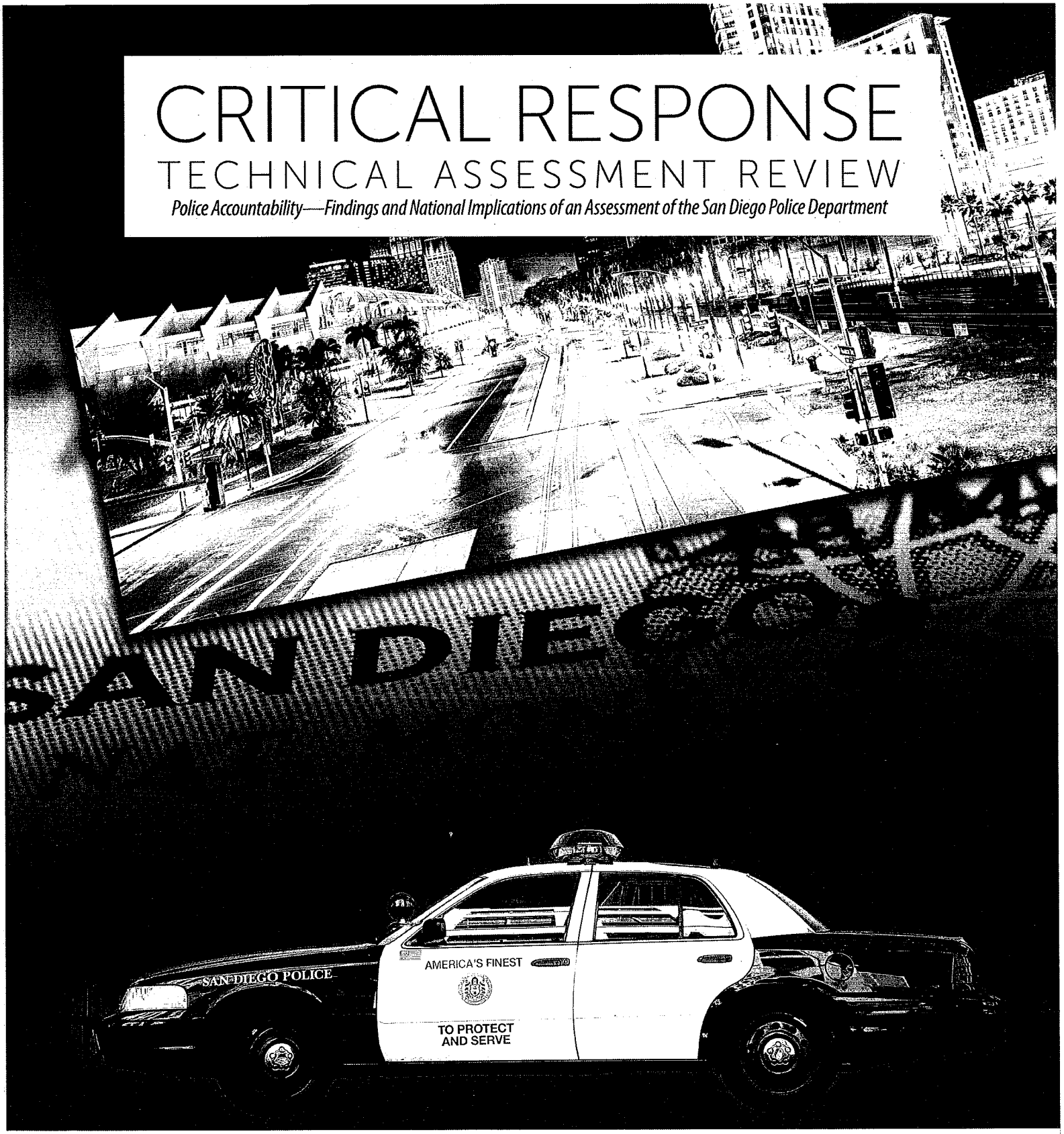
# CRITICAL RESPONSE
## TECHNICAL ASSESSMENT REVIEW
*Police Accountability—Findings and National Implications of an Assessment of the San Diego Police Department*




COPS
Community Oriented Policing Services
U.S. Department of Justice

Police Executive Research Forum

# CRITICAL RESPONSE

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This project was supported by cooperative agreement 2013-CK-WX-K013 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

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Recommended citation:

Police Executive Research Forum. 2015. *Critical Response Technical Assessment Review: Police Accountability—Findings and National Implications of an Assessment of the San Diego Police Department.* Washington, DC: Office of Community Oriented Policing Services.

Published 2015

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# Letter from the Police Executive Research Forum Executive Director

Dear colleagues,

Preventing misconduct by police officers is one of the major issues that challenges police chiefs in departments of all sizes. How to deter misconduct, how to set up systems that can be relied upon to detect early signs of misconduct, how to conduct investigations when officers are suspected of misconduct, how to impose fair but firm sanctions for a wide range of infractions, and how to respond if you impose a sanction but the sanction is rescinded later by an arbitrator—all of these aspects of the issue can be difficult.

The San Diego Police Department has been dealing with a misconduct scandal since 2011, when then Chief William Lansdowne announced a number of reform measures following the arrest of an officer for sexually assaulting women while on duty and other crimes. Additional officers came under investigation, and six were arrested. By early 2014, new allegations surfaced of criminal sexual misconduct by two more officers, and Lansdowne asked the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office) to review San Diego's systems for preventing and detecting misconduct and to recommend changes in policy and identify best practices.

The COPS Office chose the Police Executive Research Forum (PERF) to conduct this review. This review, which is called a Critical Response Technical Assessment Review, is the first of its kind for the COPS Office. In explaining the scope of our review, it helps to first say what the review is *not*. It is not a criminal investigation of individual officers in San Diego; that is being handled by law enforcement authorities, including the Federal Bureau of Investigation (FBI). It is also not a broad-scale legal investigation of constitutional violations of the type conducted by the DOJ's Civil Rights Division.

Rather, this review aims to provide recommendations to San Diego regarding ways to deter and prevent misconduct in the future—and to take the scope beyond the San Diego Police Department to police agencies nationwide. We identified areas where there were weaknesses or where there was a need for new polices that could be beneficial to San Diego as well as other departments around the country. In that way, chiefs in the nation's 18,000 local law enforcement agencies can check their own policies and practices and, it is hoped, learn from the San Diego case study. This type of review is well suited to PERF's strengths. PERF is not itself a law enforcement agency. Rather, PERF's expertise is in research and development of best practices and policies in policing.

As you will see in this report, we did not identify any single policy failure that resulted in the various types of misconduct in San Diego. We did identify a number of weaknesses in recruiting practices, supervision and training of officers, and accountability systems such as the early identification and intervention system and the mechanisms for reviewing citizen complaints. In some instances, these weaknesses may have contributed to allowing misconduct in the San Diego Police Department to go undetected. PERF also made many recommendations in this report that are not connected to the cases of misconduct but are simply good practices.

We recommend a comprehensive approach to all aspects of policing that can help to prevent misconduct. This includes the training and supervision of officers, the recruitment and selection of new officers, and accountability mechanisms, internal investigations, and disciplinary practices.

I hope and expect that this report will serve as a guide for the San Diego Police Department going forward with better policies and practices. I say I expect this to happen because the department's new chief of police, Shelley Zimmerman, already has been apprised of some of our recommendations and has begun to implement many of them.

Equally important, I hope that this report will be useful to many other law enforcement agencies and police chiefs nationwide as they search for ways to help ensure that they can prevent misconduct, detect it promptly when it does occur, and investigate it properly. Preventing misconduct is critical to developing and maintaining strong relationships of trust between police departments and their communities. Without this trust, nothing else is possible.

Sincerely,

Chuck Wexler

Chuck Wexler, Executive Director
Police Executive Research Forum

# Executive Summary

Over the last several years, the San Diego Police Department (SDPD) has faced cases of criminal misconduct by police officers, including sexual assaults of women by on-duty officers. In one case, Officer Anthony Arevalos was charged with 21 felony charges related to the sexual assault and victimization of eight women while he was on duty between 2009 and 2012. Arevalos was one of 10 SDPD officers to come under investigation for criminal misconduct on charges including rape, domestic violence, driving under the influence, and sexual battery during a three-month span in early 2011. Out of the 10 cases, six resulted in the arrest of officers. In 2014, another SDPD officer was arrested and pled guilty to two counts of felony false imprisonment and three counts of misdemeanor sexual battery involving four victims.

The fact that these officers committed these crimes and that the crimes were committed over a period of years and went undetected for so long outraged the San Diego community and resulted in headlines nationwide about the scandal in what had previously been regarded as a well-respected police department.

At a May 2011 press conference following the arrest of Arevalos, then Chief of Police William Lansdowne apologized to the San Diego community on behalf of the police department and announced a seven-point plan to prevent recurrences of misconduct and criminal acts by officers. The Lansdowne plan included measures such as strengthening the internal affairs unit, establishing a 24/7 confidential complaint hotline, and evaluating the department's early identification and intervention system (EIIS), which is intended to provide early alerts to police supervisors about potentially problematic behavior by officers.[1]

By February 2013, the San Diego City Council was informed that the SDPD had fully implemented Chief Lansdowne's seven-point plan.

In early 2014, new allegations of criminal sexual misconduct by two additional SDPD officers refocused attention on the issue of misconduct within the SDPD and left many individuals questioning the full implementation of the seven-point plan and the department's ability to effectively police itself even with the plan in place. In response, Chief Lansdowne announced that he would seek outside assistance to review the SDPD's systems for detecting and preventing misconduct, evaluate how the department had handled the misconduct cases, and recommend reform measures.

This report is the result of that external review.

Chief Lansdowne also announced his retirement, and in March 2014 a new mayor, Kevin L. Faulconer, appointed Assistant Chief Shelley Zimmerman as the new chief of the SDPD. Chief Zimmerman, with 31 years of service at the SDPD, had the level of institutional knowledge and experience necessary to immediately develop additional policies and practices for preventing and responding to officer misconduct. Zimmerman quickly announced several additional reforms, including the reinstitution of the department's Professional Standards Unit (PSU), an anti-corruption unit that had been disbanded in 2003 because of budget cuts. The PSU conducted proactive investigations into alleged or suspected criminal conduct by police personnel.

Chief Zimmerman also implemented a new written policy requiring officers to immediately report to supervisors any credible knowledge they have of misconduct by a fellow employee of the SDPD.

1. The seven-point plan is summarized in a report to the San Diego City Council at http://voiceofsandiego.org/wp-content/uploads/2014/02/Landsdowne-2011-report-on-Police-Reforms.pdf.

## Critical response technical assistance

This report is the result of the request for assistance that the SDPD made to the U.S. Department of Justice (DOJ) in early 2014. The DOJ's Office of Community Oriented Policing Services (COPS Office) asked the Police Executive Research Forum (PERF), an independent research and technical assistance organization, to conduct the assessment of the department's policies and practices related to preventing and detecting misconduct.

PERF and the COPS Office announced in March 2014 that the assessment would not have any role in the investigation or prosecution of the particular SDPD officers identified in the scandal but rather would be a comprehensive review of the **policies and practices** of the SDPD for preventing, detecting, and investigating misconduct. This assessment focused on 17 specific misconduct cases and did not include a review of the quality of internal department investigations. Findings and recommendations cited in this report are based on those 17 misconduct cases in addition to the interviews with SDPD staff and community members and analysis of supplied documents related to policies and practices. The review had four major focus areas:

1. Officer recruiting and hiring process
2. Supervision and training
3. Accountability: early intervention systems, internal investigations, and discipline
4. Community partnerships

The methodology for the assessment process included a detailed review of how the misconduct cases were handled, review of relevant department policies and accountability systems, focus groups and interviews with city and department stakeholders, extensive community outreach, direct observation of SDPD operations, and research and analysis regarding best practices in police agencies nationwide on these issues.

## Big-picture findings

PERF's assessment identified many specific issues in which SDPD policies and practices can be improved in ways that should help to achieve the goals of preventing misconduct and detecting it quickly when it does occur. These issues are detailed in the recommendations that follow beginning on page 4.

On a broad level, PERF did not identify any particular policy failure or common underlying factor that tied the misconduct cases together. Rather, it was gaps in policies and practices, a lack of consistent supervision at many levels, and a failure to hold personnel accountable that allowed misconduct to occur and go undetected for some time. Perhaps the most important lesson learned from this assessment is that the failure of the department's leaders to adequately address smaller problems led to much larger issues. This report provides a comprehensive set of recommendations on issues of recruiting and hiring and of supervision and training of officers, as well as on the department's system for the early detection of problematic behavior by officers and systems for receiving and investigating complaints about officers. The question of the supervision of officers by first-line supervisors is especially important.

A number of weaknesses in SDPD systems were exacerbated by the financial crisis in the city of San Diego, which led to cuts to the SDPD's operating budget. These cuts had the unintended effect of reducing SDPD managers' ability to monitor officers' behavior. While the overall size of the cut in SDPD staffing—approximately 10 percent between 2010 and 2013—may not sound particularly extreme, the cut had cascading effects that contributed to the fact that a number of officers were able to engage in misconduct undetected for years.

A key problem was that staffing cuts were especially severe at the critically important level of first-line supervisors: i.e., sergeants. Between FY 2010 and FY 2015, 11 to 23 percent of sergeant positions have been filled with "acting sergeants," who, because of their lack of training to be sergeants, are not given the same authority as full-fledged sergeants. This lack of authority has had a negative impact on their ability to monitor officers' work closely enough to detect signs of possible misconduct. For example, acting sergeants are not allowed to access information about the officers they are supposed to be supervising through the EIS.

The budget cuts and reduced staffing also resulted in undesirable scheduling practices. Rather than scheduling individual sergeants to always work the same shifts as the officers they are responsible for supervising, officers often work with several different sergeants over the course of a week. Sergeants may see the officers they are charged with supervising as infrequently as once a week. This has made it difficult for sergeants to know what their officers are doing, creating an environment more vulnerable to undetected misconduct.

## Importance of leadership

In the world of chiefs of police, there is a tradition of accountability and a feeling that when something goes wrong, "there is no one to blame but yourself," according to Darrel W. Stephens, former chief of police in Charlotte-Mecklenburg, North Carolina; Newport News, Virginia; and St. Petersburg, Florida. "In other jobs, you can pass the responsibility on to someone else," Stephens said in a book about police leadership.[2] "But people look to a police chief to be responsible for things that are perceived to be within the control of the police."[3]

With regard to preventing officer misconduct, chiefs of police must set standards for officers' performance and communicate their intentions to enforce those standards. This includes discussing their intolerance for misconduct "day in and day out, and not just at the top levels, but at roll call, so the message goes all the way down the ranks," said Terry G. Hillard, former Superintendent of Police in Chicago.[4]

In his book about police accountability, Professor Samuel E. Walker notes that there has been a trend toward focusing on organizations rather than individual officers who engage in misconduct. Instead of basing reform measures on the most notorious incidents or officers, police leaders must take a broader view and analyze whether an agency's organization or culture allows or facilitates misconduct.[5]

The significance of misconduct in a police department was acknowledged by former Chief Lansdowne when he noted that the "unprecedented number of cases against officers has tarnished the police department's image" and added, "I want to personally apologize to every citizen of the city of San Diego as this behavior is not expected, nor condoned, by me or anyone in the San Diego Police Department."

PERF's specific recommendations in the four major focus areas follow. Most of these recommendations have implications for police agencies nationwide as well as for the SDPD.

2. *Leadership Matters: Police Chiefs Talk About Their Careers* (Washington, DC: Police Executive Research Forum, 2009), 12.
3. Ibid.
4. Ibid., 42.
5. Samuel Walker and Carol Archbold, *The New World of Police Accountability*, 2nd edition (New York: Sage Publications, 2014), 21.

# Recommendations

## Officer recruiting and hiring process

An impartial and consistent recruitment and selection process that attracts a sufficient, diverse, and qualified pool of applicants is necessary to ensure that a law enforcement agency can select and hire a cadre of professional officers who will be respected by the community. Although the SDPD has a comprehensive *manual* that describes the recruitment and selection process based on current best professional practices, a *policy* that covers each step of the process and the responsibilities of assigned personnel is needed. It is important that the policy include adjustments to current practices, such as who signs off on officer hiring decisions and the information that should be provided to the police psychologists for them to make their hiring recommendations.

In addition, the SDPD should revise the recruitment pages of its website. Police department websites often provide the first impression a potential applicant receives about what it means to be a police officer. The SDPD website, like those of many other police agencies, provides videos that may give a misleading impression, emphasizing tactical assignments and other "exciting" aspects of policing. A number of departments have made efforts to provide videos and photographs that depict community policing activities and other police work that accounts for how most officers spend most of their time on duty.

- **Recommendation:** The SDPD should draft a specific policy requiring them to follow the comprehensive manual that governs the recruitment, selection, background investigation, and hiring process.
- **Recommendation:** The department should update its recruitment video presentations and recruitment web page.
- **Recommendation:** The SDPD should post minimum qualifications and automatic disqualifiers on its recruitment web page.
- **Recommendation:** The SDPD should prioritize funding (or seek additional funding) for recruitment efforts that focus on identifying a pool of local applicants who reflect the diversity of the city.
- **Recommendation:** The SDPD should expand the makeup of its current appointing authority to ensure greater diversity, community perspectives, and inclusion of other individuals from throughout the SDPD.
- **Recommendation:** The SDPD should provide all useful documentation about applicants to the police psychologists so that a complete assessment regarding an applicant's suitability as a police officer can be made.
- **Recommendation:** The SDPD should require the commanding officer over training to approve evaluations of trainees with performance issues during field training. It is recommended that the field training overall job performance form require approval by the commanding officer over training and the division service area lieutenant or patrol division commanding officer. This will ensure that both the Field Training Officer (FTO) program and patrol staff members have input on performance evaluations and final recommendations regarding whether the officer passes the probationary period before the form is given to the chief of police for final approval.
- **Recommendation:** The SDPD needs to take better advantage of the probationary employment period when it comes to recruits who have performance or discipline issues.
- **Recommendation:** The SDPD should implement body-worn cameras as a training tool during field training.

## Supervision and training

PERF's review of selected disciplinary cases revealed that often there was a lack of proper supervision of officers, primarily at the first level of supervision. For example, because of staffing reductions, the SDPD currently staffs patrol commands in a way that results in officers working with several different sergeants over the course of a weeklong shift. This comes at the expense of consistent supervision, in which officers would work all of their days in conjunction with their assigned supervisor. Sergeants may see the officers they supervise as infrequently as once a week. SDPD officials need to learn from these incidents and take additional steps to prevent gaps in officer supervision.

- **Recommendation:** The SDPD should create case studies of the specific cases of officer criminal sexual assault and other misconduct and use them as training tools for academy, in-service, and supervisory training.
- **Recommendation:** The SDPD should use annual supervisor training to emphasize the principles of procedural justice and how to apply these principles in policing to ensure that community members feel they are being treated fairly.
- **Recommendation:** The SDPD should minimize the use of acting sergeants and re-evaluate all staffing options that would allow the agency to return to a platoon staffing model, which would bring uniform supervision to each squad and improve squad continuity.
- **Recommendation:** Under the current staffing model, the SDPD should consider implementing monthly meetings of all patrol division[6] supervisors to mitigate the impacts of sergeant vacancies in patrol to increase officer supervision and to provide mentoring opportunities for new supervisors.
- **Recommendation:** The SDPD needs more training on accountability and the application of principles of equity and fairness for first-line supervisors to ensure officers understand that discipline is consistently applied.
- **Recommendation:** The SDPD should identify ways to measure whether personnel are applying the principles of community policing and procedural justice in carrying out their duties.
- **Recommendation:** The SDPD needs a personnel development strategy to develop and retain its existing personnel. The current evaluation process could be supplemented through the use of individual development plans and ongoing opportunities for mentoring and coaching.
- **Recommendation:** SDPD leaders may want to further develop the department's directives to emphasize the roles and responsibilities of supervisors. In addition, performance evaluations and reviews of supervisors should include these factors and should assess the supervisor's ability to connect with, develop, and lead his or her subordinates.
- **Recommendation:** In addition to making improvements in handling complaints against officers (see next section), the SDPD should send all positive community feedback (including e-mails and telephone calls) to supervisors. Supervisors should provide feedback to the officers on all occasions when they have received commendation for engaging the community.

6. The SDPD has geographically divided the city into nine patrol divisions. Other departments may refer to geographic patrol divisions using other terms, such as "precincts" or "districts."

## Accountability: early intervention systems, internal investigations, and discipline

It is the police department's responsibility to identify and address problematic behavior as quickly and efficiently as possible and to hold officers accountable for their actions. Consistent with accepted best practice, the SDPD has a multifaceted system for receiving complaints; community members in San Diego may file a complaint in person, by phone, by mail, or by e-mail. The following recommendations are related to improvements in complaint handling, the EIIS, internal investigations, and discipline:

- **Recommendation:** The SDPD should strongly consider fully implementing all of the protocols outlined in the technical assistance guide *Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems*, published by the COPS Office in 2011 and any other best practices for EIIS, specifically regarding the development of a formalized referral, intervention, and documentation process.[7] The department has done an effective job of developing the system; it needs to be fully implemented.
- **Recommendation:** Lieutenants should receive notifications from the EIIS administrator on officers in their chain of command. In cases when first-line supervision is lacking, the lieutenant in charge must step in to provide adequate supervision.
- **Recommendation:** The SDPD should incorporate the following additional indicators—unsatisfactory performance evaluation, all civil litigation against an officer, canine bites, tardiness, and positive indicators—into the department's EIIS and include them in the agency's written policy. In addition, the policy should provide procedures on how and when supervisors are to enter this information into the EIIS if these additional indicators cannot be automated into the EIIS. SDPD should also implement a nuanced system for when various indicators trigger an alert. Different indicators should trigger supervisor review at different thresholds based on generally acceptable standards and the preferences of department leaders (perhaps for more careful scrutiny of certain indicators).
- **Recommendation:** The SDPD should automate all necessary department systems with the agency's EIIS and determine if the system can automatically notify the EIIS administrator, the commander (i.e., division captain), the lieutenant, and the sergeant of any flagged officers under their supervision.
- **Recommendation:** The SDPD should develop a formalized policy regarding the process for EIIS interventions so that all interventions are consistently documented.
- **Recommendation:** The SDPD should consider moving the policy-required supervisor review of the EIIS from a quarterly basis to a monthly basis and any time a supervisor is assigned a new employee.
- **Recommendation:** Lieutenants should conduct these monthly EIIS reviews with acting sergeants regarding officers' performance.
- **Recommendation:** The SDPD should provide a clear and unambiguous alcohol policy including language that prohibits the use of alcohol for a specified amount of time before the officer reports for duty.
- **Recommendation:** The SDPD should implement a truly randomized selection process for drug testing to correct a system weakness that enables some employees to be randomly tested twice early in the testing cycle, meaning that they then know they will not be retested for a year or more.
- **Recommendation:** The SDPD should provide the Citizens' Review Board (CRB) with routine updates on the status of complaints received from the board, as well as a way for CRB to track the status of these complaints.
- **Recommendation:** The SDPD should eliminate the Public Service Inquiry (PSI) process.

7. Mike Gibbs and Carolyn Kendrick, *Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems* (Washington, DC: Office of Community Oriented Policing Services, 2011), http://ric-zai-inc.com/Publications/cops-p052-pub.pdf.

- **Recommendation:** The SDPD should return to the process of documenting category I and II complaints and then forwarding them to internal affairs.
- **Recommendation:** The SDPD should ensure the discipline process is administered consistently across divisions and that it is transparent to the extent possible for both internal and external stakeholders.
- **Recommendation:** Should the commanding officer want to go outside the matrix to discipline an officer, he or she should outline and describe the decision in a memo that must be approved and signed by the assistant chief in the chain of command prior to the discipline.

## Community partnerships

A primary community concern was that the department has become disconnected from the neighborhoods it serves. Similarly, SDPD staff members shared their desire to spend more time in the community. To address the concerns of the community and the department personnel, the SDPD should commit to applying the principles of procedural justice to its internal operations and to working with the community. This requires a sustained commitment to incorporating these principles at all levels within and outside the department, and during every interaction.

