

BEST PRACTICES REVIEW

PARC supports and assists those responsible for the oversight of police departments – law enforcement executives, monitors, civil officials, and government agencies – to advance effective, respectful, and publicly accountable policing.

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to teach ethics and integrity to other officers. The department is also expected to release results from a survey of officers’ attitudes towards their job and the community they serve. *Albany Times Union, June 10, 2002.*

Civilian Oversight

A one-year pilot program of the Denver Disciplinary Review Board will commence operations in July 2002. The Board will consist of volunteers from the police department and the citizens police academy and will review cases in which an officer faces a fine, suspension, demotion or termination. Board members will review the case, hear testimony from the department and the subject officer, and give disciplinary recommendations to the police chief, who has ultimate authority to accept or reject the Board’s recommendations. The volunteers were required to attend eight hours of additional training, beyond civilian academy training, to be on the Board. The Board will consist of two civilians, two officers and two command officers. The police protection association initially presented the idea for the Board to the department in April 2000. *Rocky Mountain News, June 7, 2002.*

Agencies Under Investigation

The Schenectady, New York Police Department released an update on departmental reforms. The update states that, although none of the 20 steps outlined in the plan to reform the department have been completed, significant advances and accomplishments have been made, including: Commencement of specialized training of the department’s first canine officer; purchase orders have been signed to buy in-car video cameras to be installed in patrol cars; and three officers have been trained and certified

The Police Assessment Resource Center and independent consultant Richard Jerome released a report evaluating the city of Albuquerque’s police oversight

system. The report concludes that internal police investigations were improved as a result of adoption of the oversight system, but significant improvements must be made. Albuquerque's oversight system consists of the Independent Review Office (IRO), which reviews and investigates citizen complaints, and the Police Oversight Commission (POC), a civilian board that hears citizen complaint appeals. The consultants felt that the IRO conducted quality investigations and served as an important check and balance to the Internal Affairs Unit, citing the former Police Chief's occasional preference for the IRO's recommendations over IA's as evidence. However, the IRO failed to utilize its authority to perform systematic evaluation of APD policies and procedures to identify trends and patterns of misconduct, particularly regarding use of force. The report asserts that POC faces structural impediments, including lack of access to investigative files and officer statements and the failure of officers to attend hearings, which prevent it from functioning effectively. The consultants propose that the POC have access to completed IA files, and proceedings be held in closed session. Also, the IRO and POC should improve community relations and the POC should improve its relations with the police. Lastly, the report concludes that APD has improved its early warning system, use of force reporting system and Crisis Intervention Team for dealing with the emotionally disturbed. The full report can be accessed electronically at <http://www.cabq.gov/council/pocstudy.pdf>.

The Providence, Rhode Island City Council approved a measure to create

the Providence External Review Authority, which would independently investigate citizen complaints of police misconduct and recommend disciplinary action to the police chief. The measure must receive the Mayor's approval and the appropriate allocation from the 2002-2003 municipal budget. The measure also must undergo a public hearing and must be found to be in accord with the Law Enforcement Officers Bill of Rights prior to final approval. *Providence Journal, June 21, 2002.*

John Worrall has written, "If You Build It, They Will Come: Consequences of Improved Citizen Complaint Review Procedures," based on a study of over 700 law enforcement agencies that modified their civilian complaint mechanism. Worrall concludes that researchers, policy makers and law enforcement agencies must be aware that improvements in civilian complaint procedures correlate with an increased number of complaints. Further, he asserts that it is not surprising that an innovative citizen complaint model that attempts to develop a more open, responsive environment generates more complaints than a traditional model that has been deemed hostile to certain individuals (including African Americans, the poor or unemployed, and the less educated). Worrall discusses the advantages, pitfalls, and similarities of four citizen complaint mechanisms: internal investigation and complaint adjudication systems; citizen review; early warning systems and electronic complaint databases. He also analyzes the relationship between such mechanisms and other variables, such as officer training, education, job hazards, crime rates and unemployment rates.

