

# 21<sup>ST</sup> CENTURY POLICING



## REPORT AND RECOMMENDATIONS OF THE POLICE COMPLAINTS BOARD

TO

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THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND  
INTERIM CHIEF OF POLICE PETER NEWSHAM**

September 21, 2016

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# **TWENTY-FIRST CENTURY POLICING REPORT POLICY RECOMMENDATIONS**

## **I. INTRODUCTION AND OVERVIEW**

In December 2014, President Barack Obama created the President’s Task Force on 21st Century Policing. The 11-member task force, which consisted of nationally-recognized experts in community policing and law enforcement, was commissioned to identify best policing practices and recommend ways that law enforcement agencies can employ effective crime-fighting strategies while simultaneously building public trust. The task force hosted numerous “listening sessions” during which community members, police, researchers, and academics contributed diverse and valuable insight regarding the dual goals of how to eradicate crime while respecting the inherent dignity of all people. In May 2015, the task force issued a comprehensive report containing 59 recommendations for improving police-community relations.<sup>1</sup> The recommendations fall within the following six issue-areas, or “pillars:”

1. Building trust and legitimacy;
2. Policy and oversight;
3. Technology and social media;
4. Community policing and crime reduction
5. Training and education; and
6. Officer wellness and safety.

The primary thread stringing these six pillars together is the idea of effectively and efficiently reducing crime while building public trust by fostering strong, enduring relationships between police, and the communities they serve. The recommendations contained within the six pillars all strive to mend the rifts that have steadily emerged between law enforcement and local communities, specifically, with an eye toward transparency and accountability, cooperation and mutual respect, and a proactive rather than reactive approach. The adoption of these recommendations will bring both short-term and long-term improvements to the law enforcement-community relationship, and ultimately, to the general welfare.

## **II. MPD SUCCESSES AND RECOMMENDATIONS REGARDING 21<sup>ST</sup> CENTURY POLICING REPORT**

The Metropolitan Police Department (MPD), like several other large urban police departments, historically has subscribed to many of the core principles outlined in the Report even prior to its publication. What follows is a general summary of the areas in which MPD applied the six pillars of the 21<sup>st</sup> Century Policing Report over the past several years followed by

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<sup>1</sup> President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (2015), available at [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

areas in which MPD may improve or accelerate its adherence to the respective pillars. Each section concludes with a policy recommendation to assist in bridging the gap between where MPD is now and what MPD can accomplish by explicitly adopting the values and guidance of the six pillars.<sup>2</sup>

### A. *Pillar One: Building Trust and Legitimacy*

Building trust and legitimacy is the foundational principle underlying law enforcement-community relations. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those enforcing it are exercising authority deemed legitimate by those subject to it; additionally, the public confers legitimacy only on those whom they believe are acting in procedurally just ways.<sup>3</sup> In many respects, MPD recognizes this occurrence and employs strategies that promote fairness and integrity so as to build trust and motivate compliance with the law.

Fostering a culture of transparency and accountability is the leading way by which trust and legitimacy are developed. MPD, in making publically available various policies, statistics, and reports, succeeds in cultivating transparency and legitimacy.<sup>4</sup> Another crucial method by which MPD can build trust and legitimacy is through forgoing what is referred to as the “warrior mindset” and instead choosing the “guardian mindset.”<sup>5</sup> Adopting a “guardian mindset” is principally concerned with recognizing how much police officers have in common with the people they serve. MPD applies this principle through initiatives such as the All Hands on Deck (AHOD) program in which *all* available officers, including recruits, are assigned to street patrol with a goal of crime reduction by engaging in one-on-one interactions with community residents. AHOD occurs at several occasions throughout the year.<sup>6</sup> “Good police work, requires that every officer interact with the residents of the communities they are assigned to protect. The Department will continue to do all it can to provide the highest quality of service possible to our

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<sup>2</sup> PCB issues this report and set of recommendations pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the Mayor, the Council of the District of Columbia, and the chiefs of Police of MPD and the D.C. Housing Authority’s Office of Public Safety reforms that have the potential to reduce incidence of police misconduct. PCB is grateful to the following persons who assisted in preparing the report and accompanying recommendations: OPC Executive Director Michael G. Tobin, who supervised the project with the assistance of Special Assistant Alicia Yass; Deputy Director Rochelle Howard, who provided technical assistance; and Gunita Singh, a rising third-year law student at Georgetown University Law Center.

