

## **TOPICS FOR STAKEHOLDER DISCUSSIONS ABOUT IMPROVEMENTS TO LOCAL LAW ENFORCEMENT AGENCIES UNDER THE GOVERNOR'S EXECUTIVE ORDER # 203**

Below is a brief synopsis of the various topics listed in the Governor's Executive Order # 203 that should be considered during some stakeholder discussions, with links to some resources. Many additional resources may be found on the internet.

### **1) Evidence based policing strategies, including use of force policies**

Evidence based policing is the practice of using data, analysis, and research to complement experience and professional judgment, in order to provide the best possible police service to the public. Put another way, evidence based policing stands for the idea that law enforcement agencies and personnel should be informed by the best available scientific evidence as they go about identifying and understanding issues and problems, choosing responses, making decisions, setting policies, allocating resources, and enhancing employees' well-being. What do the numbers tell us about what works what doesn't? In the context of use of force, what do the statistics tell us about when use of force results in either good or bad outcomes? What do the statistics say about when force is most commonly deployed, and how should that shape Sheriff's Office policy?

The National Institute of Justice recently promulgated a helpful guidebook on the tenets of evidence based policing. It can be found here, <https://www.ncjrs.gov/pdffiles1/nij/254326.pdf>. The publication contains illuminating examples of how evidence based policing works in practice, such as the following:

"Chula Vista, California, is a city of 267,000 residents in the San Diego area. It has a progressive and data-savvy police department that was pleased to observe a 10% decrease in overall calls for service from 2007 to 2014. However, the agency's second most common call type, domestic violence (DV), had not declined at all. In fact, non-crime DV calls had actually increased 18% during that same period. This is a good example of spotting a trend and problem by looking closely at the data. Careful examination also gave the police agency insight into the specific type of incident that was resisting their previous efforts. That led them to conduct more in-depth analysis and then search for alternative responses, which they subsequently implemented in 2015 and then evaluated over an 18-month period. The result was a 24% decrease in DV crimes and calls after just one year."

Additionally, the Police Executive Research Forum has authored the following manual titled "Guiding Principles on Use of Force" that may also be instructive, <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>.

## 2) Procedural Justice

Procedural justice is the idea that the methods for resolving disputes should be fair. Procedural justice focuses on the way police and other legal authorities interact with the public and how the characteristics of those interactions shape the public's views of the police, their willingness to obey the law, cooperation with the police in fighting crime, and actual crime rates. For individual Sheriff's Offices, the idea of procedural justice could be born out in a policy stressing the treatment of individual cases in a uniform, transparent fashion.

The COPS office of the US Department of Justice authored the following primer on procedural justice, that should be helpful to you,  
<https://cops.usdoj.gov/RIC/Publications/cops-p333-pub.pdf>.

## 3) Any studies addressing systemic racial bias or racial justice in policing

The following studies may be of use to you:

- a. An Empirical Analysis of Racial Differences in Police Use of Force

<https://www.hoplophobia.info/wp-content/uploads/2018/08/2016-An-Empirical-Analysis-of-Racial-Differences-in-Police-Use-of-Force.pdf>

A summation of this study was published in the WSJ. It can be found here,"  
[What the Data Says About Police](#)".

Also, here is another WSJ article discussing this subject, "[The Myth of Systemic Police Racism](#)."

- b. Predicting Bad Policing: Theorizing Burdensome and Racially Disparate Policing through the Lenses of Social Psychology and Routine Activities

<https://journals.sagepub.com/doi/10.1177/0002716220901349>

- c. Across the thin blue line: police officers and racial bias in the decision to shoot

<http://wittenbrink.org/research/pdf/cpiwsk07.pdf>

- d. The American Enterprise Institute: “What do blacks and whites think about local policing?”

<https://www.aei.org/articles/what-do-blacks-and-whites-think-about-local-policing/>

#### 4) **De-escalation training and practices**

Legislation implementing “use of force” reporting requirements enacted by the State Legislature in 2020 also imposed a new responsibility on the Municipal Police Training Council to issue “training mandates on use of force, conflict prevention, conflict resolution and negotiation, de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition.” <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>. Many agencies already train on some or all of these topics, but now all new police officers will receive this training during the Basic Course for Police Officers. A description of these particular training components can be found here, [Summary of Training Mandates Incorporated into MPTC Basic Course](#), courtesy of MPTC Chairman, Yates County Sheriff Ron Spike.

