Beyond Confrontation:
Community-Centered
Policing Tools

PolicyLink

ADVANCEMENT
PROJECT

Limiting Police Use of Force:
Promising Community-Centered Strategies

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Foreword

On August 9, 2014, Michael Brown, an unarmed Black teenager, was shot multiple times and killed by Darren Wilson, a White police officer, in Ferguson, Missouri. This tragic act provoked grief and outrage in Ferguson and across the country. We mourned the loss of an innocent young man, taken before his time, and recognized that his killing was the latest in a long and rapidly growing succession of cases involving police use of lethal force against unarmed people of color.

The disproportionate, militarized police response to subsequent community protests in Ferguson—including the use of tear gas and snipers, curfews enforced by armored trucks and tactical units, and the unwarranted arrest of multiple journalists—further incensed the country and, in conjunction with Michael Brown's killing, raised an urgent question:

What must change so that **not one more** person of color is unjustifiably and indefensibly killed by the police?

While there are no definitive figures on how many Americans are shot by police every year, existing data point to grave differences by race. In 2014 alone, police were responsible for the deaths of 302 Black people across the country.From 2010 – 2012, Black men were 21 times more likely than their White peers to be killed by police.[1] Similar racial disparities hold true among those injured by police.[2]

Local law enforcement units too often treat low-income neighborhoods populated by people of color—communities where people strive to live, learn, work, play, and pray in peace and harmony—as if they are enemy territory. Youth of color who should be growing up in supportive, affirming environments are instead presumed to be criminals and relentlessly subjected to aggressive police tactics that result in unnecessary fear, arrests, injuries, and deaths. This approach prevents police from being seen as trusted community partners, undermining neighborhood safety when coordinated efforts are most needed.

The militarization of police departments further erodes the trust that should exist between residents and the police who serve them. The proliferation of machine guns, armored vehicles and aircraft, and camouflage in local law enforcement units does not help police-community relations, the future of our cities, or our country.

To move forward, the country must also acknowledge and counter the effects of systemic racial bias, which impairs the perceptions, judgment, and behavior of too many of our law enforcement personnel and obstructs the ability of our police departments and criminal justice institutions to protect and serve all communities in a fair and just manner.

In the aftermath of Michael Brown's death, PolicyLink, the Center for Global Policy Solutions, and over 1,400 social justice leaders, congressional members, faith leaders, artists, and activists signed an open letter to President Obama, urging federal action through the Justice Department to improve police-community relations through seven principles.

Soon after the letter was issued, the Justice Department launched the National Initiative for Building Community Trust and Justice. Funded with a three-year, $4.75 million federal grant, the initiative invests in training, evidence-based strategies, policy development, and research to

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The Justice Department recently launched the National Initiative for Building Community Trust and Justice, which aims to combat distrust and hostility between law enforcement and the communities they serve.

combat distrust and hostility between law enforcement and the communities they serve. The initiative brings together a consortium of national law enforcement experts, including the John Jay College of Criminal Justice, Yale Law School, the Center for Policing Equity at UCLA, and the Urban Institute.[3]

Several weeks later, the Department of Justice completed its investigation of the Ferguson Police Department, uncovering deep-seated injustice and racism in nearly every facet of the department's practices. Soon after the report's release, a Ferguson municipal judge and several Ferguson police officers—including Police Chief Thomas Jackson—resigned or were fired. At the same time, the President's Task Force on 21st Century Policing released a robust report, complete with thoughtful and comprehensive recommendations and action steps to help overhaul policing practices in a way that benefits communities.

While these represent promising steps at the federal level to advance "community-centered policing," local efforts and leadership are also needed. The seven principles in the open letter to President Obama can guide actions by community leaders to help improve police-community relations and institute community-centered policing at the local level. They can help build mutual trust and respect, increase safety in communities, and minimize senseless killings and excessive use of force by police:

1. **Ensure Transparency and Accountability**: Police departments are funded by the public and should be accountable to the public. Therefore, police departments should not investigate themselves. Departments should establish enforceable, impartial accountability measures in instances where police brutality, racial profiling, and/or improper use of force are in question. This includes establishing effective and independent review boards broadly representative of the community, not just police interests. The actions, investigations, and publication of all relevant information, evidence, and policy recommendations of departments and review boards should be transparent and enforceable. Departments should also ensure that data and summary information are properly collected and made publicly available on particular incidents, progress, and trends that relate to suspected police brutality and racial profiling over the years for the department.

2. **Invest in Training:** Racial bias is real. Whether implicit or explicit, it influences perceptions and behaviors and can be deadly. Law enforcement personnel should be required to undergo racial bias training in addition to building skills that exemplify problem-solving strategies, conflict mediation techniques, and de-escalation tactics. Officers should become adept at being responsive to community needs and voices, and achieving consistency and continuity in engaging community while enforcing the law.

3. **Ensure Diversity:** Police department personnel should be representative of the communities they protect and serve. Therefore, police departments should adopt personnel practices that result in the hiring and retention of diverse law enforcement professionals who are culturally sensitive, speak the communities' languages, and are residents of their patrolled communities. Departments should implement and monitor diversity hiring and retention guidelines to further community trust and partnerships.

4. **Proactively Engage Communities:** Too often, law enforcement personnel hold stereotypes about Black and brown youth and vice versa. Lack of familiarity breeds lack of understanding and increases opportunities for conflict. Police departments should work to deconstruct stereotypes and bias by identifying regular opportunities for

constructive and quality engagement with youth and others living in the communities they serve. Departments should therefore partner with our communities in solving and preventing problems *before* they occur.

