

LANGUAGE AND CONDUCT



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**

November 28, 2016

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LANGUAGE AND CONDUCT POLICY RECOMMENDATION

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I. INTRODUCTION AND OVERVIEW

Between January 1, 2012 and June 30, 2016, the Office of Police Complaints (OPC) received 945 complaints from District residents and visitors regarding Metropolitan Police Department (MPD) officers' use of improper language or conduct.¹ Over one half of OPC contacts or complaints included at least one language and conduct allegation.² Of the 945 complaints, 190 contained one allegation or more that the MPD officer used profanity during the incident. Of the 945 complaints, 639 expressed concerns about the subject officer's demeanor or tone during the interaction. Over 40 of the involved officers had three or more language and conduct complaints against them.

While reliable comparative data for similar police departments is not available, the PCB still finds that these statistics indicate a need for action to reduce the incidence of language and conduct complaints.

It is clear that MPD does not support such language and conduct as it violates MPD General Order 201.26, which requires that officers "[b]e courteous and orderly in their dealings with the public."³ These violations show a disregard for an officer's responsibility to the community as a public servant, and can also damage public trust and perceptions of legitimacy of the police. Moreover, improper language or conduct can quickly escalate an otherwise minor situation, sometimes to the point of requiring force.⁴

While language and conduct violations may be perceived as minor,⁵ improving language and conduct can greatly improve the perception of MPD in the community. Appropriate language and conduct by MPD officers contributes to a positive image of the department and encourages community trust and cooperation, aiding the department's community policing efforts.

To facilitate improved compliance with MPD General Order 201.26 and the vast accompanying benefits, the Police Complaints Board (PCB) makes three recommendations⁶:

¹ Defined by OPC as language and conduct that is insulting, demeaning, or humiliating. D.C. Code § 5-1107(a).

² 1,441 of 2,637 contacts, formal complaints, and pending formal complaints within OPC's subject matter jurisdiction contained at least one language and conduct allegation. 1,418 of 2,582 formal complaints and pending formal complaints within OPC's subject matter jurisdiction contained at least one language and conduct allegation. 945 of 1,657 formal complaints within OPC's subject matter jurisdiction contained at least one language and conduct allegation.

³ MPD General Order 201.26: Duties, Responsibilities and Conduct of Members of the Department (effective April 5, 2011).

⁴ The 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 at 45.

⁵ Carroll Seron, et. al, *Judging Police Misconduct: "Street-Level" versus Professional Policing*, 38 LAW & SOC'Y REV. 665, 669 (Dec. 2004).

⁶ PCB issues this report and set of recommendations pursuant to D.C. Code § 5-1104(d) (2015), 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; Deputy Director Rochelle Howard; Special Assistant Alicia Yass; and Law Clerk Christine Kulumani.

- Take steps to emphasize and reinforce the value and importance of proper language and conduct as an inherent part of the MPD culture to all incoming officers. This should include exploring increased different tactical communication and verbal de-escalation tactics, and training for them. MPD should also develop a method to evaluate the effectiveness of such training, and reassess their use, if necessary.
- MPD should also assess whether new training should be implemented for all officers, or whether tactical communication, verbal de-escalation, stress management, or other training would better fit the department’s communication and interaction training needs. MPD should monitor new initiatives for effectiveness.
- MPD should update and expand General Order 201.26 to make clear that language and conduct not only includes spoken language, but also non-verbal conduct. MPD should also continually remind officers of this part of their duties, and ensure that supervisors are monitoring for compliance.

II. MPD POLICY AND OPC ENABLING STATUTE

MPD General Order 201.26, “Duties, Responsibilities and Conduct of Members of the Department,” states that:

“All members of the department shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, remaining calm regardless of provocation to do otherwise. . . . Members shall refrain from harsh, violent, course, profane, sarcastic, or insolent language. Members shall not use terms or resort to name calling which might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person.”⁷

Under D.C. Code § 5-1107 (a) and (b-1), OPC has the “sole authority to dismiss, conciliate, mediate, adjudicate, or refer for further action” “a citizen complaint against a member or members of the MPD . . . that alleges abuse or misuse of police powers by such member or members, including . . . use of language or conduct that is insulting, demeaning, or humiliating.”

