

TOOLKIT

— *for* —

EQUITABLE PUBLIC SAFETY

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Center For
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Introduction

Across the United States, community groups are working to improve public safety and promote greater equity, transparency, and accountability in their local law enforcement agencies. They prioritize different issues and use different strategic tactics, but they are united in their desire to build safer, more just communities through the slow, hard, but lifesaving work of law enforcement reform. If you are part of one of these community groups (or want to be), this Toolkit is for you.

Law enforcement reform is challenging, uphill work. Inequities in law enforcement outcomes are often deep-rooted, complex, and perpetuated by multiple different factors. Institutional resistance to necessary change is frequently strong. Conversations about increasing law enforcement equity too often reach an impasse where advocates, and those they are negotiating with, simply do not agree about what the underlying facts are. Faced with complex problems and limited resources, it can be difficult for community advocates to determine where to focus their efforts.

This Toolkit was created to help community groups assess and identify specific areas for improvement and reform in their local law enforcement agencies.

Specifically, this Toolkit can help you to:

- (1) Develop a clearer understanding of the legal issues and power structures that affect public safety in your community;
- (2) Obtain and analyze publicly available data that will deepen your understanding of local public safety problems and help you to be persuasive and effective in your advocacy; and
- (3) Identify specific, actionable, evidence-informed policy changes that you would like to see from your law enforcement agency or local government.

The ultimate goal of this document is to help you assess aspects of public safety in your community and create or refine a step-by-step plan for influencing relevant stakeholders and creating the change you want to see.

This Toolkit's content is not "one-size-fits-all" and it is not all or nothing. You do not have to do everything suggested here in order to start using data, pushing for evidence-informed policies, or leveraging new strategies in your advocacy. Communities are the ultimate experts on their own needs, values, and priorities, and every community's plan of action and path to reform will look different. We encourage you to take from this Toolkit what makes sense for your group in light of the issues your community faces, the time and resources available to your group, your group's technical and legal expertise, and your specific goals for law enforcement reform.

About This Toolkit

This Toolkit is a resource for community groups looking to create change in local law enforcement outcomes. Whether you already have a working plan or are looking to create one from the ground up, this Toolkit contains resources to help you. This section provides an overview of the five main modules of this Toolkit.

The Toolkit is broken into five modules. Each relates to a different step in the process of developing a plan to create change in local law enforcement:

- (1) Identifying the problems that you want to address;
- (2) Identifying and reviewing local power structures;
- (3) Exploring data relating to the problem;
- (4) Identifying specific policy “asks” that will help to create the change you seek;
and
- (5) Identifying ways to improve law enforcement accountability and agency

Module 1 of this Toolkit is about **Identifying Problems with Law Enforcement That You Want to Address**. This introductory module is an overview of five areas in which communities frequently have concerns about law enforcement conduct and outcomes: (1) stops and searches; (2) use of force; (3) in-custody deaths; (4) interactions with special populations (e.g. youth, people with disabilities, people with limited English proficiency); and (5) response to victims of crime. Assessing which of these issues most closely align with your community’s priorities will help you to get the most out of later modules that provide guidance specifically tailored to each area of concern. If your particular concerns are not discussed in this module, this Toolkit contains plenty of general information and resources applicable to a wide variety of community problems with law enforcement.

Module 2 of the Toolkit is about **Understanding Your Local Public Safety Landscape**. This module focuses on assessing the public safety landscape in your community right now. In this module, you will identify:

- a) key law enforcement officials with influence over your public safety priorities;
- b) government officials and agencies that have influence over public safety in your community; and
- c) laws and contracts that may pose opportunities or obstacles for your public safety efforts.

This module can help you obtain the basic background information needed to understand your local power networks and begin to develop your own plan of action.

Module 3 focuses on **Finding Data and Using Data Analyses**. After you have identified your target problems and reviewed the local public safety landscape, finding and analyzing publicly available data can help you to refine your understanding of your targeted problems and marshal evidence to support your advocacy. The module explores what data analyses can do for advocacy and the types of questions that analysis of publicly available data is best suited to answer. This module includes detailed information about the specific data you need to answer common questions relating to the law enforcement problems discussed in Module 1. The module also covers where to find publicly accessible data on law enforcement issues and how to analyze that data using basic descriptive statistical analyses. **Module 3** also offers guidance for communities who are unable to access the data they need to perform meaningful analyses, due to legal barriers or poor data collection practices.

Module 4 focuses on **Identifying Areas for Policy Reform and Improvement** in your local public safety landscape. This module focuses on generating ideas for possible specific policy “asks,” including both internal policy changes and changes to state and local law. For each of the common problems discussed in Module 1, this module covers policies and practices that have shown promise based on the experience of other communities and/or the findings of emerging scientific research. There are few universal right answers when it comes to law enforcement reform because communities differ so much with respect to their priorities, needs, resources and legal landscape. We encourage you to view this section as an opportunity to gain ideas from reforms attempted in other communities rather than a prescriptive list to be followed A to Z.

Module 5 focuses on **Identifying Opportunities to Improve Law Enforcement Accountability and Agency Culture**. While written policies consistent with community values and scientific knowledge are important, they are only effective when supported by the resources and culture of the law enforcement organization. In many communities, written policies on the books already prohibit the conduct about which communities are concerned, but law enforcement officers simply are not complying with those policies in practice. This module focuses on identifying opportunities to improve law enforcement officers' compliance with the requirements of the law and internal department policies. Module 5 covers four specific areas of law enforcement administration that may offer opportunities to promote officer compliance with the requirements of the law and internal policies: (1) training, (2) supervision and accountability, (3) external accountability and civilian oversight, and (4) hiring and staffing.

This Toolkit also includes appendices with information on strategic planning tools to help you leverage the material in the Toolkit to create your own plan for change. **Theory of Change (Appendix C)** is a tool for mapping out a unified and concrete plan of action for achieving specific goals. **Power Mapping (Appendix D)** is a way of visualizing networks of power. Both tools offer ways to contextualize and leverage the information discussed in the main modules.

How To Use This Toolkit

If you are newer to advocacy or are unfamiliar with strategic planning tools like Theory of Change and Power Mapping, you may want to start by reviewing Appendix C and Appendix D, which will introduce these helpful tools for creating a strategic plan of action. With a basic strategic plan in mind, you can progress through the five main modules of the Toolkit, which will help you to develop a more fully-realized, evidence-informed plan of action to create change in your community.

If you are newer to law enforcement reform or want to expand your knowledge of public safety issues, we recommend starting with the first module and working through subsequent modules sequentially. This will take you through the process of identifying target issues, reviewing the current public safety landscape, researching your issue of concern using publicly available data, and drawing on the examples of other communities to generate ideas for possible solutions.

If your group is experienced with public safety advocacy and familiar with the legal, organizational, and political landscape of your local public safety context, you can probably skim over most of the content in the first two modules and dive into Module 3 (Finding Data and Using Data Analyses), Module 4 (Identifying Areas for Policy Reform and Improvement) and/or Module 5 (Identifying Opportunities to Improve Law Enforcement Accountability and Agency Culture), depending on your group's individual interests, needs, and goals. If you plan to skip ahead, however, we do recommend skimming the list of common issues of concern referenced in Module 1 (Identifying Problems with Law Enforcement That You Want to Address) to determine which are most relevant to your group's advocacy priorities. You will find content specifically tailored to these topics in the later modules, so familiarizing yourself with these topics can help you to identify the content in later modules that is most relevant to your goals and needs.

Module 1 Identifying Outcomes in Law Enforcement That You Want to Address

Module 1 is an overview of five areas in which communities frequently express concern about law enforcement outcomes and behavior: (1) stops and searches; (2) use of force; (3) in-custody deaths; (4) interactions with special populations; and (5) responses to victims of crime. This list was developed based on feedback we received in community listening sessions in five U.S. cities: Albuquerque, Baltimore, Minneapolis, New Orleans, and Stockton.

In order to get the most out of this Toolkit, we encourage you to take some time to consider which of these concerns resonate most strongly with your community.

Assessing which of these issues most closely align with your community's priorities will help you to get the most out of Modules 3 and 4, which provide guidance specifically tailored to each topic of concern.

In addition, if you are in the beginning stages of entering law enforcement advocacy or looking to expand the scope of your work in this area, this module may help you

If your specific concern about law enforcement isn't among the five listed above, this Toolkit can still help you! While later modules contain some content specifically tailored to address the five most frequently cited challenges surfaced by community members in the five cities mentioned earlier, they also include general tools and information applicable to any concern relating to law enforcement outcomes or conduct.

A. Stops and Searches

In our listening sessions, many community members expressed concern regarding law enforcement officers stopping people, searching property, or frisking bodies of citizens for discriminatory reasons, or for no valid reason at all. Community members also expressed concern about the way officers treated people during stops and searches. We heard from several community members who reported feeling frightened, humiliated, and confused by the way law

enforcement officers treated them during vehicle or pedestrian stops. Some reported that officers spoke to them rudely and disrespectfully. Others reported that officers detained and questioned them for lengthy periods without explanation. Still, others reported that officers tackled or handcuffed them during a stop when they were not resisting or attempting to flee. Community members expressed particular concern and distress about pat downs and body searches of minor children.

Many community members expressed concern that law enforcement officers were targeting people based on their race, ethnicity, national origin, disability, or gender identity. Destructive stereotypes linking skin color with criminality, disability or Native American identity with intoxication, and trans identity with prostitution may lead to innocent people unconstitutionally being stopped, frisked, and subjected to force by law enforcement without legal or factual justification. Law enforcement officers may or may not be aware that they are acting on these insidious stereotypes, but the damage to communities is the same regardless. In some cases, bias during police stops can be even more overt and egregious, including the use of racial slurs or sexually coercive behavior.

B. Use of Force

Another common area of concern mentioned in our listening sessions was the use of force by law enforcement. Law enforcement force is a broad concept that includes use of everything from handcuffs, to pepper spray, to TASERS, to firearms. Under the Fourth Amendment of the Constitution, use of force by law enforcement is considered excessive (and therefore illegal) if an officer uses more force than is objectively reasonable based on all of the circumstances known to the officer at the time of the incident. This means that law enforcement officers are usually not permitted to use deadly force, like shooting someone, unless the officer reasonably perceives that there is an imminent threat that the person is going to kill or seriously injure the officer or another person. While this broad constitutional standard sets a minimum baseline for legally-allowed law enforcement use of force, law enforcement agencies and communities have the ability to hold their officers to a higher standard of conduct. Even force that is not illegal may nonetheless be avoidable, unnecessary, and unacceptable.

Problematic patterns of use of force can emerge in numerous ways. Use of force may be excessively frequent or severe as a general matter and across a broad range of situations. Alternatively, use of force may be significantly more frequent or severe in certain types of situations or against certain groups of people. A law enforcement agency might, for example, have a pattern

of unnecessarily escalating encounters with mentally ill individuals or using excessive force against nonviolent protestors. Racial disparities in use of force remain a particularly serious issue on a national level.¹

C. Deaths in Custody

Communities have a strong interest in ensuring that their law enforcement agencies respect constitutional and human rights and take all necessary steps to prevent unnecessary loss of life. Accordingly, many communities have concerns when people die suddenly and unexpectedly in law enforcement custody, particularly following exposure to police force or restraint.

Sudden deaths in custody are closely related to the issue of use of force, but deserve their own mention because they often involve unique controversy about cause of death, the extent to which law enforcement force contributed to that death, and the correct definition of deadly force. While no law enforcement agency would contest that shooting someone always constitutes deadly force, law enforcement agencies maintain wide variation in their policies and training on uses of force like chokeholds, extended prone (face-down) restraint, and repeated TASER application to the chest.

Law enforcement agencies also have an affirmative duty under the Fourth, Eighth, and Fourteenth Amendments of the U.S. Constitution to take sufficient steps to protect people in custody from other types of death, such as suicide, homicide, and treatable illness.

D. Police Treatment Of Special Populations

Certain groups of people may be particularly vulnerable in law enforcement interactions and may require special treatment to receive equitable access to public safety services, whether they are victims, witnesses, or criminal suspects. While there are many different groups that fall into this category, this Toolkit focuses on four illustrative groups that our community partners expressed specific concerns about: children and young people, people with disabilities, non-English speakers, and homeless people.

- **children and young people:** In our listening sessions, community members expressed concern about law enforcement treating children more harshly than is appropriate given their

¹ The Center for Policing Equity, *The Science of Justice: Race, Arrests, and Use of Force* (Jul. 2016), available at http://policingequity.org/wp-content/uploads/2016/07/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf.

age and developmental level. Some, for example, expressed concerns about children being searched or questioned by law enforcement without the presence or consent of a parent. Others expressed concern about children being arrested and even jailed for low-level status offenses like truancy or running away, both of which would be better addressed through community support systems. Studies also identify patterns of racial disparities in the way that police treat children. Black children are at particular risk of mistreatment, for example, because officers perceive them as older than their actual age and more culpable than their White and Latinx peers.²

- **people with mental or physical disabilities:** People with mental illness, addiction, intellectual disabilities, or medical conditions that can cause episodes of disorientation (e.g. diabetes) are vulnerable during encounters with police because their disabilities may affect their behavior and ability to comply with officers' instructions. Much law enforcement training focuses on criminal behavior rather than medical crises, and law enforcement officers may not have the tools or training necessary to identify and address medical and mental health crises appropriately. According to the Washington Post, 25% of people fatally shot by police in 2016 were mentally ill.³ People with physical disabilities can also be vulnerable during police encounters. A person with hearing loss may be unable to hear police commands, while a person with mobility issues may be unable to comply with an instruction to "get down on the ground." Moreover, restraint methods that may pose a low risk of injury to the average person may be very dangerous to people with physical disabilities or pre-existing injuries. If law enforcement officers are not aware of and responsive to the needs of people with disabilities, encounters may escalate unnecessarily and lead to avoidable injury and death.
- **non-English speakers:** There are [more than 13.5 million people](#) living in the United States who speak English "not well" or "not at all."⁴ Language barriers between law enforcement and community members can obstruct the reporting and investigation of crimes, meaning that crimes may go unsolved and victims may be unable to access the help they need. Language

² Philip Atiba Goff, et al, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. OF PERSONALITY AND SOCIAL PSYCHOLOGY 526-545 (2014); Sandra Graham and Brian S. Lowery, *Priming Unconscious Racial Stereotypes about Adolescent Offenders*, 28 LAW AND HUMAN BEHAVIOR 483-504 (Oct. 2004).

³ Washington Post Police Shootings Database (2016), <https://www.washingtonpost.com/graphics/national/police-shootings-2016/>.

⁴ Camille Ryan, *Language Use in the United States: 2011*, American Community Surveys, U.S. Census Bureau (August 2013), available at <https://www.census.gov/prod/2013pubs/acs-22.pdf>.

barriers may increase frustration and conflict stemming from less productive interactions between law enforcement and the public. Language barriers can lead to avoidable use of force, as when a person fails to comply with officer commands (e.g. “put your hands up”) because he or she does not understand the language in which the commands were given.

- **homeless people:** Criminal ordinances targeting homeless people are common and have increased in recent years. A [2014 report](#) published by the National Law Center on Homelessness and Poverty found that municipal laws against sitting or lying down in public increased by 43% between 2011 and 2014, while laws against sleeping in cars rose 119% during the same time period.⁵ These laws increase police confrontations with homeless people engaged in basic acts of existence like sitting or sleeping, and do not address the underlying issues that lead to homelessness in the first place. In addition, problems may arise when law enforcement officers confiscate or destroy items belonging to homeless people that the officers believe are merely “trash” cluttering the streets, but which actually include crucial documents, identification, and valued personal possessions.

E. Interactions With Victims of Crime

Although crime victims vary in their needs, most share a common set of basic needs: they want police to respond to urgent situations promptly, treat them with respect, investigate the crime appropriately, and keep them informed of the progress of the investigation.⁶ When officers fail to investigate crimes or communicate with victims about the status of their cases, community trust may suffer. Too often, crime victims who are members of particular groups (e.g. non-White people or LGBTQ people) or who are victims of certain types of crimes (e.g. sexual assault or domestic violence) do not receive prompt, respectful and competent services from the police. Victims may feel disrespected and even retraumatized by the process of reporting a crime to law enforcement, particularly if they do not conform to an officer’s stereotype about what a deserving or “real victim” looks like.⁷ Undocumented immigrants and their family members may be afraid to seek any help

⁵ National Law Center on Homelessness and Poverty, *No Safe Place: The Criminalization of Homelessness in U.S. Cities* (2014), available at https://www.nlchp.org/documents/No_Safe_Place.

⁶ Danielle Sered, *Accounting for Violence: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration*, Vera Institute of Justice (2017), available at <https://www.vera.org/publications/accounting-for-violence>.

⁷ Cynthia Lum, et al., *An Evidence-Based Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities*, Center for Evidence-Based Crime Policy, George Mason University (2016), available at <http://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>; Kristina Wolff and Carrie Cokely, “To protect and serve?”: *An exploration of police conduct in*

from police after being victimized due to fears of arrest and deportation, particularly if the local law enforcement agency has a policy or history of enforcing federal immigration laws.

relation to the gay, lesbian, bisexual, and transgender community, SEXUALITY AND CULTURE (Apr. 2007) at 1-23; Eryn Nicole O'Neal, "Victim is Not Credible": The Influence of Rape Culture on Police Perceptions of Sexual Assault Complainants, JUSTICE QUARTERLY (2017).

Module 2: Understanding Your Local Public Safety Landscape

Module 2 of this Toolkit focuses on identifying and reviewing the current power structures and networks that influence public safety in your local community.

Module 2 consists of a self-assessment designed to help you identify:

- **the law enforcement agencies and officials** that have influence over your issues of concern;
- **the government entities** that have authority over your law enforcement agency; and
- **laws and contractual obligations** that may support or impede your reform

Because there is significant variation in local law enforcement agency organization, local government structure, and state and local legal frameworks, it is important to understand these basics about your own community in order to determine the most effective and viable paths to lasting change. Even if you are already familiar with all of these topics, there may be other members of your coalition who are not. Ensuring that everyone in your coalition understands the basic organizational, political, and legal landscape of public safety in your community can help to create a foundation for empowered group decision-making and action.

This section offers a self-assessment that you can use to make sure that you and your partners have the background information needed to get the most out of the rest of this Toolkit and build an effective plan of action. If you aren't sure about the answers to some of these questions, you should usually be able to find the information on your law enforcement agency's website, through basic internet research, or by directly asking policy experts or your law enforcement agency.

A. The Organizational Structure Of Your Law Enforcement Agency

If you want to change how local law enforcement agencies operate, it is important to know the key players and divisions who may have authority or influence over the issues you want to address. Questions to ask about your local law enforcement agency include:

- (1) Which law enforcement agency or agencies are responsible for serving your community?** This will usually be a city police department and/or a county sheriff's department, but some communities have separate agencies dedicated to local school districts, colleges and universities, parks, metropolitan transportation, public housing, and/or other public spaces. There are also law enforcement officers who work for the state government, such as state troopers and highway patrol.
- (2) Who is the head of your local law enforcement agency?** For police departments, this will usually be the Police Commissioner or the Chief of Police. For Sheriff's Departments, this will usually be the Sheriff.
- (3) Does your law enforcement agency have an organizational chart available online?** An organizational chart (or "org chart") is a map of the chain of command within an organization. It usually identifies the job titles and responsibilities of important employees and the supervisors to whom those employees report. Many law enforcement agencies publish organizational charts on the internet, which can be located through a simple web search or on the department website. Finding an organizational chart can be a very helpful way to figure out which officials have influence over the problems about which you are concerned.
- (4) Which employees or divisions are responsible for community relations or interacting with the press?** Most law enforcement agencies have an official spokesperson, who may be a police officer or a civilian employee. In addition, some law enforcement agencies have employees or even divisions expressly devoted to community engagement or community policing.
- (5) Which division is responsible for investigating allegations of officer misconduct? What is the procedure for filing a complaint regarding an officer?** In many departments, investigations into officer misconduct are handled by Internal Affairs or the Professional Standards Bureau, but the name of the responsible division varies from agency to agency. Some cities have governmental bodies external to the police department responsible for documenting and investigating complaints from members of the public (see pages 74-75).

(6) If your concerns relate to law enforcement conduct in particular neighborhoods, which law enforcement officials are in charge of the local stations for those neighborhoods? While some community concerns with law enforcement may apply to officer conduct across the entire agency, others may relate specifically to police presence and conduct in lower income or non-White neighborhoods, schools, and patrol beats. If any of your concerns fall into this latter category, it may be important to know the identity of your local station commander(s), which should be listed on your law enforcement agency's organizational chart.

B. Other Important Government Officials and Agencies

Law enforcement agencies do not operate in a vacuum. Someone chooses their leadership and sets their budgets. They may answer to local, state, or federal oversight officials or regulatory bodies. Identifying government actors with direct influence over your local law enforcement agency is an important aspect of understanding the power structures that affect public safety in your community. Questions to ask about key local government actors include:

- (1) Who has the authority to appoint and replace the head of your law enforcement agency?** Police chiefs and police commissioners are typically chosen and can usually be replaced by the city mayor/manager, the city council, or both. County and parish sheriffs are usually but not always elected officials who can be voted in or out by the voters of the community during an election year. There are, however, some exceptions to these general rules, so it is important to understand how your local government operates.
- (2) Does your law enforcement agency have any form of civilian oversight? If so, what are its responsibilities and how large or small is its staff?** Many cities and counties have one or more official civilian oversight groups that oversee the local law enforcement agency, identify systemic problems, make policy recommendations and/or handle citizen complaints. These groups differ widely in their structures, sizes, responsibilities and legal authority. Oversight groups may be comprised of volunteers or full-time professionals. While many communities choose civilian oversight officials from within their own communities, others choose to hire professional consultants who may or may not live in the area. If you aren't sure whether your community has a civilian oversight group, you can check the [website of](#)

[the National Association for Civilian Oversight of Law Enforcement \(NACOLE\)](#), which maintains a list of many of these civilian agencies.⁸

(3) Is your law enforcement agency currently subject to a court-monitored settlement agreement or consent decree with the United States Department of Justice?

The Department of Justice (DOJ) is part of the executive branch of the federal government and is responsible for enforcing federal law. It is headed by the Attorney General of the United States, who is appointed by the current U.S. President. The DOJ's Civil Rights Division has the authority under Section 14141 of the 1994 Violent Crime Control Act to investigate and, if necessary, take legal action against law enforcement agencies that it believes have engaged in a "pattern or practice" of violating people's rights under the U.S. Constitution or other federal laws. These DOJ lawsuits against law enforcement agencies with alleged patterns of legal violations are known as "pattern and practice" cases, after the language in Section 14141. How proactively the DOJ chooses to exercise this authority has historically depended on the priorities of the current presidential administration. (While the DOJ Civil Rights Division typically receives little attention during elections, the staffing, funding and direction of the DOJ's Civil Rights Division and Community Oriented Policing Office are among the most direct ways that the United States President can influence local public safety). Pattern and practice cases are generally resolved through detailed agreements between the DOJ and the law enforcement agency in question that set forth specific reforms and changes that the law enforcement agency must make. The local federal district court has the authority to enforce the agreement and may appoint a person or organization to monitor the agency's compliance with the agreement. This arrangement is often called a "consent decree." The court also has the authority to release the department from the consent decree once the agreed upon reforms have been successfully implemented. The DOJ maintains a list of some of its active consent decrees with law enforcement agencies [on its website](#).⁹

(4) Does your state have a Peace Officers Standards and Training (POST) Commission or other similar agency that sets minimum training standards for law enforcement officers in the state? State POST commissions play an important role in public safety. State POST

⁸ NACOLE website, https://www.nacole.org/police_oversight_by_jurisdiction_usa.

⁹ U.S. D.O.J. Special Litigation Webpage, <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0#police>.

commissions set minimum training standards for law enforcement agencies and set minimum hiring qualifications and procedures throughout the state. In many cases, they also have the ability to decertify police officers who commit crimes or engage in misconduct on the job, meaning that the decertified officer can no longer work as a police officer anywhere in the state. As of the time of publication of this document, all U.S. States have some version of a POST commission.¹⁰

(5) Who sets budgetary limits or goals for your law enforcement agency? Because many reforms require reallocation of monetary resources, it is important to know who has control over your law enforcement agency's budget. In many cities, this budget is managed by the city council, the mayor, or the city manager.

