3 Chiefs Receive PERF Awards at Annual Meeting

Milwaukee Police Chief Edward Flynn and Nashville Police Chief Steve Anderson received PERF’s 2016 Leadership Award, and Burlington, VT Chief Brandon del Pozo received the Gary P. Hayes Memorial Award, at PERF’s Town Hall Meeting in New York City on May 26.

The Leadership Award recognizes “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 on a national level.”

The Gary P. Hayes Award, named for PERF’s first executive director, recognizes up-and-coming police officials who have demonstrated leadership and a talent for developing new ideas and testing new concepts or programs in policing.

Leadership Award: Edward Flynn

Ed Flynn recently was sworn in for his third term as Chief of Police in Milwaukee. Previously, he held the top police jobs in Springfield, MA; Arlington, VA; Chelsea, MA; and Braintree, MA. He also served as Secretary of Public Safety in Massachusetts, where he was responsible for the State Police as well as the Department of Correction.

Dr. George Kelling of Rutgers University, who nominated Flynn for the Leadership Award, said:

“Chief Flynn brings important qualities to the policing...”

Seattle Police Chief Kathleen O’Toole Elected Treasurer of PERF

Seattle Chief of Police Kathleen O’Toole has been elected to serve as Treasurer on the PERF Board of Directors. Chief O’Toole is known for her remarkable career as a police leader and a lawyer with a reputation for implementing reforms. From 2004 to 2006, she was the first female Commissioner of the Boston Police Department. She also has served as Massachusetts Secretary of Public Safety and as Lieutenant Colonel overseeing Special Operations in the Massachusetts State Police.

More recently, Chief O’Toole completed a six-year term as Chief Inspector of the Garda Síochána Inspectorate, an oversight body responsible for bringing reform, best practices, and accountability to the 17,000-member Irish national police service. She had served on the Independent Commission on Policing in Northern Ireland (the “Patten Commission”), which led to the formation of the Police Service of Northern Ireland and reformed policing there.

Chief O’Toole holds degrees from Boston College and the New England School of Law, and was admitted to the Massachusetts Bar in 1982.

Chief O’Toole’s term as PERF Treasurer will run through June 30, 2017.
profession: a brilliant intellect and a commitment to research and evidence-based practices, a tireless determination to improve every department he leads, and an outspoken passion for justice and for improving people’s lives.

One of the issues that Chief Flynn is most passionate about is gun violence. Many of us have heard Ed talk about his single-handed efforts to fight the NRA’s stranglehold on the Wisconsin legislature. Ed is interested in achieving results, not making speeches. Under his leadership, Milwaukee is one of three cities that have worked with ATF to create a Crime Gun Intelligence Center. He also developed a gunshot detection system that reduced firearm incidents in one neighborhood by 42 percent. And he is well-known for shutting down a gun store near Milwaukee that had been identified by ATF as the #1 seller of crime guns in the nation.

Ed also has strong academic credentials and has supported research on domestic violence reduction, hot spots policing, and other issues in the departments where he has served as chief. He writes for academic journals, including a paper last year for the Harvard Kennedy School on the changing nature of leadership in policing.

In my view, the Leadership Award for Ed Flynn is long overdue. Chief Flynn is the definition of leadership in policing.

PERF Executive Director Chuck Wexler thanked Chief Flynn for his strong involvement in PERF for many years, including his service on PERF’s Board of Directors from 2008 to 2012, and his personal involvement in many PERF projects, including recent work on re-engineering police use of force and reducing gun violence.

LEADERSHIP AWARD: STEVE ANDERSON

Steve Anderson is a 41-year veteran of the Metropolitan Nashville Police Department (MNPD) and has served as chief since 2010. He has a Doctor of Jurisprudence degree from the Nashville School of Law and is licensed to practice law in federal, state, and local courts. He also served in the United States Air Force.

Chief Anderson is known as a forward-thinking leader who has achieved fundamental shifts in MNPD operations. For example, he developed an assessment center process for recruits that is similar to what many agencies use for their promotional examinations, in order to ensure that the recruits who are chosen to serve in MNPD reflect the values of the department. Rather than traditional written tests and physical fitness tests, the assessment center process involves a series of interviews and exercises that place a greater emphasis on officers’ communications, decision-making, and interpersonal skills.

