2018 DENVER POLICE LIEUTENANT EXAMINATION

Study Material

for

Written Test

182 PAGES
(excluding cover)
PART A
Operations Manual
Denver Police Department
(Select Sections Only)
5.00  **GENERAL DUTIES AND Responsibilities of Command Officers** (sworn rank of lieutenant or higher)

Some of the following duties and responsibilities are not applicable to all command officer assignments.

In addition to the duties of sworn officers and supervisors (applicable functions may appropriately be handled by, or delegated to lower level ranks), command officers **will**:

5.01 **Mission, Vision and Values**

Be guided by the mission, vision, values, and goals of the department as the foundation for their decision making, management, and leadership of their commands.

5.02 **Direct Supervision and Control over Officers and CS Employees:**

Subject to the orders of the Chief of Police and their immediate supervisor, be responsible for direct supervision and control over all officers and CS employees assigned to their command. They are responsible for efficiency and effectiveness, and will coordinate the functions and activities of units under their command. They will promote harmony among their personnel, and are responsible for the cooperation of their command with all other bureaus, districts, divisions, sections, and units.

5.03 **Delegation During Absence:**

Ensure that during their absence, a competent officer (generally holding the next highest grade) will assume temporary command within their district, division, shift, section, or unit.

5.04 **Assignment of Officers:**

Without specific instructions establish or cause to be established the required details and assignments necessary to carry out the functions of their command. They will be guided by the number of available officers and necessity for assigning officers where they will be the most useful and efficient. They will approve period details to assure that they are adequately supervised and that the assignments are properly filled.

5.05 **Making Acting Assignments:**

Assign an officer temporarily to the duties of an employee of higher grade as needed.

5.06 **Compliance with Operations Manual:**

Not countermand the operations manual without sufficient reason.

5.07 **Response to Emergencies or Serious/Unusual Occurrences:**

When on-duty or on-call and notified, respond to any emergency or occurrence of a significantly serious or unusual nature within their area of responsibility, in accordance with the operations manual. If their presence at the office would be of more value, they will ensure a subordinate officer takes command at the scene. They will also, whenever possible, respond when their personnel are involved in controversy or serious occurrence.

5.08 **Service of Subpoenas:**

Be responsible for, or delegate the prompt service of all hard copy official notices of subpoenas to subordinates which may be sent to them by proper authority.

5.09 **Responsibility for Facilities and Equipment:**

Be responsible for the good order and sanitary condition of departmental buildings and resources within their command. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued or assigned to personnel of their command.

5.10 **Probationary Officer Performance Evaluations:**

Ensure that first line supervisors have created an evaluation for each probationary officer and are making at least one journal entry per work period. Concerns about performance or suitability of the probationary officer for continued employment will be documented within the performance evaluation system and the
commanding officer’s immediate supervisor will be kept informed.

5.11 **Analysis of Criminal, Traffic and Other Trends:**
Be responsible for analysis of criminal, traffic and other trends, and evaluating the effectiveness of techniques and procedures used to address such issues within their area of responsibility.

5.12 **Correspondence, Reports and Records:**
Be responsible for preparation of required correspondence, reports, and maintenance of records relating to the activities of their command.

5.13 **Preparing for Annexations:**
Upon receiving plats of territories to be annexed to the City and County of Denver, review and discuss needs in providing police service to the annexed area. Command officers will make a thorough investigation and analysis to determine challenges and staffing needs to deter crime and provide police service. Issues to be addressed include but are not limited to future police service needs, and acquainting the community in the new areas to be annexed with available police services. A final written report with recommendations will be forwarded through the chain of command to the Chief of Police.
11.00 **DUTIES AND RESPONSIBILITIES OF LIEUTENANTS (COMMAND RANK)**

In addition to the duties of all sworn officers, supervisors and command officers (applicable functions may appropriately be handled by, or delegated to lower ranks), lieutenants will:

11.01 **ASSISTING COMMANDER OR CAPTAIN:**

Under the supervision of a commander or captain, act as an assistant during the commander’s or captain’s tour of duty. In the absence of a commander or captain, the senior ranking lieutenant will be in charge of the division, district, bureau, section, or unit unless otherwise directed.

11.02 **ACTING DUTIES:**

a. During the prolonged absence of the captain or commander, a lieutenant may be designated as acting captain or commander.

b. Arrange sergeants’ days off and vacation schedules in an attempt to ensure that a sergeant is available to serve in an acting lieutenant capacity when necessary.

11.03 **ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:**

Complete administrative, supervisory, and operational duties as assigned by their immediate supervisor or superior officers.
105.04 Shooting By and/or of Police Officers

(1) When any law enforcement officer, regardless of agency or department, discharges a firearm as a result of contact with a person, whether or not a death or wounding occurs, officers shall immediately notify the Denver 911 dispatcher. Officers may request I-Call communication if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all radio and telephone conversations and provides them for use in an investigation upon request. This procedure also applies when investigating the death or wounding of law enforcement officers.

a. The dispatcher will immediately follow Denver 911 procedures by notifying the following as required:

1. Ambulance.
2. Sufficient patrol coverage.
3. The on-duty command officer for the district of occurrence.
4. The on-duty homicide and/or general assignment detectives.
5. The on-call Police Shoot Team.
   a. Major Crimes Section command officer
   b. Homicide Unit supervisor
   c. Primary and secondary homicide investigators
6. The Crime Laboratory
7. The on-call District Attorney.
8. The Commander of the Major Crimes Division
9. The Deputy Chief of Operations
10. The Commander of the Internal Affairs Division
11. The Public Information Officer
12. The Chief of Police
13. The Executive Director of Safety
14. The involved officer’s commander. If the officer has been injured or killed, this commander is responsible for notification of the officer’s family.
15. The Coroner’s Office, in any case where death occurs.
(2) Procedures when handling person / officer wounded by gunfire:

a. Once it is safe to approach the suspect, officers will handcuff, search the suspect thoroughly and take control of the suspect’s weapon(s). When the suspect poses no further immediate threat, officers will remove the handcuffs and when appropriate, should render first aid to their level of training without any unreasonable delay.

b. Rubber/latex gloves will be used to handle the weapon(s) to protect any evidentiary value. Officers will ensure the chain of custody and security of the weapon is established and maintained. If there is a need to render the weapon safe, all rounds must be accounted for and collected as evidence.

c. Remove the person/officer to the hospital by ambulance if any possibility of life exists.

d. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.

e. When placing a hold order on a victim who is also a suspect in a crime, notify the Denver Sheriffs Department.

f. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS 505.10(5).

(3) The ranking officer at the scene is immediately responsible for crime scene protection.

(4) The responsibilities of the ranking officer at the scene of a Police Shooting include, but are not limited to, the following:

a. Protect the crime scene using appropriate personnel and methods.

b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.

c. Officers shall identify and sequester all witnesses to the incident. Officers shall obtain written statements from all civilian witnesses. Investigators will review all statements and determine the need for additional detail or recording of the statement. Investigators shall obtain statements from all officer witnesses.

d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm, except to make the firearm safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited. Detectives shall document and collect these items during crime scene processing. The involved officer shall maintain custody of his/her firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement firearm. An investigator from the Homicide Unit shall document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer shall release the officer’s firearm.

e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain there with him/her until relieved. Only investigators assigned to the Police Shooting Team, the officer’s commander, the officer’s attorney and the District Attorney have access to the officer while sequestered. The Commander of the Major Crimes Division must approve all other access.

f. Provide the dispatcher and responding detectives with all available information.

g. Assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 14.12.

h. Assign an officer to complete a General Offense Report (GO).

1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be “Shooting by a Peace Officer”.

2. When a suspect shoots and wounds an officer the title will be “Assault on a Peace Officer”.

3. When the shooting results in the death of any person/officer the title is “Homicide”.

4. When an officer discharges a firearm causing injury or death the person shot will be reported as the victim and the involved officer is listed as the person reporting.

5. Officers shall leave the suspect section blank and keep the narrative section brief.

   i. Complete an After Action Report and route copies as appropriate and send a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for that day for all districts or other units that covered the scene.

   j. Ensure the completion of a Use of Force Report (UOF) DPD 12:

      1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, “See After Action Report”.

      2. Attach a copy of the After Action report to the UOF report. Forward the original UOF report to the Internal Affairs Division, with one copy to the division commander and one copy to the respective deputy chief.

   k. Ensure that ALL officers who respond to the scene, or who assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.

(5) The investigation of a shooting, by or of, a peace officer is a cooperative endeavor between the Denver Police Department and the Denver District Attorney’s Office. The investigation is under the command of the Commander of the Major Crimes Division or designee. Officers and investigators shall use all appropriate investigative methods and techniques including, but not limited to, the following:

   a. Completely process and document the crime scene using diagrams, photographs and video recordings in accordance with crime scene protocols outlined in OMS 301.01.

   b. Investigators shall document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the District Attorney. The interview order is generally civilian witnesses first, followed by officer witnesses. The interview(s) of the involved officer, those officers discharging a firearm, usually occur last.

   c. The officer involved in the shooting may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the “Officer Advisement in Police Shootings” form (DPD 759). The "Miranda Warning", Internal Affairs Division "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.

   d. The Commander of the Internal Affairs Division (IAD) or designee will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriffs Department and the Denver Fire Department’s arson investigators. The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division or designee, or the Chief of Police. This participation only involves those cases where information or evidence supports there is a suspected crime or serious rule violation.

   e. Refer all media inquiries to the Commander of the Major Crimes Division or designee, generally, the Public Information Officer.

   f. The command officer in charge of the investigation will prepare, or cause the preparation, of an After Action Report (DPD286) and distribute the report as appropriate prior to going off duty.

   g. The criminal charge filing decision for a police shooting case is solely the responsibility of the Denver District Attorney’s Office. Officers shall not publicly speculate about the decision. The District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case. The District Attorney bases the review and filing decision on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

(6) Considerations for the involved officer following the investigation of the Police Shooting/Critical Incident

   a. When death occurs the officer will be removed from any line duty assignment, pending the results of an administrative review.

   b. The officer’s command will contact Police Psychological Services as soon as possible after the incident and schedule an appointment for the officer. The commander, with approval from their
deputy chief, may arrange excused days for the officer until the police psychologist has met with the officer and made a verbal recommendation to the commander as to when the officer can return to duty. The purpose of the Psychological Services appointment is not to investigate the officer’s actions or assess his/her fitness for duty.

In cases with extenuating circumstances, temporary or permanent assignment changes may occur.

c. When death results, from any officer involved use of force, an in custody death or death which occurred as a direct result of police action and the incident is investigated by Major Crimes as a critical incident, the commander will follow the same procedures listed above in (6)b.

Absolute confidentiality exists and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview, such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).

d. The commanding officer of the officers involved in a shooting incident will notify the officers of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, Psychological Services will notify the commanding officer who shall provide for such arrangements. No other exchange of information will occur without the express written consent of the officer before the interview.

e. In the event of a civil lawsuit against the City and County of Denver and the officer, the City Attorney’s office will provide legal representation. Exceptions include when the officer acts outside of the scope of his/her employment or neglects to notify the Civil Liability Unit of the potential action for a lawsuit.
117.01 BILL OF RIGHTS (SWORN OFFICERS ONLY)

(1) EXERCISING RIGHTS:
No officer will be disciplined or discriminated against with regard to his/her employment, or be threatened with any such treatment, by reason of his/her exercise of the rights granted in this Police Officer’s Bill of Rights.

(2) DISCRIMINATION:
Police officers will not be discriminated against or penalized in regard to their employment because of actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation or for any reason not related to performance or the ability to perform as professional police officers.

(3) NOTIFICATION:
No officer will have any comment adverse to his/her interest entered in the Performance Evaluation System or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.

(4) PRIVACY:
No locker or other space for storage that is provided by the department and assigned to an officer will be searched except:
- in the officer’s presence, or
- with the officer’s consent, or
- unless a valid search warrant has been obtained, or
- when notification has been made that a search will be conducted.

(5) POLITICAL ACTIVITIES - GENERAL:
No officer will be prohibited from engaging in political activities, except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his/her official capacity, provided such activities do not impede or impair the efficient operation of the department.

   a. No officer while seeking or holding any political office will appear in that capacity in the Denver police uniform or use his/her position as an officer to gain political office or carry out the duties thereof.

(6) INTERNAL INVESTIGATION COMPLAINTS:
An officer under internal investigation will be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision will not apply to a complaint/investigation that would be jeopardized by such notification.

   a. Officers subject to an internal investigation will be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant’s name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.

   b. All officers who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available observer of the officer’s choice. The
observer chosen must be able to attend the interview within a reasonable period of time. **No interview will be conducted unless the requested observer is present.** During the interview, however, the observer may only act as a witness to the proceedings. The observer may be excluded if his/her behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Division or **any formal investigation initiated by an officer’s supervisor.** It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer’s supervisors.

1. Any witness to the alleged offense or violation will not be permitted to act as an observer for the officer under investigation.

2. If a Denver police officer is selected and agrees to act as an observer, he/she will not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NON-CRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an observer.

c. Any officer contacted by the Internal Affairs Division with regard to providing a statement or other information will be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.

d. An officer called for a subsequent internal investigation interview will be afforded the opportunity to review all of his/her prior statements, whether written, sound or video recorded, prior to being asked any further questions.

e. Internal investigation interview sessions will be conducted for reasonable periods, and will be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there will be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, will be noted in the reports/recordings of the interview.

f. Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, will contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview will also be included:

1. Upon request, the officer interviewed will receive a copy of his/her statements.

2. An officer will be allowed to sound record the interview, provided that the Internal Affairs Division is permitted to make a copy of the recording.

g. Unless immediate action is required, the internal investigation interview will be conducted at a reasonable hour, preferably during the officer's normal work shift.

h. All internal investigation interviews will be conducted in a private setting, if at all possible.

i. All investigations conducted by the Internal Affairs Division should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.

j. Officers under investigation by the Internal Affairs Division will not be compelled to submit to a polygraph. An officer under investigation may, of his/her own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.

k. Prior to an officer being questioned regarding any incident that could result in departmental violations or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If during questioning under the
administrative advisement pursuant to internal investigation it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.

i. No officer being interviewed will be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions will be informed that failure to answer questions directly related to the investigation may result in disciplinary action.

(7) PERSONNEL FILES:
By appointment, all officers may review the contents of their personnel file. Officers have the ultimate responsibility for ensuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 ASSIGNMENT OF OFFICERS
No on-duty or off-duty assignment of officers will be made on the basis of an officer’s actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. This policy will in no way limit the department from assigning to work at an event any officer who volunteers to do so.

117.03 POLITICAL ACTIVITIES – LAWS AND RULES AND REGULATIONS
(1) Prior to engaging in political activities, officers will ascertain that such activities are legally permissible, in compliance with departmental rules and regulations and the secondary employment procedure, and are compatible with their position and duties as police officers.

a. The laws affecting political activities by Denver police officers include:
   - Title 5, Chapter 15 United States Code (The Hatch Act);
   - Denver City Charter Sections 1.2.8, 1.2.9, 1.2.10, 1.2.12; and
   - Denver Revised Municipal Code (DRMC) sections 2-52 (definitions), 2-53 (board of ethics), 2-54 (advisory opinions and waivers), 2-60 (gifts to officers, officials, and employees), and 2-61 (conflicts of interest while employed).

b. Excerpt from DRMC 2-61(g):
   “No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the interests of the city.”

c. Excerpt from DRMC 2-54(d):
   “A person whose conduct is in accordance with an advisory opinion or a published unreversed advisory opinion of the board of ethics shall not be found in violation of any of the provisions of this article.”

d. Except for the exercise of such fundamental rights as voting, attending political meetings and membership in political clubs and organizations, officers are advised to obtain an advisory opinion from the Denver Board of Ethics prior to engaging in political activity.

e. Questions arising as to whether certain political activities are prohibited by the Federal Hatch Act may be submitted to the U.S. Merit Systems Protection Board for an advisory opinion. The United States Civil Service Commission has ruled:
   “An officer or employee of a State or local agency is subject to the Act if, as a normal foreseeable incident to his/her principal position or job, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or Grants; otherwise, he/she is not.” [Applied: IN RE BALDASSARO, 2 POLITICAL ACTIVITY REPORTER 708 (1963)]
f. Officers will familiarize themselves with Rule and Regulations 702 through 704 prior to engaging in political activities.

### 117.05 DEPARTMENT OF SAFETY EEO POLICY (SWORN AND CIVILIAN)

**1. POLICY AND DECLARATION:**

It is the policy of the Department of Safety that its employees (both Career Service and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.

**2. CONDUCT PROHIBITED:**

Examples of conduct that could violate this policy include, but are not limited to:

- a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
- d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
- e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
- f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.

**3. NOTIFICATION OF OFFENSIVE BEHAVIOR:**

Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.

**4. REPORTING PROCEDURES:**

- a. All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
  1. Any supervisor in the reporting employee’s or offending employee’s agency or work unit, inside or outside the chain of command;
  2. The Internal Affairs Division for the reporting employee’s or offending employee’s agency (available twenty-four hours per day, seven days per week);
3. The Safety Human Resources Division for the reporting employee's or offending employee's agency;
4. The Executive Director of Safety's EEO Coordinator; and/or
5. The Career Service Employee Relations Unit.

b. Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative will not constitute reporting of a potential policy violation, nor will it be considered legal knowledge or notice to the city or Department of Safety.

c. A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.

(5) MANDATORY ACTION:
Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Executive Director of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity will not constitute reporting or notice to the city. Department of Safety, or city.

(6) ZERO TOLERANCE:
The Department of Safety maintains “zero tolerance” regarding violations of this policy, meaning the department will not knowingly tolerate acts of discrimination, harassment, or retaliation.

a. Allegations about potential violations of this policy will be taken seriously and the department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially.

b. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.

(7) RETALIATION IS STRICTLY PROHIBITED AGAINST EMPLOYEES WHO HAVE IN GOOD FAITH:

a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;

b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or

c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint, or providing a witness interview during an investigation.

(8) RETALIATION DEFINED AS:
Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above listed protected activities.

a. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit
for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from coworkers, and escalating harassment.

b. Any department of safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

117.06 PROTECTED INFORMATION (SWORN AND CIVILIAN)

(1) RETALIATION PROHIBITED:
It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any city employee. No employee of the Denver Police Department will retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, city official, governmental agency, chief’s hearing, use of force review board, tactics review board, Denver Office of the Independent Monitor, citizen oversight board, Denver Executive Director of Safety EEO Coordinator, Denver Career Service Board, any Denver Career Service Board hearing officer, the employee’s appointing authority, Denver Civil Service Commission, and Denver Civil Service Commission hearing officer, or the Denver City Board of Ethics. No employee of the department will intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

(2) PROHIBITED CONDUCT:
Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.

(3) INFORMATION DISCLOSURE:
Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.07 INVESTIGATION GUIDELINES (SWORN AND CIVILIAN)

(1) PROCEDURES – SWORN OFFICERS AND SWORN/CS EMPLOYEE COMBINATION:
If the subject of an investigation is a sworn officer or if subjects of the same complaint/investigation are a combination of sworn officers and civilian employees:

a. All allegations of a violation of law or department policy will be thoroughly investigated by the Internal Affairs Division (IAD) in accordance with section 503.01. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.

b. All allegations against sworn officers of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Internal Affairs Division and the Executive Director of Safety’s EEO Coordinator.

c. The Commander of IAD must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.

d. All complaints of discrimination, harassment, or retaliation will be given an IAD case number.

(2) PROCEDURES – CS EMPLOYEES:
If the subject(s) of an investigation is/are solely civilian employee(s):

a. All allegations of a violation of law will be thoroughly investigated by the Internal Affairs Division. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.
b. All allegations of a violation of department policy will be thoroughly investigated by the subject employee’s supervisory chain of command and the Safety Human Resources Management Division. The Internal Affairs Division may provide assistance upon request.

c. All allegations against civilian employees of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Executive Director of Safety’s EEO Coordinator.

d. The Executive Director of Safety’s EEO Coordinator must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.

e. All complaints of discrimination, harassment, or retaliation will be given an EEO Coordinator case number.

(3) **GENERAL PROCEDURES:**

a. Anonymous complaints will be evaluated by the commander of IAD and the Executive Director of Safety’s EEO Coordinator (if alleging discrimination, harassment, or retaliation) to determine the appropriate course of action.

b. The complainant will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.

c. The subject officer or employee will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.

d. The complainant will be advised in writing by the department of the final disposition of the case.
301.13  In-Custody Incident Investigations  (Revised 11-2011)

(1)  General Procedures
    a.  Definitions
        1.  Law Enforcement Officer
a. Any peace officer described in accordance with C.R.S. 16-2.5-101, and certified by the peace officer standards and training board (P.O.S.T.). This will include non-certified deputy sheriffs described in C.R.S. 16-2.5-103 (2).

b. For purposes of this section, 'federal law enforcement officer' means persons employed as full-time law enforcement officers by the federal government authorized to carry firearms while performing their duties and make forcible arrests when necessary.

2. Law Enforcement Custody

a. Law Enforcement custody includes all care, custody, or control circumstances where law enforcement is present. This will include, but is not limited to incidents where the individual is restrained or not, police related vehicle pursuits resulting in injury or death, and suicides occurring in the officers' presence or while the law enforcement officer controls the incident.

3. Critical Incident

a. An incident in which an officer has contact or attempt contact with a subject, or an incident occurring in the officers' presence, where the subject suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action.

b. When a person is in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action officers shall immediately notify Denver 911. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all telephone and radio transmissions for later use in an investigation. The dispatcher will notify the following person(s) as required:
   1. Ambulance
   2. Sufficient patrol coverage
   3. The on-duty Command Officer for the District of occurrence.
   4. The on-duty Homicide and/or General Assignment Detectives.
   5. The on-call Police Shoot Team.
      a. Major Crimes Section Command Officer
      b. Homicide Unit Supervisor
      c. Primary and Secondary Homicide Investigators
   6. The Crime Laboratory.
   7. The on-call District Attorney.
   8. The Commander of the Major Crimes Division.
   11. The Public Information Officer.
   12. The Chief of Police.
   13. The Manager of Safety.
   14. The involved officer's Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer's family.
   15. The Coroner's Office, in any case where death occurs.

C. Immediate measures to employ when caring for the unconscious person in custody include:
   1. Administer appropriate first aid.
   2. Remove the person to a hospital if the possibility of life exists.
   3. An officer shall accompany the person to the hospital. This officer shall take note of any statement made, take possession of clothing or other evidence, and protect personal property.
   4. Place a hold order if the person is a suspect and notify the Denver Sheriff's
Department.

5. Should the person die, follow the additional procedures outlined in OMS 301.14(8).

d. The ranking officer at the scene is immediately responsible for crime scene protection. The responsibilities include but are not limited to:
   1. Protecting the crime scene using appropriate methods.
   2. Determining what occurred through observations and officer and civilian witness statements.
   3. Ask general questions of the involved officer(s) limited to those necessary to locate and secure witnesses, evidence or the crime scene. The Commander of the Major Crimes Division or designee will determine the need for formal statements from any officer or witness.
   4. Provide the Denver 911 dispatcher and responding detectives with all available information.
   5. Assist and follow the directives of the ranking officer of the Major Crimes Division in compliance with Duties & Responsibilities section 13.12.
   6. Prepare an After Action report, DPD 286, sending a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for all districts and other units covering the scene or assisting with the investigation.

7. Ensure the completion of a Use of Force Report, DPD 12.
   a. Use the front of the form to report the appropriate information. The narrative shall detail the incident.
   b. Attach a copy of the After Action report, DPD 286, to the Use of Force report, DPD 12. Forward the original Use of Force report, DPD 12, to the Internal Affairs Bureau, with one copy to the Bureau/District Commander, the Commander of the Major Crimes Division, and one copy to the Commander of the involved officer(s).

8. Ensure that all officers who respond to the scene or assist in any way submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.

   e. In custody incident investigations shall follow the procedures outlined for officer involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
   f. In all situations where the subject attempts suicide while in custody, whether transported to a medical facility or not, responding officers shall notify a Homicide Unit supervisor.
   g. Homicide investigators shall respond to all scenes of attempt suicide where paramedics, emergency service personnel, or anyone else transports the subject to a hospital, or where the injury sustained by the subject is potentially life threatening.
   h. Direct all questions regarding any of the procedures to follow to a member of the Homicide Unit.

301.14 Investigations where Death Occurs
(8) In custody death investigations (Revised 11-2011)

a. Definitions: refer to OMS 301.13(1)a.

b. When a person in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action, in addition to the personnel listed in OMS 301.13(1)b, the dispatcher will immediately follow Denver 911 procedures by notifying the following as required:

1. Ambulance.
2. Sufficient patrol coverage.
3. The on-duty Command Officer for the District of occurrence.
4. The on-duty Homicide and/or General Assignment Detectives.
5. The on-call Police Shoot Team.
   a. Major Crimes Section Command Officer.
   b. Homicide Unit Supervisor.
   c. Primary and Secondary Homicide Investigators.
6. The Crime Laboratory.
7. The on-call District Attorney.
8. The Commander of the Major Crimes Division.
11. The Public Information Officer.
12. The Chief of Police.
13. The Manager of Safety.
14. The involved officer’s Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer’s family.
15. The Coroner’s Office, in any case where death occurs.

c. In addition to the procedures outlined in OMS 301.13(1)d, the ranking officer at the scene will have these responsibilities:

1. When a death occurs, assign an officer to make a General Occurrence Report (GO), titled known or unknown dead, depending on the status of the victim’s identity.
2. Assign an officer to accompany the person to the hospital when transporting a victim. This officer shall note any statements made by the subject, take possession of clothing or other evidence, and protect personal property.

d. In custody incident investigations shall follow the procedures outlined for officer-involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.

e. Investigation of suicide and attempt suicide while in-custody.

1. Suicide or attempt suicide occurring in the officers’ presence or while the law
enforcement officer controls the incident follow procedures outlined in OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.

2. Officers shall complete a General Occurrence Report (GO) as follows:
   a. When the suicide is successful, title the report “Suicide”.
   b. When the suicide attempt is unsuccessful, title the report “Attempt Suicide”.
   c. OMS 301.14(3)a and b outlines the procedures for the investigation of suicide or attempted suicide.
   f. Investigation of death or critical injury occurring after deployment of Less Lethal devices or munitions.
      1. OMS 105.03 (3) defines Less Lethal weapons
      2. When an officer deploys a Less Lethal device or munitions and a person suffers a potentially life-threatening injury or death results, the procedures outlined in 301.14 (8) shall apply.
   g. The officer involved in the critical incident may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the applicable "Officer Advisement in Critical Incidents" form. The "Miranda Warning", Internal Affairs Bureau "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
   h. Direct questions regarding any of these procedures to a Homicide Unit supervisor.
501.01 **CHAIN OF COMMAND**

(1) **AUTHORITY OF SUPERVISORS AND COMMAND OFFICERS:**

Department personnel will be required to take direct orders from, and be directly responsible to, one supervisory officer, except as otherwise provided herein.

a. Orders related to departmental policy or procedure will emanate from the Chief of Police and will be directed to the level of execution through bureaus and then by succession of the several levels of rank in each division as they are applicable, in such a way that department personnel will receive such orders or directives from their immediate supervisor.

b. Any such occurrence requiring departure from an order, or any part thereof, will be reported at once to the commanding officer on-duty next in the chain of command.

c. Supervisory direction from outside an officer’s regular chain of command is detailed in Duty and Responsibility 4.05.

(2) **RANKING OFFICER AT CRIME SCENES AND OTHER INCIDENTS:**

Ranking officers will:

a. Return to service all personnel not needed at the scene.

b. Assume command of the scene investigation and immediate area until relieved by higher authority or as determined by policy.

c. Direct all uniformed and investigative personnel, including supervisors, so that their efforts and skills can be fully utilized. Investigative or specialized personnel may oversee the immediate crime scene or area as determined by policy.

d. When appropriate and prior to his/her arrival, review progress of the investigation/response and ensure all phases are properly addressed and documented.

e. In cases of homicide or other serious felonies, will cause the commanding officer of their assignment and the affected investigative division, section or unit to be notified. See OMS 301.15.

f. Determine if a crime scene is to be protected after completion of the original investigation, and make the necessary arrangement of uniformed personnel if needed.

g. When appropriate and reasonable, the district commander will take charge of all such actions in their district, when available. Upon arrival of the district commander, he/she will be the incident commander unless relieved by higher authority, or this responsibility is delegated; however, the immediate scene or area may be under the command of a lower ranking officer as determined by policy.

(3) **SUGGESTIONS FOR THE IMPROVEMENT OF SERVICE:**

Department personnel who wish to make suggestions for the improvement of service may communicate in writing through official channels to the:

a. Department personnel’s supervisor / commander / director

b. Planning, Research and Support Section (dpdplanning@denvergov.org)

c. Chief of Police

(4) **OPERATIONS MANUAL CORRECTIONS - MINOR:**

Department personnel may notify the Planning, Research and Support Section of minor errors (e.g., spelling, punctuation, unit designations, etc.) at dpdplanning@denvergov.org. Requests for changes to
procedures or policy will be handled per section (3).

(5) **REQUESTS, COMPLAINTS, SUGGESTIONS, IRREGULARITIES – CHANNELS:**

All requests, complaints, suggestions or reports of occurrences of irregularities regarding policies, procedures, or assignments of the police department will be directed through channels as follows:

a. Department personnel will direct all requests, complaints, reports, or suggestions to their immediate supervisor in writing. A DPD 200 will be used for such communication unless prepared forms are provided, and may be submitted in person or by email to the appropriate person / entity.

   1. **EXCEPTIONS:** If the complaint is against the officer's immediate supervisor, the officer may direct the initial communication to the officer next higher in rank within the division.

   2. Any officer or employee of this department who feels threatened in any manner, or feels that the integrity of the department is in jeopardy, is authorized to report this situation directly to the Chief of Police or to the commanding officer of the Internal Affairs Division without reporting first to his/her supervisory officer.

   3. All department personnel receiving such communications from a subordinate will respond accordingly as soon as practical.

b. Department personnel receiving a reply from their immediate supervisor in answer to such communication that is not satisfactory, may direct a communication to the officer next higher in rank in their division/district. Such communication will include a copy of the communication to their immediate supervisor and a copy of their reply. This process may be carried as far as the Office of the Executive Director of Safety so long as each succeeding level of command within the division/district has given a reply.

c. Except as may be otherwise provided by Denver Civil Service regulations or department policy, such communications will not be directed to any office outside the Department of Safety without the written permission of the Chief of Police and the Executive Director of Safety.

d. Department personnel will be free to seek advice and counsel or obtain the assistance of other officers in the classified service in their presentation of a complaint at any command level, as long as all involved parties in such complaint restrict their activity to the provisions of this chain of command procedure.

   1. In complaints reaching the level of division commander or higher without solution, complaining department personnel may be represented by duly authorized members of the Denver Police Protective Association or by private legal counsel.

   2. Any officer in the classified service who so assists another officer in the presentation of any complaint will not be penalized or prejudiced in any manner because of such presentation.

(6) **TRAINING BULLETIN REQUESTS:**

Requests for publication of training bulletins will be processed as follows:

a. The requesting department personnel will submit the proposed training bulletin through the chain of command to the applicable deputy chief for review. The deputy chief will approve or deny the request, or direct that revisions be made prior to its publication.

b. Upon approval, the deputy chief will forward the training bulletin to the Planning, Research and Support Section for publication.

c. The Planning, Research and Support Section will review the training bulletin for spelling, grammar, formatting, etc., and make such revision as may be necessary. The training bulletin will then be published through PowerDMS for review and acknowledgement by designated personnel.
(7) **PROPOSED LAW CHANGES AND LEGAL OPINIONS:**

All matters related to proposed resolutions, new ordinance initiation or current ordinance amendment must be processed through the chain of command to the Executive Director of Safety's Office prior to being considered for the mayor-council or city council agenda. Additionally, requests for legal research, opinion or drafting of such matters will be forwarded to the Denver City Attorney's Office only after being processed through the chain of command and via the Executive Director of Safety's Office.

The Chief of Police may authorize designated personnel to confer with the Denver City Attorney's Office for legal opinions and policy/procedure development.

(8) **LOBBYING:**

Only the Chief of Police (or designee) may engage in lobbying reflecting the official position of the Denver Police Department at the city council or the state legislature. Any officer desiring to take part in the lobbying process will contact, in writing, the Deputy Chief of Administration through the chain of command. This will also include any testimony at either city council or the state legislature.

(9) **REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS:**

Representatives of employee organizations, when conducting organization business, are not restricted by the chain of command of their respective assignments.

### 501.02 ALLOTMENT AND ASSIGNMENT OF PERSONNEL

(1) **RESPONSIBILITY:**

District stations have the basic responsibility of providing efficient and complete patrol service twenty-four (24) hours a day, every day, as well as designated investigative functions. This must be a paramount consideration of commanders and is their basic responsibility that the public receive high quality and efficient service and protection.

a. Days off, vacation, sick leave, and other absences (when possible) will be planned and calculated to operate with effective staffing levels. Emergencies and/or extenuating circumstances may impact staffing levels.

b. Days off, vacation, sick leave and other absences (when possible) will be planned and computed to efficiently operate under established staffing requirements. Emergencies and/or extenuating circumstances may impact staffing levels.

c. When possible and appropriate, supervisors may accommodate scheduling requests for training and higher education.

d. At all times, supervisory officers will be present during shift changes barring an emergency or if assigned to a call for service.

(2) **SPOUSAL CONSIDERATIONS:**

Officers who are married to each other will be allowed to work the same bureau, division, district, section, unit, or detail, but will not be allowed to work the same assignment as partners.

### 501.03 PUNCTUALITY

(1) **ROLL CALL - UNIFORMED OPERATIONAL ASSIGNMENTS:**

a. Roll calls will be conducted in a professional manner. Commands and execution by the ranks should be in conformance with traditional police procedures.

b. Personnel inspections should be performed by a command or supervisory officer at least once per work period. All officers will be properly groomed, attired and equipped.

c. Command and supervisory officers will make daily assignments, read pertinent orders and information, and conduct or arrange for necessary roll call training.
d. All information read or disseminated at roll call must have prior approval from a supervisor or command officer. The approving officer will make certain that the information is current, valid, and appropriate. The approving officer will then affix his/her initials, serial number, and date approved to the item before placing it on the roll call clipboard. After the item has been presented at roll calls for the appropriate duration, it will be placed in a chronological file at the assignment and retained for one year.

(2) **Penalties:**

a. Whenever an officer is late, the on-duty supervisor of the officer involved will document the incident as a journal entry in his/her performance evaluation record and indicate whether the lateness is excused or unexcused. The supervisor will inform the officer of the journal entry at the earliest reasonable opportunity.

b. All incidents of unexcused lateness will, at a minimum, be entered in an officer’s performance evaluation. The first such incident of lateness will result in an oral admonition and counseling of the officer as to the potential minimum penalties for repeat violations. Minimum penalty assessments for subsequent sustained violations are as follows:

1. 2nd unexcused violation: oral reprimand.
2. 3rd unexcused violation: written reprimand.
3. 4th unexcused violation: fine of eight (8) hours off.
4. Subsequent unexcused violations will be dealt with more severely.
5. The Chief of Police (or designee) may elect to treat an officer having six (6) unexcused violations within any twelve (12) consecutive months or nine (9) unexcused violations within any three (3) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of OMS 501.03(2)c and the penalty therefore may be based on an officer’s entire attendance history.
503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS

1) Policy:

The policy of the Denver Police department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the mission, vision and value statements of the department, and find as their chief cornerstones the Law Enforcement Code of Ethics and the rules and regulations of the department. These documents set the foundation for accountability of the department and its members to citizens whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the department has sworn to uphold.

The department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the department and the general public as unbiased and trustworthy. The department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted department policies and procedures. Such investigations must be conducted with full regard for the Officer’s Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the department, all complainants and witnesses and all other citizens. The administration of the discipline process will not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State, or local law or regulation. The department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all department personnel who may be the subject of or a witness in an investigation.

Lastly, the department understands that timeliness in the investigation of misconduct allegations, and when warranted the imposition of discipline, are critical components of the complaint and discipline process. Unnecessary delays may be unfair to the involved officers, community members alleging or harmed by officer misconduct and the department as a whole, and will be avoided to the extent possible. However, issues related to timeliness are not considered mitigating factors, or grounds to decline the imposition of discipline.

This policy applies only to members of the classified service of the Denver Police Department.

2) Guidelines and Definitions:

Subject Officer: The officer under investigation for possible misconduct.

Complaint: An allegation of misconduct.

Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.

Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:

- Minor Misconduct: Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the department and that are not likely to result in a formal disciplinary action against a named employee.

- Pattern Misconduct: A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more
concern than that created by infrequent or isolated incidents of citizen complaints or unacceptable conduct.

- **General Misconduct:** All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.

- **Serious Misconduct (including Conduct Prohibited by Law):** Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations will be conducted by the Internal Affairs Division. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.

**Complaint Intake:** The initial fact finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.

**Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines:** The official guide adopted by the Executive Director of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The Discipline Handbook sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.

**Discipline Matrix:** The official guide adopted by the Executive Director of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.

**Dismissal:** The Chief of Police (or designee) may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(5).

**Formal Investigation:** All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals will be formally investigated. An Internal Affairs Division complaint number will be issued for each formal investigation and an official disposition will be handled by the Internal Affairs Division, with the exception of scheduled discipline, which will be conducted by the subject officer’s chain of command. Nothing will prevent division or district level supervisory or command officers from conducting an initial investigation prior to forwarding the issue to the Internal Affairs Division for a full investigation per procedures outlined in OMS 503.01.

