower than the capped five-year total $7.375 million.

Option Two—the fixed fee arrangement of $1.375 million per year—offers the City a guaranteed $100,000 per year reduction from the $1.475 million annual Consent Decree cap, or a $500,000 reduction over the five-year term of the Decree. Because the cost figure in Option Two is fixed, Option Two also provides the City with the budgetary certainty it seeks. Whereas an hourly fee budget estimate requires the City to bear the risk, up to the $1.475 million annual cap, of time estimates that prove to be inaccurately low, the flat fee proposal shifts to the monitoring team the risk of underestimating the amount of required work and incentivizes the team to work efficiently. Similarly, because the fee is fixed, the City bears no risk for overruns in other direct costs; the risk of underestimating ODCs falls on the monitoring team.

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With a clear understanding of the issues facing the BPD and the most effective means of addressing them, our team is fully committed to helping the Department reach its long-held goal of ensuring that all officers, at all times, enforce the law in a safe, effective, and constitutional manner. Our objective is to work ourselves out of a job—to have the BPD achieve full, effective, and sustainable compliance with the Consent Decree as quickly as possible. The City and its citizens deserve no less.

II. Background

With a population of in excess of 600,000 residents, Baltimore is a major American city. As with every major city, it faces challenges. One of those challenges is operating a large police force amidst a population with poverty and unemployment rates that far exceed national averages. Policing in Baltimore is not easy. Day to day, BPD officers are required not only to confront major urban crime,[1] but also to address the broader societal problems that often accompany crime, including dysfunctional families, mental illness, and drug addiction. The need to deal with these problems can stretch thin even the best police departments. To complicate its task, the BPD reportedly has been struggling with staffing and morale issues. Only recently, Chief Davis reassigned 100 officers from administrative duties to focus on crime reduction and community policing.

On top of these difficulties, the relationship between the BPD and much of the community is strained. The BPD's "zero tolerance" policies of the 1990s and the 2000s, which emphasized stopping, searching, and arresting individuals on suspicion of committing even minor infractions, has generated public mistrust and dissatisfaction. The death of Freddie Gray and the ensuing public unrest have only served to highlight these problems.

Mayor Catherine Pugh, former Mayor Stephanie Rawlings-Blake, and other City leaders have long been aware of the fraught relationship between the BPD and certain communities, and have begun taking steps toward reform. They demonstrated their commitment to reform by hiring Commissioner Davis, who was a commander at the Prince George's County Police Department when it was under a similar consent decree. Commissioner Davis's reputation as a reformer is well deserved. Prior to the signing of the Consent Decree, and even prior to DOJ's findings letter, he started implementing vital training and policy reforms. Designed to promote constitutional policing and rebuild the community's trust, these reforms include:

- Fortifying civilian oversight

- Increasing command staff and patrol officer interaction with community members

- Making departmental practices more transparent (including creating a transparency page on the BPD's website)

- Educating officers about the City's history

- Hiring a new training director to overhaul departmental training

- Strengthening in-service training with a focus on Fourth Amendment-compliant, bias-free, de-escalation-focused policing

- Adopting best practices in data collection, review, and analysis, including using field-based reporting technology and upgrading BPD's Record Management System

- Creating a Crisis Intervention Team Unit on BPD's Behavioral Emergency Services Team (BEST), and implementing corresponding BEST and ICAT de-escalation training, to defuse interactions with individuals in crisis

- Revamping use of force policies to prioritize the sanctity of life

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[1] Baltimore suffered 310 murders in 2016, its second deadliest year on record. It had a higher murder rate than Chicago, New York, and Los Angeles. While murders were down from a high of 344 in 2015, the number of non-fatal shootings rose to 899. Baltimore had the second highest murder rate in the country with 55.4 murders per 100,000. See http://247wallst.com/special-report/2016/11/01/americas-25-murder-capitals/6/.

- Developing new programs to nurture relationships with City youth

- Retrofitting police vans to better ensure occupant safety

- Ameliorating staffing, training, supervision, and monitoring regarding sexual assault investigations

- Facilitating effective supervision and prioritizing the development of supervisory leadership, including expansion of in-service supervisor training and use of body-worn cameras

- Creating a Use of Force Performance Review Board and Use of Force Assessment Unit
- Streamlining the Internal Affairs investigation and disciplinary processes
- Adding new officers to the Early Intervention System Unit and new IAPro training

Commissioner Davis also has fully staffed the BPD's compliance unit, whose members will work full-time to implement both the changes that are under way and the reforms additionally required by the Consent Decree.

On January 12, 2017, in furtherance of their efforts to correct past problems and forge a new path, the City and the BPD announced a formal agreement to reform the BPD's practices. The Consent Decree, which Judge Bredar entered on April 7, 2017:

- Establishes a Community Oversight Task Force to recommend reforms to the current system of civilian oversight.

- Adopts a policing approach that is community-oriented and based on problem-solving principles.

- Ensures that officers' voluntary interactions are professional and courteous, and that officers conduct all investigatory stops, searches, and arrests in a manner that protects people's rights.

- Requires the BPD to provide equal protection of the law for all individuals, including impartial policing services.

- Requires officers to use appropriate de-escalation techniques and attempt to resolve incidents without force when possible and use force in a manner that is proportional to the threat presented; and ensures that BPD's use of force policies, training, and review systems provide sufficient guidance, skills, and accountability.

- Mandates that the BPD transport detainees in a manner that keeps them safe.

- Ensures officers respect the First Amendment rights of all persons.

- Obligates the BPD to investigate sexual assault thoroughly and without gender bias.

- Requires the City to conduct an assessment to minimize youth involvement with the juvenile and criminal justice systems, as appropriate, and to ensure that officers approach interactions with youth in a manner appropriate to their age.

- Requires Baltimore to conduct an analysis of gaps in the city's mental health system in consultation with a committee of behavioral health experts and service providers, and requires BPD to instruct and dispatch officers who are properly trained in interacting with people in crisis or with behavioral health disabilities when a police response is appropriate.

- Ensures that allegations of employee misconduct are fully, fairly, and efficiently investigated; that all investigative findings are supported by the appropriate standard of proof and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and compliant with due process.

- Mandates that officers receive necessary equipment, policy guidance, training, and support to do their jobs safely and effectively, and that BPD performs a staffing study to ensure a sufficient number of officers and supervisors.

The Consent Decree further requires that the parties "jointly select an Independent Monitor ("Monitor"), which will include a team of individuals with expertise in policing, civil rights, monitoring, data analysis, project management, and related areas, as well as local experience and expertise with the diverse communities of Baltimore, to assess and report on whether the requirements of this Agreement have been implemented and provide Technical Assistance in achieving compliance."

III. SCOPE OF WORK (RFA ¶¶ 8-24, 33)

A.   Role of the Monitor (RFA ¶ 8)

The role of the monitor is "to assess and report whether the requirements of [the Consent Decree] have been implemented and provide Technical Assistance in achieving compliance." Consent Decree ¶ 442. Carrying out this function effectively will require organizational discipline, diligence, and sound judgment guided by several core principles. Based on our collective experience, we believe the monitoring team must:

- **Understand the limited nature of its role**. The monitor's sole purpose is to ensure the BPD's compliance with the terms of the Consent Decree. The monitor has no other agenda. The monitor must not seek to effect change that the Consent Decree does not require. If the monitoring team were to exceed the scope of its duties, it would compromise its credibility, which is essential to its effectiveness. Similarly, the monitoring team must not usurp the role of BPD Commissioner Davis or otherwise substitute itself for the BPD's senior management. Rather, the monitoring team is to serve as an aide and a facilitator.

- **Empower the police to use national best practices**. The monitor must ensure that BPD officers are provided the training, skills, and tools to do their jobs consistent with national best practices, the Constitution, and community values. Officers need training, support, and principled leadership.

- **Foster accountability**. The relationship between the BPD and the community will be healthiest when the BPD permanently establishes a culture of meaningful self-examination and swift self-correction. The community reasonably expects officers to be held accountable for their conduct, just as officers hold citizens accountable for their conduct through good policing.

- **Establish Robust Outcome Measures**. Substantial compliance with the requirements of the Consent Decree must be measurable. As explained in detail below, we will work with the parties to develop outcome measures capable of meaningfully determining whether the BPD is making progress toward resolving the deficiencies that the Consent Decree targets.

By adhering to these principles, our team aims to work itself out of a job. The entire purpose of the Consent Decree is to ensure that the BPD engages in constitutional policing without any oversight—i.e., to ensure that there is no longer any need for monitors, consent decrees, or recommendations for reform—and to begin to re-establish a relationship of trust between the BPD and the communities it serves.

B. Assist in Achieving Compliance (RFA ¶ 9)

As explained in more detail in the Qualifications and Personnel sections, our team's members have years of experience offering technical assistance and issuing recommendations to law enforcement agencies, soliciting information from and providing information to the public, and preparing public reports. Some of this experience—but by no means all of it—includes serving on other consent decree monitoring teams, including the teams overseeing consent decrees with the Detroit Police Department, Seattle Police Department, New Orleans Police Department, Cleveland Division of Police, and the Virgin Islands Police Department. The means by which our team will provide technical assistance, solicit and furnish public information, and prepare progress reports are described later in this section.

C. Cost-Effective, Collaborative Work Relationship with BPD (RFA ¶ 10)

To be an effective monitor and to make sure that the BPD consistently moves toward full compliance with the Consent Decree, we must earn the BPD's trust and respect. And to earn the BPD's trust and respect, we must work closely and remain in constant communication with the Consent Decree Implementation Unit and BPD leadership. We will never leave the BPD guessing about what it must do to achieve substantial compliance with the Consent Decree's requirements. Further, whenever the BPD requests technical assistance with its training, its policies, its regime for data collection and analysis, or any other aspect of the Consent Decree, the appropriate member(s) of our team will be readily available. Open lines of communication between our team and BPD are essential to achieving substantial compliance at the earliest possible date.

The Consent Decree provides the monitoring team with unfettered access to the records and information needed to fulfill its responsibilities. We recognize the burden of large data requests and will strive not to impede the operations of the BPD. Given the establishment of the Consent Decree Implementation Unit, we do not foresee any problems. Members of our team also will, among other things, attend officer training sessions to gauge compliance, assess the BPD's data recording and collection systems in person, and participate in ride-alongs and otherwise accompany BPD officers on duty for the purpose of observing their work. We will communicate with officers in these settings as appropriate, but will not interfere with them in the performance of their duties.

From time to time, it will be necessary for the monitor to make unannounced visits to the BPD and its offices. The monitoring team is composed of experienced professionals and will make sure such visits do not disrupt the orderly operations of the BPD, the safety of any BPD officer, or the safety of any community member.

D. Assuming Responsibilities for Meeting Consent Decree Objectives (RFA ¶ 11)

Our ultimate objective is to assist the BPD to obtain full and effective compliance with the Consent Decree as expeditiously as possible. To accomplish that objective, we will assume the following "concrete responsibilities," which include responsibilities for compliance reviews (paragraphs 454-455 of the Consent Decree), outcome assessments (paragraphs 456-460), the Monitoring Plan (paragraphs 461-467), recommendations and technical assistance (paragraph 468), comprehensive re-assessments (paragraphs 469-70), and reporting (paragraphs 471-72).

1. *Initial Phase of the Monitorship*

The initial phase of the monitorship will entail gathering information, establishing systems to facilitate the work of the monitoring team, and devising a comprehensive Monitoring Plan. The Consent Decree provides the monitor 90 days to complete this work.

At the outset we will meet with the Court, DOJ, the Mayor's Office, BPD employees, community stakeholders, and labor organizations representing the BPD to understand their goals and their concerns and to obtain information needed to facilitate compliance with the Consent Decree. In addition, we will review BPD documents and record-keeping systems, including the BPD's stop/search/arrest, bias-free policing, and use of force policies; all training materials, including stop/search/arrest, bias-free policing, use of force, and crisis intervention training materials; internal affairs policies and files; disciplinary proceedings policies and files; recruitment, hiring, performance evaluation, and promotion policies and data; and databases containing information regarding, among other things, stops/searches/arrests, use of force incidents, internal affairs investigations, and disciplinary outcomes. We will attempt to expedite this preliminary review by taking into account any prior reviews of the same information by BPD, DOJ, and/or any other organization that has recently reviewed the BPD's performance. The review will allow us to gauge the information that is available, as well as any additional information that must be made available, to conduct compliance reviews that will allow us to measure whether the Consent Decree is producing the desired outcome of constitutional policing.

Consistent with the principle of transparency, we also will establish at the outset a website that contains information related to Consent Decree implementation. Initially, the website will contain the Consent Decree and information about the composition of the monitoring team, meeting times, and court dates. As the monitorship progresses, we will post additional information, including our semiannual reports and comprehensive reassessments. To obtain community feedback and input, the monitoring team will hold public meetings after each report is published.

Additionally, we will establish a communications system to facilitate the flow of information. The communications system will connect (i) members of the monitoring team to one another; (ii) members of the monitoring team, the BPD, and City personnel to one another; and (iii) the monitoring team and the community. To connect the monitoring team and the community, we will set up an office and establish an email address and a phone number for receiving questions, concerns, and other input from the public.

Finally, by the end of the initial 90 days, we will develop a Monitoring Plan for the first year of the Consent Decree, in joint consultation with DOJ and the BPD. The Plan will satisfy all of the requirements set forth in Paragraph 461 of the Consent Decree (and repeated in paragraph 13 of the RFA), including establishing (i) specific schedules and deadlines for meeting the various requirements of the Consent Decree; (ii) the processes for assessing, revising, and performing training on BPD policies; (iii) the means for conducting compliance reviews and making outcome assessments; (iv) the precise roles of each member of the monitoring team; (v) a protocol for communicating, engaging, and problem-solving with DOJ and the BPD; and (vi) a method of communicating with the public, including quarterly meetings in different City neighborhoods. We note that conducting meaningful outcome assessments, which is one of the monitor's principal obligations, will require establishing robust automated systems for filing reports and collecting data as to all of the substantive requirements of the Consent Decree (e.g., stops/searches/arrests, use of force, sexual assault investigation, internal investigations, and disciplinary outcomes). Accordingly, one of our central objectives during the initial phase, or as soon as possible thereafter, will be to make sure that the parties reach agreement on reporting requirements for BPD officers and that BPD officers promptly begin to use report forms that meet those requirements.

While the Monitoring Plan will provide a vital guide to our work, experience has shown that it is likely to be modified or supplemented, depending upon whether and how quickly the BPD reaches established benchmarks and whether the parties identify any new issues.

2. *Our Core Responsibilities*

The monitoring team's core tasks will include policy review (including technical assistance); training assessment (including technical assistance); incident review, data collection and analysis, and outcome assessments; community engagement; report writing; and coordination and review. Policy reviews, training assessments, incident reviews, data collection and analysis, outcome assessments, and community engagement are all part of the compliance reviews required in paragraphs 454-55 of the Consent Decree.

Policy review will entail reviewing the BPD's existing policies; reviewing and providing input on new draft policies the BPD prepares under the Consent Decree; and, once the new policies are implemented, ensuring that, in practice, they are clearly understood and result in constitutional policing. Policy review also will entail monitoring compliance with Consent Decree provisions for various entities, including the Community Oversight Task Force (COTF), the Collaborative Planning and Implementation Committee (CPIC), the Office of Professional Responsibility (OPR), Crisis Intervention Teams (CITs), Use of Force Assessment Unit (UOFAU), Special Investigative Response Team (SIRT), the Civilian Review Board (CRB), the Sexual Assault Response Team (SART), the Early Intervention System (EIS), the Employee Assistance Program (EAT), and continued community mediation. As requested, our team also will provide the BPD technical assistance in drafting and revising its policies, as requested.

Training assessments will entail reviewing the BPD's existing training programs; reviewing and providing input on new programs proposed under the Consent Decree; ensuring that, once the new programs are implemented, the new material is being taught effectively; and assessing whether the new programs are resulting in constitutional policing. As requested, our team also will provide the BPD technical assistance in designing training programs.

Incident review includes reviewing and analyzing field reports, including stop, search, and arrest reports; use of force incident reports; internal investigations files; body-worn camera videos; and disciplinary proceedings records. **Data collection and analysis and outcome assessments** include both (1) gathering, analyzing, and qualitatively evaluating data on stops/searches/arrests, force incidents, and all of the other outcome assessments identified in the Consent Decree and (2) community surveys, which are required annually.

Community engagement includes all community interactions, including but not limited to meetings held to discuss the monitor's reports, other meetings held to discuss community concerns and aimed at fostering trust between the community and the BPD, and work on the monitor's website.

Report writing entails drafting the monitor's annual reports, the mid-term Comprehensive Re-assessments, the Monitoring Plan, and any other report or plan that might be required during the monitoring period (e.g., a report to the Court).

Coordination and review is a duty reserved for the monitor and deputy monitors, who will broadly coordinate the compliance oversight of our team's subject matter experts and work with them on policy review, training assessment, incident review, and data analysis, as needed.

3. *Obtaining Information Required for Our Work*

Paragraphs 454-459 of the Consent Decree contain requirements for compliance reviews and a number of specific, well-conceived outcome measures that will necessitate obtaining and organizing extensive, reliable information. Compliance reviews and outcome measurements are required in the following areas:

- Stop, Search, and Arrests

- Voluntary Police-Community and Engagement

- Impartial Policing

- Responding to and Interacting with People with Behavioral Health Disabilities or in Crisis

- Use of Force (UOF)

- Training

- Interactions with Youth

- Transportation of Person's in Custody

- First Amendment Protected Activities

- Handling of Reports of Sexual Assault

- Technology

- Supervision

- Misconduct Investigations and Discipline

- Coordination with Baltimore City School Police Force

- Recruitment, Hiring, and Retention

- Officer Assistance and Support

Our team will use different means of obtaining the information needed to conduct compliance reviews and measure outcomes in each of these areas.

First, we will examine data that is obtained from various sources (e.g., officer reports, internal investigations files, and disciplinary proceedings) and then stored in central electronic repositories. The Consent Decree's requirements for new automated reporting should provide ready access to such electronically stored information, including stop reports, search reports, arrest reports, use of force reports, use of force investigation files, case reports, calls for service, training records, disciplinary files, internal affairs reports, BPD email, and body-worn camera data. The work of the monitor will be dependent on having ready access to this information. We expect to work closely with the Consent Decree Implementation Unit and a data collection and analysis coordinator to obtain it.

We emphasize that conducting meaningful compliance reviews and outcome assessments will absolutely require the BPD to establish robust automated systems for filing reports and collecting data covering all of the substantive requirements of the Consent Decree require (e.g., stops/searches/arrests, use of force, internal investigations, and disciplinary outcomes). This is especially so given the major shortcomings in data collection that DOJ found during its investigation. If they persist, the shortcomings that made aspects of DOJ's investigation difficult (e.g., reviewing stops and frisks) will similarly make the monitoring team's job difficult. Paragraphs 82-86 and 267-78 of the Consent Decree seek to remedy the problem. They require the BPD to record investigatory stops and searches and to purchase and maintain extensive technological tools that will provide the platform needed for thorough and meaningful compliance reviews and outcome assessments—both by the monitor and, more importantly, by the BPD itself going forward. If these technological improvements are not implemented during the initial phase of the Consent Decree, the monitoring team will have to make sure that the parties reach prompt agreement on reporting requirements for BPD officers and that BPD officers immediately begin to use report forms that meet those requirements.

Second, we will conduct manual audits of relevant documentation to ascertain whether the BPD is following the policies contemplated by the Consent Decree and, more broadly, whether it is realizing the Consent Decree's goal of constitutional policing. Unless and until the BPD places all relevant information in searchable, electronic databases, the monitoring team will have to rely on manual reviews, which are more time- and labor-intensive than working with electronically stored data. In performing manual reviews, it will be of the utmost importance for each monitoring team member to verify that he or she has received all information and documentation necessary to ensure the legitimacy of any audit.

Third, throughout the Consent Decree period, we may conduct sampling of certain kinds of information to gauge compliance. Sampling may be appropriate when auditing voluminous data is required. As contemplated by the Consent Decree, the use of any sampling method must be approved in advance by either the parties or the Court in order to avoid unnecessary expense to the City.

Fourth, we will participate in ride-alongs with BPD officers, which will allow the team to observe whether officers and supervisors are adhering to Consent Decree-required policies and practices.

Fifth, we will interview rank-and-file BPD officers and supervisors, as well as officers charged with responsibility for implementing the Consent Decree, including the Compliance, Accountability, and External Affairs Division (CAEAD), the Office of Professional Responsibility (OPR), officers in Internal Affairs, and Special Investigation Response Team (SIRT). Interviewing officers and supervisors should provide important insight on the efficacy of the Consent Decree.

Sixth, we will hold public meetings, meetings with community groups, meetings with police union officials, and meetings with the community-based entities established under the Consent Decree, including the Community Oversight Task Force (COTF) and the Collaborative Planning and Implementation Committee (CPIC). Each of these stakeholders may shed light on whether the BPD is achieving the goals of the Consent Decree.

Seventh, as the Consent Decree requires, we will conduct annual community surveys (which will include questioning police personnel) to ascertain public perception about the conduct of the BPD and the efficacy of the Consent Decree. The part of the survey

directed at BPD personnel should prove useful in determining officer engagement and in obtaining officer input on Consent Decree implementation.

Eighth, we intend to use our website to obtain information. While the website will serve primarily as a tool to convey information about the Consent Decree, it will be capable of receiving input from community members.

Obtaining all of the information needed to monitor compliance is one thing. Organizing it is another. We will determine how to organize the information we will be receiving once we ascertain what is available and what, exactly, we will be obtaining. However, other monitoring teams, including teams on which our members have served, have developed effective organizational methods, so we will not have to start from scratch. We plan, for instance, to use automated feedback templates to contemporaneously enter our observations and findings into a database for, e.g., stop/search/arrest reviews, use of force reviews, ride-alongs, and internal affairs audits. The data recorded using these templates can be conveniently accessed, compiled, and used to draft our public reports and furnish information on compliance to the Court. In addition, for each outcome assessment, we plan to use uniform checklists to document the level of compliance. We will use the checklists to inform the drafting of our reports. We will also share them with the BPD's compliance team so that they might better understand what the BPD must do to prepare for compliance reviews and outcome assessments and, ultimately, to achieve compliance.

4. *Our Methods of Analyzing Information*

In establishing outcome measures and assessing outcomes, we will use accepted, reliable methods to analyze the information we obtain and review.

Dr. Lamberth and Dr. Alpert will employ accepted statistical methods to gauge outcomes as to, e.g., stops, searches, arrests, use of force incidents, and bias-free policing. In each area, our experts will determine benchmarks from available data, and then measure future conduct against those benchmarks. To take one example, we will review presently available information on use of force incidents using the measurements identified in the Consent Decree; determine what additional data (if any) the BPD must require its officers to record going forward to make the available information sufficiently robust for analytical purposes; give the BPD time to collect enough data under the new reporting regime to allow for the establishment of internal benchmarks using the measurements identified in Paragraphs 456-459; decide which external benchmarks to utilize; and then, per Paragraphs 456-459, measure future use of force incidents against the benchmarks, internal and external, to help determine whether the Consent Decree's goals are being realized.

While we generally anticipate that our statistical methods will be inferential, using both bivariate and multivariate methods, we cannot yet determine the precise statistical methods we will use, because that will depend on the kind and quality of information available, and we are not yet sufficiently familiar with what the BPD has available. Moreover, as the Consent Decree provides, the parties will have to agree upon acceptable reporting requirements and methodologies—both to establish benchmarks and to assess officer conduct against those benchmarks—before any reporting requirement or methodology is used. Our goal is to familiarize ourselves with the available data promptly, determine what additional data the BPD must routinely collect and how, and have the parties reach agreement on acceptable reporting requirements and methodologies for analyzing such data by the time the Monitoring Plan is finalized.

Statistical analysis is essential, but it is only one tool for assessing compliance. Statistical analysis may not fully measure the quality of the BPD's efforts to reform its policies, upgrade its training, engage in community policing, or ensure adherence to the Constitution in each and every stop and search. In these areas, team members also will have to engage in intensive, often painstaking review of individual policies, individual training programs, individual stop/search and arrest reports, individual use of force incident reports, individual internal investigations files, and individual disciplinary files. For instance, to assess the BPD's crisis intervention program, Dr. Dupont will evaluate the BPD's existing crisis intervention policy and training, examine individual pre-Consent Decree incidents involving responses to people with mental illness or in crisis, review (and potentially furnish technical assistance on) the revised policy and training the BPD devises under the Consent Decree, and then review not only aggregated statistical analyses of post-

revision incidents involving responses to people with mental illness or in crisis, but individual incident reports, internal investigations, and disciplinary files regarding such incidents. Any comprehensive analysis of the efficacy of the BPD's new crisis intervention policy will require such individualized incident review.

Similarly individualized incident review will be required to assess the BPD's performance as to the Consent Decree's other substantive requirements, including, for instance, stop and frisk practices. Team members charged with reviewing the BPD's stop and frisk practices will assess the quality of any revised policies and training programs in view of national best practices. Additionally, using our own professional training and experience, we will review individual stop and frisk reports, internal investigations, and disciplinary files to determine whether, in particular instances, the revised policies and training programs are proving effective—that is, whether (1) stops and frisks are being adequately reported; (2) stops and frisks are constitutionally justified; (3) any internal investigation of an allegedly unconstitutional stop and frisk was properly conducted; and (4) any subsequent administrative review was properly conducted. As noted above, team members will record their findings in an electronic database. We will be able to aggregate and analyze individual findings for statistical purposes, and we can use particular findings to demonstrate the extent of the BPD's compliance with the Consent Decree.

5. *Our Reporting*

The Consent Decree spells out how the monitoring team must report semiannually what it finds. As required by the Consent Decree, the monitoring team will have regular meetings with the parties, including the Chief, counsel for the City, the BPD's Consent Decree Implementation Unit, and DOJ, to discuss the BPD's efforts to achieve compliance. The monitor also will meet at least twice a year with the Mayor. In addition, the monitoring team will hold public meetings with community stakeholders to review and explain the contents of its reports. We will also publish the reports on our website, the City's website, and the Court's website. Finally, as an agent of the Court, we expect to report to and follow the direction of Judge Bredar.

6. *Frequency of Our Work*

The frequency of the monitor's work largely will be determined by the requirements of the Consent Decree. The Consent Decree provides a definitive schedule for, among other things, conducting community surveys and submitting the Monitoring Plan, semiannual reports, and Comprehensive Reassessments. These deadlines will drive the monitoring team's actions. For instance, a schedule of compliance reviews and outcome assessments will be included in the Monitoring Plan, timed to ensure that the monitoring team can meet deadlines for issuing semiannual reports and performing two-year Comprehensive Re-assessments.

Section VII on "Budget," together with the supporting spreadsheets in **Appendix 4**, provide our estimate of how much time will be required for every core responsibility each year.

Tentatively, we anticipate that policy review will be heaviest during Year One, as team members review both existing policies and any new policies the BPD proposes and, in addition, vet the establishment and activity of the various entities required to be established under the Consent Decree (e.g., the Community Oversight Task Force and Collaborative Planning and Implementation Committee (CPIC)). Inasmuch as the Consent Decree requires many new policies to be implemented, policy review work will be a priority in the first year. Policy review work should diminish in Year Two and continue to diminish for the balance of the Consent Decree. As the Consent Decree allows, the monitor, with the Parties' agreement, may dispense with the review of certain requirements if the BPD has achieved the intended outcome or demonstrated substantial compliance.

Like policy review, training assessment will be heavy during Year One, as team members assess existing training programs, review proposals for new ones, and evaluate whether the new ones that are implemented are being followed. Training assessment should remain heavy in Year Two. Once all new programs are in place, team members will have to evaluate whether the new programs are being followed. Training assessment should decrease in Years Three through Five, assuming the BPD demonstrates substantial

compliance with training requirements. However, because team members will have to spend at least some time ensuring that the new programs continue to be followed, there will remain work to do.

Incident review, data collection and analysis, and outcome assessments will remain intensive throughout. During the initial 90 days, we will be reviewing, among other things, voluminous stop, search, and arrest reports, use of force reports, internal investigations files, and disciplinary files in order to devise the Monitoring Plan. We will also be assessing any data collection and analysis methods the BPD currently has in place. For the balance of Year One, as we oversee the BPD's implementation of new reporting requirements and data collection and storage systems, we will continue to review incoming reports and files and will aggregate and analyze the data needed to begin to measure department-wide conduct. We will also be conducting our first community survey.

In Year Two, incident review, data collection and analysis, and outcome assessments should increase in frequency. We will be reviewing stop, search, and arrest reports, use of force reports, investigation files, and disciplinary files that conform to the new reporting requirements, and, because the new reports should contain all information needed to conduct thorough outcome measurements, we will begin to aggregate and analyze the data in earnest. This work will continue in intensity in Year Three. Indeed, insofar as incident review, data collection, and analysis will drive outcome measurements, and outcome measurements are the focus of the Consent Decree in the later years, this will be the primary work of the team in those years.

Community engagement should remain fairly consistent over the length of the Consent Decree. As the Consent Decree requires, we will hold regular community meetings to discuss our reports, attend periodic meetings with interest groups as permitted, and regularly update the content on our website.

Similarly, report writing should remain fairly consistent over the length of the Consent Decree. However, it will be more intensive in Year One when we prepare the Monitoring Plan, and in the years when we prepare our Comprehensive Re-assessments.

We are mindful that our work will require us to work collaboratively with different constituencies. For example, site visits, ride-alongs, audits, record reviews, and interviews will require coordination with the BPD. Community meetings will require coordination with community stakeholders to ensure proper attendance. Accordingly, at least on a "micro" level, the timing and frequency of certain activities will depend on coordination with others.

7. *Location of Our Work*

Monitoring the capacity-building work required in Year One will require our team members to spend more time on-site than in subsequent years. This is especially true of the first 90 days, during which the team will be familiarizing itself with BPD operations and working with the BPD and DOJ to devise the Monitoring Plan. We estimate that roughly two-thirds of the work required of all team members—our law enforcement experts, academics, and lawyers—will be on-site in Year One. In Year One, we envision that at least one team member will be working on-site at all times during the work week, and it is likely that more than one team member will be working on-site during much of the initial 90-day assessment period to become familiar with BPD operations, policies, and practices. Ken Thompson and Seth Rosenthal are already local, and John Lamberth is just up the road near Wilmington, so they can be available at all times.

The amount of time required on-site will diminish over time and, by Year Three, stabilize at roughly one-third of the team's hours. As the new policies, training regimes, and data collection and storage systems contemplated by the Consent Decree are implemented, team members should be able to perform an increasing amount of their oversight duties (which will be more heavily concentrated on incident review, data analysis, outcome measurements, and report writing) off-site. Team members will be able to do much of the auditing work remotely from their homes or offices. Policy review, incident review, and statistical work do not require an on-site presence. While we plan to maintain a regular on-site presence to continue the required evaluations, team members who do not already reside in the Greater Baltimore area will travel to Baltimore only as needed to save on costs.

E. The Monitoring Plan (RFA ¶¶ 12-13)

As the Consent Decree requires, we will develop a Monitoring Plan in consultation with the BPD, the City, and DOJ within 90 days. The Monitoring Plan will be extensive, as it must satisfy all of the requirements of Paragraph 461 of the Consent Decree (and repeated in paragraph 13 of the RFA). It will include many of the items discussed in the previous section on the monitoring team's core responsibilities. The Monitoring Plan will include, among other things:

- Clear descriptions of the roles and responsibilities of each monitoring team member;

- Agreed-upon deadlines for complying with Consent Decree requirements and schedules for conducting compliance reviews and outcome assessments;

- An agreed-upon means of communicating with both parties to discuss scheduling and deadlines, solve problems, establish outcome measures, resolve disputes, vet findings, and provide technical assistance, among other things;

- An agreed-upon process for reviewing and approving BPD policies, training programs, and data collection systems and protocols;

- An agreed-upon, formal process for resolving disputes between the parties over compliance and for permitting the parties to object to the monitor's findings and recommendations;

- Agreed-upon methods for performing outcome assessments and agreed-upon means for reporting findings to the parties;

- Agreed-upon methods for assessing full and effective compliance with the Consent Decree's various requirements; and

- An agreed-upon process for identifying documents that must be retained beyond the requirements of applicable retention policies.

While the Monitoring Plan will provide a vital guide for our work, experience has shown that it is likely to be modified or supplemented, depending on whether and how quickly the BPD reaches established benchmarks and whether the Parties identify any new issues.

F. Communicating with the Public and BPD Officers (RFA ¶ 14)

One of the principal goals of the Consent Decree is for the BPD and the communities it serves to establish a relationship of mutual trust and respect. Achieving that goal will be considerably more difficult if the monitor, as the neutral intermediary, fails to obtain pertinent information from, and furnish pertinent information to, Baltimore residents and BPD officers alike. Transparency with both sets of stakeholders is paramount. It will incentivize the BPD to achieve sustainable reform as quickly as possible and to foster public trust in its reform efforts. These are mutually reinforcing: the more tangible progress the BPD makes, the more the BPD will earn the community's trust; the more the BPD earns the community's trust, the more effective it will be in achieving its mission to protect and serve.

To achieve transparency, we will, as required, maintain a website that will contain all information relevant to the monitorship, attend quarterly meetings with Baltimore residents in different City neighborhoods, conduct community surveys, communicate regularly with officers and officer organizations, and issue and publicly discuss semiannual reports and Comprehensive Re-assessments. To hear from community members and BPD officers, we will also take phone calls, receive emails, hold periodic "office hours" in the office the Consent Decree requires the City to provide the monitor (or at Venable's offices on Pratt Street, as Venable is willing to furnish office space to the team as needed), and receive comments on the website. In addition, as discussed below, we will work with the parties to identify and retain a community liaison who will facilitate interaction between the monitoring team and members of the community and explore ways—beyond those required by the Consent Decree—to improve community-BPD relations.

G. Technical Assistance (RFA ¶ 15)

As explained in Personnel and Qualifications sections, our team is composed of a number of nationally recognized subject matter experts, all with long histories of providing technical assistance to law enforcement agencies across the country. We not only recognize the Consent Decree's requirement to provide technical assistance to the BPD, but look forward to sharing our knowledge of best practices with BPD professionals when requested.

H. Recommendations to the Parties (RFA ¶ 16)

It has been the experience of our team members who have worked on other consent decrees that, on occasion, unexpected issues arise that will necessitate modification of certain requirements. We stand willing and able to make such recommendations if required for the BPD to meet the Consent Decree's overarching goal of constitutional policing.

The more common occurrence is for a monitor's findings to generate recommendations for additional training that would benefit officers, but in an area not specifically covered by the consent decree. If we believe such recommendations would be beneficial to the BPD and help to achieve the goal of constitutional policing, we will not hesitate to make them.

Similarly, if we believe the BPD would benefit from receiving technical assistance in an area covered by the Consent Decree, we will not hesitate to affirmatively recommend the provision of such assistance.

The monitor's objective is to assist the BPD to achieve full and effective compliance with the Consent Decree. Thus, if we believe that a modification to the Consent Decree, additional training, or technical assistance will help to accomplish that objective, we will affirmatively recommend it.

I. Outcome Measures and Compliance Assessments (RFA ¶ 17)

Working with the parties to develop meaningful outcome measures, and then using those measures to assess compliance, is one of the monitor's most important responsibilities. We discuss in detail how we plan to carry out those core responsibilities in Section III.D.4. above (responding to RFA ¶ 11).

J. Reporting (RFA ¶ 18-19)

Preparing semiannual reports and two-year Comprehensive Reassessments is also among the monitor's core responsibilities. Indeed, these reports and reassessments are central to the monitor's commitment to transparency. They will provide the public, the Court, and the parties the most comprehensive evaluation of the monitor's work and of the BPD's progress toward full and effective compliance. The Consent Decree—and RFA ¶¶ 18-19—sets forth specific, well-conceived requirements for both the semiannual reports and the two-year re-assessments. We recognize the vital importance of complying with all of these requirements. In general, each report—including each comprehensive re-assessment—will discuss the requirements with which the BPD is achieving compliance, highlighting the BPD's greatest successes; address the requirements that BPD has not yet satisfied, highlighting the BPD's biggest shortcomings; and suggest strategies and make recommendations (including receiving technical assistance, if warranted) aimed at ensuring compliance with the requirements the BPD has not yet met.

The preparation of the reports and reassessments will flow naturally from how our team is organized. As reflected in the organizational chart in Section IV below, we will assign one team member, supported by at least one other, to lead oversight efforts for every aspect of compliance. The team lead will assume primary responsibility for drafting the section of each report that addresses his or her area of responsibility. As the team lead drafts his or her section, he or she will communicate with the deputy monitors, Seth Rosenthal and Chief Bowman, and/or the monitor, Ken Thompson, about his or her findings and recommendations to make sure that

the team has reached consensus on what those findings and recommendations should be. Seth will assume primary responsibility for assembling and refining all sections of every report, drafting an executive summary, and preparing the final report for distribution to the parties and, once the parties have reviewed, for publication. Ken, as monitor, will have final editorial authority over all reports and, together with Seth, will be the parties' point of contact for discussing any concerns they have with the findings and recommendations included in the reports. Ken, together with Seth and other team members, will also lead all discussions of the findings and recommendations included in the reports, including discussions at community meetings, with the parties, and with the Court, though the community, the parties, and the Court will have access to all team members responsible for our findings and recommendations.

K. Budget (RFA ¶ 20)

As explained in more detail in Section VII below, our team is committed to providing the City both budgetary value and budgetary certainty. Venable is a large law firm accustomed to preparing budgets for large projects for clients and delivering services on budget. We have drawn on that experience to prepare the budget proposal presented below and, if selected as monitor, will continue to draw on that experience throughout the term of the Consent Decree to prepare annual budgets.

L. Communication with the Parties (RFA ¶ 21)

As explained in Section C. above, in response to RFA ¶ 10, constant, open communication among the monitoring team, the parties, and the Court will be essential to achieving the goals of the Consent Decree. We are fully committed to establishing and maintaining open lines of communication with the parties and, as noted, will include communications protocols, both formal and informal, in the Monitoring Plan.

M. Meetings with the Community and BPD Officers (RFA ¶ 22)

We fully appreciate that our work will require us to communicate regularly with different constituencies within the City and with BPD officers. Please see Sections D.1. and F. above, in response to RFA ¶¶ 11 and 14, for descriptions of how we plan to keep the community and BPD officers informed about the Consent Decree implementation process and how we plan to receive input regarding implementation.

N. Public Comments (RFA ¶ 23)

We recognize the limitations on making public comments set forth in paragraphs 476-77 of the Consent Decree, and will strictly abide by them.

O. Ethical Standards (RFA ¶ 24)

The members of the monitoring team have led exemplary careers in their respective fields and have maintained the highest ethical standards. We will continue to adhere to those standards if selected.

IV.   OUR PERSONNEL (RFA ¶ 34)

A.   Experience (RFA ¶¶ 34a. & b.)

Our team of law enforcement leaders, academic experts, and attorneys possesses the experience and wisdom required to oversee and assist the BPD in its efforts to achieve full, effective, and sustainable compliance with the Consent Decree. The curriculum vitae or resume of each team member is included in **Appendix 1**.

1.   *Law Enforcement Leaders*

The law enforcement officers on our team bring extensive knowledge of progressive police policy and management. During the course of their careers, they have held every rank, from patrol officer to chief. The majority of them have served on other monitoring teams or otherwise consulted for DOJ or other police agencies.

Theron "T" Bowman

Robert McNeilly

Robert Stewart

Mary Ann Viverette

Jerry L. Clayton

Sherry E. Woods

Mike Teeter

Theron "T" Bowman is currently Deputy City Manager of Arlington, Texas. Chief Bowman served on the Arlington Police Department for 29 years, including 13 years as chief. During his tenure, Arlington achieved historic lows in crime despite tremendous growth. As chief and in subordinate roles, Chief Bowman supervised internal affairs, community affairs, crime prevention, youth services, hiring and recruiting, recruit and in-service training, and media relations, among other areas. His Managed Crime Prevention Unit was voted "best in the world." As a consultant, Chief Bowman has worked as a court-appointed monitor for the New Orleans Police Department consent decree and as a police practices expert for DOJ in the following jurisdictions: Maricopa County, Arizona; Seattle, Washington; Cleveland, Ohio; Albuquerque, New Mexico; Los Angeles County, California; Newark, New Jersey; New Orleans, Louisiana; and Meridian, Mississippi. Chief Bowman also was a strategic site liaison for the Violence Reduction Network in Little Rock, Arkansas and a COPS collaborative reform consultant for Milwaukee, Wisconsin. He served on the Commission on Accreditation for Law Enforcement Agencies (CALEA) from 2006 through 2012.

Robert McNeilly is the former Chief of Elizabeth Township, Pennsylvania Police Department, and, before then, from April 1996 to January 2006, served as Chief of the Pittsburgh Police Department. Chief McNeilly led the PPD through a U.S. Department of Justice consent decree in the mid-1990s, achieving substantial compliance and getting released from the order in less than three years, notwithstanding the decree's five-year term. Currently, Chief McNeilly is serving on the New Orleans Police Department consent decree monitoring team. He was active as a United States Coast Guard Reserves Chief Petty Officer from 1987 to 2011, and is a United States Marine Corps veteran.

Robert L. Stewart is the former Chief of Police of the Ormond Beach, Florida Police Department, the former Director of the Louisville Metro Police Academy, and the former Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE). He served for 22 years with the District of Columbia's Metropolitan Police Department, rising to the rank of Captain. Since his retirement from law enforcement, he has gained extensive experience in police monitoring. He currently serves on the monitoring team for DOJ's consent decree with the city of Newark, New Jersey. He also has served as a monitor for consent decree with the U.S. Virgin Islands Police Department and the Hobbs, New Mexico Police Department. A police practices expert, particularly in the fields of organizational management and community and bias-free policing, Chief Stewart has worked on the investigation of the Portland, Maine Police Department, and has served as a consultant for reviews of the Bay Area Rapid Transit Police Department, the Chicago Police Department, the Detroit Police Department, the Cincinnati Police Department, the Oakland Police Department, the San Antonio Police Department, the Florida Highway Patrol, and numerous other law enforcement agencies. Chief Stewart has a B.A. from Howard University and has taken post-graduate courses at American University, George Washington University, and Florida State University.

Mary Ann Viverette served as Chief of Gaithersburg, Maryland Police Department for 21 years. She led the agency through organizational change while embracing the diversity of the community the Department serves. Chief Viverette was the first female president of the International Association of Chiefs of Police (IACP), has been a long-time member of the Commission on Accreditation for Law Enforcement Agencies (CALEA), and has served on the Maryland Chiefs of Police Training Committee for over a decade. As a pioneer female police chief, she was and is called upon often to speak on issues affecting women and minorities in law enforcement. Chief Viverette has conducted dozens of training sessions on the recruitment of women and minorities over a fifteen-year period, and has served as an investigator with DOJ in Lorain, Ohio. Since 2013, she has worked on the consent decree monitoring team for the New Orleans Police Department as a subject matter expert in use of force, bias-free policing, uniform patrol evaluations, sexual assault investigations, and law enforcement policy. Now owner of a Disadvantaged Business Enterprise in South Carolina, Chief Viverette has a B.S. in Criminology and an M.S. in Human Resource Management from the University of Maryland.

Jerry L. Clayton currently serves as Sheriff of the Washtenaw County, Michigan Sheriff's Department. He is a nationally known expert in bias-free policing, use of force, leadership, and organizational change with a focus on organizational culture. He has consulted as a subject matter expert for DOJ, Kroll Worldwide, and Saul Ewing LLP. Sheriff Clayton has been a member of the monitoring teams for the Suffolk County, New York Sheriff's Office and the Detroit Police Department. As a subject matter expert, he has evaluated these law enforcement agencies for compliance with court-ordered improvements in policies and procedures, staff training,

and supervision. Sheriff Clayton recently served as chairperson of the Michigan Commission on Law Enforcement Standards (MCOLES). He currently works as a police practices expert under contract for the National Office of the American Civil Liberties Union, where his work includes, among other things, reviewing current and proposed police agency policies on use of force, bias-free policing, and use of body-worn cameras, and providing consultation to national, state, and local affiliates on officer-involved shootings, other significant uses of force, and responses to mass demonstrations. Sheriff Clayton has worked toward a B.S in Public Safety Administration from Eastern Michigan University. He also attended Eastern Michigan University's School of Police Staff and Command and Washtenaw Community College's Criminal Justice Police Academy.

Sherry E. Woods is currently Chief Deputy Sheriff Emerita of the Washtenaw County, Michigan Sheriff's Office. She previously served as Chief Deputy, overseeing all Sheriff's Office operations and programs, and before then was Corrections Commander, responsible for the management and administration of the county jail. Chief Deputy Emerita Woods is the former Deputy Chief of the Ann Arbor Police Department, the first woman ever to serve in that position. Before becoming Deputy Chief, Commander Woods held many posts during her 28-year career in Ann Arbor, including Lieutenant of the Internal Affairs Unit, Patrol Shift Supervisor, and Chief of the Community Services Division. From 2004 to 2009, Chief Deputy Emerita Woods was a member of the monitoring team under DOJ's consent decree with the Detroit Police Department. She reviewed and made assessments regarding use of force incidents, performed field audits, and conducted inspections related to the consent decree. In 2014, the DOJ selected her to review and assess DPD's use of force investigations to determine whether they were complying with the consent decree. Chief Deputy Emerita Woods holds a B.S. in English and Social Science from the University of Michigan. She is also a graduate of the Federal Bureau of Investigation's National Academy and the Northwestern University Traffic Institute.

Mike Teeter is a twenty-four year veteran of the Seattle Police Department. Now a Captain, he currently commands the SPD's West Precinct, responsible for providing front-line police services to a weekday resident, workforce, and visitor population of about 300,000. Previously, he was chosen to establish and lead the SPD's Force Investigation Team. In his lead role, he was responsible for developing FIT policies; investigating, analyzing, and presenting for review the Department's most serious use of force incidents, including officer-involved shootings and in-custody deaths; and engaging in national discussions about best practices for training, policy, and investigation of uses of force. Periodically, Captain Teeter also served as Chair of the SPD's Force Review Board. As head of SPD's FIT, he had extensive experience working with both DOJ and the federal monitor assigned to oversee SPD's compliance with federal court consent decree requirements. Captain Teeter also has worked with LAPD, Las Vegas Metro PD, PERF, IACP, and others to implement emerging use of force practices, and was a founding member of the board for the Society for Integrity in Force Investigation and Reporting, SIFIR (**www.forceinvestigation.org**). He holds a master's degree in engineering from the University of Southern California and worked as an engineer for six years before entering law enforcement.

2. *Academic Experts*

The nationally recognized academics on our team have spent much of their careers studying and helping police departments implement constitutional police practices.

Randolph Dupont, Ph.D.   **Dr. Geoffrey Alpert**   **Dr. John L. Lamberth**   **Dr. Ellen Scrivner**
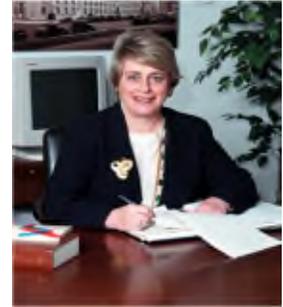
Randolph Dupont, Ph.D. is recognized as one of the foremost authorities on the use of Crisis Intervention Teams (CITs) and de-escalation systems and techniques in law enforcement. He has over 28 years of experience researching, teaching, and implementing reforms in the area. Dr. Dupont is currently a licensed clinical psychologist and a Professor at the School of Urban Affairs and Public Policy, Department of Criminology and Criminal Justice, at the University of Memphis. He formerly served as Chair of the Department of Criminology and Criminal Justice. Dr. Dupont was previously a Professor at the University of Tennessee - College of Medicine, where he directed the Regional Medical Center Psychiatric Emergency Service. He also has extensive background in community mental health service delivery. Working with the Memphis Police Department, Dr. Dupont helped plan and develop the nationally recognized "Memphis Model" for crisis intervention. Memphis established the first CIT in the nation. In addition, Dr. Dupont was the principal investigator for (i) the National Science Foundation-funded study on training techniques in crisis de-escalation; (ii) DOJ's Bureau of Justice Assistance's ("BJA") Special Populations study, which developed a national curriculum for law enforcement crisis intervention and community engagement; and (iii) the Tennessee Health and Human Services SAMHSA Jail Diversion Research Project. He also has participated as a subject matter expert in DOJ's investigation of the New Orleans Police Department and on the consent decree monitoring teams for the Seattle and Cleveland Police Departments. Dr. Dupont continues to train officers and departments throughout the nation and in foreign countries on crisis de-escalation, intervention with special populations, and community engagement. Because of his pioneering work, he has received numerous awards, including recognition from the Office of the President of the United States, the National Law Enforcement Person of the Year Award from the City University of New York's John Jay College of Criminal Justice, the National Psychologist of the Year from the National Alliance on Mental Illness, and Special Recognition as a founding member of the National Crisis Intervention Team. In addition to receiving these awards, Dr. Dupont has won numerous grants from BJA, the U.S. Department of Housing and Urban Development, the State of Tennessee, and the U.S. Department of Health and Human Services. Most of these grants were to help law enforcement agencies establish, train officers on, and operate a crisis intervention program. Dr. Dupont is the author of many studies and publications, including *Special Training on Building Trust,* used by the President's Task Force for 21st Century Policing. Dr. Dupont holds a Ph.D. from the University of Texas in Clinical Psychology and a B.A. from Loyola University of the South in Psychology.

Dr. Geoffrey Alpert is a Professor in the Department of Criminology and Criminal Justice at the University of South Carolina and has held numerous positions in the Department, including Chair. He is also a Professor at the Centre for Excellence in Policing and Security at Griffith University in Brisbane, Australia. Dr. Alpert is an internationally recognized criminologist who specializes in research and training on high-risk police activities, including the use of force. He is currently the Chief Research Advisor for the National Institute of Justice (NIJ), as well as Principal Investigator for NIJ's Evaluation of Social Interaction Training Program to Reduce the Use of Force and Build Legitimacy, and was previously the Principal Investigator for a number of different evaluations by NIJ, the Bureau of Justice Assistance, and various law enforcement agencies, including a four-year NIJ multi-method evaluation of police use of force outcomes, a three-year NIJ analysis measuring police use of force relative to suspect resistance, and a two-year NIJ analysis of police use of force data. He has received numerous grants and awards for his work, including grants for the NIJ evaluations previously identified, the Bruce Smith Award for Outstanding Contributions to Criminal Justice from the Academy of Criminal Justice

Sciences, the University of South Carolina's Russell Research Award for Outstanding Research and Scholarship. Dr. Alpert presently serves on the consent decree monitoring team for the New Orleans Police Department and is a member of the team implementing the Portland Police Bureau's settlement agreement.

Dr. John L. Lamberth is a nationally known researcher and statistician who has established best practices in law enforcement data collection and analysis. He is presently the Chief Operating Officer of Lamberth Consulting, which he founded after retiring from the faculty of the Psychology Department at Temple University, where he formerly served as chair of the department. Recently, Dr. Lamberth has testified as an expert witness in two cases litigated by DOJ's Civil Rights Division: *United States v. Johnson*, challenging certain practices of the Alamance County, North Carolina Sheriff's Office, and *United States v. Maricopa County*, *Arizona*, challenging certain practices of the Maricopa County Sheriff's Office. Dr. Lamberth has consulted for entities such as the U.S. Army, the National Law Enforcement Assistance Association, the State of Kansas, the San Antonio Police Department, the Ann Arbor Police Department, the Montgomery County Police Department, and the Kalamazoo Department of Safety. He also has analyzed law enforcement data in other countries, and has made presentations on best practices for collecting, analyzing, and reporting traffic stop data at the National Traffic Stop and Racial Profiling Summit for Law Enforcement. Recently Dr. Lamberth served as the data and analysis expert for two United Nations meetings, the first convened by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance for the United Nations Office of the High Commissioner for Human Rights, and the second at the Eighth Session of the Human Rights Council of the United Nations Forum on Minority Issues. Dr. Lamberth holds a B.A. from Austin College, a B.D. from Harvard University, and an M.S. and a Ph.D. from Purdue University.

Dr. Ellen Scrivner has had a distinguished thirty-year career as a nationally recognized expert on criminal justice policy, public safety, and policing issues. Because of her experience and reputation, she has testified before the President's Task Force on 21st Century Policing and the U.S. Civil Rights Commission regarding police uses of force. Dr. Scrivner has held a number of significant positions in executive leadership in organizations devoted to studying and improving police practices. Recently, she served in presidentially appointed positions as the Deputy Director of the National Institute of Justice and the National HIDTA Director in the Executive Office of the President. Before then, she served as the Director of the John Jay Leadership Academy at the John Jay College of Criminal Justice, the Deputy Superintendent of the Chicago Police Department's Bureau of Administrative Services, and consultant to the FBI's Office of Law Enforcement Coordination. Earlier in her career, she assisted in developing the Office of Community Oriented Policing at DOJ and was a member of the initial COPS staff. She subsequently became Assistant Director of Training and Technical Assistance, creating a national training strategy implemented through a nationwide network of innovative Regional Community Policing Institutes. Later appointed Deputy Director, Dr. Scrivner oversaw substantial grant programs that provided funding to 75% of police chiefs and sheriffs across the country; managed the COPS Office Police Integrity Program; coordinated the U.S. Attorney General's National Conference and Presidential Roundtable: Strengthening Police and Community Relationships (1999); and worked on the Attorney General's Task Force on Police Misconduct (1995-2000). Dr. Scrivner has served as a subject matter expert in police reform initiatives with the Baltimore Police Department and Denver County Sheriff's Department, and currently serves on the Settlement Agreement monitoring teams for the Seattle, New Orleans, and Cleveland Police Departments, as well as on the DOJ team investigating the Chicago Police Department.

3.   *Legal Team*

Our lawyers possess unsurpassed knowledge of the legal issues presented by the Consent Decree. As DOJ veterans who handled cases involving police misconduct, team members are intimately familiar with the law on the use of force and police practices regarding the use of force, including training, reporting, and discipline. As criminal and civil rights practitioners, team members are also intimately familiar with the law and police practices regarding stops, searches, and arrests, as well as the data needed to gauge the constitutionality of stops, searches, and arrests under the Fourth and Fourteenth Amendments. Moreover, each one of us has led and otherwise has participated in large investigations.

Ken Thompson   **Seth Rosenthal**   **Stephen C. Parker**

Ken Thompson is a partner in Venable LLP's Commercial Litigation Practice Group. He is a native and life-long resident of Baltimore and is well known in the Baltimore area. He is a nationally recognized litigator (a member of The American College of Trial Lawyers and The American Board of Trial Advocates) and has considerable experience handling complex criminal and civil matters. In connection with his criminal trial experience, Ken has litigated numerous matters involving search and seizure, privacy, and electronic surveillance. As a result, he has acquired a deep understanding of the legal principles that govern the relationship between law enforcement and the citizens it serves. In connection with his civil practice, Ken has managed internal investigations involving claims of race, gender, and age discrimination, along with issues involving hostile work environments. Over his many years of practice, Ken has earned the respect of both public officials and community leaders. As such, he has served on a number of commissions and boards, and also has volunteered on mayoral transition teams. As a result, Ken has become keenly aware of and has directly addressed issues facing the BPD, including the issue of community policing. Ken also served as voluntary chair of an evaluation committee charged with recommending applicants to fill the then-vacant position of BPD Commissioner. In addition, in his role as chair of the recent mayoral transition team's Public Safety Committee, Ken heard from BPD officers (including both management and rank and file through the Union), subject matter experts who addressed various aspects of community policing, and community leaders representing diverse constituencies. Ken is a graduate of University of Maryland Law School and University of Maryland College Park.

Seth Rosenthal is a partner in Venable LLP's Investigations and White Collar Defense Practice and leader of the firm's *pro bono* program nationwide. He has considerable experience with complex investigations, constitutional policing issues, and consent order monitoring. At Venable, Seth has managed a number of internal investigations for firm clients, including internal investigations of alleged unlawful conduct by privately employed security officers with full police powers; litigated cases involving unconstitutional police practices, including racial profiling, the use of unreasonable force, and infringement of First Amendment rights; and served on an unbiased policing task force established by the former Secretary of the Maryland State Police. Before joining Venable, Seth spent over nine years in DOJ's Civil Rights Division. He split his nine-plus years among the Criminal Section, the Attorney General's Task Force on the Assassination of Dr. Martin Luther King, Jr., and the Housing Section. In the Criminal Section, Seth worked closely with law enforcement officers from federal, state, and local law enforcement agencies in the investigation and prosecution of crimes involving racially motivated violence, human trafficking, and police misconduct. In his work on police misconduct cases, Seth concentrated on the use of unreasonable force by law enforcement officers and acquired considerable knowledge about police practices regarding the use of force. On the Attorney General's Task Force, Seth helped conduct a wide-ranging, two-year investigation that involved reviewing thousands of documents, interviewing dozens of witnesses, reviewing physical evidence, and co-authoring a lengthy public report. In the Housing Section, Seth negotiated and monitored compliance with several consent decrees, including consent decrees requiring remedial action by municipal governments. Prior to his service at DOJ, Seth investigated, litigated, and monitored compliance with consent orders in unconstitutional conditions of confinement cases involving jails in Georgia and Alabama. Seth graduated from Harvard Law School and Dartmouth College.

Stephen C. Parker is an attorney at Butler Snow LLP in Memphis, Tennessee. He is a nationally recognized authority in the following areas: (i) use of force, (ii) search, seizure, and arrest, (iii) police training, (iv) investigating police misconduct, and (v) and police consent decrees. Steve recently retired after 30 years with the United States Attorney's Office for the Western District of Tennessee, where he served as Chief of the Civil Rights and Police Misconduct Unit and lead attorney for the Memphis/Shelby County "Tarnished Badge" Police Corruption Joint Task Force. Before becoming a lawyer, Steve served as a full-time police officer with the Memphis Police Department for seven years. He has continued to serve as a reserve officer for the last 27 years. As an adjunct instructor at the Memphis Police Academy for 28 years, Steve has instructed officers on stop/search/arrest, civil rights, crisis intervention, ethics, police misconduct, and *Garrity* issues. He also has taught and spoken both nationally and internationally on these subjects on behalf of DOJ. Based on his experience, DOJ selected him as a subject matter expert on training, stop/search/arrest, use of force, and recruiting in its investigation of the New Orleans Police Department and as a subject matter expert on use of force, stop/search/arrest, and misconduct investigations in its investigation of the Ferguson, Missouri Police Department. In 2012, he was detailed to the U.S. Attorney's Office in New Orleans to work full-time on the implementation of the New Orleans Police Department consent decree. In 2013, he received the DOJ's highest award for litigation, the John Marshall Award, for his work on the NOPD consent decree. Steve is a graduate of both the University of Memphis and the University of Memphis Law School. He has taught as an adjunct instructor in the University of Memphis Criminal Justice Department and the University's law school. In 2011, the law school presented him with its Adjunct Professor of the Year Award.

B. Team Organization RFA (¶ 34.c.)

Ken Thompson will serve as the monitor. Seth Rosenthal and Chief Bowman will serve as deputy monitors. Effectively the team's chief executive officer, Ken will be the principal public spokesperson for the team, lead public meetings, and bear ultimate responsibility for overseeing BPD's efforts to achieve full and effective compliance with the Consent Decree. Ken, Seth, and Chief Bowman will be the principal liaisons to the Court and the parties. Day to day, Seth and Chief Bowman will manage the team and coordinate each aspect of the team's work, including policy and training review and technical assistance, data review and analysis, community surveys, and report writing. Seth and Chief Bowman will also assist Ken in his role as principal public spokesperson. So will other team members, as circumstances dictate.

Each of the other members of the team will be responsible for overseeing one or more of the substantive requirements of the Consent Decree. Many team members are qualified to oversee all of the Decree's substantive requirements. The breadth of our experience will provide the flexibility that monitoring compliance with a remedial court order over a lengthy five-year period is likely to require. At the outset, however, we envision assigning primary responsibility for each substantive requirement of the Consent Decree as follows, with the monitor and deputy monitors coordinating and overseeing the team's work on all requirements; the lead for each requirement is indicated in *italics*. To minimize travel costs, we assign at least two team members to each requirement. Team members responsible for the same requirement will be able to share information directly through teleconferences and through the automated reporting system we will establish.

AREA OF RESPONSIBILTY	TEAM MEMBERS
Stops, Searches, and Seizures	*Steve Parker* (policies, training, data review) T Bowman (policies, training) John Lamberth (data collection/analysis)
Bias-Free Policing	*Jerry Clayton* (policies, training) Bob Stewart (policies, data review) John Lamberth (data collection/analysis)
Use of Force	*Mike Teeter* (policies, training, reports, investigations) Steve Parker (policies, training) Sherry Woods (investigations) John Lamberth (data collection/analysis) Geoff Alpert (data collection/analysis)

First Amendment Retaliation	*Seth Rosenthal* Steve Parker
Sex Assault Investigations	*Mary Ann Viverette*
Community Engagement and Trust-Building	*Ellen Scrivner* Sherry Woods Community liaison
Community Policing	*Mary Ann Viverette* *Ellen Scrivner* Jerry Clayton
De-escalation and Crisis Intervention	*Randy Dupont* Ellen Scrivner
Accountability (internal investigations/discipline)	*Sherry Woods* Mike Teeter Steve Parker Bob McNeilly
Management and Supervision	*Bob Stewart* T Bowman Bob McNeilly
Officer Assistance and Support	*Steve Parker* (training, equipment) T Bowman (training) Ellen Scrivner (hiring, performance, promotions) Mary Ann Viverette (hiring, performance, promotions)

C.   Other Commitments (RFA ¶ 34.d.)

Our team members are busy professionals. Each of us has existing work obligations, some more extensive than others. Nonetheless, we have the collective capacity to perform the work required under the Consent Decree and are fully committed to prioritizing that work. Indeed, because we have existing obligations, we will be required to budget our time carefully and carry out our responsibilities efficiently. Moreover, many of our team members have worked together before and some work together now. Familiarity also generates efficiency.

Ken Thompson, Seth Rosenthal, and Steve Parker have active law practices. None of our existing obligations will keep us from prioritizing and performing the work of the monitor, nor would we take on future obligations that would compromise our commitment to the monitorship.

Our team's law enforcement experts also have existing obligations, but can and will make the time needed for the work the Consent Decree requires.

- Chief Bowman is Deputy City Manager of Arlington, Texas, but has submitted his retirement notice and will be retired from public service by the time monitorship obligations begin. While he works part-time on the New Orleans Police Department consent decree monitoring team, he will have ample time to devote to the BPD monitorship. The NOPD team work for him, at this point, is roughly 15 hours per month.

- Chief McNeilly and Chief Viverette each work part-time on the NOPD monitoring team. The NOPD monitoring team work for each of them, at this point, is roughly 40 hours per month.

- Chief Stewart currently serves part-time on the monitoring team for the Newark Police Department, which generally takes up no more than 40 hours per month.

- Chief Deputy Emerita Woods is employed part-time, roughly 20 hours a week, in Washtenaw County. She will have the time needed to complete her assigned work, reflected in the organizational chart above.

- While Sheriff Clayton and Captain Teeter are currently employed full-time in Washtenaw County and Seattle, respectively, each will have the time needed to complete his assigned work, reflected in the organizational chart above.

Our team's academics are similarly committed to fulfilling the monitor's requirements under the Consent Decree.

- Work on the monitoring team would become the primary engagement of Dr. Lamberth and his consulting firm, Lamberth Consulting, which has several other periodic engagements.

- Dr. Alpert, while engaged on several projects, would make the time necessary to fulfill his relatively limited obligations, reflected in the organizational chart.

- Dr. Scrivner works part-time on several monitoring teams and on a grant that is winding down. Together, her existing commitments take up about 60 hours per month.

- Dr. Dupont teaches one class a semester at the University of Memphis, serves on the Cleveland, Seattle, and New Orleans monitoring teams an average of several hours a week, and is called on periodically to help develop crisis intervention programming for law enforcement agencies. These commitments are sufficiently limited to permit him to devote the time required to perform his assigned work under the Consent Decree.

In our cost proposal, we estimate the number of hours required to satisfy each of the monitor's obligations. We have given careful consideration to these estimates and are confident that, notwithstanding the current commitments of the team's members, we have the collective capacity to do everything the Consent Decree requires of the monitor.

D.   Small, Local, Woman-Owned, or Minority-Owned Businesses (RFA ¶ 34.e.)

Chief Bowman's business, Theron L. Bowman, Inc., is certified as both a minority-owned business and a Disadvantaged Business Enterprise (DBE) by the North Central Texas Regional Certification agency.

Chief Viverette's business, Viverette & Associates, LLC, is woman-owned and certified as a DBE by the South Carolina Department of Transportation.

The McNeilly Group, LLC, with which Chief McNeilly is affiliated, is a woman-owned business certified as a DBE by Allegheny County, Pennsylvania and the City of New Orleans.

Chief Stewart's business, Bobcat Consulting, LLC, is minority-owned. It does not have DBE certification.

We estimate that approximately 35% of our work for the monitorship will be performed by small, local, minority-owned, or woman-owned businesses.

V. Our Qualifications (RFA ¶¶ 25-27, 35)

Our team collectively has devoted decades to every issue the Consent Decree requires the BPD to address. Our members have managed large law enforcement agencies and developed the means for ensuring their accountability. We have led and otherwise participated in large-scale investigations, including some involving police practices. We have written and implemented constitutionally sound stop/search/arrest, use of force, and bias-free policing policies; devised and conducted stop/search/arrest, use of force and bias-free policing training; headed internal affairs units, and investigated thousands of incidents for them; overseen and reformed disciplinary systems; prosecuted unconstitutional stop/search/seizure, racial profiling, and use of excessive force cases in court (and declined to prosecute many others); and performed statistical studies regarding stop/search/arrest, racial profiling, and use of force. In addition, we have spearheaded community policing efforts, implemented crisis intervention programs, developed and trained officers on de-escalation techniques, and worked with community stakeholders to address police reform. We also have effectively served on monitoring teams under other consent decrees.

Based on the sum of our experiences, we are eminently qualified to serve the City and the BPD as independent monitor. As explained below, we meet each of the qualifications identified in the RFA and, correspondingly, have the capabilities to ensure the BPD's full and effective compliance with each of the requirements of the Consent Decree.

Qualification No. 1: *Monitoring, auditing, evaluating, or otherwise reviewing performance of organizations such as law enforcement agencies, including experience monitoring settlements, consent decrees, or court orders* **(RFA ¶ 26.a.)**

As the leaders of either law enforcement agencies or major units within such agencies, each of the law enforcement leaders on our team has monitored, audited, evaluated, or otherwise reviewed the organizational performance of law enforcement agencies. In addition, the vast majority of our team members have worked on investigations or litigation, consent decrees, settlement agreements, or consultation engagements that required an examination of the performance of law enforcement and other municipal agencies, including in the following places:

- Alamance County, NC

- Albuquerque, NM

- Cincinnati, OH

- Cleveland, OH

- Detroit, MI

- District of Columbia

- Ferguson, MO

- Florida Highway Patrol

- Grand Rapids, MI

- Hobbs, NM

- Kalamazoo, MI

- Lorain, OH

- Maricopa County, AZ

- Meridian, MS

- New Orleans, LA

- Newark, NJ

- Oakland, CA

- Pittsburgh, PA

- Portland, ME

- Reno, NV

- San Antonio, TX

- San Francisco Bay Area, CA

- Seattle, WA

- Suffolk County, NY

- U.S. Virgin Islands

Qualification No. 2: *Law enforcement practices, including community policing and engagement; use of force and force investigations; practices for conducting and reviewing pedestrian and vehicle stops, frisks, searches, and seizures; practices for conducting and reviewing arrests; crisis intervention and de-escalation techniques; bias-free policing, First Amendment protected speech and public assembly and related rights; intake, investigation, and adjudication of complaints of officer misconduct; civilian oversight; police-youth interactions; and policy development and officer and staff training* **(RFA ¶ 26.b.)**

Every team member has experience with law enforcement practices as a law enforcement officer, academic, or lawyer.

- **Community Policing and Engagement** – Our team includes recognized experts in community policing and engagement. Each expert knows how to build bridges between law enforcement and the community.

  o Dr. Scrivner has extensive experience in community policing. As part of the initial COPS staff, she assisted in developing the office, and she subsequently served as the Assistant Director of Training and Technical Assistance at COPS, a position in which she created a national training strategy that was implemented through a nationwide network of innovative RCPIs. She later was appointed Deputy Director of COPS, a role in which she provided oversight for grant programs providing nationwide funding to police chiefs and sheriffs, provided oversight for the COPS Office Police Integrity Program, and coordinated a national conference and roundtable on Strengthening Police and Community Relationships.

  o Chief Viverette successfully developed a city-wide community policing philosophy in Gaithersburg, Maryland, where 49% of the citizens speak languages other than English. Thanks to her efforts, the Gaithersburg Police Department received the Livability Award from the U.S. Conference of Mayors in 1995 for its community policing programs.

  o Chief Stewart embraced and became a national leader on community policing during his 22 years of service with the Metropolitan Police Department in the District of Columbia, and in his subsequent positions in Louisville, in Ormond Beach, and as Executive Director of NOBLE. He served as NOBLE's representative to the Community Policing Consortium. He teaches community policing as a police practices expert.

- Before becoming Sheriff of Washtenaw County, Jerry Clayton ran a successful community policing program as Commander and created a program that allowed criminal offenders to work with employers in the community under law enforcement supervision. He also designed and conducts Lamberth Consulting's community policing training program, and has run focus groups designed to identify opportunities to enhance law enforcement and community relations.

- Chief Deputy Emerita Woods helped Sheriff Clayton spearhead the Washtenaw County program allowing offenders to work with community employers, and served as Deputy Chief of the Community Services Division of the Ann Arbor Police Department, in which she was responsible for the direction, control, and planning of community programs and services.

- Chief Bowman supervised community affairs in the Arlington Police Department and served as a COPS collaborative reform consultant in Milwaukee, Wisconsin.

- **Use of Force and Force Investigations** – The legal, academic, and law enforcement members of our team have significant experience in investigating, litigating, and analyzing use of force incidents and implementing use of force policies. For example:

  - Captain Teeter was chosen to establish and lead the Seattle Police Department's Force Investigation Team (FIT) and has served as the head of the Force Review Board. In leading the FIT, he was responsible for developing policies and for investigation, analysis, and presentation for review of the most serious force investigations including officer-involved shootings, in-custody deaths, and cases involving alleged serious misconduct. He has also worked with other law enforcement agencies and organizations (Los Angeles Police Department, Las Vegas Metro Police Department, PERF, and IACP) to implement use of force practices on the forefront of policing. Captain Teeter was a founding board member for SIFIR.

  - Dr. Alpert specializes in research and training on the evaluation of high-risk police activities, including the use of force. He is currently the Chief Research Advisor and Principle Investigator on the National Institute of Justice's Evaluation of Social Interaction Training to Reduce the Use of Force and Build Legitimacy. He has written extensively on use of force.

  - As former DOJ prosecutors, Seth Rosenthal and Steve Parker investigated and reviewed hundreds of use of force incidents, and in private practice Seth has been retained by private entities to conduct internal investigations of use of force incidents involving special police officers possessing official authority. Seth and Steve have appeared before grand juries, trial judges, and petit juries to explain use of force law and present evidence on use of force policy and training. They have worked with use of force trainers and expert witnesses. They know how to distinguish between proper and improper uses of force; they cleared many more officers than they prosecuted. The unbiased and professional review of law enforcement uses of force has been an important part of each of their careers. This is particularly true for Steve, a former Memphis police officer. In addition to his work investigating and prosecuting unlawful uses of force, Steve worked full-time as the primary Assistant United States Attorney on use of force for the New Orleans Police Department consent decree, including use of force policy review and training. Additionally, Steve was a use of force, stop/search/seizure, and misconduct investigations subject matter expert in DOJ's investigation of the Ferguson Police Department. Both the City of New Orleans and the Virgin Islands monitoring teams retained Steve to train use of force investigators and use of force review board members in conducting investigations and administrative review of use of force incidents.

  - Chief Deputy Emerita Woods was a supervisor of the Ann Arbor Police Department's Internal Affairs Group and has supervised the investigation of numerous police firearm discharge cases and shootings. She also assisted in the review and assessment of documentation for use of force incidents as a member of the Detroit Police Department Consent Decree monitoring team.

- o Sheriff Clayton developed his agency's first Use of Force Team, which devises use of force policy, trains officers on use of force, and evaluates use of force incidents.

- o As a police chief, Robert Stewart oversaw use of force policies and practices to ensure they resulted in constitutional policing. He has served or is serving on monitoring teams in Newark, the U.S. Virgin Islands, and Hobbs, New Mexico, where use of force practices have been at issue.

- **Practices for conducting and reviewing pedestrian and vehicle stops, frisks, searches, and seizures, and for conducting and reviewing arrests** – Our team members are intimately familiar with the law and police practices regarding pedestrian and vehicle stops, frisks, searches, and arrests, as well as the data needed to gauge the constitutionality of those actions:

- o Steve Parker served as the stop, search, and seizure subject matter expert for DOJ's New Orleans Police Department and Ferguson Police Department investigations and has taught search and seizure law and practice to police officers and law students for years. PERF has added Steve to its faculty for the Senior Management in Policing Course to teach constitutional policing and policies.

- o Dr. Lamberth has routinely served as an expert witness and as a consultant engaged to evaluate stop, search, and seizure data. He also has published over 15 articles, spoken publicly before various legislative bodies, and testified in court on the topic.

- o As criminal lawyers, Ken Thompson and Seth Rosenthal have routinely confronted matters involving the constitutionality of stops, searches, and arrests. Seth has litigated civil rights cases involving racial profiling and served on an unbiased policing task force that advised the former Secretary of the Maryland State Police on collecting and analyzing the data required to assess the constitutionality of vehicle stops and searches.

- **Crisis intervention and de-escalation techniques** – Our team members have helped spearhead efforts nationwide to develop best practices for addressing people with disabilities and people in crisis:

- o Dr. Dupont is the Nation's leading expert on crisis intervention policies and de-escalation techniques. He worked with the Memphis Police Department to help plan and develop the "Memphis Model" for crisis intervention, and was the principal investigator for the NSF-funded study on training techniques in crisis de-escalation and DOJ's BJA Special Populations study, which developed a national curriculum for law enforcement crisis intervention and community engagement. Dr. Dupont has won numerous grants from BJA, HUD, HHS, and the State of Tennessee, most of which were to help law enforcement agencies establish, train, and operate crisis intervention programs. As part of the monitoring team for the Cleveland Police Department consent decree, he assists with crisis intervention strategies. He provided technical assistance to the Seattle and New Orleans Police Departments to develop strategies to ensure community engagement and support and to meet consent decree requirements for intervention in mental health-related crisis events.

- o Dr. Scrivner, a licensed psychologist, has taught crisis intervention and de-escalation techniques to a number of law enforcement officers. She chaired a Chicago Police Department-led city-wide Task Force to Respond to the Needs of the Mentally Disabled.

- o Chief Viverette's current responsibilities on the New Orleans Police Department consent decree monitoring team include crisis intervention.

- **Bias-free policing, First Amendment protected speech, and public assembly and related rights** – Our team has a track record of ensuring that police officers honor the equal protection and First Amendment rights of individuals within the communities they serve:

  o As an academic, consultant, and expert witness, Dr. Lamberth has performed pioneering, internationally recognized work using rigorous, data-driven statistical methods to gauge whether police departments are engaged in racial profiling. He has consulted with private attorneys and the New Jersey Public Defender's Office in over 20 cases in which there were allegations of illegal profiling by state or local police officers or other state agencies.

  o Sheriff Clayton is a nationally known expert in bias-free policing. Formerly chair of the Michigan Commission on Law Enforcement Standards, he co-developed and teaches a bias-free policing program to officers, supervisors, executives, and field trainers.

  o Chief Stewart has evaluated bias-free policing policies and taught bias-free policing for a number of agencies. He has taught and assisted in the development of Lorie Fridell's "Fair and Impartial Policing" course. Currently, he works on the Newark Police Department consent decree monitoring team in the area of bias-free policing. He also has served as an expert witness on bias-free policing in litigation against the Maricopa County Sheriff's Department.

  o Chief Viverette has worked on the monitoring team for the New Orleans Police Department consent decree as a subject matter expert in bias-free policing since 2013. As a long-term Civil Rights Committee member in the IACP, Chief Viverette reviewed civil rights law enforcement policies from agencies throughout the country, initiated legislative recommendations and resolutions of civil rights issues, and reviewed and awarded police departments nationwide for civil rights programs reflective of best practices.

  o In private practice, Seth Rosenthal has litigated cases involving unconstitutional police practices, particularly racial profiling, and has served on an unbiased policing task force established by the former Secretary of the Maryland State Police. While working in the Criminal Section of DOJ's Civil Rights Division, Seth worked with local, state, and federal law enforcement officers in the investigation and prosecution of crimes involving racially motivated violence. Seth also has litigated both civil and criminal matters involving First Amendment rights.

  o Steve Parker's duties at DOJ included overseeing the New Orleans Police Department's compliance with the bias-free policing requirements of the NOPD consent decree.

- **Intake, investigation, and adjudication of complaints of officer misconduct** – Ensuring officer accountability through meaningful investigation and discipline of officer misconduct has been a priority for many team members:

  o Chief Deputy Emerita Woods served as a lieutenant in the Ann Arbor Police Department's Internal Affairs unit, where she supervised the investigation of numerous police firearm discharge cases. As a member of the Detroit Police Department consent decree monitoring team, she also has overseen and evaluated the integrity of departmental use of force investigations.

  o While the Seattle Police Department has been under a consent decree, Captain Teeter led the Department's Force Investigation Team, which has responsibility for investigating, analyzing, and presenting for review cases involving potential serious misconduct. He also served four years in Human Resources, including a year as Human Resources Director, where he was responsible for implementing serious disciplinary actions, including terminations. Earlier in his career, Captain Teeter was assigned to SPD's Office of Professional Accountability, where he was directly responsible for investigating allegations of police misconduct.

- o As the Chief Use of Force Instructor for the Washtenaw County Sheriff's Office, Sheriff Clayton evaluated staff use of force actions. For nine years, he was a member of a group of specially trained investigators assigned at the request of any Michigan sheriff to investigate internal and criminal complaints filed against representatives of their agency.

- o Steve Parker is a nationally recognized authority in investigating police misconduct. Steve served as Chief of the Civil Rights and Police Misconduct Unit for the U.S. Attorney's Office for the Western District of Tennessee and as lead attorney for the Memphis/Shelby County "Tarnished Badge" Police Corruption Joint Task Force.

- **Civilian oversight** – Every member of our team appreciates the value of civilian oversight. In his own police department, Chief Stewart created a Civilian Review Board. The other law enforcement officers on our team have worked with similar civilian oversight bodies.

- **Police-youth interactions** – Our team understands the importance of developing effective strategies for fostering positive law enforcement interactions with young people:

- o As a Deputy Chief in Ann Arbor, Sherry Woods oversaw several community outreach programs, including D.A.R.E., G.R.E.A.T. (a violence and gang prevention program built around classroom curricula taught by law enforcement officers), the Police Explorer Academy, the Citizen Police Academy, and the High School Liaison Program. As a community services officer, she also routinely interacted with juveniles, particularly runaways.

- o Chief Stewart has served as a training instructor for "Strategies for Youth" and NOBLE's "The Law and You" and "The Law and Your Community."

- **Policy development and officer and staff training** – All of our law enforcement leaders, as well as Steve Parker, have successfully developed policies and effectively trained other officers:

- o Sheriff Clayton led his agency's Use of Force Team for many years and was one of the primary use of force instructors in the police academy; co-developed and teaches Lamberth Consulting's Preventing Biased Police Practices Training Series for officers, supervisors, executives, and field trainers; and has worked for over twenty years with DOJ's National Institute of Corrections and other federal, state, and local organizations designing, evaluating, and delivering a variety of training programs. As a long-time member and former chair of MCOLES, Sheriff Clayton has assisted in the preparation and publication of mandatory minimum recruitment, selection and training standards for entry-level law enforcement officers in Michigan, and in-service training standards for veteran law enforcement officers.

- o Chief Viverette has served on the Maryland Chiefs of Police Training Committee for over a decade and has conducted dozens of training sessions on the recruitment of women and minorities.

- o Chief Bowman, who served on the Arlington Police Department for 29 years, including 13 as Chief, supervised recruit and in-service training and hiring and recruiting.

- o Steve Parker has taught in the Memphis Police Academy for nearly 30 years. Steve also served on the New Orleans Police Training Academy Advisory Committee as a representative of the U.S. Attorney's Office. Additionally, he helped develop the training plan for the New Orleans Police Academy. He is currently working with the NOPD on developing the new EPIC Peer Intervention Program and Training.

- o Dr. Scrivener is a nationally recognized expert on criminal justice policy, and has held significant positions in COPS, in which she assisted in developing the office and created a national community policing training strategy.

- o Chief Stewart headed the Louisville Metro Police Department's Academy.

Qualification No. 3: *Assessing legal sufficiency and compliance with constitutional and other legal requirements* **(RFA ¶ 26.c.)**

As explained throughout our proposal, our team members have extensive experience assessing law enforcement compliance with constitutional and other legal requirements, and we are familiar with using data-based measures to gauge whether law enforcement agencies are following the law. Numerous law enforcement and academic experts on our team have served on other monitoring teams to evaluate compliance with consent decree requirements and, as consultants, have advised police departments on the adoption of best practices aimed at ensuring adherence to the law. Both in private practice and at the Department of Justice, Ken Thompson, Seth Rosenthal, and Steve Parker have investigated and litigated cases involving unconstitutional police practices.

Qualification No. 4: *Familiarity and understanding of local issues and conditions, including local experience and expertise with Baltimore's diverse communities, and issues and challenges facing those communities* **(RFA ¶ 26.d.)**

Our team is uniquely capable of serving as a monitor in the City of Baltimore. Venable was founded in Baltimore and has a long and distinguished record of commitment to the City. Venable's lawyers support a number of charitable, civic, and nonprofit organizations throughout the City, and dedicate countless hours to pro bono representation of needy individuals throughout the region, including through partnerships with Maryland Legal Aid (where Venable presently has a loaned associate working full-time), House of Ruth, Community Law Center, Maryland Disability Rights, and ACLU of Maryland. Venable's pro bono representations have had a meaningful impact on public and private institutions in Baltimore and throughout the State. Among the myriad pro bono matters Venable has handled on behalf of Maryland citizens in recent years, we have led a three-decade effort to reform the foster care system in the City; forced a real estate speculator to cure the inhabitable conditions in approximately 50 homes spanning six City neighborhoods; provided representation to a number of abused, low-income Baltimore women seeking civil protection orders; provided representation to a number of low-income Baltimore residents either facing eviction from their homes or seeking relief from deficient housing conditions; required the Department of Health and Mental Hygiene to develop policies to prevent the sexual abuse of DHMH facility residents; facilitated the merger of Maryland's two largest food banks; won a precedent-setting case requiring the Maryland State Police to disclose records showing whether it meaningfully investigates complaints of racial profiling (an effort led by Seth Rosenthal); and litigated a case that established the right to counsel at preliminary bail hearings for individuals accused of crimes.

Further, as explained in detail above, the proposed monitor, Ken Thompson, is a native and life-long resident of Baltimore, long committed to the City's civic life. He serves on the Board of Trustees of the Baltimore City Bar Foundation, the Baltimore Community Foundation, and Center Stage, and on the Board of Directors of the Baltimore Efficiency and Economy Foundation and the Baltimore Municipal Golf Corporation. In addition, Ken served multiple terms on the Judicial Nominating Commission for Baltimore City, including as chairman from 1999 to 2007. He also has volunteered as a member of the past two mayoral transition teams. In 2007, Ken received the *Daily Record*'s Leadership in Law award, which recognized his professional accomplishments and his dedication to his occupation and his community.

In addition to Ken, our team will include a prominent, trusted member of the Baltimore community to serve as a liaison among the community, the BPD, and our team. The liaison will possess intimate familiarity and understanding of local issues and conditions. We recognize that the liaison must be unbiased and apolitical, with the rare ability to command the respect of every stakeholder within the community, City leadership, the BPD, and DOJ. Because we believe it is imperative that all parties agree on the liaison, we have not yet formally added a liaison to our team and, if selected as monitor, will await input from the City, the BPD, and DOJ before doing so.

Qualification No. 5: *Criminology and statistical analysis, including internal and external benchmarking techniques, regression analysis, and other relevant statistical methods* **(RFA ¶ 26.e.)**

All of our team members understand the vital need to use statistical data to measure police agency performance, and most of us, including those who have worked on other monitoring teams, have employed such data before:

- As both a consultant and an expert witness, Dr. Lamberth regularly gathers and assesses data on officer conduct to determine whether law enforcement agencies are engaged in constitutional, bias-free policing. He pioneered certain benchmarking techniques for determining whether law enforcement agencies racially profile motorists.

- In his work as an investigator for NIJ and BJPD, and as a member of the New Orleans Police Department consent decree monitoring team, Dr. Alpert has developed and applied rigorous data-driven methods to assess use of force outcomes.

- Seth Rosenthal has worked regularly with data on stops and searches, benchmarking techniques, and regression analysis in litigation, and has sought to have the Maryland State Police regularly collect and analyze such data for the same purpose.

- Chief Bowman created an internal work group that created a statistically significant predictive geospatial algorithm that accurately explained over 70% of residential burglaries in a city with 370,000 people.

- Chief Bowman, Chief Viverette, Chief Stewart, Chief Deputy Emerita Woods, Dr. Alpert, Dr. Scrivner, and Sheriff Clayton are using or have used statistics-based outcome measures to assess organizational improvement as members of the monitoring teams in various jurisdictions.

Qualification No. 6: *Familiarity with federal, state, and local laws* **(RFA ¶ 26.f.)**

Our team understands federal and state laws governing police practices. Indeed, our law enforcement leaders have developed law enforcement policies to ensure consistency with those laws. Chief Viverette has reviewed and drafted model policies with both CALEA and IACP. Sheriff Clayton has done so with MCOLES. Team members also have been responsible for ensuring that policies and procedures comply with federal and state law in their work on other monitoring teams, as well as in their full-time employment:

- Guided by constitutional requirements, Chief Viverette and Dr. Dupont have authored cutting-edge policies for police departments in the areas of community policing and crisis intervention.

- Seth Rosenthal and Steve Parker have spent substantial parts of their legal careers evaluating and litigating over the legality of law enforcement practices.

- Captain Teeter has worked with the Los Angeles Police Department, the Las Vegas Metro Police Department, PERF, IACP, and others to implement constitutionally sound use of force practices on the forefront of policing. He similarly relied on constitutional principles in his work with the Seattle Police Department's FIT.

To the extent familiarity with local law becomes essential to the work of the monitoring team, Venable has experience with and the necessary expertise to navigate local law.

Qualification No. 7: *Evaluating organizational change and institutional reform, including by applying qualitative and quantitative analyses to assess progress, performance, and outcomes* **(RFA ¶ 26.g.)**

The law enforcement leaders on our team have implemented and routinely evaluated change and reform within their own departments. These evaluations necessarily have entailed developing and analyzing meaningful, data-driven outcome measures.

Moreover, all team members who have worked on other police agency monitoring teams or otherwise evaluated consent decree compliance have experience assessing the success of court-ordered reforms.

- For nearly 20 years, Chief Stewart has used qualitative and quantitative analyses to advise police departments on the need for organizational change and institutional reform. Identified above, the list of departments he has advised, including large metropolitan departments, is extensive.

- Attuned to the need for prompt reform driven by meaningful outcome measures, Chief McNeilly guided the Pittsburgh Police Department to achieve substantial compliance with the requirements of a five-year consent decree in two and a half years.

- Sheriff Clayton and Dr. Lamberth have teamed up, using both qualitative and quantitative assessment measures, to evaluate the institutional performance of several police departments, particularly in the area of bias-free policing. As an individual, Sheriff Clayton also has extensive experience evaluating and instructing on organizational change, with a focus on organizational culture.

- Chief Viverette, Chief McNeilly, Dr. Scrivner, and Dr. Alpert are currently using quantitative, statistics-based outcome measures, as well as qualitative criteria, to assess organizational improvement as members of the monitoring team in New Orleans. Chief Deputy Emerita Woods, Dr. Scrivner, Chief Stewart, and Sheriff Clayton have done, or are doing, the same in Detroit, Cleveland, the U.S. Virgin Islands, Newark, and Suffolk County.

- Chief Bowman has been recognized for his record of evidence-based policing in Arlington, Texas, including cooperating with a six-month experimental Police Foundation field study regarding the effect of compressed work weeks on, among other topics, safety and officer performance. In June 2012, Chief Bowman was inducted into the George Mason University Center for Evidence-Based Policing Hall of Fame.

Qualification No. 8: *Working with government agencies, including municipalities, elected officials, civilian oversight bodies, collective bargaining units, and other stakeholders interested in policing issues* **(RFA ¶ 26.h.)**

Running and helping to run a law enforcement agency, as many of our team members have done, requires working closely with government agencies, municipalities, elected officials and unions. So does working on monitoring teams under consent decrees, as many of our team members also have done (e.g., in Cleveland, Detroit, New Orleans, Newark, the U.S. Virgin Islands, Hobbs, Seattle, and Suffolk County).

Qualification No. 9: *Engaging effectively with diverse community stakeholders to promote civic participation, strategic partnerships, and community policing* **(RFA ¶ 26.i.)**

The monitor, Ken Thompson, has spent years engaging with diverse community stakeholders in Baltimore itself, and focused on the issue of community policing as a leader on mayoral transition teams. Our law enforcement leaders—including Chief Viverette, Chief Stewart, Sheriff Clayton, Dr. Scrivner, and Chief Deputy Emerita Woods, in particular—similarly have significant experience promoting civic participation, strategic partnerships, and community policing, as explained above. As attorneys who have frequently confronted civil rights matters, whether in the government or private practice, Seth Rosenthal and Steve Parker also have substantial experience engaging in community outreach and mediating with community stakeholders, as do our academics. As noted, Dr. Scrivner helped establish and served in leadership positions in COPS, and Dr. Dupont, as the principal investigator for BJA's Special Populations study, developed a national curriculum for law enforcement crisis and community engagement.

We fully understand and appreciate the importance of engaging with Baltimore's communities to promote civic participation and community policing, and we have endeavored to put together a diverse monitoring team to accomplish that objective.

Qualification No. 10: *Mediation and dispute resolution, especially mediation of police complaints and neighborhood mediation* (**RFA ¶ 26.j.**)

As managers in law enforcement agencies, Chief Bowman, Chief McNeilly, Chief Stewart, Chief Viverette, Sheriff Clayton, Chief Deputy Emerita Woods, and Captain Teeter have engaged informally in mediation and dispute resolution on a daily basis on matters ranging from personnel issues and labor relations to budgetary issues and community complaints. To take one example, Chief Deputy Emerita Woods, as a Staff Sergeant in the Administrative Services Section of the Ann Arbor Police Department, handled community-based complaints, provided conflict resolution and developed relationships among university and community groups.

As lawyers in private practice, Ken Thompson, Seth Rosenthal, and Steve Parker routinely participate in mediation and dispute resolution in the matters they handle. For Seth and Steve, it was also part of their regular practice as public servants, as they engaged in plea negotiations in criminal cases (including in use of force cases) and settlement negotiations in civil cases (including settlement negotiations resulting in consent decrees). Steve was also instrumental in establishing the New Orleans Police Department Citizen Mediation Program. He assisted the New Orleans Office of Independent Police Monitor (OIPM) in obtaining a grant from COPS to establish the program. He also reviewed and advised on the policy implementation between the OIPM and the NOPD.

Moreover, in New Orleans, Steve spent much of his time working to repair the fractured relationship among the community, the NOPD, police labor organizations, the City, and DOJ. Based on Steve's work, Roy Austin, then-Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity and former Deputy Assistant Attorney General for Civil Rights, observed that Steve "has the ability to get along with almost everyone. He gained the trust of the civil rights community, the mayor of New Orleans, the police department, and the court monitor." Police union officials also were complimentary of Steve's work. The attorney for the Police Officer Association of New Orleans, Eric Hessler, reported that, although the consent decree adversely affected Department morale, Steve's involvement improved the situation. According to Mr. Hensler, "[Steve] was a cop. He knew both sides of the coin. . . He understood the life of a police officer and he made a lot of sense in talking to us. I think we were able to make a bad situation not as bad, in some cases."

Qualification No. 11: *Use of technology and information systems, including data collection and management, and analytical tools, to support and enhance law enforcement practices* (**RFA ¶ 26.k.**)

Our team anticipates working with information technology specialists, particularly specialists with the BPD, to update the BPD's technology and data systems so that they receive, store, and process the data required to measure the BPD's performance. We have experience working with such specialists. Dr. Lamberth, Dr. Dupont, and Dr. Alpert have worked routinely with data systems to perform statistical analyses regarding police department performance. Steve Parker helped oversee the NOPD's early efforts to develop a fully automated Early Warning System (EWS) and understands the need for such systems to collate data from disparate information systems within an agency. As Chief of the Pittsburgh Police Department, Bob McNeilly implemented an Early Warning System. Similarly, team members who have worked on other monitoring teams have obtained an understanding of the IT needs of agencies implementing reforms.

Additionally, Steve Parker has experience with emerging body camera technology and policy. Steve was involved in reviewing and drafting the New Orleans Police Department body camera policy. He also participated in a hearing in federal court about whether the NOPD was in compliance with the audio and video recording requirements of the NOPD Consent Decree. Steve is currently advising the Memphis Police Department and Shelby County District Attorney's Office on body camera issues.

Upgrading the BPD's technology systems will be key to effectively measuring, and ultimately achieving, compliance with the Consent Decree. As explained throughout our proposal, our law enforcement professionals know how to work with modernized information systems to help facilitate constitutional policing.

Qualification No. 12: *Appearing in court as a judge, monitor, counsel, or expert witness, or providing other types of testimony* **(RFA ¶ 26.l.)**

Our team is comprised of law enforcement officers who routinely have testified in court, academics who have served as expert witnesses, and trial lawyers. Certain team members have served and are serving on other monitoring teams. Collectively, we have made hundreds of appearances in state and federal courts. Many of these appearances have addressed issues involving police practices.

Qualification No. 13: *Writing complex reports for dissemination to diverse audiences* **(RFA ¶ 26.m.)**

Our team members have written reports for a broad variety of stakeholders. The team's lawyers routinely provide internal investigation reports and audits to clients with the expectation that they will be shared with corporate boards and may also be shared with the government; prepare court filings intended to persuade judges (and often the public); and have authored broadly distributed publications, including, e.g., a DOJ report on the assassination of Dr. King and pieces for the popular press. The team's law enforcement experts also have authored reports for an array of audiences, including the officers they have led, elected officials such as mayors and city council members, and the general public. Finally, our academics have collectively written literally hundreds of accessible, research-based publications throughout their lengthy careers on a variety of law enforcement-related topics. Effective writing for public audiences is a skill all of our team members possess.

Qualification No. 14: *Providing formal and informal feedback, technical assistance, training, and guidance to law enforcement agencies* **(RFA ¶ 26.n.)**

As explained throughout this proposal, including in the Personnel section and in response to Qualification No. 2 above, our team members have vast experience furnishing guidance and technical assistance to, and training, law enforcement agencies. Indeed, that is, collectively, our stock in trade. Team members, including Chief McNeilly, Chief Bowman, Chief Viverette, Chief Stewart, Sheriff Clayton, Chief Deputy Emerita Woods, Dr. Scrivner, Dr. Alpert, and Dr. Dupont, have given guidance, technical assistance, and training to law enforcement agencies as members of monitoring teams in Detroit, Suffolk County, New Orleans, the Virgin Islands, Cleveland, and Newark,. All of our law enforcement experts have trained other officers in their own departments. Many team members, including all of our law enforcement and academic experts, also have contracted or volunteered to provide technical assistance and/or training as consultants. Finally, many team members, including Chief Viverette, Sheriff Clayton, Captain Teeter, and Chief Bowman, have served in organizations devoted to improving law enforcement practices. In those roles, they have effectively "trained the trainers."

Qualification No. 15: *Reviewing policies, procedures, manuals, and other administrative orders or directives, and training programs related to law enforcement practices* **(RFA ¶ 26.o.)**

Every team member who has worked on another monitoring team has reviewed policies, procedures, manuals, orders, directives, and training programs related to law enforcement practices. Every law enforcement expert on our team has done the same, as each one has served in a leadership role in his or her own agency that required both development and review of policies and training programs. Indeed, Chief McNeilly and Captain Teeter have served in leadership roles in agencies *under* consent decrees, so they have established and evaluated policies and training programs under outside scrutiny. Certain team members, including Chief Viverette, Chief Bowman, and Sheriff Clayton, have reviewed and developed policy and training templates for organizations (CALEA and MCOLES) that prescribe best practices. Dr. Dupont has assessed, developed, and revised crisis intervention policies and training programs for numerous departments. Steve Parker has evaluated policies and training programs when, among other things, working with DOJ on the

New Orleans and Ferguson Police Department investigations. Seth Rosenthal has done the same for private institutions with large special police forces. In short, as explained elsewhere in this proposal, our team's experience reviewing policies and training programs is unparalleled.

Qualification No. 16: *Municipal budgets and budgeting processes* **(RFA ¶ 26.p.)**

All of our law enforcement experts are or were leaders in their respective agencies. As a result, all have helped develop and have been required to stay within budgets, so they are intimately familiar with municipal budgeting. So, too, is Dr. Scrivner, who, as Deputy Superintendent for Administration of the Chicago Police Department, helped manage a $1.2 billion budget for the second largest police department in the country.

Qualification No. 17: *Completing projects within anticipated deadlines and budgets* **(RFA ¶ 26.q.)**

As leaders within law enforcement agencies, academics who have served as university department chairs, independent consultants, lawyers with large clients, and members of other monitoring teams, the members of our team have routinely confronted and worked within deadlines and budgets.

VI. Prior Experiences and References (RFA ¶ 36)

As explained above, our team members have handled numerous matters relevant to the monitorship, which are identified below. **Appendix 2** contains a list of references.

- Theron Bowman
  - *New Orleans Police Department consent decree*
  - *Investigator/consultant*: Maricopa County, AZ; Cleveland, OH; Los Angeles County, CA; Seattle, WA; Albuquerque, NM; Newark, NJ; New Orleans, LA; Aiken, SC; Meridian, MS; Wilmington, DE

- Robert McNeilly
  - *New Orleans Police Department consent decree*
  - *Pittsburgh Police Department consent decree*

- Robert Stewart
  - *Newark, New Jersey Police Department consent decree*
  - *U.S. Virgin Islands consent decree*
  - Police practices litigation: *Mora vs. Arpaio*, CV 09-01719 PHX-DGC; *Melendres vs. Arpaio*, CV 07-2513-PHX-GMS
  - *Consultant*: Detroit Police Department, Cincinnati Police Department, Oakland Police Department, Seattle Police Department, San Antonio Police Department, Florida Highway Patrol, Colorado Springs Police Department, Hollywood, FL Police Department, Ocala Police Department, Boynton Beach Police Department

- Mary Ann Viverette
  - *New Orleans Police Department consent decree*
  - *Investigator/Consultant*: Lorain, OH Police Department; Baltimore Police Department

- Jerry Clayton
  - *Detroit Police Department consent decree*
  - *Suffolk County, New York settlement agreement*
  - *Consultant*: Reno Police Department, Kalamazoo Department of Public Safety, Grand Rapids Police Department, Aurora Police Department

- Mike Teeter
  - *Seattle Police Department consent decree*
  - *Use of force expertise*

- Sherry Woods
  - *Detroit Police Department consent decree*
  - *Investigator/Consultant*: Detroit Police Department

- Randolph Dupont
  - *Cleveland Department of Police consent decree*
  - *Consultant*: Seattle Police Department, Cleveland Department of Police, San Francisco Police Department, Collingswood, NJ Police Department

- John Lamberth
  - *Consultant*: Reno Police Department, Metropolitan Police Department (District of Columbia), Kalamazoo Police Department, Grand Rapids Police Department

- Ellen Scrivner
  - *Cleveland Department of Police consent decree*
  - *New Orleans Police Department consent decree*
  - *Seattle Police Department consent decree*
  - *DOJ Consultant for investigation of Chicago Police Department*
  - *Deputy Director, National Institute for Justice*
  - *Deputy Director DOJ/COPS*

- Geoffrey Alpert
  - *New Orleans Police Department consent decree*
  - *Portland Police Bureau settlement agreement*
  - *Principal Investigator*: NIJ Evaluation of a Social Interaction Training Program to Reduce the Use of Force and Build Legitimacy; NIJ Multi-Method Evaluation of Police Use of Force Outcomes

- Ken Thompson
  - *Corporate investigations and compliance review* (mostly confidential clients)

- Seth Rosenthal
  - *Police practices litigation and consultation*: Maryland State Police
  - *Corporate investigations and compliance review* (mostly confidential clients)

- Steve Parker
  - *New Orleans Police Department consent decree*

Much of the work product created in connection with these engagements is privileged and confidential. In **Appendix 3**, however, we provide relevant, non-privileged writing samples: (1) Dr. Lamberth's data-driven report assessing whether the Metropolitan Police Department (D.C.) engaged in bias-free policing; (2) Dr. Dupont's written testimony about trust-building before President Obama's Task Force on 21st Century Policing; (3) Dr. Alpert's co-authored article entiled "Reducing police use of force; Case studies and prospects"; (4) Dr. Alpert's report on the Use of Electronic Devices by the Montgomery County, Maryland Police Department in 2014-2015; (5) Dr. Scrivner's report for the Major City Chiefs Assocation, published by the COPS office, on Community Policing in the New Economy; (6) Sheriff Clayton's report on community policing for the Aurora Police Department; (7) Sections of New Orleans Police Department consent decree monitoring team reports on Policing Free of Gender Bias and Crisis Intervention that Chief Viverette helped prepare; and (8) Steve Parker's expert report in *Shumpert v. City of Tupelo*, Case No. 1:16cv120-SA-DAS (N.D. Miss.).

VII. Budget (RFA ¶¶ 28-29, 37)

Given its fiscal constraints, the City understandably wants the monitor to do high-quality work at a price that is both affordable and predictable. Our cost proposal satisfies these objectives.

We offer the City two options: (1) Option One: an hourly fee and incurred cost arrangement, based on an annually variable estimated budget that totals, in the aggregate, $6,918,600 over the five-year term of the Consent Decree; and (2) Option Two: a $1.375 million per year fixed fee arrangement, which totals $6.875 million over the five years. Each option is based on the number of hours we anticipate having to work each year, rates that are substantially lower than the standard hourly rates of our team members, and other estimated direct costs, principally the costs for team travel and preparing and conducting community surveys.

For Option One—the hourly fee and incurred cost arrangement—we will cap our fees and costs at $1.475 million per year, as the Consent Decree requires, even though the estimated budget for the required work exceeds that figure in Year One, as shown in **Appendix 4**. Thus, in Year One, based on our estimated budget, the City is forecasted to realize savings as a result of both our reduced hourly rates and the Consent Decree cap. In Years Two - Five, the City is likely to realize savings because, by virtue of our reduced hourly rates, the estimated budget for each of those years is either near or under the Consent Decree cap. Moreover, to the extent that the estimated budget overestimates the hours or costs that will be required, Option One would give the City the chance to save money vis-à-vis the estimated budget, because the City would only pay for the hours worked and costs incurred. For the five-year term of the Consent Decree, the Option One estimated total of $ $6,918,600 is $456,400 lower than the capped five-year total $7.375 million.

Option Two—the fixed fee arrangement of $1.375 million per year—offers the City a guaranteed $100,000 per year reduction from the $1.475 million annual Consent Decree cap, or a $500,000 reduction over the five-year term of the Decree. Because the cost figure in Option Two is fixed, Option Two also provides the City with the budgetary certainty it seeks. Whereas an hourly fee budget estimate requires the City to bear the risk, up to the $1.475 million annual cap, of time estimates that prove to be inaccurately low, the flat fee proposal shifts to the monitoring team the risk of underestimating the amount of required work and incentivizes the team to work efficiently. Similarly, because the fee is fixed, the City bears no risk for overruns in other direct costs; the risk of underestimating ODCs falls on the monitoring team.

For each Option, the tables in **Appendix 4** reflect the number of hours we anticipate each category of team members to devote each year to each of the following tasks: policy review (and technical assistance); training assessment (and technical assistance); incident review, data collection and analysis, and outcome assessments; community engagement; report writing; and coordination and review. We provide a description of each of these tasks in Section III.D. above.

As **Appendix 4** shows, and as explained in Section III.D. above, we believe the first two years of the Consent Decree will require more work than subsequent years. That is because during the first two years, and during the first year in particular, the BPD will be revamping its policies, its training, its reporting requirements, and its data collection protocols. Indeed, during Year One, in addition to familiarizing ourselves with existing BPD policies and practices and reviewing relevant, available reports and data, the monitoring team will be required to ensure that all of the new capacity-building measures the BPD will adopt—i.e., all policy, training, reporting and data collection reforms—comply with the terms of the Consent Decree. From Year Two forward, policy review work should diminish. Training assessment work should also diminish. By contrast, the work required for incident review, data collection and analysis, and outcome assessments is expected to increase, at least to a degree in Year Two, because the monitoring team will be gathering and analyzing all of the new data the Consent Decree requires the BPD to maintain once it implements the reforms required in Year One. Incident review, data collection and analysis, and outcome assessments should remain steady in Years Three through Five, as revamped reporting and data collection protocols take hold and as the monitoring team must continue to measure outcomes to determine whether the BPD is realizing the Consent Decree's goals.

To be as cost-effective as possible, our team anticipates using part-time, local resources on a contract basis to help implement the Monitoring Plan. First, we anticipate contracting with a local college or university to provide graduate students capable of assisting Dr. Lamberth with data collection and analysis. Second, we anticipate working with a local web designer. Third, and perhaps most importantly, we anticipate retaining a thoroughly neutral and unbiased community liaison, as explained above.

Appendix 4 also reflects the costs we anticipate having to incur. As **Appendix 4** shows, the biggest costs will be community surveys and travel expenses, including airfare, per diems, and leasing housing in the City that team members will share (leasing will be much cheaper than renting hotel rooms). We will also incur costs for hiring a web designer, and miscellaneous items, such as printing costs, costs for purchasing apparel identifying team members as monitors, and electronic legal research.

We are not charging for (i) time during which team members travel to and from Baltimore and are not doing monitoring work, (ii) overhead costs, which will be borne by team members and their firms, or (iii) costs for items that the Consent Decree requires the City to provide, including office space (Venable will also provide office space as needed), reasonable office support, office furniture, internet access, use of IT systems, telephone, and photocopying. Accordingly, our proposed flat fee does not include costs for these items.

VIII. Collaboration and Cost Effectiveness (RFA ¶ 38)

Section III.C. above, which responds to RFA ¶ 10, sets forth how we plan to work with the City and the BPD in a collaborative, cost-effective manner to ensure the BPD's compliance with the Consent Decree. Other sections describe how we plan to work with all parties to facilitate compliance, including by collaborating to devise a comprehensive Monitoring Plan, setting compliance deadlines, establishing cooperative dispute resolution mechanisms, developing a communications protocol, establishing an efficient, non-disruptive information-gathering protocol, jointly adopting clear and meaningful outcome measures, furnishing technical assistance on policies and training regimes, devising community surveys, and meeting regularly in person and by phone to address the status of compliance efforts and identify next steps.

As explained above, the most important feature of a collaborative, cost-effective relationship with the parties will be an open line of communication. At all times, the BPD, the City, and DOJ should know the benchmarks the monitor is using to assess compliance and the monitor's view of the BPD's progress toward meeting those benchmarks. Consistent dialogue among the parties and the monitoring team will ensure that everyone is on the same page. It will reduce the chances of misunderstanding, facilitate problem-solving, eliminate needless or directionless work, and ensure the quickest, most efficient path to substantial compliance.

IX. Potential Conflicts of Interest (RFA ¶¶ 39-41)

Our team members have no potential or perceived conflicts of interest that would compromise our impartiality.

A. Employment contracts with the Parties or the State of Maryland (RFA ¶ 39.a.)

Chief Bowman, Chief Viverette, Chief Stewart, Sheriff Clayton, Deputy Chief Woods, Seth Rosenthal, Steve Parker, Dr. Dupont, Dr. Scrivner, and Dr. Lamberth have worked at or consulted for DOJ, as indicated above and in Appendix 1. Each of us is thoroughly independent, and none of us will have an allegiance to DOJ as monitor. Indeed, Seth and Steve are routinely adverse to DOJ in their law practices, and many of these team members have been police practices consultants for and on behalf of municipalities seeking to adopt best practices and avoid DOJ scrutiny.

B. Involvement in Claims or Suits by or against the Parties or the State of Maryland (RFA ¶ 39.b.)

Venable has represented the City of Baltimore in several matters over the years. Presently, Venable represents the City of Baltimore in federal court litigation that the U.S. Environmental Protection Agency, DOJ, and the Maryland Department of the Environment brought against the City under the Clean Water Act; a consent decree entered in the case requires improvements to the City's sanitary sewer system.

Venable, including monitoring team members, also has been adverse to the City of Baltimore, the State of Maryland, and State employees in various matters in recent years.

- Ken Thompson represented UNISYS against the City of Baltimore in a contract dispute involving the delivery and installation of a real property tax system.

- For many years, Venable has represented a class of foster children in a suit to reform systemic deficiencies in the City of Baltimore's foster care system. The defendants are the City's Department of Social Services and the State's Department of Human Resources.

- Seth Rosenthal formerly represented the Maryland State Conference of NAACP Branches against the Maryland State Police in a lawsuit under Maryland's Public Information Act. Seth also represented David Martin in a lawsuit alleging an unconstitutional stop and seizure and racial profiling against Maryland State Troopers Christopher Conner and Jeremiah Gussoni. John Lamberth was an expert witness in that case.

- Venable has been adverse to the State of Maryland's Department of the Environment in enforcement matters. Presently, Venable represents Summerhill Mobile Home Park in a DOE enforcement action.

- Venable is presently adverse to the State of Maryland's Department of Health and Mental Hygiene in several cases on behalf of individuals or classes of individuals with mental illness. In the most recent case, Venable represents a class of mentally ill prisoners who have been declared incompetent to stand trial but whom DHMH allegedly has refused to timely transfer to its facilities from local jails.

- Venable presently represents landowners seeking remuneration from Maryland state agencies (the State Highway Administration and the Maryland Transit Authority) for condemning their property to facilitate public projects.

- Venable presently represents clients adverse to the Comptroller of Maryland before the Comptroller's Hearings and Appeals Section.

- Venable presently serves as local counsel for Volkwagen in a lawsuit brought by the Maryland Department of the Environment concerning VW's diesel engines.

Venable and Butler Snow routinely represent parties adverse to the United States in regulatory, civil, and criminal matters.

The City of Seattle and Seattle Police Department, which employs Captain Teeter, was sued by DOJ and is presently party to a settlement agreement with DOJ. Captain Teeter was commander of the Force Investigation Team from shortly after its inception until after its work was found to be in initial compliance with the settlement agreement.

C. Close Familial or Business Relationships with Parties or State of Maryland (RFA ¶ 39.c.)

Ken Thompson's wife is the Deputy Director of Public Works for the City of Baltimore.

Randy Dupont's sister, Jarilyn Dupont, is the Director of Regulatory Policy in the Office of Policy of the U.S. Food and Drug Administration.

D. Proponent or Subject of Complaint Alleging Misconduct (RFA ¶ 39.d.)

Captain Teeter has initiated numerous complaints of misconduct against other Seattle Police Department employees with the Department's Office of Professional Accountability. Our law enforcement experts, including Chief McNeilly, Chief Viverette, Sheriff Clayton, Chief Deputy Emerita Woods, and Captain Teeter, have been named as defendants in lawsuits in their official supervisory capacities or as subjects of misconduct complaints. None of the lawsuits alleging misconduct were successful, and none of the complaints were sustained.

Appendix 1: Biographies

Theron L. Bowman, Ph.D.

2921 Collard Road
Arlington, Texas 76017
Cell: (817)480-6633
Work: (817)459-6105
Email: Chiefdrt@aol.com

Education

Ph.D. 1997
Urban and Public Administration
University of Texas, Arlington

MPA (1991)
Urban Affairs and Criminal Justice
University of Texas, Arlington

BS (1983)
Biology
University of Texas, Arlington

Dissertation Topic

The Impact of Policies on Police Officer Actions

Teaching Experience

1992 to 2009 Visiting Fellow
Adjunct Professor
Department of Criminal Justice
Texas Christian University, Fort Worth, Texas
Classes: Police and the Community; Police In A Free Society; Internship In Criminal Justice, Introduction to Criminal Justice, Terrorism

1996 to Present Department of Criminology and Criminal Justice
University of Texas at Arlington
Classes: Law Enforcement Management and Administration, Advanced Law Enforcement, Issues in Law Enforcement, International Policing

1990 to 1992 Adjunct Professor
Department of Criminal Justice
Tarrant County Junior College (Northwest Campus), Fort Worth, Texas
Classes: Introduction to Criminal Justice; Crime In America, Social Problems

2003 to Present Faculty
Illinois Law Enforcement Institute, Western Illinois University, Macomb, IL

Professional Experience

Mar 06 to Jan 07   City of Arlington
Interim Deputy City Manager

1983 to 2012   Police Officer (Police Chief)
Arlington Police Department, Arlington, Texas

1998 to 2011   Technical Advisor to United Nations and USDOS Civilian Police Programs
DynCorp Technical Services, Fort Worth, Texas

2012 to Present   Deputy City Manager, Director of Public Safety
City of Arlington, Texas

1998 to Present   President and CEO
Theron L. Bowman, Inc., Arlington, Texas
Police Practices Expert and Federal Court-appointed Police Monitor
Investigated allegations of police patterns and practice of civil rights violations in Maricopa County, Arizona; Cleveland, OH; Los Angeles County, CA; Seattle, WA; Albuquerque, NM; Newark, NJ; New Orleans, LA; Aiken, SC; Meridian, MS; Wilmington, DE
Provide technical assistance to International CivPol Task Forces deploying to Bosnia, Afghanistan, Iraq, Haiti, Kosovo, Israel, Mexico, Liberia and other areas in the Middle East

Professional Activities

Graduate, 25th Session of the FBI National Executive Institute (2002)
Graduate, 186th Session of the FBI National Academy
Graduate, Senior Management Institute for Police
Seminar Facilitator (Selected)

"Managing Diversity at Work," City of Arlington, Texas (August 1993 to present) and
31st Management College, Southwest Legal Institute, Dallas, Texas (1995).

"Managing Community Policing," 31st Management College, Southwest Legal Institute,
Dallas, Texas (1995).

"Successful Strategies for Promotion," North Central Texas Council of Government
Regional Police Academy, Arlington, Texas (1995 to present).

"Focus 2000: Preparing for Success," Metropolitan Council of Churches (1994 to present).

"Oral Presentations," Dallas Area Rapid Transit (September, 1994)

"Crisis With Our Youth," Delta Sigma Theta Conference (1994)

Police Promotional Candidate Assessor:

University of Texas at Arlington (Police Chief, 2013)
Louisville, Kentucky (Police Chief, 2012)
Anchorage, Alaska (Deputy Chief, 2002, 1998)
Columbus, Ohio (Deputy Chief, 1998, 1994)
DFW Airport DPS (Lieutenant, 1998)
Grand Prairie, Texas (Chief, 1997)
San Francisco, California (Sergeant, 1995)
Dayton, Ohio (Lieutenant, 1998, 1993)
Dayton, Ohio (Sergeant, 1998, 1993)
Port Arthur, Texas (Sergeant, 1995, 1993; Lieutenant, 1998, 1994)
Keller, Texas (Sergeant, 1993)

Accreditation Assessor:

Commission on Accreditation of Law Enforcement Agencies (1994 to 2005)

Commissioner:

Commission on Accreditation of Law Enforcement Agencies (2006 to 2013)

Vitae T Bowman

Public Safety Chair/Coordinator:
    Regional Public Safety Planning Committee, NFL Super Bowl XLV (2011), World
Series Baseball Games (2010 and 2011)

Research Activities (Selected)

Unmanned Aerial Systems
    Co-Creator and member of Unmanned Aerial Systems Consortium to facilitate UAS
    research and development and catalyze economic development opportunities
Shift Work Study
    Site partner with Police Foundation on 2010 Shift Study
Created fellowship program with the University of Texas at Arlington Criminal Justice
    department to implement "teaching police department" concept
Partnered with UTA Engineering department to obtain multiple NSF grants for study of wave
    forms and bandwidth compression technologies

Speeches and Presentations (Selected)

    "Leadership Through Service," Goolsby Leadership Academy, School of Business,
    University of Texas at Arlington, Arlington, TX (2014)
    ""Crime Prevention Through Architectural and Environmental Design," David Dillon
    Urban Architecture Symposium, Dallas, TX (2014)
    "Changing the Culture of an Organization," Northwood University School of Business,
    Cedar Hill, TX (2014)
    "Leadership and the Laws of Physics," US Army-Air Force Exchange Services Black
    History Month Program, Dallas, TX (2012)
    "Creating and Sustaining Police Foundations," Annual Conference of the USDOJ COPS
    Office, Washington, DC (2011)
    "Public-Private Partnerships Between Police and Corporate Security," Annual
    Conference of the USDOJ COPS Office, Washington, DC (2011)
    "Procedural Justice," Annual Conference of the USDOJ COPS Office, Washington, DC
    (2011)
    "Building Our Way Out of Crime," International Problem-Oriented Policing Conference,
    Arlington, TX (2010)
    "How Prison Reentry and Cyclical Crime is Impacting Public Safety," Regional UMC
    Conference, Arlington, TX (2010)
    "Prevent to Predict," BJA First National Conference on Predictive Policing, Los
    Angeles, CA (2009).
    "Recruitment, Retention, and Discover Policing" IACP Annual Conference, San Diego,
    CA (2008).
     "To Whom Much is Given, Much is Required," Leadership Arlington and Youth
    Leadership Arlington Graduation (2005/06).
    "10 Things to Make a Good Police Officer," Abilene, Texas Police Memorial (2002).
    "African Americans In Business," Federal Bureau of Prisons, Ft. Worth, Texas (1998).
    Who's Minding the Shop?" Federal Bureau of Prisons, Seagoville, Texas (1997).
    "You are the Stars," Youth Education Awards Banquet, Fort Worth, Texas (1995).
    "Taking Personal Responsibility for the Criminal Justice System," Federal Bureau of
    Prisons, Fort Worth, Texas (1995).
    "What Happened to Family," D-FW Association of Churches, Dallas, Texas, (1994).
    "Where are the Men?" Christian Men's Fellowship, Arlington

Vitae T Bowman

Professional Publications and Reports

Bowman, T. (2015) "The Mechanics of Diversity Recruitment," Connecting Communities of Color Project, The Police Perspectives:Building Community Trust Blog Series, Vera Institute of Justice Blog at http://www.vera.org

Bowman, T. (2014) "Leading a Police Organization," *The Response Network Online Course for Police Officers*, http://www.theresponsenetwork.com.

