NEW YORK STATE
POLICE REFORM AND REINVENTION COLLABORATIVE

RESOURCES & GUIDE FOR PUBLIC OFFICIALS AND CITIZENS

AUGUST 2020

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Police Reform and Reinvention Collaborative

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A Message from Governor Cuomo

Many communities all across the country are dealing with issues concerning their police departments. The millions of people who gathered in protest, even in the midst of a public health crisis, made that clear. The situation is unsustainable for all.

Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.

While the conflict is real and the issues are complicated, we know in New York that denial or avoidance is not a successful strategy. To that end, on June 12, 2020, I signed an Executive Order requiring each local government in the State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such a plan.

To ensure these plans are developed through an inclusive process, I called for the New York State Police Reform and Reinvention Collaborative. With more than 500 law enforcement agencies in our large and

diverse state, there is no "one size fits all" solution. To rebuild the police-community relationship, each local government must convene stakeholders for a fact-based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the police. Policies must be developed to allow the police to do their jobs to protect the public and these policies must meet with the local communities' acceptance.

"Collaborative" is the key word. It would be a mistake to frame these discussions as an adversarial process or an effort to impose top-down solutions. Issues must be aired but solutions must be crafted. The collaborative process should:

- Review the needs of the community served by its police agency, and evaluate the department's current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it, and;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021.

I urge everyone to begin these discussions immediately. Restoring the relationship between the community and the police is in everyone's best interest, and conversation may be required to enable each stakeholder to understand others' points of view. Time is short.

Local elected officials are the natural position to convene the process. If the local electeds are unable or unwilling to manage the collaborative, the state can select an appropriate convener for that jurisdiction.

Change is hard. But change is necessary if we are to grow. The tension must be resolved. Order and public safety must be ensured. I am excited by the possibilities and I am hopeful that this time of crisis will evolve into a moment of creativity and progress. It is normal to make adjustments to fit changing values and circumstances.

We are addressing the COVID crisis by acknowledging the problem, having productive dialogue and by working together. Let's do the same here.

This is an opportunity to reinvent law enforcement for the 21st century.

Governor Andrew M. Cuomo

August 2020

Note: The guidebook presented here is not intended to be the plan for any given community. Rather, it includes critical questions, information, and resources to frame and guide each community's dialogue. There are references provided to give participants access to a range of ideas and research on every topic to delve deeper into the issues.

Part 1: Key Questions and Insights for Consideration

The purpose of the New York State Police Reform and Reinvention Collaborative is "to foster trust, fairness and legitimacy" within communities throughout our State and "to address any racial bias and disproportionate policing of communities of color." The United States Department of Justice has emphasized the need for "trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect."[1]

All public officials and community leaders understand the critical importance of police departments' core mission. Government must ensure residents' sense of personal security in order for communities to thrive and prosper. Police-community relationships must facilitate, rather than impede, law enforcement's success in protecting the public against violence and other criminal behavior.

The work of this Collaborative will be particularly valuable in communities that through bitter experience have come to mistrust law enforcement. A recent study found that in neighborhoods with a high incidence of gun violence, only 35% of young people aged 16-24 said they believe that police officers "try to protect the public from violent crime." At the same time, 81% of these young people reported having themselves been shot or shot at,

[1] U.S. Department of Justice, Office of Community Oriented Policing Services. *Final Report of the President's Task Force on 21st Century Policing*. May 2015. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

and 88% reported that a family member or friend had been shot.[2] These staggering numbers underscore that mutual trust and respect is essential both for the legitimacy of police forces and for their effectiveness.

The Collaborative is not the first step in New York State's journey of criminal justice reform. Over the past decade, we have enacted meaningful changes to reform our criminal justice system and end mass incarceration, including:

- The **"Say Their Name" Reform Package**: These landmark reforms include:

    - **Repealed 50-a**: Section 50-a of Civil Rights Law previously prohibited disclosure, except under very limited circumstances, of personnel records for police officers, corrections officers, firefighters, and paramedics employed by the State or political subdivisions. This privilege, not granted to other public employees, shielded records from being disclosed that involved serious misconduct or disciplinary actions to the detriment of transparency and accountability for law enforcement officers. The repeal of 50-a will increase transparency by allowing the disclosure of personnel records involving serious misconduct or criminality and building trust between law enforcement and the communities they serve.

    - **Banned Chokeholds**: This law bans the practice of using chokeholds by law enforcement, by making use of a chokehold a criminal offense if it causes serious physical injury or death.

[2] Center for Court Innovation. "'Gotta You're your Own Heaven' Guns, Safety, and the Edge of Adulthood in New York City." Pg. 13
https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

- **Prohibited Race-Based 911 Calls**: In recent years, there has been an increase in the number of frivolous or false calls to 911 due solely to the caller's bias toward certain individuals rather than any particular threat to public safety. This law makes it a civil rights violation to call 911 to report a non-emergency incident involving a member of a protected class without reason to suspect a crime or imminent threat.

- **Appointed the Attorney General as Independent Prosecutor for Police Involved Deaths**: In 2015, Executive Order 147 designated the Attorney General as a special prosecutor for cases where police officers are involved in deaths of unarmed civilians. This year, legislation created a permanent Office of Special Investigation within the Office of the Attorney General, empowered to investigate and, where appropriate, prosecute cases where the death of a person follows an encounter with a law enforcement officer.

- **Reduced the Prison Population and Lowered Crime Rates**: Since Governor Cuomo took office, New York State has closed 26 adult and juvenile detention facilities – more than any other administration in state history. These prison closures eliminated approximately 6,600 beds. We have also decreased the prison population by nearly 19,000 people – a 33% reduction – from 56,419 to 38,312 people, as of July 5, 2020. At the same time, New York State has remained the safest large state in the country with the lowest index crime rate among the most populous states.

- **Bail Reform**: New York overhauled our bail and pre-trial detention system. The previous bail system failed to recognize that freedom before trial should be the rule, not the exception, and by tying freedom from incarceration to money, it created a two-tiered system that puts an unfair burden on the economically disadvantaged. Among other reforms, the law eliminated cash bail for misdemeanors and non-violent felonies.

- **Discovery Reform**: New York was previously one of only 10 states that enabled prosecutors to withhold basic evidence until the actual day a trial begins. Under the previous system, people accused of a crime could be denied access to information that makes it possible for them to make decisions about their case and build an adequate defense. We reformed the discovery process, requiring the sharing of information well before a trial takes place, restoring fairness and equality before the law.

- **Speedy Trial Reform**: Defendants are too often held in custody for excessive periods of time before their day in court while the court system remains overburdened with an overwhelming number of cases. These delays have a disparate impact on low-income and minority communities. Governor Cuomo signed into law a guarantee that criminal cases proceed to trial without undue delay.

- **Raised the Age and Juvenile Justice Reform**: New York raised the age of criminal responsibility to 18-years-old, ensuring that young people in New York who commit non-violent crimes receive the intervention and evidence-based treatment they need. We have also invested millions to support this reform through a continuum of effective prevention, diversion, treatment, re-entry and supervision services for youth at the state and local level.

- **Required Videotaping of Interrogations and Permitted Photo Identifications into Evidence**: We now require law enforcement to video-record custodial interrogations for serious offenses and set out a procedure to allow properly-conducted witness identification of suspects using photo arrays into evidence at trial.

This Collaborative will continue New York's progress on criminal justice reform.

I. What Functions Should the Police Perform?

A relationship of trust and respect between law enforcement and the community must be based on a shared understanding of the functions each community wants its police force to perform.

The protests following the death of George Floyd have raised important questions about the appropriate role of the police, size of police departments and resources devoted to policing. Some protesters have called for "defunding the police."[3,4] In Minneapolis – where the death of Mr. Floyd occurred – a majority of City Council members pledged to dismantle their police department and create a new public safety system for the city. Stakeholders in other communities have suggested adjusting the scope of responsibilities assigned to the police department and adjusting its budget correspondingly, shifting resources to social services, community programs, housing, and education to focus on crime reduction.

All communities should be asking what goals they want their police department to accomplish. Meaningful reform will require honest and thoughtful discussion about these goals among local government leaders, law enforcement officials and community members. All participants should recognize that funds are limited, that personnel must be trained and managed for the tasks they are given, and that organizational change is rarely swift.

[3] Scottie Andrew. CNN. *There's a growing call to defund the police. Here's what it means*. June 17, 2020. https://www.cnn.com/2020/06/06/us/what-is-defund-police-trnd/index.html.
[4] Dionne Searcey and John Eligon. The New York Times. *Minneapolis Will Dismantle Its Police Force, Council Members Pledge*. June 7, 2020. https://www.nytimes.com/2020/06/07/us/minneapolis-police-abolish.html.

How should the police and the community engage with one another?

Even before considering the specific functions your community expects its police force to perform, you should consider broader questions about the relationship between the police and the community. The concept of procedural justice is useful to guide this process. Procedural justice focuses on the manner in which law enforcement interacts with the public, and how these interactions shape the public's trust of the police. The premise, according to the Leadership Conference on Civil and Human Rights, is that citizens judge the police "based on *how they are treated* rather than on the outcomes of interactions,"[5] and the mandate is to retool the rules of engagement for police officers from that of "warrior" against segments of the population to that of "guardian" to protect the entire population.[6] President Obama's Task Force on 21st Century Policing adopted procedural justice as the principle that should guide law enforcement interactions both internally with their colleagues and externally with the citizens they serve.[7]

The Task Force on 21st Century Policing outlined the four pillars of procedural justice: treating individuals with dignity and respect; giving individuals a voice during law enforcement interactions; being neutral and transparent in decision making; and conveying trustworthy motives.[8] Implementing procedural justice principles helps the community trust that officers are honest and acting with just and lawful intentions. The community,

[5] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[6] *Id.* at 36 and 262-63
[7] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* pp. 9-12. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.
[8] *Id.* at 10.

in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement.[9]

1. Determining the Role of the Police

Stakeholders critical of the current scope of police responsibilities have largely proposed two types of reforms. First, some argue that the police should not be involved in responding to non-criminal conduct. Second, some propose curtailing police activities that pose a risk of overreaction to minor offenses.

What role do the police currently play in your community?

To ensure a fact-based dialogue, all participants should understand the current role of the police department in your community, as well as the level of satisfaction or dissatisfaction with policing felt by residents. Different parts of the community may feel differently about the police's role within the community, and it is important to take all perspectives into account.

- What are the primary activities of police officers in your community?
- Why are people calling 911?
- In what situations do police self-initiate interventions in the community?

[9] *Id.* at 9-12; Leadership Conference on Civil and Human Rights. (2019). New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing, pp. 94-96.; Johnston, R., Gripp, C., O'Brien, T., Sarnoff, C. and Cox, A. A Study of Procedural Justice & Criminal Justice System Legitimacy. NYC Mayor's Office of Criminal Justice and The Justice Collaborative, Yale Law School, pp. 73-75. https://law.yale.edu/sites/default/files/area/center/justice/document/justice_collaboratory_mocj_report_0701_2.pdf.https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Johnston, R., Gripp, C., O'Brien, T., Sarnoff, C. and Cox, A. A Study of Procedural Justice & Criminal Justice System Legitimacy. NYC Mayor's Office of Criminal Justice and The Justice Collaborative, Yale Law School, pp. 73-75. https://law.yale.edu/sites/default/files/area/center/justice/document/justice_collaboratory_mocj_report_0701_2.pdf.

Consider what grievances your community has had with its police force in the past and what you can learn from those instances.

- How often are complaints made about the police?
- Do particular units or assignments draw an outsized share of complaints?
- Do complaints come from a particular portion or portions of the community?
- What conduct is commonly complained about?

Should you deploy social service personnel instead of or in addition to police officers in some situations?

Some jurisdictions are utilizing agencies other than the police to address situations that fall more squarely within the expertise of other professionals. Your community may be relying on police to respond to calls involving individuals with mental illnesses or substance abuse issues, for instance. Officials in Stockholm, Sweden created a program for mental health professionals to respond to mental health calls instead of police.[10] Under this model, teams of two trained nurses and a driver respond to these calls in an emergency vehicle without police officers. This not only frees up police resources to focus on criminal activity, but also is more effective at de-escalating scenarios involving a person with mental illness. An analysis of this

[10] Lindström V, Sturesson L, Carlborg A. (2020) Patients' experiences of the caring encounter with the psychiatric emergency response team in the emergency medical service-A qualitative interview study. Health Expectations: An International Journal of Public Participation in Health Care and Health Policy. https://europepmc.org/article/med/31967699

program found that it provided patients with a "safe environment" and an "open and safe place for dialogue."[11]

In Eugene and Springfield, Oregon, local police and social service providers collaborate to reroute calls that do not involve a legal issue or extreme threat of violence or risk to the individual or others.[12] In these instances, officials send a team comprised of a medic and a crisis worker to respond to these calls. The responders assess the situation, assist the individual, and connect that individual with a higher level of care or services as needed. City officials estimate that this program, named CAHOOTS, has saved Eugene more than $15 million a year.[13] The program is also safe, as police backup was called 150 times out of a total of about 24,000 calls, only 0.6% of calls.[14]

Other cities – such as Denver and Austin – utilize social workers and health professionals to divert 911 calls relating to non-violent situations. Denver recently launched a six-month pilot program named Support Team Assisted Response (STAR) which deploys teams of these professionals to respond to 911 calls for people experiencing mental health crises, homelessness, or drug addiction.[15] Since 2013, Austin's Expanded Mobile Crisis Outreach Team (EMCOT) has similarly handled crisis calls and behavioral health situations directly instead of the police. The city recently added funding

[11] Karla Adam and Rick Noack. The Washington Post. *Defund the Police? Other countries have narrowed their role and boosted other services*. June 14, 2020. https://www.washingtonpost.com/world/europe/police-protests-countries-reforms/2020/06/13/596eab16-abf2-11ea-a43b-be9f6494a87d_story.html.;
[12] Crisis Assistance Helping Out On the Streets at https://whitebirdclinic.org/services/cahoots/
[13] For more information on CAHOOTS, please visit: https://whitebirdclinic.org/services/cahoots/
[14] National Public Radio. *'CAHOOTS': How Social Workers and Police Share Responsibilities in Eugene, Oregon*. June 10, 2020. https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon.
[15] For more information on the STAR program, please visit: https://caring4denver.org/

for mental health professionals to work at its 911 call center to ensure the EMCOT team is able to divert and respond to these calls immediately.[16]

You should consider whether your community should follow these or similar examples:

- Do you want police to respond to mental health calls?
- Do you want police to respond to substance abuse/overdose calls?
- Do you want police to respond to calls regarding the homeless?
- Are there other matters for which the community currently turns to its police for assistance that might be better addressed by others with different skills and expertise?

In each of these situations, consider:

- Does a law enforcement response or response from another agency better promote public safety?
- Which does more to further another governmental objective?
- Would it be useful for social service providers to work alongside the police in these circumstances, or separately?

Can Your Community Reduce Violence More Effectively by Redeploying Resources from Policing to Other Programs?

Some stakeholders have suggested that investment in social services may yield better results for enhancing public safety and reducing patterns of violence than investment in policing. Proposals include:

[16] For more information on the EMCOT program, please visit: https://www.austintexas.gov/edims/document.cfm?id=302634

- **Community Based Outreach and Violence Interruption**: Community based outreach and violence interruption programs are derived from public health models of gun violence, that treat gun violence like a disease by identifying its causes and interrupting its transmission. The NYS Division of Criminal Justice Services (DCJS) administers a Street Outreach Program, called SNUG, that uses an evidence-based model to identify individuals at a high risk of engaging in gun violence. SNUG addresses the issues that may prompt those individuals to use a gun, and aims to change community norms and attitudes that accept violence as a part of life. The program employs street outreach workers who live in the communities where they work, many of whom had previously been engaged in street-level crime and served terms of incarceration. These credible messengers have legitimacy within the community and can be a positive force for change and crime reduction in neighborhoods with historically high levels of crime. SNUG programs are active in Albany, Bronx, Buffalo, Hempstead, Mount Vernon, Poughkeepsie, Rochester, Syracuse, Troy, Wyandanch, and Yonkers. DCJS recently implemented the SNUG Social Work and Case Management program at all of its SNUG sites. This program employs social workers to work with program staff, youth in the community, and crime victims to address long-term trauma and connect individuals with social and victim service agencies.[17] You should engage with SNUG and other violence prevention programs active in your community and consider implementing programs of your own to improve public safety.

- **Parent Support**: There are times when parents or caregivers who are unable to control or guide a wayward child, reach a point of desperation and call the police. Support programs run by social workers help to mediate family conflict and may prevent the need for law enforcement. For example, Justice Community Plus is a job-readiness program within the Staten Island Justice Center undertaken in collaboration with the New

[17] For more information on SNUG and the Social Work and Case Management program, please visit: https://www.youtube.com/watch?v=eHFdAG5JEtA&feature=youtu.be.

York City Council and the Department of Probation that focuses on life skills and educational advancement.[18]

- **Youth Development**: Programs relying on mentors from the community to teach young people skills such as photography, computer programming and entrepreneurship may help young people find a stable career path. For example, the Brownsville Learning Lab located at the Brownsville Community Justice Center offers young people additional assistance with their educational work and provides peer mentors and resume guidance. [19]

- **Addressing Trauma and Preventing Violence at Home:** Family counseling may help children avoid foster care and manage trauma caused by violence at home, giving the child better prospects for successful development. There are programs that create a collaborative approach to help families manage trauma. For example, Strong Starts Court Initiative is an example of a program that creates a network of community based services required for family stability.[20]

- **Design of Public Spaces**: Some localities have sought to reduce crime by identifying features of the built environment that create opportunities for crime, such as lighting, landscaping or the design of public spaces, and modifying those features.

In a 2020 Center for Court Innovation survey, New York City youth at high risk of gun violence reported that violent victimization is a pervasive experience in their lives. [21] Eighty-one percent had been shot or shot at, and

[18] For more information on the Staten Island Justice Center, please visit: https://www.courtinnovation.org/programs/staten-island-justice-center
[19] For more information on the Brownsville Community Justice Center, please visit: https://www.courtinnovation.org/programs/brownsville-community-justice-center.
[20] For more information on the Strong Starts Court Initiative, please visit: https://www.courtinnovation.org/programs/strong-starts-court-initiative
[2121] Center for Court Innovation. "'Gotta You're your Own Heaven' Guns, Safety, and the Edge of Adulthood in New York City." Pg. 13

"88% had had someone close to them shot, most commonly a close friend, cousin, or sibling." These young people, who almost universally have experienced violence in their lives, do not feel served or protected by the status quo. Reforming and reinventing policing should address not just the relationship between police and these communities, but how best to provide protection for these communities.

What function should 911 call centers play in your community?

It is important for communities to evaluate the functions of their 911 call centers as well as the roles and responsibilities of the individuals who serve as call-takers. Since 911 largely serves as the catalyst to police involvement in most instances, communities should consider how those calls are received, evaluated, and triaged for resolution to determine if any changes could be made to more effectively improve public safety. Consider the following:

- Who currently staffs your 911 call centers?
- Are all calls routed to law enforcement, fire, or EMS?
- Are there other social services that should be more fully integrated into 911 call centers and the triage process?
- Would call-takers need new training if your community wanted to shift response functions toward social services?
- Should 911 call centers be operated by law enforcement, other social service agencies, or a combination of agencies?

https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

Should Law Enforcement Have a Presence in Schools?