International Association of Chiefs of Police research findings on the effectiveness of the use of de-escalation in the field were published in relatively recent scholarly article, [https://www.theiacp.org/sites/default/files/IACP\\_UC\\_De-escalation%20Systematic%20Review.pdf](https://www.theiacp.org/sites/default/files/IACP_UC_De-escalation%20Systematic%20Review.pdf). Ultimately, the study found merit in the practice, but refused to fully endorse it until it has been subjected to more rigorous academic review.

From the conclusion of the study:

“Overall findings from this review suggest it is not appropriate to frame the effectiveness of de-escalation as known when we remain uncertain of the evidence. As it stands, de-escalation training is a promising practice; that is, a well-intended police reform whose consequences are largely unknown. While there are value-based and theoretical reasons to support de-escalation training, these are not solid empirical reasons. Based on accumulating anecdotes, professional expertise, and the limited, though generally positive trends identified in this systematic review across disciplines, we are confident that de-escalation training offers another valuable tool for individuals responding to incidents of crisis, aggression, or violence. However, recommendations that de-escalation must be used as a primary tool should await additional evidence regarding its effectiveness and any unintended consequences that may impact officer and public safety.”

The study does also notes the that best practices may yield to public pressure on this subject, “Similar to the introduction of body-worn cameras, de-escalation training is quickly receiving vast support and promotion from politicians, academics, expert panels, and the public – eager to move ‘beyond what is legal and start focusing on what is preventable’ – that results in intensifying pressure for police executives to implement and change use of force policies accordingly.”

The following article provides a much more practical overview of how de-escalation works in practice, <https://de-escalate.org/wp-content/uploads/2019/02/A-Practical-Overview-of-De-Escalation-Skills-in-Law-Enforcement.pdf>. It also provides a good summation of what de-escalation training is, and why it’s important:

“Basic de-escalation skills training, such as that included in the Crisis Intervention Team (CIT) training curriculum, is a law enforcement training experience designed to equip police officers with knowledge and skills that enable them to initiate specific actions to de-escalate a crisis situation. This type of training involves the acquisition of effective communication and active listening skills, as well as other de-escalation techniques, in addition to role-playing, which involves the demonstration of and practice using the desired skills. De-escalation techniques can be an effective intervention tool that not only helps individuals who are in crisis but also reduces police liability and injury. When an officer applies de-escalation skills appropriately, the probability that he or she will effectively intervene in a crisis is increased and the need for using physical force is minimized.”

One of the current top providers of de-escalation training can be found at <https://www.apexofficer.com/deescalation-training>.

Lexipol also provides a free de-escalation webinar here, <https://info.lexipol.com/deescalation-FSI-webinar-on-demand-ty>.

## 5) **Law enforcement assisted diversion programs**

A Law Enforcement Assisted Diversion (LEAD) program is a community-based police diversion approach to addressing those involved in the criminal justice system because of addiction, mental illness, and poverty. In LEAD, police officers exercise discretionary authority at point of contact to divert individuals to a community-based, harm reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a non-governmental entity that partners with the law enforcement agency and acts as the case manager for diverted individuals. The potential support services that the NGO could provide to the individual could include transitional and permanent housing, drug treatment, and/or peer

counseling, among other things. The core principles of a policing role in a LEAD program are set forth here, [https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f\\_02253b43c564427681c8670d5dac7f76.pdf?index=true](https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f_02253b43c564427681c8670d5dac7f76.pdf?index=true).

Currently, the Schoharie County Sheriff's Office operates a LEAD program, and is one of the few rural county Sheriffs in the country to do so. Sheriff Ron Stevens has generously offered to be an information resource to anyone interested in implementing a LEAD program as a component of their "improvement" plan. He can be contacted by email at [ronald.stevens@co.schoharie.ny.us](mailto:ronald.stevens@co.schoharie.ny.us), or by phone at 518-860-6425.

## **6) Restorative justice practices**

Restorative justice is an approach to justice in which one of the responses to a crime is to organize a meeting between the victim and the offender, sometimes with representatives of the wider community. The goal is for them to share their experience of what happened, to discuss who was harmed by the crime and how, and to create a consensus for what the offender can do to repair the harm from the offense. This may include a payment of money given from the offender to the victim, apologies and other amends, and other actions to compensate those affected and to prevent the offender from causing future harm.

