

Seeing Black: Race, Crime, and Visual Processing

Jennifer L. Eberhardt
Stanford University

Phillip Atiba Goff
The Pennsylvania State University

Valerie J. Purdie
Yale University

Paul G. Davies
University of California, Los Angeles

Using police officers and undergraduates as participants, the authors investigated the influence of stereotypic associations on visual processing in 5 studies. Study 1 demonstrates that Black faces influence participants' ability to spontaneously detect degraded images of crime-relevant objects. Conversely, Studies 2–4 demonstrate that activating abstract concepts (i.e., crime and basketball) induces attentional biases toward Black male faces. Moreover, these processing biases may be related to the degree to which a social group member is physically representative of the social group (Studies 4–5). These studies, taken together, suggest that some associations between social groups and concepts are bidirectional and operate as visual tuning devices—producing shifts in perception and attention of a sort likely to influence decision making and behavior.

The stereotype of Black Americans as violent and criminal has been documented by social psychologists for almost 60 years (Allport & Postman, 1947; Correll, Park, Judd, & Wittenbrink, 2002; Devine, 1989; Duncan, 1976; Greenwald, Oakes, & Hoffman, 2003; Payne, 2001; Sagar & Schofield, 1980). Researchers have highlighted the robustness and frequency of this stereotypic association by demonstrating its effects on numerous outcome variables, including people's memory for who was holding a deadly razor in a subway scene (Allport & Postman, 1947), people's evaluation of ambiguously aggressive behavior (Devine, 1989; Duncan, 1976; Sagar & Schofield, 1980), people's decision to categorize nonweapons as weapons (Payne, 2001), the speed at which people decide to shoot someone holding a weapon (Correll et al., 2002), and the probability that they will shoot at all (Correll et al., 2002; Greenwald et al., 2003). Not only is the association between Blacks and crime strong (i.e., consistent and frequent), it also appears to be automatic (i.e., not subject to intentional control; Payne, 2001; Payne, Lambert, & Jacoby, 2002).

The paradigmatic understanding of the automatic stereotyping process—indeed, the one pursued in all of the research highlighted above—is that the mere presence of a person can lead one to think about the concepts with which that person's social group has become associated. The mere presence of a Black man, for instance, can trigger thoughts that he is violent and criminal. Simply thinking about a Black person renders these concepts more accessible and can lead people to misremember the Black person as the one holding the razor. Merely thinking about Blacks can lead people to evaluate ambiguous behavior as aggressive, to miscategorize harmless objects as weapons, or to shoot quickly, and, at times, inappropriately. In the current article we argue that just as Black faces and Black bodies can trigger thoughts of crime, thinking of crime can trigger thoughts of Black people—that is, some associations between social groups and concepts are bidirectional.

Although contemporary social psychological research has exhaustively documented the fact that social groups can activate concepts (e.g., Bargh, Chen, & Burrows, 1996; Brewer, Dull, & Lui, 1981; Chen & Bargh, 1997; Dovidio, Evans, & Tyler, 1986; Dovidio, Kawakami, Johnson, Johnson, & Howard, 1997; Fazio, Jackson, Dunton, & Williams, 1995; Gaertner & McLaughlin, 1983; Gilbert & Hixon, 1991; Kawakami, Dion, & Dovidio, 1998; Lepore & Brown, 1997; Macrae, Bodenhausen, & Milne, 1995; Macrae, Bodenhausen, Milne, Thorn, & Castelli, 1997; Macrae, Stangor, & Milne, 1994; Moskowitz, Gollwitzer, Wasel, & Schaal, 1999; Perdue & Gurtman, 1990; Wittenbrink, Judd, & Park, 1997), only a small number of studies have probed the converse: the possibility that concepts (by themselves) can activate social groups (Blair & Banaji, 1996; Kawakami & Dovidio, 2001; Kawakami, Dovidio, Moll, Hermsen, & Russin, 2000). In one such study, Blair and Banaji (1996) found that participants exposed to feminine or masculine primes were able to more quickly categorize as female or male those targets consistent with the primes. For instance, after

Jennifer L. Eberhardt, Department of Psychology, Stanford University; Phillip Atiba Goff, Department of Psychology, The Pennsylvania State University; Valerie J. Purdie, Department of Psychology, Yale University; Paul G. Davies, Department of Psychology, University of California, Los Angeles.

This research was supported by National Science Foundation Grant BCS-9986128 and a grant from the Research Institute of Comparative Studies in Race and Ethnicity at Stanford University awarded to Jennifer L. Eberhardt. We thank Nalini Ambady, R. Richard Banks, Anders Ericsson, Hazel Markus, Benoit Monin, Jennifer Richeson, Lee Ross, Claude Steele, and Robert Zajonc for their helpful comments on versions of this article.

Correspondence concerning this article should be addressed to Jennifer L. Eberhardt, Department of Psychology, Stanford University, Jordan Hall, Building 420, Stanford, CA 94305. E-mail: jle@psych.stanford.edu

participants were exposed to such words as *flowers* or *diet*, they categorized female targets faster than male targets. Using the same technique, Kawakami and colleagues (Kawakami & Dovidio, 2001; Kawakami et al., 2000) later demonstrated that Black stereotypic primes could facilitate the racial categorization of Black faces as well. In their studies, stereotypic traits appeared to automatically prime the Black racial category just as the Black racial category automatically primed stereotypic traits.

These results seem perplexing when considered in the context of standard associative network models of stereotyping (Anderson & Klatzky, 1987; Fazio et al., 1995; Lepore & Brown, 1997). The associative network approach suggests that social category nodes will more readily activate concept nodes than the reverse. According to such models, the likelihood that one node will activate the other depends on the strength of the associative link (Fazio, Sanbonmatsu, Powell, & Kardes, 1986; Fazio, Williams, & Powell, 2000; Neely, 1977). Social categories (e.g., Black Americans) tend to be strongly associated with a limited, richly connected set of concepts (e.g., aggressive, musical, athletic, poor). Concepts, in contrast, tend to have broad, sparse associations (Anderson & Klatzky, 1987). For example, the concept “aggressive” is associated with a diverse assortment of social categories, including Black Americans, politicians, panhandlers, stockbrokers, Israelis, athletes, New Yorkers, Italians, men, and so forth. Theoretically, the multiplicity of categories associated with the concept should weaken or dampen the activation of any specific category.

Notwithstanding the large number of social categories that might be associated with a particular concept, bidirectional effects may be especially likely when a specific social category functions as a prototype for a concept. We propose that the Black racial category functions as the prototypical associate for a number of ostensibly race-neutral concepts, such as crime, jazz, basketball, and ghetto. These concepts may trigger clear, visual images of Black Americans. Moreover, not only might the prototypicality of the social category influence the likelihood that the category will be activated by the concept, the activation of the concept may bring to mind prototypical category members. Crime, for example, may trigger images of those Black Americans who seem most physically representative of the Black racial category (i.e., those who look highly stereotypical). Likewise, highly stereotypical Blacks should be the most likely to trigger thoughts of crime.

Explicit consideration of bidirectionality could lead to theoretical refinements of contemporary stereotyping models. Rather than focusing on the capacity of social categories to strongly activate a limited number of concepts, these models might also focus on the capacity of some concepts to strongly activate a limited number of social categories—that is, two routes to maintaining automatic associations could be considered rather than one.¹ Bidirectionality might also help to explain the durability of certain stereotypic associations. Given the existence of two associative routes, automatic associations may be activated and practiced substantially more than previously recognized—even in the absence of initial exposure to a social group member. In a crime-obsessed culture, for example, simply thinking of crime can lead perceivers to conjure up images of Black Americans that “ready” these perceivers to register and selectively attend to Black people who may be present in the actual physical environment.

We argue that visual perception and attention represent core visual practices by which bidirectional associations are reflected

and maintained. Bidirectional associations function as visual tuning devices—directing people’s eyes, their focus, and their interpretations of the stimuli with which they are confronted. To a large extent, these associations cause people to see (and not to see) in similar ways, despite individual differences in explicit racial attitudes.

We propose that bidirectional associations operate as visual tuning devices by determining the perceptual relevance of stimuli in the physical environment. That is, given the processing capacity limitations that all perceivers face, these associations determine which information is important and worthy of attention and which is not. So, for example, the association of Blacks with crime renders crime objects relevant in the context of Black faces and Black faces relevant in the context of crime. The determination of relevance should have substantial consequences for visual perception and attention in particular. According to our predictions, stimuli deemed relevant should be detected at lower thresholds than stimuli deemed irrelevant. Likewise, attention should be directed toward relevant stimuli and away from irrelevant stimuli.

Of course, the possibility that top-down knowledge influences visual processing has been recognized for quite a long time in the vision sciences (e.g., Goldstein, 1999). Moreover, in contemporary studies, perception researchers are finding evidence for experience-dependent changes in visual processing, even at points in the processing stream that were traditionally thought to be unaffected by top-down information (Dolan et al., 1997; Grill-Spector, Kushnir, Hendler, & Malach, 2000; Kastner, Pisk, De Weerd, Desimone, & Ungerleider, 1999; Ress, Backus, & Heeger, 2000). Simple manipulations such as instructing participants on where to expect a particular stimulus to appear or allowing participants to practice identifying stimuli at extremely short exposure times can have dramatic effects on visual awareness as well as on neural activation in visual regions of the brain (Grill-Spector et al., 2000; Kastner et al., 1999). The finding that short-term experimental manipulations of this type can tune visual processing may have startling implications for broadly held stereotypic associations between social categories and concepts. Is it possible that these stereotypic associations function as visual tuning devices as well?

Despite recognitions that top-down knowledge modulates a variety of visual processing mechanisms (e.g., shape assignment, figure-ground segregation, object recognition, visual awareness, visual search, attentional selection), empirical demonstrations of *social* influences on vision are rare (e.g., see von Hippel, Sekaquaptewa, & Vargas, 1995). In particular, researchers have not examined how automatic, stereotypic associations can influence object perception when those objects are partially occluded or otherwise degraded. Nor have they examined the influence of such associations on visual attention to faces. Perceiving objects and attending to faces are considered fundamental aspects of vision, and understanding the role of automatic associations could be

¹ The bidirectionality approach we advance here is somewhat reminiscent of the associative symmetry models advanced in cognitive psychology in the late 1950s and 1960s that challenged the assumption of unidirectional effects on cued recall (e.g., see Asch & Ebenholtz, 1962; Horowitz, Norman, & Day, 1966; Horowitz & Prytulak, 1969; Hunt, 1959; Jantz & Underwood, 1958).

critical. Furthermore, we argue that these associations are important not only because they can lead perceivers to make mistakes occasionally but also because they can guide, generally, how perceivers come to organize and structure the visual stimuli to which they are exposed.

Documenting the effects of stereotypic associations on specific visual processing mechanisms could be of great practical significance. For instance, to what extent does seeing Black faces facilitate police officers' detection of guns or knives when they do not have clear images of these objects (e.g., owing to inadequate lighting)? The answer to such a question could significantly improve our understanding of the use-of-force decisions made by police officers. A focus on the bidirectional nature of the Black-crime association places researchers in a position to answer additional questions as well. When ordinary civilians seek to prevent violent crime in their neighborhoods, how likely is it that a Black face will draw their attention? Police officers are routinely faced with the task of solving crime and detecting criminal activity. When police officers are thinking about violent crime, to what extent might they too focus their attention on Black Americans as compared with White Americans? Might Blacks who are most physically representative of the Black racial category be most likely to become the objects of focus? The answers to these questions could have considerable implications for understanding the extent to which both ordinary civilians and police officers engage in racial profiling and why they do so. In fact, these important, practical considerations led us to include both police officers and civilians as study participants in the present research.

Overview of Studies

In the studies that follow, we use a diverse assortment of methods and procedures to more closely examine the association of Blacks and crime and to illustrate its influence on specific visual processing mechanisms. In Study 1, we demonstrate that merely exposing people to Black male faces lowers the perceptual threshold at which they detect degraded images of crime-relevant objects (e.g., guns and knives). In Study 2, we show that exposing people to crime-relevant objects prompts them to visually attend to Black male faces, suggesting that the association of Blacks and criminality is bidirectional. In Study 3, we establish that these effects on visual attention are not simply due to a negative bias toward Blacks; exposing people to a positive concept that has been linked to Blacks leads to similar effects. In Study 4, using different crime primes, different face stimuli, and a slightly different procedure, we demonstrate that activating the crime concept with police officer participants leads them to attend to Black male faces. Moreover, we demonstrate that these crime primes affect officers' memory for the faces to which they were exposed. Priming officers with crime increases the likelihood that they will misremember a Black face as more stereotypically Black than it actually was. Finally, in Study 5, we isolate the association between Blacks and criminality more precisely. When we ask police officers directly, "Who looks criminal?," they choose more Black faces than White faces. The more stereotypically Black a face appears, the more likely officers are to report that the face looks criminal.

Study 1

To demonstrate that bidirectional associations between social groups and concepts influence visual processing, we first sought to establish that exposure to Black faces can decrease the perceptual threshold for recognizing crime-relevant objects. Several recent studies highlight the possibility that the stereotypic association between Blacks and crime influences visual processing (Correll et al., 2002; Greenwald et al., 2003; Payne, 2001). The results from these studies, however, are open to multiple interpretations. For example, Payne (2001) used a sequential priming paradigm to examine the association between Blacks and criminality. He first primed participants with a Black face or a White face on a computer screen and then displayed a gun or a tool. In a forced-choice format, participants were required to indicate with a button push whether the object displayed was a gun or a tool and to do so as quickly as possible. Payne (2001) found that people exposed to Black faces correctly identified guns more quickly than did people exposed to White faces and were more likely, when under time pressure, to misidentify a tool as a gun than were people exposed to White faces. Payne (2001) interpreted this misidentification effect as an automatic perceptual bias. However, in spite of Payne's careful parsing of the misidentification findings, the fact that participants were presented with tools, guns, and faces that were all clearly visible makes it difficult to determine whether participants misidentified harmless objects as guns because they actually "saw" them as guns or because they anticipated seeing guns and so, mistakenly, said that they did. In other words, the race of the face might have produced either a genuine perceptual bias or an anticipatory response bias. Indeed, in subsequent research, Payne showed that participants almost always can clearly recognize what the object is, despite the errors they produce (Payne & Shimizu, 2003). Given these results, the extent to which Black faces prompt people to see crime-relevant objects is an issue that warrants further investigation.

In Study 1, we investigated (a) whether the association between Blacks and crime can shift the perceptual threshold for recognizing crime-relevant objects in an impoverished context and (b) whether these perceptual threshold shifts occur despite individual differences in explicit racial attitudes.

To examine this, we subliminally primed participants with Black male faces, with White male faces, or with no faces at all. In a second (ostensibly unrelated) object-detection task, we presented participants with objects on a computer screen that initially were severely degraded and became less degraded in small increments (in 41 picture frames). The participants' task was to indicate (with a button push) the moment at which they could detect what the object was. Importantly, this task did not require a forced choice. Rather, participants simply were asked to write down whatever they thought the object was. The objects were crime relevant (e.g., a gun or a knife) or crime irrelevant (e.g., a camera or a book). Our prediction was that exposure to Black faces would lead to a visual tuning effect, reducing the perceptual threshold for spontaneously recognizing guns and knives, regardless of participants' explicit racial attitudes.

Fazio and colleagues (2000) used a similar procedure to demonstrate the associative strength of object-evaluation associations. Specifically, they primed participants with a category label (e.g., toothpaste) and displayed a brand name (e.g., Colgate) that initially

was degraded but became less so in small increments. The participants' task was to indicate the moment at which they could recognize the brand name. The category label primes facilitated recognition of the brand names. Moreover, association strength predicted the size of the facilitation effect. The greatest facilitation effects emerged for the category label–brand name associations that were most strongly related. Similarly, Macrae and colleagues (1994) demonstrated that social category labels can facilitate the recognition of degraded stereotype-relevant trait words. However, Fazio and colleagues (2000) and Macrae and colleagues (1994) did not use a degraded stimulus procedure to examine how race or crime, in particular, might influence visual processing. In addition, most important, neither examined the extent to which priming might facilitate the detection of real-world objects.

In Study 1, we extend the work of Fazio and colleagues and Macrae and colleagues by examining the extent to which the association between Blacks and crime creates perceptual processing biases that affect object detection. More specifically, Study 1 was intended to directly address the following question: Will activating the Black racial category lower the perceptual threshold for recognizing crime-relevant objects in an impoverished context?

Method

Participants

Participants were 41 White male University of California, Berkeley and Stanford University students who completed the study either for partial course credit or for a \$10 payment. To control for potential gender effects, we tested only male students. Participants were contacted via e-mail or through course announcements. Computer error resulted in the loss of data for 2 participants. These participants were excluded from all further analyses, leaving a total of 39 participants.

Design

Participants were randomly assigned to a 3 (race of prime: White prime, Black prime, or no-prime control) \times 2 (object type: crime relevant or crime irrelevant) mixed-model design with object type serving as the within-subject factor. The picture frame at which crime-relevant objects could be detected was the primary dependent variable.

Stimulus Materials

Face stimuli. We exposed participants to color photographs of 50 Black or 50 White young adult male faces with neutral facial expressions. The faces were of Stanford students or employees. These photographs were taken from the same face database that we later use for Study 5. The height, weight, age, and attractiveness of the persons photographed did not vary as a function of race. The backgrounds on the photographs were standardized using Adobe Photoshop software.

Object stimuli. We created 14 sets of degraded object stimuli. For each set, a black-and-white line drawing was created of an object. Pixilated "noise" was then added to that image using Adobe Photoshop software, causing the image to look like a television with "snow" or bad reception. Noise was added in equal increments creating 41 picture frames of each object, ranging from an extremely degraded image of the object to a clear image of the object with no degradation added (see Figure 1). These picture frames were then shown in sequence from most degraded (Frame 1) to least (Frame 41). Each frame was presented for 500 ms.

The object stimuli were either crime relevant or crime irrelevant. The crime-relevant objects were line drawings of two guns and two knives. The 10 crime-irrelevant objects were of a pocket watch, a telephone, a bugle horn, a penny, a key, a book, a camera, a cup and saucer, a stapler, and a staple remover. Each crime-irrelevant object was found to be unrelated to crime in pretesting.

Procedure

Participants were scheduled to complete the experiment in pairs. They were greeted by a White experimenter and told that the first task was an "attentional vigilance task." Participants were instructed to focus on a dot at the center of the screen during each trial and were told that "flashes" would appear to the upper and lower left and right of that dot. Participants were seated and the computer monitor arranged such that the flashes appeared 6° from the focus dot. Their goal was to determine (as quickly as possible) whether the flash appeared to the left or the right of the focus dot. The flash consisted of three parts. For participants in the face prime conditions, there was a premask (created from a composite of blurred faces), displayed for 100 ms. Next these participants were exposed to a Black face prime or a White face prime displayed for 30 ms. Last, the postmask (which was identical to the premask) was presented until participants pressed the response key. Participants in the no-prime control condition were presented with the same pre- and postmask, but instead of seeing a face they saw an uninterpretable line drawing produced by Adobe Photoshop software. Participants' detection latency of the flash was mea-

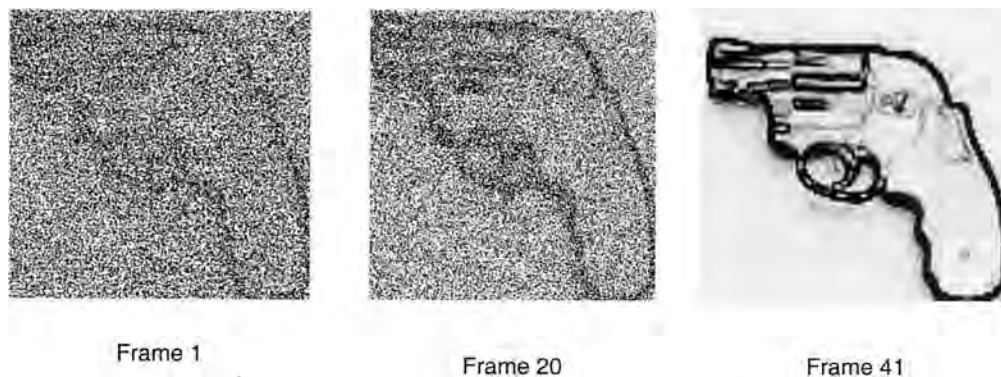


Figure 1. A sample of stimuli used for Study 1. Participants were presented with 41 frames of a continuum displaying an image that initially was severely degraded (e.g., Frame 1), became less degraded (e.g., Frame 20), and finally contained no degradation at all (e.g., Frame 41).

sured from the onset of the postmask to the time participants pressed one of two response keys to indicate that the flash had occurred on either the right or the left side of the screen. Extensive pilot testing revealed that no one was aware of the primes. We exposed participants to the primes subliminally both to reduce suspicion and to reduce the possibility that participants would engage in deliberate strategies to eliminate the effect of the primes on object-detection performance during the second portion of the study. Our priming technique followed closely the paradigm outlined by Bargh and Chartrand (2000).

Participants completed 10 practice trials followed by four blocks of 25 trials, after which the experimenter set up the computer to run the object-detection program. Approximately one third of the participants were subliminally primed with the Black faces during 100% of the "vigilance" task trials, another third were primed with the White faces, and the remaining third were primed with the uninterpretable line drawing.

Participants were told that the second portion of the experimental session would involve an unrelated study on the speed at which people can recognize objects. Participants were told that they would see a series of short "movielike segments" of objects that would start off "fuzzy" and become increasingly easier to identify. Participants were instructed to press the space bar as soon as they knew what the object was. They then had 10 s to write down what the object was. The computer reminded participants when there were 3 s remaining, and participants were thus alerted to the beginning of a new set of presentations. Each participant was exposed to a total of 14 objects (4 crime relevant and 10 crime irrelevant) in this manner. After completing the degraded objects task, participants completed the Modern Racism Scale (MRS; McConahay, 1986) and the Motivation to Control Prejudice Scale (MCP; Dunton & Fazio, 1997), after which they were probed for suspicion, fully debriefed, and thanked for their participation.

Results

Data Reduction

Debriefing responses confirmed that no participants were aware of the primes. Trials in which participants misidentified the object in question were removed. This was a relatively small number of the trials (fewer than 10%). Additionally, there was no effect of race prime on the number or type of errors made ($F < 1$).

Effects of Priming on Object Detection

Of primary interest was the number of picture frames needed to accurately detect the objects as a function of race prime and object type. We expected that participants primed with Black faces would detect crime-relevant images with fewer frames than participants primed with either White faces or no faces. After confirming that the distribution of frames needed to identify an object was not skewed, we submitted the frame data to a 3 (race prime: Black face, White face, or no-prime control) \times 2 (object type: crime relevant or crime irrelevant) mixed-model analysis of variance (ANOVA), with object type serving as the within-subject factor. This analysis revealed a significant main effect for race prime, $F(2, 36) = 5.98, p < .01$, but no main effect for object type ($F < 1$). As shown in Figure 2, objects presented in the Black face condition ($M = 19.26$) were detected at earlier frames than objects presented in either the no-prime condition ($M = 23.58$) or the White face condition ($M = 24.97$). This main effect, however, was qualified by the predicted Race Prime \times Object Type interaction, $F(2, 36) = 7.04, p < .01$.

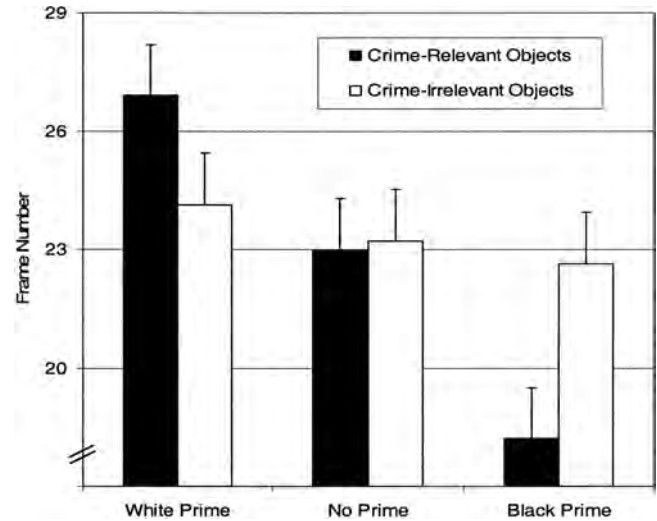


Figure 2. Mean frame number at which the object could be detected as a function of race prime and object type (Study 1). Error bars represent the average standard error for each condition.

As expected, simple effects revealed that in comparison with White face primes, Black face primes dramatically reduced the number of frames needed to accurately detect crime-relevant objects, $t(25) = 4.54, p < .01$. Exposure to Black primes also facilitated the detection of crime-relevant objects compared with the no-prime condition, $t(24) = 2.34, p < .05$. In contrast, exposure to White primes inhibited the detection of crime-relevant objects compared with the no-prime condition, $t(24) = 2.06, p = .05$. As predicted, there was no significant effect of race prime on crime-irrelevant objects ($t < 1, ns$).

Participants in the no-prime control condition required the same number of frames to detect crime-relevant and irrelevant objects ($t < 1, ns$). After subliminal exposure to Black face primes, however, fewer frames were required to detect crime-relevant objects in comparison with crime-irrelevant objects, $t(13) = 2.96, p = .01$. In contrast, after subliminal exposure to White face primes, more frames were required to detect crime-relevant objects in comparison with crime-irrelevant objects $t(12) = 2.35, p < .05$.

The Role of Explicit Prejudice

We have argued that stereotypic associations can tune visual perception, regardless of individual differences in explicit prejudice. To measure the potential role of explicit prejudice in producing perceptual threshold shifts, we had participants complete the MRS and MCP after the degraded objects task. Before analyzing participant scores for their potential impact on the frames data, we submitted both MRS scores and MCP scores to a one-way ANOVA to determine whether our priming manipulation had an effect on participants' explicit racial attitudes. This analysis indicated that there was no effect of prime on either MRS or MCP scores (all $F_s < 1$). We then conducted within-cell correlations between the MRS, the MCP, and our frames. Although some of these correlations were moderate, we found no reliable relationship between participants' explicit racial attitudes and the frame at which they recognized objects (all $r_s < .50, ns$).

Discussion

The results of Study 1 demonstrate that stereotypic associations have the power to alter the threshold at which real-world objects will be detected. In comparison with White faces, Black faces triggered a form of racialized seeing that facilitated the processing of crime-relevant objects, regardless of individual differences in racial attitudes. Moreover, these results emerged even though participants were not forced to choose between predetermined categories in the degraded objects task.

The results of Study 1 suggest that both Black and White primes tune the detection of crime-relevant objects, yet in opposite directions. Compared with a no-prime control condition, mere exposure to Black faces facilitated the detection of crime-relevant objects. Compared with that same no-prime control condition, however, mere exposure to White faces inhibited the detection of crime-relevant objects. These inhibiting and facilitating effects combined to produce a 21% drop in the perceptual threshold between White and Black face primes (8.8 [White–Black frame difference] / 41 [total number of frames]). Study 1 clearly demonstrates that exposure to racial primes leads to differences in the detection of real-world objects. Studies 2–4 reverse this paradigm by investigating the ways in which real-world objects (i.e., conceptual primes) lead to differences in attention to Black and White male faces.

Study 2

In *The Principles of Psychology*, William James wrote extensively about the power of ideas to direct visual attention. “Attention *creates* no idea,” wrote James, “an idea must already be there before we can attend to it. Attention only fixes and retains what the ordinary laws of association bring ‘before the footlights’ of consciousness” (James, 1890/1950, p. 450). In Study 2, we examine the extent to which Black faces are brought before the footlights of attention when the concept of crime is activated.

Researchers have long shown that schemas influence selective attention (e.g., see Johnson & Dark, 1986). More recently, researchers have shown that the capacity of a stimulus to capture attention depends on the relevance or usefulness of the stimulus to the task that the perceiver is attempting to perform (Yantis & Egeth, 1999). Features of a visual display do not automatically “pop out” in a purely stimulus-driven manner. Rather, attentional capture is, in part, a function of perceiver goals.

Stable personality variables can affect attentional capture as well. For instance, in a classic study by MacLeod, Mathews, and Tata (1986), clinically anxious participants were found to consistently shift their attention toward threat-relevant stimuli whereas nonanxious control participants shifted their attention away from such stimuli. MacLeod and colleagues (1986) introduced a dot-probe paradigm to examine this differential distribution of attention. Pairs of words (threat relevant and neutral) were displayed at different locations on the computer screen. After a brief interval, the words disappeared. A dot appeared immediately afterward, where one of the two words was previously located. The participants’ task was to locate the dot as quickly as possible. If participants were more attentive to one of the words, and the dot appeared in its place, they would understandably be relatively quick to find the dot. Dot detection latencies, therefore, were used

as a proxy for visual attention. Clinically anxious participants evidenced reduced detection latencies for dot probes in the location of threat-relevant words relative to neutral words. Nonanxious control participants evidenced reduced detection latencies for dot probes in the location of neutral words relative to threat-relevant words. The authors concluded that “high anxiety leads to a bias in selective attention that favors the pickup of emotionally threatening information” (MacLeod et al., 1986, p. 18).

The dot-probe paradigm became the gold standard in personality research on visual attention because it circumvents common problems associated with indirect measures of attentional selection. For example, in Stroop tasks researchers commonly find that participants with high anxiety or depressed affect are slower to name the color of threat-relevant or depression-relevant words (respectively) in comparison with neutral words (see Gotlib, McLachlan, & Katz, 1988; Mathews & MacLeod, 1985). Although this result typically gets interpreted as an attentional bias, it is not clear whether the attentional bias reflects a difference in visual processing. It could, in fact, reflect a difference in how much participants think about threat-relevant or depression-relevant stimuli, independent of visual processing. Unlike the Stroop task, the dot-probe task requires an actual shift in visual attention to a neutral stimulus (dot probe), greatly reducing the possibility that conceptual processing biases or response biases alone could account for the results (see MacLeod et al., 1986).

The dot-probe paradigm has been used now for nearly two decades to directly measure attentional bias of individuals suffering from clinical anxiety and social phobia (Bradley, Mogg, Falla, & Hamilton, 1998; Gilboa-Schechtman, Foa, & Amir, 1999; Maidenberg, Chen, Craske, Bohn, & Bystriksy, 1996; Martin, Williams, & Clark, 1991; Mathews & MacLeod, 1985; Mogg & Bradley, 1999; Mansell, Clark, Ehlers, & Chen, 1999), general dysphoria (Bradley et al., 1997), and depression (Gotlib et al., 1988).

In the current study, we examined the extent to which the association between Blacks and crime would produce an attentional bias toward Black male faces. To measure visual attention, we used a modified version of the dot-probe task used extensively in the personality disorders literature. In what was described as a vigilance task, we activated the concept of crime by subliminally priming participants with crime-relevant objects. Immediately following this priming procedure, participants were introduced to the dot-probe task. During this task, two faces (one Black and the other White) were simultaneously displayed on the computer screen. These faces quickly disappeared and were replaced by a dot probe in the visual location of either face. As in the original MacLeod et al. (1986) study, the participants’ task was to locate the dot probe as quickly as possible. We predicted that when the dot probe was placed in the location of the Black face, participants would be faster to detect it when they had been primed with crime than when they had not been primed. The crime prime should render the Black face perceptually relevant, significantly increasing the capacity of this face to capture participants’ visual attention. We also examined whether these effects occur beneath awareness. We predicted that participants not only would be unaware that the crime concept had been activated but would also be unaware of where their eyes were attending.

Method

Participants

Participants were 52 White male Stanford University students who completed the study either for partial course credit or for a \$7 payment. Participants were contacted via e-mail or through course announcements. Because of a computer failure, data files for 2 participants were incomplete. These participants were excluded from all further analyses, leaving us with a total of 50 participants.

Stimulus Materials

Crime images. Crime-relevant images (used for the priming portion of the study) were chosen on the basis of pretesting conducted in an introductory psychology class. We selected the five most frequently listed images elicited by the question “What images come to mind first when you think of the idea *crime*?”, excluding all images that required actual people to be depicted (e.g., mugger or rapist). The images were guns, knives, fingerprints, police badges, and handcuffs. We then created seven line drawings (two of guns, two of knives, and one each of the remaining images) using Adobe Photoshop software. Crime images were displayed one at a time for 30 ms, and each was preceded immediately by a premask and followed immediately by a postmask. We created two dummy images that consisted of jumbled patches from each crime-relevant line drawing. The first dummy image was used as the pre- and postmask. The second dummy image was used as the control prime for participants in the no-prime condition. Extensive pretesting revealed that these dummy images were uninterpretable.

Face stimuli. Ten Black and 10 White faces of clean-shaven men with neutral expressions were pretested for attractiveness. All faces were of individuals with similar height and weight (which we ascertained at the time the photograph was taken via self-report). We then selected 2 Black and 2 White faces that were rated as equally attractive. We digitally standardized the backgrounds in the photographs, leaving just a frontal view of the faces. These faces were then used for the dot-probe portion of the present study.

Vigilance task. We used a priming procedure almost identical to that used in Study 1, with two changes. First, the premask was constructed from jumbled patches of a line drawing, rather than a blurred face. Second, in the prime condition, participants were exposed to crime images, rather than images of Black or White faces.