Worrall's key findings include: Increased officer training and education correlates with fewer complaints; no significant differences exist in the number of complaints received in internal versus external complaint entities; and departmental resources (including early warning systems and other computerized risk-assessment databases) tend to result in a higher incidence of citizen complaints. To elucidate the last finding, the author suggests that departments with databases may maintain more accurate records of complaints than those that do not and may also convey more professionalism and concern to citizens, leading them to feel more comfortable filing complaints. *Crime and Delinquency, July 2002.*

Community Policing/ Problem Oriented Policing

Local press and community leaders continue to express concern about racial tensions in the city of Cincinnati. In April, the Cincinnati Police Department entered into two separate agreements, one with the U.S. Department of Justice and a separate "collaborative agreement" with a consortium of civil rights groups, to reform police policies and practices and improve police-community relations, particularly within the city's African American communities. In an effort to alleviate racial tensions, a Cincinnati City Councilman proposed that the city provide \$75,000 to hire 10 community human relations monitors to walk in communities, talk to residents, assess neighborhood moods, and identify potential problem areas. Several city council members are opposed to the plan. *Cincinnati Enquirer, June 19, 2002.*

Crime and Delinquency has published, "Implementing Community-Oriented Policing (COP): Organizational Change and Street Officer Attitudes." Authors Adams, Rohe and Arcury examine how COP training and COP officer designation are associated with attitudes toward COP principles, job satisfaction and support for COP. The authors analyze survey data from 285 non-supervisory officers in six small and mid-size law enforcement agencies. The authors found that community police officers are more supportive of COP goals and methods, spend more time engaged in COP activities, are more supportive of organizational changes needed to implement COP, and report higher levels of job satisfaction than traditional officers. They also found that officers who perceived their departments as having a participatory management style were more positive about community policing and reported greater job satisfaction. In addition, the majority of traditional officers supported COP goals and the transition to COP in their departments. *Crime and Delinquency, July 2002.*

The Office of Community Oriented Policing Services is requesting feedback on the regional community policing institute quarterly report (form number COPS 022/01). COPS seeks to monitor the progress and use of funds by the Regional Community Policing Institutes through one-year cooperative agreements to provide technical assistance and training to grantees and other participants. For more information, please contact Brenda Dyer, Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D St., Washington, DC 20530.

Consent Decrees/Memoranda of Understanding

The Office of the Independent Monitor for the Washington D.C. Metropolitan Police Department ("MPD") has released its first report. The report states that the Department has made substantial efforts towards compliance in many areas covered in the Memorandum of Agreement between the U.S. Department of Justice and MPD. However, according to the report, MPD has failed to accomplish nearly all of the objectives identified in the MOA within the specified time frames; the MPD is not in compliance with creating and implementing new firearms, canine and OC spray policies and creating an early warning system; and the MPD has also made little progress in revising its discipline and non-discipline policy and effectively modifying its civilian complaint procedures. The monitor identifies many significant improvements made by MPD, including: Developing a revised Use of Force policy; enhancing training; creating a new team to investigate Use of Force incidents; and reorganizing the canine unit. The full report can be accessed electronically at <http://www.policemonitor.org/>.

Litigation

Several law enforcement unions in California are preparing legal action regarding *Brady* policies. *Brady v. Maryland*, 373 U.S. 87 (1962), requires all exculpatory or potentially impeachable evidence be handed over to defense attorneys. The Los Angeles Police Protective League is preparing to sue Los Angeles County District Attorney

Steve Cooley over his new *Brady* policy that allows additional information on police officers involved in criminal cases to be turned over to the defense. In May 2002, Cooley revealed his *Brady* policy. Cooley claims that the policy was intentionally worded to avoid police union lawsuits alleging officer privacy rights violations. Police union officials and prosecutors seem particularly concerned with the D.A.'s creation of a database that will contain legal and board of rights hearing documents. Former Los Angeles County District Attorney Gil Garcetti was sued by the Police Protective League in October 2000 for creation of a similar database. The lawsuit was dropped after Cooley took office and abandoned the project. The Santa Barbara D.A. is also being sued over a *Brady* policy he created in 2001. Police Union officials in Ventura County, California are preparing for a potential lawsuit if their department definitively decides to implement its own *Brady* policy. *Pitchess v. Superior Court* created a legal precedent in California Supreme Court that protects elements of an officer's personnel files from being made public. *Los Angeles Daily Journal*, June 5, 2002.

The city of Pittsburgh agreed to settle 32 pending police abuse lawsuits for a total of \$275,000. The city admitted no wrongdoing, but agreed to settle as an alternative to a potentially long and costly legal battle. The cases were among more than 40 brought against police as part of a 1996 lawsuit by the American Civil Liberties Union. The settlement is pending awaiting the City Council's approval. *Pittsburgh Post-Gazette*, June 20, 2002.