Chief Anderson also has become well-known for writing thoughtful, detailed messages to his officers, offering perspectives on significant issues, such as racial relations between the police and community members.

Prof. Ronal Serpas of Loyola University-New Orleans, who previously held the top police jobs in New Orleans and Nashville and who nominated Chief Anderson for the Leadership Award, said:

It is no easy task to change the culture of a large organization. Steve was up to the challenge. His tenure before and after his appointment as Chief of Police in Nashville in 2010 points to his incredible intellect, dedication, and willingness to grow and expand the success of the department.

Under his stewardship, the Metropolitan Nashville Police Department has excelled in every way a police department can measure success: citizen satisfaction; an aggressive and continual hiring campaign; identifying the need and securing financial support to add two additional precinct stations; and standing up for the first time in Tennessee history a fully functioning DNA lab in a local police department.

Chief Anderson’s unwavering commitment to professionalism in policing is most deserving of this recognition by PERF.

“Steve Anderson stands up for what’s right, and chiefs around the country have taken notice of it,” said PERF Executive Director Chuck Wexler. “When someone makes an unfair criticism of his officers, or when he sees an injustice that causes harm to crime victims, or in many other situations, Steve has spoken out forcefully and eloquently. He sets a positive example for police leaders everywhere. We are very pleased to recognize Steve’s leadership with PERF’s highest honor.”

GARY P. HAYES AWARD: BRANDON DEL POZO

Before being chosen to head the Burlington, VT Police Department last September, Brandon del Pozo had an 18-year career with the New York City Police Department. He began in 1997 as a patrol officer in a busy section of Brooklyn, where he made arrests for serious crimes, performed fire rescues, assisted in a childbirth on one occasion, and like many others, responded to the 9/11 terrorist attacks of 2001, helping to evacuate the New York City area.
York Stock Exchange.

In 2003, del Pozo was promoted to a policy analyst position at One Police Plaza, where he studied emerging issues such as identity theft. Two years later, he was assigned to Amman, Jordan, as part of the NYPD’s international efforts to gather intelligence and prevent terrorism. Del Pozo helped the Jordanian police to create their first community policing unit, and made contacts with police agencies in many other countries. When there were large-scale terrorist attacks in Mumbai, India in 2006 and 2008, del Pozo took a key role in providing intelligence briefings to NYPD personnel.

Upon returning from the Middle East to New York City, del Pozo assumed a series of command-level posts in patrol precincts, in Internal Affairs, and in Strategic Initiatives. He implemented special projects such as helping the NYPD Training Bureau to retrain officers in de-escalation strategies, and implementing a social media program in every NYPD precinct.

Del Pozo also has an impressive academic record, having earned three master’s degrees, including a master’s in public administration from Harvard University’s Kennedy School.

Del Pozo’s eight years of service in the National Guard took him to training at the U.S. Army Mountain Warfare School in Vermont, where he saw what Vermont has to offer to outdoorsmen. When the respected Police Chief of Burlington, Michael Schirling, announced his plans to retire last year, del Pozo applied for the chief’s position, and was chosen over nearly 30 other applicants.

In his first nine months as chief, del Pozo created a naloxone program that trains officers to save lives by reversing heroin overdoses, and then developed a citywide response to the heroin epidemic. He also has worked to implement new training for officers on de-escalation and crisis intervention tactics and strategies.

“Brandon del Pozo not only has a bright future in policing; at age 41, he already has an incredibly accomplished record,” PERF Executive Director Chuck Wexler said. “We look forward to his continued success in advancing the profession.”

PERF’s “Guiding Principles on Use of Force” report, published in March, has generated discussion throughout the policing profession.

At the Town Hall Meeting in New York City, the members of PERF’s Board of Directors spoke about the principles and how they’ve been implementing different elements of the guidance in their agencies:

DENVER CHIEF ROBERT C. WHITE:
We Banned Shooting at Cars Last Year

In January 2015, a Denver officer fatally shot a 17-year-old girl in a vehicle, and a few months before that, an officer shot a young male driving a vehicle. In both situations the person was allegedly using the vehicle to threaten the officers. After the January incident, Chuck [Wexler] called me up and suggested that I should consider changing our department’s policy, and prohibit shooting at moving vehicles, similar to the NYPD policy.