**Informal Investigation:** Informal investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant’s concerns about the officer’s actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.

**Investigative Review Process (IRP):** The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the Internal Affairs Division (IAD) investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigating officer, and the IAD commander with the intent of reaching an agreement as to the material facts of the case.

**Deliberative Process:** The Office of the Independent Monitor, the Citizen Oversight Board, and the officers and citizens who serve on the department’s internal review boards such as, Use of Force Review Board, and Tactics Review Board are all part of the city’s deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties will be protected by the deliberative process privilege.
**Scheduled Discipline:** Those rules, regulations, and policies for which violations carry penalties that are defined by a table or schedule. A complete listing of these policies can be found in Appendix F of the Discipline Handbook.

(3) **Roles and Responsibilities:**

a. **Individual Officer Responsibility:**

1. All officers of the department will report possible misconduct by other officers to a supervisor, command officer, or the IAD regardless of whether the reporting officer has firsthand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer’s supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAD, the Office of the Independent Monitor (OIM) or the Chief of Police.

2. When any member of the Denver Police department (on or off-duty) is involved in an incident occurring within the City and County of Denver, that requires, or may require police attention, the investigating officer or the involved officer will immediately notify a Denver Police department supervisor, command officer, or IAD. For incidents occurring outside the City and County of Denver, the involved officer may request that the investigating officer make the notification; however the ultimate responsibility for notification lies with the involved officer.

b. **Mandatory notification requirements apply to the following circumstances:**

1. An off-duty officer exercises police authority that results in an arrest and/or use of force.

2. **On-duty motor vehicle accidents in the City and County of Denver:**

   A supervisor or command officer will be notified immediately when an employee is involved in a traffic accident while on duty, whether or not there is property damage or injury. If the accident occurs within the City and County of Denver, a supervisory or command officer will respond to the scene and determine the appropriate course of action.

3. **On-duty motor vehicle accidents outside the City and County of Denver:**

   A supervisor or command officer will be notified and will make a determination as to whether their response or that of the Internal Affairs Division is required based on the criteria outlined in OMS 503.01(4).

4. **Off-duty motor vehicle accidents in the City and County of Denver:**

   When an off duty Denver police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.

5. Any sworn personnel who becomes aware that he or she is under investigation, or charged with any crime.

6. An officer is the victim of a crime (crimes against persons’ statute or ordinance) and police are notified, or reasonably should have been notified.

7. An officer is arrested, charged, or convicted of a criminal offense.

8. An officer is charged with a traffic offense of eight (8) or more points.

9. An officer’s driving privileges are suspended or revoked.

10. An officer is served with a restraining/protection order issued as a result of alleged domestic violence or criminal activity.
11. Any incident that has the potential for police involvement, or could have a pronounced negative impact on the professional image of the department, and the officer is directly involved.

c. Officers will cooperate in a department investigation and will answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAD investigating officer. Officers will answer all questions fully and truthfully and will not omit any material facts.

d. For the duration of the complaint process, including the complaint intake, formal investigation, and IRP, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer, or to conduct any further investigation of a case on behalf of the department or its members are those investigating officers designated by the Commander of IAD or the Chief of Police.

e. A subject officer will not be armed during a pre-disciplinary meeting (Chief’s Hearing) with the Chief of Police (or designee).

f. General Supervisor and Command Officer Responsibilities:

1. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.

2. A supervisor or command officer will continually examine areas of the police operation under his or her purview.

3. A supervisor or command officer will not look to higher authority to initiate investigations when the actions in question are within his or her own authority.

4. The Internal Affairs Division may be requested when the complexity of the case justifies such assistance.

5. A supervisor or command officer of a bureau, division or district will resolve minor procedural violations in accordance with this policy. If the supervisor/command officer determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the command officer will be responsible for ensuring that the training, oral admonishment, counseling, etc, is accomplished and documented.

6. A supervisor or command officer of a bureau, division or district will conduct an investigation in accordance with this policy.

7. A supervisor or command officer of a bureau, division or district will immediately report to IAD all allegations of serious misconduct, including conduct prohibited by law.

8. A supervisor or command officer of a bureau, division or district will, in a timely manner, notify the IAD regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.

9. Supervisors and command officers will obtain the assistance of IAD or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.

10. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer will notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities section regarding responsibilities of all supervisory officers [including command officers] with respect to discipline and conduct of officers.)

11. Any command officer (or supervisor, with the approval of a higher ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the department or the officer. Officers will surrender their badges and identification cards when relieved of duty.
12. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case will immediately relieve the officer of duty and retain all department property in the officer's possession. Requests to hold or obtain the subject officer's police uniform will be made to the proper authority in the detention facility. The ranking supervisor or command officer will immediately notify the IAD of the subject officer's detention or incarceration.

13. The IAD commander, the Chief of Police or the Executive Director of Safety will report all allegations of serious misconduct, including conduct prohibited by law to the Office of the Independent Monitor within three business days of becoming aware of the allegations.

14. Investigating Supervisor and Command Officer Responsibility:
   1. The bureau deputy chief, or division or district commander will review the matter to determine whether the investigation should be conducted at the bureau, division or district level or forwarded to the IAD. The bureau deputy chief, or division or district commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAD along with a request for a formal investigation.
   2. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer will immediately contact the IAD, which will coordinate the intake for such allegations. The commanding officer of a subject officer will ensure that complaints are processed as required by this policy.
   3. The bureau deputy chief or commander of the division or district will be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the bureau deputy chief or commander will initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.

15. Internal Affairs Division (IAD) Authority and Responsibilities:
   1. Officers of the IAD act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer’s, or any other officer’s departmental duties and obligations. The IAD commander may, at his/her discretion, investigate any complaint lodged against any other officer of the department, regardless of rank or appointment.
   2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAD will immediately begin a formal investigation into the allegations.
   3. The IAD will have the full authority to conduct an investigation without interference from any officer.
   4. The primary duty of the IAD will be to ensure the integrity of the department. The IAD will direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the department.
   5. The IAD will maintain files of disciplinary investigations pursuant to the applicable document retention schedule of the department and the city. The files will contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.

The Office of the Independent Monitor will actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAD will investigate any incident set forth below and the monitor's office will actively monitor and participate in such IAD investigations:

1. Any shooting involving a Denver police officer, whether duty related or not;
2. Any in custody death;
3. Any duty related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in CRS §18.1.901(3)(p), as it may be amended from time to time;
4. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;
5. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in CRS Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
6. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
7. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the monitor's office will nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
8. In addition, the monitor's office will monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Executive Director of Safety. The board or executive director will advise the monitor's office of the reasons why the board or the executive director believes the monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the board or the executive director, the monitor's office will advise IAD only that the monitor's office will monitor the investigation.
9. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAD interviewers to ask of the witnesses, but the IAD interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
10. The monitor will have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the Denver District Attorney's Office may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The monitor will also have complete access to all department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney client privilege or the attorney work product privilege.
11. During the course of the investigation, the monitor may discuss the investigation with IAD including recommending additional investigation.
12. For any investigation that it monitors, the monitor will review the investigation to ensure that it is thorough and complete. If the monitor cannot certify that the investigation is thorough and complete, the monitor may request that IAD conduct additional investigation. If IAD does not complete the additional investigation to the monitor's
satisfaction, the monitor may conduct additional investigation, including issuing subpoenas.

13. The monitor will advise the Citizen Oversight Board, Executive Director of Safety, and Chief of Police of the reasons that the monitor was not satisfied with IAD's investigation and of the additional investigation conducted by, or to be conducted by the monitor. The IAD will not forward the investigation until the monitor has completed its supplemental investigation, if any, and then the IAD will forward its investigation together with the monitor's supplemental investigation to the appropriate person(s).

14. The monitor will treat all documents and information regarding specific investigations or officers as confidential and will divulge such information on a need to know basis or unless otherwise disclosed by the City and County of Denver.

(4) COMPLAINT INTAKE PROCEDURES

a. Processing Allegations:

1. Allegations by citizens: Any officer who is contacted by a citizen wishing to complain about possible misconduct by an officer will immediately put the citizen in contact with an on duty supervisor. The supervisor will attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift.

The supervisor will complete a Commendation/Complaint Intake Form as prescribed in this policy.

2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer will report the same directly to a supervisor in the reporting officer's or subject officer's chain of command or to the IAD. Any officer who initiates an allegation will prepare an Inter department Correspondence (DPD 200), outlining the allegations and/or other reports as directed by a supervisor. The reporting officer will not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all OMS governing the same.

3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) will be handled by the IAD. The IAD will review the allegation and determine whether the case will be handled at the bureau, division or district level or by the IAD.

4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits will be reviewed by the Office of the Independent Monitor and IAD to determine whether an IAD investigation would be warranted.

5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAD will forward a copy of the allegation to the Executive Director of Safety for his or her direction. The Executive Director of Safety (or designee) will confer with the Independent Monitor (and may retain an independent investigator from outside the department) in such circumstances.

b. Complaint Screening:

The supervisor or command officer receiving the complaint will make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.

1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint will be documented on the Commendation/Complaint Intake Form (DPD 687), and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the complaint intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.
2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor will refer the complainant to the Internal Affairs Division or the Office of the Independent Monitor.

3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor will be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint information will then be forwarded to the Internal Affairs Division for a final determination.

(5) **A COMPLAINT MAY BE DISMISSED FOR THE FOLLOWING REASONS:**

a. **Mediation:**

Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow it to be resolved through the mediation process for any reason.

1. No stakeholder will be required to state the reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation are considered confidential and cannot be used against either party in any future criminal or civil matter.

2. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering "consistent discipline"). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor's Office.

3. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with the provisions of the department of Safety EEO Investigation Procedures.

4. **Complaints ineligible for mediation:**

Any allegation of misconduct that falls into one of the following conduct categories as presented in the Discipline Handbook or the listed descriptions is ineligible for mediation:

- **Category E:** Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the department.

- **Category F:** Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer’s fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of sergeant, lieutenant, or captain is ineligible for mediation.

5. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the Executive Director of Safety, the Chief of Police, and the Independent Monitor all agree that mediation is appropriate.

- **Category D**: Conduct substantially contrary to the values of the department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.

6. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the Internal Affairs Division and the Independent Monitor agree that mediation is appropriate.

- **Category A**: Conduct that has a minimal negative impact on the operations or professional image of the department.
- **Category B**: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
- **Category C**: Conduct that has a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public.

7. Final authority on mediation eligibility:

Even if a complaint is eligible for mediation, the Executive Director of Safety (or designee), the Chief of Police (or designee), or the Monitor (or designee) has the authority to decide for any reason that a case should not be assigned for mediation.

d. **Mediation Procedures**:

If the complainant expresses an interest in mediating the complaint, that fact will be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAD commander and the monitor must agree that a complaint is appropriate for mediation for it to be assigned to the mediation program.

1. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.

2. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which will include:

- The complaint number
- The name of the complainant(s)
- The nature of the allegations
- An explanation of the mediation program
- An advisement to the officer(s) of the IAD and Monitor’s conclusion that the case is appropriate for mediation
- A request from the Monitor that the involved officer(s) contact the Monitor’s office within the next five (5) working days of receipt of the notice
- An explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to
the request will be construed to mean the officer has declined the opportunity to mediate the complaint.

3. The involved officer’s supervisors will ensure that the IAD mediation notice is delivered to the involved officer(s) as soon as possible.

4. If any of the involved officers decline to participate in mediation, the complaint will be returned to the intake process in accordance with normal IAD policies and procedures.

5. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAD.

6. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the monitor will notify IAD so that appropriate action can be taken. The complaint may then be processed by IAD as per normal policies and procedures.

7. Upon completion of the mediation, the complaint will be dismissed. No new complaint will be accepted based on the conduct of an officer during mediation. The mediation session will be confidential (with statutory exceptions) as per CRS §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there will be no requirement that an agreement be reached during the course of mediation.

c. Judicial or Administrative Review:
The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.

d. Untimely:
The complainant delayed too long in filing the complaint to justify present examination. IAD may waive the timeliness requirement for good cause.

1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.

2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major rules violations should be filed within six (6) months of the incident. IAD may waive the time limit if there is substantial corroborating evidence of the misconduct.

3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.

e. No Misconduct:
Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or city or department policy will be dismissed. Occasionally, a complaint that fails to state misconduct may merit a referral to the Chief’s Office for policy or other considerations or to mediation as a means of improving police community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.

f. False or Trivial:
The complaint is trivial, frivolous, false, or not credible.
1. Allegations determined to be intentionally and materially false will be dismissed.
2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the department.
3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAD or recommended for dismissal by bureau, district or division supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.

g. Third Party Complaints:
A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first hand sources), witnessed the alleged misconduct (second hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, judge, etc.)
1. Third hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.
2. Dismissal is not allowed for third party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English, is not a citizen; is wanted on criminal charges; or has been threatened, etc.).
3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.

h. Complaints about Repeatedly Reviewed Categories of Police Activity:
IAD may receive allegations about some categories of police action (e.g. police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAD. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.

i. History of Unfounded Complaints:
Occasionally, a single individual repeatedly files non meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAD Commander may authorize in writing that repeated complaints from specifically named individuals receive special handling. District and division supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically named individuals.
Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAD can demonstrate that a person:
1. Has a history of filing unverifiable or non credible complaints and was warned in writing that the filing of similar complaints in the future may result in special handling, rapid disposition, or other specified actions, or;
2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.

j. Complainant Withdraws:
The complainant withdraws the complaint or fails to complete the necessary complaint steps. The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant’s request to withdraw a complaint or failure to cooperate in an investigation does not require that IAD dismiss a complaint.

k. Unable to Identify Officer:

1. The identity of the officer cannot be determined. In some cases there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources.

2. The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAD may forward the complaint to an appropriate district or division commander for information and educational purposes.

l. No Jurisdiction:

DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAD will dismiss complaints over which it has no jurisdiction, including complaints against persons who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAD will refer the complainant to the proper department, agency or government entity. Complaints brought against career service employees may be taken by IAD or at any district or division and will be forwarded to IAD. Complaints against career service employees are generally forwarded to, and resolved by Safety Human Resources Division.

The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAD commander may:

1. Conduct an investigation and refer it to the Denver District Attorney’s Office and/or place the findings in the employee’s IAD or personnel file, or
2. Review the actions of the employee’s supervisors, or
3. Review the department’s policies and training curriculum, or
4. Elect not to dismiss the complaint until after an investigation has been completed if it appears that the employee may be rehired by the department or by another law enforcement agency, or
5. Elect to close the complaint with a notice to the employee’s file that, should the employee return to the department at a later date, the case will be reopened and investigated.

(6) Conducting Informal Investigations:

A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations should be completed within five (5) days from the time the complaint is received by the district/division. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.

a. Supervisors will complete the following steps when handling a minor misconduct complaint:

1. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the department’s expectations with respect to rules and procedures pertaining to the
issues in the complaint, the complainant’s perception of the officer’s behavior, and alternative approaches the officer could have possibly used to improve service.

2. Document the incident and actions taken on the Commendation/Complaint Intake Form (DPD 687).

3. If the investigation can be completed during the current tour of duty, all documentation will be forwarded to IAD where upon receipt a case number will be assigned.

4. If the investigation cannot be completed during the current tour of duty, the supervisor will contact IAD for a case number, and forward all documentation to IAD upon completion of the investigation.

b. IAD will review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer’s alleged misconduct.

1. If IAD determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint will be forwarded to the Chief of Police or his designee for final disposition.

2. If IAD determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAD will advise the officer’s chain of command that no further action is required.

3. If IAD determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
   - The informal complaint may be sent back to the concerned officer’s commanding officer for further follow-up as prescribed by IAD. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(6)a above, or
   - The complaint can be reclassified as a formal investigation to be investigated by IAD.

(7) Conducting Formal Investigations:

Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a formal investigation.

a. If the complaint intake performed by the supervisor of a division or district indicates that a formal investigation is warranted, the supervisor will notify the IAD, which will assign an IAD case number regardless of whether IAD or the district/division conducts the investigation.

b. The supervisor or command officer of a division or district handling a general misconduct allegation will contact the IAD for a case number. The supervisor or command officer of the division or district will prepare or cause to have prepared the Statement Form (DPD 366), and Commendation/Complaint Intake Form (DPD 687). The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint will complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAD investigating officer assigned to the case (if the IAD is investigating the matter) should use these same forms.

c. Depending on the severity of a misconduct allegation, at the commencement of a formal investigation the IAD commander will confer with the appropriate deputy chief in order to determine whether:
   1. The subject officer should be allowed to remain in his or her usual assignment;
   2. The subject officer should be allowed to remain on duty but in another assignment; or
   3. The subject officer should be relieved of duty.

d. The IAD will immediately be notified when a subject officer is allowed to remain on duty but in another assignment, or is relieved of duty.
e. If an officer is charged with a felony, the Chief of Police will indefinitely suspend the officer pursuant to Denver City Charter Section 42-27.

f. An Officer Notice of Investigation (NOI) (DPD 627) will be generated and provided to an officer who is the subject of a formal investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation.

The NOI will outline the general nature of the formal investigation and include a summary of the allegations. The NOI will be generated by the IAD.

g. When directed by an investigating officer, every officer who has knowledge, whether direct or indirect, of the alleged misconduct will prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification.

The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement will be sent to the commander of the reporting officer. The written statement must be accurate and complete.

h. Prior to making any statement or answering any questions as a part of an informal or formal investigation, the subject or witness officer will be provided a copy of the Advisement Pursuant to Internal Investigation (DPD 455), (also known as the Garrity Advisement) by the supervisor, command officer, or IAD investigating officer conducting the investigation.

The officer will be provided a reasonable amount of time to review DPD 455 and to sign it. If the officer declines to sign DPD 455, the investigating officer will write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.

i. Statements will be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.

j. If a formal investigation concerns an allegation of a law violation, the Miranda Advisement form (DPD 369) will be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation (DPD 455), before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.

k. The administrative investigation of any incident requiring mandatory monitoring will be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the monitor, the thirty day (30) time limit will not apply unless the Executive Director of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Executive Director. Failure to comply with any time limits set forth in this policy will not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor will such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor will it constitute misconduct by any member of the department.

l. If IAD is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Executive Director of Safety, the commander of IAD may request in writing through the chain of command that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAD’s request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.

Requests for extensions and responses thereto will be copied to the Independent Monitor, Citizen Oversight Board, and the Executive Director of Safety.
m. At completion of the investigation, IAD will have the case reviewed by the Independent Monitor, and perform any reasonable and necessary additional investigation as requested by the Monitor. Once the Independent Monitor has certified the investigation as complete, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and penalty recommendations when applicable.

n. Scheduled discipline cases may be forwarded directly to the Conduct Review Division upon completion by the subject officer’s commanding officer without first being reviewed by the Independent Monitor.

(8) **CONDUCT REVIEW DIVISION:**

a. Using procedures and protocols outlined in the Discipline Handbook, the Conduct Review Division (CRD) will review the facts gathered during the formal investigation and make a determination for each listed specification.

b. Each specification listed for consideration will then be categorized according to one of the following findings:
   1. Unfounded – The investigation indicates that the subject officer’s alleged actions relating to the department policy, procedure, rule, regulation or directive in question did not occur.
   2. Exonerated – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the department.
   3. Not Sustained – There was insufficient evidence to either prove or disprove the allegation.
   4. Sustained – The subject officer’s actions were found, by a preponderance of the evidence, to have been in violation of the department policy, procedure, rule, regulation, or directive in question.

c. Scheduled discipline cases
   1. If a case is sustained and the penalty recommendation is other than an oral or written reprimand, the case will be forwarded to the Executive Director of Safety for imposition of discipline.
   2. If a case is sustained and the penalty recommendation includes fined time or a suspension, the subject officer and his or her commanding officer are notified by CRD as to the disposition.
   3. If a subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a **Chief’s Pre-Disciplinary Hearing**. The CRD will then schedule the **IRP process** as outlined in OMS 503.01(9). If the case is not sustained, the subject officer is notified by CRD of its disposition and it is forwarded to IAD for tracking and filing.

d. Non-scheduled discipline cases - Independent Monitor
   The Independent Monitor will review draft findings and penalty recommendations of the CRD and note any concerns.

e. Non-scheduled discipline cases - oral or written reprimand
   If a case is sustained and the penalty recommendation is an oral or written reprimand, the procedure outlined in OMS 503.01(8) i.1. will be followed.

f. Non-scheduled discipline cases – fined time or suspension
   If a case is sustained and the penalty recommendation includes fined time or suspension, CRD will notify the subject officer and his or her commanding officer as to the recommendation in the case.
1. The subject officer will be served with a Contemplation of Discipline letter that outlines the complaint specifications; and if sustained, the recommended discipline. Officers being served with a Contemplation of Discipline letter are allowed 24 hours to make a decision to accept the discipline, or request a chief’s hearing. If the officer chooses to use the 24 hour decision period, he/she will receive an order specifying the date and time to return to the CRD. At that time the officer must report his or her decision, in person, to the CRD.

2. If the subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a Chief’s Pre-Disciplinary Hearing. The CRD will then schedule the Investigative Review Process as outlined in OMS 503.01(10).

3. If the case resulted in no sustained specifications, but included at least one of the specifications listed in OMS 503.01(8)(h) below, the case will be reviewed in the Chief’s Conduct Review Meeting.

g. Chief’s Conduct Review Meeting – sustained specification(s).
   All cases with at least one sustained specification will be reviewed in the Chief’s Conduct Review meeting, which will include; the Chief of Police, the subject officer’s deputy chief and commanding officer, the Deputy Director of Safety, the Conduct Review Division Commander, and/or any others as determined by the Chief of Police. The purpose of the meeting is to gain input on the final determination and penalty assessment.

h. Chief’s Conduct Review Meeting – designated specification(s).
   All cases involving an allegation of one of the following specifications will be reviewed in a Chief’s Conduct Review meeting, regardless of the determination, to ensure that the determination is appropriate and to keep the Chief of Police and Executive Director of Safety informed as to the resolution of these cases:
   1. RR-112.1 Misleading or Inaccurate Statements;
   2. RR-112.2 Commission of a Deceptive Act;
   3. RR-115 & 115.2 Conduct Prohibited by Law;
   4. RR-138 Discrimination, Harassment, and Retaliation;
   5. RR-306 Inappropriate Force (where the force recipient was hospitalized)
   6. Any other case deemed appropriate by the Chief of Police

i. After the recommendation has been made by the Chief of Police and any case results in disciplinary action (either an oral or written reprimand, fined time, suspension, or dismissal), IAD will forward the final case summary sheet to both the officer and his/her commander.
   1. When discipline is an oral or written reprimand, it will be issued to the officer by his/her commanding officer. The command officer will have a printout of the evaluation system journal entry for the reprimand forwarded to the IAD.

9) Resolution of Sustained Specifications with a Recommendation of Loss of Time:

a. An IRP (investigative review process) will be commenced and a Chief’s Pre-Disciplinary Hearing held when directed by the Chief of Police or requested by the subject officer.

b. The subject officer may elect to accept the penalty recommendation made by the Chief of Police and voluntarily waive any further disciplinary proceedings, pending approval by the Executive Director of Safety

c. Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the CRD outlining mitigating or exonerating circumstances.

10) Investigative Review Process (IRP)
a. **Phase I:**

Upon receipt of a sustained case the CRD will notify the subject officer of its completion and that the investigative report and recommendations are available for review.

1. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five day (5) period will begin upon the subject officer's return to active duty unless otherwise ordered by the Chief of Police.

2. If the subject officer is serving a suspension, the IRP process will begin when the officer returns to active duty or at the direction of the Chief of Police.

3. The review period may be extended at the discretion of the CRD commander. Subject officers may select one (1) member of the classified service, or a Denver Police Protective Association or Fraternal Order of Police representative, or an attorney to represent them during the IRP process. No officer will serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAD case being reviewed, or if he or she is in the subject officer's chain of command.

   Unless there are extenuating circumstances, as determined by the commander of the CRD, the same officer will represent the subject officer during the IRP process.

4. Prior to commencement of the IRP, all persons who will review the investigative file will sign the Confidentiality Declaration (DPD 628a). Failure to sign the confidentiality declaration will preclude review of any files.

5. A subject officer and his or her representative will be allowed to review the entire investigative file regarding the subject officer's sustained violations.

6. A subject officer will not remove any documents, electronic or hardcopy from the IAD or CRD offices at any time during his or her review. A subject officer will not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes will be retained with the IAD case file.

7. Officers are prohibited from retaliating in any manner against any officer, other employee, or person who has made a charge, testified, assisted, or participated in any manner in an investigation, IRP, Chief's Pre Disciplinary hearing or Civil Service hearing.

b. **Phase II:**

The second phase of the IRP consists of a meeting between the subject officer, one (1) officer representative, the investigating officer, and the IAD commander or designee. Phase II will be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses will not be addressed at the IRP.

1. Disputed factual issues will be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting, submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file. The content of the memorandum of dispute will be limited to specific factual issues mentioned in the IAD report.

2. During Phase II of the IRP, the subject officer may petition, in writing, the IAD commander to conduct further investigation into the case. The subject officer must articulate specific reasons why he or she believes further investigation is needed. The IAD and CRD commanders will confer and make the final decision as to whether further investigation is necessary. If it is determined that further investigation is needed, the
original investigation will be reopened and further investigation conducted at the IAD commander's direction.

3. At the completion of the supplemental investigation, IAD will make the case available to the OIM for review.

4. Once the Monitor has reviewed the supplemental investigation, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and if applicable to make penalty recommendations per the procedure outlined in OMS 503.01(8). The commander of CRD may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.

5. The subject officer will be provided an opportunity to review the supplemental report, which will be included in the original investigative report after the case is returned to the CRD commander.

6. In cases involving multiple subject officers, there will be a separate IRP for each subject officer unless a joint IRP is agreed to by the CRD commander and each subject officer.

(11) **CHIEF'S PRE DISCIPLINARY HEARING:**

a. A **Chief's Pre Disciplinary Hearing** will be conducted by the Chief of Police (or designee).
   1. For each matter for which a Pre-Disciplinary Hearing will be held, a Contemplation of Discipline Letter will be prepared and provided to the subject officer within ten (10) business days of the CRD's recommendations.
   2. For each investigation that it monitors, the Independent Monitor may review the case file and discuss it with the Chief of Police and/or the Executive Director of Safety (or designee) prior to it being sent to the subject officer.
   3. A Pre-Disciplinary Hearing will be held no less than seven (7) and no more than ten (10) business days after the issuance of the Contemplation of Discipline Letter, unless extended by the commander of CRD. The Independent Monitor, Executive Director of Safety, and Denver City Attorney, (or their designees), may attend the Pre-Disciplinary Hearing (aka, Chief's hearing). Other individuals may attend the Pre-Disciplinary Hearing with the approval of the Chief of Police (or designee).

b. Prior to the Chief of Police making a recommendation as to whether any rule violations should be sustained and the level of discipline, if any, to be imposed upon an officer, the Chief of Police will confer with the Independent Monitor.

c. After holding a Pre Disciplinary Hearing the Chief of Police or his/her designee may initiate disciplinary action with a Written Command specifying disciplinary action. The Written Command will be submitted, pursuant to Denver City Charter section 9.4.14 (A), to the Executive Director of Safety for approval.

d. Within five (5) business days of the Police Chief's recommendation of discipline, the Monitor will advise the Executive Director of Safety whether he or she agrees with the Police Chief's recommendation, as to whether any rule violation should be sustained, and the level of discipline, if any. If the Monitor disagrees with the Police Chief's recommendation, the Monitor will state specific reasons for disagreeing with the recommendation.

e. In accordance with Denver Charter section 9.4.14 (B), within 15 calendar days of the date of the Chief's order, the Executive Director of Safety (or in his/her absence the Deputy Executive Director of Safety) will approve, modify, or disapprove the Written Order of disciplinary action and will issue a **Written Departmental Order** which will take effect immediately. As to each specification, the Executive Director of Safety will have the option of accepting the penalty recommendation of the Chief of Police or increasing or decreasing the recommended penalty. Nothing in these provisions prohibits the Executive Director of Safety (or designee) from
reviewing the investigatory file prior to receiving the Written Command. The Executive Director (or designee) has the discretion of engaging in settlement discussions with the subject officer or his/her representative, at any stage of the disciplinary process. Such settlement discussions, should they occur, will not be admissible at any future hearing(s) before the Civil Service Commission.

1. Prior to imposing discipline, if any, the Executive Director of Safety will confer with the Independent Monitor regarding the monitor’s disciplinary recommendation and the monitor’s evaluation of the investigation.

2. The Independent Monitor will be allowed to review, but will not become the custodian of, the Executive Director of Safety’s disciplinary order.

(12) **Complainant Letter:**

At the conclusion of the review and recommendations, a letter will be prepared by CRD notifying the complainant of the outcome of the investigation.

a. Should the disposition change at any further level of review, CRD will modify the notification letter to reflect the new disposition.

b. The completed letter will be forwarded to the Office of the Independent Monitor (OIM). OIM will ensure that the letter is sent to the complainant.

c. The letter will include the complaint number, the date of the incident, the date the complaint was made, and the findings. The letter will include the name and phone number of the responsible person who can be contacted for further information.

(13) **Appeals Process:**

If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Executive Director of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter section 9.4.15 regarding Civil Service disciplinary review procedures.

(14) **Duty Time and Overtime Compensation:**

a. All officers who participate in a Chief’s Pre-Disciplinary hearing or who serve as the subject officer’s representative at a Chief’s Pre-Disciplinary hearing will have that time counted as duty time.

b. Officers up to and including the rank of captain who participate in a Chief’s Pre Disciplinary hearing or who serve as a subject officer’s representative at a Chief’s Pre Disciplinary hearing and who are off duty will be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.

(15) **Internal Personnel Matters:**

IAD investigations are internal personnel matters and, as such, all investigative reports, command officer’s conclusions, and recommendations will be secured in a manner that prevents unauthorized review and disclosure of findings.

(16) **Executive Order 94 Policies for Alcohol and Drug Testing:**

a. Training on Executive Order 94

   1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor’s reasonable suspicion, and the supervisor’s responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each
supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.

2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.

b. **Prohibitions for all city employees including classified members of the police and fire departments - Alcohol**

1. **Employees are prohibited** from consuming, being under the influence of, or impaired by alcohol while performing city business, while driving a city vehicle or while on city property. There are three exceptions to this prohibition.
   - An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
   - An employee is not on duty and at a city location as a customer, e.g., playing golf on a city course.
   - An employee is a member of the police department and as a part of the employee’s official duties consumes alcohol in accordance with police department procedures as described in OMS 304.10.

2. **As part of official duties**, members of the police department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the police department consume alcohol in violation of their department procedures.

3. **The alcohol levels** defined by the state legislature that may be amended from time to time for defining “under the influence of alcohol” and “impaired by alcohol” are adopted here for purposes of this operations manual.
   a. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.
   b. Employees holding Commercial Driver’s licenses (CDL) are also subject to the alcohol levels defined by the department of Transportation (DOT) regulations that may be amended from time to time for “under the influence” which are adopted here for purposes of Executive Order 94.

c. **Prohibitions for all city employees including classified members of the police and fire departments - Illegal and Legal Drugs**

1. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing city business, while driving a city vehicle or while on city property.

2. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug. There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.
3. **Legal drugs – Notification of Supervisor**
   It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.

4. **Legal drugs - Prohibitions**
   Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing city business, unless the following two determinations have been made:
   a. It is determined by both the employee’s supervisor and either the employee’s Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.
   b. It is determined by both the employee’s supervisor and either the employee’s Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
      • If appropriate, the OHSC personnel may contact the employee's personal physician. Prior to making contact with the employee's personal physician, the OHSC personnel should obtain a medical release from the employee.
      • The OHSC will keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
      • Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.

5. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence. Therefore, a positive marijuana drug test will be treated as an illegal drug use for all employees, including those with with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has recommended the marijuana for medical reasons.

d. **Drug and alcohol testing - Pre-Employment**
   1. The Civil Service Commission or interviewing agency will perform pre employment drug screening of all applicants in accordance with their policies and procedures.
   2. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, will be tested for controlled substances and may be tested for alcohol.
   3. Refusal by an applicant to submit to a pre-employment test will result in denial of employment.

e. **Drug and alcohol testing - Reasonable Suspicion Testing**
   When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public, the supervisor or command officer will immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions.
However, if immediate consultation is not possible, it is the responsibility of the supervisor or command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer will initiate testing as follows:

1. Alcohol
   a. Document in writing on Drug and Alcohol Testing (DPD 667), the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, and speech or body odors.
   b. When possible, have a second supervisor or command officer, confirm the specific contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors.
   c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
   d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee will be of a higher grade/rank than the employee being tested.
   e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee/badge number to the testing site.
   f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
   g. After the initial test results are known, the supervisor, command officer or escort will contact the Internal Affairs on duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee's ability to satisfactorily and safely meet job requirements, the supervisor, command officer or escort will place the employee on investigatory leave pending results of testing or other administrative determinations.
   h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
   i. During regular OHSC hours, the testing will be conducted at one of the OHSC testing sites. These testing sites are located at Denver Medical Health Center, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer will page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
   j. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two hour (2) time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.
k. Supervisors, command officers and escorts will keep the employee’s name and identifying information restricted to persons on a need to know basis.

2. Illegal drugs
   a. Follow the steps listed above in Section 16.e.1.
   b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing (DPD 667). Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal.
   c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee’s official duties, the Internal Affairs on-duty/on-call command officer will be notified.

3. Post-accident testing
   a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer will ensure that driver-employee is tested for alcohol and drugs when the accident:
      1. May have been the fault of the employee and the accident involves a fatality; or
      2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
      3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
      4. There is reasonable suspicion to test the employee.
   b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.
   c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney’s Office will be contacted prior to ordering drug and/or alcohol testing.

4. Random Testing
   a. The department may implement, with the Denver City Attorney’s approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the department.
   b. Pursuant to the DOT regulations, random alcohol testing will be conducted annually on 25% of the average number of City commercial driver’s license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing will be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
   c. Pursuant to the DOT regulations, random drug testing will be conducted annually on 50% of the average number of City commercial driver’s license positions in
existence. This percentage may be amended from time to time by the DOT. Drug testing will be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. Return to Duty Testing
   If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee will not return to perform department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.

f. Testing and Documentation
   1. When a Denver Police Department employee is transported for an Executive Order 94 related test, whether post accident, reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
   2. Escorting supervisors will complete Drug and Alcohol Testing (DPD 667), briefly outlining the reason for the test and follow the distribution at the bottom of the form.

 g. Injured Employees
   When a Denver Police department employee is transported to a medical treatment facility, the supervisor will determine the following:
   1. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
   2. If the employee is not going to be released within two (2) hours, the OHSC lab technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC lab technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
   3. If the employee is initially unconscious and regains consciousness within the two hour (2) period, both drug and alcohol tests will be administered.
   4. If the employee regains consciousness after the two hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
   5. If the employee remains unconscious for more than eight (8) hours, contact the Performance Development Unit who will in turn contact the Denver City/District Attorney’s office for direction.
   6. If the event of a change in shift, it is the responsibility of the original supervisor to inform the oncoming supervisor of the situation. The oncoming supervisor will then ensure that the tests are completed within the time constraints.
   7. Positive Tests
      When an employee is tested for drugs and alcohol, the requesting supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on duty or on call Internal Affairs Division representative.
   8. Evening/Weekend Tests
      In the event a test is needed during other than normal duty hours (0700-1500) and a call out is necessary, employees will contact Denver 911 personnel who will then contact the OHSC on-call Technician.
503.04 PERSONNEL ASSESSMENT SYSTEM (PAS)

(1) **PURPOSE:**

The Personnel Assessment System (PAS) is a Denver Police Department program created to increase police accountability and reduce department liability through a system of recognition and intervention. The goal of PAS is to enhance the success of Denver police officers by identifying individual performance problems followed by the application of intervention techniques designed to improve performance.

a. The department’s provision of training, counseling, support, and other services under this policy does not in any way diminish an officer’s ultimate responsibility for his/her performance, including the correction of any identified performance deficiencies.

b. Nothing in this policy should be construed to suggest that a PAS intervention is a replacement for the department’s disciplinary procedures.

c. When required, participation in a personnel assessment strategy is mandatory.

(2) **DEFINITIONS:**

**PAS** – The Personnel Assessment System (PAS) is a non-disciplinary process used to identify and address performance issues early in their development. PAS relies primarily on supervisor observation...
and input, and is complemented by a computer program that draws information from existing databases of incidents such as, commendatory actions, uses of force, and citizen complaints.

**Referral** - A referral is a direct recommendation made into the PAS program. Recognizing the need for the human element in employee success, referrals may be made by managers, supervisors, peers, family, or friends. In addition, concerned officers may self-refer. Referrals may be based on information discovered in PAS data sources, personal observations, or knowledge of other circumstances that could have an adverse effect on officer performance. Referrals may be made directly to the Performance Development Unit (PDU), or to any other supervisor or command officers who will bring the referral to the attention of PDU.

**Review** - A review of an officer’s performance and conduct may occur as a result of several circumstances and will be based on the totality of the circumstances. For example, a review may be initiated as a result of a single Internal Affairs Division (IAD) investigation, a single complaint coupled with other performance issues, a possible pattern of complaints or misconduct, or by reaching established review limits. A review may involve a management or supervisory examination of all available information pertaining to officer(s) that may or may not indicate a need for intervention. The goal of the review is to determine whether any level of intervention is needed to assist the officer.