Bowman, T. (2012) "Higher Education," *Police and Society,* Oxford University Press, p 464.

Bowman, T. (2012) "A Chief's Perspective," *Selecting a Police Chief: A Handbook for Local Government,* ICMA.

Bowman, T. (2010) "Understanding and Mitigating Identity Theft," *Inside the Minds,* Aspatore Books.

Bowman, T. (2008) "Change, Professionalism and the Hiring Process," *Police Officer Stress.* Pearson Prentice Hall, pp. 374-376.

Bowman, T.   (2006) "The Chief's Perspective: Demolishing the Recruitment Myth," The Police Chief. August, p. 22-23.

Bowman, T.   (2004) "With Authority Comes Responsibility: Building Solid Accountability Systems," Crime & Justice International. July/August, p. 27-28.

Bowman, T.   (2003-2004) "Police Partnerships: Creating Communities, Building Leaders," Texas Police Chief. Winter, p.19-22.

Bowman, T.   (2003) "Preparing and Mobilizing the Community for a Future Terrorist Event," Community Policing Consortium, Internal Resource and Training Document, December.

Bowman T.   (2003) "Diversity, Education, and Professionalism: Arlington's Path to Excellence in Community Policing," IACP South American Conference, Belo Horizonte, Brazil, and Brasilia, Brazil, July.

Bowman, T.   (2003) "A Symbiotic Relationship," Texas Police Chief. Summer, p. 22-23.

Bowman, T.   (2003) "The Arlington Police Department's Part-time Police Officer Program: Maintaining Diversity, Retaining Valuable Employees," Texas Police Chief. June.

Bowman, T.   (2003) "Educate to Elevate," Crime & Justice International. March. p. 26-27.

Bowman, T.   (2002) "Educate to Elevate – Academics 'have pushed our department to a new level of professionalism and innovation'", Texas Police Journal. November, p. 15-17.

Bowman, T.   (2002) "Internet Database Puts Arlington Police Statistics at Public's Fingertips," Police Chief Magazine. June, p. 56.

Bowman, T.   (2002) "Toll of Terrorism,"   Community Policing Consortium Community Links magazine. March, p. 1.

Bowman, T.   (2002) "Educate to Elevate – Academics 'have pushed our department to a new level of professionalism and innovation'", Community Policing Consortium Community Links magazine. August, p.11.

Bowman, T. (2001) "Diversity, Education, and Professionalism: Arlington's Path to Excellence in Policing," Heritage Foundation Heritage Lectures. October.

Bowman, T.   (1994) "Domestic Violence Against Women, The Police, and Politicians," United States House of Representatives Subcommittee On Violence Against Women.

Bowman, T. (1993) "Staff Study of the Arlington Police Department Training Division," Arlington Police Department.

Bowman, T. (1993) "Arlington Police Department Personnel Allocation Experiment," Arlington Police Department.

Bowman, T.   (1992) "Should the Federal Government Subsidize Private Carriers?: Cost-Benefit Analysis of Private Express Park and Ride Service," Federal Transit Authority.

Bowman, T. (1992) "Arlington Police Department Citizen's Survey," Arlington Police Department.

Bowman, T.   (1991) "A Comprehensive Recruitment Plan for the Arlington Police Department: A Five Year Prospectus," Arlington Police Department.

Bowman, T.   (1990) "Marketing the Polytechnic Heights Neighborhood," Neighborhood Housing Services of Fort Worth.

Bowman, T.   (1990) "The Effects of Civil Service on the Hiring Process," Texas Police Star. December.

Bowman, T.   (1990) "The Effects of Civil Service on the Arlington Police Department Hiring Process," Arlington Police Department.

Bowman, T.   (1989) "Mission 90's and Recruiting: Crisis or Opportunity?" Arlington Police Department.

Bowman, T.   (1989) "Professionals In Our Profession," Texas Police Journal. April.

Professional Affiliations

Academy of Criminal Justice Sciences
American Society of Public Administrators
Arlington Public Library Foundation Board of Directors (2001 to 2007)
Boys and Girls Clubs of Arlington – Board of Directors (2009)
Commission on Accreditation for Law Enforcement Agencies
        Commissioner (2006 to 2013
Fleetwood Memorial Foundation (1999 to 2013)
International Association of Chiefs of Police:
        Executive Committee (2000 to 2012)
        Foundation Board (2001 to 2011)
        Financial Review Committee (2006 to 2012)
        Diversity Coordinating Panel (2006 to 2007)
        Narcotics and Dangerous Drugs Committee (2008 to 2012)
John Jay College of Criminal Justice of the City University of New York
        Advisory Board of the Christian Regenhard Center for Emergency Response Studies
        (2009 to present)
Leadership Arlington Board of Directors 2005/06
Metropolitan Operations Support and Analytical Intelligence Center – "Fusion Center"
        Advisory Board (2007)
National Organization of Black Law Enforcement Executives
National Association for the Advancement of Colored People (Life Member-Sustaining)
National Black Police Association
North Texas Council of Governments
        Law Enforcement Analysis Portal (LEAP) Governing Committee (2006-Chair)
Office of the Governor – Appointee
        Evacuation Task Force - Transportation and Logistics (2005/2006)
Police Executive Research Forum
Pi Alpha Alpha- National Honor Society for Public Administration
Texas Intelligence Council (Governor's Office of Homeland Security)
        Chair (2005 to 2012)
Texas Police Association
Texas Police Chiefs Executive Committee – Regional Director (1999 to 2005)
Texas Regional Center for Police Innovation (2001 to present)
        Board Chair (2009 to present)
The Institute for Law Enforcement Administration (2004 to Present)
        Advisory Board -- Chair (2011 to present)
        Advisory Board – Vice Chair (2005)
UTA Center for Criminal Justice Research and Training – Board of Directors (2007)

Vitae T Bowman

UTA School of Social Work Advisory Council (2001 to 2007)

Professional Recognitions

Arlington Muslim Community Leadership Award (2009)
Leadership Arlington – Sally Kallam Award (2008)
UTA Distinguished Alumni (2006)
Police Executive Research Forum's Gary P. Hayes Award (2004)
Outstanding Local Leader Award (2003)
      John Ben Shepperd Public Leadership Institute
W.E.B. Dubois Award for Leadership, Delta Mu Chapter of Sigma Pi Phi, Inc. (1999)
University Scholar - The University of Texas at Arlington (1998)
Harold Washington Heritage Award for Government Service - NAACP (1995)
Citation of Achievement:
      U.S. House of Representatives (1994)
      Texas State Senate (1993)
      City of Arlington, Texas (1993)
      City of Forest Hill, Texas (1993)
Career Achievement Award - Blacks In Government, Fort Worth, Texas (1994)
Police Officer of the Year - African American Peace Officers Association of Arlington (1992)
President - Texas Association of Police Personnel Officers (1988-1990)

Community Service

Ambassadors Christian Academy (K - 12) Advisory Board
Arlington Federal Credit Union Supervisory Board
American Heart Association Arlington Division Board of Directors
Arlington Human Service Planners Families and Youth Planning Council
Arlington City Council Youth Activities Committee
Dispute Resolution Services of Tarrant County Board of Directors
Fort Worth Human Services, Inc. (CDC) Board of Directors (Chairman)
Greater Mount Tabor Baptist Church, Fort Worth, Texas (Deacon)
Junior League of Arlington Community Advisory Committee
Law Enforcement Television Network Advisory Board
Leadership Arlington and Youth Leadership Arlington
Levitt Pavilion Arlington – Director (2007)
Martin Luther King, Jr. Celebration Committee Chair 2003 and 2006
North Central Texas Council of Government Criminal Justice Policy Development Committee
North Central Texas Major Case Investigation Team (MCIT) Board of Directors
Rotary International – Rotary Club of Arlington - South (President, Treasurer)
Tarrant County Community Aids Partnership Advisory Board
Tarrant County Youth Collaboration Board of Directors
        Social Capital Task Force (2005)
United Way of America – Community Impact Committee
United Way of Metropolitan Tarrant County Board of Directors (Vice Chair), Community
        Initiatives and Allocation Division Cabinet (Chair), Quality Coordinating Committee,
        Nominations, and Hercules Award Subcommittees, Partnership Review Subcommittee
        (Chair, YMCA Committee; Management Consultant, Sickle Cell Anemia Foundation,
        Boys Scouts of America)

References

Available Upon Request

Vitae T Bowman

Robert W. McNeilly Jr.

Robert McNeilly serves as a partner in The McNeilly Group, LLC. Since September 2013 he has served as a federal monitor to the New Orleans Police Department and has monitored NOPD compliance with the consent decree between the City of New Orleans and the United States Department of Justice.

Chief Robert W. McNeilly provided training and management consulting through The McNeilly Group, LLC from January 2006. The training provided was in several areas of police management including a two day segment regarding "Managing Liability" for the Justice and Safety Institute of Penn State University's Police Executive (POLEX) course.

Consulting was provided to many departments including the Trinidad and Tobago Police Services (6,000 officer department) during their promotional interviews for their top ranks. Other consulting services were with the United Stated Department of Justice during "pattern and practice" civil rights investigations into various departments.

Chief McNeilly served as chief of the Pittsburgh Bureau of Police from April of 1996 until his retirement from the Pittsburgh Police in January of 2006. Chief McNeilly was sworn in as a police officer with the Pittsburgh Police on February 14, 1977. He worked in patrol (1977-1979), in a plainclothes position (1979-1984), as a sergeant (1984-1987), as a lieutenant (1987-1990), and as a commander (1990-1996) before being promoted to chief. Throughout his law enforcement career he has been assigned to patrol, investigations, special operations, communications, support, training, and traffic.

Chief McNeilly belongs/belonged to several organizations including the Police Executive Research Forum (past Treasurer), the International Association of Chiefs of Police, the Major Cities Chiefs (Executive Board as an East Coast representative), the Pennsylvania Chiefs of Police Association, the Western Pennsylvania Chiefs of Police Association, and the Allegheny County Chiefs of Police Association (serving as president in 2015).

Chief McNeilly has served on various committees including the Office of Domestic Preparedness advisory committee, the IACP's "Protecting Citizen's Civil Rights: A Best Practices Guide for Local Law Enforcement Leaders" project, and the IACP's Post 9-11 Policing project.

Chief McNeilly has taught for the Pennsylvania Municipal Police Officers Education and Training Commission, the University of Pittsburgh, the Indiana University of Pennsylvania, and Penn State University. Chief McNeilly has delivered presentations at the International Association of Chiefs of Police annual meetings, the Major Cities Chiefs, the Police Executive Research Forum annual meetings, the FBI National Academy, Northwestern University, the Police Assessment Resource Center, the New Jersey State Accreditation Committee Annual Training (2008), the Minnesota Chiefs of Police Annual Training (2007), and various other training sessions.

Chief McNeilly has received awards from various organizations that include the Fraternal Order of Police (compassionate leadership), the American Society for Industrial Security (leadership), the Western Pennsylvania Chiefs of Police (leadership), the Police Executive Research Forum (leadership), the Pittsburgh School Police (leadership), and the U.S. Coast Guard (District 8 enlisted person of the year).

Chief McNeilly has a bachelor of arts in psychology from Duquesne University and has completed graduate courses in Public Policy Management at the University of Pittsburgh.

Chief McNeilly has attended many training courses that include:
- US Secret Service Dignitary Protection; Washington D.C. (8/05)
- Law Enforcement Exchange Program; Terrorism training; Jerusalem and Tel Aviv, Israel (4/05)
- Advanced Tactical Management; International Association of Chiefs of Police (2001)
- National Executive Institute; Federal Bureau of Investigations Academy, Quantico, Va. (1997)
- Senior Management Institute for Police; Police Executive Research Forum, Boston, MA. (1996)
- Command Institute for Police Executives; Pennsylvania Chiefs of Police, (1996)
- Emergency Management; National Fire/Emergency Management Academy, Emmitsburg, MD. (1996)
- Police Instructor; Municipal Police Officer Education and Training Commission (1993)
- Firearms Instructor; United States Coast Guard (1989)
- Police Rifle Instructor School; Allegheny County Police Academy/NRA (1987)
- Law Enforcement Supervision; Pennsylvania State University (1986)

Chief McNeilly served in the United States Marine Corps from June 1970 to June 1972 (Infantry) and served from June 1987 to February 2011 in the United States Coast Guard Reserves and retired as a Chief Petty Officer.

Chief McNeilly has trained in several styles of martial arts and is a 4th degree black belt in Tae Kwon Do.

Chief McNeilly is married to retired Police Commander Catherine McNeilly (Pittsburgh Bureau of Police) who started The McNeilly Group, LLC in February 2006.

ROBERT L. STEWART
P.O. Box 16403
Tallahassee, Fl. 32317
850-656-7604

E-mail: bob@bobcattraining.com

WO**RK EXPERIENCE:**

2000 - Present   **Police Practices Expert**
President and CEO, Bobcat Training and Consulting, Inc.

Conducts training and provides consulting services in the law enforcement and criminal justice communities. Police practices expert. Primary work includes strategic planning, organization re-design and transformation, executive development, community policing, bias-based policing, police accountability, procedural justice, policy development, training and early intervention.

Monitor – Settlement Agreement, Plaintiffs vs. Hobbs NM Police Dept.
Monitor - Consent Decree, USVI Police Department
Monitor – Consent Decree, Newark, New Jersey Police Department
Police Practices Expert, USDOJ Investigation, Portland, Me. Police Dept.
Police Practices Expert, Mora vs. Arpaio, CV 09-01719 PHX-DGC   Police Practices Expert, Melendres vs. Arpaio, CV 07-2513-PHX-GMS
Police Practices Expert, Thornton vs City of Surprise Az. CV2015-096393
Police Practices Expert, Review -Chicago Independent Police Review Authority
Consultant – Review of Fort Lauderdale Police Department
Consultant – Review of Detroit Police Department
Consultant – Review of Florida Highway Patrol
Consultant – Review of Cincinnati Police Department
Consultant – Review of Colorado Springs Police Department
Consultant – Review of Oakland, Ca. Police Department
Consultant – Review of the New Orleans Police Department
Consultant – Review of the Seattle Police Department
Consultant/Instructor Bethune Cookman University Center for Law and Justice
Senior Consulting Associate, Strategic Policy Partners
Senior Consulting Associate, Berkshire Advisors

2006   **Camden NJ Police Department – Interim Police Director**
Performed duties of Police Director under authority of Supercession Order of NJ Attorney General. February – August, 2006.

2005   **Rutgers University/Newark Campus – Interim Director of Public Safety**
Performed duties as chief of police while search for permanent selection was conducted. May – September, 2005.

2004-2005   **Director of Training**
Louisville Metro Police Department
Assisted with the merger of former Jefferson County and Louisville (Ky.) Police Departments. Served as key advisor to the Chief of Police. Consolidated and reorganized the training operation. Conducted critical analysis of recruit, in-service, firearms and use of force training.

1998-2000	**Executive Director** **National Organization of Black Law Enforcement Executives** **Alexandria, Virginia**

Managed national office, staff, special projects and programs as Chief Executive Officer. Implemented, executed and assisted in the formation and initiation of programs and policies. Managed and administered the annual budget and fiscal affairs. Supervised and directed all activities associated with the Annual Conference and special meetings. Developed relations with government agencies, foundations, corporations and other private sector organizations to secure and maintain support and financial resources for NOBLE programs. Testified before Congress, state and local legislative bodies, official committees and boards.

1997-1998	**Assistant Executive Director** **National Organization of Black Law Enforcement Executives** **Alexandria, Virginia**

NOBLE's representative to the Community Policing Consortium Management Team. Coordinated all training and deliverable materials contracted by the C.O.P.S. Office. Planned, directed, coordinated and reviewed all training, participant evaluations and quality control reports. Reviewed and approved articles for NOBLE publications. Coordinated activities of NOBLE chapters with National Office. Acted as Executive Director in absence of incumbent.

1992-1997	**Chief of Police** **Ormond Beach Police Department** **Ormond Beach, Florida**

Chief of full service law enforcement agency.
Commanded eighty sworn officers and twenty civilian employees.
Managed annual budget of approximately $4.5 million.
Implemented Citizens' Police Academy, Police Athletic League and Law Enforcement Advisory Board.
Restructured Department revised SOP program, instituted Computer Aided Dispatch and 800 MHz Radio systems.
Served as President of Volusia County Police Chiefs Association.

1991-1992	**Major, Commander** **General Services Bureau** **Tallahassee Police Department** **Tallahassee, Florida**
1989-1991	**Captain, Promotional Process Coordinator,** **Administrative Services Bureau** **Metropolitan Police Department** **Washington, D.C.**
1987-1989	**Captain, Commander, Patrol Support Section, (CDU)** **Fourth District, Field Operations Bureau**

1985-1987	Captain, Watch Commander (CDU)
	Third District, Field Operations Bureau

1984 - 1985 **Captain, Deputy Director**
Planning and Development Division

1983 - 1984 **Lieutenant, Commander, Executive Protection Unit**
Field Operations Bureau

1981-1983 **Lieutenant**
Human Resource Development Branch
Planning and Development Division

1980-1981 **Lieutenant, Administrative Aide**
Seventh District, Field Operations Bureau

1980 **Lieutenant, Platoon Commander (CDU)**
Seventh District, Field Operations Bureau

1978-1980 **Sergeant, Supervisor, Directive Development Section**
Planning and Development Division

1978 **Sergeant, Squad Supervisor (CDU)**
First District, Field Operations Bureau

1971-1978 **Officer (CDU – Civil Disturbance Unit)**
Third District, Field Operations Bureau

1969-1971 **United States Army**

1969 **Officer**
Metropolitan Police Department
Washington, D.C.

MILITARY EXPERIENCE: U.S. ARMY 1969-1971 HONORABLE DISCHARGE

EDUCATION

1974	Howard University - B.A.	Political Science

POST GRADUATE STUDY

1974 -1975	American University	Public Administration
1975-1976	American University	Administration of Justice
1985	University of Virginia (FBI Academy)	Administration of Justice
1985-1986	University of the District of Columbia	Public Policy
1991	George Washington University	Contemporary Executive Development
1992	Florida State University	Public Administration

PROFESSIONAL AFFILIATIONS

National Organization of Black Law Enforcement Executives – Life Member
International Association of Chiefs of Police – Life Member
Pi Alpha Alpha, National Honor Society in Public Affairs and Administration
Police Executive Research Forum
FBI National Academy Associates
Florida Police Chiefs Association
Omega Psi Phi Fraternity, Inc. – Life Member
100 Black Men
National Black Police Association
NAACP
DOT/NHTSA Blue Ribbon Panel on African American Seat Belt Use

CONSULTING ENGAGEMENTS

Ocala, Florida Police Department (Berkshire Advisors)
Gainesville, Florida Police Department (NOBLE)
Bay Area Rapid Transit Police Department (NOBLE)
Washington, DC Metropolitan Police Department (Berkshire Advisors)
St. Paul, Mn. Police Department (Berkshire Advisors)
San Francisco Police Department (PERF)
Austin, Texas Police Department (MGT of America)
Independence, Mo. Police Department (Berkshire Advisors)
Ardmore, Ok. Police Department (Berkshire Advisors)
Boston University Police Department (Strategic Policy Partnerships)
Memphis Police Department (Berkshire Advisors and Fields Consulting Group)
Oklahoma City Police Department (Berkshire Advisors)
Newark Public School Security (MGT of America)
Stamford Police Department (Strategic Policy Partnerships)
Albuquerque Police Department (MGT of America)
Petersburg, Va. Police Department (Berkshire Advisors)
Newark Public Schools (MGT of America)
Kansas City, Mo. Police Department (Berkshire Advisors)
Dallas Police Department (Berkshire Advisors)
Phoenix Police Department (Berkshire Advisors)
Florida Highway Patrol (Berkshire Advisors)
Albany, New York Police Department (Strategic Policy Partnerships)
Charlotte – Mecklenburg Police Department (Strategies for Youth)
Cincinnati Police Department (Strategic Policy Partners)
Fair and Impartial Policing, Instructor Trainer, COPS
Hartford, Conn. Police Department (Strategic Policy Partnerships)
Indianapolis Police Department (Strategies for Youth)
East Haven, Conn. Police Department (Strategic Policy Partnerships)
Oakland, Ca. Police Department (Strategic Policy Partnerships)
Trinidad and Tobago Police Department (Penn State Justice and Safety Institute)
South Bend Police Department (Strategic Policy Partnerships)
Charlotte-Mecklenburg Police Department (Strategies for Youth)
Boynton Beach Police Department (Berkshire Advisors)
San Antonio Police Depart (Bobcat Training and Consulting)
Hollywood, Fl. Police Department (Charles A. Gruber Consulting, Inc.)
Baltimore Police Department (Strategic Policy Partnerships)
Detroit Police Department (Strategic Policy Partnerships)
Portland Police Department (Strategies for Youth)
Seattle Police Department (Berkshire Advisors)
New Orleans Police Department (Berkshire Advisors)

Mary Ann Viverette
2300 Bentbill Circle
North Myrtle Beach, SC 29582
(301) 602-3355

Professional Experience:

Municipal Government/Gaithersburg, MD Police Department – 1979/2007
Over 27 years of in-depth experience in municipal government, holding all ranks in the Gaithersburg Police Department until my appointment as Chief of Police in 1986. Serving as Chief of Police for 21 years, was responsible for providing service to a diverse and challenging city of 60,000 residents. Responsible for major organizational transformation by instituting significant personnel, operational, and service-related initiatives, improving training curriculums, building regional coalitions, maintaining national accreditation awards, and developing and enhancing a successful city-wide community policing philosophy.

Commission on Accreditation for Law Enforcement Agencies, Inc. – 1988-2013
As a certified Assessor and Team Leader, conducted assessments of all size police agencies to determine their ability to meet a national body of police standards. Wrote formal reports to the CALEA Commissioners to verify compliance and make recommendations for accreditation.

Technical Advisor- Fields Consulting Group – 2007-2013
Provided technical assistance and law enforcement management expertise during the development of promotional examinations for small and large municipal police agencies. Assisted the CEO of Fields Consulting Inc. with the delivery of promotional exams and assessment centers for every level of supervisor in all size police agencies.

Court Appointed Federal Monitor – 2013 – present
Serves as a Court Appointed Federal Monitor, working with the Sheppard, Mullin, Richter and Hampton law firm overseeing the January 2013 New Orleans Police Department Consent Decree. As a Monitor, members assess progress toward compliance with the Consent Decree in broad areas, including: use of force, training, bias-free policing, constitutional practices, and Public Integrity Bureau investigations. Chief Viverette is specifically assigned to monitor Domestic Violence, Sexual Assault and Child Abuse investigations, Crisis Intervention Programs, Training Academy programs and Promotions and Performance Evaluations.

Professional Accomplishments:

International Association of Chiefs of Police - IACP, President (2005-2006).
Served in a leadership position as a member of the Board of Officers from 1999 - 2007. The IACP is the oldest and largest law enforcement leadership organization in the world with over 21,000 members.

Maryland Chiefs of Police Association - Executive Committee member and Training Committee member (1993- 2006).

Commission on Accreditation for Law Enforcement Agencies (CALEA) – (2002-2007)

Chief Viverette served as a Commissioner and Chairperson of the Standards Review and Interpretation Committee for five years. Developed the international body of standards throughout a fifteen- year period as a Commissioner and Committee Chair. As an Assessor, Team Leader and Commissioner, reviewed hundreds of agencies for accreditation over a twenty-five-year period. CALEA is the gold standard accrediting body for professional law enforcement agencies and strives to improve delivery of police services by review and revision of over 400 law enforcement standards reflective of best practices in the profession.

Education:

University of Maryland, University College, College Park, MD.

Master of Science, Human Resource Management, 1998
Bachelor of Science, Law Enforcement/Criminology, 1986

FBI National Academy, 1988, Session 155, Quantico, VA.

Presentations/Keynote Speaker/Panelist –

- Spoke with the President and Vice-President of the United States releasing police grants for an additional 100,000 community policing officers;
- Testified before the US Senate and US Congress on national issues related to identity theft and the national assault weapons ban;
- Appeared several times on "Good Morning America," addressing topical issues in law enforcement and personal safety;

Professional Associations:

- International Association of Chiefs of Police, 1993-present.
- Maryland Chiefs of Police Association, 1986-2007.
- National Association of Women Law Enforcement Executives, 1995-present.
- Leadership Montgomery, Class of 1995
- Victim Services Advisory Board, IACP, 2003-2006.
- National Law Enforcement Museum Advisory Board, 2004-2007.
- Fight Crime Invest in Kids, Maryland Advisory Board, 2000-2007.
- D.A.R.E. America Law Enforcement National Advisory Board, 1999-2003.
- Gaithersburg Kiwanis Club, 1994-1999
- Heroes Board of Directors – Guardian ad Litem 2010-2016.

Awards/Honors:

- Named to 25 Outstanding Business Women of Montgomery County, 2005
- Elected 1st Female President of the International Association of Chief of Police 2005
- Woman Law Enforcement Officer of the Year – 2006 NAWLEE
- Distinguished Alumni Award – 2006 Academy of the Holy Cross, Kensington, MD
- Conference of Mayors Livability Award – Community Policing, 1995
- Gaithersburg Police Station building named after Chief Viverette – 2007

Jerry L. Clayton
147 Carriage Way ~ Ypsilanti, MI 48197
Telephone ~ 734-320-4793
E-Mail: 12jlclayton@gmail.com

Professional Experience:

2009-present	Washtenaw County Sheriff Office	Ann Arbor, MI

Sheriff
- Elected CEO of a full service criminal justice agency
- Lead 430 full and part-time employees
- Geographic area of responsibility- 720sq miles
- County population 340,000
- Agency budget- Approximately 50 million dollars

2001-2006	Washtenaw County Sheriff Office	Ann Arbor, MI

First Lieutenant
- Coordinate and conduct internal investigations
- Coordinate and deliver staff trainings
- Manage special projects

1999-2001	Washtenaw County Sheriff Office	Ann Arbor, MI

Commander of Police Services
- An appointed member of the Sheriff's Executive Team
- Administrative responsibility for 25 upper level management / 100-125 sworn officers
- Responsible for the delivery of the following services: Dispatch, Marine Safety, Traffic Enforcement, Criminal Investigation, Community Policing, and Law Enforcement
- Generate administrative operation plans and budgets
- Collaborate and develop partnerships with Township Officials
- Commander of the Special Weapons and Tactics Team

1998-1999	Washtenaw County Sheriff Office	Ann Arbor, MI

Commander of Corrections
- An appointed member of the Sheriff's Executive Team
- Administrative responsibility for 11 upper level management/ 90-100 front-line staff
- Administrative responsibility for service delivery: Corrections Operations, County Court Security, Inmate population management
- Generate administrative operation plans and budgets
- Coordination of Divisional training plan, equipment, and personnel

1992-1998	Washtenaw County Sheriff Office	Ann Arbor, MI

First Lieutenant
- Manage daily operations Corrections Division: Facility Security Prisoner Transportation, County Court Security, Community Work Program, Inmate Classification
- Personnel Issues: Internal Investigations, Corrective Sanctions, Criminal Investigations, Training, Customer service
- Service Liaison: Food Service, Medical, Mental Health

1990-1992	Washtenaw County Sheriff Office	Ann Arbor, MI

Sergeant
- Shift Commander
- Staff scheduling and Post assignments
- Manage complaint process

| 1990 | Washtenaw County Sheriff Office | Ann Arbor, MI |

Deputy Sheriff
- Respond to citizen calls for service
- Criminal Investigations
- Traffic enforcement
- Community policing contacts

| 1986-1990 | Washtenaw County Sheriff Office | Ann Arbor, MI |

Corrections Officer
- Supervise inmates in housing units
- Process newly admitted inmates
- Transport inmates to court

| 1985-1986 | Washtenaw County Sheriff Office | Ann Arbor, MI |

Community Work Program Supervisor
- Supervise sentenced offenders performing community work
- Schedule participant attendance in program
- Coordinate and schedule client service activities

Additional Activities:

1991 – 2001   **WCSO- SWAT Team Member**
- Squad leader, SWAT Training Instructor, Team Commander

1994 – 2001   **WCSO- Chief Use of Force Instructor**
- Coordinate all use of force training, evaluation of staff use of force actions, policy development

1993 – 2002   **Investigator- Michigan Sheriff's Association**
- Member of a group of specially trained investigators throughout the state of Michigan assigned at the request of any Michigan Sheriff to investigate internal and criminal complaints filed against representatives of their agency.

2012-present   **Commissioner- Michigan Commission On Law Enforcement Standards**
- Appointed by the Governor of the State of Michigan to represent the Michigan Sheriff's Association. The Commission prepares and publishes mandatory minimum recruitment, selection and training standards for entry-level law enforcement officers in the state of Michigan, and in-service training standards for veteran law enforcement officers. Establishing standards for traditional, municipal, county, and state agencies, as well as a variety of specialized agencies, such as tribal, railroad, airport, and park police. Currently serve as Chair of the Commission.

2015-present   **CEO- The Cardinal Group II- Policing/Corrections Training Consultants**
- Public Safety (Policing, Corrections) consulting and training group. Primary area of focus; Leadership and management, Direct Supervision/Inmate Behavior Management, Managing Interpersonal Interactions Series (Procedural Justice, Cultural Competency, Implicit Bias, Verbal de-escalation, Tactical Decision-making)

Concurrent Employment:

2006-present   Department of Justice/ Kroll Worldwide/ Saul Ewing/ Venable/Independent Contractor
Subcontractor
- Evaluate law enforcement agency compliance with court-mandated improvements related to agency policy and procedures, staff training, and supervision.
- Specific areas of concentration include; training curriculum development, policy development, conditions of incarceration, and use of force

2001-present   Lamberth Consulting
Partner/ Vice President
- Design, coordinate, and deliver training course; law enforcement, corrections, basic and advance management/supervision, leadership, coordinating and enhancing customer service efforts
- Project management
- Coordinate/conduct Focus Group activities
- Provide consulting services focused on addressing bias based police practices

| 1996-present | National Institute of Corrections, U.S. Department of Justice |
| | **Technical Resource Provider/Training Consultant** |

- Contracted consultant for local, state, federal Corrections agencies
- Provide technical assistance
- Provide training services

| 1991-present | Training Consultation Service |
| | **In-service/ Pre-service Instructor- Police, Corrections, DNR** |

- Classroom Instruction; Cultural Diversity, Interpersonal Communications, Filed Training and Evaluation, Front-line Supervision, Biased based policing, Leadership and management practices.
- Practical Instruction; Firearms, Defensive Tactics, Chemical spray
- Facilitate Job Task Analysis process

Education:

1997	Eastern Michigan University	Ypsilanti, MI
	School of Police Staff and Command	
1990	Washtenaw Community College	Ann Arbor, MI
	Criminal Justice- Police Academy	
1982-1985	Eastern Michigan University	Ypsilanti, MI
	Major-Public Safety Administration	

Professional References Available upon Request

Sherry E. Woods

2493 Dundee Dr. ~ Ann Arbor, MI 48103
Home Phone: (734) 663-5069 ~ Fax: (734) 663-0915~ Email: svwoods50@comcast.net

W O R K   H I S T O R Y

Chief Deputy Emerita
Washtenaw County Sheriff's Office   3/17 – present
Responsible for special projects, agency infrastructure, and promotional processes.

Chief Deputy
Washtenaw County Sheriff's Office   6/15 – 12/16
Responsible to the Undersheriff to plan, organize, implement, administer and evaluate all
Sheriff's Office operations and programs. Oversight of policy, training, all agency infrastructure
and projects.

Corrections Commander
Washtenaw County Sheriff's Office   1/12 – 6/15
Managed the corrections and administrative activities of the Corrections Division of the Sheriff's
Office; directed Sheriff Correctional Lieutenants in the management of their assigned programs,
operations, and staff; coordinated the work of the division with others in the division.
Evaluated operations, staffing, training, and record keeping systems; ensured adequacy, efficiency
and effectiveness of corrections and administrative operations; established resource priorities
based on program needs.
Supervised, trained, evaluated, and disciplined staff.

Department of Justice Contractee   June – September 2014
Subject Matter Expert – reviewed and assessed Use of Force investigations for compliance with
the Consent Decree (DOJ vs. City of Detroit) as well as departmental policies and procedures.

Special Deputy/Background/Special Investigator   4/10 – December 2011
Conducted background investigations on law enforcement and civilian personnel for the
Washtenaw County Sheriff's Office as well as personnel for the county of Washtenaw. Also
assisted with the investigation of department internal investigations.

Independent Monitor's Team Member
Detroit Police Department   4/04-August/09
Member of the Arrest & Detention Team. Reviewed and assessed documentation relating to
arrest and detention paragraphs. Assisted in the review and assessment of documentation for
Use of Force paragraphs. Conducted inspections relating to Conditions of Confinement
paragraphs; and performed fieldwork to assist the Audit Team.

Salon Coordinator
Class & Elegance Hair Care Center   3/02-4/04
Responsible for the scheduling of appointments for six hair stylists, answering the telephone; and
overseeing the day-to-day operations of the salon.

Deputy Chief
Community Services Division   4/98- 7/01
Responsible for the direction, control and planning of community programs and services.
Commanded two lieutenants, two sergeants, 22 sworn officers and eight civilians. Also

supervised internal administration and training.

Community Operations: Oversaw several community outreach programs including D.A.R.E.,
G.R.E.A.T., Police Explorer Program, Citizen Policy Academy, High School Liaison Program.
Special Services: Coordinated traffic enforcement and special details including
football games, art fair, student move-in, marathons, animal control, Safety Town, impound services.
Field Training Officer (FTO) Commander: Supervised lieutenant in charge of 14-week
officer training program. Determined which trainees matriculated through program.
District Offices Supervisor: Managed the coordinators and civilian staff for four district police
offices.

Lieutenant, Professional Standards Section   12/96-4/98
Oversaw internal affairs and regulation compliance
- Investigated all internal and external complaints made against officers. Submitted reports to the chief
with recommendations for disciplinary action.
- Conducted staff inspections to assure compliance with CALEA accreditation standards.
- Maintained guidelines for training, detention, biohazard and gun handling.

Lieutenant, Patrol Shift Commander   5/92-11/96
Supervised and coordinated patrol shift.
- Managed four sergeants, 25 officers, and four civilians.
- Provided disciplinary action and conflict resolution.
- Scheduled and trained staff.

Staff Sergeant, Administrative Services Section   6/88-4/92
Served as public information and community relations liaison.
- Provided news reports to newspapers and other media; wrote policy and procedures for handling
news releases.
- Met with major news stations to establish news protocol.
- Handled community-based complaints, providing conflict resolution and developing relationships
among university and community groups.

Patrol Division Staff Sergeant   11/87-5/88
One of four shift sergeants in citywide line-level duty; supervised shift officers.

Officer, Administrative Services Section   10/85-11/87
Assigned to training section, responsible for recruitment, background investigations, hiring and
training.
- Researched and developed innovative recruitment tactics.
- Recruited on college campuses throughout the state of Michigan.
- Scheduled psychological and physical exams of prospective police recruits.

Officer, Communications Dispatcher   12/81-10/85
Answered '911' call and dispatched patrol units. Operated LEIN machine.

Road Patrol Officer   10/76-12/81
Responsible for routine patrol duties.
- Worked with other police agencies, including University of Michigan security and housing.
- Attended meetings and responded to requests for police service.

Community Services Officer   8/73-10/76
Provided patrol officer support, including juvenile intervention, particularly for runaways.
Compiled accident and minor criminal incident reports where sworn officers were not required.

E D U C A T I O N

University of Michigan
Bachelor of Science, 1972
Major: English/Social Studies

Northwestern University Traffic Institute
School of Police Staff and Command, 2/93-11/93

FBI National Academy
University of Virginia, Quantico, Virginia, 4/97-6/97
Classes: Law, Forensic Science, Labor Relations, Interviewing and Interrogation, White Collar
Crime, Physical Training

P R O F E S S I O N A L   A F F I L I A T I O N S

American Jail Association
Michigan Sheriff's Association
Women Police of Michigan (Past)
International Association of Chiefs of Police (Past)
National Organization of Black Law Enforcement Officers
FBI National Academy Associates (Michigan Chapter)
N.A.A.C.P. (Past)
SAFE House, Board of Directors (Past)
Ann Arbor Public Schools Educational Foundation, Board of Directors (Past)
Ann Arbor Human Rights Commission, President (3 terms/Past)

R E F E R E N C E S

Larry Jerue, Undersheriff..............................(989640-3751....................Clinton County Sheriff's Office

Joe Buczek, Chief Compliance Officer.....(212)235-2096 ....Kroll

Dorian D. Moore, MD………………… (734)476-0093……….. IHA

Marlene Radzik, Commander………… (734)260-2822…………Washtenaw County Sheriff's Office

Mark Ptaszek, Undersheriff.........................(734)891-1131………….Washtenaw County Sheriff's Office

Mike Teeter

**Extensive Track Record Successfully Driving
Police Reform Implementation and Acceptance**

teeterms@gmail.com • PO Box 1525 • Issaquah, WA 98027 • 425-246-0863

Professional Police Executive with twenty-four years of experience leading with high integrity and ethics. **Motivational leader** who inspires teams to exceed expectations in challenging environments, with a strong track record of **mentoring** and developing personnel. **Relationship builder** raising the bar in internal cooperation and teamwork while strengthening community connections and trust.

Blending Leadership and Technical Strengths for Organization's Success

- Expertise in Use of Force Investigation, Review, and Reporting
- Dedicated to Successful Implementation of Police Reforms
- Building and Leading High Functioning Teams
- Engaging and Motivational Presenter and Speaker
- Strong Relationships and Trust with Monitor and DOJ

- Community Outreach Focused
- High Integrity and Ethics
- Service Oriented
- Committed to Learning and Growth
- Attention to Detail

A History of Collaboratively Leading Change and Continual Improvement

Seattle Police Department, Seattle, Washington   1992-2016
An innovative national leader in metropolitan policing, providing highly professional law enforcement services to the highly educated, diverse and forward thinking communities of Seattle.

Commander, West Precinct   2016-present
Responsible for all patrol operations in Downtown Seattle and several surrounding neighborhoods, serving a daytime population exceeding 260,000. Reviewed all Use of Force incidents in this command.

- Built strong relationships with business leaders, community representatives, politicians, human services providers, and other stakeholders. These relationships helped facilitate collaborative approaches to public safety and quality of life issues.

- Led a patrol staff of 200 sworn personnel, including a bicycle patrol staff of over fifty and Seattle's mounted patrol unit. Seattle's bicycle patrol unit is recognized as a national leader in proactive enforcement and crowd control tactics.

- Ensured patrol operations were consistent with the requirements of Seattle's Consent Decree, and with constitutional policing.

- Trained and mentored staff in leadership principles, developing our department's next generation of leaders.

- Oversaw precinct involvement in the LEAD (Law Enforcement Assisted Diversion) Program, a nationally recognized pre-booking alternative directed primarily at low level drug offenders.

Captain, Force Investigation Unit   2014-2016
Recruited to lead the creation of the Force Investigation Team, a cornerstone in the successful implementation of the Consent Decree. Ultimate responsibility for investigation, analysis, and presentation for review of the department's most serious force investigations including Officer Involved Shootings, In Custody Deaths, and cases involving potential serious misconduct. Involved in national discussions surrounding progressive practices in Use of Force through PERF and IACP.

- Built a highly collaborative, committed, objective, high functioning investigative team. Recognized for excellence by the Department and the Monitor.

- Partnered with the Monitor, Department of Justice, Office of Professional Accountability, and other agencies to develop policies and procedures that provide for high quality force investigations with solid oversight and accountability. Also

worked with LAPD, Las Vegas Metro PD, PERF, IACP, and others to implement Use of Force practices on the forefront of policing.

▪ Served intermittently as head of the Force Review Unit, responsible for reviewing all use of force cases department-wide.

▪ Developed a team culture of continual improvement, where members are always looking for ways to improve investigations, reporting, presentation, and outreach.

▪ Served as founding board member for the Society for Integrity in Force Investigation and Reporting, SIFIR (pronounced cypher), www.forceinvestigation.org.

▪ Built support inside and outside department, meeting with officers on all patrol watches and precincts internally, and numerous community groups and other stakeholders externally building public trust and confidence.

Watch Commander, West Precinct Third Watch   2013-2014

Responsible for all front line police response on the night shift in Downtown Seattle and surrounding areas, including deployment and operation of eight squads of officers.

▪ Gave clear leadership, with direction and expectations for watch. Worked to improve morale and motivation.

▪ Led patrol operations during high-profile, high-staffing events including New Year's Eve, NFL Playoffs, Super Bowl, and Super Bowl victory parade nights.

Human Resources Director   2011-2013

Selected on two separate occasions to lead all Human Resources operations for the 1800+ personnel of the Seattle Police Department. Advised the Chief of Police, Assistant Chiefs, and other commanders on personnel issues.

▪ Organized, staffed, and drove HR operations to meet aggressive hiring goals starting in 2012 as the Department resumed hiring officers post-recession. Strategically managed candidates in the pipeline, working with Civil Service and City Personnel to achieve targets.

▪ Oversaw reform of the Department's Early Intervention System, a key component of the Consent Decree.

▪ Responsible for payroll, benefits, accommodations, and all other HR functions for department personnel.

▪ Oversaw all hiring and separation of sworn and civilian Department personnel.

Employment Services Lieutenant   2009-2013

Assigned to lead the department's background investigation and recruiting efforts, while also managing leave, accommodation, and return to work of all injured / ill department members. Also handled disciplinary separations, probationary employee separations, and separations resulting from serious injury or disability.

▪ Partnered with the city's Worker's Compensation unit to actively manage cases involving injured employees, working to get them prompt treatment and return them to duty more quickly.

▪ Partnered with the State Department of Retirement Systems, Prudential Retirement (457 plan administrator), and union leaders to host an ongoing semiannual series of retirement workshops for sworn SPD employees.

▪ Established partnerships with a number of local community organizations to work together to bring more qualified community members into the applicant pool for police employment.

Patrol Sergeant, Southwest Precinct   2003-2009
Selected by Precinct Captain to be a part of the initial team that opened the Department's newest precinct in 2003. Supervised, developed, and mentored a squad of line officers patrolling West Seattle, and frequently acted as the Watch Commander.

- Worked with the precinct captain, one lieutenant, and the stationmaster to complete the organization, equipping, and staffing of the newly constructed Southwest Precinct. This opening was extremely successful. The Southwest Precinct continues to be a model and one of the most desired precincts in the city for officers.

Detective Sergeant, Office of Professional Accountability-Investigation Section   2001-2003
Asked by Assistant Chief to join OPA to conduct criminal and administrative investigations into the conduct of department members.

- Completed several high profile investigations with sustained findings, in which the quality and thoroughness of the case helped the city prevail in Disciplinary Review Board Arbitrations.

Early Career Progression – Law Enforcement:
Traffic Enforcement Officer, 1999-2001
DUI Enforcement Officer / Drug Recognition Expert Instructor, 1995-1999
Patrol Officer, 1992-1995

Early Career Progression – Non Law Enforcement:
Staff Scientist, Hecht-Nielson Neurocomputing, Inc.
Member of the Technical Staff, Hughes Aircraft Company

EDUCATION & TRAINING

Master's Degree Electrical Engineering, University of Southern California, 1988
Bachelor's Degree Computer Science, University of Washington, 1986
Bachelor's Degree Electrical Engineering, University of Washington, 1986

Society for Integrity in Force Investigation and Reporting Annual Conference, 2017
IACP Officer Involved Shooting Summit, 2015
PERF Senior Management Institute for Policing, 2015
PERF Re-Engineering Training on Police Use of Force, 2015,
     see **www.policeforum.org/assets/reengineeringtraining1.pdf**
Management, Oversight and Monitoring of Use of Force, AELE, 2014
Executive Leadership Academy, Seattle University and Washington Criminal Justice Training Comm., 2013
Leadership in Police Organizations, IACP, 2012
International Conference for Police & Law Enforcement Executives, APMS, 2012
PERF Annual Conference, 2011

Curriculum Vitae

Randolph Thomas Dupont
University of Memphis
School of Urban Affairs and Public Policy
Department of Criminology and Criminal Justice
rdupont@memphis.edu

McCord Hall 311   CJUS (901) 678-2737
Memphis, TN 38152-3330   Fax   (901) 678-5279

Education

University of Texas at Austin (Austin, Texas)
    Clinical Psychology (American Psychological Association Approved)
    September, 1973 - May, 1981
    PhD awarded May, 1981

Loyola University of the South (New Orleans, Louisiana)
    Psychology Major
    September, 1969 - May, 1973
    BA awarded May, 1973

Jesuit College Preparatory (Dallas, Texas)
    September, 1965 - May, 1969

Clinical Psychology Doctoral Internship

University of Tennessee College of Medicine (Memphis, Tennessee)
    Clinical Psychology Internship (American Psychological Association Approved),
    September, 1976 - August, 1977

Licensure and Certification

Clinical Psychologist, Health Care Provider
    Tennessee P791 (prior P848) - May, 1981 to present

Certification of Professional Qualifications in Psychology (CPQ)
    April, 2001 to present

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University Appointments

Professor
    University of Memphis
    School of Urban Affairs and Public Policy
    Department of Criminology and Criminal Justice
    August, 2003 - present

 Professor
    University of Tennessee, Memphis
    College of Medicine, Department of Psychiatry, Division of Clinical Psychology
    July, 2002 – August, 2003

Associate Professor
    University of Tennessee, Memphis
    College Of Medicine, Department of Psychiatry, Division of Clinical Psychology
    July, 1995 – June, 2002

Associate Professor (adjunct)
    University of Memphis
    School of Urban Affairs and Public Policy
    Department of Criminology and Criminal Justice
    September, 2001 – August, 2003

Assistant Professor
    University of Tennessee, Memphis
    College Of Medicine, Department of Psychiatry, Division of Clinical Psychology
    January, 1989 - June, 1995

Course Instructor
    Union University, Memphis Campus, Baptist Hospital School of Nursing
    September, 1988 - May, 1989

Hospital Appointments

St. Joseph Hospital Adolescent Unit
    Professional Staff (1987 – 1989)

The MED (Regional Medical Center)
    Professional Staff (1989 - 2003)

St. Jude's Children Research Hospital
    Professional Staff (1997- 2002)

Community Behavioral Health Hospital
    Professional Staff (2000- 2003)

Administrative Experience

University of Memphis, School of Urban Studies and Public Policy, Department of
Criminology and Criminal Justice, Chair, 2005 – 2013
Memphis Fire Services, Critical Incident Services (Trauma Prevention and Recovery)
Director, 1999 – Present
Memphis Police Services, Critical Incident Services (Trauma Prevention and Recovery)
Director, 1995 - Present
University of Tennessee, Department of Psychiatry
Administrative and Program Director, 1989 - 2003
Regional Medical Center at Memphis (THE MED) Psychiatric Services
Mid-South Critical Incident Debriefing Program
Clinical Director, Critical Incident Program, 1989 - 1998
Rhodes College (Southwestern at Memphis) Counseling Center.
Director, 1977 - 1978.

Clinical Practice Experience

University of Tennessee Medical Group, Clinical Psychologist, 1989 - 2003
Private Practice - Memphis, Tennessee, Clinical Psychologist, 1981 – 1988
Frayser-Millington Community Mental Health Center Staff Psychologist/Therapist, 1978 - 1981

Consulting Experience, Program and Research Development (abbreviated)

Monitoring Team, U.S. District Court, Northern District of Ohio, 2015 – present
Crisis Intervention Strategies, leader and primary consultant
U.S. Department of Justice, Civil Rights Division, 2010 – present
United States Attorney, Western District of Washington, 2013 – Present
New Orleans Police Department Compliance Division
CIT Training and Developments, 2014 - Present
CIT Program Development Consultant, Nation-wide sites, 1993 – present
Program Sites in: Michigan, Pennsylvania, California, Ohio, Georgia, Florida and other sites
Memphis Police Training Academy Crisis Intervention Team (CIT), 1989- present
New River Valley Mental Health Association Community Action Grant
U.S. Department of Health and Human Services, SAMHSA, 2002 – 2004
Research Triangle Institute, Center for Digital Systems Engineering,
U. S. Department of Justice, Office of Science & Technology Grant, 2000 - 2002
U.S. Office of Drug Control Policy, Executive Office of the President
Research Source Consultant, Mid-Year 2000, 2001, 2002 Pulse Check Project
National Association of Drug Court Professionals, Linkages, 2000 - 2002
St. Jude Children's Research Hospital, Crisis Management, 1996 – 2002
National Alliance On Mental Illness, Criminal Justice & MH Interface Meeting, April, 1999
U.S. Department of Health and Human Services, SAMHSA, Project & Grant Review, 1996 - 1997
State of Tennessee Health Related Boards, Board of Examiners in Psychology, 1988- 1992
Baptist Memorial Hospital Employee Assistance Program, 1985 - 1987

Publications and Technical Reports

Dupont, R.T. (2017) Cleveland Police Department Crisis Intervention Policy. Legal Report Submitted to the U.S. District Court of Northern Ohio Federal Monitor as part of the Legal Brief Submitted to U.S. District Court of Northern Ohio, 1-14.

Dupont, R.T. (2016) Cleveland Police Department Crisis Intervention Strategies. Technical Report to the U.S. District Court of Northern Ohio Federal Monitor, Second Semi-Annual Report, 1-13.

Dupont, R.T. (2016) Cleveland Police Department Crisis Intervention Strategies. Technical Report to the U.S. District Court of Northern Ohio Federal Monitor, First Semi-Annual Report, 1-17.

Dupont, R.T. (2016) Crisis Intervention Work Plan: Feedback. Technical Report to the Cleveland Mental Health Response Advisory Committee, 1-7.

Dupont, R.T. (2016) Seattle Police Department Crisis Assessment Outcome Research: Critique. Technical Report to the United States Department of Justice Attorney's Office, Western Washington Office 1-12.

Dupont, R.T. (2015) Special Training on Building Trust. The Presidential Task Force on 21st Century Policing, 1-5, retrieved from http://www.cops.usdoj.gov/Default.asp?Item=2771.

Dupont, R.T. (2014) Issues in Documenting Police Mental Health Contacts. Technical Report Submitted to the United States Department of Justice Attorney's Office, Western Washington Office, 1-3.

Dupont, R.T., (2014) Needs Assessment and Progress in Developing a Crisis Intervention Team. Technical Report Submitted to the United States Department of Justice Attorney's Office, Western Washington Office, 1-5.

Dupont, R.T. (2014) The Needs of Veterans and Crisis Intervention Strategies. Technical Report Submitted to the United States Senate, Staff Office of Senator Patty Murray, 1-3.

Dupont, R.T. (2013) The Stress of a high risk occupation: Addressing the needs of firefighters. Technical Report submitted to International Association of Fire Fighters (Local 1784), 1-8.

Dupont, R.T. & Cochran, C.S. (2013) Mental Illness and Drug Dependency Crisis Intervention Team Training Evaluation. Technical Report submitted to the Washington State Criminal Justice Training Commission, 1-35

Dupont, R.T., McCuddy, T., Cochran, S.C. (2012) Crisis Intervention Team Curriculum Analysis. Technical Report submitted to the Department of Justice, Bureau of Justice Assistance, 1-10.

Publications (continued)

Dupont, R.T. & Turner, K.B. (2012). Crisis Intervention Team Development in Tennessee. Technical Report submitted to the State of Tennessee Division of Criminal Justice, 1-5.

Dupont, R.T. (2010) Intervention strategies with individuals experiencing a mental illness crisis event. Technical Report submitted to the Department of Justice Civil Rights Division, 1-12.

Huang W., Payne T.J., Ma J.Z., Beuten J., Dupont R.T., Inohara N, Li M.D. (2009). Significant association of ANKKI and detection of a functional polymorphism with nicotine dependence in an African-American sample. *Neuropsychopharmacology,* 34(2):319-30.

Dupont, R.T. (2008). The Crisis Intervention Team Model: An Intersection Point for the Criminal Justice System and the Psychiatric Emergency Service. In A. Fishkind (Ed), *Emergency Psychiatry: Principles and Practice.* Baltimore, MD, Lippincott, Williams & Wilkins Publishers.

Li, M.D., Ma, JZ, Payne, T.D., Lou, X.Y., Zang, D., Dupont, R.T., Elston, R.C. (2008). Genome-wide linkage scan for nicotine dependence in European Americans and its converging results with African Americans in the Mid-South Tobacco Family sample. *Molecular Psychiatry*, 13(4):407-16.

Huang W., Ma J.Z., Payne T.J., Beuten J., Dupont R.T. (2008), Li M.D.. Significant Association of DRD1 with nicotine dependence. *Human Genetics* 123(2):133-40.

Beuten, J. Ma, J.Z., Payne, T.D., Dupont, R.T., Lou, X.Y., Crews, K.M., Elston, R.C. (2007). Association of specific haplotypes of neurotrophic tyrosine kinase receptor 2 gene (NTRK2) with vulnerability to nicotine dependence in African-Americans and European-Americans. *Biological Psychiatry*, 61, 48-55.

Li, M.D, Payne, T.D., Ma J.Z., Lou X.Y., Zhang, D., Dupont, R.T., Crews, K.M., G. Somes, G., Williams, N.J, Elston, R.C. (2006). A genomewide search finds major susceptibility loci for nicotine dependence on chromosome 10 in African Americans. *Journal of Human Genetics* 79: 745–51.

Beuten, J., Ma, J. Z., Payne, T., Dupont, R.T., Crews, K.M., Somes, G., Williams, N.J., Robert C. Elston, R. C., Li, M.D. (2005). Single and multi-locus allelic variants within the GABA$_B$ receptor subunit 2 (GABABR2) gene that are significantly associated with nicotine dependence. *American Journal of Human Genetics.* 76:859-64.

Ma, J.Z., Beuten, J., Payne, T.D., Dupont, R.T., Elston, R.C., Li, MD. (2005). Haplotype analysis indicates an association between the DOPA decarboxylase (DDC) gene and nicotine dependence. *Human Molecular Genetics*, 14, 1691-1698.

Publications (continued)

Beuten, J., Ma, J.Z., Payne, T.D., Dupont, R.T., Quezada, P., Huang, W. Crews, K.M., Li, M.D. (2005), Significant association of BDNF haplotypes in European-American male smokers but not in European-American female or African-American smokers. *American Journal of Medical Genetics B. Neuropsychiatric Genetics*, 139, 73-80.

Cowell, A.J., Broner, N., Dupont, R.T. (2004). The cost-effectiveness of criminal justice diversion programs for people with serious mental illness co-occurring with substance abuse: four case studies. *Journal of Contemporary Criminal Justice*, *20*, 292-314.

Li, M.D., Ma, J. Z., Cheng, R., Dupont, R.T., Williams, N., Crews, K. M., Payne, T. J. & Elston, R. C. (2003). A genome wide scan to identify loci for smoking quantity in the Framingham Heart Study population. *BMC Genetics*, *4*, 103

Ma, J. Z., Zhang, D., Dupont, R.T., Dockter, M, Elston, R. C. & Li, M. D. (2003). Mapping susceptibility loci for alcohol dependence using number of grams of alcohol consumed per day as a phenotype measure. *BMC Genetics*, *4*, S104.

Dupont, R.T. (2002) The Crisis Intervention Model and Community Mental Health Services. *Community Mental Health Report*, *3*, 3-5, 6-8.

Dupont, R. & Cochran, S. (2001). Police and mental health linked programs: Promising Practices – The CIT Model. In G. Landsberg & A. Smiley (Eds.), *Serving mentally ill offenders and their victims*. New York, Springer Publishing.

Steadman, H. J., Stainbrook, K. A., Griffin, P., Draine, J., Dupont, R. T. & Horey, C. (2001) Specialized Crisis Response Site as a Core Element of Police-Based Diversion Programs. *Psychiatric Services*, *52*, 219-222.

Dupont, R.T. (2001) A Real Chance at Recovery: Shelby County Detoxification Program. *County Lines: Shelby County Government Newsletter, 3*, 1-5.

Dupont, R. T. & Cochran, S.C. (2000). Police Response to Mental Health Emergencies – Barriers to Change. *Journal of the American Academy of Psychiatry and the Law*, *28*, 338-344.

Arnold, V. K., Rosenthal, T. L., Dupont, R. T., and Hilliard, D. (1993) A Readily Observable Marker For Schizophrenia In the Psychiatric Emergency room Population. *Journal Of Behavior Therapy And Experimental Psychiatry*, *24*, 45-47.

Dupont, R. T. (1988) Strategies For State Associations. *Psychotherapy In Private Practice*, *6*, 135-140.

Publications (continued)

Dupont, R. T. & Prentice, N. M. (1988) The Relationship of Defensive Style and
 Thematic Content to Children's Enjoyment and Comprehension of Joking Riddles.
 American Journal Of Orthopsychiatry, *58*, 249-259.

Convention Presentations and Proceedings (abbreviated)

Dupont, R.T. (2016) The CIT Model and Outcome Research. Invited Presenter at the Bejing
 Public Security Graduate Faculty Seminar. Beijing Public Security University, Beijing, China,
 November 11.

Dupont, R.T. (2016) The CIT Model: Implications for Police Intervention and Chinese
 Constitutional Rights in China. Invited Keynote Presenter at the International Forum on the
 Mode of Police Crisis Intervention with Mental Patients [translated]. Sponsored by Beijing
 Public Security University and Yale University, Beijing Campus.   Beijing, China, November
 10.

Dupont, R.T. and Cochran, C. S. (2016) The CIT Model: An Introduction to De-Escalation
 Training. Invited Keynote Presenters to the Beijing Police Department Training Academy
 Workshop on Crisis De-Escalation. Beijing, China, November 8-9.

Dupont, R.T. (2016) An Overview of the CIT Model, Outcome Research and Training. Invited
 Presenter to the Graduate Student Seminar. Beijing Public Security University, Beijing, China,
 November 7.

Dupont, R.T. (2015) Crisis Intervention and Officer Debriefing. Invited Presentation to the
 Tennessee Association of Chiefs of Police Annual Meeting, Nashville, December 3-4.

Dupont, R.T. (2015) Police and the Media: Crisis Events. Invited Presentation to the Pointer
 Foundation National Journalism Meeting, Chicago, Illinois, April.

Dupont, R.T. (2015) Community Psychology and Crisis Intervention Programs. Invited
 Presentation to the American Psychological Association Division of Psychologists in Public
 Service annual meeting, Hartford, Connecticut, March.

Dupont, R.T. (2015) Special Training on Building Trust. Invited Presentation to the Presidential
 Task Force on 21st Century Policing, Listening Session Training and Education, Phoenix,
 Arizona, February.

Dupont, R.T. (2014) Basic Strategies for Developing a Community-Based Crisis Intervention
 Program. Presented at the Little Rock Regional Law Enforcement Meeting On Crisis
 Intervention, December.

Convention Presentations and Proceedings (continued)

Dupont, R. T. (2014) Strategies for Community Engagement and Crisis Intervention. Invited Keynote Speaker, Annual Meeting of Police Chiefs, University of Texas System Police Services, San Antonio, Texas, October.

Dupont, R.T. (2014) Trainers for Crisis Intervention Strategies. Presented at the Lauderdale County/Meridian Regional Southeast Mississippi CIT Trainer's Meeting, Meridian MS, August.

Dupont, R.T. (2013) Mental Illness and the Risk for Violence. Tennessee Legislative Briefing, Nashville, TN.

Dupont, R.T. (2013) Community Involvement in Police Crisis Intervention Strategies. Presented at the 1st Meeting of the Seattle Police Department Community Crisis Intervention Task Force, Seattle, Washington, May.

Dupont, R.T. (2012) Training Trainers for Crisis Intervention Strategies. Presented at the University of Southern Mississippi CIT Training Conference, Hattiesburg, MS, June, 2012.

Dupont, RT, (2012) Training Trainers for Crisis Intervention Strategies. Presented at the State of Idaho Regional CIT Training Conference, Sandpoint, ID, February.

Dupont, R.T. (2011) Leadership Strategies in Addressing Programs for Police-Based Crisis Intervention aw Enforcement Response to Individuals with Mental Illness. International Association of Chiefs of Police Conference, Chicago, Illinois. October 23-25.

Dupont, R.T. (2011) Training Trainers for Crisis Intervention Strategies. Presented at the State of Idaho Regional CIT Training Conference, Boise, ID, October

Dupont, R.T. (2011) Development of a Curriculum for Community Collaboration. Invited Presentation at the CIT International National Conference, Virginia Beach, Virginia, September 12

Dupont, R.T. (2011) Crisis Intervention Teams – Communities, Planning and Implementing CIT. NAMI National 2011 Convention, Chicago, Illinois. July 6-9.

Dupont, R.T. (2011) Responding to People with Mental Illness and the Returning Veteran Population. National Sheriff's Association Annual Conference, St. Louis, Missouri. June 18-22.

Dupont, R.T. and Cocharn, S.C. (2011) The Crisis Intervention Team Model. Health Services Division and The Massachusetts Behavioral Health Partnership Conference on Mental Health and Law Enforcement, Worcester, Massachusetts. June 8.

Convention Presentations and Proceedings (continued)

Dupont, R.T. (2011) CIT Presentations: San Francisco Police Commissioners and San Francisco National Alliance on Mental Illness. Crisis Intervention and Community Involvement. San Francisco, California: February 7-10.

Dupont, R.T. (2010) Reaching out to those with Mentally Illness: Emerging Issues and Promising New Partnerships. Presentations with the Department of Justice Community Oriented Policing (COPS) at the International Association of Chiefs of Police (IACP) Annual Meeting, Orlando, Florida, October 26.

Dupont, R.T. (2010) The Role of Law Enforcement in Preventing Suicide. Presentation at the joint Department of Defense/Veteran's Administration Conference on Suicide Prevention, Washington, DC, January 11, 2010.

Dupont, R.T. (2008) Veterans Administration Participation in the CIT Pre-Jail Diversion Program. Invited Presentation at the U.S. Department of Veterans Affairs Veterans Justice Outreach National Planning Conference, Baltimore, Maryland, December 2-3.

Dupont, R.T. (2008) Closing Remarks. Invited Comments at the 4th Annual Meeting of the CIT National Conference, Atlanta, Georgia, November 3 – 5.

Dupont, R.T. (2008) Crisis Intervention Team Model. Invited Presentation at the Veterans Administration Trauma Center 2nd Annual Conference, Honolulu, Hawaii. February 27-28.

Dupont, R.T. (2007) Recent Developments in De-Escalation Training. Invited Presentation at the 3rd Annual Meeting of the CIT National Conference, Memphis, Tennessee, August 23-25.

Dupont, R.T. and Cochran, S.C. (2007) Coordinating Mental Health Services. Presented at the U.S. Department of Justice Conference, St. Thomas, Virgin Islands, U.S., May,

Dupont, R.T. (2006) Core Elements of the Crisis Intervention Team Model. Invited Presentation at the 2nd Annual Meeting of the CIT National Conference, Orlando, Florida, September 25-27.

Dupont, R.T. (2004) The Crisis Intervention Team. Keynote Address at the 3rd Annual Meeting of the Canadian National Committee for Police/Mental Health Liaison.   Hamilton, Canada, October 17-18.

Dupont, R. T. (2003) Policing and Mental Illness. Keynote Address presented at the Best Practice Conference of the Queensland, Australia Departments of Health and Police Services, Brisbane, Australia, November 10-11.

Dupont, R. T. (2003) Suicide Prevention and Police-Based Models. Presented at the Annual Meeting of the Tennessee Suicide Prevention Network, Nashville, TN, May 5 – 6.

Convention Presentations and Proceedings (continued)

Dupont, R. T. (2003) Outcome Research and the CIT Model. Presented at the Annual Training Conference of the Minnesota Department of Public Safety, Minneapolis, April 21 – 22.

Dupont, R. T. (2002) Jail Diversion Models and Outcome Research. Paper presented at the Veteran's Administration National Research Conference, Baltimore, MD, December 9-10.

Li, M. D., Ma, J. Z.,Cheng, R., Dupont, R. T., Williams, N., Crews, K. M., Payn, T. J., & Elston, R. C. (2002). A genome wide scan to identify loci for smoking quantity in the Framingham Heart Study population. Proceedings of Genetic Analysis Workshop 13. p567-571.

Ma, J. Z., Zhang, D., Dupont, R. T., Dockter, M., Elston, R. C. & Li, M.D. (2002). Mapping susceptibility loci for alcohol dependence using number of grams of alcohol consumed per day as a phenotype measure. Proceedings of Genetic Analysis Workshop 13. p572-576.

Dupont, R. T. Skaff, E. & Campbell, M. (2002) Computer Driven Technology and CIT Training. Meeting of the Tennessee Psychological Association, Nashville, TN, November.

Dupont, R. T. (2002) Jail Diversion Research: Site Results. Presented at the 4th Annual New York University Forensics Conference, New York, NY, June 3.

Dupont, R. T. (2002) September 11th: Lessons From Past Trauma, Implication For the Future. Presented at the 4th Annual New York University Forensics Conference, New York, June 4

Dupont, R. T. and Skaff, E. (2001) Police Response to Mental Health Emergencies: CIT Training. Meeting of the Tennessee Psychological Association, Nashville, TN. November

Dupont, R. T. (2001) Partnerships between Mental Health and Law Enforcement. Presented at the Annual Meeting of the National Mental Health Association, Washington, D.C. June 6-8.

Editorial/Review Appointments

Policing: Policy and Practice, 2016

American Journal of Public Health, 2014-2015

Psychiatric Services, 2006, 2014-2017

Community Mental Health Journal, 2007- 2016

Community Mental Health Report. 1999 – 2005 Editorial Consultant

Funded Research, Grants and Contracts Awards:

City of Memphis Contract (1999 – Present). Contract to provide Clinical Incident Services Program (Trauma Prevention/Recovery) to the Memphis Fire Services, Principal Investigator/Director, $324,000

City of Memphis (1995 – Present). Contract to provide Critical Incident Services Program (Trauma Prevention) to the Memphis Police Services, Principal Investigator, $756,000

CIT Center (2003 - Present). Contracts to provide CIT Consultation and Training, Principal Investigator/Center Director, $200,000

Department of Justice, BJA Special Populations grant (2011- 2017). Police-Based Training Curriculum, and Technical Assistance Project. Principal Investigator, $900,000.

Regional One Health, Crisis Intervention Training and Technical Assistance grant (2014 - 2015). Principal Investigator, $35,000

State of Tennessee, Division of Criminal Justice (2009 – 2011). CIT Tennessee Technical Assistance Project, Principal Investigator, $398,000

Department of Justice, BJA (2006 - 2009). CIT National Project: Research and Technical Assistance. Principal Investigator, $987,228.

City of Memphis Grant (2003- 2006). Community Project and Evaluation Grant (with Phyllis Betts, PhD, Richard Janikowsi, JD), Co-Principal Investigator, $115,000.

National Science Foundation (2001 – 2005). Research grant (with Robert Hubal, PhD) for evaluation of responsive virtual human technology. Co-Principal Investigator, $3.1 million.

National Institute of Drug Abuse (2000 - 2005). Research grant (with Ming Li, PhD) for identifying biological marker in nicotine addiction. Co-Investigator, $3.5 million.

Department of Justice, BJA Byrne Grant (1999-2002). Clinical grant (with Shelby County Government) for jail diversion intervention. Co-Principal Investigator, $220,000.

Health and Human Services SAMHSA Grant (1997-2002). Research grant for systematic study of services to promote crisis intervention, jail diversion and health care access. Principal Investigator, $1.5 million.

St. Jude's Children's Research Hospital (1996-2002). Contract to provide emergency assessment, crisis intervention and consultation. Principal Investigator/Dir., $144,000.

Housing and Urban Development Grant (1996-2002). Clinical grant with Shelby County to promote access to mental health treatment. Co-Principal Investigator, $2.5 million.

Invited Lectures and Training Presentations (abbreviated)

CIT Train the Trainers on De-escalation Strategies. Presented at the Washtenaw County CIT Program. Washtenwaw County Training Conference Center. Ann Arbor, MI, June, 2016

CIT Train the Trainers on De-escalation Strategies. Presented at the Pine Belt CIT Program. Jones County Sheriff Academy, Laurel, MS, June, 2016.

Introduction to Crisis Intervention. Presented to the Metropolitan Nashville Police Community Task Force. Memphis Police Academy, Memphis, TN, March, 2016.

CIT Train the Trainers on De-Escalation Strategies. Presented at the Lafayette Area CIT Program. Tippecanoe County Sheriff Academy, Lafayette, IN, January, 2016.

Introduction to Crisis Intervention.   Presented to the York County, PA CIT Program. Memphis Police Academy, Memphis, TN, December, 2015.

Mental Illness Diagnosis and Complex De-Escalation Strategies. Presented at the 26th Bi-Annual Memphis Regional CIT Training Session, Memphis Police Academy, Memphis, TN, July and October, 2010 – present.

Crisis Intervention Program: Needs Assessment and Officer Feedback. Presented at the Memphis Police Department CIT Inservice.   Memphis Police Academy, Memphis, TN, January – March (six sessions), 2015.

Medical Care, Mental Illness Diagnosis and Complex De-Escalation Strategies Presented at Regional One Health Training Session, Memphis, TN, December 2014

Complex De-Escalation Strategies. Presented at the 1st Shelby County Corrections Regional CIT Training Session, Shelby County Sheriff Training Academy, Memphis, TN, January, 2012

Complex De-Escalation Strategies. Presented at the 1st Lauderdale County/Meridian Regional CIT Training Session, Meridian MS, September, 2012

CIT Train-The-Trainer on De-escalation Strategies, Idaho Statewide Policing Training, Boise, Idaho. October 3-6, 2011.

Advanced De-Escalation Skills. Presented at the Murfreesboro/Rutherford County, TN Crisis Intervention Team Training, March, 2011.

Complex De-Escalation Strategies. Presented at the Dyersburg Regional CIT Training Session, Dyersburg Police Academy, Dyersburg TN, January, 2011.

Training Trainers for De-escalation Strategies. Presented at the State of Tennessee CIT Training Conference, Pigeon Forge, TN, April, 2011.

Academic and Government Service

University of Memphis
  Graduate School Council Representative, 2015- present
  Urban Affairs and Public Policy Doctoral Task Force, 2005- 2007
    Co-Chair, Curriculum Committee, 2005 – 2007
  Homeland Security Task Force, 2003 – 2006
    Chair, 2003 – 2006
  College of Arts and Sciences
    Arts and Sciences Tenure and Promotion Committee 2013- Present
    Community Initiatives and Hazards Mitigation Task Force, 2004 – 2006
  School of Urban Affairs & Public Policy
    Executive Committee, 2005 – 2013
    Curriculum Committee, 2003 – 2005,
      Co-Chair, 2003-2005

University of Tennessee College of Medicine, Department of Psychiatry
  Executive Committee, 2000-2003
  Psychology Internship Training Committee, 1997-2000
  UTMG Practice Committee, 1993-2000
  Regional Medical Center Quality Assurance Committee, 1989-1998
  Medical Student Education Committee, 1989-1997

City of Memphis
  Mayor's Task Force on 911 Utilization, 2016 - Present

Shelby County Government
  Committee on Jail Mental Illness and Substance Abuse, 1998- 2003
    Information Systems Subcommittee, 1998 – 2003, Chair
    Jail Quality Assurance Subcommittee, 2001 - 2003
  Task Force on Criminal Justice and Community Linkages, 2001 - 2003
  Steering Committee on Behavioral Health Strategic Planning, 2001 - 2003

State of Tennessee: Title 33 Commission (Mental Health and Mental Retardation Code)
  Powers and Duties Committee (completed September, 1999)

US Department of Health and Human Services
  Substance Abuse and Mental Health Services Administration (SAMHSA)
    Criminal Justice Diversion Project Steering Committee 1997 – 2002
    Policy Advisory Committee 2001 – 2002

US Department of Justice
  Civil Rights Division
  Consultant, 2010 – present

Professional Association Service

Tennessee Psychological Association
Board of Directors, 1985-1987, 1997-2003
Former President's Representative, 2000-2001
Secretary-Treasurer, 2002-2003
Chair, Ethics and Colleague Assistance Task Force, 2000-2001
Chair, Special Licensing Review Task Force, 1988-1990
Chair, Professional Affairs Committee, 1985, Insurance Committee, 1984

Memphis Area Psychological Association
Board of Directors, 1984 - 1986
Chair, Programs and Continuing Education Committee, 1983

Clinical Service

TLC (Tenncare Managed Care) Medical Care Organization (MCO)
Quality Assurance Subcommittee on Mental Health and Substance Abuse, 1995-1996
Quality Assurance Subcommittee on Catastrophic (SPT) Care, 1995 – 1996

The MED (Regional Medical Center at Memphis)
Emergency Services Committee (Ad Hoc), 1989-1996

Health Mark: Baptist Memorial Hospital Health Care PPO
Psychologist Credentialing Committee, June, 1986 – 1994

Shelby County Case Manager Corporation
Board of Directors, 1990-1992

Memphis and Shelby County and Bluff City Medical Society
White Paper Task Force on Mental Health and Substance Abuse Treatment, 1999 – 2002
Executive Committee, 2001- 2002

NAMI-Memphis (National Alliance For the Mentally Ill, Memphis)
Member, Professional Advisory Board, 1990, 1993-1995
Member, Board of Directors, 1991-1992

Professional Society Elected Offices

Memphis Area Psychological Association
President, 1985

Tennessee Psychological Association
President, 1986
President, 1998

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Honors and Awards (selected)

Certificate of Appreciation, University of Memphis Tutoring@ESP Educational Support, 2017

Distinguished Service Award, Memphis Police Services, 2016

W. Russell Smith Teaching Excellence, University of Memphis, College of Arts and Sciences*,* 2014

Teaching Excellence Award, University of Memphis, College of Arts and Sciences 2013

PI Millionaire, University of Memphis Funded Research Recognition, 2012

Certificate of Merit and Appreciation, San Francisco Police Commission 2011

National Psychologist of the Year, NAMI - National Alliance on Mental Illness 2009

Protector Award, NAMI Tennessee, NAMI State Conference 2008

Special Recognition, Founding Member, Crisis Intervention Team, 3rd Annual Conference, 2007

Above and Beyond Recognition, The Extra Mile (Jefferson Parrish, Louisiana), 2004

Certificate of Appreciation, Louisville Police Academy, 2004

Appreciation Award, Queensland Police Services (Australia), 2003

Certificate of Appreciation, Palm Beach County Crime Commission, 2003

Certificate of Appreciation, Office of the President, Office of National Drug Control Policy, 2002

Distinguished Psychologist in the Public Sector, Tennessee Psychological Association, 2001

Certificate of Appreciation, Office of the Mayor, Shelby County Government, 2001

Certificate of Appreciation, Office of the President, National Office of Drug Control Policy, 2001

Distinguished Service Award, National Alliance for the Mentally Ill, Memphis, 2001

National Law Enforcement Person of the Year, CUNY John Jay College of Criminal Justice,
　　Law Enforcement News, 26, 2000

Distinguished Service Award, Memphis Police Services, 1996

Distinguished Service Award, National Alliance for the Mentally Ill, Memphis, 1996

Distinguished Service Award, Memphis Police Services 1992

Certificate of Appreciation, City of Memphis, 1991

Provider of the Year, NAMI Memphis - National Alliance for the Mentally Ill, Memphis, 1991

Young Psychologist of the Year, Early Career, Tennessee Psychological Association, 1990

With Distinction, Top Performance, Doctoral Qualifying Exams, University of Texas, 1975

CURRICULUM VITAE
January 2017

NAME: Geoffrey P. Alpert

ADDRESS: Department of Criminology and Criminal Justice
1305 Greene St.
University of South Carolina
Columbia, SC 29208
Phone: (803) 777-6424   Cell: (803) 446.4139
e-mail: geoffa@mailbox.sc.edu

EDUCATION: Ph.D.   Washington State University   l975
University of Oregon Law School   l974-l975
M.A.   University of Oregon   l970
B.A.   University of Oregon   l969

AWARDS & FELLOWSHIPS:

University of South Carolina Russell Research Award for Outstanding Research and Scholarship, 2012.

Academy of Criminal Justice Sciences, Bruce Smith Award for Outstanding Contributions to Criminal Justice. 2009.

University of South Carolina Alpha Chapter of Mortar Board, Excellence in Teaching, 2006 - 2007.

University of South Carolina Alpha Chapter of Mortar Board, Excellence in Teaching, 2000 - 2001.

University of South Carolina Educational Foundation Research Award for Outstanding Research and Scholarship, 1995.

Police Development and Training Fellowship, German Marshall Fund, Republic of Germany, 1992.

Senior Research Scholar, Bureau of Justice Statistics, Washington, DC. 1991.

Directeur d'Etudes Associe, Maison des Sciences de L'Homme, Paris, France. l985 - l987.

ADMINISTRATIVE EXPERIENCE:

Chair, Department of Criminology and Criminal Justice. University of South Carolina. Columbia, South Carolina. 2002 – 2007.

Director of Research, College of Criminal Justice. University of South Carolina. Columbia, South Carolina. 1988 - 2002.

Director, Criminal Justice Program, Department of Sociology, University of Miami, Coral Gables, Florida. l985 - 1988.

Director, Center for Study of Law and Society, University of Miami, Coral Gables, Florida. l981 - 1988.

Legal Ombudsman, Lane County District Attorney's Office, Eugene, Oregon. l978 - l981.

Coordinator, Victim/Witness Bureau, El Paso County District Attorney's Office, Colorado Springs, Colorado. 1979.

Director of Research, Georgia Department of Corrections, Atlanta, Georgia.   l971 - l972.

TEACHING EXPERIENCE:

Professor, Department of Criminology and Criminal Justice, College of Criminal Justice, University of South Carolina, Columbia, South Carolina. August, 1988 - Present.

Professor of Sociology, University of Miami, Coral Gables, Florida, l985 - 1988.

Associate Professor of Sociology, University of Miami, Coral Gables, Florida. l981 - 1985.

Assistant Professor of Sociology and Public Administration, University of Colorado, Colorado Springs, 1978 - l979.

Assistant Professor of Sociology and Political Economy, School of Social Sciences, The University of Texas at Dallas, Richardson, Texas. l975 - 1977.

Teaching Assistant, Department of Sociology, Washington State University, Pullman, Washington. l972 - 1976.

Instructor, Department of Sociology, Georgia State University, Atlanta, Georgia. l971 - l972.

RESEARCH EXPERIENCE:

Chief Research Advisor, National Institute of Justice. 2017 – present.

Principal Investigator, An Evaluation of a Social Interaction Training Program to Reduce the Use of Force and Build Legitimacy. National Institute of Justice. 2017 – present.

Professor, Department of Criminology and Criminal Justice and Griffith Criminology Institute, Griffith University, Brisbane, Australia. 2014 – present.

Member, Compliance Officer and Community Liaison Team to Implement Settlement Agreement, Portland Police Bureau. Portland, Oregon. 2015 – present.

Co-Principal Investigator, Officer-Involved Collisions. National Institute of Justice and Center for Disease Control. 2013 – 2017.

Monitor, Office of the Consent Decree Monitor for the New Orleans Police Department. New Orleans, LA. 2014 – present.

Principal Investigator, Evidence Based Solutions to Reduce Law Enforcement Officer Vehicular Crashes. Bureau of Justice Assistance. 2012 – 2016.

Co-Principal Investigator, Promoting Officer Integrity through Early Engagements and Procedural Justice. National Institute of Justice. 2011 – 2014.

Adjunct Professor, Centre for the Excellence in Policing and Security, Griffith University, Brisbane, Australia. 2011 – 2014.

Co-Principal Investigator, Evidence Reducing Police Officer Crashes. National Institute of Justice. 2011 – present.

Principal Investigator, Building Bridges between Police Researchers and Practitioners: Agents of Change in a Complex World. National Institute of Justice. 2009 – 2013.

Principal Investigator, Perceptions of the Organization and Violence of Gangs. Bureau of Justice Assistance. 2008 – 2011.

Principal Investigator, A Multi-Method Evaluation of Police Use of Force Outcomes. National Institute of Justice. 2005 – 2009.

Academic Affiliate, The Analysis Group. Development of a Methodology for Analysis of Los Angeles Police Department Pedestrian and Motor Vehicle Stop Data. Los Angeles, CA. 2004 - 2007.

Principal Investigator, Assessing Police Officers' Decision Making and Discretion. National Institute of Justice. 2002 - 2005.

Principal Investigator, Investigating Racial Profiling in the Miami-Dade Police Department. Miami-Dade County. 2000 - 2005.

Co-Principal Investigator, The Effect of Community Policing on Urban Violence. American Statistical Association and Bureau of Justice Statistics. 2000 - 2002.

Associate Project Director, Promoting Police Accountability. Office of Community Oriented Policing Services. 2000 - 2003.

Principal Investigator, The Lexington County Domestic Violence Court: A Partnership and Evaluation. National Institute of Justice. 2000 - 2003.

Principal Investigator, An Analysis of the Force Factor: Measuring Police Use of Force Relative to Suspect Resistance. National Institute of Justice. 1998 - 2001.

Member, Olympic Research Group. Atlanta Committee for the Olympic Games. 1996.

Principal Investigator, Facilitating Organizational Change: Shaping Philosophies Through Individual and Organizational Evaluations. National Institute of Justice. 1996 - 1999.

Principal Investigator, An Analysis of Police Use-of-Force Data. National Institute of Justice. 1996 - 1998.

Principal Investigator, Police Pursuit Driving and Use of Excessive Force. National Institute of Justice. 1994 - 1997.

Principal Consultant, State Evaluation Capacity Building Program. National Institute of Justice. 1992 - 1996.

Principal Investigator, Firearm Use and Analysis, Metro-Dade Police Department, 1994 - 1995.

Principal Investigator, Evaluation of Hi-Risk Police Activities. Insurance Reserve Fund. State of South Carolina. 1995.

Member, Study Group on Criminal Justice Research and Outcome Measures. Princeton University/Bureau of Justice Statistics. 1992 - 1994.

Co-Principal Investigator, Evaluation of Tactical Narcotics Team, Metro-Dade Police Department, 1991 - 1993.

Research Professor, Institute of Public Affairs, University of South Carolina. 1989 - 1996.

Principal Investigator, Police Officer Task Analysis, City of Columbia, 1989 - 1990.

Principal Investigator, National Survey of Security Needs, American Society of Industrial Security, 1989 - 1990.

Principal Investigator, Firearm Use and Analysis, Metro-Dade Police Department, 1988 - 1989.

Principal Investigator, Police Pursuit Project, U. S. Department of Transportation. 1987 - 1988.

Research Director, Police Pursuit Project, Dade Association of Chiefs of Police, Dade County, Florida. 1985 - 1988.

Director, Review of Deadly Force Training and Policies, Dallas Police Department. 1986 - 1987.
Co-Director of Research, School Dropout Prevention Center, University of Miami. l985 - 1986.

Principal Investigator, Impact of Police Behavior in a Multi-Ethnic Setting, Metro-Dade Police Department, Miami, Florida. l985 - 1986.

Research Director, Use of Deadly Force Project, Dade Association of Chiefs of Police, Dade County, Florida. l983.

Consultant, Deadly Force Project, Police Foundation, Washington, D.C. l983 - 1984.
Principal Investigator, Center for Business-Government Relations, Willamette University, Salem, Oregon. l978 - l978.

Research Associate, Graduate School of Education, Harvard University, Cambridge, MA. 1977.

Research Associate, Southeastern Correctional and Criminological Research Center, Florida State University. Tallahassee, Florida, l97l.

PUBLICATIONS:

Books and Monographs:

Rojek, J., P. Martin and G. Alpert. Developing and Maintaining Police-Researcher Partnerships to Facilitate Research Use: A Comparative Analysis. New York: Springer (2015).

Alpert, G., R. Dunham, and M. Stroshine. Policing: Continuity and Change (2nd edition). Prospect Heights, IL: Waveland Press (2015).

Dunham, R. and G. Alpert (eds.).Critical Issues in Policing: Contemporary Readings. Prospect Heights, IL: Waveland Press *Seventh Edition* (2015).

Alpert, G and C. Lum. Police Pursuit Driving: Policy and Research. New York: Springer (2014).

Noble, J. and G. Alpert. Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight. Prospect Heights, IL: Waveland Press (2009).

Alpert, G., and R. Dunham <u>Understanding Police Use of Force: Officers, Suspects, and Reciprocity</u>. New York: Cambridge University Press (2004).

Smith, W. and G. Alpert. <u>Management of Emergency Vehicle Operational Risks</u>. Evanston, IL: Northwestern University Center for Public Safety (2003).

<u>Alpert, G. and J. MacDonald</u>. <u>Understanding Social Science Research: Applications in Criminology and Criminal Justice</u>. Prospect Heights, IL: Waveland Press (2001).

<u>Alpert, G.</u>, D. Kenney, R. Dunham and W. Smith. <u>Police Pursuits: What We Know</u>. Washington, DC: Police Executive Research Forum (2000).

Alpert, G. and A. Piquero (eds.). <u>Community Policing: Contemporary Readings</u>. Prospect Heights, IL: Waveland Press (1998) *Second Edition* (2000).

Alpert, G. and R. Dunham. <u>The Force Factor: Measuring Police Use of Force Relative to Suspect Resistance</u>. Washington, DC: Police Executive Research Forum (1997).

Alpert, G. and R. Dunham. <u>Police Use of Deadly Force: A Statistical Analysis of the Metro-Dade Police Department</u>. Washington, DC: Police Executive Research Forum (1995).

Kappeler, V., R.Sluder and G. Alpert. <u>Forces of Deviance: The Dark Side of Policing.</u> Prospect Heights, IL: Waveland Press (1994) *Second Edition* (1998).

Alpert, G. and L. Fridell. <u>Police Vehicles and Firearms: Instruments of Deadly Force</u>. Prospect Heights, IL: Waveland Press (1992).

Alpert, G. and R. Dunham. <u>Police Pursuit Driving: Controlling Responses to Emergency Situations</u> . Westport, CT: Greenwood Press (1990).

Hawkins, R. and G. Alpert. <u>Adult Correctional Systems</u>). Englewood Cliffs: Prentice-Hall (1989).

Alpert, G. and R. Dunham. <u>Policing Multi-Ethnic Neighborhoods</u>. Westport, CT: Greenwood Press (1988).

Alpert, G. and R. Dunham. <u>Policing Urban America</u>. Prospect Heights, IL: Waveland Press (1988). *Second Edition* (1992) *Third Edition* (1997).

K. Haas and G. Alpert. <u>The Dilemmas of Punishment: Readings in Contemporary Corrections</u>. Prospect Heights, IL: Waveland Press (1986), *Second Edition* (1991), *Third Edition*, (1995).   *Fourth Edition* (1999), *Fifth Edition* (2006).

Alpert, G. <u>The American System of Criminal Justice</u>. Beverly Hills: Sage Publications (1985).

Alpert, G. (ed.). <u>Legal Rights of Prisoners</u>. (Volume l4, Sage Criminal Justice Systems Annuals -

editor). Beverly Hills, CA: Sage Publications (1980).

Nissman, D., Barnes, B. and G. Alpert. Beating the Insanity Defense: Denying the License to Kill. Lexington, MA: Lexington Books (l980).

Alpert, G. Legal Rights of Prisoners: An Analysis of Legal Aid. Lexington, MA: Lexington Books (l978). *Selected for Lawyers Literary Club, March, l979*.

Articles, Book Chapters and Other Selected Publications:

Hine, Kelly, L. Porter, N. Westera & G. Alpert (Forthcoming). Too much or too little? Individual and Situational Predictors of Police Force Relative to Suspect Resistance. Policing and Society: An International Journal of Research and Policy.

Hine, Kelly, L. Porter, N. Westera & G. Alpert (Forthcoming). The Understated Ugly Side of Police-Citizen Encounters: Situation, Suspect, Officer, Decision-Making And Force Predictors of Officer Injuries. Policing and Society: An International Journal of Research and Policy.

Nix, Justin, B. Campbell, E. Byers and G. Alpert (Forthcoming). A bird's eye view of civilians killed by police in 2015: Further evidence of implicit bias. Criminology and Public Policy.

Prenzler, T., L. Porter and G. Alpert. Reducing Public Complaints and Use of Force: The Portland Police Bureau Experience (Forthcoming 2016). Journal of Criminological Research, Policy and Practice.

Nix, Justin, B. Campbell, & G. Alpert. (2016). Fatal shootings by US police officers in 2015: A bird's eye view. The Police Chief 83: 48 - 52.

Alpert, Geoffrey, Mathew Lyneham and Kathryn Baxter. 2016. Police Pursuit. The Encyclopedia of Crime and Punishment. New York: John Wiley.

Stoughton, S., G. Alpert and J. Noble. 2016. Why Police Need to Start Second-Guessing Their Decisions. The Atlantic. http://www.theatlantic.com/politics/archive/2015/12/officer-porter-mistrial-police-culture/421656/

Alpert, G. (2016). Toward a national database of officer involved shootings: A long and winding road. Criminology and Public Policy15: 237 - 242.

Alpert, G., M. Lyman and K. Baxter. (2016). Police Pursuits, in W. Jennings (Ed). Encyclopedia of Crime and Punishment. Hoboken, NJ: Wiley-Blackwell.

Hickman, M., L. Atherley, P. Lowery and G. Alpert. 2015. Reliability of the Force Factor Method in Police Use-of-Force Research. Police Quarterly 18: 368 - 396.

Hansen, A., J. Rojek, Wolf, Scott, J. and G. Alpert (2015). The Influence of Department Policy and

Accountability on Officer-Involved Collisions. Policing: an International Journal of Police Strategies & Management 38: 578 - 594.

Wolfe, S., J. Rojek, G. Alpert, H. Tiesman and S. James. 2015. Characteristics of officer-involved vehicle collisions in California. Policing: an International Journal of Police Strategies & Management 38: 458 - 477.

Stoughton, S., J. Noble and G. Alpert. 2015. Better Information Is the Key to Policing Reform. The Atlantic. http://www.theatlantic.com/politics/archive/2015/09/better-information-is-the-key-to-policing-reform/406696/

Alpert, G. (2015). Police Use of Force and the Mentally Ill Suspect: A Methodological Conundrum. Criminology and Public Policy 14: 277 - 283.

Alpert, Geoffrey (2015). Police Use of Force. Pp. 255 - 259 in James Wrights (Ed.) Encyclopedia of the Social & Behavioral Sciences 2nd. Edition, Vol. 18. Oxford: Elsevier.

Kaminski, R., R. Engel, J. Rojek, M. Smith & G. Alpert (2015). A Quantum of Force: The Consequences of Counting Routine Conducted Energy Weapon Punctures as Injuries. Justice Quarterly 32: 598 – 625.

Alpert, G. P., Cawthray, T., Rojek, J., & Ferdik, F. (2015). Citizen oversight in the United States and Canada: Applying outcome measures and evidence-based concepts. In T. Prenzler & G. den Heyer (Eds.), Civilian oversight of police: Advancing accountability in law enforcement (pp. 179-204). New York: CRC Press.

Alpert, G., J. Noble and J. Rojek. 2015. Solidarity and the Code of Silence. Pp. 106 – 121 in Dunham, R. and G. Alpert (eds.).Critical Issues in Policing: Contemporary Readings. Prospect Heights, IL: Waveland Press *Seventh Edition*.

Hansen, A., G. Alpert, and J. Rojek. (2014). The Benefits of Police Practitioner-Researcher Partnerships to Participating Agencies. Policing: an International Journal of Police Strategies & Management 8: 307 - 320.

Martin, Peter and G. Alpert. (Fall 2014) Developing and Sustaining an International Researcher-Practitioner Partnership. Translational Criminology: 23–24.

Hickman, Mathew, Loren Atherly and G. Alpert (2014). Using GIS to Monitor and Investigate Police Use of Force: The Spatial Distribution of Force Factors. Pp. 173 – 199 in G, Elmes, G. Roedl and J. Conley (Eds.). Forensic GIS: The Role of Geospatial Technologies for Investigating Crime and Providing Evidence. New York: Springer.

Rojek, J., S. Decker, G. Alpert and J. Hansen (2013). Is the Quarterback a 'Crip'?: The Presence of Gangs in Collegiate Athletic Programs. Criminal Justice Review 38: 452–472.

Noble, J. and G. Alpert (2013). Criminal Interrogations of Police Officers who use Force: Do Police Officers Hold a Special Status that Creates an Exemption from Traditional Criminal Interrogation

Techniques? FBI Law Enforcement Bulletin. September.

Alpert, G., J. Rojek, S. Decker, A. Hansen, R. Shannon, D. Radakovich and R. Alpert (2013). Perceptions of Criminal and Gang Involvement among College Student-Athletes. Journal of Applied Sport Management 5: 1 - 31.

Prenzler, T., L. Porter and G. Alpert (2013). Reducing Police Use of Force: Case Studies and Prospects. Aggression and Violent Behavior 18: 343 - 356.

Noble, J. and G. Alpert (2013). What Do We Really Know About American Policing?
The Journal of California Law Enforcement 46: 18 - 26.

Rojek, J., G. Alpert and H. Smith. (2012). The Utilization of Research by the Police. Police Practice and Research 13: 329 – 341.

Noble, J. and G. Alpert (2012). Evaluating the Quality of Law Enforcement Investigations: Standards for Differentiating the Excellent, Good and Reasonable From the Unacceptable. The Journal of California Law Enforcement 46: 18 - 25.

Rojek, J., G. Alpert and H. Smith (2012). The Prevalence and Characteristics of Police Practitioner-Researcher Partnerships. Police Quarterly 15: 241 – 261.

Alpert, G., J. Rojek and J. Noble (2012). The Cognitive Interview in Policing: Negotiating Control. Centre of Excellence in Policing and Security: Brisbane, Australia.

Wehr, K., G. Alpert and J. Rojek (2012). "The Fear of the Ninja Assassin:" Understanding the role of agency culture in injurious and fatal on-duty vehicle collisions. The Journal of California Law Enforcement. 46: 25-31.

Alpert, G., J. Rivera and L. Lott (2012). Working toward the Truth in Officer-Involved Shootings. FBI Law Enforcement Bulletin 81: 1 - 7.

Alpert, G., J. Rojek and L. Porter. 2012. Measuring the impact of Organisational Culture and Climate on Police Officers 'Decisions and Behaviour. Centre of Excellence in Policing and Security: Brisbane, Australia.

Kaminski, R., J. Rojek, H. Smith, and G. Alpert (2012). Correlates of Foot Pursuits in the Los Angeles County Sheriff's Department. Police Quarterly 15:177 – 196.

Rojek, J., G. Alpert and H. Smith (2012). Examining Officer and Citizen Accounts of Police Use of Force Incidents. Crime and Delinquency 58: 301- 327.

Noble, J. and G. Alpert. 2012. Evaluating the Quality of Law Enforcement Investigations: Standards for Differentiating the Excellent, Good and Reasonable From the Unacceptable. The Journal of California Law Enforcement 46: 18 – 25.

Alpert, G. and J. Rojek. 2011. Frontline Police Officer Assessments of Risks and Decision Making During Encounters with Offenders. Centre of Excellence in Policing and Security: Brisbane Australia.

Alpert, G., B. Gustafson, K. Baxter. 2011. Utryckningskörning angelägenhet för polisen och allmänheten. Pp. 45 – 53 in Lundälv, Jörgen (Ed.) Utryckningsföraren (Emergency Driving). Lysgatan, Sweden: Meyers Publishers.

Taylor, B., G. Alpert, B. Kubu, D. Woods, and R. Dunham. 2011. Changes in Officer Use-of-Force Over Time: A Descriptive Analysis of a National Survey. Policing: An International Journal of Police Strategies & Management 34: 211 – 232.

Alpert, G., M. Smith, R. Kaminski, L. Fridell, J. MacDonald and B. Kubu. 2011. Police Use of Force, Tasers and Other Less-Lethal Weapons. National Institute of Justice, Research in Brief.

Smith, H. and G. Alpert 2011. Joint Policing: Third Parties and the Use of Force. Police Practice and Research 12: 136 – 147.

Alpert, G. and R. Dunham. 2010. Policy and Training Recommendations Related to Police Use of CEDs: Overview of Findings From a Comprehensive National Study. Police Quarterly13: 235–259.

Alpert, G. and M. Smith. 2010. Police Use-of-Force Outcomes: Injuries and Control. The Police Chief 77: 108–115.

Smith, H., R. Hutson, G. Alpert, & J. Strote. 2010 Reporting the Use of Force Injuries by Law Enforcement Officers in the Emergency Department. Annals of Emergency Medicine 56: 424-425.

Schultz, D., E. Hudak and G. Alpert. 2010. Evidence-Based Decisions on Police Pursuits: The Officer's Perspective. FBI Law Enforcement Bulletin 79: 1 – 7.

Parker, K, E. Lane, and G. Alpert. 2010. Community Characteristics and Police Search Rates: Accounting for the Ethnic Diversity of Urban Areas in the Study of Black, White and Hispanic Searches Pp. 349 - 367 in Stephen Rice and Michael White (eds). Race, Ethnicity, and Policing: New and Essential Readings. New York University Press.

Alpert, G. 2010. The Management of Police Education and Training. Pp. 289 – 291 in Natasha Frost, J. Freilich and T. Clear (eds.). 2010. Contemporary Issues in Criminal Justice Policy. Belmont, CA: Wadsworth/Centage Learning.

Dunham, R. and G. Alpert. 2010. The Foundation of the Police Role in Society. Pp. 3 – 16 in R. Dunham and G. Alpert (Eds.) Critical Issues in Policing: Contemporary Readings. Prospect Heights, IL: Waveland Press.

Noble, J and G. Alpert. 2010. State-Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making? Pp. 481 – 495 in R. Dunham and G. Alpert (Eds.) Critical

Issues in Policing: Contemporary Readings. Prospect Heights, IL: Waveland Press (2010).

Alpert, G. and J. Noble. 2009. Lies, True Lies, and Conscious Deception: Police Officers and the Truth. Police Quarterly 12: 237 - 254.

Alpert, G. and R. Dunham. 2009. The Police: Historical and Contemporary Perspectives. Pp. 720 – 729 in M. Miller (Ed.) 21st Century Criminology: A Reference Book. Los Angeles: Sage Publications.

Alpert, G. Interpreting Police Use of Force and the Construction of Reality. 2009. Criminology & Public Policy 8: 111- 115.

Schultz, D., E. Hudak and G. Alpert. 2009. Emergency Driving and Pursuits: The Officer's Perspective. FBI Law Enforcement Bulletin 78: 1 – 7.

Hasisi, Badi, Geoffrey P. Alpert and Dan Flynn. 2009. 177 – 202.The Impacts of Policing Terrorism on Society: Lessons from Israel and the U.S. in David Weisburd, Thomas E. Feucht, Idit Hakimi, Lois Felson Mock and Simon Perry (Eds.). To Protect and Serve: Policing in an Age of Terrorism and Beyond. New York: Springer.

Dunham, R. and G. Alpert. 2009. Officer and Suspect Demeanor: A Qualitative Analysis of Change. Police Quarterly, Vol. 12: 6-21.

Alpert, G. and W. Smith. 2008. Police Pursuits after Scott v Harris: Far from Ideal? Police Foundation: Ideas in American Policing Series #10.

Alpert, G. 2008. Review of Police Interrogation and American Justice (by Richard Leo). Contemporary Sociology 37: 465 – 466.

Stroshine, M., G. Alpert, and R. Dunham. 2008. The Influence of "Working Rules" on Police Suspicion and Discretionary Decision Making. Police Quarterly 11: 315-337.

Alpert, G. Eliminate Race as the Only Reason for Police-Citizen Encounters. 2007. Criminology & Public Policy 6: 671 - 678.

Smith, M. and G. Alpert. 2007. Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation. Criminal Justice and Behavior 34: 1262 – 1283.

Smith, M., R. Kaminski, J. Rojek, G. Alpert and J. Mathis. 2007. The Impact of Conducted Energy Devices and Other Types of Force and Resistance on Officer and Suspect Injuries. Policing: An International Journal of Police Strategies & Management 30: 423 - 446.
Reprinted Pp. 257 – 281. Kroll, Mark and Jeffrey Ho (eds.) Taser Conducted Electrical Weapons: Physiology, Pathology, and Law. 2009. Springer Science: New York.
Alpert, G., R. Dunham and M. Smith. 2007. Investigating Racial Profiling by The Miami-Dade

Police Department: A Multi-method Approach. Criminology & Public Policy 6: 201 – 232.

Alpert, G. 2006. Review Essay – Investigating the Investigators: Social Science and the Police. Criminal Justice Ethics 25: 39 – 43.

Smith, M, M. Makarios, and G. Alpert. 2006. Differential Suspicion: Theory Specification and Gender Effects in the Traffic Stop Context. Justice Quarterly 23: 271 – 295.

Parker, K., J. MacDonald, W. Jennings and G. Alpert. 2005. Racial Threat, Urban Conditions and Police Use of Force: Assessing the Direct and Indirect Linkages Across Multiple Urban Areas. Justice Research and Policy 7: 53 – 79.

Alpert, G., J. MacDonald and R. Dunham. 2005. Police Suspicion and Discretionary Decision Making During Citizen Stops. Criminology 43: 407 – 434.

Dunham, R., G. Alpert, M. Stroshine, and K. Bennett. 2005. Transforming Citizens Into Suspects: Factors That Influence the Formation of Police Suspicion. Police Quarterly 8:366 – 393.

Alpert, G. 2005. Police Pursuits. Pp. 352 – 353 in Sullivan, Larry and Dorothy Moses Schultz (eds.) Encyclopedia of Law Enforcement. Thousand Oaks, CA: Sage Publications.

Dunham, R. and G. Alpert. 2005. The Foundation of the Police Role in Society. Pp. 1-17 in Critical Issues in Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds). Prospect Heights, IL: Waveland Press.

Alpert, G. 2005. Short, James. F. Pp. 1529 - 1531 in Encyclopedia of Criminology. New York: Routledge.

Alpert, G., R. Dunham, and J. MacDonald. 2004. Interactive Police-Citizen Encounters that Result in Force. Police Quarterly 7: 475 - 488.

Smith, M., G. Alpert and R. Dunham. 2004. Towards a Better Benchmark: Assessing the Utility of Not-at-Fault Traffic Crash Data in Racial Profiling Research. Justice Research and Policy 6: 44 - 69.

Walker, S and G. Alpert. 2004. Early Intervention Systems: The New Paradigm. Pp. 221 - 235 in Hickman, M., A. Piquero and J. Greene (eds.) Police Integrity and Ethics. Belmont, CA: Wadsworth.
Wilson, G., R. Dunham and G. Alpert. 2004. Prejudice in Police Profiling: Assessing an Overlooked Aspect in Prior Research. American Behavioral Scientist 47: 896 - 909.

Dunham, R. and G. Alpert. 2004. The Effects of Officer and Suspect Ethnicity in Use-of-Force Incidents. Pp. 102 - 114, in Karen Terry and Delores Jones-Brown (eds.), Policing and Minority Communities: Bridging the Gap. Englewood Cliffs, New Jersey: Prentice-Hall.

Parker, K., J. MacDonald, G. Alpert, M. Smith, and A. Piquero. 2004. A Contextual Study of Racial Profiling: Assessing the Theoretical Rationale for the Study of Racial Profiling at the Local Level). American Behavioral Scientist 47: 943 - 962.

Gover, A., J. MacDonald and G. Alpert. 2003. Combating Domestic Violence: Findings from an Evaluation of a Local Domestic Violence Court. Criminology and Public Policy 3: 109 - 132.

Terrill, W., G. Alpert, R. Dunham and M. Smith. 2003. A Management Tool for Evaluating Police Use of Force: An Application of the Force Factor. Police Quarterly 6: 150 - 171.

MacDonald, J., P. Manz, G. Alpert and R. Dunham. 2003. Police Use of Force: Examining the Relationship Between Calls for Service and the Balance of Police Force and Suspect Resistance. Journal of Criminal Justice 31: 119 - 127.

Smith, M., and G. Alpert. 2002. Searching for Direction: Courts, Social Science, and the Adjudication of Racial Profiling Claims Justice Quarterly 19: 673 - 703.

Alpert, G. 2002. Effective Use of Expert Witnesses in Police Misconduct Cases: The Changing Role of the Expert Witness. Proceedings. 2002 Annual Convention of the Association of Trial Lawyers of America. Pages 1817- 1825.

Alpert, G. 2002. Deadly Force. Vol. 2, Pp. 471 - 472. Encyclopedia of Crime and Punishment. Thousand Oaks, CA: Sage Publications.

Alpert, G. 2002. Police Pursuits. Vol. 3, Pp. 1181 - 1184. Encyclopedia of Crime and Punishment. Thousand Oaks, CA: Sage Publications.

Walker, S. and G. Alpert. 2002. Early Warning Systems as Risk Management for Police. Pp. 219-230 in K. Lersch (ed.) Policing and Misconduct. Upper Saddle River, NJ: Prentice-Hall.

Alpert, G. 2002. Police Pursuit Driving, Chapter 4, Proceedings Texas State Bar Association Suing and Defending Governmental Entities. Austin, TX.

Alpert, G., D. Flynn and A. Piquero. 2001. Effective Community Policing Performance. Justice Research and Policy 3:80 - 94.

Walker, S. G. Alpert and D. Kenney. 2001. Early Warning Systems: Responding to the Problem Officer. National Institute of Justice, Research in Brief.
Reprinted Pp. 95 – 101 in Victor, Joseph and Joanne Naughton, Criminal Justice: Annual Editions. Guilford, CT: McGraw-Hill. 2003.

Reprinted Pp. 152 – 164 in Thurman, Quint and Jihong Zhao (eds.) Contemporary Policing: Controversies, Challenges and Solutions. Los Angeles, CA: Roxbury Publishing Co. 2004.

Alpert, G. and MacDonald. 2001. Police Use of Force: An Analysis of Organizational Characteristics. Justice Quarterly 18: 393 - 409.

MacDonald, J., R. Kaminski, G. Alpert and A. Tennenbaum. 2001. The Temporal Relationship Between Police Killings of Civilians and Criminal Homicide: A Refined Version of the Danger-

Perception Theory Crime and Delinquency 47: 155 - 172.

Walker, S. and G. Alpert. 2000. Early Warning Systems for Police: Concept, History and Issues. Police Quarterly 3: 132-152.

Alpert, G. and D. Flynn. 2000. Community Policing and Major Special Events: A Case Study of Super Bowl XXXIII. Pp. 169 - 185 in Brito, Corina and Eugenia Gratto (eds.) Problem Oriented Policing. Washington, DC: Police Executive Research Forum.

Walker, S. and G. Alpert. 2000. Police Accountability and Early Warning Systems: Developing Policies and Programs. Justice Research and Policy 2: 59 – 72.

Alpert, G., D. Kenney and T. Oettemier. 2000. Performance Measures Shape Officers Actions. National Institute of Justice Journal July: 26-27.

Alpert, G. and K. Coxe. 2000. The Role of Women in Policing: Assignments and Specialization. Page 165 Encyclopedia of Women and Crime. Phoenix: The Oryx Press.

Smith, M. and G. Alpert. 2000. Pepper Spray: A Safe and Reasonable Response to Suspect Verbal Resistance. Policing: An International Journal of Police Strategies and Management 23: 233-245.

Walker, S. and G. Alpert. 2000. Early Warning Systems for Police: A New Approach to Accountability International City Management Association, IQ Service Report 32: 1 - 11.

Alpert, G. and M. Smith. 1999. Police Use-of-Force Data: Where We Are and Where We Should Be Going. Police Quarterly 2: 57-78.

Greene, J. and G. Alpert. 1999. Police: Overview. Pp. 531-539. Violence in America: An Encyclopedia. New York: Charles Scribner's Sons.

Alpert, G. and R. Dunham. 1999. The Force Factor: Measuring and Assessing Police Use of Force and Suspect Resistance. Pp. 45-60 in National Institute of Justice Research Report, Use of Force by Police: Overview of National and Local Data. Washington, DC: National Institute of Justice and Bureau of Justice Statistics.
Reprinted Pp. 97-117 in Tautman, Neal. Police Work: A Career Survival Guide. Upper Saddle River, NJ: Pearson/Prentice Hall (2005).
Madden, T and G. Alpert. 1999. Toward the Development of a Pursuit Decision Calculus: Pursuit Benefits versus Pursuit Cost. Justice Research and Policy 1: 23-41.

MacDonald, J., G. Alpert and A. Tennenbaum. 1999. Justifiable Homicide by Police and Criminal Homicide: A Research Note Journal of Crime and Justice XXII 153-166.

MacDonald, J. and G. Alpert. 1998. Public Attitudes toward Police Pursuit Driving. Journal of Criminal Justice 26: 185-194.
Reprinted in A. Del Carmen. Perspectives: Criminal Justice. Coursewise Publishing: St. Paul, MN (1999).

Reprinted Pp. 170-182 in W. Palacios, P. Cromwell and R. Dunham (eds.) Crime and Justice in America. Upper Saddle River, NJ: Prentice Hall (2001).

Alpert, G., and A. Clarke. 1998. County of Sacramento v Lewis: Its Impact and Unanswered Questions. Police Forum 8: 1 - 9.

Alpert, G. Helicopters in Pursuit Operations. 1998. National Institute of Justice, Research in Action.

Alpert, G. 1998. A Factorial Analysis of Police Pursuit Driving Decisions. Justice Quarterly 15: 347-359.

Alpert, G., R. Dunham and A. Piquero. 1998. On the Study of Neighborhoods and the Police. Pp. 309-326 in Community Policing: Contemporary Readings (G. Alpert and A. Piquero eds.). Prospect Heights, IL.: Waveland Press.

Alpert, G., MacDonald, J. and Gover. 1998. The Use of Helicopters in Policing: Necessity or Waste? Police Forum 8: 9-14.

Dunham, R., G. Alpert, D. Kenney and P. Cromwell. 1998. High Speed Pursuit: The Offender's Perspective. Criminal Justice and Behavior 20: 30-45.

Alpert, G. and A. Clarke. 1998. County of Sacramento v Lewis: A Look at its Impact and Unanswered Questions. Subject to Debate 12: 1, 3, 4 - 5.

Alpert, G., D. Kenney and R. Dunham. 1997. Police Pursuits and the Use of Force: Recognizing and Managing "the Pucker Factor." Justice Quarterly 14: 371-385.
Reprinted Pp. 291 – 303 in M. Palmiotto (ed.) Police Misconduct) Upper Saddle River, NJ: Prentice Hall (2001).

Alpert, G., A. Clarke, and W. Smith. 1997. The Constitutional Implications of High Speed Police Pursuits under a Substantive Due Process Analysis: Homeward Through the Haze. The University of Memphis Law Review 27: 599-662.

Kenney, D, and G. Alpert. 1997. A National Survey of Pursuits and the Use of Police Force: Data from Law Enforcement Agencies. Journal of Criminal Justice 25: 315-323.
Reprinted in D. Kenney and R. McNamara (eds.) Police and Policing: Contemporary Issues. Westport, CT: Praeger (1999).
Reprinted Pp. 200 – 209 in Thurman, Quint and Jihong Zhao (eds.) Contemporary Policing: Controversies, Challenges and Solutions. Los Angeles, CA: Roxbury Publishing Co. 2004.

Alpert, G. 1997. Police Pursuit: Policies and Training. National Institute of Justice, Research in Brief.

Dunham, R. and G. Alpert. Police Shootings: Myths and Realities. Pp. 115-123 in Paul Cromwell and Roger Dunham (Eds). Crime and Justice in America. Englewood Cliffs: Prentice-Hall (1997, 2001).

Alpert, G. 1997. Pursuit Driving: Planning Policies and Action from Agency, Officer, and Public Information. Police Forum 7: 1-12.

Alpert, G., W. Smith, A. Clarke and M. Cosgrove. 1996. The Case for a Post-Arrest Use of Force Continuum: Constitutional and Practical Implications of Police Restraint Procedures. Criminal Law Bulletin 32: 49-61.

Crouch, B. and G. Alpert. 1996. The American Prison Crisis. Pp. 121-136 in C. Calhoun and G. Ritzer, Perspectives on Criminal Justice. McGraw-Hill: New York.

Dunham, R. and G. Alpert. 1995. Controlling the Use of Force: An Evaluation of Street-Level Narcotics Interdiction in Miami. American Journal of Police XV (No. 1): 83-100.
Reprinted Pp. 189-204 in D. Kenney and G. Cordner (eds.) Managing Police Personnel. Cincinnati: Anderson publishing Co. (1996).

Dunham, R. and G. Alpert. 1995. Multi-Ethnic Communities: Interactive Model. Pp. 436-440 in W. Bailey (ed.) The Encyclopedia of Police Science. New York: Garland Publishing. Inc.

Kappeler, V., R. Sluder and G. Alpert. 1995. Breeding Deviant Conformity: Police Ideology and Culture. Pp. 243 - 262 in V. Kappeler (ed.). The Police in Society: Touchstone Readings. Prospect Heights, IL: Waveland Press.
Reprinted Pp. 284-301 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert eds.). Prospect Heights, IL: Waveland Press (1997, 2005).

Alpert, G. and T. Madden. 1994. Police Pursuit Driving: An Empirical Analysis of Critical Decisions. American Journal of Police XIII (No. 4): 23-45.

Crouch, B., G. Alpert, J. Marquart and K. Haas. 1998. The American Prison Crisis: Clashing Philosophies of Punishment and Crowded Cellblocks. Pp. 64 - 80   The Dilemmas of Corrections: Contemporary Readings (Haas, K and G. Alpert, eds.). Prospect Heights, IL: Waveland Press (1998). Pp. 84-100.

Alpert, G. 1995. The Management of Police Pursuit Driving. Pp. 599-609 in W. Bailey (ed.) The Encyclopedia of Police Science. New York: Garland Publishing Inc.
Reprinted Pp. 547-564 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds.). 3rd. Edition Prospect Heights, IL: Waveland Press (1997).

Alpert, G. and W. Smith. 1994. How Reasonable is the Reasonable Man?: Police and Excessive Force. Journal of Criminal Law and Criminology 85: 481-501.

Alpert, G. and W. Smith. 1994. Developing Police Policy: An Evaluation of the Control. American Journal of Police 13: 1-20.
Reprinted Pp. 237-251 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds.). 2nd. Edition   Prospect Heights, IL: Waveland Press (1993).

Smith, W., and G. Alpert. 1995. Risky Business: Exposure Under Section 1983. Public Risk 8: 6-9 (1994). *Reprinted* Pp. 3-4 in <u>ALERT International Newsletter</u> January and March.

Alpert, G.and M. Moore. 1993. Measuring Police Performance in the New Paradigm of Policing . Pp. 109-142 in Bureau of Justice Statistics, <u>Performance Measures for the Criminal Justice System</u>. Washington, DC: Bureau of Justice Statistics.
Reprinted Pp. 265-281 in <u>Critical Issues In Policing: Contemporary Readings</u> (Dunham, R. and G. Alpert, eds.). Prospect Heights, IL: Waveland Press (1997).
Reprinted Pp. 215-232 in <u>Community Policing: Contemporary Readings</u> (Alpert, G. and A. Piquero, eds). Prospect Heights, IL.: Waveland Press (1998).

Alpert, G. and M. Smith. 1993. The Police and the Americans with Disabilities Act - Who is Being Discriminated Against? Criminal Law Bulletin 29: 516-528.

Apospori, E. and G. Alpert. 1993. The Role of Differential Experience with the Criminal Justice System in Changes in Perceptions of Severity of legal Sanctions over Time. Crime and Delinquency 39: 184-194.

Smith, W. and G. Alpert. 1993. Policing the Defective Centurion: Decertification and Beyond. Criminal Law Bulletin 29: 147-157.
Reprinted Pp. 355 – 366 in M. Palmiotto (ed.) <u>Police Misconduct.</u> Upper Saddle River, NJ: Prentice Hall (2001).

