Law Enforcement Best Practices

LESSONS LEARNED FROM THE FIELD

COPS
Community Oriented Policing Services
U.S. Department of Justice

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Contents

Letter from the Director

Colleagues:

Law enforcement continues to be challenged to solve problems well beyond the traditional scope of the field. At the same time, public scrutiny has increased—and with it, the pressure from local and national stakeholders to solve societal problems quickly and well. With such broad and critical responsibilities in the hands of local law enforcement agencies, it is more important than ever to provide the officers and deputies who serve in them with proven, up-to-date methods for addressing the many challenges they may face.

This guidebook collects best practices and guidance from law enforcement practitioners in the field on eight critical areas in modern policing: community policing; de-escalation; crisis intervention; the role of first-line supervisors; early intervention systems; internal affairs; recruitment, hiring, and retention; and the use of data systems. All these topics are deeply intertwined, and the authors take time to discuss their connections—for example, how early intervention and good training can aid officer retention, how de-escalation techniques are vital to crisis intervention, and how the philosophy of community policing underlies and informs all the others.

New officers and deputies, seasoned executives, and civilian personnel should all find useful guidance in this book. Each chapter contains a series of checklists to help implement the practices discussed, as well as a thorough overview of other useful resources from academia, government, and the law enforcement field. The guidance and resources provided here can help law enforcement agencies of all sizes provide the professional service their communities expect and deserve.

The COPS Office would like to thank all the practitioners who contributed their time, advice, and wisdom to researching, reviewing, and compiling this guidebook.

Sincerely,

Phil Keith
Director
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Introduction

Reason for this guide

One of the most challenging responsibilities for federal, state, and local governments has always been providing professional policing services. It is nonetheless one of the most essential responsibilities of any government agency, because our nation depends on the collective work of all law enforcement agencies to provide a safe environment for everyone to live, work, and play.

To help address ongoing challenges in policing, the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) developed this *Law Enforcement Best Practices* guide for use by policing practitioners. This guide was developed by experts and practitioners from across the country to provide practical advice to three primary audiences: (1) new law enforcement executives and law enforcement leaders, who need to understand key challenges facing their communities and agencies; (2) seasoned law enforcement executives and law enforcement leaders in communities where these issues have come to the forefront; and (3) personnel who work for chiefs or sheriffs and have been asked to work on the agency's approach to one or more of these issues.

Law enforcement agencies are under increasing scrutiny and pressure to address both highly localized concerns and issues of national interest. Law enforcement executives should strive to align their approach to these concerns with the philosophy of community policing. Leaders should consider incorporating emerging techniques, such as de-escalation, into policy and training on use of force and interacting with individuals in crisis. They should think critically about how internal affairs operates in their agencies—how investigations are conducted and communicated with stakeholders. And they should examine their personnel decisions: recruitment, hiring, and retention; the supervisory tools they use to monitor employee performance and identify employees in need of assistance; and how their agencies define the roles and responsibilities of first-line supervisors. In all these efforts, leaders should strive to make the best use of data systems and information technology.

Although each of these issues is addressed separately, in practice, they are intimately intertwined. For example, de-escalation and the Crisis Intervention Team model go hand-in-hand. Similarly, early intervention in personnel issues can help agencies prevent problems before these issues become the focus of internal affairs investigations. Good data underpins all of these topics and is critical for problem solving, intervening in potential problems before they occur, and enhancing transparency to demonstrate the department's credibility and earn community trust. When all of these systems are functioning efficiently, an agency's community policing effectiveness increases, which in turn can impact recruiting, hiring, and retention issues by inspiring community members to join the agency and remain for an entire career.

This guide highlights lessons learned by law enforcement practitioners from agencies of all sizes and offers a strategic overview and practical, task-oriented steps for law enforcement executives to follow when addressing issues within their own communities and agencies. Throughout this guide, the terms "best practice" and "promising practice" are generally used interchangeably to refer to practices that practitioners have implemented and advocated for based on the results they have seen in their jurisdictions. Some of these practices are backed by academic research, while others have yet to be subject to rigorous academic scrutiny. Most importantly, the best and promising practices detailed in this guide are those primary efforts that have the greatest potential for helping an agency maintain community trust, resolve critical issues, reinforce its legitimacy, and build relationships.

How to use this guide

New and seasoned law enforcement executives—as well as personnel in their agencies—are encouraged to use this guide as a starting point for establishing a strategy and employing tactics that meet the needs of their agencies and communities. Community members have an obvious interest in the issues addressed in this manual because law enforcement policies and procedures have a direct impact on them. Researchers—although a secondary audience for the practical advice contained herein—may also find value in understanding the challenges facing law enforcement executives and identifying areas where partnerships and support can best serve the community and ensure public and officer safety.

Each chapter begins with a high-level overview of what makes each issue important to law enforcement agencies and communities, including key points and challenges facing law enforcement executives. Law enforcement leaders should begin here when considering how this issue affects their departments—or will in the future.

Additionally, each chapter provides a high-level survey of the academic literature on each subject and a summary of existing publications from the Department of Justice (DOJ) and other sources. Law enforcement executives are encouraged to do further reading on areas of most concern for their agencies and the communities they serve. This overview will help agency leaders determine which resources are most applicable to their needs.

Every chapter details practitioner-provided advice on best or promising practices to implement and highlights six to 13 specific practices. The challenge for law enforcement leaders and personnel is to apply the appropriate best and promising practices to their own agencies and communities. Not every practice is applicable to every agency, as communities differ and law enforcement officials need to be responsive to their particular communities' needs and cultures. As such, chief executives—in dialogue with command staff and the communities they serve—should make thoughtful decisions on which practices to prioritize and implement. One of the best places to start when addressing these key issues is by opening a dialogue with internal stakeholders and a variety of community members. Leaders should seek out those voices that have not typically engaged in dialogue with law enforcement and

learn from these conversations. Although this guide applies to law enforcement agencies of all sizes, special attention is also paid to the specific needs of small agencies, where personnel and resources may be more limited.

This guide seeks to inspire law enforcement leaders to foster innovation as they tackle the challenging tasks they confront on a daily basis in their local jurisdictions. Law enforcement agencies' ongoing, collaborative, and sincere efforts to improve outreach and service to their communities leads to increased community trust and the collaboration necessary for future successes. This guide is intended to inform and supplement how law enforcement agencies and the communities they serve think about these issues. The featured best and promising practices do not, however, replace the need for local decisions and local decision-making.

In order to make the guidance and recommended practices as easy to implement as possible, each chapter contains actionable checklists. These checklists provide high-level, strategic items and more tactical actions to advance an agency's strategic goals; these checklists are not exhaustive but represent a good starting place.

Law enforcement executives are encouraged to repurpose the checklists at the end of each chapter as conversation starters, and to employ them to help track their progress—and those of their subordinates—through implementing the best or promising practices that best meet their agencies' and communities' needs. The authors of this guide developed these checklists of tactics, strategies, and considerations based on evidence from the field, research, and personal experience.

A recurring theme throughout this guide is the importance of partnering with research institutions, which is relevant for agencies of all sizes and executives of all levels of experience. For example, the data that researchers use to evaluate internal affairs processes and outcomes is limited—and much of it was collected before 2000. This lack of research literature does not reflect academic disinterest, but lack of access to data that would more fully develop collective knowledge of the internal affairs process. Working collaboratively with researchers may not yield immediate results to establish the efficacy of an agency's efforts, but it can contribute to a larger and longer-term body of research.

This guide was developed out of the recognition that law enforcement executives are in the unique position of making decisions that have a profound effect on the quality of life and safety for every member of our nation. The hope of those who prepared this guide is that law enforcement executives will find the ideas, information, and practices presented here useful and be inspired to take their work to the next level of professionalism. When it comes to providing professional policing services, settling for second best is simply not good enough. Likewise, striving to provide those who live, work, and play in our nation's communities with the best service possible is not only what they expect, but also what they deserve.

1. Community Policing

Why is this issue important?

Modern policing rests upon the foundational precept that the effective control of crime, disorder, and fear requires community participation and assistance. Communities are vital sources of information about crimes, offenders, and ongoing criminal or social problems. Communities also encompass the interpersonal networks that form the basis for social cohesion and collective self-protective action. Using techniques of community policing and engagement, law enforcement agencies can obtain the information they need to solve problems proactively and facilitate the process of informal social control that generates ongoing, sustainable public safety.

Building the collaborative relationships necessary for community policing may require overcoming decades of isolation, disenfranchisement, and suspicion. These in turn have led in many communities to periodic civil unrest—while allowing serious crime and disorder issues to remain unaddressed. In recent years, the momentum of such civil protest has been swelled by widespread accusations of racial bias in law enforcement agencies and complaints of excessive force, compounded by the perception that police are not held accountable for these transgressions.

The police themselves, especially in communities experiencing the greatest degree of crime and disorder, feel under attack. Meanwhile, law enforcement executives have found themselves under increasing pressure and scrutiny not only to address crime and disorder within their respective jurisdictions, but also to intervene and resolve social and quality of life issues they see as outside the realm of policing. In addition, leaders are confronted with a changing workforce, budgetary constraints, fractured public health and social services systems, recruitment challenges, and a lack of clarity in roles and responsibilities.

Despite these frustrations, law enforcement agencies in many of these cities, small towns, and rural jurisdictions are engaging in some form of formal, measurable community policing; some of these local efforts are new, while others have been ongoing for nearly two decades. These efforts are founded on the philosophy of police legitimacy. This evolving model of community policing shapes how law enforcement executives view their relationships with the community, within law enforcement, and with other governmental entities, social service providers, advocates, and nongovernmental organizations that do not have a formal relationship with law enforcement agencies.[1]

Community policing's mission goes well beyond reducing crime and disorder, improving quality of life issues, and providing community services. The concept of community engagement brings with it the establishment and building of tangible collaborative relationships predicated upon mutual trust and respect, common interests, broader applications of procedural justice, and a sense of shared responsibilities.

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1.   PERF, *Legitimacy and Procedural Justice.*

Key points and challenges

In order to achieve this form of community engagement, law enforcement executives face a number of challenges, both internal and external. To respond to these challenges, agencies have adopted the three components that define the philosophy of community policing: problem solving, community partnerships, and organizational transformation.[2]

Problem solving

Problem solving by progressive law enforcement agencies frequently follows the SARA model, whereby law enforcement scan the community for problems, analyze identified problems in depth, respond to problems using innovative approaches that extend beyond traditional law enforcement responses, and assess the effectiveness of the project.

Problems selected for SARA interventions should be both recurring and geographically defined. By identifying where and when the most service calls occur and focusing resources in those areas, law enforcement can maximize their efficacy.

Problem solving is closely connected to the element of community partnerships and collaboration. With assistance from community partners, law enforcement personnel can identify root causes of problems and form creative long-term solutions.

Community partnerships

Community partnerships range from formal interagency agreements to informal collaborations. The goal of all such partnerships is to achieve free-flowing, bidirectional communication. Social service providers, faith leaders, business leaders, school district officials, and local governmental agencies are fruitful partners, but community partnerships can occur at an individual as well as an organizational level.

Officers and deputies have many options for fostering community engagement. They can create a "felt presence" while on patrol by, for instance, increased foot patrols, talking to people and meeting local business owners, sponsoring youth-related events, and strengthening relationships with the faith-based community. In their interactions with the public, officers and deputies can employ procedural justice.[3] The goal of procedural justice is to reinforce police legitimacy, which is the public's perception that the actions of the police are just and in the best interest of the community. People who believe the police are procedurally just are more likely to trust them, see them as legitimate, and exhibit a willingness to

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2.   COPS Office, *Community Policing Defined.*
3.   COPS Office, "Procedural Justice."

cooperate and work in concert with them. The practice of procedural justice in community interactions entails making decisions transparently; allowing community members to voice their opinions; treating people respectfully, fairly, and impartially; and building trust with the community.

Organizational transformation

Organizational transformation refers to the reorientation of leadership and resources in law enforcement agencies away from the traditional paramilitary bureaucracy and toward a form more conducive to community-based activities. Some of the necessary organizational adaptations in larger agencies include decentralization, which is aided in part by the use of substations where possible; civilianization; and reorganization of units and positions to achieve effective community engagement and implement problem-solving techniques. Smaller organizations typically have fewer specialized units and tend to rely heavily on command staff for decision-making in the field; these organizations would benefit from organizational transformation.

Rather than assigning community-policing responsibilities solely to a special unit or a handful of dedicated personnel, organizational transformation is best achieved by engaging employees at all levels, sworn and non-sworn, around the philosophy of community policing.

Internal environmental considerations

The internal and external environment of an organization may help or hinder the process of organizational transformation. Internal factors include not only the organization's structure, which in law enforcement agencies tends to be rigid and rules-oriented, but also individual officers' perception of their roles. How individual law enforcement personnel view their overall mission is vitally important. Many officers and deputies entered the profession thinking their primary role was to protect and serve their community and, ultimately, to make a difference to individuals' sense of safety and well-being. This sense of mission is shaped, however, by officers' experiences on the job. In addition, law enforcement personnel possess extraordinary powers, granted to them by the law, and these powers also shape officers' perception of their roles.

To address these internal considerations, some agencies have made attempts to disaggregate the paramilitary structure of the law enforcement agency and change the manner in which they engage the public. Some organizations have modified their structures to eliminate unnecessary bureaucracy, thereby improving internal communications. Innovations for improving employee responsibility have caused a shift in many agencies from a strictly punitive disciplinary process to one that incorporates various early warning systems, alternative methods of behavioral adjustment, and education-based accountability, in which personnel being disciplined are required to attend specialized training or engage in alternative approaches.

External environmental considerations

Organizations are also influenced by their external environments—the communities in which they are set, the type and level of crime they address, and the effects of their own histories. Although many strategies to reduce crime and disorder were undertaken with the purest of motives, operational implementation of these strategies has sometimes widened the divide between certain segments of the community and law enforcement agencies. Tactics associated with policing criminal hotspots and addressing disorderly issues often perpetuated mistrust and resentment in the very communities that were experiencing the highest level of crime and disorder. In another approach, officers and deputies have attempted to establish relationships by informing communities of their policing plans, but without seeking or considering community priorities and needs.[4]

Brief summary of academic literature

Studies dating back to the 1980s have defined community policing as an alternative approach to traditional police methods, encompassing police-community partnerships and an emphasis on solving problems and promoting quality of life. Over time, this approach has led many law enforcement leaders and researchers to reassess the philosophical underpinnings of policing and redefine the role and responsibilities of law enforcement within the community. (The word "community" is used here to mean a broad spectrum of social groupings of people who occupy a specific locality and that share a governmental entity. It would include members who may share social, religious, occupational characteristics, or other groups sharing common characteristics or interests and or perceiving themselves as distinct in some respect from the larger collective social body.)

Research confirms that community policing can suppress crime and improve people's satisfaction with local police.[5] Additionally, police can alleviate fear of crime using problem solving approaches.[6] Programs and interventions that increase the interface between law enforcement and residents are the most successful.[7] Face-to-face interactions are important; people who believe the police are fair and respectful express greater willingness to participate in joint crime-prevention efforts.[8] People's perceptions of local police-community relations significantly affect their fear of crime and satisfaction with their areas of residence.[9] Importantly, research suggests that to be effective, specific tactics should be tailored to the characteristics of a neighborhood. Evaluations of a foot-patrol experiment, for instance, found that targeted foot patrols reduced violent crime only in patrol beats with atypically high rates of violent crime.[10] Law enforcement agencies should carefully analyze the social and criminogenic landscape of a neighborhood, then identify strategies and tactics that are designed to address the specific problems in that area.

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4.   Schneider and Amar, "Rise of Crime, Disorder and Authoritarian Policing."
5.   Reisig, "Community and Problem-Oriented Policing."
6.   Braga, Welsh, and Schnell, "Can Policing Disorder Reduce Crime?"
7.   Skogan, "An Overview of Community Policing."
8.   Reisig, "What Shapes Residents' Willingness to Participate."
9.   Reisig and Parks, "Can Community Policing Help."
10.   Ratcliffe, "The Philadelphia Foot Patrol Experiment."

Research has also revealed that most agencies engaged in community policing make relatively minor organizational changes and do not adopt the full-scale restructuring and philosophical shift encouraged by the community-policing model.[11] Absent sufficient organizational adaptation, it can be difficult for patrol officers and others with frontline responsibilities to devote significant time to establishing partnerships and solving problems creatively and collaboratively.

Evaluations of problem-solving activities and interventions tend to show that responses rely primarily on traditional law enforcement tactics (e.g., saturation patrol or arrests) rather than on innovative approaches.[12] Assessment is frequently conducted at a surface level or not at all.[13] These findings mirror those pertaining to community policing more broadly. It appears that while most agencies have adopted the philosophical orientation behind community policing, there is variation in the extent of organizational investment and subsequent efforts to engage in robust problem solving and innovation.

An integrated, comprehensive approach to community policing and engagement can enhance community members' actual and perceived safety.[14] Agencies dedicated to community policing and willing to make the organizational transformation needed for effective collaboration and problem solving can have significant positive impacts on their communities. Collaborative, problem solving-based approaches outperform strategies grounded solely in criminal-law enforcement.[15] Law enforcement agencies can protect public safety, enhance quality of life, and help create and maintain community vitality, particularly when they engage in proactive community policing activities.

Summary of existing DOJ and other resources

Many government publications discuss community policing and related topics. Such publications can be used as resources to help guide agencies in adopting and implementing community policing as a philosophy. Overall, a good source to begin finding community policing resources is the COPS Office Website, particularly the Resources Page[16] and the COPS Office Resource Center.[17]

Any discussion of community policing should start with the definition. In Community Policing Defined,[18] the COPS Office defines community policing as "a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." It also defines the three key components of community policing: community partnerships, problem solving, and organizational transformation.[19]

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11. Maguire, "Structural Change."
12. Eck, "Police Problems."
13. Cordner, "Problem Oriented Policing in Practice."
14. Reisig, "Community and Problem-Oriented Policing."
15. Weisburd, "What Can Police Do."
16. COPS Office, "Resources."
17. COPS Office, "Resource Center."
18. COPS Office, *Community Policing Defined*.
19. COPS Office, *Community Policing Defined*.

One of the key components of community policing is building collaborative, trusting relationships with members of the community. Building Relationships of Trust: Recommended Steps for Chief Executives[20] provides a detailed checklist of steps a law enforcement executive should consider when working to develop relationships of trust with individuals in the community. Building trust in diverse communities is addressed in the Vera Institute of Justice Police Perspectives Guidebook Series: Building Trust in a Diverse Nation.[21] The series provides resources for increasing cultural understanding, as well as guidance on how to serve diverse communities and support trust building within a law enforcement agency.

Developing community partnerships is essential to successful community policing. Two excellent resources are The Collaboration Toolkit for Law Enforcement: Effective Strategies to Partner with the Community[22] and its companion, The Collaboration Toolkit for Community Organizations: Effective Strategies to Partner with Law Enforcement.[23] Both are designed to help law enforcement agencies and communities strengthen partnerships with each other, identify and address social issues that diminish quality of life and threaten public safety, and connect those in need to services in the community. Collaboration Toolkit: How to Build, Fix, and Sustain Productive Partnerships[24] provides specific advice on and tools for maintaining effective partnerships.

Problem Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships[25] is a good starting point for law enforcement agencies preparing to implement a problem-solving approach. This resource describes a step-by-step problem-solving process and offers examples from the field and additional resources. A helpful resource to assist with the problem-solving component of community policing is the website of the Center for Problem-Oriented Policing.[26] Among other publications, the Center provides problem-oriented guides for law enforcement agencies, including problem-specific guides and response guides. Its guide to Identifying and Defining Policing Problems[27] can be particularly helpful for law enforcement executives and others tasked with beginning an agency's problem-solving activities.

Institutionalizing community policing in a law enforcement agency also requires organizational transformation—that is, "the alignment of management, structure, personnel and information systems to support community partnerships and proactive problem solving."[28] One helpful resource for organizational change is Transforming the Law Enforcement Organization to Community Policing.[29] This monograph provides a framework for developing the steps involved in an organizational transformation to com-

20.   Wasserman, "Building Relationships of Trust."
21.   Gokey, Police Perspectives Guidebook Series.
22.   McCampbell, "Collaboration Toolkit: Strategies to Partner with Law Enforcement."
23.   McCampbell, "Collaboration Toolkit: Strategies to Partner with the Community."
24.   Rinehart, Laszlo, and Brisco, "Collaboration Toolkit."
25.   COPS Office, "Problem-Solving Tips."
26.   Center for Problem-Oriented Policing, Home page.
27.   Scott, "Identifying and Defining Policing Problems."
28.   COPS Office, "Organizational Transformation."
29.   Connors and Webster, "Transforming the Law Enforcement Organization."

munity policing. The Center for Problem-Oriented Policing also published <u>Implementing POP: Leading, Structuring, and Managing a Problem-Oriented Police Agency</u>,[30] which provides guidance on "what steps to take, and in what order, to make problem-oriented policing an integral part of how the department does business."

Institutionalizing community policing as an organizational strategy requires law enforcement agencies to consider incorporating appropriate measures into their performance management strategies. <u>Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook</u>[31] provides strategies for law enforcement executives who wish to implement a comprehensive approach to performance management in their agencies. The guidebook focuses on performance management as the continuous effort to define what a community wants from its law enforcement agency. This includes how the organization works to address community expectations by defining what leaders expect from their officers.

Best or promising practices in the field

The three key elements of community policing—problem solving, community partnerships and collaboration, and organizational transformation—provide the philosophical framework for institutionalizing community policing in an organization. The cultural shift within an agency begins with the complete support of the chief executive and the realigning of priorities, personnel, and resources to demonstrate an ongoing commitment to community policing as the policing model. The challenge for the law enforcement executive is how to begin the process of cultural shift and ensure the entire organization moves through that process.

Practice 1: Create a comprehensive community policing strategic plan

A comprehensive strategic plan is a written plan through which the chief executive imparts the core values of the agency and its personnel. It should consider the set of complex environmental factors facing members of law enforcement and the communities they serve. The strategic plan will shape the future vision of the organization at a conceptual level.

This plan should describe in broad terms how the agency will shift or transform itself to one that values and embraces the philosophy of community policing. It should outline a broader mission of identifying and addressing the underlying issues and drivers of crime and disorder, and of the community's perception of them.

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30.   Scott and Kirby, "Implementing POP."
31.   Branly, et al. "Implementing a Comprehensive Performance Management Approach."

This strategic plan should also serve as recognition that crime and disorder are symptoms of much larger economic, sociological, and public health issues, and that while some of these issues are within the organization's ability to change, others are beyond its capacity to address alone. The plan should include strategies for engaging community members, nonprofits, and other nongovernment organizations in true partnerships to help the law enforcement agency address these larger issues and impact crime and disorder in the community.

On a practical level, this comprehensive strategic plan should include the agency's vision and goals for community policing; the roles and responsibilities of every individual member in community policing activities; and key activities, milestones, and metrics for institutionalizing community policing. Recruitment, training, promotions, personnel evaluations, and operations should all be incorporated into the agency's community policing strategy.

To support and implement this strategic plan—and keep consistent with the overall vision, mission, and core values of the organization—changes may need to be made to rules and regulations, policy and procedural guidelines, and other operational directives. Policy and procedural guidelines should be consistent with the overall strategic plan, including transitioning from a reactive or responsive posture to one that creates opportunities for prevention, early intervention, and proactive engagement.

The value of using social media platforms to assist in communicating with the community goes a long way in establishing open, transparent interactions with community members. Effective use of social media serves as an excellent tool to solicit community input and to inform the community about an agency's ongoing community policing efforts.

Practice 2: Train all personnel on community policing—including overcoming distrust

To overcome community distrust of law enforcement, agencies should begin by building connections beyond their existing relationships, continually broadening social networks into neighborhoods and communities where they do not presently have ties. Law enforcement personnel should clearly demonstrate a sincere intention of creating a forum for dialogue and collaboration.

It is critical for law enforcement personnel to have continual contact with the community—not only in the field, but in other operational components of the organization. The work around community policing and engagement should become the mission of every member of the organization. For example, detectives should see their central mission as not only solving crimes, but also working collaboratively with other agencies, organizations, and individuals to address the root causes of the crimes they investigate, as well as providing advocacy and support for victims and witnesses. Similarly, specialized units responding to the needs of vulnerable populations—such as juveniles, homeless persons, persons suffering from chronic mental illness, social interest groups, and individuals suffering from addiction—should adopt a broader scope of services designed to provide active intervention and engagement.

Executives need to prepare their officers and deputies adequately for these new roles and responsibilities. They should be aware that these efforts may initially be met with suspicion, mistrust, avoidance, or even, open hostility. Only by continually reinforcing the values of community policing, implementing procedural justice, and actively modeling desired behaviors will they eventually be able to pierce these protective mechanisms.

Practice 3: Foster an atmosphere of openness and transparency

Transparency is an important element of building trust. To the extent feasible, agencies should regularly share data, policies, investigative outcomes, and other information about the organization with the community. Rather than just sharing this information when requested, the agency should have clear policies that regularly require the appropriate sharing of information with the public. Executives need to consider the community's reaction to major changes in law enforcement strategies and should create opportunities for the community to provide input and for the agency to explain its rationale for the changes. This enables the organization to tell its own story, rather than community members speculating about its intentions, and will help the agency to identify stakeholders who are willing to partner on common goals.

Practice 4: Adopt procedural justice as a guiding principle

The greatest challenge for an administrator in developing a comprehensive community policing strategic plan is often ensuring the agency's personnel recognize, acknowledge, and embrace the details of the plan—as well as the concept of procedural justice that lies at its core. This effort requires addressing the ongoing external issues that drive crime and social disorder through community partnerships while simultaneously driving an internal cultural shift based upon a philosophy that values the full trust and engagement of the community.

Achieving this challenging goal begins with the application of procedural justice within the organization. Procedural justice affects how decisions are made and policies are established. Internal procedural justice is predicated upon four key components—creating the belief among all employees that

- they have value;

- their views and opinions are sought and considered;

- they are treated with equity and fairness;

- there is a demonstrated mutual respect and level of trust existing throughout the organization.

For some agencies, built upon hierarchical structures and envisioned as paramilitary organizations, these concepts will be antithetical and may be challenging to embrace.

For all agencies, adopting procedural justice as a governing principle in the treatment of internal and external stakeholders requires a significant investment in those who are expected to employ a wide range of community policing strategies. Law enforcement leaders should anticipate the possibility of a long and arduous process of establishing, perhaps for the first time, a sincere desire for collaborative engagement. This engagement requires ensuring the entire organization actively participates in building community trust and that every operational component offers support to the agency's collective efforts.

Practice 5: Prioritize law enforcement personnel safety and wellness

Law enforcement personnel are under enormous stress in the performance of their everyday duties—a stress compounded by constant public scrutiny. Effective community policing requires law enforcement personnel to have greater capacities for empathy, compassion, and tolerance than traditional policing. In order to demonstrate this emotional versatility, law enforcement personnel need ways to break the defense or coping mechanisms they can develop after repeated exposure to trauma and other stressful events. Law enforcement organizations should mitigate the impacts of these events, in systematic ways, in order to ensure personnel have the capacity to fully engage and establish meaningful relationships with members of the community they serve. Key to this is the overall care, support, and maintenance of a healthy workforce. Organizations should strive to integrate procedural justice throughout the organizational culture, adopt methods of early intervention, and ensure employee safety and wellness are top priorities.

There are a variety of wellness and safety programs evolving across the country. In many instances, these programs only address certain aspects of fitness and health. Wellness programs need to be much broader and go well beyond self-care, into the overall wellness and safety of employees—promoting healthy lifestyle habits, incorporating systematic mechanisms to intervene when law enforcement personnel are exposed to traumatic incidents, and providing access to preventative services and programs.[32] Too often, safety and wellness programs are structured to address issues as they become evident, which may be too late. An agency which truly values its employees should begin by considering how to offer routine mechanisms to support employees throughout their careers, not solely when they are exposed to traumatic events or begin to exhibit signs of trauma.

When law enforcement leaders prioritize safety and wellness proactively, they create the conditions for law enforcement personnel to demonstrate a greater capacity for empathy and compassion for those in their communities and their agencies. Providing the means and training for law enforcement personnel to replace negative defense or coping mechanisms with mechanisms that encourage greater understanding serves to build trust between individuals and law enforcement agencies. It also demonstrates the organization's commitment to the safety and wellness of its personnel.

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32.   Kuhns, Maguire, and Leach, *Health, Safety, and Wellness Program Case Studies.*

Practice 6: Engage the community in a true partnership to address crime and disorder issues

Law enforcement executives should develop an advisory group that includes a broad cross section of stakeholders in the community. This group's task is to help the organization develop its community policing and draft strategic plans to address crime and disorder in the community. When selecting members for this advisory group, law enforcement executives need to think outside of their comfort zones. It is particularly important to select members who have traditionally not been supportive of police practices and will provide contrarian viewpoints to the board. A homogeneous board will not benefit the community or the law enforcement agency. In addition to the advisory board, the agency should also seek guidance directly from the community. This ensures that its guidance is robust and represents a wide range of voices and perspectives.

Practice 7: Treat every contact as an opportunity to engage positively with a community member

The value of law enforcement personnel enacting procedural justice in every engagement with members of the community can hardly be overstated. Positive interactions—wherein law enforcement personnel act with transparency and without bias and show respect for every community member—help develop and maintain police legitimacy. This legitimacy helps officers do their job of promoting public safety by reducing crime and the fear of crime. Specifically, earning the community's trust not only enhances communication and the reporting of crime but also models a behavior of community engagement that community members then adopt. Simply put, community members cooperate more with law enforcement personnel when they view the law enforcement organization as legitimate.

Whether digitally, by phone, or in person—and whether in the station, on patrol, or in response to a call for service—all law enforcement employees should practice procedural justice and demonstrate respect in every contact with community members. To ensure practice is in alignment with policy, chief executives should include measures of procedural justice in community interactions when assessing policy, training, community complaints, and performance evaluations of all employees. Executives should also consider conducting regular community surveys to measure the level of service personnel have provided on calls for service. Such surveys could be conducted electronically or by telephone.