**Review Limits** - Review limits determine the number or frequency of incidents tracked in the PAS computer program that may warrant a review. Review limits may be adjusted periodically by the Chief of Police. Review limits will be made public to all officers.

Review limits are meant to prompt an examination of an officer’s performance that may indicate a disparity compared to similarly situated officers. Review limits are meant to be practical and reasonable. Additionally, not all performance data available in the PAS system will have a related review limit. The identification of effective review limits is an ongoing process impacted by the availability of performance related information, technology, and the proper identification of indicators of officers with performance problems.

**Performance metrics that will trigger a mandatory PAS review (reviews are conducted on a monthly basis):**

- Three (3) of any one incident type within the previous three (3) months
- A total of four (4) or more incident types (any combination) within the previous three (3) months
- Six (6) of any one incident type within the previous twelve (12) months
- A total of seven (7) or more incident types (any combination) within the previous twelve (12) months
- Two (2) or more accidental and/or deliberate firearm discharges in one (1) year

*Note - Incident types include: use of force, formal complaints (including newly named defendants in civil lawsuits), and officer involved critical incidents.*

**Response Level** - The response level will be based on each particular PAS review or referral. Response levels are intended to improve officer performance and are not a disciplinary action. There are two possible levels of response that may be applied to a review:

- Level One - Notification
- Level Two - Intervention

**PROCEDURES FOR PAS REVIEW OR REFERRAL**

PAS information is confidential and will not be disseminated to unauthorized persons, either internally or outside the department. Individual users are responsible to maintain the security of the PAS computer program. PAS may not be used for personal use or gain, and misuse of PAS may result in discipline.

- PAS printouts may be referred to as needed; however, they will not be attached to evaluations or any other reports including IAD investigations.
b. Individual officers are encouraged to review their own EIIS computer system information on a frequent basis. Reviewing EIIS information allows the officer the opportunity to ensure the accuracy of EIIS data and to monitor multiple performance indicators. An officer who finds data that they believe is inaccurate should inform their immediate supervisor of the records in question. The supervisor will then contact the PDU with a description of the possibly inaccurate data. The PDU will cause the record in question to be corrected when appropriate and inform the officer and the supervisor of the outcome.

c. Regardless of the origin of a review of an officer’s performance under this policy, one of the response levels detailed below will be used:

1. **Level One – Notification:**
   Based on the totality of the information available, the issue is of such a nature as to necessitate the notification of the officer and their commander. The officer’s commander will notify the officer.
   - The commander will coordinate with the Performance Development Unit and/or the Academy to identify any appropriate resources to which the officer may be referred.
   - The officer’s input will be sought in order to identify an informal response plan that will help correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
   - The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
   - All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.
   - Command officers may elevate any officer to a Level Two – Intervention response when that officer receives a second PAS review within twelve (12) months. Should the command officer decide on a Level One – Notification, an explanation must be provided detailing the reasons.
   - A third PAS review within twelve (12) months will automatically be escalated to a Level Two - Intervention response.
   - Assigning a sergeant to address and respond to a Level One review is acceptable; however, the lieutenant is responsible for the outcome.
   - A journal entry within the officer’s performance evaluation will be made noting the Level One – Notification review. (Assessment score: Not Applicable)

2. **Level Two – Intervention:**
   Based on the totality of the information available, the issue is of such a nature as to necessitate a formal intervention, which includes a written plan. The officer’s commander will notify the officer.
   - The commander will coordinate with Performance Development Unit and/or the Academy Unit to identify any appropriate resources to which the officer may be referred.
   - The commander will coordinate with his/her deputy chief and Performance Development Unit and/or the Academy Unit to determine the appropriate form of intervention.
   - The officer’s input will be sought in order to help determine a course of action that will help to correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
- The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
- All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.

(4) REMEDIAL PLANS:
The response will include a written remedial plan detailing the efforts being made to correct any performance and conduct issues of concern. Template language will be avoided and each plan should be tailored to the individual officer and his/her needs for improvement.

a. Written plans will include specific goals, structure, oversight and support.
b. Plans will mandate weekly meetings with a sergeant to gauge progress, and will be documented in a journal entry.
c. Plans will include a monthly meeting with a sergeant and lieutenant, and will be documented with a journal entry.
d. The remedial plan will be signed by the officer indicating that the response has been reviewed. The officer’s progress must be monitored and formally reported to the Chief of Police through the chain of command.
e. At the conclusion of the plan, a report noting the results will be completed by the assigned command officer and forwarded to his/her respective deputy chief within 14 days. A final journal entry will be made in the officer’s record noting the outcome of the plan.

(5) INTERVENTION STRATEGIES:
Appropriate intervention strategies may include:

a. Referral to Peer Support, psychological services, police chaplain, Denver Police Resiliency Program, Employee Assistance Program, or other appropriate employee support system.
b. Coordination with the Academy Unit to identify training needed to improve an officer’s performance.
c. Non-disciplinary coaching or direction by the officer’s supervisor, developing a monitoring program or a follow-up plan, or encouraging the officer to help the supervisor determine the best intervention option for the situation.
d. Mandatory department authorized training, targeting personal or professional problems that the officer may be facing (i.e. communications, cultural awareness, coping with stress, anger management, or skills training such as remedial driving, arrest control techniques, etc.).
e. Reassignment or transfer.
f. Recommending policy revisions or additions, or departmental training needs.
g. Provide direct supervisory observation by assigning a corporal or sergeant to accompany, or “shadow” the subject officer for a time period and frequency determined by the officer’s commander. This strategy is strongly encouraged, recognizing that staffing levels can be a factor.
h. Online Police One training videos

(6) ROLES AND RESPONSIBILITIES:
a. Performance Development Unit (PDU) Responsibilities:
   1. PDU is responsible for establishing and administering the PAS, and generating reports specified in this policy, as requested by a commanding officer for personnel under their command, or as otherwise directed by the Chief of Police.
   2. PDU coordinates with psychological services, Peer Support, the Training Section, the Denver Employee Assistance Program, and other available services to develop effective
intervention strategies. The purpose of the intervention is to enhance employee success by addressing behavior before the conduct becomes more serious or a disciplinary issue.

3. Whenever a referral or review is initiated, PDU will prepare documentation for review by the assigned commander in order to determine the appropriate level of response.

4. At a minimum, PDU will produce a monthly report detailing officers who have reached a review limit for three (3) and twelve (12) month thresholds.
   - PAS reports will be generated for Districts 1, 3, 5, Metro/SWAT and Gang Unit at odd month intervals.
   - PAS reports will be generated for Districts 2, 4, 6, Traffic Operations Section and all others at even month intervals.

5. PDU will monitor the officer’s completion of assigned requirements on all Level One - Notifications and Level Two - Interventions.

6. PDU draws no conclusions concerning the generated reports. PAS reports are intended to assist command and supervisory personnel in the evaluation and guidance of their subordinates. PAS reports alone will not form the basis for disciplinary action.

7. Develop and share weekly reports that outline the number of delinquent PAS reviews and number of PAS reviews by bureau, division, district, section, or unit.

8. K9 bite related use of force incidents will not be included in the Personnel Assessment System; instead, the Chief's Office will rely on the quarterly reports generated from the Metro/SWAT Section. A PAS Report may be initiated after a review of these reports by the Deputy Chief of Operations.

b. Command Officer Responsibilities:
   1. Command officers are required to review the EIIS information for the supervisors under their command at least once a month. The command officer must ensure that such supervisors are reviewing the EIIS information of the officers under their span of control once per month to make certain that no issues have gone unrecognized.

   2. When a command officer has identified a subordinate who may need a review, the command officer will gather the necessary documentation. PDU may be called upon for assistance.

   3. Command officers are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Command officer oversight will be tracked within the command officer’s performance evaluation system as an “action plan” for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the command officer working with the supervisor and/or officer to accomplish the plan, and the proper weekly documentation of the plan.

c. Supervisory Officer Responsibilities:
   1. All supervisory officers are required to review the EIIS information for the officers under their span of control a minimum of once a month. Supervisory review of EIIS is also required during preparation of officer performance evaluations.

   2. When a supervisory officer has identified a subordinate who may need a review, the supervisor will gather the necessary documentation. The supervisor will then make a determination of the level of response required or will refer the review to the appropriate chain of command.

   3. Nothing in this policy precludes a supervisor from intervening with an officer before a referral is made or a review is initiated. Through personal observation and available
performance data, the EIIS program can best be utilized by supervisors to identify opportunities to improve officer performance.

4. Supervisors are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Supervisory oversight will be tracked within the supervisor’s performance evaluation system as an “action plan” for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the supervisor working with the officer to accomplish the plan, and the proper weekly documentation of the plan.
505.01 Days Off

(1) The Denver Police Department work year shall consist of thirteen (13) twenty-eight (28) day periods. A work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.
   a. Officers shall be credited with attendance for the calendar day on which they report for duty.

(2) In the event that the department adopts a fourteenth (14th) period during any calendar year, officers working eight-hour (8-hour) shifts shall receive an additional two (2) regular days off, and officers working ten-hour (10-hour) shifts shall receive an additional three (3) regular days off.

(3) Shift changes and transfers will take place on the first (1st) or fifteenth (15th) day of a work period, unless special circumstances require immediate changes.
   a. Shift assignment and regular days off shall be granted at the discretion of the Unit Commander.
   b. Shift length shall be determined by the Chief of Police.

(4) The shift length shall remain the same throughout an entire work period.
   a. During each work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each work period, officer working eight-hour (8-hour) shifts shall receive eight (8) regular days off and officer working ten-hour (10-hour) shifts shall receive twelve (12) regular days off.
      1. All officers receive eight (8) hours off each year for their birthdays, scheduling of which is subject to the approval of their commanding officer based on staffing needs.
      2. The time off taken will be marked on the TeleStaff calendar with the work code Birthday.
      3. All Saved Holiday time must be used before November 30th of the same calendar year or the time will be lost.
      4. Birthday or Saved Holiday taken off will be recorded on the TeleStaff calendar with the correct work code.
   b. When submitting day off requests prior to the work period in which a holiday falls, officers who have not elected one or more of the holidays off in a block must declare a preference of pay or time for the upcoming holiday. When two (2) holidays fall within a work period, they may be split. An officer may elect pay for one (1), and time for the other.
      1. An officer who elects time will be entitled to eight (8) additional hours off during the work period, or sixteen (16) additional hours off in work periods in which there are two (2) holidays. These will be voted by seniority as regular days off.
      2. Officers, who request pay and work the actual holiday, will receive the holiday pay, as well as premium pay for actual the hours worked on the holiday.
   c. Posting of Days Off
      1. The days off schedule, including shift assignment hours, must be signed and posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule will be signed by the commanding officer or designee and the date and time of the posting shall be noted. The schedule shall be posted in a location within the unit of command where it may be viewed by officers assigned to that duty location.
2. An officer’s normal shift is established upon official notification of posting of days off. An officer whose shift is changed after notification may be entitled to premium pay overtime except in emergency circumstances, as specified in Article 19, Change of Shift, of the Collective Bargaining Agreement. “An emergency under article 19.3 shall be defined as an unexpected urgent circumstance the prevention of which could not have been reasonably foreseen. The circumstances of the emergency will be brought to the attention of the appropriate Division Chief by the Commanding officer of the District, Bureau or Unit involved as soon as possible after the circumstance becomes evident. The nature of the emergency and those officers affected by the scheduling change will be documented in writing and forwarded via the Chain of Command to the appropriate Deputy Chief for review. The Chief of Police or the Deputy Chief has the authority to grant the emergency exception and still authorize pay or comp time as provided in Article 19.3 at their discretion.”

a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer’s previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).

b. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one half (1½) times the officer’s regular rate of pay for all hours worked on the officer’s previously scheduled day off.

c. Officers shall not be entitled to overtime pay for changes in days off unless it falls within the provision of Article 15, of the Collective Bargaining Agreement, and less than eight (8) hours of relief is provided between shifts.

d. A letter from the supervisor/commander who changed the shift shall be forwarded through the chain of command to Payroll outlining the reason for the change of shift, if the officer requests cash payment.

(5) Hours worked in excess of one hundred seventy-one (171) in a work period must be considered overtime in accordance with FLSA. It shall be incumbent upon commanders to arrange for compensatory time off for officers who are approaching the one hundred seventy-one (171) hour limit, prior to the end of each work period.

(6) Vacation, Accumulated Sick Leave, Sick, Injured, and Line of Duty Injury are considered as working time and shall be reflected on the Attendance Records with the appropriate designations.

(7) All Sick, Injury in the Line of Duty, and Injury Not in the Line of Duty shall be carried on the Attendance Records with the appropriate designations. For officers on limited duty, who are working less than an eight (8) hour shift see OMS 502.02(7).

(8) Suspensions, without pay, are non-working time and will be reflected in the Attendance Record.

a. Periods of suspension will be identified in the Attendance Record and notation made in the comments to explain any days off forfeited.

b. Commanders will consult with the Human Resource Management Bureau to determine the number of regular days off allowed during the suspension period.

(9) On-Call Requirements - All police officers, regardless of rank or appointed position, that are placed in compensated on-call status must be readily available to respond. It is the officer’s responsibility to provide a phone number that they will immediately respond to while in on-call status. On-call status requires the officer to respond within sixty (60) minutes of receiving the phone call.

a. When in an on-call status, officers must log each call received on log sheet, DPD CBA 27.4 On-Call Activity Log. Officers will use one log sheet per work period and will turn the completed log sheet into his/her supervisor at the end of the period, prior to the first Wednesday of the new period.

1. The supervisor will review the log sheet, ensuring its accuracy, prior to giving it to a command officer for entry into TeleStaff.

2. The On-Call Activity Log will be retained as identified in OMS 109.05(6).
b. Officers in a compensated on-call status will go off on-call status and on to call back status for purposes of compensation when the officer must respond out to a location. The officer will return to compensated on-call status as scheduled, when call back time is completed. **The officer cannot be compensated for both on-call status and back out status simultaneously.**

c. Scheduled Disciplinary Action - Officers placed in on-call status by the Chief or his/her designee and who receive compensation for on-call status must respond to a call for duty. Officers who fail to respond to a call for duty are subject to discipline as follows:

1. 1st Offense (within 12 months): Written Reprimand
2. 2nd Offense (within 12 months): Fine of 8 hours (1 day)
3. 3rd Offense (within 12 months): Chronic Offender (violations will be dealt with more severely within the Disciplinary Matrix)

### 505.02 Vacation

1. Officers hired on or after January 1, 1996, shall accrue vacation as follows:

<table>
<thead>
<tr>
<th>Length of Employment</th>
<th>Cumulative Leave Hours Accrued Each Year of Regular Time Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 1st through 4th year</td>
<td>112 hours</td>
</tr>
<tr>
<td>b. 5th through 9th year</td>
<td>136 hours</td>
</tr>
<tr>
<td>c. 10th through 14th year</td>
<td>144 hours</td>
</tr>
<tr>
<td>d. 15th through 19th year</td>
<td>168 hours</td>
</tr>
<tr>
<td>e. 20th through 24th year</td>
<td>184 hours</td>
</tr>
<tr>
<td>f. 25th year and thereafter</td>
<td>200 hours</td>
</tr>
</tbody>
</table>

2. Officers hired prior to January 1, 1996, shall accrue vacation as follows:

<table>
<thead>
<tr>
<th>Length of Employment</th>
<th>Cumulative Leave Hours Accrued Each Year of Regular Time Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 1st through 10th year</td>
<td>144 hours</td>
</tr>
<tr>
<td>b. 11th through 19th year</td>
<td>168 hours</td>
</tr>
<tr>
<td>c. 20th through 24th year</td>
<td>184 hours</td>
</tr>
<tr>
<td>d. 25th year and thereafter</td>
<td>200 hours</td>
</tr>
</tbody>
</table>

2. Vacation shall be accrued for each month of service, prorated on the above schedule.

3. Subject to the limitations of 9.3.1 vacation time must be used in the calendar year in which it is received except that an officer may carry over up to one-hundred forty-four (144) hours of vacation time to be used subsequent to the time of accrual.

   | Officer shall not be entitled to use accrued vacation time during the calendar year of their year of hire. Exceptions may be made by the Chief of Police.

4. Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer’s estate. Payment due under this article shall be made within sixty (60) days of the date of the officer’s separation from the department or within sixty (60) days from the officer’s death or the appointment of a personal representative on behalf of the officer’s estate.

5. Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.
(6) Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by the work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of a work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hour shifts shall use five (5) regular days off and officers working eight (8) hour shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer’s period of vacation subject to the needs of the department and the Chief’s discretion.

(7) Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the Commander.

(8) Transfers after vacation voting:
   a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.
   b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.

(9) In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.

(10) Except in an emergency under procedures determined by the Chief of Police, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

(11) The use of vacation time shall be voted by seniority as follows:
   a. Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of Detective, Corporal, and Technician are not Civil Service ranks therefore, for voting purposes they will be treated as a Police Officer. Division chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

505.03 Overtime

(1) All officers up to and including the rank of Lieutenant shall be paid at the overtime rate of time and one-half (½) of the officer’s base rate for all hours worked in excess of their daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) in the work period. Captains shall be compensated for all hours worked in excess of their daily work shift at the normal rate.

(2) All overtime will be reported on Officer’s Overtime Authorization/Accumulated Time Returned, DPD 154, according to the provisions in OMS 109.02(2), DPD 154.
   a. The form shall indicate the exact date and times during which the overtime was worked and a clear description of the reason for the overtime.
   b. The form shall include the complete rank, signature, and serial number of the superior officer verifying the overtime.
(3) Command officers shall ensure that a compensatory time record for every officer assigned to their command resides on a Department server designated by Technology Services (TS). Compensatory time records will not be maintained on the hard drive of any personal computer.
   a. Security disks that are required for data entry or modification of compensatory time records will be stored in a secure location that is only accessible by the command officer responsible for approval and entry of compensatory time.
   b. Command officers, with the rank of lieutenant or above, shall be the only officers authorized to enter compensatory time records into the computer system. All entries shall include the badge number of the command officer entering the information.
   c. Compensatory time for command officers shall be approved and entered by their superior officer.
   d. A summary indicating the compensatory time balance for each officer will be printed and forwarded to the Human Resource Management Bureau along with the Attendance Record following the completion of each Work Period.
   e. Command officers will regularly compare the compensatory records, Attendance Records, and Secondary Employment information of officers under their command for any apparent conflicts or violations.

(4) Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative, or enforcement duties.

(5) When an officer is assigned to work overtime, and where such overtime work is mandatory, the officer working the overtime may elect to be compensated in cash payment or compensatory time. The officer shall fill out DPD 154, and designate either cash payment or compensatory time. Supervisors shall follow the distribution instructions on DPD 154 for distribution of the form.
   a. After working overtime, the officer must designate, on DPD 154, whether compensation is to be returned in time or pay. Supervisors shall follow the distribution instructions printed on the bottom of the form.
   b. Officer’s Overtime Authorization/Accumulated Time Returned, DPD 154, being forwarded to Payroll, Financial Services Bureau, for payment must be received within thirty (30) days, but must first be forwarded through the District/Bureau Commander.
   c. The maximum amount of compensatory time that can be accrued by an officer is eighty (80) hours. Exceptions may be granted by the officer’s Division Chief. In the absence of approved exceptions, any overtime worked after an officer has accumulated eighty (80) hours of compensatory time must be compensated in pay.
   d. Upon request of the officer, compensatory time may be used within a reasonable period after making the request, with the approval of the officer’s commanding officer. Pre-approved vacations take precedence over requests to use compensatory time.
   e. Officers on limited duty shall not be allowed to work overtime without prior approval of the Chief of Police.
   f. Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working Secondary Employment. See OMS 114.01.
   1. When the operational needs of the Department are not jeopardized, and when staffing permits, officers may seek prior written approval from their command officer to use compensatory time to work Secondary Employment. In such situations, commanders must document the nature of the circumstance on an Inter-Department Correspondence, DPD 200, and forward their justification to their Division Chief for review. The Division Chief will then forward the approved request to the Secondary Employment Unit for filing.
   2. When deciding to grant the use of compensatory time, command officers must adhere to the policy and principal that the officer’s on-duty responsibilities have been met. Command officers must continually review the records of officer’s under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.
3. No detail shall go below minimum staffing levels to accommodate an officer working Secondary Employment. See OMS 114.04(9)

(6) CALL BACK: Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer’s regular shift and within two (2) hours of the officer’s next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer’s regular rate of pay, payable in compensatory time off or pay, at the officer’s discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer’s last regular shift and two (2) or more hours prior to the officer’s next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer’s regular rate of pay, payable in compensatory time off or pay, at the officer’s discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer’s work assignment begins.

a. An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.

b. Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer’s last scheduled shift and before the beginning of the officer’s next regularly scheduled shift shall be paid at one and one-half times the officer’s regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer’s last scheduled shift and before the beginning of the officer’s next regularly scheduled shift shall be paid for two (2) hours at the officer’s regular rate of pay or the actual time worked at the officer’s regular rate of pay, whichever is greater.

c. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately report when the officer’s work assignment begins.

(7) Time worked in excess of one hundred seventy-one (171) hours in a Work Period is defined as overtime by the Fair Labor Standards Act and must be compensated in cash payment unless the officer has previously signed a waiver requesting compensatory time instead of cash payment.

a. The waiver must be signed and sent to Human Resource Management Bureau before the time is worked in order to be effective.

(8) Compensation for off-duty court appearances will be according to the provisions set forth in OMS 103.02(5). DPD 154 shall be turned in immediately upon the officer’s return to duty.

(9) Functions which will not be considered overtime will include court resulting from a non-police action, athletic events or programs, medical attention for work-related injuries and off-duty activities.

(10) Actual overtime worked is to be converted to time and one-half to the nearest 1/10th hour using the overtime conversion chart available from the Human Resource Management Bureau.

(11) There will be no negative reporting.

(12) Whenever an officer separates from the department, a printout of an officer’s Compensatory Time Record, DPD 156, will be forwarded to the Human Resource Management Bureau.

(13) Change of Shift and Cancellation of Days Off

a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer’s previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).

b. The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.
c. Except in an emergency under procedures determined by the Chief, anytime the posted
day of an officer’s scheduled day off, the officer(s) affected by the change shall receive
four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted
hours of a shift are changed within three (3) days of the commencement of the shift, the
officer(s) affected by the change shall receive two (2) hours of compensatory time. The
determination of an emergency situation shall not be subject to grievance or arbitration.

d. In the event an officer is required to work on his or her previously scheduled day off, and in the
further event the officer does not receive a substitute day off during the same work period, the
officer shall receive overtime compensation at the rate of one and one-half (1 ½) times the
officer’s regular rate of pay for all hours worked on the officer’s previously scheduled day off.

e. Command Officers scheduling shift changes for their personnel shall be mindful of this
requirement and of the need for their personnel to be afforded appropriate rest time before
reporting for a new shift and shall, whenever possible, schedule time off in such a manner as to
eliminate the need for officers to report back prematurely.

505.04 Sick Leave

(1) Officers shall accrue Sick Leave at the rate of twelve (12) hours each month.

a. Officers working an eight-hour (8) shift will have eight (8) hours subtracted from their sick bank.
Officers working a ten-hour (10) shift will have ten (10) hours subtracted from their sick bank.
The Sick work code is to be entered into TeleStaff by the officer’s supervisor.

b. Days accrued in excess of a ninety (90) day bank will be taken annually as additional vacation
time or compensated by salary payment at the discretion of the Chief of Police. This time is
called Accumulated Sick Leave (ASL).

c. The maximum amount of Accumulated Sick Leave to be compensated in any one year is
eighteen (18) days in excess of the ninety (90) day bank.

d. Accumulated Sick Leave shall be granted on the basis of seniority in rank and will be voted in
the officer’s district or assignment. ASL voting will take place after all vacations have been
voted.

e. Upon termination of employment, the officer shall receive cash payment in full at the officer’s
regular rate of pay for all accumulated sick leave due.

f. Upon the death of an officer, cash compensation for all accumulated sick leave, as well as
accumulated vacation leave, compensatory time, and other benefits, will be paid to the officer’s
surviving spouse or, if there is no spouse, to the officer’s surviving children or, if there is no
child, to the officer’s estate.

505.06 Military Absence

(1) Officers who are absent from work for military service in one of the uniformed services and who are
otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act
("USERRA") shall be granted leaves of absence for such military service.

a. Officers shall give the Department advance written or verbal notice of an absence due to
military service. Written orders shall be forwarded to the Human Resource Management
Bureau.

b. Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120)
hours, of paid military leave each calendar year.
c. Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued leave, in lieu of unpaid leave, for all or any portion of the officer’s absence due to military service.

(2) Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.

a. The first pay period following the first 30 days of leave without pay, the officer can elect to remain enrolled in the insurance through COBRA. The COBRA rate is the officer’s premium, the City’s premium, plus a 2% administrative fee.

(3) While on paid military leave, an officer’s seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer’s seniority will not be affected.

(4) During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu of, to replace, or to supplement D.R.M.C 18-164. In the event D.R.M.C 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.

(5) Military days will appear on the officer’s calendar in TeleStaff when the officer was originally scheduled to work.

(6) For extended periods of absence, refer to OMS 505.08(5)b.

(7) Refer to OMS 505.08(3)b.5. for Family and Medical Leave Military Exigency Leave Information.

(8) Sick and vacation time will not accrue during the extended leave of absence unless the officer elects to use a minimum of 15 days of accrued leave per month.

(9) Upon returning from extended military leave:

a. The officer should schedule a meeting with Human Resources to reinstate benefits.

b. The officer will supply HRMB with a DD214 or a letter of release from active duty from his commanding officer.

c. If the officer canceled benefits while on military leave and returns, the officer has 31 days to re-enroll in the City’s benefits.

d. HRMB will provide the officer with the Extended Leave Questionnaire and instruct the officer to return the completed form to the Limited Duty Section. (see 505.08 (5)b.)

505.07 Applications for Leave

(1) All applications for sick leave, vacations, accumulated sick leave, military leave, or leave of absence shall originate in the unit where the officer is assigned.

(2) When Attendance Records are submitted to the Human Resource Management Bureau, every notation of sick leave, vacation, accumulated sick leave, military leave, or leave of absence taken must be accompanied by a Leave Report accounting for such leave.

(3) Application for leave shall be reported on the appropriate form, DPD 148 or DPD 148A.

a. Vacation, Military Leave, Accumulated Sick Leave, Leave of Absence - The original copy of the Vacation - Sick Leave Request, DPD 148A, shall be attached to the Attendance Record for the Work Period during which the leave was taken. In cases where leave spans two or more work periods, the Leave Report shall be attached to the Attendance Record for the Work Period during which the leave began.
b. Sick Leave - For sick leave, off-duty injury, family medical leave, and absent without leave (AWOL), the Absence Report, DPD 148, will be attached to the Attendance Record for the Work Period in which the leave was used. A copy of the Absence Report will be provided to the officer. If the use of sick leave spans two or more Work Periods, a separate Absence Report must be completed for each Work Period, indicating the number of sick leave days taken in that work period, and attached to the appropriate Attendance Record. The nature of the illness or injury shall be specified on the Absence Report only in the case of line of duty injuries.

c. Line of Duty Injury - Refer to OMS 505.08 to 505.12.

(4) The effective date on the Absence Report will be the actual date the officer was absent.

(5) Return to duty date will be the date the officer physically reports for the first tour of duty.

(6) Any officer who is on leave without pay, including suspension, for more than fifteen (15) days of a calendar month shall not accrue vacation time or sick leave for that calendar month. In addition, officers shall not accrue days off proportionate to the number of days of leave without pay. The Human Resource Management Bureau should be contacted regarding the number of regular days off to be forfeited.

505.08 Use of Sick Leave, Leave of Absence

(1) Statement of intent: The purpose of this OMS is to allow officers to achieve a balance between family responsibilities and work demands. Although the guidelines for use of sick leave have been broadened, each officer must recognize that the responsibility of the Denver Police Department is to provide a continuous high level of service to the public. Commanders, when granting such leave, shall insure that the police mission is not jeopardized.

(2) Use of Sick Leave

a. Officers using sick leave shall notify or have their commanding officers notified at least one (1) hour before the officer's reporting time, except that officers requesting leave for foreseeable medical treatment shall make such request at least thirty (30) days in advance, if possible.

b. Officers who are absent for personal illness, injury, or to care for an immediate family member shall contact their unit commanders at three-day (3) intervals to report condition and progress of recovery, unless hospitalized.

1. In the event that an officer is absent, due to personal illness, injury, or to care for an immediate family member, for more than three (3) days, the commanding officer shall notify the Human Resource Management Bureau.

2. Officers who are absent, due to personal illness, injury, or to care for an immediate family member, shall not leave the Denver metropolitan area without prior approval from their commanding officer.

c. Confirmation of Illness/Injury

1. Officers who are absent for personal illness, injury, or to care for an immediate family member, may be required to furnish a statement signed by an attending physician, or other proof of such illness satisfactory to their commanding officer. Such statement shall confirm that the officer’s absence from duty was medically necessary.

2. Officers requesting leave under the provisions of the Family and Medical Leave Act may be required to provide certification of the illness or injury. This certification may include information from a physician stating the date the condition commenced, the probable duration of the condition, appropriate medical facts concerning the condition, and, when care is for a family member, the need to have the employee assist in that care and the estimated duration of the need.

3. If malingering is suspected, the commanding officer shall visit or have a supervisor visit the officer at the earliest reasonable time, during the hours of the reporting officer’s normal duty hours, to verify the authenticity of the illness, injury, or for the care of an immediate family member.
4. Whenever the officer’s commander believes that a physical examination is necessary to determine the condition of an officer who is off duty due to personal illness or injury; the officer shall submit to a physical examination as directed by the Department under the provisions set forth in OMS RR-1107. Officers who are off duty due to illness or injury shall authorize the attending physician to release information regarding their condition and ability to perform their duties to the Chief of Police.

(3) Family and Medical Leave Act of 1993

a. In addition to using sick leave when an officer is incapacitated by sickness or injury, the Family and Medical Leave Act of 1993 (FMLA) allows sick leave to be used for parental leave or for necessary care and attendance during the serious illness of a member of the officer’s immediate family.

b. Definitions:
1. Immediate Family: An employee’s spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The terms son or daughter do not include individuals age 18 or over unless they are “incapable of self-care” because of a mental or physical disability that limits one or more of the “major life activities” as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).
2. Serious Illness is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
3. Parental Leave is defined as leave for a birth or placement for adoption or foster care.
4. Military Exigency Leave allows an employee who has a spouse, son or daughter, or parent in the National Guard or Reserves to take FMLA leave due to a qualifying exigency resulting from the covered family member’s active military duty (or call to active duty status) in support of a contingency operation. It is part of regular FMLA leave, and the maximum amount of leave is 12 weeks during the employer’s designated 12-month FMLA leave year (excluding military caregiver leave).
   a. Qualifying Exigency includes any one or more of the following non-medical, non-routine activities and no others
      1. Short-notice deployment activities
      2. Military events and related activities
      3. Child care and school activities
      4. Financial and legal arrangements
      5. Counseling activities
   5. Rest and recuperation activities
   6. Post-deployment activities
   7. Additional activities
b. Caregiver Leave allows an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) to take FMLA leave to care for the service member.
   1. Maximum amount of leave is 26 weeks in a single 12-month period on a per-covered service member, per-injury/illness basis, measured forward from the date an employee first takes caregiver leave.
   2. During that single 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks.
   c. The provisions of this Act applies to officers who have completed twelve (12) months of continuous service and have completed 1,250 hours of work within the previous twelve (12)
d. The amount of sick leave granted for parental leave or for necessary care of a sick member of an employee's immediate family shall not exceed twelve (12) weeks per twelve-month (12) period without approval of the officer's commanding officer and the Chief of Police.

e. Up to twelve (12) weeks of parental leave may be granted to care for a child at the time of birth or adoption.

f. Officers who are married to each other are limited to a combined total of twelve (12) weeks taken for reasons other than personal illness, including parental leave.

g. In all but emergency cases, officers requesting Family and Medical Leave shall contact the Human Resource Management Bureau at least thirty (30) days in advance so that the eligibility process can begin.

h. Human Resource Management Bureau personnel will determine if the officer meets the eligibility requirements. See OMS 505.08(3)c.

1. Officers who are not eligible for Family and Medical Leave will be notified in writing and will be advised to seek other leave type options.

2. Human Resource Management Bureau will review the request and if approved, will forward an approval letter to the officer and the officer's commander.

3. Officers who are approved for Family and Medical Leave will document if they want paid or unpaid FML time on the FML paperwork.

4. Human Resource Management Bureau will contact the officer to establish a calendar and discuss leave options. Human Resource Management Bureau will enter the FML in the officer's calendar in TeleStaff.

i. Officers requesting leave under the provisions of the Family and Medical Leave Act have the option of using unpaid leave in lieu of paid leave.

1. When paid leave is elected, officers may designate the type of leave to be used.

2. Officers who require more than twelve (12) weeks, or who do not have a sufficient sick leave, vacation time, compensatory time, or saved time may:

   a. Apply to the Chief of Police for donated sick time. See OMS 505.14.

   b. Petition the Chief of Police for a leave of absence without pay not to exceed one (1) month.

   c. Petition the Civil Service Commission, through the chain of command, for a leave of absence without pay for longer than one (1) month. See OMS 505.05 and 505.14.

j. Officers on leave under Family and Medical Leave for an extended period of absence may apply to the Chief of Police for a reduced or intermittent work schedule, i.e., a leave schedule that reduces the officer's usual number of hours per week, or hours per day. The Chief of Police may require the officer to transfer to another assignment to better accommodate the reduced work schedule.

k. Officers on Family and Medical Leave are not permitted to perform any Secondary Employment or Non-Police Secondary Employment Work, without written authority from the Chief of Police. The authorization must be provided and kept on file in the Secondary Employment office.

l. Officers using extended leave under the provisions of the Family and Medical Leave Act will return to work at their same position or equivalent.

m. Return to work process:

1. Prior to returning to work, if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the Fitness for Duty Pass.

2. Officers are required to complete any missed firearms qualification or required weapons certifications and achieve a passing score on the course of fire specified by
3. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.

4. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

Parental Involvement in K-12 Education Act – deleted (expired 9-1-15)

Extended Periods of Absence

a. Non-disciplinary leaves of absence may be granted to members of the Police Department by the Chief of Police or a designee, at the sole discretion of the Chief or designee, for a period not to exceed, except as required by federal or state law, one (1) year. All such leaves of absence shall be without pay unless: (a) the leave qualifies as FLMA leave and the member has accrued vacation leave, sick leave, accumulated sick leave, compensation time, saved vacation, or save holiday which the member chooses, in writing, to apply to the leave or (b) if the leave does not qualify as FMLA leave, the member may use accrued vacation leave or sick leave provided the member requests, in writing, to use such leave, and such leave is approved, in writing, by the Chief of Police. Except for paid leave, and as otherwise required by law, leaves of absence shall not count toward longevity or seniority in sick and vacation time will not accrue during the extended absence unless the officer elects to use a minimum of 15 days of accrued leave per month. See OMS Appendix A - CBA Article 14, Leave of Absence.

1. To be eligible for an extended leave of absence, the member must have completed at least five (5) years of continuous service. Exceptions may be made by the Chief of Police.

2. The officer must complete the Leave of Absence Request Form which can be obtained through HR. The officer must then complete the form, obtain signatures through the chain of command, and then submit the form to HR.

3. If the request for leave of absence is denied, the reason for denial shall be provided to the officer in writing.

b. All extended periods of absence, including personal FMLA and disciplinary, shall be subject to the following provisions:

1. While on extended absence, all members of the classified service shall be held by the Chief of Police to the standard of conduct expected of an active member regardless of the length of absence.

2. The Human Resource Management Bureau will provide the officer with the Extended Leave Questionnaire (DPD 713) when the officer initiates contact to reinstate benefits and return to work. The Extended Leave Questionnaire must be completed prior to returning to work. The completed form will be given to the Limited Duty Section for review, and if necessary, scheduling of exams.

3. No member of the department who has been continuously absent for ninety (90) consecutive days or more shall be permitted to return to work until the reason for the extended period of absence and the responses to the Extended Leave Questionnaire are reviewed to determine if a Fitness for Duty evaluation is required.

Officers returning to work from FMLA leave must comply with the above section but are excluded from a Fitness for Duty evaluation. Officers returning from FMLA leave must submit a return to work pass, or if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the pass, or a Fitness for Duty evaluation will be required. (see OMS Section 505.08(3)m.)

4. A Fitness for Duty examination may include: a medical/physical examination; a psychological examination; a background investigation; and/or a polygraph examination; as determined by the Limited Duty Section. The Limited Duty Section will
consult with the Commander of the Internal Affairs Division on officers returning from disciplinary suspensions or if otherwise necessary. A drug and alcohol screen is mandatory for all returning officers and will be scheduled by the Limited Duty Section.

5. The Limited Duty Section sergeant will complete the Review of Extended Leave Questionnaire (DPD713a). Once the form is complete and includes the findings of any required exams the entire packet will be brought to the Office of the Chief of Police for the chief, or his designee, to review for consideration of fitness for duty. The chief or designee will sign off authorizing the officer to return to full duty, modified duty or provide further instructions.

6. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.

7. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

8. Officers assigned to the Patrol Division may be assigned to work with a Field Training Officer for a period of time, at the discretion of their commanding officer.