5. **Reject Militarization:** Police should not become an occupying force in our neighborhoods. Emergencies and terrorism are real concerns for our communities, but departments should not rely on military equipment and tactics to police everyday problems or peaceful protests. Departments and communities should reject the transfer of military equipment into local police departments.

6. **Examine and Implement Good Models:** It is possible to develop police departments that respect, serve, and protect all people in our communities regardless of age, race, physical and mental ability, gender, or class. Every department should partner with other local, state, and federal entities to quickly identify and establish new policies and practices to improve policing in communities.

7. **Implement Technology and Tools for Oversight:** Departments should implement technology that helps to investigate and hold officers accountable for misconduct, such as profiling due to a person's race, class, religion, gender, physical or mental ability, or sexual orientation. The technology should only be used when legitimately apprehending suspects with probable cause, and all information gathered by the use of technology should be made publicly accessible immediately.

In 2001, PolicyLink and Advancement Project released Community-Centered Policing: A Force for Change, a report intended to help advocates, policymakers, and police officials understand models addressing the myriad challenges facing police departments, police-community relations, and the advancement of community-centered policing practices. With the same goal, PolicyLink and Advancement Project have come together once more to lift up solutions, this time with a series of issue briefs that will update some of the examples and best practices originally presented and explore critical new issues in the following areas:

- Limiting Police Use of Force
- Engaging Communities as Partners
- Demilitarizing Local Police Departments
- Sustaining and Institutionalizing Best Practices and Strategies

The first brief, presented below, explores promising practices to reduce police use of force. We hope these new and updated briefs will be tools for community leaders to use in conversations with local police forces and policymakers that can shape new policies to help communities— including low-income communities and communities of color—become healthier, more vibrant, and safer for all to participate and prosper.

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Table of Contents

Introduction

There is no single, universally accepted definition of use of force. The U.S. Commission on Civil Rights defines use of force as a legal and appropriate tactic for police in "diffusing situations, apprehending alleged criminals, and protecting themselves and others."[4] The International Association of Chiefs of Police (IACP) defines force as "the amount of effort required by police to compel compliance by an unwilling subject."[5]

In the wake of a mounting number of tragic deaths, this brief is offered as a tool to communities to help them better understand what standards guide the use of police force, how that force is applied across the country, and what strategies exist to minimize such acts of aggression. It is one of a series that will explore steps that can be taken to improve how police officers relate to the communities they serve. The practices in these briefs, beginning with this one exploring the use of force, will be consistent with the core elements of community-centered policing—building strong community partnerships and pursuing a problem-solving approach.

Acknowledging the role and impact of implicit racial bias in police encounters is a critical starting point.[6] Distinct from consciously held prejudicial perceptions and actions, implicit bias affects attitudes, decisions, and behavior in ways that an individual may not even be aware of.[7] Implicit bias among police officers can have deadly consequences, since police are armed and given discretion to use force when they deem appropriate. In fact, a 2012 study found that 224 police officers who had to make instantaneous decisions about whether a suspect was armed or unarmed in a video-game simulation "were quicker to shoot an armed black person, and slower to refrain from shooting an unarmed black person, than they were with members of any other racial group."[8] Similarly, an earlier study found that officers were "uniformly faster to shoot an armed black target, relative to an armed white target, and uniformly faster to press the 'Don't shoot' button for an unarmed white target, relative to an unarmed black target."[9]

> Studies show that police officers making instantaneous decisions are quicker to shoot a black person than a white person, demonstrating widespread **implicit bias.**

The social psychology concept of "stereotype threat" can also factor into police decisions about whether to use force when interacting with communities of color. For instance, black males who come into contact with police may exhibit physical symptoms of anxiety stemming from fear about being stereotyped as criminals—fear that may be misconstrued by police officers as guilt:

> Concern about being judged unfairly by the police because of stereotypes will lead innocent black suspects to experience more arousal, a greater cognitive load, and engage in more self-regulatory efforts than whites during those encounters. Because police believe that nervous behavior is a non-verbal cue to deception... stereotype threat could, ironically, increase the likelihood that individuals will be perceived as suspicious and that this will lead police to initiate investigatory contacts with blacks disproportionately more often than with whites.[10]

Highlighting a further nuance involving the stereotype of black men as hyper-masculine, social psychology researcher Phillip Atiba Goff has found that, when a male police officer feels a perceived threat to his masculinity, he is more likely to use deadly force:[11]

An officer who feels a need to demonstrate his masculinity may be more likely to use force in general, but particularly against people who threaten his self-concept as a man... If African-Americans are seen as hyper-masculine, then the officer will feel more threatened.[12]

The promising practices cited herein include both proven practices as well as those that are less tested but represent an innovative and thoughtful effort to address a problem. Highlighting practices of a specific police department is not meant as an endorsement of the department as a whole. A department may be implementing a strong effort in one area (for example, training), but nonetheless require significant improvement in another area (for example, in its oversight and accountability systems). Our goal is to highlight efforts that others can learn from, while acknowledging that many law enforcement agencies have progress to make on multiple fronts in how they relate to the communities they serve, particularly communities of color.

