LAW ENFORCEMENT LEADERS
To Reduce Crime & Incarceration

Community Policing Reform Principles

BACKGROUND

The police killing of George Floyd prompted communities across the nation to advocate for greater transparency and accountability from police departments and local governments.[1] To meet the demands of their communities, and to guard against racial injustice, states and localities must re-commit themselves to the basic principles underlying community policing and ensure that all people, regardless of race or socio-economic status, are treated with dignity and respect; that use of force policies are centered on preserving human life; that there is accountability when officers engage in misconduct or use excessive force; and that policing reflects community values.[2]

While some look to the federal government for a national solution, policing is a uniquely local issue. With approximately 18,000 law enforcement agencies across the country, states are well positioned to improve policing practices and enact policies that prioritize just and fair policing.[3] Drawing from our collective experience, we provide several recommendations for states to advance the policing profession in service of justice for all.

RECOMMENDATIONS

RECOMMENDATION 1: RAISE STATEWIDE USE OF FORCE STANDARDS AND REQUIRE REPORTING

Police departments' use of force policies are often unclear and insufficient — leaving individuals, particularly people of color, who come into contact with law enforcement vulnerable to excessive and lethal force.[4] Each state should adopt clear policies on prohibited force, such as banning chokeholds, limiting the use of chemical agents, and other restrictions.[5]

State legislatures should also consider requiring and, if necessary, conditioning funding upon local law enforcement agencies' reporting of use-of-force data to the state and the FBI's National Use of Force Database.[6] Greater local compliance is necessary for this national monitoring tool to be effective.[7] All use-of-force data collection and reporting should include information disaggregated by race and other identifiers to prevent disproportionate use of force against minority groups.[8]

RECOMMENDATION 2: INCENTIVIZE CULTURE CHANGE

Many law enforcement agencies struggle with the "warrior problem,"[9] meaning that officers have a mindset more appropriate for soldiers in war than for guardians carrying out their duty to protect and serve local communities. To encourage culture change in policing, states should implement guardian-style training for their officers, encourage demilitarization of their law enforcement agencies to the extent that it is consistent with public safety, and require de-escalation training.[10] States should also consider adopting laws that require officers to intervene when fellow officers engage in misconduct or use excessive force.[11]

Meeting the mental health needs of police officers is also critical to improving community-police relations. States should invest in trauma training for all officers and support services for those who experience or witness trauma in the field.[12]

[1] Drew Desilver, Michael Lipka, and Dalia Fahmy, "10 Things We Know About Race and Policing in the U.S.," *Pew Research Center*, June 3, 2020.

[2] *America's Hidden Common Ground on Police Reform and Racism in the United States*, Public Agenda, USA Today, Ipsos, and Hidden Common Ground, 2020.

[3] Duren Banks et al., *National Sources of Law Enforcement Employment Data*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2016, 3, https://www.bjs.gov/content/pub/pdf/nsleed.pdf.

[4] *National Consensus Policy and Discussion Paper on Use of Force*, International Association of Chiefs of Police, 2020.

[5] *Task Force on Policing Backs Three Key Reforms to Reduce Police Use of Force, Increase Accountability*, Council on Criminal Justice, 2021.

[6] Federal Bureau of Investigation, "National Use-of-Force Data Collection," accessed March 15, 2021, https://www.fbi.gov/services/cjis/ucr/use-of-force.

[7] Federal Bureau of Investigation, *supra* note 6.

[8] *Guiding Principles on Use of Force*, Police Executive Research Forum, 2016, 49.

[9] Seth Stoughton, "Law Enforcement's 'Warrior' Problem," *Harvard Law Review* 128 (2015): 225–234; see Michael Chitwood's Testimony to the President's Commission on Law Enforcement and the Administration of Justice, transcript of call recorded June 24, 2020, 24–26, https://www.justice.gov/ag/page/file/1294591/download.

[10] Sue Rahr and Stephen K. Rice, *From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals*, National Institute of Justice and Harvard Kennedy School Program in Criminal Justice Policy and Management, 2015; Gabrielle T. Isaza et al., *Evaluation of Police Use of Force De-escalation Training*, IACP/UC Center for Police Research and Policy, 2019.

[11] Bernard Condon and Todd Richmond, "Duty to intervene: Floyd cops spoke up but didn't step in," *PBS News Hours*, June 7, 2020.

[12] Anthony Espada, "Police Officers Need Help Too," *National Alliance on Mental Illness*; John Stogner, Bryan Lee Miller, and Kyle McLean, "Police Stress, Mental Health, and Resiliency during the COVID-19 Pandemic," *American Journal of Criminal Justice Journal* 45 (2020): 718.

