

## **TRAINING RECOMMENDATIONS**

### **1. RECOMMENDATION:**

**Training: DPS identify ways to expand training offerings for officers, either through muster room briefings, independent study/self-paced trainings, additional training days or other appropriate methods of training. These mandatory trainings should cover (1) Implicit bias, (2) Understanding languages and cultural responsiveness, (3) Understanding people with disabilities, (4) Community policing, (5) Use of Force/De-escalation, (6) Leadership, professionalism, and ethics.**

This task force recommends that Dublin Police Services require mandatory CPT training for all officers on the following topics, with an emphasis on scenario based, situational decision making training, specific to the demographics and populations found within the City of Dublin:

- Implicit bias
- Languages and cultural responsiveness
- People with disabilities
- Community policing
- Use of Force/De-escalation
- Leadership, professionalism, ethics

These topics shall be in addition to the mandatory 24 hours of CPT for every DPS officer every two years. The taskforce encourages DPS to develop a workgroup that would include a representative(s) from Las Positas College and advocacy groups including the local chapters of the National Alliance on Mental Illness, the National Association for the Advancement of Colored People and the American Civil Liberties Union to determine the number of hours and the content of training for each topic.

**JUSTIFICATION:**

Continued Professional Training (CPT) is required for peace officers who are employed by POST participating departments. The purpose of CPT is to maintain, update, expand, and/or enhance an individual's knowledge and/or skills in the areas of arrest and control, driver training/awareness and force options simulator. An officer at Dublin Police Services (DPS) must complete 24 hours or more of qualifying training every two years.

Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust. To effectively build trust and legitimacy in diverse communities, additional training on policing in a democratic society is necessary.

Training hours are distributed disproportionately in favor of firearms training. Improving upon the training topics mentioned above will improve the relationship between police officers and the communities they serve.

“A survey of police agencies that we conducted for this project revealed that we give officers many hours of training in how to shoot a gun. But we spend much less time discussing the importance of de-escalation tactics and Crisis Intervention strategies for dealing with mentally ill persons, homeless persons, and other challenging situations.”

The California Police Officers Standards and Training (POST) currently requires 16 hours of training focused on Cultural Diversity/Discrimination; an additional 20 hours of training are offered through the Alameda County Sheriff's Office Regional Training Center (RTC). 15 hours of training focused on people with disabilities is required through POST and an additional 15 hours of training are required through the RTC. Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.

## **2. RECOMMENDATION:**

**This task force recommends that Dublin Police Services amend the Critical Decision-Making Model (CDM) to require self-evaluation and procedural justice during police response, including the assessment of the proportionality, accountability, necessity, and ethics of police actions.**

Current CA POST Decision-Making Model (loosely based off of UK model):

*Recommended additions in green*

### Collect Information

- The collection of information prior to and during the use of deescalation and a threat risk assessment may be considered while using deescalation techniques.
- Deescalation techniques that are attempted or actually utilized should be documented in the appropriate reports related to an incident.
- Deescalation techniques that can be documented include, but are not limited to:
  - Information gathered prior to arriving at the scene
  - Use of distance
  - Use of additional officers
  - Communication and verbalization techniques utilized
  - The level of success or failure of each deescalation technique

### Assess the Situation, Threats, and Risks

- Assessing the situation includes, but is not limited to:
  - Determining if the situation poses a threat or risk to others
  - Determining if the threat requires an immediate response
  - Determining if there is an imminent threat that requires action
- Assessing the threats includes, but is not limited to:
  - Awareness of the situation
  - Assessing and requesting appropriate resources

- Cover and concealment
- Distance between officers and subjects
- Assessing the risks includes, but is not limited to:
  - The subject's behavior
  - The subject's condition
  - Possible communication issues
  - The subject's access to weapons
  - The subject's special skills or knowledge

### Law, Procedural Justice, and Policy

- Peace officers need to consider:
  - Is there a legal reason or obligation to act?
  - What legal powers does the officer have based on federal, state, and local ordinances?
  - Are the officer's actions **proportionate, accountable, necessary, ethical, and** within agency policy?
    - **Proportionate:** Action taken must be proportionate to the threat in all circumstances. An option is unlikely to be regarded as proportionate where a less injurious, but equally effective alternative exists. The amount of force used must be the minimum required to achieve the lawful objective. How would a reasonable member of the public view the action taken? Would they think that it is a reasonable response? Is it appropriate to the severity of the level of threat that is being faced? What is the threat that the subject posed to the public?
    - **Accountable:** Officers/Staff should record their decision, and must be able to account for why they chose a particular course of action and, in some cases, what other options may have been available and why these were not chosen, such as crisis teams, translators, or other alternatives. The officer shall give an account of their self-reflection process in each decision made throughout the encounter.

