

POLICE 2020
New Executive
Order on
Policing: What's
in the Details?

Part 1 on Policing in the 21st Century

ICMA

CPSM
Center for Public Safety Management, LLC



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Today's Presenters

CPSM: The Exclusive Provider of Public Safety Technical Assistance to ICMA

ICMA

- **Who we are?**
 - Created by ICMA in 2004 as “Consulting Services”, CPSM was spun off during reorganization in 2014.
 - Your team for determining answers to questions from a management perspective using experts in the disciplines.
 - Conducted more than 340 studies in 43 states and Canada
- **Services**
 - Forensic analysis of data to determine workload and tasks
 - MOU with NCR for Police Survey
 - **Community-Focused Policing**
 - Strategic planning
 - Operational analysis for dispatch, police, fire, and EMS
 - Police Chief Selection
 - Standard of Response Coverage Studies
 - Risk Assessments
 - **NEW**: Ongoing data assessment to monitor staffing demand

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What's in the New Executive Order...and what's not?

Section 2. Certification and Credentialing.

Section 3. Information Sharing.

Section 4. Mental Health, Homelessness, and Addiction.

Section 5. Legislation and Grant Programs.



W. Craig Hartley, Jr

CALEA – Commission on Accreditation of Law Enforcement Agencies



Goal: Provide information regarding the CALEA Accreditation process and explain its value as a process of promoting public safety excellence.



Origin of CALEA

- Created in 1979 as a credentialing authority through the efforts of law enforcement's major executive associations:
 - *International Association of Chiefs of Police (IACP)*
 - *National Organization of Black Law Enforcement Executives (NOBLE)*
 - *National Sheriffs' Association (NSA)*
 - *Police Executive Research Forum (PERF)*
- Established to improve the delivery of public safety services through standards and accreditation programming.



CALEA: Present Day

Four Accreditation Programs



Law Enforcement Accreditation



Public Safety Communications Accreditation



Public Safety Training Academy Accreditation



Campus Security Accreditation



Mission: Improve the delivery of public safety services, primarily through a set of internationally recognized credentialing programs, organized and maintained in the public interest.



Organizational Structure

- Governed by a Commission Board composed of 21 members
- Mandate requires eleven law enforcement practitioners, with the balance selected from the public and private sectors
- CALEA maintains a professional staff contingent managed by an executive director
- Independent, nonprofit 501(c)(3) corporation
- Not part of, or beholden to, any governmental entity.

What is Accreditation?