Practice 8: Measure social cohesion and work to develop relationships

In communities where social cohesion is lacking, law enforcement personnel often find themselves operating reactively. Specifically, in neighborhoods where crime and disorder are chronic, law enforcement agencies tend to use suppression techniques to eliminate recurring crime issues, which may drive a deeper wedge between the agencies and the communities they are trying to help.[33] Although some

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33. Higgins and Hunt, *Collective Efficacy*.

would argue that reducing crime will itself build social cohesion, the reality is more complex,[34] and it is important to design a policing strategy that responds to a community's characteristics and current ability to collaborate with the local law enforcement agency.

One promising practice is for law enforcement agencies to collaborate with academic researchers and other subject matter experts to measure social cohesion—gauging how residents think and feel about their particular neighborhood, their level of social interaction, and their trust of and willingness to engage with their neighbors. Law enforcement can then act as a social agent and community broker in building the residents' capacity for collaboration. This will allow the agency to work toward establishing relationships with a core group of residents, as opposed to simply building individual relationships.

Building social cohesion within a neighborhood provides the basis for sustainability and enhanced quality of life. Law enforcement agencies can support communities and neighborhoods in a way that empowers individuals to have a voice and express their priorities. Specifically, law enforcement executives can begin by identifying those neighborhoods within their jurisdictions that have been persistent places of crime and disorder. Agencies can then focus interventions on smaller areas with lower social control and thereby provide the basis for increased resident confidence and trust. Law enforcement agencies, city officials, individuals, and community organizations should work in a collaborative fashion to restore anchor points within neighborhoods. Law enforcement agencies can provide and maintain safe environments where residents can begin to form their own social networks, thereby empowering them with a sense of ownership and the basis for social control.

In practical terms, this means law enforcement agencies should partner with other government agencies to address blight and other conditions that are a source of community resentment of government in general. Law enforcement executives should consider partnering with public works departments to improve streets, sidewalks, and lighting; collaborating with parks and recreation departments to improve recreational opportunities; offering more programing and after-school programs; and joining up with employment agencies and workforce investment boards to bring hiring and vocational training to communities. Such efforts help to build trust and mutual respect in problem neighborhoods, by demonstrating that law enforcement agencies care about the people who live and work in these areas.

Practice 9: Reevaluate metrics of community policing success

When adopting new standards, agencies must also adopt new metrics to gauge how well they are meeting them. How law enforcement determines what outcomes matter, and how to measure them, is critical to success. It may require new data sets, new ways of looking at old datasets, and careful consideration of how these measures will be administered. If needed, subject matter experts should be consulted to develop new analytical platforms, community surveys, new policies, and evaluation techniques.[35]

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34. Nolan, Conti, and McDevitt, "Situational Policing."
35. Sparrow, *Handcuffed: What Holds Police Back.*

Addressing the needs of communities alienated from their law enforcement agencies requires access to data the agency may not own or be able to produce, as well as outcome measurements not previously considered. Some outcome measures may be maintained but evaluated differently. Qualitative measures of perceptions and beliefs are key to gauging the agency's overall efficacy on various operational aspects. However, one set of questionnaires or surveys alone will not adequately address every aspect of law enforcement.

When seeking to implement community policing, the law enforcement executive should ask questions such as the following:

• What are the kinds of measurements needed to assess degrees of achievement or success?

• How does an agency effectively gauge its efficacy at working with other governmental agencies, social service providers, advocacy groups, and other service delivery providers, while recognizing that the measurements used to gauge efficacy might be different for all these groups?

• What tools (e.g., software-based, surveys) will allow the assessments to be made?

• How and what kinds of data can be shared so that each entity has the ability to assess and measure its overall impact?

• In many instances, various agencies and service providers find the same individuals are consumers of their services. Is there a systematic way of identifying these individuals to better meet their needs without violating their civil protections and privacy?

Practice 10: Incorporate community policing measures into the performance evaluation process

Equally important to external metrics is how the agency assesses its own progress toward internal milestones. Key questions for law enforcement executives to ask include the following:

• Do all law enforcement personnel believe they play an important role in the overall mission of the department?

• Does the administration demonstrate its belief—through its own internal communications and actions—that all employees have a voice that will be considered and valued?

• Does the agency invest in keeping and maintaining a healthy workforce (both in terms of physical and psychological health)?

• Has the agency reassessed and reformed its disciplinary system, grounding it in progressive discipline and employee development? Specifically, is the agency's disciplinary system designed, in part, to provide constructive feedback and foster an environment of ongoing learning? Has an Early Intervention (EI) system that could lead to fewer cases of misconduct been established?

Three excellent resources that provide guidance on measurements important to leadership are "Revisiting 'Measuring What Matters': Developing a Suite of Standardized Performance Measures for Policing," "Measuring Performance in a Modern Police Organization," and "Measuring What Matters: Crime, Fear, and Disorder."[36] Once established, these metrics should be incorporated into COMPSTAT meetings, if the agency uses them.

Community Policing in Action: The Neighborhood Policing Plan in New York City

In 2015, the New York Police Department (NYPD) adopted what it termed the NYPD Plan of Action and the Neighborhood Policing Plan. This plan had five key components:

- Establishing ownership among officers policing a specific geographic area.

- Building individual relationships between the officers policing a specific area and the residents of that area.

- Eliminating overspecialization, which had created silos within the organization and made the NYPD less effective in addressing the drivers of crime and disorder.

- Creating a greater sense of job satisfaction by working through problems systematically, rather than simply addressing the one problem and moving on to the next.

- Structuring the patrol force into three tiers or layers, creating the basis for a structured career path within the organization.

In 2017, New York City saw its lowest violent crime numbers in decades. Under this plan, the department still embraces a comprehensive crime-fighting strategy, but one built on improved communication and collaboration between local police officers and community residents.

Sources:
"Neighborhood Policing," New York City Police Department, accessed July 17, 2018, http://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page.

William J. Bratton, "The NYPD Plan of Action," (New York: New York City Police Department, 2015), http://home.nyc.gov/html/nypd/html/home/POA/pdf/Plan-of-Action.pdf.

Special considerations for small agencies

Although many small communities are spread over large geographical areas, which can present community policing challenges for law enforcement leaders, many small agency executives would nonetheless argue that community policing is the very nature of a small town agency. Law enforcement personnel routinely engage with residents, often live in the community, and are active in the community through organizations or youth sports, all of which create strong relationships and help to legitimize the organization. Additionally, town governance frequently is very public, with high attendance at bud-

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36. Davis, et al., "Revisiting 'Measuring What Matters'"; Sparrow, "Measuring Performance in a Modern Police Organization"; Skogan, "Measuring What Matters."

get hearings, town meetings, and other local functions; this level of civic participation makes residents the ultimate arbiter of what constitutes quality policing. This intimacy of small communities requires law enforcement executives in small agencies to have their fingers on the pulse of the community, and to identify and address problems in keeping with its desires.

Smaller communities, like their larger counterparts, have also expanded law enforcement's mission to focus on quality of life issues and the task of coordinating community services—responsibilities predicated upon mutual trust and respect. To meet these responsibilities, smaller agencies should form and strengthen relationships with social service agencies, nonprofit groups, local faith-based organizations, and other service providers. Agencies can establish school resource officers within local schools to provide coaching, mentoring, and other non–law enforcement initiatives.

Another initiative that may consume little time but provide significant benefit is holding an annual meeting with a number of engaged community members. This meeting should be conducted using a SWOT methodology, in which a facilitator asks those attending to identify the agency's strengths, weaknesses, opportunities, and threats, and logs them for further discussion and action. Engaging the community in directing the delivery of law enforcement services strengthens the relationships necessary to maintain an atmosphere of legitimacy.

Checklists to implement

The following checklists are adapted from those in *Community Policing Explained: A Guide for Local Governments* (Fisher-Steward 2007) 29–34.

Checklist for prioritizing problem solving

- ☐ Determine outcome measures needed to accurately assess progress toward the objectives outlined within the strategic plan, across all operational units and including internal functions that support external operational entities.

- ☐ Identify the systematic approach the agency will take in assessing all facets of its operation to ensure it achieves the goals of the strategic plan.

- ☐ Establish the data elements and indicators that need to be collected or obtained.

- ☐ Determine what instruments will be used to gauge qualitative indicators of the community's perception of its relationship with the law enforcement agency; establish how the community will have ready access to provide feedback; and design instruments to provide a true reflection of community perceptions.

- ☐ Determine processes to be implemented to ensure necessary data elements are being routinely captured and analyzed.

☐   Determine internal benchmarks to ensure all personnel meet the tenets of police legitimacy, including monitoring how law enforcement personnel use their discretionary authority, any disparity with respect to enforcement actions, and how personnel establish long-term resolutions to reoccurring or chronic issues.

☐   Develop internal measuring mechanisms to capture the perceptions of personnel, in order to gauge whether the agency is meeting all four elements of internal procedural justice.

☐   Identify data elements to be exchanged between partnering agencies as part of the overall evaluation of the law enforcement agency, and ensure that this exchange does not encroach on privacy or protected information.

☐   Determine how evaluative information will be shared with the community.

☐   Convene internal forums to assess the overall effectiveness of every operational unit within the agency (e.g., COMPSTAT-like processes).

☐   Develop assessment tools to evaluate the agency's impact on underlying causative and contributory factors for crime, disorder, and fear, as well as its impact on quality of life.

Checklist for achieving organizational transformation

☐   Assess the current state of law enforcement's function, both internally and externally:

- Consider hosting internal and external focus group discussions about overall expectations and perceptions of the agency.
- Engage community members using a strengths, weaknesses, opportunities, and threats (SWOT) methodology.
- Conduct community surveys.
- Identify those community segments or interest groups with which the agency has a relationship and consider reaching out to those groups where relationships can be improved or do not yet exist.
- Determine what cultural changes need to be made to transition the agency from its current mode of operation to one predicated upon community policing.

☐   Assess the agency's current organizational structure to determine what changes to its purpose and function are needed to support community policing and engagement.

☐   Develop a comprehensive, organization-wide community policing and engagement strategic plan that incorporates the following elements:

- Vision statement
- Mission statement

- Core values of the organization
- Written strategies to adopt a community policing and engagement philosophy that incorporates the constructs of police legitimacy
- Alignment of operational plans among all functional units

Consider involving agency personnel in the development of these values.

☐ Develop comprehensive job descriptions for all positions within the agency and clearly identify how each member of the agency contributes to the overall mission.

☐ Develop a written plan to orient members of the command staff and managerial and supervisory positions on the written strategic plan and identify their roles in supporting it.

☐ Identify the method and process by which each element of the strategic plan will be implemented and assessed.

- Coordinate all operational aspects to ensure alignment among operational units within the agency, in terms of both meeting the goals of the strategic plan and supporting other operational units.
- Develop a method to assess all operational units on compliance with the strategic plan.
- Provide timelines for phasing in the strategic plan.
- Provide a reporting system to keep the law enforcement executive continually informed on the agency's progress.

☐ Develop a plan to instruct and orient members of the agency on the philosophy of community policing and engagement, especially as it relates to changes in their roles and responsibilities.

☐ Ensure that performance evaluations mirror job descriptions in their focus upon community policing.

☐ Hire employees committed to community-oriented delivery of law enforcement services to mirror the agency's community policing philosophy.

☐ Develop internal mechanisms which fully support the components of internal procedural justice in all areas, including the following:

- Internal vertical and horizontal communication
- Employee health, safety, and wellbeing
- Performance evaluation systems
- Promotional criteria
- Recruitment criteria
- Early intervention strategies to support employees

- Disciplinary processes
- Value-based training
- Employee recognition and rewards

☐ Clearly identify and articulate the role of managerial and supervisory personnel in continually providing guidance, mentoring, and counseling to employees as they migrate from current practices to those envisioned within the strategic plan.

Checklist for developing community partnerships and collaboration

☐ Open dialogue with all community segments and interest groups to understand their expectations of the law enforcement agency, to strengthen collaboration, and to establish community partnerships where none now exist.

☐ Incorporate feedback on community expectations into the strategic plan as a continuous feedback loop.

☐ Design, establish, and maintain deployment strategies to provide opportunities for law enforcement personnel assigned to various neighborhoods and communities to build relationships.

☐ Identify alternative approaches to respond to the needs of vulnerable populations.

☐ Identify governmental agencies, social service providers, advocacy groups, and other service delivery organizations; establish working collaborative relationships with them; and promote a common alignment of missions.

☐ Assess how the agency engages in policing services within the community. Examine whether communities, neighborhoods, and interest groups are "being policed" or whether the policing style promotes shared responsibilities.

☐ Ensure operational guidelines require law enforcement personnel to employ external procedural justice with the public, regardless of the nature of the engagement.

☐ Establish continual feedback to the agency to allow for real-time assessments and changes in practices.

☐ Create greater transparency in all of the agency's interactions and manage expectations for when limitations or restrictions are required and appropriate.

☐ Assess the agency's engagement in active outreach initiatives:

- Go beyond scheduled meetings and community events.
- Expand the agency's network to those communities, neighborhoods, and interest groups who traditionally have not had a positive relationship with law enforcement.

☐   Assess plans to expand the agency's community advocacy role to build upon social networks and support various neighborhoods, communities, and interest groups.

Checklist of community policing practices to consider

☐   Identify key community stakeholders with whom partnerships could be established or strengthened.

☐   Build a community stakeholder database.

☐   Implement effective communications strategies:

- Traditional outreach efforts
- Web presence / social media
- Community alert systems, such as Amber Alerts, community-sponsored alerting systems, or community/neighborhood-controlled networks such as Nextdoor®
- Smartphone applications
- Crisis communications

☐   Establish neighborhood watch programs and community councils.

☐   Host Citizen's Academies, volunteer programs, or clergy councils.

☐   Engage in Coffee-with-a-Cop activities.

☐   Share calls for service data online to inform and engage the community.

☐   Host or participate in community forums.

☐   Effect personnel and resource changes to implement community policing.

☐   Create district or geographical policing models that support community policing efforts.

☐   Engage in youth-oriented outreach efforts, such as Police Activities Leagues.

☐   Engage other city or county departments and elected officials in community policing planning and implementation.

☐   Establish Community Advisory Panels and engage in ongoing, active discussions with them to solicit input and feedback on department strategies.

Summary

Law enforcement—and the community's expectations of law enforcement agencies—has been catapulted to the forefront of public discussion. Today, chief executives face the traditional task of controlling crime, disorder, and fear, alongside the equally important need to earn community trust, participation, and cooperation—all while operating in the new environment created by an ever-expanding social media universe. The techniques and philosophy that underpin community policing continue to evolve to acknowledge the history of local communities and to respond to contemporary concerns and technologies more effectively.

As a result, law enforcement executives seeking to address crime and disorder within their jurisdictions, and who want to intervene and resolve underlying issues that affect public safety, need to begin by developing a clear, actionable, and written strategic plan in collaboration with a broad set of stakeholders. The goal of this plan should be a cultural transformation that places community policing at the center of every employee's daily activities; that ensures procedural justice is understood and practiced at all levels of the organization; and that emphasizes developing constructive, collaborative relationships internal to the agency and externally with other governmental entities, social service providers, advocates, and nongovernmental organizations.

This task requires overcoming internal and external environmental hurdles and embracing a problem-solving approach to every obstacle. Once the comprehensive community policing strategic plan has been developed, chief executives need to support internal and external organizational change. Internally, law enforcement executives need to support the precepts of procedural justice across the agency, train all personnel on community policing, reevaluate metrics of community policing success, and prioritize employee safety and wellness. Externally, law enforcement leaders should continually engage the community, treat every community contact as a valuable opportunity to earn trust, focus on areas that have historically been places of crime and disorder, and earn community trust by fostering an atmosphere of openness and transparency.

Successful law enforcement leaders and personnel who can capture this true vision of community policing and effect these positive changes will pave the way for improved relationships with the various communities they serve. Moreover, they will enhance the level of professional law enforcement services all members of their agencies provide, establish formal ways to leverage the many resources external community stakeholders can contribute to addressing the social issues that drive crime and disorder, and set the standard for professional policing well into the future.

2. De-Escalation

Why is this issue important?

Although its exact definition is disputed, de-escalation refers in this guide to the range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, in order to reduce the likelihood of a situation escalating into a physical confrontation or injury.

Maintaining public trust is an essential element of effective policing. Without trust, public deference to police legal authority diminishes, and minor incidents are more likely to escalate to use of force. A key factor in enhancing an agency's legitimacy in the eyes of the community is reducing the need for use of force through the practice of de-escalation whenever possible.

The concept is not entirely new—it has been a part of law enforcement use of force training for decades, especially for encounters with persons with social, psychological, chemical, or other impairments. In recent years, however, media coverage of high-profile police use of force cases has heightened scrutiny of law enforcement actions and affected the perception of police legitimacy across the nation, most notably in communities of color. In response to this scrutiny, de-escalation training for law enforcement personnel has grown in popularity. To meet community expectations, law enforcement administrators may feel pressure to develop policies requiring employees to receive de-escalation training as part of their agency's overall use of force training curriculum.

The introduction of de-escalation training into an agency can provide an opportunity to open lines of communication between members of the community, agency personnel, and political leadership. Crucial conversations about use of force and the related training should take place before a critical incident occurs to be effective. During the emotional aftermath of a crisis, especially a deadly force incident, little can be said or done to appease constituents who have suffered a loss or perceive some level of misconduct on behalf of the law enforcement agency. Creating an understanding of how law enforcement personnel respond to situations—and more importantly, why they respond the way they do—can help reduce mistrust. Enhanced understanding and trust can significantly improve subjects' levels of compliance during encounters with law enforcement personnel and improve personnel safety during tense encounters with the public.

Key points and challenges

Many law enforcement agencies offer some form of de-escalation training. A 2006 study looking at use of force in a sample of more than 500 agencies from around the U.S. found 60.1 percent of responding agencies had offered "de-escalation and defusing techniques" training—as defined by the agency—

in the previous two years.[37] (The report did not identify what activities constituted de-escalation and defusing techniques training, but they were distinct from other categories including "use of deadly force," "arrest and control tactics," "use of other less-lethal weapons," "physical combat skills," "dealing with citizens with mental illness," "officer survival," and "mediation skills/conflict management.") Many more agencies made conceptually similar trainings available to personnel during the same period.

The reason law enforcement personnel in general are not focused on the value of de-escalation training may be the challenge of demonstrating that de-escalation efforts in the field actually lessen the need for use of force. Without proof that de-escalation techniques lead to different outcomes, why push for de-escalation training? Over the last decade, research on procedural justice has demonstrated that when voluntary compliance with the law improves, so does employee safety.[38] However, law enforcement leaders have work to do in engaging internal stakeholders to understand the value of de-escalation and incorporate it into their practice. It is worth reminding stakeholders that many de-escalation skills are grounded in crisis negotiation techniques that police crisis negotiators have used successfully for years in hostage or barricaded suspect situations, and that these skills can be leveraged and applied in the field more generally.

Data from the Federal Bureau of Investigation suggests that 29 of 543 persons who killed law enforcement officers over a ten-year period, or 5.3 percent, were known to the agency to have mental health issues, and that nine of these officers were killed responding to issues involving a person in crisis.[39] Another study from 17 states estimated the rate of officers killed by persons in crisis to be 13.3 percent.[40] Furthermore, research suggests that law enforcement may be at an elevated risk of injury when dealing with people in crisis as well.[41] Therefore, efforts to implement de-escalation tactics in crisis situations are as much about front-line personnel safety as they are about reducing the number of use of force incidents or enhancing police-community relations. Law enforcement executives would be well served by stressing the value of de-escalation for safety reasons, particularly if their efforts are perceived as motivated by community relations priorities.

Brief summary of academic literature

The term de-escalation came to law enforcement in the 1980s from the literature and practices of health and psychiatric care systems.[42] Crisis Intervention Team (CIT) training and de-escalation techniques have many similarities. The primary difference between the two is that de-escalation can be applied to all encounters between law enforcement and community members, whereas CIT training focuses principally on individuals suffering from mental illness. By approaching encounters with community members according to the principles of de-escalation, first responders can reduce the need for force, reduce injuries to themselves and the people with whom they interact, and enhance the legitimacy of the organization.[43]

37.   Smith et al., "A Multi-Method Evaluation."
38.   Cunningham, "Creating and Promoting a Culture of Officer Safety and Wellness."
39.   FBI, "Law Enforcement Officers Feloniously Killed."
40.   Blair et al., "Occupational Homicides of Law Enforcement Officers."
41.   Cordner, *People with Mental Illness.*
42.   Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."
43.   Taheri, "Do Crisis Intervention Teams Reduce Arrest."

However, to date, there is still limited empirical literature examining the effects of de-escalation in law enforcement beyond CIT. Therefore, much of what we know about de-escalation comes from the empirical literature of clinicians.[44] These practitioners were—just as law enforcement agencies are today—looking to reduce the instances of violent or otherwise disruptive behaviors in healthcare settings.[45] Practitioners widely agree that de-escalation is a crucial skill for these clinicians, but the precise definition of de-escalation is disputed.[46] However, it is generally understood that de-escalation encapsulates a wide variety of specific verbal and non-verbal skills to reduce violence and mitigate the need to use other means of behavioral controls or force.

Research has identified five attributes common to the clinical literature of de-escalation: communication, self-regulation, assessment, actions, and maintaining safety.[47]

1. **Communication** encompasses specific verbal and non-verbal strategies to begin an effective dialogue with an individual and earn that individual's trust and cooperation.

2. **Self-regulation** reflects skills and techniques used by individual service providers to manage their emotional or behavioral responses to an individual encounter. This includes techniques that they can use to provide the subject time and space to cool down.

3. **Assessment** is the task of collecting as much data about the person and situation as possible to make informed decisions about subsequent actions, including understanding when using force becomes imperative.

4. **Actions** refer to the behaviors and activities a service provider can engage in to reduce the likelihood and the severity of use of force.

5. **Maintaining** safety describes the paramount need of service providers to ensure their own welfare and public safety. Specific actions can reduce the likelihood that they will be injured if the person becomes violent or coercive methods of control are required.

The de-escalation process operates on a continuum from support to control.[48] Each of these five attributes has more passive and more active techniques that can be employed as the situation develops. It may be necessary to both escalate and de-escalate the specific techniques employed as the situation develops in an effort to reduce the likelihood of aggressive behavior or violence—or the use of physical force.

Clinical research suggests de-escalation is effective at reducing the transition from aggression to violence or use of force in 80 percent of incidents.[49] However, much of this literature suffers from methodological limitations that prevent identification of the mechanisms through which de-escalation

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44. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."
45. Duperouzel, Helen, "It's OK for People to Feel Angry."
46. Bowers, "A Model of De-Escalation."
47. Bowers, "A Model of De-Escalation."
48. Price et al, "The Support-Control Continuum."
49. Taheri, "Do Crisis Intervention Teams Reduce Arrest."

succeeds or fails, or how those mechanisms generalize to law enforcement. One of the key questions that remains unanswered is whether the skills to engage in effective de-escalation are innate, developed through experience, or both. Research reveals support for both arguments, although some research indicates de-escalation is a skillset that can be taught and modeled for others.[50] Despite these limitations, the clinical literature is vastly more informative than the literature about the efficacy of de-escalation in law enforcement; and despite unanswered questions about how organizations can extract the maximum benefit from de-escalation, the practice appears promising.

Summary of existing DOJ and other resources

In the wake of several high-profile use of force events, the concept of de-escalation has entered the lexicon of law enforcement executives and employees. Most of the literature and publications looking at de-escalation tend to focus on it as a skill to be used when dealing with people in crisis (i.e., CIT). However, the Task Force on 21st Century Policing[51] clearly articulated that de-escalation should be more broadly applied to all law enforcement encounters. Currently, there is a relative dearth of literature offering guidance to agencies interested in adopting a de-escalation mentality.

De-escalation is about changing the conversation on use of force from what is legally permissible under *Graham v Connor* to what is the best outcome for the safety of the public and law enforcement personnel—or, as the Police Executive Research Forum (PERF) report Guiding Principles on Use of Force[52] put it, from what front-line personnel can legally do to what they should do. Making this transition requires at least two things: shifting the mentality of law enforcement personnel and providing skills-based training.

Law enforcement personnel should be encouraged to more fully embrace a guardian mentality. From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals[53] suggests that many law enforcement employees assume that residents are more concerned with the crime rate than with how the police treat them, which is not necessarily true. One way to address this misunderstanding is to change the way in which law enforcement recruits are trained. Agencies should carefully examine which training topics receive the most attention during training and how that translates to operational priorities in new law enforcement personnel's minds.

The two broad categories of de-escalation techniques are tactical and verbal. Most of the academic research to date on these techniques has focused on training, particularly with respect to use of force. The Collaborative Reform Initiative's Final Report of the Las Vegas Metropolitan Police Department[54]

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50. Oliva, Morgan, and Compton, "A Practical Overview of De-escalation."
51. President's Task Force on 21st Century Policing, *Final Report*.
52. PERF, "Guiding Principles on Use of Force."
53. Rahr and Rice, "From Warriors to Guardians."
54. Fachner and Carter, "Collaborative Reform Model Final Assessment Report."

notes that after training officers improved their use of tactical de-escalation techniques, which focus
on slowing down the encounter and creating time and space to diminish the need to use force straight-
away. Officers may struggle with successfully employing verbal de-escalation techniques, which focus
on building rapport and empathizing with the person to gain voluntary compliance. The Seattle Police
Department's Policy Manual[55] provides a detailed list of tactical and verbal de-escalation resources that
officers can employ while working to de-escalate a situation. One promising training that tries explic-
itly to tie together these two elements is the Integrating Communications, Assessment, and Tactics[56]
training designed by PERF.

Best or promising practices in the field

Data suggest that at least a quarter of the American population has contact with law enforcement each
year.[57] The vast majority of these encounters do not involve law enforcement use of force or community
member violence. Front-line personnel in these encounters balance the demands of reducing crime,
improving quality of life, and enhancing public safety—including the welfare of the law enforcement
member. To achieve these goals, agencies should consider a dual approach for engaging internal and
external stakeholders based on a philosophy that ensures policy changes are linked to robust training. In
this section, we offer a research- and practice-based roadmap to developing de-escalation skills, practic-
es, and policy, and to earning community collaboration and trust.

Before committing to developing a de-escalation policy or including specific de-escalation mandates in
a use of force policy, it is imperative to reach an understanding of the term. Additionally, administra-
tors need to be aware that certain situations do not easily lend themselves to de-escalation techniques,
and that officers' abilities to engage in de-escalation may be limited. For example, human performance
under stress is affected by psychological, physiological, and biological limitations. Most importantly,
cognitive ability can be reduced by up to 80 percent in stressful situations.[58] This means first responders
under significant stress may not be able to process information or access language centers of the brain
necessary to engage in successful de-escalation. This diminished mental processing capacity—when
added to the physiological degradation that occurs when under stress—results in auditory exclusion
or functional vision loss that may contribute to unnecessary force escalations.[59] Understanding these
limitations and communicating them to the community is necessary to manage expectations. They
should be explained proactively whenever possible, through town hall meetings, presentations, training
opportunities, or newsletters.

55. Seattle Police Department, *Manual,* "De-escalation Policy."
56. PERF, "ICAT – Integrating Communications, Assessment, and Tactics."
57. Langton and Durose, "Police Behavior during Traffic Stops."
58. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."
59. Anderson, Litzenberger, and Plecas, "Physical Evidence of Police Officer Stress."

Practice 1: Link policy to robust training

As most experienced law enforcement executives attest, simply changing a policy does not necessarily guarantee organization-wide compliance, especially if the policy change is not viewed as beneficial to front-line personnel. People are often resistant to change. A strategy for combating this resistance is to bring together the agency's use of force, firearms, and patrol procedures trainers to evaluate what, if any, de-escalation techniques are taught in their current training programs. Working collaboratively, the instructors can integrate de-escalation techniques into their respective training curricula. Incorporating de-escalation techniques into all applicable training is important because it is during this training that true behavioral change takes place, especially if the trainers are able to demonstrate how de-escalation enhances employee safety.

Practice 2: Allow time to adapt and provide opportunities to practice

If agencies try to change unilaterally or without explanation the practices and techniques that front-line personnel believe work for them, individual receptiveness to the new training may be compromised. Therefore, another best practice is to teach the concept, demonstrate the techniques, and have law enforcement personnel perform their new skills. The chances of employees using their newly acquired skills depends greatly on the amount of time spent exercising those skills in realistic scenario-based training and the number of successes they have in using those skills. Generally speaking, people do not simply revert to their training, as is often said. Instead, they revert to training and experience that has proven successful to them in the past, which underscores the importance of hands-on training when learning de-escalation techniques.

During the training phase, it is imperative that safety tactics not be compromised, as de-escalation is not a substitute for effectively mitigating immediate threats. Agency leaders should make sure that trainers make good use of debriefing sessions with both the trainees and the observers.

Practice 3: Expect all supervisors to support a culture of de-escalation

First-line supervisors have the most contact with personnel in the field and are positioned to affect both their behavior and the agency's culture. Law enforcement executives should ensure all supervisors understand the importance of de-escalation to the agency and are able to contribute to supporting the culture of de-escalation. Supervisors should clearly articulate the agency's philosophy, be encouraged to reinforce that message during roll call briefings, and take advantage of situations in the field to discuss the importance of de-escalation. When reviewing subordinates' use of force actions and reports, supervisors should discuss whether de-escalation techniques were implemented and whether they were successful. They should use the discussion as a training opportunity to improve future performance. Supervisors should support and reward employees' attempts to de-escalate situations.

Practice 4: Set up officers and deputies to succeed—not to fail

The goal of de-escalation training should be to have front-line personnel make better use of time and space to allow for enhanced situational awareness, proper threat assessment, and better decision-making. Agencies should introduce de-escalation training in the academy and reinforce the skills through continued, routine education. They should take steps to ensure personnel can practice and demonstrate successful de-escalation skills in training situations, so they are confident employees can implement such skills in the field while ensuring their own safety. Simply developing a policy requiring de-escalation—without ensuring personnel can practice de-escalation successfully—is not an adequate approach.