9. Officers who are on extended periods of absence, including personal and disciplinary, can elect to continue benefits.
   a. The first 30 days of leave without pay the officer is responsible for their portion of the insurance premium.
   b. The first pay period following the first 30 days of leave without pay the officer can remain enrolled in the insurance through COBRA. The COBRA rate is the officer’s premium, the city’s premium, plus a 2% COBRA administration fee.

505.09 Medical/Modified Leave Section

(1) Duties of the Safety Coordinator will include, but not be limited to;
   a. The Safety Coordinator will monitor all officers in a medical leave or modified duty capacity. When there is any question regarding an officer’s medical status, the Safety Coordinator will direct the officer to provide a current medical report from the authorized treating physician addressing physical restrictions.
   b. The Safety Coordinator will continually monitor officers on Medical Leave/Modified Duty to ensure that the officers are returned to full duty assignments at the earliest date that is medically authorized.

(2) Officers on Medical Leave, or Modified Duty
   a. Medical Leave – for officers who sustain injuries, illnesses, or for those who are pregnant and who are expected to be off work for more than five (5) days.
      1. All TeleStaff attendance records will be kept by their supervisors at their present assignment. The Safety Coordinator will monitor the officer’s schedule through TeleStaff.
         a. If the leave is for a Line of Duty injury, the supervisors will choose Workers’ Comp (W/C) as the work code in TeleStaff.
         b. If the leave is for a Non Line-of-Duty Injury/Illness, the supervisor will choose the Sick work code in TeleStaff, or the appropriate code if on Family Medical Leave.
         c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD)
      2. Officers on medical leave will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
         a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a
workers’ compensation case will be considered for prior written authorization by the Chief of Police.

b. The written authorization must be provided and kept on file in the Secondary Employment Office.

3. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator.

b. **Modified Duty** – for officers who sustain on-the-job or off-the-job injuries, illnesses, or are pregnant and will be in a temporary modified duty for any period of time.

1. All modified duty shall be offered to the officer in compliance with state law pursuant to the City and County of Denver modified duty policy. Any modified duty established for an officer at his/her present assignment shall be reported to the Safety Coordinator as soon as reasonably possible.

2. All attendance records will be kept by their supervisors at their present assignment or temporary assignment if moved. The Safety Coordinator will monitor the officer’s schedule through TeleStaff.
   a. If Line of Duty injury/illness and the officer is working reduced hours, supervisors will choose the Modified Duty work code for the hours worked and Workers’ Comp (W/C) as the work code for the appropriate time the officer was off work.
   b. If Non Line-of-Duty Injury/Illness and the officer is working reduced hours, the day shall be carried on the attendance sheet with the work code of Modified Duty for the hours worked and Sick or the appropriate code if on FMLA for time the officer was off work.
   c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD).

3. Officers on modified duty will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
   a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers’ compensation case will be considered for prior written authorization by the Chief of Police.
   b. The written authorization must be provided and kept on file in the Secondary Employment Office.

4. Officers on modified duty shall not be allowed to participate in any detective or specialized training program.
   a. Only detective or specialized training programs that do not violate the physical restrictions provided by the authorized treating physician providing primary care in a worker’s compensation case will be considered for prior written authorization by the Chief of Police.
   b. A written authorization must be provided and will be retained in the officer’s personnel file.

5. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator, who will then forward it to the Chief of Police for approval.

6. Officers who are in Modified Duty must ensure they take all regular days off:
   a. An 8-hour shift officer must use all eight regular days off in a period.
   b. A 10-hour shift officer must use all twelve regular days off in a period.
a. It is at the discretion of the officer if and when she chooses to disclose a pregnancy to the police department. However, the nature of this employment may subject an officer to strenuous physical activity and potential hazards in the workplace. Therefore, a pregnant officer may request a temporary modification to her work assignment during her pregnancy, and if needed, for physical recovery from childbirth.

b. The officer should consult with her medical provider to determine the appropriate level at which she may perform her duties. The officer should provide the appropriate job description to her medical provider to accurately determine any limitations or restrictions that may be appropriate.

c. The request for work assignment modification should be made in writing to the Limited Duty Coordinator and the officer’s chain of command.

1. The chain of command, in the officer’s assigned division or district will review the request for approval. The request should contain any limitations or restrictions from the officer’s medical provider as well as list any specialized skills or training that may assist in identifying the appropriate work assignment modification.

2. Upon approval from the officer’s chain of command, the Limited Duty Coordinator will facilitate appropriate modifications to the officer’s work assignment as soon as practicable.

(4) Returning to duty – On-the-job Injury

a. Prior to being allowed to return to work, all officers shall obtain a written return to work report from the physician who took the officer off work.

b. The officer will be returned to the same or a similar assignment as held prior to the injury at the discretion of the Chief.

c. If the officer is in a modified duty status, they may be reassigned by the Safety Coordinator in conjunction with the appropriate Division Chief according to their physician’s recommendations. The Safety Coordinator will confer with the City’s Risk Management Unit to ensure that all state requirements are followed.

d. In no event shall the Department provide an officer with a permanent modified duty assignment.

e. When the recovery time to which an officer may be entitled under the collective bargaining agreement is exhausted, the officer must either: (a) return to full duty with a physician’s release; (b) seek reassignment to a vacant civilian Career Service position, if the officer is disabled within the meaning of the ADA as amended; or (c) seek a disability pension. An officer not returning to full duty shall be removed from the Department’s payroll.

505.10 Line of Duty Injuries

(1) All Classified Service and CSA employees of the Denver Police Department who are injured in the course and scope of employment are required to report the injury to the City and County of Denver’s Ouchline 303-436-6824. The following procedure outlines the steps to be followed.

a. Non-Urgent Injuries (those not needing immediate medical attention)

1. If an officer believes they have sustained a line of duty injury the officer shall immediately report the injury to their supervisor and shall call the Ouchline at 303-436-6824 before responding to a medical facility. This is a 24 hour a day, 7 day a week telephone line designated for taking the officer’s report of injury. It allows a Nurse to review the officer’s physical problem and make treatment recommendations. Medical recommendations from the Ouchline Nurse may vary from self/home care to consultation with the Center for Occupational Safety and Health at Denver Health or at a Concentra clinic. It may involve a recommendation for urgent or emergency care when appropriate, based on the medical situation involved.

b. Urgent Injuries (those needing immediate medical attention),

1. In cases where obvious emergency medical attention is required, request for emergency medical personnel shall be made. An initial call to the Ouchline is not immediately required.
2. When paramedic/ambulance personnel respond to the scene, they shall evaluate the nature and extent of injuries. They may direct the injured officer to be taken to the nearest adequate medical facility.

Paramedic/ambulance personnel may be advised that the “divert status” of Denver Health Medical Center operating rooms is in effect. If necessary, the injured officer will then be transported to a participating alternate hospital.

3. A supervisor or command officer may determine the need for medical attention is so critical and the proximity to a physician or adequate medical facility is close enough that waiting for a Denver Health Medical Center ambulance is not practical. A police car may be used to transport the injured officer for medical assistance without delay.

4. As soon as an officer seeking emergency care is physically able to do so, the officer should report the injury to the Ouchline @ 303-436-6824. If such a call will not be able to be completed by the officer in the 24 hours after the injury, a supervisor or command officer shall call the Ouchline and report the claim on behalf of the officer who is unable to do so.

c. If an officer experiences additional problems from their injury/illness, they should visit their authorized treating physician immediately. The officer should also immediately notify their supervisor and the supervisor shall notify the Limited Duty Section.

d. An injured officer/employee may not be reimbursed for medical treatment administered at any medical facility or by any individual unless the procedures outlined have been followed.

(2) Procedures - In the event of a line of duty injury, it is necessary for the following steps/forms to be completed and processed:

a. Call the Ouchline @ 303-436-6824 to report your injury.

1. This phone call replaces the need for an Employee work injury report (ADM-4) and a Clinic Pass (ADM-27).

b. Supervisor's Report of Accident or Incident. The Supervisor's Report is completed by the injured employee's supervisor and forwarded to the Limited Duty Section. The Limited Duty Section will provide a copy of this form to the City's Risk Management Unit.

c. Return to Work Pass issued by the authorized treating physician providing primary care is required each time the officer/employee is seen by an authorized treating physician for the workers' compensation injury.

(3) It is the responsibility of the injured person's supervisor to make certain the following reports are completed:

a. Ouchline report by calling 303-436-6824
b. Supervisor's Report of Accident or Incident.

d. Other reports or information pertinent to the line of duty injury.

(4) Officers who may not be aware of injuries at the time of an incident but who experience some physical symptoms later should bring such matters to the attention of their supervisor without delay and the officer shall call the Ouchline @ 303-436-6824. Necessary forms should then be completed.

(5) Necessary hospital security is a responsibility of the Police Department for line of duty injuries.

a. An officer from the same assignment as the injured member of the Police Department shall be assigned to guard the hospitalized person as soon as is practical after an incident whenever the commanding officer deems it to be necessary for the safety and well being of the injured officer.

b. Personnel shall be assigned in a shift concept to provide this protection on a twenty-four (24) hour basis.
c. Termination of such protection shall be at the discretion of the Commander to which the injured officer is assigned.

(6) Deleted 8/24/17

(7) Any officer receiving an invoice or request for payment related to a line of duty injury shall contact the Limited Duty Section. The Limited Duty Section will assist in resolving responsibility for payment in a timely manner.

(8) If an officer experiences a non-work related illness requiring medical attention while on duty, the officer will be excused from duty and should proceed to his/her personal care provider for medical attention. In such an instance, no Workers’ Compensation documentation should be completed and the Ouchline should not be called. If it is determined that the officer may not be able to drive themselves to a medical facility, the supervisor may arrange transportation.

(9) If the non-work-related illness is potentially life threatening or results in loss of consciousness, emergency medical personnel shall be immediately summoned for the officer.

(10) In the case of a non-work related illness or injury which results in a loss of time or reassignment to limited or modified duties, the incident should be documented on a DPD-200 and forwarded to the Limited Duty Section through the officer’s chain of command.

(11) Since non-work related illnesses and injuries are not covered under Workers’ Compensation, an officer will be responsible for any medical bills arising out of any care related to any non-work-related illness.

(12) The City’s Risk Management department will investigate and make a determination regarding work relatedness or eligibility for Worker’s Compensation benefits on any claim/incident reported to them as potentially work-related.

505.11 MEDICAL LEAVE, and/or MODIFIED DUTY - RETURNING TO DUTY

1. If the claim is accepted by the City’s Risk Management Unit:
   a. No sick time will be taken from the officer’s sick bank for time taken from work for such injury/illness as long as the officer sends a copy of the Return to Work Pass or Doctor/Therapy Appointment Verification Form to the Safety Coordinator. Once time off is confirmed, the time will be changed by the Safety Coordinator to reflect LOD as the work code in TeleStaff. If the Verification Form is not turned in to confirm the time off, sick time will be deducted.

2. In the event the claim is contested or denied by the City’s Risk Management Unit:
   a. Sick time will be deducted from the officer’s sick bank.
   b. The officer may then apply to the Chief of Police by submitting a request to the Pension Board requesting that his/her sick time is returned. See section 505.12.

3. Recurring Injuries:
   Officers with a recurring injury will follow the same guidelines as stated in 505.10 (2), (3), and (4)

4. To the extent provided by the collective bargaining agreement, an officer who is disabled by reason of an admitted on-the-job injury/illness and rendered unable to perform those duties shall be granted any necessary leave of absence not to exceed one (1) year. Every effort will be made to assist the officer during the period of recovery. “Recovery” is interpreted to mean that the officer is able to return to full duty status, with or without reasonable accommodation.
   a. If an officer has the proper physician’s medical release and can work in a temporary modified duty assignment within the Department, he/she will be placed in such assignment, if available. If such a position is not available, the officer’s supervisor or commander shall contact the Department’s Safety Coordinator who will work with the City’s Risk Management Unit, who shall assist the Department in locating a temporary modified duty assignment.
   b. An officer with a line of duty injury requiring medical attention for such injury at times other than during regular scheduled work hours shall not be entitled to receive overtime pay or compensatory time for such time spent away from work. Situation permitting, the officer’s commander may adjust the officer’s work schedule to accommodate such treatment.
   c. If an officer is off work for a line of duty injury or illness during scheduled work hours, the department may designate such as leave pursuant to the Family Medical Leave (FML).
   d. If an officer receives an invoice or request for payment relating to medical care for a line of duty
injury shall contact the Safety Coordinator who will assist the employee in resolving responsibility for payment in a timely manner.
505.23 LIMITED DUTY

(1) DEFINITIONS:

Work Related (Line of Duty) Injury: Any injury or occupational disease/illness that Risk Management, or the Office of Administrative Courts, has determined arose out of the course and scope of the performance of an employee’s duties as a police officer.


Limited Duty: Any period when an officer is not able to perform all normal duties as a sworn officer because of a Line of Duty or Non-Line of Duty injury. This includes any time classified as salary continuation (worker’s compensation) leave, modified duty time and all personal leave (vacation, Accumulated Sick Leave, holiday, compensatory time, leave without pay, etc.).

Salary Continuation Leave (Workers' Compensation): Time off from work due to work-related injury or occupational disease/illness granted by medical professionals and managed by Risk Management. Officers may use a maximum of 2080 Worker's Compensation hours per work related injury.

Modified Duty: A work assignment that is provided to officers to meet work restrictions imposed by medical providers during an injury recovery period or pregnancy (for work-related injuries and non-work-related injuries). This includes any restriction that limits the number of hours per day an officer may work. A maximum of 260 modified duty days will be granted per incident. Any partial use of modified duty time counts as “one day.” While on modified duty, officers will work/be assigned to five 8-hour shifts per week, unless his/her medical restriction requires the officer to work fewer hours or shifts.

Non-Line of Duty Injury: Any injury that occurs while in an off-duty capacity where no police action was involved (did not arise out of the course and scope of a police officer’s duties.)

(2) TOTAL USEABLE LIMITED DUTY TIME:

a. An officer sustaining a work-related injury has two years of total usable limited duty time. Except for cases when an officer appeals a Worker’s Compensation claim, his/her total usable
Limited Duty time begins on the date of the injury and ends two years from the date of the injury. Any amount or combination of Workers' Compensation Leave, Personal Leave and Modified Duty time counts toward the total two-year maximum.

b. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification Process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18). During this process, an officer may continue to work in a Modified Duty capacity and/or utilize Workers' Compensation time or personal leave time. After two years have passed from the date of injury, the officer will be separated from the department through medical disqualification.

(3) OFFICERS USING WORKERS’ COMPENSATION AND PERSONAL LEAVE (NO MODIFIED DUTY):

Should an officer utilize ALL 2080 Workers' Compensation Leave hours and:

a. Has not utilized any modified duty time for this injury; and
b. Is still not cleared to return to a Modified Duty assignment by the Worker’s Compensation medical providers:

The officer may request, through the Chief of Police, to utilize personal time to continue to recover from his or her injuries for a period not to exceed one year from the date of expiration of the 2080 Workers’ Compensation Leave hours. The total amount of Limited Duty time the officer may use for any one work-related injury will not exceed two years from the date of injury. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18).

(4) OFFICERS USING WORKERS’ COMPENSATION, PERSONAL LEAVE, AND/OR MODIFIED DUTY:

Should an officer utilize a combination of any portion of the 2080 Worker’s Compensation hours, personal time (if approved by the Chief of Police), and Modified Duty, and is still unable to return to full-duty after two years from the date of the injury, the department may pursue the Separation through Disqualification process, including the opportunity for the officer to enter the Interactive Process at the 1 year and 9-month post-incident date (see OMS 505.18). During the Separation through Disqualification process, the injured officer may continue to work in a Modified Duty capacity until they reach the two-year post injury date or 260 modified duty shifts have been worked.

(5) FMLA DESIGNATION:

a. Should an officer be on Limited Duty (consistently using either Workers’ Compensation Time, Modified Duty time and/or Personal Leave), no later than 90 days from the date of a work related or non-work-related injury, and if eligible for FMLA, the officer will apply for FMLA certification for the injury.

b. Should an officer need to re-open a previously submitted work-related injury claim, and he/she is eligible for FMLA, the officer will apply for FMLA certification three months after the first day of Limited Duty status (after the case is re-opened).

c. Should an eligible officer fail to apply for FMLA as required in these circumstances; the Denver Police Department may force designate this time as counting toward his/her FMLA time.

(6) WORKERS’ COMPENSATION DECISION APPEALS:

If an officer appeals a worker’s compensation claim denial or treatment method, the usable Limited Duty time and Modified Duty time periods will be tolled from the date which the Application for Hearing is filed on the issue of compensability, or treatment, until the date on which a final decision on compensability, or treatment, is made through settlement or court decision.

(7) SEPARATION THROUGH DISQUALIFICATION:

a. If the department deems it necessary to enter the Separation through Disqualification process for an officer, it will commence the sooner of either:

1. 1 year and 9 months from the date of injury;
2. At the 195th day of Modified Duty usage (of the allowable 260 days of Modified Duty), or
3. The injured officer utilizes his/her full 2080 Worker’s Compensation hours (plus any additional Personal Leave time approved by the Chief of Police).
b. When the Separation through Disqualification process is initiated on the 195th day of Modified Duty, the officer can continue working in such a capacity through the 260th day of allowable Modified Duty time and be afforded the opportunity to enter the Interactive Process.

c. Should the officer be cleared by a Workers’ Compensation medical provider to return to full-duty while the Separation through Disqualification process is pending; the Separation through Disqualification process will cease and the officer will return to his/her full-duty status.

(8) NON-WORK-RELATED INJURIES:

Officers who are injured in a non-work-related incident will be granted no more than one year (from the date of injury) to return to full-duty capacity. Should the officer not return to full-duty within one year from the date of injury, he/she must file for separation from the department via retirement or resignation at the date of exhaustion of such time, or the department may initiate the Separation through Disqualification process. The department will afford the officer the opportunity to enter the Interactive Process (see OMS 505.18). While the retirement or Separation through Disqualification process is pending, the officer may use up to 60 days of Personal Leave time.

505.24 Officer Filling Position of Supervisory Officer - Acting Capacity (Revised 05-2011)

(1) Acting assignments shall be made only when it is essential to the functioning of the Bureau, Section, or Unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.

a. Acting Assignments will not be made when sufficient supervisors assigned to the bureau are working and can be called upon when necessary.

b. Bureau commanders shall be held responsible for insuring that acting assignments are made only when necessary

(2) Acting assignments can only be authorized by Captains/CSA Directors or, in the case of bureaus and units commanded by Lieutenants, the respective Division Chief.

(3) An officer temporarily filling the position of a supervisory officer in an acting capacity shall be vested with all the authority and responsibilities of the supervisor, but the acting officer shall not interfere with, countermand, or modify the orders previously issued by the supervisory officer, except in extreme emergency.

(4) An officer so assigned, when called upon to affix their signature to any official paper or report, shall use only their official title and never sign as an acting officer of a higher rank.

(5) Any officer who is temporarily assigned by his supervisor to a rank higher than that which he currently holds shall be compensated at the rate of pay of the higher rank for the time he is assigned and assumes the duties of the higher rank.

(6) Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:

a. A Commander may, with the approval of the Division Chief, assign a Lieutenant to the position of Acting Commander in their absence.

b. A Division Chief may, with the approval of a Deputy Chief, assign a Captain to the position of acting Division Chief in their absence.

(7) Any Lieutenant assigned as an acting Commander or a Captain assigned as an acting Division Chief shall be compensated at the rate of pay of the acting position.

(8) Any officer who, for a period of four (4) hours or more is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the rate of pay of the higher rank for the entire duty shift in which he is so assigned. If during the period of temporary assignment, the officer works overtime, the officer shall receive the overtime rate of pay at the officer’s existing pay rate.

(9) Officers will receive acting pay for those days when they are physically present at work. In addition, officers will not receive acting pay for those days on which they are on special assignment, on an excused day or regular day off.

(10) Upon completion of the acting assignment, officers qualifying for payment shall complete Acting
Assignment Verification, DPD 183. The original of this form shall be forwarded to the Human Resource Management Bureau for payment.

505.25 Acting District Commanders and Acting Shift Commanders

1) District Commanders will arrange Lieutenants’ days off and vacation schedules in an attempt to provide Lieutenants as acting District Commanders during their absence.

2) Lieutenants will arrange Sergeants’ days off and vacation schedules in an attempt to provide a senior Sergeant as acting shift commander during their absence.
PART B
Documents
1. The basic mission for which police exist is to prevent crime and disorder as an alternative to the repression of crime and disorder by military force and severity of legal punishment.

2. The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior and the ability of the police to secure and maintain public respect.

3. The police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain public respect.

4. The degree of cooperation of the public that can be secured diminishes, proportionately, to the necessity for the use of physical force and compulsion in achieving police objectives.

5. The police seek and preserve public favor, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of society without regard to their race or social standing, by ready exercise of courtesy and friendly good humor; and by ready offering of individual sacrifice in protecting and preserving life.

6. The police should use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient to achieve police objectives; and police should use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

7. The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the intent of the community welfare.

8. The police should always direct their actions toward their functions and never appear to usurp the powers of the judiciary by avenging individuals or the state, or authoritatively judging guilt or punishing the guilty.

9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them.
Advice from Police Chiefs and Community Leaders on Building Trust: “Ask for Help, Work Together, and Show Respect”
CRITICAL ISSUES IN POLICING SERIES

Advice from Police Chiefs and Community Leaders on Building Trust:
“Ask for Help, Work Together, and Show Respect”

March 2016
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PERF is profoundly grateful to the Motorola Solutions Foundation for supporting the Critical Issues in Policing series. I encourage all our readers to look at the back cover of this report, for a list of the previous Critical Issues reports that PERF has produced with support from Motorola. I think you will find that just about every major issue you can think of has been the subject of a Critical Issues report. Issues like training officers to reduce use of force, de-escalation, the issues of Ferguson, managing large-scale demonstrations and other major events that often involve a joint response by multiple agencies, cybercrime, the heroin epidemic, changes in marijuana laws, active shooter incidents, federal investigations of local police agencies, new technologies in policing, labor-management relations in policing, gun crime, gang violence, the role of police in immigration enforcement, and many more.

Never has our support from the Motorola Solutions Foundation been more important than right now, as the policing profession faces one of the biggest challenges in memory: creating a new, “post-Ferguson” model of policing, one that prevents unnecessary uses of force and is built on community trust. As I write this, we are drafting a new Critical Issues report about PERF’s new “30 Guiding Principles” on police use of force, which will help agencies increase officer safety while also reducing the likelihood of police shootings in certain types of situations, such as a mentally ill person brandishing a knife. This forthcoming report will be based largely on three previous Critical Issues reports—the one you are holding, along with Defining Moments for Police Chiefs and Re-Engineering Training on Police Use of Force.

Among PERF’s funders, the Motorola Solutions Foundation is unique in providing PERF with the flexibility to address new issues the moment they emerge.

PERF is grateful for the leadership of Motorola Solutions Chairman and CEO Greg Brown; Jack Molloy, Senior Vice President for Sales, North America; Gino Bonanotte, Executive Vice President and Chief Financial Officer; Cathy Seidel, Corporate Vice President, Government Relations; Domingo Herraiz, Vice President, North American Government Affairs; Matt Blakely, Director of the Motorola Solutions Foundation; and Rick Neal, retired Vice President at Motorola Solutions, who continues to assist us with Critical Issues projects.

Of course we are also most thankful to all of the police chiefs who participated in this project, and who invited the community leaders who provided their thoughtful perspectives. Nearly all of our Critical Issues projects are based largely on the knowledge and wisdom offered by our members, and this one is no exception.

Finally, PERF’s staff deserves credit for managing and organizing this project. Deputy Chief of Staff Shannon Branly was in charge of the entire project, under the supervision of Chief of Staff Andrea Luna and with superb assistance from Research Assistants Matt Harman and Allison Heider. Research Associate Rachael Arietti and Research Assistant Sarah Mostyn handled logistics. Research Associate Sunny Schnitzer, Executive Assistant Soline Simenauer, and Intern Jean Hyun assisted with the meeting. Communications Coordinator James McGinty took the excellent photographs for this report and managed the review of quotations. Communications Director Craig Fischer deserves special credit for drafting this report, and once again making sense of a very dynamic conversation. Graphic Designer Dave Williams brought his excellent attention to detail and design skills to this report.

Executive Director
Police Executive Research Forum
Washington, D.C.
The last 18 months have been traumatic for the policing profession and for communities across the nation, with issues of use of force being questioned. To address these issues, the Police Executive Research Forum has been working to devise new training programs for police officers, emphasizing concepts of de-escalation, crisis intervention, and “slowing situations down” in order to give officers more time to evaluate what’s happening, consider their options, get additional resources to the scene, and devise effective responses that minimize use of force.

The national upheaval in policing since Ferguson is not only about issues of policing and training regarding use of force. Equally important is the impact on the level of trust by community members in their police departments. So we invited police chiefs and community leaders to a national conference in Washington, and asked them to discuss what’s going on in their cities, particularly with respect to issues of force and the level of trust in the police. We wanted to know how they see what’s going on in their city, and how they feel about what’s happening nationally. And to the extent that community leaders and police chiefs could tell us that they have solid relationships of trust, we wanted to ask them for their best advice about how they reached that point.

To get this project under way, we contacted PERF’s member chiefs, invited them to participate in a one-day meeting, and asked each participating chief to invite one community leader to the meeting. We wanted frank, candid discussions that would produce useful information and guidance, so we asked each chief to “choose a community leader who is not necessarily your biggest fan, but who has credibility in the community.”

I think most of our chiefs took that guidance to heart. As you will see when you read this report, many of the community leaders were very candid in expressing their views about the police.

At the same time, we asked police chiefs to choose a community leader who is constructive and who wants to work with the police to build relationships of trust. And again, I think the discussions in this report show that our participating community leaders did have constructive attitudes and approaches.

With more than 150 participants, not everyone at the meeting had an opportunity to speak; there simply was not enough time in the day, even though participants honored my request that they focus on a few key points and speak concisely. In some cases, participants later told us that they did not speak because others had already made remarks that were similar to what they would have said. In other cases, participants later sent us comments by email to include in this report. I am grateful for everyone’s contributions, and I regret we couldn’t hear from everyone.

I hope you will find this report helpful. The bulk of the report is simply quotations from our community leaders and police chiefs. The final chapter summarizes many of the key observations that were
made and the suggestions and strategies for improving relationships between police agencies and the communities they serve.

As a number of chiefs and community leaders said at our meeting, this is a very serious business. Police departments cannot do a good job if they do not have a high level of trust from all of their various communities. Police rely on help from residents to find out what is happening in the neighborhoods and to work with community members to solve local problems. And building community trust often is not an easy thing to accomplish.

However, I don’t think I have ever moderated a conference with a more passionate group of people who were so deeply engaged in trying to make things better. Police agencies across the nation can use this report to guide their efforts to build trust at this critical time. The world is changing; the work of policing is changing. We all need to work especially hard now at communicating with each other and developing mutual respect.
18 Points We Heard about Effective Community-Police Partnerships

Following are some of the suggestions and insights that were offered by community leaders and police chiefs at the PERF conference. More detailed quotations from these leaders can be found in the next section of this report.

1 | **Don't Be Afraid to Apologize**

We are human; we make mistakes. So apologize. *Apologize on the spot to the person.* It's such a “wow” for people to be told, “Hey, I’m sorry. That didn't go the way it should have gone.”

— San Francisco Police Chief
Greg Suhr

3 | **Be Open to Hearing People’s Negative Experiences with the Police**

You can never dismiss anyone’s negative experiences with the police, what they have gone through, or what their loved ones have gone through.

— Boston Police Superintendent-in-Chief William Gross

2 | **Create and Enforce a Duty to Intervene**

The community does not believe that the police will police themselves. I have seen cops standing right there and not intervene when it’s clear that another officer is doing something wrong. A lot of these incidents are on video. But if the video were to show another officer stepping in and stopping the misconduct, do you know what that could do to improve relations between police and community? If you really want to fundamentally change the way people think about the police, you have to see blue checking blue.

— Dr. Joe Marshall,
Omega Boys Club, San Francisco

4 | **Understand the Roots of Mistrust**

My father said that people hate each other because they fear each other, and they fear each other because they don't understand each other....We are still divided in this nation, and we have to find a way to bring the community together with law enforcement.

— Dr. Bernice King,
The King Center
Reach Out to Local Business Owners Who Know Their Customers

Reach out to barbershops and other small businesses, the Mom and Pop stores, because we are the community. As a barber, I hear all the things that you all don't hear. Your businesses where people congregate have been in these neighborhoods for years. They are the ones who know what's really needed. You can sit around and tell us what you think we need, but instead you should listen to us telling you what we need.

— Shaun Corbett, NC Local Barbers Association

Encourage Officers to Mentor Youths

A police officer made a difference in my life. If you want to save these 18- to 24-year-olds, you have to get them when they are 8, 9, 10, 11. You influence them, you inspire them, and I guarantee you are going to have fewer people being victims of gun violence, and you are going to have more active adults who are contributors to your society.

— Anne Arundel County, MD Councilman Pete Smith

Encourage Officers to Volunteer in the Community

People will view the police differently when they see us do things differently. So we ask officers to put in what we call “sweat equity.” Whatever people are doing in the community, that’s what we do. If you pastors are giving away food, we put the apron on and help give away food. If you are planting trees, we plant trees. This takes a lot of effort, but it’s worth it, because people start to see the police as a partner.

— New Orleans Police Chief Michael Harrison

Measure Officers’ Performance in Building Relationships

One of the things that we are focused on is defining our identity as police officers. We talk about transitioning from the “warrior” to the “guardian” mentality. As police leaders we must change the evaluation systems that we use to gauge the performance of our officers. If we want officers to serve as facilitators and problem-solvers, we should not make the sole criterion of their effectiveness the number of arrests or the number of summonses that they generate.

— Camden County, NJ Police Chief Scott Thomson

Police Must Acknowledge that Mistrust Is Legitimate

It seems like a lot of young people just do not trust the police. And that is something that we must, first of all, acknowledge. You need to understand that the distrust right now is legitimate. These people are right to feel angry. They are right in their views to want to go out there and march.

— Otieno Ogwel, Community and Police Trust Initiative, Phoenix

Strive for Diversity in Police-Community Panels

It’s important to create a citizens’ panel that doesn’t just include lawyers and ministers and the “respectable citizens” in our society, but also people who the police have contact with. I think we should be creating a citizens’ panel that shares influence and power with directly impacted folks, formerly incarcerated people, law enforcement, community, faith leaders, and also a representative from the protest community.

— Rev. Ben McBride, Oakland, CA
11 Work for Mutual Respect

Police Chief Teachman and I are not buddies. It’s not popular for me to sit here with him in my community, nor is it popular for him to sit here with me. But the chief and I have a mutual respect. I respect him because he has been a man of his word, and that’s all I really need as a community leader, to believe that he is true.

— Dr. Erskine Jones, Sweet Home Ministries, South Bend, IN

12 Police Should Approach Community Members, Not Wait To Be Approached

For the police, the best way to build trust is to go to the people. Do not expect them to come to you in an open forum, especially in communities that don’t trust police or have had some issues with police before.

— Clovia Lawrence, Community Outreach Director, Radio One Richmond, VA

13 Tear Down Stereotypes by Engaging with Youths

I want to share something that has really proven itself in building these relationships in Spokane. It’s called the Youth and Police Initiative (YPI), and it brings together police and high school students to tear down stereotypes in how youth perceive police officers and how police officers perceive our young people.

— Pastor Shon Davis, Spokane, WA

14 Take Action Immediately When You See that Something Is Wrong

If a chief quickly recognizes that something is wrong, it’s better to take action immediately. We can no longer say, “This is under investigation” and sit coldly for a month. We have to move quickly.

— Clearwater, FL Police Chief Daniel Slaughter

15 Acknowledge Mistakes

Officers are people, they make mistakes. So you need to step up and take accountability for the fact that an officer has made a mistake. Don’t make the situation worse by covering up for the officer, or trying to make it seem like the officer is always right. The officers are not always right.

— Pastor Strick Strickland, Kalamazoo, MI Citizens Review Board

16 Include Community Members in Recruiting and Hiring

For communities that don’t have the diversity you desire in your police department, speak with your police chief and ask for an opportunity to participate in the hiring process. And you can advise your chief on where to go to recruit—for example, at a historically black college or other places where there maybe potential employees.

— Ricky McNeal, President, NAACP-Garland, Texas
17 | Reach Out to Each Other During Non-Stressful Times

We need to recognize that for too many people, the only time they meet a police officer is when something bad has happened to them, or when the police think they have done something bad. And that’s not the way to build trust. So please invite us into your lives. Ask us into your schools, invite us into your church basements after a service, invite us into your community meetings. We want to go where people are naturally congregating, and not just show up when something bad has happened.

— South Bend, IN Chief Ron Teachman

18 | Recognize that Young Officers and Community Leaders Face Big Challenges

I have done more than 2,800 eulogies in 14 years. I have a eulogy tomorrow morning when I get back; a 26-year-old was shot at Viola Street. We have drug dealers on the street in Camden, we have the M13 and the Latin Kings—you name it, we got it. I think pastors have to come out of their pulpits, put their jeans on and their sneakers, and get out there and beat the pavement. We have a lot to deal with in the community. I think when you drop an officer straight from the police academy into Camden and he hasn’t had a chance to deal with all this, the first day on the job he gets sent to a shooting site, and it puts him at a bad disadvantage. How can he deal with these issues?

— Pastor Edward Barron, Camden, NJ
Community Leaders and Police Chiefs Talk Frankly about the Issues They Face, and How They Work with Each Other

PERF President Scott Thomson, Camden County, NJ Police Chief:  
*Healing Between Police and Communities Is Long Overdue in Many Cities*

If there is one thing I would ask for today, it is to please feel free to speak your mind. Don’t be afraid to discuss challenging topics and situations. PERF is an organization of gentlemen and ladies, and we can disagree without being disagreeable. As my guest, the great Pastor Edward Barron from Camden, has said to me, “If everybody is thinking the same thing, then no one is thinking.” So please, let’s have an honest dialogue today, and you, the community leaders, can help us police officials work through this watershed moment in American policing. This could be the pivot point to start moving our organizations towards the healing and reconciliation that’s long overdue with many of our communities. I look forward today’s discussions, and thank you all for being here.

Reverend Ben McBride, Empower Initiative, Oakland, CA:  
*Reforms Can’t Come Fast Enough For the People Who Feel Terrorized by Police*

I am a Director in the PICO California National Network¹, and one of the things we are talking about is the reality of communities’ experience with police. What we talk about today sits aside a larger conversation of historical white supremacy in America, where black and brown folks across this nation were exposed to state-sanctioned violence that terrorized our communities.

So even though we might feel like we are living in a different season now, the truth is that when we were called

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1. PICO is a national network of faith-based community organizations in 150 cities and 17 states. http://www.piconetwork.org/about
by some of our clergy colleagues to come to Fergus son a week after Mike Brown was shot, we began to build relationships with the people on the streets in the protest movement, and it was very clear that young people feel terrorized and disconnected from the police departments that are policing in their communities.

We are beginning to step forward into the acknowledgement that it is impossible for every human being to have implicit bias except police officers. Police officers are human beings like everyone else; they have bias. And we must begin to provide not just training of officers, but also reform that is going to provide accountability to those who feel the pain of the situation the most.

I will finish with this Malcolm X quote that I think it is important:

*When you have two different people, one sitting on a hot stove, one sitting on a warm stove, the one who is sitting on the warm stove thinks progress is being made. He's more patient. But the one who is sitting on the hot stove, you can't let him up fast enough.*

Many of us here at this meeting, we can sit on a warm stove without jumping off. We have a higher level of resources, a different level of access to power. But the masses of people who are dealing with the pain and the challenge in the community do not have that margin. So they will get out in the street and protest, and we as community leaders must stay with our young people and get out on the streets and protest. And if we are going to talk about some real peace and some real way forward, we may need to talk about the acknowledgement of the historical challenge, and begin to have some serious conversation on what we need to do to create a new expression of police-community relationships and leadership together.

**Miami Beach Police Chief Dan Oates:**

*Communities Must Work with Chiefs To Abolish Laws and Rules that Undermine Discipline and Accountability*

In my career I have had the privilege of working in four police departments in four states, and I want to talk about a major issue in all these departments: police discipline.

One of the most important things police chiefs do is manage personnel, and a portion of that is using disciplinary tools for training and accountability—and occasionally to remove really bad cops from our ranks.

In my experience, in the places in which I have worked, I have regretted that the same community

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that wants to hold my organization and me accountable for officers’ behavior hasn’t been as invested as it could be in the disciplinary process.

This is a room full of very enlightened, experienced police chiefs, and probably every one of them could tell stories about disciplinary actions they have taken that have been reversed. I could tell you stories of police officers I have fired who have been put back to work, where the story of what they did is so compelling, there isn’t a person in this room that wouldn’t agree that those persons shouldn’t be police officers.

If there is a practical thing to take from today’s meeting, I think it’s that our community members can be more invested and spend time with your police chiefs on what their hurdles are to holding cops accountable. All disciplinary processes are functions of things like state labor law, labor contracts, and city charters. These are all subject to the democratic process, so they can be changed.

A couple of years ago in Florida, a “police officer’s bill of rights” was passed. The name of the bill makes it sound like a great idea. But in fact, there are significant hurdles in Florida to holding cops accountable because of that legislative action. That is an example of a law that if only modest portions were amended, police chiefs in Florida would be much more empowered to impose smart discipline on wayward cops. It’s one of the crucial things in holding cops accountable.