C. Important Laws and Contracts

In order to fully understand the local public safety landscape in your community, it is important to identify and understand important laws (local, state, and federal) and contracts that may create obstacles to your reform goals. Determining how to change or work around challenging legal and contractual restrictions can be an important component of creating needed change. Questions that you will likely want answers to include:

(1) Does your law enforcement agency have a union contract or collective bargaining agreement (CBA) with a union representing its officers? Many law enforcement officers are union employees. Unions negotiate contracts with local jurisdictions called collective bargaining agreements (CBAs) that regulate many of the terms and conditions their officers' employment, including pay, benefits, and assignment of seniority. It is important to be familiar with the terms of any operative CBA in your law enforcement agency because these agreements may (1) include procedures for and limits on officer discipline, and (2) place limits on the public release of police disciplinary records, complaints from members of the public,

¹⁰ In July 2018, Hawaii became the last state to authorize creation of a POST commission. Hawaii H.B. 2071. The Hawaii Law Enforcement Standards Board is still in the process of filling vacant seats and setting certification standards as required by statute. See Yoohyun Jung, *Hawaii Law Enforcement Standards Board Wants More Money, More Time*, HONOLULU CIVIL BEAT (Dec. 17, 2019), <https://www.civilbeat.org/beat/hawaii-law-enforcement-standards-board-wants-more-money-more-time/>

and even body worn camera footage.¹¹ Bear in mind that in some large departments, there may be multiple contracts with multiple unions that represent different ranks or categories of officer (e.g. one contract for supervisors and another for patrol (sometimes referred to as “rank-and-file”) officers).

(2) Does your local law enforcement agency have a contract with a private policy drafting company or does it write its own policies? If you want to change your law enforcement agency’s policies, it is helpful to know whether your municipality writes its own law enforcement policies or buys pre-packaged policies from a private company. If you see a copyright sign and a private company name on the footer of one of your law enforcement agency’s policies, your law enforcement agency may have purchased a comprehensive policy manual from a private policy-writing company like Lexipol. In recent years, private companies have been very successful in marketing their policy manuals to police departments based on claims that their policies are good for law enforcement agency risk management and will reduce the likelihood of lawsuits. Critics have argued that such companies sometimes place too much emphasis on avoiding legal liability at the expense of other important policy priorities and that the privatization of police policy may reduce transparency and reduce public input into important policy decisions.¹² If your agency has a contract with a private policy-drafting company, this may have a big impact on your agency’s policy-making process and, in turn, the best tactics to use for achieving a change in policy. For example, some advocacy groups have gone directly to policy-drafting companies to demand changes to policies.¹³

(3) Does your state have a Law Enforcement Officers Bill of Rights (LEOBR) law? Law Enforcement Officers Bill of Rights (LEOBR) laws (also known as Peace Officer Bill of Rights laws in some states) form an influential part of the legal landscape for public safety because they place requirements and restrictions on investigation and discipline of law enforcement officers who commit misconduct on the job. Currently, Arizona, California, Delaware, Florida, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Nevada, New Mexico, Rhode Island, Virginia, and West Virginia have LEOBR laws on the books, and many other cities have

¹¹ Campaign Zero, The Police Union Contract Project, available at www.checkthepolice.org.

¹² Ingrid V. Eagly and Joanna Schwartz, *Lexipol: The Privatization of Police Policymaking*, 96 TEX. L. REV. 891 (2018).

¹³ See, e.g. *ACLU Demands Change to Unlawful Pre-Packaged Police Policies*, ACLU of Northern California (Apr. 12, 2017), <https://www.aclunc.org/news/aclu-demands-change-unlawful-pre-packaged-police-policies>.

comparable provisions in their CBAs with police unions.¹⁴ For more information about LEOBR laws, see pages 69-70 of this Toolkit.

(4) Does your state have any laws that restrict public access to officer disciplinary records or other law enforcement records? In many states, if an officer is disciplined for misconduct, departments are prohibited by law from making this information public. A recent investigation by WNYC Public Radio found that law enforcement disciplinary history is confidential in 23 states and available to the public under only limited circumstances in another 15 states.¹⁵

D. Visualizing Networks of Power

To keep track of the networks of power in your community, we recommend creating a power map. Power mapping is a tool that allows you to visually organize 1) important individuals who have influence over your public safety priorities and 2) their networks, e.g. all of the individuals who have influence over the original group of influencers. Power mapping is a helpful tool for creating a plan of action because it can help you to identify strategic ways to influence the individuals who have the power to create the change you want to see in your communities. A detailed explanation of how to create a power map is located in **Appendix D**.

The more you know about the problems you are trying to address and the power structures that affect them, the more complete and helpful your power map will be. The assessment in this module will give you enough information to get started with creating a power map, but you can and should continue to build and refine your power map as you work through the later modules of this Toolkit and gather additional data about the problems you are trying to address. You can also use your power map to help build your plan of action or Theory of Change (see **Appendix C**).

¹⁴ The Police Union Contract Project by Campaign Zero has reviewed and posted information about the police union contracts of 81 of the largest 100 cities in the United States. You can view their information at www.checkthepolice.org.

¹⁵ Robert Lewis, Noah Veltman and Xander Landen, *Is Police Misconduct A Secret in Your State?*, WNYC News (Oct. 15, 2015), <http://www.wnyc.org/story/police-misconduct-records/>.

Module 3: Finding Data and Using Data Analyses

Communities bring a wealth of lived experience with law enforcement to their advocacy. This lived experience is valuable and must be acknowledged by law enforcement and elected leaders. Unfortunately, however, people from different communities may have very different experiences with law enforcement. Some stakeholders may be distrustful of personal accounts that differ from their own personal experiences with law enforcement.

Data are powerful in advocacy because they can aggregate seemingly isolated personal experiences, reveal patterns, and create common ground for political progress. Broader data analyses should not obscure the importance of personal experiences in advocacy, but when data demonstrate systemic and repeated disparities in law enforcement outcomes, it becomes harder to dismiss a personal account of discrimination.

Data can also help you to deepen your understanding of the problems that affect your community, which can help you to identify the most pressing issues in need of reform. Data can

Module 3 will cover:

- **common questions** about law enforcement outcomes that you may be able to explore with publicly available data;
- the **types of data** needed to answer common questions about law enforcement outcomes;
- where to find **publicly available data** about law enforcement issues and outcomes;
- how to analyze publicly available data using **basic descriptive statistics**; and
- **what to do** if your law enforcement agency is not collecting or sharing the data you need.

also surprise you, identifying possible issues and problems of which you were previously unaware. **This section will suggest ways to find and analyze data that will help you** to understand your community's problems more fully, tell your stories more persuasively, and create common ground in your advocacy and negotiations.

A more detailed explanation of some of the calculations you can use to explore some common questions about law enforcement outcomes is located in **Appendix A**.

A. How Data Analyses Can Advance Advocacy Efforts

Data can help community advocates to show the **existence and magnitude of a problem or disparity**. This can persuade relevant stakeholders that there is an issue to be addressed that is common or serious enough to warrant their attention. Data analysis can show differences between how groups of people are treated by law enforcement, especially if you are looking at issues and categories about which law enforcement agencies routinely collect data. Data can also show how frequently law enforcement officers encounter situations that would be better addressed through social services (e.g. interactions with people who are mentally ill), which can help to persuade local government leaders to adequately fund community resources to address these common situations. Data can also tell you how often undesirable outcomes, such as police shootings or in-custody deaths, are occurring, and whether those outcomes decrease or increase in frequency after changes in law enforcement policy or training.

As with all research and advocacy tools, data and data analyses have limitations as well as strengths. While it may be relatively straightforward to show *what* is happening using data, it is much more complicated and difficult to use data to show *why* something is happening. Data may be able to show, for example, that Black people are statistically more likely to be subjected to pedestrian stops by law enforcement in your community than are White people. There are, however, many possible reasons for such a disparity. Disparities may arise from individual officer behavior (including implicit and explicit bias), law enforcement agency practices (such as deploying more or fewer officers to non-White neighborhoods), crime rates within a neighborhood, mistrust between law enforcement and certain communities, or a combination of these factors. Because of limitations in available data, mathematically teasing apart exactly which factors are causing a disparity can be challenging even for expert data scientists.

You can, however, use data to **test the validity of particular assumptions** about the cause of a disparity. For example, community groups that identify a racial disparity in a particular police

outcome are very likely to encounter stakeholders who simply assume that any disparity must be caused by high criminality in communities of color. This is an assumption that can be tested and possibly refuted using data, which may help communities to move past an impasse with key stakeholders and toward a more constructive conversation.¹⁶

B. Determining Which Data You Need

The specific data you need will depend on the issue about which you are concerned and the extent to which data relevant to that issue are tracked in public records. This section offers specific guidance on which data you will need to answer common questions related to the five common problems discussed in Module 1.

You may find that other groups or individuals have already researched and analyzed some of the data that you are looking for. If so, great! This will save you a significant amount of time. Just make sure that your statistics are coming from a reputable and trustworthy source. Reports generated by civilian oversight groups, court appointed monitors, investigative journalists, government commissions, and academic researchers are all good places to find pre-analyzed data relevant to your issues of concern (see page 36 for more detail on how to find these documents). In other cases, raw data may exist in public records that have yet to be sorted or analyzed. This Toolkit can show you how to do some basic analyses of data in publicly available records.

1 Stop and Search Data

If you are concerned that law enforcement officers are stopping or searching people for discriminatory reasons (e.g. because of their race) or for reasons unrelated to public safety (e.g. revenue generation or immigration enforcement), the following are some examples of questions that you may be able to answer using publicly available data:

- (1) Do law enforcement officers stop or search members of certain groups of people more often than we would expect, given their representation in the city population?** If law enforcement officers stop members of one group more often than we would expect

¹⁶ For examples of this type of analysis, see The Center for Policing Equity, *The Science of Justice: Race, Arrests, and Use of Force* (Jul. 2016), available at http://policingequity.org/wp-content/uploads/2016/07/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf and The Center for Policing Equity, *The Science of Policing Equity: Measuring Fairness in the Austin Police Department* (Oct. 2016), available at http://policingequity.org/wp-content/uploads/2017/12/2000970_science_of_policing_equity_1.pdf

based on their representation in the population, this could suggest that members of that group are not being treated equitably by law enforcement. There could also be other possible explanations for the disparity, such as higher crime rates in a neighborhood. (See the next paragraph for a discussion of one way to counter arguments that disparities in stops and searches are due to differences in criminality.)

(2) Is the “hit rate” (e.g. how often searches actually uncover illegal goods or activities) higher or lower for certain groups of people? Looking at disparities in hit rates can help you to counter the common argument that certain racial or ethnic groups are stopped and searched more often because they commit more crimes. If, for example, Black people are more likely than average to be searched by police, but police are *less* likely than average to find contraband when searching a Black person, this strongly suggests that the search rate disparity is *not* simply because police more frequently have good cause to search Black people.¹⁷

(3) Has a law enforcement agency received complaints about stops and searches and, if so, are those complaints disproportionately coming from members of particular groups? If the percentage of complaints (or sustained complaints, which means that the department deemed the complaints credible) about police stops by members of a particular demographic group is significantly higher than that group’s representation in the overall population, this could be a potential indicator of inequities in the way that stops and searches are conducted.

To calculate the answers to these questions, you will need the following data for the time range you want to investigate:

- **Demographic Data**
 - The racial/ethnic demographics of the community served by your local law enforcement agency
- **Stop Data**
 - The number of vehicle and/or pedestrian stops during the years you are interested in
 - The race and ethnicity of the individuals who were stopped

¹⁷ For an example of hit rate analysis, see *Report of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement* (July 2016) at 30, available at <http://sfblueribbonpanel.com/>.

- **Search Data**

- The number of searches conducted at vehicle and/or pedestrian stops during the years you are interested in
- The race or ethnicity of the people searched
- The legal justification for each search (e.g. search incident to arrest, consent search, warrant, etc.)
- Whether the people searched were arrested, cited, or found with contraband (guns, drugs, counterfeit money, stolen goods, etc.)
- Whether the people searched were charged with a crime and, if so, the nature of the charges

- **Complaint Data**

- The number of complaints regarding stops/searches
- The number of complaints regarding biased policing or harassment during a stop/search
- The outcome of any complaints regarding stops/searches (substantiated, unsubstantiated or other)
- Any discipline imposed as the result of a substantiated complaint regarding stops/searches
- Complainant race and ethnicity, if available
- Complainant membership in your demographic group of concern, e.g. sexual orientation, gender identity, religion, disability, etc.

Complaint data are particularly important if you are trying to obtain evidence that a group other than a racial or ethnic group has been targeted in stops or searches. While race and ethnicity of individuals stopped and searched may be captured in police records, religion, gender identity, sexual orientation, and disability are unlikely to be reflected in police records about stops. For these groups, complaint data may be the best source of information about violations of their rights. Complaint data can also be important when investigating concerns about discrimination and harassment because officers are generally unlikely to document their own misconduct. Complaints can include complaints submitted to the law enforcement agency directly, complaints submitted to a civilian oversight agency, or official complaints filed in court. For any of these types of complaints filed during a specific period of time, you might choose to investigate:

- The total number of complaints your local law enforcement agency has received regarding discrimination, harassment, retaliation, bias, or use of racial or religious epithets
- The number of complaints filed by individuals who are part of the population of interest
- The number of complaints alleging discrimination, harassment, or profiling
- The outcome of those complaints (substantiated or unsubstantiated) and lawsuits (involuntarily dismissed, voluntarily dismissed per a settlement, jury verdict)
- The demographic makeup of the community patrolled by your law enforcement agency, including how many community members are part of the population of interest.

2. Use of Force Data

Data on use of force is crucial to determining how often law enforcement officers are using force against members of the community and whether there are racial or other disparities in how law enforcement use force. It can also help you identify situations in which most law enforcement force is occurring. It is, unfortunately, extremely difficult to obtain enough data to show how often law enforcement officers are illegally using *excessive* or *unjustified* force. Because the law says that whether any particular use of force is justified is dependent on the facts, circumstances, and context of each particular incident,¹⁸ it is impossible to tell from a spreadsheet alone whether or not a particular use of force is legally justified. In addition, there will always be concerns about whether law enforcement officers are accurately reporting their use of force, particularly in situations when the use of force is most excessive and unjustified. Nonetheless, if you are concerned about how frequently officers are using force, either in general or against particular members of your community, you may be able to explore the following questions using public records and data:

- (1) Are certain groups of people being subjected to force by law enforcement more often than we would expect, given their representation in the neighborhood or city population?** If force is used more frequently against non-White people when taking into account their relative representation in the population, this could indicate that officers use force more readily against non-White people. It might also indicate that officers have more encounters with non-White people due to increased police presence in particular

¹⁸ *Graham v. Connor*, 490 U.S. 386 (1989) (“[T]he ‘reasonableness’ inquiry in an excessive force case is an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.”)

neighborhoods, neighborhood crime rates, differences in calls for service, law enforcement bias in initiating encounters, or some combination of these factors.

- (2) Are there differences in how often different groups of people subjected to force are ultimately arrested or charged with a crime?** Law enforcement agencies are likely to argue that any disparity in use of force is caused by suspect behavior not within the control of the officer (e.g. criminal activity or resisting arrest). One possible way to counter this argument is to look at the rates at which people who are subjected to force are ultimately arrested or charged with a crime. These rates are very unreliable measures of behavior because of the risk that officers may arrest people in order to create an explanation or justification for the officers' use of force. It is also possible that some officers are more likely to arrest members of one group than another for the same type of offense for reasons that have nothing to do with behavior during a law enforcement encounter. Nonetheless, if members of one group are more likely to be subjected to significant force but less likely to be charged with a crime, this would provide a strong counter to the claim that criminal behavior is the sole reason for the disparity.
- (3) Are there racial disparities in the use of particular types of force?** Data may show that officers use certain weapons, such as TASERs or K9s, more often against members of certain racial groups than they do against members of other racial groups who have committed comparably serious crimes.
- (4) What are the contexts in which use of force most frequently occurs?** Some jurisdictions find that certain types of encounters, such as foot pursuits, are particularly likely to end in use of force. You may also find that force is more or less likely when an officer initiates an encounter with a civilian as compared to when an officer responds to a call for service.
- (5) How and how often do law enforcement agencies discipline officers for use of force or for tactical decisions that led up to or prompted the need for use of force?** How this data will be interpreted depends on the quality of your department's internal disciplinary and supervision system. If officers are rarely disciplined for use of force, this could mean either that officers rarely use excessive force or that departments rarely hold officers accountable for use of excessive force.
- (6) Has the law enforcement agency received complaints about use of force? If so, have those complaints disproportionately come from members of particular groups?** If the percentage of complaints, or sustained complaints, about use of force by members of a

particular racial or ethnic group is significantly higher than that group's representation in the overall population, this could provide evidence of possible bias in the way that law enforcement use force.

To calculate the answers to these questions yourself, you will most likely want to find the following data:

- **Demographic Data**
 - The racial and ethnic demographics of the community served by your local law enforcement agency
- **Use of Force Data**
 - The total number of use of force incidents
 - The number of officers involved in each incident
 - The type(s) of force used in each incident (e.g. pepper spray)
 - The type of encounter (e.g., street stop, traffic stop, arrest, call for service)
 - The race, ethnicity, gender and age of the individuals who were subjected to each type of force
 - Whether the person subjected to force was arrested
 - Whether the person subjected to force was charged with a crime and, if so, the charges
 - Whether the subject was injured in the incident
 - Whether the officer or third parties were injured in the incident
- **Administrative Review Data**
 - How often internal law enforcement agency reviews of force incidents reveal that a use of force violated agency policy or the law
 - How often force reviews reveal that an officer's tactics or conduct leading up to the use of force violated agency policy
 - The number of officers who have had more than one instance of force found to violate agency policy or the law
 - The number of officers who have had been found to have violated agency policy regarding tactics or other conduct in use of force incidents on more than one occasion

- Discipline imposed as a consequence of an administrative finding that an officer's use of force was violated policy
- Discipline imposed as a consequence of an administrative finding that an officer's tactics or conduct leading up to the use of force violated agency policy
- **Complaint Data**
 - The number of filed complaints regarding use of force
 - The outcome of any complaints regarding use of force (substantiated, unsubstantiated or other)
 - Any discipline imposed as the result of a substantiated complaint regarding use of force
 - Complainant race and ethnicity, if available

3. In-Custody Death Data

Exploring data on in-custody deaths will usually be a very different process from analyzing data on stops, searches, use of force, or most other law enforcement outcomes simply because in-custody deaths are comparatively rare. With a smaller dataset, it is much harder to detect statistical patterns and harder yet to tell whether any emergent patterns are result of random chance. The advantage of a smaller local dataset is that it may be feasible to examine each individual incident in greater detail, which may give you additional insights into the dynamics and issues at play. Put differently, when the number of incidents you are looking at is small, you may sometimes learn more from a set of case studies than from trying to pull trends out of a spreadsheet.

Questions that you might choose to explore regarding in-custody deaths might include:

- (1) How frequently are people in your community dying while in law enforcement custody?** Understanding how frequently a problem is occurring can be a helpful way to demonstrate that the problem is worth devoting additional public resources and attention. You can also attempt to compare the in-custody death rate in your community to the national average. Keep in mind, however, that the number of incidents will usually be too small to determine whether any difference is statistically significant or is the result of random chance.
- (2) Were any of the individuals who died in custody subjected to force by law enforcement officers prior to death? If so, what types of force were used?** In order to fully assess opportunities to prevent future deaths, it is important to understand as much as

possible about the circumstances of past in-custody deaths. When people die in law enforcement custody suddenly, there may be multiple potential contributing factors to the person's ultimate death (e.g. underlying chronic illness, drug exposure, and law enforcement force). In such a case, a medical examiner might list "heart disease" or "drug use" as the official cause of death even if a person died after an extended physical confrontation with law enforcement. Medical examiners sometimes face outside pressure to alter their medical opinions in these complex and contentious cases. In Stockton, California, for example, two forensic pathologists resigned over allegations that the Sheriff overruled a medical determination that an officer-involved death was a homicide by electrocution with a TASER, instead changing the manner of death to "accident."¹⁹ In the mid 2000's, TASER International, Inc., the company that manufactures TASERs, sued two medical examiners who listed TASER exposure as an official cause of death. The company also sued an electrical engineer who published a peer-reviewed study arguing that TASER shocks were more dangerous than the manufacturer claimed.²⁰ In a 2011 study of 222 medical examiners, 14% said that they changed diagnostic findings due to the threat of being sued by TASER International (now known as Axon) and 32% said that threat could affect their diagnostic decisions in the future.²¹

(3) For jail deaths: Were those who died assessed for medical needs and risk of violence or suicide upon entering the jail? Were any protective measures taken, such as protective custody or supervision? Was any medical or mental health care provided?

With a smaller set of incidents, you may have the opportunity to look more closely at the sequence of events that unfolded between booking and death, and what might have been done differently to prevent the ultimate outcome.

(4) For jail deaths: Why were the people who died in jail in the first place? Were there any who were jailed for minor offenses, who could have been dealt with through alternatives to incarceration?

While ensuring the safety of inmates in jails is very important, it is perhaps even more important to avoid subjecting people to the dangers of a

¹⁹ Julie Small, *Autopsy Doctors Resign, Say Sheriff Overrode Death Findings To Protect Law Enforcement*, KQED RADIO NEWS, (Dec. 4, 2017), available at <https://www.kqed.org/news/2017/12/04/autopsy-doctors-sheriff-overrode-death-findings-to-protect-law-enforcement/>.

²⁰ Tim Reid and Paula Seligson, *Taser's defense tactics include lawsuits against coroners and experts*, REUTERS (Aug. 24, 2017), available at <https://reut.rs/2g7PEjh>

²¹ *Id.*

jail environment without good cause, in the first place. Exploring the underlying reasons why those who died were jailed to begin with may help communities to identify opportunities to divert vulnerable populations away from jails and toward other community resources.

To explore these questions, it is helpful to have as much of the following data as possible for a specific time period of interest:

- **Incident Data**

- The number of deaths in custody
- The recorded manner of death (homicide, suicide, accident, etc.)
- The recorded cause of death, including any contributing factors
- The location of death
- The charges against the individuals who died, if any
- How long the individuals who died had been in jail
- The age of the individuals who died
- The race and ethnicity of the individuals who died
- Investigative reports relating to the death
- Video footage of the circumstances leading up to the death (e.g. body-worn cameras, patrol car dashboard cameras, or surveillance camera footage)

- **Demographic Data**

- For deaths in jails: the racial and ethnic demographics of the jail inmate population and the guards
- For arrest-related deaths: the racial and ethnic demographics of the community and the arresting officer(s)
- National Data for Comparison
- National data on deaths in jails and prisons is collected and reported by the [Bureau of Justice Statistics](#).
- Government data on arrest-related deaths, however, are notoriously unreliable. For now, journalistic and crowd-sourced projects like Fatal Encounters and *The Guardian's* The Counted project are the best starting points to find national data on arrest-related deaths.

If you are concerned about sudden in-custody deaths (as opposed to jail suicides or homicides), the cause of death may be unclear or in dispute in many cases. Therefore, in an ideal world, you would want to obtain additional information about the medical history of the person who died and the circumstances that led up to death, in order to more accurately identify factors that may have contributed to death, including:

- Whether the person who died had any pre-existing health issues like mental illness, drug addiction, asthma, or heart disease
- Whether the person who died had prescription or illegal drugs in their system at the time of death and, if so, whether or not the levels were high enough to lead to death
- Any force or restraint to which the deceased person was subjected prior to death, including but not limited to number and duration of any neck holds, restraint in a prone (face-down) position, strikes, or TASER shocks

In practice, some of this information may be challenging to obtain in many states due to laws regulating medical privacy and confidentiality of autopsy records. In many states, government officials conducting official investigations have greater access to autopsy records and police reports than the general public would. Hence, even if public access to this type of information is limited, you may be able to encourage your local civilian oversight agency to track these data capturing in-custody deaths.

4. Data on Police Interactions with Special Populations

The data you will need to address concerns about special populations will depend on the nature of your concerns and the specific population you are concerned about. It will also depend on the extent to which public records capture data about the interactions that you are concerned about. The following list is not exhaustive, but it may give you some ideas on where to start.

a. Youth

If you are concerned about law enforcement interactions with youth, you most likely want to show whether youth in general or youth of color are being disproportionately targeted or stop, search, arrest, or criminal prosecution. For the specific period of time of interest, you should start

by requesting incident data listed under Stop and Search and Use of Force, for juveniles aged 13-18 (page 24). You should also find out:

- The overall arrest rate for juveniles vs. the arrest rate for adults, for the crimes you're concerned about
- The arrest rate for juveniles, by race and ethnicity
- The arrest rate for juveniles charged with status offenses (offenses that are only a crime for people under a specified age, such as truancy, running away, and underage drinking), by race and ethnicity
- The rate at which juveniles are prosecuted as adults, for the crimes you are concerned about, by race and ethnicity.

b. People with Disabilities

It can be very difficult to obtain accurate data on police interactions with people with disabilities, especially physical disabilities, which are unlikely to be noted in law enforcement records. Information in the public record often can give you a picture of how often law enforcement officers are interacting with people with mental disabilities. This information can help you to make a persuasive case for why local government leaders should increase funding for community mental health resources and provide law enforcement officers with training and policies to help them handle those situations more constructively. For the specific period of time of interest, data that will probably be available through public records request include:

- The number of calls for service made by or on behalf of a person who needs emergency medical attention or who may be a danger to themselves or others due to a mental illness²²
- The percentage of calls for service made by or on behalf of a person who needs emergency medical attention or who may be a danger to themselves or others due to a mental illness
- The number of calls for service made by or on behalf of a person who is intoxicated or under the influence in public

²² Research tip: There may be a specific state code section or term that is used in your jurisdiction for these type of calls. In California, for example, calls based on a person who is a danger to themselves or others due to mental illness are referred to as "5150 calls" after the section of the California Welfare and Institutions Code that authorizes temporary involuntary confinement of people under those circumstances. Knowing the terminology used by your department will help you to find the specific records you are looking for.