Schools districts often have agreements in place with their police department to station uniformed School Resource Officers (SROs) in their schools. School districts may employ SROs for a number of reasons, but most SRO programs are intended to increase the safety of schools and their students and teachers. Organizations like Fair and Just Prosecution argue that the presence of police in the schools results in student arrests and unnecessary contact between youth and the criminal justice system for what otherwise would be considered truancy or teenage misbehavior.[22] Particularly for students of color, these early interactions with the criminal justice system for disciplinary issues has led some to coin this phenomena the "school to prison pipeline."[23]

If applicable, you should examine your community's use of SROs and determine if their deployment in schools best serves the needs of the students and reflects the needs and values of the community. Consider how police officers are deployed in your schools and any policies or agreements you have in place with respect to student discipline; e.g. are they acting in a manner that supports safety or are they used in disciplinary matters that are better handled through engagement with parents, conflict resolution strategies, or other disciplinary measures? Examine whether your community can meet its goals of

[22] Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf; Nelson, L. and Lind, D., The School to Prison Pipeline, Explained. http://www.justicepolicy.org/news/8775.

[23] Nelson, L. and Lind, D., The School to Prison Pipeline, Explained. *Justice Policy Institute.* http://www.justicepolicy.org/news/8775; Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.

keeping students and teachers safe through a more moderated police presence or through alternatives to law enforcement altogether.

If you have SROs in your schools, consider the creation of a memorandum of understanding or agreement between the police department and the school district so as to clearly establish their roles and responsibilities. For example, these provisions could limit or eliminate altogether police involvement in student discipline matters, or require special training for SROs in conflict resolution and alternatives to arrest when dealing with youth truancy in a school setting.[24]

2. Staffing, Budgeting, and Equipping Your Police Department

Once you have identified the role of the police in your community and the functions you want them to perform, those factors should inform the review, development, and implementation of the staffing levels, budget, and equipment you want your police department to have.

What are the Staffing Needs of the Police Department the Community Wants? Should Components of the Police Department Be Civilianized?

Some stakeholders have suggested that functions currently performed by uniformed officers could instead be assigned to civilian employees in the police or other departments, particularly functions that involve interactions with citizens and that do not call for an arrest or potential use of force. These stakeholders contend that civilianization would lead to improved police-

[24] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* p. 48. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

community relations. You should consider whether your current police department staffing should be adjusted to include fewer uniformed officers and more civilians.

How Should the Police Engage in Crowd Control? Should the Police be "Demilitarized"?

Police departments have acquired surplus military equipment from the federal government, including body armor, armored vehicles, grenade launchers, and bayonets. The rationale for these acquisitions is that the equipment will assist local law enforcement in combatting terrorism and drug trafficking.

This military equipment, however, has also been used for crowd control, along with other tactics such as the use of water cannons, rubber pellets, acoustic weapons, and tear gas to subdue or move a crowd. Civil rights advocates, among others, have criticized the militarization of crowd control arguing that not only has it failed to increase public safety but it actually results in escalation and increases the risk that excessive force will be used.[25] Consider the following:

- How should your police force conduct crowd control activities?

[25] Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 8. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 185. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Congressional Research Service. (June 25, 2020). Congress and Police Reform: Current Law and Recent Proposals, p. 5. https://crsreports.congress.gov/product/pdf/LSB/LSB10486.

- Does your community want to limit the use of military equipment and other tactics such as use of water cannons, rubber pellets, acoustic weapons and tear gas for crowd control purposes?
- Does your community want to limit the acquisition of military equipment altogether?
- Does your community want to have its police officers trained in de-escalation techniques specifically designed to engage with protesters and large crowds?

The policies and procedures police agencies employ for crowd control should minimize the appearance of a military operation and use of force, prioritize citizens' First Amendment rights and effective communication with demonstrators, avoid the use of provocative tactics and equipment that undermine civilian trust, utilize "soft look" uniforms and open postures instead of riot gear and military formation when it is safe to do so, and employ a layered response that prioritizes de-escalation.[26]

[26] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* p. 25. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

II. Employing Smart and Effective Policing Standards and Strategies

Effective policing requires standards and strategies that advance the goals of protecting the community, engaging with the citizenry in a meaningful and multi-faceted way and demonstrating respect for individuals during law enforcement interactions. Policing is a partnership with the community, requiring a foundation of positive, trust-based relationships with all segments of the population. It is critical that the strategies employed and the manner by which law enforcement interacts with the population are in line with the community's expectations for its police force.

1. Procedural Justice and Community Policing

Section I described the concept of procedural justice and how to examine whether your police department uses those principles to inform its interactions with the public. As discussed above, those principles encourage you to always consider how the police will interact with the public – the process – instead of focusing solely on the law enforcement outcomes of your decision making.

Moreover, the concept of community policing provides another set of organizing principles for establishing a successful policing model. The premise of community policing is that community participation and assistance are crucial for maintaining public safety and building a police force responsive to the public. It focuses on "strong relationships and collaboration between police and the communities they serve; the application of modern management practices and organizational structures to create a culture of community

partnership; transparency and accountability to communities and democratic government; and decentralized, proactive, community-based solutions to community public safety priorities."[27]

Community policing also emphasizes cultural change within law enforcement agencies. The success of this culture change requires the support and leadership of the local government chief executive and the head of the police department. The goal is to establish a culture of community service and problem solving throughout the organization.

For your consideration, the U.S. Department of Justice's Office of Community Oriented Policing Services recommends the following best community policing practices:[28]

1. Create a comprehensive community policing strategic plan.
2. Train all personnel on community policing – including overcoming distrust.
3. Foster an atmosphere of openness and transparency.
4. Adopt procedural justice as a guiding principle.
5. Prioritize law enforcement personnel safety and wellness.
6. Engage the community in a true partnership to address crime and disorder issues.
7. Treat every contact as an opportunity to engage positively with a community member.
8. Measure social cohesion and work to develop relationships.
9. Reevaluate metrics of community policing success.
10. Incorporate community policing measures into the performance evaluation process.

[27] U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* https://www.justice.gov/crt/file/922421/download.
[28] U.S. Department of Justice Office of Community Oriented Policing Services. Law Enforcement Best Practices: Lessons Learned from the Field. 2019. https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf.

These best practices offer a promising framework for local governments to begin planning, but you should form your community policing plan around the individual circumstances and desired outcomes of your community. A successful community policing model must be locally-driven and requires buy-in and support from community members and local stakeholders.

Specific policing strategies that have raised concerns among the public.

Advocates, experts and some in the law enforcement community have drawn attention to a number of specific policing strategies that they believe pose an undue risk of harm to the public.

Your police department may use some or all of these strategies. As discussed here, some strategies that are currently in use may have a record of causing harm to individuals in your community.

You should examine the practices of your police department to determine which, if any, of these strategies are in use, and you should consider whether any of them need to be reformed, curtailed or discontinued.

"Broken Windows" and "Stop and Frisk"

"Broken Windows" policing rests on the theory that minor offenses committed in public, such as turnstile jumping or disorderly conduct, contribute to a degradation of society that, in turn, incubates more serious crimes. Under this theory, where these minor crimes and the individuals who

commit them are stopped at the outset, then the conditions that create more serious crimes can be avoided.[29]

"Stop and Frisk" was an offshoot of the "Broken Windows" policing theory. Under "Stop and Frisk," police departments adopted a policy of temporarily detaining individuals on the street based upon a "reasonable suspicion" of minor crimes and performed a pat-down search of these individuals looking for more serious criminal conduct, such as possession of contraband or weapons.[30] A 2019 report by the Leadership Conference on Civil Rights found that Stop and Frisk contributes to racial disparities in policing due to the wide latitude officers have in stopping for "reasonable suspicion" and its use as a primary enforcement tactic in communities with higher rates of crime.[31]

Indeed, the NYPD's use of Stop and Frisk was determined to be unconstitutional by a federal judge in 2013.[32] The court found that the practice had a vastly disproportionate impact on minorities. A total of 83% of stops based on "reasonable suspicion" were of African Americans and Latinos. Further, the empirical data presented at trial showed that a relatively low percentage of NYPD searches of African Americans and Latinos resulted in the recovery of contraband. Moreover, the "hit rate," as measured by the recovery

[29] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 20-22. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[30] *Id.* at 79-86.
[31] *Id.* at 81.
[32] *Floyd et al. v. City of New York,* 959 F. Supp.2d 540 (S.D.N.Y. 2013).

of weapons and contraband, arrests made or summonses issued, from African Americans and Latinos was actually 8% lower than that for Whites.[33]

As Professors David Rudovsky and David Harris noted in a 2018 legal analysis, "Blacks and Latinos were more likely to be frisked than Whites, even though Whites were more likely to be found in possession of weapons."[34] Indeed, 88% of all stops resulted in no law enforcement action at all. The court also cited the role of Stop and Frisk in deteriorating the relationship between the NYPD and communities of color.[35]

Discriminatory or Bias-Based Stops, Searches and Arrests

Racial and ethnic profiling erodes trust in the police and unfairly targets minority communities. Bias based upon race, sex, national origin, gender identity and expression and sexual orientation, among other factors, is fundamentally unjust, and damages the targeted individuals, their communities, and the relationship with law enforcement that is necessary to build trust and effective policing.[36]

You should consider analyzing the demographics of the individuals stopped and ticketed in your community to determine if there is any evidence

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[33] *Floyd et al. v. City of New York,* 959 F. Supp.2d 540 (S.D.N.Y. 2013); Rudovsky, D. and Harris, D. Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, pp. 33-35. *Ohio State Law J*. https://www.law.upenn.edu/live/files/7898-rudovskyoslj; Goldstein, J. (August 12, 2013). Judge Rejects New York's Stop and Frisk Policy. *The New York Times.* https://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html.

[34] Rudovsky, D. and Harris, D. Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, p. 35. *Ohio State Law J*. https://www.law.upenn.edu/live/files/7898-rudovskyoslj.

[35] *Floyd et al. v. City of New York,* 959 F. Supp.2d 540 (S.D.N.Y. 2013); Rudovsky, D. and Harris, D., Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, pp. 33-35. *Ohio State Law J*. https://www.law.upenn.edu/live/files/7898-rudovskyoslj.

[36] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* p. 96. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

that law enforcement has engaged in biased-based stops, searches and arrests, even if unintentionally. If there is such evidence, determine what steps should be taken to eliminate or address such practices.

Chokeholds and Other Restrictions on Breathing

New York State has criminalized the use of chokeholds by police in the immediate aftermath of George Floyd's shocking death by asphyxiation. In that case, the arresting officer applied continual pressure to his neck while Mr. Floyd was handcuffed on the ground. Governor Cuomo signed this measure into law on June 12, 2020 in the presence of Gwen Carr - the mother of Eric Garner, another individual killed after use of a chokehold in 2014 by a New York City police officer. The legislation creates the crime of aggravated strangulation where a police officer uses a chokehold and causes serious physical injury or death.[37]

Other forms of force that may not currently be banned can also restrict breathing. For example, positioning someone on their stomach while in restraints restricts breathing. So too does the application of pressure on someone's back while restrained face down. Use of force against individuals who are already handcuffed increases risk of injury.[38]

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[37] Eric Garner Anti-Chokehold Act, NY Senate Bill S6670B. (June 12, 2020). https://www.nysenate.gov/legislation/bills/2019/s6670.

[38] U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* p. 28. https://www.justice.gov/crt/file/922421/download; Leadership Conference on Civil and Human Rights. (2019). New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing, p. 125. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Campaign Zero. #8CantWait.

Use of Force for Punitive or Retaliatory Reasons

The potential for abuse of the use of force for retaliatory or punitive reasons exists. The U.S. Department of Justice has found that such situations have arisen generally where an individual is fleeing, resisting arrest or showing disrespect for the officer.[39] In several instances, DOJ has required police departments to adopt formal policies prohibiting the use of force for retaliatory or punitive reasons.[40]

Pretextual Stops

Pretextual stops are those where the officer uses a minor violation as a pretext to stop, question, or search someone suspected of involvement in, or having knowledge of, a more serious crime. Pretextual stops have been used in a targeted fashion to question individuals relevant to an ongoing investigation in a setting that may facilitate disclosure of information valuable to that investigation, and in a broader fashion by officers on patrol to question or search individuals based on the officer's observations at that time.

Pretextual stops are distinct from Stop and Frisk policing as the former involves stopping an individual purportedly on one stated basis, when the real purpose is to investigate the individual for an entirely different and usually more serious crime. The latter, namely Stop and Frisk, when conducted legally, is based on the suspicion of a minor crime without a secondary motive by law enforcement.

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[39] U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* p. 28. https://www.justice.gov/crt/file/922421/download.
[40] *Ibid.*

As noted by the Leadership Conference on Civil Rights, the wide latitude officers have to conduct a pretextual stop can contribute to the distrust between the community and officers.[41]

Informal Quotas for Summonses, Tickets or Arrests

New York State has banned formal quotas for issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests.[42] Quotas erode community-police relations as they encourage officers to make arrests in situations that otherwise would be unnecessary or unwise so as to meet a mandated numeric threshold. Historically, minority communities are often targeted to meet such quotas.[43] Moreover, "the knowledge that quotas exist, and therefore that illegitimate arrests exist, casts an untrusting shadow onto all police activity."[44]

Unlike formal quotas, informal quotas are more difficult to ferret out, but are just as damaging to the individual and the community. For example, a civil rights investigation by the US Department of Justice in Ferguson, Missouri found that the city's police department had informal quotas for tickets and summonses and that African Americans were targeted at a disproportionate

[41] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 80-81. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[42] N.Y. Labor Law 215-a(1); Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, pp. 545, 557-558. *Columbia J. of Law and Social Probs*. http://jlsp.law.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf.
[43] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 82, 105. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, pp. 545-55. *Columbia J. of Law and Social Probs*. http://jlsp.law.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf.
[44] Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, p. 555. *Columbia J. of Law and Social Probs*. http://jlsp.law.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf.

rate. Specifically, African Americans comprised 67% of the population but received 90% of the tickets. In fact, in 2013, Ferguson – with a population of approximately 21,135 people – had issued 32,975 warrants for nonviolent offenses – more warrants than it had actual residents. Most of these were for driving violations. The collection of high court fines and fees[45]

The resulting fees and fines can have a crippling effect on citizens who cannot afford to pay them. In Ferguson, where an individual was not able to pay the fine, an arrest warrant was issued, effectively creating a debtors' prison and prioritizing revenue-generation measures at the expense of civil rights and the minority communities disproportionately targeted and affected. In addition to jail time, the direct and indirect consequences that flowed from failure to pay included loss of driver's licenses, housing and employment.[46]

The use of "police officers as municipal debt collection agents," as described by DOJ, has a corrosive effect on the relationship between officers and communities of color.[47]

While New Yorkers do not face the prospect of arrest for delinquency in paying a traffic violation fine, any discriminatory practice of issuing

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[45] Shapiro, J. (August 25, 2014). In Ferguson, Court fines and Fees Fuel Anger. *NPR*. https://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 88-89. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Dept. of Justice. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* pp. 7, 13, 33-34, 46. https://www.justice.gov/crt/file/922421/download.

[46] Shapiro, J. (August 25, 2014). In Ferguson, Court fines and Fees Fuel Anger. *NPR*. https://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 88-89 (2019). https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Dept. of Justice. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* pp. 7, 13, 33-34, 46. https://www.justice.gov/crt/file/922421/download.

[47] U.S. Dept. of Justice. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* p. 13. https://www.justice.gov/crt/file/922421/download.

summonses should still be cause for great concern. Failure to pay the fine for a traffic violation can result in suspension of a driver's license or motor vehicle registration, causing a cascade of additional harm that is disproportionate to the underlying offense. The harm is particularly severe for individuals who either drive to work or have driving as a job requirement, as they can be arrested and prosecuted if they drive with a suspended license. As part of the Say Their Name agenda, New York enacted the STAT Act, which requires the collection of demographic information on violations. This should shed light on any disparities in the imposition of such lower level violations, which can then be properly addressed. As part of this exercise, local governments should inform themselves to better address this issue at the outset. Local governments should further examine whether any informal quotas exist for tickets, summons, stops or arrests, and if so, eliminate such quotas.

Shooting at Moving Vehicles and High Speed Pursuits

Shooting at a moving vehicle risks injury to unintended targets, including to innocent bystanders. Hitting the driver can turn a moving car into a high-speed, out of control weapon.[48]

Many experts also believe that shooting at a moving vehicle has low utility as a tactic for neutralizing threats, as shooting at a car rarely stops it. Moreover, one study found that 91% of police pursuits were the result of

[48] Herman, P. (May 1, 2018). Police in D.C., New York Revise Shooting Policies in Response to Vehicle Ramming Attacks. *The Washington Post.* https://www.washingtonpost.com/local/public-safety/police-in-dc-new-york-revise-shooting-policies-in-response-to-vehicle-ramming-attacks/2018/05/01/9561d1ee-418b-11e8-ad8f-27a8c409298b_story.html; Gross, J. (2016). Unguided Missiles: Why the Supreme Court Should Prohibit Police Officers From Shooting at Moving Vehicles, pp. 135, 139-141. *U. Pa. Law Rev. Online.* https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1163&context=penn_law_review_online.

nonviolent offenses.[49] Experts have proposed either prohibiting shooting at a moving vehicle or permitting the tactic only when the driver or a passenger poses an imminent risk of lethal force against an officer or another individual.[50] Whether to engage in a high speed pursuit in the first instance is also a decision point for this collaboration. It may be prudent to only engage in such activities for certain offenses, or at certain times of day or locations where harm to bystanders can be minimized.

Use of SWAT Teams and No-Knock Warrants

Historically, SWAT teams were designed to handle high risk situations, such as hostage rescues and terrorist attacks. Today, SWAT teams are increasingly used to execute even routine search warrants. Although some search warrants are inherently high risk to the executing officers, others may not be, and use of a SWAT team may not be necessary or advisable.[51]

The use of no-knock warrants has also been criticized. Consider if such a tactic should only be used when there is a specific threat to officer or civilian life.[52] Recently, Breonna Taylor, a Louisville, Kentucky resident and EMT worker, was killed by officer gunfire when three plain-clothed officers executed a no-knock warrant at her home in the middle of the night. Her boyfriend,

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[49] Gross, J. (2016). Unguided Missiles: Why the Supreme Court Should Prohibit Police Officers From Shooting at Moving Vehicles, pp. 135, 142. *U. Pa. Law Rev. Online*. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1163&context=penn_law_review_online.

[50] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* p. 125. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Campaign Zero. #8CantWait. https://8cantwait.org.

[51] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* p. 132. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[52] *Ibid.*; Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p.11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.

believing intruders were in the apartment, called 911, and fired his lawfully permitted weapon at the officers.[53] The officers returned fire, hitting Ms. Taylor, who was unarmed, eight times. The officers were executing a search warrant for drugs. No drugs were found. Law enforcement knew prior to entering her home that the main suspect who was the center of the investigation had already been taken into police custody.[54]

Less-Than-Lethal Weaponry such as Tasers and Pepper Spray

Increasingly, tasers are being used by law enforcement as an alternative to firearms. The electric shock in tasers induces muscle contraction which can sometimes result in serious injury or even death.[55] In 2008, the NYPD was called to an apartment building in Brooklyn after a mentally disturbed man, Iman Morales, did not answer his apartment door and his mother asked someone to call 911. After police arrived Mr. Morales, who was naked, left his third-floor apartment through the fire escape descended to the second floor landing and ultimately jabbed at another officer with a fluorescent light tube. An officer on the street then fired his taser at Mr. Morales, who fell head first to the ground and died from his head injuries.[56]

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[53] Burke, M. (June 13, 2020). Breonna Taylor's Death Ignites Debate on No-Knock Warrants as Louisville Becomes Latest City to Ban Them. *NBC News.* https://www.nbcnews.com/news/us-news/breonna-taylor-s-death-ignites-debate-no-knock-warrants-louisville-n1208156. Oppel, R. and Taylor, D. (June 28, 2020). Here's What You Need to Know About Breonna Taylor's Death. *New York Times.* https://www.nytimes.com/article/breonna-taylor-police.html.