Dot-probe task. Participants were told that they would participate in a “facial interference” task as the second part of the experiment. They were told that the task intended to measure whether a delay is produced when faces “distract participants” from their task of attentional vigilance. In actuality, this was our dot-probe task, intended to measure attentional bias toward Black or White faces. After two practice trials in which no faces were displayed but, instead, the word *FACE* appeared to the left and right of the focus dot, participants were presented with a focus dot for a randomly determined interval (between 2 and 6 s). One Black and one White face then appeared 6° to the right or left of the dot, with the location of each face randomly determined by the computer. The faces were presented for 450 ms, after which a faint gray dot appeared where one of the two faces was previously located. The location of the dot was, again, randomly determined. Dot-probe latency was measured from the time the target gray dot was displayed to the point at which participants indicated their responses.

Design and Procedure

The study took the form of a 2 (prime: crime prime or no prime) \times 2 (dot position: Black face location or White face location) between-subjects factorial design. Dot detection latency served as the primary dependent measure.

Participants were greeted by a White experimenter, and after completing a demographic questionnaire, they participated in two ostensibly separate tasks. Participants were told that the purpose of the first task was simply to gauge how long individuals could remain vigilant to rapidly presented stimuli. This task actually allowed us to subliminally prime participants with crime-relevant images in the primed condition or with a jumbled, uninterpretable image in the no-prime condition. The second task was introduced as a “facial interference” task. Participants were told that the purpose of this task was to examine whether seeing faces would affect one’s ability to respond quickly and accurately to stimuli. This second task was actually the dot-probe task.

After participants completed the dot-probe task, they were asked to complete an experimental packet. The packet contained questions about how they were feeling about the study and how they were feeling generally, as well as questions about where the participants thought they were looking. Specifically, participants answered the following two questions regarding attentional awareness: “Which face did you look at first?” and “Which face did you look at longest?” For both questions, participants indicated their answers by circling either “the face on the left” or “the face on the right.” Participants were then probed for suspicion, fully debriefed, and thanked for their participation.

Results

Data Transformation

We submitted our detection latency data to a reciprocal transformation, which allowed us to eliminate the positive skew of the data.² All subsequent analyses were performed on the transformed data. Because the pattern of means was nearly identical, however, we present the raw detection latencies in Figure 3 for ease of interpretation.

Effects of Priming on Visual Attention

We submitted the transformed detection latencies to a 2 (prime: crime prime or no prime) \times 2 (dot position: Black face location or White face location) between-subjects ANOVA. As predicted, this analysis revealed a significant interaction of Prime \times Dot Position on detection latency, $F(1, 46) = 11.89, p < .01$.

Analysis of the simple effects revealed that the pattern of this significant interaction matched our hypotheses. We predicted that when the dot probe was in the Black face location, participants primed with the crime-relevant images would be faster to find the dot than participants who were not primed. A simple effects test confirmed this specific hypothesis, $F(1, 46) = 8.22, p < .01$. The activation of the crime concept, indeed, facilitated the visual pickup of Black male faces. In contrast, we predicted that when the dot was in the White face location, the crime prime would not facilitate dot detection. A simple effects test confirmed this hypothesis as well. When the dot was in the White face location, participants primed with crime were no faster to detect the dot probe than those not primed with crime. In fact, in this situation, participants primed with crime were significantly slower to detect the dot probe than those not primed, $F(1, 46) = 3.91, p = .05$. Finally, although participants were significantly faster to find the

² A natural log transformation and a square root transformation failed to eliminate the positive skew of the data. Bargh and Chartrand (2000) have recommended that when this occurs, a reciprocal transformation should be used to enable a valid analysis of the data.

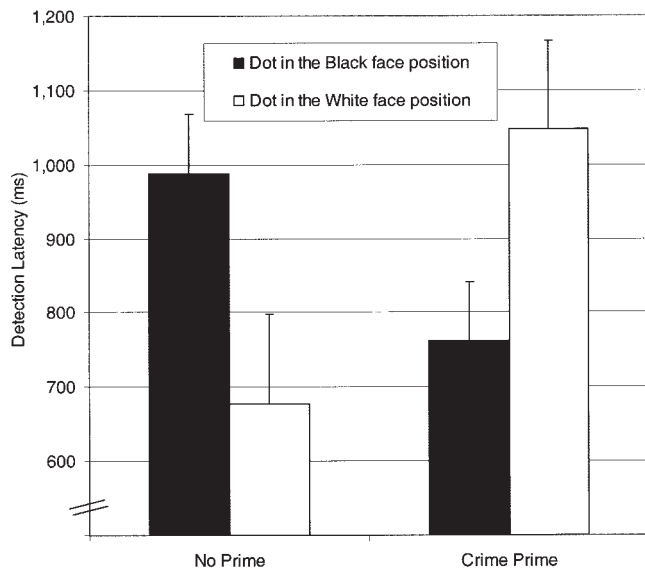


Figure 3. Mean detection latency as a function of prime and dot location (Study 2). Error bars represent the average standard error for each condition.

dot probe in the White face location than in the Black face location when there was no crime prime, $F(1, 46) = 12.02$, $p < .01$, this attentional difference disappeared when participants were primed with crime, $F(1, 46) = 2.07$, $p = .15$. In fact, the pattern reversed.

Participant Awareness of Attentional Biases

Debriefing responses confirmed that no participants were aware of having seen the crime-relevant images. We were most interested, however, in participants' awareness of where they were looking during the dot-probe task. To determine whether participants were aware of their attentional biases, we examined the extent to which participants' reports of where they were looking correlated with detection latencies. The logic behind this is as follows. If (for instance) participants accurately reported looking to the left of the screen, then they would be faster to find the dot when it appeared to the left of the screen. However, if participants were not able to accurately report their attentional bias, then when the dot appeared to the left of the screen, participants who reported looking to the left of the screen would be no faster to find the dot than participants who reported looking to the right. A series of t tests revealed no significant relationship between where participants thought they were looking (first or longest) and their attentional bias (as measured by detection latency) (all t s < 2 , ns).

Subsequently, we performed a t test to determine whether participants were aware of an attentional bias toward the Black face (a similar logic governed this analysis). These analyses indicated that participants were not aware of any attentional biases as a result of the prime (all t s < 1). Taken together, this provides evidence that attentional biases produced by stereotypic associations can be unintentional and manipulated beneath awareness.

Discussion

This study provides additional support for the visual tuning hypothesis using a completely different paradigm. The concept of

crime affected selective attention such that participants were over 350 ms faster to direct their attention to the location of the Black male face when the concept of crime was activated than when it was not. The results of this study are also consistent with our bidirectionality claim. These results reveal that ostensibly race-neutral concepts such as crime can become racialized. Not only are Blacks thought of as criminal, but also crime is thought of as Black.

The increased visual attention to Black faces brought about by the crime prime is somewhat reminiscent of the phenomenon of "high visibility" that the novelist Ralph Ellison highlighted in his 1950s American classic, *Invisible Man* (Ellison, 1952). Ellison described the Black American predicament as one where Blacks are visually registered only with the aid of cultural stereotypes that function to distort their image. Cultural stereotypes lead Blacks to be the subject of gaze, yet at the same time, these same stereotypes prevent Blacks from being fully seen. Ironically, then, high visibility is accompanied by invisibility. In an Ellisonian sense, here we have shown that Black faces were much more likely to capture the attentional systems of those who had been induced to think about crime than those who had not. It is as if the stereotypic association between Blacks and crime rendered these faces more perceptually relevant and therefore worthy of gaze.

Study 3

We have argued that specific stereotypic associations influence visual processing mechanisms. The bidirectional association between Black Americans and criminality, in particular, can produce perceptual threshold shifts and direct how attention is deployed. Nonetheless, the results of Studies 1 and 2 also could be due to a simple out-group negativity effect. That is, out-groups (such as Blacks) may become associated with any negative concept, regardless of the concept's relevance to the specific stereotypes associated with those groups. Indeed, there are numerous studies demonstrating that Blacks are associated with negatively valenced words and concepts of all types (Dovidio et al., 1997; Fazio et al., 1995; Gaertner & McLaughlin, 1983; Greenwald, McGhee, & Schwartz, 1998). Researchers typically find that Black primes (faces, names, or labels) lead to faster responses to negative words and concepts than White primes.

Study 3 was designed to examine the extent to which the socially induced attentional biases observed in Study 2 are due to concept valence as opposed to concept content. To examine this, we primed participants with a positive concept associated with Black Americans (or not) and measured the effects on attentional deployment. We predicted that the activation of a concept associated with Blacks would lead to an attentional bias for Black American faces, even when the concept activated was positive. We also included measures of explicit prejudice. Once again, we predicted differences in attentional deployment despite individual differences in explicit racial attitudes.

Method

Participants

Participants were 75 White male Stanford University students who completed the study either for partial course credit or for a \$7 payment. Participants were contacted via e-mail or through course announcements.

Because of computer malfunctioning, data for 4 participants were incomplete. Additionally, 2 participants evidenced some knowledge of the study's hypothesis. These participants were excluded from all further analyses, leaving a total of 69 participants.

Materials

For the current study, we primed participants with the concept of basketball (or not). The results of a pilot study confirmed that, as with crime, everyone (30 of 30 participants in our pilot sample) has knowledge of an association of Blacks and athletics. Unlike crime, however, the athletic stereotype is positively valenced. In fact, in our pilot study we found the athlete stereotype to be more positive than any other stereotype of Blacks.

In an effort to broaden stimulus sampling, in Study 3 we chose to prime participants with words rather than images. Pilot data clearly demonstrated that of all sports, Blacks are most highly associated with basketball. Specific words relevant to basketball were chosen on the basis of pretesting conducted in an introductory psychology class. For the current study, we selected the 24 most frequently listed words elicited by the question "What words come to mind first when you think of the idea *basketball*?" The words were *assist*, *backboard*, *bankshot*, *basket*, *dribble*, *dunk*, *fastbreak*, *fingerroll*, *freethrow*, *frontcourt*, *fullcourt*, *halfcourt*, *hookshot*, *hoop*, *juniper*, *layup*, *NBA*, *rebound*, *rim*, *shotclock*, *slam*, *swish*, *tip off*, and *traveling*. Basketball-relevant words were displayed one at a time for 75 ms, and each was preceded immediately by a premask and followed immediately by a postmask. Because we did not use images as our subliminal primes, the pre- and postmasks were a nonsense letter string. Participants in the no-prime condition saw a second letter string rather than basketball-relevant words.

Procedure and Design

The study took the form of a 2 (prime: basketball prime or no prime) \times 2 (dot position: Black face location or White face location) between-subjects factorial design. Dot detection latency served as the primary dependent measure. Study 3 followed the exact protocol of Study 2 with the following three exceptions: (a) When participants were primed, they were primed with basketball-relevant words instead of crime-relevant images; (b) participants completed the MRS and MCP after completing the dot-probe task; and (c) at the conclusion of the study, participants were not probed on where they looked during the dot-probe task.

Results

Data Transformation

As in Study 2, we first submitted our detection latency data to a reciprocal transformation, which allowed us to eliminate the positive skew of the data. All subsequent analyses were performed on the transformed data. However, because the pattern of means was nearly identical, we present the raw detection latencies in Figure 4 for ease of interpretation.

Effects of Priming on Visual Attention

Debriefing results confirmed that no participants were aware of the basketball primes. We submitted the transformed detection latencies to a 2 (prime: basketball prime or no prime) \times 2 (dot position: Black face location or White face location) between-subjects ANOVA. As anticipated, this analysis revealed a significant interaction of Prime \times Dot Position on detection latency, $F(1, 65) = 5.33, p < .05$. Recall that our primary hypothesis was

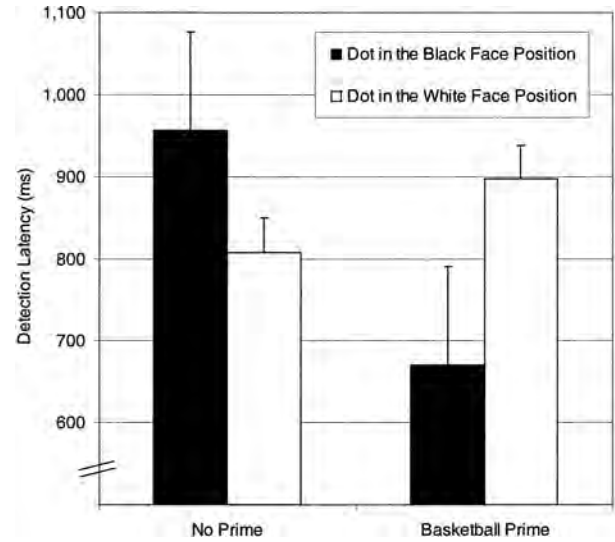


Figure 4. Mean detection latency as a function of prime and dot location (Study 3). Error bars represent the average standard error for each condition.

that when the dot probe was in the location of the Black face, participants primed with the basketball-relevant words would be faster to find the dot than participants who were not primed. A simple effects test confirmed this specific hypothesis, $F(1, 65) = 4.96, p < .05$.

Although our primary hypothesis was confirmed, we obtained additional findings that were not entirely consistent with the findings from Study 2. Though the pattern of means was identical to that of Study 2, participants who saw the dot appear in the White face location were not significantly slower to find it when primed with basketball-relevant words than when they were not primed ($F < 1$). Also, the attentional bias toward the White face in the unprimed condition was not significant ($F < 1$). Priming participants with basketball-relevant words, however, did produce a significant attentional bias toward the Black face. Though participants showed no significant attentional bias toward either face when they were not primed, they were significantly faster to find the dot in the Black face location than in the White face location when primed with basketball-relevant words, $F(1, 65) = 6.60, p = .01$.

The Role of Explicit Prejudice

To measure the role of explicit prejudice in producing attentional bias, we had participants complete the MRS and MCP after the dot-probe task. Before analyzing participant scores for their potential impact on detection latency data, we submitted both MRS scores and MCP scores to the same 2 \times 2 ANOVA as our detection latency data. This was done to ensure that participants' prejudice scores were not influenced by our manipulations. The two univariate ANOVAs yielded no reliable main effects or interactions, all $F_s(1, 65) < 3.00, ns$. We then conducted within-cell correlations between the MRS, the MCP, and our detection latencies. These correlations revealed no reliable relationship between

participants' explicit racial attitudes and their reaction times (all $r_s < .40$, *ns*).

Discussion

The results of Study 3 demonstrate that stereotypic associations other than crime can lead to visual tuning effects. When the dot probe was in the location of the Black face, basketball-primed participants located it faster than unprimed participants. This result confirmed our primary hypothesis and was identical to the result we obtained in Study 2 with the crime prime. Although the overall pattern of results is quite similar to the results of Study 2, there were discrepancies with some of the additional findings that require discussion. For example, the bias to attend to White faces rather than Black faces in the no-prime condition was not significant in Study 3. Therefore, in comparison with Study 2, the baseline result was shifted. In Study 2, the prime wiped away the significant White face bias present in the no-prime, baseline condition. In Study 3, the prime significantly reversed the nonsignificant White face bias present in the baseline condition. The pattern of results is the same across Studies 2 and 3. However, the results in the initial baseline condition are stronger in Study 2 than in Study 3, and this may have produced the difference in the magnitude of the Black face bias in the prime condition across the studies. Alternatively, it is possible that the larger Black face bias in the prime condition in Study 3 occurred because we primed participants in Study 3 with precise words relevant to the concept rather than images that arguably are more vague and open to multiple interpretations.

Nevertheless, Study 3 extends Study 2 by demonstrating that stereotypes can influence visual attention regardless of their valence. Crime and basketball produced changes in attentional deployment because both concepts are strongly associated with Black Americans. In this study, as in Study 2, stereotypic associations pushed Black faces into the "footlights" of attention. Moreover, this study demonstrates that these strong associations produced changes in attentional deployment, regardless of individual differences in explicit racial attitudes. We offer the results of Study 3 as additional evidence that the more specific link between Blacks and criminality led to the visual tuning effects observed in Studies 1 and 2, rather than a general negative bias directed at Blacks.

Study 4

We now know that both positive and negative stereotypic associations can tune visual attention. However, we know less about how such visual tuning effects are accomplished. For example, do stereotypic associations affect attentional deployment by determining where participants look first or by determining where they look longest? Both dot-probe studies used thus far displayed the Black and White faces for 450 ms, and the onset of the dot-probe immediately followed. Is it the case that the stereotypic association between Blacks and crime led participants to look at the Black face in the first half-second only, or did this association also cause their attention to linger on the Black face?³ Moreover, how might attentional bias affect people's memory for the faces displayed? Do stereotypic associations lead to a more accurate visual memory, or might they lead to stereotype-consistent distortions in memory? As attentional bias works to "fix and retain" a visual image (to use

William James's words), what precisely is the image that is fixed and retained? Will activating the crime concept cause participants to retain an image of a Black face that is highly stereotypically Black and thus strongly representative of the Black racial category? Study 4 was designed to begin to answer some of these questions regarding the mechanisms of attentional bias.

Study 4 was also designed to begin examining the extent to which stereotype-induced attentional biases generalize to other participant populations. For example, might such visual tuning effects extend to police officers, who are charged with the task of investigating criminal activity? Whose faces do they seize upon when they think of capturing, shooting, arresting, or apprehending? We strongly suspect that the pattern of attentional deployment we have obtained with undergraduates will generalize to police officers, because police officers have knowledge of the very same stereotypic associations as the undergraduates we have tested. Alternatively, one might imagine that police officers would not exhibit an attentional bias in the dot-probe paradigm, given their high level of training and sophisticated knowledge about crime. Perhaps even still, one might imagine that they would exhibit an exaggerated form of attentional bias, given their experiences with Blacks in the specific context of crime in addition to their exposure to the general stereotypic association of Blacks and crime.

Study 4 extends Studies 2 and 3 along several critical dimensions. To examine the extent to which visual tuning effects generalize to other participant populations, we used police officers as study participants. To examine the extent to which a stereotypic association can both direct attention to a specific location and allow attention to linger in that location, we systematically varied the duration at which the Black and White faces were displayed (from 450 ms to 650 ms to 850 ms); and finally, to examine the potential effects of attentional bias on visual memory, we gave officers a surprise face-recognition task just before the conclusion of the study.

Method

Participants

Sixty-one police officers from a police department voluntarily participated in this study. The police department, which is located in an urban setting in the United States, provides services to well over 100,000 civilians. In this agency, 76% of the officers are White, 86% are male, and the average age is 42. We did not collect data on police officer gender or race for this study. Data from 2 officers were excluded because of a computer malfunction. One officer's data were excluded because the officer did not complete the study, and one officer's data were excluded because of the large number of errors the officer committed on the vigilance task (more than 2 standard deviations higher than the mean of the sample). This left us with 57 participants of the original 61, on which all analyses were conducted.

Materials

Crime primes. Crime words were chosen as primes (rather than crime images) in an effort to broaden stimulus sampling and to tailor the primes more precisely to the specific participant population used in the study. To this end, police officer participants were primed with words associated with

³ We thank Russell Fazio and Marilyn Brewer for raising this point.

enforcing the law against violent criminals. After polling police officers, we chose the following 10 words to serve as primes (because they were the words most commonly listed): *violent, crime, stop, investigate, arrest, report, shoot, capture, chase, and apprehend*.

Face stimuli. In an additional effort to broaden stimulus sampling, target faces were chosen from a database of prisoners who were convicted of first-degree murder in the state of Florida. These prisoners' faces were pretested on attractiveness and stereotypicality. Pilot participants were not told that these faces were the faces of convicted criminals. Pilot participants who were instructed to rate the stereotypicality of the faces were told that they could use any number of physical features (e.g., the lips, the nose, the hair texture, the skin tone) to make such a judgment. They were asked to look at a series of 60 Black male faces and to use the physical features that most people commonly associate with Blacks to provide us with a stereotypicality rating of each face. A second group of pilot participants were shown a series of 60 White male faces and were asked to use the physical features people commonly associate with Whites to provide us with a stereotypicality rating.

After receiving these ratings, we chose five faces within each race, one from each quintile of the stereotypicality distribution provided by the pilot participants. Each face was also matched for attractiveness across race. A Black face lineup and a White face lineup were then created that included a target face along with four additional faces. Within each face lineup, two faces were less stereotypical than the target (i.e., from the first and second quintiles) and two faces were more stereotypical than the target (i.e., from the fourth and fifth quintiles). The Black and White target faces were selected from the middle quintile of the stereotypicality distribution. These Black and White lineups were later used during the surprise face-recognition task.

Procedure and Design

The study took the form of a 2 (prime: crime prime or no prime) \times 2 (dot position: Black face location or White face location) between-subjects factorial design. Police officers were tested on site at the police department in small groups ranging from 2 to 5 participants. Study 4 followed the exact protocol of Study 2 with the exception of the changes to the crime primes, the face stimuli, the presentation duration of the face stimuli in the dot-probe task (this varied from 450 ms to 650 ms to 850 ms across participants), and the inclusion of a surprise face-recognition memory task.

Participants were given the surprise face-recognition memory task after they completed the dot-probe task. Participants were exposed to a Black face lineup and a White face lineup. For each lineup, participants were asked to identify the face that had been displayed during the dot-probe task. For each lineup, all five faces of one race—the target and four distracters—were presented on the computer screen simultaneously. The order in which participants saw the Black and White lineups was randomly determined, as was the location of each face on the screen. Participants were asked to indicate their choice in the first lineup, then the second lineup, and were then debriefed.

We were interested in the degree to which the crime prime would influence officers' memories for the original target faces displayed during the dot-probe task. To the extent that the face-recognition memories of the officers were inaccurate, we were poised to examine whether the crime prime influenced the pattern of errors. We were especially interested in whether officers would be more likely to falsely identify a face from the Black lineup that was more stereotypical than the actual target face when they were primed with crime than when they were not.

Results

Data Transformation

As in Studies 2 and 3, we first submitted our detection latency data to a reciprocal transformation, which allowed us to eliminate

the positive skew of the data. All subsequent analyses were performed on the transformed data. However, because the pattern of means was nearly identical, we present the raw detection latencies in Figure 5 for ease of interpretation.

Effects of Face Presentation Duration

A one-way ANOVA indicated that dot detection latencies were not significantly influenced by the amount of time each face was displayed ($F < 1$). Similarly, including face presentation duration as a covariate in subsequent analyses of dot detection latency and face stereotypicality yielded no significant results ($F_s < 1$), nor did it impact the analyses in which it was included. Consequently, we collapsed across face presentation duration in the remaining analyses.

Effects of Priming on Visual Attention

Debriefing results confirmed that no participants were aware of the primes. We submitted the transformed detection latencies to a 2 (prime: crime prime or no prime) \times 2 (dot position: Black face location or White face location) ANOVA. As anticipated, this analysis revealed a significant interaction of Prime \times Dot Position on detection latency, $F(1, 53) = 15.24, p < .01$. Recall that our primary hypothesis was that when the dot probe was in the location of the Black face, officers primed with the crime-relevant words would be faster to find the dot than officers who were not primed. A simple effects test confirmed this specific hypothesis, $F(1, 53) = 3.95, p < .05$. In addition, a simple effects test confirmed that officers primed with crime were slower to find the dot behind the White face than officers who had not been primed with crime, $F(1, 53) = 12.60, p < .01$.

There was also an attentional bias toward the White face in the unprimed condition such that participants found the dot faster when it was in the White face location than the Black face location, $F(1, 53) = 9.74, p < .01$. Moreover, priming participants with

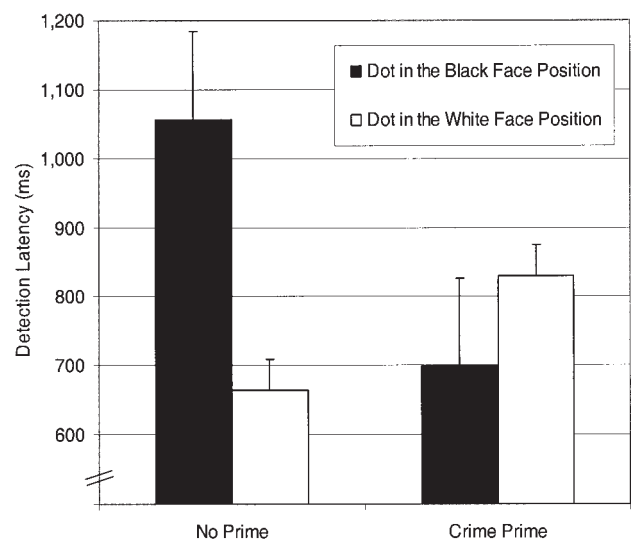


Figure 5. Mean detection latency as a function of prime and dot location (Study 4). Error bars represent the average standard error for each condition.

crime-relevant words reversed this relationship, such that participants found the dot faster when it was in the Black face location than when it was in the White face location, $F(1, 53) = 5.87$, $p < .05$.

Error Rates During the Memory Task

There was no overall difference in error rates on the face-recognition memory task as a function of the prime ($F < 1$). The average accuracy rate was 34%, which was significantly above chance (1 in 5), $t(56) = 10.49$, $p < .01$.

Stereotypicality Ratings of Faces Identified in the Memory Task

Each face in the Black and White lineups was coded in terms of the stereotypicality quintile from which it was taken. The faces taken from the lowest quintile were coded as -2 , the next least stereotypical faces were coded as -1 , the targets were coded as 0 , the faces in the next quintile were coded as 1 , and the most stereotypical faces were coded as 2 . The data were then subjected to a 2 (race of face: Black or White) \times 2 (prime: crime prime or no prime) mixed-model ANOVA with race of face as the within-subject variable. We were primarily interested in the extent to which the crime prime would produce false identifications in the Black lineup such that faces more stereotypically Black than the target would be mistaken for the target.

Our analysis revealed a reliable main effect of race of face, such that participants identified more stereotypically Black faces ($M =$

.46) than stereotypically White faces ($M = -.30$), $F(1, 55) = 16.82$, $p < .01$. One-sample t tests further revealed that participants reliably identified faces that were more stereotypically Black than the Black target, $t(56) = 3.03$, $p < .01$. There was a marginally significant trend in the opposite direction for White faces, $t(56) = 1.76$, $p = .08$. This main effect, however, was qualified by a two-way interaction, $F(1, 55) = 7.30$, $p < .01$. Simple effects tests revealed that participants indeed chose more stereotypically Black faces as targets when primed with crime ($M = .81$) than when not primed ($M = .13$), $t(55) = 2.35$, $p < .05$. There was not, however, a significant effect of stereotypicality for White faces as a function of the prime ($t = 1$, ns). These means are shown in Figure 6.

Discussion

As predicted, police officers exhibited the same pattern of attentional bias as the undergraduate participants in Studies 2 and 3. These results with police officers were obtained despite changes in the crime primes, the face stimuli, and the face presentation duration. For example, not only did the crime primes influence where officers looked at the initial point of measurement (i.e., at 450 ms), these primes also influenced where officers continued to look. Moreover, when officers were tested on their memory for the target faces, they were more likely to falsely identify a face that was more stereotypically Black than the target when they were primed with crime than when they were not primed. It appears as though stereotypic associations led perceivers to look in a partic-

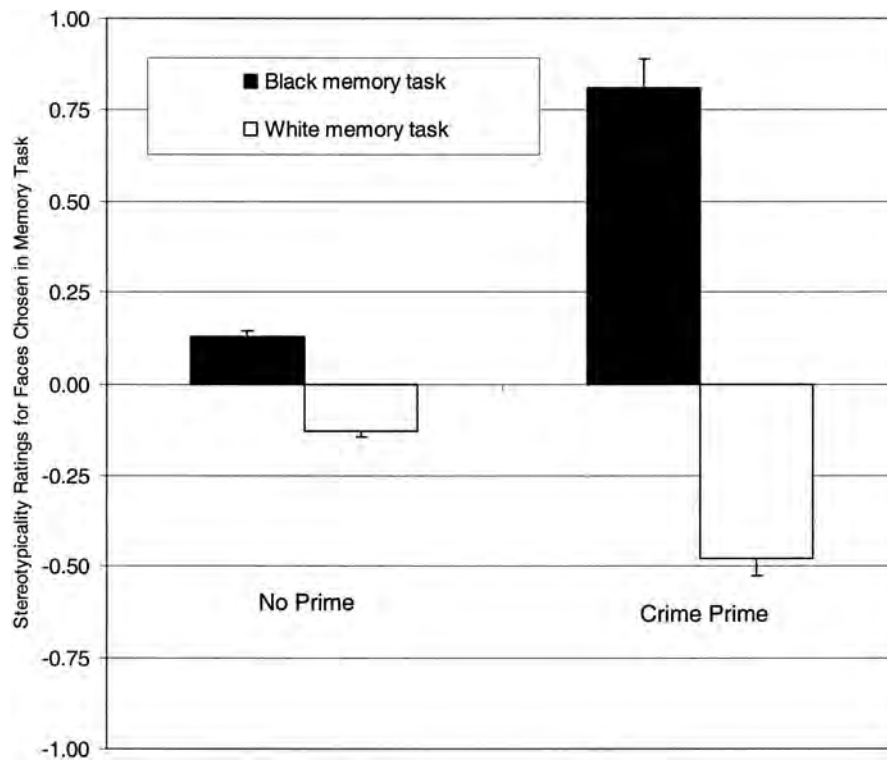


Figure 6. Mean stereotypicality of faces identified in memory task as a function of prime and race (Study 4). Error bars represent the average standard error for each cell.

ular location, yet what perceivers were able to remember was, in part, a function of these stereotypic associations. That is, priming police officers with crime caused them to remember Black faces in a manner that more strongly supports the association between Blacks and criminality. When these officers were asked, "Which face did you see?," priming them with crime led them to envision a Black face that was even more strongly representative of the Black racial category than the Black face to which they were actually exposed. Thus, thoughts of violent crime led to a systematic distortion of the Black image—a phenomenon that Ralph Ellison so masterfully highlighted over 50 years ago.

Generally, these results are significant because they suggest that the process of visually attending to a stimulus will not always aid perceptual memory. These results also are significant, however, because they demonstrate the influence of strong, stereotypic associations on face processing mechanisms in particular (see also Eberhardt, Dasgupta, & Banaszynski, 2003). Practically, this could have implications for eyewitness testimony. For example, Blacks who appear most stereotypically Black may be most vulnerable to false identifications in real criminal lineups. This type of false identification may be likely even when the actual perpetrator is present in the lineup and even when the eyewitness was visually drawn to the perpetrator's face at the time of the crime.

These results also may provide a unique demonstration of association strength. We have argued that association strength increases not only the likelihood that social categories will trigger concepts but also the likelihood that a concept will trigger a social category. We now have some initial evidence that exposure to a concept can lead to the triggering of a social category image that is strongly representative of the social category. Indeed, thinking about the concept of crime not only brought Black faces to mind but brought stereotypically Black faces to mind.

Study 5

Study 5 examines directly an assumption on which our discussion of the memory results from Study 4 was premised: Police officers view more stereotypically Black faces as more criminal. To examine this, in Study 5 we presented police officers with Black and White male faces and asked the question, "Who looks criminal?" We predicted that police officers would choose more Black faces than White faces as criminal and that Black faces rated high in stereotypicality would be even more likely to be perceived as criminal than Black faces rated low in stereotypicality. In other words, we predicted that police officers would use the physical features linked to race to inform them about who looks criminal. Recently, researchers have documented that people are attentive to physical trait variation among Black Americans (Blair, Judd, Sadler, & Jenkins, 2002; Livingston, 2001; Maddox & Gray, 2001; Williams & Eberhardt, 2004). Here we argue that police officers imbue this physical variation with criminal meaning—that is, the "more Black" an individual appears, the more criminal that individual is seen to be.

Method

Participants

One hundred eighty-two police officers (159 male, 23 female) voluntarily participated in this study. The officers were drawn from the same

police department used in Study 4. The racial composition of our sample was as follows: 115 White Americans, 8 Black Americans, 6 Asian Americans, and 1 Native American (52 officers did not disclose their race). Sixteen officers were excluded from the final analysis because they did not follow instructions, leaving a total sample size of 166 officers.

Stimulus Materials

Participants were exposed to color photographs of 40 Black or 40 White male faces (with neutral facial expressions) ranging in age from 18 to 40 years. In this study, the photographs were of male students and employees of Stanford University. The backgrounds on the photographs were standardized using Adobe Photoshop software. These stimuli were then converted to slides and projected onto a screen using a standard slide projector. The projected images were approximately 51 × 41 cm (such that they could be seen clearly by each study participant).

Procedure

The study was conducted on site at the police department in a large room equipped with tables, chairs, and a large screen for stimulus viewing. Officers were tested in small groups of 5–15 participants. On arrival, officers were greeted by two White experimenters, who led them to sit at designated tables. After a lieutenant introduced the experimenters, the experimenters informed the officers that they were conducting a study on face perception. The experimenters then informed the officers about their confidentiality and rights to refuse to participate in the study. All officers gave verbal consent to participate.