My first thought was, “I don’t know about that, Chuck.” I wasn’t sure if I could sell it to our officers. But then I looked at the policy that the NYPD implemented in 1972, and saw they haven’t had an officer seriously injured in 44 years since they adopted their policy. Additionally, we looked at other policies about shooting into vehicles from other departments across the country.

I came to the decision that we would implement a policy very similar to the NYPD and that of several other departments, by forbidding officers from shooting into a moving vehicle when the vehicle is the only weapon being used against the officer. As we implemented the change, we provided officers with tactical training about what to do in situations involving vehicles.

We made the policy change a year ago, and haven’t had an incident since then. It was a little controversial in the beginning, but I think most of our officers understood the need for the change and accepted it.


>> continued on page 4
MIAMI BEACH CHIEF DAN OATES:
Our Ban on Shooting at Cars
Averted a Controversial Shooting

I’ve run three police departments, and in all three I’ve put a policy in place that banned shooting at moving vehicles when the vehicle was the only force being used. In Miami Beach, we put that policy in place in time for our 2015 Memorial Day weekend, and it directly averted a shooting that would have been very controversial.

Memorial Day weekend we get hundreds of thousands of visitors. It’s one of our biggest challenges of the year. During Memorial Day weekend five years ago, a driver supposedly tried to run over an officer on a bicycle. A couple officers from another agency, who were helping us for the weekend, opened fire as the car sped away. The car went a couple blocks, stopped, and was surrounded by eight cops who eventually opened fire. The driver was killed, and innocent bystanders were hit with gunfire.

Last year we had the new policy in place, and an almost identical situation occurred. An officer jumped out of the way, even though she would have been justified in shooting at a vehicle under the law. We caught the guy around the corner.

To this day, I don’t think that officer realizes what she and the organization avoided by not shooting.

CAMDEN COUNTY CHIEF SCOTT THOMSON:
Graham v. Connor Is Hard to Define, So We Must Train to a Higher Standard

There has been some consternation about the part of the PERF 30 principles where we discuss Graham v. Connor. It’s important to realize that the report isn’t suggesting a change to the Constitutional standard by which an officer’s actions are judged in a civil or criminal proceeding. The governing principle of Graham is objective reasonableness. I’ve spoken to constitutional scholars, and there is no crisp, bright-line definition of objective reasonableness.

So we recommend that officers be trained to a higher standard. You can pass a course in school with a grade of 70, but we don’t want our children to be satisfied with 70. We want them to aspire to be better than the bare minimum. That is especially important because Graham is a Constitutional case. The Constitution is a floor below which we cannot sink; Constitutional law does not claim to weigh the sorts of policy judgments that should govern officers’ actions.

It’s our duty as police executives to protect our people and put them in a better position to be able to succeed. So when we look at the objective reasonableness standard and acknowledge that it’s nebulous, our duty is to prepare our people to perform well above that standard, and in so doing concurrently enhance both citizen and officer safety.

MINNEAPOLIS CHIEF JANÉ HARTEAU:
Check to See What Your Trainers Are Teaching, And Consider How a Use of Force Affects the Officer

When I read the PERF report, I thought we were already doing about 80 percent of the 30 recommendations. Then I sat down with my staff and asked them which of the guidelines we were doing. And I found that what I thought we were doing, and what our trainers were actually teaching, weren’t exactly the same thing. That was eye-opening for me.

I think an important part of this is sending the message to officers that it’s okay to slow down. I’ve told my cops that policing isn’t a drive-through service. You can slow it down. It’s about outcomes, not outputs. And the sanctity of life is for all people, including cops.

One aspect of use of force that we haven’t discussed enough is the impact it has on the officers who have to use deadly force. They’re more likely to struggle, have disciplinary issues in the future, and retire early.

So it’s not just the life that’s taken that we have to address. It’s also about the officer who used force. We want to avoid all of these bad effects.