[54] Burke, M. (June 13, 2020). Breonna Taylor's Death Ignites Debate on No-Knock Warrants as Louisville Becomes Latest City to Ban Them. *NBC News.* https://www.nbcnews.com/news/us-news/breonna-taylor-s-death-ignites-debate-no-knock-warrants-louisville-n1208156; Waldrop, T., Sanchez, R. and Joseph, E. (June 23, 2020). Officer Fired in Shooting Death of Breonna Taylor, Louisville Police Say. CNN.com. https://www.cnn.com/2020/06/23/us/breonna-taylor-shooting-officer-fired/index.html.

[55] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 135-36. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[56] Fahim, K. and Hauser, C. (Sept. 25, 2008). Taser Use in Man's Death Broke Rules, Police Say. *The New York Times*. https://www.nytimes.com/2008/09/26/nyregion/26taser.html; Neil, M. (Oct. 25, 2008). Police Taser

Chemical agents, including pepper spray, are another less-than-lethal method used by some law enforcement. But, while less lethal, it can still cause serious harm and has minimal accuracy, especially when used from a distance or under windy conditions.[57] Consider additional training of such less-than-lethal weapons by your law enforcement officers.

Facial Recognition Technology

Some law enforcement agencies have used facial recognition systems to assist with investigations. Civil libertarians have raised privacy concerns pertaining to the collection of images. Further, users of facial recognition technology have reported accuracy problems as these systems have a more challenging time recognizing the faces of certain segments of the population, such as African Americans and women.[58] A recent study looked at three commercial facial recognition systems and found they exhibit higher error rates for darker-skinned women than any other group, with the lowest error rates for light skinned men.[59]

As you consider the use of facial recognition technology, you should take into account whether checks and balances can minimize false positive hits, how

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Naked New York City Man, Who Falls and Dies. *ABA Journal*. https://www.abajournal.com/news/article/police_taser_naked_new_york_city_man_who_falls_and_dies.

[57] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* p. 139. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[58] Goodwin, G. (June 4, 2019). Testimony Before the Committee on Oversight and Reform, *U.S. House of Representatives. Face Recognition Technology: DOJ and FBI Have Taken Some Actions in Response to GAO Recommendations to Ensure Privacy and Accuracy, But Additional Work Remains.* https://www.gao.gov/assets/700/699489.pdf.

[59] Buolamwini, J. and Gebru, T. (2018). *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. Proceedings of Machine Learning Research, Conference on Fairness, Accountability and Transparency*, pp. 8, 12. http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf.

error rates attributable to race and gender can be factored into the application of such technology, and what safeguards can be applied to protect privacy interests.

2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these important goals.

Using Summonses Rather than Warrantless Arrests for Specified Offenses

Police officers have broad discretion to choose between treating certain incidents as misdemeanor crimes and making warrantless arrests, or treating such incidents as a civil infractions or violations and issuing appearance tickets or summonses. Advocates for policing reform contend that this latitude has often resulted in people of color disproportionately entering the criminal justice system, harming these individuals and contributing to distrust of the police.[60]

For example, in 2015, Sandra Bland, a 28-year old African American woman, was pulled over in Texas pursuant to a traffic stop for failure to signal a change of lanes, a minor traffic violation that typically results in either a

[60] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 82, 105. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.

warning or issuance of a ticket and a fine.[61] The conversation became increasingly contentious between the officer and Ms. Bland when she refused to extinguish her cigarette. Ms. Bland was arrested and charged with a Class C misdemeanor, the lowest level of crime in Texas, and for which the punishment carried a fine but no jail term. She was unable to meet a $5,000 bond for her release. Ms. Bland was found dead in her cell three days later. Her death was ruled a suicide.[62]

You should consider whether your police department should encourage the issuance of summonses rather than conducting warrantless arrests for specified offenses or under specified circumstances.

Diversion Programs

Diversion programs may occur at various stages in the criminal justice process. Diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct, and that education, drug or mental health treatment may provide a better alternative for the individual and the community.

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[61] Connelly, C. (May 9, 2019). At Texas Capitol, Sandra Bland's Legacy Looms. *Kera News.* https://www.keranews.org/post/texas-capitol-sandra-blands-legacy-looms; Montgomery, D. (May 17, 2019). Sandra Bland, It Turns Out, Filmed Traffic Stop Confrontation Herself. *The New York Times*. https://www.nytimes.com/2019/05/07/us/sandra-bland-video-brian-encinia.html; Wickham, D. (July 27, 2015). Wickham: Sandra Bland's Fate Sealed By Bad Policing, *USAToday* . https://www.usatoday.com/story/opinion/2015/07/27/sarah-bland-suicide-death-texas-trooper/30705659/.

[62] Connelly, C. (May 9, 2019). At Texas Capitol, Sandra Bland's Legacy Looms. *Kera News.* https://www.keranews.org/post/texas-capitol-sandra-blands-legacy-looms; Montgomery, D. (May 17, 2019). Sandra Bland, It Turns Out, Filmed Traffic Stop Confrontation Herself. *The New York Times.* https://www.nytimes.com/2019/05/07/us/sandra-bland-video-brian-encinia.html; Wickham, D. (July 27, 2015). Wickham: Sandra Bland's Fate Sealed By Bad Policing, *USA Today.* https://www.usatoday.com/story/opinion/2015/07/27/sarah-bland-suicide-death-texas-trooper/30705659/.

For youthful or first time offenders, or those with mental health issues or problems with substance abuse, incarceration is either unnecessary or counterproductive and will not address the underlying behavior. Even apart from unnecessary incarceration, saddling an individual with a criminal record in these circumstances can have broad-ranging, unwarranted consequences. Strategies for diversion programs include warn-and-release, programs requiring violence prevention or aggression management, substance abuse treatment and testing, and court check-ins.[63]

Restorative Justice Programs

Restorative justice programs offer people a meaningful chance to respond to a conflict outside of the traditional courtroom process. Restorative justice brings the affected parties together, mediated by a trained community member, allowing the aggrieved parties to vocalize hurt and encouraging accountability. The aim is healing rather than punishment, and it requires cooperation between all sides of a conflict, such as between a perpetrator and a victim, to achieve an understanding of what occurred and arrive at a mutually acceptable resolution. [64]

[63] See: Law Enforcement Assisted Diversion (LEAD) Program. https://www.leadbureau.org; Office of Juvenile Justice and Disciplinary Prevention, Diversion Programs. https://www.ojjdp.gov/mpg-iguides/topics/diversion-programs/; Corrective Solutions. http://correctivesolutions.org/diversion-programs.

[64]See: Common Justice. https://www.commonjustice.org/common_justice_model; Center for Court Innovation. https://www.courtinnovation.org/areas-of-focus/restora National Network for Safe Communities at John Jay College. Reconciliation Between Police and Communities: Case Studies and Lessons Learned. https://nnscommunities.org/wp-content/uploads/2017/10/Reconciliation_Full_Report.pdf.

Community-Based Outreach and Violence Interruption Programs

Community based outreach and violence interruption programs aim to curb violence by working with high-risk individuals and connecting them with services, programs, and other community engagement initiatives, so as to interrupt the cycle of crime. For example, the NYS Street Outreach Program (SNUG) discussed earlier employs street outreach workers who live in the communities where they work to reach at-rick youth.

Adopting a strategy where you work with trusted messengers with existing credibility within a community can facilitate better community relationship with law enforcement and be a positive force for change.

Hot-Spot Policing and Focused Deterrence

Some departments have used data analysis to identify crime spikes or "hot spots" in specific neighborhoods or even particular street blocks and increased the visible police presence in these areas, with the purpose of deterring crime. Relatedly, some departments have implemented a strategy of "focused deterrence," in which officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members.[65]

[65] Center for Problem-Oriented Policing. https://popcenter.asu.edu; National Institute of Justice. Hot Spot Policing Can Reduce Crime. https://nij.ojp.gov/topics/articles/hot-spot-policing-can-reduce-crime; National Institute of Justice. Gun Violence Prevention Strategy: Focused Deterrence. https://nij.ojp.gov/topics/articles/gun-violence-prevention-strategy-focused-deterrence.

Hot spot and deterrence policing may have both public safety and community benefits; reducing crime and targeting crime drivers. Indeed, focused deterrence policing has been found to have some beneficial impact on reduction in crime, particularly those programs that target gangs or groups.[66] However, a locality employing these techniques must ensure that they are supported by the community, that the police department can and will implement them in a race-neutral and transparent fashion, and that the local government itself will vigilantly monitor their use.

Analysts have criticized the "hot spot" and "focused deterrence" techniques on the ground that they are used disproportionately in minority communities. According to a 2018 report on proactive policing by the National Academies of Science, Engineering and Medicine,[67] the high rate at which individuals of color are stopped, cited, arrested or injured by the police is associated with police deployment based on intensive presence in particular areas. For example, if residents of areas with higher levels of reported crime are disproportionately people of color or disadvantage, placing greater police resources in these areas will increase the probability of law enforcement contacts with minorities and loss of liberty through stops, searches and arrests.[68]

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[66] Campbell Collaboration. American Institutes for Research (2019). https://campbellcollaboration.org/media/k2/attachments/0110_Braga_Focused_deterrence_PLS_EN.pdf.

[67] National Academies of Science, Engineering, and Medicine. (2018). *Proactive Policing: Effects on Crime and Communities.* The National Academies Press. p. 251. https://www.nap.edu/read/24928/chapter/9.

[68] Weisburd, David. Does Hot Spots Policing Inevitably Lead to Unfair and Abusive Police Practices, or Can We Maximize Both Fairness and Effectiveness in the New Proactive Policing? University of Chicago Legal Forum (2016), pp. 671-672. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1578&context=uclf

In the same 2018 report, the National Academies of Science, Engineering and Medicine also found that focused deterrence policing is more likely to target minority offenders. Since non-White individuals are more likely to live in areas with more police per capita, they will have higher rates of prior contact with police in their lifetime. This increases the probability of a prior arrest record, and thus makes them a target for focused deterrence policing practices.

De-Escalation Strategies

De-escalation has proven effective in certain circumstances to diffuse what would otherwise be a dangerous encounter. Body position and stance, tone of voice and word choice, can either calm a situation or inflame an already tense situation. De-escalation tactics, including both verbal and non-verbal communication strategies, can slow down an evolving situation and reduce the risk that a situation will become violent. De-escalation is tied to the principle that an officer should exhaust all available methods of resolving a situation before using force.[69]

The former longtime Chief of Police of Madison, Wisconsin developed a de-escalation policy beginning in the 1970's in what is now referred to as the "Madison Model." Under this model, police officers operate under the theory that they are "social workers in blue."[70] When this was introduced in Madison, officers wore shorts and blazers and marched with Vietnam War protesters.

[69] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* pp. 10, 121, 143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[70] The Marshall Project. *The Madison Model: A Shooting Death Spotlights Wisconsin's Legacy of Police Reform.* https://www.themarshallproject.org/2015/05/14/the-madison-model.

They got out of their cars and walked the streets in high-crime areas. Rookies were taught to avoid deadly confrontations if at all possible, even with armed individuals. The Madison Model remains a de-escalation model that departments and law enforcement consultants still reference when formulating a de-escalation policy of their own.[71]

Although de-escalation training is increasingly used in police departments, there is limited knowledge regarding its actual effectiveness in successfully decreasing volatile situations. One group of researchers examined sixty-four de-escalation training programs across all professions over a forty year period and found some early promising results and few adverse consequences, but noted the weaknesses in methodological controls of such studies.[72] Regardless, de-escalation training has become one of the most frequently requested types of police trainings as proponents advocate it reduces violence across the board and protects both civilians and officers.[73]

Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?

Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community.[74] On March 11, 2020, in response to a physical assault on the basis of race against a woman of Asian-

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[71] *Ibid.*
[72] Engel, R., McManus, H. and Herold, T. (January 31, 2020). Does De-Escalation Training Work? *Criminology & Public Policy.* https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12467.
[73] McKenna, S. (June 17, 2020). Police Violence Calls for Measures Beyond De-Escalation Training. *Behavior & Society*. https://www.scientificamerican.com/article/police-violence-calls-for-measures-beyond-de-escalation-training1/.
[74] Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.

decent in Manhattan, Governor Cuomo directed the New York State Police to investigate the incident and stated: "No one in this state should ever feel intimidated or threatened because of who they are or how they look. Diversity is our greatest strength – it's one of the things that makes New York great – and in difficult times we need to band together even tighter."[75] Local law enforcement agencies are required to submit Hate Crime Incident Report forms to the Division of Criminal Justice Services each month.[76] You should ensure your police department is complying with these reporting requirements and has the capacity to effectively identify and investigate hate crime and bias incidents.

Evaluate your practices concerning the identification and investigation of hate crimes. Are members of your department trained to investigate hate crimes and interview members of minority communities and groups? What additional training and community resources can you draw on to enhance hate crime prevention and response?

3. Community Engagement

Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. The concept of community policing can, however, often be misunderstood and misapplied. Many applications of this concept do not capture the deeper, sustained role a

[75] Governor Andrew M. Cuomo. (March 11, 2020). Governor Cuomo Directs State Police Hate Crimes Task Force to Assist in Investigation of Assault Against Asian Woman. https://www.governor.ny.gov/news/governor-cuomo-directs-state-police-hate-crimes-task-force-assist-investigation-assault-against.

[76] For more information on reporting Hate Crimes to the Division of Criminal Justice Services, please visit: https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/forms/hatecrime.pdf.

community can play in policing.[77] Community-oriented policing seeks to address the causes of crime and to reduce fear of social disorder through problem-solving strategies and police-community partnerships.[78]

Consider whether any of the following tools would help you to achieve these goals.

Community outreach plans

A number of law enforcement agencies have developed plans for institutionalizing community engagement.[79] For example, in 2018 the Seattle Police Department released a report outlining their Community Engagement Program, what was done, and where the program saw success.[80] Seattle developed and articulated specific ways in which it engages with communities, including but not limited to: appointing community liaison officers, fostering police community partnerships, holding regular community meetings, and tracking and rewarding positive interactions between officers and community groups.

By deepening their contact and collaboration with the community, agency efforts in engaging with citizens are more likely to be successful.

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[77] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

[78] Community Policing. (n.d.). https://www.bjs.gov/index.cfm?ty=tp&tid=81

[79] For examples please see: The Ohio Collaborative Community-Police Advisory Board's suggestions at https://www.ocjs.ohio.gov/ohiocollaborative/links/Examples-Community-Police%20Engagement.pdf Or the New Orleans Police Department's Community Engagement Manual at https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Community-Engagement-Manual-(3).pdf/

[80] For example please view report at http://www.seattle.gov/documents/departments/police/reports/communityengagementreport2018.pdf

Citizen advisory boards and committees

Community engagement emphasizes working with residents to promote public safety. Law enforcement agencies can work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.[81] A community advisory board/committee is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies. Membership should reflect and represent the different voices and needs in the community, meaning a board should be as diverse as the community in which it functions.[82]

The goal should be the creation of an inclusive space designed to accommodate the community's diverse needs. An advisory board can play a continuing and meaningful role in the decision-making process and keep the community informed of developments and achievements made by law enforcement. This provides a sustained communication structure between the community and law enforcement leadership.

For example, the Albany Police Department (APD) has had a positive experience using such a mechanism for continued community policing and engagement. The department sought assistance from the city's Common Council to ensure all 15 wards of the city were equally represented on the Community Policing Advisory Committee. This committee was charged with

[81] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* pp. 48. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

[82] IACP. (2019, May 6). Promoting Community Involvement in Law Enforcement: Community Advisory Boards. Retrieved from https://www.theiacp.org/news/blog-post/promoting-community-involvement-in-law-enforcement-community-advisory-boards

reviewing and addressing items to reinvigorate the relationship between community members and APD.[83]

Partnership with community organizations and faith communities

It is important to work within the community in order to build trust and nurture legitimacy. Law enforcement agencies can proactively increase public trust by initiating positive non-enforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.[84]

Can your law enforcement agency develop programs that create opportunities for patrol officers to interact regularly with neighborhood residents, faith leaders, and business leaders? Some communities have developed Police Athletic Leagues (PALs) which provide an opportunity for the police to engage with youth in the community and build enduring beneficial relationships. Communities are often more willing to assist law enforcement when they have forged positive relationships through non-law enforcement-related community engagement.[85]

Partnering with students and schools

Adopt-a-school programs seek to build a rapport between a school, its students and a local police department. In such programs, police officers visit the school at regularly scheduled intervals, have lunch with the students and

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[83] Albany, C. O. (n.d.). Retrieved from https://www.albanyny.gov/Government/Departments/PoliceDepartment/AlbanyCommunityPoliceAdvisoryCommittee.aspx

[84] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* pp. 14. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

[85] *Id.* at 15

spend time with them at recess. Students are encouraged to engage with and ask questions of the officers. The goal is to cultivate a mentoring relationship from these interactions, with the officers serving as community role models.[86] Unlike School Resource Officers (discussed above in Part I), officers in adopt-a-school programs are *not* intended to enforce student discipline or address truancy issues, nor should they be used for such purposes. Rather, adopt-a-school programs are designed to have students engage with officers in a relaxed, non-adversarial fashion, fostering positive connections that carry through the students' academic and personal lives, into adulthood.[87]

Police-community reconciliation

The police-community reconciliation process seeks to improve strained relationships between police and communities of color. The goal is to strengthen and build a community perception that law enforcement is a trustworthy partner with which it can collaborate in achieving public safety.

In many communities of color, a history both of violence unaddressed by law enforcement and police misconduct has left a legacy of grievance and distrust between these communities and the law enforcement agencies that serve them. A 2020 Center for Court Innovation survey of New York City youth at high risk of gun violence found a deep distrust of law enforcement, with only 19% believing that the police want to understand their community needs.[88] The

[86] See e.g., Valparaiso Police Department. https://www.ci.valparaiso.in.us/366/Adopt-a-School;
[87] See e.g., Rancho Cordova Police Department. https://www.ranchocordovapd.com/programs/adopt-a-school.
[88] Center for Court Innovation. "'Gotta You're your Own Heaven' Guns, Safety, and the Edge of Adulthood in New York City." Pg. 13

study found that "this lack of trust stemmed from three primary concerns: being stopped for low-level offenses, feeling the police were not addressing serious crime and violence, and sensing a lack of care for people in the community.[89]" When these issues are addressed openly, new and different understandings can emerge, and a profound transformation in community–police relations becomes possible.[90] While engaging in discussion with communities of color on how historical and current police practices affect their communities, consider:

- Discussing how policies, culture, engagement, and other mechanisms can change to create a more transparent system built on trust.
- Communicating a willingness to improve as well as acknowledge past and continuing harm.
- Following through on changes to demonstrate commitment to the reconciliation process.
- Acknowledging that the intention is to create new practices in recognition of historical harm (in tandem with the announcement and implementations of new initiatives adopted by the collaborative). Not only will this reinforce the message of reconciliation in the department, it will help in educating the general population.[91]

https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

[89] *Id.*

[90] Mentel, Z. (2012). *Racial reconciliation, truth telling, and police legitimacy*. Retrieved from https://s3.trustandjustice.org/misc/Racial-Reconciliation_Truth-Telling_and-Legitimacy.pdf

[91] Kuhn, S., and Lurie, S. (2018). *Reconciliation between Police and Communities: Case Studies and Lessons Learned*. New York: John Jay College.