Following the implementation of a de-escalation policy, any claim of excessive force should trigger an examination of the training associated with the new policy. A written policy alone, without demonstrated competence, does not shield the employee, agency, or municipality from liability. Law enforcement executives have a responsibility to their communities and employees to ensure the implemented policies and training are realistic and do not set false expectations for all involved.

Practice 5: Reward successful de-escalation efforts

Executives should create programs to recognize law enforcement personnel who have successfully de-escalated a situation and prevented injuries. Policies for agency commendations and other recognition should be designed to value those instances where de-escalation was successful, just as other heroic acts are rewarded.[60]

Practice 6: Engage the community in training and policy development

As with any policy of significant public impact or interest, a best practice is to include community members in the development of training, policy, and the organizational implementation of both. Community inclusion has many benefits. It demonstrates to the community that the chief executive and the agency are committed to community policing and aware of the community's perception of police use of force. It also demonstrates the agency's understanding of how the management of use of force can affect public trust and represents a proactive effort to reduce the number of use of force incidents.

When engaging the community in training and policy issues, law enforcement agencies often tend to seek out groups or individuals with whom they already have relationships or who have been their long-time advocates. On the topics of use of force and de-escalation, it is critical to engage segments of the community who have not traditionally been accepting of the police function or policing tactics.

To earn community trust and engage groups that traditionally have not been included in conversations around law enforcement, chief executives should take advantage of individual relationships with leaders of social service and religious groups, mental health providers, and educators to encourage broader participation in de-escalation discussions. These members of the community often work closely with

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60.   Wasserman, "Building Relationships of Trust."

people who may not have a good rapport with law enforcement. By bringing these voices into the discussion, agencies show their willingness to hear suggestions and criticisms about not only use of force issues, but also a whole host of other law enforcement–related concerns.

Initially, these conversations can be difficult. They require great persistence and a desire to improve real and perceived shortcomings and weaknesses. But establishing these critical lines of communication—and responding positively to criticism and critique—will buttress community perceptions of procedural justice and police legitimacy.

Communities with a Voice in Austin, Texas

The Austin (Texas) Police Department (APD) exemplifies the benefits of partnering closely with local community groups to update critical policies. The APD worked with leaders of the grassroots Austin Justice Coalition to update its policy on use of force. The updated policy included elements for which groups such as the Texas Civil Rights Project and the Austin Branch of the National Association for the Advancement of Colored People have long advocated.

Source: Tony Plohetski and Andrea Ball, "New Austin Police Policy Emphasizes Alternatives to Using Force," *Austin American-Statesman,* January 19, 2018, https://www.mystatesman.com/news/new-austin-police-policy-emphasizes-alternatives-using-force/qFkpZdLuy0lNoM3nsnqI3K/.

Practice 7: Leverage positive personnel relationships to build community trust

Internally, chief executives should tap into individual employees' relationships with the residents in their patrol areas. Law enforcement personnel with ties to the community—especially to communities that feel as if they have no voice—can serve as a vital bridge between the agency and groups that may be disenfranchised. It is critical that personnel involved in these initial contacts have positive standing within the community. Including law enforcement personnel who have been involved in incidents of questionable use of force—or any other perceived misconduct—in these conversations immediately discredits the agency's efforts and should be avoided.

Practice 8: Apply best practices of de-escalation in situations other than use of force

De-escalation does not only apply to use of force; it calls for law enforcement personnel to make better use in all situations of their communication skills and the techniques they have learned and practiced. One of these skills, and a significant part of de-escalation, is active listening. Law enforcement should apply active listening in calls for service and other interactions with the community, but also within the organization—for example, in mentoring situations. With the ability to listen and truly hear what people are saying, law enforcement can engage in effective problem solving on many different levels. Properly implemented, a comprehensive program of de-escalation training can directly contribute to the four pillars of procedural justice: fairness in the process, opportunities for voice, transparency in actions, and impartiality in decision-making.[61]

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61. COPS Office, "Procedural Justice."

Practice 9: Enhance public reporting and transparency

When the number of use of force incidents are compared to the number of law enforcement contacts that occur yearly, it is clear that a majority of encounters between law enforcement personnel and community members do not escalate to a situation where force is used. However, use of force may be viewed in some communities as the norm, not the exception. Therefore, a promising practice is for agencies to seize opportunities to increase police legitimacy by showing how infrequently law enforcement personnel use force in their daily interactions. Conversely, if there are problems, data allows the agency to pinpoint the issues.

Making agency statistics publicly available and proactively engaging with the media and community members regarding this data further supports transparency. Opening up data sources to the public or independent parties adds legitimacy to the agency's message—particularly for those communities that may distrust agency-provided statistics and analysis. The small celebrations of procedural justice, de-escalation techniques in practice, and positive police-community interactions serve to reinforce positive behaviors internally, which enhances organizational culture over time.

Special considerations for small agencies

Smaller agencies are saddled with real challenges surrounding de-escalation tactics. Specifically, front-line personnel from these agencies may not have had exposure to an extensive training regime beyond what is provided at the state academies.

However, these agencies also enjoy advantages related to de-escalation. For example, employees at small and rural agencies often do not have the luxury of immediate backup to assist them in tense situations. While this reality places significant pressure on a lone responder, it may be an advantage for the agency: first responders who understand that backup is some distance away tend to practice strategies designed to lessen the tension of the situation. In small towns, first responders are also more likely to know and recognize the people they deal with on calls for service; that familiarity is also an asset in de-escalating a crisis situation. And, as discussed in chapter 1, building relationships with all segments of the community can be easier when the community is small.

Developing a philosophy regarding the delivery of law enforcement services is critical for all sizes of agency, but small agencies can embrace this philosophy quickly and efficiently due to their size and flatter organization. Because executives of smaller agencies tend to have more contact with all personnel, they are more able to drive culture change, and instill a guardian mentality.

By meeting the community with courtesy, respect, and professionalism, small agencies can influence public safety behaviors, rather than rely on force for control. Although residents of small communities may not describe police activity in terms of procedural justice, they nonetheless understand police au-

thority to be derived from delivering the services the community expects in the manner they expect to receive it. When the guardian mentality permeates the entire organization, the community will perceive the difference.

Checklist to implement

Checklist of steps to implement de-escalation training and policy

- ☐ Assess current training curricula.

- ☐ Engage trainers and the community in discussing training.

  - • Be sure to reach out to voices in the community that have not historically been included.

- ☐ Incorporate de-escalation techniques into various training topics.

- ☐ Integrate de-escalation throughout the training curriculum for new recruits.

- ☐ Practice de-escalation techniques in scenario-based training.

- ☐ Invite members of the community and the media to discuss and participate in scenario-based training.

- ☐ Assess front-line personnel's competency, comfort, and engagement in de-escalation training.

- ☐ Engage employees and members of the community in discussing the establishment of a written de-escalation policy, and the features such a policy should have.

- ☐ Establish a written de-escalation policy and enhance other relevant policies to support adherence in all applicable areas.

- ☐ Seek the support of senior personnel and senior first-line supervisors, in the creation of de-escalation policy.

  - • Involve these personnel in communicating the reasons for the policies throughout the organization.

- ☐ Publicize the agency's written policy, engage internal and external stakeholders in discussing its implementation, and engage and train members of the agency on the new policy.

- ☐ Be transparent about uses of force and publicize situations where force was avoided because of law enforcement personnel's use of de-escalation tactics.

- ☐ Collect and evaluate data from incidents where de-escalation was used and enhance or adjust training and policy as needed.

Summary

De-escalation plays a crucial role in enhancing a law enforcement agency's legitimacy in the eyes of a community. This practice of using verbal and non-verbal skills to slow down the sequence of events supports the safety both of the public and of front-line law enforcement personnel. Although the techniques of de-escalation create time for first responders to enhance their situational awareness, conduct proper threat assessments, and allow for better decision-making, this practice often goes unnoticed by those within the agency and members of the community.

Educating members of the community has an iterative quality: enhancing the community members' understanding of law enforcement practices can earn their trust and thereby affect their level of compliance during police encounters. However, the time to engage and educate the community is before an incident of police use of force, not after. Therefore, law enforcement executives should begin laying the groundwork for the ongoing task of educating internal and external stakeholders on the importance of de-escalation and start incorporating de-escalation techniques into their agency's law enforcement practice.

A good first step is recognizing individuals' resistance to change and taking the approach of linking policy changes to robust training. Law enforcement executives should then provide time for employees to adapt to the agency's new model of engagement and offer multiple opportunities to test these new skills in scenario-based trainings.

Throughout this process, managing expectations is crucial to setting law enforcement personnel up for success in the eyes of agency leadership and members of the community. By engaging members of the community—especially those who have historically not been included—and mobilizing personnel with positive community relationships, law enforcement agencies can create an atmosphere of dialogue and understanding. The practice of de-escalation should appear in all law enforcement encounters—internal and external—and should not be limited to incidents likely to result in the use of force. Once these pieces are in place, law enforcement executives should take every opportunity to demonstrate how infrequently their employees use force in their daily interactions and celebrate the use of de-escalation techniques to resolve potential incidents safely.

3. Crisis Intervention

Why is this issue important?

The Crisis Intervention Team (CIT) model was developed in 1988 in Memphis, Tennessee, following an officer-involved shooting of an individual experiencing a mental health crisis.[62] While there are local variations in how this model is implemented, today's more than 3,000 local and regional CIT programs generally combine specialized first responder training in recognizing and responding to mental health crises with stakeholder collaboration to improve the overall response to persons with mental illnesses. Such stakeholders may include psychiatric emergency reception facilities, mental health and addiction professionals, individuals who live with mental illnesses and their families, and other advocates. The ultimate goals of the CIT model are to improve the safety of both law enforcement personnel and persons in crisis, and to divert the latter from arrest to treatment.

According to current estimates, 6 to 10 percent of law enforcement contacts involve persons with serious mental health issues. Mental health is a factor in many police-public interactions, including many deadly incidents that might have been avoided had CIT-trained personnel been on the scene. Public response to such incidents—and particularly to uses of force captured on video—has popularized the CIT model, as a way to meet the public expectation that law enforcement officers and deputies do all they can to avoid using force against persons with mental health issues.

Key points and challenges

A successful CIT program adheres to the components that define CIT, while being flexible enough to adapt to local circumstances. Before adopting a CIT program, there are three key points to consider: the significant resources, time, and money required; the task of developing and sustaining strong partnerships; and the necessity of training appropriate personnel.

Developing a CIT program requires a commitment of time and resources. The Memphis model requires certified personnel to receive a minimum of 40 hours of initial training, as well as ongoing training throughout their careers. At the agency level, establishing the program requires developing and maintaining partnerships, interagency agreements and other memoranda of understanding, policies and procedures, and methods of data collection. As many agencies, especially smaller agencies, feel squeezed for resources, finding the time and funding for such a commitment can be a challenge. However, the potentially catastrophic consequences of one poorly handled crisis incident should be enough to justify the investment.

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62. Dupont, Cochran, and Pillsbury, *Crisis Intervention Team Core Elements*.

The CIT model also requires a vital and accessible system for mental health treatment. Forging partnerships with the other public and private agencies in this system requires time and energy, both in setting goals and objectives at the outset and in the ongoing effort to maintain individual and community trust and engagement. Law enforcement executives should plan to engage personally in building relationships with partner agencies and should empower others in the agency to do the same. These relationships can be facilitated by having personnel from partner agencies attend portions of the agency's CIT training, participate in ride-alongs and cross-training opportunities, and attend meetings. Such activities may not only increase awareness of pressing issues but also reveal how to leverage external stakeholders' resources. Law enforcement cannot arrest its way out of the problems mental illness creates in a community, but can only address them by and through collective community effort.

While some agencies make it a goal to certify all employees in CIT, others only train those who volunteer or who pass an initial screening. In these agencies, this specialist role should go only to experienced employees who volunteer for the position and meet clearly articulated criteria; they should have the skills, patience, and disposition to assist persons in crisis. Not all employees are necessarily equipped with these attributes, so an agency should carefully consider whether it is appropriate to certify all of its front-line personnel. As supervisors will likely also be responding to crisis calls, it is important for an agency to ensure that it has trained an adequate number of supervisors as well.

Brief summary of academic literature

The CIT model can be understood through five primary research areas: officer attitudes and knowledge, officer behavior, subject-level outcomes, agency-level outcomes, and community/society outcomes. To date, however, research has focused on officers—the first two areas—with fewer studies investigating subject, agency, and community/society outcomes.[63]

Research has largely supported the finding that involvement in CIT programs improve officer attitudes and knowledge. Specifically, surveys of officers conducted before and after undergoing CIT training have shown significant improvement in knowledge about mental health issues, attitudes towards persons with mental illnesses, and self-efficacy in dealing with mental health crises.[64] Research has also found improvements in officer behavior: CIT-trained officers are less likely to use force, more likely to refer or transport subjects to mental health services, and more likely to report verbal engagement or negotiation than non-CIT-trained officers.[65] Research has demonstrated that officers who volunteer for CIT have more favorable attitudes toward persons with mental illness and are more likely to refer subjects to treatment services.[66]

63. Watson, Compton, and Draine, "The Crisis Intervention Team (CIT) Model."
64. Compton et al., "The Police-Based Crisis Intervention Team."
65. Compton et al., "The Police-Based Crisis Intervention Team."
66. Compton et al., "Police Officers' Volunteering."

Less is understood about how CIT programs affect subject-level outcomes, such as receiving mental health services or future reductions in mental health symptoms. Similarly, studies[67] on the effects of the CIT model on agency-level outcomes are also scarce, with unanswered questions about how the presence of these teams relates to morale of personnel, agency efficiency, or budgets. A very small number of studies[68] have focused on community and society outcomes, resulting in an incomplete picture of how and whether the presence of the CIT model leads to an increase in community confidence in law enforcement or a reduction in the incarceration of persons with mental illnesses.

In summary, based on the available evidence, the CIT model has demonstrated promise, especially regarding improvements in law enforcement personnel's attitudes, knowledge, and behavior in response to mental health crises—factors in line with an overall goal of improving safety of employees and individuals involved in these incidents. Less certain is how the use of the CIT model translates to subject-level, agency-level, and community outcomes—factors more in line with the goal of diverting individuals from the criminal justice system to treatment.

CIT programs are likely to vary to some degree based upon the local needs of the agency, making direct comparisons difficult. The CIT model was also originally developed for a large urban agency, and most extant studies were performed in such settings. For these reasons, although research findings about CIT are largely positive, generalizing these findings to other agencies is somewhat difficult.

Summary of existing DOJ and other resources

The following resources are not a comprehensive view of available CIT publications but provide a starting point and specific, practical advice to assist agencies in dealing with persons in mental crisis and in creating a CIT program.

For general guidance for all those dealing with persons in crisis, the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration published Practice Guidelines: Core Elements in Responding to Mental Health Crises.[69] While this publication is not an exhaustive resource, it includes an explanation of factors essential to any mental health emergency response. Additionally, the Bureau of Justice Assistance created the Police-Mental Health Collaboration Toolkit, which "provides resources for law enforcement agencies to partner with mental health providers to effectively respond to calls for service, improve outcomes for persons with mental illnesses, and advance the safety of all."[70]

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67. Dupont, Cochran, and Pillsbury, "Crisis Intervention Team Core Elements."
68. El-Mallakh, Kran, and El-Mallakh, "Costs and Savings Associated."
69. Bernstein, "Practice Guidelines."
70. BJA, "PMHC: Police–Mental Health Collaboration."

A starting point for any agency considering implementing a CIT program is the 2007 article <u>Crisis Intervention Team Core Elements</u>[71] from the University of Memphis School of Urban Affairs and Public Policy, reviewing CIT basics from the city where the approach was pioneered. The article surveys several critical core elements of a CIT program, including ongoing elements such as partnerships, community ownership, and policies and procedures; operational elements such as CIT officers, curriculum, and mental health receiving facilities; and sustaining elements including evaluation and research, in-service training, recognition and honors, and outreach. An excellent source for information and updates on the CIT model, conferences, and resources is the <u>CIT International website</u>,[72] which also provides an overview, outlines core elements, and provides tools to help law enforcement leaders start a local CIT program.

Another helpful resource is the <u>Crisis Intervention Team page of the National Alliance on Mental Illness (NAMI) website</u>.[73] This website provides a description of CIT programs, the elements of CIT programs, a discussion of the benefits of the CIT model, guidance on how to start a CIT program by building partnerships in the community, and links to guidance on developing a CIT for youth. A resource from the National Institutes of Health (NIH), <u>The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Professionals</u>,[74] published in 2012, is a primer for mental health practitioners, describing some of the research behind the CIT model, key CIT elements, implementation and related challenges, and variations of the model. Law enforcement executives can share this article with their local mental health practitioners, who may not yet be familiar with CIT and how they can work with law enforcement personnel.

Pursuant to a California law created in 2013, California's Mental Health Services Oversight and Accountability Commission funded the California Institute for Behavioral Health Solutions to collect information about CIT best practices and practice gaps in California. While <u>Crisis Intervention Training: Current Practices and Recommendations for California</u>[75] focused on that state's implementation of CIT, the research and recommendations can be helpful to any organization looking to create a CIT program. Among other things, this publication includes recommendations within the key areas of community partnerships, training length, and who should be trained.

In 2009, the International Association of Chiefs of Police (IACP) convened a <u>National Policy Summit on Building Safer Communities: Improving Police Response to Persons with Mental Illness</u>.[76] The resulting findings identified CIT as a promising practice. The recommendations discussed the general role of law enforcement agencies in addressing mental illness in the community and identified specific strategies, including developing mental health crisis response resources and detailed policies directing law enforcement personnel to avoid use of restraint techniques.

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71.   Dupont, Cochran, and Pillsbury, "Crisis Intervention Team Core Elements."
72.   Crisis Intervention Team (CIT) International, Home page.
73.   NAMI, "Crisis Intervention Team (CIT) Programs."
74.   Watson, Compton, and Draine, "The Crisis Intervention Team Model."
75.   California Institute for Behavioral Health Solutions, "Crisis Intervention Training."
76.   IACP, *Building Safe Communities*.

Best or promising practices in the field

Practice 1: Develop strong community partnerships

One of the keys to a successful CIT program is developing strong partnerships in the community. Law enforcement agencies should begin by identifying local mental health providers and NAMI affiliates in their area and convening representatives of these groups, along with representatives of emergency services, hospitals, the fire service, and the local dispatch center. Involving these partners helps agencies identify the services available for community members with mental health issues, determine how to make those services available to those in need, and identify gaps in services. The partners together can advocate for more resources to ensure the community develops a strong and sustainable crisis response system.

Practice 2: Treat CIT as a program, not just a training

While it is important to ensure that an agency has CIT-trained personnel, a successful CIT effort extends beyond initial training. Following a model such as the Memphis model provides guidance in developing a comprehensive approach to dealing with persons in mental health crisis. Law enforcement agencies should appropriately deploy the concepts and components of the CIT model in operational practice, and should establish a method to measure performance in order to improve outcomes continuously.

In addition, the agency should develop policies and procedures, interagency agreements, and memoranda of understanding to guide the CIT program and clarify participants' roles. The law enforcement agency should designate a CIT coordinator to act as a liaison to maintain the partnership and coordinate with other stakeholders. The program will also require a mental health coordinator, an advocacy coordinator, and, depending on size, a program coordinator responsible for the day-to-day logistics.

Practice 3: Train enough employees in CIT to cover at least every shift

The basic CIT training is a 40-hour course; it should include presenters with backgrounds in law enforcement and behavioral health services, and with experience living with mental illness. An agency should strive to ensure that an employee with this level of training is available 24 hours a day, seven days a week.

Some experts recommend that an agency train 20–25 percent of the patrol division. The IACP's One Mind Campaign also supports that recommendation, calling for providing CIT training to a minimum of 20 percent of the agency's sworn force.[77] For large agencies, this may require training several employees per shift and enough to cover a large geographic area and a large volume of calls. Due to resource constraints, small agencies may have fewer CIT-trained employees available and may consider

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77. IACP, "One Mind Campaign."

participating in regional approaches, where representatives from other jurisdictions can cover an agency when no CIT-trained employee is available. Ideally, a sufficient number of employees should be CIT-trained to ensure at least one is available on every shift.

Practice 4: Seek volunteers to participate in the CIT program

When determining who should receive CIT training, the law enforcement executive should first solicit volunteers for the program. Research has demonstrated individuals who volunteer for CIT programs have more favorable attitudes toward persons with mental illnesses and are more likely to refer subjects to treatment services.[78]

Practice 5: Train all front-line employees in at least a basic level mental health awareness program

While all officers or deputies in an agency may not have the disposition or ability to serve as a CIT officer, law enforcement executives should ensure that each front-line officer be trained in some basic elements of mental health awareness. At a minimum, all front-line personnel should understand the basic principles of CIT, recognize when a person is in a crisis, and know who to call for assistance. It is important to understand that it is entirely possible that the first responder to a scene may not be CIT-certified. Non–CIT-certified responders still need to understand basic concepts regarding persons in crisis and how to prevent the situation from escalating before the CIT-certified responder arrives.

Executives can begin by incorporating elements of CIT training in the agency's police academy curricula. Importantly, agency leadership should establish an organizational value that rejects the notion that responding to individuals in crisis is "not my job." Instead, every member of the agency should have a basic understanding of how to interact with people who are under the stress of mental illnesses and know the protocol for engaging a CIT-trained responder when necessary.

Next, law enforcement executives should consider integrating the CIT model with current training in use of force and practical patrol procedures. Applying the principles of the CIT model in practice may help personnel understand and appreciate the model's efficacy and utility, and provide observational learning in CIT to non-CIT employees.

Practice 6: Ensure that dispatchers are CIT-trained and prepared to respond

Dispatchers often will be the first to encounter a person experiencing a mental health crisis. Law enforcement executives should ensure that dispatchers are trained to recognize the crisis, ask the right questions, and dispatch CIT-certified responders or local crisis teams to assist. Providing a list of CIT-certified personnel and their call numbers will ensure that the dispatcher can respond quickly to get the right responders to the scene.

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78.   Compton et al., "Police Officers' Volunteering."

Practice 7: Recognize CIT-trained personnel for their work

Whether it is in the form of salary incentives or awards and certificates, law enforcement executives should recognize members of the agency who have committed to the CIT program. These rewards and incentives help to provide a sense of pride and ownership toward the program. Many agencies issue an identifying lapel pin to their CIT members to wear as a part of their uniform. Awards and honors include commendations for successfully de-escalating a crisis event, certificates of recognition to CIT members, and annual awards such as CIT Member of the Year.

Practice 8: Regularly evaluate and measure the CIT program's impact and outcomes

An important element of the CIT model is to regularly evaluate and measure the impact, continuous outcomes, and efficiency of the CIT program. This includes collecting data on the number of incidents, response times, referrals to health care, community member and law enforcement personnel injury rates, recidivism, and community perceptions of law enforcement. Law enforcement executives should work with their CIT partners to develop these outcome measures. Not all of the measures will necessarily be collected by the law enforcement agency, but if the CIT program includes robust partnerships, most of the data can be collected by at least one of the partners. The program should regularly review these outcome measures and develop relationships with personnel at local colleges or universities who may be able to conduct longer-term evaluations.

Special considerations for small agencies

An advantage of small jurisdictions is that first responders may already have experiences with a given person in crisis and may be aware of individual mental health histories. However, since many rural and suburban areas often do not have the available mental health facilities or supports that exist in urban environments, small agencies may want to consider asking mental health professionals who live in the community to volunteer to participate with the CIT program. In these environments, it may also be beneficial to enlist members of local fire and emergency medical services as members of the CIT program. If a formal arrangement is not possible, law enforcement executives of small agencies should consider inviting other first responder agencies to participate in CIT training alongside law enforcement personnel.

Local school districts can also serve as a valuable resource for CIT members in small jurisdictions because they often employ counselors and staff who are familiar with young people with mental health issues living in the community. An additional strategy small department executives should consider is collaborating with other local jurisdictions to establish a working list of CIT-trained individuals and providing their on-duty schedules to all partnering agencies. This transparency may facilitate a timelier response of a CIT-trained responder when an immediate response to a critical incident is needed. However, while individual familiarity may prove helpful in resolving critical incidents, small jurisdictions should be particularly mindful of the confidentiality and privacy rights of those in need of intervention.

Checklists to implement

Checklist of stakeholders to partner with in the CIT program

- ☐ Local law enforcement agencies

- ☐ Emergency services

- ☐ Fire services

- ☐ Ambulance services

- ☐ Hospitals

- ☐ Dispatch services

- ☐ Mental health or behavioral health providers and advocates

- ☐ Local group homes and other social service providers and advocates

- ☐ Community members and families who have experienced mental illness

- ☐ Corrections facilities

- ☐ Judiciary

- ☐ Schools

Checklist of trainings to provide

- ☐ 40-hour training for CIT officers and deputies

- ☐ Specialized training for dispatchers on how to recognize and dispatch calls involving individuals with a mental illness and crisis situation

- ☐ Basic CIT training for field supervisors, officers, and deputies

- ☐ Training for other partners

- ☐ Refresher and other ongoing and advanced training

Checklist of requisite elements for establishing a CIT program

- ☐ Strategy, including goals and objectives

- ☐ Training plan

☐   Developing and maintaining partnerships, including written agreements and memoranda of understanding

☐   Roles and responsibilities of coordinators for law enforcement, mental health, and advocacy groups

☐   Formal policies and procedures for patrol, dispatch, and mental health providers

☐   Methodology and policy for ongoing data collection

☐   Policy and process for regular evaluation of outcomes

Checklist for recognizing and rewarding CIT members

☐   Lapel pins identifying CIT members

☐   Commendations for successfully de-escalating a crisis event

☐   Certificates of recognition

☐   CIT Member of the Year

☐   New CIT Member of the Year

☐   Certificates of recognition for individuals from the mental health community, advocacy community, and others involved in the CIT effort

Summary

The CIT model is a multifaceted approach to a critical problem facing members of the community in small and large jurisdictions across the country. By ensuring that all law enforcement personnel have a baseline knowledge of how to respond to individuals in mental health crisis—including who to call for specialized support—law enforcement agencies can help improve public safety, ensure better first responder safety, and help individuals who need mental health treatment avoid becoming entangled unnecessarily in the criminal justice system. Law enforcement personnel are also vulnerable to mental health crises themselves. Given community expectations and agency needs, the efforts of law enforcement executives to reduce stigma around mental health issues facing personnel and increase access to services is critically important.

However, law enforcement leaders need to consider the highly localized requirements of their agencies and the communities they serve before developing a CIT program that meets their needs. A key consideration includes ensuring that the resources required to develop a healthy program are available. These resources include not just time and money but also partnerships and motivated employees. At its core, a successful CIT program requires strong community partnerships and an understanding of the

program as being far more than mere training. Moreover, agencies need to be able to provide enough coverage that CIT-trained personnel are available to respond to incidents involving persons with mental illness around the clock. In selecting individuals for extended CIT training, leaders should look to volunteers, but all law enforcement personnel as well as dispatchers should be trained in at least a basic level of mental health awareness. To maintain a successful CIT program, leaders should regularly recognize CIT members for their efforts and for the outcomes of the program.

4. First-Line Supervisors

Why is this issue important?

Law enforcement is arguably one of the most complex careers in 21st century America. From gang problems to internet predators, homelessness to the opioid epidemic, the challenges facing law enforcement today are multifaceted. First responders often encounter people during their darkest moments. The new normal for first responders now includes daily interventions with persons experiencing homelessness or mental illnesses, along with more traditional calls for service. To some extent, first responders are required to be everything to everybody. First-line supervisors lead their subordinates through this rapidly changing and complex environment. In order to teach subordinates to navigate this world successfully, safely, and efficiently, first-line supervisors should possess the knowledge, skills, and abilities to reduce crime and build trust and legitimacy. They should also develop these qualities in their subordinates, and teach them to become strong guardians of their communities.[79]

First-line supervisors play an integral role within an agency. Among other tasks, they communicate job expectations to law enforcement personnel and provide feedback about their subordinates' job performances. These tasks are especially difficult in organizations where first-line supervisors are often unable to observe a subordinate's activity directly, whether because of other job responsibilities or because of the number of subordinates they are responsible for. A supervisor's span of control may be as large as 15-20 employees in large agencies. Supervisors in small agencies may oversee 5-7 employees or more, while still being responsible for primary patrol response.

Most significantly, first-line supervisors in most agencies are responsible for disseminating information and implementing operational protocols. They translate the leadership's vision, direction, message, and intent into practice. First-line supervisors are expected to communicate job expectations, provide feedback to employees, and be positive role models for their organizations. In this way, first-line supervisors play an important role in the success of organizational innovations. If they do not buy in to directives from upper echelons, they cannot translate those directives to the personnel charged with enacting them, and the initiatives may fail. Investing in the development of first-line supervisors is critical to the overall success of the organization.

Key points and challenges

First-line supervisors are tasked with implementing crime control strategies, protecting human dignity, and defending the constitutional rights of all—while also motivating, directing, coaching, and requiring subordinates to do the same. The qualities needed in strong first-line supervisors do not occur organically; they are developed through training and mentorship. In this section, we identify the key qualities first-line supervisors should demonstrate in their interactions with agency personnel and members of

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79. President's Task Force on 21st Century Policing, *Final Report*.

the community. In the best or promising practices section, we highlight practical steps executives can follow to help ensure their first-line supervisors develop these qualities. We also address the disciplinary process, which is an underutilized opportunity to engage first-line supervisors.

Key qualities for first-line supervisors

Proficiency

First-line supervisors should demonstrate proficiency in a variety of areas. They are required to be knowledgeable about governing law and organizational policies and procedures. They should be familiar with key community stakeholders in their areas of service, such as local school officials, faith leaders, and other nongovernmental service providers. In addition, first-line supervisors should demonstrate tactical skills to keep themselves, their subordinates, and members of the community safe during field contacts. First-line supervisors should demonstrate leadership skills to motivate, direct, counsel, and develop subordinates and effectively hold them accountable.