Officers were asked to view a series of faces (all of the same race and age group) and to make judgments about them. Approximately half of the participant groups were shown a series of Black male faces, and the remaining half were shown a series of White male faces. The faces appeared on a screen at the front of the room one at a time. Each face appeared for approximately 5 s. Approximately one third of the officers in each participant group completed a stereotypicality measure. These participants were asked to indicate on a 7-point scale (1 = *not at all stereotypical*, 7 = *extremely stereotypical*) how stereotypically Black or White each face stimulus appeared as it was projected onto the screen. These participants were instructed to look at the faces and to use the physical features that most people commonly associate with Blacks (or Whites) to provide us with a rating. Another third of the officers completed a criminality measure. These officers were informed that some of the faces they were about to see might be of criminals. For each face presented, their task was to indicate (by circling yes or no) whether they thought the person "looked criminal." The remaining third of the officers completed an attractiveness measure. These participants were asked to indicate on a 7-point scale (1 = *not at all attractive*, 7 = *extremely attractive*) the extent to which others would find each face attractive as each face stimulus was projected onto the screen. The attractiveness measure was of no theoretical interest but rather allowed us to ensure that the Black and White faces were equated on perceived attractiveness. Each officer completed one measure only. The particular measure an officer completed was randomly determined, with the restriction that each of the three measures would be completed by one third of the officers in any one small group of participants. After completion of the measures, the officers in the group were debriefed, thanked for their participation, and dismissed.

Results

After confirming that the Black ($M = 3.45$) and White ($M = 3.43$) faces were perceived as equal in attractiveness ($F < 1$), we dropped attractiveness in all subsequent analyses and turned to our primary interest: How might race and stereotypicality affect judgments of criminality? To examine this, we used faces as our unit

of analysis. Specifically, we averaged officers' ratings of individual faces such that each face had a stereotypicality and criminality rating. Two faces (representing 2.5% of the data) were designated as outliers on stereotypicality (over 2 standard deviations above the mean) and removed from further analysis. Next, we conducted a median split on the stereotypicality data across Black and White faces, yielding two groups: high and low stereotypicality.⁴ We then submitted the criminality data to a 2 (race: Black or White) \times 2 (stereotypicality: high or low) between-faces ANOVA. This analysis revealed no main effect for stereotypicality on judgments of criminality ($F < 1$). However, as shown in Figure 7, a significant main effect for race emerged, $F(1, 76) = 6.35, p = .01$. As predicted, more Black faces ($M = 11.95$) were thought to look criminal than White faces ($M = 9.65$). This race main effect was qualified by a significant Race \times Stereotypicality interaction, $F(1, 74) = 4.60, p < .05$. As predicted, analysis of simple effects revealed that more Black faces rated high in stereotypicality were judged as criminal ($M = 12.95$) than Black faces rated low in stereotypicality ($M = 10.83$), $F(1, 36) = 4.78, p < .05$. This pattern did not emerge for White faces rated high in stereotypicality ($M = 8.80$) in comparison with White faces rated low in stereotypicality ($M = 10.5$), $F(1, 38) = 1.34, ns$. Additionally, significantly more Black faces rated high in stereotypicality were judged as criminal ($M = 12.95$) than White faces rated high in stereotypicality ($M = 8.80$), $F(1, 38) = 9.74, p < .01$. Finally, a planned contrast analysis revealed that highly stereotypical Black faces were more likely to be judged criminal than any other group in the study, $F(1, 74) = 8.12, p < .01$.

Discussion

When officers were given no information other than a face and when they were explicitly directed to make judgments of criminality, race played a significant role in how those judgments were made. Black faces looked more criminal to police officers; the

more Black, the more criminal. These results provide additional evidence that police officers associate Blacks with the specific concept of crime. Moreover, these results shed light on the face-recognition memory errors made by police officers in Study 4. In that study, police officers were more likely to falsely identify a Black face that was more stereotypically Black than the target when primed with crime than when not primed with crime. Thinking of crime may have led officers to falsely identify the more stereotypically Black face because more stereotypically Black faces are more strongly associated with the concept of crime than less stereotypically Black faces.

General Discussion

Across five studies, we have shown that bidirectional associations between social groups and concepts can guide how people process stimuli in their visual environment. We found remarkably consistent support for both visual tuning and bidirectionality using three different paradigms that incorporated three different types of participant judgments as well as both image and word stimuli, both student and police officer participant populations, both positive and negative concepts, and both explicit and implicit measures. Specifically, we found that activating stereotypic associations caused participants to detect relevant stimuli at a lower perceptual threshold than irrelevant stimuli (Study 1) and to direct visual attention toward relevant stimuli and away from irrelevant stimuli (Studies 2–4). Furthermore, not only did we demonstrate that social group members bring to mind the concepts with which those social groups are associated (Study 1), we demonstrated that concepts bring to mind the social groups with which those concepts are associated (Studies 2–4). Such effects appear to be related to how strongly a stimulus is thought to represent the social group or concept brought to mind (Study 5).

Our results are consistent with the most recent research findings on stereotypic associations between Black Americans and crime. For instance, Payne and colleagues (Payne, 2001; Payne et al., 2002) found that exposure to Black faces facilitated the categorization of crime-relevant objects. Similarly, Correll and colleagues (2002) found, using a videogame simulation, that participants shot armed Black targets more quickly than armed White targets, irrespective of individual differences in racial attitudes (Correll et al., 2002). Such findings further underscore the strong associational links between Black Americans and crime.

Our research expands previous stereotyping research by more explicitly considering bidirectionality and thus raises new questions about the operation and consequences of stereotypic associations. For example, what determines whether an association will be bidirectional? As discussed earlier, we suspect that concept specificity is one important moderating condition for bidirectionality. Certain concepts may be so tightly coupled with a specific social group that these concepts have become, in a sense, hijacked by that group. Indeed, the social group functions as the prototypical embodiment of these concepts. Concepts for which Black Americans serve as the prototype—such as crime, jazz, basketball, and ghetto—are likely to operate bidirectionally, whereas concepts

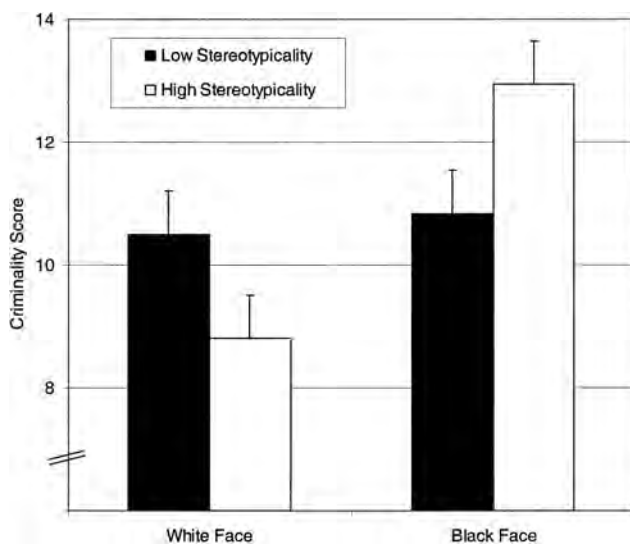


Figure 7. Mean criminality score of faces as a function of race and stereotypicality (Study 5). Error bars represent the average standard error for each condition.

⁴ A median split was used for ease of presentation. We obtained the same pattern of results when we conducted a regression analysis.

for which there is no specific group prototype—such as aggressive, musical, athletic, and poor—are less likely to operate bidirectionally.

Although not a focus of the current research, situational specificity might also determine the likelihood that a concept will bring to mind a particular social group. For example, when perceivers are required to perform a task that increases the saliency of a particular social group, even concepts that are not attached to any one, prototypical social group may automatically activate the social group that is momentarily salient. For example, aggressive, musical, athletic, and poor are concept primes that may be more likely to activate the Black racial category when the perceivers' subsequent goal is to categorize faces as Black or as White than when the perceivers' goal is race irrelevant (e.g., Kawakami & Dovidio, 2001; Kawakami et al., 2000). Future research studies that systematically manipulate both concept and situational specificity are needed to explore these possibilities more fully.

We also expand previous research on Black Americans and crime by tracing the manner in which such associations can influence critical aspects of visual processing. Specifically, we have shown that activating both positive and negative concepts associated with Blacks (i.e., basketball and crime, respectively) enhances the attentional capture of Black faces (Studies 2–4). We believe that the dot-probe studies introduced here are significant because the results have the potential to increase understanding of attentional selection processes. These results suggest, for example, that stereotypic associations help people to respond to their environment by rendering certain social groups and objects especially relevant and thus worthy of attention. Through these studies we begin to outline the conditions under which members of certain social groups are especially likely to be the objects of gaze, and we examine such visual practices across different participant populations.

In addition, we found that exposure to Black faces allows perceivers to detect crime-relevant objects with less information than exposure to White faces (Study 1). Although detecting objects in an impoverished context is an important skill that numerous vision scientists have sought to understand, researchers have not examined the influence of stereotypic associations on visual practices of this type. We found that Black faces clearly facilitated object detection even in a situation where participants were not required to sort the objects into predetermined categories in a forced-choice format. When participants were given no direction at all on what the object would be, Black faces enhanced their ability to accurately detect degraded crime objects whereas White faces did not. The open-ended format of Study 1 certainly reveals the power of the Black–crime association.

Nevertheless, the design of Study 1 does not permit a precise determination of how such facilitation effects were accomplished. One possibility is that the Black face primes inspired a more detailed, careful visual analysis of crime-relevant objects and that perceivers dedicated more processing resources for this purpose (e.g., see MacLeod et al., 1986). Another possibility is that Black faces inspired less detailed, careful visual inspection of crime-relevant objects rather than more (e.g., see von Hippel, Jonides, Hilton, & Narayan, 1993). Because Black faces are so tightly tied to criminality, exposure to Black faces may have led perceivers to process crime-relevant objects faster but less thoroughly. Participants may have less of a need to inspect crime-relevant objects

carefully because they already have some sense of what those objects are. According to this view, exposing perceivers to Black male faces should free up processing resources rather than tax those resources. Distinguishing between these alternatives is an important challenge for future research.

Relatedly, because our results cannot be subjected to signal-detection analysis in any straightforward manner, we are unable to claim with certainty that the Black face primes altered participants' ability to see crime-relevant objects rather than simply rendering participants more confident at identifying indistinct objects as crime relevant. Notably, this latter possibility would require participants to somehow shift their confidence levels beneath awareness (given that the face primes were subliminal) and in opposite directions for Black and White faces. In addition, if the results were simply due to shifts in confidence levels, one might expect the error rates across conditions to fluctuate—which they did not.

A central theme in perception research concerns the mechanisms that give rise to everyday visual experience in a world that exposes perceivers to more sensory information than they have the capacity to process thoroughly. Thus far, perception researchers have approached this issue by examining both the properties of stimulus inputs and the computational properties of the brain. In many models of perception, conceptual knowledge is thought to modulate visual processes in important ways. However, despite the importance of social knowledge in everyday interactions, the role of social knowledge in visual processing is rarely discussed. We have argued that visual analysis is, in part, socially driven. Stereotypic associations, in particular, have the capacity to critically alter visual experience.

Throughout this article, we have suggested that the effects of stereotypic associations on visual perception and attention could be of great practical significance. Indeed, given the perceptual threshold effects reported here, police officers may face elevated levels of danger in the presence of White armed suspects in comparison with Black armed suspects. For example, if police officers have a delayed response to White suspects with guns or knives, these officers may be more likely to get hurt, shot, or killed when confronting White armed suspects in comparison with Black armed suspects. In contrast, unarmed, innocent Blacks may easily become the targets of intense visual surveillance by both police officers and the lay public. With their eyes, perceivers may tie individual Black targets to a group-based suspicion—and sadly, Black people who appear highly stereotypically Black may be the most likely of all to feel the tug. Such processes could indicate that racial profiling may be rooted in more fundamental perceptual processes than previously recognized.

The studies presented here might have implications for the durability of stereotypic associations. Numerous factors may conspire to maintain the strength of such associations. For one thing, to the extent that these associations are bidirectional, they can be activated even in the absence of a social category member. Concepts that are represented by a prototypical racial category have the power to conjure their own racialized subjects. Indeed, we believe that notions of race are so powerful because they can operate through ostensibly race-neutral concepts (such as crime).

Additionally, although not addressed in the work presented here, the motivation of perceivers to actively resist stereotypic associations may differ on the basis of whether these associations are triggered by social group members or concepts. For instance, many

people may be motivated to actively resist thoughts of criminality in the presence of a Black American trigger (e.g., see Dunton & Fazio, 1997; Plant & Devine, 1998). Activations of this type may even be considered a personal failing (to the extent that perceivers are aware of them and wish to be egalitarian). In contrast, people may be less motivated to resist thoughts of Black Americans in the presence of a crime trigger. Far from a personal failing, the activation of such thoughts may be experienced as a natural response, given the high proportion of Blacks convicted of violent crimes in the United States (Banks, 2001; Blumstein, 1993; Cole, 1999; Kennedy, 1997). In fact, we have preliminary evidence with police officer participants suggesting that the motivation to resist stereotypic associations may depend on the triggering stimulus (Eberhardt & Goff, 2004). We found that police officers are less troubled by the possibility of crime triggering thoughts of Black Americans than by the possibility of Black Americans triggering thoughts of crime. We suspect that this asymmetry is present in American society more generally. Egalitarian opposition to racial stereotyping strongly condemns linking Black people to crime, but not linking crime to Black people. Thus, opposition to stereotyping tends to condemn one aspect of the association, even as it exempts the other.

Finally, visual practices may not simply reflect race-based associations; visual practices may work to sustain these associations as well. Visual processing patterns may provide ample opportunities for perceivers to access race-crime associations, as well as to rehearse, strengthen, and supplement those associations. In this way, seeing could be understood as an action or a practice that reinscribes racial meaning onto visual stimuli. The face-recognition memory results of Study 4 are consistent with such an interpretation. Activation of the crime concept not only led police officers to attend to a Black face but also led them to misremember the Black face as more stereotypical (i.e., representative) of the Black racial category than it actually was. Thus, the association between blackness and criminality was not only triggered, it was magnified.

It is important to note that although visual processes may reinforce stereotypic associations, the associations themselves are the consequences of widely shared cultural understandings and social patterns. As William James stated, attention “creates no idea.” Because visual processes are grounded in cultural understandings, as these understandings change, the consequences of visual processes will as well. New associations may render different aspects of the visual environment relevant and expose perceivers to a different world from the one they currently have the capacity to see.

References

- Allport, G. W., & Postman, L. J. (1947). *The psychology of rumor*. New York: Russell & Russell.
- Anderson, S., & Klatzky, R. (1987). Traits and social stereotypes: Levels of categorization in person perception. *Journal of Personality and Social Psychology*, *53*, 235–246.
- Asch, S. E., & Ebenholtz, S. M. (1962). The principle of associative memory. *Proceedings of the American Philosophical Society*, *106*, 135–163.
- Banks, R. R. (2001). Race-based suspect selection and colorblind equal protection doctrine and discourse. *UCLA Law Review*, *48*, 1075–1124.
- Bargh, J. A., & Chartrand, T. L. (2000). The mind in the middle: A practical guide to priming and automaticity research. In H. T. Reis & C. M. Judd (Eds.), *Handbook of research methods in social and personality psychology* (pp. 253–285). New York: Cambridge University Press.
- Bargh, J. A., Chen, M., & Burrows, L. (1996). Automaticity of social behavior: Direct effects of construct and stereotype activation on action. *Journal of Personality and Social Psychology*, *71*, 230–244.
- Blair, I. V., & Banaji, M. (1996). Automatic and controlled processes in stereotype priming. *Journal of Personality and Social Psychology*, *70*, 1142–1163.
- Blair, I. V., Judd, C. M., Sadler, M. S., & Jenkins, C. (2002). The role of Afrocentric features in person perception: Judging by features and categories. *Journal of Personality and Social Psychology*, *83*, 5–25.
- Blumstein, A. (1993). Racial disproportionality of U.S. prison populations revisited. *University of Colorado Law Review*, *64*, 743–760.
- Bradley, B. P., Mogg, K., Falla, S. J., & Hamilton, L. R. (1998). Attentional bias for threatening facial expressions in anxiety: Manipulation of stimulus duration. *Cognition and Emotion*, *12*, 737–753.
- Bradley, B. P., Mogg, K., Millar, N., Bonham-Carter, C., Fergusson, E., Jenkins, J., & Parr, M. (1997). Attentional biases for emotional faces. *Cognition and Emotion*, *11*, 25–42.
- Brewer, M. B., Dull, V., & Lui, L. (1981). Perceptions of the elderly: Stereotypes as prototypes. *Journal of Personality and Social Psychology*, *41*, 656–670.
- Chen, M., & Bargh, J. A. (1997). Nonconscious behavioral confirmation processes: The self-fulfilling consequences of automatic stereotype activation. *Journal of Experimental Social Psychology*, *33*, 541–560.
- Cole, D. (1999). *No equal justice: Race and class in the American criminal justice system*. New York: New Press.
- Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. W. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, *83*, 1314–1329.
- Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, *56*, 5–18.
- Dolan, R. J., Fink, G. R., Rolls, E., Booth, M., Holmes, A., Frackowiak, R. S. J., & Friston, K. J. (1997). How the brain learns to see objects and faces in an impoverished context. *Nature*, *389*, 596–599.
- Dovidio, J., Evans, N., & Tyler, R. (1986). Racial stereotypes: The contents of their cognitive representation. *Journal of Experimental Social Psychology*, *22*, 22–37.
- Dovidio, J. F., Kawakami, K., Johnson, K., Johnson, C., & Howard, A. (1997). On the nature of prejudice: Automatic and controlled processes. *Journal of Experimental Social Psychology*, *33*, 510–540.
- Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping blacks. *Journal of Personality and Social Psychology*, *34*, 590–598.
- Dunton, B. C., & Fazio, R. H. (1997). An individual difference measure of motivation to control prejudiced reactions. *Personality and Social Psychology Bulletin*, *23*, 316–326.
- Eberhardt, J. L., Dasgupta, N., & Banaszynski, T. L. (2003). Believing is seeing: The effects of racial labels and implicit beliefs on face perception. *Personality and Social Psychology Bulletin*, *29*, 360–370.
- Eberhardt, J. L., & Goff, P. A. (2004). [The morality of associating race and crime]. Unpublished raw data.
- Ellison, R. (1952). *Invisible man*. New York: Random House.
- Fazio, R. H., Jackson, J. R., Dunton, B. C., & Williams, C. J. (1995). Variability in automatic activation as an unobtrusive measure of racial attitudes: A bona fide pipeline? *Journal of Personality and Social Psychology*, *69*, 1013–1027.
- Fazio, R. H., Sanbonmatsu, D. M., Powell, M. C., & Kardes, F. R. (1986). On the automatic activation of attitudes. *Journal of Personality and Social Psychology*, *50*, 229–238.

- Fazio, R. H., Williams, C. J., & Powell, M. C. (2000). Measuring associative strength: Category-item associations and their activation from memory. *Political Psychology, 21*, 7–25.
- Gaertner, S. L., & McLaughlin, J. P. (1983). Racial stereotypes: Associations and ascriptions of positive and negative characteristics. *Social Psychology Quarterly, 46*, 23–30.
- Gilbert, D. T., & Hixon, J. G. (1991). The trouble of thinking: Activation and application of stereotypic beliefs. *Journal of Personality and Social Psychology, 60*, 509–517.
- Gilboa-Schechtman, E., Foa, E. B., & Amir, N. (1999). Attentional biases for facial expressions in social phobia: The face-in-the-crowd paradigm. *Cognition and Emotion, 13*, 305–318.
- Goldstein, E. B. (1999). *Sensation and perception* (5th ed.). Pacific Grove, CA: Brooks/Cole.
- Gotlib, I. H., McLachlan, A. L., & Katz, A. N. (1988). Biases in visual attention in depressed and nondepressed individuals. *Cognition and Emotion, 2*, 185–200.
- Greenwald, A. G., McGhee, D. E., & Schwartz, J. L. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology, 74*, 1464–1480.
- Greenwald, A. G., Oakes, M. A., & Hoffman, H. (2003). Targets of discrimination: Effects of race on responses to weapons holders. *Journal of Experimental Social Psychology, 39*, 399–405.
- Grill-Spector, K., Kushnir, T., Hendler, T., & Malach, R. (2000). The dynamics of object-selective activation correlate with recognition performance in humans. *Nature Neuroscience, 3*, 837–843.
- Horowitz, L. M., Norman, S. A., & Day, R. S. (1966). Availability and associative memory. *Psychological Review, 73*, 1–15.
- Horowitz, L. M., & Prytulak, L. S. (1969). Redintegrative memory. *Psychological Review, 76*, 519–531.
- Hunt, R. G. (1959). Meaningfulness and articulation of stimulus and response in paired-associate learning and stimulus recall. *Journal of Experimental Psychology, 57*, 262–267.
- James, W. (1950). *The principles of psychology*. New York: Dover. (Original work published 1890)
- Jantz, E. M., & Underwood, B. J. (1958). R-S learning as a function of meaningfulness and degree of S-R learning. *Journal of Experimental Psychology, 56*, 174–179.
- Johnson, W. A., & Dark, V. J. (1986). Selective attention. In M. R. Rosenzweig & L. W. Porter (Eds.), *Annual review of psychology* (pp. 43–75). Palo Alto, CA: Annual Reviews.
- Kastner, S., Pinsk, M. A., De Weerd, P., Desimone, R., & Ungerleider, L. G. (1999). Increased activity in the human visual cortex during directed attention in the absence of visual stimulation. *Neuron, 22*, 751–761.
- Kawakami, K., Dion, K. L., & Dovidio, J. (1998). Racial prejudice and stereotype activation. *Personality and Social Psychology Bulletin, 24*, 407–416.
- Kawakami, K., & Dovidio, J. F. (2001). The reliability of implicit stereotyping. *Personality and Social Psychology Bulletin, 27*, 212–225.
- Kawakami, K., Dovidio, J. F., Moll, J., Hermsen, S., & Russin, A. (2000). Just say no (to stereotyping): Effects of training in the negation of stereotypic associations on stereotype activation. *Journal of Personality and Social Psychology, 78*, 871–888.
- Kennedy, R. (1997). *Race, crime, and the law*. New York: Pantheon Books.
- Lepore, L., & Brown, R. (1997). Category and stereotype activation: Is prejudice inevitable? *Journal of Personality and Social Psychology, 72*, 275–287.
- Livingston, R. W. (2001). What you see is what you get: Systematic variability in perceptual-based social judgment. *Personality and Social Psychology Bulletin, 27*, 1086–1096.
- MacLeod, C., Mathews, A., & Tata, P. (1986). Attentional bias in emotional disorders. *Journal of Abnormal Psychology, 95*, 15–20.
- Macrae, C., Bodenhausen, G., & Milne, A. (1995). The dissection of selection in person perception: Inhibitory processes in social stereotyping. *Journal of Personality and Social Psychology, 69*, 397–407.
- Macrae, C., Bodenhausen, G., Milne, A., Thorn, T. M. J., & Castelli, L. (1997). On the activation of social stereotypes: The moderating role of processing objectives. *Journal of Experimental Social Psychology, 33*, 471–489.
- Macrae, C. N., Stangor, C., & Milne, A. B. (1994). Activating social stereotypes: A functional analysis. *Journal of Experimental Social Psychology, 30*, 370–389.
- Maddox, K. B., & Gray, S. A. (2001). Cognitive representations of Black Americans: Reexploring the role of skin tone. *Personality and Social Psychology Bulletin, 28*, 250–259.
- Maidenberg, E., Chen, E., Craske, M., Bohn, P., & Bystritsky, A. (1996). Specificity of attentional bias in panic disorder and social phobia. *Journal of Anxiety Disorders, 10*, 529–541.
- Mansell, W., Clark, D. M., Ehlers, A., & Chen, Y.-P. (1999). Social anxiety and attention away from emotional faces. *Cognition and Emotion, 13*, 673–690.
- Martin, M., Williams, R. M., & Clark, D. M. (1991). Does anxiety lead to selective processing of threat-related information? *Behaviour Research and Therapy, 29*, 147–160.
- Mathews, A., & MacLeod, C. (1985). Selective processing of threat cues in anxiety states. *Behaviour Research and Therapy, 23*, 563–569.
- McConahay, J. B. (1986). Modern racism, ambivalence, and the Modern Racism Scale. In J. F. Dovidio & S. L. Gaertner (Eds.), *Prejudice, discrimination, and racism* (pp. 91–125). Orlando, FL: Academic Press.
- Mogg, K., & Bradley, B. P. (1999). Some methodological issues in assessing attentional biases for threatening faces in anxiety: A replication study using a modified version of the probe detection task. *Behaviour Research and Therapy, 37*, 595–604.
- Moskowitz, G., Gollwitzer, P., Wasel, W., & Schaal, B. (1999). Preconscious control of stereotype activation through chronic egalitarian goals. *Journal of Personality and Social Psychology, 77*, 167–184.
- Neely, J. (1977). Semantic priming and retrieval from lexical memory: Roles of inhibitionless spreading activation and limited-capacity attention. *Journal of Experimental Psychology: General, 106*, 226–254.
- Payne, B. K. (2001). Prejudice and perception: The role of automatic and controlled processes in misperceiving a weapon. *Journal of Personality and Social Psychology, 81*, 1–12.
- Payne, B. K., Lambert, A. J., & Jacoby, L. L. (2002). Best laid plans: Effects of goals on accessibility bias and cognitive control in race-based misperceptions of weapons. *Journal of Experimental Social Psychology, 38*, 384–396.
- Payne, B. K., & Shimizu, Y. (2003, February). *Cognitive control and the experience of misperceiving a weapon*. Paper presented at the Fourth Annual Meeting of the Society for Personality and Social Psychology, Los Angeles, CA.
- Perdue, C., & Gurtman, M. (1990). Evidence for the automaticity of ageism. *Journal of Experimental Social Psychology, 28*, 199–216.
- Plant, E. A., & Devine, P. G. (1998). Internal and external motivation to respond without prejudice. *Journal of Personality and Social Psychology, 75*, 811–832.
- Ress, D., Backus, B. T., & Heeger, D. J. (2000). Activity in primary visual cortex predicts performance in a visual detection task. *Nature Neuroscience, 3*, 940–945.
- Sagar, H. A., & Schofield, J. W. (1980). Racial and behavioral cues in Black and White children's perceptions of ambiguously aggressive acts. *Journal of Personality and Social Psychology, 39*, 590–598.
- von Hippel, W., Jonides, J., Hilton, J. L., & Narayan, S. (1993). Inhibitory effect of schematic processing on perceptual encoding. *Journal of Personality and Social Psychology, 64*, 921–935.
- von Hippel, W., Sekaquaptewa, D., & Vargas, P. (1995). On the role of

encoding processes in stereotype maintenance. *Advances in Experimental Social Psychology*, 27, 177-254.

Williams, M. J., & Eberhardt, J. L. (2004). *Racial conceptions: Measuring individual differences in lay theories of race and motivation to cross racial boundaries*. Manuscript in preparation.

Wittenbrink, B., Judd, C., & Park, B. (1997). Evidence for racial prejudice at the implicit level and its relationship with questionnaire measures. *Journal of Personality and Social Psychology*, 72, 262-274.

Yantis, S., & Egeth, H. E. (1999). On the distinction between visual salience and stimulus-driven attentional capture. *Journal of Experimental Social Psychology*, 25, 661-676.

Received July 10, 2003

Revision received August 14, 2004

Accepted August 14, 2004 ■



AMERICAN PSYCHOLOGICAL ASSOCIATION SUBSCRIPTION CLAIMS INFORMATION

Today's Date: _____

We provide this form to assist members, institutions, and nonmember individuals with any subscription problems. With the appropriate information we can begin a resolution. If you use the services of an agent, please do **NOT** duplicate claims through them and directly to us. **PLEASE PRINT CLEARLY AND IN INK IF POSSIBLE.**

PRINT FULL NAME OR KEY NAME OF INSTITUTION _____

MEMBER OR CUSTOMER NUMBER (MAY BE FOUND ON ANY PAST ISSUE LABEL) _____

ADDRESS _____

DATE YOUR ORDER WAS MAILED (OR PHONED) _____

____ PREPAID ____ CHECK ____ CHARGE

CHECK/CARD CLEARED DATE: _____

CITY _____

STATE/COUNTRY _____

ZIP _____

(If possible, send a copy, front and back, of your cancelled check to help us in our research of your claim.)

YOUR NAME AND PHONE NUMBER _____

ISSUES: ____ MISSING ____ DAMAGED

TITLE _____

VOLUME OR YEAR _____

NUMBER OR MONTH _____

Thank you. Once a claim is received and resolved, delivery of replacement issues routinely takes 4-6 weeks.

(TO BE FILLED OUT BY APA STAFF)

DATE RECEIVED: _____

DATE OF ACTION: _____

ACTION TAKEN: _____

INV. NO. & DATE: _____

STAFF NAME: _____

LABEL NO. & DATE: _____

Send this form to APA Subscription Claims, 750 First Street, NE, Washington, DC 20002-4242

PLEASE DO NOT REMOVE. A PHOTOCOPY MAY BE USED.

BLOG: ON THE BEAT

Slave Patrols: An Early Form of American Policing

July 10, 2019 | Authored by Chelsea Hansen

"I [patroller's name], do swear, that I will as searcher for guns, swords, and other weapons among the slaves in my district, faithfully, and as privately as I can, discharge the trust reposed in me as the law directs, to the best of my power. So help me, God."

-Slave Patroller's Oath, North Carolina, 1828.



When one thinks about policing in early America, there are a few images that may come to mind: A county sheriff enforcing a debt between neighbors, a constable serving an arrest warrant on horseback, or a lone night watchman carrying a lantern through his sleeping town. These

organized practices were adapted to the colonies from England and formed the foundations of American law enforcement. However, there is another significant origin of American policing that we cannot forget—and that is slave patrols.

The American South relied almost exclusively on slave labor and white Southerners lived in near constant fear of slave rebellions disrupting this economic status quo. As a result, these patrols were one of the earliest and most prolific forms of early policing in the South. The responsibility of patrols was straightforward—to control the movements and behaviors of enslaved populations. According to historian Gary Potter, slave patrols served three main functions.

“(1) to chase down, apprehend, and return to their owners, runaway slaves; (2) to provide a form of organized terror to deter slave revolts; and, (3) to maintain a form of discipline for slave-workers who were subject to summary justice, outside the law.”[i]

Organized policing was one of the many types of social controls imposed on enslaved African Americans in the South. Physical and psychological violence took many forms, including an overseer’s brutal whip, the intentional breakup of families, deprivation of food and other necessities, and the private employment of slave catchers to track down runaways.

Slave patrols were no less violent in their control of African Americans; they beat and terrorized as well. Their distinction was that they were legally compelled to do so by local authorities. In this sense, it was considered a civic duty—one that in some areas could result in a fine if avoided. In others, patrollers received financial compensation for their work. Typically, slave patrol routines included enforcing curfews, checking travelers for a permission pass, catching those assembling without permission, and preventing any form of organized resistance. As historian Sally Hadden writes in her book, *Slave Patrols: Law and Violence in Virginia and the Carolinas*,

“The history of police work in the South grows out of this early fascination, by white patrollers, with what African American slaves were doing. Most law enforcement was, by definition, white patrolmen watching, catching, or beating black slaves.”[ii]

The process of how one became a patroller differed throughout the colonies. Some governments ordered local militias to select patrollers from their rosters of white men in the region within a certain age range. In many areas, patrols were made up of lower-class and wealthy landowning white men alike.[iii] Other areas pulled names from lists of local landowners. Interestingly, in 18th century South Carolina, landowning white women were included in the potential list of names. If they were called to duty, they were given the option to identify a male substitute to patrol in their place.[iv]

First formed in 1704 in South Carolina, patrols lasted over 150 years, only technically ending with the abolition of slavery during the Civil War. However, just because the patrols lost their lawful status did not mean that their influence died out in 1865. Hadden argues there are distinct parallels between the legal slave patrols before the war and extralegal terrorization tactics used by vigilante groups during Reconstruction, most notoriously, the Ku Klux Klan.[v]

Hours of Operation:

As a public health precaution due to COVID-19 (coronavirus), the National Law Enforcement Museum is temporarily closed to the public. Please watch for re-opening updates on this website as well as on our social media platforms.