Attention to Marginalized Communities

Your department may need to devote special training and management attention to interaction with marginalized communities.

- **Limited English Proficiency (LEP) Citizens**: For citizens who have Limited English Proficiency, communication with law enforcement is more difficult and could result in law enforcement perceiving these citizens as noncompliant. Law enforcement agencies must ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system. Statewide language access requirements discussed in New York State Executive Order No. 26 (E.O. 26), require New York State executive agencies to provide interpretation services in any language and translation services in the top six most commonly spoken non-English languages in the state. Consider adopting elements of E.O. 26 as part of your plan, and requiring law enforcement agencies to provide appropriate resources to community members.

- **Citizens with communication disabilities.** Similarly, citizens who are deaf, hard-of-hearing or have sensory and stimulation sensitives can be perceived by officers as noncompliant. It is important that officers are able to recognize when a community member may have a disability that could affect the way they communicate. Consider working with experts and members of the disability community to create training programs to educate officers to identify and work with disabled community members.

- **The LGBTQIA+ Community**: Law enforcement agencies must take steps to eradicate discriminatory policing based on a community member's perceived gender identity or sexual orientation. For example, a 2014 report on a national survey of LGBT people and people living with HIV found that 73% of respondents had face-to-face contact with the police in the past five years. Of those respondents, 21% reported encountering hostile attitudes from officers, 14% reported verbal assault by the police,

3% reported sexual harassment, and 2% reported physical assault at the hands of law enforcement officers. Police abuse, neglect, and misconduct were consistently reported at higher frequencies by respondents of color and transgender and gender-nonconforming respondents.[92] One example of a positive policy change is the LAPD's 2012 policy requiring officers to refer to transgender individuals by the name and gender they prefer and precluding officers from searching transgender individuals solely for the purpose of determining their biological sex.[93] For more examples and guidance please review Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQIA+ Community.[94]

- **Immigrant Communities:** To begin to bridge the gap between immigrant communities and law enforcement, in 2017 Governor Cuomo signed Executive Order 170 which prohibits New York State agencies and officials from asking a person's immigration status. This rule also prohibits officials from disclosing a person's immigration status to federal authorities, except in certain situations such as a law enforcement investigation.[95] You should look for opportunities to integrate members of immigrant communities into community discussions on policing. Engaging with communities is the best way to continue to get feedback that can shift police culture and values, and foster community trust.

Involving youth in discussions on the role of law enforcement agencies

Creating avenues to reach youth, such as youth leadership councils, can assist law enforcement in building trust and forming relationships with the

[92] Mallory, C., Hasenbush, A., & Sears, B. (2015, March). Discrimination and Harassment by Law Enforcement Officers in the LGBT Community. Retrieved from https://williamsinstitute.law.ucla.edu/publications/lgbt-discrim-law-enforcement/

[93] Copple, James E., & Dunn, P. (2017). Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community. Washington, DC: Office of Community Oriented Policing Services Retrieved from https://www.iadlest.org/Portals/0/cops%20LGBTQ.pdf

[94] *Ibid.*

[95] Governor Cuomo Signs Executive Order Prohibiting State Agencies from Inquiring About Immigration Status. (2017, September 20). Retrieved from https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-prohibiting-state-agencies-inquiring-about-immigration

greater community. Such groups can provide early positive encounters with law enforcement that benefit both the police and the community at large. Similar to the creation of citizen advisory boards, it is important that youth councils in communities be diverse and inclusive and reflect the makeup of the community.

III. Fostering Community-Oriented Leadership, Culture and Accountability

Reforms cannot succeed or be sustained without commitment from strong and effective leadership – in other words – without a supportive institutional culture. Culture determines behavior much more powerfully than policies and rules. The ultimate goal of reform is to ensure an institutional culture consistent with your goals for community-police relations.

Accountability is essential for a strong institutional culture and for mutual trust between the community and the police. Your department must engage in meaningful review of officer conduct, including use of force, to give the community confidence that misconduct is identified and the conduct is appropriately addressed. Much of the current unrest across the country is rooted in a belief that some police departments tolerate abuse of authority, including excessive force and other misconduct or adhere to practices that are inconsistent with community values. In the long run, this belief will harm police officers as well as degrade public safety.

In developing your plan, consider whether improvements are needed in your leadership selection process, community oversight structures, accountability mechanisms or other efforts to shape and maintain a healthy and productive institutional culture.

1. Leadership and Culture

Is your leadership selection process designed to produce the police-community relationship you want?

The process of selecting your chief of police, as well as other department leaders, should be based upon the characteristics and needs of your jurisdiction and should be structured in a manner that is legitimate and fair. Recruitment of a law enforcement leaders, whether by internal promotion or hiring an external candidate, needs to begin with an analysis of the needs of the local community.[96]

The process for conducting a search and identifying candidates can incorporate input from a variety of community groups and stakeholders, even if the ultimate appointment authority resides with the chief executive of the jurisdiction. This will produce more meaningful results and candidates better able to uphold specific community values than if the search is conducted solely through the office of the chief executive.

Does your selection process ensure consideration of a diverse group of candidates? Does it take into account applicants' views on and experience with police-community relations?

In some jurisdictions, citizen committees are established to conduct an applicant search and provide advice and recommendations regarding the

[96] *Selecting a police chief*. (1999). Retrieved from https://icma.org/sites/default/files/308762_E-42370.pdf

selection process.[97] In Tallahassee, Florida for example, a panel comprised of law enforcement, non-profit groups, and religious leaders was formed to participate in the process of selecting a new chief of police for the city.[98] Your community should consider whether a similar approach that includes a well-balanced and representative search committee, might yield a broader array of candidates.

Does your officer evaluation structure help advance your policing goals?

CompStat has been an enormously valuable tool for many communities to enhance their level of public safety. However, in many instances localities still rely on mechanisms for promotions based on "the annual reports that chiefs of police submit to city councils and mayors emphasizing the number of arrests they've made, even if the crime rate continues to climb."[99] Such cases can be a powerful indicator that arrest is being misused as a tool and is not helping to achieve public safety.

Jurisdictions may need to modify their CompStat implementations and other incentive and promotion structures to ensure their officer evaluation metrics reduce crime and promote public safety while promoting larger reform goals including improved community relationships and police legitimacy.[100]

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[97] *Selecting a police chief*. (1999). Retrieved from https://icma.org/sites/default/files/308762_E-42370.pdf page 5.
[98] Etters, K. (2019, July 01). Meet the individuals who will help pick the new Tallahassee police chief. Retrieved from https://www.tallahassee.com/story/news/2019/07/01/meet-people-who-help-pick-new-tallahassee-police-chief/1618663001/
[99] Mentel, Z. (2012). *Racial reconciliation, truth telling, and police legitimacy*. Retrieved from https://s3.trustandjustice.org/misc/Racial-Reconciliation_Truth-Telling_and-Legitimacy.pdf
[100] *Ibid.*

What incentives does your department offer officers to advance policing goals?

Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. Such incentives can change officer behavior and department culture. Some departments invite community members to nominate officers for community policing awards.[101] This incentivizes officers to establish a positive relationship with community members and engages the community.

Does your hiring and promotion process help build an effective and diverse leadership team?

Diversity in leadership is a persistent problem for law enforcement agencies. For example, 80 percent of the NYPD's chiefs, deputy inspectors, and inspectors who hold a rank above captain are classified as "non-Hispanic white."[102] In addition to hiring diversity, promoting leaders within the department who reflect a broad range of diversity, including race, gender, sexual orientation, gender identity, language, life experiences, and cultural background, will improve understanding and effectiveness in policing and community relations.

Consider how your police agency uses cognitive, written and physical performance tests for promotion and hiring into leadership roles. Are there

[101] U.S. Department of Justice, Bureau of Justice Assistance, Understanding Community Police: A Framework for Action, https://www.ncjrs.gov/pdffiles/commp.pdf.
[102] Despite diversity gains, top NYPD ranks fall short of reflecting communities. (2019, September 03). Retrieved from https://brooklyneagle.com/articles/2019/09/03/nypd-diversity-top-ranks/

qualifications other than exam scores that can be woven into criteria for leadership positions?[103] Other questions to consider include: Do applicants have specialized training or additional education? What are the culture, values and mission the applicant envisions for the agency? Has this person shown clear commitment to community engagement?

What is your strategy to ensure that your department's cultural-norms and informal processes reflect your formal rules and policies?

Policy makers and law enforcement organizations can create policies and set rules and guidelines, but if policies conflict with institutional culture these policies will not become part of the institutional fabric and may not effectively guide individual behavior.[104] Leadership must take an active role in demonstrating commitment to the values important to the department and the community. It is not sufficient for chiefs and department leaders to talk the talk without walking the walk.

On April, 2014, the Office of Community Oriented Policing Services (COPS Office) hosted a conference with law enforcement officials, civil rights activists, academic experts, community leaders and policymakers. At this meeting Chief Chris Magnus, of the Richmond California Police Department, led a discussion on engaging communities of color. He described using a multipronged approach to change policies in his own department. These policies included: engaging all officers, not just a subset; using up-to-date evaluation tools capable

[103]The Leadership Conference Education Fund. (2019). New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing. Retrieved from https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

[104] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* pp. 12. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

of evaluating new hires' community policing skills; providing developmental training in progressive policies; and keeping officers in their positions long enough that they could understand how to deal with challenges in the community. Chief Magnus also shifted the department's focus to issues other than crime to help show that crime is not the police's only priority. For example, Richmond's police helped reduce the number of abandoned cars, in part by moving code enforcers into the department.[105]

It is possible that more comprehensive changes may be required where police/community relations have deteriorated beyond the point where then can be repaired through policy reform. For example, in 2013 Camden, New Jersey "eliminated its city police department and established a new one under county control."[106] Previously the community-police relationship was undermined by lack of trust, high crime rates and corruption within the police department. Supporters say that the Camden restructuring made police officers a more regular presence in the community, and rebooted the culture of policing in the city. Since the reforms, violent crime rates have fallen, including a sharp decrease in the homicide rate, and excessive use of force has also decreased.[107]

[105] Palladian Partners, Inc. (2014). Strengthening the Relationships between Law Enforcement and Communities of Color: Developing an Agenda for Action. Washington, DC: Office of Community Oriented Policing Services. Received from https://www.nnscommunities.org/wp-content/uploads/2017/10/StrengtheningtheRelationshipBetweenLE_CommunitiesofColor-DevelopinganAgendaforAction.pdf
[106] Landergan, K. (2020, June 12). The City that Really Did Abolish the Police. Retrieved from https://www.politico.com/news/magazine/2020/06/12/camden-policing-reforms-313750
[107] Landergan, K. (2020, June 12). The City that Really Did Abolish the Police. Retrieved from https://www.politico.com/news/magazine/2020/06/12/camden-policing-reforms-313750

2. Tracking and Reviewing Use of Force and Identifying Misconduct

When should officers be required to report use of force to their supervisor?

Building on prior use-of-force reporting reforms, Governor Cuomo recently signed legislation requiring that law enforcement officers report all firearm discharges in circumstances where a person could have been injured, whether or not any injury occurred.[108] Beyond this requirement, police departments should have clear policies regarding documenting the use of force.[109] Consider what other incidents, including other uses of force, your department should require be reported.

What internal review is required after a use of force?

The authors of the 2019 report "New Era of Public Safety" recommended reviewing all uses of force.[110] These incidents can be reviewed by a supervisor, other individuals in the officer's chain of command, a dedicated review board within the department, or an outside entity. Multiple levels of supervisory review can ensure that all supervisors carefully review use of force reports because they will receive scrutiny from their own supervisors.[111]

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[108] Governor Andrew M. Cuomo, Governor Cuomo Signs Policing Reform Legislation, https://www.governor.ny.gov/news/governor-cuomo-signs-policing-reform-legislation#:~:text=This%20new%20law%20requires%20that,a%20written%20report%20within%2048.
[109] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 144. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf
[110] *Id.* at 146.
[111] Samuel E. Walker & Carol A. Archbold, The New World of Police Accountability, Chapter 3, https://us.sagepub.com/sites/default/files/upm-assets/99450_book_item_99450.pdf

As one example, the NYPD reviews all use-of-force incidents, with varying levels of scrutiny, ranging from review by an individual supervisor to review by an independent review board, depending on the severity of the incident.[112]

Does your department review officers' use of force and/or misconduct during performance reviews?

Regular attention by supervisors to officers' use of force may promote adherence to departmental policy. Does department policy direct them to review the officer's history of use of force and other forms of misconduct, including under prior supervisors? Other flags such as sexual misconduct or a high number of complaints or lawsuits may signal potential for future misconduct.[113]

Does your department use external, independent reviewers to examine uses of force or misconduct?

Impartiality is one of the four pillars of procedural justice and could help instill confidence in determinations regarding potential abuse of force or other misconduct.

[112] Use of Force Report 2017, New York City Police Department, https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf

[113] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 204. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?

An EIS is a system that electronically tracks officer performance in an attempt to identify abnormal patterns indicative of problematic behavior.[114] EIS's are used across many disciplines, to identify potential issues before they fully manifest.

In the law enforcement context, these systems can help departments identify officers that may need intervention before a major problem occurs. Behavior that can suggest the need for corrective action includes a high number of use-of-force incidents or citizen complaints, or misuse of sick leave. An EIS can help prevent future misconduct, which in turn results in a more just law enforcement system, reduced complaints, and reduced litigation risk.[115]

Does your department review "sentinel" or "near-miss" events? Does the department respond to questionable uses of force with non-punitive measures designed to improve officer performance?

The Final Report of the President's Task Force on 21st Century Policing recommends that law enforcement entities review "sentinel" or "near miss" events.[116] Sentinel review consists of non-punitive peer review of critical incidents that resulted in or came close to undesirable outcomes.

[114] *Id.* At 198.
[115] Early Warning Systems: Responding to the Problem Police Officer, National Institute of Justice, https://www.ncjrs.gov/pdffiles1/nij/188565.pdf.
[116] United States Department of Justice. (2015). Final Report of the President's Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

Understanding what went wrong in these events can help prevent the same issue from recurring.

The National Institute of Justice (NIJ) recently studied the use by three large departments of peer review of sentinel incidents.[117] The NIJ study found that a practice of regular peer review, intended to create an opportunity for learning rather than punishment, can promote a culture of excellence.[118]

3. Internal Accountability for Misconduct

What does your department expect of officers who know of misconduct by another officer?

Some law enforcement agencies, such as the LAPD, have imposed on their officers a duty to report misconduct by other officers. Within the New York State Police, there is an obligation to report the misconduct of another trooper.[119] Similarly, some law enforcement agencies have imposed on their supervisors a duty to respond to reports of possible misconduct. Should your department adopt such policies?

Does your police department have clear procedures for reporting misconduct to the department and/or to outside agencies such as the Attorney

[117] National Institute of Justice, Mending Justice: Sentinel Event Reviews, https://www.ncjrs.gov/pdffiles1/nij/247141.pdf.
[118] Similarly, many hospitals conduct regular peer review of surgeries with poor outcomes.
[119] New York State Police Members Manual, Article 9B1(C) "Even if no allegation or complaint is received, Division Members must report to the Troop/Detail Commander any incident that, in their judgment, indicates that an official Complaint Against Personnel Investigation is necessary."

General, the District Attorney, a civilian oversight agency or the EEOC? Are these procedures well understood by department personnel?

Does the department have robust anti-retaliation policies to ensure that officers are willing to report misconduct by others? Does and should the department accept anonymous internal complaints?

Does your department have a clear and transparent process for investigating reports of misconduct?

Misconduct investigations must ensure both community trust in the department and fairness to officers. Do the department's procedures achieve these goals? Does the department have an appropriate timetable in which to complete misconduct investigations in light of these goals?

In a 2019 report by The Leadership Conference on Civil and Human Rights, the authors recommend that all misconduct reports be investigated, even if they occur when disciplinary actions can no longer be imposed.[120] Should your department adopt this practice?

Does your department respond to officer misconduct with appropriate disciplinary measures?

Do officers in your department believe that misconduct will result in appropriate discipline, or do they believe that it will be overlooked?

[120] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 255. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your department have a continuum of responses to misconduct? Supervisors and department leadership should not be in the position of having to either ignore misconduct or impose harsh penalties that may be disproportionate.

What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?

Review of misconduct and adverse legal actions can be helpful in evaluating a department's policing activities. In particular, the discovery and trial processes can provide evidence that is more comprehensive than what is typically available to departments.[121]

What controls are in place to ensure impartiality when reviewing potential misconduct or complaints? When appropriate, are cases referred to either the District Attorney or another prosecutor?

In 2015, Governor Cuomo issued Executive Order 147 requiring a special prosecutor's office within the Office of the Attorney General to investigate killings of unarmed citizens and prosecute when appropriate. The Executive Order also permitted the special prosecutor's office to investigate and prosecute killings of citizens where there was a significant question as to whether a citizen was armed and dangerous at the time of his or her death.

In 2020 the Executive Order was codified into state law, creating a permanent Office of Special Investigation within the Office of the Attorney

[121] Schwartz, Joanna C., What Police Learn from Lawsuits (December 2, 2010). Cardozo Law Review, Vol. 33, p. 841, 2012, Available at SSRN: https://ssrn.com/abstract=1640855.

General. This new legislation provides an independent review in situations where local relationships and pressures can hamper thorough review and impede necessary corrective action. This law also expands the permissible scope of the Attorney General's oversight to cases where an individual was known to be armed at the time of death.

The community must have confidence that such cases are handled fairly and without partiality either for or against the officers involved. In light of the permanent working relationship between a police department and the District Attorney, maintaining public confidence requires an independent review. Beyond cases that are currently referred to the Office of the Attorney General, consider how best to establish a disciplinary review process that gives the whole community confidence that misconduct will be fairly and impartially reviewed.

Does your department expect leaders and officers to uphold the department's values and culture when off-duty?

Behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole. While you cannot control the behavior of officers while they are off-duty, it is important to acknowledge the impact their off-duty conduct may have on the community members' faith in your department, and consider measures you can implement to ensure off-duty conduct does not undermine the community relationship-building work of the department.

Many police departments hold officers to certain standards of conduct even when they are out of uniform, including imposition of sanctions ranging

from termination and suspension to administrative duty. For example, an off-duty police officer in Missouri was removed from his official duties and placed on administrative duty after he was seen verbally abusing a man following a car accident. The incident was caught on video and quickly went viral. In the video the officer, who was not in uniform, threatened and cursed at the citizen, all while a uniformed officer was also at the scene.[122] In another example, an officer in Savannah, Georgia, was fired as the result of a social media post. This post violated one of the department's conduct policies, which reads in part, "Employees shall not engage in offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during work hours or off-duty hours."[123]

4. Citizen Oversight and Other External Accountability

Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?