Promising strategies to minimize police use of force outlined in this brief include:

- **Set Clear Values and Standards**
- **Establish Clear Reporting and Accountability**
- **Address the "Code of Silence"**
- **Employ Appropriate Training Practices:**
  —**Procedural Justice Training**
  —**Scenario-Based Training**
  —**Adolescent Brain Development Training**
  —**Crisis Intervention Training**
- **Implement Organizational, Discipline, and Accountability Systems:**
  —**Use-of-Force Incident Reporting and Investigation Procedures**
  —**Body-Worn Camera Technology**
  —**Early Warning Systems**
  —**Data Collection and Transparency**
  —**Citizen Complaint Processes and Community Oversight**

Overview of Police Use of Force

The United States has no single national standard governing police use of force. While the United Nations asserts that firearms should be used "with restraint and only when absolutely necessary to prevent an imminent threat of death or serious injury,"[13] U.S. law enforcement agencies are not required to follow this standard. The International Association of Chiefs of Police offers best practice guidelines for use of force that departments are free to adopt if they wish, but they are not legally required to do so.

Two landmark Supreme Court cases have established general principles for arbitrating the use of force by law enforcement. The Court established the "fleeing felon" standard in 1985 with *Tennessee v. Garner*, ruling that law enforcement could not use a firearm to stop a felon from escaping, unless they had reason to believe that he or she was a felon and posed a serious threat to others.[14] However, the Supreme Court granted more discretion to law enforcement officers in 1989 with its decision in *Graham v. Connor*. That ruling set forth a standard of a "reasonable" use

of force by stating that law enforcement interactions with suspects must be "judged from the perspective of a reasonable officer on the scene, rather than 20/20 vision of hindsight."[15] From a legal perspective, this benchmark makes it difficult to prosecute officers who use force, including lethal force, to subdue a suspect, since the standard is so subjective.

In the absence of a specific mandate, law enforcement agencies have adopted a variety of use-of-force policies. For example, in the District of Columbia, officers can employ "only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others."[16] The Lakeland (Florida) Police Department directs officers to use deadly force when faced with the "immediacy" of a threat of death or serious injury to an officer.[17]

Parallel to the lack of uniform national directives regarding use of force is the lack of a uniform and regularly updated national database to track its use. As a result, there is no complete and accurate picture of the true scope of police use of excessive force and deadly force—and how this plays out in communities of color. While the Federal Bureau of Investigation (FBI), Bureau of Justice Statistics (BJS) and National Center for Health Statistics all collect data about police shootings, no single agency regularly compiles and updates this information. For example the FBI compiles data on "justifiable homicides," but these data are based on voluntary reporting by a minority of law enforcement agencies and do not include the race of the deceased. BJS collects information from states on "arrest-related deaths." However, like the FBI's data, these statistics are also incomplete since not all states provide data to the BJS for every year.

In an effort to standardize data collection on police violence and use of force, the Center for Policing Equity at UCLA is developing a national police profiling and use-of-force database which is being funded by the National Science Foundation. Currently, some 50 police departments throughout the country have signed on to participate, including more than half of all major cities.

The Center for Policing Equity at UCLA is developing a national police profiling and use-of-force database.

Federal Action to Address Police Misconduct and Excessive Use of Force

The Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) opened the doors for federal investigation and oversight of law enforcement agencies across the country. The act contains a law enforcement misconduct statute that authorizes the attorney general to sue state and local governments that demonstrate a "pattern or practice" of policing and conduct that violate the Constitution or laws of the United States. Ultimately, VCCLEA gives the Department of Justice the power to seek injunctive relief by mandating law enforcement agencies to make necessary changes to end abusive actions.

Since the passage of VCCLEA, the Department of Justice (DOJ) has established consent decrees with over 25 law enforcement agencies across the nation.[18] The DOJ launched its first federal probe regarding police misconduct in Pittsburgh and found a pattern of excessive uses of force, false arrests, improper searches and seizures, failures to discipline officers sufficiently, and a failure of supervision and accountability.[19] These revelations led to a series of reform

requirements outlined in a consent decree between the Department of Justice and the city government. This settlement instructed the Bureau of Police to make comprehensive changes in oversight, training, and supervision of officers. Specifically, it required the development of a computerized early-warning system to track individual officers' behavior; document uses of force, traffic stops, and searches; and provide annual training in cultural diversity, integrity, and ethics. Over the course of five years, an independent monitor oversaw the implementation of these reforms and reported on the city's compliance to the federal judge who issued the decree.[20]

Under the Obama Administration, DOJ has opened federal investigations in over 20 cities, including in New Orleans, Louisiana, Portland, Oregon, and Albuquerque, New Mexico. Unlawful use of force by police is one of the primary events that trigger a DOJ investigation.[21] The three key reforms Department of Justice officials say are critical to improving departments are: 1) strong policies around use of force; 2) implementing effective training and management so these policies are followed; and 3) developing strong management and supervision measures, such as an early intervention system to create a system of accountability and response.