(<https://lawenforcementmuseum.org/>)

Museum Address:

444 E Street, NW
Washington, DC 20001

info@LawEnforcementMuseum.org (<mailto:info@lawenforcementmuseum.org>)
202.737.3400 (tel:1 2027373400)

[Museum Policies](http://lawenforcementmuseum.org/museum-policies/) (<http://lawenforcementmuseum.org/museum-policies/>)

[Accessibility](https://lawenforcementmuseum.org/accessibility/) (<https://lawenforcementmuseum.org/accessibility/>)

[Employment](http://lawenforcementmuseum.org/about/employment/) (<http://lawenforcementmuseum.org/about/employment/>)

[Volunteer at the Museum](https://lawenforcementmuseum.org/volunteers/) (<https://lawenforcementmuseum.org/volunteers/>)

[Groups](https://lawenforcementmuseum.org/group-tours/) (<https://lawenforcementmuseum.org/group-tours/>)

[Venue Rental](https://lawenforcementmuseum.org/visit/venue-rental/) (<https://lawenforcementmuseum.org/visit/venue-rental/>)

Systemic Implicit Bias

Justin D. Levinson & Robert J. Smith

Legal discourse on implicit bias has changed the way scholars and citizens think about race in the justice system. Ever-growing scholarship, much of it empirical, has identified, confronted, and sought to address how implicit bias operates in nearly every criminal justice context— especially in policing,¹ prosecuting,² judging,³ and juror decision-making.⁴ This focus on racially fraught

-
1. See, e.g., Joshua Correll et al., *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. PERSONALITY & SOC. PSYCHOL. 1314 (2002) (using a reaction-time based measure to test how study participants responded in racialized ways to threat situations); L. Song Richardson, *Police Efficiency and the Fourth Amendment*, 87 IND. L.J. 1143, 1144 (2012) (arguing that the legal test of “reasonable suspicion” is particularly susceptible to implicit bias).
 2. See, e.g., Robert J. Smith & Justin D. Levinson, *The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion*, 35 SEATTLE U. L. REV. 795 (2012) (considering a variety of ways that prosecutorial decision-making may be fraught with implicit bias).
 3. See, e.g., Justin D. Levinson et al., *Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes*, 69 FLA. L. REV. (forthcoming 2017) (on file with authors) (finding anti-Asian and anti-Jewish implicit biases among federal and state judges, and considering the results in the context of white-collar criminal sentencing); Jeffrey J. Rachlinski et al., *Does Unconscious Racial Bias Affect Trial Judges?*, 84 NOTRE DAME L. REV. 1195 (2009) (empirically confirming that judge participants harbored implicit racial biases).
 4. See, e.g., Justin D. Levinson, Huajian Cai & Danielle Young, *Guilty by Implicit Racial Bias: The Guilty/Not Guilty Implicit Association Test*, 8 OHIO ST. J. CRIM. L. 187 (2010) (finding, in an empirical study, that study participants implicitly associated Black with guilty and White with not guilty); Justin D. Levinson, Robert J. Smith & Danielle M. Young, *Devaluing Death: An Empirical Study of Impact Racial Bias on Jury-Eligible Citizens in Six Death Penalty States*, 89 N.Y.U. L. REV. 513 (2014) (presenting the results of an empirical study on race and the value of human life); Justin D. Levinson & Danielle Young, *Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence*, 112 W. VA. L. REV. 307 (2010)

legal processes, and the subsequent search to mitigate or eliminate the operations of implicit bias within each of them, has been an illuminating force not only for those who seek to expose the reality of a biased system, but also for those who recognize that the fairness-driven ideals of the American legal system are not being realized. Thus, it is not surprising that efforts designed to “deal with” implicit bias in the criminal justice system—whether through judicial trainings, jury instructions, or structural safeguards—have become increasingly popular.⁵

Our aim here is to strengthen the existing model of implicit bias by proposing the addition of a new theoretical layer. It is not only processes and people that allow implicit bias to seep into the criminal justice system. We argue that a comprehensive understanding of implicit bias in the criminal justice system requires acknowledging that the theoretical underpinnings of the entire system may now be culturally and cognitively inseparable from implicit bias.

At the heart of this Essay are two of our recent empirical studies. One found that people automatically devalue the lives of Black Americans compared to White Americans.⁶ The other found that core punishment theories have become deeply ingrained with implicit racial bias.⁷ Driven by these studies’ empirical results, and embracing our recommended “zooming out” of implicit bias discourse, we argue for new race-relevant approaches to Eighth Amendment excessiveness jurisprudence, as well as for the development of a more accurate understanding of how policy decisions are made. More specifically, we claim that controversial criminal justice practices, such as capital punishment and ju-

(detailing the results of a study that found that participants’ judgments of evidence varied based upon whether they had been exposed to a photo of a darker- or lighter-skinned perpetrator).

5. For example, the New York District Attorney’s office has engaged outside experts to look for—and suggest ways to mitigate—implicit bias within its own operations and procedures. See Besiki Kutateladze, Whitney Tymas & Mary Crowley, *Race and Prosecution in Manhattan*, VERA INST. OF JUST. 1-2 (2014), <http://archive.vera.org/sites/default/files/resources/downloads/race-and-prosecution-manhattan-summary.pdf> [<http://perma.cc/4HBG-C7EA>]. More broadly, organizations such as the American Bar Association and the National Center for State Courts have been working to educate judges and lawyers about what they can do to mitigate the effects of implicit bias in the courtroom. See, e.g., *Helping Courts Address Implicit Bias: Resources for Education*, NAT’L CTR. FOR ST. CTS., <http://www.ncsc.org/ibeducation> [<http://perma.cc/Y5UG-NMG3>]; *Joint Statement on Eliminating Bias in the Criminal Justice System*, AM. BAR ASS’N & NAACP LEGAL DEF. & EDUC. FUND (July 2015), http://www.americanbar.org/content/dam/aba/images/abanews/aba-ldf_statement.pdf [<http://perma.cc/E7VC-CN2K>]. Training of judges, including some conducted by the authors of this Essay, are common.
6. See Levinson, Smith & Young, *supra* note 4, at 573.
7. See Robert J. Smith, Justin D. Levinson & Koichi Hioki, *Race and Retribution: An Empirical Study of Racialized Punishment and Implicit Bias in America* (Feb. 29, 2016) (unpublished manuscript) (on file with authors).

venile life without parole, may now be resting on shaky legal ground. Our research demonstrates that the inquiry into categorical excessiveness—a jurisprudence that largely ignores race in its current manifestation—must grapple with systemic implicit bias.

Bringing an understanding of systemic implicit bias into the constitutional analysis could lead to the conclusion that some legal practices that make America so punitive and unjust can no longer be constitutionally supported. Furthermore, our research results open new pathways for scholars and reformers considering how to move forward in addressing the most pressing racial issues in criminal justice today: race in policy-making, in policing, in prosecutorial discretion, and in punishment.

In the remainder of this Essay, we first introduce systemic implicit bias. Next, we examine what systemic implicit bias could mean for Eighth Amendment analysis of the death penalty and juvenile life without parole. Finally, we explore how systemic implicit bias could infect a range of policy decisions at the local, state, and national levels.

I. INTRODUCING SYSTEMIC IMPLICIT BIAS

Systemic implicit bias, as we define it, refers to the way automatic racial bias may have become unwittingly infused with, and even cognitively inseparable from, supposedly race-neutral legal theories (such as retribution or rehabilitation) and jurisprudential approaches to well-considered constitutional doctrines (such as Eighth Amendment excessiveness analysis). To explain the empirical origins of this concept, we summarize two of our most recent studies about implicit bias in the criminal justice system. These studies were both aimed not just at a specific legal process or principle—though we admit to framing them in this limited way⁸—but more broadly at the question of how implicit bias might infect the core principles embedded in our legal system.

Our first such study sought to examine whether Americans implicitly devalue Black lives relative to White lives. The study involved a diverse pool of 445 citizens in six states.⁹ We tested participants' implicit racial biases, not only on traditional racial stereotypes (such as stereotypes of Black Americans as hos-

8. Indeed, our article about race and the value of human life was entirely framed around the death penalty. See Levinson, Smith & Young, *supra* note 4. Furthermore, even this Essay—by limiting its focus to the criminal justice system—could potentially be considered a narrow frame for the studies we conducted. For a broader look at implicit bias in the legal system, see *IMPLICIT RACIAL BIAS ACROSS THE LAW* (Justin D. Levinson & Robert J. Smith eds., 2012).

9. See Levinson, Smith & Young, *supra* note 4, at 553.

tile), but also on a new implicit bias measure.¹⁰ The Implicit Association Test (IAT)¹¹ that we created tested people's automatic (non-controlled) associations between race and value of life by requiring participants to group together photographs of White and Black faces with word stimuli representing the concepts of valuable or valueless.¹² For example, participants had to respond rapidly to categorize the photos of Black and White faces along with the words "merit," "worthy," and "valuable," as compared to the words "drain," "expendable," and "waste."¹³ The results of the study indeed confirmed that our sample held significant automatic associations between White Americans and valuable and between Black Americans and worthless.¹⁴

Our second study sought to measure whether Americans' automatic conceptions of punishment have become cognitively inseparable from race.¹⁵ In that study, a diverse sample of 522 American adults completed an IAT that asked them to categorize White and Black faces with the concepts of retribution and mercy.¹⁶ Thus, we created a measure that could test whether people implicitly associate retributive concepts with Blacks and leniency with Whites. The study found that, indeed, participants automatically associated Black faces with the words "revenge," "payback," and "punish," and associated White faces with the words "forgive," "redemption," and "compassion."¹⁷ Furthermore, we found that citizens' implicit racial biases predicted their overall retributiveness: the greater the implicit racial bias they held, the more they supported retribution as an ideal punishment theory.¹⁸

Taken together, our studies illustrate how deeply ingrained cultural forces tend to promote both the undervaluing and over-punishment of Black lives across the justice system. To connect these studies to legal doctrine at a systemic level, we next focus on two ways in which these forces shape criminal law. First, at the level of constitutional law, we explore the implications of systemic racial bias on Eighth Amendment excessive punishment jurisprudence. Second,

10. *See id.* at 556.

11. The Implicit Association Test is a well-known measure that tests automatically held social attitudes and stereotypes. *See* Anthony G. Greenwald et al., *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test*, 74 J. PERSONALITY & SOC. PSYCHOL. 1464, 1464-66 (1998).

12. Levinson, Smith & Young, *supra* note 4, at 556.

13. *Id.* at 556 n.212.

14. *See id.* at 557-59.

15. *See* Smith, Levinson & Hioki, *supra* note 7 (manuscript at 35-46).

16. *See id.* (manuscript at 35, 37-38).

17. *See id.* (manuscript at 43).

18. *See id.* (manuscript at 44-45).

taking a step back, we wrestle with how systemic implicit bias infects the way people frame issues throughout the criminal justice system—distorting policy questions and altering the decisional calculus of the actors in the justice system who wield the most discretionary power.

II. SYSTEMIC IMPLICIT BIAS AND EIGHTH AMENDMENT JURISPRUDENCE

The results of our studies have meaningful implications for Eighth Amendment jurisprudence on cruel and unusual punishments, specifically relating to the supposedly race-irrelevant doctrine of excessiveness. When the U.S. Supreme Court questions whether a punishment is categorically excessive, the Court asks, in part, whether in its own judgment the punishment practice is excessive in relation to the severity of the crime or the class of people subjected to the punishment.¹⁹ For instance, the Court has held that the death penalty is an excessive punishment for non-homicide offenses.²⁰ It has also held that the death penalty cannot be imposed upon juveniles or the intellectually disabled, no matter the severity of the offense,²¹ and that life without parole cannot be imposed upon juveniles who commit non-homicide offenses.²² Traditionally, the racial disparities that remain at the heart of our harshest punishments²³—for example, the death penalty and juvenile life without parole—have not been viewed as part of excessiveness analysis. Instead, racial disparities are treated as relevant to questions about the inconsistency and irrationality of

19. See *Kennedy v. Louisiana*, 554 U.S. 407, 434-41 (2008) (determining that capital punishment is excessive for a person who commits a non-homicide offense); *Roper v. Simmons*, 543 U.S. 551, 568-75 (2005) (concluding that capital punishment is disproportionate for offenders under eighteen); see also Robert J. Smith, *Forgetting Furman*, 100 IOWA L. REV. 1149, 1173 (2015) (“[B]ecause the death penalty must be reserved for the most egregious offenders, only capital defendants who commit the most heinous offenses and those whose personal background and characteristics suggest that they are among the most culpable are eligible for a death sentence.”).

20. *Kennedy*, 554 U.S. at 447.

21. *Roper*, 543 U.S. at 578 (holding that the Eighth Amendment bars imposition of the death penalty on a juvenile); *Atkins v. Virginia*, 536 U.S. 304, 321 (2002) (holding that the Eighth Amendment bars imposition of the death penalty on an intellectually disabled person).

22. *Graham v. Florida*, 560 U.S. 48, 82 (2010) (holding that the Eighth Amendment bars imposition of a life without parole sentence on a juvenile who commits a non-homicide offense).

23. See, e.g., Meg Beardsley, Sam Kamin, Justin Marceau & Scott Phillips, *Disquieting Discretion: Race, Geography & the Colorado Death Penalty in the First Decade of the Twenty-First Century*, 92 DENV. U. L. REV. 431 (2015) (detailing racial disparities in the Colorado death penalty); John R. Mills, Anna M. Dorn & Amelia Courtney Hritz, *Juvenile Life Without Parole in Law and Practice: Chronicling the Rapid Change Underway*, 65 AM. U. L. REV. 535 (2016) (detailing racial disparities in juvenile life without parole sentencing).

treating two deserving defendants differently.²⁴ Since 2002, the Court has found a punishment practice unconstitutional six times under the excessiveness framework; *none* of those cases focused significantly on race.²⁵ Yet, our studies—which found that Americans devalue Black lives relative to White lives and associate retribution with Black more than White—illustrate that racial bias has implications for how courts should understand the excessiveness of a punishment.

First, if people on an automatic and unconscious level value White lives more than Black lives, then the enormity of the harm that the crime inflicts upon society inaccurately appears greater when a White life is lost. Thus, a person is erroneously seen as more deserving of harsher punishment for killing a White person because that White life is automatically perceived to have greater

-
24. See, e.g., *McCleskey v. Kemp*, 481 U.S. 279, 312–13 (1987) (“Apparent discrepancies in sentencing are an inevitable part of our criminal justice system. The [racial] discrepancy indicated by the Baldus study is a far cry from the systemic defects identified in *Furman* Despite these imperfections [in implementing the death penalty], our consistent rule has been that constitutional guarantees are met when the mode for determining guilt or punishment itself has been surrounded with safeguards to make it as fair as possible.”) (citation omitted). In *Furman v. Georgia*, 408 U.S. 238 (1972), a deeply fractured Court held that then-existing death penalty statutes violated the Eighth and Fourteenth Amendments. The dominant theme in the five separate concurrences that formed the majority is that the death penalty was unconstitutional because it was administered in an arbitrary (and perhaps racially discriminatory) manner. Four years later, in *Gregg v. Georgia*, 428 U.S. 153 (1976), the Court affirmed the constitutionality of Georgia’s newly created capital sentencing statute because it provided procedural safeguards designed to eliminate wholly arbitrary sentencing outcomes. Over time, the Court continued to focus on the procedural regulations governing capital punishment as opposed to focusing on whether the outcomes produced were arbitrary and discriminatory. See Carol S. Steiker & Jordan M. Steiker, *Sober Second Thoughts: Reflections on Two Decades of Constitutional Regulation of Capital Punishment*, 109 HARV. L. REV. 355, 370–71 (1995). Commentators refer to this focus on procedural regulation of the death penalty as a “super due process” requirement that the Court read into the cruel and unusual punishment clause. See, e.g., Margaret Jane Radin, *Cruel Punishment and Respect for Persons: Super Due Process for Death*, 53 S. CAL. L. REV. 1143 (1980). A second line of Eighth Amendment cases focus not on policing arbitrary or discriminatory outcomes, or the procedures designed to avoid such outcomes, but instead on whether the punishment is categorically excessive in that it serves no meaningful penological purpose. See, e.g., *Kennedy*, 554 U.S. at 413 (holding that the death penalty is an unconstitutionally disproportionate sentence for rape of a child). In the latter line of cases—those that focus on disproportionality—racial discrimination does not play an important role. As we describe below, this is an important oversight.
25. *Hall v. Florida*, 134 S. Ct. 1986, 2001 (2014) (holding that Florida’s threshold requirement for demonstrating intellectual disability using an IQ test score is unconstitutional); *Miller v. Alabama*, 132 S. Ct. 2455, 2475 (2012) (holding that the Eighth Amendment prohibits mandatory life without parole sentences for juveniles); *Graham*, 560 U.S. 48; *Kennedy*, 554 U.S. 407; *Roper*, 543 U.S. 551; *Atkins*, 536 U.S. 304.

value.²⁶ This disproportionate valuing of White crime victims does not alone tell us whether the death penalty is too much punishment—or, instead, whether the absence of the death penalty for killers of Black victims is too little punishment. Rather, it suggests that the unintentional devaluing of Black lives leads to a racialized calculation of the harm caused and of the necessary government response to address that harm. Thus, when study after study shows a race-of-the-victim effect in death penalty cases,²⁷ it is no longer justifiable to treat those findings as relevant only to anti-arbitrariness goals; instead, one must reckon with questions about the constitutional excessiveness of capital punishment.

Second, if people automatically and disproportionately favor harsh payback over rehabilitation when the defendant is Black,²⁸ the relevance of systemic implicit bias to questions of constitutionally disproportionate punishment—this time in the context of a defendant’s personal culpability—is clear. In the context of juvenile life without parole (JLWOP), for example, the U.S. Supreme Court has held that because children possess less developed cognitive and emotional faculties than adults,²⁹ juveniles must be treated as less deserving of the harshest punishments than adults who commit the same offenses.³⁰ This reasoning led the Court to hold that the Eighth Amendment prohibits JLWOP sentences for non-homicide crimes.³¹ The same reasoning led the Court to hold

26. See, e.g., David C. Baldus et al., *Evidence of Racial Discrimination in the Use of the Death Penalty: A Story from Southwest Arkansas (1990-2005) with Special Reference to the Case of Death Row Inmate Frank Williams, Jr.*, 76 TENN. L. REV. 555, 561 (2009) (finding race-of-the-victim effects in Arkansas death sentencing); Glenn L. Pierce & Michael L. Radelet, *Death Sentencing in East Baton Rouge Parish, 1990-2008*, 71 LA. L. REV. 647, 670-73 (2011) (finding race-of-the-victim effects in East Baton Rouge Parish, Louisiana).

27. See, e.g., DAVID C. BALDUS, GEORGE G. WOODWORTH & CHARLES A. PULASKI, JR., *EQUAL JUSTICE AND THE DEATH PENALTY: A LEGAL AND EMPIRICAL ANALYSIS* 9 (1990) (summarizing the empirical studies of Georgia’s post-*Furman* capital sentencing scheme); Sheri Lynn Johnson et al., *The Delaware Death Penalty: An Empirical Study*, 97 IOWA L. REV. 1925, 1940 (2012); James S. Liebman & Peter Clarke, *Minority Practice, Majority’s Burden: The Death Penalty Today*, 9 OHIO ST. J. CRIM. L. 255, 270 (2011); Pierce & Radelet, *supra* note 26, at 670-73; Michael L. Radelet & Glenn L. Pierce, *Race and Death Sentencing in North Carolina, 1980-2007*, 89 N.C. L. REV. 2119, 2121-23 (2011); John J. Donohue III, *Capital Punishment in Connecticut, 1973-2007: A Comprehensive Evaluation From 4686 Murders to One Execution* 7 (2011), <http://www.deathpenaltyinfo.org/documents/DonohueCTStudy.pdf> [http://perma.cc/47P3-3SM2].

28. See Smith, Levinson & Hioki, *supra* note 7, at 43.

29. See *Roper*, 543 U.S. at 573-74.

30. See *id.* at 574-75.

31. See *Graham v. Florida*, 560 U.S. 48, 68-69 (2010).

that JLWOP is only appropriate in the rarest of homicides where the juvenile is irreparably corrupted.³²

The implicit retribution bias that we found helps to explain why Black teenagers continue to disproportionately receive life without parole sentences.³³ Specifically, before a decision-maker even begins to wrestle with the difficult question of whether an adolescent is permanently incorrigible—meaning he will never become a different and less dangerous person as he ages and his brain develops—the child’s group membership puts a thumb on the scale for increased punishment over the promise of rehabilitation.³⁴ As with the death penalty, then, racial disparities in JLWOP are questions about excessiveness and not simply about rationality and consistency.

III. SYSTEMIC IMPLICIT BIAS INFECTS POLICY DECISIONS

A robust literature describes how implicit bias seeps into points of discretion such as jury decision-making and the sentencing of defendants.³⁵ There is also a sizable literature on whether core processes thought to promote fairness—including jury selection,³⁶ death-qualification of jurors in capital cases,³⁷

32. See *Montgomery v. Louisiana*, 136 S. Ct. 718, 736, 734 (2016) (clarifying that juvenile life without parole is “disproportionate for the vast majority of juvenile offenders” and may be imposed only on “those rare children whose crimes reflect irreparable corruption”); *Miller v. Alabama*, 132 S. Ct. 2455, 2469 (2012) (holding that the Eighth Amendment prohibits mandatory life without parole sentences for juveniles); *Graham*, 560 U.S. at 72-73.

33. See Mills, Dorn & Hritz, *supra* note 23, at 560-81; *Juvenile Life Without Parole In Philadelphia: A Time for Hope?*, FAIR PUNISHMENT PROJECT 13 (2016), http://fairpunishment.org/wp-content/uploads/2016/03/FPP_JLWOP_philadelphia_r601.pdf [http://perma.cc/7SX4-QGAG].

34. See Aneeta Rattan et al., *Race and the Fragility of the Legal Distinction Between Juveniles and Adults*, 7 PLOS ONE, May 23, 2012, at 2.

35. See, e.g., Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 UCLA L. REV. 1124 (2012) (considering the effects of implicit bias at various stages of criminal trials); Justin D. Levinson, *Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering*, 57 DUKE L.J. 345 (2007) (reporting the results of an empirical study that found that mock jurors remembered case facts in racially biased ways); Levinson, Cai & Young, *supra* note 4, at 188 (finding implicit associations between Black and Guilty, and White and Not Guilty); Levinson, Smith & Young, *supra* note 4 (reporting that “death qualified” jurors possessed higher levels of both implicit and explicit anti-Black bias than jurors who would be ineligible to serve on death penalty juries); Anna Roberts, *(Re)forming the Jury: Detection and Disinfection of Implicit Juror Bias*, 44 CONN. L. REV. 827 (2012) (critiquing ways in which to mitigate jurors’ implicit bias prior to trial).

36. See, e.g., Mark W. Bennett, *Unraveling the Gordian Knot of Implicit Bias in Jury Selection: The Problems of Judge-Dominated Voir Dire, the Failed Promise of Batson, and Proposed Solutions*, 4 HARV. L. & POL’Y REV. 149 (2010); Roberts, *supra* note 35.

and the presumption of innocence³⁸—are themselves susceptible to implicit bias. Yet, the results of our two studies illuminate how implicit bias taints the framing of legal policy questions earlier in the process than the existing literature would suggest.³⁹ We posit that systemic implicit bias pervades the criminal justice system even at the point when policymakers and citizens consider how to respond to perceived social problems. Most of the discussion about implicit bias is about what happens at trial or during the investigative stop—what happens to a policy in the real world. Yet, before a decision-maker thinks about the specifics of a policy—and long before that policy is put into practice—implicit bias shapes how people intuitively understand what makes a good punishment, how much of that punishment is necessary, and whether human beings deserve that punishment or not. Thus, implicit bias affects people's implicit theories of human nature as they begin to apply those theories to real policy decisions.

Systemic implicit bias can influence how policymakers choose between punitive and preventative frameworks for addressing social problems. For example, should gun violence be addressed through harsher mandatory minimum jail sentences for illegal gun possession? Or is the money that would be spent on increased prison costs better spent on job training, addiction treatment, or mental health care for people identified as being of high risk for either being a perpetrator or a victim of gun violence? If gun violence is envisioned (even without awareness) as a problem that mostly impacts Black citizens, both in terms of its victims and its perpetrators, then systemic implicit bias will likely impact which approach to the problem policymakers adopt. The relative devaluing of Black lives and the disproportionate desire to punish Black people will sway decision-makers toward supporting mandatory minimum jail time instead of programs aimed at treatment and prevention. A vast spectrum of policy decisions can be viewed through this racialized lens. In other words, just as a particular association between Black and weapons or Black and drug crime can lead to policy-specific bias, systemic implicit biases could affect many policy choices.

37. See, e.g., Levinson, Smith & Young, *supra* note 4, at 559. Death qualification refers to the voir dire process whereby jurors are questioned to determine whether they would be willing to consider both a life sentence and a death sentence. Jurors who would not be willing to consider both options (e.g., one who indicates she would never vote for death) are typically removed from the jury.

38. See Danielle M. Young, Justin D. Levinson & Scott Sinnett, *Innocent Until Primed: Mock Jurors' Racially Biased Response to the Presumption of Innocence*, 9 PLOS ONE, Mar. 18, 2014, at 3-4.

39. See Levinson, Smith & Young, *supra* note 4; Smith, Levinson & Hioki, *supra* note 7 (manuscript at 8-15).

Importantly, systemic implicit bias is not limited to policy-making in Congress, the state legislature, the county commission, or the city council. Consider an elected prosecutor who must decide, as an office-wide policy matter, whether to permit the prosecutors in her office to recommend diversionary programs instead of incarceration for non-violent felony drug offenders. Existing research addresses how bias might enter into the process of sentencing in individual cases once the office-wide policy decision has been made. But long before a line prosecutor decides whether a particular defendant is better suited for a diversionary program or incarceration, the elected prosecutor may determine policy in a biased way. If the prosecutor—like Americans generally—devalues the humanity of Black Americans and leans towards punishing the transgressions of Black Americans more harshly, then her implicit biases could influence the policy decisions that bind line prosecutors across all of their cases—again, for example, the ability to seek diversionary programs over incarceration.⁴⁰ This same calculus applies to many actors within the justice system—including police chiefs and sheriffs, county commissioners, city council members, and state legislators—who make the policy decisions that precede the enormous discretionary power that line actors—such as police officers or prosecutors—possess in investigating, interrogating, and prosecuting individual cases.⁴¹

CONCLUSION

Taken broadly, systemic implicit bias illustrates that bias enters into the criminal justice system before a police officer decides to stop and frisk a person, and long before procedural processes like the death qualification of capital juries permit bias to sweep into the trial process. Because, as our empirical studies show, people both possess automatic associations that devalue Black lives relative to White lives and associate Black Americans with a need for punishment, bias enters into the system at the earliest stages—at the time when policy-makers are considering questions of where to police and how aggressively, and why to punish and by how much. For these reasons, systemic implicit bias can influence the policy choices that elected prosecutors, law enforcement chiefs, and legislators make. Moreover, systemic implicit bias illustrates why Eighth Amendment jurisprudence analyzing penal excess must grapple with racial unevenness—specifically, because the disproportionate tendency to punish Black Americans risks that people who otherwise do not deserve a punishment will nonetheless receive it, in some significant part because of racial bias.

40. See Smith & Levinson, *supra* note 2, at 805-22 (considering a range of biases that likely affect such prosecutors).

41. See, e.g., *id.* at 822; Richardson, *supra* note 1, at 1144-46.

Our suggested analysis of race in Eighth Amendment excessiveness jurisprudence will likely lead to the conclusion that certain punishment practices, such as the death penalty and JLWOP, are indeed unconstitutional. Dealing with systemic bias in the policy-making arena requires a somewhat more nuanced response. Due to the danger of systemic implicit bias in policy formulation, we recommend the implementation of a presumption against certain criminal justice policies, including sentencing enhancements, that come on the heels of a racialized history or a recent racialized moral panic. For existing criminal justice policies, when racially disparate application has become apparent, and especially where there is a history of racially divisive rhetoric surrounding the adoption of the policy, public officials should take affirmative steps to root out any disproportionality.⁴²

Justin D. Levinson is a Professor of Law and Director of the Culture and Jury Project at the University of Hawai'i at Mānoa, William S. Richardson School of Law. Robert J. Smith is the director of the Fair Punishment Project at Harvard Law School. Previously, he was an assistant professor of law at the University of North Carolina at Chapel Hill.

Preferred Citation: Justin D. Levinson & Robert J. Smith, *Systemic Implicit Bias*, 126 YALE L.J. F. 406 (2017), <http://www.yalelawjournal.org/forum/systemic-implicit-bias>.

42. For instance, a state or federal sentencing commission could recommend a retroactive adoption of lower sentencing ranges. Similarly, a prosecutor could ask her staff to review cases that resulted in long sentences (e.g., for crack cocaine possession), and write letters asking for parole or clemency where appropriate to mitigate the unnecessary harshness.

The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals

Joshua Correll, Bernadette Park,
and Charles M. Judd
University of Colorado at Boulder

Bernd Wittenbrink
University of Chicago

Using a simple videogame, the effect of ethnicity on shoot/don't shoot decisions was examined. African American or White targets, holding guns or other objects, appeared in complex backgrounds. Participants were told to "shoot" armed targets and to "not shoot" unarmed targets. In Study 1, White participants made the correct decision to shoot an armed target more quickly if the target was African American than if he was White, but decided to "not shoot" an unarmed target more quickly if he was White. Study 2 used a shorter time window, forcing this effect into error rates. Study 3 replicated Study 1's effects and showed that the magnitude of bias varied with perceptions of the cultural stereotype and with levels of contact, but not with personal racial prejudice. Study 4 revealed equivalent levels of bias among both African American and White participants in a community sample. Implications and potential underlying mechanisms are discussed.

In February 1999, around midnight, four plain-clothes police officers were searching a Bronx, New York, neighborhood for a rape suspect. They saw Amadou Diallo, a 22-year-old West African immigrant, standing in the doorway of his apartment building. According to the police, Diallo resembled the suspect they were tracking. When they ordered him not to move, Diallo reached into his pants pocket. Believing he was reaching for a gun, the police fired a total of 41 shots, 19 of which hit and killed Diallo. Diallo was in fact unarmed. All four officers were later acquitted of any wrongdoing in the case.

The police could not have known for certain that Diallo was harmless. In the dark, they had ordered a potentially dangerous man to freeze, and that man reached for something. If Diallo had been armed, their decision to open fire would never have been questioned. But the decision to shoot a man who later proved to be unarmed did raise questions, one fundamental question in particular: Would the police have responded differently if Diallo had been White? Perhaps Diallo would have been given the benefit of the doubt, perhaps the order to freeze would have been repeated, perhaps a slight delay in the decision to fire would have given the officers time to recognize that this suspect was not reaching for a

gun. Though it is impossible to reach a definitive answer with respect to Diallo's case, the dilemma faced by these officers has important consequences for cities nationwide and warrants a systematic investigation. It seems crucial to understand whether or not the decision to shoot is influenced by the target's ethnicity, and if so, what this bias represents.

Social psychology has long held an interest in the way that schemata, including expectancies about social categories like ethnicity, guide the interpretation of ambiguous information (Duncan, 1976; Hilton & von Hippel, 1990; Jacobs & Eccles, 1992; Rothbart & Birrell, 1977; Sagar & Schofield, 1980). The quick and almost effortless classification of a unique individual into a broad social category (Brewer, 1988; Fiske, Lin, & Neuberg, 1999; Fiske & Neuberg, 1990) may lead people to assume that traits generally associated with the category also apply to this particular member. Either in the absence of individuating information (Darley & Gross, 1983; Locksley, Borgida, Brekke, & Hepburn, 1980; see Hamilton & Sherman, 1994, for a review) or in spite of it (Beckett & Park, 1995; Krueger & Rothbart, 1988), stereotypic associations can influence an observer's perceptions in a top-down fashion. A stereotype, in essence, can function as a schema to help clarify or disambiguate an otherwise confusing situation.

Of particular interest to the question of Diallo's death is the possibility that the officers' decision to fire was influenced by the stereotypic association between African Americans and violence. The ambiguity of Diallo's behavior (what was he reaching for?), which ironically provides a justification for the officers' decision, may have set the stage for bias, prompting the officers to draw on other sources of information, including stereotypes, in an effort to understand what was happening. Duncan (1976) showed that the same mildly aggressive behavior is perceived as more threatening when it is performed by an African American than when it is performed by a White person. A White person's light push seems like a violent shove when performed by an African American. Sagar and Schofield (1980), following Duncan, presented 6th-

Joshua Correll, Bernadette Park, and Charles M. Judd, Department of Psychology, University of Colorado at Boulder; Bernd Wittenbrink, Graduate School of Business, University of Chicago.

This material is based on work supported by a National Science Foundation graduate research fellowship awarded to Joshua Correll. Support for this work also came from National Institute of Mental Health Grant R01-45049 awarded to Bernadette Park and Charles M. Judd and from a sabbatical award from the James McKeen Cattell Fund awarded to Bernadette Park. We thank Paul G. Davies for his invaluable contributions to the conceptual development of this project, and Joshua Ingram and David M. Deffenbacher for their assistance in its implementation.

Correspondence concerning this article should be addressed to Joshua Correll, Department of Psychology, University of Colorado, Boulder, Colorado 80309-0345. E-mail: jcorrell@psych.colorado.edu

grade boys with line drawings and verbal accounts of ambiguous dyadic interactions, for example, two boys bumping into one another in the hallway, or one boy borrowing a pencil from a classmate without asking. To manipulate the ethnicity of the people interacting, the researchers simply shaded in the drawings. Like Duncan, they found that when an actor was depicted as African American, rather than White, his behavior seemed more mean and threatening to the participants. Sagar and Schofield further found that this bias in perception was similar for both White and African American participants. That is, the tendency to see an African American's behavior as more mean and threatening than a White person's did not depend on the observer's ethnicity. On the basis of this result, Sagar and Schofield argued that the bias reflects not the internalization of anti-African American attitudes, but rather the application of a widely known and cognitively derived stereotype about the group to the particular target individual.