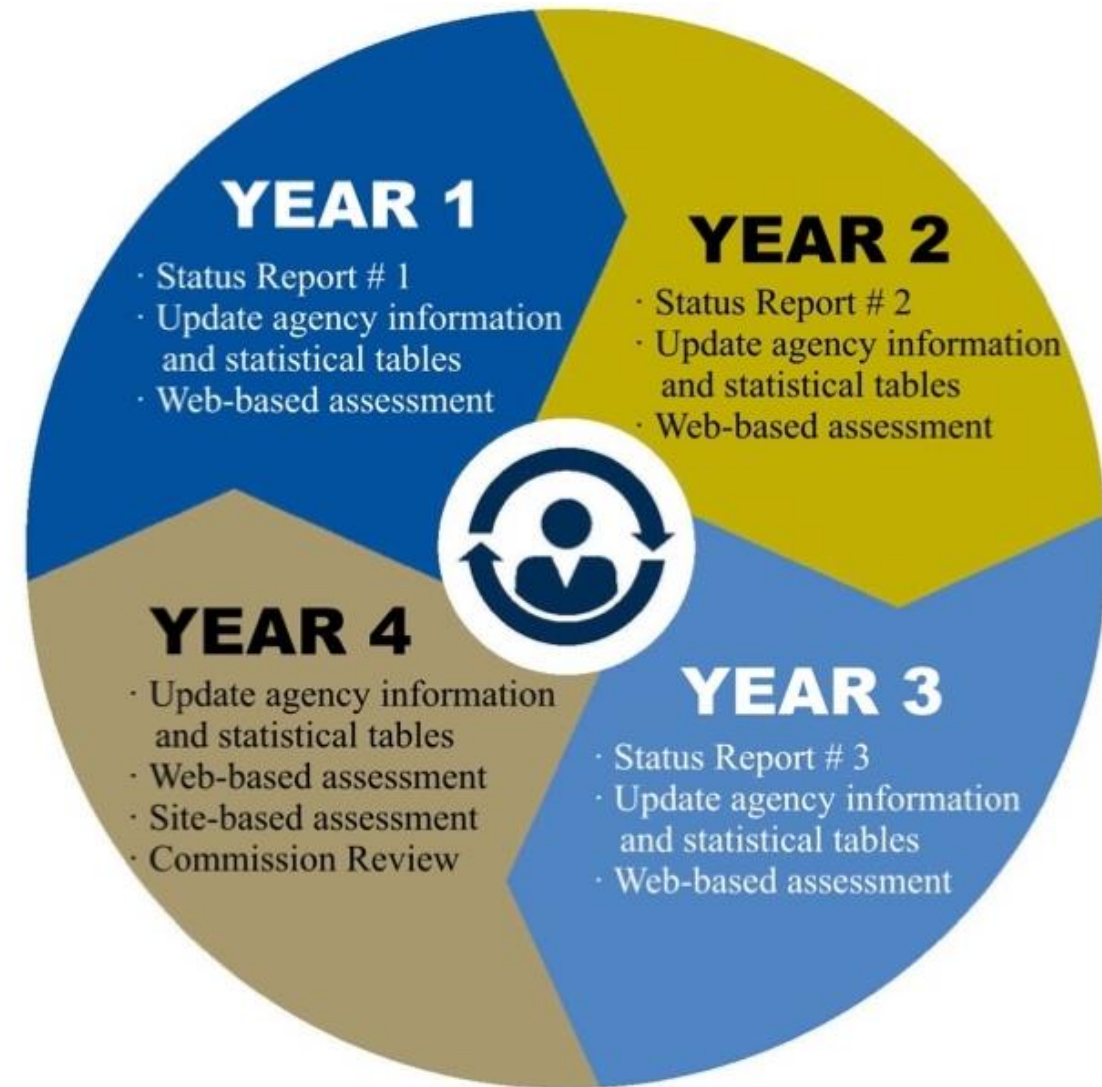
- Blueprint for to ensure policies and practices complement widely accepted best practices
- Demonstrates commitment to the delivery of professional services to the community
- Opportunity to increase efficiency and effectiveness
- Comprehensive Process:
Administrative & Operational

Merriam-Webster dictionary:
To recognize or vouch for as conforming with a standard.



CALEA Accreditation Process

- Enrollment
- Self-Assessment Phase
- Assessment Phase
- Commission Review & Decision
- Maintaining Accreditation



Benefits of Accreditation

(1 of 3)

From perspective of public safety/agency leadership:

- Comprehensive, well thought out, uniform set of *written directives*
- Provides necessary reports and analyses a CEO needs to make fact-based, informed *management decisions*.
- Develop and/or improve agency's *relationship with the community*.
- Strengthens agency's *accountability* within the agency and the community,
- Limits agency's *liability risk* exposure
 - Outside look by team of independent, outside CALEA-trained Assessors.
 - Assists in an agency's pursuit of *professional excellence*.
 - Strengthen existing procedures while simultaneously creating a solid foundation for the agency's future.



Benefits of Accreditation

(2 of 3)

From perspective of government officials / city managers:

- Continuous review of processes, policies and procedures
- Provides direction and opportunity to set priorities with agency CEOs
- Provides clear vision and direction for staff
- Identifies critical issues and areas for change/improvement
- Help determine appropriate allocation of resources
- Provides a framework for addressing organizational issues
- Reduction in liability & insurance costs
- Improvement of public relations and increased commitment to service, credibility, accountability, consistency

