

SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



PERF Town Hall Meeting
Sunday, October 25, 1 to 5 p.m.
Loews Chicago Hotel

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PERF Members Leading the Way In Defining “Post-Ferguson” Policing

By Chuck Wexler

A LOT HAS HAPPENED IN THE POLICING PROFESSION over the past year. In fact, many observers think we have entered a new, “post-Ferguson” era in policing. This new era is defined by the responses—by community members as well as leading police chiefs—to controversial uses of force in Ferguson, Staten Island, Cleveland, Albuquerque, Pasco, WA, and many other cities.

PERF members have taken the lead in addressing the issues that are being raised across the country. We have convened three national meetings on these issues since September 2014, and all three were standing-room-only events. PERF members have not been afraid to take on the tough issues in policing, and they are leading the profession in new directions. We have released our reports on two of these conferences, and are working on the third report now.

Following are very brief excerpts from these reports. They capture only a few of the high points, so I encourage you to read our full reports and share them with colleagues.

PERF reports are available on our website at www.policeforum.org.

JULY 10, 2015, WASHINGTON, DC: STRENGTHENING POLICE-COMMUNITY RELATIONSHIPS

Most recently, PERF convened a meeting in Washington, DC of 75 police chiefs and 75 community leaders. PERF asked each chief to invite one community leader from his or her jurisdiction to participate. We asked chiefs to choose a leader who was not necessarily the chief’s biggest fan, but who had a constructive outlook. As a result, the discussions were quite direct and candid, but productive.



PERF’s report on this conference will be released in the fall. Following is a list of several points of broad agreement that emerged from the meeting:

Acknowledging the Problems

- The state of community-police relations in many cities is not good.
- Controversial uses of force or other incidents in various cities are impacting police nationwide. Millions of people see these incidents on the news or on social media, and take their impressions of police from those incidents.
- There is a history of police enforcing Jim Crow laws and other injustices that must be acknowledged. Many officers were not born when these events happened, so they are not responsible *for* it, but they must be responsible *to* it. In other words, they must understand that this history is reflected in many people’s feelings about the police. It is important for police to understand that mistrust of the police in some communities is legitimate.

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Comings and Goings on the PERF Board

PERF IS PLEASED TO ANNOUNCE that Camden County Police Chief J. Scott Thomson has been elected by our General Members to serve as PERF President. Chief Thomson served as chief of the Camden, New Jersey Police Department from 2008 until 2013, when he was named chief of the newly-constituted Camden County Police Department. Under his leadership, the department has received national recognition for community engagement and crime reduction, including a visit from President Obama this May. Chief Thomson has served as PERF Secretary since 2012, and was the recipient of PERF's Gary P. Hayes Memorial Award in 2011.

Tucson Chief Roberto Villaseñor has been re-elected as PERF's Treasurer. Chief Villaseñor has played an integral role on the Board since January 2013, particularly on the issue of the role of local police in immigration enforcement.

The PERF board has appointed Richmond, CA Chief Chris Magnus to fill the remaining term of Toronto Chief William Blair, who retired in April. Chief Magnus has been an active member of PERF since 2001. Most recently, he participated in PERF's "Re-Engineering Use of Force" conference in May, and wrote a newspaper op-ed about the meeting and about training that Richmond officers receive regarding crisis intervention and de-escalation strategies.¹



ABOVE: New PERF President Scott Thomson, with fellow Board members Daniel Oates, Tom Manger, outgoing PERF President Charles Ramsey, Janée Harteau, and Roberto Villaseñor. LEFT: Richmond, CA Chief Chris Magnus.

The PERF Board will select a General Member to fill the remainder of Chief Thomson's term as Secretary.

MANY THANKS TO COMMISSIONER RAMSEY AND CHIEF BLAIR

We want to recognize the strong leadership that Philadelphia Commissioner Charles Ramsey has provided during his more than five years as President. Commissioner Ramsey has been closely involved in all aspects of PERF's work—providing his insights at PERF conferences, instructing classes at PERF's Senior Management Institute for Police program, and traveling to the Middle East, Scotland, England, and other locations for PERF projects. His combination of intelligence, wit, and thoughtfulness are unmatched, and PERF is a much stronger organization because of his time as President.

And thanks go to Chief Bill Blair of Toronto, who has generously devoted his time and energy to the PERF Board since 2009. Most recently, Chief Blair contributed to PERF's 2015 "Defining Moments for Police Chiefs" report with his groundbreaking ideas about reviewing police use-of-force incidents in their entirety, including the minutes that led up to the use of force, in order to determine whether officers miss opportunities to de-escalate situations and avoid uses of force.