Devine (1989) went on to demonstrate that the impact of ethnicity on interpretation could occur even without participants' awareness. She asked participants to rate a target's ambiguously hostile behavior after subliminally priming them with words related to both the social category and the stereotype of African Americans (but excluding words directly related to violence). Participants who were primed with a greater number of these words were more likely to interpret the behavior as hostile, even though the target's ethnicity was never mentioned. Lepore and Brown (1997) primed only the social category of African Americans (not the stereotype) and found that the effect of the primes on interpretation of behavior was only evident among the more prejudiced participants. In all of these studies, the association between the social category, African American, and the concept of violence seems to lead participants to interpret an ambiguous target as more dangerous.

Most recently, Payne (2001) demonstrated that participants were faster and more accurate in distinguishing guns from hand tools when they were primed with an African American face, as opposed to a White face. Using Jacoby's (1991; Jacoby, Toth, & Yonelinas, 1993) Process Dissociation Procedure, Payne then separated participants' errors into automatic and controlled components. The magnitude of the automatic estimate represents the degree to which the ethnicity of the prime influences participants' decisions when their ability to control that decision fails. Among participants who were low in motivation to control prejudiced responding, Payne found that greater prejudice was associated with a greater automatic effect.

The primary goal of the current research was to carry this line of inquiry one step further, investigating the effect of a target's ethnicity on participants' decision to "shoot" that target. We present data from a simplified videogame, which roughly simulates the situation of a police officer who is confronted with an ambiguous, but potentially hostile, target, and who must decide whether or not to shoot. In the game, images of people who are either armed or unarmed, and either African American or White, appear unexpectedly in a variety of contexts. Unlike previous research, this game requires participants to make a behavioral shoot/don't shoot decision similar to that of a police officer. And unlike a sequential priming study (such as Payne, 2001), this game simultaneously presents a target person's ethnicity and the object he is holding. A participant need not process ethnicity to determine

whether the target is armed. In spite of these differences, the research reviewed above strongly suggests that interpretation of the target as dangerous, and the associated decision to shoot, will vary as a function of the target's ethnicity. In Studies 1 and 2, we test this basic prediction. In Studies 3 and 4, we make an initial effort to understand the processes underlying this bias in the decision to shoot.

Study 1

Method

Participants and Design

Forty undergraduates (24 female, 16 male) at the University of Colorado at Boulder participated in this experiment in return for either \$8 or partial credit toward a class requirement.¹ One of the male participants was Latino. All other participants were White. The study used a 2×2 within-subject design, with Target Ethnicity (African American vs. White) and Object Type (gun vs. no gun) as repeated factors.

Materials

Using the PsyScope software package (Cohen, MacWhinney, Flatt, & Provost, 1993), we developed a simplistic videogame that presented a series of background and target images. The videogame used a total of 20 backgrounds and 80 target images. Twenty young men, 10 African American and 10 White, were recruited on college campuses to pose as models for the targets. Each of these models appeared in the game four times, twice as a target in the gun condition and twice as a target in the no-gun condition, with a different object and in a different pose each time (five basic poses were used in the game). There were four non-gun objects (a silver-colored aluminum can, a silver camera, a black cell phone, and a black wallet) and two guns (a silver snub-nosed revolver and a black 9-mm pistol). Each of the objects, within condition, appeared equally often in each of the five poses. The four target images for each model were superimposed on randomly determined backgrounds, constrained so that each background was used once in each of the four conditions and no target appeared on the same background more than once. Background images included an intentionally diverse assortment of photographs, such as train station terminals, parks, hotel entrances, restaurant facades, and city sidewalks. No people appeared in any of the original background scenes. Examples of the stimuli appear in Figure 1.

In total, there were 80 trials in the videogame, with 20 trials in each cell of the 2×2 design created by crossing the ethnicity of the target with whether the target held a gun or a non-gun. Each of the 80 trials began with the presentation of a fixation point, followed by a series of empty backgrounds, presented in slide-show fashion. The number of backgrounds on a given trial was randomly determined, ranging from 1 to 4. The duration of each was also random, ranging from 500 to 1,000 ms. The final background in the series was replaced by the target image, created by superimposing the target on the final background. From the perspective of the participant, a man seemed to simply appear on the background. The design of the game was intended to ensure that the participant never knew when or where the target would appear in the background or when a response would be required.

To play the game, the participant needed to decide as quickly as possible whether the object the man was holding was a gun or not. If it was a gun,

¹ Gender did not moderate any of the effects we report in this or subsequent studies. In Study 3, there was a main effect of gender, such that men had faster reaction times for all targets than did women, $t(43) = 2.31$, $p = .03$, but this effect did not replicate in the other studies.



Figure 1. Target and background example scenes from videogame. Color originals are available at psych.colorado.edu/~jcorrell/tpod.html

the man posed an imminent danger, and the participant needed to shoot him as quickly as possible by pushing the right button, labeled *shoot*, on a button box. If he was holding some object other than a gun, he posed no

danger, and the participant needed to press the left button, labeled *don't shoot*, as quickly as possible. Participants were instructed to use separate hands for each button and to rest their fingers on the buttons between trials.

Table 1
Means (and Standard Deviations) for Reaction Times and Error Rates as a Function of Target Ethnicity and Object Type (Studies 1, 2, and 3)

Study	Reaction times		Errors per 20 trials	
	White targets	Afr. Am. targets	White targets	Afr. Am. targets
Study 1				
Armed targets	554 (46)	544 (39)	0.70 (1.07)	0.40 (0.78)
Unarmed targets	623 (38)	634 (39)	1.23 (1.29)	1.45 (1.04)
Study 2				
Armed targets	449 (23)	451 (28)	2.46 (1.83)	1.48 (1.38)
Unarmed targets	513 (32)	523 (38)	2.40 (2.76)	3.29 (2.87)
Study 3				
Armed targets	550 (40)	539 (45)	0.76 (0.86)	0.49 (0.80)
Unarmed targets	607 (38)	620 (38)	0.33 (0.90)	0.65 (1.24)

Note. Afr. Am. = African American.

The game awarded and deducted points on the basis of performance. A hit (correctly shooting a target holding a gun) earned 10 points, and a correct rejection (not shooting a target holding some non-gun object) earned 5 points. A false alarm (shooting a target holding a non-gun) was punished by taking away 20 points, and a miss (not shooting a target holding a gun) resulted in our harshest penalty: a loss of 40 points.² This payoff matrix represented an effort to partially, if weakly, recreate the payoff matrix experienced by police officers on the street, where shooting an innocent suspect is a terrible mistake (as in the case of Amadou Diallo), but where the stronger motivation is presumably to avoid misidentifying an armed and hostile target, which could result in an officer's death. To minimize nonresponse, the game assessed a timeout penalty of 10 points if participants failed to respond to a target within 850 ms. This time window was selected to force participants to respond relatively quickly, while still allowing enough time such that errors in the game would be minimized. Participants' decisions ("shoot" or "don't shoot") and their reaction times were recorded for each trial. Each trial ended by giving participants feedback on whether they had made the correct decision on that trial and by showing them their cumulative point total.

Procedure

Participants, in groups of 1 to 4, were met by a male experimenter who outlined the study as an investigation of perceptual vigilance, or the ability to monitor and quickly respond to a variety of stimuli. A detailed set of instructions for the videogame task followed, including the point values for each of the outcomes. Participants were also informed that the people with the first, second, and third highest scores in the study would receive a prize (\$30, \$15, and \$10, respectively) and that 5 others, randomly selected from participants with scores in the top 30%, would each receive \$10. These prizes were intended to make the payoff matrix personally meaningful. Finally, participants were asked to pay attention to the faces of the targets, because they would be tested on their ability to recognize the targets at the end of the game. Participants then moved to individual rooms to play the game.

At the conclusion of the game, participants were presented with a series of 16 recognition trials in a paper-and-pencil task to determine whether facial characteristics of the targets had been attended to. For each of the 16 faces, participants had to indicate whether they believed it was the face of one of the targets that had been seen during the game or not. Half of the presented targets had in fact been seen previously; half had not. Additionally, half of the targets were African American and half were White.

Following the recognition task, participants were given a short questionnaire, which asked whether they valued the monetary incentives, whether

they remembered the point values for hits, misses, false alarms, and correct rejections. Participants were then fully debriefed, with the experimenter paying particular attention to alleviate any negative feelings aroused by the game.

Results and Discussion

To analyze the resulting reaction times, we excluded all trials on which the participant had either timed-out (i.e., failed to make a decision in the allotted 850-ms window) or made an incorrect response (e.g., shooting a target holding a non-gun). This resulted in the exclusion of data from 7% of the trials across participants, with a maximum of 20% of the trials for any one participant. Response latencies on the remaining trials were log-transformed and then averaged within subject across trials occurring in the same cell of the 2×2 within-subject research design. An analysis of variance (ANOVA) of the resulting mean latencies was then conducted, treating Target Ethnicity (White vs. African American) and Object Type (gun versus no gun) as within-subject factors.

This analysis revealed a significant main effect for Object, $F(1, 39) = 244.16, p < .0001$, and a significant Object \times Ethnicity interaction, $F(1, 39) = 21.86, p < .0001$. The resulting cell means (converted back to the millisecond metric) appear in Table 1. As these means reveal, participants were significantly faster at making the correct decision to shoot, when the target held a gun, than the correct decision to not shoot, when the target did not hold a gun. More central to our predictions, the interaction suggests that the speed of responding on gun versus no-gun trials depended on target ethnicity. We decomposed this interaction by examining the simple effects of ethnicity separately for the gun and no-gun trials. Both were significant: Participants fired at an armed target more quickly if he was African American than if he was White, $F(1, 39) = 10.89, p < .005$, and they decided not to shoot an unarmed White target more quickly than an unarmed African American target, $F(1, 39) = 9.77, p < .005$.

² These point values should, objectively, create a bias to shoot: The two "don't shoot" options yield an average reward of -17.5 points, whereas the "shoot" options yield a less aversive average of -5 points.

We intentionally gave participants a long enough response window (850 ms) in this study to maximize correct responses to examine effects on response latencies. And, as we suspected, the proportions of errors were quite low, averaging 4% of the trials across participants. Nonetheless, it is possible to examine the error rates to see if they depended on Target Ethnicity, Object Type, or their interaction (see mean error rates in Table 1). This analysis revealed a main effect for Object, $F(1, 39) = 32.31, p < .0001$, such that errors in the no-gun condition (i.e., false alarms) were more frequent than errors in the gun condition (i.e., misses). The interaction between Ethnicity and Object was also significant, suggesting that the tendency to make more false alarms than misses was more pronounced for African American targets than for White targets, $F(1, 39) = 7.68, p < .01$. That is, whereas participants tended to shoot unarmed targets more frequently than they decided not to shoot armed targets, in general, this tendency was stronger when the target was African American than when the target was White. The simple effects were in the correct direction, but not statistically significant. Participants were marginally more likely to miss an armed target when he was White than when he was African American, $F(1, 39) = 3.66, p = .06$, but errors in response to unarmed targets did not seem to depend on ethnicity, $F(1, 39) = 1.68, p = .20$.

Both the latency and error results attest to the role of target ethnicity in disambiguating potentially threatening stimuli. Clearly, the responses of participants to these stimuli depended at some level on the ethnic category of the target, with potentially hostile targets identified as such more quickly if they were African American rather than White and benign targets identified as such more quickly if they were White rather than African American. Although these results are certainly consistent with our expectations, they are also somewhat surprising given the fact that the target ethnicity appeared at exactly the same time as the object that had to be identified as a gun or not. Certainly participants could have performed perfectly on the task by attending only to the object held in the target's hand and by completely ignoring the target's ethnicity or any other individuating information.

To examine whether a target's features, other than the object he held, were attended to by participants, we examined their ability to recognize the faces of the targets they had seen during the game. A signal detection analysis revealed that sensitivity to old versus new faces was not above chance level in these recognition data (mean $d' = 0.15$), $t(39) = 1.15, p = .26$. Separate analyses within target ethnicity revealed that participants were unable to recognize African American targets at a better than chance level (mean $d' = -0.08$), $t(39) = -0.48, p = .63$, although recognition sensitivity for the White targets did exceed chance levels (mean $d' = 0.33$), $t(39) = 2.26, p < .05$. Our data suggest, then, that target ethnicity affected participants' judgments even while participants remained largely incapable of recognizing the faces of the targets they had seen.

Study 2

Our first study allowed participants a sufficient response window so that they made correct decisions in the case of nearly all targets. That is, error rates were very low. As a result, the strongest results from the first study were found with decision latencies on correct responses, with faster decisions to armed African American

targets than to armed Whites, and faster decisions to unarmed White targets than to unarmed African Americans. Although significant, the interactive effects of Target Ethnicity and Object Type on response errors were substantially weaker (and the relevant simple comparisons were not significant).

In the second study, we sought to replicate the basic pattern of results from the first study, but this time to make the task substantially harder by shortening the amount of time during which participants had to respond. Clearly, if the effects that we are exploring are to be relevant to more real-life scenarios, such as those encountered by police officers, then we would like to show our effects on actual responses (and errors in responses) rather than simply on the speed with which correct responses are made. Additionally, to increase the importance of performance in the task, we recruited participants exclusively for pay in this study and we offered them incentives directly tied to the quality of their performance, paying up to \$20 for a study taking well less than an hour.

Method

Participants and Design

Forty-four undergraduates (33 female, 11 male) participated in this experiment in return for a minimum payment of \$10, with the opportunity to earn additional money (up to a total of \$20) by scoring points in the game. This incentive was intended to increase the personal significance of the rewards and penalties. One male participant was Latino, and 1 female was Asian. All other participants were White. We used the same 2×2 design, with Target Ethnicity (African American vs. White) and Object Type (gun vs. no gun) as within-subject factors.

Materials and Procedure

The materials and procedure were identical to those of Study 1, with the exception of the following modifications. First, we made clear to participants that they would be paid as a function of their performance. They were told that they started with an initial sum of \$14 to their credit. Each point earned or lost (according to the same payoff matrix used in Study 1) was worth 1 cent. It was made clear that if they performed perfectly across all 80 trials, they would earn \$20. If they lost points, they could lose up to \$4, but they were guaranteed a base pay of \$10. Second, we adjusted the game's response window from 850 ms to 630 ms to force participants to make decisions more quickly, with the goal of increasing error rates. Although a 630-ms response window may provide ample time to process simple stimuli such as faces or isolated objects, our images were fairly complex, and the shortened window proved a challenge for our participants. A pretest indicated that the shortened response window had the desired effect, increasing errors, but also dramatically increasing the proportion of trials on which participants failed to respond in time. Because the meaning of a timeout is ambiguous, a third change we made was to discourage timeouts by increasing their associated penalty from 10 to 50 points (i.e., 50 cents) and stressing the importance of responding quickly in the instructions. As participants' point totals directly affected the amount they were paid, this provided a considerable incentive. We also set an a priori limit, such that any participant with more than 10 timeouts would be excluded from the analysis. A final change we made was to the program used to record participants' data. In Study 1, for each trial, the program only recorded the response, response latency, target ethnicity, and target object (gun vs. no-gun), but the exact target and background for the trial were not recorded. We modified this in Study 2 so that we could identify particular stimuli that were associated with a greater number of errors.

Results and Discussion

Before conducting the primary analysis of error rates, we eliminated 5 participants (all female) who exceeded our a priori threshold of 10 timeouts (one eighth of all trials). Additionally, we examined error rates for particular targets to determine if correct responses were particularly difficult for some. In fact, there were a number of targets that were outliers in the overall distribution, inducing many more errors than the other targets. For instance, one unarmed African American target was shot by more than 90% of our participants. Additionally, one armed African American target and four unarmed White targets resulted in errors for more than one third of the participants. In each of these target images, some detail seemed potentially misleading. For example, one target had a stripe in his shorts that could be mistaken for a gun given the position of his arm. We suspect the substantially shorter time-out window was responsible for producing the unusually high error rates for these six targets. To deal with these outliers, we conducted all analyses twice, once with the full dataset and once deleting the six outlying targets. The analyses that we report are based on the partial dataset. However, with only one exception, as noted below, the results were unaffected by their inclusion/exclusion.

Participants' error rates (number of errors divided by the total number of valid trials) were subjected to a 2×2 ANOVA, with Target Ethnicity (White vs. African American) and Object Type (gun vs. no gun) as the independent variables. The relevant cell means are given in Table 1. The analysis revealed a significant effect for Object, such that the proportion of errors when a gun was present (i.e., misses) was lower than the proportion of errors when a gun was absent (i.e., false alarms), $F(1, 38) = 6.42, p < .02$. We also found the predicted interaction between Ethnicity and Object, $F(1, 38) = 17.83, p < .0001$. A test of the simple effects revealed that, when the target was unarmed, participants mistakenly shot him more often if he was African American than if he was White, $F(1, 38) = 6.53, p < .02$, though this effect was not significant when all targets were analyzed. When the target was armed, however, participants mistakenly decided not to shoot more often if he was White than if he was African American, $F(1, 38) = 13.31, p < .001$.

In addition to the analyses of the error rates, we also analyzed the decision latencies for correct responses, as in Study 1. Not surprisingly, given the considerably shorter response window in this study, there were no effects in the latencies. It seems that Study 1's interaction in response speed was, in this study, pushed over into error rates, due to the tightened response window.

As in Study 1, participants were unable to recognize presented targets above chance level. An analysis of the mean sensitivity to old versus new faces revealed a nonsignificant overall $d' = -0.02, t(38) = -0.15, p = .88$. Sensitivity was not above chance for either the White targets (mean $d' = 0.12, t(38) = 0.74, p = .46$), or for the African American targets (mean $d' = -0.16, t(38) = -0.97, p = .34$).

To understand the error rate results in greater detail, further analyses were conducted using the signal detection model (Green & Swets, 1966/1974; MacMillan & Creelman, 1991). Applied to the present context, the signal detection analysis assumes that targets encountered, both those with a gun and those without a gun, vary on a judgment-relevant dimension. For example, in the

present studies, the extent to which the targets appeared to be threatening might have served as a critical dimension. On average, targets with guns are more threatening than targets who possess other objects (to the extent that they are discriminated at all), but nevertheless, there is a distribution of targets within each set, and these vary in how threatening they subjectively appear to be. Thus, we have two distributions of targets, one of targets with guns and one of targets without guns, and the signal detection model assumes that these are both normal distributions with equal variances. To some extent, of course, these two distributions overlap and the question of sensitivity is the question of the extent to which this is true. That is, if participants are relatively sensitive or accurate, shooting those targets who have guns and not shooting those targets who don't have guns, then the two distributions are largely separated from each other.

Additionally, because participants make a choice between shooting and not shooting a target on the basis of the subjective sense of how threatening the target appears to be, they set a decision threshold somewhere along the continuum that underlies the two distributions. Above that threshold, they shoot the target; below threshold they do not. Where that threshold is set is commonly referred to as the *decision criterion*.

From the two kinds of errors (false alarms: shooting an unarmed target; misses: not shooting an armed target), one can derive estimates of both sensitivity, commonly defined as d' , and decision criterion, in this case defined as c . We estimated both of these parameters for our participants, once for the White targets and once for the African American targets. Unsurprisingly, given the relatively low percentages of errors, participants showed considerable accuracy (i.e., high levels of d') for both the White and African American targets (White $M = 2.47 [SD = 0.87]$; African American $M = 2.48 [SD = 0.85]$). A test of differential sensitivity between the two kinds of targets failed to reject the null hypothesis, $F(1, 38) = 0.01, p = .93$. There were differences, however, between the two kinds of targets in the response criterion (White $M = 0.03 [SD = 0.30]$; African American $M = -0.24 [SD = 0.31]$), such that a significantly lower decision criterion to shoot the target was found for African American targets, $F(1, 38) = 22.21, p < .0001$. These results are depicted graphically in Figure 2. In sum, from the perspective of the signal detection model, the differences between responses to the African American and White targets arose not from differences in the underlying accuracy with which the two kinds of targets, those with a gun and those without a gun, can be discriminated. Rather, in the case of the African American targets, participants simply set a lower threshold for the decision to shoot, being willing to shoot targets who seemed less threatening.³

³ The same pattern of signal detection results emerges both for Study 1 and for Study 3. For Study 1, sensitivity did not differ: African American $d' = 3.30$, White $d' = 3.28, F(1, 39) = 0.10, p = .75$; but the decision criterion did: African American $c = -0.17$, White $c = -0.09, F(1, 39) = 10.07, p = .003$. In Study 3, sensitivity did not differ: African American $d' = 3.54$, White $d' = 3.56, F(1, 44) = 0.12, p = .73$; but the decision criterion did: African American $c = -0.02$, White $c = 0.07, F(1, 44) = 6.96, p = .02$.

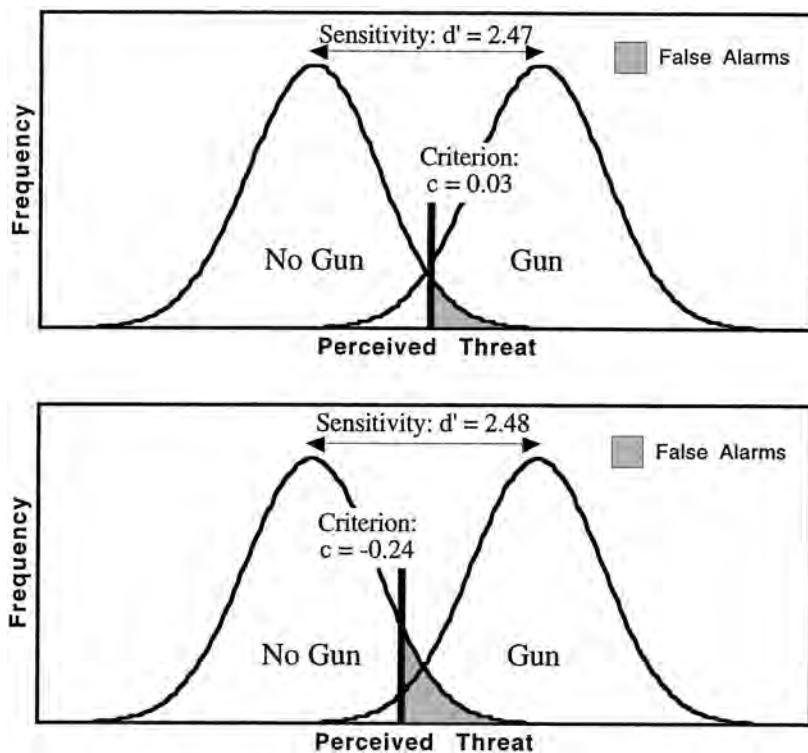


Figure 2. Hypothetical normal distributions representing unarmed and armed targets for signal detection analyses: White (top panel) and African Americans (bottom panel) targets.

Study 3

Studies 1 and 2 provide evidence that the decision to shoot an armed target is made more quickly and more accurately if that target is African American than if he is White, whereas the decision not to shoot is made more quickly and more accurately if the target is White. This pattern of results is fundamentally consistent with research suggesting that participants may use ethnicity to interpret an ambiguously threatening target. When ambiguous behavior is performed by an African American, it seems more hostile, more mean, and more threatening than when it is performed by a White person (Duncan, 1976; Sagar & Schofield, 1980). Participants also recognize a weapon more quickly and more accurately after seeing an African American face, rather than a White face (Payne, 2001). Here, we have shown that ethnicity can also influence a behavioral judgment with serious consequences for both target and shooter.

Simply documenting the existence of this bias does not clarify the mechanism by which ethnicity influences the decision to shoot. We suggested earlier that participants may use the stereotypic association between the social category, African American, and concepts like violence or danger as a schema to help interpret ambiguous behavior on the part of any given African American target. Through deductive inference, traits associated with the category may be applied to the individual category member. It is important to recognize that the proposed process does not require a participant to dislike African Americans, or to hold any explicit prejudice against them, nor does it require that the participant endorse the stereotype; it simply requires that, at some level, the

participant associates the two concepts “African American” and “violent.” Previous research is equivocal in its support of this possibility, suggesting that bias in the interpretation of an ambiguous stimulus may depend on both stereotypic associations and on prejudice. Sagar and Schofield (1980), for example, provide evidence for a stereotype-driven effect. Recall that these researchers found that both White and African American participants interpreted behavior as more threatening if it had been performed by an African American target. Reasoning that bias among the African American participants is not likely to reflect prejudice against African Americans, they concluded that it reflects instead a common belief, or stereotype, that African Americans are more violent than Whites. A culturally communicated stereotypic association may influence interpretations even if the observer does not personally endorse the stereotype or hold a prejudiced attitude (Devine, 1989). Data presented by both Lepore and Brown (1997) and Payne (2001), however, have shown that more prejudiced participants show greater bias in their interpretations of ambiguous stimuli (for Payne, 2001, this relationship was moderated by motivation to control prejudice). Of course, the effect of prejudice on perceptions may be indirect, operating chiefly through the stronger negative stereotypic associations that accompany prejudiced attitudes. The question is whether stereotypic associations predict bias over and above prejudice. To be clear, we hypothesize that although the magnitude of the bias evident in our videogame may covary with participants’ prejudice against African Americans, it is not a function of that prejudice, per se, but rather reflects the deductive application of stereotypic associations (often asso-

ciated with prejudice) between African Americans and violence. Because participants can use traits associated with the group to disambiguate a particular African American target, they may inappropriately perceive that target as threatening or hostile.

Study 3 represents a first attempt to test these predictions. After playing the videogame, participants completed a questionnaire designed to measure prejudice and two forms of the association between African Americans and violence. The first measure of this association assessed stereotypes that the participant personally endorses or believes. We refer to this as the *personal stereotype*. The second measure, called the *cultural stereotype*, is designed to assess the participant's awareness that a stereotype of African Americans as violent is present in U.S. culture, generally. Though we use the terms *personal stereotype* and *cultural stereotype*, this distinction maps cleanly on to the endorsement/knowledge distinction suggested by Devine (Devine, 1989; Devine & Elliot, 1995), who has shown that, although people often personally disavow negative stereotypes about African Americans, they are well aware that those stereotypes exist. Because this knowledge represents a psychological link between the social category and the trait, activating the concept of the group may predispose a participant to make use of the stereotypic trait in interpretations of an ambiguous target—even if he or she does not personally endorse the stereotype. Both personal and cultural forms of the stereotypic association, then, may influence interpretation of an ambiguous target.

Method

Participants and Design

Forty-eight undergraduates (26 female, 22 male) participated in this experiment in return for either \$10 or partial credit toward a class requirement. Two male participants were Latino, and 1 female was Asian. Another female was African American and was excluded from our analyses. All other participants were White. Two White females were also removed from the dataset, one because the game's *shoot* and *don't shoot* labels were reversed, and one because she was working as a research assistant on a different study of African American stereotypes. The final sample included 45 students. This study used the same 2 × 2 within-subject design, with Target Ethnicity (African American vs. White) and Object Type (gun vs. no gun) as repeated factors.

Materials

Videogame. In this study, we used the videogame parameters we had used in Study 1. The response window was set at 850 ms, and we expected effects primarily in the latency of correct responses, rather than in error rates.

Questionnaire. Study 3 added a battery of individual difference measures. First, participants completed the Modern Racism Scale (MRS; McConahay, Hardee, & Batts, 1981), the Discrimination (DIS) and Diversity Scales (DIV) (both from Wittenbrink, Judd, & Park, 1997), all of which are designed to measure prejudice against African Americans, as well as the Motivation to Control Prejudiced Responding Scale (MCP; Dunton & Fazio, 1997; Fazio, Jackson, Dunton, & Williams, 1995), which assesses participants' willingness to express any prejudice they may feel. Items from these scales were intermixed (presented in a single, randomly determined order) and responses were given on 5-point scales, ranging from *strongly disagree* to *strongly agree*. The items were intermingled with filler items from the Right-Wing Authoritarianism Scale (RWA, Altemeyer, 1988) and the Personal Need for Structure Scale (PNS; Thompson, Naccarato, Parker, & Moskowitz, 2001), which are addressed below.

Second, to examine the degree to which participants endorsed a negative stereotype of African Americans as aggressive and dangerous, we asked them to estimate, on the basis of their personal beliefs, the percentage of both African Americans and Whites who are dangerous, violent, and aggressive (separate estimates were made for each trait by filling in a value from 0% to 100%). Third, we included a measure of participants' perceptions of the cultural stereotype that African Americans are aggressive and dangerous. Participants were asked to again consider the three attributes (dangerous, violent, and aggressive), giving prevalence estimates, not on the basis of their own personal beliefs, but rather on the basis of their perceptions of what most White Americans would estimate. These estimates were made by marking a 130-mm line anchored with the adjective (e.g., *dangerous*) on the right, and its negation (e.g., *not dangerous*) on the left.

In addition to these primary measures, the questionnaire included several exploratory components. We included the RWA scale (Altemeyer, 1988), which measures an individual's predisposition to think of social relations in terms of dominance and submission; the PNS scale (Thompson et al., 2001), which measures differences in the desire for a simple structure; and a five-item measure of contact with African Americans. These measures were included partly as filler items designed to mask the questionnaire's focus on prejudice and stereotyping, but also because these constructs have been shown to be related to prejudice or stereotyping in previous research (Neuberg & Newson, 1993; Pettigrew & Tropp, 2000; Pratto, Sidanius, Stallworth, & Malle, 1994). Responses to the contact items were made on 7-point scales. The first contact question asked participants to rate how many African Americans they know, using a scale anchored with *don't know any African Americans* and *know a lot of African Americans*. The second item asked for a rating of how well they know their African American acquaintances on a scale from *don't know well* to *know very well*. The third item asked about the degree of contact with African Americans in their neighborhood, when growing up. The fourth item asked about the number of African American friends they had while growing up. And the fifth item asked about the number of African Americans who had attended their high school. The last three items used a scale ranging from *none* to *many*.

Procedure

As before, a male experimenter greeted participants, in groups of 1 to 4, and introduced the study as an investigation of perceptual vigilance. He went on to note that, because the vigilance task did not require the entire time period, participants would work on a separate questionnaire study afterward. After learning about the rules of the game, participants moved to computer terminals in private rooms and played the videogame. As each participant completed the game, the experimenter moved him or her to a table (still in the private room) and administered the short questionnaire, from Studies 1 and 2, assessing basic reactions to the game. The experimenter subsequently announced that the videogame study was over and provided another consent form, ostensibly for the separate questionnaire study. After collecting the consent form, he handed the participant an envelope containing the questionnaire. We made every effort to stress the confidentiality of the responses on the questionnaire. The experimenter told participants not to put any identifying information on the forms, not even a code number, and to seal the packet in the envelope when they had finished. He then left them alone to complete the questions. As in Studies 1 and 2, participants were fully debriefed. During this process, the experimenter probed for suspicion about the relationship between the game and the subsequent questionnaire.

Results and Discussion

In the debriefing, 6 participants reported that they had noticed that both the game and the questionnaire involved ethnicity, and

that this awareness had prompted them to wonder if the two were related. Two of the 6 reported strong suspicion. The following results are based on the complete dataset, but exclusion of the 6 participants does not affect the analyses in either direction or significance. To analyze the videogame data, we submitted the log-transformed reaction times from correct trials to a 2 × 2 ANOVA, with Target Ethnicity and Object Type as the independent variables (see Table 1 for means converted back to milliseconds). The targets that had proved problematic in Study 2 were excluded from this analysis, though their inclusion does not substantially affect the results. Replicating the results from the first study, we found both a pronounced effect for Object, such that armed targets were responded to more quickly than unarmed targets, $F(1, 44) = 171.33, p < .0001$, and an Ethnicity × Object interaction, $F(1, 44) = 22.44, p < .0001$. Simple effects tests revealed that, when the target was armed, participants, on average, fired more quickly if he was African American than if he was White, $F(1, 44) = 4.15, p < .05$. When presented with an unarmed target, participants chose the “don’t shoot” alternative more quickly if he was White than if he was African American, $F(1, 44) = 22.72, p < .0001$.

Mean scores on the error rates were largely consistent with those from Study 1. The Ethnicity × Object interaction was significant, $F(1, 44) = 7.20, p = .01$. Simple effects tests showed an ethnicity effect only among targets without guns, $F(1, 44) = 5.76, p = .02$, such that these were incorrectly shot more often if they were African American. The simple effect for armed targets was not significant, $F(1, 44) = 2.31, p = .14$. A test of the mean recognition sensitivity for the presented targets was significant in this study (mean $d' = 0.25$), $t(44) = 2.51, p = .016$. As in Study 1, however, sensitivity was above chance only for the White targets (mean $d' = 0.62$), $t(44) = 4.71, p < .0001$, and not for the African American targets (mean $d' = -0.15$), $t(44) = -1.14, p = .26$.

Having replicated the Ethnicity × Object interaction in the response latency scores, we wanted to examine its correlates. Accordingly, for each participant we computed a within-subject contrast score, assessing the magnitude of the Ethnicity × Object interaction for that particular participant. Higher scores on this variable, which we refer to as *Shooter Bias*, indicate faster re-

sponses to unarmed White than to unarmed African American targets, and to armed African American than armed White targets.