In addition to the legal tool of VCCLEA, the Department of Justice has other leverage to ensure local departments follow adequate use-of-force policy and practice. Title VI of the Civil Rights Act of 1964 and the Office of Justice Programs (OJP) Statute prohibit both individual instances and patterns or practices of discriminatory misconduct by state and local law enforcement agencies that receive financial assistance from the federal government. Both statutes provide for the suspension of federal funds if a law enforcement agency engages in discriminatory conduct. The remedies under Title VI and the OJP Program Statute differ from those provided in the VCCLEA— not only can the Justice Department seek to change police policies and procedures, individuals also have a private right of action under both laws. For an individual to file in federal court under the OJP Program Statute, however, he or she must first exhaust the administrative remedies outlined in the statute.[22]

Consent decrees are a critical driver of reform in law enforcement agencies, and in some cases, the implementation of the agreement can be aided by external partners. The implementation process of the Los Angeles Police Department consent decree under Police Chief William Bratton involved outside advocates in key ways to oversee execution. To strengthen internal teams responsible for implementation, Police Chief Bratton hired an "outsider" as the commanding officer to oversee the LAPD's early warning system,[23] the Risk Management Group, the Audit Division, and the Civil Rights Integrity Division. Gerald Chaleff, hired as the bureau chief, was a criminal defense lawyer and former president of the Board of Police Commissioners who was already involved in the reform process.[24]

Bratton's efforts to involve outside advocates were not limited to aiding implementation of the consent decree. His vision of community trust required building relationships with key stakeholders and communities that had long ago lost confidence in the ability of the police to protect and serve them. In addition to investing time in communities of color and personally responding to incidents, he reached out to some of his loudest critics—often civil rights leaders— to ask for support and advice. He even asked a civil rights lawyer affiliated with LAPD investigations at the time to conduct a new investigation of allegations of misconduct in a particular LAPD division.[25]

Policies to Minimize Use of Force

Examples of promising policies to limit police use of force include:

a) Set Clear Values and Standards

Effective policies include a clear values statement affirming that officers should employ the minimal amount of force necessary, as well as detailed guidance on how and when force may be used in accordance with legal standards and departmental training.

As part of the comprehensive consent decree reached in 2012 between the Department of Justice and the City of New Orleans, detailed principles and standards regarding use of force are mandated for the New Orleans Police Department (NOPD):

- Officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force.
- Force shall be de-escalated immediately as resistance decreases.
- When feasible, officers will use disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and/or calling in specialized units, in order to reduce the need for force and increase officer and civilian safety.
- Officers shall allow individuals time to submit to arrest before force is used whenever possible; NOPD shall explicitly prohibit neck holds, except where lethal force is authorized.
- NOPD shall explicitly prohibit head strikes with a hard object, except where lethal force is authorized.
- NOPD shall explicitly prohibit using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.
- Unholstering a firearm and pointing it at a person constitutes a use of force, and shall accordingly be done only as objectively reasonable to accomplish a lawful police objective.
- Officers shall not use force to attempt to effect compliance with a command that is unlawful. Any use of force by an officer to subdue an individual resisting arrest or detention is unreasonable when the initial arrest or detention of the individual was unlawful.[26]

In Las Vegas, the police department requested assistance from the Center for Policing Equity as well as the U.S. Justice Department in reviewing its procedures to reduce use of force and officer-involved shootings. As a result, the Las Vegas Police Department made a number of changes to reduce the risk of using unnecessary or excessive force, including a new strategy called "No Hands On" that prohibits an officer pursuing a suspect from being the officer to physically apprehend the suspect. According to Lt. John Farrell (retired), the manager of quality assurance for the Vegas police and one of the architects of the policy:

> The assumption is that the officer in pursuit is more likely to be out of breath, angry, or otherwise not in a good place to use force wisely—his heart rate is pumping, he's tired, everything... We train our officers to slow the situation down and create distance, and distance allows you time. It allows you time to communicate. It allows you time to think about what you're going to do. And

it allows you time for other officers to join you—and for them to be the ones applying handcuffs... And, quite frankly, a suspect is less likely to fight five or six guys than he is one. Fewer officer injuries, less use of force.[27]

"No Hands On" was implemented in the context of a series of reforms that included training on treating people with respect and dignity at all times, reality-based training that used actual scenarios where department members had struggled, and refresher training to help officers act effectively with mentally ill suspects.[28] Use-of-force reports in Las Vegas dropped from 1,400 in 2005 to 842 in 2012[29] and 734 in 2013.[30]

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The "No Hands On" policy prevents a pursuing officer from being the same officer to physically apprehend a suspect. Since its implementation in Las Vegas, use of force has dropped by nearly half.
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b) Establish Clear Reporting and Accountability

Effective use-of-force policies establish reporting, investigation, and oversight systems to ensure that all incidents are consistently reported and are investigated in a prompt, thorough, and unbiased manner. The consent decree agreed to between the City of Los Angeles and the U.S. Justice Department in 2001 outlines 14 necessary steps for effective oversight and accountability.[31] These include (but are not limited to):

- Establishing an investigation team:
  - All use-of-force investigations shall be conducted by a unit assigned to the Operations Headquarters Bureau (OHB); this unit shall report directly to command officer of OHB.
  - Investigators in this unit will be detectives, sergeants, or other officers in supervisory rank.
  - OHB commanding officer roles and responsibilities will be outlined.
  - Investigators in this unit shall be trained in conducting administrative investigations (which are further outlined in the consent decree).
- Roles and responsibility of the OHB investigation team:
  - Capability to respond to use-of-force incidents 24 hours a day.
  - LAPD will immediately notify the Chief of Police, the OHB Unit, the Police Commission and the Inspector General whenever there is a use-of-force incident.
- After an incident:
  - All involved officers and witness officers shall be separated immediately and kept separate until all statements received.
- Data:
  - LAPD shall modify its current use-of-force report to include data fields that require officers to identify with specificity the type of force used for the physical force of category, among other details.
- The Police Commission's role:
  - Reviewing all categorical uses of force, including all reports prepared by the chief of police
- Use of Force Review Board:
  - Reviewing all categorical use-of-force incidents.

