



Information Item

Date: December 8, 2015

To: Mayor and City Council
From: Jacqueline Seabrooks, Chief of Police
Subject: Presidential Task Report on 21st Century Policing – SMPD’s Response

Introduction

The past two years have been challenging for law enforcement across the nation. A number of high profile incidents have strained police-community relations engendering questions about police legitimacy and procedural justice with the result being a national conversation about policing generally and policing in communities of color specifically. In response, CY 2015 saw the release of the final report from the President’s Task Force on 21st Century Policing, a high level government-led effort to foment action to address foundationally the existing concerns about law enforcement. In California, 2015 saw the introduction of an array of legislative items focused on enhancing police accountability and reinforcing procedural justice principles.

The Police Department has been tracking legislative developments at both the federal and the state level and has actively participated in the broader national conversations about police reform. The Department is preparing to host a series of community conversations, to be held in 2016, focusing on the contemporary policing issues included in the Task Force’s report, new legislation, and various concerns expressed within this community.

This Information Item reports on the Police Department’s response to new California legislation concerning police accountability and provides insight about the Department’s performance regarding the recommendations contained in the Task Force’s report on 21st Century Policing.

Discussion

State Legislation

In California, the State Legislature passed a key piece of legislation, Assembly Bill (AB) 953, which addresses the collective public concern about bias in policing. AB 953 enacted as the Racial and Identity Profiling Act (RIPA) of 2015 will, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against law enforcement's engaging in that practice. Beginning as early as January 2017 and extending through 2023, law enforcement agencies will be mandated to report the demographic data on subjects contacted during the course of all enforcement stops; the data to be reported include the perceived race, ethnicity, and gender of the person stopped. For the Police Department, the reporting mandates, which are based on agency size, will go into effect as of 2022 with the first annual report due on April 1, 2023. The Department has, however, set forth plans and a reasonable timetable to begin reporting this data well in advance of the deadline. The California Attorney General, along with other stakeholders, will release regulations and guidelines for the collection and reporting of data by January 1, 2017.

To prepare, the Department will evaluate the capabilities of its existing data systems and assess the market place for economically feasible, readily available data-capture technology deemed the most effective in enabling the Department to meet the new law's reporting requirements. The Police Department will acquire and implement the best integrative technology supported by model policies following the release of the final recommendations by the California Attorney General. The Department expects to begin capturing the data by January 2018, well in advance of the 2022 timeline.

In 2015, the California Legislature passed AB 71, Criminal Justice: Reporting, which requires the police chief to furnish an annual report to the Department of Justice on justifiable homicides. This bill requires each law enforcement agency to report specified incidents, including officer-involved shootings and other officer-involved uses of force resulting in serious bodily injury or death, to the California Department of Justice (DOJ) on an annual basis beginning January 1, 2017. The Police Department intends to fully cooperate with this expansion of existing force reporting requirements.

Currently, the Police Department makes available all call-for-service, crime, and incident report data on the City's open data site. In addition, the Police Department's website currently hosts demographic data for arrests, citations, and field contacts for the years 2013 – 2015; the data for 2015 is refreshed daily. Police employee demographic data is also posted; this data includes the race and gender make-up of the entire Department as well as the sworn and civilian classifications. Beginning in December 2015, the Department will broaden the type of employee data provided to include its personnel's education levels and military service experience even as additional contextualized information regarding Internal Affairs investigations, employee-related traffic collision data, is posted. Moving forward, the Department will continue to update and expand its publicly available data to include Department policies and other aggregated data.

President's Task Force on 21st Century Policing

On December 28, 2014, President Obama signed an executive order establishing the Task Force on 21st Century Policing. The President charged the Task Force with identifying best practices in policing and developing recommendations on how policing practices can promote effective crime reduction while building public trust. In May 2015, the President's Task Force on 21st Century Policing released its final report. The report organizes its recommendations into six pillars which are intended to serve as a contemporary blueprint for the nation's law enforcement agencies.

- *Pillar One: Building Trust and Legitimacy*
- *Pillar Two: Policy and Oversight*
- *Pillar Three: Technology and Social Media*
- *Pillar Four: Community Policing and Crime Reduction*
- *Pillar Five: Training and Education*
- *Pillar Six: Officer Wellness and Safety*

The Police Department is well informed about the Task Force's report and wholeheartedly agrees with the recommendations. The Policing Department's operating philosophy is shaped by and strives to operate in accordance with these pillars.

