

**NEW
ERA
OF
PUBLIC
SAFETY**

AN ADVOCACY TOOLKIT FOR FAIR, SAFE,
AND EFFECTIVE COMMUNITY POLICING

New Era of Public Safety: An Advocacy Toolkit for Fair, Safe, and Effective Community Policing
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The Leadership Conference is a 501 (c)(4) organization that engages in legislative advocacy. It was founded in 1950 and has coordinated national lobbying efforts on behalf of every major civil rights law since 1957.

The Leadership Education Fund is a 501 (c)(3) organization that builds public will for laws and policies that promote and protect civil and human rights of every person in the United States. The issues The Education Fund works on have deep roots in its organizational history and across the communities it represents.

Access the toolkit online at <https://policing.civilrights.org/toolkit> and the best practices report, *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, at <https://policing.civilrights.org/report/>.



III. I AM CONCERNED ABOUT.. MY COMMUNITY'S APPROACH TO POLICING

**Our society's approach to
public safety is structured
so that law enforcement
is present in nearly every
aspect of American life.**



Police officers are in our schools, at scenes of mental health crises, and even in coffee shops arresting people. This type of “proactive policing” undermines public safety; when people do not feel safe, they are not safe. Making matters worse, proactive policing creates a culture that positions officers as “warriors” who enforce the law rather than as “guardians” of public safety.

Under this type of proactive approach to policing, departments formally or informally measure officers’ performance by the number of tickets they issue or arrests they make. It involves saturating communities of color, immigrant communities, and low-income communities with police officers. And it can result in adverse effects: residents of these communities are subject to disproportionate rates of traffic stops, stop-and-frisk tactics, and discriminatory enforcement of low-level offenses, such as disorderly conduct, drinking in public, loitering, and marijuana possession. In some cities, such as Ferguson, Missouri, police departments raise significant revenues through fines, fees, and seizure of property.²⁴ In other words, some departments finance their activities by over policing targeted communities.

Your advocacy can encourage departments to take a community centered approach that embraces a guardian mindset²⁵ — which is widely regarded as a more effective and lasting approach to building public safety.

Some departments promote “broken windows” policing as a form of community policing, but there are significant differences between the two:



Community Policing

- + Engages all community members in meaningful decision-making, implementation, and evaluation of departmental policies, practices, and priorities. Police leaders value community perspectives, especially of those most impacted by policing.
- + Emphasizes prevention and problem-solving over arrests and criminalization.
- + Promotes fair and equal treatment of all community members and judicious use of resources to promote public safety rather than to criminalize minor offenses.



Broken Windows Policing

- ✗ Does not involve community members in creating or implementing policies, in overseeing department practices, or in holding officers and departments accountable for systemic problems. Police leaders prioritize input from community members who support aggressive enforcement of minor offenses.
- Emphasizes quotas for stops and arrests over prevention and problem-solving.
- ✗ Targets youth of color, people experiencing homelessness, and people believed to be engaged in prostitution and street vending for aggressive enforcement of minor offenses.

Key Challenges

Lack of accountability:

A lack of accountability for police officers to the communities that they are meant to protect and serve prohibits trust-building. Law enforcement is accountable to all community members, including people of color, women, gender nonconforming people, LGBTQ people, youth, undocumented immigrants, people with limited English proficiency (LEP), people with disabilities, religious and ethnic groups, low-income people, people experiencing homelessness, as well as people suspected or accused of violating the law.

Lack of familiarity:

Some police officers are not familiar with the communities they work in. This can create problems if officers are not aware of community dynamics, culture, or social problems. Police officers should be familiar with and have an awareness of social problems, their underlying societal causes and consequences, and the community that they serve and protect.

Lack of community input:

Community policing is essential to improving public safety. Some departments develop policies and practices, mission statements, organizational structures, strategic plans, and priorities without community input.

Lack of trust:

High-profile police shootings of unarmed Black people and other incidents of police misconduct, coupled with heavy enforcement of low-level offenses, have eroded trust in law enforcement in many communities — and especially in communities of color. This lack of trust strains police-community relationships and undermines public safety.

Making Change

Adopt a community policing philosophy.

Police departments should adopt community policing as their key operational philosophy and embrace a guardian mindset to policing that is reflected in mission statements, strategic plans, and day-to-day operations.

End “broken-windows” policing.

Departments should end “broken windows” and other policing models that emphasize the quantity of tickets and arrests over the quality and effectiveness of policing.

Interact with communities.

Departments should work to form trusting relationships with communities by creating opportunities for officers to engage with community members to increase understanding of societal causes and consequences of social problems.

Reallocate resources.

Departments should divert resources from other budgetary areas and invest more in community policing.

Require trainings on community policing.

Departments should train officers in the goals and methods of community policing. Community members should be directly involved in the development and delivery of trainings.

Implement policies for engagement with specific groups.

Departments should implement policies for encounters with people who have limited English proficiency (LEP), who are Deaf or hard of hearing, or who have other disabilities that affect communication.

Collaborate with communities.

Departments should collaborate with communities to improve safety by:

- + Identifying strategies to make communities safer.
- + Increasing interactions between police officers and community members in nonenforcement settings.
- + Creating comprehensive community-outreach programs.
- + Involving community members in the development of policies and in the creation and delivery of trainings.

Value community input.

Departments should establish a formal role for community members to publicly evaluate departments. This process should include, but not be limited to:

- Neighborhood meetings and councils
- Complaint and compliment forms
- Online surveys

- Public fora on policy changes
- Advisory groups representing communities directly impacted by policing practices, including people of color, women, LGBTQ people, youth, undocumented immigrants and people with limited English proficiency (LEP), people with disabilities, religious and ethnic groups, low-income people, and people experiencing homelessness

Establish formal structures for community input.

Departments should establish formalized structures and resources to gain community members' feedback about:

- Decision-making around policies, priorities, and day-to-day operations
- Training
- Accountability for officers who violate departmental policies and practices
- Development, implementation, and oversight of specific policies and procedures governing policing of marginalized communities that emphasize effective communication and engagement

Reconcile with the community.

To rebuild trust, departments should acknowledge the long and complex history between communities of color and police officers. Restorative justice and reconciliation models open lines of communication and create opportunities for engagement.

Enforce procedural justice principles.

Every aspect of a department's work should incorporate the principles, goals, and objectives of procedural justice internally and externally.

Create staffs that reflect the community.

Departments should focus on recruiting, retaining, and promoting applicants from historically underrepresented groups in the policing profession, such as people of color, women, and people from other underrepresented backgrounds.

Develop performance measures that reflect community policing.

Departments should evaluate officers based on community policing principles and practices, such as engaging and collaborating with community members, solving problems with community input, and tracking satisfaction with policing services.

Provide incentives.

Departments should incentivize community policing by rewarding officers for solving problems with community input, resolving community concerns without resorting to use of force, and treating all community members — including those suspected or accused of violating the law — fairly and respectfully.

End the use of police in schools as a solution to student discipline:

Some school districts are increasingly turning disciplinary matters over to school police — sworn police officers who are deployed to schools to improve safety and prevent crime, often under the mantle of community policing. This model often relies on arrests to address student discipline, usually for minor age-appropriate behaviors and funnels youth, and especially students of color, into the school-to-prison pipeline.²⁶ There are better ways to manage student discipline and keep students safe. Instead of police, schools should have professionals who are trained to handle disruptive behavior in school, such as counselors, mental health professionals, community intervention workers, and restorative justice coordinators.

How to Advocate for Change

Advocate for community policing.

Pressure your mayor and city legislators to require your local police department to adopt community policing as its key operational philosophy. Pressure the chief of your local police department to implement community policing principles and practices throughout the department, and ensure that all officers — not just a designated few — apply these principles and practices to their work. Also, make sure your police department's decision-making processes include representatives from communities that are most directly impacted by policing.

Exercise your electoral power.

Make a commitment to community policing a central issue in every election season and a condition of your support for candidates for office on both the state and local level.

Get involved in the hiring process.

Pressure your mayor and city legislators to hire a police chief who has demonstrated a commitment to community policing principles and practices.

Talking Points

Community policing increases public safety.

When communities and police departments collaborate to co-produce and implement a vision of public safety for all members of a community, and when police officers treat people fairly and respectfully, community members and officers are safer.

Community policing reflects 21st-century policing principles and practices.

Community policing principles and practices have been endorsed and promoted by the Department of Justice's Office on Community Oriented Policing Services, the President's Task Force on 21st Century Policing, and many law enforcement associations, including the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Major County Sheriffs of America.

Overcoming Opposition

⚔ The Opposition:

"Community policing takes valuable resources away from fighting crime. Police officers are not social workers and should not be wasting their time at community meetings or taking orders from community members."

+ Overcoming the Opposition:

"Police officers are public servants and must be deeply engaged with all members of the communities they serve to ensure safety for all. That cannot be accomplished without strong relationships with, and accountability to, communities."



PROFILING AND

BIAS-BASED POLICING

**Profiling is presuming that
someone is involved in
criminal activity based on
who they are rather than
what they have done.**



Profiling is often based on race or ethnicity but can also be based on national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, or other personal characteristics. It can arise from explicit or implicit biases about people based on personal characteristics, such as beliefs that some groups of people are more dangerous than others and more prone to certain types of criminal activity. No matter the motivation behind it, the result is the same for people on the receiving end: discrimination. Profiling profoundly undermines civil and human rights, including equal protection of the law, freedom from discrimination, freedom of movement, and freedom from unreasonable searches and seizures.

Profiling and bias-based policing are well-documented and systemic problems across the country. Police departments' data demonstrate that officers stop, search, and arrest Black and Latinx people at higher rates than White people, even though these groups violate laws at equal rates. Profiling entire communities or groups of people based on stereotypes or beliefs perpetuates unconstitutional and discriminatory policing practices, including disparities in stops, searches, arrests, and uses of force.

Key Challenges

Racial and ethnic bias:

In the United States, Black, Latinx, South Asian, Asian, Arab, and Indigenous people are routinely racially, ethnically, and religiously profiled by police officers. In some communities, more than 80 percent of people subject to traffic and/or street stops are Black or Latinx,²⁷ even though these groups make up a much smaller percentage of the general population. Profiling of Muslim, Arab, South Asian, and Middle Eastern people has been documented in the “Global War on Terror.”