c) Address the "Code of Silence"

Police culture is renowned for its code of silence among officers in the face of misconduct of their peers. According to the U.S. Civil Rights Commission, 52 percent of police officers "agree that it is not unusual for a police officer to turn a blind eye to improper conduct by other officers."[32] This code of silence protects and nourishes deeply unethical behavior. For example, in Chicago a total

of $85 million was paid out to settle four torture cases involving a police commander and other detectives.[33] Amnesty International condemned the "systematic torture" of suspects under that commander during the 1970s, 80s, and early 90s.[34]

Few departments have explicit policies stating that officers should report the misconduct of colleagues. The New York City Police Department has an internal regulation stating that officers "have an absolute duty to report any corruption or serious misconduct" but retaliatory actions against whistle blowers continue to occur.[35] In addition, the 2001 consent decree with the Los Angeles Police Department requires that officers receive training that includes "the duty to report misconduct and facts relevant to such misconduct; [and] what constitutes retaliation for reporting misconduct, the prohibition against retaliation for reporting misconduct, and the protections available to officers from retaliation."[36]

Use-of-force policies should explicitly address the "code of silence" and prevent officers from tolerating excessive use of force by other officers. Officers should be required to intervene during an incident when feasible to stop other officers from using force that is not objectively reasonable and proportional to the risk presented. In addition, officers should be required to report force by their peers or supervisors that is not reasonable or proportional.

> Use-of-force policies should explicitly address the "code of silence" and prevent officers from tolerating excessive use of force by other officers.

To shift the culture and change behavior, it is critical that top police leadership take an active role in enforcing such policies and preventing retaliatory actions. Reporting officer misconduct remains an area where further attention and improvement to both policy and practice is needed.

Practices to Minimize Use of Force

Examples of promising practices to limit police use of force include:

a) Training Practices

Police training both in and outside the academy tends to emphasize the technical and tactical aspects of policing with less focus on the service and people-oriented aspects. Balancing traditional training components with a broad focus on working with the community as partners to achieve safety is essential. This balance should also be reflected in the skills that are valued by the department and recognized for promotion.[37]

Training that addresses culture, diversity, mental illness, youth development, anti-racism training, and mediation improves how police relate to the community and can help minimize use of force. Training elements should also emphasize skills that can avoid, prevent, or de-escalate a situation that might otherwise result in violence. The practices cited below are examples of specific actions that departments can take toward this goal and are most effective within a larger context of community-oriented policing.

1. Procedural justice training

Procedural justice and police legitimacy training has emerged as a particularly promising strategy for police departments to build trust with community members and minimize confrontation. Research suggests that when citizens see the police as more legitimate, they are more likely to comply with police directives and the law.[38] Procedural justice emphasizes treating citizens fairly and with respect, and is gaining traction as an evidence-based and cost-effective way to reduce crime.[39]

Procedural justice is based on four core principles:

- Fairness and consistency of rule application.
- Impartiality and unbiased decision-maker neutrality.
- Citizen voice in decision-making.
- Transparency and openness in process.[40]

The U.S. Department of Justice is supporting the expansion of procedural justice efforts in several ways. DOJ funded the development of a national curriculum by the University of Illinois's Center for Public Safety and Justice in 2012 to help local law enforcement agencies across the country integrate procedural justice principles and procedures. In addition, DOJ recently launched the National Initiative for Building Community Trust and Justice through a three-year, $4.75 million federal grant. This effort will invest in training, strategies, policy development, and research to develop better relationships and greater transparency between law enforcement and the communities they serve.

In a major effort to improve police-community relations, Chicago Police Superintendent Garry McCarthy tasked the Chicago Police Education and Training Division with developing a procedural justice and police legitimacy training program for all members of the Chicago Police Department. He sent two members of the training division to work with Yale University procedural justice experts Tracey Meares and Tom Tyler in 2012 to develop a curriculum. As of September, 2013, over 7,700 Chicago Police Department personnel had received the training.[41]

The Oakland Police Department (OPD) has also undertaken similar training for its members. OPD sent several of its command staff along with community leaders to participate in a "train the trainers" meeting in Chicago. Those at the training then adapted the Chicago model to be Oakland-specific. A unique aspect of Oakland's procedural justice training is the involvement of community members as the lead trainers for the module on Oakland history.

OPD drew on various community leaders to support this program, including those involved in a violence reduction initiative—Operation Ceasefire. A city-led, community-based effort to reduce shootings and homicides through direct communication with those at highest risk of violence, Operation Ceasefire engages a broad cross-section of stakeholders such as faith leaders, community organizers, youth and their advocates. Representatives from the Ceasefire Community Working Group, Oakland community organizations, and others now serve as regular trainers. Community leaders, including civically engaged clergymen and volunteers, educate officers on the legacy of police involvement in communities of color and low-income communities in Oakland. These leaders work collaboratively with OPD commanders and are involved in the strategic development of curriculum for this module.

Procedural justice emphasizes treating citizens fairly and with respect, and is an evidence-based and cost-effective way to reduce crime.