Many larger law enforcement entities have some form of civilian oversight entity.[124] Unlike citizen advisory boards discussed in Section II - which are broad committees to encourage dialogue and community connection - civilian oversight entities have formal duties and authorities. For example,

[122] Gstalter, M. (2020, June 24). Off-duty officer in Trump hat relieved of official duties for threatening man in viral video. Retrieved from https://thehill.com/blogs/blog-briefing-room/news/504335-off-duty-officer-in-trump-hat-placed-on-leave-for-threatening

[123] Staff, W. (2020, June 26). Savannah officer fired after making controversial Facebook post about privilege. Retrieved from https://www.wtoc.com/2020/06/26/savannah-officer-fired-after-making-facebook-post-about-privilege/

[124] "Police Oversight by Jurisdiction (USA)." National Association for Civilian Oversight of Law Enforcement. https://www.nacole.org/police_oversight_by_jurisdiction_usa.

these entities may have the power to review investigative findings of Internal Affairs bureaus, to conduct their own investigations, to leverage various investigative tools, including subpoenas, and/or to impose discipline.[125] Some entities also have the power to weigh in on key policy decisions.[126]

Police and reform groups often advocate different approaches to civilian oversight. For example, the Equal Justice Initiative recommends that civilian oversight entities reflect the entire community, observing that "[s]tudies show that white Americans are far more likely than Black Americans to believe that the police use an appropriate amount of force."[127] The New Era of Public Safety also recommends empowering such review boards by giving them the necessary resources to fully evaluate complaints.[128] This includes giving oversight entities the power to weigh in on pertinent policy, the requisite financial resources, and access to investigative information.[129] Effective oversight requires full cooperation of subject and witness officers in investigations.

By contrast, the National Association for Civilian Oversight of Law Enforcement (NACOLE) recommends that police departments select the least intrusive civilian oversight entity that is able to accomplish its desired goal.[130]

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[125] "Oversight Models: Is one model better than another?" National Association for Civilian Oversight of Law Enforcement. https://www.nacole.org/oversight_models.
[126] *Ibid.*
[127] Equal Justice Initiative, Reforming Policing in America 2020, https://eji.org/issues/policing-in-america/
[128] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 222. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[129] *Ibid.*
[130] National Association for Civilian Oversight of Law Enforcement, Civilian Oversight of Law Enforcement, A Review of the Strength and Weaknesses of Various Models (https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977).

If you consider establishing an entity outside the police department to review citizen complaints of excessive force or other police misconduct, here are some relevant questions:

- What level of review should it conduct? Should it review the findings of an Internal Affairs Bureau or conduct its own investigation?

- What power should it have to interview officers or other witnesses, to compel officers or other witnesses to be interviewed, and to review documents, recordings, interviews conducted by Internal Affairs or other evidence?

- Should it be empowered to impose disciplinary action, recommend disciplinary action, or simply to substantiate complaints?

- Should it be authorized to formally refer cases to the Attorney General or District Attorney?

- What mechanisms are in place to ensure subject and witness officers fully cooperate with civilian oversight investigations?

There are a number of existing oversight entities to look to as models.[131]

- The New York City board is composed of 13 members: five appointed by the Mayor, five appointed by the City Council, and three appointed by the Police Commissioner. The board has power to investigate complaints, including subpoena power, and can recommend discipline. However, the Police Commissioner has final authority over the imposition of discipline.[132]

[131] U Ofer, Udi (2016) "Getting It Right: Building Effective Civilian Review Boards to Oversee Police," Seton Hall Law Review: Vol. 46 : Iss. 4 , Article 2, p.1053. Available at: https://scholarship.shu.edu/shlr/vol46/iss4/2.
[132] For more information on the NYC Civilian Complaint Review Board please visit its website at https://www1.nyc.gov/site/ccrb/index.page.

- The Chicago board is composed of nine members appointed by the Mayor with the consent of the City Council. The board has investigative and subpoena power, and power to impose disciplinary measures.[133]

- The Baltimore board is composed of nine voting members nominated by the Mayor and confirmed by the City Council, along with five non-voting members from community stakeholders. The board does not have power to investigate or impose discipline. It may simply review complaints.[134]

Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?

To encourage citizen feedback, the 2019 report "New Era of Public Safety" recommends that departments make claim filing processes easy and, accessible. Some considerations include language and disability accessibility, formats supported for filing (email, phone, in-person, Internet, etc.) and length of intake process.[135] Law enforcement agencies should also seek feedback on these processes from the public through many of the outreach avenues discussed in this report. Listening to feedback regarding the complaint process and incorporating that feedback into process reform will improve the complaint review process, improving confidence in the system and encouraging citizen complaints.

[133] For more information on the Chicago Civilian Office of Police Accountability please visit its website https://www.chicagocopa.org/.
[134] For more information on the Baltimore Civilian Review Board please visit its website at https://civilrights.baltimorecity.gov/civilian-review-board.
[135] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

Newly enacted legislation authorizes the New York State Attorney General to investigate allegations of misconduct against local police agencies.[136]

Are investigation outcomes reported to the complainant? Are they reported to the public? Should the department or the citizen complaint review entity, if any, accept anonymous complaints?

Disclosing the outcome of investigations to complainants and the public increases transparency and can increase confidence in law enforcement. Some departments choose to disclose this information in aggregate reports instead of sharing individualized data.

Accepting anonymous complaints may assuage citizen fears of police retaliation. However, anonymous complaints can be less reliable and are difficult to investigate because the investigator cannot ask follow-up questions or interview the complainant, and they can be retaliatory. New Era of Public Safety recommends that departments review anonymous complaints fully, but disclose during intake that anonymity can hinder the review process.[137]

[136] Governor Cuomo Signs Legislation Requiring New York State Police Officers to Wear Body Cameras and Creating the Law Enforcement Misconduct Investigative Office, https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and.

[137] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. Retried from: civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your local legislature engage in formal oversight of the police department? Should any changes be made in the legislature's oversight powers or responsibilities?

While uncommon, legislative oversight of police departments can be a helpful tool.[138] Legislatures often have the power to conduct investigations and learn about local policing practices through hearings and other means. This investigative authority allows legislatures to access more information regarding policing practices than the general public. Further, if legislatures identify practices that pose concerns, they have the power to address those concerns through legislation.

Some experts believe legislative oversight is critical to ensuring democratic accountability in policing because it provides clear authority for policy and makes the legislature accountable to the public for police functions at the "front-end" instead of relying on uncertain "back-end" procedures, such as Constitutional analyses by courts.[139]

Is your police department accredited by any external entity?

Accreditation is a useful tool that enables external review of agency policies, procedures, and practices to improve the standards of your police department and quality of your policing services. The Division of Criminal Justice Services administers the New York State Law Enforcement Agency

[138] Mary M. Cheh, Legislative Oversight of Police: Lessons Learned from an Investigation of Police Handling of Demonstrations in Washington, D.C., 32 J. Legis. 1 (2005). Retrieved from: scholarship.law.gwu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1467&context=faculty_publications

[139] Friedman, Barry and Ponomarenko, Maria, Democratic Policing (November 23, 2015). New York University Law Review, Vol. 90, 2015; NYU School of Law, Public Law Research Paper No. 15-53. Available at SSRN: https://ssrn.com/abstract=2694564

Accreditation Program, which provides structure and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training, and operational standards. The program encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies that provide criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

Accredited agencies must meet minimum standards, considered "best practices" in the field, which promote a high degree of professionalism and public confidence. The standards of the NYS Law Enforcement Agency Accreditation Program can be found in the Standards and Compliance Verification Manual.[140] Please refer to the "Becoming an Accredited Law Enforcement Agency" section of the Manual for information on how to apply. For any questions regarding the application process or for general Accreditation related inquiries, please contact NYS Law Enforcement Accreditation Program staff at ops.accreditation@dcjs.ny.gov. This program is available at no cost to localities and participation should be considered as part of your community policing plan.

[140] NYS Division of Criminal Justice Services Law Enforcement Agency Accreditation Council. *Standards and Compliance Verification Manual*. September 5, 2019. https://www.criminaljustice.ny.gov/ops/docs/accred/standards_compliance_verification_manual.pdf.

Does Your Police Department Do an Annual Community Survey to Track Level of Trust?

An annual survey that measures the community's level of trust in the police department, the community's view on the effectiveness of certain policing strategies, as well as one that collects any negative feedback may be a helpful tool in gaging the community's satisfaction with the police department. The 21st Century Policing Report recommends such an annual community survey, advising that it should be conducted by zip code, so as to delineate the responses from each neighborhood.[141]

5. Data, Technology and Transparency

Transparency is one of the four pillars of procedural justice and is critical to ensuring accountability. Without a full picture of law enforcement policies, procedures, and activity, the public cannot meaningfully evaluate the performance of law enforcement. Even a well-functioning department risks losing public confidence when it does not engage in meaningful transparency. Departments should consider various ways to make law enforcement practices more transparent to the public.

Data is an important tool for improving accountability because it provides the public with insight into police activity and can be leveraged to inform data-driven policies.

What police incident and complaint data should be collected? What data should be available to the public?

[141] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, pp. 16. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Local law enforcement data increases transparency by providing a snapshot of police conduct. Collection of police activity data can be useful to evaluate if policing practices are effective, ensure compliance with the law, and identify potential biases and disparities. Data reporting and analysis are key components of many DOJ consent decrees with law enforcement agencies.[142] Data analysis has been critical in identifying disparate and biased policing of minorities. Reports also suggest that transparent use-of-force data builds community trust and increases accountability within law enforcement departments.[143]

Governor Cuomo recently signed legislation (Police Statistics and Transparency Act) requiring courts to compile and publish racial and other demographic data for low-level offenses.[144] This legislation also requires departments to report arrest-related deaths to DCJS. Many law enforcement agencies collect and publish other types of data regarding policing activity. For example, the NYPD publishes an annual report with use-of-force statistics.[145]

Other legislatures are adopting laws requiring departments to collect "stop data" regarding traffic and pedestrian stops.[146] Stop data typically includes information regarding the stop (rationale, outcome, etc.) and the

[142] The Civil Rights Division's Pattern and Practice Police Reform Work 1994-Present, Civil Rights Division, U.S. Department of Justice. https://www.justice.gov/crt/file/922421/download.
[143] *Ibid.*
[144] The Laws of New York, Article 7-A: Judicial Administration, Section 212, https://www.nysenate.gov/legislation/laws/JUD/212; Press Release: Governor Cuomo Signs Policing Reform Legislation, https://www.governor.ny.gov/news/governor-cuomo-signs-policing-reform-legislation.
[145] Use of Force Report 2017, New York City Police Department, https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf.
[146] Passage of 'Traffic Stop Data Collection Act' in Illinois is Key "First Step" to End of Racial Profiling, ACLU Says, https://www.aclu.org/press-releases/passage-traffic-stop-data-collection-act-illinois-key-first-step-end-racial-profiling.

target (race, gender, age, etc.). Analysis of stop data can inform the effectiveness of policing and identify potential biases or disparate impact.

In determining how your agency should collect and use data, consider the following questions:

- What policing activity data should be collected by your department? This could include data regarding shootings by officers, firearm discharges, civilian injuries, use of force incidents, and officer stops, searches, and/or arrests.

- Should this data include demographic data, which can be used to detect racial disparities and biases?

- Beyond disclosures required under state and federal law, what other policing data should be disclosed? Made public? Should this data be aggregate data or individualized data? Should individualized data be anonymized or redacted? How frequently should data be disclosed?

- Should the department make available to the public aggregate data on its review of use of force incidents, such as number of incidents reviewed, number found to be inconsistent with department policy or number referred for prosecution?

- Should the department make available to the public aggregate data about the number and disposition of citizen complaints, including the nature of any discipline imposed?

How should your law enforcement agency leverage data to drive policing strategies?

Data can be useful for informing policing strategies. For example, data can be used to shape decisions on resource allocation, personnel deployment, and

policy. Data collection and utilization can be enhanced by employing crime analysts to inform decision-making and support policing operations.

It is important that departments are aware that data-driven findings can be unreliable if the underlying data is of poor quality or is biased.[147] For example, law enforcement agencies may be inclined to deploy more resources to an area because it has a high number of arrests. However, the high number of arrests may be related to over-policing in the area.

Agencies should consider formally partnering with their regional NYS Crime Analysis Center which can assist with data-driven and intelligence-led policing efforts, as well as provide specific investigatory support. DCJS partners with local law enforcement agencies to support a network of 10 regional Crime Analysis Centers (CACs) that provide investigative support and information to help police and prosecutors more effectively solve, reduce and prevent crime. Using data-driven processes, the CACs coordinate, expand, and enhance investigative services and provide real-time investigative support to law enforcement agencies.[148]

How can your police department demonstrate a commitment to transparency in its interactions with the public?

Police Departments can consider policies that require officers to state explicitly their name, badge number, and purpose before interacting with a

[147] Andrew Guthrie Ferguson, Policing Predictive Policing, 94 Wash. U.L. Rev. 1109 (2017). https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=6306&context=law_lawreview.
[148] For more information on the DCJS Crime Analysis Center network, please visit: https://www.criminaljustice.ny.gov/crimnet/ojsa/impact/CACCI.pdf.

member of the public. Departments can also require that officers provide a business card following an interaction. To instill confidence in the public following substantial criticism of its "stop-and-frisk" program, in 2018 the NYPD began offering business cards to individuals who were subject to a "stop-and-frisk," but were not arrested.[149] The business cards include officer information and information on how to obtain body camera footage.

Law enforcement agencies can also consider requiring officers to inform individuals of their rights in certain scenarios even when not legally required. For example, an officer seeking to conduct a consent search could be required as a matter of policy to advise the subject that he or she has the right to refuse to consent to the search.

As a general matter, policies aimed to enhance transparency will be most effective if they include enforcement mechanisms to ensure compliance with these policies and procedures.

How can your police department make its policies and procedures more transparent?

Does your department have comprehensive policies and procedures in place to address common and controversial forms of police activity? The Municipal Police Training Council (MPTC) – created under Executive Law §837 to establish training standards and guidelines – is comprised of law enforcement officials and academics appointed by the Governor. The MPTC has

[149] New York City Civilian Complaint Review Board. "What is the Right to Know Act?", Available at: https://www1.nyc.gov/site/ccrb/complaints/right-to-know-act.page

developed model policy guidance for law enforcement agencies to use as an initial framework in their own policy development.

Topic areas include but are not limited to: Body Worn Cameras, Identification Procedures, Investigation of Hate Crimes, Recording of Custodial Interrogations, and Use of Force. All MPTC model policy guidance issued by the Council is available to law enforcement and may be requested by contacting DCJS at OPS.GeneralPolicing@dcjs.ny.gov.

- Does your department have a process for developing or revising its policies and procedures? Does this process include the solicitation of community and/or stakeholder input?

- How can your department make its policies and procedures accessible (format, language, ADA-compliant) and understandable to the public?

- Are your policies and procedures evidence-based? Do they reflect current peer-reviewed research?

- Do your policies consider disparate impact and potential biases?

How can your police department ensure adequate transparency in its use of automated systems and "high-risk" technologies?

New technologies including biometric technologies, surveillance systems, unmanned aerial systems, data mining tools, geofencing tools, and resource allocation tools may provide significant value to police departments. However, reports suggest that these technologies may rely on obscured

systems with unstudied effectiveness and pose a risk of bias or interfering with civil liberties.[150]

For example, as discussed earlier in Section II on policing strategies, researchers from MIT and Stanford have found that facial recognition technology can be ineffective, especially for certain skin colors and genders.[151] In the previous section, we discussed assessing if a new technology is an effective policing tool. Before employing a new technology, experts recommend that departments carefully consider the potential risks posed by the technology, pursue mechanisms to audit the performance of the technology prior to use, and properly train all users of the technology so that it is appropriately used.[152]

Unlike other policing resources, new technologies have not had decades of established practice to refine attendant policies and procedures.[153] For this reason, many experts suggest departments take a special approach to establishing policies and procedures, and solicit community input prior to deploying a new technology.[154] Law enforcement may want to review resources from or consult with civil liberties and privacy experts, non-profit

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[150] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

[151] Hardesty, L., MIT News Office. *Study Finds Gender and Skin-Type Bias in Commercial Artificial-Intelligence Systems.* MIT News, 11 Feb. 2018, news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212.

[152] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.; Algorithmic Accountability Policy Toolkit, AI Now, October 2018, https://ainowinstitute.org/aap-toolkit.pdf; First Report of the Axon AI & Policing Technology Ethics Board, June 2019, https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d13d7e1990c4f00014c0aeb/1561581540954/Axon_Ethics_Board_First_Report.pdf.

[153] United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing.* https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. ("We live in a time when technology and its many uses are advancing far more quickly than are policies and laws.")

[154] New York City, Automated Decision Systems Task Force Report, November 2019, https://www1.nyc.gov/assets/adstaskforce/downloads/pdf/ADS-Report-11192019.pdf.

research organizations, public technologists, and researchers when evaluating new technologies to ensure selection of low-risk, effective technologies. Law enforcement may also want to consider any racial-equity impact assessments--systematic examinations of how different racial and ethnic groups will be affected by the proposed technology usage--in an effort to identify interventions that will minimize adverse consequences. This approach should also apply to technologies leveraged by third parties to assist law enforcement investigations. Below are some questions your department may want to consider:

- What process does your department have in place for the adoption of new technologies? Does the process include the solicitation of stakeholder and researcher input? Is there a process for community input? Does the process include the creation and publication of clear policies that articulate how the technology works, how it can be audited, and how, where, when, and why it is used?

- Does your department perform a cost-benefit analysis when adopting new technologies?[155] Does your department consider the risks of using a novel technology (unstudied effectiveness, potential biases and intrusion on civil liberties), as well as the ability of the technology to solve an existing problem?

- What is your department's process for procuring or using a new technology? Does your department study the effectiveness of the technology and analyze potential biases?[156]

[155] First Report of the Axon AI & Policing Technology Ethics Board, June 2019, https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d13d7e1990c4f00014c0aeb/1561581540954/Axon_Ethics_Board_First_Report.pdf.
[156] New York City, Automated Decision Systems Task Force Report, November 2019, https://www1.nyc.gov/assets/adstaskforce/downloads/pdf/ADS-Report-11192019.pdf.

- Does your department have policies or procedures for training officers on how properly to use new technologies? New technologies can be difficult to understand and there are documented instances of technologies being used improperly or in contexts for which they have not been validated. This is a particular risk for technologies that allow users wide discretion in deployment and allow users to select acceptable tool accuracy.

- Does your department have policies in place to ensure that vendor contracts do not interfere with transparency? Many new technologies are considered proprietary and have audit and/or disclosure restrictions.[157] Some experts recommend that departments implement policies to refrain from signing vendor contracts that restrict auditing of technologies or that prevent the public disclosure of basic information regarding how each technology system works, including any agreements that restrict defense attorneys from understanding how a technology system was used in a criminal investigation or prevent compliance with oversight legislation or public-records requests. These restrictions significantly reduce transparency, making law enforcement less accountable, and interfering with procedural justice.

- Does your department have a process through which residents can register feedback on a certain technology or request information on any personal data it has collected about them without their knowledge?

- Does your department have a policy for maintaining sensitive data or information? Many new technologies involve handling sensitive data. Experts recommend that privacy and security safeguards are included in departmental policies to ensure proper handling of data.

- Is your department required to disclose the technologies its uses to the public? If so, does this disclosure requirement extend to technologies that were given to the police department (i.e., not procured)? Several cities,

[157] Rashida Richardson, ed., "Confronting Black Boxes: A Shadow Report of the New York City Automated Decision System Task Force," AI Now Institute, December 4, 2019, https://ainowinstitute.org/ads-shadowreport-2019.html.

including San Francisco and Seattle, require departments to disclose which technologies it is using. New York City recently passed similar legislation called the Public Oversight of Surveillance Technology (POST) Act.

Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?