- **Recommendation:** The SDPD should work to rebuild trust with the community. Building on its past reputation as a leader in problem-oriented policing, the SDPD should re-engineer its approach to working with the community, focusing on strategies that use the principles of community policing and procedural justice.
- **Recommendation:** The SDPD should consider a program that helps department officials to confront unconscious biases, such as the Fair and Impartial Policing (FIP) program, to address the concerns of biased policing raised by some community members.
- **Recommendation:** Even with limited staffing, SDPD officers should have opportunities to attend community meetings and engage in problem-solving activities with the communities that they serve. In addition, the department should review its use of electronic and telephone reporting to reduce the time officers spend on noncriminal and less serious calls, allowing officers maximum time for community policing and problem-solving efforts.
- **Recommendation:** The SDPD should consider conducting outdoor lineups (roll calls) and community walks with upper-level command staff. Alternatively, the department may consider inviting community members into their local division stations to participate or observe lineups before each shift.
- **Recommendation:** The SDPD should consider neighborhood- or beat-level "customer" satisfaction surveys. Survey results should inform patrol priorities for each neighborhood. Surveys might be conducted on a regular schedule or continuously through a system in which post-contact survey cards are given to people who have just had an interaction with the police.
- **Recommendation:** The SDPD should develop tailored cultural education involving community leaders and representatives to be delivered during the lineup.
- **Recommendation:** The SDPD should develop its own citizens' police academy.
- **Recommendation:** The SDPD should update its website to embody the goals, values, and mission of the department.

# *Progress to date*

Since the beginning of the assessment, PERF has been advising the SDPD about its findings and recommendations as they emerged from our review to allow immediate action by the department while this report was being finalized. The SDPD has embraced the recommendations made in this report and has already begun implementation efforts in many of the recommended areas.

It is also important to note that even as PERF heard critical comments at its public hearings about SDPD officers, it also heard a number of community members say that most SDPD officers are dedicated and that there are many good working relationships between police and community members on problem-oriented policing and volunteer projects.

This review found that there was not one single problem that enabled the instances of misconduct to occur. Instead, these incidents occurred as the result of a number of issues left unaddressed by department leaders that indirectly contributed to misconduct—in particular, a lack of effective first-line supervision. These issues resulted in a series of significant and ongoing incidents of misconduct by a handful of officers. Police department leaders must recognize the importance of adequate first-line supervision in the field and ensure that effective systems are in place in the department to prevent and detect officer misconduct. This must be a priority even when resources are stretched thin.

The solution to misconduct issues lies in a comprehensive approach in which various SDPD systems and policies are revised with an eye toward improving supervision and preventing misconduct, and in working to ensure that the overall SDPD culture sends the message that misconduct will not be tolerated.

## National implications

Officer misconduct is not an issue only in the SDPD; it is a challenge for departments across the nation. Police departments in cities and towns of all sizes have experienced criminal misconduct cases for decades. The purpose of this study was to identify how policies and practices may be changed to improve policing and accountability in the SDPD and to help the department rebuild community trust. While the recommendations provided in this report are specific to the policies and procedures of the SDPD, it was also PERF's goal to ensure that the outcomes and lessons learned from this study are applicable to law enforcement agencies nationwide.

## Conclusion

The SDPD must now use its experiences and the recommendations from this assessment as a launching point for making additional changes and providing further training to its officers and supervisors in areas of concern to the community, especially in response to concerns of police bias. This work will continue to move the department's culture and practice to one that embraces the principles of procedural justice both internally and externally. This work is necessary to rebuild trust within the department and among the diverse communities it serves.

The recovery process for the SDPD will take time and an ongoing commitment on the part of the city government, the police department, and the community. For SDPD, this commitment must involve leaders at all levels within the department to rebuild trust and partnerships with community members. Strong efforts must be taken to ensure transparency and responsiveness to community concerns and complaints. The SDPD appears to have strong support and a willingness among its diverse communities to work collaboratively with the police department in making these changes. While the SDPD has already begun implementing many changes, other important changes such as addressing the agency's budget and staffing shortfalls will be critical to the department's long-term success and will require the support of other leaders who serve the city of San Diego.

The recommendations in this report are designed as a comprehensive approach to all of the elements of police operations that can help to deter misconduct and to detect and respond to it quickly when it does occur. These include officer recruiting and the hiring process, background investigations, recruit training and field training, supervision practices, employee mentoring, early identification systems that detect potentially problematic behavior, handling of complaints from community members, disciplinary systems, and fostering community partnerships. The success of these reform measures will depend on the leadership of Chief Zimmerman and her top staff members.

# Chapter 1. Introduction

For years, the San Diego Police Department (SDPD) was lauded as one of the leading police agencies in the country for problem-oriented policing, which is a key element of community policing. However, in 2011, a number of criminal misconduct cases began to surface, damaging the department's reputation and making it apparent that the SDPD's relationship with the community was deteriorating.

## Chronology of SDPD misconduct issues

A number of cases of serious criminal misconduct by SDPD officers have emerged, including the March 2011 arrest of SDPD Officer Anthony Arevalos, which drew national media attention to these issues. Arevalos was initially charged with multiple counts of sexual assault under color of authority. His arrest was the result of allegations that an unnamed 32-year-old woman had been sexually assaulted by Arevalos in the bathroom of a convenience store.

At the time of then Officer Arevalos's arrest, internal affairs investigators released his photo and encouraged other victims, if any, to come forward. Several additional victims were identified, and additional charges against Arevalos were filed, resulting in 21 felony charges related to the victimization of eight women while he was on duty between 2009 and 2012.[8] In February 2012, Arevalos was sentenced to eight years in prison. The City of San Diego, having been ordered to pay $5.9 million in damages to the original victim in September 2014, is still dealing with the financial and other repercussions of Arevalos's actions.[9] And the damage to the department's reputation and the relationship between the community and the police department was more important than the financial cost.

The misconduct did not stop with the arrest of Officer Arevalos. Between March and mid-May 2011, Arevalos was one of 10 SDPD officers to come under investigation for criminal misconduct on charges that included rape, domestic violence, driving under the influence, and sexual battery. Out of the 10 cases, six resulted in the arrest of officers.[10]

On February 9, 2014, Officer Christopher Hays was charged with two counts of felony false imprisonment and three counts of misdemeanor sexual battery involving four victims. Hays pled guilty to felony false imprisonment and misdemeanor counts of assault and battery under color of authority by a peace officer. On September 26, 2014, Hays was sentenced to one year in county jail and three years of probation.

The day after Officer Hays was charged, news reports indicated that another SDPD officer came under investigation for alleged sexual misconduct while on duty. To date, no charges have been filed against this officer.

## The San Diego Police Department's response to misconduct

The SDPD faced two major challenges as a result of the events described above:

1. It had to investigate and handle the criminal cases and misconduct.
2. It had find ways to restore trust and its former good relationship with the public.

Confidence in the department's resolve to prevent officer misconduct and to uncover and deal with incidents of misconduct swiftly and decisively had to be restored.

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8. For a timeline of the Arevalos case, see R. Stickney, "Timeline: Anthony Arevalos Sex Assault Trial," NBC 7 San Diego, http://www.nbcsandiego.com/news/local/Anthony-Arevalos-San-Diego-Police-Sex-Assault-Timeline-133820683.html.
9. Monica Garske and R. Stickney, "$5.9M Paid to Settle E-Cop Anthony Arevalos Civil Lawsuit," NBC 7 San Diego, last modified September 25, 2014, http://www.nbcsandiego.com/news/local/Anthony-Arevalos-Jane-Doe-Settlement-Details-SDPD-Sex-Crimes-277069491.html.
10. "Yet another SDPD cop under arrest," CBS8.com, last modified May 12, 2011, http://www.cbs8.com/story/14628827/sdpd-cop-accused-of-raping-woman.

At a May 10, 2011 press conference following the arrest of Officer Arevalos, then Chief of Police William Lansdowne addressed several cases of officer misconduct and apologized on behalf of the SDPD, saying: "I want to personally apologize to every citizen of the city of San Diego, as this behavior is not expected nor condoned by me or anyone in the San Diego Police Department." Lansdowne said the "unprecedented number of cases against officers has tarnished the police department's image" and that it would take years to rebuild a strong relationship with the public.

Chief Lansdowne then announced a proactive seven-point plan to prevent recurrences of such incidents. The seven-point plan was designed to increase officer accountability and prevent future cases of misconduct in the SDPD.[11] The seven-point plan addressed the following areas:

- Increase staffing in the internal affairs unit.
- Conduct supervisor training in the areas of ethics, leadership, and the early intervention and identification system (EIIS).
- Establish a 24/7 anonymous confidential complaint hotline.[12]
- Review the department's discipline manual.
- Review the department's use of force training and tactics.
- Add a wellness assessment to the annual evaluation process.
- Conduct a series of meetings to discuss the chief's plan and to make clear his expectations for all members of the department.

Several key areas that the seven-point plan addressed—accountability, supervision, officer training, and community engagement—were specifically intended to prevent, identify and address potential officer misconduct. These functions are also important to establishing a culture of integrity, which is the foundation of an effective police department. Officers should be held to the highest standards, and that requires proper training as well as clear policies and directives that are reinforced through proper supervision and constructive, timely, fair, and firm discipline. The chief's seven points sought to establish a framework to begin working toward that end.

Over the next 18 months, the SDPD provided updates on the implementation of the seven-point plan to the San Diego City Council. By February 2013, the council was informed that the SDPD had fully implemented the seven-point plan with a series of staff meetings, training sessions, and policy reviews.

11. For the complete report of the seven-point plan, see appendix A on page 64.
12. For details on the complaint process, see chapter 6 on page 44.

## Request for outside assistance

Even as the department was working to prevent officer misconduct and gain back the public trust, allegations of criminal sexual misconduct perpetrated by two additional SDPD officers in early 2014 refocused the department and community's attention on these issues. At this time, Chief Lansdowne announced that he would seek outside assistance from an independent organization to review the systems in place to prevent officer misconduct, evaluate how the department handled current misconduct cases, and recommend strategies to more effectively identify officers who engage in misconduct. Lansdowne contacted the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office), seeking its assistance. The COPS Office asked the Police Executive Research Forum (PERF) to conduct the assessment.

## A change in leadership

On February 25, 2014, Chief Lansdowne announced his retirement, and on March 4, a new mayor, Kevin L. Faulconer, appointed Assistant Chief Shelley Zimmerman as the new chief of police. Chief Zimmerman, with 31 years of service at the SDPD, had the level of institutional knowledge and experience necessary to immediately develop additional policies and practices for preventing and responding to officer misconduct. Zimmerman's immediate actions included the following:

- **A new SDPD order regarding transporting women in department vehicles.** As a number of the sexual assaults took place while female passengers were in transport, SDPD order number OR 14-05 states that "all female passengers be transported with a second officer in the vehicle."[13]
- **The creation of a Prisoner Transport Unit.** The Prisoner Transport Unit (PTU) was created to assist field officers in the transport of female prisoners to the detention center. Officers may transfer custody of prisoners in the field or upon arrival at headquarters, depending on the PTU's availability.[14]
- **The reinstitution of the Professional Standards Unit.** In 2003, amid the city's financial crisis, the Professional Standards Unit (PSU), the department's original anti-corruption unit, was disbanded. The PSU was a seven-person team that conducted *proactive* investigations into the alleged or suspected criminal conduct of police department personnel. The PSU had been created in the early 1990s to ensure and maintain the integrity of the department and its members. With the unit disbanded, the job of investigating allegations of criminal misconduct fell to the specialized units, such as the gang or sex crimes units.[15] Chief Zimmerman moved to reinstate the PSU.
- **A new policy creating a duty to report misconduct.** Policy 9.33 of the SDPD policy manual states that "if any member [of the department] has credible knowledge of another member's misconduct, they shall take immediate, reasonable action to stop the misconduct, and the member shall report the misconduct to a supervisor as soon as possible." Supervisors are responsible for assessing the credibility of the report and notifying others in their chain of command.[16]

Chief Zimmerman also followed through with former Chief Lansdowne's request to the COPS Office and PERF, welcoming the opportunity for the outside assessment of the SDPD's policies and practices.

13. For the complete order regarding transporting female passengers in department vehicles, see appendix B on page 69.
14. "Prisoner Transport Unit," San Diego Police Department announcement, April 11, 2011. See appendix C on page 70 for the complete announcement.
15. "Policy Regarding Department Members Arrested, Charged, Indicted, or Under Investigation," City of San Diego memorandum, September 10, 2014. (For the complete policy, see appendix D on page 72.)
16. For the complete "Duty to Report Misconduct" policy, see appendix E on page 76.

## Officer misconduct cases lead to national assessment

In March 2014, the COPS Office formally requested that PERF conduct an independent assessment of the SDPD under its Critical Response Technical Assistance (CRTA) program grant, which was awarded to PERF in December 2013. The CRTA program provides technical assistance to law enforcement agencies experiencing a high profile event, a major incident, or a longer-term issue that the department needs technical assistance to resolve.

On March 24, 2014, the COPS Office and the SDPD announced at a joint press conference that PERF would be conducting an independent assessment of the SDPD. Chief Zimmerman stated,

> As chief of police for the San Diego Police Department, I know how critically important maintaining our public trust is to our department and to our citizens and city who we proudly serve. It takes years of hard work to build the trust of our community, and in just seconds that trust can start to erode away. Unfortunately, over these last few years, some of these officers had made the terrible decision to discredit our badge and dishonor our noble profession.

*The goal of this assessment was to help identify how policies and practices may be changed to improve policing and accountability in the SDPD and other departments nationwide.*

COPS Office Director Ronald L. Davis said, "Our process will be transparent and the assessment will be available publicly to foster accountability and provide guidance to the over 18,000 law enforcement agencies across the United States."

Chief Zimmerman requested that PERF brief her on the issues as they were identified so she could begin to make immediate adjustments in the department rather than waiting for the final report to be completed.[17]

## Independent assessment goals

As requested by the COPS Office and the SDPD, PERF reviewed and analyzed the department's policies, procedures, and systems in place related to the recruitment, hiring, training, and supervision of officers and the detection and investigation of misconduct, with a particular focus on selected cases of misconduct. The goal of this assessment was to help identify how policies and practices may be changed to improve policing and accountability in the SDPD and other departments nationwide. As a part of this review, PERF also analyzed 17 disciplinary cases. The findings from this assessment are presented in the following sections:

- Officer recruiting and hiring process
- Supervision, training, and professional development
- Accountability: early intervention systems, internal investigations, and discipline
- Community partnerships

17. In September 2014, PERF and the COPS Office briefed Chief Zimmerman and members of her command staff on the preliminary findings. With these recommendations, the chief immediately began to implement a number of changes to departmental policies and procedures. Updates on recommendations that have been implemented will be noted in this report.

These focus areas represent the primary mechanisms through which a police department can establish and maintain its standards of conduct, work effectively toward the department's mission and vision, and directly influence the organization's culture. Each of these focus areas is discussed in detail in this report as it relates to the SDPD. Recommendations to strengthen SDPD's policies and procedures in each of these areas are also identified. (For a detailed overview of the PERF assessment's methodology, see chapter 2.)

## Limitations of the assessment

It is important to acknowledge PERF's role and limitations in reviewing individual incidents of misconduct. The purpose of this study was to review the policies and procedures of the police department that help prevent or address officer misconduct. While PERF reviewed a sample of specific misconduct cases, the mission was not to investigate or reevaluate individual cases, or to address individual grievances, but to focus on the broader issues and provide recommendations that will ultimately help to improve the police department. PERF did not conduct a review of the quality of other internal investigation cases.

## National implications

PERF believes that this report has national implications, because many cities and towns of all sizes have experienced significant incidents of police misconduct.[18] The goal of this project is to provide recommendations that can be useful to police executives and agencies across the nation, not only in San Diego. Accountability and discipline are important issues that confront every police executive.

## Organization of this report

Chapter 2 of this report describes the methodology PERF used to conduct this assessment and the findings from the misconduct case reviews. Chapter 3 describes the issues raised during stakeholder interviews and at the open-forum community meetings. Chapters 4 through 7 provide detail on the SDPD's practices as well as findings and recommendations in each of the assessment's focus areas. The conclusion provides a summary of all of the report's findings and recommendations. An update on the SDPD's progress in adopting these recommendations and its next steps to prevent misconduct in the future are provided.

18. For a recent article summarizing misconduct case in nine cities of various sizes, see Conor Friedersdorf, "How Police Unions and Arbitrators Keep Abusive Cops on the Street," *The Atlantic*, December 2, 2014, http://www.theatlantic.com/politics/archive/2014/12/how-police-unions-keep-abusive-cops-on-the-street/383258/?single_page=true.

# Chapter 2. Methodology and Misconduct Case Review Findings

The Police Executive Research Forum's (PERF) approach to this review incorporated multiple methodologies, including the collection, review, and analysis of existing policies, procedures, case files, and applicable reports and data; personal interviews and focus group discussions (with police commanders, union officials, and supervisory staff members as well as sworn and nonsworn rank-and-file employees); on-site observations; and community interviews and open-forum meetings. Each method is described in detail below.

## *Review of the department's policies and procedures*

PERF provided a list of documents it wished to review to the San Diego Police Department (SDPD) several weeks before conducting its initial site visit in May 2014. The documents provided included all departmental policies and procedures related to the scope of the project, as well as existing processes relevant to the detection of officer misconduct.[19] For example, PERF reviewed the department's strategic plans (including recruitment, training, and management) and annual reports for the last five years.

The project team assessed the extent to which the policies, procedures, and processes of the SDPD are comparable to those recognized as best practices in law enforcement. The project team also reviewed recruit training, field training, and in-service training to determine whether appropriate, sufficient, and understandable instruction is given to officers as they begin and advance in their careers and assume new responsibilities. Progressive police agencies today no longer rely on outdated policies and directives that are simply distributed to officers or on training that does not ensure full understanding and proficiency by officers. Therefore, PERF's review evaluated whether SDPD's policies defining proper conduct and the reporting and handling of misconduct were thorough and reflected professionally recognized best practices, as well as whether SDPD's policies were being fully explained to officers and whether documentation to that effect was maintained by the department. Similarly, PERF's review of training in various settings (recruit training, field training, in-service training, and training for promotion) was reflective of the department's policies, directives, and procedures and whether documentation of training was recorded for each attending officer.

## *Officer misconduct cases reviewed and findings*

### Why cases were reviewed

In order to identify any insufficiency or gaps in policy and procedure that might have allowed misconduct to occur, the PERF assessment team reviewed 17 cases of officer misconduct between 2009 and 2014. The 17 cases included criminal and noncriminal matters and misconduct on duty as well as off duty, including eight sexual misconduct cases; three cases where an officer attempted to cover up the misconduct of another officer; three cases where drugs or alcohol were involved; and three cases of other misconduct that included filing a false insurance claim, vandalism, and shoplifting.

19. For a complete list of documents requested, see appendix F on page 77.

## Case demographics

The types of misconduct in the 17 cases varied, as did the experience of the officers involved in the misconduct. The individuals' ranks varied as follows:

- **Thirteen** were officers at the time of the incidents.
- **Two** were sergeants.
- **One** was a detective.
- **One** was a civilian employee.

Time in service for the accused officers ranged from two years to more than 20 years.

**Fifteen** of the case subjects were men, and **two** were women.

## Details of the 17 misconduct cases

**Four** of the cases that were reviewed included four different officers accused of criminal sexual assault or battery committed while on duty. Of these, two individuals were charged on counts from multiple victims. **Three** employees had inappropriate but consensual relationships with individuals encountered on duty. **Two** of these officers had nonsexual relationships with someone under the age of 18. The other dated multiple women he met on duty. **Two** officers had inappropriate, nonconsensual interactions with people they met while on duty, and both included stalking behavior.

**Three** cases reviewed involved some type of attempted cover-up. In one case, an SDPD employee tried to eliminate a traffic ticket for another government employee. In another case, a group of officers and supervisors attempted to cover up an alcohol-related automobile accident in an SDPD-issued vehicle. In addition the review also included **two** additional misconduct cases of officers driving while under the influence of alcohol.

**One** case involved two officers who were charged with selling, possession, and transportation of hydrocodone; conspiracy; and possession of loaded firearms while under the influence. **One** case reviewed included insurance fraud. **Another** involved an employee charged with 19 counts of shoplifting. And **one** misconduct case reviewed related to hundreds of thousands of dollars of damage to property caused by an SDPD officer.

## Process and general observations

The cases reviewed by PERF demonstrate the range of the types of misconduct that occurred and the seriousness of the misconduct issues faced by the department. The review team looked through internal affairs (IA) files and personnel files for each individual in the 17 cases. This included supplementary materials to IA investigations, previous IA investigations on each employee, performance evaluations, hiring and background paperwork, and, if applicable, conditions of termination.

The PERF review team also conducted in-depth interviews with internal affairs investigators, department leaders, and former supervisors to ensure that all challenges related to these cases were discussed. The case review uncovered a number of challenges that have either already been rectified by the department or are addressed in this report. These issues fell into the categories of supervision, accountability, and officer recruiting and hiring.

## Supervision and leadership

As discussed in this report, police leaders are ultimately responsible for ensuring that effective policy, training, and supervision are in place to prevent officer misconduct. Perhaps the most important lesson learned from this assessment is that the failure of the department's leaders to adequately address smaller problems led to much larger issues—especially in the area of first-line supervision. Years of budget cuts caused staffing shortages in all areas of the department, especially for first-line patrol supervisors. Many of the misconduct cases reviewed demonstrated a lack of adequate first-line supervision in the department. At least one of the officers under review moved his shift time around every few months, presumably to avoid supervisors observing patterns of questionable behavior. A few veterans with the department who could have bid any shift (because of their seniority) specifically sought shift times when supervisors are extremely busy and have less time to check in with their subordinates. In many of the reviewed cases, officers were acting inappropriately but not criminally. In these instances, supervisors were not engaged with the behaviors and actions of their subordinates. Had there been regular dialogue and interaction in the field, these supervisors may have been able to intervene before these behaviors escalated to misconduct.

## Accountability

The case review process also uncovered some challenges with the department's accountability systems. A few of the individuals whose misconduct cases were reviewed exhibited signs of personal distress prior to their offenses. Some of these individuals should have been identified by the SDPD's early identification and intervention system (EIIS) program and should have experienced some type of supervisory intervention.

In addition, there was inconsistency in the discipline that was administered in the reviewed cases. Some employees were given little more than a written reprimand for troubling behaviors, while others were suspended without pay for an extended period of time for similar offenses.[20]

## Recruiting and hiring

While many of these cases might have been prevented with stronger supervision and more consistent and accurate accountability systems, others might have been prevented at the hiring phase. There were a handful of employees who demonstrated problematic behavior even prior to their employment with the SDPD. With more robust controls in the recruiting and hiring system, these individuals might not have been selected for employment with the department.

# *Key stakeholder interviews and focus groups*

PERF conducted four on-site visits, meeting with members of the police department, the American Civil Liberties Union (ACLU) of San Diego and Imperial Counties, and the Citizens' Review Board (CRB) on Police Practices to gain insight into the misconduct issues the department had been experiencing. The purpose of these interviews was to understand the history and organizational culture of the SDPD and to guide the assessment team in ensuring that PERF's recommendations reflect the vision and goals for the police department that San Diego and its leaders are striving for.

20. Changes made to the department's discipline manual in 2012 as a result of the seven-point plan for the SDPD addressed the inconsistencies of the administration of discipline in the SDPD.

The department's vision specifically states, "A police department whose employees feel valued works together in community partnerships to be a model of excellence in policing, and fosters the highest level of public trust and safety."[21] The three goals of the department are (1) to improve quality of life for all; (2) to strive for continuous improvement in efficiency and effectiveness; and (3) to ensure accountability to high standards of performance, ethics, and professional conduct.[22] PERF's recommendations seek to strengthen polices and training to meet those goals and to consider the causes of specific failures in order to avoid their reoccurrence.

## SDPD leaders

PERF conducted extensive one-on-one interviews with the person in charge of each of the following SDPD functions:

- Training/employee development
- Training academy
- Field training officer (FTO) administration
- In-service training
- Backgrounds investigations and recruiting
- Human resources
- Operational support
- Wellness unit
- Media/public information office
- Internal affairs
- Traffic, youth, and event services
- Patrol operations
- Centralized investigations
- Neighborhood policing
- Police officers' association

## Other internal SDPD stakeholders

After the initial round of interviews, the PERF assessment team interviewed the department's contracted psychologists who conduct the psychological review of potential candidates as part of the hiring process. PERF also interviewed additional command staff to obtain more detailed information on the agency's EIIS, discipline, the promotional process, staffing and patrol operations, and the background and recruiting process. Members of the PERF assessment team met with department leaders and command staff and with former Chief of Police William Lansdowne for his perspective on the officer misconduct that led to this assessment.

PERF staff conducted five focus groups, which were assembled according to rank and included officers, detectives, sergeants, lieutenants, and civilian employees. The focus groups provided the PERF team with input on employees' opinions about why the misconduct occurred and what could have been done to prevent it from happening and to get a general sense of the daily operations of the department from their perspectives, which would not have been available through other methods.