OPD began its training process in June 2014 and has so far trained some 200 members of the officer and civilian staff. Trainings are conducted every week with 15-20 department members. After initial training, OPD will provide an annual refresher course to reinforce skills and practices learned. According to lead instructor Sgt. LeRonne Armstrong, the goal is to reconnect officers with the original mindset of helping the community that many entered the force with but struggle to maintain in the face of a high volume of calls, stress, and difficult interactions. The training guides officers to continually ask themselves "was I helpful during that interaction and did I provide the level of service that I expect for myself and my family?" and to treat people with dignity and respect during every encounter.[42]

2. Consistent scenario-based training on use of force

Regular post-academy ("in-service") training and development is an important strategy to guide officer discretion and avoid violent confrontation between police and community members. Role playing scenarios and content on negotiating, mediation, and conflict resolution are important elements of these programs.[43]

The police department in Richmond, California, initiated a rigorous in-service training program regarding use of force in 2008. Officers undergo firearm training monthly and role-playing scenarios for disarming suspects four times a year. This significantly exceeds the state of California's mandate of once per year training. Since the program began, officer-involved shootings have occurred less than once per year.[44] Tragically, the first fatal officer-involved shooting in seven years occurred when a Richmond police officer shot and killed 24-year-old Richard Perez in a confrontation at a liquor store on September 14, 2014. The Contra Costa County District Attorney's Office is conducting an independent investigation of the shooting.

3. Training on adolescent brain development

Understanding the characteristics of adolescent brain development can help police officers work more effectively with teens and avoid the escalation of minor incidents. Strategies for Youth (SFY), a national organization working to improve relationships between police and adolescents, has defined several key characteristics of developmental competence necessary for those who work with youth, including:

- Understanding that child and adolescent perceptions and behaviors are influenced by biological and psychological factors related to their developmental stage.
- Child and adolescent responses differ from adults because of fundamental neurobiological factors and related developmental stages of maturation.
- How children and youth perceive, process, and respond to situations is a function of their developmental stage, and secondarily of their culture and life experience.
- Alignment of expectations, responses, and interactions—as well as those of institutions and organizations—to the developmental stage of the children and youth they serve.[45]

To instill these competencies, SFY provides a two-day training to police departments throughout the country. The course includes content on strategies for asserting authority and getting compliance from teens without arrest or use of force, recognizing and addressing implicit bias, and developing and using community-based partnerships.[46] Recent training sites include the

Massachusetts Municipal Police Institute in Marlborough, Massachusetts, as well as local police departments in Indianapolis, Indiana, Charlotte-Mecklenburg, North Carolina, and Milwaukee, Wisconsin, among other locations.

4. Crisis intervention training

Police routinely respond to calls involving persons with mental illness. These situations present special challenges and can lead to physical harm or even death when those involved are unable to understand an officer's questions or orders. Some police agencies have developed specialized approaches in order to reduce use of force and injuries, and to connect the person with mental illness to the system most appropriate to their needs.

Crisis intervention training is one strategy that equips police to better address the behavior and needs of the mentally ill. Teams of officers learn how to initiate conversations and make assessments that can help diffuse unstable situations. Knowing how to start these dialogues is also a skill that officers can use to get the information they need to connect them to mental health and physical health services. Effective crisis intervention team programs also build closer working relationships between law enforcement and local mental health service providers.

In May of 2014, the state of Connecticut enacted a law that requires all police officers to complete crisis intervention training.[47] In addition, the University of Memphis Crisis Intervention Team (CIT) Center provides resources developed in partnership with the National Alliance on Mental Illnesses, the International Association of Chiefs of Police, and CIT International, intended for police departments that start their own crisis intervention team training programs.[48] Today, nearly 2,700 sites in 47 states operate crisis intervention teams.

b) Organizational Systems, Discipline, and Accountability

This section highlights practices of police departments that are designed to deter inappropriate use of force and enhance accountability. Institutional policy and practice—with the explicit support of department leadership—should also emphasize incentives for positive behavior, including promotion criteria and performance measures based on positive interaction with the community. These practices will be further discussed in a forthcoming issue brief on leadership.

1. Use-of-force incident reporting and investigation procedures

Rigorous internal reporting and management systems for police-involved shootings and use-of-force incidents are necessary for deterrence, enforcement, and accountability. Consent decrees frequently recommend new or improved reporting systems and management and supervision measures as part of guidelines for police department reform.

The 2012 consent decree for the New Orleans Police Department provides detailed guidance on the administrative processes that should take place when use of force incidents occur. Components include developing and implementing a uniform reporting system and requiring officers who observe force to notify supervisors immediately. Disciplinary requirements include disciplining supervisors if investigations are repeatedly insufficiently conducted as well as

immediately suspending officers for misconduct. If force is found to be used "out of policy," the superintendent metes out appropriate discipline. The system also establishes a Force Investigation Team with clearly outlined procedures, authority, and responsibility, and requires that this team respond to the scene of every incident involving a serious use of force.[49]

2. Body-worn camera technology

A number of police departments require the use of officer body-worn cameras to record every police-civilian encounter. This technology offers several potential benefits, including increased transparency, evidentiary benefits that expedite resolution of citizen complaints and improve evidence for arrest and prosecution, and improved behavior on the part of both citizens and police due to the knowledge that they are being recorded.[50]

A 2012 study conducted by the Rialto, California, police department evaluating the effect of body-worn cameras over a period of 12 months suggests "more than a 50% reduction in the total number of incidents of use-of-force compared to control-conditions."[51] In the event that force was used, "it was twice as likely to have been applied by the officers who weren't wearing cameras during that shift." Complaints about police officers fell 88 percent compared to the previous 12-month period.[52]

Complaints about police officers in Rialto, California, fell 88 percent after they started to use body-worn cameras.