<sup>3</sup> *Id.* at page 1.

<sup>4</sup> See e.g., Metropolitan Police Department, *Statistics and Data* (July 19 2016), available at <http://mpdc.dc.gov/page/statistics-and-data>.

<sup>5</sup> President’s Task Force on 21st Century Policing, *supra* at 11-12. See also, Seth Stoughton, *Law Enforcement’s “Warrior” Problem*, 128 Harv. L. Rev. F. 225 (2015).

<sup>6</sup> Metropolitan Police Department, *All Hands on Deck* (July 21 2016), available at <http://mpdc.dc.gov/page/all-hands-deck-ahod>.

citizens,” said former Chief Lanier. “All Hands on Deck is successful thanks to the support of residents and the dedication and hard work of my officers.”<sup>7</sup>

However, a huge part of community engagement is being able to respond to the particularized needs of community members; this can only occur if law enforcement understands the specific concerns of those they are tasked with serving. While the AHOD initiative is a proactive one, its duration lasts only 48 hours. MPD employs a wide spectrum of short-term initiatives to engage with the community, but our observations indicated a desire and need for even more engagement. The 21<sup>st</sup> Century Policing Report contains several anecdotes about the value of this sort of investment in our community, including:

Chief Charlie Beck of the Los Angeles Police Department (LAPD) described the LAPD’s Community Safety Partnership, in which officers engage the community and build trust where it is needed most, in the public housing projects in Watts. The department has assigned 45 officers to serve for five years at three housing projects in Watts and at an additional housing project in East Los Angeles. Through a partnership with the Advancement Project and the Housing Authority of the City of Los Angeles, the program involves officers going into the housing developments with the intent not to make arrests but to create partnerships, create relationships, hear the community, and see what they need—and then work together to make those things happen.<sup>8</sup>

**RECOMMENDATIONS:** The aforementioned engagement is the cornerstone of building trust and legitimacy. We encourage MPD to continue forging partnerships and meaningful relationships with residents. Ideally, these partnerships are conducted with the same officers going to the same locations for substantially prolonged periods of time. One of MPD’s exemplary community-building endeavors is its Citizen Volunteer Corps, whose policy is to utilize the services of volunteers to increase citizens’ exposure to the operations of the Department and to benefit from the skills and abilities they may contribute.<sup>9</sup> MPD should build upon such existing initiatives as well as create new ones that will cultivate an atmosphere of mutual respect between police and residents, specifically, through employing the four central principles of procedural justice: treating people with dignity and respect; giving individuals a voice during encounters; being neutral and transparent in decision-making; and conveying trustworthy motives.<sup>10</sup> Professional Development Trainings on procedural justice both in theory and application would be a noteworthy method of promoting these principles department-wide.

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<sup>7</sup> *Id.*

<sup>8</sup> President’s Task Force on 21st Century Policing, *supra* at 20.

<sup>9</sup> MPD General Order 101.02: Establishment of the Citizen Volunteer Corps (Effective Date Jan. 2016).

<sup>10</sup> *See generally* Stephen J. Schulhofer et. al., *American Policing at A Crossroads: Unsustainable Policies and the Procedural Justice Alternative*, 101 J. Crim. L. & Criminology 335 (2011) (describing how the procedural justice approach is grounded in empirical research demonstrating that willingness to cooperate with enforcement efforts are largely shaped not by the threat of force but rather by the strength of citizens’ beliefs that law enforcement agencies are legitimate. This sense of legitimacy is shaped by the extent to which police display attributes of procedural justice – practices which generate confidence that policies are formulated and applied fairly and that people are treated respectfully.)