21. San Diego Police Department, "About Us," accessed January 14, 2015, http://www.sandiego.gov/police/about/.
22. Ibid.

## Ride-alongs

The PERF assessment team conducted ride-alongs with officers and supervisors in different divisions and with varying years of experience. The ride-alongs provided the PERF team one-on-one access to officers in an at-ease setting. This provided opportunities for candid conversations about departmental culture, adequacy of supervision, and perceptions of how and why misconduct can take place. The ride-alongs also allowed PERF team members to observe the implementation of policies, procedures, and training in daily practice.

## Importance of community involvement

As stated at the outset of this assessment, community involvement and transparency of the process were of paramount importance to ensure that the recommendations are useful. Providing the community with the opportunity to participate in the process and to make the process as transparent as possible were critical steps for the SDPD to rebuild trust with the community.

## Community meetings

*Overall, the recommendations and findings in this report represent the cumulative knowledge of research and best practices in policing among PERF's assessment team members and the COPS Office, as well as the advice of experienced police executives and other academics.*

PERF participated in three community meetings hosted by community groups, including the City Heights Town Council, the CRB, the ACLU of San Diego and Imperial County, Women Occupy San Diego, and the National Lawyers Guild. In addition to the community meeting hosted by the CRB, the PERF team also met with several representatives of the CRB to better understand their role and concerns they may have with the SDPD's citizen-initiated complaint process. The community meetings took place in three different areas of the city in order to facilitate participation by all segments of the community.

The most common concerns heard from community members were about negative attitudes displayed by officers during routine interactions; a lack of understanding of diversity issues, specifically in the Muslim community; issues of racial bias; and an overall decline in community policing and problem-oriented policing practices. (For a detailed discussion of these community meetings, see chapter 3.)

## Other police executive perspectives

The problem of officer misconduct and the issues examined in this assessment are not limited to the SDPD. The findings and recommendations from this assessment are intended to be useful to law enforcement agencies across the nation. To broaden its perspectives on these dynamic issues, PERF asked police executives and others in the profession from across the country to share their experiences in dealing with cases of police misconduct. The police executives advised the team on successful policies and strategies that they had implemented with regard to preventing misconduct. In several instances, the police executives consulted had recently addressed issues similar to those experienced by the SDPD.

These police executives described their experiences in identifying gaps in recruiting, hiring, field training programs, supervision, and early intervention systems (EIS) and the ways in which these systems were improved for the purposes of preventing and responding to officer misconduct. They also described some of the decisions they had made in handling officer misconduct cases and whether the actions they had taken were effective in preventing and detecting future misconduct.

The following police executives participated in advising the project team on the issues and recommendations provided in this report:

- Chief of Police Robert C. White, Denver (Colorado) Police Department
- Assistant Chief of Police Matt Clark, Minneapolis (Minnesota) Police Department
- Chief of Police Bob Lehner, Elk Grove (California) Police Department
- Assistant Chief of Police Rhonda Robertson, Fort Worth (Texas) Police Department
- Chief of Police Daniel Slaughter, Clearwater (Florida) Police Department

The discussion of the relevant issues among police leaders who have faced similar issues helped PERF to refine these recommendations and ensure the national relevance of this report. Overall, the recommendations and findings in this report represent the cumulative knowledge of research and best practices in policing among PERF's assessment team members and the COPS Office, as well as the advice of experienced police executives and other academics.

# Chapter 3. Community Perspectives and Outreach

A critical element of the Police Executive Research Forum's (PERF) review was engaging the residents of San Diego in a dialogue about their observations and concerns regarding their police department. The community's involvement in the process was important to understanding their concerns and what must be done to earn back their trust in the department.

To do this, PERF participated in three open-forum community meetings and provided several other avenues for San Diego residents to offer comment and feedback to the PERF assessment team and the San Diego Police Department (SDPD). Community members shared their experiences, perceptions, concerns, and observations with PERF at the community meetings, in personal interviews, and through e-mail and other correspondence.

PERF participated in the first community meeting on May 6, 2014, in conjunction with the City Heights Town Council meeting. PERF's second community session was at a meeting of the Citizens' Review Board (CRB) on Police Practices on July 22, 2014. The final meeting was held on July 23, 2014, with the American Civil Liberties Union (ACLU) of San Diego and Imperial Counties, the National Lawyers Guild, and Women Occupy San Diego.

These three community meetings served as opportunities for residents to voice concerns directly to PERF. PERF distributed feedback forms to individuals who wished to submit written comments or comment anonymously.[23] In addition to holding meetings, PERF staff members shared their contact information and created an e-mail account so that individuals who did not wish to publicly voice their opinions at meetings or were unable to attend could e-mail PERF their comments.

## Community comment and feedback

San Diego residents provided PERF with invaluable information regarding the SDPD through the public forums and via e-mails, letters, and phone calls. As anticipated, much of the information gathered from the community related directly to the policy and practice review being conducted by PERF. However, there were also concerns and observations raised that, while not within the scope of this review, have merit and should be addressed by the SDPD. Among them were current and previous complaints regarding individual SDPD investigations. These concerns were redirected to the appropriate authorities.

The following topics are the primary issues and comments related to officer misconduct expressed by the residents of San Diego during this assessment.

## Community interactions

A primary issue raised by community members was the perception of negative attitudes from police officers during routine interactions. Participants at the public meetings described some San Diego police officers as being "intimidating" and identified a need for a "softened tone" in how they carry out their work. Some individuals described police officers who seemed hostile even during interactions in which there was no reason for confrontation. Community members voiced concerns about aggressive interactions during traffic stops and officers appearing irritated when responding to calls for service.

23. See appendix G on page 79 for the PERF assessment feedback form.

## Relationships with diverse communities

Community members also identified a need for the police department to improve its relationships with diverse communities. Many minority community members who attended these meetings described their personal experiences with the SDPD, most of which were negative. Meeting participants described seemingly unprovoked and unjustified searches and seizures, which deteriorated already weakened relationships with the police department. One man referenced his son's experience in which he believed he was profiled by the police, resulting in his son being stopped and detained unlawfully. The speaker explained that the manner of the stop and the attitude the officer had toward his son during the interaction ruined the positive perception his son had previously held toward police officers.

Other community members also expressed concerns that police officers were not sufficiently knowledgeable about minority cultures. One meeting participant expressed frustration after Muslim children in her neighborhood had been cited for breaking curfew during Ramadan. The children were out past curfew hours to get food after fasting all day. The officers were not aware that it was Ramadan, demonstrating a lack of understanding and connection to the community they were there to serve.

Diversity and racial issues were outside the scope of this project, which focused on the policies and systems related to identifying, preventing, and responding to officer misconduct. So PERF was unable to make a full assessment of issues of race and bias in San Diego. However, PERF did hear the concerns of community members who participated in the community meetings regarding allegations of biased policing. The SDPD should conduct an examination of these issues. A growing number of police departments nationwide are conducting training of officers in programs like the Fair and Impartial Policing (FIP) program, which helps officers recognize and manage their implicit or unconscious biases that can operate below the level of conscious awareness, even among people who at the conscious level reject biases, prejudices, and stereotyping.[24] PERF has referred SDPD to the FIP training series. This comprehensive program or a similar initiative may be useful for the SDPD and should be explored to supplement existing training initiatives.[25]

## Community involvement

Forum participants requested that they be involved in selecting the individuals who hold police leadership positions in their neighborhoods. Specifically, residents in one district were concerned that their current division captain was retiring and requested that they be involved in choosing his replacement. Because the community members had a successful relationship with the current captain, they wanted to have a voice in identifying his successor in hopes of continuing the same positive working relationship.

## San Diego Citizens' Review Board

Another observation noted by the assessment team was a concern regarding the CRB. The voters of San Diego approved a ballot measure establishing the board in November 1988. Its purpose is to review and evaluate complaints brought by members of the public against officers of the SDPD and to review and evaluate the administration of discipline arising from sustained complaints.[26] The board also reviews and evaluates officer-involved shootings, all in-custody deaths, and all police actions that result in the death of a person.

24. Lorie Fridell, "Psychological Research Has Changed How We Approach the Issue of Biased Policing," *Subject to Debate* 28, no. 3 (May–June 2014), 4–5, http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2014/debate_2014_mayjun.pdf.
25. For more information about the FIP program, visit its website at http://www.fairandimpartialpolicing.com/.
26. San Diego City Charter article V, § 43(d).

The San Diego CRB comprises 23 board members, who usually are selected by the mayor. The CRB is managed by the executive director of the board, who is a city employee and reports directly to the mayor. All selected CRB members volunteer their time to the position. The CRB is not part of the SDPD and is presented as an independent and impartial body.

Community members reported that it has sometimes been difficult to follow up on the status of complaints with the CRB and the SDPD. There is no formal tracking mechanism in place for the CRB to inquire about the status of a disciplinary case once it has been forwarded to the internal affairs unit of the police department. When a community member files a complaint through the CRB and that complaint is sent to internal affairs, the CRB is not able to easily track that complaint while it is being investigated by SDPD. (For a discussion of related issues, see chapter 6, "San Diego's Citizens' Review Board," on page 44.)

## *Criminal complaints related to the San Diego Unified School District*

PERF heard other important concerns that were voiced by a smaller number of individuals and those advocating a particular issue. For example, a few individuals expressed their anxiety about the policing of the San Diego Unified School District. Parents of several children complained of a lack of action by the SDPD regarding allegations of child abuse in the school system. **They recognized that these crimes fall under the jurisdiction of the San Diego Unified School District Police.** These concerned community members asked the SDPD to increase its communication and collaboration with the school system to ensure that these crimes are fully investigated.

This issue and others may be considered for action by the city and police department as appropriate.

## *A common thread*

Overall, the most common suggestions heard from community members regarding how to improve policing in San Diego were to increase police-community engagement through proactive and positive interactions and to address issues of perceived bias, especially racial bias. As an example, some individuals suggested that community members and police officers conduct joint neighborhood walks. Community forum and interview participants recalled these walks with the police in the past and thought this would be a good practice to resume on an ongoing basis. By walking through the communities with the people who live there, police officers would get to know the residents and their concerns and see the area through the eyes of those who know it best. These walks would also provide community members an opportunity for positive, informal interactions with officers upon which to build relationships and share information about cultural and diversity issues that could help them in the future when responding to a call for service in that neighborhood.

PERF frequently heard of previous involvement by police officers in community meetings and functions that no longer occur. Interviews with department personnel indicate that specialized units, many designed specifically to work with and address the needs of the community, have either suffered a staff reduction or have been eliminated. This is not unique to the SDPD, as budget-driven staff reductions have affected law enforcement agencies all across the country.

Although PERF heard critical comments, it also heard a number of positive comments about hardworking and conscientious officers in the department and statements by community members that the misconduct cases were at variance with their experiences with the police. Many community members said that the vast majority of the police officers were dedicated and had good intentions, and several provided accounts of good working relationships with the police for many years involving problem-oriented policing and volunteer projects.

For recommendations related to police-community relationships, see chapter 6.

# Chapter 4. Officer Recruiting and Hiring Process

Hiring the right people is essential for any police department's success. Generally, the hiring process for police officers involves many steps designed to screen out ineligible candidates and identify those who are best qualified. The hiring process, which typically takes several months, must be completed before a conditional offer of employment as a probationary police officer can be made. An impartial and consistent recruitment and selection process that attracts a sufficient, diverse, and qualified pool of applicants is necessary to ensure that a law enforcement agency can select and hire a cadre of professional officers who will be respected by the community.

As part of its review, the Police Executive Research Forum (PERF) interviewed San Diego Police Department (SDPD) recruiting personnel; reviewed documents pertaining to completed background investigations; and reviewed policies, directives, and standard operating procedures related to the recruitment and selection processes. Operations manuals and documents used by the SDPD to screen applicants, as well as reports detailing recruiting and outreach efforts, were reviewed. PERF also examined each phase of the recruitment and hiring process to determine whether the best applicants are being recruited and ultimately hired.

PERF's review found that the SDPD's current practices adequately ensure that the hiring process provides the necessary information to determine the suitability of applicants who are being hired as police officers by the agency. A 254-page manual carefully lays out each phase of the hiring process and provides clear guidance on the responsibilities of each individual assigned to the Recruiting Unit. The manual establishes investigative protocols that properly guide investigators through the vetting process.

Although the SDPD has a comprehensive *manual* that includes and describes each step of the recruitment and selection process, the SDPD needs a clear and comprehensive *policy*, based on current best professional practices, that covers each step of the process and the responsibilities of assigned personnel.

**Recommendation**: The SDPD should draft a specific policy requiring them to follow the comprehensive manual that governs the recruitment, selection, background investigation, and hiring process.

A policy approved by the chief of police ensures that the agency has a concise, sanctioned, and clear set of guidelines relating to hiring police officers. The importance of establishing this policy to address all aspects of the recruiting and hiring process will be underscored in several sections of this chapter.

## *Recruitment and selection*

The SDPD conducts its own recruitment activities, background investigations, and selection of police officer candidates. These functions are housed in the Recruiting Unit. From 2012 through 2014, the SDPD has hired 377 police officers. At least 268 (71 percent) possessed a four-year college degree, and 116 (30.8 percent) served in the military.[27] According to the SDPD, each background investigator handles an average of 25 to 28 cases at any given time.

### Minimum qualifications for applicants

Applicants must be 21 years of age by the time they graduate from the police training academy. They must have a valid California driver's license and possess a high school diploma or the equivalent. Applicants must also possess a typing certificate showing that they can type at least 30 words per minute. Other minimum qualifications and disqualifying factors are available to applicants from the SDPD once they start the process.[28]

27. Data collected from SDPD Recruiting Unit.

28. Minimum qualifications to become a San Diego Police Officer include: U.S. citizenship or status as a permanent resident who is eligible and has applied for U.S. citizenship prior to application for employment; 20 years of age on the day the applicant takes the written test; 21 at the time of academy graduation (no maximum

## Website recruiting

As with many large police departments, most applicants can apply to the SDPD through the agency's website. Applicants can easily navigate through the "Join Us" link, where they can obtain information on the various steps in the hiring process. The hiring process begins when the applicant visits the web page and submits an application. The job application site also links to five videos that depict the department's history, various ways in which to report nonemergency calls to the police, an overview of the special weapons and tactics (SWAT) team, an overview of the physical abilities test, and an informational video on how to join the SDPD as a dispatcher. Overall, the videos appear to be somewhat dated and do not provide a complete picture of the job or of the department.

**Recommendation**: The department should continually update its recruitment video presentations and recruitment web page.

In order to attract a qualified and diverse applicant pool, the SDPD should explore creating a new video that captures San Diego's unique position as California's second largest city and features its diverse population. A video effective at recruiting the best-suited applicants would depict SDPD officers engaging in different aspects of community policing. Videos depicting SWAT capabilities can be effective in attracting applicants seeking excitement, but may give a misleading impression of what policing is about on an everyday basis for most officers. It is important to depict the talents and attributes the department is seeking in its new applicants and the work that officers perform most often.

Like the recruitment videos, the SDPD's recruitment web page should better depict the department's commitment to community policing and officers' in-service roles. The department engages in both service and tactical activities, and every job in the department is important, but applicants who are drawn to a more realistic depiction of the entire job may be more suitable candidates. It would serve the SDPD well to include photos and videos of officers engaged in positive encounters with the communities they serve. It is also important for the SDPD to show that it is committed to increasing diversity in its applicant pool by showcasing recruitment and hiring efforts within its diverse communities.[29]

The SDPD's web page is also a good opportunity for the department to cast itself as a part of and in touch with the needs of the community. Current language states that the "San Diego Police Department maintains high expectations of its officers, making it a very professional department. Once a member of the San Diego Police Department, career opportunities will open up as you never thought possible." New language should be considered, such as: "The San Diego Police Department constantly works to build stronger relationships with its communities. The department partners with other agencies to solve community problems and collaborates with community members in organized meetings and through numerous outreach programs. The SDPD and the community are working together to make San Diego a safer city."

**Recommendation**: The SDPD should continue to post minimum qualifications and automatic disqualifiers on its recruitment web page. Currently, applicants must navigate through various pages and process descriptions in order to find out what the basic qualifications are for police officers. Although the department posts general job dimensions required of police officers, it would benefit both the department and applicants to clearly state

age limit); graduation from high school or a GED; a valid California class C driver license will be required at the time of hire; and an original typing certificate indicating the ability to type at a corrected speed of 30 words per minute on a typewriter or computer keyboard that must be submitted during the police department's background investigation process.

29. For examples of videos by agencies that focus on community engagement, see "Begin a New Career—Now Hiring!" PhillyPolice Blog, Philadelphia Police Department, http://blog.phillypolice.com/2013/12/become-a-philadelphia-police-officer-recruitment-begins-july-8th/; "It's a Great Time to be MPD: Are You the One?" D.C. Metropolitan Police Department YouTube Channel, https://www.youtube.com/watch?v=40xzHctH6Ns&list=PLrR45aEsPu9sj5uEtq173lhka59xwwG_-&index=1.

what is required by the city and the state of California and what constitutes a potential or automatic disqualifier. This will allow potentially unsuitable candidates to self-screen out of the process and the department's background investigators to direct resources toward applicants who are more likely to be viable candidates.

## Other advertising and community outreach

In FY 2014, the SDPD budgeted $35,000 for advertising and community outreach.[30] All the funds were exhausted by the end of the fiscal year. During this period, the SDPD Recruiting Unit used the funds to purchase advertising in local movie theaters, advertising on three local radio stations, and promotional stickers and banners. Unit personnel attended several law enforcement-only career fairs in neighboring states, acquired video production services for updated recruitment videos,[31] and conducted at least three recruiting events in which entry-level exams were held.

**Recommendation**: The SDPD should prioritize funding (or seek additional funding) for recruitment efforts that focus on identifying a pool of local applicants who reflect the diversity of the city. The effectiveness of today's recruitment efforts will define the SDPD in the future. Failure to attract the best suited, most qualified, and most diverse group of applicants can represent a far greater cost than the cost of a comprehensive recruitment plan now. The department should develop a recruitment plan and budget based on hiring expectations and the costs associated with recruitment tactics that have produced desired results. A review of the number of applicants processed compared to the number of hires between 2010 and 2014 will identify the number of applicants needed to ensure that hiring goals are met. The recruitment plan should rely on proven methods to find at least that number of suitable applicants. Today's job seekers rely heavily on the Internet, so making the department's web site attractive, as well as accurate in providing an impression of what the daily work of policing involves, is critical. In addition, the online application process should be easy to navigate.

Job fairs and media advertising do attract some candidates, but not usually enough. A number of police agencies have adopted a strategy of identifying their most successful officers and asking them what first attracted them to the department and the job. Department recruiters then focus on those approaches.

In addition, all officers could be encouraged to use their daily interactions with community members across the city as recruiting opportunities. In departments where this has been done successfully, officers take seriously their role in recruiting those they feel would become good officers. Officers may be encouraged to take notice when they get to know community members whom they could rely on confidently and to suggest to those people that they might consider a career in policing. Officers may be given a reward (e.g., a day or two off) if they recruit an officer who is successfully hired. Officers also should keep in mind that all interactions with youth are potential opportunities to plant seeds encouraging them to seek a policing career in the future.

Other successful efforts include working with colleges, minority community clergy members, and military discharge centers, to name a few. The SDPD should increase its efforts to recruit within its own communities by attending neighborhood community meetings, as well as high schools and local colleges and universities. The majority of these outreach efforts can be accomplished at little cost other than officers' time. Many police departments the size of San Diego's strive to create a diverse workforce and recruit in a way that attracts people from various professions, such as teachers, accountants, lawyers, and others who bring their varied life

30. Advertising and community outreach funding levels were provided during PERF interviews with SDPD staff.
31. Recruiting videos have not been updated as of this writing.

experiences into policing. Each of these approaches can produce good applicants and should remain a part of the overall recruitment plan. The key is to be proactive in seeking a diverse applicant pool that is reflective of the makeup of San Diego and to actively seek the best applicants rather than waiting for them to apply.

On occasion, an excellent candidate applies but is in need of immediate employment. Because the police hiring process can take many months to complete, these candidates are lost. Some departments have agreed to create a limited number of short-term civilian positions that can be offered to well-qualified applicants who have passed the initial components of the selection process to keep them in the applicant pool.

## *The hiring process*

From the SDPD's recruiting website, applicants get an opportunity to view some of the main job dimensions required of an officer, and applicants can anticipate the recruitment process by following a series of links. Each link is associated with a particular part of the hiring process.

Applicants are required to sign up for a written exam administered by the City of San Diego's Personnel Department. The exam is pass/fail and consists of 100 multiple-choice questions. According to the SDPD's website, no prior knowledge of law enforcement is necessary to pass the exam. If an applicant fails the exam, he or she may retake the exam every six months. Applicants who possess one of the following may request a waiver from taking the written exam: graduation from an approved California Peace Officers Standards and Training (POST) police academy with a Basic Peace Officers course certificate or possession of a basic POST certificate.[32]

Applicants who pass the written exam may continue to the Physical Abilities Test (PAT), a practical exam in which applicants must demonstrate their ability to complete the physical tasks commonly performed by police officers. The PAT requires applicants to run a 500-yard obstacle course, dodge certain objects, climb ladders and stairs, climb over a series of fences, and drag a 155-pound simulated victim. While taking the test, applicants are required to wear a vest that weighs approximately 3 pounds. Applicants who fail the physical exam but wish to try again must request a re-test at a later date. The SDPD offers an opportunity for applicants to practice the PAT every Thursday at the San Diego Regional Law Enforcement Training Center. Only those who pass the PAT can proceed to the next phase, the background investigation.

### Pre-background investigation forms

At this stage, applicants are asked to complete a Pre-Investigative Questionnaire (PIQ), last modified in April 2013.[33] The PIQ is a comprehensive, 342-question form that directs applicants to answer a wide range of questions regarding education, past employment, volunteer activities, and military experience. The form also queries applicants on past behaviors such as drug use, thefts, acts of racism, sexual harassment, or viewing restricted information on the Internet while at work. Questions also relate to past criminal activities, including any arrests or convictions, or any crimes that may not have been detected. Each question allows for a *yes* or *no* answer, and a separate section is offered to provide explanations for each of the *yes* answers. After completing the PIQ, applicants receive information on how to complete the rest of the recruiting package, including a comprehensive Personal History Statement (PHS).

32. See "How to join SDPD" City of San Diego, http://www.sandiego.gov/police/recruiting/join/recwrittentest.shtml.

33. The SDPD Background and Investigations Recruiting Manual stipulates that the PIQ must be completed on the same day as the PAT. Applicants are limited to three hours to complete the questions.

Once the PIQ is completed, two sergeants assigned to the Recruiting Unit review the PIQ and rule out applicants who have any automatic disqualifiers, such as significant criminal records, a certain number of recent speeding tickets, or driving under the influence arrests or convictions.[34]

According to SDPD recruiting staff, Recruiting Unit supervisors not only focus on ruling out applicants but also look for those they deem to be competitive by applying a "whole-person" view that examines areas such as employment history, education, volunteer activities, and the types of team environments the applicant may have been a part of.

## Importance of a comprehensive background investigation process

A rigorous and complete background check process that identifies inappropriate police officer candidates is crucial to preventing police officer misconduct. Often, departments with high numbers of officer criminal misconduct incidents have an inadequate background investigation process for hiring. It is not uncommon to find that an officer found guilty of an egregious criminal act had negative indicators at the background stage that should have triggered a disqualification but were not noticed or were noticed but disregarded. It is essential that police departments not compromise standards in order to fill positions caused by attrition, retirement, or demographic needs. If recruiting practices do not yield enough suitable candidates, additional proactive recruiting efforts should be undertaken rather than weakening standards.

## The SDPD background process

If an applicant reaches this stage, his or her case is assigned to an in-house detective and is entered into the background tracking system. A background investigation commences. The SDPD's background investigations are conducted by trained SDPD detectives who focus on areas of criminal and driving histories, military background, finances, past employment, and education. According to the SDPD background investigation manual, all appropriate records are checked and verified. In addition, detectives check personal and secondary references, past and current supervisors, co-workers, neighbors, relatives, and all acquaintances listed. Detectives continue to verify all information provided by the applicant on his or her PIQ and PHS. In addition, detectives examine applications that were submitted to any other law enforcement agencies.