At the same time, careful implementation is critical. A U.S. Justice Department investigation into the Albuquerque, New Mexico, police department's use of deadly force found that, while the department had already implemented the use of lapel-mounted cameras at the time of the investigation, the use of the cameras in practice was "highly inconsistent."[53] Officers sometimes failed to turn their cameras on when they initiated encounters with civilians. Additionally, incidents involving body camera footage were not always properly documented, and the implementation of body cameras generally involved little oversight from the department.

Use of body-worn camera technology requires a strong agency-wide process to manage the program, including the deployment of financial resources, policy development governing the retention, use, access, and disclosure of data, and training and administrative guidance for officers. Developing national standards to guide police departments is a critical next step to ensure that this technology increases transparency and helps minimize officer use of force.

3. Early warning systems

Law enforcement agencies of all sizes and types have established an electronic departmental database to capture specific information about officer behavior to help identify problematic behavior before these problems escalate and require formal disciplinary action. These early warning systems or early intervention systems alert supervisors if officers have exceeded a predetermined threshold for significant events such as firearm discharges, use-of-force incidents, resisting arrest incidents, and officer involvement in civil litigation and citizen complaints, among others. The key components of an early warning system include identification of problem behaviors, intervention with the officer, and monitoring.

Research indicates that early warning systems are effective insofar as they are part of a clear department-wide commitment to increased accountability. In addition, effective systems require a

significant investment of administrative resources. In this context, these systems have been found to reduce problem behaviors significantly and encourage behavior change in both supervisors as well as in the identified officers.[54]

The Miami-Dade Police Department established its early identification system in 1981 as part of broader departmental reforms. The system generates monthly, quarterly, and annual reports flagging problem behavior. Monthly reports identify employees who received two or more citizen complaints during the previous 60 days. Quarterly reports flag officers above threshold in citizen complaints use-of-force incidents during the previous 90 days. Annual reports identify officers whose behavior triggered two or more quarterly reports. When an officer reaches a particular threshold, intervention consists of a meeting between the officer and his or her immediate supervisor. The supervisor may refer the officer to other services such as counseling, stress reduction, or additional training.

Prior to implementation of the Miami-Dade early identification system (EIS), only 4 percent of officers in the early warning study cohort had zero use-of-force reports prior to intervention. Following EIS implementation, 50 percent of officers in the cohort had zero reports.[55]

> Implementing the Miami-Dade early identification system cut the number of officers with use-of-force complaints in half.

4. Data collection and transparency

Effective use-of-force policies require that departments establish and follow protocols for the collection, maintenance, and regular analysis of data. In addition to categorizing the type of force used in each incident, key information police departments should track includes the rate of force used per arrest, the rate of complaints, the number and rate of administrative investigations/ reviews in which each finding is supported by evidence, and the number of officers who frequently or repeatedly use force. Police departments should compile this data and also disaggregate it by geographic area, type of arrest, age, race, gender, and ethnicity.[56]

The Las Vegas Police Department publishes a "Deadly Force Statistical Analysis" report every year on its website. The report includes the age, gender and race/ethnicity of each subject, the locations, settings and outcomes of the use-of-force incidents, the number of shots fired, distance of officers from the subject, and a variety of other information detailing how force was used by officers in the department.[57]

When officer-involved shootings occur, police departments must communicate in a transparent manner with the community involved. In Ferguson, Missouri, the police department refused to release any information about its investigation until a week after the shooting. This information vacuum exacerbated tensions with a community already reeling from the death of an unarmed young man. In contrast, the Cincinnati Police Department no longer withholds the identity of the officer from the public during an investigation. Officers initially resisted this provision, but many acknowledge that such transparency has enhanced community trust.[58] Important accompaniments to transparency include actions on the part of police that demonstrate cultural competency in connecting with the family of the victim and sensitivity to the community's grief.

In a somewhat different approach, the Providence, Rhode Island, police department uses a community-centered policing framework to implement CompStat, a statistical system that compiles crime data to pinpoint hot spots and divert resources to problem areas. While the traditional CompStat model emphasizes these meetings as a forum for top- and middle-level law enforcement

personnel to analyze data internally, Providence expands this approach by holding bi-weekly data-sharing meetings between community stakeholders and law enforcement officers assigned to particular areas. Religious leaders, universities, the school system, community organization representatives, and a staff person from the *Providence Journal* are all regular attendees.

5. Citizen complaint processes and community oversight

Complaint and oversight processes are essential to the functioning of law enforcement agencies in a democracy and form a key component of effective community-centered policing. Promising practices regarding citizen complaints and community oversight will be addressed in full in a forthcoming issue brief on accountability.

An external oversight mechanism is particularly crucial in situations involving officer-involved shootings or complaints of excessive use of force. Amnesty International underscored the importance of independent review in issuing detailed recommendations for U.S. law enforcement agencies:

> State, local and federal authorities should establish independent and effective oversight bodies for their respective police agencies. In particular, these bodies should:
> - have the authority to investigate or review complaints of human rights violations by the public against the police;
> - be able to conduct regular audits of the police internal complaints and disciplinary process and, where necessary, conduct their own investigations;
> - have the power to require witnesses to appear and to insist on cooperation from police departments and individual officers;
> - require police agencies to provide information on action taken in individual cases, with reasons for inaction;
> - have the authority to review and make recommendations on policy and training; and
> - provide detailed public reports, at least annually, giving relevant data, including the type of complaint and the race and gender of the complainant and the accused officer.[59]

Conflicting opinions exist about whether meaningful oversight of the police requires independent, external investigative authority, such as civilian review board systems, or whether having broad authority to review internal investigations is sufficient, such as an auditor/monitor system. Whatever the mechanism, enforceable accountability measures must be either established or reexamined for impartiality whenever police shoot unarmed victims.