## *B. Pillar Two: Policy and Oversight*

Pillar two emphasizes that the policies the police are responsible for executing must reflect community values, and that these policies must be clearly articulated to the community and implemented transparently. This pillar values genuine collaboration with the community in formulating policies and strategies that will reduce crime while increasing community engagement. MPD has taken steps to advance these goals, in part through the Citizens Advisory Council whereby community members are encouraged to meet with district commanders to discuss public safety and police-related problems within the community.<sup>11</sup>

Another key feature of pillar two is that data collection supervision and accountability are critical parts of a comprehensive approach to keeping people safe. MPD follows this principle in certain respects, including through publishing in their annual reports key statistics on crime, use of force, disposition of complaints filed against the police, etc.<sup>12</sup> Concomitant to the principle of transparency is the concept of civilian oversight – also a key feature of pillar two. The Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act)<sup>13</sup> is in large part a response to the 21<sup>st</sup> Century Policing Report’s call for increased oversight of police operations by the public, and thus, calls for thorough information sharing from law enforcement to the public.

**RECOMMENDATIONS:** In order to implement the mandates of the NEAR Act that critical information on MPD operations be made available to the public, MPD must scrupulously work to ensure compliance with all of the information sharing directives of the Act<sup>14</sup> and with concomitant auditing procedures to be developed by OPC. Additionally, MPD should continue to utilize its data and information sharing practices in such a manner as to respond to the priorities of the community they serve. These priorities will assist in reassuring the community that accountability, respect for the sanctity of life, and community cooperation all play a prominent role in MPD operations. Lastly, since a key component of oversight is the ability to identify officers involved in particular incidents, we urge MPD to build upon the new use of business cards, as discussed in OPC’s May 2015 Report and Recommendation<sup>15</sup> and addressed by MPD Special Order 16-08,<sup>16</sup> by encouraging officers to use these cards not just when there is a problem, but during positive, non-enforcement interactions.

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<sup>11</sup> Metropolitan Police Department, *Citizens Advisory Councils* (July 19, 2016), available at <http://mpdc.dc.gov/page/citizens-advisory-councils-cac>.

<sup>12</sup> See e.g., Metropolitan Police Department, *Annual Report for 2014* at 20-34.

<sup>13</sup> D.C. Code § 5-1104.

<sup>14</sup> See e.g., D.C. Code § 5-1104(d-2) (requiring information from MPD on use of force, death-in-custody incidents, citizen complaints, etc.).

<sup>15</sup> Police Complaints Board, *Business Cards Revisited: Improving Identification Requirements for MPD Officers* (May 20, 2015).

<sup>16</sup> MPD Special Order 16-08: Member Business Cards (Effective Date July. 2016).

### C. Pillar Three: Technology and Social Media

The use of technology can improve policing practices and also build community trust when utilized appropriately. Implementing certain technologies can give police departments countless opportunities to more fully engage with and educate communities about policies, accountability, and privacy issues. Body-worn cameras (BWCs) and social media are just two examples of the plethora of technology available to aid in the dual goals of fighting crime while fostering cooperation and trust-building with the community. MPD has excelled in numerous ways regarding social media to engage with community members in a respectful and mutually beneficial fashion. For example, MPD has “Police-Community Online Email List Groups” designed to share public safety information in an effort to reduce both the fear of crime and reduce crime itself.<sup>17</sup> These email lists give community members a chance to discuss concerns and ideas and strengthen partnerships between local police and the people they serve.

**RECOMMENDATIONS:** MPD should support the development and delivery of technology that will help law enforcement to more effectively provide police services while simultaneously allowing law enforcement to truly be responsive to the individuals they serve. MPD’s use of such technology should be based on defined policy frameworks with purposes and goals clearly delineated so as to mitigate any potential unintended consequences. MPD should continue to deploy BWCs in order to reap the benefits of the increased self-awareness that BWCs yield for both police and citizens.

Secondly, while MPD currently maintains a relatively strong social media presence, they should continue to develop new ways to engage the community on issues of importance through social media and gauge community sentiment regarding agency practices and policies. For example, MPD currently has a number of specialized social media pages, including the MPD Cadet Corps Facebook page.<sup>18</sup> MPD should look for opportunities to use such forums to highlight the Department’s non-enforcement interactions and community successes to help broaden perspectives of the police.