Stephen Johnson, Miami-Dade NAACP Executive Committee:

*Our Children No Longer Want to Be Police Officers*

I’m on the executive committee of the Miami-Dade NAACP, and I’m Vice President for Development for 100 Black Men of South Florida. First, I want to say to the police officers in the room that you have two problems brewing in the community. It’s not only the black community, it’s also the Latino community.

Second, I want to tell you that my father is 75 years old, and when I told him I was going to speak to a roomful of police chiefs, his response to me was, “Son, tell them to stop killing people.”

And in my household lives a four-year-old boy who is afraid of police.

So you have two generations that you have lost—one that you should have had, and that is our elderly community, and the other one that you will be dealing with soon, and that’s our children.

If you look at what happened in Baltimore, it was fueled by children. Everyone saw that image of a woman berating her son during the rioting because she saw him on TV and didn’t want him to be involved in it.³

Our children no longer want to be police officers; they are afraid of police officers. Chief Oates mentioned one of the reasons why: Your departments can’t fire the bad ones. Now part of that is because as a community, we are not stepping up and demanding that the police unions allow for dismissals. That’s a real problem, because the bad ones stay on.

I think we have to remember that our power comes from forcing our elected officials to rein in and exercise some control over how we are policed. We are not holding anyone accountable. Incumbents win year after year, so we need to go back and remind everybody that it is our governments and our legislators and our city councils who we need to hold responsible when our police are not patrolling and controlling our communities properly.

Dr. Joe Marshall, Omega Boys Club, San Francisco:

*Communities Will Trust the Police When They See Videos of Officers Stopping Misconduct by Other Officers*

Police chiefs ask, “Why is there still distrust in the relationship between police and the community when crimes are down?” It’s because crime

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rates don’t get to the fundamental issue of distrust between the police and community.

No matter how things are going on crime rates, the community does not believe that the police will police themselves. They do not believe that. A lot of times, young men say that the police are just like a gang—they won’t tell on each other. They are “down for their homie, right or wrong.”

And it’s not about firing somebody. It’s the fact that they don’t see officers correcting other officers. Police are always telling the community, “If you see something, say something. Tell on somebody, stop somebody.” But police never, ever, do that themselves.

I have seen some bad stuff on the street, and I have seen cops standing right there and not intervene when they know, it’s clear that another officer is doing something wrong. And if I try to step in, then I am going to jail because I am “interfering” with what the police are doing.

A lot of these incidents are on video. But if the video were to show another officer stepping in and stopping the misconduct, do you know what that could do to improve relations between police and community, if the video ends with the other officer stepping in and stopping it? If an officer would correct another officer when he is cussing somebody or doing something? I will say that’s at the base of all of it. People don’t trust police because they don’t believe that they will police each other.

I don’t know how to do that; it might cause anarchy in the police department. But if you really want to fundamentally change the way people think about the police, you have to see blue checking blue. And I don’t mean Crips checking Crips, I mean police checking police.

And people have got to see it in person, in real time, on that video, before they will really believe. They don’t believe in internal affairs and all that. They have to see it to really begin to believe that officers will stop other officers from doing something wrong.

San Francisco Police Chief Greg Suhr:
When Officers Make a Small Mistake, They Should Apologize on the Spot

I think it’s important for us to acknowledge our history in law enforcement, and not all of it has been pretty. The movie “Selma” highlighted police suppression of civil rights marches in the 1960s.

It’s true that most of today’s police officers weren’t even born when these things happened. But even though we are not responsible for it, we are responsible to it, because it did happen, and there are a lot of people who lived through it and remember it and have passed these stories down to their children and grandchildren. Incidents involving the police become part of people’s shared experiences.

We have been talking a lot today about the young people, and there are things called “adverse
childhood experiences.” And one of the worst of these types of experiences for a child is seeing their parent get arrested. And in these experiences, who is the person making that arrest? It’s a police officer. So in many cases, cops think they are doing a good thing in making an arrest, but they don’t notice the collateral damage they are doing to the younger generation who just saw their parent taken away.

In San Francisco we have a new process for how we work with the young ones. We will even try to get the parents to explain to the young ones before we leave that they are coming back. We try to ensure that they can have a good goodbye with these little ones, because these adverse childhood experiences affect how kids can learn, which then beget more problems.

For the older kids in high school, you know that all of us police chiefs have a lot of hooks in the community, so we connect kids to jobs and opportunities, in the private sector and public sector. We want the kids to know why they are in school. If they stay in school, they can get a part-time job, and if they finish the job successfully, I will be a reference for them after that. It’s not bad having a chief of police as a reference on a job application. And the kids know we are in it for them.

It’s in the best interest of the cops to do these things too. If we can make this generational change in how the community sees us, it makes things safer for everyone, including us.

When it comes to making mistakes, whether it’s somebody calling another officer out on being wrong, or just a simple situation where an officer makes a little mistake, we are human, we make mistakes, so apologize. Apologize on the spot to the person. That would send a ripple effect through the community. And maybe a situation won’t get to the point of a complaint, because it’s such a “Wow” for people to be told, “Hey, I’m sorry. That didn’t go the way it should have gone.”

And another thing is that officers need to take the extra few minutes to explain to community members what they’re doing, why they’re doing it, when they’re doing it. This can prevent a lot of misunderstandings, because people don’t always understand what our intentions are.

And one more thing, since a lot of police departments are hiring back now with the recession being over, community leaders can help by telling young people, “You change the system from the inside, not from the outside.” You can play a big role in changing things for the better by helping us with our recruitment efforts.

Rev. Jeffrey Brown, Twelfth Baptist Church, Roxbury, MA:

Police Misconduct, “Black-on-Black Violence” Are Connected, Not Separate Issues

I’d like to say something about how we frame the problem. There is an attempt in the media to frame police violence and police misconduct against what is called black-on-black violence. What people need to understand is that from the community’s perspective, it is all connected.

When you talk about decades of failed housing policies, poor educational structures, persistent unemployment and underemployment, poor health care, and then you throw drugs and guns into the mix, you have this culture of violence that ferments. And then when you add on that the lack of the community’s trust of the police department, it is all connected together.
So if police chiefs can talk about the connectedness of all of it, rather than one versus the other, it can go a long way to building community trust.

Secondly, there is so much that I could say about the Boston Police Department. I have been working with them for decades, and we have done some great work together. They drive community policing all the way down to the patrol level. They create a culture within the department of community policing. It is not a separate part of the Police Department; it is something that they do all the time. Former Commissioner Ed Davis here, we have been working together since my hair was black and he was skinnier. The Boston PD attempts in many different facets to have transparency with the community.

We had two recent officer-involved shootings. Within 24 hours of the shootings, they had footage of what happened, and they called community leaders, clergy, the NAACP representative, Urban League representatives into a meeting to show the footage. In one of the incidents, it was very clear that the young man was actually trying to kill the officer and then there were retaliatory shots. The other one was not clear, and what was impressive to me is that whether the footage was clear or not, the police commissioner brought the community together to look at the footage and to talk about what was there, and they did not try to control the community’s response around that.

I think that is the level of transparency that begins to build trust. They have made shifts in policy in response to conversations with the community. They have done shifts in training based on conversations with the community. I think that as you move forward as a department, those are the kinds of things that a community is looking for.

This issue that we are facing, with race at the forefront, is just the beginning. It is not going to go away any time soon. Young people are looking for structural change, and they are not going to stop until they start to see change in the structure. So it is so important for us now to build relationships, and to keep those relationships strong as we go through the changes in our society.

Superintendent-in-Chief William Gross, Boston Police Department:

*We Should Never Dismiss People’s Stories About Their Experiences with the Police*

I think that we have to have believability in our communities, and it all starts with respect. I am the first African-American superintendent-in-chief for Boston, and as I have mentioned to many people, Boston had a horrible reputation, especially in the 40s, 50s, 60s, and 70s.

Why do I bring this up? Because we are talking about history, and even as the first black chief, I own all of that negative history of the Boston Police Department, because I am the face of the department.

You can never dismiss anyone’s negative experiences with the police, what they have gone through, or what their loved ones have gone through, no matter where they hail from or what neighborhood they are from.

With that being said, you can use those moments in history to showcase how you have made progress, to show what you are doing now that is positive, not only for the police department but for the city as a whole.

We have very strong community relationships in Boston with all of our neighborhoods. We have 11 districts. All of the districts have police community service offices, staffed by sergeants and patrolmen, and trust me, from the commissioner on down, we are truly in the spirit of community
policing. There is buy-in. For anyone in the department who doesn’t get it, we teach them, because if the community doesn’t believe in you, you are at ground zero. Fortunately, we have a community that believes in us, so we are able to work through obstacles and work together on many issues.

If you want to change the culture of your department, you have to show it. We have done that by addressing implicit and unconscious bias and procedural justice in our police academy curriculum. In addition to Academy instruction, we also rely on the community to teach us, as well as come in and interact with the recruit officers about these issues.

**Associate Dean Everett Mitchell, University of Wisconsin-Madison:**

*A Legal Police Shooting May Not Be Moral, And the Community Should Set the Standards*

I am Pastor of Christ at the Solid Rock Baptist Church as well as an administrator here at the University of Wisconsin-Madison, and an attorney in the city. I am glad to be here with Sheriff Dave Mahoney.

For us in the community, one of the things we struggle with is that we want to know how to fire a police officer. We had a young man, Tony Robinson, who was killed in our community, an unarmed young African-American male, and the police investigation said there was no wrongdoing, and as of last week he was resuming his duties as a part of the Madison Police Department. From our perspective, this is becoming more and more frustrating.

The idea that something is legal doesn’t mean it is moral. And who decides the moral standards? The community should be able to set those moral standards. And sometimes we sit in these places of privilege, but as clergy we need to be out in the streets to make sure that the community and the police force understand that there is a response to these acts of violence.

**Dane County, WI Sheriff David Mahoney:**

*Mentally Ill Persons Are Often Jailed Because Treatment Programs Are Lacking*

As we discuss police-community relationships, one of the communities that isn’t talked about much is the communities in our correctional facilities. Our largest mental health institutions today are our county jails all across this country.

When 48 percent of the population in my 1,100-bed jail is chronically mentally ill, is on heavy-duty

psychotropic medications, that’s a community problem. On any given day, the Madison police officer who encounters a mentally ill individual on the street can’t get them into a community-based program. So they bring them to jail to get mental health care.

And it’s even worse, because the only place to house somebody who can’t be housed in the general population is in solitary confinement. So on any given day, I have 40 to 50 people or more in solitary confinement whose only crime is that they have a medical condition or they are mentally ill.

This is a problem all across this country.

Pastor Floyd Flake, Great Allen A.M.E. Cathedral of New York:

*We Have to Help Our Young People Succeed In Spite of Everything that Happens to Them*

As a pastor of a very large church, I have a number of funerals that are always coming because some of our young people are killing one another. I had a funeral, a young man who had been dealing drugs on the street corner, a member of my congregation. He got shot on the street, and somebody else got hurt because they had just happened to be at that location.

And then three days later, I had another funeral because somebody drove by and shot into a house. And now I have responsibility for a 29-year-old lady rearing her three children by herself. I am looking at these three kids and trying to figure out who would have the nerve to just drive by a house and kill someone.

I believe in all of this discussion that we are having here today, and I believe the New York City police try to do the best that they can. But they cannot meet every situation and every condition.

One of the things I will mention, because I used to deal with it when I was in Congress, is public housing. We are going to have to look very closely at the whole public housing component, because many of our problems come from the reality of public housing.

If we only deal with the police, we will not solve the problem. We have to deal with some parents, we have to deal with some teachers in the schools, we have to get back to educating. My mother and daddy gave birth to 13 of us, and all of us have degrees. I don’t know how we did that, but the one thing that they understood with our limitations was that they were going to make us succeed in spite of ourselves. We have to help our young people to succeed in spite of everything that happens to them, and we cannot do it in the conditions that we are working in right now.
NYPD Chief Joanne Jaffe:
**We Must Find Ways to Help Youths Who Feel Hopeless and Marginalized**

I am the bureau chief in the NYPD Community Affairs Bureau, and previously I ran the NYPD’s Housing Police Bureau, which oversees 600,000 people in 200,000 apartments in New York City.

The housing projects in New York City have a tremendously disproportionate amount of violent crime. We are in a fight, a struggle for life. The youths are joining gangs and crews, and we are competing with those entities every day. People are exploiting these kids. They feel marginalized, they are powerless, they feel hopeless, and they live for today and don't think about tomorrow.

There are short-term issues that we have to deal with; in all of our major cities we are looking at increases in gun violence. There also are longer-term issues—social ills, kids having kids, leading to generational poverty. The research tells us that poor children born into poor families go on to have more poor children.

We as leaders are responsible to ensure all of our cops recognize that community relations and community engagement are the responsibility of every police officer—from the day they join this police department. It’s not just crime reduction and locking up bad guys. Every interaction an officer has with a community member could potentially affect another officer for 10 to 20 years thereafter. It’s our responsibility to make sure that crime reduction is not a distinct entity from community engagement. They go hand-in-hand.

Dr. Bernice King, The King Center:
**Lack of Accountability in Policing Increases the Distrust and Divide**

First of all, let me thank you for having us here today. This is a most critical dialogue and conversation.

There is a saying that one bad apple spoils the whole bunch, and I think part of the issue that we are witnessing is that there are peers who cover up for law enforcement officers who are guilty. We know people are innocent until proven guilty, but over and over again, because these officers for the most part are not charged, much less convicted and sent to jail, the distrust and the divide grow every day.

I believe the issue is accountability and transparency. In Atlanta, we have a decent relationship between law enforcement and the community, and I want to thank Chief George Turner for the work that he is doing and for inviting me to be here. But we do have to improve in the area of accountability and transparency.

The other thing I want to mention is that my father said something very critical when he said that people hate each other because they fear each other, and they fear each other because they don't understand each other, they don't understand each other because they don't know each other, they don't know each other because they cannot communicate, and they cannot communicate because they are separated. We are still divided in this nation, and we have to find a way to bring the community together with law enforcement.

The work that we do at the King Center to continue my father’s philosophy and methodology of nonviolence, we call it Nonviolence 365. It is a

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5. [http://choosenonviolence.org/nonviolence365](http://choosenonviolence.org/nonviolence365)
lifestyle of choosing nonviolence and of thinking, speaking, and creating actions of nonviolence to change the world.

I'd like the gentleman behind me to speak, Charles Alphin. He works with us and is a former police officer....

Charles Alphin, The King Center:  
*These Issues Are Systemic and Involve the Entire Criminal Justice System*

Wexler: ...You are originally from St. Louis, Mr. Alphin, is that correct?

Charles Alphin: Yes, I’m a retired police captain from St. Louis. I have been converted from violence to nonviolence by Mrs. King. When I was a sergeant in the police department, I was angry because of racism I met in St. Louis, the racism I met in the police department. And I didn’t know what to do with that anger until I met Mrs. King. She, with her sister, her aunt and others at the King Center, taught me how to direct my anger.

I think the challenge today is not to work on the symptoms, but rather to peel the onion and get to the cause of these issues that police departments are dealing with.

To reduce the distrust of the community, we need to sit down with the youths, the young people who are disruptive and ex-gang members. We have to involve the businesses, the educational system, the volunteer associations, the interfaith groups, and the entire criminal justice system, not just the police. When something happens, firing the police chief is not the solution; there is something more systemic involved.

Atlanta Chief George Turner:  
*Policing Is a Noble Profession, So We Must Remove the Few Bad Apples*

I want to thank Dr. Bernice King for spending time with us here. We go back several decades in Atlanta. Our community leaders have been involved with Dr. King’s father and also her grandfather. In 1948, we hired black police officers in Atlanta—not because someone was standing up and protesting and forcing the organization to do that, but because the leadership in our community made decisions to hire black officers.

We can’t lose sight of the fact that passion is a benefit in this business. I believe in the nobility of policing, and that people come into this work with a desire to protect and serve. 99.9 percent of all the men and women who come into this business have a desire to do the right thing. We have to give them an opportunity to do just that, and we do that by giving them the kind of situational training so that they can perform in these communities.

We have to make sure that our officers are supported in their actions, and we have to make sure that they are accountable. As police chiefs, we have
Community Leaders and Police Chiefs Talk Frankly about the Issues — 19

to be accountable to the actions that our officers take in our communities. We have to push the bad apples out, no matter how difficult it is with our citizen review board, in my city, as well as the civil service board. We have to do the right thing, and when we find officers who are not appropriate for this work, we have to eliminate them from this work.

If we want to make our police departments diverse, we have to recruit from our communities effectively, and we do that by allowing the entire department to reflect our communities, throughout the organization.

Finally, to all of you community leaders, I encourage all of our citizens to spend four hours in a patrol car with some of our young officers. If you take four hours to understand the nature of the work that these men and women are doing, it will change your life. And if you did a ride-along but it was a long time ago, get back in a car!

**Pastor Strick Strickland, Kalamazoo, MI Citizens Review Board:**

*If Police Unions Prevent Accountability, We Need to Deal with That*

Thanks to Chief Jeff Hadley for being as brave as he is and inviting me here, because I have not always been an ally of the police in Kalamazoo. But we understand each other and appreciate the honesty that each of us brings to the table.

We keep talking about trust all the way around the table here today, so let me be very open with you all as chiefs. I want to help, and I want to help you by saying some things that maybe you are not accustomed to hearing.

You are not perfect. Your departments are not always right. You have patrol officers who are perpetually wrong, and many times those issues continue to perpetuate distrust in the community when they are responded to poorly.

Officers are people, they make mistakes. It’s not “if it’s going to happen,” it’s “when it’s going to happen.” So you need to step up and take accountability for the fact that an officer has made a mistake. Don’t make the situation worse by covering up for the officer, or trying to make it seem like the officer is always right. The officers are not always right.

I pastor 400 to 500 people and I’m 29 years old. All the people at my church help pay my salary, and those people respond to my leadership. But as police chiefs you tell me that you have people who are getting a salary, a pension, a career, and you can’t change the culture of the whole department? Even though you hold the keys to all those benefits?

We do need stiffer mandates, chiefs do need help, they do need help dealing with some of these big union powers. If you’ve got a union in your city that’s so strong that a chief can’t discipline an officer who obviously is not upholding the law but is breaking the law, then we need to deal with it.
Wexler: A lot of the chiefs in this room will tell you that they try to fire officers who engage in serious misconduct, but they have arbitration boards that overrule the chief. How do we deal with that issue?

Pastor Strickland: I don’t know exactly how you deal with that, but I think we understand the problem, and maybe it gives us a springboard to where we should go. With us having members from all throughout the country, maybe we need some form of national campaign to provide stiffer mandates so the chiefs will have the leverage, and the unions and arbitrations will not be so strong that the chiefs can’t do what’s right. I do know this, that until you deal with this…..

Wexler: Right. This is an issue.

Pastor Strickland: And here is another aspect of it. In a law enforcement agency, you have a lot of discretion. One of the chiefs said you try to impose discipline when you have a really bad officer. Well, for everybody else, all you have to be is just a criminal, and you go to jail. Criminals go to jail, but officers have to be some kind of really bad terrible horrible criminal just to lose their job.

So when we see this double standard, it makes it really hard for people to trust law enforcement. And it’s not just police. You are just the face of it, because you come into contact with people. It’s about people not being able to trust the entire justice system to yield what is right. [applause]

Kalamazoo, MI Police Chief Jeff Hadley:

It Can Be Difficult When Police Receive Mixed Messages from the Community

We have been talking about the challenges to community understanding. From my perspective, it’s not difficult to sit down across the table from many different folks and talk about issues. But to truly understand where the community is coming from and what their frustrations are, I think that’s more of the challenge.

Another challenge is that those of us in law enforcement often receive mixed messages. Sometimes people tell us, “You are over here in our neighborhood too much. You are messing with these folks too much.” But the next day someone tells us, “We never see you. You are never around. You don’t care.”

And for anyone, especially the young police officer with only a couple years of experience, it’s difficult to process that contradiction, and to know how to go out and do the job in the manner that the community desires. That’s a significant challenge for us. How do we process that and direct our officers?

Our officers will do what we want them to do, if we just tell them what to do. But how do we convey all these expectations and goals in a way that meets all the expectations of the community, when at times we seem to get mixed messages?

One consideration to always keep in mind is that culture and leadership absolutely trump everything. I think the 21st Century Task Force said this. We can write policies till we are blue in the face, but if we are not changing the culture of our organizations, we will be back at this again, year after year.

President Helen Hunter,
East Valley NAACP, Mesa, AZ:

We Must Address the Culture of Hate

I accepted the invitation to attend the PERF conference to hear strategies and best practices being implemented by community leaders and persons of color to address community policing, and to learn what police chiefs across the country are doing to improve community policing and to stop unjustifiable police shootings.

I travelled to this conference with a heavy heart. As an ordained minister in the African Methodist Episcopal Church, I mourned the senseless killing of Pastor Clementa Pinckney and eight church members in Charleston. These murders were carried out by a young white man, motivated by hatred, bigotry, jingoism, ethnocentrism, and ignorance.

The murder rate in America is appalling, perpetrated by U.S. citizens and non-citizens. Most
horridly, police officers, public servants charged to uphold the law and protect communities, are killing suspected offenders for the most minor, nonviolent infractions.

I want to address the “culture of hate” embedded in nearly every aspect of American society—education, business, recreation, entertainment, sports, neighborhoods, and private homes—and its impact on people of color. Police officers need to hear the distress, fear, and anger in minority communities. The police community must recognize and accept minority communities as equals—as U.S. citizens and as human beings worthy of fairness and respect. This can only be achieved through relationship building, positive police presence and interactions, and community forums, along with intensive, extensive, ongoing diversity training and encounters.

Commitment from officers across the U.S. to affirm that “black lives do matter,” and to implement de-escalation tactics and diversion programs for low-level offenders, are immediate remedies. Systemic changes are achievable when cultural differences are affirmed, stereotypes are dismantled, and racist practices are replaced with the Golden Rule: do unto others as you would have them do unto you. All lives matter, including the lives of the officers who do their jobs with integrity, compassion and understanding.

The Mesa PD is thoroughly committed to community engagement and to building bridges and relationships with community leaders, families and youth. Mesa police efforts are guided by President Obama’s “21st Century Policing” report. Keenly aware that former attitudes and practices must change, Chief Meza is working to change the policing culture from the warrior mentality, seemingly at war with the community it serves, to the guardian mentality, as protectors of the community. Mesa PD is already working on a strategy presented at the PERF conference, “Cops and Barbers,” which may also include beauticians.

Communities also have an obligation to engage. Every citizen must be concerned about officers’ safety. It is a two-way street, and change is in the air.

Pastor Edward Barron, Camden, NJ, Higher Ground Temple Church of God in Christ:

Young Officers Face Big Challenges In Responding to the Problems of Camden

Good morning everyone. You may have heard the success stories and also some of the horror stories about Camden, New Jersey. As pastor of the church, I have done more than 2,800 eulogies in 14 years. I have a eulogy tomorrow morning when I get back; a 26-year-old was shot at Viola Street.

Chief Thomson has done an unbelievable job. Usually police chiefs leave office after a short time, but Chief Thomson has stayed because he is concerned about the community. We have drug dealers on the street, 190 drug stands in a city with 77,000 people, we have the M13 and the Latin Kings—you name it, we got it. And he has come along and
forged the gap between pastors and young people on the street.

And I am going to throw this out there, I think pastors have to come out of their pulpits, put their jeans on and their sneakers, and get out there and beat the pavement. Grandmothers are raising grandchildren because their daughter is on crack. The projects are another world.

So we have a lot to deal with in the community. I think when you drop an officer straight from the police academy into Camden and he hasn't had a chance to deal with all this, the first day on the job he gets sent to a shooting site, and it puts him at a bad disadvantage. How can he deal with these issues? How can he deal with a baby getting his head cut off by his mother?

Camden County, NJ Police Chief Scott Thomson:

_When We Evaluate Officers’ Performance, The Criteria Must Be Things We Want from Them_

The culture of our organizations is one of the most important things for us to honestly assess. The public is telling us that there are very high levels of frustration. In many ways, our relationship can be defined by our worst cop, in their worst moment, with their last public interaction.

But the public's frustration is not just with the police; it's frustration with the system as a whole. We are the face of a fractured criminal justice system in which many people feel it's often better to be rich and guilty than poor and innocent. We play just one part in the process, but we have the role that involves the greatest amount of contact with the public. So, we bear the brunt of perceived and actual inequities.

One of the things that we are focused on, in shifting police culture, is defining our identity as police officers. We talk about transitioning from the “warrior” to the “guardian” mentality. Then as police leaders we must change the evaluation systems that we use to gauge the performance of our officers. If we want cops to serve as facilitators and problem-solvers, we should not make the sole criterion of their effectiveness be the number of arrests or the number of summonses they generate.

In our most challenged communities, excessive arrests are very polarizing and ineffective. So we always have to ask ourselves, are we contributing more to the problem or to the solution?

Shaun Corbett, NC Local Barbers Association:

_Barbershops and Other Local Businesses Have Their Finger On the Neighborhood Pulse_

I sit on the board of the North Carolina Local Barbers Association. Over the years, you’ve had the church and the barbershop as the cornerstones of the community. But somewhere along the line, the barbershop got forgotten.

So I am here to let everyone know that if there is a problem and you don’t have a clue what’s going on, (or you like to think you do but you don’t), remember that people go to church to worship, but they come to the barbershop to “dish” [laughter]. As a barber, I hear all the things that you all don’t hear.

And what I came up with is that a lack of information, mixed with frustration, equals no trust. So in the wake of Ferguson, I came up with a
solution. We created Cops & Barbers. We brought it to the police chief, they wrapped their arms around it, and it has been working.

In your own cities, you have to reach out to barbershops and other small businesses, the Mom and Pop stores, because we are the community. You can sit around and tell us what you think we need, but instead you should listen to us telling you what we need. That's a very big part of this.

So always remember, your barbershops, your dry cleaners, your businesses where people congregate that have been in these neighborhoods for years—they are the ones who know what's really needed and can help you to bridge that gap.

Charlotte-Mecklenburg Police Chief Kerr Putney:

**We Try to Understand What's Happening On a Deeper Level**

I've been with the Charlotte-Mecklenburg Police Department since 1992, and I was just named chief 13 days ago. And what resonates with me as a new chief is that you have to be true to yourself, and you have to make connections with people who can have the conversations that you can't.

Shaun Corbett came in with the idea of Cops and Barbers, and Shaun and I started talking. Everything is sparked by conversation. We have what we call Cops and Barbers Town Halls, where we have a police captain and a community member give their different perspectives.

The millennials are calling what's been happening over the last year a *movement*. We might want to get on board with that, because that's exactly how they feel about it.

The professors who are teaching us about cultural competence say we are part of a system that's racist and oppressive, and it bothered me when I first heard them say that. But we have to think about that. We are doing a year-long “self-assessment” project for all of our lieutenants. I wouldn't call it a training, it's more of an education. I can teach you how to train your head and hands to do the mechanics of the job, but I can't train your heart.

So, this journey that we are taking, and we are just two weeks into it, is touching people on a deeper level. It has to be deeper than just whether the chief is a man or woman of color. It has to be a gut check. It's about getting the right people from the beginning, and “testing” their hearts before we hire them, because not everybody belongs in the policing profession. And when we determine that somebody doesn't belong in the profession, we should use all resources, internal and external, to remove that person.

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Anne Arundel County, MD Councilman Pete Smith:

When I Was a Youth, a Police Officer Made a Positive Difference in My Life

From my perspective, this seems like a very layered issue that we are dealing with, but the reality can be simple as well. My Mom had five kids. Four of the five of us were on probation—I am not one of those who were on probation. Two were incarcerated. We had a lack of resources.

But a police officer made a difference in my life. Another young man and I were climbing on roofs, and someone called the police because they thought we were breaking into houses. So a police officer arrives, his name was Officer Richardson, and I thought he would call my Mom, and I was going to get a whipping and get into trouble.

But instead, he took me to the police station and enrolled me into after school-programs. They had a swimming pool there at the police station, and they had karate lessons and a gymnasium and so on. And those things saved me. I learned how to swim, and that gave me a skill set. I became a lifeguard, so when I was 15 and 16, I didn't have to go stand on the corner and sell dime bags, because I was earning $10 an hour as a lifeguard.

These relationships that you build with the community are very important. Officer Richardson became sort of like my father, because my father wasn't in my house. The men in our community have to do more. My Mom and her two sisters each had five kids, so we all had cousins our age, and none of the men were in those households.

Finally, and I would say this a thousand times, if you want to save these 18- to 24-year-olds, you have to get them when they are 8, 9, 10, 11. You influence them, you inspire them, and I guarantee you are going to have fewer people being victims of gun violence, and you are going to have more active adults who are contributors to your society.

WBOK New Orleans Radio Host Oliver Thomas:

Community Policing Is Difficult if People Don't Feel They Are Part of Any Community

I have a few quick points to make. First, we are past the day of community policing, because too many people feel like they are not part of any community. How can you do community policing with populations who don't feel they are part of a community?

Our chief has done the delicate balance of accountability within his police department, supporting his police department, but not abandoning the citizens that they protect and serve, and that is very difficult.

We are sick of seeing people pounding their chest and talking about being tough on crime. We have to find a way to give value to blackness and brownness. Darren Wilson said he saw a “demon”; he didn't say he saw an 18-year-old who did something stupid.

Finally, we love our Hispanic brothers and sisters; they don't deserve to be the new Willie Horton. And when our issues arise, it would be great to see the Hispanic community rally around us, the way we want to rally around and use our civil rights for them.

New Orleans Police Chief Michael Harrison:

People Will View the Police Differently When They See Us Do Things Differently

I am approaching my one-year anniversary as chief, and am finding that changing the culture of a police department is the hardest challenge.
I think that one of the first things in building trust is to demonstrate that you really want to embrace change. So I try not to be defensive. If the community tells me that something is wrong, I don’t argue and tell them what I think is right with the department. I accept what the community tells us, and work to fix the things they tell us about. And I try to get that message all the way down to every line officer.

Second, people will view us differently when they see us do things differently. So it has been my philosophy that we want officers to put in what we call “sweat equity.” Whatever people are doing in the community, that’s what we do. If you pastors are giving away food, we put the apron on and help give away food. If you are planting trees, we plant trees. We are asking officers to do all these things, and do them in uniform, so people realize that it’s the police out there helping to paint a school.

This takes a lot of effort, because we still have to do all the traditional things that police do while we also do these community projects. But it’s worth it, because people start to see the police as a partner. And once they begin to see us differently, then you can start talking about all these issues. As long as we are only the “protector and law enforcer,” that’s all they will see.

Body cameras have helped us, but they are not the “save all.” We have had two police shootings in a six-month period in which the citizens died. The first one, I only got one question from the media; and the second one, I had three questions from the media. We didn’t get more questions because we were so transparent about the incidents.

I have an interfaith advisory council, with one person from each denomination, and I share information with them when there’s a critical incident. So I don’t have to ask the citizens to trust me; they can trust their faith leaders.

All of these things help. This is how we change the police culture.

Otieno Ogwel, Community and Police Trust Initiative, Phoenix

The Mistrust of Police Is Legitimate

We have a huge majority of Latinos in Phoenix, and a lot of the youths feel that some of the things that come out of Arizona make us look bad. There was SB-1070, and certain people felt they were being profiled. They would not want to speak to the police at a crime scene, because they are asked, “Do you have an ID?” So cases can’t get solved.

Then we had a bill that was just vetoed, where they wanted to shield police officers’ names if there was a shooting. To me and other youths, it felt like that’s not really showing trust. How can we have trust when something happens and the officer’s name is withheld?

I know that as chiefs, you might have been told that you can’t say certain things when something happens. But to develop trust, you must show that
empathy. When someone is harmed and it is morally wrong, the public needs to know that you care.

Right now, it seems like a lot of young people just do not trust the police. And that is something that we must, first of all, acknowledge. And once you acknowledge that, instead of trying to keep on saying that nothing is wrong, then we can talk about these other programs.

You need to understand that the distrust right now is legitimate. Don’t think it is not legitimate. These people are right to feel angry. They are right in their views to want to go out there and march. And we need to find a way to bring younger people into these discussions. I canvassed a lot of the young people before I came here. I told them I was coming to this meeting and asked them what they wanted me to say.

This might seem simple, but the main thing that I heard from every single young person was, “Please tell the officers and the chiefs to stop killing unarmed citizens.” That was the main thing everyone kept saying, tell them to please just stop killing us. Find a way to make it happen; let your officers know that these are lives, these are souls that we care about. And if it takes more training, figure out a way to do that. We have a lot of smart people in this room. But the main thing they wanted me to say was to stop killing citizens.

**Phoenix Police Chief Joseph Yahner:**

*We Will Soon Be Hiring, So I Need Help From the Community to Achieve Diversity*

We haven’t hired new officers in Phoenix in almost six years; we are down 600 cops. But we are going to start hiring in the future. We are going to recruit from within our community, and we want to get minority recruits into the Police Academy. Everybody says they’re in favor of diversity, but it’s much harder to do it than to say it. So I need everyone to come forward and help us identify potential recruits from all our communities.

**Reverend Tony Lee, Hillcrest Heights, MD**

*Community of Hope AME Church:*

*Don’t Let Negative Incidents in Other Places Discourage You about Your Own Progress*

We have been talking with our Police Chief Mark Magaw about the importance of not allowing what’s happening nationally to override the good work that we have done in our local community. With the 24-hour news cycle, so much of what you see is
the negative, which often causes people in the community to forget a lot of the positive strides that we make.

After the decision not to file an indictment in Ferguson, everyone was so upset that we called the chief and asked him to church that Sunday morning. We wanted to remind our community that we have been working for years together with our police department. When you look at the crime reduction in our community, we thought it was important to show people that not all police are bad. And the good relationship that we have has helped to override what is happening in the national dialogue.

I also think we need to acknowledge that some of the issues aren’t policing issues, but governance issues. In Prince George’s County, we realize that the police department can’t do it all. There needed to be a reallocation of the resources of the government on social services, family services, poverty issues, homeless issues, etc.

The second thing is that police should utilize the capacity of your community partners do so some of the things that police don’t necessarily have the ability to do. A good example is a gang shooting, a gang homicide. The chief calls me and says, “I need your team to go and help broker a truce, because this stuff is getting ready to get real hot.” He showed us who they were, and we had the capacity and the expertise to go out and do what the police couldn’t do. We brokered the truce. The gangs were out of two schools, and the chief walked us to the principals of the schools and said, “We want you to let this church shape a program in the schools for those young people.” So they brought all the young people that they knew were in the gangs in those schools, and we built a program with them. And one of the young men just finished his sophomore year in college, out of the work that we did in that school.

I think that you can utilize us in ways that can give you, one, community intelligence, and two, we can help alleviate some of the things from getting more heated.

Prince George’s County, Police Chief Mark Magaw:

You Build Trust by Doing What You Promised to Do

Between 2000 and 2010, Prince George’s County averaged 126 homicides a year. We’ve cut that by 54 percent in the last three years. And what’s turned the table for us is the relationships with pastors and with our community. We have been pushing this at every level, every night of the week, every day of the year: building trust in relationships. Everything
goes back to relationships. You can't trust somebody you don't know.

**Wexler:** You are a white police chief in a county that's predominately African-American. Does that make a difference?

**Chief Magaw:** When people look at you and what you say, they want to know: Do you mean what you say? And are you going to do what you say you're going to do?

I have been honest with people. Were we an occupying force at one time? Absolutely. The police department in Prince George's County—we were an occupying force. But we are not that way anymore; we are part of the community.

And when you look at the department now, the diversity on the police department matches very closely to our community. That's critical. When we hire, we look within our community. And our officers have buy-in. They have family here, they went to school here, they've got skin in the game.

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**Bishop Flanvis “Joey” Johnson, Akron, OH, House of the Lord Church:**

*I'm Not Hearing Answers about Why We Are Having All These Police Shootings*

I'm here with my chief, and we have a great relationship working in the City of Akron on a number of issues. I was also on the Ohio Attorney General's task force for law enforcement training, and we just made a report on that.8 One of the issues I am concerned about is that we aren't getting answers to the question of why we are having all these police shootings. Every place I go, people keep asking, “Why is this happening? Why is this happening?”

I think it has something to do with implicit bias—the difference between conscious prejudice and unconscious bias, and the impact of that on police actions. I'm not sure we are ready to have that conversation, but we need to have a national conversation on these kinds of things.

In Akron, we don't have many of the kinds of bad things going on that we see in other cities, but we do have unrest in the African-American community.

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NAACP President Deborah Shamlin, Stark County, OH:

We Are Starting to Build a Relationship With Our Police Department

I'm from Canton, Ohio, which is a community that really doesn't have a relationship with the police department, but is looking to build a relationship. We have a high unemployment rate, a low high school graduation rate, a high incarceration rate. I represent that community, and we want the police to be the guardians of our community.

So we have begun. The NAACP invited all of the law enforcement agencies in Stark County to dinner. Of the 24 jurisdictions, 22 of them showed up with their chiefs and rank and file. We talked about the idea that a good place to begin is reconciliation, to acknowledge that there have been some wrongdoings. For heaven's sake, 60 years ago, Jim Crow was law, and those laws were enforced, so maybe there's a conversation there.

We had a great dinner, we had great conversation, we talked about reconciliation, we had some initial conversations about procedural justice and implicit bias. And later we had a meeting about what to do when you are stopped by police. This was for young people, and parents and grandparents also showed up, to learn how to interact with police when you are stopped.