Table 2 reports the correlations between this Shooter Bias measure and the various questionnaire measures. Table 2 also reports the means, standard deviations, and internal consistency (coefficient alpha) statistics for the various attitude scales in our data. With the exception of contact and the personal and cultural stereotype measures, all measures were collected on 5-point scales with higher numbers indicating greater endorsement of the construct. None of the explicit prejudice scales—MRS, DIS, and DIV—show significant correlations with the Shooter Bias from the videogame. That is, those who reported higher levels of prejudice on these scales did not show a stronger ethnicity bias in the videogame. Because these three measures are highly intercorrelated, we also combined them, averaging all items together. This composite scale was similarly uncorrelated with Shooter Bias.

To compute the personal stereotype measure of African Americans as aggressive, we calculated the degree to which participants rated African Americans as more violent than Whites, more dangerous than Whites, and more aggressive than Whites. These three difference scores were averaged together to form the personal stereotype index. The measure reflects perceptions of the prevalence of the negative stereotypic attributes among African Americans relative to Whites. Because this measure is based on percentage estimates, it can potentially range from -100 to 100. One participant chose not to complete the relevant items, so all tests of the personal stereotype are based on a sample of 44, rather than 45. The same process was followed in computing the extent to which participants believed there is a negative cultural stereotype of African Americans as dangerous and aggressive. Because the raw scores on the cultural stereotype items were made on 130-mm lines, the index potentially ranges from -130 to 130. As is clear in Table 2, the measure of personal endorsement of the negative stereotype of African Americans as aggressive and violent did not correlate with the Shooter Bias. However, the perception of a parallel negative cultural stereotype did correlate with the magnitude of the Shooter Bias in the videogame.

Of the exploratory measures (RWA, PNS, and contact), only contact was related to Shooter Bias. Contact scores were calculated

Table 2
Correlations of Shooter Bias in Videogame With Questionnaire Measures (Study 3)

Variable	<i>M</i>	<i>SD</i>	α	Shooter Bias	MRS	DIS	DIV	Prejudice comp.	Personal stereo.	Cultural stereo.	MCP	Contact	RWA
MRS	1.63	.66	.86	.15									
DIS	2.09	.73	.87	.16	.80**								
DIV	2.43	.64	.64	.05	.46**	.59**							
Prejudice comp.	2.09	.60	.91	.14	.85**	.95**	.78**						
Personal stereo.	1.43	7.56	.54	.05	.38**	.38**	.38**	.43**					
Cultural stereo.	41.37	24.15	.88	.37**	-.06	-.07	-.21	-.12	-.06				
MCP	3.23	.48	.72	.03	-.35*	-.29*	-.27†	-.34*	-.31*	.06			
Contact	2.56	1.00	.72	.38**	-.18	-.02	.11	-.03	-.07	.09	.15		
RWA	2.16	.61	.72	-.04	.26†	.24	.37**	.33*	.02	-.25†	.25†	.11	
PNS	2.78	.55	.77	-.15	.16	.00	-.16	-.01	-.04	.15	.17	-.06	.29*

Note. For all measures except personal stereotype, $n = 45$. All comparisons involving personal stereotype are based on $n = 44$. MRS = Modern Racism Scale; DIS = Discrimination Scale; DIV = Diversity Scale; Prejudice comp. = prejudice composite; stereo. = stereotype; MCP = Motivation to Control Prejudiced Responding Scale; RWA = Right-Wing Authoritarianism Scale; PNS = Personal Need for Structure Scale.
† $p \leq .10$. * $p \leq .05$. ** $p \leq .01$.

by averaging participants' responses to the five 7-point contact items. This measure showed a significant and somewhat surprising correlation with the bias: Participants who reported more contact with African Americans exhibited a more pronounced Shooter Bias in the videogame. We discuss this intriguing effect in the General Discussion when we consider potential mechanisms that may give rise to Shooter Bias.

We suggested that the Shooter Bias evident in this videogame might be a consequence of participants using stereotypic associations about African Americans to help interpret ambiguous African American targets. The data from Study 3 suggest that the magnitude of the bias was related to participants' perceptions of the cultural stereotype about African Americans. The bias was not, however, related to either personally endorsed stereotypes or to prejudice. This is somewhat surprising, because, to the extent that people personally endorse the violent stereotype or hold prejudices against African Americans, we might suppose the negative associations to be stronger and more likely to influence their interpretations of, and behavior toward, an ambiguous target.

There are well-documented social desirability concerns associated with expressing prejudice or negative stereotypic beliefs about African Americans (Dunton & Fazio, 1997; McConahay et al., 1981; Plant & Devine, 1998), so it may be that participants simply refused to express their personal views. In his research, Payne (2001) found no zero-order correlation between prejudice (as measured by the MRS) and the automatic component in his weapon identification task. He did find a moderated relationship between the two variables, though, such that a positive correlation emerged only among participants who were low in MCP. A similar test in our data yielded no significant interaction between MRS and MCP, $F(1, 41) = 0.00, p < .95$, or between personal stereotype and MCP, $F(1, 40) = 0.95, p < .34$, when predicting Shooter Bias.

Unlike prejudice and personal stereotypes, our measure of cultural stereotype should be generally free from social desirability concerns. It involves participants' estimates of the stereotype held by American society. The fact that cultural stereotype correlates with Shooter Bias suggests that awareness of the stereotype, itself, even though a person may not believe that stereotype, can be sufficient to produce bias. One might argue, however, that our cultural stereotype measure was just another way of measuring personal prejudice, in a manner that allowed participants to express their own prejudices relatively free from normative constraints. That is, by attributing prejudicial beliefs to others, participants were now able to express more freely the prejudice that they themselves felt.

The bivariate correlation between the cultural stereotype measure and our composite personal prejudice scale was $-.12$ ($p = .41$), suggesting that this cultural stereotype measure is not a simple proxy for personal prejudice levels. However, it might be the case that the relationship between the cultural stereotype measure and personal prejudice depends on the participant's level of motivation to control prejudice, again following the theoretical arguments of Fazio et al. (1995). To examine this possibility, we regressed the cultural stereotype measure on our composite personal prejudice measure, MCP, and their interaction. The interaction proved to be a significant predictor, $F(1, 41) = 4.67, p < .05$. The direction of this interaction was as predicted: there was a more positive relationship between personal prejudice levels and the

cultural stereotype measure among those who were lower in motivation to control prejudice.

We were interested in whether cultural stereotype would continue to predict Shooter Bias once we removed the extent to which the cultural stereotype variable is a measure of personal prejudice, particularly among those low in motivation to control prejudice. Accordingly, we estimated a model with Shooter Bias as the criterion, regressing it on the cultural stereotype measure while controlling for our personal prejudice composite, MCP, and the interaction between personal prejudice and MCP. In this model, again, only the cultural stereotype measure related significantly to bias in the videogame, $F(1, 40) = 5.24, p < .03$. Thus, even removing personal prejudice levels from the cultural stereotype, and controlling for the fact that personal prejudice levels were more strongly related to the cultural stereotype among those low in MCP, the cultural stereotype measure continued to predict bias in our videogame.⁴ This suggests that it is truly knowledge of the cultural stereotype that is at work here, rather than simply an indirect measure of personal prejudice. We consider this a sobering prospect because it suggests that the bias may be endemic in American society.

A number of studies have shown that cultural stereotypes can be automatically activated even when a perceiver does not endorse them (Banaji & Greenwald, 1995; Devine, 1989; Gilbert & Hixon, 1991; Macrae, Milne, & Bodenhausen, 1994). Cultural influences, including television, movies, music, and newspapers provide a constant barrage of information that often depicts African Americans as violent (Cosby, 1994; Gray, 1989), and those depictions may shape our understanding of the world (Gerbner, Gross, Morgan, & Signorielli, 1986). Popular culture, including Gangsta Rap songs like the Notorious B.I.G.'s "Somebody's Gotta Die," Snoop Dogg's "Serial Killa," or Dr. Dre's "Murder Ink," and movies like *Colors* or *Training Day* may foster bias by enhancing detrimental stereotypic associations, in spite of the fact that the audience knows the characters and events are fictitious.

If cultural stereotypes associating African Americans with violence do, in fact, lead to Shooter Bias, any person exposed to American culture should be liable to demonstrate the bias, regardless of his or her personal views about African Americans. Research suggests that the very people who are targeted by cultural stereotypes are influenced by the media representations they see (Berry & Mitchell-Kernan, 1982; Stroman, 1986; SuberviVelez & Necochea, 1990), know full well that the stereotypes exist (Steele & Aronson, 1995), and even activate those stereotypes automatically (Banaji & Greenwald, 1995). Sagar and Schofield (1980), as noted above, found similar levels of bias among their African American and White participants using their interpretation task. To examine further the possibility that knowledge of the cultural stereotype may, in and of itself, lead to Shooter Bias, we sought to

⁴ The attempt to control for the prejudice composite measure, MCP, and their interaction only removes variance based on personal prejudice to the extent that these scales reliably measure that variance. There is reason to assume that these measures only partially assess prejudice, particularly for participants high in MCP. Thus, although the analysis represents our best attempt to examine the effects of cultural stereotypes over and above prejudice in the current dataset, it is nonetheless imperfect. Our thanks to Keith Payne for this insight.

Table 3
Means (and Standard Deviations) for Reaction Times and Error Rates as a Function of Target Ethnicity, Object Type, and Participant Ethnicity (Study 4)

Participants	Reaction times		Errors per 20 trials	
	White targets	Afr. Am. targets	White targets	Afr. Am. targets
White participants				
Armed targets	590 (43)	578 (36)	1.38 (1.36)	0.76 (0.77)
Unarmed targets	652 (40)	665 (41)	1.19 (0.93)	1.29 (1.49)
Afr. Am. participants				
Armed targets	578 (42)	567 (47)	2.00 (1.53)	1.52 (1.58)
Unarmed targets	645 (47)	659 (41)	1.64 (1.80)	1.44 (1.47)

Note. Afr. Am. = African American.

test for bias in a more diverse sample that included African American participants.

Study 4

Method

Participants and Design

Fifty-two adults from bus stations, malls, and food courts in Denver, Colorado, were recruited to participate in this study in return for \$5. The study followed the same 2×2 within-subject design used in Studies 1–3, with Target Ethnicity (African American vs. White) and Object Type (gun vs. no gun) as repeated factors, but in Study 4 we added a between-subject factor, namely Participant Ethnicity (African American vs. White). The final sample included 25 African Americans (6 females, 19 males) and 21 Whites (8 females, 13 males). One Asian and 4 Hispanic or Latino participants, and 1 participant who did not indicate his ethnicity, were excluded from the analyses, though the results do not differ if they are included in the White sample.

Materials

In this study, we used the videogame parameters from Studies 1 and 3. The response window was set at 850 ms and, again, we expected effects in the latency of correct responses, rather than in error rates. Before beginning this study, the targets identified as problematic in Study 2 were edited in Photoshop to clarify the object in the picture.

Procedure

At each location, two male experimenters set up 2–3 laptop computers equipped with the videogame program and earphones, to minimize distractions inherent in the nonlaboratory environment. Without a button box, participants pressed the *k* key on the laptop keyboard to indicate *shoot*, and the *d* key to indicate *don't shoot*. While one experimenter circulated and recruited participants, the other oversaw the experiment, giving instructions to each participant individually. After completing the videogame, participants were paid and debriefed. In this study, we did not include instructions to attend to target faces, nor did we test for recognition after the game.

Results and Discussion

Before analyzing the videogame data, we reexamined the targets that were problematic in Study 2. The targets no longer induced

unusually high numbers of errors, and they were therefore included in the analyses reported below. The results reported do not change in direction or magnitude if the targets are excluded. We submitted the log-transformed reaction times from correct trials to a $2 \times 2 \times 2$ mixed-model ANOVA, with Participant Ethnicity as a between-subject factor, and Target Ethnicity and Object Type as within-subject factors (see Table 3 for means converted back to milliseconds). Across all participants, we again found a pronounced effect for Object, such that armed targets evoked responses more quickly than unarmed targets, $F(1, 45) = 347.82$, $p < .0001$. The Target Ethnicity \times Object interaction, or Shooter Bias, was also significant, $F(1, 45) = 14.75$, $p < .001$. Crucially, though, the magnitude of the bias did not depend on Participant Ethnicity, $F(1, 44) = 0.10$, $p = .75$. Examining the African American and White samples separately, we found that the Target Ethnicity \times Object interaction was significant for both, $F(1, 24) = 6.55$, $p = .017$ and $F(1, 20) = 8.01$, $p = .01$, respectively.

Simple effects tests again showed that, when the target was armed, participants decided to shoot more quickly if he was African American than if he was White, $F(1, 45) = 7.62$, $p = .008$. When the target was unarmed, participants pressed the *don't shoot* button more quickly if he was White than if he was African American, resulting in an identical test statistic, $F(1, 45) = 7.62$, $p = .008$. Neither simple effect depended on Participant Ethnicity, $F(1, 44) = 0.07$, $p = .79$, for the unarmed targets, and $F(1, 44) = 0.42$, $p = .52$, for the unarmed targets.

An analysis of the error rates revealed that the Target Ethnicity \times Object interaction was only marginal, $F(1, 45) = 3.24$, $p = .08$, and its magnitude did not depend on Participant Ethnicity, $F(1, 44) = 0.66$, $p = .42$.

General Discussion

In four studies, we attempted to recreate the experience of a police officer who, confronted with a potentially dangerous suspect, must decide whether or not to shoot. Our goal was to examine the influence of the suspect's ethnicity on that decision. We used a simplified videogame to present African American and White male targets, each holding either a gun or a nonthreatening object. Participants were instructed to shoot only armed targets. We reasoned that participants might use the stereotype, or schema, that African Americans are violent to help disambiguate the target

stimuli, and would therefore respond with greater speed and accuracy to stereotype-consistent targets (armed African Americans and unarmed Whites) than to stereotype-inconsistent targets (armed Whites and unarmed African Americans).

In Study 1, participants fired on an armed target more quickly when he was African American than when he was White, and decided not to shoot an unarmed target more quickly when he was White than when he was African American. In Study 2, we attempted to increase error rates by forcing participants to make decisions very quickly. Participants in this study failed to shoot an armed target more often when that target was White than when he was African American. If the target was unarmed, participants mistakenly shot him more often when he was African American than when he was White. A signal detection analysis of these data revealed that, although participants' ability to distinguish between armed and unarmed targets did not depend on target ethnicity, participants set a lower decision criterion to shoot for African American targets than for Whites. That is, if a target was African American, participants generally required less certainty that he was, in fact, holding a gun before they decided to shoot him. In Study 3, we returned to an analysis of reaction times, replicating the Ethnicity \times Object Type interaction (Shooter Bias) obtained in Study 1, and examining individual difference measures associated with the magnitude of that effect. Shooter Bias was more pronounced among participants who believed that there is a strong stereotype in American culture characterizing African Americans as aggressive, violent and dangerous; and among participants who reported more contact with African Americans. Prejudice and personal endorsement of the stereotype that African Americans are violent failed to predict Shooter Bias in the simple correlations, and their predictive power was no stronger among participants low in motivation to control prejudice. The fact that Shooter Bias in Study 3 was related to perceptions of the cultural stereotype, rather than prejudice or personally endorsed stereotypes, suggests that mere knowledge of the stereotype is enough to induce this bias. In Study 4, we obtained additional support for this prediction. Testing both White and African American participants, we found that the two groups display equivalent levels of bias.

The results of these studies consistently support the hypothesized effect of ethnicity on shoot/don't shoot decisions. Both in speed and accuracy, the decision to fire on an armed target was facilitated when that target was African American, whereas the decision not to shoot an unarmed target was facilitated when that target was White. This Shooter Bias effect is consistent with the results reported by Payne (2001). Payne primed participants with African American and White faces, and asked them to identify subsequent target objects as either hand tools or weapons. His results suggest that responses to hand tools were faster (and, in a second study, more accurate) when preceded by White, relative to African American, primes, whereas responses to weapons were faster (but no more accurate) when preceded by African American primes. This priming effect maps nicely onto our results. The consistency between our results and those obtained by Payne is particularly striking given methodological differences between the two paradigms. Four primary differences stand out. Payne used small, decontextualized and relatively simple images of faces (the center portion of the face) and objects, whereas our stimuli were very complex, with target individuals appearing against realistic backgrounds. Payne used a sequential priming task, whereas we

used simultaneous presentation of ethnicity and object. A consequence of Payne's priming task, which used a constant 200-ms stimulus onset asynchrony, is that the appearance of a prime in his task should have clearly indicated to participants that a target was imminent. Our task, however, presented targets at random intervals, with no prime, so that participants were never certain about when they would appear. Finally, whereas Payne asked his participants to identify a target object as a tool or a weapon, we asked our participants to decide whether or not to shoot a target person. Although both decisions depend on the presence of a weapon, the psychological implications of the two tasks are quite different. Payne's task was framed as a categorization judgment, whereas our task was characterized as a behavioral response. In spite of these distinctions, both paradigms reveal a pronounced effect of target ethnicity on reactions to weapons.

In line with Sagar and Schofield (1980), we have argued that ethnicity influences the shoot/don't shoot decision primarily because traits associated with African Americans, namely "violent" or "dangerous," can act as a schema to influence perceptions of an ambiguously threatening target. The relationship between cultural stereotype and Shooter Bias obtained in Study 3 provides support for this hypothesis. The subsequent finding that African Americans and Whites, alike, display this bias further buttresses the argument. It is unlikely that participants in our African American sample held strong prejudice against their own ethnic group (Judd, Park, Ryan, Brauer, & Kraus, 1995), but as members of U.S. society, they are, presumably, aware of the cultural stereotype that African Americans are violent (Devine & Elliot, 1995; Steele & Aronson, 1995). These associations, we suggest, may influence reactions to the targets in our videogame. Though ambient cultural associations may impact most members of U.S. society, it is certainly plausible that personal endorsement of stereotypes, and perhaps prejudice, will lead to even stronger negative associations with African Americans, potentially magnifying bias. (Though the data in Study 3, specifically the lack of a relationship between Shooter Bias and personal stereotype, offer little support for this argument, at present.)

It seems appropriate at this juncture to speculate on mechanisms that may underlie Shooter Bias. Our basic findings indicate that a target's ethnicity, though technically irrelevant to the decision task at hand, somehow interferes with participants' ability to react appropriately to the object in the target's hand. This interference seems roughly analogous to a Stroop effect, and research on this extensively studied phenomenon may provide a useful perspective from which to consider our results. The common Stroop experiment presents participants with a word, and requires them to identify the color of the ink in which that word is written (e.g., green ink). Performance on this simple task can be disrupted when the word, itself, refers to a different color than the ink (e.g., *RED* printed in green ink), relative to performance when the color of the ink and the referent of the word are the same (e.g., *GREEN* printed in green ink) or when the word does not refer to a color at all (e.g., *EGGS* printed in green ink). The Stroop paradigm, like our videogame, simultaneously presents participants with information that is relevant to the judgment at hand (ink color and object, respectively) as well as information that is irrelevant (word name and ethnicity, respectively). Participants need not process the irrelevant information to perform the task, but in both cases, the presence of incongruent information on the irrelevant dimension interferes

with participants' ability to process the relevant information. Researchers have suggested that, because we so frequently read the words that we see, reading occurs quickly. Ink naming, though, is an unusual and relatively cumbersome task. If these two processes occur in parallel, the quicker word reading may produce interference by winning a kind of horse race, getting to the finish line and influencing responses ahead of the slower ink-naming process, which eventually provides the definitive answer (Cohen, Dunbar, & McClelland, 1990; Posner & Snyder, 1975). Similarly, the speedy categorization of people into ethnic categories, described by Brewer (1988) and Fiske and Neuberg (1990), should quickly activate stereotypes and interfere with the unfamiliar and less automatic gun/no-gun judgment (see Figure 3). This analogy is not perfect, of course. Although it may be natural to read the word *RED* when it appears, the typical day-to-day response to an African American does not involve gunfire. However, to the extent that a person spontaneously associates an African American target with violence, the ethnicity of the target should conflict with the judgment that he is unarmed, and it may therefore inhibit the "don't shoot" response.

Cohen et al. (1990) characterized Stroop interference as an interaction between two variables: attention to the irrelevant dimension and the strength of the association between the incongruent information and the incorrect response. Both of these variables can moderate Stroop effects independently (see Walley, McLeod, & Khan, 1997; Walley, McLeod, & Weiden, 1994, for research on attention; see Lu & Proctor, 2001, for research on the strength of association). Though it is only speculation at present, we suggest that the two significant predictors of Shooter Bias in Study 3, cultural stereotype and contact, are important because they capture these two components of Stroop interference. We have already presented the argument that a cultural stereotype represents an associative link between African Americans and traits related to violence and danger. We further suggest that the role of contact in predicting Shooter Bias may reflect, at least in part, the other component of Stroop interference: attention to irrelevant ethnic cues. People who have had extensive contact with African Americans may have, over the course of that experience, learned to naturally parse the world in terms of ethnic categories. They may

be essentially schematic for ethnicity. Greater attention to ethnicity combined with an association between African Americans and violence should, from the Stroop perspective, magnify Shooter Bias. In line with this prediction, Payne (Payne, Lambert, & Jacoby, in press) has shown that asking participants to use ethnic cues in their judgments (like a person engaged in racial profiling) increases the magnitude of the automatic component in error responses in his task, relative to control participants who receive no special instructions. Of greater interest, asking participants to avoid using ethnicity in their judgments also increases the magnitude of the automatic component. This suggests that attention to the irrelevant ethnic cue may produce interference.

The Stroop conceptualization offers another, perhaps more hopeful, prediction. If Shooter Bias is, in part, a function of the automaticity with which ethnic cues are processed relative to the automaticity of the object cues (i.e., ethnicity's ability to win the horse race against the relevant dimension), the bias should be minimized by interventions that speed up the gun/no-gun decision. As the relevant decision becomes more automatic, the effect of the irrelevant dimension should weaken. Experimental research (MacLeod, 1998; MacLeod & Dunbar, 1988) as well as computer simulations (Cohen et al., 1990) have demonstrated that repeated training on ink-naming tasks, which should render that process more automatic, reduces Stroop interference. Similarly, training participants to quickly and effortlessly distinguish guns from cell phones may reduce Shooter Bias.

Though we have characterized Shooter Bias as a result of distorted interpretations of an ambiguous target, there are several stages at which this bias may actually be functioning. Before shooting, a participant must (a) *perceive* the object, (b) *interpret* the object as a gun with some degree of certainty, and (c) *decide* to press the "shoot" button once a criterion of certainty has been reached. Stereotypic schemata may theoretically affect any or all of these processes, and it is difficult to disentangle them theoretically, let alone empirically. Figure 3 depicts the three processing stages and how faster, more automatic processing along the irrelevant dimension (as suggested by the Stroop research) might bias each stage of relevant processing (the solid arrows). Throughout this article, we have argued that bias impacts the second stage of

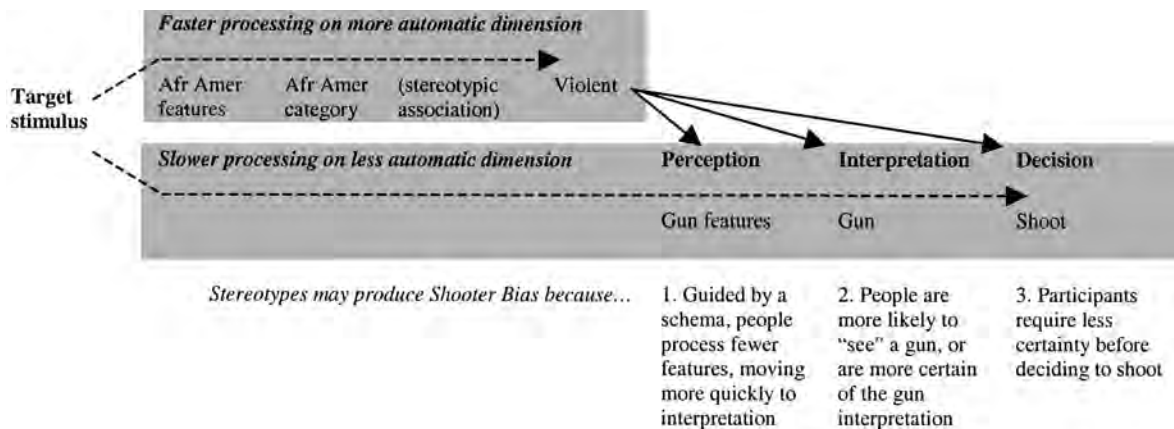


Figure 3. Faster, more automatic processing on the irrelevant ethnic dimension may bias participants' (a) perception of targets, (b) interpretation of targets, or (c) the criterion of certainty required for the "shoot" response. Afr Amer = African American.

this process, changing the interpretation of an ambiguous object. A participant who catches a glimpse of some elongated shape in the target's hand may draw on stereotypic associations, interpreting the shape as a gun if the target is African American but as a cell phone if he is White. Participants may almost "see" different objects.

One problem with this perspective is that we took pains to ensure that the objects presented in our target images were clearly identifiable. Even under time pressure, is it fair to characterize these objects as ambiguous? Certainly, very few of our participants actually misperceived the objects: our primary effects were in reaction times, not errors, and errors were consistently quite low. It is possible that the bias in reaction time represents the effects of stereotypes on actual perception of the object, not on its interpretation. von Hippel and his associates (von Hippel, Jonides, Hilton & Narayan, 1993) showed that when a participant has a relevant schema, he or she can infer the gist of a stimulus with very few perceptual details. Without a schema, though, more detailed perceptual encoding may be necessary. In the context of the current research, the stereotype of African Americans may influence the number features a participant must process to make the correct object identification. An African American target provides a schema relevant to guns, so participants who see just a few features of a gun quickly identify it and decide to shoot. A White target, perhaps, provides no useful schema, and participants must attend to more features of the gun in his hand before they recognize it, causing them to respond more slowly. von Hippel's research provides an elegant rationale for the differential speed required to shoot an armed target, but we are less confident that perceptual differences underlie reactions to the unarmed targets. Perceptual processes can only account for the simple effect of ethnicity among unarmed targets if we assume that White people stereotypically carry cell phones, wallets, coke cans, and cameras, and that this stereotype reduces the number of perceptual cues necessary to identify these objects relative to African Americans, where no cell phone stereotype exists. Empirically, it should be possible to test the viability of a perceptual encoding account of Shooter Bias. If perceptual differences drive ethnic bias, then memory for trivial details, such as the kind of gun or the color of the cell phone, which should reflect the extent of perceptual encoding, should differ as a function of target ethnicity.

Another, more macroscopic, alternative to our interpretation-based account is that Shooter Bias may reflect changes in the decision criterion that participants use. Bias would clearly emerge if participants require one level of certainty that the object is a gun when deciding to shoot African American targets, but have another, more stringent, criterion for Whites. Even if the perception and interpretation of an object do not differ as a function of target ethnicity (e.g., the participant is 75% certain that the object is a gun for both African American and White targets), a participant who requires 60% certainty for African American targets, but 80% certainty for Whites, will show Shooter Bias. Unfortunately, the current studies do not allow us to discern between the interpretation and decision criterion explanations. Though the signal detection terms, *sensitivity* and *criterion*, might foster an expectation that Study 2 should be able to resolve this question, that is not the case. Study 2 suggested that sensitivity was equal for African American and White targets, and that only the criterion differed. The criterion may differ, though, either because the certainty

needed to make the shoot/don't shoot decision differs with target ethnicity (bias in the decision stage), or because a given object in the hand of an African American target is *simultaneously* more likely to be perceived as a gun and less likely to be perceived as a non-gun, than the same object in a White target's hand (bias in the interpretation stage). The signal detection theory figure from Study 2 assumes that the average armed White target and the average armed African American target seem equally threatening, that the two gun distributions fall at the same point on the *x*-axis. As we have graphed it, the figure suggests that the criterion to shoot shifts down for African American targets. However, it is also possible that participants use the same criterion for White and African American targets, but generally perceive African Americans as more threatening. If this were the case, the criterion line in the chart for African American targets would have the same *x*-coordinate as the White criterion line, but the mean of the two African American distributions (both armed and unarmed) would seem to shift up on the dimension of perceived threat. Even using signal detection theory, we have no way to statistically disentangle these two possibilities in the current data.

Bias in the decision-making stage may be seen as consistent with ideomotor effects. Bargh, Chen, and Burrows (1996, Study 3), for example, found that participants primed with African American faces exhibited more aggressive behavior in response to a rude request from an experimenter. It is possible that the participants' behavior was still driven by bias in their interpretation, that those primed with African American actually perceived the experimenter as more hostile (along the lines of Devine, 1989). But Bargh and others (e.g., Chartrand & Bargh, 1996; Dijksterhuis, Aarts, Bargh, & van Knippenberg, 2000; Stapel & Koomen, 2001) have demonstrated direct behavioral priming effects in a number of situations designed to preclude interpretation-based bias. It is not unreasonable to suppose that participants in our studies were cued by a target's ethnicity to behave aggressively toward African American targets, shooting them more often and more quickly than Whites. Payne (2001), though, did not require a behavioral response. Because his task required that participants classify objects as guns or hand tools, rather than react violently, ideomotor effects cannot account for his findings. In the absence of more definitive evidence, and given the consistency between Payne's results and ours, parsimony argues for an interpretation-based explanation of Shooter Bias, rather than a criterion-based or ideomotor explanation.

These studies have demonstrated that the decision to shoot may be influenced by a target person's ethnicity. In four studies, participants showed a bias to shoot African American targets more rapidly and/or more frequently than White targets. The implications of this bias are clear and disturbing. Even more worrisome is the suggestion that mere knowledge of the cultural stereotype, which depicts African Americans as violent, may produce Shooter Bias, and that even African Americans demonstrate the bias. We understand that the demonstration of bias in an African American sample is politically controversial given the nature of this task, and we offer two considerations. First, the results of a single study are not definitive. Our findings should be replicated by researchers in other labs with different materials before generalizations are made. Second, our goals as psychologists include understanding, predicting, and controlling behavior. Ultimately, efforts to control (i.e., reduce or eliminate) any ethnic bias in the decision to shoot must

be based on an accurate understanding of how target ethnicity influences that decision, even if that understanding is politically or personally distasteful.

Though these studies suggest that bias in the decision to shoot may be widespread, it is not yet clear that Shooter Bias actually exists among police officers. The studies we report use exclusively lay samples, and there is no reason to assume that this effect will generalize beyond this population. There is even a possibility, suggested by literature on the Stroop effect, that police training may actually reduce Shooter Bias by rendering the gun/no-gun decision more automatic for officers. If this is the case, police might show less bias than the average college sophomore. Examining these sorts of effects in a sample of police officers is of the utmost importance.

The studies reported here suggest that Shooter Bias is present among White college students (Studies 1–3) and among a community sample that consists of both Whites and African Americans (Study 4). The effect is robust and clearly a cause for concern, no matter the underlying cause. On the basis of our data, though, bias does not seem to simply reflect prejudice toward African Americans, and there is reason to believe the effect is present simply as a function of stereotypic associations that exist in our culture. That these associations can have such potentially profound consequences for members of stigmatized groups is a finding worthy of great concern. Since the death of Amadou Diallo, New York has witnessed a number of similar, though less publicized, cases, and Cincinnati, Ohio, has added Timothy Thomas's name to the list of unarmed African American men killed by police officers. Social psychological theory and research may prove invaluable in the effort to identify, understand and eventually control processes that bias decisions to shoot (and possibly kill) a person, as a function of his or her ethnicity.