Openness and honesty

First-line supervisors should interact openly and honestly with the communities they serve. This means admitting and taking responsibility for outcomes, especially when the agency or its employees are clearly wrong. Open and honest communication and positive interactions build trust with the community and establish credible relationships with subordinates and supervisors.[80] Modeling open and honest behavior creates an environment where honesty, integrity, and trustworthiness are valued, encouraging people to view decisions as equitable.

Critical decision-making

First-line supervisors should practice critical decision-making. This requires courage, the experience to examine problems through a critical lens, and the strength to surround oneself with people who are willing and empowered to voice dissent. Critical thinkers look past the obvious, seek evidence, and assess conclusions from the perspective of all stakeholders before making a final decision. They do not accept arguments or opinions at face value, but rather make informed decisions based on the best information available at the time, evaluating the potential gaps in their knowledge and the risks of acting from incomplete information.

Strategic thinking

First-line supervisors should strike a balance between time spent in the field, with subordinates and community members, on administrative work and self-development, and on personal wellness. Achieving this balance requires many elements of strategic thinking: (1) a plan with measurable outcomes;

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80.   President's Task Force on 21st Century Policing, *Final Report*.

(2) a personal commitment to achieve the goals; (3) the resources to achieve results; and (4) open, transparent communication with subordinates. An exemplary first-line supervisor is outcome-driven rather than task-oriented—another hallmark of strategic thinking.

Other key components of strategic thinking include being clear and concise when articulating expectations of direct reports and ensuring they have the skills, abilities, and tools needed to accomplish what is required. Once expectations are set, supervisors should empower and encourage direct reports to accomplish their missions. First-line supervisors should always follow up with their subordinates to ensure the success of the task and hold themselves and their subordinates accountable for the outcomes. In addition, first-line supervisors should celebrate success with their employees and develop strategies that leverage failure as a positive learning opportunity.

Communication and listening

First-line supervisors should be able to express themselves clearly in both speaking and writing. Clear communication informs, persuades, and guides subordinates. However, good communication flows both ways; it is equally important for a first-line supervisor to be a good listener, demonstrating emotional intelligence and empathy in interactions with all stakeholders.

One of the most important principles of procedural justice is providing internal and external stakeholders with a voice; this validates processes and ultimately gives stakeholders a better appreciation of outcomes. A successful first-line supervisor learns to speak less and listen more to hear the concerns of subordinates, supervisors, and members of the community.

Respect

First-line supervisors can develop trust and legitimacy inside and outside the organization through their behavior toward their subordinates and members of the communities they serve.[81] First-line supervisors should model the behavior that they expect their subordinates to demonstrate: just as law enforcement personnel are required to treat the community with dignity and respect, first-line supervisors should treat subordinates with dignity and respect.

Establishing mutual respect is the first step in ensuring subordinates feel valued and that they have a voice within the agency. It is the foundation necessary to create a procedurally just work environment in which fairness, transparency, impartiality, and accountability are organizational norms. When first-line supervisors assist the agency in creating a procedurally just environment, front-line personnel are more likely to treat the community in a respectful, just, and fair manner.

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81.   President's Task Force on 21st Century Policing, *Final Report.*

Cultural competency

First-line supervisors should be culturally competent. As well as having specific competencies—knowledge and understanding of the communities they serve—this means they should be aware of their own perceptions about culture, race, gender, ethnicity, religion, age, disability, and sexual orientation. This awareness is a way of attending to personal biases to prevent preconceptions from interfering in doing one's job fairly, both with the communities served and with subordinates.

As law enforcement personnel are trained to become better at understanding and recognizing their own assumptions in their interactions with the community, supervisors should become aware of their own preconceived assumptions in interactions with their subordinates. Through training and exposure to diverse cultures, first-line supervisors can ensure they understand the differences among their subordinates. With specific knowledge of the cultural backgrounds of their subordinates, first-line supervisors can better understand their subordinates' concerns and communicate more effectively with individuals who are culturally different from themselves.

Collaboration

First-line supervisors should model internal and external collaboration for their subordinates. Law enforcement is highly dependent on teamwork at all levels of the organization. Collaboration with community stakeholders is a fundamental component of any comprehensive public safety strategy. Cultivating such collaboration and developing relationships with these stakeholders and the community requires law enforcement be willing and able to think creatively and to share power with others.[82] A supervisor who works collaboratively with subordinates influences them to work more collaboratively with their communities to solve problems.

Community-mindedness

First-line supervisors should understand the importance of developing positive relationships with the communities they serve and should foster an organizational culture that helps employees build those relationships. First responders rely on the cooperation and assistance of the public to solve crime and to develop problem-solving strategies that are responsive to the community's needs. When law enforcement personnel perform their duties fairly and impartially, their conduct is perceived as procedurally just and in the best interest of the community. This creates the mutual trust which is critical to 21st century policing.[83]

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82. Jannetta and Lachman, *Promoting Partnerships between Police and Community*.
83. Community Relations Services, DOJ, *Toolkit for Policing*.

Support of employee wellness

First-line supervisors can ensure a productive and effective workforce by supporting employee wellness through physical, social, educational, and mental health support. First responders face serious threats and stressors in their daily work activities, in addition to any personal stressors at home, and mitigating these stressors is crucial to successful law enforcement.

Paying attention to their subordinates' needs helps first-line supervisors identify when employees could benefit from additional support or referral to appropriate services. Becoming knowledgeable in the resources and services available to promote wellness may also help supervisors more nimbly support their subordinates during challenging times in their careers.[84] First-line supervisors need to make sure the agency is working to provide the tools—and the ongoing training—necessary for employees to do their jobs in the safest manner possible.

The disciplinary process

In most law enforcement agencies, leadership determines the level of discipline imposed on agency members for misconduct. In making this determination, however, leadership often receives recommendations from first-line supervisors or other command staff members who have reviewed the investigation of the case. In some jurisdictions, first-line supervisors may have as much responsibility for the process as internal affairs investigators. In any agency, first-line supervisors have the most frequent contact with the majority of employees serving.

A supervisor's first responsibility in the disciplinary process is to lessen the need for discipline by averting mistakes and protocol deviations in the first place. When mistakes do occur, engaging first-line supervisors in the disciplinary process is a key opportunity to help subordinates learn from the experience. It also prepares first-line supervisors for increasing levels of responsibility at higher ranks. Furthermore, when front-line personnel know their supervisors had a voice in disciplinary decisions, it tends to strengthen their trust and confidence in the agency's disciplinary process.

Brief summary of academic literature

The volume of research focusing specifically on first-line law enforcement supervisors is quite small, but it covers a broad range of topics. Researchers have described the views of first-line supervisors[85] and explored their relationships with subordinates.[86] One study has categorized their leadership styles,[87] identifying four categories of supervisors: traditional, innovative, supportive, and active. In this

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84. President's Task Force on 21st Century Policing, *Final Report*.
85. Phillips, "Attitudes and Goals of Police Supervisors."
86. Ingram and Lee, "The Effect of First-line Supervision."
87. Engel, "Supervisory Styles of Patrol Sergeants."

categorization, traditional supervisors demand aggressive law enforcement from subordinates, innovative supervisors expect subordinates to engage in community-oriented activity, supportive supervisors protect subordinates and serve as their advocates, and active supervisors involve themselves in field operations. The study also analyzed if and how those work styles influence law enforcement personnel's behavior, finding that an active supervisory approach had the most influence on employee behavior. Employees supervised under the active approach spent more time on self-initiated activities, problem solving, and community policing than personnel with other types of supervisors.

Research drawing from management literature has also categorized agency leadership structures; one such system of categorization distinguishes field sergeants from administrative sergeants, which are rare in small agencies. Field sergeants generally work in unison with subordinates, respond to calls, and make arrests on the streets, while administrative sergeants generally spend more time in the office on paperwork, recordkeeping, and press relations.[88]

These categorizations were based on observations of and surveys completed by first-line supervisors. Other researchers have used surveys and interviews to assess perceptions of supervisors held by their superiors (e.g., police chiefs) and their subordinates.[89, 90] Chiefs had a wide array of opinions on the quality of first-line supervision in their organizations. Many cited the difficulties of transitioning from a rank-and-file perspective to one of first-line management. Chiefs also expressed frustration over getting sergeants to embrace change and communicate better with subordinates. Subordinates who were surveyed typically viewed first-line supervisors in a positive light. One report[91] found that 40 percent of law enforcement rate their supervisor a 9 or 10 on a 10-point scale.

There is little to no extant research on best practices for identifying high-performing supervisors or on the types of training or initiatives that best prepare them for the rigors of the job. However, one take-away for law enforcement agencies is to improve supervisors' abilities to provide social support for their subordinates. This has been found to have a stronger influence on the quality of sergeant-to-officer relations than the ability to provide adequate task-oriented direction.[92] Gaining this ability to influence subordinates also strengthens supervisors' ability to encourage their direct reports to adopt and implement operational changes.[93]

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88.   Van Maanen, "The Boss: First-Line Supervision."
89.   Mastrofski, Rosenbaum, and Fridell, "Police Supervision: A 360-Degree View."
90.   Fridell et al., "Longitudinal Study of First-Line Supervisors."
91.   Mastrofski, Rosenbaum, and Fridell, "Police Supervision: A 360-Degree View."
92.   Mastrofski, Rosenbaum, and Fridell, "Police Supervision: A 360-Degree View."
93.   Skogan, "Why Reforms Fail."

Summary of existing DOJ and other resources

There are many government publications which agencies can draw on to understand the expectations of a first-line supervisor, for both day-to-day job responsibilities and for the ongoing role as mentor and trainer. To know which qualities and skills are required for first-line supervisors executives should first understand the impact of supervisory styles on law enforcement personnel's behavior. The 2003 National Institute of Justice (NIJ) publication How Police Supervisory Styles Influence Patrol Officer Behavior[94] is an analysis of how a field supervisor influences subordinates. As a complement to this publication, in 2011 the NIJ published Police Supervision: A 360-Degree View of Eight Police Departments,[95] which offers three perspectives: those of chiefs, who bear overall responsibility for supervision in the department; subordinates, who are in a good position to judge the quality of their supervision; and from the supervisors themselves.

The next step in creating quality first-line supervision is to ensure supervisors receive the appropriate leadership training. In 2012, the Law Enforcement Executive Forum published Enhancing the Leadership Capabilities of First-Line Supervisors.[96] This report outlines the importance of making leadership training a priority for first-line supervisors and states that the first-line supervisor should first possess appropriate values, motives, and commitment before acting to influence others about the agency's mission, vision, values, and goals. Another resource for first-line supervisors' leadership training is the workbook Evidence-Based Policing Leadership Training for First and Second Line Supervisors,[97] which includes the presentations and information shared at a 2014 training event.

Mentoring patrol officers and deputies is a critical component of first-line supervisors' professional development process. Many publications discuss mentoring in law enforcement. A good resource for smaller agencies is in the 2003 IACP publication for Smaller Police Department Technical Assistance, Institutionalizing Mentoring into Police Departments.[98] It discusses a step-by-step method for police chiefs in smaller agencies to institute mentoring into their agencies. Although this publication's audience is smaller police agencies, mid-size or larger agency executives can easily translate this method to institute mentoring in their agencies.

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94. NIJ, "How Police Supervisory Styles Influence."
95. Mastrofski, Rosenbaum, and Fridell, "Police Supervision: A 360-Degree View."
96. Cappitelli and Evans, "Enhancing the Leadership Capabilities."
97. Center for Evidence-Based Crime Policy, *Evidence-Based Policing Leadership Training.*
98. Sprafka and Kranda, "Institutionalizing Mentoring Into Police Departments."

In order to ensure appropriate and quality supervision, law enforcement executives should hold their first-line supervisors accountable in their roles as field supervisors, trainers, and mentors to their front-line personnel. One method through which this can be done is by using an agency's COMPSTAT (computer comparison statistics) process, combining data-driven policing with problem solving and information sharing to control crime and improve the quality of life for the community. In 2013, as an introduction for those agencies that do not currently have a COMPSTAT process, the Bureau of Justice Assistance and PERF published COMPSTAT: Its Origins, Evolution and Future in Law Enforcement Agencies.[99] It discusses the initial development and evolution of COMPSTAT, identifies current best practices, and analyzes the future of COMPSTAT.

The COMPSTAT process can be a good forum to hold first-line supervisors accountable for their front-line personnel. In 2011, the COPS Office published First-Line Supervision under COMPSTAT and Community Policing,[100] which analyzes how six police departments used the COMPSTAT program to structure their first-line supervision policies. This publication discusses the co-implementation of COMPSTAT and community policing, how first-line supervisors play a key role in what the law enforcement organization does, and how law enforcement organizations approach and execute their policies and practices. Law enforcement leaders and their agencies can use COMPSTAT, community policing, and other agency-wide programs to hold their first-line supervisors accountable for the supervision and guidance they provide to their front-line personnel.

Another method to hold first-line supervisors accountable for supervision and mentoring of their employees is in the use of an Early Intervention (EI) system. The 2006 COPS Office publication Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors[101] analyzes how field supervisors influence front-line personnel. Supervisors are the linchpin of EI systems because they are usually the first to become aware of employees' potentially problematic behaviors and are the ones most frequently involved in identifying appropriate interventions. An EI system is yet another method for agencies to ensure first-line supervisors provide appropriate mentoring for their subordinates.

Additional resources are available to help ensure first-line supervisors possess the appropriate skills and qualities, are adequately trained, and receive the necessary guidance and supervision, mentoring, and professional development. Sergeants as Leaders: A Case Study of Transformational Leadership Among First-Line Supervisors in the Police Department[102] analyzes leadership styles and professional development practices of police departments as they promote patrol officers to sergeants. Supervising the New Millennial Police Officer[103] discusses one sergeant's perspective on how to supervise and train millennials. The Relationship Between Police Supervisor Training and Job Satisfaction Levels as Reported by Patrol Officers[104] outlines how first-line supervisors affect morale and job satisfaction.

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99.   PERF, "COMPSTAT: Its Origins, Evolution, and Future."
100. Willis, *First-Line Supervision under Compstat.*
101. Walker, Milligan, and Berke, "Strategies for Intervening with Officers."
102. Campbell, "Sergeants as Leaders."
103. Hipps, "Supervising the New Millennial Police Officer."
104. DeSpain, "The Relationship Between Police Supervisor Training."

Best or promising practices in the field

First-line supervisors have the most contact with first responders and, therefore, the most impact on their behavior and perceptions and on the law enforcement culture in general. Supervisors set the tone and should be role models for new employees and for tenured personnel. They train, counsel, coach, and develop subordinates and hold them accountable. Given the importance of these responsibilities, law enforcement executives should invest in their front-line supervisors, providing educational and training opportunities to those they select for this critical role, and ensuring they have opportunities for varied experiences. Supervisors should have access to the executive leadership of the organization so they can understand and communicate leadership's message and direction to those at the street level.

However, the responsibility to develop supervisors does not rest solely on the shoulders of the executive. It is incumbent on individual supervisors to seek opportunities, formal and informal, to develop themselves throughout their careers. They should be nimble, flexible, and knowledgeable as complex problems surface throughout their careers.

Practice 1: Engage first-line supervisors in the organizational vision and philosophy

Organizational values need to be understood and supported across the chain of command. Increasing organizational transparency and information sharing can facilitate this. For example, soliciting input and sharing the rationale behind important policy decisions helps create support for and understanding of the agency's philosophy. Similarly, law enforcement executives should clearly articulate their expectations for supervisors both to supervisors and to their direct reports. These expectations should identify the desired traits and abilities for promotion, such as specific knowledge, skills, competencies, and qualities.

Practice 2: Lay the foundation for successful, supported first-line supervisors

Before asking first-line supervisors to adopt the various responsibilities of their role, executives should ensure newly promoted or hired supervisors are provided adequate, comprehensive, and appropriate training, direction, and mentorship. Important trainings include the use of organizational tools and software to follow organizational protocols and processes, critical incident management, and high-risk policy evaluation. Training should also include the softer skills of leading, directing, mentoring, and disciplining direct reports. For these skillsets, it is crucial to provide supervisors with the proper equipment and resources to do their jobs effectively.

Executives should also demonstrate, through their own relationships with supervisors, what is expected of supervisory teams. The executive should act as a coach to identify strengths, address areas of weakness, and provide access to leadership by being approachable, genuinely interested in the needs of employees, and invested in their subordinate's wellness; first-line supervisors should do the

same with their own direct reports. The supervisor's ability to counsel an employee is one of the most important and powerful ways of pre-empting performance issues and offsetting the need for formal disciplinary action.

Practice 3: Prioritize professional development

To keep first-line supervisors continually engaged, learning, and adapting, executives should provide ongoing training opportunities—including skill development and leadership—as well as opportunities for learning and development. Small agencies may find this challenging, but they can still allow for rotation of job assignments to let employees cultivate new skills, and can provide flexibility for the supervisory team to obtain advanced education.

In addition, agency leaders should design a succession plan to develop the next generation of supervisors. Succession planning allows leadership to identify strengths, narrow gaps in experience opportunities, and provide training and educational opportunities so the pool of successors is strong and diverse.

Practice 4: Establish a norm of accountability with room for dissent and growth

Law enforcement executives should maintain a healthy and productive environment—one where respectful dissent is valued and critical thinking is encouraged. In addition, they should provide more frequent opportunities for performance feedback than the annual review. When corrective action is required, agency leadership should be consistent and fair when holding supervisors accountable and provide a safe environment that encourages risk-taking and the ability to learn from mistakes.

Practice 5: Allow room for individuality

All individuals possess different strengths and weaknesses. Executives should try to avoid expecting new supervisors to do things the way they would. Instead, they should work to ensure first-line supervisors are supported in their individual approaches, as long as their actions are consistent with organizational values and consistently produce the expected organizational outcomes. Supervisors should have the autonomy to make decisions and the opportunity to master skills. Executives should be there to provide supervisors with advice and guidance, while resisting the temptation to step in, take over, or make decisions for them, which can stifle subordinates' energy and innovation.

In the same way, supervisors should have a keen understanding of the strengths and weaknesses of the personnel they supervise. It is through this understanding that the supervisor knows how to motivate, develop, and direct personnel effectively and efficiently. Supervisors should know when to be present even for mundane calls for service, and when to stand back and let a subordinate handle a complex situation alone; they should know which subordinates need coaching to build their skill sets to the department standards, and which can be mentored as future leaders. Giving personnel at all levels the space to find and sustain their own purpose and motivation will help to develop flexible, learning, and thinking organizations.

Practice 6: Engage first-line supervisors when determining formal disciplinary outcomes

To support a philosophy of progressive discipline, chief executives should engage first-line supervisors in the disciplinary process. Law enforcement executives should begin by inviting first-line supervisors to a meeting where they will share the global concerns of command-level staff and establish the collaborative goals of behavioral change and setting a behavioral standard for the organization. Before making a disciplinary decision, law enforcement executives should give first-line supervisors an opportunity to discuss the potential impacts of varying types of discipline, and should listen carefully. Supervisors' participation in the disciplinary process should be considered a form of leadership development and succession planning as well as a rich opportunity to demonstrate organizational justice.

Engaging First-Line Supervisors in the Disciplinary Process in San Jose, California

The San Jose (California) Police Department includes its first-line supervisors in determining disciplinary outcomes by convening a Disciplinary Review Panel. In this system, all members of the subject's chain of command meet to discuss, not only the subject's own misconduct, but also the actions of the whole chain of command. Through this holistic review, the panel decides how to address the misconduct, and also determines steps that can be taken at all levels to help prevent similar incidents in the future.

Special considerations for small agencies

In many small agencies, supervisors are often asked to take on administrative duties that would typically be carried out by higher-ranking individuals in larger organizations. It is not uncommon for these supervisors to balance calls for service, scheduling, assisting with procurement, and even taking on the role of acting executive. Because of the additional administrative responsibilities, promoting individuals to supervisory positions simply because they excelled as patrol or were skilled investigators is inadequate. Executives need to identify leadership qualities in their patrol staff and begin to develop those supervisory and leadership skills prior to selection. First-line supervisors are often promoted without prior skill development, and few receive the necessary coaching and development to prepare them for their new role.

One way to develop subordinates in preparation of promotion is to increase their levels of responsibility through delegating tasks not traditionally handled by front-line staff. This gives the law enforcement executive an idea of which subordinates have aptitudes for administrative tasks, show initiative, and engage in thoughtful decision-making. Law enforcement executives should also take note on how well individual patrol staff members communicate with colleagues, civilian staff, superiors, and the general public. Those who exhibit good listening skills and the ability to persuade various audiences will likely enjoy success as supervisors.

For a new first-line supervisor to be successful, it is important for the entire organization to feel that the person selected for the job is competent and legitimately deserving of the promotion. To legitimize the position, the job requirements and selection process should be clearly stated to all members of the organization. Although some subjectivity always exists in any selection process, the law enforcement executive should make every attempt to use objective criteria and processes for making any decisions about promotions. It may be helpful to solicit input for appropriate selection criteria and process from members of the entire agency. Doing so reinforces the notion of organizational justice and increases the likelihood that individuals selected will be accepted and welcomed in their new roles. Input from other segments of the community and agency heads within the jurisdiction also enhances the impartiality of the selection process.

Checklists to implement

Checklist of qualities for inspirational, effective, and efficient first-line supervisors

☐   Proficiency in skills, experience, and expertise

☐   Competency in policy and legal statutes

☐   Openness and honesty

☐   Critical decision-making

☐   Strategic thinking

☐   Communication, listening, and counseling skills

☐   Respectfulness

☐   Cultural competency

☐   Collaboration

☐   Community-mindedness

☐   Support of employee wellness

Checklist of steps to empower first-line supervisors

☐   Engage first-line supervisors in policy decisions, articulate a clear vision for the agency, and set boundaries.

☐   Articulate expectations of supervisors to those supervisors and their direct reports.

☐   Provide training on written and verbal communication skills.

☐ Train on the hard skills needed to use organizational tools and software, as well as organizational protocols and processes.

☐ Train on the soft skills of leadership, mentorship, and disciplining direct reports.

☐ Offer job rotations to provide new experiences and allow first-line supervisors to practice new skills.

☐ Lead by example: act as a coach, be available, and attend to employee wellness.

☐ Be flexible and supportive to allow first-line supervisors to obtain advanced degrees.

☐ Develop a succession plan.

☐ Provide opportunities for frequent feedback.

☐ Be consistent and fair in corrective action and allow first-line supervisors to learn from their mistakes.

☐ Seek the input of first-line supervisors when determining disciplinary outcomes in cases of employee misconduct.

☐ Identify what is needed for promotion, including knowledge, skills, competencies, and qualities.

Checklist for executives and first-line supervisors to support employee wellness

☐ Ongoing training

☐ Continuing education

☐ Physical support

☐ Social support

☐ Educational support

☐ Mental health support

☐ Implementation and use of an Early Intervention System

Checklist of tools for holding first-line supervisors accountable

☐   Conduct a regular review of subordinates' arrest reports, incident reports, and daily activity logs to ensure supervisors perform proper reviews of these key subordinate work products, particularly documents bearing supervisors' sign-off signatures.

☐   Conduct performance evaluations focusing on individuals' performance as supervisors.

☐   Ensure supervisors of detectives employ case management tools effectively to monitor the status of investigations.

☐   Ensure body-worn camera footage is reviewed as part of the auditing function of the supervisors, as well as to assess employees' performance.

☐   Ensure supervisors understand and can implement COMPSTAT tools or other validated methods as a part of identifying crime control activities and potential community policing efforts.

☐   Confirm supervisors understand and use Early Intervention Systems to help identify at-risk behaviors of subordinates so they do not lead to misconduct.

Summary

First-line supervisors are integral to the fabric of law enforcement. They lead subordinates in the day-to-day activities of law enforcement and help shape the police-community relationship. Supervisors not only hold subordinates accountable, but also support, mentor, and coach first responders to serve members of the community in the professional way they both expect and deserve.

To serve the community, reduce crime, and build trust and legitimacy most effectively, law enforcement executives should be strategic in the hiring, promotion, training, and support of first-line supervisors. Executives should also ensure that these supervisors come to possess the qualities, skills, and abilities to lead their subordinates and ensure their wellness and safety.

Law enforcement executives should begin by enhancing the transparency of their decision-making process and engaging first-line supervisors in developing and articulating the organizational mission and vision. Executives should support first-line supervisors through continuing investment in training and enhancing knowledge and skills, as well as through providing resources and support to ensure wellness and safety. A coordinated effort should be made to develop first-line supervisors for the management positions many will ultimately assume. Law enforcement leadership should establish a culture of accountability that incorporates the best practices of critical decision-making and allows room for useful dissent, debate, discussion, and professional development and education.

5. Early Intervention Systems

Why is this issue important?

Law enforcement leaders nationally have recognized that a small percentage of law enforcement personnel are responsible for a disproportionate share of complaints and other incidents. They have also acknowledged that problematic incidents can negatively affect the reputation of the entire agency. Thus, many law enforcement agencies have established tracking systems that systematically identify individual employees' patterns of behavior. This problem-solving approach goes beyond acting on particular incidents to identify trends and patterns of behavior that require a more strategic response.[105]

An Early Intervention (EI) system is a management process used in law enforcement agencies to monitor employee performance or behavior via administrative data. An EI program is meant to be a non-disciplinary system that identifies employees in need of assistance early on, enabling a law enforcement agency to intervene with the appropriate support to *prevent* a future incident that would harm employees, their careers, or the public.[106] Law enforcement agencies can identify those individuals through a pattern of precipitating behaviors and risk factors including complaints, disciplinary actions, use of force, sick days, failure to appear in court, firearm discharges, failure to qualify, and preventable traffic collisions. EI systems commonly monitor multiple indicators of behavior and then flag individuals for an intervention if they exceed a certain threshold over the course of a defined period of time, such as three or more use of force incidents in a three-month period.[107] While each agency is different, most agencies employ no more than about a dozen indicators.

EI systems can be valuable supervisory management tools to increase agency accountability and help employees meet the agency's values and mission statement. Like performance evaluations, EI systems are critical components for effective personnel management processes.[108] Separate from any disciplinary process, the EI systems can help officers improve their performance by providing a more holistic view of behavior. The strength of the EI system is the ability to scan an array of data points and identify personnel displaying potential at-risk behaviors in one domain or across many different domains.

When implemented well and used correctly, there are at least three benefits to using an EI system:

- To improve supervisors' ability to monitor the performance of their subordinates

- To help employees self-correct their own behavior when they see that they are diverging from agency expectations

- To help bolster public confidence in law enforcement agencies

105. Rothlein, "Early Intervention Systems for Law Enforcement."
106. PERF, *Civil Rights Investigations of Local Police.*
107. Stephens, "Police Discipline: A Case for Change."
108. COPS Office, "Building Trust Between Police and Citizens."

Key points and challenges

An EI system requires tools, resources, and personnel to support it. The program is not designed to be punitive, but rather to be a proactive tool that can let employees know when they are drifting from the agency's performance expectations. To be successful, an EI system and program should do the following:

- Identify individuals in need of assistance and provide the support, intervention, or training necessary to ensure law enforcement personnel are at their best when they serve the community.

- Ensure an agency has the right types of trainings, supports, and services in place by examining current programs and developing improvement and enhancement plans.

- Ensure that the agency has an adequate EI policy and procedure in place and that agency personnel are adequately trained in it and understand the benefits of the program and the factors that are tracked.

- Ensure that the purpose of the system and its manner of use are clearly articulated to the rank-and-file, so it is not perceived as something to be feared. Ensure officers and deputies understand that it will be used to provide non-disciplinary warnings and, if implemented properly, will help them avoid disciplinary situations.

- Ensure that first-line supervisors are trained on the EI system, understand their leadership role in using the system to address problems in a positive and productive manner, and to proactively identify potential at-risk behavior in their subordinates.

One of the greatest challenges to implementing an EI system arises when rank-and-file members of a law enforcement agency believe the EI system is simply a way for supervisors or command staff personnel to "keep book" on them, documenting every petty performance issue so supervisors can hammer them later with discipline. Likewise, employees may feel that an EI system allows supervisors or others to enter unflattering comments about employees behind their backs. For these reasons, it is imperative to communicate that the system does not focus on disciplining employees, but on assisting supervisors and leadership in preventing disciplinary issues from arising and to improve the overall performance of all agency members. It is also critical for employees to understand how the system works and the factors it considers. Investing organizational time and effort in this messaging, and involving line personnel in the system's development, can pay big dividends to agencies of all sizes when initiating an EI program.

Another challenge arises when those responsible for entering data into an EI system are not consistent and diligent in doing so. The adage "garbage in, garbage out" applies—when only some supervisors enter data, the database does not become the robust system needed for an effective EI system. Likewise, when supervisors enter the wrong kinds of data, the system becomes, at best, less useful; at worst, it can become a repository for inappropriate personal information, jeopardizing personnel's trust in the system. Similarly, if supervisors and command personnel do not monitor the EI system, they miss opportunities for proactive intervention with at-risk employees. Although modern EI systems are often linked with records management systems (RMS) or computer-aided dispatch (CAD) systems so relevant data may be uploaded to them, supervisory entries and monitoring remain critical to an effective EI system.

Yet another challenge is that change is typically difficult in the paramilitary style of organization found in many law enforcement agencies, and the implementation of an EI system usually represents a significant change in how supervisors interact with subordinates. This is why law enforcement executives must communicate the purpose of the EI system to all agency members, including labor representatives, and take proactive steps to solicit support for it directly from senior patrol officers, deputies, detectives, and senior first-line supervisors. Helping to educate these leaders on the vision for the EI program not only communicates respect for their experience and suggestions, but also will go a long way to ensure the system rollout goes as smoothly as possible. By engaging these key players early, law enforcement leaders can help ensure these individuals become strong advocates for the advantages of an EI system.

The EI process should include threshold flags that notify supervisors and managers of the need for actions. Agencies must ensure that the expected actions are then performed fairly, appropriately, and consistently. In a typical intervention process, these actions should include a review of the employee's activities for a specific time period, the documentation of the supervisor's action, and the approval process to close a notification. Agencies should ensure that this review does not use the information from the EI system as the only source for determining at-risk behavior, but rather uses it as a starting point for a more thorough investigation.