Pillar One: Building Trust and Legitimacy

“Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority.”

-Final Report of The President’s Task Force on 21st Century Policing

In 2014, the Police Department formally recommitted to the tenets of Constitutional Policing, the Law Enforcement Code of Ethics, and values-based policing in accordance with the Department’s [Mission, Vision, and Values Statements](#); the Department’s values are also reflected in the City’s recently adopted Code of Ethics. The men and women of the Police Department have long recognized their individual and collective obligation to treat all community members fairly, with dignity, and with respect. The Department’s personnel recognize that all persons with whom it interacts have a voice and are to be heard, actions which facilitate a view of the Department as legitimate and trustworthy, particularly within vulnerable populations.

To enhance public trust and police legitimacy, the Police Department collaborates with its federal and state justice system partners, various academic institutions, and select community groups to ensure that its policies, practices, and training are consistent with procedural justice principles. The Police Department is working with these same partners to develop a robust series of community-police conversations regarding those community-generated concerns associated with public trust, police legitimacy, and procedural justice.

The Police Department has a strong track record of solid relationships with its community partners. The Department routinely initiates community-based activities, such as Coffee with a Cop, Community Academy (Spanish and English version), the call-in CityTV program, “Ask the Chief”, National Night Out, Pizza in the Park, and an array of other activities which promote and enhance trust in the City’s policing service.

The Police Department is widely recognized for its diversity. Nevertheless, efforts continue to bolster the Department's diversity in recruitment, hiring, retention, and promotion to ensure that over time, its make-up continues to be well-balanced across gender, race, age, language, culture, and position classification/rank lines. The Department has a dedicated Recruitment Strategies Team tasked with developing new and innovative methods for reaching into diverse talent pools.

The Department meets regularly with the U.S. Department of Justice's local conciliation specialist for the region. These meetings focus on proven methods for fostering enhanced community-police relations and developing strategies to proactively address tensions when they do arise. The Police Department is working alongside this regional specialist in crafting the framework for the upcoming community conversations regarding race and policing.

Pillar Two: Policy and Oversight

"Pillar two emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values. Law enforcement agencies should collaborate with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation."

-Final Report of The President's Task Force on 21st Century Policing

The Police Department is committed to serving the community in a fair, informed, and unbiased manner. Ongoing in-service training and thorough investigations of any allegations of misconduct are key components to ensuring this commitment is met. The Police Department consistently relies on clear and comprehensive policies to effectively guide all of its personnel in the performance of their duties. The Department is particularly attentive to the need and, in some cases, the legal obligation to periodically review all policies governing use of force, vehicle and foot pursuits, mass demonstrations, searches, and bias in policing. The Professional Standards Section uses Lexipol, a software tool which has become the industry standard, to regularly review, update, and amend the Department's policies and procedures to ensure they are in accordance with changes in law, court decisions, and professional standards. The Professional Standards Section consults with the City Attorney's Office for legal guidance and assistance with policy development.

The Police Department complies with Section 832.5 of the California Penal Code, which mandates that a description of the personnel complaint process be available upon request. For ease of access by members of the public, information regarding the Department's complaint process is publicly posted on the Department's website and is also available, in written form, at various locations throughout the City. The Police Department utilizes an internal affairs management software program, IA Pro (IA refers to Internal Affairs) which, in addition to assisting the Department in standardizing the management of the administrative investigations process, also provides the Department's leadership with contemporary information regarding trends in employee performance. IA Pro has an embedded early warning/early intervention mechanism which enables the Department to promptly identify performance and/or behavioral patterns warranting intervention by the Police Department's leadership.

In the most serious circumstance a law enforcement officer can face, an officer-involved shooting, separate but parallel investigations are conducted by the Department's criminal detectives and administrative staff. External oversight is provided by the Los Angeles County District Attorney's Office; the District Attorney's Office conducts an independent criminal investigation. Should the circumstances warrant, additional independent oversight may be provided by the U.S. Justice Department and/or the California Attorney General. These external oversight mechanisms are in addition to an external review by the City Attorney's Office. The Police Department has separate, formal internal systems in place to examine all uses of force, employee-related traffic collisions, vehicle and foot pursuits, and other critical incidents.