- The percentage of calls for service made by or on behalf of a person who is intoxicated or under the influence in public
- The number of fatal police officer shootings in which the deceased person was mentally ill
- The percentage of fatal police officer shootings in which the deceased person was mentally ill
- The number of complaints regarding law enforcement interaction with people with disabilities, sorted by (1) outcome (substantiated, unsubstantiated or other); (2) nature of disability; and (3) race and ethnicity of the complainant.

It may also be helpful to obtain any records listed in the Stop and Search, Use of Force, and In-Custody Death sections above that list whether the subject is mentally ill or perceived as mentally ill by the officer.

c. Non-English speakers

If you are concerned about language access and literacy issues, you might want to know how many people need language translation services in order to access police services and what translation or bilingual services your law enforcement agency currently offers. To answer these questions, you may want to find out:

- The number of individuals who live in your community of interest whose primary language is not English, broken down by languages spoken
- The number of officers on the force who speak each of the languages spoken by the community
- The number of translators employed by the police department, broken down by language
- How many operators the agency employs for its main line, emergency response lines, and any complaint hotlines, who fluently speak languages other than English
- The number of complaints the agency has received regarding any issues of concern that were given or filed in a language other than English, sorted by (1) outcome (substantiated, unsubstantiated or other); (2) language of complaint; and (3) national origin of the complainant.

If you are concerned about language access issues, you probably also want to know how often law enforcement officers are unable to communicate with people they encounter in the community

due to language barriers. To answer this question, it would be most helpful to obtain records of services provided in languages other than English and records of police-community interactions in which communication was difficult or impossible because of a language barrier. Unfortunately, this information may not be captured in public records. Data on language access complaints to your law enforcement can't depict the entire scope of a language access problem, but they might give you a starting point for documenting the existence of a problem when more complete datasets are unavailable. You can request the number of complaints the agency has received regarding language access, during the years you are concerned with, sorted by (1) outcome (substantiated, unsubstantiated or other); (2) language at issue; and (3) national origin of the complainant.

d. Homeless People

If you are concerned about law enforcement interactions with homeless people, your questions may include:

(1) How many homeless people are being arrested every year for engaging in basic activities of living in public (e.g. sleeping and sitting)?

(2) Are homeless people more likely to be subjected to force by law enforcement officers than non-homeless people?

To answer these questions, you should first identify which statutes and ordinances in your local community may target homeless people or people who seek to help them. This would include bans on:

- Sleeping in public
- Sleeping in cars
- Camping in public
- Sitting or lying down in public
- Storing personal belongings in public
- Food sharing

If you have any homelessness coalitions or local criminal defense or civil rights attorneys in your advocacy network, they may be able to identify if any of these laws are in place in your community. You can also do your own research by reviewing your city or county's criminal ordinances online or

at your local law library. Once you have identified the relevant statutes in your community, you will want to find out how many people have been arrested for or charged with violations of these laws during the time period you are interested in. You should also try to find out the location/neighborhood of the arrests and the race and gender of the people arrested and charged.

In some jurisdictions, law enforcement agencies collect data on whether the subject of a stop, search or arrest is perceived by the officer as homeless. If so, it may be helpful to obtain any records listed in the Stop and Search, Use of Force, and In-Custody Death sections above that list whether the subject is homeless or perceived as homeless by the officer.

5. Data on Responses to Crime Victims

If you are concerned about law enforcement responses to victims, your questions may include:

(1) Are reports of certain types of crime less likely to result in arrests and/or prosecution than other types of violent crime? Are reports of crimes against particular groups of victims less likely to result in arrests and/or prosecutions? Many communities have concerns that victims who report crimes like domestic violence, sexual assault, and/or hate crimes receive a hostile or apathetic response from law enforcement. Communities may also have concern that law enforcement officers take reports of crime less seriously based on a victim's race, gender, sexual orientation, English language proficiency, or gender identity. In some cases, questions regarding the type of crime and victim group may intersect: there may, for example, be concerns about arrest and prosecution rates for LGBT victims of domestic violence or Muslim victims of hate crimes.

(2) Are average police response times to calls for service slower in certain neighborhoods? Are there more or fewer regularly scheduled foot or car patrols in certain neighborhoods? Some communities share concerns about whether police resources are being distributed fairly and equitably. Gathering data on these issues can help communities to paint a picture of the way that services are currently being provided, and for whom, in their city or county.

To address these questions, you will want the following data:

- **Demographic Data**

- The population of each neighborhood or precinct patrolled by your law enforcement agency
- The demographics of each neighborhood or precinct served by your law enforcement agency (e.g. race, ethnicity, median household or per capita income, percentage of persons below the poverty line, languages spoken)
- **Response Data**
 - The numbers of calls for service by neighborhood, time of call, and reason for call
 - The average call response times by neighborhood
 - The numbers of regularly scheduled foot patrols and car patrols in each precinct or neighborhood
- **Crime Data**
 - The percentage of complainants/victims who are members of the marginalized/vulnerable population you are concerned about, by crime
 - The population rates of arrests and/or prosecution for specified crimes, by victim's membership in the group you are concerned about (e.g., arrest rate for assault complaints involving victims who are known to be LGBTQ, compared to arrest rates for all assault complaints).

C. Where To Find Publicly Accessible Data On Law Enforcement Issues

There are a number of different sources to find data on law enforcement in your community. Some are easy to access online, while others may require complex research or public records requests. If you find that more complex research is needed, don't hesitate to enlist the help and guidance of attorneys, academics, or policy researchers in your advocacy network.

1 Law Enforcement Agency Records

Law enforcement agencies sometimes share records and data on their department websites or through the [Police Data Initiative](http://www.policedatainitiative.org).²³ If you have an existing relationship and dialogue with your

²³ Police Data Initiative, <http://www.policedatainitiative.org>.

sheriff, police chief, or other leaders in the department, you may be able to get some law enforcement records through an informal request.

If your department does not voluntarily share the information you are seeking, you can make a public records request. Visit the [website of the National Freedom of Information Coalition](#) to find information about what records you are entitled to request under your state's freedom of information law and to download sample Freedom of Information Act request letters.²⁴ The fees associated with obtaining records and the amount of time that your agency has to respond to your request will vary from state to state. It is often helpful to enlist the help of a lawyer, who can help you craft an effective request and navigate the process in your state.

Before embarking on a public records request, which may be complicated and time consuming, it is a good idea to do some research to see if a news organization or activist group has already requested and published some of the public records you are seeking. In Chicago, for example, the [Invisible Institute](#) has requested and published over 50,000 records of complaints against Chicago Police Department officers.²⁵

If a police department or government agency is unresponsive to a public records request, you can follow up, and enlist the help of your elected official's office. Keep in mind that some police records may be confidential as a matter of state law or union contract and not available through a public records request. In 2008, the Reporter's Committee for Freedom of the Press published a [state-by-state guide](#) on public access to law enforcement records. While state laws may have changed since this guide was originally published, it may be a useful starting point for research on which law enforcement records can be obtained by the public in your state.²⁶

2. U.S. Census Bureau

Demographic information about your community can be obtained from the [US Census](#).²⁷ These are very important data to collect whenever you are concerned about police treating a

²⁴ National Freedom of Information Coalition, State Freedom of Information Laws Webpage, <http://www.nfoic.org/state-freedom-of-information-laws>.

²⁵ Invisible Institute, Citizens Police Data Project, <https://invisible.institute/police-data/>.

²⁶ Reporter's Committee for Freedom of the Press, *Police Records: a reporter's state-by-state guide to law enforcement records* (2008), available at <https://www.rcfp.org/rcfp/orders/docs/POLICE.pdf>.

²⁷ U.S. Census Website, <http://www.census.gov>.

particular racial or ethnic group unfairly. Understanding and accounting for the relative representation of different racial and ethnic groups in a community is crucial to interpreting data on disparate police outcomes.

The US Census also tracks data about languages spoken in different communities. Understanding the size of the Limited English Proficient population in your community and the most common languages spoken can be an important part of demonstrating the necessity of changes to a law enforcement agency's language access plan.

3. U.S. Bureau of Justice Statistics

The [United States Bureau of Justice Statistics](https://www.bjs.gov/) collects and shares data on crime rates, arrest-related deaths, and in-custody deaths.²⁸ These data are, unfortunately, often incomplete, outdated, and of poor quality.

4. Civilian Oversight Agency Reports

Check the website of your local civilian oversight group(s) to see if they issue any quarterly or annual reports. In most cases, these reports provide statistics on the number of complaints received by the oversight agency and how those cases were resolved. These reports may include other data on law enforcement behavior that is relevant to the issue(s) you want to address. Short-term oversight consultants may also issue public reports with useful data. You should be able to obtain these reports either online or through a public records request.

5. Litigation Records

Civil rights groups like the American Civil Liberties Union and individual citizens sometimes file lawsuits against police department in state or federal court. The federal statute that allows individuals to sue police departments for alleged violations of their constitutional rights is 42 USC § 1983, so you may hear lawsuits involving alleged police misconduct described as “section 1983 litigation.”

Section 1983 litigation records can be an important source of information for two reasons. First, lawsuits are a form of complaint regarding a legal violation. If you are tracking internal complaints

²⁸ U.S. Bureau of Justice Statistics Website, <https://www.bjs.gov/>.

about an issue, you may want to look for information about lawsuits on the same issue. Second, information and testimony relevant to your issue of concern may be gathered during the discovery phase of a lawsuit, which is a period during which lawyers for each side have the ability to request documents and obtain testimony from the other party or from third-party witnesses.

Court records are usually publicly available. Federal court records are available to the public through the [Public Access to Court Electronic Records \(PACER\) site](http://www.pacer.gov).²⁹ Some state courts also have court records available online, while other state courts require you to visit the courthouse in person in order to obtain copies of records. The way that court records are stored and organized can be confusing if you aren't used to dealing with them, so it is a big help to get a lawyer involved in this type of research when you can. Another plus to finding a lawyer in your advocacy network is that lawyers often subscribe to legal research services like Lexis Nexis or Westlaw, which can also be used to search court dockets and verdict databases for information on section 1983 litigation against your department.

Keep in mind that some information exchanged in lawsuits is not filed with the court and does not become part of the public record. If a civil rights group like the ACLU has sued your law enforcement agency in connection with an issue you are concerned about, you may want to reach out to them. Attorneys who handled the case may have obtained some of the data you are looking for during the discovery portion of the lawsuit and might be able to share that information with you.

6. Research by Journalists

Journalists have played an important role in obtaining data on law enforcement issues, particularly with respect to police shootings and in-custody deaths. Some important national projects to be aware of are:

- ***The Washington Post* police shootings database.**³⁰ Includes data on police shootings in the United States from 2015-present.

²⁹ Public Access to Court Electronic Records (PACER) Website, <http://www.pacer.gov>.

³⁰The Washington Post, *Fatal Force Shootings Database*, <https://www.washingtonpost.com/graphics/national/police-shootings-2017/>

- **The Counted.**³¹ A project by *The Guardian* that recorded people killed by police in the United States in 2015 and 2016. This project includes data on both shooting and non-shooting deaths.
- **Fatal Encounters.**³² A project by journalist, D. Brian Burghart, which documents incidents in which people were killed by law enforcement from January 1, 2000 through the present.

Many local newspapers and radio stations have also done important research on police issues, so it is worth searching the archives of your local newspaper for relevant data.

To recap, here is a chart giving you an at-a-glance idea of potential data sources and the relative difficulty in accessing data for each:

Type of Research	Complexity of Obtaining Data	Sources
Online Research	Simple	Your law enforcement agency website Police Data Initiative US Bureau of Justice Statistics US Census Bureau US DOJ Civil Rights Division Special Litigation Section Your local law enforcement oversight agency website (if applicable) Your law enforcement monitor’s website (if applicable) The Washington Post police shootings database The Counted and Fatal Encounters databases of arrest-related deaths Online archives of articles from your local newspaper or radio station Activist public data projects (e.g. Invisible Institute, Campaign Zero, Transparency and Accountability Project)

³¹ The Guardian, *The Counted*, www.theguardian.com/thecounted.

³² D. Brian Burghart, *Fatal Encounters*, <https://www.fatalevents.org/>.

Personal Request	Simple, but need connections	Law enforcement leadership City or county leadership Local ACLU chapter or other area civil rights attorneys
Public Records Request	Complex—helpful to get an attorney involved	Your law enforcement agency’s internal records National Freedom of Information Coalition for guidance and sample request letters.
Court records	Complex—helpful to get an attorney involved	Public Access to Court Electronic Records site (PACER) for federal court records (fees may apply) Google Scholar for published court decisions. Local state courts LexisNexis or Westlaw (paid subscription required)

D. What To Do If Your Agency Doesn’t Keep Or Share The Data You Need

When you venture into the world of data, you will almost certainly find that some of the data that you want and need to support your advocacy are not being tracked or are not publicly shared. The lack of any national data on law enforcement issues remains a serious problem. Many law enforcement agencies currently have weak data collection practices or are unable to share what data they do have based on requirements of state law or union contracts.³³ Other agencies may collect some relevant data, but they maintain it in a format that is difficult or impossible for members of the public to use and navigate.

There are some projects working to address these problems, like the Center for Policing Equity’s [National Justice Database](#)³⁴ and the Police Foundation’s [Police Data Initiative](#).³⁵ The National Justice Database works to standardize good data collection practices in law enforcement agencies around the country and is the first initiative to track national statistics on police behavior

³³ Naomi Shavin, *Our Government Has No Idea How Often Police Get Violent With Civilians*, THE NEW REPUBLIC (Aug. 25, 2014), available at <https://newrepublic.com/article/119192/police-use-force-stats-us-are-incomplete-and-unreliable>.

³⁴ See <http://policingequity.org/national-justice-database/>.

³⁵ See <https://www.policedatainitiative.org/>.

like stops and use of force. The Police Data Initiative encourages police departments to share their data with the public and provides a consolidated list of open datasets relating to law enforcement issues.

If you hit a wall in your search for data, know that you have found another issue that needs community attention and advocacy. First, you can determine whether there are any state or local laws or union contracts that prevent your law enforcement agency from disclosing the data you are seeking. For example, in about half of U.S. states, officer disciplinary records are confidential as a matter of law.³⁶ If there are legal restrictions on the department's ability to release data, you should petition your state legislature to lift or modify those restrictions.

If there are no laws that prevent the release of the data you are seeking, ask your law enforcement agency to begin keeping and sharing such data. Encourage your law enforcement agency to participate in the National Justice Database and the Police Data Initiative. You can also petition your City Council and/or state legislature to impose data-keeping and transparency requirements so that members of the community can learn what their law enforcement agency is doing. The Center for Policing Equity's National Justice Database Project has developed a checklist that sets forth best practices for routine police data collection on crimes, calls for service, stops, and use of force. You can see a copy of this checklist in **Appendix B** to this document.

E. Analyzing Data From Public Records

You can use data you have collected to generate statistics that will help you to show the magnitude of a problem or disparity, as well as whether that disparity is statistically significant (or a real pattern, rather than the product of mere chance). You can also use the data to test particular assumptions about the reasons for a particular disparity. For a detailed breakdown of some of the specific calculations you can use and questions you can answer with these data, check out **Appendix A** to this document, which contains a breakdown of basic descriptive statistics and examples of how to use those statistics to answer questions relevant to common law enforcement issues.

If your community wants or needs to explore more complicated questions using data analysis, such as questions about the causes of an identified disparity or predictive questions about a larger

³⁶ See Robert Lewis, Noah Veltman and Xander Landen, *Is Police Misconduct A Secret in Your State?* WNYC NEWS (Oct. 15, 2015), <http://www.wnyc.org/story/police-misconduct-records/>.

population based on a small sample, you might consider partnering with an academic researcher or non-profit organization with expertise in data analysis, mathematical modeling, and crafting regressions that can help identify observable elements of systematic patterns. Partnering with an expert data scientist can also be a good option if your law enforcement agency's records are disorganized or difficult to navigate and need to be cleaned and organized in order to be used.

Module 4: Identifying Areas for Policy Improvement and Reform

In order to create meaningful change, activists eventually must identify specific, concrete policy changes that will help to create the change they seek. This module is intended to help you develop ideas about specific “asks” that you might choose to prioritize in your advocacy.

Most law enforcement agencies have their own internal written policies that set forth how law enforcement officers are supposed to conduct themselves on the job. Officers who violate internal policies may be subject to discipline or provided with additional training to help them comply in the future. Implementing a clear written policy on your issue of concern is often a necessary first step toward holding officers accountable to your expected standard of behavior. Written policies also play an important role in expressing the values that should guide a law enforcement agency’s conduct and decisions. Communities have a right to hold their law enforcement agencies accountable to their values and priorities and to ensure that written policies are consistent with those values and priorities.

This module provides information on where to find copies of your law enforcement agency’s current internal policies and provides information and ideas about policy changes that may be useful in addressing your issues of concern.

For each of the common law enforcement problems discussed in Module 1, this module discusses policy changes that have created positive results in other communities or that show promise as potential avenues for change based on emerging scientific research or the recommendations of law enforcement policy experts.

If your agency does not have any policy on the issue you are concerned about, or has a policy that is vague, incomplete, or inconsistent with community values, then you may need to consider

seeking implementation of new internal policies. If your law enforcement agency is not responsive to your requests for policy change or if you hope to change policies in multiple departments, you can also petition your state legislature to mandate statewide standards relating to the issue you are concerned about.

This information in this module is a resource to help you and not a prescriptive list that must be followed A to Z. There are few universal right answers when it comes to law enforcement reform. Local communities have differing priorities, needs, resources, and laws. While emerging scientific research has generated some promising practices for improving policing equity, research still has a long way to go before it can identify with certainty, which practices are consistently the most effective. Communities must ultimately create their own solutions informed by local realities, the findings of scientific researchers, and the experiences of other communities. We encourage you to treat the information in this module as a starting point for generating ideas for solutions that may work in your community context.

A. Obtaining Copies of Current Internal Law Enforcement Policies

In order to determine whether changes in written policy are needed, you will need to obtain copies of your agency's current written policies. These are frequently available online. You can check your law enforcement agency's website or try a web search for "[name of your agency] policy manual" or "[name of your agency] policies and procedures." If your agency does not publish its policies online, it is possible that a non-profit group or news organization may have previously made a public records request for the policies you are seeking to obtain. For example:

- Campaign Zero obtained the use of force policies of 91 of the nation's largest police departments.³⁷
- The Leadership Conference has collected data on the Body Worn Camera policies from 75 local police departments.³⁸

³⁷ Campaign Zero Use of Force Project, <http://useofforceproject.org/>.

³⁸ The Leadership Conference Body Worn Camera Scorecard, <https://www.bwccscorecard.org/>.

If you cannot find the policies you are interested in on your law enforcement agency's website or elsewhere online, you can request them from your law enforcement agency informally or through a formal public records request.³⁹

B. Identifying Promising Policies That Might Help Your Community

Below, you will find a list of policies that have shown promise in addressing common areas of community concern about law enforcement, as well as policies recommended by experts in law enforcement policy. We recognize that public safety encompasses a broad range of issues beyond the scope of this particular Toolkit, including housing, employment opportunity, access to healthcare, and community violence prevention initiatives, so we encourage you to take from this section that which makes sense for your community and incorporate it into your own broader plan of action. Think of this list as a starting point to generate ideas for promising potential solutions that make sense for your particular community.

This list is broken down by issue of concern and covers each of the common problems with law enforcement covered in Module 1: (1) stops and searches; (2) use of force; (3) in-custody deaths; (4) interactions with special populations (youth, people with disabilities, non-English speakers, and homeless people); and (5) response to victims of crime.

1 Stops and Searches

Promising practices for addressing excessive or unwarranted stops and searches include:

- **Require officers to provide thorough, narrative descriptions of their vehicle and pedestrian stops to their supervisors on a daily basis, explaining the justification for each stop.** After the New York Police Department adopted this reform in 2013, the department saw an immediate decrease in the number of stops performed, while the hit rate for stops, or the percentage of justified searches that actually yielded the discovery of illegal activity, markedly increased. In other words, officers stopped fewer people, but found contraband in a higher percentage of stops. Crime rates did not increase after the

³⁹ To find information about what records you are entitled to request under your state's freedom of information law and to download sample Freedom of Information Act request letters, visit the website of the National Freedom of Information Coalition, <http://www.nfoic.org/state-freedom-of-information-laws>.

reduction in stops.⁴⁰ Similarly, when the U.S. Customs Service required officers to obtain supervisor permission before conducting certain types of searches, the number of searches declined by almost half, the hit rate rose by 65%, and the racial and ethnic disparities in searches declined.⁴¹

- **Prohibit the use of ticketing and arrest quotas.** This is a popular reform measure grounded in the idea that law enforcement agencies should use their resources to promote public safety rather than to raise revenue through aggressive enforcement of low-level, non-violent infractions. When the U.S. DOJ Civil Rights Division investigated the police force in Ferguson, Missouri, they found that the department aggressively ticketed and fined the community in order to generate revenue for the City rather than to further any public safety objective. These armed fundraising efforts were overwhelmingly focused on the City's Black residents. Similar problems have been reported in numerous other communities.⁴²
- **Require officers to attend training on factors that predict racially disparate treatment and implement policies to limit or eliminate chronic risk factors for discriminatory policing.** A significant body of psychological research has examined risk factors for discriminatory behavior in policing. Risk factors identified in psychological literature include officer discretion, being a novice, emphasis on crime control, making multiple or complex decisions under time pressure, hunger, stress, sleep deprivation, and situations that cause officers to feel concern that their value or status as a member of an important social category will be diminished.⁴³ While more research is needed to validate the efficacy of specific bias trainings, calling for well-designed bias trainings that address common risk factors for discriminatory policing is a reasonable policy ask, and a reasonable strategy for reducing discriminatory policing. Beyond training, law enforcement agencies can identify

⁴⁰ Jonathan Mummolo, *Modern Police Tactics, Police-Citizen Interactions, and the Prospects for Reform*, JOURNAL OF POLITICS 80:1 (Dec. 6, 2017); MacDonald, John, and Anthony A. Braga. 2018. *Did Post-Floyd et al. reforms reduce racial disparities in NYPD stop, question, and frisk practices? An exploratory analysis using external and internal benchmarks*, 8825 JUSTICE QUARTERLY 1–30 (2018).

⁴¹ Samuel Walker and Jonathan Katz, *THE POLICE IN AMERICA: AN INTRODUCTION* (6th Ed. 2008).

⁴² *Policing and Profit*, 128 HARV. L. REV. 1723 (Apr. 10, 2015); Scott Drenkard, *Police Ticket Quotas as a Revenue Source*, (Aug. 5, 2013), <https://taxfoundation.org/police-ticket-quotas-revenue-source/>; American Civil Liberties Union, *In For A Penny: The Rise of America's Debtors' Prisons* (2010), http://www.aclu.org/files/assets/InForAPenny_web.pdf; *Final Report of the President's Task Force on 21st Century Policing*, Office of Community Oriented Policing Services (May 2015).

