REVIEW OF LEXINGTON POLICE DEPARTMENT POLICIES AND PRACTICES

REPORT TO LEXINGTON SELECT BOARD

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Review of Lexington Police Department Policies and Practices

I. Introduction

The Town of Lexington asked Town Counsel Anderson & Kreiger LLP ("A&K") to conduct a review of the Town's bylaws, regulations, and practices as part of a more formal process of examining its municipal operations, for the purpose of ensuring that the Lexington community is free of racism, discrimination, and hate.[1] The first phase of this project focuses on the Lexington Police Department, and the Department's policies and practices. This report explains the process we followed to gather information about the Department's current practices and the community's perception of those practices, and includes recommendations for policy changes and other measures to ensure that the Department is as inclusive and equitable as it can be.

II. Methodology

Our review consisted of three related parts: (1) we conducted an internal review of the Department's policies and practices, through interviews with officers and review of existing written policies and data; (2) we held meetings with community groups and other stakeholders to understand the public's interactions with and perception of the Department, and especially the experiences that racial and ethnic minorities in Lexington had with the Department; and (3) we conducted an analysis of best practices by examining the policies of other police departments across the United States to identify productive changes the Department could implement to further promote diversity, equity, and inclusion. Our fact-gathering took place between September 2020 and the end of February 2021; this report does not address any events that took place after that window.

During the internal review, we spoke with Department leadership, including Chief Mark Corr,[2] as well as patrol-level officers about the department's culture and any challenges faced by officers in general, and officers of color in particular. Our internal data review focused on issues that we learned were matters of significant public attention and concern, including traffic stops, whether because of local or national issues.

We held community group meetings with a large number of organizations and affinity groups representing different residents within Lexington. A complete list of the organizations we met with is attached to this report as Appendix A. The purpose of those meetings was to solicit feedback from different parts of the Lexington community regarding the Police Department and its practices, to enable us to understand the community's experiences with and perception of the Department's strengths and weaknesses and tailor our review and suggestions to meet actual, rather than abstract, needs and concerns. We also attended public community meetings with the Human Rights Committee and the Police Department, including the Virtual Community Conversation on Race and Social Equity, Diversity and Policing and the Lexington Special Town

[1] For more information on the Town's diversity, equity, and inclusion initiatives, see https://www.lexingtonma.gov/town-manager/pages/toward-equitable-and-just-community.

[2] Chief Corr retired April 19, but was chief of police throughout the fact-gathering portion of our review.

Meeting discussion of the Systemic Racism Resolution, and heard concerns and questions posed by members of the public.

Once we had an understanding of the Department and of the community's concerns, we compared the Department's best practices employed by police departments across the country to identify practices that would address the specific areas requiring attention in Lexington. For models, we looked at recently updated policies from communities of a similar size and demographic makeup to Lexington, as well as at policies adopted pursuant to civil rights consent decrees or identified in academic literature as exemplary policies. Our specific policy recommendations are discussed in more detail below, and the model policy language we analyzed is compiled in Appendix D.

III. Summary of Findings[3]

A. Community Group Meetings

1. Purpose

As detailed in Appendix A, we met with a wide range of affinity groups and community organizations to gain a better understanding of the public's experiences with, perception of, and concerns about, the Department. We asked each group for positive and negative feedback, and for details about their personal interactions with the Department. We also asked for information about their members' and community's perceptions, and about what areas they believed the Department could improve upon.

These community group meetings served multiple related purposes. Understanding the concerns of the community served by the Department enabled us to target our review and our recommendations at the areas where change would have real-world impacts, rather than evaluating the Department's policies in a vacuum. The range of perspectives we heard also helped reduce the chance that our individual biases and preconceptions as investigators would play an undue role in our conclusions and recommendations. The community conversations also provided insight on areas in which the Department's written policies and rules may not translate into practice, so that we could identify issues that were attributable to implementation and enforcement rather than policy language—something that is far more difficult to do in the abstract. Finally, because the Department had not experienced major or obvious issues in recent years at the time we conducted our interviews—such as a pattern of excessive use of force—gathering direct feedback from the community was critical to understanding how to prioritize our recommended changes to respond to the most pressing concerns. The direct feedback also allowed us to determine and recognize what the Department is already doing well from the

[3] When summarizing the interviews with community groups and police, we are reporting what was told to us by the people we spoke to: this section of the report is meant neither to adopt nor to express skepticism regarding the opinions and statements related.

community's perspective, while at the same time discouraging complacency and enabling further improvement.

2. LPD Strengths

The vast majority of individuals that we spoke to reported having positive personal interactions with Lexington police officers. Officers were generally described as courteous and helpful, and many recognized that the Department was well-intentioned when it came to issues of equity and inclusion. The general perception of the Department's responsiveness and overall effectiveness at their official duties was positive: those we spoke to had good experiences with the Department during emergency response situations, and appreciated that the Department was proactive and conducted outreach about public safety threats. Community members also mentioned that they appreciated the Department's commitment to and practice of de-escalation tactics, which have avoided use of force by officers.

Community members also made special mention of the positive nature of the Department's interactions with and treatment of people with special needs. Multiple people said that they appreciated the Department's outreach to and involvement with community groups. In particular, School Resource Officer Kristina Hankins received praise from multiple individuals and groups for her positive relationships with students and for her general job performance.

3. Community Concerns

The areas of concern or suggestions for improvement that we heard from the community can be organized into four general categories: (1) transparency; (2) diversity in hiring and promotions; (3) Department culture and receptivity to reform; and (4) racial profiling, especially in traffic stops.

i. Transparency

With respect to transparency, we heard feedback from a number of groups and individuals regarding the difficulty in accessing data from the Department, including both statistical information such as data on traffic stops, and policy information such as procedures and other information related to hiring and promotions. The people we spoke to pointed out that without access to data, it is difficult or impossible to tell whether the Department is engaging in discriminatory behavior or properly implementing its policies. The perceived reluctance on the part of the Department to share information and data is thought by some to reflect a resistance to oversight or change: they believe that while the Department says the right things about being committed to equity and inclusion, it expects those statements to be taken at face value and does not want to engage in the self-interrogation necessary to identify and address implicit bias.

A particular example of a lack of transparency involved the complaint process. Some individuals expressed reservations that complaints about the police have to be submitted to and resolved by the police themselves, worrying that that process would chill reporting. Some community members also expressed concerns about the follow-up by the Department after a

complaint is filed: they thought the process by which complaints are reviewed and the results of internal investigations should be more transparent, to demonstrate the Department's accountability. In the absence of such transparency, these members expressed concerns that complaints from different citizens are treated differently, and that some citizens with connections to the Department have access to a favored complaint process which allows them to remain anonymous or ensures that their concerns are treated as a priority.

ii. Diversity in Hiring and Promotions

With respect to diversity, it was a common concern that the Department does not reflect the Town's racial and ethnical diversity, and that no minority officers had ever been promoted to the rank of sergeant or higher. Many individuals expressed concern about the most recent sergeant's list, and the Department's decision not to promote from that list, despite the fact that there were minority officers near the top of the list. As noted above, transparency around hiring and promotion was cited as a related concern: community members are not aware of what efforts the Department is making to recruit and hire diverse candidates, and believe that not enough information is made public about the promotion process, such that it is impossible to tell whether the failure to promote minority officers results from overt or implicit bias. Community members reported that the decision to leave the Civil Service system was touted by the Department as an important way to increase diversity, but say that they have not seen that translate into actual results. A number of community members also expressed concern about the lack of accountability with respect to diverse hiring, and its role in the failure to diversify the Department thus far. Others noted that the increases in diversity within the Department that have been accomplished have improved relationships between the Department and people of color in Lexington.

iii. Department Culture

With respect to the culture of the Department and the Department's receptivity to reform, there is a perception among multiple groups within the community that the Department is an "old boys' club": there is an impression that one needs to know someone or have the right connections to advance within the Department, which influences the popular understanding of the diversity issues discussed above. The culture at the Department is viewed by some as insular and defensive of its own, in the sense that it is not willing to listen to or absorb constructive criticism. We were told by some community members that the Department has a tendency to be dismissive of equity and inclusion issues, either because it does not believe that biases are an important problem in Lexington, or because it believes that it already does a better job than most police departments, and so equity and inclusion problems are less pressing.

Some pointed to micro-aggressions from officers and Department leadership as evidence of a cultural problem within the Department, and a lack of understanding of, and commitment to, equity and inclusion. Specific examples included a failure to use language that is inclusive of non-gender-binary individuals. Several individuals opined that trainings and policies are ineffective if the Department is not creating an environment where officers are encouraged and empowered to make a meaningful commitment to embracing equity and inclusion. Another

example of this problem that was mentioned was a perception that officers are less friendly to Black residents of Lexington—less likely to greet them on the street, or be respectful and courteous in official interactions with them. Some community members also thought that there was a disconnect between the policies that the Department has on paper, and the practice of individual officers in the real world. They described the issue as a lack of understanding and empathy, rather than a need for better policy language.

The timing of the June 2020 Town Meeting vote on funding for the expansion of the police station was cited by multiple people as an example of a disconnect or lack of empathy between the Department and Town, on one hand, and the community, on the other. The Town Meeting article was discussed the same day as a community vigil in honor of George Floyd, and many people we spoke with believe that the fact that the Town did not postpone consideration of the article in light of the vigil and the national situation reflected a lack of understanding or tone-deafness on the part of the Town and Department.

A related issue that was mentioned by a number of groups was a desire to see more outreach and effective communication from the Department to different minority populations in Town, including by attending meetings of affinity groups. Some pointed out that the Department's communication efforts consist largely of posting notices on the Department's website, and that these communications often do not reach their target audience. Others expressed a desire to see more investment in personal interactions with the community, and especially minority communities in Town, to build relationships and improve community understanding of the Department and its initiatives.

iv. Racial Profiling

Community members continue to report that Lexington police officers disproportionately pull over Black motorists. We heard a number of accounts from a diverse group of community members about Black residents being stopped multiple times or without apparent reason while driving in Lexington. Many individuals, including some within the Department, told us that racial profiling in traffic stops had been a problem historically in Lexington, 30 or 40 years ago. A number of community members believe that it continues to be a problem, and point to the Department's inability or unwillingness to collect and share data to prove or disprove the allegation as an indication that there is a problem.

B. Interviews with LPD Officers

1. Department Leadership

We had multiple meetings with Chief Corr and senior command staff within the Department over the course of our review. The Department was cooperative, and provided us with access to records and information, in addition to sitting down with us for interviews. The Chief told us that he hoped we would push them in this review; that he is committed to making change and does not want this process to be superficial or just a public relations stunt.

The Chief was already aware of many of the concerns we heard from the community groups, and acknowledged the need for improvement in particular areas, including increased diversity in both patrol and supervisory staff. He told us about efforts that the Department has been taking to hire more diverse officers, including actively targeting their recruitment efforts at candidates of color, and leaving positions open when they are unable to fill them with diverse hires. The Town Manager and the Chief also described planned initiatives for improving the recruitment of diverse candidates, including working with other nearby Towns to collectively attend job fairs and other events at Boston universities and community colleges with diverse student populations. The Town Manager provided that the Chief Equity Officer that the Town plans to hire will assist the Department in diverse recruitment efforts. The Department also sponsors youth programs in Town to increase familiarity with the Department and with careers in law enforcement.

The Chief told us that the decision to leave the Civil Service system was intended to increase the Department's ability to prioritize diversity in hiring and in promotions: the Civil Service system gave preferences to local residents and veterans (both of which tended to be white male applicants) and mandated rigid adherence to the lists established by test scores, such that any deviation from the order established by test scores could result in a grievance and litigation for the Department. He said that moving away from Civil Service also gives the Department more flexibility in the tests used in the process, and allows it to incorporate knowledge of the Department's equity and inclusion-focused policies in the assessment. But the Chief also said that the Department continues to be constrained in its hiring and promotion decisions by its agreements with the union. The union contracts require keeping certain aspects of the Civil Service model for hiring and promotions that limit the Department's discretion. The Chief described it as a necessarily incremental approach to transitioning away from the Civil Service system.

The Chief also provided his perspective on the most recent sergeant's list, which had been mentioned by a number of community members as potential low-hanging fruit for diversification. The Chief explained that the list had been developed under the Civil Service regime, and said that his understanding based on advice from the Department's labor counsel was that there limitations on who could be hired from that list. Separately, the first- and second-ranked individuals on that list were both white males, and the list was more than two years old, so that the majority of the Department's patrol staff had not had the opportunity to take the sergeant's test and be considered for promotion.

The Chief also discussed the issue of racial profiling in traffic stops by the Department. He told us that the statistics from 2019 show that approximately 6% to 7% out of 3,503 citations in Lexington involve Black motorists while only 1-2% of the Town's population is Black. He said that the Department does not track how many of the motorists that make up those traffic stops are Lexington residents, so the Department is not able to tell whether the 6% to 7% is disproportionate, when compared to the racial composition of people driving through Lexington as a whole. He acknowledged that the Department would need to change its data collection practices to be able to assess whether racial profiling in traffic stops is an ongoing issue in Lexington. He also told us that the state's Registry of Motor Vehicles was in the process of

developing a standardized process for collecting race information from traffic stops, and that he was concerned about investing the Department's limited time and resources into developing a procedure and system for collecting and storing that information if it was going to be superseded by the state-wide process shortly thereafter.

We also spoke with the Chief and other senior leaders in the Department about policies, training, and background checks for new officers. The Department is accredited by the Massachusetts Police Accreditation Commission, which requires it to frequently update its policies and keep up with current best practices. There was a significant period of time over which the policy manual was not updated, but more recently the Department has made more updates to the manual.

We were told about and shown records of the extensive trainings that the Department offers to its officers, and also told that the Department makes outside trainings available to officers who seek those opportunities. The officers participate in an annual training on current topics in law enforcement, which in recent years have included training on implicit bias and use of force. Some of the patrol officers we spoke to, however, had not recently participated in trainings focused exclusively on implicit bias or other equity and inclusion-related topics. Leadership mentioned that they had recently sent two officers to be trained on giving trainings on implicit bias, and that those officers would then train others in the Department. The Chief told us that by the end of March 2020, it was their intent to have all of the officers trained in Fair and Impartial Policing Training (FIP). The Massachusetts Policing Training Committee has recently made FIP, which is designed to promote bias-free policing, available for police officers. Unlike traditional "racial profiling" training, FIP applies research on human bias to officers' decision-making. The course focuses on how the mind works and how implicit bias can impact well-intentioned individuals outside their conscious awareness.

Department leadership said that they consider background checks and discerning hiring to be critical to creating an equitable and inclusive culture with the Department. Leadership expressed a lot of faith in the officers that make up the Department. The Department is relatively young, due to a number of recent retirements. Leadership does not believe that the younger officers view the world in racialized or gendered terms to the extent previous generations did, which they think decreases the chance that racism or sexism influences their decision-making. They stated that they never heard racialized or gendered comments from the officers around the station, away from the public eye. The Captain primarily responsible for internal affairs investigations also said he could not recall a complaint from a citizen who claimed that they had been treated differently because of their membership in a particular group, although our later review of citizen complaints showed that that recollection was inaccurate. Leadership also pointed to the lack of serious misconduct on the part of officers—the last excessive force complaint the Department received was 15 years ago, and the officer involved was terminated.

2. Patrol Officers

In addition to Department leadership, we also spoke with a number of current and former patrol officers and detectives with the Department, including many of the Department's current and former officers of color. The officers we spoke to had generally positive things to say about the

Department and their experiences working there. We heard about a small number of incidents where officers of color believed that they were treated differently because of their race or ethnicity, most of which were a number of years ago. With a few exceptions, the officers we spoke to did not report any negative interactions with their peers and supervisors, and said that they felt valued by the Department. A number of officers of color did, however, report discrimination or negative race-based interactions with residents of the Town.

Some officers did express some concerns about the lack of diversity in the Department. Although they all said that hiring and promotion should be based on merit, and applicants should not be given jobs or be promoted simply because of their race, several officers noted that the recent hires by the Department have all been white officers (before the most recent round of hires this last year). Some current and former officers also described the Department as an "old boys' club," and identified that as an impediment to diversity, especially with respect to promotions. These officers believed that promotions are influenced by personal relationships with Department leadership, and that there is a glass ceiling for minority officers in the Department. Partly for that reason, many of the officers we spoke to were skeptical of the Department's move away from Civil Service. They valued the Civil Service system because it was clear, objective, and quantifiable. The new assessment process will give Department leadership more discretion in hiring and promotion: leadership says that will allow them to factor diversity into their hiring and promotion decisions, but some current and former officers are concerned that it will enable the Department to also hire and promote those with personal connections to existing leadership. The patrolmen's union opposed previous attempts to move off Civil Service, including under the direction of a Black union president. Some officers were also skeptical that adherence to the ranked list for promotions is as strict as Department leadership made it sound: a few referenced instances in the past where the Department promoted a white man who was not at the top of the list.

The majority of the officers we spoke to thought that while the general training program offered by the Department—including the Field Training for new officers—was robust and well done, the Department could offer more and better training on discrimination, harassment, and implicit bias. They said that those topics were touched upon in the annual in-service training that all officers attend, but that there are not dedicated trainings focused only on those topics. Officers said that the Department would benefit from more interactive trainings focused on equity and inclusion issues. We also heard different messages from different officers regarding how supportive the Department is when officers want to do additional trainings not offered in the regular course to all officers. Some officers said that they had been approved to do any additional training they wanted, while others reported being discouraged from doing additional training.

We also discussed racial profiling in traffic stops with current and former officers. Some of the officers who had started with the Department more than 20 years ago told us that profiling used to be an issue, but that the officers who they thought pulled drivers over because of their race had retired or moved on. None of the officers we spoke to thought racial profiling in traffic stops was a current problem with the Department. A number of the current officers of color said that

the majority of the time, they could not see the driver before they pulled them over. All of the officers said that traffic stops were typically based on either moving violations, or running license plates for expired registrations or other similar issues.

C. Review of LPD Policies and Data

In addition to our interviews of officers and community groups, we conducted a review of the Department's existing policies and trainings, and made specific data requests to identify additional areas for improvement.

The Department's policies are all available on its website, organized by topic and posted as separate PDFs for each policy sub-section. There are a total of 83 sections in the policy, though the majority have multiple sub-sections: there are over 1,000 pages of policies on the website. Each sub-section identifies its effective date and its revision dates, if any. The policy as a whole was revised and updated in January 2019, and many sub-sections have undergone additional revisions since then. Our substantive findings and recommendations for changes to the policy are addressed in the next section.

We also reviewed the internal affairs complaint form that is posted on the Department website. The website itself accurately reflects the changes to the complaint process that was described to us: one can file a complaint in person, by email, by regular mail, or over the phone. The PDF complaint form that is posted on the website, however, apparently has not been updated and states that the complaint procedure requires that one fill out the form and then bring it to the police station in person. The form also states that the Department "may" acknowledge receipt of the complaint, and "may" inform the complaining party of the results of the investigation. It further directs any questions about the process to the Commanding Officer on duty, presumably at the station.

In addition to policy and procedure documents, we requested and were provided specific data relevant to hiring, promotions, trainings, and citizen complaints against officers. We reviewed diversity information for the last round of hiring by the Department, including the racial breakdown of all applicants who passed the written and physical tests. The process starts with a written test. All who pass the written test are then invited to take the physical fitness test. There were 143 candidates who passed the written test, of which 120 were white. For the physical test, 68 people passed, of which 58 were white. Of the ten non-white candidates who passed both tests, the Department hired two: a Black man and an Asian-American man. Four of the non-white candidates had already accepted jobs with other departments, and a few had criminal records that would prevent them from being certified by the State.

The breakdown of the demographics of promotions and the Department's supervisory officers for the past five years shows that all fourteen officers at or above the rank of sergeant are white. Two are women, and twelve are men. The records confirmed that the last promotion list for sergeants, which expired in July 2020, included two white men, a Black man, an Asian-American man, and a white woman. The two top-ranked candidates on the list were white men.

We reviewed a list of trainings that have been made available to officers, including through the required 6-month Police Academy, which includes cultural diversity and community policing trainings. The required annual in-service training for 2020-2021 included a unit on implicit bias and domestic terrorism. The Department also had officers participate in an implicit bias "train-the-trainer" program, as discussed above. Other relevant trainings included on the list were: Dialogue about Racism; Annual Civil Rights Symposium; Criminal Justice Reform Training; Cultural Diversity; and Effective Community Engagement. It does not appear that these are required trainings—is not clear when or how these trainings are offered, or how many officers in the Department have participated in them. As noted, we heard different accounts from different officers regarding the Department's willingness to encourage additional training.

Finally, we reviewed data regarding citizen complaints against officers and internal affairs investigations. Contrary to the description from the Captain in charge of Internal Affairs, there have been a handful of complaints in the last ten years that involved race, including allegations that officers engaged in racial profiling. None of the complaints were substantiated. Based on our brief independent review of the investigation materials and reports, we believe that the determination in each case was justified. For the allegations of racial profiling in traffic stops, all but one involved legitimate stops for traffic violations, and there was nothing to indicate that the officer behaved inappropriately or targeted the complainant because of their race. The exception was an allegation by a Black resident that he had been pulled over by the police on multiple occasions without justification. The allegations related to incidents that took place approximately ten years ago, and the complainant was unable to provide enough information to allow the Department to identify the officers involved, so the complaint was "not substantiated" (which is distinct from a determination that the complaint was unfounded).

D. Review of Best Practices from Other Departments

We also reviewed best practices in the form of academic literature and training materials published by national non-profits and organizations focused on policing reform and education. We identified larger trends and evolutions in policing, and also reviewed publications specifically addressing areas of concern identified in our meetings with community groups and LPD officers. A bibliography of the publications we reviewed is attached at Appendix B.

The majority of recent literature has focused on police use of force. Because the Department has not experienced major or obvious issues regarding excessive use of force, this part of the literature was not the focus of our best practices review, though we note that recent reform and education efforts center around reducing police violence and in particular, Campaign Zero's "8 Can't Wait" initiative.[4]

[4] Campaign Zero is a police reform campaign. Campaign Zero gathers contributions from activists, protestors, and researchers across the nation to present data-informed policy solutions that seek to end police violence in America. In June 2020 after the murder of George Floyd, Campaign Zero popularized the "8 Can't Wait" campaign, which seeks to restrict police department's use of force to reduce killings by police and save lives. 8 Can't Wait calls for police departments to make eight specific changes to its use of force policy: (1) ban chokeholds and strangleholds; (2) require de-escalation; (3) require warning before shooting; (4) require exhaustion of all alternatives before

Beyond use of force and alternatives to arrest, the literature identified "procedural justice" as a growing best practice among law enforcement agencies. Procedural justice refers to the idea of fairness in the policing process. The theory holds that people's perception of police legitimacy is influenced more by people's experiences interacting with officers than the outcome of those interactions. When police behave in a procedurally just manner, and people perceive police as behaving so, people will have not only a more positive view of their individual encounter with a certain police officer, but will also have a more positive view of the legitimacy of law enforcement as an institution. Thus, the end goal of procedural justice is to build and maintain law enforcement legitimacy and public trust. In this section, unless otherwise noted, we relied on The Justice Collaboratory at Yale Law School's "Principles of Procedurally Just Policing" report published in January 2018, attached at Appendix C. We note that the recommendations made by the Principles of Procedurally Just Policing are in concert with those of the President's Task Force on 21st Century Policing, and incorporate all references made in the report therein.

Procedural justice is based on four pillars: (1) treating people with dignity and respect; (2) giving people voice during encounters; (3) neutral and impartial decision-making; and (4) conveying trustworthy motives.

(1) Treating people with dignity and respect is practiced when police officers are polite and respect people's rights. This pillar is essential to procedural justice, because issues of interpersonal treatment are consistently identified as the key factor in people's reactions to dealing with legal authority. This pillar aims to promote respectful interactions in every encounter, regardless of the basis for the encounter or the outcome.

(2) Giving people voice during encounters is practiced when police officers give people the opportunity to explain their situation and tell their side of the story. Doing so provides people the opportunity and space to make arguments and present evidence before a police officer makes a decision. This pillar builds upon the first by requiring police officers to give people a voice in their interactions with police officers, such that policing becomes a two-way experience.

(3) Neutral and impartial decision-making is practiced when police officers make decisions based on consistently applied legal principles and the facts of an incident, rather than personal opinion and biases. This pillar promotes transparency and openness about what the rules and procedures are, and how a police officer arrives at their ultimate conclusion. This pillar builds upon the first two by requiring officers take into account the full circumstances of an incident before making a decision.

(4) Conveying trustworthy motives is practiced when police officers communicate their good intentions and character when interaction with people. This pillar recognizes that people react favorably when they believe the authorities with whom they are interacting are

shooting; (5) require a duty to intervene; (6) ban shooting at moving vehicles; (7) require use of force continuum; and (8) require comprehensive reporting.

benevolent and caring, and are sincerely trying to do what is best of the people they are interacting with. This pillar builds upon the first three by requiring that officers not only listen to people's accounts and make neutral and impartial decisions, but also explain or justify their decisions and actions in ways that show an awareness of and sensitivity to people's needs and concerns.

When the four pillars of procedural justice are practiced, the theory holds that people will believe law enforcement decisions, even if negative, are legitimate and will trust that they were treated fairly by the law enforcement system.

The literature on procedural justice counsels practicing the four pillars of procedural justice globally – in the community, with groups that have been historically marginalized and victimized by law enforcement, in policymaking, and inside the police department itself.

Procedural justice in the community should be emphasized in situations in which police officers have significant interaction with members of the community, such as traffic and pedestrian stops. The literature suggests that to promote procedural justice in stops, police departments should:

- Limit investigatory stops to circumstances where police officers have reasonable suspicion or probable cause;[5] and
- Collect data for all police initiated stops that result in the detention of an individual.

When police officers utilize investigatory stops in a fewer number of situations, there are fewer opportunities for people to perceive that the law is not being neutrally applied to them and that they are being discriminated again, whether intentionally or unintentionally. In other words, fewer stops reduced the opportunity in which community trust may be eroded. Data collection and analysis is needed to understand why community members may believe that police departments do not practice procedural justice during stops, and to ensure that police offices continue to practice procedural justice in stops.

Procedural justice principles should be employed with all people, always. However, the literature recognizes that certain groups – specifically racial minorities, immigrants, members of the LGBTQIA+ community, and youth – have historically fraught relationships with police departments. To repair those relationships, the literature suggests police departments:

- Undertake and implement training programs and policies that reduce the potential for racial biases to affect decision-making;[6]
- Affirmatively seek out cooperative opportunities with members of the community;

[5] We note, as discussed below, that the Department currently prohibits officers from considering an individual's membership in a protected class when deciding whether to detain or stop an individual. However, the Department does not tie the requirement to a legal standard. As discussed in greater detail below, we recommend the Department update this policy to meet best practices.

[6] As noted below, the Department required all officers to attend such a training as of the end of March.

- Establish policies decoupling police departments from federal immigration enforcement;[7]
- Implement language access policies;
- Proactively conduct outreach with organizations serving immigrant communities;[8]
- Undertake cultural training;
- Require police officers receive training on LGBTQIA+ vocabulary;
- Implement policies that require officers to respect people's desired self-identification, including:
    - Never assuming a person's gender identity based on their presentation;
    - Asking individuals by what name they wish to be addressed by;
    - Addressing individuals by their preferred pronouns and names; and
- Engage young people in the co-production of public safety (such as by engaging them in the process of department policymaking).[9]

These practices can help police officers build and establish literacy and fluency about the dimensions of identity and experiences individuals different from themselves have. These practices can also help police officers communicate equal status between community members and the police department, and convey that the police department values positive relations with community members.

Procedural justice should be practiced in policy making in order to increase transparency and public engagement with policing as an institution. Of particular note is a police department's use of force and body-worn and vehicle-mounted camera policies, but because these issues are not of particular concern in Lexington, we did not focus on these policies. Rather, we focused on the methods by which police departments could practice procedural justice in policy making. The literature suggests that police departments should:

- Make their policies publicly available;[10]
- Solicit community input when making or revising policies, particularly those likely to substantially impact community members;
- Communicate reasons for making policy decisions, whether minor or substantial, benign or likely to invite criticism of conversation; and
- Remain open to always receiving feedback or suggestions about policies.

These policies can help promote continuous public engagement and dialogue between the community and police departments.

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[7] We note that while the Town has passed a "Welcoming, Inclusive, Safe Community" resolution, the Department does not have a policy addressing its relationship with federal immigration enforcement.

[8] We note, as discussed below, the Department has a Community Resource Officer. However, as described in further detail below, we recommend the Department establish a liaison program with community groups.

[9] We note that the Department has many programs aimed at engaging the youth.

[10] We note the Department already does so.

Finally, the literature also stresses that as important as it is to practice procedural justice externally, it is also important to practice procedural justice inside the police department. The literature suggests:

- Incorporating the four pillars of procedural justice into the department's code of conduct or ethics policy;
- Commitment by leadership to listening and responding to employee concerns;
- Open communication between supervisors and subordinate officers;
- Visible reminders in work spaces that promote the ethic of respect;
- Incorporating respect and fair treatment toward fellow employees as an element of performance reviews and evaluations;
- Prohibiting abuse of authority, harassment, intimidation, and other violations of the ethic of respect;[11]
- Accommodating employees' needs (such as special needs, religious observances, hardships, etc.) and preferences;
- Helping employees develop the appropriate credentials and skills and experiences that will help them advance their career regardless of immediate benefit to the department; and
- Explaining decisions as to why the department has denied an employee's particular request.

Internal procedural justice not only helps model procedural justice, but research has also found that when officers feel that they have been treated fairly by their department, they are better able to implement policies that promote justice and communicate respect for members of the community – in short, officers in a procedurally just department are more inclined to carry it out into the community. Furthermore, the literature suggests that procedural justice is likely to help with work force issues by bettering employee-well-being, morale, productivity, improving adherence to the rule of law, and reducing lawsuits and unnecessary disputes and expenses associated with poor workplace practices.

After reviewing best practices suggested by academia and educational training materials, we then reviewed policies and practices of police departments in other communities. We first identified police departments that had recently updated, or were undertaking a review of, their policies through Campaign Zero's website, which tracks police departments' use of force policies and changes in response to the 8 Can't Wait campaign. We then narrowed down police departments by identifying police departments in communities similar in size and demographic to Lexington in order to understand what policies other police departments facing a potentially similar set of needs and circumstances had implemented. We reviewed those policies holistically, and also with a focus on policies and practices exemplifying procedural justice and addressing issues identified in our investigation as needing improvement or updating.

[11] We note the Department has a similar policy in its Harassment & Sexual Harassment policy.

Our search identified a number of similar municipalities that have implemented policies to promote procedural justice. Those municipalities include, but are not limited to:

- Albany, Oregon;
- Bloomfield, New Jersey;
- DeSoto, Texas;
- Frederick, Maryland;
- Fredericksburg, Virginia;
- Gaithersburg, Maryland;
- Hamden, Connecticut;
- Hilliard, Ohio;
- Matthews, North Carolina;
- Roseville, Minnesota; and
- Salina, Kansas.

Particular policies that serve as best practices and recommendations for Lexington are detailed in Section V(C) and provided in Appendix D.

Our review of the literature and other departments' policies reveal that while the Lexington Police Department's policies are functional, there is room for improvement, especially if the Department is to meet Town and Department Leadership's goals of proactive attention to equity and inclusion. Generally, the Department's policies could improve by increasing transparency and accountability measures through communication, data collection, and analysis. The Department's policies can also improve by the addition of policies that address the needs and circumstances of marginalized populations in Lexington, including the immigrant and LGBTQIA+ communities. Lastly, the Department's policies can also improve by reaffirming respectful workplace policies and clarifying the relevant skills and credentials needed for promotion and specialized assignments within the department. These findings and recommendations are detailed in Section V(C) and examples are provided in Appendix D.

IV. Conclusions and Recommendations

A. Public Perception and Actual Practice

We make a number of specific recommendations below for policy and other changes that we believe the Department should implement to further its commitment to diversity, equity, and inclusion. In general, we did not identify significant issues with the Department and its practices that cannot be efficiently addressed. However there appears to be a disconnect between the public's perception of the Department and its actual practices overall. Of course public perception—and the relationship with the community that is affected by it—is critical to effective policing. For that reason, a number of our recommendations focus on communication and messaging to help address the Department's reputation in the community and make sure that residents understand the measures it has already taken, and the limitations to action that it faces.

We do believe it is worth noting that the Department appears genuinely committed to racial justice and has already taken steps to improve its practices.

With respect to the disconnect between perception and practice, we heard concerns from some community members about racial profiling by the Department, especially regarding traffic stops. We discuss below measures that the Department should take to more accurately assess whether a disproportionate number of non-white motorists is stopped by police. We found it notable that of the people of color whom we talked to who had experienced or observed traffic stops, all noted that there had been a legitimate reason for the stop; that none of the internal affairs complaints about racial profiling were substantiated; and that none of the officers of color within the Department believe racial profiling in traffic stops is a current or recent problem. Many of the conversations about racial profiling in traffic stops revolved around the same report from one resident of a series of times he had been pulled over without cause about ten years ago. As discussed above, his complaint to the Department was not substantiated for lack of specific information about the officers involved. We are not making any conclusions regarding this report because we do not have enough information to do so. The point is rather that the perception among certain community members about racial profiling appears to be based in part on a handful of accounts and the historical practices of the Department (in the 1970s and 1980s). This illustrates the need for reliable data, but that cuts both ways: perception of racial profiling expressed by some community members is also not based on data.

Hiring and promotions is another area where public perception and expectation does not always align with the Department's actions. Many individuals cited the most recent sergeants' list as a missed opportunity for the Department to promote a diverse officer, especially because there were diverse officers on the list. But the top two candidates on that list were both white men, and the list was created under the Civil Service system, making it difficult for those candidates to be bypassed. The Department negotiated a move away from Civil Service to create more flexibility in promotions for exactly this reason—though not enough time has passed to determine whether the move away from Civil Service will actually improve diversity. The list is also nearly three years old, and expired last July. The Department would have had to seek a waiver to use that list (despite recently leaving the Civil Service system), and the list was based on a test that was given before many of the current officers had a chance to take it. The Department and the Town Manager reasonably concluded that re-administering the test and starting the process over was the best and fairest way to encourage diversity among supervisory officers. That being said, we do believe that the Department could demonstrate more urgency to diversify its supervisory officers and be more transparent about its process.

The union also plays a role in determining hiring and promotion processes that may be overlooked by most of the public. The Department is not free to do whatever it wants when it comes to hiring and promotion. The union opposed the move away from Civil Service, and fought to keep certain aspects of the Civil Service system in place after the transition, including preferences for local residents and veterans, which often favor white candidates. But the union's position is not necessarily motivated by opposition to diversity: the officers of color that we spoke to, including a former union president, actually preferred the Civil Service system.

Concerns we heard from multiple community members about the timing of the Town Meeting's consideration of an article funding renovations to the police station and firing range also demonstrate a disconnect between public perception and the actions and intentions of the Department and the Town. The Town Meeting schedule was set months in advance, and then delayed by the COVID pandemic. Given the Town's implementation of a previously untested method of Town Meeting (i.e., remote Town Meeting) it was also unclear how many sessions of Town Meeting would be held and considerable effort was made to consolidate as much Town Meeting activity in as few nights as possible. None of the decision-makers involved could have anticipated the emotional and mental state of much of the community after the murder of George Floyd, or necessarily the timing of the vigil which itself occurred roughly a week after the urder. Consideration of the article was postponed at Town Meeting; the Town could also have faced criticism for pulling it from the agenda before Town Meeting occurred, if that had been perceived as a way to salvage the funding by avoiding having it considered during a national reckoning on the role of police.

The Department has taken a number of steps in line with the recommendations we make below. Their most recent round of hiring improved the Department's diversity, despite a relative lack of qualified applicants of color and competition from other departments. The Department has already begun improved training, on both implicit bias and bias-free policing. With respect to complaints, they have made changes to facilitate the process for filing them and providing for greater transparency in how they are handled and resolved. The Department has also begun an outreach campaign with informational videos to improve understanding of the Department within the community, which have been well-received by the community members we spoke to. The Town is also redesigning its website to further improve communications. In addition, the Town is hiring a Chief Equity Officer to work with Town government, including the Department, on initiatives to support diversity, equity, and inclusion.

B. Areas for Improvement

We believe that a number of the concerns expressed by community groups, as described above, warrant further attention from the Department.

1. Transparency

Greater transparency will increase public trust in the Department, and help to decrease the disconnect between public perception and Department action discussed above. With respect to the perceived issue of racial profiling in traffic stops, improved data collection and sharing would allow the Department to determine whether it is stopping a disproportionate number of Black motorists, compared to the population that drives in Lexington. This starts with improved data collection on stops made by Lexington police officers: all stops, including stops resulting in a warning, should be documented, with the reason for the stop and the race of the driver. This data would help reveal any pattern of stopping Black motorists without sufficient justification. The Department should also try to determine a baseline for the population that drives in

Lexington, using data from the state and neighboring communities. As a start, the Department should track the residency of motorists it does stop: this will not necessarily be an accurate cross-section of the driving population, but would show whether or not the Black population in Lexington is an appropriate comparator for the percentage of Black motorists stopped by the police (i.e. if the majority of motorists stopped live outside Lexington, then it shows that the disparity between the 1-2% of Black Lexington residents and the 6-7% of Black motorists being stopped is not, by itself, evidence of a problem). In any case, the data collection should be forward-looking: the goal is to determine whether racial profiling is a problem in Lexington today, and to be able to base that determination on statistical evidence.

Improved transparency into the hiring and promotion process would also build public understanding and trust with respect to the Department's diversity efforts. Under state law there are categories of employment data that cannot be made public—such as personnel information relating to individual officers—but the Department could share statistics on new applicants and publish information about the factors that are considered in hiring and promotion decisions.

Management of information sharing has been a problem for the Department, in part because the Department receives information requests from multiple different Town bodies and community organizations. Oversight of the Department is vested in the Town Manager: to avoid having the Department try and answer to multiple different parties that are attempting to take on some degree of oversight of the Department, data sharing and oversight should be coordinated through the Town Manager's office, or delegated by that office to one entity.

The Department should be commended for publishing its policies on its website, but the organization of and access to those policies could be improved. Posting each of the sub-sections as a separate PDF makes it difficult to navigate the information, and some of the links are incorrectly labeled or do not correspond to the correct sub-section. The policies should be posted in a more easily-accessible format, and the Department should make an index or overview of the policies available to aid access.

Although there have been improvements recently made to the complaint process, the complaint form posted on the Department's website is out-of-date and makes the citizen complaint process appear more burdensome and opaque than it actually is. We have revised the complaint form, attached in Appendix E, to accurately reflect the multiple ways in which a complaint can be made. Further, the Department should commit to following up with all complainants to inform them of the manner in which their complaints are handled; Department leadership told us this happens already, but the complaint form does not state as much, and we heard concerns from some community members about the lack of transparency around officer complaints. In addition, the Department and Town should develop and publicize alternate methods for submitting complaints, for residents who are not comfortable bringing complaints about the Department to the Department. Possibilities include a formalized process through the Human Rights Committee or the Town Manager's office.

2. Hiring and Promotions

The Department's move away from Civil Service has the potential to help improve diversity, by allowing the Department more discretion to consider diversity and other factors in making hiring and promotion decisions. But that same discretion could in fact exacerbate the problem, without buy-in and commitment from Department leadership and the Town Manager. Involvement of the Town Manager's office, through its oversight authority under the weak chief system, can help ensure that hiring and promotion decisions are made to enhance the Department's diversity. Improving diversity serves the interest of the Department and the Town by improving police-community relations and enabling the Department to function more effectively.

As an illustration of the importance of oversight, the Department's last round of hiring properly reflected a commitment to diversity. Ensuring that diversity remains a priority will require continued buy-in and cooperation from Department leadership and the Town Manager. This is a key factor that should be considered as a new permanent Chief is sought: obtaining an individual whose vision and commitment align with those of Town leadership and the community regarding diversity and inclusion. It is anticipated that assisting in this effort will be one of the many tasks for the Town's new Chief Equity Officer.

The Department should also prioritize compiling a new list for promotion to sergeant. Many members of the community understandably feel that the lack of diversity in supervisory roles in the Department reflects a lack of commitment to diversity and inclusion, and that the perceived glass ceiling for minority officers harms the Department's ability to attract and retain officers of color. The Department should move with a sense of urgency and conduct a fair and inclusive promotion process as soon as practicable, and should prioritize increasing diversity when making promotion decisions.

The Department also needs to make additional efforts to recruit diverse candidates. Law enforcement as a profession is facing enormous challenges right now, which complicate the recruitment of diverse candidates. But the Department must be proactive, especially after leaving Civil Service, to find candidates. As noted, they should publish statistics regarding their candidate pool, and should set goals for increasing diverse candidates on an annual basis. The Town Manager's office should work with the Department to expand recruitment in diverse communities and schools in Boston, perhaps in conjunction with surrounding communities. The Town's Chief Equity Officer should also be able to enhance the Department's recruitment practices.

3. Culture and Receptivity to Reform

The ways in which implicit bias manifests are often very subtle. An organization can have the best policies and regulations, but those policies will not be enough without a culture that fosters and encourages equity and inclusion. That culture starts with the organization's leadership and requires commitment and ongoing effort from the organization's members.

The Department can improve its culture of equity and inclusion.[12] Because the Department does not experience major problems with explicit or overt racism among its members, there is a tendency to downplay or underestimate bias or insensitivity. For example, the fact that Department leadership said they could not recall a single citizen complaint about racial profiling, when in fact there had been at least three in the last 5 years, suggests that leadership may be complacent about perception or allegations of discrimination because they (perhaps justifiably) believe that the Department is better than most other departments in that area. Creating a more inclusive culture requires a degree of self-interrogation and willingness to learn that the Department should try to foster. Increased diversity in the Department itself will likely help improve sensitivity to issues of racial justice. Additional training can also be helpful, although the efficacy of different trainings can vary widely. Training on implicit bias, equity, inclusion, and racial justice should actively engage officers and encourage discussion and learning on a personal level. The Department's initiative in sending two of its officers to "train-the-trainer" programs for implicit bias is positive—trainings run by members of the Department are also more likely to lead to the kind of meaningful engagement required to build an inclusive culture.

Willingness to engage with and listen to community groups would also help foster an inclusive culture and contribute to increased understanding of equity and inclusion issues. The Department needs to approach interactions with community groups as an opportunity to learn, as well as an opportunity to educate. If members of the Department are able to build genuine relationships with community groups, it will be far easier to have productive dialogues that allow the Department to understand community concerns, rather than hearing those concerns as unwarranted criticism.

C. Recommended Policy Changes

We recommend that the Department revise or implement policies in seven distinct areas:

(1) Goals and mission;
(2) Impartial policing;
(3) Complaints;
(4) Research and planning;
(5) Recruitment and selection;
(6) Promotions; and
(7) Community relations and working with immigrant communities.

As described above, many of these recommendations are aimed at bridging the gap between community perceptions and departmental practice. As such, the vast majority of these policies are low cost and can be implemented quickly. Where policies are more substantive, the

[12] The events from April 2021, involving a citizen's contact information being shared with an online media outlet, took place after our review and are being investigated separately, so we do not draw any conclusions related to those events. However, we would of course be willing to discuss our findings in light of the investigation's findings when they are available.

recommendations we make do not ask police officers and the Department to undertake a new or entirely different course of action, but seek to build on top of the Department's existing policies. For those reasons, those policies should also be relatively efficient to implement. Below, we describe the specific policy recommendations we make. Exemplar policies the Department can draw from are provided in Appendix D.

1. Goals and Mission

To clarify the Department's goals and mission, we first recommend that the Department prominently state its mission statement, guiding principles, and values on its homepage. Currently, the Department's home page makes a general statement that the Department "serve[s] and protect[s]" and provides links to various pages, such as a complaint form, FAQ, programs and services, permits, forms and documents, etc.; the Department's home page does not state the department's mission, guiding principles, values, vision, or commitments. To access the Department's goals and mission, a user needs to navigate through three different pages. We recommend the Department prominently display its mission statement, values, and commitments on its home page to prime individuals with the image and idea the Department seeks to convey.

We also recommend that the Department focus its mission statement and goals on those items alone. The Department's mission statement and goals currently incorporate other policies, such as formalizing goals and objective, authority and discretion, response to domestic abuse, and alternatives to arrest. We recommend that the Department separate those policies from its goals and mission and create standalone policies or incorporate those policies into other policies, where appropriate. This recommendation will further help LPD clearly state its mission, values, and commitments so that individuals know what the Department is stands for.

Lastly, we also recommend that consistent with the spirit of our review, the Department articulate its commitment to accountability in its mission and goals.

2. Impartial Policing

To reaffirm the Department's commitment to impartial policing, we recommend that the Department revise its policy entitled "biased-based policing," traffic stops, review and planning, and training policies, and adopt a policy on how to interact and work with members of the LGBTQIA+ community.

We first recommend that the Department rename its "bias based profiling" policy, which is actually intended to prohibit bias in policing, to "impartial policing" to make clear its commitment to policing in impartial and unbiased manners. While the Department's policy does articulate a commitment to identifying, preventing, and eliminating any instances of unlawful profiling in all areas, renaming the policy will help provide consistency between the substance of the policy and how officers refer to it.

To further impartial policing and address concerns we heard from community groups about traffic stops and allegations of racial profiling, we also recommend that the Department clarify and formalize the requirement that officers must have specific articulable facts, independent on an individual's membership in a marginalized class, supporting reasonable suspicion or probable cause for all officer initiated stops and searches. While the Department's current policy prohibits officers from considering an individual's membership in a protected class when deciding whether to detain or stop an individual, the policy does not tie the requirement to a legal standard. This recommendation will clarify the standards by which police officers initiate stops and searches, and help dispel perception that officers are acting on biases and promote public trust in stops and searches. This recommendation does not require officers to change how they report on stops and searches, but asks officers to engage in this thought process to identify potential bias, including inadvertent or implicit bias, so they do not make unsupported stops and searches, and also so they are prepared to explain the reason(s) for a stop or search to an individual.

Given that officers will inevitably have to make stops and searches, we recommend that the Department adopt procedural guidelines for officers to implement during stops and searches to prevent perceptions of biased-based policing. These guidelines include, but are not limited to: being respectful and courteous to the stopped individual; communicating to them the specific facts supporting reasonable suspicion or probable cause for a stop or search; providing an officer's name and rank; and informing an individual they can file a complaint regarding a stop and/or search and how to do so. Implementing guidelines to prevent perceptions of biased-based policing can help bridge the gap between the Department's stop policy and perceptions of bias-based stops.

Much of the frustration and perception of bias-based stops originates from historical inequalities in stops in Lexington and a lack of complete data regarding stops. During our review, we consistently heard frustration from community groups that the Department was unable to demonstrate that its disproportionately high rate of motor vehicle stops of Black drivers was due to the more diverse "motoring public" in Lexington. To address those frustrations and ascertain whether Lexington's stop rates are indeed due to Lexington's motoring public population, the Department should again require officers to collect demographic and residency data for all officer-initiated stops, whether motor vehicle, bicycle, or pedestrian.

When we asked the Department to explain why it has a historical reputation for bias-based traffic stops, the Department explained that its reputation arose from a small number of "bad apples." When community groups relayed the Department's explanation, community groups did not doubt that most LPD officers are well intentioned, but expressed frustration that policing culture allows those individuals to fly under the radar or go unreported by their colleagues. We understand that the Department has gone to lengths to identify, discipline, and at times terminate such "bad apples," but the perception that such individuals remain in police departments due to the failure of their colleagues to speak up about their behavior remains a significant concern among those affected by their actions and those interested in policing reform. Even though the Department's policy generally commits to preventing and eliminating unlawful profiling in all

areas, we recommend the Department add an explicit provision to its policy articulating officers' duty to intervene and report suspected or observed instances of bias-based policing in order to address the above concerns and establish a culture in which "bad apples" are not tolerated.

In order to effectively understand the Department's impact on the community and continuously engage in self-reflection and self-improvement, the Department should amend its review and planning policy to require an annual review of stop data, searches, seizures, use of force, and citizens' complaints alleging bias-based policing. Understanding the Department's "on the ground" practices will help the Department understand what progress it is making, and what progress there is to be had. From there, we recommend that the Department use this understanding to adjust its goals, objectives, and training as required. To ensure this review, evaluation, and planning is a priority for all officers regardless of rank or seniority, we recommend that the Department implement a policy requiring supervisors to review this annual review, and discuss it with the officers under their command.

We also recommend that to further impartial policing, the Department strengthen its training policy to require initial and annual training on race, implicit bias, and cultural awareness. The Department's current policy requires officer to receive raining on bias-based policing, but allows officers to meet this requirement through a variety of methods, including passive methods. Furthermore, during our review and meetings with the Department officers, it became apparent that officers could not identify a significant, substantive training on topics of race, implicit bias, and cultural awareness that they had recently undertaken.[13] To recognize the importance race, implicit bias, and cultural differences play in policing, police officers should be required to undergo specific training addressing the topics.

To address the concerns raised by LGBTQIA+ community groups, we also recommend that the Department adopt a policy or add a section to the appropriate policy on how to interact and work with members of the LGBTQIA+ community. While the Department currently receives training on how to properly handle transgender and non-binary detainees, the training is limited to how to physically handle such individuals and is not formalized in the Department's policies. Adopting or formalizing such a policy would convey to those community groups, and others, that the Department is sensitive and responsive to all members of its communities, and that it is making efforts to be inclusive and treat all with the humanity and respect everyone deserves in all circumstances. Adopting or including such a policy, specifically a policy on language affecting the LGBTQIA+ community, would also help police officers develop and maintain literacy and fluency about the dimensions of identity, sexuality, and gender experience.

3. Complaints

As noted above, we heard frustrations from different community groups that the Department's complaint process was intimidating, could be difficult to access, and was not reactive enough to citizens. In addition to recommending that the Department resolve the inconsistencies between

[13] As noted above, we understand that all officers were to engage in such training as of the end of March.

its complaint policy and form, we also recommend that the Department reiterate its commitment to receiving all complaints from all persons in all forms, including from anonymous sources, juveniles, undocumented immigrants, persons under arrest, and persons in custody to further dispel any lingering confusion or perceptions of inaccessibility regarding the complaint process. We also recommend the Department expand its complaint process to detail the specific procedures each different type of complaint requires so complainants are made aware of what specific steps the Department will take to resolve their complaint, and what specific follow up and notification they are due.

We also heard concerns that making a complaint about a police officer to another police officer could be intimidating and had the potential to undermine a potential complainant's faith that the police department will fully and fairly investigate their complaint. To address this, we recommend that the Department provide notice that there are numerous channels through which complaints can be made, so that complainants can make a complaint without going directly to the Department -- such as through the Town Manager, Town's Human Rights Committee, Massachusetts Attorney General's Office or Massachusetts Commission Against Discrimination.

We also recommend that, the Department consider implementing a policy that allows citizens to make complaints about the department as an organization, including the department's practices, policies and procedures. As the national conversation around policing reform continues, new policies will inevitably come under scrutiny and it is to the Department's benefit to remain in dialogue with its residents so that it can understand what concerns its citizens have with a certain policy or practice.

We also recommend that the Department implement a policy requiring annual review and analysis of complaints against officers and the department in order to understanding which officers, if any, are potentially "bad apples," and what practices the Department could improve upon. While the Department does not receive many complaints in a year, collecting and analyzing this data will likely help the Department understand its historical blind spots and areas that could benefit from an institutional response. We also recommend that following its annual review and analysis, the Department publish an annual report and make it publicly available, as to keep the public engaged and informed of the Department's accountability efforts.

4. Research and Planning

Consistent with our recommendations above, we recommend that the Department implement a research and planning policy that calls for input and involvement by police officers and town residents alike, and patrol officers and leadership alike. Currently, the Department's research and planning policy charges the Chief and their designees with formulating policy. We recommend that the Department broaden the channels of engagement so its policies and goals are informed by more perspectives. For example, the Department should invite citizens to provide suggestions and ideas for how to develop the Department's goals and objectives. The Department should also involve all levels and divisions within the department so that all officers have a voice in the goals and policies of the department, and are not just delegated down to after

departmental leadership makes an executive decision. To routinize research and planning, the Department should also, consistent with annual analysis and review described above, conduct an annual evaluation of its goals and objectives, and revise as needed so that the Department can respond to its most recent data and adjust as needed so that it is able to meet its long term goals.

5. Recruitment and Selection

One of the areas we consistently heard from community groups as needing improvement was the Department's diversity. While the Department's current policy states that it strives to attract candidates from diverse backgrounds and cultures, and we understand that the Department has made substantial efforts to recruit diverse candidates, the Department's current composition does not reflect the diversity of its community, especially with respect to the Asian community. To build upon the Department's current recruitment efforts, we recommend that the Department first reiterate its commitment to having a police force that reflects the community it serves. We also recommend that the Department expand upon that commitment by including a specific provision that the Department will avoid advertising, recruitment, and screening methods and efforts that tend to stereotype, focus on homogenous applicant pools, or screen applicants in a discriminatory manner. Because community members are generally unware of the efforts that the Department has made to recruit a diverse force, we also recommend that the Department be transparent about the efforts it has made to recruit diverse candidates in order to acknowledge the improvement that can be had, and demonstrate that the Department has, and currently is, making efforts to ensure that it will be able to reflect the community it serves.

We understand that the Department's difficulties recruiting diverse officers is not particular to Lexington and does not speak to any larger, deeper, or systemic issue within Lexington or the Department, but is part of a national issue. On top of those efforts the Department has already made to recruit diverse officers, we recommend that the Department include as part of its recruitment strategy identification of racially and cultural diverse target markets and use of marketing strategies to target those markets.

To minimize any implicit bias that may occur in the selection process, we recommend that the Department vet its exam and interview questions, to the extent that the Department exercises control over them, for job-relevancy and non-discrimination. We also recommend that the Department include its diverse personnel in its recruitment efforts, such as on interview boards, drafting of administrative or written tests, and other related activities, so that those officers are able to provide additional perspective on appropriate qualifications and screening methods.

To attract diverse candidates- specifically women and bi-lingual candidates – the Department should also implement policies that will help create a welcoming environment for such candidates and recognize the particular skills those candidates bring to the position. For example, one recognized best practice is for police departments to implement lactation break policies and other maternal care policies to telegraph receptivity and openness to officers who are either currently nursing, or may nurse in the future. In another example, the Department should implement a bi-lingual pay incentive policy to incentivize bi-lingual candidates to apply.

Consistent with our recommendations above, the Department should conduct an annual evaluation of its recruitment efforts and strategies to understand what measures have been effective, and which measures should be temporarily paused so that the Department can attempt other methods to recruit diverse candidates.

6. Promotions

Another area we consistently heard from community groups, and LPD officers, as needing improvement was the Department's diversity in promotions. Of recent attention was the Department's failure to promote a diverse candidate to the position of sergeant, despite two of the top four candidates being racially diverse. Similar to the recommendations for recruitment and selection, we recommend that the Department implement a policy vetting exam and interview questions for job-relevancy and non-discrimination.

We also recommend that to address the lack of transparency around the promotion process, the Department implement policies that outline and detail the promotion process, from initial qualifications to final selection. For example, the Department can implement a policy that makes clear what the different promotion procedures are – whether that's following an assessment center, written exam, and interview, or variations thereof. The Department can also implement a policy that describes the characteristics and qualification necessary for promotion, and details the weight given to those characteristics and qualifications. Similar to how other departments make clear their selection rubric – both characteristics and the weights assigned to each characteristic – the Department may benefit from making clear what skills and experiences are helpful to success in the promotion process, such that it is clear to officers how promotional decisions are made and also what benchmarks those officers need to meet to be a competitive candidate for promotion.

Because there was some confusion and frustration concerning when the Chief had the authority to "bypass" the ranking of eligible candidates for promotion, we suggest that the Department explore developing an objective-tie breaker system which can make clear why certain officers are promoted over others, and reduce the chances that officers think prejudice and biases are responsible for promotional decisions.

Finally, we also recommend that the Department develop a policy that provides officers with feedback when they are not selected for a promotion. We perceived from multiple officers a degree of discontent that they were passed over for certain promotions they applied for, and given assignments they did not request. Further compounding these officers' frustrations was that, as far as they were aware, they were well-qualified for the promotion and assignments they sought. Developing a policy that allows officers to review their application and qualifications for a promotion or assignment with their supervisor after they have not received the promotion or assignment will minimize any room for such officers to believe that prejudice and bias were responsible for their inability to obtain a promotion or assignment, and will also enable those

officers to learn where they can grow and improve so that they are a better candidate for promotion or assignment when the opportunity is again available.

7. Community Relations and Working with Immigrant Communities

While the Department prides itself on its engagement with and dedication to the community, and community groups did praise it for its visibility and engagement with the community, given the significant immigrant population in Lexington, we recommend that the Department develop policies on how to work with immigrant populations or those with Limited English Proficiency ("LEP") so that the Department's engagement extends to all communities in the town. The Department can begin by developing a specific policy on community relations, keeping in mind the significant immigrant population in the Town. The Department can also concurrently develop a LEP policy to ensure that its commitment to providing equal access and meaningful and timely assistance extends to individuals with LEP.

To build on the Department's relationships with community groups and the Community Resource Officer position, we also recommend that the Department consider developing and formalizing a specific point of contact program, where someone from the Department acts as a liaison representative to a local civic group. While officers make an effort to attend community events and participate in local civic groups, many community groups suggested that the Department could build upon its practice by designating an officer as a particular group's point of contact so that the officer and group are able to develop a relationship and build a rapport. We suggest that LPD's point of contact program can help facilitate that relationship, if a particular community group so desires. Furthermore, a point of contact program will help facilitate two-way communication between the Department and the community, as the point of contact is able to provide data and information to the group, and the group is able to relay their concerns to the point of contact to report to the department.

APPENDIX A

Community Groups Met With:

- Association of Black Citizens of Lexington (ABCL)
- ABCL Police Reform Task Force
- Brazilian Americans of Lexington
- Chinese Americans of Lexington
- Community Coalition
- Indian Americans of Lexington
- Indian Americans of Lexington – Getting Involved Group
- Japanese Support Group of Lexington
- Lexington Human Rights Committee
- Lexington Human Rights Committee Police Working Group
- Lexington Interfaith Clergy Association
- LexPride
- METCO Program Director Barbara Hamilton
- Together We Rise
- Special Ed Parent Advisory Council
- Lexington Public Schools Superintendent Julie Hackett

APPENDIX B

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APPENDIX C

Principles of Procedurally Just Policing

The Justice Collaboratory at Yale Law School

January 2018

THE JUSTICE COLLABORATORY
YALE LAW SCHOOL

National Initiative for Building Community Trust & Justice

*The **Justice Collaboratory** brings together an interdisciplinary group of scholars and researchers at Yale University and elsewhere to work on issues related to institutional reform and policy innovation and advancement. We infuse theory and empirical research in order to achieve our goal of making the components of criminal justice operation simultaneously more effective, just, and democratic.*

Principles of Procedurally Just Policing

The Justice Collaboratory at Yale Law School

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Introduction

The guiding principle of this document is that police departments' policies should be conducive to building and maintaining law enforcement legitimacy and public trust. By **legitimacy**, we mean the public's belief that the authority enforcing the law has the right to do so. We emphasize this concept because empirical evidence persuasively demonstrates that perceptions of legitimacy have a greater impact on compliance with the law than do instrumental factors, such as sanctions imposed by authorities on individuals who commit crimes. The more legitimate members of the public perceive actors in the criminal justice system to be, the more likely they will be to obey the law.

The theory of **procedural justice** is grounded in the idea that people's perceptions of police legitimacy will be influenced more by their experience of interacting with officers than by the end result of those interactions. For instance, a driver's perception of his experience of being stopped by a police officer will depend less on whether he receives a ticket, and more on whether he feels the officer has treated him in a "procedurally just" way. Individuals evaluate whether they have received procedurally just treatment by considering four central features of their interactions: whether they were treated with dignity and respect, whether they were given voice, whether the decision-maker was neutral and transparent, and whether the decision-maker conveyed trustworthy motives. Research demonstrates that when members of the public perceive police officers to behave in a procedurally just manner, they have a more positive view not only of their individual encounters with those officers, but of the legitimacy of law enforcement more generally.

Notably, the recommendations made herein are in concert with those of the President's Task Force on 21st Century Policing. We believe those recommendations should serve as a model for law enforcement across the country.[1] Pillar One of the Task Force's final report focused on "building trust and legitimacy," and its very first recommendation stated:

> ***Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.***[2]

Concepts of procedural justice are already visible in many police departments' policies, particularly in the form of mission statements communicating the overall goal of the law enforcement agency, and in policies specifically addressing professional responsibility standards for officers. These provide an important opportunity to distill professional responsibility considerations into a set of principles to guide members of the department, and to establish that principles of procedural justice inform all of the departments' actions.

We believe that procedural justice can and should be integrated throughout the policies of a department. In this document, we identify three key areas of department policymaking in which procedural justice principles should be incorporated:

1. Addressing transparency and public engagement

If police departments are only able to make one change to their current operating procedures, it should be this: departments should move toward a process for publishing and revising their general and special orders that incorporates procedural justice principles. As described above, if a police department is to be viewed as procedurally just, it must give members of the public voice and make decisions in a fair and neutral way. **Procedural justice is not a project or program to be completed, nor a goal to be achieved; it is a comprehensive change to the ways in which police departments do business and a constant work in progress.** Departments that are committed to procedurally just policing should thus incorporate procedural justice principles into their decision-making processes on an ongoing basis.

Departments should also commit themselves to an ethic of transparency in their interactions with their communities. In particular, we highlight policies surrounding the reporting, documenting, and review of police uses of force, as well as policies relating to the use of body-worn and vehicle-mounted cameras, as having particularly strong implications for perceived and actual transparency. We offer some suggestions about how procedural justice principles might impact policymaking in these areas.

2. Addressing "internal" procedural justice in police departments

Research has found that the existence of procedural justice within police departments is central to implementing procedural justice externally. In short, officers who feel they are treated fairly by their departments are better able to implement policies that promote justice, and more readily communicate respect for members of the community. Thus, if departments wish to implement a procedural justice-based approach to policing their communities, it is essential for those departments to ensure that their internal policies treat officers with fairness and respect.

Procedural justice principles should also be included in a department's code of conduct or ethics policy. For instance, policies that call for officers to be truthful and courteous support the procedural justice principle of treating others with dignity and respect, while policies requiring impartiality and an ethic of service to the community aim to influence officers' tendency to convey trustworthy motives to the community.

3. Addressing "external" procedural justice in the community

In addition, procedural justice principles can be incorporated directly into policies governing how officers treat members of the community. This may include general interactions with community members as well as more particularized circumstances, such as investigatory stops. In this section, we will offer some suggestions for implementing procedural justice principles in interactions with groups that have significant contact with police officers and/or a historically fraught relationship with law enforcement. These include young people, crime victims, immigrants, and LGBTQI individuals.

Audience

These principles were drafted for an audience of policymakers and policing executives. As such, they were modeled on existing police department general orders. Our hope is that this will make the principles easy to adapt into new departmental policies for those that wish to do so. That said, we understand that the structure we have chosen is likely to make these principles somewhat inaccessible to lay audiences. We encourage those readers to consult the Executive Summary, which outlines our suggestions in a more condensed format.

Organization

This document outlines a set of 41 principles of procedurally just policing. These principles are written at a high level of generality to reflect the fact that different departments might accomplish these goals in different ways. For example, our first principle is that police departments should make their policies or general orders publicly available.

Following each principle, we provide commentary. This section highlights academic and other literature that supports the idea outlined in the principle. For example, commentary on the principle outlined above emphasizes the importance of transparency in procedural justice theory and research.

Following the commentary, we provide model policies that have been used by other police departments and/or that are supported by police professional associations or other groups. For example, in furtherance of the principle outline above, a department might create a general order stating that new departmental policies will be posted to the department's website within twenty-four hours of adoption. We emphasize that these models are meant as **examples**. For many of the principles we outline, there is no one, correct way to express that principle in policy. Specific policy language is thus something that each department that wishes to implement these principles must debate and develop for itself. That said, the extensive footnotes provided in connection with the model policies will help departments to identify the law enforcement agencies or other groups that have adopted substantially similar approaches.

What These Principles are NOT

Having addressed what these policies *are*, it may be useful to say an additional word about what they *are not*. These principles and model policies are not meant to replace a department's current general orders; these ideas are meant to supplement or modify existing general orders, which will no doubt cover topics that we do not address. These principles do not constitute legal advice; any department that wishes to make changes to its policies should consult with counsel to make sure that those changes comport with relevant state and local laws. These principles and model policies are also not meant to represent judgments about superior and inferior policing tactics. Although no discussion of procedural justice in policing can avoid all discussion of tactics, our view is that tactical considerations are better addressed by policing professionals with relevant expertise, in close and ongoing consultation with the communities in which they work.