Criminalization of everyday activities:²⁸

In some jurisdictions, Black and Brown people, particularly Black and Latinx youth, are disproportionately ticketed and arrested²⁹ for “broken windows” offenses, such as riding a bicycle on the sidewalk, being in a park after dark, loitering (including “loitering for the purposes of prostitution”), eating or drinking in public, making “unreasonable noise” or engaging in “disorderly conduct,” and trespassing in their own homes.

Gender and sexual orientation bias:

Police officers often deny protection to women, LGBTQ people, and gender nonconforming people who survive intimate partner violence, profiling them as perpetrators of violence rather than targets, or holding them responsible for abuse they and their children experience.³⁰ As a result, police officers sometimes fail to properly respond to allegations of sexual assault or intimate partner violence, arrest them under “mandatory arrest” laws, or criminalize them for exercising their right to self-defense.

Criminalization of people experiencing homelessness:

Police officers often discriminatorily ticket and arrest people based on their housing status, and profile people who are homeless for “broken windows” offenses like sleeping or urinating in public or loitering.³¹

Religious intolerance:

Freedom of religion is a cherished ideal in the United States, but this right is not always respected or protected. People who practice non-Christian religions are often profiled — and sometimes criminalized.³² This is especially true of Muslim and Sikh people, who can be suspected of terrorism — and treated as such.

Disability bias:

People with disabilities experience discriminatory policing practices, such as excessive use of force and failure to properly respond or provide necessary resources (e.g., independent nonlaw enforcement interpreters for people who are Deaf or hard of hearing or materials in braille for blind people) during police interactions. People experiencing mental health crises or who require accommodations so that officers can effectively communicate with them may be perceived as resisting, failing to immediately comply, or engaging in erratic or atypical behaviors. Officers may see them as being aggressive, threatening, or “noncompliant,” and may respond with disproportionate and sometimes lethal force.

Collaboration with immigration authorities:

While law enforcement agencies often collaborate with federal authorities regarding matters of public safety (e.g., terrorism, drug and human trafficking, etc.), few have interest in or resources to devote to civil immigration matters, such as deportation proceedings. The Final Report of the President’s Task Force on 21st Century Policing recommends that federal immigration enforcement be decoupled from routine local policing for civil enforcement and nonserious crime.³³

Making Change

Expand the definition of profiling.

Department policy should ban profiling of all members of targeted communities. Department leaders should, at a minimum, prohibit profiling and discriminatory policing based on the following categories,³⁴ as well as any others found to be relevant in a specific community: actual or perceived race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, or other personal characteristics.

Ban profiling in all law enforcement activities.

Profiling bans must apply to all discretionary decisions by law enforcement, including decisions to stop, investigate, question, search, arrest, respond to a call for service, seize property, initiate asset forfeiture, or charge an individual with a crime.

Profiling bans should include discriminatory impacts in policies.

Profiling bans should also prohibit law enforcement decisions that have a discriminatory impact on particular groups of people and communities, regardless of officers or departments' specific intent. Bias-free policies should include specific examples of prohibited conduct. It can be helpful to include specific examples of less commonly discussed types of prohibited profiling.

Ban reliance on perceived identity.

Department leaders should explicitly prohibit police officers from engaging in any form of profiling or discriminatory policing, including that based on who they think people are. For instance, many Sikhs wear turbans as a form of religious observance, but people often presume they are Muslim and profile them as such.³⁵ This is a form of discrimination, even though the victim does not identify with the targeted group. Similarly, an officer's belief that an Indigenous person is Latinx or that a straight man is gay constitutes profiling, even if the officer is not wrong. Profiling bans should prohibit officers from acting on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, or other personal characteristics.

Ban reliance on prohibited categories.

Department leaders should prohibit officers from relying on identity to any degree, unless they are looking for someone based on a specific, reliable, and credible description of a person engaged in an activity at a specific time and location that includes information beyond the prohibited characteristics.

Some policies only prohibit use of these factors as the sole reason for law enforcement action, or as the determinative factor. These restrictions do not go far enough, as they allow an officer to come up with a pretext for a decision to initiate law enforcement activity that is motivated by race, gender, etc.

Require training for interacting with specific groups.

To reduce bias-based policing, department leaders should provide officers with specific guidance and training on how to respect the rights of particular groups of people — such as people of color, women, gender nonconforming people, LGBTQ people, youth, undocumented immigrants, people with limited English proficiency, people with disabilities, religious and ethnic groups, low-income people, people experiencing homelessness, and other groups as relevant to your community.

Ban questions about sexual orientation, gender identity or immigration status.

Department leaders should prohibit officers from asking people about their sexual orientation, gender identity, or immigration status. Only if a person voluntarily provides information regarding their sexual orientation, gender identity, or immigration status and it is related to the incident (e.g., a potential hate crime), may officers record the information.

Require supervisors' approval for discretionary enforcement activities.

Some enforcement activities, such as arresting people for disturbing the peace or resisting orders, involve a large degree of officer discretion. To ensure these actions are not influenced by bias, departments should require that supervisors be notified and approve the arrest before it takes place.

Ensure accountability.

Departments should train supervisors and officers to detect, manage, and report profiling and discriminatory policing. People, organizations, and oversight agencies must be able to hold officers and department

leaders accountable for violating profiling bans by filing a complaint or a lawsuit.

When complaints are filed, supervisors must investigate the matter in a thorough, impartial, and timely matter.

Collect and publish data.

Departments should collect, analyze, and regularly make public aggregate, anonymous data about the race, ethnicity, age, and gender of people who are stopped, searched, and arrested. Demographic data should be based on the officer's perception of people's demographic characteristics (e.g., race or age) before and after the encounter because it may change over the course of proceedings as information comes to light. Police officers should not ask a person about their sexual orientation, gender identity, or immigration status. Only if a person voluntarily provides information regarding their sexual orientation, gender identity, or immigration status, and it is related to the incident (e.g., a potential hate crime), may officers record the information.

Identify and investigate hate crimes and incidents.

Hate crimes and incidents have increased in recent years.³⁶ Police departments should encourage the reporting of hate crimes and incidents, and properly investigate them when they occur. This involves reaching out to potentially targeted communities to explain the reporting and investigation processes.

How to Advocate for Change

Change the law.

Pressure your legislators to pass a state or local law with an expansive ban against discriminatory policing that includes mechanisms — such as a private right of action — for individuals and organizations to hold officers and departments who violate the ban accountable.

Organize around a specific incident.

If profiling or discriminatory policing led to a critical incident of excessive or lethal force, pressure your legislators, your mayor and/or governor, and the chief of your local police department to pass or strengthen policies and laws on bias-based policing.

Build a campaign.

Build a campaign based on the profiling issue at hand. Make sure to reach out to a range of communities experiencing profiling and discriminatory policing who can create a coalition structure.

Build a coalition.

Be creative when building your coalition and include community members with diverse skill sets, interests, identities, and backgrounds. Coalition members that work on the campaign can include clergy, grassroots activists, academics, attorneys, students, artists, etc. - or anyone committed to the cause.

Encourage bias-free recruitment practices.

Communities should support and encourage departments in creating cultures of equity and inclusion that prohibit racial and gender bias, and in building diverse workforces.

Press for proper investigation and discipline.

Community members and organizations can advocate for change by pressuring civilian oversight boards to properly investigate complaints of discriminatory practices and by pressuring departments to mete out swift discipline when warranted.

Organize around the release of data.

The public release of data documenting police profiling and bias-based policing is a good time to press legislators, the mayor and/or governor, and the police chief to pass or strengthen a policy or law on bias-based policing. If your law enforcement agency does not collect or release data, demand that they do so, or start a community-based data collection project.

Talking Points

Police officers have a duty to uphold constitutional rights and federal laws.

Federal laws prohibit discrimination based on race, religion, national origin, and gender. Many federal, state and local laws, constitutions, and charters prohibit discrimination against these and other protected classes (e.g., sexual orientation, disability, and housing status). A ban on profiling is inconsistent with the oath police officers take when joining a police department.³⁷

Profiling bans make everyone safer.

Antidiscrimination and profiling bans make communities safer, because law enforcement activities based on stereotypes, beliefs, and biases (as opposed to actual evidence) do not prevent violence or increase public safety.³⁸

All people deserve protection.

Although racial and ethnic profiling is the most commonly discussed form of discriminatory policing, police officers also profile based on national origin, religion, gender, gender identity, sexual orientation, age, disability, familial status, immigration status, veteran status, health status, housing status, economic status, occupation, proficiency with the English language, and other personal characteristics.

Everyone is entitled to the equal protection of the law — and equal treatment by law enforcement officers!



Overcoming Opposition

🔗 **The Opposition:**

“Officers are just acting on data that show higher rates of crime in particular communities. Profiling bans keep police officers from going where crime is and focusing on the most likely suspects.”

+ Overcoming the Opposition:

“Arrest rates are often higher in communities of color and low-income communities because that is where enforcement is focused — not because crime rates are necessarily higher in those communities.³⁹ This creates a self-fulfilling prophecy: If officers enforce the law in some communities more than others, then data will indicate those communities have higher crime rates. However, all communities have crime. We cannot criminalize entire communities and then use high arrest data to justify overpolicing certain communities, profiling, and other forms of discriminatory policing. There is no evidence that profiling and overpolicing reduce crime. We do know that these activities violate civil and human rights, erode trust and confidence in police, and decrease public safety.”

🔗 **The Opposition:**

“Profiling bans get in the way of officers doing their jobs and fighting crime.”

+ Overcoming the Opposition:

“Profiling bans do not stop officers from responding to calls for help or from pursuing people based on specific descriptions. Instead, they make policing more effective because they require descriptions of individuals suspected of involvement in specific activities rather than generic characteristics like race or religion, which typically produce no evidence of crime.”⁴⁰



STOPS, SEARCHES, AND ARRESTS

**Racial and ethnic profiling
contributes to discriminatory
policing practices,
including unconstitutional
stops and searches that
disproportionately impact
people of color.**

In many communities across the country, police officers routinely stop Black and Latinx people walking in their community or driving in their cars without any legal basis and for no apparent reason other than the color of their skin.