In-car and body-worn cameras (BWCs) are frequently recommended, and are mandated for some police forces, as monitoring mechanisms to ensure accountability.[158] In particular, BWC usage has increased significantly in the past few years in response to controversial policing incidents. According to one study, over one-third of law enforcement agencies in the U.S. use BWCs in some capacity.[159]

Governor Cuomo recently signed legislation requiring New York State Police patrol officers to use BWCs while on patrol.[160] Officers are required to record immediately before exiting a patrol vehicle to interact with a person or situation, all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property, any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to

[158] United States Department of Justice. *The Civil Rights Division's Pattern and Practice Police Reform Work 1994-Present*. ("Policing experts and empirical studies strongly support the positive effects of in-car cameras on accountability and officer safety.") (https://www.justice.gov/crt/file/922421/download)
[159] Reaves, R. U.S. Department of Justice, Bureau of Justice Statistics, Local Police Departments, 2013: Equipment and Technology, https://www.bjs.gov/content/pub/pdf/lpd13et.pdf.
[160] New York State Press Release. "Governor Cuomo Signs Legislation Requiring New York State Police Officers to Wear Body Cameras and Creating the Law Enforcement Misconduct Investigative Office." June 2020. Available at: https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and

document their time on duty. This legislation also requires law enforcement to retain footage of these interactions. Some law enforcement entities are hesitant to adopt BWCs because they are costly; one estimate suggests BWCs cost approximately $1,000 per user per year.

In 2017, the National Criminal Justice Reference Service (NCJRS) funded a cost-benefit analysis of BWC usage at the Las Vegas Metropolitan Police Department.[161] The cost-benefit analysis estimated that BWCs saved over $6,200 in office time spent investigating an average complaint against an officer and decreased the overall number of complaints. Ultimately, the study found that BWCs generate a net annual savings between $2,909 and $3,178 per year per user. The results of a cost-benefit analysis may be different depending on how a department uses BWCs and how common complaints or controversial interactions are. If a department decides to implement BWCs, it should consider what policies govern the use of BWCs. Below is a list of considerations for discussion.

- When should officers be required to turn on their BWCs? When interacting with members of the public? When conducting a law enforcement investigation?
- When should officers be required to notify members of the public that BWCs are on? In private settings? In public settings?
- What should the penalties be for non-compliance?
- How long should the department maintain footage?
- Under what conditions should footage be accessible to officers, the public, or investigators?

[161] National Criminal Justice Reference Service. "The Benefits of Body-Worn Cameras: New Findings from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department" 2017, https://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf.

IV. Recruiting and Supporting Excellent Personnel

Staffing and personnel management is one of the most critical responsibilities of law enforcement leaders and the communities which they protect and serve.[162] Each of the State's more-than 500 county and local law enforcement agencies must therefore have robust strategies for recruitment, hiring, and retention of officers whose diversity reflects the communities they serve. Law enforcement agencies should also design and oversee training and wellness programs that aim to ensure the safety of officers and the public while reinforcing relationships of trust between police departments and their communities.

1. Recruiting a Diverse Workforce

In setting out to address these issues, it may be helpful to first asses your current law enforcement workforce:

- What are the demographics of your agency?
- What are the demographics of your community?
- Are those demographics aligned?
- What steps, if any, has your agency taken to increase diversity in the workforce?
- Can my officers and my community relate in terms of socio-economic background? Life experiences? Any other metrics?

[162] United States Department of Justice. (2015). Final Report of the President's Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Does your agency reflect the diversity of the community it serves?

It is essential that local law enforcement agencies reflect and represent the diversity of the communities they serve. President Obama's Task Force on 21st Century Policing recognized that diverse law enforcement agencies foster trust in the community.[163] This trust, in turn, aids in easing community tensions, reducing and solving crime, and creating a system where residents have positive views of law enforcement as fair and just.

The recent protests and civil unrest that swept the nation following several law-enforcement involved civilian deaths, has brought to light the stark imbalance between the demographics of many law enforcement agencies and the communities they serve. A report by the Washington Post found that "many major police forces are still much whiter than the communities where they work."[164] This holds true for communities throughout New York State. In Syracuse, New York, for example, 89% of the police are white, compared with about 55% of the population.[165] New York City has been more successful than most police agencies in its minority recruitment efforts where 67% of New York City residents self-identify as members of a racial or ethnic minority (Black, Hispanic or Asian) and 47% of the police force is white.

Increasing diversity of your workforce can have tangible benefits for both your agency and the communities you serve. For example, research shows that

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[163] *Ibid.*

[164] Keating, D., Uhrmacher, K. (2020) "In urban areas, police are consistently much whiter than the people they serve." *The Washington Post.* https://www.washingtonpost.com/nation/2020/06/04/urban-areas-police-are-consistently-much-whiter-than-people-they-serve/?arc404=true

[165] United States Census Bureau. *Quick Facts: Syracuse, NY – New York, NY.* (2019). https://www.census.gov/quickfacts/fact/table/syracusecitynewyork,newyorkcitynewyork/PST045219 AND New York State Division of Criminal Justice Services, data

female officers are just as capable as their male colleagues in carrying out law enforcement functions, but they are more likely to both rely on an inter-personal style of policing, and to use less physical force.

What are ways in which your agency recruits diverse candidates that better represent the demographics of the communities you serve?

Many law enforcement agencies may find difficulties in recruiting and retaining appropriate numbers of applicants that represent the diversity of the communities they serve. These challenges may stem from multiple factors such as individuals from underrepresented communities (1) lacking trust in law enforcement; (2) being dissuaded by law enforcement's reputation or operational practices; or (3) being unaware of employment opportunities in law enforcement.[166]

In assessing how to attract a more diverse workforce, law enforcement agencies should consider their current recruitment strategies and assess what role they play in advancing or hindering the process.

Additionally, law enforcement agencies should consider how to both leverage existing community ties and create new ones that will support their efforts to expand their applicant pools.

- To encourage diverse populations to apply to your agency, consider proactive and targeted community outreach efforts. Studies show success in recruiting people of color, women, and other members of underrepresented populations where police departments have worked

[166] United States Department of Justice, (2016) *"Advancing Diversity in Law Enforcement Report"* - https://www.justice.gov/crt/case-document/file/900761/download

with community organizations and religious institutions to showcase the human face of law enforcement. [167]

- The Sacramento, California Police Department, for example, routinely holds free hiring workshops where they explain their recruitment and testing process. You might consider holding community workshops to educate the public on the process and answer questions about how to become an officer. Consider whether you should create an internship or community mentorship program through partnerships with educational institutions. This provides young people a way to experience law enforcement as a profession first-hand and creates a pipeline of future potential applicants.

- "Behind the scenes" looks at policing, can help improve the historically negative experiences that many minority communities have with law enforcement.

- Be active on social media, and use these tools as a form of communication to connect with all members of the community. Your online presence can be both a great recruitment strategy, and a way to directly communicate with underrepresented populations.

- Examine the number of female officers in your workforce. Research shows that increasing the number of women officers has tangible, positive benefits for both agencies and the communities they serve. Women are more likely to use community-oriented policing techniques focusing on cooperation and de-escalation Also, when handling domestic violence calls, female officers have been shown to be more effective, and are often the main contact for women and youth victims of domestic violence.[168]

[167] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

[168] United States Department of Justice, (2016) "Advancing Diversity in Law Enforcement Report." p 19. https://www.justice.gov/crt/case-document/file/900761/download

What are ways in which you can re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities?

Most law enforcement agencies use very similar processes to select, screen, and hire potential employees, relying heavily on some combination of medical and psychological exams, background investigations, and criminal and driver records checks, fitness tests, written aptitude tests, and credit history checks.[169] However, agencies in New York State have wide discretion in their hiring criteria, so long as they comply with the minimum qualification standards set by the Municipal Police Training Council (MPTC).

Research has consistently shown that traditional hiring practices too often leave underrepresented populations at a disadvantage. These practices frequently exclude those who come from communities without a history of members working in law enforcement. Screening tools, such as fitness and cognitive tests, and background checks also have been found to have disparate impacts on underrepresented communities.[170]

The Department of Justice recommends that agency leadership be prepared to "re-evaluate employment criteria, standards, and benchmarks to ensure that they are tailored to the skills needed to perform job functions, and consequently attract, select, and retain the most qualified and desirable sworn officers."[171]

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[169] *Ibid.*
[170] *Ibid.*; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf
[171] *Ibid.*

Consider eliminating selection criteria and written or physical tests that do not relate directly to actual job-duties, and which often disproportionally eliminate underrepresented individuals from the process.

Consider whether you should offer assistance or preparation materials to help prospective officers prepare for the application testing and process. Even short of affirmative research shows that mere transparency in the hiring process can be helpful to applicants from diverse backgrounds who may not be familiar with the, often, complex law enforcement hiring process. Creating a short but comprehensive tool describing the process can lead to higher passage rates for these individuals. Creating test preparation materials and offering coaching or other assistance will be even more helpful in increasing minority recruitment.

How can you encourage youth in your community to pursue careers in law enforcement?

Police Cadet programs offer law enforcement apprenticeships to young people, typically between the ages of 18 and 20 years old.[172] They provide the opportunity for a young person to explore a career in law enforcement and obtain relevant training and skills.[173] Many programs offer a salary or tuition benefit, have work requirements, and are targeted towards college students. These benefits can help departments recruit students who otherwise would not have considered a career in law enforcement. Some programs allow high

[172] Leland R. Devore, The Purpose and Function of Police Cadet Programs in Medium Sized Police Agencies by the Year 2000, https://www.ncjrs.gov/pdffiles1/Digitization/124727NCJRS.pdf.
[173] See NYPD, Cadet Corps Requirements & Benefits, https://www1.nyc.gov/site/nypd/careers/cadets/police-cadets-program.page; San Francisco Police Cadet, https://www.sanfranciscopolice.org/your-sfpd/careers/civilian-job-openings/san-francisco-police-cadet-program.

school students to participate, but are typically less comprehensive.[174] Upon completion of a Police Cadet program, participants are often eligible to become police officers, subject to testing and other requirements.[175] These programs are useful recruiting tools because they engage young community members who have not yet settled on a specific vocation.[176]

What actions can your agency take to foster the continued development and retention of diverse officers?

Beyond recruitment and hiring, law enforcement agencies – like other employers – must focus on retention. Retaining all employees, but especially diverse officers, comes with its own set of challenges. Research has shown that many members of underrepresented demographics in law enforcement may struggle with adjusting to the organizational and culture of law enforcement[177]. Additionally, officers belonging to historically under-represented groups often face obstacles to promotion, ranging from outright bias and discrimination to less insidious but no less harmful factors such as a lack of transparency about the promotion process, or inadequate mentoring relationships and professional development opportunities.[178]

- Consider supporting your new officers, especially those from underrepresented populations, by establishing mentoring programs and

[174] See, for example, Seattle Police Explorers, https://www.seattle.gov/police/community-policing/police-explorers.
[175] *Id.*
[176] Leland R. Devore, The Purpose and Function of Police Cadet Programs in Medium Sized Police Agencies by the Year 2000, https://www.ncjrs.gov/pdffiles1/Digitization/124727NCJRS.pdf.
[177] *Id.* at 30, See also: Rand Center On Quality Policing, Identifying Barriers To Diversity In Law Enforcement 3 (2012), http://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf
[178] Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

leadership training for new recruits. For example, DCJS' Municipal Police Training Council (MPTC) holds frequent trainings and seminars appropriate for officer development.

- The same community partnerships that your agency uses during recruitment and hiring, can remain helpful in the context of retention. Stakeholders can aid in retention of officers of color and women by addressing and understanding the unique challenges these groups face in the law enforcement profession. These partnerships allow agencies to diagnose the barriers in their practices, policies, or systems that often prevent or discourage officers from staying on the job.

2. Training and Continuing Education

Smart and effective policing starts with smart and effective training. Training should not end at recruitment; officers should be encouraged to continue to grow and learn throughout their career. Training should incorporate and reinforce best practices while emphasizing values such as accountability, transparency, and fairness in all aspects of policing.

There is no universal standard of police training, and individual jurisdictions must make important decisions around the types of training and education that should be required of the police officers who will serve and protect their communities. Your approach to police officer training and education can have a significant impact on the way those officers engage in real world policing. Your agency should consider research relating to effective adult learning techniques and law enforcement training environments as you decide how to achieve your police officer training objectives.

This section will pose questions that you should consider in developing a training program that advances your community's policing goals.

How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?

It is important to engage both internal and external stakeholders in the development and implementation of your police department's training materials and curricula.[179] Incorporating members of the community in this process can strengthen the overall quality of your training program while reinforcing public trust and ensuring that your training and education programs reflect the values of your community.[180]

- A number of subject matter experts have found that police training academies are sometimes modeled after military boot camps.[181] This environment, they argue, contributes to the development of a "warrior" mentality among police officers that can translate to hostile and fear-

[179] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing,* pp. 301-304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Gokey, C. & Shah, S. (Eds.). (2016). *How to Support Trust Building in Your Agency.* Police Perspectives: Building Trust in a Diverse Nation, no. 3. Office of Community Oriented Policing Services, 41. https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf.

[180] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 301. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Department of Justice. (2019). *Law Enforcement Best Practices: Lessons Learned from the Field*, pp. 11-12, 15. https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf.

[181] *See* Rahr, S. & Rice, S.K. (2015.) From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. *U.S. Department of Justice, National Institute of Justice.* https://www.ncjrs.gov/pdffiles1/nij/248654.pdf; Stoughton, S. (2015). Law Enforcement's "Warrior" Problem, *Harvard Law Review 128*(6), pp. 225-234. https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/.

based interactions with the communities they serve.[182] Police departments should assess whether their training models and environments may foster a potentially adversarial relationship with their communities, and should consider redesigning training models as necessary to ensure they align with community policing goals. Agencies may consider developing training models aimed instead at establishing a "guardian" mindset among police officers.[183]

- Reports issued by groups including the President's Task Force on 21st Century Policing, the Leadership Conference for Civil and Human Rights, and the Justice Collaboratory at Yale Law School suggest that police departments should consider how to build principles of procedural justice into all police officer training programs.[184] This can involve engaging community members in the process of developing training programs and ensuring that trainers actively discuss the importance of procedural justice and integrate these principles into all aspects of their instruction. A recent study published by the Proceedings of the National Academy of Sciences found that procedural justice training can build community trust in police and decrease incidents involving police use of force.[185]

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[182] *See* Rahr, S. & Rice, S.K. (2015.) From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. *U.S. Department of Justice, National Institute of Justice.* https://www.ncjrs.gov/pdffiles1/nij/248654.pdf; Stoughton, S. (2015). Law Enforcement's "Warrior" Problem. *Harvard Law Review, 128*(6), pp. 225-234. https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/

[183] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 262-263. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

[184] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, pp. 51-52. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Van Craen, M. & Hennessy, C.L. (2014). Training Police for Procedural Justice. *Journal of Experimental Criminology, 11*, pp. 319-334. https://www.researchgate.net/publication/269723704_Training_police_for_procedural_justice; Quattlebaum, M., Meares, T., & Tyler, T. (2018). Principles of Procedurally Just Policing. *The Justice Collaboratory at Yale Law School*. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

[185] Wood, G., Tyler, T.R., & Papachristos, A.V. (2020). Procedural justice training reduces police use of force and complaints against officers. *Proceedings of the National Academy of Sciences, 117*(18), pp. 9815-9821. https://www.pnas.org/content/117/18/9815.

- You can partner with academic institutions, community organizations, and other relevant experts to create rigorous, evidence-based police officer training programs.

- Police practices around issues like arrests, searches, and public demonstrations continue to be the focus of significant attention from advocates and members of the public. Groups from the Electronic Frontier Foundation to the International Association of Chiefs of Police, for example, have discussed the public's First Amendment right to record police officers in public,[186] and lawsuits have resulted in police departments implementing training programs on this issue.[187] Policies like "stop and frisk" have also led to widespread condemnation and lengthy litigation, and the New York Civil Liberties Union found that the policy in New York City disproportionately impacted communities of color.[188] Your community should review police policies and practices concerning stops, searches, arrests, and public protests/demonstrations and should consider implementing training programs aimed at eliminating bias and unconstitutional conduct in these types of interactions.[189]

- If you are preparing training modules that focus on police relationships with specific community groups, you should consider soliciting input from advocacy groups and community members who represent the viewpoint of the community on which the policing is focused. For example, police departments in New York, Los Angeles, Atlanta, Washington, D.C., and elsewhere have established working groups that

[186] Cope, S. & Schwartz, A. (2020, June 8). You Have a First Amendment Right to Record the Police. *Electronic Frontier Foundation*. https://www.eff.org/deeplinks/2020/06/you-have-first-amendment-right-record-police; International Association of Chiefs of Police. (n.d.). *Public Recording of Police.* https://www.theiacp.org/prop.

[187] American Civil Liberties Union. (2018, Jan. 19). *First Amendment Training for Lafayette PD Included in Settlement with ACLU of Louisiana*. https://www.aclu.org/press-releases/first-amendment-training-lafayette-pd-included-settlement-aclu-louisiana.

[188] New York Civil Liberties Union. (n.d.). *Stop-and-Frisk Data*. https://www.nyclu.org/en/Stop-and-Frisk-data.

[189] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 59, https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing,* pp. 101, 174. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

engage with the LGBTQIA+ community around training and other policing issues that impact LGBTQIA+ individuals.[190]

- When soliciting input from community members around issues relating to training or agency policies, police departments may tend to partner with community groups and individuals with whom they have existing relationships. However, when developing and implementing officer training programs, your agency should seek to engage segments of the community that typically have not had strong and trusting relationships with the police in the past.[191] By bringing these perspectives into the conversation, you can show your commitment to procedural justice and to building up relationships of trust.

What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?

Continuing education or in-service training requirements help ensure that officers can refresh skills learned in the past, develop new skills, and remain abreast of new information on emerging topics and best practices. Police departments should carefully consider how to identify and select staff who should conduct these and other training sessions.[192]

- Your community should consider your current in-service officer training standards and determine whether more rigorous requirements should be established, including requirements around the number of annual in-service training hours officers must receive.[193] The New York State Law

[190] Copple, J.E. & Dunn, P.M. (2017). Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community. *Office of Community Oriented Policing Services*, pp. 22-23. https://www.iadlest.org/Portals/0/cops%20LGBTQ.pdf.
[191] Office of Community Oriented Policing Services. (2019). *Law Enforcement Best Practices: Lessons Learned from the Field.* , p. 32. https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf.
[192] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[193] *Id.* at 301.

Enforcement Accreditation Program, for example, establishes a standard of at least 21 hours of in-service training per year.[194]

- Your community can develop specific goals for police officer in-service training programs and may identify certain topics that are critical to your community and around which all officers must receive recurring in-service training (e.g. implicit bias, de-escalation, and use of force training).

- Education experts advise that adults learn most effectively when they utilize and build on real-world experiences, rather than through the passive consumption of information.[195] As a result, law enforcement trainers have been encouraged to adopt models focused on experiential learning.[196] Your agency should consider developing realistic, scenario-based training programs that reflect circumstances your officers may encounter in their community. For example, this may involve role-playing scenarios or reviewing body camera footage.

- Consider establishing performance-based criteria for selecting personnel who will conduct agency training programs. For example, you may require that training instructors be veteran officers who have demonstrated mentorship skills and who are up-to-date on their in-service training requirements. Your agency may choose to prevent officers with histories of misconduct from serving as training instructors.[197]

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[194] New York State Law Enforcement Accreditation Program. Standard 33.1: Length and Content. https://drive.google.com/file/d/1FvS2MxJJBoCOA3c5h4RYhd3-LGIisOoT/view.

[195] *See, e.g.*, Knowles, M.S. (1988). The Modern Practice of Adult Education: From Pedagogy to Andragogy: Revised and Updated, pp. 43-45, 48-51. *Cambridge*. https://pdfs.semanticscholar.org/8948/296248bbf58415cbd21b36a3e4b37b9c08b1.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[196] *See, e.g.*, Birzer, M.L. (2003). The theory of andragogy applied to police training. *Policing: An International Journal of Police Strategies and Management, 26*(1), pp. 29-42. https://www.researchgate.net/publication/242020962_The_theory_of_andragogy_applied_to_police_training.