III. POLICY CONSIDERATIONS

Due to police officers spending a substantial amount of time interacting with the public, performing their government duties visibly,⁸ their language and conduct can have a substantial impact on the District community. Offensive or improper language and conduct by police has been called “the antithesis of [] de-escalation.”⁹ In a profession that should rely heavily on de-

⁷ MPD General Order 201.26: Duties, Responsibilities and Conduct of Members of the Department, *supra* note 3.

⁸ Dennis P. Rosenbaum and Daniel S. Lawrence, *Teaching Respectful Police-Citizen Encounters and Good Decision Making: Results of a Randomized Control Trial with Police Recruits*, NATIONAL POLICE RESEARCH PLATFORM 8-1 (2012).

⁹ Robynn Tysver, *Testifying in D.C., UNO professor rails against 'disrespectful' language by police officers*, OMAHA WORLD HERALD (Jan. 13, 2015), http://www.omaha.com/news/crime/testifying-in-d-c-uno-professor-rails-against-disrespectful-language/article_15c4d3fe-ef66-52ac-a10b-be6f080a877e.html.

escalation and positive interaction to keep both the public and oneself safe, there is no place for such behavior. Moreover, this behavior has officer effectiveness and safety repercussions.¹⁰

A complicating factor with improper language and conduct is that oftentimes what constitutes insulting, demeaning, or humiliating language or conduct can be ambiguous and subjective.¹¹ Additionally, the offensive conduct can be nonverbal, making it even more difficult to examine after the fact. OPC complaint examiners have held the following as insulting, demeaning, or humiliating language or conduct by MPD officers:

- calling complainant a “slumlord”
- cursing at the complainant
- stating or implying that complainant “didn’t know how to listen” and was raised poorly
- talking under their breath
- speaking with a raised voice, harsh tone of voice, and being dismissive
- exclaiming “ewww” at a breastfeeding mother, telling her to “take that in the corner or the bathroom,” and calling the complainant “ignorant”
- telling the complainant to “climb down off her high horse” and that she “needed to know her place in this world.”¹²

A complaint examiner sustained the language and conduct complaints in all of these instances, and as such, MPD was notified and took action. As a result it is important for the community to understand that language and conduct violations that are brought to the attention of MPD through the OPC complaint process, and are sustained, regularly result in departmental action.

It is also equally important for the community to understand that while the PCB believes the majority of police community interactions are conducted in an appropriate manner, these examples illustrate a need for continued diligence with respect to the recommendations of this report.

This list, however, is also not an exhaustive list of language or conduct that would be in violation of General Order 201.26. In addition, it is important to note, that in several of these examples the officer admitted to the language and/or conduct, but did not seem to recognize that it was problematic.

¹⁰ Julie Vandermay, et. al, *Command Sequence in Police Encounters: Searching for a Linguistic Fingerprint*, 8(3) LAW ENFORCEMENT EXECUTIVE FORUM 141 (2008); Catherine Gallagher, et. al, *The Public Image of the Police: Final Report to The International Association of Chiefs of Police*, THE ADMINISTRATION OF JUSTICE PROGRAM GEORGE MASON UNIVERSITY (Oct. 2, 2011), <http://www.iacp.org/The-Public-Image-of-the-Police>; *Legitimacy and Procedural Justice: A New Element of Police Leadership*, POLICE EXECUTIVE RESEARCH FORUM 8-9 (Mar. 2014).

¹¹ Seron, et. al, *supra* note 5 at 67.

¹² For sample language and conduct allegations, refer to Appendix A.

Circumstances Underlying Improper Language and Conduct

Though PCB recognizes that citizens are at times rude or disrespectful¹³ towards officers, and that this is the largest predictor of police disrespect¹⁴ towards the citizens, the authority and power bestowed upon officers comes with a public responsibility and expectation that officers are held to a higher standard.¹⁵ In fact, people are entitled to respectful treatment.¹⁶ Consistent with such, most police departments, including MPD,¹⁷ require that their officers treat all persons courteously, irrespective of provocation or circumstances.¹⁸

Improper language or conduct may also be used as a technique to command attention, keep a safe distance, or dominate and control a person.¹⁹ Through conversations with MPD officers, it came to OPC's attention that there are some officers who feel MPD training on communications and police-citizen encounters is not reflective of the realities officers face on a day-to-day basis, but is instead idealistic. As a result, some officers may feel that using profanity or utilizing abrasive language and name-calling is the only method of effectively communicating with certain citizens. However, rather than this excusing officer behavior, it must motivate responsive departmental training that changes along with policing conditions and evolving best practices.