Apospori, E., G. Alpert and R. Paternoster. 1992. The Effects of Involvement with the Criminal Justice System: A Neglected Dimension of the Experience and Perceptions Relationship. Justice Quarterly 9: 379-392.

Greene, J., G. Alpert and P. Styles. 1992. Values and Culture in Two American Police Departments: Lessons from King Arthur. Contemporary Criminal Justice 8: 183-207.
Reprinted Pp. 179-207 in <u>Law Enforcement Operations and Management</u> (Edited by Marilyn McShane and Frank Williams) New York: Garland Publishing. 1997.

Alpert, G. and W. Smith. 1992. Police Policy: Is the Control Principle out of Control? Police and Security News 8: 2, 30-33.

Alpert, G., W. Smith and D. Watters. 1992. Implications of the Rodney King Beating. Criminal Law Bulletin 28: 469-479.
Alpert, G. and W. Smith. 1992. A Critical and Constructive Look at the Defensibility of Police Pursuit Training. Pp. 172-193 in J. Bizzack (ed.) <u>Issues in Policing: New Perspectives</u>. Autumn House Publishing: Lexington, Ky.

Alpert, G. 1992. The Importance of Data Quality for Research and Practice. <u>Proceedings of the National Conference on Improving the Quality of Criminal History Records</u>: 34-35.

Dunham, R and G. Alpert. 1991. Understanding the Dynamics of Officer Age and Gender in Police

Pursuits. American Journal of Police 10: 51-61.

Alpert, G. and W. Smith. 1991. Beyond City Limits and Into the Wood(s): A Brief Look at the Policy Impact of City of Canton v Harris and Wood v Ostrander. American Journal of Police 10: 19-40.

Alpert, G. 1991. Analyzing Police Pursuit. Criminal Law Bulletin 27: 358-367.

Alpert, G. 1991. Hiring and Promoting Police Officers in Small Departments: Limiting the Role of Psychological Testing. Criminal Law Bulletin 27: 261-269.
Reprinted Pp. 96-105 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds.). 2nd. Edition Prospect Heights, IL: Waveland Press (1993).

Alpert, G. 1991. Cross-Gender Guarding, Personal Privacy and Institutional Security: Perspectives of Jail Inmates. Criminal Justice and Behavior 18: 304-317 (1991).

Alpert, G. 1991. Establishing Roadblocks to Control the Drunk Driver. Criminal Law Bulletin 27: 51-58.

Alpert, G. 1990. Controlling Pursuit Driving: The Need for Policy and Training. Police and Security News 6: 6-13.

Alpert, G. and W. Smith. 1990. Defensibility of Law Enforcement Training. Criminal Law Bulletin 26: 452-458 (1990).

Haas, K. and G. Alpert. 1989. Drug Testing at Work. Criminal Justice Policy Review 3: 376-390.

Alpert, G. and R. Dunham. 1989. Policing Hot Pursuits: the Discovery of Aleatory Elements. Journal of Criminal Law and Criminology 80: 521-539.

Alpert, G. 1989. City of Canton v Harris and the Deliberate Indifference Standard. Criminal Law Bulletin 25: 466-472.

Alpert, G. and K. Haas. 1989. American Prisoners and the Right of Access to the Courts: A Vanishing Concept of Protection. Pp. 65-87 in Lynn Goodstein and Doris MacKenzie (eds.) The American Prison: Issues in Research and Policy New York: Plenum.
Reprinted Pp. 223-246 in Haas, K. and G. Alpert (eds.) The Dilemmas of Corrections: Contemporary Readings (Haas, K. and G. Alpert, eds). Prospect Heights, IL: Waveland Press *Third Edition* (1995). *Fourth Edition*, Pp. 244-267 (1998).

Alpert, G. 1989. Judge David Bazelon: Questioning Authority (Review Essay) Journal of Criminal Law and Criminology 79: 1381-1388.
Alpert, G. and R. Dunham. 1988. Research on Police Pursuits: Applications for law Enforcement. American Journal of Police 7: 123-131.

Alpert, G. 1988. Police Pursuit: Linking Data to Decisions Criminal Law Bulletin 24: 453-462.

Lang, G., R. Dunham and G. Alpert. 1988. Factors Related to the Academic Success and Failure of College Football Players: The Case of the Mental Dropout) Youth and Society 20: 210-222.

Alpert, G. and R. Dunham. 1988. Neighborhood Differences in Attitudes Toward Policing: Evidence for a New Approach to Policing in a Multi-Ethnic Setting. Journal of Criminal Law and Criminology 79: 504-523.
Reprinted, in part, Pp. 57 - 60 in R. Mutchnick and B. Berg, Research Methods for the Social Sciences. Boston: Allyn and Bacon. 1996.

Mills, R., R. Dunham and G. Alpert. 1988. Working with High-Risk Youth in Prevention and Early Intervention Programs) Adolescence 23: 643-660.

Zimmerman, R., T. Biggers and G.Alpert. 1988. Nursing, Nursing Education and Anxiety. Journal of Nursing Education 27: 411-417.
Alpert, G. and B.Crouch. 1988. Sports Violence: History, Overview and Suggestions for Reduction. The Journal of Applied Research in Coaching and Athletics 3: 101-119.

Alpert, G., R. Dunham, and L. Lewis. Police and Drug Testing. 1988. Criminal Law Bulletin 24: 155-166.
Reprinted Pp. 298-310 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds.).

Alpert, G. 1987. Questioning Police Pursuit in Urban Areas. Journal of Police Science and Administration 17: 298-306.

Reprinted Pp. 216-229 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert eds). Prospect Heights, IL: Waveland Press (1989).

Sullivan, P., Dunham, R. and G. Alpert. 1987. Attitude Structures of Different Ethnic and Age Groups Concerning Police. Journal of Criminal Law and Criminology 78: 501-521.

Dunham, R. and G. Alpert. 1987. Keeping Juvenile Delinquents in School: A Prediction Model. Adolescence 23: 45-57.

Alpert, G. and M. 1986. Llabre. Social Scientists as Expert Witnesses. The Florida Bar Journal 60 (November) 10: 31-34.
Alpert, G. and R. Dunham. 1986. Community Policing. Journal of Police Science and Administration 14: 212-222.
Reprinted Pp. 432-450 in Critical Issues In Policing: Contemporary Readings (Dunham, R. and G. Alpert, eds.). 2nd. Edition. Prospect Heights, IL: Waveland Press (1993).

McBride, D. C. Habermeil, D. Chitwood and G. Alpert. 1986. Drugs and Homicide. Bulletin of the New York Academy of Medicine 62: 447-508.

Alpert, G. and P. Anderson. 1986. The Most Deadly Force: Police Pursuits Justice Quarterly: 1-15.
Reprinted in R. Homant and D. Kennedy (eds.) Police and Law Enforcement (Volume 5) New

York: AMS Press (1988).
Reprinted Pp. 304 – 315 in M. Palmiotto (ed.) <u>Police Misconduct.</u> Upper Saddle River, NJ: Prentice Hall (2001).

Alpert, G. R. Dunham and D.J. Conners. 1986. Black Representation on Juries in Miami: a Research Note. Justice System Journal 11: 79-88.

Alpert, G. and A. DeFoor, 1986. Telephone Search Warrants: A Proposal for Florida. The Florida Bar Journal 60: 61-63.

Dunham, R. and G. Alpert. 1986. Keeping Marginal Youth in School: a Prevention Model. Youth and Society 17: 346-361.

McClellend, K. and G. Alpert. 1985. Factor Analysis Applied to Magnitude Estimates of Punishment Seriousness: Patterns of Individual Differences. Journal of Quantitative Criminology l: 307-3l7.

Alpert, G. and T. Petersen. 1985. The Grand Jury Report. Justice Quarterly 2: 23-50.

Haas, K. and G. Alpert. 1984. Judicial Rulemaking and the Fourth Amendment: Cars, Containers and Exclusionary Justice. Alabama Law Review 35: 23 - 6l.

Crouch, B., G. Alpert and R. Huff. 1984. Prison Reform by Judicial Decree: The Unintended Consequences of <u>Ruiz v Estelle</u>, Justice System Journal 9: 29l-305.
Reprinted Pp. 258-271 in Haas, K. and G. Alpert (eds.) <u>The Dilemmas of Corrections</u> *Third Edition*, Prospect Heights: Waveland Press (1995). *Fourth Edition* Pp. 309-323 (1999).

Alpert, G. 1984. The Needs of the Judiciary and Misapplications of Social Research: the Case of Female Guards in Men's Prisons, Criminology 22: 44l-456.
Reprinted   Pp. 154-166 in P. Anderson and T. Winfree (eds.) <u>Expert Witnesses</u>. Albany, NY: State University of New York Press (1987).

DeFoor, A. and G. Alpert. 1984. Florida's Invisible Jails. The Judges' Journal 23: 33, 46.

DeFoor, A. and G. Alpert. 1984. Telephone Search Warrants, University of Miami Law Review 38: 625-636.

Alpert, G. and R. Huff. 1983. Defending the Accused: Competence and Strategies. pp. 247-27l in William McDonald (ed.) <u>The Defense Counsel</u>. Beverly Hills: Sage.

Alpert, G. 1982. Women Prisoners and the Law: Which Way Will the Pendulum Swing ? Journal of Criminal Justice l0: 37-44.
Reprinted Pp. l7l-l82 in B. Price and N. Sokoloff (eds.) <u>The Criminal Justice System and Women</u>. New York: Clark Boardman (1982).

Alpert, G. and B. Crouch. 1982. Sex and Occupational Socialization: A Longitudinal Study of Prison Guards. Criminal Justice and Behavior 9: l39-l76.

Alpert, G. and R. Huff. 1982. Organizational Compliance with Court-Ordered Reform: the Need for Evaluation Research. Pp. 115-124 in M. Morash (ed.) Implementing Criminal Justice Policies. Beverly Hills: Sage Publications.

Alpert, G., R. White and P. Geisel. 1981. The Intervention of Business Leaders. pp. l55-l73 in Charles V. Willie and Susan Greenblatt (eds.) Community Politics and Educational Change. New York: Longman.

Alpert, G. 1981. Criminal Defense Attorneys: A Typology of Defense Strategies, Criminal Law Bulletin l7: 38l-404.

Alpert, G. and R. Huff. 1981. Prisoners, the Law and Politics: Planning for Legal Aid. New England Journal on Prison Law 7: 304-340. *First Prize, l981 National Writing Competition, New England School of Law.*

Alpert, G. and R. Dukes. 1980. Criminal Victimization from a Police Perspective. Journal of Police Science and Administration 8: 21-30.

Alpert, G. and B. Crouch. 1980. Prison Guards' Attitudes Toward Components of the Criminal Justice System. Criminology l8: 227-236.

Alpert, G. 1979. Inadequate Defense Counsel: An Empirical Analysis of Prisoners' Perceptions The American Journal of Criminal Law 7: 1-21.

Alpert, G. 1979. Recent Developments in the Office of the Prosecutor. The Prosecutor l4: 34l-344.

Alpert, G. 1979. Patterns of Change in Prisonization: A Longitudinal Analysis, Criminal Justice and Behavior 6: l59-174.

Alpert, G. and G. Noblit. 1979. Advocacy and Rehabilitation in Women's Prison. Law and Policy Quarterly l: 207-222.
Reprinted Pp. 272-284 in K. Haas and G.P. Alpert (eds.) The Dilemmas of Punishment. Prospect Heights: Waveland Press (1986).

Alpert, G. 1979. Institutional Diversity and Prisonization: A Longitudinal Analysis, LAE Journal of the American Criminal Justice Association 4l: 3l-39.

Alpert, G. 1979. Legal Ombudsman: New Roles for an Old Office, Victimology: An International Journal 4: 268- 278.

Alpert, G. and D. Hicks. 1978. Patterns of Social Change and Adaptation in Prisons. Social Science Quarterly 59: 37-50.

Alpert, G. 1978. The Determinants of Prisoners' Decisions to Seek Legal Aid New England Journal of Prison Law 4: 309-325.

Alpert, G. and N. Miller. 1978. Legal Delivery Systems to Prisoners. The Justice System Journal 4: 9-26.

Alpert, G. 1978. A Comparative Study of the Effects of Ideology on Prisonization,   LAE Journal of the American Criminal Justice Association 41: 77-86.

Alpert, G., J. Finney and J. Short. 1978. Legal Services, Prisoners' Attitudes, and `Rehabilitation.' Journal of Criminal Law and Criminology 69: 6l6-626.

Alpert, G. and D. Hicks. 1977. Prisoners' Attitudes toward Components of Legal and Judicial Systems. Criminology l4: 46l-482.
Reprinted Pp. 31-52 in D. MacNamara and F. Montanino (eds.) Incarceration: The Sociology of Imprisonment. Beverly Hills, California: Sage Publications, l978.

Alpert, G. 1978. Prisons as Formal Organizations: Compliance Theory in Action Sociology and Social Research 63: 112-130.

Alpert, G. Collective Violence Behind Bars. pp. 2l-34 in M. Reidel and P. Vales (eds.) Treating the Offender: Problems and Issues. Praeger Publishers: New York (1977).

Alpert, G. 1977. A Comparative Look at Prisonization: Sex and Prison Culture Quarterly Journal of Corrections l: 29-34.

Alpert, G. 1976. Prisoners' Right of Access to Courts: Planning for Legal Aid, Washington Law Review 5l (July) 3: 653-675.
Reprinted Pp. 3l4-335 in D. Petersen and C. Thomas (eds.) Corrections: Problems and Prospects. Englewood Cliffs: Prentice Hall (l980).

GRANTS, CONTRACTS AND AWARDS:

An Evaluation of a Social Interaction Training Program to Reduce the Use of Force and Build Legitimacy. National Institute of Justice. 2017.

Use of Electronic Control Devices 2014 – 2015. Montgomery County, Maryland Police Department. 2016.

Police Shootings Inquest 2015-2016: Review for the State Coroner. Queensland, Australia. 2016.

Evaluation of the Police Response to the Lindt Café Terrorism Siege in Sydney, Australia. New South Wales Police. 2015.

Evaluation of a Motor-Vehicle Crash Prevention Program in Law Enforcement. National Institute of

Justice and Center for Disease Control. 2013.

Evidence Based Solutions to Reduce Law Enforcement Officer Vehicular Crashes. Bureau of
Justice Assistance. 2012.

Building Bridges between Police Researchers and Practitioners: Agents of Change in a Complex
World. National Institute of Justice. 2010.

Perceptions of the Organization and Violence of Gangs. Bureau of Justice Assistance. 2008.

A Study on the Effects of Tasers on Humans. Miami-Dade County, Florida. 2007.

A Multi-Method Evaluation of Police Use of Force Outcomes. National Institute of Justice. 2005.

Assessing Police Officers' Decision Making and Discretion. National Institute of Justice. 2001.

The Lexington County Domestic Violence Court: A Partnership and Evaluation. National Institute
of Justice. 2000.

Promoting Police Accountability: A Technical Assistance Program. Office of Community Oriented
Policing Services. Washington, DC. 2000.

Investigating Racial Profiling in the Miami-Dade Police Department. Miami-Dade County, Florida.
2000.

The Effect of Community Policing on Urban Violence. American Statistical Association, Committee
on Law and Justice. 2000.

Carolinas Institute for Community Policing. Charlotte-Mecklenburg Police Department. 1999, 2000.

The Force Factor: Measuring Police Use of Force Relative to Suspect Resistance. National Institute
of Justice. 1998.

Facilitating Organizational Change: Shaping Philosophies Through Individual and Organizational
Evaluations. National Institute of Justice. 1996.

An Analysis of Police Use-of-Force Data. National Institute of Justice. 1996.

Firearm Use and Analysis for the Metro-Dade Police Department. Metropolitan Dade County,
Florida. 1994.

Evaluation of Hi-Risk Police Activities. Insurance Reserve Fund. State of South Carolina. 1994.

Police Pursuit Driving and Use of Excessive Force. National Institute of Justice. 1994.

Evaluation of Tactical Narcotics Team, Metro-Dade Police Department, 1991.

Police Report Writing. Wackenhut Services, Savannah River Site, Aiken, SC. 1990.

Police Officer Task Analysis. City of Columbia. 1989.

National Survey of Security Needs. American Society of Industrial Security Foundation. 1989.
Firearm Use and Analysis for the Metro-Dade Police Department. Metropolitan Dade County,
Florida. 1988.

Review of Deadly Force Training and Policies of the Dallas Police Department. City of Dallas,
Texas. 1987.

Police Pursuits: Integrating the Empirical Research with Policy. U.S. Department of Transportation.
1987.

Police Use of Deadly Force Project - An Update. City of Miami. 1987.

Impact of Police Behavior in a Multi-Ethnic Setting. Metro-Dade County, Florida. 1985.

Police Use of Deadly Force, City of Dallas, Texas. l984.

Police Use of Deadly Force, City of Miami. l983.

Establishment of Prisoners' Rights Project - Oregon Division of Corrections. l980.

Integrated Victim Assistance. L.E.A.A. - U. S. Department of Justice. Written for the 4th Judicial
District Attorney's Office (Colorado) l980.

Comprehensive Career Criminal Program. L.E.A.A. - U. S. Department of Justice. Written for the
Lane County (Oregon) District Attorney's Office. l979.

Evaluation of Parole Decision Guidelines. National Institute of Corrections. l978.

SELECTED CONTRIBUTIONS:

Proactive Policing, Keeping Communities Safe and the Use of Force. National Academy of
Sciences. 2016. Washington, DC.

Use of Electronic Control Devices 2014 – 2015. Montgomery County, Maryland Police Department.
2016.

Use-of-Force Policy and Practice Review of the Fairfax County Police Department. June 2015.
Police Executive Research Forum: Washington, DC.

Evidence Based Solutions to Reduce Law Enforcement Officer Vehicular Crashes. 2014. A Final Report to the National Institute of Justice

Promoting Officer Integrity through Early Engagements and Procedural Justice. 2014. A Final Report to the National Institute of Justice.

Building Bridges between Police Researchers and Practitioners: Agents of Change in a Complex World. 2013. A Final Report to the National Institute of Justice.

Perceptions of the Organization and Violence of Gangs. 2010. A Final Report to the Bureau of Justice Assistance.

Police Pursuits in an Age of Innovation and Reform. 2008. Alexandria, Va. International Association of Chiefs of Police.

A Multi-Method Evaluation of Police Use of Force Outcomes. 2008. A Final Report to the National Institute of Justice. Washington, DC.

The Charleston Area Crime Summit Report. Prepared for the North Charleston and City of Charleston Police Departments. November 2007.

Pedestrian and Motor Vehicle Post-Stop Data Analyses Report. Prepared for the City of Los Angeles. July 2006. www.analysisgroup.com/AnalysisGroup/article.aspx?id=1811

Miami-Dade Police Department Racial Profiling Study. November 2004, Released, May 2005.

Not-At-Fault Traffic Crash Data Pp. 66-75 in Amy Ferrall, Jana Rumminger and Jack McDevitt (eds.) New Challenges in Confronting Racial Profiling in the 21st Century. Northeastern University. 2005.

Proposed Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report. Prepared for the City of Los Angeles. January 2005. www.lacity,org/lapdstops

Rapport, D'Enquete de Coronor. Bureau du Coronor. Quebec. 2004.

Assessing Police Officers' Decision Making and Discretion. A Final Report to the National Institute of Justice. 2004.

Police Pursuits. Pp. 122-123 in William Geller and Darrel Stephens (eds.) Local Government Police Management. Washington, DC: International City/County Management Association. 2003.

Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide. A Final Report to the Office of Community Oriented Policing Services. 2003.

Evaluation of the Local Initiated Research Partnership Program. A Final Report to the National

Institute of Justice. 2003.

The Lexington County Domestic Violence Court: A Partnership and Evaluation. A Final Report to the National Institute of Justice. 2003.

Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide. A Final Report to the Office of Community Oriented Policing Services. 2002.

The Effect of Community Policing on Urban Violence. A Final Report to the American Statistical Association and Bureau of Justice Statistics. 2002.

The Force Factor: Measuring Police Use of Force Relative to Suspect Resistance. A Final Report to the National Institute of Justice. 2001.

Community Policing Performance Measures. An Essay and Curriculum for the Carolinas Institute for Community Policing. Charlotte-Mecklenburg Police Department. 2000.

Ethics and Integrity in Community Policing. An Essay and Curriculum for the Carolinas Institute for Community Policing. Charlotte-Mecklenburg Police Department. 2000.

Responding to the Problem Police Officer: A National Study of Early Warning Systems. A Final Report to the National Institute of Justice.1999.

Policy and Training: the First Two Building Blocks of a Pursuit Plan for the Royal Canadian Mounted Police. A Final Report to the Royal Canadian Mounted Police Public Complaints Commission. 1999. Published in Police Pursuits and Public Safety. A Report by the RCMP Public Complaints Commission. Autumn, 1999.

Facilitating Organizational Change: Shaping Philosophies Through Individual and Organizational Evaluations. A Final Report to the National Institute of Justice. 1998.

An Analysis of Police Use-of-Force Data. A Final Report to the National Institute of Justice. 1998. Helicopters and their Uses in Police Pursuit. A Final Report to the National Institute of Justice. 1997.

Police Pursuit and the Excessive Use of Force. A Final Report to the National Institute of Justice. 1996.

A Critical Function Assessment of the Aiken County Sheriff's Office. 1995.

Violent Crime in South Carolina: The Influence of Race, Gender and Age. Reports Prepared for the South Carolina Department of Law Enforcement and the NAACP. December 1992 and February 1994.

Pursuit Driving: Balancing Public Safety and Law Enforcement, Testimony to United States House of Representatives, Committee on Government Operations Sub-Committee on Government

Information Justice and Agriculture. July 1992.

Developing Pursuit Policy Guidelines and the Assessment of Risk. Remarks made to the House Safety Committee, State of Massachusetts. March 1992.

Developing a Decentralized Police Department from a National Police Force: A Report to the Bundeskriminalamt and the German Marshall Fund. March 1992.

Police Pursuit: An Assessment of Risk and Need for Policy. Remarks made to the Senate Transportation Committee, State of Pennsylvania. February 1992.

Policy, Practice and Training in the Police Use of Deadly Force. Montgomery County, Maryland Grand Jury. July, 1991.

The Frequency of Intersection Accidents During Police Vehicle Emergency Runs. Police Executive Research Forum. (1991).

An Analysis of Pursuit Driving: Duval County (FL) Grand Jury (Spring 1989).

Metro-Dade Police Department Discharge of Firearm Study, 1984-1988. Dade County, Florida (1989).

Police Pursuit: A Comprehensive Review and Empirical Assessment. Dade Association of Chiefs of Police. Dade County, Florida (1988).

L'Impact d'Immigration Des Algeriens a Paris. La Maison des Sciences de L'Homme. Paris (1987).

Review of Deadly Force Training and Policies of The Dallas Police Department. City of Dallas (1987).

Police Use of Deadly Force in Miami 1980-1986. Miami Police Department (1987).

Crime Analysis and Recommendations for Criminal Justice Resource Management. Criminal Justice Council, Dade County, Florida (1986).

Civilian Attacks on Police Officers. Dade County Police Benevolent Association. Miami (1985).

Mentally Ill Criminals in Dade County. Citizens' Crime Commission, Miami, Florida (l985).

Youth Gangs in Dade County. Final Report of the Grand Jury, Dade County, Florida (Fall l984).

Police Use of Deadly Force in Dallas, Texas: l980-l983. Dallas Police Department, Dallas, l984.

School Dropouts in Dade County. Final Report of the Grand Jury, Dade County, (Spring l984).

Final Report, Overtown Blue Ribbon Committee, Miami, Florida. l983.

Police Use of Deadly Force. Final Report of the Grand Jury, Dade County, Florida (Spring 1983).

Legal Rights of Correctional Officers. Florida Department of Corrections, (October 1982).
The Grand Jury Looks at Itself: A Follow-Up Study. Final Report of the Grand Jury, Dade County, Florida (Fall 1982).

The Impact of Mariels and other Entrants on South Florida. Final Report of the Grand Jury, Dade County, Florida (Spring 1982).

BOOK REVIEWS:
> American Journal of Police
> Contemporary Sociology
> Criminology
> Criminal Justice Review
> Journal of Criminal Law and Criminology
> Sociology: Reviews of New Books

EDITORIAL EXPERIENCE:

Issue Editor, Police Practice and Research	2011
Editorial Board, The Justice System Journal	1994 - 1998
Associate Editorial Consultant, Journal of Criminal Law and Criminology	1990 - 1998
Editorial Board, American Journal of Criminal Justice.	1989 - 1998
Contributing Editor, Criminal Law Bulletin.	1987 - 1995
Board of Editors, Sociological Inquiry.	1987 - 1998
Associate Editor, Criminology.	1980 - 1984.
Advisory Board, Police Liability Review.	1989 - 1998.
Advisory Board, Annual Editions: Criminal Justice (Dushkin).	1988 - 1994.
Editor, Georgia Journal of Corrections.	1971 - 1972.
Editor, American Journal of Police	1995 - 1997.
Associate Editor, Justice Quarterly	1995 - 1998.
Editor, Policing: An International Journal of Police Strategies and Management	1997 - 1999.
Issue Editor	2015
Associate Editor, Justice Research and Policy	1998 - 2001
Editorial Board, Encyclopedia of Law Enforcement	2004 – 2005.
Executive Board, Crime and Delinquency	2000 – present.
Series Editor, Wadsworth Publishing	2000 - 2007.

Special Reader:

American Journal of Criminal Justice	Police Quarterly
American Journal of Police	Law and Society Review
American Journal of Sociology	American Sociological Review
Australia- New Zealand Journal of Criminology	Sociological Focus
Crime & Public Policy	Sociological Inquiry
Criminology and Public Policy	Social Problems

Criminal Justice and Behavior
Criminology: An International Journal
Journal of Crime and Delinquency
Journal of Criminal Justice
Journal of Justice Issues
Journal of Research in Crime and Delinquency
Journal of Quantitative Criminology
Judicature
Justice Quarterly
Justice System Journal

Social Science Quarterly
Cambridge University Press
McGraw Hill Publishing Company
Praeger Press
Sage Publications
Wadsworth Publishing
West Publications
Law and Human Behavior

SELECTED PROFESSIONAL ACTIVITIES:

Invited Participant, Implementation of Police Department Consent Decrees. Texas A & M School of Law. Ft. Worth, Texas. November, 2006.

Invited Participant, Trending Issues in Policing. Federal Law Enforcement Training Center. Glynco, GA. September 2016.

Presenter, Finding Common Ground: Policing in the 21st Century. University of South Carolina. August 2016.

The Ferguson Effect and the Dallas Effect on Policing. Queensland Police Service, Executive Leadership Committee and Police Academy. July 2016.

Presenter, Committee on Proactive Policing – Effects on Crime, Communities, and Civil Rights. National Academy of Sciences. Washington, DC. April. 2016.

Invited Participant, National Officer Safety and Wellness Group. COPS and Bureau of Justice Assistance. Washington, DC. March 2016.

Social Science, Evidence -Based Policing, and Judicial Rulemaking, South Carolina South Carolina Circuit Court Judges' Association. January 2016.

Invited Participant, Use of Force: Taking Policing to a Higher Standard. Police Executive Research Forum. Washington, DC. January 2016.

Presenter, Annual Meeting, South Carolina Chapter of the National Association of Blacks in Criminal Justice. Columbia, SC. December 2015.

Presenter, Managing Use of Force: Reporting, Investigating and Reviewing the Use of Force. Virgin Islands Police Department (Consent Decree). St. Thomas and St. Croix. November 2015.

Securing G20: Strategies, Planning and Operations. Presented at the Annual Meeting of The International Association of Chiefs of Police. Orlando, FL. October 2015.

Presenter, Symposium on the Future of Police. Griffith University and Queensland Police Service.

Brisbane, Australia. September 2015.

Presenter, Trends in Use of Force Training. Federal Law Enforcement Training Center, Office of the Inspector General. Largo, MD. August 2015.

Presenter, Center for Evidence-Based Crime Policy Symposium. George Mason University and the Police Foundation. Arlington, VA. August 2015.

Participant, FBI's Uniform Crime Reporting Program. Development of a new data collection system on officer-involved shootings. June – September 2015.

Faculty, Police Executive Research Forum, Senior Management Institute for Police (SMIP). Boston, June – August 2015.

Presenter, The National Association of Women Law Enforcement Executives (NAWLEE) Annual Meeting. Hartford, CT. August 2015

Invited Testimony, U.S. Commission of Civil Rights. March 2015.

Presenter, Cuyahoga County (Ohio) Prosecutor's Office, Forum on Police Use of Deadly Force. March 2015.

Invited Testimony, President's Task Force on 21st Century Policing. January 2015.

Presenter, Innovation in American Policing and Public Safety. MacArthur Foundation. Chicago, November 2014.

Member, Richland County Sheriff's Office Citizens' Advisory Council. Columbia, SC. 2014 – Present.

StarChase: A Pursuit Avoidance Technology. Presented at the Annual Meeting of The International Association of Chiefs of Police. Orlando, FL. October 2014.

Presenter, Australian, New Zealand Association of Criminology (ANZOC). Sydney, Australia. October 2014.

Presenter, Contemporary Leadership in Policing for Indian Police Service. Queensland Police Service, Brisbane, Australia. October 2014.

Invited Speaker, Symposium on the Future of Police. Griffith University and Queensland Police Service. Brisbane, Australia. September 2014.

Subject Matter Expert and Testifying Expert, Police Use of Deadly Force, Travis County, Texas Grand Jury. March 2014. Austin, Texas.

Presenter, Research Evidence for Supervisors: Use of Force and Police Pursuits. Evidence-Based Policing Leadership Training for first and Second Line Supervisors. George Mason University, Arlington, VA. January 2014.

Subject Matter Expert, United States District Court of Northern California. Consent Decree, Oakland Police Department. December 2013.

Internal Affairs Units and Early Intervention Systems. Seminar on Internal Affairs and Police Accountability. Federal Police of Mexico. Mexico City. December 2013.

Key Note Address, Traffic Safety, Officer Safety and Crime Control. Road to Zero: Strategies to Enhance Road Policing. Victoria Police. Melbourne, Australia. November 2013.

Presenter, Use-of-Force Decision Making. Use of Force Workshop. Centre of Excellence in Policing and Security. Griffith University. Brisbane, Australia. November 2013.

Presenter, Police-Researcher Partnerships. Policing and Security in Practice: Then, Now and into the Future. Charles Sturt University. Sydney, Australia. November 2013.

Reviewer, The Health Effects of Conducted Energy Weapons. The Council of Canadian Academies & The Canadian Academy of Health Sciences. Ottawa, Canada. 2013.

Invited Participant, Whitehouse Law Enforcement Officer Safety Datajam. Washington, DC. September 2013.

Presenter, Practitioner – Researcher Partnerships and Relations. Criminology in Practice. University of Pennsylvania. September 2013.

Presenter, Early Warning Systems: Data-Driven Decisions. American Psychological Association. Honolulu, Hawaii. July 2013.

Presenter, Maryland State Summit: Reducing Deaths, Disabilities, and Injuries to Maryland Law Enforcement Officers Engaged in Traffic-related Activities. Johns Hopkins University. June 2013.

Invited Participant, Experiments in Policing Masterclass. University of Queensland, Brisbane, Australia. April 2013.

Presenter, Naturalistic Decision Making: The Explanatory Value of Human Factors in Police Use of Force. Victoria Police Service. Melbourne, Australia. April 2013.

Controlling Violent Suspects: A Necessary and Dangerous Part of Police Work. Human Rights and Policing Conference. Centre of Excellence in Policing and Security. Canberra, Australia. April 2013.

Invited Participant, Civil Rights Investigations of Local Police. PERF. Washington, DC, October

2012.

Presenter, Consortium for Police Leadership in Equity/Department of Justice Conference: A Measure of Justice. Washington, DC, August 2012.

Conducted Electronic Weapons, Car Crashes, and Pursuits. Australian Institute of Criminology Canberra, Australia. July 2012.

Distortions in Memory after Police Shootings and other Critical Incidents. Australian Research Council, Centre for Excellence in Policing and Security. Brisbane, Australia. July 2012.

Keynote Speaker, Police Integrity Forum, Crime and Misconduct Commission, Queensland State Government. Brisbane, Australia. June 2012.

Use of Force Research and American Policing. Management and Staff, Ethical Standards Command, Queensland Police Service. Brisbane, Australia. May 2012.

Contemporary Issues in American Policing, and Developing Researcher-Practitioner Relationships, Senior Staff, Queensland Police Service. Brisbane, Australia. June 2012

Presenter, California POST Officer Crash Reduction Initiative. National Officer Safety and Wellness Group. April 2012. Washington, DC.

Keynote Speaker, 2012 Civil Rights Conference. United States Attorney's Office Northern District of Ohio and Cleveland FBI. Understanding Police Use of Force. April 2012. Cleveland, OH.

Subject Matter Expert and Testifying Expert, Police Use of Deadly Force, Travis County, Texas Grand Jury. February 2012. Austin, Texas.

Presenter, Defense Research Institute, Civil Rights and Governmental Tort Liability Seminar. February 2012. Miami, Florida.

Invited Participant, Symposium on Police Use of Force. International Association of Chiefs of Police. Alexandria, VA, May 2011.

Presenter, Gang Affiliation and the Student Athlete. Senior Leadership Group, National Collegiate Athletic Association (NCAA), Indianapolis, IN. April, 2011.

Panelist, Criminal Justice Research and Policing Strategies for Safer Communities. Congressional Briefing. March 24, 2011.
Instructor, FBI National Academy. FBI Academy, Quantico, VA. February 2011.

Advisor, Symposium on Police use of Force. International Association of Chiefs of Police and Office of Community Oriented Policing Services. Washington, DC. January 2011.

Advisor, Queensland Police Service Project on Risk Assessment and Decision Making. Australian

Research Council (ARC) Centre of Excellence in Policing and Security (CEPS). Griffith University. Brisbane, Australia. December 2010.

Keynote Speaker. Police Use of Force Conference. Institute for Law Enforcement Administration, The Center for American and International Law. Plano, Texas. September 2010.

Invited Participant, Conducted Energy Devices: Guidelines for Policy and Practice. Police Executive Research Forum. Philadelphia, PA. August 2010.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. August 2010.
Presenter, International Police Executive Symposium. Developing and Managing Communication Systems for Major Special Events: An American Nightmare. Malta. March 2010.

Member, International Association of Chiefs of Police. Research Advisory Committee. 2010 – present.

Presenter, Shelby County (Tennessee) Sheriff's Office. Managing Officer's Behavior: Early Identification Systems and Beyond. December 2009.

Presenter, Caruth Police Institute, Dallas Police Department, Managing Officer's Actions and Behavior: Policies and Liability. December 2009.

Advisor, New York State Police-on-Police Shootings Task Force. New York. 2009 – 1010.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. August 2009.

Member, California POST California Vehicle Operations Training Advisory Council. 2008 – present.

Invited Participant, Annual Meeting of the Police Executive Research Forum. Washington, DC, March 2009.

Invited Participant, Linking Local Law Enforcement Internal Affairs Practices and Community Trust Building: City Managers/Mayors Roundtable. International Association of Chiefs of Police. October 2008.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2008.

Member, International Association of Chiefs of Police, Committee on Use of Force. 2008 – 2009.

Presenter, Suing and Defending the Police. Annual Meeting of the Police Executive Research Forum. Miami, April 2008.

Keynote Speaker, Seattle Police Department. Investigating and Evaluating a Police Pursuit: Reducing Exposure and Liability. Seattle, WA. February 2008.

Keynote Speaker, Washington State Criminal Justice Training Commission. Offender Pursuit Seminar. Bothell, WA. February 2008.

Presenter, Charleston Police Department. Seminar for Pursuit Management. Charleston, SC. February 2008.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. December 2007.

Presenter, The Charleston Area Crime Summit. North Charleston, SC. November 2007.

Presenter, To Protect and to Serve … Police and Policing in an Age of Terrorism and Beyond. Ministry of Public Security and National Institute of Justice. Jerusalem, Israel. October 2007.

Presenter, Police Driver Trainers' Seminar. Peel Regional Police, Brampton, Ontario Canada. August 2007.

Presenter, Major Cities Chiefs of Police Task Force on Internal Affairs. Dallas, TX. May 2007.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2007.

Presenter, Scott v Harris: The Supreme Court revisits police use of deadly force. Annual Meeting of the Police Executive Research Forum. Chicago. April 2007.

Consultant, Advisory Committee on Police Standards (Racial Profiling). State of New Jersey. January, 2007.

Member, Research Advisory Committee, Police Foundation. Washington, DC. 2007 – 2010.

Invited Participant, Workshop on Policing Research. National Institute of Justice. Washington, DC. November 2006.

Presenter, New Developments in Criminal Justice and Crime Prevention Conference, University of Shanghai, Shanghai, China. October, 2006.

Instructor, Early Identification Systems. International Association of Chiefs of Police. Maple Grove, MN. September 2006.

Instructor, Police Use of Force and Pursuits. Pharr, TX. Police Department. June, 2006.

Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2006.
Instructor, National Summit on Police Use of Force. Institute for Law Enforcement Administration. Plano, TX. January 2006.

Invited Participant, Strategies for Resolving Conflict and Minimizing the Use of Force. PERF, San Diego, CA. December 2005.

Senior Advisor, Major Cities Chiefs of Police Task Force on Internal Affairs. Los Angeles, CA. 2005 – 2008.

Invited Participant, Symposium on Conducted Electronic Devices. PERF, Houston, TX. October 2005.
Guest Editor, Police Quarterly. Vol. 8 Number 3, September 2005.

Invited Participant, 14ᵗʰ World Congress of Criminology. University of Pennsylvania. Philadelphia, PA. August 2005.

Invited Participant, Less-Lethal Technology Symposium. U.S. Department of Justice. Washington, DC. April 2005.

Member, South Carolina Law Enforcement Training Advisory Council. Department of Public Safety. Columbia, South Carolina. 2005 – 2006.

Invited Participant, Best Practices in Managing Police Use of Force. Los Angeles Police Department. Los Angels, CA. March 2005.

Presenter, Early Identification Systems: A Changing Paradigm. Internal Affairs. Institute for Law Enforcement Administration. Plano, TX. November 2004.

Presenter, By the Numbers: How to Analyze Race Data from Vehicle Stops. Kansas City, Police Executive Research Forum. August 2004.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. Washington, DC. July 2004.

Presenter, Pursuit Driving, Executive Management Program. Northwestern University Center for Public Safety. May 2004.

Consultant, Coroner's Office. Inquest on Police Pursuit Driving. Quebec, Canada. 2004.

Presenter, Western Regional Racially Biased Policing Summit. Sacramento Police Department. Sacramento, CA. February 2004.

Panelist, Pursuit Driving Training Symposium. Federal Law Enforcement Training Center. Glynco, GA. (Sites throughout the United States) 2002 - 2004.

Consultant, Citizen Advisory Panel on Pursuit Policy. Orlando Police Department. Orlando, Fl. December 2003.

Presenter, Enrichment Retreat. Royal Bahamas Police Force. Nassau. November 2003.

Presenter, The Annual Conference on Racial Profiling. Northwestern University. Chicago.

November 2003.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. Washington, DC July 2003.

Invited Participant, Minority Trust and Confidence in the Police. National Institute of Justice. Washington, DC. July 2003.

Presenter, Community Oriented Police Services Annual Meeting. Washington, DC: June 2003.

Presenter, Promoting Cooperative Strategies to Prevent Racial Profiling. Sacramento Police Department. Sacramento, CA. June 2003.

Presenter, Confronting Racial Profiling in the 21st. Century: New Challenges and Implications for Racial Justice. Northeastern University. Boston, MA. March 2003.

Moderator and Panel Member, Racial Profiling Conference, The Foley Institute for Public Policy and Public Service. Washington State University. February 2003.

Presenter, Pursuit Driving. Rocky Mountain Criminal Justice Conference. Gatlinburg, TN. November 2002.

Invited Participant, Minority Trust and Confidence in the Police. National Institute of Justice. Washington, DC. October 2002.

Panelist, Racial Profiling. Smith College, Northhampton, MA. September 2002.

Presenter, State Bar of Texas Suing and Defending Governmental Entities Course. Galveston, TX. August 2002.

Panelist, Excessive Force Demonstration. State Bar of Texas Suing and Defending Governmental Entities Course. Galveston, TX. August 2002.

Presenter, Annual Convention of the Association of Trial Lawyers of America. Atlanta, GA. August 2002.

Presenter, Committee to Review Research on Police Policy and Practices. National Research Council. Washington, DC. April 2002.

Presenter, Racial Profiling: Setting the Research Agenda. Center for Studies in Criminology and Law. University of Florida. October 2001.

Presenter, Racial Profiling, Bureau of Justice Statistics/Justice Research & Statistics Association Annual Meeting. New Orleans, LA October 2001.

Presenter, Early Warning Systems and the Police. Pasadena, California Police Department, October 2001.

Presenter, "Pursuit Driving - Dynamics and Liability." High Liability Trainers' Conference. Florida Department of Law Enforcement. Orlando, FL. August 2001.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. National Institute of Justice. Washington, D.C. July 2001.

Academic Community Liaison, National Commission on Law Enforcement Integrity. 2001 - 2005.

Invited Participant, Ethics and Integrity Curriculum Development. Office of Community Oriented Policing Services. Washington, DC: May 2001.

Presenter, Early Warning Systems and the Police. School of Professional Studies, Johns Hopkins University. Baltimore, MD. April 2001.

Panelist, Pursuit Driver Training Symposium. Federal Law Enforcement Training Center. Glynco, GA. March 2001.

Presenter, Speed Enforcement/Aggressive Driving Conference. Institute of Police Technology and Management. Orlando, FL. March 2001.

Invited Participant: Early Warning System Curricula Development Meeting. Regional Community Policing Institute for New England. Boston Police Department. Boston, MA: January 2001.

Presenter, Working Session on Police Practices. Department of Justice. Washington, DC: November 2000.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. National Institute of Justice. July 2000.

Invited Participant: Police Pursuit Issues for Managers and Supervisors: Curriculum Development Conference. Federal Law Enforcement Training Center. Glynco, GA. May 2000.

Presenter, Police Use of Force in Miami-Dade County, Florida. Miami-Dade County Criminal Justice Council. Miami, Fl: November 1999.

Presenter and Moderator, Building Accountability into Police Operations. Department of Justice. Washington, DC: November 1999.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. National Institute of Justice. July 1999.

Invited Participant: Homicide Clearance Rate Project. Implementation Group Meeting. Justice Research and Statistics Association. Washington, DC. May 1999.

Presenter, Less than Lethal Force: A Safe and Reasonable Response to Suspect Resistance, Law Enforcement Applications of Non-Lethal Weapons. Quantico, VA. May 1999.

Presenter, Measuring Police Use of Force Relative to Suspect Resistance. International Association of Chiefs of Police Annual Conference. Salt Lake City, October 1998.

Presenter, The Annual Conference on Criminal Justice Research and Evaluation. National Institute of Justice. July 1998.

Keynote Speaker, Seminar on Risk Management: Police Use of Deadly Force and Pursuit Driving. Southwestern Law Enforcement Institute. Dallas, Texas. November 1995, May 1996, May 1998.

Presenter, Locally Initiated Research Partnership Program Conference. National Institute of Justice. February 1998.

Presenter, Pursuit Policy and Practice. International Association of Women Police Conference. Dallas, November 1997.

Presenter, Meeting the Challenges of Crime and Justice: The Annual Conference on Criminal Justice Research and Evaluation. Office of Justice Programs, Department of Justice. Washington, DC: July 1997.

Presenter, Locally Initiated Research Partnership Program Conference. National Institute of Justice. January 1997.

Faculty, Southwestern Law Enforcement Institute Management College. Dallas, Texas. January 1977.

Presenter, State and Local Partnership Training for Criminal Justice. Bureau of Justice Assistance. January 1997.

Presenter, Lessons Learned form the 1996 Olympic Games. Special Events Planning and Management Symposium. Metro-Dade Police Department. September 1996.

Member, National Criminal Justice Network Consumer Advisory Network. 1996.

Presenter, and Workshop Director, Building a Safer Society: The Annual Conference on Criminal Justice Research and Evaluation. Office of Justice Programs, Department of Justice. Washington, DC: August 1996.

Police in Pursuit: Policy and Practice. Research in Progress Series (Video). National Institute of Justice. July 1996.

Presenter, Use-of-Force Cluster Conference. National Institute of Justice. Washington, DC: April 1996.

Discussant, Measuring What Matters, National Institute of Justice. Washington, DC: November 1995, May 1996.

Presenter, Police Pursuits and the Use of Force: Recognizing and Managing "the Pucker Factor." The Annual Conference on Criminal Justice Research and Evaluation. National Institute of Justice. Washington, DC. July 1995.

Invited Participant, Police Use of Force Focus Group. National Institute of Justice/Bureau of Justice Statistics. Washington, DC: May 1995.

Presenter, Hi-Risk Police Activities and Managing Their Risks. South Carolina Sheriff's Association. May 1995.

Presenter, Police Pursuits. Making Policy Decisions. Transportation Research Board. Washington, DC. January 1995.

Invited Participant, Strategic Planning Workshop: Developing a Police Research and Evaluation Agenda. National Institute of Justice. December 1994.

Presenter, Special Events Planning and Management Symposium. Metropolitan Police Institute. Miami, October 1994.

Invited Participant, Justice Research & Statistics Association Annual Meeting. Atlanta, October 1994.

Pursuit Driving and Risk Assessment Seminar. Indiana Police Chiefs Association. Anderson, IN. September 1994.

Principal Evaluator, State Evaluation Capacity Building Program. National Institute of Justice. 1992-Present.

Invited Participant, Focus Groups Sessions on Community Policing and the Crime Bill. National Institute of Justice, Washington, DC. July - August 1994.

Presenter, Use of Force and Pursuit Risks, Southeastern Campus Safety Institute. Long Beach, Mississippi, August 1994.

Invited Speaker, South Carolina City and County Management Association Annual Meeting, Hilton Head, July 1994.

Member, Pursuit Guidelines Development Advisory Committee, California Peace Officer Standards and Training, 1994.

Facilitator, Pursuit Policy Workshop. Criminal Justice Institute, St. Petersburg Community College. February 1994.

Presenter, Frontiers of Legal Thought Conference. Duke Law School. Durham, North Carolina. January 1994.

Keynote Speaker, Seminar on Risk Management: Police Use of Deadly Force and Pursuit Driving. Southwestern Law Enforcement Institute. Dallas, Texas. May 1993.

Keynote Address, Police Vehicle Pursuits: Policy Implications and Liability. Illinois State University and the Traffic Institute, Northwestern University. Normal, Il. April 1993.

Invited Lecturer, Institute of Criminology, Cambridge University. Cambridge, England. March 1993.

Presenter, Reducing the Risk of Emergency Vehicle Operations, Risk Management Services, South Carolina Budget and Control Board. Columbia, South Carolina. December 1992.

Invited Participant, Bureau of Justice Statistics/ Justice Research and Statistics Association 1992 Annual Conference. New Orleans, September 1992.

Testimony on police pursuit to United States House of Representatives, Committee on Government Operations Sub-Committee on Government Information Justice and Agriculture. July 1992.

Faculty, Graduate Course on Victimology. The Free University. Amsterdam, July 1992.

Invited Participant, Annual Conference on Evaluating Drug Initiatives. Washington, DC. July 1992.

Curriculum Development for the Bachelor's Degree in Law Enforcement. State of Minnesota 1992.

Testimony on police pursuit to the House Safety Committee, State of Massachusetts, March 1992.

Developing a Decentralized Police Department from a National Police Force. Presented to Bundeskriminalamt Wiesbaden, Germany. March 1992.

Managing a Community-Oriented Police Department. Presentation to the Wiesbaden Police. March 1992.

Testimony on police pursuit to the Senate Transportation Committee, State of Pennsylvania. February 1992.

Pursuit Driving Policy Development Seminar. Texas Commission on Peace Officer Standards and Training. Austin, TX. May and November 1991.

Keynote Speaker, Risk Management and Pursuit Driving. Texas Municipal League. Arlington, Texas. August 1991.

Invited Participant, National Field Study on Gangs and Gang Violence. U.S. Department of Justice. Dallas, June 1991.

The Importance of Data Quality for Practice and Research. National Conference on Improving the Quality of Criminal History Records. Washington, DC. June 1991.

Keynote Speaker, Training Versus Education in Law Enforcement. Virginia Criminal Justice Educators Annual Conference. Leesburg, VA. May 1991.

Pursuit Driving and Risk Assessment Seminar. Indiana Police Chiefs Association. Jasper, IN. April 1991.

Invited Participant, Attorney General's Summit on Law Enforcement Responses to Violent Crime: Public Safety in the Nineties. Washington, DC. March 1991.

Matching Structure to Objective. Law Enforcement Management Institute of The Texas Commission on Law Enforcement Officer Standards and Education. San Antonio, Texas. February 1991.

Managing Risk: The Case of Pursuit Driving. National A.L.E.R.T. Conference. Columbia, SC. February 1991.

Invited Speaker, Risk Assessment, Pursuit Driving and Police Use of Deadly Force. South Carolina Association of Counties. Columbia, December 1990.

Invited Speaker, Pursuit Driving: Analyzing Risk. National Municipal Lawyers Organization. Boston, September 1990.

Keynote Speaker, Police Pursuit Driving. Texas Municipal League. San Antonio, TX. July 1990.

Consultant, Monroe County (Florida) Sheriff's Department, Key West, FL. June - July 1990.

Keynote Speaker, Seminars on Pursuit Driving. Southwestern Law Enforcement Institute. 1989 - 1990.

Commencement Speaker, Charleston County Police Academy, Charleston, SC. September 1989.

Consultant, Duval County (FL) Grand Jury. April - July 1989.

Invited Speaker, Civil Disorders and Police Use of Deadly Force, Southwestern Law Enforcement Institute, Dallas, Texas, March 1989.

Invited Participant, Cross-Gender Supervision, National Academy of Corrections, Boulder. December 1988.

Invited Participant, Workshop on Communities and Crime Control, National Research Council, Miami. January 1988.

Conferencier, La Maison des Sciences de L'Homme, Paris. December 1987.

Invited Speaker, Criminal Law Section, Annual Meeting of the Oregon State Bar. Seaside, Oregon. September 1987.

Board of Directors, Adolescent Chemical Dependency Program. Dade County, Florida.1987 - 1988.

Keynote Speaker, Sports and Violence. The American College of Sports Medicine. Las Vegas. May 1987.

Keynote Research Address, Police Pursuit Seminar. Empirical Determinants of Police Pursuits. The Police Foundation. Los Angeles. March 1987.

Educational Consultant, G. Gordon Liddy Institute of Corporate Security and Private Investigation. Miami, Florida. 1986.

Consultant, Dade County (Florida) Grand Jury. February, 1982 - August 1986.

Board of Directors, Citizens' Crime Commission. Miami, Florida. March 1985 - August 1988.

Member, Dade County Community Task Force on Jury Selection. May 1984 - December 1984.

Member, Dade County Mayor's Committee to Develop an Action Plan for Social and Economic Development for the Black Community. May 1983 - January 1984.

Member, City of Miami Blue-Ribbon Committee to Study Racial Unrest. Jan. 1983 - July 1984.

Invited Speaker, John Jay College of Criminal Justice. New York. Police Use of Deadly Force in Miami. April 1984.

Consultant, Florida Department of Corrections, Tallahassee, Florida. January 1982 - June 1984.

Consultant and Trainer, National Street Law Institute, Georgetown University Law Center, Washington, DC. 1982 - 1984.

Member, Dallas Criminal Justice Task Force, Dallas, TX. October 1975 - December 197
COURSES TAUGHT:

Graduate	Undergraduate	Law Enforcement
Criminal Justice	Criminal Justice	Accountability Systems
Social Control	Corrections	Police Use of Force
Criminology	Criminology	Police Use of Deadly Force
Formal Organizations	Juvenile Delinquency	Performance Measures
Juvenile Delinquency	Law and Society	Pursuit Driving Decisions
Law and Society	Police and the Community	Report Writing

Policing in America	Social problems	Ethics and Integrity
Research Methods	Sociology of Organizations	
Politics of Crime	Survey Research Methods	

PROFESSIONAL ASSOCIATIONS:

Academy of Criminal Justice Sciences
Publications Committee	2009 – 2010
Chair, Publications Committee	2010 - 2011
Editorial Selection Committee	2009 – 2010
Chair, Bruce Smith Award Committee	2010 – 2011
Ad Hoc Policy Committee	2010 - 2012

American Bar Association
| Committee on Corrections | 1980 |

American Sociological Association

American Society of Criminology
Student Affairs Committee	1989-1990
Publications Committee	1985-1986
Site Selection Committee	1984-1985
Chair, Site Selection Committee	1983-1984
Chair, Local Arrangements Committee	1978
Committee on Criminal Justice Education	1977-1978
Membership Committee	1975-1977
Program Committee	1995-1997
National Policy Committee	1995-1998
Bloch Award Committee	2009-2010
Chair, Bloch Award Committee	2010-2011

International Association of Chiefs of Police
| Ethics Training Sub-Committee | 1997-1999 |

Justice Research and Statistics Association
| Board of Directors | 2004-2005 |

Western Society of Criminology
Vice-President	1979-1980
Executive Secretary	1977-1978
Chair, Program Committee	1976-1977

Vitae

John Lamberth, Ph.D.

CEO, Lamberth Consulting

2016

Name: John C. Lamberth, Ph.D.

Address: Lamberth Consulting
20 W. Miner St., 3rd Floor
West Chester, PA 19382

Phone: (610) 358-5700
Fax: (610) 358-2890

Education: Austin College
B. A.

Harvard University
B.D.

Purdue University
M.S. & Ph. D.

Fellowships and Scholarships Received

N.S.F. Summer Teaching
Assistant Traineeship
N.I.M.H. Traineeship
N.I.M.H. Pre-doctoral
Research Fellowship

Postdoctoral Positions

Founder,
Lamberth Consulting   2003-Present
Associate Professor
Temple University   1973-2002
Assistant Professor
University of Oklahoma   1970-1973

Editorial Responsibilities

Ad Hoc Consultant For:
Journal of Personality
Journal of Research in Personality
Personality and Social Psychology Bulletin
Journal of Personality and Social Psychology
NSF (Social and Developmental Psychology Panel)

Research Interests

Racial Profiling; Capital Punishment; Surveying and Survey Research; Jury Decision Making; Jury Composition; Publicity & Prejudice; Small Group Decision Processes; Interpersonal Attraction

Teaching Interests

Social and Personality Psychology
Undergraduate Courses:
Social Psychology, Theories of Personality,
Psychology and the Law, Research Methods
Graduate Courses
Social Psychology, Psychology and the Law

University Service

Undergraduate Advisor (Psych. Dept.)	1973-1976
Coordinator of Intro Psych.	1973-1980
Director, Division of Social Psychology	1982-1985
Chair, Department of Psychology	1989-1995

Committee Memberships
(a)	Undergraduate Affairs (Dept)	1973-1980
(b)	Research (Dept)	1978-1980
(c)	College of Liberal Arts Computer Committee (College)	1977-1982
(d)	Weiss Hall Media Services Committee (University)	1976-1982
(e)	Graduate School Review Committee (Dept. Of Crim. Justice M.A.)	1981-1984
(f)	Committee on Evaluation of Teaching (College)	1983-1986
(g)	Committee on Social Responsibility (College)	1987-1989
(h)	Budget Priorities (College)	1990-1991
(i)	Merit Committee (College)	1991-1993
(j)	Increased Compensation (College)	1993-1995
(k)	Resource Allocation Committee (Dept.)	1996-1997
(l)	Computer Committee (Dept.)	1996-1997
(m)	Committee of Inquiry of History Department (College)	1996-1997
(n)	Academic Technology Committee(College)	1998-2002
(o)	Dean's Fellow for Technology (College)	2000-2002

Committee Chairmanships
    (a) Undergraduate Affairs (Dept)   1974-1977
    (b) College of Liberal Arts Computer
         Committee (College)   1979-1982
    (c) Weiss Hall Media Services
         Committee (University)   1977-1982
    (d) Graduate School Review
         Committee (Crim. Jus. M.A.)   1980-1984
    (e) College Merit Committee   1991-1992
    (f) Computer Committee (Dept.)   1996-1997
    (g) Committee of Inquiry in History
         Department   1996-1997
    (h) CLA Academic Technology Committee 1998- 2002

Grants and Consultantships

Consultant to U.s. Army for Modern Volunteer
Army,   1971-1972

Consultant to Police Assaults Study, Funded by Law
Enforcement Assistance Administration,   1972-1975

Grant from Brown & Furst to Support Graduate
Education in Psychology and Law,   1984

Consultant to N.J. Public Defender's Office in Composition Challenges in Death Penalty
Cases,
        State V. Ramseur 1982-1984
        State V. Long   1984-1986
        State V. Russo   1986-1988
        State V. Lewis   1985-1986
        State V. Dixon   1985-1986
        State V. Erazo   1989-1990
        State V. Bey   1990-1992
        State V. Wilson 1990-1991
        State V. Pompey 1991-1993
        State V. Thomas 1994-1995
        State V. Cruz   1997-1998
        State V. Premone 1998-1999

"Decision Making in Capital Jurors" Grant from NSF 1990-1993.

Consultant to Private attorneys and New Jersey Public Defender's Office in cases in which there were allegations of illegal profiling by State or Local Police or other state agencies

State V. Sprainis	1993
State V. Kennedy	1994
State V. Soto, et al.	1996
Wilkins V. Maryland State Police	1994
Morka V. New Jersey State Police	1999
State V. Maiolino	1999
Cutler V. City of Glenpool	1999
Rodriguez V. California Highway Patrol	1999
United States V. Garcia	1999
State V. Joel Devers	2000
U. S. V. Barlow	2000
Arizona V. Foulkes, et al.	2000
Gerald V. Oklahoma Dept. of Public Safety	2001
State V. Lewis	2003
Jackson V. NJSP	2004
Maryland NAACP v. Maryland State Police	2007
Commonwealth vs. Rosansky	2008
Major Tours, et al. v. New Jersey Department of Transportation	2010
Martin v. Conner and Guissoni	2012
United States v. Johnson	2013
United States v. Maricopa County	2014
Weber v. City of Grand Rapids	2014

Professional Affiliations and Honors

American Psychological Association
    Member of Divisions 2, 8, & 41, Teaching of   Psychology,
    Personality and Social, and Psychology-law Society
American Psychological Society, Founding Member
Eastern Psychological Association
Society of Experimental Social Psychology
Listed in American Men and Women of Science

Articles Reprinted as Chapters

Byrne, D. Ervin, C.R., & Lamberth, J. The Continuity Between the Experimental Study of Attraction and "Real Life" Computer Dating.
Reprinted In:
1. A. Snadowsky & S. Rosenberg (Eds.) Social
Psychology: Research in Laboratory and Natural
Settings. New York: Free Press, 1972

2. H. Kaufman & L.Z. Solomon (Eds.) Readings
In Introductory Social Psychology. New York:
Holt, Rinehart & Winston, 1973.
3. S.W. Duck (Ed.) Theory and Practice in Interpersonal Attraction. New York: Academic
Press, 1976
4. C. Mayo and M. La France (Eds.) Evaluating
Research in Social Psychology. Belmont, Ca:
Brooks/cole, 1977.
5. D. Byrne & L.A. Byrne (Eds.) Exploring Human
Sexuality. New York: Harper & Row, 1977.

Lamberth, J. & Knight, M. An Embarrassment of Riches: Effectively Motivating and
Teaching Large Introductory Psychology Courses.
Reprinted In:
Daniel, R.S., Benjamin, L., Jr., & Brewer, C.
(Eds.), Teaching Introductory Psychology.
Earlbaum, 1986.

Books

Lamberth, J., Mccullers, J.C., & Mellgren, R.
Foundations of Psychology. New York, Harper &
Row, 1976.

Lamberth, J., Rappaport, H., & Rappaport, M.
Personality: an Introduction. New York: Alfred A.
Knopf, 1978.

Lamberth, J. Social Psychology. New York,
Macmillan, 1980.

Lamberth, J. Psicologia Social. Madrid, Spain:
Ediciones Piramide, S.a., 1982.

Lamberth, J. Psicologia Social. (2nd Ed.) Madrid,
Spain, Ediciones Piramide, S.a., 1986.

Lamberth, J. Psicologia Social. (3rd Ed.) Madrid,
Spain, Ediciones Piramide, S.a., 1989.

Book Chapters

Byrne, D. & Lamberth, J. The Effect of Erotic
Stimuli on Sex Arousal, Evaluative Responses, and
Subsequent Behavior. Technical Reports on the
Commission on Obscenity and Pornography, Vol 8,
Washington, D.C., U.S. Gov. Printing Office, 1970.

Byrne, D. & Lamberth, J. Reinforcement Theories And Cognitive Theories as

Complementary Approaches To the Study of Attraction. In B.I. Murstein (Ed) <u>Theories of Attraction and Love</u>. New York: Springer, 1971.

Lamberth, J., & Kimmel, A.J. the Application of Scientific Knowledge: Ethical Issues and Responsibilities in the Behavioral Sciences. In A.J. Kimmel (Ed.) <u>New Directions for Methodology Of Social and Behavioral Science: Ethics for Human-subjects Research</u>. San Francisco: Josey-Bass, 1981.

Articles and Reports

Byrne, D., Lamberth, J., Palmer, J., & London, O. Sequential Effects as a Function of Explicit and Implicit Interpolated Attraction Responses. <u>Journal of Personality and Social Psychology</u>, 1969, <u>13</u>, 70-78.

Byrne, D., Ervin, C.R., & Lamberth, J. The Continuity Between the Study of Attraction and "Real Life" Computer Dating. <u>Journal of Person-Ality and Social Psychology</u>, 1970, <u>15</u>, 157-165.

Lamberth, J., & Craig, L. Differential Magnitude Of Reward and Magnitude Shifts Using Attitudinal Stimuli. <u>Journal of Experimental Research in Personality</u>, 1970, <u>4</u>, 281-285.

Gouaux, V.C., & Lamberth, J. The Effect on Interpersonal Attraction of Successive and Simultaneous Presentation of Strangers. <u>Psychonomic Science</u>, 1970, <u>21</u>, 337-338.

Byrne, D., Gouaux, C., Griffitt, W., Lamberth, J., Murakawa, N., Prasad, M.B., Prasad, A., & Ramiriz, M., Iii. The Ubiquitous Relationship: Attitude Similarity and Attraction. <u>Human Relations</u>, 1971, <u>24</u>, 201-207.

Lamberth, J. Sequential Variables as Determinants Of Human Performance with Attitudinal Reinforcements. <u>Psychonomic Science</u>, 1971, <u>22</u>, 350-352.

Lamberth, J., & Byrne, D. Similarity-attraction or Demand Characteristics? <u>Personality: an International Journal</u>, 1971, <u>2</u>, 77-91.

Gouaux, V.C., & Lamberth, J. Interpersonal Attraction as a Function of Izard's Firs Evaluation and Affective States. <u>Personality: an International Journal</u>, 1971, <u>2</u>, 289-297.

Gouaux, C., Lamberth, J., & Frederich, G. Affect And Interpersonal Attraction: a Comparison of Trait and State Measures. <u>Journal of Personality And Social Psychology</u>, 1972, <u>24</u>, 53-58.

Lamberth, J. Gay, R.A., & Dyck, D.G. Differential Reward Magnitude and Human Conditioning. <u>Psychonomic Science</u>, 1972, <u>28</u>, 231-233.

Lamberth, J., Gouaux, C., & Davis, J. Agreeing Attitudinal Statements as Positive Reinforcers in

Instrumental Conditioning. <u>Psychonomic Science</u>,
1972, <u>29</u>, 247-249.

Lamberth, J., & Padd, W. Student's Attitudes and
Absenteeism: a Possible Link. <u>Psychological
Reports</u>, 1972, <u>31</u>, 35-40.

Lamberth, J., & Dyck, D.G. Reward Magnitude and
Sequence of Magnitudes as Determinants of Resistance to Extinction in Humans. <u>Journal of
Experimental Psychology</u>, 1972, <u>96</u>, 280-286.

Byrne, D., Cherry, F., Lamberth, J., & Mitchell, H. Husband-wife Similarity in Response to
Erotic Stimuli. <u>Journal of Personality</u>, 1973, <u>41</u>, 385-394.

Byrne, D., Clore, G.L., Griffitt, W. Lamberth, J., & Mitchell, H. When Research Paradigms
Converge: Confrontation or Integration. <u>Journal of Personality and Social Psychology</u>. 1973,
<u>28</u>, 313-320.

Byrne, D., Clore, G.L., Griffitt, W., Lamberth, J.
Mitchell, H. One More Time. <u>Journal of Personality   And Social Psychology</u>, 1973, <u>28</u>, 323-
324.

Lamberth, J., Gouaux, C., & Padd, W. The Affective Eliciting and Reducing Properties of
Attraction Stimuli. <u>Social Behavior and Personality</u>, 1973, <u>1</u>, 95-107.

Byrne, D., Fisher, J.D., Lamberth, J., & Mitchell, H.E. Evaluations of Erotica: Facts or
Feelings. <u>Journal of Personality and Social Psychology</u>,
1974, <u>29</u>, 111-116.

Nation, J.R., Knight, J.M., Lamberth, J., & Dyck,
D.G. Programmed Student Achievement: a Test of the Avoidance Hypothesis. <u>The Journal of
Experimental Education</u>, 1974, <u>42</u>, 57-61.

Davis, J., & Lamberth, J. Enerigization Properties Of Positive and Negative Stimuli. <u>Journal
of Experimental Psychology</u>, 1974, 103, 196-200.

Lamberth, J., Rataj, G.W., & Padd, W. An Evaluation of Differential Topic Importance,
Population Homogeneity, and Relatedness of Attitudinal Stimuli in Attraction Research.
<u>Journal of Representative Research in Social Psychology</u>, 1974, <u>5</u>, 84-92.

Lamberth, J., & Knight, J.M. an Embarrassment of
Riches: Effectively Teaching and Motivating Large
Introductory Psychology Sections. <u>Teaching of
Psychology</u>, 1974, <u>1</u>, 16-20.

Lamberth, J., & Knight, J.M. to Curve or Not to
Curve: the Defense. <u>Teaching of Psychology</u>, 1975,
<u>2</u>, 82-83.

Byrne, D., Lamberth, J., Mitchell, H.E., & Winslow, L. Sex Differences in Attraction: Response to the Needs of the Opposite Sex. <u>Journal Of Social and Economic Studies</u>, 1976, <u>2</u>,

Lamberth, J., & Kosteski, D. Mastery Teaching with And Without Incentives for Repeating Quizzes. <u>Teaching of Psychology</u>, 1979, <u>6</u>, 71-74.

Lamberth, J., & Kosteski, D. Student Evaluations: An Assessment of Validity. <u>Teaching of Psychology</u>, 1981. <u>8</u>, 8-11.

Lamberth, J., & Kosteski, D. Using TA Ratings to Validate Evaluations: the Important Issues. <u>Teaching of Psychology</u>, 1982, <u>9</u>, 102.

Lamberth, J., Kreiger, E., & Shay, S. Juror Decision-making: a Case of Attitude Change Mediated by Authoritarianism. <u>Journal of Research In Personality</u>, 1982, <u>16</u>, 419-434.

Lamberth, J. Driving While Black. <u>Washington Post</u>, August 16, 1998, C1.

Buckman, W.H., & Lamberth, J. Challenging Racial Profiles: Attacking Jim Crow on the Interstate. <u>The Champion</u>, Sept./October, 1999.

Cole, D., & Lamberth, J. The Fallacy of Racial Profiling. <u>New York Times</u>, May 13, 2001.

Lamberth, J. A Multi-jurisdictional Assessment of Traffic Enforcement and Data Collection in Kansas. Printed for the Office of the Governor in the State of Kansas. Fall, 2003.

Lamberth, J. Racial Profiling Data Analysis Study. Final Report for the San Antonio Police Department. Printed for the San Antonio Police Department, December, 2003.

Lamberth, J. Ann Arbor Police Department Traffic Stop Data Collection Methods and Analysis Study. Printed for the City of Ann Arbor. February, 2004.

Lamberth, J Grand Rapids Police Department Traffic Stop Data Collection Program: Report for the City of Grand Rapids. Printed for the City of Grand Rapids. May, 2004.

Lamberth, J. Interim Report for the Montgomery County Police Department's Traffic Stop and Data Collection Project. A report for the Montgomery County Police Department. May, 2006.

Lamberth, J Methodological Consultant. Ethnic Profiling in the Moscow Metro by the Open Society Justice Initiative. Summer, 2006.

Kadane, J.B. & Lamberth, J. In the Matter of the Study of State Police Stop Activity at the Southern end of the New Jersey Turnpike. Report prepared for the New Jersey ACLU and submitted to the Governor's Advisory Committee on Police Standards. 2007

Lamberth, J. Methodological Consultant. Ethnic Profiling in Paris. Open Society Justice Initiative. 2008.

Lamberth, J. Traffic Stop Data Analysis Project of the Sacramento Police Department. 2008

Kadane, J.B. & Lamberth. J. Are blacks egregious speeding violators at extraordinary rates in New Jersey? Law, Probability & Risk, 2009.

Lamberth, J. Traffic Stop Data Analysis Project, The City of Kalamazoo Department of Public Safety. 2013.

Jobard, F., Levy, R., Lamberth, J. and Nevaneb, S. Measuring appearance based discrimination: An analysis of identity checks in Paris. Population, 2013.

Papers Read

"Sequential Effects in Responding to Attitudinal Stimuli," at the Psychonomic Society, St. Louis, October, 1968.

"Differential Magnitude of Reward and Magnitude
Shifts Using Attitudinal Stimuli," at the South-
Western Psychological Association, Austin, April,
1969.

"Differential Reward Magnitude Using a Performance Measure and Attitudinal Stimuli," at the Western Psychological Association, Vancouver, June 1969.

"The Effects of Continual Responding on the Contrast in Attraction Research," at the Psychonomic Society, St. Louis, November, 1969.

" Reinforcement Theories and Cognitive Theories as Complementary Approaches to the Study of Attraction," at a Symposium on Attraction Theory, Connecticut College, October, 1970.

"The Effect of Sequential Variables on Performance
Using Attitudinal Stimuli," at the Psychonomic
Society, San Antonio, November, 1970.

"Competence as a Variable in Interpersonal Attraction," at the Southwestern Psychological Association, Oklahoma City, April, 1972.

"Conditioning and Attraction: a Relationship," at
The Psychonomic Society, St. Louis, Nov., 1972.

"Stimulus Generalization: Affect and Attraction,"
At the Psychonomic Society, St. Louis, Nov., 1973.

"The Lawyer's Dilemma: Authoritarianism and Jury

Selection," at the Midwestern Psychological Association, Chicago, May, 1974.

"Jury Verdicts of Authoritarians and Equalitarians
In Simulated Criminal Trials," at the Psychonomic
Society, Denver, November, 1975.

"Deliberation: A Crucial Aspect of Jury Research,"
At the Psychonomic Society, St. Louis, Nov., 1976.

"Introductory Psychology-a Student's Perspective," At a Symposium "Teaching Introductory Psychology: Issues, Innovation and Perspectives," at the American Psychological Association, Washington, D.C., August, 1976.

"Mastery Instructional Systems: Innovations, Problems, and Possibly Some Solutions," as Part of A Symposium at the American Psychological Association, San Francisco, August, 1977.

"Scientifically Selecting Juries." Invited Address at the Camden County Bar Association, Cherry Hill, N.J., March 1980.

"Jury Selection: a Psychological Approach." Invited Address at the American Trial Lawyers Association-New Jersey, Moorestown, N.J., Jan.,
1981.

"The Ubiquitous and Mysterious Jury." Invited Address at the American Criminal Defense Lawyers-New Jersey Seminar on Experts, New Brunswick, New Jersey, April, 1989.

"Juror Acceptance of Diminished Capacity in Capital Cases." Invited Address at the International Conference of Law and Society,   Amsterdam, June, 1991.

"Selecting the Right Jury." Invited Address at The New Jersey Institute for Continuing Legal Education, New Brunswick, N. J., October, 1991.

"Systematic Jury Selection." Invited Address at the Inn of Court, Montclair, N.J., November, 1991.

"The Psychological Cost of Serving on a Capital Jury." Paper Presented at the Law and Society Convention, Philadelphia, May, 1992.

"How Juries Perceive Women Lawyers." Invited Address at the Trial Lawyers of New Jersey Seminar On Women in Litigation, New Brunswick, N.j., October, 1992.

"In Their Own Words: Capital Jurors Thoughts about Serving on a Capital Jury." Discussant at the American Crimnologists Society, New Orleans, November, 1992.

"The Disappearing and Reappearing Penalty Trial."   Paper Presented at the Law and Society Convention,   Chicago, May, 1992.

"Driving While Black." Invited Address at the Convention of the Congressional Black Caucus, Washington, D.C., September, 1998.

"Racial Profiling." Town Meeting in Norfolk, VA. Sponsored by "Citizens Opposed to Police Profiling Stops. December, 1998.

"Racial Profiling." Guest on "It's Your Call", CN8, Comcast Network. March 3, 1999.
"Driving While Black." Guest on "It's Your Call", CN8, Comcast Network. March 9, 1999.

"New Jersey and Maryland Racial Profiling." Testimony before the Black and Latino Legislative Caucus of the New Jersey Legislature. April 20, 1999.

"Racial Profiling." Guest on "Radio Times", WHYY 91 FM, Philadelphia. April, 1999.

"Profiling." Guest on "Due Process", New Jersey Network, April 30, 1999.

"Statistics on Racial Profiling." Testimony before the Pennsylvania House Democratic Policy Committee, May 27, 1999.

"Making Sense of the Numbers". Invited Address at the Martin Luther King Day Celebratory Seminar, Chicago, January 17,2000.

"Urban Benchmarks in Racial Profiling". Invited presentation at The Annual Conference on Criminal Justice Research and Evaluation. Washington, D.C., July 2000

"Benchmarks for Urban Areas". Invited Presentation on Racial Profiling at The 11th Annual Regional Law Enforcement Executives Training Conference, St. Louis, August, 2000.

"Hit Rates for Searched Motorists and Pedestrians". Invited Panelist on Racial Profiling at Conference on Race, Community and Police. Harvard Law School, December, 2000.

"Proof Differences between Litigation and Peer Reviewed Research". Invited Panelist on Litigation Solutions at Conference on Race, Community and Police. Harvard Law School, December, 2000.

"Best Practices: Collecting, Analyzing and Reporting Traffic Stop Data for Cities and Suburban Areas". Invited Address at the 2001 National Traffic Stop and Racial Profiling Summit for Law Enforcement. Washington, D.C. July, 2001.

"Racial Profiling Data Collection and Analysis in Urban/Suburban Areas,"
Testimony before the Pennsylvania House Judiciary Committee's Subcommittee on Crime and Corrections. October, 2001.

"Fallacious Reasoning: Minority Motorists are Not More Likely to be Carrying Contraband."
Invited Panelist at "Shaking the Foundations" Conference. Stanford Law School, November, 2001.

"Data Collection and Analysis in Racial Profiling." Invited Presentation at the Legal and Defenders Annual Meeting. Miami, November, 2001.

"Racial Profiling, Assessment and Evaluation". Invited Lecture at the Conference on Racial Statistics and Public Policy. University of Pennsylvania, March, 2002.

"Developing Appropriate Benchmarks for use in Analyzing Stop Data". Invited Presentation at the National Summit on Racial Profiling, Washington, D.C., March 2002.

"Data Collection and Analysis." Invited Presentation at 2002 Training Series on Racial Profiling and Use of Force. Alexandria, VA, August, 2002.

"Technical Presentation of 4 Case Studies of Racial Profiling Analysis." Invited Presentation at Confronting Racial Profiling in the 21st Century: Implications for Racial Justice conference. Boston, MA, March, 2003.

"Risk Management," and "Observation Benchmarks." Invited Presentation at National Symposium on Racial Profiling. Rosemont, IL, November, 2003.

"Observation Benchmarking." Invited Presentation at By the Numbers conference. Las Vegas, NV, July, 2004.

"Observation Benchmarking." Invited Presentation at Addressing Ethnic Profiling and Discrimination in Policing in Europe conference. Budapest, Hungary, January, 2005.

"Issues/Problems in the Statistical Proof of a Pattern or Practice of Racial Profiling". Invited Presentation at Open Society Institute Summit on Systemic Racial Discrimination in The Criminal Justice System. New York, September, 2008.

"The Effectiveness of Stop and Frisk in the United States. Invited Address at the Roundtable on Current Debates, Research Agendas and Strategies to Address Racial Disparities in Police Initiated Stops in the UK and USA. John Jay College of Criminal Justice, New York, Aug. 2011.

"Collection of Disaggregated Data, Analysis and Research." Invited Address at the Meeting of Experts on Racial Profiling convened by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for the United Nations Office of the High Commissioner for Human Rights. Los Angeles, November, 2014.

"The Importance of Data in Building Community Police Relations." Invited Address at the Eighth Session of the Human Rights Council of the United Nations Forum on Minority Issues. Geneva, Switzerland, November 23-25, 2015.

"Investigating Racial Profiling in the United Stated." Invited Address at the Meeting on Building Leadership for Fair and Effective Policing sponsored by the Open Society Justice Initiative. Barcelona, Spain, Dec 3-4, 2015.

Expert Testimony

Qualified as an Expert in Statistics, Surveying and Social Psychology for Change of Venue Motions, Jury Composition Challenges, Racial Profiling Cases or Other Motions Requiring Statistical Expertise in the Following Courts:

Federal Court: Newark Vicinage of the District of
New Jersey, 1982. Norfolk Division of the Eastern District of Virginia, 1983, Eastern District of Maryland, 1996, 2007, 2012. Trenton Vicinage of the District of New Jersey, 2005, Camden Vicinage of the District of New Jersey, 2011, Middle District of North Carolina, 2014.

State Courts: Atlantic County, N. J. 1906, 1988, Camden County, N.J., 1986, Coconino County, AZ., 2000, Essex County, N.J., 1984 and 1990. Franklin County, Pa., 1986. Gloucester County, N.J., 1985, 1987, 1991, 1995, 1998. Hanover County, Va., 1986, 1990, Henrico Co., Va. 1986, Morris County, N. J., 1989, 1993. Richmond City, 1986, Suffolk Co., MA. 2008, Warren County, N.J., 1992 & 1994.

Ellen Scrivner, Ph.D., ABPP

(239) 472-6262
(202) 669-2100 Cell

2959 West Gulf Drive
#102
Sanibel Island, FL 33957

PROFESSIONAL RESUME

Ellen Scrivner, Ph.D., ABPP, was appointed by President Obama to serve as the Deputy Director of the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. September 2009-June 2011.

At NIJ, participated on the OJP Leadership Team and provided oversight for NIJ Research, Development and Technology Divisions. Served as the NIJ liaison to the Civil Rights Division (CRD/DOJ) while coordinating the National Roundtable convened to discuss DOJ's Police Pattern and Practice Program and Authority under 42 USC Section 14141 (June 2010).Also participated on DOJ's Team assigned to investigate the New Orleans Police Department and contributed to the final Consent Decree.

In June, 2011, continued as a political appointee and assumed the director position for a national program (High Intensity Drug Trafficking Area Program--HIDTA), Office of National Drug Control Policy (ONDCP), Executive Office of the President (EOP), Washington, DC. Served as Director until leaving government service (June, 2012). Appointed as an Executive Fellow at the Police Foundation, Washington, DC. and engaged as a Subject Matter Expert in Police Reform Initiatives and as a member of three Monitoring Teams. Provided testimony to the President's Task Force on 21st Century Policing, Phoenix Listening Session, February, 2015.

Career Highlights: A thirty-year career in the public sector has been characterized by executive level expertise and a track record for creating innovative public safety initiatives that respond to pressing criminal justice needs. Held a key position on the initial team that created a new federal agency, the Office of Community Oriented Policing Services (COPS Office), U.S. Department of Justice, and subsequently was appointed as the COPS Office Deputy Director for Community Policing Development. As a national expert on police behavior and community policing, oversaw a billion dollar grant program that provided funding to 75 percent of police chiefs and sheriffs in the country. Had oversight for all training and technical assistance initiatives, all applied research, the police technology program, and COPS in Schools. Following an Assistant Director appointment to the COPS Office Executive Management Team, developed the Training and Technical Assistance Division and created a national training strategy that launched a nationwide network of innovative Regional Community Policing Institutes designed to deliver state-of-the-art learning opportunities. This program is frequently referred to as a major legacy of the COPS Office and has trained significant numbers of officers and deputies across the country and produced over 500 training products.

Provided oversight for the COPS Office Police Integrity Initiative and coordinated U.S. Attorney General Janet Reno's *National Conference and Presidential Roundtable: Strengthening Police and Community Relationships (1999).* Additional responsibilities included oversight for all COPS Office racial profiling initiatives, programs funding Best Practices in Policing, the COPS Conference series, and the Police CEO Symposia. Provided leadership in developing national crime policy to advance and institutionalize community policing and subsequently linked this predominant policing strategy to homeland security. Acknowledged as national expert on policing issues and enjoys wide name recognition throughout the policing field.

Post September 11, assisted the Federal Bureau of Investigation in developing the Office of Law Enforcement Coordination (OLEC) and held Top Secret (TS) security clearance. From 2004-2007, served as Deputy Superintendent, Bureau of Administrative Services, City of Chicago Police Department and from 2007-2009, served as the Director of the John Jay Leadership Academy, John Jay College of Criminal Justice, New York and was on the doctoral faculty. In April, 2009, was selected to moderate Attorney General Eric Holder's Law Enforcement Summit, U.S. Department of Justice.

Prior to experience as a senior Federal official, developed significant expertise with local and Federal law enforcement. Developed the first Police Psychological Services Program in the Metropolitan Washington area, served on the Command Staff of an urban county police department, and achieved national recognition of professional contributions through a Visiting Fellow appointment at the National Institute of Justice, U.S. DOJ. Recognized for leadership in the American Psychological Association (APA) and elected by peers to APA Division offices including President of Division 18, Psychologists in Public Service. Published author, keynote speaker and recognized facilitation skills.

Licensed Psychologist: Maryland, License No. 02221
1987-Present

Board Certification in Police and Public Safety Psychology
2013-Present

Professional History:

2015-Current **Assisting US DOJ, Civil Rights Division, in the initial pattern and practice investigation of the Chicago Police Department.**

2014-Current **Subject Matter Expert (SME) on Early Intervention Systems for the Office of Justice Programs (OJP Diagnostic Center/DOJ); and SME on Leadership for the**

	Bureau of Justice Assistance (BJA/OJP/DOJ), Police Leadership Executive Sessions.
2013-Current	**Member of three Monitoring Teams and engaged in monitoring police compliance with the US Department of Justice Settlement Agreements/Consent Decrees including the Seattle, New Orleans, and Cleveland Police Departments.**
2012-Current	**Executive Fellow, Police Foundation, Washington, DC.**
2013-2015	**Police Reform Hillard-Heintze Team Member for City of Baltimore Police Department and Denver County Sheriff's Office.**
June 2011-2012:	**National HIDTA Director, Office of National Drug Control Policy, Executive Office of the President (EOP)**
Sept. 2009-June 2011:	**Deputy Director, National Institute of Justice (NIJ), U.S. Dept. of Justice.**
February 2007-2009:	**Director, John Jay Leadership Academy John Jay College of Criminal Justice, Member, Doctoral Faculty**
July 2004–January 2007:	**Deputy Superintendent, Bureau of Administrative Services, Chicago Police Department.**
May 2003-July 2004:	**Public Safety Innovations-Law Enforcement and Homeland Security Consultant.**

Consulting Contracts included:

- Federal Bureau of Investigation (FBI), Office of Law Enforcement Coordination (OLEC)

- Drug Enforcement Administration (DEA)

- Police Foundation, Washington DC.

- Community Policing Consortium, Washington, DC

- Voxiva, Washington, DC.

- Caliber Research, Fairfax, Virginia.

- International Association of Chiefs Of Police (IACP),
  Alexandria, Virginia

- Center of Naval Analysis (CNA), Policy Research Center,
  Alexandria, Virginia.

- City of Lowell, MA Police Dept; City of Los Angeles Police
  Department

- City of Chattanooga, Tennessee (Mayor's Office)

Doctoral Faculty (2008-2009): City University of New York, John Jay College of Criminal Justice, New York, NY.

Adjunct Professor (2006): University of Illinois at Chicago. Department of Criminal Justice. Critical Issues in Law Enforcement.

Senior Research Associate (2003-2004): Center for the Management of Risk Behavior, Department of Criminology and Criminal Justice, University of South Carolina, Columbia, SC.

Adjunct Professor (2004): George Mason University, Department of Public Administration. Leadership: Theory and Practice.

September 2002-May 2003. Detail to Federal Bureau of Investigation (FBI), FBI Director's Office, U.S. Department of Justice. Washington, D.C.

June 2000-2002. Deputy Director, Community Policing Development. Office of Community Oriented Policing Services, U.S. Department of Justice. Washington, D.C.

July 1999-2000. Acting Deputy Director, Community Policing Development, Office of Community Oriented Policing Services U.S. Department of Justice. Washington D.C.

1996-1999. Assistant Director, Training & Technical Assistance Division, Office of Community Oriented Policing Services, U.S. Department of Justice. Washington D.C.

1994-1996. Section Chief, Grants Administration Division, office of Community Oriented Policing Services, U.S. Department of Justice. Washington, D.C.

1992-1994. Visiting Fellow, National Institute of Justice, U.S. Department of Justice

1993-1994. Adjunct Faculty, Institute of Criminal Justice, University of Maryland. College Park, Maryland.

1985-1995. Guest Lecturer, FBI Academy, Quantico, Virginia.

1987-1992. Director, Psychological Services Division. Prince George's County Police Department, Prince George's County, Maryland.

Program Development and Training (1983-1992):

      FBI Academy, Behavioral Sciences Unit, Quantico, Virginia.
      Drug Enforcement Administration, Washington, D.C.
      U.S. Secret Service, Washington, D.C.
      U.S. Department of Agriculture, Office of the Inspector General,
      Washington D.C.
      Prince George's County Police Department, Landover, Maryland.
      The Halen Group, Greenbelt, Maryland
      Human Technology, Inc. Arlington, Virginia.
      Fairfax County Police Department, Fairfax, Virginia.

1985. Post-Doctoral Training (Police Psychology) Prince George's County Police Department, Psychological Services Unit; Halen Group, Greenbelt, Maryland.

Professional Affiliations:

      American Psychological Association

      Member-APA Task Force on Workplace Violence (2001-2003).
      Member-APA Governance, Committee on Urban Initiatives (1998-2001)

      President-Division 18 Psychologists in Public Services (1992)
      Past Chair, Division 18 Task Force on Workplace Violence (1992)

      Secretary-Treasurer, Division 18 Psychologists in Pubic Service (1988-1990)

      APA Consultant: Commission on Youth and Violence (1992-1993)

      Presidential Task Force on Violence and the Family (1993-1994)

      Steering Committee: Violence Research Agenda-Human Capital Initiative, (1994-1995)

      Provided Congressional Testimony on Police Family Stress to U.S. House Of Representatives, Select Committee on Children, Youth, & Families, (May, 1991)

      Member: Maryland Psychological Association. (2000-2012)

Other Affiliations:

Member, Steering Committee, Executive Sessions on Policing and Public Safety, John F. Kennedy School of Government, Harvard University, (2010-2011)

Board of Trustees, Police Assessment Resource Center (PARC), Los Angeles, CA. (2005-2009).

Advisory Board, Local Initiatives Support Corporation (LISC), New York, N.Y. (2003-2009).
Image and Ethics Committee. International Association of Chiefs of Police (IACP). (2006-2009)

Institutional Review Board (IRB). Police Foundation, Washington, D.C. (2003-2009).

Counter-Terrorism Training Working Group. U.S. Department of Justice. (2001-2004).

Co-Chair: Steering Committee for SafeCities Initiative. (2000-2002)

Executive Board. Community Policing Consortium. (1997-2002)

Advisory Board. Criminal Intelligence Sharing Summit IACP. (January-June 2002).

Member: Advisory Board. Domestic Violence in Police Families. IACP. (1998-2004).

Honors and Awards:
Who's Who of America: 2013-Current..

O.W. Wilson Award (2010) for Outstanding Contributions to Police Education, Research and Practice, Academy of Criminal Justice Sciences.

Who's Who of American Women. (2006-Current).

Women of Courage and Vision Award. U.S. Department of Justice (2001).

U.S. Attorney General's Appointment: Task Force on Police Misconduct. (1995-2000).

Lifetime Achievement Award for Service to Policing. Women in Policing 2000).

Distinguished Service Award. Division 18, American Psychological Association (1990).

Chiefs Award (1987; 1991; 1992).
Prince George's County Police Department.

Recognition for Dedicated Service (1992).
Prince George's County Council, Prince George's County, Maryland.

Dissertation Award (1984). Delegate to NATO Conference. Skiathos, Greece. National Science Foundation, Washington, DC...

EDUCATION:

St. Louis University
St. Louis, Missouri
B.S. Psychology

St. Louis University
St. Louis Missouri
M.S. Psychology

Catholic University of America, Washington, D.C.
PhD. Psychology
Doctoral Dissertation: Eyewitness Memory for Violent Events

PUBLICATIONS:

Scrivner, E. & Stephens, D. (2015). *Community Policing in the New Economy.* Washington DC. Office of Community Oriented Policing Services.

Scrivner, E., Tynan, W.D. & Cornell, D. (2013). What Works: Gun Violence Prevention at the Community Level in **Gun Violence: Prediction, Prevention, and Policy. APA Panel of Experts Report.** American Psychological Association, Washington, DC.

Scrivner, E., Corey, D. & Greene, L. (2013). Law Enforcement and Psychology.
In I.B. Weiner & R. Otto (Eds.) **Handbook of Forensic Psychology, 4th Edition**: New York, Wiley & Sons.

Batts, A.W., Smoot, S.J. & Scrivner, E. (2012). *Police Leadership Challenges in a Changing World.* Harvard Executive Session, NIJ New Perspectives Bulletin, NCJ 238338.

Melekian, B. & Scrivner, E. (2011). The Evolution of Community Policing: The Case for Procedural Justice. *Subject to Debate*, PERF Newsletter, Washington, DC.

Scrivner, Ellen. (2008). Public Safety Leadership Development: A 21st Century Imperative. John Jay Leadership Academy Monograph. John Jay College of Criminal Justice. New York, NY

Scrivner, E.M. (2007).Recruitment and Hiring in Law Enforcement: Crisis or an Opportunity for Change? In **The Challenge to Lead: Issues in Law Enforcement Leadership.** The Center for American and International Law. Plano, TX.

Scrivner, E.M. (2005). Building Training Capacity for Homeland Security: Lessons Learned from Community Policing. *The Police Chief*, October, 26-30.

Scrivner, E.M. (2005). Innovations in Recruitment and Hiring. Community Policing Consortium Monograph; U.S. Department of Justice, Washington, DC. .

Scrivner, E.M. (2005). Law Enforcement Psychology. In A.K. Hess & I.B. Weiner (Eds). **The Handbook of Forensic Psychology, 3rd Edition**. New York: John Wiley & Sons.

Scrivner, E.M. (2003). When the Community is the Victim. *Networks*, National Center for Victims of Crime. Winter/Spring 12-13.

Scrivner, E.M. (2003). The Impact of September 11 on Community Policing. In L. Fridell & M. Wycoff (Eds. **The Future of Community Policing**. PERF Monograph: Washington, D.C.

Scrivner, E.M. (2002) Psychology and Policing: A Dynamic Partnership. Monitor on Psychology. June 66.

Kurke, M.I., and Scrivner, E.M. (Eds) 1995**. Police Psychology into the 21st Century, Hillsdale. N.J: Earlbaum.**

Reese, J.T. & Scrivner, E. (1995). **Law Enforcement Families: Issues and Answers**, Washington, D.C.: U.S. Government Printing Office.

Scrivner, E.M. & Reese, J.T. (1995). Family Issues with No Easy Answers. In Reese, J.T. & Scrivner, E.M. (eds.), **Law Enforcement Families: Issues and Answers**, Washington, D.C.: U.S. Governing Printing Office.

Scrivner, E.M. (1994). Public Safety Benefits From Technology. *Defense Today*, December, 38-39.

Scrivner, E.M. (1995) Community Policing: New Roles for Police Psychology. In Kurke, M.I. & Scrivner, E.M. (Eds). **Police Psychology into the Twenty-First Century**, Hillsdale, NJ: Earlbaum.

Scrivner, E.M. (1994) <u>Controlling Excessive Force: The Role of the Police</u> <u>Psychologist</u>. *Research in Brief*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.

Scrivner, E.M. The Role of Police Psychology in Controlling Excessive Force. <u>Research Report</u>, Washington, D.C. U.S. Department of Justice, National Institute of Justice April, 1994.

Scrivner, E.M. (1994) <u>Police Brutality</u>. In Oskamp. S. & Costanzo, M. (eds.) **Violence and the Law** Thousands Oaks, CA: Sage Publications.

Kirschman, E., Scrivner, E., Ellison, K., & Marcy, C. (1992) Work and Well Being: Lessons From Law Enforcement. IN J.C. Quick, L.R. Murphy, and J.J. Hurrell (eds.) Stress **and Well Being at Work: Assessments and Interventions for Occupational Mental Health**. Washington, D.C: American Psychological Association.

Scrivner, E.M. (1991). <u>Helping Police Families Cope with Stress</u>. *Law Enforcement News*, XVII (336.337) 6-7.

Scrivner, E.M., (1991) Integrity Testing: A New Frontier for Psychology. Forensic Reports. 4(2), 75-90.

Scrivner, E.M. & Safer, M.A. (1988). Eyewitnesses Show Hypermnesia for Details about a Violent Event. <u>Journal of Applied Psychology</u>, 73(3), 371-377.

Scrivner, E.M. (1986). <u>An Alternative to Psychological Tests</u>. In J.C. Yuille (Ed), **Police Selection and Training: The Role of Psychology**, Holland: Martinus Nijhoff.

Scrivner, E.M., (1986). Utilizing Psychological Techniques to Develop Management Skills. In J.T. Reese & H.A. Goldstein (eds.,), **Psychological Services for Law Enforcement,** Washington D.C.: Government Printing Office.

Scrivner, E.M., (1985). Psychological Reactions to the Use of Deadly Force. *The National Sheriff.*

Technical Assistance to Law Enforcement-Criminal Justice

US DOJ CRD: Team Member on Project Providing Assistance in Assessing New Orleans Police Dept. (2009).

Steering Committee, Harvard Executive Sessions on Policing and Public Safety, JFK School of Government, (2009-2012).

Facilitated Series of National Community Policing Roundtables for the U.S. Department of Justice, Office of Community Oriented Policing Services (2008-2009).

Facilitated IACP Leadership Roundtables, International Assn. of Chiefs of Police (2003-2004).

Facilitated FBI Director's Law Enforcement Advisory Group. (2002-2004).

Facilitated LAPD National Gang Conference, Los Angeles, CA. (January 2004).

Technical Reviewer. Report on LAPD Police Training. RAND Corporation. (May, 2003).

Technical Reviewer. Grant Proposals and Draft Reports. National Institute of Justice (1992-1995)

Technical Assistance to the National Institute of Justice Working Group(s): Policing in the 21st Century and Related Community Policing Focus Groups, (1993-1995).

Provided Review and Comment on Draft Legislation from Senate Committees. National Institute of Justice (1992-1994).

Advised New York City Council and Provided Written Testimony for Council Hearing on Multiple Suicides in the New York City Police Department. October 17, 1994.

Technical Review of Bureau of Justice Assistance (DOJ) Grants. (August, 1994).

Technical Review of Summer of Safety Grant Proposals.
Corporation for National and Community Services. (March, 1994).

California POST Commission: Provided Televised Interview for National Tele-Video Conference on Police Stress. (September, 1994).

Drug Enforcement Administration: Developed and Implemented Symposium on Organizational Response to Recent Death(s) of Federal Agents. West Palm Beach, Florida (September, 1994).

City of Chicago Police Department: Developing Early Warning Systems to Monitor Police Misconduct. (March-April, 1994).

New York City Transit Police Department: Managing Excessive Force. (January, 1994).

Office of the Governor, State of Maryland, Juvenile Justice Advisory Council: Mental Health Police Collaboration to Respond to the Needs of Mentally Ill Juveniles. (October 1993).

FBI Academy, Quantico, Virginia: Developed and Co-hosted Conference on Law Enforcement Family Stress (July, 1993).

Fairfax County Police Department: Peer Support Training Program (September 1992).

Reviewer: Book Proposals on Police Psychology. Earlbaum: Hillsdale, NJ. October, 1992).

Drug Enforcement Administration, Washington D.C.:
Designed and Implemented Psychological Screening and Follow Up Protocol for Performance Assessment for Highly Sensitive Intelligence Assignments (1989-1990).

Technical Evaluation: Proposals for Nationwide Contractual Employee Assistance Program (1990; 1995).

Consulted on Developing Organizational Response to Agents Exposed to Traumatic Situations; Trained Trauma Team Members to Provide Trauma Team System Response (1985-1995

Professional Presentations

Plenary Speaker, The Changing Face of Violence. APA-ABA Conference, Washington, DC (May 2014).

Plenary Speaker, Police Use of Force: Issues and Answers. APA Division 18, Mini-Conference, Orlando, Florida (2012)

Panel Moderator, The Life-Study of Policing: What Research is Telling Us. American Society of Criminology, San Francisco, CA. November 2010.

Panel Moderator, Research in Policing Platform, IACP Annual Conference, Orlando, Florida, October, 2010.

Panel Moderator, APA Division 18 Mini-Convention. San Diego, CA. August, 2010.

Conference Moderator, Predictive Policing, Roger Williams University, Rhode Island, October 2010.

Plenary speaker at NIJ Conferences (2009; 2010).

Invited Participant: Crime Control in Metropolitan America: An Agenda for Federal Action. Metropolitan Policy Program, Brookings Institution, Washington, DC. Sept. 2008.

Invited Observer: Harvard Executive Session on Policing and Public Safety. JFK School of Government, Cambridge, MA. June, 2008; November, 2008.

Presentation: Symposium, Psychology and Police: A New Paradigm Beyond Psychological Assessment and Clinical Intervention. APA Annual Convention. Boston, MA. August, 2008.

Presentation: Symposium. COMPSTAT, Community Policing and the Diffusion of Innovation. National Institute of Justice Research and Evaluation Conference, Arlington VA, July, 2008.

Presentation: The Changing Workforce: Hiring Crisis versus Hiring Opportunity. RAND Center on Quality Policing. Arlington, VA. June, 2008.

Plenary: Where We've Been: Where Are We Now? Women in Law Enforcement Conference, Fairfax County, VA. December, 2007.

Presentation: Future of Women in Policing. National Center for Women & Policing Annual Conference. Lexington, KY. October, 2007.

Presentation: Community Policing in the Digital Age. National Center for Victims of Crime Annual Conference. Washington, DC. June, 2007.

Panel: Recruitment and Hiring: Challenge or Opportunity? Northwestern University Institute for Public Safety. October 2006.

Executive Workshop: Recruitment and Hiring. IACP Annual Conference, Boston, MA, 2006.

Workshop: Diversity in Recruiting: Hiring in the Spirit of Service. Human Performance Institute. Arlington, Virginia, February, 2004.

Workshop: Post 9-11 Policing: Controlling New Realities. IACP Annual Conference. Philadelphia, PA. October, 2003.

Panel Presentation: Hiring in the Spirit of Service. IACP Annual Conference, Philadelphia, PA. October 2003.

Panel Presentation: The Future of Community Policing. COPS Office Annual Conference. Washington, D.C. June 2003.

Panel Presentation: The Impact of 9-11 on Policing PERF Annual Conference. Washington, D.C. April 2003.

Plenary Panel Presentation: Organization Integrity Issues: The Individual-Organization Intersect. Johns Hopkins University (MARCPI) Integrity Conference. Baltimore, Maryland. November 2002.

Plenary Panel Presentation: Criminal Intelligence Sharing. IACP Annual Conference. Minneapolis. Minnesota. October 2002.

Panel Presentations: COPS Keeping America Safe Conference. Washington, D.C. July, 2002.

Panel Chair: Exemplary COPS Programs. PERF Annual Meeting Phoenix, Arizona May 2002.

Panel Presentation: Innovative Federal Programs in Community Policing. East Coast Community Policing Conference. Ocean City Maryland. April, 2002.

Opening Remark: Criminal Intelligence Sharing Summit: Overcoming Barriers to Enhance Domestic Security. Crystal City, Virginia, March 2002.

Discussant: Police Problem Solving: Linking Research with Practice. American Society of Criminology Conference. Atlanta, Georgia November 2002.

Plenary: CEO Symposium On 21st Century Issues for Law Enforcement. Washington, D.C. August 2001.

Presenter: Problem-Based Learning: A Model Training Program for FTO Training, PERF Annual Meeting. Chicago, Illinois. March 2001.

Presenter: Police Integrity and Racial Profiling. International Association of Chiefs of Police Annual Conference. San Diego, California. October, 2000.

Moderator: APA Police Chiefs Roundtable. American Psychological Association Convention. Washington, D.C. August, 2000.

Pre and Post Elements of Workplace Violence: The Organizational Context. Symposium on Workplace Violence-What Psychology Can Contribute. American Psychological Association Convention. August, 2000. Washington, D.C.

Plenary Session: Government Innovators Talk About Drug Courts NADCP Annual Conference. June, 2000. San Francisco, California.

Panel Moderator: Ethics and Integrity in Policing Advancing Community Policing Conference, May, 2000. Baltimore, Maryland.

Panel Moderator: Goldstein Award Presentation PERF Conference. April 2000. Washington, D.C.

Panel Moderator: Police Chiefs and Problem Solving. Weed & Seed Conference. April, 2000. Dallas Texas.

Presenter: Ethics and Integrity in Policing. Women in Policing Annual Conference. March 2000. Baltimore Maryland.

Chair: Police Chief Forum. American Psychological Association Annual Conference. August, 1999. Boston, Massachusetts.

Keynote Address: Creating Police Community Problem Solving-Partnerships Technical Assistance Conference. Miami, Florida: U.S. Department of Justice.

Workshop: Innovations in Community Policing. Annual Weed & Seed Training Conference, August 1997. St. Louis Missouri.

Symposium Moderator. Innovations in Community Policing. International Association of Chief of Police. October, 1996. Phoenix, Arizona.

Symposium Moderator. National Symposium on Police Integrity. U.S. Department Justice (National Institute of Justice. COPS Office). July, 1996, Arlington, Virginia.

Opening Address. Community Policing Conference. June, 1996. Spokane, Washington.

Presenter. COPS Office Initiatives. National Organization of Black Law Enforcement Executives. June, 1996 Detroit, Michigan.

Workshop: Stopping Police Officer Violence. Conference on Police Leadership for the 21st Century: The Emerging Role of Women. (1995) Washington D.C.

Panel Chair. Psychosocial and Behavioral Factors in Women's Health: Creating and Agenda for the 21st Century. American Psychological Association Conference. Washington, D.C. 1994.

Workshop. Surviving Personal Crises on the Job. Interagency Committee on Women in Federal Law Enforcement Training Conference. Arlington, Virginia, 1994.

Police Brutality Revisited: Police Psychology Strategies Post Rodney King. Symposium Chair. American Psychological Association Annual Conference, Toronto, Canada. 1993.

Police and Public Safety Psychology: Risky Business. American Psychological Association, Toronto, Canada. 1993.

Behavioral Profiles of Excessive Force. American Society of Criminology, Phoenix, Arizona, 1993.

Presenter. National Institute of Justice Fellowship Program. American Society of Criminology, Phoenix, Arizona, 1993.

Reciprocal Relationships Between Work and Family as Predictors of Health & Psychological Well Being. APA Division 42 Mid-Winter Practice Conference. San Diego, California 1993.

Workshop. Using Community Service in Private Practice. Professional Practice Conference. Maryland 1993.

Presenter. Conference on Community Policing for Safe Neighborhoods: Partnerships for the 21st Century. National Institute of Justice. Arlington, Virginia. 1993. Workshop. Psychological and Sociological Impediments in a Male Dominated Profession. Women in Policing National Conference. New York City Transit Authority Police Department, New York. January 1992.

American Psychological Association and the National Institute for Occupational Safety and Health. Work and Well Being: An Agenda for the 90's Conferences, Interplay of Work and Family Stress, (1992); Prevention of Stress in the Workplace, (1990). Washington, D.C.
Workshop. Police Use of Excessive Force: A National Perspective. International Association of Chiefs of Police Annual Conference. Detroit. Michigan. October, 1992.

Challenges Of Public Service Psychology Revisited. Presidential Address (Division 18). Presented at the American Psychological Association. Washington, D.C. 1992.

An Ethical Code for Criminology: Reflections from an Applied Perspective. American Society of Criminology, San Francisco, California. 1991.

Critical Incident Stress Debriefing. Discussant, American Psychological Association Annual Conference. San Francisco, 1991.

Workshop. Police Reliability: Selection, Intervention, Retention. Transitioning into the Nineties. Conference. Psychological Resources Institute. Alexandria., Virginia. 1990.

Escalating Violence: A New Dimension of Police Stress. American Psychological Association Convention. Boston, Massachusetts. August, 1990.

Psychological Services for Law Enforcement. American Society of Criminology. Baltimore, Maryland. 1990.

Critical Issues in Public Service Psychology. American Psychological Association Convention. New Orleans, Louisiana, 1989

Organizational Interventions in Law enforcement. American Psychological Association Convention. Atlanta, Georgia, 1988.

Organization Interventions. University of Miami, Florida, 1987.

Repeated Testing of Eyewitnesses. American Psychological Association, Los Angeles, California, 1985.

Cognitive Interviewing Techniques. World Conference on Police Psychology. FBI Academy, Quantico, Virginia, 1985.

Stress Factors in Police Families. Police Management Association Annual Conference. London, England 1985.

Career Development in Law Enforcement. George Mason University, Institute of Public Management. Fairfax, Virginia, 1985.

Police Selection Chairperson, National Symposium on Police Psychology. F.B.I. Academy., Quantico, Virginia, 1984.

The Police Spouse. Police Management Association Annual Conference. Ocho Rios, Jamaica, 1984.

Kenneth L. Thompson

Partner

Baltimore, MD Office

T 410.244.7575 F 410.244.7742

klthompson@Venable.com

AREAS OF PRACTICE

Litigation

Commercial Litigation

Product Liability and Mass Torts

State and Local Government

INDUSTRIES

Consumer Products and Services

Construction

Government Contractors

BAR ADMISSIONS

Maryland

District of Columbia

EDUCATION

J.D., University of Maryland School of Law, 1976

B.A., University of Maryland, 1973

MEMBERSHIPS

Faculty, American Bar Association's Trial Academy

Fellow, American Board of Trial Advocates

Fellow, American College of Trial Lawyers

Ken Thompson is an experienced trial attorney who focuses his practice on civil and commercial litigation. A member of both the American College of Trial Lawyers and the American Board of Trial Advocates, organizations that represent the country's leading trial attorneys, Mr. Thompson's acumen as a trial attorney has been recognized on a national level.

Mr. Thompson is particularly well-known in Maryland, where individuals and groups – from local county officials involved in civil suits to developers whose projects are stalled due to others parties' claims – rely on Mr. Thompson to handle their cases with integrity. With a focus on achieving his clients' goals and getting results as quickly as possible, Mr. Thompson is able to identify issues that can be resolved outside of court while being able to adeptly navigate a courtroom when needed. His many years of trial experience well-position Mr. Thompson to perform risk assessments for companies, including assessments in connection with due diligence investigations.

An active member of the Baltimore community, Mr. Thompson sits on several boards. In 2010, he proudly served as one of four co-chairs on Baltimore Mayor Rawlings-Blake's mayoral transition team, assisting with economic development.

In 2016, he served as Chairman of The Public Safety/Policies Committee on Baltimore Mayor Catherine Pugh's Mayoral Transition Team.

HONORS

- Appointed by incoming Baltimore Mayor, Stephanie Rawlings-Blake, as one of four co-chairs of her mayoral transition team, January 2010
- Recognized by *Best Lawyers* as Baltimore Personal Injury Litigation - Defendants "Lawyer of the Year," 2017
- Listed in *The Best Lawyers in America*, Bet-the-Company Litigation, Commercial Litigation, Mass Tort Litigation / Class Actions - Defendants, Personal Injury Litigation - Defendants and Product Liability Litigation - Defendants, 2007, 2008, 2011 - 2017
- Recognized in *Super Lawyers Business Edition*, Business Litigation, Baltimore, 2013
- Selected for inclusion in *Maryland Super Lawyers*, 2007 - 2015
- Received the *Maryland Daily Record*'s Leadership in Law honor, recognizing his professional accomplishments and his dedication to his occupation and the community, 2007

SPEAKING ENGAGEMENTS

- 2010 - 2011, Lecturer, Defending the Corporate Client

- 2009, Presenter, MICPEL Trial Advocacy Program
- 2003, Lecturer, Efficacy of Shared Counsel Arrangements
- 2002, Lecturer, Defending Manufacturing Companies in Mass Tort Litigation

VENABLE® LLP

Seth A. Rosenthal

Partner   *Washington, DC Office*

T 202.344.4741 F 202.344.8300   sarosenthal@Venable.com

Seth Rosenthal is an experienced trial attorney representing individuals and businesses in a wide range of criminal matters, internal investigations, investigations by federal and state regulators, False Claims Act litigation, and complex commercial, antitrust, and civil rights cases. Mr. Rosenthal also manages Venable's *pro bono* program and serves as chair of the firm's *pro bono* committee.

Mr. Rosenthal developed an extensive body of courtroom experience over the span of nearly a decade as a federal prosecutor in the Department of Justice's Civil Rights Division. He conducted grand jury investigations and successfully tried to verdict or obtained guilty pleas in a number of noteworthy cases involving human trafficking, police misconduct and hate crimes, as well as related charges of obstruction of justice, false statements and fraud. He also handled all facets of class-wide civil litigation, including trial, in cases arising under the Fair Housing Act and the Equal Credit Opportunity Act. Early in his career, Mr. Rosenthal litigated death penalty and prison reform cases at the Southern Center for Human Rights.

RECENT EXPERIENCE

Government Contracts/Procurement Fraud/False Claims Act

- Won a motion to dismiss on behalf of a mortgage lender sued for violating the False Claims Act by endorsing certain mortgage loans for Federal Housing Administration insurance
- Defending an IT systems contractor criminally prosecuted for allegedly overbilling government
- Defending a chemical manufacturer sued under "reverse" False Claims Act for failing to report purported dangers of certain products to Environmental Protection Agency
- Defending a services contractor investigated for violating False Claims Act by utilizing workers underqualified to perform contract requirements
- Persuaded the Justice Department not to intervene in qui tam False Claims Act suit accusing organization of falsely certifying contractor's eligibility to secure awards under set-aside program and obtained dismissal of qui tam relator's claims upheld on appeal
- Defended state False Claims Act litigation and prosecuted related federal action involving allegations that IT systems provider delivered inadequate solutions for operation of state-run health care exchange
- Avoided both criminal charges and Justice Department intervention in qui tam False Claims Act suit against construction contractor for purportedly submitting inflated invoices to the government
- Represented services contractor suspended temporarily and investigated criminally for suspected violation of the Procurement Integrity Act

AREAS OF PRACTICE

Investigations and White Collar Defense

False Claims Act

Commercial Litigation

Congressional Investigations

State Attorneys General

Foreign Corrupt Practices Act and Anti-Corruption

Antitrust

BAR ADMISSIONS

District of Columbia

COURT ADMISSIONS

U.S. Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of Columbia

U.S. District Court for the District of Maryland

EDUCATION

J.D., *cum laude*, Harvard Law School, 1993

A.B., *summa cum laude*, Dartmouth College, 1989

Phi Beta Kappa

- Avoided False Claims Act action by the government against construction contractor wrongfully alleged to have underpaid employees in violation of the Davis-Bacon Act
- Conducted numerous internal investigations on behalf of contractors involving allegations of false claims, theft, data misappropriation, misuse of source selection information and conflicts of interest, and advised clients on making voluntary self-disclosures to government agencies

Misconduct by Public Officials

- Obtained below-Guidelines sentence for a city council member accused of misappropriating government funds
- Secured probationary sentence in federal court for government employee accused of receiving kickback
- Cleared a political appointee investigated by agency inspector general for purportedly violating conflict of interest laws
- Led an investigation of company employees who, as former government officials, were alleged by agency inspector general to have violated conflict of interest laws

Antitrust and Unlawful Trade Practices

- Tried *O'Bannon v. NCAA* as a member of the plaintiffs' team, winning historic judgment against the NCAA for violating the Sherman Act by conspiring with member schools to bar college football and basketball players from receiving compensation for use of their names, images and likenesses in TV broadcasts, rebroadcasts and videogames
- Avoided federal charges for the founder of payment processing company suspected of illegally processing online gaming payments
- Represented an online marketer facing allegations of deceptive trade practices by coalition of 40 state attorneys general

Commercial Litigation

- Won favorable judgment, after federal court trial, for former partners whose law firm improperly reduced their liquidating capital account balances by more than $1 million
- Representing a real estate developer alleged to have collaborated with city official to deprive competitor of contract to develop government-owned land
- Won dismissal with prejudice of nuisance suit against a solid waste processing facility in the District of Columbia and helped secure comprehensive settlement agreement allowing facility to remain in operation

Civil Rights and Criminal Justice

- Advised companies, including mortgage lenders, housing providers and web-based advertising platforms, to ensure compliance with the Fair Housing Act and Equal Credit Opportunity Act
- Led an investigation of fatal use of force by government-deputized special police officers, headed subsequent comprehensive review of special police force, and advised management on implementing reforms
- Negotiated a settlement agreement with the Justice Department on behalf of a community bank accused of lending discrimination
- Led a successful effort to secure release of DC man wrongfully imprisoned for 19 years for murder he did not commit
- Secured the dismissal of all charges after winning reversal on appeal of murder conviction of DC man wrongfully imprisoned for over 21 years
- Obtained precedent-setting ruling from Maryland Court of Appeals in suit seeking police records regarding investigation of racial profiling complaints under Maryland public information act
- Secured a substantial settlement in federal court for individual racially profiled by state troopers
- Court-appointed to represent federal death row prisoner in post-conviction proceedings in Maryland

ACTIVITIES

Mr. Rosenthal has been an instructor in a number of trial advocacy courses, including National Institute for Trial Advocacy programs, and an adjunct professor at Georgetown University Law Center and George Washington University Law School. He is President of the board of directors of the Mid-Atlantic Innocence Project, and serves on the board of directors of Anne Frank House, the advisory committee of the DC Bar Foundation, and the advisory council of Tzedek DC.

Stephen C. Parker

Butler Snow LLP
Crescent Center
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
P.O. Box 171443
Direct: (901) 680-7365
Fax: (901) 680-7201
Steve.Parker@butlersnow.com
Cell (901) 601-1335

EXPERIENCE

March 16, 2015-Present   Attorney, Butler Snow LLP

- Focuses Practice on:
  - Investigations and White Collar Crime
  - Health Care Defense and False Claims Act
  - Commercial Litigation
  - Police Monitoring and Risk Management
  - Civil Rights
  - Appellate and Written Advocacy
  - Court and Corporate Monitoring

- Represents an individual in an Insider Training investigation being conducted by the Securities and Exchange Commission.

- Represents a state governmental entity under indictment and facing a criminal indictment and Qui Tam actions related to providing mental health services for two counties.

- Represents a National non-profit in an investigation by the Department of Justice, the General Services Administration, Office of Inspector General, and the IRS, Inspector General's Office related to government contracts.

- Represents a chain of Compounding Pharmacies in a federal investigation related to billing issues.

- Successfully represented a corporate client who received a criminal target letter from the Department of Justice seeking $20,000,000.00. DOJ closed the case after an internal investigation and several presentations to

the Department of Justice demonstrated the corporation did not have criminal liability for an employee's misconduct.

- Retained by an International Logistics company to establish a Foreign Corrupt Practices Act Compliance Program.

- Retained by and International Chemical Company to review their current Foreign Corrupt Practices Act Compliance program and to advise and litigate on future FCPA matters.

- Represented the president of a staffing company in negotiating a plea agreement and forfeiture for criminal violations related to obtaining H1B worker Visas from the Department of State.

- Represented a company and its officers in an of the Daily Fantasy Sports industry investigation by the New York Attorney General's Office.

- Represented a physician in a state and federal investigation into a Hospice company's practices.

- Represented the CEO of a Pharmacy Marketing and Pricing Consulting group that has been subpoenaed by the United States Senate Special Committee on Aging public hearings into pharmaceutical pricing.

2012–2014   United States Attorney's Office
Assistant United States Attorney (Retired)
Eastern District of Louisiana
- Assigned to Special Detail to the Civil Rights Division, Special Litigation Unit, based in New Orleans, Louisiana, to litigate and administer the Consent Decree reforming the New Orleans Police Department.
    - o Duties include review of Police Operations and Policy, Use of Force, Search and Seizure, Misconduct Investigations, Disciplinary Procedures, Police Training, Racial Profiling/Bias Free Policing, and Secondary Employment.