Our sole and exclusive focus is on procedural justice and how it may be maximized by police departments. Procedural justice scholarship does not dictate a position on many extremely important choices about a police department's operational practices, and the principles outlined here should not be understood as attempting to foreclose debate around these issues. Instead, we hope this document will serve as a springboard for ongoing discussion about what local communities want from their departments.

Part One: Transparency and Public Engagement

If a police department is to be viewed as procedurally just, it must be open and transparent, give members of the public a voice, and make decisions in a fair and neutral way. In this Part, we highlight three areas in which these principles apply with particular force.

The first of these is a policy about policymaking. Police Department general orders are not, and should not be, static documents. They change as knowledge grows, technologies advance, and practices are tested. Thus, departments have to think not just about how they will make their policies procedurally just today, but how they will ensure that procedural justice principles guide their policymaking in the future. Procedural justice is not a project or program to be completed, nor a goal to be achieved; it is a comprehensive change to the ways in which police departments do business and a constant work in progress.

In this Part, we also highlight Use of Force review and body-worn camera policies as important areas of focus. How police departments review and learn from officer uses of force has become a focus of national attention. Body cameras are posited—we think rightly—as a tool of transparency, but communities must be engaged in the many difficult decisions that will have to be made about when and how the cameras should be used.

Procedurally Just Policymaking

Overview

If police departments are only able to make one change to their current operating procedures, it should be this: departments should move toward a process for publishing and revising their general and special orders[3] that incorporates procedural justice principles. As described above, if a police department is to be viewed as procedurally just, it must **give members of the public voice** and **make decisions in a fair and neutral way**. Thus, the aim of this model policy is that all future departmental policies enjoy the legitimacy that flows from having been formed with community input, in a climate of open and transparent communication.

The recommendations called for herein will be challenging to implement. Departments must endeavor to ensure that community members—especially those who live in neighborhoods with high rates of enforcement activities—fully understand the process for providing input on policing policies. The department must then listen to those voices with respect, learn from their concerns, and address their recommendations in its policies.

A community-engaged policymaking process will pay dividends: it has the potential to substantially increase the community's belief in the department's legitimacy. The changes departments make in this regard stand to generate public support for police reforms and channel public concerns into structured processes that—while more open and demanding—will be more consistent and more manageable than the current cycles of protest and debate.

The principles presented here are supported by national policing organizations. For example, the Police Executive Research Forum (PERF) says one of the key take-aways from its 2014 conference on the lessons police chiefs had learned from navigating major crises is that: "Police who listen and respond to what the community wants, and who solicit public opinions about issues such as whether to deploy a new technology, tend to enjoy greater support from the community than agencies with an autocratic approach."[4]

The Final Report of the President's Task Force on 21st Century Policing, moreover, contains four recommendations and two specific action items that address the need for departments to engage their communities in their policymaking.

- Recommendation 1.3 calls for developing a culture of transparency and accountability. Action Item 1.3.1 specifically calls for the posting of departments' policies for public review.
- Recommendation 1.5 calls for engaging communities with high rates of enforcement activities in positive activities with the department. Action Item 1.5.1 specifically calls for engaging the community in developing and evaluating policies and procedures.
- Recommendation 2.1 calls for working with communities with high rates of crime to develop policies that would reduce crime through improved relationships and cooperation.
- Recommendation 2.8 calls for civilian oversight of departments, which would include oversight of their policies and policymaking processes.

Chiefs of some departments around the country have had success in implementing such changes. As Chief Daniel O'Leary from Brookline, MA summarized his department's policymaking process and its results:

> *Often before we do something like deploy a new technology, we'll bring it to a public meeting and get public input. We usually write a policy based on the public input before we start implementing anything. That can involve a lot of work, because the people in our community don't want to give up their privacy rights, for example. But in the end, we get a lot of support in the community for the policies we end up adopting, because we are transparent.*[5]

Departments that seek to make their policymaking process more procedurally just thus have many models available to them from other departments around the country. They may also learn from the practices of other parts of their local governments. Many of the pressing questions for law enforcement—how to protect departments from illegitimate political interference while maintaining democratic accountability, how to respond to community concerns while still basing decisions on research and professional expertise, etc.—are similar to questions faced by other government agencies.

Definitions

Policies that substantially impact community members: those policies that govern interactions between the department and members of the public or the department's response to community complaints related to those interactions.

- Examples of orders that substantially impact community members might include:
  - when to use a SWAT team;
  - whether to allow BWC filming in a home without consent;
  - policies for responding to low-level crimes; and
  - how officer-involved shootings will be investigated
- Conversely, examples of orders that do not substantially impact community members might include:
  - standards for uniforms;
  - attendance and time off policies;
  - chain of command; and
  - equipment management policies.

PRINCIPLE 1. Make Policies Publicly Available

All general and special orders should be publicly available unless there is a specific law enforcement reason not to release a certain policy.

Commentary

Publishing orders promotes a culture of transparency and enables the public to be informed about sanctioned police policy and conduct. Government agencies that are highly transparent about their policies, even by posting information online, increase the public's knowledge and trust.[6]

Model Policies

A.1 All general and special orders shall be posted on the department's website.[7] Any revisions to the general orders or new or revised special orders shall be updated on the website within 24 hours of being issued.[8]

A.2 Departments without a website and/or that seek to provide equitable access to all community members regardless of internet access shall make complete copies of the general and special orders available at the public library, City Hall, police headquarters, and/or other publicly accessible areas.

A.3 The department shall issue exceptions to this policy for any specific general or special orders, or sections of a general or special order, that contain information that could interfere with effective enforcement of the law or endanger an individual. Any exceptions will be narrowly tailored to protect law enforcement activities while still providing maximum transparency about the department's policies. If the policy would be provided in response to a freedom of information request, it must be posted.[9]

A.4 The department shall make publicly available a list of all of the written policies and manuals it maintains, even when such a policy or manual is not released to the public because publication would interfere with effective enforcement of the law.[10]

PRINCIPLE 2. Subject Policies Likely to Substantially Impact Community Members to Intensive Public Review

When writing new special orders or updating general orders, the department should identify for more intensive public review: issues that are likely to substantially impact community members; and/or issues regarding which the policy would be better accepted by the community if the department sought community input while developing the policy.

Commentary

The President's Task Force on 21st Century Policing begins its Policy and Oversight recommendations with a call for departments to engage community members in their policymaking processes (Recommendation 2.1). The research on procedural justice demonstrates that the community is more likely to accept police decisions if they have had an opportunity to voice their perspective.[11]

Note, however, that there may be instances in which the department's decision-making is constrained. For instance, one such constraint may be the department's current budget. If the department is unlikely to heed community opinion in such an instance, it may be better not to seek it. Procedural justice research has found evidence that if decision-makers provide community members with opportunities to speak but have no intention of following their input, such a false opportunity for voice can undermine trust.[12] The department may still, however, acknowledge that the decision was made and explain the reason for its decision (see Principle 5 below).

Model Policies

A.1 All new general or special orders or revisions to existing general or special orders that will substantially impact community members shall be considered for more intensive community review.

A.2 The Department shall establish a temporary advisory group to review the current Orders and (a) identify issues that substantially impact community members that are not addressed in the Orders and (b) recommend existing Orders that fit the above criteria and that should be prioritized for revision and/or public discussion.

- The group shall be composed of [X] members of the community to provide a representative cross section of the community and [X] employees of the department to provide a representative cross section of the department.
- Efforts should be made to ensure that this group includes key stakeholders particular to the locality. Examples might include: members of local Native American tribes, members of the LGBTQI community, crime victims, the formerly incarcerated, etc.
- The department should be fully transparent with such a group regarding its available resources and timeline for developing or revising policies. Doing so will set reasonable expectations and commit the department to a process for which it can reasonably be held accountable.[13]

PRINCIPLE 3. Solicit Community Input When Making or Revising Policies

When writing policies, departments should seek community input through one or more structured processes that provide community members with meaningful opportunities to be heard. When decisions regarding new special orders or updated general orders are made, community input should be given genuine, thoughtful consideration and decisions should advance procedural justice.

Commentary

Soliciting and thoughtfully considering community input is a way for police departments to give community members voice. When people have voice, they view authorities as more fair.[14]

Model Policies

A.1 Through discussions with community members, the department shall develop a clear statement of when and how it will engage community members in its policymaking process. The statement shall articulate the department's procedural justice-based goals for involving the community.

A.2 The department shall notify the community when it is creating or revising a policy that addresses an issue that is likely to have a substantial effect on the community. The form of such notification shall be determined based on the circumstances and the issue to be addressed, and could include an open letter to the mayor and city council, a press release, a website and social media announcement, etc. Such notification will provide information on how the department will be providing opportunities for community input into the policy or the reasons that community input will not be sought.

A.3 The department shall give genuine, thoughtful consideration to issues raised by members of the community. Community input received will be carefully reviewed in full. Whenever possible, recommendations from members of the community, particularly those most likely to be affected by the policy, will be addressed in the final policy. Even when the department cannot adopt certain recommendations, it will consider whether there are alternatives or modifications that might address both community and department concerns.[15]

A.4 The department shall seek guidance and assistance from municipal government in developing public policy decisions and conducting community input processes. As its needs require, a police department might formally request that its municipal government either (a) pass a law or otherwise issue a decision regarding the identified policy choice or (b) conduct a public process for seeking input into the department's development of its Order.

A.5 The department may seek guidance and assistance from the state government in developing public policy decisions.

A.6 The department shall implement educational programming to inform the public about the legal, administrative, and tactical constraints and considerations that guide the department's decision-making, as part of its larger community input process.[16]

A.7 [The municipality] shall establish a [Police Policy Advisory Council] to advise the police department regarding its policies and procedures based upon community input and best practices.[17]

A.8 The department shall create opportunities for the public to provide in-person input on policies and issues.[18] Opportunities for in-person input should be designed to engage members of the community most likely to be affected by a policy. They should be accessible to all, which includes physical accessibility (wheelchair accessible, held in affected neighborhoods at locations near public transportation stops, etc.), time accessibility (consider holding both day and evening sessions), sufficient notice (events should be advertised widely through means likely to reach those most affected by the policy), and genuine openness to nontraditional participants.[19]

A.9 The department shall create opportunities for the public to provide online and written feedback on policies and issues.[20] Requests for written community input can include such approaches as surveys, online public comments posted in response to a document (as is done with federal regulations), and receipt of mail or email on a topic. Departments should ensure that any method chosen allows for online and paper responses. The opportunity to provide input should be advertised widely by means likely to reach those most affected by the policy. Online methods should ideally be fully smart phone compatible.

A.10 The department shall engage staff of all ranks across the organization by requesting their input on policy decisions.

A.11 The department shall document and save all responses it receives for at least the duration of the policy development process. Documenting the community's voices will help provide assurances to the community that the department is listening.[21]

A.12 When weighing policy options, the department shall choose whenever possible the option that will increase the fairness and neutrality with which it enforces the law and increase the dignity with which it treats all members of the community, including its own officers.

PRINCIPLE 4. Communicate Reasons for Policy Decisions

Final policy decisions and the reasons for those decisions should be communicated to the community, including acknowledgment of where and why community recommendations were or were not adopted.

Commentary

Public perception will strongly influence public responses to the new policy. The more that the community believes that their concerns were genuinely heard and addressed and the more that they understand and trust the reasons that alternate decisions were made, the more legitimacy the department will have when it implements its Orders.[22]

Model Policies

A.1 The department shall include a brief explanation in community-oriented language for its policy decisions when issuing a new or revised Order. The explanation should include the reasons the chief chose the alternative he or she did. It should also include a brief summary of the community input received regarding each major aspect of the policy. The explanation should highlight where community recommendations were included. In instances when community preferences were not followed or when the chief chose between competing community preferences, the summary should explain why the final decision was made.[23]

Use of Force Review: Principles and Policies

Overview

The neutrality and transparency of police department policies and procedures regarding officers' use of force—in particular, critical incidents involving the use of deadly force or in-custody deaths—are essential for maintaining public trust.

Currently, department policies differ in how they define and categorize "force" and offer different models for reporting and reviewing use of force incidents. Most department policy manuals that define the types of actions that constitute force also classify these actions at different levels corresponding to different kinds of investigation and review. Drawing upon existing policies and model practices, the following principles and policies focus on internal administrative review of more serious uses of force—officers' actions that risk or result in the death or serious injury of others, as well as in-custody deaths. Of course, every use of force should be considered a serious event and should be reported and evaluated in light of the police department's commitment to pursuing its mission with minimal reliance on the use of force and with the highest regard for the safety and dignity of all persons. However, more life-threatening use of force incidents should be—and generally are—subject to investigation and review by a specialized team and/or board, whereas other use of force incidents may be subject to more limited review by the involved officer's supervisor and chain of command.

All of the policies proposed herein reflect the recommendations made in Pillar Two of the final report of the President's Task Force on 21st Century Policing, the Police Executive Research Forum report *Use of Force: Taking Policing to a Higher Standard*, the International Association of Chiefs of Police report *Emerging Use of Force Issues*, the Department of Justice report *Principles for Promoting Police Integrity*, and the International Association of Chiefs of Police and Community Oriented Policing Services symposium on use of force, as well as promising practices and reforms already instituted by various police departments.

PRINCIPLE 5. Draft Specific and Comprehensive Use of Force Guidelines

General orders or policy manuals should include specific and comprehensive guidelines regarding the reporting, documentation, and review of use of force incidents.

Commentary

While the use of force may sometimes be necessary to protect the public, research suggests that police uses of force may encourage noncompliance.[24] That said, police legitimacy is associated with greater public support for reasonable uses of force.[25] A transparent use of force policy can help achieve such support by clearly articulating the circumstances in which force will and will not be used and generally enhancing the legitimacy of the department.

Model Policies

A.1 Department policies shall clearly define, with examples, and categorize by level the actions that constitute force. These definitions should be consistent with the legal standards used to judge objectively reasonable force, department training on de-escalation tactics and the use of force, written policies or

decision models guiding officers on the appropriate use of force, and the department's code of conduct and respect for life principles.

A.2 Definitions shall be revised as needed to reflect relevant changes in legal standards, weapons technology, and department practice. In determining how a new tool or tactic should be categorized and reviewed, or to determine whether an existing technique should be re-categorized, departments should evaluate the technique's potential to cause death or serious injury, both when applied correctly and when applied in violation of policy, and should review outcomes where the technique has been used.[26]

A.3 A.3 Every reportable use of force shall be documented and evaluated in a timely, thorough, objective, and consistent manner pursuant to detailed written policies. Policies shall convey that the objectives of the review process go beyond assessing whether an incident was legal and consistent with departmental policy to consider the incident's effect on public trust and the opportunities it presents for individual and department-wide improvement.

PRINCIPLE 6. Make Policies and Data Publicly Available

Departments should make their internal review policies publicly available and release both timely information and annual data on use of force incidents.

Commentary

A transparent use of force policy can help achieve public support for reasonable uses of force by clearly articulating the circumstances in which force will and will not be used.

Model Policies

A.1 Use of force policies and review procedures should be openly available to the public in un-redacted form, for example, through the online publication of the department's General orders or policy manual.[27]

A.2 Departments should provide public access to database information on use of force incidents and publish regular reports, annually at a minimum, with statistical and summary information on officers' use of force.[28] Departments should develop standardized categories for use of force data so that this information may usefully be compared across agencies. These categories could divide types of force as physical (where the officer uses his or her body to kick or strike), lethal weapon (where the officer uses a firearm, vehicle, or other deadly device), and less-lethal weapon (where the officer uses, for example, a TASER or chemical spray). Within these broad categories, which generally correspond with departments' existing classifications, reports of use of force incidents should be sub-categorized by the specific type of force used.[29]

A.3 Department policy on use of force incidents should specify what types of information will be released to the public and when, ideally requiring the release of a preliminary summary statement within hours of an incident's occurrence and regular updates thereafter with more complete information about the incident and the disposition of any investigation. The aim should be to share as much information as possible without compromising the investigation or the rights of the involved officer.

PRINCIPLE 7. Employ Sentinel Event Reviews and Early Warning Systems

Departments should use data on officers' use of force and administrative review findings as the basis for proactive, nonpunitive interventions, including sentinel event reviews, early warning systems to identify at-risk officers, and regular analyses of department-wide trends.

Commentary

Proactive interventions with officers about patterns of problematic behavior signal department leadership's belief in the capacity for that behavior to change, which is associated with greater employee commitment and more appropriate behaviors.[30] By fostering procedural justice internally in this way, departments may encourage more procedurally just dealings with the community.[31]

Model Policies

A.1 In addition to administrative review of critical incidents, police departments should strongly consider implementing nonpunitive, nonadversarial peer reviews of certain "sentinel" events—incidents that may be within department policy but that have serious negative effects on community relations.[32]

A.2 Departments should implement an early warning system or similar accountability software that monitors officers' uses of force, in addition to other indicators, in order to alert supervisors to potential patterns of problematic behavior. The objective of the early warning system should be to identify counseling, training, or supervision needs, not to impose formal discipline.[33]

A.3 Departments should conduct regular reviews of use of force data and incident investigations, annually at a minimum, in order to identify department-wide patterns that point to a need for changes in policy, supervision, equipment, tactics, training, or culture, or a need to audit or revise the documentation of use of force incidents.

Body-Worn and Vehicle-Mounted Cameras

Overview

In keeping with the procedural justice principles of neutrality and transparency, we believe that police officers should, whenever possible, wear cameras on their bodies. Body-worn cameras (BWCs) provide members of the public, the media, and researchers with vital information about the quality of police-public interactions—especially the relatively small, but critical, minority that involve officer use of force. These videos will not resolve all debates about the propriety of the officer behaviors they portray, but the information they do reveal may—particularly if made accessible to researchers for studies that involve clear hypotheses and strict privacy controls—advance empirically grounded policing reform.[34]

The introduction of cameras may also, however, contribute to public concern about large-scale invasions of privacy. Furthermore, BWCs, in particular, have the potential to be misused as a surreptitious form of search and seizure. Finally, there are important technological issues to be considered as well: specifically, once cameras are employed, their film must be maintained long enough to be called into use if necessary, but discarded before municipalities end up with an overly costly library of material.

This policy seeks to balance these considerations, while advocating the use of cameras as a tool of transparency and trust-building for police and communities. These recommendations do not address all issues that might ultimately be included in a department's BWC policy; we highlight a few examples of policy choices that may have particular resonance for increasing procedural justice. Here again, the most important of the principles outlined herein is the first: local communities must have open and ongoing input into the development of BWC policies, as they raise particularly complex normative concerns.

We emphasize that to say that police officers should wear cameras is to *begin* the conversation, not end it.[35] Communities that seek to develop policy on the use of body cameras must address many difficult questions that strike at the heart of concerns about improving the quality of police-community interactions and equally salient concerns about personal privacy. We know that Americans generally think that body worn cameras are a good idea—even across divides of race and political affiliation—but opinions on specific policies governing their use are more complex.[36] Local communities may well decide some of these questions differently, and they should have the opportunity to do so.

Thus, the most important recommendation for any community that wishes to bring body cameras online is to consult with a wide range of stakeholders before doing so. These stakeholders should include front-line officers, community groups, the local media, prosecutors, defense attorneys, police officers' unions, and the general public.[37] Body camera policies will be perceived as legitimate only if they are developed in a manner that is deliberative and consultative; shared publicly and widely; and re-visited from time to time as experience grows and technologies change.

Definitions

Body-worn camera: Small audiovisual device that records police interactions or transmits such material for remote recording. Police officers wear such devices clipped to their uniforms, embedded in safety vests, or as headsets.

Vehicle-mounted camera: Audiovisual recording devices that are affixed to police car dashboards or the interior windscreen of police cars and that record through the cars' windscreens.

PRINCIPLE 8. Involve the Community in Body-Worn and Vehicle-Mounted Camera Policymaking

Policing agencies must involve members of the public in the formulation and ongoing evaluation of policies regarding BWCs and vehicle-mounted cameras.[38]

Commentary

Soliciting and thoughtfully considering community input is a way for police departments to give community members voice. When people have voice, they view authorities as more fair.[39] Further, as the fair implementation of police policies increases the likelihood of civilian compliance,[40] a voice in the implementation of BWC policy can increase the likelihood that the public will support the cameras' use.

Model Policies

A.1 Policies regarding BWCs and vehicle-mounted cameras should be made publicly available, including on the department's website.[41]

A.2 Policing agencies should conduct periodic, public reviews of their BWC and vehicle-mounted camera policies and protocols.[42]

PRINCIPLE 9. Develop Clear Guidelines for Body-Worn Camera Activation

Police departments should develop clear guidelines on when BWCs must be turned on and off.

Commentary

Transparency and incentivizing police and the public to behave responsibly are compelling reasons for police officers to use body-worn cameras. However, these advantages must be balanced against the potential invasion of privacy. Research suggests that people are more accepting of initiatives that collect or require them to disclose private information if the procedures in place to protect their privacy are just.[43] In the case of BWCs, guidelines for activation will convey to the public the extent to which their privacy is affected, as well as provide a clear rationale for the imposition.

Model Policies

A.1 With the exceptions of the circumstances described in A.2, there are some situations in which the audio and visual functions of body-worn cameras must be on:

- In general, body-worn cameras must be turned on when an officer begins responding to a call for service or begins a law enforcement interaction with a member of the public and must remain on until the service call or interaction has ended and the officer leaves the scene.[44]
  - However, the officer must prioritize preserving the life and safety of members of the public over turning on the camera. In such situations, the officer must turn the camera on at the earliest possible opportunity.
- In rare circumstances, an interaction may begin too suddenly to be filmed or during which pausing to turn on the camera would endanger the lives or safety of an officer or the public.
  - In these circumstances, the officer must record his failure to film and the reason for the failure on camera.[45]
- Body-worn cameras must only be used to record officers' interactions and not for any other purpose. For example, it is impermissible to use body-worn cameras as devices for gathering evidence of crimes.
- The body-worn cameras of school resource officers must be turned on only in two situations:[46]
  - Cameras must be on when SROs are beginning a educator-initiated service call and must be turned off when the SRO leaves the scene.
  - The cameras must also be on anytime an SRO is about to use force—or reasonably expects it is probable that he may be required to use force—with a minor. For these purposes, force is defined as employing contact with the aim of causing the student to do, or not to do, something against her will. The camera must be turned off immediately after the interaction ends and the officer has left the scene.

- Departments should consider blurring the faces of any children caught on film before such film is released.

- Ideally, a minimum of two police officers wearing body cameras should be present for law enforcement interactions with members of the public.[47]

A.2 There are some situations in which the audio and visual functions of body-worn cameras must be off.

- BWCs must not record the image or voice of undercover officers.
- Once the safety of an apparent crime victim is secured, an officer must ask the victim if he would like the camera turned off and comply with the victim's wishes. The officer must record the offer to stop recording and the person's request for the officer to do so.[48]
- When alerted to someone who would like to report a crime anonymously, an officer must offer to keep her body-worn camera off before recording the sight or sound of the would-be reporter and comply with the would-be reporter's wishes before the formal interaction begins.
- When entering a private residence, the police must tell the resident, in plain language, that she has the right to have the camera turned off and then get on-camera consent to film. Effective notice could take the following form: "I have my camera on now. I'm coming into your home. You have the right to tell me to turn it off."[49]
- When in doubt, officers must record.
- In the rare circumstance in which emergency demands that an officer violate any tenet of this sub-principle, the officer must record his violation and the reason for it on-camera and notify his immediate supervisor of the situation.

A.3 When the requisite technology is available, body-worn cameras must automatically turn on in response to certain procedural events.[50]

- When an officer gets out of his car, turns on his vehicle's dome light, or removes his gun or taser from its holster, the officer's body camera must turn on.

A.4 When practicable, police officers should inform individuals that they are being recorded.[51]

PRINCIPLE 10. Develop Clear Guidelines for Vehicle-Mounted Camera Activation

Police departments should develop clear guidelines on when vehicle-mounted cameras must be turned on and off.

Commentary

As is true of body-worn cameras, transparency and incentives for police and the public to behave responsibly are compelling reasons for police officers to use vehicle-mounted cameras. Similarly, these pros, too, must be balanced against the con of invasion of privacy. Thus, policy recommendations on vehicle-mounted cameras are also designed to create a system that promotes public safety while respecting privacy.

Model Policies

A.1 There are some situations in which the audio and visual functions of vehicle-mounted cameras must be on:

- Cameras must begin recording at the commencement of a law enforcement action and must remain on until the action has ended.[52]

A.1 Vehicle-mounted cameras' audio and visual functions must automatically turn on in response to certain procedural events.[53]

- Cameras must automatically turn on when a driver uses his police lights or sirens or when the camera is signaled by a g-force reading (at a level determined by the individual police department).

PRINCIPLE 11. Develop Clear Guidelines for Film Retention

Police departments must develop and adhere to guidelines on how long film from body-worn cameras and vehicle-mounted cameras must be kept.

Commentary

Developing clear guidelines and making them publicly available will promote a culture of transparency and enable the public to be informed about sanctioned police policy and conduct. Government agencies that are highly transparent about their policies increase the public's trust in them.[54]

Model Policies

A.1 Film must be kept for two years or until the statute of limitations for claims of excessive force has passed, whichever is later.[55]

PRINCIPLE 12. Employ a Presumption in Favor of Film Release

In general, film recorded by BWCs and vehicle-mounted cameras should be treated as "public records," which the public has a presumptive right to access. Such film should be made available for public inspection and copying in accordance with the jurisdiction's existing statutes governing access to such records.[56]

Commentary

"Transparency around police activities is particularly important to maintain public confidence, which is essential to the continued legitimacy of law enforcement."[57] Access to information is a necessary prerequisite to enable the public to note and consider the efforts a department makes toward procedural justice.[58]

Model Policies

A.1 The cost to the public of accessing the non-confidential and/or redacted recordings made by police cameras should not be so high as to discourage or prohibit citizens from accessing the records.

A.2 Officers should not be permitted to review footage of an incident in which they were involved prior to making a statement about that incident.[59]

A.3 Facial blurring software may be used to facilitate public access.[60]

Part Two: Procedural Justice Inside the Department

Research has found that the existence of procedural justice within police departments is central to implementing procedural justice "externally."[61] In short, officers who feel they are treated fairly by their departments are better able to implement policies that promote justice, and more readily communicate respect for members of the community.[62] Thus, if departments wish to implement a procedural justice-based approach to policing their communities, it is essential for those departments to ensure that their internal policies treat officers with fairness and respect.

Procedural justice principles should also be included in a department's code of conduct or ethics policy. For instance, policies that call for officers to be truthful and courteous support the procedural justice principle of treating others with dignity and respect, while policies requiring impartiality and an ethic of service to the community aim to influence officers' tendency to convey trustworthy motives to the community.

Model Policy for Workplace Procedural Justice

Overview

Procedural justice is a powerful tool for police officers and police departments alike. For police officers, employing procedural justice principles will help to improve police-community interactions, increase police situational control and safety, and increase community members' compliance with laws and social norms.[63] These benefits should be realized through training and policies that activate officers' ethical motives for treating people well.[64] However even with such training and policies, procedural justice towards citizens will be impeded if procedural justice is not also present in police officers' workplace environments. That is, supervisors, other officers, and police departments as institutions must treat subordinate and peer officers in procedurally just ways if they are to encourage procedurally just policing.

Model principles for achieving procedural justice in police workplace environments are provided below. These principles should be imported and incorporated into police department policies at various places, depending on the structure and use of department code. They are drawn from policies that are already in place at departments of varying size and location. Where such examples exist, they are referenced in the footnotes to the model policies. They are meant not only as static code, but as an active guidance for departments that aim to increase procedurally-just policing.

Beyond those benefits described above, police departments should consider adopting procedurally just internal practices (1) for the sake of employee well-being, (2) to improve employee morale, productivity, and adherence to the rule of law,[65] and (3) to reduce lawsuits and unnecessary disputes and expenses associated with poor workplace practices.

PRINCIPLE 13. Promote an Ethic of Respect

Departments should promote and practice an ethic of respect toward all employees. Further, departments should expect and require that all employees shall treat fellow employees with respect, fairness, trust, and a listening, responsive attitude.[66]

Commentary

When people feel that members of their group respect them, they engage more as members of that group.[67] Following this research, the more that officers feel that the rest of their department respects them, the more they will engage as officers, performing their duties with sincere effort and working to help other officers.

Model Policies

A.1 Police department leadership should commit themselves to listening to and responding to employee concerns.

A.2 The department will promote the ethic of respect with visible reminders in work spaces that activate social motivations in officers.

A.3 Require and promote open communication between supervisors and subordinate officers.[68]

A.4 Incorporate a concept of "respect and fair treatment towards fellow employees" as an element of performance reviews and evaluations.

- Performance reviews will consider whether officers behave with "respect and fair treatment toward fellow employees." Performance reviews and evaluations for supervisors and any officers of higher rank will also include "respect and fair treatment toward officers of lower rank and those under one's supervision."
- Officers who do not appear to be treating fellow officers with the standard of professionalism and respect that the department requires will be counseled in performance review sessions as to their conduct and how to remediate it.

A.5 Abuse of authority, harassment, intimidation, or other violations of the ethic of respect are prohibited.

- Harassment includes, but is not limited to, the systematic or incidental creation of a hostile work environment through repeated activity. All forms of harassment are prohibited and will be swiftly penalized.
  - Any supervisor who learns of an allegation of hostile work environment has a duty to take prompt remedial action when necessary to protect the alleged victim and to investigate thoroughly all claims of harassment.

- Abuse of authority can be perpetrated through seemingly minor acts such as the alteration of lower-ranking employees' schedules to accommodate senior officers' preferences (not including seniority systems that are established and governed by clear rules). Where such actions are done for the convenience of senior officers at the expense of, or in disregard of, other officers' requests, rights, and preferences they will be considered an abuse of authority, investigated, and remediated.

PRINCIPLE 14. Give Officers Due Process and Voice

Provide due process when handling officer complaints and disciplinary proceedings and give officers voice when changing department rules.

Commentary

Procedural justice requires processes that are fair, respectful, and responsive. Officers, just like, members of the public, care about fair treatment. The more that they feel they are treated with procedural justice within their department, the more that they will enact those principles in their interactions with civilians.[69] If officers feel that the processes for reviewing their own performance and behavior are unfair, they may view the process as illegitimate, thus undermining the review process itself.

Model Policies

A.1 Create and follow Pre-Established Procedures for Grievances, Disciplinary Proceedings, and Changes to Department Rules.

A.1 Treat employee complaints seriously and follow all established procedures for evaluating such complaints. Where complaint procedures are ambiguous or unmanageable, the department should clarify or revise those procedures as appropriate.

- Employee complaints and grievances shall be received in writing and investigated by the internal review office as soon as possible for all complaints involving officer safety, harassment, intimidation, abuse of authority, and other circumstances affecting officer well-being as is consistent with other department policy and state law. No complaint shall be dismissed without providing a specific reason why it was dismissed and what steps the officer can take to amend the complaint or otherwise seek remediation.
- Employee complaints about lesser matters that affect well-being can be submitted in writing or verbally to the internal review office, which will record and register the complaint solely for record-keeping and future investigations of related complaints, unless the employee requests other specific actions.

A.3 Increase transparency and responsiveness of decision-making, whether for routine or major actions, including personnel decisions and policy revisions.

- Major policy developments, such as changes to command structure, disciplinary proceedings, officer hours, essential equipment, and on- or off-duty behavior should include opportunity for suggestions from personnel of any rank, especially at the conceptual phase of the new rule.[70]
- Major policy changes will be released with an accompanying explanation of why the changes were made and what factors were considered, including employee comments, in making those changes.
- Personnel decisions, including employee schedules, squad assignments, disciplinary actions, and promotions will be made according to written policies, with each successive step of the decision communicated to the affected officer(s) by email. The entire record of decision will be kept by the internal affairs office and will be available for review upon request by the affected officer(s). Once made, all such decisions will be final unless otherwise covered by a relevant section of this code.

PRINCIPLE 15. Accommodate Officers' Needs and Preferences

Accommodate employees' needs and preferences in ways that grant them respect and dignity.

Commentary

When employees are treated with respect, this helps to make them feel that they are part of a group, enhancing their engagement with that group.[71] For police officers, feeling respected within their departments should lead them to engage more fully as members of the department.

Model Policies

A.1 Consider employees' needs when making personnel decisions.

- Special needs, religious observances, hardships, and other significant aspects of employees' lives should be considered, but need not dictate personnel decisions. Where a specific request is made by an employee, the fulfillment of which would not adversely affect department operations and would otherwise comply with department policy, the department should strongly consider granting such a request. Reasonable administrative effort required to grant such a request shall not be deemed to adversely affect the department.
- Where personnel decisions are made that deny relevant employee requests, the department should provide an explanation of why such decisions were made.

PRINCIPLE 16. Provide Employees with Support

Support employees to ameliorate stress, injury, trauma, and other adverse consequences of their service.

Commentary

A great deal of research links the experience of trauma to anger and hostility.[72] This poses a particular problem for police departments because officers are placed in traumatic situations as part of their normal job, whether that trauma comes from the risk to their own lives, or their exposure to others' trauma.[73] To conduct their jobs effectively, it is critical that officers are not burdened with such anger and hostility. Therefore, treatment and time away from the job are critical. We recommend that some level of treatment be mandatory, since the stigma of choosing to seek treatment might prevent officers from doing so.[74]

Model Policies

A.1 Counseling and temporary reassignment will be provided for officers who have experienced traumatic situations.

- Mandatory counseling services will be provided for all employees at the scene of traumatic situations. The duration, content, and frequency of any counseling sessions will be treated as confidential information.[75]
  - A traumatic event is defined as any event resulting in death or serious bodily injury at which police personnel are present in their official roles, regardless of on- or off-duty status.
- Officers involved in traumatic situations may be temporarily reassigned to other duties at the request of a supervisor, a peer support coordinator, or the officer himself. The duration of the assignment will be decided by the Chief of Police or an appropriate designee. Counseling may be provided during this period as well. Counseling sessions started during such a period may continue after such reassignment ends, as requested by the officer, supervisor, or peer support coordinator.

A.2 The department will employ police chaplains, who will be available to provide guidance, counseling, and crisis intervention to all department employees.

- These services shall be provided in a non-denominational manner and with sensitivity to and respect for differences in religion, culture, gender, sexual orientation, socioeconomic status, or other factors relevant to any people, inside or outside of the department to whom the chaplains minister in their duties.
- Police chaplains shall be recruited from representative and numerous religions; departments should take special care to provide for the needs of police officers who are a minority in their faith within the department.
- Police chaplains may ride-in with officers where consistent with other department policies.

A.3 The department will develop a peer support program.

- Peer support program volunteers will be trained at the beginning of their involvement in the program and then retrained once per year. Such training will focus on developing capacities of emotional support, practical assistance, and knowledge related to common officer challenges.

A.4 The department will assign a traumatic incident coordinator.

- When departmental resources permit, a traumatic incident coordinator shall be designated among officers or civilian staff to refer officers to available resources and review when employees should return to their normal work after traumatic incidences for which they are reassigned or given paid leave. Such a coordinator will work with the peer support team, counseling services, chaplains and other resources to evaluate the collective needs of the department and the adequacy of services.

A.5 Occupational health and safety of all employees shall be prioritized and reviewed on an annual basis and whenever significant health events arise.[76]

- Employee health and safety in all circumstances is an utmost priority to the department, and any threat to employee health and safety will be minimized and mitigated in a prompt and thorough manner.[77] Any unsafe condition should be reported to supervisors and command staff as soon as possible.

A.6 The department will appoint an occupational health and safety coordinator to oversee and respond to health and safety concerns, affirmatively investigate potential or suspected safety concerns whether or not they are reported by officers, and maintain awareness of all applicable safety norms and requirements affecting department activities and personnel. While supported by the occupational health and safety coordinator, the Chief of Police has ultimate responsibility for the safety of all officers.[78]

PRINCIPLE 17. Recognize Employees' Contributions

Formally recognize employees' essential contributions to the workplace.

Commentary

When employees are treated with respect, this helps to make them feel that they are part of a group, enhancing their engagement with that group.[79] For police officers, feeling respected within their departments should lead them to engage more fully as members of the department.

Model Policies

A.1 Commendations should reflect procedural justice principles and safety goals.

- Commendations should be provided on the basis of employee actions that achieve significant procedural justice in instances that require special employee effort. Commendations shall also reflect significant personal sacrifices made by employees for the sake of the department and other officers' safety either before, during, or after dangerous and traumatic events, or in the normal course of work and otherwise unnoticed or unheralded.
- Officers' anti-harassment and anti-corruption efforts should be commended as efforts that improve work for all officers, but which may be unpopular or opposed by significant forces. Such positive models should be upheld, sustained, and rewarded for the betterment of the officers and the department.

A.2 Officers' career development should be advanced through appropriate counseling, credentialing, and skill development.[80]

- Supervisors and command staff should solicit and be responsive to officers' requests to develop appropriate credentialing, skills, and experiences, as will advance their career regardless of immediate benefit to the department.
- An officer development and advancement coordinator, or an appropriate existing position such as a training officer, shall take an affirmative role in identifying resources and officer needs relevant to employee advancement. All officers should take an affirmative attitude that employee advancement and development is a priority for the department.
- Building officers' credentials in appropriate procedural justice, leadership, or other personnel skills and capacities that are non-physical but complimentary to physical skills shall be a priority of the department.

Model Policy for Performance Assessment in Procedurally Just Agencies

Overview

In order to build trust and legitimacy both within police agencies and with the public, law enforcement agencies must adopt, measure, and reward procedural justice as the fundamental principle guiding all department policies and practices.[81] To this end, performance evaluations should recognize and reward police work that enhances departmental legitimacy for community members.[82] Research has shown that police departments can enhance their image in the eyes of the public, be objectively more effective in enforcing the law, and gain greater discretion in performing their regulatory duties by focusing on an understanding of the determinants of legitimacy.[83]

Assessment metrics that align with procedural justice principles promote internal accountability to department priorities, enhance officer morale, and increase department legitimacy in the community.[84] These indicators should be effective and comprehensive, which means they both measure the real, complicated work officers do in the community and encourage and reward ideal officer behavior.[85] These

model principles should be incorporated into police department assessment schemes to the extent possible. They are drawn from existing policies in diverse departments and empirical research into best practices for law enforcement agencies. These measures go beyond simple numerical data to reward activities such as building partnerships with community members and promoting safety.[86]

Definitions

Internal Procedural Justice: practices within an agency and the relationships officers have with their colleagues and leaders.

External Procedural Justice: agency practices with members of the public and the relationships police employees build with community members.

Indicator: a quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to help assess the performance of a development actor. Indicators are used in security and justice programming to monitor activities, describe the outputs of projects, track outcomes, and assess whether they are meeting their intended targets.

Input/Process Measures: The resources a police agency uses to reach its goals. Inputs can include finances, technology and training, and relationships and personnel.

- Inputs are the budgetary resources, human capital, materials, services, and facilities and equipment associated with a goal or objective. Process measures are the functions and activities undertaken that are geared toward accomplishing an objective.

Output Measures: Outputs are the products and services produced by the organization and generally can be observed and measured. Efficiency is a measure of the relationship between an organization's inputs/processes and its outputs. (*e.g.* incident response time).

Outcome/Impact Measures: Outcome measures indicate how well individual tasks or target objectives contribute to achieving agency goals.

PRINCIPLE 18. Encourage Officers to Act as Guardians

Set officers up for success as guardians in the community.[87]

Commentary

In order to develop a "guardian" police culture, police agencies must define successful police work according to procedurally just principles, and structure police work to maximize opportunities for community engagement.[88]

Programs that create opportunities for patrol officers to interact regularly with neighborhood residents give officers greater opportunity to build relationships and demonstrate their commitment to serving those communities fairly.

Model Policies

A.1 Adopt an accountability system based on a set of department values and standards aligned to procedural justice principles.[89]

A.2 Develop events and activities that engage community members in a non-enforcement context.[90] Use survey results and department data to focus especially on neighborhoods where distrust of police is high.

PRINCIPLE 19. Track and Prioritize Community Trust

Track and prioritize community trust in police. [91]

Commentary

Having the community's trust and confidence is critical for police to effectively keep the community safe. Trust and confidence are a form of legitimacy that promote not only obedience to the law, but also cooperation with police: calling them for help or volunteering as a witness, for example.[92] Tracking trust will serve as an indicator of how much police departments can expect that the public will call them in times of need. Tracking trust will also help departments identify times and areas where trust-building is especially important.

Model Policies

A.1 Partner with local organizations and universities to conduct periodic community surveys to monitor public trust and the relationship between policing and public trust.[93]

- In order to maximize the usefulness of voluntary contact surveys, use formats that are accessible and convenient for community members. These may be stamped mail-in cards, online forms, push polls, mobile-compatible surveys, phone and tip lines, or department websites.

A.2 Incorporate specific community member feedback in employee, unit, and internal agency evaluations.[94]

A.3 Schedule listening forums where diverse community members can share concerns with police, engage in dialogue, and influence programs and policy.[95]

PRINCIPLE 20. Reward Procedural Justice

Assess and reward police activity that increases trust and confidence in the community.

Commentary

In order to develop a "guardian" police culture, police agencies must measure and reward successful adherence to department values that promote procedural justice and community policing.[96] Therefore, department values and priorities must be reflected in the indicators a department uses to assess and reward performance.

Model Policies

A.1 Include positive community member feedback in officer and unit assessment protocols.[97]

A.2 Do not base evaluation metrics on quotas.

- The department will de-prioritize the number of investigatory stops and low-level arrests made by officers and prioritize community policing by including measures of community policing performance in assessments.[98]

PRINCIPLE 21. Encourage a Growth Mindset

Develop a performance assessment system that encourages a "growth mindset" and goal attainment for all employees, including department leadership.

Commentary

A growth mindset, one that views ability as learnable rather than innate, encourages effort towards acquiring new skills and abilities.[99] Research shows that police employees want opportunities to assess their own performance and address challenges they face in reaching performance goals.[100] Regular, structured re-assessment of progress will give leaders an opportunity to offer positive feedback on accomplishments that may otherwise go unnoticed. Regular check-ins on a plan designed with officer input will shift conversations about performance from occasional, and often negative, to regular and a mixture of positive and negative.

Model Policies

A.1 Department leaders should ensure that evaluation metrics match job expectations and activities and are aligned to the department's ultimate goals

A.2 Routine performance assessment should utilize an individual development plan (IDP) as a personalized tool for employees.[101]

- Departments may use an IDP to reframe discussions about weak performance areas from punitive and reactive to proactive and growth-oriented or to highlight issues where additional training may be needed.
- The IDP should be aligned to procedural justice principles and measure indicators consistent with department values.
- Establish a practice of setting goals that are SMART - Specific, Measurable, Achievable, Relevant and Timely. The SMART approach towards goals will allow employees to target specific objectives related to the core competencies.

PRINCIPLE 22. Make Performance Metrics Transparent to the Public

Police values, performance measurement, and progress should be transparent to all stakeholders.

Commentary

The more that policies are made transparent, the more that stakeholders will feel as though they have direct information to evaluate fairness. When there is high uncertainty, people's judgments about fairness of procedures could be more vulnerable to indirect experiences.[102] The lack of transparency may indicate to the public that police departments have reason to hide their policies and decision-making procedures, and the public may not presume benevolent intentions. Transparency will help to quell these suspicions.

Model Policies

A.1 Proactively educate community members on police competencies, activities, and policies.[103]

A.2 Establish and promote a Citizens' Police Academy (CPA) to educate citizens on day-to-day police work and department procedures. Reward officers who participate in the program.[104]

A.3 Inform community members about the officer evaluation process, and account for community views and priorities when assessing officers.[105]

- Officers will complete a checklist of relevant activities during citizen encounters. For each encounter, an officer will provide a citizen with a "receipt" that summarizes the officer's account of the incident. Depending on the type of encounter, the citizen may then use the receipt to track the progress of an investigation and confirm or challenge an officer's version of events.[106]
- Involve community members—including representatives from groups with significant law enforcement contact—in the recruiting and hiring process for new officers.

A.4 Evaluation indicators and goals should be publicly available to community members, and clearly understandable to officers and all relevant stakeholders.

- Inform and engage the community by making all relevant policies and procedures, records, and open data sets public and easily accessible. Consider creating an easy-to-access, easy-to-use platform for community members to get information about the police department.

PRINCIPLE 23. Model Procedural Justice at All Levels of the Department

Procedurally just policing should be modeled and assessed at all levels of a law enforcement agency.

Commentary

People evaluate fairness both in terms of treatment and decision-making. These two components can further be categorized at the informal and formal levels, which could be thought to reflect different levels of authority in a law enforcement agency.[107] For example, police officers may use discretion in deciding who to stop (informal decision-making), and they may treat people fairly or not during that stop (informal treatment). On a different level, people may evaluate department policies (formal decision-making and treatment), as fair or unfair.

It is critical to model procedurally just policing at all levels of an agency so that the public views that agency generally as legitimate.

Model Policies

A.1 Make performance metrics clear to officers. Performance management systems and their consequences must be communicated clearly and thoroughly to all team members.

A.2 Provide officers with opportunities to evaluate the effectiveness of policies and the performance of department leadership.

A.3 To the extent possible, supervisors should be assessed on their role in encouraging procedurally just behavior of subordinates.[108]

- Supervisors might use body-worn cameras (BWCs) to evaluate an officer's performance in the field. By using BWCs to evaluate both positive and negative encounters between officers and community members, departments can foster a positive culture around transparency.[109]

Part Three: Officer Interactions with Their Communities

Procedural justice principles can and should be incorporated directly into policies governing how police officers treat members of the community. In this Part, we highlight situations in which law enforcement employees have significant interaction with members of their communities. These include: phone calls with 911 operators, traffic stops, and pedestrian stops. We offer particular thoughts about how these interactions might be made more procedurally just. We also highlight police department policies around de-escalation of conflict as an important arena for the enactment of procedural justice principles.

Model Policies for Police Dispatch Procedures

Definitions

911 dispatchers: the city or police department employees who are responsible for answering incoming calls for service through 911 and other systems, collecting information from callers, entering information into the computer-aided dispatch (CAD) system and relaying real-time information to responding units, determining the priority level of requests for services and dispatching appropriate resources, and querying registries and databases to gather further information relevant to the incident. In cities that do not have a combined 911 call center for different emergency services, 911 call takers are the initial point of contact responsible for transferring calls to the correct emergency provider (police, EMS, and/or fire). Police dispatchers to whom calls are transferred are then responsible for relaying information from the caller to the police and dispatching the appropriate personnel. The term "911 dispatcher" is used here to cover both roles.

PRINCIPLE 24. Provide Supplemental Training to 911 Dispatchers

Police departments should supplement the training and guidance provided to 911 dispatchers on gathering information from callers and determining the appropriate service response.

Commentary

Many police departments' existing trainings and policies provide guidance to 911 dispatchers on diagnosing and prioritizing problems reported by 911 callers. Dispatchers are directed to gather information from callers about the nature of the incident, including its urgency and whether it is a crime in progress; the incident's exact location; an accurate description of people, places, and any vehicles involved; the presence of any injuries; the presence and type of weapons; the direction and method of a suspect's flight, and other relevant information. Call code numbers, priority classifications, and signals enable dispatchers and officers to indicate the nature and seriousness of an incident, as well as the proper response procedure

and timeframe. The policy recommendations provided here are aimed at expanding the information and resources available to dispatchers, callers, responding officers, and department supervisors who monitor and control officers' responses. Situation-specific dispatch procedures have potential advantages for police and the public: reducing the risk of police-citizen conflict, increasing officers' confidence and safety, linking citizens with the services they need and diverting them from the criminal justice system where appropriate.

Model Policies

A.1 911 dispatchers will complete training in procedural justice, vocal de-escalation tactics, and situation-specific responses.[110]

A.2 Dispatcher training will include techniques for identifying signs that that a person may be under the influence of drugs or alcohol, suffering a mental health crisis, or possibly suicidal.

- The Crisis Intervention Team (CIT) Model of police response should guide the training of dispatchers on responding to calls involving mental health crises. Dispatchers may undergo CIT training alongside officers but, ideally, should receive dispatcher-specific training on this subject. Dispatchers must be able to identify and appropriately assign mental health related calls to CIT officers or mental health teams, if available, and should familiarize themselves with local mental health services to which responding officers can turn for support or provide referrals.

A.3 911 dispatchers will gather information and dispatch police or other agency resources in accordance with situation-specific guidelines.[111] These procedures should be guided by data on police responses to incidents reported through 911.

- For example, guidelines should instruct dispatchers about how to respond to calls in which the presence of a weapon is reported, a factor known to increase the likelihood of police use of force.[112] In these situations, dispatchers must gather and relay as much information as possible about the potential threat to officers' safety, but they should also convey any information that might change the dynamics of the officers' response, for example, indications that the person in possession of the weapon is mentally ill or suicidal, or evidence that the suspected weapon is not a real gun or knife.[113] This information could trigger the dispatch of a CIT officer and/or supervisor and could increase the chances of de-escalation.
  - Likewise, police departments should identify situations in which referral to mental health or other services—for example, grief counselors or dispute resolution services—may be appropriate. Dispatch procedures for these situations should mobilize additional resources like specialized mental health teams or other support agencies.

A.4 911 dispatchers will be required to maintain constant contact with callers reporting crimes in progress in order to keep callers calm and to relay updated information to responding officers about the incident and any new threats. Dispatchers should maintain radio contact with officers once they arrive on the scene in order to keep officers-in-charge informed and notify any additional police resources or outside support agencies as needed.

PRINCIPLE 25. Incorporate the Best Available Data and Technology

Police dispatch procedures should incorporate the best available data and technology for enhancing pre-contact information and officer decision-making.

Commentary

Using available technology to improve dispatchers' and officers' timely access to information offers many potential advantages in terms of officer safety and pre-contact decision-making. In addition, updating call technology would enable dispatchers to provide officers with more real-time information before and after they arrive on the scene and would make it easier to communicate with the public, especially hearing-impaired or disabled persons, and coordinate with other agencies over IP-based networks. Trends in personal communication technologies—specifically, the greater use of wireless and VoIP services—are making the existing 911 system increasingly obsolete and inconsistent with the public's expectations for accessibility.

Model Policies

A.1 911 dispatchers will gather relevant information from databases and relay this information to responding officers through the CAD system.[114]

- Police departments should use the CAD system or other technology to provide dispatchers and officers with timely access to information needed to determine a call's priority level and the need for de-escalation tactics or social services. Dispatchers can interact with local and national databases to gather and relay information about outstanding arrest warrants, recent 911 calls, guns registered at the address, and criminal histories. This information can alert police to the risk of violent encounters, but the CAD system should also be used to provide additional information that triggers de-escalation/diversion responses or the dispatch of specialized teams—for instance, by identifying calls involving juveniles, mentally ill persons, or individuals with repeated police contacts. Dispatchers should also have access to timely data regarding the community's policing priorities and likely growing problems (for example, through repeat call analysis).

A.2 Police departments will invest in call technology updates, where feasible.

- Police departments should upgrade to IP-enabled 911 systems that allow call centers to receive text messages, videos, and photos, and can more consistently pinpoint the location of calls made on mobile devices, compared to analog equipment.[115]
- Police departments that have moved to IP-enabled 911 systems should expand and adapt 911 dispatcher training to handle the greater quantity of multimedia data that can be sent through the system.

PRINCIPLE 26. Employ and Expand Alternative Call Systems and Responses

Police departments should expand alternatives to immediate patrol response and implement non-emergency call systems.

Commentary

The advantages of differentiated response strategies and non-emergency call systems, for both citizens and police, are to free up patrol resources for more productive purposes, relieve over-burdened 911 call

centers, and ensure a better match between the service requested and the response provided.[116] Although critics of these strategies complain of longer response times and mishandled top-priority calls, studies have found that citizens' satisfaction is shaped not by response time alone, but by the speed of police response relative to their expectations, based on what dispatchers tell them.[117] Police guidelines should therefore require dispatchers to inform callers about the reasons for delay and express concern for the community's policing priorities when responding to low-priority calls.

Model Policies

A.1 Police departments should employ some form of differentiated police response that expands options for responding to service requests beyond immediately dispatching a patrol unit. Implementing this strategy may require modifications to call classification systems and additional dispatcher training.[118]

- Police departments should implement 311 systems to handle nonemergency calls for services and/or Tele-Serve Units to which citizens can report certain non-violent, non-priority crimes via a direct dial number or through 911.
- Police departments should revise manual guidelines and evaluation metrics in accordance with differentiated response strategies. Response times for top-priority calls should remain an important metric of success, but response times for non-priority calls should be evaluated differently, taking into account community priorities and expectations, as well as officers' and dispatchers' transparency about the reasons for delayed responses.

A.2 911 dispatchers will gather information and dispatch police or other agency resources in accordance with the police department's differentiated response system.

- 911 dispatchers should gather information necessary to determine the appropriate response: a delayed response by patrol units when there is no danger to lives or property or risk that a suspect will disappear or destroy evidence, or a relief response, in which the call is diverted from patrol dispatch to be handled by civilian personnel or sworn specialists or referred to other agencies.
- For non-urgent calls that are delayed, 911 dispatchers should inform the caller of the anticipated delay and the reason for the delay while still on the phone. For low priority calls that can be handled through Tele-Serve, 911 dispatchers should take the report over the phone or advise callers to make the report online or at the local precinct.

A.3 Police departments and 911 dispatchers will identify and respond to community priorities.

- 911 call takers should be aware of the community's policing priorities and recent call trends—information that can be gleaned through the CAD system—and should express this awareness to callers. For example, dispatchers responding to a common non-emergency complaint or chronic complaints about a particular address should explain that the police are aware of the problem and will respond as soon as they become available, giving reasons for any delays.

Investigatory Stops and Traffic Stops

Overview

Social science research into the concepts of procedural justice and legitimacy reveals the importance of public perception to the goal of producing safe communities. Procedural justice research finds that where individuals are able to exercise a voice in law enforcement encounters, are subject to neutral decision-making processes, experience respectful treatment, and feel they are treated fairly, they are more likely to evaluate their experiences with law enforcement favorably.[119] Increased perceptions of procedural justice lead people to view authorities and institutions as more legitimate and thus more deserving of their deference and cooperation.[120] Law enforcement agencies stand to benefit from the increased cooperation from the communities they are tasked with policing that will result from incorporating principles of procedural justice into investigatory and traffic stop policies.

Definitions

Investigatory stop or Terry stop or stop and frisk: the stop and brief detention of a suspect for the purpose of confirming or dispelling an officer's reasonable suspicion that the suspect has committed, is committing, or is about to commit a crime.

Traffic stop: the stop and brief detention of a vehicle and its driver or passengers, made upon probable cause to believe that a violation of traffic law has occurred.

Probable cause: reasonable belief, based on facts and circumstances within an officer's knowledge, that a suspect is committing or has committed a crime.

Reasonable suspicion: suspicion, based on specific and articulable facts, that a suspect is committing, has committed, or is about to commit a crime, but which does not rise to the level of probable cause.

PRINCIPLE 27. Limit Investigatory Stops to Appropriate Circumstances

The use of investigatory stops should be limited to circumstances in which they promote public safety and do not unnecessarily harm police–community relations.

Commentary

Investigatory stops can be a useful tool in the law enforcement arsenal. They allow officers to uncover unlawful conduct that is occurring or has already occurred but for which less than probable cause exists to effectuate an arrest, and permit officers to prevent obvious imminent criminal activity from occurring. This goal of "effective crime prevention and detection" is what the Supreme Court in the *Terry* case sought to promote with its approval of police stops on less than probable cause.[121] Despite this utility, investigatory stops have the potential to erode public trust in police. Insights from procedural justice research suggest that the use of investigatory stops should be restricted to a small range of circumstances and that they should be conducted in a manner that reduces their potential to cause harm.

By nature, investigatory stops are based on less than probable cause, and are therefore less likely than arrests to involve actual instances of lawbreaking.[122] Because a large proportion of stopped persons are innocent of wrongdoing, they are likely to conclude that the law is not being neutrally applied to them, undermining their perception of the procedural justice of the encounter. Investigatory stops also have the potential to be used in a discriminatory manner, whether intentionally or unintentionally, thereby undermining community trust.[123] When officers conduct investigatory stops with a harsh tone or in an aggressive manner they risk angering or upsetting the communities that they police.[124] The fewer the number of situations in which an investigatory stop is utilized, the fewer opportunities for community trust to be eroded. In situations where investigatory stops are necessary to protect public safety, they should be conducted in line with procedural justice principles as described in more detail below.

Investigatory stops can entail great costs to the police departments that utilize them. They are the bases of civilian complaints and lawsuits that take up precious department and legal resources to investigate and defend against.[125] Placing reasonable limits upon the number of investigatory stops will lessen the burden of internal departmental review and will reduce the likelihood of litigation concerning such practices. Furthermore, restricting the universe of suspected conduct susceptible to investigation by investigatory stops will diminish the number and strength of lawsuits challenging the practice as discriminatory or unreasonable under the Fourth and Fourteenth Amendments.

Model Policies

A.1 Stops must be based on reasonable suspicion.[126]

- Officers use investigatory stops only when they possess articulable, reasonable suspicion that a suspect is committing, has committed, or is about to commit a criminal offense.
- Officers must be able to put into words both the specific criminal offense that they suspect has been committed and the reasons for their suspicion.
- An investigatory stop must be limited in scope to the investigation of the criminal offense for which the officer has reasonable suspicion, unless during the course of the stop the officer develops reasonable suspicion or probable cause to believe another criminal offense has occurred, is occurring, or is about to occur.
- An investigatory stop must last no longer than is necessary for the limited purpose of confirming or dispelling reasonable suspicion that a suspect is committing, has committed, or is about to commit a criminal offense.

A.2 Investigatory stops are used to investigate the commission of criminal offenses in individual instances when such offenses pose a threat to public safety.[127]

- The department's goal of protecting community members is advanced by preventing and investigating serious criminal offenses that pose a threat to public safety. The department should therefore establish law enforcement priorities that differentiate between violations of public order and offenses that pose a threat to public safety.
- Investigatory stops are not to be used to investigate petty crimes, even if reasonable suspicion exists that a suspect is committing, has committed, or is about to commit a petty crime.

A.3 Investigatory stops should not be used in a widespread, programmatic manner. For the purpose of protecting the public safety, officers are only to conduct investigatory stops when investigating a specific incident of a suspected criminal offense which the officer has reasonable suspicion to believe has occurred, is occurring, or is about to occur.[128]

PRINCIPLE 28. Limit Traffic Stops to Appropriate Circumstances

The use of traffic stops should be limited to enforcing traffic laws for the purpose of ensuring public safety.

Commentary

Empirical evidence demonstrates that traffic stops, and the consent searches to which such stops often lead, cumulatively damage community relations and individuals' trust in police. One study found that individuals from a national sample who had experienced a traffic stop within the previous year were both significantly less likely to seek assistance from the police and significantly less likely to report neighborhood problems to the police than those who had not experienced a stop.[129] Another study performed using data from the Bureau of Justice Statistics' National Crime Victimization Survey series found that requests for consent to search were associated with reductions in both procedural justice and perceived stop legitimacy.[130] Furthermore, research shows that there is a racial aspect to the perceived legitimacy of traffic stops. One study found that African American drivers were significantly less likely than white drivers both (1) to believe that the reason given for their traffic stop was legitimate and (2) to believe that the officer had behaved properly during the stop, while being significantly more likely than white drivers to believe that they received a harsher outcome than they deserved.[131] Perceived stop legitimacy is important to citizens' respect for the rule of law and the co-production of public safety (by, for example, reporting crimes). In light of the potentially harmful effects of traffic stops and consent requests, their use should be minimized to situations in which they are necessary to recover evidence of a serious crime or material or circumstances that otherwise represent a threat to public safety, and procedures should be utilized for officers to obtain informed consent.

A.1 Officers may only stop vehicles if they have probable cause to believe that a traffic violation or serious crime has occurred.

A.2 Officers should only stop vehicles if they have probable cause to believe that a traffic violation has occurred and they intend to issue a citation for such violation. Vehicle stops are not to be used as a pretext to engage with a motorist to attempt to develop reasonable suspicion of criminal wrongdoing.[132]

A.3 Officers may search a person without a warrant and on less than probable cause only when they first obtain consent of the person to be searched.[133]

- The officer must explain that the person has the right to refuse to consent to the search.
- The officer must obtain written (or, if the officer is wearing a BWC, on-camera) acknowledgement of (1) the person's understanding of their right to refuse to consent and (2) their consent to search.
- Officers should strive to limit their use of consent searches to situations in which they have articulable, reasonable suspicion to believe that they will find evidence of a serious crime or material or circumstances that otherwise represent a threat to public safety.

- For the purposes of this section, restrictions on traffic stops are not to apply to certain law enforcement and public safety strategies that constitute "special needs," such as roadblocks to check for drunk driving.[134] Such efforts represent a distinct type of law enforcement strategy that does not rely on the same reasonable suspicion and probable cause justifications as traditional traffic stops.

PRINCIPLE 29. Employ Procedural Justice in all Stops

Officers should endeavor to communicate effectively with the community and with suspects in a way that promotes the tenets of procedural justice.

Commentary

Even where stops may be legally justified and would not transgress constitutional boundaries there is a significant chance that they could be perceived as contravening norms of procedural justice. As the Cambridge Review Committee—tasked with reviewing and issuing recommendations in the fallout from the high-profile arrest of Harvard Professor Henry Louis Gates—notes in their final report, "[a] judge can determine if a police action was lawful, and a police supervisor can determine whether an officer acted within the bounds of departmental policy. But citizens will form their own opinions about whether they view the actions of an officer as measured or excessive, as impartial or discriminatory."[135] Police can influence how favorably citizens view their interactions with law enforcement by communicating their mandate to investigate non-petty crimes and promote public safety. Since investigatory stops will inevitably result in police–citizen encounters that do not turn up any evidence of criminal wrongdoing, it is necessary to manage the stopped citizens' understanding of how and why they were stopped.

Model Policies

A.1 All officers should receive training in procedural justice and should learn about implicit biases and strategies to interrupt the connection between implicit biases and behavior.[136]

A.2 Officers should incorporate the principles of procedural justice into their interactions with individuals during investigatory stops and traffic stops, in the manner described below.

- Officers should use their professional judgment in determining when in the course of an interaction to incorporate the following scripts.

A.3 Officers should inform suspects of the need to investigate the suspected commission of criminal offenses and enforce traffic laws.

- *Example script:* "It's not our business to hassle you for something minor, but we do have to keep the community safe by investigating serious criminal conduct."

A.4 Officers should explicitly articulate the basis for their reasonable suspicion or probable cause when they make an investigatory or traffic stop.

- *Example script:* "I am stopping you because _____."

A.5 Officers should express appreciation for a suspect's cooperation during the course of an investigatory or traffic stop.

- *Example Script:* "Thank you for your cooperation," or "I understand that it is an inconvenience to have to take time out of your day to answer our questions."

De-escalation of Conflict

Overview

The key advantage of incorporating de-escalation into police practice is that it is a way of decreasing the chances that any given encounter will end in the use of force and violence,[137] which will help ensure greater safety for police officers and the community. Yet another benefit of de-escalation is that many de-escalation tools are also aligned with treating individuals with respect and slowing situations down enough for the officer to listen to and communicate productively with the individual. From procedural justice research, we know that these actions improve public perception of the police department.[138] Finally, de-escalating a situation gives the officer more time and space to make informed tactical decisions about how to deal with a given encounter. Adept and appropriate use of officer discretion is central to effective, safe policing. De-escalation tactics that enhance officer discretion by providing greater time and space should be used whenever possible.

Definitions

De-escalation: the process of reducing the level of agitation and tension in a situation or encounter.

PRINCIPLE 30. Use De-escalation Techniques in All Encounters

Police should use de-escalation techniques in all encounters, except where policies specify otherwise.

Commentary

This recommendation is in line with Pillar 1, "Building Trust & Legitimacy," of the President's Task Force on 21st Century Policing, which notes, "Procedurally just behavior is based on four central principles: 1. Treating people with dignity and respect 2. Giving individuals 'voice' during encounters 3. Being neutral and transparent in decision-making [and] 4. Conveying trustworthy motives."[139]

Model Policies

A.1 The primary duty of all police officers is to preserve human life. *Only the amount of force necessary to protect life or to effectuate an arrest should be used by an officer. Excessive force will not be tolerated.* An officer's goal is always to attempt to de-escalate a situation where force may become necessary. In the event force becomes unavoidable, officers should use the minimal amount of force necessary to overcome an immediate threat or effectuate an arrest.[140]

- Once a threat has been overcome, or an individual is secured or in custody, it is an officer's responsibility to further de-escalate using verbal tactics to increase any individual's compliance and immediately address any injuries the individual may have sustained.