Brief summary of academic literature

EI systems are broadly used in law enforcement, with a recent study finding 65 percent of police departments with 250 or more officers had them in place.[109] Various law enforcement associations and the DOJ have described them as a best practice in publications including the COPS Office Fact Sheet "Police Integrity,"[110] and their use has been required of agencies through consent decrees.

Despite their widespread adoption, however, only a small number of evaluations of these systems have been conducted. One study[111] in New Orleans found that a group of officers identified through an EI system who subsequently underwent a four-day training session had fewer complaints after the training than before the

109. Helsby et al., "Early Intervention Systems."
110. COPS Office, "Police Integrity."
111. Walker, Alpert, and Kenney, "Early Warning Systems."

training. Similarly positive results were found in a Los Angeles County (California) study;[112] officers identified through the EI system were enrolled in a mentoring and monitoring program and were involved in fewer force incidents, public complaints, and administrative investigations after the program than before.

The variation in EI systems throughout the country makes rigorous, multisite evaluations difficult. For example, there are significant differences in the metrics used to identify officers and deputies exhibiting troubling behaviors on the job; a recent push has seen agencies adding more contextual factors to the traditional metrics of force, complaints, and involvement in civil litigation, among others. Differences also exist in the handling of notifications and their outcomes, and in the counseling, training, or other interventions used to correct at-risk behavior. Because of this variation across both geography and time, studies on the impact of any one EI system may not produce results representative of EI systems in general.

In addition, there are methodological challenges to comparing these differences of approach. For example, agencies often base intervention decisions on officers' behaviors within a timeframe of 12 months or shorter. These short windows of observation may flag officers who are simply proactive or assigned to a busy shift, while missing misconduct that might surface with a longer timeframe for data collection. For all these reasons, the body of research is quite mixed in its conclusions on the effects of EI systems. More, and more rigorous, research is called for.

Summary of existing DOJ and other resources

Two recommendations that consistently appear throughout these resources are, first, programs specifically designed to enhance officer or deputy safety and, second, wellness programs that hold employees accountable for their behavior. While these goals may be perceived as mutually exclusive, they are in fact related.[113] Specifically, when officers or deputies start showing decreased job performance, it is then incumbent upon the department to intervene—for the officers' own safety, and to ensure that their performance does not endanger others.

A COPS Office publication from 2003, Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide,[114] is a good starting point for any police personnel to understand an EI system's components; it contains perspectives from law enforcement managers using EI systems and a planning guide for implementation.

After this initial read, a great EI system management guide for law enforcement executives is the 2005 PERF publication Supervision and Intervention within Early Intervention Systems.[115] This research publication outlines a comprehensive approach to EI systems, including the key role of first-line supervision, the need for flexible intervention strategies, and the successful implementation of an EI system.

112. Bobb et al., *LA County Sheriff's Department: 27th Semiannual Report*
113. Seattle Police Department, *Manual*, "Early Intervention System."
114. Walker, "Early Intervention Systems."
115. Walker, Milligan, and Berke, "Supervision and Intervention."

A subsequent publication by PERF in 2006, <u>Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors</u>,[116] is a good reference for supervisors to understand how to use EI systems. This publication outlines supervisors' role in reviewing action items following up after notification, and overall supervisory oversight and monitoring of officers and deputies to identify and manage at-risk behavior.

The University of Chicago published the 2015 paper <u>Identifying Police Officers at Risk of Adverse Events</u>,[117] which discusses officer characteristics, situational factors, and neighborhood factors that are predictive of adverse events. This work provides a starting point for agencies seeking a comprehensive, data-driven approach to improving policing and reducing harm to both officers and members of the public. A related paper, <u>Early Intervention Systems: Predicting Adverse Interactions Between Police and the Public</u>, discusses the Charlotte-Mecklenburg (North Carolina) Police Department's success in using a diverse set of data sources to predict more accurately which officers will have adverse incidents.[118]

For law enforcement executives and leaders looking for an EI system for their agency, a 2007 article in *Police Link*, <u>Early Intervention Systems for Law Enforcement</u>,[119] briefly outlines the purposes, benefits, and pitfalls of EI systems, and gives examples of typical EI metrics and actions. Although not comprehensive, it is a good snapshot of what components and considerations are needed.

Best or promising practices in the field

EI systems and programs have been around as a concept since at least 1989, when they were discussed in a report by the IACP.[120] However, almost 30 years later, law enforcement organizations still struggle to recognize their power as a proactive management tool, rather than a mechanism to identify personnel engaging in a set of problematic behaviors.[121]

Practice 1: In designing an early intervention system program, start with data

Law enforcement executives and EI decision-makers should carefully consider what types of data will be used by the EI system. Data collection systems should provide an EI system with as broad a dataset as possible. The dataset should include both positive and negative performance indicators, such as awards and commendations, performance evaluations, community and internal complaints, disciplinary actions, uses of force, sick days, failure to appear in court, firearm discharges and failures to qualify, attendance, and preventable traffic collisions. These should be tracked historically, recording officers' assignments, activity, and performance over time.

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116. Walker, Milligan, and Berke, "Strategies for Intervening with Officers."
117. Carton et al., "Identifying Police Officers at Risk."
118. Helsby et al., "Early Intervention Systems."
119. Rothlein, "Early Intervention Systems."
120. IACP, *Building Integrity and Reducing Drug Corruption.*
121. Walker, "Early Intervention Systems."

The assessment of data for inclusion should not occur in isolation. Instead, as Practice 2 indicates, this determination should be made in dialogue with stakeholders such as front-line personnel, labor representatives, and supervisors.

The best data-based EI system is one that, combined with modern statistical methods and machine learning techniques, can lead to the identification of patterns that are predictive of a future adverse event. However, a comprehensive EI system does not rely entirely on data. Instead, EI systems are the data-driven component of a process that proactively helps identify personnel who may be at risk. Any such technology should only be a tool that supplements, and does not replace, a supervisor's own observations and interactions with an employee. Human interaction with the system and the employee identified is an absolute must.

Practice 2: Complement data collection with the right supports, services, and trainings

Traditional EI system efforts all too often stop short of the most critical aspect of an EI system: providing the right supports, services, and trainings to ensure personnel are at their best. A full menu of supports and services, including mentoring, counseling, other employee assistance program offerings, professional development opportunities, and trainings is critical to the success of an EI system.

Law enforcement executives should begin by conducting a close examination of existing supports and trainings within the agency and then review the offerings around the country to determine whether to modify existing programs or add critical supports, interventions, or trainings. Agencies should also consider if any existing programs should be modified in light of emerging promising practices in the profession.

Adopting a Data-Driven EI System in the City of Charlotte, North Carolina

Agencies seeking to adopt EI systems or improve those in use should review the work being done in the Charlotte-Mecklenburg (North Carolina) Police Department. There, researchers have helped implement a more data-driven EI system that uses a diverse set of metrics and advanced computing to create a dynamic system, able to adjust and include new variables based on the accumulation of data. Instead of simply capturing whether an officer crossed a threshold, Charlotte-Mecklenburg's system calculates a numerical risk score, which more precisely measures officers' job performance—both flagging officers who are having problems, and highlighting officers who are excelling in the included metrics. Preliminary results show a 20 percent reduction in false positives and a 75 percent increase in true positives after the new system's adoption.

Source: Jennifer Helsby et al., "Early Intervention Systems." *Criminal Justice Policy Review* 29 (2018): 190–209.

Practice 3: Generate buy-in by listening

When adopting an EI system, buy-in from law enforcement personnel, supervisors, and other end users is critical. To earn this support, agencies should include as many law enforcement employees, supervisors, and leaders as possible in the process from the start. Conduct focus groups to gather input from all ranks: from those new to the agency to those with significant time on the job. Where unions or other labor representatives are present in a jurisdiction, they should be included in these efforts at the earliest possible point in EI system development.

> **Listening in Action in the City of Chicago, Illinois**
>
> Early in its development of a data-driven EI system, the Chicago Police Department (CPD) conducted multiple focus groups for officers of various ranks and assignments with a wide range of tenure on the job. The CPD asked those participating in the focus groups four major questions:
>
> - What events can occur on the job or at home that would lead an officer to require support, training, or intervention?
>
> - What indicators might lead one to believe that a fellow officer might need assistance?
>
> - What supports and services are available today if an officer needs assistance? What supports and services must be modified or added?

Practice 4: Establish the business process

An EI system should not only support employee wellness but also promote accountability—for both the officers it flags for intervention, and their chain of command. It should identify those personnel most in need of support or services and ensure that their supervisors, management, and leadership are accountable for addressing the issues identified and following up with personnel when necessary.

A PERF analysis of settlement agreements in a number of cities indicates the following components are becoming standard in EI systems:

- Tools are maintained and used by supervisors and managers.

- Policies and protocols are developed for data collection, maintenance, analysis, security, and access.

- Personnel managing the program have proper training.

- Threshold criteria for flagging are developed.

- Follow-up action is specified.

- Interventions take place in a timely manner and outcomes are tracked.

- Intervention progress is reviewed by a supervisor.

Modern law enforcement agencies should incorporate these points into their development and use of EI systems. In addition, they should consider the databases and other records tracking systems that will feed into the EI system, as well as the agency personnel who will interact with it and the process flow of that interaction. This process flow may be decentralized, centralized, or a hybrid model.

In the decentralized business process, all line supervisors and managers are responsible for interacting with the EI system, meeting with the officers it flags, and recommending specific supports or services for them. Agencies that have implemented this decentralized model often cite the benefits of the direct supervisor-to-subordinate conversation it facilitates: the supervisor is held accountable and is not able to avoid or ignore an issue, and employees are made aware that someone in their chain of command is paying attention to their performance and welfare. This approach also typically ensures that all of an individual's chain of command are informed of the situation and the intervention; this helps ensure that the employee's supervisor will make a proactive effort to support the employee and follow through on recommendations for support or intervention.

In the centralized use of the EI system, a specialized unit reviews and follows up with individuals identified by the EI system. Agencies that follow this centralized model often cite the benefits of having highly trained staff who can provide a consistent application of the EI system program. Other agencies may choose to implement a hybrid approach. In this model, line supervisors are still engaged, but a specialized unit is made available for guidance, direction, and oversight of the program as a whole.

Regardless of the model—decentralized, centralized, or hybrid—agencies should use a problem-solving approach to engage employees identified as potentially needing intervention. The specific intervention will vary based on the type of problem and the resources available, ranging from counseling sessions, to remedial training or referral to the employee assistance program.

Practice 5: Explain the EI system to stakeholders to ensure transparency

Once the EI system program is designed, communication with stakeholders should continue, especially to line-level employees.[122] Line-level staff should be told exactly what the goals of the EI system program are; what data points are included in the system; what support, services, and trainings are available; and what process flow will be followed. Employees will likely resent and resist the EI system if it lacks transparency or includes data points that are not clearly associated with the program goals.

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122. Davis et al., "Turning Necessity into Virtue."

Law enforcement executives should work to ensure the EI system is messaged appropriately to line-level and supervisory staff. Similarly, supervisors need to be taught how to use the EI system effectively to encourage effective performance from subordinates.[123] After all, the goal of the EI system is to proactively identify those personnel who are not meeting performance and behavioral expectations.

Agencies should promote transparency of the data and the EI system program overall. Agencies that successfully gain adoption of a system typically begin their EI system program by making the data in the system readily available to agency personnel. For example, during the Los Angeles Police Department's EI system implementation, one of the first steps the department took was to ask officers to log in to the system and review their own data. Officers were then provided with a process by which they could request corrections to data if they believed they identified an error.

Practice 6: Train all members of the department on the EI system

Training on the EI system is critical to a program's success. All users, at all ranks, should be trained on the system. Even if employees are not going to interact with the system on a regular basis, they should be trained on what the system is, how it functions, what it does, and—importantly—what it does not do.

Supervisors should receive training on the system, its use, and related policy. Supervisors should also be trained on how to follow up with personnel flagged by the system; this may require a difficult conversation about professional or personal concerns, as well as identifying what an employee may need in terms of support, training, or intervention. This follow-up is critical, as it is here that an EI system program has the potential to save a career and prevent irreparable harm to public trust.

Practice 7: Continuously evaluate and improve the EI system program with the support of an experienced third party

Developing an EI system should not stop with the rollout of the EI tool. Rather, it should continue with a process and outcome evaluation that identifies successes and areas for improvement. A promising practice for this evaluation is to partner with an experienced third party, such as a university or independent researcher.

The EI system can detect emerging patterns or trends in an agency which might call for policy revisions, training, change to existing practices, or investigations into other factors not tracked by the system. By refining the key indicators to make them more reliable, formal evaluation will help the system better track these large-scale internal patterns.

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123. Walker, Milligan, and Berke, "Supervision and Intervention."

Special considerations for small agencies

Executives in smaller agencies frequently enjoy a more intimate knowledge of employee actions, inactions, health, and personal family challenges—any of which may affect an individual's job performance. Nonetheless, small agencies still need a policy that offers guidelines for addressing employees who may need assistance, and this policy should be accompanied by appropriate training and procedures. Even where small agencies have an exceptionally well-designed hiring process that identifies ideal candidates to serve their community, those employees may still face challenges later. A solid EI system can observe early warning signs of such challenges and bring an employee to the attention of appropriate staff members.

Often, executives of smaller agencies think first of turning to their city's or county's human resources departments for assistance with personnel issues, but because of the high risks involved, these agencies also need a solid EI policy and process. This policy should include the data factors used and their thresholds and should outline the processes and requirements for the EI program. Clearly articulating expectations in a policy presents an opportunity for executives to address potential misconduct before it occurs. Smaller agencies should then review their current data factors to determine appropriate thresholds that will trigger action items. Upon the triggering of these action items, supervisors and managers can then review and determine what follow-up is needed, if any.

An alternative to EI systems for smaller agencies is to create a committee of first-line supervisors to review subordinates' work behavior quarterly; similarly, lieutenants would review sergeants. As with a formal EI system, the small agency considering this committee-based review should document the requirements of this plan in policy. Whether a small agency uses a review committee or an automated EI system, training on intervention policy and process is crucial. Trainings should be rank-specific to manage employee expectations. If manageable, the smaller agency can define EI processes and practices in its standard operating procedure.

If a review committee is used, it is important to document and track all of its reviews, notifications, and related managerial actions, just as these would be tracked by an automated EI system. This oversight ensures all EI issues are addressed consistently and patterns of misconduct are assessed.

Even in the absence of a standing review committee, agency executives should conduct a periodic review and audit of standard, defined, and appropriate information about employees, including supervisors and managers. This audit can help identify any potential patterns of incidents that may indicate at-risk behavior. If such a pattern is identified, managers and supervisors should conduct a review of the employees' activities and direct action as appropriate.

Checklists to implement

Checklist of steps to establish an EI system program

☐ Assess

- Current data collection, if any
- Existing supports, services, and trainings

☐ Listen

- Conduct focus groups
- Engage front-line personnel, supervisors, and union or other labor representatives

☐ Design

- Performance indicators
- Thresholds and timeframes for alerts
- Notification and response
- EI policy and practices
- Supports, services, and trainings

☐ Roll out

- Front-line personnel
- Supervisors
- Managers
- Community

☐ Train

- Front-line personnel – what to expect
- Supervisors – what to do
- Managers – how to review

☐ Support

- Proactive, not punitive
- Defined support and resources
- Monitor and evaluate
- Chance to review
- Chance to change

- ☐ Report

  - Front-line personnel
  - Supervisors
  - Managers

- ☐ Revise and update

  - Repeat as necessary

Checklist of common variables to include in an EI system

- ☐ Use of force incidents (where employee is the involved officer)

- ☐ Officer-involved shootings

- ☐ Firearm discharges (on and off duty)

- ☐ Police canine bite incidents (of a member of the public)

- ☐ Personnel complaints (where the employee is accused)

- ☐ Traffic collisions

- ☐ Pursuits

- ☐ Stops

- ☐ Arrests

- ☐ Sick leave usage

- ☐ Failure to appear in court

- ☐ Commendations, awards, and written compliments

- ☐ Training records

- ☐ Failure to qualify

- ☐ Claims and lawsuits (where the employee is a defendant)

- ☐ Criminal arrests, investigations, and charges against employee

- ☐ Annual performance evaluations (previous two or three)

Summary

EI system programs are not one-size-fits-all and should be implemented according to agency and community needs and organizational capacity. Law enforcement executives can help employees and the community by systematically tracking behavioral data points and using technology to flag patterns of behavior that may indicate an employee in need of assistance. Identifying opportunities to reduce at-risk behaviors is just the beginning: A successful EI system program also requires tools, resources, and services—such as training or counseling—and personnel trained to support and implement it.

Change may be incremental, and it will require considerable effort to organize, implement, and encourage personnel to adopt an EI program. Law enforcement executives need to begin by designing an EI system program that will work for the needs of their specific agency and the communities they serve. Datasets should be selected carefully, accompanied by a plan to collect and input the data properly. Appropriate supports, services, and training should be made available. Community and personnel buy-in is earned by an open dialogue—and a lot of listening.

The agency's EI system policy should establish a business process—who is responsible for what—which should be explained thoroughly to all stakeholders. Constant evaluation and adaptation are key to ensuring the EI system redirects behavior and helps to prevent potential incidents that may harm employees, their careers, or members of the public. With a properly considered and fully supported EI system, law enforcement executives can enhance their first-line supervisors' ability to monitor subordinate performance, empower employees to self-correct their own behavior by establishing clear parameters for individual and group behavior, and help earn community trust.

6. Internal Affairs

Why is this issue important?

The California Commission on Peace Officer Standards and Training defines police legitimacy as

> . . . the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities. Legitimacy is reflected in three judgments. The first is public trust and confidence in the police. Such confidence involves the belief that the police are honest, that they try to do their jobs well, and that they are trying to protect the community against crime and violence. Second, legitimacy reflects the willingness of residents to defer to the law and to police authority, i.e. their sense of obligation and responsibility to accept police authority. Finally, legitimacy involves the belief that police actions are morally justified and appropriate to the circumstances.[124]

Police legitimacy is critical to preventing and controlling crime. Legitimacy both stems from and fosters community trust, in a self-reinforcing loop. The opposite is also true: police misconduct serves to undermine the legitimacy of law enforcement and, therefore, its ability to prevent and control crime. For most agencies, an internal affairs function is a key mechanism for preventing—and, when necessary, disciplining—misconduct and thereby helping to maintain an agency's legitimacy. Identifying the best process for managing complaints against law enforcement agencies and their members is one of the single greatest challenges facing law enforcement executives, city and county managers, and the elected officials who work with them.

Law enforcement is the only institution of social control in the United States that is authorized to use coercive force against individuals when legally justified. This force, like a great deal of law enforcement work, often happens outside of the view of direct supervision, which makes it difficult to control. For these reasons, communities rightly demand that law enforcement be held to account for misconduct. Lack of accountability erodes the legitimacy of the organization, and public support with it. The public is also less likely to support law enforcement when it believes law enforcement actions toward the public are inappropriate, unprofessional, or illegal—even when those beliefs are unfounded. This is especially true for members of the public who are disenfranchised or disaffected. Organizations seen as illegitimate by their constituents will have a more difficult time building effective community partnerships and engaging their communities in crime prevention and control. Internally, police legitimacy is critical to maintaining internal procedural justice.

Too often, however, the messaging from law enforcement agencies about their disciplinary processes treats the investigation of misconduct as a matter of mere professional pride. Even for agencies that take the investigation of complaints against law enforcement misconduct very seriously and commu-

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124. California POST, "Procedural Justice and Police Legitimacy."

nicate this to their communities and law enforcement personnel, a key question remains: How should law enforcement personnel be held to account for alleged misconduct? Members of law enforcement want the community to trust their integrity and professionalism, while some community members lack trust and confidence in a law enforcement agency's ability to police itself. Therefore, it is critical for each agency to take the time to understand the needs of the communities it serves and the personnel it employs, and then work within those communities and among those law enforcement personnel to develop an accountability system that best serves the agency and community.

Law enforcement agencies in the United States typically follow one of three general models: external controls (i.e., independent police commissions, independent monitors, or civilian review boards); internal controls (i.e., internal affairs units); or some combination of external and internal controls. The most common model is the use of internal control mechanisms in the form of an internal affairs unit. However, there is no cookie-cutter approach to identifying the best method for investigating and adjudicating complaints against law enforcement personnel. Rather, there are a few guiding principles that the internal affairs / complaint and disciplinary processes should follow, in agencies of all sizes:

- Formalize the disciplinary process and hold managers and supervisors accountable for discussing expectations with their subordinates.

- Adopt procedural justice internally throughout the agency.

- Be transparent with the complaint intake process and accept all complaints.

- Implement formal policies and procedures for complaint intake and investigation that outline specific steps to ensure consistency, timeliness, and comprehensiveness.

- Outline management responsibilities for reviewing investigations and their outcomes.

Key points and challenges

There are three critical challenges relating to oversight facing many law enforcement agencies today: lack of appropriate, consistent, and comprehensive oversight processes; lack of public knowledge of these processes, their potential outcomes, and their timelines; and lack of capacity among their personnel to deliver professional law enforcement services. Law enforcement executives and leaders need to be proactive in addressing these issues before an incident occurs to derail community trust.

An agency's internal affairs process is critical every day. However, it only typically comes to the public's attention in the aftermath of a high-profile use of force incident, particularly where an incident is accompanied by allegations of racial or some other form of real or perceived bias. In the wake of such

incidents, community members often press for increased oversight of agencies—for example, demanding that civilian review boards or some other form of civilian oversight replace current processes for investigating and adjudicating allegations of police misconduct. These calls for oversight place law enforcement executives in a position of defending their current internal affairs practices to the community and elected officials.

Law enforcement leaders need to understand and audit their internal affairs systems. The best time to review internal affairs processes to ensure they are up-to-date and meet the needs of the agency and community is *before* critical incidents occur. Addressing deficiencies following a critical incident is important in identifying trends and making appropriate changes to agency policy, training, or procedures and practices; however, averting potential problems before they occur is better. Agencies can proactively establish appropriate accountability and oversight measures by conducting regular ongoing reviews and audits to identify trends and needed updates. Transparency in these audits can build trust internally with employees and externally with the community.

Complaint investigation and resolution is a complex, layered system. Most complaints against law enforcement members are not sustained:[125] either investigation of the complaints exonerate agency members or the allegations are not proved one way or the other. It is often difficult to explain to a complainant why a law enforcement action results in a specific adjudication decision, as these decisions are based in specialized legal and professional knowledge which most people do not have. For this reason, and because of the confidentiality requirements that apply to internal investigations, many members of the public perceive law enforcement as covering for colleagues in high-profile incident investigations.

These perceptions are compounded by the additional challenges of investigating and adjudicating complaints in a timely manner. It is sometimes difficult to explain to complainants why the process for investigating a complaint may take longer than they feel is necessary, or why certain steps need to be taken to protect the legal rights of a law enforcement official who is the subject of a complaint. This challenge is particularly acute when video of the official's actions seems to make the determination especially clear cut. The response to such challenges is to provide as much education and transparency about the legal issues and collective bargaining agreements in play as possible. This transparency enhance the community's trust and an agency's credibility.

As in all professions, some law enforcement personnel fail to deliver professional services to their communities. Law enforcement executives may encounter problems trying to separate these individuals from the agency, particularly where civil service laws make it difficult to hold people accountable. One key step executives can take is to make sure their reasons for terminating unprofessional employees are clear, consistent, and just. The goal of discipline should not be to punish, but to change the behavior of

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125. Lersch and Mieczkowski, "An Examination of the Convergence"; Terrill and Ingram, "Citizen Complaints Against the Police."

agency members who have engaged in misconduct and, in the process, set a standard for the rest of the organization. To further this goal and their own internal organizational justice, agencies should adhere to the concept of progressive discipline and implement the lowest level of discipline necessary to effect these positive changes.

Brief summary of academic literature

Before discussing highlights from the academic literature about this subject, we must note one important caveat. There is a general lack of academic literature that examines the internal affairs process within law enforcement agencies, while the literature that does exist suffers from two limitations. First, there are relatively few studies that cover multiple organizations, which limits the generalizability of the results: in other words, scholars are unsure if results from studies in one agency will transfer to or be representative of things seen in others. The results from the few studies that do cover multiple agencies suggest that there is substantial variation in agencies' the internal affairs processes.[126] This variation in process is often driven by variation in the local laws, protocols, and collective bargaining rights that govern internal affairs processes, meaning that standardizing these processes, even if desired, would be very complicated.[127]

The second, and related, issue stems from the fact that much of the research that has been conducted uses data collected before 2000. Again, this entails generalizability concerns about the results due to technological, legal, operational, and cultural changes in policing since 2000. Even literature written since 2000 often does not reflect the social change occurring just in the last few years as the result of technological change and increased transparency in policing practices.

Looking at the literature, there are a few findings that consistently emerge from the data. First, for a variety of reasons, relatively few allegations of misconduct are ultimately sustained.[128] However, while the number of sustained cases is low in almost all agencies, in some agencies that employ external review of investigations it is notably higher.[129] This discrepancy can be interpreted to suggest that internal reviews undercount actual incidents of misconduct; for many community members and advocates, it is discouraging that so few allegations against law enforcement personnel are sustained, particularly when investigations are internal and lack transparency. In addition, certain types of law enforcement behavior—such as use of force or arrests—may seem inappropriate to many people even when the actions were legitimate and legal.

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126. Terrill and Ingram, "Citizen Complaints Against the Police."
127. COPS Office, "Standards and Guidelines for Internal Affairs."
128. Worrall, "If You Build It, They Will Come."
129. Worrall, "If You Build It, They Will Come."

This problem is further exacerbated by evidence suggesting the overwhelming number of complaints are never brought to the attention of internal affairs units,[130] likely due in part to community perceptions that the allegations will not be addressed in earnest. The overwhelming majority of persons who make allegations of police misconduct—especially regarding use of force—are persons of color,[131] a fact which contributes to these perceptions. Steps can be taken to enhance the efficacy of the internal affairs process for community members; when these changes are made, the number of complaints increases.[132] While many agencies might see an increased number of complaints as indicating an increase in misconduct, it can also be a sign that a greater proportion of persons with grievances are willing to come forward, which may reflect enhanced perceptions of legitimacy in the community.

It is recognized that law enforcement disciplinary procedures have been a source of frustration for many of those involved in the process.[133] The literature suggests that, like community members, officials also experience frustrations with the internal affairs process.[134] Many law enforcement members perceive the internal affairs process as a "gotcha"—an erratic punishment used by autocratic managers who have forgotten what it is to be a "real" cop.[135] Research further suggests that onerous and unpredictable internal affairs processes have tangible negative effects on the job performance and morale of personnel.[136]

The traditional approach to internal affairs—one that lacks consistency, transparency, and open access—is not optimal for community members or for personnel.[137] The question that remains is whether agencies can alter their processes to address the concerns of their community and employees effectively. However, research identifies specific steps that organizations can take to improve employees' perceptions of internal affairs processes. Specifically, agencies need to ensure that personnel feel as though the process is fair and transparent.[138] In addition to reducing the deleterious effects of the process, fairness in internal investigations may also reduce official misconduct in the first place.[139]

Summary of existing DOJ and other resources

Effective management of the internal affairs investigative process helps strengthen the legitimacy of the disciplinary process and, over time, increases public trust and confidence. Many government publications have discussed the internal affairs process in depth and can be great resources for law enforcement

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130. Lersch, "Police Misconduct and Malpractice."
131. Lersch, "Police Misconduct and Malpractice."
132. Worrall, "If You Build It, They Will Come."
133. Shane, "Organizational Stressors and Police Performance."
134. Manning, *Police Work: The Social Organization of Policing*.
135. Reuss-Ianni, Elizabeth, *Two Culture of Policing*.
136. Shane, "Organizational Stressors and Police Performance."
137. Maguire and Corbett, *A Study of the Police Complaints System*.
138. Shane, "Organizational Stressors and Police Performance."
139. Wolfe and Piquero, "Organizational Justice and Police Misconduct."

leaders and their agencies in implementing best and promising practices. As a baseline resource, the 2015 COPS Office publication <u>Final Report of the President's Task Force on 21st Century Policing</u>[140] discusses a key recommendation of adopting procedural justice as a guiding principle for internal and external policies and practices, including internal discipline investigations. This publication is a good starting point for law enforcement executives seeking greater understanding of the purpose of an internal affairs system. It explains how in most cases, the best outcome of an agency disciplinary system is educating personnel and correcting behavior, rather than punishment. Another resource is the 2011 National Institute of Justice (NIJ) publication <u>Police Discipline: A Case for Change</u>,[141] which identifies the disciplinary system as one of the most tangible internal organizational systems upon which to model procedural justice. This is because the disciplinary system is often a source of conflict between management and labor as well as a source of mistrust between law enforcement and the community—particularly in communities of color. Providing voice, respect, and transparency is best modeled internally if personnel are expected to engage in the same manner with the public.

A helpful resource for understanding best and promising practices in internal affairs overall is the 2009 COPS Office publication <u>Standards and Guidelines for Internal Affairs</u>,[142] which provides standards, recommendations, and best practices in internal affairs work; discusses differences and similarities in practice; and looks at various approaches to improving individual and collective agencies.

Any law enforcement agency should ensure the organization appropriately trains all members, supervisors, and managers in the purpose and process of internal affairs—including outcomes—and that the agency's expectations are articulated clearly. Good references for this are some of the training keys published in 2001 by the IACP, including <u>Training Key 529, 530, and 531, Investigation of Public Complaints – Parts I, II, and III</u>.[143] These training keys are a three-part series on receiving and investigating public complaints and administering discipline. The series outlines how all law enforcement officials should have a solid understanding of the processes that should be followed in these areas and of the appropriate roles, legal rights, and responsibilities of personnel and their employing law enforcement agencies.