The city of Modesto, California agreed to pay \$2.55 million to the family of 11

year-old Alberto Sepulveda, who was accidentally shot and killed during a September 2000 drug raid. In addition to monetary compensation, Modesto Police Chief Roy Wasden agreed to change MPD's procedures to prevent accidental shootings in the future. Changes include: Written policies prohibiting officers from pointing their guns at persons who comply with police orders; prohibiting taking witnesses to the police station without their consent; and prohibiting taking children to the police station without first advising their parents. *Modesto Bee, June 20, 2002.*

Mental Illness

Criminal Justice and Behavior published a study titled, "Police Handling of the Mentally Ill in Domestic Violence Situations." Authors Mary Finn and Loretta Stalans found that officers that recognize persons as mentally ill perceived them as more dangerous, less credible, more responsible for the violence, less in control of their actions and less likely to be acting in self defense. They found that officers who held stereotypic views supportive of violence, or those that blamed the victim, were less likely to arrest. The study also found a positive, statistically significant correlation between officers' views of the mental health system and the decision to request civil commitment. *Criminal Justice and Behavior, June 2002.*

The Criminal Justice/Mental Health Consensus Project, a two year collaborative project of the Council of State Governments, the National Association of State Mental Health Program Directors, law enforcement officials, criminal justice experts, mental

health experts and consumers released a report detailing the project's results. The Consensus Project report provides recommendations that local, state, and federal policymakers, criminal justice and mental health professionals, and law enforcement officials can use to improve their response to people with mental illness and provides 'model' examples to follow. The report states that police are often the first contact a mentally ill person will have with the criminal justice system. Therefore, it is crucial that officers have adequate knowledge of mental health issues and symptoms, de-escalation training and possess the ability to assess whether the crime necessitates criminal justice action or is best addressed through alternative mental health sources. The report states that police dispatch personnel should be provided with tools, including appropriate questions to be asked, to assess whether mental illness may be a factor in a call for service. Departments should develop procedures that require officers to assess whether mental illness is a factor in an incident. The report suggests that departments establish written protocols that delineate appropriate officer responses based on the specific nature of the incident. Documentation of all contacts with mentally ill persons will promote accountability and enhance service delivery. Lastly, departments should form partnerships with mental health professionals and/or create a specialized crisis team that responds to incidents involving the mentally ill. The full report can be accessed electronically at http://www.consensusproject.org/downloads/Chapter_II.pdf.

Racial Profiling

The New Jersey State traffic stop study, which was released in March 2002 and which concluded that black drivers were more likely to speed than whites, created a debate about the merits of collecting traffic data. Policy makers, police `experts and executives have questioned the importance of spending considerable time and resources in collecting traffic stop data given the purported lack of methodologically sound means to analyze the data. The *Law Enforcement News* reports that some cities collect data, but fail to analyze the data. Other cities that conduct analyses have concluded that comparisons create an incomplete and potentially misleading picture of police activity. Seattle City Council members have suggested eliminating mandatory data collection and alternatively using the money to install video cameras in patrol cars. Others argue that, while data collection may have its limitations, it does provide a glimpse of possible patterns and trends. *Law Enforcement News*, April 15, 2002.

The Police Executive Research Forum ("PERF") released a report on its COPS-funded racially biased policing project. The report is based on information obtained from focus groups, surveys of over 1,000 police executives, police department material and meetings with police chiefs and civil rights groups. The report provides suggestions to police department executives to combat racially biased policing, including developing an anti-biased policing policy, modifying recruitment and hiring practices and increased supervision and accountability. The report also suggests more training and

education for officers, community outreach and traffic stop data collection. The report is available on PERF's website at www.policeforum.org.

A voluntary traffic stop data collection study conducted by the Oregon State Police revealed that white drivers are stopped most often, but arrests per stop were higher for minorities. Oregon has an 88 percent white population and white motorists represent 89 percent of all stops. Once stopped, troopers conducted searches of 1.79 percent and arrested .69 percent of white motorists. Troopers searched 3.6 percent and arrested 1.45 percent of Hispanic drivers. Troopers searched 2.9 percent and arrested .85 of black motorists. Oregon State Police Superintendent Ronald Rucker stated that the data collection study was the department's first step in addressing community concerns about racial profiling. *Crime Control Digest*, May 10, 2002.