- **Necessary:** The action taken by the officer/staff must have been necessary to carry out their lawful duty. Is the use of force necessary in the first place, or can officers do something else? Validate tactical withdrawal and communication as tactical options, and officers should always have to explain why these options were not used, or if the officers tried them, how and why they failed.

### Plan

- Peace officers should:
  - Identify roles and responsibilities
  - Contingencies
  - Options and resources
  - Utilization of time

### Act, Review, and Reassess

- Deescalation is dynamic and officers should:
  - Implement a plan and prepare to adjust, if needed
  - **Select and implement the option that appears to have the greatest likelihood of success against the least harm**
  - Assess whether the action has the desired effect
  - If the action has the desired effect, is there anything more that can be done?
  - **Ensure those who need to know the decision (including the public) understand what you have decided and why**
  - Review what lessons can be learned following the conclusion of the contact

### **JUSTIFICATION:**

Procedural justice has shown to decrease police misconduct and complaints against police, as well as improve the relationship between police and the public.

### **EVIDENCE:**

[“Critical Issues In Policing Series: Re-Engineering Training On Police Use of Force”](#) -  
2015 Recommendations to Police Training from Police Executive Research Forum  
(PERF)

[“Procedural justice training reduces police use of force and complaints against officers”](#)

- 2020 Research article from Proceedings of the National Academy of Sciences of the United States of America (PNAS) (Assessments took place 2012-2016)

Highlights:

- “The results of our evaluation indicate that **procedural justice training was successful in reducing police misconduct** as measured by the frequency of complaints filed against officers. Table 1 reports that training reduced the frequency of complaints received by  $-11.6$  (95% CI:  $-15.60, -7.45$ ; SE =  $2.09$ ;  $P<0.001$ ) per 100 officers in the 24 mo following training. A total of 6,577 complaints were filed against trained officers in the 24 mo after training. We estimate that 7,309 complaints would have been filed without training, a 10.0% reduction equivalent to approximately 732 fewer complaints. During the post-training period, the CPD received 3.49 complaints per 100 officers per month compared to 4.03 that would have been received in the absence of training.”
- **We estimate that training reduced the frequency of sustained or settled complaints** by  $-1.67$  (95% CI:  $-2.81, -0.40$ ; SE =  $0.61$ ;  $P=0.008$ ) per 100 officers in the 24 mo following training. Among post-training officers, 573 complaints were sustained or resulted in a settlement related to misconduct, with settlement payouts totaling \$22.9 million. Without training, we estimate there would have been an additional 105 sustained or settled complaints, a reduction of 0.07 per 100 officers per month. This corresponds to a 15.5% reduction from 0.39 to 0.32 sustained or settled complaints per 100 officers per month.
- **“The procedural justice training program was also effective in reducing the frequency with which officers resorted to using force in civilian interactions.** Table 1 reports that training reduced mandatory use of force reports by  $-7.45$  (95% CI:  $-12.40, -3.37$ ; SE =  $2.33$ ;  $P=0.002$ ) per 100 officers in the 24 mo after training. During this 2-y period, officers reported using force in

7,116 incidents ranging in severity from a takedown to a firearm discharge (*S/ Appendix*). We estimate that, in the absence of training, there would have been 486 additional uses of force totaling 7,602. This 6.4% reduction in force corresponds to a rate of 3.77 per 100 officers per month in the post-training period, down 0.40 from the 4.17 expected under the counterfactual of no training. Fig. 2 shows a similar average observed and counterfactual use of force in the pretraining period, again diverging only after training was introduced. In *S/ Appendix*, we report that procedural justice training reduced use of force actions with weapons, but did not cause a decline in either force mitigation efforts or control tactics, indicating that procedural justice training may have deterred officers from the escalation of force.”