The Supreme Court has authorized “pretextual” stops⁴¹ as long as the officer has an objectively reasonable basis to suspect the person has violated a traffic law (however minor) or other infraction. In practice, this means that officers can use any violation of the multitude of traffic regulations, such as performing an incomplete stop at a stop sign, having a broken taillight, or littering, as a pretext to stop someone. When misapplied, this power exacerbates disparities. Additionally, police officers can arrest people for breaking any law in the criminal code — even a minor infraction, such as failure to wear a seat belt — regardless of whether the arrest furthers public safety. Arrests based on profiling and pretextual stops can have serious consequences even when they are for minor offenses. These consequences include loss of employment, housing, and child custody; steep fees and fines; permanent arrest records; and incarceration, deportation, or other lifelong consequences.

You, however, have the power to limit unlawful stops, searches, and arrests.

Stop-and-Frisks:

Under the U.S. Supreme Court’s decision in *Terry v. Ohio*,⁴² a stop must be based on a reasonable, articulable suspicion that a person is committing, is about to commit, or has committed a crime. Stop-and-frisk practices and policies must comply with the Fourth Amendment of the U.S Constitution.

A frisk is a brief pat down of the outer clothing, and must be based on a reasonable articulable suspicion that the person is armed and presents a danger to an officer during a lawful investigatory stop. Unless an officer feels something that could be a weapon through the outer clothing, they cannot go inside a person’s pockets or under their hat or other clothing items during a frisk.

Searches:

To search people or cars, an officer must have probable cause to believe that they are concealing weapons, evidence, or contraband. Except in cases of emergency, an officer must have a search warrant to search a home or building. Strip searches and body cavity searches are allowed only when officers have probable cause to believe that someone is concealing weapons, evidence, or contraband in a way that cannot be detected using regular search methods. Strip searches and visual cavity searches must be conducted in private by an officer of the same gender identity as the person being searched. Intrusive cavity searches must be conducted by a medical professional in a private area.

Consent Searches:

A person is entitled to refuse or withdraw consent to a frisk or search where an officer does not have a reasonable suspicion that they are concealing a weapon, evidence, or contraband, or probable cause to believe they are committing or have committed a crime. Officers should inform people of their rights to refuse or revoke consent, and document an individual's informed, voluntary consent before proceeding with a consent search.

Arrests:

An arrest must be based on probable cause – a belief, based on specific facts, that would lead a reasonable officer to conclude that it is more likely than not that a person is breaking or has broken a criminal law. Before questioning a person who is, or reasonably believes they are, under arrest, an officer must read their Miranda rights and document an informed voluntary waiver of their right to remain silent and to speak to an attorney.⁴³

Key Challenges

Unlawful and discriminatory searches:

Police officers disproportionately conduct stops, frisks, and searches on pedestrians and motorists of color without legal justification; this is part of a larger pattern and practice of profiling in law enforcement. Police officers also conduct unnecessary and unlawful frisks and searches, including strip searches of people who are transgender and gender nonconforming for the impermissible purpose of assigning gender based on anatomy or to humiliate and punish them.

Lack of informed and voluntary consent:

Consent for searches is often presumed without advising the person that they have the right to refuse consent if there is no other legal justification for the search, and documenting the person's voluntary, informed consent to the search.

Arrests every three seconds:

Police officers make an arrest every three seconds in the United States, reflecting the increasing criminalization of our communities.⁴⁴ The vast majority of arrests are for minor or low-level offenses, including “broken windows” offenses, traffic offenses, and possession of small amounts of drugs like marijuana.

Incentives to arrest:

Many jurisdictions measure police officers’ performance by how many arrests they make and how many tickets they issue — not by how well they work with communities to solve problems, resolve conflict, and increase public safety. According to the Pew Research Center, more than one-third (34 percent) of police officers reported that their departments had informal arrest quotas.⁴⁵

Raising revenue through fines and fees:

In some communities, tickets, fines, fees, and asset forfeitures generated by arrests contribute to a significant portion of revenue and law enforcement budgets, thereby incentivizing overpolicing.⁴⁶

Sexual harassment and assault:

Sexual misconduct is a serious crime. Some police officers inappropriately touch, sexually harass, and sexually assault people during frisks and searches. A police officer is caught in an act of sexual misconduct about every five days.⁴⁷

Problematic search practices:

Public strip searches and gender searches are problematic.

- Public strip searches and cavity searches are sometimes conducted in public in the context of “stop-and-frisk” and drug enforcement.
- Officers conduct unnecessary and unlawful frisks and searches, including strip searches, of transgender and gender nonconforming people for the impermissible purpose of assigning gender based on anatomy, or to humiliate and punish them.

Making Change

Establish clear legal standards and practices.

Stop, search, and arrest policies and procedures should:

- + Clearly articulate applicable legal standards.
- + Explain the meaning of legal standards using specific examples.
- + Prohibit police officers from discriminating against any protected group in enforcement activities.
- + Clearly articulate the method police officers must use to frisk and search people of all genders, and specifically women.
- + Clearly prohibit any kind of search to assign a gender to or to harass, humiliate, or punish someone.
- + Collaborate with LGBTQ communities to develop and tailor stop-and-frisk policies
- + Prohibit pretextual stops.
- + Reinforce procedural justice in all enforcement actions.
- + Include comprehensive training on stops, searches, and arrests based on community policing principles and practices.

Ban and/or strictly regulate consent searches.

Police departments should ban — or, at minimum, strictly regulate — consent searches of people and their cars. Police officers should be required to tell the person they want to search, in a language or mode of communication that is effective, that (1) they have the right not to consent to a search, and (2) that refusing consent to a search will not be used against them. Officers should also obtain written or recorded proof of the person's informed, voluntary consent before conducting the search.

Require training.

Ensure all officers are trained to identify explicit bias and recognize patterns that indicate implicit bias in officer decision-making.

Collect and publish data.

Police departments should be required to:

- + Collect, analyze, and make data public in alternative and accessible formats:
 - The number of stops, frisks, searches, and consent searches conducted; who they were conducted on; and the basis and outcome of the searches.
 - Information about arrests, including specific information about the facts that led to an arrest.
- + Enable legislators, oversight bodies, and the public to evaluate whether searches are being performed effectively and lawfully.

CAUTION: Departments should never be required or permitted to collect or maintain information about individuals' immigration status, sexual orientation or experience as transgender or gender nonconforming.

Ban quotas and evaluation based on number of arrests.

Police departments should prohibit quotas, formal and informal, for tickets and arrests and focus instead on the quality of policing. Departments should also not evaluate officer performance or make decisions about promotion based on the number of

tickets or arrests an officer issues or makes.

Decouple revenue from arrests.

Prohibit municipal financial structures that incentivize officers to make more arrests, issue more tickets, and seize more assets as a way to fund law enforcement activities.

Require supervisors to review arrests.

Police departments should require supervisors to review and evaluate the legal basis and justification of officers' stops and arrests on a regular basis to detect any indication of bias and to evaluate officer performance. Leaders should discipline officers who conduct improper stops and should train them on alternatives to arrests:

- Officers can give verbal warnings rather than writing citations or making arrests.
- Officers should explore alternatives to enforcement, such as diversion or deflection programs.

Decriminalize and deprioritize minor offenses.

Police departments should decriminalize and deprioritize arrests for minor offenses such as loitering, drinking alcohol in public, disorderly conduct, public urination, etc., and establish preferences for a warning or a summons over an arrest.

How to Advocate for Change

Change the law.

Regulating stops, searches, and arrests is best achieved by passing legislation that:

- + Creates clear and lasting legal standards for conducting stops and searches.
- + Bans or strictly regulates consent searches.
- + Decriminalizes minor offenses.
- + Creates mechanisms for individuals and organizations to hold individual officers and departments accountable for violations of constitutional rights.
- + Requires departments to collect, analyze, and regularly publish data on stops, searches, and arrests in alternative and accessible formats.

Reallocate resources.

Advocate for the municipality to divert resources away from making arrests and toward programs that meet people's basic needs.

Organize around the release of data.

Use data demonstrating discriminatory use of frisks, searches, and arrests to argue for policy change and call on your police department to make such data public. Data should be published online and in alternative and accessible formats.

Strengthen policies.

Pressure the mayor, police chief or sheriff to adopt, strengthen, or effectively enforce existing police department policies on stops, searches, and arrests.

Talking Points

Officers need training and guidance on stops, searches, and arrests.

Officers are entitled to receive specific guidance and training on how and when to conduct a stop, search, or arrest.

Unlawful searches are inefficient and ineffective.

Unlawful searches are inefficient and ineffective because evidence recovered cannot be used in court.

Unlawful and discriminatory searches reduce public safety.

Unlawful and discriminatory stop-and-frisk practices make communities less safe. People subjected to frequent stop-and-frisk interactions with police officers experience high levels of anxiety, feel demeaned and humiliated, and are less likely to trust or cooperate with police officers. These practices also funnel people into the criminal legal system.

Transgender and gender nonconforming people must be protected.

Officers must not commit sexual harassment or assault during searches or violate the rights of transgender and gender nonconforming people.

Unlawful searches come at a public cost.

Baseless arrests, arrests for minor offenses, and discriminatory arrests come at a significant financial and human cost to our communities and decrease, rather than increase, public safety.

Deflection and diversion programs are effective.

Referring people to services that meet their needs has proven to be far more effective at increasing public safety than arresting people for minor offenses — particularly offenses related to poverty and drug possession or use.

Overcoming Opposition

🔗 **The Opposition:**

“Limiting officers’ ability to stop-and-frisk people and conduct consent searches ties their hands and prevents them from finding weapons and drugs.”

+ Overcoming the Opposition:

“Indiscriminate and discriminatory stops, frisks, and searches are an ineffective methods of finding weapons or contraband. Police officers search Black and Latinx people more often than White people, but data show that officers are more likely to find weapons and contraband on White people.⁴⁸ In New York City, officers engaged in widespread stops and frisks without legal justification — but they uncovered weapons in less than 2 percent of stops.⁴⁹ We would never accept such a low rate of return on a public investment in any other context, and we cannot allow it in law enforcement, either.”

🔗 **The Opposition:**

“Consent searches are essential; they enable officers to act on their instincts and hunches to find weapons and drugs.”