1. "Richmond police get extensive training in appropriate use of force." San Jose Mercury News, May 16, 2015. http://www.mercurynews.com/ci_28127459/guest-commentary-richmond-police-get-extensive-training-appropriate

Patrick Carroll Honored with PERF Leadership Award

THE PERF BOARD SELECTED NEW ROCHELLE, New York Commissioner Patrick Carroll as the recipient of the 2015 PERF Leadership Award. Commissioner Carroll was presented with the award at PERF's Annual Meeting in Phoenix.

Commissioner Carroll was a member of the NYPD for 28 years, retiring as an inspector. In 1993 he was selected to be the commissioner of the New Rochelle Police Department, a role he has now held for 22 years.

"Pat has had a remarkable career in our profession, and is also a mentor to many of the younger chiefs. I've always been able to count on Pat for reassuring, calm guidance during my 14 years as a chief," said PERF Board Member Dan Oates, who presented the award along with PERF President Charles Ramsey and PERF Executive Director Chuck Wexler.

"I've had a great 50 years in policing. This recognition by the Board is really an honor for me and the capstone to a great career. I'll cherish it always," Commissioner Carroll said in receiving the award.

The Leadership Award is PERF's highest honor. It is presented annually to individuals who have made outstanding contributions to the field of law enforcement, and who exemplify the highest principles and standards of true leaders in policing.



PERF President Charles Ramsey congratulates Commissioner Pat Carroll.

Law Enforcement Cyber Center Is Launched

PERF, IN COLLABORATION WITH IACP, the RAND Corporation, and the U.S. Justice Department's Bureau of Justice Assistance, has established the Law Enforcement Cyber Center (LECC), an online resource for local law enforcement agencies striving to improve their cyber crime capabilities.

The LECC was developed to enhance the awareness, expand the education, and build the capacity of justice and public safety agencies to prevent, investigate, prosecute, and respond to cyber threats and cyber crimes. In particular, the LECC focuses on cyber crime investigations, digital forensics, and information systems security.

The LECC website is divided into four primary sections, each targeted at a different role within the field law enforcement: police chiefs; police officers; investigators; and prosecutors. Each section provides an overview of issues of concern to individuals in those roles, information about the basics of cyber crime as they pertain to that role, and links to training opportunities and other resources.



Various members of an agency may find different uses for this site. For example, a chief may use the site to learn how to protect a police department's IT network, how to ensure that his or her department is properly handling cyber crime investigations, and how to develop personnel capable of handling cyber crimes. Meanwhile, an investigator may use the site to learn more about digital evidence or to explore training opportunities.

The LECC site also includes resources that may be useful to all members of an agency, including a resource center with links to tools that could help your department, a blog with regular posts by experts in the field, and the latest relevant news clips.

The site is accessible at www.iacpcybercenter.org/.

We invite chiefs and others to explore the site and forward it on to others in your departments who may be interested in the subject. We welcome your thoughts and input, and anyone with questions or feedback should contact Dr. Steve Legacy, PERF Senior Research Associate, at slegacy@policeforum.org.



- Police must also acknowledge that many uses of force today that are found “justified” are not seen as justified in the community. “Legally justified” is not necessarily the same thing as “morally justified.”
- Police must do a better job of showing empathy and compassion. Police should never discount anyone’s negative experiences with the police.

Promising Practices

- Implicit bias training for police officers is necessary.
- The “culture” of policing is crucially important. Culture often trumps policy.
- Police and community leaders have many common goals. Because police officers handle calls for service every day, they see firsthand the poverty and quality-of-life issues that many people never see.
- Many young people do not trust the police. Even very young children in some communities are afraid of police officers. So young people must be brought into efforts to build community-police relationships.
- Police must see themselves as part of the neighborhoods they serve.
- Police leaders often say that incidents of misconduct or abuse of force involve a very small number of “bad apples,” and that the vast majority of officers are honest, brave, and hard-working. Community leaders often agree, but say that police agencies must work harder to remove the “bad apples” from the force. In many cities, police chiefs’ disciplinary actions can be overturned against the chief’s will. In cities where this damages police-community relationships, chiefs and community leaders should work together to change the labor agreements or laws governing officer discipline.
- Police agencies should adopt “failure to intervene” policies, requiring officers to step in and stop any misconduct they witness by a fellow officer, and to promptly file a report on the misconduct afterwards. When community members begin to see video recordings of misconduct that is quickly stopped by fellow officers, the videos may serve to improve community relationships, rather than damage them.
- Transparency is critically important. When a critical incident occurs, police should try to release as much information about it as possible, as quickly as possible, with the caveat that the first information to emerge from an ongoing incident is sometimes incorrect and may need to be amended later.
- Through recruiting and promotions, police should aim to ensure that their personnel at all levels reflect their communities. And agencies should try to recruit people who understand that “when done correctly, policing is a vocation, not merely a job.”