Pillar Three: Technology and Social Media

“The use of technology can improve policing practices and build community trust and legitimacy, but its implementation must be built on a defined policy framework with its purposes and goals clearly delineated... Pillar three guides the implementation, use, and evaluation of technology and social media by law enforcement agencies.”

-Final Report of The President’s Task Force on 21st Century Policing

The Police Department strongly embraces technology and social media not only as tools for the law enforcement function but also as opportunities for innovation and communication. The Police Department regularly tracks trends in social media. The Department uses social media to engage and interact with the community. The Department maintains an active web and social media presence, including Facebook, Twitter, Nixle, Nextdoor, SM Alerts, and a YouTube channel; the Department also utilizes traditional media in the local area and CityTV to disseminate information. The Department consistently scans the environment to evaluate the efficacy of other existing and emerging social media platforms. The Department maintains a cadre of Public Information Officers who work regularly with the media and the City’s Public Information Team. The Department recognizes that a well-informed community is vital to maintaining a safe city. The Department makes every effort to communicate in a myriad of ways while also creating similar channels for the community to communicate with its police department; two-way communication is sought and highly valued by the Police Department.

In terms of technology, the Police Department utilizes an array of integrative technology solutions to enhance workplace productivity. The Department uses accountability-focused technology, such as IA Pro and Lexipol, to facilitate internal operations. In the near term, the Department will implement a Body Worn Camera Pilot Program, which was described in an Info Item dated [July 23, 2015](#). This 18-month pilot program will comport with the provisions of AB 69. Passed in 2015, AB 69 adds Section 832.18 to the Penal Code which establishes general rules and best practices for downloading and storing the video captured by Body Worn Camera technology. AB 69, prohibits the unauthorized use, duplication, or distribution of the data, and establishes storage periods for evidentiary and nonevidentiary data. As with it does with all legal mandates, the Police Department will comply with this new law.

Pillar Four: Community Policing and Crime Reduction

“Pillar four focuses on the importance of community policing as a guiding philosophy for all stakeholders. Community policing emphasizes working with neighborhood residents to co-produce public safety.”

-Final Report of The President’s Task Force on 21st Century Policing

The Police Department recognizes that the principles of community policing and collaborative police-community partnerships are key elements in the public safety function in Santa Monica. Adhering to and employing the principles of community policing are the responsibility of each employee, both as a matter of course and as a matter of expectation. Accordingly, the Department, by way of its Community Affairs Unit, engages in community outreach to collaborate with schools, various community-based organizations, businesses, community leaders, and certainly the city’s residents. Community outreach includes crime prevention programs, community meetings, special events (National Night Out, New Hire & Promotional Ceremonies, etc.), and special community needs (Chaplaincy Services, community volunteers, etc.).

The Department has a dedicated Youth and Family Services Unit (YFSU) which focuses on all aspects of the Department’s youth-related efforts. The YFSU includes a full-time Youth and Family Services Support Coordinator; two full time School Resource Officers who also sponsor the DARE program for the community’s elementary and middle school students; and the Police Activities League (PAL), a resource for youth ages 6 – 17 years. PAL operates to foster trust between young people and the Department’s personnel.

The Police Department has undertaken a series of actions designed to minimize the opportunity to stigmatize youth and marginalize their voices in the schools and in the community. These actions include establishing a local Teen Court to expand existing juvenile diversion efforts. The Police Department is examining other strategies for insuring both procedural and restorative justice principles are reflected in its youth justice efforts.

Pillar Five: Training and Education

“As our nation becomes more pluralistic and the scope of law enforcement’s responsibilities expands, the need for expanded and more effective training has become critical...Pillar five focuses on the training and education needs of law enforcement.”

-Final Report of The President’s Task Force on 21st Century Policing

The Police Department has long understood the need for ongoing professional development for its personnel. Ongoing staff training is critical to the professional evolution of the organization; moreover, training is used as a vehicle to enrich the Department as those who attend professional development coursework are required to bring back, share, and apply new skills, knowledge and abilities within the Department for the betterment of the services delivered.