The Seattle City Council approved a data-collection plan that would require police officers to fill out a questionnaire each time a motorist is stopped that would include: The driver's gender, age and residence; time, date and location of stop; the reason and outcome of the stop; the officer's assumption about the driver's race and whether the officer had identified the driver's race prior to the stop; the duration of the stop; the number of passengers; whether the driver was asked to step out of the car; whether a search was conducted; the basis for the search; what items were found during the search; and the officer's squad assignment. The Mayor announced that he may not support the proposal. Police Chief Gil Kerlikowske also expressed concern about possible misuse of the data and the lack of a

sound methodology to analyze the results. A second companion measure to install 25 video cameras in patrol cars was approved by the council on June 19, 2002. The City and police union are negotiating the terms of this measure. *Seattle Times, June 20, 2002.*

On June 6, 2002, Portland, Oregon Police Chief Mark Kroeker announced that a racial profiling panel, consisting of Police Bureau personnel and community members, will reconvene after 2001 traffic stop data have been analyzed. The data showed that police were more than twice as likely to stop African Americans than white motorists. From July through December 2001, police stopped 210 African American motorists per 1,000 African American residents. Police stopped 102 whites per 1,000 white residents. During the first six months of 2001, police stopped 240 African Americans and 90 whites per 1,000 residents. Kroeker suggested that changes in data collection during the second half of the year could explain the differences. Data from motorcycle, mounted and bicycle patrols were not available until July 2001. Asians and Native Americans made up a smaller percentage of stops than their share of the population and Latinos were slightly more likely than whites to be stopped. Kroeker stated that the results are inconclusive, in that comparisons based on resident population may not be valid because police officers stop non-residents and because some motorists have been stopped numerous times. Kroeker expressed his wish to employ racial profiling experts who specialize in innovative data analysis to interpret the results. *The Oregonian, June 6, 2002.*

Standards/Training

PERF and author Mark Moore have released a publication to help policy makers, police professionals, and citizens evaluate police agencies and practices. "Recognizing Value in Policing," examines seven goals of policing and suggests that traditional measures of police performance are inadequate. Moore based his conclusions on collaborative work with leading criminal justice practitioners and research conducted in several cities. The report is available for purchase on PERF's website at www.policeforum.org.

A study conducted by the U.S. Department of Justice concludes that police departments in large cities are requiring new officers to have more education and training than in the past, but are paying them less. In 2000, 37 percent of police departments serving cities of 250,000 or more required new officers to meet a college education requirement, compared with 19 percent in 1990. Departments requiring a two or four year degree increased from 6 to 14 percent. The number of classroom and field training hours increased from 1,280 to 1,480 over the same time period. After controlling for inflation, officer salaries declined from \$35,002 to \$34,556. The report also addresses changes in racial and ethnic minority employment, the development of special units and the use of airplanes and bicycles for policing activities. The full 16-page report is available from the Bureau of Justice Statistics Clearinghouse at 1-800-732-3277 or online at www.ojp.usdoj.gov/bjs.

IACP's *Police Chief* has published an article on the role of Internal Affairs and the Chief of Police in providing leadership in integrity and ethics. Author Richard E. Lober, of the Tallahassee Department of Law Enforcement, suggests that Chiefs should: Identify the department's current cultural values; establish core values within the ranks; put core values into daily operation; incorporate core values into all training; and select field training officers and supervisors carefully for strong values. Lober suggests that both what Internal Affairs chooses to investigate and the quality of the investigations imbues integrity and ethics into police officer attitudes. He also suggests that Internal Affairs' findings and any discipline imposed should reflect the department's core values. *Police Chief*, May 2002.

The *Police Quarterly* has published, "Technology, Policing and Implications of In-Car Videos." Authors Maghan, O'Reilly and Shun review the benefits on in-car video technology, highlight possible officer resistance, and provide suggestions to departments considering this technology. They argue that in-car videos can deter officer abuse, serve as evidence that can minimize frivolous citizen complaints against officers, and assist in restoring and increasing public confidence in a law enforcement agency. A number of law enforcement agencies, including those in Los Angeles, the Chicago area and Kansas City, Missouri, have installed the technology in their patrol cars. While the Cook County Sheriff had initially implemented the system to protect citizens from police brutality, he believes the cameras have reduced motorist misbehavior and protected officers from false brutality and racial profiling complaints. Many

departments have encountered technical problems, which have delayed implementation. The authors suggest that departments budget for maintenance and service prior to purchasing the system and consult NIJ's "Video Surveillance Equipment Selection and Application Guide" (available at <http://www.ncjrs.org/pdffiles1/nij/179545-1.pdf>). Cost is another factor to consider, and the authors suggest that the approximate cost of \$2.2 million for 500 cars (or about \$4400 per car) may be reduced or covered entirely in states that enacted laws to provide state funds to departments that outfit cars with in-car videos. Another challenge a department may face is officer resistance. The authors suggest instituting a training program, a method the Los Angeles Police Department has deemed successful, to assure officers that the system serves their interests and helps build greater trust with the community. *PERF's Police Quarterly*, March 2002.