- The solutions lie in collective actions. Reforms do not take place because police leaders meet with community leaders; the community is the driving force.

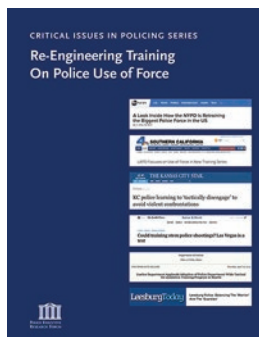
MAY 7, 2015, WASHINGTON, DC: RE-ENGINEERING TRAINING ON POLICE USE OF FORCE

The training currently provided to new recruits and experienced officers in most departments is inadequate. A survey of police agencies that PERF conducted for this project revealed that we give officers many hours of training in how to shoot a gun. But we spend much less time discussing the importance of de-escalation tactics and Crisis Intervention strategies for dealing with mentally ill persons, homeless persons, and other challenging situations.

Furthermore, the various aspects of use-of-force training often are handled as separate issues, with each element discussed days, weeks, or even months apart from the related issues. Recruit training may begin with a week of training in how to use a firearm. Perhaps a month later, the recruits receive training on the legal issues governing use of lethal force. A month after that, they might receive a couple days of training on strategies for avoiding the use of force.

This fragmented approach makes it difficult for new officers to understand how all of these related issues fit together. Training on these issues should be more holistic and integrated. We also need fewer lecture-based training sessions, and more “scenario-based” training.

Minimizing use of force requires changes in policy and training, but that is not enough. In several ways, this is also a question of police culture. Concepts of slowing a situation down, calling for a supervisor to respond to the scene, bringing in additional resources, de-escalating, and disengaging tactically are sometimes seen as antithetical to a traditional police culture. Some officers, with the best intentions, think that their job is to go into a situation, take charge of it, and resolve it as quickly as you can. While this is certainly the case in situations like active shooter incidents—when time is a critical factor—there are many other everyday situations where, after an initial assessment, it becomes clear that the more effective approach is to slow the situation down, maintain some distance between yourself and



the subject to reduce the chance of a physical confrontation, and begin communicating with the person to seek a resolution.

These issues are not theoretical; many departments are beginning to implement them. Already, we are seeing police departments in the United States revamping their use-of-force training in ways that reflect a shift toward the approaches mentioned above.

We can learn lessons from other countries' police departments. Police in the United States face far more serious threats from gang members and other criminals armed with firearms than police face in nations where possession of firearms is strictly regulated. However, all countries have mentally ill persons with knives. So we can compare our experience to other nations' experience with respect to certain situations that occur quite frequently, and which result in a disproportionate number of the most troublesome uses of force.

Police in England and Scotland place a high priority on learning how to resolve incidents without using firearms, because the large majority of constables there are not equipped with firearms. Only 3 percent of the officers in Greater Manchester, England, and 2 percent in Scotland, carry guns.

To a large extent, their training is based on a practical tool called the National Decision Model (NDM), which is a system that helps officers to respond effectively to all sorts of situations and problems. Under the NDM, officers are trained to constantly ask themselves questions about the nature of the situation they are facing, the threats and risks they are facing, their powers and authorities to act, and their various options for acting. This type of organized, systematic thinking via the National Decision Model results in a more effective response by officers.

Finally, we need to take a closer look at "suicide by cop." We need better information and better strategies for dealing with the phenomenon in which persons try to force a police officer to shoot them. The work of 911 call takers and dispatchers is critically important on this issue. Officers need as much information as possible before they arrive at the scene.

SEPT. 16-17, 2014, CHICAGO: **DEFINING MOMENTS FOR POLICE CHIEFS**

Try to release information as quickly as possible: If a police department is not part of the narrative that is written by traditional news media and social media in the first hours and days of a critical event, it will lose the opportunity to present its perspective on the story, and probably will never regain that opportunity.

As a police executive, you often will receive advice from lawyers in your department or local government to be cautious and release information only when necessary. This advice is

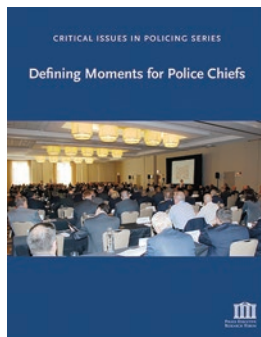
designed to minimize legal risks, but it often does not account for the damage that can be done to police-community relationships if police do not answer questions during a crisis.