[197] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 304-305. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

How can leadership training improve community policing and strengthen relationships between your police department and members of the public?

Ongoing leadership training can foster leadership skills, reinforce positive conduct, and strengthen officers' commitment to community standards and procedural justice.[198] Leadership training can also promote diversity at the executive level of law enforcement agencies.[199]

- Police departments should consider providing ongoing leadership training to all officers throughout their careers.[200] Different standards, programs, and learning goals may be established at each level of leadership within a department.

- Agencies may also consider encouraging officers to engage in cross-discipline leadership training programs.[201] This can help expose officers to new and valuable knowledge and skills that can complement their own.

- You should consider developing leadership training standards in partnership with academics, non-profit groups, and other community members. These standards should be evidence-based and reflect community values.

How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?

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[198] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing,* pp. 267-268. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[199] *Ibid.*
[200] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 54. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf
[201] *Id.* at 55.

Police department training programs focused on elements of de-escalation can lead to actual outcomes that achieve police objectives while resolving potentially dangerous scenarios safely and peacefully.[202] There is no universal standard model for de-escalation, though the term generally refers to a variety of practices or actions used "during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary."[203] De-escalation training can include instruction focused on decision-making, effective verbal and non-verbal communication and social interaction skills, ethics and professionalization, use of force, defensive tactics, and crisis intervention skills.

- Reports issued by the Leadership Conference on Civil and Human Rights and the U.S. Commission on Civil Rights have noted that police departments often devote substantially more time to firearms and defensive tactics training than they do to trainings around de-escalation and nonlethal use of force.[204] Your agency should consider requiring officers to undergo use of force and de-escalation training at regular intervals throughout their career. Experts recommend that such

[202] Abanonu, R. (2018). De-Escalating Police-Citizen Encounters. *Review of Law and Social Justice, 27*(3), pp. 249-251. https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/volume27/Summer2018/3.Abanonu.pdf.
[203] Engel, R.S., McManus, H.D. & Herold, T.D. (2017). *The Deafening Demand for De-Escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform*. International Association of Chiefs of Police, p. 6. https://www.theiacp.org/sites/default/files/IACP_UC_De-escalation%20Systematic%20Review.pdf.
[204] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p.143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Commission on Civil Rights. (2018). *Police Use of Force: An Examination of Modern Policing Practices*, pp. 101, 114. https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf.

trainings utilize scenario-based training practices in interactive training environments.[205]

- Police departments should consider requiring specialized training programs focused on the use of force against vulnerable groups, including children, individuals with disabilities, people experiencing mental health emergencies, people under the influence of substances, and people who are pregnant.[206]

- Agencies should consider developing use of force training simulations that include scenarios in which police officers are expected not to resort to using force.[207] Leadership within the Oakland, CA police department has attributed a reduction in the agency's use of force incidents to a shift in the design of their training programs to include such circumstances.[208]

- Agencies should consider developing a training schedule in which use of force training is conducted immediately following de-escalation training so that de-escalation training concepts can be most effectively incorporated into use of force training.[209]

- Law enforcement agencies should also consider training officers on the effects of violence not only on communities and individual victims but

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[205] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[206] Fair and Just Prosecution. (2020). *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.

[207] The Justice Collaboratory at Yale Law School. (2018). *Principles of Procedurally Just Policing*, p. 43. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

[208] Quattlebaum, M., Meares, T., & Tyler, T. (2018). Principles of Procedurally Just Policing. *The Justice Collaboratory at Yale Law School,* Endnote 148. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf. *See also* Apuzzo, M. (2015, May 4). Police Rethink Long Tradition on Using Force. *New York Times*. https://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html.

[209] The Justice Collaboratory at Yale Law School. (2018). *Principles of Procedurally Just Policing*, p. 43. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

also on police officers themselves.

How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?

Awareness of and appreciation for cultural diversity are integral components of a professional police force.[210] Police forces must understand and appreciate the cultural diversity within the communities they serve. This understanding can help officers to de-escalate specific situations, and also to build ongoing, effective dialogue with community members.

Research suggests that biases, including implicit biases, can affect interactions between communities of color and law enforcement.[211] Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Law enforcement agencies across the country have begun to train police officers in implicit bias.[212] Implicit bias

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[210] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. Gokey, C. & Shah, S. (Eds.). (2016). *How to Support Trust Building in Your Agency. Police Perspectives: Building Trust in a Diverse Nation, no. 3*. Office of Community Oriented Policing Services, 42. https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf.

[211] Clark, A. (2017, Aug. 24.) The Harmful Effects of Implicit Racial Bias in the Police. *Race, Politics, Justice.* https://www.ssc.wisc.edu/soc/racepoliticsjustice/2017/08/24/the-harmful-effects-of-implicit-racial-bias-in-the-police/; National Institute of Justice. (2013, Jan. 9). Race, Trust and Police Legitimacy. https://nij.ojp.gov/topics/articles/race-trust-and-police-legitimacy; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 39-40. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Commission on Civil Rights. (2018). *Police Use of Force: An Examination of Modern Policing Practices*, pp. 101, 103-105. https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf.

[212] CBS News. (2019, Aug. 7). We asked 155 police departments about their racial bias training. Here's what they told us. https://www.cbsnews.com/news/racial-bias-training-de-escalation-training-policing-in-america/.

awareness allows officers to recognize their own human biases and how implicit biases can affect their perceptions of others and their behavior. This awareness improves policing and has a positive effect on the relationship between police and the community. Finally, implicit bias awareness training develops skills and tactics to reduce the influence of bias on police practice and allows officers to be safe, effective, and just police professionals.[213]

- Many entities, including the International Association of Police Chiefs and the National Training Institute on Race and Equality, offer implicit bias and cultural competency trainings designed for police departments.[214] You may consider also partnering with advocacy and community groups that can enhance these trainings by sharing the experience of the community.[215]

- Community-specific implicit bias and cultural competency training programs might focus on groups such as Black communities; Orthodox Jewish, Muslim, Arab, and South Asian communities; individuals with limited English proficiency; LGBTQIA+ individuals; individuals with disabilities; and individuals experiencing homelessness.[216]

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[213] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 59-60. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[214] *See, e.g.*, Kirwan Institute for the Study of Race and Ethnicity. *Implicit Bias Module Series*. http://kirwaninstitute.osu.edu/implicit-bias-training/; International Association of Chiefs of Police. (2020). Bias-Free Policing. https://www.theiacp.org/sites/default/files/2020-06/Bias-Free%20Policing%20January%202020.pdf; The Perception Institute. Services and Solutions. https://perception.org/services-and-solutions/; Fair and Impartial Policing. FIP Training Courses. https://fipolicing.com/fip-training-courses/; The National Training Institute on Race and Equity. Implicit Bias Training. https://www.ntire.training/book-a.

[215] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

[216] Fair and Just Prosecution. (2020). *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf; United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

- Community-focused trainings can include instruction about the type of language or behavior that may be viewed as offensive by a given community and direct officers to avoid such conduct.

- Training programs focused on communities that have historically viewed police with distrust may benefit from the inclusion of training materials that provide officers with the appropriate historical perspective and context to understand how past policing practices may have contributed to these negative perceptions.

- You may also consider implementing basic training and in-service training requirements that establish a set period of time that officers must spend interacting with individuals and groups within their communities and engaging in meaningful, non-enforcement related conversations. As explained by Professor Seth Stoughton in the Harvard Law Review, this type of "non-enforcement contact" can build trust, reinforce officers' commitment to community policing, and build communication skills that will be valuable throughout an officer's career.[217]

How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?

Responding to circumstances involving people who are under the influence of a substance and/or are experiencing a mental health crisis can be extremely difficult. Initially, this guidebook suggests that the collaborative consider whether and to what extent the police should respond to such calls. If the collaborative has determined that police should be a part of such response, it must recognize that responding officers need to make a series of difficult

[217] Stoughton, S. (2015). *L*aw Enforcement's "Warrior" Problem. *Harvard Law Review, 128*(6), pp. 225-234. https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/

judgments and decisions about how to safely resolve such situations,[218] which too often turn violent. Indeed, the Treatment Advocacy Center has found that individuals with untreated mental health conditions are significantly more likely than members of the general population to be killed during interactions with police.[219] Appropriate training programs can help prepare police officers to respond to these types of situations safely, effectively, and humanely. Police responding to situations involving a member of the public experiencing a mental health crisis should consider the following best practices:

- Police departments should consider making Crisis Intervention Team (CIT) training a standard component of their training program.[220] CIT has been shown to enhance officers' ability to recognize and respond to mental health emergencies, increase likelihood of jail diversion and treatment for individuals experiencing mental illness, reduce officer injury rates, and reduce police officer use of force in encounters with people experiencing mental health emergencies.[221]

- Police departments can also ensure that their training programs equip officers to recognize the signs of substance abuse and respond appropriately when interacting with individuals who may be impaired as a result of substance abuse.[222] This may include training and equipping officers with overdose-reversal drugs like Naloxone.[223]

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[218] International Association of Chiefs of Police. (2018). *Responding to Persons Experiencing a Mental Health Crisis*. https://www.theiacp.org/resources/policy-center-resource/mental-illness.
[219] Fuller, D.A., Lamb, H.R., Biasotti, M., & Snook, J. (2015). *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters.* Treatment Advocacy Center, p. 12. https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf.
[220] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 163. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[221] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 56. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 157. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.
[222] United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 57. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.
[223] National Institute on Drug Abuse. (2020). *Opioid Overdose Reversal with Naloxone (Narcan, Evzio)*. https://www.drugabuse.gov/drug-topics/opioids/opioid-overdose-reversal-naloxone-narcan-evzio.

- Police departments should consider training dispatchers to recognize these types of crises, ask the rights questions, and dispatch the appropriately trained personnel to respond to the scene.[224]

- Law enforcement agencies should consider establishing a network of mental health and disability professionals to support and inform the work of officers trained in crisis response.[225]

What practices and procedures can you put in place to measure the quality and efficacy of your police department's training programs?

It is important to review periodically your police department's training programs to determine whether they remain up-to-date and whether they are yielding the desired results.[226]

- Agencies should consider establishing a periodic review, audit, and assessment of training programs to ensure that they are not teaching outdated practices and/or basing their trainings on outdated understandings of community needs.

- Your community should consider implementing a process through which training outcomes can be measured by assessing post-training officer performance.

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[224] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 163. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[225] Civil Rights Coalition On Police Reform. (2014, Aug. 14). *A Unified Statement of Action to Promote Reform and Stop Abuse.* https://lawyerscommittee.org/wp-content/uploads/2015/08/Civil-Rights-Coalition-on-Police-Reform-Resource-Packet.pdf.

[226] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 307-309. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

- The critical self-analysis approach used by law enforcement agencies to evaluate incidents involving use of force, searches and seizures, crisis response encounters, and other similar circumstances can also be used to inform the agency's training goals and priorities. For example, agencies that have recently experienced high rates of use-of-force incidents may want to emphasize training courses focused on de-escalation.[227]

- Agencies should consider adopting a policy requiring the maintenance of complete, accurate, and up-to-date records of training curricula, materials, and attendance. This will help ensure that officers complete their ongoing training requirements, and will provide communities with an added opportunity to hold departments accountable for insufficient or outdated training.

3. Support Officer Wellness and Well-being

Law enforcement is inherently a physically and emotionally dangerous career. Studies show that people working in law enforcement are at an elevated risk of physical and mental health issues when compared to the general population.[228]

Consider how your police department can include in its plan an effective and proactive approach to preparing officers to handle the stress of the occupation and to ongoing support for and promotion of officer wellness.

[227] *Id.* at 301.
[228] *The Canadian Journal of Psychiatry,* "Mental Disorder Symptoms among Public Safety Personnel in Canada.", Carleton, R. Nicholas, et al. vol. 63, no. 1, 2017, pp. 54–64., https://journals.sagepub.com/doi/pdf/10.1177/0706743717723825

What steps can you take to promote wellness and well-being within your department?

The members of your department may face different risks and stressors depending on their daily assignments. Well-being, self-care, counseling, and intervention programs are important resources that should be made available to officers starting at the training academy and then continuously thereafter.

In order to understand the issues affecting your officers, seek their input. Surveys, confidential meetings, and assistance programs all provide a means for leadership to understand the concerns of their individual officers.

Law enforcement leadership should consider how officer wellness is incorporated into your department. You should take steps to ensure that support for officer wellness and safety is integrated into all aspects of your department's work, and commitment to officer wellness and safety should be reflected in your policies, practices, attitudes, and behaviors. Department leadership should endeavor to lead by example, as rank and file personnel are likely to model the behavior and attitudes they see in their leaders.

Your department can engage professional organizations (such as Blue H.E.L.P., Valor for Blue, and Blue Wall Institute), that provide mental health and wellness training to police officers and first responders.[229]

[229] Blue H.E.L.P., Training and Resources https://bluehelp.org/resources/training-and-resources/; Valor for Blue. https://www.valorforblue.org/; Blue Wall Institute. https://www.bw-institute.com/.

Are there ways to address officer wellness and well-being through smarter scheduling?

Your department should consider how to incorporate concern for wellness and wellbeing into everyday operations, including how shifts are arranged.

Research shows that shift lengths frequently are correlated with officer stress levels.[230] As such, managers may consider limiting maximum shift lengths along with overall limits on an officer's work hours by, for example, limiting back-to-back shifts and overtime that could be staffed by other officers.

Consider staffing patterns and whether tasks can be performed effectively by sworn or civilian staff.

How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?

Rates of death by suicide among law enforcement officers appear to be higher than those within the general U.S. population,[231] and deaths by suicide among officers may have outnumbered those caused by fatal line-of-duty incidents in recent years.[232] Your agency should consider providing training to

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[230] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 320. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

[231] Police Executive Research Forum. (2019). *An Occupational Risk: What Every Police Agency Should Do To Prevent Suicide Among Its Officers*, pp. 11-14. https://www.policeforum.org/assets/PreventOfficerSuicide.pdf; National Officer Safety Initiatives. (2020). *Preventing Suicide Among Law Enforcement Officers: An Issue Brief*, pp. 4-5.

[232] Police Executive Research Forum. (2019). *An Occupational Risk: What Every Policy Agency Should Do To Prevent Suicide Among Its Officers*, p.11. https://www.policeforum.org/assets/PreventOfficerSuicide.pdf.

recognize early warning signs of mental health problems and/or suicidal behavior. This could include specialized training for supervisors on how effectively to intervene with at-risk personnel.[233]

Officers often feel more comfortable speaking to fellow officers. As such, your agency should also consider creating internal peer support and mentoring programs that can aid officers in expressing their thoughts and concerns about the job with more seasoned officers that "have been where they are."

Employee Assistance Programs (EAP) are another tool that can provide law enforcement personnel with confidential support in many areas of their personal and professional lives. For example, the New York State Police manages an EAP that can either provide direct assistance to individual employees at local agencies or assist an agency in establishing its own EAPs.

How can you address the well-being of an officer after a traumatic event?

Traumatic events are unavoidable for members of law enforcement. The aftermath of such events can deeply affect those involved and jeopardize their physical and mental well-being.

Following a crisis event, you should consider making sure the personnel involved have the option to access crisis counseling.

Supervisors and peers should monitor employees involved in potentially traumatic incidents for changes in their demeanor and behavior, prepared with

[233] International Association of Chiefs of Police. (2014). *IACP National Symposium on Law Enforcement Officer Suicide and Mental Health: Breaking the Silence on Law Enforcement Suicides* p.18. https://www.theiacp.org/sites/default/files/Officer_Suicide_Report.pdf.

formal and informal intervention systems to provide meaningful assistance to those officers in need.[234]

[234] The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 322. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Part 2: Developing Your Collaborative Plan

There are over 500 law enforcement agencies across the state. The New York State Police Reform and Reinvention Collaborative (the Collaborative) was designed to bring each community together with its local police agency to chart its individual course forward. Your most important task in this Collaborative is to ensure a healthy, productive engagement and fostering a relationship of mutual trust between the police and the community – including all segments of the community. In some localities, that relationship is already strong. In others, it is frayed or broken. Each community will have to approach this task in a way tailored to its unique experiences and needs, and will come to its own shared vision of the role of law enforcement.

The rest of this guidebook includes information and resources on the best ideas available on developing a modern police force, which will inform your community's discussions and decision making.

While some localities have already started to develop a plan, this Part provides organizing principles that may be helpful in designing your process, along with a suggested 4-phase timeline for bringing stakeholders to the table, facilitating productive conversations, and successfully developing and ratifying a redesigned police force by April 1, 2021, as required by Executive Order No. 203 (reprinted as Appendix A).

Key Organizing Principles

Bring Your Community to the Table

The Governor's Executive Order specifically requires an inclusive, open and transparent process. The Executive Order identifies some of the key stakeholders who must be involved:

- Membership and leadership of the local police force;
- Members of the community, with emphasis on areas with high numbers of police and community interactions;
- Interested non-profit and faith-based community groups;
- The local office of the district attorney;
- The local public defender; and
- Local elected officials.

Beyond this group, you should ensure that participants bring to your process a broad range of the perspectives, experiences, knowledge and values of your community.

Specifically, you should consider engaging:

- Residents who have had interactions with the police;
- Residents who have been incarcerated;
- Any local police unions;
- Local education officials and educators;
- Local neighborhood, homeless, and housing advocates;
- LGBTQIA+ leaders and advocates;
- The Local Health Department and healthcare leaders and advocates;
- Mental health professionals;
- Business leaders;
- Transportation and transit officials; and
- Legal and academic experts.

Run an Open and Transparent Process

In addition to incorporating a diverse group of community members, you should keep the public informed throughout the process. The Police Reform and Reinvention Collaborative was designed to enable all members of the community to participate in reimagining the role of law enforcement. Your process will not be successful if it simply restates the current functions, strategies and operations of the police department, without deep and probing consideration of the perspectives of those who seek reform.

The Collaborative emphasizes transparency. All draft plans must be posted for public comment before finalization. Further, the chief executive must certify that the community was engaged in this process and the local legislative body ratified the plan. Transparency is essential to ensure that the plan reflects a shared vision for the future of law enforcement. Transparency entails:

- Making planning and deliberation meetings public.
- Polling and surveying the public for their views on specific issues, if feasible.
- Providing periodic updates as the planning process moves forward.
- Engaging local media.
- Making all research materials public.
- Having a plan to incorporate public comment feedback in the final plan.

Suggested Workplan

Phase 1: Planning (August-September 2020)

Create an operations plan: Create a work plan for your process and identify staff to manage the information gathering and plan development. Many localities have already begun this process. If appropriate, hire any external consultants or facilitators. You can also develop a preliminary list of the critical issues that need to be addressed through the plan development process, based on the material provided in Part 1 of this guidebook.

Coordinate with neighboring localities: Consider whether aspects of this process can be done in conjunction with neighboring localities. In some areas a countywide process may be useful during parts of this process, bearing in mind that each locality will need to solicit meaningful input from its own community and develop an individual plan tailored to its own needs.

Convene key stakeholders: Identify local leaders who can work closely with you to facilitate conversations with key constituencies in the community.

Assess where you are now: Gather information on how your police department currently operates including data, policies, procedures, prior

complaint history, budget, contracts, equipment, etc. Share this information with the public. This self-assessment will help focus the conversation on what you and your community want to change.

Phase 2: Listening and Learning (September-October 2020)

Listening Sessions: Conduct listening sessions with the public. You may want to organize these sessions thematically or focus on meeting with individual stakeholders separately.