### D. Pillar Four: Community Policing and Crime Reduction

“Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.<sup>19</sup> Mutual trust and cooperation, two key elements of community policing, are vital to protecting our communities and must have a central place in law

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<sup>17</sup> Metropolitan Police Department, *Police Community Online Email List Groups* (July 19, 2016), available at <http://mpdc.dc.gov/node/207402>.

<sup>18</sup> Metropolitan Police Department, *Annual Report* (2014) at 7.

<sup>19</sup> Community Policing Defined (Washington, DC Office of Community Policing Services, 2014), <http://ric-zai-inc.com/Publications/cops-p157-pub.pdf>.

enforcement's policies and practices. To put it succinctly, community policing requires deliberate, active building of positive relationships with members of the community both personally and professionally. MPD works to achieve this goal through several initiatives such as their youth outreach programs like the Metropolitan Police Boys and Girls Club,<sup>20</sup> Youth Advisory Council,<sup>21</sup> and Evening with the Arts,<sup>22</sup> to name a few.

**RECOMMENDATIONS:** As the 21<sup>st</sup> Century Policing Report powerfully states, “It is critical to help community members see police as allies rather than as an occupying force.”<sup>23</sup> MPD should devise new ways to meaningfully engage with residents, business leaders, youth groups, community and civic organizations, and faith leaders in the community to create more socially stable neighborhoods. MPD should continue to build upon efforts to work with marginalized communities just as it has done with its LGBTQ Liaison Unit<sup>24</sup> and configure ways to adapt this model to other vulnerable communities. Community policing should be infused throughout the culture and organizational structure of MPD rather than be considered a mere strategy or tactic – it should be a core principle of MPD operations.<sup>25</sup> MPD should, at systematic intervals, issue localized surveys to residents to identify perceived public safety problems amongst residents and effectively “take the temperature” of the community in order to effectively identify concerns and collaborate with citizens on customized solutions.

#### *E. Pillar Five: Training and Education*

The scope of law enforcement's responsibilities is expanding as the issues facing our nation become more complex. Everything from new cultural mores to trends in media to evolving technologies affect police-community relations, and law enforcement must be well-equipped to deal with new challenges. Proper training and education are essential for accomplishing the tasks ahead. According to the 21<sup>st</sup> Century Policing Report, new approaches to hiring, recruitment, and evaluation are essential to developing a more highly educated police force with the character traits and social skills that enable effective policing and positive community relationships.<sup>26</sup>

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<sup>20</sup> Metropolitan Police Department, *Metropolitan Police Boys and Girls Club* (July 19<sup>th</sup>, 2016), available at <http://mpdc.dc.gov/node/216832>.

<sup>21</sup> Metropolitan Police Department, *Youth Advisory Council* (July 19, 2016), available at <http://mpdc.dc.gov/node/216712>.

<sup>22</sup> Metropolitan Police Department, *Summer with the Metropolitan Police Department* (July 19, 2016), available at <http://mpdc.dc.gov/node/216982>.

<sup>23</sup> President's Task Force on 21st Century Policing, *supra* at 42.

<sup>24</sup> Metropolitan Police Department, *Lesbian, Gay, Bisexual, and Transgender Liaison Unit* (July 19, 2016), available at <http://mpdc.dc.gov/page/lesbian-gay-bisexual-and-transgender-liaison-unit-lgbtlu>.

<sup>25</sup> See President's Task Force on 21st Century Policing, *supra* at 43 (oral testimony of Police Chief J. Scott Thomson of Camden County, New Jersey).

<sup>26</sup> President's Task Force on 21st Century Policing, *supra* at 51.



**RECOMMENDATIONS:** MPD should adopt a more holistic approach to hiring and training that emphasizes situational awareness and emotional intelligence alongside tactical skills. Education and training should, alongside the physical and tactical elements necessary for effective policing, emphasize the following areas of importance:

1. Community policing;
2. Interpersonal and communication skills;
3. Bias awareness;
4. Cultural responsiveness;
5. Crisis intervention; and
6. Situational decision making.