Build strong relationships with community leaders during non-crisis times: A crisis can erupt at any time. The police response will benefit immeasurably if police leaders and officers have a strong relationship of trust with the communities they serve.

"Militarization" of the police: A distinction can be made between police equipment that is actually surplus gear from the Department of Defense, and equipment that merely has a military-like appearance. This includes vehicles, weapons, officer clothing, and other equipment.

However, the distinction between "military" and "military-like" matters little if community members believe that their police department is too militaristic in appearance.

A number of police chiefs noted that police agencies have a legitimate need for certain types of heavy equipment that can be



critically important in responding to natural disasters, terrorist acts, or large-scale criminal incidents. What is important, several chiefs said, is how the equipment is used.

De-escalation of incidents and knowing when to disengage: At the Defining Moments Summit, a number of chiefs discussed a relatively new concept: evaluating officers' conduct in terms of de-escalation strategies. When there is a controversial use of force by police, the incident is typically reviewed in terms of whether the officer's conduct was "justified by the circumstances." But a number of police leaders are saying that the inquiry should also include a review of whether the officer missed opportunities to de-escalate or disengage from the incident *before* it reached the point where a use of force was justifiable.

Learning from incidents is not "second-guessing": In the aftermath of a controversial shooting by an officer, it is not unusual to hear police say, "The officer had to make a split-second decision; we shouldn't second-guess that decision." And it is true that police often must respond quickly to complex situations.

However, it is not "second-guessing" to learn from tragic incidents in order to prevent the next incident from happening.



Accreditation, Professionalism, and Legitimacy

By Richard Myers & Gary Cordner

CALEA®, THE COMMISSION ON ACCREDITATION for Law Enforcement Agencies, is a non-governmental organization created in 1979 through a joint effort of the Police Executive Research Forum, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, and the National Sheriffs' Association. CALEA's main objective was to upgrade the standards and professionalism of policing in the United States. Leading up to CALEA's formation, the country had experienced skyrocketing crime rates, widespread civil unrest, and police corruption scandals during the 1960s and 1970s. A Presidential Crime Commission had identified many shortcomings in American policing, and a follow-up National Advisory Commission had promulgated numerous recommendations. PERF and CALEA's other founding organizations intended that accreditation would be one mechanism for ensuring that the recommendations were adopted.

Since 1979, CALEA has prospered. Its accreditation standards have evolved over the years, and the Commission's process for revising and adding standards has become more systematic and thoughtful. The processes used to determine agencies' compliance with the standards have also evolved, becoming more efficient and, importantly, adding a more substantive focus on agency performance to the traditional review of policies and files. The number of agencies engaged in accreditation has steadily grown and is presently at its highest point ever. More than 700 U.S. law enforcement agencies are now enrolled with CALEA, representing about 25 percent of the nation's police personnel.

We think it is reasonable to claim that CALEA and accreditation have helped raise the bar of police professionalism. But a recent series of high-profile incidents around the country, involving agencies large and small, urban and rural, once again threatens public trust and has led to a Presidential Task Force. Clearly, one of the biggest issues policing faces today is legitimacy. We think accreditation can contribute to this important outcome too.

ACCREDITATION AND LEGITIMACY

It is vitally important that citizens have trust and confidence in their local police—that they believe their police are reliable, dependable, competent, effective, and respectful. If they believe these things, people are more likely to report crimes, serve as witnesses, support budget requests, and accept the reality that police are human and make mistakes. According to procedural justice research, people who believe these things



are also more inclined to obey the law, resulting in less crime and disorder, fewer injuries to citizens and police alike, and a reduction in complaints against the police.

Accreditation does not guarantee legitimacy, but it has much to offer. For example, one of the principal ways that we decide whether we can trust a school or hospital is to check on whether it is accredited. If it isn't, then we doubt that it measures up to recognized standards. Of course, the teaching and learning occurring in a non-accredited school might be just fine, and the health care provided in a non-accredited hospital might be satisfactory. As lay consumers, though, we have a hard time making knowledgeable assessments of specialized institutions. When an accrediting body does it for us, we have a more tangible basis on which to make our decision.

Residents and political leaders are in much the same situation with respect to their police agency. They don't really know whether their police are as good as they claim to be. They don't know if their police agency's policies are up to date or if their police are following best practices in recruitment, training, evidence handling, internal affairs, or a hundred other technical aspects of modern policing.