⁴³ Jill K. Swencionis and Philip Atiba Goff, *The psychological science of racial bias and policing*, 24 PSYCHOLOGY, PUBLIC POLICY, AND LAW, 398-409 (2017).

chronic risk factors for racially discriminatory outcomes and adopt policies to limit or eliminate these factors. By way of example, the Las Vegas Metropolitan Police Department achieved a 23% reduction in use of force incidents after adopting changes to its foot pursuit procedures to limit chronic situational triggers of bias in use of force.⁴⁴

- **Implement policies affirming an organizational commitment to procedural justice and require officers to attend empirically-tested procedural justice training.** Procedural justice is based on four main pillars: treating people with dignity and respect, giving people ‘voice’ during encounters, making decisions neutrally, and conveying trustworthy motives. Research has shown a strong link between procedural justice and citizen perceptions of police legitimacy. Researchers have also found links between procedural justice, self-reported compliance with the law, and citizen cooperation with law enforcement.⁴⁵ Initial research shows promise for the potential of training to improve officer support for procedural justice.⁴⁶
- **Require and conduct regular audits to identify and analyze potential indicators of racial inequities and bias.** These audits would generally include an analysis of (1) racial disparities in arrests, stops, searches, and use of force; (2) complaints and reports of use of racial epithets; and (3) other indicators of possible racial bias. It is a matter of common sense that identifying disparities and other potential indicators of bias is a necessary step toward addressing racial inequities in policing. In its pattern and practice litigation work, the DOJ has frequently required law enforcement agencies under consent decree to engage in this type of routine internal audit so that agencies can identify potential indicators of biased policing and address them promptly.
- **Establish an accessible and well-publicized system for public complaints regarding profiling, discrimination, harassment and other misconduct.** Because officers guilty of misconduct will rarely report their own discriminatory or harassing behavior, citizen complaints are an invaluable source of information about law enforcement misconduct. Complaint systems and hotlines must be staffed sufficiently to receive and investigate complaints in a timely and professional manner and must be publicized such that community

⁴⁴ Philip Atiba Goff, *Identity traps: How to think about race & policing*, BEHAVIORAL SCIENCE & POLICY (2016).

⁴⁵ Cynthia Lum, et al., *An Evidence-Based Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities.*, Center for Evidence-Based Crime Policy, George Mason University (2016).

⁴⁶ Wesley Skogan, et al., *Training Police for Procedural Justice*, 11 J. EXPERIMENTAL CRIMINOLOGY 319–334 (2015).

members are aware of their right to file a complaint. Complaint systems must be constructed so that they will be accessible to all community residents, including non-English speakers and people with disabilities. Anonymous complaints should be permitted and procedures should be put in place to ensure that community members are not retaliated against for complaining.

- **Expressly prohibit officers from using demeaning or insulting language toward the public, including disrespectful or rude remarks relating to a person’s race, ethnicity, religion, disability, gender, gender identity or expression, or sexual orientation.** Expressing a clear prohibition of biased language can make an important statement regarding an agency’s values and may also be a necessary precursor to disciplining officers who make such remarks.
- **Expressly require officers to address members of the public using pronouns and names appropriate to the gender identity expressed by the person.** In a 2011 survey of over 6,000 transgender and gender non-conforming people in the United States, 22% of those who had interacted with the police reported experiencing harassment. Rates of reported harassment were even higher among transgender and non-binary survey participants who were Black or Multiracial.⁴⁷
- **Other recommendations from The President’s Task Force on 21st Century Policing.** The President’s Task Force on 21st Century Policing was created by President Obama in 2014 in response to the public outcry in Ferguson, Missouri, following the shooting of Michael Brown. The eleven-member task force, which was made up of academic researchers, law enforcement officials, and civil rights activists, developed a list of several recommended best practices for law enforcement officers conducting traffic or pedestrian stops, including:
 - Requiring officers to identify themselves by name, rank and command to people they have stopped and to provide that same information on a business card or in other written form
 - Requiring officers to explain the reasons for a stop or search to the person being stopped or searched

⁴⁷ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Study*, National Center for Transgender Equality and National Gay and Lesbian Task Force (2011), available at http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.

- Requiring officers to seek consent before conducting a search, explain when a person has the right to refuse consent, and obtain written acknowledgement of consent to search⁴⁸

While these recommendations have not yet been scientifically tested for efficacy, they may resonate with many communities as consistent with principles of procedural justice and other important community values.

2. Use of Force

Promising policies for reducing excessive and unnecessary force include:

- **Clear limits on use of force.** Many use of force policies are based on the landmark 1989 Supreme Court case *Graham v. Connor*, which set forth in broad strokes that force is considered reasonable under the Fourth Amendment of the U.S. Constitution if it is objectively reasonable under all of the circumstances. The *Graham* standard is vague and highly dependent on context. As a result, many experts believe that law enforcement agencies' internal use of force policies can and should be clearer and more specific than this baseline standard.⁴⁹ Research indicates that clear use of force policies can reduce the frequency with which law enforcement officers use deadly force.⁵⁰
- **Prohibiting chokeholds, carotid restraints, and other neck holds.** Many law enforcement agencies in major cities have restricted the use of neck holds since a series of high profile incidents in the 1980s and 1990s in which people died after being subjected to police neck holds. Nonetheless, many law enforcement agencies still permit neck restraints.⁵¹ Moreover, some policies restricting chokeholds are unclear about the scope of the

⁴⁸ *Final Report of the President's Task Force on 21st Century Policing*, Office of Community Oriented Policing Services (May 2015).

⁴⁹ Police Executive Research Forum, *Guiding Principles on Use of Force* (Mar. 2016), available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁵⁰ Cynthia Lum, et al., *An Evidence-Based Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities*, Center for Evidence-Based Crime Policy, George Mason University (2016), available at <http://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>.

⁵¹ A review by Campaign Zero found that only 21 of 91 law enforcement agencies surveyed explicitly prohibited the use of chokeholds or stranglements or restricted the use of these tactics to situations in which deadly force would be justified. See Campaign Zero, *Police Use of Force Policy Analysis* (Sept. 20, 2016), <http://useofforceproject.org/#analysis>

restriction. There are two categories of chokehold: 1) “air” chokeholds that restrict the flow of air via pressure on the subject’s windpipe or larynx; and 2) “blood” chokeholds (such as carotid restraints, sleeper holds, and vascular neck restraints) that restrict the flow of oxygen to the brain by restricting blood flow in the major veins on the sides of the neck. Although both chokeholds deprive the brain of oxygen and can lead to serious injury or death, some law enforcement agencies restrict only air chokeholds. A well-drafted policy should clearly address both types of chokehold. In its pattern and practice litigation, the U.S. DOJ has frequently sought prohibitions on all neck holds.⁵²

- **Prohibiting officers from shooting at moving vehicles unless the officer is being threatened by deadly force (other than the threat of being struck by the vehicle itself) or unless all other options have been exhausted, including moving out of the way.** The practice of shooting at moving vehicles has been controversial for many years because the practice is unlikely to disable the targeted vehicle and creates extreme risk of harm to innocent third parties. When the New York City Police Department adopted a policy restricting shooting at moving vehicles in 1972, police shooting incidents declined from almost 1,000 per year to 665 the next year, with continuing declines thereafter. Many other departments followed suit. The Police Executive Research Forum and the International Association of Chiefs of Police endorse similar restrictions on shooting at moving vehicles.⁵³ Nonetheless, many law enforcement departments still permit officers to shoot at moving vehicles.⁵⁴
- **Requiring de-escalation before resorting to force whenever possible.** De-escalation refers to using any of a variety of tactics (e.g. verbal tactics, maintaining a safe distance, and cover) to slow down a situation so that more time, options and resources are available to resolve the situation. De-escalation policies and training show promise as a means of reducing the frequency of law enforcement use of force. Formal policies promoting de-

⁵² See e.g. Consent Decree, *U.S. v. City of New Orleans*, No. CV 12-01924-SM-JCW (E.D. LA Jul. 24, 2012), available at https://www.justice.gov/sites/default/files/crt/legacy/2012/11/07/nopd_consentdecree_7-24-12.pdf

⁵³ Police Executive Research Forum, *Guiding Principles on Use of Force* (Mar. 2016), available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>; International Association of Chiefs of Police, *National Consensus Policy and Discussion Paper on Use of Force*, (Oct. 2017), available at http://www.theiacp.org/Portals/0/documents/pdfs/National_Consensus_Policy_On_Use_Of_Force.pdf.

⁵⁴ Campaign Zero, *Police Use of Force Policy Analysis* (Sept. 20, 2016), <http://useofforceproject.org/#analysis>.

escalation are endorsed by the Police Executive Research Forum⁵⁵ and have been nearly universally required by the U.S. DOJ Civil Rights Division in its settlements and consent decrees with law enforcement agencies.⁵⁶ The Seattle Police Department saw a 60% reduction in use of moderate and severe force by police officers after implementation of a de-escalation policy, expanded de-escalation training and other use of force policy reforms.⁵⁷

- **Requiring officers to intervene if they see a fellow officer using excessive force.** This policy recommendation is based on the requirements of the law as interpreted by the federal courts. Although numerous courts across the country have concluded that police officers have a legal duty to intervene if they witness a fellow officer using excessive force,⁵⁸ not all law enforcement agencies clearly communicate this duty to their officers in their written policies.

3. Preventing In-Custody Deaths

a. Preventing Force-Related Deaths

The factors that contribute to sudden in-custody deaths are not yet fully understood and are frequently the subject of debate. Nonetheless, medical research has identified a number of risk factors and potential contributing causes of sudden in-custody death. There are a number of simple measures that law enforcement agencies can take that may reduce the frequency of sudden in-custody death.

- **Adopt policies warning officers of risk factors for sudden in-custody death.** Medical literature has identified a number of risk factors for sudden in-custody death, including

⁵⁵ Police Executive Research Forum, *Guiding Principles on Use of Force* (Mar. 2016), available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁵⁶ U.S. Department of Justice, Civil Rights Division, *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present* (Jan. 2017).

⁵⁷ Seattle Police Monitor, *Ninth Systemic Assessment: Use of Force* (Apr. 2017), available to download at <http://www.seattlemonitor.com/reports-resources>.

⁵⁸ See, e.g. *Wilson v. Town of Mendon*, 294 F.3d 1, 6 (1st Cir. 2002); *Anderson v. Branen*, 17 F.3d 552, 557 (2d Cir. 1994); *Smith v. Mensinger*, 293 F.3d 641, 650 (3d Cir. 2002); *Byrd v. Brishke*, 466 F.2d 6, 11 (7th Cir. 1972); *Putman v. Gerloff*, 639 F.2d 415, 423 (8th Cir. 1981); *Cunningham v. Gates*, 229 F.3d 1271, 1289 (9th Cir. 2000); *Walton v. Gomez* (In re Estate of Booker), 745 F.3d 405, 422 (10th Cir. 2014).

intoxication, obesity, small stature, mental illness, history of drug use, and pre-existing respiratory or cardiac issues.⁵⁹

- **Prohibit officers from putting body weight on the back of a prone (face down), handcuffed person.** This may prevent the subject’s chest from expanding as needed to breathe.⁶⁰
- **Restrict or prohibit use of Total Appendage Restraint Procedures (TARP) and “hogtying.”** These practices may impair a subject’s ability to breathe.⁶¹ Agencies that permit hogtying or TARP restraints under limited circumstances should strictly regulate their use to mitigate their dangers. Common precautions include:
 - **Summoning medical personnel and a supervisor** to the scene before the restraint is applied, or as soon as possible.
 - **Moving subjects off of their stomachs** and placing them on their sides or in a seated position as quickly as possible.
 - **Assigning one team member (preferably a supervisor) to remain disengaged** from the action to direct the other team members and monitor the suspect’s breathing and consciousness.⁶²
 - **Use of force policies should instruct officers to avoid TASER shots to the chest when possible.** TASER shots to the chest may, in rare cases, induce cardiac arrest.⁶³

⁵⁹ Ronald O’Halloran and Janice Frank, *Asphyxial Death During Prone Restraint Revisited: A Report of 21 Cases*, 21 *The American Journal of Forensic Medicine and Pathology* 39 (Mar. 2000); Protection & Advocacy, Inc. Investigations Unit, *The Lethal Hazard of Prone Restraint: Positional Asphyxiation* (Apr. 2002), available at <http://www.disabilityrightsca.org/pubs/701801.pdf>; Wanda Mohr, et al. *Adverse Effects Associated with Physical Restraint*, 48 *Canadian Journal of Psychiatry* 330–337 (2003).

⁶⁰ Protection & Advocacy, Inc. Investigations Unit, *The Lethal Hazard of Prone Restraint: Positional Asphyxiation* (Apr. 2002), available at <http://www.disabilityrightsca.org/pubs/701801.pdf>; National Law Enforcement Technology Center, National Institute of Justice, *Positional Asphyxia—Sudden Death* (1995), available online at <https://www.ncjrs.gov/pdffiles/posasph.pdf>.

⁶¹ Marin County Grand Jury, *Hogtying: A Lethal Restraint?* (Feb. 2007), available at <https://www.marincounty.org/~media/files/departments/gj/reports-responses/2006/hogtying.pdf>.

⁶² See, e.g., Los Angeles Sheriff’s Department, *Policy 3-01/110.22: Total Appendage Restraint*, available at <http://shq.lasdnews.net/shq/mpp/3-01.pdf>; Michael Stone, Esq., *Understanding the Dynamics of Restraint or Positional Asphyxia*, Riverside Sheriff’s Association Legal Defense Trust Training Bulletin (March 2004), available at <http://www.rcdsa.org/trainingbulletins2/2004/March2004.pdf>.

⁶³ *TASER Handheld CEW Warnings, Instructions, and Information: Law Enforcement* (updated May 2017), available at <https://www.axon.com/legal> (“[TASER] exposure in the chest area near the heart has a low probability of inducing extra heart beats (cardiac capture). In rare circumstances, cardiac capture could lead to cardiac arrest. When possible, avoid

- **Chokeholds, carotid restraints, LVNR restraints, and other neck holds should be prohibited.**⁶⁴ (See pages 48-49).
- **Require officers to render first aid and summon medical assistance** as soon as reasonably possible after use of force for anyone who needs or requests it.⁶⁵

b. Preventing Jail Suicides

- **Conduct intake screening of all new inmates for potential suicide risk.** Effective identification of at-risk inmates is one of the most important pieces of an effective jail suicide prevention program. Nationally, a large majority of individuals who commit suicide in jail are not supervised under any type of suicide watch.⁶⁶
- **Ensure active supervision and human company for any inmate with suicidal tendencies.** A large majority of jail suicides occur when the victim is physically isolated from guards and other inmates. Around the clock, constant, in-person supervision is the safest option to protect anyone who is actively suicidal. This practice is established at only a small number of jail facilities. While many jails check suicidal inmates at regular 15-minute intervals, these intervals still leave more than enough unsupervised time for a suicidal person to complete a suicide attempt. Some jails have begun to train more stable inmates to act as assigned “buddies” or “listeners” for suicidal inmates, providing a structured way for inmates to provide support and human company to peers in crisis.⁶⁷
- **Provide appropriate mental health treatment to people with mental health problems.** People in U.S. jails and prisons have a constitutional right to adequate medical and mental

targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death.”); Douglas Zipes, *Sudden Cardiac Arrest and Death Associated with Application of Shocks from a TASER Electronic Control Device*, 125 CIRCULATION 2417-2422 (2012); see also Douglas Zipes, *TASER Electronic Control Devices Can Cause Cardiac Arrest in Humans*, 129 CIRCULATION 101-111 (2014).

⁶⁴ Seattle Police Department Manual, 8.200-POL-10; New Orleans Police Department Operations Manual Chapter 1.3.

⁶⁵ Seattle Police Department Manual, 8.200-POL-6, 7; Police Executive Research Forum, *Guiding Principles on Use of Force* (Mar. 2016), available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>; International Association of Chiefs of Police, *National Consensus Policy and Discussion Paper on Use of Force*, (Oct. 2017), available at http://www.theiacp.org/Portals/0/documents/pdfs/National_Consensus_Policy_On_Use_Of_Force.pdf.

⁶⁶ Michael Nedelman, *How Prisons Keep Their Suicidal Inmates On Watch*, CNN (Apr. 20, 2017), <https://www.cnn.com/2017/04/19/health/suicide-watch-prevention/index.html>.

⁶⁷ World Health Organization and International Association for Suicide Prevention, *Preventing Suicides In Jails And Prisons*, (2007), available at http://www.who.int/mental_health/prevention/suicide/resource_jails_prisons.pdf; Michael Nedelman, *How Prisons Keep Their Suicidal Inmates On Watch*, CNN (Apr. 20, 2017), <https://www.cnn.com/2017/04/19/health/suicide-watch-prevention/index.html>.

health care.⁶⁸ However, according to a 2011 survey conducted by the Bureau of Justice Statistics, only 35% of jail inmates currently experiencing serious psychological distress had received any mental health treatment since entering jail.⁶⁹

- **Place at-risk individuals in housing that lacks access to items and architectural features that could be used for purposes of self-harm.** Placing at-risk individuals in “suicide-resistant” spaces is a standard recommendation among experts in jail suicide prevention that has been inconsistently applied by local jails.⁷⁰

4. Special Populations (Youth, People with Disabilities, Non-English Speakers, Homeless)

Groups like youth, people with disabilities, non-English speakers, and homeless people have special needs that may differ from those of most community members. Individuals in these special populations also may have legal rights under the United States Constitution and federal, state, and local laws that differ from those of other community members. Many law enforcement agencies, however, lack specific written policies addressing the needs and rights of these special groups. Enacting written policies that acknowledge the existence, needs, and legal rights of these at-risk groups is often a necessary first step to improving law enforcement interactions with these groups.

Changes in policies affecting a special population should always be developed in partnership with the group affected. Procedural justice requires giving everyone a voice in rules and policies that will affect them. Moreover, organizations that focus on issues affecting a particular population will often be the best source of information regarding the needs of the population and the laws and policies that affect them.

a. Interactions with Youth

The law governing police interaction with minors can be complex and varies from state to state, so it may be helpful to partner with a youth-centered coalition or an organization with legal

⁶⁸ See ACLU Prisons Project, *Know Your Rights—Medical, Mental Health and Dental Care* (Jul. 2012), available at https://www.aclu.org/files/assets/know_your_rights_-_medical_mental_health_and_dental_july_2012.pdf.

⁶⁹ Jennifer Bronson and Marcus Berzofsky, *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12*, U.S. D.O.J., Bureau of Justice Statistics (Jul. 2017), available at <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

⁷⁰ Michael Nedelman, *How Prisons Keep Their Suicidal Inmates On Watch*, CNN (Apr. 20, 2017), <https://www.cnn.com/2017/04/19/health/suicide-watch-prevention/index.html>.

expertise in juvenile justice issues. National organizations such as the Vera Institute of Justice, the Alliance for Boys and Men of Color, the Urban Peace Institute, and the ACLU, for example, maintain robust and devoted resources to improving law enforcement agency policies and state laws regulating law enforcement interactions with youth. It can also be beneficial to partner with local organizations with expertise in child and adolescent development and the effects of childhood trauma, such as social service organizations and community mental health organizations that serve youth. Some possible policy areas to discuss with your partners include:

- **Ensuring that policies accurately reflect the requirements of case law and any state statutes that affect the rights of minors in interactions with law enforcement**, including:
 - The federal Juvenile Justice and Delinquency Prevention Act of 2002 (JDDP), a federal law that requires deinstitutionalization of status offenders, generally disallows the placement of youth in adult jails, and requires states to assess and address the issue of over-representation of youth of color in the criminal justice system.
 - Case law or state statutes that affect law enforcement’s questioning of a minor in police custody.
 - Case law or state statutes that regulate use of force against minors.
- **Requiring officers (especially School Resource Officers) to attend training on adolescent development, the effects of trauma, and strategies for interacting with youth.** Adolescent brains are different from adult brains in important ways. Brain development continues throughout adolescence and into an individual’s mid-twenties. The prefrontal cortex, the area of the brain that handles reasoning and impulse control, is the last part of the brain to mature. Youth are more vulnerable to outside pressures than adults, including peer pressure and pressure from authority figures. Adolescents are two to three times more likely than adults to falsely confess to a crime they did not commit under interrogation.⁷¹ In addition, the majority of children and adolescents who confront criminal

⁷¹ Strategies For Youth, *If Not Now, When? A Survey Of Juvenile Justice Training in America’s Police Academies* (Feb. 2013), available at http://strategiesforyouth.org/sfysite/wp-content/uploads/2013/03/SFYReport_02-2013_rev.pdf; Jason Mandelbaum and Angela Crossman, *No Illusions: Developmental Considerations in Adolescent False Confessions*, CYF News (Dec. 2014), available at <http://www.apa.org/pi/families/resources/newsletter/2014/12/adolescent-false-confessions.aspx>; Megan Crane, et al, *The Truth About Juvenile False Confessions*, INSIGHTS ON LAW AND SOCIETY (Winter 2016), available at https://www.americanbar.org/publications/insights_on_law_and_society/16/winter2016/JuvenileConfessions.html.

justice intervention are also survivors of trauma.⁷² Research suggests that public attitudes and beliefs about adolescent development are strongly correlated with their attitudes toward punishment of youth in the juvenile justice system.⁷³ The vast majority of states, however, do not require any training for new officers on adolescent development, adolescent psychology, or the effects of trauma on adolescent behavior.⁷⁴

- **Limiting the use of and clearly defining the roles and responsibilities of School Resource Officers.** School Resource Officers (SROs) are sworn law enforcement officers assigned to schools. While SROs' primary responsibility is generally to maintain school safety, they often become involved in the school discipline process as well. As a result, minor and typical adolescent misbehavior may be handled through the criminal justice system rather than through more appropriate avenues like administrative discipline, restorative justice approaches, social services, and mental health services. This criminalization of normal adolescent behavior disproportionately affects Black students and students with mental disabilities and contributes to the school-to-prison pipeline. Communities must determine whether their local schools have an actual safety need for SROs that outweighs the risk of unnecessarily involving children in the criminal justice system. For communities that have SROs, it may be an important step to ensure that the law enforcement agency's memorandum of understanding (MOU) with the school district clearly states the specific duties of SROs and clarifies that SROs are not to become involved with disciplinary matters.
- **Directing officers to consider a person's age in deciding whether use of force is reasonable.** Under the Fourth Amendment of the United States Constitution, law enforcement officers can only use as much force as is reasonable under the circumstances. Because children are generally smaller than adults, they are typically a lower threat to the officer's safety and at greater risk of injury than an adult would be when subjected to police force.

⁷² Carly B. Dierkhising, et al, *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network*, EUR. J. PSYCHOTRAUMATOL. (2013).

⁷³ Terrence T. Allen, et al, *Public Attitudes Toward Juveniles Who Commit Crimes: The Relationship Between Assessments of Adolescent Development and Attitudes Toward Severity of Punishment*, 58 CRIME & DELINQUENCY 78–102 (2012).

⁷⁴ Strategies For Youth, *If Not Now, When? A Survey Of Juvenile Justice Training in America's Police Academies* (Feb. 2013), available at http://strategiesforyouth.org/sfysite/wp-content/uploads/2013/03/SFYReport_02-2013_rev.pdf;

- **Use of a TASER on minor children should be discouraged and allowed only as a last resort.** Under the Fourth Amendment of the United States Constitution, law enforcement officers can only use as much force as is reasonable under the circumstances. Official TASER warnings caution that children may be at increased risk of serious injury, cardiac complications, and even death from TASER applications due to their small stature.⁷⁵

a. Interactions with People with Disabilities

Under the Americans with Disabilities Act (ADA), people with disabilities must be given an equal opportunity to benefit from government programs, services and activities and must be reasonably accommodated when necessary to achieve this equal opportunity. In addition, like all people in the United States, people with disabilities have a right under the Fourth Amendment to the United States Constitution to be free from unreasonable searches, seizures and force. State and local laws may also protect people with disabilities during interactions with law enforcement. Law enforcement policies and training that acknowledge the needs and rights of people with disabilities can be important steps toward improving interactions between law enforcement officers and people with disabilities. Helpful policies may include:

- **Instructing officers to consider whether a subject who has failed to follow instructions may be unable to understand or comply** with the instruction due to a mobility limitation, visual impairment, hearing impairment, medical crisis, mental illness, or developmental disability.⁷⁶
- **Informing officers that behaviors such as slurred speech, stumbling, or confusion do not always indicate intoxication** and can be caused by disabilities and medical events, including diabetes, epilepsy, neurological disabilities, mental illness, and reactions to prescription medication.

⁷⁵ Police Executive Research Forum, *2011 Electrical Control Weapon Guidelines*, (Mar. 2011); *TASER® Handheld CEW Warnings, Instructions, and Information: Law Enforcement* (2011), available at https://prismic-io.s3.amazonaws.com/tasr%2Fa8e6e721-590b-459b-a741-cd0e6401c340_law-enforcement-warnings.pdf.

⁷⁶ See e.g. Tucson Police Department Policy 2040: Force Model, available at https://www.tucsonaz.gov/files/police/general-orders/2000USE_OF_FORCE.pdf?uuid=5a259b4f713c3. Salt Lake City Police Department Policy II -180: Disabilities, available at <http://www.slcdocs.com/police/ppm.pdf>.