If applicants clear this stage, they are invited to a background interview where the rest of the process is discussed at length. During the interview, detectives try to ascertain as much information as possible about the applicant's integrity, history, and overall viability as a police officer.[35] Detectives also go over the PIQ and PHS and seek out any discrepancies or other evidence of dishonesty. Before the interview is concluded, the interviewing detective provides the applicant with an Honesty Declaration and an additional Pre-Polygraph Questionnaire. The questionnaire contains similar questions to those already asked in the PIQ and PHS and is used to gauge veracity and consistency in answers. This questionnaire is also provided to the polygraph examiners to assist them when administering the exam.

34. SDPD personnel utilize the California POST requirements for police officer candidates, which can be found at "Peace Officer Selection Requirements Regulations: 1950. Peace Officer Selection Requirements," State of California, https://www.post.ca.gov/peace-officer-selection-requirements-regulations.aspx#c1950.
35. "Background Interview," *SDPD Background Investigation Manual*, 75.

The PIQ and Pre-Polygraph Questionnaire were amended in 2013 by adding questions concerning past sexual activity in the workplace during work hours.[36] Based on interviews of SDPD recruiting personnel, the questions were added as a result of high-profile incidents in 2011–2012 involving sexual abuse on the part of several on-duty SDPD officers.

## PERF's review of background investigation cases

During the on-site visits, PERF reviewed a random sample of background investigations in addition to the background investigations related to the 17 misconduct cases reviewed.

Background investigations for prospective police applicants were found to cover the following areas:

- Education history
- Criminal record
- Personal History Statement
- Pre-Polygraph Questionnaire
- Past employment history/employer references
- Previous employment or applications with other law enforcement agencies[37]
- Relatives, friends, significant others, and employer references
- Military service (if applicable)
- Checks with all local agencies where the applicant indicates he or she has lived for any criminal or traffic records
- Credit history
- Traffic records check
- Polygraph test results
- Psychological test results (following conditional offer of employment)
- Medical test results
- Birth/citizenship records
- Eligibility to carry a firearm
- Publicly available social media accounts

Based on the case reviews PERF conducted, it appears that the areas identified above are thoroughly evaluated and provide the agency with sufficient information to determine whether applicants are suitable for employment as police officers. PERF's review found that negative indicators were, in fact, identified in the background investigations of some of the officers who were involved in misconduct cases, but the indicators were mitigated before hire for various reasons. This finding underscores the importance of the recommendation to have a clear and unwavering policy that specifies which negative indicators will be acted upon and describes how, when, and by whom these indicators can be mitigated, if at all.

A question that often comes up in police agencies across the country is whether a particular minor offense in a candidate's background should be a disqualifier for police employment. Some see these offenses as character flaws and argue that it is dangerous to lower traditional standards. Others argue that certain activities, such as

36. San Diego Police Department "SDPD Confidential Pre-Investigative Questionnaire" (internal hiring document, revised 2013).

37. The SDPD sends out template forms to every agency the applicant reports having previously applied to and asks how far the applicant made it in the process; whether the applicant took a truth verification test and if so, the results; and specific reasons the applicant may have been disqualified.

*PERF's review found that negative indicators were, in fact, identified in the background investigations of some of the officers who were involved in misconduct cases, but the indicators were mitigated before hire for various reasons. This finding underscores the importance of the recommendation to have a clear and unwavering policy that specifies which negative indicators will be acted upon and describes how, when, and by whom these indicators can be mitigated, if at all.*

low-level use of illegal drugs at a young age or other minor offenses, should be seen as a youthful indiscretion and not as a lifetime disqualifier. Police agencies differ in how they define disqualifying factors in an applicant's background, and San Diego should consider these issues carefully. In any case, the rules should be clear and should be adhered to without exceptions being made on an ad hoc basis.

In addition to standard background checks, the SDPD directs each applicant to fill out an authorization and request for release of military records. This allows the SDPD to obtain any records from the military in cases involving applicants with military experience and to confirm whether or not the applicant served in the armed forces. This is important, as it can bring to light a gap that may exist if an applicant was discharged from the military because of behavioral, medical, or legal issues but does not disclose his or her military service.

SDPD background investigators can write a *nonselect* report at any time during the process, which is reviewed by the chain of command up to the chief of police prior to approval. This ensures that elimination of a candidate can occur at any point as a result of admitted or identified issues, such as drug use that exceeds standards, criminal activity, or serious credit issues. This also spares the department the unnecessary expense of continuing an applicant's processing until the next review stage.

In 2013, because of several cases involving sexual misconduct by on-duty officers, the SDPD has incorporated at least 24 new questions into the Pre-Polygraph Questionnaire that focus on past sexual behavior. For example, applicants are now asked whether they have ever engaged in any type of sexual conduct at work. According to interviews with SDPD recruiting staff and department psychologists, these questions are specifically designed to screen out applicants with questionable past behavior.

## Polygraph examination

Applicants who reach this stage of the process are invited to take a polygraph examination. The polygraph examination is a helpful tool in verifying the findings of the background investigation and resolving outstanding questions or findings of concern to the department.

Polygraphs are conducted by SDPD examiners. As of November 2014, there are two full-time examiners and a third in the hiring process. Each examiner typically conducts one or two tests a day. Each test lasts approximately one and a half hours. The SDPD uses the Directed Lie Screening Test (DLST).

Prior to meeting with the applicant, the examiner reviews all documentation collected to this point by the background investigator, including the PIQ and PHS. The examiner looks at all admissions made by the applicant and prepares for the exam. Once the applicant arrives, the examiner typically develops a rapport with the applicant and explains the make-up and rules of the exam. At this stage, applicants are encouraged to provide disclosures they may have omitted up to this point for various reasons. Applicants are also told that the purpose of the exam is to detect whether they are purposefully keeping any information concerning their background from the investigative process. After establishing baselines for detecting deception, applicants are asked a series of questions about illegal or appropriate conduct.

Test results typically yield either *significant response* (deception), *no significant response*, or *no opinion*. In cases where deception is indicated, the examiner will tell the applicants that they are having an issue with a particular question and typically break the questions out with more specific questions in order to home in on the issue.

After the test is concluded, examiners return all documents to the background investigator and e-mail an electronic report summarizing the test results, along with any notes on admissions or other unusual occurrences.

Applicants who yield *significant response* results are referred back to the background investigator to clear the matter up. Background investigators can order a retest if an applicant showed deception on the exam but did not disclose any disqualifying information. If the investigator determines that a follow-up interview is necessary, a second detective must attend as a witness. According to the SDPD, if a polygraph results in *significant response* a second time, applicants are typically removed from the process.

Applicants who pass the polygraph exam are fingerprinted to obtain fingerprint information for criminal checks. Once this stage is complete, the investigator writes a confidential investigative memo that contains all information gathered, including the results of the polygraph exam. The entire investigative package is forwarded to the unit sergeant, followed by the lieutenant for review. All viable candidates are then scheduled for an Appointing Authority interview.

## SDPD Appointing Authority

In the SDPD, the Appointing Authority consists of the Recruiting Unit lieutenant and two sergeants. Applicants deemed qualified or highly qualified are given a conditional offer of employment so that they may proceed to the medical examination step of the process.[38] At this stage, applicants must pass medical and psychological exams before being hired. Medical examinations are scheduled and conducted by the City of San Diego. The SDPD Recruiting Unit and the applicants are notified of the results of the medical exam. E-mail notifications are placed in the applicant's personnel folder.

**Recommendation**: The SDPD should expand the makeup of its current appointing authority to ensure greater diversity, community perspectives, and inclusion of other individuals from throughout the SDPD.

Currently, SDPD's Appointing Authority consists of a lieutenant from the Recruiting Unit and two sergeants. PERF recommends expanding this group at a minimum to include a diverse group of representatives including a line (patrol) supervisor, a command official, and a community member. Having these groups of individuals involved in making hiring decisions can bring very different and important perspectives and expertise into the process. The SDPD should make every effort to include diversity in its hiring and screening process and to follow up on potential issues. Even seemingly minor statements or inappropriate behaviors by the candidate identified by anyone during the hiring process could be indicators of future problematic behavior. These indicators and relevant background information should be carefully reviewed and used to inform the psychological screening of the candidate.

## Psychological screening

Psychological screening is a key element of assessing suitability as a law enforcement officer. Although this screening does not offer a perfectly accurate and complete picture of an applicant's ability to perform as a police officer, those who are poorly suited typically demonstrate numerous negative behaviors or characteristics

38. The Americans with Disabilities Act requires that employers provide an applicant with a conditional job offer prior to directing an applicant to undergo a physical examination. The job offer, can, however be conditioned on successfully passing a medical examination. See "Questions and Answers: The Americans with Disabilities Act and Hiring Police Officers" (Washington, DC: Civil Rights Division, 1997), http://www.ada.gov/copsq7a.pdf.

such as unwillingness to follow rules, friction with supervisors, lack of initiative, alcohol abuse, or behavioral traits that indicate a tendency to be overly aggressive. Psychologists look at job-relevant risk factors that include mental or emotional issues that have been shown to interfere with police work.

In San Diego, psychological screenings are conducted by one of two SDPD-contracted psychologists. PERF interviewed both psychologists currently used by the SDPD.

Prior to attending the psychological interview, SDPD applicants fill out three questionnaires. The SDPD currently uses the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), the 16PF Personality Questionnaire, and a personal history form. Each questionnaire is reviewed by the psychologist prior to meeting with the applicant. Police departments in the United States use a variety of standardized psychological questionnaires; the MMPI-2 and 16PF are widely used and are considered a standard practice. The tests are recognized as effective tools to assess various personality traits and gauge suitability for law enforcement professions.

In the SDPD, rather than being graded on a scale, the psychological review yields *yes* or *no* answers as to hiring suitability. Applicants are permanently disqualified if the psychologist determines that there are factors present that indicate that the applicant is not suitable.

But interviews conducted by PERF indicated that not all of the information gathered up to this point of the background investigation is provided to the psychologists for consideration. For example, information from job references and pre-polygraph or other questionnaires is not provided. Nor are the results of polygraph examinations provided, including specific questions that yielded a *significant response* (deception).

At the conclusion of the psychological interview, the psychologist forwards a recommendation for hire or disqualification information to the Recruiting Unit. If an applicant is recommended for hire, he or she will receive a pre-employment orientation by the assigned background investigator. This allows the applicant to learn about the department, training expectations, and equipment needs. After the applicant passes both the medical and the psychological screening, the SDPD forwards all names to the San Diego Human Resources Department, which verifies that the applicant passed all required tests and issues him or her a city certification number. Once hired, recruits receive the city's new hire orientation that is conducted a day prior to the police training start date.

**Recommendation**: The SDPD should provide all useful documentation about applicants to the police psychologists so that a complete assessment regarding an applicant's suitability as a police officer can be made. Although the SDPD forwards the PHS and synopses of other information, such as employee references, information from pre-polygraph interviews would greatly assist the psychologists in homing in on the particular areas that may prove to be problematic for the applicant. The polygraph is an excellent tool not only for gauging veracity but also for compelling admissions that may result in disqualification. Therefore, it is imperative that the police psychologists have as much information as possible before deeming an applicant suitable for hire.

## *Recruit training process*

Overall, the SDPD maintains excellent training standards and courses for sworn personnel in the department. Upon completing the medical and psychological assessments and receiving an offer of employment from the SDPD, recruits who accept the offer participate in a four-month preparation program called "camp." Camp is an optional program designed to condition the new recruits to what they will encounter in the academy. The program consists of four hours of training per week (Tuesdays and Thursdays from 2:00 p.m. to 4:00 p.m.) at a local community college. Recruits who attend the program receive physical fitness preparedness and academic guidance. The goal of the program is to keep the recruits engaged and to lower any anxiety or stress about starting the academy.

Following the camp process, recruits participate in the training academy. Recruit training is provided by the faculty at the San Diego Regional Public Safety Training Institute (PSTI) at Miramar College, San Diego. Class participants include trainees from other police agencies throughout San Diego County. Typically, the SDPD holds four recruit classes per year with an average of 43 recruits per class. Training lasts approximately 25 weeks.[39] The SDPD training policy states that the PSTI "schedules basic academies and provides recruits with the basic training curriculum meeting POST standards necessary to enter the department's field training program."[40]

Although the California Commission on Peace Officer Standards and Training only requires 400 hours of basic recruit training, the PSTI recruit academy consists of roughly 930 hours of material, or 530 hours above the POST requirements. The SDPD also conducts a week of agency-specific training with only the SDPD recruits. The recruits' progress is monitored through instructor reviews. In addition, recruits are asked to fill out peer evaluations, which help identify those who may be struggling.

After successfully completing the basic recruit training, the new officers are then moved into the department's field training program, which consists of four phases of field training, each of which is four weeks in length. The SDPD's field training program is based on the San Jose model, which continues to be used as the foundation for field training by most police agencies across the nation.[41] This model, the field training officer (FTO) model, has been used since the 1970s.

There is an alternative to the FTO model. In 1999, the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) initiated a project with PERF and the Reno (Nevada) Police Department to develop an alternative model for field training that became known as the Police Training Officer (PTO) program.[42] The PTO program is based on adult learning and problem-based learning (PBL) principles. PBL focuses on problem solving as the primary method for learning. One notable difference between the programs is the PTO program uses weekly coaching and training reports versus the FTO programs' more traditional daily observation report. The weekly coaching and training report focuses on problem-based learning and particular activities that were handled by the recruit over the course of the last week. This type of learning allows the recruits to better develop and utilize their problem-solving skills as they move forward in their law enforcement careers. An overview and introduction manual to the PTO model and problem-based learning is available online through the COPS Office.[43] The SDPD may want to review the PTO model as an alternative and incorporate aspects of the model that would further advance its field training program.

Following the receipt of their POST certificate and successful completion of six months of city service, the new trainees officially reach "Police Officer I" status. Individuals ranked as Police Officer I are on probation for one year. After two years at the Police Officer I level, they advance to Police Officer II, and are on probation for an additional six months. The SDPD's In-Service Training Unit handles the field training and all other ongoing training opportunities for sworn personnel in the SDPD.

PERF identified several areas for improvement in SDPD's training programs.

39. See "Welcome to the San Diego Regional Public Safety Training Institute at Miramar College," San Diego Miramar College, http://www.sdmiramar.edu/academics/policeacademy.

40. "Training Procedures and Certifications," *San Diego Police Procedure* 5.22 (San Diego Police Department, February 2013).

41. Ronald H. Warners, "The Field Training Experience: Perspectives of Field Training Officers and Trainees," *Police Chief* 77 (November 2010): 58–64, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2246&issue_id=112010.

42. "Police Training Officer (PTO) Program," COPS Office, accessed January 26, 2015, http://www.cops.usdoj.gov/default.asp?Item=461.

43. *PTO: An Overview and Introduction, a Problem-Based Learning Manual for Training and Evaluating Police Trainees* (Washington, DC: Office of Community Oriented Policing Services, 2001), http://ric-zai-inc.com/Publications/cops-w0150-pub.pdf.

## Field training

The department's field training procedures state, "All performance-related issues will be handled by the FTO administration staff." However, the overall job performance form used to assess the performance and determine the continued employment of the trainee requires signatures only from the immediate supervisor and the individual with final hiring authority (who in San Diego is the chief of police). Interviews and focus groups conducted with employees of the SDPD indicated that some inconsistencies exist regarding how performance issues and misconduct by trainees are handled by the department. Some individuals state that the command of the particular patrol division completes these assessments and others indicated that the FTO administration handles this process.

**Recommendation**: The SDPD should require the commanding officer over training to approve evaluations of trainees with performance issues during field training. It is recommended that the field training overall job performance form require approval by the commanding officer over training and the division service area lieutenant or patrol division commanding officer. This will ensure that both the FTO program and patrol staff members have input on performance evaluations and final recommendations regarding whether the officer passes the probationary period before the form is given to the chief of police for final approval.

**Recommendation**: The SDPD needs to take better advantage of the probationary employment period when it comes to recruits who have performance or discipline issues. The training commanding officer should make any termination recommendations directly to the hiring authority and legal counsel or advisor, and this process should be defined in policy. These decisions may be influenced by factors such as the following:

- Sub-par performance thoroughly documented while in academy or field training, coupled with a lack of improvement
- Demonstrable lack of maturity or adaptation to job conditions after counseling from training personnel
- Insubordination to training officers or other police personnel
- Violations of employment conditions
- Evidence of gross misconduct
- Evidence of inappropriate behavior outside of employment
- Other circumstances as appropriate

A recent advancement in field training is the use of body-worn cameras. Some departments are using body-worn cameras as a training tool to help improve officer performance. Field training officers are using footage from the body-worn cameras to provide scenario-based feedback and training. Footage is also being used to evaluate the performance of new officers in the field and the adequacy of academy training and to identify areas in which additional training is needed. Using body-worn cameras as a training and coaching tool helps agencies to continually evaluate and improve tactics, communication, and customer service. This consistent focus on excellence and customer service in the field will also improve overall community and police relationships and the trust that communities have in their police departments.[44]

44. Lindsay Miller, Jessica Toliver, and Police Executive Research Forum, *Implementing a Body Worn Camera Program: Recommendations and Lessons Learned* (Washington, DC: Office of Community Oriented Policing Services, 2014), http://ric-zai-inc.com/Publications/cops-p296-pub.pdf.

**Recommendation**: The SDPD should implement body-worn cameras as a training tool during field training.

Body cameras worn by FTOs can serve as an effective tool for correcting problem behavior and reinforcing positive interactions. FTOs should be able to access video footage at the end of each shift and review selected interactions with their trainees. Video footage from FTOs should also be made readily available to the training commanding officer. The training commanding officer may choose to use certain videos during training exercises. Video footage may also be used to review FTO performance. The videos may highlight positive training practices and may be used to identify and address training deficiencies.

Trends identified in these videos may also be used to identify modifications needed in the academy training curricula or FTO program and to identify any challenges in emotional maturity or decision-making skills for probationary officers.

# Chapter 5. Supervision, Training, and Professional Development

Supervisors and department leaders have significant influence over the agency's culture and maintaining standards of integrity within the department on a day-to-day basis. Once hiring and training processes have been completed, officer supervision becomes the primary method of preventing and detecting officer misconduct with first-line supervisors (often the rank of sergeant) serving as the linchpin in making sure the accountability systems are used effectively.

Supervisors are also responsible for modeling and coaching officer behavior, ensuring that officers interact respectfully with community members and demonstrate fairness and transparency in how they carry out their daily duties. Officer supervision is a key issue in ensuring constitutional policing.[45] Patrol sergeants, who work directly with their officers on a regular basis, are perhaps in the most critical position to notice, address, and document changes in personnel behavior. Supervisory and other training provided by the department should focus on these first-line supervisors, in particular. According to *New World of Police Accountability*, "The culture of a police organization involves the ideas, values, and habits that shape everyday policing. It includes what is expected and what is tolerated in routine interactions with citizens."[46]

Senior and mid-level department leaders set the tone of any police agency through their expectations and personal actions. Their day-to-day activities and examples create the standard for the agency. Failure to establish a culture of integrity, discipline, and professionalism can lead to officer misconduct and community distrust. Failing to pay attention to minor issues can lead to crisis situations. It is easy for leaders to get caught up in day-to-day responsibilities and miss substantive issues that can develop into serious problems. Leaders at all levels must constantly monitor the agency's culture and environment to detect these issues, and it is imperative that the right people be in the right positions to ensure this happens, all the way up to the very top levels of the organization.

In a forthcoming report on police leadership being produced by the Police Executive Research Forum (PERF) for the U.S. Department of Justice's Bureau of Justice Assistance,[47] Chief Constable Peter Fahy of the Greater Manchester Police noted that the United Kingdom has a much more formal, structured, national system for developing leaders in policing than does the United States. Fahy is knowledgeable about that system, having served for many years as director of the Strategic Command Course for aspiring police leaders in the United Kingdom.

Leadership in the United Kingdom is seen as having three major components, Chief Constable Fahy said. The first is about "business skills" such as understanding department finances and managing projects. The second is about "professional skills" such as commanding critical incidents.

The third domain of leadership in policing, Chief Constable Fahy said, is the most powerful, and that is "your executive leadership skill and vision of the future." And that includes the issue of ethics and an appreciation for what's right and what's wrong, he said. "The one element that students [at the Strategic Command Course] always say is the most powerful is about values and ethics as a chief of police," Fahy said. "We describe it as 'What is your line in the sand? What kind of issue is so important that you could resign over it?'"

45. *Civil Rights Investigations of Local Police: Lessons Learned* (Washington, DC: Police Executive Research Forum, 2013), 18–20, http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf.
46. Walker and Archbold, *The New World of Police Accountability*, 160 (see note 5).
47. Police Executive Research Forum. *Leadership in Policing: Adapting a 20th Century System to a More Complex World* (Washington, DC: Bureau of Justice Assistance, forthcoming).

Preventing misconduct is an element of leadership in police agencies across the United States, including the San Diego Police Department (SDPD). A test of leadership in policing is ensuring that supervisors and officers throughout the organization have a strong sense of ethics and recognition of the importance of preventing misconduct. All police leaders must maintain a continued focus on this issue to ensure that decision making and the application of policy and procedure can withstand scrutiny at every level of their agency.

## *SDPD's supervisor training*

Ongoing training regarding the SDPD's expectations of its supervisors at all ranks is mandatory. The California Commission on Peace Officer Standards and Training (POST) requires that an 80-hour supervisory course be completed within 12 months of promotion to a first-line supervisor position. This is the rank of sergeant in the SDPD. The course is designed around approximately 20 topics, including accountability, ethical decision making, internal investigations, and recognizing and documenting employee performance.[48]

In addition to supervisor training, the SDPD also conducts annual refresher training for its sergeants and lieutenants. The department began this program in 2011, and the curriculum is updated each year to address current challenges and events in the department. The department conducts approximately 12 sessions of this update training each year with a mix of supervisors from different divisions and units to encourage sharing ideas and information on best management practices. PERF recognizes this level of training as consistent with best practice.

### Consistency in supervision

Community members and SDPD personnel expressed an important concern, which was confirmed in PERF's assessment in some cases—that first-line supervision was inadequate and inconsistently applied. Maintaining department standards requires adequate supervision, including consistent and fair performance management practices, rewards, and discipline. It is the responsibility of the department to ensure that effective supervision is in place.

**Recommendation**: The SDPD should create case studies of specific cases of officer criminal sexual assault and other misconduct and use them as training tools for academy, in-service, and supervisory training. The lessons learned on officer misconduct should be leveraged and not lost. The SDPD should document several examples of the 2011–2012 misconduct as case studies to be used in training for all personnel.

Further, the department's executive leaders must set and maintain the tone for the department's culture of integrity by providing a continued focus on supervision and support for the department's supervisors and leaders as they strive to maintain it. This is achieved by ensuring accountability at all levels of the agency, from the chief of police to first-line supervisors. The actions of senior police leaders establish the expectations and culture of the agency. Mid-level leaders, who are often best positioned to convey department expectations and influence both department and community stakeholders, must lead through example and be held accountable for their actions. Supervisors, particularly first-line supervisors who work directly with patrol officers, should coach officers in ways to interact respectfully, demonstrating fairness and transparency in how they carry out their daily duties within the department and during formal and informal interactions with the community they serve.[49] The principles of procedural justice provide guidance for how this supervision and leadership may be achieved.

48. For more information about POST requirements, see "Supervisory Course," Commission on POST, https://www.post.ca.gov/supervisory-course.aspx.
49. *Civil Rights Investigations of Local Police* (see note 45).

As San Francisco Deputy Chief of Police Denise Schmitt said at a PERF national conference on leadership in policing, one of the tests of a police department's leaders is whether they can make a reality of the department's vision. Schmitt noted that San Francisco put a great deal of effort into writing a specific vision statement for its police department, and the final paragraph, which sums up everything that came before, focuses on the department's employees. "Developing our employees is really the heart and soul of our vision statement," she said. "The question becomes: How do we *realize* that leadership element of our vision statement? Our challenge is to develop and implement a formal program that promotes ethical leadership throughout all of our department ranks. This includes *all* of our employees, civilian and sworn."

**Recommendation**: The SDPD should use annual supervisor training to emphasize the principles of procedural justice and how to apply these principles in policing.

As mentioned above, the SDPD has taken a significant step in the right direction with its annual training updates for supervisors. It is recommended that the department look into adopting the concept of procedural justice into its annual training for supervisors and its training upon their promotion.