1987–November, 2012   United   States   Attorney's
Office
Assistant United States Attorney
Western District of Tennessee
- 2010-2012 Chief of the Civil Rights and Law Enforcement Corruption Unit
    - o Personally convicted over 50 law enforcement officers for Civil Rights and Corruption Violations

- 2002-2010 assigned to the Anti-Terrorism Section.
- Extensive experience in prosecution of complex crimes including civil rights, bank fraud, securities fraud, healthcare fraud, and public corruption cases.
- Extensive appellate experience in the United States Courts of Appeals briefing and arguing over 50 cases.
- Extensive trial experience as the first chair prosecutor in excess of 75 jury trials, including complex securities, tax, and white collar cases. Experience includes trials lasting as long as 3, 7, 9, and 11 weeks.

1996–1997   Office of the Independent Counsel Associate
Independent Counsel-The Whitewater Investigation
- Detailed from the Department of Justice to Office of Independent Counsel for the Whitewater Investigation, Judge Kenneth Starr.
- Investigated the death of Associate White House Counsel, Vincent Foster.
- Lead counsel for the Investigation and preparation for indictment of Webster Hubbell, the former Associate Attorney General of the United States and Chief Justice of the Arkansas Supreme Court.

1983–1987   United States Attorney's Office
LECC/ Victim Witness Coordinator
- Law enforcement coordinator for the Western District of Tennessee.
- Organized training and education for Federal, State, and local law enforcement.

1978-1983   Memphis Police Department
Police Officer
- Uniform patrol
- Vice Squad
- Instructor, Memphis Police Training Academy
    - Research and Development Unit

EDUCATION

1982   University of Memphis
- B. A. Criminal Justice
    Graduated Cum Laude

1987   University of Memphis
- Juris Doctorate
    Five American Jurisprudence Awards for the Highest Grade in the Class
    Graduated Cum Laude

MAJOR CASES

- Office of Independent Counsel for the Whitewater Investigation- 1.) Lead Counsel for the reinvestigation of the death of Associate White House Counsel Vincent Foster. 2.) *United States v. Webster Hubbell* –Lead Counsel to investigate Webster Hubbell, the former United States Associate

Attorney General, (Third in Charge of the Department of Justice and former Chief Justice of the Arkansas Supreme Court) for fraud and tax evasion.

- *United States v. City of New Orleans* – member of Evaluation and Litigation Team – Special Litigation Unit lawsuit to reform the New Orleans Police Department.
    - *United States v. Powers*- Ancillary Civil Bench trial of a lawsuit filed by the Fraternal Order of Police and the Police Association of New Orleans asserting portions of the consent decree violated the United States and Louisiana Constitution.

- *United States v. City of Ferguson*-Expert Witness for DOJ for Stop, Search, and Seizure; Use of Force; and Internal Affairs Investigations.

- DOJ Patterns and Practice Investigation of the St. Evangeline Parrish Sheriff's Department and Ville Platte, Louisiana Police Department. Expert Witness for Stop, Search, and Seizure.

- *United States v. David I. Namer* – Lead Counsel- five year Joint Departent of Justice/Securities and Exchange Commission investigation and seven week trial of $34 million Securities Fraud, Money Laundering, and Tax Evasion. Listed by the SEC as one of their top 10 cases of the year in 2002.

- Lead Counsel for the Western District of Tennessee for "Operation Rockytop", an undercover corruption investigation of the Tennessee Legislature and lobbyist for the gambling industry. Sixty-five convictions statewide.

- *United States v. Mark Hebert*- Cold Case Murder prosecution of a Sherriff's Deputy who murdered a person during a traffic stop in 2007 and then disposed of the body which has never been located.

- Lead counsel for "Operation Latina Libre-Human Trafficking Investigation" - a prosecution of an organized ring of Mexican Brothel owners who would lure young girls to the United States under the guise of providing jobs as waitresses. Once in this country the girls were raped, held captive, and forced into prostitution in the brothels. The victims ages ranged from 13-17.

- Lead Counsel for the Western District of Tennessee for "Operation Rockytop", an undercover corruption investigation of the Tennessee Legislature and lobbyist for the gambling industry. Sixty-five convictions statewide.

- *United States v. David W. Lanier* – Lead Trial Counsel for the landmark Civil rights prosecution of a State Judge who was sexually assaulting litigants and courthouse employees. See United States v. Lanier, 520 U.S. 259, 117 S.Ct. 1219, 137 L.Ed.2d 432 (1997). This was the first criminal prosecution using the civil rights statutes for a public official committing sexual assaults. Subject of the book Power to Hurt by Darcy O'Brien, Harper Collins 1996.

- *United States v. Dennis Harris* - Largest Mass Murder in Tennessee history. Six individuals tied up and burned alive in an arson/murder.

- *United States v. Wayne Baskin* - Corruption investigation of Tipton County Sheriff taking bribes from drug dealers.

TEACHING PRESENTATIONS AND PUBLIC SERVICE

- 2017-National Business Institute Best Practices and Legal Strategies for Contentious Law Suits-Police Liability Claims from Start to Finish.

- 2016-Memphis Bar Association, Cecil C. Humphries School of Law and United States District Court, Western District of Tennessee Law School for Journalist Program- "Covering Police-Involved Shootings: A Deep Dive into the Darrius Stewart Case."

- 2016-United States Courts and the Texas A&M Law School "Implementation of Police Department Consent Decrees: Working Together Toward Institutional Change."

- 2016 - Southeastern Forensic & Valuation Services Conference/Tennessee Society of CPAs-White Collar Criminal Prosecutions and Money Laundering Violations.

- 2016 - The Federal Bureau of Investigation National Academy Alumni Association-Police Pattern and Practice Investigations and Consent Decree Implementation.

- 2015 - The Virgin Islands Police Department- Use of Force Investigations

- 2015 -New Orleans Police Department-Use of Force Review Board operations.

- 2015 Peer Grant Application Reviewer, Department of Justice, Community Oriented Policing Services.

- 2015- Police Executive Research Forum/Boston University, Senior Management in Policing Training, Consent Decree Management and DOJ Pattern and Practice Investigations.

- 2015-International Law Enforcement Auditors National Symposium-Reviewing and Auditing Constitutional Practices of Law Enforcement Agencies

- 2013- University of Tennessee Chattanooga "Tarnished Badge" presentation on investigating and prosecuting police misconduct.

- 2012-2013 - Adjunct Professor Cecil C. Humphreys School of Law (University of Memphis) - Trial Advocacy.

- 2012- Federal Bureau of Investigation National Human Trafficking training for Special Agents, Quantico, VA.

- 2011- United States Department of Justice International Human Trafficking Conference- Saipan & Guam.

- 2004 - National Law Enforcement Academy of Malaysia (PULAPOL), Kuala Lumpur, Malaysia, International Money Laundering for Prosecutors.

- 1988-1992 Adjunct Professor –University of Memphis, Criminal Justice Department.

- Memphis Police Academy 1989-2012 - Instructor on Criminal Procedure, Substantive Criminal Law, Ethics, and Civil Rights.

- Tennessee State Law Enforcement Academy - Federal Arson Investigations, Investigating White Collar Crimes.

- Department of Justice National Advocacy Center, Columbia, S.C. – Basic Trial Advocacy, Advanced Trial Advocacy for Experienced Prosecutors, Legal Skills for Paralegals, Advanced Civil Rights Seminars.

AWARDS AND HONORS

- Attorney General's John Marshall Award 2013 (The Department of Justice's highest award for litigation for the New Orleans Consent Decree Litigation).

- Attorney General's Distinguished Service Award 2010 (The Department of Justice's second highest award for Operation Latina Libre).

- Assistant Attorney General's for Civil Rights Distinguished Service Award 2012 (Distinguished Service in the Case of United States v. City of New Orleans, Civil Action forcing the New Orleans Police Department to implement full scale reform).

- Cecil C. Humphreys School of Law – Adjunct Professor of the Year.

- Two commendation letters from the Attorney General.

- 1997 Shelby County Women's Political Caucus Courage Award.

- United States Attorney's Awards:
  - Sustained Superior Performance Award 2000, 2001, 2003, 2006
  - Outstanding Performance Award 2002, 2007
  - Distinguish Service Award 2001, 2007
  - Special Achievement Award 2008

- Various Awards:
  - Bureau of Alcohol Tobacco and Firearms
  - Federal Bureau of Investigation
  - International Association of Arson Investigations
  - Department of Homeland Security, Immigration and Customs Enforcement
  - Internal Revenue Service, Criminal Investigations Division

- Five American Jurisprudence Awards for Highest Class Grade, Cecil C. Humphreys School of Law:
  - Professional Responsibility
  - Equity
  - Decedents' Estates
  - Torts I
  - Criminal Procedure II

PUBLICATIONS

- Cecil C. Humphreys, University of Memphis Law Review - *Pimps Down: A Prosecutorial Perspective on Domestic Sex Trafficking.* 43 U. Mem. L. Rev. 1013, Westlaw cite 43 UMPSLR 1013.

- Butler Snow Blog - *Court Slams DOJ By Dismissing The Majority Of Indictment Against Fedex – Rules The Defense Does Not Have A Duty To Correct DOJ's Mistake.* June 8, 2016.

Appendix 2: References

Law Enforcement Leaders
Theron "T" Bowman

Commander, Compliance Bureau – New Orleans, LA Police Department Consent Decree	*Deputy Chief, Public Integrity Bureau –, New Orleans, LA Police Department Consent Decree*
Otha Sandifer Commander, Compliance Bureau New Orleans Police Department 715 S. Broad Street New Orleans, LA 70119 504.658.5253	**Arlinda Westbrook** Deputy Chief, Public Integrity Bureau New Orleans Police Department 715 S. Broad Street New Orleans, LA 70119 504.329.1209
Chief of Police – Louisville, KY Police Department **Steve Conrad** Chief of Police Louisville Metro Police Department 633 W. Jefferson Street Louisville, KY 40202 502.574.7660	*Chief of Police – Little Rock, AR Police Department* **Kenton Buckner** Chief of Police Little Rock Police Department 700 West Markham Little Rock, AR 72201 501.371.4621
Robert McNeilly	
Senior Resident Follow for Urban Development – Urban Land Institute **Tom Murphy** Former Mayor - City of Pittsburgh 2210 Perrysville Ave. Pittsburgh, Pa. 15214 412-231-0410 **Tom.Murphy@ULI.org**	*Executive Director – Police Executive Research Forum* **Chuck Wexler** Executive Director Police Executive Research Forum 1120 Connecticut Ave. NW Suite 930 Washington, DC 20036 202-466-7820 **cwexler@POLICEFORUM.org**
Chief of Police – Charlotte, N.C. Police Department **Dennis Nowicki** Current deputy monitor for the City of New Orleans consent decree; 4N400 S. Robert Frost Circle St. Charles, IL 60175 630-853-7866 **nopdmonitor_den@att.net**	*Sheriff – Allegheny County, PA* **William Mullen** Sheriff, Allegheny County, PA 436 Grant Street., Room 111 Pittsburgh, Pa. 15219 412-292-4736 **WMullen@alleghenycourts.us**

Commander – New Orleans Police Department **Gwen Nolan** Commander, New Orleans Police Department Public Integrity Bureau 1340 Poydras Street, Suite 1900 New Orleans, LA 70112 504-416-1762 **gmnolan@nola.gov**	

Robert L. Stewart	
Virgin Islands Consent Decree **Curtis Griffin** Assistant Commissioner Virgin Islands Police Department Alexander Farrelly Criminal Justice Center Charlotte Amalie St. Thomas, VI 00802 (340) 774-2211 **cgriffin@vipd.gov.vi**	*Authority Officer Involved Shooting Investigations – Independent Audit of the (Chicago) Independent Police Review* **Christina M. Egan** Partner McGuireWoods LLP Suite 4100 Chicago, IL 60601-1818 (312) 750 8644 **cegan@mcguirewoods.com**
Chief of Police - Detroit Police Department **James Craig** Chief of Police Detroit Police Department 1301 3rd Avenue Detroit, Mi. 48226 (313) 596-2200 **craigj@detroitmi.gov**	*Director of Training – Louisville Metro Police Department 2004-2005* **Robert C. White** Police Chief Denver Police Department 1331 Cherokee Street Denver, Colorado 80202 (720) 913-6527 **robert.white@denvergov.org**

Mary Ann Viverette	
New Orleans, LA Police Department Consent Decree **Jonathan Aronie** Lead Monitor, NOPD Consent Decree Sheppard Mullin Richter & Hampton LLP 2099 Pennsylvania Avenue, NW, Suite 100 Washington, DC 20006-6801 (202) 747-1902	*Chief, Compliance Bureau - New Orleans Police Department* **Daniel P. Murphy** Chief, Compliance Bureau New Orleans Police Department 2013-2017 (ongoing) 715 South Broad Street New Orleans, LA 70119 (504) 658-5080

Commander Criminal Investigations Bureau – City Of New Orleans **Doug Eckert** Commander Criminal Investigations Bureau 715 South Broad Street New Orleans, LA 70119 (504) 658-5302	*Compliance Bureau Manager – City Of New Orleans* **Denise Chandler** Compliance Bureau Manager 715 South Broad Street New Orleans, LA 70119 (504) 210-9217
Cassi Fields, Ph.D. VP, Fields Human Capital Division, ESCI CEO, Fields Consulting Group 6861 Elm Street McLean, VA 22101	
Jerry L. Clayton	
Subject Matter Expert – Detroit, MI Police Department Consent Decree **Honorable Judith Levy** U.S. District Court Judge Eastern District of Michigan Federal Building 200 E. Liberty Street, Suite 300 Ann Arbor, MI 48104 Courtroom: 100 734.887.4700	*Consultant – Reno, NV Police Department* **Shannon Wiecking** Commander Administrative and Support Division Reno Police Department 1 East First Street Reno, NV 89501 775.334.2421
Sondra Goldschein Deputy National Political Director American Civil Liberties Union 125 Broad Street, 18th Floor New York, NY 1004 212-5439-2628 **Sgoldschein@aclu.orgh**	*Consultant – Kalamazoo, MI Police Department* **Chief Jeffrey Hadley** 150 E. Crosstown Parkway Kalamazoo, MI 49001 **269.337.8120**
Sergeant - Detroit Police Department **Shelley Holderbaum** Sergeant Detroit Police Department OIC TCRU 1301 Third Street Detroit, MI 48226 313.267.4646 **holderbaums080@detroitmi.gov**	*Special Counsel – Special Litigation Section - U.S. Department of Justice* **Jude Volek** Special Counsel Special Litigation Section Civil Rights Division U.S. Department of Justice 202-353-1077 **Jude.Volek@usdoj.gov**

Subject Matter Expert - Suffolk County, NY Police Department	*Consultant – Aurora, IL Police Department*
Brian Buehler Trial Attorney U.S. Justice Department Civil Rights Division Special Litigation Section 202.353.1100 **brian.buehler@usdoj.gov**	**Chief Dan Oates** Miami Beach Police Department 1100 Washington Avenue Miami Beach, Fl. 33139 305.673.7925 **danieloates@miamibeachfl.gov**

Sherry E. Woods	
Judith E. Levy Judge, U.S. District Court for the Eastern District of Michigan (former Assistant United States Attorney) Federal Building 200 E. Liberty St., Suite 300 Ann Arbor, MI 48104 (734) 887-4700 **judith_levy@mied.uscourts.gov**	**Joseph Buczek** Chief Compliance Officer - Investigations Marsh & McLennan Companies 1166 Avenue of the Americas New York, NY 10036 (347) 443-7409 **Joseph.Buczek@mmc.com**
Sergeant – Detroit Police Department **Shelley Holderbaum** Sergeant, Detroit Police Department OIC TCRU 1301 Third St. Detroit, MI 48226 (313) 267-4646 (work) **Holderbaums080@detroitmi.gov**	*Supervising Investigator – Detroit Police Department* **Ainsley Cromwell** Supervising Investigator Office of the Chief Investigator, Board of Commissioners Detroit Police Department 1301 Third Street 7N Detroit, MI 48226 (313) 596-2479 **cromwella@detroitmi.gov**

Mike Teeter	
Former Monitor – East Haven, CT *Former Chief Inspector – Gardia Síochána Inspectorate, Ireland* *Former Commissioner – Boston Police Department* **Kathleen O'Toole** Chief of Police, Seattle Police Department PO Box 34986 Seattle, WA 98124 206-684-5577 **Kathleen.OToole@seattle.gov**	*Former Supervising Assistant City Attorney assigned to Consent Decree, Seattle City Attorney's Office* **Brian Maxey** Chief Operating Officer, Seattle Police Department PO Box 34986 Seattle, WA 98124 206-615-0764 **Brian.Maxey@seattle.gov**

Assistant Chief, Compliance and Professional Standards Bureau - Seattle Police Department	Former Chief of Police – Seattle Police Department
Lesley Cordner Assistant Chief, Compliance and Professional Standards Bureau, Seattle Police Department PO Box 34986 Seattle, WA 98124 206-684-8776 **Lesley.Cordner@seattle.gov**	**Jim Pugel** Chief Deputy, King County Sheriff's Office King County Courthouse 516 Third Avenue, Room W-150 Seattle, WA 98104 206-263-2566 **Jim.Pugel@kingcounty.gov**

Academic Experts	
Randolph Dupont, Ph.D.	
Crisis Intervention – Seattle, WA Police Department Consent Decree **Mike Diaz** Assistant United States Attorney United States Attorney's Office Western District of Washington 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 206.553.4358 **michael.diaz@usdoj.gov**	*Crisis Intervention -- San Francisco, CA Police Department* **Angela Chan** Policy Director-Senior Staff Attorney Criminal Justice Reform Program Asian Americans Advancing Justice – Asian Law Caucus 55 Columbus Avenue San Francisco, CA 94111 Former member - San Francisco Police Commission 415.848.7719 **angelac@advancingjustice-alc.org**
Crisis Intervention -- New Orleans, LA Police Consent Decree **Danny Murphy** Consent Decree Compliance Manager New Orleans Police Department Compliance Bureau 715 S. Broad Street New Orleans, LA 70119 504.658.5080 **dpmurphy@nola.gov**	*Crisis Intervention – Collingswood Police Department and New Jersey State Police* **Chief Thomas Garrity, Jr, MA** Chief - Security Staff, Supervisory Security Specialist Administrative Office of the US Courts (AO – US Courts) Washington, District of Columbia Former Police Chief – Collingswood, NJ 202.502.1241 **tgarrity@ccprosecutor.org**
Dr. Geoffrey Alpert	
Deputy Superintendent –New Orleans Police Department consent decree **Danny Murphy** Deputy Superintendent Compliance Bureau New Orleans Police Department (504)658-5080 **dpmurphy@nola.gov**	*Compliance Officer and Community Liaison -Portland Police Bureau settlement agreement* **Dennis P. Rosenbaum,** Compliance Officer and Community Liaison Portland, Oregon 847.271-2469 **dennisrosenbaum3@gmail.com**
Principal Investigator – National Institute of Justice **Brett Chapman, Ph.D.** National Institute of Justice Washington, DC (202) 514-2187 **Brett.Chapman@usdoj.gov**	

Dr. John L. Lamberth	
Chief - Kalamazoo Department of Public Safety **Chief Jeffrey Hadley** Kalamazoo Dept of Public Safety 150 E. Crosstown Parkway Kalamazoo, MI 239.337.8431 **hadleyj@kalamazoocity.org**	*Attorney General of MA project for Biased Based Policing Training for Police* **Professor Deborah Ramirez** Northeastern School of Law Boston, MA **d.ramirez@northeastern.edu** 781.454.7526
US Department of Justice **Edward G. Caspar** US Department of Justice **Edward.G.Caspar@usdoj.gov**	

Dr. Ellen Scrivner	
Deputy Chief – New Orleans Police Department **Daniel P. Murphy** **Deputy Chief** Compliance Bureau, New Orleans Police Department 715 S. Broad Street, New Orleans, LA 70119 (504) 658 5080 **dpmurphy@nola.gov**	*Seattle Monitoring Team* **Assistant Attorney General Julio A. Thompson** State of Vermont/Burlington. Vermont AG's Office, 109 State Street, Montpelier, VT, 05609. (802) 828-5519 **julio_thompson@hotmail.com**.
Consultant –Minneapolis Police Department **Hildy Saizow, MA.** Senior Diagnostic Specialist to Booz-Allen-Hamilton/OJP Diagnostic Center. (602) 790-8581 **hsaizow@cox.net**	*Former Commissioner –Bureau of Customs and Border Protection;* *Executive Director –Office of National Drug Control Policy;* *Chief of Police–Seattle.* **Gil Kerlikowske** Currently at Northeastern University having finished a Fellowship at Harvard. 4286 Massachusetts Ave. NW, Washington, DC, 20016 (202) 237-1899 **gilkerlikowske@hotmail.com.**
Community Policing Initiatives – COPs Office **Katherine McQuay** COPs Office Currently Acting Deputy Director, Office of Community Oriented Policing Services (COPS Office) USDOJ. 145 N St., NE, Washington, DC 20530 (800) 421-6770 **katherine.mcquay@usdoj.gov**	*New Orleans Monitoring Proposal and police reform initiative with the City of Baltimore Police Department.* **Terry Hillard** TGH Consultants Former Superintendent of the Chicago Police Department and Founding Partner of Hillard-Heintze (Ret.). 30 South Wacker Drive, Suite 1400 Chicago, IL 60606 (773) 213-2686 **terryhillard@aol.com**

Legal Team	
Ken Thompson	
Joseph Haskins President Harbor Bank 2 West Fayette St. Baltimore Md. 21201 **jhaskins@theharborbank.com**	**Raymond a Skinner** East Baltimore Development Corporation, Inc., 1731 East Chase St. Baltimore, Md. 21213 **Raymond.skinner@ebdi.org**
Seth Rosenthal	
Clement V. Mitchell Chief Executive Officer Bilfinger Government Services Holding, GmbH 4310 Prince William Parkway, Suite 201 Woodbridge, VA 22192-5199 703.586.6060 **clem.mitchell@bilfinger.com**	**Honorable Robert L. Wilkins** U.S. Court of Appeals for the District of Columbia Circuit 333 Constitution Avenue, NW #5205 Washington, DC 20001 202.216.7240
Honorable Karl Racine Attorney General for the District of Columbia Office of the Attorney General 441 4th Street, NW Washington, DC 20001 202.727.3400 **karl.racine@dc.gov**	*Corporate Investigations and Compliance Reviews (Privileged Matters)* **Matthew Lepore** General Counsel 973.245.7813 **matthew.lepore@basf.com** **Sneha Desai** Associate General Counsel 973.245.6016 **Sneha.desai@basf.com** **Jonathan Harper** Associate General Counsel +49.621.6048916 jonathan.j.harper@basf.com BASF Corporation Florham Park, NJ 07932 BASF SE, Registered Office: 67056 Ludwigshafen, Germany
Kerry Richard Vice President and Senior Deputy General Counsel MedStar Health, Inc. 2000 15th Street North Arlington, VA 22201 703.558.1105 **Kerry.M.Richard@medstar.net**	

Steve Parker	
Superintendent – New Orleans Police Department **Michael Harrison** Superintendent New Orleans Police Department 715 S. Broad Street New Orleans, LA 70113 Office (504) 658-5760 **msharrison@nola.gov**	*Deputy Chief – New Orleans Police Department* **Arlinda Westbrook** Deputy Chief New Orleans Police Department Public Integrity Bureau 118 N Rocheblave St, New Orleans, LA 70119 Office (504) 658-6800 Cell (504) 329-1209
Department of Justice **Roy Austin, Jr.** Harris, Wiltshire & Grannis LLP 1919 M Street N.W., 8th Floor, Washington, D.C. 20036-3537 Office: (202) 730-1333 **raustin@hwglaw.com**	*New Orleans Independent Court Monitor* **Jonathan Aronie** Independent Court Monitor Sheppard Mullen Law Firm 2099 Pennsylvania Avenue, N.W. Suite 100 Washington, DC 20006-6801 Office (202) 747-1902 Cell (202) 302-4855 **jaronie@sheppardmullin.com** **Chief Dennis Nowicki** Deputy Independent Court Monitor Office (630) 584-0353 Cell (630) 853-7866 **nopdmonitor_den@att.net** **David Douglas** Deputy Independent Monitor Sheppard, Mullin, Richter & Hampton LLP 2099 Pennsylvania Avenue, N.W. Suite 100 Washington DC 20006-6801 Office (202) 747-1904 Cell (202) 309-2054

New Orleans Community **Mary Howell** Attorney 205 S. Telemachus, New Orleans, LA 70119 Office (504) 822-4455 Cell (504) 822-4455 **maryhowell316@gmail.com** **Wesley Ware** Operation Breakout 1001 S. Broad St. #119 New Orleans, LA 70125 Office: (504)473-2651 **Susan Hutson** New Orleans Independent Police Monitor 525 St. Charles Ave New Orleans, LA 70130 Office: (504)681-3275 Cell: (504)427-3774 **shutson@nolaoig.org**	

Appendix 3: Writing Samples

DATA COLLECTION AND BENCHMARKING OF THE BIAS POLICING PROJECT

Final Report for the Metropolitan Police Department in the District of Columbia

Written by: Dr. John C. Lamberth
Lamberth Consulting

September 2006

LAMBERTH CONSULTING

Lamberth Consulting was formed in 2000 in an effort to provide racial profiling assessment, training, and communication services to universities, states, counties, cities, civil rights groups, litigators, and communities.

Dr. John Lamberth, CEO and founder of Lamberth Consulting, developed the nation's first racial profiling methodology in 1993. Since that time we have revised and adapted our methodology for highways, urban areas, suburban areas, and pedestrian populations. We have expanded our service offerings to include training solutions targeted towards law enforcement and community members, as well as communication planning services to help educate and inform all parties concerned about racial profiling issues.

Lamberth Consulting, LLC
20 West Miner Street
West Chester, PA 19317
phone 610.358.5700
fax   610.358.2890
on the web www.lamberthconsulting.com
email us at info@lamberthconsulting.com

LAMBERTH CONSULTING

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ACKNOWLEDGEMENTS

We would like to thank the Metropolitan Police Department (MPD) for their support and cooperation during the course of this study. From the beginning of the effort, we were able to call upon the resources of the Department for the components that are necessary to complete a study of this nature. For a period of 6 weeks we had surveyors out on the streets of the District of Columbia at all hours of the day or night. The Department provided manned vehicle escort for all survey sessions, which allowed the surveyors to concentrate on their basic task, accurately determining the race/ethnicity of motorists. Each benchmark location was observed in daylight and/or at night, and MPD personnel accompanied us on all of those observational trips.

We worked closely with members of the agency to understand traffic patterns and enforcement. They provided us with information about police activity, special deployments, special circumstances within the City that influenced policing, and many other aspects of their work that would be necessary for us to understand when conducting this study. We thank them for their willingness to share their knowledge of this jurisdiction with us.

The successful identification of benchmark locations and of stop data that accurately reflects traffic in that location is essential to the successful completion of a study of racial profiling. The personnel of the Department who were assigned to this project worked and shared their insight and experience with us and helped to make the study run smoothly. Completing a project of this magnitude in the time frame allotted required superior cooperation from the Department, which we greatly appreciate.

It is impossible to thank everyone who assisted in this project, but we would particularly like to thank Chief Charles Ramsey for his support and Anne C. Grant, Director of the Research and Resource Development Division, who were instrumental in the successful completion of the project. We would like to extend special thanks to Captain Ricky Mitchell for his diligence and unwavering support in providing information and accompanying us when we observed potential benchmarking locations, coordinating vehicle escorts for surveyors, and providing critical information relative to the functioning of MPD. We would also like to extend thanks to Peta Myers, Research Analyst with the Research and Resource Development Division, whose hands-on assistance with the data throughout the project proved very helpful.

We would also like to thank the individuals of the Community-Police Task Force for their critical review of the approach to conduct this study. These members included James D. Berry, Jr., Stephen Block, Cynthia Brock-Smith, Phillip Eure, Ronald Hampton, Bradley Hicks, Alexander M. Padro, Richard J. Rosendall, Mark Thompson, Nawar Shora, Nola Joyce, Michael J. Fitzgerald, William Ponton, Ani Russell, Kevin Morrison, Tejpal Chawla, Debra Hoffmaster, Richard J. Rosendall, Sampson O. Annan, Bradley Hicks, Enrique Rivera, and Charles H. Ramsey.

We would like to thank the MPD for their attention to the data collection effort. The collection of these data allowed for a much more complete analysis.

Finally, we would like to thank the Office of Community Oriented Policing Services (COPS), Department of Justice, which provided funding for this project.

EXECUTIVE SUMMARY

The past decade has seen increased awareness of the issue of racial profiling among lawmakers, law enforcement agencies, and the communities in which they work. As a result, data collection efforts have begun in many jurisdictions. Some efforts are due to threats of litigation or settlements; others have been legislatively mandated, while still others have been voluntary in nature. The Metropolitan Police Department (MPD) data collection efforts fall into this latter category. Collecting traffic stop data is of little use unless some level of analysis of that data is conducted. Further, for the analysis to have meaning, some level of action must be taken resulting from interpretation of the analysis results. If the analysis demonstrates that stop practices are unbiased, then the agency should ensure that community members and other stakeholders are aware of this and the agency and officers should be congratulated for their practices. If the analysis demonstrates that issues exist that may be caused by bias, then the agency should commit real resources to the issue and seek to change the behaviors that led to this concern.

One of the major issues in data analysis to date has been in determining the appropriate benchmark or standard to which the stop data are to be compared. The methodology employed in this study is one that has been employed in several studies across the country and is relied upon by several courts. This methodology employs what we believe to be the only appropriate benchmark for such an analysis; that is, a direct measure of the transient populations (driving populations and pedestrian populations) in specific locations. This allows a comparison of racial/ethnic groups as they are represented in the transient population to police stops of those groups at specific locations.

This study addressed the following questions:

- Is there evidence of racial profiling by the MPD?

- Which minority groups (i.e., Blacks and Hispanics), if any, are targeted?

- In which locations is profiling of any group likely to occur?

- Are Black and/or Hispanic drivers more likely to drive 11mph or more over the speed limit than White drivers?

MPD began collecting data a number of years ago using the PD 76 form. The form was adapted prior to the start of this study and has been adapted during the course of the study. The data utilized for analysis were collected between February 2005 and January 2006. Data on the transient traffic population were collected at 20 locations throughout the city during November and December of 2005. These locations were selected due to the high number of stops at each, traffic patterns that were relatively representative of the jurisdiction[1] and accessibility for surveyors. Traffic surveys, including those for the photo radar and red light camera locations, were conducted by highly trained surveyors on randomly selected days and times at each location over a three-month period. These surveys provided the benchmark data to which stop data for that location were compared. Five locations were also benchmarked for the pedestrian transient population. In addition, the five photo radar locations were not only benchmarked, but the race/ethnicity of those exceeding the speed limit by at least 11 mph was also collected.

The results of this study with respect to traffic are excellent and about as good as can be expected. They provide no evidence of targeting of either Blacks or Hispanics in Washington, DC by the MPD. The proportion of Black and Hispanic motorists stopped at the 20 locations

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[1] Every effort was made to benchmark locations in all Police Districts in the District.

was virtually the theoretically expected outcome based upon their presence in the transient

population[2].

The pedestrian transient population was monitored at five locations. At three locations

the benchmark data indicated that the transient population was made up of overwhelmingly

Black pedestrians. However, at the location where the pedestrian population was roughly evenly

divided between Black, Hispanic, and White pedestrians, there was a somewhat elevated

tendency to over-stop Black and Hispanic pedestrians. At the location where White pedestrians

were a large majority, there was strong evidence that Black pedestrians were being targeted.

There was no evidence that either Black or Hispanic motorists are more likely to exceed

the speed limit by 11 mph or more than are any other drivers. In fact, slightly fewer Black and

Hispanic motorists than expected were identified as violating speed laws[3].

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[2] Note that the 20 locations selected for surveying were not randomly selected and results, thus, cannot be generalized to the entire city of Washington DC.

[3] Some have questioned whether an underrepresentation of Black and Hispanic motorists among the motorists egregiously speeding actually means that proportionate representation of motorists stopped by MPD indicates an over-stopping of Black and Hispanic motorists. In our view, speeding is but one violation among hundreds for which motorists can be stopped. In addition, there are at least two potential reasons for stopping minority motorists more than nonminority motorists as explained on pp. 53-54 of this report. Thus, it would not be appropriate to suggest that MPD over-stops black motorists based upon the speeding findings.

INTRODUCTION

Representatives from minority groups have provided anecdotal evidence of racial

profiling by law enforcement agencies on the roadways that spans back decades. The specific

measurement of the practice, however, was not formalized until 1994. During a criminal

litigation case in New Jersey (*State v. Soto* et al.), a group of defendants alleged that New Jersey

state troopers were targeting and stopping minorities on the highway, not because of their

driving behavior, but because of the color of their skin. During the course of this case, the race

and ethnicity of the driving population was observed and recorded on portions of the New

Jersey Turnpike[4]. The driving population was then compared to the racial and ethnic make-up of

the individuals stopped in New Jersey to determine whether a disproportionate percentage of

minority drivers were being stopped relative to their presence on the roadway. This method was

also used in Maryland (Lamberth, 1996) during a civil litigation case (*Wilkins v. Maryland State

Police*) in which Robert Wilkins alleged that the rental car driven by his cousin on the Maryland

State highway was stopped and searched by a drug-sniffing dog due to a "profile" prepared by

the Maryland State Police that included Black males driving rental cars.

In the former case, the courts held for the defendants. The latter case was settled, and the

issue of racial profiling began to develop greater national attention and exposure. It is important

to note that the early work performed in this field, while groundbreaking, was limited because it

was conducted within the context of litigation. That is, the issue was reviewed in a combative

forum between community and law enforcement participants. The work was completed slowly,

and dialogue surrounding the science was limited. A dramatic shift resulting from state

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[4] Lamberth, J. Revised Statistical Analysis…(1994) Available at
http://www.lamberthconsulting.com/downloads/new_jersey_study_report.pdf

legislation and agency participation and leadership relative to this science began to take place in

the late 1990s. State legislatures have mandated data collection and/or developed laws

prohibiting racial profiling by law enforcement agencies. At the time of this report, 26 states

have enacted legislation relative to this issue. An additional 12 states have legislation pending

on the issue, and agencies in all but 2 states in the nation have undertaken data collection efforts

due to mandate, decree, or of their own volition. Several significant events have occurred

nationally that have influenced this shift in focus and have helped to direct activities in this

field.

In June 1999, the Department of Justice (DOJ) hosted a conference on "Strengthening

Police-Community Relationships." The conference recognized that police are more effective

when they have the trust and cooperation of the residents in their community. However, in many

communities, especially minority communities, a lack of trust remains between law

enforcement and local residents. This tension is exacerbated by allegations of police misconduct

such as racial profiling.

The conference highlighted the need to identify proactive police practices to build trust,

enhance police integrity and reduce police misconduct. Members at the conference determined

that collecting data on traffic and pedestrian stops, analyzing this data, and providing the results

for public review can help to shift debates on racial profiling from anecdotal reports to informed

discussions. By being proactive about recognizing and addressing racial profiling, police

communities can go a long way towards managing perceptions around racial profiling and

strengthening police-community relationships.

In February 2000, the DOJ held a conference entitled "Traffic Stops and Data Collection: Analyzing and using the Data." In this session, more than 75 federal, state, and local police administrators, prosecutors, civil rights advocates, and government officials as well as police labor leaders, researchers, and community leaders gathered to examine the collection, analysis, and use of data on traffic, pedestrian, and other law enforcement stops. Collectively the participants reached several conclusions:

- Traffic stop data collection systems are needed to respond to the perceptions of racial profiling, to measure the reality, and to bridge the gap between minorities and police.

- Core data elements of traffic stop systems should include: date and time, location, race and ethnicity, gender, reasons for initiating the stop, actions taken by the officer, and duration of the encounter.

- Benchmarks for comparing data collected on stops are essential for conducting valid analyses. Without valid control groups, supportable statistical analyses are not possible.

- Data that is complete, accurate, and truthful is critical.

- Analysis of data must be conducted by a capable and credible party.

- Publicizing traffic stop data can help to build trust between public law enforcement agencies and the public.

In August of 2001, the Police Executive Research Forum, under a DOJ grant, held a conference for leading researchers in the field to discuss issues relating to benchmarking for stop data collection and analysis. The conference was attended by social scientists, legal scholars, and practitioners from several police departments. This conference was the first of its kind to bring leading scientists and researchers together to discuss the best methods for analyzing stop data.

In March of 2003, the SOROS Foundation provided support for a conference on racial profiling that was co-hosted by the Institute on Race and Justice at Northeastern University, the

American Civil Liberties Union, the National Organization of Black Law Enforcement

Executives, and Lamberth Consulting. The Conference, "Confronting Racial Profiling in the

21st Century: Implications for Racial Justice," featured 30 of the leading researchers in the

country. The intent of the conference was to bring together researchers, law enforcement

representatives, and community representatives to collectively review the latest and most

progressive methods for stop data collection and analysis. The conference also focused on post-

stop activity, community engagement, and data auditing as primary subject topics.

In November 2003, the Northwestern University Center for Public Safety and the Police

Executive Research Forum held the Third National Symposium on Racial Profiling. The third

day of that conference was given over to discussing issues of data collection and analysis.

Specifically, issues of risk management, benchmarking, post-stop activity, and related topics

were discussed. Observational benchmarks, which were pioneered by Lamberth Consulting,

were cited as the most used and reliable of the strong benchmarks discussed.

In February of 2004, the Office of Community Oriented Policing Services (COPS) of the

Department of Justice sponsored the Western Regional Racially Biased Policing Summit in

conjunction with the City of Sacramento and the Sacramento Police Department. This

conference explored benchmarking, post stop analyses, community police engagement, training,

and a variety of other issues integral to the racial profiling debate.

In the summer of 2004, the COPS Office funded two workshops hosted by the Police

Executive Research Forum on the assessment of Racial Profiling and the best practices for

conducting assessments.

In January 2005, the Open Justice Initiative hosted a workshop in Budapest, Hungary in which ethnic profiling was considered as an issue in several European countries. John Lamberth presented a paper on the methodology utilized in the United States that allowed for the scientific study of racial profiling. Among other outcomes, this initiative led to a monograph, "Ethnic Profiling by Police in Europe," and a study of ethnic profiling in the Moscow metro system.[5]

From these and other conferences, a central and critical focus has become clear. To manage public perception about racial profiling and to strengthen community-police relationships, the method used for collecting and analyzing stop data is critical. Two primary components must be in place to determine whether racial profiling is occurring: benchmarks and complete stop data.

Benchmarks

When a police department develops stop data that designates the race/ethnicity of each motorist stopped, the next necessary ingredient for accurately analyzing those data is the data against which to compare the stops. This has been termed the "denominator" issue by some, but we prefer to refer to this comparison data as the benchmark. Knowing that a police department stops 50% Black motorists does not tell us anything about whether they are targeting Black motorists, because until we know how many motorists who are Black are driving on the streets and highways patrolled by that police department, we are not in a position to assert that police are stopping too many Black motorists, about the right percentage, or too few.

Some researchers in the late 1990s and early 2000s proposed that census data might estimate driving populations reasonably well. Studies were conducted for individual

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[5] Ethnic Profiling in the Moscow Metro. (2006). Open Society Institute, New York, N.Y.

jurisdictions and for some states using census data as the primary data set for benchmarks.

Examples include San Diego[6], Connecticut[7], and the Texas Department of Public Safety[8], 2000.

These data were also attractive to other organizations, such as newspapers, which had easy

access to census data. Journalists reported on simple percentage comparisons of stop data

against census data estimates, often claiming that these differences indicated racial profiling.

The field has since learned that census data do not provide a good estimate of driving

populations. Today, experienced researchers argue against the use of these data[9], citing, for

example, that census data alone do not account for driving populations such as commuter

traffic, university populations, and tourists.

The benchmark that has both been relied upon by courts in reaching decisions (Soto,

1996; Wilkins, 1996; Foulkes, 2000) and utilized by other researchers in attempting to validate

possible alternative benchmarks[10] (Alpert, Smith & Dunham, 2003, Farrell, et al., 2004) is

observations of traffic. Observational surveys of specific locations are reliable measures of the

traffic from which police officers select motorists to stop at that location and thus are

appropriate benchmarks.

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[6] Cordner, et al. (2001) Vehicle stops in San Diego, 2001. Available at
http://www.sandiego.gov/police/pdf/stoprpt.pdf

[7] Cox, et al. (2001) Interim report of traffic stops statistics for the state of Connecticut. Available at:
http://www.ocjc.state.or.us/Racial_Profiling/ct.pdf

[8] Traffic Stop Data Report, 2001. Available at:
http://www.txdps.state.tx.us/director_staff/public_information/trafrep2001totals.pdf

[9] Fridell, L. (2004) By the Numbers. Available at:
http://www.policeforum.org/upload/BytheNumbers%5B1%5D_715866088_12302005121341.pdf;

Farrell, et al. (2005). Learning from Research and Practice. Available at:
http://www.racialprofilinganalysis.neu.edu/IRJ_docs/Report_NewChallenges21.pdf

[10] Alpert, et al. (2003) The Utility of Not at Fault Traffic Crash Data in Racial Profiling Research. Farrell, et al.
(2003) The Driving Population Estimate Available at:
http://www.racialprofilinganalysis.neu.edu/IRJ_docs/Report_NewChallenges21.pdf

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Complete Stop Data

The second set of critical data is the police stop data. These data are a compilation of all traffic stops that are initiated by the officer. This includes stops that result in a citation as well as those that do not. It excludes stops that are made by officers in which they are instructed as to which motorists to stop, such as those made during a DUI checkpoint, or stops made of individuals who fit the description of a suspect in a particular crime (be on the lookout stops). Pedestrian stops are those self-initiated stops made by officers for investigative purposes. Pedestrian encounters that occur because of an officer's wish to talk to and get to know residents in a particular area, but are not investigatory in nature, are not included in the pedestrian stop database.

The MPD collects data on both traffic and pedestrian stops using the PD 76 form. Officers are instructed to fill out the PD 76 form whenever a traffic stop is made, whether it is self-initiated or the result of a spot check. Vehicle spot checks occur during DUI checkpoints and other similar programs in which vehicles at specific points are checked. Generally speaking, the vehicle to be checked is predetermined; i.e., every vehicle, every third vehicle, or some other variant of predetermination that is used for the selection of the vehicles that are actually stopped. For purposes of this report, Lamberth Consulting advised and the MPD agreed that the appropriate stops to analyze were the vehicle stops, not the vehicle spot checks. This is because there is little or no officer discretion involved when a vehicle spot check is made. Pedestrian data are also collected on the PD 76 form with the appropriate notation that the particular stop was of a pedestrian.

Data Analysis Considerations

It should be noted that the question of how to perform data analysis is not simple, nor have all researchers historically agreed on the best methods to conduct the analysis. This makes sense given the relative youth of this discipline and the burgeoning nature of the issue. As mentioned previously, most researchers today agree that the best method for determining transient populations is observational surveys. It is important, however, to discuss some points of current interest and review in the academic community relative to conducting this type of analysis.

Violators

One question facing those attempting to analyze traffic stop data involves the selection of the most appropriate benchmark to use for comparison. A number of measures have been used in the research to date, and an open question remains as to whether using estimates of the population violating traffic laws is an improvement over estimates of drivers operating on a community's roadways. Courts (beginning with the *Soto* and *Wilkins* decisions) have stated that violators represent the appropriate measure, but then quickly changed their focus when it became obvious that the two were virtually synonymous.

Court decisions uniformly support the notion that any motorist violating a traffic law is subject to being stopped by police and are the appropriate group to benchmark. However, to date, empirical evidence supports the contention that traffic and violators are synonymous, and in the *Soto* case the court essentially used traffic and violators interchangeably.

The first scientific measurement of the appropriate comparison number for traffic stops determined both the proportion of Black motorists in the traffic stream and those violating at

least one traffic law (*New Jersey v. Soto, et al.*). The evidence in that case subsequently has

determined that the two are virtually synonymous. First in *Soto* and in *Wilkins v. Maryland State*

Police, virtually every motorist was speeding (98.3% in *Soto* and 93.3% in *Wilkins*). More

recently, Lamberth (2003)[11] reported a study in which police officers were given 5 minutes to

determine whether randomly selected cars were violating some traffic law. The study concluded

that fully 94% of the drivers were violating some law, and it took a mean of 28 seconds for the

officers to spot the violation.

For the reasons stated above, and due to constraints on resources, we have used the

traffic estimates as our benchmarks in Washington, DC. However, we should note that direct

research measuring differences between racial or ethnic groups and driving behavior is very

limited. While empirical evidence suggests that traffic violators and traffic motorists are

virtually identical, a question remains as to whether one racial or ethnic group is more likely to

violate traffic laws egregiously than another. That is, it is theoretically possible, while perhaps

not intuitive, that one racial or ethnic group is more likely to speed excessively, or drive

vehicles with severe vehicle codes violations, or run traffic lights more often, etc. To date,

empirical evidence is scant and mixed on the issue of whether one racial/ethnic group or another

violates traffic laws more egregiously than do others. Two studies commissioned by state police

agencies have found that minorities and particularly Black motorists violate speeding laws more

egregiously than do White motorists. Both of these studies considered excessive speeding

(defined as 15 mph above the limit) as the egregious violation to be studied. These studies have

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[11] Lamberth, John, "Measuring the racial/ethnic make up of traffic: The how, what and why." Paper presented at *Confronting Racial Profiling in the 21st Century: Implications for Racial Justice.* Boston, March, 2003.

been severely criticized on methodological grounds.[12] One study done under a DOJ grant also

suggests that Blacks speed more egregiously than do Whites. Finally, another study, conducted

by Lamberth Consulting has found that, while slightly more Black motorists apparently violate

the speeding laws more egregiously than do other groups, the differences are small and are

likely caused, at least in part, by the fact that there appear to be more young Black motorists on

the roadway than young White motorists. We feel that this area of research is vitally important

and to that end, with the agreement and support of MPD, designed the present study so that

some of the questions concerning differences in violation of traffic laws by different

racial/ethnic groups could be addressed.

Agency and Community Role

The early studies conducted in the context of litigation were necessarily limited in the

amount of agency and community participation to conduct the work. In more recent work,

researchers have had the benefits of working closely with agencies to conduct these studies.

Indeed, agency support for providing perspective, stop data, deployment patterns, enforcement

activities, crime statistics, policy and procedures, training, and other department information

and activities targeted towards these issues has provided a plethora of valuable information for

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[12] Lange, et al utilized pictures of motorists who were speeding 15 miles per hour (mph) or more over the speed limit. The major criticism of this study is the large percentage of pictures that could not be reliably classified as to the race of the driver. When the criterion was two out of three raters agreeing on the race of the driver, 32% of the pictures could not be classified. When all three raters had to agree, 60% of the data was unusable. Engle, et al. also argued that Black drivers and what they called non-Caucasian drivers (which included Hispanics, many of whom are Caucasian) were more likely to be speeding at least 15 mph above the speed limit than were white drivers. This study suffered from, among other things, the fact that 1) only drivers who were not in a group were selected to be measured as to their speed, 2) counties in Pennsylvania were not selected randomly for inclusion, 3) after 20 counties were chosen to be included in the study, an additional 7 counties were added and these new additions were much more likely to have Blacks and non-Caucasians as egregious speeders, and 4) the data underlying the study are not available to other researchers.

researchers studying this issue. We found the participation and contributions of the Metropolitan

Police Department invaluable in our efforts to conduct this study.

However, the communities and rank-and-file officers affected by this issue must also be

considered when conducting these studies. Practically speaking, if the results of any analysis

prove favorable to the agency, there may be some community representatives or civil rights

groups that have concerns about the legitimacy of the work produced by a researcher who is

paid by the agency. Conversely, results that reflect negatively upon an agency may be viewed

with skepticism by agency officers who do not engage in biased police practices.

We feel strongly that the best method to reduce the skepticism of both of these groups is

to involve them early and to keep them involved throughout the process. The MPD provided

community representatives an opportunity to learn about the project and methodology at the

outset of the program. In fact, the group that was responsible for reading the proposals

submitted to the City and selecting a researcher to conduct this study included not only

representatives from the City and the MPD but from the community as well. Further, the

Community-Police Task Force has met throughout this project, discussing issues, making

recommendations to the police, and commenting upon developments. We applaud the MPD for

their foresight in recognizing and working with the community. We strongly recommend that

future research efforts, in the city of Washington, DC or elsewhere, include both of these

stakeholder groups in efforts to conduct studies of this kind.

Metropolitan Police Department Initiative

As indicated earlier in this report, there are three ways that stop data collection studies

come about. Historically, the earliest of these were in connection with litigation. Subsequent to

litigation, some agencies have entered into consent decrees with the Department of Justice that have the effect of monitoring the agencies' activities with regard to the race/ethnicity of motorists stopped and whether there are differences in the way that different races/ethnicities are treated subsequent to the stop. Next, voluntary data collection was conducted by agencies dealing proactively with a potential problem. Finally, there are those agencies that collect these data in response to a legislative mandate. The data collection project in Washington, DC falls into the voluntary collection category.

The advent of community policing, which requires working with community members to prevent crime and the fear of crime, began in 1997 in the MPD. The effort was reinvigorated in 1998 when the current Chief, Charles Ramsey, began his tenure by setting the ambitious goal of making Washington, DC the safest city in America. *Policing for Prevention,* which is founded on the police conducting focused law enforcement and systemic prevention activities and entering into partnerships with the community to solve problems and share information, was adopted as the strategy to accomplish this goal.

In 2002 the Biased Policing Project, intended to strengthen partnerships with the community by ensuring that the delivery of police services is free of any bias, began. The first steps involved the development of the Community Police Task Force and Employee Committee, the development and implementation of a comprehensive citizen telephone survey, focus groups with community and agency members and a report on these activities by the Police Foundation. One of the recommendations of that report was that a stop data analysis research study be conducted. The present study is the result of the implementation of that recommendation by the MPD.

When the decision was made in 2005 to proceed with the stop data analysis portion of the Biased Policing Project, bids were solicited from a variety of vendors. The group that reviewed these proposals and decided upon Lamberth Consulting as the vendor consisted of MPD employees (Anne C. Grant and Lieutenant Linda Nischan) and a representative from the Task Force (Ronald Hampton).

The stop data collected for this study were collected using a modification of the existing PD 76 form. This form, which was modified with the input of the Task Force, has been the primary data collection instrument, but not the only one. Computer Assisted Dispatch (CAD) data were utilized in helping to determine the areas of the city where substantial numbers of stops of vehicles and pedestrians occurred. The benchmark data were collected by surveyors under the direction of Lamberth Consulting at various points in the city.

METHODOLOGY: OVERVIEW

The methodology used in this study has been developed and refined based upon experience with similar efforts in determining whether racial profiling is occurring in the states of New Jersey, Maryland, Arizona, Kansas, California, Texas, and Michigan (*State of New Jersey v. Soto*,[13] *Wilkins v. Maryland State Police*,[14] *Arizona v. Foulkes*[15], Lamberth, 2001, 2002, 2003), and through our experience in working with national leaders on this issue in US DOJ conferences and work sessions. Our belief is that the most effective approach is a holistic one and includes the assessment of racial profiling, intervention to train employees and to improve processes and behaviors if the problem exists, and communication with the stakeholder communities and groups that are affected by the practice.

It is not possible to conduct benchmarking in every part of a city or highway to assess racial profiling. The logic of our work, elemental to statistical analysis in other contexts, is to sample certain portions of city drivers on randomly selected days and times of day. This method enables the generalization of the study results to the police department's activity in the areas that we study. The selection of locations to assess in a city is necessarily determined by traffic patterns and police activity in that city. Days and times of day are selected randomly to assure the greatest generalization possible. In this study, we assessed in great detail specific locations within Washington, DC.

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[13] *State v. Pedro Soto*, A. 734A. 2d 350(N.J. Super: Ct. Law Div. 1996)

[14] *Wilkins v. Maryland State Police, et al.*, Civ. No MJG-93-468

[15] *State v. Barrington Foulkes, et al.*

As previously described, the appropriate standard of comparison, or benchmark, must be established. Existing stop data then must be compared against that benchmark to assess whether any group is stopped more frequently than their presence in the transient demographic would predict. That is, the percentage of minorities stopped by police departments must be compared to the benchmark data to assess whether minorities are stopped at a disproportionate rate to that at which they travel the roadways or walk on the streets. Furthermore, most experts agree that the appropriate benchmark is not city or surrounding area population that can be obtained in census data. The appropriate benchmark is the motoring, or transient, population.

The racial composition of this transient population may or may not mirror the population of the city or county. For example, as shown in Table 1, the Black population residing within the Wisconsin and M census tract is 3.1 percent[16]. If we used this percentage as the benchmark to which to compare the stops made by the MPD in that area, we would significantly underestimate the percentage of Blacks in the driving population (27.3%). However, as Table 1 shows, had census data been used to estimate the Black transient population at 1st and Channing, Black motorists would have been substantially overestimated.

Table 1 provides the percentage of Black motorists in the driving population at each of the traffic locations benchmarked in Washington, DC.

To provide a comparison to census data, the specific census tracts in Washington, DC that corresponded to the intersections that were benchmarked were determined. The Black and Hispanic populations in the census tracts at those intersections were then determined. This gives

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[16] These data were compiled by identifying the census tracts (i.e., geographic units that average 4,000 residents) contained within the perimeters of each benchmark location. Then, demographics were obtained from the U.S. Census Bureau. In cases where more than one census tract fell within these perimeters, weighted averages were calculated.

the most comparable census vs. traffic data for each minority at each location. Tables 1 and 2

provide both the observational and census data for each traffic location.

Table 1. Comparison of Census Tract and Traffic for Blacks

#	Location	Percent Black Census	Percent Black Benchmark	Comparative Disparity[17]
1.	4th St SE & Chesapeake SE	98.8	95.6	+ 3.2%
2.	1st St NW & M Street NW	93.2	69.8	+25.1%
3.	Alabama Ave SE & Ainger Pl SE	98.9	95.0	+ 3.9%
4.	17th St NW & Euclid St NW	34.1	35.5	- 4.1%
5.	5300 Blk Clay Ter NE	98.8	96.8	+ 2.0%
6.	Georgia Ave NW & Longfellow St NW	79.7	59.8	+25.0%
7.	Georgia Ave NW and Shepherd St NW	71.5	67.6	+ 5.5%
8.	Alabama Ave SE & F St SE	98.7	96.1	+ 2.6%
9.	3200 Blk 23rd St SE	98.8	91.8	+ 7.1%
10.	1st St NW & Channing St NW	92.5	66.7	+27.9%
11.	2700 Blk 13th St NW	65.1	50.4	+22.6%
12.	200 Blk Division Ave NE	98.9	93.6	+ 5.4%
13.	400 17th St NE	97.7	92.3	+ 5.5%
14.	14th St NE & Saratoga Ave NE	97.8	95.5	+ 2.4%
15.	2600 Blk Stanton Rd SE	98.7	93.7	+ 5.1%
16.	Montello St NE & Neal St NE	97.5	91.9	+ 5.7%
17.	11th St NW & Park Rd NW	62.9	53.2	+15.4%
18.	1st St NW & R St NW	92.7	72.9	+ 21.4%
19.	Wisconsin Ave NW & M St NW	3.1	27.3	-780.6%
20.	21st St NE & Maryland Ave NE	97.8	94.2	+ 3.6%

It is obvious that census data for Black residents overestimates the driving population in

18 of the 20 locations benchmarked. Only at Wisconsin and M and 17th and Euclid is this not

true. Washington, DC is a city in which the majority of the population is Black. In addition,

there are a large number of individuals who drive into the city each day from the surrounding

suburbs, and these factors contribute to the results shown in Table 1. The under-representation

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[17] The comparative disparity is computed by subtracting the benchmark percentage from the census percentage of the minority group and dividing by the census percentage. Therefore, a negative comparative disparity means that the minority is underrepresented by census data when compared to traffic.

of Black drivers by census data at Wisconsin and M is one of the largest that Lamberth

Consulting has encountered in our work around the country.

Table 2 provides the transient benchmark data and census data for Hispanics at the 20

traffic locations benchmarked.

Table 2. Comparison of Census Tract and Traffic for Hispanics

#	Location	Percent Hisp. Census	Percent Hisp. Benchmark	Comparative Disparity
1.	4th St SE & Chesapeake SE	0.5	1.8	-260%
2.	1st St NW & M Street NW	1.1	6.8	-518%
3.	Alabama Ave SE & Ainger Pl SE	0.7	1.6	-129%
4.	17th St NW & Euclid St NW	27.7	23.1	+ 17%
5.	5300 Blk Clay Ter NE	0.7	1.6	- 90%
6.	Georgia Ave NW & Longfellow St NW	15.5	15.1	+ 3%
7.	Georgia Ave NW and Shepherd St NW	25.7	10.4	+ 60%
8.	Alabama Ave SE & F St SE	0.8	2.0	-150%
9.	3200 Blk 23rd St SE	0.6	3.6	-500%
10.	1st St NW & Channing St NW	3.1	6.3	-103%
11.	2700 Blk 13th St NW	23.6	17.3	+ 27%
12.	200 Blk Division Ave NE	0.7	3.1	-342%
13.	400 17th St NE	1.4	3.7	-164%
14.	14th St NE & Saratoga Ave NE	1.5	3.3	-120%
15.	2600 Blk Stanton Rd SE	0.9	1.6	- 78%
16.	Montello St NE & Neal St NE	1.4	3.9	-179%
17.	11th St NW & Park Rd NW	32.5	20.5	+ 37%
18.	1st St NW & R St NW	2.8	5.7	-104%
19.	Wisconsin Ave NW & M St NW	4.5	5.7	- 27%
20.	21st St NE & Maryland Ave NE	1.3	2.7	-108%

Table 2 shows that in 5 of the benchmarked locations, census data overestimates the

Hispanic traffic, and in the other 15 it underestimates that traffic. In the 200 Block of Division

NE, census data underestimates Hispanic traffic by a factor of almost 3.5.

Tables 3 and 4 show the benchmark and census data for each of the five pedestrian

locations that were surveyed.

Table 3. Comparison of Census Tract and Pedestrians for Blacks

#	Location	Percent Black Census	Percent Black Benchmark	Comparative Disparity[18]
1.	4th St SE & Chesapeake SE	98.8	100.0	- 01%
2.	17th St NW & Euclid St NW	34.1	40.9	- 20%
3.	2100 Alabama Ave SE	99.0	99.4	-0.4%
4.	Wisconsin and M Street NW	3.1	13.0	-319%
5.	21st St NE & Maryland Ave NE	97.8	99.8	- 02%

Black pedestrians are underestimated by census data at all five of the locations

benchmarked. Note that four of the five intersections benchmarked for pedestrians were also

benchmarked for traffic. At two of them, Black traffic was underestimated by census data and

was overestimated by those data at the other two. It is equally important to provide an accurate

benchmark of pedestrians if pedestrian stops are to be considered. Note that while the

proportions of Black motorists and Black pedestrians are not largely different at 17th and Euclid,

Black motorists in the traffic stream at Wisconsin and M are more than twice as numerous as

are Black pedestrians.

Table 4. Comparison of Census Tract and Pedestrians for Hispanics

#	Location	Percent Hisp. Census	Percent Hisp. Benchmark	Comparative Disparity
1.	4th St SE & Chesapeake SE	0.5	0.0	+100%
2.	17th St NW & Euclid St NW	27.7	13.6	+ 50.1%
3.	2100 Alabama Ave SE	0.8	0.0	+100%
4.	Wisconsin and M Street NW	4.5	2.9	+ 35.6%
5.	21st St NE & Maryland Ave NE	1.3	0.2	+ 84.6%

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[18] The comparative disparity is computed by subtracting the benchmark percentage from the census percentage of the minority group and dividing by the census percentage. Therefore, a negative comparative disparity means that the minority is underrepresented by census data when compared to traffic.

Hispanic pedestrians are overestimated by census data at all five locations benchmarked. Of the four locations where both traffic and pedestrians were benchmarked, Hispanic motorists were underestimated by census data at three of the locations and overestimated at the other location.

Clearly, using census data for the city of Washington would have overestimated Black and Hispanic motorists and pedestrians at some locations and underestimated them at others. The discrepancy between the transient population and census data, and among different geographic locations, is fundamental to understanding racial profiling and assessing whether or not it is occurring. It is this precision of measurement—accurately identifying the transient population at specific locations—that the methodology used in this study allows.

Having determined the percentages of minorities in the driving population as the benchmarks, these data are then compared to the percentages of minorities stopped by MPD officers. The data sets that were utilized to determine the proportions of minority stops were provided to us by the MPD.

Red Light and Photo Radar Benchmarking

There was another component of the research in Washington, DC, namely, the issue of whether minority drivers violate traffic laws more egregiously than do nonminority drivers. To assess at least two components of this issue, five red light locations and five photo radar locations were benchmarked. The MPD utilizes both red light cameras to deter the running of red lights at specific locations and photo radar cameras to deter speeding. We will discuss these two related but methodologically different traffic law violation enforcement procedures separately.

Red light cameras are positioned around the city, typically at locations that have shown a relatively large number of accidents caused by motorists running red lights. It is generally agreed that running a red light is an egregious violation because of the high probability of an accident occurring when a motorist violates this traffic signal. To curtail such accidents, cameras are installed that take a picture of the car and the license plate of the car that runs a red light. The camera does not report an infraction unless the light is red when the car enters the intersection. The summons is sent to the owner of the vehicle that violates the law, not necessarily to the driver of the car. This introduces the first caveat to the results obtained here. There may be differences in the race of the owner of the vehicle and the driver of the vehicle. However, while we have no data to support this idea, it seems intuitive that people do not allow a great number of other drivers to use their vehicles and that many if not most of these "others" using the vehicle are family members.

In Washington, DC and Virginia, racial/ethnic statistics are not kept by vehicle owner. However, Maryland does keep racial statistics by vehicle owner. Therefore, the second caveat for analytic purposes is that only those vehicles from Maryland could be included in the analysis. While this certainly would have curtailed our ability to generalize the results that were obtained on Maryland motorists who drive in Washington, DC, in addition to the results observed in this study, we could have compared the red light camera data to Maryland motorists who drive in Montgomery County, MD, where Lamberth Consulting has collected comparable data. While our intentions were to conduct this analysis, we were unable to do so, as is described below.

Five locations were benchmarked for Red Light Camera analysis. These locations were chosen because of the large number of violations recorded. The Red Light Camera locations benchmarked were:

1. New York Ave NW W/B & 4th St NW

2. Rhode Island Ave NE W/B & Reed St NE

3. M St NW W/B & Whitehurst Frwy NW

4. New York Ave NE W/B & Montana Ave NE

5. South Capital St Ramp S/B before I St.

Photo radar cameras are used at a number of locations in the city to help curb excessive speeding. There are mobile and stationary locations for these cameras. Because the mobile locations are not in the same place every day and may be displaced by construction, breakdown in the vehicles that carry the equipment or availability of trained officers on a specific shift, the decision was made to benchmark five of the fixed photo radar locations. At each site, when a vehicle is exceeding the speed limit by 11 mph or more, the equipment detects the violation and takes a picture of the violating vehicle. This means, of course, that there is no one absolute speed at all locations that will trigger the camera, but it is tied to the speed limit at the specific location. The primary requirement for selecting the photo radar sites was a high volume of violations, but also important, since the vehicles benchmarked would be traveling at a relatively high rate of speed, were the number of lanes at the location. Locations with two lanes of traffic in the direction the camera was trained would be ideal.

The speed limit at the five locations selected ranged from 25 to 45 mph, meaning that the vehicles violating would be traveling at a reasonably high rate of speed, a minimum of 36 mph and ranging up to at least 56 mph. This fact would cause difficulties for monitors; therefore, it was decided to monitor only during daylight hours. Thus, the monitoring occurred between the hours of 6:30 AM to 5:30 PM.

In addition, not only were the locations benchmarked, but the surveyors were instructed to benchmark the location for a short period of time and then position themselves so that one of them could get the license plate of offending vehicles each time the strobe light attached to the camera went off while the other observer noted the race/ethnicity of the driver of the vehicle. This would allow a comparison of the observed violations with the license plate numbers of those violating at that location, which in turn would allow the determination of the actual speed of the violator as recorded by the photo radar camera. In this way, a more precise measurement of the actual speed of offending vehicles could be matched with the race/ethnicity of the driver. Other than those violations observed by our monitors, only those motorists from Maryland could be classified as to race/ethnicity. In an attempt to assure that enough violations were observed, the photo radar locations were observed for twice as long as were other locations. Calculations led to the conclusion that there would be at least 100 violations in the time our surveyors were at each location. This was true for photo radar locations but not for red light cameras because on average each photo radar location had far more violations than did each red light location.[19]

The five photo radar locations selected to be benchmarked were:

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[19] On average each of the 40 photo radar locations recorded 13,125 violations in 2005, while each of the 47 red light locations recorded only 1,748 violations in 2005.

1. 100 Blk Michigan Ave NE

2. 3rd St NW & Massachusetts Ave NW

3. 4700 Blk MacArthur Blvd NW

4. 5400 Blk 16th St NW

5. 600 New York Ave NE W/B.

During the development of the benchmarking plan, Lamberth Consulting and representatives from the MPD discussed this type of benchmarking and determined to go ahead with it because of its importance in understanding why there may be racial/ethnic differences in who is stopped. We understood that both of these types of enforcement relied on pictures of the license plate of the vehicle that was violating traffic laws and that neither Washington, DC nor Virginia was able to provide race data based on license plates. However, Maryland does collect such data, so the decision to proceed with benchmarking these two types of violations was made with the intention of utilizing those data from Maryland. This would have meant that approximately half of those individuals who committed either a red light violation or a speeding violation could have been racially identified. Furthermore, we determined that there were enough speeding violations for our surveyors to collect racial/ethnic data from the photo radar locations that were benchmarked. However, the State of Maryland did not provide MPD with the relevant racial information. Therefore, we are unable to present any data relating to the violation of red light cameras by the race/ethnicity of the violators. Nevertheless, because the benchmarking plan called for observing violators of the photo radar cameras that measure speed, we are able to present race/ethnicity data with regard to those motorists who violated the speed limit by at least 11 mph.

Site Selection

In observational benchmark work in urban/suburban areas, specific intersections are selected for surveying generally based upon high police activity (known as a deployed analysis), with approximately one-quarter square mile perimeter (polygon) drawn around them. We worked with the MPD to determine which specific locations to survey. The factors that went into these decisions are provided below:

- Location of agency stop activity gathered from a review of existing PD Form 76s

- Computer-Aided Dispatch (CAD) data on police stops

- Agency deployment information (Hot Spots)

- Local demographics at reviewed locations (businesses, schools, etc.)

- Traffic (motorist and/or pedestrian) patterns and volume

- Suitability of site for surveying (safe surveying areas, ambient lighting).

We identified police stop activity using the following sources of information: Historical PD 76 data from 2002-2004; PD 76 data for February, March, and April of 2005; and police CAD data. Using these sources of information, we developed a list of locations that have generated a high volume of stops.

We reviewed each location identified. During these site reviews, we developed a composite of the locations using videotape, recording landmarks, and apparent lighting (direct lighting from streetlamps and ambient lighting from nearby businesses); street direction and number of lanes; and by conducting traffic counts to estimate traffic volume.

Surveyor Training

Teams of surveyors were hired and trained to visually identify and manually record the race and ethnicity of individuals who comprise the transient populations. Training sessions and dry run-throughs were held on Sunday, November 6 for team leaders, and Monday, November 7 for surveyors participating in the first benchmarking schedule for traffic benchmarking. A second training session was conducted for pedestrian, photo radar and red light surveying on Thursday, December 1. Makeup sessions were conducted by team leaders for any surveyors participating in the first or second surveying session who missed the training class.

Survey training is critical to ensure that surveyors understand the surveying process, surveyor positioning, daytime and nighttime surveying guidelines, data recording procedures, quality assurance reviews such as the assessment of inter-rater reliability, and the data cataloguing steps required for this work. During this session, survey team leaders also were trained on survey management tasks such as status reporting, interacting with police department personnel, and supervising surveyors. The survey training consisted of:

1. A high-level overview of the purpose of the Washington, DC study. The intent of this portion of the training was to provide surveyors with a basic understanding of the importance of the study and the critical role that they would play in the study.

2. An explanation of the survey method, schedule, and roles. Additionally, the survey procedures were diagrammed and reviewed. The intent of this portion of the training was to provide surveyors with a basic understanding of how the survey would be conducted.

3. Hands-on practice in the field in which surveyors practiced on location, using the actual data sheets developed for the survey. During this portion of the training, guidance was provided on data capture, review, and feedback to surveyors on the methods and tips for positioning and data recording. Surveyor data sheets were reviewed, and feedback was provided on performance. The intent of this portion of the training was to provide surveyors a chance to practice in a "consequence-free" environment before conducting the actual survey. Inter-rater reliability coefficients

were computed to ensure that surveyors were trained to criterion[20].

4. Dry run-throughs with team leads and with surveyors. The run-throughs served to assist surveyors in determining driving routes, driving timing, break timing, and survey protocol. The intent of the run-throughs was to ensure that surveyors would hit the ground running during surveying.

Motorist Benchmarks

"Motorist Benchmarks" refer to the capture of racial and ethnic data of motorists traveling the roadways. Teams of two surveyors visually identify and record the racial and ethnic composition of motorists traveling at the location surveyed. Most survey locations have four survey directions—North, South, East and West. Each surveyor surveys one lane of traffic at a time for one direction. After surveying the lanes in the first two directions, the surveyors move to survey the third and fourth directions.

During site review, traffic estimates were developed for the number of cars traveling through each location. Estimates are adjusted for time of day (increased during off-peak hours, decreased during rush hour, etc.) The goal is to capture enough observations at each location to conduct a meaningful analysis.

Pedestrian Benchmarks

"Pedestrian Benchmarks" refer to the capture of racial and ethnic data for pedestrians traveling in specific areas. Similar to motorist surveys, teams of two surveyors visually identified and recorded the racial and ethnic composition of pedestrians traveling at the four intersection points of the locations surveyed. Pedestrian populations differ from motorist populations in that motorists travel in one direction and in a direction necessitated by the

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[20] A minimum inter-rater reliability coefficient (i.e., the percent of agreement between 2 surveyors observing the same car at the same time) of .80 was used as this criterion. This is a commonly accepted standard in social science research.

roadway. Pedestrians are not restricted by traffic lanes and can walk in any direction. To

accommodate for this, we divided benchmarking locations into sections within a grid. Race and

ethnicity were recorded for individuals entering sections within the grid. Surveyors monitored

each section within the grid according to a pre-determined schedule.

The fifth pedestrian location, the 2100 Blk Alabama Ave SE, is primarily made up of a

strip mall that includes a liquor store, a fried chicken restaurant, and a convenience store.

Consistent with the methodology utilized in other places where a location consists of an area

greater than an intersection, surveyors made their observations from a slowly moving vehicle.

The procedure was for the vehicle to pass the strip mall with the surveyors enumerating the

pedestrians in the strip mall, then to wait for 10 minutes before again driving past the mall and

enumerating pedestrians. In all, four passes were made of the mall at approximately 10-minute

intervals for each of the eight surveying sessions.

Violator Surveys

Egregious violator surveys were conducted to determine the racial/ethnic makeup of

violators within the city. These surveys were conducted using red light cameras and stationary

photo radar cameras.

We incorporated photo radar guns to measure speeding and specifically egregious

speeding, which is defined as 11 miles an hour or greater over the posted speed limit. A team of

two surveyors was used. One surveyor observes the vehicles that the photo radar captures for

citation (by observing the camera flash created when a violator is photographed), noting the

race/ethnicity of the driver. The second surveyor captures the license plate number and time so

that the speeding record can be isolated. These teams were also used to capture the traveling

populations by identifying the race and ethnicity of all motorists during a specified time period

of the same surveying sessions at the same locations.

Benchmarking Locations

The following table provides the traffic locations surveyed. The district and surveying parameters have been identified for each location.

Tm	Intersection	District	Northbound Road	Int Survey Minutes	Survey Mins/Lane	Survey Lanes			
						N	S	E	W
Team 1	1. Georgia Ave NW & Longfellow St NW	4	Georgia	30	10	2	2	1	1
	2. Georgia Ave NW and Shepherd St NW	4	Georgia	45	15	2	2	N/A	1
	3. 11th St NW & Park Rd NW	3	11th	40	20	1	1	1	1
	4. 2700 Blk 13th St NW	3	13th	30	30	1	1	N/A	N/A
	5. 17th St NW & Euclid St NW	3	17th	60	30	1	1	1	1
				205					
Team 2	1. Wisconsin Ave NW & M St NW	2	Wisconsin	36	9	2	2	2	2
	2. 1st St NW & Channing St NW	5	1st	45	30(15)	1	1	1	N/A
	3. 1st St NW & R St NW	5	1st	48	24	1	1	1	1
	4. 1st St NW & M Street NW	1	1st	30	15	1	1	1	1
	5. 14th St NE & Saratoga Ave NE	5	14th	30	10	2	2	1	1
				189					
Team 3	1. Montello St NE & Neal St NE	5	Montello	60	30	1	1	1	1
	2. 21st St NE & Maryland Ave NE	5	21st	60	30	1	1	1	1
	3. 400 17th St NE	1	17th	30	7.5(15)	N/A	2	1	1
	4. 5300 Blk Clay Ter NE	6	53rd	60	60	Count all cars regardless of road they are on			
	5. 200 Blk Division Ave NE	6	Division	40	40	1	1	N/A	N/A
				250					
Team 4	1. 2600 Blk Stanton Rd SE	7	Douglass	60	60	N/A	N/A	1	1
	2. 3200 Blk 23rd St SE	7	23rd	45	7.5(15)	N/A	2	2	2
	3. Alabama Ave SE & Ainger Pl SE	7	Alabama	25	12.5	2	2	N/A	N/A
	4. Alabama & F St. SE 60	7	Alabama	60	30	1	1	1	1
	5. 4th St SE & Chesapeake SE	6	4th	30	30	1	1	N/A	N/A
				220					

The following table provides traffic locations that were surveyed for red light, photo radar, and pedestrian surveying. The district and surveying parameters have been identified for each location.

Tm	Intersection	District	Northbound Road	Int Survey Minutes	Survey Mins/Lane	Survey Lanes			
						N	S	E	W
Team 1	1. 4th St SE & Chesapeake SE	7	4th Street	50	50	1	1	1	1
	2. 17th St NW & Euclid St NW	3	17th Street	50	50	1	1	1	1
	3. 21st St NE & Maryland Ave NE	5	21st Street	50	50	1	1	1	1
	4.2100 Alabama Ave SE	7	Alabama	48	8	N/A	1	N/A	N/A
	5. Wisconsin and M Street NW	2	Wisconsin	30	7.5	1	1	1	1
	Pedestrian Surveying			**228**					
Team 2	1. 4700 Blk MacArthur Blvd NW		MacArthur Blvd	55	*5/45	N/A	2	N/A	N/A
	2. 3rd St NW & Mass. Ave NW	1	3rd Street	55	*5/45	2	N/A	N/A	N/A
	3. 100 Blk Michigan Ave NE	5	Michigan	55	*5/45	N/A	N/A	2/3	N/A
	4. 5400 Blk 16th St NW		16th Street	55	*5/45	N/A	2	N/A	N/A
	5. 600 New York Ave NE W/B	5	N/A	55	*5/45	N/A	N/A	N/A	2
	Photo-radar Surveying			**275**					
Team 3	1. 4700 Blk MacArthur Blvd NW		MacArthur Blvd	55	*5/45	N/A	2	N/A	N/A
	2. 3rd St NW & Mass. Ave NW	1	3rd Street	55	*5/45	2	N/A	N/A	N/A
	3. 100 Blk Michigan Ave NE	5	Michigan	55	*5/45	N/A	N/A	2/3	N/A
	4. 5400 Blk 16th St NW		16th Street	55	*5/45	N/A	2	N/A	N/A
	5. 600 New York Ave NE W/B	5	N/A	55	*5/45	N/A	N/A	N/A	2
	Photo-radar Surveying			**275**					
Team 4	1. NY Ave NW W/B & 4th St NW	1	4th Street	22.5	7.5	N/A	2	2/3	2
	2. Rhode Island Ave NE W/B & Reed St NE	5	Reed	22.5	7.5	N/A	N/A	3	2
	3. M St NW W/B & Whitehurst Frwy NW		Whitehurst Fwy	22.5	7.5	N/A	N/A	3	2
	4. NY Ave NE W/B & Montana Ave NE	5	Montana Ave	22.5	7.5	N/A	N/A	2	3
	5. South Capital St Ramp S/B before I St	1	Capitol St. Ramp	7.5	7.5	N/A	2	N/A	N/A
	Red Light Camera Surveying			**97.5**					

Notes:
* 5/45 - 5 mins surveying each lane for population. 45 minutes surveying for violators captured by photo-radar.

Benchmarking Schedule

Traffic Schedule Construction

Traffic surveying was conducted in 6-hour time blocks. Time blocks were divided into four segments per day – 1) midnight to 6am, 2) 6am to noon, 3) noon to 6pm, and 4) 6pm to midnight. There are fifty-six 6-hour blocks in every 2 weeks (four 6-hour blocks per day, 14 days over 2 weeks.) Each location surveyed was visited eight times. One team can survey five locations across a 2-week time period. Four survey teams were used.

Pedestrian and Violator Schedules

Pedestrians

Pedestrian surveys typically differ from traffic surveys in that normally pedestrians are not out on the streets 24 hours a day. To accurately survey pedestrian activity, it was necessary to tailor the survey times to the times of highest pedestrian and police activity. Therefore, we

selected times for surveying that corresponded with the highest number of pedestrian stops. This means that surveying was conducted between the hours of 5pm and 1am. Each shift began between 5pm and 7pm and lasted from 11pm to 1am accordingly. Each survey location was visited eight times. One team was used across a 2-week time period to survey the five chosen pedestrian locations.

Violators

There are two types of violator surveys that we conducted. First, we surveyed five red light camera intersections. Similar to traffic surveys, time blocks were divided into four segments per day – 1) midnight to 6am, 2) 6am to noon, 3) noon to 6pm, and 4) 6pm to midnight. There are fifty-six 6-hour blocks in every two weeks (four 6-hour blocks per day, 14 days over 2 weeks.) Each location surveyed was visited eight times. One team was used to survey the five chosen red light cameras.

Secondly, we surveyed the activity of stationary photo radar cameras. Five stationary photo-radar camera locations were chosen to survey. Because surveying of this nature involves observing and recording speeding vehicles as determined by the flash of the photo radar cameras, this surveying cannot be conducted at night. Surveying was conducted in two shifts, one beginning at 6:30 am and lasting until 12:30pm, and the second shift beginning at 11:30am and lasting until 5:30pm. Because there would be a smaller volume of captured violators, each location surveyed was visited 16 times. Traffic surveying was also conducted at each of these locations to measure the traveling population. Two teams were used to conduct this surveying.

Benchmarking Schedule

On the following pages, the schedule for conducting benchmarking is provided. Two schedules have been included. The first schedule corresponds to the traffic surveying locations and was conducted from November 8 through November 21. The second schedule corresponds to red light, photo radar and pedestrian surveying and was conducted from December 2 through December 15.

Note that due to inclement weather or surveyor no-shows, some makeup sessions were required. The makeup dates are presented following the initial benchmarking schedules.

Traffic Surveying (November 8 – November 21)

Time	Week 1							Week 1						
	Tue 11/8	Wed 11/9	Thur 11/10	Fri 11/11	Sat 11/12	Sun 11/13	Mon 11/14	Tue 11/15	Wed 11/16	Thur 11/17	Fri 11/18	Sat 11/19	Sun 11/20	Mon 11/21
Midnight to 6:00 AM		Yellow	Green					Red	Blue					
6:00 AM to 12 Noon	Red	Blue/Green	Yellow		Red		Green	Blue	Red/Yellow				Blue/Yellow	
12 Noon to 6:00 PM	Yellow			Yellow	Blue	Red	Yellow			Red/Green	Blue		Red/Green	
6:00 PM to Midnight	Blue			Red/Blue	Green				Green			Yellow		Green

Team 1 (Red)
1. Georgia Ave NW & Longfellow St NW
2. Georgia Ave NW and Shepherd St NW
3. 11th St NW & Park Rd NW
4. 2700 Blk 13th St NW
5. 17th St NW & Euclid St NW

Team 2 (Blue)
1. Wisconsin Ave NW & M St NW
2. 1st St NW & Channing St NW
3. 1st St NW & R St NW
4. 1st St NW & M Street NW
5. 14th St NE & Saratoga Ave NE

Team 3 (Green)
1. Montello St NE & Neal St NE
2. 21st St NE & Maryland Ave NE
3. 400 17th St NE
4. 5300 Blk Clay Ter NE
5. 200 Blk Division Ave NE

Team 4 (Yellow)
1. 2600 Blk Stanton Rd SE
2. 3200 Blk 23rd St SE
3. Alabama Ave SE & Ainger Pl SE
4. Alabama & F St. SE 60
5. 4th St SE & Chesapeake SE

Notes:
1. 1st session for each team starts with intersection 1
2. 2nd session for each team starts with intersection 2
3. Each subsequent session start begins with the next intersection in order

Pedestrian, Red Light and Photo Radar Surveying (December 2 through December 15)

Time	Week 1							Week 1						
	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Weds	Thurs
	12/2	12/3	12/4	12/5	12/6	12/7	12/8	12/9	12/10	12/11	12/12	12/13	12/14	12/15
0100														
0200														
0300														
0400														
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1600														
1700														
1800														
1900														
2000														
2100														
2200														
2300														
2400														

Team 1 — Pedestrian	Team 2 — Photo-radar	Team 3 — Photo-radar	Team 4 — Red Light Cameras
1. 4th St SE & Chesapeake SE	1. 4700 Blk MacArthur Blvd NW	1. 4700 Blk MacArthur Blvd NW	1. NY Ave NW W/B & 4th St NW
2. 17th St NW & Euclid St NW	2. 3rd St NW & Mass. Ave NW	2. 3rd St NW & Mass. Ave NW	2. Rhode Island Ave NE W/B & Reed St NE
3. 21st St NE & Maryland Ave NE	3. 100 Blk Michigan Ave NE	3. 100 Blk Michigan Ave NE	3. M St NW W/B & Whitehurst Frwy NW
4. 2100 Alabama Ave SE	4. 5400 Blk 16th St NW	4. 5400 Blk 16th St NW	4. NY Ave NE W/B & Montana Ave NE
5. Wisconsin and M Street NW	5. 600 New York Ave NE W/B	5. 600 New York Ave NE W/B	5. South Capital St Ramp S/B before I St

Notes:
1. 1st session for each team starts with intersection 1
2. 2nd session for each team starts with intersection 2
3. Each subsequent session start begins with the next intersection in order

Makeup Dates

Due to inclement weather or logistical issues, some survey dates were rescheduled. Rescheduled dates were conducted during the same day of the week as the originally scheduled session, and surveying was conducted in the same time slot. A list of makeup dates is provided below in the following table.

Table 5. Makeup dates for Schedule 1 (November 8 through November 21

Date	Team	Time	Makeup Date
11/11/05	2	6pm-Midnight	11/18/05
11/17/05	3	12 Noon-6pm	12/8/05

Table 6. Makeup dates for Schedule 2 (December 2 through December 15)

Date	Team	Time	Make up Date
12/3/05[21]	2	6:30am-12:30pm	01/28/06
12/6/05[22]	2	6:30am-12:30pm	01/24/06
12/6/05	1	7pm-1am	12/20/05
12/8/05	1	7pm-1am	12/22/05
12/9/05	3	11:30am-5:30pm	01/20/06
12/10/05	3	6:30am-12:30pm	01/21/06
12/12/05	1	5pm-11pm	01/23/06
12/15/05	4	6pm-Midnight	01/19/06
12/15/05	1	7pm-1am	01/19/06

[21] Makeup for 600 New York Avenue NE location only.

[22] Makeup for 100 Blk Michigan Ave NE only.

RESULTS

Traffic-Race

The race of each motorist stopped by MPD was recorded based on the perception of the officer. That is, officers do not ask the motorist to indicate his/her race when the stop occurs. This makes sense for at least two reasons. First, if an officer is targeting motorists based on race, then that targeting occurs based on the perception of the officer. For example, in most instances, prior to the time the stop is made, all the officer knows about the race of the motorist is based upon that officer's perception. The second reason that officers do not ask for the race of the motorist is that in an already tense situation, it is generally agreed that officers should not potentially intensify the situation by asking the motorist what his/her race is.

The stop data for all of the stops in this study were captured by MPD via the PD 76 form[23]. Over the course of this study, MPD required officers to fill out PD 76s for each stop. While MPD has used this form to collect data for several reasons, compliance was required during the course of the study. Indeed, compliance went up as the study progressed so that by the end of the study, there were more than twice as many PD 76s turned in as there were at the beginning at the 20 benchmarked locations for traffic.

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[23] An important measure in determining the quality of data is the amount of missing data found when the data from the PD 76s are considered. Overall, there were 77,966 PD 76s accumulated during the year of the study. For our purposes, there are three or four crucial variables: type of stop, location, and race of the individual stopped. There were 2,783 PD 76s that did not have one of these variables entered. This means that there was 3.6% missing data in the database for the crucial variables. Additionally, 0.7% of the entries indicated that the officer could not determine the race of the individual. The fact that the officer cannot determine the race/ethnicity of an individual is not the same issue as missing data, but we provide it for the sake of completeness. Finally, the time of the pedestrian stops was important, and 1.8% of those data did not have the time. This means that 96.4% (95.7% if unknowns are included) of the data from traffic stops were useable. Additionally, 94 to 95% (depending upon whether unknowns are included) of pedestrian data were useable. This is a low level of missing data.

One concern is whether the race information collected was materially different early in the study than later because of increased compliance. However, the data do not support this concern. Overall, 72.8% of the stops at the 20 benchmarked traffic locations were of Black motorists. The month with the highest Black motorist stops was July, 81.5%, and the month with the fewest Black motorist stops was August, when 63.6% of the motorists stopped were Black. In other words, the increased compliance efforts by MPD seemed to have little or no effect on the racial composition of those stopped at the locations benchmarked.

During the course of the study, 27,544 traffic stops were made by MPD. The benchmarked locations were selected on the basis of stops known to have occurred from February to May. One of the criteria used to select these locations was the number of stops at each one. Note that it is always possible that police stopping patterns will change for one reason or another over time. Thus, it is always possible that one or more of the benchmarked locations will have fewer minority stops than expected based upon original estimates. This means that it is possible that one or more locations will have so few minority stops during surveying that the data for that location(s) will not be sufficient for purposes of analysis. Our target for stops at any location is generally 100 stops over the course of the year. Of course, the more crucial number is the number of minority stops at a given location. Again, speaking in generalities, Lamberth Consulting prefers to see at least 20 minority stops at each location. While this is not always possible, for Black motorists we achieved 20 minority stops at all 20 benchmarked locations, even though one location did not reach 100 stops.

There were 10,318 stops at the 20 benchmarked locations, or 37.5% of the total number of traffic stops made by MPD. This is a relatively high percentage of the total number of traffic

stops when one considers that the City of Washington, DC has approximately 68 square miles in its city limits.

The logic of the methodology utilized for this study and other studies that Lamberth Consulting has conducted is that specific areas of high police activity were identified and then the traffic at those locations was benchmarked.

The race/ethnicity of those motorists in the traffic stream was then compared to the race/ethnicity of motorists who are stopped by the MPD. This apples-to-apples comparison is the best one to make in determining whether a police department is targeting one or more minority groups and allows for a series of analyses, one for each race/ethnicity, at each specific area. Consider some of the advantages of conducting this type of analysis:

- Only stops in the specific location are compared to the benchmark at that location. This means that officer stops are compared to the traffic stream at the location in which the stop was made.

- This method controls for differing officer deployment patterns. In studies where greater geographic generalizations are used, higher or lower officer deployment (resulting in more or fewer officer stops) may interfere with overall results.

- Since time of day and day of week are randomly selected, the survey can be generalized to the entire driving or pedestrian population. However, because we notate the times at which surveying occurs, we can detect changes in traffic patterns from, for example, lunchtime and the evening hours. This enables a more accurate comparison of stops made at different times of day to the benchmarks (if they change) from day to night.

- Other data elements used by some researchers are made moot using this method. Information such as crime activity and calls for service are controlled for because we account for deployment patterns and because we exclude calls for service.

- We find this method direct, elegant, and simple to communicate to individuals concerned about these issues.

There were 20 locations identified in Washington, DC, based on police activity that was

benchmarked. The results of these 20 analyses are contained in Table 7.

Table 7. Traffic-Race Analysis

#	Location	Bench N	Bench Black %	Stop N	Stop Black %	Diff [24] %	Odds Ratio
1.	4th St SE & Chesapeake SE	1046	95.6	348	94.8	-0.8	0.8
2.	1st St NW & M Street NW	1338	69.8	889	74.1	+4.3	1.2
3.	Alabama Ave SE & Ainger Pl SE	1845	95.0	504	93.7	-1.3	0.8
4.	17th St NW & Euclid St NW	918	35.5	316	42.7	+7.2	1.5
5.	5300 Blk Clay Ter NE	249	96.8	363	91.2	-5.6	0.3
6.	Georgia Ave NW & Longfellow St NW	1590	59.8	543	58.4	-1.4	1.0
7.	Georgia Ave NW and Shepherd St NW	2403	67.6	837	67.3	-0.3	1.0
8.	Alabama Ave SE & F St SE	304	96.1	386	93.5	-2.6	0.6
9.	3200 Blk 23rd St SE	1750	91.8	1134	94.7	+2.9	1.6
10.	1st St NW & Channing St NW	2131	66.7	228	75.4	+8.7	1.5
11.	2700 Blk 13th St NW	2225	50.4	281	61.9	+11.5	1.6
12.	200 Blk Division Ave NE	1194	93.6	74	93.2	-0.4	0.9
13.	400 17th St NE	455	92.3	638	88.7	-3.6	0.7
14.	14th St NE & Saratoga Ave NE	246	95.5	420	84.3	-11.2	0.3
15.	2600 Blk Stanton Rd SE	762	93.7	316	94.0	+0.3	1.1
16.	Montello St NE & Neal St NE	467	91.9	427	79.9	-12.0	0.4
17.	11th St NW & Park Rd NW	1087	53.2	722	58.7	+5.5	1.3
18.	1st St NW & R St NW	1518	72.9	398	81.2	+8.3	1.6
19.	Wisconsin Ave NW & M St NW	2773	27.3	968	27.8	+0.5	1.0
20.	21st St NE & Maryland Ave NE	788	94.2	339	83.5	-10.7	0.3

Table 7 and the following tables that provide data on benchmark and stop data should be considered with the following information. The first column gives the benchmark and stop location. Each location includes stops within a quarter of a square mile in each direction (generally about three blocks) with the named intersection being the center of the polygon. The second column gives the number of vehicles enumerated during the eight benchmarking sessions conducted, while the third column provides the percentage of minority motorists enumerated at that location during the benchmarking. The fourth column provides the number of MPD stops at that location, with the fifth column providing the percentage of minority motorists stopped. The sixth column is arrived at by subtracting the percentage of minority

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[24] The difference is the percentage of the minority stopped subtracted from the percentage of the minority enumerated in the benchmark. A negative number means that there are fewer minorities stopped than were captured in the benchmark enumeration.

motorists benchmarked at that location from the percentage of minority motorists stopped at that location. Thus, a negative number in Column 6 means that fewer minority motorists were stopped than would be expected based on the benchmarking. The seventh column is the odds ratio for that particular location.

The odds ratio is best understood by filling in the blank in the following sentence: "If you are a Black motorist/pedestrian, you are _____ times as likely to be stopped as if you are not a Black motorist/pedestrian." If no racial profiling were occurring, all of the ratios would be 1.0. This would mean that Black motorists/pedestrians are no more likely to be stopped than nonminority motorists/pedestrians. Of course, in practice, this rarely occurs, as there is always variability in the data that are collected.

Odds ratios between 1.0 and 1.5 generally are seen as benign. Ratios between 1.5 and 2.0 provide an indication that a review of stops in these locations should be conducted by the MPD. Ratios above 2.0 point to the potential targeting of minority motorists, and further action may be required from the agency. The community demographics and inter-rater reliability must be considered, however, when discussing these guidelines.

At 9 of the 20 locations, MPD stopped fewer Black motorists than would be expected by the percentage of minority motorists seen in the traffic stream, reflected by odds ratios that were less than 1. At three of the locations, MPD stopped the percentage of minority motorists that would be expected based on the traffic stream, or an odds ratio of 1. At eight of the locations, more Black motorists than would be expected were stopped. These are reflected by odds ratios above 1.

It is often helpful from a practical point of view to aggregate the data from all locations and provide an overall odds ratio. We provide this aggregate odds ratio but caution that it is for descriptive, not analytic, purposes, as not all statistical assumptions for further statistical tests can be met with these aggregated data. The weighted (by number of stops) odds ratio for the MPD for Black motorists at all 20 traffic locations is 1.0, which is, of course, the theoretically expected value. To describe the data contained in 7, it is possible to use one of several descriptive approaches. Lamberth Consulting has used two. First, we normally describe how many of the odds ratios were below 1, at 1, and above 1 as was done here. In addition we have presented an aggregate odds ratio weighted by the number of stops by the police at each location. In our view, that is the most accurate aggregate description. In addition, it is possible to provide an unweighted odds ratio, which in these data is .975. In response to an earlier version of this report, one of the Community-Police Task Force members suggested that the aggregate odds ratio should be calculated by determining the percentage of minority motorists that would be predicted by the overall percentage of motorists benchmarked compared to the overall percentage of minority motorists stopped. We strongly reject this approach for several reasons:

1. The benchmark should be seen as a way to determine the expected proportion of minority motorists at a specific location. Then the comparison of the actual proportion of stops of minority motorists is determined from the stop data.

2. The data of most concern are the stop data, and to determine an aggregate odds ratio combining the expected percentage with the actual percentage is in error.

3. The suggested approach, at least in these data, capitalizes on the fact that far fewer

    vehicles were seen during benchmarking sessions in some of the areas that were

    heavily African American. The correlation between benchmark sample size and

    percentage of Black motorists in the sample was (r = - 61, p. <,004). This means that

    as the percentage of Black motorists increases, the sample size decreases.   This, of

    course, we knew going into the study as there were a number of locations that

    contained large numbers of Black motorists but had small numbers of vehicles when

    we planned the benchmarks. We stayed at some of these locations for an hour on

    each of the eight times they were benchmarked. We have found in the past that while

    more vehicles will be viewed if we stay more than eight hours, it makes little

    difference to the racial/ethnic mix of motorists, which is the most crucial data

    obtained from benchmarking.

Traffic-Ethnicity

In addition to categorizing motorists with regard to race, ethnicity was examined,

specifically for Hispanic motorists. There were far fewer Hispanic motorists noted in the

benchmarking at the 20 traffic locations and in the MPD stop data. For example, Hispanics

made up 7.9% of motorists benchmarked and approximately 6.7% of the motorists stopped at

those locations. The data for Hispanic motorists is found in Table 8 below.

Table 8. Traffic-Ethnicity Analysis

#	Location	Bench N	Bench Hisp. %	Stop N	Stop Hisp. %	Diff %	Odds Ratio[25]
1.	4th St SE & Chesapeake SE	1046	1.8	348	0.6	+1.2	N/A
2.	1st St NW & M Street NW	1338	6.8	889	4.4	-2.4	.6
3.	Alabama Ave SE & Ainger Pl SE	1845	1.6	504	0.8	-0.8	N/A
4.	17th St NW & Euclid St NW	918	23.1	316	15.2	-7.9	.6
5.	5300 Blk Clay Ter NE	249	1.6	363	0.6	-1.0	N/A
6.	Georgia Ave NW & Longfellow St NW	1590	15.1	543	22.1	+7.0	1.6
7.	Georgia Ave NW and Shepherd St NW	2403	10.4	837	16.7	+6.3	1.7
8.	Alabama Ave SE & F St SE	304	2.0	386	0.8	-1.2	N/A
9.	3200 Blk 23rd St SE	1750	3.6	1134	0.8	-2.8	N/A
10.	1st St NW & Channing St NW	2131	6.3	228	6.1	-0.2	N/A
11.	2700 Blk 13th St NW	2225	17.3	281	12.1	-5.2	.7
12.	200 Blk Division Ave NE	1194	3.1	74	2.7	-0.4	N/A
13.	400 17th St NE	455	3.7	638	0.8	-2.9	N/A
14.	14th St NE & Saratoga Ave NE	246	3.3	420	4.3	+1.0	N/A
15.	2600 Blk Stanton Rd SE	762	1.6	316	0.0	-1.6	N/A
16.	Montello St NE & Neal St NE	467	3.9	427	2.1	-1.8	N/A
17.	11th St NW & Park Rd NW	1087	20.5	722	18.8	-1.7	.9
18.	1st St NW & R St NW	1518	5.7	398	2.8	-2.9	N/A
19.	Wisconsin Ave NW & M St NW	2773	5.7	968	8.6	+2.9	1.6
20.	21st St NE & Maryland Ave NE	788	2.7	339	1.8	-0.9	N/A

As can be seen by an inspection of Table 8, there are 16 locations where fewer Hispanic motorists were stopped than were in the traffic stream and 4 where there were more Hispanic motorists stopped than were in the traffic stream. There are, however, only seven locations where there were enough Hispanic motorists stopped to analyze the data. In those seven locations, four of them show that there are fewer Hispanic motorists stopped relative to the benchmark of Hispanic motorists at that location, and three of them show more Hispanic motorists stopped at that location than would be expected on the basis of the benchmark.

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[25] Where there are too few stops of any minority, Lamberth Consulting does not analyze that particular location. While there is no hard and fast minimum number of minority stops that determine when the data should be analyzed, our strategy is to provide the analysis for each location only if there are 20 or more stops of minorities.

The overall odds ratio, provided only for descriptive purposes, for the seven locations analyzed above is 1.1. If, however, we compute the odds ratio for all 20 locations, we find that it is 0.9.

The odds ratios for both Black and Hispanic motorists are what is expected theoretically if there is no evidence of racial or ethnic targeting.

Pedestrians-Race

There were five locations selected on the basis of police activity to benchmark for pedestrian stops. After reviewing the data available when these locations were selected, it was determined that the majority of stops of pedestrians occurred in the late afternoon until the early morning hours. Therefore, benchmarking was limited to 5pm to 1am, as were the stops analyzed. On eight separate occasions, surveyors returned to each location to observe pedestrian traffic. At four of the locations, both traffic and pedestrians were benchmarked. The pedestrian benchmarking sessions were conducted at different times than were the traffic benchmarking sessions and are separate from them.

The comparison of Black pedestrians benchmarked to Black pedestrians stopped is contained in Table 9. At one location, Wisconsin Ave NW & M St NW, the percentage of Black motorists in the traffic stream is more than double the percentage of Black pedestrians.

Table 9. Pedestrian-Race Analysis

#	Location	Bench N	Bench Black %	Stop N	Stop Black %	Diff %	Odds Ratio
1.	4th St SE & Chesapeake SE	223	100.0	176	90.9	-8.9	N/A
2.	17th St NW & Euclid St NW	848	40.9	49	55.1	+14.2	1.8
3.	21st St NE & Maryland Ave NE	429	99.8	162	94.4	-5.8	N/A
4.	2100 Alabama Ave SE	310	99.4	302	95.4	-4.5	N/A
5.	Wisconsin and M Street NW [26]	1765	13.3	77[27]	46.8	+33.5	5.8

The results show that the unweighted odds ratio of stops of Black pedestrians is 1.6.

However, the pattern that is seen in these data suggests that there are two different sets of

results. In the areas where the benchmark shows an overwhelming percentage of Black

pedestrians, there appears to be under-stopping of Black pedestrians. In these locations, there is

no evidence of over-stopping of any racial/ethnic group[28]. In the locations where Black

pedestrians are not in the majority, there is an over-stopping of Black pedestrians.

The stops of Black pedestrians at 17th St NW & Euclid St NW are in the region where

we recommend that the department conduct a review of these stops.

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[26] Because the random selection of times and travel time for Wisconsin and M did not include benchmarking at 1700 and 1800, the stops analyzed were from 1900 to 0100.

[27] There were nine stops at Wisconsin Ave NW & M St NW that were of such low discretion that Lamberth Consulting suggested that they be omitted, with appropriate explanation for why they were omitted. MPD decided that to be consistent with other locations, they should be included. Three were of pedestrians who were arrested and six for violating the District's panhandling ordinance. All of these individuals were Black, meaning that if these stops had been omitted, the odds ratio would have been lower, although the odds ratio would have still indicated targeting of Black pedestrians.

[28] In response to an earlier version of this report, it was suggested that we not report an odds ratio for the three areas where there is an overwhelming number of Black pedestrians in the benchmark data. That suggestion has been adopted. A question was also raised with regard to the three areas where Black pedestrians were overwhelmingly present: are meaningful analyses possible at these three locations because the benchmark percentages are so high? One important element in racial profiling is the inherent notion that someone of any race/ethnicity may be stopped because they "do not belong" in the area where they are. This often manifests itself in a Black individual being in an area that is overwhelming White. However, it can also manifest itself in a white/Hispanic/Asian individual being in an area that is overwhelmingly Black. First, it is apparent that there are not enough individuals of any one race/ethnicity stopped at any of the three locations to analyze. Secondly, it is apparent that Asians, Whites and Hispanics were stopped at these three locations in roughly equal percentages. Thus, there is no apparent evidence that some race/ethnicity is being targeted in these three areas.

In determining the size of the polygon surrounding 17th St NW & Euclid St NW, Lamberth Consulting felt that a perimeter that went out .25 miles was too large, as it crossed over Columbia Road and took in some areas that were clearly different from 17th & Euclid, both in population and in usage. The odds ratio for Black pedestrians at Wisconsin Ave NW & M St NW is clearly in the range that indicates targeting of Black pedestrians, absent some explanation from the department. At Wisconsin Ave NW & M St NW, Lamberth Consulting also utilized a reduced-size polygon because the area usage changes from commercial to residential within a block or two from that intersection. As it turned out, the stops within both the larger and the smaller polygons were substantially the same with regard to race/ethnicity.

The polygons at the other three pedestrian locations were maintained at the .25 mile area because the areas around those locations appeared to be much more homogeneous with regard to population and function.

Pedestrians-Ethnicity

At four of the locations benchmarked, there were too few Hispanic pedestrians stopped to analyze the data. There were no Hispanic pedestrians stopped at 2100 Alabama and four or five Hispanic pedestrians stopped at three other locations. Only at 17th St NW & Euclid St NW were there a relatively large number of Hispanic pedestrians stopped. This is not surprising as there were more than 14 times as many stops of Black pedestrians as there were of Hispanic pedestrians throughout the city.

Table 10. Pedestrian-Ethnicity Analysis

#	Location	Bench N	Bench Hisp. %	Stop N	Stop Hisp. %	Diff %	Odds Ratio
1.	4th St SE & Chesapeake SE	223	0.0	176	2.2 (4)	+ 2.2	N/A
2.	17th St NW & Euclid St NW	848	13.6	52[29]	24.4	+10.8	2.0
3.	21st St NE & Maryland Ave NE	429	0.2	162	2.4 (4)	+ 2.2	N/A
4.	2100 Alabama Ave SE	310	0.0	302	0.0	0	N/A
5.	Wisconsin and M Street NW [30]	1765	2.9	108	3.8 (5)	+ 0.9	N/A

The stops of Hispanic pedestrians at 17th St NW & Euclid St NW are in the range where we recommend that the department conduct a review of stops in that area.

Photo Radar-Race

There were five locations where permanent photo radar positions were benchmarked with respect to traffic. In addition, surveyors determined the race/ethnicity of the driver of the vehicle when the photo radar camera detected a violation. The benchmarking and the observation of violators were done in the same session; thus, the violations observed occurred during the same time of day as the benchmarking. During the time that the surveyors were in place, there were 642 violations observed at the five locations. In 10.4% (67) of the cases, the surveyors could not successfully identify the race/ethnicity of the driver. While this is higher than the normal percentage of unknowns, 37% of the unknowns occurred at 3rd St NW & Massachusetts Ave NW, the location with the highest posted speed limit. It should be noted that the surveyors had a relatively difficult task. They positioned themselves so that they could

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[29] There were two individuals who were arrested and two individuals who were panhandling. As these were low discretion stops, Lamberth Consulting recommended that they not be included in the analysis with appropriate notation that they had been removed. MPD decided for the sake of consistency with other locations that they be included. The odds ratio for Hispanic pedestrians would have been somewhat lower with those stops omitted. Both of the individuals arrested were Hispanic; one of the panhandlers was Black and the other was White. The number of Hispanic pedestrians stopped is below the number generally used to indicate that there are too few stops to analyze. However, the stops of Hispanic pedestrians in the larger perimeter area were quite similar to the percentage of stops in the smaller area, and thus this analysis is presented.

[30] Because the random selection of times and travel time for Wisconsin and M did not include benchmarking at 1700 and 1800, the stops analyzed were from 1900 to 0100.

observe the flash of the photo radar camera, and then they had to determine the race/ethnicity of

the driver of the vehicle that was violating the speed law. At 3rd St NW & Massachusetts Ave

NW, the posted speed limit is 45 mph. Therefore, the vehicle was traveling at a minimum speed

of 56 mph to be targeted by the photo radar camera. Even at this location, there were less than

15% unknowns.

The data for the photo radar locations with respect to Black motorists is shown in Table

11.

Table 11. Photo Radar Cameras for Black Motorists

#	Location	Bench N	Bench Black %	Viol N	Viol Black %	Diff %	Odds Ratio
1.	100 Blk Michigan Ave NE	444	55.4	125	47.2	- 8.2	.72
2.	3rd St NW & Massachusetts Ave NW	873	47.9	143	32.9	-15.0	.53
3.	4700 Blk MacArthur Blvd NW	409	14.7	133	11.3	- 3.4	.74
4.	5400 Blk 16th St NW	914	38.9	52	34.6	- 4.3	.83
5.	600 New York Ave NE W/B	1585	51.1	124	45.2	- 5.9	.79

There were two purposes for the benchmarking of motorists at the photo radar locations.

First, a better understanding of violations by racial/ethnic group would help sharpen our

analysis of whether one or another group was being stopped more than would be expected. The

logic here is that if one racial/ethnic group were more egregiously violating one or more traffic

laws, it would allow us to use this information in our final determination of whether some group

was being targeted. The second reason was to explore the contention that one reason for the

over-stopping of minority motorists is that they more egregiously violate traffic laws than do

nonminorities. An inspection of Table 11 indicates, at least at these locations in Washington,

DC and for 11 miles an hour and above over the speed limit, Black motorists are less likely to

be violating speed laws than would be expected given the motorist population.

The results for Hispanic motorists with respect to photo radar violations are shown in

Table 12.

Table 12. Photo Radar Cameras for Hispanic Motorists

#	Location	Bench N	Bench Hisp. %	Viol N	Viol Hisp. %	Diff %	Odds Ratio
1.	100 Blk Michigan Ave NE	444	6.8	125	3.2	- 3.6	N/A
2.	3rd St NW & Massachusetts Ave NW	873	8.5	143	4.9	- 3.6	N/A
3.	4700 Blk MacArthur Blvd NW	409	5.4	133	3.8	- 1.6	N/A
4.	5400 Blk 16th St NW	914	9.6	52	13.4	+3.8	N/A
5.	600 New York Ave NE W/B	1585	8.3	124	8.9	+0.6	N/A

At three of the five locations, Hispanics were underrepresented among the violators and

were overrepresented at two of the locations. There were, however too few Hispanic violators at

all of the locations to provide odds ratios. Over all the locations, 8.2% of the benchmarked

traffic was Hispanics. This would mean that there would be an expected 47 Hispanic motorists

captured violating speed laws at 11 mph above the speed limit. In actuality, 34 Hispanic

motorists were observed violating by the photo radar cameras during the observation periods,

which indicates, as with Black motorists, that Hispanic motorists are somewhat less likely to

violate the speed laws at these locations by 11 mph and above than would be expected based

upon their presence in the transient population.

CONCLUSIONS

While we have not reported any data by location of stops by gender, because it was not called for in the contract, it should at least be noted that at the 20 locations benchmarked, 64.4% of drivers were male and 35.6% were female. At these same locations, 67.4% of the stops were of males and 32.1% were of females. This suggests that MPD is not targeting either gender.

The results for traffic stops made by MPD at the 20 locations benchmarked are, by any measure, indicative of what both police and the community would hope for—no evidence of profiling. In the work that Lamberth Consulting has done around the country, there is only one other Police Department that has had an odds ratio of 1, and that was only for Hispanic motorists. There were insufficient stops of Black motorists by that other agency to analyze the data. MPD's stops of both Black and Hispanic motorists showed an odds ratio of 1.

Lamberth Consulting was asked by one of the Community-Police Task Force members why odds ratios of 1 to 1.5 were seen as benign. The statistical answer to that question has to do with the standard error of the odds ratio, which is sufficiently large that with the sample sizes normally seen in racial profiling studies, the differences below an odds ratio of 1.5 do not reach statistical significance for smaller differences in odds ratios. There are, however, practical reasons why minority motorists may be stopped somewhat more frequently than nonminority motorists. Some of these may have to do with police activity. That is, there may be specific activities of the police that either end with more or fewer minorities being stopped. To name but two reasons why minority motorists may be more likely to be stopped, poor motorists generally find it more challenging to keep their vehicles in good repair than do more affluent motorists and can be stopped at higher rates for equipment malfunctions. Because minorities are often

overrepresented in the lower socioeconomic strata of the country, their equipment violations

may account for higher than expected stops of minorities. Additionally, studies have shown that

Black motorists, particularly young Black and Hispanic motorists, wear seat belts less

frequently than do other groups[31]. Therefore, variations in the percentages of Black motorists

stopped can be expected at specific locations. However, none of the variations of odds ratios

shown in the distribution in Table 5, which provides the comparisons of benchmarks at the 20

traffic locations and stops at those locations, reach statistical significance.

The MPD is to be congratulated for their evenhandedness in enforcing the traffic laws at

the 20 locations benchmarked within the District of Columbia.

The situation with regards to pedestrians is not so favorable. In areas where there are a

majority of Black pedestrians, there is no evidence of targeting of any racial/ethnic group. In the

three locations where Black pedestrians made up between 99 and 100 percent of the pedestrians,

there could not be an over-stopping of Black pedestrians, nor were there enough stops of any

other race/ethnicity to analyze. However in the 17th St NW & Euclid St NW location, where

Black and Hispanic pedestrians make up about half of the pedestrian population, the odds ratio

with respect to Black pedestrians is 1.8, a level at which we recommend that MPD may wish to

scrutinize the situation. The odds ratio for Hispanic pedestrians is 2.0, which indicates that the

Police Department should scrutinize the situation.

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[31] Denger, R.L., et al. "1990 Observational Study of Seat Belt Usage in Florida" Bureau of Public Safety
Management. Available at : http://agmarketing.ifas.ufl.edu/pubs/1990s/Seatbelt.pdf

 "2005 Summary of Massachusetts Statewide Seat Belt Use". Massachusetts Traffic Safety Research Program.
Available at
http://www.ecs.umass.edu/umasssafe/PDFS%20for%20Site/Occupant%20Protection/2005STATEWIDESAFETY
BELTSTUDY.pdf.

The greatest disparity for pedestrian stops occurs at Wisconsin St NW & M St NW, where the pedestrian population is made up of over 70% Whites. The odds ratio for the stops of Black pedestrians is 5.8. An odds ratio of this magnitude is difficult to explain absent targeting of African American pedestrians.

Lamberth Consulting consulted with MPD when it became evident that there were odds ratios that indicated targeting or close to targeting of Black pedestrians at two locations and targeting of Hispanic pedestrians at one location. After extensive reviews of the data, every PD 76 card for both 17th St NW & Euclid St NW and Wisconsin Ave NW & M St NW was pulled and scrutinized. There were a small number of duplicate entries, as well as a small number of entries that were miscoded during the data entry of the PD 76s. These were eliminated, and the data presented are as accurate as possible.

Other possibilities than the targeting of minorities were considered and eliminated as reasons for the stops. These included:

1. Temporal patterns considered as possible explanations for the racial/ethnic disparities:

    a. Did the stops occur at any particular time of year?

    b. Did the stops occur on any particular day of the week?

    c. Did the stops occur on weekends or weekdays?

    d. Did the stops occur at any particular time during the late afternoon/evening?

2. Consideration of stops at Wisconsin Ave NW & M St NW by regular versus reserve officers

3. Review of the number of stops that resulted in arrests (only a handful in the final analysis).

4. Review of the number of stops that came as a result of a directive of the Department or City Ordinance

5. Consideration of reasons for the stops filled in by the officers on the PD 76s that might explain racial/ethnic disparities

After this extensive review of the data, there did not seem to be any temporal patterns or any other conclusions that lent themselves to an easy explanation of the disparate stopping at either of these locations. The conclusion that Black pedestrians are being targeted at Wisconsin and M seems to be the most plausible explanation. At 17th & Euclid, it seems possible that Hispanic pedestrians are being targeted and that MPD may also want to evaluate the situation with Black pedestrians.

RECOMMENDATIONS

The data indicate that while traffic stops show no evidence of targeting of Blacks, there is evidence that Blacks are targeted as pedestrians in areas where they do not make up the majority of those pedestrians. This suggests that while the majority of MPD officers do not base enforcement or contact decisions on their subjective view of an individual's appearance or other characteristics, it is entirely possible that a limited, yet significant number of staff do subscribe to and exercise their discretion in a manner consistent with the definition of racial profiling. In an effort to reduce and eventually eliminate all racial profiling practices, we suggest that MPD conduct the following assessments;

1. MPD should not only collect the stop data from the PD 76 form but should analyze pedestrian data at 17th St NW & Euclid St NW, Wisconsin Ave NW & M St NW and other locations around the city with large numbers of pedestrian stops. The analysis should emphasize locations that have a majority of White pedestrians and/or a minority of Black pedestrians.

2. MPD should monitor stop practices at pedestrian locations that indicate targeting of minorities for an appropriate period of time to measure the effect of changes in practice or policy relative to pedestrian stop practices.

3. MPD should conduct an analysis of searches that are conducted by officers, both of motorists and pedestrians. This analysis should emphasize discretionary searches by officers.

4. MPD should review operational practices relating to pedestrian contacts to determine alignment with the agencies' policy regarding non-biased policing. Elements of operational practices to consider include:

   a. written procedures for initiating pedestrian stops;

   b. comprehension and compliance for completing PD 76 forms for officers assigned to shifts in which pedestrian stops are made;

   c. oversight and review practices for PD 76 Form completion;

   d. communications provided to frontline supervisors and officers regarding the Biased Policing Project, its rationale and goals, and activities and efforts that comprise the project;

   e. receipt of communications by frontline supervisors and officers. Areas to review include comprehension of the biased policing issue and project, beliefs or attitudes about the project, and how the project influences officer stop practices;

   f. rewards or recognition programs relating directly to the biased policing project, and rewards or recognition programs peripherally related to behavior impacting the Biased Policing Project.

5. MPD should provide training for officers with consideration given to the following guidelines:

   a. **Basic Training**- The agency should conduct an examination of both the formal lesson plans used to instruct recruits and the role that instructors play in the relaying of informal teachings and lessons conveyed during the telling of "war stories".

b. **FTO Training**- Traditionally, new police officers learn "what "task they are

expected to perform and receive generic instruction on "how" to perform each

task during their time spent in the police academy. They learn the specifics of

"how" their particular agency wants them to perform tasks and what constitutes

acceptable use of officer discretion during their training period from their

assigned Field Training Officer. For this reason we feel it is extremely important

that the Metropolitan Police Department evaluate the formal and informal

lessons taught to new officers by FTOs.

c. **In-Service Training**- Is the Metropolitan Police Department meeting the

knowledge and skills needs of their staff as it relates to performing their duties

without employing racial profiling practices? An important issue is the selection

of training curriculum that specifically targets the areas of need. For example, we

have found that basic "sensitivity or diversity" classes or instruction on

conducting professional traffic stops falls short of what is required to teach

police officers effective methods of exercising discretion during traffic stops or

pedestrian contacts without racially profiling. We suggest that when evaluating

proposed prevention of racial profiling training curricula, the agency should

assure that the following subject matter is included: (1) probably most

importantly, an in-depth discussion about the definition of racial profiling and

what it means to different groups; (2) an historical perspective of racial profiling

and its impact on the service provided by law enforcement; (3) an analysis of

racial profiling from the perspective of various stakeholders (community,

national law enforcement, courts); (4) strategies for effective enforcement

practices without employing racial profiling practices; and (5) effective

supervisor strategies designed to prevent racial profiling practices.

6. Continue to work with the Community-Police Task Force to provide updates and

   dialogue on agency activities that accompany the Biased Policing Project. Include

   members of the Task Force in educational and training opportunities and solicit

   sponsorship from Task Force members for future community outreach programs.

7. Involve members of the MPD in reviewing the results of this report and actively solicit

   opinions from these individuals about reactions to the report. Engage in dialogue with

   these individuals about mechanisms for discussing the report findings and soliciting

   feedback about the report from agency personnel.