- **Providing specific guidance to officers on possible accommodations** that may be helpful or necessary for individuals with different types of disabilities (e.g. mobility, mental, developmental, visual, auditory) to communicate effectively with law enforcement, such as:
 - Providing American Sign Language interpreters or pen and paper to members of the deaf community.
 - Verbally identifying oneself as a law enforcement officer to a blind person who cannot see a uniform.
- **Instructing officers to modify arrest and transport procedures when necessary to avoid causing injury to a subject with a known disability or medical condition.** For individuals with certain disabilities or medical conditions, standard and typically low-risk restraint procedures (e.g. handcuffing behind the back) may create a higher-than-usual risk of causing serious injury. For example, handcuffing a pregnant woman behind the back may place her at increased risk of falling due to a shifted center of gravity and leave her unable to catch herself using her hands. An individual with a mobility disability may be physically unable to place their hands behind their back without significant pain and injury. Standard transport procedures may also be extremely dangerous for wheelchair users and people with certain mobility disabilities. Officers should be trained regarding alternative restraint and transport protocols for individuals with disabilities that render standard procedures unreasonably dangerous.
- **Implementing mental health teams staffed by trained mental health professionals to serve as first responders.** Too often, law enforcement officials rather than mental health professionals are the sole first responders to a civilian experiencing a mental health crisis. When officers respond to psychiatric emergencies without adequate training or support from mental health professionals, numerous problems can result, including delay in medical treatment for individuals in psychiatric distress and unnecessary escalation of situations that could have been resolved without arrests or use of force. Some communities have addressed this concern by creating special mental health teams staffed by trained mental health professionals to serve as first responders to psychiatric emergencies, either alone or in partnership with specially trained law enforcement officers. These teams include psychiatric emergency response teams (PET teams), mobile crisis response teams, and psychiatric mobile response teams. Some Crisis Intervention Teams (see below) also include mental health professionals on their staff. Regardless of the specific model

adopted, it is crucial that mental health teams are provided with sufficient staffing, funding, and referrals from dispatchers to meet community needs.⁷⁷

- **Implementing a Crisis Intervention Team (CIT) program.** CIT, also known as the Memphis Model, is a nationally recognized program involving in-depth officer training on mental illness and de-escalation techniques. Redirecting mentally ill individuals from the criminal justice system to the mental health care system and active collaboration with community mental health providers are major goals of a CIT program. Some Crisis Intervention Teams employ full time civilian mental health professionals who work with officers to respond to mental health crisis situations (for more information on CIT, see pages 66-68).

b. Interactions with Non-English Speakers

Under Title VI of the Civil Rights Act of 1964, law enforcement agencies that receive assistance from the federal government must ensure that people with limited English proficiency have meaningful access to and ability to benefit from their services. To ensure compliance with Title VI and other language access laws, departments can:

- **Adopt a language access policy** requiring officers to take reasonable steps to ensure that people with limited English proficiency have timely and meaningful access to police services. Individuals with limited English proficiency should be provided with information on how to access available language assistance services and informed that those services are free of charge. A good language access policy should also specify clear consequences for failure to comply with the requirements of the language access policy.
- **Adopt specific policies to ensure that people with limited English proficiency are able to file complaints.** These may include:
 - Providing copies of Citizen Complaint forms in Spanish and other languages commonly spoken in the community, and noting on those forms whether bilingual operators are available to take phone complaints;

⁷⁷ Brandi Kruse, *Seattle police officers team with mental health professionals to help those in crisis*, KQ13-FOX website (Sept. 15, 2015), available at <http://q13fox.com/2015/09/15/seattle-police-officers-team-with-mental-health-professionals-to-help-those-in-crisis/>; Vivian Lord and Beth Bjerregaard. *Helping persons with mental illness: Partnerships between police and mobile crisis units*, 9 VICTIMS & OFFENDERS 455–474 (2014).

- Staffing the law enforcement agency’s complaint hotline with multilingual operators who can take complaints from individuals who have limited English proficiency
- Enacting procedures for translating citizen correspondence written in a non-English language and ensuring that any complaints are processed in the same way that a complaint in English would be.⁷⁸

c. Policies on Interactions with Homeless People

Law enforcement policies regarding interaction with homeless people frequently reflect local laws criminalizing basic acts of living in public (e.g. sleeping in cars or sitting down on sidewalks). Although some of these laws have been successfully challenged in courts,⁷⁹ they remain common. In many cases, it may be most effective to concentrate policy change efforts on state and government leaders with the power to change these laws and to allocate additional public resources toward low-income housing and other resources that address the root causes of homelessness.⁸⁰ Even without changes to the law, however, law enforcement agencies can adopt policies and procedures that will help to improve the relationship between law enforcement and homeless community members. For example, departments can:

- **Implement a Crisis Intervention Training (CIT) program.** CIT training gives law enforcement officers concrete skills and resources to effectively de-escalate encounters with homeless people who suffer from serious mental illness. CIT also helps law enforcement officers build relationships with mental health professionals and social service providers, which promotes increased officers’ awareness of resources and referrals available to homeless people they may encounter (for more information on CIT, see pages 66-68).
- **Implement an interdisciplinary homelessness outreach team.** Homeless outreach teams are a popular practice in which teams engage with homeless community members on the street and in shelters to connect them with housing, medical care, mental health services,

⁷⁸ Settlement Agreement, *US v. Maricopa County*, (Jul. 17, 2015), available at <https://perma.cc/6FEJ-HDVE>; Agreement between the U.S. DOJ and the Suffolk County Police Department (Jan. 2, 2015), available at <https://perma.cc/5G2V-RGU5>.

⁷⁹ See, e.g. *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (2014).

⁸⁰ For more information about the role of state and local government policies in the criminalization of homelessness, see *Housing Not Handcuffs*, National Law Center on Homelessness and Poverty (2017), available at <https://www.nlchp.org/documents/Housing-Not-Handcuffs>.

public transportation, and/or other available resources. While not all homeless outreach programs involve law enforcement officers, many law enforcement agencies play a key role in homeless outreach teams. Depending on the specific program, law enforcement officers may provide referrals to the team's mental health providers, ensure the safety of other members of the outreach team, or take an active role in conducting outreach themselves.⁸¹ While more rigorous scientific research on the efficacy of homeless outreach teams is needed, research to date suggests that outreach is effective in supporting access to housing and improving medical and mental health outcomes among homeless adults with mental health or substance abuse problems.⁸²

- **Eliminate quotas that incentivize officers to ticket or arrest homeless people for panhandling, sleeping or sitting down in public, or other similar public disorder laws.** Quotas that incentivize aggressive policing of homeless people for sitting or lying down in public fail to address the root causes of homelessness and may divert limited police resources away from true threats to public safety.

For more ideas about model law enforcement policies relating to decriminalization of homelessness, you can review the [No Safe Place: Advocacy Manual by the National Law Center on Homelessness and Poverty](#).⁸³

5. Response to Crime Victims

Community concerns about over-policing often go hand-in-hand with concerns about lacking responsiveness to crime victims, particularly victims from marginalized communities and victims of sexual assault and domestic violence. Much more research is needed to identify specific practices that can most effectively reduce bias and inequity in police interactions with crime victims. Emerging promising policies for improving equity in response to crime victims include:

- **Requiring training on topics such as the effects of trauma; procedural justice; and racial, ethnic, gender and sexual orientation bias against crime victims.** While further

⁸¹ See, e.g. National Law Center on Homelessness and Poverty, *No Safe Place: The Criminalization of Homelessness in U.S. Cities*, (2014), available at https://www.nlchp.org/documents/No_Safe_Place.

⁸² Jeffrey Olivet, et al, *Outreach and Engagement in Homeless Services: A Review of the Literature*, 3 THE OPEN HEALTH SERVICES AND POLICY JOURNAL 53-70 (2010).

⁸³ *No Safe Place: Advocacy Manual*, National Law Center on Homelessness and Poverty (2014) available at https://www.nlchp.org/documents/No_Safe_Place_Advocacy_Manual

research is needed to show whether particular trainings are effective in reducing inequitable treatment of crime victims, we know as a general principle that well-designed trainings can create changes in beliefs and behavior, especially when supported by an organization's culture and resources. Requiring new training may, therefore, be an important aspect of improving law enforcement response to crime victims.

- **Implementing policies prohibiting local law enforcement officers from investigating or arresting people for immigration purposes and conduct community outreach to ensure that the public is aware of these policies.** Crime victims or witnesses may be reluctant to report crimes or cooperate with local law enforcement investigations if they fear that they or their loved ones may be arrested based on their immigration status.⁸⁴ Adopting policies that ensure that crime victims and their families will not face deportation if they cooperate with police is an important step toward ensuring equitable access to police services for immigrant communities. While opponents of so-called “sanctuary city” policies frequently argue that the adoption of such policies will cause crime rates to rise, this assertion is not supported by empirical research on the subject. The few empirical studies on this subject have found that crime rates went down or remained the same after cities adopted sanctuary city policies.⁸⁵
- **Implementing policies to ensure that crime victims (including victims of alleged police misconduct) are kept apprised of the status of their cases.** Although crime victims vary in their needs, they share the common need for access to information about the progress of the investigation into their cases. Different jurisdictions may have different policies and practices with respect to how information is provided to victims: some may provide case status information to crime victims through online information portals, while others might assign a particular person or people with the responsibility of communicating with crime victims. While local law enforcement agency practices may vary with respect to the means of communication, agencies should all implement policies and practices to ensure that victims are provided with respectful and timely information about the status of their cases, as is consistent with basic procedural justice values of transparency, trust, and giving people voice in their interactions with law enforcement.

⁸⁴ Orde F. Kittrie, Federalism, *Deportation and Crime Victims Afraid to Call the Police*, 91 IOWA L. REV. 1449-1508 (2006).

⁸⁵ Daniel E. Martínez, et al, *Providing Sanctuary or Fostering Crime? A Review of the Research on “Sanctuary Cities” and Crime*, SOCIOLOGY COMPASS (Jan. 2018).

- **Implementing a trauma-informed victim interview protocol.** A trauma-informed approach to victim interviewing takes into account that a person who has recently suffered a traumatic event may speak, act, or remember events differently than a person who has not suffered a traumatic event. Trauma-informed interviewing trainings may emphasize treating victims with respect, giving them space to tell their stories without interruption, and avoiding mistaking signs of trauma for signs that a victim is lying. The West Valley City Police Department in Utah has credited its Trauma Informed Victim Interview protocol with increasing victim cooperation and case closure rates in sexual assault cases, as well as with reducing officer skepticism toward adult reports of sexual assault.⁸⁶

⁸⁶ McKenzie Romero, *BYU Study: New Sexual Assault Victim Protocol A Success for WVC Police*, KSL.COM (Apr. 14, 2016), <https://www.ksl.com/?sid=39342280&nid=148&title=byu-study-new-sexual-assault-victim-protocol-a-success-for-wvc-police>.

Module 5: Identifying Opportunities to Improve Law Enforcement Accountability and Agency Culture

While written policies consistent with community values and are important, they are only effective to the extent that they are supported by the resources and culture of the law enforcement organization. In many communities, there are already written policies on the books prohibiting the conduct about which communities are concerned, but law enforcement officers are not complying with the requirements of those policies in practice. This module focuses on identifying opportunities to improve the *unwritten* values, practices, and actions within a law enforcement agency that shape officers' compliance with the requirements of the law and internal department policies.

Module 5 focuses on identifying potential areas for improvement in four key areas of law enforcement administration:

- training,
- supervision and accountability,
- external accountability and civilian oversight, and

Each of these areas of law enforcement administration plays an important role in shaping officer conduct and contributes to overall agency culture. For each of these areas, this Module contains a brief assessment that you can use to identify possible opportunities for change and improvement.

A. Training

Law enforcement agencies provide training to their officers that is designed to give them the skills and knowledge necessary to do their jobs effectively. Law enforcement officers typically receive initial intensive training through an academy as new recruits and periodic refresher

trainings, or training when new laws and devices are implemented, thereafter. One popular strategy for creating change in public safety is working to influence the information, skills, and values conveyed to officers through training and working to ensure that skills and values learned in training are actually implemented and supported in practice by the resources and culture of the law enforcement agency. Because there has been little empirical research on the efficacy of specific police trainings, gathering data on the effects of law enforcement trainings (if any) may also be an important goal. You can use the following checklist as a starting point for assessing your law enforcement agency's training protocol and identifying possible areas for monitoring and improvement.

(1) What minimum training standards for law enforcement officers are imposed by law or by your state POST commission? When assessing your law enforcement agency's training, one of the first things to look at is the minimum training standards for law enforcement officers in your community, including any requirements set by:

- The state legislature
- The state Peace Officer Standards and Training (POST) commission (or equivalent agency)
- The city council, county council, or other local government body
- Any consent decree or settlement agreement with the U.S. DOJ (if your law enforcement agency is currently under federal monitoring)

This information should be publicly available through basic online research or through legal databases that an attorney can help you to navigate. Information on minimum training standards is important because it gives you information about what training officers currently receive in your area. It is also a way to find out which government entities and agencies are active in regulating law enforcement training in your area.

(2) Does your law enforcement agency provide training to its officers above and beyond the trainings required by your state POST Commission? Some law enforcement agencies offer training only on those topics mandated by the state POST Commission, while others might offer additional training of their own accord. In either case, it is helpful to know all of the topics on which law enforcement officers in your community receive training.

(3) Does your law enforcement agency offer or require trainings expressly related to your issues of concern? Once you have a list of trainings that are required or by law, you can start to investigate whether your law enforcement agency offers trainings that address your area of concern. In some, there may be entire training units dedicated to the topic in which you are interested. In other cases, you may need to open lines of communication with trainers or leaders in your law enforcement agency who can answer questions about whether the issues that you are concerned about are incorporated into other units with more general titles. As a starting point, some common training topics that may be relevant to your areas of concern are set forth in the chart below.

Issue of Concern	Potentially Relevant Training Topics
Stop and Search	<ul style="list-style-type: none"> ● Implicit bias ● Procedural justice ● Law enforcement and the LGBT community ● People with disabilities
Use of Force	<ul style="list-style-type: none"> ● Use of force ● De-escalation ● Crisis Intervention Training (CIT) ● People with disabilities ● Verbal tactics/verbal judo ● Implicit bias
In-Custody Death	<ul style="list-style-type: none"> ● Use of force ● De-escalation ● Crisis Intervention Training (CIT) ● People with disabilities ● Verbal tactics/verbal judo
Profiling and Harassment	<ul style="list-style-type: none"> ● Implicit bias ● Procedural justice ● Effects of trauma ● Law enforcement and LGBT community
Interactions with Special Population	<ul style="list-style-type: none"> ● Adolescent brain development ● Effects of trauma

Response to Victims of
Crime:

- De-escalation
- Crisis Intervention Training (CIT)
- People with disabilities
- Effects of trauma
- Implicit bias
- Procedural justice
- Domestic violence
- Sex crimes
- Hate crimes

The more you know about the content and quality of trainings that directly relate to your issues of concern, the more easily you can identify areas for improvement. If you have a good relationship with your police chief or another agency official with authority over training, they may be willing to share information with you about their training practices. Agencies that are proud of their training practices are often eager to share information about what they are doing. If your agency is not cooperative, you can talk to a local attorney about whether police training materials and records would fall within the scope of a public records request under your state's freedom of information law.

(4) What skills are taught in law enforcement training? Training plays an important role in building an officer's set of tools for addressing problems in the field. Both the specific topics covered in training and the number of hours devoted to those topics can give you valuable insight into whether officers in your community are being equipped with the tools and skills necessary to handle tense situations effectively and appropriately.

Law enforcement basic training often places heavy emphasis on two areas: firearms training and classroom instruction on the legal standards that regulate officer conduct. Both of these topics are vitally important in that officers must understand the laws that they are required to obey, and they also must understand how to properly use and store the firearms that they will carry each day on the job. At the same time, however, the overwhelming majority of law enforcement interactions with the public do not lead to use of a firearm. Most officers go through their entire careers without ever firing a shot at another human

being.⁸⁷ While more research is needed to identify which specific trainings are the most effective in improving outcomes, it stands to reason that officers should also be equipped with field training on alternative, non-force tools to handle situations they are likely to encounter in the field. With proper training, officers may be able to more frequently de-escalate situations and resolve them without use of serious force or without the use of force at all. Better yet, in some situations, officers may be able to connect vulnerable citizens (e.g. youth and people experiencing mental health crises) to appropriate community medical, mental health, and social service resources and avoid involving the criminal justice system altogether.

(5) What values are promoted in your law enforcement agency’s training? To fully assess the quality of your law enforcement agency’s training, it is vital to understand not only the topics covered, but also the values and worldview advanced by the training curriculum. Some trainings present a “warrior” model of policing focused on arrests and defeating criminals, while others present a “guardian” model emphasizing the prevention of critical incidents and protecting the community. Warrior model trainings may encourage constant vigilance against violent attacks, which can foster an attitude of fear and mistrust toward the public. Some “warrior” model trainings have been criticized for encouraging pre-emptive, maximal use of force to the greatest extent permitted by the law based on the theory that this will improve officer safety.⁸⁸ Trainings that emphasize a “guardian” mindset are more likely to emphasize de-escalation tactics, and alternatives to use of force.

Some law enforcement training curriculums also present incorrect or unsupported factual claims that may lead officers to resort to deadly force immediately in situations that could have been addressed through de-escalation or the use of less lethal weapons. One common example of this is the so-called “21-foot rule,” which was first published in a 1983 magazine article written by a police officer in Salt Lake City named Dennis Tueller. The “21-

⁸⁷ Rich Morin and Andrew Mercer, *A Closer Look At Police Officers Who Have Fired Their Weapon On Duty*, PEW RESEARCH CENTER, FACT TANK: NEWS IN NUMBERS (Feb. 8, 2017), <http://www.pewresearch.org/fact-tank/2017/02/08/a-closer-look-at-police-officers-who-have-fired-their-weapon-on-duty/>.

⁸⁸ See, e.g. Radley Balko, *A day with 'killology' police trainer Dave Grossman*, THE WASHINGTON POST (Feb. 14, 2017), https://www.washingtonpost.com/news/the-watch/wp/2017/02/14/a-day-with-killology-police-trainer-dave-grossman/?utm_term=.24bd019ea019; Mitch Smith and Timothy Williams, *Minnesota Police Officer’s ‘Bulletproof Warrior’ Training Is Questioned*, NEW YORK TIMES (Jul. 14, 2016), <https://www.nytimes.com/2016/07/15/us/minnesota-police-officers-bulletproof-warrior-training-is-questioned.html>; Matt Apuzzo, *Training Officers to Shoot First, and He Will Answer Questions Later*, NEW YORK TIMES (Aug. 1 2015), <https://www.nytimes.com/2015/08/02/us/training-officers-to-shoot-first-and-he-will-answer-questions-later.html?smid=tw-share>.

foot rule” argues that an officer must stay at least 21 feet away from a subject with a knife or edged weapon in order to give the officer enough time to draw and fire his gun if the subject suddenly charged. The original Tueller article encouraged officers to use defensive tactics if confronted with a person armed with a knife, including tactical withdrawal, seeking cover, and instructing the subject to drop the knife. The 21-foot rule has been often misused in police trainings, however, to suggest that the use of deadly force is automatically justified and even necessary whenever a suspect with a knife is less than 21 feet from a police officer.⁸⁹ This is incorrect as a matter of law and as a matter of sound police tactics. Under the law, each use of force must be justified based on the particular circumstances of that situation.⁹⁰ As a matter of best practice, officers need to be given complete and balanced training in tactics and de-escalation strategies so that they can avoid the use of force whenever possible.

You can often gain insight into the values of a curriculum by researching the person or company that developed the curriculum. If the person who developed the curriculum has published articles or testified as an expert witness in criminal or civil proceedings, their prior publications or testimony can be an important window into their values and beliefs about policing and public safety. More famous and controversial figures in police training like William Lewinski of the Force Science Institute and Dave Grossman and Jim Glennon of Calibre Press, have been the subject of articles and opinion pieces in major newspapers as well.⁹¹

If your law enforcement agency is using a training curriculum that encourages preemptive use of force or that presents the public as a danger to be battled rather than as a partner in promoting community safety, this might be an issue to prioritize in your advocacy.

⁸⁹ *Guiding Principles on Use of Force*, Police Executive Research Forum (Mar. 2016), available at <http://www.policeforum.org/assets/guidingprinciples1.pdf>

⁹⁰ *Graham v. Connor*, 490 U.S. 386 (1989).

⁹¹ See, e.g. Radley Balko, *A day with 'killology' police trainer Dave Grossman*, THE WASHINGTON POST (Feb. 14, 2017), https://www.washingtonpost.com/news/the-watch/wp/2017/02/14/a-day-with-killology-police-trainer-dave-grossman/?utm_term=.24bd019ea019; Mitch Smith and Timothy Williams, *Minnesota Police Officer's 'Bulletproof Warrior' Training Is Questioned*, NEW YORK TIMES (Jul. 14, 2016), <https://www.nytimes.com/2016/07/15/us/minnesota-police-officers-bulletproof-warrior-training-is-questioned.html>; Matt Apuzzo, *Training Officers to Shoot First, and He Will Answer Questions Later*, NEW YORK TIMES (Aug. 1 2015), <https://www.nytimes.com/2015/08/02/us/training-officers-to-shoot-first-and-he-will-answer-questions-later.html?smid=tw-share>.

(6) Does your agency cross-train with local mental health providers, social service providers, and other strategic community partners?

Cross-training with mental health professionals, social service providers and other community partners can provide officers with knowledge and practical skills to help them interact effectively with groups like youth, domestic violence victims, trauma survivors, and people living with mental illness. Cross-training can also increase law enforcement awareness of existing community resources for youth, people with mental and physical disabilities, and people with substance abuse issues. Cross-training objectives also encourage officers to divert these populations away from the criminal justice system and toward healthier, more appropriate alternative community resources. If your community group or partner organizations have experience and expertise in one or more of these issues, you might consider partnering with your law enforcement agency to develop new or improved trainings addressing your issues of concern.

(7) Have the trainings used by your law enforcement agency been shown to be effective?

There is surprisingly little scientific research on which law enforcement trainings are effective in changing officer attitudes and behavior. Some law enforcement trainings that claim to be rooted in science are anything but. Communities can help to promote change in this area by encouraging their law enforcement agencies to use scientifically-supported trainings when possible and to assess the effectiveness of the trainings that they do use, either internally or in cooperation with academic researchers.

Law enforcement trainings that have shown promising results in scientific studies include:

- **Crisis Intervention Training (CIT).** Standard CIT training programs offer 40 hours of intensive training on practical skills and resources for responding to individuals experiencing a mental health emergency. CIT training connects officers with local mental health professionals, teaches de-escalation skills, and gives officers the opportunity to interact with people who have personally experienced mental health crises. Studies of Crisis Intervention Training have shown positive results with respect to improvements in officer knowledge about mental illness and attitudes toward people

with mental illness, although further research is needed to confirm a connection between CIT training and officer behavior in the field.⁹²

- **Procedural Justice Training from the National Initiative for Building Community Trust and Justice.** This first part of this training, developed by Yale Law School Professors Tracey Meares and Tom Tyler in partnership with the Chicago Police Department (CPD), covers the four main pillars of procedural justice as they relate to police work: (1) treating people with dignity and respect; (2) giving people ‘voice’ during encounters; (3) making decisions neutrally; and (4) fostering community trust. The first two sessions explore procedural justice values, discuss policing tactics that promote equity and community trust, and equip officers with tools to respond to critical and traumatic incidents. [A study](#) of this training showed increased support for procedural justice among officers who participated in the training.⁹³ The second part of the training, developed by Phillip Atiba Goff and Kimberly Burke of the Center for Policing Equity in partnership with the CPD, explores the psychological science behind bias and combines tools from the original procedural justice training with new resources for reducing the role stereotypes, bias, and psychological shortcuts may play in negatively impacting interactions between police and community.

Much more research is needed to identify additional specific trainings that are shown to be effective in practice. You can encourage your law enforcement agency to assess the efficacy of its trainings based on concrete field outcomes, cost-effectiveness, and responsiveness to community needs.

- (8) Are the principles taught in your law enforcement agency’s training supported by the resources and culture of the organization?** The importance of this issue cannot be overstated: training is only effective to the extent that a law enforcement agency implements the training in practice. If training is not fully integrated into an agency’s procedures, supported with all necessary resources and staffing, and reinforced by supervisors, the ideas in a training are unlikely to have any meaningful effect. Ensuring that

⁹² Cynthia Lum, et al., *An Evidence-Based Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities.*, Center for Evidence-Based Crime Policy, George Mason University (2016), available at <http://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>.