+ Overcoming the Opposition (1):

“Consent searches are not an effective law enforcement tactic and lead to discrimination. Dr. James Fyfe, former director of training for the NYPD, urges police departments to ban consent searches because they threaten our Fourth Amendment rights, and are not an efficient law enforcement tool.”⁵⁰

+ Overcoming the Opposition (2):

“Requiring that officers obtain proof of consent to search where no other legal basis for the search exists is good law enforcement practice. Waivers of Fourth Amendment rights are valid only when they are made voluntarily and intelligently, when people have the information they need to give their consent. If police officers find a firearm during a consent search, they need proof the search was legal and based on informed, voluntary consent for the charges to hold up in court.”

The Opposition:

“Officers should not be prohibited from arresting people who are breaking the law.”

+ Overcoming the Opposition:

“Police officers exercise considerable discretion when deciding whom to arrest, for what, and when. They can decide to issue a warning or look the other way when one person engages in unlawful conduct and to bring the full power of the law down on someone else who does the same thing. This is tremendous power — and should be carefully monitored and regulated to ensure that officers are acting with the necessary legal basis and not based on bias.”

The Opposition:

“Officers just make arrests; the courts sort out later whether people actually committed crime.”

+ Overcoming the Opposition:

“An arrest is a traumatic experience that can have a tremendous impact on a person’s life. It can cause them to miss work, school, and childcare responsibilities, and even lose housing, employment, and custody of their children, especially if they are held for long periods because they cannot afford bail (even when bail is low). An arrest should be a last resort, not an automatic response.”

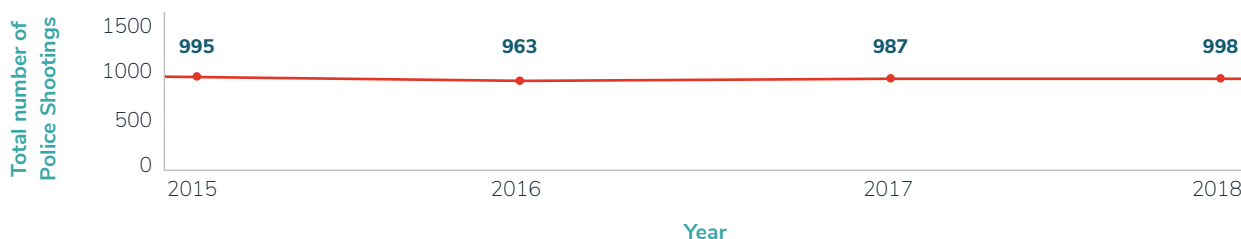


USE OF FORCE

Excessive force is consistently the number one complaint against police. And discriminatory, unnecessary, and unconstitutional use of force by officers is a primary concern for communities, particularly people of color, women, gender nonconforming people, LGBTQ people, youth, undocumented immigrants, people with limited English proficiency (LEP), people with disabilities, religious and ethnic groups, low-income people, and people experiencing homelessness.

Use of lethal force is the most serious and commonly discussed forms of force. Over the past several years, police killings of Black people have ignited — and reignited — mass movements across the country, prompting investigations of individual officers for discriminatory practices and of departments for systemic discrimination.

Police Shootings in the United States, 2015-2018



Source: The Washington Post. Police Shootings Database. Retrieved from <https://www.washingtonpost.com/graphics/national/police-shootings-2018/>

Force also includes deployment of less-lethal instruments, including Tasers, pepper spray, tear gas, batons, and canines, as well as the use of physical force, such as chokeholds, hogtying, and other forms of bodily restraint. Sexual violence or misconduct by police officers can involve the use or threat of force.

We must address police officers' use of excessive, discriminatory, and unconstitutional force when assessing law enforcement and public safety strategies.

Key Challenges

Discriminatory force:

Police officers are more likely to use force, including lethal force, against Black, Latinx, Indigenous, and Asian people than against White people.

Lethal force:

From 2014 to 2018, police officers killed approximately 1,000 people a year, committing 10 percent of the annual homicides in the United States.

Lethal responses to people in mental health crisis:

Roughly one-quarter (24 percent) of people killed by police from 2015-2018 involved people with signs of unmet mental health needs.⁵¹

Tasers and other less lethal instruments:

"Less lethal" instruments are intended to be safer substitutes for lethal force. But alternatives to lethal force, such as Tasers, are still deadly. Police officers killed more than 1,000 people with Tasers from 2000-2017.⁵² Police officers also use them inappropriately in situations where lethal force is not warranted, and against vulnerable populations, such as pregnant people, youth, older people, people with disabilities, people with unmet health needs, and people who are under the influence of drugs or alcohol.

Making Change

Prioritize respecting and protecting human life and ensuring safety for all.

Use-of-force policies and trainings must reflect a commitment to respect and protect human life, including the lives of people who are suspected or accused of violating the law, and must clearly limit the use of lethal force, with few exceptions. Force must be necessary and proportional to the threat.

Provide all officers with training to mitigate uses of force.

Departments should train all officers in mitigating the use of force, including, but not limited to, topics such as crisis response, de-escalation, implicit bias, cultural awareness, procedural justice, and leadership. Trainings should be ongoing and scenario-based.

Use the least amount of force.

Use-of-force policies and trainings should require officers to use force only when there is an imminent threat of death or serious injury (to themselves or others) and to use the least amount of force necessary. Policies should prioritize and describe in detail de-escalation techniques, including

disengaging, using verbal persuasion, waiting a situation out, and taking cover. Policies should also specifically prohibit officers from, and departments should discipline officers for, using force:

- + In retaliation or against people who verbally confront officers.
- + Against people who are handcuffed or otherwise restrained.
- + To subdue people who are not suspected of violating the law, unless necessary to protect public safety.

Limit the use of force against vulnerable populations.

Policies and trainings should include clear and specific limits on the use of force against pregnant people, youth, older people, people with disabilities, people with unmet mental health needs, and people who are under the influence of drugs and alcohol.

Place limitations on instruments and tactics.

Use-of-force policies and trainings should include clear and instrument-specific guidelines for proper use, especially for military-grade weapons. These guidelines should also detail restrictions and prohibitions.

Establish a duty to intervene and provide medical assistance.

Use-of-force policies and training should require officers to intervene and report when an officer uses excessive force and to render aid to injured people until medical assistance arrives.

Ensure accountability.

Departments should establish fair, thorough, objective, and transparent processes to review and evaluate all force incidents in a timely manner. The community should be involved in formulating use-of-force policies, and the department should release and make public information about serious and lethal uses of force when possible, and as quickly as possible. Disciplinary actions should be initiated whenever officers violate policy; and disciplinary policies and enforcement actions in use-of-force incidents should be made publicly available.

Establish reporting requirements.

Departments should require and train officers to report every use of force (except for handcuffing or escorting a person with no resistance, injury, or complaint of injury). Reports should explain the tactics the officer employed before using force and provide a detailed justification for each use of force. Officers who witness more serious uses of force (e.g., the use of a Taser, baton, or physical force that could cause serious injury) should write a force statement to be

submitted with the force report. Supervisors should formally investigate all use-of-force reports and analyze them for broader patterns.

Departments should regularly make public data in alternative and accessible formats on departmentwide uses of force, including: date, time, and geolocation of the incident; actual or perceived race, ethnicity, age, and gender of the people involved; reason for enforcement action; search conducted (if any) and if it was consensual; evidence located (if any); and name of officer(s) involved.

Firearms

Officers should not holster, draw, point, or show their firearms unless they have a reasonable, nondiscriminatory basis to believe that there is an imminent threat of death or serious injury (to themselves or others).

All uses of firearms, including pointing one at someone, should be immediately reported and investigated.



Car and Foot Pursuits

Policies should limit car and foot pursuits to situations in which an individual poses a serious threat to public safety.

Policies should explicitly prohibit officers from shooting at or shooting from moving vehicles.



Pregnant People

Police officers should not force pregnant people to the ground facedown or rear-handcuff them. Officers should not use Tasers on pregnant people.

Chokeholds



Departments should explicitly prohibit the use of chokeholds, hogtying, and other methods of restraint that cut off the supply of oxygen to the brain or contribute to suffocation, or positional asphyxia, including placing an officer's weight on a person's back while they are face down on the ground.

Canine Units



Police officers should not use canine units for force or intimidation, to subdue a suspect, for crowd control, or against pregnant people, youth, older people, people with disabilities, people with unmet mental health needs, or people who are under the influence of drugs and alcohol.

Dog handlers should get supervisor approval before deploying a canine for any purpose, give a verbal warning before using a canine that is trained to bite, and call off the canine as soon as possible.

Tasers



Use of tasers should be prohibited except in situations where lethal force would be authorized.

Departments should prohibit the use of Tasers against individuals who are suspected or accused of minor offenses, who pose no danger to the officer, or who are fleeing the scene of a minor offense.

Departments should strictly prohibit the use of Tasers against high-risk groups, such as pregnant people, older people, young children, or people who are visibly frail, have known heart conditions, are in a medical or behavioral crisis, are under the influence of drugs (prescription or illegal) or alcohol, or who have slight builds. Tasers also should not be used on vulnerable parts of the body (i.e., the head, neck, chest, or groin).

Departments should require officers to use verbal de-escalation techniques and provide a verbal warning before using a Taser. Officers should give the individual a reasonable amount of time to comply with their requests and report the justification for each use of a Taser.

SWAT Teams



Special Weapons and Tactics (SWAT) teams are highly militarized teams created to handle hostage situations, active shooter situations, and terrorism. Some police departments are now using them to execute drug warrants. Departments should use SWAT teams only when officers cannot otherwise safely execute a search warrant or negotiate a situation.

SWAT team members should be specialized and receive ongoing training to reduce the use of force.

How to Advocate for Change

Change the law.

Advocate for the passage of legislation that specifically states when the use of lethal force is prohibited and allowed, bans or regulates certain types of force, and creates mechanisms for individuals to hold officers and departments accountable for violations of the law.

Pressure civilian oversight boards.

Community members can call on a civilian oversight board to conduct proper and thorough investigations of critical incidents including police misconduct and use of excessive force.

Strengthen policies.

Pressure the mayor, police chief or sheriff to adopt or strengthen existing police department policies and oversight.

Talking Points

Keep everyone safe.

Respect and protect human life and ensure safety for all by requiring and training officers to use de-escalation practices and techniques that do not rely on force. These practices and techniques are safer for both community members and officers.