Additionally, improper language or conduct by officers may also be partly attributed to stress. Law enforcement is an inherently stressful profession where officers deal with frequent—if not constant—exposure to violence, suffering, death and face a criminal justice system many have lost faith in.²⁰ Unfortunately, when this stress goes unaddressed, job performance may be impaired.²¹ This includes increased aggression, which may often be expressed verbally and be targeted at the public.²² When in a stressful or difficult situation, communication is the first forgotten skill.²³

¹³ Defined here as “making belittling remarks, ignoring questions, a loud or interrupting voice, or obscene gestures.” Stephen D. Mastrofski, *Ideas in American Policing: Policing for People*, POLICE FOUNDATION (March 1999), available at <http://www.policefoundation.org/wp-content/uploads/2015/06/Mastrofski-1999-Policing-For-People.pdf>.

¹⁴ *Id.*

¹⁵ MPD Interim Chief of Police Peter Newsham is responsible for establishing “professional standards [for MPD officers to] maintain a higher level of integrity and ethical conduct than is generally accepted of others.” *About MPDC*, METROPOLITAN POLICE DEPARTMENT (last visited October 21, 2016), <http://mpdc.dc.gov/page/about-mpdc>.

¹⁶ Craig Fischer, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, Police Executive Research Forum (March 2014) available at http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf, at 10.

¹⁷ See, e.g. MPD General Order 201.36: Metropolitan Police Department Sworn Law Enforcement Officer Code of Ethics (effective April 11, 2005) in which officers pledge to “maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.”

¹⁸ Seron, et. al, *supra* note 5 at 669.

¹⁹ Samuel Walker, et. al, *The Color of Justice: Race, Ethnicity, and Crime in America* 165 (5th ed.).

²⁰ *On-the-Job Stress in Policing—Reducing It, Preventing It*, NAT'L INST. JUST. J. (Jan. 2000), <https://www.ncjrs.gov/pdffiles1/jr000242d.pdf>.

²¹ Julie Vandermay, et. al, *Command Sequence in Police Encounters: Searching for a Linguistic Fingerprint*, 8(3) LAW ENFORCEMENT EXECUTIVE FORUM 141 (2008) <http://www.forcescience.org/articles/Vandermay20141-151.pdf>.

²² See *On-the-Job Stress in Policing—Reducing It, Preventing It*, *supra* note 20.

²³ *Stress and Decision Making*, UNITED STATES DEPARTMENT OF HOMELAND SECURITY FEDERAL LAW ENFORCEMENT TRAINING CENTER 2-18 (July 11, 2011),

Police culture may also contribute to a lack of respect, including use of profanity and name-calling. The values of an agency guide officers in their decision making—relying on rules and policy alone is often insufficient when interacting with a citizen.²⁴ Once the department’s culture accepts, implicitly or explicitly, this disrespect, procedural justice and community policing efforts are hampered. Through dedication to community and emphasizing respect, police culture within departments can shift.²⁵ Terminology changes, highlighting respectful language, and acknowledging potential faults in police culture that are contrary to community policing efforts, are each steps to help shift police culture.²⁶

The President’s 21st Century Policing Task Force addresses changing the police culture with the specific recommendation for police departments to emphasize the importance of positive community interactions, stressing that routine daily contacts with citizens are the foundation for improved policing.²⁷ In response to this recommendation several police departments have enacted new programs. For example:

- The Honolulu Police Department created a Coffee with a Cop program. The program allows community members to meet with police officers, discuss concerns, and break down barriers.²⁸
- The Cedar Rapids Police Department established a Police Community Action team to promote conversations with citizens in at-risk neighborhoods.²⁹
- The Starkville Police Department instituted the Walk and Talk initiative. “Every day, officers are expected to spend at least 15 minutes with community residents interacting outside the normal officer relationship. Residents are encouraged to share their interactions on social media.”³⁰

These programs provide examples for using community engagement to make cultural changes in the police department and thus make steps towards improved language and conduct.

Further, in order to proactively address improper language and conduct, various styles of training have been developed. For example, the United States Department of Justice (DOJ) recognizes the efficacy of scenario-based training³¹ and encourages its use.³² Additionally, DOJ believes that the following subjects are foundational to both new-recruit training and in-service

https://www.fletc.gov/sites/default/files/imported_files/reference/research-papers/Stress-and-Decision-Making-04-06-12--Approved---Pulic-Release--508-Accessible.pdf.