A complement to these resources is a discussion of ethics. The IACP's <u>Training Keys 475 and 476, Police Ethics Part I and Part II</u>[144] examine the nature and importance of police ethics and discuss some of the factors that affect police integrity before presenting suggestions to assist agencies in resolving some of the problems identified within. As a follow-up to these training keys, the NIJ published <u>Enhancing Police Integrity</u>,[145] which outlines a study of how well law enforcement understand their agencies' rules on misconduct, as well as their opinions about the seriousness of the different types

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140. President's Task Force on 21st Century Policing, *Final Report*.
141. Stephens, "Police Discipline: A Case for Change."
142. COPS Office, "Standards and Guidelines for Internal Affairs."
143. IACP, "Training Keys."
144. IACP, "Training Keys."
145. NIJ, *Enhancing Police Integrity*.

of misconduct, the appropriate discipline for the misconduct, and their willingness to report the be-havior. This study found that an agency's culture of integrity—as defined by clearly understood and implemented policies and rules—might be more important in shaping the ethics of law enforcement members than hiring the "right" people.

Another helpful resource is a COPS Office publication from 2005, Employee Conduct: Investigations & Discipline.[146] This guidebook explains the processes for conducting misconduct investigations and de-termining discipline used by the Charlotte-Mecklenburg (North Carolina) Police Department (CMPD). It discusses the CMPD's rationale for adopting its procedures and discipline philosophy. The guidebook aims to inform and inspire greater public trust in the CMPD by creating confidence in these processes. Although based on focus group discussions with CMPD employees and community members, the guide-book's methodology, themes, and process improvements can be translated into any agency's internal affairs policies and practices.

The 2009 COPS Office publication Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement[147] focuses on the pivotal role of the internal affairs function as one component of an agency-wide effort to use professional standards to build trust between law enforcement agencies, their staff, and the communities they are sworn to protect and serve. This guide addresses internal affairs functions from complaint processing to decision-making, discipline, notification, and community transparency, as well as discussing how to build an effective internal affairs approach for any size agency. This publication also looks at the in-ternal affairs process from the community's viewpoint and presents information on how local agencies can be accountable to their communities through trust-building initiatives and other activities. Another publication for addressing the police agency / community relationship is the 2008 IACP and COPS Of-fice publication Linking Law Enforcement Internal Affairs Practices and Community Trust Building.[148] This document analyzes the results of a survey conducted to identify trends and common procedures among larger, midsized, and smaller agencies during internal affairs investigations.

To help inform law enforcement executives of smaller agencies on best and promising practices for internal affairs, the Bureau of Justice Assistance published the Best Practices Guide for Internal Affairs: A Strategy for Smaller Departments.[149] This publication provides a very high-level look at best practices for local policies and procedures on internal affairs investigations and the requirement for input and review from appropriate legal advisors. It includes steps for the complaint intake and investigation pro-cess, provides a professional standards checklist, and discusses the importance of an early intervention system and of transparency in publishing annual complaint reports.

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146. Charlotte-Mecklenberg Police Department, *Employee Conduct: Investigations & Discipline.*
147. COPS Office, *Building Trust Between Police and Citizens.*
148. Brown, Trahillis, and Kaur, "Linking Law Enforcement Internal Affairs."
149. Thurnauer, *Internal Affairs: A Strategy for Smaller Departments.*

Best or promising practices in the field

Practice 1: Develop and publish a clear philosophy for internal affairs investigations

To enhance the effectiveness of internal affairs units, law enforcement organizations should develop policies that focus on transparency—within the bounds of the law—rather than concealing the internal affairs process. Community members need to feel as though their law enforcement agencies want to hear their concerns, will fairly investigate their complaints, and will inform them about the outcome of the investigation.

The process for investigating allegations of employee misconduct should be clearly defined for both internal and external constituents. The agency should also promulgate a broad policy or general order describing the agency's philosophy and purpose in investigating internal and external complaints of misconduct—one that is linked to legitimacy and procedural justice.

To support the transparency necessary for legitimacy and trust, the internal affairs policy should ideally be developed with the input of employee representatives and community stakeholders and then be made available to all members of the agency and to the public. The policy should describe the following functions: defining a complaint; complaint intake and assignment; notification processes for complainants, subject members, and their supervisors; investigation; adjudication or disposition; investigative timeframe requirements; the employee appeal processes; and disposition notification processes to complainants. How, where, and when information regarding investigations will be shared—and with whom—also needs to be part of the policy.

Importantly, the policy should outline processes for notifying both the complainant and subject member of the status of the investigation at various checkpoints, as well as the findings of the investigation upon its completion. In pursuit of transparency, law enforcement executives should also consider providing some type of complaint brochure to the public that outlines the complaint intake and investigation process.

Clear Philosophy in Action in Los Angeles, California

The Los Angeles Police Department's Policy Manual's section on complaint acceptance, notification, and other intake guidelines provides a good example of promising practices in developing and publicizing an internal affairs philosophy.

Source: Los Angeles Police Department Manual, "Disciplinary Procedures: Volume 3," accessed July 17, 2018, http://www.lapdonline.org/lapd_manual/volume_3.htm#805.

Practice 2: Improve the intake of internal affairs complaints

Law enforcement agencies should adopt an open and accessible complaint registry system, with multiple access points and various means for accepting complaints. Where labor agreements limit such accessibility, agency executives need to prioritize discussions of this issue. It is critical to define what a complaint is. The means of accepting complaints should be described clearly in department policy, and the agency should commit to addressing every complaint or issue brought to its attention. Addressing every complaint or issue brought to an agency's attention does not mean that a formal investigation is necessary for all complaints. Rather, it simply means that it should be the official policy and practice to ensure that all complainants are given the respect and dignity of a response to their inquiry from a person holding a position of authority in the agency.

A best practice is to take complaints in person, in writing, online, on the phone, or through third-party advocates. In addition, the policy should describe appropriate sanctions for the failure to accept a complaint and for failing to report an issue or observed misconduct; these measures are essential for ensuring integrity and trust in the complaint process.

Complaint Intake in Action in Houston, Texas

The Houston Police Department uses a Central Intake Office to accept all complaints of misconduct. Each complaint or inquiry is given a unique identifier and documented in a digital database. This database also indicates whether the issue will be assigned to internal affairs or to the officer's division for investigation and whether it will be handled through mediation.

The department also enlists the local NAACP, League of United Latin American Citizens, and the Houston Area Urban League to accept and forward internal affairs complaints to the department.

Practice 3: Explicitly designate who will investigate internal affairs complaints

Agency resources will determine whether the complaint is assigned to an internal affairs office, unit, or division or whether a supervisor outside of internal affairs will investigate a case. Nonetheless, an agency's written policies should clearly state who in the agency is responsible for conducting investigations and who is responsible for overseeing their work. Law enforcement executives should ensure that investigators and their supervisors are trained on internal procedures and on the overarching expectations of procedural justice.

In smaller agencies, the responsibility for investigating complaints may be delegated to a single employee or supervisor. Regardless of who is responsible, it is essential that each individual investigator follow procedural justice principles, including using neutral language when communicating with the complainant and subject member. Internal affairs investigators should be guided by clear standard operating proce-

dures for conducting interviews. They should remember that complaints reflect an administrative—not a criminal—investigation and take care to avoid the perception of interrogation when communicating with a complainant or witness. Recorded statements should be transcribed, when possible, and made available in written form.

To avoid investigator bias, the assigned investigator's duties should be limited to identifying facts and evidence only. The assigned investigator should also review the body-worn cameras from accused individuals when possible.

Practice 4: Establish a timeline and benchmarks for conducting investigations and notifying interested parties

It is essential that internal affairs investigations and corrective actions be guided by clear standards and completed in a timely manner. Agency policy and standard operating procedures should clearly describe in writing the time allotted for each stage of the investigation and for keeping the aggrieved complainant apprised of the progress of the investigation. In some jurisdictions, labor agreements or statutes describe how investigations are to occur and the timeline for completion; for example, the California Peace Officer Bill of Rights outlines such requirements. Law enforcement executives should ensure these parameters are clearly explained to complainants and that investigators comply with the requirements. Adherence to these requirements will help avoid nullifying a complaint's finding or its subsequent disciplinary outcome due to procedural error.

Both the community member and law enforcement official should be promptly notified in writing when the investigation has been concluded. Where appropriate, the community member should also be notified of the investigation's findings; this may not always be possible, given labor agreements or state law that may prohibit the agency from describing corrective action taken in response to sustained complaints. When possible and in the interest of building community trust and transparency, the agency could consider offering the complainant an opportunity to review the body-worn camera footage to show that a complaint deemed unfounded was appropriately adjudicated.

Since investigation of misconduct is an important supervisory duty, first-line supervisors not involved in the investigation or inquiry should be made aware of any incident involving a member subject to their leadership and supervision. Moreover, if discipline is sustained, the supervisor should be responsible for ensuring corrective measures beyond discipline are taken to change the employee's behaviors or work performance.

Timely Review in Houston, Texas

In Texas, state law provides 180 days to complete an investigation. The Houston Police Department's protocols provide 60 days for the internal affairs investigator to determine the facts, 15 days for supervisory review and determination of a finding by the internal affairs lieutenant and captain, 10 days for review by the Independent Police Oversight Board panel, and 15 subsequent days to review the decision up the chain of command.

Practice 5: Designate a supervisor to review and adjudicate internal affairs investigations

Law enforcement executives should designate a supervisor to review the investigator's work product for accuracy and completeness.

This supervisor's findings and recommendations should then work their way up the chain of command for review before ultimately landing on the desk of the executive for a final determination of the disposition of the investigation and any disciplinary measures.

Separating the work of an investigator from the effort to make findings and recommendations helps to ensure the investigation is handled in a thorough, fair, and objective manner.

Practice 6: Consider incorporating an external review process to increase public transparency of internal affairs investigations

The fact that most complaints ultimately are categorized as not sustained can be an acute source of friction, especially when the community does not have a role in determining the outcome of investigations. Accordingly, incorporating an ombudsman or some other form of external review is a worthwhile consideration to enhance the transparency and trustworthiness of the process. While there is no one-size-fits-all form of external review, collaborating with other city or county officials and key community stakeholders who are sincerely interested in enhancing an agency's disciplinary process can help a law enforcement executive identify ways external input into an agency's disciplinary process can strengthen the community's trust in it.

Independent Oversight in Action across the Nation

These are some of the ways cities have instituted independent oversight of their police agencies:

- Denver, Colorado has a police accountability board comprising seven members appointed by the mayor.

- San Francisco, California has both the Department of Police Accountability and the Police Commission.

- Houston, Texas has a 28-member Independent Police Oversight Board appointed by the mayor and city council.

- Seattle, Washington has a board appointed by the mayor.

- San Jose, California has an Independent Police Monitor.

Practice 7: Keep corrective action consistent and transparent; seek to correct, not punish

Where the evidence proves misconduct did occur, a disciplinary matrix can be used to promote fairness and consistency of corrective action. Instead of specifying a level of punishment for a given infraction or violation, a disciplinary matrix should match a disciplinary outcome to key data points such as the seriousness of the misconduct, as well as a subject member's personal history and tenure with the agency. The primary goal should be to set a disciplinary standard for the organization and to correct an employee's behavior in a manner consistent with the mission and guiding principles, not to impose punishment.

Education-based discipline[150] is another promising practice to consider in designing a disciplinary matrix or corrective action policy. Traditional discipline sometimes leads to resentment between the affected employee and peers when there is a perception that the punishment was too severe or too lenient. With education-based discipline, the employee is involved in the process of developing a plan of action to remediate the behavior so that it is not repeated. The remediation plan may include education and training, including requiring the employee to write and present research on a topic or subject as determined by the remediation plan or as agreed to by the offending employee.

Education-Based Discipline in Practice in Los Angeles County, California

Education-based discipline seeks to modify the behavior of an employee in a non-punitive manner, as opposed to punitive traditional discipline, which does little to modify behavior. To be effective, participation in education-based discipline should be voluntary. The Los Angeles County Sheriff's Department (LASD) is one of the first law enforcement agencies to use education-based discipline to remediate employee behavior.

The LASD's Education-Based Discipline (EBD) Process provides an option for employees to participate voluntarily in an individualized remedial plan that emphasizes education, training, and other creative interventions which promote a successful outcome. EBD is offered to employees who are facing a one- to 30-day suspension; the employee retains all grievance rights, including the right to accept a suspension. Employees who elect to participate in EBD agree to do any combination of the following: attend classes, attend training, conduct briefings, author a research paper, or participate in an activity addressing the behavior that resulted in the discipline.

EBD can be offered at several junctures during an investigation, including as part of a predisposition settlement agreement, when the employee receives notification of disciplinary action, or at the conclusion of the grievance process, at the discretion of the unit commander.

Source: Richard C. Grote, *Discipline Without Punishment. The Proven Strategy That Turns Problem Employees into Superior Performers,* 2nd ed. (New York: American Management Association, 2006.)

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150. Grote, *Discipline Without Punishment.*

Practice 8: Consider alternative dispute resolution

Some agencies are using alternative dispute resolution methodologies to resolve both internal and external complaints. Mediation is one alternative method that has proven successful in resolving disputes between members of the community and the law enforcement agency. As described below, mediation can be used either in place of the investigatory process or as a subsequent recommended outcome for corrective action.

In a number of cases, a community member lodging a complaint is merely seeking an explanation for the law enforcement official's action or trying to get the official to view the issue from the community member's perspective. A face-to-face meeting between a subject member and a complainant in the presence of a neutral third party can assist in resolving complaints and is often preferable to having the complaint disposed of as not sustained, meaning the complaint could not be proved or disproved.

However, for mediation to be meaningful, both the law enforcement official and the community member should agree to participate. The agreement to mediate is a promising first step toward resolution of the dispute. As with any of the processes attached to internal investigations and discipline, it is important to educate the public and employees regarding mediation and to establish clear guidelines and policies including goals, objectives, and when mediation is an appropriate method.

Practice 9: Engage community members and increase transparency

Community involvement in the internal investigative process fosters trust and legitimacy. Alongside input from the rank and file, input from community members should be sought and included early in the process of developing the agency's overarching internal affairs policy. Typically, investigations are considered closed when discipline or corrective action is issued, subject to appeal or other review granted to the employee by labor agreement or law. Because the aggrieved complainant normally does not have the right to appeal or challenge the investigation's finding, the agency should establish a routine practice of communicating with the complainant to discuss the investigation's finding, to the extent allowed by law.

Internal investigations have long been shrouded in secrecy. While laws often require confidentiality for many facets of a personnel investigation, law enforcement executives need to transition to an approach based on transparency and openness whenever possible. Consistent with this approach, the agency should maintain and publish in a searchable database all data related to the investigation of misconduct complaints, including the nature and type of complaint, demographics of the employee and community member involved in the complaint, and the results of the investigation. Names of specific agency personnel may or may not be included in this database, depending on local laws and labor agreements; law enforcement executives need to understand the legal parameters as they move to a more open process. The information can be used in conjunction with other organizational processes as a tool for evaluation and improvement of policies and practices, in partnership with the community or interested research organizations.

Transparency in Action in New Orleans, Louisiana

The New Orleans Police Department (NOPD) uses a digital database called MAX to facilitate internal management of the organization. MAX is available online in the interest of transparency and accountability. The database is updated weekly and includes data not only on complaints but also on calls for service, crime data, and use of force, among other datasets. The NOPD's searchable database is a good example of a promising practice in community transparency.

Practice 10: Consider implementing a disciplinary review panel when determining appropriate discipline

Law enforcement executives should consider leveraging Disciplinary Review Panels (DRP). A DRP is an opportunity for the immediate supervisor of the employee to be disciplined to meet at one place and time with all the command personnel in the employee's chain of command to discuss the case. The heads of the internal affairs and training units and the chief executive should also be present.

The purpose of the DRP is not to reinvestigate the complaint—as it has already been sustained—but instead to guide the ultimate decision on the level of discipline to be imposed. Executives should gather DRP members together in a secure location that allows for confidential discussions and open the panel by stating the purpose of the meeting. Chief executives should provide a verbal order that—out of respect for the subject member whose actions are about to be discussed—the DRP members are not to discuss the details of the panel's discussions without authorization. This confidentiality also helps contribute to an environment that fosters open discussion, which leads to more consistent and fair discipline.

Law enforcement executives should then call on the internal affairs supervisor to provide a brief synopsis of the details of the case, including the date, time, and location of the events involved in the complaint as well as the findings and recommendations. This synopsis could also include the panel's review of the in-car and body-worn camera video footage, as well as footage from city and retail cameras where appropriate and available. All panel members, including the supervisor of the employee to be disciplined, should then provide a verbal recommendation for a disciplinary outcome and discuss their positions as a group, with the law enforcement executive rendering the final decision. Through such a collaborative process, the discipline rendered is more consistent, thorough, fair, and objective. An added benefit is that supervisors who will have the most positive impact in helping the employee learn from the discipline are well informed of the reasons for the discipline, gaining a more global perspective on police operations as well in the process.

Disciplinary Review Panels in Action in San Jose and Sunnyvale, California

Good examples of the use of a Disciplinary Review Panel (DRP) may be seen in the DRP Protocols employed by the San Jose (California) Police Department and the Sunnyvale (California) Department of Public Safety.

Special considerations for small agencies

The size of an agency is not relevant to the level of integrity it should possess. Smaller agencies, however, do face unique challenges: they may only be able to staff a part-time internal affairs unit, or have a limited number of investigators with prior exposure to significant misconduct issues or have difficulty maintaining ongoing policy updates. Therefore, it is imperative that smaller agencies address internal affairs in a proactive manner—but with some realistic considerations.

Smaller agencies typically consider internal affairs investigations as a function of the agency, with the knowledge that it is not possible to have an individual, unit, or division dedicated solely to the internal affairs function. When internal affairs is a part-time job function, clear policy guidance is key to successful outcomes. One strategy for developing an agency's policy is to locate a police accreditation coalition in the local area, such as the Illinois Police Accreditation Commission.[151] Any members of that coalition will provide an agency with a best-practices policy and procedure on the subject. This template policy can then be adapted to fit the nuances of each individual small agency and provide a basis for addressing internal affairs.

The strength of a small agency—its extensive connectivity with a community—can become a challenge when faced with a complaint. Regardless of employees' relationships with community members, even smaller agencies should accept and investigate all complaints as fully as possible. Policy guidance should identify what constitutes a conflict of interest and how to address potential conflicts in internal investigations. While this will not eliminate the unique challenges of personal relationships in small agencies, proactively addressing perceived and actual complaints will help ensure the public and agency personnel have confidence in the organization's commitment to procedural justice.

Furthermore, by accepting all types of complaints regardless of the method of transmission, a smaller agency conveys to the community and staff that any perceived transgression will be addressed and that the organization is dedicated to quality police services, open to constructive criticism, and committed to continuous improvement. While the agency may not be able to resolve all complaints, accepting anonymous, third-party, telephone, and "verbal only" complaints allows smaller agencies to demonstrate integrity and trust for those community members that may engage regularly with the agency and its staff.

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151. Illinois Police Accreditation Coalition, Home page.

Checklist to implement

Checklist of elements to consider when developing a written internal affairs philosophy and policy

□ Purposes of internal affairs investigations:

- Set a professional standard of conduct for the entire organization and correct behavior of those engaging in misconduct.
- Address the relationship of internal affairs investigative procedures to the question of procedural justice–both externally and internally.
- Establish transparency standards for the process.

□ Include the community in developing, assessing, and learning about the internal affairs processes.

□ Define what constitutes a complaint and who can register a complaint.

□ Platforms for accepting complaints:

- In person
- In writing
- Online
- Via phone
- Via a third party

□ Identify specific individuals responsible for investigating internal affairs complaints, considering whether some complaints could be handled by field supervisors or command personnel.

□ Identify individuals responsible for adjudicating internal affairs complaints, along with the protocols for how the adjudication will be conducted.

□ Timeframe for each stage of an internal affairs investigation:

- Receiving complaint
- Investigation
- Adjudication
- Corrective or disciplinary action
- Appeals processes
- Notifications to complainants

□ Policy on addressing complaints:

- Engagement requirements for complainant, witnesses, and subject employees
- Protocols for handling the collection of any evidence (photos, social media posts, video or audio recordings, written documents, etc.)

- Frequency of contact and nature of contact with complainants, witnesses, and agency personnel
- Policies accounting for the inclusion of labor representatives in the investigative processes, particularly during a subject member interview
- Consequences for failure to acknowledge, investigate, or adjudicate a complaint properly

☐ Investigation policies:

- Documentation of interviews, including transcriptions when necessary
- Review of in-car, body-worn, city, and retail video camera footage where appropriate and available
- Training for investigators for conducting interviews in a manner separate from an interrogation
- Involvement of community stakeholders in recommending or providing feedback for internal affairs policies and procedures
- Adjudication policies
- Determining the most effective way of adjudicating misconduct cases, including the process for identifying and implementing appropriate discipline

☐ Disposition policies:

- Ensuring appeals processes are incorporated in policies and procedures
- Protocols for interacting with labor representatives during any appeals processes
- Inclusion of the appropriate Human Resources Department officials and Legal Office representatives in disciplinary cases resulting in time-off without pay, disciplinary transfers, demotions, and terminations

☐ Corrective action policies:

- Use of a disciplinary matrix
- Consideration of education-based discipline
- Use of alternative dispute resolution such as mediation
- Consideration of a Disciplinary Review Panel to determine level of discipline for sustained complaints
- Coordination with the agency's Training Unit to address any issues identified through internal affairs investigations that need to be addressed through agency-wide training.

☐ Notification policies:

- Subject member
- Subject member's supervisor
- Complainant

☐   Protocols governing the confidentiality of internal affairs investigations, allowing for as much transparency as possible while adhering to state or local laws and respecting the confidentiality of complainants and subject employees.

☐   Evaluation of internal affairs, investigation, adjudication, and disciplinary action policies and processes:

- File and body-camera retention policies
- Searchable data
- Internal agency policies regarding the actions to be taken to receive and handle internal affairs investigations by personnel not assigned to the Internal Affairs Unit
- Consideration of a routine third-party audit of internal affairs investigations
- Publication of annual overall statistics regarding internal affairs complaints and case dispositions, keeping in mind the need to protect the confidentiality of individual employees and their disciplinary outcomes
- Consideration of whether a formal external oversight process is needed, and if so, what type of oversight would work best for the particular community

Summary

The internal affairs process comprises the investigation and adjudication of complaints, corrective action, and transparency measures surrounding these actions. Chief executives should attend to this complex critical process in advance of an incident—not after—to establish an oversight process. Such an oversight process should meet the needs of the agency and the community, educate the community on the adjudication process and rationale for outcomes, change the undesired behavior of law enforcement personnel, and help assuage community concern over the time spent investigating and adjudicating complaints. It should consider all stakeholder interests.

In addition, law enforcement organizations need to ensure that agency members who participate in internal affairs investigations are treated fairly during the investigation and receive reasonable and consistent punishments based on the totality of the circumstances. Given that much of the work of law enforcement happens outside of direct supervision, other employees will often be the only witnesses to events of alleged misconduct. Agency members, including non-sworn personnel, may be less willing to participate in the investigation—in any capacity—if they feel that the process or the outcome of the investigation will be unfair to accused personnel.

7. Recruitment, Hiring, Promotion, and Retention

Why is this issue important?

The central elements of staffing—recruitment, hiring, retention, and promotion—are key to effective policing, organizational efficiency, and positive police-community relations, regardless of the size of the organization. Challenges typically arise when these human resource activities are out of alignment with the agency's strategic plan.

By contrast, agencies thrive when they

- recruit and hire talented personnel who reflect the community's diversity;

- retain talent by providing incentive structures, mentorship, and transparent organizational justice;

- provide clear, merit-based, and objective pathways to promotion or transfer.

Employees are more likely to perform their jobs well and remain in an agency when its culture allows employees to pursue their interests, capitalize on their strengths, and have input into decision-making.[152] The benefits to the agency of thriving employees are multifold: Reduced turnover saves money through lowered recruiting and training costs, while personnel longevity and commitment build upon an agency's positive culture and improve police-community relations.

In one of its key recommendations for "building trust and legitimacy" in police-community relations, the Task Force on 21st Century Policing identified a need for law enforcement personnel that reflect the communities they serve.[153] The task force reported,

> Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities. Increased diversity within law enforcement agencies—defined not only in terms of race and gender, but also other characteristics including religion, sexual orientation, gender identity, language ability, background, and experience—serves as a critically important tool to build trust with communities. Research further suggests that increased diversity can make law enforcement agencies more open to reform, more willing to initiate cultural and systemic changes, and more responsive to the residents they serve.[154]

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152. Wilson et al., *Police Recruitment and Retention.*
153. Wilson et al., *Police Recruitment and Retention.*
154. EEOC, *Advancing Diversity in Law Enforcement.*

By adopting proactive and intentional strategies for recruitment, hiring, retention, and promotion, law enforcement agencies of all sizes can address employment-related barriers, drive reform, and create diverse workforces that reflect the communities they serve.[155]

Key points and challenges

There are more than 18,000 law enforcement agencies in the United States. Each state and local agency manages its own personnel—one of the most difficult yet critical responsibilities law enforcement leaders and administrators face. In this section, we identify the key points and challenges of the primary elements of staffing: recruiting, hiring, retaining, and promoting personnel.

Staffing

Operating a law enforcement agency starts with personnel management, and the basis of personnel management is appropriate staffing. Proper staffing requires the agency to

- understand the number and types of positions needed;

- articulate the knowledge, skills, and abilities required to perform the tasks associated with each position;

- recruit and hire skilled and appropriate personnel to fill each position; and

- retain those employees in the agency.

Proper staffing must also consider current vacancies and planned and unplanned turnover (commonly referred to as attrition) in relation to projected needs.[156] The five primary causes of attrition are retirements, military call-ups, changing generational expectations, budgets, and organizational characteristics.[157]

Law enforcement executives should consider what effective and reliable metrics can be used to determine appropriate staffing levels. A staffing analysis can help agencies determine the number of employees required to serve community needs and the roles these individuals should play. Agencies employ various methods to determine how many positions are needed, basing their staffing decisions on changes in crime, calls for service, population, government revenue, and fiscal constraints.[158] Some agencies rely upon the law enforcement executive to determine staffing levels while others may seek specific human resources support. Resources listed at the end of this chapter can assist with determining staffing levels and analysis.

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155. EEOC, *Advancing Diversity in Law Enforcement.*
156. Orrick, *Recruitment, Retention, and Turnover;* Wilson et al., *Police Recruitment and Retention.*
157. Wilson et al., *Police Recruitment and Retention;* WIFLE, *Transforming Law Enforcement.*
158. Koper, Maguire, and Moore, *Hiring and Retention Issues in Police Agencies.*

Recruiting

Law enforcement agencies have a responsibility to fill positions with persons who are qualified to do the job. Moreover, agencies should ensure that their array of employees reflects the community's diversity. Methods and processes used to recruit and hire employees must be valid and fair and comply with federal, state, and local laws and guidelines.

Some research indicates a law enforcement labor crisis is at hand. Many law enforcement agencies are experiencing high numbers of retirements by employees who came to work in the 1980s and before. Not enough employees are entering the law enforcement workforce to replace them, thus increasing competition among employers for those workers. Law enforcement agencies need to strategize to recruit and retain adequate numbers of skilled personnel to fill positions.

Reasons fewer young workers are choosing to enter law enforcement include the following:

- Strained relations and a lack of trust of law enforcement may deter individuals from applying. High-profile police incidents involving the use of force, and the resulting civil unrest, tend to increase this distrust.

- The reputation or paramilitary operational practices of law enforcement agencies may dissuade younger applicants from pursuing a career in law enforcement.

Individuals may not be sufficiently aware of career opportunities within law enforcement agencies. All of these factors are doubly challenging when recruiting from communities not heavily represented within law enforcement agencies. Other factors that hinder recruiting include the intense competition for skilled candidates and burdensome bureaucratic and personnel regulations.[159]

Hiring

Law enforcement agencies should ensure that their hiring practices provide equal opportunity for all applicants, regardless of demographics or socioeconomic status. The law requires employers who use a test that has an adverse impact on minority candidates to demonstrate that the test is both "job-related to the position in question" and "consistent with business necessity."[160] In addition, the employer must demonstrate that the characteristic being tested is important to the job and that the cutoff score—which measures the minimum amount of a characteristic necessary for successful performance on the job—is appropriate. If the test is to be used on a rank-ordered basis, there must be substantial empirical evidence to demonstrate that higher scores on the test predict better performance on the job.

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159. IACP, *Law Enforcement Recruitment Toolkit.*
160. 42 U.S. Code § 2000e-2.

Even when written tests are fully validated, pre-hiring testing still causes challenges for agencies. One of these is finding the time, effort, and budget to conduct the initial written and physical agility testing for potential candidates. Another is the operational drain testing creates for many law enforcement agencies, as internal personnel are redeployed from their primary jobs to assist recruiters in administering these tests, leading to overtime costs. To address these challenges, some agencies have engaged external third-party vendors, who can conduct these examinations at regularly scheduled times in key geographical areas at much lower costs.

Key benefits to using third-party vendors for testing include the following:

- Tests are already validated and compliant with legal requirements.

- Ongoing testing allows the agency to identify potential candidates who have already completed the written test to initiate them quickly into the rest of an agency's hiring process.

- Paid overtime costs to support test administration can be reduced or eliminated.

- Costs incurred in updating and administering the written test can be redirected to the efforts of the recruiters and background investigators.

- Internal resources directed at administering the written and physical agility tests can be redirected to additional recruiting efforts, such as attracting and hiring more candidates from underrepresented communities.

- The wider reach of the third-party vendor's full-time testing processes makes it easier to compare and contrast a larger pool of candidates, helping to identify prime candidates more efficiently.

Hiring interviews are similarly complex considerations. An interview, no matter how standardized, is an interaction. As a result, it is inherently subjective and involves human judgment as a critical component of the decision-making process. In any interaction, there are verbal and non-verbal cues—as well as subtle interactions between the parties—that affect and can influence responses. Even in the most standardized interview process, a decision will come down to several people interpreting data to form an opinion about the risks and benefits associated with hiring a particular individual.