The Indianapolis Police Department ("IPD") has modified its pursuit policy to stress accountability and accident reduction. While the ultimate decision on whether or not to commence a chase rests on the officers involved, supervisors will become involved soon after commencement to balance the public's safety versus the need to catch a fleeing suspect. The supervisor will have the authority to stop dangerous pursuits. The policy also gives police officers more tools to control pursuits, including tire-deflating "stop sticks," a new helicopter and more discretion to abandon dangerous chases. IPD will also put large ID letters on the roofs of all marked vehicles to help the helicopter direct ground units. All

chases will be subsequently reviewed through IPD's chain of command, including a deputy chief and a new Vehicle Operations Review Board. The announced changes arose from an April 27 chase in which a fleeing suspect crashed into another car, killing a 9-year-old boy and his mother. In 2001, IPD was involved in 255 vehicle pursuits. *Indianapolis Star*, May 30, 2002.

The Thames Valley Police force in the United Kingdom is using a new online tool called the Street Robbery Policing Knowledge Map to look up task guidelines covering areas such as interviewing witnesses, storing DNA swabs and gathering evidence. The Knowledge Map is updated daily in order to ensure that methods are consistent with best practices. *Telecomworldwire*, June 13, 2002.

In an effort to increase the department's number of Hispanic officers, the District of Columbia, Metropolitan Police Department ("MPD") has hired 60 Puerto Rican police officers. In March 2002, following years of efforts and criticism for its lack of Hispanic officers, MPD police officials initiated a recruitment trip to Puerto Rico. In 1994, the U.S. Department of Justice investigated the city's hiring and promotion of Hispanic officers. On average, the Puerto Rican officer who recently applied had eight years of experience and most were college graduates. Police officials speculated that increased pay was a large attraction for many of the officers - \$18,000 in Puerto Rico in comparison with \$40,000 in Washington D.C. MPD Police Chief Charles Ramsey is also planning to develop a Hispanic liaison unit to enhance community relations with the

Hispanic population. *Washington Post*, June 24, 2002.

The *Police Quarterly* has released "Predicting Five Dimensions of Police Officer Stress." Authors Zhao, He and Lovrich explore the effect of individual perceptions of work environment on male officer stress and relied on survey data from two large police departments. Their findings suggest that the five dimensions of workplace stress - depression, anxiety, obsessive/compulsive behavior, interpersonal sensitivity and anger/hostility -- are comparable to other adult male workers. Police officers are marginally higher on interpersonal sensitivity, obsessive/compulsive and anxiety and lower on depression and anger/hostility. Autonomy and feedback had a negative impact on a majority of dimensions of police stress. The authors found that the level of bureaucracy is positively correlated with all five dimensions of stress. Lastly, professional experience, education level and work related factors such as shift, rank, and years of service do not appear to impact the five dimensions of stress. *PERF's Police Quarterly*, March 2002.

The U.S. Department of Justice has published final guidelines concerning withholding of federal funds from agencies that fail to comply with Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d. Title VI states that recipients of Federal financial assistance are responsible for ensuring that persons with limited English proficiency (LEP) have meaningful access to their programs and activities. DOJ published its guidelines pursuant to Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2001), which directs each

federal agency that extends assistance subject to the requirements of Title VI to publish guidance to its respective recipients clarifying the obligation. These guidelines affect law enforcement agencies that receive federal funds. DOJ's full LEP guidelines are available online at <http://www.usdoj.gov/crt/cor/lep/DOJfinal%20LEPGuidsigned06-12-02.htm>.

Use of Force

The *Lancet Medical Journal* has published an article on injuries resulting from use of non-lethal rubber bullets by the Israeli police force during riots by Israeli Arabs in Israel in October 2000. The study asserts that Israeli police often fire too close and aim poorly at protestors, sometimes resulting in injuries or death. The study further asserts that, even when the bullets are fired properly, they are so inaccurate that they can cause unintended injuries. Similar bullets are used in the U.S. to control protestors. Two types of rubber-coated bullets were used during the 2000 riots. The first is a blunt cylindrical missile composed of three metal cores coated in hard rubber shells that is fired from a special canister that fits onto the muzzle of a gun. The bullet splits into three after it is shot and is recommended for firing at the legs of an individual from at least 131 feet away. The other bullet is composed of 15 tiny rubber-covered metal balls, packed into a cartridge, that disperse after firing to form a circle about 22 feet across. It is recommended for use against groups of people. The researchers found that bullets that hit the legs caused the least damage, and those that hit the face usually caused the most. The study suggests that Baton rounds or pure plastic bullets may be

lighter, faster and more accurate than rubber bullets. The article can be accessed on the Lancet's website at http://pdf.thelancet.com/pdfdownload?uid=llan.359.9320.original_research.21184.1&x=x.pdf.