What I am looking for is what's next. I don't know what to do next. There is no cookbook for this. How do we have a conversation where we get the community around the table and everyone's voices are heard? I hear the word trust, but what does that mean? We want this to work, and we are seeking help. I am open to any ideas. Thank you.

Cambridge, MA Police Commissioner Robert Haas:

Police Derive Their Authority From the Community

I believe that there has to be a fundamental shift in what we value, and what we see as our fundamental authority and where our authority comes from.

The shift is the police acknowledging that we don't derive our authority solely from the statutory powers that we were granted when we took the office. We derive our true authority from the community, and from what the community defines as its norms.

It's about the community being actively involved in empowering the police to do what they do in the communities.

I think this disconnect we have sometimes, when we are successfully lowering crime but the community is disconnected from the police, results from the fact that the police aren't going back to the community to figure out, "Okay, what is it you want, and how do we do it?" The community wants crime down too, but they want it done in a way that's respectful to the community.
I hear a lot of the ingredients of this in what we are talking about today. Fundamentally, the question is, “How does a police department understand that it’s deriving its authority from the community, and what does this look like operationally in terms of what we do?”

I suggest that this is a major departure from the way we have been doing things in policing all along, including how we have structured and developed community policing. Community policing is still a philosophy, but I think that when you look at community policing under the rubric of deriving your authority from the community, it’s very different across the board.

Brian Corr, Executive Secretary, Police Review and Advisory Board, Cambridge, MA

Cambridge’s Wide Range of Communities Brings a Wide Range of Policing Issues

I will speak from two perspectives—as a city employee doing civilian oversight in Cambridge, and as a national board member of NACOLE, the National Association for Civilian Oversight of Law Enforcement. In Cambridge, we are known for a specific incident with a certain Harvard professor, and for many people that has come to define us. But really that’s not who we are, and it’s not emblematic of our police-community relations or the problems we face as a community.

Cambridge is a very diverse community. We have very wealthy people; we have immigrants from around the world; some come for graduate schools and MIT; some come because they are escaping war-torn nations. It is a huge challenge to police a community like ours. The types of expectations vary greatly, and the types of problems are incredibly wide. So we give our police a lot of difficult challenges, and overall they do a good job.

We have to find a way for police and community members to see themselves as working together for the same goals, because we do have common goals.

I think all of us can agree that we want communities that are peaceful and just. We talk about legitimacy; we talk about procedural justice; we talk about working together to build relationships. All of this means that we can work together, if we have this as a framework. We can build something that moves beyond the warrior mentality and the guardian mentality, to something where we are workers creating peaceful and just communities.

So I ask people to think about how we can operationalize that and make it concrete, and not just rhetoric, not just a dream, but a lived reality for all of us, police and community.

Former Councilman Dan Benavidez, Longmont CO:

Everyone Needs to Feel Like They Belong

Latinos are not respected. We are not drug dealers; we are not rapists. We need to feel we belong. In my community, about a third of us are Latino, and many don’t trust the police.

I have been working in my community for a long time, and one day Police Chief Mike Butler called and asked me to walk with him down in the neighborhoods. He said he wanted to meet the people, but he didn’t speak Spanish, so he asked me to go with him.

So for a year, we have been going to neighborhood after neighborhood in my community, to talk with the people. The people say, “Chief, how are you? How are the police doing? How do you feel about us?” And the chief says, “What do you think of the police? Do you feel that you are discriminated against? Do you feel that you belong to this community?” And after a while, the chief gives them his business card and the people in the community are saying, “Next time you come here, we’ll have some lunch for you.”

So I am starting to feel I belong, because this

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Perspectives from Federal Officials

Assistant Attorney General Vanita Gupta, DOJ Civil Rights Division:

Often, Community Engagement Is Missing In the Police Departments We Investigate

I appreciate PERF for convening these meetings. When the Civil Rights Division goes into jurisdictions, too often it’s following a particular crisis, and we find that there has been very little active, sustained, meaningful engagement between the community and law enforcement—and not just at the chief’s level, but with line officers.

Many of the points we have heard today reflect remedies that we try to build into our agreements. We try to structure sustained community engagement and dialogue, as well as the ability of police departments to reflect values and priorities that the community is setting.

Many community leaders said today that we need more young people in the room for discussions like this. They are the ones who I think are really struggling on these issues, and are on the front lines of some of the police practices. I think young people need to be a critical part of the conversation.

Director Denise O’Donnell, DOJ Bureau of Justice Assistance:

BJA Welcomes Community Input About What Our Priorities Should Be

It has been a privilege to be here today. Usually at a meeting like this, as I listen to what everyone says, I focus on what BJA can do to support law enforcement. But today I’ve been thinking that we’ve been remiss in not involving the community more in the things that we do. We try to scan the field to decide how we should invest resources to support law enforcement, and I think we do a pretty good job of hearing from police chiefs about what they need. But we don’t hear enough from communities about areas they think we should focus on.

So we have as much work to do as anybody else here, to reach out to community members about how BJA should focus its resources.

The second thing I want to mention is that BJA is focusing more on de-escalation, because we do a lot of law enforcement training—or I like the term “education”—to prevent unnecessary use of force, but we don’t teach officers practical skills on how to deescalate conflicts.

The most surprising thing to me is that we haven’t talked a lot about body-worn cameras. I think in some ways that’s good, because we see body-worn cameras as only one part of how we build community trust. I appreciate the fact that this group doesn’t think that investing in technology is going to be the end solution to building stronger police community relationships.

I’d like to hear from the folks in the room in the future about what we can do at BJA to focus on what the community believes we should be doing.
man, Chief Butler, is starting the “Belonging Revolution.” All people need to know that they “belong.”

**Longmont, CO Police Chief Mike Butler:**

**Police Have Been Given Power by Default, Because Social Capital Is Lacking**

My concern is that we have a lot of police chiefs in this country who may not have the skills sets to understand organizational or human resources dynamics, and how to implement the changes to lead large organizations with budgets of tens of millions of dollars and hundreds or thousands of employees in the direction we want to go.

When I hear things like changing cultures and bringing about cultures of accountability, I wonder what’s happened in the last 20 to 30 years. Since the advent of community policing we have been having these discussions. Why are we still having these discussions, and what is not happening that should be happening in that regard?

When I go out in the community or make public presentations, I often say that the police have way too much power in our communities in large part because the community has abdicated power to us by default. If one looks at our calls for service, maybe 60 to 70 percent of the calls don’t have a crime attached to them.

But the police have very legitimate platforms in our community from which we can surface and activate social and spiritual capital. In our midst here today are men and women who represent our cities’ social networks and faith communities. I believe our capacity to activate extensive social and spiritual capital can be utilized to address our intractable social issues such as mental illness, addiction and homelessness.

As Dan [Benavidez] mentioned, we have started a “Belonging Revolution” in Longmont. Belonging has two dimensions. One is relational—I belong to this community. The other is one of ownership—this community belongs to me. And when people feel and believe they are owners of our communities, they will want to make an investment of their resources and expertise into creating a future that is distinct from our past.

One last thing I will say is that we have to pay close attention to who we are hiring, what are the skill sets of those we are hiring? I think that now and in the future, our police officers can be ambassadors for kindness and compassion, and still take care of our enforcement role.
Dr. Lloyd Gellineau, Brookline, MA Office of Diversity, Inclusion, and Community Relations:

Hiring in Policing is Critical, Because What You Put In Is What You Get Out

I agree that police hiring procedures are important, because what you put in is what you get out. So it's important that we think about diversity and inclusion. I have an acquaintance on Facebook who is a police officer; in fact he's a police trainer. And some of the stuff he posts on Facebook is just horrific. This is a person who is training our police officers! So there has to be some kind of mechanism that we can put in place to show these folks there's probably a different path in life for them.

Regarding disciplinary actions, I think the community needs to have a better understanding of the guidelines, of what the appropriate disciplinary actions are for different actions by a police officer. I don't think there are clear guidelines out there that the community knows about.

One last thing: Our officers need to feel empowered, if they see a fellow officer engaging in inappropriate behavior, to feel safe in reporting that. A lot of times, I don't think that happens. We talked about culture, and I think part of that is instilling the idea that you have a responsibility to the department, to your town, your city, to report officers, or show officers who are engaging in inappropriate behavior a different way of doing things.

Brookline, MA Chief Daniel C. O’Leary:

Our Sergeants Monitor Data to Detect Possible Racial Bias in Officers’ Actions

I'd like to follow up on the issue of implicit bias. I agree that we can make our officers aware of it, and I can tell you we have trained in it. And we are going to do another round of training this year, because this isn't the kind of thing you do once. You have to continually remind people of it.

We also take it another step. We provide statistics to our officers and to our first-line supervisors, and we require the sergeants, who are the bread and butter of the department, to check statistics and compare officers to our average rate across the board. If they see something that looks out of whack, they have to call the officer in and have a discussion with them about whether there is racial bias in what they’re doing.

Over the last couple of years, we have had male and female officers, young and old, white, black, Asian and Hispanic officers all brought in for a talk because their numbers weren’t in sync with the rest of our department. We stay on top of it, because you can make people aware if they are doing something wrong, and you can make them change their
enforcement policies, and that’s what we are trying to do.

Fairfax County, VA NAACP President
Shirley Ginwright:

Our “Communities of Trust Committee” Brings Us Many Different Viewpoints

Good morning. I am Shirley Ginwright, president of the Fairfax County NAACP. I’m also chair of

the Communities of Trust Committee for Fairfax County, which I would like to speak about.

Shortly after the incident in Ferguson, I met with our chairman of our County Board of Supervisors and our chief of police, sheriff, and fire chief to ask, “How can we ensure that we have nothing like Ferguson happen in Fairfax County?” And that is when we established the Communities of Trust. It is a very diverse group of leaders, including religious leaders from the Jewish and Muslim communities. In this committee, we talk about the issues in all of these communities in Fairfax County. And as a result, we have gotten a lot of things accomplished. We found that some of the communities don’t get involved with police officers because of their culture. But we would not have known that if we hadn’t brought them to the table to discuss it with us.

So I would recommend to all of you to establish a Community of Trust Committee in your city, and involve the entire community. When you look across the table, you don’t want everybody who’s looking back at you to look just like you. The Muslim community might have different issues than what the black community is faced with. But you won’t know unless you have them around the table.

Fairfax County, VA Police Chief Ed Roessler:

Police and Community Leaders Should Write a Police Vision Statement

Law enforcement agencies and the public must work together to develop sustainable vision statements which hold law enforcement agencies accountable to all community members. These vital efforts will provide stability and direction for our future agency leaders.

One such vision statement adopted by the Fairfax County, Virginia Police Department is: Ethical leadership through community engagement to:

• Prevent and fight crime
• Enhance the culture of safety
Collectively, community members and law enforcement executives serve in leadership roles for their jurisdictions. These valued partnerships meld our shared responsibilities to prevent and fight crime. Through this robust engagement, both the police and community can review agency lines of business to find mutual understanding to build trust and a culture of safety. As a result, law enforcement executives will gain valuable community input to improve policing methodologies and policies to keep pace with urbanization, diversity needs, and sustaining a culture of safety in mission accomplishment.

Jane Johnson, Executive Director, New Song Community Learning Center, Baltimore

It’s Time to Stop Pointing Fingers And Try to Move Forward

Most people are familiar with the challenges that we face in Baltimore, which are not too much different from what is being faced in other communities. I have been attending lots of meetings since the civil unrest, and what I have found is that we tend to keep talking about things that happened a long time ago, issues that we have been talking about forever, when it comes to the Police Department.

In my opinion, we are at a place now in Baltimore where we need to stop pointing fingers. We need to hold everybody accountable for what we do. It is not the job of the Baltimore Police Department alone to keep our community safe. It starts within our households, our neighborhoods, our communities, and the other organizations that are around.

When I think about the challenges we are facing, I can see that we are heading towards hopelessness, and that is because we are so divided. I am interested in moving forward, and it’s a challenge. We are focusing on the Freddie Gray incident, and that case is being dealt with. But why are we still killing each other?

I challenge each of us to think about it—how do we really move forward? It’s not just having police come into our community and play checkers with us and get to know the people. We need to have

mutual respect for each other. I think once we gain that mutual respect, other things will fall in place.

There is no perfect community. No matter what programs or strategies you put in place, there are people who want to be in relationships with the police department, and there are people who don't. There are people who want to be involved with churches, and there are people who are just not interested. But the entire community, the city, everyone needs to be included.

During the unrest, I was watching it and I said to myself, “Why are we sitting back watching these people burn down our city?” But everybody else was saying, “What is the police department for? Why are they letting them do that?”

Well, it wasn't the police department's relatives out there. How about we go around and do a household check and see where our kids are, where our loved ones are. How about more of us go out and grab our kids like the lady who grabbed her son.

I think it is hard for us to move forward when we constantly finger-point and we are divided. That whole incident divided us, in a lot of cases by households, by blocks, by communities. We need to stop and have a greater understanding of what we are dealing with and how to move forward. And whatever the police department wanted to do pre-Freddie Gray is not going to work post-Freddie Gray, because we are dealing with a totally different mindset.

The challenges that face Baltimore aren't unique to Baltimore. We are transitioning as an agency and as a profession from the “warrior” mentality to a “guardian” mentality, and from an enforcement mindset to a service mindset. That involves a lot of training of our officers, a lot of cultural shifts within our agency.

We police chiefs can't wait for the community to come to us, we have to make partnerships with the communities. In Baltimore we are partnering with people like Jane Johnson, who is here today, from the Sandtown-Winchester neighborhood, where the Freddie Gray incident started. We are only as strong as our relationships with the community. And we have Lieutenant Colonel Melvin Russell here, who is also a reverend in our community. We have a lot of work to do in Baltimore, and the discussions in this room today will help us get there.

Interim Baltimore Police Commissioner
Kevin Davis:
Transitioning from Warrior to Guardian Requires Training and Cultural Shifts

Thank you, Chuck, for convening this meeting today, and thank you for hosting an after-action review of the unrest that occurred in Baltimore just a few weeks ago. Many of the people here today—like Mark Magaw of Prince George's County, Luther Reynolds of Montgomery County—participated in that after action-review, and it's something that we are going to benefit from.

Baltimore Police Lt. Colonel Melvin Russell:
A Chaplaincy Program Can Help Build Bridges to the Community

I'm head of our community partnership division, and I have heard about a lot of good initiatives today. I want to add something to the solutions on your list: chaplaincy programs. I think when we talk about changing the culture and stopping racial bias, when we talk about getting the community more engaged, there is nothing more powerful than creating a comprehensive chaplaincy program. We created a chaplaincy program that is not just for the police; it's for the communities, for the city.

When you start a chaplaincy program, you get transformation of the police officers, because when you have police officers doing ride-alongs with chaplains, let me just say this to you: It is really hard to be nasty when you are riding along in a rolling confession box [laughter]. You just can't do it.

We pick chaplains or clergy members who are very diverse. We have rabbis, we have imams. Try to find clergy members who have “relational equity” in the community. It doesn't do any good if you are a pastor or imam who isn’t known in the community. We pick people with equity in the community.
And we don’t take them all over the city; they help most in the neighborhoods where they have that relational equity. When community members see one of their faith-based leaders riding around with the police, it makes the community want to engage the police. The clergy are that bridge.

Vernon Ricks, Montgomery County, MD
African-American Liaison Committee:
Our Police Chief Meets with Us Monthly

Montgomery County is a relatively affluent community, but we have some of the same challenges as any other community. We are now a majority-minority community. We border on the District of Columbia; we used to be a bedroom community, but now we are an urban community.

No place is perfect, but one thing we have done that has been successful is that Chief Tom Manger established an African-American Liaison Committee and a Hispanic Community Liaison Committee. We meet monthly to sit down and talk about our concerns, and the chief doesn’t send a patrol officer to talk to us. He meets with us personally along with his senior staff, all of the assistant chiefs, and many of the department heads. So it has opened up the line of communication. And whenever we need to talk, we are on the telephone constantly talking about our concerns.

Pastor T.D. Hicks, Antioch Baptist Church, Topeka, KS:
If Pastors Know and Trust a Police Chief, They Can Help to Prevent Civil Unrest

I think a lot of the struggle comes in because of the incidents in police departments across the country that cast a bad light on all departments. So you are guilty by association. And then if something happens in your city, a lot of people in the local barbershop will say, “This is nothing new. This stuff has been taking place for so long.” And now because we have video cameras and the Internet, things go public so quickly. So these are things that sometimes create a false perception about the police department.

When Chief James Brown came on board, he created the Chief’s Advisory Board, and it is actually made up of the community. The Advisory Board is a way for the chief to tell us what’s going on, and then we can go back to our congregations and say, “Listen, let me tell you what really went down.”

So if the chief has the trust of pastors at the table who represent the community, then he has a voice in the community, and that helps prevent a lot of unrest as news begins to break.

I also want to suggest to the community leaders here that we all need to work directly with our police departments in helping to get some of our community members qualified to become police officers. People often do stupid things when they are young that may disqualify them to become police officers, like using drugs. So we need to look at ways to help people to become qualified, which could help change things from the bottom up.

FAR LEFT: Baltimore Police Lt. Colonel Melvin Russell
LEFT: Vernon Ricks, Montgomery County, MD African-American Liaison Committee
Topeka, KS Police Chief James Brown:
*Even in Topeka, We Are Suffering Because of What’s Happening in Policing*

One of the biggest issues we are faced with, as Pastor Hicks and I try to build a resilient community, are the negative controversies that are going on nationwide in policing. When issues happen elsewhere in the United States in policing, it affects the capital city of Kansas. Pastor Hicks and I are forced to take a couple steps back every time something negative happens in the nation regarding law enforcement. We need to figure this out, because it’s ongoing and it’s not getting better. Even in Topeka, Kansas, we are suffering because of what’s going on in policing elsewhere.

Another issue is that 80 percent of my city’s population looks like me, 10 percent looks like my friend Pastor Hicks, and the other 10 percent looks like my friend Dan Benavidez. Recruiting is very difficult in law enforcement in Kansas. For a class of 40, I have had five testing cycles and I had about 600 applications, and of that I was barely able to get 23 qualified recruits. Also, trying to recruit minorities into law enforcement is very difficult in the heartland of the United States. As I go about in the community and talk about the issues that we are facing in policing, I find that the youth in our community don’t want to be police officers. They would rather work at the railroads in Kansas, because they can make more money and they don’t have to go through what they see on TV every day.

Councilman Kenneth P. Boudreaux,
Lafayette, LA City-Parish Council:
*We Want Community Policing, Not a Policed Community*

We have to keep in mind that this is truly a case of an ounce of bad outweighing a ton of good. One bad shooting will outweigh 100 lives saved by officers every day, and we need to acknowledge that. Someone talked about the fear of police officers, but I have never feared police officers to date, and neither do my three children, because I make sure that we have relationships and I make sure that I participate in things that will facilitate those relationships.

Since yesterday when I arrived here in Washington, I have gotten four calls from my constituents. There were two nights of shootings back to back in the same neighborhoods. I have contacted my chief, my precinct commander, and they are working on some things. But here’s the point: The people who are calling me for assistance now participated with us at an FBI symposium two weeks on civil rights, and they complained about the police. So again, sometimes it is about how you engage the police, and when you need them.
Sometimes as a council member, I will hear people say, “Why are the police always in our communities? Why are they so present? What is the profile that they are making of us?”

And then when the shootings happen, the crime, the open-air drug dealings take place, those same constituents of mine are calling and saying, “Where are the police? Why aren’t they here?” I think we need to acknowledge that.

Unfortunately, people in our communities are not becoming police officers. The people who do become police officers don’t look like us, and they don’t have the same concerns of our communities. They are not the graduates of our high schools. So we don’t know them; we don’t understand them. Somehow, we have to make the profession of policing more appealing again, and hopefully we can attract more people from our communities who want to stay within those communities.

So I ask you the question, as you leave here today, “Do you want a policed community, or do you want community police?”

**Lafayette Parish, LA Sheriff Michael Neustrom:**

**Change Begins at the Local Level**

First, I think the criminal justice system is broken. And the way we have tried to address it in Lafayette is to get all the key players—the judges, the DA, the superintendent of education, indigent defenders, minority community leaders—to meet periodically and hash it out.

I know this has happened in other parts of the country, and the thing that usually drives it is that the jail is full. And everybody says, “Well, we can’t keep doing it like this, we need to do something different.” If you have a coordinating committee, it improves the communications among the people.

The second issue is the whole issue of mass incarceration, which I think is one of the roots of the problem. It’s not the total root, but it’s one of the roots of the problem. There is some national attention being given by people from both political parties to do something about it. When you have the
Koch brothers talking to the ACLU, that’s a step in the right direction, I think.11 And you have groups like the MacArthur Foundation investing money and looking at local jails.12

In Louisiana there are more people locked up in local jails than in state facilities. Why are there so many people there, and what do they look like? I think we can all figure out what they look like. But why are they there, and can this be handled in another way?

My final point is that Tip O’Neill said all politics is local, and I think all change happens on a local level first. It will eventually happen at the national level, but I think it takes people who are willing to step up—like the people in this room—and say, “Look, what we have been doing is not right, it’s unfair, it’s unkind, so let’s fix it.”

But you have to be in a position of authority and have some power. You can’t just sit back as a spectator and say it’s not right. You have to get in the game and maybe run for local office. It’s a hassle, it’s a pain, it’s a sacrifice, but I think change begins at a local level.

La June Montgomery Tabron, President and CEO, W.K. Kellogg Foundation:

Conversations About Race Don’t Just Happen; We Provide Tools for Effective Communication

I want to tell a quick story about how I met Battle Creek Police Chief Jim Blocker, and then discuss what we believe is a way forward.

I moved to Battle Creek, Michigan, a very mid- American city, as president and CEO of the Kellogg Foundation, and I had an incident where my husband and I were followed home by a police officer. We were just driving one day and the officer followed us as we turned into the neighborhood, down the street, and right to our door. And I mentioned this in a public meeting, because I was trying to address the issue of denial. What I tried to express was that we can’t deny what’s happening; it happens to all of us.

A short time later, Chief Blocker was in my office, and we discussed whether what I had experienced was real or whether I could have been imagining that someone was following me. And we had a dialogue that was real and rich—the kind of conversation that is necessary for the community, moving forward.
And what I realized is that we don’t have the tools to have these conversations. We all inherited this country, where we coexist in a place of denial around issues of race.

But we are in a moment now where that is changing. At the W.K. Kellogg Foundation we have an effort called America Healing,13 in which we provide tools and knowledge and techniques for people to have real dialogue about issues like the history of racial bias. Our goal is to move forward to a place of peace and one humanity.

We all talk about needing to have conversations, but they don’t just happen. You can’t just put five people in a room and say, “Have a conversation.” You need tools, you need expertise, you need the truth, and you need a space, and that’s what we offer at the Kellogg Foundation.

**Battle Creek, MI Police Chief Jim Blocker:**

*Implicit Bias Training Can Help Police Have Better Encounters with Residents*

I am glad that I can be here today with La June Montgomery Tabron from the Kellogg Foundation. She has been an incredible partner for the community and our department.

If officers are appropriately equipped, they will do anything we ask of them, whether it’s engaging the community, responding to mentally ill persons, reducing use of force, or other issues. If we give them the time, training, and resources, they will go out there and do what we want.

One of the challenges facing all of us is this idea of implicit bias, as opposed to explicit bias. It can be tough for officers to acknowledge that we all have implicit biases. We have not appropriately equipped our officers on how to deal with this issue of implicit bias.

Years ago, I made a traffic stop that I have never forgotten. It was an innocuous stop, and I remember the driver rolled down her window and said, “You only stopped me because I am black.” And the only response that I had at that moment was, “You only say that because I am white.”

If I had known then what I know now about implicit bias training, it could have been a much better encounter. We really need to get our officers on board with this. It’s an opportunity to start to communicate effectively and let our community members know that “We see you, we hear you, we feel you, and we want to get it right.”

**Clovia Lawrence, Community Outreach Director, Radio One Richmond, VA:**

*Don’t Expect the People to Come to You; You Should Go to Them to Build Trust*

We’ve been talking about community policing, and what it looks like. In Richmond, we have pastors and police actually walking the streets of the city, into the subdivisions and the public housing. We are bringing back trust in the community.

For the police, the best way to build trust is to go to the people. Do not expect them to come to you in an open forum, especially in communities that don’t trust police or have had some issues with police before.

We built trust with the community of people with special needs, by getting a law passed last year called JP’s Law, which allows people to voluntarily add a code to their driver’s license to let police know they have autism or an intellectual disability.14 So if you pull over a motorist with special needs and you say, “Put your hands on the steering wheel,” or “Get out of the car,” but they are looking at your flashing lights or they become distraught, you know what’s going on, because the driver’s license told you.

We in the community are also working on LGBT issues and the police department. We also have diversity training in the Richmond Police

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Department. We have the Citizens Police Academy for Hispanics and seniors, and the Young Adult Police Commission.

**Richmond, VA Police Chief Al Durham:**

All of Us in Policing Are in This Together

Some of you may remember the cartoonist Walt Kelley, who had a cartoon character named Pogo the Possum, who said the famous line, “We have met the enemy and he is us.” I mention that because I have been the chief in Richmond for four months, and we have a problem with our relationships with the youths in the city.

I came upon a group of young artists, and I asked them, “How do you feel about the police?” One young man said, “That uniform you wear means nothing to me.” I asked him what he meant, and he said, “I look at TV, I look at social media, and you all are killing people. You kill black people, and nothing is being done to you. You are not being held accountable.”

I asked him, “Has any police officer in Richmond mistreated you?” and he said no.

What I took from this is that all of us in policing are in this together. What happens somewhere else impacts all of us as leaders in law enforcement. It’s all about accountability. Accountability leads to the relationship-building and the credibility in our communities.

**Rev. Steve Brown, Hampton, VA:**

We Have Lost the Personal Connections With Police That We Had 50 Years Ago

I am a local pastor in the City of Hampton and also a community organizer. I want to go back to my first encounter with a police officer as a young boy. Last May I turned 56 years old, but I have never forgotten my first encounter with the police.

Some of my buddies and I would play football at the United House of Prayer, which had a football field. And there was a neighborhood police officer, Brenton Musgrove, who would come out and put his revolver in the car, take off his clip-on tie, and play tackle football with us. So talking about this guardian vs. warrior mentality, the first officer I knew was a guardian.

At the end of that game, Officer Brent would take us all to the convenience store and buy us these little Cokes or Nutty Buddies or popsicles, and we would all sit around talking about what happened in the community. And Brent would say something like, “Last night—hypothetically, understand—Miss Mabel’s house was broken into. What do you guys think about that?” And because we had built trust with this police officer, we began to tell him what was going on in our community.

As we shift to the 21st Century type of policing, you don’t see cops who are comfortable on patrol like this. You don’t see much talking in the
community, and it’s not because we don’t have a community. I am very proud to live in a community. Hampton has been recognized nationally and internationally for how we engage our citizens. We are being proactive.

We are starting the conversation about police, trust, mistrust and all these issues. It is painful, it is painstaking, but at least we are starting the conversation.

**Hampton, VA Police Chief Terry Sult:**

*Crime Prevention, Not Enforcement, Should Be Our Primary Role*

When we look at the “police as warrior” mindset and the “police as guardian” mindset, and we look at the different types of training we might put in our academies, it really boils down to priorities and what our actual mission is. How do we define success?

All too often, our police officers and even some of our chiefs think that our primary role is enforcement, when in fact our primary role is prevention, and that’s what we should be focusing on first. I’ve got to commend you and your staff, Chuck, because your “Re-Engineering Use of Force” report goes right back to that priority on prevention. De-escalation was a big part of that discussion, and de-escalation is prevention. Use of force is enforcement. And so our first priority should be the prevention mindset.

Another issue is that we talk about the community’s trust in the police, and that should be one of our top priorities. But what we haven’t mentioned is whether police officers trust the community. If you don’t have that, you get into problems with officers stepping back from proactive policing. The good thing is that these concepts work together. If we can gain the trust of the community in our police department, the by-product of that is that our officers will trust the community.

Finally, I find it ironic that a central point of conversation here is community oriented policing, which has been a mantra in policing for decades. And yet, multiple Presidential administrations have defunded community policing initiatives, year after year. There is an awful lot of power in this room—many voices, and political influence. So I suggest

that we all go back to our legislators and focus on trying to get these positive things that work in the community policing arena funded again.

Pastor Shon Davis, Spokane, WA
Jesus Is the Answer City Church:
Youth and Police Initiative (YPI) Has Helped Break Down Stereotypes

I want to speak about the word “relationship” as it applies to police-community relationships. We pastors emphasize that any relationship has to be a two-way street. For example, in a marriage, people often tend to think, “If we’re going to have a relationship, the other party has to change.” But that’s not how it works. And sometimes as a community, we say, “Well, if the police will get themselves together, then our community will be better.” But it’s not that simple.

We have been trying to address the idea that the police are a part of the community. We need to recognize that when they take off their uniform, they are people just like us. So we have to understand that if we really want a relationship, we need to come together and understand the other person’s point of view.

Another thing is that in building a relationship, we say, “Let’s talk,” but sometimes we don’t really listen. It is important that we learn how to listen to one another with an open mind, and we must value the perceptions that everybody brings to the table.

I want to share something that has really proven itself in building these relationships in Spokane. I really appreciate that Chief Frank Straub has brought this to our city. It’s called the Youth and Police Initiative (YPI), and it brings together police and high school students to tear down stereotypes in how youth perceive police officers and how police officers perceive our young people.

We found that young people sometimes look at police officers in a negative way, and police officers see young people as gang members, based upon their attire. So I asked the African-American young people in one of these sessions, “If an African-American were to do something wrong, would you feel bad if you were automatically stereotyped,

16. YPI is a nationally recognized program designed “to break the cycle of mutual distrust the commonly exists between youth and police. YPI is an early intervention and prevention program that works to build trust in the law while reducing stereotypes, using role play, discussion, and rapport-building activities between teens and officers. The program takes place over several days each month, with a special graduation at the end of the session. In 2014, more than 100 youth and 61 police officers participated in YPI.” Spokane Police Department, 2015 Community Outreach Strategy, page 5. https://static.spokanecity.org/documents/police/accountability/spd-community-outreach-strategy-2015-07-15.pdf
based upon what that one person did?” And all of
the black kids said, “Yes, that would be wrong.”

And so I said, “Well, if one police officer did
something wrong, do you feel that it would be
wrong for you to stereotype all police officers?” And
they had to admit that yes, that would be wrong.

A month later, we had an incident in Spokane
where an African-American male unfortunately
died at the hands of officers in our jail. One of the
young men who went through our YPI program
happened to be his relative, and as our chief quickly
covaxed the family, that young man who was in the
YPI program stood up in his own family and said,
“You know what, not all officers are bad officers.”
Why? Because he had built the relationship with
police officers.

So I just wanted to share that with us, that rela-
tionship is, first of all, learning how to take time
and patience to listen and get to know one another.
These walls and stereotypes are torn down when
people see each other as individuals and don’t gen-
eralize them in groups.

Spokane, WA Police Chief Frank Straub:
Before We Can Correct a Mistake,
We Have to Own It

I was hired in Spokane in 2012, in part, because of
an in-custody death of an individual who was chal-
enged by mental illness. It wasn’t just the incident
itself, which happened long before; it was a lack
of ownership of the incident by the police depart-
ment’s leadership, and a lack of awareness as to the
effect the incident had in the community.

We have to own these issues, and do it very
quickly. If we have taken a human life, even if it was
justified, we have still taken a human life. That has a
ripple effect within families, within neighborhoods,
within our departments, and among our personnel.

The faster we own it, the faster we get the infor-
mation out. We can correct our mistakes, we can
correct misstatements, but first we have to own it.
These incidents are not business transactions, these
are human transactions.

Pastor Ricky Willis, President, United Black
Christian Clergy of Washington State:
Seattle Police Accept Our Consent Decree
And Are Working with the Community

In Seattle, our police have been under a DOJ con-
sent decree. Our previous mayor was opposed to
the consent decree, but that mayor was voted out,
and the new mayor accepted it.

The community fought the first mayor, because
they felt that we have been having this problem
for so long, and the police were ignoring it. Now
we have Chief Kathy O’Toole, who has been apply-
ing the consent decree to the community, working
with the community on racial profiling, doing walk-
alongs, doing ride-alongs. And the community is
buying in, seeing the transparency that the police
department is showing us.

As you know, Seattle is the rally capital, the
demonstrations capital, and we have been going out
and walking with the police department, marching
and rallying for social justice along with the police
department. And this has brought our community
together.

And now with Black Lives Matter, we are seeing
young people at the forefront, and the older com-
community leaders are walking with the young people.
We are saying, “You go on and lead, and we’ll sup-
port you.” That’s what we need to see more of—let-
ting the young people come out front and be at the

table. We are doing great work in the City of Seattle
and in the State of Washington with the community
and the Police Department.

18. DOJ News Release, “Spokane Police Officer Sentenced for Civil Rights and Obstruction Violations in Connection with
spokane-police-officer-sentenced-civil-rights-and-obstruction-violations-connection-custody
Seattle Police Chief Kathleen O’Toole:

Done Right, Policing Is Not Just a Job; It Is a Rewarding Vocation

In policing, we do a terrible job of telling our story. Few people understand what policing is all about. They see car chases and gunfights in Hollywood scenes, when in fact we spend much more time providing services to people in need. We must engage and communicate more effectively with our communities.

Misperceptions about policing can potentially discourage quality candidates and also attract undesirable applicants. We need to focus on who we are recruiting, to be certain we’re finding people who understand that if it is done right, policing is a vocation, not just a job.

If we tell our story more effectively, we will attract a broader, more diverse candidate pool. We must reflect the communities we serve, in order to build trust and have the confidence of the community.

I think it’s great that youth has been a resounding theme today. Across our country, many young people are not taking their messages from our traditional community leaders or traditional civil rights leaders. We have to develop different ways to communicate with them. For instance, the Seattle Police Department now has more than 137,000 Twitter followers, and we are using new apps like “Nextdoor” to connect with communities better, including young people.

I make it a point to get out and meet young people face to face. We all know that when we get together on a human level and look each other in the eye, we realize we have more in common than not. Nothing will substitute for that.

One final point: As everyone knows, Seattle has been under a federal consent decree for the last few years, and I am pleased to say that we are embracing change, not fighting it. I think many police departments in the country are trying to figure out where to start with reform. We have a head start in Seattle. We don’t claim to have all the answers, but we have developed new policies and procedures on issues like de-escalation, implicit bias, and crisis intervention. I attend these training courses and think, “Wow! I wish I had this training 30 years ago.”

Pastor Les Simmons,
South Sacramento Christian Center:

The State of Police-Community Relationships Is Not Good

We community leaders are here to represent the voice of our community and the voice of the young folks in the community. And the question is how would we characterize the current state of police-community relationships? If you were to look around the nation, it is not good. I think we owe
it to the chiefs who are here today to give an accurate account of what's going on across our nation right now and in our communities.

The second question is in our local community, how we characterize the local relationship between police and community. Now, just because I may have a good working relationship with law enforcement in Sacramento does not mean that everybody else in our community does. So I surveyed 50 of our young folks in the community, and 40 of them didn't have a good perception and good interactions with law enforcement.

So I think we owe it to those who are here today to give that real moment of pause. This is that defining moment. How many more defining moments do we have to have before we have a positive conversation? This is the time to have that come-to-Jesus moment, where we lay everything on the table and say, “This is what's going on, and this is what we can work on to resolve that.”

Isay Gulley, President and CEO, Clearwater Neighborhood Housing

We Have Problems in the Community That Go Beyond Changes in Policing

I am active in the NAACP and other organizations, and am also a retired veteran from the Coast Guard Reserve of 22 years. There are underlying issues in our community, and we as parents, as adults in our community, have to get to the root of the problem. What's happening with the police departments is drawing our attention, and we are forgetting about the underlying problems. There is something going on in the community that is bigger than policing.

When we see the kids on the street selling drugs, they are entrepreneurs, but they have jobs that we don't support, and neither does the police department. So we have to take responsibility for our communities. We have to not be afraid to meet with the parents of those kids.

I remember growing up in the South, at a time when older people could approach our kids and it was acceptable. But now we have some parents who don't want anybody to talk to our kids, to correct our kids. So when the police come in and say something to our kids, we are ready to just hit the ceiling. We have deep problems with our young people now.

We have a lot of things to do, but I don't want the conversation here today to make us think we are going to solve all of the community’s problems. We
should learn to be proactive, not reactive. We are reacting now to a lot of things that are happening nationally with police shootings. The challenge for all of us is to go back to our own neighborhoods and get involved and involve those parents.

I’m happy to say we have a new chief who is a go-getter. He hasn’t been on the job a year yet, and he is holding his force responsible. We have had some incidents in a predominantly black community, but when it comes to the chief’s attention, he deals with the officers. So I think it’s really about roles and responsibility and being accountable. If you say you are not going to tolerate certain things, the community should hold you responsible. And if we work together, we can overcome some of these problems.

Clearwater, FL Police Chief Daniel Slaughter:
We Must Take Action Immediately When We See that Something Is Wrong

I think that Isay is saying that we have to move quickly. If a chief quickly recognizes that something is wrong, it’s better to take action immediately. I think the Tallahassee Taser incident is a good example of this.

Wexler: When Chief DeLeo had that press conference in the middle of the night about the cop who Tased a woman?¹⁹

Chief Slaughter: Yes, and I think that’s really a good lesson to us all. We can no longer say, “This is under investigation” and sit coldly for a month. We have to move quickly.