Research and experience have revealed that at every stage of the hiring process, barriers exist that impede the selection of candidates who reflect the diversity of the communities they seek to serve. Many of the traditional selection practices used to screen applicants—including physical ability and

cognitive tests as well as background checks—have been shown to have an unwarranted disproportionate impact on underrepresented populations. The length, complexity, and costs to the applicant of the hiring process can also serve as a deterrent.[161] Additional barriers include the following:

- Law enforcement agencies' reliance on inadequately tailored examinations as part of the screening process, which may have the unintended consequence of excluding qualified individuals from underrepresented communities from the applicant pool.

- Reliance on additional selection criteria and screening processes that disproportionately impact individuals from underrepresented communities, which can also inhibit agencies' efforts to increase the diversity of their workforce.

- Residency and citizenship requirements that may limit certain underrepresented communities' representation in law enforcement agencies.

- Civil service laws and labor agreements that restrict agencies' ability to modify or adjust hiring and selection criteria, indicating the need for law enforcement executives to understand these regulations' impact on recruitment, selection, and promotion.

Entry-level Testing

According to the National Center for Women and Policing, "Entry-level tests should not test for knowledge, skills, or abilities that will be taught in the law enforcement academy. Entry-level testing should only identify knowledge, skills, and abilities that will enable a person to become a successful community-policing officer after appropriate training."

Source: National Center for Women & Policing; *Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement* (Los Angeles, CA: National Center for Women & Policing, 2001), https://www.ncjrs.gov/pdffiles1/bja/185235.pdf.

Retention and promotion

While there is considerably less research on retention than on recruitment and hiring, it is clear that dollars invested in recruitment and hiring are lost if candidates do not stay with the agency. The DOJ has noted some difficulties law enforcement agencies experience with retaining personnel.[162] Employees may face difficulties adjusting to a law enforcement agency's organizational culture. They may be held back in the promotion process, through a lack of transparency about the process itself or a lack of mentoring relationships and professional development opportunities.

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161. EEOC, *Advancing Diversity in Law Enforcement.*
162. EEOC, *Advancing Diversity in Law Enforcement.*

Other barriers to retention include the following:

- Hostile work environments

- Harassment of employees, including those who are from underrepresented communities or have protected status

- Overly restrictive policies on grooming and appearance that may deter applicants who follow religious or cultural practices

- Failure to accommodate family issues, including parental and pregnancy needs

- Retaliation against those who complain about discrimination or harassment

Another factor affecting retention is employee motivation, which is shaped by a combination of intrinsic and extrinsic factors. Intrinsic motivation relies heavily on a sense of purpose so organizations that are more task-driven—as opposed to mission- or purpose-driven—tend to experience greater problems with motivation and morale. Law enforcement executives and leaders can foster intrinsic motivation by allowing employees to pursue their interests, capitalize on their strengths, and have input into decision-making within the agency. Of extrinsic factors that affect motivation, a primary one is salary. Many agencies have limited control over salaries or raises, though other reward mechanisms may be available, including the provision of professional development opportunities.

Brief summary of academic literature

Understaffing and frequent employee turnover drain and limit an organization's capacity to achieve goals. Carefully selecting talented personnel and creating positive incentive structures and organizational climates fosters job satisfaction and organizational commitment. Satisfied employees perform their jobs well and are more likely to feel committed to the organization[163] and to express lower turnover intent relative to their less-satisfied colleagues.[164] Reducing turnover saves money through lowered recruiting and training costs and leads to a more effective, efficient organization.

Law enforcement agencies continuously seek creative recruiting methods. Training academies hosting unsponsored trainees—that is, those who are not yet committed to work for a particular agency— are an obvious target of recruitment efforts. Some agencies fold recruiting into community policing efforts by talking to youth and young adults about law enforcement careers. Agencies are more diverse than ever before,[165] yet recruiting, retaining, and promoting women, people of color, and members of LGBTQ groups remain a challenge nationwide.

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163. Brough and Frame, "Predicting Police Job Satisfaction"; Lambert, Hogan, and Barton, "The Impact of Job Satisfaction"; Lambert and Paoline, "The Influence of Individual, Job, and Organizational Characteristics."
164. Lambert and Hogan, "The Importance of Job Satisfaction."
165. Reaves, *Local Police Departments*, 2013; Sklansky, "Not Your Father's Police Department."

Changing cultural norms have caused law enforcement agencies to revisit traditional selection and hiring criteria. Many have relaxed their policies on tattoos and prior drug use to prevent the unnecessary exclusion of talented job candidates. Some agencies use a case-by-case assessment of whether high-quality applicants' past law breaking should preclude a career in law enforcement.

Law enforcement leaders can enhance retention, job satisfaction, and organizational commitment through minimizing role ambiguity and job stress.[166] Empirical evidence shows that uncertainty about occupational identity can cause stress[167] and that clarity in written policies and stated priorities helps to alleviate this problem. Sergeants and other front-line supervisors (e.g., field training officers) are vital sources of mentorship and can mitigate role ambiguity[168] and help members understand and feel favorably disposed toward agency policy.[169] Additionally, supervisors can mentor and socialize subordinates in a manner consistent with the larger organizational culture[170] and with values conducive to community policing[171] and procedurally just treatment of community residents.[172]

Evidence also shows that internal procedural justice fosters a positive work environment. Supervisors and command staff can set the tone of an agency through a respectful and inclusive leadership style.[173] In addition to enhancing organizational commitment, procedurally just handling of disciplinary matters might also make it less likely that personnel will receive community complaints.[174] Opportunities for promotion and transfer also speak to job satisfaction. Research indicates that law enforcement officials' desires to stay with an agency for the long term may be strengthened by the availability of attractive promotions and transfers[175] as well as the real and perceived fairness of decision-making processes.

Occupational motivation is frequently broken down into intrinsic and extrinsic factors. Both types of motivation improve job commitment.[176] The most commonly discussed extrinsic motivator is salary. Many agencies have limited control over salaries or raises, but this is less problematic than it might seem, as the positive effects of raises on employee job satisfaction appear to be temporary.[177] Additional ways to make the police job extrinsically rewarding include giving equipment allowances, professional development opportunities, and tuition reimbursement; enhancing the ability of personnel to transfer in and out of a variety of specialized assignments; letting employees take agency cars home; and not placing undue restrictions on off-duty employment.

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166. Lambert et al., "The Impact of Role Stressors."
167. Muir, *Police: Streetcorner Politicians*.
168. Ingram, "Supervisor-Officer Fit and Role Ambiguity."
169. Ingram et al., "Supervisory Influences on Officers' Perceptions."
170. Ingram, Paoline, and Terrill, "A Multilevel Framework for Understanding."
171. Chappell, "Community Policing"; Haarr, "The Making of a Community."
172. Jonathan-Zamir and Harpaz, "Predicting Support for Procedurally Just Treatment."
173. Myhill and Bradford, "Overcoming Cop Culture?"
174. Wolfe and Piquero, "Organizational Justice and Police Misconduct."
175. Gau, Terrill, and Paoline, "Looking Up: Explaining Police Promotional Aspirations."
176. Moreto et al., "Occupational Motivation and Intergenerational Linkages."
177. Diriwaechter and Shvartsman, "The Anticipation and Adaptation Effects."

Summary of existing DOJ and other resources

There are several key resources available to assist law enforcement agencies in the recruitment, hiring, retention, and promotion of officers and deputies.

An essential read is the <u>Law Enforcement Recruitment Toolkit</u>.[178] This toolkit, developed by the IACP and the COPS Office, focuses on four different areas related to recruitment: foundation of recruitment, recruiting for diversity, agency collaboration in police officer recruitment, and selection and community partnerships. This resource details many of the ideas and best practices cited in other publications and should be considered an essential resource for anyone looking to enhance an agency's hiring and personnel practices. Similarly, the IACP's Smaller Police Departments Technical Assistance Program has published <u>Recruitment, Retention, and Turnover of Law Enforcement Personnel</u>,[179] which, although it is geared towards small agencies, contains applicable best practices that any size of organization can implement. For more detailed background, analysis, and recommendations, <u>Police Recruitment and Retention for the New Millennium</u>[180] summarizes for law enforcement practitioners a variety of lessons on recruiting and retaining diverse, effective workforces.

Additional helpful resources include <u>Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success</u>,[181] which provides background information and specific recommendations organized around three themes: hiring candidates who share the values and vision of the community and the agency; making the hiring process more efficient; and advancing diversity and ensuring inclusiveness in the hiring process. <u>Strategies for Police Recruitment: A Review of Trends, Contemporary Issues, and Existing Approaches</u>[182] discusses recruitment considerations and internal and external strategies for attracting, bolstering the supply of, and selecting candidates. Another resource, <u>Recruitment and Retention Best Practices Update</u>,[183] developed for and by California law enforcement, identifies best practices in recruitment and retention, from developing strategic plans for recruitment to improving supervision and management and developing succession plans.

Although all of these resources highlight the importance of diversity in law enforcement, several helpful publications specifically focus on increasing diversity. <u>Transforming Law Enforcement by Changing the Face of Policing</u>[184] provides recommendations to increase the numbers of women and underrepresented minorities through proven, research-based recruitment, retention, and promotion strategies in law enforcement. <u>Mobilizing the Community for Minority Recruitment and Selection: A Strategy to Leverage Community Assets to Enhance Recruitment and Placement of Minorities</u>[185] notes that increasing trust, legitimacy, and transparency is critical when seeking to employ a more diverse workforce.

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178. IACP, *Law Enforcement Recruitment Toolkit*.
179. Orrick, *Recruitment, Retention, and Turnover*.
180. Wilson et al., *Police Recruitment and Retention*.
181. Morison, *Hiring for the 21st Century*.
182. Wilson, "Strategies for Police Recruitment."
183. California POST, *Recruitment and Retention Best Practices Update*.
184. WIFLE, *Transforming Law Enforcement*.
185. IACP, *Mobilizing the Community for Minority Recruitment*.

This report provides a Community Collaboration Recruitment Model designed to help agencies of any size or type diversify their workforce. Advancing Diversity in Law Enforcement,[186] issued by the DOJ and the Equal Employment Opportunity Commission (EEOC), highlights promising practices that various law enforcement agencies have found to be particularly effective at increasing their diversity. This report demonstrates that successful diversity-building efforts by law enforcement agencies share several common themes, including an organizational culture guided by community policing, procedural justice, and cultural inclusivity; engaging stakeholders; and being willing to re-evaluate employment criteria, standards, and benchmarks. This report also provides a more detailed discussion on unlawful selection procedures that screen out qualified women and minority applicants for law enforcement positions.[187]

Law Enforcement Recruitment in the 21st Century: Forum Proceedings[188] provides a recruitment roadmap that outlines best and promising practices to attract diverse applicants to law enforcement.

Best or promising practices in the field

Law enforcement agencies of all sizes report challenges with staffing, recruiting, hiring, retaining, and promoting their law enforcement personnel. In this section, we will look into these challenges and offer research- and practice-based suggestions to address and overcome them.

Practice 1: Develop a comprehensive recruitment program

Identifying the "right" people to fill open positions generally requires a recruitment strategy, even for small agencies. A key promising practice, especially in response to the dynamic set of conditions affecting the labor pool, is to develop a comprehensive recruitment program based on a written recruitment strategy. The goal of a comprehensive recruitment program is to successfully attract diverse and highly qualified personnel.

Effective comprehensive recruitment programs include specific strategies for attracting applicants with strategic thinking and problem-solving skills, interpersonal skills, emotional maturity, capacity to use technology, fluency in languages spoken by a significant segment of the community, and the ability to collaborate with a diverse cross-section of the community.[189] As modern policing transforms, it is imperative for law enforcement to redefine the critical characteristics and traits of individuals to be recruited into this line of work, so there is better alignment of career aspirations and the kind of work they will be tasked to perform.

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186. EEOC, *Advancing Diversity in Law Enforcement.*
187. EEOC, *Advancing Diversity in Law Enforcement.*
188. Copple, *Law Enforcement Recruitment.*
189. NOPD Consent Decree, *USA* v. *City of New Orleans*, 12-cv-1924.

> **Comprehensive Recruitment Program in Practice: New Orleans, Louisiana**
>
> In response to a consent decree, the New Orleans Police Department (NOPD) created a comprehensive recruitment program. This program contains many elements of current best and promising practices. Specifically, the NOPD developed a comprehensive recruitment program articulated in a written strategic recruitment plan that includes clear goals, objectives, and action steps for attracting high-quality applicants.
>
> Source: NOPD Consent Decree, *USA* v. *City of New Orleans,* 12-cv-1924, https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/2018-03-15-Amended-and-Restated-NOPD-Consent-Decree-CLEAN.pdf/.

Practice 2: Deploy personnel based upon workload and service goals

A modern and effective practice is to deploy personnel based upon workload and service goals. Although projecting staffing needs can be very complex and require advanced statistical analysis skills, steps can be taken so agencies can address this challenge and get actionable analytical results.[190] Staffing analyses may be conducted by capable internal staff or by contracting the responsibility out to external staffing experts. Staffing analyses need to consider the agencies' strategic plans and the appropriate amount of time for tasks that support the agency's goals, including how much time is to be spent on handling the public's calls for service or criminal investigations; how much time is spent on proactive law enforcement endeavors that address prevention, intervention, and suppression efforts grounded in community policing efforts; and how much time is spent on administrative and training needs.

Practice 3: Get creative and expand recruiting horizons

Continuously seeking and employing creative recruiting methods is crucial to maintaining healthy staffing levels. Agencies should consider leveraging partnerships and relationships with external human resource officers, elected officials, and other agencies. To build community trust, agencies need to engage the community, using the mainstream media, social media, and, if possible, the agency's website to tell its story, advertise recruiting efforts, and report to the public on recruiting activities and outcomes more effectively. The use of community stakeholders and partners as ambassadors is also effective in recruiting strategies.

Agencies can broaden their applicant pool by reaching out to prospective candidates at high schools, university classrooms, and job fairs. Law enforcement agencies can enhance diversity, too, by specifically targeting their efforts at youth and young adults from underrepresented groups. Agencies may consider transitional workers—such as cadets who do not yet qualify to go into the police academy or promising students who have not yet completed educational or age requirements—to serve in a "civilian" position until they reach qualification for a sworn personnel position. Examples of such programs include the Explorer and Cadet programs, as well as programs like the LAPD's partnership with a magnet high school to offer a special police officer preparation program. In this five-year program, graduates earn both a high school diploma and an associate's degree. These graduates can then enter the department's reserve program; at age 21, they are eligible to enter the police academy.[191]

190. Wilson and Weiss, *A Performance-Based Approach to Police Staffing.*
191. Morison, *Hiring for the 21st Century.*

> **DiscoverPolicing.org**
>
> DiscoverPolicing.org is a comprehensive resource on law enforcement jobs with a full-featured career center where candidates can post resumes and hiring managers can post vacancies. In addition, agencies can use DiscoverPolicing.org to post jobs and search resumes as well as to highlight their own employees. The website is provided through a joint partnership between the IACP and DOJ.

Practice 4: Streamline and enhance the internal recruiting process

Internal changes to the recruiting process can enhance the experience for all applicants. Agencies should identify one individual to take charge of and lead recruiting efforts but involve everyone in the agency in the process of raising awareness and support for recruiting efforts across the community.

Individuals selected to facilitate the recruiting process should be exceptional candidates. Specifically, recruiters should reflect the diversity of the targeted applicant pool; meet high standards, including specific performance criteria; and demonstrate commitment to community policing. Any civilian volunteers (often known as adjuncts or cadets) used to assist with recruitment, hiring, or training programs should receive proper training. Ideally, the recruiters will reflect the range of diversity present in the community and the hiring goals for the agency.

Practice 5: Get proactive

In identifying and securing the best candidates to fill the requisite positions, a promising practice is for agencies to employ proactive—instead of passive—recruiting methods. This means maintaining regular contact with applicants, mentoring applicants throughout the recruiting process, and talking to candidates about the agency's culture, pay, and benefits.

Law enforcement executives should ask several questions when assessing and refining their agencies' recruitment strategy, including the following:

- Am I sufficiently prepared to address a workforce labor crisis?

- Am I aware of how an agency can improve recruitment of qualified candidates, especially minorities and women?

- Am I implementing recruitment best practices, and if not, what changes do I need to make?

- Which of my local competitors for law enforcement recruits is having more success than me, and how are they achieving such success?

Practice 6: Establish fair and flexible hiring criteria

In addition to ensuring that qualified people are not unfairly excluded, flexible selection criteria help law enforcement agencies stay current with societal trends and ensure that members of all groups have an opportunity to be represented in their local law enforcement agency. Flexibility allows an agency to consider mitigating factors that might satisfactorily explain what is disqualifying an applicant from hiring consideration. Agencies considering adopting flexible selection criteria should establish the standards and parameters and monitor the process closely to ensure that decision-making remains consistent and fair.

A successful recruitment campaign attracts candidates for the hiring process. Fundamental applicant qualities that all agencies should embrace include the following:[192]

- Integrity

- Service orientation

- Empathy

- Communication and human relations skills

- Self-control

- Team orientation

- Problem-solving skills

Practice 7: Bring job descriptions and application management into the digital age

One promising practice for increasing public trust and streamlining efficiencies across an agency is to bring the hiring process into the digital age—for example, using online recruitment websites such as Indeed, SimplyHired, or LinkedIn to increase the visibility of job postings. This requires developing accurate job descriptions that can be maintained as staffing requirements change. Additionally, engaging in ongoing contact with applicants—ahead of interviews and during the hiring process—helps to keep them interested in the position.

Practice 8: Assure validity of—and periodically audit—all testing instruments

Testing instruments to be validated include written examinations, physical assessments, sample job tasks, oral interviews, criminal background checks, credit checks, background investigations, and the command staff final interview, as well as medical, polygraph, and psychological examinations.

Validation studies should be conducted whenever jobs and job requirements change significantly. College- and university-based and private professional industrial psychologists—as well as police-testing specialists—are typically good resources to consult regarding test validation.

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192. Morison, *Hiring for the 21st Century.*

Agencies can minimize errors associated with the subjective interview process by providing a candidate with the specific wording of the questions (structured interview) and putting the interviewer in a position to clarify the meaning of a question when necessary (limited probing questions).

Law enforcement agencies must assure that each applicant is assessed in a manner that is valid, reliable, fair, and legally defensible.

Practice 9: Engage the community and demonstrate the fairness of the process

To increase community trust and enhance the hiring process, agencies should engage the community—solicit community input, especially through interviews, and invite community leaders and representatives to participate as panel members during oral board interviews. In addition, agencies should increase transparency and build community trust by publicizing details of the hiring process to demonstrate its fairness and consistency. The outcomes of hiring should be publicized as well.

Practice 10: Consider outsourcing the testing process to a third-party vendor

The use of third-party vendors to conduct an agency's written and physical agility testing may help an agency reach a greater candidate pool more quickly, while reducing personnel and other budget costs. Third-party vendors can also address Practice 8 regarding regular validation of testing instruments and processes.

> **Use of Third-Party Vendors for Agility Tests at the Bellevue (Washington) Police Department and Washington State Patrol**
>
> The Bellevue (Washington) Police Department and the Washington State Patrol have used third-party vendors successfully to conduct their written and physical agility tests for the last several years, ensuring that they have updated testing instruments and saving them great time and effort.

Practice 11: Enhance job satisfaction and reduce stress through clear, written policies

Command staff should send a clear, unified message to mid-level supervisors and first-line personnel about organizational priorities. Incentive structures should mirror these expectations so that officers are not, for example, instructed to perform certain tasks but evaluated and promoted on the basis of unrelated metrics. Such efforts play an important role in enhancing the credibility and legitimacy of subsequent promotional testing that relies upon past performance and evaluation ratings.

Practice 12: Demonstrate procedural justice—inside and out of the agency

Responses to external complaints and internal disciplinary issues should be fair, consistent, and transparent, and officers and deputies should be given voice in the process. This external procedural justice helps to enhance the likelihood some potential candidates might actually consider joining law enforcement in general and a specific agency in particular, based upon the agency's reputation. Fur-

thermore, when employees enjoy working for a particular agency and feel that they are treated in a procedurally just manner consistently, they are more likely to recruit individuals proactively to join them at their agencies.

Practice 13: Provide pathways to promotion

Procedures for selecting applicants for promotion or transfer should be clear, merit-based, and as objective as possible. A key element of retention comes from enhancing employees' ability to gain access more quickly to assignments to specialized units; this also helps to develop better promotional candidates who have experience in many facets of law enforcement. An additional benefit is that agencies that have a reputation for developing their personnel and providing promotional development also become more attractive for lateral candidates and new recruits.

Special considerations for small agencies

While recruitment, hiring, retention, and promotion are critical in any law enforcement organization, they are of particular importance in small agencies. A single hire in a smaller agency could potentially have an immediate impact on the culture of the agency and the reputation of the organization in the community—either positively or negatively.

The cost of sound recruiting and screening processes can be burdensome to an agency with a smaller budget. This expense, however, should be viewed as a long-term investment by the organization—one that is critical not only to meet community expectations of professionalism, but to save money by increasing retention. The cost of a single employee choosing to leave an agency not only results in recurring hiring, training, and equipment costs, but also can cause immediate budget shortfalls through unexpected overtime costs to maintain minimal shift coverage.

Employees leave for a variety of reasons, such as desire for more activity, higher salaries, or promotional opportunities available in larger agencies. While small agencies may not be able to offer the variety of promotions, transfers, or other incentives that larger agencies can provide, several strategies are available that may help keep new hires from seeking the seemingly greener pasture of a larger agency. These include the following:

- Providing honest communication throughout the hiring process regarding activity levels and expectations.

- Offering training opportunities to newer employees that generally are unavailable in large agencies without seniority.

- Recruiting senior personnel from larger agencies who may appreciate a more community-based or diversified workload, as seen in smaller agencies.

- Attempting to hire individuals who already share the organization's view on the purpose of law enforcement in their specific jurisdiction.

- Stressing the immediate opportunity for job enrichment through involvement in case investigations.

- Highlighting the fact that individual efforts are more readily recognizable in a smaller organization.

Checklists to implement

Checklist of strategies to improve recruitment

The following checklists are adapted from those in *Advancing Diversity in Law Enforcement* (Equal Employment Opportunity Commission 2016).

☐   Develop and maintain accurate and current job descriptions.

☐   Employ an electronic application process with forms that comply with federal, state, and local guidelines.

☐   Leverage online recruitment websites such as Indeed, SimplyHired, or LinkedIn.[193]

☐   Distribute quality recruitment information cards at community events and meetings.

☐   Understand and accommodate generational differences in prospective employees.

☐   Leverage partnerships:

- Improve relations with external human resource officers and elected officials.
- Collaborate with other agencies.

☐   Engage the community:

- Tell the law enforcement story.
- Enlist the support of the media.
- Encourage hiring recommendations from key community stakeholders.
- Enhance web outreach by appealing to candidates with an active and modern website and establishing an ongoing and active social media presence.
- Advertise dates and times of the recruitment period and testing dates widely and report recruitment activities and outcomes to the public.

☐   Target applicant sources:

- Send recruiters to high schools and colleges.
- Develop university and college partnerships instead of attending periodic events.
- Conduct on-campus interviews and classroom presentations.
- Establish personal contacts.
- Attend job fairs and military installations.

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193. Some agencies, including the New Orleans Police Department, have a dedicated recruitment and hiring site (see http://www.joinnopd.org).

☐   Streamline the recruitment and selection process:

- Put someone in charge of recruiting.

- Involve everyone in the agency in recruitment.

- Consider the use of third-party vendors to handle the written and physical agility portions of the testing process, which has the added benefit of widening the candidate pool over a larger geographical area.

☐   Employ proactive methods (instead of passive methods) of recruitment:

- Mentor applicants through the process.

- Maintain regular contact with applicants.

☐   Broaden the applicant pool:

- Appeal to youth through Explorer and Cadet programs, mentoring, ride-alongs, and internships.

- Consider hiring older candidates.

- Hire transitional workers.

- Pursue more highly educated individuals.

☐   Select exceptional recruiters:

- Ensure recruiters reflect the diversity of the targeted applicant pool.

- Require recruiting staff to meet high standards and demonstrate commitment to community policing.

- Provide training on employment law to recruiters.

- Require recruiters to meet specific performance criteria.

- Provide proper training to adjuncts and cadets used to assist with recruitment or selection activities.

☐   Establish competitive pay and benefits.

Checklist of strategies to improve hiring

☐   Periodically audit the application process.

☐   Assure validity of all testing instruments used in all tests.

Checklist of opportunities to enhance retention and encourage promotion

The following checklists are adapted from those in *Transforming Law Enforcement by Changing the Face of Policing* (Women in Federal Law Enforcement 2016) and *Recruitment, Retention, and Turnover of Police Personnel: Reliable, Practical, and Effective Solutions* (Orrick 2008).

☐ Create career development strategies for officers and deputies:

- Lateral assignments / internal recruitment
- Supervisor development programs

☐ Explore offering educational incentive pay as a means of improving the agency through personal and professional development.

☐ Increase training opportunities.

☐ Seek employee feedback.

☐ Implement tuition reimbursement programs.

☐ Review, re-evaluate, and adjust family-friendly and mobility policies.

☐ Implement a mentoring program for new employees.

☐ Assess promotional opportunities.

☐ Examine the distribution of assignments, awards, and recognitions.

Summary

Successfully staffing and retaining talented personnel who reflect the diversity of the agency is a key element in effective law enforcement, organizational efficiency, and positive police-community relationships. Proactive and intentional recruitment, hiring, retention, and promotional strategies are crucial to addressing barriers, driving reform, and ensuring the workforce better reflects—and more effectively serves—its community.

The first step for any agency is a comprehensive recruiting program based upon a clear understanding of the agency's staffing needs and goals. Armed with knowledge, law enforcement executives should seek creative ways to expand the backgrounds and experiences of applicants. Steps to improve the quality and number of candidates include streamlining the internal recruiting process, establishing fair and flexible hiring criteria, and using technology to reach more candidates who meet the specific needs of an individual agency.

Law enforcement executives should consistently assure the validity of all testing instruments and periodically audit them. In conjunction with these self-assessments, agencies should engage and be transparent with the community to demonstrate the fairness of the recruiting and hiring process, inviting them to participate in the recruiting and testing efforts whenever appropriate and possible.

Internal to the agency, law enforcement leaders should seek to enhance job satisfaction and reduce personnel stress by implementing clear, written policies; consistently demonstrating organizational justice; and providing pathways to promotion. Such efforts will also help address the very concerning issue of employee retention.

8. Data Systems

Why is this issue important?

Law enforcement has experienced one of its largest transformational changes over the last decade—an explosion of data. The introduction of sophisticated technologies such as body-worn cameras, license plate readers, facial recognition tools, unmanned aircraft systems, social media, and cell phone video have contributed to an overflow of information and highlighted the need for streamlined information-sharing processes.

In addition, criminals increasingly use technology to commit crimes. Examples include smuggling drugs via unmanned aircraft systems, digitally trafficking in child pornography, conducting internet identity theft and fraud, and engaging in malware ransom. The use of social media platforms by terrorist organizations to attract new recruits and inspire lone wolf attacks is an ongoing challenge in our communities, regardless of population size. Likewise, gang members routinely demonstrate their criminal prowess on social media platforms like Facebook, Instagram, and Twitter; some are so bold as to stream their criminal acts live.

Using data systems and technology is a necessity for law enforcement agencies in today's environment. To fulfill their mission of ensuring public safety, organizations should keep abreast of emerging technologies and tools for solving crime, collecting evidence, and gathering information and intelligence. As well, they should keep track of best and promising practices for combatting the unlawful use of technology, whether in human trafficking, narcotics sales, child pornography, or domestic acts of terror.

However, data systems and information technology can be used not only to enhance public safety, but also to transform organizational culture. A recent study[194] found that technology is having a positive impact on U.S. law enforcement agencies by increasing efficiency, providing communication capabilities, enhancing information-sharing practices, and improving informational and analytical capacities. Benefits of the use of data systems and information sharing include access to near real-time information; enhanced safety for law enforcement personnel and community members; more robust data for analysis and decision-making; better situational awareness; improved productivity, efficiency, and cost-effectiveness; increased transparency and communication with community members and stakeholders; and enhanced collaboration with law enforcement, homeland security, and public safety and private sector partners at all levels.

Importantly, while technology can foster trust with community members, some uses of new technologies can also be viewed by the community as infringing on individuals' constitutional right to privacy. It is important for law enforcement agencies to invest time and effort in reassuring the public that their use of the technology is valuable to improving the safety of the community.

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194. Strom, *Research on the Impact of Technology.*

Key points and challenges

Regardless of the size of the organization, law enforcement agencies encounter more data than they could ever hope to capture, store, or analyze—and privacy concerns make data systems and information sharing a critical, if challenging, field. Therefore, to succeed in using data effectively in law enforcement, it is crucial for agencies to consider nine key points and challenges associated with data and policing in the 21st century:

1. Creating a formal strategic plan for what technology to adopt and when

2. Identifying what data to capture, why it is being captured, and how it is being captured

3. Integrating new data or systems with the old

4. Analyzing the available data

5. Ensuring policies and procedures are updated and consistent with legal requirements and industry practice

6. Funding and procuring new technologies

7. Sharing information with a variety of stakeholders, including other law enforcement or intelligence agencies as well as community members

8. Adopting security policies and controls that protect against accidental and malicious compromise

9. Ensuring individual right to privacy and civil liberty protections

Too often, law enforcement agencies' adoption of technology is ad hoc and not based on long-term planning. This lack of planning has many adverse effects: poor choices of technology result in agencies' not understanding the type of data they collect, store, and disseminate; how the data is used; or the cost of systems or software. This lack of understanding, in turn, can lead to unnecessary funding expenditures, resource inefficiencies, the unauthorized release of information, or the inability to integrate agency systems.[195]

By contrast, agencies can use a technology roadmap to help plan for short- and long-term goals when developing or purchasing systems or software solutions. A forward-looking strategy for adopting and implementing new technological innovations will make it easier to perform essential tasks. As we discuss in the best and promising practices section below, a law enforcement agency's strategic technology plan should take into account the following: the agency's and users' needs; governance; limitations and challenges; funding; community perception; implementation, policies, and training; and change management.