MONTGOMERY COUNTY CHIEF TOM MANGER:
Our Goal Is for Everyone to Go Home Safely

The trip to Scotland last November made me see some elements of my 40 years of law enforcement experience from a different perspective. For example, the expression: “The most important thing is to go home safe at the end of the day.” We’ve all heard it in roll call 1,000 times and said it ourselves. And our intentions have been good. We want to be sure to look out for each other. We want to make sure we have the training and resources to take care of each other.

5. On November 10–13, 2015, officials from 23 American police agencies accompanied top PERF officials to the Police Scotland College at Tulliallan Castle, where they witnessed the training and tactics that Police Scotland employs when responding to certain incidents, particularly those involving mentally ill persons brandishing edged weapons.
In Scotland, they take that notion one step further. They talk about wanting their cops to go home safely, but in the same breath they talk about wanting the people they interact with to go home or to jail safely.

When I talk to my cops now during in-service training and at roll calls, I remind them that our goal is for everybody to be safe at the end of an incident. In the past, when we’ve told our officers that the most important thing is for them to make it home safely, I don’t think any of us ever meant that their safety trumps everyone else’s safety. But they might begin to think that, after hearing that line so many times. Our officers’ safety is important, but it’s no more important than the safety of the people we’re serving, protecting, and arresting.

One of the PERC 30 guidelines that created the most controversy was the one about proportionality. That was about situations when someone commits a minor offense, resists arrest, and the officer uses force, and a person may end up severely injured or killed as the result of a situation that began with a minor offense.

The way the public sees it is, “He was trespassing at a fast food restaurant and the police killed him.” Now, as police we understand that we used that force because we were trying to overcome their resistance. But we need to take proportionality into consideration. I don’t think we should necessarily be judged by it, but it’s something to consider and talk to your cops about.

For example, many of us have changed our pursuit policies, restricting them beyond what state law allows. It’s about tailoring these legal standards to do what’s right for your particular community.

People also grabbed onto the PERC guideline about considering public opinion regarding use of force and said, “Now we have to be judged in the court of public opinion?” But that’s not what the principle says. Every one of us as law enforcement leaders understands that we have to listen to the public. We need to be in tune to what their concerns are about our use of force. If a chief says they’re just going to do what they think is right for their agency within the confines of the law and without hearing from their community, I think we all know that’s not how to do this job.

TUCSON CHIEF CHRIS MAGNUS: Discuss the Guiding Principles With the Department and the Community

The PERC report gives us the opportunity to have some important discussions both within our departments and within our communities. I’ve already discussed it with our top command staff, and the general feedback was that we were already doing most of this. But when we look a little closer, it becomes clear that the practices and mindset that we may think exist throughout our department don’t go as deeply as we think. And at the levels where many of our critical decisions are made—officers, sergeants, and lieutenants—there may be a very different sense of where we are and where we should be on these principles.

So I think it’s important to get our people to read this report and have some facilitated discussion about it, just like we have with the report from the President’s Task Force on 21st Century Policing. And we need to insist that people read it, because many of the objections come from people who haven’t even read the entire report. I think a lot of our officers’ views may be driven by what they see on websites like PoliceOne or Calibre Press, which have done a disservice to some of these issues by taking a very reactionary approach.

The other opportunity for discussion is with the community. Because of cell phones and body cameras, more and more of our force is going to be seen and scrutinized by the media and the community. So it is incredibly important that the community be involved in discussions about what force looks like and how it is used.

It kind of blows my mind that we can talk about engaging the community to help us set our priorities and discuss complicated policing issues, but it’s considered a radical proposition to involve them on discussion on use of force. We’re not asking every police officer facing a life-or-death moment to step back and think, “How would the community feel about this?” We’re talking about the broader context of what our residents believe and understand about how we use force, and how we involve them in those decisions. They pay off for doing that is tremendous, because then we have their support and understanding when those critical moments arrive.

SEATTLE CHIEF KATHLEEN O’TOOLE: Our Use-of-Force Policy Emphasizes De-Escalation

I believe the Seattle Police Department’s use-of-force policy is leading edge. We focus a lot on de-escalation. Our policy requires it, with few exceptions. In scenario-based training, our officers spend lots of time honing their de-escalation skills. Officers have embraced the practical nature of the training, and it is producing good results. We also dedicate considerable training time to crisis intervention, because we know that many of our use-of-force incidents result from mental health crises. Finally, we have created a robust system of review for each use-of-force incident, not simply for purposes of supervision and discipline, but also to inform our policies and training going forward.