David Forbes, Garner, NC:
We Need to Restore Genuine Respect For Law Enforcement

I thank Chief of Police Brandon Zuidema, who invited me to be here. I am a founding member of SNCC, the Student Nonviolent Coordinating Committee. I would like to say three things. One, Garner does not have the kind of crime issues that I am hearing from other cities, and we are very grateful to our chief for the professionalism and the community connectivity.

Second, the name of this conference is “strengthening police-community relationships,” but I would recommend that you put “community” first, because the community is not accountable to the police, but the police are servants of the community.

Finally, I agree with those who said that this issue has much to do with the community. I was raised to respect law enforcement. Even if I encountered something that was unfair or wrong, I was to respect the police. I honestly believe that there

would be fewer black men being shot if there was general respect for law enforcement. There are ways in which parents and community leaders can keep our police accountable to the fair practice of law enforcement.

Garner, NC Chief Brandon Zuidema:  
**Training on De-Escalation and Bias Must Be Embedded in Who We Are**

As we try to move forward, one thing we can do is to collaborate with our community members to set meaningful and measurable goals. This will accomplish three things. First, it will require us to talk with and better understand our constituents while also educating them about our resources and intentions. Second, ideally it will generate “small victories” that can be celebrated together with the community. Third, it will help us to move past the “we’ve talked about this for years” concern and actually generate meaningful change.

In the context of training, we should not be short-sighted and focus just on “de-escalation training” or “biased-based policing training.” We need to commit to including this type of training as a component in as much of the existing and new training we do, so it more a part of “who we are” across law enforcement, as opposed to “what we do.” If it’s important, and it is, we can’t just train on it one time. We need to do it over and over again in a variety of settings.

Bishop Robert Lee Jackson, Oakland CA Church of God and Christ:  
**Our Police Tutor Middle-School Boys Who Otherwise Would Be Destined for Jail**

There seems to be a lot of truancy in Oakland. Of 47,000 kids, 4,300 are truant every day, at a cost of about $5.5 million in the City of Oakland. These kids are burglarizing houses; they are breaking into cars; they are doing a lot of crime during the daytime when people are at work.

Another issue is that African-American police officer recruitment has been very difficult. I think some classes especially designed for African-American recruits would make a real difference with the police department and its make-up.

There is a program that I sponsor in the City of Oakland with my Police Chief, Sean Whent, who is here. I am also here with Chief Kenton Rainey from the BART Police Department. The program is called the OK Program. It couples the police department with the schools and the boys in the middle schools. We work with middle-school boys. We have sessions on Saturday, we have entertainment for them, we work on their grades, we tutor them. These boys have been marked for jails and gangs because they

can't read well. Everybody knows they build prisons around that. So we intervene in their lives. We have black police officers and other black men in the program with black boys. And the boys are going to school, and their grades are improving. We found that they are able to learn, they have intelligence, and they are graduating from high school. Gangs cannot get new recruits, because we have cut off their recruitment system.

Oakland, CA Police Chief Sean Whent:
Some Enforcement Strategies from the Past Have Contributed to Mistrust

One of the themes I heard repeatedly this morning was lack of trust in the police. In order to earn that trust, we need to admit that some of the tactics we have used historically have contributed to the state of relations as it exists today.

For example, when I started in policing, you measured success based on the number of arrests made, the number of car stops made, the number of tickets written. Sometimes this was reinforced through CompStat, where commanders were asked, “Where are your officers deployed? What are you doing about all these crime trends?” But in many cases, those activities contributed to the destabilization of communities.

So we need to ask new questions of our commanders, like “What community meetings have you and your staff attended? What three-on-three basketball tournaments have your officers done with kids? How many hours have your officers spent just walking around and interacting with people?” We need to ask about things we do that are absolutely part of the service end of the job.

I also want to mention that we put together a procedural justice training course in Oakland. We brought in community members to help develop the curriculum, and we have community members who teach in the course, including Reverend McBride, who’s here with me today. This curriculum helps teach the officers about the history of community relationships with the police.

Rev. Ben McBride, Oakland, CA:
Police Should Seek Real Diversity On Community Panels

This is incredibly helpful for us today, and particularly to hear from the chiefs around the country. One of the things I think we need to add to the discussion is that it’s important to create a citizens’ panel that doesn’t just include lawyers and ministers and the “respectable citizens” in our society, but also people who the police have contact with. In Oakland, most of the police contact is with young black men, so if we have a citizens’ panel that doesn’t reflect that, we are in trouble.

I think we should be creating a citizens’ panel that shares influence and power with directly impacted folks, formerly incarcerated people, law enforcement, community, faith leaders, and also a representative from the protest community. We are in a movement cycle, so we need to talk to people who are actually involved in the agitation.

I think chiefs also need to understand the diversity of what community leaders look like. Some of us are community organizers; we scale up civic engagement, we advocate, we change policy, we do base-building in the community. Other community leaders do service delivery; they are about building programs and creating services. We have other community leaders who are in protests and agitation.
So chiefs should understand the diversity of who you need to have on your team. Having five “collars” doesn’t mean that you have community leaders; it just means you’ve got a bunch of preachers, and they might not even be the right preachers.

Lastly, one of the things that we are lifting up in California is the data collection bill. AB-953 is a racial profiling bill that’s about tracking the data. I was in a spirited fellowship with the president of the police union in Sacramento, and I told him that if officers are not unlawfully stopping folks, then he should be in favor of this data collection bill, because it will prove that the police are not disproportionately stopping people and racially profiling people. And if in fact they are disproportionately stopping people, then it helps inform us about how we put the correct policies in place to correct that.

Bay Area Rapid Transit Police Chief Kenton Rainey:

Communities Must Hold Local Officials Accountable for the Quality of Policing

I was fortunate to have the opportunity to testify before President Obama’s Task Force on 21st Century Policing. I’d like to mention to my fellow police chiefs that we seem to have forgotten the lessons from President Johnson’s 1965 report, “The Challenge of Crime in a Free Society.” Like President Obama’s Task Force, President Johnson’s Commission on Law Enforcement and Administration of Justice was about many of the same issues—juvenile justice, how the police should be interacting with the community, recruiting, training, standards. We must provide transparency, and as paramilitary organizations, we must submit to civilian oversight. We have to bring in a new era of training that involves de-escalation and cultural competency. We also have to raise our standards and look at CALEA, the Commission on Accreditation for Law Enforcement Agencies. On issues of technology, we cannot wait for the federal government to fund body cameras. This technology is cost-effective.

And the community must take its part. You have to come on ride-alongs, you have to be in your police stations, you have to see what your law enforcement organizations are up against. More importantly, you have to hold your elected officials accountable for who they hire and what type of policing is being delivered to our communities.

Amin Muslim, Director of Constituent Services for DC Council Member Yvette Alexander:

You Will See Our Police Officers At All Kinds of Community Events

We have adopted a novel approach to community policing here in the District of Columbia. What we do is create non-law enforcement contact opportunities with the community. We don’t wait until there is a problem in the community before our police officers are engaging our residents.

You will see our officers at community cookouts, in the community, walking in the neighborhoods.

Amin Muslim, Director of
Constituent Services for
DC Council Member Yvette Alexander

We had an officer a couple years ago, Officer Jason Medina, who realized that the community was lacking something, and he started a baseball team. We had nothing but T-shirts and bats and balls. The unique feature about the baseball team was that we didn’t turn anybody away. The smallest guy came, the largest guy came, and everyone played on the team.

We have police officers participating in all kinds of initiatives. Tomorrow morning the police Youth Division is going to take nine kids from one of our most troubled housing projects white-water rafting.

What our police chief, Cathy Lanier, has done is capture the spirit of the saying, “Good teachers don’t teach, they create an environment where learning takes place.” Our chief is in the community, she is transparent, she engages people. And that trickles down within the department.

Dan Bryant, Senior Minister, First Christian Church of Eugene, OR:

Let’s Work Together to Help Our 5 to 10 Million Homeless Persons

I would like to draw our attention to the homeless community, and I invite all of you to pay attention to the “point-in-time” count of homeless people, taken in January, which found that over half a million people in this country are homeless on a given night. And that number over the course of the year is probably closer to 5 to 10 million. Think about what that means to be unsheltered in January. They are members of your community. They are your residents, and you need to be watching out for them, getting to know them, helping them to understand their challenges and struggles, and finding solutions.

Angelita Herron, Southern California Ceasefire Committee:

Change Comes from the People, Not from the Leadership of a City

I am from Los Angeles, and I am here to talk about the changes that we have tried to implement in this very large city. We have had problems with our law enforcement over the years. It has taken a consent decree to change that, and it has taken community participants to push it. It didn’t just happen on its own; the people of the city had to come together and make decisions about what we wanted.

I am a proud member of the Southern California Ceasefire Committee\(^{24}\) and a proud supporter of Watts Gang Task Force.\(^{25}\) The Housing Authority of the City of Los Angeles program and the Watts Gang Task Force deal with our public housing directly; they have very specific tools at their disposal. We want to encourage that kind of policing.

I want to encourage those of you who are struggling with these issues, and to say that you cannot change anything without your community support. It has to be a collective. We are trying to appeal to the citizens, not the leadership.

I have been at this since 1988, and believe me, it is not the leadership of the city that made this change; it’s the people who live in the community.

**Los Angeles Deputy Police Chief William Scott:**

**Our Consent Decree Took 13 Years, But the Police Department Is Better for It**

**Wexler:** LAPD is a different place today than it was 20 years ago, isn’t it?

**Chief Scott:** Yes, it is.

**Wexler:** Especially in black communities, right? Why is that?

**Chief Scott:** Well, we were forced into a consent decree. We ended up embracing it, and it really changed the organization for the better. There was accountability to it. We had an expectation that we would implement those consent decree reforms in five years, but we didn’t meet that goal, so our chief of police and many of the leadership teams had to stand in front of the police commission and explain why those reforms weren’t met.

I think that met the public’s approval for accountability, even though it took us 13 years to get out from under the consent decree. I think that most of the people in the department who were there when we entered that agreement will tell you that we are much better off today. And I think most of the community will tell you we are much better off.

There are a lot of good ideas in this room and across the country. Somebody mentioned President Johnson’s commission report from 1967. A lot of those reforms and strategies took 30 years to be implemented, and some of them are still not done

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yet. So I think that part of the narrative today has to be what the community and law enforcement can agree on, and what’s realistic, in terms of these expectations.

Anton Moore, Founder and President, Unity in the Community, Philadelphia:  

Our Community Leaders Must Speak Out on Local Issues

I think one of the things we need to do is get serious about building relationships. Some of the leaders who have been doing it for a long time come out and speak on national issues, but they aren’t there on local issues.

We have problems in our community on a daily basis, black-on-black crime and other issues. So when we talk about building relationships, we need to do that from the ground up, hitting the pavement every day and actually engaging with the community members on a grassroots level. A lot of times in our community, when you are an activist or leader in the community, you need that solid voice, on the ground, to bridge that gap.

Jim Vincent, President, NAACP-Providence, RI:  

Sometimes Good Ideas Don’t Get Down To the Line-Officer Level

Rhode Island is a very diverse state. Approximately 25 percent of our residents are people of color—black, Latino, Southeast Asian and native American—and maybe 70 percent of Providence is diverse.

Our relationships with chiefs of police, as well as the command staffs, are excellent. They seem to “get it.” We help select police chiefs, serve on the search committees, and I am glad that we picked Chief Hugh Clements for Providence. He has done an excellent job; he has excellent skills; and they are doing things we have recommended, like having monthly meetings with the community.

We also have just instituted midnight basketball for the first time in 10 years. We have a new mayor who wants to get ahead of things, as opposed to reacting to things. And we have Youth Pride Inc. program; we have a Police Explorers program for young people.

So I think that at the chief’s level, at the command level, there is a lot of good that’s going on. However, it doesn’t necessarily filter down to the rank and file in every case. There are too many rank and file officers who feel that it’s all about “occupy and contain,” not “protect and serve.” And I have told them, “Look, if you are having a bad day, don’t go to go to work. It’s not about disgracing your uniform and tarnishing your badge. It’s about getting
the job done as professionally as possible. You cannot have a bad day.”

I also think there is a problem with the police officers’ “Bill of Rights.” It’s about getting rid of the bad apples. If you can’t get rid of the bad apples, you are always going to have a problem. Societal problems are broad, and we can’t always deal with those problems; we have the communities that we have. But when police officers protect each other when they do wrong—we have to get away from that.

Providence, RI Chief Hugh Clements:
We Reached Agreement on a Bill To Collect Race Data on Police Stops

I think we all firmly believe that police departments and their communities want to be aligned in joint efforts to making our communities better and improving the quality of life. It’s about fair and effective policing. But how we get there is the trick.

We never shy away in Providence from the fact that as a mid-size city, we have a gun problem, a violence problem, and a gang problem, and we aggressively enforce those areas as the community expects us to. We need to find the delicate balance between aggressive policing against violence in our communities, and not infringing upon the rights of the community, and particularly the young men in the community.

In Providence, we are doing the good things that others have mentioned—a Youth and Police Initiative, Police Explorers—with outstanding results. One of the things we have done is pass a bill to collect data on police stops. There was a bill in the legislature for probably 15 years, and it never passed for many reasons, one of which was that it was called a “racial profiling bill.” That was off-putting to officers who come on this job not to racially profile, but to do their jobs. So we made some compromises and we changed the name of the bill to CCPRA, the Comprehensive Community Police Relationship Act.26 We got it passed, and it’s groundbreaking legislation that I think people should look at.

Ricky McNeal, President, NAACP-Garland, Texas:
Community Leaders Should Ask for a Role In Recruiting and Hiring New Officers

One thing we have done that has been successful over the years is participate in the overview boards as officers go through the recruiting process. For communities that don’t have the diversity you desire in your police department, speak with your police chief and ask for an opportunity to participate in the hiring process. And you can advise your chief on where to go to recruit—for example, at a historically black college or other places where there maybe potential employees.

Secondly, we meet every other month with our police chief, Mitch Bates, and it’s not only NAACP members but members from Hispanic organizations, members from Asian communities. That has

been sustaining and has brought lasting relationships and changes in our department.

Thirdly, our chief has been reaching out to the community and saying, “Look, there are other police departments in our metropolitan area that we should be speaking to.” So we are trying to bring that whole community aspect, and our chief has been instrumental in that.

Fourth, it’s important to reach out to diverse communities and make relationships, because they may not come to you. So as the chief, you have to take the initiative and go into those communities.

Bridgette Johnson, Director,
Colorado State University,
Black/African-American Cultural Center:

Begin by Acknowledging The Importance of Race

I am here with Chief John Hutto from the Fort Collins Police Department. I am happy to say that we have established relationships with the Colorado State University Police Department, the Fort Collins Police Department, and the Cultural Center at the University.

The thing that’s really powerful for us is that we are acknowledging that race plays a huge part in this. When we sit down and have the critical dialogues about how race impacts our interactions with the police, we get down to the nuts and bolts of it. Both sides come in with biases, and to be able to talk about those biases is extremely important.

I think we as a society have been looking at this “post-racial society,” which doesn’t exist. We can talk about black-on-black crime, and yes that does exist, but it exists in a system that’s built upon oppression. We need to figure out how to dismantle this system that is at the root of the problem.

Fort Collins Police Chief John Hutto:

Officers Must Be Warriors on Occasion, But Guardian Should be the Natural State

I believe wholeheartedly that policing should be based on a guardian/service model, but I also believe the answer to the question is more sophisticated and subtle than merely “guardian versus warrior.” Society expects us to be warriors when the situation dictates. The best officers are those who can differentiate between the two responses and don’t live exclusively in one world or the other. Warrior should be reserved for those rare times it is called for, with a guardian outlook being the natural state.

I agree with Chief Turner from Atlanta and the others who talked about the value of ride-alongs. The time spent by community members being exposed to what the officer encounters day after day is invaluable. And the benefit is not just to the community member; having a community member in the car for a shift exposes the officer to someone
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who can engage in a dialogue about the community from their perspective. This gives the officer insight into their beat that might otherwise go unseen or unknown.

Chief Oates of Miami Beach and others talked about the challenges of getting rid of bad officers, and the impact that has on relationships with the community. I agree and would add that until we do a much better job of publicly telling our story of self-accountability, this will be an issue. It is important to not only weed out the bad once a negative event has occurred, but to take steps aimed at prevention. One of the most detrimental attitudes a police organization can have is a culture of apathy or unwillingness to act when confronted with a bad cop. As police executives, we should foster a culture that does not accept the all-too-common phrase, “We saw that coming,” about an officer’s bad conduct. It is incumbent on us to ensure that systems are in place to proactively prevent negative outcomes.

Angela Austin, Lansing, MI, CEO, One Love Global27:

We Won’t Succeed Unless Our Youths Believe They Have a Stake in the Future

What I have heard around the room is that structural racism happens on multiple levels, and we need strategies to address each level. Internalized oppression is real, and we now we have a system where our young people don’t need bars, because the prison is in the mind, it’s internalized. When you believe you have no value, you don’t even try to achieve.

So we can change policies and we can create programs, but it won’t succeed if our young people do not believe they have a stake or a place in the future. We need to get real about where we are and our responsibility to call out the truth for what it is. And we must be prepared to address the truth with the strategies that actually get to the root cause, and don’t just make us look good and bring more money into our programs.

I want to acknowledge our police chief, Michael Yankowski, for joining Black Lives Matter-Lansing as a partner. When we call him, he shows up time and time again, going out in the neighborhoods. What we hear from police is that they see the quality-of-life issues that most of us will never see, that most of us have never lived. If we have a hope of beginning to transform these broken systems, it has

27. One Love Global is a community organization dedicated to “revitalizing urban centers and creating sustainable communities where justice, peace and opportunity are attainable for all children.” http://www.1loveglobal.org/home.html

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to be informed by the people who actually see it at a level that most of us will never see it.

**Leesburg, VA Police Chief Joe Price:**

*Young People Are the Future, In the Community and in Police Agencies*

Leesburg is a wealthy suburban area 20 miles west of Washington, and we don’t have some of the issues of poverty and crime that are being discussed. But we both have a lot of concern about our relationships between the community and the police.

And it’s the young people we have to connect with, whether it’s community leaders or law enforcement leaders. We have to find a way to communicate with young people to build that level of trust. The future of our communities, and the future of the policing profession, are with the young people.

**Prince William County, VA Police Chief Steve Hudson:**

*Sergeants and Other First-Line Supervisors Set the Tone and “Culture” of Policing*

Prince William County is about 25 miles south of Washington, D.C. We have dealt with a number of issues in the last decade or so, with huge demographic changes in our population. And the only thing that has remained consistently helpful through the change process has been our ongoing community relationships. We communicate with every facet of our community, every geographic region, every demographic makeup. I think all of us here in this room get that; it’s part of the reason we are here. We understand the importance of relationships between communities and the police.

I served on the President’s Task Force on 21st Century Policing, and that was probably the most enlightening thing I’ve done in my career, because we brought in elements of every community we could think of. We tried to hear testimony from as many different groups as we could. And this is important for us as police chiefs. We all listen to each other again and again at our meetings, but it’s also important to listen to the community and incorporate their perspectives on what we do.

This isn’t a one-time deal. We have to constantly keep applying pressure and make sure we do the things that we are talking about today.

**Tucson, AZ Police Chief Roberto Villaseñor:**

*The President’s Task Force Listened To a Very Wide Range of People*

Each of us brings a different perspective on the issue of community relations, because we all have unique communities. Latino issues are critically important for me in Arizona and particularly in Tucson, because of immigration and because we’re a border state. But I can’t just focus on Latino issues, because there are many communities in Tucson.
I agree with the gentleman from Providence, Mr. Vincent, who said that things have to trickle down to the rank and file. In police departments, the first-line supervisors are very important; that’s really where the culture of our agency hits the road. We can set all the policies we want, we can mandate all the training we want, we can set the disciplinary consequences, but our first-line supervisors really carry the culture of our organization. They carry our messages to the troops daily, so we need to make sure that they are all getting it.

One of my challenges is to make sure that I am engaged with community. I know my street officers are engaged because they are responding to the calls for service every single day. We need to make sure that our first line supervisors are just as engaged with the community, if not more so. The sergeants have to understand the needs from both sides of the street, whether it’s the officers or the citizens that they are dealing with.

Newport News, VA Police Chief Rick Myers:
The Accreditation Process Helps Police Bring Themselves Up to National Standards

First, as president of the Commission on Accreditation for Law Enforcement Agencies, I want to thank the gentleman who extolled the virtues of CALEA earlier this morning. For anyone who isn’t familiar with CALEA, it’s a voluntary process in which police agencies work to bring themselves up to national standards on policies and procedures. Our standards are not prescriptive; they provide guidance about what police departments should do, but not every detail about how to do it. The standards are a living document, designed to help police departments stay current with best practices. I strongly urge all chiefs to take a look at it. In the wake of everything that has been happening in policing over the last year, some are suggesting that accreditation should be mandatory for police agencies, but we are resisting that. The strength of CALEA is that it’s a voluntary process. You have to want to be in it, and so that requires a commitment.

I also want to mention that I have Chuck Wexler to thank for the valuable experience I had in 11 months as interim chief in Sanford, Florida, in the aftermath of the Trayvon Martin killing. Many of the lessons I took from that experience, I apply every day in my current job.

One of the strongest impressions I have is that our country has a probably centuries-old unresolved tension between the police as an institution and minorities in America, particularly the African-American community. For too long I think we have been in a state of denial. And when September 11 hit, I think many of my colleagues felt like, “We have a new mission now,” so we could move beyond the discussion of racial profiling that had been a major issue in the 1990s. But we haven’t moved beyond it, and we are going to keep having the same conversation until we get to a point of reconciliation on the history that led us to this state of tension.

Pittsburgh Police Chief Cameron McLay:
Developing Trust in the Community Starts Within a Police Organization

I want to follow up on Chief Butler’s comment that we keep having this same conversation over and over again. In my earlier life in the Madison, Wisconsin Police Department, I was put in charge of
strategic planning for trust-based policing. In order to do that, I convened a group of citizens, particularly some of our communities of color.

We had facilitated discussions over a period of time, where I watched community members and my officers start to genuinely understand one another as human beings. Community members were saying to my officers, “Do you understand that when you police this way, here is how it makes me feel?” And the officers began to understand and would say, “Well, we are only doing that because of this…” And the way that the groups came together was really transformational for everybody involved.

But at the end of this process, a leader from a community group looked at me and said, “Whatever you do, don’t come to us and talk about trust.” I was taken aback, and I asked what she meant. She said, “First you need to get your own trust issues in hand within your organization. Because if your officers are not walking the talk, then anything you say about trust will be worse than if you had never brought it up.”

In other words, our actions must match what we are saying.

And for me, that started a personal journey learning about organizational leadership. The men and women of our organizations aren’t going to treat our public any better than we treat them. So we have to create a culture and a climate of compassion. We have to develop an understanding of implicit bias and how we view one another. The hard work for police-community relationships in my opinion starts within our own organizations. As we develop our people and develop the climate and cultures within our organizations, the community service piece will come along, but I think it starts within our own organizations.

Rev. Rodney Lyde, Pennsylvania Interfaith Impact Network, Pittsburgh:
Reforms Are Shaped by a Narrative That Articulates Our Shared Values

The one thing I want to add is that it is a narrative that largely shapes and defines a culture. What we need to add to this is a shared narrative that articulates our shared values. “We the people, in order to form a more perfect union…” That’s a narrative that shapes everything we do. People of faith understand the value of a shared narrative. Narrative is what informs policy.
Flint, MI Chief James Tolbert:
We Need Implicit Bias Training
In the Community as Well as in Policing

I think we should look at the “front end” when we talk about these problems of “how police do what they do.” We have to understand that police officers come from the community, so they come into the department with implicit biases and prejudices that they learned in the community. Our environment shapes all of us, so we have to address these issues of bias in the community, in the schools, in the churches. We need to have implicit bias classes in the community, so that everybody understands what’s going on, just as we have training in our police academy about how to deal with bias.

Wexler: Can implicit biases be fixed? Is there anything you can do?

Chief Tolbert: Yes, you can make people aware of them, and once you’re aware of it, you can do things to correct it. It’s important that we use our academy and our field training programs as a way to monitor and check for biased behavior. The first-line supervisor is very important. It can’t all be about statistics; it has to be about the performance of the officers. And it’s the job of supervisors to hold the officers accountable.

Pastor Daryl Arnold, Knoxville, TN
Overcoming Believers Church:
I Work Directly with My Police Chief
In the Community

Chief Rausch and I have been working together as brothers. We really believe that one of the ways to turn this thing around is to just have relationships. And I think it needs to be public relationships between a police chief and community leaders.

The chief and I decided that we would have a joint worship service. I pastor an urban community. But they all come to church; the Crips and Bloods and Gangster Disciples, they come to my church every single week. Hopefully they will change sooner or later, but they are there. The church is right in the middle of two housing developments, and we decided we would have a joint worship service. And I am not talking about an “appreciation for the police department” event, I’m talking about a worship service. When you came in the door, the police were handing you envelopes and bulletins, the police were part of the choir, they had a bluegrass band, and it was powerful.

After that, we took groceries to the urban communities, knocked on the doors with the church people and the police. So you had the police banging on the doors saying “Open up,” and people thought they were going to get locked up, but they
actually were getting groceries. So it was powerful, and we have been doing things like that to create an atmosphere where we can be comfortable and have conversations with one another.

**Knoxville Chief David Rausch:**

*We Put a High Value on Officers’ Involvement in the Community*

Relationships are the key, and I have been working with our folks in the department about engaging not only in what we do every day, but also being involved in other aspects of the community—getting on community boards, being involved in all of our nonprofits in our city.

We put value to that, so when I look to reward our officers, one of the things I look at is whether they are engaged. It’s not how many arrests you make, it’s not how many citations you have written, it’s how are you engaged in this community and how are you connected.

**Dr. Leroy Williams, New Haven, CT**

*Community and Police Relations Task Force:*

The mayor and the chief decided that they needed a police-community task force, and I was retired from 40 years in the New Haven Public Schools, so they called me and said I need to do this work. So I came to this meeting today, and now I know what I’m supposed to be doing, because I didn’t before this day. I’ve been getting a lot of ideas from people, have been taking down phone numbers, I’ve met new friends, and I realize there is a lot of work going on out there.

The crime rate is down in New Haven, and shootings are down, but the perception is bad.

**Wexler:** So the crime numbers go down, but perception is bad. What’s the difference between reality and perception?

**Dr. Williams:** It’s the same as when I worked in the school system. It used to be, as long as we “taught,” we didn’t have to worry about the actual results. But now the kids have to actually learn, and if they don’t learn, it means we are not teaching.

So the numbers are down in terms of shootings, but the perception is that when a black young man gets stopped by a police, the police automatically assume he is guilty. In the neighborhood, it’s now “you are guilty until you are proven innocent.” And that isn’t the American way. It’s supposed to be, “You are always innocent until proven guilty.”

**Wexler:** You would think that lower crime would engender more community trust, but it doesn’t.

**Dr. Williams:** It does not.

**Wexler:** Why is there that disconnect? I think that this is an issue across the nation. In many cities, we are down to 1960s-level crime rates. New York City used to have 2,200 homicides in a year, now they’re breaking 400, 300. But if you do these surveys on community trust, community trust has declined in many places. Is it the practices that the police have used to reduce crime? Are we paying some price for that today? That’s the disconnect for many of the police chiefs in this room.

**Dr. Williams:** Exactly, which is why when your office called me and interviewed me, they said you’re going to help me with this stuff, and that’s why I am here. I need more information! [laughter]
President Tyrone Terrill, African American Leadership Council, St. Paul, MN:

I feel that we missed an opportunity to include in this conversation the officers who are “boots on the ground” every day in our cities and towns across America. All of our chiefs are polished and “the best at selling ice to Eskimos.” They got to be chiefs through hard work and being politically correct and savvy. If I shut my eyes, many of the chiefs here today are saying the same things as the community leaders.

What I am concerned about is the officers who were responsible for the senseless deaths of Tamir Rice, Walter Scott, Eric Garner, etc. They are the real threats to African-Americans, not our chiefs of police. We must have a sense of urgency, not only to educate our officers through the police academies, but with continuous education, as you cannot change a lifetime of prejudice, racism and discrimination in an academy.

I have heard countless times from young officers that once they come out of the academy and were assigned a Field Training Officer, they were told, “If you want to make it home every night to your family, starting today, [forget] what you learned in the academy and listen to me.”

A former chief of police said to me in 1996, “Police officers only fear the chief—not the mayor, city council, judges, lawyers, or community leaders.” So today if you show me a department that does not have a strong chief, I will show you a city with the greatest chance of becoming the next Ferguson or Baltimore.

The following are things that we do well in Saint Paul:

- Dating back to Chief William Finney, Chief John Harrington and Chief Smith each have been key contributors to the African American Leadership Council (AALC). This relationship has allowed us to have an open, honest, and committed relationship with SPPD.

- We have community leaders prepared to have “boots on the ground” if we have an incident in the City of Saint Paul. You cannot have police alone, dressed in riot gear, hoping to keep a community calm after the death of a community member. It takes community leaders and police working together.

- Key leaders from the NAACP, Saint Paul Black Ministerial Alliance, and AALC are called by Chief Smith when there has been a shooting or incident that he feels these leaders needs to know about—within an hour of the incident when possible.

- The most important thing is consistent communication. The chief meets monthly with his Advisory Committee, which has key leaders from all the communities of color in Saint Paul.
St. Paul, MN Police Chief Tom Smith:

We Do a Lot of Different Things To Build Relationships in Communities

The president of our African-American Leadership Council and NAACP member, Tyrone Terrill, has always said that if we wait till something happens and a crisis hits, we have waited too long, and we have all seen that.

I want to talk a bit about social work and things that I believe we have do today that are different from what we have done before. I learned some of this from Chief Rick Myers when he was in Sanford, Florida. I was giving a presentation for LEEDA in Tampa, and Chief Myers talked about officers knocking on doors and doing things to repair relationships.

So I went back and we started knocking on doors, and we got some business people to help out. Every single Thursday night from June to August, we go into some of our more challenged parks and recreational areas and we feed people. We average 600 to 700 every night, and guess what? Gang members come to those parks, and they bring their children. Their children get on our motorcycles and take pictures and pet our dogs and our horses, and a relationship starts. And those nights we had a 63-percent reduction in Part I crimes in those neighborhoods. We served more than 24,000 meals at our evening picnics this year.

We also have an Ambassadors program, and this is outside of city coffers. This is about partnerships. A few African-American leaders and myself raised $500,000 from foundations, and we hired 30 people, ranging in age from 18 to 66 years, who worked with youth already. We pay them a stipend to go into our toughest neighborhoods where I get the most complaints about police officers, and they act as buffer between the police and our citizens. The Ambassadors come to roll calls and do things with us. We also partner with four nonprofits and go out and try to get young men and young women to get out of gang activity. We have found jobs for 32 young people through the City of Saint Paul’s “Right Track” program.

I went on that historic march to Selma earlier this year, marking the 50th anniversary of the marches from Selma to Montgomery in 1965. Sixty leaders in the City of St. Paul, our NAACP president, our Black Ministerial Alliance, and others decided to go to Selma. We spent two days in Birmingham with our good friends, Chief George Turner from Atlanta and A.C. Roper, the Chief of Police in Birmingham, who is also a pastor.

But you don’t have to go all the way back to 1965 or 1963, when we had the bombing at the 16th Street Baptist Church and four young girls were killed, or the days of Bull Connor to see how some of the things in the past have created problems today.

All of this is about building relationships and partnerships that make things work. These things seems simple. They are not. But they work.

Turlock, CA Police Chief Rob Jackson:

Police Exist for No Other Reason Than to Serve and Protect the Community

The strengthening of relationships with the community and the police involves open and honest

communication. First we must have a common purpose of wanting our communities to be better, and then establish trust that both want the same thing. Our relationships must be built on factual information, and not based on agendas from either side of the partnership. We both must understand that police are the community, and our community are the police. Police exist for no other purpose than to serve and protect our community.

Everyone in this room has a common goal; we all want to develop stronger relationships. Those of us in attendance here are not causing division among the police and community in our nation. It is those who are not interested in taking part in strengthening the relationships that are the issue.

Hyattsville, MD Chief Douglas Holland:

Violence in Our Communities
Is Fueled by Many Social Problems

Chuck mentioned that there are approximately 18,000 police departments in the United States. A great percentage of those agencies are small to mid-sized agencies. After Ferguson, the general perception is that these agencies are ineffective and unprofessional, and should be folded into larger county or metropolitan departments. This perception is simply not accurate. A very large number of small and mid-sized agencies are accredited thru CALEA. The professionalism of police agencies is determined not by size, but by the quality of the officers, leadership of the chief, and support of the elected officials and community members. In fact, smaller agencies are often in a better position to implement a community policing philosophy, because they are less likely to be saddled with reactive responses to calls for service, and there are more opportunities for officers to get to know the residents they serve.

Expectations of police reform outcomes must be realistic. I have been asked, “What are you doing to ensure a Ferguson-type incident doesn’t happen in Hyattsville?” I have responded that I cannot ensure that there will not be a use-of-force incident that will result in civil unrest. We can re-examine and improve our training and tactics to lessen the likelihood of such an incident. We can do better at our outreach, partnerships and transparency to lessen the likelihood of such an incident. However, as long as there is violence in our communities, there will be violence in police work. As long as we have easy access to assault type weapons and realistic looking toy guns; easy access to synthetic drugs, PCP, methamphetamine and other controlled dangerous substances; and as long as we have large homeless populations, many with mental illness and no access to treatment, we will have violence in our communities.

All we can really do is work to re-establish community trust and legitimacy through engagement, partnerships, transparency and accountability.

Stockton, CA
Chief Eric Jones
Stockton, CA Police Chief Eric Jones:

Anyone Can Request a Meeting with Us, So We’re Hearing from the Entire Community

Wexler: Stockton is a poor city, you went through bankruptcy, you’ve had high crime. How have you been dealing with all your challenges?

Chief Jones: First, I want to say that I hope everyone realizes that the police leaders in this room are amazing. They’re progressive, they’re compassionate, and they acknowledge historical wrongs and current wrongs. You might not have heard these things from police chiefs a decade ago, so I am proud to be part of this group.

Yes, Stockton is a city that had very high crime. We went through bankruptcy, and had to cut about a third of our police force. Unfortunately, and we are not proud of this, our department went into a bunker mentality. We kind of reeled in our bridges to the community, somewhat by necessity, and we just became 911 responders.

But with challenges come opportunities. We basically began to reinvent ourselves, and realized that we need the community more than ever. First, we are letting the community know that this issue of use of force is important to us. And we don’t just say this in public forums; the city manager and I are doing what we call a “use-of-force listening tour.” What that means is that anybody in the city of Stockton can ask for a meeting with us; it can be in people’s living rooms or wherever. So we are hearing from the entire community. We are also taking this to the barbershops; that’s what we are working on next. It’s about messaging to the community that we care, and that we do want to hear from the community.

We also talk about the strategies we use to fight crime. You can drive violent crime down, but if you use the wrong strategies, the community’s trust in the police force might also be going down. Like some other police agencies, we use a “Ceasefire” type strategy, which is very data-driven; it’s not just a “carpet bombing” of a neighborhood with enforcement. We have realized that type of data-driven policing not only can reduce violent crime, but at the same time can improve community trust.

Dr. Erskine Jones, Sweet Home Ministries, South Bend, IN:

Chief Teachman and I Aren’t Friends, But We Have a Mutual Respect

I am a pastor and a community leader, and I have to say that Chief Teachman and I are not buddies. It’s not popular for me to sit here with him in my community, nor is it popular for him to sit here with me. I have said some things publicly criticizing our administration, maybe some warranted and some not warranted. But as people have been saying, it’s about respect. There are some things that the administration has done that I have not agreed
with, and I am public about it. I will get on television and say, “I don’t like that.” But the chief and I have a mutual respect. We don’t go to dinner and talk about family, we go to lunch maybe, and talk about issues. I am allowed to say, “Your officers do this,” and he is allowed to say, “But your community did that,” without it showing up in a lawsuit later about what somebody said.

I respect him because he has been a man of his word, and that’s all I really need as a community leader, to believe that he is true. My job is not to tell him what to do with the police department, my job is to listen to him and the police department and go back to my community and say, “This is what they are saying about us. Is it true?”

**Wexler:** Respecting each other is more important than being friends, isn’t it?

**Dr. Jones:** Oh, yes. The respect level is way more important than being friends. There was an issue where I felt that his administration was wrong, and he corrected some things on his part. So now when my side is wrong, I have an obligation to correct some things that I have learned. I have a responsibility to tell the truth to the community. Being in the community is not about taking sides.

**South Bend, IN Chief Ron Teachman:**

*My Message to Community Leaders: Please Get to Know Your Police, And Invite Us into Your Lives*

Thank you, Chuck, for putting this together. It is great for chiefs to have 70 or 80 people in the room representing the community, and we don’t often have this opportunity, so let me speak briefly to the community leaders in the room.

I hope that the community leaders here today will go back to your cities and say, “It’s not just my chief who understands that our communications with immigrant communities have been blocked by the paralyzing fear of deportation and the destabilization of random removals. There are other chiefs saying these things.

We need to recognize that for too many people, the only time they meet a police officer is when something bad has happened to them, or when the police think they have done something bad. And that’s not the way to build relationships, let alone rebuild trust. I echo George Turner’s invitation: come ride with me in a squad car. Or come to my community police academy and get to know us. We showcase our officers, we are proud of them. We want to share that with you.