RECOMMENDATION 3: STRENGTHEN POLICE ACCOUNTABILITY MECHANISMS

Following numerous high-profile cases of violence involving police, there is a perception among many that law enforcement officers act with impunity.[13] Strengthening police accountability mechanisms is imperative to restoring public trust and keeping communities safe. First, transparency is key: all substantiated police disciplinary records should be a matter of public record.[14] In addition, to the extent that they interfere with departments' or oversight bodies' disciplinary authority, states should consider placing limits on civil service protections and ensure that collective bargaining agreements (union contracts) do not unduly interfere with timely investigations and discipline.[15] Many police chiefs experience arbitration processes that unduly overrule their discipline and termination decisions regarding unfit police officers.[16]

Each state should also have a centralized certification system with robust standards for entry and an effective decertification process for officers who commit misconduct.[17] All states should be able to decertify officers, make such decisions publicly available, and report decertified officers to the National Decertification Index (NDI) or another federal database.[18] Police misconduct that leads to decertification and mandated reporting should include, at a minimum, termination for inappropriate use of force, engaging in sexual contact with any person in custody, failure to intervene in cases of inappropriate use of force, failure to notify supervisors of observed misconduct, lying in workplace matters, and false or inaccurate written or oral reports.[19]

RECOMMENDATION 4: ENCOURAGE THE EXPANSION OF DIVERSION AND CO-RESPONDER MODELS

As discussed in our *Mental Health and Diversion Reform Principles* brief, many individuals who interact with law enforcement would be better served by strategies that address underlying issues such as drug abuse, mental health, trauma, and homelessness. We should not reflexively depend on traditional law enforcement responses — which often lead to unnecessary arrest and incarceration — to address deeply complex social problems.[20] Instead, states should invest in community-based services so law enforcement and other non-law enforcement first responders (like social workers) can co-respond to crises and divert people to non-punitive care and services when it is safe. Co-responder models allow the appropriate public health professional to respond to the individual in crisis while also providing law enforcement support if needed.[21]

RECOMMENDATION 5: ADOPT NEW, MODERN METRICS OF SUCCESSFUL POLICING

Like any other profession, the popular phrase "what gets measured gets done" applies to policing. If we want law enforcement agencies to embody community values, states should encourage their agencies to reevaluate their metrics of success. Most police agencies measure success based on arrests, crime rates, clearance rates, and other standard metrics.[22] But these metrics do not always recognize a community's specific needs. Law enforcement agencies should measure success using a wide range of indicators, such as community engagement, citizen complaints, and use of force rates, through new tools such as CompStat360.[23] Once police agencies ground their evaluation of effectiveness on a wider range of criteria, they will be better able to meet their constituency's unique needs.[24]

State policing strategies should prioritize preservation of human life, public safety, and community well-being. These common-sense recommendations are grounded in community and law enforcement support and will advance practices that prioritize public health and safety.

[13] Amelia Thomson-DeVeaux, Nathaniel Rakich, and Likhitha Butchireddygari, "Why It's So Rare for Police Officers to Face Legal Consequences," *FiveThirtyEight*, June 4, 2020.

[14] "Records are Confidential in 23 states," *WYNC*, accessed March 15, 2021; Taryn A. Merkl, "Ending Police Impunity in New York Required Repealing a Secrecy Law Called '50-A,'" *Brennan Center for Justice*, June 12, 2020.

[15] Daniel DiSalvo, *Enhancing Accountability: Collective Bargaining and Police Reform*, Manhattan Institute, 2021, 7–9.

[16] Stephen Rushin, "Police Disciplinary Appeals," *University of Pennsylvania Law Review* 167 (2019): 545.

[17] Ronal Serpas's Testimony to the President's Commission on Law Enforcement and the Administration of Justice, June 23, 2020, 3, http://lawenforcementleaders.org/wp-content/uploads/2020/06/2020.6.23_LEL-Ronal-Serpas-Public-Testimony-for-Law-Enforcement-Commission_FINAL.pdf.

[18] International Association of Directors of Law Enforcement Standards and Training, "About NDI," accessed March 15, 2021.

[19] Serpas, *supra* note 17, at 3.

[20] Art Acevedo, Steven Casstevens, and Sylvia Moir, "Police chiefs: 'We can't arrest our way out of societal problems' – Invest in families, communities to prevent crime," *Houston Chronicle*, September 10, 2020.

[21] Ronal W. Serpas, "A Smarter Public Safety Model: Addressing Crises Related to Mental Health, Substance Abuse, and Chronic Homelessness," *Police Chief Magazine*, January 2021; Amy C. Watson, Michael T. Compton, and Leah G. Pope, *Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities*, Vera Institute of Justice, 2019.

[22] Malcolm K. Sparrow, *Measuring Performance in a Modern Police Organization, New Perspectives in Policing*, National Institute of Justice and Harvard Kennedy School Program in Criminal Justice Policy and Management, 2015, 2.

[23] CompStat360, "Implementing CompStat360," https://www.compstat360.org/, accessed March 15, 2021.

[24] *Ensuring Justice and Public Safety*, Law Enforcement Leaders to Reduce Crime & Incarceration, 2020, 13.