[“Can You Build a Better Cop? Experimental Evidence on Supervision, Training, and Policing in the Community”](#) - 2018 Research article from the American Society of Criminology, funded by National Institute of Justice (Experiment took place 2013)

#### Research Summary

*“By drawing from psychology and economics, we present an experimental evaluation of a **procedural justice training program designed to “slow down” police officers’ thought processes during citizen encounters**. We find that officers who were randomly assigned to participate in training were as engaged in the community as similarly situated officers, but **they were less likely to resolve incidents with an arrest or to be involved in incidents where force was used**. These changes were most evident among officers who worked in areas with a modest level of risk.”*

#### Highlights:

- “We do not observe a systematic change in the rate at which officers make arrests 1 week after they are notified that they will be selected. Nevertheless, **the se same officers are approximately 25% less likely to decide to make an arrest in the week after the meeting occurs**... This effect is consistent across all three models, and in absolute terms, it corresponds with a **reduction in the probability of arrest from 6.0% to 4.5%**.”

- “When we compare how treated and control officers resolve CAD incidents over the 6 weeks before and after the engagements, we continue to observe a reduction in the rate at which officers resolve incidents in punitive ways; **treated officers are approximately 12% (p = 0.06) less likely to make arrests after a supervisory meeting.**”
- “During the 6-week period after notification and engagement, we estimate that **engaged officers are between 16% and 50% less likely to be involved in force incidents compared with control officers.** The magnitude of the observed change is approximately equivalent to the current best estimate of the impact of body-worn cameras on use of force (Ariel, Farrar, and Sutherland, 2015). Nevertheless, there is reasonable likelihood (13% to 40%) that a reduction of this size would be observed by chance if engagements had no impact on behavior. Although these estimates are not statistically significant by conventional standards, given the importance of force in officer and community relationships, and the relatively low cost of this intervention, we consider this result highly promising, and worthy of further experimental analysis.”
- “On average, one out of every two officers who work in the highest risk circumstances are involved in events with force prior to engagement, and we estimate that **there is an approximately 15% to 40% reduction in the likelihood that treated officers are involved in these potentially problematic situations.**”
- “**Engaged officers were less likely to be involved in incidents with particularly negative outcomes for citizens (arrests), and they were less likely to be involved in escalated encounters where officers had to use force to reestablish control over the situation**”
- “In typical police agencies, supervisors interact with officers without the concern of being procedurally just. **The higher ranked supervisors manage their relationships with officers in a traditional paramilitary structure. In other words, the organizational interactions, tactics, training, and subcultures rely on this hierarchical order.** A consequence is that officers interact with citizens in ways similar to how they are treated by their bosses. **Studies of**

**procedural justice have shown that citizens perceiving procedurally unjust treatment are more likely to harbor attitudes leading to deviant behavior** (Lim, 2002; McLean and Wolfe, 2016). Within a workplace context, these **beliefs and perceptions of injustice have, in turn, been related to negative employee outcomes, such as decreased productivity and employee deviance** (Aquino, Lewis, and Bradfield, 1999; Hollinger, 1991; Lim, 2002). In policing, then, **increasing perceptions of procedural fairness in interactions with supervisors could increase officer productivity and decrease the likelihood that an officer will engage in behavior such as excessive use of force or disparate treatment of minorities**. In support of this argument, policing research has shown officers to be more motivated and more willing to engage with the community when their supervisors are evaluated as procedurally just (Nix and Wolfe, 2016; Wolfe and Nix, 2016)."

"Legitimacy and Procedural Justice: A New Element of Police Leadership" - 2014

Report from Police Executive Research Forum (PERF); supported by grant from the Bureau of Justice Assistance

*Discusses the importance of legitimacy and procedural justice in establishing trust between police departments and their communities → procedural justice training leads to a measurable improvement in residents' relationship with police*

Highlights:

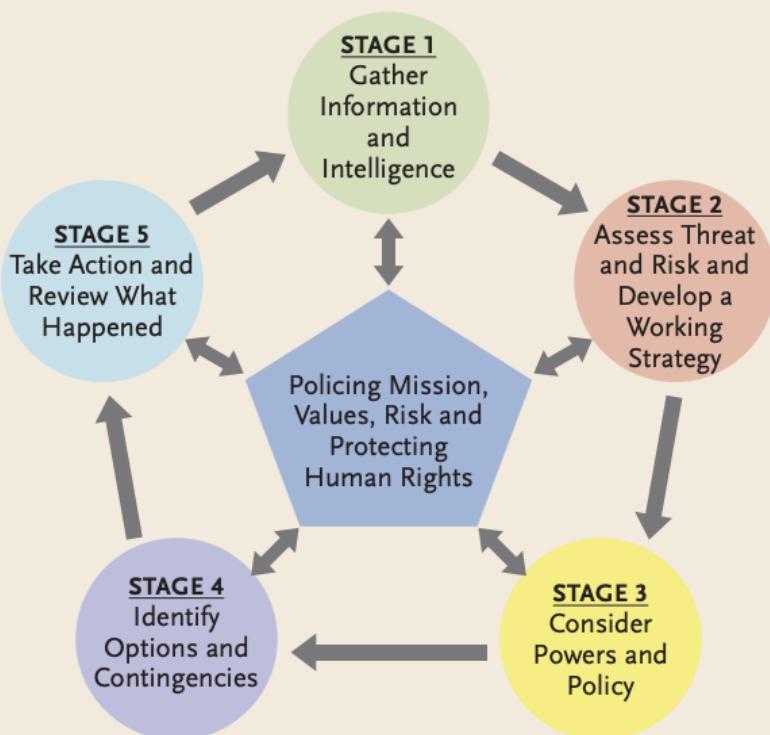
- **Procedural justice is crucial to minority support of police, even if the department does not engage in racial profiling**

"Studies examining the basis of minority reactions to policing practices suggest that the primary concerns raised by the minority community are about procedural justice. Those studies suggest that both white and minority group members evaluate their personal interactions with police officers through a procedural justice framework. Minority concerns are directly linked to issues of mistrust in police motives and perceptions of disrespectful treatment in dealings with the police. If the police address such concerns, their legitimacy in the minority community should increase"

“Even if the police are not actually engaged in racial profiling, a perception in the minority community that they are doing so undermines ‘law abidingness,’ the acceptance of police authority, and the willingness to cooperate with the police.”

- **Legitimacy is not a zero-sum game**

In countless daily encounters with members of the public, police can build legitimacy, sometimes without changing their basic approach to managing issues of crime control and law enforcement. For example, roadside stops to detect drunken driving may inconvenience motorists, but if officers briefly explain the reasons for the stops and communicate respect by saying things like, “Thank you for your cooperation,” the stops may actually improve motorists’ opinions of the police. Research has suggested that whether a person is treated respectfully can have a greater effect on how they view an encounter with the police than the outcome of the encounter. For example, a motorist who receives a traffic citation and fine from a respectful officer may leave the encounter with a better impression of the police than a motorist who receives only a warning from a rude or disrespectful officer.



All stages of the decision making process need to reflect:

- The Statement of Common Purpose and Values
- The Role of the Constable
- Policing ethics, standards and mission
- The 10 ACPO Risk Principles
- The Police (Conduct) Regulations 2008
- Legal Obligations (including the ECHR)

Ask yourself:  
WHAT SHOULD THE PUBLIC EXPECT FROM ME?

## STAGE DETAILS

### STAGE 1: Identify Situation and Gather Information (and Intelligence if appropriate)

Ask yourself:

- What is happening? (or What has happened?)
- What do I know so far?

Identify suitable responses, taking into consideration:

- The immediacy of any threat
- Limits of information to hand
- Amount of time available
- Available resources and support

### STAGE 2: Assess Threats and Risks of the Situation

Ask yourself:

- Do I need to take action immediately?
- What do I know so far?
- Do I need to seek more information?
- What could go wrong?
- How probable is the risk of harm?
- How serious would it be?
- Is this a situation for the police alone to deal with?
- Am I trained to deal with this?

Use PLANE to evaluate potential options, ie, is each one: PROPORTIONATE, LAWFUL, AUTHORISED, NECESSARY, ETHICAL?

What contingencies should I consider (what will I do if certain things happen?)

### STAGE 5: Take Action (and Review what happened)

RESPOND:

- Select and implement the option that appears to have the greatest likelihood of success against the least harm
- Ensure those who need to know the decision (including the public) understand what you have decided and why

RECORD:

- If appropriate, record the selected response and the reasoning behind it

### Monitor and Review Decision

Ask yourself:

- What happened as a result of my decision?
- Did it achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons can be taken from how things turned out?