The Los Angeles Police Department decided to eliminate the use of non-lethal beanbag shotguns after conducting extensive tests that concluded that they consistently failed to work as designed. While the beanbags were originally implemented to stun a potential target without causing any major injuries, they have been found to penetrate deep into the body and cause serious internal injuries. More funding has been allocated at the National Institute of Justice for additional testing of non-lethal ammunition. *Los Angeles Times*, June 3, 2002.

The Portland, Oregon police department obtained and deployed 12 Taser guns. Some community members, including police watchdog group Portland Copwatch, criticized Chief Kroeker's decision to utilize the weapons. Concerns were raised about past injuries and deaths resulting from the use of such weapons. *Portland Copwatch*, June 17, 2002.

Criminal Justice and Behavior has published a study titled, "The Influence of Professional Orientation on Detention Officers' Attitudes Toward the Use of Force." The study, authored by Marie L. Griffin, is a survey of 617 correctional officers and examines the effects of individual characteristics, environmental factors, and professional orientation on correctional officers' willingness to use force. She found that individual-level variables, such as race,

gender, education, and tenure, minimally affect professional orientation. Gender and race did not have a significant effect on professional orientation. Punitive orientation is significantly affected only by age, rehabilitative orientation only by gender, and custodial orientation only by tenure. Griffin found that younger officers had a tendency to exhibit a more punitive attitude towards prisoners, while female officers tend to have a more rehabilitative attitude. The author notes that the surprising finding of the negative effect of tenure on custodial orientation is contrary to past research findings. Griffin asserts that work environment structure and values are more significant predictors of an officer's professional orientation than individual characteristics. She found that officers who believe they possess lower levels of authority are more likely to adopt a punitive orientation and those that feel they have higher levels of authority are more likely to adopt rehabilitative orientation. Organizational support had a positive direct effect on an officer's rehabilitative orientation. Gender, race, age, education and tenure had no direct effect on officers' readiness to use force. However, officers who express satisfaction with the quality of supervision and those that fear victimization indicate a greater readiness to use force. Role conflict was found to influence an officer's readiness to use force. Lastly, the study found that punitive and custodial orientation had a significant and positive effect on readiness to use force and rehabilitative orientation had no significant direct effect on readiness to use force. *Criminal Justice and Behavior*, June 2002.

The Pentagon has considered purchasing a new non-lethal weapon called "sonic bullets" for use against hijackers and crowds. The device contains small crystal wafers that project a beam of sound across a room. The emitters are semiconductors in a configuration that produces focused sound waves. The device sends out two ultrasonic signals that produce sound when they hit a person or target. The sound produced exceeds the human threshold for pain and can incapacitate people or compel them to flee. Makers of the device, American Technology Corp., claim it can help airline pilots fend off hijackers without harming bystanders. The device received FDA approval for retail use after it was determined that there were no adverse health effects. *Los Angeles Times*, June 23, 2002.

Following Miami City Council's approval of a \$925,000 settlement with the family of a teenager killed by officers (who then allegedly "threw down" a gun near his body), the Miami City Council gave Police Chief Raul Martinez instructions to reform the police department, improve community relations and reduce excessive force incidents. City officials claim that they support the chief, but want reform initiated at a quicker rate. *Crime Control Digest*, May 10, 2002.

Interview

Bias-based policing expert and PARC senior advisor Ron Davis recently spoke to us about racial profiling, data collection and biometrics. Davis, a 16-year law enforcement veteran, is currently on sabbatical from the Oakland police department, where he is

a Captain. Davis has authored several reports on data collection and bias-based policing, and he has developed and hosted bias-based police training courses across the country.

PARC

In a recent report, "Racial Profiling: What Does the Data Mean," you noted that ideally police departments should pursue a data collection process that includes the establishment of a task force composed of local civil rights and community-based leaders, rank and file, command officers, and minority law enforcement organizations. The task force's primary role would be to identify local variables and benchmarks. Has any department been able to successfully implement such an approach?.

DAVIS

Yes. The collaborative process has been utilized by many agencies from the onset of the racial profiling debate. Going as far back as 1999, the Richmond (Virginia) police department and Montgomery County (Maryland) police utilized collaborative processes. Most recently, the Oakland, California, and Erie, Pennsylvania police departments (to name only a few) implemented similar processes. The collaborative process is noted in "A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned," by Deborah Ramirez, Jack McDevitt, and Amy Ferrell as a key factor in a successful data collection program.