⁹³ Wesley Skogan, et al., *Training Police for Procedural Justice*, *JOURNAL OF EXPERIMENTAL CRIMINOLOGY* 11:319–334 (2015).

good trainings are being implemented in practice, can have a significant effect on outcomes. The experience of the Seattle Police Department provides a powerful illustration of this issue. In 2011, the U.S. DOJ Civil Rights Division investigated the Seattle Police Department (SPD) and concluded that SPD had a pattern of using unconstitutional and excessive force which was particularly pronounced in interactions involving people who were mentally ill or intoxicated. Although the SPD maintained a Crisis Intervention Team made up of officers who had received at least 40 hours of special training on deescalating encounters with people experiencing mental health crises, the DOJ found that approximately 70% of use of force incidents by the SPD involved people who were intoxicated or experiencing a mental health crisis. After the DOJ investigation and a subsequent settlement with the City, SPD worked with a court-appointed monitor to overhaul its policies relating to Crisis Intervention Training and the CIT team. New requirements were added to ensure that all new officers received at least 8-hours of CIT training and understood when the CIT team should be contacted. Current SPD policies require that CIT-trained officers be available on every shift and require officers to document all interactions with people experiencing mental health crises. After these detail-oriented reforms and changes were implemented, use of force rates went down, with moderate and severe use of force incidents dropping 60% between the DOJ's 2011 investigation and a follow up study period of July 2014 through October 2016.⁹⁴

B. Supervision and Internal Accountability

Law enforcement supervisors play a crucial role in promoting internal accountability and ensuring that agency policies are followed consistently and that officers who violate policies are retrained or disciplined. Recent research suggests that law enforcement officers may be highly motivated by and responsive to scrutiny from their supervisors.⁹⁵ Convincing law enforcement agencies to adopt and enforce clear, effective procedures for supervision and discipline may, therefore, play an important role in curbing systemic misconduct. Unfortunately, data about law

⁹⁴ Seattle Police Monitor, *Ninth Systemic Assessment: Use of Force* (Apr. 2017), available at <http://www.seattlemonitor.com/reports-resources>; Seattle Times Editorial Board, *Seattle Police Department Crisis Intervention Training Saves Lives*, THE SEATTLE TIMES (Apr. 2, 2017), available at <https://www.seattletimes.com/opinion/editorials/seattle-police-department-crisis-intervention-training-saves-lives/>; Seattle Police Department Policy Manual, 16.110—Crisis Intervention.

⁹⁵ Jonathan Mummolo, *Modern Police Tactics, Police-Citizen Interactions, and the Prospects for Reform*, 80 JOURNAL OF POLITICS 1 (Dec. 6, 2017).

enforcement discipline and supervision are confidential in many states and cities. If this is the case where you live, then advocating for greater transparency may be a necessary initial action point. To assess your law enforcement agency's supervision of its officers and identify possible reform goals, you can use the following checklist:

- (1) Are there any laws or contracts that regulate how law enforcement officers are supervised or disciplined?** Depending on the state and city that you live in, there may be. It is very important to figure out the answer to this question, because it will affect which individuals and entities have the power to make the changes you are seeking. You should obtain copies of any policies, laws, or union contracts that deal with supervision, investigation, and discipline of law enforcement officers in your agency.

The biggest issue to look for here is whether your state has a **Law Enforcement Officers' Bill of Rights (LEOBR)** law. State LEOBR laws give law enforcement officers additional due process rights that do not apply to other criminal suspects or people being investigated for potential misconduct at work. Specific provisions vary from state to state, but may include:

- **Notice requirements:** LEOBR laws may include requirements that the law enforcement agency notify the officer of the complainants, allegations against them, and identity of the officer leading the investigation before they are questioned.
- **Limits on how and when officers suspected of misconduct can be investigated:** Laws may prohibit departments from questioning officers for a certain number of days after the incident at issue. They may set limits on the length of time for which an officer can be questioned, and prohibitions on use of threats of discipline or promises of rewards during questioning (frequently used during civilian interrogations). Laws may also include the right to breaks during questioning and the right to bring a union representative to the interview.
- **Confidentiality of investigation:** In most states with LEOBR laws, law enforcement agencies are not permitted to acknowledge that an officer is under investigation. If charges are ultimately dropped or not sustained, the department may not acknowledge the nature of the complaint against the officer, or that an investigation ever took place.
- **Strict timelines for discipline:** Some LEOBR laws provide that agencies cannot discipline officers for incidents that occurred more than a certain number of days prior, which limits the available time period for investigation into potential misconduct.

- **Hearing and appeal rights:** LEOBR laws frequently provide that law enforcement officers are entitled to a hearing, with notification in advance of the date, access to transcripts and other relevant documents and evidence generated by the hearing, and access to representation by counsel or another non-attorney representative. LEOBR laws generally require law enforcement agencies to pay for the officer's legal defense.
- **Removal and destruction of disciplinary records:** In some jurisdictions, records of misconduct and discipline must be erased after a certain period of time, which can be in as little as two years after the date discipline was issued.

Currently, Arizona, California, Delaware, Florida, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Nevada, New Mexico, Rhode Island, Virginia, and West Virginia have LEOBR laws on the books. If you live in one of these states, it is important to review your state's LEOBR law and, ideally, find an attorney who can talk you about how that law has been interpreted by your state's court system.

The second issue to look at is the **terms of your law enforcement agency's union contract**, if they have one. Many municipalities that are not bound by a state LEOBR law, still agree to similar terms and provisions in their union contracts. Union contracts may also include other important rules and limitations relating to officer disciplinary proceedings. The Police Union Contract Project by Campaign Zero has reviewed and posted information about the police union contracts of 81 of the largest 100 cities in the United States. You can view their database at www.checkthepolice.org. Union contracts or CBAs may also be available online or through a formal or informal request for records.

Thirdly, you should research **local laws and civil service rules** to see if your city or county government has imposed any rules or restrictions on officer discipline. Local government rules and laws may set up specific procedures for handling allegations of officer misconduct which sometimes involve formal hearings, rights of appeal, and other formalities that usually do not apply in the private sector. If you are focused on a city police agency, then you will want to review city ordinances and civil service rules. If you are focused on a county sheriff's department, you will want to review county ordinances and civil service rules. It may be helpful to obtain help from an attorney in your coalition when doing this research. If you have open lines of communication with your law enforcement leaders, they may also be a good source of information about the rules and laws that regulate officer discipline.

(2) Does your law enforcement agency use a disciplinary matrix or have other internal policies addressing discipline? Many law enforcement agencies use documents called disciplinary matrices to determine what consequences should occur based on particular violations of policy. If your department has one, this will give you important information about your law enforcement agency’s disciplinary practices. These documents are frequently available online and can be found through a web search for “disciplinary matrix [name of your town or county].” If the disciplinary matrix is not online, you should usually be able to obtain it through a formal records request. If you have open lines of communication with your law enforcement agency, you may be able to obtain a copy of the disciplinary matrix informally, as well.

(3) Are law enforcement disciplinary records accessible to the public? In many states, if an officer is disciplined for misconduct, departments are prohibited by law from making this information public. A 2015 investigation by WNYC radio station found that law enforcement disciplinary history is confidential in 23 states and available to the public under only limited circumstances in another 15 states.⁹⁶

If you live in a state that limits public access to records of law enforcement misconduct, you can lobby your state legislature to change the law to increase law enforcement transparency and accountability to the public. In the meantime, you should still be able to access information about your agency’s disciplinary policies and procedures, which may give you ideas for additional policy “asks” to prioritize in your advocacy.

(4) Does your law enforcement agency use an early intervention system? Early Intervention (EI) Systems (also called early warning systems) are a popular and promising method for improving the performance of officers who show signs of difficulty dealing effectively with the public. EI Systems provide departments with systemic data on officer performance and allowing for the early identification of struggling officers and the ability to intervene by providing supervisory counseling, additional trainings, or referrals to professional therapy or other external resources. These systems vary widely with respect to the number of factors considered and the thresholds set for intervention. Factors commonly considered in EI systems include citizen complaints (both total and sustained), vehicle pursuits, lawsuits, use

⁹⁶ See Robert Lewis, Noah Veltman and Xander Landen, *Is Police Misconduct A Secret in Your State?*, WNYC NEWS (Oct. 15, 2015), available at <http://www.wnyc.org/story/police-misconduct-records/>.

of force, and involvement in officer-involved-shootings. EI systems are required frequently by the U.S. DOJ Civil Rights Division in its pattern and practice agreements. Initial surveys and evaluations of the effects of EI systems in different cities have been generally positive, showing promising results with respect to reduced citizen complaints and use of force for officers targeted for intervention.⁹⁷

(5) Do supervisors routinely audit stop, search, arrest, and use of force data for possible indicators of biased-policing? This proactive reform measure has commonly been required by the U.S. Department of Justice Civil Rights Division in its settlement agreements with law enforcement agencies suspected of a pattern and practice of discriminatory policing. The DOJ generally required these types of audit to include analysis of (1) racial disparities in arrests, stops, searches, and use of force; (2) complaints and reports of use of racial epithets; and (3) other indicators of possible racial bias. Determining the cause of broad disparities in policing outcomes can be challenging because of potentially confounding factors like underlying disparities in housing, education, health, crime rates, and socioeconomic status. If an *individual officer*, however, is stopping people of color at a significantly higher rate than their fellow officers patrolling the same neighborhood, this information should give a supervisor pause.

Potential racial bias is not the only issue that may come to light in a routine supervisory audit. If an officer uses force consistently and significantly more than other officers in the same precinct or if an officer has a sudden and substantial increase in uses of force, these may be reasons for a supervisor to take a closer look at the officer in question and assess whether additional training or other corrective action may be appropriate. If a particular officer shows a pattern of pulling over young women at a much higher rate than their peers, this could be a warning sign of sexual abuse.

(6) Does your law enforcement agency have an effective and accessible system for members of the public to file complaints about law enforcement officers? Because officers guilty of misconduct will rarely report their own discriminatory or harassing behavior, law enforcement agencies must generally rely on public complaints to learn about these incidents. Therefore, it is crucial for law enforcement agencies to maintain a well-functioning

⁹⁷ Samuel Walker and Charles Katz, *THE POLICE IN AMERICA: AN INTRODUCTION* (6TH ED.) (2008).

and sufficiently staffed system for receiving complaints. Questions that might help you assess the quality of your department's complaint system include:

- **What are acceptable methods of filing a complaint?** Must a complaint be filed in person, or can it be submitted by mail, email, phone call, in person, etc.?
- **Are anonymous complaints permitted?** If not, are there procedures in place to protect the confidentiality of complaints by people who might otherwise be reluctant to report misconduct (e.g. sex workers or undocumented immigrants)?
- **Is the complaint process accessible to non-English speakers and people with disabilities?** Accessibility in this context may include providing complaint forms in languages other than English; staffing a complaint hotline with bilingual officers or intake specialists; having translators available to promptly translate written complaints received in non-English languages; and utilizing Telecommunications Devices for the Deaf (TDD).
- **Who investigates citizen complaints?** Often this is the Internal Affairs or Professional Standards Bureau, but the structure, function, and staffing of these departments varies significantly from agency to agency. In some agencies, complaints are investigated by teams without specific internal affairs training.
- **What is the average timeline for adjudicating a citizen complaint?** In some communities, lengthy delays in investigating and adjudicating citizen complaints can be an issue of concern.
- **What percentage of citizen complaints are sustained (deemed credible) by the department?** A 2006 Bureau of Justice Statistics Special Report found that, on average, large police departments sustained 8% of citizens' complaints of excessive force.⁹⁸ The DOJ Civil Rights Division has found even lower rates of sustained complaints in multiple major cities under investigation.⁹⁹

⁹⁸ *Citizen Complaints about Police Use of Force*, Bureau of Justice Statistics Special Report, June 2006.

⁹⁹ See e.g. U.S. D.O.J. Civil Rights Division, *Investigation of the Newark Police Department* (Jul. 22 2014), available at https://www.justice.gov/sites/default/files/crt/legacy/2014/07/22/newark_findings_7-22-14.pdf ("One indication of the ineffectiveness of the NPD's internal affairs system is that the Internal Affairs Unit [] sustained only one civilian complaint of excessive force out of hundreds received from 2007 through 2012. While there is no 'right' rate at which force complaints should be sustained, only one finding of unreasonable force out of hundreds of complaints over a six-year period is symptomatic of deeply dysfunctional accountability systems."); See e.g. U.S. D.O.J. Civil Rights Division, *Investigation of the New Orleans Police Department* (Mar. 16, 2011) at 82, available at https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf (finding that in 2009, NOPD sustained only 5.5% of civilian complaints of police misconduct).

If your community has a civilian oversight group that accepts complaints, you can ask the same questions of the civilian oversight agency's complaint investigation and resolution processes. Civilian oversight groups handle citizen complaints in widely different ways. Some do not independently investigate complaints, but instead monitor the law enforcement agency's investigations to make sure that the investigations are thorough and the ultimate conclusions are supported by the available evidence. Other oversight groups maintain full-time investigative units and conduct their own independent investigations. Civilian oversight groups rarely have direct power to discipline officers for misconduct, but some do make disciplinary recommendations to department leaders.

(7) What procedures does your law enforcement agency have to detect and address substance abuse among law enforcement officers? Some of the community members we spoke with expressed significant concern about abuse of steroids and other illegal drugs by law enforcement officers in their community. While there is little scientific research on the prevalence of substance abuse among law enforcement officers specifically, addiction and substance abuse are common problems affecting people from a wide range of professions, backgrounds, and walks of life. Law enforcement can be a stressful and traumatic line of work, and some officers may turn to drugs or alcohol as a way to cope. Officers may also turn to steroids in order to gain a physical edge in confrontations with suspects. While random drug testing is common in some industries (e.g. truck driving and airline piloting), drug-testing practices in law enforcement agencies vary. Law enforcement unions sometimes object to random drug testing, saying that the practice infringes on officer privacy. Even in departments that do randomly drug test, there may be significant variation with respect to the consequences of a failed drug test. In some departments, this might lead to automatic disciplinary action or termination, while other departments may not fire an officer until a second failed drug test.

(8) Does your law enforcement agency allow officers involved in shootings or accused of misconduct to review video footage of the incident before giving a statement?

Whether police officers should be permitted to view video footage of an incident before giving a statement about that incident to investigators, has been a subject of intense debate. Proponents of allowing officers to view video footage prior to giving statements note that human memory is notoriously unreliable and that allowing officers to view video footage will help them to recall and report details about a stressful event more completely and accurately. Opponents note that allowing officers to review video prior to giving a

statement represents a deviation from normal investigative practice and might influence officers' independent memories of the event. Moreover, if an officer actually has committed misconduct and is inclined to lie to cover it up, allowing the officer to view video camera footage prior to a statement may enable lying by giving the officer the chance to come up with a cover story that can be reconciled with the events visible on video.¹⁰⁰ This is an important issue that is currently being debated in many law enforcement agencies. Communities should, therefore, be aware of the issue and ensure that their voices and opinions are heard in any decision-making processes.

C. External Accountability And Civilian Oversight

While internal accountability and strong supervisory practices are important, it is also crucial that law enforcement agencies are accountable to external groups and entities. A well-operated civilian oversight body can promote law enforcement transparency, draw public attention to systemic patterns of misconduct, promote reform, and increase public trust. Law enforcement agencies can also be more accountable to the public by implementing policies ensuring transparency and data sharing and by avoiding conflicts of interest in criminal investigations of officer-involved shootings.

(1) Does your city or county have one or more official civilian oversight entities? If your local law enforcement agency is not overseen by any official civilian agency, this may be an important public safety priority to address. Civilian oversight entities are typically put into place by the local government (e.g. the city council or county council) or may be implemented via ballot initiative. More resources for communities interested in implementing their own civilian oversight groups can be found on the website of the [National Association for Civilian Oversight of Law Enforcement](http://www.nacole.org).¹⁰¹

¹⁰⁰ Jay Stanley and Peter Bibring, *Should Officers Be Permitted to View Body Camera Footage Before Writing Their Reports?*, ACLU (Jan. 13, 2015), <https://www.aclu.org/blog/free-future/should-officers-be-permitted-view-body-camera-footage-writing-their-reports>; Kathy Pezdek, *Should Cops Get To Review The Video Before They Report?*, The Marshall Project (Aug. 13, 2015), <https://www.themarshallproject.org/2015/08/13/should-cops-get-to-review-the-video-before-they-report>; Perry Stein, *Should officers be able to review body camera footage before writing police reports?*, THE WASHINGTON POST (Dec. 17, 2015), https://www.washingtonpost.com/news/local/wp/2015/12/17/should-officers-be-able-to-review-body-camera-footage-before-writing-police-reports/?utm_term=.373b58ca5aad.

¹⁰¹ National Association for Civilian Oversight of Law Enforcement website, <http://www.nacole.org/steps>.

(2) Does your civilian oversight agency have its own investigators? In some places, like Chicago and Washington, D.C., civilian oversight agencies have their own investigators who work independently of the police departments, and exclusively in the interests of the civilian oversight agency. Other agencies, like the Seattle Office of Police Accountability, have a civilian head with the authority to direct police department investigators. Still other oversight agencies have no investigators at all, instead reviewing and relying on materials from investigations conducted by the department. The extent to which a civilian oversight agency needs its own investigators will depend on the scope of its functions, the amount of publicly available resources, and the extent to which police corruption and report falsification is a perceived problem in the community.

(3) Does your civilian oversight agency have the authority and access necessary to identify systemic problems in department practices, and make recommendations for ways the department can improve? Some civilian oversight groups are specifically tasked with identifying and addressing systemic patterns of corruption or misconduct. Others, however, are tasked solely with adjudicating or reviewing individual complaints of alleged law enforcement misconduct and lack jurisdiction to conduct broader inquiries into systemic patterns of misconduct. Some agencies perform both functions, and some cities even have one agency dedicated to each function.

Whenever possible, it is a good idea to have at least one oversight official or group with the ability to look into broader patterns of misconduct and opportunities for improvement within a department. Civilian oversight groups often have greater access to police records than the general public, putting them in a unique position to identify and draw public attention to systemic issues within a department. Smaller towns that lack the resources to hire a full-time inspector general or auditor may choose to hire a police accountability consultant to provide assessment and recommendations for ways to improve or rely on a volunteer oversight board or commission.

(4) Does your civilian oversight agency have the staff, access, and resources that it needs to function effectively? For an oversight agency to function effectively, it must have enough staff to accomplish the tasks assigned to it, and it must have access to the materials, documents, and witnesses that it needs to complete its audits and investigations. If local government leaders fail to support oversight officials with the staff, funding, and data access needed, the oversight entity may suffer from diminished efficacy or loss of community trust.

While there is no one correct size or model for civilian oversight, there must be an appropriate balance between an entity's responsibilities, its resources, and the needs of the community. It is also important that an oversight agency has staff members with the specific technical expertise needed to effectively carry out the agency's mission: a group that investigates needs professional investigators, a group expected to carry out complex audits will need staff members with training in statistics, and a group expected to assess legal compliance will need lawyers.

Obtaining access to crucial law enforcement records can also be a problem for some oversight groups, particularly in states with strict restrictions on access to law enforcement disciplinary and personnel records. Newer oversight agencies increasingly have the power to subpoena records and testimony, but many oversight agencies lack this power, instead relying on cooperation from their law enforcement leaders or other legal channels to obtain the records needed. Lack of subpoena power does not mean that an oversight agency is necessarily ineffective, but it is important that an oversight agency has access to the records that it needs in order to complete its functions.

(5) How close is the relationship between the civilian oversight entity and the law enforcement department?

With few exceptions, civilian oversight entities lack the power to impose discipline or force changes in law enforcement policy. Civilian oversight groups instead typically operate by bringing problems to the attention of the law enforcement agency and the public and by making recommendations for change. One of the existential challenges of civilian oversight is ensuring that oversight officials have enough influence and trust with their law enforcement agency to be effective advocates for change while remaining independent enough to speak hard truths to power. A civilian oversight agency that takes an overtly adversarial attitude toward law enforcement at the expense of building positive working relationships may struggle to achieve change. An agency that is too close to a law enforcement agency, however, may lose public trust in the agency's independence. It is important to ensure that your civilian oversight agency's approach to this tension is consistent with community values and calculated to maximize the civilian oversight agency's efficacy in promoting transparency and accountability.

(6) Are officer-involved shootings and allegations of criminal misconduct by police officers investigated by an independent third party, or by the agency that employs the officer being investigated?

In some areas, a neighboring department or the district attorney's office will handle investigations of officer-involved shootings. In other departments,

investigations are handled by a special division within the agency that is involved, or by normal homicide investigators.

(7) Does the local district attorney make decisions about when to press criminal charges against officers or are those decisions made by a special or independent prosecutor?

In most communities, the local district attorney will make decisions about whether and when to press charges against an officer. This arrangement, while standard, may raise concerns about possible conflicts of interest because prosecutors must work closely with officers from their local law enforcement agency and may be reluctant to jeopardize those relationships.

(8) Does your law enforcement agency have a policy on release of information after a critical incident, such as an officer-involved shooting?

Rarely is the relationship between a community and its law enforcement as tense as during the immediate aftermath of an officer involved shooting or in-custody death. The level of transparency and procedural justice evident in law enforcement officials' communications about a critical incident can have a profound impact on public trust and set the tone for community interactions to come. As a result, it may be helpful for law enforcement agencies to adopt, with community input, policies governing what information will be released when and to whom in the aftermath of a critical incident. Topics to consider for inclusion in a critical incident policy include the release of body worn camera and surveillance video, the release of the names of involved officers, notification to the victim or next-of-kin, a commitment to portray the victim with appropriate dignity and respect, and acceptable reasons, if any, for redaction or withholding of pertinent video or records.

D. Hiring and Staffing

Communities have a strong interest in seeing that departmental leadership and patrol officers are well-qualified, ethical, and possess the skills and good judgment necessary to perform their jobs well. Communities also have an interest in seeing that their officers have ties to their communities and reflect their diversity. Consider the following questions to assess hiring practices in your local law enforcement agency:

(1) Are there any laws, civil service rules, or POST commission standards that govern minimum hiring standards in your area? If you are concerned about your law enforcement agency's hiring standards, it is important to understand the extent to which those standards

are controlled by state or local law. Some state governments set minimum qualifications for law enforcement officers and dispatchers. They may set qualifications directly by passing laws through the legislature, or indirectly by appointing a POST commission with the authority to create administrative regulations that set minimum hiring standards. Local governments may also pass laws or administrative rules that govern hiring of law enforcement officers. In addition to setting minimum standards, state and local governments sometimes create rigid applicant ranking systems that limit which factors hiring managers can consider when evaluating applicants.

If you have contacts within your law enforcement agency's command staff, they may be able to assist you in identifying any laws or regulations that govern hiring of officers in your jurisdiction. You might also choose to do your own legal research, ideally with the help of a lawyer or law student in your coalition.

(2) Does your law enforcement agency have hiring requirements that may exclude qualified applicants? If so, are there strong job-related reasons for these requirements?

While there is no doubt that communities should hold their law enforcement officers to the highest of standards, narrowing applicant eligibility can sometimes have unintended consequences. Strict hiring criteria might screen out problematic or less qualified candidates, but might also exclude qualified candidates who bring new skills, talents, and life experience to a law enforcement agency. If hiring criteria are poorly designed, they may reduce the pool of available applicants without effectively screening for any skill or quality that is actually relevant to the job. Some of the areas in which this tension commonly arises include:

- **Minimum education requirements:** Some research suggests that officers with a college education receive fewer citizen complaints and may be less likely to use force. Rigid educational requirements, however, may disproportionately exclude Black and Latinx applicants.
- **Physical fitness tests:** While physical fitness is an important job qualification for many law enforcement positions, not all physical fitness examinations test the physical skills actually needed for the job. Physical fitness tests that are not closely related to

necessary job skills may disproportionately exclude qualified female applicants, particularly if they place unnecessary emphasis on upper body strength.¹⁰²

- **Written examinations:** Written civil service examinations for law enforcement applicants have been criticized in many communities based on concerns that they have little relevance to necessary job skills, often disproportionately exclude non-White applicants, and may prevent hiring officials from distinguishing between mediocre and exceptional candidates. Newer interactive, scenario-based screening tools like assessment centers and Behavioral Personnel Assessment Devices (B-PAD) are gaining popularity as more effective means of assessing a candidate's job-relevant skills that are less likely than written tests to exclude qualified non-White applicants.¹⁰³
- **Veteran's preference:** Strict veterans' preference requirements have been criticized for disproportionately excluding female applicants and limiting the range of skills and experience available to departments. In some areas, veterans' preference rules can also have the effect of disproportionately excluding non-White applicants.¹⁰⁴
- **Criminal background checks:** Criminal background checks are an undoubtedly important aspect of vetting would-be police officers. Criminal background checks sometimes reveal a pattern of serious violent or fraudulent behavior, provide evidence of current uncontrolled addiction, or indicate that an applicant lacks integrity or good judgment. An overly rigid approach, however, may exclude qualified applicants because of minor or long-past offenses regardless of mitigating circumstances or evidence of subsequent personal growth. Overly strict criminal background checks may disproportionately affect Black applicants who are, for a variety of reasons, disproportionately likely to have had contact with criminal justice systems at some point in their lives.