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195. Maney, "Improving Life Cycle Management."

With the advancement of technology and social media, there is a wealth of information available to law enforcement agencies. Crime analysis can provide law enforcement leaders with data that describes crime patterns and criminal behavior. However, many agencies are not fully aware of the benefits derived from crime analysis or lack the resources to establish a crime analysis function to leverage this information into operational strategies. This is part of a larger pattern of, law enforcement agencies failing to understand the depth of information available to them, or how the data can be used to prevent and solve crime and support their decision-making processes. Aggregating this data from disparate information systems also continues to be a problem for many agencies, and interpreting it in a way useful for law enforcement often requires specialized software platforms. However, all these steps are critically important when developing strategies to reduce crime and accomplish other agency missions. Nearly every modern law enforcement strategy—from problem-oriented policing to COMPSTAT to crime analysis and intelligence-led policing—requires data analysis as its starting point.[196]

The effective sharing of information and intelligence data among law enforcement agencies has long faced challenges, whether from disparate systems, parochial unwillingness to share, or federal, state, and local laws and regulations that hinder or prohibit sharing. A recent report[197] by the Inspectors General of the DOJ, Department of Homeland Security, and the intelligence community found that while collaboration exists, and many programs and initiatives have been developed to foster and enhance information sharing, additional improvements are needed. Agencies of any size or location can leverage federal, state, regional, or local projects and initiatives to develop or enhance information-sharing efforts. A mutual understanding and acceptance of Criminal Justice Information Services (CJIS)[198] policies and procedures will considerably improve agencies' ability to share information and reduce legal and bureaucratic obstacles.

As law enforcement has expanded its practices around information technology, information collection, and intelligence sharing, the public's concerns over privacy and civil liberty protections have correspondingly increased. Law enforcement agencies need to be able to gather, compile, analyze, and exchange information and intelligence in order to fight crime and terrorism, yet they should also ensure that appropriate policies to protect privacy and civil liberties are in place when developing data systems or implementing new tools and processes. Transparency on policies and practices in this area fosters better community relationships.

Data quality is a challenge for agencies of all sizes; however, it is critical to ensure information is accurate, timely, and secure. Another challenge is making the information readily available to personnel in the field. Agencies have explored the use of several different platforms outside of the traditional mobile digital terminals. The use of tablets, smartphones, and other devices—provided they have adequate secure connectivity—has greatly expanded the availability of real-time information to personnel in the field. Agency executives should make data accessibility, quality, and security a top priority for every member in the organization.

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196. Ratcliffe, *Integrated Intelligence and Crime Analysis.*
197. DOJ, *Review of Domestic Sharing of Counterterrorism Information.*
198. CJIS, *Security Policy.*

Brief summary of academic literature

Criminological research consistently highlights three points relating to the distribution of crime.[199] First, crime does not randomly occur in time and space. Second, not all people have an equal propensity to commit crime. Third, routine preventative patrols, while important for other reasons, do little—if anything—to reduce crime. Therefore, instead of sending law enforcement personnel to engage in activities unlikely to reduce crime, agencies should develop actionable strategies for crime reduction. While making this transition is easy in principle, in practice it can be quite difficult for agencies—even those already collecting the necessary data—to make this change.

It is well documented that law enforcement organizations have had a difficult time extracting the full potential from their data;[200] this problem is likely exacerbated by the amount of data available today. Beyond the technical challenges, addressed below, there are three issues preventing law enforcement from effectively using data: volume, velocity, and variability.

The *volume* of data refers to the raw amount of data that is collected. *Velocity* reflects the speed with which data are collected. Experts believe that if all information were equally shared with everybody on Earth, each person would possess 350 times more data than contained in the Library of Alexandria—and the amount of data is steadily increasing every day. *Variability* is perhaps the most serious problem for law enforcement organizations. Currently, law enforcement agencies collect a large amount of information that is stored in various sources—e.g., computer-aided dispatch (CAD), records management systems (RMS), automated license plate readers, report narratives, body-worn camera footage, field notes, and field interview cards. These various forms of data are stored in different formats—including relational databases, text, and spatial or geodata—so extracting the greatest amount of actionable information requires organizations to develop systems to link to and query these data sources simultaneously.

Given the current challenges associated with the amount and types of data collected and the disparate systems used to collect and analyze data, law enforcement organizations need personnel who can work with these various data systems. While many agencies employ crime analysts with varying degrees of ability, it is likely that many of these personnel require additional training to extract actionable information effectively from the data. Furthermore, even with a proficient analyst, there are still two other problems that organizations face.

First, many of the technical systems in use today are older. Not only were these systems built before analysts clearly understood the needs of law enforcement today, but also many were not designed with the end user in mind. As a result, collecting and extracting the type of data organizations require is often more difficult than it should be. Software developers may be able to rectify some of these data problems, but there is typically a fee associated with these changes. However, some of the necessary changes may not be compatible with the current setup of the software. As a result, the analyst cannot

199. Ratcliffe, "Intelligence-Led Policing."
200. Cotter, "Police Intelligence: Connecting-the-Dots"; Eterno and Silverman, *The Crime Numbers Game.*

collect or extract the required data without undertaking a system redesign that takes into consideration the end users' and the agency's operational processes. Data aggregation is also a growing issue, particularly with legacy data, and many organizations lack the technology tools to support the collection of data from all of their databases. Law enforcement organizations should address these issues in future technology acquisition processes by considering the adaptability of and support services offered by software providers, as well as their ability to convert legacy data effectively.

The second problem that law enforcement organizations face is internal resistance to data-driven strategies, such as intelligence-led policing and predictive policing. Research consistently suggests that while law enforcement personnel see the viability of the use of intelligence, they are often reluctant to accept actionable information produced by non-sworn personnel.[201]

Additionally, increased use of technology in the field frequently results in individual officers, who may not buy into data-driven strategies, entering data directly into systems, with impacts on data quality. Higher-level officials often view information in official reports and files as trivial, and offer little incentive to ensure the integrity of inputs into the databases. Researchers are taught that the quality of any analysis from data is only as good as the quality of the data that go into these analyses (i.e., garbage in, garbage out); sloppy data practices can lead to incorrect conclusions.

These issues can be overcome if command staff can sell the importance of these issues to the rank-and-file. Leadership must focus on the value and relevance of the data for safety purposes and for accomplishing the agency's mission, provide appropriate training, and ensure compliance. However, full buy-in from the rank and file starts with the command staff. In many agencies, the line staff note the command staff's desire for data that support a preconceived conclusion.[202]

In addition to working internally to develop actionable information from their data, law enforcement organizations should also be working towards developing regional data sharing models. Individual officers often share intelligence across jurisdictional boundaries through informal networks; however, research suggests that widespread technological data sharing between organizations is less common—[203] in fact, some agencies seem to be reticent to share this type of information.[204] However, this cooperative sharing of information and intelligence is crucial to developing truly effective law enforcement strategies. If organizations work only with data collected within their agency, the analytic models make the implicit assumption that there is no other information available to them.[205] This is a faulty assumption at best, especially for agencies in larger urban areas: While responsibility for enforcing the law stops at jurisdictional boundaries, offenders and victims traverse these lines freely. Developing complete crime information, therefore, requires including available information from other agencies in action plans.

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201. Eterno and Silverman, *The Crime Numbers Game;* Ratcliffe, "Intelligence-Led Policing."
202. Eterno and Silverman, *The Crime Numbers Game.*
203. Cotter, "Police Intelligence: Connecting-the-Dots."
204. Scott, *Police Information Sharing;* Weiss, "The Communication of Innovation."
205. Williamson, *The Handbook of Knowledge-Based Policing.*

Summary of existing DOJ and other resources

Using data and sharing information and intelligence are woven into the core operations of almost every law enforcement agency in the U.S. Developing or enhancing a data system or purchasing a software tool to support a law enforcement agency should not be a daunting endeavor, and many resources exist to help law enforcement executives successfully overcome most challenges.

For instance, the Global Information Sharing Toolkit (GIST)[206] is an online resource library containing a vast amount of resources, templates, guidance documents, checklists, and best practices regarding justice information-sharing issues. Similarly, the resource Developing a Policy on the Use of Social Media in Intelligence and Investigative Activities: Guidance and Recommendations[207] provides law enforcement and justice agencies with guidance and recommendations on issues related to access, use, storage, and dissemination of information obtained from social media sites for investigative and criminal intelligence purposes. The document includes recommended policy elements for new or updated social media and other policies, and addresses potential privacy, civil rights, and civil liberties implications.

The Real-Time Open Source Analysis (ROSA) Resource Guide[208] is designed to help law enforcement agencies and analytic personnel understand the tools and resources available to support law enforcement operational and analytic activities while ensuring privacy, civil rights, and civil liberties concerns are addressed. The FAQ format of Video Evidence: A Law Enforcement Guide to Resources and Best Practices[209] provides guidance and tools for improving video evidence processing, and numerous Global Privacy Resources,[210] such as the Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities;[211] Face Recognition Policy Development Template For Use In Criminal Intelligence and Investigative Activities;[212] and License Plate Reader Policy Development Template for Use in Intelligence and Investigative Activities[213] are available to support agency executives ensure privacy, civil rights, and civil liberties protections when sharing information and implementing new technology.

The easy to use checklist 10 Simple Steps to Help Your Agency Become a Part of the National Criminal Intelligence Plan[214] provides guidance for sharing law enforcement information among federal, state, and local agencies. Agencies seeking to establish a gang unit or participate in a gang task force or intelligence unit may benefit from the principles and resources contained in Guidelines for Establishing and Operating Gang Intelligence Units and Task Forces.[215] Good tools for helping agency members understand cybercrime are the training and resources detailed in Cyber Training for Law Enforcement Call to Action.[216]

206. Global, Global Information Sharing Toolkit (GIST) home page.
207. Global, *Developing a Policy on the Use of Social Media.*
208. Global, *Real-Time and Open Source Analysis (ROSA).*
209. Global, *Video Evidence: A Law Enforcement Guide.*
210. Global, "Global Privacy Resources."
211. Global, *Privacy, Civil Rights, and Civil Liberties.*
212. Global, *Face Recognition Policy Development.*
213. Criminal Intelligence Coordinating Council, *License Plate Reader Policy Development Template.*
214. Global, "10 Simple Steps to Help Your Agency."
215. Criminal Intelligence Coordinating Council, *Guidelines for Establishing and Operating Gang Intelligence.*
216. Global, "Cyber Training for Law Enforcement."

The <u>Analyst Professional Development Road Map</u>[217] suggests minimum competencies, knowledge, skills, and abilities for analysts, as well as the education and training needed to achieve basic, intermediate, and advanced analytic levels. The Road Map incorporates the <u>Minimum Criminal Intelligence Training Standards</u>,[218] which identify specific training topics and issues for each level of personnel involved in the intelligence process and makes specific recommendations for training objectives and the delivery of training. The <u>Law Enforcement Analytic Standards</u>[219] provides minimum standards for intelligence analysis to ensure analytic products are accurate, timely, factual, and relevant, as well as recommendations on implementing specific policies or actions. Additionally, to ensure that agency intelligence personnel are focused on privacy, civil rights, and civil liberties protections, law enforcement executives should use the <u>Checklist for the Development, Review and Dissemination of Analytic Products and Resources</u>.[220]

Cybersecurity concerns are growing throughout the world, and law enforcement is not immune. The <u>Law Enforcement Tech Guide for Information Technology Security: How to Assess Risk and Establish Effective Policies</u>[221] provides comprehensive guidance to assist an agency in understanding security risks and developing and implementing policies and other measures to mitigate those risks. Similarly, the <u>Cyber Security Guide for State and Local Law Enforcement</u>[222] contains a high-level overview of the dangers to an agency of not having cybersecurity awareness and protection; it provides a series of recommendations that agencies can take to address cybersecurity. The <u>Law Enforcement Cyber Center's Cyber Report Card</u>[223] provides a good starting point for a law enforcement agency to measure its progress toward protecting its data and information systems.

Best or promising practices in the field

Practice 1: Create a technology strategic plan—and ensure technology itself does not drive priorities

An agency's use of technology should support and enhance the organization's functions, expand its ability to make intelligence-based decisions, and provide solutions to complex problems—not create complexity and inefficiencies. Whether an agency is developing a new data system or leveraging existing internal or external resources for data collection, analysis, and sharing, law enforcement executives should begin by developing a formal technology strategic plan.

This plan should address common challenges, such as replacing legacy technology, converting data, integrating systems, modifying policies and procedures, training employees, and addressing delays in the funding and procurement process. In some cases, implementation delays could result in new

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217. Global, *"Analyst Professional Development Road Map."*
218. Criminal Intelligence Coordinating Council, *Minimum Criminal Intelligence Training Standards.*
219. Criminal Intelligence Coordinating Council, *Law Enforcement Analytic Standards.*
220. Global, "Checklist for Development, Review, and Dissemination."
221. Harris and Shipley, "Law Enforcement Tech Guide."
222. Sutliff and Richardson, *Cybersecurity Guide for State and Local.*
223. Law Enforcement Cyber Center, "Cyber Report Card."

technologies becoming obsolete or outdated prior to complete implementation. Law enforcement executives should establish a committee to develop and implement the plan, composed of agency employees who can understand and anticipate the changes and needs of the organization while simultaneously finding ways to engage the entire organization in the process from the outset. Furthermore, executives should consider negotiating formal procurement agreements with hardware and software providers that include built-in upgrades to existing systems as new technology becomes available. Law enforcement leaders should avoid looking for unproven technological solutions and instead focus on technological innovations with a solid history of success at meeting evolving organizational needs.

Practice 2: Leverage best and promising practices and policy templates

Law enforcement executives should avoid reinventing the wheel and instead leverage best and promising practices and policy templates that have been identified, developed, and vetted by practitioners. Especially helpful are the resources, guidelines, and policy templates developed by the Global Justice Information Sharing Initiative (Global), which promotes "the efficient sharing of data among justice agencies."[224] Global provides an online library of resources developed in collaboration with federal, state, and local law enforcement practitioners. Users can search this online resource library using keywords and filter searches by product type, discipline, focus area, and emerging topics, along with additional search parameters.

Practice 3: Follow national justice and public safety standards

Law enforcement agencies should follow national standards to support the seamless sharing of information among law enforcement agencies and the broader criminal justice community. Law enforcement executives should consider these standards and protocols when developing their agencies' technology strategic plans, in order to help connect disparate systems and ensure interoperability. In addition, law enforcement leaders should write requests for proposals and information system contracts with standard language requiring system and software developers to ensure their tools are user-friendly, can communicate with other systems, contain data that are easy to export, and are consistent with national standards such as the National Information Exchange Model (NIEM)[225] and Global Federated Identity and Privilege Management (GFIPM).[226] The data that each law enforcement agency gathers, analyzes, and disseminates should be easily understandable to end users, whether law enforcement personnel or community members viewing agency statistics on a website.

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224. Global, Global Information Sharing Toolkit (GIST) home page.
225. NIEM, home page.
226. DOJ, "Global Federated Identity and Privilege Management."

Practice 4: Emphasize data quality

At the end of the day, every agency is constrained by the quality of its collected data, the systems it uses to filter and analyze information, and its ability to produce actionable products to enhance crime reduction efforts. Failure to ensure the quality of agency data can result in public criticism, dissemination of inaccurate information, unproductive resource allocation, and liability issues. Ensuring data quality starts with defining the organizational philosophy and organizational responsibilities of quality data collection and supporting quality assurance practices through policy and training. Additionally, agencies should incorporate audit and evaluation practices into their processes so they become accepted and institutionalized.

Practice 5: Create a professional culture for analysts

Law enforcement executives should champion the use of crime and intelligence analysis within their agencies. Accurate and timely analysis is critical to preventing and solving crime, and every agency—regardless of its size—needs an analytic function. While some of the more specialized analyses, such as crime analysis, require specific training that may be beyond the scope of non-specialists, much analysis that agencies would benefit from is simple descriptive information that can be produced and disseminated easily. The difficult part is not the queries themselves, as these can be automated or easily made available to staff; instead, it is developing a data-driven mindset—instilling in personnel the habit of using and continuously refining data tools to enhance their job performance. Embracing data systems and information analysis starts at the top; law enforcement executives should ensure personnel conducting analytical work receive appropriate training based on national standards. Leadership should incorporate these analyses into day-to-day operations so the process is institutionalized. However, feedback from end users is also extremely important, because it provides for the continual refinement of information so that it is useful and easily understood by agency members.

Practice 6: Use data to inform decision-making

Law enforcement agencies are increasingly using crime data and other information sources to inform decision-making and support public safety efforts. Analysis of data is a core concept of data-driven policing strategies and programs, such as intelligence-led policing,[227] predictive policing,[228] and hot spots policing.[229] A key dictum to remember is, "If you are not measuring it, you cannot manage it." Any issue that an agency is truly invested in can be guided by data.

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227. Global, *Navigating Your Agency's Path.*
228. NIJ, "Predictive Policing."
229. Crime Solutions, "Practice Profile: Hot Spots Policing."

Practice 7: Leverage federal, state, regional, and local information- and intelligence-sharing projects and initiatives

Law enforcement agencies do not possess infinite resources. However, there are multitudes of technologies available to support an agency's crime-fighting and public safety efforts, ranging from material assistance (such as electronic surveillance equipment) to real-time open source analytic support.

Law enforcement executives similarly have access to increasing amounts of data and information. Sources include government databases, intelligence databases, computer aided dispatch (CAD) information, investigative data, and other open source data accessed through publicly available search engines. Law enforcement leaders should determine their individual agency's specific data needs, then begin leveraging existing resources whenever possible. Good places to start include becoming a member of a Regional Information Sharing Systems (RISS) Center,[230] participating in national programs such as the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI)[231] and the National Data Exchange (N-DEx) System,[232] using regional and state systems such as the Illinois Citizen and Law Enforcement Analysis and Reporting System (I-CLEAR) and the Automated Regional Justice Information System (ARJIS), partnering with a state or regional Fusion Center,[233] or determining how entities like INTERPOL[234] and the El Paso Intelligence Center[235] can support agency operations.

Practice 8: Be an active participant in law enforcement, analytic, and homeland security associations

Building and fostering relationships with others in the profession is a crucial component of information sharing. Law enforcement executives should engage regional networks to identify available associations and organizations, and should actively seek participation in these groups. Associations and organizations promote communication and collaboration among their members. Law enforcement executives who are association members gain networking opportunities, access to promising practices and policy templates, increased knowledge and expertise, and access to the latest information in their field of work. Many associations provide training, fellowships, peer exchanges, and other resources to their members and have committees or working groups that focus on technology and information sharing issues.

Practice 9: Be vigilant in protecting the agency's data and information systems

Hacking and malicious attacks on information systems—from stealing personally identifiable information to locking an agency's data until the agency pays a ransom—are on the rise. Law enforcement leaders need to be vigilant about protecting their mission-critical systems with adequate security controls. Executives should make efforts to understand security risks and implement policies and other

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230. RISS, "About the RISS Program."
231. NSI, Home page.
232. N-Dex, Home page.
233. National Network of Fusion Centers, "Fact Sheet."
234. INTERPOL, Home page.
235. EPIC, "About Epic."

measures to mitigate those risks. These measures may include password management strategies, separating sensitive from non-sensitive data, implementing security awareness procedures and audits, regularly updating software and hardware, performing background checks on persons who maintain information systems, and creating disaster recovery and business continuity plans.

Practice 10: Pay attention to privacy and civil liberties protections

A critical issue for law enforcement agencies is the need to share data containing personally identifiable information. The protection of individuals' privacy and constitutional rights is an obligation of all government officials and is crucial to the long-term success of information and intelligence sharing. Whether fighting crime, conducting traffic stops, or responding to a natural disaster, agencies should always take steps to protect personally identifiable information. Law enforcement executives should incorporate privacy and civil liberty protections into data systems and processes before beginning their development. Implementing and supporting privacy policies and practices within an agency will also reduce the organization's liability concerns.

Practice 11: Foster openness and transparency with community members and stakeholders

Law enforcement executives should seek to foster open and transparent dialogue with members of the community and other stakeholders. A good way to start these conversations is by regularly reporting statistics and policies on agency websites (i.e., citizen complaint data, procedures for investigating officer-involved shootings, criminal investigation clearance data, or annual reports). Making these data available gives people the same information that was available to the organization when tactical and operational decisions were made.

Other ways to foster transparency include using social media platforms; providing data to local colleges and research institutions for analysis, and participating in the Police Data Initiative, a community of law enforcement agencies, technologists, and researchers committed to engaging their communities in a partnership to improve public safety. Sharing information with community partners to collaborate in addressing common problems is also extremely valuable. One such example is using generalized data about which neighborhoods experience higher rates of gang crimes to help a local nonprofit address the social issues driving crime; this would be valuable for the law enforcement agency, the non-profit group, and the community as a whole.

Actions such as these promote interaction and collaboration and reduce the administrative burden for community members and researchers to obtain information from the agency. Additionally, making data available to researchers allows for sophisticated analytics of data at no to low cost for the organization. By making data available to others, it becomes possible to identify other similarly situated cities that may be doing something better and learn from them.

Special considerations for small agencies

While small agencies can encounter the same technology and data issues as larger agencies, they often have fewer resources available. For this reason, small agencies should seek out and take advantage of available resources, such as Fusion Centers, and should consider a multijurisdictional approach to sharing and analyzing information across their regions. Small agencies are also typically well-positioned to take advantage of open source technologies to support their operations.

Law executives in small agencies need to determine what they intend to accomplish through data collection. For example, executives and leaders in small agencies may desire to engage in the COMPSTAT process, only to learn that the amount of data they have relating to criminal activity is not enough to show any crime trends over shorter spans of time. Without a long-view approach in identifying crime trends, this lack of insight can lead to agencies walking away from the use of data in decision-making.

Small agencies should also be cautious about how data are disseminated. Slight increases in overall crimes can often appear to be extreme increases in crime rates when the dataset involves small numbers. For example, if a community experienced five sexual assaults one year and 10 the next, the data would show a 100 percent increase in the rate of sexual assaults. Small datasets can lead to the perception of law enforcement ineffectiveness or can falsely inflate the fear of crime in a community.

Checklist to implement

Checklist for assessing an agency's technology and data sharing posture

☐   Does the agency have a technology strategic plan that addresses the following?

- User needs
- Governance
- Limitations and challenges
- Privacy considerations
- Funding
- Community perception
- Lifecycle management
- Ways to share appropriate data with local stakeholders who collaborate with the agency to address social issues related to crime

☐   Does the agency have data and information sharing policies related to the following?

- Privacy and civil liberties protections
- Data quality
- Intelligence information

- Social media
- Public disclosure
- Security and access controls

☐ Does the agency have an audit function to help ensure data quality and protect privacy?

☐ Do the agency's information-sharing systems comply with national standards, including the following?

- Global Reference Architecture resources
- Global Federated Identity and Privilege Management (GFIPM) resources
- Information Quality Program Guide

☐ Does the agency have trained crime analysts?

☐ Does the agency regularly share information with the public?

☐ Is the agency part of the Police Data Initiative?

☐ Does the agency use data-driven policing strategies?

- National Law Enforcement Applied Research & Data Platform resources[236]
- Does the agency take advantage of external resources, such as the following?
  - Fusion Centers
  - Regional Information Sharing Systems (RISS) Centers
  - Federally-sponsored online and in-person training offered by the COPS Office, the National White Collar Crime Center (NW3C), or the International Association of Chiefs of Police (IACP)
  - National Institute of Justice Law Enforcement Equipment and Technology website

☐ Has the agency designated a Terrorism Liaison Officer to the regional or state Fusion Center?

☐ If engaged in intelligence activities, does the agency comply with 28 CFR Part 23 guidelines for handling criminal intelligence data?

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236. National Law Enforcement Applied Research & Data Platform, Home page.

Summary

Technological innovations have reshaped not only the manner and methods of criminal activity but also the practices of law enforcement personnel from agencies of all sizes. As a result, real-time data analysis has become critical to modern policing. Law enforcement agencies need to adopt contemporary technologies and use existing data analysis tools to fulfill their public safety mission as well as to enhance efficiency, collaboration, interagency communication, and partnerships with other community stakeholders working to address the social causes of crime and disorder.

No matter the size of the law enforcement agency, analyzing data and sharing information associated with criminal activity is a key component of a comprehensive crime reduction strategy. Agencies should begin by creating a formal technology strategic plan that takes into account the needs of the agency and users, community perception, funding, and a plan for implementation and change management.

Internal to the agency, law enforcement executives can improve data quality through policy, training, and regular audits and evaluations, as well as by training personnel on crime analysis techniques and practices.

External to the agency are a variety of resources—including policy templates and national justice and public safety standards and protocols—that are useful for developing a strategic technology plan and supporting policies and processes. Law enforcement, analytic, and homeland security associations, as well as intelligence-sharing projects and initiatives, are valuable resources for building relationships and accessing and improving data.

Whether an agency's commitment to improving data systems and information technology is big or small, it is critical to open a transparent dialogue with members of the community and other stakeholders and to safeguard individual rights to privacy and civil liberties.

Conclusion

This *Law Enforcement Best Practices* guide provides specific examples of some of the best and most promising practices designed by and for law enforcement professionals. However, in a guide of this size, we cannot capture all of the great efforts currently in development or underway, because the field is always growing and changing—innovative law enforcement professionals always strive to improve on techniques to take the vocation to even higher levels of professionalism. In order to meet the expectations of this nation's increasingly diverse communities, law enforcement agencies should continually update and improve their community policing practices. The resources highlighted in this guide explore key issues in more detail and provide additional insights into strategies, tactics, and techniques that executives may also find instructive.

Each chapter is guided by the philosophy of community policing principles and driven by a call for the thoughtful application of data systems and information technology. Although law enforcement executives may be tempted to skip ahead to the chapter that addresses the most pressing need in their communities or their agencies, a major theme throughout this guide is the interconnectedness of the themes discussed, regardless of the size of the organization. The connections among these eight critical issues are both complex and numerous. For example, the philosophy of community policing should inform an agency's approach to use of force, including its employment of de-escalation techniques and its adoption of a crisis intervention team model. Similarly, the candidates who are recruited and hired are the face of the agency—and may one day be the agency's first-line supervisors. Therefore, appropriate selection criteria and successful retention strategies are crucial to appropriate staffing in the short and long term. As a final—but by no means exhaustive—example, thoughtful and appropriate EI systems can not only enhance individual performance, safety, and well-being, but also serve the community better and reduce the need for internal affairs investigations into perceived or actual personnel misconduct.

This interconnectedness also applies to the first steps law enforcement executives and their staffs should take when addressing any of these crucial issues. Specifically, for nearly every issue highlighted in this guide, best practices include (1) engaging members of the community in a dialogue, especially those who seldom have a seat at the table; (2) developing a written strategic plan; (3) supporting the strategic plan with clear policy, effective training, and regular evaluation and assessments; and (4) defaulting to transparency whenever feasible.

In addition, law enforcement executives may break new ground by teaming up and working in new ways to share data with academic professionals who can help find new and innovative approaches. They can listen to community stakeholders, who may still have many untapped ideas for addressing the root causes of crime and social disorder. If anything, this guide should serve as a call to arms to those who share the vision that through professional and innovative law enforcement practices, agencies truly can connect with—and serve more effectively—the communities they have sworn to protect.

This guide recognizes that every agency—and every community—is unique and that agencies of different sizes have different resources, limitations, and challenges. However, regardless of the size of the community an agency serves, it is most important for law enforcement professionals to recognize their responsibility to provide the most community-focused policing services possible. This priority is especially essential as our nation's towns and cities continue to become more culturally diverse. While the challenges each law enforcement leader faces may differ in scale based on the size of their agencies or the communities they serve, the challenges they confront have nearly become universal.

This guide has been designed to be as practical and user-friendly as possible. Each chapter contains a series of checklists summarizing the key takeaways. Law enforcement executives, their staffs, and members of their communities should find these checklists a useful starting place for conversations as well as a handy tool for designing and implementing new or revised policies, procedures, and protocols. Following these checklists should help ensure that those leading change efforts within law enforcement agencies leverage the collective wisdom of those who have previously addressed the same issues.

By answering this call and determining they will take their vocation to an even higher level of professionalism, law enforcement executives are modeling to their subordinates the very behavior that will carry a new culture into the next generation of law enforcement professionals and beyond. Not only do those who live, work, and play in our communities deserve these superior and inspired efforts from the law enforcement executives who serve them, but so do those law enforcement personnel themselves. Law enforcement professionals are truly positioned to make a difference in our communities and world—so let's get to work.

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About Hillard Heintze

Hillard Heintze is one of this nation's leading privately held strategic advisory firms specializing in independent ethics, integrity, and oversight services with a special focus on federal, state, and local law enforcement agencies including police departments, sheriff's departments, and internal affairs bureaus. The firm provides the strategic thought leadership, trusted counsel, and implementation services that help leading government agencies and institutions, corporations, law firms, and major public service organizations target and achieve strategic and transformational levels of excellence in law enforcement, security, and investigations.

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About the COPS Office

The **Office of Community Oriented Policing Services** (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.

- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office–funded training organizations.

- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.

- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.

The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) examines key areas for community policing. These areas include de-escalation; crisis intervention; first-line supervisors; early intervention systems; internal affairs; recruitment, hiring, promotion, and retention; and data systems. New and seasoned law enforcement executives as well as the personnel who work for chiefs and sheriffs have a responsibility to engage in ongoing, collaborative, and sincere efforts to improve the outreach and service to their communities. Law enforcement leaders should engage in dialogue as they assess the particular needs and areas of concern for the communities they serve and should work collaboratively to develop and implement a strategic plan. The guide was developed in collaboration with experts and practitioners from across the country and provides best and promising practices grounded in academic research and practical experience suitable for agencies of all sizes. In order to address the complex relationship among each of these issues, the guide provides actionable checklists to start a conversation about the actions law enforcement agencies can take to positively affect the quality of life and safety for every member of the community.

COPS
Community Oriented Policing Services
U.S. Department of Justice