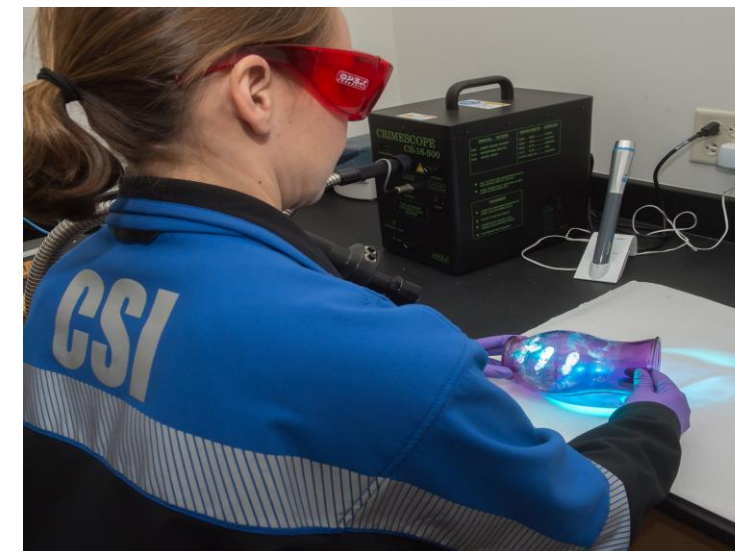


Benefits of Accreditation

(3 of 3)

From perspective of practitioners:

- Organizational structure
- Human resource processes
- Equipment needs
- Training
- Employee resources
- Overall health and safety of work environment



Feedback from Accredited Agencies

- Increased accountability and professionalism
- Officers take pride in being accredited
- Reduction in their liability insurance costs and/or reimbursement of accreditation fees (e.g. NC League of Municipalities grants 20% discount for Police Professional Liability coverage)
- Accredited agencies experienced 16% reduction in frequency and a 35% reduction in severity of financial awards against them (*IRMA Study*)

"Accreditation helps to make our department better through a process of accountability, not only by being accountable to ourselves, but accountable to the community, city government leadership, and peer agencies. This business model, resulting in greater accountability, positively impacts the police department's liability/risk management concerns."
-- Knoxville (TN) PD

Conclusion

- Accreditation focus' on maximizing the capacity of agencies
- Requires hard work and a dedication to the process
- Requires dedication from all levels of the agency
- Intended to serve as framework to remain focused on the delivery of services



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How does CALEA remain contemporary?

- Emerging Issues Committee
- Standards Review & Interpretation Committee
- Corporate Affairs Committee
- International Committee
- Investment Committee
- Outreach Committee
- Strategic Planning Committee

How a Standard Becomes a Standard?

- 1) Proposal to SRIC
- 2) Staff Review and Research
- 3) Presented as New Business of the SRIC
- 4) Deliberation and Requests for Additional Research
- 5) Draft Standard Development
- 6) Presentation to Clients for Feedback
- 7) Presented as Old Business for Discussion
- 8) Release as a New Standard for Application (1Year)



Margo Frasier

Civilian Oversight

Section 3. Information Sharing.


Section 4. Mental Health, Homelessness,
and Addiction.

NACOLE
Vice-President

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

Presentation to the International
City/County Management Association
July 1, 2020





Civilian oversight alone is not sufficient to gain legitimacy. Without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.

EVOLUTION OF OVERSIGHT

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Civilian oversight has often been seen as REACTIVE:

- Agencies created after a high-profile incident or scandal
- Responding primarily to individual complaints
- Reviews policies as a result of one or more complaints
- Emphasizes legalistic rules
- Administrative process can be seen as adversarial
- Recommends sanctions for individual officers
- Relies on deterrence


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EVOLUTION OF OVERSIGHT

Civilian oversight now often includes PROACTIVE elements:

- Explores problems proactively (e.g., investigation, collection, and analysis of data)
- Identifies underlying issues and causes
- Focuses on organizational change
- Concentrates on reduction and prevention of misconduct
- Builds partnerships with law enforcement
- Creates bridges between law enforcement and the greater community
- Promotes Front-End Accountability

CIVILIAN OVERSIGHT DEFINED

Civilian oversight may be defined as the following:

- Investigates, audits, or reviews internal law enforcement investigations or processes, including community complaints and use of force incidents.
- Conducts ongoing monitoring of law enforcement agencies' policies, procedures, training, management, and supervision practices.
- Includes any agency or process that involves active participation in the above by persons *who are not sworn law enforcement*.

FACTS ABOUT THE FIELD

- There are currently thought to be approximately 166 active civilian oversight entities across the United States.
- No two entities are exactly alike.
- Most large cities and large law enforcement agencies have oversight agencies, as do a growing number of small and mid-size cities.
- Many began in reaction to specific incidents of police misconduct or scandals.
- Civilian oversight has been prominently featured in USDOJ settlement agreements.