A.2 De-escalation tactics—whether verbal or physical—should be used where possible.

- In order to de-escalate a situation, officers should attempt to use one or more of the following techniques, in addition to any other techniques, words, or actions reasonably intended to slow down an encounter and engage the individual(s) in the encounter:[141]
  - ***Verbal de-escalation:***
    Use the Listen and Explain with Equity and Dignity (LEED) framework:
    - ⋆ *Listen*—allow people to give their side of the story; give them voice
    - ⋆ *Explain*—officers should explain what they are doing, what the individual can do, and what will happen
    - ⋆ *Equity*—officers should explain why they are taking action; the reason should be fair and show that the individual's statements and input were taken into account
    - ⋆ *Dignity*—officers should act with dignity and leave the individual with their dignity
  - Echo back the individual's statements to show that the officer is listening
  - Communicate using verbal persuasion, including advisements
  - ***Physical de-escalation:***
  - Avoid physical confrontation, unless immediately necessary to prevent direct harm to others or to stop behavior that may result in serious harm to others
  - Use physical de-escalation techniques, including:
    - ⋆ moving temporarily to a safer position
    - ⋆ communicating from a safe position
    - ⋆ decreasing exposure to potential threat using distance or cover

A.3 Officers should call and wait for more officers to assist if a threat of physical harm to others appears likely to materialize, or if the officer otherwise feels that additional assistance would decrease the likelihood of harm to any party or overall force used against any party.

- Officers should call CIT officers (officers trained in responding to people with mental illnesses) or social/mental health assistance when appropriate.

A.4 Officers' use of successful de-escalation tactics in appropriate circumstances will be taken into account in their performance reviews.

- Officers' use of de-escalation tactics will be evaluated in consideration of whether they appropriately used force.[142] *Officers will be held accountable for neglecting their duty to de-escalate during an incident in the sequence of events leading to force being used.*
- Officers should reference their de-escalation chart/graphic periodically to remind themselves of appropriate responses and de-escalation methods to use in encounters. Every precinct must post this chart/graphic in clear view.

A.5 When time and circumstances reasonably permit, officers shall consider whether an individual's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:[143]

- Medical conditions
- Mental impairment
- Developmental disability

- Physical limitation
- Language and cultural barriers
- Drug or alcohol interaction

- An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
  - "When time and circumstances reasonably permit" means that unless the officer or someone else is in imminent danger of harm, the officer shall make efforts to learn or ascertain whether lack of compliance may be due to the inability to comply.
  - Departments should provide officers with information about the most common language barriers likely to exist in the particular communities the department serves. Departments should also provide officers with common signs or indicia that might be evidence of an individual's inability to comply due to medical conditions, mental impairments, developmental disabilities, physical limitations, or drug and alcohol interaction.

PRINCIPLE 31. Give Officers De-Escalation Training

Officers must be trained – and routinely re-trained – in tactics of de-escalation.

Commentary

Research shows that the public confers legitimacy only on those whom they believe are acting in procedurally just ways.[144]

Model Policies

A.1 At least one member of the Police Department's training unit must be involved in the initial walkthrough and review of every officer-involved shooting.[145]

A.2 Each officer must complete the force-option simulator annually.[146]
- The simulator must include at least one scenario involving an individual under the influence of alcohol or narcotics or a mentally ill individual.[147]

A.3 Use of force training simulations must include at least one scenario where the officer is not expected to resort to the use of force.[148]
- Officers will be assessed on whether they properly de-escalate force in response to a threat.

A.4 The annual firearms qualification must include scenario-based evaluations.[149]
- At least one scenario should not lead to discharge of the weapon.

A.5 De-escalation, use of force, and firearms training shall be arranged so that they immediately follow one another in each officer's training schedule, with the concepts of the prior trainings (de-escalation and use of force) integrated with the latter trainings (use of force and firearms).[150]

PRINCIPLE 32. Publicly Debate Vehicle Pursuit Policy

Vehicle pursuits represent unique dangers for police officers and members of the public. Policies related to their use must be publicly debated, and officers should be given clear lines about what is appropriate and under what circumstances.

Commentary

Vehicle-related causes are the single highest cause of law enforcement officer death over the past decade.[151] Courts have attempted to intervene, with some success—auto crash fatalities, for instance, have been reduced in part because of more restrictive pursuit policies enacted by police departments following *Tennessee v. Garner*.[152] That case placed more stringent standards on use of deadly force, and departments have responded by specifying and limiting situations in which pursuit is allowed to better account for danger to the public.[153]

Departments must provide clear appropriate guidance to their officers so that they may understand the factors that must be considered when deciding whether to engage in pursuit.[154] In addressing these concerns, departments can adopt policies that provide clear direction to officers concerning when it is appropriate to engage in a pursuit, what procedures should be taken while engaging in pursuits, when to cease pursuing, and when to terminate a pursuit. In particular, departments that permit the utilization of the Precision Immobilization Technique (PIT) maneuver, designed to stop a fleeing vehicle through pursuit vehicle contact, must clearly outline the limited set of circumstances in which this dangerous tactic may be used.

Vehicle pursuits may present unique dangers to bystanders and other members of the public who are driving on the street or highway where the pursuit occurs. Members of the public should thus have input into the rules that govern such situations. Public debate on these matters gives police departments an opportunity to educate the public about the complicated decisions they must make when determining whether to, for example, pursue a suspect whom they have reason to believe presents an imminent threat to public safety, over and above the threat that may be caused by the pursuit itself.

Model Policies

A.1 Draft clear vehicle pursuit policies, with the benefit of public and police officer input.

Part Four: Practicing Procedural Justice with Particular Groups

Procedural justice principles should be employed with all people, always. Moreover, there is no evidence that different people experience procedural justice differently. The four factors identified in the Introduction influence all people's judgments about the quality of an interaction. For this reason, we have reservations about singling out particular groups and speaking about how procedural justice should be practiced with them. No group or individual is more or less deserving of procedurally just treatment than any other. Nor is there any reason to think that special procedural justice rules are needed to guide interactions with the wonderful diversity of groups with whom American police officers will have the privilege and duty of working.

That said, certain communities have historically fraught relationships with police departments. And some of these groups—specifically, immigrants, youth, racial minorities, and members of the LGBTQI community—are a special focus of the Department of Justice as part of the National Initiative for Building Community Trust and Justice. In this part, we offer examples of how the principles of procedural justice might be practiced with these groups. Many groups, including the mentally ill, criminal offenders, and crime victims, for example, have disproportionate interaction with the criminal justice system, and offenders and victims (who can be one and the same) have often experienced trauma that may affect how they respond to law enforcement. Because we believe that general procedural justice principles can and should be applied with all people and because we have no metric by which to prioritize the many groups whose histories and concerns merit law enforcement attention, we have chosen to focus here only on those groups that are a focus of the National Initiative.

However, it is important to remember that these are just *examples* of how the general principles of procedural justice, *which do not change based on context*, might be practiced. And even these specific examples might be generalized to the public more broadly. For example, in our model policy on interactions with immigrant communities, we emphasize the need for law enforcement agencies to ensure that their policies and meetings are accessible to individuals who may have limited English proficiency. But similar concerns about accessibility might be raised regarding individuals with physical disabilities, who might require sign language interpretation, for example, or wheelchair ramps to access police buildings. In our model policy regarding the LGBTQI community, we speak about honoring people's choices to be referred to as "he," "she," or "they," as an example of how one might show respect. Here again, this is a specific example of a universal truth: calling people by names they find offensive makes them feel disrespected, which diminishes their sense of procedural justice and of the legitimacy of law enforcement.

LGBTQI Individuals

Overview

Members of the LGBTQI community are one group that has faced discrimination from law enforcement.[155] Even officers who do not wish to cause offense may not be aware that certain of their behaviors may be perceived by members of this community as disrespectful. The policies that follow suggest some specific thoughts on how best to practice procedural justice with members of the LGBTQI community.

Definitions[156]

LGBTQI: This acronym refers to Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex people. Although all of the different identities within "LGBTQI" are often lumped together, there are specific needs and concerns related to each individual identity.

Sexual orientation: An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Bisexual: A person who is attracted to both people of their own gender and another gender.

Gay: A person who is attracted primarily to members of the same sex. Although it can be used for any sex (e.g. gay man, gay woman, gay person), "lesbian" is sometimes the preferred term for women who are attracted to women.

Gender identity: One's innermost concept of self as male, female, a blend of both or neither—how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Gender expression: External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Cisgender: Types of gender identity where an individual's experience of their own gender matches the sex they were assigned at birth.

Transgender: An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Intersex: A person whose sexual anatomy or chromosomes do not fit with the traditional markers of "female" and "male." For example: people born with both "female" and "male" anatomy (penis, testicles, vagina, uterus); people born with XXY.

Gender transition: The process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others undergo physical transitions in which they modify their bodies through medical interventions.

Gender dysphoria: Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify. According to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM), the term – which replaces Gender Identity Disorder – "is intended to better characterize the experiences of affected children, adolescents, and adults."

Queer: 1) An umbrella term sometimes used by LGBTQI people to refer to the entire LGBTQI community. 2) An alternative that some people use to "queer" the idea of the labels and categories such as lesbian, gay, bisexual, etc. It is important to note that the word queer is an in-group term, and a word that can be considered offensive to some people, depending on their generation, geographic location, and relationship with the word.

PRINCIPLE 33. Treat all People with Respect

Officers should "treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public."[157]

Commentary

Procedurally just treatment promotes police legitimacy in part because it makes people feel like they are respected within a social group, such as a community. Showing disrespect could thus undermine legitimacy.

Model Policies

A.1 Departments should have policies that make clear that there will be zero tolerance for discrimination against or harassment of LGBTQI individuals in any context (including those who work in the department and live in the community).

A.2 Services shall not be limited or denied on the basis of an individual's actual or perceived sexual orientation, gender identity, or gender expression.[158]

A.3 Officers must respect people's desired self-identification.

- One should never assume another person's gender identity based on that person's appearance. It is always best to ask people how they identify, including what pronouns they prefer, and to respect their wishes.
- Officers should ask individuals by what name they wish to be addressed. This name may be noted as an AKA if it differs from the individual's legal name.[159]
- If an officer has need to determine an individual's legal name, they should ideally ask for this information one-on-one rather than in the presence of bystanders or witnesses.[160]

A.3 Officers should receive training about the dimensions of sexual orientation, gender identity, and gender expression that are relevant for law enforcement practices. Such training should highlight the origins of the historically fraught relationship between LGBTQI individuals and law enforcement.

- Such trainings should communicate types of behaviors that are viewed as offensive by this community and convey the message that these behaviors will not be tolerated.

PRINCIPLE 34. Ensure the Safety of all People

Officers should ensure the safety of all individuals, and particularly LGBTQI individuals, in arrest processing, searches, and placement in custody.

Commentary

Ensuring the safety of all people is part of demonstrating fairness. When one segment of the population receives less protection than the rest, it could signal that this group is excluded and undermine the legitimacy that is built upon the perception that authorities treat all people fairly.

Model Policies

A.1 Searches for the purpose of assigning gender based on anatomical features are prohibited.[161]

A.2 Absent exigent circumstances, officers should respect individuals' requests to be searched by an officer of a particular gender. This request should be documented.

A.3 When making decisions about transport and custody, officers should deem an individual's gender to be male or female based on the individual's gender identity.[162]

PRINCIPLE 35. Conduct Outreach to LGBTQI Organizations

Departments should conduct outreach to LGBTQI organizations in their communities, and consider assigning a liaison(s) to this community.

Commentary

Conducting outreach is a way to signal to the LGBTQI community that authorities care about their views, and to communicate that they have voice. This should promote their perceptions of procedural justice and thus their views of police as legitimate.

Immigrant Communities

Overview

Immigrants represent a significant, growing population across the United States. In 2013, the number of immigrants in the US had surpassed 41 million people, representing over 13% of the country's total population.[163] Immigrants thus make up a significant portion of the communities that many police departments serve. It is crucial that police departments intentionally build positive relationships with immigrants in their communities, as there are unique challenges that arise when serving these populations.

Although immigrants in the US have been found to be less likely to commit crimes than native-born individuals,[164] they also are less likely to report to the police if they become victims of crime,[165] a fact which in some cases causes them to be targeted by criminals.[166] In many cases, immigrant communities' distrust of the police has been caused by factors that are outside the control of any individual police department. A significant minority of immigrants in the US are undocumented,[167] and immigrants may fear that contact with police will lead to immigration consequences for either themselves or other members of their community. In addition, immigrants may have pre-existing negative expectations of law enforcement based on cultural norms or experiences abroad.[168] Although they may not have caused this lack of trust, however, individual police departments bear unavoidable responsibility for building and maintaining relationships with all who live in the communities they serve, including immigrants. In order to build positive relationships with immigrants, police departments must clearly communicate their role in the community, and must contribute to an environment in which immigrants are welcomed and included.

PRINCIPLE 36. Decouple Federal Immigration Enforcement from Local Policing

Federal immigration enforcement should be decoupled from routine local policing for civil enforcement and non-serious crime.[169]

Commentary

Local police departments' involvement in federal immigration enforcement erodes these departments' efforts to build community trust and decreases their ability to ensure the safety of the communities they serve.[170] The procedural justice literature demonstrates that how individuals' perceive themselves to be treated by police officers affects the degree to which they feel included or excluded from their larger national community. Recent work by Ben Bradford, in particular, has shown that police behavior can enhance or diminish people's feelings of belonging to the country in which they live. This effect is particularly powerful for people who claim multiple identities of importance to them, like immigrants and ethnic and religious minorities. And that feeling of belonging is *even more predictive* of future cooperation with law than is police officer legitimacy in those who are immigrants. Indeed, Bradford finds that procedural justice is of special importance to those unsure of their status because the way in which people are treated affects what they feel about themselves and others around them.[171]

Bradford's work strongly suggests that if local police officers are perceived as being engaged in a project of seeking out immigration violations—such that factors like skin color and accent can make one suspect—they risk further alienating immigrants from feeling as if they belong to the city and country where they live. Importantly, in so doing, they diminish the likelihood of cooperation with the law and with the police by these communities.

There may be other compelling reasons to avoid local entanglement with the enforcement of federal immigration law. For example, immigration law is a complicated system that includes both civil and criminal violations; navigating these rules can prove onerous and difficult for actors outside the federal system.[172] Cooperating in immigration enforcement also exposes local police departments to increased risk of civil liability.[173] For all of these reasons, police departments should seriously consider limiting their immigration enforcement activities to the greatest extent possible under governing law.

Departments should note that while the above policy is consistent with existing federal law, it may conflict with state and local law in some jurisdictions; some adjustments may therefore be required. The existence and extent of joint operations and other cooperation with federal immigration authorities will also vary by jurisdiction in accordance with state and local policies. If the department regularly communicates any information to Immigrations and Customs Enforcement, the procedures for doing so should be clearly outlined in the department's publicly-available policies.

Allowing immigration status to become a tool of coercion or intimidation in the hands of officers would severely undermine a department's efforts to limit the negative impact of immigration enforcement on its own relationship with the community. Thus, officers should clearly understand that such practices are against department policy, regardless of the extent to which the department formally participates in the enforcement of federal immigration law.

Model Policies

A.1 Departmental policies with respect to the treatment of people's immigration status should be guided by the following principles:

- A person's right to file a police report, participate in any police-community activities, or otherwise benefit from general police services shall not be contingent upon the individual providing proof of citizenship or any type of documented immigration status.[174]
- Police officers shall not inquire about a person's immigration status unless that person is reasonably believed to be or has been involved in the commission of a felony.

A.2 Enforcement of federal immigration law shall be limited by the following:

- The enforcement of federal immigration law is the responsibility of the federal government.
- Officers shall never commence an investigation with the primary purpose of detecting civil immigration violations.
- No person shall be detained solely on the belief that he or she is not legally present in the United States or has committed a civil immigration violation, except in cases where a civil administrative warrant has been signed by a judge.
  - This policy does not limit cooperation or joint operations with federal agencies that are otherwise permitted under department policy.
  - Officers shall never use coercion or intimidation based on immigration status.

PRINCIPLE 37. Adopt Inclusive and Welcoming Attitude Toward Immigrant Members of the Community

Police departments should contribute to a community environment in which immigrants are welcomed and included.

Commentary

Research has shown that variations in the way that laws and policies are administered towards marginalized groups shape individuals' understanding of their place in society."[175] Thus, it is crucially important for law enforcement agencies to ensure that immigrant communities are welcomed and well-served by law enforcement to the greatest extent possible. However, obstacles can be expected. As discussed above,

immigrants may have pre-existing negative expectations of law enforcement based on cultural norms or experiences abroad.[176] In addition, even if a local police department chooses not to enforce immigration law, federal law enforcement may still actively do so within their jurisdiction. Community members may not distinguish between these two roles, which may strain relationships with local police.[177] Proactively including immigrant communities in outreach efforts and communicating whenever possible in a language that is accessible to residents are important ways that police departments can cultivate community trust.

In building relationships with immigrant communities, police departments should be transparent about their own relationship to the enforcement of federal immigration law.[178] State and local law enforcement agencies vary widely in the extent to which they participate or cooperate in the enforcement of federal immigration law, and it is understood that each department's policy may vary in this area. Regardless of their underlying content, department policies must clearly articulate what officers may and may not do to enforce federal immigration law. This policy should be consistently and openly shared with the community.[179] Special attention should be paid to providing this information in languages other than English as needed.

Model Policies

A.1 The department shall provide both written and online materials in languages other than English in accordance with the needs of the community.

A.2 The department shall make efforts to recruit bilingual officers as reflective of community needs, and may provide additional financial compensation to them if necessary and possible.

A.3 The department shall include immigrant communities when conducting outreach efforts. Whenever possible, officers should go out into the community for these outreach events, rather than asking community members to travel to a police station.

A.4 When possible, the department shall proactively seek to partner with organizations serving immigrant communities in order to conduct outreach activities.[180]

A.5 Departments shall provide cultural training for officers in order to equip them to build relationships and trust with immigrant communities.[181]

- Departments should develop this training curriculum in consultation with immigrants within their own communities whenever possible. Existing community groups may prove to be a valuable resource in this area.

A.6 The Department must at all times maintain a written policy limiting the extent to which officers may engage in enforcing federal immigration law, consistent with existing state and local law.

- The aforementioned policy shall be openly communicated to all members of the community, and shall be made accessible to the public in written form (and on the department's website) if possible.

Racial Minorities

Overview

There is no evidence to suggest that racial minorities experience procedural justice differently than whites. In fact, the available evidence suggests the opposite.[182] Thus, police departments that wish to practice procedurally just policing with racial minorities should be mindful of the elements of procedural justice (respect, voice, neutrality and transparency, and trustworthy motives) that we have detailed throughout this document.

That said, racial minorities express consistently lower trust and confidence in police than do their white counterparts.[183] And the behavior of the police toward minority communities has been a flashpoint in our nation's history.[184] Police leaders thus are, and should be, concerned about how to minimize racial bias among their ranks and improve their departments' relationships with minority communities.

Consistent with the focus of the National Initiative for Building Community Trust and Justice, we elevate one recommendation in particular to achieve this goal: creating training programs and developing policies that seek to minimize the activation of police officers' implicit biases.

PRINCIPLE 38. Developing Training Programs and Policies that Reduce the Potential for Racial Biases to Affect Decisionmaking

Commentary[185]

Every day, our brains make shortcuts that, for example, allow us to drive home from work without consciously thinking through every turn on the route.[186] Such shortcuts are necessary if people are to function efficiently and effectively in a complex world. And without them, police officers in particular would have a difficult time doing their jobs, which require an ability to respond to fast-moving developments.

The problem is that these associations can reflect stereotypes about groups that are present in the larger culture, even if we do not consciously endorse them.[187] Moreover, these stereotype-based associations may influence our behavior, in some cases causing us to act in ways that run counter to our own values. As Jack Glaser puts it: "*'normal' is not always 'desirable.'*"[188]

An example of a normal cognitive process leading to deeply undesirable results is found in the literature on implicit bias, which teaches that even well-intentioned individuals, who disavow explicit racism, may harbor implicit biases that can—particularly under certain circumstances—affect their conduct. For instance, the Implicit Association Test (IAT) and similar studies have shown that "people are faster to pair positive evaluations (*e.g.* good) with white faces and negative evaluations (*e.g.* bad) with black faces," indicating an implicit preference for whites.[189] Indeed, researchers have determined that the power of these stereotypes is so great that they can actually impact visual perception. For example, when subjects were exposed to black faces, they were more easily able to detect crime-relevant objects.[190]

An implicit bias that is particularly relevant to policing is the connection many of us make between black people and crime. A large body of psychological research demonstrates that people make a strong (*i.e.*,

consistent and frequent) association between Blacks and crime and that these associations are automatic (*i.e.*, unintentional). The association is also bi-directional — that is, "Black faces and Black bodies can trigger thoughts of crime, [and] thinking of crime can trigger thoughts of Black people."[191] As one group of authors summarized: "Most Americans — and especially white Americans — believe that crime has a black face."[192]

Importantly, some research suggests that some types of undesirable police behavior (so-called shooter bias, or the tendency to shoot armed black men faster than armed white men or not shoot unarmed white men faster than unarmed black men) is *better* predicted by one's awareness of general stereotypes in society than one's own prejudices.[193] In studies undertaken by Josh Correll and his colleagues, participants played a videogame in which they encountered white and black people who were holding either guns or other objects. Participants were told to shoot the armed individuals and not shoot the unarmed individuals. Both white and black participants decided to shoot an armed target more quickly if he was black and decided not to shoot an unarmed target more quickly if he was white. Importantly, the magnitude of this bias varied based upon participants' stated perception that there is a cultural stereotype that blacks are aggressive and violent but *not* upon their expressions of explicit prejudice.[194] There is thus reason to think that implicit biases can be just as dangerous as explicit prejudice, and in some cases perhaps even more so.

PRINCIPLE 39. Promote Positive Interactions Between Racial Minorities and Police Officers

Commentary

The psychological literature teaches us that improving relationships between police and communities is likely to be very challenging due to the power asymmetries between the two groups.[195] That said, the literature also suggests steps that police departments may take to attempt to minimize these asymmetries and promote positive interactions. Specifically, research suggests that the positive effects that occur from intergroup contact are enhanced by certain conditions, such as equal status, cooperation, shared goals, and institutional support (e.g., support of the local government or police department).[196] With these lessons in mind, Principle 39 encourages police departments to affirmatively seek out opportunities for contact with community members - outside of the patrol and enforcement contexts - where departments can try to meet these conditions.

Departments should remain mindful that contact with the police might be an anxiety and threat-provoking situation for community members if they are distrustful of police. If people feel threatened in contact, it could lead to negative rather than positive outcomes.[197] For this reason, departments should take steps to optimize the situation. Such steps may include: 1) emphasizing the equal status between police and community in the context of the interaction; 2) making clear that the department's aim for the interaction is to cooperate with community members to achieve shared goals; and 3) making clear that the interaction has the full institutional support of the police department and that the police department as a whole values positive relations with community members.

Departments should demonstrate that they are listening to the perspective of community members. Instead of opening the meeting by having officers make statements about what the police department believes the community's position to be, which could backfire, we suggest opening the meeting by clearly

stating the officers' intention to listen to what community members have to say. Officers should signal active listening throughout the meeting, and distractions (such as checking cellphones) should be minimized.

Departments should demonstrate to community members that they should feel empowered as co-producers of public safety in their neighborhoods.[198] This could be accomplished by demonstrating that they have a voice and may participate in decision-making with the police about things like enforcement priorities.

Young People

Overview

These recommendations focus on strategies to increase the legitimacy of the police department in the eyes of young people in the community, in particular. So how do young people come to view authorities as legitimate (or illegitimate, as the case may be)? At the outset, we should acknowledge a reality that is likely intuitive based upon our own experiences: that adolescence is a particularly formative period in people's lives. The period from 12-18 is an especially important time for the development of people's views about the law and legal authorities. This is a process that academics refer to as "legal socialization."[199]

Experience matters for the development of young people's orientations to the law. "[W]hat adolescents see and experience through interactions with police and other legal actors . . . influence[s] the development of their notions of law, rules, . . . and the legitimacy of authority to deal fairly with citizens who violate society's rules."[200] Adolescents have a lot of experience with the criminal justice system, and police in particular, typically as a result of their engagement in minor offending.[201]

In 2011, young people under the age of 18 were involved in 11% of all arrests in the United States.[202] And, of course, not all police contact results in an arrest, so that number underestimates youth-police contact to an unknown degree. Part of the reason for all of this contact is that, in the main, "[t]he prevalence of [criminal] offending tends to increase from late childhood, peak in the teenage years (from 15 to 19) and then decline in the early 20s." In other words, our teenage years are our peak years for criminal activity, even though much of it involves minor offending.[203]

That criminal offending peaks in late adolescence is not surprising. As a growing body of developmental neuroscience and behavioral research reveals, "adolescents differ from adults in their greater propensity for risk taking and susceptibility to peer influence and their reduced capacity for self-regulation and for attending to future consequences."[204]

The good news is, if they are simply left alone, the overwhelming number of youthful offenders mature into adults who are generally law abiding. "Studies agree that 40 to 60 percent of juvenile delinquents stop offending by early adulthood."[205] The bad news is, the more that adolescents are drawn into contact with the police, the courts, and jails the more they develop a criminogenic trajectory (which is to say, they are more likely to commit crimes in the future).[206] This is particularly troubling as negative intergroup

contact experiences can promote feelings of threat.[207] In fact, negative intergroup contact experiences may more powerfully promote hostility than positive intergroup contact experiences promote positive intergroup attitudes.[208] To the extent that people harbor negative expectations of police as a group, they may avoid them, which can have consequences for their compliance with the law.[209]

However this empirical finding that criminal contact is bad confounds two things that each deserves our focus. *First*, the way that police officers manage their individual contacts with young people may result in them feeling unfairly treated.[210] The factors that contribute most to a teenager viewing a police stop, in particular, as negative are whether the police threaten or use force, or are humiliating or disrespectful. Notably, whether the stop results in an arrest is *less important* for young people for the purposes of perceived legitimacy.[211] So police need to know how to act fairly when they deal with young people, or they risk making young people less law abiding and less cooperative through that contact.

Second, when young people are repeatedly stopped by police they begin to experience all stops as unfair, regardless of the individual characteristics of those stops. Young people who are stopped by the police again and again come to believe—in some cases correctly—that they have been targeted for an unlawful reason, like their race or gender. This belief leads them to the conclusion that all police stops are unjust, regardless of how the individual officers making those stops behave or the actual rationale for any one stop. This is a particularly troubling finding given that young people are having more and more contact with the police as a result of proactive policing policies, which lead to many more street contacts (stop and frisks, for example).[212]

As it stands, the research shows that the average impact of being stopped by police is to lower trust and confidence in legal institutions and increase the likelihood of criminal behavior. Those who have been treated unfairly by the police are twice as likely to engage in subsequent criminal conduct. However, it is also important to note that contact between young people and adult authorities can be positive, and can actually build legitimacy and trust. Police officers can and do interact with young people in Police Athletic Leagues and other similar friendly and supportive environments, and these activities should be encouraged. According to some of the leading researchers on procedural justice "[W]e should treat each encounter between citizens and police (as well as courts and other legal actors) as a socializing experience—a teachable moment—that builds or undermines legitimacy."[213]

PRINCIPLE 40. Engage Young People in the Co-Production of Public Safety

Communities and law enforcement should engage young people in a process of co-producing public safety.

Commentary

Young people are intimately implicated in problems of community violence and disorder, and their proximity to the problem gives them unique insight into the factors that are driving it and possible solutions. Lawmakers, law enforcement, and others who are charged with producing public safety should develop mechanisms to engage with young people in consistent and meaningful ways.

Model Policies

A.1 Police departments should engage young people in the process of departmental policymaking.[214]

PRINCIPLE 41. Employ Procedural Justice in Interactions with Young People

Commentary

Procedural justice is as important, if not more so, to young people than to adults. With young people, procedurally just treatment by police is particularly strongly associated with reduced subsequent criminal activity.[215] Such early contacts with police serve as "teachable moments," shaping adolescents' views toward the law, and likelihood of later criminal conduct.[216]

Model Policies

A.1 When police officers must interact with young people in the context of stops, frisks, arrests, and the like, they should always exhibit procedurally just behavior.[217]

A.2 All police officers—particularly those, like School Resource Officers (SROs)—who interact frequently with young people, should be trained in concepts of procedural justice.[218]

A.3 The first priority of police departments should be to divert youth out of the criminal justice system at every possible stage.

- Instead of having arrest and criminal processing as their only available option, officers should be empowered to connect young people with services that might help them to address any underlying challenges that might be driving their criminal behavior.[219]

A.4 Police officers should seek out opportunities to interact with young people in positive, non-punitive ways.[220]

- Such interactions might occur in the context of Police Athletic Leagues, for example. Police departments should also be encouraged to participate in existing community activities that attract young people and to develop new PAL-like programs that will connect them with kids with diverse interests.

A.5 Police Departments should be mindful of the fact that not all problems that young people encounter are best dealt with by the criminal justice system.[221] Schools must address non-criminal discipline problems without resorting to law enforcement.[222]

Endnotes

1 President's Task Force on 21st Century Policing, Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing (May 2015), *hereinafter* President's Task Force Report.

2 *Id. at* 11 (Recommendation 1.1).

3 We use the term "general and special orders" to refer to a department's primary policies. We recognize that departments may use different names to refer to such policies.

4 *See* Police Executive Research Forum, Defining Moments for Police Chiefs 59 (2015), *available at* http://www.policeforum.org/assets/definingmoments.pdf.

5 *See id.* at 34.

6 Stephan Grimmelikhuijse, *Do Tranparent Government Agencies Strengthen Trust?* 14 Information Polity, 173-186 (2009)

7 Many departments have already adopted the practice of posting their general orders online, including: Minneapolis (http://www.ci.minneapolis.mn.us/police/policy/index.htm); Albuquerque (https://www.cabq.gov/police/our-department/standard-operating-procedures); Boston (http://bpdnews.com/rules-and-procedures/); Fairfax County (http://www.fairfaxcounty.gov/police/inside-fcpd/generalorders/); Milwaukee http://city.milwaukee.gov/Directory/police/About-MPD/Code-of-Conduct.htm#.VvvsQnrNyC4; and Cincinnati (http://www.cincinnati-oh.gov/police/department-references/), which also has posted all of the documents relating to its agreement with the Department of Justice, including all five years of monitor reports. Major policy controversies are also leading to new requirements in state law for the public posting of at least some department policies. For example, Utah now requires that, "An agency shall make the agency's policies regarding the use of body-worn cameras available to the public, and shall place the policies on the agency's public website when possible." Utah Code Annotated 77-7A-105 (2).

8 Or as soon as practicable given a department's technological and staffing limitations.

9 While exceptions may be necessary to protect individuals or ensure effective enforcement, departments should strive to publish as much material as possible. Policies should be carefully redacted to allow the public to review overarching approaches and the processes for determining when to employ certain tactics. For example, while some specifics of SWAT team tactics may need to be withheld to protect officer safety, policies regarding when SWAT teams may be used, who may request and authorize the use of a SWAT team, when the SWAT team may conduct a no-knock raid, etc. should be made publicly available in full.

10 This is the practice used by many government agencies when responding to Freedom of Information Law requests.

11 *See* Tom R. Tyler & Yuen Huo, Trust in the Law: Encouraging Public Cooperation with the Police and Courts (2002); *see also* Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 Crime and Just. 283(2003).

12 See Kees Van den Bos, Henk A.M. Wilke & E. Allan Lind, *When Do We Need Procedural Fairness? The Role of Trust in Authority*, 75 J. of Pers. and Soc. Psychol. 1449 (1998); *see also* Robert J. MacCoun, *Voice, Control, and Belonging: The Double-Edged Sword of Procedural Fairness*, 1 Ann. Rev. L. Soc. Sci. 171 (2005).

13 In some instances, municipalities facing major community concerns about their policing practices have conducted a comprehensive review of their policies instead of updating policies one-by-one as circumstances arise. Following the upheavals in Ferguson after the death of Michael Brown, for example, the Governor of Missouri appointed the Ferguson Commission to conduct a "thorough, wide-ranging and unflinching study of the social and economic conditions that impede progress, equality and safety in the St. Louis region," including "citizen-law enforcement interaction[s]." http://

governor.mo.gov/news/executive-orders/executive-order-14-15. Similarly, the Board of Supervisors for Fairfax County, Virginia established a citizen commission to conduct a comprehensive review of all of its policies related to critical incidents and public information. The Commission issued 142 recommendations on a wide range of subjects, including use of force, recruitment, mental health training, and civilian oversight. Press Release, Fairfax County Virginia, *Police Commission Delivers Final Report* (Oct. 20, 2015), *available at* http://www.fairfaxcounty.gov/news2/police-commission-delivers-final-report/.

14 E. Allan Lind, Ruth Kanfer & P. Christopher Earley, *Voice, Control, and Procedural Justice: Instrumental and Non-Instrumental Concerns in Fairness Judgments*, 59 J. of Pers. and Soc. Psychol., 952 (1990).

15 As the recommendations of police chiefs and community leaders were summarized by PERF: "Discussions must be honest: Actions must match words. If police leaders promise something and fail to deliver, the result can be worse than if they have never spoken about the issue in the first place." Police Executive Research Forum, Advice from Police Chiefs and Community Leaders on Building Trust: "Ask for Help, Work Together, and Show Respect," 73 (2016), *available at* http://www.policeforum.org/assets/policecommunitytrust.pdf. The department must follow through on its promise to listen to the community if it asks for the community's input. The *Building Communities of Trust* report, funded by the Bureau of Justice Assistance, emphasizes that the advisory boards it recommends must have real input into the decision-making process and their advice should be "carefully considered." Robert Wasserman, U.S. Dep't of Just. Office of Community Oriented Policing Serv., Guidance for Building Communities of Trust 22 (2010), *available at* https://nsi.ncirc.gov/documents/e071021293_BuildingCommTrust_v2-August%2016.pdf.

16 "[The public engagement] approach also allows law enforcement executives the opportunity to educate stakeholders about the benefits and limitations of a BWC program." Dep't of Pub. Safety, Division of Crim. Just., Off. of Res. & Stat., Recommendations Regarding Body-Worn Camera Policies in Colorado 16 (Feb. 2016), *available at* http://coloradofoic.org/files/2016/02/Body-Worn-Cameras-Report-of-Recommendations-Feb-2016.pdf.

17 Advisory councils or commissions can help organize the community involvement process. To have legitimacy, it will be helpful if they have authority independent of the department. To be effective, they need to have administrative staff; full, timely access to the department's policymaking process; and clear responsibilities.

The IACP National Policy Summit on Community-Police Relations recommends municipalities consider the creation of a community advisory board. Int'l Ass'n. of Chiefs of Police, IACP Nat'l Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion & Community Trust 21 (2015), *available at* http://www.theiacp.org/Portals/0/documents/pdfs/CommunityPoliceRelationsSummitReport_Jan15.pdf.

Several consent decrees or related lawsuit settlements have created community policy input processes with varying structures and degrees of formality. These include decrees and settlements in Albuquerque, Seattle, Portland, and Puerto Rico:

- Seattle's Community Police Commission was established to provide community input related to the police department's policies, practices, and training. They had a specific focus on stops and detentions, but their mandate extended to other policy issues as requested or as they thought community input was needed. Since beginning work in March 2013, the Commission has made recommendations related to the Department's use-of-force, accountability systems, bias-free policing, training, and public consumption policies. (http://www.seattle.gov/community-police-commission/recommendations-and-reports)
- The DOJ agreement with Albuquerque includes two mechanisms for community input into department policymaking. The Civilian Police Oversight Agency, which includes a nine member Police Oversight Board and administrative staff, makes recommendations related to department policies in addition to reviewing complaints. https://www.cabq.gov/cpoa. Members of the public also now sit on the Department's internal Policy and Procedures Review Board.
- The DOJ agreement with Portland established a Community Oversight Advisory Board, whose charge of reviewing the police department's community outreach and accountability efforts includes an opportunity to make recommendations on the "integration of community and problem-oriented policing principles into PPB's management, policies and procedures." The COAB's bylaws state that it will "oversee, advise, and make recommendations regarding the implementation of the Settlement. Agreement between the U.S. Department of Justice . . . and the City of Portland

that requires reform of Portland Police Bureau . . . policies, training, and practices." (http://www.cocl-coab.org/sites/default/files/Approved%20COAB%20Bylaws%207-9-2015.pdf)

- The DOJ agreement with Puerto Rico established regional Community Interaction Councils. They have an explicit charge to review policies, including those on discriminatory policing, search and seizure, use of force, the civilian complaint process, and victim services.

Note that advisory councils also pose risks from a procedural justice perspective. If they are not carefully structured to ensure the inclusion of a diverse array of voices, including nontraditional and critical voices, they may be perceived as rubber stamps for departments. If they are not given sufficient authority and administrative support, they may be ineffective at gathering input.

18 The Police Chief of Greenville, NC invited community members representing a wide range of stakeholders to join the department's strategic planning process. They began with the creation of a new mission statement for the department and moved on to the development of a three-year plan. Former-Chief Aden reports, "Agencies seeking to improve their relationships with their communities, and ultimately to increase their legitimacy within their communities, ought to consider [a community-inclusive strategic planning process] as part of their comprehensive community partnership and engagement strategy. If the process is managed properly, it can have a significant, positive impact on community relations and partnerships." http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=3142&issue_id=102013

The Ferguson Commission's process exemplifies efforts to engage a wide range of community members and to grant community members substantial roles in shaping the work of the commission and the final recommendations. The Commission held 17 full Commission meetings and 38 work group meetings. All meetings were open to the public and held in various neighborhoods around the region. The agenda for subsequent meetings was set by the participants at the first meeting through a process that prioritized their concerns. The full Commission meetings alone had almost 2,000 participants. The meetings used open public comment, presentations from experts, and facilitated discussion in small breakout groups to gather community input in a variety of ways that were inclusive of many community perspectives.

As a community partner in PERF's *Advice from Police Chiefs and Community Leaders on Building Trust* put it: "It's important to create a citizens' panel that doesn't just include lawyers and ministers and the 'respectable citizens' in our society, but also people who the police have contact with." Police Executive Research Forum, *supra* note 15 at 6.

19 Departments can and should experiment with formats that go beyond traditional public hearings or advisory groups. Well-structured and facilitated community meetings may produce more diverse and useful insights than traditional public hearings or advisory groups and may generate greater credibility and community buy-in. Departments should not rely on a consistent, small set of community leaders as their only source for community input, particularly for major issues. Departments should be cognizant of potential non-representativeness in the responses received, and should consider additional outreach if they believe they have not heard from a sufficient range of community perspectives.

20 Both Seattle and Portland's consent decrees required substantial community surveys to gather community input regarding police policies and practices. Seattle, for instance, partnered with 13 community organizations that served hard-to-reach populations, ultimately collecting more than 3,000 survey responses, including in almost 500 in languages other than English. Betsy Graef, *The Seattle Community Police Commission: Lessons Learned and Considerations for Effective Community Involvement*, 14 Seattle J. Soc. Just. 1 (2016).

New York City receives public comments on its proposed policies through a website that all city agencies use for that purpose. *See* http://rules.cityofnewyork.us/proposed-rules.

Camden, NJ conducted an online survey—the link for which was prominently displayed in highlighted text on the police department homepage. The department developed the survey in consultation with the Policing Project at NYU. Nonny Onyekweli & Annie Carney, Camden Gives Democratic Policing a Chance (Mar. 9, 2016), *available at* http://policingproject.org/dispatches/camden-gives-democratic-policing-a-chance/.

Minneapolis posted its draft body camera policy on the front page of the police department's website in four languages (English, Somali, Spanish, and Hmong). http://www.ci.minneapolis.mn.us/police/ (as of 4/12/16). The department accepted written comments via an email address from those unable to attend one of their public listening sessions on body cameras. Press Release, City of Minneapolis, Police Conduct Oversight Commission Seeks Public Input on Body Cameras (Jul. 22, 2015), *available at* http://www.ci.minneapolis.mn.us/news/WCMS1P-144274.

21 Minneapolis's website for its body camera policy review process includes records of the comments from all of the community sessions. *See* http://www.ci.minneapolis.mn.us/civilrights/conductcomm/rs/WCMS1P-148037. Seattle's Community Police Commission websites includes several reports summarizing the results of its community surveys and other community input processes. *See* http://www.seattle.gov/community-police-commission/recommendations-and-reports.

22 *See* Bies, Robert J. Bies & Debra L. Shapiro, *Voice and Justification: Their Influence on Procedural Fairness Judgments*, 31 Acad. Mgmt. J. 676 (1988); *see also* Tom R. Tyler, *Conditions Leading to Value-Expressive Effects in Judgments of Procedural Justice: A Test of Four Models*, 52 J. of Pers. and Soc. Psychol. 333 (1987).

23 The department should make its explanation widely available and be willing to answer further community questions. As Tallahassee Police Chief Michael DeLeo told PERF, "I have no issue with anybody questioning what we do and how we do it. That is what we are here for. We answer to you, on any questions." *See* Police Executive Research Forum, *supra* note 4, at 38.

Albuquerque's consent decree specifies that the police chief must provide a written explanation when she or he decides not to adopt a recommendation of the Civilian Police Oversight Agency.

Building Communities of Trust similarly concludes that it is important to give reasons when community advice is not adopted. Wasserman, supra note15, at 22.

This type of explanation is routinely provided by agencies at all levels of government at the conclusion of a public process. Other municipal departments may be able to provide examples tailored to the local community.

24 *See* Mengyan Dai, James Frank, & Ivan Sun, *Procedural Justice During Police-Citizen Encounters: The Effects of Process-Based Policing on Citizen Compliance and Demeanor*, 39 J. Crim. Just. 159 (2011).

25 *See* Monica M. Gerber & Jonathan Jackson, *Justifying Violence: Legitimacy, Ideology and Public Support for Police Use of Force*, 23 Psychol., Crime & L. 79 (2017).

26 Many police departments have revised their policies on certain force techniques, such as neck and carotid restraints and electronic control weapons, in response to new medical research on the injury risks associated with these techniques, the departments' own experience and data on the use of these techniques, and relevant court decisions. These revisions offer an example of how, going forward, departments can use objective criteria and new information to determine how recently introduced tools and tactics should be categorized and reviewed.

27 Examples of some U.S. police departments that provide a substantially complete use of force policy online—with guidelines for officers on using force and policies on the reporting and review of force—include: Austin, Baltimore, Chicago, Denver, Fort Worth, Indianapolis, Las Vegas, Los Angeles, Minneapolis, Philadelphia, Phoenix, San Antonio, San Francisco, Seattle, and Washington, D.C.

28 Several police departments maintain public databases and/or produce public reports on use of force incidents. For example, the Indianapolis Police Department provides a detailed online database on uses of force and officer-involved shootings, including information on the disposition of investigations as to whether the officer was in compliance with law and policy. *See* https://www.projectcomport.org/department/IMPD/useofforce/. The Las Vegas Metropolitan Police Department provides online public access to reports produced through the internal and external review of officer-involved shootings, including Force Investigation Team Reports, Office of Internal Oversight Review findings, and District Attorney decisions. *See* http://www.lvmpd.com/AboutLVMPD/OfficeofInternalOversight/OfficerInvolved-Shootings/tabid/451/Default.aspx. The department distributes an Awareness Report to officers providing a preliminary factual summary shortly after a deadly force incident and is developing procedures to mandate the timely release of information on officer-involved shootings. It maintains detailed deadly force statistics that are used by the Office of Internal Oversight to produce both an internal Quarterly Report, which identifies trends and progress made toward reducing these incidents, and a publicly available annual report, which breaks down incidents by time, location, type of event, type of force, and officer and subject information. *See* James K. Stewart et al., Office of Community Oriented Policing Services, Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department 143-45(2012).

29 The proposed standardized system for categorizing use of force data would enable useful national comparisons that are currently difficult to make but would also allow departments to create sub-categories to reflect local practice. For example, Seattle Police Department Policy 8.050 includes the use of stop-sticks on moving motorcycles in the category of deadly force because of the technique's potential for death or injury. This technique may be less common in other localities, but including it within the broader reporting category of lethal techniques is useful for aggregate comparison.

30 *See* Peter A. Heslin & Don VandeWalle, *Performance Appraisal Procedural Justice: The Role of a Manager's Implicit Person Theory*, 37 J. Mgmt. 1694 (2011).

31 Rick Trinkner, Tom R. Tyler, & Phillip Atiba Goff, *Justice from Within: The Relations Between a Procedurally Just Organizational Climate and Police Organizational Efficiency, Endorsement of Democratic Policing, and Officer Well-Being*, 22 Psychol., Pub. Pol'y & L. 158 (2016).

32 The sentinel event review model draws on practices used in other high-risk fields like aviation and medicine—for example, hospitals' morbidity and mortality reviews—to identify systemic errors and proactively prevent their repetition through education and changes in organization or policy. Unlike existing internal review procedures, sentinel event reviews are nonadversarial and designed to serve as the basis for education and reform, not discipline. As in the medical context, these reviews afford participants robust legal protections, including use immunity and confidentiality.

Successful precedents exist for the use of sentinel event reviews in policing. These include, for example, the Cambridge Review Committee's examination of police practices after the highly publicized arrest of Professor Henry Louis Gates, *see* Cambridge Review Committee, Missed Opportunities, Shared Responsibilities: Final Report of the Cambridge Review Committee (2010), and experiments with sentinel event reviews of criminal justice outcomes by Milwaukee, Philadelphia, and Baltimore, three cities selected as "beta sites" by the National Institute of Justice as part of its Sentinel Events Initiative. *See* National Institute of Justice, Paving the Way: Lessons Learned in Sentinel Event Reviews (2015); *see also* Sean Smoot, *Punishment-Based vs. Education-Based Discipline: A Surmountable Challenge?*, in National Institute of Justice, Paving the Way: Lessons Learned in Sentinel Event Reviews (2015).

33 Research by the National Institute of Justice has shown that a small percentage of officers within police departments are responsible for a disproportionate share of citizen complaints and that well-designed early warning systems have been effective in reducing complaints and litigation. *See* Samuel Walker et al., National Institute of Justice, Early Warning Systems: Responding to the Problem Police Officer (2001).

34 Roseanna Sommers, Note, *Will Putting Cameras on Police Reduce Polarization?*, 125 Yale L.J. 1150 (2016). The results of studies exploring whether BWCs may encourage more responsible behavior from both the police and the public, decreasing officer uses of force, has been more equivocal. These possibilities merit further study, and should examine how departmental characteristics may affect the results. *Compare* Barak Ariel, William A. Farrar & Alex Sutherland, *The Effect of Police-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Control Trial*, 31 J. Quantitative Criminology 509 (2015) *with* David Yokum, Anita Ravishankar & Alexander Coppock, The Lab @ DC, Evaluating the Effects of Police Body-Worn Cameras: A Randomized Control Trial (2017).

35 *See* Megan Quattlebaum, *Should Police Wear Body Cameras? Experts Pick Sides*, WalletHub (Oct. 5, 2016), *available at* https://wallethub.com/blog/should-police-wear-body-cameras/25343/#megan-quattlebaum.

36 Press Release, Pew Research Center, Sharp Racial Divisions in Reactions to Brown, Garner Decisions: Many Blacks Expect Police-Minority Relations to Worsen (Dec. 8, 2014), *available at* http://www.people-press.org/2014/12/08/sharp-racial-divisions-in-reactions-to-brown-garner-decisions/bipartisan/.http://www.people-press.org/2014/12/08/sharp-racial-divisions-in-reactions-to-brown-garner-decisions/bipartisan/

37 *See* Community Oriented Policing Services & Police Executive Research Forum, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (2014), *available at* https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf.

38 Examples of community engagement in BWC policymaking to which departments may look for guidance include:

- Colorado's legislatively-established Body Worn Camera Study Group recommended in their final report to the State Legislature that: "any agency that chooses to adopt BWC policies do so with the benefit of input from the public, local policymakers and other stakeholders." (http://coloradofoic.org/files/2016/02/Body-Worn-Cameras-Report-of-Recommendations-Feb-2016.pdf, 16)
- Minneapolis conducted an extensive public process that involved their Police Department, City Council, Police Conduct Oversight Commission, three community listening sessions, community polls, and a website documenting the process and all of the input considered. (http://www.ci.minneapolis.mn.us/civilrights/conductcomm/rs/WCM-S1P-148037).
- The complexity of the process can be proportionate to the resources of the community. Carrboro, North Carolina, with a police department of 39 sworn officers, developed their policy through multiple meetings with the ACLU of North Carolina, then presented the draft policy to the Board of Alderman, who held a public hearing and reviewed the draft before approving it. (https://carrboro.legistar.com/LegislationDetail.aspx?ID=2245899&GUID=C63475E1-8014-4363-A77E-1FA990ED5A3F)

39 Lind et al., *supra* note 14.

40 Stephen J. Schulhofer, Tom R. Tyler, & Aziz Z. Huq, American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative, 101 J. Crim. L. & Criminology 335 (2011).

41 PERF and the COPS office recommend that "[a]gencies should make the[ir BWC] policies available to the public, preferably by posting the policies on the agency website." *See* Community Oriented Policing Services & Police Executive Research Forum, *supra* note 37, at 38. Minneapolis posted its draft body camera policy on the front page of the police department's website in four languages: English, Somali, Spanish, and Hmong. (http://www.ci.minneapolis.mn.us/police/ (as of 4/12/16)).

42 PERF and the COPS office suggest that "[a]n initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g. six months) after the cameras were first implemented. Subsequent evaluations should be performed on a regular basis . . . ." *See* Community Oriented Policing Services & Police Executive Research Forum, *supra* note 37, at 49.

43 Mary J. Culnan & Pamela K. Armstrong, *Information Privacy Concerns, Procedural Fairness, and Impersonal Trust: An Empirical Investigation*, 10 Organization Science 104 (1999).

44 American Civil Liberties Union, A Model Act for Regulating the Use of Wearable Body Cameras by Law Enforcement, https://www.aclu.org/model-act-regulating-use-wearable-body-cameras-law-enforcement (last visited Sept. 24, 2017). The Pittsburgh Bureau of Police has the following policy: "When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed." Pittsburgh Bureau of Police, Body Worn Camera and Mobile Video/Audio Recording Systems 5.3.1.

45 The NYPD requires officers to document failure to film on an occasion when filming was mandated and to report this failure to desk officers. The Leadership Conference, Police Body Worn Cameras: A Policy Scorecard, https://www.bwcscorecard.org/ (last visited Nov. 2015).

46 This model policy is in line with a bill introduced in the Iowa House in February 2015 by Representative Ako Adbul-Samad of Des Moines that would require school resource officers to wear body cameras. Kathy A. Bolten, *Iowa Bill Would Require Body Cameras for Officers*, Des Moines Register (Feb. 26, 2015) *available at*, http://www.desmoinesregister.com/story/news/crime-and-courts/2015/02/25/police-body-cameras-iowa-legislation/24024853/. The Parker Police Department (in Colorado) generally does not allow the activation of body-worn cameras in schools but makes a few exceptions including "while affecting an arrest," "while controlling a person through response to resistance techniques," and during "circumstances that are extraordinary." *See* The Leadership Conference, *supra* note 45.

47 When two or more officers wearing body-worn cameras are present during an interaction with a member of the public, the event will be recorded from multiple perspectives. This impedes bias as viewers tend to identify with the person from whose perspective they viewed an event. *See* G. Daniel Lassiter, et al., *Criminal Confessions on Videotape: Does Camera Perspective Bias Their Perceived Veracity?*, 7 Current Research in Social Psychology (2001) (finding that there is a "camera perspective bias." In police interrogations, for example, perspectives that only frame the civilian are found to inflate his perceived guilt/culpability).

48 The Daytona Beach (Florida) Police Department requires "officers obtain consent, on camera, from all crime victims prior to recording an interview." *See* Community Oriented Policing Services & Police Executive Research Forum, *supra* note 37.

49 The ACLU recommends, "Prior to entering a private residence without a warrant or in non-exigent circumstances, a law enforcement officer shall ask the occupant if the occupant wants the officer to discontinue use of the officer's body camera." American Civil Liberties Union, *supra* note 44. Tennessee Representative Brenda Gilmore of Nashville filed a bill in January 2016 that would prevent officers from recording inside homes without permission. *See* The Leadership Conference, *supra* note 45. The Philadelphia Police Department requires officers to obtain filmed consent to the use of a body-worn camera once inside a residence. *See id*.

50 The police of Lakeway, Texas and Buda, Texas use cameras that turn on automatically. *See* Robert Maxwell, *Lakeway Police First to use Automatic Body Cameras*, KXAN (June 12, 2015) *available at*, http://kxan.com/2015/06/12/lakeway-police-first-to-use-automatic-body-cameras/.

51 To the extent that BWCs may promote civility from members of the public, these benefits cannot accrue unless those individuals are aware that they are being filmed. *See* Community Oriented Policing Services & Police Executive Research Forum, *supra* note 37, at 40. Note that, in the minority of states with two-party consent laws, officers must obtain the *consent* of the recorded, unless the law makes an exception for police recordings. Mere notification is unlikely to suffice.

52 The Pittsburgh Bureau of Police has the following policy: "When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed." Pittsburgh Bureau of Police Mobile Video/Audio Recording Equipment (MVR) 5.3.1. The Bureau further requires the following interactions to be recorded: "traffic and criminal enforcement stops," "in-progress Vehicle and Crimes Code violations," "police vehicle pursuits," "patrol vehicle travel and movements when emergency lights or siren are activated," "fatal crash or major crime scenes, as necessary, to document the scene," "prisoner transport (mandatory for patrol wagons, optional for patrol sedans)," and "any other incident the member deems appropriate while acting in the performance of his/her official duty." *Id.* at 5.1.1–5.1.7.

53 The Austin Police Department plans to give officers in patrol cars "cameras that automatically turn on prior to exiting the car." *5 Things We Learned from APD's Body Camera AMA*, KUT 90.5 (Dec. 4, 2015), *available at* http://kut.org/post/5-things-we-learned-apds-body-camera-ama. Houston Police Department vehicle-mounted cameras "are automatically triggered to record when a deputy activates lights and sirens or reaches speeds over 85 mph." *Local Police Support Dash Cam Policies, Protecting Citizens and Officers*, KHOU (Apr. 25, 2012), *available at* http://www.khou.com/story/news/2014/07/19/11707856/. The Seattle Police Department's vehicle-mounted cameras are "set to automatically turn on whenever a car's lights and/or sirens are activated." Tracy Vedder, *"Glitch" in SPD Dashcam System Could Cause Problems*, KOMONews.com (Apr. 2, 2014), *available at* http://komonews.com/archive/glitch-in-spd-dashcam-system-could-cause-problems. Chicago Police Department vehicle-mounted cameras are automatically engaged when police emergency lights are turned on." Carol Marin & Don Moseley, *Questions Remain about Missing Audio in McDonald Dash-cam Video*, NBC5 Chicago (Dec. 17 2015), *available at* http://www.nbcchicago.com/investigations/Missing-Audio-353927451.html.

54 *See* Grimmelikhuijse, *supra* note 6.

55 The police department of Oakland, California stores its film "for two years at a minimum." Zusha Elinson & Dan Frosch, *Police Cameras Bring Problems of Their Own*, Wall St. J. (Apr. 9, 2015), *available at* http://www.wsj.com/articles/police-cameras-bring-problems-of-their-own-1428612804. "SFPD retains all BWC footage for at least two years." *See* The Leadership Conference, *supra* note 45. Campaign Zero recommends "allow[ing] civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years." Campaign Zero, Solutions, http://www.joincampaignzero.org/solutions/#contracts (last visited Sept. 24, 2017).

56 "PERF generally recommends a broad disclosure policy to promote agency transparency and accountability." *See* Community Oriented Policing Services & Police Executive Research Forum, *supra* note 37, at 46. "[E]xisting exemptions [in freedom of information laws] for confidential informants, personal privacy interests, trade secrets, etc. adequately protect the persons and businesses whose activities are captured in such recordings from the harms attendant with disclosure of such material." Memo Explaining MLRC's Model Policy on Police Body-Worn Camera Footage at 5, *available at* https://www.doj.state.wi.us/sites/default/files/policebwcrecordings.pdf.

57 The Media Freedom & Information Access Clinic, Police Body Cam Footage: Just Another Public Record 6 (Dec. 2015).

58 Jerald Greenberg & Russell Cropanzano, *The Social Side of Fairness: Interpersonal and Informational Classes of Organizational Justice*, *in* Justice in the workplace: Approaching fairness in human resource management (1993).

59 This rule will help preserve the independent evidentiary value of officer reports. The Leadership Conference on Civil and Human Rights notes that "[p]re-report viewing could cause an officer to conform the report to what the video appears to show, rather than what the officer actually saw." Press Release, Leadership Conference on Civil and Human Rights Civil Rights, Privacy, and Media Rights Groups Release Principles for Law Enforcement Body-Worn Cameras (May 15, 2015).

60 "YouTube has featured an automated facial-blurring tool for videos since 2012, and this technology has become increasingly well-tuned over time. The Guardian Project and the human rights activist organization WITNESS have collaborated to produce ObscuraCam, a free and open source software tool with similar aims." The Media Freedom & Information Access Clinic, Police Body Cam Footage: Just Another Public Record 23 (Dec. 2015).

The Seattle Police Department has its own free and open source facial blurring software consisting of five lines of code. *Id.*

61 President's Task Force Report, *supra* note 1, at 10.

62 *Id.*

63 These benefits of procedural justice and legitimacy have been researched and characterized for decades. *See*, *e.g.*, John Thibaut & Laurens Walker, Procedural Justice: A Psychological Analysis (Erlbaum Press 1975); Tom R. Tyler, *Psychological perspectives on legitimacy and Legitimation*, 57 Annual Review of Psychology 375 (2006); Tom R. Tyler, Why People Obey the Law (2006) [hereinafter Tyler, Why People Obey]; Tom R. Tyler, Why People Cooperate: The Role of Social Motivations (2011).

64 Tom R Tyler, Why People Cooperate: The Role of Social Motivations, 122-123 (Princeton University Press 2011).

65 Rick Trinkner, Tom R. Tyler, & Philip Atiba Goff, *Justice from within: The relations between a procedurally just organizational efficiency, endorsement of democratic policing, and officer well-being*, 22 Psychol., Pub. Pol'y, & L., 158 (2016).

66 The Minneapolis Police Department's code directs employees to "treat all fellow employees with respect. They shall be courteous and civil at all times with one another." Similar statements should be expressed in terms that are likely to resonate with the officers in the department.

67 Tom R. Tyler & Steven L. Blader, *The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior*, 7 Personality & Soc. Psychol. Rev. 349 (2003).

68 Open communication among officers and supervisors "builds rapport between supervisors and officers; teaches the supervisor about the strengths and weaknesses, preferences and aspirations, and personal concerns of officers; and provides supervisors with direct access to field information." Department of Justice, Office of Community Oriented Policing Services, Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook 6 (2015). Open Communication initiatives are becoming more popular due to their impact on morale, employee effectiveness, and unit cohesion. Minneapolis's Police Department has used a "Goals and Metrics" performance review system that fosters monthly supervisor-subordinate conversations. Brooklyn Park, Minnesota, requires end-of-shift debriefing with the entire squad.

69 *See* Trinkner, Tyler, & Goff, P, *supra* note 65.

70 Birmingham Alabama's police department policies specifically require that major policy changes "involve all levels of personnel at the conceptual phase when time and subject matter permit." Birmingham Alabama Police Code, 100-1(IV).

71 *See* Tyler & Blader, *supra* note 67.

72 *See* Uhrlich Orth & Elias Wieland, *Anger, Hostility, and Posttraumatic Stress Disorder in Trauma-Exposed Adults: A Meta-Analysis*, 74 J. Consulting & Clinical Psychol. 698 (2006).

73 Akiva M. Liberman et al., *Routine Occupational Stress and Psychological Distress in Police*, 25 Policing: Int'l J. Police Strategies & Mgmt. 421 (2002).

74 *See* Patrick Corrigan, *How stigma interferes with mental health care*, 59 Am. Psychologist 614 (2004).

75 When officers are given mandatory traumatic incident leave, they are less likely to feel stigmatized and more likely to receive treatment essential to their wellbeing and to their procedurally just treatment of others. For example, in Fort Worth, each employee involved in a traumatic incident is placed on a three-day traumatic incident leave, which may be extended or converted to a temporary reassignment as determined by the appropriate Deputy Chief in consultation with the Traumatic Incident Coordinator. In Boston, mandatory leave explicitly extends to all officers present at the scene of a traumatic incident. Boston Police Department Deputy Superintendent Steven Whitman found that this policy "makes the officer who was involved feel less singled out. That helps reduce the stigma surrounding counseling." Police Executive Research Forum, Labor and Management Roundtable Discussions: Collaborating to Address Key Challenges in Policing 26 (2015).

76 Some police departments and associations have developed proactive voluntary programs for increasing employee health and safety. Such programs enable officers to create a healthy police force and workplace environment. For example, the Los Angeles Command Officers' Association wellness initiative includes small financial or administrative incentives to use for "preventative physical checkups, consultations with psychologists, and substance abuse education." Police Executive Research Forum,*supra* note 75, at 29. Similarly, the Columbus Division of Police contracts with third-party fitness centers for reduced and free membership for officers and has hired an industrial hygienist to review injury claims, sick days, training protocols, and safety protocols.

77 The department should prominently identify and repeat through mottos or statements about the occupational health and safety responsibilities it holds towards its employees. Similar to the sanctity of human life concept discussed in the model policy on de-escalation, this policy should be a driving force of the Department's work and rhetoric: *the department is vitally concerned about the safety and well-being of its police officers.*

78 Stockton California has assigned multiple layers of responsibility for officer safety and wellbeing. First, Stockton's police chief has ultimate responsibility for the safety of police officers. Second, the Lieutenant in charge of Personnel & Training serves as the Department Safety Officer. Third, managers are directed to facilitate employee participation in safety measures while "seek[ing] to make frequent, informal contacts with both supervisors and employees on matters involving safety."

79 *See* Tyler & Blader, *supra* note 67.

80 The Birmingham Police Department's code directs the director of their police academy to develop career development opportunities, counseling, in-service training and other initiatives to be overseen by a career development panel. Such policies should be focused not only on transfers and promotions but also on skills and support necessary for the officer's continued development in his current position.

81 President's Task Force Report, *supra* note 1 (calling "for law enforcement to protect the dignity and human rights of all" as "Guardians" not "warriors;" protectors and champions of the Constitution).

82 Jason Sunshine & Tom R. Tyler , *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, 37 L. & Soc'y Rev. 535 (Research suggests that "police can enhance their image in the eyes of the public, be objectively more effective in enforcing the law, and gain greater discretion in performing their regulatory duties [when they are viewed as more legitimate by the community] . . . [O]ver time, the police can best regulate public behavior by focusing on engaging the social values, such as legitimacy, that lead to self- regulation on the part of most of the public, most of the time. . . . Further, the efforts of the police to manage such problematic people and situations will be aided by cooperation from the public. Finally, when the police need discretionary authority, their use of such authority will be supported by the public. Hence, a procedural justice-based approach to regulation creates social order by engaging public cooperation with law and legal authority. Such cooperation is engaged when people in the communities being policed experience the police as exercising their authority fairly.").

83 *Id.*

84 *See* Tom Tyler, Phillip Atiba Goff & Robert J. MacCoun, *The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement*, 16 Psychol. Sci. Pub. Int. 75 (2015). For instance, the New York Police Department has attributed a shift in department culture to the collection and effective use of performance indicators via its CompStat program. Mark H. Moore, David Thacher, Andrea Dodge & Tobias Moore, Police Executive Research Forum, Recognizing Value in Policing (2002). *See also* George Kelling, *Measuring what Matters: A New Way of Thinking about Crime and Public Order*, City J. (1992)

85 President's Task Force Report, *supra* note 1 (Recommendation 2.9).

86 *Id*. Performance measures can help administrators track morale within the organization, whether funds are being used efficiently, whether individual officers are headed for trouble, and a host of other barometers that indicate health or dysfunction in an organization. Performance indicators can also aid police executives in defending against claims of racial bias, patterns of abusive behavior, or failure to protect.

87 This principle aligns to Pillars One and Four of the Task Force's Final Report. Pillar One reads, "Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services." Pillar Four focuses on the importance of community policing as a guiding philosophy for all stakeholders. Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety. Law enforcement agencies should also engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors. President's Task Force Report, *supra* note 1.

88 *See* President's Task Force Report, *supra* note 1 (Recommendation 1.5. "Law enforcement agencies with limited resources may choose to focus positive non-enforcement activities in communities that have high rates of investigative and enforcement involvement with government agencies.").