¹⁰² Gary Corder and AnnMarie Cornder, *Stuck on a Plateau?: Obstacles to Recruitment, Selection, and Retention of Women Police*, POLICE QUARTERLY, 14:3 (2011).

¹⁰³ For more information on assessment centers and B-PAD screening, see Maya Harris West, *Community Centered Policing: A Force For Change*, PolicyLink (2001), available at https://www.policylink.org/sites/default/files/CommunityCenteredPolicing_final.pdf.

¹⁰⁴ Simone Weichselbaum and Beth Schwartzapfel, *Vet Hiring Preference Hinder Police Diversity*, USA TODAY (Mar. 30, 2017), <https://www.usatoday.com/story/news/2017/03/30/vet-hiring-preference-hinders-police-diversity/99689054/>.

Each of these issues must be considered and weighed within the context of the agency and community in question. A well-designed set of hiring standards will effectively evaluate the actual skills and qualities needed for success in the job, while eliminating standards that have little relationship to the necessary job skills, particularly those that disproportionately exclude candidates from underrepresented groups.

(3) Does your state participate in the national decertification index? What are your agency's policies regarding applicants who were fired from prior law enforcement positions?

In some parts of the United States, it is common for law enforcement officers fired for misconduct in one department to find work at a new agency and continue policing. In an effort to prevent this from occurring, many states have adopted licensing systems under which officers can be decertified for misconduct by the state POST commission or another government agency. Forty-five states have reported officer decertifications to the National Decertification Index (NDI), a database that can be queried by hiring officers at any agency around the country.¹⁰⁵ This system has several shortcomings in its present form, however. While most states have some form of decertification system on paper, some are rarely or never used. Some states—including populous states like California—have no decertification system at all, meaning that applicants fired from agencies in these states will not appear in a query of the National Decertification Index. Moreover, some states have decertification standards so high that they are almost impossible to meet. For example, in some states, officers cannot be decertified unless they are convicted of a felony—a standard far higher than that for decertification of other licensed professionals like doctors, lawyers, and social workers. Moreover, many local police agencies are unaware of the National Decertification Index and do not query the index as part of their hiring and background check procedures.¹⁰⁶

Communities concerned about the problem of officers fired for misconduct cycling through different departments can address the issue at the state level by encouraging their

¹⁰⁵ International Association of Directors of Law Enforcement Standards and Training Website, <https://www.iadlest.org/our-services/ndi/about-ndi>

¹⁰⁶ Candice Norwood, *Can States Tackle Police Misconduct With Certification Systems?*, THE ATLANTIC (Apr. 7, 2017), <https://www.theatlantic.com/politics/archive/2017/04/police-misconduct-decertification/522246/>; Roger Goldman, *Rogue Cops Should Not Be Recycled From One Police Department To The Next*, THE GUARDIAN (May 20, 2015), <https://www.theguardian.com/commentisfree/2015/may/20/rogue-cops-should-not-be-recycled-from-one-police-department-to-the-next>.

legislature and POST Commission to adopt and enforce appropriate standards for officer decertification and share those decisions with the National Decertification Index. At the local level, communities can encourage their departments to consult the National Decertification Index before hiring a candidate and to adopt policies prohibiting the hiring of officers with histories of misconduct at other departments.

(4) Does your law enforcement agency have any recruitment efforts targeted toward people from underrepresented racial, ethnic, gender and/or neighborhood groups?

Targeted recruitment is one of the most effective ways a workplace can increase the diversity of its applicant pool and, ultimately, its workforce. The larger and more diverse the applicant pool, the easier it will be for an agency to find highly qualified candidates who reflect the diversity of the surrounding community.¹⁰⁷

(5) Does your law enforcement agency have clear and legally-compliant policies addressing accommodation of pregnant and breastfeeding police officers? A

substantial body of research has shown many benefits to employing more women in law enforcement. Female officers are less likely to use deadly or excessive force and more likely to implement community-oriented policing approaches focused on communication and cooperation with the public. Female officers may also be more responsive to situations involving violence against women, which make up most of the violent crime service calls to law enforcement agencies. Unfortunately, women remain a small subset of the police force in the United States.¹⁰⁸ One important step toward increasing the number of women in law enforcement is ensuring that female officers are not forced off of the job when they have children.

Some women are forced out of law enforcement positions after they become pregnant or give birth when they are unable to obtain medically necessary accommodations for

¹⁰⁷ Frank Dobbin and Alexandra Kalev, *Why Diversity Programs Fail*, HARVARD BUSINESS REVIEW (Jul. 2017), <https://hbr.org/2016/07/why-diversity-programs-fail>; Maya Harris West, *Community Centered Policing: A Force For Change*, PolicyLink (2001), available at https://www.policylink.org/sites/default/files/CommunityCenteredPolicing_final.pdf.

¹⁰⁸ Penny Harrington et al, *Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement*, Feminist Majority Foundation, Center for Women and Policing (2000), available at <https://files.eric.ed.gov/fulltext/ED450246.pdf>; *Advancing Diversity in Law Enforcement Report*, U.S. Department of Justice Equal Employment Opportunity Commission (Oct. 2016).

pregnancy or breastfeeding. Because law enforcement is a physical and sometimes hazardous job, female officers may need temporary modifications in their duties to ensure a healthy pregnancy. While some states expressly give pregnant workers the right to reasonable accommodations at work, other states do not. Federal law, which sets minimum protections for all workers in the U.S., made a big leap forward on this issue in 2015. In a landmark decision interpreting federal civil rights law, the Supreme Court held that barring a compelling reason, employers may not offer light duty to some workers (such as those with on-the-job injuries) while refusing the same work changes to workers who need accommodations for pregnancy.¹⁰⁹ Later court decisions applied the same reasoning to cases involving breastfeeding accommodations.¹¹⁰ These federal case outcomes represent a big step toward greater gender equity in policing, as many law enforcement agencies historically offered light duty only to officers injured on the job and had no formal policy for providing temporary accommodations to pregnant and breastfeeding officers. Law enforcement personnel policies that have not been updated since 2015 may not reflect the current state of the law and all of the protections to which pregnant and breastfeeding officers are entitled.¹¹¹

(6) Does your law enforcement agency have residency incentives or requirements for its

officers? Some law enforcement agencies require or incentivize officers to live in the communities where they work. These programs are often intended to promote ties between officers and the communities they police and to reduce community perception of law enforcement as an outside, occupying force. Whether resident officer programs are good or bad for department diversity, however, depends on the specifics of the program and the dynamics of the individual community. In urban areas with a high cost of living, requiring officers to live within the boundaries of the city where they work may exclude

¹⁰⁹ *Young v. UPS*, 575 U.S. ____ (2015).

¹¹⁰ *Hicks v. City of Tuscaloosa*, 2017 WL 3910426 (11th Cir. Sept. 7, 2017); *Allen-Brown v. District of Columbia*, 54 F. Supp. 3d 35 (D.D.C. Mar. 31, 2016).

¹¹¹ Community groups and individuals with questions about whether their law enforcement agency's policies on maternity leave, pregnancy accommodation, and lactation accommodation comply with current law can contact Center for WorkLife Law's free legal hotline at (415) 703-8276 or hotline@worklifelaw.org.

applicants with fewer financial resources. In addition, rules requiring officers to live in the same city they work in may be prohibited by law in certain jurisdictions.¹¹²

While there are few one-size-fits-all answers when it comes to law enforcement hiring, considering all of these factors can help you to identify areas in which your particular law enforcement agency can improve its efforts to hire and promote highly qualified officers who represent the diversity of the communities they serve.

Conclusion

The promise of equitable public safety rests, as it always has, in the hands of dedicated community groups who understand the challenges their communities face and are prepared to be creative, tenacious advocates for change. Science provides tools for change, but it is local groups must leverage those tools. As local activists, you know your communities best. You know your community's unique history, resources, and challenges. This Toolkit is designed to offer you tools, information, and lines of inquiry to help you understand your unique community even better than you did to begin with and to help you identify or refine a path toward a more equitable, accountable law enforcement in your community.

By leveraging publicly available data, considering the legal and organizational power structures within their community, and identifying strategic opportunities to improve law enforcement policies and practices, community groups can be informed and empowered actors in shaping the future of public safety both locally and across the country.

¹¹² For more information on local hire policies, see Sarah Goodyear, *Should Cops Have to Work Where They Live?*, CityLab (Aug. 20, 2014), available at <https://www.citylab.com/equity/2014/08/should-cops-have-to-live-where-they-work/378858/>.

Appendices

Appendix A: Basic Data Analysis

This appendix will explain how to calculate some basic descriptive statistics using data you have gathered from public records and walk you through the advantages and limitations of different statistical calculations. This appendix will also offer specific guidance on how to apply these tools when working with data relating to stops and searches, use of force, interactions with special populations, and interactions with victims of crime. If you need to resolve a complex question requiring more advanced statistical analyses or simply want to verify your own independent analyses, don't hesitate to partner with a data scientist or statistician in your advocacy network!

A. Raw Numbers

Sometimes, a raw number alone can speak volumes. If you are working to reduce a specific negative policing outcome, knowing the number of times that it happens in a given year is an important starting point. If you are advocating for increased resources aimed toward a particular issue or segment of the population, showing the frequency of the problem or the size of the group may help you to be more persuasive.

B. Averages

An average is a measure of the central or typical value in a set of data. When people talk about an "average," they are usually referring to something called the mean, which is calculated by adding together all of the values in a dataset and then dividing that total by the number of entries in the dataset. Another measure of central tendency is the median, which is the middle number in a sorted list of numbers. Let's say that we are looking at the following list of numbers: 2, 3, 5, 10, 40. The median of this set would be **5**, because it is the middle value on the list. The mean would be **12**, which is the sum of the numbers in the set ($2+3+5+10+40=60$) divided by the number of numbers in the set (5).

Averages are often a helpful way to look at how *long* a process is usually taking. If you are concerned about emergency response times in your community, it may be helpful to determine the mean and median response times in your community. Or if you are concerned about the length of time that it is taking your law enforcement agency's Internal Affairs (IA) Bureau to investigate and

resolve citizen complaints, you might want to know the mean or median length of time it takes for a citizen complaint to be resolved.

Limitations: Averages do not take into account how much variation there is in your data set. A data set with a very small, closely spaced numeric range may have the same mean or median as a data set with an extremely broad range of values.

C. Basic Percentages

Basic percentages can help you to explore the context in which a certain type of incident is occurring. For example, if you are concerned about use of force, you might look at which types of force make up the largest proportion of the force incidents in your law enforcement agencies. You might also look at the types of interactions (e.g. calls for service, officer-initiated contact) that are most or least common leading up to use of force.

You can also use basic percentages to determine what proportion of the people who are doing something (e.g. filing complaints) or experiencing something (e.g. being stopped or arrested) are members of a particular group. For example, you can calculate the percentage of people stopped by the police who are Black by dividing the number of Black people stopped by the total number of people stopped:

$$\frac{\textit{Total Number of Black Residents Stopped in 2017}}{\textit{Total Number of ALL Residents Stopped in 2017}} * 100\% = \textit{Percentage of Stopped Residents Who Were Black}$$

To obtain an accurate percentage, make sure you are comparing data from the same time range and geographic area.

- **Advantages of Basic Percentages:**

- Easy to calculate
- Easy to explain

- **Limitations:**

- Basic percentages do not define the causes of a likelihood or disparity
- Basic percentages alone do not define whether a disparity is statistically significant (or a real pattern), or whether it might be caused by random chance

D. Relative Risk

Relative Risk (also called Risk Ratio or abbreviated RR) is a calculation that compares the likelihood that a negative outcome will occur for a person in one group, to the likelihood that the same outcome will occur for a person outside of that group. Relative risk is calculated by taking the percentage of people within a group who experience a particular outcome and dividing that by the percentage of people outside of the group who experience the same outcome. The resulting number tells us how much more likely a person in one group is to experience a negative outcome than a person outside of that group. If the relative risk is less than one, that means that a person in the group of interest is less likely to experience the outcome in question than a person outside of that group.

For example, if you wanted to know whether a Black person in your community is statistically more likely to be subjected to a pedestrian stop than a non-Black person, you could calculate the relative risk as follows:

$$\left[\frac{\text{Black Residents Stopped}}{\text{Total Black Residents}} \div \frac{\text{Nonblack Residents Stopped}}{\text{Total Nonblack Residents}} \right]$$

= Black Resident's Relative Risk of Being Stopped

You could also perform the same calculation for other racial groups in your community to determine their relative risk of being stopped.

- **Advantages:**

- Relative risk allows you to compare risk in two groups even when one group is much larger or smaller than the other

- **Limitations:**

- Relative risk does not measure statistical significance, so it can't tell you on its own whether the results you are seeing may be a product of random chance. You can use this calculation together with a significance test like the Chi-square test to determine whether the difference you are seeing is significant.

E. Chi-squared test

When you see a difference or disparity between two groups in your data, you will want to determine whether the difference is statistically significant, meaning unlikely to have been caused by random chance. When you are comparing *groups of people*, the chi-squared test is a good way to test for statistical significance. A chi-squared test measures the statistically expected difference between two groups and then tests for whether the difference observed between your two groups, deviates significantly from what is statistically expected. This a persuasive and powerful way to show that there is a disparity between two groups, or between one group's experiences and the larger population's average. The larger your sample group, the more likely it is that the observed difference is statistically significant.

Performing a chi-squared test involves some moderately complicated math, but fortunately there are lots of [free calculators available online](#).¹¹³ All you have to do is enter in:

- The groups you are looking at (e.g. Black people and White people)
- The categories you are looking at (e.g. people who are stopped and people who are not stopped)
- The raw numbers (not percentages) for each group and category
- The level of statistical significance you want to calculate (.05 is a good place to start and the convention in most evidence-informed policy reform conversations)

Enter these data and the calculator will tell you whether the difference between two groups is statistically significant and, if so, how strongly significant.

F. T-Test

While a chi-square test is a good way to judge whether differences between outcomes for *groups of people* are statistically significant, a T-test is a better tool if you want determine whether the difference between two *average numbers* is statistically significant. If, for example, you wanted to determine whether average police response times were statistically slower in one neighborhood, you could do that with a T-test. As with the chi-squared test, there are lots of [free online calculators](#) that will do all of the math for you.¹¹⁴

¹¹³ For example, take a look at the Social Science Statistics Chi Square calculator available at <http://www.socscistatistics.com/tests/chisquare2/Default2.aspx>

¹¹⁴ For example, see the T-Test Calculator available at <https://www.graphpad.com/quickcalcs/ttest1.cfm>.

Working with Stop and Search Data

Note: These sample calculations of experiences felt by various racial groups are presented solely for the purposes of illustration. You can use the same calculation formulas for other groups and policing outcome measures for which you can obtain data.

Question	Calculations	Results in English
<p>Are Black people more likely to be stopped by police than non-Black people given their presence in the overall population? If so, how much more likely?</p>	$\left[\frac{\frac{\text{Black Residents Stopped}}{\text{Total Black Residents}}}{\frac{\text{Non-Black Residents Stopped}}{\text{Total Nonblack Residents}}} \right]$ <p>= Black Residents Relative Risk of Being Stopped Compared to Non-Black Residents</p>	<p>“During [time frame of data], Black residents were [relative risk] times more likely to be stopped by law enforcement than non-Black residents when taking into account their respective representation in the population.”</p>
<p>...If so, is the disparity statistically significant?</p>	<p>Chi-squared test</p> <p>Use online calculator with the following inputs:</p> <p><i>Groups:</i> (1) Black residents, (2) Total residents</p> <p><i>Categories:</i> (1) Residents stopped by police, (2) Residents not stopped by police</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>

<p>Are Black people more likely to be searched by police at traffic stops than non-Black people given their presence in the overall population?</p>	$\left[\frac{\text{Black Residents Searched}}{\text{Total Black Residents}} \div \frac{\text{Non – Black Residents Searched}}{\text{Total Nonblack Residents}} \right]$ <p>= Black Resident’s Relative Risk of Being Searched Compared to Non-Black Residents</p>	<p>“During [<i>time frame of data</i>], Black residents were [<i>relative risk</i>] times more likely to be searched by law enforcement at traffic stops than non-Black residents when taking into account their respective representation in the population.”</p>
<p>...If so, is the disparity statistically significant?</p>	<p>Chi-squared test</p> <p>Use online calculator with the following inputs:</p> <p><i>Groups:</i> (1) Black residents, (2) Total residents</p> <p><i>Categories:</i> (1) Residents searched by police, (2) Residents not searched by police</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
<p>Are Black people who are searched more or less likely to be found with contraband than non-Black people who are searched by police?</p>	$\left[\frac{\text{Black Residents Found With Contraband}}{\text{Black Residents Searched}} \div \frac{\text{Nonblack Residents Found With Contraband}}{\text{Non – Black Residents Searched}} \right]$ <p>= Relative likelihood that a Black resident who is searched will be found with contraband</p>	<p>“Black community members searched at traffic stops were [<i>result</i>] times as likely as Non-Black community members to be found with contraband.”</p> <p><u>Reminder:</u> A result lower than 1 suggests that Black residents are <i>less likely</i> to be found with contraband. A result higher than one would mean that Black residents are <i>more likely</i> to be found with contraband.</p>

<p>....If so, is the disparity statistically significant?</p>	<p>Chi-squared test</p> <p>Use online calculator with the following inputs:</p> <p><i>Groups:</i> (1) Black residents, (2) All other residents</p> <p><i>Categories:</i> (1) Residents searched by police, (2) Residents not searched by police</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p>.05 i (equal to 0.05 or less): “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant</i> (greater than 0.05): “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.</p>
<p>What percentage of complaints regarding stop and search issues are substantiated?</p>	$100\% * \frac{\textit{Substantiated Complaints}}{\textit{All Complaints}}$ <p>= Percentage of Complaints Substantiated</p>	<p>“[Result %] of complaints relating to stop and search issues were substantiated during [time frame of data]</p>
<p>Are Latinx people more likely than non-Latinx people to file complaints, taking into account their representation in the overall population of the community?</p>	$\left[\frac{\textit{Latinx Residents Filing Complaints}}{\textit{Total Latinx Population}} \div \frac{\textit{Non – Latinx Residents Filing Complaints}}{\textit{Total Non – Latinx Population}} \right]$ <p>= Relative likelihood that a Latinx resident will file a complaint</p>	<p>“Latinx community members were [result] times as likely as non-Latinx community members to file a complaint.”</p>
<p>If so, is the disparity statistically significant?</p>	<p>Chi-squared test</p> <p>Use online calculator with the following inputs:</p> <p><i>Groups:</i> (1) Latinx residents, (2) All other residents</p> <p><i>Categories:</i> (1) Residents filing complaints, (2) Residents not filing complaints</p>	<p><i>If significant</i> (equal to 0.05 or less): “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant</i> (greater than 0.05): “The observed disparity was not statistically significant, meaning</p>

	<p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p>that we could not exclude the possibility that the disparity was caused by random chance.</p>
<p>Are complaints about stop and search issues from Latinx people more or less likely to be substantiated than complaints from others?</p>	$\frac{\text{Substantiated Complaints from Latinx Residents}}{\text{Total Complaints from Latinx Residents}} \div \frac{\text{Substantiated Complaints from Other Residents}}{\text{Total Complaints from Other Residents}}$ <p>= Relative likelihood that a complaint from a Latinx resident will be substantiated compared to the rest of the population</p>	<p>“Complaints from Latinx community members were [result] times as likely as complaints from non-Latinx community members to be substantiated”</p>

Working with Use of Force Data

Question	Calculation	Results in English
<p>Are Indigenous or Native American community members more likely to be subjected to force by law enforcement than community members who are not Indigenous or Native American?</p>	$\left[\frac{\frac{\text{Uses of Force Againsts Native American Residents}}{\text{Total Native American Residents}}}{\frac{\text{Uses of Force Against non – Native Residents}}{\text{Total non – Native American Residents}}} \right]$ <p>= Relative likelihood that force will be used against a Native American resident compared to the rest of the population</p>	<p>“Native American residents were [result] times as likely as non-native community members to be subjected to a use of force.”</p>
<p>Is this disparity statistically significant?</p>	<p>Chi-squared test, using the following inputs:</p> <p><i>Groups:</i> (1) Native American residents, (2) All other residents</p> <p><i>Categories:</i> (1) Residents subjected to force, (2) Residents not subjected to force</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
<p>What are the relative arrest rates of Native Americans and non-Native Americans?</p>	$\left[\frac{\frac{\text{Arrests of Native American Residents}}{\text{Total Native American Residents}}}{\frac{\text{Arrests of non – Native American Residents}}{\text{Total non – Native American Residents}}} \right]$	<p>“Native American residents were [result] times as likely as non-native community members to be arrested.”</p>

	<p align="center">= Relative likelihood that a Native American Resident will be arrested compared to the rest of the population</p>	
<p>Are Asian-Americans more likely to be subjected to TASERs than other community members arrested for violent crimes or resisting arrest?</p>	$\left[\frac{\frac{\text{Uses of TASERs on Asian – Americans}}{\text{Total Asian – American Residents}}}{\frac{\text{Uses of TASERs on non – Asian – Americans}}{\text{Total non – Asian – American Residents}}} \right]$ <p align="center">= Relative likelihood that a TASER will be used on an Asian-American person compared to the rest of the population</p>	<p>“TASERs were [result] times as likely to be used on Asian-American residents than on non-Asian-American residents.”</p>
<p>...If so, is the difference statistically significant?</p>	<p>Chi-squared test.</p> <p>Use an online calculator with the following inputs:</p> <p><i>Groups:</i> (1) Asian-American residents, (2) All other residents</p> <p><i>Categories:</i> (1) Residents subjected to TASER use (2) Residents not subjected to TASER use</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
<p>Is use of force more common after foot pursuits than in other contexts, taking into account the relative frequency of foot pursuits?</p>	$\left[\frac{\frac{\text{Uses of Force After Foot Pursuits}}{\text{Total Foot Pursuits}}}{\frac{\text{Uses of Force in Other Situations}}{\text{Total Other Interactions}}} \right]$ <p align="center">= Relative likelihood that force will be used after a foot pursuit compared to other police-community interactions</p>	<p>“Foot pursuits were [result] times as likely to result in a use of force than other types of interactions”</p>

<p>Is the agency receiving a larger number of complaints about use of force issues from Latinx people than we would expect based on that group’s representation in the overall population of the community?</p>	$\frac{\left[\frac{\text{Complaints from Latinx Residents}}{\text{Total Latinx Residents}} \right]}{\left[\frac{\text{Complaints from Other Residents}}{\text{Total Other Residents}} \right]}$ <p>= Relative likelihood that a Latinx resident will file a complaint compared to the rest of the population</p>	<p>“Latinx community members were [result] times as likely as non-Latinx community members to file a complaint.”</p>
<p>If so, is the disparity statistically significant?</p>	<p>Chi-squared test, using the following inputs:</p> <p>Groups: (1) Latinx residents, (2) All other residents</p> <p>Categories: (1) Residents filing complaints, (2) Residents not filing complaints</p> <p>Significance level: .05 is the standard statistical significance threshold</p>	<p>If significant (equal to 0.05 or less): “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p>If not significant (greater than 0.05): “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
<p>Are complaints about use of force issues from Latinx people more or less likely to be substantiated than complaints from others?</p>	$\frac{\left[\frac{\text{Substantiated Complaints from Latinx Residents}}{\text{Total Complaints from Latinx Residents}} \right]}{\left[\frac{\text{Substantiated Complaints from Other Residents}}{\text{Total Complaints from Other Residents}} \right]}$ <p>= Relative likelihood that a complaint from a Latinx resident will be substantiated compared to the rest of the population</p>	<p>“Complaints from Latinx community members were [result] times as likely as complaints from non-Latinx community members to be substantiated.”</p>

Working with Data on Interactions with Special Populations

Question	Calculation	Results in English
What was the arrest rate for youth 13-18 during the time period of interest?	$\frac{\text{Arrests of Persons 13 – 18 Years Old}}{\text{Total 13 – 18 Year Old Residents}} * 100$ <p style="text-align: center;">= Arrest rate of 13-18 year-olds</p>	“[Result %] of Youths 13-18 years of age were arrested during [time frame of data]”
What percentage of youth arrests during the time period of interest were arrests for status offenses?	$\frac{\text{Youth Arrests for Status Offenses}}{\text{Total Youth Arrests}} * 100$ <p style="text-align: center;">= Percentage of youth arrests for status offenses</p>	“[Result %] of youths arrested during [time frame of data] were arrested for status offenses
Are non-White youth disproportionately likely to be arrested by law enforcement as compared to White youth, taking into account their relative presence in the population?	$\left[\frac{\frac{\text{Arrests of Non – White Youth}}{\text{Total Non – White Youth in Population}}}{\frac{\text{Arrests of White Youth}}{\text{Total White Youth in Population}}} \right]$ <p style="text-align: center;">= Relative likelihood that non-white youth will be arrested compared to white youth</p>	“Non-White youth were [result] times as likely as white youth to be arrested”
...if so, is the disparity statistically significant?	<p>Chi-squared test, using the following inputs:</p> <p><i>Groups:</i> (1) Non-White youth, (2) White youth</p> <p><i>Categories:</i> (1) Youth arrested, (2) Youth not arrested</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.</p>

<p>Are non-White youth disproportionately likely to be arrested for status offenses?</p>	$\left[\frac{\# \text{ of Non - White Youth arrested for status offenses}}{\text{Total \# of Nonwhite Youth}} \div \frac{\# \text{ of White Youth arrested for status offense}}{\text{Total \# of White Youth}} \right]$ <p>= Relative likelihood that non-White youth will be arrested for a status offense compared to White youth</p>	<p>“Non-White youth are [result] times as likely as white youth to be arrested for a status offense”</p>
<p>...if so, is the disparity statistically significant?</p>	<p>Chi-squared test using the following inputs:</p> <p><i>Groups:</i> (1) Arrestees who are Non-White youth, (2) All other arrestees</p> <p><i>Categories:</i> (1) Arrested for Status Offenses, (2) Arrested for other reasons</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
<p>What percentage of youth are prosecuted as adults?</p>	$\frac{\text{Youth Prosecuted as Adults}}{\text{Total Youth Prosecuted}} * 100$ <p>= Percentage of youth prosecuted as adults</p>	<p>“[Result %] of prosecuted youths were tried as adults during [time frame of data]”</p>
<p>Are non-White youth disproportionately likely to be tried as adults?</p>	$\left[\frac{\text{Nonwhite Youth Tried as Adults}}{\text{Youth of Color Prosecuted}} \div \frac{\text{White Youth Tried as Adults}}{\text{White Youth Prosecuted}} \right]$	<p>“Non-White youth were [result] times as likely as white youth to be tried as adults.”</p>

	<p>= Relative likelihood that a Non-white youth will be tried as an adult compared to the rest of the population</p>	
...if so, is the disparity statistically significant?	<p>Chi-squared test, using the following inputs:</p> <p>Groups: (1) Non-White youth prosecuted, (2) All other prosecuted youths</p> <p>Categories: (1) Youth tried as adults, (2) Youth not tried as adults</p> <p>Significance level: .05 is the standard statistical significance threshold</p>	<p>If significant (equal to 0.05 or less): “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p>If not significant (greater than 0.05): “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.</p>
What percentage of calls for service during your time period of interest were based on a person experiencing a mental health crisis?	<p>$\frac{\text{Calls for Service Involving a Mental Health Crisis}}{\text{All Calls for Service}} * 100$</p> <p>= Percentage of calls for service that were based on a person experiencing a mental health crisis</p>	“[Result %] of calls for service during [time frame of data] involved a person experiencing a mental health crisis.”
What percentage of calls for service during your time period of interest were based on a person who was intoxicated in public?	<p>$\frac{\text{Calls for Service Involving Public Intoxication}}{\text{All Calls for Service}} * 100$</p> <p>= Percentage of calls for service that were based on a person who was intoxicated in public</p>	“[Result %] of calls for service during [time frame of data] were based on a report of public intoxication.”
What percentage of fatal police shootings during your time period of interest involved a victim suffering from a mental health issue?	<p>$\frac{\text{Fatal Shootings of Mentally Ill Victims}}{\text{Total Fatal Shootings}} * 100$</p> <p>= Percentage of fatal police shootings that involved a victim suffering from a mental health issue</p>	“[Result %] of calls fatal shootings during [time frame of data] involved a victim suffering from mental illness or a developmental disability.”