Reduce violence.

Public safety includes safety from police violence.

Promote trust.

Clear policies that protect people's constitutional and human rights increase community trust and confidence in the police department and reduce fear during police encounters.

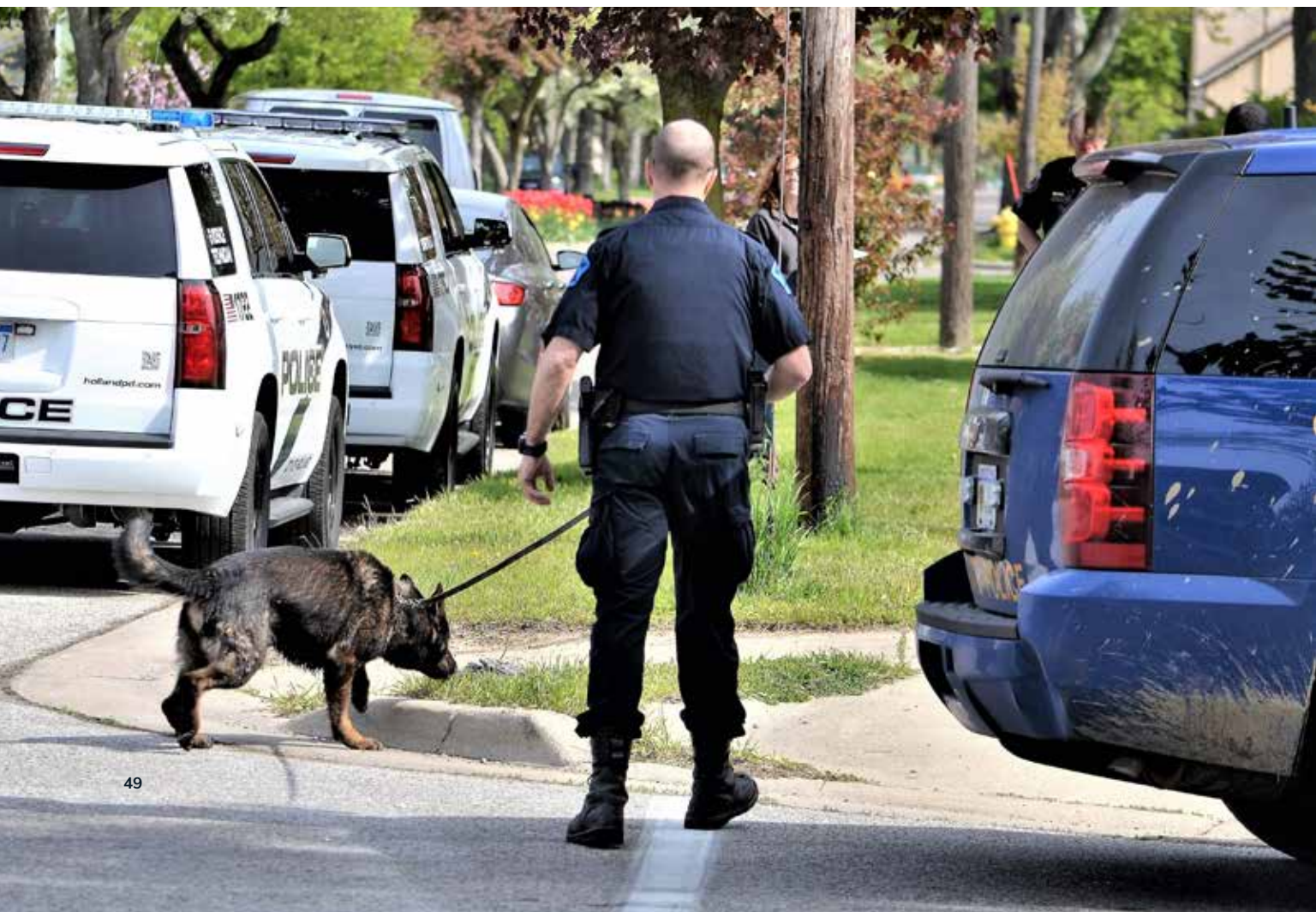
Overcoming Opposition

🔗 The Opposition:

“Policing is a dangerous job. Officers need to protect themselves when they feel threatened so they can stay safe and go home at night to their families.”

+ Overcoming the Opposition:

“Requiring officers to use de-escalation techniques, and training them to do so, increases everyone’s safety during police encounters, and actually makes both officers and bystanders safer. Escalating situations increases the likelihood of an instrument malfunctioning, retaliation, injury to bystanders, and force being used against officers. When officers de-escalate situations and defuse conflicts, everyone is safer.”





POLICE AND COMMUNITY RESPONSE TO CRISES

**Health professionals – not
police officers – should
respond when people
with mental health and
developmental disabilities
or with substance use
disorders are in crisis.**

Police officers are increasingly the primary or only response to people with unmet mental health needs or in crisis. Calls about people in mental health crises make up a significant percentage of calls for police service. Police encounters with people who are or are perceived to be in a mental health or other crises too often involve excessive or lethal force. It is therefore critical that society adopt a public health approach and prioritize meeting the mental health and other basic needs of community members to avoid conditions that can precipitate actual or perceived mental health crises.

Additionally, police officers can mistake some people's failure to respond as noncompliance when, in fact, it is the result of a mental health or developmental disability, or other disability that interferes with the officer's ability to communicate effectively with the person. This can lead to unnecessary, inappropriate, or excessive force.

Key Challenges

Escalation:

The presence of armed police officers issuing orders can escalate a crisis, such as those relating to unmet mental health needs, developmental disabilities, or substance use disorders.

Lack of services:

Inadequate mental health, disability services, and prevention programs have left police officers as the primary response to people in health crises — and the only response in some communities.

Lack of appropriate guidance:

Many departments do not provide or effectively enforce policies or guidance on interacting with people who are in crisis, whether due to a mental health or developmental disability, or substance use disorder. Officers also lack the skills and trainings to communicate effectively with people who are Deaf or hard of hearing, or who have a disability that interferes with communication. This, in turn, can lead to incidents of excessive and lethal force.

Making Change

Strengthen community-based services.

Communities should have more options than calling the police and should strive for widely available preventive mental health services and nonpolice responses to crises. Police officers are not trained to and should not be responsible for responding to people in a mental health crisis. State and local officials should create adequate community-based services, such as crisis hotlines, walk-in centers, mobile crisis teams, peer crisis support services, and crisis stabilization units to meet the needs of people in mental health, substance use, or other crises. Communities should also implement harm-reduction models for interactions with people with substance use disorders that support diversion programs rather than involvement in the criminal justice system.

Provide basic crisis response training to all officers.

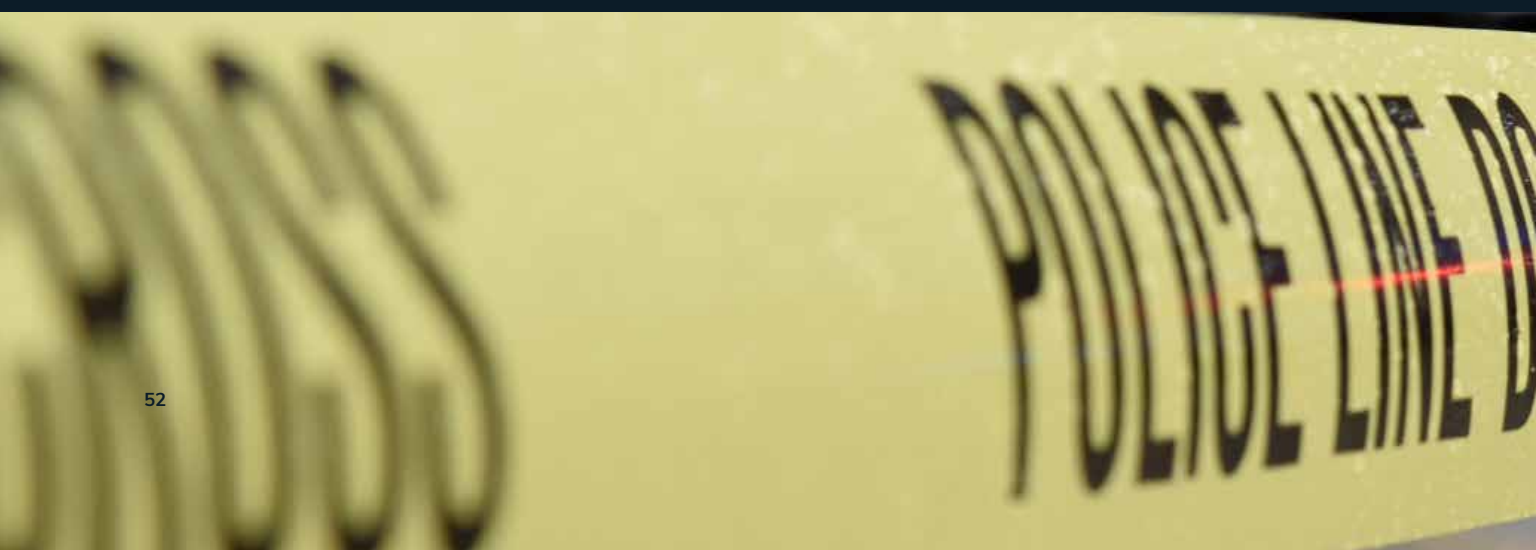
All officers should receive basic training in crisis response. Even where there are sufficient community-based services, they will encounter people in crisis at some point in their work and must be trained to respond properly.

Reallocate resources to preventive care.

Ideally resources currently devoted to police responses to people in mental health crisis should be reallocated to provision of accessible, comprehensive, and culturally sensitive community-based mental health care.

Activate trained mental health professionals.

Trained mental health professionals, social workers, and community members should be the first line of response when someone is in a mental health crisis. Emergency service dispatchers should be trained to identify calls involving people in crisis.



Provide 24-hour coverage.

Mental health professionals and officers trained in crisis response techniques and/or on crisis intervention teams (CITs) should be funded and available 24 hours a day.

Establish detailed policies and procedures.

Departments should implement and effectively enforce specific policies outlining procedures for how to interact with people with mental health or developmental disabilities. People from the disability community should participate in developing policies and delivering trainings.