COMMON GOALS OF OVERSIGHT (Continued)

- Improve the policies, practices, training, and management of law enforcement agencies by analyzing patterns in complaints and other police-related data.
- Deter officers from engaging in misconduct through the creation of more effective and consistent investigation and disciplinary processes.
- Reduce legal liability associated with officer misconduct.
- Improve the public's understanding of police policy, training, and practices

Creating effective civilian oversight bodies that are responsive to their communities' needs takes time, planning, and collaborative, transparent discussions among affected stakeholders.

GATHERING AND ANALYZING DATA

- What information can/should you gather and analyze that will allow you to better understand police misconduct and the need for continued accountability measures in your community?
- How can this data be used to make recommendations for policy reform?

DEMONSTRATING ACCOUNTABILITY

Civilian Oversight Demonstrates the Accountability of the Police to Government Officials – and therefore to the Public – by:

- Supporting the goals of community-oriented policing
- Helping law enforcement hold individual officers accountable for actions and meeting departmental standards.
- Improving the quality of the department's internal investigations of alleged misconduct
- Enacting policies to improve citizen confidence such as access to police reports, video, radio transmissions.
- Providing access to reports of findings resulting from citizen complaints.
- Reassuring the community at large that discipline and retraining is being imposed when appropriate, while also increasing the transparency of the disciplinary and training processes.

SHARED ACCOUNTABILITY FOR OVERSIGHT

Civilian Oversight Promotes the Idea that both the Public *and* the Police Have a Voice:

- When an oversight agency finds that a complainant's allegations are sustained, complainants and their communities feel validated.
- When an oversight agency exonerates an officer, the officer knows that non-sworn individuals found their actions complied with policy and procedure.
- When an oversight agency supports the conclusions of the internal affairs unit, it demonstrated the validity of internal review and disciplinary processes.

COMMON MODELS OF OVERSIGHT

- Review-Focused Model
- Monitoring/Auditing-Focused Model
- Investigation-Focused Model
- Hybrid Models

CONSIDERATIONS

STRENGTHS

- Identifying issues with how complaints are handled from start to finish
- Identifying systemic issues with police training, policies and supervision
- Assessing effectiveness of early warning systems and discipline
- Ability to garner community trust

CHALLENGES

- Reliance on law enforcement agency to provide accurate data
- Identifying patterns and trends requires extensive data collection and analysis
- Data may be flawed due to underreporting of marginalized groups

Policy

Section 5. Legislation and Grant Programs.

CPSM Manager of Police Programs



Chief Jackie
Gomez-Whiteley

Policy

- Standardize policing policies and procedures
- Policies require verifiable training
- Many agencies across country use Lexipol
 - Provide policies and also offer verifiable training (DTBs)

How Do You Ensure Policy Is Practice?

- Supervision and oversight
- Management reports
- Accreditation wherein proofs are provided for each policy over a set accreditation period
 - Commission on Accreditation of Law Enforcement Agencies – CALEA
 - Some states have their own accreditation commissions

8 Can't Wait

1. De-escalation Required
2. Warning Required Before Shooting
3. Duty to Intervene
4. Comprehensive Reporting Required
5. Chokeholds Banned
6. Shooting at Moving Vehicles Banned
7. Use of Force Continuum Required
8. Exhaust All Alternative Before Shooting Required

Additional Considerations

- Accountability and disciplinary actions
 - Including de-certification process of officers
 - Tracking information IE multiple sustained policy violations or those who resign in lieu of discipline/termination
- Transparency
 - Sharing of policies with the public

- Recruitment
 - Ongoing efforts recruit diverse police candidates
 - Audits of hiring process, psychological screening processes
 - Retention of officers who serve with integrity and honor

- Training
 - Mandated and regular implicit and racial bias training
 - De-escalation training with focus on alternatives to deadly force
 - Training to focus more on cultural and community awareness
- Officer Health & Wellness
 - Funding programs to improve officer's mental health & wellness
 - Regular, mandatory mental health & wellness checks

Community Assistance

- Close educational achievement gaps by increasing resources to areas historically disadvantaged
- Increase access to vocational training and job opportunities, including public safety
- Improve response to those in crisis – service providers v police when appropriate. When police are needed, include highly trained co-deployment teams with capabilities to match the need.
- Access to fair housing – help provide stability and reduce homeless
- Rehabilitative and re-entry programs

Questions/Comments?

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