For example, in Erie, PA., the city formed a committee involving civil-rights and community-based organizations working alongside police and city officials. As part of this process, the committee met with the local college (Mercyhurst College)

commissioned to analyze the data and engaged in open discussions regarding racial profiling and data collection.

Although there were disparities noted in the final report, all of the stakeholders (having been involved in the process and understanding the issue) committed to work with the city and the police department to address the issues. There was very little name calling, finger-pointing, or "I told you so." This was, in part, because of the process.

The collaborative process ensures the three "I's" are utilized: Information, input and involvement. Consequently, stakeholders have a better understanding of issues and become a critical part of the study, which makes them a vital part of the solution.

PARC

In the same article, you refer to the implementation of data collection procedures as the first step in determining what systems are influenced by bias and what systems are resulting in disparities. What should the next step be after a determination has been made?

DAVIS

Understanding how to analyze the data answers the question: why collect data? I do not think data collection should be oversimplified to translate to racial profiling or not. There are many lessons within the data. Are officers stopping certain ethnic groups for higher or lower discretionary violations? Are consent searches consistent between racial or ethnic groups? If not, are the seizure rates consistent?

The data is like a puzzle. An individual piece (data) does not provide a clear picture, but as you connect the pieces

the picture becomes clear. Once disparities are identified, management has the responsibility to identify the causal factors. For example, search data revealed that the Customs Service was searching an inordinate amount of black females, although the contraband seizure and arrest rates did not justify the disparity. Consequently, Customs revamped its search policies and the inequities were drastically reduced. However, the seizures actually increased. In other words, they become more efficient. Simply put, you cannot manage what you do not measure.

PARC

Have you witnessed a change in police policies since the implementation of data collection procedures and the passage of legislation mandating racial profiling policies in 14 states?

DAVIS

Yes. Many agencies have adopted racial profiling and bias-based policies, established community collaborative/committees, provided diversity and other related training and implemented supervisor and managerial oversight on field operations, including policies that restrict arbitrary consent searches or pretextual stops.

PARC

Since the data collection measures are fairly new, are most departments still in the collection stage? Have any departments begun to analyze their data, and if so, what issues have risen from the analysis process?

DAVIS

Many agencies have been collecting data for over a year. These agencies are now facing the most challenging aspect of data collection - data analysis. Unfortunately, agencies often do not

know what to do with the data. Moreover, most agencies and even researchers do not know how to analyze the data; specifically, what benchmarks should be used. Meanwhile, these agencies are receiving continual requests (in some cases, demands) to release the data. Administrators are apprehensive (and rightfully so) about the release of the data when it cannot be analyzed with credible benchmarks or released in the proper context. Consequently, the most controversial area of data analysis is benchmarking.

There is a common practice to erroneously use the Census data as a benchmark for vehicle stops. This practice results in inaccurate data analysis, false-positives and the potential for false (inaccurate) labels. There is debate amongst the top researchers and statisticians on this very topic.

This dilemma reinforces the need for a collaborative process that taps into the expertise of all stakeholders to develop benchmarks that factor in local-based variables that may impact data analysis. This process also ensures that all stakeholders understand the complexities of data analysis. What it can and cannot do.

PARC

Have any departments formally responded to their findings?

DAVIS

Some have, some have not. Most failures to respond are not based on the departments' unwillingness to respond to community concerns; they are based on the agencies inability to validate the findings and/or understand how to

translate the findings into managerial practices.

PARC

Following 9-11, a debate ensued around the legitimacy of racial profiling by airport security. Do you believe that airport security personnel should be able to take race into consideration when determining whether or not to search and question a passenger?

DAVIS

Racial profiling is not only wrong, illegal and immoral, it is also ineffective. The use of race to predict criminal (terrorist) acts is lazy, sloppy police work. It is based on stereotypes and fueled by fear and ignorance. We (Americans) deserve protection not paranoia. Compromising civil rights to satisfy fear is the actual goal of terrorism - to create enough fear that we voluntarily change our democratic way of life. After all, it is our way of life that the terrorist despises.

We must differentiate between civil rights and civil privileges. Our focus must shift from racial and ethnic profiling to behavior-based profiling, which requires us to ask tough questions, conduct exhaustive investigations and provide security personnel extensive training. It makes no sense to take short cuts when it comes to National Security. Make the investment today for beneficial returns tomorrow. Otherwise, we will continue to engage in ineffective strategies such as profiling.