CAUTION: Policies should provide for independent, certified interpreters who speak the specific sign language a person who is Deaf or hard of hearing is fluent in. Law enforcement officers should never serve as interpreters for a person who is Deaf or hard of hearing during questioning or interrogations.

Pair officers with mental health and developmental disability experts to respond to crisis.

All departments should work in tandem with mental health and other professionals to develop crisis response approaches and a network of services to direct people in crisis to appropriate health services. Some departments may have specialized CITs staffed by officers who receive specialized, intensive training. Others use a “co-responder” model and officers are paired trained mental health professionals.

Collect and publish data.

Departments should track calls for service and department responses to people in crisis. They should conduct regular assessments to determine the effectiveness of response efforts and to advocate for more community-based services.



How to Advocate for Change

Pressure your local department.

Demand that your local police department adopt and effectively enforce clear policies for interacting with:

- People in mental health or other crises, disability rights advocates, and public health experts. These policies should prioritize responses by trained mental health professionals, emphasize de-escalation, and prioritize the wellbeing of people whose mental health needs are not being met.
- People with developmental or physical disabilities, or who are under the influence of drugs or alcohol, in consultation with disability rights advocates.

Reallocate Resources.

Insist that your legislators and policymakers allocate sufficient funds to support community-based services such as: 24-hour mental health crisis response teams, preventive mental health services, mobile crisis units, walk-in centers, mobile crisis teams, peer crisis support services, and crisis stabilization units.

Talking Points

Officers are not social workers.

Police officers are not equipped with the necessary skills or appropriate tools to respond to people in mental health, substance use, or related crises. Relying on officers to serve in this role sometimes has lethal consequences.

Alternative responses make everyone safer.

Relying exclusively on police officers to respond to people in crisis jeopardizes the safety of individuals, families, and communities — and police officers themselves. And alternate response models make everyone safer.

Departments must comply with the Americans with Disabilities Act.

To comply with the Americans with Disabilities Act, as well as state and local civil rights laws, departments must adopt policies that give officers clear guidance on how to interact with people with physical, mental, or developmental disabilities.

Overcoming Opposition

The Opposition:

“Police officers enforce the law. When people with mental health or developmental disabilities break the law or act dangerously and erratically, police officers must restore order and protect themselves and the community.”

+ Overcoming the Opposition:

“Relying on police officers as the first — and often only — responders to a scene involving someone who is or is perceived to be in mental health or other crisis puts everyone in danger. It puts officers in a difficult position; they have limited tools and skills to respond but are sometimes required to do so, particularly in areas where no other social services exist. And it deprives people in crisis of care they need. Trained mental health professionals and crisis response specialists are ideal first responders; these professionals make everyone safer and help ensure that community members’ needs are effectively met.”



FIRST AMENDMENT PROTECTIONS

First Amendment rights to free speech, a free press, to peaceably assemble, to petition the government, and to practice religion lie at the heart of our democracy. Yet they can be a source of tension between police departments and the communities they serve.



In recent years, officers used force against protesters in cities like Ferguson, Missouri and Baltimore, Maryland; surveilled Black Lives Matter activists; targeted immigrants' rights activists for deportation; used social media profiles in gang prosecutions and border enforcement; and used drones, facial recognition software, and license plate recognition software. Activities such as these have raised concerns about the expression of free speech and protest, and the reach of surveillance in recent years.

Regulating surveillance and protecting the right to expression and protest are essential to the protection of civil and human rights. Furthermore, the money that law enforcement agencies spend on these technologies, and on acquiring and using military equipment (most notably against protesters in Ferguson), has raised concerns about protecting civil liberties and avoiding unnecessary expenditures of public resources by law enforcement agencies.

Furthermore, "predictive policing" technologies focus primarily on communities of color, the use of "big data" (i.e., drones, facial recognition software, cell-site simulators, license plate recognition software), and increased collaboration between police departments have had little to no demonstrable impact on public safety and are subject to the same racial and ethnic biases as other policing strategies.⁵³

Key Challenges

Inhibition of free speech and assembly:

Police surveillance and militarized police responses to demonstrations discourage people from exercising their constitutionally protected rights to free expression and assembly.

Discriminatory use of surveillance technologies:

Discriminatory surveillance of Black, Latinx, Muslim, and immigrant communities violates the U.S. Constitution and does not promote public safety. Technologies such as drones, facial recognition software, cell-site simulators, and license plate recognition software present significant risks to privacy and increase police power to surveil people and communities.

People should be able to exercise their rights without fear of retaliation.

Police should not interfere with, or retaliate against, individuals exercising their constitutional right to observe, document and film police activity.



Making Change

Establish guidance for demonstrations.

Clear guidance regarding protection of constitutional rights during demonstrations benefits members of the public, media, and law enforcement. Instead of blocking peaceful assemblies, police officers should engage in cooperative and strategic advance planning with community members to ensure public safety before, during, and after demonstrations.

Reallocate resources.

Communities should carefully consider whether acquisition of military weaponry and surveillance equipment is the best use of resources given other needs which, if met, would reduce law enforcement engagement.

Train officers to use less lethal force.

All officers policing a mass demonstration should understand department policies and procedures for engagement, use of force, and mass arrest. Departments should develop clear policies for managing disorderly members of a large, peaceful protest while limiting the use of force. Policies should strictly regulate the use of pepper spray, tear gas, and rubber bullets during protests.

Limit information gathering and surveillance.

Community members should collaborate with police departments to set clear limitations on the use of military and surveillance equipment and information gathering. This should include surveillance of individuals engaged in activities protected by the First Amendment, including filming police officers' activities, protesting, and practicing religion.

Prohibit use of canines and military equipment.

Department policy should prohibit the use of canines, water cannons, and acoustic instruments during demonstrations because they are dangerous and usually constitute excessive force.

How to Advocate for Change

Change the law.

Require police departments to obtain legislative approval for the acquisition of new equipment after conducting a thorough needs assessment and an assessment of the fiscal and social impacts of the proposed acquisition.

Strengthen policies.

Ensure that your department's policies clearly and strictly limit policing of protests; retaliation against people who record police officers' activities or who exercise free speech; and surveillance of activists, religious practices, and institutions.

Restrict data sharing and collaboration across police departments.

Ensure that policies and regulations limit the amount of data collected about people that departments can share with other agencies, including border patrol and U.S. Immigration and Customs Enforcement (ICE).

Challenge the purchase and use of military equipment.

Monitor police department budgets and requests for funds to acquire military or surveillance technology be reinvested.

Talking Points

First Amendment rights should be protected.

The right to protest, speak, observe public officials, and practice religion are cornerstones of democracy and must be protected.

Advanced technologies do not advance public safety.

Advanced technologies are expensive and do not represent the best use of our community's resources to advance public safety.

Surveillance hinders trust building.

Being surveilled by or being "under the watchful eye" of government does not foster a sense of public safety. Rather, it makes people feel like authorities are suspicious of them and believe they are untrustworthy.

Overcoming Opposition

🔗 The Opposition:

“Protesters need to be kept under control, and police should be able to do what they need to do.”

+ Overcoming the Opposition:

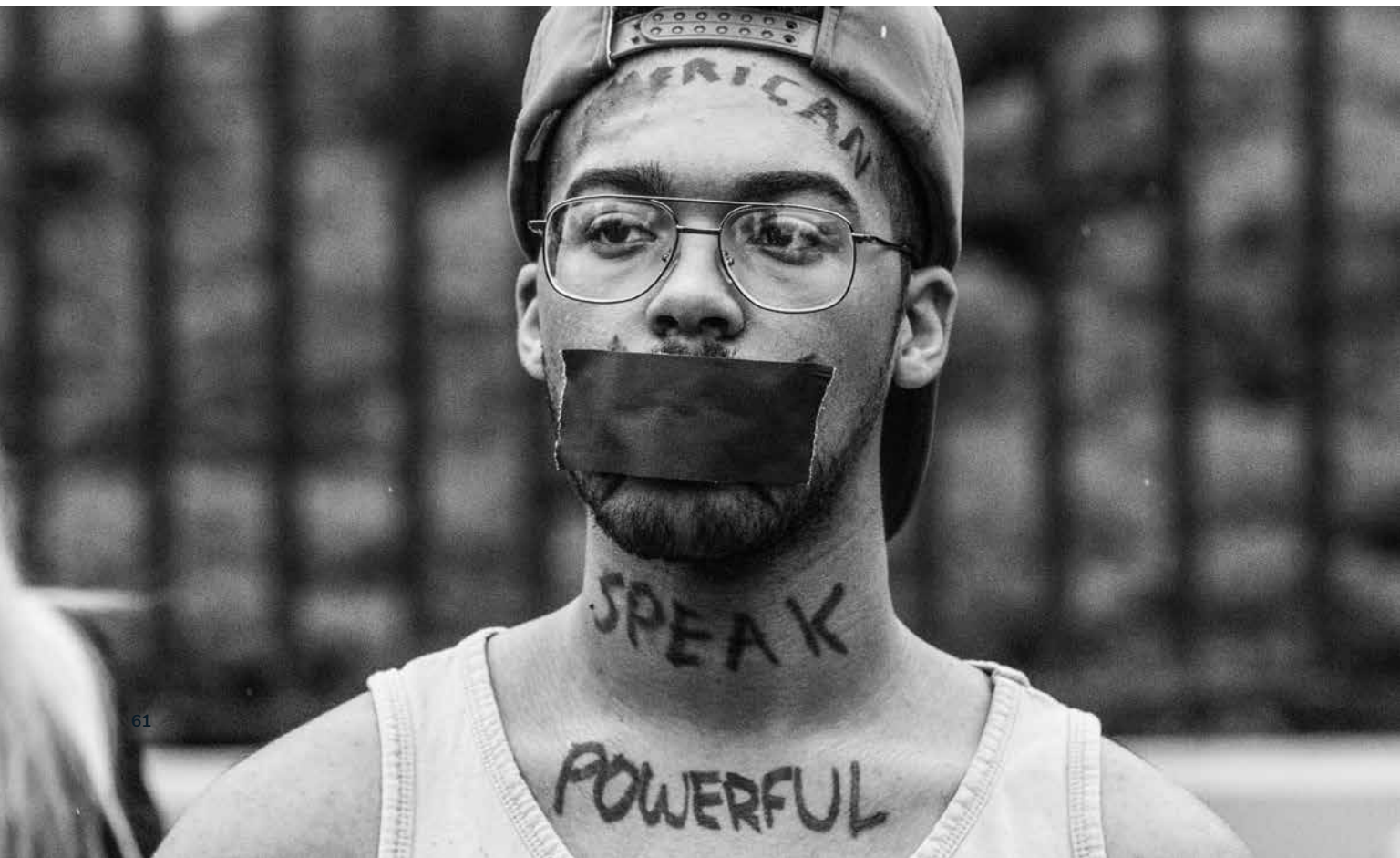
“Over-aggressive and militarized responses to public demonstrations increase the risk of public and officer injury, escalate conflict, and suppress speech. Working with communities to execute strategies and plans for peaceful demonstrations increases public and officer safety.”