²⁴ *Id.* at 12.

²⁵ *Id.* at 43.

²⁶ *Id.*

²⁷ *Id.* at I(B)(13).

²⁸ The President’s Task Force on 21st Century Policing, *One Year Progress Report of the President’s Task Force on 21st Century Policing* (2016), available at https://cops.usdoj.gov/pdf/taskforce/TaskForce_Annual_Report.pdf. at 26.

²⁹ *Id.* at 27.

³⁰ *Id.* at 29.

³¹ Scenario-based training is a hands-on method of training that attempts to mimic real-life scenarios that may be encountered.

³² *Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies*, UNITED STATES DEP’T OF JUST. 14 (Jan. 2001).

training: cultural diversity; communication, including courtesy and respect; cultural sensitivity; verbal disengagement and alternatives to use of force; and integrity and ethics.³³

Many departments have already employed trainings on interaction and communication or de-escalation. An example is the Quality Interaction Program (QIP), which is a recruit training program focused on interpersonal encounters and communications. QIP was created with the belief that improved police-citizen encounters would increase the quality of police services, enhance officer safety, reduce disciplinary action, and prevent lawsuits.³⁴ QIP utilizes a 4-step process.³⁵ First, recruits observe tasks being performed or a problem being dealt with.³⁶ Next, recruits practice the observed behaviors.³⁷ The instructor and other recruits then provide feedback on the rehearsed behavior, including feedback on voice, neutrality, respect, not getting frustrated, and resilience.³⁸ Finally, recruits then ideally will utilize the learned behaviors while on the job.³⁹ This program demonstrated promising results, including improved respectful and reassuring behavior, including being courteous, during police-citizen encounters.⁴⁰ Whether this was the result of changed recruit attitudes and feelings or a reflection of the repeated use of scripts is unknown.⁴¹

Many departments have instead opted to use tactical communication, “a communication process in which strategy (verbal and non-verbal tactics) [are] implemented in a specific compliance-gaining context.”⁴² Over 300 law enforcement agencies in the United States have trained on Verbal Judo, including MPD, making it the most widely used tactical communications program.⁴³

Developed in the 1980s, Verbal Judo is a widely known and proven-effective tactical communication strategy.⁴⁴ Verbal Judo aims to teach methods of gaining compliance while maintaining professionalism, promoting safety, diminishing or preventing conflict, and giving the appearance of empathy.⁴⁵ Trainees view training videos, including examples of both what to do and what not to do, and then practice the modeled behaviors.⁴⁶ Those who believe in the strategy then incorporate the skill set, including scripts, vocabulary, and approaches, into their policing style.⁴⁷ Both studies and

³³ *Id.*

³⁴ Amie M. Schuck and Dennis P. Rosenbaum, *the Chicago Quality Interaction Training Program: A Randomized Control Trial of Police Innovation*, NATIONAL POLICE RESEARCH PLATFORM 2 (2011).

³⁵ Rosenbaum and Lawrence, *supra* note 8.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 19.

⁴¹ *Id.*

⁴² Lorna F. Keathley, *Law Enforcement, Communication Training & Verbal Judo*, TRACE: TENNESSEE RESEARCH AND CREATIVE EXCHANGE 7 (Aug. 2012).

⁴³ *Clients*, VERBAL JUDO (2016), <http://verbaljudo.org/verbaljudoclientlist.html>.

⁴⁴ Keathley, *supra* note 42 at 7.

⁴⁵ *Id.*

⁴⁶ *Id.* at 8.

⁴⁷ *Id.* at 8, 43.

anecdotal evidence suggest that officers who adopt Verbal Judo have diminished conflict and are able to prevent conflict escalation that may result in the use of force.⁴⁸

Such training methods and programs are just two examples that teach routine and enable officers and/or recruits to practice the skills and communication techniques that they are expected to use in high-stress situations that are potentially full of provocation. The PCB is aware of recent training initiatives within MPD regarding de-escalation and communication, and this report reinforces the need to continue and quite possibly expand such initiatives. The more tools that officers are given the more likely they are to be able to handle difficult situations without engaging in language or conduct violations.