APPENDIX

Maps of Surveyed Intersections

Traffic Intersections

1. 4th St SE & Chesapeake SE
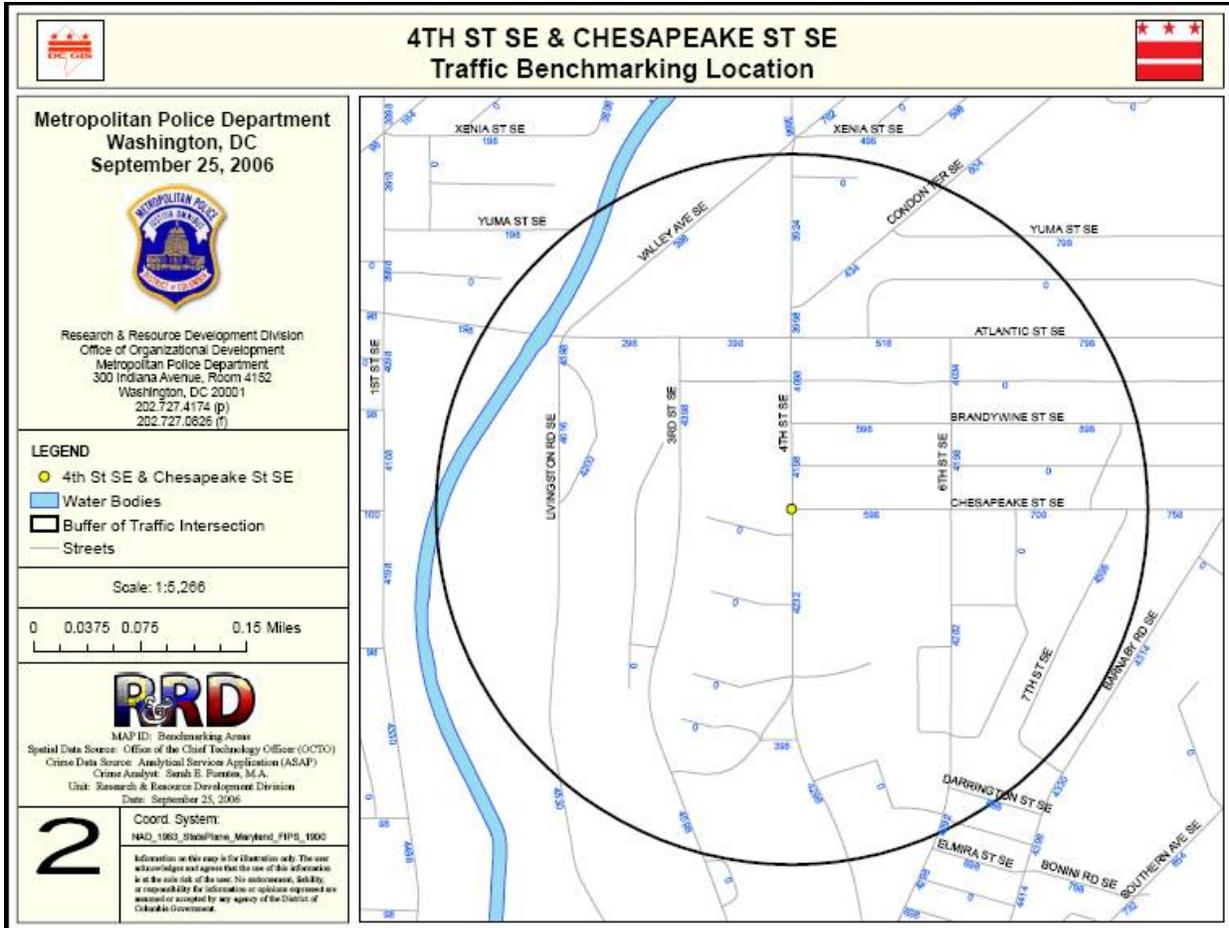
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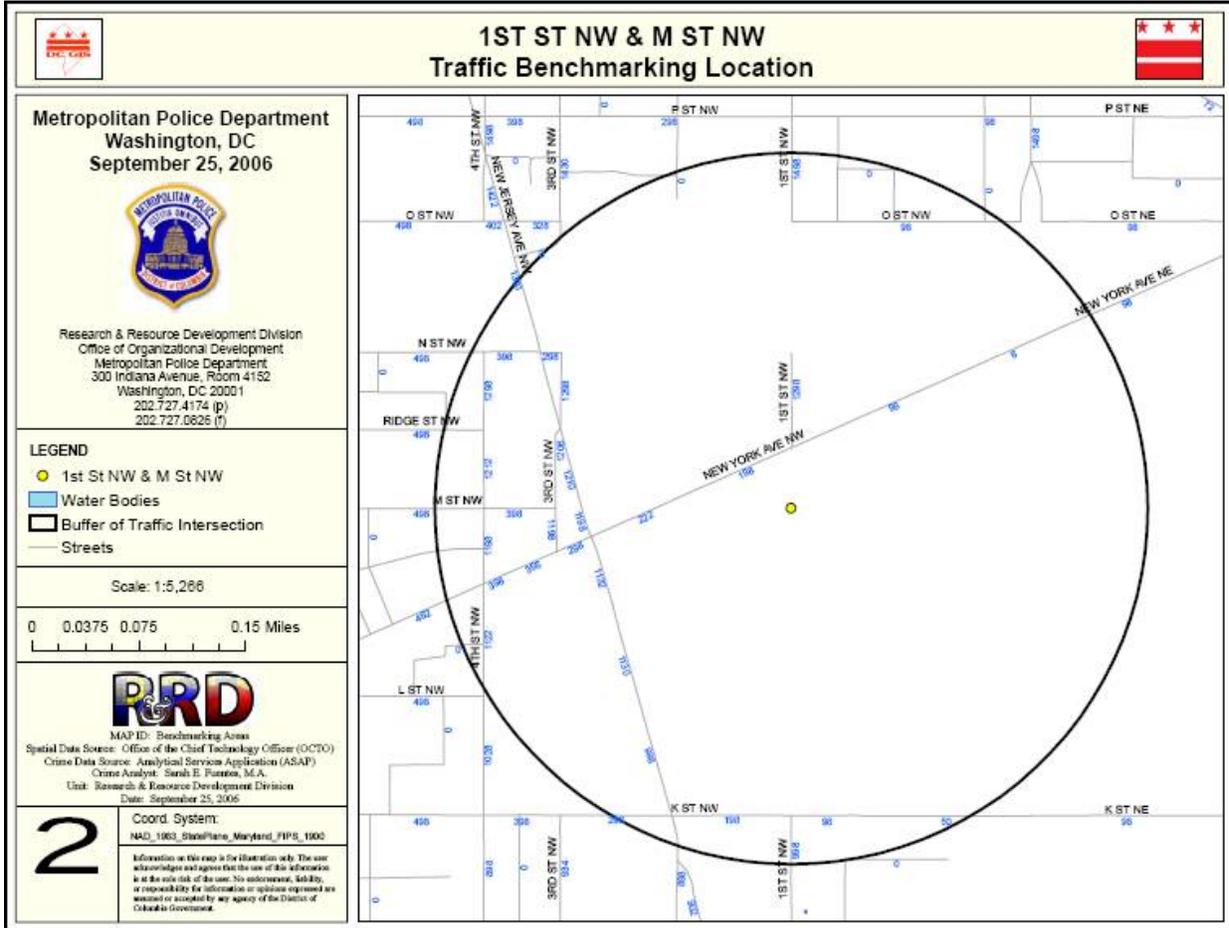
3. Alabama Ave SE & Ainger Pl SE
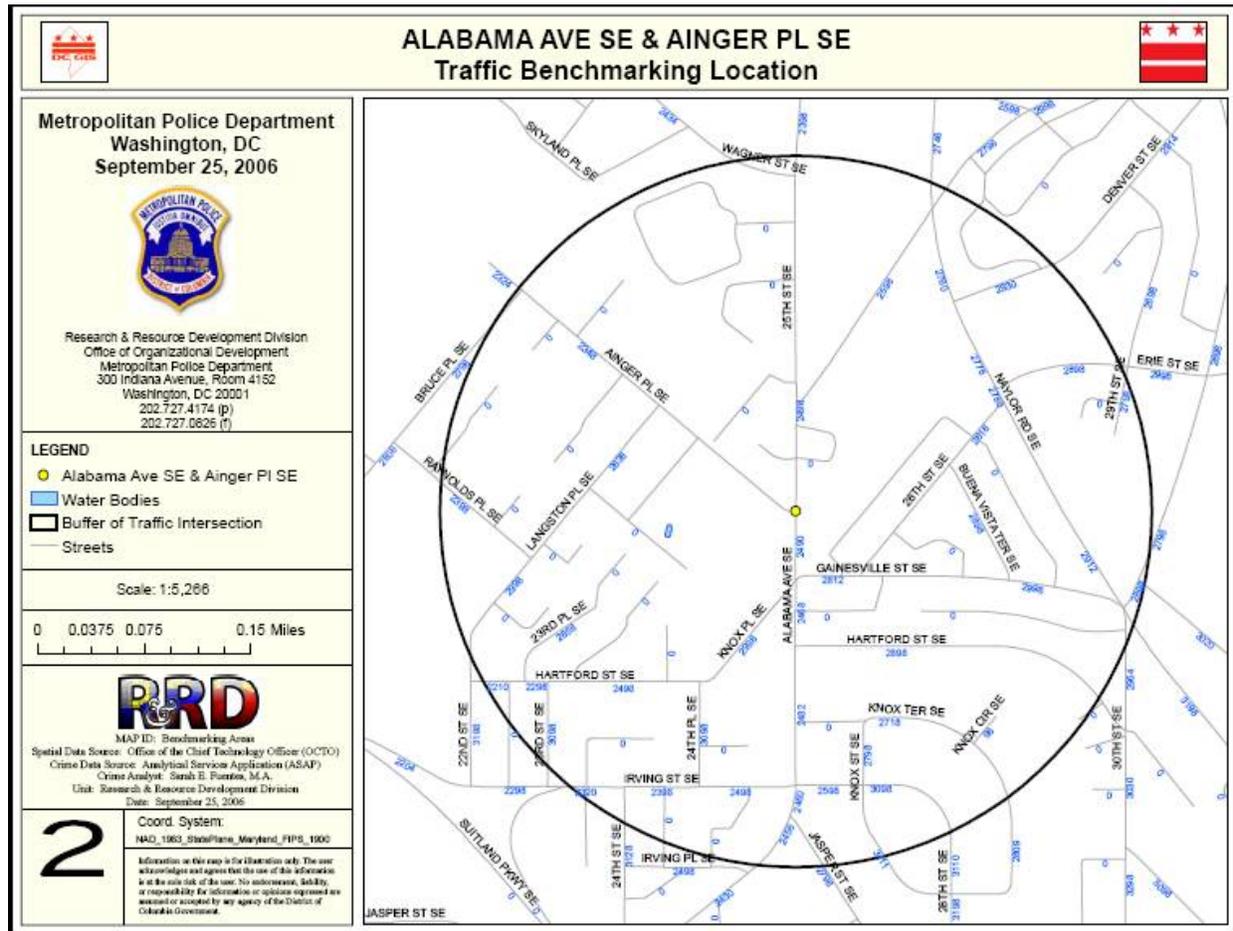
4. 17th St NW & Euclid St NW
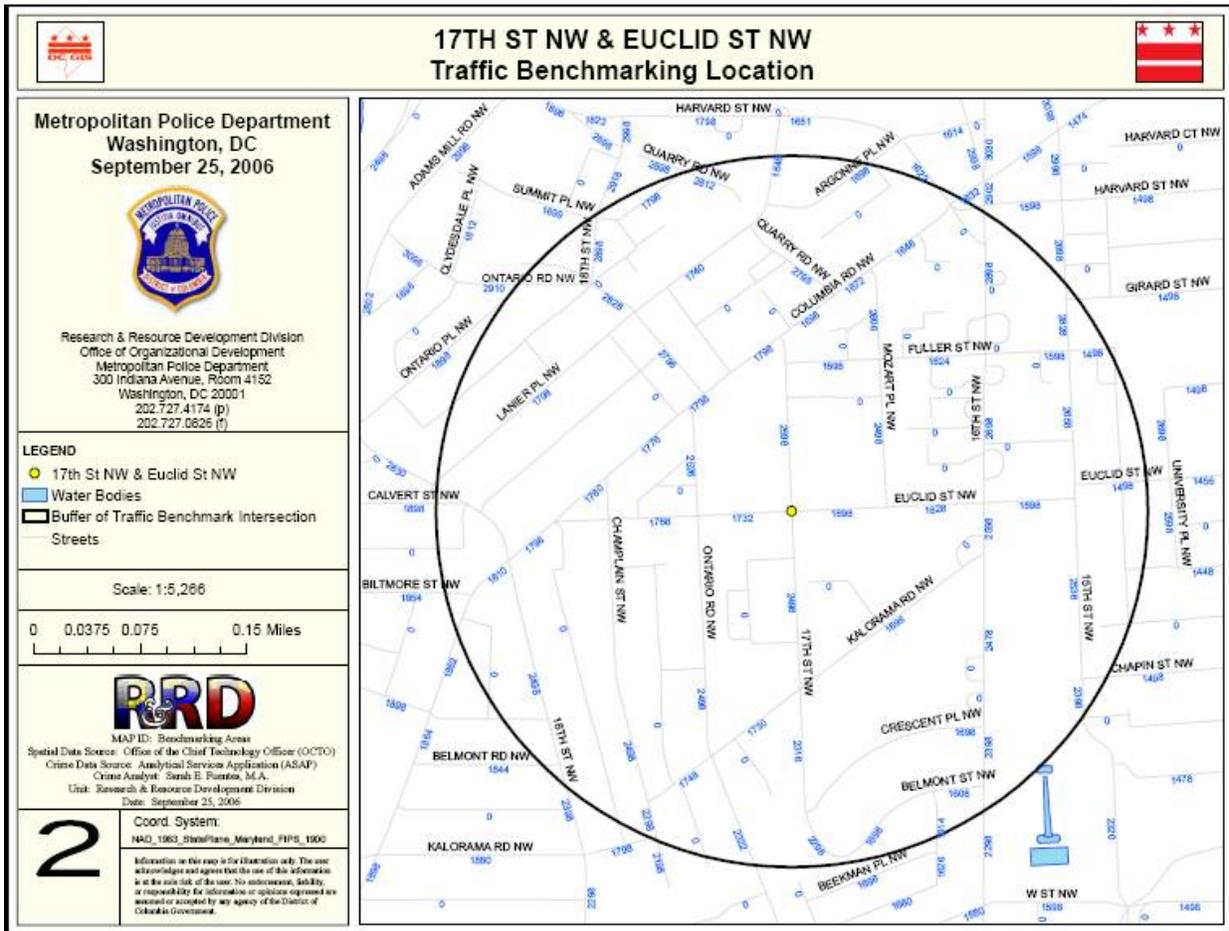
5. 5300 Blk Clay Ter NE
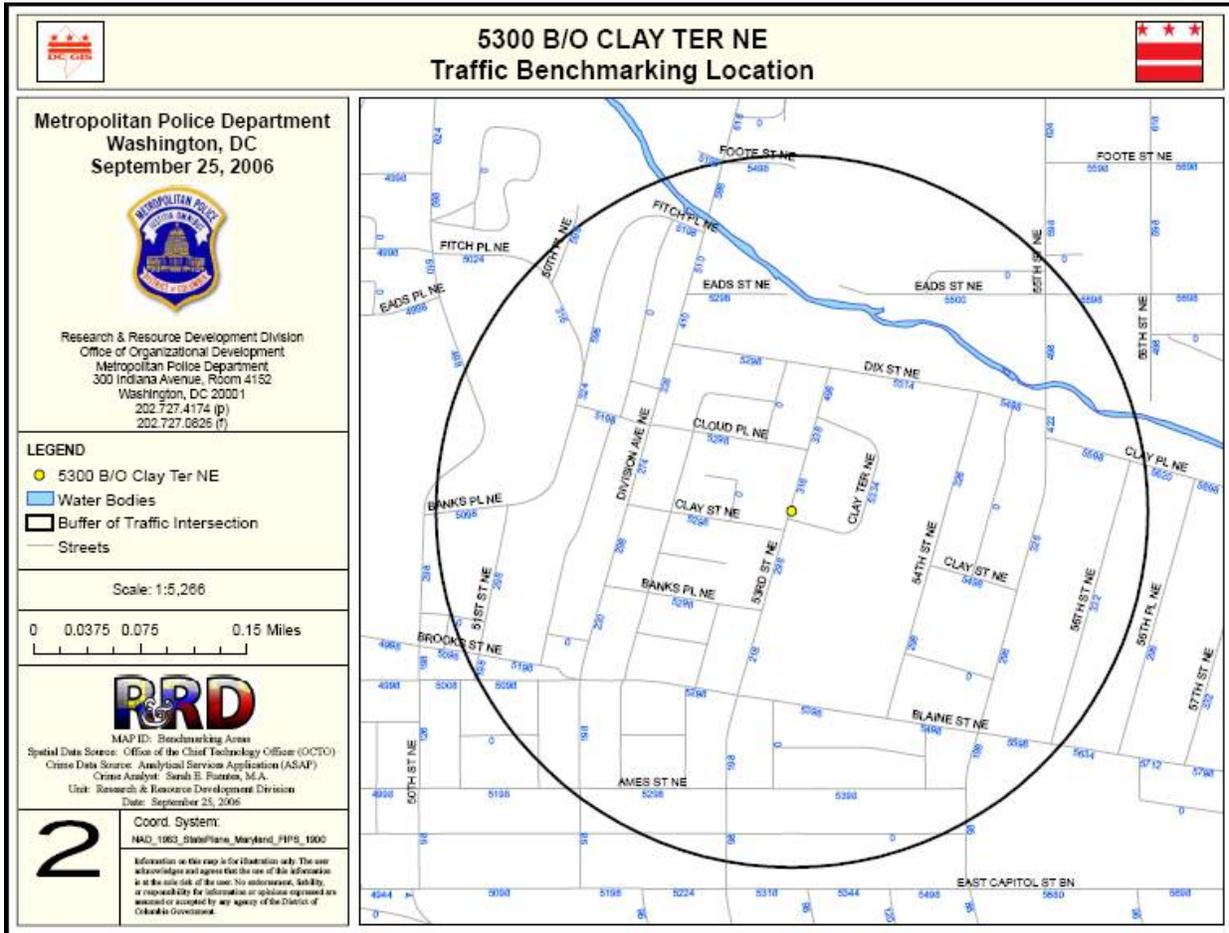
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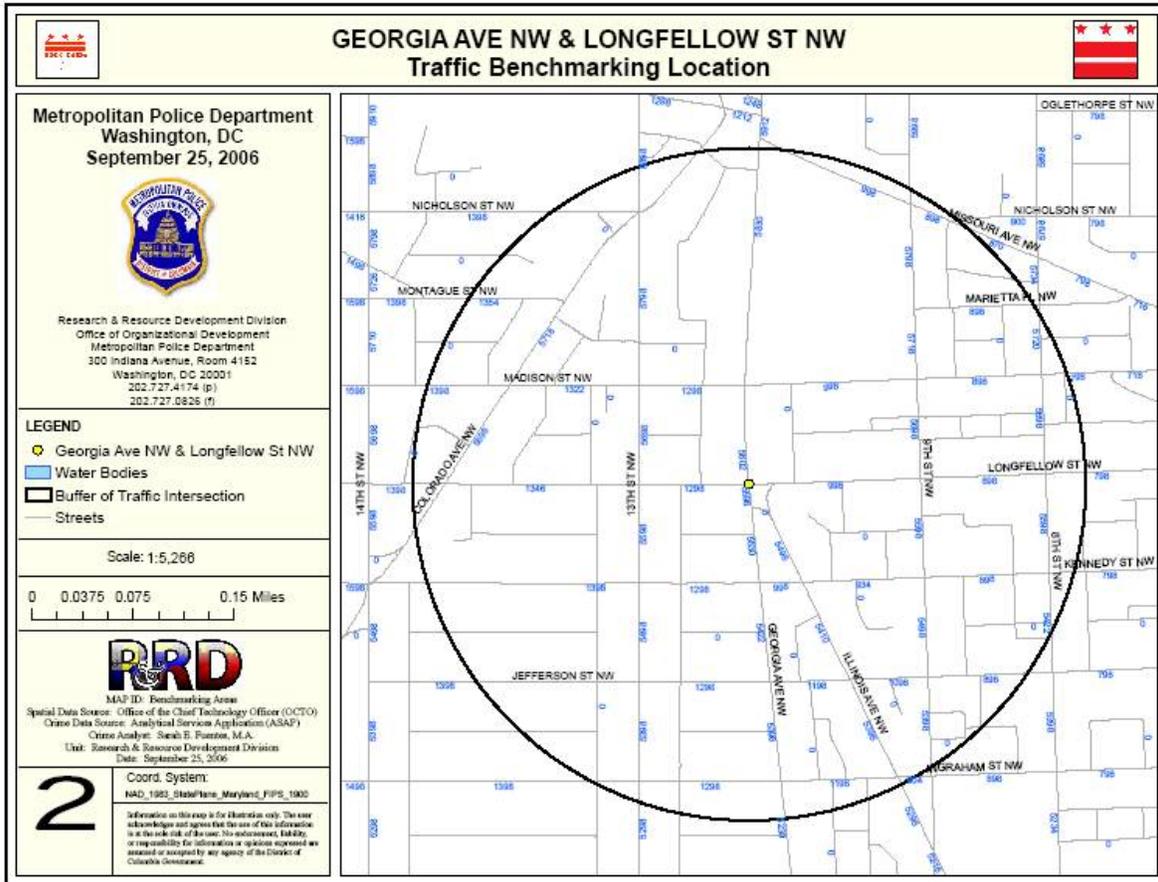
7. Georgia Ave NW and Shepherd St NW
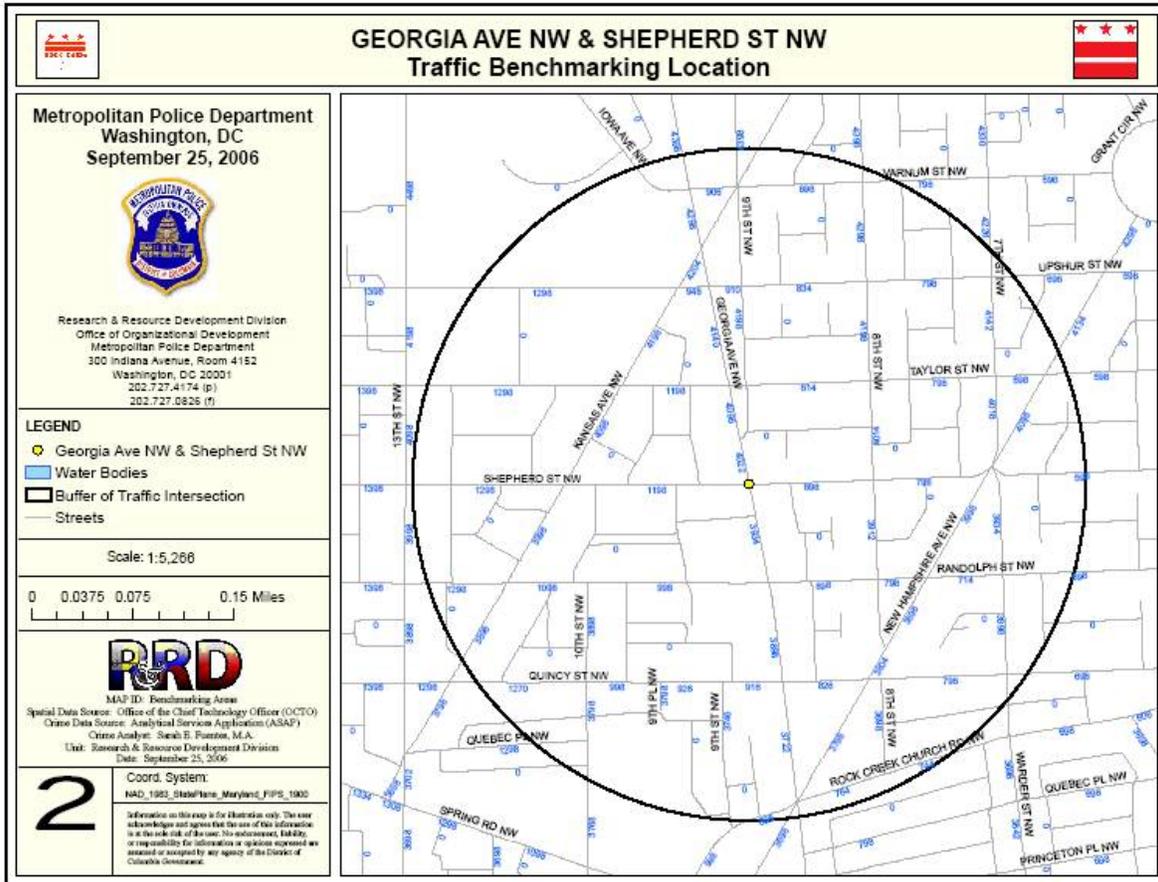
8. Alabama Ave SE & F St SE
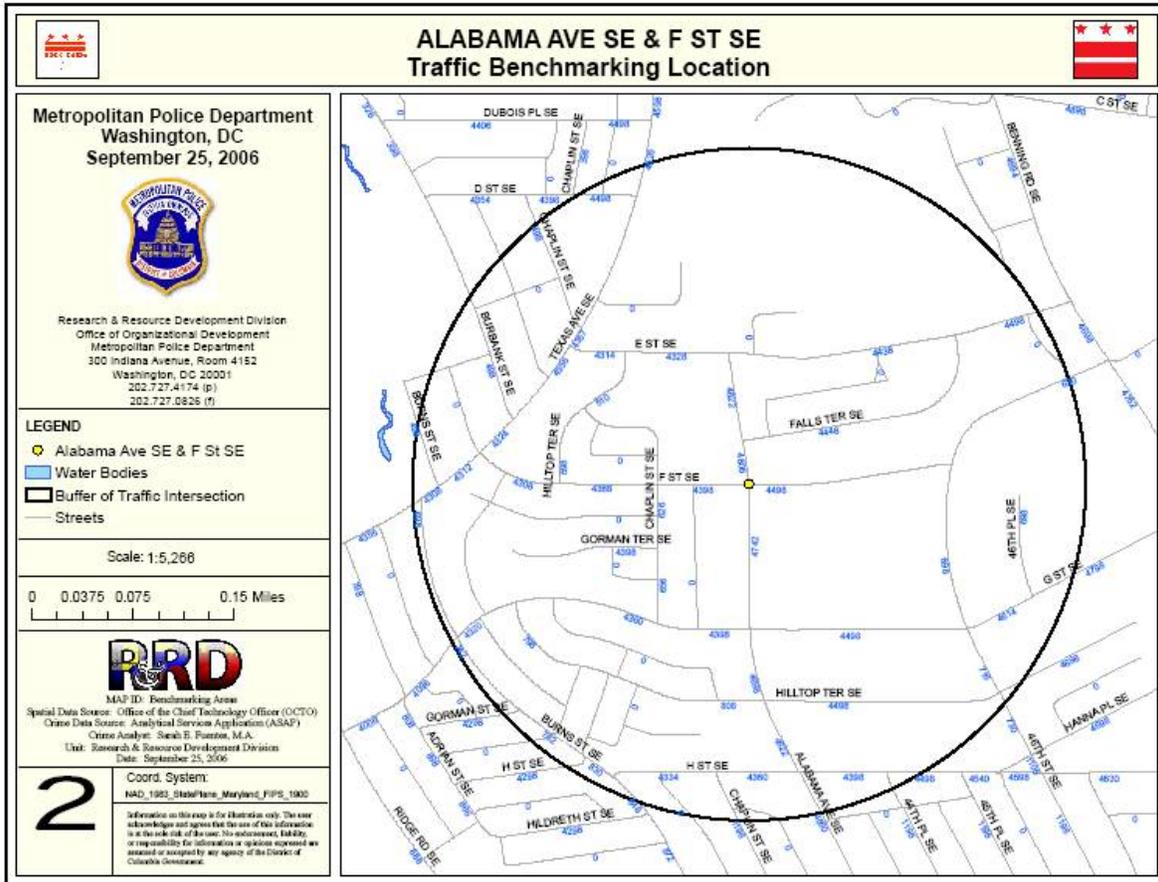
9. 3200 Blk 23rd St SE
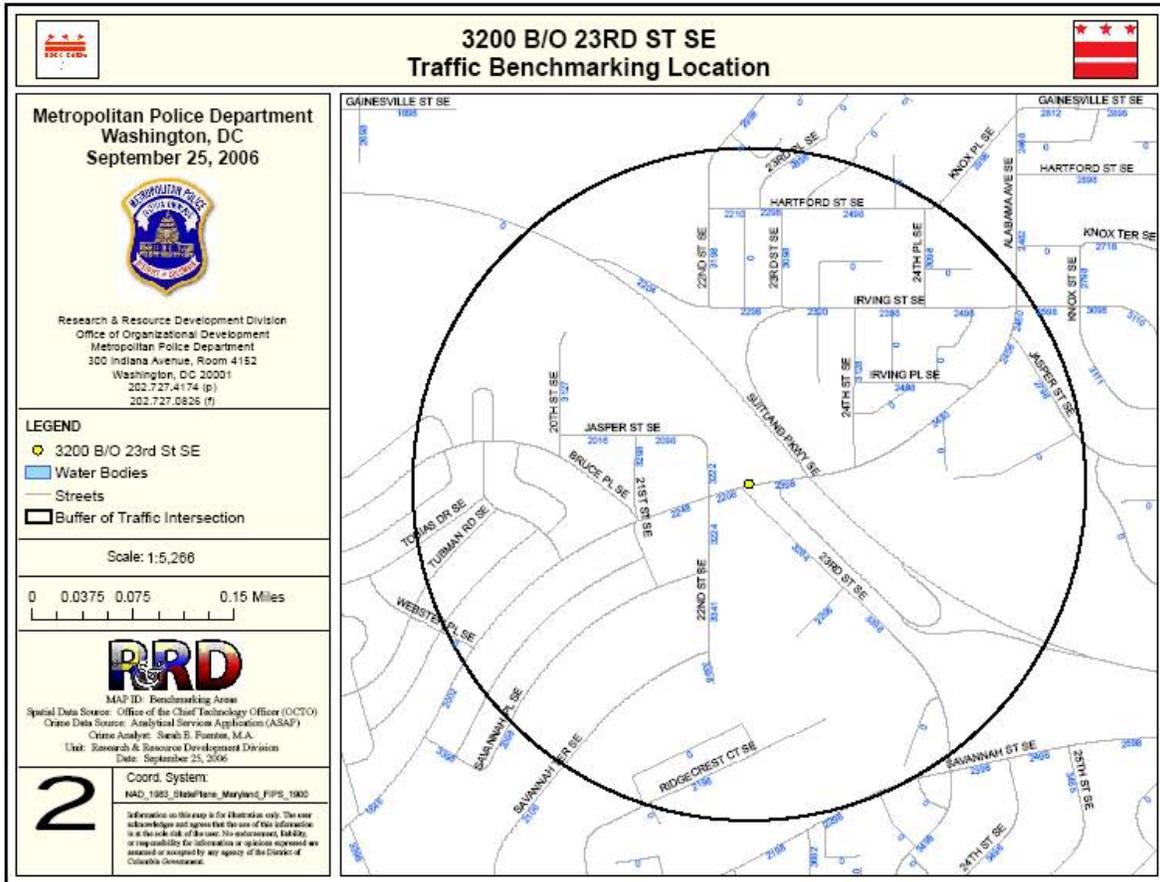
10. 1st St NW & Channing St NW
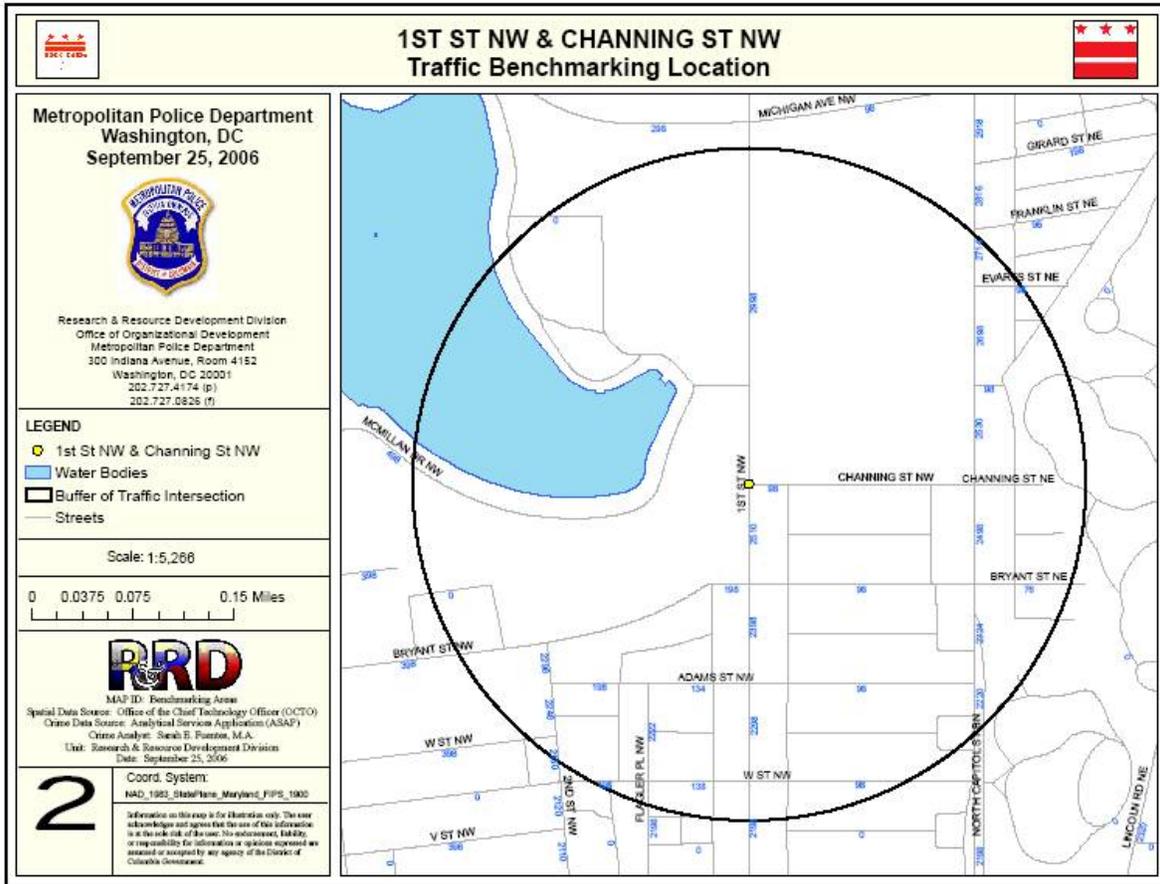
11. 2700 Blk 13th St NW
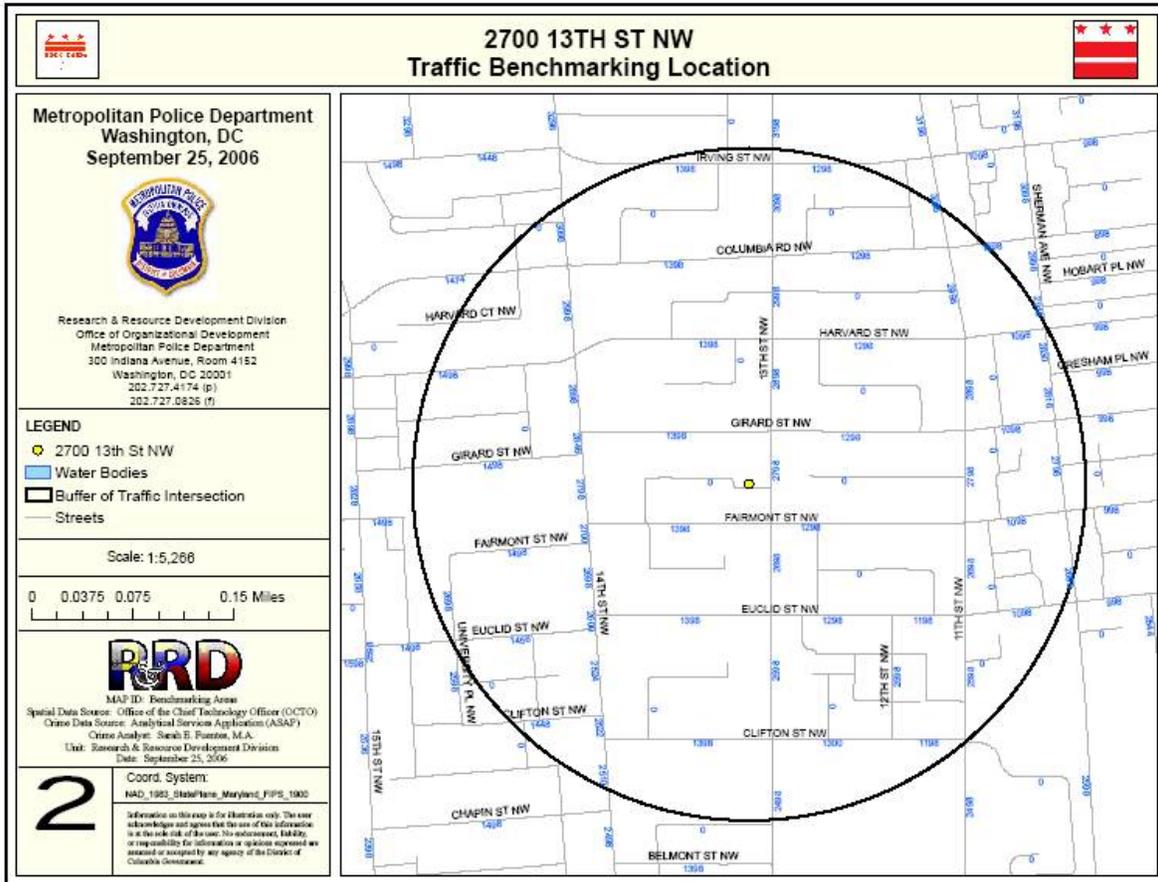
12. 200 Blk Division Ave NE
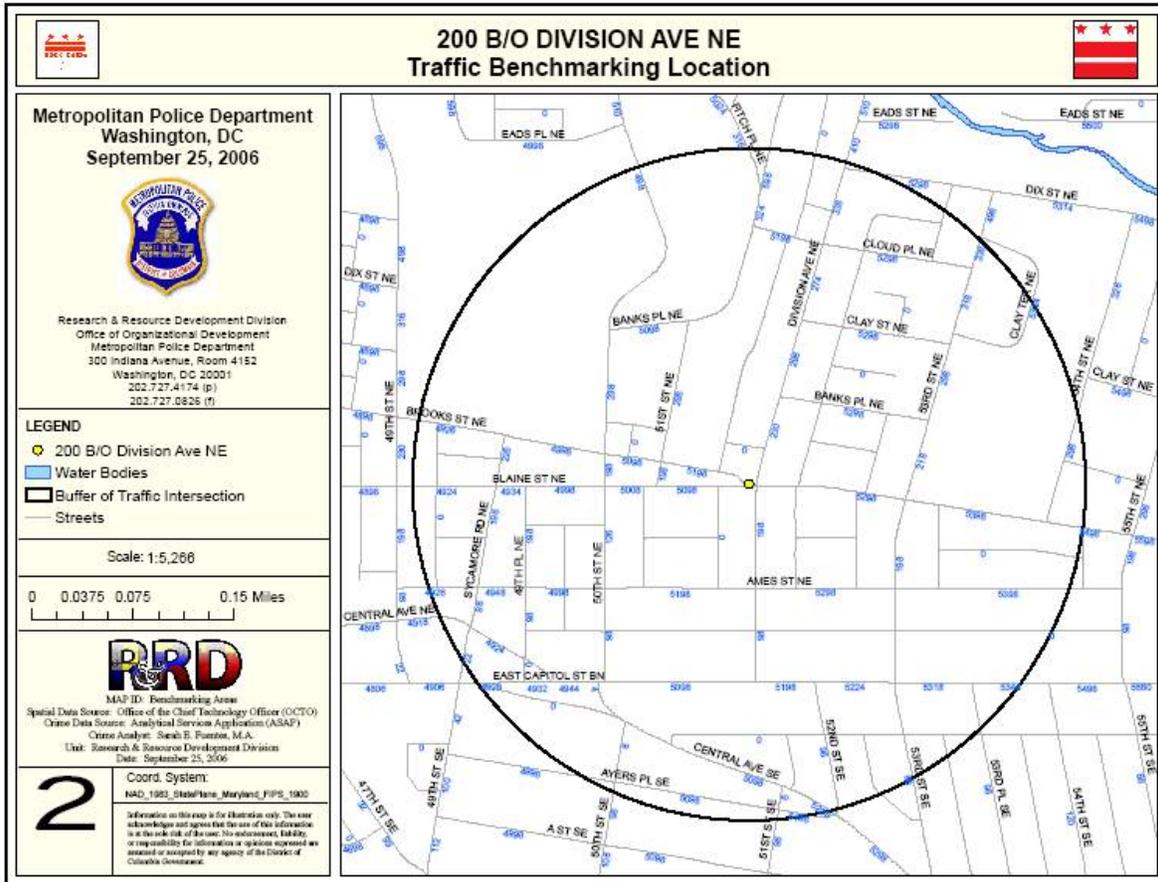
13. 400 17th St NE
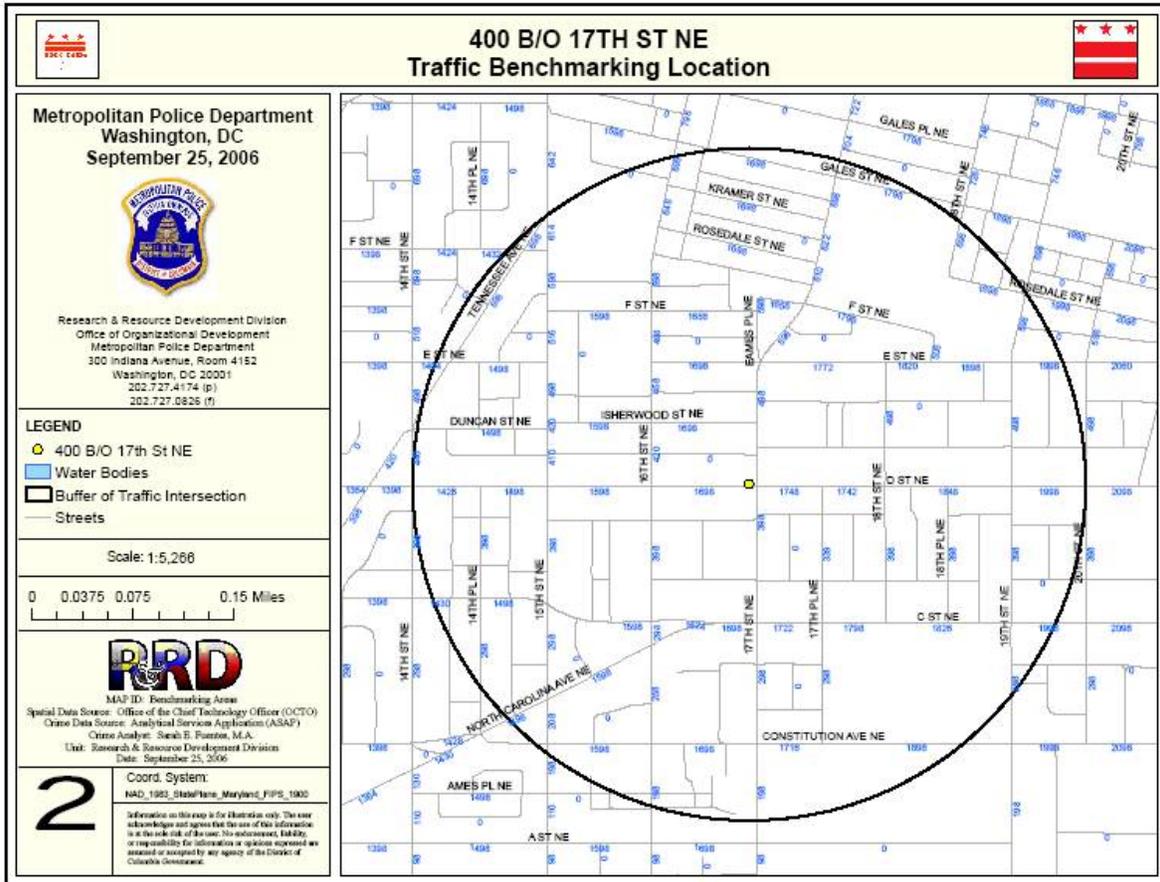
14. 14th St NE & Saratoga Ave NE
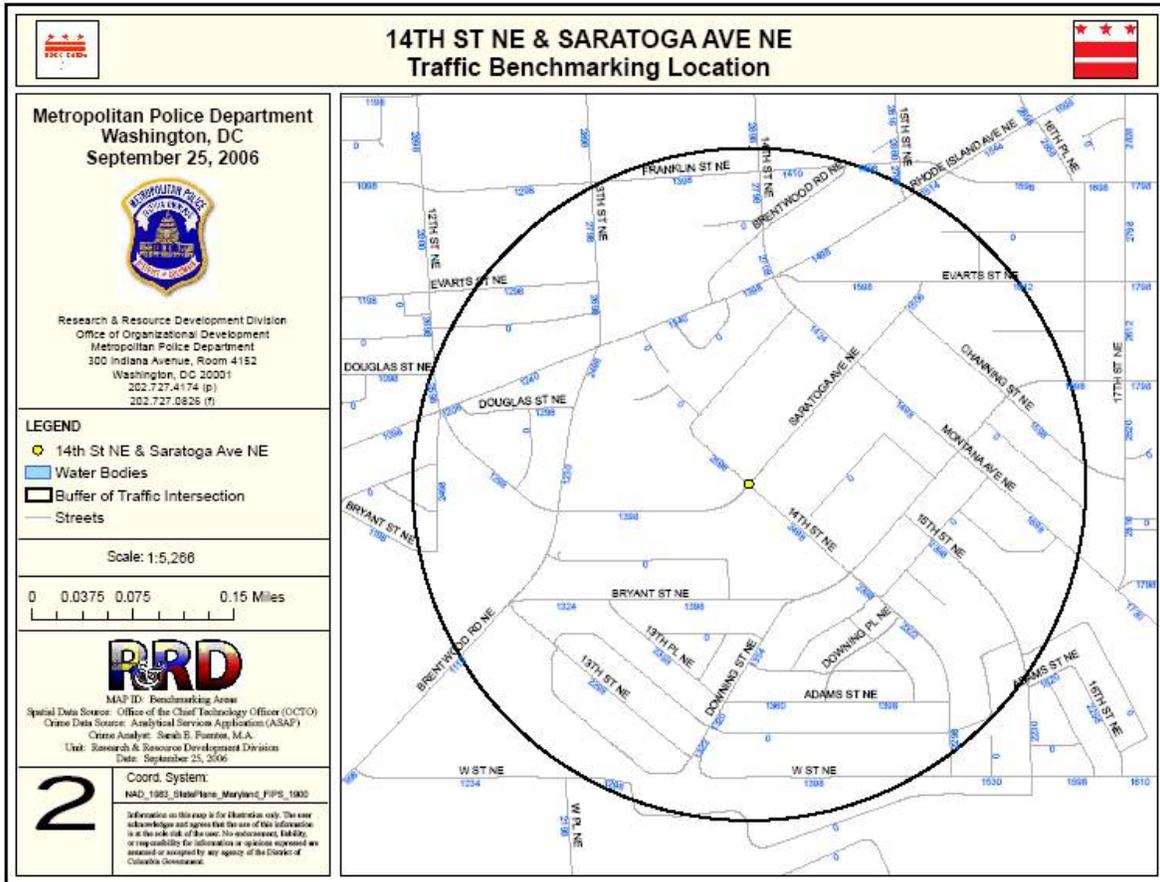
15. 2600 Blk Stanton Rd SE
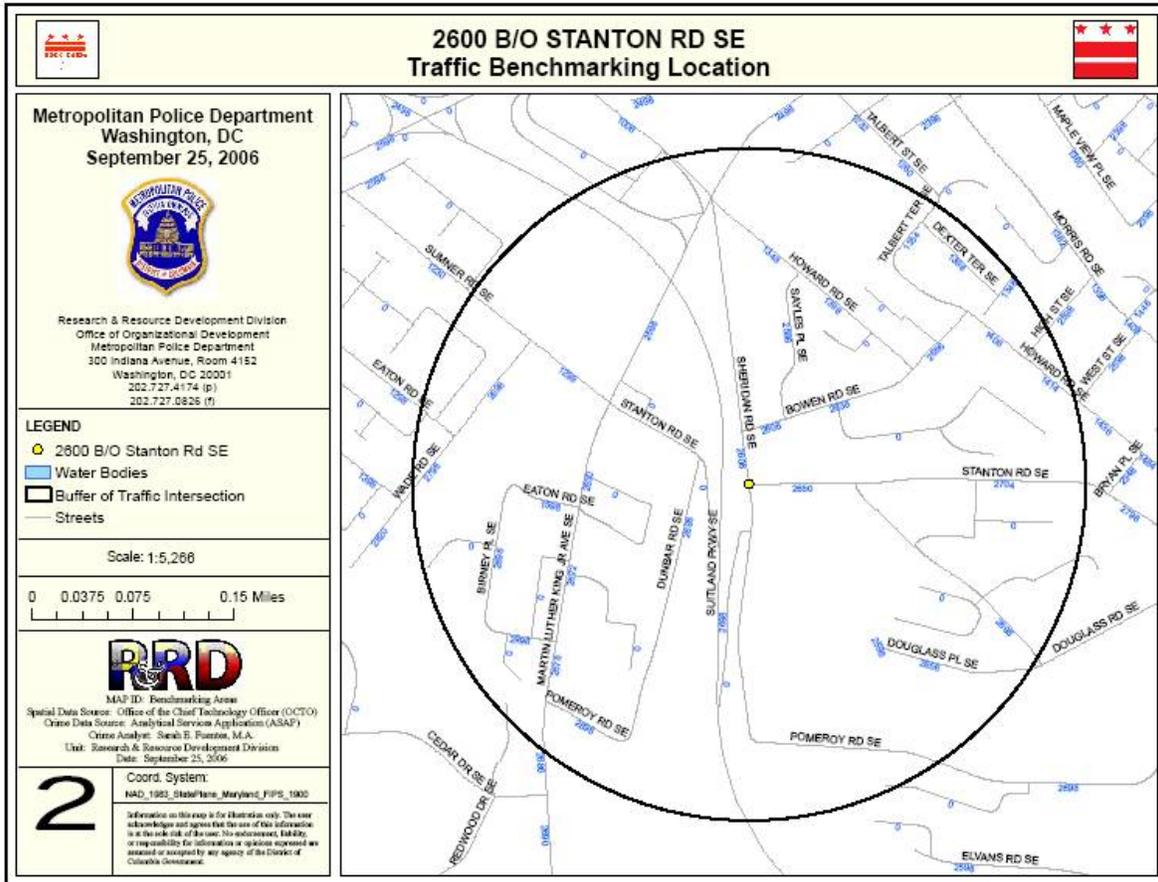
16. Montello St NE & Neal St NE
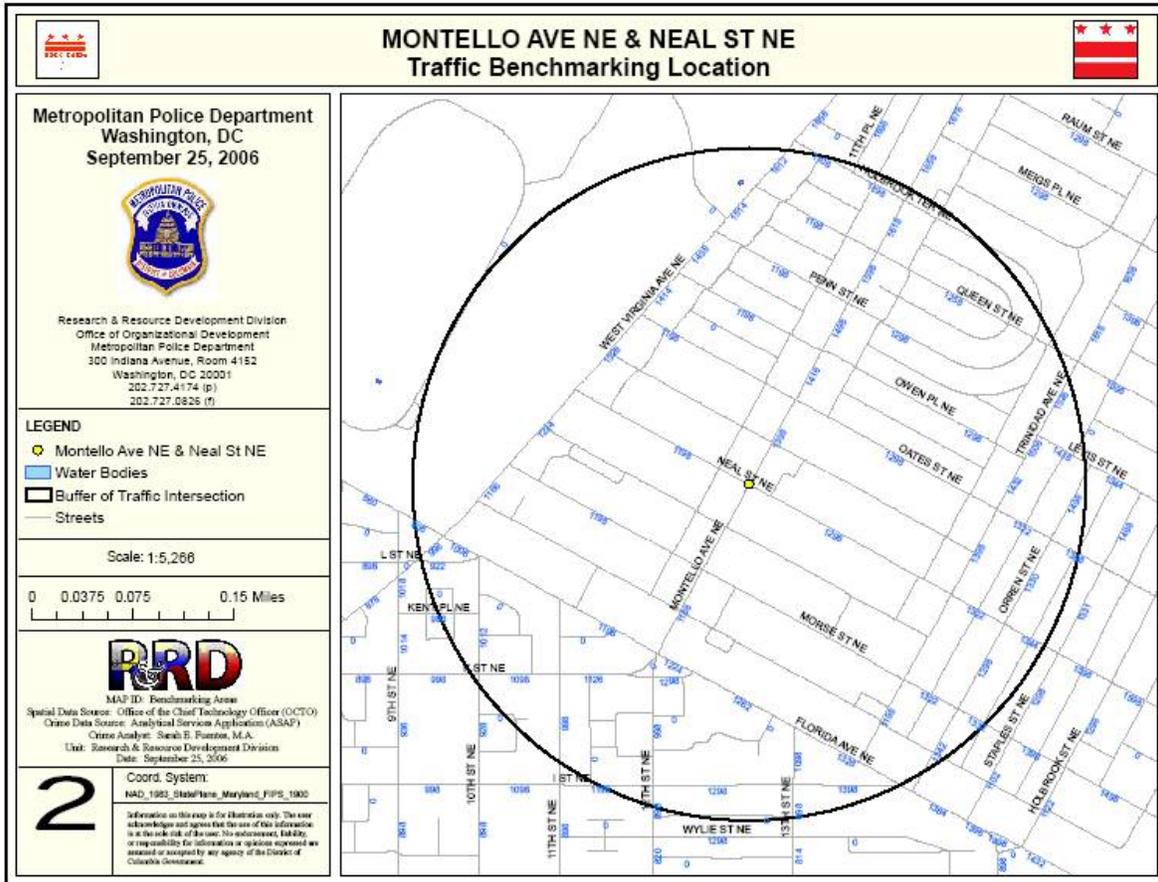
17. 11th St NW & Park Rd NW
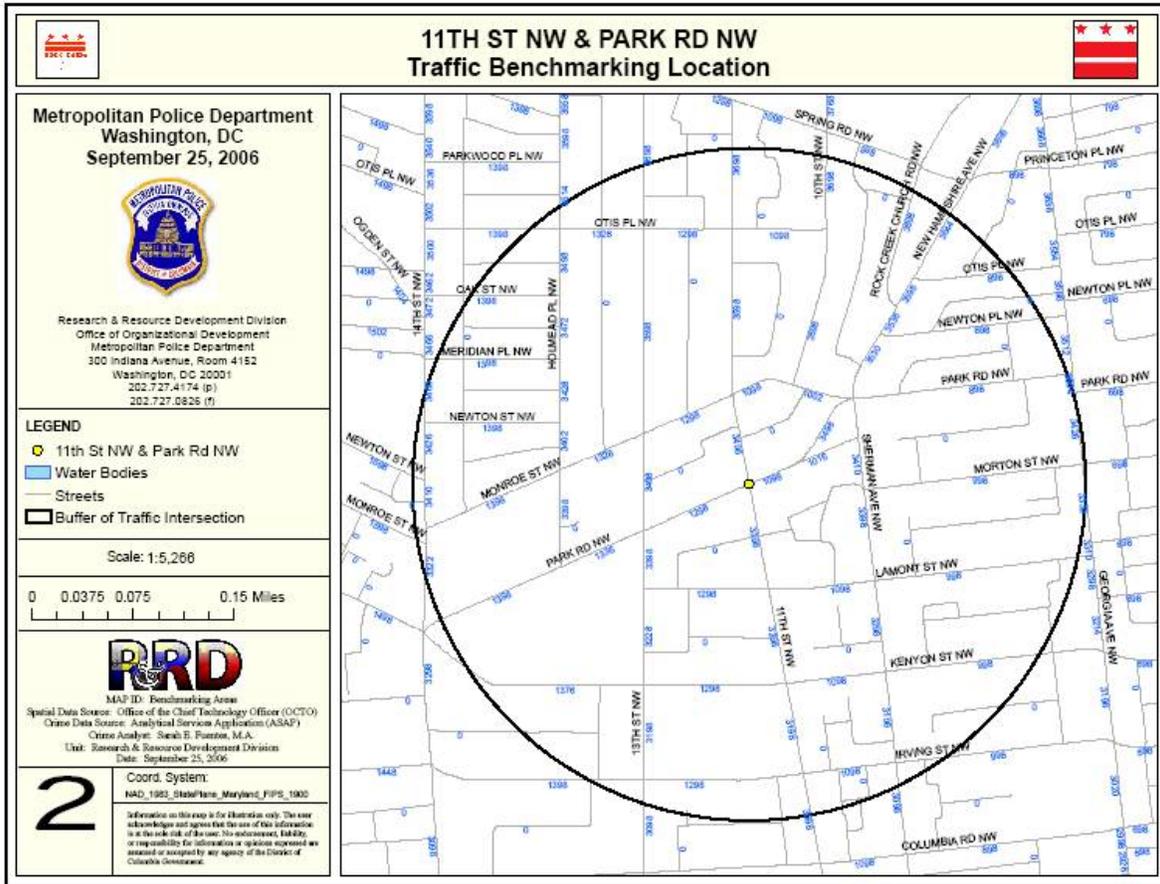
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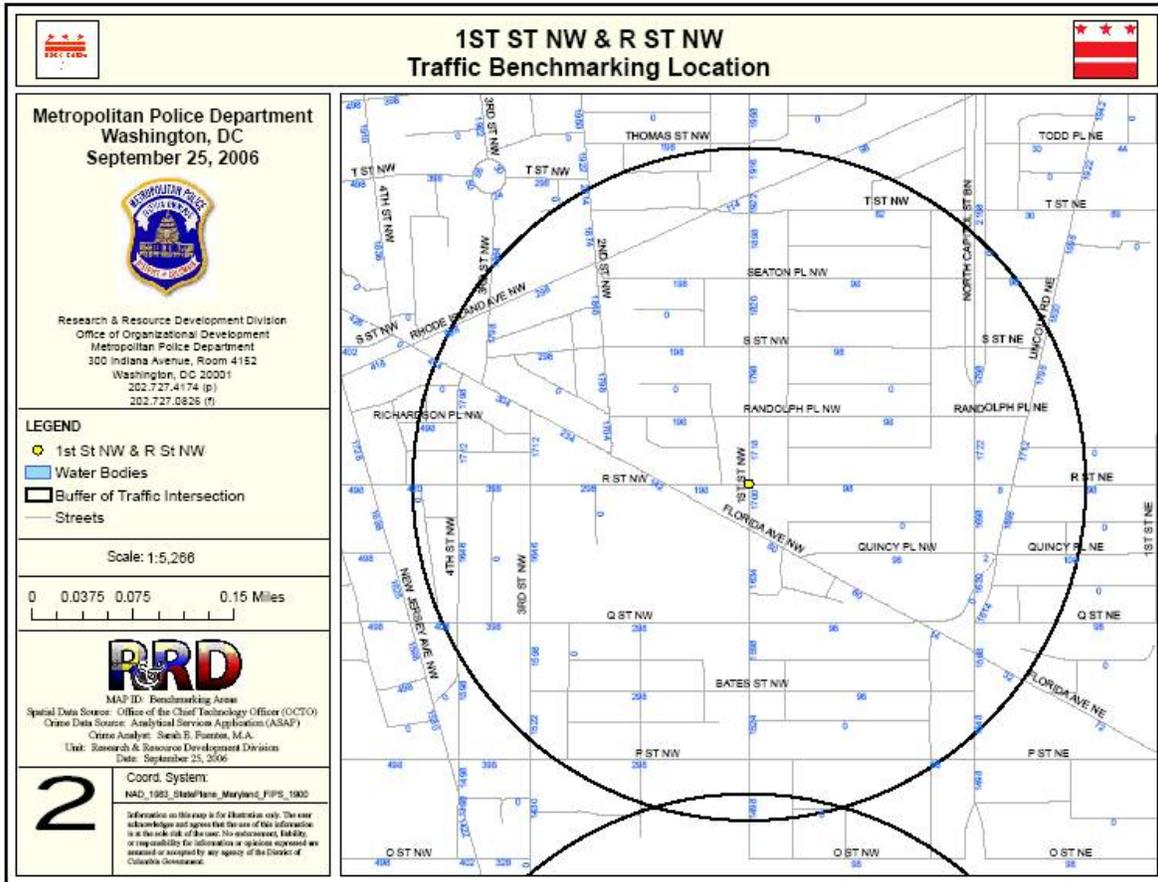
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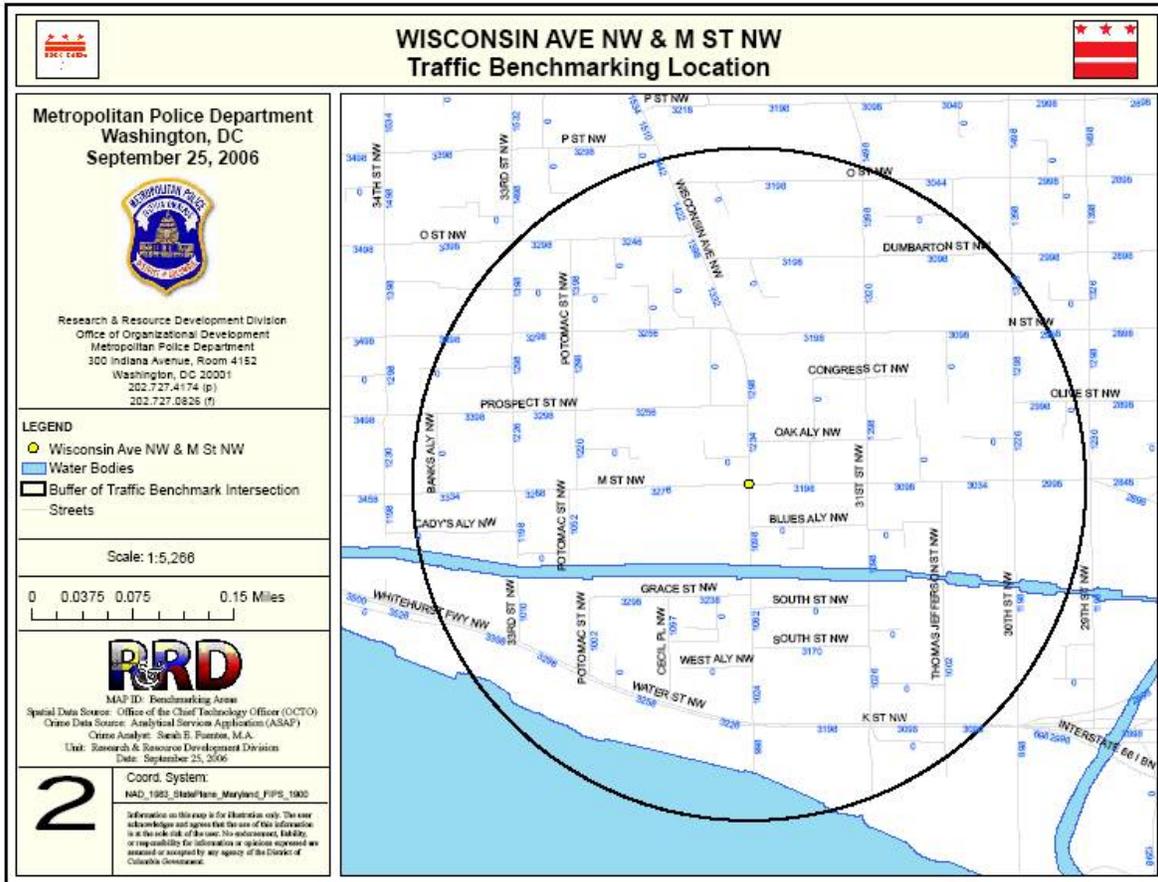
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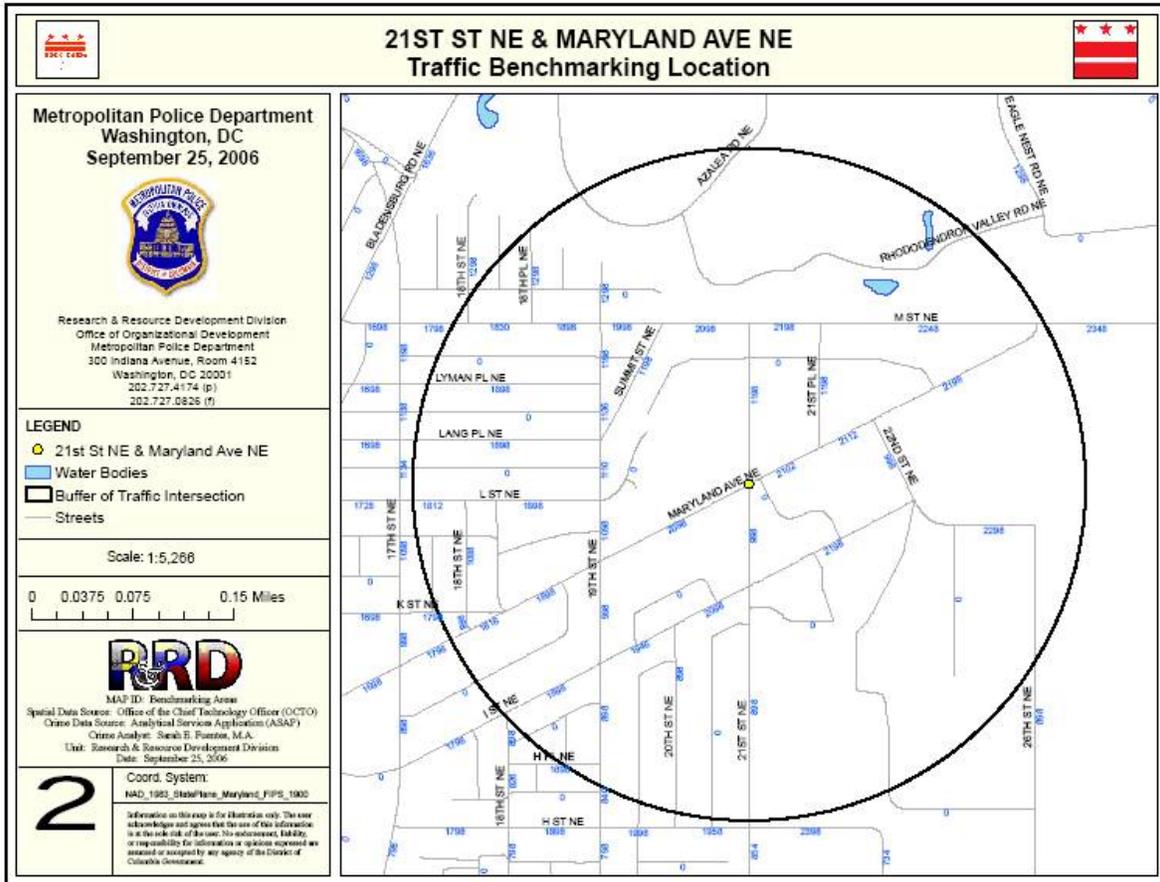
Pedestrian Intersections

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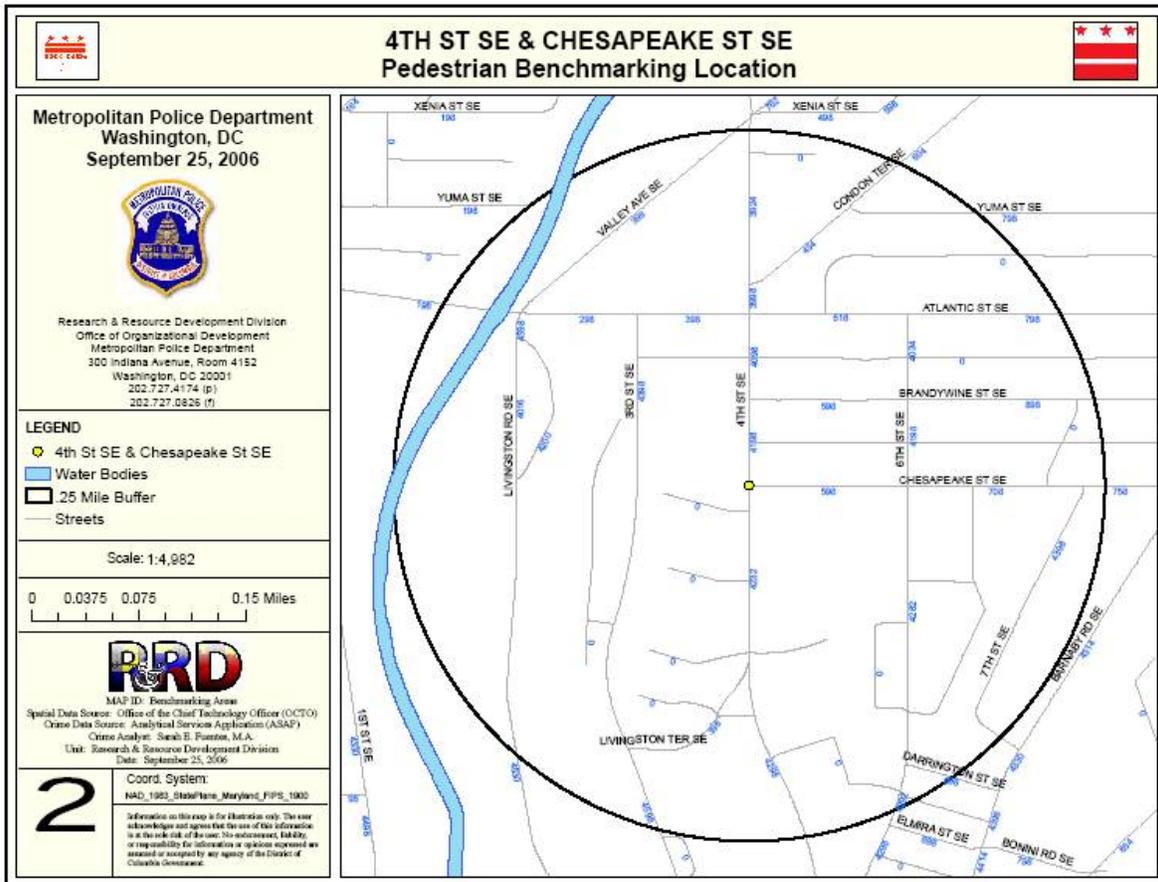
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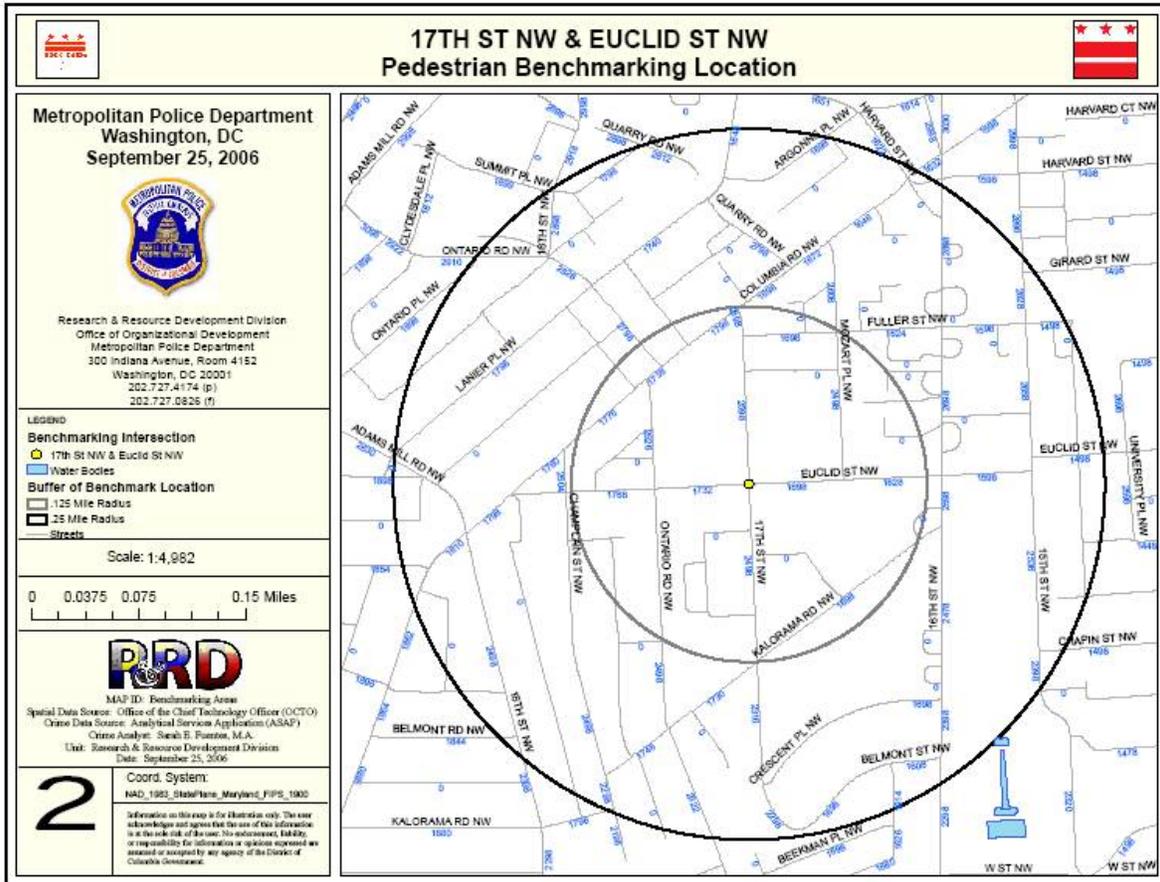
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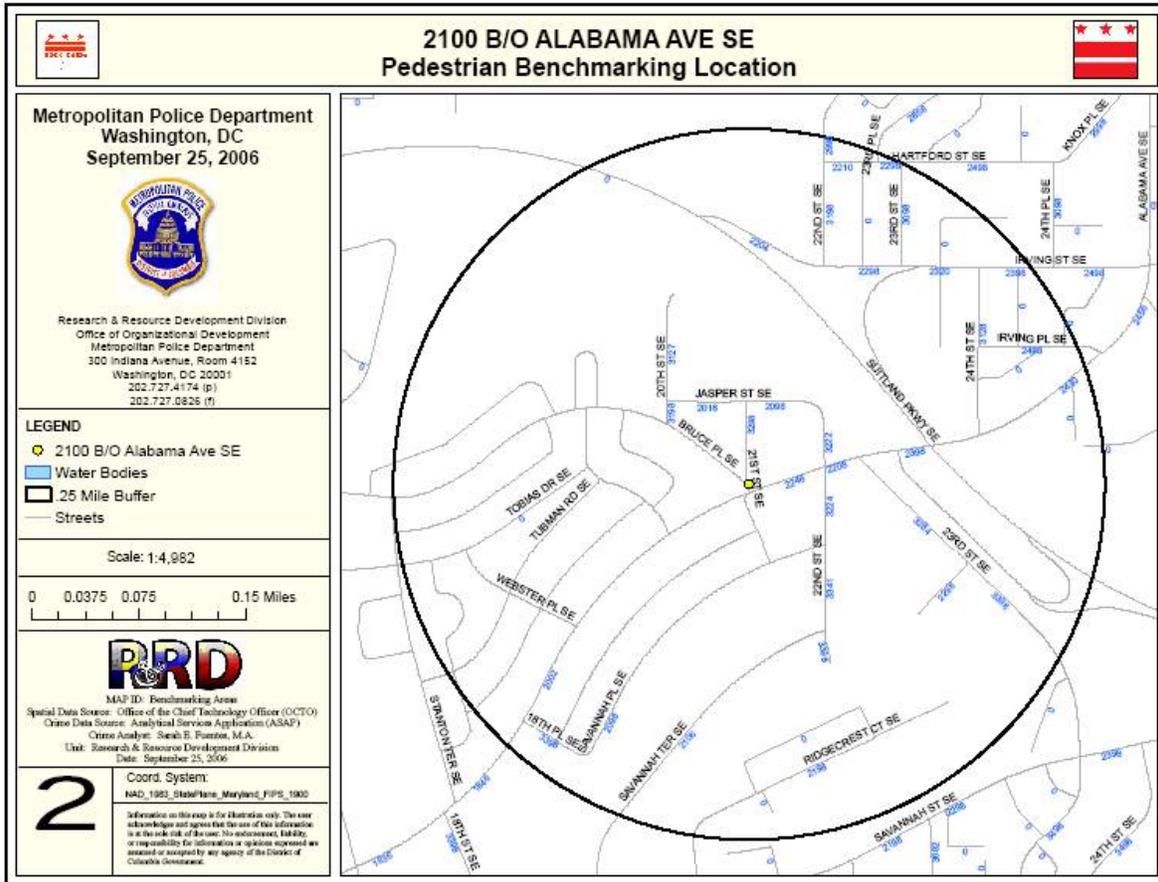
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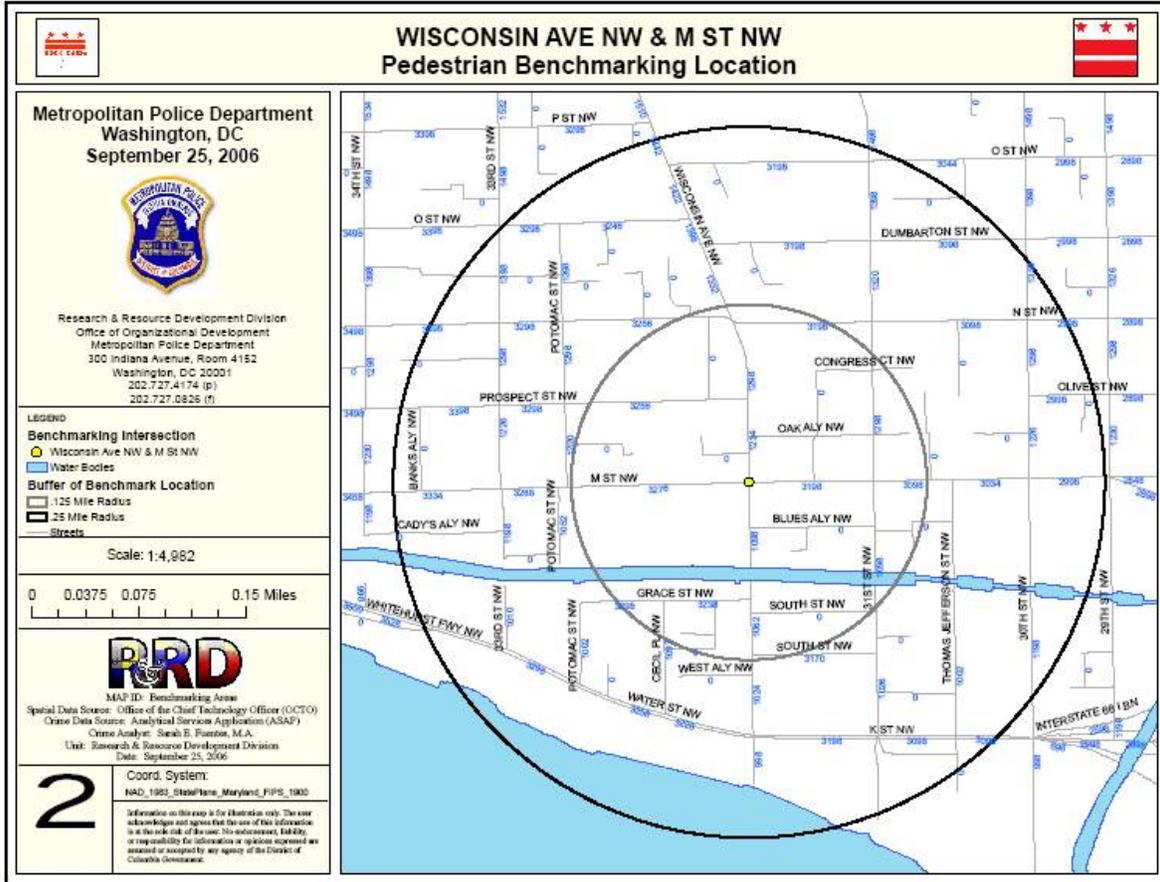
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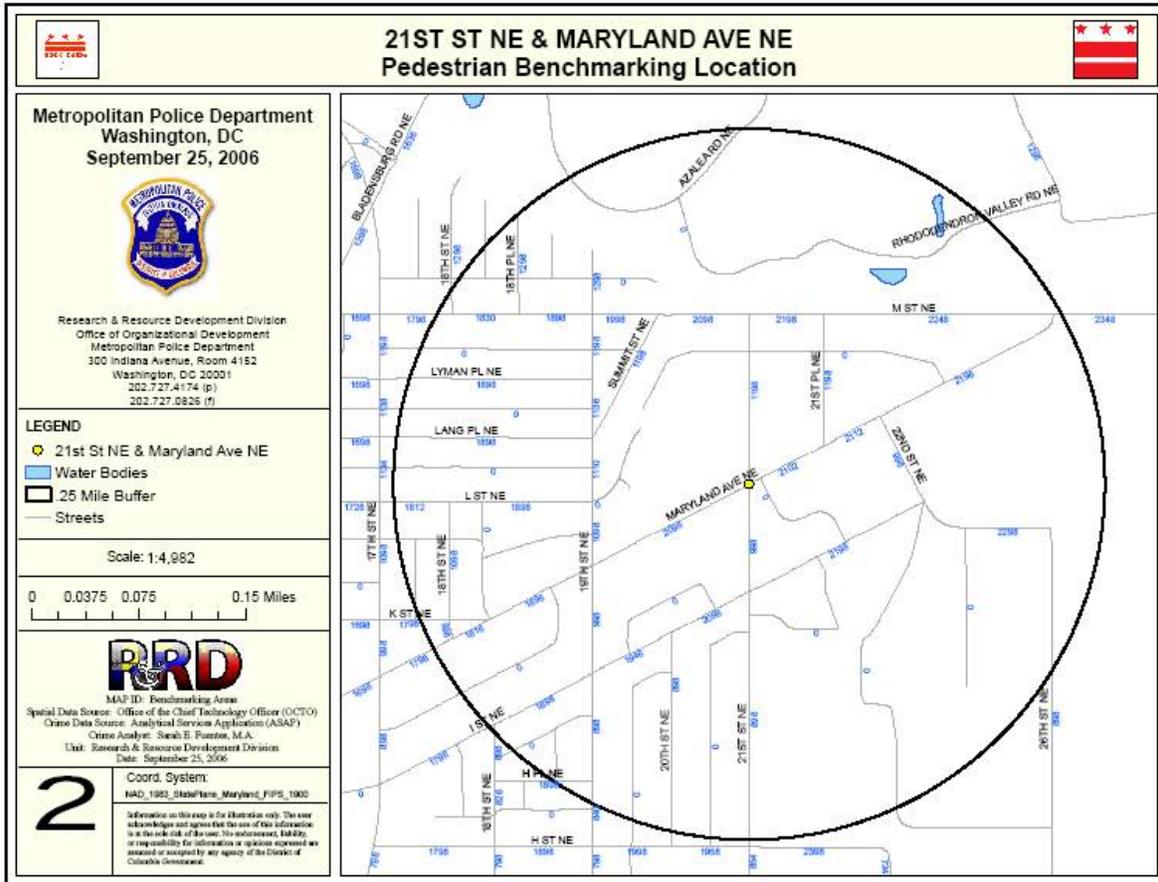
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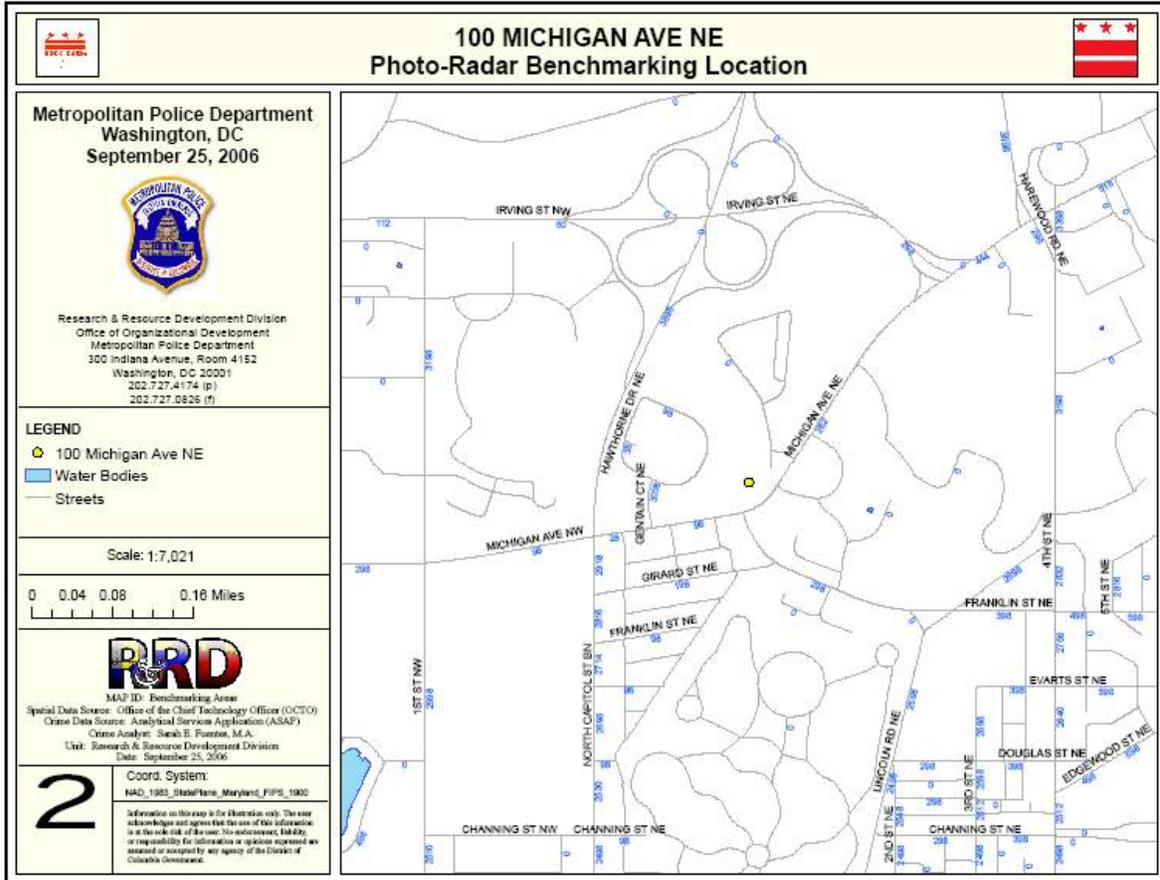
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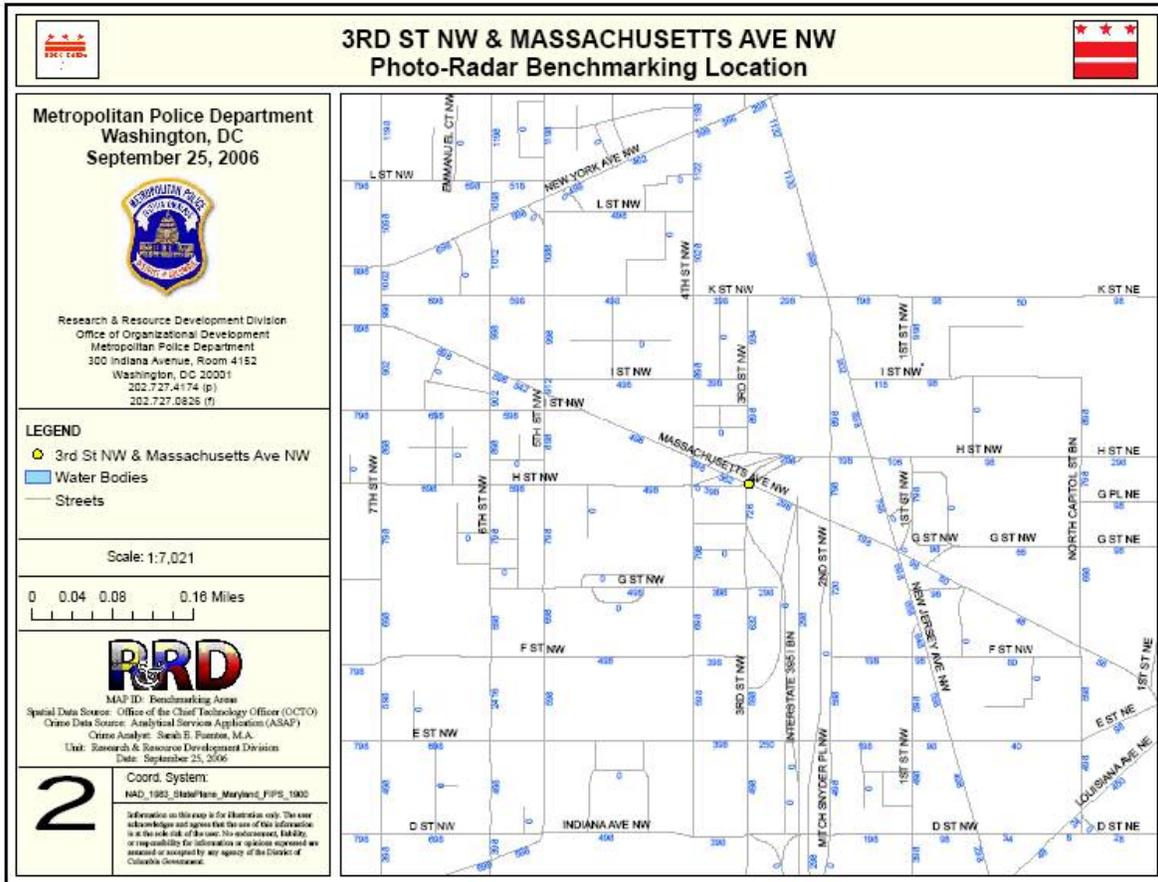
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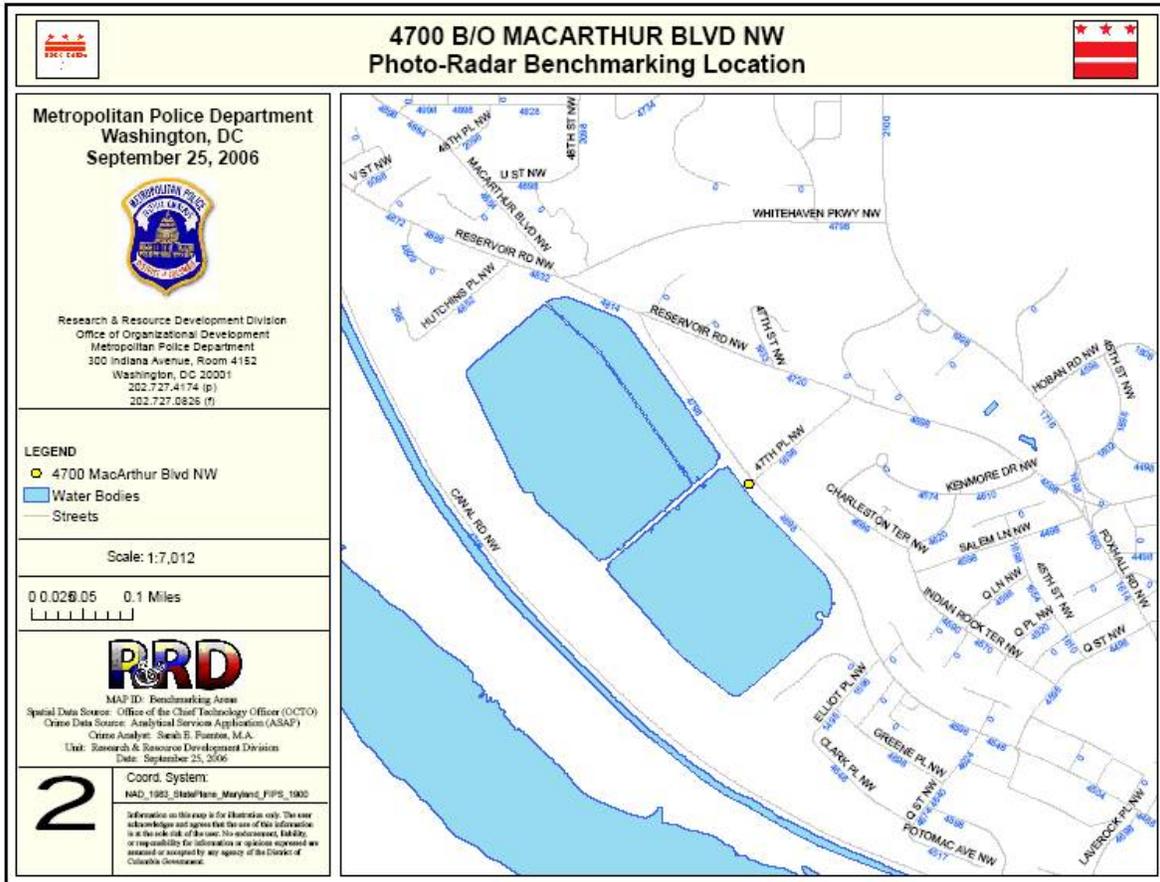
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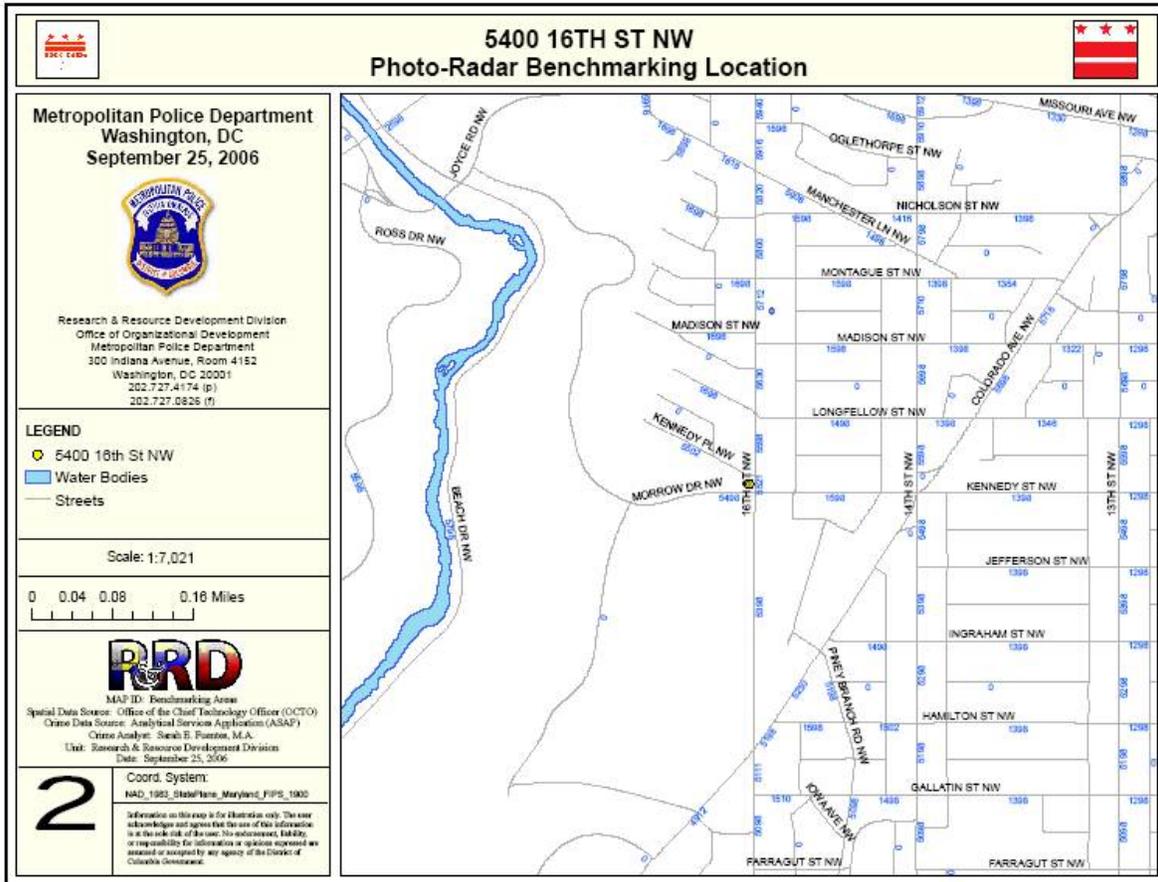
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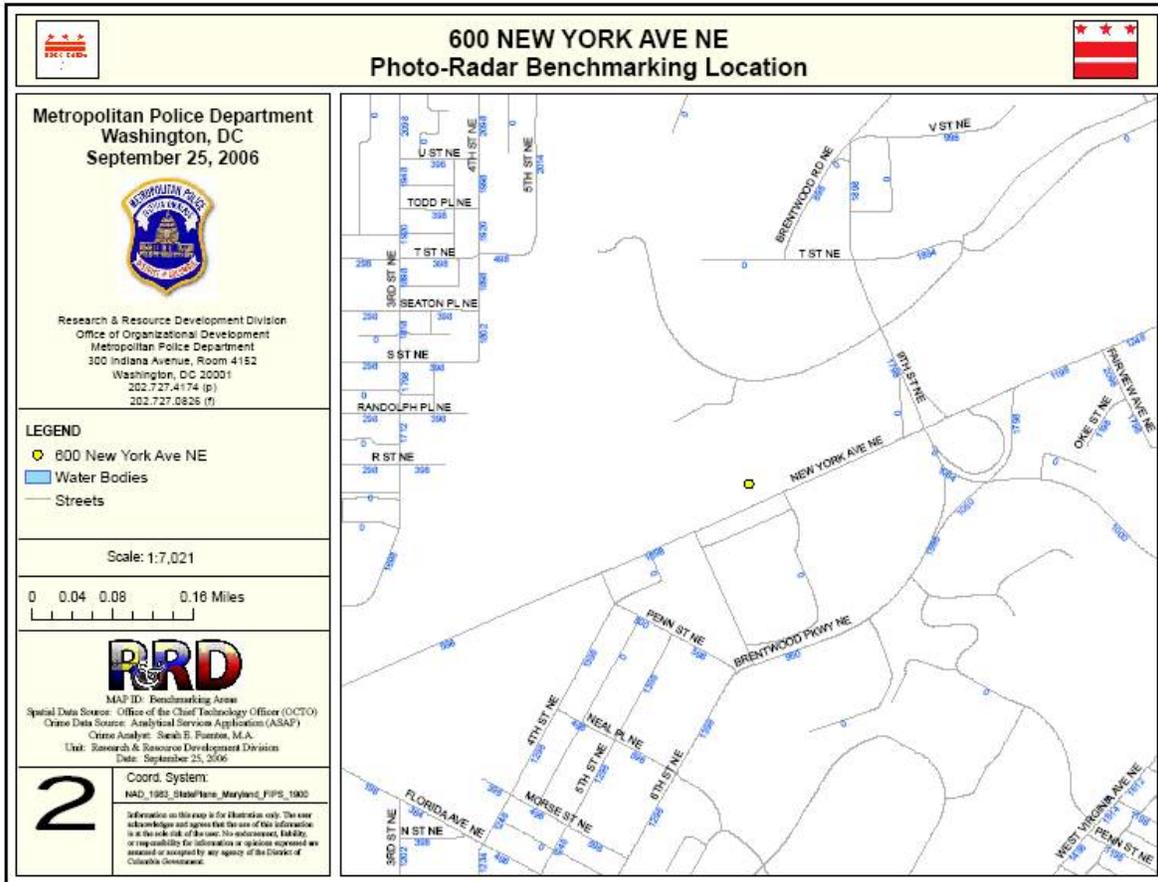
Red Light Camera Locations

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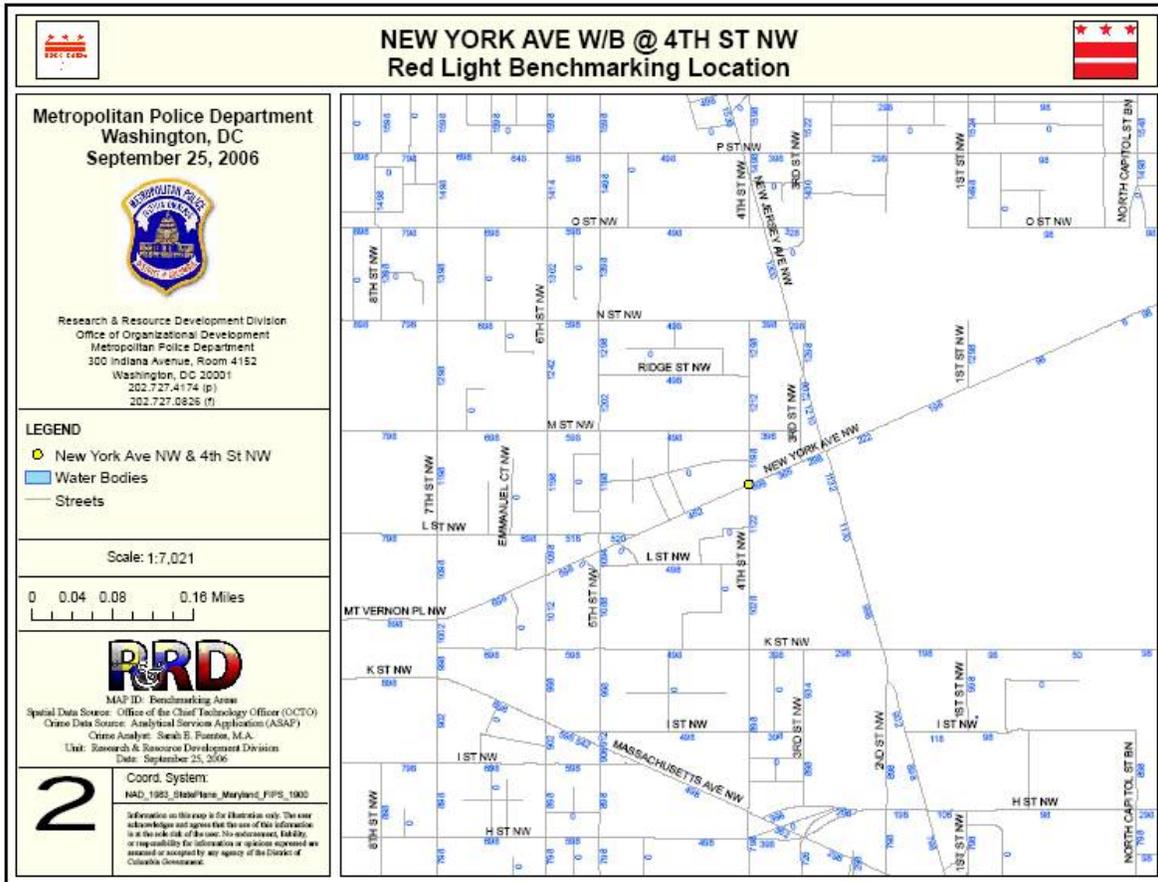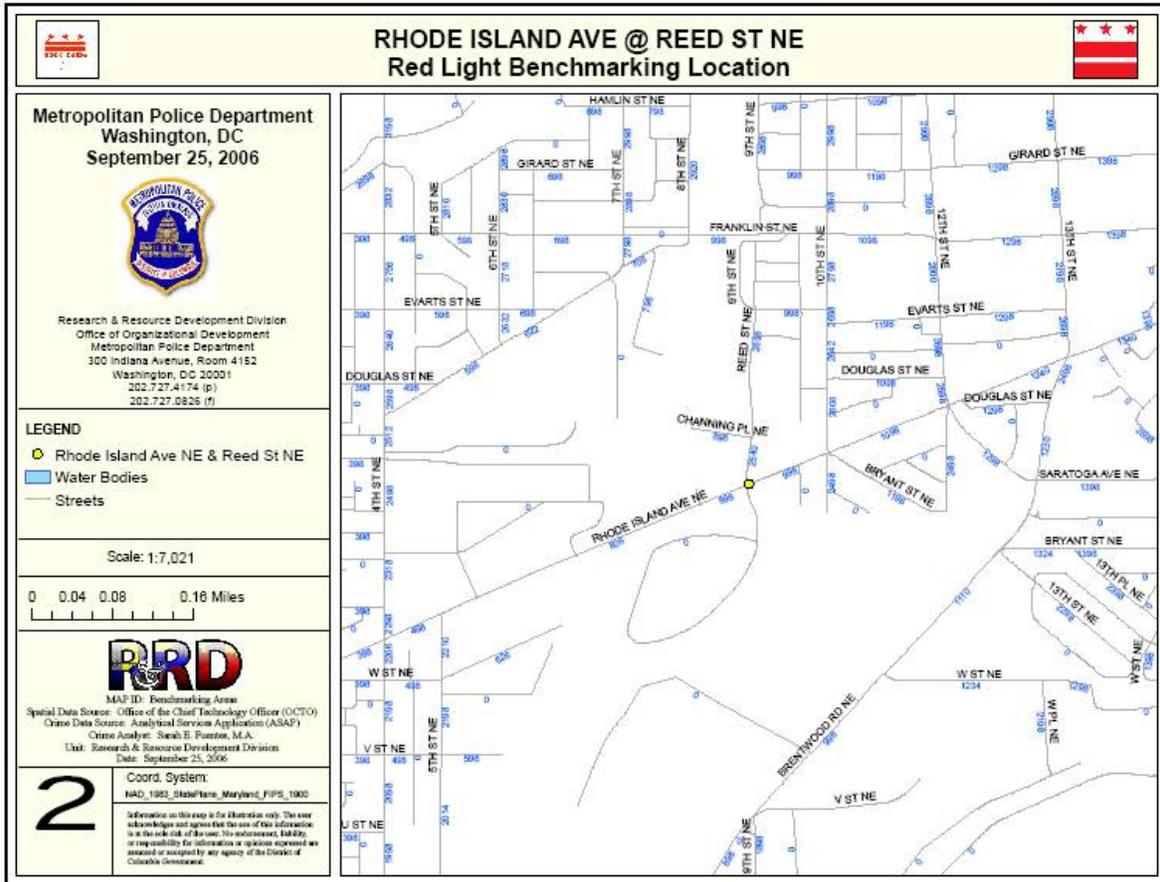
2. Rhode Island Ave NE W/B & Reed St NE

3. M St NW W/B & Whitehurst Frwy NW
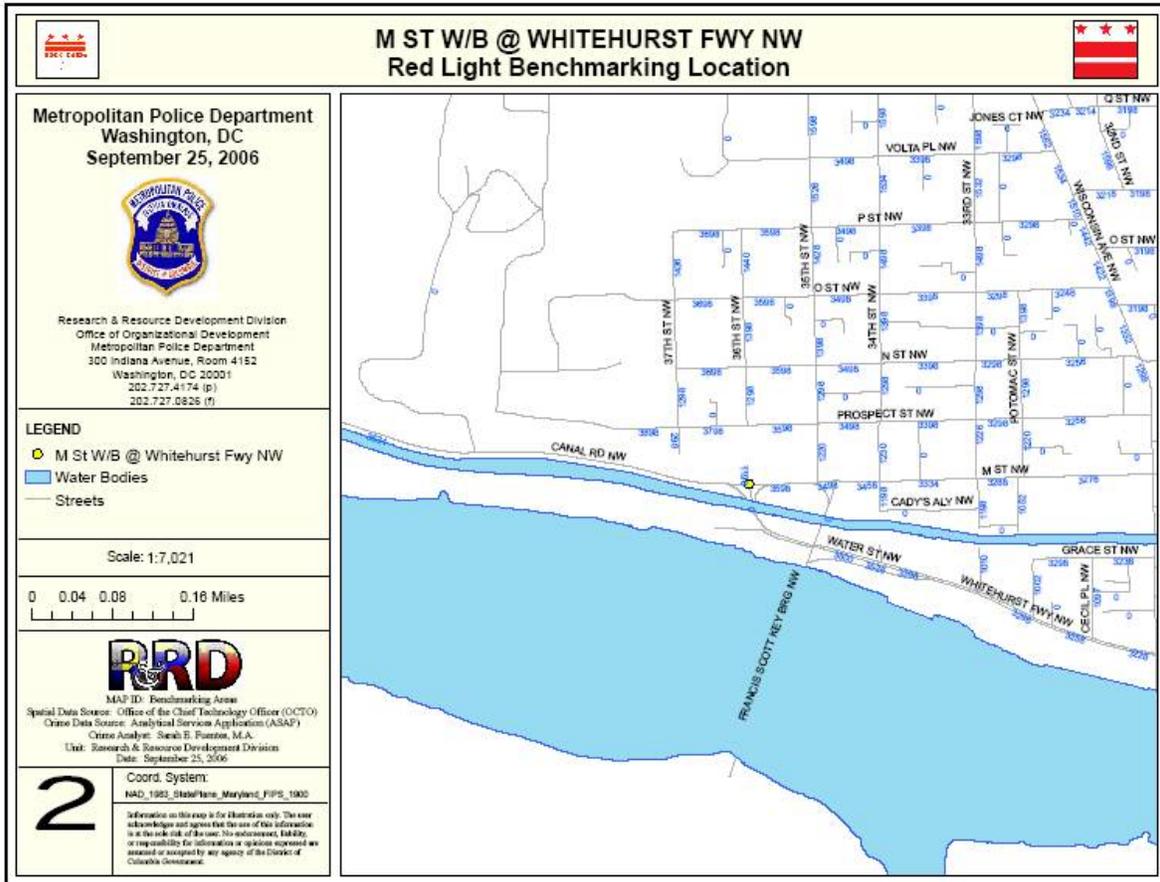
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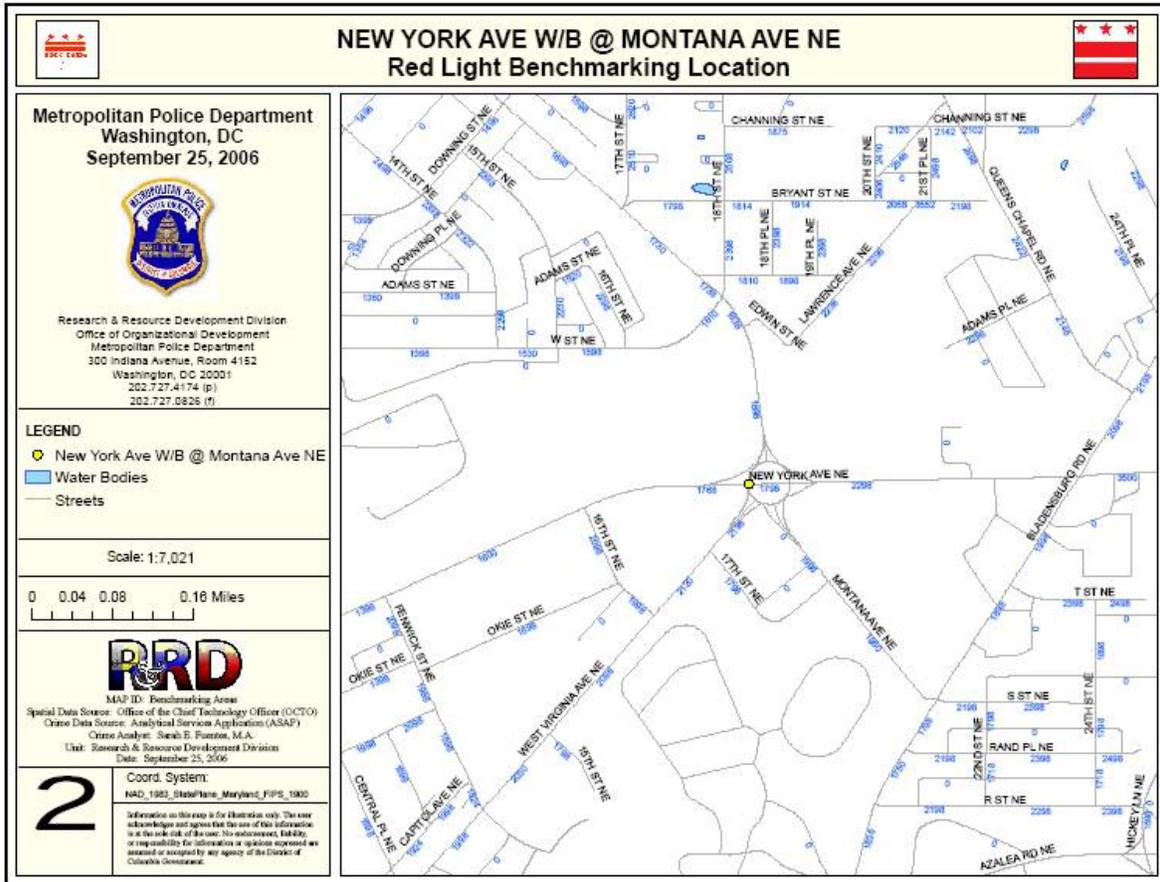
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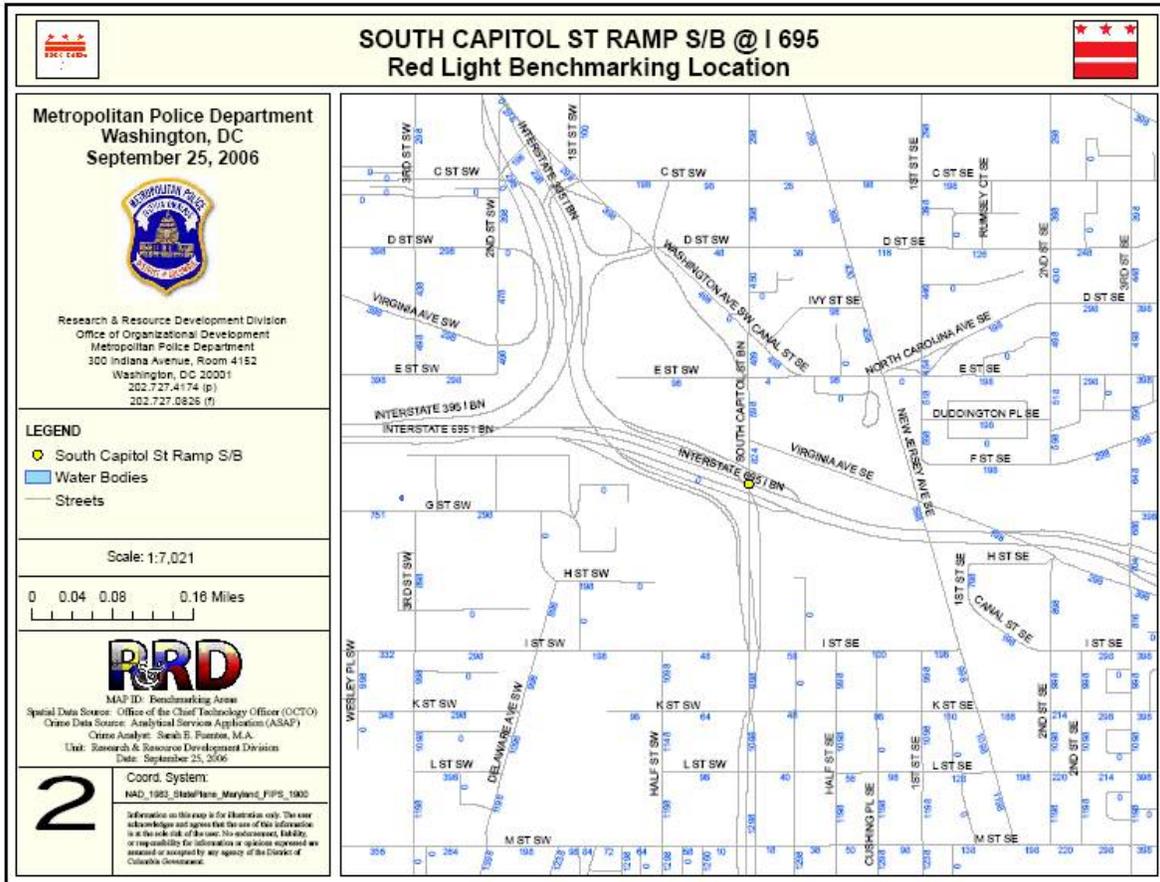
Special Training on Building Trust[1]

Trust can be built during law enforcement training if it is integrated into the training curriculum rather than added on as a special focus class. The building of trust during training is possible because police officers, deputies and other law enforcement officers enter the profession with a great deal of idealism. However, this idealism is often destroyed by struggles on the job which include the enormous pressure of the work itself, the toll such pressures take on an officer's personal life and the exposure to behavior that reflects the worse side of all of us. This exposure creates a cynicism and understandable distrust in many law enforcement officers. As a result, officers can lose their way and become disillusioned with the community in which they work. However, experience and outcome research with a specialized crisis intervention program for law enforcement (CIT) has led to the conclusion that trust can be re-built through training and policy changes[2].

Recommendations:

1. *Establish meaningful common tasks with the community that take place prior to training.*

2. *Make training strategic and not traumatic.*

3. *Redesign and rename cultural competency and empathy training.*

4. *Address negative attitudes toward police officers as part of the training.*

5. *Expand the use of force continuum training so that verbal interventions and de-escalation techniques are more than just one or two items on a short list of options.*

In order to foster trust with the community, it is important to establish meaningful common tasks that take place prior to training. Community involvement can be complex and messy for departments that conduct training on a highly efficient schedule. However, community involvement is important and well worth the additional effort necessary for success.