89 The Milwaukee Police Department (MPD) replaced its "Rules, Regulations, and Responsibilities" with a values-based Code of Conduct designed with officer input. *See* Letter from Edward A. Flynn, Chief of Police, to The Board of the Fire and Police Commission (May 21, 2010), *available at* http://www.city.milwaukee.gov/ImageLibrary/Groups/cityFPC/agendas1/100603_PD_F.pdf More than one third of department members voluntarily participated in a values survey to identify core values most important to them and which values they believed the department should adopt. Department leadership analyzed the results of the survey, defined department core values, and now describes itself as a values-based agency. The department transitioned to the new system over a six-month transition period. *See* Letter from Edward A. Flynn, Chief of Police, to The Board of the Fire and Police Commission (Feb. 14, 2011), *available at* http://www.city.milwaukee.gov/ImageLibrary/Groups/cityFPC/agendas2/110217_UB_B.pdf. All members are guided by the MPD Code of Conduct, *see* http://county.milwaukee.gov/LawEnforcementCodeof9154.htm, which is founded on "six core values of competence, courage, integrity, leadership, respect and restraint," consistent with the "highest professional standards of policing." Milwaukee Police Department Code of Conduct, *available at* http://city.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/PDFs/CodeofConductReadersSpreadComp.pdf. These core values are a road map for Milwaukee officers.

90 Elgin, Illinois has successfully run its Resident Officer Program (ROP) since 1991. The program provides certain officers with housing in the very neighborhoods they serve and protect. Resident officers enforce the law in their own neighborhoods and partner with residents to find solutions to neighborhood problems. Neighbors have their officers' cell phone numbers, which are displayed on plaques outside their city-owned or -rented homes. The ROP has since been adopted in other Illinois counties. *See, e.g.*, Jeff Kolkey & Georgette Braun, *Transform Rockford: Elgin Beats Back Crime with Resident Office Program, Community Policing*, Rockford Reg. Star (May 17, 2014), *available at* http://www.rrstar.com/article/20140517/NEWS/140519510; Resident Officer, DeKalb, Illinois http://www.cityofdekalb.com/296/Resident-Officer. In March 2015, the Minneapolis Police Chief initiated a "cops out of cars," program, designed to encourage officers to spend time out of their squad cars and have positive interactions with the community.

91 See Task Force action item 1.4.2: "Law enforcement agency leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. Union leadership should be partners in this process." Action Item 1.5.1; "In order to achieve external legitimacy, law enforcement agencies should involve the community in the process of developing and evaluating policies and procedures."

92 See Tom R. Tyler & Jonathan Jackson, *Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation, and Engagement*, 20 Psychol., Pub. Pol'y & L., 78 (2013).

93 President's Task Force Report, *supra* note 1 (Recommendation 1.7). Ideally, these surveys would be standardized across jurisdictions and employ accepted sampling protocols. The Fresno Police Department, in partnership with the Fresno Office of Independent Review, developed a community survey to measure community attitudes about local law enforcement and established a baseline and plan to administer the survey on an annual basis to monitor improvements or changes in perceptions. *See* https://www.fresno.gov/NR/rdonlyres/6BF09CD7-1CF7-454A-9F72-C410A375293F/13023/IPAFAQs.pdf (last visited Sept. 2014). The Milwaukee Sheriff's department solicits reflections from citizens who visit traffic court on their web page. *See* http://county.milwaukee.gov/OfficeoftheSheriff7719/Customer-Satisfaction-Surveys.htm.

94 Some police departments solicit citizen reviews of encounters with officers by using *voluntary contact surveys*. Examples:

- Mount Olive Township Police Department http://www.mopd.org/survey.html; https://www.cityoflaurel.org/forms/laurel-police-department-community-survey ;
- City of Lafayette, Louisiana Police Department https://www.surveymonkey.com/r/?sm=cXFzC9z2Hy7vcqmfC3u-5WA%3D%3D ;
- City of Enfield, Connecticut Police Department https://app2.enfield.org;
- Philadelphia Smart Policing Initiative http://www.smartpolicinginitiative.com/sites/all/files/Community%20survey%20summary.pdf.

"Rather than asking for global opinions of the police, as with community surveys, contact surveys ask respondents to assess specific behaviors of police officers during a particular encounter . . . ." Robert C. Davis et al., Striving for Excellence: A Guidebook for Implementing Standardized Performance Measures for Law Enforcement Agencies 12, *available at* http://www.calea.org/sites/default/files/Guidebook.pdf.

The Chicago Police Department, in partnership with the University of Illinois at Chicago, began piloting "RespectStat," which regularly surveys people who have had interactions with the police to assess their satisfaction with the encounter. Feedback from the RespectStat survey allows police executives to assess how districts in their jurisdictions and their agencies overall are doing in their interactions with the community." Dennis P. Rosenbaum, Procedural Justice in American Policing: The Police-Community Interaction Survey (Mar. 22, 2014), *available at* http://www.ipr.northwestern.edu/workshops/past-workshops/chicago-procedural-justice/docs/session-6-Rosenbaum.pdf.

95 President's Task Force Report, *supra* note 1 (Action Item 4.5.1).

96 *See* President's Task Force Report, *supra* note 1 (Recommendation 4.2).

97 The Minneapolis Police Department formally rewards officers and units who "positive[ly] impact . . . individual[s] or [the] community and the Department" for "having demonstrated compassion to those in need by providing understanding, empathy and confidence . . . [and] altruism while attending to the needs of a specific community or individual above and beyond the call of duty." (The Distinguished Service Award) Minneapolis also formally rewards officers for "performance resulting in improved operations, outstanding community service, or substantial savings in organizational costs" (Chief's Award of Merit (certificate of recognition and a purple uniform bar)). *See* http://www.ci.minneapolis.mn.us/police/policy/mpdpolicy_2-300_2-300.

98 *See* Police Accountability Task Force, Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities They Serve (Apr. 2016).

99 *See* Carol Dweck, *Mindsets and Human Nature: Promoting Change in the Middle East, the Schoolyard, the Racial Divide, and Willpower*, 67 Am. Psychologist 614 (2012),

100 See Tom R. Tyler, *supra* note 64; Nicole E. Hass et al., *Explaining Officer Compliance: The Importance of Procedural Justice and Trust Inside a Police Organization*, 15 Criminology & Crim. Just. 442 (2015).

101 The IDP process involves identifying employee goals and developing action steps to reach them. The IDP makes the assessment process a collaboration between the employee and his or her direct supervisor. The employee and supervisor address achievable training needs and career plans that align with agency values. The IDP helps employees feel more invested and rewarded by continuously measuring improvement in job performance and creating a framework for realizing future career goals. IDPs facilitate ongoing discussions between supervisors and employees to enhance professional growth.

The IDP instrument is usually a structured document that is personalized to fit the needs and goals of the employee. IDPs can be adjusted to address short-term goals related to employees' current work and position or long-term career goals. Supervisors should determine each employee's goals and "areas for growth," and track employee development based on individual growth plans.

102 Steven L. Blader, *What Determines People's Fairness Judgments?: Identification and Outcome Influence Procedural Justice Evaluations Under Uncertainty*, 43 J. Experimental Soc. Psychol., 986 (2007).

103 Milwaukee PD created "The Source," http://www.milwaukeepolicenews.com/#menu=home-page, a website devoted to providing community members with accurate and up-to-date information about police activity, including crime statistics, commentary on news coverage, and stories that informed community members about the department and its officers. This policy aligns with recommendation 3.5 of the President's Task Force: Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access. *See* President's Task Force Report, *supra* note 1.

104 Both Birmingham and Fort Worth have instituted CPAs to improve the public's perception of police and to increase community understanding of police practices and procedures.

105 The Minneapolis PD posts its policies and procedures in HTML format on its website, including its performance evaluation criteria. For the general policies, *see* http://www.ci.minneapolis.mn.us/police/policy/index.htm. For the performance evaluation, *see* http://www.ci.minneapolis.mn.us/police/policy/mpdpolicy_2-200_2-200. Milwaukee PD also posts its Code of Conduct and Standard Operating Procedures on its website. *See* http://city.milwaukee.gov/Directory/police/About-MPD/Code-of-Conduct.htm#.VyOGY2OCzzI.

106 Stephan D. Mastrofski, *Policing for People*, Ideas in Am. Policing at 7 (Mar. 1999), *available at* https://www.scribd.com/document/111421194/Mastrofski-1999-Policing-for-People. During a pilot project in the early 2000s, the NYPD teamed with the Vera Institute of Justice to produce monthly indices of satisfaction with police encounters in each of the NYPD's 76 precincts. Vera Institute of Justice & The Lieberman Research Group, Neighborhood Satisfaction Survey: Final Report (2003).

107 Steven L. Blader & Tom R. Tyler, *A Four-Component Model of Procedural Justice: Defining the Meaning of a "Fair" Process*, 29 Personality & Soc. Psychol. Bull., 747 (2003).

108 The Minneapolis PD instituted policies designed to incentivize supervisors to take ownership of their officers' behavior in high-stakes encounters. For example, MPD requires that a supervisor approve of all vehicle chases, respond to the scene, and generate a preliminary report on the appropriateness of the chase. MPD also requires that a supervisor must respond to a scene when deadly force is threatened or an injured person requires medical treatment.

109 Currently, the debate around BWCs emphasizes their role in investigations of negative officer behavior, to the expense of their potential to record good policing that would otherwise go unrewarded in the evaluation process.

110 *Examples of 911 dispatcher training programs:*

- The National Emergency Number Association (NENA) has developed standards and various training programs for emergency communications agencies. *NENA Education Program Overview*, NENA.org, http://www.nena.org/?EducationOverview (last visited Nov. 28, 2015). States vary in the certification and training required for 911 dispatchers; some require certification by the state's POST organization. For example, California requires dispatchers to complete the Public Safety Dispatchers' Basic Course, which has a minimum hourly requirement of 120 hours, covering 14 different topics, including an introduction to law and the criminal justice system, interpersonal communication skills, and guidelines for responding to different types of situations. Cal. Comm'n on Peace Officer Standards and Trainings, Training Specifications for the Public Safety Dispatchers' Basic Course (2011). The California POST training emphasizes the importance of "respectful" communication, with training on "strategies for deflecting verbal abuse" and techniques for "calming a caller in crisis," including "calm direct instruction," "diffusion," "reassurance," and "active listening," as well as techniques for effectively communicating with persons who are, for example, abrasive, frustrated, frightened, under the influence of drugs or alcohol, mentally incapacitated, or suicidal. In addition, dispatchers receive training on how to determine the appropriate first responder, prioritize information relayed to the radio dispatcher, and explain department procedures and policies to the public. *Id.* at 100-2, 103-3, 104-2, 104-3.
- The Stockton and Oakland police departments have provided both sworn officers and 911 dispatchers with procedural justice training adapted from the Chicago Police Department curriculum. Daniela Gilbert et al., Cal. Partnership for Safe Cmtys., Procedural Justice and Police Legitimacy: Using Training as a Foundation for Strengthening Community-Police Relationships, 10.
- In the United Kingdom, both police officers and dispatchers receive training in the principles of the National Decision-Making Model, a process that requires officers to gather information, assess the threat to develop a strategy, consider what legal powers are available, identify their options, take action, and review the outcome. Dispatchers are trained in assessing emotionally or mentally disturbed persons in order to decide whether to dispatch armed or unarmed officers. As described by Chief Constable Higgins of the Scotland Police, dispatchers "go through a series of questions to establish the mental state [and] the vulnerability of the person that the police are going to go and deal with." Police Executive Research Forum, Critical Issues in Policing Series, Re-Engineering Training on Police Use of Force 48 (Aug. 2015).

111 *Examples of situation-specific response guidelines:*

- In addition to providing dispatchers with procedural justice training, Stockton and Oakland are currently working to incorporate procedural justice-based protocols into dispatch "to reflect greater respect, listening, fair decision-making and trust or goodwill toward residents." Stockton, for example, is modifying its protocol for responding to traumatic neighborhood incidents "so procedural justice is intentionally woven into the department's response to such incidents," while Oakland is developing a protocol "specifically for its community resource officers." Daniela Gilbert et al., *supra* note 110, at 12.
- Fort Worth and Minneapolis provide guidelines for responding to persons with disabilities and limited English proficiency (LEP); the latter requires call takers to transfer LEP callers to interpreters and to dispatch a bilingual officer, if available. Fort Worth Police Department General orders 206.02; Minneapolis Police Department Policy & Procedure Manual 7-1000.
- The Fort Worth police manual provides guidance for officers on the use of de-escalation tactics and referral to dispute resolution services or civil mediation in responding to certain kinds of calls, including disturbances, landlord and tenant disputes, and child custody matters. Fort Worth Police Department General orders 328.01, 328.02, 328.03, 328.07 Police manual guidelines should provide guidance to dispatchers in identifying these kinds of situations, notifying officers before they arrive on the scene, and contacting other services that may be appropriate.
- The Fort Worth, Stockton, and Birmingham police manuals set out procedures for inquiring about and responding to persons with mental illness. For example, Fort Worth requires the notification of a field supervisor and the dispatch of at least two officers. The guidelines encourage officers to "gather as much information about the subject as is available prior to approaching the person," to "use extreme caution . . . and avoid using any words such as demented or crazy," to take subjects to the hospital when there is a risk of harm and refer them to services where appropriate. *Id.* at 330.01. CIT programs provide a model for responding to mental health related calls. The Minneapolis, Pittsburgh, and Gary police have adopted CIT training, and Texas's law enforcement training standards include a module on CIT. Gary has a direct non-emergency number for CIT responders. For a description of the CIT model, guidance documents, and information on CIT programs nationwide, *see CIT Center: A Resource for CIT Programs Across the Country*, CIT.memphis.edu, http://cit.memphis.edu/ (last visited Nov. 28, 2015). *See also* President's Task Force Report, *supra* note 1 at 56 (calling for POSTs to make CIT a part of officer training).
- Police departments in other major cities also have specific guidelines for responding to individuals who may be mentally ill or suffering from substance abuse, usually by dispatching a CIT officer or other specialized mental health team. *See, e.g.*, Chicago Police Department Special Order S04-20-01; Seattle Police Department Manual 16.110-POL; Cincinnati Police Department Procedure Manual 12.110; Los Angeles Police Department Manual 260. For example, Seattle Police Department policy specifies that communications staff "shall dispatch at least one CIT-certified officer to each call that appears to involve a subject in behavioral crisis" and requires that officers encountering any subject in behavioral crisis "shall make every reasonable effort to request the assistance of CIT-certified officers." Seattle Police Department Manual 16.110-POL-5. The policy also offers detailed guidance about providing voluntary referrals to mental health professionals. In addition, the policy calls for the Seattle Police Department to collect data in order to evaluate the CIT program and "ensure that communications procedures are effective in appropriately identifying people in behavioral crisis." *Id.* at 16.110-POL-13.
- Some police departments have dispatch procedures for immediately contacting community outreach groups who work in partnership with police in responding to violent incidents like shootings. For example, as part of the Project Safe Neighborhoods activities undertaken by the Salinas Police Department, the director of the Second Chance Family and Youth Services receives calls directly from the County Dispatch Unit informing him of shooting incidents. The director then sends two "violence interrupters/outreach workers" to go to the scene of the incident to talk to family and friends, gather information about the cause of the shooting, and begin providing various kinds of assistance, such as referrals to crisis intervention services. Annemarie Conroy et al., *Implementing a Comprehensive Smart on Crime Strategy*, U.S. Att'ys' Bull., March 2015, at 22, 38-39.

112 *See* Richard R. Johnson, *Suspect Mental Disorder and Police Use of Force*, 38 Crim. Just. & Behavior 127, 130-31 (2011) (discussing prior scholarly studies finding that a subject's resistance and possession of a weapon are the greatest predictors of police use of force).

113 For example, in a recent report by the Police Executive Research Forum, police chiefs pointed to the need for 911 dispatchers to identify and inform officers about situations that could be an attempted "suicide by cop," citing an example from New Richmond, Ohio where a police officer used this information to de-escalate the situation and avoid deadly force while backup arrived. Police Executive Research Forum, *supra* note110 at 8, 56. In addition, many authorities have pointed to the shooting of Tamir Rice to emphasize the need for 911 dispatchers to communicate to officers whether the 911 caller reporting a gun suspects that the weapon is not real. *See id.* at 13.

114 The Minnesota Department of Public Safety's "alert file" called Keeping Our Police Officers Safe (KOPS) immediately alerts officers of unsafe situations—for instance, situations involving weapons or a suicidal person—when encountering a vehicle or person involved in a recent incident. The standard Criminal Justice Information (CJIS) queries that check person or vehicle files also hits on KOPS alerts. Subject to supervisor approval, officers can relay a message for entry into the KOPS system in order to alert fellow officers. The KOPS message is accompanied by the caveat, "For officer safety purpose only, this is not a warrant." Minneapolis Police Department Policy & Procedure Manual 7-118.

115 The National 911 Program, an initiative of the Department of Transportation, and the Federal Communications Commission have advocated for police departments to upgrade to Next Generation 911 (NG911), which links 911 call centers to IP-based networks, pinpoints the real-time location of 911 callers, enables call centers facing high call volumes in emergencies to transfer or reroute calls, and supports voice, text, data and video communication. *See Next Generation 911 (NG911*), 911.gov, http://www.911.gov/911-issues/standards.html (last visited Nov. 28, 2015) (providing information about NG911, including funding opportunities and a 2014 progress report of the transition to NG911, state by state); Tom Wheeler, *The 911 System Isn't Ready for the iPhone Era*, N.Y. Times, Nov. 23, 2015, http://www.nytimes.com/2015/11/23/opinion/the-911-system-isnt-ready-for-the-iphone-era.html (discussing the benefits of NG911).

116 For a description and evaluation of DPR systems field-tested by the National Institute of Justice in three cities in 1980, see J. T. McEwen et al., Nat'l Inst. of Just., Evaluation of the Differential Police Response Field Test (1986). *See also Differential Police Response*, Telemasp Bull., Aug.-Sept. 2001 (surveying Texas police departments' DPR strategies); John Buntin, *Milwaukee Police Give 911 a Facelift*, Governing, Oct. 2012, http://www.governing.com/topics/public-justice-safety/gov-milwaukee-police-911-facelift.html (describing Milwaukee's DPR strategy).

117 William Spelman & Dale K. Brown, Nat'l Inst. of Just., Calling the Police: Citizen Reporting of Serious Crime (1984); Nat'l Inst. of Just., *supra* note 116.

118 *Examples of differentiated response and non-emergency call systems:*

- Minneapolis offers a Tele-Serve message machine, accessible via a direct dial number and the 911 call center, for non-emergency calls. The Minneapolis police manual specifies that Tele-Serve Unit call takers have the option to send a police response for reports that meet certain criteria, such as offenses in progress or situations where life or property is endangered. Since dispatchers screen calls, the Minneapolis police manual advises that once a squad is sent on a report call, "officers should take the report and not refer the caller to Tele-Serve." Minneapolis Police Department Policy & Procedure Manual 7-103.01. Furthermore, the manual requires that officers "respond without delay to calls for police service unless otherwise directed by proper authority. Emergency calls for service shall take precedence. However, all dispatched calls shall be answered as soon as possible consistent with departmental procedures." *Id.* at 5-106.1. In addition, when officers are not able to handle a citizen's complaint, "they should, if circumstances permit, give directions for obtaining such assistance or initiate the necessary notifications themselves." *Id.* at 7-106.
- Many major cities have implemented 311 systems to field complaints and non-emergency calls for service. For example, New York City's 311 system enables citizens to call, text, send pictures or videos, or go to the online 311 system, which is available in many languages. In addition, New York City provides public data on 311 service requests—including the complaint type, location, responding agency, and closing time—and data on 911 calls, with average response times broken down by incident type—that is, critical, serious, and non-critical. *311 Service Requests from 2010 to Present,* NYC Open Data, https://nycopendata.socrata.com/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9 (last visited Nov. 28, 2015); *911 End-to-End Response Time*, NYC Analytics, http://www.nyc.gov/html/911reporting/html/reports/end-to-end.shtml (last visited Nov. 28, 2015).

119 Tom R. Tyler, Why People Obey, *supra* note 63.

120 Tom R. Tyler, A Psychological Perspective on the Legitimacy of Authorities and Institutions, in The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations 416–36 (2001).

121 *Terry v. Ohio*, 392 U.S. 1, 20 (1968).

122 Empirical data bears out this proposition. A study of New York City's stop and frisk policy found that a suspect was arrested in only 5.37 percent of all stops during the period analyzed, and 6.26 percent of stops resulted in summonses. Expert Report of Jeffrey Fagan at 63, *Floyd v. City of New York*, No. 08 Civ. 1034 (S.D.N.Y. 2008). Only .15 percent of stops resulted in the seizure of a gun, .94 percent resulted in the seizure of a weapon, and 1.75 percent resulted in the seizure of contraband. *Id.* at 64.

123 Indeed, Professor Fagan's findings reveal wide racial disparities in the use and outcomes of stop and frisks in New York City. *Id.* at 30–48. Similar disparities were noted in Boston. Jeffrey Fagan, Anthony A. Braga, Rod K. Brunson, & April Pattavina, *Stops and Stares: Street Stops, Surveillance and Race in the New Policing*, 51–53 (Columbia Law School Public Law & Legal Theory Working Paper Group Paper No. 14-479, August 24, 2015)

124 Waiter and Tuch, Race and Policing in America: Conflict and Reform (2006)

125 *See*, *e.g.*, *Bailey v. City of Philadelphia*, No. 10-5952 (E.D. Pa. 2010) (ACLU lawsuit against the Philadelphia Police Department concerning their stop and frisk policies); *United States v. City of Seattle*, No. 12-CV-1282 (W.D. Wash. 2012) (Department of Justice investigation into Seattle's stop and frisk policies); *Floyd v. City of New York*, No. 08 Civ. 1034 (S.D.N.Y. 2008) (lawsuit against the NYPD concerning their stop and frisk policy).

126 In *Terry v. Ohio*, the Supreme Court held that investigatory stops require reasonable suspicion that the individual is committing or has committed a crime. *Terry*, 392 U.S. at 20–22. Reasonable suspicion is a more exacting standard than a mere hunch but less stringent than that of probable cause. *Id.* at 27. The Supreme Court has also held that the scope and duration of investigatory stops must be limited to the purpose of investigating the circumstances that justify the stop. *Florida v. Royer*, 460 U.S. 491, 500 (1983); *Rodriguez v. United States*, 135 S.Ct. 1609, 1612 (2015).

In theory, officers can base reasonable suspicion on a wide variety of factors relating to the suspect, their surroundings, or other information the officer possesses (such as a description of a suspect of a known offense). In practice, however, not all bases of suspicion are created equal. Behavioral cues differ from non-behavioral cues both in the likelihood that they will lead to successful stops and in their use in forming the basis for stopping individuals of different races. Because non-behavioral cues are less individualized and are subject to impermissible or incorrect inferences based solely on a person's appearance, they are less likely to constitute legally justifiable reasonable suspicion and less likely to uncover actual instances of criminal misconduct. Furthermore, research has shown that officers are significantly more likely to form suspicion based on non-behavioral cues—such as an individual's appearance, race, or location—for black suspects versus white suspects. Geoffrey P. Alpert, John M. MacDonald, and Roger G. Dunham, *Police Suspicion and Discretionary Decision Making During Citizen Stops*, 43 Criminology 407 (2005). Whether conscious or unconscious factors are to blame for the differential reliance on behavioral versus non-behavioral cues when applied to suspects of different races, these statistical effects represent serious procedural justice concerns. As such, departmental policy should reflect a commitment to predicating reasonable suspicion on the more reliable behavioral cues.

127 Petty violations and serious criminal offenses are to be differentiated by the extent to which they pose a threat to public safety. Petty crimes are crimes or violations that do not pose a serious, immediate threat to public safety. Examples of petty crimes include low-level, "quality-of-life" offenses such as possession of small amounts of illegal drugs for personal consumption, public urination, panhandling, and public consumption of alcohol. Criminal law responses to these violations are primarily aimed at reducing visible signs of neighborhood disarray and maintaining public order. Serious crimes are criminal offenses that pose a distinct threat to public safety. Examples of serious crimes include crimes of violence against another person, robbery, and the distribution of large quantities of drugs. These criminal offenses entail concrete harms that extend beyond the suspect and the maintenance of public order. In establishing a

hierarchy of law enforcement priorities, the Department should take into account the extent to which the conduct in question poses an identifiable, imminent threat to the suspect, the public, and/or law enforcement and should consider whether the risk is sufficient to justify the incursion into the suspect's privacy posed by the investigatory stop.

128 Investigatory stops can be thought of as existing on a continuum. On one end exist stops like Officer McFadden's of John Terry, involving a highly individualized evaluation of a constellation of facts and behaviors that gave the officer substantial reasonable suspicion to believe that Terry was about to commit a particular, serious crime and may have been armed. On the other end exist administratively mandated regimes of investigatory stops (or stops and frisks) that target individuals based on weak, de-individualized criteria and are often characterized by low rates of successful stops (*e.g.* stops resulting in the seizure of contraband or the discovery of illegal activity). This spectrum can be conceived of as progressing from individualized to programmatic. Tracey L. Meares, *Programming Errors: Understanding the Constitutionality of Stop-and-Frisk as a Program, Not an Incident*, 82 U. Chi. L. Rev. 1, 162–63 (2015). The further toward this latter end of the spectrum a stop or a policy of stops becomes, the greater a series of concerns become. First, the less individualized and more programmatic a stop is, the less likely it is to rest on a robust, convincing basis for reasonable suspicion. As a result, the stop may be constitutionally deficient, resting on a justification that would not withstand Fourth Amendment scrutiny. Stops with a flimsy basis for suspicion are also less likely to successfully uncover actual criminal activity or contraband. *See* Expert Report of Jeffrey Fagan at 63, *supra* note 122. Furthermore, the less individualized and more programmatic a stop is, the deeper are the procedural justice concerns it involves. On the individual level, stops based on less individualized and vaguer criteria for suspicion may lead a suspect to believe that he or she is not being treated fairly or that the law is not being applied neutrally to them. In the aggregate, suspects and the wider community may come to view the programmatic use of investigatory stops as evidence of institutionalized mistrust. *See*, *e.g.*, Tom R. Tyler, Jeffrey Fagan, & Amanda Geller, *Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization*, 11 J. Empirical L. Stud. 751 (2014); Jennifer Fratello, Andrés F. Rengifo, & Jennifer Trone, Vera Institute of Justice, Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications (2013). Such perceptions can have very real consequences for the legitimacy that policing agencies enjoy and should therefore be taken seriously. For these reasons, officers should endeavor to ensure that the use of investigatory stops remains at the individualized end of the spectrum.

129 Chris L. Gibson, Samuel Walker, Wesley G. Jennings, & J. Mitchell Miller, *The Impact of Traffic Stops on Calling the Police for Help*, 20 Crim Just. Pol'y Rev. 139 (2009).

130 Jacinta M. Gau, *Consent Searches as a Threat to Procedural Justice and Police Legitimacy: An Analysis of Consent Requests During Traffic Stops*, 24 Crim. Just. Pol'y Rev., 759 (2012); *see also* Robin S. Engel, *Citizens' Perceptions of Distributive and Procedural Injustice During Traffic Stops with Police*, 42 J. of Research in Crime & Delinq. 445 (2005).

131 Charles Epp, et al., Pulled Over: How Traffic Stops Define Race and Citizenship 126–33 (2014).

132 Traffic stops differ from investigatory stops in that they are based on probable cause that a traffic violation has occurred. *Delaware v. Prouse*, 440 U.S. 648, 659 (1979); *Pennsylvania v. Mimms*, 434 U.S. 106, 109 (1977); *Whren v. United States*, 517 U.S. 806, 810 (1996); *Maryland v. Wilson*, 519 U.S. 408, 413 (1997). In the vehicle stop context, however, the probable cause requirement does not prevent such stops from being used in a quasi-investigatory stop manner, with all the attendant procedural justice and legitimacy concerns. Because traffic laws are so minutely regulated, nearly any driver could potentially be found to be in violation of some traffic regulation at a given time. Such violations should not be used to stop drivers as a means to investigate a car and its occupants for a criminal offense that an officer does not possess probable cause to believe is occurring or has occurred.

133 As a matter of constitutional law, consensual encounters and searches are considered voluntary and therefore are not subject to the suspicion or warrant requirements of the Fourth Amendment. *Florida v. Bostick*, 501 U.S. 429, 434 (1991). Nevertheless, they present great risks to perceptions of procedural justice and legitimacy. The majority of searches that occur during traffic stops are conducted on the basis of driver consent. Gau, *supra* note 130 at 762. Requests for consent to search may appear discriminatory or non-neutral if the person feels that they have been profiled or unfairly targeted. They are less likely than searches based on probable cause or reasonable suspicion to reveal evidence of criminal

wrongdoing. Obtaining consent after informing a person of their right to refuse consent gives that person a voice in the process.

This safeguard is not adequate to prevent all negative consequences of consent searches. Officers should therefore consider requesting consent to search only in situations in which they have articulable, reasonable suspicion to believe that they will find evidence of a serious crime or of material or circumstances that pose a threat to public safety. This will allow officers to balance the benefits of conducting a voluntary consent search against the risk of damaging trust and legitimacy.

134 The Supreme Court has recognized the permissibility of roadblock-style traffic stops for several purposes. *See Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990) (drunk driving); *Illinois v. Lidster*, 540 U.S. 419 (2004) (investigation of recent hit-and-run); *United States v. Martinez-Fuerte* (1976) (illegal immigration).

135 Cambridge Review Committee, *supra* note 32at 22 (June 15, 2010).

136 Such trainings have been disseminated in connection with the National Initiative for Building Community Trust and Justice and are available to all jurisdictions free of charge. A recently published, peer-reviewed study found that the procedural justice portion of the training increased officer support for all of the procedural justice dimensions included in the experiment. As the authors describe, "post-training, officers were more likely to endorse the importance of giving members of the public a voice, granting them dignity and respect, demonstrating neutrality, and (with the least enthusiasm) trusting them to do the right thing. All of the effects of training were strong, with standardized effect sizes ranging from 1.2 to 1.6. Longer-term, officers who had attended the procedural justice work-shop continued to be more supportive of three of the four procedural justice principles introduced in training; the effect of training on trust was not statistically significant." Wesley G. Skogan, Maarten Van Craen & Cari Hennessy, *Training police for procedural Justice*, 11 J. Experimental. Criminology 319 (2014).

137 The Las Vegas police department has seen a substantial decrease in officer use of force incidents after emphasizing de-escalation in policy and training. Mike Blasky, *Federal Report: Las Vegas Police Shootings Down, Department Reforms Up*, Las Vegas Rev. J (May 21, 2014), http://www.reviewjournal.com/news/las-vegas/federal-report-las-vegas-police-shootings-down-department-reforms.

138 Research shows that the public confers legitimacy only on those whom they believe are acting in procedurally just ways, outlined in Pillar 1, "Building Trust & Legitimacy," of the President's Task Force on 21st Century Policing. *See* President's Task Force Report, *supra* note 1, at 10.

139 *Id.*

140 The Philadelphia Police Department's policies similarly emphasize that an officer's goal is "[to] always attempt to de-escalate any situation where force may be necessary [and] [i]n the event force becomes unavoidable, *to use only the minimal amount of force necessary . . . .*" Use of Force –Involving the Discharge of Firearms, Phil. Police Dep't (Sep. 18, 2015), http://www.phillypolice.com/assets/directives/PPD-Directive-10.1.pdf (emphasis in original). The Philadelphia Police Department's policies also stress that once a threat is overcome or an individual is in custody, "it is an officer's responsibility to de-escalate and immediately address any injuries the suspect may have sustained." *Id.*

141 The Seattle Police Department's de-escalation policy includes many of these de-escalation tactics. 8.100 –De-Escalation, Seattle Police Dep't (Sep. 1, 2015), http://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation.

142 *See, e.g.*, *Allen v. Muskogee*, 119 F.3d 837 841 (10th Cir. 1997). A city's failure to properly train its officers to deal with "armed emotionally upset persons" may be grounds for imposing liability on the city. *Id.* at 845.

143 Several police departments' policies—including those of the Philadelphia Police Department and the Seattle Police Department—note that officers should be mindful of varying reasons, such as those listed here, why an individual might be unable to comply with officer instructions. *See* 8.100 –De-Escalation, Seattle Police Dep't (Sep. 1, 2015),

http://www.seattle.gov/police-manual/title-8---use-of-force/8100---de-escalation; Use of Less Lethal Force: the Electronic Control Weapon, Phil. Police. Dep't (Sep. 18, 2015), http://www.phillypolice.com/assets/directives/PPD-Directive-10.3.pdf.

144 *See* President's Task Force Report, *supra* note 1, at 10.

145 The Fresno Police Department ensures that its training unit is directly involved in reviewing every officer-involved shooting. *See* Police Executive Research Forum, An Integrated Approach to De-Escalation and Minimizing Use of Force, 23 (Aug. 2012), *available at* http://www.calea.org/sites/default/files/PERF%20UOF%20De-Escalation_v5.pdf.

146 The Fresno Police Department cites the force-option simulator as its most effective procedural justice training tool. *Id.* Action Item 5.1.1 of the President's Task Force report recommends training programs that use scenario-based training. *See* President's Task Force Report, *supra* note 1, at 52.

147 Pillar 5 of the President Task Force Final Report recommends officer training on recognizing signs of mental illness and substance abuse. *See id.* at 56-57.

148 "Policies should include, at a minimum, annual training that includes shoot/don't shoot scenarios and the use of less than lethal technologies." *Id.* at 21. Oakland's Deputy Chief attributes the police department's significant reduction of use of force incidents to a major paradigm shift in their training design. For years, the department's scenario-based training asked officers to react to a threat, and then assessed officers on how they escalated the force. Now, the officers must determine for themselves whether a threat exists, and may be evaluated on whether he or she properly escalates or de-escalates the force. This threat assessment step requires skill and experience that should be developed as early as possible in an officer's career. *See* Matt Apuzzo, *Police Rethink Longstanding Tradition on Using Force*, N.Y. Times (May 4, 2015), http://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html.

149 President's Task Force Report, *supra* note 1, at 26.

150 The Richmond Police Department cites the shift from siloed training to integrated use-of-force and de-escalation training as a contributing factor to decreasing use of force incidents.

151 National Law Enforcement Officers Memorial Fund, Causes of Law Enforcement Death, *available at* http://www.nleomf.org/facts/officer-fatalities-data/causes.html?referrer=https://www.google.com/; *See also* Cynthia Lum & George Fachner, Police Pursuits in an Age of Innovation And Reform, International Association of Chiefs of Police 7 (Sept. 2008) [hereinafter IACP Report].

152 471 U.S. 1 (2005). *See also* IACP Report, *supra* note 151; Police Executive Research Forum, *supra* note110 at 55.

153 IACP Report, *supra* note 151, at 4.

154 Policies should include specific environmental factors for officers to weigh in determining whether to pursue, *e.g.*, amount of traffic, type of car, whether firearms have been discharged since the suspect(s) entered the vehicle, or whether implicit bias might be impacting an officer's decision on whether to pursue.

155 *See* Christy Mallory, Amira Hasenbush, Brad Sears, The Williams Institute, Discrimination and Harassment by Law Enforcement Officers in the LGBT Community (Mar. 2015).

156 Definitions borrowed from the Human Rights Campaign and from the Spectrum Center at the University of Michigan. *See* http://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions; https://internationalspectrum.umich.edu/life/definitions.

157 Chicago Police Department General Order G02-01-03, Interactions with Transgender, Intersex, and Gender Non-conforming (TIGN) Individuals (effective Jan. 1, 2016).

158 *See* District of Columbia Metropolitan Police General Order 501.02, Handling Interactions with Transgender Individuals.

159 *See id*.

160 Bay Area Rapid Transit Police Department Policy 403, Interactions with Individuals Identifying as Transgender (adopted June 17, 2015).

161 *See* District of Columbia Metropolitan Police General Order 501.02, Handling Interactions with Transgender Individuals.

162 *See* Press Release, Atlanta Police Adopt New Transgender Interaction Policies (Oct. 9, 2014).

163 Pew Research Center, Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065 (Sept. 28, 2015), *available at* http://www.pewhispanic.org/2015/09/28/chapter-5-u-s-foreign-born-population-trends/#fn-23157-24 (measuring the "foreign born" population – that is, individuals who did not acquire US citizenship at birth)

164 Walter Ewing, Daniel E. Martinez, & Ruben G. Rumbaut, American Immigration Council, The Criminalization of Immigrant Communities in the United States (July 2015), *available at* http://www.immigrationpolicy.org/sites/default/files/docs/the_criminalization_of_immigration_in_the_united_states_final.pdf

165 Office of Community Oriented Policing Services & Vera Institute of Justice, How to Serve Diverse Communities 6 (Caitlin Gokey & Susan Shah, eds., 2016)

166 Matthew Lysakowski, Albert Antony Pearsall III, & Jill Pope, Office of Community Oriented Policing Services, Policing in New Immigrant Communities 4 (2009).

167 Jens Manuel Krogstad, Jeffrey S. Passel & D'Vera Cohn, Pew Research Center, *5 Facts About Illegal Immigration in the U.S.*, (Nov. 19, 2015), *available at* http://www.pewresearch.org/fact-tank/2015/11/19/5-facts-about-illegal-immigration-in-the-u-s/

168 Wesley Skogan, *Policing Immigrant Communities in the United States*,13 Immigr. Crime & Just. 189, 191-92 (2009).

169 President's Task Force Report, *supra* note 1, at 18.

170 *See id.*; *see also* Major City Chiefs Immigration Committee, Recommendations for Enforcement of Immigration Laws by Local Police Agencies 5-6 (June 2006).

171 *See, e.g.*, Ben Bradford, *Policing and Social Identity: Procedural Justice, Inclusion and Cooperation Between Police and Public*, 24 Policing & Society 23 (2012) ("For respondents who felt that they were citizens of another country, the perceived fairness of the police was strongly associated with the extent to which they also felt that they belonged in London and Britain, but for those who felt that they were UK citizens, the link between police fairness and this aspect of social identity was weaker, although still present. . . . For [non-citizens], police behavior appeared to be strongly identity relevant, possibly because having multiple cognate identities meant that they were more sensitive to the way police officers treated them (or the ways they imagined officers would treat them). This might indicate some level of uncertainty or anxiety about their status and inclusion . . . . The experience of police fairness was linked with feeling that they "belonged," and this feeling of inclusion encouraged a sense that they would cooperate with officers. . . . . Modes of policing and security provision that stigmatize and exclude certain social groups . . . are therefore pernicious for reasons

other than the raw injustices upon which they are premised."). *See also* Ben Bradford, Elise Sergeant, Kristina Murphy & Jonathan Jackson, *A Leap of Faith? Trust in the Police Among Immigrants in England and Wales*, 57 Brit. J. Criminology 381(2015).

172 Major City Chiefs Immigration Committee, *supra* note 170, at 7

173 *Id.* at 8

174 East Haven Police Department Policies & Procedures, No. 428.2.

175 Linda M. Williams, *Beyond Enforcement: Welcomeness, Local Law Enforcement, and Immigrants*, 75 Pub. Admin. Rev. 433, 434-35 (noting that those with positive experiences "learn the habits and ways of thinking of full citizens," while those with negative experiences "feel reinforced in their perceptions of their own marginality and government's lack of responsiveness").

176 Skogan, *supra* note 168, at 191-92

177 *See id.* at 194

178 Lysakowski et. al., *supra* note 166, at 11.

179 *Id.*

180 Partnering with existing organizations serving immigrant communities is widely recommended as an outreach method. *See, e.g.*, Williams, *supra* note 175 at 437; Office of Community Oriented Policing Services & Vera Institute of Justice, *supra* note 165, at 30-32. Both faith-based organizations and organizations providing social services have offered police valuable opportunities to connect with immigrant community members with whom they may not otherwise have been able to make contact. Existing community organizations may also provide valuable cultural insight for police that will improve the effectiveness of outreach. For example, a police department may find that, contrary to expectation, women are heads of household in certain immigrant communities within their jurisdiction, and should thus be a major focus of the department's outreach efforts. *See id.* at 15.

181 A basic understanding of cultural norms can be essential to building relationships and trust in immigrant communities. Although such a training's content will vary based on the context and needs of the department, suggested content would include:

- Misconceptions of immigrant populations and of police from the perspective of these populations;
- Current information and trends related to working with immigrants in the community; and
- "Open group discussions on past experiences, lessons learned, and best practices for working with immigrant communities." *Id.* at 19.

In some cases, a basic language skills component may also be appropriate, as well as a discussion of best practices for working with a language barrier, both in casual and high-intensity situations.

182 *See* Tyler & Huo, *supra* note 11 at 141-62.

183 *See, e.g.*, Rich Morin & Renee Stepler, Pew Research Center, The Racial Confidence Gap in Police Performance (Sept. 29, 2016), *available at* http://www.pewsocialtrends.org/2016/09/29/the-racial-confidence-gap-in-police-performance/-fn-22079-2 ("Confidence in local police is considerably lower among blacks. Just 14% of blacks say they have a lot of confidence in their local police, and 41% say they have some confidence. By comparison, about four-in-ten whites (42%) say they have a lot of confidence in their local police, and another 39% say they have some confidence. Among Hispanics, 31% say they have a lot of confidence, and another 48% say they have some confidence in their police.")

184 In describing the causes of the riots that swept the country in the summer of 1967, the Kerner Commission reported that "'[p]rior' incidents, which increased tensions and ultimately led to violence, were police actions in almost half the cases; police actions were 'final' incidents before the outbreak of violence in 12 of 24 surveyed disorders." Report of the National Advisory Commission on Civil Disorders 6 (Bantam Books 1968) (describing findings regarding 24 disorders in 23 cities that were surveyed by the Commission). Between January 12, 1968 and December 13, 1972 there were 4,052 urban uprisings in 960 cities, about 57 percent of them involving black residents responding to the "policing of ordinary, everyday activity" *See* Elizabeth Hinton, *The Forgotten Urban Rebellions and the True Origins of "Broken Windows"* 2 (working paper on file with author). In 1992, the acquittal of four police officers who had beaten Rodney G. King in an incident caught on amateur videotape sparked the "L.A. riots," *The L.A. Riots: 25 Years Later*, L.A. Times (Apr. 26, 2017), *available at* http://timelines.latimes.com/los-angeles-riots/, and New York City also saw an uprising that year following the police killing of a Washington Heights man, James Dao, *Angered by Police Killing, a Neighborhood Erupts*, N.Y. Times (July 7, 1982), *available at* http://www.nytimes.com/1992/07/07/nyregion/angered-by-police-killing-a-neighborhood-erupts.html?pagewanted=all. More recently, protests erupted in Ferguson, Missouri in 2014, after a grand jury declined to indict the officer who killed a young man named Michael Brown. *Ferguson Unrest, From Shooting to Nationwide Protests*, B.B.C. News (Aug. 10, 2015), *available at* http://www.bbc.com/news/world-us-canada-30193354. These protests "spawned the Black Lives Matter movement, [and] threw a spotlight on the way police departments across America treat black citizens . . . ." Abigail Hauslohner, *Three Years After Ferguson, the Same Old Concerns Rise in St. Louis Protests*, Wash. Post (Sept. 24, 2017), *available at* https://www.washingtonpost.com/national/three-years-after-ferguson-the-same-old-concerns-rise-in-st-louis-protests/2017/09/24/c54f1d4c-9eea-11e7-9c8d-cf053ff30921_story.html?utm_term=.c6b67dd28257.

185 This section draws heavily on Megan Quattlebaum, *Let's Get Real: Behavioral Realism, Implicit Bias, and the Reasonable Police Officer*, 14 Stan. J. C.R. & C.L. __ (forthcoming 2018), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2821227.

186 This example is drawn from *Tactical Perception: Using the Science of Justice*, a training program for police officers that was developed by the Center for Policing Equity. Phillip Atiba Golf, PhD et al., *Tactical Perception: Using the Science of Justice (Facilitator Guide)* at 9 (unpublished training program).

187 One of the most prominent of the research efforts into such unintentional processes is Project Implicit, which was founded in 1998 by three scholars who shared a common interest in the study of "thoughts and feelings outside of conscious awareness and control." Project Implicit, https://implicit.harvard.edu/implicit/aboutus.html (last visited Aug. 22, 2016). Since that time, the organization has facilitated millions of Internet volunteers taking what is known as the Implicit Association Test (IAT), providing researchers with a rich set of data. Beth Azar, *IAT: Fad or Fabulous?*, 39 Monitor on Psychol. 44, 45 (2008). The Project Implicit dataset is the "most prominent" collection of IAT results, but many other social psychologists have also employed similar tests to gather data on reaction-time measures of implicit bias. Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124, 1130 n.14 (2012).

We highlight Project Implicit specifically and the IAT methodology more generally because they have received significant attention in the popular and legal press. It is true that the predictive capacity of the IAT has been the subject of academic debate. *Compare* Frederick L. Oswald et al., *Using the IAT to Predict Ethnic and Racial Discrimination: Small Effect Sizes of Unknown Societal Significance*, 108 J. Personality & Soc. Psychol. 562 (2015), *and* Hart Blanton et al., *Strong Claims and Weak Evidence: Reassessing the Predictive Validity of the IAT*, 94 J. Applied Psychol. 567 (2009), *with* Anthony G. Greenwald, Mahzarin R. Banaji, & Brian A. Nosek, *Statistically Small Effects of the Implicit Association Test Can Have Societally Large Effects*, 108 J. Personality & Soc. Psychol. 553 (2015). But other methodologies have demonstrated similar effects. *See, e.g.*, Tobias Brosch, Eyal Bar-David & Elizabeth A. Phelps, *Implicit Race Bias Decreases the Similarity of Neural Representations of Black and White Faces*, 24 *Psychol. Sci. 160 (*2013); B. Keith Payne et al., *An Inkblot for Attitudes: Affect Misattribution as Implicit Measurement*, 89 J. Personality & Soc. Psychol. 277 (2005). Thus, social psychologists' claims about how implicit bias works are not solely dependent upon Project Implicit or the IAT.

188 Jack Glaser, Suspect Race: Causes and Consequences of Racial Profiling 43 (2014).

189 Robert J. Smith, *Reducing Racially Disparate Policing Outcomes: Is Implicit Bias Training the Answer?*, 37 Haw. L. Rev. 295, 297-98 (2015) (citing Brian A. Nosek et al., *Pervasiveness and Correlates of Implicit Attitudes and Stereotypes*, 18 Eur. Rev. Soc. Psychol. 36, 52 (2007).

190 Jennifer Eberhardt, Phillip Atiba Goff, Valerie J. Purdie, & Paul G. Davies, *Seeing Black: Race, Crime, and Visual Processing*, 87 J. Personality & Soc. Psychol. 876, 878 (2004).

191 Eberhardt, et. al., *supra* note 190, at 876.

192 Epp, et. al., *supra* note 131, at 45. We have no reason to believe that police officers are immune from these implicit biases. Due to "the ubiquity of stereotypes, their at least occasional effect on police behavior is virtually inevitable despite the strong social norms against bias operating in contemporary law enforcement." Glaser, *supra* note 188, at 48. Indeed, the visual perception study described above was performed on police officers as well as students, and found similar results. *See* Joshua Correll et al., *Across the Thin Blue Line: Police Officers and Racial Bias in the Decision to Shoot*, 2 J. Personality & Soc. Psychol. 1006 (2007).

193 Glaser, *supra* note 188, at 55.

194 Josh Correll et al., *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. Personality & Soc. Psychol. 1314, 1320 (2002).

195 John F. Dovidio, Tamar Saguy, Tessa V. West, & Samuel L. Gaertner, *Divergent Intergroup Perspectives, in* The Oxford Handbook of Intergroup Conflict (Linda R. Topp ed., 2012).

196 Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. Personality & Soc. Psychol. 751 (2006).

197 Walter Stephan, *Intergroup Anxiety: Theory, Research, and Practice*, 18 Personality & Soc. Psychol. Rev. **239 (2014)**; Martijn Van Zomeren et al., *Testing the Limits of Tolerance: How Intergroup Anxiety Amplifies Negative and Offensive Responses to Out-Group-Initiated Contact*, 33 Personality and Soc. Psychol. Bull. 1686-1699 (2007).

198 Nurit Shnabel & Arie Nadler, *The Role of Agency and Morality in Reconciliation Processes: The Perspective of the Needs-Based Model*, 24 Current Directions in Psychol. Sci. 477 (2015).

199 Fagan & Tyler, *Legal Socialization of Children and Adolescents* 18 Soc. Just. Res. 217, 219 (2005). "Th[e] core argument underlying the legal socialization literature is that children develop an orientation toward law and legal authorities early in life, and that this early orientation shapes both adolescent- and adult-law-related behavior." *Id.* To put it another way, we are socialized early, and how we are socialized helps determine how likely we are to follow the law and to cooperate with authorities as both young people and as adults.

200 *Id.* at 220.

201 *Police and Juvenile Offenders*, at 120-21, *available at* http://www.sagepub.com/upm-data/19435_Section_II.pdf. ("The majority of police encounters with juveniles are in response to minor offenses that involve an order maintenance function of law enforcement.").

202 Charles Puzzanchera, Office of Juvenile Justice & Delinquency Prevention, *Juvenile Arrests 2011* (Dec. 2013), *available at* http://www.ojjdp.gov/pubs/244476.pdf.

203 National Institute of Justice, *From Juvenile Delinquency to Young Adult Offending, available at* http://nij.gov/topics/crime/pages/delinquency-to-adult-offending.aspx ("This bell-shaped age trend, called the age-crime curve, is universal in Western populations. However, specific versions of the curve vary in significant ways.")

204 Richard J. Bonnie & Elizabeth S. Scott, *The Teenage Brain: Adolescent Brain Research and the Law*, Current Directions in Psychol. Sci. (2013).

205 National Institute of Justice, *From Juvenile Delinquency to Young Adult Offending, available at* http://nij.gov/topics/crime/pages/delinquency-to-adult-offending.aspx.

206 *See* Anthony Petrosino, Carolyn Turpin-Petrosino. & Sarah Guckenburg, *Formal System Processing of Juveniles: Effects on Delinquency*, Campbell Systematic Reviews (2010).

207 Christopher L. Aberson, *Positive Intergroup Contact, Negative Intergroup Contact, and Threat as Predictors of Cognitive and Affective Dimensions of Prejudice*, 18 Group Processes & Intergroup Rel. 743 (2015); Tuuli Anna Mähönen & Inga Jasinskaja-Lahti, *Ramifications of Positive and Negative Contact Experiences Among Remigrants from Russia to Finland*, 22 Cultural Diversity and Ethnic Minority Psychol. 247 (2016).

208 Fiona Kate Barlow, et al., *The contact caveat: Negative contact predicts increased prejudice more than positive contact predicts reduced prejudice*, 38 Personality & Soc. Psychol. Bull. 1629 (2012).

209 Fiona Kate Barlow, Winnifred R. Louis, & Miles Hewstone. *Rejected! Cognitions of Rejection and Intergroup Anxiety as Mediators of the Impact of Cross-group Friendships on Prejudice*, 48 British J. Soc. Psychol. 389 (2009).

210 Fagan & Tyler, *supra* note 199 at 223 ("[W]hen adolescents perceive[] . . . interaction quality as poor, they may develop weak ties toward law that might justify either lack of cooperation with legal actors or antisocial behavior.").

211 Jeffrey Fagan, Tom Tyler & Amanda Geller, *Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization*, J. Empirical Legal Studies (2014).

212 Epp, et. al., *supra* note 131.

213 Fagan, Tyler & Geller, *supra* note 211.

214 *See* President's Task Force recommendation 4.7: "Communities need to affirm and recognize the voices of youth in community decision making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions."; President's Task Force action item 4.5.2: "Law enforcement agencies should engage youth and communities in joint training with law enforcement, citizens academies, ride-alongs, problem solving teams, community action teams, and quality of life teams." This principle of youth involvement in co-producing safety should have particular force in the context of schools. *See* President's Task Fore action item 4.6.3: "Law enforcement agencies should work with schools to encourage the use of alternative strategies that involve youth in decision making, such as restorative justice, youth courts, and peer interventions."

215 *See* Kristina Murphy, Does Procedural Justice Matter to Youth? Comparing Adults' and Youths' Willingness to Collaborate with Police, 25 Policing & Soc'y 53 (2015). *See also* Fagan, Tyler & Geller, *supra* note 211.

216 Fagan & Tyler, *supra* note 199.

217 *See* President's Task Force recommendation 4.4: "Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all, especially the most vulnerable."; President's Task Force action item 4.4.1: "Because offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the importance of language used and adopt policies directing officers to speak to individuals with respect."

218 A training curriculum, which was developed by Yale Law School professors Tracey Meares and Tom Tyler in collaboration with now-retired Chicago police Lieutenant Bruce Lipman and current Officer Al Ferreira, both of the Education and

Training Division, is available to all jurisdictions through the National Initiative for Building Community Trust and Justice free of charge. It teaches foundational concepts of procedural justice, and officers are able to practice procedurally just policing in role-play scenarios. [See the Model Policy on Investigatory and Traffic Stops for More Information.]

219 Models for how this might work already exist in other states. Law Enforcement Assisted Diversion (LEAD), a program that was developed in Seattle, Washington, for example, permits officers in the participating county to divert low-level drug and prostitution offenders into community-based treatment and support services—including housing, healthcare, job training, treatment and mental health support—instead of processing them through traditional criminal justice system avenues. While evaluations of the program are ongoing, early results suggest that LEAD saves money on criminal justice costs while reducing recidivism among participants. This is just one successful model that departments should investigate and consider adopting. *See* http://leadkingcounty.org/about/.

220 *See* President's Task Force action item 1.5.3: "Law enforcement agencies should create opportunities in school and communities for positive, non-enforcement interactions with police. Agencies should also publicize the beneficial outcomes and images of positive, trust-building partnerships and initiatives."; President's Task Force action item 4.7.1: "Communities and law enforcement agencies should restore and build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police."

221 *See* President's Task Force recommendation 4.6: "Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participations in schools and communities."; President's Task Force action item 4.6.1: "Education and criminal justice agencies at all levels of government should work together to reform policies and procedures that push children into the juvenile justice system."; President's Task Force action item 4.6.2: "In order to keep youth in school and to keep them from criminal and violent behavior, law enforcement agencies should work with schools to encourage the creation of alternatives to student suspensions and expulsion through restorative justice, diversion, counseling, and family interventions."; President's Task Force action item 4.6.4: "Law enforcement agencies should work with schools to adopt an instructional approach to discipline that uses interventions or disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning."; President's Task Force action item 4.6.5: "Law enforcement agencies should work with schools to develop and monitor school discipline policies with input and collaboration from school personnel, students, families, and community members. These policies should prohibit the use of corporal punishment and electronic control devices."; President's Task Force action item 4.6.6: "Law enforcement agencies should work with schools to create a continuum of developmentally appropriate and proportional consequences for addressing ongoing and escalating student misbehavior after all appropriate interventions have been attempted."; President's Task Force action item 4.6.8: "Law enforcement agencies and schools should establish memoranda of agreement for the placement of School Resource Officers that limit police involvement in student discipline."; President's Task Force action item 4.7.2: "Communities should develop community- and school-based evidence-based programs that mitigate punitive and authoritarian solutions to teen problems."

222 *S.R. v. Kenton County Sheriff's Office*, a lawsuit that has made national news, highlights the trauma that young people may experience when school discipline problems are treated similarly to adult criminal offenses. The lawsuit charges that a school resource office in Covington, Kentucky, handcuffed an 8-year-old boy and a 9-year-old girl, both of whom suffered from attention deficit hyperactivity disorder (ADHD), at their biceps and forced their hands behind their backs in response to school behavior problems that related to their disabilities. A video of the boy in handcuffs has circulated in the media. Jaeah Lee, *This Video Shows a Police Officer Handcuffing an 8-Year-Old Boy With a Mental Disorder*, Mother Jones (Aug. 3, 2015)

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APPENDIX D

Goals and Mission

Department's current policy:

- Requires three clicks from Department's home page to reach goals and missions statement
- Blends in policies on formalizing goals and objectives; limits of authority and discretion; response to domestic abuse; and alternatives to arrest

Recommendations:

- Put mission statement, guiding principles, and values at the top of Department's home page
    - Ex. Canton, OH – mission statement and guiding principles on home page
    - Ex. Wellfleet, MA – mission statement on home page
- Revise policy to make it purely about Department's mission, values, and guiding principles
    - Separate out other policies blended into goals and missions into their own policies (ex. formalizing goals and objectives → research and planning; authority and discretion → its own policy; response to domestic abuse → its own policy; alternatives to arrest → its own policy)
    - Ex. Albany, OR – mission and vision statement is only about those two items, making it unquestionably clear what those are
    - Ex. DeSoto, TX
- Include commitment to accountability
    - Ex. Frederick, MD

Canton Police Department

You have reached the online home of the City of Canton Police Department. Please take a moment to navigate through our site and learn more about how we are working to protect and serve Canton residents. We strive to maintain an open and transparent department as much as possible and are more than happy to answer any questions you may have as we are permitted by the law.

Rules & Regulations

The contents of the Canton Police Department Rules & Regulations issued herein by the Director of Public Safety and Chief of Police to employees of the Canton, Ohio Police Department, are in conformity with the requirements of the laws of the United States, the State of Ohio, and the City of Canton.

Our Mission

The mission of the Canton Police Department is to protect the lives and properties of the citizens of Canton, enforce all city, state, and federal laws, prevent crime and educate the public.

We, the men and women of the Canton Police Department, shall perform these duties with honesty and fairness through strong leadership and continuous training. We will strive to serve as role models for the community, applying professional standards and commitment to integrity, sensitivity and compassion to those we serve.

Our Guiding Principles

Officers of the Canton Police Department abide by six major guiding principles. They are as follows:

1. To be a progressive, proactive organization, dedicated to safety and serving the needs of the community.
2. To be responsive and accountable to the citizens of Canton through the chain of command and the city's administration.
3. To promote the professional and personal growth of each employee through strong, fair, flexible leadership.
4. To create an environment in which employees can attain the highest degree of creativity, productivity, and sense of morale.
5. To maintain a spirit of cooperation within the department and between Labor Unions and other representative organizations.
6. To be fair, honest and display common sense in all actions.

Canton Crime Mapping

The statistics illustrated on this site reflect the majority of reports completed in the jurisdiction of the Canton Police Department. Some report types have been excluded for privacy reasons including reports specific to juveniles, homicide investigations, domestic violence, and sex crimes. Other reports may not appear on the map due to an incomplete association between the location used and the mapping software.

communitycrimemap.com

tip411

Send anonymous information to the Canton Police Department by using tip411.

Sign Up for Canton Alerts

Sign up for Canton Alerts! Sometimes called the 'Stark County Emergency Notification System' or 'Reverse 9-1-1'. Not all telephone numbers are available to public entities, such as the City of Canton, so if you would like to receive these 'Canton Alerts!' on **any** telephone number, especially **unlisted numbers** or your **mobile phone**, you need to sign up.

IPAWS Verified
WIRELESS EMERGENCY
WENS™
NOTIFICATION SYSTEM

Contact Us

Chief Jack Angelo
Police Chief
Phone: 330-489-3111

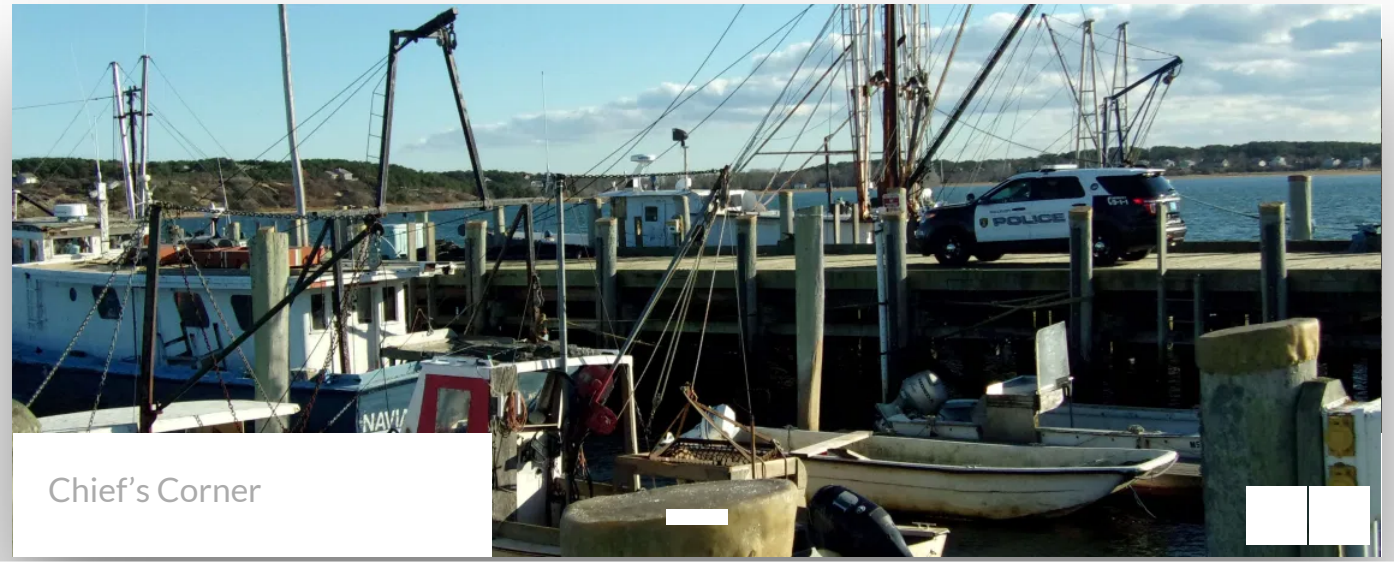
Sign Up For Canton Alerts

Helpful Resources

- Canton's Most Wanted
- Communication & Dispatch Center (CANCOM)
- Community Resources
- Department History
- Divisions
  - Administrative
  - Investigative
  - Operations
  - Parking
- Equal Employment Opportunity Plan (EEOP)
- Incident Report Inquiry
- Law Enforcement Agency Links
- Office of Professional Standards
  - Complaint Procedures
    - Complaint Form
  - Garrity Warning (for Officers)
  - Officer's Code of Conduct
- Recruitment
- Take Me Home Program

Other Resources

- Anonymous Crime Tips
- Crime Information Report
- Crime Prevention Manual
- Impound, Traffic & Parking Fines Information
- Police Media Contacts



Chief's Corner

DID YOU KNOW?

Some fun facts about our officers:

someone was originally born in Brazil

someone was born in Thomaston, CT

someone is a court prosecutor

someone has worked as a dispatcher since 1990

someone attended Mass Maritime Academy

someone is "well known around the department for being a great chef"

someone enjoys camping

someone enjoys skiing

someone is the taser instructor

someone attended UMASS Lowell

someone holds a bachelor's degree in american history

someone attended the 220th Session of the FBI National Academy

Read more about our officers here.

The mission of the Wellfleet Police Department is to partner with the community to provide the highest level of public safety, service, and solve problems in a manner that is fair, impartial, and transparent.

Outer Cape Community Navigator

FEBRUARY 18, 2019 BY OFFICER LAECIO DE OLIVEIRA LEAVE A COMMENT

The Wellfleet Police Department is pleased to announce that the Community Navigator will be holding office hours at our station on Tuesdays from 11-2pm. The Outer Cape Health Services Community Navigator program helps assist residents with unmet medical, behavioral health, or human service needs through collaboration with local agencies, providers, and community groups. The Navigator [...]

MISSION AND VISION STATEMENTS

MISSION:

Excellence Through Service

VISION:

An equal partnership with our community, actively addressing issues of crime, safety, and livability.

We are committed to:

- Providing respectful and impartial service to all
- Responding to community needs by demonstrating and encouraging responsible resolutions to problems.
- Unity and dedication in our department family.
- Communicating effectively with our community.
- Demanding professional integrity to nurture public trust.
- Holding ourselves to the highest professional standards.

POLICY: 101.009 – ORGANIZATIONAL VALUES AND ETHICS	**CALEA:** 1.1.2, 12.2.1, 26.1.1
Effective Date: 08/06/2020	**Review Date:**
Revised Date:	
Related Directive(s):	
Related Form(s):	
Issued by: J. Costa, Chief of Police	

VISION STATEMENT:
To become the model for law enforcement excellence.

MISSION STATEMENT
Excellence, one contact at a time.

ORGANIZATIONAL CORE VALUES

SERVICE:
We are empowered individually and collectively to enhance the quality of life in the community by providing high quality police services through professionalism, innovation, and partnerships.

PROFESSIONALISM:
Our conduct, appearance, and demeanor shall display the highest standard of personal and organizational excellence.

INTEGRITY:
We will demonstrate the courage to uphold the highest moral and ethical principles including honesty, trust, and accountability.

TEAMWORK:
We will maintain an environment of cooperation, open communication, and mutual respect within the department and the community.