Options that the department may consider for implementing this recommendation include developing its own customized procedural justice training by infusing the concept into its current training program, or the department may consider taking advantage of existing curricula. The Chicago Police Department developed in-house supervisor training for all sergeants in the department on the tenets of procedural justice.[50] The Arlington (Texas) Police Department has used a manager/supervisor curriculum on procedural justice developed by the Center for Public Safety and Justice at the University of Illinois for the COPS Office.[51] For more information on procedural justice, the department may want to consult PERF's white paper titled *Legitimacy and Procedural Justice: A New Element of Police Leadership.*[52]

## Impacts of staffing cuts on supervision

For police agencies facing cuts in staffing and budgets, it is especially important that the department's leaders and supervisors stress that ensuring officer integrity and preventing misconduct are everyone's responsibility. Departments must develop systems and a culture that encourage all personnel to report misconduct and hold personnel accountable for failing to report known violations or potential issues. Having everyone involved in ensuring the integrity of the organization can help departments to identify incidents of negative behavior before it manifests further, compromises the behavior of others in the unit or division, or progresses to criminal activity. Departments must have ways for personnel to report incidents or concerns about their peers confidentially and anonymously.

It is important to note that although the PERF assessment team did not conduct a formal staffing study, it was apparent through the data review and interviews with command staff, lieutenants, and sergeants that reductions in staffing over the last several years at the SDPD have been a serious problem.

50. Mark Sedevic, "Procedural Justice and Police Legitimacy Training in Chicago: Reaping the Benefits of The Golden Rule," 9-1-1 Magazine.com, accessed January 15, 2015, http://www.9-1-1magazine.com/Sedevic-Procedural-Justice-Training.

51. See Charlene L. Moe and Laura J. Kunard, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy NonProcedure Participant Guide* (Springfield, IL: University of Illinois Center for Public Safety and Justice, 2012), http://cops.igpa.uillinois.edu/sites/cops.igpa.uillinois.edu/files/resources/PJPG4.0_Introduction.doc.

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

Table 1 provides an example of how the staffing shortage has directly affected first-line supervisors. Since July 2008, the SDPD, on average, has been operating with about 15 percent fewer sergeants than the budgeted number. These vacant positions are typically filled by officers who are serving in an "acting" sergeant capacity.

**Table 1. SDPD sergeant staffing levels by year**

| Year | Budgeted number of sergeants | Actual number of sergeants | Percent deficit |
|---|---|---|---|
| July 2008–June 2009 (FY 09) | 312 | 268 | 14 |
| July 2009–June 2010 (FY 10) | 312 | 241 | 23 |
| July 2010–June 2011 (FY 11) | 312 | 254 | 19 |
| July 2011–June 2012 (FY 12) | 284 | 253 | 11 |
| July 2012–June 2013 (FY 13) | 284 | 243 | 14 |
| July 2013–June 2014 (FY 14) | 282 | 250 | 11 |
| July 2014–June 2015 (FY 15) | 285 | 240 | 16 |

Source: Data provided by the SDPD Human Resources director

## Concerns with "acting" sergeants

*Specifically, acting sergeants do not have the same level of access as promoted sergeants to the department's early identification and intervention system.*

A solution implemented by the SDPD to address the gap in supervision was to appoint officers to "acting sergeant" positions. Acting sergeant positions are temporary, but these assignments are common and can be used for lengthy periods of time in the SDPD because of its current staffing and financial situations. Officers serving as acting sergeants do not have the same level of supervisor training or access to the department's systems and databases for monitoring indicators of potentially problematic behavior as promoted sergeants do. Specifically, they do not have the same level of access to the department's early identification and intervention system (EIIS).[53] Further, they are also receiving and handling complaints but may be peers of the officer named in a complaint. This model creates a number of potential gaps in officer supervision and is a conflict of interest for the officers who are temporarily supervising their peer officers. The SDPD tends to assign these acting sergeants to the patrol unit.

For good supervision to take place, supervisors must be adequately trained to take on that role. They must be committed to doing the job properly. A span of control—the ratio of supervisors to subordinates—must be reasonable. When budgets are stretched and staffing is impacted, it is not uncommon to see supervisors stretched the furthest. That is what happened in the SDPD, as shown in table 1. The department was operating with 11 to 23 percent fewer sergeants than the number called for in the department's budget.

# Challenges with SDPD's staffing model

PERF's review of selected disciplinary cases revealed that most of the cases were notable for a lack of consistent first-line supervision of officers. Because of staffing reductions, the SDPD currently staffs patrol commands with officers and supervisors assigned to fixed shifts throughout the day, with sergeants and officers having multiple sets of days off in order to maximize coverage each day. This creates an environment where an officer will likely work with several different sergeants over the course of a weeklong shift. This concept comes at the expense of consistent supervision, which means that officers are not working all of their days in conjunction with their assigned supervisor. Sergeants may see the officers they supervise as infrequently as once a week.

53. EIIS and other supervision and accountability mechanisms are discussed in the next section.

While many of the recommendations in this report may be implemented without significant financial costs, it is unlikely that the primary issue of staffing will be addressed long-term without additional financial support from the City of San Diego to replenish its workforce. The best case scenario would be for the city to provide sufficient financial resources so that the SDPD is better able to recruit, train, and supervise personnel at levels necessary to maintain public and officer safety.

**Recommendation**: The SDPD should minimize the use of acting sergeants and re-evaluate all staffing options that would allow the agency to return to a platoon staffing model, which would bring uniform supervision to each squad and improve squad continuity.[54] A platoon staffing model is one in which all officers would work the same days as their supervisor. The SDPD's current staffing model does not provide this consistency and negatively affects supervisors' ability to (1) monitor daily performance matters to ensure that policies and procedures are practiced, (2) identify employees who may be engaging in misconduct, and (3) communicate and work with officers to address any issues of concern. When an officer who is engaging in problematic behavior reports to more than one supervisor, the supervisors may not piece together a full picture of officer performance or notice subtle indications of a brewing problem.

The SDPD used the platoon staffing model prior to its budget cuts, and it is recommended that the department take another look at the possibility of reinstating this model to offer as much consistency in supervision as possible. To fully implement this recommendation would require additional staffing, so it may need to be undertaken in stages and gradually.

**Recommendation**: Under the current staffing model, the SDPD should consider implementing monthly meetings of all division[55] supervisors to mitigate the impacts of sergeant vacancies in patrol, to increase officer supervision, and to provide mentoring opportunities for new supervisors.

Because of significant reductions in staffing, the SDPD is unable to assign staff on a platoon staffing schedule (i.e., a single sergeant and all of the officers that he or she supervises work the same schedule). Currently, while officers always have a sergeant on duty to supervise them, they have very limited face-time with their personal supervisor. The role of the first-line supervisor is critically important in law enforcement. Given SDPD's staffing levels, it is unlikely that the department will be able to dramatically alter its patrol deployment strategy in the near future. To mitigate the impacts of SDPD's problematic deployment schedules, PERF recommends that SDPD require monthly meetings among all unit/division supervisors to share information and discuss performance, the performance and behaviors of individuals in the unit/division, and strategies for improvement.

One possible method to address the challenges faced in the current deployment strategy is the Minneapolis (Minnesota) Police Department's current Goals and Metrics reviews. The Goals and Metrics program requires a monthly meeting of unit supervisors to review the goals, results, and progress of unit personnel. Supervisors also meet annually to monitor long-term goals for their unit and to identify objectives for each subordinate on a worksheet. These worksheets are tailored to each employee's job functions and professional aspirations and talents. On a monthly basis, all of the supervisors from that unit meet to review progress, discuss employee performance and attitudes, and plan for improvement. The primary goals of this program are to improve every unit's effectiveness and to provide consistent and fair supervision to every unit member.[56] In Minneapolis, the Goals and Metrics program started as a pilot program in one of the police divisions. During the pilot testing, the department refined the program.

54. A platoon staffing model is also sometimes referred to as a "squad-based" staffing model.
55. The SDPD has geographically divided the city into nine patrol divisions. Other departments may refer to geographic patrol divisions using other terms, such as "precincts" or "districts."
56. Assistant Chief Matthew Clark, e-mail message to Minneapolis Police Department supervisors, February 4, 2013.

During one of the focus groups PERF conducted with SDPD staff members, an employee said, "Expectations for performance need to permeate through all ranks. Each person's roles and responsibilities should piece together to mirror the department's mission." By convening unit supervisors to assess each employee's progress on a monthly basis, the SDPD would create more cohesion among its various units and consistency in messaging and in supervising SDPD staff.

**Recommendation**: The SDPD needs to continue to update training on accountability and the application of principles of equity and fairness for first-line supervisors.

First-line supervisors are responsible for the day-to-day supervision of officers and for ensuring that the mission of the agency is accomplished. Training should focus on specific responsibilities for the position and what is expected of supervisors to ensure that officers are held accountable. New (and acting) sergeants must understand the importance of the role they have accepted and the responsibilities placed upon them.

As previously mentioned, the SDPD's current deployment process often requires patrol officers to report to more than one supervisor. This causes inconsistency in supervision and confusion among patrol officers about what is expected of them. The current deployment process is due to the result of budgetary constraints on the department now and in the foreseeable future. Barring changes to the deployment process, effective training must be provided to first-line supervisors to ensure that the department's expectations are consistently delivered.

It is important to mention that during this assessment, PERF noted that the SDPD has made changes to its annual refresher training for sergeants and lieutenants to help them better identify and address issues of misconduct. The 2014 training agenda included sessions on internal affairs trends, accountability practices of the department, values of the department, and practical application exercises. In addition to this training, the SDPD is currently in talks with the Bureau of Justice Assistance and the Blue Courage program to conduct additional training for department personnel. This program consists of leadership courses for all levels of police organizations,[57] which is important not only for effective supervision but also for career development and job satisfaction.

**Recommendation**: The SDPD should identify ways to measure whether personnel are applying the principles of community policing and procedural justice in carrying out their duties. The SDPD should document community outreach activities in officers' regular employee evaluations. The SDPD should incorporate ways to document and measure employees' abilities and efforts to connect with members of the community in annual evaluations. By institutionalizing the practice of community engagement in personnel performance reviews, the department demonstrates that it values these skills and reinforces the importance of collaborative partnerships with the community to address crime.

## Professional development and retention

In light of budget cuts, the SDPD needs a personnel development strategy that will encourage its talented personnel to continue to grow and build their careers within SDPD. SDPD should consider prioritizing more formal methods for career and talent development in its approach to personnel management at all levels.

For many police departments, performance evaluations and other measurement systems are the only formal source for behavioral and performance management by first-line supervisors. Many police departments use antiquated systems for measuring performance based primarily on numeric indicators such as numbers of arrests made. Alternatively, some departments have adopted evaluations that are entirely narrative. Others use a hybrid model.

57. For more information about the Blue Courage program, see its website at http://bluecourage.com/.

With clear guidance and expectations from department leaders, performance evaluations can be improved to serve as a tool for managing performance. However, by relying solely on an annual or semi-annual evaluation period to address weak or improper behaviors or to highlight exceptional performance, departments lose the opportunity to correct inappropriate behavior as it develops. Departments facing high levels of misconduct should implement and encourage regular performance management activities and practices. First-line supervisors who are held responsible for communicating daily with subordinates on expectations and performance are likely to identify misconduct early. Furthermore, research has shown that first-line supervisors are also critical in employee retention and engagement.[58] Through increased performance management activities in the SDPD, first-line supervisors can focus on the personal and professional goals of their subordinates and thus help ensure that officers are more satisfied in their jobs.

**Recommendation**: The SDPD needs a personnel development strategy to develop and retain its existing personnel. The current evaluation process could be supplemented through the use of individual development plans and ongoing opportunities for mentoring and coaching. The SDPD needs sufficient resources to compete financially with other local law enforcement agencies for talented personnel. To counter this, the SDPD could use a more structured performance management approach as an opportunity to strengthen officer commitment to the department and to develop career paths and development strategies for all personnel.

### *Individual development plans*

In addition to completing annual employee evaluation forms, supervisors should work closely with personnel to develop rigorous individual development plans. The progress made on these plans should be tracked regularly by supervisors and subsequently discussed with subordinates on a monthly basis (as recommended previously). Currently, the SDPD uses a very generic annual evaluation form.[59] With alterations and training for supervisors, the current evaluation forms for employees could be dramatically improved to reflect the goals of the organization, including employee development.

Specifically, it is recommended that the SDPD provide more guidance to supervisors on areas that are priorities for the department when working with employees to develop their individual development plans. For example, the new evaluation form could ask supervisors to develop objectives for individual employees that relate to the department's current goals: (1) to improve quality of life for all, (2) to strive for improvement in efficiency and effectiveness, and (3) to ensure accountability to high standards of performance, ethics, and professional conduct. These individual development plans should not only reflect on each employee's performance as it relates to the organizational priorities but also include goals that relate to that individual's career trajectory and success. Supervisors and their employees should work together during the evaluation process to identify these objectives and strategies for achieving them.

## Employee mentoring and coaching

Many of the challenges that the SDPD has faced are directly related to staffing reductions and high employee turnover. Many studies demonstrate the link between supervisory mentoring and coaching behavior and employee commitment. For example, one longitudinal study of U.S. Army officers found that mentorship of officers was significantly positively related to their level of organizational commitment and to fewer turnovers of officers. The positive outcomes of mentorship were more pronounced for those officers with supervisor mentors as opposed to peer mentors.[60]

58. Stephanie C. Payne and Ann H. Huffman, "A Longitudinal Examination of the Influence of Mentoring on Organizational Commitment and Turnover," *Academy of Management Journal* 48, no. 1 (February 2005), 158–168, http://amj.aom.org/content/48/1/158.full (membership required).
59. For the "City of San Diego Employee Performance Review Program, Overall Job Performance" form, see appendix H on page 80.
60. Payne and Huffman, "The Influence of Mentoring" (see note 58).

**Recommendation**: SDPD leaders may want to further develop the department's policy to emphasize the roles and responsibilities of supervisors. In addition, performance evaluations and reviews of supervisors should include these factors and should assess the supervisor's ability to connect with, develop, and lead his or her subordinates. The SDPD is revising its annual supervisor training program. It is recommended that coaching, talent development, and mentoring be emphasized as primary supervisor tools and that the department's expectation be that all supervisors will use these strategies in working with their personnel. Supervisors should receive training that highlights these skills upon promotion and regularly during in-service training. The Chicago Police Department has introduced coaching and mentoring using the principles of procedural justice as an official job responsibility of field supervisors in its department directives.[61] SDPD leaders may want to further develop the department's directives to emphasize the roles and responsibilities of supervisors. In addition, performance evaluations and reviews of supervisors should include these factors and should assess the supervisor's ability to connect with, develop, and lead his or her subordinates.

The department should also consider implementing a more formal mentoring program. The SDPD may house this program under its Wellness Office. Ideally, the SDPD would recruit a pool of vetted high-ranking police personnel (both sworn and civilian) who have agreed to serve as mentors to younger or less experienced employees who are looking for guidance on promotions or for assistance in handling job stress and other profession-related issues. This pool of potential mentors could be made available through SDPD's intranet or by visiting the Wellness Office. If adopted, the mentoring program should be well-advertised to all SDPD employees throughout the year. Some departments, such as the Los Angeles Police Department, start the mentoring process early by having a separate mentoring program for future officers.[62]

## Recognizing good performance

**Recommendation**: The SDPD should send all positive community feedback (including e-mails and telephone calls) to supervisors. Supervisors should provide feedback to the officers on all occasions when they have received commendation for engaging the community. Unlike many other organizations, police agencies do not have the ability to reward officers financially for excellent work other than through promotions and regular pay raises. But positive reinforcement can be effective for employees. In 2013, as a part of a COPS Office initiative, PERF conducted in-depth focus groups with both sworn and nonsworn police personnel of all ranks and varied tenure in five police departments across the United States. Universally, these focus groups highlighted the challenges with performance management in law enforcement. One of the primary challenges facing law enforcement in the area of performance management is how to reinforce and reward exceptional performance and behavior.

During PERF's interviews with SDPD personnel for this assessment, one employee said that "there are inconsistencies in both discipline and rewards [within the department]."

The SDPD should establish a procedure for providing positive feedback directly to an officer, possibly during shift lineups or by using social media. Establishing written procedures for recognizing an employee after receiving a positive community comment will help make employee recognition more consistent and clarify that recognition of personnel is an expected supervisory responsibility.

61. Chicago Police Department, *Special Order 503-03-06: District Field Sergeant,* January 5, 2014, http://directives.chicagopolice.org/directives/data/a7a57bf0-13481482-3e413-4814-a03c4834f05b3bef.html?ownapi=1.
62. "Contact A Mentor," joinlapd.com, accessed January 15, 2015, http://www.joinlapd.com/meetamentor.html.

# Chapter 6. Accountability via Early Intervention Systems, Internal Investigations, and Discipline

## *Early identification and intervention system*

Illegal or inappropriate behavior by a police officer discredits the officer, the agency, and at times the broader law enforcement community. It is a police department's responsibility to identify and address problematic behavior as quickly and efficiently as possible and to hold officers accountable for their actions. An early intervention system (EIS), designed to automatically capture and report on particular aspects of officer activity defined by the department, should be part of any law enforcement agency's plan to assist in this process. The San Diego Police Department (SDPD) has recognized this need and created a system called the early identification and intervention system (EIIS).

Historically, some police agencies have used the term early warning system (EWS) for this concept, while others believe that EIS is a more suitable identifier. The term EWS sometimes has a negative connotation because it suggests that the goal is to warn of officers' problematic behavior that requires disciplinary actions. The term EIS is meant to suggest that the goal is to identify areas of an officer's performance that can be improved upon with guidance from the officer's supervisor, as well as issues that require discipline or punishment.

Because the role of the first-line supervisor is critical to identifying potentially problematic behavior or performance, these supervisors are often responsible for monitoring the data in EIS to identify both individual incidents of misconduct and patterns of problematic performance.[63] In the SDPD, the department must ensure it has mechanisms in place for consistent accountability at all ranks, particularly for sergeants. This can be a challenge in the SDPD because of the extensive use of long-term "acting supervisors" rather than permanent supervisors. Supervisors serving in an acting capacity are common in the SDPD because of its current staffing and financial situations, but they do not have supervisor access to the department's EIIS system.

The U.S. Department of Justice (DOJ) has identified use of an EIS as a best practice in American policing. For example, the consent decree regarding the New Orleans Police Department mandated the development and implementation of an EIS to identify and respond to potentially problematic behavior as quickly as possible.[64] In fact, EISs have been a key element in many reform plans following DOJ investigations of local police agencies.[65] As long ago as 2001, the Commission on Accreditation for Law Enforcement Agencies (CALEA), a national law enforcement accreditation organization, adopted a new standard requiring all large agencies to have an EIS. Standard 35.1.15 reads:

> A comprehensive personnel early warning system is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

63. Walker and Archbold, *The New World of Police Accountability,* 19 (see note 5).
64. Consent Decree Regarding the New Orleans Police Department, United States of America vs. City of New Orleans, No. 12-1924 (E.D.LA 2012), http://www.nola.gov/getattachment/NOPD/About-Us/NOPD-Consent-Decree/NOPD-Consent-Decree-7-24-12.pdf/.
65. *Civil Rights Investigations of Local Police,* 16–18 (see note 45).

EISs pull together other key elements of a department's accountability process, creating a centralized database on officer performance. This database allows commanders to identify those officers whose performance records raise concerns. These officers are then referred to some kind of intervention, typically counseling or retraining, designed to improve their performance.[66] In addition, EISs "are now recognized as the most powerful police accountability tool."[67] These systems depend on data analysis derived from a number of performance indicators. Like CompStat systems, an EIS seeks to define an appropriate operational strategy to address a readily identifiable issue or problem.

*Currently, no formal system or policy is in place describing how supervisors should act upon EIIS information and how they should document the response and what actions were taken.*

After extensive review and design, the SDPD created its EIIS, which became operational in August 2010. The SDPD added the word "identification" in naming its EIS, stressing the importance of identifying and then intervening in potentially problematic behavior. A sergeant assigned to the Human Resources Division is assigned to oversee the day-to-day activities of the system, including the need to manually update the system every other week. Although many of the SDPD's different database systems automatically send data to the EIIS software system, the department does have several other databases, such as for time and attendance and for leave, which require the sergeant to manually retrieve the data and enter it into the EIIS database. The purpose and procedures of the EIIS are defined in the department's written directive 5.24 on "Human Resources, Early Identification and Intervention System." The EIIS currently monitors 14 indicators:

1. Officer-involved shootings
2. Use of force
3. Officer activity
4. High-risk crime reports
5. Citizen-initiated complaints
6. Internal investigations
7. Criminal arrests
8. Missed scheduled firearms qualification or missed court
9. Vehicle collisions
10. Elevated use of time off
11. Overtime usage
12. Work-related injuries
13. Public Service Inquiries (PSI) calls/complaints[68]
14. Industrial (disability) leave

The SDPD's EIIS compares officers to others in similar positions, such as other officers working the same division and hours, to identify potentially problematic behavior and areas for improvement. If an officer is identified in the top 5 percent of a category, such as citizen-initiated complaints, the Human Resources Division notifies the

66. Walker and Archbold, *The New World of Police Accountability*, 102 (see note 5).
67. Ibid., 137.
68. The PSI was created by the SDPD to document and handle "informal" citizen complaints. For additional information regarding this process, see the section "SDPD's complaint processing and the public service inquiry process" later in this chapter.

officer's commander and supervisor for review. Officers who are within the top 20 percent of a category are identified by the sergeant in the system, but no action is normally taken. Currently, no formal system or policy is in place describing how supervisors should act upon EIIS information and how they should document the response and what actions were taken.

**Recommendation**: The SDPD should strongly consider fully implementing all of the protocols outlined in the technical assistance guide *Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems*,[69] published by the DOJ's Office of Community Oriented Policing Services (COPS Office) in 2011 and any other best practices for EIIS, specifically regarding the development of a formalized referral, intervention, and documentation process. The department has done a very effective job of developing the system; they just need to fully implement it. A number of SDPD commanding officers interviewed were unfamiliar with the COPS Office resource guide and the recommendations it provides, some of which could be more effectively used by the SDPD. The applicable recommendations from that publication are included, in addition to other recommendations that should be implemented immediately.

All officers can access the EIIS to some extent; their level of access is based on their position. Any officer can access the system to review his or her own personal data. A sergeant can access the data for all of the officers assigned to his or her unit. Assistant chiefs can access data on all personnel. The department stresses the EIIS is to be used as a tool to identify and solve potential or actual problems and is not a performance evaluation tool. Currently, supervisors are required to review the EIIS once every three months and should review this information more frequently as needed, such as when an officer transfers into the unit or applies for a special assignment or promotion.

Acting sergeants cannot access information regarding their subordinates. This is significant because as many as 30–70 sergeants have been "acting sergeants" at any given time in recent years (2010–2014). Information related to personnel who are under the supervision of acting sergeants must be reviewed by a lieutenant, who is likely not as familiar as the acting sergeant with the officer or the officer's performance. With each acting supervisor having roughly seven officers under his or her supervision, 200–500 SDPD officers at any given time, and at some times more, do not have consistent supervision through the EIIS. Because some of these assignments are very short, it would be unmanageable to enable "sergeant-level" access for acting sergeants during these temporary assignments.

**Recommendation**: Lieutenants should receive notifications from the EIIS administrator on officers in their chain of command. In cases when first-line supervision is lacking, the lieutenant must step in to provide adequate supervision. SDPD lieutenants should meet monthly with their acting sergeants (see the next recommendation) and use this time to review the EIIS and discuss issues or changes in officer behavior. This may be burdensome for lieutenants who supervise more than one acting sergeant; however, it is their responsibility to oversee the personnel under their command and to ensure that appropriate supervision and leadership are in place to support a culture of integrity.

**Recommendation**: The SDPD should incorporate the following additional indicators—unsatisfactory performance evaluation, all civil litigation against an officer, canine bites, tardiness, and positive indicators—into the department's EIIS and include them in the agency's written policy 5.24 on "Human Resources, Early Identification and Intervention System," section V(B)(2). In addition, the policy should provide procedures on how and when supervisors are to enter this information into the EIIS if these additional indicators cannot be automated.