We will be looking for a needle in a haystack. Only we are burning the hay to get to the needle.

PARC

Is biometrics a promising tool for law enforcement personnel and federal authorities?

DAVIS

Most agree that the gathering of intelligence is the most critical tool in the war against terrorism. The use of biometrics offers unimaginable potential in gathering intelligence and personal identification.

To "hide" from technology that enhances our ability to gather intelligence based on past abuses is not necessarily practical. On the other hand, we cannot ignore history. A failure to acknowledge our history means we are doomed to repeat the mistakes of the past.

To date, the biometrics debate is problematic mainly because the discussion does not fully engage the "end user," which is law enforcement. Understanding potential abuses from the onset provides the ability to incorporate appropriate security measures as part of the design. Moreover, there are significant policy and even legislative implications for such technology. That discussion must occur before its (biometrics) use, not after its abuse.

PARC

Do you feel that the use of biometrics would open the door to more abuses of racial profiling?

DAVIS

Yes. As stated earlier, the unrestricted use of biometrics without due consideration for civil rights, will result in abuses, both intentional and unintentional. Legislation, policies and

leadership can close the door to widespread abuse. There must be accountability for the inappropriate use of such technology.

PARC

Have you been involved with any law enforcement agencies engaged in the use of biometrics, and if so, what would you say are the major risks?

DAVIS

No. This is not to say agencies are not using biometrics or other similar technology, but it is safe to say it is not widespread in the industry.

PARC

Do you feel that the implementation of biometrics will initiate and facilitate new forms of information-based abuses by law enforcement?

DAVIS

The issue is not biometrics. The real issue is information management; the gathering, interpretation, distribution (sharing) and protection of information. Our focus should be on developing effective guidelines on information management that reinforce the values of our organizations and protects the rights of all persons.

I am confident we are heading in this direction. Most recently, the Department of Justice, Office of Community-Oriented Policing, hosted a workshop on Criminal Intelligence and Ethics. The goal is to develop a blue-print on ethically-based intelligence gathering and use and make it available to all police executives.

Conferences

July 19-25, 2002 -- National Organization of Black Law Enforcement Executives (NOBLE)

Annual Conference in Tampa, FL. For more information, visit NOBLE's Web site at <http://www.noblenatl.org/>

July 24-27, 2002-Commission for Accreditation for Law Enforcement Agencies (CALEA) Maximizing Excellence Conference in Cleveland, OH.

For more information, go to CALEA's Web site at <http://www.calea.org/newweb/ConferenceInfo/Cleveland/conferenceinfo.htm>

August 7-12, 2002 -- National Association of Police Organizations (NAPO) Convention in Sedona, AZ.

For more information, visit NAPO's Web site at <http://www.napo.org/napo7htm>

August 8-11, 2002-National Association of Women Law Enforcement Executives (NAWLEE) Annual Conference of the National Association of Women Law Enforcement Executives in Seattle, WA.

For more information, visit NAWLEE's Web site <http://www.nawlee.com/events.html>

August 19-24, 2002 - Hispanic American Police Command Officers Association (HAPCOA) Annual Conference in Albuquerque, NM.

For more information, visit HAPCOA's Web site at http://www.hapcoa.com/2002_conference.htm

August 19-25, 2002 - National Black Police Association's (NBPA) Annual Education and Training Conference in Los Angeles, CA.

For more information, go to NBPA's Web site <http://www.blackpolice.org/LA.html>

October 2-4, 2002 - The Society for Police and Criminal Psychology

Annual Conference in Orlando, FL. For

more information, visit SPCP's Web site at <http://cep.jmu.edu/spcp/confer.htm>

October 5-9, 2002 -International Association of Chiefs of Police (IACP)
Annual Law Enforcement Information Management Conference in Minneapolis, MN. For more information, visit IACP's Web site at <http://www.iacptechnology.org/2002LEIM.htm>

October 20-24, 2002-International Association of Women Police (IAWP)
Annual Conference in Canberra, Australia. For more information go to IAWP's Web site at <http://www.iawp.org/conferen.htm>

October 31 - November 3, 2002 - National Association for Civilian Oversight of Law Enforcement (NACOLE)
Annual Conference in Cambridge, MA. For more information, visit NACOLE's website at <http://www.nacole.org>

December 2-4, 2002 - Americans For Effective Law Enforcement (AELE)
Conference on Discipline and Internal Investigations in Las Vegas, NV. For more information, visit AELE's Web site at <http://www.aele.org/Seminars.html>

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