We will continue to explore opportunities to improve our use-of-force policy and training, but it seems to be working well for us at this time.
De-Escalation of Knife Incident Described by Glendale, OH Officer

At PERF’s Town Hall Meeting, Officer Josh Hilling of Glendale, Ohio and Glendale Chief Dave Warman discussed a March 29, 2016 incident that began when Officer Hilling was driving south on Interstate 75 near Cincinnati, and saw a man walking along the shoulder.

Officer Hilling stopped to investigate. Because he was wearing a body-worn camera, everything that happened was captured on video.1 The footage shows that he questioned the man, Javier Pablo Aleman, for about a minute, but when he went to pat Aleman down for weapons, Aleman pulled out a large knife. Officer Hilling shot Aleman once in the abdomen, knocking him briefly to the ground, but Aleman got up and continued to wave the knife at Officer Hilling, shouting “Kill me” dozens of times.

For more than three minutes, Officer Hilling managed to keep a safe distance from Aleman while preventing him from endangering the public. Backup officers from nearby Sharonville, OH arrived and eventually subdued Aleman with an Electronic Control Weapon.2 Officer Hilling did not know it at the time, but it was later learned that Aleman was a suspect in a fatal stabbing two weeks earlier in Baltimore.

PERF showed the video at the Town Hall Meeting and asked Officer Hilling to describe what he was thinking during the incident. Following are excerpts from what Officer Hilling said:

He’s shot, so he’s not moving that well. He’s slow; he’s not moving like he was before. So I figured, “OK, I can move faster than him now, I know that.” And I have distance. That distance creates time, so if I make a decision that I want to pull back or do something else, I’ve got a little bit of time to recover. And he’s not at full strength anymore.

He repeatedly told me to kill him. “Kill me, kill me, kill me.” Someone told me he said it 40 times. But what he was telling me to do had no impact on me. I wasn’t worried about what he wanted. I’m the police officer. This is my situation, this is my scene. You’re not going to tell me what to do. I’m not going to kill you just because that’s what you want.

As I was backing up, I was watching the highway, and a car stopped in the first lane, so I knew I was safe in that lane. And then other officers started showing up, so I had the whole highway.

At first, as I was backing up, I didn’t want to fire again because I had all my backup and all those civilians in those cars downrange. So I repositioned myself and turned my body, so I’m facing southbound. Now I have nobody downrange, except on the northbound lanes of the Interstate, which wound up being shut down as well.

Backup was arriving, we got him in an area, but at one point, you hear me say, “Shoot him,” because I felt we were getting too close to civilians. But then he went over to the curb as I came around the red car. Another officer pulled out their Taser, they tased him, he went down, handcuffed him.

Wexler: Chief Warman, how has this affected your department? You’ve known Officer Hilling for a while, haven’t you?

Chief Dave Warman: He was my wide receiver when he was 10 years old. I’ve known him a long, long time. We’re a small agency. We rely on mutual aid from Hamilton County and all the departments around us. Training becomes an issue for us because we can never get everybody together at one time. So it becomes a lot of one-on-one talking, one-on-one training. But when you’re put in that situation like he was, what he was able to do, to make that decision not to take a life… that he was able to retreat….

And by the way, we were criticized for retreating, even by other law enforcement officers. Not a lot, but enough that I thought, “What? What’s wrong with giving yourself time to get other people there?” I’ve watched that video maybe 100 times, frame by frame by frame. He was facing a guy with a knife and was able to gain his composure and make a decision to wait for help…. I applaud him for that.”

1. https://www.youtube.com/watch?v=jRDjSmDAv7A
NYPD Helps PERF Demonstrate Use-of-Force Concepts

At a 90-minute session during the PERF Annual Meeting, PERF officials discussed their next steps in creating a training guide to implement the Guiding Principles on Use of Force.