References

- Altemeyer, B. (1988). *Enemies of freedom: Understanding right-wing authoritarianism*. San Francisco: Jossey-Bass.
- Banaji, M. R., & Greenwald, A. G. (1995). Implicit gender stereotyping in judgments of fame. *Journal of Personality and Social Psychology, 68*, 181–198.
- Bargh, J. A., Chen, M., & Burrows, L. (1996). Automaticity of social behavior: Direct effects of trait construct and stereotype activation on action. *Journal of Personality and Social Psychology, 71*, 230–244.
- Beckett, N. E., & Park, B. (1995). Use of category versus individuating information: Making base-rates salient. *Personality and Social Psychology Bulletin, 21*, 21–31.
- Berry, G. L., & Mitchell-Kernan, C. (1982) Introduction. In G. L. Berry & C. Mitchell-Kernan (Eds.), *Television and the socialization of the minority child* (pp. 1–11). New York: Academic Press.
- Brewer, M. B. (1988). A dual process model of impression formation. In T. K. Srull & R. S. Wyer (Eds.), *Advances in social cognition* (Vol. 1, pp. 1–36). Hillsdale, NJ: Erlbaum.
- Chartrand, T. L., & Bargh, J. A. (1996). Automatic activation of impression formation and memorization goals: Nonconscious goal priming reproduces effects of explicit task instructions. *Journal of Personality and Social Psychology, 71*, 464–478.
- Cohen, J. D., Dunbar, K., & McClelland, J. L. (1990). On the control of automatic processes: A parallel distributed processing account of the Stroop effect. *Psychological Review, 97*, 332–361.
- Cohen, J. D., MacWhinney, B., Flatt, M., & Provost, J. (1993). PsyScope: An interactive graphic system for designing and controlling experiments in the psychology laboratory using Macintosh computers. *Behavior Research Methods, Instruments & Computers, 25*, 257–271.
- Cosby, C. O. (1994). *Television's imageable influences: The self-perceptions of young African-Americans*. Lanham, MD: University Press of America.
- Darley, J. M., & Gross, P. G. (1983). A hypothesis-confirming bias in labeling effects. *Journal of Personality and Social Psychology, 44*, 20–33.
- Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology, 56*, 5–18.
- Devine, P. G., & Elliot, A. J. (1995). Are racial stereotypes really fading? The Princeton trilogy revisited. *Personality and Social Psychology Bulletin, 21*, 1139–1150.
- Dijksterhuis, A., Aarts, H., Bargh, J. A., & van Knippenberg, A. (2000). On the relation between associative strength and automatic behavior. *Journal of Experimental Social Psychology, 36*, 531–544.
- Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of blacks. *Journal of Personality and Social Psychology, 34*, 590–598.
- Dunton, B. C., & Fazio, R. H. (1997). An individual difference measure of motivation to control prejudiced reactions. *Personality and Social Psychology Bulletin, 23*, 316–326.
- Fazio, R. H., Jackson, J. R., Dunton, B. C., & Williams, C. J. (1995). Variability in automatic activation as an unobtrusive measure of racial attitudes: A bona fide pipeline? *Journal of Personality and Social Psychology, 69*, 1013–1027.
- Fiske, S. T., Lin, M., & Neuberg, S. L. (1999). The continuum model: Ten years later. In S. Chaiken & Y. Trope (Eds.), *Dual-process theories in social psychology* (pp. 231–254). New York: Guilford Press.
- Fiske, S. T., & Neuberg, S. L. (1990). A continuum of impression formation, from category-based to individuating processes: Influences of information and motivation on attention and interpretation. In M. P. Zanna (Ed.), *Advances in experimental social psychology* (Vol. 23, pp. 1–74). New York: Academic Press.
- Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1986). Living with television: The dynamics of the cultivation process. In J. Bryant & D. Zillman (Eds.), *Perspectives of media effects* (pp. 14–40). Hillsdale, NJ: Erlbaum.
- Gilbert, D. T., & Hixon, J. G. (1991). The trouble of thinking: Activation and application of stereotypic beliefs. *Journal of Personality and Social Psychology, 60*, 509–517.
- Gray, H. (1989) Television, Black Americans, and the American dream. *Critical Studies in Mass Communication, 6*, 376–386.
- Green, D. M., & Swets, J. A. (1966). *Signal detection theory and psychophysics*. New York: Wiley. (Reprinted 1974, Huntington, NY: Krieger).
- Hamilton, D. L., & Sherman, J. W. (1994). Stereotypes. In R. S. Wyer & T. K. Srull (Eds.), *Handbook of social cognition* (pp. 1–68). Hillsdale, NJ: Erlbaum.
- Hilton, J. L., & von Hippel, W. (1990). The role of consistency in the judgment of stereotype-relevant behaviors. *Personality and Social Psychology Bulletin, 16*, 430–448.
- Jacobs, J. E., & Eccles, J. S. (1992). The impact of mothers' gender-role stereotypic beliefs on mothers' and children's ability perceptions. *Journal of Personality and Social Psychology, 63*, 932–944.
- Jacoby, L. L. (1991). A process dissociation framework: Separating automatic from intentional uses of memory. *Journal of Memory and Language, 30*, 513–541.
- Jacoby, L. L., Toth, J. P., & Yonelinas, A. P. (1993). Separating conscious and unconscious influences of memory: Measuring recollection. *Journal of Experimental Psychology: General, 122*, 139–154.
- Judd, C. M., Park, B., Ryan, C. S., Brauer, M., & Kraus, S. (1995). Stereotypes and ethnocentrism: Diverging interethnic perceptions of

- African American and White American youth. *Journal of Personality and Social Psychology*, 69, 460–481.
- Krueger, J., & Rothbart, M. (1988). The use of categorical and individuating information in making inferences about personality. *Journal of Personality and Social Psychology*, 55, 187–195.
- Lepore, L., & Brown, R. (1997). Category and stereotype activation: Is prejudice inevitable? *Journal of Personality and Social Psychology*, 72, 275–287.
- Locksley, A., Borgida, E., Brekke, N., & Hepburn, C. (1980). Sex stereotypes and social judgment. *Journal of Personality and Social Psychology*, 39, 821–831.
- Lu, C.-H., & Proctor, R. W. (2001). Influence of irrelevant information on human performance: Effects of S–R association strength and relative timing. *Quarterly Journal of Experimental Psychology: Human Experimental Psychology*, 54(A), 95–136.
- MacLeod, C. M. (1998). Training on integrated versus separated Stroop tasks: The progression of interference and facilitation. *Memory & Cognition*, 26, 201–211.
- MacLeod, C. M., & Dunbar, K. (1988). Training and Stroop-like interference: Evidence for a continuum of automaticity. *Journal of Experimental Psychology: Learning, Memory, and Cognition*, 14, 126–135.
- MacMillan, N. A., & Creelman, C. D. (1991). *Detection theory: A users guide*. Cambridge, England: Cambridge University Press.
- Macrae, C. N., Milne, A. B., & Bodenhausen, G. V. (1994). Stereotypes as energy-saving devices: A peek inside the cognitive toolbox. *Journal of Personality and Social Psychology*, 66, 37–47.
- McConahay, J. B., Hardee, B. B., & Batts, V. (1981). Has racism declined in America? It depends on who is asking and what is asked. *Journal of Conflict Resolution*, 25, 563–579.
- Neuberg, S. L., & Newson, J. T. (1993). Personal need for structure: Individual differences in the desire for simpler structure. *Journal of Personality and Social Psychology*, 65, 113–131.
- Payne, B. K. (2001). Prejudice and perception: The role of automatic and controlled processes in misperceiving a weapon. *Journal of Personality and Social Psychology*, 81, 181–192.
- Payne, B. K., Lambert, A. J., & Jacoby, L. L. (in press). Best laid plans: Effects of goals on accessibility bias and cognitive control in race-based misperceptions of weapons. *Journal of Experimental Social Psychology*.
- Pettigrew, T. F., & Tropp, L. R. (2000). Does intergroup contact reduce prejudice: Recent meta-analytic findings. In S. Oskamp (Ed.), *Reducing prejudice and discrimination* (pp. 93–114). Mahwah, NJ: Erlbaum.
- Plant, E. A., & Devine, P. G. (1998). Internal and external motivation to respond without prejudice. *Journal of Personality and Social Psychology*, 75, 811–832.
- Posner, M. I., & Snyder, C. R. R. (1975). Attention and cognitive control. In R. L. Solo (Ed.), *Information processing and cognition: The Loyola symposium* (pp. 55–85). Hillsdale, NJ: Erlbaum.
- Pratto, F., Sidanius, J., Stallworth, L. M., & Malle, B. F. (1994). Social dominance orientation: A personality variable predicting social and political attitudes. *Journal of Personality and Social Psychology*, 67, 741–763.
- Rothbart, M., & Birrell, P. (1977). Attitude and perception of faces. *Journal of Research in Personality* 11, 209–215.
- Sagar, H. A., & Schofield, J. W. (1980). Racial and behavioral cues in black and white children's perceptions of ambiguously aggressive acts. *Journal of Personality and Social Psychology* 39, 590–598.
- Stapel, D. A., & Koomen, W. (2001). The impact of interpretation versus comparison mindsets on knowledge accessibility effects. *Journal of Experimental Social Psychology*, 37, 134–149.
- Steele, C. M., & Aronson, J. (1995). Stereotype threat and the intellectual test performance of African Americans. *Journal of Personality and Social Psychology*, 69, 797–811.
- Stroman, C. A. (1986). Television viewing and self-concept among Black children. *Journal of Broadcasting and Electronic Media*, 30, 87–93.
- SuberviVelez, F. A., & Necochea, J. (1990). Television viewing and self-concept among Hispanic American children—A pilot study. *Howard Journal of Communications*, 2, 315–329.
- Thompson, M. M., Naccarato, M. E., Parker, K. C. H., & Moskowitz, G. B. (2001). The personal need for structure and personal fear of invalidity measures: Historical perspectives, current applications, and future directions. In G. B. Moskowitz (Ed.), *Cognitive social psychology: The Princeton symposium on the legacy and future of social cognition* (pp. 19–39). Mahwah, NJ: Erlbaum.
- von Hippel, W., Jonides, J., Hilton, J. L., & Narayan, S. (1993). Inhibitory effect of schematic processing on perceptual encoding. *Journal of Personality and Social Psychology*, 64, 921–935.
- Walley, R. E., McLeod, B. E., & Khan, M. (1997). Tests of a translational model of Stroop interference: Translation or attention? *Canadian Journal of Experimental Psychology*, 51, 10–19.
- Walley, R. E., McLeod, B. E., & Weiden, T. D. (1994). Increased attention to the irrelevant dimension increases interference in a spatial Stroop task. *Canadian Journal of Experimental Psychology*, 48, 467–492.
- Wittenbrink, B., Judd, C. M., & Park, B. (1997). Evidence for racial prejudice at the implicit level and its relationship with questionnaire measures. *Journal of Personality and Social Psychology*, 72, 262–274.

Received February 11, 2002

Revision received July 5, 2002

Accepted July 5, 2002 ■



The World Is Not Black and White: Racial Bias in the Decision to Shoot in a Multiethnic Context

Melody S. Sadler*
San Diego State University

Joshua Correll
University of Chicago

Bernadette Park and Charles M. Judd
University of Colorado at Boulder

We examined implicit race biases in the decision to shoot potentially hostile targets in a multiethnic context. Results of two studies showed that college-aged participants and police officers showed anti-Black racial bias in their response times: they were quicker to correctly shoot armed Black targets and to indicate “don’t shoot” for unarmed Latino, Asian, and White targets. In addition, police officers showed racial biases in response times toward Latinos versus Asians or Whites, and surprisingly, toward Whites versus Asians. Results also showed that the accuracy of decisions to shoot was higher for Black and Latino targets than for White and Asian targets. Finally, the degree of bias shown by police officers toward Blacks was related to contact, attitudes, and stereotypes. Overestimation of community violent crime correlated with greater bias toward Latinos but less toward Whites. Implications for police training to ameliorate biases are discussed.

As the country becomes increasingly diverse, attempts to address overt and subtle forms of prejudice and discrimination based on race and/or ethnicity take on a new importance. The U.S. Census Bureau (2008) projects that by 2050, racial and ethnic minorities combined will constitute 54% of the population, the numerical

*

Correspondence concerning this article should be addressed to Melody S. Sadler, Department of Psychology, San Diego State University, San Diego, CA 92182 [e-mail: msadler@sciences.sdsu.edu]. This work was supported by a grant from the Russell Sage Foundation. The authors wish to thank the police officers who took part in the study and Calibre Press whose cooperation was integral to completing the research. They also thank Kyle Jensen and Christopher Blankenship for their tireless effort and assistance in the research.

majority. The largest changes to the racial/ethnic composition of the country are expected in the decrease of non-Latino, single-race Whites, and corresponding increase in Latinos and Asians. Whites are expected to decrease from 66% to 46% of the population. In contrast, Latinos are expected to increase from 15% to 30% and Asians are expected to increase from approximately 5–9% of the population. The representation of Blacks is expected to remain relatively stable, constituting about 15% of the population.

In understanding the racial and ethnic transition the country will face, two implications seem evident. First, research on stereotyping, prejudice, and discrimination should increase its attention to bias toward people of Latino or Asian descent (Martinez, 2007; Peterson & Krivo, 2005). Second, researchers should anticipate that the shift of Whites from the numerical majority to a minority is likely to strain relations among racial/ethnic groups within the United States. In fitting with this special issue, the current research examined how implicit racial biases toward Blacks, Latinos, and Asians may be evidenced in the decision to open fire on suspects in the United States.

From this point forward, we use “race” rather than “race/ethnicity” for simplicity because most available national sources record race or ethnicity, but not both (the census is an exception). Our choice of race is meant to represent physical attributes such as skin color, hair, etc., that facilitate categorization. It should be noted that it is possible that race and ethnicity each contributes independently to biases, or that the differences attributed to race are at least in part due to ethnic differences.

Race and Law Enforcement

Data drawn from national sources such as the U.S. Department of Justice (DOJ; 2001) and Bureau of Justice Statistics (BJS; 2007) provide evidence that some minorities, especially young Black males, are incarcerated at disproportional rates. Compared to their proportion of the general population, Blacks are grossly overrepresented and Whites are underrepresented as inmates. Latinos, in contrast, are incarcerated at rates approximately equal to their representation in the population.

Equally disturbing is the fact that some minorities are overrepresented in the suspects shot and killed by police officers. The DOJ (2001) reports that Black suspects were killed by police at a rate about five times greater than White suspects in the period from 1976 to 1998. Information on the rates of justifiable homicide for Asians and Latinos are less clear. Asians are designated simply as “other” (a category encompassing multiple races) and at a maximum account for 2 or 3% of those shot. The prevalence rates for Latinos cannot be directly discerned from the DOJ data because Latinos are included in the racial category “White.” Some sources report, however, that Latinos are shot and killed more often by police than Whites but less than Blacks (for a review, see Geller, 1982).

The available national-level data clearly point to Blacks being killed by police more often, and Whites and Asians less often, than would be expected given the percent of the population they represent in the United States. It should be noted that evidence for disparate treatment of ethnic minorities, immigrants, or “foreigners” by the criminal justice system has been found cross-culturally (Albrecht, 1997; Johnson, van Wingerden, & Nieuwbeerta, 2010). However, the focus of the current work is on implicit racial biases that may underlie differential treatment in the United States.

It is one thing to document the discrepancy in treatment of racial/ethnic minorities by police and/or the criminal justice system in the United States, and it is quite another to understand why it exists. A major debate in the criminology literature involves the degree to which this discrepancy reflects bias in the justice system, the tendency for minorities to engage in more criminal activity, or both (Cureton, 2001; Goldkamp, 1976). In other words, are minorities more likely than Whites to participate in criminal behavior (justifying the differences in incarceration) or is the law differentially enforced for suspects as a function of their race?

Evidence on this point is mixed. The subculture of violence (Wolfgang & Ferracuti, 1967) and danger perception (MacDonald, Kaminski, Alpert, & Tennenbaum, 2001) theories suggest that minorities are more likely than Whites to commit crime due to the history of each group in the United States, cultural variations in response to minor affronts, and/or distrust in the justice system to resolve disputes. The overrepresentation of minorities in prison, especially Blacks, is often cited in support of this view. However, survey research has found no evidence that African Americans endorse violence as more acceptable than other races (Parker, 1989; Smith, 1992). Further, Hannon (2004) reviewed 950 cases of nonjustifiable homicide and found no evidence that victim provocation patterns differed by offender race. Thus, African Americans perpetrators were no more or less likely than White perpetrators to react with lethal force to minor transgressions.

Perhaps, the most researched theory of law enforcement in the United States, conflict theory, proposes that the purpose of law is to sustain the position of the majority in society (Turk, 1969) building an inherent bias into the system. Historically, in the United States, this has meant buttressing the position of Whites against the “threat” of minority groups based on race and socioeconomic and immigrant status (Holmes, 2000). This theory lends itself to two immediate corollaries: First, police officers may label or “criminalize” minorities unfairly and police them differently than Whites (Cureton, 2001) and second, as the ethnic composition of the country changes, minorities should pose a greater threat to the majority and attempts to police and control them will intensify (this has been labeled the threat hypothesis, MacDonald et al., 2001). Given the current climate of concern over racial bias, it seems unlikely that blatant, intentional discrimination of the sort proposed by conflict theory is responsible for differential outcomes experienced by racial groups in the criminal justice system at present. Instead, it is more likely

that stereotypes insidiously influence behavior without awareness or intention. Nevertheless, as called for by Kang (2012), it will be the charge of law and law enforcement to adjust to the shifting basis of discrimination.

Whatever the “cause” of the overrepresentation of minorities in the criminal justice system at the national level, we propose that knowledge of this racial/ethnic discrepancy may impact perceptions and conduct of police officers in encounters with civilians. To be clear, the current research does not and cannot determine whether or not disproportionate minority involvement with law enforcement is justified. But regardless of its cause, we suggest that the mere association between minorities (particularly Black and Latino groups) and crime at the societal level may have consequences for police behavior at the individual level.

In some encounters, police officers must make life-or-death decisions quickly.

In these moments, prior expectations—be they fact or fiction, personally endorsed or simply prevalent in the culture—may influence how information is processed.

Knowledge that racial minorities, and Blacks in particular, are overrepresented in prison and jail (BJS, 2007) and are more likely to use a firearm in commission of a crime (DOJ, 2001) may contribute to an increased perception of minorities as threats. Also relevant are characteristics of the neighborhood served. Violent crime rates and the proportion of non-White people in an area have been associated with increased perception of threat (Cureton, 2001). Taken in sum, these factors may influence the level of threat officers expect in interactions with minorities.

Couple with this, the distrust racial/ethnic minorities report toward police (Locke, 1996), and fodder for a self-fulfilling prophecy of aggressive encounters is laid. Awareness of a societal-level phenomenon, whatever its underlying cause, may thus be associated with implicit biases that impact cognitive processing or behavior (Fisher & Borgida, 2012). Applied to the context of race and law enforcement, the mere association of race and criminality at the societal level may impact, for example, the speed with which stimuli are processed and the likelihood of a decision to open fire.

Race and the Decision to Shoot

It is difficult to determine whether or not race influences the course of encounters between police officers and suspects. In the real world, minority status is (on average) associated with a number of factors such as poverty, living in disadvantaged neighborhoods, and living within disorganized family structures (Sampson & Lauritsen, 1997), making a clear attribution difficult (e.g., were the officers responding to the suspect’s race or to the threatening neighborhood?). However, experimental research that isolates the effect of race on shoot/don’t shoot decisions demonstrates that race alone can influence responses to threatening objects. Correll, Park, Judd, and Wittenbrink (2002) asked college-aged participants to perform a first-person-shooter (FPS) task, so-called because the participants take

the first-person perspective of an officer who must make rapid judgments about whether or not to shoot Black and White male suspects (targets) who appear on the screen holding either a gun or a nonthreatening object (such as a wallet or cell phone). Participants were faster to shoot armed Black targets than armed White targets, and they were faster to decide not to shoot unarmed White targets than unarmed Blacks. Further, this effect transferred into mistaken decisions or behaviors when participants were forced to respond extremely quickly. Importantly, the degree of racial bias against Black targets did not differ between White and Black participants.

In these simulations, target race is not diagnostic of the presence or absence of a weapon. This is important because it allows the investigators to conduct a direct examination of the impact of racial cues, *per se*, on the tendency to shoot. Given the time pressure and complexity of stimuli employed, the ability to exert control over responses was diminished, making it likely that observed racial biases in behavior were implicit or operating outside of conscious control. Although compelling, demonstrations of implicit racial bias among college students in the laboratory lack external validity. Examining the phenomenon among police officers provides a better gauge of the extent to which implicit racial bias may impact the decision to open fire and thus contribute to the disparity in rates of minorities versus Whites shot and killed by police.

Two groups of researchers have investigated the effect of race on decisions to shoot with police officers (Correll et al., 2007; Peruche & Plant, 2006; Plant & Peruche, 2005). Correll et al. (2007) found that police officers and community members both showed bias in the speed of their responses (responding more quickly to stereotypic targets). Consistent with prior work, the extent of racial bias in response times did not differ between White and non-White officers. But in spite of this bias in reaction time, police officers were no more likely to shoot an unarmed Black target than they were to shoot an unarmed White. In other words, despite the influence of race on the time taken to make correct decisions, police officers were able to overcome the impact of race and choose whether or not to “open fire”

as a function of the weapon held, not the race of the person holding it. Using a different paradigm, Plant and Peruche (2005) found that although police officers initially exhibited racial bias in the decision to shoot, bias decreased with practice.

Thus, college students, community members, and police officers all evidenced an implicit racial bias in the time taken to make a decision to shoot; however, police officers were able to overcome this bias when instigating a behavioral response.

The Current Research

No prior research has investigated bias toward Latinos and Asians in a shoot/don't shoot scenario. In light of differential minority contact with law enforcement and the profound demographic changes taking place in the

United States, such an investigation is both timely and important. The current research examined implicit racial bias in the decision to shoot White, Black, Latino, and Asian male targets in a FPS task in two studies. In the first study, we investigated the performance of college students on two primary outcomes. First, we examined the average response times needed to *correctly* determine if targets of each race were armed or unarmed. Racial bias in reaction times is indicated by faster responses to stereotypic combinations (e.g., armed Black target) than counter-stereotypic combinations (e.g., unarmed Black target). Second, we examined whether target race influenced the pattern of correct versus incorrect responses. Both racial bias measures are assumed to reflect the influence of cultural stereotypes; however, our previous work suggests that they may reflect different components of cognitive processing (Correll et al., 2007). Although stereotypes may impact the speed with which correct responses are made, whether or not they affect the ultimate decision to shoot may depend on the extent to which perceivers can exert control over their behavioral response.

In the second study, we examined implicit racial bias in reaction times and errors among police officers, and whether these biases varied as a function of community characteristics and personal or cultural beliefs. For example, one might expect that officers who serve areas in which the predominant criminal element is Latino should show a greater bias toward Latinos than they do toward Blacks. To allow for sufficient variability in types of communities and personal beliefs, we recruited police officers from the Southeast, Southwest, and Northwest regions of the United States.

The present research thus exemplifies “full-cycle social psychology” (Cialdini, 1980; Dasgupta & Stout, 2012) wherein the phenomenon of interest was borne of real-life events (i.e., mistaken shootings of unarmed minority suspects by police officers) and examined both in the laboratory and with experts from the field. Inclusion of both samples allows for an investigation of whether or not implicit racial bias findings from the lab converge with those of officers who are accountable for decisions to use deadly force on the job. Another benefit of an investigation of police officers may be that “...implicit bias in decision-making from these studies can be directly connected to societal-level disparities” (Dasgupta & Stout, 2012).

Study 1: Overview

To examine the effect of different race/ethnic groups on the decision to shoot, we created a multiethnic environment in a computer task. We employed a four-group FPS task with target race randomly varying from trial to trial between Black, White, Latino, and Asian males.

Participants

Sixty-nine undergraduate students from the University of Colorado at Boulder participated in exchange for partial credit toward a course requirement. Participants were approximately equally divided on gender (34 males, 30 females, and 5 missing) and predominantly White (75% White, 2% Black, 5% Asian, 3% Latino, 3% Native American, and 8% other). Although there were too few Black participants in Study 1 to examine if Black and White participants performed differently on the FPS task, previous work found no evidence that bias varied between these groups (Correll et al., 2002).

Video Game Simulation

The original FPS task, developed by Correll and colleagues (see Correll et al., 2002), focused on bias in the decision to shoot Black compared to White males. To make a multiethnic version of the task, Latino and Asian American male targets were added. Latino and Asian college-aged males, recruited from three college campuses in the Denver metropolitan area, were paid \$8 to be photographed holding four plastic guns (silver and black revolvers and automatic handguns) and four nonthreatening objects (black wallet, black cell phone, silver cell phone, and silver soda can) in each of five poses (e.g., standing with hand holding object positioned near the shoulder). Consent was obtained from all men to use their photographs in future research.

We chose new targets to be included in the shooter task based on a pilot study in which their race was correctly identified by a majority of police officers and community members.

Design

The multiethnic FPS task was based on the 4 (Target Race: Black vs. Latino vs. Asian vs. White) × 2 (Object: Gun vs. No Gun) within-participant design. During each trial, one to three preceding empty background scenes (e.g., a bus terminal or a city park) was presented for 200 to 500 ms each. The number of preceding backgrounds and the duration of the backgrounds were randomly determined per trial. Next, the target background appeared for 500–800 ms before the target photo appeared on the background. From stimulus onset, participants were required to respond within an 850 ms time window. Participants were instructed to “shoot” targets holding guns and to indicate “don’t shoot” for targets holding innocuous objects. Responses were made on button boxes with the leftmost button labeled “don’t shoot” and the rightmost button labeled “shoot” (the button box orientation was reversed for left-handed participants in order to have all participants “shoot”

with their dominant hand). Participants were instructed to leave their thumbs or forefingers over the buttons in between trials.

A point structure for trial-by-trial performance was used to make the game and its potential consequences, personally relevant for participants. Mirroring real life, the cost of mistakes was greater than the reward of accurate responses, especially the error of failing to shoot a threatening target. Correct responses earned five points (not shooting an unarmed target) or 10 points (shooting an armed target). Incorrect responses were more heavily weighted and cost 20 points (mistakenly shooting an unarmed target) or 40 points (failing to shoot an armed target). A time-out, or failing to respond within the 850 ms window, resulted in a 10-point deduction. At the end of each trial, participants received auditory and on-screen feedback regarding the points earned or lost during the trial and a cumulative point total.

The multiethnic FPS task included 20 targets for each racial group, each presented once armed and once unarmed. Thus, there were 40 test trials per race group and 160 test trials overall. Twenty-four practice trials were also included. The sequence of trials was randomly determined within practice and test trials. Reaction time and whether or not the decision was correct were recorded per trial.

Procedure

An experimenter met participants and guided them to individual cubicles for the duration of the study. The experimenter explained that participants were to quickly and accurately respond to photographs of males on-screen based on the type of object they held. Detailed instructions and the FPS task were presented using Psyscope software (Cohen, MacWhinney, Flatt, & Provost, 1993) on iMac desktop computers. Participants wore headphones to receive auditory feedback and reduce interference from participants in neighboring rooms. Finally, the experimenter instructed participants to fill out a questionnaire packet that was left in a manila envelope in the room after they finished the video game. Participants were thanked and debriefed at the end of the session.

Results and Discussion

Reaction Time

Reaction times for trials on which participants responded correctly (94.8% of trials across participants) were log-transformed. An average log-transformed reaction time was then computed for each participant for each type of target (e.g., Black with gun and White with no gun). Log-transformed reaction times were analyzed by a Target Race (Black or Latino or White or Asian)×Object (Gun or

Table 1. Reaction Time and Sensitivity as a Function of Object and Target Race (Study 1)

Variable	Target race					
	Black	Latino	Asian	White		
Reaction time (ms)						
Gun	543a43	537b38	558c37	552d41		
No gun	623a38	593b41	617a40	605c42		
Average	583a36	565b36	588c35	579a37		
Sensitivity (<i>d</i>)	3.55a.51	3.61a.52	3.39b.51	3.41b.58		

Note. Differing subscripts within a row indicate significant differences, $p < .05$, except for the comparison between Black/unarmed and Asian/unarmed, $p < .06$. All sensitivity means significantly differed from zero, $p < .05$. $N = 69$.

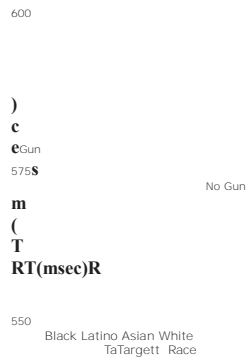


Fig. 1. Reaction time as a function of object and target race (Study 1).

Note. Reaction times were mean polished.

No Gun) repeated measures ANOVA. Means backtransformed to the millisecond metric are presented in Table 1 and Figure 1. Reported effect sizes are PREs that reflect the proportional reduction in error due to a predictor or planned contrast (Judd, McClelland, & Ryan, 2008). In the analyses we report, PRE is equivalent to a partial eta-squared.

There was a significant main effect of object, $F(1, 68) = 299.00, p < .001$, $PRE = .81$. Participants correctly responded more quickly, on average, to gun ($M = 548$) than no gun trials ($M = 610$). There was also a significant main effect of race, $F(3, 204) = 51.24, p < .001$. We tested all possible pairwise comparisons among target groups. On average, across the object held by targets, participants responded more quickly when making the correct decision for Latino targets ($M = 565$) than Black targets ($M = 583$), $F(1, 68) = 108.16, PRE = .61, p < .001$; White targets ($M = 579$), $F(1, 68) = 54.91, PRE = .447, p < .001$; and

Asian targets ($M=588$), $F(1, 68)=17.22$, $PRE=.20$, $p<.001$. Participants responded *more slowly* overall when making the correct decision to Asian targets than White targets, $F(1, 68)=17.22$, $PRE=.20$, $p<.001$, or Black targets,

$F(1, 68)=7.67$, $PRE=.10$, $p=.007$. As in our previous work, the comparison in mean reaction times for Black versus White targets was not significant, $F(1, 68)=2.72$, $PRE=.035$, *n.s.*

Of primary interest were the Race×Object interactions that gauge racial bias in the decision to shoot. The omnibus Race×Object interaction was significant, $F(3, 204)=16.81$, $p<.001$. We tested all pairwise “simple” Race×Object interactions to examine the patterns of bias as a function of specific pairwise race comparisons. For example, we tested if responses to gun versus no-gun trials differed when the objects were held by Black versus Latino targets. Further, to interpret the Race×Object interactions, we applied a mean polish transformation to the reaction time data within each pairwise comparison. Rosnow and Rosenthal (1989) noted that researchers often misinterpret interactions by looking at simple effect tests among original cell means. This approach is problematic because differences in the original cell means also reflect lower order effects (e.g., main effects) thereby obscuring the nature of the higher order interaction. The advantage of using the mean polish transformation is that it expresses the mean reaction time for each cell of the Race×Object design as a residual from the average reaction time to that particular race and that particular object. For example, in the Latino/gun cell, the mean polished Latino/gun average is computed per participant as:

$$RT_{\text{Latino/gun mean polished}} = \text{Mean} - (RT_{\text{gun}} - RT_{\text{Latino}}) + (RT_{\text{Grand}})$$

where values are averages calculated per participant and per cell of the design. The mean polished cell value yields the difference in how a participant responds to Latinos who are armed removing both the main effect to respond faster overall to gun trials, and faster overall to Latino targets. We chose the mean polish transformation to aid in interpretation of racial bias effects because for the first time in this line of research, we found differences in how quickly participants responded to different races, across the type of object held (i.e., main effect of race).

Black targets versus all others groups. All Race×Object interactions involving Black targets were significant: Black versus White interaction, $F(1, 68)=45.83$, $PRE=.40$, $p<.001$, Black versus Latino interaction, $F(1, 68)=22.18$, $PRE=.25$, $p<.001$, and Black versus Asian interaction, $F(1, 68)=32.14$, $PRE=.32$, $p<.001$. These effects demonstrate bias such that participants were especially likely to favor the “shoot” response over the “don’t shoot” response when the target was Black rather than any other race.

Latino targets versus Asians and Whites. There were no significant Race \times Object interactions comparing Latino and White targets or Latino and Asian targets, $F_s(1, 68) < 1$, $PRE_s < .01$, $n.s.$

Asian targets versus Whites. The Race \times Object interaction for Asians and Whites was not significant, $F(1, 68) = 1.40$, $PRE = .02$, $n.s.$

Thus, in Study 1, we found consistent evidence of the interactive influence of race and object on reaction times only toward Black targets compared to targets of other races. As shown in Figure 1, we replicated the implicit racial bias found in previous research for Black versus White targets. Participants correctly responded more quickly on gun trials to Black than White targets but correctly responded more slowly on no-gun trials to Black than White targets. A strikingly similar pattern of bias emerged for Black compared to Latino or Black compared to Asian targets.

Signal Detection Analyses

We next examined if race influenced the pattern of errors versus correct decisions made based on the object that targets held. On average, participants made incorrect responses on 3.3% of trials and time-outs on 2.5%. Overall, participants performed quite well on the task, a pattern consistent with previous work with the FPS task that employed extended response windows (850 ms; Correll et al., 2002).

The number of correct and incorrect responses for a given target race was submitted to signal detection theory (SDT) analysis. SDT extrapolates two normal curves on a continuous judgment dimension from correct and incorrect responses to targets holding guns versus nonguns. For the FPS task, we conceive of this dimension as the amount of threat posed by targets. Placed on the dimension is one curve that represents the distribution of responses on no-gun trials (low threat) and another curve that represents the distribution of responses on gun trials (high threat). Two statistics are computed. First, the d statistic, or *sensitivity*, assesses the degree of separation between the gun and no-gun curves. Higher d values indicate that the curves do not overlap much, i.e., participants are able to discriminate between gun and no-gun trials and to make accurate responses in general (fire on armed targets, do not shoot unarmed targets). Lower d values indicate that the curves overlap more and that participants mistakenly shoot when they should not (false alarm) or fail to shoot when they should (miss). The more overlapping the curves, the greater difficulty perceivers have in discerning weapons from nonthreatening objects. Second, the c statistic, or *decision criterion*, reflects the threshold at which targets are perceived as threatening enough to shoot. Although racial bias in the placement of the criterion has previously been found with the FPS task (e.g., Correll et al., 2002; Correll et al., 2007), there was only one significant pairwise race comparison on the decision criterion across studies. However, in

Multiethnic Racial Bias 297

Table 2. Reaction Time and Sensitivity as a Function of Object and Target Race (Study 2)

Variable	Target race			
	Black	Latino	Asian	White
Reaction time (ms)				
Gun	548a41	537b40	575c37	573d37
No gun	640a36	615b37	629a39	639c37
Average	595a35	577b34	607c34	594d34
Sensitivity (<i>d</i>)	3.53a.51	3.66b.55	3.44c.59	3.46c.60

Note. Differing subscripts within a row indicate significant differences, $ps < .001$. Except average reaction difference between Black and White targets, $p < .10$. All sensitivity means significantly differed from zero, $ps < .05$. $N = 224$.

previous research, this result generally emerges when the response window for the task is 630 ms or less. Thus, the failure to find effects on the criterion in the current studies, which use an 850-ms time window, is not surprising. Analyses of this measure are not discussed further.