Consequences of Language and Conduct Violations

Improper language or conduct can have detrimental effects—even when it fails to rise to the level of misconduct.⁴⁹ Acknowledging such, community policing, which relies on strong positive relationships between officers and the communities they serve, has been adopted by many departments.⁵⁰ The District has adopted Customized Community Policing, a contemporary adaptation of community policing.⁵¹ Procedural justice—looking at how police exercise their authority—is essential in accomplishing effective Customized Community Policing.⁵² Procedural justice relies on the community having a voice, transparency and neutrality in decision-making, understanding motives, and respectful and dignified treatment of all.⁵³ Procedural justice improves perceptions of legitimacy, which in turn improves compliance with police directives and the law.⁵⁴

Furthermore, even isolated occurrences of improper language or conduct can have impacts that resonate far beyond the reported incident. For example, if the complainant has access to many people and has their respect, their encounter may be magnified—distorting others’ perceptions of law enforcement.⁵⁵ This can be detrimental to community policing efforts and procedural justice; citizens do not believe police are treating their community with respect and may be less likely to cooperate and develop positive relationships.

Such non-compliance, perceptions of illegitimacy, and strong public criticism may have implications on officer safety and effectiveness.⁵⁶ The President’s Task Force on 21st Century Policing discusses these implications in depth. In their Final Report, the Task Force explains that “mutual trust and cooperation” are important aspects of community policing and crime prevention and intervention.⁵⁷ These goals are best served through positive police-citizen

⁴⁸ *Id.* at 57, 60.

⁴⁹ *Legitimacy and Procedural Justice: A New Element of Police Leadership*, *supra* note 16 at 11.

⁵⁰ See, e.g. Robin S. Engel and John E. Eck, *Effectiveness vs. Equity in Policing: Is a Tradeoff Inevitable?*, IDEAS IN AMERICAN POLICING 3-4 (Jan. 2015).

⁵¹ *About MPDC*, *supra* note 15.

⁵² Tom R. Tyler and Jeffrey Faga, *Legitimacy and Criminal Justice: Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?*, 6 OHIO ST. CRIM. L. 231, 239 (Fall 2008).

⁵³ *Id.*; *Legitimacy and Procedural Justice: A New Element of Police*, *supra* note 16 at 9-10.

⁵⁴ *Legitimacy and Procedural Justice: A New Element of Police*, *supra* note 16 at 14.

⁵⁵ Gallagher, et al, *supra* note 10.

⁵⁶ *Id.*; *Legitimacy and Procedural Justice: A New Element of Police*, *supra* note 16 at 8-9.

⁵⁷ The President’s Task Force on 21st Century Policing, *supra* note 4.

interactions, as reflected in Recommendation 4.4 and Action Item 4.4.1. Recommendation 4.4 states that “[c]ommunities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all, especially the most vulnerable.”⁵⁸ The recommendation is clarified by Action Item 4.4.1, which states, “[b]ecause offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the importance of language used and adopt policies directing officers to speak to individuals with respect.”⁵⁹

Disincentives for Language and Conduct Violations

While there are pre-existing disincentives for use of improper language or conduct, their effectiveness is questionable. For example, the widespread implementation of body worn cameras (BWC) may help to improve officers’ awareness of their language and conduct—when an officer knows that if they are wearing a BWC and act contrary to procedure, there is an irrefutable record of the misconduct. However, BWCs are still new to MPD and as a result, the impact of their usage on language and conduct has yet to be seen.

Additionally, with the increasing prevalence of cell phone footage of police-citizen encounters and the ease of uploading videos to the internet, officers are constantly at risk of tarnishing the reputation of their entire department.⁶⁰ Videos of these encounters can quickly go viral, sparking public outrage—even on the rare occasion when an officer’s words or actions are contextualized.

Another deterrent is a complaint against an officer—either with MPD or directly with the Office of Police Complaints. While complaints are often a natural result of having frequent contact with the public, use of improper language and conduct increases the probability a complaint may be filed.⁶¹ However, even when a complaint is filed and police misconduct is established, studies have indicated that most complainants do not want the officer disciplined.⁶² Instead, many would like for the officer(s) to apologize, be verbally reprimanded, receive counseling, or learn from the experience.⁶³ Oftentimes, mediation can help complainants to achieve this resolution and closure. As such, the possibility of a complaint being filed is likely a minor annoyance, rather than a disincentive.

IV. RECOMMENDATIONS

To improve officer communication, foster community relationships and trust, the PCB makes the following recommendations:

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Brian A. Jackson, *Strengthening Trust Between Police and the Public in an Era of Increasing Transparency*, RAND CORPORATION 4 (Oct. 2015).