1

Law enforcement agencies should be required to work on common tasks with community members.[3] These tasks should be related to training and corresponding policy changes. The work on common tasks creates the relationships and experiences that form the basis of trust. Trust is ultimately built on personal relationships and knowledge of another person. This trust has to start on a one-to-one basis. Shared tasks and shared accomplishments are needed to make the trust meaningful and lasting. The strategy of shared tasks works best when conducted as part of a systematic attempt to make the community a partner in addressing citizen concerns. Common tasks can start with the establishment of initial timetables, establishing a training agenda, and the selection of trainers who understand how to relate to officers. Eventually the tasks can become more substantive such as having input into policy changes and working with law enforcement to expand community support for police initiatives. Feedback from successful crisis intervention programs has a common theme. The programs consistently report that success is all about the networking.

Law enforcement builds greater trust when <u>training is made strategic and not traumatic</u> as a learning experience for the officer. Police training has changed over the past 25 years. Officers are better educated and look for more sophisticated and complex training. The change to a more strategic approach to policing is positive because too often training in the past has been focused on showing the officers graphic images of terrible outcomes to police/citizen interactions. In these training films, the officers are often hurt or killed. While law enforcement is a dangerous job, the concern is that focusing on graphic images or stories of harm to the officer is less effective than teaching new skills and strategies. Additionally, these scenarios may impact officer judgment[4] and such techniques need to be re-assessed[5]. Law enforcement training is becoming more sophisticated with an emphasis on realistic scenario-based training. Trainers

understand the importance of relying on the skills of the officer and the ability of the officer to comprehend the unique circumstances encountered in a citizen event.

Teaching officers cultural competency and empathy training is a well-meaning pursuit that could use redesign and renaming. Cultural competency and empathy training should be integrated into the curriculum so that it would be redundant to have separate courses. These courses rarely give the officers a chance to learn from personal relationships about individuals different from themselves. While some lecture material may be necessary, the change in behavior is more likely to come from the officer learning on their own. In CIT training, officers participate in a free form discussion with Veterans and individuals with mental illness in a non-crisis environment. Afterwards, officers in Memphis reported "they are just like us." The site visits led correctional and law enforcement officers in Orange County, Florida to help paint and refurbish a drop-in center that was struggling financially[6]. These responses were substantiated more broadly by research that found officers indicated greater interpersonal comfort with those with mental illness when compared with officers who had not received training.[7]

A corollary to changing officer attitudes towards the community is to address the negative image and stereotypes some community members have towards the officers. As discussed earlier, working on common tasks can produce trust with the community. However, more intensive experiences can produce attitude change as well. Many of the Crisis Intervention Team programs require community members who participate in the training to ride with the officers. Both the original receiving facility and the VA Medical Center for the Memphis Model CIT program had psychiatric staff and trainees ride with the officers. Riding with an officer and viewing the challenges faced on the street created enormous respect and changed attitudes towards the police.

Previous research has indicated that citizen use of force complaints run between 6 and 12 complaints per 100 officers.[8]   While a small percentage of the complaints were substantiated (8% of complaints), nonetheless, issues around the use of force continue to challenge law enforcement agencies. Community trust in police departments might be well served <u>if the use of force continuum was expanded during law enforcement training</u>. Currently verbal interventions can be limited to commands such as "stop" and corresponding more complex de-escalation techniques are not always a clear part of use of force continuums.[9]   De-escalation techniques are rated by Crisis Intervention Team officers as one of the best set of courses in their 40 hour training. Work with senior CIT officers suggests that interventions consist of a wide range of different interventions at multiple points in an escalating crisis event. The reliance on extensive training in verbal interventions and corresponding de-escalation techniques may well be responsible for the success of the program.[10]

The five recommendations to build trust (common tasks, strategic training, redesigned cultural competency, changing community attitudes, and expansion of use of force continuum training) are based on the assumption that communities and law enforcement agencies can find appropriate support in their attempts to make change. In addressing the population of those living with mental illness, a number of barriers need to be addressed, most notably the lack of emergency mental health services. The lack of services is often the reason cited by municipalities that do not implement a Crisis Intervention Team program. Additionally, innovative programs have had to be developed to assist smaller rural and suburban departments. However, the success of a grassroots program like the Crisis Intervention Team in developing over 2800 sites shows that meaningful trust can be established.

[1] Appreciation is noted for CIT International Board Members Sam Cochran, MA, Thomas Kirchberg, PhD, and Michele Saunders, MSW who assisted with the recommendations for this presentation.

[2] Dupont, RT & Cochran, CS (2000) Police Response to Mental Health Emergencies – Barriers to Change. *Journal of the American Academy of Psychiatry and the Law*, *28*, 338-344

[3] Hossain, L & Kuti, K (2010) Disaster response preparedness coordination through social networks. *Disasters*, 23 Mar 2010. Retrieved on-line on May 17, 2010 from http://www3.interscience.wiley.com/journal/123328458/abstract

[4] Fryfe, JJ (2000) Policing the Emotionally Disturbed. *Journal of the American Academy of Psychiatry and the Law* 28:345-7

[5] Martinelli, R (2014) Revisiting the "21-Foot Rule." *Police: The Law Enforcement Magazine*, September 18. Retrieved from http://www.policemag.com/channel/weapons/articles/2014/09/revisiting-the-21-foot-rule.aspx

[6] Saunders, M (2010) Personal Communication.

[7] Compton , MT, Esterberg, ML, McGee, R, Kotwicki, RJ, & Oliva, JR. (2006) Brief reports: Crisis Intervention Team Training: Changes in knowledge, attitudes, and stigma related to schizophrenia. *Psychiatric Services*, 57, 1199-1202

[8] Hickman, MJ (2006) Citizens complaints about police use of force. *Bureau of Justice Statistics Special Report*, 10-7, June

[9] National Institute of Justice (2009). The Use-Of-Force Continuum. *Law Enforcement Officer Performance and Safety*. August 4. Retrieved from http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/continuum.aspx

[10] Dupont, RT (2008) The Crisis Intervention Team Model: An Intersection Point for the Criminal Justice System and the Psychiatric Emergency Service. In A. Fishkind (Ed), *Emergency Psychiatry: Principles and Practice.* Baltimore, MD, Lippincott, Williams & Wilkins Publishers

Comptom, MT, Bahora, M, Watson, AC and Oliva, JR (2008). A comprehensive review of extant research on Crisis Intervention Team (CIT) programs. *Journal of the American Academy of Psychiatry and the Law, 36,* 47-55

Canada, KE, Angell, B and Watson, AC (2010). Crisis Intervention Team in Chicago: Successes on the ground. *Journal of Police Crisis Negotiations*, *10*, 86-100

Aggression and Violent Behavior

Reducing police use of force: Case studies and prospects

Tim Prenzler [a,*], Louise Porter [b], Geoffrey P. Alpert [c,d]

[a] Australian Research Council Centre of Excellence in Policing and Security, Griffith University, Mt Gravatt Campus, Messines Ridge Road, Brisbane, 4122, Australia
[b] Australian Research Council Centre of Excellence in Policing and Security, Griffith University, Australia
[c] Australian Research Council Centre of Excellence in Policing and Security, Australia
[d] Department of Criminology and Criminal Justice, University of South Carolina, United States

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ABSTRACT

Police codes of conduct require officers to use the minimum amount of force when enforcing laws and maintaining order. At the same time, the use of excessive or unnecessary force is a major problem internationally. The purpose of this paper is to address the possibility of reducing violence in police–citizen encounters and controlling police use of force, especially at the levels that cause injuries and threaten public trust and confidence in the police. A search of the literature was conducted to identify case study reports of apparent success in this area, focused on intervention projects with time series data. Seven cases were selected and analyzed, covering a variety of indicators of force and excessive force. Our study shows that police departments can reduce the levels of force used to enforce laws and maintain order. Strategies identified in the review targeted individual, cultural and organizational factors and included equipping officers at the individual level with the appropriate skills, and providing a framework of internal and external accountability. In particular, we show the value of a Problem Oriented Policing (POP) approach that focuses on diagnostic research, tailor-made interventions, and impact evaluation.

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Contents

1. Introduction

Policing is widely described as involving the use of force in pursuit of goals of law enforcement, crime prevention and order maintenance (Lersch & Mieczkowski, 2005). Police are expected, on occasions, to

* Corresponding author.
   E-mail address: t.prenzler@griffith.edu.au (T. Prenzler).

subdue suspects physically, and this can involve serious injury or even death. The right to use force is necessary, but it entails the potential for officers to misuse this authority and engage in unnecessary or excessive force. Consequently, criminal and civil laws normally specify conditions under which police may use force lawfully (McCoy, 2010). Police codes of conduct have also been developed to clearly identify standards. Codes normally make explicit the requirement that police use minimal force that would be considered reasonable in the circumstances in proportion to the threat or seriousness of the offense, and only as a last resort option (e.g., International Association of Chiefs of Police, 2002). The United Nations *Code of Conduct for Law Enforcement Officials* stresses how the principle of minimal force should apply regardless of specific law or policies in any jurisdiction. Special mention is also made of the need to control the use of firearms by police, with their added potential for deadly effect:

> The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. … In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities (United Nations, 1979, p. 2; see also United Nations, 1990).

Within these legal and ethical frameworks, police can be disciplined departmentally for unjustifiable force, and they can also be charged criminally for assault. There is also usually a capacity for citizens who believe they are victims of excessive force to make an official complaint or seek a remedy by suing police in the civil courts (McCoy, 2010).

Despite various internal and external controls, inappropriate and excessive force by police has been an ongoing major problem in many countries. For example, a 1998 report on police brutality in the United States found that:

> Police abuse remains one of the most serious and divisive human rights violations in the United States. The excessive use of force by police officers, including unjustified shootings, severe beatings, fatal chokings, and rough treatment, persists because overwhelming barriers to accountability make it possible for officers who commit human rights violations to escape due punishment and often to repeat their offenses (Human Rights Watch, 1998, p. 25).

Findings like these are a commonplace of judicial inquiries, government reviews, and academic research around the world (Alpert & Dunham, 2004; Bayley, 1996; Porter & Prenzler, 2012). Further, the list of types of excessive force can be extended beyond those in the Human Rights Watch summary, including torture, dangerous vehicle pursuits, and the violent suppression of public protests — including with dogs, whips and batons.

There is a growing body of research that examines levels and types of police force. In most democratic countries, the use of force is rare compared to the total number of police–citizen encounters (Lersch & Mieczkowski, 2005). One of the more widely cited sources is a periodic interview-based survey conducted by the United States Department of Justice. The 2008 survey included slightly fewer than 60,000 respondents. It found that only 16.9% of respondents aged 16 and over had face-to-face contact with police. Of these, 1.4% said they had force 'threatened or used against them during their most recent contact' (Eith & Durose, 2011, p. 12). This was projected to amount to approximately 574,000 persons. Within this group, 76.6% said they had been threatened with force, 75.5% said they had been shouted at, 53.5% said they had been grabbed or pushed, 25.6% said a gun was pointed at them, 12.6% said they had been hit or kicked; and 18.9% said they were injured (p. 13). In addition, within this same group, 83.9% felt the police 'acted improperly' and 74.3% believed the force was 'excessive' (about 517,000 persons) (2011, pp. 13–14).

While police use of force is 'rare', its study and management are extremely important because force 'can cause injuries to officers and/or citizens and is the major police issue that leads to community unrest and negative attitudes toward the police' (Alpert & Dunham, 2010, p. 236). Aside from the various forms of injury and injustice experienced by victims of police violence, taxpayers also bear the cost of complaints investigations and successful lawsuits (Porter & Prenzler, 2012). It is also the case that police themselves are often the victims of inadequate force policies and training.

Lersch and Mieczkowski (2005) reviewed the literature on violent police behavior and noted three broad theoretical perspectives on the causes: psychological theories that focus on individual officers as 'rotten apples', sociological theories that focus on the culture of policing as isolated from non-police, and organizational theories that focus on the systems in place within an organization for managing its members. Lersch and Mieczkowski (2005) note that none of these approaches is adequate alone as an explanation of why some officers act violently, while other officers do not.

Various forms of cross-sectional and predictive studies have been applied to police use of force, often with very mixed results (e.g., Alpert & Dunham, 2010; Harris, 2009; Klahm & Tillyer, 2010; Klinger, 2010; Lersch & Mieczkowski, 2005; Reiss, 1971; Terrill & Mastrofski, 2002). Complaints about excessive force are often concentrated among a small number of 'problem officers'. Not surprisingly, it also tends to be the younger, less experienced, front-line, officers who are more likely to use force and more likely to attract complaints. While these officers may be assigned to places and times that are dangerous, there is evidence that young officers also use more force and higher levels of force than their experienced counterparts. There is also some evidence that female officers are less likely than male officers to use force and attract complaints (Braithwaite & Brewer, 1998; Lersch & Mieczkowski, 2005; Waugh, Ede, & Alley, 1998). It appears that this is partly because female officers are simply less likely to attract male aggression, but the conciliatory style of women police is also a key factor. There is also some evidence that better educated officers are less likely to use force (Rydberg & Terrill, 2010; Terrill & Mastrofski, 2002). These findings support the individual-level explanation for use of force noted above. Lersch and Mieczkowski (2005), while not explicitly linking to the theory, note that strategies focused on individual level factors have been put in place to deal with excessive force, such as Early Warning Systems that target officers with high numbers of complaints, or increasing the hiring of female officers.

Lersch and Mieczkowski (2005) discuss the importance of internal control of organizations in managing police force, which would seem to be linked to organizational theories of police behavior. Indeed, there is some broad evidence that tightened law and policy in regard to justifications for the use of firearms has led to reduced discharges and fatalities (Walker & Fridell, 1992). There has also been considerable interest in recent years on the effects of 'less-than-lethal' weapons, including OC ('pepper') spray and CEWs (conducted electronic weapons or 'Tasers'©). Despite the potential for misuse, studies of force incidents show that those involving these weapons result in far fewer injuries to citizens and police than incidents involving hands on force (Alpert & Dunham, 2010; Sousa, Ready, & Ault, 2010; Taylor & Woods, 2010; Thomas, Collins, & Lovrich, 2010).

Use of force also tends to be more common in higher crime areas, and younger males are more likely to be on the receiving end of police force. Not surprisingly, persons suspected of crimes are much more likely to have force used against them. Ethnic or racial minorities are also more likely to experience force (Holmes & Smith, 2012). Discrimination can be a factor, but higher crime rates can be part of the problem. Holmes and Smith (2012) argue that neighborhood factors, particularly of minority disadvantage, evoke social psychological processes that result in excessive force responses. Community policing was discussed by Lersch and Mieczkowski (2005) as a strategy to reduce excessive force. Community policing not only makes police officers more visible and accountable within communities, but also encourages community contact that could help to reduce stereotypes and feelings of difference that can encourage an isolated police culture.

Research has focused on factors that influence reduced force, especially inappropriate or excessive force, and targeted intervention projects have also been undertaken to reduce police use of force. However, these studies have not been integrated in a way that enables wider lessons to be learnt. Further, the link between the findings of these studies and theories of police use of force has not explicitly been made. The present paper presents a number of case studies of police force reduction initiatives and utilizes the aggregated results to present evidence for theories of police force, as well as outlining promising avenues that jurisdictions can follow to achieve similar outcomes.

2. Method

The authors conducted a search for case studies that assessed the impact of interventions to reduce police use of force using time-series data. Systematic searches were conducted in Criminal Justice Abstracts, with keywords including 'police' and 'use of force', 'excessive force', 'assault', 'injuries', 'complaints' and 'reduction'. The keywords were also used in general internet searches. Initial findings were analyzed in terms of indicators of reductions in force and the strength of the evaluation methodology. While evaluation quality was a key criterion in case selection, few if any of the studies included model evaluation methods in terms of both control groups and measurement of impacts over several years (Farrington, Gottfredson, Sherman, & Welsh, 2002). However, studies were included where types of controls were apparent that minimized the chances of non-identified factors impacting on the experimental group or where it seemed plausible that impacts were largely attributable to the interventions.

A final list of seven case studies went forward for detailed analysis and evaluation. However, mention should be made of a number of useful studies that could have been included had they contained a little more detail. Davis, Mateu-Gelabert, and Miller (2005) reported on major reductions in complaints – in the order 54% and 64% – in two Bronx precincts in the 1990s. These declines were attributed to the implementation of a 'courtesy, professionalism and respect policy' ('CPR'), a verbal judo course, and close monitoring of staff with complaints histories — including pairing officers with multiple force complaints with more experienced officers. However, the evaluation was restricted to general complaints data, and these did not separately identify excessive force allegations. A recent review of use of force issues in the Albuquerque Police Department provided another potentially instructive study (Police Executive Research Forum, 2011). Substantial reductions in police use of force reports were identified, along with reduced assaultive actions by suspects and resistance to arrest by suspects. At the same time, there was an increase in officially recorded assaults on police. It is possible that the improvements resulted from the adoption of less-than-lethal weapons, enhanced conflict resolution training and the introduction of an early intervention system. However, the exact numbers of incidents were not reported, so the study was not included in this paper.

Finally, an older study on high-speed police vehicle pursuits also showed promise but included only summary information. Alpert (1997) compared changes in policy in two police departments in the 1990s. Metro-Dade introduced a more restrictive 'violent felony only' policy for pursuits. Details of the policy were not provided, but the department reported that 'the number of pursuits decreased 82 percent the following year' (from 279 to 51) (p. 4). In contrast, the Omaha Police Department adopted a 'more permissive' policy in 1993: 'The following year, the number of pursuits increased more than 600 percent' (from 17 to 122) (p. 4). However, it was not clear if the pre- and post-intervention periods were comparable; and although the study included data on injuries, property damage, and other outcomes of pursuits, these were not included in a time-series format.

2.1. Case studies

The seven case studies are presented in detail below. Summarized details are provided in Table 1, addressing the key aims, interventions and outcomes achieved in each.

3. Findings

3.1. The Oakland Police Department's Violence Reduction Unit

One of the earliest accounts of a programmatic approach to reducing police use of force comes from the Oakland Police Department (Toch & Grant, 2005). The creation of a Violence Reduction Unit is an example of problem oriented policing and action research, targeted at physical conflict between police and citizens. In the 1960s, the Department was characterized by a simple crime fighting strategy of maximum arrests. Unintended consequences included 'high rates of police–citizen conflicts' and, in particular, alienation of police from the African–American community where high crime levels were associated with endemic poverty (pp. 91 and 92–97). A reform-minded Police Chief – Charles Gain – directed a program to reduce violence in police work and improve relations with the community. In consultation with academic researchers, the Chief established the Violence Reduction Unit in 1969, staffed on a part-time basis with officers 'charged with studying police–citizen violence and devising interventions that could address the problem' (p. 97). The academics – Toch, Grant and Galvin – had conducted research on male violence, which emphasized the potential of early intervention with subjects displaying violent tendencies. This led to the idea of a police peer-based early intervention system. It appears that officers were required to attend a Peer Review Panel if they were nominated by their supervisors for involvement in above average numbers of violent confrontations. Participation in the panel involved discussions about the incidents. Officers were encouraged to identify factors in their behavior and attitudes that may have contributed to conflict, and made commitments to a changed approach to suspects.

The most recent report on the project (Toch & Grant, 2005) was a retrospective book that contained detailed accounts of the panel discussions, but little about behavioral change, if any, by panel participants. The book included the original impact assessment, involving a number of measures over a four-year period. The main measures were records of (1) all arrest-related 'citizen-officer conflicts' involving 'physical confrontations', including where the suspect was eventually not charged (pp. 226, 224), (2) three types of charges relating to 'resisting arrest … battery or assault on a peace officer … and assault with a deadly weapon on a peace officer' (p. 224); (3) citizen and officer injuries related to incidents that led to charges of resisting arrest, battery or assault and assault with a deadly weapon; and (4) citizen complaints against police.

The data on arrest-related instances of physical conflict were reported in a chart without specific numbers, and only over a three-year period. The chart showed that all incidents fell each year, from approximately 1900 in 1971 to approximately 1250 in 1973 — a drop of approximately 34.2% (p. 226). Across four years, incidents involving charges for resisting arrest showed consistent but unspecified declines (p. 226). However, those involving battery or assault on a peace officer, and assault with a deadly weapon on a peace officer, only fluctuated slightly over the years. Injuries to citizens charged with offenses rose and then dropped sharply in the final year (p. 227). In 1970, there were 70 injuries to citizens recorded in this category, followed by 78 in 1971, 85 in 1972 and 22 in 1973 — a 68.5% decline overall. For injuries to police, there was some fluctuation, also followed by a sharp drop in the final year: 93 cases in 1970, 71 in 1971, 78 in 1972 and 27 in 1973 — amounting to −70.9% overall. Citizen complaints fell each year from 645 in 1970 to 206 in 1973 — a reduction of 68.0% (p. 228).

The results were, therefore, mixed, with some problematic issues about measurement. For example, the report only listed the total number of complaints against police. No specific figures on excessive force or

Table 1
Summary of the case studies and their achievements.

Case study	Trigger	Aim	Action	Intervention	Areas of observed reductions
Oakland	Police–citizen conflict, alienation of African-American community	Reduce violence in police work and improve relations with the community	Established the Violence Reduction Unit	Officers required to attend a Peer Review Panel if involved in above average numbers of violent confrontations	• Arrest-related instances of physical conflict • Incidents involving charges for resisting arrest • Citizen complaints • Citizen and officer injuries
Metro-Dade	Use-of-force incidents	Enhance patrol officers' skills in defusing potentially violent situations	Taskforce analyzed records	Training program	Use of force
New York	Firearms incidents	Assess and reduce shootings	Collected in-depth documentation of discharges during hostile encounters	• Analyses of the variables and sequences of events of incidents • Feeding the findings into improved procedures and training • More stringent guidelines on deadly force	• Shots fired • Persons shot and injured by police • Persons shot and killed by police • Officers shot and injured • Officers shot and killed
Portland	Police shootings and excessive force allegations	Reduce police use of force	Established the Independent Police Review Division	• New policies • New use of force review board • Improved training • Use of force reports	• Shootings • Use of force reports • Complaints of excessive force • Citizen injuries • Officer injuries
Tasmania	Complaints	Reduce complaints	Commitment to reduce complaints	• Recruit screening test • Increased ethics training • Early intervention system • Improved complaint handling • Improved training	• Public complaints • Assault allegations • Excessive force allegations
Victoria	Fatal shootings	Reduce shootings	Project Beacon	• Improved training • Use of force register • Introduction of OC spray	Fatal shootings
England and Wales	Accretion of policy changes	Improve custody procedures	Establishment of the Independent Police Complaints Commission	• Changes in laws and guidelines • Improvements in cell design • Police taking persons directly to hospital instead of the watchhouse • Addressing detainee health issues at the time of admission • Custody visitor scheme • Assessments and monitoring of detainees	Deaths in or following police custody

assault allegations were included. There were also no clear timelines for the intervention. Where improvements were indicated, these were attributed to the program, although there was no tracking of data related to officers who participated in the peer review panel process. Furthermore, the authors conceded that 'we have no explanation' for the sudden drops in injuries at the end of the evaluation period (p. 228). Large staff cuts in the Oakland Police Department led to the phasing out of the project as the 1970s progressed — a move the authors associated with large, but unspecified, increases in police violence (2005, p. 100).

3.2. The Metro-Dade Police/Citizen Violence Reduction Project

Perhaps the most famous project aimed at reducing police use of force involved a partnership, begun in 1985, between the Metro-Dade Police Department (MDPD) and a research and policy institute, The Police Foundation. The genesis of the project lay in 'civil unrest springing from controversial use-of-force incidents' in the late-1970s and early-1980s (Klinger, 2010, p. 105). The project was unusual in being built from the ground up, with a full experimental design. The aim was to 'enhance patrol officers' skills in defusing the potentially violent

situations they encounter every day' (Police Foundation, 1988, p. 6). A taskforce analyzed records and identified four areas of police actions most closely associated with violent incidents and with public dissatisfaction (p. 7):

- Routine Traffic Stops
- High Risk Vehicles Stops, in which motorists are suspected of offenses other than traffic violations or driving while intoxicated
- Reported or suspected Crimes in Progress, including field interrogations of suspicious persons
- Disputes.

The project team also identified four stages in situations of potential violence where officers could take alternative actions to avoid conflict or injury. These were 'unassigned patrol time … approach and preparation … contact … [and] resolution' (p. 6). An observation method was developed to identify effective 'defusing techniques' that could be used more extensively (p. 7). The recording forms 'generally required responses to forced questions about objective, observable behavior' (p. 7).

The results were used to inform a three-day training program based on simulations, with professional actors role-playing potentially violent situations. Training also included lectures and case history videos (Klinger, 2010). Pre-intervention data were recorded with observers accompanying a random sample of patrol officers across three districts: designated A, B and C. This involved 502 eight hour tours and 1148 situations identified as potentially violent. Half of the officers were given the intensive training. Post-intervention observations were then conducted, covering 375 tours and 994 potentially violent situations.

The findings were considered positive on the whole, with some variation between the three districts. The main findings were summarized as follows (Police Foundation, 1988, pp. 8–9):

> The effects of the program … were most measurably positive in District C, a largely middle class and suburban community of white Anglos and white Hispanics … where the major reported crime problem is vehicle larceny, and where violent crime rates were far lower than in either of the other study districts. In District C, we find significant positive change in 24 percent (17) of our 72 comparisons, with significant negative change in only 1.4 percent (1). In District A, where indices of crime and public violence are midway between B and C, 23 percent (17) of the comparisons (73) are positive and significant. In District B, a largely black and Hispanic inner-city area … marked by high rates of crime and violence, 14 percent (10) are positive and significant, and 14 percent (10) are negative and significant.

Overall, the positive outcomes were largely attributed to enhanced 'dispute resolution' tactics (p. 15). Differences in outcomes between districts were largely attributed to differences in the policing environments and management support for the project. District C had a relatively low crime environment with strong management support. District A had intermediate crime rates but lacked management support (this point was made despite similar outcomes in C and A). District B was said to have management support but the most difficult environment.

The summary report concluded that there was considerable scope for further reductions in force. It noted that the intervention tended to focus on actions undertaken in the immediate situation where there was potential for violence; when more attention could have been placed on the approach and preparation stages, and on exploiting unassigned patrol time (in terms of police improving relations with their patrol communities). The researchers observed that the relative rarity of violence made officers complacent. Observations also supported the idea that police tended to judge success on the speed with which potentially violent incidents were 'disposed of', when officers could have taken more time and given more thought to their approach (p. 19).

The data collected in the Police Foundation study were later subjected to a regression analysis by Klinger (2010), controlling for variables including race, location and nature of the incident, and including a scale of types of non-lethal force — from 'voice command' (the most commonly used) up to 'choke/baton/hit or kick' (the least commonly used) (p. 102). Klinger concluded that, after attending the Violence Reduction Project training program, officers in the experimental group on averaged used approximately a quarter of one level less force than they did before attending training and compared to their peers in the control group (2010, p. 103).

Klinger also confirmed an implicit finding of the Police Foundation report: that the observations did not indicate a problem of excessive force. Levels of force by both experimental and control groups were deemed appropriate for the circumstances, subject to the finding that the experimental group used 'slightly less force' (p. 106).

3.3. New York Police Department: shootings

The New York City Police Department has been the target of numerous criticisms over shootings of civilians, but it has also received praise for major reductions in the use of firearms. A 2011 article in *The New York Times* described 'a steep decline in shootings by the police in recent decades'. The article noted that 2010 data revealed record lows and showed 'just how rare shootings have become' (Goldstein, 2011, p. 30). The New York data are particularly useful because they cover four decades going back to 1971. According to the Police Department's *Annual Firearms Discharge Report*, the current program, aimed at assessing and reducing shootings, began in 1969:

> More than forty years ago, the New York City Police Department adopted Department Order SOP [Standard Operating Procedure] 9 (s.69) and began to collect in-depth documentation of discharges during hostile encounters, for the stated purpose of '[increasing] the safety potential of each member of the force.' The policy quickly expanded beyond police-involved combat, however, and came to include the study of all firearms discharges by police. Since the early 1970s, the NYPD has endeavored to record and evaluate every instance in which an officer discharges his or her weapon, whether the discharge occurs purposefully, accidentally, or, in rare instances, criminally (New York City Police Department, 2011, p. xi).

Data in the annual discharge reports include the total numbers of shots fired, and resulting injuries and fatalities to citizens and officers, as well as various associated demographic data. The time-series data to 2010 show a general downward trend in 'total shots fired', with peaks of 2510 in 1972 and 1728 in 1995 (p. 43). In the last three years of reporting, from 2008 to 2010, the total number of shots fired averaged 343, representing an 80.1% reduction from the 1995 peak and an 86.3% reduction from the 1972 peak. Fig. 1 shows that the number of persons shot and injured by police declined by 91.8% from a peak of 221 in 1971 to an average of 18 in the last three years of data. Furthermore, the number of persons shot and killed by police declined by 88.1% from a peak of 93 in 1971 to an average of 11 in the last three years of data.

The discharge reports include detailed analyses of the circumstances of shootings involving civilian injuries and deaths (p. 17). In 2010, the 16 cases in which a civilian was injured included 31% in which police were fired on and 57% in which an officer or civilian was threatened with a firearm or 'cutting instrument'. The eight fatalities involved 56% in which the officer was shot at or threatened with a firearm, 22% in which an officer was threatened with a cutting instrument and 11% in which another person was threatened with a 'blunt instrument'.

The declines outlined above were surpassed by trends in officer deaths and injuries (New York City Police Department, 2011, p. 41). The number of officers shot and injured peaked in 1973 at 50 and then declined by 96.8% to an average of 1.6 per year in the final three years of data (2008 to 2010). The number of officers shot and killed peaked in 1971 at 12 and then declined by 100.0% to zero in the last three years.

The NYPD attributes these reductions in large part to the operation of the 'SOP 9 process', outlined above. This involves analyses of the variables and sequences of events associated with each incident, then feeding the findings into improved procedures and training. The most recent report enlarged on the process as follows:

> Four decades of annual analyses have altered the way officers respond to, engage in, and even assess the need for firearms discharges. Information gleaned from the annual reports has saved the lives of citizens and officers alike, and there has been Department-wide change—tactical, strategic, and cultural—with regard to how officers use and control their firearms. The Department has made restraint the norm.
>
> Today, the reports serve an additional but equally important role: they are statistical engines for the development of training, the adoption of new technologies, and even the deployment of Department
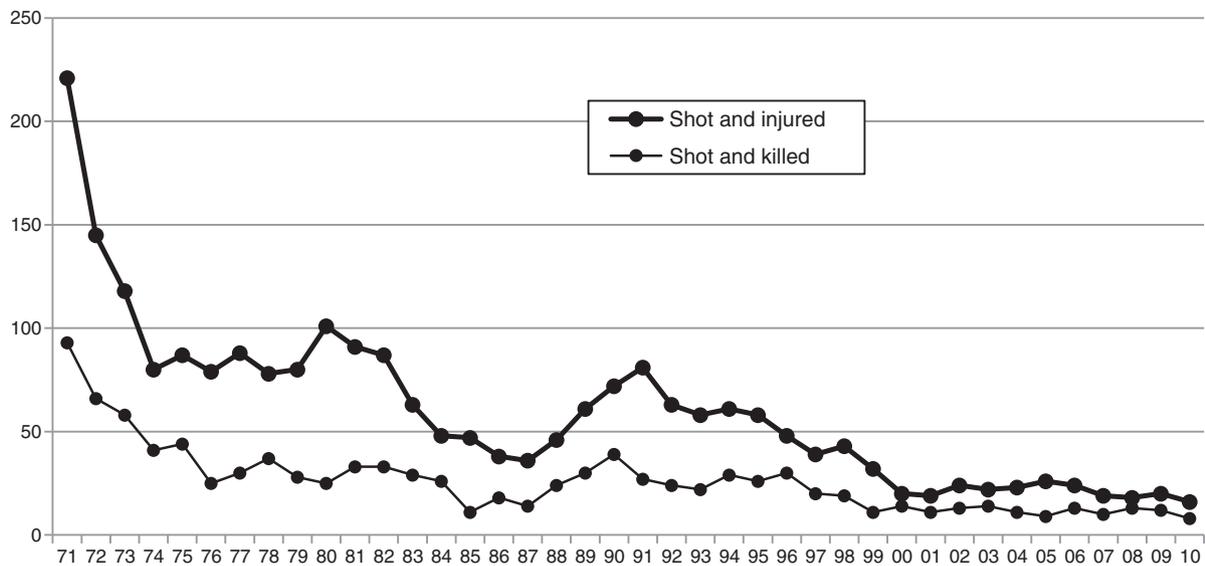
Fig. 1. New York City Police Department, 'subjects shot and injured' and 'subjects shot and killed', 1971–2010.
Source: New York City Police Department (2011, p. 42).

assets. New instructional scenarios are implemented from these reports, new hardware—from bullet-resistant vests to speed loaders to semiautomatic handguns to conducted-energy devices—is introduced.

Tracking how, when, where, and why officers discharge their weapons is an invaluable tool for working towards the Department's ultimate goal of guaranteeing that, for every discharge, no option exists other than the use of a firearm (New York City Police Department, 2011, p. xi).

The discharge reports are built on investigations of each incident, subject to strict procedures, focused on issues of officer culpability as well as lessons to be learnt (p. xxi–xxiii). Locations where shootings occur are preserved and forensically examined. An investigative 'shooting team' consults with the District Attorney and produces a series of draft reports that pass through a Borough Firearms Discharge Advisory Board to a Chief of Department's Firearms Advisory Review Board and on to the Police Commissioner for finalization.

The reductions in shootings have also been specifically attributed to tightened rules, originally introduced in 1972 in response to unacceptably high levels of firearms incidents (RAND, 2008, p. 11) (note that reducing crime rates are also probably a factor; see Fyfe, 1978). The 1972 guidelines limited justifiable deadly force, required investigations of all firearm discharges, and required disciplinary action for beaches of the guidelines. The 2010 *Annual Firearms Discharge Report* purports to provide a summary of current policy and training. The policy emphasizes the importance of protecting life. Deadly force is only acceptable when there is a clear threat to the safety of an officer or civilian. The report emphasizes a 'shoot to stop' goal, not a 'shoot to kill' goal, when shooting is deemed necessary; while also describing the emphasis in training on shooting at the center mass of a body to ensure maximum incapacitation (New York City Police Department, 2011, pp. 44 & 46). Officers who discharge their firearm are also required to attend a refresher course (p. 18). However, beyond this, there is very little in the discharge reports that are enlightening as to the changed, and changing, procedures that led to the reductions in shootings.

Despite these many achievements, police use of firearms in New York City continues to attract controversy. The New York Civil Liberties Union has been particularly critical of limited disclosure by the Department, including having not made discharge reports publicly available and dropping the race of intended targets from reports in the late-1990s. The Union alleged there is a 'widespread belief that blacks are a target for the police' (New York Civil Liberties Union, 2008, p. 1). Earlier reports indicated that 57.5% of persons shot at were Black, 31.9% Hispanic and 7.9% White (p. 2). Concerns have also been raised about 'the high proportion of shooting incidents in which police officers are the only ones firing weapons (77% of the time)' (p. 2). In 2009, the City Council required the Department to publish detailed reports, but the race of persons shot at is still not included (Council of the City Of New York, 2009; New York City Police Department, 2011).

Aspects of NYPD's firearms policy and training were also questioned in a review by RAND (2008). The review recommended more scenario-based experiences, much more rigorous testing in both pre-service and refresher training, and more practice in corrected techniques. RAND also recommended a trial of CEWs as a likely better alternative to both firearms and OC spray; along with the investigation of laser-sighting and flashlight mounted weapons. It recommended the introduction of 'reflexive-shooting scenarios in which a stimulus or the sounds of guns going off are included, to sensitize officers to cues that may not be reliable and to teach them that such cues may generate unwanted responses' (2008, p. xxiv). RAND also recommended more complex analyses of incidents, including greater consideration of alternative responses.

3.4. Portland Police Bureau (Oregon): shootings and use of force

The 1990s saw considerable controversy over police shootings and allegations of excessive force in the Portland Police Bureau. Increasing concerns were also expressed about the adequacy of oversight arrangements. 'The Police Accountability Campaign 2000', involving community and civil liberties groups, led to the opening, in 2002, of the Independent Police Review Division (2004, p. 147ff) (IPR) within the City Audit Bureau. The Division has independent investigative powers and holds a mission to contribute to improved practice. It appears that the establishment of the IPR stimulated an initial increase in complaints before a long-term decline set in. The increase has been explained in terms of improved public confidence in the complaints process and also a spike in

complaints related to Iraq War protests in 2003 (Independent Police Review Division, 2004).

Efforts to reduced police use of force devolved into two overlapping projects, one focused on 'Officer-involved shootings' and another concerned with broader force issues. In relation to shootings, in 2003 the IPR engaged the independent Police Assessment Resource Centre (PARC) to assess shooting incidents across the period 1997 to mid-2000. The PARC report found that:

Some of the 32 incidents demonstrated exemplary tactics and leadership; many demonstrated flaws in supervision, incident management, and field tactics that unnecessarily exposed officers to harm and increased the likelihood that they would need to use deadly force to defend themselves (PARC, 2003, p. 2).

PARC recommended the introduction of mandatory Use of Force Reports, to be completed by officers at the end of each shift. In relation to operational tactics, PARC also recommended raising the threshold for justifiable use of deadly force against felons. It sought to disallow the shooting of fleeing felons except in cases related to serious injury or death or where the suspect posed a risk of serious injury or loss of life — but subject to consideration of alternative means of apprehension and risks to the public (2003, p. 42). A number of other recommendations were made, including making improvements to policy and tactics based on analysis of the Use of Force Reports.

Follow up assessments have been very positive about reform. The 2009 assessment stated that:

This Report describes an increasingly excellent police department. Chief Rosanne Sizer and her command staff have worked diligently and in good faith to improve the Portland Police Bureau ('PPB' or 'Bureau'). To the extent this has meant implementation of the Police Assessment Resource Center ('PARC') recommendations, the Chief has done so effectively and with seriousness of purpose. Importantly, the current administration has built upon PARC's recommendations and developed first-rate new policies. The PPB is indeed in a progressive mode, with an increased capacity for self-critical identification of issues and formulation of solutions. We conclude that the PPB has made substantial progress since we first looked at it in 2002 and 2003 (PARC, 2009, p.1).

PARC was particularly impressed by the work of a new Use of Force Review Board, 'which provides the Bureau with an effective and credible review process to identify and learn the appropriate lessons from officer-involved shooting … incidents' (PARC, 2006, pp. 1–2). It also cited the 'mutually respectful and productive' working relationship between the Police Bureau and the IPR (2009, p. 3). Notable improvements included a revised force policy emphasizing minimum force. It was unclear from the report how this translated into recruit training but there appeared to be significant improvements in critical incident training for field supervisors and in procedural changes in high-risk situations such as vehicle stops and pursuits. The primary theme was one of much greater caution in the approach taken by officers. The IPR annual reports have tracked officer-involved shootings from 1997 — although without breaking down the data in terms of injuries and fatalities. Fig. 2 shows some fluctuations but with an overall downward trend from a high of 10 in 1998 and 1999 down to one in 2009, but with an upswing to six in 2010. It was too early for assessments of the 2010 incidents to be completed.

It is possible that the above initiatives, focused on police shootings, fed into initial declines in complaints about excessive force (Fig. 3). Efforts to address wider use of force issues were stepped up through the creation of a Force Task Force in 2006, consisting of representatives of the Police Bureau, the IPR and the volunteer-based Citizen Review Committee. The Force Task Force was charged with analyzing use of force data in order to 'develop recommendations for the Chief of Police designed to improve the Bureau's management of force and reduce

the number of public complaints involving force' (Force Task Force, 2007, p. 1). The main data source was the Use of Force Reports, introduced in 2004. One of the findings was that between 2004 and 2006 not one citizen complaint regarding excessive force was sustained by the Bureau (p. 8). This was set against a national average of 8–14%. The deficit was in part attributed to an overly discretionary policy on force and possible inadequate standards regarding acceptable force levels. The Task Force made 16 recommendations, including the following (2007, pp. 17–19):

- a requirement that officers provide a justification for force on the report,
- supervisor assessment of all reports for completeness and validity,
- mandated reporting of violations of policy,
- the force policy be tightened to include clearer standards and expectations,
- more attention in the policy to reducing officer provocations,
- misconduct investigations include a longer ranger assessment of the circumstances leading to incidents related to complaints,
- all force complaints entail a debriefing with the subject officer,
- lowering the threshold for early intervention, and
- a review be conducted of street policing strategies in the two precincts with the highest use of force ratios — Central Precinct and the Transit Police Division.

A 2009 follow up assessment found that all 16 recommendations had been implemented to a substantial extent (Force Task Force, 2009). The average number of use of force reports declined on an annualized basis by approximately 35.3% between the two assessments, from 2113.4 in the 2007 report to 1366.0 in the 2009 report (p. 14). Excessive force complaints fell from 88 in the year 2006 to 74 in 2007 and 50 in 2008. Fig. 3, updated from a 2011 IPR report, shows that there has been an overall decline of 64.4% in complaints of excessive force from a peak of 118 in 2004 to 42 in 2010. The Force Task Force report also found that citizen injuries fell from 732 in 2006–07 to 626 in 2007–08 and 595 in 2008–09 (-18.7%) (p. 18). Officer injuries fell from 234 in 2006–07 to 214 in 2007–08 and 180 in 2008–09 (-23.0%) (p. 17). The report noted a slight increase in the sustained rate for complaints. It also commended reductions in force in the Central Precinct and Transit Police, including reduced use of Tasers and reduced use of force complaints.

3.5. Tasmania Police: excessive force complaints

The Tasmania Police reported large reductions in citizen complaints from the latter part of the 1990s. The case was investigated by Porter, Prenzler, and Fleming (2012), who analyzed all aspects of the complaints process using interviews, reports and complaints data. 'Complaints against police' from members of the public (other than minor customer service complaints) trended upwards from 1994–95 to 1996–97, followed by a long-term decline. In terms of a rate, there was an 87.1% fall in public complaints against police over 13 years from a high of 23.3 per 100 officers in 1996–97 to a low of 3.0 per 100 officers in 2008–09. As shown in Fig. 4, the rate of assault allegations increased from 8.3 per 100 officers in 1994–05 to a peak of 11.6 in 1999–00 and then declined by 77.8% to 2.6 in 2008–09. Excessive force allegations increased from 0.4 in 1994–95 to a peak of 7.5 in 2002–03 and then declined by 50.6% to 3.7 in 2008–09. Combined assault and excessive force allegations peaked at 194 in 1999–00 and then declined by 58.7% to 80 in 2008–09. The equivalent data as a rate showed a 62.9% decline from 17.0 allegations per 100 officers to 6.3.

The researchers found that the declines were plausibly attributable to a variety of innovations, which had a cumulative effect. Complaints data from the seven other police departments served as proxy controls. These showed a variety of trends but none with reductions of such depth or longevity as those in Tasmania. One possible explanation for any reductions in complaints is that police deflect complainants or
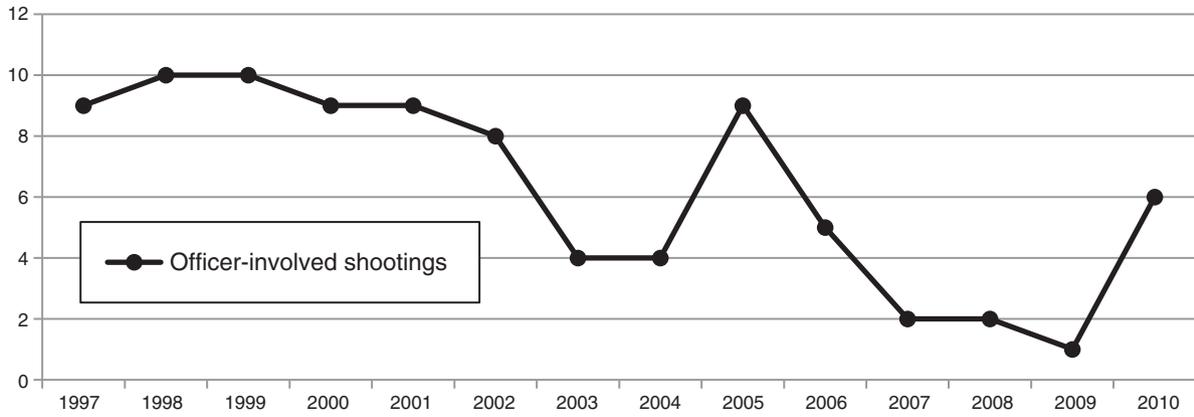
Fig. 2. Portland Police Bureau, 'officer-involved shootings', 1997–2010.
Sources: Independent Police Review Division (2008, p. 27, 2011, p. 19).

under-report complaints. A source of experimental control in this regard was the presence of the Tasmanian Ombudsman, who could accept complaints and also review appeals from persons unhappy with how police handled their complaint. The Ombudsman reported no concerns with police complaint processes and noted decreasing numbers of complaints made directly to his office. Another possible explanation for reduced complaints is that officers are less assertive in their conduct. However, the study also showed that there were large increases in police enforcement activity in the period.

Innovations by the Tasmania Police related to complaints, and to police conduct and procedures, occurred across several domains. Commissioner Richard McCready instituted a professionalism agenda in 1996, and innovation occurred during the long-term tenure of the one Internal Investigations Unit (IIU) Commander. The Commander made it a personal mission to address the problem of high and increasing complaints, and his approach was informed by academic research and participation in the Australian Police Integrity Forums — where police leaders shared their experiences about conduct issues.

In 1998, the Force introduced a Job Suitability Test, focused on screening out unsuitable applicants. This was followed by a major shift in training from a short form of defensive tactics to a longer training regime focused on de-escalation and injury reduction. The early-2000s then saw the introduction of an Early Intervention System to analyze complaint patterns and identify officers with multiple complaints. From 2003–04, IIU began providing District Commanders with profiles of officers attracting multiple complaints with a view to closer supervision. Officers who engaged in repeated breaches of standards were also 'paraded' before the Deputy Commissioner — a practice which strongly reinforced organizational messages about lack of tolerance for unethical conduct. A general decrease in multiple complaints occurred from 1999–00.

Complaint handling was also made more rigorous, with improved training for investigators and the retention of experienced investigators. The rate of sustained complaints increased from a low of 6.5% in 1997–98 to an average 37.9% across the last five years of data from 2004–05 to 2008–09. In addition, the rate of internally generated complaints increased from a low of 0.38 per 100 officers in 1995–96 to a high of 2.57 in 2005–06, followed by a fluctuating but relatively high rate. The sustained rate for internal complaints was also relatively high around 80–90% from 2003–04. There was also a focus on learning
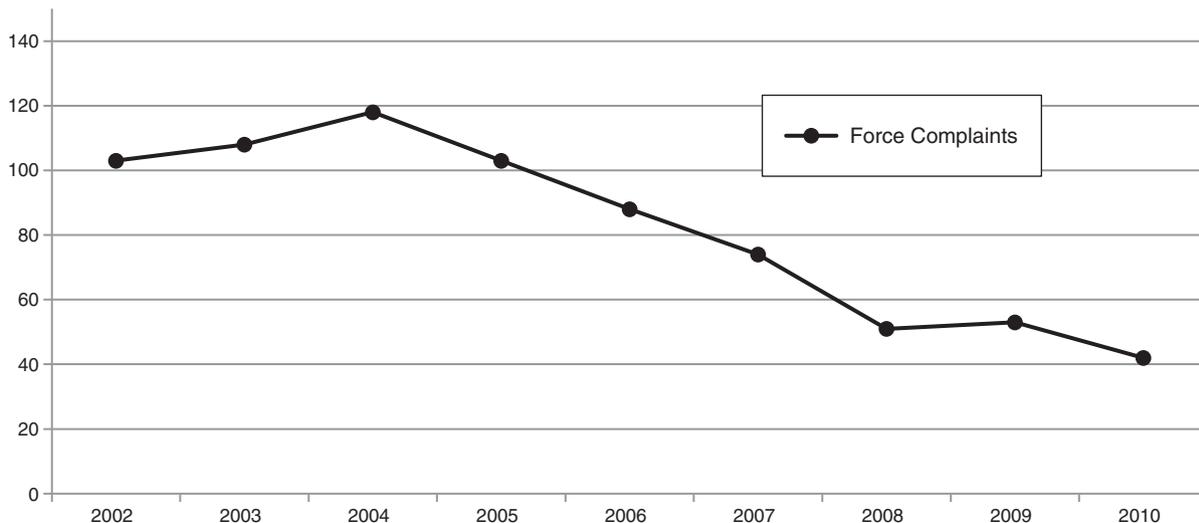

Fig. 3. Portland Police Bureau, 'force complaints', 2002–2010. Note: A full breakdown is not available, but it appears the large majority of complaints were from citizens; while a small number were registered internally or made by the Independent Police Review (IPR). Sources: Force Task Force (2009, p. 15); Independent Police Review Division (2011, p. 18).
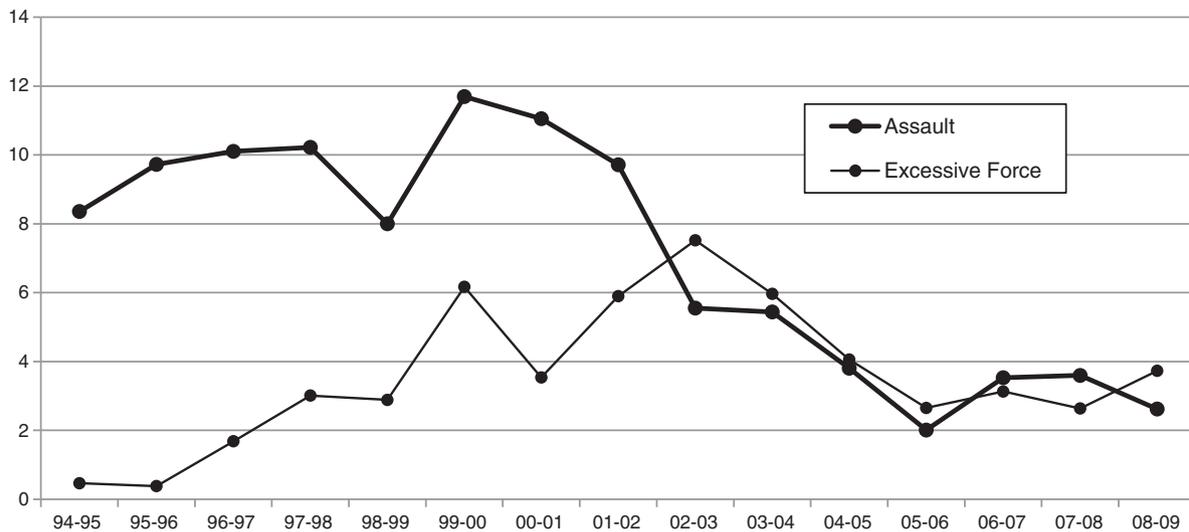
Fig. 4. Tasmania Police, 'assault' and 'excessive force' allegations per 100 officers, 1994-95–2008-09.
Source: Adapted from Porter et al. (2012, p. 10).

lessons from complaints, as opposed to simply determining culpability and apportioning sanctions. Officers were at times assigned to retraining.

The complaints analysis process included attention to trends, including, for example, the growing problem with assault and excessive force complaints shown in Fig. 4. These findings were relayed to District Commanders and to the Academy. Examples of specific findings included allegations of overly tight handcuffs, head restraints, and a ground hold involving kneeing suspects. These issues were addressed through changes in procedures and training. A major upgrade was made to Operational Skills and Tactics training in 2003, which can be related to reductions in excessive force allegations and continued reductions in assault allegations from that time (Fig. 4). Role-playing was introduced; along with increased attention to negotiation and communication skills, de-escalation techniques (based on a force continuum), 'stress inoculation', team tactics, and body language. The validity of training was enhanced through greater use of real-world simulations and videotaping. Instructors and trainees discussed video content, with a focus on both accounting for decisions and considering alternatives.

3.6. Victoria Police (Australia): Project Beacon and fatal shootings

In the mid-1990s an upsurge in fatal shootings by police in Victoria created widespread controversy that led to the launch of Project Beacon. The crisis in the 1990s followed on the heels of a similar crisis in the 1980s. Fig. 5 shows that fatal shootings by Victorian police increased in the 1980s to a peak of six in 1988. This was attributed to a break out in urban warfare between police and criminals. Fatal attacks on police, including the bombing of a police station, generated 'a heightened sense of vulnerability amongst police' (Victoria Police, 1995, p. 1). In response to the problem, police introduced improved training in 'methods of controlling violent criminals [with] a strong focus on firearms and defensive physical tactics' (Office of Police Integrity, 2005, pp. i–ii). This appeared to have a positive effect, with fatal shootings declining to between one and two per year up to 1993. There was then a sharp increase to nine fatalities in 1994. Across the decades, 'Victorian police were killing citizens at a greater rate than any other in the country' (Silvester, 2012, p. 24). The state force had a reputation for being 'trigger-happy'
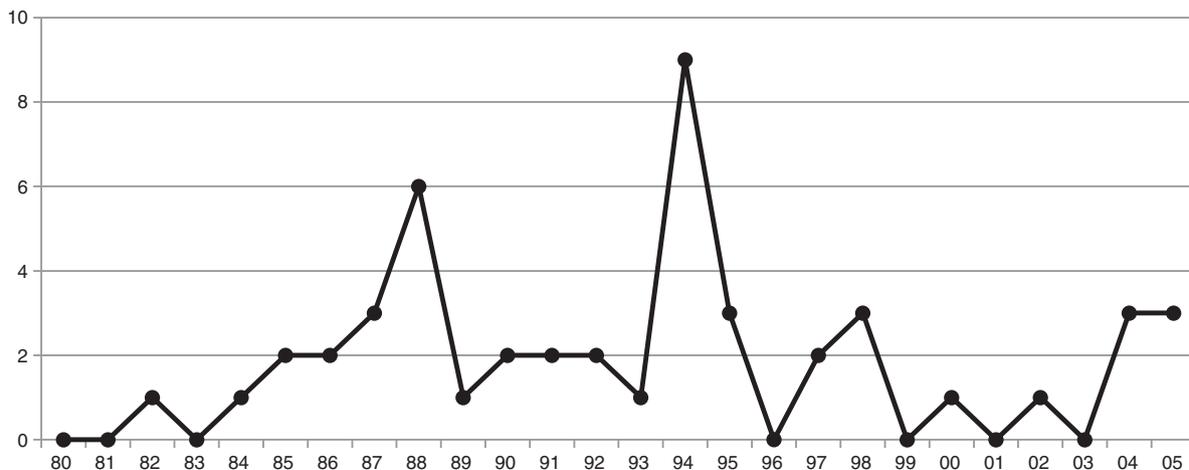

Fig. 5. Victoria Police, fatal shootings, 1980–2005.
Source: Office of Police Integrity (2005, p. 65).

and dominated by a culture 'overly reliant on firearms' (Office of Police Integrity, 2005, p. i; Silvester, 2012, p. 24).

The second upsurge in fatalities was attributed, in significant part, to police shootings of mentally ill persons displaying aggressive behaviors in public. This, in turn, was partly related to the implementation of a de-institutionalization policy (Victoria Police, 1995, p. 1). Five reviews of the shootings, two internal and three external, resulted in 219 recommendations. The reviews included a Coronial Inquiry, a report by the National Police Research Unit (1998), police focus groups and a police survey. Input was also included from officers involved in 22 fatal incidents.

The reviews were used to inform a training-based intervention – Project Beacon – introduced in September 1994. Project Beacon developed a 'safety first' philosophy, widely disseminated through police internal communications channels, based on 'ten safety principles' (p. 2):

1. Safety first — the safety of police, the public and offenders or suspects is paramount.
2. Risk assessment — is to be applied to all incidents and operations.
3. Take charge — exercise effective command and control.
4. Planned response — take every opportunity to convert an unplanned response into a planned operation.
5. Cordon and containment — unless impractical, adopt a 'cordon and containment' approach.
6. Avoid confrontation — a violent confrontation is to be avoided.
7. Avoid force — the use of force is to be avoided.
8. Minimum force — where use of force cannot be avoided, only use the minimum amount reasonably necessary.
9. Forced entry searches — are to be used only as a last resort.
10. Resources — it is accepted that the 'safety first' principle may require the deployment of more resources, more complex planning and more time to complete. (Office of Police Integrity, 2005, pp. 3–4).

All operational officers who carried firearms were required to undertake a five-day Operational Safety and Training Tactics (OSTT) course. This involved 250 trainers, 31 training centers, and 8657 trainees, from December 1994 to March 1995. The OSTT course was described as follows:

The main feature that differentiates OSTT from previous police training programs, and the feature which makes it unique in Australia, is the balance between *Communication and Conflict Resolution* components, *Firearms Qualification* practice, and *Defensive Tactics and*

Scenario training, which are combined into one integrated course. The courses deliberately incorporate mixed classes of students from all ranks, roles and functions to 'cross-pollinate' ideas and experiences.

Most other training courses focus on the use of weapons or on defensive tactics, but offer no options for non-forceful resolution of violent (or potentially violent) situations. Similarly, most existing courses in *Conflict Resolution* and *Communication* do not deal with situations that have escalated to violent confrontations.

Additionally, OST training provides police with a much greater awareness of appropriate methods for dealing with mentally disordered persons, and the roles of other organizations whose activities can assist police in successfully resolving incidents (Victoria Police, 1995, p. 5).

An inspector was appointed in each police district to liaise with Crisis Assessment Teams (CATs) and interdepartmental relations were monitored through a Victoria Police/Psychiatric Services liaison committee. Project Beacon also included two days of refresher training every six months; the introduction of OC spray; and the introduction of a Use of Force Register, designed for monitoring the impact of the project.

Following the roll out of Beacon, fatal shootings fell by 91.1% from the peak of nine in 1994 to an average of 0.8 per year over the eight years from 1996 to 2003. This trend can be seen in Fig. 6 in comparison to fatal shootings by police in all other jurisdictions in Australia for the 15 years from 1990 to 2004. Deaths in Victoria exceeded those in the other jurisdictions prior to Beacon, then fell well below the combined total in the seven other jurisdictions. The overall downward trend in Victoria then came to a halt, with three fatal shootings in 2004 — and another three in 2005 (Fig. 5). This prompted a review by the newly formed Office of Police Integrity, which found that:

It appears that Victoria Police has lost some of the strategic focus on safety and avoiding the use of force which it developed during Project Beacon… The result is a lack of effective risk management, a culture in which self-assessment, review and improvement are given insufficient attention, and a diminution of essential police training (2005, p. 55).

One journalist provided a more blunt account: '(Project Beacon) was an outstanding success, so naturally police scrapped it' (Silvester, 2012, p. 3). The main explanations provided for the reduction were the cost of
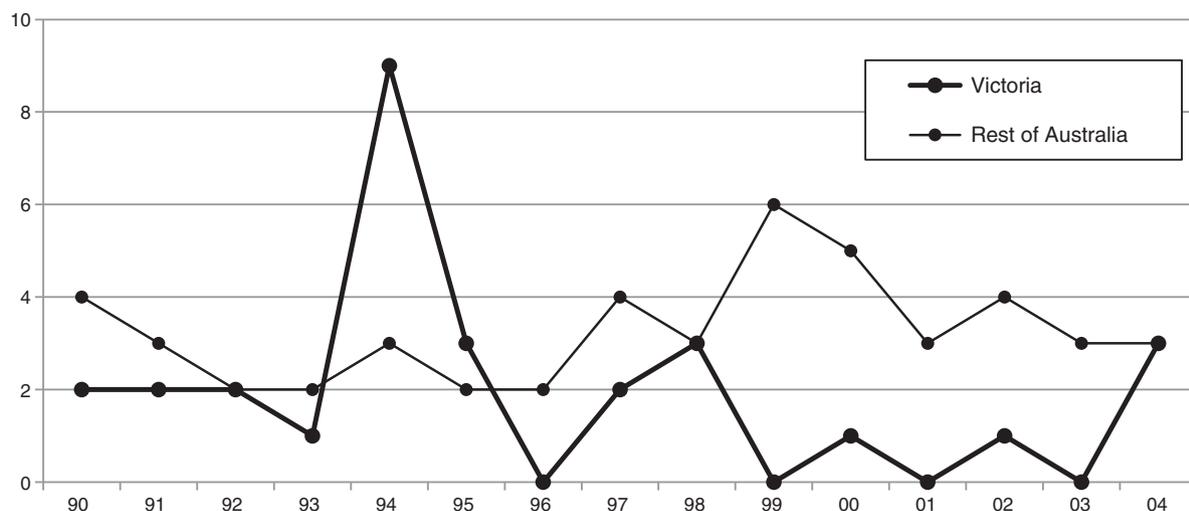

Fig. 6. Victoria Police and all other Australian jurisdictions*, fatal shootings, 1990–2004. *New South Wales, Queensland, Northern Territory, Western Australia, South Australia, Tasmania and the Australian Federal Police.
Source: Office of Police Integrity (2005, p. 63).

training and the need to get new officers on the street sooner: 'Dumping Beacon effectively produced an extra 16,000 operational shifts but left police undertrained to deal with disturbed offenders' (Silvester & Rule, 2010, p. 2). Police also conceded, in 2012, that 'we took our eyes off the ball' (in Silvester, 2012, p. 24). While training in dealing with the mentally ill has reportedly improved, there appears to be no systematic on-going monitoring of police shootings (see Silvester, 2012). In 2011, a professor described the Victoria Police approach as 'Shoot first, spin later' (Norden, 2011). The post-Beacon deaths have also been associated with the refusal of Victoria police to equip operational police with CEWs (Dalton, 1998; Office of Police Integrity, 2005).

3.7. England and Wales: deaths in police custody

In England and Wales, fatalities associated with police actions are monitored by the Independent Police Complaints Commission (IPCC), established in 2004. In 2010 the Commission published a major review of 'deaths in or following police custody'. These incidents were defined as:

Deaths of persons who have been arrested or otherwise detained by the police. It includes deaths which occur whilst a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle (Independent Police Complaints Commission, 2010, p. 9).

The review covered 333 cases over an 11-year period. It found that deaths in this category decreased by 69.3% from 49 in 1998–99 to 15 in 2008–09 (see Fig. 7). This entailed a 72.2% fall in the rate of deaths 'per 100,000 notifiable arrests', from 3.6 to 1.0 (2010, p. 11). Within these data, three of the four 'main primary causes of death' showed long-term declines (p. 17). Suicides in police custody fell from 15 in 1998–99 to an average of 1.2 in the last four years of data. 'Accidental overdoses' fell from a peak of 10 in 2001–02 to one in 2008–09, while deaths from 'injuries received prior to detention' fell from a peak of seven in 1999–00 to one in 2008–09. Deaths from 'natural causes' increased to 13 in 2002–03 and stayed around that number until falling sharply to a low of five in 2008–09. Natural causes, however, remained the main cause of death over the period, accounting for 31.2% of deaths. Natural causes include organ failure, asphyxia, and hyperthermia; and are often associated with 'secondary causes' such as intoxication from alcohol or drugs or both.

The reductions in deaths were attributed to a variety of changes in police procedures. In relation to suicides, the report cited improvements in cell design, including fewer points where inmates could hang themselves. A number of other changes were likely to have had impacts across categories. There was an increase in police taking persons directly to hospital instead of the watchhouse, and custody sergeants were taking more action to address detainee health issues at the time of admission. The establishment of a custody visitor scheme was also seen as contributing to compliance with duty of care requirements. There was an overall enlargement of risk management procedures — including initial assessments of detainees and closer monitoring.

The precise background to these changes was difficult to identify, although reference was made by the IPCC to changes in laws and guidelines (Independent Police Complaints Commission, 2010, pp. 1–2):

Detention (in a police station) is governed by PACE [Police and Criminal Evidence Act 1984] Code of Practice C. The Code of Practice has been amended several times (most recently in 2008), with the most significant changes occurring in 2003 when major changes were made to help strengthen the risk assessment of detainees. In addition to the statutory Code of Practice, ACPO [Association of Chief Police Officers] issued guidance (2006) to officers to help ensure the safe detention and handling of people in police custody.

Finally, in relation to the use of police custody as a place of safety under Section 136 of the Mental Health Act 1983, there have been Home Office Circulars and Department of Health (2008) Codes of Practice which, since 1990, have stated that a place of safety should ideally be a hospital. More recently this has been strengthened to suggest that police custody should only be used as a place of safety in exceptional circumstances.

The Commission's report included 10 recommendations to advance prevention. It noted that improvements in procedures had not been consistently implemented, and there was an ongoing problem in many police forces with inadequate risk assessments and inadequate monitoring of detainees. Key recommendations included greater rigor in initial assessments, with greater attention to the way in which intoxication can mask head injuries; a requirement that monitoring includes properly rousing persons; more rigor in the frequency and consistency of checks, and recording of checks; and ensuring quality CCTV in at least one cell per suite of cells. The recommendations also included a pilot of specialized facilities for detained persons requiring medical observation. The IPCC's monitoring program includes annual reports with
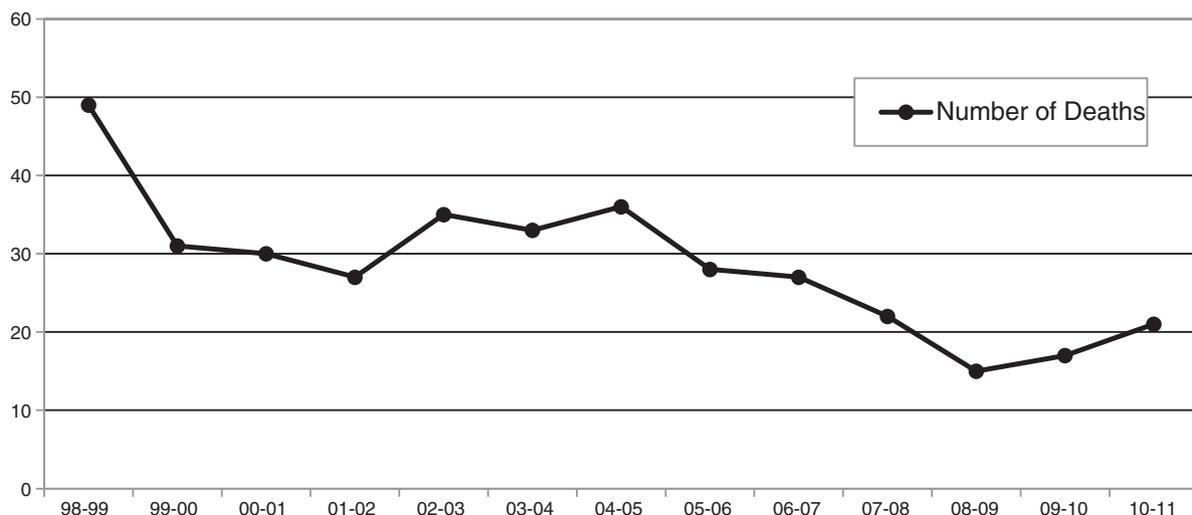

Fig. 7. England and Wales, 'deaths in or following police custody', 1998–99 to 2010–11. Sources: Independent Police Complaints Commission (2011, p. 11, 2011b, p. 7).

statistics and analyses of deaths in or following custody. As Fig. 7 shows, the final year of the Commission's major study was a low point for incidents. Subsequent reports showed an increase from 15 deaths in 2008–09 to 17 in 2009–10 and 21 in 2010–11. The large majority of these deaths were from natural causes, with little provided by the reports in terms of prevention implications. A statement was made that 'The IPCC is working with other policing organizations to progress the recommendations… It will continue to monitor such deaths in order to identify further lessons' (2011, p. 8).

4. Discussion

This paper identified seven case studies in the policing literature demonstrating that substantial reductions can be made in police use of force and harms associated with force. There was evidence that reductions in use of force were positively correlated with reductions in adverse consequences of force for both citizens and officers — as measured by fatalities, injuries and complaints. This latter finding was especially strong in relation to officer safety in the New York case. While not specifically designed to test explanations of police use of force (or excessive force), the case studies showed evidence for the effectiveness of a range of interventions that can be linked to individual, cultural and organizational explanations, as outlined by Lersch and Mieczkowski (2005). The prospects for other departments reducing force are therefore good, subject to a number of qualifications.

4.1. Individual strategies

Lersch and Mieczkowski (2005) discuss individual-level explanations for excessive force, where problem behavior is thought to be the product of individual 'rotten apples'. While not drawing explicit links to this theory, they present early warning systems as an option for targeting individual officers subject to a pattern of indictors of poor behavior, such as multiple citizen complaints. The present study found evidence to support the effectiveness of such systems in reducing use of force, particularly in the Oakland and Tasmania case studies. These studies note identification of officers who were involved in higher than average numbers of violent confrontations or who received higher numbers of complaints for assault. While the targeting of individual officers has the potential to highlight individual blame and poor performance records, early warning systems are increasingly designed with remedial measures in mind (Porter & Prenzler, 2012). Indeed, the application of early intervention systems that target officers with multiple force complaints or force reports can be sold as a means of saving officers from career-damaging reviews (Porter et al., 2012; see also PERF, 2011).

This also raises the issue of appropriate police accountability and discipline. Problems of excessive force have been closely associated with poor discipline, especially in relation to police handling of complaints. There was some indication in the Tasmanian study that increased complaint substantiation rates were associated with reduced complaints of assault or excessive force, as well as more, and more varied, disciplinary outcomes. The jury is probably still out on this issue, but it would certainly seem to be the case that closer scrutiny and management of officers, especially those with multiple force complaints, is essential for reducing inappropriate force.

4.2. Cultural strategies

Cultural explanations for police behavior highlight the influence of cultural norms and expectations. Police culture has been highlighted as promoting feelings of division and isolation from wider society due to their powers and duties. Relevant to this, Lersch and Mieczkowski (2005) discuss how community policing and civilian review boards can create higher levels of accountability, as well as confront inappropriate cultural norms.

Some projects reviewed here appear to have benefitted greatly from the involvement of external research agencies — although this is not an essential requirement nor a guarantee of success. The Portland case, for example, highlighted the role of the Police Assessment Resource Centre (PARC) in providing informed input and independent assessments. However, PARC's work with the Los Angeles County Sheriff has not so far led to major improvements in force indicators (PARC, 2012). The Portland case also demonstrated the positive influence of the police oversight body, the Independent Police Review Division. But, in many other cases, oversight agencies struggle to have any positive impact on police use of force (Human Rights Watch, 1998; O'Hara, 2005).

While no study reported a specific adoption of community policing, there was evidence that training officers in communication skills for dealing with members of the public was beneficial. Overall, training was a major area of focus in the case studies, especially for transmitting modified policies and procedures. No one training program stood out, but areas of development were centered around what is often referred to as 'verbal judo' — including communication skills, diffusing conflict, stress inoculation, low impact physical restraint techniques, and conducting risk assessments. The use of simulations also appears to be important – most notably in the Metro-Dade and Tasmania cases – along with videorecording of role plays, and discussions of recordings that include justifications of decisions and consideration of alternatives. While training serves to educate recruits and set initial norms, socialization in the first years of service can be a more powerful influence. Training, therefore, needs to be reinforced on the job, with close supervisor involvement in use of force issues, including being held accountable for the implementation of policies. Refresher training for serving officers also featured in some of the case studies.

4.3. Organizational strategies

Organizational theories of police behavior include factors in the immediate organizational environment, including polices, practices and supervision. Lersch and Mieczkowski (2005) discuss the importance of mechanisms of internal control of organizations to regulate the behavior of police officers. Revision – or 'tightening' – of policies featured prominently in the case studies. Policies need to be explicit about what is required of officers in different situations; and policies need to be written down, regularly reviewed and updated where appropriate. More generally, an enhanced accountability framework appears to be essential for reducing force. In that regard, the introduction of use of force reports is a major innovation. The value of these reports is enhanced through compulsory inclusion of justifications, supervisor sign off, and discussions between officers and supervisors.

Use of force reports also need to be analyzed in-depth, and it is essential that the findings are reported publicly on an annual basis along with all other force measures. Police management systems should have sufficient lines of communication open to respond to problems as they arise. For example, the Tasmanian case study showed how problems identified by the Internal Investigations Unit, through routine complaint analyses, could be addressed rapidly through communication with trainers and operational managers. Periodic in-depth studies on specific use of force topics are also likely to identify areas that need improvement, leading to concrete recommendations. The extent to which departments implement recommendations also needs to be assessed and publicly reported.

4.4. Practical considerations for intervention

A key step identified in the cases studies involves initial diagnosis of the nature and causes of excessive or unnecessary force within a standard Problem Oriented Policing framework (Goldstein, 1990). This entails research, using quantitative indicators – such as fatalities, injuries, complaints and use of force reports – along with qualitative sources – such as investigative reports, coroner reports, and police officer interviews

and focus groups. The findings should be used to develop site-specific, tailor-made, interventions; which can be modified depending on the findings from the post-intervention data.

One of the most important lessons from the case studies is that an explicit commitment to improving police conduct is an essential first step in making improvements. Another key lesson, closely linked to this, is that innovation requires progressive leadership to marshal support, direct resources, and bring in the right personnel. A related lesson is that resistance should be expected. Factoring in opposition is essential for a planned approach likely to have maximum impact. Attempts to minimize force and, especially, to reduce excessive force and risky behaviors, entail reducing officer discretion in dealing with suspects according to personal preferences — including the freedom to mete out 'street justice'. This requires tact and tenacity by leaders in managing resistance without alienating operational staff.

4.5. Limitations and further research

A strong note of caution should be sounded about the implications of this study for replications. Many factors are at work in any attempt to introduce sustained reform in police use of force and there is no guarantee that any of the methods outlined above will be successful in other contexts. For example, Toch and Grant reported on an attempt to replicate the Oakland intervention in Kansas. The result was described as a failure. The review panels became 'directive, hortatory, and confrontational [and] evidence of behavior change was not forthcoming' (2005, p. 242). Other elements in the case studies that appear to have been influential have also shown little or no impact in other contexts. Overall then, an approach of cautious optimism in required — one that recognizes that there are powerful forces of resistance, or simply forces of disinterest, that can subvert the best reform package. Careful attention to the politics of project implementation is essential.

The case studies were also problematic in terms of evaluation methods. None involved a comprehensive set of long-term measures, and only one (Metro-Dade) involved a proper control group. This situation was not, however, considered fatal to the task of evaluation. Most of the case studies are best considered as 'natural experiments', and are worthwhile evaluating retrospectively for the lessons they provide. When police leaders decide to take action against a problem, they may need to introduce changes across a whole department and it is often not possible for them to construct control groups — if they are even aware of scientific standards. Researchers can, nonetheless, construct various controls that help to identify probable impacts of interventions and screen out alternative explanations for changes. It is also the case that the findings associating interventions with desirable changes are strengthened by the adoption of multiple measures, and the majority of the case studies reported here included more than one measure.

The point should also be made that this study was restricted to the lessons from intervention studies. In seeking to reduce unnecessary force, the findings from other studies should also be considered. As noted in the literature review, these include the employment of better educated officers and more female officers; and the adoption of less-than-lethal technologies, such as OC spray and CEWs, subject to proper training and retraining policies. There are also a number of promising innovations that require more research. These include the use of recording devices, including CCTV in police watchhouses and interview rooms, and the use of vehicle and body mounted cameras (Porter & Prenzler, 2012). Recordings can be useful to both deter and identify excessive force, but can also assist in countering false allegations of excessive force.

5. Conclusion

This review paper provided in-depth analyses of a range of case studies involving interventions to reduce police use of force, with a focus on excessive force or adverse impacts. The case studies involved a variety of types of interventions, and combinations of interventions, and a variety of forms of measurement of impacts. Overall, equipping officers at the individual level with the appropriate skills, and providing a framework of internal and external accountability, seemed to be the keys to reducing negative behavior and outcomes. While the evaluations tended to be limited because of inadequate data or information, there was sufficient evidence to show that positive effects have been achieved; and various strategies show promise for application in other locations. The prospects for wider reductions in police use of force are fairly good, subject to genuine commitment from police leaders.

References

Alpert, G. P. (1997). *Police pursuit: Policies and training.* Washington, DC: National Institute of Justice.

Alpert, G. P., & Dunham, R. G. (2004). *Understanding police use of force.* Cambridge: Cambridge University Press.

Alpert, G. P., & Dunham, R. G. (2010). Policy and training recommendations related to police use of CEDS: Overview of findings from a comprehensive national study. *Police Quarterly, 13*, 235–259.

Bayley, D. (1996). Police brutality abroad. In W. A. Toch, & H. Geller (Eds.), *Police violence: Understanding and controlling police abuse of force* (pp. 273–291). New Haven: Yale University Press.

Braithwaite, H., & Brewer, N. (1998). Differences in the conflict resolution tactics of male and female police patrol officers. *International Journal of Police Science and Management, 1*, 288–300.

Council of the City Of New York (2009). Council votes to improve NYPD's reporting of firearm discharges. Retrieved 14 June, 2012, from. http://council.nyc.gov/html/releases/prestated_1_07_09.shtml.

Dalton, V. (1998). Police shootings 1990–97. *Trends and Issues in Crime and Criminal Justice, 89*, 1–6.

Davis, R., Mateu-Gelabert, P., & Miller, J. (2005). Can effective policing also be respectful? Two examples in the South Bronx. *Police Quarterly, 8*, 229–247.

Eith, C., & Durose, M. R. (2011). *Contacts between police and the public, 2008.* Washington, DC: Bureau of Justice Statistics.

Farrington, D., Gottfredson, D., Sherman, L., & Welsh, B. (2002). The Maryland scientific measures scale. In L. Sherman (Ed.), *Evidence-based crime prevention* (pp. 13–21). New York: Routledge.

Force Task Force (2007). *Use of force by the Portland Police Bureau: Analysis and recommendations.* Portland: Force Task Force to Chief of Police Rosie Sizer.

Force Task Force (2009). *Use of force by the Portland Police Bureau follow up: Progress report and analysis of recent data.* Portland: Force Task Force to Chief of Police Rosie Sizer.

Fyfe, J. J. (1978). *Police use of deadly force in New York City: Some implications for police and community action.* Washington, DC: National Institute of Justice.

Goldstein, H. (1990). *Problem-oriented policing.* New York: McGraw-Hill.

Goldstein, J. (November 24). Beyond the record lows, data on police shootings offer a wealth of details. *The New York Times*, 30.

Harris, C. J. (2009). Police use of improper force: A systematic review of the evidence. *Victims and Offenders, 4*, 25–41.

Holmes, M. D., & Smith, B. W. (2012). Intergroup dynamics of extra-legal police aggression: An integrated theory of race and place. *Aggression and Violent Behavior, 17*(4), 344–353.

Human Rights Watch (1998). *Shielded from justice: Police brutality and accountability in the United States. New York.*

Independent Police Complaints Commission (2010). *Deaths in or following police custody: An examination of the cases 1998/99–2008/09. London.*

Independent Police Complaints Commission (2011). *Deaths in or following police contact: Statistics for England and Wales 2010/11. London.*

Independent Police Review Division (2004). *Annual report 2003.* Portland, OR: Office of the City Auditor.

Independent Police Review Division (2008). *Annual report 2007.* Portland, OR: Office of the City Auditor.

Independent Police Review Division (2011). *Annual report 2010.* Portland, OR: Office of the City Auditor.

International Association of Chiefs of Police (2002). Law enforcement code of conduct. *Police Chiefs Desk Reference* (pp. 34–39). Washington, DC: IACP & Bureau of Justice Assistance.

Klahm, C. F., IV, & Tillyer, R. (2010). Understanding police use of force: A review of the evidence. *Southwest Journal of Criminal Justice, 7*, 214–239.

Klinger, D. (2010). Can Police training affect the use of force on the streets? The Metro-Dade Violence Reduction Field Experiment. In C. McCoy (Ed.), *Holding police accountable* (pp. 95–107). Washington, DC: The Urban Institute Press.

Lersch, K. M., & Mieczkowski, T. (2005). Violent police behavior: Past, present, and future research directions. *Aggression and Violent Behaviour, 10*, 552–568.

McCoy, C. (2010). How civil law suits improve American policing. In C. McCoy (Ed.), *Holding police accountable* (pp. 111–160). Washington, DC: The Urban Institute.

National Police Research Unit (1998). *National minimum guidelines for incident management, conflict resolution and use of force. Adelaide.*

New York City Police Department (2011). *Annual firearms discharge report 2010. New York.*

New York Civil Liberties Union (2008). *NYCLU analysis of NYPD reports reveals troubling patterns in police shootings, lack of diversity in NYPD leadership.* (Retrieved April 20, 2012, from http://www.nyclu.org/content/nyclu-analysis-of-nypd-reports-reveals-troubling-patterns-police-shootings-lack-of-diversity).

Norden, P. (May 4). Shoot first, spin later is the approach taken by the Victoria Police. *The Conversation* (pp. 1–2). (Retrieved June12, 2012, from http://theconversation. edu.au/shoot-first-spin-later-is-the-wrong-approach-for-victoria-police-1069).

O'Hara, P. (2005). *Why law enforcement organizations fail: Mapping the fault lines in policing.* Durham, NC: Carolina Academic Press.

Office of Police Integrity (2005). *Review of fatal shootings by Victoria Police. Melbourne.*

PARC (2003). *The Portland Police Bureau: Officer-involved shootings and in-custody deaths.* Los Angeles: Police Assessment Resource Center.

PARC (2006). *The Portland Police Bureau: Officer-involved shootings and in-custody deaths, second follow up report.* Los Angeles: Police Assessment Resource Center.

PARC (2009). *The Portland Police Bureau: Officer-involved shootings and in-custody deaths, third follow up report.* Los Angeles: Police Assessment Resource Center.

PARC (2012). *Los Angeles County Sheriff's Department, 31st semiannual report.* Los Angeles: Police Assessment Resource Center.

Police Executive Research Forum (2011). *Review of use of force in the Albuquerque Police Department. Washington, DC.*

Police Foundation (1988). *The Metro-Dade Police–Citizen Violence Reduction Project: Final report, executive summary. Washington, D.C.*

Porter, L., & Prenzler, T. (2012). *Police Integrity management in Australia: Global lessons for combating police misconduct.* Boca Raton: CRC Press – Taylor & Francis.

Porter, L., Prenzler, T., & Fleming, J. (2012). Complaint reduction in the Tasmania Police. *Policing and Society, 22*(4), 426–447.

RAND (2008). *Evaluation of the New York City Police Department firearm training and firearm-discharge review process.* Santa Monica: RAND Corporation, Center on Quality Policing.

Reiss, A. J., Jr. (1971). *The police and the public.* New Haven, CT: Yale University Press.

Rydberg, J., & Terrill, W. (2010). The effect of higher education on police behavior. *Police Quarterly, 13*, 92–120.

Silvester, J. (February 25). Defusing the 'death by cop' time bomb. *The Age*, 24.

Silvester, J., & Rule, A. (December 11). A death that should have been avoided. *The Age*, 2.

Sousa, W., Ready, J., & Ault, M. (2010). The Impact of TASERs on police use-of-force decisions: Findings from a randomized field-training experiment. *Journal of Experimental Criminology, 6*, 35–55.

Taylor, B., & Woods, D. J. (2010). Injuries to officers and suspects in police use-of-force cases: A quasi-experimental evaluation. *Police Quarterly, 13*, 260–289.

Terrill, W., & Mastrofski, S. D. (2002). Situational and officer-based determinants of police coercion. *Justice Quarterly, 19*, 215–248.

Thomas, K. J., Collins, P. A., & Lovrich, N. P. (2010). Conducted energy device use in municipal policing: Results of a national survey on policy and effectiveness assessments. *Police Quarterly, 13*, 290–315.

Toch, H., & Grant, J. D. (2005). *Police as problem solvers: How frontline workers can promote organizational and community change.* Washington, DC: American Psychological Association.

United Nations (1979). Code of conduct for law enforcement officials. Retrieved June 20, 2012, from. http://www2.ohchr.org/english/law/codeofconduct.htm.

United Nations (1990). Basic principles on the use of force and firearms by law enforcement officials. Retrieved June 20, 2012, from. http://www2.ohchr.org/english/law/firearms.htm.

Victoria Police (1995). *Project Beacon: Overview of progress. Melbourne.*

Walker, S., & Fridell, L. (1992). Forces of change in police policy: The impact of Tennessee v. Garner. *American Journal of Police, 11*, 97–112.

Waugh, L., Ede, A., & Alley, A. (1998). Police culture, women police and attitudes towards misconduct. *International Journal of Police Science and Management, 1*, 288–300.

Department of Criminology and Criminal Justice

Use of Electronic Control Devices 2014 – 2015
Montgomery County, Maryland Police Department[1]

Geoffrey P. Alpert

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Electronic Control Weapons (ECW) as a type of police use of force has received considerable attention since the Rodney King incident in 1991. In the 1990s, relatively crude devices were used by the police to shock suspects. These devices, better described as weapons, have been revolutionized and continue to be re-engineered so that they are easier for officers to use; moreover, the ever-growing body of research on the consequences of using an ECW continues to show that, when deployed properly, they reduce the rate and severity of injuries to both officers and suspects (see Alpert et al, 2011). That said, the use of ECWs has not passed without criticism (see Stinson et al., 2012 Azadani, et al., 2012.). The New York Civil Liberties Union (2012) as well as publications by the American Civil Liberties Union (ACLU) and Amnesty International (AI) have criticized the use of ECWs and have put law enforcement on notice that these organizations and others like them will continue to monitor deaths and injuries related to its their use. In the present Report, we will refer to the weapon by its accepted brand name, Taser[®], which is named after the "Thomas A. Swift Electric Rifle" (Swift is a fictional teenage inventor made famous by Victor Appleton in a series of juvenile adventure novels published between 1910 and 1941).

Taser use has increased in recent years. The manufacturer estimates that more than 18,000 law enforcement and military agencies around the world use them.

Tasers and their use have created a good deal of controversy (in much the same way as did pepper spray when it was first used by law enforcement): Tasers have been associated with in-custody deaths, as well as allegations of overuse and intentional abuse. There is a significant amount of literature about the Taser and the consequences of its use available both in the media, and in academic and professional literature, and we will therefore not review it here; however, it is worth providing a brief description of the weapon itself in order to understand how it is designed to be used. In sum, there are two ways a Taser is intended to be deployed. First, the traditional "probe" mode and, second, the "drive stun" mode.

When a Taser is deployed using probes, a discharge of compressed nitrogen launches two barbed darts that have a "fishhook" type tip to penetrate clothing and skin. Each dart has a thin wire that remains connected to the weapon to form an electrical connection. As the barbs can get stuck in clothing and often fail to connect with skin, the weapon is designed to generate an arcing pulse, which creates a conductive path for the electricity. While the weapon generates 50,000 volts, it delivers a peak of 1200 volts, which equates to approximately 400 ohms of resistance to the body. If the probes connect properly, the Taser will cause in most people uncontrollable muscular contractions, which will likely immobilize the subject, as long as the electricity is flowing. When an individual is "under the power" of the electricity, he or she is easier to both control and handcuff. When the electricity is turned off, the pain quickly subsides. Consequently, the experience can easily make the subject angry and willing to fight the police.

The "drive-stun" mode has two purposes. First, it can be used to "close the circuit" when a one prong has made contact with the body and the other has not; and, second, it is a method of "pain-compliance."

Pain compliance tactics, including joint manipulation, pressure points, and distraction blows are used when officers are trying to control and handcuff resisting or fighting suspects. The Taser in drive-stun mode can also be used when an officer is fighting a suspect who is in very close proximity, to create distance. The use of the Taser in drive-stun mode is more controversial and has been limited in many police departments, because it is not always effective. As noted above, there is a great deal of literature available for those who want a more detailed description and analysis of the engineering and consequences of Taser use (see for example, Alpert and Dunham, 2010; Kroll, and Ho, 2009; and Miami-Dade County Grand Jury, 2005).

The Study

The Montgomery County Police Department (MCPD) initially purchased Tasers as part of a pilot program for patrol officers in 2001, and later that year, after completion of the program, began rolling out Tasers throughout the department. To date, the agency has approximately 565 Tasers in service. In September 2015, the department created a Use-of-Force Policy Review Team that was charged with reviewing the management of use of force, including policy, training, supervision and practice. The agency in May 2016 continued to explore the use of Tasers. First, the Taser policy was examined for clarity and sufficiency as well as for language that would provide officers with a full understanding of what is expected when they deploy Tasers, and the factors necessary for officers to take into account in order to make reasonable decisions in an encounter where force is justified. Second, the training provided to the officers was reviewed. Unfortunately, during the period of examination, no recruit and only one in-service training (for the Sheriff's Office) was delivered and observed, in addition to one in-service use-of-force training session, so segments of the information for this report were derived by examining lesson plans, curricula, and conducting a group interview with training officers.

Third, interviews and focus groups were held with a sample of officers who deployed Tasers during 2014 – 2015. These officers were asked about their experiences with the Taser, their understanding of the policy, and their responses to both training and supervision, with the understanding that they would remain anonymous. Finally, all Use-Of-Force Reports and Incident Reports involving Tasers during 2014 – 2015 were examined. Specifically, each of these Reports was coded, entered into a database, and analyzed. The result of the evaluation is a descriptive analysis looking at officer, suspect, and incident variables.

A comprehensive examination of Taser use is undoubtedly timely. Police departments' use of Tasers has elicited a considerable amount of public attention and a great deal has been published about both the positive and negative consequences of Taser use. Moreover, in January 2016, the United States Court of Appeals for the Fourth Circuit has made such an examination even more pressing. The court's opinion in <u>Armstrong v Village of Pinehurst</u> (810 F. 3d. 892 (2016)) declared that:

> A taser, like "a gun, a baton, . . . or other weapon," Meyers, 713 F.3d at 735, is expected to inflict pain or injury when deployed. It, therefore, may only be deployed when a police officer is confronted with an exigency that creates an immediate safety risk and that is reasonably likely to be cured by using the taser. The subject of a seizure does not create such a risk simply because he is doing something that can be characterized as resistance -- even when that resistance includes physically preventing an officer's manipulations of his body. Erratic behavior and mental illness do not necessarily create a safety risk either. To the contrary, when a seizure is intended solely to prevent a mentally ill individual from harming himself, the officer effecting the seizure has a lessened interest in deploying potentially harmful force.

This opinion provides guidance on two issues. First, it ruled when a Taser can be used by a police officer, and, second, it directed other courts that use outside their ruling is excessive force.

All departments under the jurisdiction of the Fourth Circuit will henceforth incorporate this decision into their policies and training, and departments in other Federal Circuits are also in the process of modifying their policies (see 4th Cir. Opinion in Yates v Terry No. 15-1555).

The Montgomery County Police Department must therefore revisit its policy controlling the use of a Taser, as well as their corresponding training. This report is organized to include an Executive Summary, Recommendations for policy and training revisions, a Methodology and four chapters that summarize the findings from each of the project's tasks.

Chapter 1   Executive Summary

Perhaps the most important finding of this study is one known well to the officers and administrators of MCPD: that Taser use is low and is not the "go to" weapon or "weapon of choice" that is found in so many police departments throughout the United States. In 2010, results published from a national examination on police use of force, funded by the National Institute of Justice explain the uses reported in many agencies around the country.[1] In that examination the "lazy cop syndrome" was described as a circumstance when officers turned to a Taser too early in a confrontation and/or use it too often to gain compliance rather than relying on de-escalation skills or necessary hands-on applications. In many incidents, officers relied on their Taser to gain compliance from a subject rather than talking to him or her, or trying to figure out what the person wants, and attempting to reach a mutually successful resolution. That action, while seen in too often in other agencies, is not the normative response in the Montgomery County Police Department.

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[1] "A Multi-Method Evaluation of Police Use of Force Outcomes," available online at http://www.ncjrs.gov/ pdffiles1/nij/grants/231176.pdf. This research was supported by grant number 2005–IJ–CX–0056 from the National Institute of Justice.

To the contrary, officers consistently use verbal skills and hands-on techniques prior to the majority of Taser deployments. Residents of Montgomery County should be proud of their officers, the training they receive and the thoughtfulness that goes into their decisions to use the Taser.

In order to conduct this study, the MCPD Taser policy was reviewed, as were incident reports regarding Taser deployments for 2014 and 2015. The training curricula were reviewed and in-service training was observed. In addition, a sample of officers who had deployed a Taser in 2014 or 2015 was interviewed.

This study does not conclude that there is no room for improvement in the use of the Taser in MCPD. In fact, there are areas that must be addressed by management, trainers, supervisors, and officers; overall, however, MCPD's performance is impressive. A review of the incident reports for 2014 – 2015 indicates that Taser deployments were appropriate which was prior to the Fourth Circuit's recent decision in Armstrong. Based on the court's ruling in Armstrong, some of the pre-Armstrong deployments may raise questions as to the appropriate use of the Taser under the current case law. In the interviews, officers conveyed that the type of force used in Armstrong would not happen at MCPD, even prior to 2016. A comprehensive understanding of any use of force must start with the communities that are served by the agency and the number of crimes known to the police. These data are available in the MCPD Annual Use of Force Reports. For example, there are 1,265 officers and the 2015 report indicates that there were 209,207 calls for service, 50,432 crimes reported and 17,682 arrests, yet force was used in only 451 incidents (2.5% of arrests, 009% of reported crimes, and .0021% of calls for service).

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To understand the use of force in context, MCPD reports that 414 incidents (82%) of the use of force incidents involved hands-on responses, while a Taser was used 59 times (13%). The Taser use has declined 65% since 2011, and in 2015, 49 deployments were with the cartridge (probe mode) while 10 uses were drive-stun mode. Twenty-two deployments had no effect on the subjects, or not enough of an effect to control them. Only 14 of the 59 uses were deployed before an officer went hands-on with a subject. This demonstrates that officers in MCPD are attempting to handle the majority (76%) of the situations without reliance on the Taser (for a broader understanding of Taser use in Maryland, see Maryland Statistical Analysis Center, 2015).

While there were no major concerns with the Taser program at MCPD in 2015, there are areas for improvement. First, the United States Court of Appeals for the Fourth Circuit 2106 decision in <u>Armstrong v. Village of Pinehurst</u> requires changes in policy, training, and supervision. While MCPD is working on policy revisions, it must publish a new policy, and while MCPD has already issued a Training Bulletin (#16-01, 22 January 2016), there must be scenario-based training to make sure officers are comfortable with the implications of the court's decision. Additionally, supervisors must be trained to assist officers in understanding the new policy and how to explain situations in which Tasers were deployed.

Beyond the Armstrong-related policy changes, the MCPD Taser policy should be reviewed in its entirety. Administrators must determine if it is worth adding a guiding philosophical statement for the use-of-force and/or Taser policy. In addition, there are concerns the Taser policy could be a stand-alone policy, that the Taser should be referred to as a weapon rather than a device, as well as whether or not a spark test should be allowed as a deterrent.

Other administrative concerns such as storage and non-purposeful deployments should be addressed.

The training officers receive for Taser use is an improvement over the manufacturer's suggested preparation. Importantly, Officers must complete successfully a 40-hour Crisis Intervention Team Training (CIT) course before taking a Taser orientation course. The department wants to train officers in the best strategies when dealing with those in crisis. They also want to provide officers with the skills to defuse situations safely and without using physical force. The CIT training also teaches alternatives to the application of force, such as de-escalation techniques, communication skills, and how to deal effectively with persons with intellectual and/or developmental disabilities. Additionally, officers must also comply with state recertification requirements to maintain certification.

Officers are trained during the recruit academy and in-service on various aspects of use-of-force, including applications and decision making. Officers decide whether they want to be trained and carry a Taser, and those who choose to carry one receive the extra training and practice before they are authorized and certified to carry it. While there is specific training on the Taser, its use is also integrated into use-of-force training. The initial orientation course for the Taser includes the traditional Taser familiarization lectures and exercises. Certainly, an officer will be familiar with the weapon after this 10-hour block of instruction. While there are practical drills, the focus is on learning to use the weapon, as opposed to when to use it. Similarly, the three-hour re-certification course includes practical drills, but these too focus on using the weapon rather than on decision-making. In the interviews with officers, a concern was raised about the lack of decision-making training they received on the Taser.

One recommendation is to incorporate decision-making skills by way of scenario-based training in both the orientation and re-certification courses.

Officers who had deployed their Tasers were interviewed concerning their experiences. Many requested additional training as soon as possible on the changes in policy created by the Armstrong case. Specifically, they wanted to know when it is justified to deploy the Taser and when they should not use it. A specific suggestion they made was to have scenario-based training in which they can make decisions and, if necessary, be corrected by trainers. Many officers requested supervisors who would be more involved and assist with evidence collection and incident report writing or a more detailed review. There were also some comments about downloading the Taser data; some officers were not sure if each station had a download facility or if they had to go to the academy. Several officers complained about having to remove the prongs from subjects, and others indicated that they wanted to make sure the department backed them on decisions not outcomes.

The combined data for 2014 and 2015 show that MCPD officers used the Taser only 14 times before going hands-on and actually de-escalated 24% of the events in the initial stage (first sequence) of the interaction. These data demonstrate that the officers used a lower level of force than the level of resistance used by the suspect in those cases. Most of the Taser incidents continue until the third sequence or interaction when officers have to resort to the Taser to control the suspect in order to avoid inflicting a more serious injury.

An editorial essay by Christine Hall, an emergency room physician and epidemiologist in Vancouver, British Columbia, compares her decisions in emergency rooms with officer's dealing with subjects.

She explains that, when she makes a decision, she does so for the right reasons, even though hindsight may show her decision to be in error and the outcome may be the death of a patient. What she saw and reacted to at the time, in the midst of the stress and anxiety of the emergency room, was effectively her best decision. She places the use of a Taser in its proper perspective and with the proper questions (2009: 84):

> Gaining control of a violent or disoriented individual is a challenging scenario in which the unpredictable risk is affected by numerous factors involving the individual, the environment and the intervention. Adverse outcomes, including death, are possible. In any dynamic, unstable scenario, the risk must be weighed against the need to gain physical control, prevent injury to others and limit the destruction of property. Even the risk of death can remain acceptable in the context of other immediate and measurable dangers.

> Considering this also requires knowledge of the risks of other modalities, including the use of batons, impact weapons and firearms, this raises the partially unanswered question, "what are the risks of CEW use by the police?" and the more important question, "Is it as safe as, or safer than the alternatives?

Her essay asks important questions, including what would happen to the subject, the community, and the officer if the police opted not to use such a serious weapon as a Taser? What would the impact be if a suspect were to escape apprehension or seriously injure an officer? After 10 hours of training and some experience on the street, we do not expect our police officers to have skills at the level of an emergency room physician, but we do expect them to make proper decisions when using force against citizens. This review concludes that officers in Montgomery County are well trained, and make good decisions, but affirms that the Armstrong decision requires that all aspects of Taser management be revisited. The executives at MCPD are therefore challenged to revisit their policy, training and supervision, and to modify the areas that need it to comply with Armstrong, and to make sure the officers are provided with decision-making skills so that they know what to do in specific circumstances and when they will be supported for their choices.

Chapter 2 Recommendations

Chapters 4 and 5 cover issues concerning policy and training revisions. The following recommendations are made in those chapters.

Policy

4.1   Consider beginning use-of-force policies with a general statement or philosophy.

4.2   Refer to the Taser as a weapon.

4.3   Note in the policy that a Taser application is painful.

4.4   Remind officer to maintain certification.

4.5   Provide guidance in the policy as to where and when Tasers can be stored.

4.6   Identify where and when officers should charge and check the Taser's batteries.

4.7   Re-consider the policy that allows officers to "spark" a Taser from a safe distance from a subject in an attempt to de-escalate a potentially violent situation. Alternatively, require that officers have lethal cover from another officer if allowed to continue the use a Taser "spark" as a deterrent.

4.8   Address all deployments outside of training, and re-title "accidental" deployments as unintentional, non-purposeful or with another label.

4.9   Initiate a requirement to download the data every three or four months, even if the weapon is not used.

4.10   Consider whether officers should be de-briefed when they download their Taser after a deployment, given that an intentional Taser deployment is a serious use of force, it is important to document the circumstances involving each Taser use.

4.11   Consider reviewing Taser deployments by committee as serious uses of force.

Training

5.1   Training on the use of force should begin with an explanation that the use of force is a response to resistance that is justified only to protect life and preserve public safety.

5.2   Include practical drills that emphasize when Tasers should be used in the New User Course and Taser Recertification Course.

5.3   Taser training should emphasize how to de-escalate potentially violent encounters.

5.4   Assure that training materials received from Taser International are consistent with the decisions and opinions of the MCPD administrators, and presented to officers using the MCPD logo.

5.5   Trainers should be familiar with their agency's deployment patterns and uses. Statistics and information from MCPD should be incorporated into the training so officers are familiar with agency patterns and practices.

5.6   Officers should receive additional instruction on the recent decision of <u>Armstrong v Village of Pinehurst</u>.

Chapter 3   Methodology

In September 2015, the Montgomery County Police Department Use-of-Force Policy Review Team met, and initiated a review of its use-of-force practices. There was a briefing on the statistical data maintained by MCPD, and on the history of the department's use of Tasers. Review team members discussed the current use-of-force policy, and reviewed the recent opinion in <u>Armstrong v Village of Pinehurst</u>. While it became clear that policy revisions are imminent based on the Armstrong case, the policy directive relating to Tasers in place at the time was reviewed. This review provides basis for the information presented in Chapter 4.

Training curricula and related documents provided to officers were reviewed and interviews were conducted with training officers to go over their perspectives on the nature, extent, and quality of the training provided to pre-service and Taser certified officers. Additionally, we observed in-service use-of-force training and recertification training. The recommendations made in Chapter 5 are based on our observations, the information from the documents and the opinions of training officers.

Interviews and focus groups were held with a sample of officers who have deployed a Taser during the past two years. Mr. Donahue from the Policy and Planning Division randomly selected names of officers who deployed a Taser in 2014 or 2015 and provided those names to the Fraternal Order of Police (FOP), who invited a sample of those officers to meet to discuss their experiences with the Taser. During the first week of May 2016, a series of one-hour meetings were held at the FOP office. Officers were asked specifically about their recall of the deployment(s), their preparation by policy and training to use a Taser, the role and importance of their supervisor, and what they knew about accountability and review issues relating to the Taser. Officers were informed that their participation was voluntary, and that no names would be reported. The information they provided in those focus groups is discussed in Chapter 6.

Finally, an analysis of the Taser deployments during 2014 and 2015 was conducted. As noted earlier, the Annual Use of Force Reports for 2014 and 2015 were provided for review. It is important to note that these Reports are excellent statistical summaries of the force used by MCPD officers, and their use is discussed in the context of these officers' other activities. There is no question that these Reports should serve as a model for other agencies: they are well organized, laid out in an easily understandable format, and provide a great deal of information about the MCPD and its use of force.

In an era when our nationwide police use-of-force data are a "national embarrassment," it is

refreshing to see the complexity, comprehensiveness, and transparency with which MCPD

reports its information. Rather than repeat verbatim the information provided in those reports, it

is sufficient to refer those interested in learning more about the agency and its operations to these

reports. This said, the following excerpts (from pages 15 and 17 of the 2015 Report, published

April 2016) typify MCPD's clarity of purpose through documentation:

> The department currently has 562 *Electronic Control Devices* (ECDs) that are issued to qualified officers after they complete extensive training and are certified in its use. In addition, officers must attend 40 hours of *Crisis Intervention Training* (CIT) before an ECD can be carried. Once certified, officers are also required to complete annual recertification training to be authorized to continue to carry an ECD.

> In 2015, an ECD was deployed 59 times (13 percent of total use of force incidents), compared to 63 times in 2014, a decrease of 6 percent.

> Since 2011, ECD deployments have decreased 65.5 percent. Since 2013, ECD deployments have decreased 60 percent, while the number of officers trained and certified has remained relatively constant.

These reports were scrutinized in order to understand better the Taser use data and the ancillary

information necessary to compile them. The data used to determine the uses and characteristics

of Taser use is stored in an electric database managed by Mr. Michael Donahue in the Policy and

Planning Division.

These data are collected and analyzed for administrative purposes, and do not include all

the information a researcher needs. It was therefore necessary to read and review all the use-of-

force and incident reports that were the basis for the agency's annual reports, and extract other

important information.

This additional information was coded from the original reports written by the officer involved and approved by his/her supervisor, then added to a copy of the agency data after all identifying information—the names of the officers and their supervisors and suspects were removed. Specifically, the actions of the officer and suspect were coded in sequential order, and added to the data set. These data were used to compute the tables and analysis provided in Chapter 7.

Chapter 4   Taser Policy

The MCPD FC No. 131, Use of Force, is a comprehensive policy that includes all types and levels of force. There may be a variety of areas to consider for review in this policy, but the present Report is limited to the use of ECD's which begins on the bottom of page 3. However, before moving to issues relating to the specific Taser policy, it is important to mention that any use-of-force policy should begin with a general statement, or philosophy. The reason for the statement is to provide an over-arching declaration for officers to think about and follow. When reaching the decision to use force as a response to subject resistance, officers should have a framework which guides their decisions. While the last thing anyone wants is for an officer facing a violent subject to hesitate, she or he must nonetheless have a guiding ethos. For example, the following, in one form or another, is used in many agencies, and a similar statement should be considered as a preamble to any use-of-force policy:

The ---------- Police Department is committed to the protection of people, to preserve and protect life, property and citizen's rights, while providing the best in public safety and service. The proper use of force is essential for policing, and there are circumstances where individuals will not comply with our officers unless compelled or controlled with force. Yet, officers must also remain mindful that they derive their authority from the community and that excessive or unreasonable force degrades the legitimacy of that authority. Our officers will attempt to defuse a potentially violent encounter, when possible, but will use the force necessary to control a subject when necessary.

Our officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in only the most extreme circumstances.

The specific elements of the MCPD policy on Tasers should consider a few modifications. First, as noted above, the Taser policy is part of the use-of-force policy. One suggestion is to separate it into its own policy. Many agencies maintain it as a separate policy while others use a format similar to that of MCPD. There are arguments for both models. An integrated policy keeps all types and levels of force under one number and heading, whereas a separate policy can show its independence and importance. An analogy is the policy controlling emergency and pursuit driving. Pursuit driving is a subset of emergency driving and considers many of the same issues, risks and benefits. However, because there are some differences between emergency driving and pursuit driving, most agencies maintain a separate pursuit policy. This potential change for MCPD should be discussed by the Use-of-Force Policy Review Team and a suggestion made to the Chief as to whether to keep them under the same umbrella or to separate them (as well as other components included in FC 131).

Second, the Taser is a weapon and while called a device in the policy, it is termed a weapon in training. The policy should reflect the fact it is a weapon. A modern term used by many agencies is Conducted Electronic Weapon (CEW).

Third, it may be appropriate to note that a Taser application is painful, and that most of those on whom a Taser is deployed will experience pain, which can sometimes be severe. This reminds the officers of what they are about to inflict on a subject. While it may be necessary to use different levels of force on a subject, including a Taser, it is important that officers do not become reliant on the tool to manage all uncooperative subjects.

It is also important that the agency reiterate that officers must maintain their certification and attend annual re-certification training. They and the Training and Education Division are jointly responsible to assure that all officers who are issued a Taser are up-to-date with their certification. This should be part of the policy.

Tasers are expensive weapons that should certainly not be left unattended. We heard that several officers are leaving them in locked trunks, which is potentially problematic. There should be policy guidance as to where they can be stored, and under what conditions. Similarly, officers should be instructed by policy to store Tasers in particular locations, where and when to charge and check batteries, etc. These administrative controls are necessary, just as they are with firearms.

An interesting strategy condoned by MCPD is to "spark" a Taser from a safe distance from a subject in an attempt to de-escalate a potentially violent situation. The policy language also continues to permit "laser tagging" on a subject in order to gain compliance. While both of these actions provide an opportunity to display a force option without using it, the suggestion that an officer "spark" the Taser, even from a safe distance, may actually compromise officer safety. This action requires an officer to remove the cartridge within proximity of a subject, then activate the weapon, reload it and possibly use it. This series of actions would be akin to asking an officer to drop a magazine out of his firearm and rack the slide several times in front of a suspect as a show of force. In short, it is inherently risky. Officers always have the ability to "tag" the subject with the laser light in the hope that the subject will come to his senses and submit to verbal orders. In fact, officers explained situations where that occurred, but never said anything about removing a cartridge to "spark" a Taser, which might also be an indicator of the questionable practicality of such a maneuver.

The Taser policy addresses "accidental" deployments. It is important to document any deployments outside of training; however, we have come to understand that there are no "accidents." An individual deploys a Taser, or there is mechanical error. If an officer unintentionally deploys it, then it should be investigated to determine why it was deployed. As is the case with a firearm discharge, it is important to maintain a record, to find out why the weapon was discharged and to determine if there are any training, policy, or equipment modifications needed.

Tasers are sophisticated electronic weapons that maintain a complex record of use internally. As MCPD transitions to X-2's, there is even more important information stored internally. A Taser policy should include a protocol for downloading the data, and as officers explained, different information is currently being disseminated to different officers. There should be a policy concerning a download after each deployment, and officers should know when and where this can be accomplished. Even when they are not deployed, there should be a protocol to download the data every three or four months to make sure there are no mechanical problems with the weapon.

A final issue is whether officers should be de-briefed when they download their Taser after a deployment. Although this requires another form, and takes officer and supervisor/trainer time, such a requirement would ensure an excellent record of Taser use, as well as justification beyond the incident report. An example of an interview form is attached as Appendix A. to this report.

Chapter 5   Training

This chapter focuses on training for the Taser, but because it is one tool some officers carry to respond to suspect resistance, preparation for it cannot be disaggregated from other use-of-force training. In other words, the Montgomery County Police Department prepares its officers for citizen encounters with a variety of training, including decision-making training that requires officers to assess threats and risks, and to determine a reasonable response. While the overall training strategy is to prepare officers to interact with citizens, there are specific blocks of training to help officers manage subjects who resist the officer's verbal orders and/or who use force against the officer, or another citizen.

There is general use-of-force training and specific training for those who carry the Taser. Officers who go through the extra training and earn the certification to use a Taser have an additional force option, while the other officers who are not "Taser certified" must select another tool, or an alternative approach to control a subject.

Specifically, recruits receive more than 100 hours of training that includes interactive decision-making exercises that involve the response to a subject, de-escalation and scenarios that can result in a level of force necessary to control a subject and protect the officer and public. Beyond that exposure, officers receive field training, specialized unit training and can learn from other training provided by the department, that includes the use-of-force as an appropriate response to a subject's behavior.

On a yearly basis, officers receive two days of in-service training that reinforces their original training and refreshes decision-making skills. The use-of-force is a perishable skill that requires periodic review and decision-making can change with experience on the street.

Therefore, the in-service training is designed to provide officers with legal updates, and to remind officers how to respond to subjects, how to de-escalate situations and how and when to use force, if necessary. This two-day training program includes exposure to the classroom, simulations, interactive scenarios based on routine and exceptional situations that require officers to make decisions in response to subject behavior. Officers who are certified to carry a Taser receive additional training that isolates the Taser as a weapon and refreshes their technical and decision-making skills.

All training on the use of force should begin with an explanation that the use of force is a response to resistance that is justified in order to protect life and preserve public safety. A discussion of those principles should provide recruits and officers with insight that is essential to help them understand why force may be necessary, and how and under what circumstances it can/should be applied. Recruits first learn about the use of force generally, including the legal aspects of the use of force, and the objective reasonableness standard. The use of a Taser is just one of the many tools that is available to those who deploy force as part of their service.

Before they are introduced to the Taser, recruits are instructed in the use of force and techniques of de-escalation throughout the Entry-Level Training (ELT) program, with a specific block of training dedicated to negotiation and de-escalation. This training provides the recruit with an excellent orientation about force, the legal limits, and begins the lengthy process of how officers are to make decisions concerning when the use of force is necessary and which type and level of force is appropriate. The training received by the officers for the Taser extends beyond the suggestions of the manufacturer, and is markedly more than is provided in many departments throughout the United States. Officers who choose to carry a Taser are required to take a 40-hour CIT course before being introduced to the Taser.

This training provides officers with the best strategies to deal with emotionally or mentally-challenged subjects, or those in crisis, and provides officers with strategies to de-escalate potentially violent encounters. Additionally, officers learn about local resources available to those in need. The CIT training also teaches alternatives to the application of force. The requirement to make this training mandatory is an excellent precaution, and it is explained that MCPD wants officers who carry a Taser to consider various alternatives to controlling a suspect other than using such a high level of force. Once that course is completed officers learn about the role of the Taser in the use of force in a 10-hour Taser orientation course (TASER X-2 NEW USER COURSE).

As noted above, all officers are required to attend two ten-hour days of in-service training each year. Specifically, this training consists of scenarios that help officers with decision-making skills. Officers who are Taser-trained are exposed to scenarios that require them to consider the use of a Taser, as well as other de-escalation and force options. Officers who are not Taser-trained will learn the same decision-making skills, but without the opportunity to select a Taser as a force option. During both days of in-service training, classroom discussions are followed by decision-making exercises. Each officer has instructors observing, and coaching when necessary. After completion of each exercise, instructors discuss briefly the officer's performance. The role-play scenarios that officers' experience are well thought out and implemented. Officers must assess a specific threat and risk, select a force option, escalate or de-escalate depending upon the subject's actions (and reactions) and resolve the situation. Those officers who are certified to carry a Taser have the option to use it during the scenario training. It provides them with an additional tool beyond those available to those who are not certified in its use.

As the new academy opens and resources allow, it would be helpful to videotape the exercises and de-brief officers on their actions and options. A professional staff that is tough on the officers but fair conducts this training. Officers also take a yearly re-certification course to maintain their Taser certification. Specifically, there is a 10-hour Taser orientation course (TASER X-2 NEW USER COURSE).

The initial orientation course (New User Course) includes the traditional Taser familiarization lectures and experiences. Certainly, an officer will be familiar with the weapon after this 10-hour block. In fact, the performance objectives include:

- Students will be able to correctly identify the nomenclature and describe the operating principles of the X2 Taser.
- Students will demonstrate the correct utilization of the X2 Taser.
- Students will demonstrate proficiency.

While there are practical drills, they focus on learning to use the weapon, not when to use it.

Additionally, there is a yearly 3-hour recertification course (TASER RECERT). This training also includes excellent opportunities for officers to familiarize themselves with the mechanics and operating techniques of the X2 Taser. While this training incorporates practical drills, they focus on using the weapon rather than decision-making. The performance objectives include:

- Students will point Taser in safe direction and unload 25 ft. live cartridges.
- Students will load 15 ft. training cartridges.
- Students will start at the 5 ft. line, on command students will move lateral to 7 ft. deploy one cartridge. Striking target in preferred area.
- Students will reload and start at an arm's length from the target. On command students will move backward and fire a second cartridge within 14 ft. striking a Taser target in the preferred area.

The RECERT includes a PowerPoint presentation created by Mr. Mike Brave who is the National Litigation Counsel for TASER International, Inc.

The PowerPoint slides have the Taser brand and not the MCPD logo. While fourteen slides

address the Armstrong decision, it may be appropriate to develop slides specific to the MCPD's

new policy and how the MCPD decides how it wants the officer to use the Taser. One of the

concerns about Taser training has always been that agencies rely on the manufacturer's

information. Over the years, Taser International has responded to significant research findings

and court decisions, but is not equipped to address individual agency's concerns. In fact, Taser

International warns:

> Obey applicable laws, regulations, and agency Guidance. Use of CEWs must be legally justified and comply with applicable federal, state, and local laws and regulations. The decision to use a CEW in a particular manner or circumstance must follow applicable law enforcement agency Guidance.
>
> Law enforcement agencies are force experts and are solely responsible for their own Guidance. "Guidance" includes policy, custom, procedure, rule, order, directive, training, continuum, and standard. TASER has no authority to mandate Guidance, set policy, require training, or establish standards of care or conduct.

(Downloaded 11 May 2016)
https://www.dropbox.com/sh/shn4epnkh6s3fgr/AAClC6A1ZktpUqOaRdTsuNmaa/Releases%20
%26%20Warnings/Law%20Enforcement%20%20Warnings.pdf?dl=0).

The Training Division should modify the Taser International-provided training to make

sure it is consistent with the decisions and opinions of the MCPD administrators, and presented

to officers using the MCPD logo. Additionally, there should be role-play or scenario-based

exercises that incorporate decision-making at both the orientation and re-certification training,

and if possible, these exercises should be based on real MCPD events. Trainers should be

familiar with their agency's deployment patterns and uses. Statistics and information from

MCPD should be incorporated into the training so that officers can understand agency patterns

and practices.

For example, how many times was a Taser used by officers during the past year? And for what levels of resistance? How many times did a Taser malfunction or not work well enough to control a subject? How many times did officers use Tasers before going hands-on? This information is maintained in the Management Services Bureau and can be used to demonstrate the options that are available to officers before deployment of the Taser. There should be a closer connection between agency data and officer training.

Taser training should include de-escalation and tactical decision making, similar to what is available in the mandatory in-service training. If videos of Taser uses (or near-uses) by MCPD officers are available, they should be used to show appropriate deployments and, conversely, when officers could use tactics to slow things down or reason with a subject to reach a mutually acceptable outcome before force is used. Just as with training with a firearm, officers should get additional training on when to use the Taser, as well as how to deploy it. As body-worn cameras are rolled out, there may be an opportunity to use the videos for training purposes.

Finally, trainers should watch their students carefully during exercises to assure proper handling of the weapon and cartridges. If officers are not handling the weapon properly in training, they may experience problems when they are using it under pressure.

Chapter 6   Officer Opinions and Perspectives

Interviews with officers were held for two days, but after the first day, most of the information reported by the officers became repetitive. Officers were asked if they had good recall concerning their Taser deployments, and if they were well prepared to deploy a Taser based on their understanding of their policy and training.