🔗 The Opposition:

“If people are not doing anything illegal, they should not be worried about being surveilled.”

+ Overcoming the Opposition:

“Police surveillance and data collection, like all police strategies and practices, are subject to biases and target marginalized communities. Surveillance has been proven to be ineffective, used without proper limits or controls, and to have a negative impact on public life.”⁵⁴





ACCOUNTABILITY: OFFICER MISCONDUCT AND DISCIPLINE

Accountability is central to fair policing.

Police officers are given extraordinary powers and enormous discretion – the authority to conduct surveillance, to use force, and to deprive individuals of their liberties when justified. But with this power comes the expectation that officers will exercise their authority appropriately – and that misconduct and inappropriate or deficient performance will be identified and addressed. Robust accountability builds public trust, which, in turn, strengthens communities.

Key Challenges

Lack of transparency:

In many jurisdictions, complaints against police officers are private, subject only to internal investigation, and discipline is within the sole control of the department's chief or commander.

Lack of trust:

Lax accountability erodes trust and confidence in policing, weakens relationships between police departments and the communities they serve, and undermines legitimacy of law enforcement and the criminal justice system.

Lack of accountability:

A lack of accountability for police officers related to the use of lethal or excessive force, racial and ethnic profiling, discriminatory policing practices, and sexual violence and misconduct violates civil and human rights.

Lack of oversight:

Not every police department is overseen by the community. Where community oversight of police does exist, oversight bodies' authority and power vary. They can: have access to information about internal police department investigations, independently investigate and prosecute complaints, impose or recommend discipline, address systemic issues, and set policing policy and priorities.

Unchecked power of police unions:

Police unions have a great deal of power in providing protections to officers that limit accountability or discipline.

Making Change

Establish clear policies and procedures.

Departments and communities should work together to create clear policies and procedures for investigating officer misconduct. These policies should address how and by whom misconduct complaints are investigated; and they should specify that investigations must be based on the nature of the complaint and involve an independent prosecutor when necessary.

Review training programs.

Department leaders should periodically review data to identify potential problems in policing practices and audit training programs to update curricula and improve effectiveness.

Create multiple mechanisms of accountability.

Complaint forms should be available in multiple languages and in alternative and accessible formats, and in locations outside of police department facilities, such as community organizations and institutions. Departments should also accept complaints by phone and online.

Require oversight.

Oversight of police departments should include independent investigators, monitors, and civilian oversight boards with full investigatory, prosecutorial, and disciplinary powers, as well as the power to set or recommend changes to policing policy based on complaint patterns.

Oversight bodies should represent all sectors of a community, including those disproportionately impacted by policing.

Make it easy to file complaints.

Departments should accept anonymous and third-party complaints and should not require cooperation or a signed affidavit from complainants to investigate a complaint. Complaints where the complainant has stopped cooperating in the investigation should be investigated, nonetheless.

Establish clear discipline policies.

Departmental policies should delineate disciplinary actions by type and severity of violation. Departments should use nondisciplinary early intervention systems to track unlawful officer behavior and address officer needs or deficiencies.

Ensure effective and impartial investigations.

Departments should swiftly, thoroughly, and fairly investigate complaints, using nonlaw enforcement personnel with investigatory authority when possible. Clear protocols should be established for determining who investigates and prosecutes officer misconduct, including officer-involved crimes and shootings.

Collect and publish data.

Police departments should regularly publish information about complaints filed against police officers in alternative and accessible formats. This information should include the race, gender, age of complainants, location, and context of the complaints

How to Advocate for Change

Establish a community oversight board.

Join or create a civilian oversight board that monitors police departments and holds them accountable. Expand the powers of existing oversight boards or create one if one does not exist. Depending on state law, this may require a change in a city charter or state law.

Establish strong community oversight of police collective bargaining process.

Oppose provisions in collective bargaining agreements with police unions that undermine or weaken accountability systems.

Demand an independent investigator.

An independent investigator is an individual or agency outside of the department that is authorized to oversee or participate in the investigations of individual officers. Communities should advocate for independent investigators to strengthen accountability and transparency.

Require an independent monitor/auditor.

Demand independent monitors or auditors review your local police department's overall performance across uses of force, stops, misconduct investigations, and discipline.

Demand publication of data.

Demand that your local department and civilian oversight board publish data publicly and in alternative and accessible formats.

Talking Points

Police accountability mechanisms ensure public safety.

Public safety depends on effective, transparent, and timely investigation of complaints against police officers, and swift and effective discipline.

Accountability improves police-community relations.

Department legitimacy is improved when departments hold officers accountable and address community concerns. This, in turn, improves police-community relationships and cooperation.

Police departments are accountable to the communities they serve.

Community members should be active participants in holding their police departments accountable for undermining public safety.

Overcoming Opposition

⚡ The Opposition:

“Community oversight lowers morale and impedes officers from fighting crime by forcing them to waste time responding to baseless complaints and investigations by unqualified investigators. Police departments are best qualified to investigate misconduct internally.”

+ Overcoming the Opposition:

“Community oversight provides a necessary check on departments and increases public confidence in the integrity of investigations and disciplinary proceedings. Review boards lend credibility to police departments, thereby strengthening community trust.”



DATA AND TRANSPARENCY

Public safety requires public access to police data and information.

Data about police officers' interactions allow communities to identify problems and pinpoint areas in need of policy reform. Public release of information about critical incidents is essential to building relationships with communities and collective problem-solving to prevent future incidents.

The use of body-worn cameras (BWC) is not a cure-all for accountability and, in fact, raises concerns about profiling and other discriminatory practices, especially in communities of color. But, with the right policies and safeguards in place, they can help communities hold departments and officers accountable.

Key Challenges

Lack of data:

Some departments do not collect or publish data related to complaints, stops, searches, arrests, use of force incidents, hate crimes or incidents, or calls for service. Similarly, data that is collected is not always disaggregated by demographic information.

Lack of transparency:

Publicly available information about department policies and data on stops, searches, uses of force, arrests, and calls for service are critical. This information is necessary for assessing the effectiveness of policing practices and priorities, and for community involvement and accountability.

Improper use of technology:

The collection and storage of large amounts of data about members of the public runs the risk of infringing on privacy rights. Use of predictive policing technologies, “big data,” and BWCs can have negative consequences on communities of color and religious communities.

Making Change

Organize around the release of data.

Police departments should collect, analyze, and publish data — including date, time, and geolocation of the incident; actual or perceived race, ethnicity, age, and gender of the people involved; reason for enforcement action; search conducted (if any) and if it was consensual; evidence located (if any); and name of officer(s) involved. This will help communities and departments better understand whether enforcement decisions and strategies disproportionately affect specific groups. Departments should collect, analyze, and publish the following data in alternative and accessible formats:

- Critical incidents
- Uses of force
- Complaints of sexual violence and misconduct by police officers
- Stops, searches, and arrests
- Profiling or discriminatory policing policies
- Hate crimes and hate incidents

Make policies publicly available.

Police department policies should be searchable and publicly available online, including in alternative and accessible formats.

Properly handle critical incidents.

Departments should have clear policies regarding public release of information regarding critical incidents, including deaths in police custody. Such policies should also ensure that public statements respect the gender identity of crime victims and people believed to have violated the law. Information related to critical incidents should be released to the public in a timely manner.

Create adequate databases.

Departments should procure adequate systems for collecting and storing data that can aggregate and analyze all data sets.

Exclude discriminatory information.

Departments should not ask people about their sexual orientation, gender identity or immigration status. Only if a person voluntarily provides information regarding their sexual orientation, gender identity, or immigration status, and it is related to the incident (e.g., a potential hate crime), may officers record the information.

Require training.

Police departments should train all officers on the proper use and maintenance of BWCs, including when they must activate them. Officers should also be trained on data collection protocols to ensure all data are collected and recorded.

Community input on BWCs.

Communities and police departments should work together when adopting BWCs or changing BWC policies and discuss concerns about data collected through

BWCs, including their effectiveness, consistent recording, and privacy concerns. Together they should create policies regarding recording, storage of data, access, and public disclosure.

Establish clear policies for BWCs.

Clear and enforceable policies governing the use of BWCs and access to BWC footage should be developed in consultation with communities and after public notice and comment. Policies should:

- + Clearly state when officers must activate BWCs.
- + Require officers to advise people they come into contact with that they are being recorded, and record consent to recording.
- + Clearly state exceptions to recording requirements, including exceptions when interacting with or observing people engaged in political and religious activity and during interviews with crime victims or when in contact with a child.
- + Require training of officers on how to use and maintain BWCs.
- + Clearly articulate standards for the release of video footage.
- + Prohibit officers from watching video footage before filing reports.
- + Establish clear discipline for officers who turn off cameras or tamper with footage.
- + Avoid using facial recognition software with video footage.
- + Require supervisory review of video footage.
- + Require the implementation of storage practices and systems for video footage, and the preservation of the integrity of video footage.

How to Advocate for Change

Change the law.

Data collection can be mandated by local, state, or federal law or an administrative official, such as a mayor, or it can be requested by local legislators exercising oversight functions.

Strengthen policies.

If your department uses BWCs, ensure there are clear policies around training and the use, release, and preservation of footage.

Talking Points

The community has the right to know.

Police departments serve communities, and they use community resources to do so. Communities have a right to know how departments are doing in their work and whether community resources are being used efficiently and effectively.

Transparency is essential to community policing.