LEADERSHIP:
Organizational commitment to demonstrate vision, direction, and motivation daily to ensure organizational goals and objectives are achieved.

ACCOUNTABILITY:
A personal choice, through empowerment, to rise above one's circumstances and demonstrate the ownership necessary for achieving desired results.

EMPOWERMENT:
See it, own it, solve it, do it.

I. Policy

All members of the DeSoto Police Department, both sworn and civilian, in order to perform their duties and maintain the integrity of this Department with the public, must strive to maintain a high degree of both moral and ethical standards. This Department adopts the Law Enforcement Code of Ethics, which follows. While the code is written expressly for the sworn officer, its meaning and intentions, where practical, can be directly applied to civilian professionals whom support the law enforcement mission. The Department's vision statement, mission statement, core values, and the law enforcement code of ethics provide strong and compelling moral guidance in how members of this organization, regardless of assignment, are to carry out their duties. Strict adherence to these values is mandatory. Violations will be considered as a breach of discipline and grounds for

FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 10: Organization and Control
Topic: MISSION STATEMENT
Approved: 02/08/19
Review: Annually in February by Chief of Police
Supersedes: G.O. 1000 dates 03/14/16

Order Number: 1000
Issued by: Chief of Police

.01 PURPOSE:

To set forth the mission of the Frederick Police Department and to state the values which guide the Department

.02 CROSS REF.:

G.O. 1001, "Department Organization"
G.O. 1150, "Strategic Planning & Goals and Objectives"
G.O. 1650, "Employee Conduct (Sworn and Civilian)"

.03 DISCUSSION:

The Frederick Police Department was created to provide public safety and maintain order within the community (the City of Frederick) and to provide a variety of police services to the public. While its mission has remained constant, the means by which it attempts to fulfill that mission have changed throughout the years. Although the Department must still focus its attention on combating criminal activity, through either the prevention or detection of criminal activity or the apprehension of suspects, it has adopted a community policing strategy that includes, in part, the philosophy that the community must also share in the responsibility for crime prevention and building healthy neighborhoods. The Department employs proven patrol and enforcement tactics to prevent or detect criminal activity, and it has adopted a problem solving philosophy that calls for the Department to work in partnership with our community to maintain the stability of its neighborhoods and to preserve public safety and order. By employing this strategy the Department strives to help residents to identify those "quality of life" issues that foster crime and criminal behavior which, in turn, lead to the deterioration of their neighborhoods. By employing its community policing/problem solving philosophy, the Department strives to work with residents, businesses, and all stakeholders to maintain the viability of their communities.

.04 POLICY:

It is the mission of the Frederick Police Department to safeguard lives and property and enhance public safety in partnership with our community

.05 DEFINITIONS:

MISSION STATEMENT: The Department's "mission statement" sets forth the official philosophy of the Department and, together with the values espoused in this Order, provides its personnel with general direction to guide their professional behavior and activity as we provide police services to our community.

COMMUNITY POLICING A united partnership for our community, building collaborative and transparent relationships, with a focus on public safety, crime prevention, and quality of life.

.10 MISSION STATEMENT:

It is the mission of the Frederick Police Department to safeguard lives and property and enhance public safety in partnership with our community

.15 ACCOUNTABILITY STATEMENT:

The Frederick Police Department is accountable to the community we serve. We treat the members of the public and our colleagues with respect and dignity. We adhere to our ethical standards and guiding principles. We accomplish our mission by working together in unified action to bring about a

positive influence to our internal and external stakeholders. We are accountable for our decisions and actions, remaining focused on our crime-fighting efforts while providing excellent service.

.20 GUIDING PRINCIPLES:

The Department recognizes that its personnel, as members of a law enforcement agency, are expected to adhere to standards of personal and professional behavior which some may consider to be higher than those demanded of ordinary citizens. This higher behavioral standard is reflected in its rules of conduct and the professional code of ethics taught during entry-level training. The Department desires to reinforce these higher standards of conduct and created Guiding Principles to guide its personnel as they strive to attain its stated mission.

Guiding Principles

Honesty, integrity, professionalism, and courage are our standards.

We treat each other, the public, victims, suspects, and arrestees with dignity, impartiality, and respect.

We exercise ethical decision making while using the power and authority that has been entrusted to us by the people.

We employ timely and effective crime fighting and problem-solving strategies to safeguard our community.

We work in partnership with our community and within the law to solve problems that affect public safety.

We empower and trust our department members to fulfill their responsibilities. Each individual is a leader and takes ownership of his or her area of responsibility.

Our employees are our most valuable asset. We engage in open and honest communication and fair treatment while demonstrating a genuine concern for one another.

We aspire for continuous improvement in the operations and administration of the Department.

Impartial Policing

Biased-Based Policing

Department's current policy:

- Named "Bias Based Profiling," despite prohibiting biased-based profiling
- Recognizes the relationship between trust and real or perceived racial and gendered profiling, and discriminatory practices
- Commitment to identifying, preventing, and eliminating any instance of unlawful profiling in all areas
- Prohibit considering protected class base in deciding to detain or stop, except in suspect specific incidents

Recommendations:

- Rename policy "Impartial Policing"
    - Ex. Roseville, MN – also reaffirming commitment to impartial and unbiased policing
- Require officers to have specific articulable facts, independent of the individuals' membership in a marginalized class, supporting reasonable suspicion or probable cause for all stops and searches
    - Ex. Albany, OR
    - Ex. Bloomfield, NJ
    - Ex. Roseville, MN
- Duty to intervene and report suspected or observed instances of bias-based policing
    - Ex. Albany, OR – require every member of the department to promptly report any known instances of racial or biased-based profiling
    - Ex. Bloomfield, NJ – also requiring employees to take immediate action to end the behavior
    - Ex. Frederick, MD
- Adopt procedural guidelines to prevent perceptions of biased-based policing
    - Ex. Frederick, MD
    - Ex. Gaithersburg, MD
    - Ex. Roseville, MN
- Adopt policy or add section on how to interact and work with members of the LGBTQIA+ community
    - Ex. Bloomfield, NJ
    - Ex. Roseville, MN
    - Ex. Salina, KS

Traffic Stops

Department's current policy:

- Recognition of need for lawful and nondiscriminatory traffic enforcement
- No data collection since the state stopped requiring it

Recommendations:

- Require collection of data for all officer-initiated stops (motor vehicle, bicycle, and pedestrian)
    - Ex. Albany, OR
    - Ex. Gaithersburg, MD

Training

Department's current policy:

- Officers are required to receive training in bias-based policing (can be accomplished through in-service training, bulletins, etc.)

Recommendations:

- Require initial and annual training on race and implicit bias
    - Ex. Albany, OR
    - Ex. Gaithersburg, MD – requiring annual ethics and cultural awareness training
- Require continued training in impartial policing

Review and Planning

Department's current policy:

- Requirement of agency-wide annual review of procedures, personnel, training, and citizen concerns
- Identify biased based policing through citizen complaints, personnel review, data collection, and administrative review

Recommendations:

- Require supervisors to monitor officers for biased-based policing, discuss any potential issues, retain evidence regarding biased-based policing, and report allegations. Also require officers to require or recommend corrective action, even for officers not under their direct command.
    - Ex. Albany, OR
    - Ex. Bloomfield, NJ – requiring commanders and supervisors to take or recommend correction action for employees even those not under their direct command
    - Ex. Frederick, MD
- Annual review of stop data, searches, seizures, use of force, and citizens' complaints alleging biased-based policing, with change in goals, objectives, and training as required. Require supervisors to review results of annual review conducted and discuss with their supervisees.
    - Ex. Albany, OR – requiring annual administrative review of public concerns and complaints to identify changes in training or operations; requiring supervisors to review annual report and discuss results with members under their charge
    - Gaithersburg, MD – traffic stop data is reviewed on an ongoing basis

Approved: *Chief Marcia Harnden*	Subject: **234. Bias-Based Policing**	
Effective: August 30, 2018 Revised: October 1, 2019	CALEA Standards: 1.2.9	Page: 1

234.1: PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that members of the Albany Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community (ORS 131.920).

234.1.2: DEFINITIONS

Profiling – Targeting an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law (ORS 131.915).

234.2: POLICY

It is the policy of the Albany Police Department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

234.3: RACIAL OR BIAS-BASED PROFILING PROHIBITED

a. Racial or bias-based profiling as defined in Section 234.1.2 is strictly prohibited.

b. Nothing in this policy is intended to prohibit an officer from considering factors listed in Section 234.1.2, in combination with other legitimate factors, to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

234.4: MEMBER RESPONSIBILITY

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

234.4.1: DETENTIONS

a. Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

b. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

c. Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

234.5: SUPERVISOR RESPONSIBILITY

a. Supervisors shall monitor those members under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints: Policy 821 and the Collective Bargaining Agreement (CBA).

b. Supervisors should discuss any issues with the involved officer in a timely manner.

c. Recordings that capture a potential instance of racial or bias-based profiling should be appropriately retained for administrative investigation purposes.

d. Supervisors shall report allegations of any actual or alleged violations of this policy via the Chain of Command to the affected Division Captain.

e. Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial or bias-based profiling.

f. Supervisors assigned to investigate profiling complaints will make good faith efforts to complete the internal investigation within thirty (30) days. If the assigned investigator cannot complete the internal investigation within the thirty-day (30) period, the assigned investigator or Division Captain will notify the Association (RE: Collective Bargaining Agreement (CBA) language Article 9 (B) (1) (g)).

234.6: PROFILING COMPLAINTS

a. Complaints of racial or bias-based profiling shall be handled in accordance with the Personnel Complaints: Policy 821.

b. Complaints may be made in person, in writing, electronic mail, Internet, facsimile, or via telephone, anonymously or through a third party.

234.7: STATE REPORTING

a. The Support Division Captain shall be responsible for reporting the following to the Oregon Law

Enforcement Contacts Policy and Data Review Committee (LECC) (ORS 131.925):

1) Copies of profiling complaints, using Profiling Complaint: Form A108d, that were made within 180 days of the alleged incident;

2) Final dispositions of profiling complaints.

b. No report forwarded to LECC may identify a particular law enforcement officer, or a particular individual whose demographic data is collected by a state or local law enforcement agency (ORS 131.906).

234.7.1: STOP DATA

a. The Albany Police Department remains committed to unbiased law enforcement practices while adhering to the Constitutional rights of all community members. The collection of Statistical Transparency of Policing (STOP) data information provides statistical information to identify the nature of stops made by officers (ORS 131.935). The following information should be collected by the officer regarding the stopped person:

1) The perceived race;
2) The perceived gender;
3) Age;
4) Driver known prior to stop;
5) Search requested; and
6) Pat down conducted.

b. Officers shall electronically complete a STOP data form for each officer-initiated vehicle stop and each officer-initiated pedestrian stop. RMS will require the STOP data module to be complete when the following call types are selected:

1) Traffic stop;
2) Pedestrian stop; or
3) Bicycle stop.

c. Officers are able to electronically enter STOP data information after the fact, at any point in time by MDT or any department computer. Officers without access to an electronic entry device while in the field (e.g., foot or bicycle patrol) will ensure, as soon as practical, that stop data entry is completed.

d. STOP data is reported to the State monthly by the Records Supervisor.

e. The STOP data information will be analyzed at the direction of the Chief of Police for any trends in practices that may be perceived as biased based policing.

234.8: ADMINISTRATIVE REVIEW

The Operations Division Captain shall conduct an annual administrative review of the efforts of the Department to prevent racial or bias-based profiling and shall submit an overview, including public concerns and complaints to the Chief of Police.

a. This report should not contain any identifying information regarding any specific complaint, citizen or officers.

b. The report should be reviewed by the Chief of Police to identify any changes in training or operations needed to improve service.

c. Supervisors shall also review the annual report and discuss the results with members under their charge.

234.9: TRAINING

Training on racial or bias-based profiling and review of this policy should be conducted upon initial hire and on an annual basis as directed by the Administrative Lieutenant.

FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 7: Force, Detention, and Arrest **Order Number:** 702
Topic: BIAS BASED PROFILING/DISCRIMINATORY PRACTICES **Issued by:** Chief of Police
Approved: 12/04/2020
Review: Annually in December by the Professional Services Division Commander
Supersedes: G.O. 702 dated 12/03/19

.01 PURPOSE:

To affirm the Department's commitment to providing unbiased law enforcement services and ensuring the constitutional protections of the citizens we serve.

.02 CROSS-REF:

G.O. 311, "Motor Vehicle Stops"
G.O. 314, "Vehicle Stop Documentation and Analysis"
G.O. 750, "Citizen Contacts and Detentions"
G.O. 1650 , "Standards of Employee Conduct"
G.O. 1655 , "Police Officer Conduct"

.03 DISCUSSION:

Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e., that a violation is occurring or has occurred.

.04 POLICY:

The Department recognizes the legitimacy of criminal profiling. However, the selection of persons for police detention based solely on common traits of a group is unacceptable, illegal, and will not be tolerated. Officers will have reasonable suspicion supported by specific articulable facts that any person detained has been, is, or is about to commit a violation of law or currently presents a threat to his safety or the safety of others. All enforcement actions will be based on reasonable suspicion or probable cause as required by statutes and the 4th Amendment of the U.S. Constitution. Investigations will be conducted without regard to race, ethnicity, age, gender, sexual orientation, religion, economic status or cultural group. The Department is committed to impartial policing.

.05 DEFINITIONS:

BIASED BASED PROFILING - The arrest, detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual, rather than upon individualized suspicion based upon articulable facts.

MOTORCYCLE PROFILING: the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question or take enforcement action, arrest, or search the individual or vehicle.

.10 GENERAL:

1. Members of the Department will not engage in Bias Based Profiling. Members will not consider the common traits of a group to establish reasonable suspicion nor probable cause EXCEPT when the reported trait of specific suspects, based on credible, reliable, and current information, links a person to a specific crime or quasi-criminal incident based on a credible

report.

2. Members will clearly articulate the specific police or public safety purpose of any stop/detention whenever they submit a report.

3. Employees are prohibited from singling out, discriminating or otherwise treating persons differently based race, national origin, ethnic background, gender identity (including gender expression), sexual orientation, religion, economic status, age, disability or other potentially improper criteria to include motorcycle profiling.

4. The detention of any individual that is not based on factors related to a violation of law, city ordinances, or any combination thereof, is prohibited. Asset forfeiture and forfeiture efforts will also be based upon the law and will not be motivated by bias based profiling.

5. Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques and strategies include, but are not limited to:

   A. Being courteous, polite, and professional.

   B. Providing their names and Department information and explaining reasons for the stops as soon as practical unless doing so compromises the safety of officers, others, or would compromise a police investigation.

   C. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to undertake appropriate actions.

   D. Answering questions citizens may have, including any options for dispositions of related enforcement actions.

   E. Explaining the credible, reliable, or locally relevant information that lead to stops or contacts when no enforcement actions were taken.

   F. Requesting the presence of a supervisor to allow citizens to voice their field contact or enforcement related concerns.

   G. Explaining the Department's complaint process.

6. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

.20 TRAINING:

1. Newly sworn members will receive training in the area of bias based profiling and discrimination during their initial training in the academy.

2. Officers will receive periodic training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to laws of arrest, officer safety, courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpersonal communication skills, and constitutional and case law.

3. Additional diversity and sensitivity training will be designated for members with sustained bias based profiling or other sustained discrimination complaints filed against them if warranted.

.30 DUTIES OF EMPLOYEES:

1. Any employee who believes there is, or is made aware of any violation of this Order, will immediately report the violation to a supervisor.

2. All complaints of bias based profiling or discriminatory practices will be investigated by the Professional Services Division (PSD) in accordance with the procedures established by the Department. Violations of this policy, or portions thereof, will result in remedial training and/or disciplinary action as set forth in the Department's applicable general orders.

3. Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that members' actions and activities adhere to this policy and to discover any indications of bias based profiling or discriminatory practices.

.40 ADMINISTRATIVE REVIEW:

1. Annually in the first quarter of the annual year the PSD Commander or his designee, will conduct a review of agency activities in regard to bias based profiling, which includes the following:

   A. A listing of any complaints and their status;

   B. An explanation of any remedial action taken;

   C. Recommendations for training needs;

   D. A listing of any citizen complaints; and

   E. Recommendations for policy changes.

2. This review may be in conjunction with PSD's annual statistical summary of internal investigations.

3. If there are any indicators/suspicions of biased based profiling by a member of the agency, the PSD Commander will consult with the officer's supervisor to develop a plan of action for remedial action/correction if warranted.

	GAITHERSBURG POLICE DEPARTMENT		
	Biased-Based Policing		
	GENERAL ORDER 619.3	Related CALEA Standards:	
	Effective Date 11/06/2020	1.2.9, 26.1.1, 61.1.8, 82.3.3	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 11/06/2020

1. DEPARTMENT POLICY

1.1. Bias-based policing is the intentional or unintentional application of biases or stereotypes as a basis or factor considered in decision-making, enforcement action, or the administration of justice. These biases or stereotypes, which can be based on race, color, gender or gender identity, national origin, ethnicity, religion, sexual orientation, disability, citizenship, and socio-economic status, have no place in a professional law enforcement agency and will not be tolerated.

1.2. The Department and the community have placed an enormous amount of trust and confidence in its police officers. The Department is a professional, progressive law enforcement agency and understands the need for public trust. The practice of biased-based policing is in direct conflict with the mission and values of this agency and contrary to federal, state, and local laws.

1.3. The Department expects officers to aggressively enforce criminal and traffic laws in a fair manner and with an appropriate level of discretion. Nothing in this policy should be construed to limit an officer's discretion or alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

2. PROHIBITION

2.1. In General

2.1.1. Officers shall not use any of the below-listed criteria as the sole or determining factor in decision-making, enforcement action, or the administration of justice:

2.1.1.1. Race;

2.1.1.2. Color;

2.1.1.3. Ethnicity or national origin;

2.1.1.4. Gender or gender identity;

2.1.1.5. Sexual orientation;

2.1.1.6. Religion;

2.1.1.7. Disability;

2.1.1.8. Economic status; or

2.1.1.9. Citizenship

2.1.2. The Department prohibits selective police enforcement based on the above criteria for two sets of circumstances as stated in the Attorney General's Guidance Memorandum for Ending Discriminatory Profiling in Maryland, (August 2015).

2.1.2.1. Standard for Routine Law Enforcement Active – When conducting routine police activity unconnected to an investigation of a specific crime, organization, or scheme; officers may not consider race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.

2.1.2.2. Standard for Investigative Law Enforcement Activity – When investigating a specific criminal offense, criminal organization, or crime scheme; officers may only consider race, ethnicity, national origin, gender identity, sexual orientation, disability or religion if the officer is in possession of credible information that makes the defining personal characteristic directly relevant to the investigation of a specific offense, organization, or scheme.

2.1.2.2.1. The information upon which an officer wishes to act, even where that information satisfies the threshold requirement of being trustworthy, should also relate directly to the investigation of a specific criminal offense, a particular criminal organization, or specific criminal scheme.

3. COLLECTION OF DATA

3.1. Purpose

3.1.1. The Department collects data for submission to the Maryland Justice Analysis Center in order to comply with the provisions of TA 25-113, and to use the data as a management tool to promote non-discriminatory law enforcement practices.

3.1.2. All traffic stop data collected by the Department is monitored on an ongoing basis by management. Any patterns of racial or gender profiling shall immediately be investigated and corrective measures taken.

3.2. Procedures

3.2.1. Officers shall document each and every reportable traffic stop they make by accurately indicating the following information about each stop:

3.2.1.1. Date, time, and location;

3.2.1.2. Approximate duration;

3.2.1.3. Information about the vehicle stopped, including the state in which the vehicle is registered;

3.2.1.4. Information about the driver, to include race, gender, date of birth, and the state and county of residence (if available on the driver's license);

3.2.1.5. Traffic violation(s) committed that led to the stop;

3.2.1.6. Whether a search was conducted as a result of the stop;

3.2.1.7. If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether any person(s) was searched, and whether the property of any person(s) was searched;

3.2.1.8. Whether any contraband or other property was seized in the course of the search;

3.2.1.9. Whether a warning, Safety Equipment Repair Order (SERO), or citation was issued as a result of the stop;

3.2.1.10. If a warning, SERO, or citation was issued, the basis for issuance;

3.2.1.11. Whether an arrest was made as a result of the stop or the search; and

3.2.1.12. Charges placed as a result of the stop.

3.2.2. Information is also documented relating to the status of any passenger(s) in the vehicle.

3.2.2.1. If an officer does not know the race of a motorist, **THE OFFICER SHALL NOT INQUIRE.**

3.2.2.2. Officers shall use their best judgment when deciding the race of the motorist, indicating "Other" when the race cannot be determined by the officer.

3.2.3. On a daily basis, officers shall forward or submit their traffic-stop documentation for data base compilation.

3.2.4. As required by State law, on or before March 1 of a new year, an annual report concerning the Department's traffic stops for the preceding calendar year is submitted by the Department to the Maryland Justice Analysis Center.

3.2.5. Any statistical reports generated by the Department are used for quality assurance/customer service measures and as a management tool.

3.2.6. At least annually, the Department conducts an administrative review of the Department's practices and data collected by officers. The administrative review also takes into account:

3.2.6.1. Complaints or allegations of bias-based policing made about the Department or personnel;

3.2.6.2. Concerns from members of the Chief's Advisory Council of biased-based policing practices;

3.2.6.3. The concerns voiced by the community, including those contained in the monthly Community Concerns Report;

3.2.6.4. The Annual Report submitted to the Maryland Justice Analysis Center;

3.2.6.5. An analysis of the Department's asset forfeitures; and

3.2.6.6. Any other document or message germane to the issue of bias-based policing.

3.2.7. The Department will also review the Annual Report issued by the Maryland Justice Analysis Center.

3.3. <u>Release of Reports Subject to Chief of Police Approval</u>

3.3.1. The data collected is a management tool. Traffic stop information recorded by officers, and any resulting report or analysis shall not be released by the Department.

3.3.2. Nothing in this directive is to be construed to limit an authorized Department member from releasing or sharing information with the Montgomery County Police or another law enforcement agency.

4. TRAINING

4.1. Initial Training

4.1.1. Initial training on bias-based policing issues is completed at the academy level.

4.2. In-Service or Roll-Call

4.2.1. On an on-going basis, the Department will provide, or ensure the provision of, training to its officers that govern bias-based policing issues, including legal aspects.

4.2.2. At least annually, the Department will conduct ethics and cultural awareness training.

5. CORRECTIVE MEASURES

5.1. If Bias-Based Policing is Suspected

5.1.1. The Department will investigate all allegations or complaints of bias-based policing.

5.1.2. Appropriate corrective measures shall be taken by the Department if bias-based policing is suspected or confirmed. The corrective measures to be taken may include:

5.1.2.1. Counseling members by supervisory or command personnel;

5.1.2.2. The provision of additional training; and/or

5.1.2.3. Taking punitive actions.

5.1.3. Complaints or allegations of bias-based policing shall be referred to the Internal Affairs function for investigation and complaints against officers shall be handled pursuant to the provisions of the LEOBR and General Order 208.1 – Disciplinary System and General Order 209.1 - Internal Affairs.

Policy 106 Impartial Policing

I. *Purpose and Scope*

This policy provides guidance to department members and established controls to ensure that employees of the Roseville Police Department are enforcing laws in a fair and equitable manner to all.

II. *Policy*

The Roseville Police Department reaffirms our commitment to impartial/unbiased policing and reinforces procedures that ensure we are provide service and enforcing laws in a fair and equitable manner to all (Minn. Stat. § 626.8471, Subd 4).

III. *Definition*

Racial- or biased-based profiling : An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

Includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

IV. *Policing Impartially, Not Racial Profiling, as Standard Procedure for this Agency*

a. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches, and property seizures.
b. Except as provided in paragraph (c), peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause.
c. Peace officers may take into account the descriptors in paragraph (b) of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight, or other characteristics about specific suspects

V. *Procedural Guidelines to Prevent Perceptions of Biased Policing*

To prevent the perception of biased law enforcement, please officers shall utilize the following guidelines:

a. Be respectful and professional.
b. Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise the officer or public safety.
c. Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
d. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense.
e. Explain the reason for the contact if it is determined the reasonable suspicious was unfounded.
f. When requested, give their name, badge number and identify this department during routine stops.
g. When requested, inform a member of the public of the process to file a misconduct complaint for racial or bias-based profiling against a member of this department and that racial- or biased-based profiling complaints may be made by calling the Attorney General's Office (Minn. Stat. § 626.9514).

VI. *Supervisor Responsibility*

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are in compliance. Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and handle any alleged or observed violation of this policy in accordance with the officer misconduct policy.

Date: 1/1/2019

Approved by Chief Rick Mathwig

BLOOMFIELD POLICE DEPARTMENT GENERAL ORDERS		
VOLUME: 2	**CHAPTER: 9**	**# OF PAGES: 10**
SUBJECT: BIAS-BASED POLICING		
BY THE ORDER OF: **Director of Public Safety Samuel A. DeMaio**	**ACCREDITATION STANDARDS: 1.5.5**	
Effective Date: **June 9, 2020**	**SUPERSEDES ORDER #: V2C9 (08/19/14) (03/07/17) (02/11/2019), GO 05-06 (09/06/05)**	

PURPOSE The purpose of this general order is to codify this department's policy and procedures concerning bias-based policing, bias-based profiling, and discriminatory practices. This general order also maintains this department's policy and procedures for dealing with transgender, LGBTQ+, non-binary, and gender non-conforming persons.

POLICY It is the policy of the Bloomfield Township Police Department to prevent and prohibit the practice of bias-based policing, bias-based profiling, and other discriminatory practice by employees of this department in detention, interdiction, traffic contacts, field contacts, asset seizure and asset forfeiture. Bias-based policing, biased based profiling, and discriminatory profiling are violative of the Equal Protection Clause of the 14th Amendment to the United States Constitution and in direct contravention of *New Jersey Attorney General Directive 2005-01* and *New Jersey Attorney General Directive 2019-03*.

No Bloomfield Township police officer or civilian employee, while operating under the authority of the laws of the State of New Jersey, shall engage in or tolerate any practice or act constituting bias-based policing or bias-based profiling.

Officers and civilian employees shall not harass or discriminate against individuals based on their actual or perceived gender identity, gender expression and/or sexual orientation, including by using offensive or derogatory words to describe LGBTQ+ individuals.

PROCEDURES

I. GENERAL

A. In accomplishing the mission of this agency, personnel must not exercise their authority based upon an individual's or class of individuals' race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, liability for service in the armed forces, physical or mental disability.

B. The following terms are defined:

1. Bias-based policing is the detention, interdiction, or other disparate treatment of an individual or class of individuals on the basis of their race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, gender identify, gender expression, LGBTQ+ status, physical or mental disability. Other synonymous terms include, racially influenced policing, discriminatory profiling, racial profiling, etc.

2. Cisgender: A person whose gender assigned at birth (sometimes referred to as sex assigned at birth) matches their gender identity. For instance, if a person was assigned female at birth, and self-identifies as a woman or girl, that person is cisgender.

3. Civilian contact is a consensual encounter between an agency employee and a member of the public, initiated by either party, wherein the person is free to terminate the encounter at any time.

4. Chosen name is a name selected by a person for themselves that is different from the name the person was given at birth. An individual may have chosen a new name for themselves that more accurately reflects their gender identity (actual or perceived) or expression.

5. Chosen pronouns are pronouns that a person chooses to use for themselves in line with their gender identity (actual or perceived). For example, 'she/her'; 'he/his'; and 'they/them'.

6. Detain or detention is the act of stopping or restraining a person's freedom to leave; approaching and questioning a person outside the realm of a consensual encounter, or stopping a person suspected of being personally involved in criminal activity.

7. Field interview/investigative detention is the brief detainment of a person, whether on foot or in a vehicle, based upon reasonable suspicion for the purposes of determining the individual's identity and resolving an officer's suspicions.

8. Gender assigned at birth: The gender that someone was thought to be at birth, typically recorded on the original birth certificate; the gender someone was assigned at birth may or may not match their gender identity.

9. Gender binary: A societal construction of gender that accords two discrete and opposing categories – male or female.

10. Gender identity is a person's internal, deeply held sense of gender. Unlike gender expression, gender identity is not visible to others.

11. Gender expression: A person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth. It is the manner in which a person represents or expresses their gender to others, such as through their behavior, clothing, hairstyles, activities, voice, or mannerisms.

12. Gender non-conforming: A person whose gender expression does not conform to traditional gender expectations. Not all gender non-conforming people identify as transgender.

13. Gender transition: A process during which a person begins to live according to their gender identity, rather than the gender they were assigned at birth. Gender transition looks different for every person. Possible steps in a gender transition may or may not include changing one's clothing, appearance, and name, and in some cases, changing identification documents or undergoing medical treatments. The steps each person takes depend on their individual needs and access to resources.

14. Intersex: A person whose biological sex characteristics may not fit medical definitions of male and female. These characteristics may include, but are not necessarily limited to, internal reproductive organs, external genitalia, and sex chromosomes

15. LGBTQ+ is an acronym that represents lesbian, gay, bisexual, transgender, and questioning individuals. The Q can also stand for queer. As the plus sign shows, this list is not meant to be exhaustive and, as used in this policy, the umbrella term also includes non-binary, gender non-conforming, and intersex individuals.

16. Non-binary is a term often used by people whose gender is not exclusively male or female. The term also captures those with more than one gender or with no gender at all.

17. Protected class – includes race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, gender identify, gender expression, LGBTQ+ status, physical or mental disability, or liability for service in the armed forces of the United States.

18. Queer: A term that, although pejorative when used with intent to insult (historically and at present), is increasingly used by members of the LGBTQ+ community as a broad umbrella under which sexual and gender minorities may identify.

19. Questioning: A term some people use when they are in the process of exploring their sexual orientation or gender identity.

20. Reasonable suspicion – is suspicion that goes beyond a mere hunch but, is based upon a set of articulable facts and circumstances that would warrant a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by a person or persons under suspicion. Reasonable suspicion can be based on the observations of a police officer combined with his or her training and experience and/or reliable information provided by credible outside sources.

21. Search is looking for or seeking out that which is otherwise concealed from view.

22. Sexual orientation: A person's romantic, emotional, or sexual attraction to members of the same or different gender. Common terms used to describe sexual orientation include but, are not limited to, straight, lesbian, gay, bisexual, and asexual. Sexual orientation and gender identity are different: gender identity refers to one's internal knowledge of their gender, while sexual orientation refers to whom one is attract

23. Stop is the restraining of a person's liberty by physical force or a show of authority.

24. Transgender is an umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they inherited at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms, including transgender.

    a. Transgender man: A term for a transgender person who was assigned female at birth but, identifies as a man.

    b. Transgender woman: A term for a transgender person who was assigned male at birth but, identifies as a woman.

25. Unknown, as used in this policy, is when the person's gender has not been disclosed and is otherwise unknown.

C. Officers/employees shall avoid using terms that are designated to harm or offend individuals based on their gender identify or gender expression. Examples include:

1. Hermaphrodite – the preferred term is intersex person;

2. Sex change, pre-operative, post-operative – the preferred terms are transition or transitioning;

3. Transgender as a noun (e.g., transgenders, a transgender) or as a verb (e.g., transgendered) – instead, use the word as an adjective (e.g., transgender person);

4. Slurs that serve to demean LGBTQ+ individuals (e.g., she-male, he-she, it, transvestite, trannie/tranny, dyke, faggot, gender-bender, etc.).

D. Bias-based policing of persons by employees of this department is strictly prohibited in detention, interdiction, traffic contacts, field contacts, and asset seizure and forfeiture.

E. Absent a valid warrant, reasonable suspicion, or probable cause, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, physical or mental disability (unless a danger to themselves or others) will not be a factor in determining whether to interdict, detain, stop, arrest or take a person into custody.

F. Unless in response to a specific report of criminal activity, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, physical or mental disability (unless a danger to themselves or others) will not be a factor in determining the existence of probable cause to arrest a person.

G. The stop or detention of any person(s) or vehicle(s) that is not based on factors related to a violation or violations of the laws and ordinances of the United States, State of New Jersey, County of Essex or Township of Bloomfield or in response to the police community caretaking function is prohibited.

H. Officers shall not search a person, their effects, or vehicle based upon race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, physical or mental disability (unless a danger to themselves or others).

I. Race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, physical or mental disability (unless a danger to themselves or others)shall not be a factor in any asset forfeiture proceedings.

J. Nothing in this general order shall be construed in any way to prohibit officers from taking into account a person's race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived), gender expression (actual or perceived), LGBTQ+ status, physical or mental disability (unless a danger to themselves or others), or liability for service in the armed forces, when such attributes are used to describe characteristics that identify a particular individual or individuals who is/are the subject of a law enforcement investigation; or who is/are otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution. Officers can consider such attributes (actual or perceived) as a factor when pursuing specific leads in an ongoing criminal investigation or is trying to determine whether a person matches the description in a B.O.L.O. (be on the lookout).

K. No officer will fail to respond to, delay responding to, or treat as less important, any call or request for service or assistance because of a person's race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation (actual or perceived), gender identity (actual or perceived),

gender expression (actual or perceived), LGBTQ+ status, physical or mental disability.

L. The intentional altering or concealing of any information related to enforcement actions by an officer when based on bias-based policing or discriminatory profiling factors is prohibited.

II. INTERACTIONS WITH TRANSGENDER PEOPLE

A. All personnel shall interact with transgender people and the transgender community in a professional, respectful and courteous manner. This includes transgender juveniles. This directive does not affect any other provisions in applicable directives and laws covering the processing and handling of juveniles

B. Officers shall not treat a person's transgender status or appearance as a basis of suspicion or as evidence of a crime or offense.

C. A person is considered transgender when either of these two conditions is met:

1. A person explicitly informs the officer(s) that the person is a transgender person; or

2. An officer has good reason to believe that the person is a transgender person. Good reason may be based on the individual's gender appearance and presentation, reasonable observation, background checks, third party information, prior interaction, and/or routine policing procedures.

D. If gender expression (actual or perceived) does not clearly indicate a transgender person's identity, officers may politely and respectfully ask how the person wishes to be addressed. For example, officers may ask a transgender person which name and pronoun the person prefers.

1. When a person self-identifies as a transgender person, officers should not question this identity or ask about the person's transition status. Officers shall not engage in any argument, disagreement, or debate regarding a person's self-identification as a transgender person.

2. If officers do question such self-identification or ask about a person's transgender status, officers should have compelling, professional, articulable reason for having done so. These reason(s) shall be thoroughly documented in the corresponding investigation report.

3. Officers shall not ask questions or make statements about a transgender person's genitalia, anatomy, breasts, sexual practices, or transition status. If an officer does ask such questions or make such statements, it shall be necessary to do so because of the ongoing criminal investigation or if the individual raises the issue, without prompting by the officer and the officer’s inquiries are tailored to ensure the individual’s safety and dignity. That officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the investigation report.

E. Whether or not the name on a person's driver's license or identification card coincides with the person's gender identity, an officer shall address or refer to the person by the name that the person has used to identify him or herself. An officer shall also use the pronouns consistent with the name provided by the person.

F. In the event a transgender person's legal name is required and, absent extenuating circumstances, an officer should ask the person for his or her legal name in a one-on-one situation. If the contact is in a group environment, the officer should ask the person to step outside the group to obtain the legal name to protect the privacy interests of the person.

G. Whenever a transgender person who is detained in custody requires or expresses a need for medical attention or medication (including, but not limited to hormone therapy), an officer shall respond to and address the need with the same urgency and respect as required in connection with any other medical need, illness, or injury experienced by any other detainee or arrestee.

H. Appearance-related items, including but not limited to, prosthetics, bras, clothes, undergarments, wigs, chest binders, or makeup should not be confiscated or removed from transgender people unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons.

1. If an officer confiscates or removes a transgender person's appearance-related items, that officer shall have compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding investigation report.

2. Mug shots will be taken depicting the person’s appearance at the time of arrest (e.g., officers shall not require a transgender person to remove a wig, etc.)

I. Under no circumstances should an officer disclose that a person is transgender to non-law enforcement personnel or to other non-relevant agency personnel. If an officer does disclose such information, that officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding investigation report.

J. If a person has self-identified as transgender, this information may be recorded in public documents. If an officer does record such information in any public document, that officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding investigation report.

K. All reports and data fields shall refer to a transgender person's name as shown on official documents. The person's chosen name shall be listed as an alias or ‘also known as’ (AKA). The narrative will identify an individual’s legal name and ‘chosen name’. Chosen names and chosen gender pronouns will be used throughout the narrative.

L. Under no circumstances shall an officer frisk, search, or otherwise touch any person for the purpose of obtaining information about that person's gender status. Officers shall comply with all existing directives, laws, New Jersey Attorney General directives and guidelines and Essex County Prosecutor’s Office directives

regarding search and seizure. Under no circumstances shall transgender people be subjected to more invasive search procedures than non-transgender people.

M. For most searches, the gender of the person being searched will not be relevant because the search may be conducted by detectives/investigators of any gender. That includes but, is not limited to, searches conducted under exigent circumstances, such as an immediate search in the field for weapons, when the detective/investigator and public safety are paramount, and searches incidental to arrest.

1. Nothing will change for these kinds of searches. A male officer can search a man or a woman (transgender or cisgender), and a female officer can search a man or a woman (transgender or cisgender).

2. Officers shall treat a transgender woman as they would treat any other woman and officers shall treat a transgender man as they would treat any other man, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.

3. Certain searches exist for which cross-gender searches are prohibited (e.g., non-exigent custodial strip searches) and when the gender of the person being searched thus matters (see subsection II.O below).

N. Transport a transgender arrestee alone, when requested and when doing so is practicable and ensures that individual's safety. If a transgender person must be transported with other arrestees, he/she shall be transported according to their gender identity or expression, regardless of the gender that the individual was assigned at birth and/or their anatomical characteristics.

O. When conducting pre-confinement, strip, or body cavity searches:

1. Officers shall respectfully ask transgender persons for their preference with respect to the gender of the searching officer and document that preference in the investigation report and with the approval of a supervisor to perform search in accordance with that preference.

2. If the transgender person refuses to provide such preference, searches shall be performed by an officer of the same sex in accordance with the individual's gender identity, regardless of the gender that individual was assigned at birth and/or his/her anatomical characteristics.

3. These requirements also apply to the licensed medical professional conducting a body cavity search.

P. When housing transgender or gender non-binary persons in temporary detention, officers shall house, place, or otherwise detain individuals in line with their gender identity or expression, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics unless they request otherwise (e.g., a transgender woman shall be housed with other women, unless she requests otherwise and a transgender man shall be housed with other men, unless he requests otherwise (see subsection II.P.1 below).

1. If a facility has available private cells and/or restrooms, officers shall not:

   a. Refuse to accommodate a request by transgender, non-binary, or gender non-conforming individuals to have a private cell or to use a private restroom, when doing so is practicable and ensures that individual's safety.

   b. Require someone to be housed, placed, or otherwise detained in a private cell or to use a private restroom on the basis of that person's actual or perceived gender identity or expression and/or sexual orientation, absent such a request.

   c. Unless impracticable, the denial of such request must be reviewed and approved by a supervisor. The denial shall be documented in writing.

Q. Officers shall permit individuals to use restrooms consistent with their gender identity or expression, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.

III. RESPONSIBILITIES

A. Supervisors of all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this general order and to take or recommend corrective action where indicated. Corrective action includes, but is not limited to:

   1. Counseling;

   2. Training;

   3. Punitive discipline (up to and including termination).

B. Commanders and supervisors regardless of assignment shall take or recommend corrective action if an employee, even when that employee is <u>not</u> under their direct command, does not appear to be in compliance with this general order.

C. Employees witnessing behavior contrary to this general order are required to take immediate action to end the behavior.

   1. Employees must immediately report their knowledge of the incident to their immediate supervisor in writing.

   2. If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it to another supervisor, the next level in the chain of command or directly to the internal affairs officer.

D. All agency personnel will complete mandated training courses issued by the Division of Criminal Justice regarding the LGBTQ+ community, this training may be delivered electronically and will be included as part of the employee's training file.

E. All police personnel will receive periodic training regarding cultural diversity and the prohibition against bias-based policing, including legal aspects. Periodic shall mean minimally once every three years.

IV. PROFILING COMPLAINTS

A. Any person may file a complaint with the Bloomfield Township Police Department if the individual feels that any law enforcement action was based solely on bias-based policing or discriminatory profiling. In addition, no one shall be discouraged, intimidated, coerced from filing, or discriminated against because they have filed a profiling complaint.

B. If a person makes an allegation that they have been subjected to bias-based policing or discriminatory profiling, the duty patrol supervisor shall allow the individual to complete a citizen's complaint form regarding the incident. The reports shall then be submitted to Internal Affairs.

C. All investigations of bias-based policing, profiling, and/or discriminatory practices shall be conducted in accordance with *General Order V2C15 Internal Affairs*.

D. Whenever this department conducts a criminal investigation into possible commission of the crime of official deprivation of civil rights in violation of N.J.S.A. 2C: 30-6, or pattern of official misconduct in violation of N.J.S.A. 2C: 30-7, which is based on two or more violations of N.J.S.A. 2C: 30-6, the Director of Public Safety or his/her designee shall promptly notify the Essex County Prosecutor's Office and shall provide such information as the prosecutor's office may require.

Policy 342 Interactions with Transgender Individuals

I. *Purpose and Scope*

This policy establishes guidelines in providing service to the transgender community.

II. *Policy*

The Roseville Police Department is committed to providing a consistently high level of service to all members of the community, without consideration of a person's actual or perceived race, color, sex, gender, gender identity/expression, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability. All members will act, speak, and conduct themselves in a professional manner towards an individual, or group of individuals, who identify as transgender or an associated subgroup. Members will not make discourteous or disrespectful remarks regarding another person's actual or perceived gender, gender identity/expression, or sexual orientation.

III. *General Guidelines*

During interactions with transgender individuals, members will respectfully treat individuals in a manner appropriate to their gender, or gender identity/expression. Members should address the individuals using the preferred pronouns and adopted name expressed by the individual, even if the name is not legally recognized. If one is uncertain about which gender the individual wishes to be addressed, one may respectfully ask the individual.

Members will not require proof of gender or challenge a person's gender identity or expression unless legally necessary. Members shall not use language that a reasonable person would find demeaning or derogatory with regard to an individual's actual or perceived gender, gender identity/expression, or sexual orientation.

IV. *Documentation*

For official documentation purposes, officers should document individual details as recorded on a government-issued identification or in a database. Unless an individual has completed gender conforming/affirming surgery or court-ordered name change, any arrestee's gender and/or name shall be documented by their government-issued identification. Any name used by the arrestee in reference to their gender identity/expression should be listed as an alias.

V. *Searches*

Unless there are exigent circumstances, an individual may request a preference of officer gender for searches. If requested, officers should accommodate an individual's request to be searched by an officer of a specific gender when possible.

VI. *Transportation*

If the individual requests, and whenever possible, transgender individuals will be

transported alone.

Date: 1/1/2019

Approved by Chief Rick Mathwig

SALINA POLICE DEPARTMENT GENERAL ORDER	Number **O2106-2**
SUBJECT: **INTERACTING WITH TRANSGENDER/LGBTQ PERSONS**	
EFFECTIVE: 3/25/2019 ISSUED: 3/25/2019 REVIEW: Annual	
CANCELS:	
AMENDS:	Distribution
CALEA References: 1.2.8., 1.2.9., 70.1.1.	A

POLICY

The Salina Police Department is committed to working with all of our diverse communities which it serves, including the transgender/LGBTQ community, with fairness and dignity. Police personnel, including sworn, non-sworn, and volunteers, shall interact with all citizens, including transgender and/or LGBTQ citizens, in a manner that is professional, respectful, and courteous. The Salina Police Department will not discriminate against anyone for any reason and will not assist in the discrimination against anyone.

Law enforcement activities which are bias-based or transgender/LGBTQ-based are not condoned, are unacceptable, and will not be tolerated by the Department. Bias policing is unethical, illegal, and serves to foster distrust of law enforcement by the community we serve. This policy will serve as a guideline for police personnel to prevent such occurrences.

DEFINITIONS

D1 **Gender Expression** - a subject's external appearance, including characteristics or behavior typically associated with a specific gender. The gender someone expresses can be different from the gender with which he/she/they identify. Cross-dressing (dressing in a manner typically associated with a gender other than the gender one identifies as) is a form of gender expression.

D2 **Gender Identity** - a subject's innate sense of their own gender. The gender someone identifies with may be different from the gender assigned at birth.

D3 **Sexual Orientation** - refers to whom subject is attracted to and to whom the subject feels drawn romantically, emotionally, and/or sexually.

D4 **Transgender Status -** an umbrella term that describes a subject whose gender identity or gender expression is different from that traditionally associated with that individual's sex at birth.

D5 **LGBTQ** - an acronym for Lesbian, Gay, Bi-sexual, Transgender, Queer and Questioning.

PROCEDURE

1. **Department personnel shall adhere to the following procedures when interacting with any transgender and/or LGBTQ persons:**

   1.1. Department personnel shall respectfully treat transgender individuals in a manner appropriate to the individual's gender identity and/or expression;

   1.2. Department personnel shall use pronouns as requested by the transgender individual (e.g., "she, her, hers" for an individual who self-identifies as a female; “he, him, his” for an individual who self- identifies as a male).

   1.3. Department personnel shall address a transgender individual, when requested, by a name based on their gender identity rather than that which is on their government issued identification.

a. Employees are encouraged to ask persons they suspect may be transgender how they wish to be addressed.

1.4. Department personnel shall treat all transgender persons in a manner appropriate to that individual's gender identity, which includes addressing them by their chosen or legal name, and shall use personal pronouns appropriate to the gender for which that the person identifies.

2. **Department personnel shall NOT interact with transgender and/or LGBTQ persons in the following manners:**

2.1. Department personnel shall not stop, detain, frisk, or search any person in whole or in part for the purpose of determining that person's gender or in order to call attention to the person's gender expression.

2.2. Department personnel shall not use language that is considered by mainstream standards as demeaning or derogatory, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation or any other personally identifying characteristics.

2.3. Department personnel shall not consider a person's gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime, including prostitution.

2.4. Department personnel shall not disclose an individual's identity to other arrestees, members of the public, or non-Department members, absent a proper law enforcement purpose.

2.5. Department personnel shall not use language that a reasonable person would consider demeaning, offensive, lewd, slang terms, or harassing to another person, in particular, language aimed at a person's actual or perceived gender identity or gender expression or sexual orientation.

2.6. Department personnel shall not question a subject's identity when the subject self-identifies as being a transgender person, except for clear and distinct reasons (i.e. the person's gender is related to a crime).

3. **Documenting Transgender Individuals**

3.1. Department personnel will document a transgender individual's legal name and legal gender on all legal documents to include citations, face sheets, affidavits, and booking paperwork.

a. A transgender person's chosen name should be documented in the 'AKA' or 'Alias' section on citations, face sheets, and booking paperwork.

b. In circumstances where there is doubt as to the legal name or gender of an individual, employees will defer to what is documented on identification issued to the individual by the State or any other government issued form of identification such as passport or driver's licenses.

4. **Searching Transgender/LGBTQ Individuals**

4.1. Transgender/LGBTQ persons shall not be subject to more invasive search or frisk procedures than non-transgender/non-LGBTQ persons.

a. When a pat down search/ frisk for weapons is necessary for safety, it will be conducted by a member of the same sex based on guidelines outlined in Section 3.1.b. of this policy.

b. <u>EXCEPTION</u>: If a member of the same gender is not immediately available, officer or public safety is compromised, and it is imperative that an immediate

search be conducted, members will not endanger themselves or the public to comply with this requirement.

c. When in doubt regarding any searches of a transgender individual, officers should notify a supervisor and request they respond to the scene prior to searching unless a delay would jeopardize officer or public safety.

4.2. Members taking transgender individuals into custody, accepting custody from other members, or conducting custodial searches will be responsible for conducting a thorough search in accordance with established Department procedures.

4.3. The gender of the Department member(s) performing custodial searches, including custodial searches incident to arrest, prior to transport, and within a designated holding facility, will be based on the gender guidelines as delineated in Section 3.1.b. of this policy.

a. When requested by a transgender individual, a Department member of the individual's gender identity or expression will be present to observe the custodial search. When practical, this observing member will be a sworn supervisor.

4.4. Requests to remove identity related items such as prosthetics, clothing, wigs, and cosmetic items will be consistent with requirements for the removal of similar items for non-transgender arrestees.

4.5. The possession of a needle which is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, especially, if the person being stopped or arrested has documentation from a physician for being in the process of a sex change.

5. **Supervisor Responsibilities**

5.1. Supervisors are responsible for promoting fair and impartial policing. They will make every effort to identify bias policing and will take corrective and/or disciplinary actions as appropriate to the situation. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased policing is occurring.

5.2. Complaints and/or violations of this policy will be handled in accordance with guidelines set forth in General Order O2106, Section 4.

BY ORDER OF

_____

CHIEF OF POLICE

Complaints

Department's current policy:

- Accepted in person, by mail, by phone, or by email
- Will accept anonymous complaints
- Complainants are interviewed by Commanding Officer or other available command staff on duty
- After complaint is made:
    - Complainant receives letter acknowledging that the complaint was received and is being investigated
    - If the complaint extends for more than 30 days, the complainant receives a status update every 30 days
    - At the end of investigation, complainant receives letter summarizing complaint's adjudication
- Complaint form states after preliminary investigation of complaint:
    - Chief may order a follow up investigation;
    - Department may contact complainant again to further discuss complaint; and
    - Chief may send complainant letter acknowledging receipt of complaint and informing complainant of results of investigation

Recommendations:

- Resolve inconsistencies between policy and complaint form
    - Complaints will be received in multiple form
    - Follow up is mandatory and within certain periods of time to report back to complainant
- Reiterate commitment to receiving all complaints from all persons in all forms
    - Ex. Bloomfield, NJ – specifically reiterate they will accept complaints from anonymous sources, juveniles, undocumented immigrants, persons under arrest, and persons in custody
- Provide channel of complaints for those not comfortable reporting directly to police department – i.e., Town Manager, LHRC, AGO, MCAD
    - Ex. Bloomfield, NJ – complainants expressing fears or concerns about reporting a complaint to the police department are referred to county prosecutor's office
    - Ex. Gaithersburg, MD – complainants who refuse to speak to a police officer can make complaint to civilian employee
- Allow citizens to make complaints about the department as an organization (i.e., practices, policies, and procedures)
    - Ex. Frederick, MD
- Detail the procedure for each different type of complaint
    - Ex. Frederick, MD
- Conduct annual review and analysis of complaints, with annual report for dissemination to public to follow
    - Ex. Bloomfield, NJ
    - Ex. DeSoto, TX
    - Ex. Frederick, MD
    - Ex. Indianapolis, IN

FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 16: Professional Ethics and Discipline **Order Number:** 1610
Topic: COMPLAINTS AND INTERNAL INVESTIGATIONS **Issued by:** Chief of Police
Approved: 03/11/19
Review: Annually in May by Professional Services Commander
Supersedes: G.O. 1610 dated 12/01/16

.01 PURPOSE:

To establish the procedures for receipt, review, and/or investigation of complaints against police department personnel or agency policies.

.02 CROSS-REF:

G.O. 500, "The Americans with Disabilities Act (ADA)"
G.O. 705, "Use of Force"
G.O. 1030, "Rank and Responsibility"
G.O. 1615, "Internal Investigation Procedures"
G.O. 1620, "Discipline"
G.O. 1650, "Employee Conduct (Sworn and Civilian)"
G.O. 1655, "Police Officer Conduct"
G.O. 1662, "Work Performance"
G.O. 1830, "Performance Evaluations"
G.O. 1920, "Discrimination and Sexual Harassment"
SOP-PSD-002, "Receipt of Complaint Reception Forms, Administrative Tracking, and Review of Investigations by PSD"
Records Retention Policy
Labor Agreement

.03 DISCUSSION:

.04 POLICY:

It is the policy of the Frederick Police Department to provide citizens with a fair and effective process for addressing their complaints, concerns, or grievances against agency employees. Likewise, the Department acknowledges its obligation to protect its employees from false and/or frivolous allegations of wrongdoing as they perform their duties and will, if necessary, investigate even those accusations that appear to be implausible or unlikely in order to clear the reputation of the accused employee and ensure the integrity of its complaint process.

The Department will review, evaluate, and if warranted investigate all complaints which it receives, from whatever source and whether the complainant is known or unknown, or whether that complaint concerns the conduct or behavior of an employee or is against the Department as an organization because of one of its policies, practices, or procedures.

The Department will, based on court decisions, accept and evaluate any complaint alleging excessive force even if the complainant/reporting person refuses to swear to the complaint and/or sign the complaint. Based on its evaluation of the allegation/incident, the Department will determine if it will proceed with an investigation as permitted by law (Maryland State Police v. Resh, 65 Md. App. 167, 499 A.2d 1303 [1985]).

Any employee accused of wrongdoing will be afforded all of the due process safeguards to which they are entitled by law, rule, or other agreement.

.05 DEFINITIONS:

CITIZEN INFORMATION BROCHURE - A brochure, in English or Spanish, that outlines the complaint investigation process and contains an abbreviated Complaint Reception Form.

.12 TYPES OF COMPLAINTS:

1. Except as otherwise stated in this Order, **ALL EXTERNAL COMPLAINTS REQUIRE THE COMPLETION OF A COMPLAINT RECEPTION FORM (CRF) OR A PERFORMANCE ACTION FORM (PAF).**

2. The categories of Complaints the Department recognizes for purposes of this General Order are the following:

   A. **CATEGORY ONE:**
   An expression of dissatisfaction or concern by a citizen that does not involve any violation of laws, ordinances, or General Orders, and lend themselves to *direct and immediate* resolution by the supervisor/command officer who speaks to the citizen.

   B. EXTERNAL COMPLAINTS (CATEGORY TWO):
   (1) A Complaint about a Minor Violation (as defined in this Order) of the Department's General Orders, ordinances, or laws which is brought to the attention of the Department by an individual **outside** of the Department which, if sustained, *usually* would result in administrative and/or disciplinary action not to exceed Summary Punishment. External Complaints are further divided into two distinct types:

   a. **External Disciplinary Complaints (Type A):**
   A "formal" Complaint, wherein the supervisor/investigator will conduct an investigation into the allegation(s) and determine if there has been a violation of orders, ordinances, or laws. (A CRF is completed.)

   b. **External Performance Complaints (Type B):**
   The supervisor has determined that the violation is such that the appropriate course of action is informal correction, guidance, and/or training and the matter will not result in disciplinary action; however, the incident will be noted for evaluation purposes in accordance with G.O. 1830, "Performance Evaluations." Performance complaints will be documented using the Supervisor's Performance Action Form (PAF).

   (2) External Disciplinary Complaints may be handled by the first line supervisor or by the PSD. Specific rules for Category Two Complaints can be found in Section .26.

   C. INTERNALLY-GENERATED COMPLAINTS (CATEGORY THREE):
   (1) A Complaint about a Minor Violation (as defined in this Order) of the Department's General Orders, ordinances, or laws which either a supervisor/command officer has observed or otherwise has direct, personal knowledge about or that another employee of the Department has brought to the attention of a supervisor/command officer. Internally generated Complaints are also further divided into two types:

   a. **Internal Disciplinary Complaints (Type A):**
   A "formal" Complaint, wherein the supervisor/investigator will conduct an investigation into the allegation(s) and determine if there has been a violation of orders, ordinances, or laws;

   b. **Internal Performance Complaints (Type B):**
   The supervisor has determined that the allegation/violation is such that the appropriate course of action is informal correction,

guidance, and/or training and the matter will not result in disciplinary action; however, the incident will be noted for evaluation purposes in accordance with G.O. 1830, "Performance Evaluations." A CRF will not be completed.

(2) All internally generated Complaints that will be formally investigated (Type A) require the completion of a CRF. For complaints closed as performance issues supervisors will note the performance deficiency and retain that information to assist in the completion of performance evaluations. A Performance Action Form (PAF) may be completed.

(3) Internally generated Complaints are normally handled by the first line supervisor.

D. **PSD COMPLAINTS (CATEGORY FOUR):**

(1) A Complaint that falls under any of the following criteria:

a. Allegations that on their face appear to involve a **serious** violation of the General Orders of the Department;

b. Allegations of a criminal violation under the Code of The City of Frederick, Maryland law, or the laws of the United States;

c. Investigations that it is believed will require a detailed, extensive investigation to determine the truth of the allegation.

d. Any Complaint designated by the Office of the Chief as a Category Four Complaint.

2. Category Four Complaints are handled by the Internal Affairs Unit or an individual designated by the Office of the Chief.

E. **ORGANIZATIONAL COMPLAINTS (CATEGORY FIVE):**

(1) A Complaint from a source outside the Department concerning its current use of a particular, specific departmental policy, practice or procedure. A Category Five Complaint will be handled by an individual designated by the Office of the Chief.

(2) Employees with Organizational Complaints may use the "grievance procedure" as outlined in the Labor Agreement or the City Policies and Procedures, as applicable.

F. *The categorizing of a Complaint does not prohibit the Department from offering/imposing appropriate discipline, up to and including termination of employment, for sustained violations of Department General Orders, ordinances, and/or laws, regardless of the category of the Complaint.*

.14 COMPLAINT DISPOSITIONS:

1. The Department classifies allegations into seven (7) categories of "findings." The "findings" are:

A. RESOLVED AT INTAKE- No Violation
The supervisor has determined that the matter complained about is not a violation of orders, ordinances, or laws.

the complainant by the receiving supervisor.

J. If the supervisor is receiving a Complaint regarding an employee they do not supervise and the Complaint cannot be resolved at intake, the supervisor will forward the completed CRF to the PSD. The PSD will send a copy of the CRF to the employee's supervisor if the Complaint is not a Category 4 Complaint. Upon receiving a CRF, the employee's supervisor will properly classify the Complaint and obtain a Tracking Number from the PSD.

K. IN ALL CASES WHERE AN EXTERNAL COMPLAINT IS RECEIVED, A CRF OR A PAF WILL BE COMPLETED. IF THE RECEIVING SUPERVISOR IS UNSURE ABOUT HOW THE COMPLAINT WILL BE HANDLED, A CRF WILL BE COMPLETED. If it is later determined that an incident will be handled as a performance issue, the handling supervisor will complete a PAF and attach the CRF to it.

2. TELEPHONE COMPLAINTS:
Any non-supervisory employee who receives a telephone call in which a citizen states that he wishes to make a Complaint will determine if an on-duty supervisor is available and immediately transfer the call to that supervisor/command officer. ***In no case will any employee transfer a citizen who is making an inquiry or Complaint to a supervisor's voice mail unless the complainant specifically requests that this be done.***

3. COMPLAINTS BY FAX, MAIL, OR ELECTRONIC MAIL:
In the event that any non-supervisory employee receives or is forwarded an inquiry/Complaint about the behavior or performance of another employee, that employee will *immediately* give that correspondence to his supervisor if available or to the on-duty patrol supervisor/command officer. The supervisor/command officer will complete a CRF, attach the correspondence, and forward it to the employee's supervisor for classification/handling.

4. All citizen-completed CRF's will be submitted to the PSD, regardless of how the Complaint is handled or if a CRF is necessary.

.24 HANDLING OF CATEGORY ONE COMPLAINTS:

1. Category One Complaints, by definition, involve an expression of dissatisfaction or concern by a citizen but do not involve any violation of laws, ordinances, or General Orders, and lend themselves to *direct and immediate* resolution by the supervisor/command officer who speaks to the citizen.

2. The supervisor/command officer handling the Category One Complaint will discuss the incident with the citizen and make every effort to inform, educate, or otherwise assist the citizen in understanding the circumstances of the incident that led to their contacting the Department.

3. Category One Complaints normally **will not** be documented by the handling supervisor, but **may** be documented at the supervisor's discretion or upon the direction of a superior in an administrative report. **If there is any doubt as to whether a citizen's dissatisfaction indicates a violation of General Orders, laws or ordinances, the supervisor/command officer speaking with the citizen will complete a CRF or PAF as appropriate and follow the procedures in this Order.**

4. It is recommended that the supervisor make personal notes and retain them as to the contact with the citizen for a reasonable period of time, in the event that the citizen decides to appeal any decision of the supervisor to higher authority. In the event that a citizen does so, the

higher authority may require that an administrative report be completed by the receiving supervisor to document the contact with the citizen.

.26 HANDLING OF "MINOR" COMPLAINTS (Categories 2 and 3):

1. GENERAL:

   A. Supervisory personnel are given the latitude to deal with Complaints that involve Minor Violations as defined in this Order. Consequently, supervisors, based on their experience, training, and/or direction from superiors, will make determinations as to whether the best interests of the Department are served by the imposition of formal discipline or the use of non-punitive measures such as counseling and/or supervisory direction, remedial training, or the inclusion of information about an incident in an employee's performance evaluation, in addressing Minor Violations. These minor Complaints are usually handled by an employee's immediate supervisor.

   B. While the Department believes that the latitude to select the appropriate action should normally rest with the first-line supervisor when dealing with Minor Violations, the Department also believes that it is essential to provide them with written guidelines so that supervisors and subordinate personnel have a clear understanding of the limits of this supervisory discretion. Thus, minor Complaints have been further divided into two (2) separate types.

2. DISCIPLINARY COMPLAINTS (TYPE A):

   A. A Complaint will be classified as a Disciplinary Complaint if, because of the nature of the violation and/or its frequency of occurrence, the violation has effected or, if allowed to go unaddressed, could have an impact on the effectiveness, discipline, good working order or professional reputation of the Department and requires, if sustained, that some form of discipline be imposed.

   B. Because a Disciplinary Complaint may involve the recommendation of some form of administrative/disciplinary action, it must be formally documented and handled consistent with the LEOBR (if applicable) and/or this Order.

   C. Non- PSD Supervisors/command officers who handle a Disciplinary Complaint will:

      (1) Ensure that a CRF is completed and obtain a Tracking Number from the IAU. If the IAU is unavailable, the supervisor/command officer will leave a voice or electronic mail message requesting a Tracking Number be assigned to the Complaint. The IAU will provide the number by return call/voice mail or electronic mail as soon as possible. The supervisor/command officer conducting the investigation into a Complaint may proceed with the investigation pending receipt of the number from the IAU;

      (2) Provide the IAU with the following information at the time the Tracking Number is requested:

         a. date Complaint received;

         b. complainant name;

         c. accused employee name(s); and,

         d. alleged violation(s);

(3) Send the **original** CRF to the IAU with the assigned number on it. A copy of the CRF will be retained for investigative purposes by the supervisor;

(4) Prepare a "Notification to Accused of Complaint" (Form PSD-007) and deliver it to the accused. A completed copy of the Notification will be included in the investigative file.

a. When a Disciplinary Complaint is based on the observation or direct personal knowledge of a supervisor/command officer (internally generated), the "investigation" into that type of violation will, in most instances, be limited to a report from the supervisor/command officer observing the infraction as well as accounts from any witnesses whom the supervisor/command officer determines to be necessary or appropriate. Likewise, while it may not be necessary to question an accused employee about his activity because of the supervisor's/command officer's first hand knowledge of the violation, the supervisor/command officer may offer the accused employee the opportunity to waive his LEOBR rights (if applicable) in order to explain and/or mitigate his behavior only. The Department relies on the good judgment of its supervisors/ command officers regarding the appropriateness of this action.

b. If the accused waives his LEOBR rights and voluntarily discusses mitigation with the supervisor, his statement does not have to be tape recorded unless the supervisor believes it is necessary to do so. However, a written account of the statement will be made and signed by the supervisor, and countersigned by the accused. This statement will be included in the investigative file.

c. If an interview of the accused is deemed necessary to gather information about the allegation/incident under investigation, the accused will be accorded all rights under the LEOBR (if applicable) and all investigative procedures, including tape-recorded and transcribed statements, will be observed;

(5) Conduct the investigation per established procedures (G.O. 1615, "Internal Investigations Procedures");

(6) Ensure that the investigation is completed in a timely fashion. The investigator will maintain liaison with his supervisor to advise him of the status of the investigation in whatever manner the supervisor deems appropriate. Investigations open in excess of 30 days will be reported by the PSD to the Office of the Chief and affected division commanders, who will discuss the status of investigations with investigators and ensure a timely closure;

(7) Prepare the investigative report as outlined in G.O. 1615, "Internal Investigation Procedures" Section .40;

(8) Submit the completed investigation **DIRECTLY TO THE PSD**. If the investigation sustains any violation by the accused, the supervisor will submit a recommendation for administrative/disciplinary action with the investigation utilizing Form PSD-013, including any positive or negative factors that were considered in reaching their recommendation. **Note:** Recommendations for administrative/ disciplinary action, although submitted

with an investigation, <u>are not a part of the investigative report</u>; and,

(9) The PSD will, after review and approval of the investigation, submit it to the accused's chain of command for review. The PSD may also send an investigation back to the investigator for further investigation or documentation.