The aforementioned list is not exhaustive, and should serve as a guidepost in the overall goal of infusing compassion, tolerance, and interpersonal skills into MPD training programs. MPD recently took part in a professional development training<sup>27</sup> that emphasized de-escalation strategies, self-awareness, and the psychology of coping with work-related stress. These are all crucial concepts for law enforcement to grasp and retain, but a necessary, yet undervalued, theme that should have central priority in MPD training and education is that of empathy.<sup>28</sup> MPD should consider developing and employing more proactive approaches to problem-solving, highlighting the centrality of empathy. One method of doing so could include mindfulness training<sup>29</sup> – a concept now starting to be embraced by law enforcement across the country, including by our neighbors in Falls Church, Virginia.<sup>30</sup>

MPD could forge more partnerships with academic institutions. Such partnerships can contribute valuable insights to MPD personnel such as historical perspectives of policing to provide context as to why certain communities have negative feelings toward the police, as well as concepts like social intelligence, addiction as a disease, and procedural justice. Moreover, MPD should work diligently to establish a culture of active learning,<sup>31</sup> keeping in mind that continual engagement with these concepts and skills is essential to the overarching goal of cultivating a police culture that will build trust and legitimacy with the community.

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<sup>27</sup> Metropolitan Police Academy, *Contemporary Issues in Law Enforcement* (2016).

<sup>28</sup> See Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 Harv. L. Rev. F. 225, 226 (2015) (explaining the importance of empathy and compassion for the goals of trust and community building with respect to policing).

<sup>29</sup> Mindfulness is generally defined as “the awareness that emerges through paying attention on purpose, in the present moment, and nonjudgmentally to the unfolding of experience moment by moment.” Jon Kabat-Zinn, “Mindfulness-based Interventions in Context: Past, Present and Future,” *Clinical Psychology: Science and Practice* 10, no. 2 (2003) at 145.

<sup>30</sup> See e.g., The Police Chief, *Officer Safety Corner—Yoga and Mindfulness Program: City of Falls Church Police Department* (July 2014), available at [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=3403&issue\\_id=72014](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3403&issue_id=72014).

<sup>31</sup> President’s Task Force on 21st Century Policing, *supra* at 59.

#### *F. Pillar Six: Officer Wellness and Safety*

We know that the safety and well-being of our law enforcement officers is critical not only to themselves but also to ensuring public safety. Given the stresses, trauma, and risks associated with policing, the promotion of good physical, mental, and emotional health for officers is of utmost importance. Problems like sleep deprivation, substance abuse, and lack of exercise plague law enforcement officers across the country.<sup>32</sup> MPD does a commendable job in mitigating some of these issues, for example through the availability of fitness facilities located in all patrol districts, elimination of rotating shift schedules (based on research that switching shifts as done prior led to loss of sleep), and allowing access to free counseling for sworn officers through DC's Employee Assistance Program.<sup>33</sup>

**RECOMMENDATIONS:** MPD should work to ensure that the culture promoted within the department is one that dismantles the taboo of seeking help for mental and emotional problems. MPD should promote healthy dialogue about the importance of seeking treatment when necessary and quell the notion that asking for help is a sign of weakness. MPD should ensure that its employee benefit plans support these objectives. More partnerships should be cultivated with entities ranging from religious organizations to mental health providers in order to ensure a wide-spectrum of health and wellness resources for MPD personnel.

### **III. CONCLUSION**

The Police Complaints Board and the Office of Police Complaints confidently support the principles outlined within the six pillars of the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing. While building trust and legitimacy in order to foster positive and enduring relationships with the community is a long and arduous process, adherence to both the general themes and the concrete recommendations embedded within the 21<sup>st</sup> Century Policing Report can positively affect interactions between law enforcement and the people they serve in both the short term and long term. With a dedication to honoring these recommendations both in letter and spirit, we remain hopeful that tangible change can occur.

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<sup>32</sup> President's Task Force on 21st Century Policing, *supra* at 61.

<sup>33</sup> Metropolitan Police Department, *Work and Life Balance* (July 19, 2016), available at <http://mpdc.dc.gov/page/work-and-life-balance>.