IF THE INCIDENT IS NOT OVER: Go through the model again as required

IF THE INCIDENT IS OVER: Review your decision(s), using the same 5-stage model as required

### STAGE 3: Consider Powers, Policies and Other Obligations

Ask yourself:

- What legal powers do I have or need to make this decision?
- Is there a formal force policy to follow in this instance or can I use my discretion?
- What other obligations might be applicable (eg multi-agency protocols)

### STAGE 4: Identify Options and Consider Possible Contingencies

Ask yourself:

- What options are open to me?
- What am I trying to achieve?

## **MENTAL HEALTH RECOMMENDATIONS**

### **1. Recommendation Topic/Scope**

The City implements a multidisciplinary mobile crisis team for response to non-violent situations. The team should consist of a licensed behavioral health provider, an emergency medical technician, and a social worker, who would be dispatched through 911 calls and would respond to non-violent situations.

### **Description of Recommendation**

The goal would be for the team to go into the community in order to assess the situation, provide brief supportive interventions, help stabilize crisis matters and assist in connecting individuals to services as well as resources. Additionally, the team would be available to provide scenario based training and consultation to law enforcement, first responders, schools, community providers, families and other community members.

### **Justification of Recommendation**

Programs replacing police response with social workers, behavioral health providers and medical staff have been in operation in various places across the United States. These programs emphasize providing more adequate support and services while reducing government spending. The anticipated benefits of mobile crisis teams include budgetary savings, diverting individuals from a higher level of care, and reducing the dependence on policing and the criminal justice system in addressing people who may be experiencing a crisis.

### **Anecdotal**

CAHOOTS (Crisis Assistance Helping Out On The Streets) is a mobile crisis intervention program providing free, confidential services in the Eugene and Springfield area 24 hours a day, 7 days a week. Free response is available for a broad range of non-criminal crises, including homelessness, intoxication, disorientation, substance abuse and mental illness problems, and dispute resolution.

CAHOOTS has been responding to non-violent mental health 911 calls since 1989.

**CAHOOTS** called for police backup in 150 of their 24,000 responses in 2019, or a rate of 1 in every 160 responses (0.625%).<sup>51</sup> They respond to about 70% of their calls without any other first responders.<sup>52</sup> In 2019, **CAHOOTS** responded to roughly 20% of all calls dispatched by 911 for Eugene and the neighboring city of Springfield.<sup>53</sup>

51 See <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>.

52 See <https://www.wbur.org/hereandnow/2019/03/12/eugene-oregon-mental-health>.

53 See <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>.

## **'CAHOOTS': How Social Workers And Police Share Responsibilities In Eugene, Oregon**

June 10, 2020 3:57 PM ET

<https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>

### **Key Decision Making Party**

City Council

### **Implementation Steps**

Include stake holders in design and implementation process. Assure adequate funding for roll-out and include access to mid-year increase in funding, if necessary. Properly train employees, 9-1-1 dispatch and first responders. As part of roll out, assure that there is availability to transfer or refer clients to service providers in the community.

### **2. Recommendation:**

The City, in collaboration with ACSO, implement Co-Responder Teams consisting of one police officer and one Mental Health Professional (licensed LMFT or LCSW) to respond to situations where people are experiencing a severe mental health crisis that could pose a threat.

**Description of Recommendation:**

The goal of the Co-responder team is to assist police officers on calls where a person is experiencing a mental health crisis. Co-responder team would provide immediate help to individuals experiencing a severe mental health crisis, deescalate intense situations, provide accurate on-the-scene mental health assessments, if necessary, include family and/or friends in crucial information gathering process, connect individuals to resources, and assist with transportation to care facilities for services needed in 5150 cases.

**Justification of Recommendation:**

Increasingly, law enforcement officers are called on to be the first, and often the only, responders to calls involving people who have mental health needs. To begin tackling that challenge, The Council of State Governments (CSG) Justice Center released a framework to help law enforcement agencies across the country better respond to the growing number of calls for service they receive involving this population.

<https://csgjusticecenter.org/publications/police-mental-health-collaborations-a-framework-for-implementing-effective-law-enforcement-responses-for-people-who-have-mental-health-needs/>

Studies have shown that when people are given the proper mental health care and treatment, the rate of recidivism declines.

**Key Decision Making Party**

City Council