D. Supervisors/command officers who believe that it is inappropriate for them to investigate a Disciplinary Complaint either because the employee is not in their direct chain of command or because of some other articulable reason will:

(1) Complete a CRF per Section .22 of this Order;

(2) Explain to the complainant that an investigator will contact them to discuss the Complaint;

(3) Forward the completed CRF to the employee's supervisor on the same day it is received. The employee's supervisor will properly classify the Complaint and submit the CRF to the PSD on the same day it is received by them; and,

(4) If the receiving supervisor is the employee's supervisor and feels that it would be inappropriate for him to investigate the Complaint, the supervisor will discuss the matter with his division commander and be guided by the commander's instructions.

3. PERFORMANCE COMPLAINTS (TYPE B):

A. **ALL <u>EXTERNAL</u> PERFORMANCE COMPLAINTS THAT ALLEGE A VIOLATION OF GENERAL ORDERS OR LAW REQUIRE THE COMPLETION OF A PAF.**

B. A Complaint is classified as a Performance Complaint if the minor infraction is of such a nature and/or its frequency of occurrence is such that a supervisor/command officer believes the behavior must be immediately corrected and should be documented and noted in the individual's Performance Evaluation Report, as appropriate. Supervisors may administer informal discipline as outlined in G.O. 1620, "Discipline" subject to review.

C. A Performance Complaint will not involve the imposition of discipline unless the violation is of such a nature that higher command orders the violation to be reclassified as a Disciplinary Complaint. Normally, a Performance Complaint will result in the documentation of the infraction by the supervisor/command officer with that documentation serving as the basis for inclusion, as appropriate, in the individual's performance evaluation.

D. Supervisors/command officers who receive a performance Complaint will:

(1) If EXTERNAL:

a. Document the infraction on a PAF;

b. Obtain division commander approval;

c. Once approved, discuss the incident with the employee;

d. Provide a copy of the PAF to the employee;

e. Retain a copy of the PAF and forward the original to PSD; and

f. If the division commander does not approve the performance closure he will return the PAF to the supervisor with instructions for follow-up.

(2) If INTERNAL:

a. Bring the infraction to the employee's immediate attention for correction;

b. Note the incident for evaluation purposes (per G.O. 1830, "Performance Evaluations") so that the matter can be included in the individual's next performance evaluation, as appropriate;

c. Exception: If the violation is "Improper Vehicle Operation," document the infraction on a PAF and the follow steps above in D(1)b-e.

E. The PSD sends a letter to the complainant in all complaints outlining the Department's response to their Complaint.

4. PSD personnel who handle Category 2 complaints will follow the procedures outlined in this order and G.O. 1615, "Internal Investigation Procedures."

.28 HANDLING OF PSD COMPLAINTS (CATEGORY FOUR):

1. The Department recognizes that there are other allegations that, because they are serious or may require a detailed, time-intensive investigation, need to be investigated by an individual outside the accused's direct chain of command. These Complaints are Category Four Complaints.

2. Because of the time-intensive nature of a PSD Complaint, the PSD or an investigator designated by the Office of the Chief will be responsible for conducting the investigation into a Category 4 Complaint. Upon receipt of a CRF alleging a violation or incident that falls within a Category 4 Complaint as described in this Order, the PSD will:

A. Review the CRF to ensure that it is a PSD Complaint and that the information contained in it is complete;

B. Assign a tracking number to the Complaint;

C. Assign an investigator to the case;

D. Prepare a letter for the signature of the Chief of Police to the complainant acknowledging receipt of the Complaint and identifying the name and contact information of the investigator assigned to the case;

E. Notify the complainant as soon as possible, by telephone or in person, that the Complaint has been received and set up a date, time, and location for an interview;

F. Prepare and deliver to the accused (through their supervisor, if possible) a "Notification to Accused of Complaint" (Form PSD-007). In excessive force Complaints, the Notification will not be made until a sworn Complaint is made or a decision has been made to proceed with an excessive force Complaint without a sworn Complaint. In the case of allegations of ongoing misconduct, the PSD Commander may determine that the notification be delayed if such notification would be detrimental to the investigation. Supervisors will always be made aware of

allegations against their subordinates

G. Conduct the investigation per procedures (G.O. 1615, "Internal Investigation Procedures"). The investigation of sworn personnel will be conducted according to the provisions of the LEOBR (if applicable), as well as the procedures established by the Department;

H. Send a letter to the complainant outlining the status of the investigation a minimum of once a month, until the internal investigation is completed and adjudicated;

I. Consult with the City Legal Department as appropriate;

J. Submit the completed investigation to the accused's chain of command for review and concurrence/non-concurrence;

K. Prepare charging paperwork and/or Personnel Orders as appropriate and necessary;

L. In consultation with the City Legal Department, make preparations for an Administrative Hearing Board when necessary; and,

M. Send a letter to the complainant explaining the Department's findings upon the conclusion of the case.

3. In the event that an employee is accused of criminal misconduct, any criminal investigation will be conducted by the appropriate investigator or agency **PRIOR TO ANY DEPARTMENTAL INITIATION OF DISCIPLINARY ACTION.** An administrative *investigation* may be conducted. The Chief of Police may, at his discretion and based on available, relevant facts, elect to suspend an employee, with or without pay, or suspend an employee's police powers, pending the conclusion of the investigation as permitted by law and/or Department policy.

.30 HANDLING OF ORGANIZATIONAL COMPLAINTS:

1. The Office of the Chief may, at its discretion, assign any employee of the Department to investigate issues brought to its attention by citizens outside the Department which deal with a legitimate question about an administrative or operational policy, practice, or procedure, e.g., its hiring practices or vehicle stop procedures. The Department will address these Complaints, although the length of the investigation and the type of response given by the Department is significantly different than when addressing individual behavior issues. The Department has created this final Complaint category to deal with concerns it determines to be organizational Complaints, i.e., Complaints leveled at the Department as a law enforcement agency by individuals outside the Department.

2. If the Office of the Chief determines that there is sufficient reason to address the issue as an Organizational Complaint the initiating official will:

A. Cause a CRF to be completed and forwarded to the PSD;

B. Designate a member of the Department to address the issue. This individual will maintain liaison with the PSD until the matter is resolved; and,

C. Respond to the complainant when the matter is resolved as appropriate and approved by the Office of the Chief.

D. Forward a copy of the resolution of the matter to the PSD for filing.

3. Understanding that concerns of this type may require a period of extensive and/or prolonged research, the Department reserves the right to determine the length of time that each Organizational Complaint will require to be resolved on a case by case basis. The individual assigned by the Office of the Chief to resolve the issue will be responsible for providing the initiating official with periodic updates as directed.

4. Organizational Complaints will NOT require that the internal investigation report format be followed. The initiating official will designate the appropriate reporting format needed to respond to Organizational Complaints.

5. Organizational Complaints filed by employees of the Department will be handled in accordance with established grievance procedures.

.32 EXCESSIVE FORCE COMPLAINTS:

1. Because Complaints of excessive force carry special requirements under law, the proper handling of the receipt of these Complaints is critical. Supervisors who speak with citizens about an excessive force Complaint will:

   A. Determine if medical treatment by a medical professional is required;

   B. Photograph any and all injuries or alleged injuries;

   C. Explain the requirements of law set forth in LEOBR (Public safety Article, Section 3-104):

   Complaint that alleges brutality

   (c)(1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is signed and sworn to, under penalty of perjury, by:

   (i) the aggrieved individual;

   (ii) a member of the aggrieved individual's immediate family;

   (iii) an individual with firsthand knowledge obtained because the individual

   (1) was present at and observed the alleged incident; or

   (2) has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or

   (iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

   (2) Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

   D. Explain that a sworn statement will be requested in the course of the investigation. A citizen-completed CRF may be sworn to at the time it is received. If a complainant refuses to swear to and sign a completed CRF, the supervisor will inform the individual that the Department's investigation may be hampered by their lack of cooperation. The unsigned CRF will be forwarded directly to the PSD with a notation that the complainant *refused to swear to and sign the CRF;*

   E. Complete a CRF and submit it directly to the PSD by the end of the working day.

.42 STATISTICAL SUMMARY OF COMPLAINTS:

1. The PSD will be responsible for maintaining a statistical summary of the Department's present year Complaint experience as well as an annual summary of that year's Complaint history, which will be provided to the Office of the Chief in the first quarter of the succeeding year. The format of the summary and the data to be included will be developed by the PSD and revised as directed by the Chief of Police.

2. The Office of the Chief will disseminate an annual summary of the Department's Complaint history to anyone requesting the information and include it in an annual Professional Services Division report. Identities of accused employees will not be released.

.45 SUMMARY CHART OF COMPLAINTS:

Source	How handled	CRF/PAF?	Action
External- No Violation (Category 1)	Address concern	None	Make personal notes if necessary
External (Category 2)	Disciplinary (2A)	CRF	PSD may handle; Investigation, submit to PSD upon completion
	Performance (2B)	PAF	Note for evaluation; complete PAF and submit to PSD; maintain copy for unit file and copy to employee
Internal (Category 3)	Disciplinary (3A)	CRF	Investigation, submit to PSD upon completion
	Performance (3B)	PAF*/None	PAF*/Note for evaluation as appropriate
Internal/External- PSD Complaints (Category 4)	Disciplinary	CRF	Refer to PSD for investigation
Organizational Complaints (Category 5)	To be determined by the Office of the Chief	CRF	To be determined by the Office of the Chief

*A departmental at-fault accident handled as performance matter must use a PAF.

	GAITHERSBURG POLICE DEPARTMENT		
	Internal Affairs		
	GENERAL ORDER 209.1	Related CALEA Standards: 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.2.8	
	Effective Date 08/06/2020		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 08/06/2020

1. **PURPOSE** - The purpose of the Department's internal affairs function is to ensure that the integrity of the Department is maintained through an internal system in which objectivity, fairness and justice are ensured through impartial investigation and review of all complaints made against the Department or any of its personnel.

2. **POLICY** - The Department's internal affairs function operates at the direction of the Chief of Police and any department member assigned to the internal affairs function shall report directly to the Chief of Police. All investigations shall be conducted in accordance with the provisions of the Law Enforcement Officers' Bill of Rights, Maryland Public Safety Article § 3 Subtitle 1 (LEOBR).

   Requests by officers to expunge internal affairs records are honored in accordance with the provisions of the LEOBR.

   The Department will investigate all complaints received to include anonymous.

3. **DEFINITIONS**

   3.1. Employees - Within the context of this directive, the term "employee" includes both sworn and civilian members of the Gaithersburg Police Department.

   3.2. Complaint - Within the context of this directive, the term "complaint" refers to any communication that alleges action or inaction on the part of a police department employee that, if true, would constitute a violation of established rules and regulations. In every instance where an allegation, if proven factual, would constitute misconduct, the complaint will be processed in accordance with this directive.

4. **PROCEDURE**

   4.1. General Provisions

   4.1.1. Responsibilities of the internal affairs function include:

   4.1.1.1. Recording, registering and controlling investigations of complaints against personnel;

   4.1.1.2. Supervising and controlling the investigation of alleged or

the complainant, the Department employee who is speaking with the complainant shall offer to accept the complaint.

4.2.2.4.2. If a walk-in or telephone complainant does not wish to speak with a police officer, the complaint shall be accepted by any employee.

4.2.2.4.3. Regardless of which employee accepts the complaint, (whether a police officer or other employee) the employee shall not attempt to influence the complainant in any manner.

4.2.2.5. Email complaints and complaint inquiries will be directed to Lieutenant Chris Vance at: chris.vance@gaithersburgmd.gov.

4.2.2.6. Citizens should receive an initial response to their complaint within 72-hours.

4.2.2.7. In the event of an investigation, complainants will receive updates to their complaint a minimum of one time per month until the complaint is resolved. The Department will document update communications and attempt to update the complainant.

4.2.2.8. The Gaithersburg Police Department will notify the complainant of the outcome of the complaint within 72-hours of a disposition, including any discipline imposed in accordance with established confidentiality policies and any applicable law.

4.2.2.9. The process for filing citizen complaints and a timeframe for outcomes will be posted in a public area of the Gaithersburg Police Department, and on the Gaithersburg Police Department's website.

4.2.3. When any agency employee is contacted by an individual for the purposes of complaining about an officer's actions or inactions, the employee shall obtain from the complainant his or her name, contact information, date and time of the encounter and the name of all involved officers, if known.

4.2.3.1. The employee shall then notify a police supervisor who will

BLOOMFIELD POLICE DEPARTMENT GENERAL ORDERS		
VOLUME: 2	**CHAPTER: 15**	**# OF PAGES: 32**
SUBJECT: INTERNAL AFFAIRS		
BY THE ORDER OF: **Samuel A. DeMaio** **Director of Public Safety**	**ACCREDITATION STANDARDS:** **1.3.1, 1.4.3a-e**	
Effective Date: **6/10/2020**	**SUPERSEDES ORDER #: GO V2C15 2/26/2015**	

PURPOSE: The purpose of this general order is to maintain a high quality of law enforcement services. Improving the relationship between employees and the public facilitates cooperation vital to the department's ability to achieve its goals. This department is committed to providing law enforcement services that are fair, effective, and impartially delivered. Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This department must be responsive to the community by providing formal procedures for the processing of complaints regarding individual employee performance. An effective disciplinary framework permits department personnel to monitor employee compliance with department general orders, assist employees in meeting department objectives, enhance performance, and permit managers to identify problem areas which require increased training or direction. Finally, this general order shall ensure fundamental fairness and due process protection to citizens and employees alike.

POLICY: It is the policy of the Bloomfield Township Police Department to accept and investigate all complaints of agency and employee's alleged misconduct or wrongdoing from all persons who wish to file a complaint, regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles, undocumented immigrants, and persons under arrest or in custody. Following a thorough and objective examination of the available factual information, a conclusion will be determined and the employee shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct. All employees, regardless of rank/title, shall be subject to disciplinary action for violating their oath and trust. Committing an offense punishable under the laws of the United States, the State of New Jersey, or municipality constitutes a violation of that oath and trust. Employees are also subject to disciplinary action for the willful or negligent failure to perform the duties of their rank or assignment. In addition, employees may be disciplined for violation of any rule or regulation of the department or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary/corrective action in all matters will be determined based upon the merits of each case. Investigators conducting the investigation of any allegation of misconduct shall strive to conduct a thorough and objective investigation respecting the rights of the principal, any other law enforcement officer, and all members of the public. Accordingly, any supervisor and any officer who may be called upon to conduct an internal affairs investigation must be thoroughly familiar with the department's Internal Affairs policy.

b. The Public Safety Director or designee shall immediately notify the County Prosecutor of any use of force by an officer that results in death or serious bodily injury.

10. The Bloomfield Police Department must submit quarterly reports to the Essex County Prosecutor's Office summarizing the allegations received and the investigations concluded for that period. Each county prosecutor shall establish a schedule for the submission of the reports and specify the content of the reports.

11. The Bloomfield Police Department shall annually release reports to the public summarizing the allegations received and the investigations concluded for that period. These reports shall not contain the identities of principals or complainants.

12. The Bloomfield Police Department shall periodically release a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the agency. The synopsis shall not contain the identities of the principals or complainants.

13. The Bloomfield Police Department shall report to the Essex County Prosecutor's Office.

    a. A finding by a court or the appropriate administrative fact-finder that a police officer has filed a false report or submitted a false certification in any criminal, administrative, employment, financial or insurance matter in his or her professional or personal life.

    b. Any pending court complaint or conviction for any criminal, disorderly persons, petty disorderly persons, municipal ordinance or driving while intoxicated matter.

    c. A finding that undermines or contradicts a police officer's educational achievements or qualifications as an expert witness.

    d. A finding of fact by a judicial authority or administrative tribunal that is known to the officer's employing agency which concludes that a police officer intentionally did not tell the truth in a matter.

    e. A sustained finding that a police officer intentionally mishandled or destroyed evidence.

    f. A sustained finding that a police officer is biased against a particular group enumerated in the *Department's Bias Based Profiling* general order.

    g. Any open/pending Internal Affairs investigations against the police officer at the time of a request by the Essex County Prosecutor and/or his/her designee.

IV. ACCEPTING COMPLAINTS

A. Duty of Employees to Self Report

Internal Affairs recordkeeping system and classification by the Public Safety Director/Internal Affairs Unit Supervisor.

4. All department personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.

   a. An employee of the department who interferes with or delays the reporting or investigation of such complaints may be subjected to disciplinary action.

5. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If the complainant expresses fears or concerns about making the report directly, he/she will be referred to the respective county prosecutor's office.

6. If a complaint is received from another law enforcement agency, the complaint will be forwarded to the Public Safety Director/Internal Affairs Unit Supervisor for classification.

7. Complaints against the Public Safety Director and command staff members may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the Essex County Prosecutor.

8. In accordance with the Attorney General's Directive No. 2018-6 on immigration issues, no state, county or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness or person requesting or receiving police assistance.

D. Complaints shall be handled as follows:

1. <u>All complaints</u> will be forwarded to the Public Safety Director/Internal Affairs Unit Supervisor for classification and entry into the record keeping system.

2. Unless otherwise directed by the Public Safety Director or designee, complaints classified as a performance deficiency shall then be forwarded to the supervisor of the employee for investigation and corrective action.

3. All other complaints classified as misconduct shall be retained by the Internal Affairs Unit.

4. The principal shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

V. IMMEDIATE SUSPENSIONS

A. Suspension Pending Disposition or Investigation

1. A supervisor or Public Safety Director may immediately suspend an employee from duty if it is determined that one of the following conditions exists:

Indianapolis Metropolitan Police Department

Complaints (/department/IMPD/complaints/) | Use of Force (/department/IMPD/useofforce/) | Officer Involved Shootings (/department/IMPD/officerinvolvedshootings/)

Citizen Complaints

About Citizens' Police Complaint Office data

The Citizens' Police Complaint Office (CPCO) (http://www.indy.gov/egov/city/dps/cpco/pages/home.aspx) gathers this data as part of accepting and investigating resident complaints about interactions with IMPD officers. More information is available in the CPCO FAQ (http://www.indy.gov/eGov/City/DPS/CPCO/Pages/faq.aspx).

Why we're sharing the data - transparency to build trust

We believe that being transparent about our work will help us better serve the people of Indianapolis, and that being accountable to our citizens will allow us to work together to improve relationships between IMPD and Indianapolis residents.

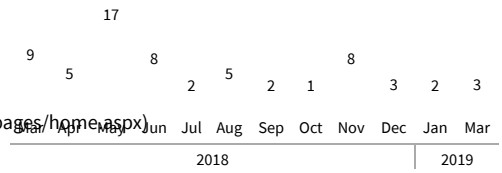
What you can do with the data
We have done some initial analysis on this dataset, though there are many other ways the data can be compared and analyzed. The underlying data is available here (https://www.projectcomport.org/department/IMPD/schema/complaints) for public use.

Get this dataset (/department/IMPD/schema/complaints/)

Table of Contents

- Complaints By Month
- Complaints By Allegation
- Complaints By Allegation Type
- Findings of Complaints
- Complaints By District or Branch
- Marion County & IMPD Demographics
- Race of complainants and officers
- Complaints by Officer

Complaints By Month Mar 2018 — Mar 2019



The current month shows complaints to date, so will not be a complete count until the month ends.

Complaints By Allegation Mar 2018 — Mar 2019

Unspecified	61
Rude, Demeaning, or Affronting Language	7
Rude, Discourteous, or Insulting Language	6
Intimidation/Improper Display of Police Authority	6
Failure to Perform Duties Which Maintain Satisfactory Standards of Efficiency/Objectives of Department.	5
Failure to Conform to the Department's Rules, Regulations, Orders, Policies, and Sops While Off Duty	5
Members Shall Not Use More Force Than Reasonably Necessary	3
Failure to Provide Name or Badge Number	3
Rude, Discourteous, or Insulting Gesture(s)	2
Indecent or Lewd Language	2
Failure to Make and Turn in All Reports Promptly, Accurately, and Completely in Conformity With Department Orders.	2
Rude, Demeaning, or Affronting Gestures	1
Failure to Make a Report When Approached by a Citizen	1
Improper Use of Weapon	1
Failure to Secure Property	1
Unreasonable Handcuffing/Detention	1
Members Shall Conform to Established Work Standards to Their Rank/Position.	1

Complaints are mapped to the regulations that IMPD officers must follow. The most frequent complaints relate to interactions with citizens, such as rude language, followed by driving-related complaints.
This count is from January 2014 to present.

Complaints By Allegation Type Mar 2018 — Mar 2019

Unspecified	60
Citizen Interaction	25
Substandard Performance	6
Violation of Any Rule	6
Use of Force	4
Neglect of Duty	2
Prisoner Handling/Trans.	1
Breach of Discipline	1

Allegations in complaints fall into a number of classes. For example, the allegation class citizen interaction contains specific allegations such as rude, demeaning and affronting language, and failure to provide name or badge number.
These numbers count allegations in complaints since January 2014.

Findings of Complaints Mar 2018 — Mar 2019

Exonerated	1

Information about the complaint investigation process (http://www.indy.gov/eGov/City/DPS/CPCO/Pages/faq.aspx#4) is available on the CPCO FAQ page (http://www.indy.gov/eGov/City/DPS/CPCO/Pages/faq).
Each complaint may contain multiple allegations, such as rudeness and inappropriate language. Each allegation receives separate findings.
There are four possible findings:
Sustained means that the majority of the evidence proved that the allegation occurred and was in violation of a department policy. When allegations

are sustained, appropriate disciplinary action will be taken.
Not sustained means there was no majority of evidence to prove or disprove the allegation.
Exonerated means the majority of the evidence proved the allegation occurred, but it was within department policy.
Unfounded means the majority of the evidence disproved that the allegation occurred.
All findings remain on an officer's personnel record.

Complaints By District or Branch Mar 2018 — Mar 2019

North District	14
East District	12
Southeast District	11
Southwest District	8
Northwest District	8
Downtown District	7
Homeland Security Bureau/Traffic	2
Investigative Support	1
Covert Investigations	1
Organized Crime	1

IMPD serves six districts (http://www.indy.gov/eGov/City/DPS/IMPD/Enforcement/Districts/Pages/home.aspx) within Indianapolis. There are also branches with specific focus areas.
North District: 209, 916 population; 78.5 square miles
East District: 145,489 population; 49.9 square miles
Northwest District: 143,395 population; 66.2 square miles
Downtown District: 12,929 population; 3.6 square miles
Southeast District: 175,812 population; 84.9 square miles
Southwest District: 136,680 population; 80.8 square miles
Population information is from 2010 census data.

Marion County & IMPD Demographics

	RESIDENTS	OFFICERS
White	57.9%	82.3%
Black	24.5%	14.0%
Hispanic	8.6%	2.5%
Asian	1.9%	0.1%
Other	7.0%	1.0%

Resident demographics are for Marion County, which includes Indianapolis' 843,000 residents and a few neighboring towns that are not served by IMPD whose populations total approximately 74,000 people. Population numbers from 2013.

Race of complainants and officers Mar 2018 — Mar 2019

		OFFICER				
		Black	**Hispanic**	**White**	**Other**	**Unkno**
RESIDENT		**17.4**%	**3.5**%	**72.1**%	**4.7**%	**2.3**%
Black	**39.5**%	7.0%	1.2%	29.1%		2.3%
White	**20.9**%	1.2%	1.2%	18.6%		

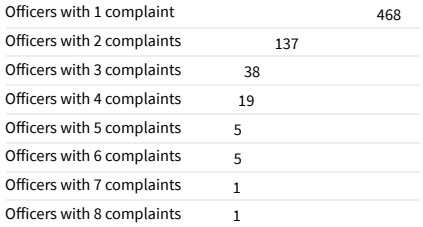
This table shows the race of complainants and officers in each complaint since January 2014. If a complaint names multiple officers, they are each counted here, so the numbers

Other	**7.0**%	1.2%		5.8%	
Unknown	**32.6**%	8.1%	1.2%	18.6%	4.7%

may be higher than total complaints filed. For example, if a citizen complaint submits allegations about both an Asian and a White officer, that would add one to both the Asian and White officer columns for the complainant's race.

Racial Profiling is addressed in many classes throughout IMPD's academy. It is defined in the cultural awareness class, and a prohibited practice. It is defined and prohibited in the general order class as it is outlined in General Order 1.2, Bias-Based Policing. IMPD trains on criminal law and its requirements pertaining to reasonable suspicion and probable cause. Ethical decision making is a topic of training as well. More on IMPD training will be available here soon.

Complaints by Officer Jul 2012 — Mar 2019



This chart shows the number of officers who have received one or more complaints since January 2014. **As of September 2015, there were 1,583 officers employed by IMPD. Approximately 1,190 officers have not received complaints since January 2014, which is about 75%.** This chart shows both Formal and Informal complaints, so some numbers appear larger than expected.

In at least one case of an officer receiving multiple complaints, CPCO and IMPD have been able to identify a pattern and create an intervention to prevent further issues.

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POLICY: 108.001 – ADMINISTRATIVE INVESTIGATIONS	**CALEA:** 4.2.1, 4.2.2, 4.2.3, 12.1.2, 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8, 43.1.1. 82.3.5,
Effective Date: 08/06/2020	**Review Date:**
Revised Date:	
Related Directive(s):	
Related Form(s):	
Issued by: J. Costa, Chief of Police	

I. PURPOSE

The administrative investigation process, at both the line and the staff levels, provides the Chief of Police and supervisors with a means of regularly assessing the agency's efficiency and effectiveness and provides information necessary to plan for change. The administrative investigation examines not only the conduct of individual employees of the Department but also the various procedures and rules of conduct which impact employee performance. This directive outlines the procedures involved in administrative investigations.

II. POLICY

The DeSoto Police Department is committed to high standards and will go to the extreme to avoid ethical conflicts or the appearance of ethical conflicts. All employees of the Department share the responsibility of maintaining our reputation. Employees who tolerate misconduct are, in effect, condoning and participating in this conduct and may share the consequences.

Any person who believes any DeSoto Police Department employee has been involved in improper conduct or has a criticism of Department services has the right to make a complaint, as provided in this directive. These persons can expect such complaints to be thoroughly and objectively investigated by the Department.

III. PROCEDURES

A. OBJECTIVES OF ADMINISTRATIVE INVESTIGATIONS

1. The public has the right to expect efficient, fair, and impartial law enforcement. Therefore, any misconduct by Department employees must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.

2. The Department is often evaluated and judged by the conduct of individual employees. It is imperative the entire organization is not subjected to public censure because of misconduct by a few of its employees. When an informed public knows its Police Department honestly and fairly investigates and adjudicates all allegations of misconduct against its employees, this public will be less likely to feel need to raise a cry of indignation over alleged incidents of misconduct.

3. Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.

4. Personnel who engage in serious acts of misconduct, or who have demonstrated they are unfit for law enforcement work, must be removed for the protection of the public, the Department, and the Department's employees.

a. Records of investigations of law enforcement shooting incidents, which result in death or injury to any person, including a police officer, retention will be permanent.
b. Records of investigations that result in sustained formal discipline; retention will be 15 years.
c. Records of investigations that result in sustained informal discipline or of investigation's whose findings are inconclusive; retention will be 5 years, provided a 1-year infraction free period proceeds the date of destruction.
d. Records of investigation's whose findings are not sustained, unfounded, or exonerated, retention will be 3 years.
e. Written complaints and records of oral complaints received from the public concerning the conduct of law enforcement officers that does not lead to an internal affairs investigation, retention, and determination not to initiate an internal investigation 2 years.
f. These files will be available to review by the following personnel:

(1) Chief of Police
(2) Assistant Chief of Police
(3) Captains
(4) Internal Affairs Officer
(5) Employee listed on record
(6) Employee's supervisors
(7) In addition, the Department will comply with valid requests through the Open Records Act and with orders from a court of competent jurisdiction.

6. The Employee Disciplinary Record shall include the following information.

a. Employee name and number
b. Date of hire, date of birth, and date of separation
c. Control number and incident or allegation
d. Date of report
e. Name of complainant, if any
f. Disposition of investigation
g. Disciplinary action taken, if any

I. STATISTICAL REPORTS

1. An annual report summarizing the number and types of investigations conducted, including dispositions, will be prepared by the Internal Affairs Unit and forwarded to the Chief of Police.

2. The Internal Affairs Unit will prepare an annual summary of administrative investigations for dissemination for public and Department personnel.

J. ADMINISTRATIVE INVESTIGATION PROCESS

1. Upon determination by the Chief of Police or his designee that an investigation will be conducted the Internal Affairs Unit will assign a control number. A record of the incident will be made in the Administrative Investigation Index and a copy of the Internal Incident Report and any related documents will be forwarded to the assigned investigator.

a. Whenever a report of an incident or allegation is entered in the Administrative Investigation Index, the employee involved and their chain of command shall be notified in writing within twenty-four (24) hours, unless the Chief of Police determines the notification should be delayed for good cause.

Research and Planning

Department's current policy:

- Centralized to Chief and their designee(s) within command staff
- Focused on crime and traffic analysis
- Five-year plan to be reviewed and amended annually

Recommendations:

- Involve all levels and divisions
    - Ex. Albany, OR
- Allow goals and objects to be informed by citizen input
    - Ex. Albany, OR
- Annual evaluation and revision of goals and objectives, as needed
    - Ex. Albany, OR
    - Ex. Frederick, MD
    - Ex. Matthews, NC
- Incorporate review of traffic stop data and complaints (discussed above)

Approved: *Chief Marcia Harnden*	Subject: **123. Planning and Research**	
Effective: May 15, 2018	CALEA Standards: 15.1.1, 15.1.2, 15.1.3, 15.2.1, 15.2.2, 21.2.3	Page: 1

123.1: PURPOSE AND SCOPE

Planning and research is essential to the smooth operation and anticipation of future needs for the provision of police services to the community.

123.2: FUNCTION

a. Strategic and tactical planning and research is encouraged and conducted at all levels and in all divisions of the Police Department to anticipate and/or resolve more immediate issues.

b. Long-range planning is primarily conducted at the division management level.

c. Overall department planning is coordinated and conducted through the Office of the Chief.

123.3: SUPERVISION

To ensure the Chief of Police is kept informed of the status and progress of planning and research projects, the employee(s) primarily responsible for the function and/or individual projects will either report directly to the Chief of Police or have no more than one person in the chain of command between the individual and the Chief of Police.

a. The Senior Administrative Supervisor is responsible for the general research and planning function and reports directly to the Chief of Police.

b. Division Captains, who are frequently involved in planning projects, report directly to the Chief of Police.

c. Other supervisors, who are occasionally involved in planning activities, report to their respective Division Captains.

The Senior Administrative Supervisor, or designee, is generally responsible for the conduct and/or coordination of department-wide planning and research activities including, but not limited to:

a. Annual budget development.

b. Monthly financial reporting.

c. Major grant applications.

d. Annual reports.

e. Other programs/projects as assigned by the Chief of Police.

Division specific planning and research activities are conducted by the Division Captains. These activities include, but are not limited to:

a. Crime, traffic, and calls for service analysis.

b. Equipment and resource analysis and recommendation.

c. Scheduling and staff allocation.

d. Strategic and tactical planning.

e. NIBRS (National Incident Based Reporting System).

123.4: MULTIYEAR PLANNING

The Albany Police Department participates in the City of Albany Multiyear Strategic Plan and the City of Albany Capital Improvement Program. Mission, goals, and objectives are reviewed and set annually and include consideration of:

a. Council goals and objectives.

b. Anticipated service demands and service area size, population, and demographics.

c. Projected staffing levels and allocation of personnel resources.

d. Anticipated capital improvements and equipment needs.

e. Operational efficiency and effectiveness.

123.5: GOALS AND OBJECTIVES

Goals and objectives are developed based upon direction from City Council, which are derived from Council goals and priorities, as well as citizen input. Each division will develop goals annually that support the departments overall goals and mission to provide Excellence Through Service. Goals and objectives are incorporated into the Police Department's strategic and operational master plan including, but not limited to:

a. The City of Albany Strategic Plan.

b. General goals and objectives, annual performance goals; objectives and action plan items are developed during the budget process.

The Albany Police Department formulates specific goals and objectives annually. The goals are distributed and posted around the Police Station.

123.5.1: EVALUATION OF GOALS AND OBJECTIVES

Goals and objectives are evaluated during the COMPSTAT process. The COMPSTAT report is published weekly and a formal meeting is set for every two weeks.

Goals and objectives are adjusted annually during the review process.

FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 11:	Management Systems	**Order Number:**	1150
Topic:	STRATEGIC PLANNING AND GOALS AND OBJECTIVES	**Issued by:**	Chief of Police
Approved:	12/03/19		
Review:	Annually in December by the Professional Services Division Commander		
Supersedes:	G.O. 1150 dated 3/14/18		

.01 PURPOSE:

To establish policy and procedures for the Department's strategic planning process to include the development, implementation and evaluation of annual division/unit goals and objectives.

.02 CROSS REF.:

.03 DISCUSSION:

The Department will develop a long-range (multi-year) strategic plan that will provide a guide so that commanders and supervisors can establish annual goals and objectives that are aimed at fulfilling the Department's mission. The strategic plan will also be used to identify the resources needed to accomplish that mission.

.04 POLICY:

In order to maintain its focus on its overall mission as a police agency and to ensure that there is a continued, concerted effort to fulfill that mission, the Department will develop and maintain a long-range, multi-year strategic plan. Additionally, the Department will develop annual goals and objectives that are in accordance with and compliment the Department's long-range plans.

.05 DEFINITIONS:

MULTI-YEAR STRATEGIC PLAN – the written document that describes the long-range critical issues, goals, objectives and tasks that the Department is expected to face in upcoming years and the strategies devised to address them. The Department's strategic plan will consider demographic, social, economic, technological and political trends which the Department anticipates or believes it will encounter during that time period. It will also incorporate its anticipated workload levels and personnel needs into the Plan. The Plan is a document that will provide departmental personnel with a clear vision of the Department's long-range direction. For purposes of this order the Multi-Year Strategic Plan will be referred to as "the Plan."

GOAL – a "goal" is a relatively broad statement of an end result that the Department intends to ultimately achieve; it usually requires an extended period of time to achieve and whenever possible is stated in such a way as to permit measurement of its achievement.

OBJECTIVE – an "objective" is a lesser result that the Department needs to achieve in order to attain a stated "goal." The achievement of numerous objectives or a series of objectives is often required to attain a single goal.

STRATEGY – a "strategy" is a careful plan or method used to achieve an objective, and ultimately a goal.

.10 DEVELOPMENT OF THE STRATEGIC PLAN:

The Professional Services Division Commander, with the assistance and input of the Chief of Police and the command staff, will develop and maintain a Multi-Year Strategic Plan for the Department. The Plan will be reviewed continually and formally updated at least every five years. The Plan will include the following:

1. Long-term goals and operational objectives;

2. Anticipated workload and population trends;

3. Anticipated personnel levels; and

4. Anticipated capital improvements and equipment needs.

.15 DISTRIBUTION OF THE STRATEGIC PLAN:

Once developed, the Professional Services Division Commander will ensure that a copy of the Plan is distributed or otherwise made available to all personnel.

.20 ANNUAL EVALUATION AND REVISION OF GOALS AND OBJECTIVES

1. At the direction of the Chief of Police, Division Commanders will annually:

   A. Forward a written evaluation of their command's progress toward meeting established goals and objectives, via chain of command, to the Chief of Police. These reports, along with any current information, will be used for the review and updating of the Strategic Plan;

   B. In consultation with first line supervisors in their command, formulate written goals and objectives for the upcoming year and submit same for approval, via the chain of command, to the Chief of Police;

   C. Upon approval, forward copies of the new goals and objectives to the Professional Services Division Commander; and

   D. Ensure that all personnel within their respective commands are aware of the division's new goals and objectives and how attainment of these goals and objectives will further the mission of the Department.

2. The divisions reports will be compiled into one document that will be published in PowerDMS and made available to all personnel.

3. First line supervisors will discuss established goals and objectives with subordinate personnel in the month they are published in PowerDMS.

.25 FORMAT

Goals and objectives will be submitted for approval utilizing a standardized written format. This will include a statement of each goal, the objective(s) to be achieved to attain each goal, and the specific strategies that will be utilized to attain each objective. Examples of correct formatting may be found on the Department's share drive in the "GoalsObjectives" folder.

I. PURPOSE:

To establish policy and procedures for the Department's strategic planning process to include the development, implementation and evaluation of annual division/unit goals and objectives.

II. CROSS REF.:

CALEA STANDARDS: 15.2.1

III. DISCUSSION:

The Department will develop a long-range (multi-year) strategic plan that will provide a guide so that commanders and supervisors can establish annual goals and objectives that are aimed at fulfilling the Department's mission. The strategic plan will also be used to identify the resources needed to accomplish that mission.

IV. POLICY:

In order to maintain its focus on its overall mission as a police agency and to ensure that there is a continued, concerted effort to fulfill that mission, the Department will develop and maintain a long-range, multi-year strategic plan. Additionally, the Department will develop annual goals and objectives that are in accordance with and compliment the Department's long-range plans.

V. DEFINITIONS:

MULTI-YEAR STRATEGIC PLAN – the written document that describes the long-range critical issues, goals, objectives and tasks that the Department is expected to face in upcoming years and the strategies devised to address them. The Department's strategic plan will consider demographic, social, economic, technological and political trends which the Department anticipates or believes it will encounter during that time period. It will also incorporate its anticipated workload levels and personnel needs into the Plan. The Plan is a document that will provide departmental personnel with a clear vision of the Department's long-range direction. For purposes of this order the Multi-Year Strategic Plan will be referred to as "the Plan."

GOAL – a "goal" is a relatively broad statement of an end result that the Department intends to ultimately achieve; it usually requires an extended period of time to achieve and whenever possible is stated in such a way as to permit measurement of its achievement.

OBJECTIVE – an "objective" is a lesser result that the Department needs to achieve in order to attain a stated "goal." The achievement of numerous objectives or a series of objectives is often required to attain a single goal.

STRATEGY – a "strategy" is a careful plan or method used to achieve an objective, and ultimately a goal.

VI. DEVELOPMENT OF THE STRATEGIC PLAN:

The Administrative Division Commander, with the assistance and input of the Chief of Police and the command staff, will develop and maintain a Multi-Year Strategic Plan for the Department. The Plan will be reviewed continually and formally updated at least every five years. The Plan will include the following:

1. long-term goals and operational objectives;
2. anticipated workload and population trends;
3. anticipated personnel levels; and
4. anticipated capital improvements and equipment needs.

VII. DISTRIBUTION OF THE STRATEGIC PLAN:

Once developed, the Administrative Division Commander will ensure that a copy of the Plan is distributed or otherwise made available to all personnel.

VIII. ANNUAL EVALUATION AND REVISION OF GOALS AND OBJECTIVES

1. Each January, Division Commanders will:

   A. forward a written evaluation of their command's progress toward meeting established goals and objectives, to the Chief of Police. These reports, along with any current information, will be used for the review and updating of the Strategic Plan;

   B. in consultation with first line supervisors in their command, formulate written goals and objectives for the upcoming year and submit same for approval, to the Chief of Police;

   C. upon approval, forward copies of the new goals and objectives to the Administrative Division Commander; and

   D. ensure that all personnel within their respective commands are aware of the division's new goals and objectives and how attainment of these goals and objectives will further the mission of the Department.

2. The Administrative Division Commander will, upon receipt of the individual divisions' approved goals and objectives, compile all of the goals and objectives into one document that will be distributed or otherwise made available to all personnel.

3. First line supervisors will discuss established goals and objectives with subordinate personnel during roll call in July of each calendar year and at subsequent roll calls as appropriate.

IX. FORMAT

Goals and objectives will be submitted for approval utilizing a standardized written format. This will include a statement of each goal, the objective(s) to be achieved to attain each goal, and the specific strategies that will be utilized to attain each objective. Examples of correct formatting may be found on the Department's "G" drive in the "Goals and Objectives" folder.

Recruitment and Selection

Department's current policy:

- Strive to attract candidates from diverse backgrounds and cultures
- Have a separate policy on Equal Employment Opportunity and Affirmative Action (but not available on website)

Recommendations:

- Reiterate commitment to having a police force that reflects the community and be transparent with efforts engaged in
    - Ex. Frederick, MD
    - Ex. Salina, KS – advertise as an EOE on all recruitment materials
- Include provision that police department will avoid advertising, recruiting, and screening that tends to stereotype, focus on homogenous applicant pools, or screen applicants in a discriminatory manner
    - Ex. Albany, OR
- Vet exam and interview questions for job-relevancy and non-discrimination
- Include as part of recruitment strategy identification of racially and cultural diverse target markets and use of marketing strategies to target those markets
    - Ex. Albany, OR
    - Ex. Frederick, MD – also provides that police department with liaise with community leaders to identify candidates
    - Ex. Salina, KS – also provides that when there is a disparity between the community population and the police force, those particular populations will be targeted.
- Include diverse personnel in recruitment efforts (ex. interview boards, administration or written tests, and other related activities)
    - Ex. Gaithersburg, MD
    - Ex. Salina, KS
- Annual evaluation of recruitment efforts and strategies
    - Ex. Frederick, MD
    - Ex. Gaithersburg, MD
    - Ex. Salina, KS
- Implement lactation break policies to telegraph receptivity and openness to officers who are either currently or potentially will nurse
    - Ex. Albany, OR
    - Ex. Roseville, MN
- Incentive bi-lingual applicants to apply through bi-lingual pay incentive
    - Ex. Matthews, NC – additional $1.00/hour

FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 18: Personnel Functions **Order Number:** 1800
Topic: RECRUITMENT OF PERSONNEL **Issued by:** Chief of Police
Approved: 12/04/2020
Review: Annually in December by Support Services Division Commander
Supersedes: G.O. 1800 dated 12/03/19

.01 PURPOSE:

To establish guidelines and procedures for the proactive recruitment of applicants for all police department positions.

.02 CROSS-REF:

G.O. 1328, "College Internships"
"Americans With Disabilities Act of 1990"
"Equal Employment Opportunity Plan"
"Frederick City Department of Police Affirmative Action Plan for Sworn Officers"
"Title VII of the Civil Rights Act of 1964"

.03 DISCUSSION:

It is essential that police departments recruit and select qualified individuals who possess the skills, abilities, characteristics, and attitudes that can lead law enforcement agencies into the future. A commitment must be made to select the most qualified applicants available to fulfill the long-term needs of an agency instead of simply hiring individuals to fill existing vacancies. In order to do this, police departments must recruit individuals with a high level of intelligence, who have the personal qualities which are essential to today's law enforcement environment, and who possess a sincere interest in community service.

.04 POLICY:

The Department is committed to meeting the goal of attracting, selecting, and hiring the most qualified candidates without discriminating against an individual for reasons of race, sex, color, religion, national or ethnic origin, age, marital status, or conditions of disability. The Department is an "Equal Opportunity Employer" and is committed to affirmative action.

.05 DEFINITIONS:

.10 RECRUITING OBJECTIVES:

The recruitment process of the Frederick Police Department has been designed to meet the following objectives:

1. To attract and hire the most qualified applicants available;

2. To actively seek out qualified applicants from the various minority groups who comprise the community in order to establish and maintain employment levels of minorities that are reflective of the community we serve;

3. To provide a realistic, nondiscriminatory, comprehensive selection and hiring process in which all individuals desiring employment with the Department will be able to participate;

4. To ensure that applicants understand the qualifications required for employment with the Department;

5. To ensure that personnel involved in the recruiting process understand their duties and responsibilities as members of the agency; and,

6. To provide a process which fulfills the mandates of the "Americans with Disabilities Act of 1990" (ADA) and ”Title VII of the Civil Rights Act of 1964.”

. 20 PLAN OF ACTION:

1. **Recruiting Website:** The Department has created and will maintain a dedicated recruiting website. The website can be found at www.frederickpolice.org. The site will contain detailed information about the entry-level and lateral police officer and dispatcher positions. The site will be maintained and updated by the Supervisor, Personnel Unit as necessary to ensure current and accurate information is made available. All other sources of advertising for sworn position will contain the website address. Other websites used to advertise police office positions will include a hyperlink to the recruiting website.

2. **Advertising and Media Use:** The Department advertises its sworn and non-sworn job vacancies using a variety of sources as resources allow, including, but not limited to the following:

   A. Recruiting brochures;

   B. Newspaper advertisements;

   C. Photographic displays;

   D. Public service announcements on both radio and cable television;
   E. Internet postings;

   F. Public access bulletin boards and,

   G. Social media.

3. **College Recruiting:** The Department takes an active approach toward attracting college-educated applicants by making and keeping contact with colleges and universities around the country.

4. **Community Activities:** The Department attends organized community-sponsored events such as ethnic festivals and fairs in order to reach a largely untapped source of our diverse community. We also attend community civic events and gatherings.

5. **Liaison with Community Leaders:** The Department actively seeks out community leaders and solicits their assistance in locating and referring potential applicants to the Department. They are provided with job announcements and recruiting packets for distribution to their constituencies.

6. **Department Personnel:** All Department personnel bear a responsibility for attracting potential candidates to the Department. In addition, uniformed personnel, because of their visibility and first-hand job knowledge and experience, are well prepared to explain to the public the demands and duties of professional law enforcement officers. All Department personnel participate in recruiting by conducting themselves in a professional manner, and by actively providing information to prospective applicants.

7. **Institutional Contacts:** The Department actively involves officers with schools and other

institution programs geared toward mentoring young people and developing their interest in a law enforcement career. This includes programs developed and instituted by the Department, such as the Explorer Post, Police Activities League, and College internships.

8. **Job and Career Fairs:** The Department actively competes in the job market with other "private" and "public" sector employers by participating in job fairs, career days, and other structured recruiting programs. The Supervisor, Personnel Unit, is responsible for the selection of events that are most conducive to the Department's goals. Trained recruiters generally attend the events in pairs.

9. **Military Recruitment:** The Department attends military job fairs, conducts on-site recruiting, and works closely with transition offices of military installations to ensure that military personnel transitioning out of the service are made aware of the opportunities within the Department.

10. **Recruiting Officers:** The Department selects individuals to act as official recruitment officers for the Department. These officers are selected and assigned to special recruitment assignments. Their recruiting responsibilities are in addition to their normally assigned duties.

11. **Site Recruitment:** The Department identifies and selects high visibility and high volume locations within minority communities and conducts recruitment activities.

.30 RECRUITING OFFICERS:

1. In order to recruit a diverse pool of applicants, officers who will become trained recruiters will need to possess certain characteristics that will make them especially effective in their roles. These characteristics include:

   A. A positive outlook, appearance, and personality that reflects favorably on the Department;

   B. A true desire to become an effective recruiter for the agency;

   C. An understanding of the importance of diversity in the Department; and,

   D. An understanding and commitment to the legal requirements faced by the Department.

2. Additionally, the officers must successfully complete Recruiter Training in order to participate in formal recruiting activities.

.40 RECRUITER TRAINING:

Because of the importance of the recruiting, selection and hiring process, the Department will provide specialized training to all personnel selected to participate in the Department's official recruitment campaign. The Personnel Unit Supervisor will be responsible for coordinating any specialized recruitment training deemed necessary. Subject matter to be covered in the training will be minimally:

1. Recruitment needs and commitments of the Department;

2. Career opportunities, salaries, benefits, and training;

3. Federal and state compliance guidelines;

4. The community and its needs (including demographic data, organizations, and educational institutions);

5. Cultural awareness;

6. Techniques of record keeping for tracking of applicants;

7. The selection process for candidates;

8. Disqualifying behaviors; and,

9. Medical requirements.

.50 POLICE OFFICER MINORITY RECRUITMENT:

The minority recruitment plan is detailed in the "Frederick City Department of Police Affirmative Action Plan for Sworn Officers" dated January 6, 1994. This document is maintained by the Commander, Support Services Division.

.60 EVALUATION OF THE RECRUITMENT EFFORTS:

The Personnel Unit Supervisor will annually evaluate the techniques and results of the Department's recruiting efforts to ensure that the Department is reaching as many qualified applicants as possible. This evaluation will be completed by the end of the first quarter of the following calendar year (eg the report of 2019 recruiting efforts will be completed by March 31, 2020) and will include a statistical analysis of the previous year's recruiting and hiring experience. This evaluation report will be submitted to the Chief of Police for his review. This report will also be submitted to the Human Relations Commission for Frederick County. A copy of the report will also be maintained on file for reference.

Methods that are found to be deficient or ineffective will be abandoned and more viable solutions sought in an effort to improve recruiting results.

.70 JOB ANNOUNCEMENTS AND PUBLICITY:

1. To compliment the recruiting website, the Department has created a recruiting postcard. The postcard contains the web address for the recruiting website where prospective applicants can find out more information about the position and apply on-line.

2. The Personnel Unit Supervisor will ensure an adequate supply of these postcards is maintained in the Personnel Unit at all times.

3. A supply of these postcards will be kept at the Duty Desk to be distributed to potential applicants who walk in to headquarters inquiring about careers with the Department.

4. In the spirit of Department-wide involvement in recruiting, all officers are encouraged to keep a few postcards with them while working, so that they can distribute them to interested individuals whom they may encounter during the course of the day. All trained recruiters are required to keep a minimum of twenty-five postcards with them while working.

.80 APPLICATION FOLLOW THROUGH:

1. To improve efficiency, the Department has automated the police officer application and selection process. As a result, the Department only accepts electronic application for police officer positions. In the event an applicant states they are unable to complete an online application, the Personnel Unit Supervisor will assess the situation and find a

resolution agreeable to both parties.

2. The Department uses NEOGOV for its automated applications and applicant tracking. The Personnel Unit Supervisor will ensure the NEOGOV account is maintained.

3. The Personnel Unit Supervisor will log into the Department's NEOGOV account on a frequent basis to monitor the number of new applications received.

4. The Personnel Unit Supervisor will contact each new applicant and advise them of the status of the current application process.

5. The Personnel Unit Supervisor will ensure that all applicants receive written notification of their status through each step of the selection process they complete. This notification will be made at least electronically using NEOGOV's applicant notification feature.

6. City of Frederick Human Resources Department administers the application and selection process for non-sworn positions. The Commander, Support Services Division will liaison with City HR as needed for these hiring processes.

SALINA POLICE DEPARTMENT GENERAL ORDER	Number M1205
SUBJECT: **RECRUITMENT / EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**	
EFFECTIVE: 2/24/20 ISSUED: 3/3/2020 REVIEW: Annual	
CANCELS: M1204 ISSUED: 12/15/16	
AMENDS: M1205 issued 10/27/17	Distribution
CALEA References: 31.2.1.	A

POLICY

The quality of a Department and its personnel are a direct result of its recruitment effort. Positive recruitment manifests itself in a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient and effective services. Through its effort, the Department shall identify and recruit the most qualified candidates. The Department will follow the guidelines set forth by the City's equal employment opportunity/affirmative action plans.

No person in the service of the City of Salina Police Department or seeking appointment thereto shall be appointed, promoted, demoted, removed or advanced in any way or otherwise affected on any basis or for any reason other than qualification, merit and fitness. Discrimination against any person employed by the Department or seeking employment with the Department on the basis of race, sex, religion, age, color, national origin, ancestry, disability or familial status is expressly prohibited, except where physical fitness, sex or age is a bona fide occupational qualification.

PROCEDURE

1. The administration of the Department is committed to the principles of Equal Employment Opportunity (EEO), which involves fair and equal opportunities for all people, and Affirmative Action (AA), which involves promoting the full realization of equal employment opportunity for minorities and women.

    1.1. Each organizational component within the Department is charged with responsibility to conduct its organizational practices in conformity with these principles, in accordance with this General Order.

    1.2. Although final responsibility rests with the Chief of Police, responsibility for the attainment of EEO/AA objectives is shared by all Department administrative and Command personnel.

    1.3. The Internal Affairs Commander is designated as the Departments EEO/AA Officer and will assist all organizational components in complying with this plan. The EEO/AA officer will report to the Chief of Police. The duties of the EEO/AA Officer will include the following:

        1.3.1. Distributing necessary and pertinent information in the areas of Equal Employment Opportunity and Affirmative Action.

        1.3.2. Identifying problem areas, monitoring compliance efforts and measuring the effectiveness of the progress.

        1.3.3. Serving as the Department's liaison with compliance enforcement agencies and with minority and women's organizations concerned with Equal Employment Opportunities and Affirmative Action.

        1.3.4. Advising the Chief of Police, staff and Commanders on matters related to EEO/AA and assisting in the resolution of cases of alleged discrimination.

Employees should feel free to talk with the Internal Affairs Commander (EEO/AA Officer) at any time.

2. **Recruitment**

2.1. The Department shall be directly involved in the recruitment of its personnel.

2.1.1. The Internal Affairs Commander is responsible for the organization of the recruitment effort.

2.1.2. Individuals assigned to Department recruitment activities shall be knowledgeable in personnel matters, especially in the areas of equal employment opportunity/affirmative action as it affects the management and operations of the Department.

a. The Internal Affairs Commander will seek out volunteer officers wishing to participate in recruitment activity with specific emphasis on female and minority officers' participation in the recruitment program. Additionally, officers fluent in the community's non-English languages are desired.

2.2. The agency's job announcements and recruitment notices shall:

2.2.1. Advertise the agency as an equal opportunity employer on all employment applications and recruitment advertisements

2.2.2. Pursuant to Article 4 of the City of Salina Personnel Manual, entitled Equal Opportunity, the City of Salina Police Department will not discriminate in any employment decisions on the basis of race, sex, religion, age, color, national origin, ancestry, disability or familial status, except where physical fitness, sex or age is a bona fide occupational qualification.

2.2.3. Describe the following:

a. The duties of the position
b. Responsibilities
c. The requisite skills necessary
d. Educational level requirements
e. Any other minimum qualifications and requirements
f. Include all application deadlines

2.2.4. Advertise entry-level job vacancies through:

a. Electronic media such as the Internet, Television and Radio
b. Printed media such as newspapers and magazines
c. Military services
d. College bulletin boards and their job services

2.2.5. Be posted within the City of Salina job notification system with the assistance of the city's Community Engagement Coordinator, will provide for recruitment information and/or job announcements on the Department's website indicating the Department's interest in female and minority candidates.

2.2.6. Be posted with community service organizations and/or seek cooperative assistance from community organizations and leaders, such as Community Access Television, Job Services, Chamber of Commerce, local Colleges, NAACP, LULAC, Human Relations, Ambucs, Rotary, Optimists, local churches and others. Several of these organizations have representatives who sit on the Law Enforcement Advisory Board that meets bi-monthly at the Salina Police Department.

2.3. Annually, the Internal Affairs Commander shall conduct an official evaluation of the recruitment plan to ensure the plan's objectives are being met. This evaluation shall be in the form of a memorandum to the Chief of Police.

3. **Hiring**

3.1. Annually, an analysis of the total work force in the City of Salina will be considered. The Internal Affairs Commander shall compute the percentages of each group of workers affected by Affirmative Action within the Salina labor force. The percentage of Department employees within each group shall then be computed and compared with the labor force. Any affected group which statistically reflects an imbalance in employment within the Department shall be targeted for increased recruitment efforts.

3.2. Where underutilization of either minorities or women exists, hiring efforts will be made in good faith to increase employment of qualified women and minorities.

3.3. Whenever two (2) or more applicants are equally qualified, preference is to be given to the applicant who will help meet the Department's affirmative action objectives.

3.4. The applicants will receive acknowledgment of receipt of applications.

3.5. All applicants shall be periodically informed of the status of their applications. All such contacts shall be documented and maintained within the applicant’s file.

3.6. Applicants shall not be rejected because of omissions or deficiencies that can be corrected before testing or interview. Any applications that are deficient shall be processed routinely if the deficiency can be rectified prior to testing or interview, unless the omission was done purposely to deceive or conceal.

3.7. The Internal Affairs Commander will evaluate all hiring efforts to determine whether the Department's hiring goals are being met.

4. **Equal Employment Opportunity (EEO)**

4.1. The Department will seek to hire employees in accordance with the objectives set forth in this directive. Specifically, this is to increase the percentage of minority officers on the Department to no less than the percentage of community minority members, and to increase the percentage of women police officers on the Department by no less than one fourth of all "new hires" until the percentage of women on the Department is no less than the percentage of women in the community.

4.2. Whenever able, the Department will hire qualified handicapped individuals for positions within the Department.

4.3. An employee having a complaint of discrimination in violation of this policy should attempt to resolve it through normal channels.

4.3.1. Discussion of the problem with the immediate supervisor is the first step.

4.3.2. If not resolved at this level, complaints should be taken to the Internal Affairs Commander.

4.3.3. Any complaint that cannot be resolved by the Internal Affairs Commander will be referred to the Chief of Police for resolution.

4.4. All grievances and internal complaints about the recruiting, hiring, promotional, special assignment selection and evaluation systems will be reviewed and evaluated by the Chief of Police to determine if changes in those processes should be made to correct errors or deficiencies as it relates to equal employment opportunity.

4.4.1. All positions shall be open to any qualified employee.

4.4.2. The Internal Affairs Commander shall scrutinize, on an ongoing basis, the policies, practices, procedures, and position announcements for any conditions which may inhibit equal employment opportunity. A complete review of the directives will be made not less than annually.

4.4.3. No substantiated charge of unfair treatment to any employee shall be uncorrected, and no employee responsible for such unfair treatment will be allowed to continue their duties without retraining and/or appropriate discipline.

4.4.4. Gender - neutral terminology within the Department will be utilized when appropriate, (i.e., Police officer and not Policeman).

4.4.5. Trigger words (names used to incite negative emotions) and other degrading epithets directed at protected classes will not be tolerated within the Department.

5. **Affirmative Action (AA)**

5.1. The Department realizes that recruitment is an integral step towards affirmative action closely following and tightly tied to improving relationships with the minority community. Recruitment of female and minority employees, a natural prerequisite of hiring, plays a fundamental role in the hiring of qualified applicants. The Department will do the following in recruitment efforts for protected class applicants:

5.1.1. The Department will pro-actively recruit minority group applicants, seeking out every opportunity to encourage their application to Department positions.

5.1.2. Knowing that personnel often move from non-sworn to sworn officer positions, the Department will strive to recruit qualified protected class applicants to all Department position openings.

5.1.3. Recruitment literature will feature female and minority members of the Department.

5.1.4. The phrase "Women and Minorities Encouraged to Apply" will be added in bold-typeface to recruitment materials.

5.1.5. Whenever possible, Department recruitment activities will include female and minority members of the Department.

5.1.6. Recruitment activities will include providing recruitment literature to women’s and minority organizations.

5.2. The Department realizes and emphasizes to employees that each contact with a member of the public is an opportunity to either win or lose support. Thus, each contact is seen as a recruitment opportunity.

5.3. While recruiting is a foundation stone of affirmative action, it is useless unless there is a follow-through with hiring of female and minority employees. To facilitate the hiring of female and minority applicants, the Department is committed to the following:

5.3.1. Ensuring that hiring qualifications are nondiscriminatory.

5.3.2. Scrutinizing all selection process components for adverse impact, to ensure that all components are nondiscriminatory and have relevancy, validity and utility.

5.3.3. Psychological and/or attitudinal examinations in the hiring process which will screen out applicants who are biased against women and minority members to the extent that such bias would have any effect on performance. Reviewing all complaints made against the process ensuring all candidates were treated fairly.

6. Review and Revision

6.1. Annually, the Internal Affairs Commander in conjunction with the Chief of Police, shall conduct an official evaluation of the Department's recruitment and hiring activities. This evaluation shall be documented in the form of a memorandum and shall include the following:

6.1.1. Ensure that recruitment strategies, tactics, and activities, are effectively attracting a diverse group of qualified applicants thereby producing a more balanced representation between the Saline Police Department sworn personnel and the City of Salina available workforce.

6.1.2. Review collected data to evaluate which recruiting efforts have been most effective and are ensuring that recruitment and hiring goals and objectives are being met in accordance with Department EEO/AA philosophies.

6.1.3. Include any recommendations, additions, revisions to improve the overall effectiveness of the Department's recruiting and hiring energies.

6.1.4. Additionally, promotional, special assignment selection and evaluation systems will be reviewed and evaluated to determine if changes in those processes should be made to correct errors or deficiencies.

6.1.5. After such review, any portion of the Department's recruiting and hiring philosophy, policy, procedures, may be revised and/or re-issued in order to achieve the Department's preferred outcome. All revisions shall require the approval of the Chief of Police.

BY ORDER OF

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CHIEF OF POLICE

Approved: *Chief Marcia Harnden*	Subject: **801. Recruitment and Selection**	
Effective: May 10, 2018	CALEA Standards: 21.2.2, 22.2.1, 22.2.2, 31.1.1, 31.2.3, 31.3.1, 31.3.2, 31.4.1, 31.4.2, 31.4.3, 31.4.6, 31.5.1, 31.5.2, 31.5.6, 31.5.7	Page: 1
Revised: July 1, 2020		

801.1: PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifies job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Albany Police Department and that are promulgated and maintained by the Department of Human Resources.

801.2: POLICY

It is the policy of the Albany Police Department to hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

In accordance with applicable federal, state and local law, the Albany Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

801.3: RECRUITMENT

a. The Administrative Lieutenant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

b. The strategy should include:

   1) Identification of racially and culturally diverse target markets;

   2) Use of marketing strategies to target diverse applicant pools;

   3) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit;

4) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military;

5) Employee referral and recruitment incentive programs;

6) Consideration of shared or collaborative regional testing processes;

c. The Administrative Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

d. The Department should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of the candidate's status in the recruiting process.

801.4: SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have, in some manner, distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record);

b. Driving record;

c. Reference checks;

d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes;

e. Information obtained from public Internet sites;

f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.);

1) Review and use of information contained in an applicant's credit history shall also be in accordance with ORS 659A.320.

g. Local, state, and federal criminal history record checks;

h. Medical and psychological examination conducted by a licensed professional (may only be given after a conditional offer of employment);

i. Review board or selection committee assessment.

801.4.1: VALIDATION OF RECRUITMENT COMPONENTS

The Administrative Lieutenant shall ensure all recruitment testing and assessment instruments are reviewed with the Human Resources Department to ensure the components are relevant to the job, have validity, utility, and minimum adverse impact on women and minority candidates. Testing and assessment instruments will be carefully reviewed to ensure they enable interviewers or assessors to best measure a candidate's skills, knowledge, and abilities relative to the position for which they have applied. The Albany Police Department utilizes validated testing instruments as a screening/selection tool of all entry-level Police Officer, Police Communications Specialist, Community Service Officer, and Police Clerk recruitment processes and applicants.

801.4.2: TEST ADMINISTRATION AND SCORING

All selection elements of the recruitment and hiring process shall be administered, scored, evaluated, and interpreted in a uniform and fair manner. This includes, but is not limited to:

a. Time Limitations

b. Oral and Written Instructions

c. Any Practice Problems

d. Answer Sheets

e. Scoring Formulas

801.4.3: ORAL INTERVIEWS

a. The Albany Police Department will conduct oral interviews of candidates who have been previously screened or selected for an interview in other steps, including but not limited to:

   1) Minimum and desired qualifications derived from the applicant's job application.

   2) Validated, written testing instruments.

   3) Practical testing, if applicable to the position.

b. First step oral interview panels (often referred to as a five-minute interview) will be comprised of two interviewers. Interviewers may include other Police Department employees, supervisors, and field training officers.

c. Formal interview panels will be comprised of a minimum of three interviewers. Depending on the position, the interviewers may include other Police Department employees, supervisors, and field training officers as well as participants from other City Departments, police agencies, or community members.

d. Oral interview panels will use standardized questions and assessment instruments for all applicants for the position and recruitment. Additional questions, which are clarification to answers to standardized questions, may be asked by any interviewer. Questions will be reviewed by the Administrative Lieutenant and a Human Resources liaison prior to the interview process to ensure the questions are appropriate and useful for the selection process and are non-discriminatory in nature.

e. The Chief of Police and/or Unit Supervisor may conduct subsequent interviews of select finalist candidates prior to making a conditional offer.

801.4.4: VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

801.5: BACKGROUND INVESTIGATION

a. Pre-employment Background Investigation – A background investigation will be conducted on those candidates being considered for employment within the Police Department. The background investigation will verify the candidate's personal integrity and ethical standards and identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Albany Police Department (OAR 259-008-0015). The background investigation will determine if a candidate is eligible to receive a conditional offer of employment letter.

b. Background Investigation Content – The assigned background investigator shall document the results of the investigation and shall include the minimum information in the final report:

1) Biographical data;
2) Family data;
3) Scholastic data;
4) Employment background and history;
5) Criminal history (including Computerized Criminal History (CCH), LEDS/NCIC, and Driver's License Verification);
6) Interviews with at least three of the applicant's personal references;
7) Interviews with at least two people who know the applicant but are not listed as references;
8) Interviews with each previous employer;
9) Summary of the investigation's findings and conclusions regarding the applicant's moral character;
10) Verification of military service background;
11) Credit history; and
12) Department of Public Safety Standards (DPSST) professional records review.

c. All completed background investigations will be forwarded to the Administrative Lieutenant and Support Services Captain for review, and then to the Chief of Police for final determination.

d. Upon completion of the background investigation, applicants will be notified of their recruitment status by the Administrative Lieutenant or designee.

e. Background investigators will undergo department approved training prior to conducting background investigations and will coordinate their investigation with the Administrative Lieutenant.