This briefing paper from the University of Minnesota provides further detail on the topic: <https://www.d.umn.edu/~jmaahs/Correctional%20Assessment/ri%20brief.pdf>.

## **7) Community based outreach and conflict resolution**

This topic referenced in the Executive Order does not refer to any specific school of thought or contemporary law enforcement program. It appears to be just a general idea that should be considered when formulating a plan.

The New York City Police Department has an effective Neighborhood Policing program, which other law enforcement agencies may wish to review, <https://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page>.

"Neighborhood Policing divides precincts into four or five fully-staffed sectors that correspond, as much as possible, to the boundaries of actual established neighborhoods. The same officers work in the same neighborhoods on the same shifts, increasing their familiarity with local residents and local problems. The radio dispatchers, supervisors, and sector officers work together to maintain

"sector integrity," meaning that the sector officers and sector cars do not leave the boundaries of their assigned sectors, except in precinct-wide emergencies."

"Supporting the sector officers and filling out each sector's team are two officers designated as the neighborhood coordination officers (NCOs). The NCOs serve as liaisons between the police and the community, but also as key crime-fighters and problem-solvers in the sector. They familiarize themselves with residents and their problems by attending community meetings with neighborhood leaders and clergy, visiting schools, following up on previous incidents, and using creative techniques and adaptive skills."

"NCOs are adding a new dimension to the NYPD's crime-fighting capabilities. They function as adjuncts to the local detective squads, responding swiftly to breaking incidents and developing leads and evidence that might have been missed under the old patrol model. Most importantly, they feel a sense of belonging and responsibility that fosters a willingness to do whatever it takes to keep the neighborhood safe and secure."

#### **8) Problem oriented policing and hot spot policing**

Problem oriented policing is a policing strategy that involves the identification and analysis of specific crime and disorder problems, in order to develop effective response strategies. This approach requires police to be proactive in identifying underlying problems which can be targeted to reduce crime and disorder at their roots. Hot spot policing is a similar concept. Hot spot policing is a strategy that involves the targeting of resources and activities to those places where crime is most concentrated. The strategy is based on the premise that crime and disorder are not evenly spread within neighborhoods but clustered in small locations.

The RAND Corporation has promulgated the following toolkit to aid in implementing these policing techniques, <https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/problem-oriented-policing.html>.

#### **9) Focused deterrence**

Focused deterrence (also known as pulling-levers policing) is a crime reduction strategy which aims to deter crime by increasing the swiftness, severity and certainty of punishment for crimes by implementing a mix of law enforcement, social services, and community mobilization. This approach also aims to identify underlying causes of gun injury-related problems and tailors specific solutions to each of them. More information can be found at the National Institute of Justice, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>

## **10) Crime prevention through environmental design**

CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Research into criminal behavior shows that the decision to offend or not to offend is more influenced by cues to the perceived risk of being caught than by cues to reward. Certainty of being caught is the main deterrence for criminals, not the severity of the punishment, so by raising the certainty of being captured, criminal actions will decrease. Consistent with this research, CPTED based strategies emphasize enhancing the perceived risk of detection and apprehension.

Some examples of CPTED would be better lighting in public areas, conspicuous display of CCTV cameras, use of transparent glass in building vestibules, etc.

The National Crime Prevention Council has authored the following guidebook on the subject, [https://rems.ed.gov/docs/Mobile\\_docs/CPTED-Guidebook.pdf](https://rems.ed.gov/docs/Mobile_docs/CPTED-Guidebook.pdf).

## **11) Violence prevention and reduction interventions**

The New York State Office of Mental Hygiene offers these basic strategies for consideration, <https://omh.ny.gov/omhweb/sv/strategies.htm>.

## **12) Municipal Police Training Council Model Policies and Law Enforcement Agency Accreditation Council Standards**

The Municipal Police Training Council Model Policies can be found here, <https://goo.gl/5tCKtf>.

The Accreditation Council's standards can be found here, [https://www.criminaljustice.ny.gov/ops/docs/accred/standards\\_compliance\\_verification\\_manual.pdf](https://www.criminaljustice.ny.gov/ops/docs/accred/standards_compliance_verification_manual.pdf).