69. Gibbs and Kendrick, *Enhancing Cultures of Integrity* (see note 7).

SDPD should also implement a nuanced system for when various indicators trigger an alert. Different indicators should trigger supervisor review at different thresholds based on generally acceptable standards and the preferences of department leaders, perhaps for more careful scrutiny of certain indicators. The additional indicators are as follows:

- **Unsatisfactory performance evaluation.** The Police Executive Research Forum's (PERF) interviews of SDPD staff members and review of misconduct cases revealed that officers frequently work for many different supervisors and tend to move between divisions. In addition, performance evaluations are only conducted one time per year. These factors, along with the sheer size of the agency, can make it difficult for supervisors to know the work history of each of their employees. By adding unsatisfactory employee evaluations to the EIIS, supervisors will be aware of any prior work performance issues during their monthly required review.
- **Civil litigation.** Similar to monitoring use of force and citizen complaints, civil litigation against an officer should be included as an EIIS indicator. Although no single civil litigation action may be indicative of a potential problem, all civil litigation against an officer should be thoroughly reviewed by the department's Internal Affairs unit. Agencies must establish a cooperative agreement with the city, county, or state's legal advisors to ensure all civil litigation information against an officer is shared with the department.
- **Canine bites.** All canine bites are considered a use of force and must be captured in the agency's EIIS. As with any use of force, canine bites need to be monitored and tracked to the individual officer or handler. EIIS administrators should coordinate with canine supervisors to track canine bites compared to total canine apprehensions. The SDPD should establish an EIIS alert for supervisor review when the ratio of bites to apprehension for any individual officer is more than 20 percent.[70]
- **Tardiness.** This is frequently an indicator of other potential problems that will affect employee performance, including drug or alcohol abuse and mental health concerns. Frequent and unexcused tardiness should be documented by supervisors in the EIIS in addition to any related disciplinary action. If this cannot be automated, supervisors should manually note these occurrences in the EIIS to track this potentially problematic behavior.
- **Positive indicators, including satisfactory performance evaluations, awards, commendations, and citizen thank you/appreciation letters.** Including positive indicators in the EIIS will provide a broader understanding of the employee and assist supervisors in evaluating total officer performance. This is once again important in the SDPD because officers can frequently move among supervisors. Copies of awards and accolades are often added to an employee's personnel file. The SDPD could consider establishing a mechanism to allow support staff members who manage officers' personnel files to enter positive indicators into EIIS electronic files.

**Recommendation:** The SDPD should automate all necessary department systems with the agency's EIIS and determine if the system can automatically notify the EIIS administrator, the division captain, lieutenant, and sergeant of any flagged officers under their supervision.

The current review and notification process is time consuming. Some data sources must be manually retrieved and entered into the EIIS. Data sources need to be streamlined so that the EIIS supervisor, commander, and direct supervisors have easier access to an officer's indicator information. Whenever an officer reaches a pre-set threshold, the system should at a minimum automatically notify the EIIS supervisor and preferably the officer's commander and sergeant as well. In larger departments without an automatic notification feature, problematic behavior can go unnoticed if the EIIS supervisor is not diligent.

70. *Kerr v. City of West Palm Beach*, 875 F.2d 1546 (11th Cir. 1989).

**Recommendation**: The SDPD should develop a formalized policy regarding the process for EIIS interventions so that all interventions are consistently documented.

Supervisors should ensure that if an intervention or a follow-up intervention is needed, it is completed and documented. If a supervisor meets with an officer who has been flagged, the supervisor should document in the EIIS the meeting and the type of intervention that was provided. Documentation helps with accountability and record keeping. It shows a track record for the officer and the supervisor.

If a meeting or intervention does not occur, the supervisor also needs to document why this did not happen. All documentation should be forwarded up the chain of command to the appropriate assistant chief for approval and then forwarded to the EIIS supervisor. In order to continually evaluate the effectiveness of the EIIS system, the EIIS supervisor should be aware of follow-up activity for any officer who receives informal counseling or any other form of intervention. It is essential that agency policy describe the processes to take place and the documentation and tracking required. This should be added to the department's current written directive 5.24 on "Human Resources, Early Identification and Intervention System."

**Recommendation**: The SDPD should consider moving the policy-required supervisor review of the EIIS from a quarterly basis to a monthly basis and any time a supervisor is assigned a new employee. A monthly, as opposed to a quarterly, supervisor review may identify problems for intervention before officers reach the top 5 percent in any particular indicator. Reviewing a new employee's EIIS will make the supervisor aware of any potential concerns. In addition, this is a progressive practice that requires the first-line supervisor to frequently review and discuss employee performance. It gives the supervisor opportunities for frequent coaching and counseling and makes officers aware that supervisors are routinely monitoring performance.

**Recommendation**: Lieutenants should conduct EIIS reviews with acting sergeants regarding officers' performance. When a work unit only has an acting sergeant, the unit's lieutenant should review the EIIS with the acting sergeant to ensure that a thorough and complete review is conducted. This should be stated in the written directive, as acting sergeant access to EIIS is not feasible because training for acting sergeants is limited. Requiring the lieutenant and acting sergeant to review the EIIS together will provide mentoring and training to the acting sergeant. In addition, it ensures the acting sergeants' daily observations of officers are shared with the lieutenant for a complete picture of officer performance.

## *Substance abuse policy*

Nationally, alcohol and drug abuse are considered major problems for police departments with regard to officer misconduct and officer well-being. Approximately 12 percent of the population abuses alcohol, and almost double that rate among police officers.[71] Officers who abuse alcohol are 4 times more likely to self-report a violent behavior, and officers who are alcohol dependent are 8 times more likely to self-report violent abuse towards an intimate partner.[72] Other officer misconduct stemming from alcohol abuse includes reckless driving, leaving after the scene of a motor vehicle collision, and driving under the influence, as well as drinking while armed, which breaks a common departmental policy.

PERF reviewed several cases of misconduct in the SDPD involving alcohol and drug abuse, including two officers charged with driving under the influence and two officers arrested for selling, possessing, and transporting of hydrocodone; for conspiracy; and for possession of loaded firearms while under the influence.

71. Karen Oehme, Elizabeth A. Donnelly, and Annelise Martin, "Alcohol Abuse, PTSD, and Officer-Committed Domestic Violence," *Policing: A Journal of Policy and Practice* 6, no. 4 (December 2012), 418–430, http://policing.oxfordjournals.org/content/6/4/418.full.pdf+html (subscription required).
72. Elizabeth A. Willman, "Alcohol Use Among Law Enforcement," *The Journal of Law Enforcement* 2, no. 3 (2012), http://jghcs.info/index.php/l/article/view/150.

PERF reviewed documents pertaining to the substance abuse policy for the SDPD and other employees of the city. The following documents govern the SDPD's drug and alcohol testing:

- **City of San Diego Administrative Regulation No. 97, "Substance Abuse Policy," February 2, 1989.** This policy is intended for all San Diego city employees to eliminate substance abuse and its effects in the workplace. It outlines guidelines for detection and deterrence of substance abuse as well as the responsibilities of managers and employees. An Employee Assistance Program (EAP) is available for employees who self-identify as having a substance abuse problem. The SDPD may investigate any city employee using, purchasing, or selling controlled substances. Employees may also be required to undergo a medical examination with a drug and alcohol screening if there is reasonable suspicion that they are involved in illegal actions pertaining to using, purchasing, or selling controlled substances. Employees who are required to undergo alcohol and drug screenings must disclose the results of those tests to city management. If a supervisor determines that there is reasonable suspicion that an employee is using, purchasing, or selling controlled substances, the supervisor must notify the appropriate personnel through the chain of command outlined in this policy.
- **San Diego Police Department Policy Manual, Section 9.24, "Substance Abuse Policy," last revised December 16, 2010.** This policy is intended specifically for the members of the SDPD. It provides guidelines for members' use of alcohol and controlled substances. This policy states that there will be no tolerance for officers buying, selling, using, or manufacturing controlled substances, including anabolic steroids and misusing prescription medication. Members may not report for duty with an odor of intoxicants on their breath or with a blood alcohol level at or above 0.02 percent. Members also may not consume alcoholic beverages while on official duty, except under an order from a supervisor. While off duty, members may not consume alcoholic beverages to the point that they engage in offensive behavior that would discredit the SDPD.
- **"Drug and Alcohol Testing Program" referenced in article 57 of the San Diego Police Officer Association memorandum of understanding (MOU), last revised July 1, 2013.** This policy is intended specifically for members of the SDPD. This policy states that police officers will be tested for drugs and alcohol twice every 18 months by urinalysis. The policy lists the drug groups that will be tested in the urinalysis. The policy also outlines guidelines for the officer and the administrator of the drug and alcohol test. In the event of a positive test result, the officer has right to request an independent testing of the control sample and provides guidelines for choosing the independent testing facility.
- **San Diego Police Department Order, "Random Drug Testing Procedures," last revised November 21, 2013.** This policy is specific to SDPD members and provides guidelines for officers and their supervisors for the random drug testing procedure that officers are required to complete twice every 18 months. This policy also provides guidelines for the drug test administrators as well as a description of the drug testing procedure that the officers are required to complete.
- **San Diego Police Department Policy Manual, Section 9.33, "Duty to Report Misconduct," last revised April 29, 2014.** This policy is specific to SDPD members and provides guidelines for members reporting misconduct committed by another member of the department. Such conduct is defined as a "violation of law, statute, ordinance, City Administrative Regulation, Department policy or procedure, or an act of moral turpitude or ethical violation." This misconduct could also involve behavior that could negatively affect the image of the police officer or the department as a whole. The policy states that members with knowledge of another officer's misconduct should take reasonable actions to stop the behavior as well as report the misconduct to a supervisor. Supervisors will then investigate the validity of the misconduct allegation and subsequently notify their chain of command.

These policies are comprehensive and govern random drug testing and testing for cause or reasonable suspicion for alcohol or drug use. Although the SDPD's current policy regarding drug and alcohol use and abuse is robust, two changes and clarifications are needed to strengthen its policies and procedures.

**Recommendation**: The SDPD should provide a clear alcohol policy, including language that prohibits the use of alcohol for a specified amount of time before the officer reports for duty. The current policy should be enhanced by addressing the use of alcohol before a shift. It is recommended that additional language be added prohibiting the use of alcohol for a specified amount of time before reporting for one's tour of duty, for example, eight hours prior to performance of duty. This will provide a clear guideline as to when alcohol use is not acceptable.

**Recommendation**: The SDPD should implement a truly randomized selection process for drug testing to correct a system weakness that enables some employees to be randomly tested twice early in the testing cycle, meaning that they know they will not be tested for a year or more. While the department has a randomized selection process for drug testing, there is a weakness in the system. Under the current policy, employees are tested during a known 18-month cycle and all sworn personnel are required to participate. The order states, "Officers will be tested twice during the 18-month period. Selections are made randomly by computer." Thus, issues may arise when an employee happens to be chosen for testing twice within the first few months of the testing period. The employee will then know that he or she will not be tested again until the next cycle. This could potentially allow employees to use drugs for a year or more, knowing they will not be subject to random testing in that period of time.

The SDPD should work with the appropriate parties to develop drug-testing procedures that are truly random, where everyone in the pool must have an equal chance of being selected and tested in each selection period.

## *San Diego's Citizens' Review Board*

To better understand the SDPD's complaint process, PERF met and interviewed several members of the Citizens' Review Board (CRB) on Police Practices. The CRB was established in municipal code and approved by city voters in 1988. As described by CRB members in PERF interviews, the board's purpose is to review and evaluate complaints brought by members of the public against SDPD officers and to review and evaluate the administration of discipline arising from sustained complaints. As part of the review process, PERF representatives attended a CRB meeting during which community members were provided the opportunity to express their thoughts and concerns regarding the SDPD and the CRB.

Civilian review boards are used in some cities to increase police accountability and provide objective oversight and can be an important method of preventing police officer misconduct and investigating complaints against police officers. These review boards can be composed of members of the community, other public safety professionals, and academics. According to the National Association of Civilian Oversight of Law Enforcement (NACOLE) website, there are approximately 125 civilian oversight groups listed around the country.[73] This number consists of civilian review boards and police auditors, a separate form of civilian oversight.

Some review boards are able to investigate citizen complaints thoroughly, independent of police internal investigations units. However, most civilian review boards do not have the authority to conduct their own investigations.

73. "U.S. Oversight Agency Websites," National Association of Civilian Oversight of Law Enforcement, accessed January 15, 2015, https://nacole.org/resources/u-s-oversight-agency-websites/.

The San Diego CRB is an independent entity of the City of San Diego. The CRB's executive director reports directly to the mayor and reviews and evaluates all serious complaints brought by the public against the SDPD. The CRB reviews only completed investigations; it does not conduct its own independent investigation. Community members may file a complaint in person, by phone, by mail, or by e-mail. Once a complaint is filed with the CRB, it is entered into a database by CRB staff and the original complaint is forwarded to the SDPD, where it is reviewed by the lieutenant of internal affairs (IA). The complainant is mailed a form letter that explains that the complaint was received and sent to IA for review.

## SDPD's complaint investigation process

All category I citizen-initiated complaints (more serious complaints such as use of force, arrest, discrimination, criminal conduct, and slurs) are investigated by IA and, when completed, are assigned to a three-person panel of the CRB for a review and evaluation of the facts of the case. The CRB must rely on the SDPD to provide the information about all cases, because there is currently no tracking mechanism available to the CRB to review Internal Affairs Unit (IAU) cases. Upon completion of the review, the CRB team writes a report detailing its findings and presents this report to the full 23-member CRB in a closed session. If the CRB and SDPD (through the chief) fail to agree on findings, the complaint is presented to the mayor, who makes the final determination.[74] Interviews indicate that the SDPD and CRB most often are able to come to agreement on category I case closures. Interviews indicated it is rare that a case would need to be presented to the mayor for final determination.

**Recommendation**: The SDPD should provide the CRB with routine updates on the complaints received from the board, as well as a way for the CRB to track the status of these complaints.

Currently, there is no formal tracking mechanism in place for the CRB to inquire about the status of a complaint once it has been forwarded to the police department's IAU. When a community member files a complaint through the CRB, that complaint is sent to IA. The CRB in collaboration with IA should develop a database specific to the complaints that are sent by community members directly to the CRB. This database could be used by the SDPD and CRB to monitor case progress and outcomes. While PERF heard differing opinions regarding the level of cooperation from IA, it is recommended that the processing and tracking of all complaint cases be as transparent as possible.

## SDPD'S complaint processing and the public service inquiry process

In addition to complaints forwarded to the SDPD by the CRB, complaints are also received by the SDPD in a number of other ways. Complainants may call the department's Communication Division, contact any police facility, call or write to the chief of police, call or write to the IAU, contact the mayor's office, or call a confidential phone line established by the chief of police. The department's website has a quickly identifiable link for complaints or commendations located on the home page. The citizen complaint process is described in department policy 1.10 on "Administration, Citizen Complaints, Officer-Involved Shootings, and In-Custody Deaths: Receipt, Investigation, and Routing." Complaints are documented on a department Complaint Control Form PD 232 and forwarded to the IAU for review.

74. City of San Diego Citizens' Review Board, "Information leaflet" (informal document, n.d.). Additional information regarding the CRB can be found at "Citizens' Review Board on Police Practices," accessed February 9, 2015, http://www.sandiego.gov/citizensreviewboard/index.shtml.

The SDPD categorizes complaints in two levels, category I and II. Category I complaints, described previously, are more serious in nature and include complaints such as an illegal arrest, criminal conduct by an officer, excessive force, and discrimination. Category I complaints are most often investigated by the IAU. Category II complaints are less serious in nature, including discourtesy, service, or procedural complaints, which are most often sent to the officer's command for investigation.

In August 2008, the department added an alternative to the complaint process, known as Public Service Inquiry (PSI), which allowed first-line supervisors to resolve less serious complaints that were most often received by the Communications Division. These complaints were typically related to the actions of an officer or the service an officer delivered. When a PSI is received, the complaint is routed to a working supervisor, usually the involved officer's supervisor, who then contacts the complainant and may resolve the situation without any formal investigation.

If the PSI complaint is *resolved* by the supervisor, the PSI is simply documented in the department's computer aided dispatch (CAD) system. No further review is usually conducted or required by the SDPD command staff. If the complaint is not resolved, it is documented on the SDPD's Complaint Control Form PD 232 and forwarded to the IAU.

Because of supervisor staffing shortages, the supervisor who receives the PSI complaint from the Communications Division could often be an acting sergeant who likely has limited supervisory experience. Although the PSI and how it is resolved are captured in the SDPD's CAD system, it cannot be tracked by the officer's name. The IA section does not maintain any record of the PSI or how it is handled.

The PSI process creates several concerns, including an enormous amount of discretion on the part of the supervisor handling the complaint, the inability to track officer-specific PSIs, and the lack of review by commanding officers. In addition, because of the department's current patrol staffing strategy, an officer could be working with several different supervisors, which provides no consistent mechanism for identifying potentially problematic patterns of behavior that are generating PSIs. An important fact is that *acting* sergeant positions are temporary. Acting supervisors who are receiving and handling PSI complaints may be peers of the officer named in a complaint.

PERF reviewed all other aspects of the department's internal investigative policy and process and conducted interviews with IAU command and staff. With exception of the PSI process, other aspects of the policy regarding investigation processes were found to be thorough and sound. The department's internal investigative policy contains a number of step-by-step procedures to ensure supervisors are familiar with the complaint investigative process. The department's April 2014 inclusion of a new policy requiring officers to immediately report misconduct by another officer is recognized as a best practice. The IAU staff members who were interviewed are experienced law enforcement professionals with extensive knowledge of internal investigative practices.

**Recommendation**: The SDPD should eliminate the PSI process.

The PSI process gives supervisors the ability to informally resolve a complaint with no additional command review. The PSI process also allows first-line supervisors, some of whom are acting sergeants, to informally handle a complaint with limited CAD system documentation. The CAD system does not currently allow tracking officer-specific information. PERF's interviews and observations identified inconsistency in how sergeants use this process and whether their supervisors are informed of the actions taken. Eliminating the PSI process and returning to category I and II complaints as identified in the next recommendation would ensure tracking and documentation of all complaints and is a more effective system for tracking and detecting potential problems.

**Recommendation**: The SDPD should return to the process of documenting category I and II complaints and then forwarding them to IA. This would not typically include a complaint related to a citizen's dissatisfaction with the rightful outcome of a recent interaction with an officer: e.g., a citizen objects to receiving a lawful traffic ticket. This type of complaint could still be handled by first-line supervisors. The flexibility for identifying and handling complaints regarding the outcome of a rightful interaction is common in most police departments and is important for not overburdening the complaint review process.

For other complaints, the IAU should evaluate each complaint and return category II (minor) complaints (such as failure to take a report) to the appropriate command for assessment. This will ensure that IA and an officer's commanding officer are aware of all complaints received. This process will also ensure that all complaints are captured in the IAU internal tracking database and the EIIS. Complaints can still be handled by first-line supervisors, but there will be additional oversight and consistency in the process.

# *Discipline*

It is widely recognized that discipline is most effective when it is applied in a fair, consistent, and timely manner. Working to establish a transparent and effective process is essential for maintaining the trust and support of the community and the department's internal stakeholders. The discipline process is often a source of frustration for many police executives, community members, and other stakeholders. Discipline can be challenging in police agencies when lengthy investigations and multiple stakeholders, such as union officials, city and police department legal officials, and community members are involved and especially when decisions made on discipline cases are overturned at other levels of review within or outside of the police department.

Significantly, the discipline process can be a source of mistrust within the community if the department is not perceived as taking complaints seriously, if these complaints take an inordinate amount of time to resolve, or if outcomes are not perceived as fair. The inconsistent application of discipline procedures within the department can also undermine the trust of department personnel and the willingness of supervisors to effectively use the disciplinary system process.

## The SDPD disciplinary system

After a series of misconduct issues was unveiled in the SDPD in 2011, then Chief William Lansdowne issued a seven-point plan to improve the department's response to employee misconduct. One of these points was that the police department would "complete a comprehensive review of its current discipline manual and make changes where appropriate."[75] The SDPD subsequently reviewed the practices of 14 other police agencies across the country and updated its discipline manual in 2012.[76]

The updated manual includes a discipline matrix that establishes clear guidelines, which department personnel are instructed to follow in administering discipline. This is generally accepted as a best practice in police management.[77] When followed systematically by a department, disciplinary matrices provide a sense of fairness and transparency of process so that everyone has a clear understanding of behavior expectations and consequences.[78]

75. "San Diego Police Department 7-Point Plan" (report to the City Council, San Diego, CA, October 5, 2011), http://docs.sandiego.gov/councilcomm_agendas_attach/2011/PSNS_111012_2a.pdf.
76. "Updates to the San Diego Police Department Seven-Point Plan" (report to the City Council, San Diego, CA, February 25, 2013), http://docs.sandiego.gov/councilcomm_agendas_attach/2013/PSNS_130313_6.pdf.
77. For the SDPD's discipline matrix, see appendix I on page 81.
78. Jon M. Shane, "Police Employee Disciplinary Matrix: An Emerging Concept," *Police Quarterly* 15, no. 1 (March 2012), 62–91, http://pqx.sagepub.com/content/15/1/62.full.pdf+html.

## Discipline matrix and process

Once a complaint or allegation of officer misconduct has been sustained, the case is referred back to the first-line supervisor for discipline. Though most discipline issued since the 2012 update to the discipline manual has fallen within the matrix, the department requires thorough documentation of any deviations from the guidelines. In addition to this documentation, the SDPD requires that all discipline selected by the first-line supervisor be reviewed and approved by a series of parties before it is administered. The supervisor must submit a completed discipline package to the unit's commanding officer, who, upon approval, sends this packet to the human resources and legal departments for review and signature. Finally, the discipline package is forwarded for review to the assistant chief of the unit for final approval. This process ensures that any discipline issued outside of the discipline matrix has been reviewed by the chain of command. In addition, after the weekly command staff meetings, all of the SDPD captains and civilian commanding officers discuss current misconduct issues and discipline issued. Although this is not a formal, documented review process, it was found through interviews and discussions with SDPD leaders to be effective for the organization and to provide more consistency across the divisions.

The department should ensure the discipline process is administered consistently across divisions and that it is transparent to the extent possible for both internal and external department stakeholders. The discipline process used by the SDPD is consistent with the process of other large police agencies. Upon completion of a sustained (finding of guilt) internal investigation, the SDPD allows the offending officer's commander, normally a captain, to determine the level of discipline. The commanding officer then uses the discipline matrix to ensure equity in the discipline process.

In addition, department captains discuss the discipline with other SDPD captains during scheduled information-sharing meetings to help ensure consistency across the department. A final review is conducted by the Human Resources Division manager.

**Recommendation:** Should the commanding officer want to go outside the matrix to discipline an officer, he or she should outline and describe the decision in a memo that must be approved and signed by the assistant chief in the chain of command prior to the discipline.

Finally, the SDPD uses a departmental form with position signature verification to ensure that all required personnel have reviewed the discipline process.

The SDPD should continue to use its discipline policy as updated in 2012, including the use of a discipline matrix, as a progressive practice.

# Chapter 7. Community Partnerships

Procedural justice is the extent to which community members believe that the police treat people with fairness, dignity, and respect. "The procedural justice approach is grounded in empirical research demonstrating that compliance with the law and willingness to cooperate with law enforcement efforts are primarily shaped not by the threat of force or the fear of consequences, but rather by the strength of citizens' beliefs that law enforcement agencies are 'legitimate.'"[79] In short, procedural justice is the idea that the integrity of the "process" of an interaction with law enforcement is important and that community members often consider the process more important than the actual outcome of the interaction. (For example, research has indicated that a person who receives a traffic citation by a polite, respectful officer often has a better feeling about the encounter than a person who is let off with a warning by a rude, disrespectful officer.) This concept has been tested by numerous academic studies.[80]

Throughout the assessment process, San Diego community members shared their concerns about the San Diego Police Department (SDPD) with the Police Executive Research Forum (PERF). A primary concern expressed by some members of the community was that the department has become disconnected from the neighborhoods that it serves. Similarly, personnel at all levels of the SDPD shared their desire to spend more time in the community. To address the concerns of the community and the department personnel, the SDPD should commit to applying the principles of procedural justice to its internal operations and in working with the community. This requires a sustained commitment to incorporating these principles at all levels within and outside the department and during every interaction.

External procedural justice is defined as the extent to which police act neutrally based on consistently applied legal principles, treat people with dignity and respect their rights, give community members an opportunity to tell their side of the story, and behave in a trustworthy manner. Internal procedural justice applies these same principles *within* a police department: i.e., supervisors and department leaders treat their subordinates fairly and with respect.[81]

Focus groups with SDPD personnel and the three public community meetings clearly demonstrated significant challenges in how the department is viewed by the community and by SDPD employees. As a result of tight budgets, staffing shortages and egregious incidents of officer misconduct, the SDPD currently suffers from diminished community trust and confidence. Years of cutbacks have left the agency with fewer supervisors, resulting in less accountability for officers. This lack of accountability and consistency in following policy has compromised the department's legitimacy with both external and internal constituencies and may have played a key role in enabling the significant instances of misconduct that came to light in 2011. Leaders of the SDPD recognize these challenges and have been working to identify and implement solutions.