801.5.1: NOTICES

Background Investigators shall ensure that investigations are conducted, and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

801.5.2: REVIEW OF SOCIAL MEDIA SITES

a. Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Lieutenant shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

b. The Administrative Lieutenant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

   1) The legal rights of candidates are protected;

   2) Material and information to be considered are verified, accurate, and validated;

   3) The Department fully complies with applicable privacy protections and local, state, and federal law.

c. Regardless of whether a third party is used, the Administrative Lieutenant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

801.5.3: DOCUMENTING AND REPORTING

a. The Background Investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment.

b. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions.

c. The report and all supporting documentation shall be included in the candidate's background investigation file.

801.5.4: RECORDS RETENTION

a. The background report and all supporting documentation for selected candidates are maintained by the Senior Administrative Supervisor.

1) All background reports and supporting documentation for non-selected candidates will be maintained by the Human Resources division for three years according to the Secretary of State Archives Division Retention Schedule, (166-200-0305(03)).

2) All background reports and supporting documentation for employees who separate from City employment will be maintained by the Human Resources division for six years according to the Secretary of State Archives Division Retention Schedule, (166-200-0305(05)).

b. Selection materials will be stored in a locked filing cabinet in a secure location when not being used and will be disposed of in a manner that prevents disclosure of the information within.

c. All selection materials for either selected or non-selected candidates that pertain to medical, emotional stability or psychological fitness examinations are maintained by the Human Resources division according to their established records retention schedule.

801.5.5: PROTECTED MEDICAL INFORMATION

a. Background investigators shall comply with public records reporting laws pursuant to ORS 192.355. Information obtained during the course of their investigation of a protected medical nature will be documented in a memorandum to the Administrative Lieutenant and placed in a sealed "red file." The memorandum will be reviewed and sealed by the Administrative Lieutenant and placed in the background file for retention along with the background investigation report. Protected medical information includes:

1) Medical and/or psychological information; or
2) Family medical and/or psychological information.

b. After the applicant is given a conditional offer of employment, a confidential copy of the red file will be given to the licensed medical or psychological evaluator(s) prior to screening. The Senior Administrative Supervisor will make the confidential copy and reseal the original contents of the red file to be retained in the background file.

c. If the position applied for does not call for a post offer medical/psychological examination, the information in the sealed red file will remain in the confidential background investigation file.

d. The memorandum containing the protected information in the red file shall not be given to the hiring authority.

801.6: DISQUALIFICATION GUIDELINES

a. As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

1) Age at the time the behavior occurred;
2) Passage of time;
3) Patterns of past behavior;
4) Severity of behavior;

5) Probable consequences if past behavior is repeated or made public;
6) Likelihood of recurrence;
7) Relevance of past behavior to public safety employment;
8) Aggravating and mitigating factors;
9) Other relevant considerations.

b. A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

801.7: EMPLOYMENT STANDARDS

a. All candidates shall meet the minimum standards required by state law (OAR 259-008-0010).

b. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

c. Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner.

1) Each standard should include performance indicators for candidate evaluation.

d. The Department of Human Resources should maintain validated standards for all positions.

801.7.1: STANDARDS FOR OFFICERS

a. Candidates shall meet the minimum standards established by Oregon DPSST, including the following (OAR 259-008-0010):

b. Be a citizen of the United States within 18 months of hire date;

c. Be at least 21 years of age;

d. Be fingerprinted for a check by the Oregon State Police Identification Services Section;

e. Be free of convictions for any of the following:

1) Any felony;

2) Any offense for which the maximum term of imprisonment is more than one year;

3) Any offense related to the unlawful use, possession, delivery or manufacture of a narcotic, controlled substance, or dangerous drug;

4) Any offense which could subject the candidate to a denial or revocation of a peace officer license pursuant to OAR 259-008-0070.

f. Be of good moral fitness;

g. Possess a high school diploma, GED equivalent or a four-year advanced degree;

h. Successfully pass a psychological screening conducted by a licensed mental health professional;

i. Successfully complete a medical examination; and

j. Meet the physical standards set forth in OAR 259-008-0010.

801.7.2: STANDARDS FOR COMMUNICATIONS SPECIALISTS

a. Candidates shall meet the minimum standards established by Oregon DPSST, including the following (OAR 259-008-0011):

b. Be a citizen of the United States within 18 months of hire date;

c. Be at least 21 years of age;

d. Be fingerprinted for a check by the Oregon State Police Identification Services Section;

e. Be free of convictions for any of the following:

1) Any felony;

2) Any offense for which the maximum term of imprisonment is more than one year;

3) Any offense related to the unlawful use, possession, delivery or manufacture of a narcotic, controlled substance, or dangerous drug;

4) Any offense which could subject the candidate to a denial or revocation of a telecommunicator license pursuant to OAR 259-008-0070.

f. Be of good moral fitness;

g. Possess a high school diploma, GED equivalent or a four-year advanced degree;

h. Complete a medical examination;

i. Meet the physical standards set forth in OAR 259-008-0011.

801.8: JOB DESCRIPTIONS

The Support Services Division Captain should ensure that a current job description is maintained for each position in the Department. At the direction of the Support Services Captain, the Administrative Lieutenant will coordinate a review of department job descriptions every four years.

801.9: PROBATIONARY PERIODS

The Support Services Captain should coordinate with the Albany Department of Human Resources to identify positions subject to probationary periods and procedures for:

a. Appraising performance during probation;

b. Assessing the level of performance required to complete probation;

c. Extending probation;

d. Documenting successful or unsuccessful completion of probation.

801.10: ILLEGAL USE OR POSSESSION OF DRUGS

a. The following examples of drug use or possession will be considered automatic disqualifiers for public safety applicants:

   1) Having sold, produced, cultivated, or transported for sale marijuana;

   2) Used marijuana for any purpose within the past 24 months;

   3) Used marijuana other than for experimentation;

   4) Used marijuana while employed or appointed as a peace officer;

   5) Illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;

   6) Illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;

   7) Illegally used a dangerous drug or narcotic other than for experimentation;

   8) Illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;

   9) Demonstrated a pattern of abuse of prescription medication.

b. The use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:

   1) The use of marijuana exceeds a total of 30 times; or

2) The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.

801.11: OPERATION OF A MOTOR VEHICLE

a. The Background Investigator will evaluate an employment applicant's current driving status and driving history prior to employment. The applicant should have:

1) The ability to possess a valid Oregon driver's license;
2) The ability to drive safely;
3) The ability to control vehicles at high speeds;
4) The ability to operate a motor vehicle in all types of weather conditions.

b. The following shall be disqualifying:

1) Receipt of three or more moving violations (or any single instance of a potential life-threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2) Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3) A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

801.12: INTEGRITY

a. The Background Investigator will evaluate an employment applicant's history of integrity utilizing the following general guidelines prior to employment. The applicant should have demonstrated characteristics where applicable such as:

1) The ability to refuse to yield to the temptation of bribes, gratuities, payoffs, etc.;

2) The ability to refuse to tolerate unethical or illegal conduct on the part of other law enforcement personnel or co-workers where applicable;

3) Demonstrate strong moral character and integrity in dealing with the public;

4) Demonstrate honesty while interacting with the public.

b. The following shall be disqualifying:

1) Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this department's background investigation and other investigations conducted by other law enforcement agencies.

2) Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

801.13: CREDIBILITY

a. The Background Investigator will evaluate an employment applicant's ability to give testimony in a court of law without being subject to impeachment due to the candidate's honesty or veracity (or their opposites) or due to a prior felony conviction.

b. The following may be disqualifying:

1) Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application;

2) Conviction of two or more misdemeanor offenses under law as an adult;

3) Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military officers);

4) Admission of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers);

5) Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft;

6) Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts;

7) Any history of action resulting in civil lawsuits against the applicant or their employer may be disqualifying.

801.14: DEPENDABILITY

a. The Background Investigator will evaluate an employment applicant's history of dependability utilizing the following general guidelines prior to employment. The applicant should have demonstrated characteristics where applicable such as:

1) A record of submitting work on time and not malingering;

2) A record of being motivated to perform well;

3) A record of dependability and follow-through on assignments;

4) A history of putting forth the effort required for complete accuracy in all details of work;

5) Willingness to work the hours needed to complete a job;

6) The ability to refuse to yield to the temptation of bribes, gratuities, payoffs, etc;

7) The ability to refuse to tolerate unethical or illegal conduct on the part of other law enforcement personnel or co-workers where applicable;

8) Demonstration of strong moral character and integrity in dealing with the public;

9) Demonstration of honesty while interacting with the public.

b. The following may be disqualifying:

1) Missing any scheduled appointment during the selection process without prior permission;

2) Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations;

3) Having been involuntarily dismissed (for any reason other than lay-off) from an employer as an adult;

4) Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals;

5) For officer applicants; having undergone personal bankruptcy more than once; having current financial obligations for which legal judgment have not been satisfied; currently having wages garnished; or any other history of financial instability. The credit history of an applicant or employee shall not be used or obtained as part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in OAR 839-005-0075 (ORS 659A.320);

6) Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged;

7) Having any outstanding warrant of arrest at the time of application.

801.15: LEARNING ABILITY

a. The Background Investigator will evaluate an employment applicant's history of being able to comprehend and retain work related information utilizing the following general guidelines prior to employment. The applicant should have demonstrated characteristics where applicable such as:

   1) The ability to recall information pertaining to laws, statues, codes, etc.;

   2) The ability to learn and apply what is learned;

   3) The ability to learn and apply the material, tactics, and procedures that are required of a law enforcement officer;

b. The following may be disqualifying:

   1) Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application;

   2) Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve the deficient areas, except; subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement.

801.16: PERSONAL SENSITIVITY

a. The Background Investigator will evaluate an employment applicant's demonstrated history of being able to resolve problems in a way that shows sensitivity for the feelings of others utilizing the following general guidelines prior to employment. The applicant should have demonstrated characteristics where applicable such as:

   1) Empathy;

   2) Discretion (not enforcing the law blindly);

   3) Effectiveness in dealing with people without arousing antagonism;

   4) The ability to understand the motives of people and how they will react and interact.

b. The following may be disqualifying:

   1) Having been disciplined by any employer (including military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination;

   2) Uttering any epithet derogatory of another person’s race, religion, gender, national origin or sexual orientation;

   3) Having been disciplined by any employer as an adult for fighting in the workplace.

801.17: JUDGMENT UNDER PRESSURE

a. The Background Investigator will evaluate an employment applicant's demonstrated history of being able to apply common sense during pressure situations utilizing the following general guidelines prior to employment. The applicant should have demonstrated characteristics where applicable such as:

   1) The ability to make immediate, sound decisions;

   2) The ability to use good judgment in dealing with potentially explosive situations;

   3) The ability to make effective, logical decisions under pressure.

b. The following may be disqualifying:

   1) Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws;

   2) Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

	GAITHERSBURG POLICE DEPARTMENT		
	Recruitment Plan		
	GENERAL ORDER 302.1	Related CALEA Standards:	
	Effective Date 03/30/2016	31.2.2, 31.3.1	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 03/30/2016

I. PURPOSE

Our goal is to attract, select and retain the best qualified people for our available positions. To assist in the Department's recruitment efforts, the Department maintains a Recruitment Plan.

II. POLICY

It is the policy of the Gaithersburg Police Department to recruit and select the highest quality candidates to fill vacancies as they arise. In accordance with law and City policy, no person shall be discriminated against on the basis of race, color, sex, sexual orientation, gender identity, ancestry, age, religion, national origin, marital or parental status, disability, or serious medical condition in practices involving recruitment and selection.

The Department strives to have a ratio of minority group and female employees in the sworn law enforcement ranks in approximate proportion to the makeup of the available workforce in the Department's law enforcement service community.

III. PROCEDURE

A. Statement of Measurable Objectives

1. The Department's Recruitment Plan contains objectives that are reasonable and obtainable in order to achieve a sworn workforce that is representative of the community served by the Department.

2. Objectives are reviewed prior to each selection process.

3. The Plan contains provisions and goals to achieve objectives and indicates specific action(s) that the Department will take during specified time frame(s) for implementation.

B. Procedures for Annual Analysis

1. The Plan contains provisions for an annual analysis and review to determine the progress made toward objectives. The annual analysis will include the results of recruitment efforts such as the number of applicants from each recruitment source and the number

of successful candidate hires.

2. Progress is evaluated or reviewed after each selection process and at other times as directed by the Chief of Police. The Plan is revised or re-issued based on the evaluation and review process.

C. Recruitment Activities

1. All members are encouraged to recruit individuals for employment on an ongoing basis.

2. The Department, in coordination with Human Resources, attempts to recruit individuals for employment by:

   a) Posting job announcements on the City's web site;

   b) Posting to other online employment resources; and

   c) Providing notice of job announcements to community organizations with a large minority membership.

   d) Using additional resources to reach qualified candidates outside the immediate geographical area by also:

      1) Sending job announcements/bulletins to locations, offices, buildings and agencies outside the City; and

      2) Placing advertisements in printed publications in the mass media that cover areas outside the City.

3. Women and minority members are encouraged to recruit, as "word of mouth" recruiting is very often successful.

4. To assist in accomplishing Recruitment Plan goals, whenever possible:

   a) Minority personnel who are fluent in the community's non-English languages, and aware of the cultural environment, are utilized as recruiters at career days, job fairs, etc;

   b) Department publications and recruitment brochures and literature are designed to depict women and minority employees in their law enforcement-related roles; and

   c) Women and minority employees are used whenever possible during the selection process for interviews and

background investigations.

Approved: *Chief Marcia Harnden*	Subject: **863. Lactation Breaks**	
Effective: November 21, 2017	CALEA Standards:	Page: 1

863.1: PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

863.2: POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

863.3: LACTATION BREAK TIME

a. A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207).

b. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

c. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

d. Employees desiring to take a lactation break shall notify the Communications Center or their supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

e. Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

863.4: PRIVATE LOCATION

a. The Department will make reasonable efforts to provide lactating employees with the use of an appropriate private room or other location which is shielded from view and free from intrusion to express milk in private.

b. Such room or location should be in close proximity to the employee's work area and shall be spaces other than a bathroom or toilet stall.

c. Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy.

d. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

e. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

863.5: STORAGE OF EXPRESSED MILK

a. Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee ends her shift.

b. Alternatively, the Department will make reasonable provisions to provide a place for the employee to store her own cooler for the purpose of storing expressed milk.

Policy 221 Lactation Break Policy

I. *Purpose and Scope*

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

II. *Policy*

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act and Minnesota law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child, pursuant to Minn. Stat. § 181.939 and 29 USC § 207.

III. *Break Time*

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). If feasible, lactation breaks should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time may be unpaid.

Employees desiring to take a lactation break shall notify dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Minn. Stat. § 181.939). Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

IV. *Private Location*

The department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private (Minn. Stat. § 181.939).

Date: 1/1/2019

Approved by Chief Rick Mathwig

I. PURPOSE:

To establish procedures for managing a multilingual skills program and authorize the differential pay for skilled non-managerial civilian members and non-exempt officers.

II. CROSS-REF:

III. DISCUSSION:

The Town of Matthews and the Matthews Police Department agree to establish and maintain a pay differential program for multilingual skilled members of the agency. The goal of the program is to recruit and compensate members of the agency for holding and maintaining a proficient level of useful and critical language skills.

IV. POLICY:

It is essential to the operations of the Matthews Police Department that members have access to language resources in order to serve residents and visitors of the Town of Matthews. Providing in person contact with a member of the agency skilled in the particular language is essential and most productive in providing that necessary service. Although language lines are available it is the intent of this order to establish a program and compensation package that

V. DEFINITIONS:

VI. ELIGIBILITY FOR PAY DIFFERENTIAL:

1. Prior to becoming eligible for the pay differential, the non-exempt employee must successfully pass a language certification exam administered by the Training Section of the Matthews Police Department.
    a. At the discretion of the Chief of Police, this requirement may be waived during a time that a certification exam is not available. However, the officer will be scheduled to take the certification exam at the earliest convenience.
    b. Waiver of this requirement may only be done after the Chief of Police is reasonably satisfied that the employee is proficient in the language requested, and that the employee's participation in the program is beneficial to the Town and the Department.

2. Testing used will be determined by the Matthews Police Department and the languages tested for will also be determined by the Department. Any language identified as being eligible must be determined to be of operational need and usability based on a population significant enough in the community that having an employee with that skill is a benefit to the agency and the Town.

3. Upon certification of a non-exempt employee by the training staff, those skills will be noted in that employee's performance evaluation. Their use and availability of that skill set will be noted and evaluated annually. In order for the employee to continue participating in the program the employee must be willing to use that skill set while on duty, and if requested; while off duty, if available.

4. A non-exempt officer seeking to be certified may be transferred to a Division where his/her skill will be used.

5. Certified employees recognize they may be placed in an on-call status for their skills. All employees placed on on-call status for their language skills will be paid in accordance with town policy.

6. The Department agrees to limit the number of employees who qualify for the Bi-Lingual Pay Incentive to ten (10)

VII. LANGUAGE CERTIFICATION EXAM:

The test for certification will be a recognized test for the language skills of a specified language. The test will be a test certifying a non-exempt employee to be proficient in conversation of the specified foreign language or sign language.

VIII. COMPENSATION:

1. Compensation will be the addition of $1.00 per hour to the employee's hourly compensation rate.

2. No employee will be eligible to draw more than $1.00 per hour compensation for his/her language skill even if the employee is proficient in multiple languages.

Promotions

Department's current policy:

- Asks officer to consider their short and long term goals and discuss them with a superior officer every two years
    - Goals are reviewed during annual review to measure progress
- List testing components and additional points for promotion to specific positions
- When officer is bypassed for promotion, will receive, upon request, a written explanation for the bypass
- Town manager hears claims that promotion process was not properly followed. Town manager's decision may be appealed to an arbitrator.

Recommendations:

- Vet exam and interview questions for job-relevancy and non-discrimination
    - Ex. Matthews, NC
    - Ex. Roseville, MN
- Make explicit the steps in the promotion process
    - Ex. Matthews, NC – three options for promotion/appointment process, with specific steps for each option
- Make explicit the characteristics and qualifications officers seeking promotion are evaluated on and detail weight given to every characteristic and qualification
    - Ex. Albany, OR – describe every characteristic that background investigators look into, and what qualifies as a pro versus a disqualifier (see selection and recruitment policy); require the Chief to specify numerical weight assigned to each eligibility requirement, system of ranking eligible employees, and time-in-grade and/or time-in-rank eligibility requirement
    - Ex. Gaithersburg, MD – performance evaluation policy describes every characteristic and qualify evaluated, and what is required to achieve a certain rating
- Establish tie-breaker system
    - Ex. Matthews, NC – specific tie-breaker system depending on which option for the promotion process is used
- Allow employees to review decisions concerning their eligibility for promotions
    - Ex. Albany, OR – candidates can review their written results and can make inquiries or appeals to a supervisor
    - Ex. Gaithersburg, MD – rebuttal process for candidates who disagree with their review
    - Ex. Roseville, MN

I. PURPOSE:

To specify procedures for conducting promotion processes for sworn personnel.

II. CROSS-REF:

Form Request to Compete in the Promotional Process

Form Withdrawal from Promotional Process

CALEA STANDARDS 34.1.2

III. DISCUSSION:

The promotion process, as presented in this General Order, applies to all sworn ranks below Captain in the Matthews Police Department and will be administered by the Captain, Administrative Division.

IV. POLICY:

It is the policy of the Matthews Police Department to give all qualified personnel the opportunity to compete in a fair, objective, nondiscriminatory, job-related promotion process and to promote the most qualified individuals as identified by this process. Promotion processes used by the Department will be developed and administered in coordination with the Matthews Police Department and the Town of Matthews Human Resources Department. The Captain, Administrative Division, will oversee the conduct of the process.

V. DEFINITIONS:

CONSENSUS SCORE: A single score, agreed upon by multiple raters, reached through open discussion.

CONSULTANT: A firm or individual contracted by the Department to develop and administer a promotion process.

VI. ELIGIBILITY:

1. **Appointment to SRO/ Canine:**

   No officer will be eligible to participate in the appointment process, or be appointed to (including serving in an acting capacity) the position of School Resource Officer or Canine Officer until that officer has completed **at least two (2) years of service with the Department at the rank of police officer prior to the announcement date.** The Chief of Police may increase this minimum service eligibility requirement up to a maximum of five (5) years of service with the Department provided this requirement is stated in the written order announcing the promotion process

2. **Detective:**

   No officer will be eligible to participate in the promotion process for, to be promoted to, or be appointed to (including serving in an acting capacity) the rank of Detective until that officer has completed **at least two (2) years of service with the Department at the rank of police officer prior to the announcement date.** The Chief of Police may decrease the minimum service eligibility requirement to one (1) year or may increase this minimum service eligibility requirement up to a maximum of five (5) years of service with the Department. Any adjustments to these requirements will be stated in the written order announcing the promotion process.

3. **Corporal/ Sergeant**

   No officer will be eligible to participate in the promotion process, to be promoted to, or be

   appointed to (including serving in an acting capacity) any rank above the rank of Officer until that officer has completed **at least two (2) year of service with the Department at the rank of police officer prior to the announcement date.** The Chief of Police may increase this minimum service eligibility requirement up to a maximum of five (5) years of service with the Department at the rank immediately preceding the rank for which the promotion process is being conducted, provided this requirement is stated in the written order announcing the promotion process.

4. **Lieutenant**

No Sergeant will be eligible to participate in the promotion process, to be promoted to, or be appointed to (including serving in an acting capacity) any rank above the rank of Sergeant until that officer has completed **at least one (1) year of service with the Department at the rank of Sergeant prior to the announcement date.** The Chief of Police may increase this minimum service eligibility requirement up to a maximum of five (5) years of service with the Department at the rank immediately preceding the rank for which the promotion process is being conducted, provided this requirement is stated in the written order announcing the promotion process.

5. **Captain**

No Lieutenant will be eligible to participate in the promotion process to, or be appointed to (including in an acting capacity) to the Captain position until that officer has completed **at least 1 year of service with the department at the rank of Lieutenant until that officer has completed at least one year of service as a Lieutenant or 2 years of service as a Sergeant.** The Chief of Police may increase these minimum service eligibility requirements up to a maximum of 5 years of service with the department at the rank immediately preceding the rank for which the promotion process is being conducted, provided this requirement is stated in the written order announcing the promotion process

6. **Major**

No Lieutenant or Captain will be eligible to participate in the promotion process to, or be appointed to (including in an acting capacity) to the Major position until that officer has completed **at least 1 year of service with the department at the rank of Lieutenant or Captain.** The Chief of Police may increase or further restrict the application eligibility requirements up to a maximum of 5 years of service with the department at the rank immediately preceding the rank for which the promotion process is being conducted, provided this requirement is stated in the written order announcing the promotion process

VII. ACTING RANKS:

No officer will be appointed to, or will remain in, an acting rank if a current Promotion Candidate Placement List for the rank exists, except to **temporarily** replace an officer of that rank who is on extended leave/absence from the Department. If an officer is appointed to an acting rank, except as a temporary replacement, and no Promotion Candidate Placement List for that rank currently exists, a promotion process for that rank will be conducted and an eligibility list developed **no later than twelve (12) months** after the appointed officer's designation to the acting position. Only officers who are eligible to compete in the actual promotion process for the rank in question may be appointed to that rank in an acting capacity.

VIII. PROCESS:

The promotion/ appointment process will include at least the steps outlined in either Option 1, Option 2, or Option 3 described below. The steps of the promotion process will be given in the order listed. The Chief of Police will choose the option to be used.

1. OPTION 1:

   A. A written order announcing the commencement of a promotion process, giving the candidates a reasonable amount of time to obtain and review relevant study materials in preparation for any written examination as described in Option 1 and providing other relevant administrative information pertaining to the promotion process to include the weight of each portion of the process. A reasonable amount of time will be at least four (4) weeks prior to the date of the written examination;

   B. A written examination/ writing exercise relevant to the rank/ responsibility being tested for;

   C. An oral examination board consisting of sworn officers of at least the same rank/ responsibility for which the process is being conducted. The board will consist of at least one member of an allied agency who possesses the same rank/ responsibility of that being sought by the candidate; and/or a situational exercise developed to test

the candidate's abilities to interact with an identified population or segment of the community relevant to the position being tested; and

D. A promotion potential rating (Section XII), consisting of at least a review of each candidate's personnel file and a written recommendation from each candidate's present immediate supervisor who is at least one permanent rank above the candidate. In the event the candidate's current immediate supervisor has served in his/her position and supervised the candidate for less than one year, the current supervisor will coordinate the promotion potential rating with the candidate's former supervisor(s) that have supervised the candidate for the past full year.

Each of the three required steps of the promotion process (Steps B, C & D, listed above) will have a weight of at least 25% of the candidate's final promotion score. The remaining 25% may consist of an additional step or steps relevant to the rank being tested for (selected by the Chief of Police) or the 25% may consist of an increase in the weight of any or all of the required three steps, or the 25% may consist of a combination of an additional step or steps and an increase in the weight of any or all of the required three steps.

2. OPTION 2:

A. A written order announcing the commencement of a promotion process, giving the candidates a reasonable amount of time to obtain and review relevant material to prepare for participation in the assessment center and providing other relevant administrative information pertaining to the promotion process to include the weight of each portion of the process. A reasonable amount of time will be at least four (4) weeks prior to the date of the assessment center;

B. An assessment center relevant to the rank being tested for, consisting of assessors who are sworn officers of at least the rank of or above that for which the process is being conducted, who are members of other law enforcement agencies; and,

C. A promotion potential rating (Section XII), consisting of at least a review of each candidate's personnel file and a written recommendation from each candidate's present immediate supervisor who is at least one permanent rank above the candidate. In the event the candidate's current immediate supervisor has served in his/her position and supervised the candidate for less than one year, the current supervisor will coordinate the promotion potential rating with the candidate's former supervisor(s) that have supervised the candidate for the past full year.

Each of the two required steps (Steps B and C) in Option 2 will have a weight of at least 33.3% of the candidate's final promotion score. The remaining 33.3% may consist of an additional step or steps relevant to the rank being tested for (selected by the Chief of Police) or the 33.3% may consist of an increase in the weight of one or both of the required two steps, or the 33.3% may consist of a combination of an additional step or steps and an increase in the weight of one or both of the required two steps.

3. OPTION 3: (Major/ Assistant Chief)

A. written order announcing the commencement of a promotion process, giving the candidates a reasonable amount of time to obtain and review relevant material to prepare for participation in the promotion process and providing other relevant administrative information pertaining to the promotion process. A reasonable amount of time will be at least two (2) weeks prior to the date of the process;

B. An oral interview relevant to the rank being tested for, consisting of assessors who are sworn officers of at least the rank of or above that for which the process is being conducted, who are members of other law enforcement agencies, and at least one senior member of Town Administration.

C. Submission of a Resume and Cover Letter relevant to the position being sought.

IX. ANNOUNCEMENT OF TESTING:

1. At the direction of the Chief of Police, the Captain, Administrative Division, will publish and distribute a formal Announcement of Testing to all Department personnel. This

announcement will be published as a Special Order and will contain, at a minimum, the following information:

A. the eligibility requirements for the position being tested;

B. the application process;

C. the study material;

D. the steps of the promotion process;

E. the tentative date, time, and location of the events;

F. the duration of the resulting promotion eligibility list; and,

G. other pertinent administrative information regarding the promotion process.

2. The announcement will be published and distributed with the intent to provide all candidates competing in the promotion process with a **reasonable amount of time** of at least four (4) weeks to obtain and review the study material prior to any written examination.

X. APPLICATION:

1. In order to compete in the promotion process, each eligible candidate must submit a completed "Request to Compete in the Promotion Process" directly to the Captain, Administrative Division, by the date and time specified in the announcement. The candidate must also submit copies of this form to all personnel in his/her chain of command.

2. Upon receipt of each completed form, the Captain, Administrative Division, will review the form and determine if the candidate meets the basic eligibility requirements as set forth in the announcement. The Captain, Administrative Division, will then compile a list of eligible candidates (Candidate Eligibility List) who have submitted a form and publish this list of candidates as soon as possible after the expiration of the application deadline. The Captain, Administrative Division will ensure a copy of the Candidate Eligibility List is distributed to each eligible candidate, Division Captains, and Sworn Supervisors. In the event that there is a discrepancy in this list, the Captain, Administrative Division, is to be notified **immediately** and will take the appropriate action to resolve the issue.

3. Qualified officers who do not submit a form by the date and time specified in the announcement will not appear on the Candidate Eligibility List and thereby waive their right to compete in the promotion process until such time as another promotion process is announced and administered for that position.

XI. JOB RELATEDNESS:

Promotion materials are developed to be nondiscriminatory and job related by the use of several components, which may include but are not limited to:

1. Job Task Analysis
2. Interviews of Department members by the Consultant/ HR representative
3. Review of Job Descriptions/Specifications and other position-specific documents
4. Intra-Department interviews/discussion of exercise content
5. Post-Process Validity Review by the Consultant/ HR representative

XII. PROMOTION POTENTIAL RATING:

With the development of the Department's promotion potential rating process, the Department has attempted to limit the effect of any single rater in the promotion process. The completion of the Promotion Potential Assessment Form by the candidate competing for promotion, the written recommendation of the candidate's supervisor, and the subsequent in-depth review of this form by the candidate's Captain and the Promotion Potential Rating Board, minimizes the chance that an individual rater will have an adverse impact on a candidate's overall promotion rating.

XIII. THE PROMOTION POTENTIAL ASSESSMENT FORM:

the dimensions to be evaluated will be provided in the Special Order(s) announcing the promotion process or during the orientation sessions for the process.

XXVII. ADDITIONAL STEPS:

In the event that the Chief of Police chooses to incorporate additional steps into any promotional process, the steps will be included in the Special Order announcing the process and will be administered in accordance with standard, accepted practices as determined by the Human Resources Director and the Captain, Administrative Division.

XXVIII. COMPILATION OF SCORES:

1. Candidates who progress through each step of the promotion process will receive a numerical score which will be determined by using a statistical methodology which ensures that each portion of the process is given its appropriate weight. The scoring method to be used will be specified in the Special Order announcing the Promotion Process.
2. Prior to the publication of the Promotion Candidate Placement List, scores will not be released to anyone but the Captain, Administrative Division and the Chief of Police, except as necessary to conduct the process (e.g. for the purpose of filing appeals of written test questions.)

XXIX. TIEBREAKERS:

Recognizing that after the entire promotion process is completed, the final scores of two or more candidates may be the same, the Department has selected the most objective manner available to place candidates on the Promotion Candidate Placement List. The procedures to be used to break the ties of final scores are outlined below. The Chief of Police will have the final authority in the selection of the tiebreaker method to be used.

1. Option 1 Tiebreaker: In the event that two or more candidates have a tied score upon conclusion of the promotion process in which Option 1 (described in VIII.) was selected, the first tie-breaker to be considered will be each candidate's score on the written test. The higher written test score will determine the position for each candidate with a tied score. In the event that the scores remain tied, the results of the oral interview/exercise will be used as the second tiebreaker. Should the scores remain tied, seniority in the Department will then determine a candidate's placement on the List.
2. Option 2 Tiebreaker: If Option 2 (described in VIII.) is the selected method, the results of the assessment exercise will act as the first tiebreaker. If the scores remain tied after considering this score, then seniority in the Department will determine a candidate's placement on the List.
3. Option 3 Tirebreaker: If Option 3 (described in VIII.) is the selected method, the Chief will determine a candidate’s placement on the list.

XXX. WITHDRAWAL FROM THE PROMOTION PROCESS:

Candidates may **VOLUNTARILY** withdraw from the promotion process at any time. Candidates who voluntarily withdraw from the promotion process will do so, **IN WRITING USING FORM ADM-010 WITHDRAWAL FROM PROMOTION PROCESS,** to the Captain, Administrative Division, using the “Withdrawal from Promotion Process” form or format. A candidate may elect to withdraw at any time, up to and including the commencement of the final component of the process. In response to a candidate's voluntary withdrawal from the promotion process the Captain, Administrative Division, will eliminate the candidate from the process, and that withdrawn candidate’s scores will not be considered in the final scoring of the process.

Policy 514 Promotions

I. *Purpose and Scope*

This policy establishes fair and objective procedures for internal promotions.

II. *Policy*

The Roseville Police Department maintains the validity and integrity of the promotion process by fairly and objectively evaluating candidates for promotion in order to make the best possible appointment to available positions. The agency will regularly review this process and make improvements where appropriate or where dictated by state, federal, or local laws and rulings.

III. *Department Role and Responsibility*

The promotional process in Roseville for all non-entry level officer positions, except for the position of Chief of Police, is governed by Minnesota Statutes Chapter 419, Police Civil Service Commissions. The Roseville Police Civil Service Commission develops rules and regulations for the promotional process, in accordance with State Statutes and with input from the Chief of Police. The Chief of Police has the responsibility and authority for managing the department's role in the promotion process. All material used/unused in the promotion process will be secured at all times with limited access, as directed by the Chief of Police.

IV. *Eligibility*

Eligibility requirements for promotional positions, including lateral promotions are established by the Police Civil Service Commission, based on job descriptions maintained by the department. Time-in-grade or time-in-rank requirements, if any, will be specified.

V. *Testing Process*

The testing process will consist of an assessment conducted through a qualified assessment center, or through the Police Civil Service Commission consisting of a written examination and an oral interview, and any other elements as determined by the Commission and communicated to all applicants. Prior to starting the testing procedure, the Commission will determine the numerical weight to be assigned to each testing element. The written examination may be monitored by the Civil Service Commission.

If an assessment center is not used, interviews will be conducted by an interview panel or panels, the members of which will be appointed by the Chief of Police. Interview questions will be developed by the Chief of Police or a designee. The identical questions will be asked of all promotional candidates. All interviewers will use the same rating appraisal form to record interview performance.

VI. *Evaluation by Non-Discriminatory and Job-Related Elements*

The promotion process is an integral part of the agency's total selection process and must

meet the same legal, professional and administrative requirements established for entry-level selection. Consequently, agency procedures used to determine promotional ranking will be job-related and non-discriminatory. Any written examination given and oral examination questions asked will be validated for job-relevancy and non-discrimination.

VII. *Appeals and Follow-Up*

Candidates may appeal any portion of the promotional process within ten days of notification of the outcome of the process. Appeals will be directed to the Chief of Police. Subsequent to announcement of the results of the promotional process, candidates may review the written results of scored elements of the selection process and may request reapplication, re-testing and/or re-evaluation.

VIII. *Promotion Announcements*

The department will provide employees with a written announcement of promotional opportunities. Announcements will be distributed to all affected employees and posted on agency bulletin boards. Additionally, verbal reminders should be provided at roll call, staff meetings and other department meetings. The announcement of any promotional opportunity will include, at a minimum:

a. A description of the position or job classification for which a vacancy exists.
b. A description of eligibility requirements.
c. A description of the process to be used in selecting personnel for the vacancy.
d. A schedule of dates, times and locations of each element of the process.

IX. *Development of Eligibility Lists*

An eligibility list for promotions within the department will be created by the Police Civil Service Commission based on the compilation of weighted scores of each applicant for all elements of the testing process. Applicants will be ranked and listed according to cumulative scores achieved during the examination and evaluation process. An eligibility list for a position will be effective for up to two calendar years following its creation and may be extended for up to one additional year with the approval of the City Manager.

X. *Use of Eligibility Lists*

When a vacancy occurs, the Police Civil Service Commission will certify to the City Manager the top three names on the Eligibility List. (The Commission should ascertain prior to certifying a list, the continued availability and interest of the top three candidates.) The City Manager may appoint from the certified names or may reject all names and request a new List. If a new list is certified, names will be selected in the same manner as the original List (highest cumulative score first). The Chief of Police generally recommends to the City Manager either a name from the list or the rejection of the list. The City Manager may act upon such recommendation, if given, at their discretion.

XI. *Probationary Periods*

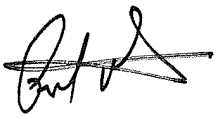
A twelve-month probationary period is required by Civil Service Rules for all promoted agency members, commencing the first full working day at the new position. The

probationary period is to be an integral part of the evaluation process used for the identification, development and assessment of an individual's fitness for a particular position. Performance standards and assessment procedures will be developed and communicated to the probationary employee at the beginning of the probationary period.

As early as possible during the probationary period, the probationary employee should be alerted if their performance is unsatisfactory. The supervisor should make clear the need for improvement and inform the employee that lack of improvement would be cause for return to the employee's former rank or status. During the probationary period the City Manager, after stating reasons in writing to the Civil Service Commission, may rescind the promotion with the approval of the Commission. The officer shall thereafter be re-instated to their former position.

Date: 1/1/2019

Approved by Chief Rick Mathwig



Approved: *Chief Marcia Harnden*	Subject: **817. Promotions, Transfers, and Collateral Assignments**
Effective: August 29, 2018	CALEA Standards: 11.5.1,15.1.4, 33.6.1, 33.8.3, 34.1.1, 34.1.2, 34.1.3, 34.1.4, 34.1.5, 46.2.2, 46.2.4
	Page: 1

817.1: PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion, transfer, or collateral assignments within the ranks of the Albany Police Department and the processes to be followed.

817.1.1: DEFINITIONS

Promotion - Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Transfer - Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it is generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to an assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

Transfer Assignments – The following is a non-exhaustive list of transfer assignments:

- School Resource Officer
- Traffic Officer
- Detective
- Telephone Report Officer

Collateral – Assignment to additional duties beyond the member's regular duties. Although the duration of the assignment may vary, it is generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to an assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

Collateral Assignments – The following is a non-exhaustive list of collateral assignments:

- Field Training Officer
- SWAT Officer
- Truck Inspector
- Crash Investigator
- Drug Recognition Expert
- Communications Training Officer

817.2: POLICY

It is the policy of the Albany Police Department to make promotions, transfers, and collateral assignments within the organization which provide members with the opportunity for professional growth and provide excellent service to the community.

817.4: TRANSFER AND COLLATERAL SELECTION

a. The following criteria generally apply to transfer and collateral assignment selections:

   1) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. The current supervisor will submit these recommendations.

   2) The supervisor recommendations will be submitted to the Division Captain for whom the candidate will work. The Division Captain will schedule interviews with each candidate.

   3) Based on supervisor recommendations and those of the Division Captain after the interview, the Division Captain will submit his/her recommendation(s) to the Chief of Police.

   4) Appointment by the Chief of Police.

b. Specific skill testing may be added to the evaluation process based on the assignment (e.g., SWAT testing).

c. The selection process for transfers and collateral assignments may be waived for emergency situations, or trainings.

817.4.1: TRANSFER AND COLLATERAL QUALIFICATIONS

The following qualifications generally apply for transfers and collateral assignments:

a. Three years' experience;

b. Not on probation;

c. Has shown an interest in the position applied for;

d. Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing, public relations, etc;

e. Complete any training required by the Department of Public Safety Standards and Training or law.

817.5: PROMOTIONAL SELECTION PROCESS

a. Promotions are based upon merit considering a candidate's knowledge, skills, abilities, record of performance, and compatibility with the organization's management and operational philosophy as demonstrated through a competitive selection process and actual job performance.

b. When a vacancy exists in a supervisory position, the announcement will include:

1) Description of the position(s) of job classification.

2) Method of application.

3) Proposed schedule of dates, times, and locations of all elements of the process.

4) Description of eligibility requirements.

5) Description of the promotional process.

c. Specifications for promotional opportunities are on file with the City of Albany Department of Human Resources. Promotions will be determined in accordance with the following procedures:

1) Administrative evaluation as determined by the Chief of Police.

2) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills to be evaluated:

A. Written Examination – Written questions or a written exercise designed to test the applicant's knowledge and/or skills for the position being tested.

B. Oral Interview Panel – Standardized questions for all applicants for the particular position will be used. Additional questions, which are clarification of answers to questions, may be sought by the interviewer. Questions will be reviewed by the appropriate Division Captain prior to the interview process to ensure the questions are appropriate and relevant for the selection process and are nondiscriminatory in nature.

C. Specific skill testing – Standardized skill testing that is job-related to the particular position may be used.

D. Assessment Center – Used for the promotional process of sergeant and lieutenant. The specifics for each process will be outlined in the memorandum to the potential candidates. The Assessment Center process is assigned to one of the Division Captains by the Chief of Police for development and implementation.

E. Interview with the Chief of Police.

d. Promotional materials, including written examinations, interview questions, roleplay exercises, etc., shall be kept in a locked cabinet under the control of the Senior Administrative Supervisor.

e. Lateral Entry Promotions:

1) The Police Department may solicit qualified candidates from outside the agency to fill promotional opportunities.

2) Determination of lateral entry status and eligibility remains solely at the discretion of the Chief of Police.

817.5.1: ELIGIBILITY LISTS

a. When the Chief of Police determines an eligibility list is to be established for a sworn position, s/he shall specify:

1) The numerical weight, if any, assigned to each eligibility requirement.

2) The system of ranking eligible employees on the lists; and

3) Time-in-grade and/or time-in-rank eligibility requirement.

b. The Chief of Police will make the final selection based on the "Rule of Three," (i.e. selection for the position can be from any one of the top three (3) eligible candidates.)

1) Prior to selection, the Chief of Police may conduct oral interviews with the top three (3) candidates to aid in his/her final determination.

2) As selections from the promotional eligibility lists are made, the next top scoring candidate moves into the top three (3) for selection consideration for any promotional opportunities that arise prior to expiration of the eligibility list.

c. Eligibility list duration shall be at the discretion of the Chief of Police and shall not exceed a period of one year unless extended based upon operational need.

817.6: REVIEW AND APPEAL PROCESS

a. Employees are permitted to review and appeal decisions concerning their eligibility for appointment to promotional vacancies. Inquiries and appeals may be submitted to the Chief of Police. The decision of the Chief of Police is final.

b. Procedures for the review and appeal are outlined as follows:

1) Candidates are permitted to review their written results for scored/evaluated elements of the selection process.

2) If a candidate still wants to appeal any aspect of the selection process, an inquiry or appeal will be submitted in writing to the Senior Administrative Supervisor who will provide all relevant materials to the Chief of Police. The Chief, or his/her designee, will review and/or investigate the disputed

element(s) of the selection process. The Chief will make a determination based on the review/investigation and his/her decision will be final.

c. Employees failing to meet eligibility requirements or who are not successful in the promotional process are permitted to reapply for future openings.

	GAITHERSBURG POLICE DEPARTMENT		
	The Promotional Process		
	GENERAL ORDER 207.1	Related CALEA Standards: 33.8.2, 34.1.2, 34.1.3, 34.1.4, 34.1.5, 34.1.6, 34.1.7, 35.1.2, 35.1.6	
	Effective Date 07/24/2018		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 07/24/2018

1. PURPOSE

1.1. The purpose of the promotional process is to select the best qualified candidates in a valid, fair, and equitable manner. To accomplish this goal, all elements used to evaluate candidates for promotion will be job related and non- discriminatory.

2. POLICY

2.1. Promotional competitiveness is contingent upon the following attributes:

2.1.1. Job knowledge;

2.1.2. Education and training;

2.1.3. Experience;

2.1.4. Performance.

2.2. The promotional process is designed to evaluate these attributes for each promotional candidate and provide a single eligibility list for each rank.

2.3. The promotional process for the rank of corporal and sergeant encompasses three major components:

2.3.1. Written Examination;

2.3.2. Structured Resume;

2.3.3. Oral Interview.

2.4. Candidates for promotion to the ranks of corporal and sergeant must complete all three components of the process to appear on an eligibility list.

2.5. Candidates may identify specific assignments for which they would only accept a promotion or may make changes to previous requests, by submitting a Form 34.1.5-b, Request for Promotional Consideration to their bureau commander indicating their assignment preference(s). Candidates desiring consideration for promotion without regard to a specific assignment will still need to submit a Form 34.1.5-b.

2.6. The Administrative Bureau will publish notification of dates, times, locations, and any special requirements with respect to each step of the process.

2.7. No aspect of the promotional process is a guarantee or entitlement for

4.2.3. Candidates qualifying for the personnel assessment will have an equal opportunity to present their qualifications for consideration.

4.2.4. A Memorandum naming all candidates who qualified for the personnel assessment will be sent out following the written examination. This message will serve as a reminder for the submission of the structured resume, as well as dates, times and any special requirements for the oral interviews.

4.3. Structured Resume

4.3.1. The hired testing consultant, via the Chief of Police, will provide an instructional guide to qualifying candidates and their respective commanders, detailing the procedures for submission of the structured resume, supervisory review, and commander's verification.

4.3.2. Structured resumes submitted to the Chief of Police must be completed in the manner described in the guide.

4.3.3. The Chief of Police will specify the due date for the structured resume in the guide for each rank.

4.3.4. Candidates are responsible for ensuring the structured resume is completed and received by the Chief of Police by the specified due date. Deviations from the format and/or due date may result in candidate disqualification.

4.3.5. Commanders and supervisors shall not knowingly commit or omit any act which will hinder the candidate's ability to submit a timely structured resume. Access to personnel files should be facilitated upon request.

4.3.6. Three assessors will review and assign a numerical score to each category of the structured resume, based on the assessors experience, expertise, and guidelines provided by the hired testing consultant.

4.3.7. This panel will consist of representatives from allied police agencies holding an equivalent or higher rank than the one being sought by the promotional candidate.

4.3.8. The relative weights for each of the categories within the structured resume will be established by the hired testing consultant and Chief of Police, prior to the start of each promotional cycle.

4.3.9. In the appointment process for the rank of lieutenant, the structured resume component shall be evaluated by the Chief of Police, in lieu of the assessment panel described for promotions to the ranks of corporal and sergeant.

4.4. Rebuttal

4.4.1. The Rebuttal is not a part of the scoring process for promotional candidates. Completion of the Rebuttal indicates that the candidate

disagrees with the Supervisory Review.

4.4.2. If the candidate disagrees with the Supervisory Review, the commander will schedule a meeting with the supervisor and the candidate to mediate the disagreement. In most cases, disagreements can be resolved by reviewing supporting documentation or confirming the lack of documentation. If the disagreement is resolved at this level, appropriate adjustments shall be made to the supervisory review and the process will continue as per the instructions in the commander's review guide.

4.4.3. The commander must ensure that all information in the supervisory review is supported by documentation. When the sole basis for a rebuttal can be resolved by the presence or lack of documentation, the disagreement will be resolved at the commander's level and a Rebuttal will not be completed.

4.4.4. A rebuttal will be in a written format as described in the instructional guide for preparation of the structured resume that is distributed to promotional candidates and their commanders.

4.4.5. Procedures for the rebuttal process are:

4.4.5.1. As soon as possible, the commander will notify the Chief of Police that a rebuttal will be included in the structured resume

4.4.5.2. The complete structured resume will be received by the Chief of Police by the established due date;

4.4.5.3. Three member appeal boards shall be established to review and decide rebuttals;

4.4.5.4. The Chief of Police will be the chairperson for all appeal boards;

4.4.5.5. The other members of the appeal board will be selected by the chairperson;

4.4.5.6. The appeal board will review the structured resume and all the relevant documentation and statements provided by the candidate, the supervisor and the commander relating to the rebuttal

4.4.5.7. The appeal board will settle the disagreement and determine how the supervisory review will be amended, if necessary;

4.4.5.8. The decision of a three member appeal board is by majority vote;

4.4.5.9. The decision of the appeal board is final.

	GAITHERSBURG POLICE DEPARTMENT		
	Performance Evaluation Criteria		
	GENERAL ORDER 210.2	Related CALEA Standards: 35.1.1, 35.1.2, 35.1.3, 35.1.4, 35.1.5, 35.1.6, 35.1.7, 35.1.8	
	Effective Date 10/07/2013		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. PURPOSE

The purpose of the performance evaluation process is for communicating to employees the level of performance expected of them, providing rating criteria or goals for present and future reporting periods, and providing career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

II. POLICY

In order to accurately describe a member's performance during a specific rating period, the Department's rating categories are defined to promote fairness and objectivity, while minimizing the subjectivity of the process.

The performance of Department members is evaluated in categories that directly relate to their skills, knowledge, and abilities using the measurement criteria and rating criteria described herein and in other applicable directives.

The rating criteria contained herein are not all-inclusive; they are primarily guidelines to assist the rater in distinguishing between standards, and to inform members of the level of performance expected in order to attain a certain standard and to be successful in their position.

When rating performance in a given category, raters should consider the level of performance for the position of the employee and his/her tenure in the position. Criteria used for performance evaluation are specific to the assignment of the employee during the rating period.

III. DEFINITIONS

A. Exemplary

The employee's performance far exceeds requirements and expectations. Performance in the particular category rated is always exceptional. This rating category is the equivalent of **five (5) points**, which is the maximum amount of points attainable for a given category. Written comments justifying this outstanding rating must be included by the rater in the Performance Evaluation Report .

B. Exceeds Requirements and Expectations

The employee consistently demonstrates exceptional performance and provides outstanding service above and beyond expectations in the category rated. This rating category is the equivalent of **four (4) points**. Written comments justifying a rating in this category should be included by the rater in the Performance Evaluation Report.

C. Meets Requirements and Expectations

The employee's performance was consistently satisfactory and therefore met the standard and job requirements. This rating category is the equivalent of **three (3) points**. Written comments justifying a rating in this category should be included in the Performance Evaluation Report.

D. Below Requirements and Expectations – the employee's performance demonstrated a less-than-satisfactory level of performance, which failed to meet the requirements of the category rated. Improvement is necessary to reach a satisfactory level of performance. This category is the equivalent of **two (2) points**. Written comments justifying a rating in this category must be included by the rater in the Performance Evaluation Report .

E. Unacceptable

The employee's performance did not conform to Department standards and performance did not meet the requirements of the category rated. Immediate improvement is required. This category is the equivalent of **one (1) point**. Written comments justifying a rating in this category must be included by the rater in the Performance Evaluation Report.

IV. PROCEDURE

The following criteria will be used to measure the performance of all full-time employees:

A. Attendance

POINT SCORE 5 (Exemplary)

- Always displays a superior work ethic, rarely missing work;
- Always attends scheduled meetings and appointments
- Never allows personal factors to interfere with work hours, without exigent circumstances

POINT SCORE 4 (Exceeds)

- Consistently shows responsibility toward regular attendance at work and meetings

POINT SCORE 3 (Meets)

- Usually present for work and on time, generally reliable

POINT SCORE 2 (Below)

- Sometimes displays a lax in attendance
- Sometimes on-time for meetings or appointments
- Sometimes allows personal factors to interfere with work hours

POINT SCORE 1 (Unacceptable)

- Rarely at work; considered a "chronic offender" or abuser of y leave use in comparison to peers;
- Rarely on-time for meetings or appointments.
- Always allows personal factors to interfere with work hours

B. <u>Observance of Work Hours / Punctuality</u>

POINT SCORE 5 (Exemplary)

- Never late for duty or duty assignments without good cause;
- Usually the "first one to arrive and last one to leave."

POINT SCORE 4 (Exceeds)

- Rarely, if ever, late in reporting for duty. If late, has a good reason.

POINT SCORE 3 (Meets)

- Usually on time in reporting for duty.

POINT SCORE 2 (Below)

- Often late for work without good cause.

POINT SCORE 1 (Unacceptable)

- Rarely on time for assignments or duty.

C. <u>Interest and Attitude</u>

POINT SCORE 5 (Exemplary)

- Always shows an interest in the Department and its mission;
- Always looks for ways to attain the Department's goals and further its mission;
- Always volunteers for collateral duties and follows through on them;
- Always demonstrates a high level of initiative;
- An excellent role model;
- Always promotes harmony within the Department.

POINT SCORE 4 (Exceeds)

- Consistently self-motivated;
- Consistently volunteers for collateral duties and follows through;
- Consistently tries to promote harmony with the Department.

POINT SCORE 3 (Meets)

- Level of interest and attitude overall acceptable;
- Sometimes volunteers for collateral duties, but generally must be asked to take on more responsibility.

POINT SCORE 2 (Below)

- Frequently seems uninterested in Department;
- Attitude is generally not positive;
- Frequently shows disrespect for his/her position; demeans the position and shirks work;

- Self-motivation in need of improvement;
- Usually collateral duties are generally not given to this employee.

POINT SCORE 1 (Unacceptable)

- Never shows interest in the Department;
- Never shows interest in self-improvement; is satisfied with the status-quo;
- Generally considered disruptive to the organization;
- Collateral duties are not assigned.

D. <u>Cooperation and Loyalty</u>

POINT SCORE 5 (Exemplary)

- Always cooperative and loyal to the Department and its mission;
- Always puts the Department first;
- Is always careful not to bring discredit upon the Department or its members.

POINT SCORE 4 (Exceeds)

- Consistently works well with others;
- Consistently puts the Department before self-interests;
- Is careful not to bring discredit upon the Department or its members.

POINT SCORE 3 (Meets)

- Is generally cooperative and loyal to the Department;
- Shows a level of cooperation and loyalty that is sufficient to accomplish assigned tasks.

POINT SCORE 2 (Below)

- Is sometimes uncooperative; requires frequent motivation/ counseling;

- Generally not counted upon by others or avoided entirely because of his/her unwillingness to cooperate.

POINT SCORE 1 (Unacceptable)

- Not cooperative and loyalty to Department questionable through demonstrated acts and/or comments.

E. <u>Appearance</u>: (Including Court)

POINT SCORE 5 (Exemplary)

- Always presents a neat, clean, professional appearance that is a model for others to emulate;

- Uniforms, clothing, and equipment are always serviceable, maintained in a state of operational readiness, and worn in accordance with Department policies;

- Always wears the correct uniform; never wears parts that are inappropriate or not approved for use or wear.

POINT SCORE 4 (Exceeds)

- Consistently presents an appearance that exceeds what is required.

POINT SCORE 3 (Meets)

- Presents an acceptable appearance.

- Any minor deficiencies or infractions observed through the inspection process or other observations are quickly and easily correctable.

POINT SCORE 2 (Below)

- Improvement needed; frequently does not present a professional appearance;

- Mixes uniform parts.

POINT SCORE 1 (Unacceptable)

- Uniform not worn correctly;

- Appearance is consistently unprofessional.

F. <u>Timeliness of Paperwork</u>

POINT SCORE 5 (Exemplary)

- Always submits reports, forms, and/or other documents before deadlines and in accordance with time constraints outlined in the MAARS and MCP Report Writing Manual;

- Always uses an appropriate amount of time for the nature of the report;

- Rarely places reports on hold, but when done so, it is for good cause and with supervisor approval.

POINT SCORE 4 (Exceeds)

- Consistently submits reports, forms, and/or other documents on or before deadlines and in accordance with time constraints outlined in the MAARS and MCP Report Writing Manual;

- Appropriate use of time used for the nature of the report or document;

- Occasionally places reports on hold, but when done so, it is for good cause and with supervisor approval.

POINT SCORE 3 (Meets)

- Submits reports, forms, and/or other documents on or before deadlines and generally in accordance with time constraints outlined in the MAARS and MCP Report Writing Manual;

- Generally uses an appropriate amount of time for the nature of the report or document;

- Any reports placed on hold are generally for good cause and with supervisor approval.

POINT SCORE 2 (Below)

- Reports, forms, and/or other documents submitted frequently miss deadlines and are generally not in accordance with time constraints outlined in the MAARS and MCP Report Writing Manual;

- Generally does not use an appropriate amount of time for the nature of the report or document;

- Many reports are placed on hold and many are not for good cause with or without supervisor approval.

POINT SCORE 1 (Unacceptable)

- Reports, forms, and/or other documents rarely meet deadlines and rarely comply with time constraints outlined in the MAARS and MCP Report Writing Manual;

- Does not use an appropriate amount of time for the nature of the report or document; too much time used;

- Often places reports on hold and many are not for good cause with or without supervisor approval.

- Places reports on hold without supervisor approval.

G. <u>Officer Safety</u>

POINT SCORE 5 (Exemplary)

- Always follows accepted safety practices and procedures;

- Foresees potentially dangerous situations and always prepares appropriately for them;

- Always maintains a position of advantage and is always alert for changing conditions;

- Always strives for a tactical advantage.

POINT SCORE 4 (Exceeds)

- Consistently follows safety practices and procedures;

- Prevents opportunities for danger from developing, when possible;

- Frequently attempts to gain a tactical advantage.

POINT SCORE 3 (Meets)

- Overall, follows safety practices;

- Any minor lapses or transgressions are quickly and easily correctable;

- Responds well to feedback.

POINT SCORE 2 (Below)

- Improvement needed; sometimes doesn't put safety first;

- Some actions could cause injury(s) to self and others;

- Sometimes is not adequately prepared;

- Sometimes fails to see or recognize potentially dangerous situations and does not prepare accordingly.

POINT SCORE 1 (Unacceptable)

- Does not put safety first;

- Generally not prepared;

- Fails to see and recognize potentially dangerous situations and is unprepared.

H. <u>Dependability</u>

POINT SCORE 5 (Exemplary)

- Always get the job done with little or no supervision;

- Can always be counted on to accomplish the most complex tasks; is generally one of the first people to whom a task is assigned, unless the employee has already volunteered for it;

POINT SCORE 4 (Exceeds)

- Work is consistently of excellent quality;

- Can consistently be counted on to accomplish most tasks and projects;

POINT SCORE 3 (Meets)

- Dependable; supervisor feels comfortable assigning tasks.

POINT SCORE 2 (Below)

- Improvement needed in dependability. Dependability questionable;
- Often, tasks and projects are not assigned to this employee because supervisor does not feel comfortable doing so, even though the employee is qualified to take the task;

POINT SCORE 1 (Unacceptable)

- Not dependable; supervisor avoids assigning tasks to the employee;
- Has difficulty accomplishing and completing even the most menial of tasks;

I. <u>Consistency of Work</u>

POINT SCORE 5 (Exemplary)

- Always manages time effectively;
- Always completes projects that are of the highest quality before established deadlines or due dates;
- Understanding of the job description and of the duties and responsibilities for the position held far exceeds requirements and expectations.

POINT SCORE 4 (Exceeds)

- Consistently manages time appropriately;
- Consistently completes projects that are of high quality by the established deadlines or due dates (in some cases, before deadline);
- Understanding of the job description and of the duties and responsibilities for the position held is exceptional and exceeds requirements and expectations; prioritizes work accordingly.

POINT SCORE 3 (Meets)

- Time management acceptable; occasionally (but not often), different techniques could have been used to better manage time;

- Projects of quality are generally completed by established deadlines or due dates; rarely completed late;

- Understanding of the job description and of the duties and responsibilities for the position held meets requirements and expectations; generally prioritizes work accordingly.

POINT SCORE 2 (Below)

- Techniques and strategies used to manage time and workload are usually ineffective; delegates inappropriately and must delegate more to the right persons;

- Projects sometimes lack quality (giving the appearance of being rushed to completion) and lack pertinent information or contain confusing or inaccurate information; projects many times are not completed by the established deadlines or due dates;

- Lacks complete understanding of the job description and of the duties and responsibilities for the position held.

POINT SCORE 1 (Unacceptable)

- Time management skills seriously deficient;

- Projects are rarely, if ever completed; when completed, need major work or revisions;

- Lacks familiarity with and a basic understanding of the job description and of the duties and responsibilities for the position held far.

J. <u>Control of Conflict</u>

POINT SCORE 5 (Exemplary)

- Always uses sound reasoning techniques and logic to control and resolve conflicts;

- Always uses a high degree of tact and discretion with which to maintain peace and order (when possible);

- Always uses proper physical control to abate conflict (when necessary);

POINT SCORE 4 (Exceeds)

- Consistently uses sound reasoning techniques and logic to control and resolve conflicts;
- Almost always uses a high degree of tact and discretion with which to maintain peace and order (when possible);
- Uses proper physical control to abate conflict (when necessary);

POINT SCORE 3 (Meets)

- Overall performance is acceptable;
- Generally controls conflict through acceptable methods and techniques.

POINT SCORE 2 (Below)

- Improvement needed; frequently performs below standard;
- Has difficulty controlling or minimizing conflict; sometimes fails to use appropriate tact and discretion to defuse a situation.

POINT SCORE 1 (Unacceptable)

- Rarely controls conflict; allows the conflict to control the employee;
- Sometimes uses inappropriate words, phrases, or body language that exacerbates the conflict.

K. <u>Radio Protocol</u>

POINT SCORE 5 (Exemplary)

- Always follows all Department, County, and FCC regulations and procedures when using the County and City radios;
- Immediately answers or acknowledges messages or assignments;
- Always maintains appropriate radio contact with PSCC and officers;

- Always pays close attention to radio traffic and never misses pertinent activity on the air;

- Always transmits appropriate, concise, and specific messages.

POINT SCORE 4 (Exceeds)

- Consistently complies with Department and FCC regulations;

- Messages are frequently clear, concise, and specific;

- Monitors radio traffic and takes appropriate actions.

POINT SCORE 3 (Meets)

- Makes appropriate transmissions in a timely manner;

- Rarely fails to acknowledge transmissions or messages directed to him/her.

POINT SCORE 2 (Below)

- Improvement needed; frequently misses radio traffic and fails to make timely transmissions or respond to messages directed to him/her.

- Some messages transmitted by employee are confusing or not pertinent.

POINT SCORE 1 (Unacceptable)

- Use of the radio overall poor.

- Never pays attention to radio traffic; has to be called several times.

L. <u>Interpersonal Skills</u>

POINT SCORE 5 (Exemplary)

- Always exhibits concern for the welfare of co-workers and the public;

- Always gains approval or acceptance through leadership and example rather than rank or position;

- Always communicates effectively in a variety of circumstances;

- Always defuses the hostile person utilizing a variety of techniques and applies the most appropriate technique for the situation.

- An outstanding team player; seeks to build and participate on teams;

- Always maintains a positive attitude about the job and those persons with whom they work.

POINT SCORE 4 (Exceeds)

- Frequently recognizes the existence of personal and/or job-related problems and helps others to understand these problems – provides assistance as appropriate;

- Consistently has a positive attitude toward the job and co-workers;

- Is able to consistently defuse hostile persons effectively.

- A good team player.

POINT SCORE 3 (Meets)

- Attitude acceptable;

- Patient with others;

- Generally a good team player.

POINT SCORE 2 (Below)

- Has some difficulty working as a team player;

- Attitude towards job and coworkers needs improvement;

- Difficulty in dealing with/ defusing hostile persons.

POINT SCORE 1 (Unacceptable)

- Not a team player; generally avoids or discourages team participation;

- Attitude is almost always negative such that harmony among coworkers is affected;

- Rarely uses tact and discretion;

- Rarely shows interest in self-improvement.

M. <u>Application of Judgment and Discretion</u>

POINT SCORE 5 (Exemplary)

- Always makes complex decisions with little or no assistance;

- Ensures that decisions made to solve problems are always ethically, legally and morally correct, and are based on intelligent information and the facts available at the time;

- Always uses excellent judgment in the application of force.

POINT SCORE 4 (Exceeds)

- Consistently exercises proper reasoning and judgment;

- Generally perceives situations accurately and is takes decisive action.

- Consistently uses good judgment in the application of force.

POINT SCORE 3 (Meets)

- Makes reasonable, rational decisions within the bounds of his/her authority;

- Uses appropriate judgment in the application of force.

POINT SCORE 2 (Below)

- Frequently makes decisions that are not well thought out or without having or analyzing all available facts;

- Sometimes uses poor judgment in the application of force.

POINT SCORE 1 (Unacceptable)

- Never acts with good reason;

- Rarely uses good judgment in the application of force.

N. <u>Problem Solving and Decision Making</u>

POINT SCORE 5 (Exemplary)

- Always thinks through the most complex situations and reaches appropriate conclusions;
- Always anticipates problems and prepares solutions in advance.

POINT SCORE 4 (Exceeds)

- Consistently relates past solutions to present situations;
- Is consistently able to reason- through a problem and come to an acceptable conclusion;

POINT SCORE 3 (Meets)

- Usually does not require assistance before making a decision;
- If assistance is sought, it is for appropriate reasons.

POINT SCORE 2 (Below)

- Is somewhat indecisive; improvement is needed.
- Has difficulty reasoning and reaching an appropriate conclusion;

POINT SCORE 1 (Unacceptable)

- Impulsive - does not think before acting;
- Does not analyze facts or reason-through his/her decision before acting.