Informed community members are better positioned to make positive and productive contributions to co-producing public safety.

Communities deserve privacy, transparency, and accountability.

To the extent that a department has decided to adopt BWCs, communities are entitled to have a say in how footage of community members will be collected, stored, and released.

Overcoming Opposition

⌘ **The Opposition:**

“Data collection is burdensome and time-consuming, and it takes time and resources away from legitimate law enforcement activities. It turns officers into bureaucrats instead of crime fighters. Data do not tell the whole story. Officers should be able to act on their instincts without worrying about what the numbers will show.”

+ **Overcoming the Opposition:**

“Communities are entitled to information about how law enforcement officers carry out their duties and the impact and effectiveness of policing policies and practices. Data collection helps communities make wise investments in public safety and ensures that all community members’ rights are being respected in police interactions.”





POLICE TRAINING

Adequate and ongoing training for police officers is essential. To serve communities well and to maintain public safety, officers must stay up-to-date on best practices and continue to develop their skills.



Key Challenges

Lack of uniformity:

There are no universal standards for police trainings; each state and jurisdiction set its own requirements for officer training.

Minimal instruction:

Some departments only offer baseline trainings to officers. And some trainings only have a one-time completion requirement.

Lack of community involvement:

Effective training, especially related to marginalized communities (such as cultural competency, gender bias, hate crimes, procedural justice, bias-free policing, sexual violence and misconduct, leadership training, and issues related to LGBTQ communities and people with disabilities), requires input of people from communities most affected by the practices. Many departments develop and deliver these trainings without involving the community.

Making Change

Require training.

All officers should be required to complete training on procedural justice, bias-free policing, crisis response, de-escalation, cultural competency, sexual misconduct, and leadership.

Consult the community.

Departments should seek input from community members in the development and implementation of all trainings.

Ensure transparency and accountability.

Departments should maintain complete, accurate, and up-to-date records of training curricula, materials, and attendance. Department leaders should periodically review, audit, and assess training programs to ensure they discuss contemporary topics and use adult education techniques.

How to Advocate for Change

Change the law.

Urge your state and local legislators to pass laws mandating trainings related to community policing, including procedural justice, bias-free policing, basic crisis response, de-escalation, cultural competency, and leadership.

Activate your civilian oversight board.

If your community has a civilian oversight board, encourage it to review data and policies to ensure training is effective. The oversight board can also recommend that departments involve community members in the development of training initiatives and curricula, and the public release of training materials.

Demand a policy.

Demand that your local police department immediately pass and effectively enforce policies that mandate training in community policing for all officers.

Talking Points

Effective training support community policing.

Training serves as the foundation by which departments teach officers practices and tactics to police in a fair, safe, and effective manner, and reflects and affirms a commitment to community policing.

Overcoming Opposition

🔗 The Opposition:

“Trainings are time-consuming and costly. Police officers should spend their time patrolling the streets, not taking classes in a classroom.”

+ Overcoming the Opposition (1):

“Officers who receive trainings in de-escalation and minimizing force, crisis intervention, procedural justice, implicit bias, cultural awareness, and sexual misconduct, perform better in the field and will resort to force less often, which reduces the department’s exposure to legal liability.”

+ Overcoming the Opposition (2):

“Training makes for better officers and improves relationships with the community. When communities have stronger relationships with police departments, they are more likely to cooperate in solving serious crime.”



SEXUAL HARASSMENT

AND ASSAULT BY LAW

ENFORCEMENT OFFICERS

**Sexual assault and
intimate partner violence
are problems that
demand our attention.**



Movements against sexual harassment and violence against women are gaining visibility in the news media through hashtags like #MeToo, #WhyIDidntReport, and #BelieveSurvivors. Sexual violence and misconduct by officers, however, have not received enough attention. Incidents involving officers can go unreported because survivors fear retaliation or that the case will not be properly investigated.

Sexual violence and misconduct by police officers are an abuse of power and authority. Police officers frequently target: women of color, gender nonconforming people, LGBTQ people, youth, survivors of and witnesses to violence, undocumented immigrants, people with mental and developmental disabilities, religious and ethnic groups, low-income people, people experiencing homelessness, and people who are or are believed to be part of the drug or sex trades or other criminalized or informal economies for sexual harassment and assault.⁵⁵ Beyond holding individual officers accountable, we need to develop and implement effective methods to prevent and detect misconduct and support survivors.

The President's Task Force on 21st Century Policing, the Department of Justice, and the International Association of Chiefs of Police recommend that law enforcement agencies adopt policies to effectively prevent, detect, and ensure accountability for sexual harassment and assault by law enforcement officers.⁵⁶

Key Challenges

Prevalence of the problem:

Sexual harassment and assault by police officers are pervasive and systemic problems, yet they are underreported and under-investigated.

Lack of policies:

Many police departments' policies do not specifically prohibit officers from sexually harassing members of the public or engaging in sexual conduct while on duty. Departments generally do not address these issues in training. All departments have policies governing sexual harassment among employees, as required by federal law, but these policies do not apply to the public. This is the case even though officers exercise tremendous power over the people with whom they interact in their official capacity (e.g., community members, people suspected of criminal activity, survivors of sexual or intimate partner violence, witnesses, and youth involved in community engagement programs).

Lack of accountability:

Internal investigations of complaints of sexual harassment and assault by officers can be intimidating for accusers and are incomplete when investigators do not take accusations seriously.

Making Change

Comprehensive policies.

Police departments should be required by law to adopt and enforce policies to effectively prevent, detect, and hold officers accountable for sexual harassment and assault. Policies and laws should contain clear disciplinary measures for officers who violate policy, up to and including termination and revocation of a law enforcement license. Such policies should be made public and easily accessible.

Training and processes.

Specially trained investigators and trauma specialists should interview survivors of intimate partner violence and sexual assault by police officers. Departments must take steps to protect survivors — whether they are community members, family members of police officers, or police officers who report colleagues — from retaliation.

Supervision.

Departments should closely monitor officers who make disproportionate numbers of stops of people of color, women, transgender people, gender nonconforming people, and people experiencing homelessness. They should also monitor unauthorized detours when transporting detainees; unnecessary callbacks and communications with survivors and witnesses; and inappropriate

contact with youth in schools and engagement programs.

Collect and publish data.

Police departments should analyze and make public information, including in alternative and accessible formats, about community members' complaints of sexual harassment and assault by officers. This information should include the race and ethnicity, age, and gender of complainants, as well as the context and location in which the conduct allegedly occurred, name of the officers involved, and the steps the department is taking to prevent future sexual violence and misconduct by police officers.

Comply with the Prison Rape Elimination Act (PREA).⁵⁷

Police departments that operate holding facilities — even if they just temporarily hold people before being transferred to a jail — must comply with the standards established by the PREA for police lockups.⁵⁸

The Prison Rape Elimination Act, or PREA, was passed in 2003 and is the first United States federal law intended to deter the sexual assault of prisoners. More information can be found at www.prearesourcecenter.org/

How to Advocate for Change

Change the law.

Urge your state and local legislators to pass laws that:

- + Prohibit officers from abusing their authority to commit sexual harassment or assault when acting under color of law.
- + Mandate officers to forfeit their employment upon a criminal conviction or administrative finding of sexual violence or misconduct.
- + Require police departments to pass and effectively enforce policies to prevent, detect, and ensure accountability for sexual harassment and assault of members of the public by law enforcement agents.
- + Require police departments to annually report how many complaints of sexual harassment and assault by officers they received, investigated, and that have resulted in discipline.

Demand policy change.

Demand that your local police department immediately pass and effectively enforce policies to prevent, detect, and ensure accountability for sexual harassment and assault of community members by officers.

Demand community oversight.

If your jurisdiction has a community oversight agency, urge it to take over investigations of sexual harassment and assault. Survivors of sexual assault by police officers should have the right to have their complaints investigated and adjudicated by an agency other than the one that employs the person who assaulted them, and to pursue accountability through an administrative mechanism that is not controlled by the police.

Organize around the release of data.

Demand that your local department and community oversight board report annually on the number of complaints of sexual violence and misconduct by officers received, investigated, and that have resulted in discipline.

Talking Points

Safety from sexual harassment and assault requires strong policies preventing police sexual violence or misconduct.

Public safety depends on a strong statement in policy and practice that sexual harassment, extortion, or violence by police officers against community members is not tolerated.

Proactive prevention is essential.

It is not enough to have a written policy and to discipline officers if they are caught. Department leaders must take proactive steps to prevent sexual violence and misconduct by police officers through close supervision and monitoring of how officers:

- Conduct traffic stops
- Respond to intimate partner violence and sexual assault
- Address offenses related to prostitution
- Address “broken windows” offenses
- Behave as school resource officers
- Interact with the community in community engagement programs (including “Explorer” programs)
- Interact with immigrant communities
- Act in other contexts in which sexual violence or misconduct by police officers is prevalent

Explorer programs are community engagement programs placing youth with law enforcement agencies in “shadowing” roles.

Prosecution is not enough.

It is not enough for police departments to rely on criminal prosecutions of officers when survivors of sexual assault come forward. Many survivors never come forward; this is especially true of survivors of sexual assault by police officers, who are particularly unlikely to come forward out of fear of not being believed, retaliation, or lack of protection. In many cases, survivors have no evidence — it is their word against the officer’s. This is because sexual harassment and assault takes place out of public view, and because threats of force, including lethal force, and threats of law enforcement action can be used to secure compliance. Prevention and detection are key to advancing public safety.

Overcoming Opposition

The Opposition:

“Sexual harassment and assault are against the law. We do not need to tell police officers not to commit these crimes.”

+ Overcoming the Opposition (1):

“This is true of many things addressed in police department policy — like use of excessive or lethal force. Department policies provide specific guidance on the application of the law to particular situations and make a clear statement of the department’s values and intention to hold violators accountable.”

+ Overcoming the Opposition (2):

“Sexual violence and misconduct are already against the law, so there is no harm in police department policy reiterating this fact to ensure everyone’s safety.”

+ Overcoming the Opposition (3):

“Police officers and the public are entitled to receive clear guidance about what constitutes sexual violence or misconduct by police officers, and what actions police departments are taking to prevent, detect, and hold officers and supervisors accountable for violations of individuals’ rights and the public trust.”