79. Stephen J. Schulhofer, Tom R. Tyler, and Aziz Z. Huq, "American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative," *Journal of Criminal Law and Criminology* 101, no. 2 (2011), 335–374, http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7392&context=jclc.
80. Lorraine Mazerolle, Sarah Bennett, Jacqueline Davis, Elise Sargeant, and Matthew Manning, "Legitimacy in Policing: A systematic Review," The Campbell Collaboration 9, no. 1 (2012), http://www.campbellcollaboration.org/lib/project/141/.
81. *Legitimacy and Procedural Justice* (see note 52).

## Community partnerships

**Recommendation**: The SDPD should work to rebuild trust with the community. Building on its past reputation as a leader in problem-oriented policing, the SDPD should re-engineer its approach to working with the community focusing on strategies that use the principles of community policing and procedural justice.

The SDPD should seek to become a leader in community policing and use problem-solving efforts and principles of procedural justice to engage with the community to rebuild trust and collaborative working relationships.

**Recommendation**: The SDPD should consider a program that helps department officials to confront unconscious biases, such as the Fair and Impartial Policing (FIP) program, to address the concerns of biased policing raised by some community members.

Although this review did not focus on the issue of biased policing, this issue was a concern for the community. The SDPD should consider programs that incorporate the principles of fair and impartial policing and should work with community leaders to identify a strategy that helps strengthen its relationships with the minority community. (For example, the FIP program is based on research indicating that even people who reject racial bias on a conscious level may exhibit bias based on implicit bias. In a situation where an officer is responding to a traffic accident and there is a dispute about who was at fault, unconscious bias might cause an officer to unconsciously give greater credence to a White person driving an expensive car than to a Hispanic person driving an older vehicle. Yet the officer may not consciously believe he is biased.[82])

Because SDPD leaders were open to addressing this issue with the community, PERF thinks that a training program that is San Diego-specific and encompasses the principles of FIP would be a helpful step in the process of rebuilding community trust. By doing this, the department is demonstrating its willingness to respond to community concerns. This type of initiative would also reinforce the principles of procedural justice in daily interactions with the community.

**Recommendation**: Even with limited staffing, SDPD officers should have opportunities to attend community meetings and engage in problem-solving activities with the communities they serve. In addition, the department should review its use of electronic and telephone reporting to reduce the time officers spend on noncriminal and less serious calls, allowing officers maximum time for community policing and problem-solving efforts.

82. Fridell, "Psychological Research" (see note 24).

Throughout the organization, police patrol personnel discussed fatigue from running from call to call throughout their shift. The lack of discretionary time for on-duty officers also has had a negative impact on the SDPD's relationships with communities across the city. At each of the public comment forums, community members expressed their concern over the lack of neighborhood- and problem-oriented policing. "I used to know the officers in my neighborhood," said one meeting participant. "I don't any more, and that worries me."

Officers should be encouraged to participate in community walks and other community events. While it is important for police personnel of all ranks to build relationships within their assigned area, first-responding officers are most likely to interact with local residents.

Therefore, the SDPD should prioritize having patrol officers and sergeants attend community events. Individual divisions should host "meet and greet" events semi-annually in communities they serve, allowing officers and community members to mingle and build rapport.

**Recommendation**: The SDPD should consider conducting outdoor lineups (roll call) and community walks with upper-level command staff. Alternatively, the department may consider inviting community members into their local district stations to participate or observe lineups before each shift.

Outdoor lineups and community walks provide opportunities for positive interactions between the police department and the community. Given the need to rebuild trust with a number of its communities, the SDPD could conduct these community walks once a month.[83]

To encourage community engagement at all levels, command staff members should be available during these lineups or walks to talk with residents in each neighborhood, as well as to speak with beat officers, in order to get a full picture of the crime issues and solutions, neighborhood concerns, and the level of police involvement and knowledge of the community in each neighborhood. Officials from other city organizations and community leaders, such as clergy members and business owners, could be invited to join in walking door to door with police command and division staff members. Community walks can be used to increase engagement in the community and to encourage coordination among city departments to address community concerns. The division's captain, lieutenant, sergeants, and beat officers can be included by having them lead the walk and door knocks and by making introductions when appropriate.

83. Bryan Norwood, "Taking It to the Streets—Engaging the Community from the Top Down," *CALEA Update Magazine* 104 (2010), http://www.calea.org/calea-update-magazine/issue-104/taking-it-streets-engaging-community-top-down.

**Recommendation:** The SDPD should consider neighborhood or beat level "customer" satisfaction surveys. Survey results should inform patrol priorities for each neighborhood. As in most municipalities across the country, community relationships with law enforcement can vary greatly in different areas of a city. Beat or neighborhood-level surveys can help identify the concerns and fears that matter most to the residents or business owners of a particular area. Survey results should inform policing strategies for that area. Officers should be encouraged to work collaboratively with the community to identify trends in the responses and develop and implement strategies to address the issues that are raised.

Possible survey methods include the following:

- **Post-contact survey cards.** The SDPD should consider implementing post-contact survey cards that officers can hand out after any interaction with the police. These cards should ask a brief series of questions about the quality of the interaction, the level of overall satisfaction with the police department and the service received, and any recommendations to improve the safety and quality of life in the neighborhood. To ensure anonymity, these surveys should not include the names of officers or community members. The department may choose to prepay postage for these cards and have responses sent to the division captain. Alternatively, the department should consider adding locked drop boxes for these cards in public meeting spaces (libraries, parks, and community centers) throughout the neighborhood.
- **Beat surveys.** Another option is to have neighborhood officers conduct beat surveys of community members in the neighborhood by going door to door. Specifically, neighborhood officers would ask about safety and crime concerns and other topics.

**Recommendation**: The SDPD should develop tailored cultural education involving community leaders and representatives to be delivered during the lineup.

The SDPD currently conducts some informal training with personnel on diversity issues. It is recommended that the department look to tailor these trainings based on the beat or neighborhood level. Social norms and etiquette may vary from neighborhood to neighborhood, and well-respected community leaders and veteran officers may provide guidance to younger officers or those new to the community. As one example, San Diego has a sizeable Somali-American population. The department could have Somali officers, community crime prevention specialists, other personnel familiar with the community, and Somali community leaders provide an introductory lesson or question and answer session on Somali culture for the officers working in that community. These sessions could help build officer understanding and confidence when working in different communities, leading to greater informal interaction and potential recruiting opportunities to continue to diversify the SDPD workforce.

**Recommendation**: The SDPD should develop its own citizens' police academy (CPA). Currently, the San Diego County District Attorney's office partners with the sheriff's office to conduct a countywide citizens' academy. Developing a police department-specific citizens' police academy could serve as a potential recruiting tool and as a way to build external knowledge of and trust in how the department operates. The CPA concept was designed to build bridges and relationships between local law enforcement agencies and the communities they serve. CPA programs are designed to help residents become familiar with the day-to-day operations of a police department and various protocols for responding to different situations and events. A CPA should not be designed simply as a "show and tell" but rather as an actual hands-on opportunity for citizens to understand how and why police officers respond as they do to incidents. In addition, actual community problems can be discussed with CPA participants who can then assist in the problem-solving process. (Additional information is available from the National Citizens Police Academy Association at www.nationalcpaa.org/index.html.)

## The SDPD's online image

A police department's website often provides one of the first impressions of the police department to the community it serves. It is the technological image of the department and perhaps the first way a community member may initiate interaction with the department.

Police department websites should demonstrate transparency and a community orientation by providing information to the public that people could access if they were to walk into a police station or call the station's nonemergency phone number. For example, a community-oriented and transparent department should have a webpage listing service area lieutenants and shift sergeants and their contact information. This allows residents within the community to search for the police officials who are responsible for patrol in their neighborhood. Community members can contact these supervisors directly and provide information about crime in their neighborhood, compliments and feedback on officer behavior and performance, complaints about officer misconduct, or other information. It is also important to provide the names and contact information for the chief's office and other top agency leaders to help ensure their accessibility to the public.

A handful of police departments have sophisticated websites, but many agencies have not invested in updating their digital image in many years. An investment in updating a police department website can help to present a professional and innovative image of the department. A functional website can also save personnel time and resources by making information easily accessible, thereby reducing the number of general information inquiries by residents and the news media. A modern website can help a department provide basic information effortlessly and facilitate more effective communications with the community, help to recruit well-qualified job applicants, and amplify a department's presence in the community.

**Recommendation**: The SDPD should update its website to embody the goals, values, and mission of the department.

The website should be used to improve police-community relationships and should be consistent with current best practices with regard to community policing. Most important, the SDPD needs to be transparent about its policies and procedures and its response to issues that are matters of concern to the community.

Division level information, contact names, and routinely requested forms and information should be readily available and easy to find. As a good example, the Arlington (Texas) Police Department lists the deputy chiefs, lieutenants, and patrol sergeants for each district.[84] It also has a search function on its website that allows users to locate police district boundaries by entering an address. According to *What a Good Police Department Looks Like,*

> An increasing number of police departments place their policy and procedure manuals on their websites. This allows open access to policies on use of force, vehicle pursuits, bias-free policing, and other critical incidents that are community concerns. Placing the manual on the website is an important step in the direction of openness and transparency, helping to eliminate the feeling that the department is a closed, secretive bureaucracy.[85]

84. "Police Districts," Arlington (Texas) Police Department, accessed January 15, 2015, http://www.arlington-tx.gov/police/districts/.
85. Sam Walker, *What a Good Police Department Looks like: Professional, Accountable, Transparent, and Self-monitoring* (Omaha: University of Nebraska, 2014).

# Chapter 8. Summary and Conclusion

The San Diego Police Department (SDPD) has had a national reputation as a forward thinking, progressive, well-run agency. In fact, the SDPD was best known within the policing profession as the department that made problem-oriented policing a leading strategy that helped reduce violent crime rates by 50 percent nationwide.

A number of high-profile incidents of police misconduct have challenged the SDPD to analyze what happened, identify the factors that contributed to the misconduct, and eliminate those conditions to prevent a recurrence of the problem. The significance of the misconduct scandals that the agency has faced beginning in 2011 go beyond the individual officers who broke the trust given to them. In other words, a number of flaws within the SDPD's systems and policies enabled some of the misconduct to occur and continue without detection.

The challenge facing San Diego is not merely the narrow task of preventing the specific types of misconduct that occurred from ever happening again. The SDPD has a broader, deeper task ahead of it: restoring the public's trust. This involves not only creating technical systems such as a stronger early identification and intervention system (EIIS) to detect misconduct but also strengthening the culture within the department so that everyone inside the department, as well as the public, will know that there is no tolerance for misconduct. Experienced chiefs of police nationwide have said that misconduct will never be eliminated entirely, but measures can be taken to help prevent and deter misconduct, supervise officers more closely, detect signs of potentially problematic behavior more quickly, and build a culture in which misconduct will be very difficult to commit and even more difficult to hide.

SDPD's new chief of police, Shelley Zimmerman, appointed in 2014, has implemented a number of reforms, such as implementing a new written policy that requires officers to report any misconduct they become aware of and rebuilding the anti-corruption Professional Standards Unit.

This report, which PERF conducted for the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), provides specific additional recommendations for new policies and practices to prevent officer misconduct. The recommendations are based not only on PERF's analysis of SDPD policies and national best practices but also on interviews and meetings that PERF conducted with SDPD officials, community members, and others with a stake in the issue of misconduct.

## *Recruiting and hiring*

This report details recommended changes in SDPD recruiting practices to strengthen the investigations of persons who apply to become SDPD officers and to prevent the hiring of people who should not become police officers. PERF also recommends changes designed to ensure that the SDPD attracts the kind of people who are likely to become successful SDPD officers.

## *Supervision*

SDPD employees also told PERF about problems in the supervision of patrol officers. Of all the issues cited in this report, the issue that could make the greatest difference in preventing misconduct is the first-line supervision of officers. Police officials in San Diego and other cities agree that supervision is key to any discussion of misconduct because misconduct is most effectively prevented by sergeants who work closely with the officers for whom they are responsible. Sergeants are in a position to know what is happening on a daily basis and to detect any anomalies or changes in officer activity that might signal a problem.

To a large extent, the weakness of supervision in the SDPD has resulted from budget cuts and a shortage of sergeants. Too many officers are supervised by acting sergeants, who do not have the full range of authority over the officers they are supposed to be supervising, because most acting sergeants have not actually received the promotion to sergeant or completed the necessary training to become a sergeant. And because staffing shortages make it impossible for the SDPD to use a platoon staffing model, officers work under a variety of sergeants from one day to the next, making supervision problematic.

Fixing these problems will require additional infusions of money. But PERF also developed a number of recommendations to improve supervision with existing resources. For example, sergeants should hold monthly meetings in which they review of performance of assigned personnel and share information about unit or division goals.

## *Senior and mid-level leadership*

A department's culture is established by its senior and mid-level leaders. They establish direction and standards for the agency. SDPD leaders must continue to focus on integrity, discipline, and professionalism to maintain public trust and ensure officers understand that no amount of misconduct can be tolerated. Failing to adequately address small problems can lead to larger critical events. Day-to-day responsibilities can overshadow more substantive matters that could be detrimental to the agency. SDPD leaders must constantly monitor the department's environment, address misconduct issues quickly and consistently, and remain transparent to the community about its efforts. It is important for the chief executive to set the tone for a police department and to specify that certain behaviors will not be tolerated.

## *Early identification and intervention system*

Since 2010, the SDPD has had an EIIS designed to provide early warnings about officer behaviors that could signal that they are struggling with personal or professional issues or are engaging in improper behavior. For each officer, the system tracks indicators ranging from motor vehicle collisions and high use of sick leave to citizen complaints and incidents involving uses of force. Unfortunately, the EIIS did not yet exist or was just becoming functional when some of the misconduct in the SDPD was occurring. This report provides a number of recommendations for strengthening the EIIS so that in the future, it will be more likely that officers who engage in misconduct will be identified and flagged by the EIIS.

## *Engaging the community*

The damage done by the misconduct by a handful of SDPD officers has been felt most sharply by San Diego residents, many of whom have lost faith in the integrity of the police and the department's ability to ensure officer accountability. Therefore, reform measures must include efforts to involve the community in solving the problems and building new relationships of trust. This report offers a number of strategies for strengthening the SDPD's partnerships with community members, such as implementing a program specific to San Diego on fair and impartial policing practices, infusing its policing efforts with the principles of procedural justice, and establishing other community engagement strategies such as holding outdoor roll calls and neighborhood walks in which police and community members walk through a neighborhood and discuss local crime issues and other concerns. PERF also recommends that the SDPD explore ways of conducting informal surveys and other strategies for soliciting feedback from the community about police actions and priorities.

## Comprehensive approach

One of the primary lessons learned from this review is that the instances of misconduct were not enabled by any one single problem. Instead, these incidents occurred as the result of a number of issues that were left unaddressed and that indirectly contributed to misconduct—in particular, a lack of effective supervision. These issues resulted in a series of significant and ongoing incidents of misconduct by a handful of officers. The solution lies in a comprehensive approach in which various SDPD systems and policies are revised with an eye toward preventing misconduct.

The national implications are that these types of misconduct incidents could occur in any police department where supervision is lacking or ineffective and where there are gaps in policies, practices, and systems designed to ensure department accountability and officer integrity. Police agencies across the nation can read this report and ask themselves whether they have similar problems and can learn from the experience in San Diego.

## Update—implementation of recommendations has begun.

While this has been a critical assessment of the SDPD, the COPS Office, and PERF, many within San Diego's diverse communities have appreciated the willingness of SDPD leaders to open up the department to outside review in efforts to improve its systems and ensure these types of incidents do not occur again. PERF received full cooperation and assistance in this review from the department and the community.

Since the beginning of this assessment, PERF has been advising the SDPD about its findings as they emerged from the review. The SDPD has already begun implementation efforts in many of the areas recommended in this report, including the development of a policy that strengthens the recruitment and background check processes, a directive eliminating the Public Service Inquiry process, the implementation of a truly randomized drug testing cycle, and the development of PowerPoint presentations for cultural sensitivity awareness when interacting with San Diego's Muslim and transgendered communities.

Under the leadership of Chief Zimmerman, the SDPD has also committed to providing transparency in department operations and decision making that the community has requested. The SDPD piloted a program of video recording with body-worn cameras for officers in 2014, which supports the goal of providing assurances to the community that the department is accountable and transparent in its operations. The SDPD plans to fully implement this program.

## Additional recommendations

PERF also recommends that the SDPD undertake a review of the misconduct cases and the conditions that allowed the misconduct to occur undetected and to use this information as case studies for training officers in how to detect any misconduct by their peers.

The recovery process for the SDPD will take time and an ongoing commitment on the part of the city government, the police department, and the community. For the SDPD, this commitment must involve leaders at all levels within the department to rebuild trust and partnerships with community members. Strong efforts must be taken to ensure transparency and responsiveness to community concerns and complaints. The SDPD appears to have strong support and willingness among its diverse communities to work collaboratively with the

police department in making these changes. Although PERF heard critical comments at the public hearings, it also heard a number of positive comments about conscientious officers and statements by community members that the misconduct cases were at variance with their experiences with the police.

While the SDPD has already begun implementing many changes, other important changes, such as addressing the agency's budget and staffing shortfalls, will be critical to the department's long-term success and will require the support of other leaders who serve the City of San Diego.

# Appendix A. Updates to the San Diego Police Department Seven-point Plan

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

THE CITY OF SAN DIEGO REPORT TO THE CITY COUNCIL

DATE ISSUED: February 25, 2013

REPORT NO. 13-20

ATTENTION: Public Safety and Neighborhood Services Committee Agenda of March 13, 2013

SUBJECT: Updates to the San Diego Police Department Seven-Point Plan

## Summary

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

## Background

The San Diego Police Department is pursuing a universal approach to addressing police misconduct, one which will begin at recruitment and will continue through the course of an entire career in law enforcement. We will continue to aggressively investigate and remove those individuals who misuse their authority, and equally as important, we will work to promote an organization that values its employees as well as instills solid values and ethics in its members.

The plan involves all aspects of prevention, training, education, intervention, and investigation. This diverse strategy will allow us to create a department that reflects our values and provides the service to the community we can all be proud of. The initial plan was presented to the Public Safety and Neighborhood Services Committee on September 21, 2011. An update to the plan was provided to the Public Safety and Neighborhood Services Committee on May 16, 2012.

This report includes updated information related to each item within the police department's seven-point plan since implementation.

## Discussion

Key elements of this plan include the following:

1. Increase staffing in the Internal Affairs Unit

   In order to decrease the length of time it takes to complete investigations, complete citizen complaints and officer misconduct cases, the department added a lieutenant and four sergeants to the Internal Affairs Unit. These additional positions bring the current staffing level to two lieutenants, twelve sergeants, three detectives, and one word processing operator. With additional personnel, cases will be investigated more quickly, and therefore any misconduct will be addressed sooner.

   **Update**

   The Internal Affairs Unit continues to operate at this staffing level.

2. **Conduct supervisor training in the areas of ethics, leadership, and our early identification intervention system (EIIS).**

   All supervisors will attend a training course that will focus on such areas as ethics, leadership, and our early identification intervention system.

   **Update**

   - During the summer of 2012, 320 lieutenants, sergeants, and acting sergeants attended a two-day course that focused on leadership and conduct both on and off duty. Topics included ethics, accountability, discipline, and EIIS.
   - Our EIIS was evaluated and modifications were made to enhance the system's effectiveness. Evaluation of the EIIS system will continue on an ongoing basis.
   - Mandatory EIIS inspections are conducted by supervisors on a quarterly basis.
   - Ethics and leaderships topics have been incorporated into advanced officer training (AOT) at the police academy. All sergeants and officers are required to attend this training every two years, where leadership and ethical principles are discussed with a strong emphasis placed on accountability.
   - A portion of the next two-year cycle for AOT, which began in September 2012, again reinforces the importance of these critical core values at all levels of the police department. In addition to these training sessions, ethics and leadership principles continue to be discussed throughout the entire police department at patrol lineups and unit meetings.
   - Each newly promoted sergeant will attend an 80-hour school that provides a comprehensive overview of leadership and ethics with a strong emphasis placed on accountability.
   - Academy recruits continue to receive several hours of training specific to professional conduct and ethics at the regional police academy. Additionally, these topics are woven into other classes, particularly scenario-based training and role play exercises. Ethically-based decision making is stressed throughout the six-month basic academy course.

3. **24/7 anonymous confidential complaint hotline**

   The department established a confidential dedicated telephone line where anyone can leave information concerning officer misconduct or any information they would like to communicate. The hotline number is (619) 531-2672, and it is reviewed daily by the chief of police.

   **Update**

   The confidential hotline was implemented in May 2011. The hotline continues to be operational. The line was publicized both internally within the San Diego Police Department and externally to the public. The messages have been retrieved daily and reviewed by the chief of police. During the first month of operation, a total of 102 messages were received (representing the highest number of any month period). From inception through December 2012, the confidential hotline received a total of 435 messages. During the month of December 2012, only four messages were received.

   The majority of messages have included questions related to procedural issues, department operations, or neighborhood problems. Other messages included complaints and compliments for police employees, referral requests, internal suggestions, information related to other law enforcement organizations, or general comments unrelated to law enforcement. Some callers left names and contact information; however, many chose to remain anonymous. A number of repeat callers left dozens of messages (30 in one case) each

repeating the same message. In all cases, the information was reviewed and then, if appropriate, assigned to the proper unit within the department for follow-up. Messages intended for other law enforcement organizations were sent to the appropriate department heads. In all cases where the message included contact information, a department representative followed up with the caller.

The confidential hotline continues to be publicized internally and externally through public and internal police department websites, department bulletin boards, and wall posters in the lobby of each of the nine area commands and the traffic division. The overall success of the confidential hotline lies in the simplicity of its operation and the ability to keep the messages confidential and anonymous. We believe releasing additional specific information related to the messages left on confidential hotline may jeopardize the program.

It should be noted that during the same time the department created the confidential hotline, another program, the San Diego Police Department Wellness Unit, was created to provide our employees with support, guidance, and counseling when needed. The Wellness Unit developed their own access telephone line specifically for employees and their family members. The staff assigned to the Wellness Unit follow up on each of those calls.

4. **Review the department's discipline manual.**

The department will complete a comprehensive review of its current discipline manual and makes changes where appropriate.

**Update**

- The department completed a comprehensive review of the department's discipline manual and discipline process.
- Best practices were evaluated from fourteen major police agencies inside and outside the state of California.
- The discipline manual was updated at the end of 2012, complete with templates to conform with current case laws and the discipline process.
- Completed discussions regarding the updated discipline manual with the San Diego Police Officers Association (SDPOA).
- All department command staff were trained on the updated discipline manual.
- Training was provided to 320 lieutenants, sergeants, and acting sergeants during the two-day leadership course over the summer of 2012.
- Newly promoted sergeants will be provided training on the use of the discipline manual.
- The discipline manual was placed in the department's online resource library for reference and easy access for our employees.

5. **Review department's use of force training and tactics.**

Evaluate the department's training procedures for best practices and compliance with California Peace Officers Standards of Training (POST).

**Update**

- The department's use of force committee meets regularly to review practices, trends, and training related to the application of force.

- Best practices continue to be taught at the regional police academy and our training division continues to constantly evaluate our practices and procedures to ensure compliance with California POST.
- During our current AOT, use of force procedures are discussed and scenariobased training provided.
- Community outreach is encouraged with programs such as "Inside the San Diego Police Department."

6. **Add a wellness assessment to the annual evaluation process.**

The department has added a wellness component to each member's annual evaluation where each supervisor will conduct a personal assessment of each officer and discuss available resources and services if needed.

In addition, the department created a Wellness Unit headed by a San Diego Police Department captain. This innovative and proactive unit will help employees get help with on-the-job stresses and issues at home before problems occur. The Wellness Unit is a one-stop shop where members can confidentially access the various resources and programs available throughout the department and the city.

The Wellness Unit was housed at the Family Justice Center located at 1122 Broadway. The Wellness Unit was recently moved to the 7th floor of Police Headquarters building. It was felt that our employees could be better served by having the Wellness Unit in the same building where many of our employees work. The Wellness Unit staff will still meet with employees in private or confidentially, if requested.

**Update**

The Wellness Unit is currently staffed by a captain, a sergeant, and two officers. The Wellness Unit is committed to removing and reducing interferences to employee wellness by

- identifying and enhancing existing resources;
- developing and providing wellness education ;
- collaborating with academic institutions on innovative law enforcement studies;
- developing partnerships with health and wellness providers;
- staying abreast of wellness program best practices through research;
- developing and administering a fitness and preventative health incentive program;
- serving as an advocate for employees enduring personal or professional difficulties.