As part of this session, New York City Police Department officials demonstrated a training scenario for responding to an emotionally distressed person brandishing a knife.

Following is a summary of the session, written by the NYPD and posted on its “NYPD News” website:

Elite Training for Patrol Officers

The NYPD today demonstrated at the Police Executive Research Forum (PERF) conference how its men and women use specific tactics during crisis situations that contribute to safe and peaceful resolutions.

Members of the NYPD shared how specialized training, usually reserved for elite units such as the Emergency Services Unit (ESU) and Hostage Negotiation Team (HNT), is now being given to patrol officers as well as recruits in the police academy.

The training involves crisis communication and physical tactics during incidents where a person is in a crisis and the officers are seeking voluntary compliance. Gaining voluntary compliance is the goal as it ensures the incident is concluding with everyone being safe.

This includes incidents such as despondent and suicidal people, people with mental illnesses, and individuals that are either barricaded or armed.

The demonstration included an overview of the crisis communication skills that are currently being taught during Crisis Intervention Team training for patrol officers which includes:


- Active listening;
- De-escalating the situation;
- Demonstrating empathy and building rapport;
- Influencing techniques, and
- Emotional control.

The ESU officers then demonstrated how the use of these skills is complemented by effective physical tactics where they are working cohesively as a group.

This team approach includes:

- One officer speaking;
- Giving clear and specific commands;
- Using a respectful voice tone;
- Nonverbal communication; and
- Maintaining situational awareness.

Situational awareness refers to the officers constantly being aware that the dynamics of the interaction are continually changing and they all must remain alert to ensure the safety of everyone involved—the person, bystanders, and police officers.

The demonstration concluded with the NYPD members interacting with the law enforcement audience where communication and physical tactics were further discussed. Audience members shared how their departments are doing similar training while also looking to make it more innovative to ensure their patrol officers have these important skills.
FirstNet Advances Public Safety Broadband Network

By Mike Poth, CEO, FirstNet

The First Responder Network Authority (FirstNet) is working to give the law enforcement community an essential tool for emergencies and daily operations—a reliable, broadband communications network that will connect them with other law enforcement personnel, as well as fire service and EMS practitioners.

Congress established FirstNet just four years ago to ensure the deployment and operation of the first nationwide public safety broadband network (NPSBN) using 20 MHz of Long Term Evolution (LTE) spectrum in the 700 MHz band. That is “prime real estate” in terms of spectrum bands. Since then, FirstNet has made a number of major strides in the planning and design of this network, while working closely with the public safety community all along the way.

This January, FirstNet reached a major milestone with the release of the Request for Proposal (RFP) for the nationwide public safety broadband network. This RFP will result in a first-of-its-kind nationwide public-private partnership that will deliver innovative communications solutions to the public safety community. Once the RFP is awarded, public safety will only be one construction cycle away from having a broadband network.

While FirstNet’s mission is clear and the program is gaining momentum, it is by no means an easy task. For FirstNet to succeed, it must deploy a network that is sustainable and meets public safety needs. That’s where members of PERF come in. FirstNet is consulting with public safety stakeholders in every state and territory to get their feedback on the design of the network. Listening to and incorporating public safety’s input is a critical part of fostering their adoption of the network. Throughout this consultation process, public safety has expressed tremendous demand for the network and services that FirstNet plans to offer once the NPSBN is deployed.

Many of PERF’s members have been involved in FirstNet’s outreach and consultation process, and they should continue to stay engaged and advocate for local public safety needs. Your participation will be critical to informing key decisions that will be made about implementation of the network. This includes the state or territory’s adoption of FirstNet’s plan for the build-out of the Radio Access Network (RAN) in the state or territory.

The issues that FirstNet and public safety tackle are complex, but there is no better cause than the safety of law enforcement and the communities they serve. Tell your friends and colleagues about FirstNet, and ask them to get involved. Without your input, the network won’t succeed, and the need for it is too important to fail. The FirstNet network is a once-in-a-lifetime opportunity to provide first responders what they have needed for a long time—access to interoperable and cutting-edge technology that will help them serve their communities and protect themselves.

Additional information is available at www.firstnet.gov Questions? Contact FirstNet at info@firstnet.gov or 571-665-6100.