O. <u>Survival Skills</u>

POINT SCORE 5 (Exemplary)

- Is always tactically prepared when responding to and upon arrival at calls for services or incidents;

POINT SCORE 4 (Exceeds)

- Consistently prepared from a tactical perspective when responding to and arriving at calls or incidents;

POINT SCORE 3 (Below)

- Generally prepared from a tactical perspective when responding to and arriving at calls or incidents.

POINT SCORE 2 (Meets)

- Understands and practices the basics of tactical preparation when responding to and arriving at calls or incidents;
- Is sometimes not tactically prepared; unsafe;
- Lacks understanding of gaining and maintaining a tactical advantage;

POINT SCORE 1 (Unacceptable)

- Is rarely prepared tactically;
- Does not understand tactical concerns and gain the advantage;

P. <u>Investigative Skills</u>

POINT SCORE 5 (Exemplary)

- Always demonstrates an extensive and thorough understanding of sound investigative techniques;
- Always conducts a thorough preliminary investigation and, when appropriate, effectively follows-up on his/her assignments/cases until the case is closed, suspended, or relinquished to an appropriate investigator;
- Is extremely knowledgeable of and applies a very high level of skill during investigations undertaken.
- Files initial and supplemental reports in a timely manner and consistent with Department protocols.

POINT SCORE 4 (Exceeds)

- Consistently demonstrates a level of knowledge of investigative techniques that exceeds requirements;

- Consistently conducts a thorough preliminary investigation and, when appropriate, effectively follows-up on his/her assignments/cases until the case is closed, suspended, or relinquished to an appropriate investigator;

- Is knowledgeable of and applies a high level of skill during investigations undertaken.

- Consistently files initial and supplemental reports in a timely manner and consistent with Department protocols.

POINT SCORE 3 (Meets)

- Investigative skills for the position and tenure are adequate.

- Preliminary and follow-up investigations are basic and conducted appropriately.

POINT SCORE 2 (Below)

- Frequently fails to demonstrate a basic knowledge and understanding of investigative skills and techniques;

- Frequently fails to conduct an adequate initial and follow-up investigation; some must be reassigned to other patrol officers;

- Some reports lack basic information that may hinder investigators.

POINT SCORE 1 (Unacceptable)

- Reports lack basic and critical information;

- Preliminary and follow-up investigations are of poor quality;

- Some follow-up investigations (that meet Department guidelines for follow-up) not conducted.

Q. <u>Policy/Procedure Knowledge and Application</u>

POINT SCORE 5 (Exemplary)

- Knowledge of Department directives is extensive;

- Always adheres to Department procedures and in doing so is considered a model for others;

- General Order and other manuals assigned to the employee are maintained in a state of readiness and upon receipt new material is inserted immediately into them.

POINT SCORE 4 (Exceeds)

- Employee consistently demonstrates exceptional knowledge of policies and procedures;

- Rarely commits an infraction of Department policy or rules;

POINT SCORE 3 (Meets)

- Employee demonstrates an acceptable knowledge of policies and procedures;

- Any infraction of policies and rules is usually minor and easily correctable;

POINT SCORE 2 (Below)

- Knowledge of policies and procedures needs improvement;

- Sometimes lacks a clear understanding of the most basic policy;

- Rule infractions are common, sometimes major, and sometimes not easily correctable;

POINT SCORE 1 (Unacceptable)

- Does not know information contained in Department directives or consistently shows a disregard for Department policies or procedures.

R. <u>Knowledge of State and Local Laws</u>

POINT SCORE 5 (Exemplary)

- An extensive or thorough working knowledge of State and local laws is always demonstrated, including the Laws of Arrest;

- Laws are always applied fairly and correctly;

- Is considered a resource

- Always keeps current with changes in the laws;
- Is very knowledgeable of criminal procedures and rarely has to refer to written materials or other resources

POINT SCORE 4 (Exceeds)

- Knowledge of laws is consistently good for the employee's position and tenure;
- Generally considered a resource;
- Consistently knows the location of statutes and can find a specific statute with little or no difficulty.

POINT SCORE 3 (Meets)

- Knowledge of laws is acceptable for the employee's position and tenure
- Application of laws is correct in most circumstances.

POINT SCORE 2 (Below)

- Performance demonstrated is less-than-satisfactory for the position and the employee's tenure;
- Level of knowledge of current procedures unsatisfactory; must frequently refer to resources – more than other employees in same position and of same tenure.

POINT SCORE 1 (Unacceptable)

- Demonstrates an unacceptable level of knowledge of laws for position and tenure and has difficulty applying them even in non-stressful conditions;
- Employee does not do things for him/herself and relies on someone/something else for answers.

S. <u>Driving Skills</u>

POINT SCORE 5 (Exemplary)

- Always operates a vehicle in an exemplary manner with extreme care and diligence during emergency responses and pursuit situations;

- Exhibits a very high degree of competency in handling and maneuvering the vehicle, especially in stressful conditions;

- Has not been involved in any preventable collisions during the one-year/Spring and Fall rating cycle;

- Always uses emergency equipment correctly and appropriately**.**

POINT SCORE 4 (Exceeds)

- Consistently operates a vehicle in a careful and prudent manner, exercising due care and diligence;

- No driving infractions noted;

- Consistently adheres to Department policies and procedures regarding emergency vehicle operation.

POINT SCORE 3 (Meets)

- Operation of vehicle is acceptable. Any minor infraction is quickly and easily corrected.

POINT SCORE 2 (Below)

- Operation of vehicle inappropriate on more than one occasion;

- Sometimes operates the vehicle during emergency responses and pursuits in an unsafe, careless, or negligent manner;

- Has been involved in two preventable collisions during the rating year (non-exigent circumstances).

- Sometimes drives too fast for road, traffic, and weather conditions;

- Lackluster response to remedial training, counseling, and/or disciplinary action.

POINT SCORE 1 (Unacceptable)

- Frequently exhibits unsafe, careless, reckless operation of vehicles;

- Is not familiar with and/or disregards Department policies and procedures regarding vehicle operation;

- Takes unnecessary risks; a poor driver. Has been involved in more than two (2) preventable collisions during the rating year;

- No response to remedial training, counseling, and/or disciplinary action.

T. <u>Weapons Proficiency</u>

POINT SCORE 5 (Exemplary)

- Always demonstrates a superior level of proficiency and competency with all Department weapons, including those hand-to-hand defense tactics authorized by the Department;

POINT SCORE 4 (Exceeds)

- Consistently demonstrates a very high level of proficiency and competency with all Department weapons, including those hand-to-hand defense tactics authorized by the Department.

POINT SCORE 3 (Meets)

- Demonstrates an acceptable level of proficiency and competency with all Department weapons, including those hand-to-hand defense tactics authorized by the Department.

POINT SCORE 2 (Below)

- Without remedial training, is unable to demonstrate proficiency or competency with all Department weapons, including those hand-to-hand defense tactics authorized by the Department.

POINT SCORE 1 (Unacceptable)

- Is unable to demonstrate proficiency or competency with all Department weapons, including those hand-to-hand defense tactics authorized by the Department; did not respond to remedial training;

- Without good cause, did not attend remedial training.

U. <u>Self-Initiated Activity</u>

POINT SCORE 5 (Exemplary)

- Is always alert and takes appropriate action; work produced/service provided is of the highest quality;

- Always uses appropriate forms to document unusual or suspicious occurrences;
- Always volunteers for additional responsibilities (i.e., shift or department).

POINT SCORE 4 (Exceeds)

- Consistently initiates or looks for activity(s) in which to become involved; is proactive;
- Consistently produces quality work;
- Consistently volunteers for additional responsibilities and duties.

POINT SCORE 3 (Meets)

- Level of self-initiated activity acceptable for the position and the employee's tenure;
- Occasionally volunteers for additional duties and responsibilities.

POINT SCORE 2 (Below)

- Improvement is needed; Sometimes misses obvious activity;
- Lacks initiative; sometimes has to be prodded to get more involved;
- Work produced from self-initiated activity lacks quality.

POINT SCORE 1 (Unacceptable)

- Minimal or no self-initiated activity by employee;
- Frequently misses obvious activity;
- Rarely, if ever, volunteers for additional responsibilities; usually must be assigned.

V. <u>Knowledge of Community Crime</u>

POINT SCORE 5 (Exemplary)

- Always demonstrates an very extensive knowledge and uses this uses this knowledge to proactively patrol and solve problems;

- Always attempts to learn more about crime trends and patterns in neighborhoods and business communities;

- Is always aware of community events in the area and adjusts patrol accordingly.

POINT SCORE 4 (Exceeds)

- Knowledge is extensive; is proactive and uses this knowledge to solve community problems and those having a bearing on law enforcement;

- Stays up-to-date on the information relative to crime and trends.

POINT SCORE 3 (Meets)

- Generally demonstrates a level of knowledge sufficient to understand the community's crime;

POINT SCORE 2 (Below)

- Basic knowledge of community crime, trends, and patterns marginal and below expectations;

- Rarely attempts to learn more about the community, its crime, and events.

POINT SCORE 1 (Unacceptable)

- Does not exhibit any knowledge of or interest in the community or its crime;

- Is unaware of community events.

W. <u>Computer Proficiency</u>

POINT SCORE 5 (Exemplary)

- Always maintains certification(s) required to operate or access the data bases where such certification is required;

- Has an extensive knowledge of MILES, NCIC, Word, Access, Excel, and other Department data bases and can train others.

POINT SCORE 4 (Exceeds)

- Maintains certifications required;

- Assists others with computer inquiries and problems;

- Easily uses the various data bases and systems to which the Department has access.

POINT SCORE 3 (Meets)

- Is proficient in basic applications and uses the various data bases and systems appropriately;

- Is always currently certified on systems for which current certification is required for access; if certification lapses, it has lapsed for good cause due to an unforeseen circumstance(s).

POINT SCORE 2 (Below)

- Lacks knowledge of data bases and systems and is not proficient in all operations – only basic inquiries, such as stolen tags, driver records, etc.;

- Allows certification to lapse without good cause;

POINT SCORE 1 (Unacceptable)

- Lacks the most basic of knowledge and is not proficient in basic operations;

- Certification currently has lapsed without good cause;

- Employee has not signed on to the system in more than 30 days.

X. <u>Report Organization and Detail</u>

POINT SCORE 5 (Exemplary)

- Thoughts and information are always well-organized and reports are rarely, if ever, returned because of errors or for clarification.

POINT SCORE 4 (Exceeds)

- Documents are consistently easy to read;

- Reports and documents are rarely returned because of errors or for clarification.

POINT SCORE 3 (Meets)

- Occasional errors or omissions cause return of documents, but they are generally corrected with little effort and submitted promptly;

POINT SCORE 2 (Below)

- Improvement needed due to inattention or lack of detail;
- Is careless when completing reports, forms, and documents; misses obvious blocks or frequently leaves out pertinent information required; occasionally forgets to submit a form or document;
- Lack of understanding of report system and use of forms.

POINT SCORE 1 (Unacceptable)

- Reports, forms, and documents are poorly written and are generally unacceptable; frequently returned for errors and/or omissions;
- Frequently forgets to submit reports, forms, and other
- documents; is frequently on the "delinquent report list"
- Reports often lack clarity and information and appear to be "rushed"

Y. <u>Performance Under Pressure / Stress</u>

POINT SCORE 5 (Exemplary)

- Always gains and maintains control in all situations and under all conditions;
- Always controls feelings and emotions in even the most trying situations;
- Always maintains composure and makes sound, logical, and rational decisions.

POINT SCORE 4 (Exceeds)

- Consistently acts within own limitations and those of other resources available;

- Consistently controls feelings and emotions in most situations, including those when subjected to provocation;

- Consistently maintains his/her composure and generally makes sound, logical, and rational decisions.

POINT SCORE 3 (Meets)

- Performance acceptable for the position and tenure of the employee.

POINT SCORE 2 (Below)

- Improvement needed; Has difficulty gaining and maintaining control of many situations;

- Difficulty controlling emotions and maintaining composure.

POINT SCORE 1 (Unacceptable)

- Does not control situations and maintain composure;

- Does not make sound, logical, and rational decisions;

- An unsafe employee.

Z. <u>Completion of Assignments, Tasks and Investigation</u>

POINT SCORE 5 (Exemplary)

- Always completes department forms, reports and other documents neatly, completely, accurately, and in conformance with established standards;

- Always completes tasks assigned and conducts thorough initial investigations and follows up on cases.

POINT SCORE 4 (Exceeds)

- Consistently completes department forms, reports, and other documents neatly, completely, accurately, and in conformance with established standards;

- Consistently completes tasks assigned and conducts investigations and follow ups.

POINT SCORE 3 (Meets)

- Completion of reports, forms and documents are generally acceptable;
- Adequate amount of time used to complete reports, forms, and documents;
- Completes tasks assigned and conducts investigations

POINT SCORE 2 (Below)

- Is careless when completing reports, forms, and documents; misses obvious blocks or frequently leaves out pertinent information required; occasionally forgets to submit a form or document;
- Rarely completes tasks assigned and investigations; rarely does follow up on incidents.

POINT SCORE 1 (Unacceptable)

- Reports, forms, and documents are poorly written and are generally unacceptable; frequently returned for errors and/or omissions;
- Frequently forgets to submit reports, forms, and other documents; is frequently on the "delinquent report list"
- Never completes tasks assigned; never does a proper investigation or follow up.

AA. <u>Knowledge, Use, and Care of Equipment</u>

POINT SCORE 5 (Exemplary)

- Is always careful with and thoughtful of City-owned equipment, property, and vehicles; treats them as if they belong to the employee;
- Issued equipment, vehicle and work area always presents a neat, clean, and professional appearance;
- Always accounts for each item issued to the employee and it is always found to be in a state of operational readiness;

- Always demonstrates and utilizes extensive knowledge of proper procedures for the handling and care of equipment.

POINT SCORE 4 (Exceeds)

- Work area and vehicle is presentable and conducive to accomplishing the Department's mission;

- Rarely, if ever, is equipment lost or damaged through neglect, inattention, or incompetence;

POINT SCORE 3 (Meets)

- Demonstrate an adequate knowledge of the procedures for handling and care of issued equipment;

- If minor deficiencies or lapses are observed through the inspection or other processes, they are usually quickly and easily correctable.

POINT SCORE 2 (Below)

- Lacks an adequate knowledge of the procedures for handling and caring for equipment;

- Work area and vehicle are generally not maintained properly;

POINT SCORE 1 (Unacceptable)

- Work area, vehicle, equipment maintained in a disorganized manner; appearance usually not presentable;

- Not knowledgeable of the procedures for handling and caring of equipment.

BB. <u>Effective Use of City Resources</u>

POINT SCORE 5 (Exemplary)

- Knowledge of city resources is extensive and always makes appropriate and timely referrals;

- Always works with other city units to help solve problems;

- A real problem solver; encourages others to problem solve.

POINT SCORE 4 (Exceeds)

- Consistently uses city resources and often makes referrals;
- Consistently works with other city units to help solve problems;
- Consistently looks to problem-solve and looks for underlying reasons/causes for problems.

POINT SCORE 3 (Meets)

- Knowledge of city resources available acceptable for the position and tenure of the employee; expansion of knowledge encouraged;
- Problem solving ability adequate.

POINT SCORE 2 (Below)

- Is unfamiliar with most city resources available;
- Needs direction regarding identification and referral to appropriate city department;
- Sometimes make inappropriate referrals or fails to recognize when a referral would be appropriate.
- Problem-solving ability needs improvement.

POINT SCORE 1 (Unacceptable)

- Knows of few, if any, city resources;
- Does not understand concept of problem-solving and frequently does not attempt to solve underlying problem.

CC. <u>Honesty and Integrity</u>

POINT SCORE 5 (Exemplary)

- Always stands up for what is right, even when faced with adversity;
- Always acts as a role model;

- Always displays a superior work ethic;
- Level of honesty and integrity is never in question

POINT SCORE 4 (Exceeds)

- Consistently stands up for what is right, even when faced with adversity;
- Consistently stands up for what is right and does the right thing;
- Consistently acts as a role model to others.

POINT SCORE 3 (Meets)

- Does the right thing;
- Maintains an appropriate level of honesty and integrity.

POINT SCORE 2 (Below)

- Sometimes needs direction in doing the right thing; work ethic is not strong and usually needs direction from the supervisor to keep motivated;
- Is easily influenced by others and often misled; does not always to the right thing;
- Honesty and integrity is often in question.

POINT SCORE 1 (Unacceptable)

- Honesty and integrity is always in question;
- Never displays a good work ethic; must be told by the supervisor what to do;
- Is a follower, not a leader.

DD. <u>Knowledge and Use of Alternative Resources</u>

POINT SCORE 5 (Exemplary)

- Knowledge of community-based and government based resources is extensive and always makes appropriate and timely referrals;
- Always uses alternative community and government-based resources appropriately;

- Establishes or maintains liaison with community/government resources;
- Is always looking to expand Department interaction with community/government-based service providers;
- Develops partnerships with community groups that provide services;
- A real problem solver; encourages others to problem solve.

POINT SCORE 4 (Exceeds)

- Consistently uses alternative community and government based alternative resources;
- Establishes or maintains liaison with community/government resources;
- Consistently looks to problem-solve and looks for underlying reasons/causes for problems.

POINT SCORE 3 (Meets)

- Knowledge of community and government based alternative resources acceptable for the position and tenure of the employee; expansion of knowledge encouraged;
- Problem solving ability adequate.

POINT SCORE 2 (Below)

- Is unfamiliar with most community/government-based alternative resources;
- Needs direction regarding identification and referral to appropriate agencies/programs;
- Sometimes make inappropriate referrals or fails to recognize when a referral would be appropriate.
- Problem-solving ability needs improvement.

POINT SCORE 1 (Unacceptable)

- Knows of few, if any, community/government-based alternative resources;

- Does not understand concept of problem-solving and frequently does not attempt to solve underlying problem.

EE. <u>Orientation Skill / Response to Calls</u>

POINT SCORE 5 (Exemplary)

- Always responds safely and expeditiously in accordance with response codes;
- Appropriately seeks clarification of or changes to response codes when believed necessary;
- Always travels the most expeditious route contingent upon traffic, weather, etc.
- Always approaches the scene from a tactical view and is always prepared for a variety situations;
- Always responds appropriately as a back-up;
- Always de-escalates responses when it is believed that sufficient employees are on the scene or not needed;
- Always handles calls efficiently and effectively;
- Always handles calls assigned and frequently volunteers for calls not assigned or in the dispatcher's pending queue.

POINT SCORE 4 (Exceeds)

- Response is consistently safe and expeditious and in accordance with response codes;
- Appropriately seeks clarification of or changes to response codes when believed necessary;
- Consistently approaches the scene from a tactical view and is prepared for a variety situations;
- Consistently handles calls assigned and volunteers for calls not assigned or in the dispatcher's pending queue.

POINT SCORE 3 (Meets)

- Responds safely in accordance with Department policies and procedures;

- Handles assignments dispatched and periodically volunteers for calls.

POINT SCORE 2 (Below)

- Improvement is needed regarding response time and route of travel to scene; sometimes response unsafe.

- Sometimes deviates from response code without authorization or good cause;

- Is sometimes unfamiliar with the most expeditious route to the scene;

- Sometimes does not approach the scene from a tactical view;

POINT SCORE 1 (Unacceptable)

- Does not know the City, therefore hampering response to routine calls;

- Takes an inordinate amount of time to respond and arrive at the scene;

- Rarely responds a s a back-up - must be prompted;

- Rarely returns to service in a timely manner;

- Disregards response codes;

- Rarely, if ever, volunteers for calls.

FF. <u>Neatness, Grammar, Spelling</u>

POINT SCORE 5 (Exemplary)

- Reports, forms and/or other documents always exhibit excellent use of grammar and punctuation; words spelled correctly;

- Reports, forms, and/or other documents are always neat and contain no erasure or “white-out”;

- Reports, forms, and/or other documents are always easy to understand and are rarely, if ever, returned due to errors or for clarification.

- An excellent writer.

POINT SCORE 4 (Exceeds)

- Reports, forms, and/or other documents consistently exhibit proper use of grammar and punctuation; words are generally spelled correctly;

- Reports, forms, and/or other documents are consistently neat and generally contain no erasure or "white-out";

- Reports, forms, and/or other documents are consistently easy to understand and are generally not returned due to errors or for clarification;

- A good writer.

POINT SCORE 3 (Meets)

- Reports, forms, and/or other documents are acceptable and relatively error-free;

- Any report, form, and/or other document returned for error or clarification is easily correctable with minimal work

POINT SCORE 2 (Below)

- Reports, forms, and/or other documents lack quality and are below standard; needs improvement;

- Frequent spelling and/or grammatical errors that detract from the document; documents frequently returned because of errors or in need of clarification;

- Some errors not easily corrected and frequently the entire form must be completed again.

POINT SCORE 1 (Unacceptable)

- Reports, forms, and/or other documents are of generally poor quality and are unacceptable;

- Serious spelling and/or grammatical errors; generally poorly written/completed

- Never uses a proofreader or other quality control;

- A poor writer.

SUPERVISOR MEASUREMENT CRITERIA

A. Acceptance of Feedback From Coworkers

POINT SCORE 5 (Exemplary)

- Always solicits input from a variety of sources and listens to feedback available; listens to suggestions and criticism from citizens, supervisors, and subordinates;

- Always accepts constructive feedback in the manner in which it was intended and uses the feedback to improve organizational and personal effectiveness.

POINT SCORE 4 ***(Exceeds)***

- Consistently solicits input from a variety of sources and listens to feedback available;

- Consistently accepts constructive feedback in the manner in which it was intended and uses the feedback to improve organizational and personal effectiveness.

POINT SCORE 3 (Meets)

- Usually solicits input from a variety of sources and listens to feedback available; usually listens to suggestions and criticism from citizens, supervisors, and subordinates;

- Usually accepts constructive feedback in the manner in which it was intended and usually uses the feedback to improve organizational and personal effectiveness.

POINT SCORE 2 (Below)

- Rarely solicits input from a variety of sources and listens to feedback available; rarely listens to suggestions and criticism from citizens, supervisors, and subordinates;

- Does not always accept constructive feedback in the manner in which it was intended and rarely uses the feedback to improve organizational and personal effectiveness.

POINT SCORE 1 (Unacceptable)

- Never solicits input from a variety of sources and listens to feedback available; listens to suggestions and criticism from citizens, supervisors, and subordinates;

- Does not accepts constructive feedback in the manner in which it was intended and does not use the feedback to improve organizational and personal effectiveness.

B. <u>Ability to Maintain Discipline</u>

POINT SCORE 5 (Exemplary)

- Always takes appropriate action to commend, discipline, or counsel employees in a manner that gains voluntary compliance;

- Always mindful of employee conduct, behavior and performance to determine early warning signs of possible need for appropriate intervention (Personnel Early Warning System, Employee Assistance Program, etc.);

- Always supervises appropriately; never over-supervises or micro-manages.

POINT SCORE 4 (Exceeds)

- Consistently takes appropriate action to commend, discipline, or counsel employees in a manner that gains voluntary compliance;

- Generally mindful of employee conduct, behavior and performance to determine early warning signs of possible need for appropriate intervention (Personnel Early Warning System, Employee Assistance Program, etc.);

- Provides consistent supervision avoiding whenever possible over-supervising or micro-managing.

POINT SCORE 3 (Meets)

- Usually takes appropriate action to commend, discipline, or counsel employees in a manner that gains voluntary compliance;

- Usually mindful of employee conduct, behavior and performance to determine early warning signs of possible need for appropriate intervention (Personnel Early Warning System, Employee Assistance Program, etc.);

- Supervises appropriately.

POINT SCORE 2 (Below)

- Rarely takes action to commend, discipline, or counsel employees in a manner that gains voluntary compliance; consistently misses opportunities;

- Fails to observe and recognize employee conduct, behavior and performance to determine early warning signs of possible need for appropriate intervention (Personnel Early Warning System, Employee Assistance Program, etc.);

- Supervises inappropriately; tends to over-supervise or micro-manage.

POINT SCORE 1 (Unacceptable)

- Demeanor is generally below expectations or requirements; Fairness, impartiality, and tact is sometimes called into question;

- Actions are not taken to commend, discipline, or counsel employees in a manner that gains voluntary compliance;
- Does not monitor or observe employee conduct, behavior and performance to determine early warning signs of possible need for appropriate intervention (Personnel Early Warning System, Employee Assistance Program, etc.); does not recognize early warning signs;

- When providing supervision, usually over-supervises or micro-manages.

C. <u>Identification of Training Needs</u>

POINT SCORE 5 (Exemplary)

- Always recommends and/or develops specific training programs to remediate complex and basic employee performance issues related to a lack a training;

- Easily recognizes difference between lack of knowledge and lack of motivation;

- Holds employees accountable for skills addressed by previous training.

POINT SCORE 4 (Exceeds)

- Consistently recommends or develops specific training programs to remediate complex and basic employee performance issues related to a lack a training;

- Consistently recognizes the difference between lack of knowledge and lack of motivation;

POINT SCORE 3 (Meets)

- Generally recommends and/or develops specific training programs to remediate complex or basic employee performance issues related to a lack a training;

- Usually recognizes difference between lack of knowledge and lack of motivation;

- Attempts to hold employees accountable for skills addressed by previous training.

POINT SCORE 2 (Below)

- Generally fails to recommend and/or develop training to remediate complex or basic employee performance issues related to a lack a training;

- Generally fails to recognize difference between lack of knowledge and lack of motivation;

- Generally fails to hold employees accountable for skills addressed by previous training.

POINT SCORE 1 (Unacceptable)

- Does not recommend and/or develop specific training programs to remediate basic or complex employee performance issues related to a lack a training;

- Does not recognize the difference between lack of knowledge and lack of motivation; never recognizes the need for training;

- Does not hold employees accountable for skills addressed by previous training.

D. <u>Team Building</u>

POINT SCORE 5 (Exemplary)

- Is always a leader in the development and maintenance of teamwork; is a very strong proponent and advocate of team work, team building, and establishing partnerships; a consensus builder whenever appropriate;

- Always encourages the participation of others when vital to the mission or task;

- Always sets the example of teambuilding and teamwork for others.

POINT SCORE 4 (Exceeds)

- Consistently leads the development and maintenance of teamwork; proposes and advocates team work, team building, and establishing partnerships; a consensus builder whenever appropriate;

- Consistently encourages the participation of others;

- Consistently sets the example of teambuilding and teamwork for others.

POINT SCORE 3 (Meets)

- Develops and usually maintains the teamwork ethic; proposes team work, team building, and partnerships when believed necessary; sometimes seeks to build a consensus;

- Usually encourages the participation of others when vital to the mission or task;

- Sets the example of teambuilding and teamwork for others, when formation of a team is believed necessary.

POINT SCORE 2 (Below)

- Usually fails to develop or maintain the teamwork ethic; does not regularly propose team work, team building, or

partnerships, even though they may be necessary to accomplishing a task or mission; rarely seeks to build a consensus;

- Participation of others when vital to the mission or task is generally overlooked;

- Does not set a good example of teambuilding or teamwork for others, especially when formation of a team is necessary.

POINT SCORE 1 (Unacceptable)

- Is unwilling or unable to develop or maintain the teamwork ethic; does not propose team work, team building, and partnerships, especially when believed necessary; never seeks to build a consensus;

- Participation of others when vital to the mission or task is discouraged;

- Sets a very poor example the example of teambuilding and teamwork for others, especially when formation of a team is necessary.

E. <u>Attitude Toward Supervisory Responsibilities</u>

POINT SCORE 5 (Exemplary)

- Always maintains a positive attitude towards the job and those persons with whom they work;

- Always fulfills obligations;

- Always takes very seriously the supervisory role; takes great care in the position and does not abuse his/her authority;

- Fully understands his/her role as a commander or supervisor and always acts accordingly;

- Always acts professional, displays a positive image, and behaves in a demeanor that brings credit to him/herself and the Department;

- Knowledge of the Department's internal complaint process far exceeds expectations and requirements; is extremely proficient in investigating those complaints filed against personnel under

his/her command or supervision and assigned to him/her for investigation;

- Always responds appropriately back to the complainant and keeps them informed as to the status and final disposition of the complaint.;

POINT SCORE 4 (Exceeds)

- Consistently maintains a positive attitude towards the job and those persons with whom they work;
- Obligations consistently fulfilled;
- Takes very seriously the supervisory role and consistently takes care in the position and does not abuse his/her authority;
- Understanding of his/her role as a commander or supervisor exceeds requirements and expectations; acts accordingly;
- Consistently acts professional, displays a positive image; demeanor brings credit to him/herself and the Department;
- Knowledge of the Department's internal complaint process exceeds expectations and requirements; is proficient in investigating those complaints filed against personnel under his/her command or supervision and assigned to him/her for investigation;
- Responds appropriately back to the complainant and keeps them informed as to the status and final disposition of the complaint.

POINT SCORE 3 (Meets)

- Generally maintains a positive attitude towards the job and those persons with whom they work;
- Obligations are generally fulfilled;
- Usually takes the supervisory role seriously; takes care in the position and usually does not abuse his/her authority;
- Understands his/her role as a commander or supervisor and usually acts accordingly;

- Usually acts professional, displays a positive image, and behaves in a demeanor that brings credit to him/herself and the Department;

- Has general knowledge of the Department's internal complaint process that meets requirements and expectations; is able to investigate most basic (few complex) complaints filed against personnel under his/her command or supervision and assigned to him/her for investigation;

- Generally keeps the complainant informed as to the status and final disposition of the complaint.

POINT SCORE 2 (Below)

- Attitude towards the job and towards those persons with whom the supervisor works needs improvement;

- Obligations are sometimes not fulfilled;

- Frequently does not take seriously the supervisory role; is careless in the position and sometimes abuses his/her authority;

- Does not fully understand his/her role as a commander or supervisor and, as a result, is frequently ineffective;

- Fails to acts professional, display a positive image, and behave in a demeanor that brings credit to him/herself and the Department;

- Lacks basic knowledge of the Department's internal complaint process; is not proficient in investigating those complaints filed against personnel under his/her command or supervision and assigned to him/her for investigation;

- Does not always respond appropriately back to the complainant in order to keep them informed as to the status and final disposition of the complaint.

POINT SCORE 1 (Unacceptable)

- Maintains a generally negative attitude towards the job and those persons with whom they work;

- Rarely, if ever, fulfills obligations;

- Does not take seriously the supervisory role; is very careless in the position and frequently abuses his/her authority;

- Does not have even a basic understanding of his/her role as a commander or supervisor and is ineffective;

- Frequently acts unprofessional; displays a generally negative image and behaves in a demeanor that tends to bring discredit to him/herself and the Department;

- Does not have even a basic knowledge of the Department's internal complaint process far exceeds expectations and requirements; is not capable of investigating even minor complaints filed against personnel under his/her command or supervision and assigned to him/her for investigation;

- Never responds back to the complainant to keep them informed as to the status and final disposition of the complaint/

F. <u>Workload Management</u>

POINT SCORE 5 (Exemplary)

- Always manages time and workload effectively; delegates appropriately and to the right person;

- Always completes projects that are of the highest quality before established deadlines or due dates;

- Understanding of the job description and of the duties and responsibilities for the position held far exceeds requirements and expectations; prioritizes work accordingly.

POINT SCORE 4 (Exceeds)

- Manages time and workload consistently; delegates work appropriately;

- Consistently completes projects that are of high quality by the established deadlines or due dates (in some cases, before deadline);

- Understanding of the job description and of the duties and responsibilities for the position held is exceptional and exceeds requirements and expectations; prioritizes work accordingly.

POINT SCORE 3 (Meets)

- Time and workload management acceptable; occasionally (but not often), different techniques could have been used to better manage time and workload; delegates work appropriately, but can and should delegate more;

- Projects of quality are generally completed by established deadlines or due dates; rarely completed late;

- Understanding of the job description and of the duties and responsibilities for the position held meets requirements and expectations; generally prioritizes work accordingly.

POINT SCORE 2 (Below)

- Techniques and strategies used to manage time and workload are usually ineffective; delegates inappropriately and must delegate more to the right persons;

- Projects sometimes lack quality (giving the appearance of being rushed to completion) and lack pertinent information or contain confusing or inaccurate information; projects many times are not completed by the established deadlines or due dates;

- Lacks complete understanding of the job description and of the duties and responsibilities for the position held; has tremendous difficulty prioritizing work accordingly.

POINT SCORE 1 (Unacceptable)

- Time and workload management skills seriously deficient; is unwilling or unable to delegate work; when work is delegated, it is to the wrong person(s);

- Projects are rarely, if ever completed; when completed, need major work or revisions;

- Lacks familiarity with and a basic understanding of the job description and of the duties and responsibilities for the position held far; does not know how to prioritize work.

G. Resource Management

POINT SCORE 5 (Exemplary)

- Always manages personnel and equipment in cost-savings manner that does not minimize employee safety; immediately gets equipment./resources needed;
- Always monitors and controls overtime usage; maintains comprehensive records and uses management techniques and methods that far exceed expectations and requirements;
- Always recognizes when overtime is and is not necessary; always takes appropriate steps and actions.

POINT SCORE 4 (Exceeds)

- Consistently manages personnel and equipment in cost-savings manner that does not minimize employee safety; immediately gets needed resources and equipment;
- Consistently monitors and controls overtime usage; maintains records and uses management techniques and methods that exceed expectations and requirements;
- Consistently recognizes when overtime is and is not necessary; always takes appropriate steps and actions; actions are rarely called into question.

POINT SCORE 3 (Meets)

- Generally manages personnel and equipment in cost-savings manner that does not minimize employee safety; gets equipment./resources needed;
- Overtime usage is usually monitored and controlled; maintains suitable records and uses management techniques and methods that meet expectations and requirements;
- Usually recognizes when overtime is and is not necessary and takes appropriate steps and actions.

POINT SCORE 2 (Below)

- Fails to adequately manage personnel and equipment in a cost-savings manner; employee safety is not minimized, but resources are sometimes wasted; sometimes unable to get needed equipment/ resources because sources for such are not known;

- Overtime usage is usually not appropriately monitored nor controlled; maintains inaccurate or suitable records and does not use management techniques and methods that meet expectations and requirements;

- Usually does not recognize or willfully disregards when overtime is and is not necessary and takes appropriate steps and actions.

POINT SCORE 1 (Unacceptable)

- Improper and unacceptable management of personnel and equipment; does not attempt to save costs or money; sometimes employee safety is minimized; equipment/resource requests overlooked or not filled;

- Overtime usage is not monitored or controlled; maintains few if any records and does not use suitable management techniques or methods;

- Is oblivious or indifferent to situations when overtime is or is not necessary; inappropriate steps/actions taken.

H. <u>Evaluation and Recordation of Subordinate Performance</u>

POINT SCORE 5 (Exemplary)

- All performance evaluations are always completed before established deadlines;

- Always maintains comprehensive working files to document ongoing employee performance during the rating period;

- Always rates subordinates appropriately and accurately, and always explains in clear and comprehensive detail any performance rated as outstanding or substandard;

- Always seeks performance-related information from different sources in order to fairly and accurately describe and document an employee's performance.

- When meeting with subordinates regarding their rating, always provides strong, insightful counseling or advice regarding career development, growth with the Department, career paths, and Department expectations regarding behavior and conduct;

POINT SCORE 4 (Exceeds)

- Performance evaluations are consistently completed on or before established deadlines;

- Maintains comprehensive working files to document ongoing employee performance during the rating period;

- Consistently rates subordinates appropriately and accurately, and consistently explains in clear and detail any performance rated as outstanding or substandard;

- When meeting with subordinates regarding their rating, always provides consistent counseling or advice regarding career development, growth with the Department, career paths, and Department expectations regarding behavior and conduct.

POINT SCORE 3 (Meets)

- Performance evaluations are completed by established deadlines;

- Maintains files to document ongoing employee performance during the rating period;

- Rates subordinates appropriately and accurately, and generally provides explanations for performance rated as outstanding or substandard; sometimes additional comments are required;

- When meeting with subordinates regarding their rating, generally provides acceptable counseling or advice regarding career development, growth with the Department, career paths, and Department expectations regarding behavior and conduct.

POINT SCORE 2 (Below)

- Not all performance evaluations are completed by established deadlines (for good cause); some are completed/submitted after deadlines;

- Maintains inaccurate or incomplete working files to document ongoing employee performance during the rating period;

- Some ratings of subordinates are inappropriate and/or inaccurate, and sometimes fails to explain in any performance rated as outstanding or substandard;

- Due to inaccuracies on the part of the rater, rating(s) are frequently contested or appealed;

- When meeting with subordinates regarding their rating, sometimes fails to provide counseling or advice regarding career development, growth with the Department, career paths, and Department expectations regarding behavior and conduct.

POINT SCORE 1 (Unacceptable)

- Many, if not all, performance evaluations are generally not completed/submitted by the established deadlines;

- Working files to document ongoing employee performance during the rating period are not maintained or are non-existent;

- Is callous about ratings and disregards the rating scale and measurement criteria; tends to play favorites;

- Subordinates are not rated appropriately and accurately, and rarely, if ever, explains performance rated as outstanding or substandard;

- When meeting with subordinates regarding their rating, fails to counsel or advise regarding career development, growth with the Department, career paths, and Department expectations regarding behavior and conduct; lacks knowledge of career development or career path opportunities.

I. <u>Inspection and Maintenance</u>

POINT SCORE 5 (Exemplary)

- Thoroughly understands the inspection process and, pursuant to established time frames and intervals, always conducts comprehensive inspections of subordinates and their uniforms, equipment, vehicles, and work areas to ensure compliance with Department directives, rules and policies;

- Always holds him/herself to same high standards to which s(he) holds subordinates;

- Always immediately informs, counsels, or advises subordinates regarding deficiencies or infractions observed;

- Always immediately removes from service any equipment, vehicle, or other item found to be defective, broken, inoperable or that is potentially a threat to employee or public safety;

- Always documents in comprehensive detail those inspections for which a written report is required.

POINT SCORE 4 (Exceeds)

- Understand of the inspection process exceeds requirements and expectations and, pursuant to established time frames and intervals, consistently conducts comprehensive inspections of subordinates and their uniforms, equipment, vehicles, and work areas to ensure compliance with Department directives, rules and policies;

- Consistently holds him/herself to same high standards to which s(he) holds subordinates;

- Consistently immediately informs, counsels, or advises subordinates regarding deficiencies or infractions observed;

- Consistently removes from service any equipment, vehicle, or other item found to be defective, broken, inoperable or that is potentially a threat to employee or public safety;

- Generally without fail documents in detail those inspections for which a written report is required.

POINT SCORE 3 (Meets)

- Generally understands the inspection process and, pursuant to established time frames and intervals, usually conducts inspections of subordinates and their uniforms, equipment, vehicles, and work areas to ensure compliance with Department directives, rules and policies;

- Usually holds him/herself to same standards to which s(he) holds subordinates;

- Usually immediately informs, counsels, or advises subordinates regarding deficiencies or infractions observed;

- Generally removes from service any equipment, vehicle, or other item found to be defective, broken, inoperable or that is potentially a threat to employee or public safety;

- Documents in fair detail those inspections for which a written report is required.

POINT SCORE 2 (Below)

- Fails to fully grasp the inspection process and thereby fails to conduct inspections required at certain times or intervals; does not always conduct comprehensive inspections of subordinates and their uniforms, equipment, vehicles, and work areas to ensure compliance with Department directives, rules and policies;

- Does not set high standards and does not holds him/herself to same high standards to which s(he) holds subordinates;

- Generally fails to immediately inform, counsel, or advise subordinates regarding deficiencies or infractions observed;

- Generally fails to immediately remove from service any equipment, vehicle, or other item found to be defective, broken, inoperable or that is potentially a threat to employee or public safety;

- Rarely documents in comprehensive detail those inspections for which a written report is required.

POINT SCORE 1 (Unacceptable)

- Does not understand the inspection process and is unwilling or unable to conduct inspections pursuant to established time frames and intervals; inspections are not conducted;

- A poor example – does not hold him/herself to the same high standards to which s(he) holds subordinates;

- Does not inform, counsel, or advise subordinates regarding deficiencies or infractions observed;

- Rarely, if ever, removes from service any equipment, vehicle, or other item found to be defective, broken, inoperable or that is potentially a threat to employee or public safety;

- Never documents those inspections for which a written report is required.

J. Ability to Provide and Follow Direction

POINT SCORE 5 (Exemplary)

- Always receives and relays even the most complex instructions and communicates them clearly and understandably;
- Always understands instructions for tasks;
- Always monitors progress and provides extensive follow-through as needed
- Always issues directions, orders, and instructions that are easily understood.

POINT SCORE 4 (Exceeds)

- Consistently receives and relays instructions and communicates them clearly and understandably;
- Consistently issues directions, orders, and instructions that are understandable;
- Consistently monitors progress and provides adequate follow-through.

POINT SCORE 3 (Meets)

- Performs at an acceptable level.

POINT SCORE 2 (Below)

- Improvement needed; rarely follows instructions; needs frequent clarification;
- Often issues unclear, conflicting, or improper directions or orders;
- When relaying orders, they are confusing or taken out of context.

POINT SCORE 1 (Unacceptable)

- Incapable or, or unwilling/ unable to issue or follow directions or orders;

- Incapable or, or unwilling/ unable to relay directions or orders.

K. Compliance with Directives

POINT SCORE 5 (Exemplary)

- Always demonstrates a superior working knowledge and understanding of Department directives, such as General and Special Orders, memoranda, and other pertinent materials used to guide the Department, and applies this knowledge to various situations;

- Always ensures/conducts prompt reviews and discusses, and ensures appropriate training for subordinates on newly-distributed or issued directives;

- Is always in compliance with all Department rules and regulations and City policies; strongly encourages subordinate compliance;

- A role model for others to emulate.

POINT SCORE 4 (Exceeds)

- Demonstrates consistent working knowledge and understanding of Department directives, such as General and Special Orders, memoranda, and other pertinent materials used to guide the Department, that exceeds requirements and expectations and applies this knowledge to various situations;

- Consistently ensures/conducts prompt reviews and discusses, and ensures appropriate training for subordinates on newly-distributed or issued directives;

- Is consistently in compliance with all Department rules and regulations and City policies; strongly encourages subordinate compliance;

- Generally a role model for others to emulate.

POINT SCORE 3 (Meets)

- Demonstrates a suitable, but not extensive, level of knowledge and understanding of Department directives, such as General and Special Orders, memoranda, and other pertinent materials

used to guide the Department, and is generally able to apply this knowledge to most situations;

- Within an acceptable period of time, ensures/conducts reviews and discusses, and ensures appropriate training for subordinates on newly-distributed or issued directives;

- Is generally in compliance with all Department rules and regulations and City policies; strongly encourages subordinate compliance; some minor infractions observed and/or noted during the rating period;

POINT SCORE 2 (Below)

- Does not demonstrate a suitable level of knowledge and understanding of Department directives and other pertinent materials used to guide the Department; cannot apply or misapplies this knowledge to different situations;

- Does not ensures/conducts prompt reviews, nor discusses or ensures appropriate training for subordinates on newly-distributed or issued directives;

- Frequently out of compliance with some minor Department rules and regulations and City policies; does not openly encourage subordinate compliance;

- Not considered a role model for others to emulate.

POINT SCORE 1 (Unacceptable)

- Generally lacks knowledge and understanding of Department directives and other pertinent materials used to guide the Department; is unwilling or unable to apply, or misapplies this knowledge to several situations;

- Reviews, discussions, or training for subordinates on newly-distributed or issued directives is non-existent or not readily apparent ;

- Generally out of compliance with some minor and some major Department rules and regulations and City policies; criticizes or ridicules orders thereby lessening employees' willingness to voluntary comply with them;

- Not considered a role model for others to emulate.

L. Knowledge of Justice System Functions

POINT SCORE 5 (Exemplary)

- Always very familiar with all of the available resources and functions of the criminal justice system and is easily able to assist victims, witnesses, and others accordingly;

- Is superior in the use of CJIS records, and other resources; fully understands privacy precautions regarding the release or sharing of such records;

- Always responds quickly, accurately, and effectively to system-related requests;

- Always current with changes in the system and with legal updates;

- Without doing their work for them, always provides an appropriate level of assistance to subordinates regarding system requests or inquiries.

POINT SCORE 4 (Exceeds)

- Familiarity with most, if not all, of the available resources and functions of the criminal justice system exceeds requirements and expectations; is able to assist victims, witnesses, and others with little difficulty;

- Level of knowledge and appropriate use of CJIS records, and other resources exceeds expectations; understands and is consistently mindful of privacy precautions regarding the release or sharing of such records;

- Responds consistently and effectively to system-related requests;

- Stays current with changes in the system and with legal updates;

- Consistently provides an appropriate level of assistance to subordinates regarding system requests or inquiries.

POINT SCORE 3 (Meets)

- Familiarity with most of the pertinent resources and functions of the criminal justice system is acceptable; is generally able to assist most victims, witnesses, and others accordingly;

- Is generally familiar and knowledgeable in the use of CJIS records, and other resources;

- recognizes privacy precautions regarding the release or sharing of such records;

- Generally responds appropriately to system-related requests;

- Is generally current with changes in the system and with legal updates;

- Usually provides an appropriate level of assistance to subordinates regarding system requests or inquiries.

POINT SCORE 2 (Below)

- Is generally unfamiliar with many of the available resources and functions of the criminal justice system and is not easily able to assist victims, witnesses;

- Unfamiliar with the use of CJIS records, and other resources; does not fully understand privacy precautions regarding the release or sharing of such records;

- Fails to respond quickly, accurately, and effectively to system-related requests;

- Not always current with changes in the system and with legal updates;

- Due to lack of certification or unfamiliarity with the system, is not always able to provide an appropriate level of assistance to subordinates regarding system requests or inquiries.

POINT SCORE 1 (Unacceptable)

- Does not know many of the available resources and functions of the criminal justice system and cannot assist victims, witnesses, and others accordingly;

- Little, if any, knowledge of the use of CJIS records, and other resources; is careless regarding privacy precautions pertaining to the release or sharing of such records;

- Response time is poor or not-at-all to system-related requests;

- Is unwilling or unable to stay current with changes in the system and with legal updates;

- Is unwilling or unable to assist subordinates regarding system requests or inquiries.

M. **Supervisory Officer Safety Responsibilities**

POINT SCORE 5 (Exemplary)

- Always follows accepted safety practices and always ensures that subordinates follow them, too;

- Always sets an example for subordinates;

- Always informs subordinates (immediately, if possible) of their unsafe practices;

- Whenever possible, always looks for and recognizes dangerous conditions and situations developing.

POINT SCORE 4 (Exceeds)

- Consistently follows accepted safety practices and always ensures that subordinates follow them, too; knowledge of safety practices and procedures exceeds requirements and expectations;

- Consistently sets a good example for subordinates;

- Consistently advises or informs subordinates of their unsafe practices;

- Looks for and generally recognizes dangerous conditions and situations developing.

POINT SCORE 3 (Meets)

- Generally follows accepted safety practices and ensures that subordinates follow them, too; generally knowledgeable of safety practices and procedures;
- Overall, sets a good example for subordinates;
- Usually advises or informs subordinates of their unsafe practices;
- Looks for and generally recognizes dangerous conditions and situations developing.

POINT SCORE 2 (Below)

- Generally does not follow accepted safety practices;
- Often sets a bad example for subordinates follow them;
- Often overlooks unsafe practices of subordinates

POINT SCORE 1 (Unacceptable)

- Is generally unsafe; Does not consistently follow accepted safety practices and fails to ensure that subordinates follow them, too; knowledge of safety practices and procedures very weak;
- Is not respected by subordinates;
- Does not advise or inform subordinates of their unsafe practices;
- Unwilling or unable to recognize dangerous conditions and situations developing.

N. <u>Report Review</u>

POINT SCORE 5 (Exemplary)

- Always demonstrates a thorough working knowledge of the report system, including proper use of various forms, and always applies this extensive knowledge to ensure error-free reports s(he) reviews;

- Always informs subordinates effectively of report deficiencies;

- Always ensures that reports are reviewed in a timely manner and those approved are complete, thorough, contain all pertinent or require information, and that an appropriate preliminary investigation was completed;

- Always ensures quality.

POINT SCORE 4 (Exceeds)

- Demonstrates a working knowledge of the report system, including proper use of various forms, that exceeds requirements and expectations; consistently applies this knowledge to ensure error-free reports s(he) reviews;

- Consistently and effectively informs subordinates of report deficiencies;

- Consistently ensures that reports are reviewed in a timely manner and those approved are complete, thorough, contain all pertinent or require information, and that an appropriate preliminary investigation was completed;

- Consistently concerned with quality.

POINT SCORE 3 (Meets)

- Demonstrates a basic knowledge of the report system, including proper use of various forms, that is adequate (but not extensive) and generally applies this knowledge to ensure error-free reports s(he) reviews; periodically (not often) reviews and approves a report containing obvious deficiencies or errors that are minor and easily correctable;

- Usually informs subordinates of report deficiencies;

- Usually ensures that reports are reviewed in a timely manner and those approved are complete, thorough, contain all pertinent or require information, and that an appropriate preliminary investigation was completed;

- Usually ensures quality.

POINT SCORE 2 (Below)

- Level of knowledge of the report system, including proper use of various forms, is lacking and is below requirements and expectations; Sometimes applies this what knowledge s(he) has to reports s(he) reviews, but still approves reports containing obvious errors, some minor – some major;

- Rarely informs subordinates of report deficiencies;

- Reports are generally not reviewed in a timely manner and some of those approved are incomplete, lack information, contain errors, and/or an appropriate preliminary investigation was not completed;

- Not that concerned with quality.

POINT SCORE 1 (Unacceptable)

- Little if any knowledge of the report system, including proper use of various forms;

- Does not inform subordinates of report deficiencies;

- Does not review or approve reports.

Community Relations and Working with Immigrant Communities

Department's current policy:

- Community policing, but no specific policy on community relations
- Community resource officer (CRO) position
- No specific policy on working with immigrant populations or those with Limited English Proficiency (LEP)

Recommendations:

- Develop a specific policy on community relations, keeping in mind the significant immigrant population in Lexington
- Develop specific point of contact program where someone from the department is a liaison representative to a local civic group. The specific point of contact attends meetings, maintains contact with the organization, and submits report to the department regarding community concerns. The specific point of contact also provides data and information to the groups they work with, the police department's plan for combatting crime, and any successes or benefits derived from the plan. Specific point of contact also helps inform and develop policies, plans, and strategies to address concerns raised by local groups.
    - Ex. Albany, OR
    - Ex. Fredericksburg, VA
    - Ex. Salina, KS
- Conduct citizen opinion surveys for continued feedback
    - Ex. Fredericksburg, VA – every three years
- Develop LEP policy providing for equal access to individuals with LEP and commitment to providing meaningful and timely assistance
    - Ex. Albany, OR – LEP Coordinator role; will also provide signage and translation of documents and annual review of demographic data to determine if there are additional languages or documents appropriate for translation
    - Ex. Roseville, MN

	FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES	
	OPERATIONS SUPPORT	
620.00	**APPROVED:** *David W. Nye, Chief of Police*	**Initiated:** 10/01/2007
		Revised: 09/30/2019

PURPOSE – The purpose of this directive section is to identify and describe various mechanisms of operations support utilized by the Fredericksburg Police Department. For the purpose of the following directives, the term "operations support" is meant to denote activities ranging from crime prevention to victim/witness advocacy to Professional Standards.

POLICY – It is the policy of the Fredericksburg Police Department that all operations support components facilitate the advancement of the police mission by performing their respective functions. Moreover, the administration of all operations support activities must take place according to the procedures defined below.

CRIME PREVENTION AND COMMUNITY INVOLVEMENT

620.00 – Crime Prevention – The police department recognizes the value of preventing and preempting crime and thus seeks to maximize the effectiveness of the community-policing program by:

- Targeting community-policing efforts based on crime type and geographic area on the basis of crime data. [45.1.1, a]
- Tailoring community-policing activities to address community perceptions or misperceptions of criminal activity. [45.1.1, b]

In order to evaluate the impact of the community-policing program and make assessments as to the allocation of crime prevention resources, the Patrol Division Commander will be responsible for submitting to the Chief of Police a thorough review of all crime prevention activities at least once every three years. [45.1.1, c]

620.01 – Residential and Business Area Crime Prevention – The Patrol Division Commander is responsible for delegating efforts to assist in organizing crime prevention groups for the purpose of deterring crime in those areas. The efforts include:

- Establishing liaison with existing community organizations or establishing community groups where they are needed [45.1.2, a]
- Assisting in the development of community involvement policies for the agency [45.1.2, b]
- Publicizing agency objectives, community problems, and successes [45.1.2, c]
- Communicating crime trends and problems between citizens, businesses and the agency [45.1.2, d]
- Supporting agency practices bearing on police community interaction [45.1.2, e]

These efforts are conducted by:

- The single point of contact for the various civic associations and the community policing officers will maintain contact with the community and assist with crime prevention groups.
- The community relations officer will provide police resources to individuals interested in establishing a business crime prevention program within the community.

620.02 – Crime Prevention, Zoning, and Building Regulations – The Patrol Division Commander or his or her representative will be responsible for meeting with local Fire Department officials as well as the City Building Inspector, where needed, in order to help integrate crime prevention solutions into the development and implementation of city zoning policies, building codes, building permits, and fire codes. [45.1.3]

620.03 – Community Involvement – The police department endeavors to work closely with community leaders and civic groups to identify and resolve various concerns and problems facing the community. To that end, the department maintains liaison with community organizations through the Single Point of Contact program where potential problems that have bearing on law enforcement activities within the community can be identified. [45.2.1, a, b]

The centerpiece of this program is the appointment of department supervisory personnel as liaison representatives to local civic groups. Single point of contact liaisons will function as the point of contact between civic groups and the police department by attending meetings, maintaining contact with the assigned civic organization, and submitting reports to the Patrol Division Commander and the Chief of Police regarding community concerns.

The single point of contact program:

- Seeks to develop and improve community involvement policies based on advice and input from civic organizations, liaison representatives, community leaders, and members of the police department.
- Furnishes crime data and statistics via liaison representatives to the civic groups with which they work. This information reflects criminal activities confronting the community, the department's plan for counteracting those criminal activities, and any successes or benefits derived from enacting the department's plan.
- Establishes channels of communication between civic organizations and the department. Community leaders or civic groups may transmit information to the department regarding their concerns or suggestions through their designated single

point of contact liaison. Additional points of contact with the department include the Public Information Officer, Community Policing Officer, or the Chief of Police.
- Operates on the basis of developing and enacting problem-oriented policing strategies that seek to address specific concerns of civic groups or community leaders with targeted police actions based on relevant crime data. [45.2.1, c]

620.04 – Community Involvement Reports – The Patrol Division Commander will prepare a quarterly report for the Chief of Police that contains, at a minimum, the following information: [45.2.1, e]

- Concerns expressed by civic organizations and community leaders. [45.2.1, a]
- Descriptions of potential problems that bear on law enforcement activities. [45.2.1, b]
- Recommended actions, as proposed by single point of contact liaisons, to address previously identified concerns. [45.2.1, c]
- A general assessment of the progress made toward addressing previously identified concerns and problems. [45.2.1, d]
- The number of hours spent by single point of contact liaisons performing liaison-related functions.

All information compiled in Community Involvement Reports will be garnered directly from single point of contact liaisons, Community Policing Officers, the Public Information Officer, or, where applicable, other members of this department. Agency personnel not directly related to community involvement programs may submit information to the Public Information Officer electronically or by written memorandum.

620.05 – Citizen Opinion Survey – The police department conducts opinion surveys with respect to citizen attitudes every three years. The surveys are distributed to certain neighborhoods in the form of “door hangers” by community policing officers or completed through the Internet on a survey maintained on the Police Department web site. Generally, the opinion survey aims to solicit citizen attitudes regarding:

- Overall agency performance. [45.2.2, a]
- Overall competence of agency employees. [45.2.2, b]
- Perception of officer attitudes and behavior. [45.2.42 c]
- Community concerns regarding safety and security within the City. [45.2.2, d]
- Citizen recommendations and suggestions for improvements. [45.2.2, e]

The results of the Citizen Opinion Survey will be summarized in writing by the Office of Accreditation and Professional Standards and submitted to the Chief of Police for review. [45.2.2, f]

SALINA POLICE DEPARTMENT GENERAL ORDER	Number **P3104**
SUBJECT: **COMMUNITY RELATIONS**	
EFFECTIVE: 12/1/17 ISSUED: 12/1/17 REVIEW: Annual	
CANCELS:	
AMENDS: P3104 issued 9/2/15	Distribution
CALEA References:	A

POLICY

A community relations function is established for the purpose of initiating and maintaining close ties with the community. It is the shared responsibility of all Department members to help achieve the Department's community relations objectives. All members of the Department shall be responsive to community needs by providing quality police services and proactive involvement in the community. They shall also supply information to the Community Relations Function as it relates to concerns voiced by the community, and shall also point out potential problems which could have a bearing on the Department's law enforcement activities.

PROCEDURE

1. The Support Division Commander and Training Supervisor, in cooperation with other Department personnel, shall have the responsibility for developing and coordinating community relations, establishing direct contacts and acting as liaison to the community, helping to promote good relations and support of the public.

2. Any Department member may develop and prepare community service programs to present to the public. These programs shall be coordinated and approved through the Support Division Commander.

3. It shall be the responsibility of the Support Division Commander, or his designee, to provide for the following:

    3.1. Establishing liaison with formal community organizations and other community groups

    3.2. Developing community relations policies for the Department

    3.3. Communicating through the media the Department objectives, problems, and successes in community relations

    3.4. Conveyance of information from citizen organizations to the Department

    3.5. Improving Department policies for police/community relations

    3.6. Identifying training needs through interviews with citizens and conferences with supervisors, and consultations with the Internal Affairs Unit

    3.7. Establishing community groups where they are needed

    3.8. Developing problem oriented or community policing strategies, if any

4. Department personnel shall work with community leaders to identify and rectify actions, procedures, and attitudes which may lead to community unrest. The Department shall attempt to identify these problems as early as possible and take the necessary action to reduce the opportunity for the development of greater problems in the future.

5. The Salina Police Department seeks to promote public safety and public confidence in law enforcement through the following crime prevention and community relations programs:

5.1. Neighborhood Watch: The Department organizes new neighborhood groups, and provides support to existing Neighborhood Watch groups.

5.2. Security Surveys: The Department consults with citizens and businesses regarding the physical security of premises.

5.3. Citizen Police Academy: The Department, in cooperation with the Saline County Sheriff's Department, conducts a series of seminars to acquaint citizens with the Department, police training, and issues affecting policing in Salina and Saline County.

5.4. Publication of Crime Prevention Materials: The Department produces and distributes printed materials and other media concerning all major public safety issues.

5.5. Speeches and Presentations: The Department accepts speaking and presentation requests from school, community, and neighborhood groups and organizations.

5.6. Participation in Community Groups: The Department participates as an active member in issue-oriented committees, and provides liaison to established neighborhood and community organizations.

5.7. Ident-A-Kid: A program where Department officers fingerprint children on a special card that contains emergency information about the child and is provided to the parents free of charge.

5.8. Bears on Patrol: Every cruiser is equipped with a supply of new, cuddly Teddy Bears which are donated by the community. The officers give these bears to the traumatized children they encounter, e.g., victims of child abuse, molestation, etc.

5.9. Vacation Checks: Beat officers check for security, on a daily basis, the homes of citizens who are away.

5.10. School Resource Officers: The public school systems Junior and Senior High Schools have SRO's who are on the campus to instruct, mediate, and promote a positive image of the Salina Police Department with the youth of the community.

5.11. Ride-Alongs: Under certain limited circumstances, the Department allows citizens to ride with officers during their duty shift to enhance their understanding of policing.

5.12 Coffee-with-a-Cop: The department participates in meetings with community members to further law enforcement and community dialog and partnerships.

6. **Ride-Along Guidelines**

6.1. Although the Department views ride-alongs as an excellent opportunity for improving citizen knowledge and participation, the sheer number of requests requires that ride-alongs be limited. Generally, the Department will attempt to provide ride-along experiences to:

6.1.1. Department employees, volunteers, and interns;
6.1.2. Emergency Communications Unit employees;

Approved: *Chief Marcia Harnden*	Subject: **622. Limited English Proficiency Services**
Effective: April 17, 2018	CALEA Standards:
	Page: 1

622.1: PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

622.1.1: DEFINITIONS

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Albany Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

622.2: POLICY

It is the policy of the Albany Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members. The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

622.3: LEP COORDINATOR

a. The Chief of Police shall delegate certain responsibilities to an LEP Coordinator who shall be appointed by, and directly responsible to, the Division Captain or the authorized designee.

b. The responsibilities of the LEP Coordinator include, but are not limited to:

   1) Coordinating and implementing all aspects of the Albany Police Department's LEP services to LEP individuals;

   2) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members;

   3) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:

      A. Languages spoken;

      B. Contact information;

      C. Availability.

c. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages;

d. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated;

e. Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation;

f. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters;

g. Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy;

h. Receiving and responding to complaints regarding department LEP services;

i. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

622.4: FOUR-FACTOR ANALYSIS

a. Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs.

b. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

   1) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area;

   2) The frequency with which LEP individuals are likely to come in contact with department members, programs or services;

   3) The nature and importance of the contact, program, information or service provided;

   4) The cost of providing LEP assistance and the resources available.

622.5: TYPES OF LEP ASSISTANCE AVAILABLE

a. Albany Police Department members should never refuse service to an LEP individual who is requesting assistance because of that person's limited English proficiency, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance.

b. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

c. The Department will utilize all reasonably available tools when attempting to determine an LEP individual's primary language.

d. LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

e. Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

622.6: WRITTEN FORMS AND GUIDELINES

a. Employees called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency including specialized terminology.

   1) Assessment: The Albany Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter

d. See guidance on recording custodial interrogations in the Interview and Interrogations: Policy 502.

622.13.1: INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

622.14: BOOKINGS

a. When gathering information during the booking process, members should remain alert to the impediments that language barriers can create.

b. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

622.15: COMPLAINTS

a. The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so.

   1) The Department may provide an authorized interpreter or translated forms, as appropriate.

   2) Complaints will be referred to the LEP Coordinator.

b. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

c. Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language accessible manner.

622.16: COMMUNITY OUTREACH

The department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

622.17: TRAINING

a. The Administrative Lieutenant shall be responsible for ensuring new members receive LEP training.

b. To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

Policy 343 Communicating with Persons with Limited English Proficiency

I. *Purpose and Scope*

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP).

II. *Policy*

The Roseville Police Department reasonably ensures that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens. The department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

III. *Types of Assistance*

Roseville Police Officers should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language. LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

IV. *Qualified Bilingual Members*

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities. When a qualified bilingual member from this department is not available, personnel from other city departments, may be requested.

V. *Authorized Interpreters*

The department may contract with authorized interpreters who are available over the telephone. Other sources may include:

a. Qualified bilingual members of this department or personnel from other city departments.
b. Individuals employed exclusively to perform interpretation services.

APPENDIX E

Town of Lexington
Police Department

LEXINGTON POLICE DEPARTMENT
COMPLAINT FILING PROCEDURES

The Lexington Police Department will investigate all complaints of misconduct against the Department or its employees. The Chief of Police has established procedures for conducting investigations with the strictest confidentiality. The Department goals include:

1. Maintaining a high level of acceptable conduct for all members of the department;
2. Guaranteeing the right of each employee to a fair and impartial investigation of complaints;
3. Objectively investigating all complaints and, when appropriate, taking proper corrective measures; and
4. Promoting public confidence in the Department's ability to govern and regulate personnel in the performance of required duties.

Procedures for Filing a Complaint

STEP 1: The best method to file a complaint is to complete the attached **Complaint Questionnaire**. This gives you the opportunity to describe in your own words the circumstances surrounding your complaint, and ensures the Department has the necessary information to follow up.

STEP 2: You can bring the completed questionnaire to the Police Station at 1575 Massachusetts Avenue, or you can submit it by mail or email, to PoliceInfo@lexingtonma.gov. Alternatively, you can make a complaint by phone to the Commanding Officer on-duty, at 781-863-9205.

STEP 3: You will have an opportunity to speak to the Commanding Officer on-duty, or another available command staff officer, about your complaint. After receiving your complaint, the Department will conduct a preliminary investigation. This may include interviewing any other person involved in the complaint, including witnesses and Department employees. The results of this preliminary investigation will be forwarded to the Chief of Police.

STEP 4: After review, the Chief of Police may order a follow-up investigation. A Department representative may contact you to further discuss your complaint.

STEP 5: The Chief of Police or their designee will send you a letter acknowledging receipt of your complaint, and will notify you when the investigation concludes.

STEP 6: Depending on the nature of your complaint, you may be summoned to testify at an administrative or criminal hearing.

Please speak with the Commanding Officer on-duty if you have any questions about these procedures.