In addition, they were asked to discuss their experiences with supervisors and officer accountability. Officers were also asked if and how policies and training could be improved. Overall, officers were pleased with the department policy and with how they had been trained prior to the Armstrong decision. The concerns they reported were not critical with regard to their decision to deploy the Taser, pre-Armstrong; rather, they amount to suggestions to improve a good and functional system.

Most officers stated that supervisors were present at the scene after a Taser had been deployed, and that supervisors helped officers to review the incident reports when necessary. Supervisors helped officers write reports that provided information and also explained the situation in sufficient detail. Some officers commented that they would like to see supervisors leave the station and be present at a situation before a Taser is deployed. These officers recognized that encounters evolve quickly and that it is unlikely a supervisor could make it to an incident in a timely fashion, but the officers said that they would nonetheless like to see the supervisors be more active at scenes. Some officers felt they were not debriefed well by supervisors and were not provided sufficient information by those supervisors after an encounter. There were comments that the officers wanted to know that the supervisors would support their decisions to use the Taser. One officer also commented that supervisors should help officers collect information in order to write an incident report. Most officers commented that reports should be thorough, and one stated that he had been taught that, "if it isn't in the report, [then] it didn't happen." A few officers wanted more training in how to write a more detailed report - one that uses descriptive/objective language rather than language that leads the officer to draw a conclusion. It was clear that officers believed that some supervisors were very helpful and supportive while others were not as engaged.

It was noted that the reports help educate other officers and also inform how the department can determine if it should modify policies and training. No officer was aware of any fellow officer being held accountable for their use of a Taser because they were not aware of any situations in which an officer had used one improperly.

In general, officers were very comfortable both with the policies with which they were provided and with the training they received prior to the Armstrong decision. They reported no issues for recall or issues with memory under the stress of deploying a Taser in a use-of-force encounter, and they felt comfortable with their training on the current policy. The majority of officers reported understanding the current policies and training, and felt that they were well prepared to make and justify a proper decision to deploy a Taser. The comments made most often during the interviews involved the vagueness of the new directives developed in response to Armstrong.

Many officers stated that the information they received in response to Armstrong does not provide sufficient detail concerning situations in which an officer may or may not use a Taser. Officers reported that this lack of clarity has created the biggest problem for them and that this uncertainty deters many officers from using the Taser for fear of "getting it wrong." Many comments were made concerning the officers' fear of getting sued and not being protected by the Department. Many officers said they and/or their colleagues have put the Taser in the trunk of their car and will not carry it, and some have said they have already turned it in, or may turn it in.

When asked about drive-stun deployment, many officers stated that they would like to maintain the ability to use the drive-stun application for situations when they are too close to a subject to use a cartridge, or as a pain compliance technique to gain control of a subject; however, officers also commented that the use of a Taser in drive-stun mode does not always

work and that any modifications to pre-Armstrong policies regarding drive stun also need to be clarified.

The fundamental concern regarding re-certification training was a lack of scenario-based training that has a thorough and comprehensive debrief. According to the officers, this deficiency has created uncertainty about when and how Tasers can be used, either in probe or drive-stun mode. Officers stated that they would be more comfortable and confident in their use of Tasers if the department were to provide more thorough and dynamic training regarding the new policies. In addition, some officers wanted more testing when undertaking re-certification, rather than just being passed through.

All officers expressed a concern over the ambiguity of the post-Armstrong policy. The far-ranging perception is that the Armstrong decision does not give adequate answers on the exact circumstances in which a Taser can be used. This ambiguity appears to be heightened by the information provided by the department. Officers report that thorough training has not yet been conducted.

Officers reported that information on Armstrong was distributed by e-mails and at roll call. There was a strong sentiment from officers that the instructions were purposefully vague. Another concern is that the department has not made it clear how the outcome of a use of force incident would affect the department's response to the officer if he did not sustain an injury. In other words, officers commented that if a subject fell and injured himself after being exposed to a Taser, they would get in more trouble than if the same subject were tased but not injured. The discussions centered on decisions versus outcomes.

This discussion then switched to the officers' concerns over liability. Many officers voiced concern about criminal convictions as well as civil liability.

Specifically, officers reported not fully understanding the difference between "passive" and "active" resistance. Officers would like specific or operational definitions of these terms. Again, officers suggested that real-world, scenario-based training on decision-making be implemented to help them understand proper decision making. One officer went so far as to say that the ambiguity means that he is more comfortable using a firearm than a Taser, because at least he is confident about when and when not to use it.

Other concerns voiced by the officers include the inconvenience of downloading the Taser after a deployment at the district, as opposed to the academy. This said, other officers noted that they were able to download at their district, so while it is uncertain whether this is actually an issue, it does nonetheless merit clarification so that officers can be sure where they can download the data. An additional concern was whether someone other than the officer should remove the probe from a subject. Some officers said they had no problem removing them while others were concerned about the physical removal. It could be that some officers need more training on how to remove them safely or are simply reluctant to remove the probes.

In terms of new information based on Armstrong, some officers would like "emergency" training so they are aware of what management wants them to do. If this is not a possibility, then the officers who have not been recertified would like to be provided role-playing or scenario-based training at their next training. Additionally, some would like to be certified on the new policy so they are sure they understand the training. Many would also like someone to ask and ask "what-if" questions about deployment issues. Finally, one officer commented that it's difficult for them when prosecutors are all too ready to drop criminal charges against a defendant when the officer uses a Taser against that person.

Many of the concerns raised by the officers during the discussions involved specific situations they had been in, and how the decision in Armstrong would potentially change their decision-making. In any case, it is clear that they feel that the policy and training resulting from the Armstrong decision must be as specific as possible and should be disseminated to the officers such that they are comfortable both with how they make and appropriately explain decisions.

Chapter 7   Analysis of Taser Deployments

The data from this phase of the study identify the demographic characteristics of both officers and subjects involved in an encounter where a Taser is used. Data show that officers who deploy Tasers are more likely to be white, while most subjects are black. Both officers and subjects are mostly male. Further, we find that officers are not likely to be injured in an encounter involving a Taser, but when injured, the most common injury is a reported bruise or soreness. Very few subjects are injured, but when they are injured it is usually a reported abrasion or laceration. Finally, we show officers de-escalate encounters, and that when they do, it occurs in the first two sequences of the encounter. After the officer and subject enter a third sequence or interaction, force is more likely to be used to counteract successfully a subject's resistance.

Officers who deployed Tasers during 2014 and 2015 are described in Table 1. Similar to the demographics of the department, the majority of officers who deployed Tasers are white males. The decrease in deployment numbers between men and women from 2014 to 2015 is worth watching over time, but it is likely a random fluctuation in deployment patterns. At the time of use, officers who use Tasers had been police officers for an average of 7.6 and 8.5 years in 2014 and 2015 respectively.

The three districts with the largest percentages of Taser deployments were 3, 4, and 5. Districts 3 and 4 reversed positions in 2014 and 2015. In 2014, District 3 accounted for 22% of all deployments, while District 4 accounted for 32.2%. In 2015, District 4 accounted for 19%, while District 3 accounted for 31%. These Districts also reported the highest number of Part 1 Uniform Crime Report offenses.

TABLE 1 – OFFICER CHARACTERISTICS				
RACE				
	2014		2015	
	N	Percent	N	Percent
Black	3	5.1	2	3.4
White	46	78	46	79.3
Asian	2	3.4	2	3.4
Latino	8	13.6	8	13.8
SEX				
	2014		2015	
	N	Percent	N	Percent
Male	58	98.3	52	89.7
Female	1	1.7	6	10.3
YEARS AT DEPARTMENT				
	2014		2015	
	N	Percent	N	Percent
Average	7.6	_	8.5	_
Minimum	2	_	1	_
Maximum	25	_	22	_
DISTRICT				
	2014		2015	
	N	Percent	N	Percent
1	4	6.8	4	6.9
2	4	6.8	7	12.1
3	13	22	18	31.0
4	19	32.2	11	19.0
5	6	10.2	6	10.3
6	13	22	12	20.7

While officer characteristics are described in Table 1, the characteristics of those who had Tasers deployed on them are examined in Table 2. The data show that the majority of subjects who had Tasers deployed on them were black in both 2014 (62.7%) and 2015 (65.5%). Most of the subjects were male, 97% in 2014 and 98% in 2015.

TABLE 2 – DEFENDANT CHARACTERISTICS				
RACE				
	2014		**2015**	
	N	**Percent**	**N**	**Percent**
Black	37	62.7	38	65.5
White	19	32.2	13	22.4
Asian	0	0.0	2	3.4
Latino	3	5.1	5	8.6
SEX				
	2014		**2015**	
	N	**Percent**	**N**	**Percent**
Male	57	96.6	57	98.3
Female	2	3.4	1	1.7

Very few officers or subjects received injuries in events where a Taser was deployed. The data presented in Tables 3 and 4, however, do not indicate whether the injury was sustained before or after the Taser deployment, or whether it was the Taser that caused the injury. In those cases where an injury was sustained, the most common officer injury was a bruise or soreness. In 2014, 13% of Taser deployments involved an officer reporting a bruise or complaining of soreness, while the percentage dropped to approximately 8% in 2015.

TABLE 3 – OFFICER INJURIES		
	2014	**2015**
	N	**N**
Bruise/Soreness	8	5
Broken Bones	1	1
Laceration/Abrasion	5	1
Dog Bite	0	0
Gunshot	0	0

As expected, subjects were more likely to be injured during a Taser-involved incident than an officer. The data in Table 4 show the most common injury sustained by a subject was a laceration or abrasion, which is the type of injury one would expect. Other than lacerations, bruises/soreness were the next most frequent type of reported injury.

Police officers use Tasers in response to subject resistance. In many cases, the initial call for service may be different from the reason an officer deployed a Taser. For example, an officer could be called upon for a minor disturbance (non-violent) but the subject could resist the officer with violence, in response to which the officer might deploy his or her Taser to control the subject. In 2014 - 2015, the calls for service that resulted in a Taser deployment included both violent and non-violent crimes. The data in Table 5 show that calls for non-violent crimes made up slightly more than half of the incidents where Tasers were deployed. The data also show that the original call for service involved a violent offense 46% of the time in 2014, 43% of the time in 2015, in relation to incidents when Tasers were used. Assault was the most common violent offense for which officers deployed Tasers both in 2014 (39%) and in 2015 (32.8%).

TABLE 5 – FREQUENCY OF CRIME TYPES FOR USE OF FORCE INCIDENTS				
	2014		**2015**	
	N	**Percent**	**N**	**Percent**
Homicide	2	3.4	1	1.7
Rape	0	0.0	0	0.0
Robbery	0	0.0	0	0.0
Aggravated Assault	2	3.4	5	8.6
Assault	23	39.0	19	32.8
Arson	0	0.0	0	0.0
Non-Violent Offenses	32	54.2	33	56.9
TOTAL	**59**		**58**	

In the final analysis data from 2014 and 2015 were combined and the sequential order of behaviors in Taser-involved incidents was determined.

In other words, by analyzing and coding the narratives from the Incident Reports, we determined the subject's response to the officer's orders or behavior was determined. The data in Table 6 show the actions of officer in four sequences or iterations. The final sequence (4) that was coded did not have any subject actions as a response to an officer action, as they were all under control. There were only a few encounters that lasted more than four sequences, and those not coded or analyzed.

Sequence 1 involved almost entirely verbal actions or orders from officers, with the deviation involving an attack. Subjects resisted the officer's verbal commands most often with active resistance or some type of physical struggle. Both sequences 2 and 3 involve a mix of verbal action, hands-on, active or aggressive resistance, aggressive resistance, and Taser use or assault. Subjects had firearms in two incidents in which officers used a Taser. Analyses of the data show generally that officers respond to the suspect's resistance at a lower level of force for the first two iterations. After the second sequence, officers move to a higher level of force to control the subjects.

This is an important way to look at the interaction between officers and subjects, and it shows that not all use-of-force events can be avoided through some action on the part of officers. There are cases in which officers have to react immediately to being attacked without the opportunity to de-escalate; there are still other cases where citizens do not respond to the officer's de-escalation efforts, and keep resisting or fighting. In fact, all the cases in our population resulted in the use of a Taser, so the end result in most encounters was use of a relatively high level of force to counteract subject resistance. That said, even in many of these incidents, officers lowered their level of force from one sequence to another.

A correct measure of officer de-escalation success would require a study of all police-citizen encounters and a determination of which ones could have resulted in the use of force had officers not de-escalated the encounter.

TABLE 6 – FREQUENCY OF OFFICER AND SUBJECT ACTION SEQUENCES										
TYPE OF ACTION										
Officer Subject	Verbal Verbal		Hands-On Active Resistance		Fighting Aggressive Resistance		Taser Assault		Firearm Firearm	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Officer 1	112	99	--	--	1	1	--	--	--	--
Subject 1	16	13.7	75	64.1	22	18.8	3	2.6	1	0.9
Officer 2	30	25.6	34	29.1	16	13.7	37	31.6	--	--
Subject 2	4	4.4	32	35.6	49	54.4	4	4.4	1	0.7
Officer 3	6	6.9	10	11.5	17	19.5	54	62.1	--	--
Subject 3	--	--	4	12.5	27	84.4	1	3.1	--	--
Officer 4	--	--	--	--	9	28.1	23	71.9	--	--
Subject 4	--	--	--	--	--	--	--	--	--	--

Finally, an analysis of the Incident Reports showed that only 14 Taser deployments occurred before officers went hands-on with the subjects. That's a very low figure, and demonstrates that officers were, for the most part, reticent to resort to using the Taser as a weapon of choice. Officers in the MCPD attempted to control subjects initially with their hands in the majority of events where a Taser was eventually deployed. It is important to remember that all of these events reviewed for this report occurred prior to the Armstrong decision, which will likely reduce the number of Taser deployments prior to going hands-on with a subject. It is important to consider that twenty-two (22) deployments of the Taser had no effect or insufficient effect to control subjects, and that officers had to go use different force options when the Taser did not achieve the expected or desired outcome.

References

Alpert, Geoffrey and Roger Dunham. 2010. Policy and Training Recommendations Related to Police Use of CEDs: Overview of Findings From a Comprehensive National Study. Police Quarterly 13: 235-259

Alpert, Geoffrey, Michael Smith, Robert Kaminski, Lorie Fridell, John MacDonald and Bruce Kubu 2011. Police Use of Force, Tasers and Other Less-Lethal Weapons. Research in Brief. Washington, DC.: National Institute of Justice.

Azadani, Peyman, Zian Tseng, Simon Ermakov, Gregory Marcus, and Byron Lee. 2012. Funding Source And Author Affiliation In TASER Research Are Strongly Associated With A Conclusion Of Device Safety. American Heart Journal 163: 533–537.

Hall, Christina. 2009. Public risk from Tasers: Unacceptably high or low enough to accept? Canadian Journal of Emergency Medicine 11: 84-86.

Kroll, Mark and Jeffrey Ho (Eds.). 2009. TASER® Conducted Electrical Weapons: Physiology, Pathology, and Law. London: Springer.

Maryland Statistical Analysis Center, Governor's Office of Crime Control & Prevention. 2015. Third Report to the State of Maryland Under Public Safety Article § 3-508 2014 Electronic Control Device (ECD) Discharges Analysis MSAR# 8735. http://www.goccp.maryland.gov/msac/documents/ECD_Data_Report_2015.pdf.

Miami-Dade County Grand Jury. Tasers, Deadly Force? 2005. Final Report of The Miami-Dade County Grand Jury. Miami, Florida.

New York Civil Liberties Union, 2012. Taking Tasers Seriously: The Need for Better Regulation of Stun Guns in New York. New York; New York.

Stinson, Philip, Bradford Reyns and John Liederbach. 2012. Police Crime and Less-Than-Lethal Coercive Force: A Description of the Criminal Misuse of TASERs. International Journal of Police Science & Management 14: 11-19.

NEW ORLEANS POLICE DEPARTMENT

C.E.W. Discharge Interview Form

Item #:_____Date:__Time:__Dist/Div_____

Officer's Name:_____Employee ID#__

Was officer Injured? Y_____N_____Injuries: _____

Supervisor On Scene/Notified:_# Of Officers Involved__

CEW Serial #:_Cartridge Serial #:_____

CEW Technique Used:

Laser Targeting Only: Y____N_____
Discharge: Y_N_____
Accidental: Y_N_____

Did CEW function properly?   Y_____N_____
Probe Strike: Y_____N_____

Did the probes penetrate?   Y_____N_____
Did the probes miss? Y_____N_____

Comments: __

Original Signal_____Additional Signals (List all that apply):_

Conditions (check all that apply):

_____Animal

_____Sober

_____Narcotics

_____Alcohol

_____Mental

_____DWI

_____Number of Suspects

_____Vehicle Pursuit

_____Foot Pursuit

_____Traffic Violation

_____Domestic Dispute

_____Citizen Dispute

_____Business Dispute

_____Battery On Officer

_____Battery On Citizen

_____Attempted Suicide

_____Resisting

_____Non-Compliant

Comments: __

Was initial use effective? Y__N_____

Second Cartridge needed: Y__N_____

Drive stun: Y_N_____

# of cycles with cartridge:____with drive stun: _____

Distance from suspect at time of deployment (approximate # in ft :) ____

Where did probes strike? _____

Where was the drive stun applied? ____

Was suspect injured? Y_____N_____Describe Injuries: _____

Was the officer's use of the CEW consistent with departmental training? Y____N _____

Comments: __

Interviewing Officer__Date: __

Community Policing in the

New Economy

Ellen Scrivner

Darrel W. Stephens

Table of Contents

Executive Summary

State and local governments were hit especially hard by the fiscal crisis of 2008 (Gordon 2012). Sharp declines in tax revenues reduced operating and capital budgets that translated into cuts in services. Because law enforcement typically makes up the largest percentage of a municipal general fund budget, police agencies were not immune to budget reductions. Most were forced to make cuts; some were severe.

Since personnel account for the majority of a police department's expenses, it follows that sizeable budget reductions led some departments to eliminate staff, both sworn and civilian. Cuts were also made in other areas, including training, technology, and equipment. This study explores what impact these losses had on how the agencies policed their communities, specifically focusing on the extent to which community policing activities were affected. It also examines the role of agency leadership in guiding departments through the new economic landscape and includes advice gleaned from discussions with police executives.

Community problem oriented policing has become an ingrained part of contemporary law enforcement. While the recession forced agencies to alter some of their activities, commitment to the philosophy and practice remains strong, both inside and outside the departments. The new economic reality demands innovative service delivery methods to aid police in meeting its obligations to the communities they serve despite fewer resources.

Introduction

The 2008 financial crisis left in its wake a new reality for almost every sector of the economy, including law enforcement. Faced with fewer personnel and less financial and technological resources, agencies were forced to adjust how they delivered police services. One common theme pervading much of the recent literature is that the Great Recession changed the way police agencies operate. Increased efficiency, streamlined decision-making, and innovative organizational management are hallmarks of post-recession law enforcement (PERF 2013; Parlow 2011; COPS 2011; Cordero 2011).

These changes did not come without pain. Between 2008 and 2013, 72% of the Major Cities Chiefs Association (MCCA) agencies lost sworn and civilian personnel through layoffs and attrition. For smaller departments, more than half saw substantial funding cuts in successive years (PERF, 2010, 2013). Furloughs accounted for additional work-time staffing losses. Between 2010 and 2013 MCCA agencies furloughed employees every year ranging from 28% in 2010 to 7.7% in 2013 (MCCA 2013). Departments made other cuts in everything from training to equipment to cope with dwindling financial resources.

Community policing, which emphasizes problem solving and collaboration with community members, key stakeholders, and municipal services to prevent, respond to, and reduce crime[1], has become an integral operational practice for many law enforcement agencies. It can require substantial personnel, funding and technological resources. MCCA received a grant in October 2014 from the Office of Community Oriented Police Services (COPS Office) to explore whether and to what extent funding reductions affected an agency's community policing activities. This study also explored the role leadership played in providing police services to the community during this time frame. In addition to a review of the literature, research included a survey of MCCA agencies and a roundtable discussion with a group of

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[1] The Office of Community Oriented Policing Services defines community policing as a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime (COPS Office 2009).

chiefs and academic partners held in Charlotte, NC on June 17-18, 2014 to explore these questions in depth. This paper reports the results of these efforts.

Origins of Community Policing

Community policing has roots in the community relations units of the 1960s and the foot patrol research in the 1970s. It emerged as a broad strategy in the 1980s along with problem-oriented policing when departments were struggling to develop partnerships with communities in response to dramatic increases in crime and violence.

The Crime Control Act of 1994 provided unprecedented Federal funding to employ officers at the local level to implement community policing and problem solving which soon became the dominant approaches to policing. By 1999, 64% of the police departments in America that served 86% of the residents indicated they engaged in community policing activities. There were 91,072 full-time community policing officers and 87% of local officers were employed by agencies that provided community policing training for recruits (Hickman and Reaves 2001).

Community policing continued to evolve and change over the years. Competing ideas such as Compstat, hot spots, intelligence-led, evidence-based and predictive policing have been attractive to chiefs as they sought to bring new programs that might be more effective at reducing crime and violence. By 2007, Federal funding had declined significantly and affected the number of full-time officers dedicated to community policing. Full-time community policing officers dropped to 47,000 and a majority of the local departments serving populations greater than 50,000 had special units dedicated to community policing (Reaves 2010).

The Impact of the Great Recession on Policing

The Great Recession of 2008[2], spawned by the bursting U.S. housing bubble, resulted in increased unemployment, decreased housing prices and reduced consumer spending, which in turn hampered government's ability to generate tax revenue. The effects of decreased federal, state, and municipal tax revenue—the lifeblood for most agency

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[2] General consensus is that the Great Recession began in December 2007 and ended in June 2009.

funding—were felt in budgets at nearly every level of government. According to Oliff, Mai, and Palacios (2012), the Great Recession caused the largest drop in state revenues ever recorded. As local and state governments clamored to decrease spending in order to make up budget gaps, many law enforcement agencies saw reduced funding which led, in some cases, to layoffs, forced retirements, furloughs, hiring freezes, and overtime reductions among a host of other personnel and infrastructure cuts. This section reviews the available literature to better understand how the Great Recession impacted law enforcement agencies, and more specifically, how agencies were able to navigate the rough waters of fiscal uncertainty while maintaining a commitment to community-oriented policing.

Survey Says

There is a substantial body of research detailing the Great Recession's impact on North American law enforcement agencies. Surveys conducted throughout the chronology of the recession provide the best aggregation of primary source data and simultaneously allow for tracking data throughout the various stages of collapse and recovery. However, few sources specifically focus on the impacts to agencies' community policing efforts.

In 2009, the Police Executive Research Forum (PERF) published results from a July 2008 survey in which nearly 40% of respondents indicated their agencies had already begun to see decreased operating budgets. Forty-five percent of respondents to the same survey said the economic downturn impacted their agency's ability to reduce crime. It is important to note that at the time of the 2008 PERF survey, the financial collapse was in its early stages, especially when considering the fact that local budgets generally lag behind the overall economy (COPS Office 2011; Melekian 2011; Schieder, Spence, & Mansourian 2012).

PERF conducted a follow-up survey five months later in December 2008, exactly one year into the financial crisis. Sixty-three percent of responding agencies said they were preparing for budget cuts during the next fiscal year, and those cuts would, on average, represent 6.24% of their overall funding. Overtime funding had been cut in 62% of departments and 53% implemented a hiring freeze. Investments in new technology, training, and recruitment were also being slashed as departments faced reduced funding.

In September 2010, nearly 15 months following the official end of the Great Recession (June, 2009), PERF conducted yet another survey. Of the 608 respondents, 51% reported budget cuts from FY2009 to FY2010 with an average budget decrease of 7%. Fifty-nine percent of departments that saw reductions in 2010 expected additional budget cuts in FY2011. Among all respondents, employment of sworn and civilian personnel decreased by 3% and 1%, respectively.

In many cases, budget cuts and loss of personnel led to cuts in police services: 47% of departments said in 2010 that services in their communities declined or will decline as a result of decreased funding.

The final PERF survey came in 2012—now three years removed from the end of the Great Recession. It gathered responses from 700 law enforcement agencies, including 416 that also completed the 2010 survey. Results from these 416 repeat respondents provided the first glimpses of recovery. Of the 416 carryover respondents, 51% reported budget cuts in 2012 compared with 78% in 2010. Similarly, the proportion of departments that planned for future cuts decreased from 61% in 2010 to 40% in 2012. There was no change, however, in the number of departments implementing layoffs: 23% of departments reported laying off personnel in both 2010 and 2012.

A 2014 survey by Major Cities Chiefs Association (MCCA) provides one of the few examples of a survey solely dedicated to understanding how the economic downturn impacted community policing. The survey was only distributed to MCCA members, which represent the largest police agencies in North America and the United Kingdom. Of the 75 North American member agencies, 42 responded to the survey. Overall, two thirds of respondents to the MCCA survey said they lost personnel as a result of the economic downturn and over half said the recession impacted their department's community policing initiatives. Encouragingly, 95% of respondents also said that their departments remain committed to community policing following the Great Recession. This survey will be discussed in greater detail in the following section.

While the PERF and MCCA surveys provide clear snapshots of the recession's effects on law enforcement agencies at various points in the crisis, the surveys are not without their

shortcomings. The PERF surveys do not categorize responses by potentially useful criteria like agency size, geographic region, or by whether an agency is state or local. As a result, there is no insight into whether smaller departments fared any better or worse than larger departments, or if some localities coped better than others, even though "when an economic crisis takes place, be it national, regional, or global, its effect on the territory tends to be uneven" (Cohen 2011, 7). Similarly, the MCCA survey targeted only the largest law enforcement agencies and excluded smaller municipal and tribal organizations altogether. Future studies could take these variables into account to provide a more detailed and nuanced analysis.

Various case studies further detailed how individual departments were impacted by the recession. Camden, New Jersey, for example, saw devastating budget cuts and a loss of half its police force while Flint, Michigan and Paterson, New Jersey each saw their forces reduced by a quarter (Parlow 2011). The Greater Manchester Police faced losses of 2,700 of its 13,000 employees and the Corpus Christi Police Department coped with annual cuts of 2-5% to its $70 million dollar budget over a period of four years (PERF 2013). The issues with case studies are well documented. On one hand, they provide in-depth analyses of how the economic downturn affected agencies on an individual basis. On the other hand, it is difficult to generalize or normalize impacts and outcomes on a larger population. Taken together, the surveys and case studies clearly illustrate that law enforcement agencies are not recession-proof.

Operational Changes

The 2008 financial crisis left in its wake a new economic reality. One common theme pervading much of the recent scholarship is that the Great Recession changed the way law enforcement agencies operate. Increased efficiency, streamlined decision-making, and innovative organizational management are the hallmarks of post-recession law enforcement (PERF 2013; Parlow 2011; COPS 2011; Cordero 2011). Changes to the police service delivery model were necessary developments in the evolution of policing because the public expects consistent and high-level delivery of police services even in the face of budget cuts and personnel losses (Melekian 2011).

A review of the literature shows that most sources discuss agencies' responses to the economic downturn in general terms. Very few articles specifically address how the economy has impacted departments' community policing activities. Of the articles that do provide some focus on community policing, only a couple provide more than a cursory discussion of how agencies have handled community policing in the new economy.

According to Matthew Parlow (2011), most departments continued to prioritize emergency response over other non-emergency services, in no small part due to its presumed impact on public safety. A related finding found that chiefs retained an on-going commitment to their sworn personnel. A poll of police chiefs in 2008 revealed that chiefs were, for the most part, unwilling to sacrifice sworn personnel to acquire new technology, maintain equipment budgets, or maintain training budgets. Chiefs also tended to believe that sworn personnel should be the last cut in times of austerity (PERF 2009). In general, the Great Recession challenged law enforcement agencies to think critically about issues like organizational structure and how to reallocate or redeploy personnel to meet strategic goals by increasing efficiencies while reigning in costs.

Redeployment strategies became a part of the playbook for a number of police departments. They chose to alter shift times, reduce or increase patrol levels in certain areas, redefine investigative priorities, and find alternative solutions to handling calls for service (PERF 2013). In order to free up patrol officers to respond to emergency calls, some departments stopped responding to certain types of calls altogether. Non-injury motor vehicle accidents, unverified burglar alarms, theft from auto, noise complaints, and parking complaints are just some examples of the calls for which departments decided to stop responding (Parlow 2011; PERF 2010).

Organizational restructuring was another measure departments undertook to increase efficiency and maintain service levels in lean economic times. Specialty units were reduced or discontinued by 45% of departments responding to PERF's 2012 survey and 25% of departments consolidated units. In many instances personnel previously assigned to specialty units were reassigned to patrol duty. In isolated and extreme cases, law enforcement agencies demoted staff of certain ranks as cost-saving measures. For example,

in Camden, New Jersey, 70% of the remaining police force was demoted and the rank of captain effectively disappeared.

Other departments looked at ways to consolidate or regionalize services like printing, vehicle maintenance, and laboratory services with other municipal departments and neighboring law enforcement agencies (PERF 2010; COPS Office 2011; Parlow 2011; PERF 2013). In fact, 22% of respondents to PERF's 2010 survey reported they had consolidated services with other departments. A 2011 survey from the International Association of Chiefs of Police (IACP) showed that one quarter of respondents reached multi-jurisdictional arrangements to promote cost-effective service and resource sharing of crime scene technicians, dispatch services, SWAT, Hazmat, laboratories, and training (COPS Office 2011). Some departments also sought to reduce overhead by closing district offices, neighborhood store fronts, and leased facilities.

To spare as many sworn personnel as possible, some agencies absorbed large decreases in their technology budgets or abandoned plans to acquire or invest in new technology altogether. Similarly, many training programs (especially recruit training) were either discontinued or moved to computer-based systems as a cost-saving measure. Municipalities pursued more support from citizen volunteers to replace previously sworn school crossing guards, aid in search and rescue efforts, and assist sworn officers at DUI checkpoints. Some municipalities even leaned on volunteers for dispatch duties, administrative tasks, and crime analysis (PERF 2013).

There is a decided lack of research that focuses on departments' community policing initiatives in the wake of the recession. A couple of sources do shed light on how community policing is perceived and maintained in light of financial pressures. Some departments, like Corpus Christie and San Diego (PERF 2010; PERF 2013), had specialized units dedicated to community policing, disbanded those units, and pushed to have their patrol officers more engaged in community problem solving activities to compensate. Conversely, Camden Police formed a specialized unit to focus on policing lower-level offenses. Camden Chief Scott Thompson realized that patrol units were so preoccupied with dispatch calls that so-called "quality of life crimes" received less attention. Three

"Quality Response Teams," made up of 25 officers and a sergeant, were formed to proactively target these low-level offenses. According to the PERF report, "Crime trends are examined to identify problem locations, and QRTs are directed to those areas. QRT officers provide a visible police presence on foot, and create opportunities to communicate with residents of troubled communities" (PERF 2013, 16).

The COPS Office views community policing as the best organizational philosophy, and one well suited to help departments increase efficiency and effectiveness in tough economic climates. "As police resources shrink, the collaborative problem-solving model that calls upon others to take central roles (and bring real resources to bear) in public safety is more critical than ever" (Schieder, Spence, & Mansourian 2012, 13). The COPS Office contends—and other sources agree—that in times of economic strife, community policing can help departments mitigate the effects of decreasing budgets as community participation multiplies available resources and efficient problem solving strategies allow departments to more effectively preempt, target and respond to crime (COPS Office 2011).

Analyst Zach Friend and Lieutenant Rick Martinez of the Santa Cruz Police Department (SCPD) agree. They wrote an April 2010 article that serves as a case study for how to maintain community policing in an economic downturn. Friend and Martinez argue that SCPD's commitment to community policing actually saved the department from having to lay off any of its 100 sworn employees as it was awarded nearly $2 million dollars in grants from the COPS Office in 2009. SCPD's community policing approach is multifaceted andfocuses on prevention, partnerships, and establishing trust among community stakeholders, the media, and government officials alike (Friend & Martinez 2010).

More research is needed to better understand the economy's impact on departments' community policing activities and the strategies agencies can use to adjust operations and staffing in light of tight budgets that are expected to persist in the coming years. Future research should help clear up the conceptual muddling of community policing that arises from departments defining and employing the concept in different ways. Some departments view it as the responsibility of a special unit and others view it as an organizational philosophy. While the relationships between the economy, funding,

community policing, and crime are decidedly complex, they are worthy of further investigation because of their public safety implications.

Community Policing Strategies
n=42

17%

62%

21%

■ Only full-time community officers (centralized)

■ Only patrol officers (decentralized)

■ Combination of full-time officers, patrol officers, and special units (hybrid)
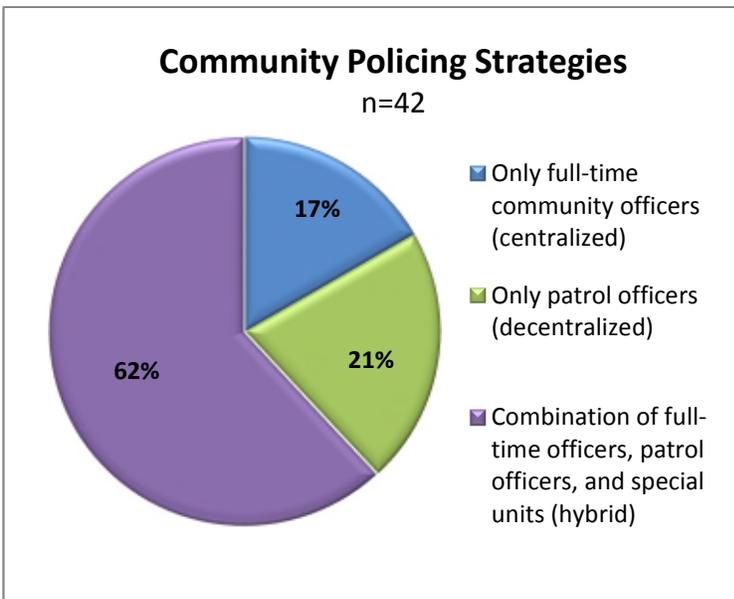
The Great Recession, Major Cities and Community Policing

This section focuses on the findings of a Major Cities Chiefs Association (MCCA) electronic survey of MCCA members. The primary objective of the survey was to better understand how and to what extent the 2008 financial crisis impacted member departments' community policing

objectives. Forty-two (42) agencies across the United States and Canada responded, representing 56% of MCCA's 75 North American members.

Community policing has a well-established history in most of the surveyed organizations. The range of responses was 39 years: some departments initiated community policing efforts as early as 1974 and others as recently as 2013. A majority of respondents (27 out of 42, or 64%) reported implementing community policing as a departmental strategy at least a decade before the 2008 economic downturn.[3] Both the median and average year in which departments began their community policing programs was 1993.

Results showed that departments allocate personnel to perform community-oriented tasks in one of three distinct ways: centralized, decentralized, or hybrid approaches. For the purposes of this report, a centralized approach is defined as one in which only full-time community officers are dedicated to the task of community policing. A decentralized approach refers to a strategy that considers community policing exclusively a part of patrol officer duties. A hybrid approach is a strategy that utilizes some combination of dedicated

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[3] This number is possibly even higher, but 8 out of 42 respondents either misinterpreted question 1, provided inexact responses, or were unsure of the date.

full-time staff, patrol officers, and special units to perform community policing objectives. [4]
Responses showed that 7 departments (17%) employ a centralized approach, 9 (21%)
adhere to a decentralized approach, and 26 (62%) reported using a hybrid combination of
full-time officers, patrol officers, and specialized units to carry out community policing
duties.

Community Policing Activities

The responding departments engage in varied and diverse community policing activities.
While all 42 departments report using problem solving and officer representation at
community meetings, a significant proportion also participate in community engagement
activities (42 of 43, 97.7%) and bicycle patrols (40 of 43, 93.0%).

Community Policing Activity	Selections	% Selected
Problem solving	42	100.0%
Officer representation at Community Meetings	42	100.0%
Community Engagement	41	97.6%
Bicycle Patrols	39	92.9%
Citizen Volunteers	36	85.7%
Training - Recruit	35	83.3%
Foot Patrols	34	81.0%
Citizen ride-along	32	76.2%
Citizen Police Academy	32	76.2%
Training - In-Service	31	73.8%
Block Watch	28	66.7%
POP projects assigned/monitored at precinct/division level	26	61.9%
Neighborhood store front offices	19	45.2%
Citizen Neighborhood Patrols	19	45.2%
Other Special Units?	16[5]	38.1%

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[4] These may not be the classical definitions but they're the most useful way to group departments according
to responses to survey question 2.
[5] Actual reported numbers indicated 19 responses to the open-ended "Other Special Units?" selection,
however 3 of the 19 responses were comments on an issue with the preceding question. These selections
were therefore discarded.

This data is useful in itself, but it becomes even more so when the responses are categorized by each of the previously defined personnel strategies. As it turns out, there are some community policing activities that departments are more or less likely to engage in depending on the way they allocate personnel for community policing tasks. For example, the data indicates a positive correlation between integration of patrol units in community policing activities and training.

- Departments belonging to the decentralized category were *more than twice as likely* to provide in-service training then centralized departments. Decentralized departments also reported training recruits in community policing *75% more* often than centralized departments
- 100% of departments utilizing the decentralized model reported providing both recruit and in-service training
- Centralized departments reported providing in-service training at a rate of 57.1% and recruit training at a rate of 42.9%
- 81.5% of hybrid departments train recruits in community policing and 70.4% provide in-service training.

Other findings:

- Decentralized departments were 44% *less* likely to engage citizen volunteers than were their centralized counterparts
- 71.4% of centralized departments have neighborhood store-front offices compared with just 44.4% of decentralized and 38.4% of hybrid departments
- Centralized departments supported block watches 33% more than decentralized departments and 42% more than hybrid departments
- "Other special units" departments use include school resource officers, youth outreach and education programs, mounted patrol units
- The number of hybrid departments is much larger than that of centralized or decentralized departments. As a result, overall averages tended to be very similar to those of hybrid departments. This effect is visualized in the two charts below

Activity Response Rate by Personnel Strategy

Legend: Centralized, Decentralized, Hybrid, Overall Average

Categories: Problem Solving, Community Meetings, Community Engagement, Bike Patrols, Foot Patrols, Citizen Volunteers, Neighborhood Store Fronts, Citizen Ride-Along, Citizen Neighborhood Patrols, Block Watch, Citizen Police Academy, POP Projects, Training-Recruit, Training- In-Service

Activity Response Rate by Personnel Strategy

Legend: Centralized, Decentralized

Categories: Problem Solving, Community Meetings, Community Engagement, Bike Patrols, Foot Patrols, Citizen Volunteers, Neighborhood Store Fronts, Citizen Ride-Along, Citizen Neighborhood Patrols, Block Watch, Citizen Police Academy, POP Projects, Training-Recruit, Training- In-Service

SARA – Most Commonly Used Problem-Solving Model

All 42 respondents reported incorporating problem solving into their community policing activities. Of the total responses, 33 departments (79%) said they use the SARA problem-solving model while 9 departments (21%) use another model.[6] Other problem solving models used include SMART[7], the 5-step model, a combination of SARA and intelligence-led policing (ILP), and a combination of SARA and intelligence-led community policing, community prosecution, and community partnerships (IL3CP). Respondents who use SARA in conjunction with another model were included in the "other model" calculations and not in the "uses SARA" calculations.

Use of the SARA model did not vary significantly depending on the agency's personnel strategy. Of the police departments that take a centralized approach to community policing, 5 of 7 (71%) use SARA. Seven of nine (78%) decentralized departments and 21 of 26 (81%) hybrid departments use SARA.

Most Major Cities Lost Personnel

Twenty-eight of 42 departments (66.7%) reported losing civilian personnel, sworn personnel, or both since 2008.

- Police departments in the United States lost personnel more than twice as frequently as Canadian departments
- 6 Canadian law enforcement agencies responded to the survey and only 2 (33.3%) reported losing employees in the wake of 2008's economic collapse
- Of the 36 responding US-based departments, 26 (72.2%) reported a reduction in size
- Both Canadian agencies that reported personnel reductions were done by attrition

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[6] SARA stands for Scanning, Analysis, Response and Assessment. Because every department uses problem solving, 5 "No, we don't use SARA" responses and 4 "We use another model" responses were combined into the same category. Even if they aren't using SARA, they are using another model.

[7] The respondent answered "SMARE" to this question, but it is my assumption that this was a typo and SMART was the intended response. Search results for a SMARE problem-solving model were unsuccessful.

- 11.5% of US departments (3 of 26) that lost sworn personnel laid off employees and 80% of sworn personnel reductions resulted from attrition
- Layoffs contributed to civilian personnel reductions in 30.8% of US departments that lost employees. Attrition caused civilian personnel losses in 76.9% of US departments[8]
- Among the departments that reported personnel reductions 4,125 sworn and 1,388 civilian positions were lost. That is an average of 188 sworn and 86 civilian positions lost per department
- 13 departments lost 100 or more sworn positions. The largest loss by one department was 500
- 13 departments lost 50 or more civilian jobs. The single greatest loss was 309
- 29 of 42 departments (69%) experienced a hiring freeze, 24 (57%) saw overtime reductions, and 10 (24%) were met with furloughs

How Recession Affected Community Policing Activities

Twenty-two (22) departments (52.4%) responded that the economic downturn had an effect on their community policing initiatives. Twenty-nine (29) of the 42 respondents listed the specific activities affected by the recession. Their responses can be seen in the table below:

Please indicate the community policing activities affected by the downturn (Check all that apply)		
Answer Options	Response Percent	Response Count
Problem Solving	21.4%	6
Officer representation at Community Meetings	42.8%	12
Community Engagement	25.0%	7
Bicycle Patrols	39.3%	11
Foot patrols	46.4%	13
Citizen Volunteers	10.7%	3
Neighborhood store front offices	42.8%	12

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[8] Percentages may not add up to 100% because some departments experienced both attrition and layoffs while other departments did not report the cause of personnel reductions.

Citizen ride-along	7.1%	2
Citizen Neighborhood Patrols	7.1%	2
Block Watch	10.7%	3
Citizen Police Academy	25.0%	7
POP projects assigned/monitored at precinct/division level	21.4%	6
Training - Recruit	39.3%	11
Training - In-Service	17.9%	5
Other		4[9]
Answered question		**28**
Skipped question		**14**

Other programs reportedly affected included elimination of school resource officers, traffic safety fairs, and the loss of safety mascot Scruff McGruff. Two departments indicated that all programs were still operating, just on smaller scales due to reduced staffing.

- 5 of 7 centralized, 5 of 9 decentralized, and 18 of 26 hybrid departments responded to this question

- In-service training was impacted in 3 of 5 (60%) responding centralized departments compared with 1 of 5 (20%) centralized and 1 of 18 (5.6%) hybrid departments

- Hybrid departments account for 11 of the 13 departments that said foot patrols were impacted by the economic downturn. Decentralized and Centralized departments reported one instance apiece

- Hybrid departments also account for 10 of 11 departments that said bike patrols were impacted by the recession. No decentralized departments claimed any impact to their bike patrol activities

- 60% of centralized (3 of 5) and 50% of hybrid departments (9 of 18) say the recession had an impact on their ability to provide officer representation at community meetings. No decentralized department reported any impact to this activity

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[9] This number excludes some responses that were irrelevant to the question i.e., were commenting on other parts of the survey

Community Policing Commitment Steady

Respondents were asked to indicate the level of commitment to community policing demonstrated by command staff, supervisors, officers, political leaders, and the community, both before and after the 2008 recession. Respondents scored each as follows:[10]

- Commitment to community policing remains generally strong across all categories
- Political leadership was the only group to receive any "no commitment" ratings in the post-economic downturn results. Two departments gave this rating
- Officers and political leaders both received a rating increase of more than .5 points after the economic downturn
- Community was the only category to see a rating decrease in post-economic downturn commitment

Indicate the level of commitment to community policing *before* the economic downturn					
	No Commitment	Medium Commitment	Strong Commitment	Total Responses	Average Rating
Command Staff	1 3.23%	3 9.68%	27 87.10%	31	4.68
Supervisors	0 0.00%	2 40.00%	3 60.00%	5	4.20
Officers	0 0.00%	7 63.64%	4 36.36%	11	3.73
Political Leadership	1 10.00%	4 40.00%	5 50.00%	10	3.80
Community	0 0.00%	1 11.11%	8 88.89%	9	4.78
				67	

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[10] There was an issue noted with Question 4 of the survey that impacted respondents' ability to answer the question completely. Some respondents provided answers to question 4 in other areas of the survey (in their comments on open-ended questions, for example) and when provided these answers were added to the data.

Indicate the level of commitment to community policing *after* the economic downturn				
	No Commitment	Medium Commitment	Strong Commitment	Total Responses	Average Rating
Command Staff	0 0.00%	4 10.00%	36 90.00%	40	**4.80**
Supervisors	0 0.00%	9 23.68%	29 76.32%	38	**4.53**
Officers	0 0.00%	15 37.50%	25 62.50%	40	**4.25**
Political Leadership	2 5.13%	9 23.08%	28 71.79%	39	**4.33**
Community	0 0.00%	11 28.21%	28 71.80%	39	**4.44**
				196	

The purpose of this survey was to gain an understanding about how the Great Recession affected the community policing strategies of MCCA member agencies. Overall, most members experienced some fallout from the financial crisis. A number of departments reported an increase in calls for service which, when coupled with reduced funding and decreased hiring capacity, presented a unique challenge for community policing initiatives. However, most law enforcement agencies surveyed remain committed to community policing and have addressed the issues stemming from the financial crisis in a number of ways including organizational restructuring and scaling back or total elimination of some community policing activities. That there remains a strong commitment to community policing is evidenced by the fact that over 95% of surveyed departments say their communities have continued to be engaged problem solving in the aftermath of the Great Recession.

Overview of Roundtable Discussion Themes

A central theme of the roundtable discussion was the confirmation that community policing has become a tradition. It is no longer viewed as a new policing model; in fact, in some places community policing is now taken for granted. These trends represent a sea change from 20 years ago. Despite that level of acceptance, however, most participants were faced with accommodating budget cuts that impacted community policing. Common trends were consistent with survey results and included: layoffs, furloughs, not filling civilian positions, reducing sizes of squads, eliminating school resource officers (SRO's) and specialized units, and cuts to forensics. Many supplemented budgets with asset forfeiture

and Racketeer Influenced and Corrupt Organizations Act (RICO) funds. Some hired back retired personnel, outsourced to contractors, or used citizen volunteers to compensate for lost positions. Throughout, most maintained community policing but frequently it was reconfigured based on economic challenges. This capacity for modification suggests a certain agility not always seen with other policing models. Furthermore, it was clear throughout the discussion that when participants were unable to sustain all elements of community policing due to lack of funding, their reconfigurations shifted in ways that did not weaken organizational and community networks. In fact, in some ways those shifts actually may have strengthened them.

From this perspective, some participants challenged chiefs who have said that community policing was too expensive and not within budget. In their view, attitudes and philosophies intrinsic to community policing do not have price tags. Further, many believed that the economic challenges created opportunities for innovations such as: leveraging technology to its full capacity; engaging community on establishing call priorities; asking the public what they do and do not want you to do when it comes to cuts; being realistic as to how much community policing really costs, and; seeking new partnerships that may redirect community policing activities such as the use of volunteers or disadvantaged groups who may supplement crime prevention activities. For the most part, there was general agreement that it is important not to lose sight of the long-term community policing vision for the sake of satisfying short-term goals driven by economic concerns.

Participants discussed the best ways to engage in community policing during difficult economic times: cops walking beats or cops on Twitter? In contrast to survey results, roundtable participants reported a significant increase in using technology to compensate for losses in personnel. They use social media, mobile applications, and dynamic websites, clearly bringing community policing into the digital age.

The discussion revealed evolving trends in the ways police executives themselves use digital technology to reach out to the community. Many believe these less formal messaging efforts have made them more integral to the community. It helps executives to control and shape their messages in contrast to having the media shape it for them. By all accounts,

police interests in connecting with the community on the community's level have been well received. The technological shifts are cost-effective force multipliers that take advantage of the public's interest in helping to keep their communities safe and free of crime. Further, technology provides the capacity to automate tasks that may once have taken police officers much longer to complete manually, like report writing and database searches.

The intersection between community policing, technology, and the digital age provides a blueprint for addressing budget challenges and clearly strike a new direction for maintaining public safety. Caution is needed, however, since it is unknown if concerns about data retention, storage, and privacy challenges eventually could over-ride the cost savings. This bears careful watching.

Predominant Roundtable Themes

Foundation of Community Policing is Collaboration and Trust

A recurring theme throughout the Roundtable discussion was the strong focus on collaboration and activities that build trust with communities. Budget cuts do not interfere with that focus when community policing is incorporated into a department's culture and treated as an organizational philosophy rather than a program. To achieve that integration, leaders need to ensure that all members of the agency grasp the significance of community policing. This includes educating officers on the importance of building relationships with people in their communities, their roles as collaborative problem solvers, and the importance of avoiding negative thinking about community policing when budgets are especially tight. Within that context, participants discussed community policing as a commitment to provide services, a perspective that needs to permeate the department, and integral to the department's culture.

Generalists, Specialists or Hybrid Models

The roles of specialized, generalized, or hybrid models of community policing received attention. Although many departments may say all their officers are community policing

officers, Roundtable participants suggest that generalist models are unrealistic. Even though all officers may have the opportunity to engage in community policing, the model suits some officers more than others. Conversely, with specialist models, participants expressed concerns about the risks of creating silos that can result in a split force in which officers not engaged in community policing are perceived as having a "warrior mentality." Some believe that a split force mentality also could be perpetuated through too great a reliance on the use of CompStat, although most agreed that CompStat is a valuable metric tool, especially for focusing on Part 1 crimes. There were questions, however, about CompStat's capacity to address outcomes rather than outputs, along with quality of life issues and long-term problem solving in the same way that community policing does. Further, some argued that focusing primarily on metrics risks being seen as robotic and polarizing the very communities that could most benefit from community policing, particularly minority communities. The potential paradox: communities which could derive the most benefit from community policing are also those that could end up being the most distrustful of the police.

Participants concluded that the hybrid model, which combines community policing officers with other units, is the most realistic approach, especially during economic downturns and budget cuts. It is also most amenable to the varied adaptations required for reconfiguring how police services can be delivered within flatter and/or downsized organizations while sustaining community policing.

Restructuring to Sustain Community Policing

The economic downturn challenged Roundtable participants to flatten or restructure their organizations. Adhering to the hybrid model facilitated the change process which necessitated corresponding adjustments to community policing strategies and how officers were deployed. Police executives shared the different approaches they used to effect strategic operational changes. Examples include:

- Redefining areas based on analytics and dispatching community police officers to assist in resolving problems in those specific areas; Deploying community policing officers geographically, or basing deployments on Hot Spots

- Using light duty officers operating out of a Crime Reporting Center instead of community policing squads in targeted sites focusing on Community Oriented Government (COG) and addressing the root causes of crimeInitiating Community Improvement Programs in which community police officers work with citizens in solving problems; Establishing service areas where police officers work with designated citizens on quality of life issues

- Returning to foot patrol beats; Creating Quality Response Teams that use directed foot patrols to proactively target quality of life crimes

- Deploying community policing units with specified missions. Examples include units with an economic development mission directed at enhancing and safeguarding the business community; or Community Burglary Response Teams that use Crime Prevention Through Environmental Design (CPTED) as a prevention model

- Developing community response teams and making first line supervisors responsible for attending monthly community association meetings

- Developing Community Response Teams that are differentiated from tactical teams or Neighborhood Response Teams that are separate from patrol officers responding to radio calls for service

- Designating "crime solver" officers who increase community involvement by going out into the community rather than having people call in

- Creating virtual patrols featuring an analyst with a camera who documents and feeds information to the field in real time

- Constructing Real-Time Crime Centers that work with Federal and state partners to align metrics, dispatchers, and police to get real-time information into the right hands for appropriate action

- Increasing use of volunteers and expanding volunteer activities

- Focusing social media attention on individual neighborhoods

- Creating monthly crime prevention newsletters

- Revitalizing Neighborhood Watch

These approaches employ a combination of metrics, analysis, and officers working in and engaging with communities in different ways. They also reflect changes in how officers are

deployed and tasks are defined, both within the department and the community. While the defining parameters varied from agency to agency, they retained the same mission: go out and engage the community to solve community problems and impact the quality of life. Within that context, however reconfigured, the focus remained on growing trust within the community, in part by directing police activities to engage with citizens in meaningful and productive ways.

In addition to discussing innovative ways to approach budget problems and maintain community policing, participants frequently talked about the importance of building trust, a clear responsibility for leaders. Throughout the session participants reiterated the need for chiefs, in concert with officers, to be consistently visible in the community and to listen to concerns that preoccupy residents. Technology, especially social media and neighborhood apps, creates innovative ways to achieve visibility, develop community connectedness, drive transparency and build trust.

Some agencies saw the need to reinstitute trust building programs during strict budget periods and re-visited programs such as Explorers, PAL, Neighborhood Chaplains, and Scouts while also working with neighborhood organizations such as Neighborhood Watch. Most agreed that police legitimacy is significantly linked to trust-building activities supported by transparency. In that sense all seem to be intricately connected to building emotional capital with the community, identified as a foundational pillar of trust and legitimacy.

Technology

Beyond previously cited improvements that technology brings to communication and connecting with the community, technology supports crime control through use of surveillance cameras, video technology, shot spotter, license plate readers, GPS tracking, and forensic science. In contrast to other research findings that showed a trend to cut back on acquiring new technology in response to budget cuts, this group found that the budget cuts actually made technology innovations possible and urged that it be leveraged to its fullest extent.

Most believed that transparency and technology, including social media, are intricately connected and as the community comes to see that connection, there is less concern about privacy violations. However, participants were careful to caution that privacy always needs to be factored in when considering use of any technology. They cited programs such as Safe Communities in which local businesses and the police partner to coordinate use of security cameras in transparent ways. Other uses of emerging technology include:

- networking sites like Nextdoor.com that enable neighborhoods to create private sites which can permit the police to reach out to specific neighborhoods at no cost to the agency
- iCAM, which creates interactive chat rooms. In one example, it is used to establish problem solving dialogues with community members who present information in a live chat to an analyst in a Crime Center. The community develops a sense of ownership by being involved in the presentation and conversation about potential solutions

Not surprisingly, participants viewed technology as a force multiplier, a method for innovative crime control, and a transparent process that builds trust with the community. In total, it is less expensive than hiring people to fill vacant slots and automated tasks often can be completed more quickly and accurately than those that involve manual responses from officers. Using technology to its fullest potential positions an agency to move in the direction of evidenced-based policing.

Training

There was general agreement that hiring the right people and ensuring they are in law enforcement for the right reasons is the requisite prelude to training to the highest standards. However, state training requirements govern police training and provide little maneuverability for adaptation, making it difficult to change training.

Participants discussed ways to maximize the benefits of training using problem-based learning and promoting community immersion programs as part of the probationary year. Community immersion requires officers to develop deep understanding of a particular

area, its residents and the issues that concern them. As part of the training experience, the officers develop reports documenting their findings.

Participants agreed that regardless of the type of training, it cannot occur in a vacuum. While training must focus on building knowledge of laws, policies and procedures as well as tactical behaviors and interpersonal skills, it must also tackle issues like diversity, race relations and management skills. It is critical to preserve training that focuses on immersing officers in the agency culture. Some of this training can be accomplished by partnering with outside organizations such as foundations, institutes or local colleges.

Exploring where technology might benefit training, the concept of E-learning was introduced into the dialogue. It was generally agreed that E-learning works well for some areas, such as familiarizing police personnel with a change in policy, updating specific directives, or reinforcing or prioritizing certain issues. However, it was not recommended for training in community policing. Most believe that philosophies, commitments and changing attitudes associated with community policing need another type of venue.

Maintaining Community Policing

Roundtable participants were clearly committed to the community policing mission and managed to maintain their commitment during economic struggles. However, maintaining it as Federal grant money is now disappearing presents additional challenges. While it is increasingly common to use volunteers in some capacities once reserved for sworn or civilian personnel, the practice raises issues regarding how best to supervise volunteers. Police supervisors have grown up in the para-military model of supervision and while that supervisory style may be changing, it is something that most volunteers and contractors would neither understand nor appreciate. Establishing boundaries for the kind of work they can and cannot do, given different laws and requisite training, creates other management issues for a department.

Many departments are looking to their Federal and state partners to help fill some of the funding and personnel gaps. Some have sought resources from real-time crime centers, while others are asking local school systems to set aside funds to help pay for school

resource officers. In Tucson, Arizona, the SRO program that started 1960s as part of community policing was eliminated in 2009 when the agency was reduced by 19%. School districts didn't fight the loss of SRO's at the time, but have since wanted them back for security reasons.

Partnering with mental health agencies through Crisis Intervention Teams (CIT) is another option and has been particularly helpful for responding to those experiencing mental or behavioral crises. These initiatives still require people to staff them, although perhaps not as many. Hence, participants looked at increasing overtime budgets or using technology as a force multiplier since buying 20 computers is cheaper than hiring and training 20 new officers.

This new reality requires maintaining downsized levels while leveraging resources differently and employing new strategies that be unfamiliar to many police commanders. One agency created a budget group for commanders when it became apparent that its commanders, for the most part, did not understand budgets and/or budget processes. That might be an answer for other management processes during difficult times. Further, fewer police resources actually requires more community outreach because agencies need residents' help to an even greater degree. They need to trust police to do that. Participants suggested that information from the community may be more important than knowing where a hot spot is, particularly when diminished staffing prevents sending people to that location. In fact, focusing only on hotspots can create disconnects with the community, especially if it becomes a question of getting a set of numbers versus people feeling safe.

Based on Your Experience, What Do Your Colleagues Need to Know?

1. **Right-size.** The nature of law enforcement is changing and there is a "new reality." Departments need to "right-size" and when budgets increase, leaders must not over-promise since a similar financial downturn may be in the offing. Rather than rehire and then have to lay off personnel, agencies may be better to maintain a lesser but sustainable staffing rate. In other words, right size your department to avoid reducing staff.

2. **Avoid up and down hiring cycles.** Explore whether there is greater support for funding some *thing* (i.e., technology, equipment) rather than some *body* (i.e., sworn or civilian personnel).

3. **Prioritize philosophy that supports community policing and problem solving thinking.** This involves changing the mindset of the department, talking about it, providing examples, and living the principles daily.

4. **Enhance outreach to the community.** Develop tools that help you. It is more important than ever to be out there and listening to their concerns.

5. **Lead from the front.** The police in general, and chief in particular, need to be perceived as part of the community, setting priorities and modeling behavior. You can't build emotional capital when you're sitting behind a desk.

6. **The chief's message must resonate** throughout the department so officers can effectively convey it in the communities where they work.

7. **Social media supports your community presence.** It is no longer a "nice to have" element of a communication strategy. Rather, social media is considered to integral to the "new paradigm." Clear departmental policies and careful monitoring are essential. There are many verified instances of officers posting information before the agency could act.

8. **Find a balance between technology advances and initiatives that can advance community policing.** Communities are more accepting of technological applications, from cameras to online crime reporting. People are realizing the business and crime control value technology can support and are no longer focused only on privacy issues, particularly when departments are transparent about the use of these technologies.

9. **Use cameras as a force multiplier**. Work with businesses to utilize their cameras, thereby creating a larger network. It is also possible to realize savings when using cameras as in virtual patrolling.

10. **Align metrics, training and supervision with community policing and building trust.** Like legs of a stool, each has a role in supporting the larger effort.

11. **Consider problem-based training** in contrast to traditional field training officer training.

12. **Real-time crime centers** introduce cost savings and connect police and detectives with information as events are occurring.

13. **Community policing is not about a hiring grant or attending a meeting.** It is a culture, an attitude, and a commitment to serve the community.

14. **Engaging the community** is more important than ever. It requires becoming more transparent and sharing information through a variety of formal and informal communication channels. It is a relationship which shares responsibility for public safety with members of the community.

15. **Develop volunteer programs**. Volunteers can be one of the best avenues for connecting to the community.

16. **Build trust by opening the doors** and letting the community into 'our world.' Volunteers represent that door and can be the agency's voice in the community.

17. **Find ways to measure outcomes for budget discussions.** Partnering with outside researchers helps ensure objectivity.

18. **Educate the next generation of leaders.** Find ways to continue training, promote educational reimbursement programs, develop mentoring initiatives, and

19. **Continue to ask, "Are we working to solve a problem or putting out fires?"** To really get to the root of problems in communities, particularly violent crime, we have to go beyond deploying officers to hot spots based on predictive equations. Neighborhoods have their own distinct dynamics and what works in one may not work in others.

Conclusion

Community policing is no longer a novel strategy: it is the way agencies police. While there are variations in how it is implemented, the cornerstones of problem solving and community engagement are widely integrated elements of effective policing. Commitment to community policing is generally high, not just among police executives, but among officers, politicians and members of the communities they serve. Despite, or perhaps because of budget cuts resulting from the fiscal crisis, many police departments have doubled-down on this strategy as a way to fight crime with fewer personnel and financial resources.

However, it is clear the economic crisis took a toll. About half of the departments participating in the 2014 MCCA survey reported diminished capacity to perform community policing activities at the levels they did before the funding decreases. Many agencies eliminated certain functions altogether, such as school resources officers and educational fairs.

Policing is labor-intensive; community problem-oriented policing is especially demanding of an agency's resources. Yet, because it engages members of communities in the business of public safety, it acts as a force multiplier that can offset declines in personnel and other resource areas of a department. To cope with the new economic reality, executives have restructured their organizations and found ways to offset the negative impacts on police services by leveraging technology, beefing up volunteer programs, and establishing community partnerships. The financial crisis created opportunities for innovation that may not have been pursued with the same vigor prior to 2008.

The economic challenges have unearthed wells of resilience in police departments. They are more nimble and adaptable. They are seeking ways to make organizations more efficient and strengthen relationships with communities to combat crime and increase safety. In fact, if there is a single theme that runs through the survey results and discussions with police executives, it is this: problem oriented policing has not only survived the changes wrought by the recession; it has helped transform the way police approach their work.

References

Cohen, Manuel P. 2011. "Cities in Times of Crisis: The Response of Local Governments in Light of the Global Economic Crisis: the role of the formation of human capital, urban innovation and strategic planning." Berkeley Institute of Urban and Regional Development. <http://www.iurd.berkeley.edu/publications/wp/2011-01.pdf.

COPS Office (Office of Community Oriented Policing Services). 2009. *Community Policing Defined.* Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services.

COPS Office (Office of Community Oriented Policing Services). 2011. *The Impact of the Economic Downturn on American Police Agencies.* Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services. <http://www.cops.usdoj.gov/files/RIC/Publications/e101113406_Economic%20Impact.pdf.

Cordero, Joe. 2011. *Reducing the Cost of Quality of Policing: Making Community Safety Cost Effective and Sustainable.* NJLM Educational Foundation, Friends of Local Government Services, vol. 3, no. 1. Trenton, New Jersey: The Cordero Group. http://www.njlmef.org/policy-papers/FoLG_v_3_1.pdf.

Friend, Zachary and Rick Martinez. (2010). "Preserving Community Policing in a Recession." PM Magazine: Vol. 92, 3. *International City/County Management Association*.

Gordon, Tracey. 2012. "State and Local Budgets and the Great Recession." Brookings Institute, December. http://www.brookings.edu/research/articles/2012/12/state-local-budgets-gordon.

Major Cities Chiefs Association (MCCA). 2014. "Leading in a New Economy Survey."

Melekian, Bernard. 2011. "The Office of Community Oriented Policing Services, From the Director." The Police Chief 78 (March): 14. www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=2330&issue_id=32011.

Oliff, Phil., Chris Mai, and Vincent Palacios. 2012. "States Continue to Feel Recession's Impact." *Center on Budget and Policy Priorities*. http://www.cbpp.org/cms/index.cfm?fa=view&id=711.

Parlow, Matthew J. 2011. "The Great Recession and its Implications for Community Policing." Georgia State University Law Review: Vol. 28: 4, Article 8. http://scholarworks.gsu.edu/gsulr/vol28/iss4/8.

PERF (Police Executive Research Forum). 2009a. *Violent Crimes and the Economic Crisis: Police Chiefs Face a New Challenge Part I.* Critical Issues in Policing Series, vol. 12, Washington, DC: Police Executive Research Forum. <http://www.policeforum.org/assets/docs/Critical_Issues_Series/violent%20crime%20and%20the%20economic%20crisis%20part%20i%202009.pdf>

PERF (Police Executive Research Forum). 2009b. *Violent Crimes and the Economic Crisis: Police Chiefs Face a New Challenge Part II.* Critical Issues in Policing Series, vol.13, Washington, DC: Police Executive Research Forum. <http://www.policeforum.org/assets/docs/Critical_Issues_Series/violent%20crime%20and%20the%20economic%20crisis%20part%20ii%202009.pdf.

PERF (Police Executive Research Forum). 2010. *Is the Economic Downturn Fundamentally Changing How We Police?* Critical Issues in Policing Series, vol.16, Washington, DC: Police Executive Research Forum. http://www.policeforum.org/assets/docs/Critical_Issues_Series/is%20the%20economic%20downturn%20fundamentally%20changing%20how%20we%20police%202010.pdf.

PERF (Police Executive Research Forum). 2013. *Policing and the Economic Downturn: Striving for Efficiency is the New Normal*. Critical Issues in Policing Series, vol. 22, Washington, DC.: Police Executive Research Forum. <http://www.policeforum.org/assets/docs/Critical_Issues_Series/policing%20and%20the%20economic%20downturn%20%20striving%20for%20efficiency%20is%20the%20new%20normal%202013.pdf.

Scheider, Matthew C., Deborah L. Spence, and Jessica Mansourian. 2012. *The Relationship Between Economic Conditions, Policing, and Crime Trends: An Addendum to The Impact of The Economic Downturn on American Police Agencies*. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services https://www.hsdl.org/?view&did=743497.

AURORA COMMUNITY/POLICE DEPARTMENT WORKSHOP SERIES

FINAL REPORT

Report for the Aurora Police Department

Written by: Jerry L. Clayton

August, 2007

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Acknowledgements

We would like to thank the City of Aurora and the Aurora Police Department for their support and cooperation during the course of this project. During this entire project, the Department had their resources readily available.

During our fact-finding trip to gather the information necessary for our Needs Assessment, the Department identified and scheduled the individuals and groups to be interviewed, arranged appropriate meeting space and provided transportation.

We worked closely with members of the agency to understand the issues and challenges facing the police department and the community as it relates to their relationship. We thank them for their willingness to share their knowledge and ideas with us.

It is impossible to thank everyone who assisted in this project, but we would particularly like to thank Chief Dan Oates for his support and Assistant City Manager Frank Reagan, both were instrumental in the successful completion of the project.

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We would also like to extend a special thanks to Pastor Lewis Brown, Mrs. Frances Woolery-Jones, and Commander Roy Minter for providing their great facilitation skills during the workshop sessions.

Finally, we would like to thank the staff of the Aurora Police Department and the citizens of the City of Aurora for participating in the workshop sessions and providing meaningful input. Without your efforts, we could not have successfully completed the project.

Executive Summary

The City of Aurora and the Aurora Police Department retained Lamberth Consulting in April of 2007 to design and facilitate a series of dialogue sessions in the form of 4-5 hour workshops intended to explore the nature of the relationship between the police department and the citizens of Aurora and recommend strategies for strengthening areas of the relationship that were identified as "at risk".

A representative of Lamberth Consulting conducted a Needs Assessment by interviewing several groups of key members of the police department and the community and used the information to develop several workshop goals and design the Community/Police Department Workshop.

Several project goals were established including: (1) Developing a collection of objectives and strategies that city official's and community stakeholders can use to help create long-term solutions to law enforcement/community relationship issues, (2) Securing commitments from city officials and community stakeholders to work collaboratively on agreed upon solutions and (3) Forwarding recommendations based on ideas and suggestions generated during the workshops.

During May 8th thru May 10th four Community/Police Department Workshops were conducted with the following participation of citizen's and law enforcement personnel:

- ➢ Session 1   Evening Session   Adult Focused   103 participants
- ➢ Session 2   Morning Session   Adult Focused   83 participants
- ➢ Session 3   Morning Session   Adult Focused   77 participants
- ➢ Session 4   Morning Session   Youth Focused   85 participants
- ➢ 4 total   348 total

The participants explored the current nature of the relationship between the community and the police department in Aurora. They identified what kind of a relationship that they want to exist between the community and the police department, what needs to change in terms of current behaviors and attitudes to move the relationship from its current state to

the desired state and what strategies must be enacted to initiate and sustain the changes needed to reach and maintain the desired relationship.

Finally, three primary and several supporting recommendations were developed and are forwarded in this report: (1) Create a Community/Police Department Relationship Enhancement Task Force, (2) Continue Community/Police Department Outreach Efforts, (3) Increase Education and Training Efforts for the Community and the Police Department.

Introduction

History has shown that the level of understanding, openness, and trust between the police department and various segments of the city frequently varies, and can be impacted by a variety of issues, including: personal and institutional stereotypes and biases, previous history, various interpretations of factual events and other circumstances that over time (sometimes decades) either enhances or undermine the nature of the relationships. Successfully addressing relationships of this nature rarely, if ever, occurs as a result of a single effort or event. Maintaining previously successful relationships, establishing those relationships that have been nonexistent and enhancing relationships that have been significantly strained in the past requires the sustained efforts of all critical stakeholders.

Recognizing the importance of establishing and maintaining positive relationships with all of its citizens, the City of Aurora and its police department engaged a variety of key stakeholders (citizens, law enforcement staff, city officials) in four dialogue sessions targeting several important objectives aimed at enhancing their relationship with the community they serve: (1) education, (2) perspectives sharing, and (3) establishing a commitment to work collaboratively on agreed upon solutions to identified challenges.

It is hoped that the information collected during these workshops and presented in this report provides the basis for the future efforts and activities required to fulfill the implementation of the city's plan to enhance the relationship between the police department and all citizens of the City of Aurora.

Needs Assessment.

During April 2-3, 2007, Mr. Jerry Clayton conducted a Needs Assessment for the proposed workshops. He met with several groups and a series of individuals representing the police department, city government, communities of faith, community groups and school representatives seeking input regarding the key issues and challenges affecting the relationship between the police department and the community they serve.

Workshop Design

Mr. Clayton designed the Aurora Community/Police Department Workshop utilizing the information collected during the Needs Assessment. The workshop design process included the following tasks:

- Compiling feedback and results from interviews with stakeholder groups

- Reviewing feedback and identified themes among different stakeholder groups.

- Developing goals for workshops that corresponded with the identified themes.

- Structuring workshop activities so the workshop goals could be achieved.

- Developing workshop materials based on identified objectives and goals.

The primary goal communicated to Lamberth Consulting by the Aurora Police Department and the interviewed stakeholders was establishing/maintaining an enhanced law enforcement/community relationship based upon the establishment of common understanding, mutual respect and trust. Based on that goal, Lamberth Consulting developed several workshop objectives intended to provide the foundation for achieving the primary goal.

Workshop Goal

The City of Aurora Community and Police Department Workshop will provide each participant with an opportunity to share information and perspectives, begin discussing solutions to their relationship challenges, and commit to continuing their collaborative efforts beyond these workshops.

The workshop goal was supported with the following workshop objectives;

- During a large group discussion, the participants will describe their personal perception(s) of the current status of the relationship between the Aurora Police Department and its citizens.

- After viewing a video and engaging in a small group discussion and report out, the participants will share their reaction(s) to the questions and statements detailed in the film.

- During small group discussions and report-outs, participants will describe their community & police department relationship expectations.

- During a large group discussion, the participants will create their definition of a "Successful Partnership" between the Aurora Police Department and its citizens.

- During small group discussions and report-outs, the participants will create a list of the behaviors and beliefs that must change if the citizens of Aurora and the police department are going to create and sustain a "Successful Partnership".

- During small group discussions and report-outs, the participants will create a suggestion list of strategic options that they believe should be included in the "30 Day Jump Start Plan" and/or "Strategies for Long Term Solutions" focused on creating and sustaining a "Successful Partnership".

Workshop Structure

The workshop was structured to be conducted over 4-5 hours, followed a participant-centered design and was facilitated in two phases.

During phase one, the law enforcement and community participants were located in separate rooms and guided through a series of discussion topics by two facilitator teams (Commander Roy Minter and Mrs. Frances Woolery-Jones) and (Mr. Jerry Clayton and Pastor Lewis Brown).

The participants from both groups were combined during phase two and led through a review of the issues discussed during phase one and introduced to new topics for small group discussions in combined law enforcement and community groups.

See Workshop agenda- Appendix A for workshop details.

Results

Achievement of the workshop goals and objectives was based on the response to six primary questions. The following are a list of the six primary questions and a compilation of the most frequent responses from both the law enforcement and community participants.

What is your assessment of the nature of the relationship between the Aurora Police Department and the citizens of Aurora?

During phase one (law enforcement and citizen participants separate), the community participants and law enforcement personnel were asked to provide their perspectives of the nature of the relationship between the police department and the citizens and their thoughts regarding the origin or genesis of their responses. The two groups' assessment of the nature of the relationship differed in some areas, but also had many similarities.

The following is a compilation of some of the consistently used words, phrases and major themes used by both groups as they responded to the question:

- Negative, positive, intimidating, helpful, non-trusting, hypocritical, dangerous, good, necessary, better, non-existent.

- The citizen participants stated a perceived double standard where police officers can get away with actions that common citizens cannot. Some of the law enforcement participants stated that law enforcement professionals are held accountable for their behavior, but citizens are not held accountable in terms of being rude and unfair to the police.

- Both groups agreed that in some instances the relationship is good and at times it's bad. And a persons' (law enforcement/citizen) perspective about the relationship is greatly influenced by one or more of the following;

- Where you live in the community, who you are or who you are perceived to be and what level you are in the hierarchy of both groups (Ex: are you a regular citizen, or a street officer? Are you a community/business leader, or department administrator?).

- There is an overall lack of understanding and misconceptions about each other that leads to an overall lack of trust.

- Neither group seems to be fully committed and/or motivated to learn about the other.

Additionally, each group was asked what they based their assessment on, in other words, what influenced them the most about their perception of the nature of the relationship? The consistent responses included:

- Both groups stated that they believe that many perspectives are based primarily on stereotypes.

- Both groups expressed a belief that law enforcement and citizens thoughts and actions are influenced by past experiences and interactions with each other. The interactions could be either direct or indirect (stories from others).

- Negative portrayal by the media

- Lack of knowledge feeds negative stereotypes about each other.

- Young citizens stated that they have received very little education about law enforcement and have experienced few positive interactions. Much of their knowledge comes from what they have been told by friends and family and by directly witnessing negative interactions between law enforcement and family members.

What kind of law enforcement/citizen relationship do you want between the Aurora PD and the citizen's of Aurora?

During phase one (law enforcement and citizen participants separate), the community and law enforcement groups were asked to express their specific expectations regarding the behavior and commitments required of participants engaged in a community/police department relationship that met their expectations. The groups provided different responses with common themes.

- Both groups stated that they want a relationship based on the law enforcement agency being held to high standards, and the community being held accountable for their personal behavior during interactions.

- Each group requested better cooperation from the other.

- Both groups stated that the relationship should be based on mutual commitment to gaining and maintaining respect for each other, holding each other responsible for their actions, and dealing with each other honestly and openly. Each group stated a belief that if both groups commit as described, then eventually mutual trust can be achieved.

- A relationship based on a commitment to educate and share information with each other.

- A relationship where both sides acknowledge when good or bad is done by the other party and self accountability is encouraged.

- A relationship based upon having a community that supports their police department and understands the need to be non-judgmental and recognizes that the police do have certain limitations.

- Both groups recognize the occasional need for assertiveness without aggression.

What would a successful law/enforcement/citizen partnership look like in Aurora?

During phase two (law enforcement and citizen participants together), the community and law enforcement participants in combined groups were asked to describe what kinds of behavior, responses, and statements they would see if the police department and the community had a successful partnership.

- Citizens and law enforcement personnel working as partners with the intent of addressing challenges by working collaboratively to reach mutually acceptable solutions and agreements.

- Developing protocols that allow for consistent open lines of two-way communication between citizens and representatives of the police department at all levels (officers, managers, and police administrators)

- Customer service based on a law enforcement understanding of what the citizens want and expect from the Aurora Police Department.

- The police department will request and the citizen's will provide assistance when needed.

What about the current relationship needs to change in an attempt to create a successful partnership?

During phase two (law enforcement and citizen participants together), the community and law enforcement participants in combined groups were asked to describe what behaviors, responses, and statements must change if the community and police department is going to develop a successful partnership.

- Both groups believe that citizens should take greater ownership and responsibility for the safety of their community.

- Both groups state that the officers should be better trained regarding the community they serve.

- Both groups asked for more positive community/law enforcement interaction (especially with the youth)

- Citizens and law enforcement personnel should assume more of a non-judgmental position when evaluating each others' words and actions.

- The police department should provide opportunities for greater input from the community and advertise those opportunities so more people know what their options are

How do we *initiate/sustain* the change needed for a "successful partnership"?
Includes strategies for "Long Term Solutions"

During phase two (law enforcement and citizen participants together), the community and law enforcement participants in combined groups were asked to brainstorm ideas, strategies and concepts that they believe will lead to a sustained successful partnership.

- Develop a Task Force

- The Aurora Police Department should continue to actively recruit officers of color and expand their efforts by partnering with the community to improve their processes for identifying potential candidates.

- Both groups should strive to create opportunities for increased positive interaction. Example: The police department could host events similar to the "Pancake Breakfast" hosted by the Aurora Fire Department.

- Both groups identified a need to conduct "issues-based forums" or "focus group" type activities to identify and resolve smaller issues before they become larger problems in the community.

- Continue the community forums started with this project and include young people, communities that already support law enforcement and communities that presently do not support the Aurora Police Department.

- Expand the Citizens Police Academy to be more inclusive of those citizens that do not already support law enforcement

- Develop a strategy for working with the media to promote positive stories and get the word out about initiatives started here and in the future.

- Community leaders need to take the steps necessary to lead positive changes in the community.

- Develop an educational and training strategy that is designed to increase officer and citizen knowledge about each other. Example: educational seminars and literature for citizens informing them about what is expected of them when contacted by law enforcement and also explaining citizen rights. Officers should receive specialized training and education regarding community expectations.

Strategies "30 Day Jump Start"

During phase two (law enforcement and citizen participants together), the community and law enforcement participants in combined groups were asked to evaluate the ideas, strategies and concepts developed in their previous exercise (Initiating/sustaining successful partnership) and identify those activities that should form the basis for the first 30 days after receiving the workshop report.

- Create a task force or committee charged with the responsibility of beginning the process of creating change in both the Department and community. The task force should be diverse in terms of age, race, gender, economic status, and position within the Department and the community. The task force should be charged with the following: Identify the greatest opportunities for success, the greatest areas of future difficulties, develop a process for recruiting citizens and officers to become involved in this on-going effort, identify training and educational opportunities for both law enforcement and the community, assure that groups and individuals that should be included in this process are not left out, and create an action plan that includes long term objectives.

- Develop a list of key leaders and/or potential liaisons for different community contacts and identify citizens, law enforcement representatives and others at all levels who should be involved.

- Develop a strategy for engaging the media and generating positive press regarding future activities.

- Every participant should make contact with others that didn't attend these sessions and share their experiences from the sessions.

- Expand the KCRT group to be more inclusive of previously overlooked groups.

<u>Recommendations</u>

The recommendations contained in this report are based on a combination of major themes presented by the participants in the four workshop sessions and best practices for establishing and maintaining law enforcement and community relations throughout the country.

There are three primary recommendations and several supporting recommendations:

(1) Create a Community/Police Department Relationship Enhancement Task Force,

(2) Continue Community/Police Department Outreach Efforts and,

(3) Increase Education and Training Efforts for the Community and the Police Department.

1. Create a Community/Police Department Relationship Enhancement Task Force

A task force should be created with the specific intent of continuing the efforts initiated during the Community /Police Department workshops. The task force's core functions should be developing, implementing, monitoring and evaluating (community/police department/city) efforts at enhancing the relationship between

The City of Aurora citizens and police department. There are some key issues regarding task force development that should be considered:

a. The size and makeup of the task force is extremely important. Developers of the task force must balance the need for inclusiveness with the manageability of a large number of task force members. The membership must represent as many of the constituents in the city as possible without being so large that nothing can be accomplished.

b. The task force must be charged with a specific role and there must be a determination regarding the power that the task force has/or does not have to influence Departmental/city decisions.

c. Decisions must be made regarding the structure of the task force and the distribution of effort and responsibility. A significant question that must be addressed is "Will the task force be a single group or will there be a primary task force group with secondary workgroups addressing specific initiatives and issues?"

d. The task force's primary role should be that of catalyst, serving to move most of the citizen/police department/city efforts towards implementing the selected recommendations and new initiatives that develop over time.

   i. Create the guiding document needed to capture goals, objectives and strategic plans.

   ii. Coordinate a majority of the collaborative efforts used to support the achievement of the stated goals and objectives.

   iii. Serve as the primary vehicle for capturing and disseminating relevant information to interested parties.

2. Continue Community/ Police Department Outreach Efforts

The belief that there was a lack of quality communication between the police department and the community and the importance and need for ongoing two-way communication was a repeated theme throughout the four workshop sessions. To that end, we recommend that a "communication strategy" be developed and implemented as a major component of all outreach efforts. Elements of a communication strategy are included in the following recommendations.

- *Media engagement*-an effort should be made to approach and include the local print and news media as a primary stakeholder in all efforts to improve community/police department relations. Explore the possibility of using the city Public Access Channel "Aurora 8" to make announcements regarding new initiatives, meeting information, and when presenting educational information.

- *Evaluate current agency efforts to solicit information from the community regarding officer performance and other information* (complaint process, good job acknowledgment, crime witness reporting). Does the existing process allow for agency transparency with the community or is there a perception that the process is confusing, cumbersome and difficult to follow/understand? Are all agency efforts towards transparency successfully communicated to the public?

- *Conduct "town hall" type meetings throughout the city*, rotating the locations, times and days of the week in an effort to be as inclusive as possible. Also vary the intent of the meetings, some should be intended as informational with limited dialogue, others may be structured to solicit general or specific feedback from the community.

- *Reserve time on the agenda of existing non-law-enforcement meetings,* (neighborhood, civic organization, youth based) to discuss issues relating to community/police department relations.

- *The Aurora Police Department should experiment with methods of communicating information regarding their activities to the community.* (Example: making the Department's crime strategy meetings, known as CQT, open to the public.) Also employ the use of technology when available and appropriate.

- *Explore opportunities to create partnerships between the police department and other entities throughout the City of Aurora (school districts, civic organizations, faith-based organizations, community groups) with the intent of increasing non-enforcement contacts (pancake breakfasts or other meals, participate or attend a sporting event with youth) between police officers and youths/students, "at risk" community members (Hispanic, Korean, African American) and others.* (Example: A new PAL (Police Athletic League) boxing program was announced by one of the officers during session four (youth focused session).

- *Develop a long term strategy for successful officer recruitment of candidates representing all areas of the City of Aurora.* The police department should partner with other entities (faith based organizations, civic groups, neighborhood associations) throughout the city to assist them in identifying and recruiting potential candidates for employment with the city police department.

3. **Increase Education and Training Efforts for the Community and the Police Department**

Another major theme discussed throughout the four sessions was the lack of knowledge and accurate information the community has about their police department and that police department personnel has about some of the citizens of the City of Aurora. The general consensus was that to some degree, this lack of information allowed stereotypes to influence the perception that each group has about the other. Many of the workshop participants suggested strategies for reducing the influence of stereotypes and myths by increasing the overall knowledge that each group has about the other and their role in keeping the Aurora Community safe. There should be an on-going effort to enhance the community/ police department relationship by increasing the knowledge and understanding individual stakeholders have about each other, thus reducing misunderstanding and confusion.

- Develop a public education strategy designed to produce and disseminate meaningful information regarding police officer and citizen contacts or any other information that is important to the community/police department relationship. (Examples: (1) 411 on the Five-O pamphlet, (2) Public Service Announcements)

- Continue the Citizens Police Academy with increased efforts towards recruiting citizens from areas of the city that do not normally participate.

- Develop a process that allows citizen to review and provide input regarding Aurora Police Department officer training and education. (Recruit training, FTO training, In-service training)

Appendix A - Workshop Agenda

00:00- 00:15   Welcome

- Name tags, seating, coffee, water, etc.

00:15- 00:30   Introductions

- Facilitators, agenda review, logistics, ground rules, expectations

30:00- 45:00   Large Group Discussion

- What is your assessment of the nature of the relationship between the Aurora Police Department and the citizens of Aurora?

45:00- 55:00   Break

55:00- 01:10   Video

- Concerns of Young African American Drivers (Aurora Police Department)

01:10- 01:40   Video Debrief/ Large Group Discussion

- Participant reaction to the video

- Participant response to the statements made by the police officers and citizens in the video.

01:40- 02:00   Small Group Activities

- What kind of law enforcement/citizen relationship do you want between the Aurora PD and the citizen's of Aurora?

02:00- 02:30   Working Lunch/ Session One Review

- Nature of relationship

- Response to video presentation

- Desired relationship

02:30- 02:50   Large Group Discussion

- Define "Successful Partnership" - What would a successful law enforcement/citizen partnership look like in Aurora?

02:50- 03:10   Small Group Activities

Appendix A - Workshop Agenda (continued)

- What about the current relationship needs to change in an attempt to create a successful partnership?

03:10- 03:30   Small Group Activities

- How do we (*initiate*/*sustain*) the change needed for a "successful partnership"?

- Strategies ("30 Day Jump Start", "Strategies for Long Term Solutions")

03:30- 03:40   Small Group Activities

- Who should be involved in the change (individuals, groups, organizations)?

- Who will make personal and/or organizational commitments?

03:40- 4:00   Workshop Close out

- Re-cap

- What's next

Appendix B - Participant Comments

The listed comments were taken from the evaluations completed by attendees at the May 7, 8 and 9 community forums. Evaluation sheets were not done at the Youth session on May 10th. Overall, each category was rated between a 4 and 5 by the participants. There were very few low scores given. Many people felt the video was too staged and the responses scripted. Not all comments about the video are listed.

About 350 people attended the four sessions; not all completed evaluations.

- Controlled to such a large extent that useful dialogue was obstructed.

- Need more time; we just barely scratched the surface

- Until Bill Johnson arrived, my fear is nothing would be done beyond these workshops. Need more citizen academies to educate citizens.

- Although I did not have any responses below a 4, I think this forum was productive and I would like to see the forum progress in some form. Definitely need facilitators who will keep things moving!

- Good information; I would like to be involved.

- A great start. Showed need for further dialogue and concrete solutions and strategies that are directed at the youth.

- Let's keep going!

- This seemed like African American vs. the police. Aurora is a large diverse community but was not included tonight. Broaden demographics.

- Good workshop. Great beginning to bring people together of all cultures.

- Too many people were centered on their own unbending agenda and not willing to listen to others. I thought the video was slanted toward a negative police contact and not all contacts are negative.

- I believe this was a useful, powerful ignited beginning. I look forward to the ongoing results and collaboration.

- I am excited to be a part of this program. Thanks to Chief Oates and the others who presented the forum.

- I think you need more people representing the citizens of Aurora, not only Blacks.

- Any citizen/officer contact at this level is beneficial. If this workshop did nothing beyond introducing the people in this room, it was worth it.

- The video took a while to watch. The points should be made more quickly to allow time for discussion.

- Very good, I hope this works…we shall see.

- Good workshop.

- The efforts of the Aurora Police Department in this proactive approach to community/police interaction are a positive step toward better understanding between citizens and police. Thanks so much.

- The video does not provide any new or useful information for the officers.

- The forum has the possibilities for a paradigm shift in community and police relations. As a police officer and resident, I am encouraged by the investment we are making through these discussions.

- Conceding to letting the media in was wrong. If the media was unbiased it would not be a problem. But since they aren't, I think it caused people to be cautious about what was said. The video doesn't really explain why each side feels what they feel. The forum is a good idea, but you have to have people with an open mind to be willing to change and not everyone in the room is willing to do so.

- As expected, the community members have the same goals we do…cooperation in providing community support and enforcement of laws.

- Until the community collectively comes together to explain what they want, the police department will not adapt to their needs. The community needs to be made aware of the programs presently in place.

- No substantive information about the basis for the assessment (I think assumptions were valid). No meaningful development of subject. No specific activities identified with opportunity to "sign up".

- Didn't care for meeting facility. How about some place else? I did like the forums, thought it was educational and a step towards progress.

- The video was okay…provided a point to start, but I don't think traffic stops is the main issue.

- Good, open honest dialogue. I think people are open to commitment to change.

- I think more time in the smaller groups discussing issues would be good.

- Awesome program and it needs to be implemented in other cities or on a county level.

- Generally, not enough time to cover all the issues.

- No opinions changed. Activists still hate whites and police; he wanted to use the forum for his own agenda. Mostly, police were very defensive towards negative comments made about the police.

- Everyone seemed to want to discuss their points of view and not listen to others.

- The use of the video seemed to perpetuate myths about young black males and the way officers view them.

- Why was this workshop geared towards officers vs. African Americans? Where was the Hispanic community?

- A very good start; thanks for the opportunity.

- The same people that dominate the news took over this meeting. I read their views in the paper every day and did not need to hear them say the same things over and over. They have no solutions, just the same complaints.

- I don't think the police officers have a sincere desire to really have a meaningful partnership with the community. It was stated by one of the officers on more than one occasion.

- This was very useful for the officers/community to see and talk to each other as people and not in an official capacity.

- There are certain members of the community that will not be satisfied with any solutions that are useful and feasible.

- There should be a personal commitment of activists and citizen leaders and police leaders to developing trust over the years.

- Need more members of various backgrounds from the community.

- The media taking notes was a distraction and likely kept some from speaking.

- Overall, this was helpful. Something like this could be done on a smaller scale more often. I am absolutely opposed to the media being present; especially biased media…does not foster openness.

- I think you need more sessions of the Aurora Citizens Academy. Maybe have a Youth Citizens Academy.

- Wonderful idea. Highly educational. Well done!

- It's a positive step in bridging the gap between community and the police.

- The video seemed staged and reinforced stereotypes.

- I learned a lot about the APD that I did not know.

- Would like to have had deeper discussion on these issues.

- It seems to be all good, but once the meeting is over it will be forgotten. I will myself pass this information forward.

- Good information to take back to the community.

- Citizen group seemed too much connected to City…pro-police. Our biggest critics were conspicuously absent.

- The concept of forum meetings is very good. There should be more time allotted to smaller groups. There was at times not enough time for concerns to be heard.

- The problem that I saw with this type of meeting was that there was so many ideas/opinions that at times there was no consolidation or compromise for future actions.

- The goal for the overall purpose of this dialogue was not yet narrowed down to "specific and measurable". It will be interesting to see what the follow-up groups will identify as being the most important.

- Great initial dialogue, thorough and very worthwhile. Thank you.

- 30-day jumpstart is unreasonable.

- Aurora has many excellent programs in place. The group got off track.

- I believe most people are aware of what the relationship is. The important part is what they do with the information.

- Would like to see more time to brainstorm real practical ideas to reach out to the community. Would also like to engage more young people in the process.

- The video seemed too constructed. I would like to hear live personal experiences.

- This was a very well spent day. I got a lot from the forum.

- I enjoyed the whole meeting. The food was great and the company wonderful.

- The people that really needed to be here were not here. We have to get young people to want to be here. We need to find the "true leaders" of the minority community.

- The forums need to continue and recommendations put into action throughout the year.

- I had difficulty understanding what the forums were intended to do.

- We did not discuss video/race issues or why the department's racial composition is what it is. It is not representative of the community. How can we fix it?

- The forum was excellent.

- The video message, in every one of the youth interviewed, is lack of accepting responsibility for their actions.

- I think getting a smaller group to follow-up with us on setting up groups is important to implementing the plan.

- Let's move forward with more meetings and activities to promote police and community interaction.

- Facilitator should not chew gum!

- Solve world peace, hunger and the sinful heart issues we are born with and you could resolve this issue.

- Hearing a few officers voice their assessment and what's in their heart is more meaningful.

- Communication, respect and education is needed both ways.

- No diversity in the video.

- I did not like the video. It perpetuates a problem that is only "perceived".

- Many people involved have their own personal opinions that they gained through their own upbringing. Some people will be accepting to changing their opinions and some will dwell on past issues.

- Some came to this meeting with an opinion and no solutions. They wanted to argue, not work together.

- Thank you to the Department for being brave and upfront with their community. I will do all I have to do to make my City better.

- We each choose whether to be the problem or the solution.

- Good structure and good facilitation. Opening activity resulted in too much "story telling". It might be useful to have some data to balance the stories.

- Perhaps an additional ground rule: Time limits would provide opportunity for greater participation. A few individuals dominated.

- We need civic classes with projects in the school and community.

- Good session and good dialogue.

- Overall good. However, there was not enough time for the discussions.

- The discussion was very insightful, but I am uncertain what opportunity I was given to become more active.

- I am tired of hearing how badly the Blacks are being treated. Change begins in your own heart.

- Mixed feeling about the video. To make this endeavor successful, i.e. workshop must result with a "dynamic force of example".

- More time for the large group discussion is needed. Everyone wants to get their 2 cents worth.

- It would have been more productive if everyone came with an open mind and willing to communicate rather than promoting their personal agendas.

- Getting the community involved in crime prevention by making it safe to talk with the police instead of being involved after the crime. The group processes need more structure. Some people were allowed to control and promote their personal views.

Report of the Consent Decree Monitor
For the Third and Fourth Quarters of 2015
Issued February 26, 2016

Office of the Consent Decree Monitor
New Orleans, Louisiana
Sheppard Mullin Richter & Hampton, LLP
Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana

XII.   POLICING FREE OF GENDER BIAS

    A.   Special Victims Section Assessment

        1.   Introduction

The Monitoring Team evaluated a representative sample of cases investigated by the sex crimes section of the NOPD Special Victims Section ("SVS") between May and August, 2015. Our assessment covered 30% of the 111 cases completed during those months, as reported by the NOPD. Our assessment was conducted onsite, in the new NOPD SVS offices, located in the New Orleans Family Justice Center ("NOFJC"). The NOFJC is a partnership of agencies dedicated to ending violence through prevention and coordinated response to victims. The NOFJC provides comprehensive client-centered, empowerment services in a single location. The SVS sexual assault investigators and domestic violence detectives are now co-located in the offices of the NOFJC.

The Monitoring Team randomly selected the 33 cases for review this period. Because one of the originally selected cases was not an SVS case (due to a transposed number), our final assessment included findings in 32 cases. We used a 35-item checklist to conduct the assessment, a copy of which is attached to this report as Attachment 1. The NOPD cooperated fully in our assessment and exhibited a sincere interest in learning from our findings and correcting identified deficiencies.

        2.   Overview

The SVS continues to adjust to a number of recent changes, including a new NOFJC office location, several newly assigned detectives, a new supervisor, and a number of new practices designed to correct past investigative deficiencies. These changes have been positive, and the Monitoring Team has seen ***significant improvements*** in the way the SVS conducts its work. For example, an investigator's "Case File Index" checklist now is included in each case file to guide the investigator throughout the investigation and assist the SVS supervisor in ensuring the case was sufficiently investigated and properly documented. As in most situations involving significant changes, however, it takes time for changes to be firmly institutionalized. Such is the case with SVS. And while progress has been made, much work still needs to be done. For example, though most SVS investigation files included the required Case File Index, in several cases the index was under-utilized and some documentation of the completed investigation was missing.

Similar stories could be told with respect to other SVS requirements. Fortunately, the SVS's new leadership clearly is working hard to remedy the Unit's shortcomings, and is making progress. Further, SVS's leadership has been extremely responsive to the Monitoring Team's preliminary findings. Each instance of noncompliance was brought to the attention of the new

SVS commander who promptly set out to take corrective action. The Monitoring Team will continue conducting periodic assessments until we are convinced the new procedures are embraced and consistently practiced by every member of the SVS team.

3.   Findings

The Monitoring Team's assessment found the SVS in full or near full compliance with five of the 35 elements of our assessment checklist. These include the following items:

- Question #4 – Is there a Major Offense Report Form in the case file?

- Question #7 – Is there evidence of attention to the victim's needs?

- Question #30 – Did the Detective utilize the Case File Index from nopd.org?

- Question #32- Was there a documented authorization for a Signal change, if required?

- Question #33- Is there documented supervisory review of reports and dispositions?

Notwithstanding these positive developments, as indicated below, SVS's success in implementing Consent Decree requirements was less consistent in other areas.

a.   Supplemental Reports

A properly prepared case supplemental report should document the steps completed in the follow-up investigation. Supplemental reports provide the supervisor with the necessary information to determine whether the case was properly and satisfactorily investigated. A supplemental report should document, for example, whether the case remains open or closed, whether a warrant was initiated or served, and whether all leads were followed sufficiently to determine whether spending additional time on the investigation is warranted. When supplemental reports are not included in the case file, supervisors (and the Monitoring Team) waste substantial time verifying all required victim or witness interviews occurred and that all investigative steps were completed. Use of the Case File Index will help ensure the investigations are thorough and the case files complete in every SVS case file prior to supervisors approving the investigation.

As reflected in the chart below, in 11 of the cases we reviewed (34%) a supplement either was not written or was not available in the case file.

5. Is there a Supplemental Report?

- Not Applicable 3%
- Noncompliant 34%
- Compliant 63%
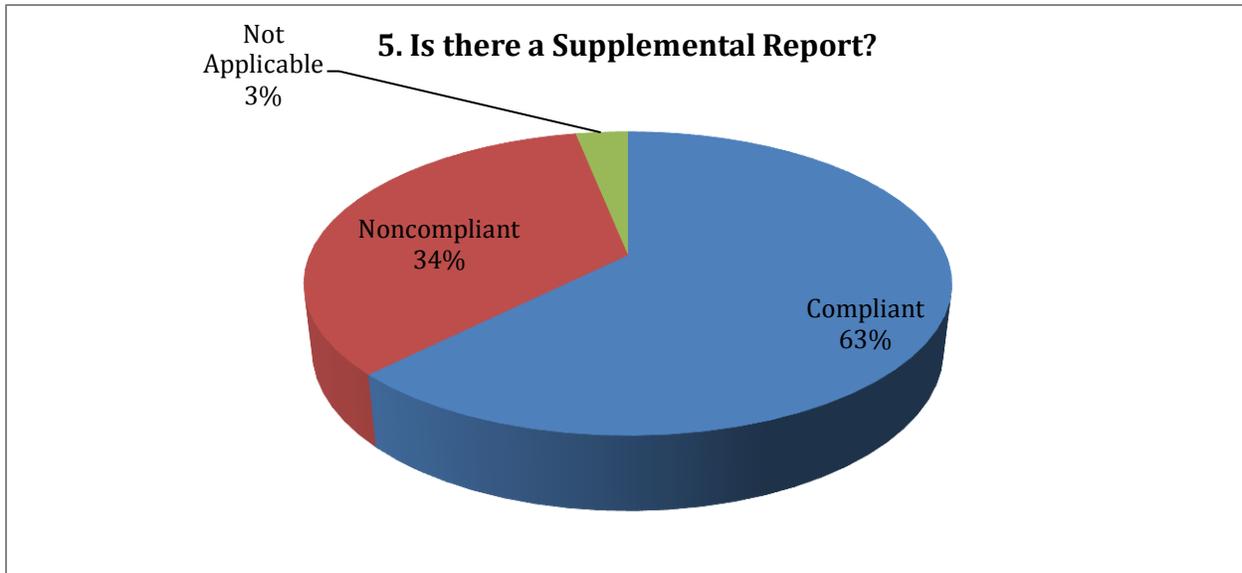
An SVS supervisor eventually was able to locate five supplements for 2015. This follow-up response during the audit improved the number of cases where a supplement was available in the case file to 26 of the 32 cases (81%).

Following the Monitoring Team's assessment, NOPD re-assigned one case for a follow-up investigation due to no supplemental report in the file.[10] The remaining five cases had been properly investigated and either were closed by arrest, had problems with the victim's identity or credibility, or were closed by exception. Each needed only to be supplemented, with information already documented in a Major Offense Report Form ("MORF") or an incident report, to complete the file. These are NOT cases where the NOPD failed to conduct a follow-up investigation.

b.   Victim Statements

As reflected in the chart below, in seven cases (22%) no victim statement was in the file. Four of the files indicated a statement had been taken, but no statement was available for review by the supervisor or the Monitoring Team. In three of these cases it was unknown whether a preliminary statement had been taken.

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[10]   The Monitoring Team followed-up with NOPD, and found the assigned investigator had obtained an arrest warrant for the offender. The case still was open, pending the arrest of the wanted subject.

6. Is there a victim statement (video, audio, or transcribed)?
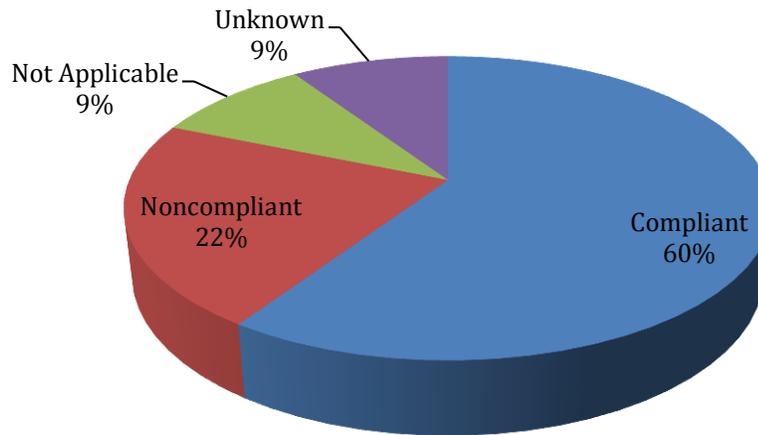
Sexual assault investigations typically include both a preliminary and a follow-up interview of the victim. The results of our assessment indicate some investigators either are not routinely documenting their preliminary victim interviews, or are not including the recording in the case file. When a file is incomplete, supervisors are unable to assess fully the quality of the investigation. In some cases, an audio statement was taken, but the recording was not included in the file. SVS investigators and supervisors now are utilizing the case checklist to improve the collection of all pertinent investigative evidence.

c.   Follow-Up Interview

The case file checklist now requires the supervisor to ensure a follow-up interview is documented and included in the case file. As a result of our work in this area, the Monitoring Team discovered a minor problem, which we brought to the attention of the SVS commander. We expect the problem to be corrected with improved use of the case file checklist and supervisory reviews with Command-level signatures.

As reflected in the chart below, there were only two cases (6%) lacking documentation of a follow-up interview of the victim after the initial preliminary investigation. In one of these cases, the detective stated in a supplemental report she would look for surveillance video recordings, but the file did not contain a subsequent supplemental report as to whether this was done. Another case involved an on-line sexual predator who violated his probation. The initial report did not identify a victim. This case should have been supplemented if the follow-up investigator was unable to determine the identity of the victim.

8. Was there a follow-up interview after the initial on-scene investigation?

Unknown
6%

Not Applicable
31%

Compliant
57%

Noncompliant
6%
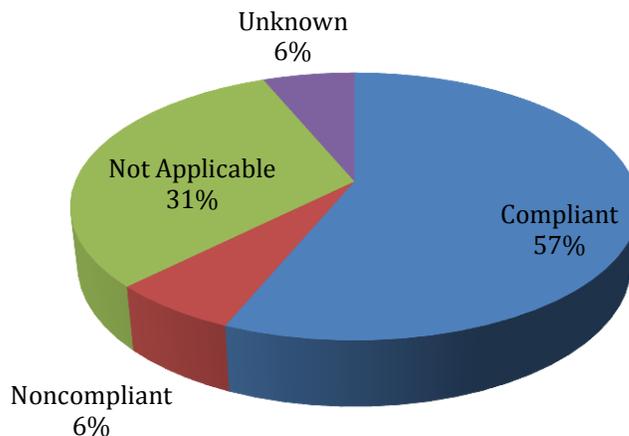
Investigators always should arrange for equipment to record follow-up interviews so they may focus on listening, as indicated in the SVS Standard Operating Procedures. When victim statements are recorded, a supervisor is better able to assess the quality of the interview and determine whether the investigator utilized proper interview strategies and was empathetic with the victim(s). The case file checklist now requires the supervisor ensure a follow-up interview is documented and included in the case file.

d.   Documented Witness Statement

In response to Question #10 (Are there documented witness statements?), the Monitoring Team identified four cases where we expected to find documented witness video, audio or transcribed statements. The results of our assessment are presented in the chart below:

10. Are there documented witness (video, audio, or transcribed) statements?

- Unknown 3%
- Compliant 37%
- Noncompliant 13%
- Not Applicable 47%
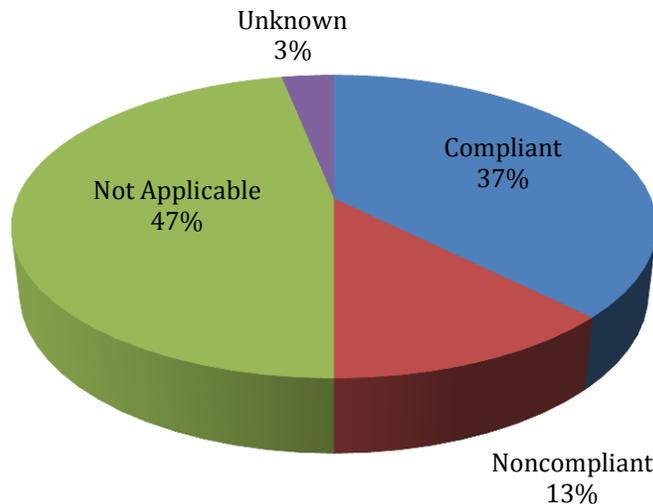
As required in the SVS Standard Operating Procedures, investigators should identify and interview potential witnesses, bearing in mind there may be multiple crime scenes. It is especially important that the investigator identify and interview the first person the victim told about the assault. Investigators also should interview witnesses who might have seen or spoken with the victim before, during, or after the assault. These statements must be documented and included in the case file. The documentation aids in the investigation, assists the supervisor in determining whether the investigation is being handled properly, and assists the District Attorney should there be criminal proceedings. The Monitoring Team's review indicates a need for improvement in obtaining witness statements and ensuring they are included in the case files.

As a result of the findings in Question #10 (and Questions #27 and #28, dealing with a surveillance video canvas and witness canvasses), the SVS commander has instructed detectives assigned to the SVS to ensure witness canvasses and searches for surveillance videos are performed in every case with the potential for finding additional evidence, and the results of those canvasses are to be documented in a supplemental report.

e.   Documentation of Search for Video

There were five non-compliant case file responses to Question #27, which assesses whether investigators documented whether they searched for surveillance videos.

**27. Is there documentation of a search of surveillance video?**
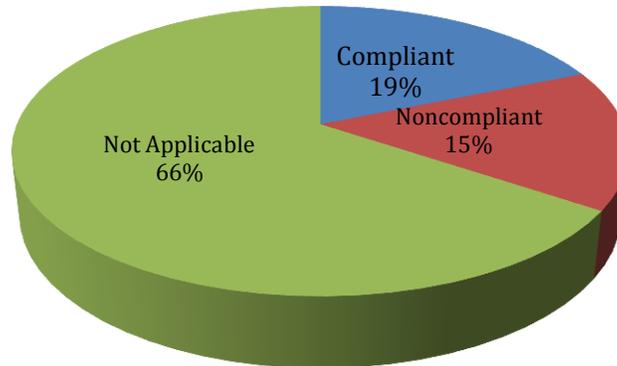
As a result of these findings, the Monitoring Team met with the SVS commander concerning cases where it was evident a witness canvas or a search for a video recording could have aided in the investigation. In one example, a victim was sexually assaulted on Canal Street where it is well known there are many available surveillance cameras. In the five non-compliant cases, the file contained no indication of a witness canvas or a search for videos. Upon being informed of our findings, the SVS commander made it clear to his investigators a complete investigation requires a search for video evidence – particularly where it is evident surveillance video could be helpful to the investigation.

f.   Documentation of Witness Canvas

There were six non-compliant case file responses to the Monitoring Team's Question #28, which assessed whether investigators are documenting their witness canvases. The results of our review are presented in the chart below.

28. Is there documented evidence of a witness canvas?

- Compliant 25%
- Noncompliant 19%
- Not Applicable 56%
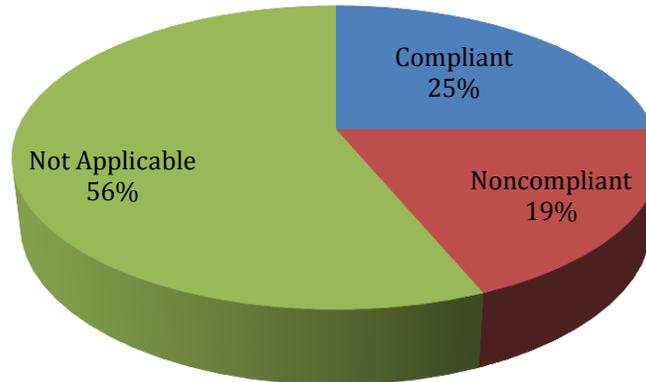
Investigators are required to identify and follow-up "leads," including identifying potential witnesses. In the non-compliant cases in this audit, it was clear the investigator either became solely focused on the victim or did not pursue additional investigation into witnesses. Even if no witnesses are identified, all investigative steps taken to locate witnesses should be clearly documented in a supplement report. These cases should be investigated as if the detective were investigating a homicide. As the current SVS commander has instructed, NOPD requires a full "horizontal" and "vertical" investigation, with any potential evidence located and documented, including witness canvasses.

g.   Documentation of MOTION Usage

A competent investigator also should document his or her checks of a suspect's criminal history. MOTION is an acronym for the Metropolitan Orleans Total Information Online Network – an online criminal history system. In ten of the cases the Monitoring Team reviewed, the documents were located in the file. In another ten cases (31%), however, the Monitoring Team was unable to verify that this aspect of the investigation took place.

14. Is there documentation of MOTION/Coplink usage?
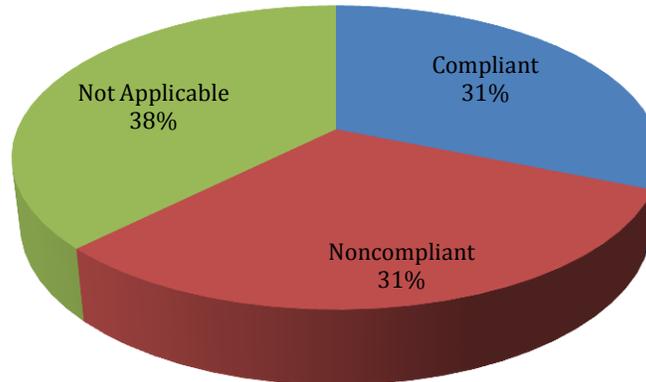
If the MOTIONS documents are not in the file, the supervisor cannot confirm the investigator adequately searched for a suspect or checked his/her criminal history, if the suspect is identified. A case file is incomplete without verification of a suspect's criminal history.

In some cases reviewed, a warrant was initiated for a suspect, but there was no indication in the file of the suspect's criminal history, if any. This is not only critical information for the case file, but also important information for the supervisors to determine whether additional resources must be used to improve the possibility of an apprehension. Though the MOTION section is on the Case File Index, it has been under-utilized by investigators. Our review found that some cases were signed as complete without the criminal history block being checked. The SVS commander and the CID Commander must both sign to indicate approval on the SVS Investigative Case File Index for each case. This is being corrected by SVS and additional supervisory over-sight is being provided in this area.

h.   Documentation of Referral

Question #16 of the Monitoring Team's checklist asks if there is a medical or a Sexual Assault Nurse Evaluation (SANE) report in the files. In 17 (53%) of the cases reviewed, this question was not applicable. In 12 cases (representing 38% of the cases where a report was expected), one was included. In 3 cases (9%), the SANE or medical report was not in the file. It is probable that if a SANE report is mentioned in the supplement, it likely is available in hospital records and was never placed in the case file. The complete file should include a copy of the documentation.

i.   Referral to NOFJC

In August 2015, the SVS sex crimes unit relocated its offices to the New Orleans Family Justice Center, where the domestic violence detectives are also located. This co-location has enhanced the relationship with advocates and professionals trained to assist sexual assault victims and child victims during and following a sexual assault investigation. Our review of cases covered a period before this co-location occurred. As the below pie chart indicates, in six cases (19%), neither the incident nor the supplement report indicated a referral to the NOFJC or implied a referral of advocacy without mentioning the NOFJC. Officers and investigators are instructed specifically to document in their reports that victims were referred to the NOFJC.

**17. Is there a documented referral to NOFJC staff?**
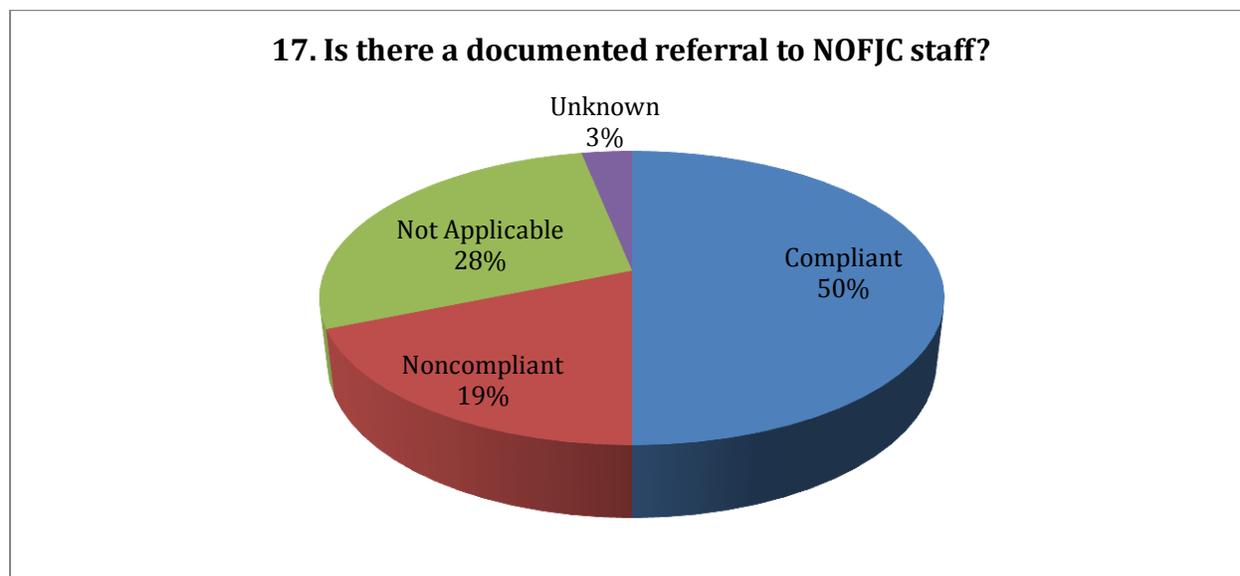
The current SVS policy requires investigators to refer all sexual assault victims to the NOFJC. Based upon frequent (and ongoing) conversations with the SVS commander, the Monitoring Team is optimistic NOPD will be in full compliance with the referral requirements now that the unit is co-located with NOFJC

j.   Evidence and Property Receipts

The SVS case files the Monitoring Team reviewed were *generally in compliance* with the Consent Decree requirements regarding documenting evidence collection in the case file report (Q # 23). Pursuant to NOPD policy, all recovered physical evidence is to be delivered to NOPD Central Evidence and Property Section, recorded in the Sections computer system, and a receipt generated. A copy of the receipt should be included in the case file. However, the below chart indicates that of 32 cases reviewed, there were six cases (19%) where the evidence receipts themselves were not located in the file.

24. Was evidence submitted with evidence and property receipts?

- Unknown 6%
- Not Applicable 13%
- Noncompliant 19%
- Compliant 62%
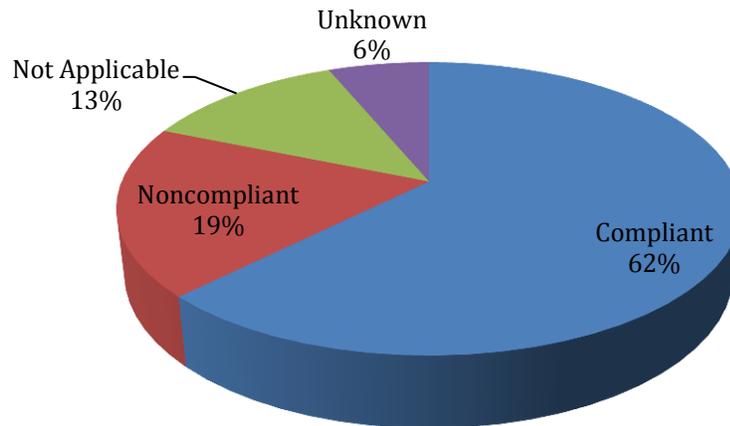
The Monitoring Team raised these findings with SVS leadership, who agreed documentation of evidence submission is an important item to include in a file.

4.   Conclusion

The Monitoring Team's assessment demonstrates the NOPD SVS *has improved* from its prior state. While the SVS obviously and sadly struggled through the first 18 months of the Consent Decree, the unit finally seems to be on the right track. The Monitoring Team credits much of the recent improvement to the stable and effective leadership of the unit's new commander and the NOPD Compliance Bureau.