<p>Are homeless people more likely to be subjected to force by law enforcement officers than non-homeless people?</p>	$\frac{\frac{\text{Uses of Force Against Homeless People}}{\text{Total Homeless Population}}}{\frac{\text{Uses of Force Against Other Residents}}{\text{Total Other Residents}}}$ <p>= Relative likelihood that a homeless person will be subjected to a use of force compared to the rest of the population</p>	<p>“Homeless persons were [result] times as likely as other residents to be subjected to a use of force.”</p>
<p>...If so is this disparity statistically significant?</p>	<p>Chi-squared test, using the following inputs:</p> <p><i>Groups:</i> (1) Homeless population, (2) All other residents</p> <p><i>Categories:</i> (1) Residents on which force was used, (2) Residents on which no force was used</p> <p><i>Significance level:</i> .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>

Working with Data on Interactions with Crime Victims

Question	Calculation	Results in English
Is the average response time to an emergency call for service lower in one neighborhood than in another neighborhood?	$\frac{\text{Mean of Response Times for Neighborhood 1}}{\text{Mean of Response Times for Neighborhood 2}} * 100$ <p>= Percentage longer response times in neighborhood 1 versus neighborhood 2</p>	<p>“Response times in Neighborhood 1 were [Result %] of the response times in Neighborhood 2 during [time frame]”</p>
...if so, is the difference statistically significant?	<p>T-test. Use online calculator with the following inputs:</p> <p>Groups: (1) Response Times in Neighborhood 1, (2) Response Times in Neighborhood</p> <p>Type: Unpaired</p> <p>Significance level: .05 is the standard statistical significance threshold</p>	<p><i>If significant (equal to 0.05 or less):</i> “The observed disparity was statistically significant, meaning that it was unlikely to have been caused by random chance.”</p> <p><i>If not significant (greater than 0.05):</i> “The observed disparity was not statistically significant, meaning that we could not exclude the possibility that the disparity was caused by random chance.”</p>
What percentage of hate crimes reported to police during my time period of interest involved LGBTQ victims?	$\frac{\text{Hate Crimes Involving LGBTQ Victims}}{\text{Total Hate Crimes}} * 100$ <p>= Percentage of hate crimes involving LGBTQ victims</p>	<p>“[Result %] of hate crimes reported during [time frame of data] involved an LGBT victim”</p>

<p>Are sexual assault cases less likely to result in a criminal conviction than other types of violent crime?</p>	$\left[\frac{\text{Criminal Convictions for Sexual Assault}}{\text{Total Sexual Assault Cases}} \div \frac{\text{Criminal Convictions for All Other Violent Crime Cases}}{\text{All Other Violent Crime Cases}} \right]$ <p>= Relative likelihood of conviction in sexual assault case</p>	<p>“Sexual assault cases were [result] times as likely as other violent crime cases to result in a conviction.”</p>
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Appendix B: Best Practice Checklist for Law Enforcement Agency Data Collection

Calls for Service	Crime/Offense Data
<ul style="list-style-type: none"> • Incident Location/Address <ul style="list-style-type: none"> ○ Street Address Details/Longitudinal and Latitudinal Coordinates ○ Projected Coordinate System or Geographic Coordinate System ○ Precinct/District/Jurisdiction ○ Location Type (as coded by National Incident-Based Reporting System (NIBRS) or Uniform Crime Reports (UCR)) • Call type (suspicious person, assault, narcotics, etc.) • Priority level (by number) • Date and time of call • Date and time of response • Disposition (report taken, unfounded, etc.) • Subject Description • Officer Information <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age ○ Injury/Hospitalization ○ Department Years ○ Assignment ○ Military Experience 	<ul style="list-style-type: none"> • Unique incident identifier • Date and Time of Incident • Call for Service or Officer-Initiated? • NIBRS or UCR Classification • Offense Description • Location/Address <ul style="list-style-type: none"> ○ XY's'/Street Address Details/Coordinates ○ Beat, precinct, district, police service zone, etc. ○ Location Type (as coded by NIBRS/UCR) ○ Geographic Coordinate System or Projected Coordinate System • Bias Motivation (as coded by NIBRS/UCR) • Suspect Demographics <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age • Victim Demographics <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age • Officer Demographics <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age ○ Years employed by agency

	<ul style="list-style-type: none"> ○ Rank ○ Assignment ○ Military Background/Experience
<p>Vehicle and Pedestrian Stops</p> <ul style="list-style-type: none"> ● Unique Incident Identifier ● Date and Time of Incident ● Location/Address <ul style="list-style-type: none"> ○ XY's/Street Address Details/Coordinates ○ Beat, precinct, district, police service zone, etc. ○ Location Type (as coded by NIBRS/UCR) ● Reason for Stop ● Disposition (Citation, Arrest, etc.) ● Search Conducted? <ul style="list-style-type: none"> ○ Vehicle or Person? ○ Contraband Found in Search? ● Vehicle Make/Model ● Vehicle Pursuit Involved? ● Foot Pursuit Involved? ● Number of Subjects in Vehicle ● Number of Officers Involved ● Subject Demographics <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age ● Officer Demographics <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age ○ Department Years ○ Assignment ○ Military Background/Experience 	<p>Use of Force</p> <ul style="list-style-type: none"> ● Unique Incident Identifier ● Date of Incident ● Time of Incident ● Location/Address <ul style="list-style-type: none"> ○ XY's/Street Address ○ Details/Coordinates ○ Beat, precinct, district, police service zone, etc. ○ Location Type (as coded by NIBRS/UCR) ● Nature of Contact (Traffic Stop, Call for Service, Warrant, etc.) ● Was the stop officer-initiated? ● Disposition (Citation, Arrest, etc.) ● Subject Resistance (Verbal Aggression, Physical, Fleeing, etc.) ● Type of Force (Restraint Only, Physical Force, Lethal, etc.) ● Did subject possess a weapon? ● Did subject use the weapon? ● Police Weapons/Tools Used (Handgun, OC, Taser, etc.) ● Number of Officers Involved ● Camera on Scene ● Camera Activated/Operating? ● Subject Information <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex ○ Age ● Injury/Hospitalization ● Officer Information <ul style="list-style-type: none"> ○ Race/Ethnicity ○ Sex

- | | |
|--|---|
| | <ul style="list-style-type: none">○ Age○ Injury/Hospitalization○ Department Years○ Assignment○ Military Background/Experience |
|--|---|

Appendix C: Theory of Change

Getting from Long-Term Goals to Logical First Steps

A “Theory of Change” is a practical tool for building a unified and concrete plan of action. Developing a Theory of Change allows a group to reach consensus on the specific problems you are trying to solve and the steps it will take to reach that goal, which promotes group cohesion and can help you to set priorities in your plan of action. Being intentional about the issues you want to address and the milestones you want to achieve can also be an important aspect of coalition building, as it can help you to identify partners that share your group’s specific goals. To create your own theory of change, walk through the following steps:

- (1) Determine the ultimate, big picture goal you are trying to address. Write that down and draw a box around it** You probably have a good idea of what your goal is already, but it can be very helpful to spell this out specifically within your organization or coalition. Setting a specific goal promotes cohesion in the group, helps you to prioritize actions, and gives you a way to measure your progress.

Theory of change is a good way to break down a large, long term goal like eliminating police violence into smaller, actionable steps. But for the sake of example, let’s illustrate how to use Theory of Change using a smaller, narrower example. For the sake of this explanation, let’s say that the citizens of Metropolis want to see the Metropolis Police Department stop using chokeholds.

MPD stops using chokeholds

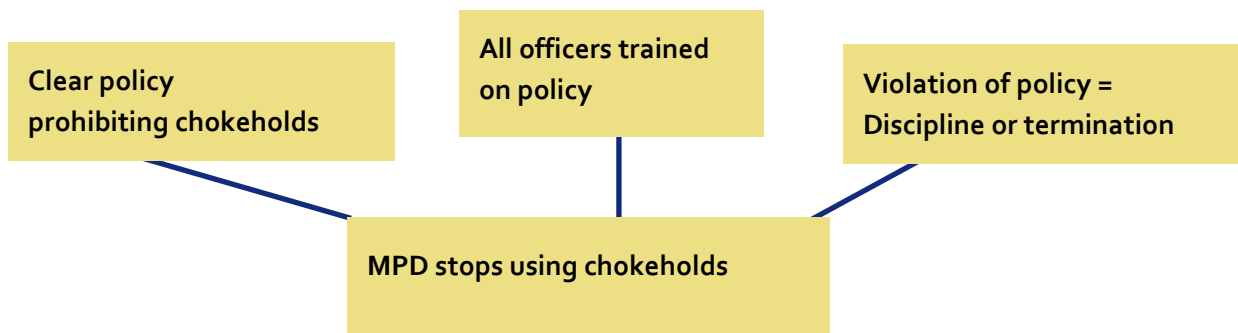
- (2) Working backwards from your ultimate goal, determine things that would need to happen or need to be in place in order for that big picture goal to be achieved.**

Write them down in boxes and connect them to the original box. In a Theory of Change exercise, you don’t start with strategies or lists of things that you think might

be effective in bringing about the change you seek. Instead, you start by listing things that *must* happen before your ultimate change can occur.

In our example, the citizens of Metropolis might decide that the following things would need to be in place to create the change they seek (i.e. an end to the use of chokeholds by MPD):

- a) a clear policy stating that officers may not use chokeholds unless their life or another person’s life is at risk;
- b) all Metropolis Police Department officers are trained on the policy prohibiting chokeholds, and



- c) officers who violate the policy are disciplined or terminated.

(3) Make a list of the factual beliefs or assumptions that you are relying on in placing

each new box on the chart. (You can do this either on a separate piece of paper, or on the same piece of paper if you have space.) Your Theory of Change chart will and should reflect your understanding of the problem you are trying to address and the way that it operates in context. An important part of this exercise is taking the time to spell out as a group *why* each of these steps is necessary and, therefore belongs on your community’s chart. The chart below illustrates some examples, assumptions and beliefs that our Metropolis group relied on in adding some of its steps:

Necessary Preconditions For Desired Change to Occur	Why is This a Necessary Precondition?
Clear policy prohibiting chokeholds	<ul style="list-style-type: none"> • MPD can't discipline officers for choking people unless policy prohibits it • If policy isn't clear about what is prohibited, MPD won't be able to discipline some officers who choke people without justification
Train all officers on new policy	<ul style="list-style-type: none"> • Officers are less likely to choke people if they know the department forbids the practice
Discipline or terminate officers who violate policy	<ul style="list-style-type: none"> • Disciplining or firing officers who violate policy will discourage other officers from violating policy

This is only an example—your community’s underlying assumptions and rationale for including each step may be very different. The point is simply to be aware of and reach consensus about your group’s understanding of the dynamics of the problem and how they relate to your plan of action.

(4) Continue working backwards, deciding what would need to happen for each of your intermediate goals to occur. Using our Metropolis example, the residents might decide that in order for officers to be disciplined or fired if they use a chokehold, it would be necessary for the department to know that the policy was being violated and for the department’s disciplinary matrix to cover the appropriate consequences for a violation of the chokehold policy. Working backward again, they might conclude that for the department to know when a chokehold occurred, it would be important to regularly audit body camera footage or that officers be required to intervene and file a

report if they witness an officer choking a citizen without justification. They might also decide it would be important for all people in Metropolis, including non-English speakers, to be able to file complaints.

(5) As you work backward, continue to identify the factual assumptions and beliefs that support each item being placed on the chart. This will build your theory of change.

A Theory of Change is a living document that your group can reference and revisit on an ongoing basis. As you work through the resources and information in this Toolkit, you will learn more about the problems you are trying to address, the factors that perpetuate those problems, and promising avenues for achieving the outcomes you desire. You can and should revisit, revise, and refine your Theory of Change to reflect this new information and evidence as you receive it. You can also update your Theory of Change to reflect changing conditions in your community and changes in the priorities and intervention philosophy of your group. As your advocacy progresses, a Theory of Change can also help you to evaluate the progress of your movement and determine whether your efforts have been successful in producing the outcomes you wanted to produce.

For more detailed information about Theory of Change, there are a number of free resources available online, such as those available at <http://www.theoryofchange.org>.

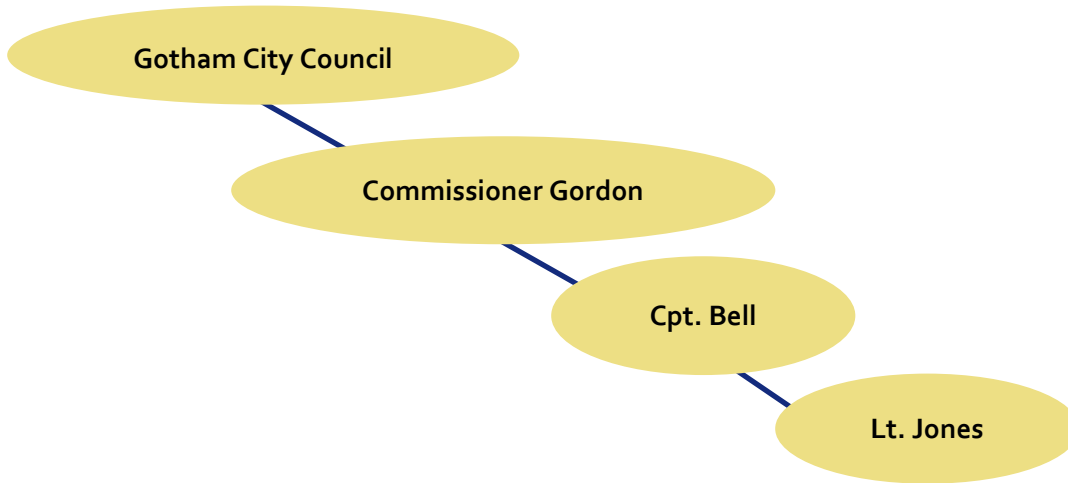
Appendix D: Power Mapping

Leveraging Networks to Create Change

Power mapping is another helpful tool for creating a plan of action. Power mapping is a visual mapping tool that helps you to direct your advocacy toward the people who have the power to bring about the change you want. Creating a power map allows you to visually organize: (1) all of the individuals who have influence over the issue you are targeting and (2) their networks, or all of the individuals who have influence over the original group influencers. Having this information in one concise visual map can help you to reach consensus about the most promising tactics and targets for bringing about change in your area of focus.

To build a power map, go through the following steps:

- (1) In a circle, write the name of the person or people who most directly influences the issue you are concerned about.** This will often be a law enforcement official. If you are trying to address a legal obstacle to reform, however, the entity with the most direct control may be the state legislature, city or county council, state POST commission, or local civil service commission. For the purposes of illustration, let's say that the residents of Gotham City are concerned about slower police response times on Gotham's Eastside than in other more affluent parts of the city. They determine that Lt. Jones, the Station Commander for Gotham PD's Eastside Station, has the authority to dispatch officers to emergency calls in the Eastside area while Police Commissioner Gordon has the authority to assign more units to the Eastside Police Station and hire more officers if necessary. They decide to add both of them to their Power Map, each in their own individual circle.
- (2) In additional circles, write the names of the people who the individuals in the first circle report or answer to.** Draw a line connecting each person with their supervisor. In our Gotham City example, let's say that Lt. Jones reports to Cpt. Bell who in turn reports to Commissioner Gordon. Commissioner Gordon answers to the Gotham City Council. The Gotham residents add each of these people to their map and connect them using lines.

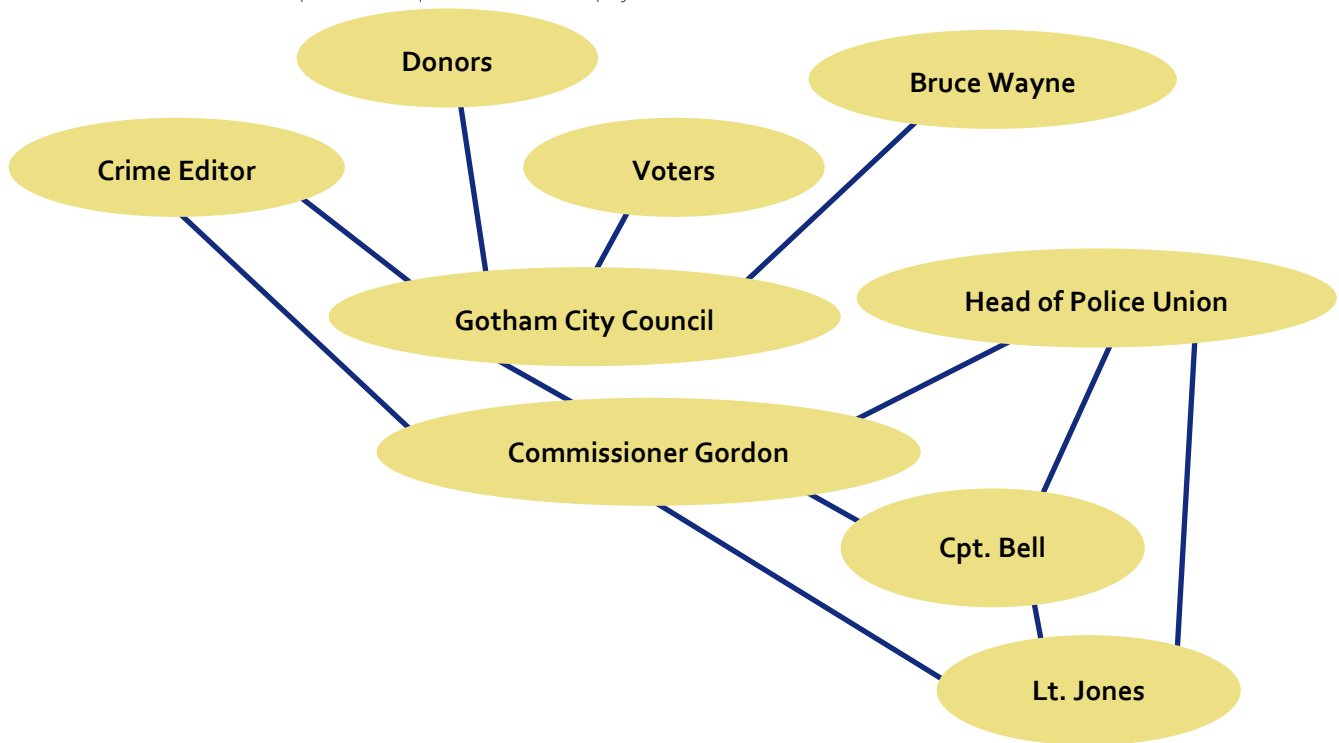


(3) Build out networks of influence by adding anyone who has influence over your public safety priorities or over others in your map. Draw lines to connect them. Not all influence takes the form of direct or apparent authority. People may be influenced by their funders, their families, their social groups, and by community groups. They may be influenced by the desire to solve a problem, preserve a relationship, protect a stream of income, promote a good public image, or comply with a legal requirement. Think broadly and creatively as you build out your networks. You might consider including:

- Civilian oversight officials or agencies
- Court appointed monitor (if applicable)
- Political and philanthropic donors
- Community groups, non-profits and coalitions
- Journalists
- Law enforcement unions
- State and federal courts

- City/county/state administrative agencies dealing with issues related to your topic of concern (e.g. education, reentry resources, affordable housing, disability rights, mental health services, or services for youth transitioning from foster care)
- Academic researchers, policy organizations and think tanks
- State legislatures and city/county councils

In our Gotham City example, the residents of Gotham decide to add to their map the voters of Gotham, influential philanthropist Bruce Wayne, the major donors to each City Councilmember, the head of the Gotham Police Union, and the crime editor for the Gotham Gazette. They also add the State Legislature because they know that all of the other influencers on their map are required to comply with state law.



(4) Assess your connections to people on the map. For example, the Gotham residents determine that one of them is friendly with a journalist at the Gotham Gazette; one works with someone who knows a major political donor; and one is in the same jogging club as a former college classmate of Lt. Jones. Add these connections to the map as well. If you can't think of many or any connections to the people on the map, don't worry! While it is often helpful to leverage existing connections, you can always build additional connections later as part of your advocacy work.

(5) Assess the strength of the different connections on the map. At this stage, you will look at how much actual influence each stakeholder wields over your issue of concern, irrespective of how much authority they have on paper. The most direct connection on a power map may not be the strongest, particularly when internal supervision and accountability within a department are weak.

Identify ways to influence the key influencers on your map to improve your public safety priorities. This could take the form of informal or formal meetings, attending town halls, writing op-eds, and/or organizing marches, protests or social media campaigns. Community groups may also choose to use restorative justice and mediation processes developed by community organizers and social scientists. These experts are adept at creating space and dialogue that can lead to sustainable healing between police and the people they serve.¹¹⁵ Whichever method you choose to engage with your stakeholders, your power map can help you to determine the best individuals or groups to approach. By focusing your advocacy efforts on the groups and people with the most influence over your issue of concern, you can save time and improve the efficacy of your work.

¹¹⁵ Monica Bell, *Police reform and the dismantling of legal estrangement*, YALE LAW J., 126, 2054–2150 (2017); Daniel McCarthy and Megan O’Neill, *The police and partnership working: Reflections on recent research*, 8 POLICING, 243–253 (2014).