Civilian review boards in particular must navigate the nuances of transparent accountability while also allowing police leadership to exercise authority over officers. In addition, the role and functioning of such boards is enhanced when citizen members possess some degree of knowledge about police operations.

Cincinnati established the Citizen Complaint Authority (CCA) in the context of a 2002 Memorandum of Understanding with the U.S. Justice Department[60] as well as a Collaborative Agreement. The Collaborative Agreement was developed between the police department and

community leaders who had filed a lawsuit in the wake of a 2001 shooting of an unarmed black man.[61] The CCA's mission is to investigate serious police incidents, such as discharging of firearms, use of excessive force, and improper use of firearms, as well as to resolve all citizen complaints.[62]

The CCA conducts independent reviews of citizen complaints. It is composed of a board of seven citizens appointed by the mayor and approved by the city council, a full-time executive director, and a team of professional investigators.[63] The board has the power to subpoena officers to testify and holds televised hearings every month at city hall. The police department conducts a parallel investigation into all complaints of police misconduct and if there is disagreement between the CAA and the department on the outcome of any complaint, the Cincinnati city manager makes the final decision.[64]

In its final report, the independent monitor of both the Memorandum of Agreement and the Collaborative Agreement noted several positive impacts of the CCA:

> The CCA is one of the enduring features of the Agreements that continues beyond their termination. We found... that the CCA staff were professional and their investigations thorough. In addition, where there is a disagreement between the determinations of the CPD and the CCA regarding a citizen complaint, the final decision is to be made by the City Manager. Recent determinations show that City Manager has confidence in CCA investigations and takes this responsibility seriously, and has at times agreed with the CCA determination over the CPD conclusion. In addition, the CCA provides citizens with a forum for their concerns regarding police accountability.[65]

The monitor also notes that the impact of the CCA could be strengthened by expanding its role to conduct reviews of police policies and practices in addition to individual complaint investigations.[66]

Conclusions and Recommendations

This issue brief has cited promising efforts aimed at both minimizing police use of force and ensuring that, when force is necessary, it is applied reasonably regardless of age, race, ethnicity, or other demographic characteristics. While some police departments have successfully reduced their use of force, others continue to struggle. The highlighted research, policy, and practices reflect the early stages of work that must continue.

An unequivocal national commitment to set, define, and enforce uniform standards regarding police use of force is needed to avoid further tragedies. These standards must be accompanied by concerted efforts on the part of individual law enforcement agencies to make meaningful progress in properly training, supporting, and holding their officers accountable for use of force.

The U.S. Department of Justice should do the following:

- Initiate a comprehensive federal review and reporting of all police killings, accompanied by immediate action to address the unjustified use of lethal and excessive force by police officers.

- Require that national standards on use of force be fully and explicitly incorporated into police codes of conduct and training and strictly enforced. These standards should include explicit guidance on what constitutes "reasonable" and "necessary" force and reflect international human rights standards on the use of force and firearms.

- Require police departments to implement proven training programs designed to minimize the use of unnecessary force and death or injury in certain common situations, including vehicle pursuits, coping with mentally ill or disturbed individuals, and encounters with youth. Training programs should include content for mitigating the impact of implicit bias as well as instilling the principles and practices of procedural justice and fairness in policing.

- Fulfill its mandate under the Police Accountability Act provisions of the Violent Crime Control and Law Enforcement Act of 1994 to compile, publish, and regularly analyze national data on use of excessive force (including all fatal shootings and deaths in custody). Such data should specify the age, race, gender, and other demographic characteristics of the victim.

- Require that state and local law enforcement agencies mandate all officers to install body-worn cameras as part of their uniform, and develop national standards to guide police departments in the training, administration, and management protocols necessary to operate such systems effectively, as well as in the retention, use, access, and disclosure of data.

- Encourage and assist state, local, and federal authorities in establishing effective, independent oversight bodies for their respective police agencies, with powers to compel testimony, investigate and review complaints against the police as well as broader policy issues and patterns of concern, and to issue detailed public reports.

Law enforcement agencies should do the following:

- Develop a comprehensive use-of-force policy that includes a clear values statement affirming that officers should employ the minimal amount of force necessary as well as detailed guidance on how and when force may be used in accordance with national and international legal standards.

- Develop clear reporting, investigation, discipline, and accountability procedures regarding use-of-force incidents to ensure that all incidents are consistently reported and are investigated in a prompt, thorough, and unbiased manner.

- Develop explicit policies stating that officers should be required to intervene when other officers are using force that is not objectively reasonable and proportional to the risk presented.

- Maintain detailed records on the use of force and report publicly at regular intervals, providing statistical data on shootings and other use of force, in-custody deaths, and injuries. Data should be disaggregated by race, ethnicity, age, gender and other demographic characteristics. Provide data on the number and type of complaints filed, and on their disposition and outcome.

- Implement proven training programs designed to minimize the use of unnecessary force and death or injury in certain common situations, including vehicle pursuits, coping with mentally ill or disturbed individuals, and encounters with youth. Training programs should include content for mitigating the impact of implicit bias as well as instilling the principles and practices of procedural justice and fairness in policing.

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