⁶¹ *On-the-Job Stress in Policing—Reducing It, Preventing It*, supra note 20 at 20.

⁶² Ryan P. Hatch, *Note: Coming Together to Resolve Police Misconduct: the Emergence of Mediation as a New Solution*, 21 OHIO ST. J. ON DISP. RESOL. 447, 460 (2006) (citing a 1989 Vera Institute of Justice survey); Samuel Walker et. al, *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders*, U.S. DEP’T OF JUSTICE 9 (2002).

⁶³ *Id.*

- 1. MPD should take steps to emphasize and reinforce the value and importance of proper language and conduct as an inherent part of the MPD culture to all incoming officers. This should include exploring increased different tactical communication and verbal de-escalation tactics, and training for them. MPD should also develop a method to evaluate the effectiveness of such training, and reassess their use, if necessary.**

MPD has recently implemented scenario-based training for recruits, with Recruit Class 2016-3 recently graduating as the first recruit class under the new training curriculum. PCB commends this update to the recruit training as it is consistent with recommendations from the United States Department of Justice and is a positive step to ensure MPD training is responsive to changing needs and research. However, MPD should go further and also develop a plan to evaluate the effectiveness of the scenario-based training and act accordingly; including exploring supplementing this training with additional sessions on red-lining stress, or other programs that the department sees fit, including programs to promote more active engagement with community members.

- 2. MPD should also assess whether new training should be implemented for all officers, or whether tactical communication, verbal de-escalation, stress management, or other training would better fit the department's communication and interaction training needs. MPD should monitor new initiatives for effectiveness.**

Oftentimes communication skills can become outdated or forgotten without frequent proper use. Additionally, when training is unresponsive to the realities of policing, it becomes difficult to utilize in the field. By implementing regular scenario-based training, tactical communication, and/or verbal de-escalation for all officers, MPD is able to build or sharpen the pre-existing communication skills that are at the center of policing.

MPD's 2016 professional development training included a section on "red-lining" stress and its impact on officer wellness and performance of duties, including communication. MPD's acknowledgement of the impact of stress shows that the issue is being taken seriously, and that action has been initiated toward implementing new programs.

- 3. MPD should update General Order 201.26 and remind officers of its content and importance.**

As a result of the potential ambiguities in what constitutes improper language, and the subjectivity, MPD clarifying the General Order may help officers to better understand and control their behavior. Additionally, the reminder can expand upon officer awareness of both verbal and non-verbal communication.

Issuing a teletype requiring information on language and conduct be read at roll call will provide a top-down reminder that the department demands the highest level of conduct from its officers. This will also remind supervisors of the importance of this policy.

Alternatively, a circular on the topic allows not only for a reminder, but serves as an opportunity to provide clarification on the scope of General Order 201.26. It may specify what the department interprets as improper language and conduct, and potentially list or provide examples of language and conduct that the department will not tolerate.

Notwithstanding the option selected, MPD should also use it as an opportunity to remind officers of the consequences of violating General Order 201.26—both for the officer and the department as a whole. By the department taking this opportunity to reinforce its dedication to community policing and procedural justice, the hope is that any culture of profanity or disrespect will be taken seriously and swiftly addressed.

V. CONCLUSION

Overall, MPD should focus on improving officer communication skills, recognizing the potentially grievous impacts of improper language or conduct on the department, individual officers, and the community.

While MPD has taken an initial step on this path by creating a scenario based training program, there are additional steps that can be taken to improve officers' language and conduct. The 21st Century Policing Task Force identifies several goals for police departments related to language and conduct. Other police departments also provide a number of examples of new training programs and community engagement initiatives to meet these goals. These resources can help guide MPD in making improvements. The PCB highly encourages MPD to take action as outlined above to improve the interactions between police officers and community members.

VI. APPENDICES

Appendix A: Sample Complaints Received by OPC

The following is a sampling of language and conduct allegations contained in complaints received by OPC. Such claims are not proof of misconduct by MPD officers. However, they do highlight possible patterns and raise concern.

The male complainant alleged that while he was at his rental property, MPD officers suddenly entered and searched the home. The complainant spoke with an MPD officer about why the officers were there. The complainant alleged that during that conversation, the MPD officer called him a "poor landlord." The MPD officer acknowledged to OPC that he did in fact call the complainant a "slumlord." The MPD officer also told OPC that he "was just telling the truth." An OPC complaint examiner sustained the language and conduct allegation against the MPD officer.