Recently, existing resources accessible through the Wellness Unit were enhanced as follows:

- The Member Assistance Program (MAP), which includes members of the department who are willing to provide support, guidance, and other resources, increased from 25 members to 52 members. A new MAP member class was provided in September 2012.
- The Peer Support Team is composed of officers who are trained to provide support and guidance to officers involved in officer-involved shootings or any other very traumatic incidents. The team was expanded from 25 to 40 members after a training academy was held in December 2012.
- The department's chaplain program was expanded from 14 to 18 chaplains. A full day of training was held in February 2012.

- The Wellness Unit has met with key leaders from Kaiser and Sharp Health Care to establish relationships aimed at allowing our employees to be fully educated about all of the benefits available to them through their respective care providers. The Wellness Unit was provided with contact information for immediate troubleshooting of any issues our employees encounter while attempting to obtain necessary care for themselves or their family.

Since our last update in May 2012, the Wellness Unit has sponsored and provided several training sessions and seminars in many areas, including, nutritional education, health and fitness education, financial services, and coping with the stress of the job, just to name a few. The Wellness Unit also publishes monthly newsletters that are sent out to all of the employees and contain valuable information regarding wellness issues in a variety of different areas.

The Wellness Unit formed a county-wide wellness group that meets bi-monthly and includes representation from all of the county police agencies as well as U.S. Border Patrol, ICE, FBI, DEA, NCIS, U.S. Marshals, and representatives from all of the psychological service providers for many of the listed agencies.

7. **Conduct a series of meetings with the entire department.**

The chief of police has addressed the entire San Diego Police Department in a series of 13 meetings to discuss his new plan and make clear his expectations for all members of the department. All members were given the opportunity to provide comments or ask questions of the chief.

**Update**

These meetings were completed in 2011.

## Conclusion

Through this seven-point plan, the San Diego Police Department has taken bold and innovative measures to improve the organization in areas of supervision and accountability, balanced with a real concern for officer health and well-being. It is my strong belief that the San Diego Police Department has emerged from the events of 2011 a much stronger and improved organization—an organization that continues to be committed to honor, service, and integrity.

William M Lansdowne

Chief of Police

# Appendix B. OR 14-05, Transporting Females in Department Vehicles

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

**SAN DIEGO POLICE DEPARTMENT ORDER**

**DATE/TIME:** MARCH 6, 2014 – 1050 HOURS

**NUMBER:** OR 14-05

**SUBJECT:** TRANSPORTING FEMALES IN DEPARTMENT VEHICLES

**ORG. #:** 1914000001

**SCOPE:** ALL MEMBERS OF THE DEPARTMENT

**DEPARTMENT PROCEDURE AFFECTED:** 6.01, 1.12

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Effective immediately, the transportation of females as passengers in department vehicles will require two officers. Female passengers shall be transported with a second officer in the vehicle. The female passenger shall be placed in the back seat. This pertains to all females contacted during the course of official duties including but not limited to suspects, victims, witnesses and stranded motorists.

Exemptions to this policy are (1) transport of civilian department employees, police cadets, psychiatric emergency response team (PERT) clinicians, or ride-alongs in the course of official duties or (2) transport of family members during authorized off-duty use of department vehicles. When a civilian department employee, police cadet, PERT clinician, or ride-along is riding with the transport officer, a second officer shall follow the transporting officer.

Exceptions to this policy are limited to situations that require immediate assistance in response to danger or public safety including rare situations where it may be more practical for a second officer to follow the transporting officer in a separate vehicle. The second officer shall remain with the transporting officer until the person transported is released, custody is transferred to a third person or party, or the contact is otherwise concluded. All other transporting related department procedures still apply. Any exception to this policy must be articulated in the report or on the incident history in cases where no report is taken.

Officers transporting female passengers shall notify the radio dispatcher of departure time and beginning mileage as well as arrival time and ending mileage.

Department procedures 6.01 and 1.12 will be updated to reflect these changes.

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Please read at squad conferences and give a copy to all personnel.

# Appendix C. Prisoner Transport Unit

CCTR: 1914000001 14-A/075 04.11.14 - 1215

SAN DIEGO POLICE DEPARTMENT ANNOUNCEMENT

April 11, 2014

**TO:** ALL PERSONNEL

**FROM:** SHELLEY ZIMMERMAN, CHIEF OF POLICE

**SUBJECT:** PRISONER TRANSPORT UNIT

Effective April 12, 2014, a Prisoner Transport Unit (PTU) will be utilized to assist field officers with the transportation of female prisoners to the Las Colinas Women's Detention Facility. The PTU will be operational from Wednesday through Saturday (Sunday Morning) between 1700-0300 hours. The PTU will be staffed by two full time officers and will be under the direct supervision of the Watch Commander/Field Lieutenant. They will utilize unit designator PTU1. A relief schedule will be established with the patrol commands to provide backfill in the instance of an assigned officer taking time off.

PTU will be primarily located in the Sally Port at Headquarters but can assist officers with transports from the field if available. Generally, officers with a female prisoner will transport that prisoner to the Headquarters Sally Port utilizing two officers (See Department Order 14-05) however; the second officer may follow in a separate vehicle with the concurrence of the arresting officer, to expedite their return to field duties (see below).

When officers make an arrest of a female in the field, two officers will transport the prisoner to the Headquarters Sally Port where they will transfer custody of their prisoner to the PTU officers. The second officer will immediately return to their division. During this transition, the arresting officer will remain to complete the booking slip and declaration. The arresting officer will also prepare the prisoner's personal property per established Department Procedures. Once this is completed and with the approval of the PTU officers, the arresting officer will then immediately return to their respective division.

When an officer makes an arrest of a female and the PTU is available in the field, the officer will request the PTU to meet them at the arrest location. The PTU will take custody of the female prisoner. The arresting officer will prepare the booking slip and declaration. The arresting officer will also prepare the prisoner's personal property. The arresting officer will either receive booking approval from the field or respond to Headquarters to obtain approval. Once the PTU has all of the required paperwork and property, they will advise the arresting officer he/she is clear to return to their duties. PTU will then transport the prisoner.

If any medical issues arise with the prisoner or she is rejected at jail due to her mental health, the initial arresting officer and a second officer may be called to re-take custody of the prisoner until she is cleared medically (or warrant is requested) or from San Diego County Psychiatric Hospital. Following the clearance, the prisoner can either be taken directly to Las Colinas Women's Jail or to the Headquarters Sally Port to be turned back over to the PTU. The original arresting command and officers will only be called to re-take custody if the PTU has multiple prisoners and/or requests for transport.

The PTU will be available via Communications Division, by telephoning the Watch Commander's Office or by calling their assigned cell phone (619) 602-3527. It is recommended that arresting officers contact PTU directly to arrange for transfer of their prisoner and to determine the best location to meet with PTU.

Based on demand for the PTU during peak hours, it may be necessary for arresting officers to stand by with their prisoners in the Headquarters Sally Port while awaiting PTU's assistance. The arresting officer and the assisting officer are to maintain control of the prisoner until released by PTU. Under no circumstances shall a prisoner be held in the Headquarters Sally Port for more than 60 minutes after the paperwork is completed and prior to being turned over to PTU. When the delay will be longer than 60 minutes, the original officers will make the transport per established protocols.

The entire process must be completely documented in all associated paperwork, including the names of all transporting officers and the PTU officers who took custody. All transport times and transfers of custody must be clearly stated in the officer's reports and via the Communications Division.

**Please read at squad conferences and post.**

# Appendix D. Policy Regarding Department Members Arrested, Charged, Indicted, or Under Investigation

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

**CITY OF SAN DIEGO MEMORANDUM**

**DATE:** September 10, 2014

**TO:** CEC and Commanding Officers

**FROM:** Shelley Zimmerman, Chief of Police

**SUBJECT:** Policy Regarding Department Members, Arrested, Charged, Indicted or Under Investigation

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In August 2014, the San Diego Police Department reestablished its Professional Standards Unit (PSU). The mission of the PSU is to conduct investigations into the alleged or suspected criminal conduct of Police Department personnel. The PSU is part of a comprehensive initiative to maintain the integrity of the Department and its members by conducting fair and impartial criminal investigations.

Clear guidelines should exist to assist commanding officers with the management of incidents and related effects stemming from the arrest, criminal charge, indictment or criminal investigation of a San Diego Police Department member. The purpose of this memorandum is to establish those guidelines.

The guidelines set forth in this policy are designed to aid commanding officers from notification of the initial alleged act of the subject employee(s) to the completion of both the criminal and administrative investigations. These guidelines should not be interpreted as part of the disciplinary process.

In all cases, it is imperative that public trust and the department's reputation be of utmost concern. Equally important is the strict adherence to all constitutional rights afforded department members. In every instance, department members shall be treated equitably while maintaining public trust and operational effectiveness.

## *Investigation procedures*

All incidents that occur within the city of San Diego involving a department member as the alleged suspect, whether arrested or not, will be assigned to the PSU as determined by the chief of police or her designee. In the event a department employee is suspected in a criminal incident, the PSU lieutenant will be notified immediately. Upon notification from the PSU lieutenant, the Internal Affairs (IA) lieutenant will assign an IA sergeant to liaise with the lead PSU investigator in preparation for the administrative investigation.

Criminal incidents occurring in other jurisdictions will be investigated by the respective agency for that jurisdiction. Upon request by that agency, the PSU lieutenant will determine the level of SDPD assistance to be provided in the investigation.

In all cases, IA will conduct the administrative investigation upon completion of the criminal investigation, unless extenuating circumstances dictate otherwise.

# *Arrests—notification procedure*

## Arrests by SDPD

In any incident that requires an SDPD officer to place another department member under arrest, the officer effecting the arrest shall immediately notify an SDPD supervisor. That supervisor shall respond to the scene and is responsible for notifying the watch commander's office.

The watch commander's office shall in turn notify the PSU lieutenant. The PSU lieutenant shall notify the IA/PSU captain.

The IA/PSU captain will notify the executive chief of police, who will notify the chief of police and the respective assistant chief over the arrestee's chain of command. That assistant chief will notify the commanding officer of the member arrested.

## Arrests by other law enforcement agencies

When advised by an outside agency that an SDPD member has been arrested, the watch commander's office will immediately notify the PSU lieutenant. The PSU lieutenant will contact the outside agency's designee for an initial briefing on the incident.

Immediately following the initial brief, the PSU lieutenant will notify the IA/PSU captain. Further notifications will occur as listed above.

Following notification of the IA/PSU captain, the PSU lieutenant will determine the response of PSU personnel to the scene of the incident or other identified locations.

# *Suspension of department members—removal of police powers*

A department member may be suspended for up to thirty days pending an investigation of the incident. The suspension may be extended beyond thirty days when the business necessities of the department require such action.

The chief of police, executive assistant chief of police, and the subject employee's commanding officer will receive a briefing from the PSU captain or lieutenant. The chief of police, executive assistant chief of police, and the subject employee's commanding officer will determine if the department member(s) will be suspended. This determination will include consideration of any potential on-going investigations prior to the arrest or indictment in question. The commanding officer or her or his designee will prepare and serve a written notice of suspension.

At the direction of the chief of police, sworn members who are suspended will have their police powers removed during the period of suspension. The employee's commanding officer will have responsibility for recovering the member's ID card, weapon, and other department equipment as necessary.

# Guidelines

## Driving under the influence of alcohol or drugs

Sworn department members arrested for DUI will be allowed to return to their normal work assignment pending action by the courts, the DMV, and completion of an internal investigation.

Nonsworn department members arrested for DUI whose position requires they drive a vehicle to perform assigned duties will be allowed to return to their normal work assignment pending action by the courts, the DMV, and completion of an internal investigation.

In most cases, the DMV hearing will be completed first. Placement of an employee should be dictated by the DMV's decision on license status. An employee with a restricted license that allows them to drive to and from work only should be given an administrative assignment. An employee whose license is suspended will be allowed to work in an administrative assignment at the discretion of the chief of police, or be required to take personal leave until such leave time is exhausted.

Upon completion of the criminal proceedings, placement of the employee will be influenced by the court's findings.

Upon completion of the administrative investigation, discipline manual guidelines will be followed.

## Domestic violence (misdemeanor)

Any sworn department member arrested for domestic violence whose weapon is seized for safekeeping or who is otherwise restricted from possessing a firearm shall take personal leave for the time during which restrictions are imposed. Once personal leave time is exhausted, an evaluation will be conducted to determine any further action. If the sworn member is authorized by the courts to possess a firearm for work, she or he may return to duty.

Nonsworn department members authorized to carry a concealed weapon (e.g., forensic specialists, criminalists) who are arrested for domestic violence and restricted from possessing a firearm may continue to work but shall not carry a firearm while on duty nor be involved in any work related activity where a firearm is a necessity.

Nonsworn department members not authorized to carry a concealed weapon on duty may continue to work while the case is being resolved if charges against the member do not place restrictions on her or his ability to perform assigned duties.

## Illegal narcotics

Sworn department members arrested for possession or being under the influence of illegal narcotics will be suspended pending investigation and relieved of their police powers.

Nonsworn member arrested for possession or being under the influence of illegal narcotics will be suspended pending investigation.

## Other misdemeanors

If the charges against a sworn department member do not place restrictions on the member's ability to perform her or his duties and do not involve moral turpitude (e.g., sex offenses, prostitution, theft), the member may continue to work while the case is being resolved. If the case involves a charge of moral turpitude, the executive assistant chief of police and the respective assistant chief for the officer's chain of command shall discuss the case and determine an appropriate course of action with concurrence of the chief of police.

If the charges against a nonsworn member do not place restrictions on the member's ability to perform her or his duties, the member may continue to work while the case is being resolved. However, if a review of the facts determines there is a need to suspend the member, the executive assistant chief of police and the respective assistant chief for the member's chain of command shall discuss the case and determine an appropriate course of action with concurrence of the chief of police.

## Felonies

Any sworn department member arrested, indicted, or charged with a felony crime shall be immediately suspended from duty and relieved of police powers pending an investigation.

Any nonsworn department member arrested, indicted, or charged with a felony crime shall be immediately suspended pending an investigation.

If felony charges are dropped or reduced to misdemeanor charges, the executive assistant chief of police and the department member's assistant chief may reinstate the employee after a review of the case with concurrence of the chief of police.

Shelley Zimmerman, Chief of Police

# Appendix E. Duty to Report Misconduct Policy

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

San Diego Police Department Policy Manual

### 9.33 DUTY TO REPORT MISCONDUCT POLICY (04/29/14)

Members shall immediately report misconduct by another member.

For the purpose of this policy, ***misconduct*** means conduct that causes risk to the health and safety of the public or impairs the operation and efficiency of the department or member or brings into disrepute the reputation of the member or the department. The conduct could involve a violation of any law, statute, ordinance, city administrative regulation, department policy or procedure, act of moral turpitude, or ethical violation. In this context, misconduct involves a willful act done with a wrong intention and is more than mere negligence, error of judgment, or innocent mistake.

If any member has credible knowledge of another member's misconduct, they shall take immediate, reasonable action to stop the misconduct, and the member shall report the misconduct to a supervisor as soon as possible.

Supervisors shall assess the validity of any allegation of misconduct by a member. If there is evidence of misconduct or the allegation appears credible, then the supervisor shall immediately notify their chain of command or the watch commander's office.

# Appendix F. Documents Requested by PERF

The following is a list of documents that were requested by PERF prior to the initial visit to the San Diego Police Department in May 2014:

1. Organizational chart and the policy describing it
2. Financial reports 2009 through 2013
3. Police audit reports since 2004
4. Police department strategic plans with updates/progress reports, last five years
5. Police department work plans, i.e., unit specific goals, objectives, etc. for each of the last five years and annual report describing progress in goal attainment
6. Electronic access to any department general orders, unit specific SOPs, and other directives that establish the department's policies and procedures.
7. Documents and directives related to the department's CompStat or equivalent process including samples of presentations
8. All documents and directives related to the recruitment and selection process (focusing on the officers' background), including the background investigation processes
9. All directives regarding ethics; all curriculum for ethics training—recruit, field training, in-service training, specialized training, management training
10. Recruit training curriculum, last three years
11. In-service training curriculum, last three years
12. Supervisory/command level training curriculum, last three years
13. Specialized training curriculum, last three years
14. All documents and directives related to promotions for each rank
15. Directives describing the employee annual evaluation process; performance appraisal forms and instructions for completion; wellness assessment
16. All documents and directives related to the wellness unit including the requirements and selection process of the captain assigned to the head the unit
17. Directives describing supervisory responsibilities for each rank
18. Job descriptions for each rank
19. Department staffing roster that identifies team/units/platoons/sections/divisions etc., which would indicate reporting relationships and span of control
20. Any additional directives that cover the complaint/disciplinary process
21. Annual disciplinary reports for last five years (2009, 2010, 2011, 2012, 2013) including a list of each misconduct accusation, the investigative finding and for those sustained the penalty
22. Any policy changes, including retired Chief Lansdowne's seven-point plan, transport of females, etc.

23. All documents and directives relating to the department's early identification intervention system
24. Directives related to employee use/abuse of drugs and alcohol
25. Internal Affairs organizational chart and position descriptions
26. Directives that describe Internal Affairs operations and investigations (both internally and externally generated)
27. Directives related to off-duty Employment; off-duty employment forms
28. Contracts, MOUs with employee associations
29. Any and all known press releases or media articles regarding the 15 officer suspect cases referred to by the chief of police

Case review—these documents will be reviewed on site at the San Diego Police Department:

- Copies of the investigative files for the 15 criminal cases referred to by chief of police
- Access to the personnel files of all 15 of the officer suspects

# Appendix G. PERF Assessment Feedback Form

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

Police Executive Research Forum

Chuck Wexler, Executive Director

The Police Executive Research Forum (PERF) was retained by the Department of Justice, Community Oriented Policing Office, as part of their Critical Response Technical Assistance Program, to conduct an assessment of the San Diego Police Department's policy and procedures as they relate to officer misconduct. Please use this form to share your ideas and concerns with PERF about the SDPD. You can also provide feedback by emailing PERF at SanDiegoPoliceStudy@policeforum.org.

Thank you for your participation in today's community forum.

**Comments:**

1120 Connecticut Avenue, NW Suite 930 Washington, DC 20036

Tel: 202.466.7820 Fax: 202.466.7826 TTY: 202.466.2670 www.PoliceForum.org

# Appendix H. San Diego Employee Performance Review

CITY OF SAN DIEGO EMPLOYEE PERFORMANCE REVIEW PROGRAM

**OVERALL JOB PERFORMANCE**

Employee Classification

**COMMENTS:**

EMPLOYEE: _____ DATE: _____
REVIEWED BY: _____ DATE: _____
SUPERVISOR: _____ DATE: _____
APPOINTING AUTHORITY: _____ DATE: _____

# Appendix I. Misconduct Related Discipline Matrix

*Note: This appendix has been slightly modified to adhere to COPS Office publication standards.*

**Section III. Misconduct Related Discipline: Determining Appropriate Level of Discipline: Misconduct Related Discipline Matrix**

These guidelines should be followed. However, commanding officers shall consider mitigating or aggravating circumstances of the instant case and previous discipline in determining whether a lower or higher level of discipline is more appropriate than that called for in these guidelines (isolated one time incident versus multiple violations).

Deviations from the guidelines should be thoroughly documented.

| Misconduct type | 1st offense | 2nd offense | 3rd offense | 4th offense |
|---|---|---|---|---|
| Tardiness<br>Minor grooming violations<br>Minor uniform violations<br>Failure to answer radio<br>Lacking all equipment<br>Discourteous remarks (not profanity or violation of EEO)<br>Minor traffic infractions | Verbal counseling (with no pattern or history of misconduct) | Note of counseling | Written warning | |
| Minor policy violation (with previous verbal counseling or note of counseling)<br>Misuse of department equipment (including non-EEO MCT/CAD messages)<br>Unintentional discharge of a Taser (no injury)<br>Improper impounds<br>Discourtesy<br>Unauthorized outside employment | Written warning | Reprimand | | |
| Missed court | Written warning | Reprimand (IF within two (2) years of first missed court) | Suspension (IF within three (3) years of first missed court) | |
| Missed department proficiency or training shoot (missed dept. qualification shoot must be made up) | Written Warning | Reprimand (IF within two (2) years of first missed shoot) | Suspension (IF within three (3) years of first missed shoot) | |

| Misconduct type | 1st offense | 2nd offense | 3rd offense | 4th offense |
|---|---|---|---|---|
| Police equipment collisions (See DP 1.14 & AR 75.12 for definitions of collision categories and time frames for progressive discipline. Discipline at right is for CATEGORY 1 PREVENTABLE collisions only) | Written warning OR two (2) hour driver training class through fleet safety sergeant | Reprimand OR written warning (IF attended two (2) hour driver training class for first collision) | Suspension OR reprimand (IF attended two (2) hour driver training class for first collision) | Termination OR suspension (IF attended two (2) hour driver training class for first collision) |
| Unintentional discharge of a firearm, including less lethal munitions (on or off duty) | Two (2) day suspension | Four (4) day suspension | Termination (IF within three (3) years of the first offense) | |
| Driving while under the influence (DUI—alcohol/ prescription medications) | Termination OR four (4) day suspension with a last chance agreement for five (5) years<br>Any aggravating circumstances (DUI in a City vehicle, resistive behavior during arrest, collision with injuries, etc., may result in a more severe response)<br>* Valid CDL required to return to work | Termination (however, possible mitigating factor if the 1st offense was more than ten (10) years prior to the 2nd offense)<br>*Valid CDL required to return to work | Termination | |
| Accessing criminal history for personal use (criminal conduct) | Reprimand, up to termination | Suspension, up to termination | Termination | |
| Violating established informant procedures | Reprimand, up to termination | Suspension, up to termination | Termination | |
| Sustained excessive force (low level/noninjury to suspect) | Reprimand, up to termination | Suspension, up to termination | Termination | |
| Violation of search and seizure procedures | Reprimand, up to termination | Suspension, up to termination | Termination | |
| Threats in the workplace violation (AR 97.10) | Written warning, up to termination | Suspension, up to termination | Termination | |
| Violation of EEO procedures | Written warning, up to termination | Suspension, up to termination | Termination | |
| Criminal conviction of offenses involving moral turpitude, theft, aggravated assault, etc. | Suspension, up to termination | Termination | | |

| Misconduct type | 1st offense | 2nd offense | 3rd offense | 4th offense |
|---|---|---|---|---|
| Unbecoming conduct policy (DP 9.06) which may also include obedience to laws policy (DP 9.03) (e.g.: minor offenses involving parking violations, traffic infractions, etc.) | Reprimand, up to suspension | Reprimand, up to termination | | |
| Unbecoming conduct policy (DP 9.06) and obedience to laws policy (DP 9.03) (e.g.: offenses involving moral turpitude, theft, aggravated assault, etc.) | Suspension, up to termination | Termination | | |
| Loss of ability to perform functions of an employee's position through misconduct (e.g.: right to possess firearm, government code 1031, etc.) | Termination | | | |
| Untruthfulness (e.g.: falsification of any official document or report | Termination | | | |
| Unjustifiable missed random drug test (RDT) SDPOA MOU Article 57 | Reprimand & scheduled for RDT on their next working day after the missed test | Termination (if within two (2) years of 1st missed test. AFTER two (2) years of 1st missed test, reprimand) | Termination | |
| Illegal drug use (including positive RDT for nonprescribed medication) | Reprimand, up to termination | Termination | | |
| RDT alcohol result of 0.02% or above | Termination OR reprimand, mandatory EAP referral & last chance agreement for five (5) years | Termination | | |
| Refusal to Comply with RDT | Termination | | | |

# About PERF

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 evaluating 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.

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 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, 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. A staff of approximately 30 full-time professionals is based in Washington, D.C.

To learn more, visit PERF online at www.policeforum.org.

# About the COPS Office

**The Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

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.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

This report is the result of the San Diego Police Department's request for assistance from the U.S. Department of Justice (DOJ) in early 2014. The DOJ's Office of Community Oriented Policing Services (COPS Office) asked the Police Executive Research Forum (PERF) to conduct the assessment of the department's policies and practices related to preventing and detecting misconduct.

This assessment focused on 17 specific misconduct cases and did not include a review of the quality of internal department investigations. Findings and recommendations cited within this report are based on those 17 misconduct cases in addition to the interviews with SDPD staff and community members and analysis of supplied documents related to policies and practices. The review had four major focus areas:

1. Officer recruiting and hiring process
2. Supervision and training
3. Accountability: early intervention systems, internal investigations, and discipline
4. Community partnerships

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.

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e011505675
Published 2015