Engage Experts: This guidebook provides you with a starting point. Engaging with the experts and resources referenced in this guide may help you consider difficult issues more fully. It may be efficient for neighboring jurisdictions to coordinate in finding research useful for the region.

Request Comments and Information: All localities will release their draft plans for public comment before completing this process. However, you may want to collect public feedback early in your plan development, especially from people unable to or uncomfortable with joining public meetings. Consider posting questions or prompts asking for written comments or suggestions.

Phase 3: Draft a Plan (November-December 2020)

Identify areas of focus: After evaluating the current state of your law enforcement agency and getting feedback, identify what issues or areas are in need of change. Breaking down and organizing issues to be addressed allows decisions to be made in a more manageable way.

Identify measurable goals: In the areas identified as needing reform, identify what success will look like in the short- and long-term. Articulating measurable goals will help focus your policy development, allow you and all stakeholders to assess outcomes, and identify needed adjustments in the future.

Draft a reform and reinvention plan: Decide what format your final product will take. You may choose to solicit suggested language from stakeholders to help facilitate drafting and to see different stakeholders' positions in writing. Consider articulating not just the policy changes but your vision for what these changes will accomplish. Make sure to include how you will measure success.

Keep the public engaged: If the public has the opportunity to share proposals and hear deliberations, the public comment period will be more productive.

Phase 4: Public Comment and Ratification (January-March 2021)

Release your draft plan for public comment: Executive Order No. 203 requires that these plans be posted for public comment. Consider diversifying the ways the public can share feedback, in writing and at events.

Educate the public: When releasing your draft, think about how you and other key stakeholders involved in the development can explain the proposals to the public. Consider holding events, engaging the media, or publishing an op-ed in the local newspaper.

Revise the plan to Incorporate public comment: Ensure the public comment is addressed in a meaningful way in your final plan. Consider how you will address those comments which are not adopted and those that highlight areas of tension and disagreement among members of the community or between community members and the police.

Ratify the plan: After public comment and finalization of a plan, the Executive Order requires that the local legislature adopt or ratify the proposal. Build in sufficient notice and time for this to occur before the April 1, 2021 deadline.

Certify with New York State: Submit your certification (included here in Appendix B) that your locality has met the requirements of Executive Order No. 203 to the Division of the Budget by April 1, 2021.

Going Forward

After the plan is adopted, there will still be important work to do. You will need to implement the plan and communicate progress reports and metrics to the public. You will need continuously to monitor and respond to community concerns with the police. Public engagement should not end on April 1, 2021. The Collaborative is an important step in your continual process of building,

maintaining and strengthening the relationship between your police department and your community.

Part 3: Appendices

Appendix A: Executive Order No. 203

Appendix B: Plan Certification Form

Appendix C: New York State Police Agencies

APPENDIX A

No. 203

E X E C U T I V E O R D E R

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant,

Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of

New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected

officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, _____, as the Chief Executive of _____ (the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

☐ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

☐ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");

☐ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;

☐ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

☐ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

_____

Name

_____

Signature

_____

Title

_____

Date

APPENDIX C

New York State Police Agencies

County	Agency
Albany	Albany City Police Department
	Albany County Sheriff's Office
	Altamont Village Police Department
	Bethlehem Town Police Department
	Coeymans Town Police Department
	Cohoes City Police Department
	Colonie Town Police Department
	Green Island Village Police Department
	Guilderland Town Police Department
	Menands Village Police Department
	Watervliet City Police Department
Allegany	Alfred Village Police Department
	Allegany County Sheriff's Office
	Andover Village Police Department
	Angelica Village Police Department
	Belmont Village Police Department
	Bolivar Village Police Department
	Cuba Town Police Department
	Friendship Town Police Department
	Independence Town Police Department
	Wellsville Village Police Department
	Willing Town Police Department
Broome	Binghamton City Police Department
	Broome County Sheriff's Office
	Deposit Village Police Department
	Endicott Village Police Department
	Johnson City Village Police Department
	Port Dickinson Village Police Department
	Vestal Town Police Department
Cattaraugus	Allegany Village Police Department
	Cattaraugus County Sheriff's Office
	Cattaraugus Village Police Department
	Ellicottville Town Police Department
	Franklinville Village Police Department
	Olean City Police Department
	Portville Village Police Department
	Salamanca City Police Department
Cayuga	Auburn City Police Department

	Cayuga County Sheriff's Office
	Moravia Village Police Department
	Port Byron Village Police Department
	Weedsport Village Police Department
Chautauqua	Carroll Town Police Department
	Chautauqua County Sheriff's Office
	Dunkirk City Police Department
	Ellicott Town Police Department
	Fredonia Village Police Department
	Jamestown City Police Department
	Lakewood Busti Police Department
	Westfield Village Police Department
Chemung	Chemung County Sheriff's Office
	Elmira City Police Department
	Elmira Heights Village Police Department
	Elmira Town Traffic District # 1
Chenango	Horseheads Village Police Department
	Afton Village Police Department
	Bainbridge Village Police Department
	Chenango County Sheriff's Office
	Greene Village Police Department
	New Berlin Town Police Department
	Norwich City Police Department
	Oxford Village Police Department
Clinton	Sherburne Village Police Department
	Clinton County Sheriff's Office
Columbia	Plattsburgh City Police Department
	Chatham Village Police Department
	Columbia County Sheriff's Office
	Germantown Town Police Department
	Greenport Town Police Department
	Hudson City Police Department
	Philmont Village Police Department
Cortland	Stockport Town Police Department
	Cortland City Police Department
	Cortland County Sheriff's Office
Delaware	Homer Village Police Department
	Colchester Town Police Department
	Delaware County Sheriff's Office
	Delhi Village Police Department
	Hancock Village Police Department
	Sidney Village Police Department
Dutchess	Walton Village Police Department
	Beacon City Police Department
	Dutchess County Sheriff's Office

	East Fishkill Town Police Department
	Fishkill Town Police Department
	Fishkill Village Police Department
	Hyde Park Town Police Department
	Millbrook Village Police Department
	Millerton Village Police Department
	Pine Plains Town Police Department
	Poughkeepsie City Police Department
	Poughkeepsie Town Police Department
	Red Hook Village Police Department
	Rhinebeck Village Police Department
Erie	Wappingers Falls Village Police Department
	Akron Village Police Department
	Amherst Town Police Department
	Blasdell Village Police Department
	Brant Town Police Department
	Buffalo City Police Department
	Cheektowaga Town Police Department
	Depew Village Police Department
	East Aurora/Aurora Town Police Department
	Eden Town Police Department
	Erie County Sheriff's Office
	Evans Town Police Department
	Gowanda Village Police Department
	Grand Island Town Police Department
	Hamburg Town Police Department
	Hamburg Village Police Department
	Kenmore Village Police Department
	Lackawanna City Police Department
	Lancaster Town Police Department
	North Collins Village Police Department
	Orchard Park Town Police Department
	Springville Village Police Department
	Tonawanda City Police Department
	Tonawanda Town Police Department
Essex	West Seneca Town Police Department
	Essex County Sheriff's Office
	Lake Placid Village Police Department
	Moriah Town Police Department
Franklin	Ticonderoga Town Police Department
	Franklin County Sheriff's Office
	Malone Village Police Department
	Saranac Lake Village Police Department
Fulton	Tupper Lake Village Police Department
	Broadalbin Village Police Department

	Fulton County Sheriff's Office
	Gloversville City Police Department
	Johnstown City Police Department
	Northville Village Police Department
Genesee	Batavia City Police Department
	Corfu Village Police Department
	Genesee County Sheriff's Office
	LeRoy Village Police Department
Greene	Athens Village Police Department
	Cairo Town Police Department
	Catskill Village Police Department
	Coxsackie Village Police Department
	Durham Town Police Department
	Greene County Sheriff's Office
	Hunter Town Police Department
	Windham Town Police Department
Hamilton	Hamilton County Sheriff's Office
	Inlet Town Police Department
Herkimer	Dolgeville Village Police Department
	Frankfort Town Police Department
	Frankfort Village Police Department
	Herkimer County Sheriff's Office
	Herkimer Village Police Department
	Ilion Village Police Department
	Little Falls City Police Department
	Mohawk Village Police Department
	Webb Town Police Department
Jefferson	Adams Village Police Department
	Alexandria Bay Village Police Department
	Antwerp Village Police Department
	Black River Village Police Department
	Brownville Village Police Department
	Cape Vincent Village Police Department
	Carthage Village Police Department
	Clayton Village Police Department
	Dexter Village Police Department
	Glen Park Village Police Department
	Jefferson County Sheriff's Office
	Philadelphia Village Police Department
	Sackets Harbor Village Police Department
	Theresa Village Police Department
	Watertown City Police Department
	West Carthage Village Police Department
Lewis	Lewis County Sheriff's Office
	Lowville Village Police Department

Livingston	Avon Village Police Department
	Caledonia Village Police Department
	Dansville Village Police Department
	Geneseo Village Police Department
	Livingston County Sheriff's Office
	Mount Morris Village Police Department
	Nunda Town & Village Police Department
Madison	Canastota Village Police Department
	Cazenovia Village Police Department
	Chittenango Village Police Department
	Hamilton Village Police Department
	Madison County Sheriff's Office
	Oneida City Police Department
Monroe	Brighton Town Police Department
	Brockport Village Police Department
	East Rochester Village Police Department
	Fairport Village Police Department
	Gates Town Police Department
	Greece Town Police Department
	Irondequoit Town Police Department
	Monroe County Sheriff's Office
	Ogden Town Police Department
	Rochester City Police Department
	Webster Town Police Department
Montgomery	Amsterdam City Police Department
	Canajoharie Village Police Department
	Fort Plain Village Police Department
	Montgomery County Sheriff's Office
	St. Johnsville Village Police Department
Nassau	Centre Island Village Police Department
	Floral Park Village Police Department
	Freeport Village Police Department
	Garden City Village Police Department
	Glen Cove City Police Department
	Great Neck Estates Village Police Department
	Hempstead Village Police Department
	Kensington Village Police Department
	Kings Point Village Police Department
	Lake Success Village Police Department
	Long Beach City Police Department
	Lynbrook Village Police Department
	Malverne Village Police Department
	Muttontown Village Police Department
	Nassau County Police Department
	Nassau County Sheriff's Office

	Old Brookville Village Police Department
	Old Westbury Village Police Department
	Oyster Bay Cove Village Police Department
	Port Washington Police District
	Rockville Centre Police Department
	Sands Point Village Police Department
New York City	New York City Police Department
	New York City Sheriff's Office
Niagara	Barker Village Police Department
	Lewiston Town Police Department
	Lockport City Police Department
	Middleport Village Police Department
	Niagara County Sheriff's Office
	Niagara Falls City Police Department
	Niagara Town Police Department
	North Tonawanda City Police Department
	Somerset Town Police Department
	Youngstown Village Police Department
Oneida	Boonville Village Police Department
	Camden Village Police Department
	Kirkland Town Police Department
	New Hartford Town Police Department
	New York Mills Village Police Department
	Oneida County Sheriff's Office
	Oriskany Village Police Department
	Rome City Police Department
	Sherrill City Police Department
	Utica City Police Department
	Vernon Village Police Department
	Whitesboro Village Police Department
	Whitestown Town Police Department
	Yorkville Village Police Department
Onondaga	Baldwinsville Village Police Department
	Camillus Town & Village Police Department
	Cicero Town Police Department
	DeWitt Town Police Department
	Geddes Town Police Department
	Jordan Village Police Department
	Liverpool Village Police Department
	Manlius Town Police Department
	Marcellus Village Police Department
	North Syracuse Village Police Department
	Onondaga County Sheriff's Office
	Skaneateles Village Police Department
	Solvay Village Police Department

	Syracuse City Police Department
Ontario	Canandaigua City Police Department
	Clifton Springs Village Police Department
	Geneva City Police Department
	Manchester Village Police Department
	Ontario County Sheriff's Office
	Phelps Village Police Department
	Shortsville Village Police Department
Orange	Blooming Grove Town Police Department
	Chester Town Police Department
	Chester Village Police Department
	Cornwall Town Police Department
	Cornwall on Hudson Village Police Department
	Crawford Town Police Department
	Deerpark Town Police Department
	Florida Village Police Department
	Goshen Town Police Department
	Goshen Village Police Department
	Greenwood Lake Village Police Department
	Harriman Village Police Department
	Highland Falls Village Police Department
	Highlands Town Police Department
	Maybrook Village Police Department
	Middletown City Police Department
	Monroe Village Police Department
	Montgomery Town Police Department
	Montgomery Village Police Department
	Mount Hope Town Police Department
	New Windsor Town Police Department
	Newburgh City Police Department
	Newburgh Town Police Department
	Orange County Sheriff's Office
	Port Jervis City Police Department
	Tuxedo Park Village Police Department
	Tuxedo Town Police Department
	Walden Village Police Department
	Wallkill Town Police Department
	Warwick Town Police Department
	Washingtonville Village Police Department
	Woodbury Town Police Department
Orleans	Albion Village Police Department
	Holley Village Police Department
	Lyndonville Village Police Department
	Medina Village Police Department
	Orleans County Sheriff's Office

Oswego	Central Square Village Police Department
	Fulton City Police Department
	Oswego City Police Department
	Oswego County Sheriff's Office
	Phoenix Village Police Department
	Pulaski Village Police Department
Otsego	Cooperstown Village Police Department
	Oneonta City Police Department
	Otsego County Sheriff's Office
Putnam	Brewster Village Police Department
	Carmel Town Police Department
	Cold Spring Village Police Department
	Kent Town Police Department
	Putnam County Sheriff's Office
Rensselaer	East Greenbush Town Police Department
	Hoosick Falls Village Police Department
	Nassau Village Police Department
	North Greenbush Town Police Department
	Rensselaer City Police Department
	Rensselaer County Sheriff's Office
	Schodack Town Police Department
	Troy City Police Department
Rockland	Clarkstown Town Police Department
	Haverstraw Town Police Department
	Orangetown Town Police Department
	Piermont Village Police Department
	Ramapo Town Police Department
	Rockland County Sheriff's Office
	South Nyack-Grand View Village Police Department
	Spring Valley Village Police Department
	Stony Point Town Police Department
	Suffern Village Police Department
Saratoga	Ballston Spa Village Police Department
	Galway Village Police Department
	Mechanicville City Police Department
	Saratoga County Sheriff's Office
	Saratoga Springs City Police Department
	South Glens Falls Village Police Department
	Stillwater Town Police Department
	Waterford Town & Village Police Department
Schenectady	Glenville Town Police Department
	Niskayuna Town Police Department
	Rotterdam Town Police Department
	Schenectady City Police Department

	Schenectady County Sheriff's Office
	Scotia Village Police Department
Schoharie	Cobleskill Village Police Department
	Schoharie County Sheriff's Office
	Schoharie Village Police Department
Schuyler	Schuyler County Sheriff's Office
	Watkins Glen Village Police Department
Seneca	Interlaken Village Police Department
	Seneca County Sheriff's Office
	Seneca Falls Town Police Department
	Waterloo Village Police Department
St. Lawrence	Canton Village Police Department
	Gouverneur Village Police Department
	Massena Village Police Department
	Norfolk Town Police Department
	Norwood Village Police Department
	Ogdensburg City Police Department
	Potsdam Village Police Department
	St. Lawrence County Sheriff's Office
Steuben	Addison Village Police Department
	Bath Village Police Department
	Canisteo Village Police Department
	Cohocton Town Police Department
	Corning City Police Department
	Hammondsport Village Police Department
	Hornell City Police Department
	North Hornell Village Police Department
	Painted Post Village Police Department
	Steuben County Sheriff's Office
	Wayland Village Police Department
Suffolk	Amityville Village Police Department
	Asharoken Village Police Department
	East Hampton Town Police Department
	East Hampton Village Police Department
	Head of the Harbor Village Police Department
	Huntington Bay Village Police Department
	Lloyd Harbor Village Police Department
	Nissequogue Village Police Department
	Northport Village Police Department
	Ocean Beach Village Police Department
	Quogue Village Police Department
	Riverhead Town Police Department
	Sag Harbor Village Police Department
	Shelter Island Town Police Department
	Southampton Town Police Department

	Southampton Village Police Department
	Southold Town Police Department
	Suffolk County Police Department
	Suffolk County Sheriff's Office
	Westhampton Beach Village Police Department
Sullivan	Fallsburg Town Police Department
	Liberty Village Police Department
	Monticello Village Police Department
	Sullivan County Sheriff's Office
	Woodridge Village Police Department
Tioga	Candor Village Police Department
	Owego Village Police Department
	Spencer Village Police Department
	Tioga County Sheriff's Office
	Waverly Village Police Department
Tompkins	Cayuga Heights Village Police Department
	Dryden Village Police Department
	Groton Village Police Department
	Ithaca City Police Department
	Tompkins County Sheriff's Office
	Trumansburg Village Police Department
Ulster	Ellenville Village Police Department
	Kingston City Police Department
	Lloyd Town Police Department
	Marlborough Town Police Department
	New Paltz Town & Village Police Department
	Olive Town Police Department
	Plattekill Town Police Department
	Rosendale Town Police Department
	Saugerties Town Police Department
	Shandaken Town Police Department
	Shawangunk Town Police Department
	Ulster County Sheriff's Office
	Ulster Town Police Department
	Woodstock Town Police Department
Warren	Bolton Town Police Department
	Glens Falls City Police Department
	Warren County Sheriff's Office
	Warrensburg Town Police Department
Washington	Cambridge Village Police Department
	Fort Edward Village Police Department
	Granville Village Police Department
	Greenwich Village Police Department
	Hudson Falls Village Police Department
	Washington County Sheriff's Office

	Whitehall Village Police Department
Wayne	Clyde Village Police Department
	Macedon Town Police Department
	Newark Village Police Department
	Palmyra Village Police Department
	Sodus Village Police Department
	Wayne County Sheriff's Office
	Wolcott Village Police Department
Westchester	Ardsley Village Police Department
	Bedford Town Police Department
	Briarcliff Manor Village Police Department
	Bronxville Village Police Department
	Buchanan Village Police Department
	Croton on Hudson Village Police Department
	Dobbs Ferry Village Police Department
	Eastchester Town Police Department
	Elmsford Village Police Department
	Greenburgh Town Police Department
	Harrison Town Police Department
	Hastings-on-Hudson Village Police Department
	Irvington Village Police Department
	Larchmont Village Police Department
	Lewisboro Town Police Department
	Mamaroneck Town Police Department
	Mamaroneck Village Police Department
	Mount Pleasant Town Police Department
	Mount Vernon City Police Department
	New Castle Town Police Department
	New Rochelle City Police Department
	North Castle Town Police Department
	North Salem Town Police Department
	Ossining Village Police Department
	Peekskill City Police Department
	Pelham Manor Village Police Department
	Pelham Village Police Department
	Pleasantville Village Police Department
	Port Chester Village Police Department
	Pound Ridge Town Police Department
	Rye Brook Village Police Department
	Rye City Police Department
	Scarsdale Village Police Department
	Sleepy Hollow Village Police Department
	Somers Town Police Department
	Tarrytown Village Police Department
	Tuckahoe Village Police Department

	Westchester County Department of Public Safety
	White Plains Department of Public Safety
	Yonkers City Police Department
	Yorktown Town Police Department
Wyoming	Arcade Village Police Department
	Attica Village Police Department
	Perry Village Police Department
	Warsaw Village Police Department
	Wyoming County Sheriff's Office
Yates	Penn Yan Village Police Department
	Yates County Sheriff's Office

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