The Department’s personnel, and in particular, the sworn officers receive extensive continuous training. The California Commission on Police Officer Standards and Training (POST), the governing body which regulates all police training, both in the police academy and in the post-academy, in-service training setting. Academy recruits receive 960 hours of training which includes instruction on anti-bias or racial/identity profiling in policing (formerly Racial Profiling), cultural diversity, and force de-escalation. All police academy training is supplemented by a combination of in-house and externally provided, continuous in-service professional development. POST mandates that all peace officers undergo in-service training for a minimum of 24 hours every two years. The Police Department routinely requires substantially more in-service training, particularly in the areas of Constitutional-policing, anti-bias in policing, anti-discrimination/harassment, and force de-escalation training.

In addition to developing internal subject-matter experts, the Department routinely engages external subject-matter experts to provide training on various topics. Doing so enhances the legitimacy of curricula being presented. For example, since 1993, the Police Department has enjoyed a long-standing relationship with The Museum of Tolerance (MOT), an educational center dedicated to addressing all forms of prejudice and discrimination; the Museum has a POST-certified training curriculum specifically for all ranks of law enforcement. The Department’s personnel, both sworn and civilian, have not only attended a variety of presentations at the MOT, but some have also been trained as facilitators and have conducted training sessions at the MOT. In CY 2015, during the annual Advanced Officer Training, the MOT provided the training on the subject of bias in policing for all of the Department’s officers; during the same week, the Department’s officers also attended *Brothers Respecting Others (BRO)*, an extension of the coursework articulated in the *Male Violence Prevention Project (MVPP)*; both iterations were co-presented by members of the community. In early 2016, the Los Angeles LGBT Center will provide officers with a 2-hour training session on transgender awareness to supplement recently implemented policy governing transgender interactions.

A significant number of the Department's sworn personnel have higher education; 95% have some college experience and 57% have a Bachelor's degree or higher, percentages which are replicated in the Department's civilian corps. The Department's personnel are required to seek ongoing professional development opportunities which exceed the POST-mandated training requirements. The Department boasts an array of graduates from Command College, the FBI National Academy, the Kennedy School's (Harvard) Executive Certificate Programs, the Police Executive Research Forum's (PERF) Senior Management Institute for Police, the Supervisory Leadership Institute, the Delinquency Control Institute, as well as other leadership training hosted by nationally recognized universities.

Pillar 6: Law Enforcement Wellness and Safety

"The wellness and safety of law enforcement officers is critical not only for the officers, their colleagues, and their agencies but also to public safety. Pillar six emphasizes the support and proper implementation of officer wellness and safety as a multi-partner effort."
-Final Report of The President's Task Force on 21st Century Policing

The Police Department recognizes that employee wellness and safety are critical to enabling officers to do their jobs well. The Department has in place safety policies which mandate the wearing of seatbelts and bullet resistant vests. Officers are provided with trauma kits and personal protective equipment for hazardous environments. Importantly, the organization also offers support for the officers' emotional health as well. The Police Department has a Peer Counseling Program and Chaplaincy Program for personnel who need assistance; these programs are also available for the officers' families. Formal Employee Assistance Programs (EAP), sponsored by both the City and the Police Department, are also available. The Early Intervention System mentioned in Pillar 2 provides another mechanism for assistive oversight. The Department's contract psychologists offer critical incident debriefing services following an employee's exposure/involvement with certain types of critical incidents. These debriefings supplement the non-punitive incident reviews conducted for lessons learned. In CY 2015, to further promote employee and employee family wellness, the Department brought in a subject matter expert who presented on the subject of "Emotional Survival for Law Enforcement." This seminar was open to officers' family members as well. Additional physical and mental health resources and training are available to all of the Department's personnel, including programs resulting from collaborations with the City's Human Resources Department and Risk Management Division.

Conclusion

The Police Department sees itself as a law enforcement organization which sets the “benchmark for excellence” in the profession. This view requires that the organization evolves because of constant, systematic analyses of the organization’s structural framework, its practices and procedures, and its operating environment. The Police Department’s men and women are acutely aware of the need to actively engage in and live up to the principles articulated in the Presidential Task Force report on 21st Century Policing. Throughout the organization, it is recognized that there is no panacea for the challenges of policing in a contemporary environment. On the other hand, it is clearly understood that the Police Department must carefully and holistically embrace the principles of procedural justice, comprehensive policy promulgation, effective community relations, and collaboration with community partners even as an ongoing investment is made in the professional development of the Department’s personnel and their overall well-being.

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