A new SVS policy, which officially went into effect January 3, 2016, has been followed for the most part in recent months. This new policy, combined with enhanced staffing, an investigative checklist, improved case tracking and case management systems, and improved training coupled with NOFJC partnerships is reflected in the improved investigations and strengthened victim-centered approach that is more evident in recent case investigations we reviewed.

One of the more unfortunate consequences of dealing with poor and incomplete investigations under the prior SVS management is that when deficiencies are discovered in review of older investigations they must be re-assigned and those investigative efforts take away from hours spent on in-coming investigations. Not only do SVS detectives continue to follow-up on old cases that were left incomplete, but the Special Task Force created as a result of the 2014 OIG report on SVS deficiencies, continues to use Second District detectives to investigate cases from 2011 and 2012.

The NOPD has an excellent opportunity to have an SVS that is guided by best practices and by the requirements of the Consent Decree, and to provide all victims with a victim-centered approach and thorough investigations. The clearly-stated position of NOPD's current SVS leadership that all cases must be fully investigated, coupled with the new resources provided by the NOFJC, provide the framework for a successful unit. Under the current SVS leadership, the Monitoring Team believes the SVS is on-track and working effectively and commendably to address deficiencies noted herein and those previously identified by the New Orleans Office of Inspector General. Stability and conscientiousness in the unit's leadership is the key to their recent progress and the key to their future success.

B.   Domestic Violence Unit Assessment

1.   Methodology

The Monitoring Team evaluated 27 randomly selected DVU case files covering the period May through August 2015. This sample represents 30% of the 90 cases assigned to DVU detectives during those months, as reported by the NOPD. The assessment was conducted primarily in the offices of the Domestic Violence Unit ("DVU"), which is housed in the New Orleans Family Justice Center ("NOFJC"). The 32-question checklist that guided our assessment is attached to this Report as Attachment 2. As with our other assessments, NOPD generally, and newly-appointed Commander Doug Eckert and his staff specifically, were fully cooperative throughout our assessment. The NOPD Compliance Bureau also cooperated in our assessment. Finally, the Orleans Parish District Attorney's Office provided invaluable assistance throughout our assessment.

2.   Findings

The Monitoring Team's assessment found NOPD to be in *full or near full compliance with several requirements of the Consent Decree*, including the following:

- Documentation of the investigator's attempts to locate victims;

- Investigator's and supervisor's reviews of BWC recordings;

- Elements of the crime supporting the actual charges;

- When there was documented evidence of the potential risk to a victim, follow-up action occurred providing safety and/or protection advice;

- There was no use of a "dual arrest" in any of the cases;

- When strangulation was noted, appropriate documentation occurred;

- Warrants were sought when appropriate;

- Generally, initial investigations were professional and pro-active;

- Generally, follow-up investigations were professional and pro-active;

- Supervisory review and approvals were evident on all reports; and

- There were no indications of a department employee, sworn officers or public figure involvement which required additional documentation and notifications.

Other areas, however, as discussed below, *still need additional effort by NOPD*.

a.   Incident Reports

An incident report from the initial responder was initially located in 25 (93%) of the 27 case files.

1. Is there an incident report in the file?
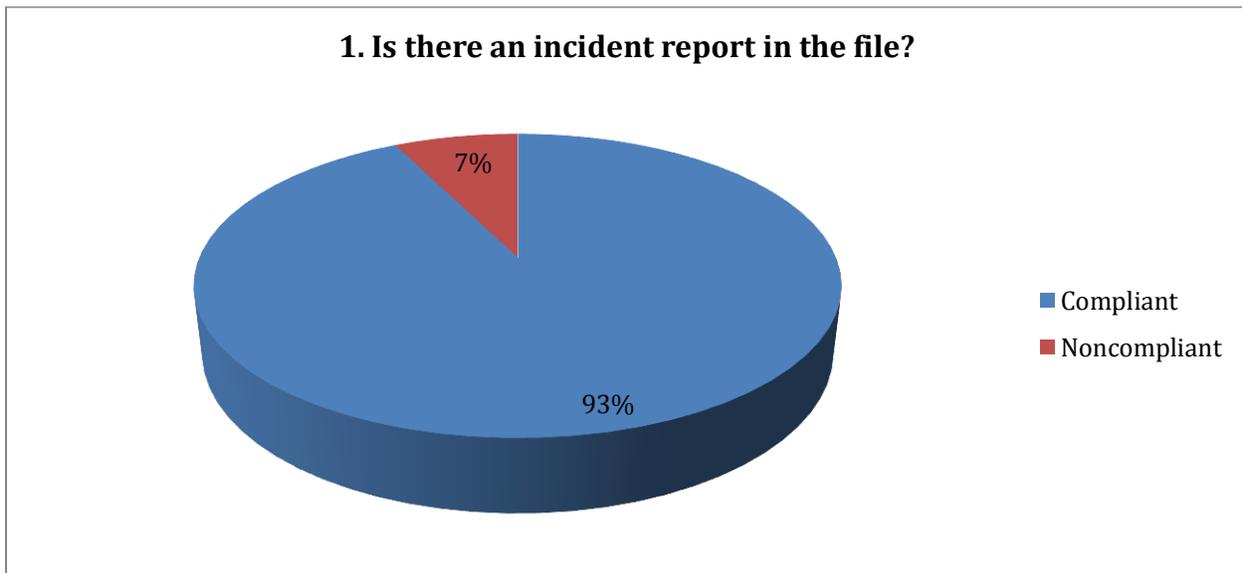
Importantly, a DVU supervisor was able to locate the remaining two incident reports to complete the audit with *100% compliance* in all audited files. The incident report is important information for the investigator to review as part of his/her follow-up investigation.

b.   Contact With Victim

The Monitoring Team looked for documentation that the investigator made contact with the victim within one week of the DV incident, or within a reasonable period based on the circumstances. Ideally, a detective will re-contact a victim within a day or two of the domestic violence incident; however, volumes of calls and other assignments often cause a more delayed follow-up. As depicted in the below chart, DVU detectives are doing a reasonable job in re-contacting the victim within one week, doing so in 93% of the cases reviewed.

5. Is there documentation of the investigator making contact with the victim within one week of the DV incident, or within a reasonable period based on the circumstances?
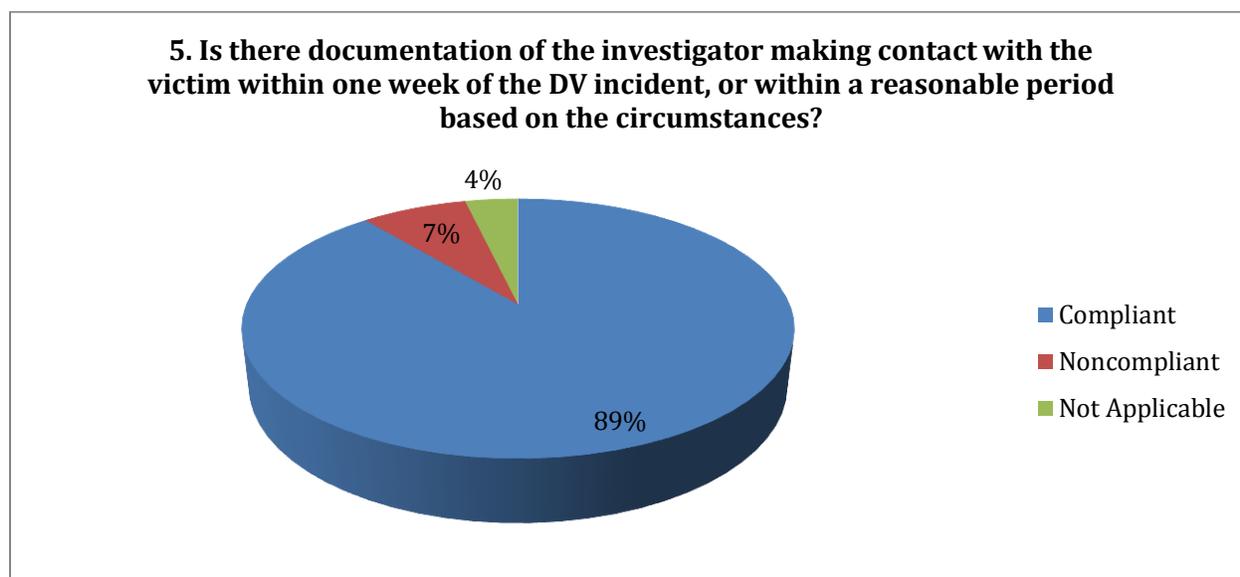
Even though the DVU is clearly under-staffed,[11] they are doing a reasonably good job re-contacting domestic violence victims within a reasonable period of time. The DVU is making every effort to re-contact victims as soon as possible, and generally within one week of the domestic incident. Clearly, additional assigned investigators would reduce each detective's workload and make this requirement easier to complete.

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[11]   The Consent Decree requires the Domestic Violence Unit to be sufficiently staffed. Per Consent Decree paragraph 218, NOPD must "assign sufficient staff to the DVU at the NOFCJ to permit detectives to review, on a weekly basis, District-level reports on incidents of domestic violence, for the purpose of identifying training needs and tracking the District's response to domestic violence." The Consent Decree goes on to require "sufficient staff to conduct appropriate follow-up investigation on felony offenses…," and "sufficient detectives … based on the calls for service." ***The Monitoring Team does not believe NOPD's current DVU staffing allocation is sufficient.***

c.   Criminal History

The Monitoring Team looked for documentation in the file of the offender's "criminal history" or a "past history" check by either patrol or the investigator. As depicted in the chart below, in 56% of the audited cases, the Monitoring Team found documentation of a criminal history check or documentation detailing the domestic violence history of the assailant. This information is important for accurately understanding the relationship history and whether the violence is continuing and/or growing in intensity.

9. Is there documentation in the file of the offender's "criminal history" or a "past history" check by either patrol or the investigator?
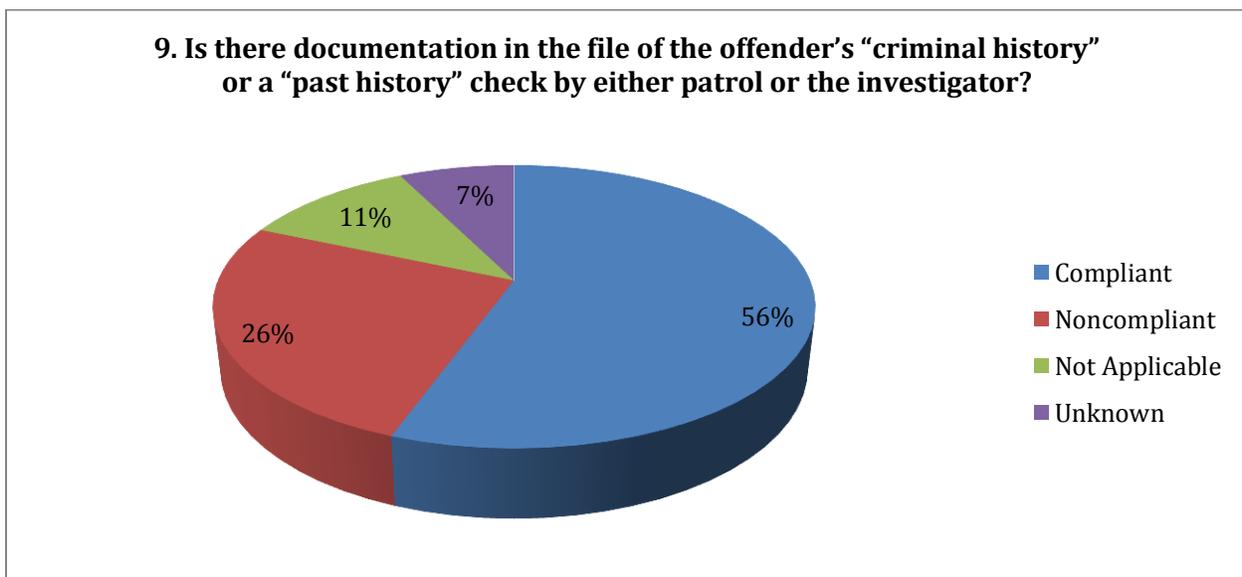
In 26% of the cases, the Monitoring Team was unable to determine whether a criminal history or "past history" check was made by the initial officer or the investigator. Without this information in the file, the supervisor approving the content of the investigation is not receiving the full picture. The investigators must be more diligent in ensuring these checks are completed, documented, and available in the file for supervisory review. The DVU is now utilizing a case file check list that will allow the investigator and supervisor to verify all elements of the investigation are complete.

d.   Risk Assessment

DVU detectives are required to review a victim's response to four critical risk questions included in the patrol officer's report. Per NOPD policy, these questions are to be asked by the preliminary investigator if any intimate partner, family, or household member alleges violence was used against them or a crime was committed against them. If these questions and answers are not documented in the original case report, they should be addressed and documented in the detective's supplement. The four risk questions are as follows:

1. Do you think he/she will seriously injure or kill you, your children or someone else close to you?

    a. What makes you think so?

    b. What makes you think not?

2. How frequently does he/she intimidate, threaten or assault you?

    a. Is it changing?

    b. Getting worse?

    c. Getting better?

3. Describe the time you were most frightened or injured by him/her?

4. Have you ever been threatened or intimidated by the other party/parties for seeking help or attempting to seek help from law enforcement, the courts or others? If so,

    a. Who threatened you?

    b. When was the threat made?

    c. Describe the nature of the threat

    d. Was a weapon used?

    As depicted in the below chart, patrol officers documented the four risk questions in their initial reports 78% of the time, and in most cases when they did not document the risk questions, the questions were addressed in a supplement by the DVU detective. These questions are obviously important indicators of the seriousness of the domestic violence situation and abuse history.

10. Is there a victim Risk Assessment documented by patrol?
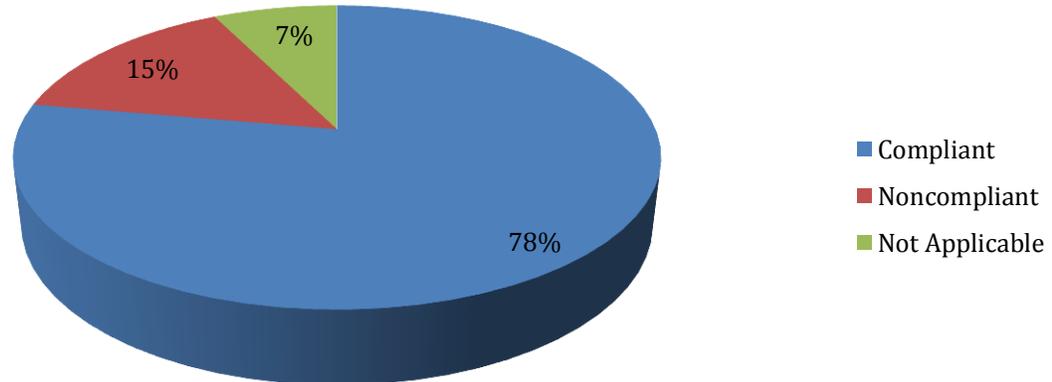
The DV policy was officially issued on April 5, 2015 and training on this requirement is being conducted in in-service training. The Monitoring Team observed NOPD's adherence to the requirements in the DV policy improve as the months progressed, as additional officers were trained, and as this particular requirement was enforced by supervisors and re-iterated by DVU detectives while approving patrol reports.

e.   Victim/Witness Statements

As depicted in the below chart, there were only 3 cases (11%) where the victim or witness statements were not located in the case files. The DVU often relies on video statements and there are fewer written victim/witness statements since the deployment of BWC's. In the majority of patrol response cases the officer relied on the BWC to document statements by the victim. The DA's office is using the BWC's effectively for case prosecution and their use has positively impacted prosecution.

23. Are there any victim/witness statements documented in the case file?
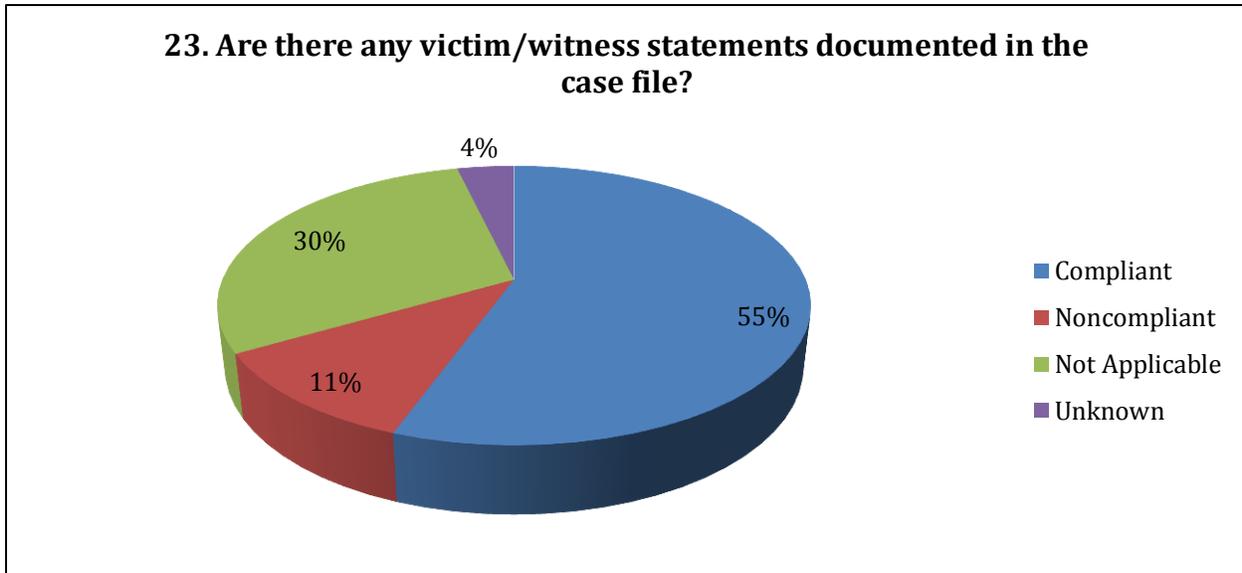
In cases where a written statement is not documented by the preliminary investigator, it is important that detectives review and document what is stated in the BWC recording. By documenting victim statements or placing a recording in the file, a supervisor and the DA reviewing the case will have a better overall picture of the details of the crime.

f.   Follow-Up Statements

As depicted in the chart below, the Monitoring Team identified five cases (19%) where there was either no documentation or no recording of the victim follow-up statements. In 9 of the 14 cases where a follow-up statement was expected the detective documented in a supplement what the victim stated on the BWC. The documentation is important for case review by supervisors. It would be difficult for a supervisor to review all BWCs for each domestic violence case assigned.

24. Is there documentation of or actual recordings of victim follow-up statements in the file?
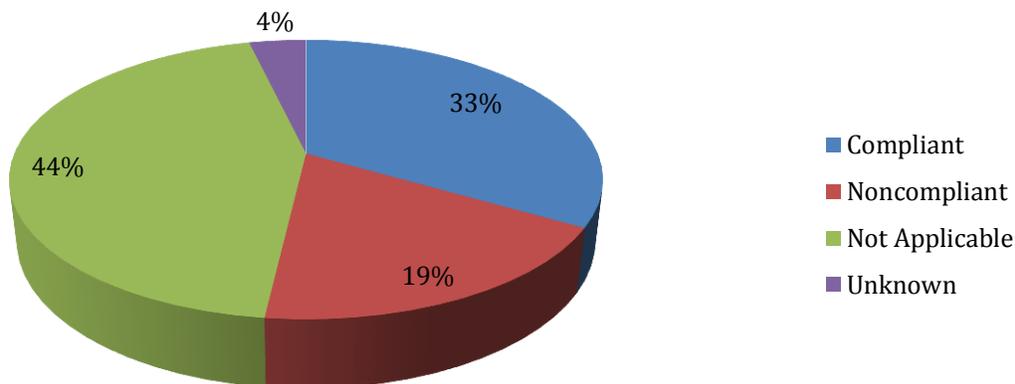
By documenting victim statements or placing a recording in the file, a supervisor and the DA reviewing the case will have a better overall picture of the details of the crime. These requirements were added to the new checklist to be used by detectives and supervisors to aid in determining whether the case file and investigation are complete.

3. Conclusion

The Domestic Violence Unit is well supervised under the leadership of its current supervisor, who has been a solid and persistent leader since the Monitoring Team began monitoring the unit over 28 months ago. The sergeant can be found in his office very early in the morning reviewing reports and responding to e-mails about case investigations. In the Monitoring Team's view, he is dedicated to improving the DVU and has proven himself to be a true asset to the NOPD and the Monitoring Team. We received rave reviews of the sergeant's work from the NOFJC staff, NOPD Compliance Bureau staff, and victim advocates working with him in his area of expertise.

The DVU team diligently worked to incorporate the elements of the *Blueprint for Safety*[12] into the DV policy and DVU protocols, which were issued in April 2015. Current DVU management has an excellent relationship with the District Attorney's Office and works closely

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[12]   Developed in 2007 in Saint Paul, Minnesota, the *Blueprint for Safety* reflects a "comprehensive approach for addressing domestic violence in the criminal legal system. The *Blueprint* integrates the knowledge gleaned from more than thirty years of research, demonstration projects, and practice into a 'Blueprint' for city and county agencies responding to misdemeanor and felony assaults." *See The New Orleans Blueprint for Safety* (October 21, 2014). [http://www.nola.gov/health/domestic-violence-prevention/]

with all District Commanders on deficiencies discovered in patrol officer's cases. Current management is active in providing training on the DV policy and in responding positively and promptly when deficiencies are noted in either patrol or in the investigator's response.

In response to the Monitoring Team's audit, the DVU added a checklist for case files to remind detectives of the required documentation for a thorough investigative case file. The domestic violence policy implemented in April has led to more thorough reports and investigations on domestic violence cases. Further, the DVU's co-location with the Family Justice Center adds to the Unit's ability to provide a victim-centered response to domestic violence incidents.

To further improve the data collection for domestic violence cases, NOPD added domestic violence-specific fields to the electronic reporting system. Superintendent Harrison's recent directive requiring officers to mark-up calls where the complainant is not on scene as "gone on arrival" rather than "unfounded" has decreased the number of unfounded calls and increased the number of gone on arrival calls, more accurately representing the disposition of domestic violence calls.[13]

It remains critical that NOPD provides timely responses to all Domestic Violence calls for service. It is clear to the Monitoring Team that once the victim is in the system and in contact with the DVU, the detectives are responding with a victim-centered approach and providing the services expected under the law and within the Consent Decree requirements. It is anticipated that compliance in all areas of the DVU and DV patrol response will continue to improve over time. The policy is still fairly new and the requirements within it are more complicated and stringent. As officers continue to train on the policy and find that the department and the OCDM are monitoring their response very closely, we will continue to see progress toward full compliance.

C.   Domestic Violence Uniform Patrol Assessment

1.   Methodology

The Monitoring Team reviewed a random sample of incidents selected from District-level responses dispatched as domestic violence incidents. Our review covered calls for service from May through August 2015. We selected this period because the NOPD's new domestic violence policy had been issued to all personnel in April 2015. The 29-question checklist we used in our assessment is found as Attachment 3 to this Report. The majority of our assessment was conducted off-site by reviewing police reports and Body Worn Camera (BWCs) recordings.

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[13]   Additionally, newly-appointed Deputy Chief Paul Noel implemented a new process requiring NOPD call-backs on all DV-related "gone on arrival" cases.

2.   Overview Findings From The May 2015 Review

NOPD received 1,363 domestic violence related calls in May 2015, and the Monitoring Team randomly selected 41 of those calls for evaluation. Of the 41 calls audited, 18 calls were cleared UNF (unfounded), representing 43.9% of the total. While none of these calls have EPR reports in the files (since EPRs are not required with a UNF classification), many of them have BWC recordings. Our review of the BWC recordings showed that many "unfounded" clearances were not properly coded as "unfounded." In actuality, many of the "unfounded" calls resulted from a delayed response where the complainant was no longer on the scene or did not answer the door or a call back by communications. *Obviously, this is an improper use of the "unfounded" classification, which has been brought to the attention of NOPD leadership. Such calls should be marked "gone on arrival," rather than "unfounded."*[14]

Our review of NOPD's May 2015 call responses revealed 16 calls (39.02 %) were handled properly, with clear evidence on the BWCs and a correctly documented EPR report. In contrast, seven calls (17%) out of the 41 raised concerns to the Monitoring Team. The four summaries below illustrate the nature of our Team's concerns:

- One incident was a third call by a victim related to an ongoing DV. In May, the victim's door was kicked down by a former boyfriend and it was cleared unfounded with no indication of why, or if anyone responded. Later in May, the victim stated she had called the police, but no officer responded to the call. On the third call for service, the suspect threatened by text message to set the complainant's house on fire.

- One call was dispatched as an aggravated battery. A review of the dispatch log revealed this to be a domestic violence incident. The Monitoring Team was unable to locate an EPR or BWC recording of this incident.

- One case involved a victim who stated she was choked by the suspect, but the case report included no evidence of a risk assessment having been conducted or an arrest having been made.

- In one case, an officer responded to a call in a hotel of a man beating a woman holding a baby. The male subject had left the hotel, but the female victim was still upstairs in a hotel room. The responding officer spoke to the victim by phone provided by the desk clerk and asked if the victim was okay. The officer then left the scene, telling the desk clerk there was nothing she could do if the victim didn't

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[14]   Subsequent to this reporting period, NOPD Superintendent Harrison took prompt action to address this issue, and NOPD reports unfounded calls have dramatically decreased.

want to cooperate. The officer never attempted to view the woman and child to confirm they were okay.

Each of the foregoing concerns (and other similar concerns) was relayed to the NOPD Compliance Bureau and/or the NOPD Public Integrity Bureau for follow-up.

3.   Overview Findings From The August 2015 Review

NOPD received 1,307 domestic violence related calls in August 2015, and the Monitoring Team randomly selected 39 of those calls for review. In five of those cases, we evaluated the responding officer's conduct as professional and compliant, and brought those officers' names to the attention of the NOPD. Twelve calls were cleared as "unfounded," which, as described above, is cause for great concern.

All in all, the Monitoring Team found more cause for commendation than criticism. We identified numerous examples of NOPD officers acting in full or near full compliance with the Consent Decree. Some of these compliance areas include the following:

- We identified Body Worn Camera (BWC) footage in all cases.

- Officers made proper contact with a supervisor and/or responded with two officers to all Code 2 calls.[15]

- In all but one case, we saw clear evidence that officers either made contact with the parties or sufficiently attempted to make contact.

- Officers consistently separated children from the parties.

- We identified no cases where inappropriate "dual arrests" were made.

- We identified no violations of policy in cases where the suspect was not on the scene.

- Officers made the required victim referrals to the NOFJC in all but one case.

- Officers distributed the required victim's rights brochures in all but one case.

- The files documented proper supervisory approvals in all cases involving a signal change.

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[15]   A "Code 2" call is an emergency call where lights and sirens are authorized.

- EPR's properly documented observation of the scene.

NOPD deserves commendation for these very positive findings.

Four of the 39 calls we reviewed, however, raised concerns. Summaries of those four cases are presented here:

- One incident, involving an ex-girlfriend allegedly harassing the complainant at his front door, was cleared as "unfounded." The BWC, however, was turned off with the officer still in the cruiser, and there is no indication the officer ever got out of the car.

- One incident involved a prior boyfriend who allegedly fired a weapon at the victim's house when she would not come to the door. At disposition the call was changed from a 37D (aggravated assault -domestic) to a 56D (Domestic Criminal Charge). There was no supplement in the file as to whether a warrant was sought or secured.

- One incident involved a female caller indicating there was no physical confrontation and the argument was verbal only. During a review of the BWCs, however, the Monitoring Team clearly heard the male subject stating "she hit me three times." This statement should have been accurately documented and further investigated, but was not.

- One report indicates there was "no witness and no physical altercation took place," however, the officer further reported the female victim showed the officer a mark left on her finger when the male subject took a knife from her when she was cooking.

Each of these cases promptly was brought to the attention of the NOPD for immediate follow-up.

4.   Specific Aggregated Findings From May and August

A selected number of the audit questions are depicted below with graphs added to show the numbers represented by the responses in May and August.

a.   Due Caution and Reasonable Care

There were three calls with non-compliant safety issues in May and zero non-compliant issues in August. *This finding is significant.* In June 2015, an NOPD officer was killed in the line of duty while interacting with a domestic violence suspect. As a result of this incident,

additional training on searching and handcuffing techniques was conducted agency-wide immediately after his death.

6. Generally, did the officer(s) exercise due caution and reasonable care in providing for the safety of any officer(s) and parties involved?
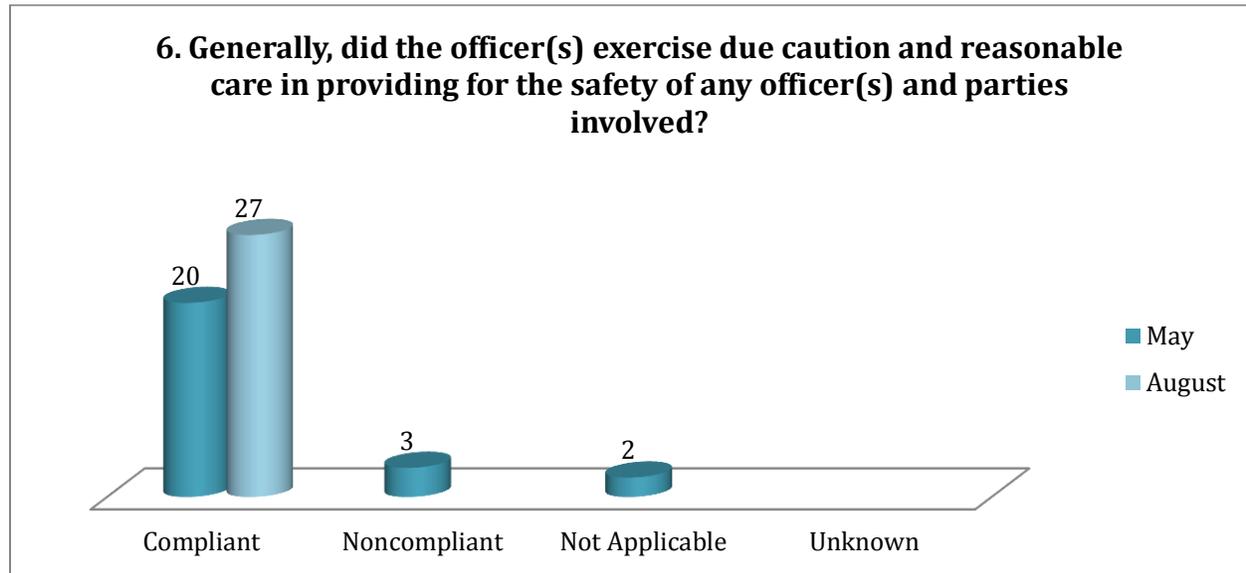
It is clear by these findings and by observing the BWCs post-June that patrol officers received a clear message on the importance of officer safety – particularly when handling high risk calls such as domestic violence crimes. While three non-compliant cases do not seem like many, any lack of caution during a domestic dispute may lead to serious injury or death of a civilian or an officer. This section will be closely monitored, as complacency can once again occur and have tragic consequences.

b.   Separation of the Parties

As depicted in the following graph, it appears that officers, with only a few exceptions, understand the importance of separating the parties, not only for the safety of all participants but also to reach a more accurate understanding of any conflicting versions of the incident.

8. Did the officer(s) separate the parties?
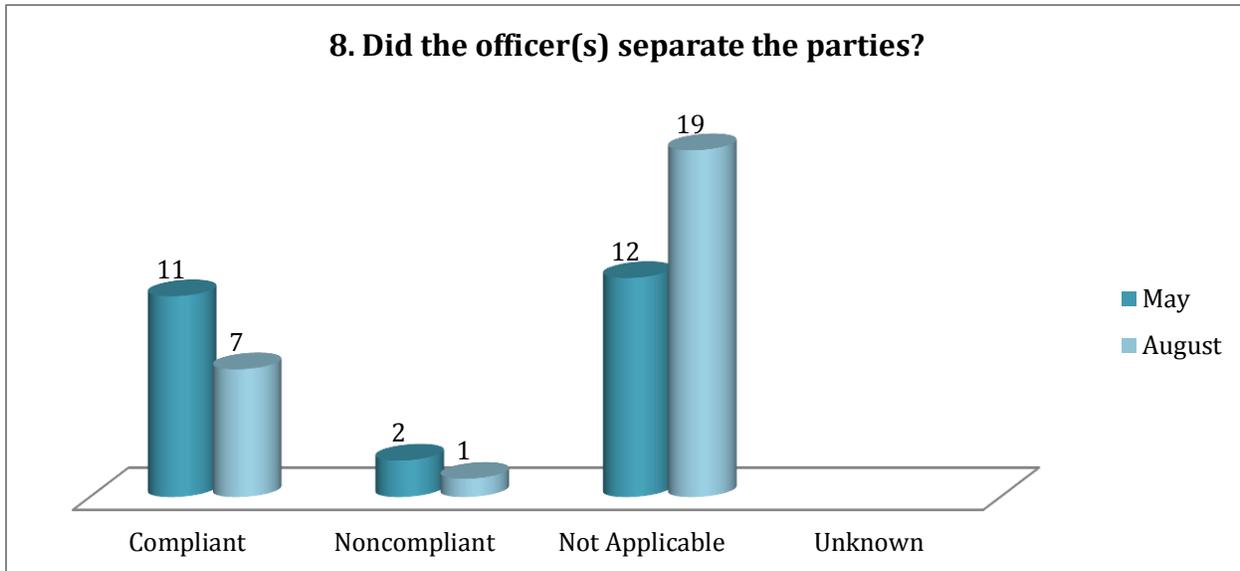
As required in the Domestic Violence policy, officers must secure the scene for the safety of the officers and the parties. In cases where the Monitoring Team found non-compliance, officers were observed interviewing both parties without separating them. At times the parties continued to argue in the presence of the officers, which often can lead to additional violence and unnecessary use of force by the officers. By separating the occupants and the parties, the officers are better able to assess what has occurred during the dispute and collect appropriate statements and evidence. The Monitoring Team observed a clear improvement from May to August, which likely can be attributed to the recent enhanced training.

c.   Assessment for Injuries

There were three cases in May where officer(s) failed to investigate or document an assessment of injuries. As depicted in the following graph, by August, in all of the cases audited, except for the unfounded clearances, there was evidence of injury assessments, where applicable.

**11. Did the officer(s) assess for injuries (obvious or not readily apparent)?**
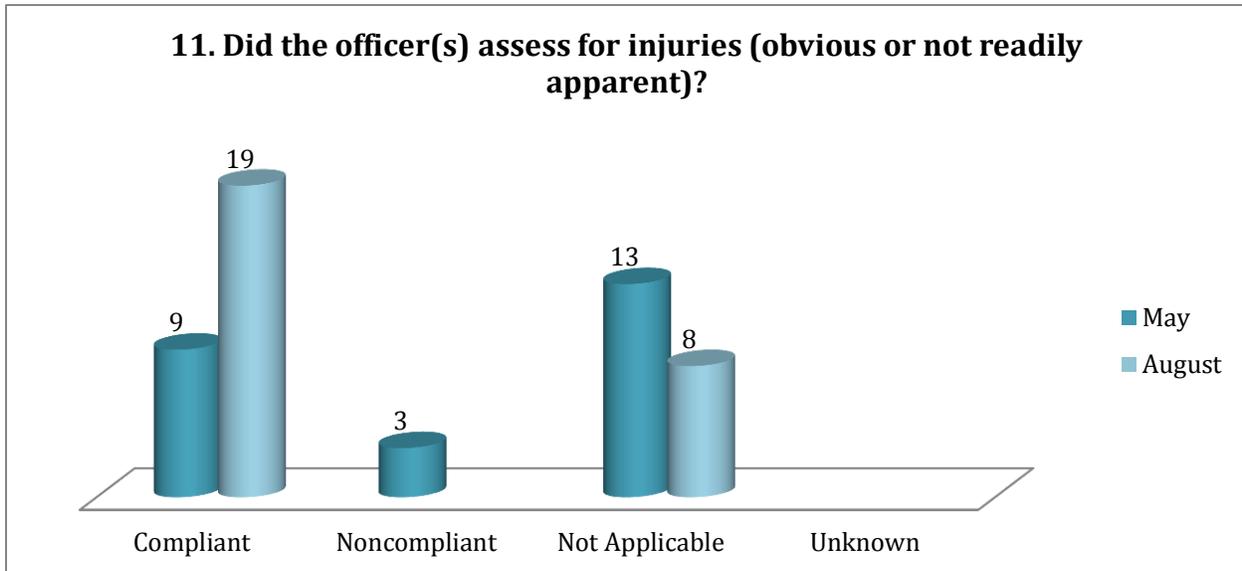
The Monitoring Team determined that in three of the audited cases, all occurring in May, the officers made no clear attempt to determine whether anyone was injured as a result of the domestic incident. In most cases the Monitoring Team either heard the officers ask about injuries or observed them assessing injuries. In the non-compliant cases the officers also did not document injuries or the lack of injuries in a report. Clearly, this is an important element of a domestic violence case and when it does not occur it is a violation of policy and an incomplete investigation.

5.   **Risk Assessment**

As indicated above, officers are required to ask "risk assessment" questions when responding to certain domestic violence calls. These questions are important indicators of the seriousness of the domestic violence situation and abuse history. As depicted in the below graph, patrol officers documented the four risk questions in their reports the majority of the time, and in most cases when they did not document the risk questions, the questions nonetheless were asked, and were addressed in a supplement when a DVU detective later was assigned.

12. Did the officer(s) conduct a Risk Assessment (4 Questions)?
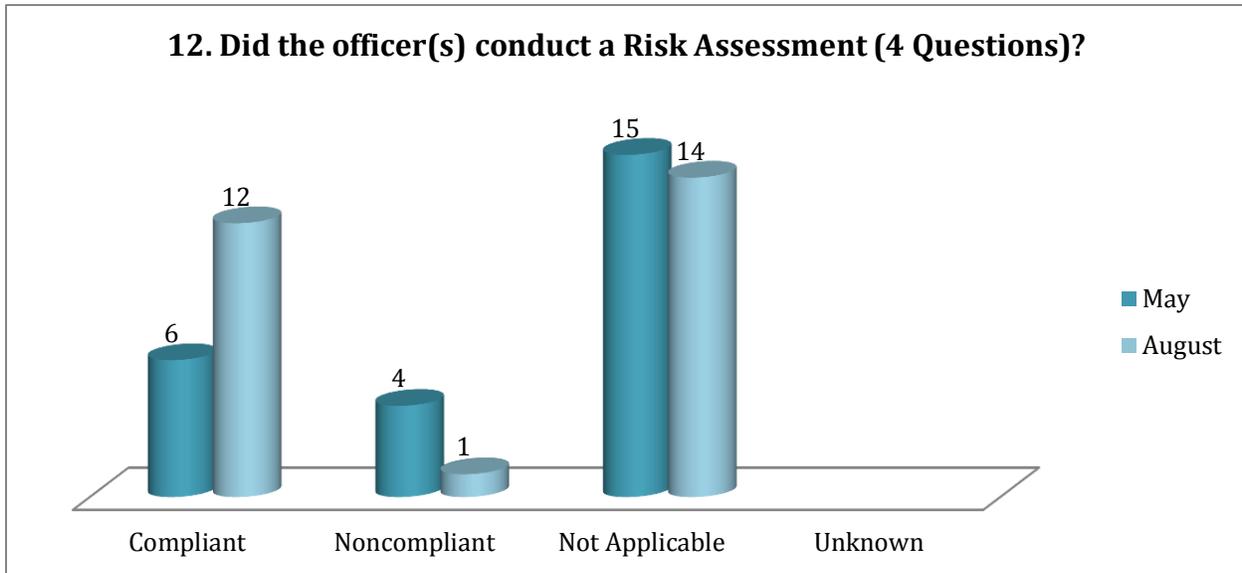
The DV policy officially was issued on April 5, 2015 and training on this requirement is being conducted through in-service training. The Monitoring Team found that compliance with the policy improved from May to August, as additional officers were trained, as the requirement was enforced by supervisors and as it was re-iterated by DVU detectives while approving patrol reports. As indicated above, there were four cases of non-compliance (10%) in May and only one case of non-compliance (3%) in August.

6.   Primary Aggressor

The "predominant" or "primary" aggressor is the person who poses the most serious ongoing threat. If the officer determines both parties used illegal force or took illegal action, and neither party acted in self-defense, the officer shall conduct a predominant aggressor assessment.

In making a predominant aggressor determination, the officer must look for the person who, by his or her actions in the incident and through history and previous actions, has caused the most physical harm, fear and intimidation against the other, considering all the evidence, including:

- What each party's purpose is in using violence;

- Evidence from complainants and witnesses;

- Extent of personal injuries;

- Threat of future injury;

- Prior incidents of domestic violence;

- Future welfare of any minors; and

- Who uses the highest level of violence in the relationship.

As depicted in the following graph, there were three incidents of non-compliance (7%) in May, and only one incident of non-compliance (3%) in August 2015.

13. Did the officer(s) attempt to determine the predominant aggressor?
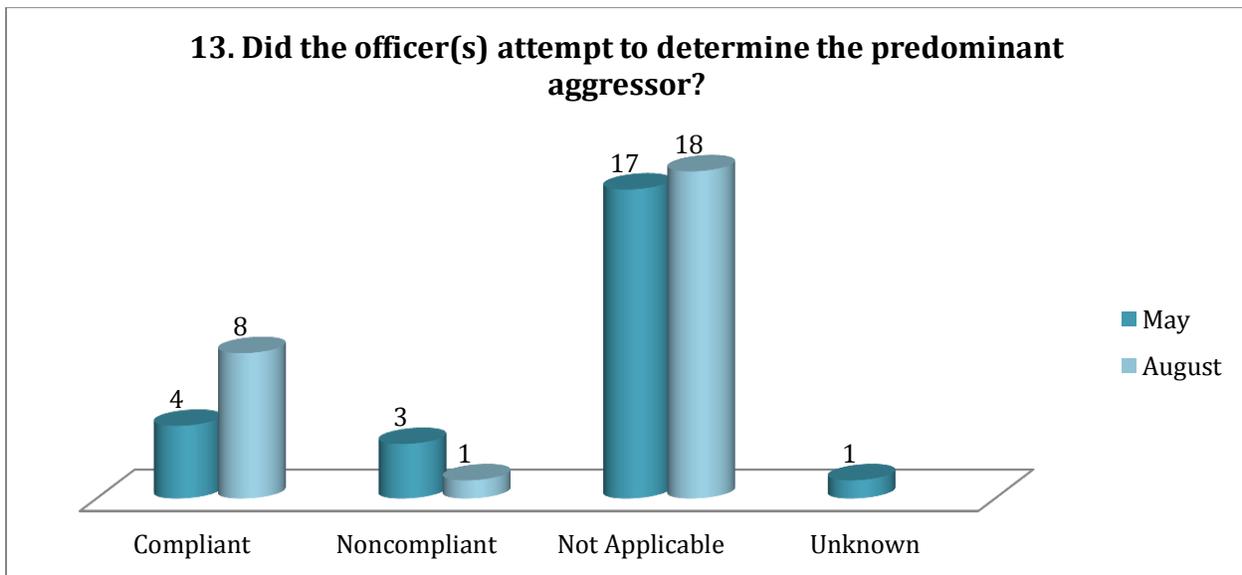
In the non-compliant cases, the DVU supervisor was made aware of the deficiency and the officer's supervisor was made aware of the need for additional training. The first responders now have access to this information on a "drop down" screen on their computers when filing a report. Hopefully this also will aid in compliance.

7. Discouraging Victim

There were three cases in May where the Monitoring Team determined the officer's comments could be interpreted as "discouraging" to the reporting party. It is reassuring to report there were no cases of discouraging remarks in the August case reviews.

8. Preservation of Document Evidence

Initial responders are expected to collect, preserve, and document all relevant physical evidence including evidence substantiating the victim's injuries and the attack, as well as evidence recording the crime scene, in accordance with agency policy and the Consent Decree.

As depicted in the following graph, there were four non-compliant cases in May and only one non-compliant case in August. As officers adjust to the improved and enhanced requirements of the new policy, and with training and counseling, the Monitoring Team anticipates evidence collection will consistently will improve.

28. Did the officer(s) collect, preserve, and document evidence?
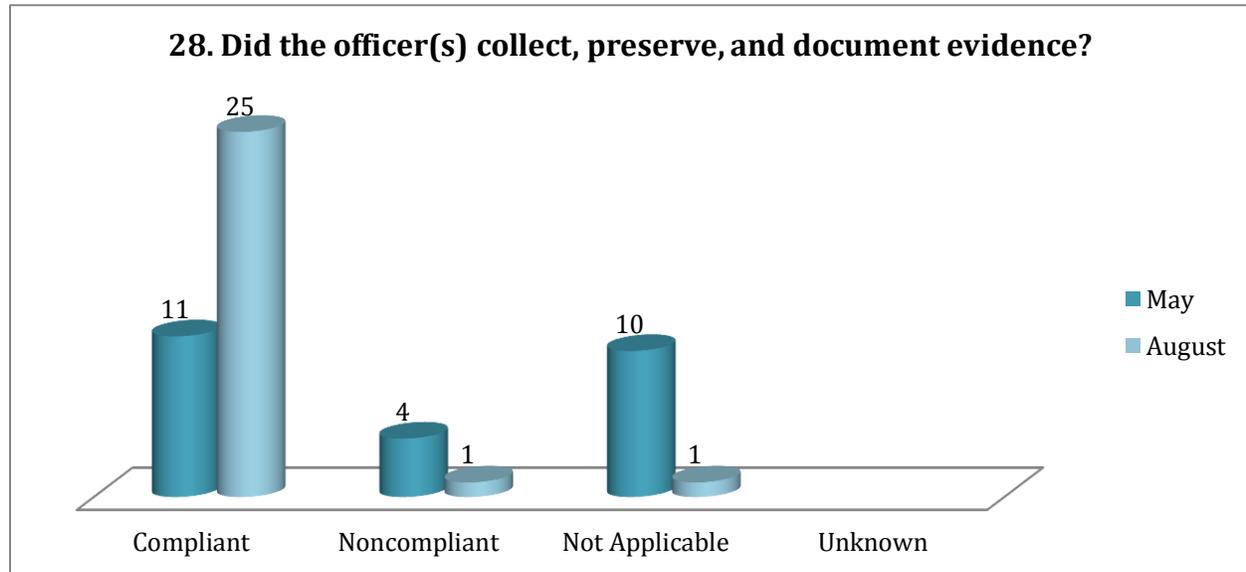
Collection and documentation of evidence is important to any case, but particularly important for proceeding with charges or obtaining convictions. Domestic violence cases often result in one person's version against another's. When evidence is solicited effectively, it can make a difference as to the proper end result. Domestic violence offenders often develop a pattern. The initial officer's report lays the foundation for each subsequent intervener. Therefore, it is critical that evidence is obtained and documented in every DV case. In those cases where the officer did not properly document evidence, the supervisor was advised of the deficiency.

9.   Professional Response

As the following graph indicates, there was improvement from May to August with regard to a professional response. In May there were five cases where the Monitoring Team determined the response was not victim-oriented and therefore could have been improved. In August there was only one specific case noted for improvement, even though there were a total of four cases that needed additional follow-up.

29. Was the officer's investigation an overall pro-active, victim-oriented and professional response?
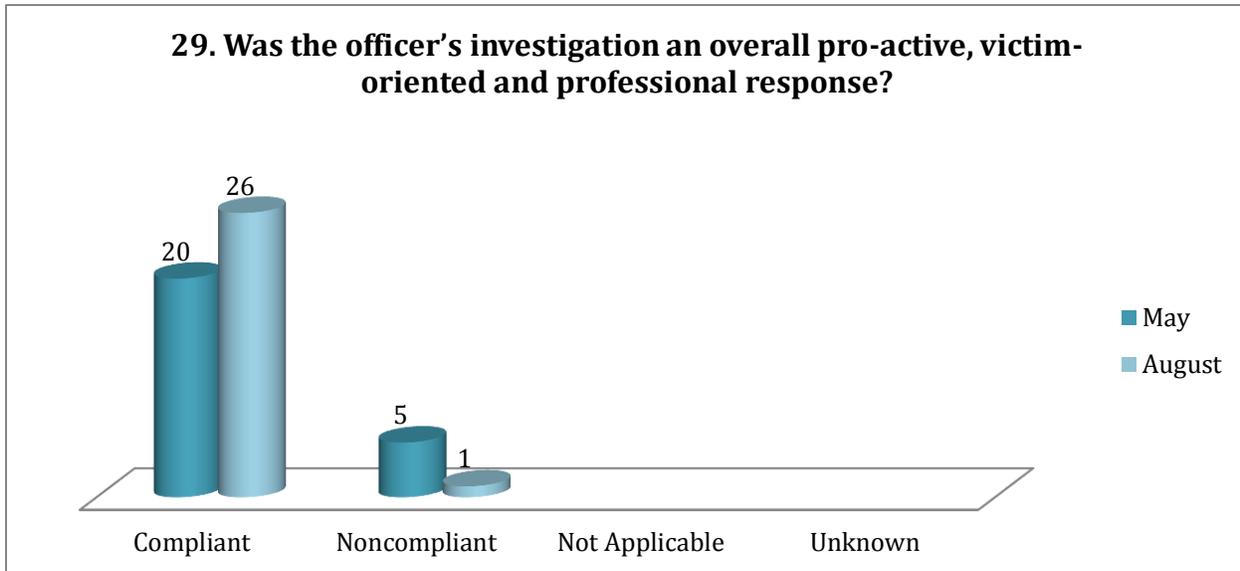
The Monitoring Team found most of the patrol officers to be empathetic, supportive, and patient during their response to domestic violence cases. There is clear improvement in officer behavior from the audit of May calls for service to the calls audited in August. In each case where there was a deficiency, the DVU supervisor made it clear to the Commander of the District that these calls are being monitored and that their officers must adhere to policy and procedures. All Commanders are reported to be in support of the DV policy changes and are "on-board" with attending to any deficiencies. Even in cases where the officer failed to obtain all required information, it was generally determined and noticed that officers were acting professionally and were focused and attentive to the victim's needs. The Monitoring Team expects continued improvement in the overall response to domestic violence cases with the enhanced in-service training and policy enforcement.

D.   Assessment of Unfounded Domestic Violence Calls

1.   May Findings

A random audit of DV calls for service resulted in 41 calls audited out of the 1,363 calls dispatched with a domestic violence category in May 2015. Of the 41 calls reviewed, eighteen (3.9%) were "unfounded" by patrol officers. The response times were reviewed for patterns, trends, and/or abnormalities. A summary of our observations in those eighteen cases follows:

- The shortest time held before dispatch was 2 minutes (1 case).

- The longest time a call was held was 15 hours, 13 minutes.

- Eleven (27%) of the cases were held in excess of one hour before dispatch.

- Three of the eleven cases held in excess of one hour before dispatch do not indicate the officer's arrival time.

- Twelve of the eighteen cases reviewed were closed by the arriving officer in less than 10 minutes: eight of the 12 in less than 5 minutes, 5 in 2 minutes or less.

- One case listed as an "aggravated battery" was held for 15 hours and 13 minutes before it was dispatched in spite of the more serious classification of "aggravated battery." The officer arrived within three minutes following dispatch and the call was closed by the officer in less than one minute. The obvious assumption being, in spite of the quick response on the part of the officer, the lengthy delay in dispatching negated the likelihood of the officer successfully obtaining further information or gathering any items of evidentiary value.

Clearly, there is a wide variance in the time it takes for a call to be dispatched that is disturbing and unacceptable, from a reasonable two minutes to an unacceptably long 15 hours, with many calls held over an hour. On the other hand, it is encouraging to note that once received, the responding officer(s) generally are quick to respond. Arrival times for officers on DV calls range from less than 1 minute to a maximum of 17 minutes with the average arrival time following dispatch of the call to be 6.125 minutes.[16]

2.   August Findings

A random audit of DV calls for service resulted in 39 calls being audited out of the 1,307 calls dispatched with a domestic violence category in August 2015. Of the 39 calls reviewed, twelve (30%) were unfounded by patrol officers. The August rate of unfounded calls was lower than the final number in May. The response times were reviewed for patterns, trends, and/or abnormalities.

- The shortest time held before dispatch was .5 minutes.

- The longest time held before dispatch was 7 hours 48 minutes.

- Three of the 12 cases were held in excess of 1 hour before dispatch.

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[16]   The data here cannot be applied to NOPD's response times overall, which, depending on the time, day, and district, can be extremely long. It is not uncommon for members of the Monitoring Team, while riding with officers at midnight, to see multiple calls holding since noon.

- Eight of the 12 cases reviewed were closed by the arriving officer in less than 10 minutes: 2 in less than 5 minutes.

- Three of the cases reviewed do not reflect the officer's arrival time.

- Arrival times for officers range from 5 minutes to 27 minutes with the average being 5.83 minutes.

In comparing May reports with those reviewed for the month of August, the data indicate officers are responding more quickly. They are also spending considerably greater time on scene prior to closing the call: 21.4 minutes per call for August reports as compared with only 8.8 minutes per call in May reports. The Monitoring Team will be examining these changes further over the coming quarter.

3.   May/August Conclusions

The Monitoring Team observed a general progression of improvement in the NOPD's response to domestic violence from May to August 2015. Not only in terms of time getting to the scene and time spent on the scene, but in the handling of the call by the officers on the scene. By and large, we observed *many* instances of empathetic officers handling domestic violence calls with patience, tolerance, and professionalism.

NOPD's DVU leadership and the Compliance Bureau have worked diligently to incorporate the elements of the City's *Blueprint for Safety* model into the DV policy and DVU protocols officially issued in April 2015. It is evident DVU has been working closely with all District Commanders on deficiencies discovered in patrol officer's cases. DVU detectives are actively training uniformed officers on the policy. Supervisors and District Commanders are responding positively and promptly when deficiencies are noted in their assigned officers' response. The excellent relationship between the DVU and the District Attorney's Office is evident. DA Karen Avery reports a positive improvement with reports and investigations under the new DV policy and enhanced training.

Staffing issues, coupled with operational inefficiencies and institutional roadblocks, negatively impact the Field Operations Bureau's (Patrol) efficiency in responding to domestic violence calls, as is evident in the section of this report dealing with unfounded clearances. Additionally, by all reports from NOFJC personnel and SVS staff, the DVU is under-staffed and not always available to follow-up cases in a timely manner. Staffing of the DVU continues to be a non-compliance issue with no encouraging movement toward assigning a sufficient number of detectives.

Moreover, it is evident that DV calls are being held too long by Communications, most likely due, in part at least, to a shortage of available officers,[17] and it is more likely than not that there was a good reason for the original call to the police that is not being adequately reported because of the delayed police response. This lack of a report is a significant problem with domestic disturbance incidents because of the importance of reporting each event to collect the "history" of the abuser. The other significant concern is that the caller may not call back when the abuse occurs a second time because in his or her eyes the police never showed up.

The Monitoring Team remains optimistic due to the improvements we are seeing in the agency's response to domestic violence. Officers are receiving better training and they are fully aware of the ramifications of not handling these calls properly within the requirements of their directives and the Consent Decree. The tragic loss of an officer in June, resulting from a domestic violence incident, gave additional significance to officer and victim safety during this assessment period. The enhanced NOFJC relationship with the DVU, coupled with the administrative assistance of the Compliance Bureau staff and the District Attorney, has improved the capability of measuring and improving the Department's overall performance. Consequently, the bar is raised and the NOPD is now expected to be a model agency in response to domestic violence.

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[17]   As we have said previously, the number of officers on patrol is just one factor in response time. The deployment of those officers, the efficiency of roll calls, and the effectiveness of sergeants in moving officers off cleared scenes, among other things, all are equally important factors.

Report of the Consent Decree Monitor
For the New Orleans Police Department Consent Decree
Covering the First & Second Quarters of 2016
Released September 26, 2016

Office of the Consent Decree Monitor
New Orleans, Louisiana
Sheppard Mullin Richter & Hampton, LLP
Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana

IX.   CRISIS INTERVENTION TEAM

A.   CIT Program

Section IV of the Consent Decree requires NOPD to "minimize the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder." To achieve this outcome, NOPD agreed to create a properly trained Crisis Intervention Team ("CIT").

The NOPD began actively developing its CIT program (including a policy, an Academy curriculum, a training program, and training materials) in August 2015. The first class of 24 officers graduated on September 18, 2015. By May 2016, the NOPD had trained its third class of CIT officers, bringing the total number of trained CIT officers to sixty-nine. NOPD's most recent graduating class, the fourth, brought another 30 officers into the CIT program on September 6, 2016. The NOPD anticipates hosting another CIT training class in October, putting it on track to exceed Consent Decree paragraph 115, which requires training 20% of the patrol division in CIT.

In addition to training CIT officers, the Police Department conducted its first crisis intervention training sessions for call takers and dispatchers in June and will offer additional communications trainings throughout the year in compliance with CD ¶ 119. NOPD also is providing eight hours of CIT in-service training to all officers in 2016 to bring it into compliance with paragraph 118 of the Consent Decree.

Consistent with its new CIT training program, the Department developed and received approval for two related NOPD policies, Chapter 41.25, "Crisis Intervention," and Chapter 41.26, "Crisis Transportation Service." The new policies went into effect March 13, 2016. The NOPD drafted these policies in collaboration with the CIT Planning Committee, which is composed of community experts. The implementation of these policies represents another significant step forward for NOPD's CIT program.

In addition to developing new policies and training CIT officers, NOPD also has begun using its CIT data for multiple purposes. NOPD has utilized these data to identify individuals who have been involved in multiple crisis encounters with the NOPD. The department has formed a Mental Health Review Board with partner agencies to develop solutions to assist these individuals in obtaining appropriate care solutions. Through the use of the Crisis Intervention Form data, the Department has enhanced the Planning Committee's ability to serve as a "problem-solving forum" as called for in CD ¶ 120. The Department intends to publish midyear aggregate data compiled from Crisis Intervention Forms on its website in compliance with Consent Decree ¶ 113.

The Department's CIT program has been gaining recognition from community partners for the valuable role it plays in the community's response to mental health and substance abuse issues. The NOPD has provided Crisis Intervention trainings to outside agencies including Probation and Parole, and the New Orleans Family Justice Center. NOPD's CIT coordinators have presented at the annual members meeting for National Alliance on Mental Illness ("NAMI") New Orleans, a statewide NAMI conference, and a Metropolitan Human Services District regional council meeting, and the development of NOPD's CIT program was highlighted in a quarterly newsletter from NAMI New Orleans.

B.   CIT In Practice

In June 2016, the Monitoring Team conducted an audit to determine how often a CIT trained officer was dispatched to calls for service dealing with individuals in a mental health crisis. Since the new policy on Crisis Intervention officially went into effect in March 2016, the monitors randomly selected a review sample from April and May 2016 dispatched calls for mental health crisis. There were 443 mental health-related calls dispatched in the April-May 2016 time-frame. The Monitoring Team selected approximately 10% of those calls and identified 47 item numbers to review and determine whether a CIT-trained officer was dispatched.

The NOPD Compliance Bureau was able to cross-reference in the Computer-Aided Dispatch (CAD) system (1) a list of CIT officer ID numbers and (2) a list of item numbers from which we identified calls involving mental health crisis. The Monitoring Team used these data to determine how often a CIT officer was assigned to calls involving individuals in mental health crisis. Overall, the CAD data indicate that CIT officers were assigned to mental health crisis calls slightly more than half of the time so far in 2016.

Number of Officers

- CIT Assigned - CIT Not Assigned
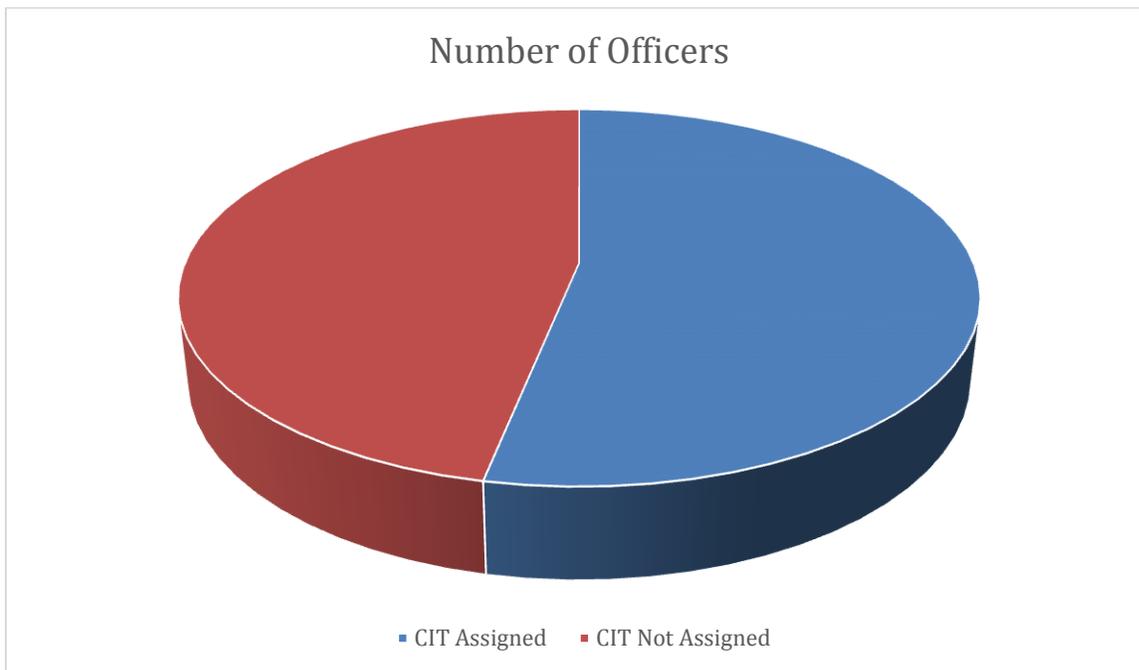
While this number reflects an underutilization of the CIT program, it also reflects a reality of the phasing in of CIT training. The current response rate will serve as a baseline for future audits of CIT response. It is anticipated, by the NOPD and the monitoring team, that the percentage of CIT-trained officer response will increase as the number of trained officers increases and the CIT program becomes more systematically in-grained in the department.

May 25, 2017

Jason D. Herring
Herring Chapman, P.A.
342 North Broadway Street
Tupelo, MS 38802

John S. Hill
Mitchell, McNutt, and Sams, P.A.
105 South Front Street
Tupelo, MS 38804

     Re: Shumpert v. Tupelo Case No. 1:16cv120-SA-DAS

Dear Messrs. Herring and Hill:

You have retained me to provide an expert opinion regarding the use of force by Officer Tyler Cook on Saturday, June 18, 2016 in the incident involving the arrest of Antwun Shumpert. In making this report, I do not make any credibility findings. However, I have thoroughly reviewed evidence in the case and will make references to the evidence that has been provided to me. I understand that some of the evidence is contested. My opinion is based on my review of evidence that is direct, circumstantial, or corroborating evidence. I remain available to review any additional evidence that becomes available in the case. I would note that I am a licensed attorney but am not licensed in, nor have I practiced in, the State of Mississippi. However, I have decades of experience in various federal courts. I am providing my opinion based entirely on the evidence and observations listed below. Additionally, while I cite several court cases that have made findings of objective reasonableness, I simply include them for the parties to know my basis of knowledge and would not testify to the legal holdings unless the court approves such testimony.

In examining whether excessive force has occurred, the reviewer must determine if the force used was "objectively reasonable" as set forth by the United States Supreme Court in Graham v. Connor, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989). The determination of the reasonableness of the use of force requires careful attention to the facts and circumstances of each particular case. Upon reviewing the materials provided, it is my opinion that Officer Tyler Cook did not use excessive force and his actions were objectively reasonable.[1]

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[1] It should be noted that my opinion is consistent with the Department of Justice's Civil Rights Division's analysis of this case. In a press release issued on May 16, 2016 the United States Attorney and the Civil Rights Division stated "[i]n this instance, there is no reliable evidence to contradict the assertion that Cook fired at Shumpert because he perceived him to be a deadly threat to himself and others. When officers first encountered Shumpert, they attempted to defuse the situation using repeated verbal commands to surrender. Cook also attempted to use non-lethal means, including the patrol dog. It was only when Shumpert punched Cook in the head and Cook feared losing consciousness that he fired his gun." Accordingly, DOJ found there was insufficient evidence to establish that a constitutional violation occurred. See Press Release, Federal Officials Close the Review of Fatal Shooting of Antwun Shumpert,

Post Office Box 171443
Memphis, TN 38187-1443

STEPHEN C. PARKER
T 901.680.7365
F 901.680.7201
Steve.Parker@butlersnow.com

6075 Poplar Avenue, Suite 500
Memphis, TN 38119

BUTLER SNOW LLP

QUALIFICATIONS

My curriculum vitae has been provided and provides a detailed account of my qualifications to provide an expert opinion in this matter. I will, however, summarize my qualifications here. From January 3, 1978 to February, 1985, I was employed as a commissioned police officer at the Memphis Police Department (MPD). I received training both in the initial fourteen-week training class and subsequent in-service training classes on use of force; stop, search, and seizure; and constitutional rights. My assignments during my tenure at the MPD included uniform patrol, research and development, and vice squad, as well as time as an instructor at the Memphis Police Academy.

In December 1982, I obtained a Bachelor of Arts degree in Criminal Justice from the University of Memphis. In May1987, I was awarded a Juris Doctorate Degree by the Cecil C. Humphreys School of Law. I passed the Tennessee Bar Exam and was licensed to practice law in the State of Tennessee in November 1987, where I have remained licensed to this day.

In November 1984, the Memphis Police Department allowed me to take an educational leave of absence and work at the United States Attorney's Office (USAO) for the Western District of Tennessee as a full-time law clerk. The following year I was hired as the first Law Enforcement Coordinating Committee (LECC) Coordinator for the Department of Justice and served as the liaison between local, state, and federal law enforcement for the twenty-three counties that comprise the Western District of Tennessee. My primary job assignment as LECC Coordinator was to assist with funding and training for local law enforcement. As a result, I organized numerous law enforcement training seminars and meetings.

In November 1987, I was hired as an Assistant United States Attorney for the Western District of Tennessee, where I specialized in white collar crime and civil rights prosecutions. In 1991, I was made the designated prosecutor to handle all criminal civil rights cases in the Western District of Tennessee. From 1996 through 1997, I was detailed from the Department of Justice to the Office of Independent Counsel for Whitewater Matters. There I worked for Judge Kenneth Star as an Associate Independent Counsel in Washington, D.C. and Little Rock, Arkansas. Upon completing my assignment as a Whitewater prosecutor, I returned to the United States Attorney's Office for the Western District of Tennessee and was again assigned as the designated civil rights attorney. In approximately 2004, I was assigned as the lead attorney to the Memphis/Shelby County Tarnished Badge Task Force. This was a joint task force composed of prosecutors, Federal Bureau of Investigation Special Agents, Memphis Police Detectives, and Detectives from the Shelby County Sheriff's Department. The Tarnished Badge Task Force focused exclusively on law enforcement misconduct cases and has convicted over 75 law enforcement officers for criminal offenses.

(May 16, 2017) https://www.justice.gov/usao-ndms/pr/federal-officials-close-review-fatal-shooting-antwun-shumpert.

In 2011, the United States Attorney established the first Civil Rights Unit comprised of three prosecutors who specialized in civil rights prosecutions and assigned me to be Chief of the Unit.

Additionally, beginning in 1988 I volunteered as one of the legal instructors for the Memphis Police Department. From 1988-2012, I co-taught the ninety-two hour course to Memphis Police Recruits on Stop, Search, Seizure, Arrest, and Civil Rights. I also regularly taught at Memphis Police in-service trainings on legal and civil rights updates. I have also served as the civil rights instructor for the Memphis Crisis Intervention Team (CIT) training and certification classes for CIT officers. I have also been the legal instructor for regional police recruit classes that included officers from the Bartlett, Millington, and Memphis Airport Police Departments.

From 1991 to my retirement in December of 2014, I prosecuted numerous criminal civil rights cases. These cases included hate crimes, human trafficking, and color of law cases involving excessive force, sexual assaults, thefts, and robberies committed by government actors. While I don't know the exact number, I believe I have personally prosecuted over 50 law enforcement officers for criminal violations of federal civil rights laws. Additionally, I have supervised many civil rights prosecutions as the Chief of the Civil Rights Unit.

Also, part of my duties as the designated civil rights prosecutor and Chief of the Civil Rights Unit was to review all complaints of civil rights violations made to the FBI or the U.S. Attorney's Office from 1991 to 2012. Thus, I have reviewed many cases to determine if uses of force were objectively reasonable or were in violation of the law.

From 1996 until 2012, I was a regular presenter at the Department of Justice's National Criminal Civil Rights Seminar speaking on various topics related to civil rights law, civil rights investigations, and how United States Attorney's Offices can build a criminal civil rights practice.

In 2010, the Assistant Attorney General for Civil Rights asked me to also work with the Department of Justice's Civil Rights Division, Special Litigation Section. This unit is the designated unit to enforce Title 42 U.S.C §14141. This statute prohibits law enforcement agencies from engaging in a pattern and practice of violating constitutional rights. The United States Attorney's Office would lend me out to be one of the subject matter experts for the Special Litigation Section in its pattern and practice investigations. I was designated by the Department of Justice to be a subject matter expert witness for the pattern and practice investigation of the New Orleans Police Department in 2010. In that case I was the stop, search, and arrest; use of force; and police training and recruiting expert.

In 2014, I was designated the expert witness for the Department of Justice to review patterns and practices of the Ferguson, Missouri Police Department. In that instance, I was the stop, search, and arrest; use of force; and police misconduct investigations expert for DOJ.

In 2015, I was also designated and hired as a contractor by the Department of Justice as the expert witness for a pattern and practice investigation of the Ville Platt Police Department and the St. Evangeline Parish Sheriff's Department in Louisiana. In that case, I was hired as the stop, search, and arrest expert.

From 2012 through 2014, at the request of the Attorney General, I was detailed to the Civil Rights Division's Special Litigation Section and to the United States Attorney's Office for the Eastern District of Louisiana. I was assigned to be the lead DOJ attorney in New Orleans to administer the federal Consent Decree reforming the New Orleans Police Department. During that assignment, I was in charge of reforming policies and practices involving use of force; police training; stop, search, and arrest; police misconduct; internal affairs investigations; and secondary employment. While in that role, I assisted the New Orleans Police Department in drafting new use of force, use of force investigation, and Use of Force Review Board Policies. I also served on the New Orleans Police Department's Training Academy Advisory Committee.

I received numerous awards while employed by the Department of Justice. Several of the awards were specifically for civil rights matters. In 2013 I received the Department of Justice's highest award for litigation, the John Marshall Award, for my work in litigating the United States v. City of New Orleans and reforming the patterns and practices of the New Orleans Police Department. In 2012, I also received the Assistant Attorney General for Civil Rights Distinguished Service Award for my work in reforming the New Orleans Police Department. Additionally, in 2010 I received the Department of Justice's second highest award, the Attorney General's Award for Distinguished Service, for being the lead counsel on the civil rights case of United States v. Juan Mendez et al. In 2009, I was presented with a Special Honors Award from the Civil Rights Division Criminal Section for my work as lead counsel in United States v. Arthur Sease. This case resulted in the conviction of six Memphis Police Department officers and the termination of other officers for violating numerous individuals' civil rights. In 1993, I received a letter of commendation from the Attorney General for my work as lead counsel in the case of United States v. David Lanier. This case was the first time the civil rights statutes were used to criminally prosecute a government official for using their official authority to commit a sexual assault. The case actually went to the Supreme Court where this theory was upheld in a unanimous decision. See United States v. Lanier, 520 U.S. 259, 265, 117 S. Ct. 1219, 1224, 137 L. Ed. 2d 432 (1997).

On December 31, 2014, after 30 years with the Department of Justice, I retired. Beginning in March 2015, I started work at the law firm of Butler Snow in Memphis, Tennessee. Part of my practice focuses on police practices, both as a consultant and as an expert witness. I also lecture and teach on constitutional rights and Use of Force.

Since my retirement I have been involved in additional matters related to constitutional policing. In 2015, I was a faculty member for the Police Executive Research Forum, Senior Management in Policing at Boston University. There I lectured on police pattern and practice investigations and how law enforcement agencies can ensure their departments are operating in a constitutional manner. Also in 2015, I was invited by the New Orleans Police Department and the Federal Consent Decree Monitor to instruct both investigators for the Force Investigation Team (FIT) and also members of the Use of Force Review Board on how to analyze use of force incidents. In particular, I taught the legal standards from Graham v. Connor to determine objective reasonableness when analyzing use of force situations. Also, in 2015 the Federal Monitor of the Consent Decree over the Virgin Islands Police Department retained me to teach that department's Force Investigation Team and the Use of Force Review Board how to apply the Graham factors in analyzing the objective reasonableness of use of force cases. In 2016, I lectured at the Federal

Bureau of Investigation National Academy Alumni Conference on police patterns and practices and best practices for law enforcement agencies to ensure their department is acting in a constitutional manner. In 2017, I taught a continuing legal education course for both plaintiff and defense attorneys at the "Police Liability Claims from Start to Finish" portion of the National Business Institute's Continuing Legal Education Seminar in Jackson, Mississippi.

In 2015, I was invited by the Federal Monitor and the New Orleans Police Department to be on an advisory committee to establish the Ethical Policing is Courageous program. The program is a peer intervention program that encourages police officers to intervene with other officers in misconduct issues. This program has been nationally recognized for its innovation and has been adopted by several other law enforcement agencies across the company.

See Robertson, C, "New Orleans Program Teaches Officers to Police One Another" August 28, 2016. https://www.nytimes.com/2016/08/29/us/a-new-orleans-program-teaches-officers-to-police-each-other.html?_r=0;

Police Executive Research Forum Newsletter July-September 2016, "A Look at NOPD's Innovative and Career-Saving Peer Intervention." http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2016/debate_2016_julsep.pdf

Aronie, J. "An EPIC Idea by NOPD: A New Model for Ethical Policing" Police Chief Magazine. http://www.policechiefmagazine.org/an-epic-idea-by-nopd-a-new-model-for-ethical-policing/#sthash.KBouW7xC.dpuf;

Jackson, K. "KPD training officers to be EPIC" Osceola News-Gazette, May 13, 2017. http://www.aroundosceola.com/kpd-training-officers-to-be-epic/;

Mustian, J. "Police expert lauds NOPD reforms, embrace of consent decree," The Advocate October 11, 2016. http://www.theadvocate.com/new_orleans/news/crime_police/article_8a383d08-8fe4-11e6-848a-0bb3906d4bca.html;

Glaun D. "New training teaches Springfield officers to police each other," Masslive.com, November 3, 2016. http://www.masslive.com/news/index.ssf/2016/11/new_training_teaches_springfie.html.

While I have been a subject matter expert for the Department of Justice the instant case involving Mr. Shumpert is the first occasion that I have been employed as a testifying expert witness in private litigation. The Defendants are paying my law firm, Butler Snow, at a rate of $350.00 per hour.

MATERIALS REVIEWED TO DATE

As of the writing of the report I have reviewed the following items:

1. The entire contents, including attached exhibits, of the Mississippi Bureau of Investigation Report for the instant case; Internal Bates Stamped T-00001through T-00602;

   a. MBI Case Introduction;

   b. Case Agent's Report of Investigation;

   c. Supporting Statements;

      i. Tupelo Police Offense/Incidence Report Case #2016-4864(6);

      ii. Incident Report # 2016-4864(6) narrative by Officer Joseph Senter;

      iii. Incident Report # 2016-4864(1) narrative by Officer Tyler Cook;

      iv. Incident Report # 2016-4864(2) narrative by Officer Michael Russell;

      v. Incident Report # 2016-4864() narrative by Officer Jonathan Johnson;

      vi. Report of Interview-Michael T. Williams;

      vii. Report of Interview-Denise R. Williams;

      viii. MBI Statement of Facts-Charles Foster;

      ix. MBI Supplement Report- Brandon Robinson;

      x. Court records gathered by MBI related to Antwun Shumpert;

      xi. Medical Examiner's Report ME#16-0694;

      xii. Medical Records NMMC-Tupelo regarding Tyler Cook;

      xiii. Medical Records NMMC-Tupelo regarding Antwun Shumpert;

      xiv. Miss. State Medical Examiner Report ME#16-0694 Evidence Submission Form;

xv. Miss. State Medical Examiner Report ME#16-0694
Firearms/Toolmarks report;

xvi. Miss. State Medical Examiner Report ME#16-0694
Implied Consent Form-Alcohol Analysis;

xvii. Miss. State Medical Examiner Report ME#16-0694 Drug
Screen;

xviii. NMS Labs Toxicology Report;

xix. Autopsy photos internal;

xx. Crime scene photographs;

xxi. Canine Certificates for Tyler Cook.

xxii. Veterinary Records for Alec

xxiii. Necropsy Report of Canine Alec

2. Photo of rear license plate light of Ford Fusion;

3. I have listened to the recorded radio transmissions related to the incident;

4. I have reviewed the discovery pleadings provided by counsel;

   a. The City of Tupelo Response to Plaintiff's First Set of
   Interrogatories- April 5, 2017;

   b. Tyler Cook's Individual Response to Plaintiff's First Set of
   Interrogatories- April 5, 2017;

   c. Plaintiff's Supplemental Responses to Defendants First Set of
   Interrogatories and Requests for Production of Documents;

5. A transcript of Officer Tyler Cook's deposition that occurred on April 24,
2017;

6. Curriculum Vitae and Report submitted by Roger Mitchell;

7. Curriculum Vitae and Economic Analysis submitted by George Carter;

8. Resume and Evaluation of Dr. David Wilson;

9. Resume and final report of Roger Clark;

10. Citizen Complaints;

11. Personal Interview of Tyler Cook;

12. Personal Interview of Joseph Senter;

13. Driving the route taken by the Plaintiff on June 18, 2016;

14. Physically observed the Town House Motel from the place of observation of the officers;

15. Visually inspected the scene of the incident at 916 Harrison, Tupelo, Mississippi;

16. Visually observed the scene on Harrison Street where Officer Senter made the stop of Mr. Shumpert;

17. Photograph for rear license plate light of a Ford Fusion license tag number UNX 583;

18. Tupelo Standard Operating Procedures;

    a. SOP 3.05-Arrest Procedures;

    b. SOP 3.04-Response to Resistance;

    c. SOP 5.08 Canine Operations;

    d. SOP 5.04 Patrol Operations;

    e. SOP 3.01 Constitutional Civil Rights;

19. Documents regarding complaints in the area of the Town House Motel; and

20. Officer Cook's Training diplomas and certifications.

On June 18, 2016, the Tupelo Police Department (TPD) Street Crimes Unit set up surveillance at the Town House Hotel, 931 South Gloster Street. The TPD had received a number of complaints related to illegal drug sales occurring at the hotel. Officers advised that in addition to the citizen complaints of drug sales activity, they were also aware of a number of drug arrests that have been made in or near the hotel. They advised that several drug dealers usually rent rooms in the back Southwest corner of the hotel. The officers also advised that on at least one and possibly more occasions, search warrants have been executed to search for evidence of drug violations at the hotel.

TPD Lt. Michael Russell set up surveillance on Gloster Street across from the hotel and radioed his observations to the other members of the unit. The Street Crimes Unit officers were communicating on direct car-to-car frequencies that are not recorded by the dispatch system. At

approximately 9:30 p.m., Lt. Russell observed a tan sedan pull into the parking lot. The sedan did not stop at the office to check in. Approximately three minutes later, Lt. Russell observed the sedan exit the parking lot and travel north on Gloster Street. He communicated the description and direction of the sedan to the other Streets Crimes Unit officers.

Officer Joseph Senter was driving an unmarked police vehicle and first observed the sedan at the intersection of Gloster and Garfield Streets. Officer Senter pulled behind the sedan and observed that it was a tan Ford Fusion bearing Mississippi license tag UNX 583. He observed that the license tag light on the Fusion was not operable. He observed the Fusion make a right turn on Van Buren Avenue and also saw that the driver failed to use a turn signal when making the turn. Officer Senter then activated his blue lights to signal the driver to pull over. The driver, later identified as Antwun Shumpert, did not comply and continued on at a speed of approximately 30 miles per hour. Officer Senter stated in his report that he was about to call out that he was in a "slow rolling" pursuit when the Fusion turned left and headed westbound on Harrison Avenue, traveled a short distance, and stopped. He advised the other units of the location of the stop. As Senter was getting out of his squad car, Mr. Shumpert stepped out of the Ford Fusion. Senter drew his weapon and ordered the driver to get back in the car. At that point, Mr. Shumpert fled on foot, first running around the front of the Fusion and into a yard. Senter holstered his weapon and then pursued Mr. Shumpert on foot. He also switched frequencies to the 911 radio channel and advised he was in a foot pursuit. Senter pursued Mr. Shumpert through the yards parallel to Van Buren Ave. During the pursuit Senter observed Mr. Shumpert was wearing shorts and a Maroon jersey bearing the yellow number 5 on the back. The foot pursuit continued until Officer Senter lost sight of Mr. Shumpert when he crossed a ditch and entered a wooded area containing a power line that ran in the rear of the houses. The power line ran east-west behind the residences on Harrison and Tyler Streets. Officer Senter terminated the pursuit shortly after losing sight of Mr. Shumpert because his flashlight was too dim to allow him to safely search for Mr. Shumpert in the wooded area.

Officer Tyler Cook, assigned to the Street Crimes Unit, is a trained canine officer and was accompanied by Alec, a Belgian Malinois. Alec was trained in tracking, drug detection, and apprehension. Cook parked his unmarked police vehicle west of 916 Harrison. Cook and Alec went through the yard of a residence and entered the wooded area containing the power line. Cook then gave the command for Alec to track. As Cook and Alec worked in an eastbound direction, Alec hit a scent in the rear of the residence that was later determined to be 916 Harrison. Alec tracked the scent up to the door for the crawlspace under the residence. At this point, Officer Cook did not know the address of the house, nor did he have any information about other possible escape exits, nor did he know if the residence was occupied.

Officer Cook observed a hand holding the crawlspace door closed. Cook opened the door and observed Mr. Shumpert wearing a maroon jersey bearing the number 5 hiding in the crawlspace. Officer Cook identified himself as Tupelo Police and ordered Mr. Shumpert to come out from under the house. Pursuant to TPD policy, Cook also provided Mr. Shumpert with a verbal warning that he had a canine and that the dog would bite. Mr. Shumpert refused to comply with the command and proceeded to flee further into the crawlspace. Officer Cook then deployed Alec under the house in pursuit of the fleeing suspect. Alec is a bite-and-hold trained dog. Alec bit Mr.

Shumpert on the arm, and Mr. Shumpert fought the dog, striking Alec and beating the dog's head against the floor joists of the residence. This apparently dislodged Alec, who nevertheless maintained hold of Mr. Shumpert's jersey. Mr. Shumpert pulled the jersey off and then charged Officer Cook, tackling him.[2] Officer Cook had his firearm in his hand and he was not in a position to holster the weapon. Officer Cook states that Mr. Shumpert was sitting on top of Cook and began striking him in the face multiple times. Cook felt like he was going to lose consciousness if he did not defend himself. Cook then fired his firearm four times into Mr. Shumpert. Cook's statement is that Mr. Shumpert was on top of him when he fired.

The officers searching in the power line area heard the four shots. Officer Adam Merrill found Officer Cook standing with his back to the residence with his gun drawn and with Alec on a lead preventing Alec from attacking Mr. Shumpert. According to Merrill, Officer Cook was also giving Mr. Shumpert commands to stay down. Officer Merrill describes Officer Cook as breathing very heavy and appearing tired. Officer Merrill asked Officer Cook if he was ok, and Cook responded that "I'm good, but he got me a few times." At this point the officers did not know their location. Officer Merrill ran around to the front of the house, identified the address as 916 Harrison, and broadcast the address on his radio.

When Officer Joseph Senter arrived he observed Officer Cook holding Alec on a lead to prevent the dog from attacking Mr. Shumpert. Officer Senter observed Mr. Shumpert lying shirtless on the ground. He ordered Mr. Shumpert to put his hands behind his back and Mr. Shumpert did not comply. Officer Senter states that he put on a cuff on one of Mr. Shumpert's hands and attempted to put his hands behind his back to secure the hand cuffs on both wrists. Officer Senter states that Mr. Shumpert physically resisted putting his arms behind him, and thus Officer Senter had to kneel and forcibly pull Mr. Shumpert's hands behind his back to apply the handcuffs.

Ambulances were called; Mr. Shumpert and Officer Cook were transported to the hospital for medical treatment. Mr. Shumpert's wounds were fatal.

The crime scene photographs show blood stains in the grass. Also, on the ground was an ink pen from Officer Cook's pocket. The maroon jersey bearing the number 5 was located under the house.

The Medical Examiner's report noted that Shumpert was struck by four shots which are consistent with four shell casings recovered from the scene. Three of the gunshot wounds to the chest were "close range type entry wounds." The fourth wound is described by the Medical Examiner as a distant shot striking Shumpert in the pelvis area.

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[2] In reading the materials in this case I understand the Plaintiff's position in the complaint and in answers to interrogatories is that Shumpert voluntarily tried to surrender and was actually attacked by Alec and shot by Officer Cook while trying to surrender. In the Plaintiff's interrogatory response Plaintiff acknowledges that there are no witnesses to this fact and states that Plaintiff plans to use forensic evidence to establish the point. I have reviewed the Plaintiff's experts report and none of them provide any support for the proposition that Shumpert tried to voluntarily surrender when he was attacked. Nor can I find any circumstantial evidence to support that Shumpert tried to voluntarily surrender.

Photographs and medical records for Tyler Cook show abrasion and swelling on the right side of his face, a laceration on the bridge of his nose, a laceration on his left elbow, blood on the right side of his face, and a small abrasion on his right hand. He reported blurred vision at the hospital. The thighs of his uniform pants had dirt stains.

Photographs of canine Alec show blood on his face and on the dog's right side. A veterinary examination of Alec occurred at Cloverhaven Animal Hospital that evening. Dr. Kimberly Kelly notes that Alec had blood around his mouth as well as abrasions under both eyes and on the sides of his nose and face.

ANALYSIS

In rendering my opinion I must make a determination whether the use of force was objectively reasonable. In making this determination, I look at the officer's training, the department's policies, and facts and circumstances of the incident. Since many law enforcement policies and officer training are the result of court decisions, I also rely on prior court determinations regarding the reasonableness of the use of force. The opinions stated herein are based on my training and experience, my review of the materials described herein, and is stated to a reasonable degree of probability or certainty.

Determining whether the force used was reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interest against the countervailing governmental interests at stake. Tennessee v. Garner, 471 U.S. 1, 8, 105 S.Ct. 1694, 85 L.Ed.2d 1 (1985); Crosby v. Paulk, 187 F.3d 1339, 1351 (11th Cir.1999). Therefore, "[u]se of force must be judged on a case-by-case basis 'from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.'" Post v. City of Fort Lauderdale, 7 F.3d 1552, 1559 (11th Cir.1993) (quoting Graham, 490 U.S. at 396, 109 S.Ct. 1865, 104 L.Ed.2d 443). "A constitutional violation occurs when the officer's use of force is 'objectively unreasonable' in light of the totality of the circumstances at the time the force is used." Graham, 490 U.S. at 396. Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," Bell v. Wolfish, 441 U.S. 520, 559, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979), "its proper application requires careful attention to the facts and circumstances of each particular case," including (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Graham, 490 U.S. at 396, 109 S.Ct. 1865, 104 L.Ed.2d 443.

The proper perspective in judging an excessive force claim, Graham explained, is that of "a reasonable officer on the scene" and "at the moment" force was employed. Id., at 396.

Additionally, the determination of objective reasonable must make "allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Id. at 396–97.

In question are two uses of force involving Officer Cook. The first is whether the deployment of the police canine was reasonable. The second is the use of deadly force by shooting Mr. Shumpert. In my opinion both uses of force were entirely reasonable. I can state that it would be regular practice to deploy a canine for a fleeing suspect who was concealing himself in a dark crawlspace. Officers are trained that doing otherwise is inherently dangerous for an officer and the suspect. Additionally, in the circumstances at hand, a reasonable officer would have believed there was a serious risk to himself or third parties if he did not act immediately. Moreover, the decision to use deadly force was justified since the officer had a reasonable fear of serious bodily harm or death when Mr. Shumpert attacked.

The Traffic Stop and Flight Established Probable Cause to Arrest Mr. Shumpert.

In examining the totality of the circumstances I must examine the facts leading up to the shooting to establish Officer Cook's state of mind. First, the Street Crime Unit was surveilling what, in their training and experience, was a location of frequent narcotics violations also referred to as a "high crime area." They had received complaints regarding drug sales, made drug arrests, and served warrants at the Town House Motel. Moreover, the officers knew the name of a drug dealer that used the area in the corner of the L shaped building as a site for regular drug sales. Additionally, the officers observed Mr. Shumpert engage in actions consistent with a drug purchase. The officers observed Mr. Shumpert pull into the hotel and then approximately three minutes later leave the hotel parking lot. Because the officers had cause to suspect a drug transaction, they were further entitled to rely on their experience and training that weapons are frequently used in drug transactions. United States v. Heath, 259 F.3d 522, 530 (6th Cir. 2001) (citing United States v. Bell, 762 F.2d 495, 500 (6th Cir.1985)).

However, the officers did not rely on their drug-related suspicion as the basis to stop Mr. Shumpert. Officer Senter actually observed two traffic violations. First, he observed that the Ford Fusion had an inoperable license plate light. Second, he observed that Mr. Shumpert did not use a turn signal when turning on to Van Buren Avenue. Both of these constitute traffic violations and Officer Senter therefore had probable cause based on his first-hand knowledge to stop Mr. Shumpert. Additionally, Mr. Shumpert did not comply when the blue lights were activated and when Senter activated his siren several times. I have driven the route in question and the attempted stop occurred on a two-lane residential street. Also, the stop was after dark, indicating Shumpert must have seen the blue lights when they were first activated and failed to comply with a lawful order to stop the vehicle. This led Officer Senter to believe he was in a slow rolling pursuit.

Once Shumpert did stop his car, he immediately exited the vehicle instead of waiting for Officer Senter to approach. At that point, Officer Senter pulled his firearm and ordered Shumpert to get back in the car. Despite facing a uniformed police officer who was pointing a firearm at him, Shumpert chose to flee on foot. Moreover, Shumpert then turned into a wooded power line area that offered him opportunities for active concealment and gave him access to the rear of a number of residences. It is highly relevant that the incident occurred at night and that Shumpert was fleeing though a residential neighborhood. Under such circumstances, a reasonable officer would believe that there was a threat to the safety of the civilians who may be in their yards or inside their homes.

Additionally, by concealing himself in the woods and later in the crawlspace under the house, a reasonable officer could believe that Shumpert posed a threat to the officers.[3]

Additionally, Shumpert violated additional laws when he disobeyed a direct order to return to his vehicle and instead fled from Officer Senter – the Mississippi Disorderly conduct: refusal to comply with police request statute found at Miss. Code Ann. § 97-35-7. Shumpert's flight and concealment gave the police officers probable cause to arrest him. Additionally, TPD Standard Operating Procedure (SOP) 5.04 Patrol Operations: Traffic Stop Procedures, § B(2)(c) states that officers may physically arrest a traffic violator in lieu of a summons when "[t]he officer has an articulable reason to believe the person may not comply with a summons." The officers were therefore operating within departmental policy when they attempted to arrest Shumpert.

The Deployment of Canine under the House at 916 Harrison was Objectively Reasonable

In my opinion Officer Cook's deployment of the canine was objectively reasonable based on the Graham factors.

Officer Cook had Reason to Believe that a Severe Crime was at Issue.

Mr. Shumpert was violating the Mississippi statute against Disorderly Conduct. He refused to comply with Officer Senter's commands and also Officer Cook's commands to exit the crawlspace under the residence. Mr. Shumpert crossed the threshold of the crawlspace with intent to flee or evade arrest and not to comply with lawful orders to surrender. Thus, Officer Cook had probable cause that Mr. Shumpert was violating Miss. Code Ann. § 97-17-23 Burglary; breaking and entering; home invasion. This statute merely requires the breaking and entering with the intent to commit some crime, be it a felony or misdemeanor.[4] Burglary of a Dwelling is a serious crime because of the chance of an encounter with a possible resident. Moreover, it is a felony. Thus, this factor supports the opinion that Officer Cook acted reasonably.

The Plaintiff has made statements that the use of force of a canine was excessive since this was a minor traffic stop. However, he fails to note that the courts have repeatedly held that a suspect fleeing a traffic stop into a dark wooded area that provided the suspect with a strategic advantage where the suspect could ambush the officers is extreme behavior; such behavior allows a reasonable officer to believe that something far more nefarious than mere traffic violations is occurring and that the suspect may pose a threat to the officers' safety. Matthews v. Jones, 35 F.3d 1046 (6th Cir.1994); see also Carey v. Cassista, 939 F. Supp. 136, 141 (D. Conn. 1996) (officer's deployment of a canine was reasonable because the officer was concerned for his safety when a suspect fled a traffic stop into a wooded area); Miller v. Clark Cty., 340 F.3d 959, 965 (9th Cir. 2003) (where fleeing suspect was familiar with the terrain and might have seized the opportunity to select a hiding place to maximize his strategic advantage against the officers, officer's concern for his safety and deployment of canine was reasonable)

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[3] Archuletta v. City of S. Salt Lake, No. 2:12-CV-703-TC, 2014 WL 5149298, at *10 (D. Utah Oct. 14, 2014)
[4] White v. State, 195 So. 3d 765, 769 (Miss. 2016)

The fact that this incident started as a traffic offense does not make the eventual deployment of the canine unreasonable. The Eleventh Circuit court of Appeals has specifically recognized that from the perspective of a reasonable officer, when an unidentified individual has fled arrest after committing a non-serious traffic offense a reasonable officer would not know the extent of the danger posed by that fleeing individual. Moreover, that the individual had fled at night into nearby woods created further reason to be apprehensive and justify the deployment of a canine to apprehend the suspect. Edwards v. Shanley, 666 F.3d 1289, 1295 (11th Cir. 2012).

Therefore, this factor weighs in favor of Officer Cook's deployment of the canine.

Mr. Shumpert Posed an Immediate Threat to the Safety of the Officer and Others.

In assessing the deployment of the canine it is necessary to establish Officer Cook's knowledge at the time of the deployment to determine if he reasonably believed that Mr. Shumpert posed a danger to the officer or others. First, Officer Cook knew that there may have been a drug transaction, and from this it was reasonable to assume that Shumpert might be armed. Moreover, the fact that the suspect fled from a simple traffic stop for failure to signal would lead an officer to reasonably believe that the officers were involved in something far more serious than a simple traffic stop.

In addition, all of the officers that evening, including Officer Cook, had a reasonable concern for their safety because of the attempt to flee into a wooded area and a crawlspace that would give Mr. Shumpert a tactical advantage if the officers attempted to apprehend him. Finally, the danger to the community is a significant issue. A suspect that is desperate enough to flee multiple officers and then force his way into a crawlspace of a residential building is obviously a danger to any citizen with whom he should come into contact. If the officers continued to allow him to escape, he could break in a home, confront someone getting in their car in the driveway, or carjack someone stopped at a stop sign in the neighborhood.[5] In my experience, well-trained police officers are taught that safety to the public is paramount. Moreover, well-trained officers are taught "officer survival" and are made aware of inherently dangerous situations, such as the one with Mr. Shumpert.

In making his split-second decision, Officer Cook had to consider a number of facts. First, he did not know the address of the residence to broadcast to other officers to seek backup. Second, it would have been unreasonably dangerous to leave the doorway of the crawlspace unguarded to go around to the front of the house and get the address. Shumpert could continue to flee and could

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[5] McQuery v. City of San Diego, No. 16CV170 BAS (BGS), 2017 WL 1838925, at *5 (S.D. Cal. May 5, 2017)(Plaintiff's route, as he fled police, took him into a residential area and through an apartment complex, increasing the threat he posed to the public justified deployment of a canine against a concealed burglary suspect.).

be a danger to other officers and the residents of the neighborhood.[6] Third, Officer Cook did not know if Shumpert was armed. As noted earlier, firearms are regularly present in drug transactions. Additionally, Cook did not know if there were any items, such as bricks, pieces of lumber, or yard tools, stored under the residence that could be used as weapons. Fourth, Officer Cook did not know if the crawlspace had any other exits that would allow escape or access to the occupied portion of the house. There may have been a trap door or heating and air conduit that could be pulled down to allow access. Older homes may have had old floor furnaces that have been replaced, providing potential access to the house. Fifth, Mr. Shumpert continued to flee. Officer Cook, upon seeing him in the crawlspace, identified himself as a police officer and ordered Mr. Shumpert to surrender. Instead, Mr. Shumpert continued to flee further back under the house. If Officer Cook allowed Mr. Shumpert to escape to the point he was no longer visible this would increase the danger to the public and other officers. Sixth, it would be unreasonably dangerous for Officer Cook to physically enter the crawlspace in attempt to capture Mr. Shumpert. Officer Cook would have been exposed to attack or gunfire by Mr. Shumpert. Because of the low height of the crawlspace, Officer Cook would be extremely limited in his ability to employ any physical holds or bars taught to police officers to capture and restrain a suspect. Seventh, Officer Cook had little or no cover to protect himself from gunfire from within the crawlspace. I personally visited the crime scene and noted that the only cover was a central air conditioning unit, which is comprised of thin sheet metal that would not stop a bullet. There was also a small tree approximately three inches in diameter. Thus, there was no safe place for Officer Cook to protect himself from gunfire and still be able to observe Mr. Shumpert.

Canines are used for a variety of missions, including capturing fleeing suspects and also capturing concealed suspects where it may be too dangerous for an officer to approach. This is exactly the situation Officer Cook faced and is traditionally the function of a canine deployment. Officer Cook and Alec are specially trained to conduct building searches for persons concealed inside and to capture suspects whose concealment would give them a tactical advantage over an officer trying to physically arrest the suspect. This is the situation he faced and in my opinion, knowing police training, a well-trained and reasonable canine officer would have reacted in the same reasonable manner as Officer Cook. In short, canine officers are trained to employ their dogs to pursue and apprehend fleeing suspects.

In examining the reasonableness of the deployment of a canine into a darkened crawlspace at night to apprehend a concealed suspect, I have reviewed court decisions that have evaluated this practice. The courts have recognized that the practice of deploying a canine into crawlspaces or in darkened buildings at night is the ordinary and reasonable use of a canine. See, e.g., Archuletta v. City of S. Salt Lake, No. 2:12-CV-703-TC, 2014 WL 5149298, at *10 (D. Utah Oct. 14, 2014) (there was no reasonable alternative to the use of a canine to search a crawlspace because sending in an officer posed too much danger.).

The leading case on canine deployment into darkened buildings is *Robinette v. Barnes*, 854

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[6] The risk of violence and danger to others is demonstrated by Mr. Shumpert's attack on the canine Alec and then by charging an armed police officer. Based on the evidence in the record it is clearly a concern that Mr. Shumpert was violent and dangerous demonstrated by his assault on a police officer attempting to make a lawful arrest.

F. 2d 909 (6th Cir. 1988). In <u>Robinette</u> the court recognized that deployment of a canine is not only reasonable, but actually reduces risk of officers having to resort to deadly force.

> [W]e believe that these dogs often can help prevent officers from having to resort to, or be subjected to, [deadly] force. Any attempt to apprehend a criminal suspect presents the officer with [a] difficult and frightening situation, but certainly an attempt to arrest a suspect hidden inside an unfamiliar building during the nighttime presents a particularly confusing one. The use of dogs can make it more likely that the officers can apprehend suspects without the risks attendant to the use of firearms in the darkness, thus, frequently enhancing the safety of the officers, bystanders, and the suspect.

<u>Robinette</u>, 854 F.2d at 914.

Thus, it is accepted that using a canine to apprehend a suspect in a darkened building or a crawlspace actually reduces the level of force that might have to be used otherwise. Canine officers are trained to use this reduced level of force and are specialists in extracting concealed suspects. It is a normal reasonable practice to deploy the canine if a suspect concealed in a darkened building will not surrender after being provided a verbal warning.

Police officers' legitimate concern for their own safety is always a factor that should weigh heavily in balancing the relevant <u>Graham</u> factors. <u>Muehler v. Mena</u>, 544 U.S. 93, 111 (2005). Officer Cook's reasonable belief that Mr. Shumpert was a danger to the officer and others weighs heavily in favor of Officer Cook's use of the canine Alec.

Mr. Shumpert was Actively Resisting Arrest and Attempting to Evade Arrest by Flight.

The evidence appears to be uncontroverted that Mr. Shumpert was actively resisting arrest and attempting to evade arrest by flight. When Officer Senter turned on his blue lights and sirens, Mr. Shumpert did not comply and continued to drive on. Once exiting the car, Mr. Shumpert did not follow the legal order to get back in the car. Mr. Shumpert then fled on foot, causing Officer Senter to engage in a foot pursuit. Mr. Shumpert then fled into a wooded area where he had a better opportunity at concealment and ambush. Mr. Shumpert then concealed himself in the crawlspace under a house in an attempt to evade and resist arrest. When Officer Cook gave him an order to surrender, Mr. Shumpert then, in an attempt to evade and resist arrest, went further back into the darkened crawlspace, which could be reasonably presumed to reflect an intent to seek an avenue of escape or to gain a tactical advantage if the officers entered the crawlspace. Once Officer Cook deployed the canine, Mr. Shumpert violently resisted the dog by striking it and banging the canine into the floor joists. Thus, this factor overwhelmingly supports a finding that the use of force in deploying the canine was reasonable.

Officer Cook did not Violate TPD Policy in Deploying the Canine.

I have reviewed TPD SOP 5.08, Canine Procedures, and in my opinion Officer Cook did not violate TPD policy by deploying the canine prior to having officers secure the perimeter of the building. TPD's Canine policy states a number of uses for canines including:

> B.   Criteria for callout includes but is not limited to:
>
> 1.   conducting building searches for what are believed to be serious felony or armed misdemeanor suspects in hiding;
>
> 2.   assisting in the arrest or prevention of the escape of serious or violent offenders;
>
> 3.   protecting officers or others from death or serious injury; and engaging in assignments not listed here with the approval of the canine team supervisor or Major of Patrol.

TPD SOP 5.08, Canine Availability.

It should be noted the policy, as most department policies do, breaks out into different and distinct uses, including building searches, apprehending fleeing suspects, and protecting officers from death or serious bodily injury. The policy therefore recognizes that different tactics will be used in these situations. In reviewing the pleadings, it appears the Plaintiff is asserting that Officer Cook violated TPD SOP 5.08 Building Searches and Suspects in Hiding. However, it should be recognized that the vast majority of building searches occur when patrol officers discover a burglary and believe a suspect is inside. Normally, a canine officer is not among the responding officers and must be called to the scene. Accordingly SOP 5.08 advises the scene officers to secure the perimeter, not to enter the building, and lists other steps "in preparation of the search." This portion of the policy is not directed at the canine handler.

More importantly, the building search portion of the SOP 5.08 is not applicable. Officer Cook was involved in tracking an evading suspect, who Officer Cook eventually had probable cause to believe to have committed a felony. This was a "hot pursuit" matter, not a building search. Moreover, Mr. Shumpert, by concealing himself, made it unreasonably dangerous for officers to attempt to arrest him in person. This is a situation where Officer Cook had to consider the danger to officers and others. Since the incident does not fall under the building search portion of the Canine Policy, Officer Cook did not violate policy.

The Plaintiff in the discovery process tried to cast this incident as a "barricade situation." This was not a true barricade situation; it was a dangerous fleeing suspect situation. While TPD does not appear to have a barricade policy, I am familiar with many departments' barricade policy and training. The policies I am familiar with require the first responding officer to assess the situation and the nature of the threat and make a determination whether to make an immediate entry or wait for the assistance of a SWAT Team or a canine handler.[7] Officer Cook was both the

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[7] See e.g., Baltimore Police Department Policy 702. P.3, located at
https://www.baltimorepolice.org/sites/default/files/Policies/702_Hostage_Barricade_Sniper_Incidents.pdf;

first responder and the specialized officer. Because of the potential of danger to the community and the possibility of escape created by Mr. Shumpert's actions, Officer Cook's decision to deploy Alec was well within his discretion. It should be noted that if Officer Cook waited until he could have secured enough officers to surround the perimeter, then if Mr. Shumpert continued to evade and resist as he did thoughout the situation, Officer Cook would have nevertheless deployed the canine pursuant to policy and normal police practices.

Officer Cook also complied with TPD policy by providing Mr. Shumpert with a verbal warning and an order to surrender. However, upon hearing the warning, Mr. Shumpert continued to attempt to escape and evade by attempting to go further in the darkened crawlspace. Since Shumpert was continuing to flee and evade, the deployment is consistent with TPD policy and was an objectively reasonable response by Officer Cook.

Thus, in my opinion and given my knowledge of police practices, police training, and the courts' guidance on the reasonableness of uses of force, I believe Officer Cook acted reasonably in first deploying the canine.

The first officer(s) to discover or respond to a Hostage/Barricade/Sniper Incident must rapidly assess the nature of the threat posed by the suspect(s) to human life, and determine whether the best course of action is to make an immediate entry attempt or await the arrival of SWAT. As discussed earlier, a reasonable officer would be concerned for the safety of others. Thus, this is a situation where it would be reasonable to deploy a canine to apprehend the suspect before a true barricade situation could occur.

In the Canine Searches SOP 5.08 it specifically advises officers to assess the situation using the Graham factors discussed previously. Moreover, the policy goes on to state that in tactical deployments, the decision of the tactical measures shall be at the discretion of the handler. TPD 5.08, Canine Availability, § 7. This policy requires the canine officer to issue a verbal warning that the dog will be deployed. The uncontroverted evidence is that Office Cook complied with this policy. Shumpert's reaction was not to surrender to a lawful order, but to continue to flee further under the residence.

It should be noted that Officer Cook did attempt to de-escalate the situation. He provided Mr. Shumpert with clear verbal orders to surrender or the dog would be deployed. Mr. Shumpert's reaction to the deployment was to respond with extreme violence. It was Mr. Shumpert who chose to escalate the situation. Officer Cook followed the TPD policy and the normal practices of canine officers in using verbal warnings to de-escalate the situation. Thus, his actions were objectively reasonable.

Thus, applying the Graham factors on which a jury would be instructed, it is my opinion that all three factors weigh in Officer Cook's favor. Therefore, I believe the deployment was not only objectively reasonable, but that most well-trained canine officers would have done the same. Therefore, it is my opinion that Officer Cook did not use excessive force by deploying the canine.

Officer Cook's Use of Deadly Force was Objectively Reasonable.

The law is well settled that a police officer is authorized to use deadly force if he has a reasonable fear of serious harm or death. "Use of deadly force is not unreasonable when an officer would have reason to believe that the suspect poses a threat of serious harm to the officer or others." Ramirez v. Knoulton, 542 F.3d 124, 129 (5th Cir. 2008); Mace v. City of Palestine, 333 F.3d 621, 624 (5th Cir.2003). For deadly force to be justified by self-defense, "danger to the defendant must be either actual, present and urgent, or defendant must have reasonable grounds to apprehend design on the part of the victim to kill, or to do him some great bodily harm, and, in addition, there must be imminent danger of such design being accomplished.". Anderson v. State, 571 So. 2d 961, 963 (Miss. 1990).

All police officers are taught this standard and it is included in virtually all law enforcement deadly force policies. I have reviewed the TPD's use of force training materials and the force continuum included in the instructional materials. The policies are clear that if an officer reasonably fears serious harm or death, he is legally allowed to use deadly force. Moreover, most officers are taught some form of what is known as a force continuum and Officer Cook received this training in accordance with TPD policies. While there are many different types of force continuums taught and included in police policies, one thing is uniform: When an officer is confronted with a level of resistance that causes the officer to have reasonable fear of bodily harm or death, deadly force is authorized.

In this case, the proof in the record shows that Mr. Shumpert consciously made the choice not to submit to a lawful arrest. Instead, he illegally responded by attacking an armed police officer, who had his firearm drawn. More importantly, once Mr. Shumpert tackled Officer Cook, he did not make an attempt to flee. Instead he continued to attack Officer Cook, striking Officer Cook in the face such that Officer Cook believed he was at risk of losing consciousness. Officer Cook stated he fought with Mr. Shumpert. Officer Cook's firearm was in his right hand and it is reasonable to assume that Officer Cook struck Shumpert with the firearm in the face or about the head.

This appears to fit the classic pattern of where a suspect leaves an officer with no choice other than to use deadly force. Based on my years of experience in law enforcement and as a civil rights litigator, I can say that Officer Cook's decision was not only objectively reasonable, but was his only reasonable option at that point in time under the circumstances. If he had been rendered unconscious, Mr. Shumpert would have unhindered access to Officer Cook's firearm, which could have then been turned on Officer Cook, canine Alec, any other officers attempting to apprehend Mr. Shumpert, or an innocent civilian in the residential area. This left Officer Cook with no other reasonable option but to use deadly force. Based on this, I can only opine that Officer Cook's use of deadly force in response was consistent with how any other reasonable police officer would respond.

In reviewing the deposition of Officer Cook, Plaintiff's counsel repeatedly questioned Officer Cook about what other means he took to de-escalate the situation, such as waiting on other officers to secure the perimeter of the house, and implied that Officer Cook failed to consider the use of non-lethal force or to employ a crisis negotiator. "A creative [person] engaged in *post hoc* evaluation of police conduct can almost always imagine some alternative means by which the objectives of the police might have been accomplished." United States v. Sharpe, 470 U.S. 675,

686–87 (1985). "The question is not simply whether some other alternative was available, but whether the police acted unreasonably in failing to recognize or to pursue it." *Id.* at 687. Even where an officer acts negligently and contrary to police procedure, the court has failed to recognize a constitutional claim where a police officer used deadly force in response to a reasonable belief that an individual posed a threat of serious harm. <u>See</u> Young v. City of Killeen, 775 F.2d 1349, 1350–53 (5th Cir.1985).

This is exactly the warning the Supreme Court in <u>Graham</u> issued: that the review of the objective reasonableness should consider the split-second decisions officers must make under stressful situations and it is therefore improper to use hindsight in determining objective reasonableness. Because of this, I cannot make a determination that the failure to use other methods that night was objectively unreasonable. To the contrary, because of the potential danger a fleeing suspect poses to the officers and the public, I believe Officer Cook's actions were objectively reasonable.

I have been involved in law enforcement for 39 years as a police officer, prosecutor, and civil rights attorney. I have received training on how to deal with suspects concealed in darkened buildings. I have reviewed canine training and materials used by the New Orleans Police Department. Moreover, I have helped draft use of force policies for the NOPD and reviewed their canine operations. In this time period I have never heard of a situation where a suspect concealed in a darkened building while being pursued by police officers would be treated as a barricade situation needing a negotiator or use of chemical weapons to extract the suspect. The normal course is to warn the suspect that a canine is entering and will bite. If the suspect accepts these entreaties to surrender without any use of force, the situation ends. If not, the canine will normally be deployed. This occurs literally many times a day thoughtout the nation. It is the recognized and objectionably reasonable method to apprehend a concealed suspect.

CONCLUSION

Based on my review of the evidence provided, it is my opinion that Officer Cook acted in an objectively reasonable manner in deploying the canine under the residence at 916 Harrison. Additionally, Officer Cook acted reasonably in using deadly force since he was reasonably in fear of bodily harm or death.

Very truly yours,

BUTLER SNOW LLP

Stephen C. Parker

Appendix 4: Budget

City of Baltimore Police Department
Monitor - Professional Services Agreement
Annual Budget of Fees and Costs

Total Hours and Weighted Effective Rate

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Hours	Est. Effective Rate
Lawyers	1860	1760	1685	1460	1475	8240	$441.77
Paralegal	240	240	240	180	140	1040	$150.00
Academic Experts	1000	970	990	930	875	4765	$165.74
Law Enforcement Consultants	1990	1715	1670	1520	1420	8315	$150.00
Community Liasion	180	140	120	120	120	680	$75.00
Data Analysts	500	600	600	600	600	2900	$50.00
TOTALS	5770	5425	5305	4810	4630	25940	$232.43

Total Fees and Costs by Year (Hourly Estimates)

	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
Fees	$1,362,100.00	$1,275,050.00	$1,234,725.00	$1,089,000.00	$1,068,325.00	$6,029,200.00
Costs	$207,000.00	$186,900.00	$175,900.00	$159,800.00	$159,800.00	$889,400.00
TOTAL FEES AND COSTS	$1,569,100.00	$1,461,950.00	$1,410,625.00	$1,248,800.00	$1,228,125.00	$6,918,600.00

Total Fees and Costs by Year (Flat Fee)

	Year 1	Year 2	Year 3	Year 4	Year 5	
Fees & Costs	$1,375,000.00	$1,375,000.00	$1,375,000.00	$1,375,000.00	$1,375,000.00	$6,875,000.00
TOTAL FEES AND COSTS	$1,375,000.00	$1,375,000.00	$1,375,000.00	$1,375,000.00	$1,375,000.00	$6,875,000.00

Total Hours per Year by Classification

		Policy Review	Training Assessment	Incident Review, Data Analysis, & Outcome Assesments	Community Engagement	Report Writing	Coordination and Review	Total Hours
Year 1	Lawyers	150	150	250	290	260	760	1860
	Paralegal	0	0	0	0	40	200	240
	Academic Experts	160	160	520	0	160	0	1000
	Law Enforcement Consultants	550	550	620	80	150	40	1990
	Community Liasion	0	0	0	180	0	0	180
	Data Analysts	0	0	500	0	0	0	500
Year 2	Lawyers	40	80	370	290	220	760	1760
	Paralegal	0	0	0	0	40	200	240
	Academic Experts	50	170	620	0	130	0	970
	Law Enforcement Consultants	190	550	720	65	150	40	1715
	Community Liasion	0	0	0	140	0	0	140
	Data Analysts	0	0	600	0	0	0	600
Year 3	Lawyers	30	60	360	250	340	645	1685
	Paralegal	0	0	0	0	40	200	240
	Academic Experts	30	170	660	0	130	0	990
	Law Enforcement Consultants	140	410	820	65	195	40	1670
	Community Liasion	0	0	0	120	0	0	120
	Data Analysts	0	0	600	0	0	0	600
Year 4	Lawyers	20	60	360	250	220	550	1460
	Paralegal	0	0	0	0	40	140	180
	Academic Experts	30	110	660	0	130	0	930
	Law Enforcement Consultants	80	365	820	65	150	40	1520
	Community Liasion	0	0	0	120	0	0	120
	Data Analysts	0	0	600	0	0	0	600
Year 5	Lawyers	10	40	360	250	340	475	1475
	Paralegal	0	0	0	0	40	100	140
	Academic Experts	15	70	660	0	130	0	875
	Law Enforcement Consultants	40	260	820	65	195	40	1420
	Community Liasion	0	0	0	120	0	0	120
	Data Analysts	0	0	600	0	0	0	600
	TOTAL HOURS	1535	3205	11520	2350	3100	4230	25940

City of Baltimore Police Department
Monitor - Professional Services Agreement
Annual Budget of Fees and Costs

	Annual Miscellaneous (including printing, monitoring team apparel, computer legal research, etc.)	Travel (Unit Cost)	Taxi (Unit Cost)	Per Diem (Unit Cost)	Annual Housing (including furnishings, cleaning, utilities, internet, etc.)	Annual Website Development, Maintenance & Marketing	Annual Survey	Year Total
Unit Cost or Typical Annual Cost	$ 20,000.00	$ 400.00	$ 50.00	$ 75.00	$ 50,000.00	$ 15,000.00	$ 50,000.00	
Year 1								
TOTAL WEIGHT	100.0%	80.00	80.00	480.00	100.0%	100.0%	100.0%	
TOTAL DOLLARS	$ 20,000.00	$ 32,000.00	$ 4,000.00	$ 36,000.00	$ 50,000.00	$ 15,000.00	$ 50,000.00	$ 207,000.00
Year 2								
TOTAL WEIGHT	100.0%	66.00	66.00	396.00	100.0%	50.0%	100.0%	
TOTAL DOLLARS	$ 20,000.00	$ 26,400.00	$ 3,300.00	$ 29,700.00	$ 50,000.00	$ 7,500.00	$ 50,000.00	$ 186,900.00
Year 3								
TOTAL WEIGHT	100.0%	56.00	52.00	312.00	100.0%	50.0%	100.0%	
TOTAL DOLLARS	$ 20,000.00	$ 22,400.00	$ 2,600.00	$ 23,400.00	$ 50,000.00	$ 7,500.00	$ 50,000.00	$ 175,900.00
Year 4								
TOTAL WEIGHT	50.0%	47.00	47.00	282.00	100.0%	50.00%	100.00%	
TOTAL DOLLARS	$ 10,000.00	$ 18,800.00	$ 2,350.00	$ 21,150.00	$ 50,000.00	$ 7,500.00	$ 50,000.00	$ 159,800.00
Year 5								
TOTAL WEIGHT	50.0%	47.00	47.00	282.00	100.0%	50.0%	100.0%	
TOTAL DOLLARS	$ 10,000.00	$ 18,800.00	$ 2,350.00	$ 21,150.00	$ 50,000.00	$ 7,500.00	$ 50,000.00	$ 159,800.00
TOTAL DOLLARS	$ 80,000.00	$ 118,400.00	$ 14,600.00	$ 131,400.00	$ 250,000.00	$ 45,000.00	$ 250,000.00	$ 889,400.00