CALEA accreditation has the particular advantage that it represents national (and international) expertise and perspectives. It draws on the founding national police organizations to nominate commissioners, provide research assistance, and contribute model policies. When it is time for an agency to have its periodic on-site review, CALEA sends trained assessors (and never uses ones based in the same state as the agency under review). CALEA works hard to avoid being a self-serving occupational special-interest group. Its credibility and independence are key to any contributions it can make to police legitimacy.

Just "being accredited" is only one of the ways that CALEA participation can help an agency enhance or protect its legitimacy. Specific accreditation standards require that agencies prohibit biased policing, follow up with people who register complaints against the police, and utilize early intervention systems, to cite a few relevant examples. Agencies also are required to periodically review and/or analyze their recruitment plans, vehicle stops, use-of-force incidents, pursuits, and grievances, in order to identify organizational problems and devise appropriate responses.

In our experience, all savvy law enforcement executives intend to do these kinds of analyses on a regular basis, but

the crush of operational challenges, administrative pressures, media requests, community outreach, and political demands often gets in the way. Accreditation standards mandate internal processes that ensure these analyses get completed, making it more likely that critical problems affecting legitimacy are identified and dealt with sooner, before they erupt into full-scale crises. Needless to say, regular review and analysis of these critical issues also helps demonstrate to a court or the Department of Justice that the agency has not engaged in any improper pattern or practice of unconstitutional behavior, and that the agency complies with national standards.

CALEA GOING FORWARD


CALEA has implemented a host of important changes in recent years, and has others under way, including:

- CALEA implemented the Gold Standard Assessment process that increases interaction between assessors and a variety of agency personnel, and that enables police agency CEOs to select aspects of their agency's operations that they would like assessors to look at most closely.
- CALEA is working to include findings from PERF's work on body-worn cameras in its standards.
- CALEA has leveraged technology to deliver returns on investment for client agencies through the use of cloud-based accreditation management platforms that link agency policies to standards with alerts for key issues.
- CALEA is developing a web-based platform for assessment reporting that will allow the collection of agency data in a more consumable format with self-service portals and the use of tables and charts that can be used in various ways, including public reporting.

Over its 36-year history, CALEA has been conservative and cautious in many ways. It has avoided creating standards mandating that agencies adopt "flavor of the day programs," while consistently supporting community-oriented and data-driven practices. It has generally taken a wait-and-see approach on police technology, recognizing that its standards can't possibly keep up with the fast pace of technological change. CALEA has continued to recognize that the needs of small agencies and special-jurisdiction agencies sometimes differ from those of large police departments and sheriffs' offices. (Current accredited agencies range from fewer than 10 employees to more than 10,000 employees, and include campus police, state investigative agencies, railroad police, and others.) And CALEA has largely stuck to the principle that its standards identify topics that agencies must address, but don't tell the agency how it must handle them.

While CALEA has taken this conservative route since 1979, it has never veered from its foundation on principles of democratic policing. Among its longstanding goals are (1) Establish fair and nondiscriminatory personnel practices and (2) Increase community and staff confidence in the agency. These goals and principles will continue to guide CALEA's evolution. For instance, the Commission is currently conducting an in-depth review of its entire law enforcement program in light of recent events and in the context of the President's 21st Century Task Force. We expect to see some significant enhancements to the accreditation standards, mainly from the perspective of improving police legitimacy.

It is important to emphasize that CALEA accreditation has always been voluntary. Today, in response to the current crisis, some legislators and some police reformers are calling for mandatory police agency accreditation. CALEA has been careful to remain neutral in this debate, both publicly and behind the scenes. We think accreditation can provide great benefit to any police agency, enhancing its professionalism and legitimacy, but we are also well aware that accreditation works best when it is something that the agency and its leaders want to accomplish, rather than something forced upon them.

As noted, accreditation is not a panacea. But any law enforcement agency wanting to demonstrate its commitment to professional standards, and wanting to reassure its community that it isn't just patting itself on the back, should carefully consider the benefits of CALEA accreditation—now, more than ever. 

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Richard Myers is Chief of Police in Newport News, VA. He is also Chairperson of the Commission on Accreditation for Law Enforcement Agencies, Inc. He retired as chief of the CALEA-accredited Colorado Springs, CO Police Department in October 2011, and has led departments as chief in Michigan, Illinois, and Wisconsin. Chief Myers is a graduate of the FBI National Academy and the FBI Law Enforcement Executive Development Seminar. He served on the PERF Board of Directors from 2006 to 2010, and is PERF's appointee on the Commission.





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