The complainant was pulled over by an MPD officer. The complainant immediately started to pull out her driver's information, but she could not find her license. The MPD officer asked the complainant whether she wanted to lose points on her driving record and told the complainant to "cut the bullshit." The complainant asked the officer why he "cuss[ed]" at her, and the officer allegedly replied, "because I can." The MPD officer issued her a ticket for failing to stop at a stop sign, and told her to "look forward to getting many more in the mail." An OPC complaint examiner sustained the language and conduct allegation against the officer.

The complainant was sitting in his car stopped at a red light when an MPD officer approached his car. The MPD officer banged on the front passenger side window and yelled "put the fucking phone down," or something to that effect. Subsequently, the MPD officer issued the complainant a ticket for distracted driving. The complainant asked the officer for clarification as to why he received a distracted driving ticket, to which the MPD officer responded, "hands free, means hands free," but did not provide further clarification. The complainant continued to ask the MPD officer to explain the ticket, and each time the MPD officer would issue an additional ticket or threaten to take the complainant's car. OPC was able to resolve this case through mediation.

The complainant alleged that MPD officers served a search warrant for an individual at her home. The complainant stated that the officers belittled her when they were in her home and that the officers used profanity. She felt one particular MPD officer was demeaning, belittling, intimidating, and threatening. He allegedly made comments about the color of the paint inside her home, stated that she was living beyond her means and "could not afford the television that was in [the] house." Additionally, he allegedly stated that her priorities were misplaced and asked if her furniture was stolen. She also stated that the officers should not have searched her home because the individual did not reside there, and the officers never searched the named individual's home.

The complainant was stopped next to an MPD officer at a red light. The officer allegedly "flashed his lights" at the complainant because she was talking on her cell

phone. Seconds later, the MPD officer ordered the complainant to pull over and requested her driver's information. The MPD officer allegedly listed several violations, including cell phone use, not wearing a seatbelt, stopping a few inches over the line at the traffic light, items hanging from her rear view mirror, and not having registration. The complainant told the MPD officer that "his actions were a bombardment." The MPD officer allegedly issued three citations for not wearing a seatbelt, cell phone usage, and not having registration. The complainant groaned about the registration, but when the officer asked if she had it, she said no. The complainant asked the MPD officer about the two air fresheners and parking pass on her rear view mirror since she "had no idea it was against the law." Complainant alleged that the officer "seemed annoyed with [her] questions" and in the middle of advising her about the air fresheners and parking pass, he "rolled his eyes," "mumbled to 'drive safely'," then walked away.

Appendix B: Best Practices Resource List

1. Rules and Regulations of the Chicago Police Department (emphasizing the importance of respect in all interactions).
 - a. Rules and Regulations of the Chicago Police Department (effective April 16, 2015), <http://www.cityofchicago.org/content/dam/city/depts/cpb/PoliceDiscipline/RulesandRegulationsCPD20150416.pdf>.
2. Verbal Judo (tactical communication training that teaches routines, responses to common scenarios, and tips for interacting with different personality types).
 - a. Lorna F. Keathley, *Law Enforcement, Communication Training & Verbal Judo*, TRACE: TENNESSEE RESEARCH AND CREATIVE EXCHANGE (Aug. 2012).
3. United States Department of Justice (recommending the use of scenario-based training).
 - a. *Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies* 14, UNITED STATES DEP'T OF JUST. (Jan. 2001).
4. The President's Task Force on 21st Century Policing (promoting community policing, accentuating the role of mutual trust, and reminding of the consequences of harsh or offensive language and conduct).
 - a. The 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.
5. Hillsboro, Oregon Police Department Mindfulness-Based Resiliency Training (describing program in which officers did exercises on meditation, breathing, yoga, and other mindfulness techniques).
 - a. *Mindfulness Training for Police Officers Takes Next Step*, PACIFIC UNIVERSITY OREGON (Jan. 26, 2016), <http://www.pacificu.edu/about-us/news-events/mindfulness-training-police-officers-takes-next-step>.
 - b. Maureen O'Hagan, *To Pause and Protect*, MINDFUL (April 26, 2016), <http://www.mindful.org/to-pause-and-protect>.