And please invite us into your lives. Ask us into your schools, insist that your school principals have us come in and read to your kids. Invite us into your church basements after a service. Invite us into your community meetings, your neighborhood meetings. We want to go where people are naturally congregating, and not just show up when something bad has happened.

And when we talk about diversity, I hope the community leaders in this room will go back and ask, “How many people have I brought to the chief to recruit?” It’s not just the chief’s job or the police department’s job to recruit. It should be a community effort, and we need your assistance on that. We want a diverse community, so please give us your best. Motivate them to come to us.
Attleboro, MA Mayor Kevin Dumas:
Settling a Discipline Case Can Be Costly, But Better than Letting the Officer Return

A question was asked about what we do with bad officers. For us in Massachusetts, we are a civil service community, so all of the discipline that we give can end up going up to the state, and it can be overturned.

My experience in disciplining officers has taught me, through a very long and tedious process, that no matter what, you have to do the right thing. You have to document everything appropriately; you have to make sure that everything is lined up the way that it needs to be for the discipline, and that it’s reasonable. And you need to hire some damn good legal counsel to support you, to make sure that the things we are writing are done in the right way and it doesn’t backfire. These employees can come back.

I have had some police employees come back, and it went to mediation and settlement. It’s long and hard, but you have to think about it in terms of, “What happens if this person comes back? We know that this person did something wrong and that’s why the person was terminated.” It can be a tough pill to swallow, especially if you are going to do a settlement that’s hundreds of thousands of dollars for back wages and such. But balance that against the men and women who work for you, and the message it sends if you allow someone to come back who did something severely wrong and broke the public’s trust.

Mickey Bradley, Albany, NY Citizens’ Police Review Board:
When You Get People Face to Face, A Lot Can Be Achieved

I want to thank everyone for all the perceptions they have exchanged here. Sometimes it starts to feel like too much, that it’s impossible to get your arms around it all, because there are so many things that are systemic, cultural, and historic, that have a huge impact.

But when I look around the room, I see that every pair of chief and community leader here is already modeling the very things we are talking about. They have come to some kind of respectful partnership with each other, and I am sure we have had our own perceptions of the other person challenged or moved in some way.

When you get people in a room being human with each other, a lot can be achieved.

Mark Thompson, Wicomico County, MD Board of Education:
We Should Give the News Media Stories about How We Are Working Together

I believe that one of the major causes of unrest in many communities is the unbalanced reporting of
the media. Any time there is an item that can cause controversy, they will make it the lead story and run it for weeks. I believe as community leaders we should demand that our local news cover issues that will bring our community together and not separate us. There are many positive stories we can present to show how the community is working together and not apart.

Oro Valley, AZ Vice-Mayor
Lou Waters:

The News Media Must Be Included In Building Community Trust

“Americans are significantly less engaged with their communities than was true a generation ago,” writes Harvard Professor Robert D. Putnam. Why? Putnam’s reply: “television.”

On average, Americans spend 40 percent of their free time watching television, and television usually paints a negative picture of American society. Putnam uses the example of overestimating crime rates.

I am a founding member of CNN’s original news team, starting an electronic revolution with unintended consequences now being felt. Professor Putnam indicates that technology may indeed be causing fractures in our communities. In fact, the latest Gallup Poll suggests the American people’s hatred of the media—all media—has intensified.

CNN’s street-corner reporting in Boston after the Marathon bombing that a “brown-skinned man” was suspected was not only wrong but irresponsible. Fox News has dwelled on reporting that later had to be apologized for. The Internet and cable TV confuse Americans about what is real and what is not. Paranoid conspiracy thinking has become common currency, says journalist George Packer. And that’s alarming.

My suggestion for the people here today is this: nurture local journalists. Help them help you cut through “opinion journalism.” NPR recently took a local reporter through a “Hogan’s Alley” and put her to the test training in life and death situations. She failed, badly. The reporter, duly educated, now is passing on reliable information.

A reporter’s job is to illuminate, educate, or inspire. Otherwise television news is just lights and wires in a box. The news media must be included in building community trust.

Albany, NY Police Chief Brendan Cox:

It Can Cause Trouble When Police Are Tasked with Solving Social Problems

Moving forward, as we work in our communities, I think we need to continue to work on finding alternatives to solve problems outside of the criminal justice realm. We end up dealing with a lot of issues, and we are asked to solve those and we always solve them in a criminal justice realm. I think sometimes

30. “Hogan’s Alley” is the FBI’s name for a training facility in Quantico, VA that simulates a town, with a bank, post office, hotel, barber shop, shops, homes, and other buildings where law enforcement agents can engage in scenario-based training.

https://www.fbi.gov/about-us/training/hogans-alley
we wind up causing more harm than it’s worth. I think historically the police have been used as pawns, and I will just mention the war on drugs as an example. It puts us at odds with the community, and as Commissioner Haas from Cambridge indicated, we need to make sure that we stay away from being at odds with the community.

Roanoke County, VA Police Chief Howard Hall:
When Crime Is Low, It Can Be a Challenge To Get the Community Engaged

We are a suburban to rural jurisdiction in southwestern Virginia, relatively affluent, and we are very fortunate to have an overall positive relationship with our community. The department was created just 25 years ago, and my two predecessors as chief did some things early on that I think laid the groundwork, including getting the department accredited and establishing Neighborhood Watch groups and Citizens Police Academies. We also were one of the first departments in Virginia to use Crisis Intervention training, for handling incidents with mentally ill persons or other conditions.

I think these strategies have helped us establish a good relationship and maintain it. I think the challenge moving forward is trying to get more members of our community engaged. Our biggest challenge is apathy—getting people who live in safe communities to engage with us before there is a problem, so we will know each other and have a person-to-person relationship if we encounter a problem.

Cindy Pasternak, Riverdale-Grandview Heights Neighborhood Watch, Roanoke, VA:
I’m Working To Keep Communications Going

I agree with Chief Hall. Neighborhood Watch has been up and running for eight years, and it has been very beneficial for the community. Crime has gone down. But the community has kind of gone to sleep again, so I keep putting messages out there saying, “We’ve got to stay awake and keep communicating with each other, so we don’t slide back to the way it was.” We won’t see the potential of everything we can be if we drop the ball.
Summary
Understanding the Problems and Devising Solutions: What Community Leaders and Police Chiefs Told Us

FOLLOWING IS A SUMMARY OF COMMENTS made by police chiefs and community members regarding the issues and challenges they see in community-police relationships, and the strategies and programs they have found to be effective:

**Status report:** There was wide agreement that the state of community-police relations in many cities is not good, largely because of controversial uses of force over the last 18 months in many cities across the nation.

**Local incidents have a national impact:** Controversial uses of force or other incidents in various cities are impacting police nationwide. Millions of people see these incidents on the news or on social media and take their impressions of police from those incidents. Community leaders and police executives in agencies that have not had controversial incidents in recent years report that they also feel a loss of trust in the police because of incidents in other cities nationwide.

**Historical injustices:** There is a history of police enforcing Jim Crow laws and other injustices that must be acknowledged. Many officers were not born when these events happened, so they are not responsible for it, but they must be responsible to it. They must understand that there are many millions of people who lived through this history, or have heard first-person accounts of it from family members, or are simply aware of this well-documented history of injustice. This history contributes to a lack of trust in the police, particularly when it appears that racial injustice is continuing today.

**Mistrust of police is often legitimate:** It is important for police to understand that mistrust of the police in many communities is legitimate. Police should never dismiss people’s stories about their encounters with officers.

**Officers should be required to intervene to stop misconduct:** Community members want to see police officers intervene when they see misconduct or excessive use of force by a fellow officer. Many community members do not trust the criminal justice system or police agencies’ Internal Affairs processes to investigate, discipline, or prosecute officers who engage in misconduct. But community members will trust their own eyes if they see officers taking action to stop misconduct by fellow officers—whether they see it in person in their own community, or on a YouTube video from the other side of the country.

Police leaders should emphasize to officers the importance of reporting misconduct or abuse by fellow officers, and should implement policies requiring officers to report such misconduct. Police leaders also should implement policies and instruct officers to intervene to stop misconduct or abusive actions by fellow officers at the time they occur.

**Disciplinary actions:** Police must find ways to remove problem employees from the force. For
many years, police chiefs have cited the problems that are caused when they attempt to fire an officer for misconduct, only to have that decision thwarted or overturned by a labor arbitration proceeding or by provisions of an “Officers’ Bill of Rights” law.

Police chiefs and community leaders agreed that they should work together to change labor agreements or laws that allow disciplinary actions to be overturned against the chief’s wishes.

**Focus on young people:** Many young people do not trust the police. Even very young children in some communities are afraid of police officers. Many young people also feel alienated and deprived of opportunities, which can make them more likely to join gangs, commit crimes, or otherwise become disruptive.

Programs such as Youth and Police Initiative (YPI) bring police officers together with youths to “break the cycle of mutual distrust that commonly exists between youth and police.” Young people must be brought into efforts to build community-police relationships. Police policies and programs will not succeed if young people do not believe they have a stake in the future.

**A sense of urgency:** Reforms cannot come fast enough for people who are afraid of their local police. Residents of prosperous, low-crime neighborhoods with fewer social problems often do not feel the sense of urgency about improving community-police relationships.

**Police should not discount people’s experiences:** Police must do a better job of showing empathy and compassion. Police should never discount anyone’s negative experiences with the police, or the experiences of their friends or relatives. A number of chiefs said it is important for them to simply listen to community members and accept their concerns, and avoid the temptation to argue or make defensive remarks.

**Police are forced to take on too many responsibilities:** The job of policing is complicated by the fact that society has failed to take responsibility for many social service issues, so police are called instead. For example, weaknesses in mental health care and anti-poverty policies result in police often being called to respond to incidents involving persons with mental illness, homeless persons, and others in need, simply because police are the only agency that responds on a 24-7 basis.

In many locations, the county jail provides mental health treatment to more people than any other institution in the county, even though jails are not properly equipped for this task. One sheriff pointed out that his jail’s only option for housing persons who cannot be housed in the general population is solitary confinement, which can be extremely harmful.

**Police misconduct is not a separate issue from other community problems:** A number of community leaders spoke about violent crimes committed in their neighborhoods, which often involve generational poverty, lack of educational opportunities, and social ills such as “kids having kids.” However, community leaders reject arguments that these issues somehow reduce the need to discuss police misconduct.

As one community leader said, “There is an attempt in the media to frame police violence and police misconduct against what is called black-on-black violence…. From the community’s perspective, it is all connected. When you talk about decades of failed housing policies, poor educational structures, persistent unemployment and underemployment, poor health care, and then you throw drugs and guns into the mix, you have this culture of violence that ferments. And then when you add on that the lack of the community’s trust of the police department, it is all connected together.”

**Police and community leaders have much in common:** Police and community leaders have many common goals. Because police officers handle calls for service every day, they see firsthand the poverty and quality-of-life issues that community leaders know about.

**Reforms are driven by communities:** Police leaders and community leaders can work together to solve systemic social problems, but they cannot do it on their own. The most difficult problems are
solved when rank-and-file members of a community demand solutions and are involved in designing reform measures. Police derive their authority from the communities they serve. A number of leaders said that meaningful change usually begins at the local level.

**Simply communicating can produce results:** Police leaders and community leaders should communicate with each other and work together to identify and resolve issues. The simple exchange of views between police leaders and community leaders often can clear up misunderstandings.

For example, community members sometimes think that police are in their communities too much, bothering residents with minor enforcement actions. But at other times, community members say it feels like the police are “never around,” and ignore the problems in their neighborhoods.

If police regularly meet with community members to explain what they are doing and solicit residents’ views about it, they can clear up misunderstandings that undermine trust. As one chief put it, “You can’t trust somebody you don’t know.”

Occasionally, police chiefs and community leaders are not able to be friendly with each other. But it is important that they maintain a professional relationship and strive to achieve mutual respect. Respecting each other is more important than liking each other.

**Discussions must be honest:** Actions must match words. If police leaders promise something and fail to deliver, the result can be worse than if they have never spoken about the issue in the first place.

Transparency is critically important. When a critical incident occurs, police should try to release as much information about it as possible, as quickly as possible, with the caveat that early information is sometimes incorrect and may be amended later.

There are many ways to foster communication: Police should constantly look for non-enforcement related opportunities to meet with community members, such as Explorer/Cadet programs, ride-alongs, midnight basketball, etc.

One new idea is “Cops and Barbers,” a program that began in Charlotte, NC, in which police regularly meet with local business owners, such as barbers, who are in a position to have their finger on the pulse of communities.

**Don’t wait to receive an invitation; send one yourself:** Community leaders and police chiefs alike recommended that everyone should seek opportunities to invite the other to an event or meeting.

For example, police chiefs said they have found it helpful to establish liaison committees of community leaders, with whom they meet regularly to discuss neighborhood issues and developments in the police department.

Each interaction can have a lifetime of implications: Police leaders should emphasize to officers that each interaction they have with community members can have an important and long-lasting impact on community members’ opinions of the police.

A number of community members recalled that during their childhood, they had positive relationships with officers who mentored them or just spent time with them in the neighborhood. Some police agencies are trying to create opportunities for these types of relationships today.

**Implicit bias training:** Policing in the “post-Ferguson environment” involves a renewed focus on issues of racial bias. Many police agencies are providing training on “implicit bias” to officers. Unlike “explicit bias,” which typically involves overt racism, implicit bias operates below the level of conscious awareness. Well-meaning people who consciously reject racism or other bias may unwittingly

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act in ways that result in discrimination because of implicit bias. However, these people can be taught how to recognize and reduce their unconscious biases. Implicit bias training is useful for anyone, not only police officers.

**If you make a mistake, apologize immediately:** Officers should be trained to apologize immediately if they make a minor mistake that affects a community member. A small gesture can have a significant impact on a community member's respect for the police.

**Recruiting and promotions:** The “culture” of policing is crucially important, and one important element of police culture is the standards under which officers are recruited, hired, and promoted.

Police should aim to ensure that their personnel at all levels reflect their communities. Police chiefs often say that despite their best efforts to be creative in recruiting from minority communities, results often are disappointing. Police chiefs welcome suggestions and assistance from community leaders about identifying young people they know who would be good officers and encouraging them to consider policing as a career. Community leaders also should be included in boards that oversee police recruiting processes.

In addition to working toward diversity in hiring and promotions, police chiefs said they are attempting to recruit and advance people who understand that “when done correctly, policing is a vocation, not just a job.” This involves emphasizing that the large majority of most officers’ time is spent working with community members to solve local problems—not on enforcement actions. This is often referred to as emphasizing the “guardian” aspect of policing, rather than the “warrior” aspect. Community leaders and police chiefs also agreed that officers should be encouraged to see themselves as part of the neighborhoods they serve.

**Measure officers’ performance according to what you want them to do:** Police leaders must clearly define how they want officers to spend their time, and must create incentives and performance evaluation systems that reflect those values. If a department wants officers to work with community members to solve local problems and built trust, it should measure those activities for purposes of evaluating officers’ performance, and should revise existing systems that emphasize the numbers of arrests each officer makes and other enforcement measures.

Police chiefs and community leaders agreed that the ideas and priorities of police leaders do not always filter down to the level of line officers. It is critically important to find ways of ensuring that officers understand what is expected of them, and that they are evaluated according to those priorities. A number of police and community members said that patrol officers have the greatest impact on community relationships, even more so than police chiefs, because line officers spend more time in contact with community members every day.
About the Police Executive Research Forum

The Police Executive Research Forum (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and developing and assessing crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership; public debate of police and criminal justice issues; and research and policy development.

The nature of PERF’s work can be seen in the titles of a sample of PERF’s reports over the last decade. Most PERF reports are available without charge online at http://www.policeforum.org/free-online-documents.

- Constitutional Policing as a Cornerstone of Community Policing (2015)
- Defining Moments for Police Chiefs (2015)
- Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (2014)
- Local Police Perspectives on State Immigration Policies (2014)
- The Role of Local Law Enforcement Agencies in Preventing and Investigating Cybercrime (2014)
- The Police Response to Active Shooter Incidents (2014)
- Future Trends in Policing (2014)
- Social Media and Tactical Considerations for Law Enforcement (2013)
- Civil Rights Investigations of Local Police: Lessons Learned (2013)
- Improving the Police Response to Sexual Assault (2012)
- Voices from Across the Country: Local Law Enforcement Officials Discuss the Challenges of Immigration Enforcement (2012)
- Managing Major Events: Best Practices from the Field (2011)
• Gang Violence: The Police Role in Developing Community-Wide Solutions (2010)
• The Stop Snitching Phenomenon: Breaking the Code of Silence (2009)
• Violent Crime in America: What We Know About Hot Spots Enforcement (2008)
• Promoting Effective Homicide Investigations (2007)
• “Good to Great” Policing: Application of Business Management Principles in the Public Sector (2007)
• Managing a Multi-Jurisdiction Case: Identifying Lessons Learned from the Sniper Investigation (2004)
• Racially Biased Policing: A Principled Response (2001)

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies; educates hundreds of police officials each year in the Senior Management Institute for Police, a three-week executive development program; and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF’s work benefits from PERF’s status as a membership organization of police officials, who share information and open their agencies to research and study. PERF members also include academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected President and Board of Directors and a Board-appointed Executive Director.

To learn more about PERF, visit www.policeforum.org.
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Motorola Solutions is a company of engineers and scientists, with employees who are eager to encourage the next generation of inventors. Hundreds of employees volunteer as robotics club mentors, science fair judges and math tutors. Our “Innovators” employee volunteer program pairs a Motorola Solutions employee with each of the non-profits receiving Innovation Generation grants, providing ongoing support for grantees beyond simply funding their projects.

For more information on Motorola Solutions Corporate and Foundation giving, visit www.motorolasolutions.com/giving.

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APPENDIX
Participants at the PERF Summit
“Strengthening Community-Police Relationships”
July 10, 2015, Washington, DC

Charles Alphin
THE KING CENTER, ATLANTA, GA

Chief Timothy Altomare
ANNE ARUNDEL COUNTY, MD POLICE DEPARTMENT

Pastor Daryl Arnold
OVERCOMING BELIEVERS CHURCH, KNOXVILLE, TN

Pastor Edward Barron
HIGHER GROUND TEMPLE CHURCH OF GOD IN CHRIST, CAMDEN, NJ

Chief Mitch Bates
GARLAND, TX POLICE DEPARTMENT

Former Councilman Dan Benavidez
CITY OF LONGMONT, CO

Senior Policy Analyst Willette Benyard
DOJ, BUREAU OF JUSTICE ASSISTANCE

Deputy Chief Ken Bernard
SACRAMENTO, CA POLICE DEPARTMENT

Deputy Commissioner Kevin Bethel
PHILADELPHIA POLICE DEPARTMENT

Chief Mitch Bates
GARLAND, TX POLICE DEPARTMENT

Chief James Brown
TOPEKA, KS POLICE DEPARTMENT

Senior Minister Dan Bryant
FIRST CHRISTIAN CHURCH OF EUGENE, OR

Chief Mike Butler
LONGMONT, CO POLICE DEPARTMENT

Senior Advisor Ed Chung
OFFICE OF JUSTICE PROGRAMS, DOJ

Chief of Staff Melanca Clark
COPS OFFICE, DOJ

Chief Hugh Clements
PROVIDENCE, RI POLICE DEPARTMENT

Shaun Corbett
NORTH CAROLINA LOCAL BARBERSHOP ASSOCIATION

Executive Secretary Brian Corr
POLICE REVIEW AND ADVISORY BOARD, CAMBRIDGE, MA

Christina Cotterman
PRINCE GEORGE’S COUNTY, MD POLICE DEPARTMENT

Chief Brendan Cox
ALBANY, NY POLICE DEPARTMENT

President David Crowley
SOCIAL CAPITAL, INC., WOBURN, MA

Former Boston Police Commissioner Ed Davis
ED DAVIS, LLC

Pastor Shon Davis
JESUS IS THE ANSWER CITY CHURCH, SPOKANE, WA

Director Ron Davis
COPS OFFICE, DOJ

Interim Commissioner Kevin Davis
BALTIMORE POLICE DEPARTMENT

Senior Policy Analyst Susan Dozier
WHITE HOUSE DOMESTIC POLICY COUNCIL

Vice President Deleice Drane
THE KING CENTER, ATLANTA, GA

Mayor Kevin Dumas
TOWN OF ATTLEBORO, MA

Chief Barbara Duncan
SALISBURY, MD POLICE DEPARTMENT

Reverend Dr. Timothy Dunham, Sr.
GOD’S THRONE BAPTIST CHURCH, STOCKTON, CA

Chief Alfred Durham
RICHMOND, VA POLICE DEPARTMENT

Senior Policy Analyst Steven Edwards
DOJ, OFFICE OF JUSTICE ASSISTANCE

Chief Dean Esserman
NEW HAVEN, CT POLICE DEPARTMENT

Chief Robert Ferullo
WOBURN, MA POLICE DEPARTMENT

Outreach Supervisor Wendall Fisher
LOUDOUN COUNTY, VA PUBLIC SCHOOLS

Reverend Floyd Flake
GREATER ALLEN A.M.E. CATHEDRAL OF NEW YORK

Robert Flake
GREATER ALLEN A.M.E. CATHEDRAL OF NEW YORK

David Forbes
TOWN OF GARNER, NC

Dr. Lloyd Gelineau
BROOKLINE, MA OFFICE OF DIVERSITY, INCLUSION, AND COMMUNITY RELATIONS

Note: Participants’ titles and affiliations are those at the time of the July 10 meeting.
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<tr>
<th>Name</th>
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<td>Ms. Shirley Ginwright</td>
<td>NAACP, Fairfax County, VA Chapter</td>
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<td>Superintendent-in-Chief William Gross</td>
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<td>President/CEO Isay Gulley</td>
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<td>Assistant Attorney General Vanita Gupta</td>
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<td>Commissioner Robert Haas</td>
<td>Cambridge, MA Police Department</td>
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<td>Chief Jeff Hadley</td>
<td>Kalamazoo, MI Police Department</td>
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<td>Chief Howard Hall</td>
<td>Roanoke County, VA Police Department</td>
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<td>Chief Michael Harrison</td>
<td>New Orleans Police Department</td>
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<td>Prince William County, VA Police Department</td>
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<td>Bishop Robert Lee Jackson</td>
<td>Church of God and Christ, Oakland, CA</td>
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<td>Chief Robert Jackson</td>
<td>Turlock, CA Police Department</td>
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<td>Chief Joanne Jaffe</td>
<td>New York City Police Department</td>
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<td>The House of the Lord Church, Akron, OH</td>
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<td>Executive Director Jane Johnson</td>
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<td>President Frank Johnson</td>
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<td>Major Alexander Jones</td>
<td>Baltimore County Police Department</td>
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<tr>
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</tr>
<tr>
<td>Chief Eric Jones</td>
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<td>Chief Pete Kerns</td>
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<td>Chief Bill Kilpatrick</td>
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<td>Law Enforcement Marketing Manager Tracy Kimbo</td>
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<td>Senior Director, Government Affairs Barry Lambergerman</td>
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<td>Waymon Lewis</td>
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<td>Senior Advisor to the Director Katherine McQuay</td>
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<td>Associate Dean Everett Mitchell</td>
<td>University of Wisconsin, Madison</td>
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<tr>
<td>President &amp; CEO La June</td>
<td>Montgomery Tabron</td>
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<tr>
<td>President Anton Moore</td>
<td>Unity in the Community, Philadelphia</td>
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<tr>
<td>Deputy Director Gilbert Moore</td>
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<td>Chief David Morris</td>
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Director Amin Muslim  
CONSTITUENT SERVICES,  
D.C. COUNCIL WARD 7

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NEWPORT NEWS, VA  
POLICE DEPARTMENT

President Rick Neal  
GOVERNMENT STRATEGIES  
ADVISORY GROUP

Sheriff Michael Neustrom  
LAFAYETTE PARISH, LA SHERIFF’S OFFICE

Chief Jim Nice  
AKRON, OH POLICE DEPARTMENT

Chief Dan Oates  
MIAMI BEACH POLICE DEPARTMENT

Director Denise O’Donnell  
BUREAU OF JUSTICE ASSISTANCE, DOJ

Stan Ogwel  
COMMUNITY AND POLICE TRUST INITIATIVE,  
PHOENIX, AZ

Chief Dan O’Leary  
BROOKLINE, MA POLICE DEPARTMENT

Chief Kathleen O’Toole  
SEATTLE POLICE DEPARTMENT

Assistant Pastor Dwight Parker  
SET THE CAPTIVES FREE CHURCH,  
WINDSOR MILL, MD

Cindy Pasternak  
RIVERDALE-GRANDVIEW HEIGHTS  
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POLICE DEPARTMENT

Chief Kenton Rainey  
BART POLICE DEPARTMENT, OAKLAND, CA

Chief David Rausch  
KNOXVILLE, TN POLICE DEPARTMENT

Assistant Chief Luther Reynolds  
MONTGOMERY COUNTY, MD  
POLICE DEPARTMENT

Vernon Ricks  
AFRICAN AMERICAN LIAISON COMMITTEE,  
MONTGOMERY COUNTY, MD

Chief Ed Roessler  
FAIRFAX COUNTY, VA  
POLICE DEPARTMENT

Council Member Eber Rosario  
TOWN OF RIVERDALE PARK, MD

Lt. Colonel Melvin Russell  
BALTIMORE POLICE DEPARTMENT

Chief of Staff Marlene Sallo  
COMMUNITY RELATIONS SERVICE, DOJ

Deputy Chief William Scott  
LOS ANGELES POLICE DEPARTMENT

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NAACP STARK COUNTY, OH CHAPTER

Chief Daniel Sharp  
ORO VALLEY, AZ POLICE DEPARTMENT

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UNIVERSITY COMMUNITY-UNIVERSITY OF OKLAHOMA

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SOUTH SACRAMENTO, CA  
CHRISTIAN CENTER

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Community Liaison Ralph Smith  
FIRST AME CHURCH OF MANASSAS, VA

Chief Tom Smith  
SAINT PAUL, MN POLICE DEPARTMENT

Assistant Chief Michael Soelberg  
MESA, AZ POLICE DEPARTMENT

Chief Frank Straub  
SPokane, WA POLICE DEPARTMENT

Pastor Strick Strickland  
KALAMAZOO, MI CITIZENS REVIEW BOARD

Chief Greg Suhr  
SAN FRANCISCO POLICE DEPARTMENT

Chief Terry Sult  
HAMPTON, VA POLICE DEPARTMENT

Chief Ron Teachman  
SOUTH BEND, IN POLICE DEPARTMENT

Director of Employment & Economic Development  
Tyrone Terrill  
YWCA, SAINT PAUL, MN

Tristy Terwilliger  
CITY OF TUCSON INDEPENDENT  
POLICE AUDITOR

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WBOK RADIO, NEW ORLEANS

Coordinator for Equity Assurance and Student Monitoring  
Mark Thompson  
WICOMICO COUNTY, MD  
BOARD OF EDUCATION

Chief J. Scott Thomson  
CAMDEN COUNTY, NJ  
POLICE DEPARTMENT

Chris Tillery  
NATIONAL INSTITUTE OF JUSTICE, DOJ

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Diego Uriburu  
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MONTGOMERY COUNTY, MD

Chief Roberto Villaseñor  
TUCSON POLICE DEPARTMENT

President Jim Vincent  
NAACP PROVIDENCE, RI CHAPTER

Vice Mayor Lou Waters  
TOWN OF ORO VALLEY, AZ

CEO Angela Waters Austin  
ONE LOVE GLOBAL, LANSING, MI

Counsel to the  
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Edna Wells Handy  
NEW YORK CITY POLICE DEPARTMENT

Chief Sean Whent  
OAKLAND, CA POLICE DEPARTMENT

Dr. Leroy Williams  
NEW HAVEN, CT COMMUNITY AND  
POLICE RELATIONS TASK FORCE

Reverend Ricky Willis  
UNITED BLACK CHRISTIAN CLERGY, SEATTLE

Chief Joseph Yahner  
PHOENIX POLICE DEPARTMENT

Chief Michael Yankowski  
LANSING, MI POLICE DEPARTMENT

Chief Terry Zeigler  
KANSAS CITY, KS POLICE DEPARTMENT

Chief Brandon Zuidema  
GARNER, NC POLICE DEPARTMENT
We are grateful to the Motorola Solutions Foundation for its support of the Critical Issues in Policing Series.
PART C

Collective Bargaining Agreement
Between City and County of Denver and Denver Police Protective Association
2018-2020
COLLECTIVE BARGAINING AGREEMENT

BETWEEN

CITY AND COUNTY OF DENVER

AND

DENVER POLICE PROTECTIVE ASSOCIATION

2018 – 2020
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PREAMBLE

This Contract entered into on this ______ day of ____________, 2017 between the CITY AND COUNTY OF DENVER (hereinafter referred to as "City"), and the DENVER POLICE PROTECTIVE ASSOCIATION (hereinafter referred to as "the Association"), has as its purpose the establishment of a productive relationship between the City and the Association, and to set compensation and certain other conditions of employment as specified in § 9.8.3(B) and (D) of the Charter.
ASSOCIATION RIGHTS

4.1 When the Chief or his designee has granted prior approval, Association officials or representatives shall be allowed time away from their assigned duty station in order to conduct Association business. Nothing herein shall limit the discretion of the Chief or his designee in approving such time off.

4.2 Bulletin Boards

The Association may maintain one (1) secure bulletin board at each of the decentralized stations and other police facilities and two (2) secure bulletin boards at the Police Administration Building. The Chief or his designee will approve the location of such bulletin boards. All notices posted on these bulletin boards must first be approved by the Chief or a Deputy Chief before being posted. These boards may be used for the following notices:

4.2.1 Recreation and Social Affairs of the Association.
4.2.2 Association Meetings.
4.2.3 Association Elections.
4.2.4 Reports of Association Committees.
4.2.5 Information to police officers concerning their employment.

There shall be no postings regarding any political candidate or candidates, nor postings concerning any issues being considered as part of a federal, state or municipal election.

The bulletin boards will be paid for by the Association who shall also be responsible for their maintenance and security.

Subject to prior approval by the Chief or a Deputy Chief, not more than twice a month, or as the Chief may additionally allow, notices concerning matters related to scheduled meetings or affairs of the association or incidental to this Agreement may be sent to Association members via the Department’s e-mail system in accordance with procedures determined by the Department. Notwithstanding the above, the Association’s newsletter will not be distributed to Association members via the Department’s email system.

4.3 Members of the Association’s Executive Board may, at the discretion of the Chief or his/her designee, be permitted to speak at shift roll call meetings about Association business, and shall be permitted to address each Department recruit class for a period not to exceed two (2) hours concerning Association membership benefits.
In response to requests for information, the parties will provide information deemed reasonably necessary for purposes of preparing for negotiations and/or impasse or grievance arbitrations. Responses to requests for information shall be made within a reasonable period of time. Denial of any request for information or the response to any request for information shall not be subject to the grievance or arbitration procedures, but may be admissible in any subsequent impasse or grievance arbitration.
Article 9

VACATIONS

9.1 Officers shall accrue vacation as follows:

<table>
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<th>Length of Employment</th>
<th>Annual Leave Hours Accrued Each Year of Regular Time Worked</th>
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<tr>
<td>1st through 4th year</td>
<td>112 hours</td>
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<td>5th through 9th year</td>
<td>136 hours</td>
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<td>10th through 14th year</td>
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9.2 Vacation shall be accrued for each month of service, prorated on the above schedule.

9.3 Subject to the limitations of 9.3.1, vacation time must be used in the calendar year in which it is received except that an officer may carry over up to 144 hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief's discretion, use their excess accrued vacation in increments of eight (8), ten (10) or twelve (12) hours dependent upon the officer's regularly scheduled duty shift.

9.3.1 Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.

9.4 Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.

9.5 Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

9.6 Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of the work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a
full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hours shifts shall use five (5) regular days off and officers working eight (8) hours shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.

9.7 Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the commander.

9.8 Transfers after vacation voting:

a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.

b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.

9.9 In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.

9.10 Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

9.11 The use of vacation time shall be voted by seniority as follows:

9.11.1 Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of detective, corporal and technician are not
civil service ranks. Division Chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. In the absence of a Division Chief, the Deputy Chief of the affected area of Operations or Administration may permit voting within individual units. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.
Article 11

HOLIDAYS

11.1 The following are recognized and observed as holidays:

New Year’s Day
Dr. Martin Luther King Day
Presidents Day
Cesar Chavez Day
Memorial Day
Independence Day
Labor Day
Thanksgiving
Veterans Day
Christmas Day
Officer’s Birthday (to be taken off in accordance with procedures issued by the Chief)

11.2 In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for all regularly scheduled time actually worked on a holiday. If the number of hours worked on a holiday is less than eight, the balance of the time shall be paid in holiday straight pay to complete an eight-hour benefit.

11.3 If the day on which a holiday is observed falls on an officer’s scheduled day off, the officer shall receive, in addition to the officer’s base pay, pay for the holiday at the officer’s base rate of pay.

11.4 At the discretion of the Chief and subject to the needs of the department, an officer may request eight (8) hours of time off in lieu of receiving pay for the recognized holiday under 11.2 or 11.3 and may save up to four (4) such holidays for a maximum of thirty-two (32) hours of holiday time which can be voted at the time of the vacation leave vote. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, he has no entitlement to either premium pay under 11.2 for work on the holiday or payment under 11.3 if the holiday as observed falls on the officer’s scheduled day off.
Article 12  BEREAVEMENT LEAVE

Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, spousal equivalent as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.
OVERTIME

Pursuant to § 7(k) of the Fair Labor Standards Act (29 U.S.C. § 207(k)), a work period for officers of twenty-eight (28) days is established.

The overtime rate of pay shall be at time and one-half of the officer’s regular rate of pay. Except as noted in section 16.3 below, all officers up to and including the rank of lieutenant shall be paid at the overtime rate for all hours worked in excess of their normal daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) hours in the work period. Captains shall be compensated for all hours worked in excess of their normal duty shift at their regular rate of pay, except as noted in section 16.3 below. For purposes of this article, the term “hours worked during a normal daily work shift” shall include all types of paid leave or time off except compensatory time. The parties expressly acknowledge that the time spent donning and doffing the uniform and safety gear required by the Department to be worn by officers does not constitute compensable work time under the FLSA or this Agreement.

All overtime worked, other than off-duty overtime specified in section 16.3 below, shall be compensated in either money or time off pursuant to this agreement, unless external funding sources dictate otherwise. All overtime work must be approved by the officer’s supervisor prior to the work being performed. Time worked will be recorded pursuant to the Department's established record keeping procedures.

After working overtime, the officer will designate whether he wants to be compensated in money or time off. If the officer requests compensation in money, that request will be honored unless a supervisor, for reasonable cause, denies the request. Any such denial is subject to review through the chain of command and ultimately through the grievance procedure of the collective bargaining agreement. If the officer requests compensation in compensatory time off, said request shall be granted, absent extraordinary circumstances, until the officer achieves a bank of eighty (80) hours. If an officer has accumulated a bank of eighty (80) hours or more, then a request for further accrual of compensatory time off must be approved by the Chief or his designee.

Compensatory time for all non-Patrol Officers may be used within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the Department. Compensatory time for all Officers within the Patrol Division shall be in accordance with those practices more specifically set forth in a Settlement Agreement and Order Approving Settlement entered in a civil action entitled Nick Rogers, et al v. City and County of Denver, Civil

16.3 Overtime in off-duty positions paid through the department shall be compensated as follows:

a. Officers below the rank of sergeant working overtime in an off-duty position paid through the department shall be compensated at their overtime rate.

b. Officers at or above the rank of sergeant working overtime in an off-duty position in a supervisory capacity paid through the department shall be compensated at their overtime rate.

c. Unless otherwise approved by the Chief or his designee, officers at or above the rank of sergeant working overtime in an off-duty position in a non-supervisory capacity paid through the department shall be compensated at one and one-half times the hourly rate of pay of a detective with 25 years longevity.

16.4 Actual overtime worked is to be converted to the nearest 1/10th hour until such time as the Department has the ability to record and pay overtime to the minute. At that time, actual overtime worked will be calculated and paid to the minute.

16.5 Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative or enforcement duties.
CALL BACK

17.1 Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.

17.2 An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.

17.3 Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.
Article 19  

CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF

19.1 Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).

19.2 The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.

19.3 Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted start time of a shift is changed within seventy-two (72) hours of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.

If an officer's scheduled day off is ordered changed by the commanding officer within seven (7) days of an officer's scheduled day off three or more times in the same twenty-eight (28) day work period, the officer will receive six (6) hours of compensatory time or pay at the officer's regular rate of pay for the third such change and any such changes thereafter during the same work period. If the posted start time of an officer's shift is changed within seventy-two (72) hours of the commencement of the officer's shift three or more times in the same twenty-eight (28) day work period, the officer shall receive four (4) hours of compensatory time for the third such change and any such changes thereafter during the same work period.

19.4 In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
DENVER POLICE PROTECTIVE ASSOCIATION

By: Nick Rogers, President

By: Tyson Welwell, Secretary

CITY AND COUNTY OF DENVER

By: Michael B. Hancock
Mayor

ATTEST:

Debra Johnson, Clerk & Recorder

REGISTERED AND COUNTERSIGNED:

Brendan Hanlon, Chief Financial Officer

Timothy M. O'Brien, Auditor

APPROVED AS TO FORM:

Kristin M. Bronson, City Attorney
City and County of Denver

RECOMMENDED AND APPROVED:

Stephanie O'Malley, Executive Director of Safety