We computed *d* values separately for each target group and found that the mean sensitivity (*d*) toward each group significantly differed from zero, all $ts(68) > 48.84$, $ps < .001$. The positive *d* values in Table 2 indicate that participants distinguished guns from nonthreatening objects and, on average, were able to make appropriate decisions based on the object.

ANOVA. Sensitivity scores were submitted to a repeated measures ANOVA with Target Race (Black or Latino or White or Asian) as the within-participant factor. There was a main effect of target race, $F(3, 204) = 6.20$, $PRE = .03$, $p < .001$. More pertinent for our purposes were the pairwise comparisons of sensitivity between target groups. Results showed that accuracy was significantly higher toward Blacks and Latinos than toward Whites and Asians (Blacks vs. Whites, $t(68) = 2.23$, $PRE = .07$, $p = .029$, Blacks vs. Asians, $t(68) = 2.73$, $PRE = .10$, $p = .008$, Latinos vs. Whites, $t(68) = 3.46$, $PRE = .15$, $p < .001$, and Latinos vs. Asians, $t(68) = 3.49$, $PRE = .15$, $p < .001$). There was no evidence that participants were able to better discriminate guns from nonthreatening objects for Blacks than Latinos, $t(68) = 1.12$, *n.s.*, nor was there a difference between Whites and Asians, $t < 1$.

Racial bias in the amount of time needed to correctly determine whether or not to shoot Blacks perseveres in a multiethnic context. Participants were faster to correctly “shoot” a Black armed target than a White, Latino, or Asian armed target but slower to correctly “not shoot” a Black unarmed target than a White, Latino, or Asian unarmed target. There was no evidence, however, of race impacting the time

to respond to Latino versus White or Asian targets, or White versus Asian targets regardless of the object held. Thus, the perceived threat Blacks pose appears to overwhelm any potential threat from other groups. In Study 2, we investigate the extent to which such bias is found among police officers, and if the degree of bias varies as a function of community characteristics and individual differences in officer beliefs about the groups.

Study 2: Overview

Police officers are among a selected few whose job it is to make shoot/don't shoot decisions. Although guidelines exist to limit when deadly force may be used, there are nonetheless allowances for officer discretion to open fire. Chief among these is the perceived imminent threat posed by the suspect to innocent bystanders, fellow officers, or the officer himself/herself.

Factors that may be associated with threat, such as stereotypes about suspect race and aggression, may influence how a potentially deadly encounter unfolds. Prior work with the shooter task found that police officers were prone to the same bias in reaction times toward Black than White targets shown by college students and community members, though, importantly, their ultimate decision of whether or not to shoot was not affected by target race (Correll et al., 2007). One purpose of Study 2 was to investigate if the pattern of racial biases toward Blacks versus Latinos, Asians, and Whites found with college-aged participants in Study 1 would similarly be replicated among police officers.

The second purpose of Study 2 was to investigate if characteristics of the community and explicit personal beliefs and attitudes of officers might be affiliated with implicit multiethnic racial biases in the shooter task. Our prior work showed that the degree of racial bias in reaction times toward Black versus White targets in a sample of police officers from a variety of cities was associated with several characteristics of the community served. In particular, bias was larger for officers from larger cities, those cities with higher minority and/or Black populations, and for officers who perceived greater violent crime in the community served (Correll et al., 2007). Using a similar computer simulation, Peruche and Plant (2006)

found that police officers with general negative expectations about Blacks tended to show more racial bias in reaction times on early task trials. Thus, research has shown that differences in racial bias toward Blacks than Whites may be related to both community characteristics and individual officer beliefs. The present study will extend prior work by examining the factors related to multiethnic racial bias toward Latinos and Asians.

To obtain variation in officers' experiences with Black, Latino, or Asian suspects, we recruited police officers from the Southeast, Southwest, and Northwest regions of the United States. Officers completed the four-group multiethnic FPS task and provided information about the community in which they served, their

history of service in law enforcement, and their beliefs and attitudes toward each of the four racial groups.

Method

Participants and Design

Police officers attending a voluntary two-day training seminar in the Southeast, Southwest, and Northwest were recruited. Officers were compensated \$50 for their time. Two hundred and twenty-four officers participated (41% from a seminar in Florida, 35% from a seminar in New Mexico, and 24% from a seminar in Washington). Although many officers were from the state in which the seminar was held, 11 states were represented across the seminars. Most participants were patrol officers (61%) and male (86%). The majority of officers were Caucasian (53%) and Latino (31%). Fewer than 3% of the officers reported being African, Asian, or Native American (5% missing). Note that we found no evidence in Study 2 that officer race (minority versus White, or Latino versus White) was associated with differential racial bias in response times or accuracy, $F_s(1, 214) < 1, n.s.$

Police officers completed the 160 trial multiethnic FPS task with Black, Latino, Asian, and White male targets. The study was a Race (4: Black or Latino or Asian or White) \times Object (2: Gun or No gun) within-participants design.

Materials

Intergroup attitudes. The discrimination scale (Wittenbrink, Judd, & Park, 1997) is an 11-item scale that gauges the extent to which people believe that discrimination toward African Americans is currently a problem. The scale was modified to address racial discrimination, in general, by substituting "ethnic minorities" for "Blacks." Example items included, "Members of ethnic minorities often exaggerate the extent to which they suffer from racial inequality," and "In the United States, people are no longer judged by their skin color." Ratings were made on a 1 (strongly disagree) to 9 (strongly agree) response scale. The scale was found to be reliable ($=.86$).

Stereotypes. The *stereotype rating scale* consisted of three items measuring the extent to which a group was viewed as aggressive, violent, or dangerous (Correll et al., 2002). For each item, participants marked an "X" on a 5-inch line with 12 evenly spaced tick marks, including endpoints. The line was anchored with not having the trait (e.g., not aggressive) to having the trait (e.g., aggressive).

The *percent estimate task* also consisted of three items to assess the aggressiveness of a group, however, in this task, ratings were of the percent of people in the group who were believed to participate in specific behaviors. Participants rated what

percent of the group commits violent crimes, owns a handgun, and dies at the hands of an in-group member. Participants completed these stereotype measures twice, once for their personal stereotypes and once for cultural stereotypes. In the former case, they were asked to report their own personal beliefs. In the latter case, they were asked to rate how they believed “people in general in the United States would respond.”

Intergroup contact was measured with three items for each group. Participants were asked the amount of contact they had with each racial/ethnic group in the neighborhood in which they spent the most time growing up, at the high school from which they graduated, and with childhood friends. Responses on each item could range from 1 (none) to 7 (many).

Community characteristics and demographics. Officers were asked to provide information about their history in law enforcement and the community they served. Officers reported the total number of years on the police force and in the department in which they were currently assigned. Officers estimated the rate of violent crime in their community relative to the FBI 2000–2002 rate of 500 offenses per 100,000 people. They chose between five options ranging from “much lower than average” to “much higher than average.” In addition, we generated the extent to which officers over- or underestimated the amount of violent crime in their community by comparing the self-report percentages to those we gathered from the Uniform Crime Reports (2007) per city (or county, if city information was not available). Both variables were standardized, and then a difference score

Z_{UCR} was computed ($Z_{self-report}$ -

The ethnic makeup of the community was also derived from two sources. Police officers estimated the percent of African, Asian, Latino, Native, and European Americans in the area. We also obtained U.S. Census Bureau (2000) information on the racial/ethnic makeup of the area served. Both variables were standardized

Z_{Census} reflecting the degree to which officers and a difference score ($Z_{self-report}$ -

over- or underestimated the percentage of a group in the community.

Officers also provided demographic information including their gender, ethnicity, education, and political orientation.

Procedure

Police officers were recruited to participate through announcements made each day as the seminar reconvened from lunch break. Officers reported to a room in the hotel in which the seminar was held. Participation took place in the evenings after the seminar concluded for the day. Although we could not isolate officers in individual cubicles, no more than two officers were seated at a table at a time and officers did not face each other during the study. To reduce disruption from other participants, officers wore headphones. Officers completed the FPS task on

Macintosh iBook laptop computers with 13-inch screens. The button boxes were the same ones used to collect responses in the laboratory in Study 1. Following the FPS task, officers completed the questionnaire packet and sealed it in a manila envelope. Officers were paid, thanked, and fully debriefed.

Results and Discussion

Reaction Time

Log-transformed reaction times for correct trials were analyzed by a Target Race (4: Black or Latino or White or Asian)×Object (2: Gun or No Gun) repeated measures ANOVA. All pairwise comparisons among target race groups (e.g., Black vs. Latino) and between target race pair and object (e.g., Black vs. Latino by Object interaction) were tested. Means backtransformed to the millisecond metric are presented in Table 2. There was a significant main effect of object, $F(1, 223)=1970.62, p<.001, \eta^2=.90$. Participants were faster, on average, to gun ($M=553$) than no gun trials ($M=631$). There was also a significant main effect of race, $F(3, 669)=256.41, p<.001, \eta^2=.53$. On average, across gun and no gun trials, participants were faster to correctly respond to Latino targets ($M=575$) than Black targets ($M=592$), $F(1, 223)=250.27, \eta^2=.53, p<.001$, White targets ($M=591$), $F(1, 223)=221.12, \eta^2=.50, p<.001$, and Asian targets ($M=605$), $F(1, 223)=795.80, \eta^2=.78, p<.001$. Participants responded more slowly to Asian targets than White targets, $F(1, 223)=163.33, \eta^2=.42, p<.001$, or Black targets, $F(1, 223)=141.61, \eta^2=.39, p<.001$. There was no significant difference in mean reaction times for Black versus White targets, $F(1, 223)=1.23, \eta^2=.01, n.s.$ This pattern of results parallels that found in Study 1.

The omnibus Race×Object interaction was significant, $F(3, 669)=52.35, p<.001$, as were all pairwise race×Object interactions (described below). As in Study 1, we used mean-polished values to aid in interpretation of the interactions.

Black targets versus all others groups. As shown in Figure 2, implicit racial bias was found toward Black versus White targets, $F(1, 223)=81.90, \eta^2=.27, p<.001$, Black versus Latino targets, $F(1, 223)=22.47, \eta^2=.09, p<.001$, and Black versus Asian targets, $F(1, 223)=189.06, \eta^2=.46, p<.001$. As in Study 1, police officers correctly responded more quickly to guns, but more slowly to nonguns, held by Black targets than by targets of any other race.

Latino targets versus Asians and Whites. In addition, the Latino versus White, $F(1, 223)=16.00, \eta^2=.07, p<.001$, and Latino versus Asian interactions were significant, $F(1, 223)=90.82, \eta^2=.29, p<.001$. Officers showed racial bias in the decision to shoot Latinos relative to Whites and Asians.

625

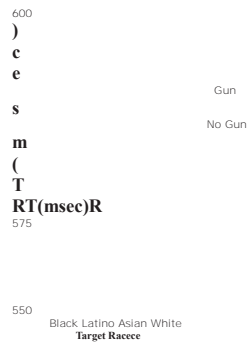


Fig. 2. Reaction time as a function of object and target race (Study 2).

Note. Reaction times were mean polished.

Asian targets versus Whites. We also found a significant Asian versus White \times Object interaction, $F(1, 223)=24.90$, $PRE=.10$, $p<.001$. Opposite to the typical pattern of bias toward racial/ethnic minorities, police officers were faster to shoot White than Asian armed targets, but slower to decide not to shoot White than Asian unarmed targets. In other words, racial bias was shown as a bias in favor of shooting Whites rather than Asians.

Signal Detection Analysis

Police officers performed well on the four-group FPS task with incorrect responses on 2.9% of the trials and time-outs on 2.6% of the trials. Sensitivity (d) scores were submitted to a repeated-measures ANOVA with target race (Black or Latino or White or Asian) as a within-participant factor. The means appear in Table 2. The main effect of target race was significant, $F(3, 669)=18.48$, $p<.001$.

Black targets versus all others groups. Pairwise comparisons revealed that police officers were better able to discriminate weapons from nonthreatening objects when they were held by Black than White targets, $F(1, 223)=4.88$, $p=.028$, $PRE=.02$, or Asian targets, $F(1, 223)=7.29$, $p=.007$, $PRE=.03$. These results suggest that if minorities are policed differently than nonminorities (as posited by conflict theory), such differences are not due to poorer sensitivity toward Blacks. Unlike the results in Study 1, there was also a significant difference in sensitivity toward Black versus Latino targets among police officers, $F(1, 223)=24.40$, $p<.001$, $PRE=.10$. Police officers evidenced higher levels of accuracy based on object for Latinos than Blacks.

Latino targets versus Asians and Whites. Similarly, sensitivity was higher to Latino than White targets, $F(1, 223)=40.45, p<.001$, $PRE=.15$, or Asian targets, $F(1, 223)=51.98, p<.001$, $PRE=.19$.

Asian targets versus or Whites. Overall accuracy to Asian and White targets was not found to differ, $F<1$.

In sum, the pattern of sensitivity to objects as a function of target race found for police officers replicates the previous study reported herein, with one exception: police officers show higher accuracy to Latino than Black targets. Finally, it is interesting to note that reaction time bias and sensitivity bias were generally uncorrelated. The only exception was a significant negative relationship for White targets, $r(223)=-.16, p<.05$. The more bias in reaction times to White targets is, the less accurately participants responded to the objects White targets held.

Racial Bias Correlates

We were interested in the extent to which characteristics of the community and officers' experiences with, and beliefs about, Blacks, Latinos, Whites, and Asians related to bias in the FPS task. We correlated the composite score for each questionnaire measure with two variables computed from the FPS task: racial bias in reaction times and sensitivity in the task. Because we wanted to examine correlations separately for each target race, we calculated the simple effect of object type on the mean-polished reaction times per group (e.g., $\text{Object Effect}_{\text{Black}} =$

$\text{Black RT}_{\text{Gun}} - \text{Black RT}_{\text{No Gun}}$), which represents the tendency to respond correctly to armed targets more quickly than to unarmed targets. This effect is important because it represents a predisposition to shoot: shooting armed targets quickly and choosing not to shoot an unarmed target slowly. The simple object effect was chosen because it can be examined for each group alone, rather than relative to another group (e.g., differences in reaction times toward Blacks by type of object rather than racial bias in reactions to Blacks versus Whites). Mean-polished values were used to isolate the effect of object for a particular target race, once the main effects of object and race were removed.

The bivariate correlations of beliefs and community characteristics to reaction time and sensitivity per target race and FPS task outcome are presented in Table 3.

We also tested the partial relationships between individual beliefs and racial bias in reaction times and sensitivity controlling for community characteristics and vice versa. The pattern of effects was the same as with the bivariate correlations, indicating that the individual and community characteristics reported were uniquely related to bias.

Table 3. Correlations between Bias in Reaction Times, Accuracy, and Community Characteristics and Police Officer Beliefs

	Black	Latino	Asian	White
Object effect (RT) Sensitivity (d')				
Black Latino Asian White Black Latino Asian White				
Community characteristics				
Population of city officer serves	-.03	-.07	.04	.08
Census% of race group	.06	.02	.04	-.04
Self-reported violent crime	.05	.07	-.01	-.12
UCR violent crime	-.02	.01	.04	-.02
Violent crime difference	.16*	.04	-.13	+
Police officer beliefs				
Personal stereotype rating	.06	.12	+	
Personal stereotype percent estimate	.05	.13	+	
Cultural stereotype rating	.01	-.05	.08	-.05
Cultural stereotype percent estimate	-.04	.04	.15*	-.10
Contact with race group	.21*	-.04	-.01	-.01
Discrimination scale	.14*	-.10	.04	-.05

Note. The object effect (RT_{no-gun}–RT_{gun}) per target race was mean polished. Due to missing data, correlations are based on N s of 208 to 218. * $p < .05$, + $p < .10$.

Reaction Time Correlates

Community characteristics. We examined the reaction time bias to shoot as a function of community characteristics including measures of city population, the percentage of a target race in the community, and violent crime. Across target races, violent crime indices were often related to the bias to shoot. There was a tendency for the object effect (the bias to shoot) to decrease as perceptions of violent crime in an area increased, $r(206) = -.12, p = .083$. The violent crime difference was significantly positively related to the degree of bias to shoot Latino targets, $r(194) = .16, p = .025$, and marginally negatively related to the bias to shoot White targets, $r(194) = -.13, p = .063$. These correlations indicate that the more officers overestimated the amount of violent crime in their area compared to the Uniform Crime Reports (2007), the more bias shown toward Latinos, but the less bias shown toward Whites. There were no significant correlations regarding the overall size of the city or the number of members of a target race in the area, all r s $< .10$.

Officer beliefs. The officer beliefs we examined included personal and cultural stereotypes, attitudes toward racial/ethnic minorities in general, and the amount of contact with a target race. Reaction time bias to shoot Black targets increased as a function of both reported contact with Blacks, $r(206) = .21$,

$p=.002$, and prejudice reported on the discrimination scale, $r(206)=.14$, $p=.042$. Bias to shoot Latino targets was marginally associated with personal stereotypes as reported on the rating scale, $r(205)=.12$, $p=.079$, and the percent estimate task, $r(204)=.13$, $p=.068$. The more officers endorsed stereotypes of Latinos as violent and dangerous, the faster they tended to respond to armed than unarmed Latino targets. Racial bias toward Asian targets as a function of object was significantly higher, the more officers rated the cultural stereotype of Asians to be aggressive on the percent estimate task, $r(205)=.15$, $p=.033$. We found no significant relationships between beliefs about Whites and reaction time bias to shoot.

In summary, racial bias in reaction time across target races was associated with the extent to which officers overestimated the amount of violent crime in a community. As violent crime increased, bias to shoot Latino targets increased, but bias to shoot White targets decreased. Further, for Black targets, contact and discrimination predicted racial bias, whereas personal stereotypes were related to bias toward Latinos and cultural stereotypes were related to bias toward Asians.

Though not wholly consistent, these observed relationships suggest that attitudes and/or stereotypes can affect bias in latencies among officers.

Sensitivity Correlates

Community characteristics. We also examined the relationships between racial bias in sensitivity and community characteristics. The amount of violent crime in an area was related to the ability to correctly distinguish a gun from a nonthreatening object. The more violent crime according to the Uniform Crime Reports (2007), the less able officers were to distinguish objects held by White targets, $r(206)=-.14$, $p=.041$. New in the accuracy data was a significant correlation between the proportion of Asians according to census data and discriminability for Asian targets, $r(206)=-.18$, $p=.008$. As the number of Asians increases in an area, accuracy in determining the object an Asian target held during the shooter task decreases.

Officer beliefs. Across target races, the pattern of significant relationships between officer beliefs and sensitivity was similar to that found for reaction times. For Black targets, the correlation between sensitivity and contact was marginally significant, $r(213)=.12$, $p=.068$. Officers who reported more contact with Blacks showed a tendency toward higher accuracy in distinguishing guns from nonthreatening objects. Although general discrimination was not related to the accuracy of responses to Black targets, there was a significant association between sensitivity and cultural stereotypes of Blacks, $r(212)=.17$, $p=.013$. The more violent and aggressive police officers perceived the cultural stereotype of Blacks to be, the more accurate they were in decisions of whether or not a Black target was

armed. For Latino targets, personal stereotypes on the percent estimate task were marginally related to sensitivity, $r(211) = -.12, p = .073$. The more aggressive their personal stereotype of Latinos, the less able officers were to accurately distinguish objects. For Asian targets, accuracy was marginally related to cultural stereotypes on the rating task, $r(213) = .11, p = .093$. As cultural stereotypes of Asians as aggressive increase, accuracy increases. None of the officer beliefs correlated significantly with accuracy toward White targets.

In summary, the community characteristics and officer beliefs associated with accuracy are similar to that found for reaction time bias, although the relationships are not always in the same direction and tended to be smaller in magnitude. Violent crime in an area was related to the ability to discriminate objects held by White targets. Greater sensitivity for Black targets was associated with more contact and sensitivity for Asian targets with higher cultural stereotypes, whereas sensitivity for Latino targets decreased for officers who more highly endorsed personal stereotypes.

General Discussion

We examined implicit racial bias in the decision to shoot Blacks, Latinos, Asians, and Whites. Replicating prior research, racial bias in response times to decide whether or not to shoot Black targets was pervasive. Interestingly, this was the only reaction time bias to emerge among college-aged participants. However, police officers showed additional racial biases in reaction times, on average, toward Latinos relative to Asians and Whites, and toward Whites relative to Asians, suggesting racial bias in the decision to shoot is not simply an anti-Black phenomenon.

To our knowledge, the current research is the first to find a differential pattern of racial bias in reaction times between participant samples, which highlights the importance of substantiating evidence garnered from convenience samples with field samples (Dasgupta & Stout, 2012). The multiethnic shooter task posed a greater challenge to participants, given that there were more irrelevant racial cues present in the task, and no predictability about which racial cue would occur from trial to trial. The difficulty of the task for college participants may have resulted in a tendency to default to the stereotype of Blacks as most aggressive. On the other hand, cultural stereotypes and local norms germane to the likelihood that groups will aggress may be more available and practiced among police officers. After all, police officers must constantly evaluate the potential threat posed by people. Several officers across conferences we attended spoke of searching for the “wolves” among the “sheep.”

The second outcome considered was the accuracy of the decision to shoot. In contrast to the differential pattern of bias found for reaction times, both college participants and police officers were better able to distinguish weapons from

nonthreatening objects when held by Black and Latino targets than by Asian and White targets, an unexpected effect given our previous work (Correll, et al., 2002; Correll et al., 2007). We suspect that in the more challenging multiethnic shooter task, both participant samples may have shifted attention to Blacks and Latinos, the groups potentially more associated with threat. This result is consistent with recent evidence that suggests that threat-based attentional biases may serve as a mechanism for the impact of race on such decisions (Donders, Correll, & Wittenbrink, 2008; Trawalter, Todd, Baird, & Richeson, 2009). The P200, an event related potential (ERP) that reflects orientation to threatening stimuli in the environment, is greater in response to Black than White faces (Ito & Urland, 2005). Further, Correll, Urland, and Ito (2006) found that the more threatening Blacks were than Whites (as indexed by the P200), the greater the impact of race on the decision to shoot. If perceived threat differences can be inferred from racial bias in the FPS task (Correll et al., 2007), our results suggest that Blacks and Latinos may be more stereotypically associated with violence than Whites and Asians.

Finally, we examined if the degree of racial bias in reaction time and accuracy in the decision to shoot was related to community characteristics and personal beliefs reported by police officers. There was evidence that individual beliefs were related to the extent of bias, though the specific individual differences that correlated with beliefs depended on target groups. Officers who overestimated the amount of violent crime in a community showed a greater bias toward Latinos and less toward Whites. The personal beliefs most associated with racial bias varied with the target group, but were generally strongest for Blacks. Contact, discriminatory attitudes, and cultural stereotypes of aggressiveness and danger were related to bias toward Blacks. There was a trend for relationships between racial bias toward Latinos and personal stereotypes of Latino aggressiveness, and between bias toward Asians and cultural stereotypes about Asians. There was no evidence that bias toward Whites was related to personal beliefs.

Training

Although we cannot speak definitively to the genesis of the stereotypic association between violence and certain minority groups, such as Blacks and Latinos, our results suggest that even when race is not diagnostic for the task at hand, expectations regarding the danger posed by some groups, and further, individual variation in such beliefs, can affect response time. Stated differently, Black, Latino, Asian, and White targets were equally likely to appear armed or unarmed in the shooter task but the association of Blacks and Latinos with danger in U.S. culture may have led to faster correct responses to armed than unarmed targets from these groups compared to Whites and Asians, who are not associated with danger to the same degree. It is interesting to note that biases in reaction times toward Blacks and Latinos were overcome by the time a decision was made, and

in fact, there was no evidence that target race biased a police officer's ability to correctly shoot armed targets and to not shoot unarmed targets.

Our accuracy results seemingly bode well for police officers in that implicit racial biases affected the speed of responses but not behavior, but there is reason to temper the optimism in generalizing the results to officers in the field. First, a relatively long response window was used, possibly allowing both college students and police officers sufficient time to enact control over their decisions of whether or not to shoot. It is possible that participants were able to enact distraction-inhibiting goals to avoid basing decisions on race or response-facilitating goals to shoot only if they see a gun (Mendoza, Gollwitzer, & Amodio, 2010). In the field, however, the luxury of time and ability to focus on implementation intentions is far from guaranteed. Second, the environmental conditions under which police officers complete the FPS task may foster relatively high levels of accuracy. Officers are seated comfortably, distractions are reduced, and there is no possibility of imminent physical threat. In contrast, conditions vary greatly in the field that may compromise the performance. For instance, the average accuracy rate with which shots fired at suspects find their target is only about 20% (Geller, 1982). Factors that amplify the perceived threat in an encounter result in even lower accuracy such as a suspect with a firearm (Schade, Bruns, & Morrision, 1989). Presumably, the average threat level is significantly higher on the job than in the lab. If so, the controlled processes needed to compensate for racial bias may not be implemented as easily. It is conceivable that race-based perceptions of threat (which seem to affect reaction times in the lab) may, in the real world, translate into the decision to open fire. If this is the case, racial biases may, in fact, play a role in encounters between police officers and suspects.

It may prove useful to broaden training considerations from how police officers react to suspect behavior ("passive" role of officers) to how they themselves behave as a situation unfolds (proactive role of officers). Mere expectation that a suspect will be violent may engender a self-fulfilling prophecy: the officer may behave in such a way to elicit aggressive behavior from the suspect resulting in an escalation of the situation. Binder and Scharf (1980) suggested that decisions made in early stages of an encounter predict whether an officer is likely to open fire as the encounter unfolds. Fridell and Binder (1992) found that a crucial stage leading to a decision to open fire is that of information exchange between officer and suspect. Situations in which an officer was unable to ascertain pertinent information, or when suspects were agitated or noncompliant, were more likely to end with use of deadly force.

We argue that it is precisely in the early stages of an encounter that expectations police officers hold based on race, neighborhood, gender, etc., may unintentionally influence officer behavior and contribute to an escalation of the situation. A poignant anecdote comes from a conversation the first author had with a young Black male officer. He relayed a conflict between the Black culture in which he

was raised and the police training he received regarding how to interact with a suspect. In his neighborhood, making eye contact with someone, particularly in a tense situation, was a sign of aggression. Compliance, on the other hand, was accomplished by avoiding eye contact. In dramatic contrast, as a police officer he was trained that lack of direct eye contact by a suspect was suspicious and associated with noncompliance. Such differences in the interpretation of nonverbal cues are likely to have marked effects on the progression of an encounter. To reduce the influence of such factors in escalation of police-community encounters, it may be beneficial for police departments to assign officers to districts in which they grew up whenever possible. We do not intend to suggest that it is necessary for officers to be of the same race as the community they serve, only that officers from the district are likely to be familiar with the neighborhood norms for verbal and nonverbal cues to aggression. It should be noted that our data cannot speak directly to this issue, but nonetheless, it may be fruitful for future research to pursue.

Another avenue for police departments to pursue is simulation training. Research has shown that those officers trained with a combination of video and “live fire” simulation training took more preventive actions to avoid escalation in subsequent encounters (Helsen & Starkes, 1999). It is possible that implementing such training would reduce the impact of suspect race on how an encounter progresses (cf. Reisig, McCluskey, Mastroski, & Terrill, 2004).

Limitations and Extensions

An advantage of implementing an experimental approach to the study of race and the decision to shoot is the ability to manipulate race independently of other factors that may covary with race in the real world. Targets were presented on a common set of backgrounds, their dress was similar (e.g., no ball caps, jackets), and they stood or knelt in select stances. Because race was not diagnostic of weapon held, we could determine if prior expectations on the part of perceivers were associated with bias in the FPS task. However, the control was achieved at the cost of external validity. We are currently conducting research using a video simulation method that police departments across the country use to provide interactive training to officers. This research brings us one step closer to emulating the psychological and physiological stress officers experience in encounters with suspects, and thus, to an examination of the impact of suspect race in the field.

Our investigation of racial bias provided an extension to prior work through inclusion of three distinct minority groups as targets rather than solely African Americans. We demonstrated that the extent to which bias was present depended on the subject population. College students were biased against African-Americans, whereas police officers evidenced bias toward Latinos in addition to African Americans, and to a differential degree depending on individual differences, such as level of contact or stereotype endorsement. A limitation of this work, however,

derives from the fact that it was conducted with U.S. participants. Although our intuition is that treatment of specific minority groups would depend both on the cultural context, i.e., on the stereotypes regarding dangerousness of particular groups in a culture, and variations in belief in the beliefs propagated within that context, it will be the charge of future studies to determine what factors contribute to racial bias cross-culturally (Sampson & Lauritsen, 1997).

Conclusion

Most social psychological work on racial biases in the United States has focused on African Americans and how they are discriminated against in the context of a society dominated by Whites. Our own previous reports of implicit racial bias are very much in this tradition. The present work is based on the premise that an increasingly diverse American society demands that we assess patterns of bias toward multiple ethnic and racial target groups. Doing so highlights the ubiquity of bias in the FPS paradigm against African Americans relative to Whites. But it also brings to light some evidence of bias against Latinos, and bias in favor of Asians (again, relative to Whites). Given that the United States continues to evolve into an increasingly multiethnic nation, research that speaks to such complexity becomes ever more important.

References

- Albrecht, H. J. (1997). Ethnic minorities, crime, and criminal justice in Germany. *Ethnicity, Crime, and Immigration*, 21, 31 – 99. doi: 10.1086/449249.
- Binder, A., & Scharf, P. (1980). The violent police-citizen encounter. *Annals of the American Academy of Political and Social Science*, 452, 111 – 121. doi: 10.1177/000271628045200111.
- Bureau of Justice Statistics (2007). Prison and jail inmates at midyear 2006. (Downloaded June 27, 2007 from <http://www.ojp.usdoj.gov/bjs/abstract/pjim06.htm>).
- Cialdini, R. B. (1980). Full-cycle social psychology. *Applied Social Psychology Annual*, 1, 21 – 47.
- Cohen, J. D., MacWhinney, B., Flatt, M., & Provost, J. (1993). PsyScope: A new graphic interactive environment for designing psychology experiments. *Behavioral Research Methods, Instruments, and Computers*, 25(2), 257 – 271. doi: 10.3758/BF03204507.
- Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The Police Officer's Dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83(6), 1314 – 1329. doi: 10.1037//0022-3514.83.6.1314.
- Correll, J., Urland, G., & Ito, T. (2006). Event-related potentials and the decision to shoot: The role of threat perception and cognitive control. *Journal of Experimental Social Psychology*, 42, 120 – 128. doi: 10.1016/j.jesp.2005.02.006.
- Correll, J., Park, B., Judd, C. M., Wittenbrink, B., Sadler, M., & Keese, T. (2007). Across the thin blue line: Police officers and racial bias in the decision to shoot. *Journal of Personality and Social Psychology*, 92(6), 1006 – 1023. doi: 10.1037/0022-3514.92.6.1006.
- Cureton, S. R. (2001). An empirical test of the social threat phenomenon—Using 1990 census and uniform crime reports. *Journal of Criminal Justice*, 29(2), 157 – 166. doi: 10.1016/S0047-2352(00)00091-X.
- Dasgupta, N., & Stout, J. G. (2012). Contemporary discrimination in the lab and field: Benefits and obstacles of full-cycle social psychology. *Journal of Social Issues*, 68(2), 399 – 412. doi: 10.1111/j.1540-4560.2011.01754.x

Multiethnic Racial Bias 311

- Donders, N., Correll, J., & Wittenbrink, B. (2008). Danger stereotypes predict racially biased attentional allocation. *Journal of Experimental Social Psychology, 44*(5), 1328 – 1333. doi: 10.1016/j.jesp.2008.04.002.
- Fisher, E. L., & Borgida, E. (2012). Intergroup disparities and implicit bias: A commentary. *Journal of Social Issues, 68*(2), 385 – 398. doi: 10.1111/j.1540-4560.2011.01753.x
- Fridell, L. A., & Binder, A. (1992). Police officer decision making in potentially violent confrontations. *Journal of Criminal Justice, 20*(5), 385 – 399. doi: 10.1016/0047-2352(92)90075-K.
- Geller, W. A. (1982). Deadly force – What we know. *Journal of Police Science and Administration, 10*(2), 151 – 177.
- Goldkamp, J. S. (1976). Minorities as victims of police shootings – interpretations of racial disproportionality and police use of deadly force. *Justice System Journal, 2*(2), 169 – 183.
- Hannon, L. (2004). Race, victim precipitated homicide, and the subculture of violence thesis. *Social Science Journal, 41*(1), 115 – 121. doi: 10.1016/j.soscij.2003.10.010.
- Helsen, W., & Starks, J. (1999). A new training approach to complex decision making for police officers in potentially dangerous interventions. *Journal of Criminal Justice, 27*(5), 395 – 410. doi: 10.1016/S0047-2352(99)00012-4.
- Holmes, M. D. (2000). Minority threat and police brutality: Determinants of civil rights criminal complaints in US municipalities. *Criminology, 38*(2), 343 – 367. doi: 10.1111/j.1745-9125.2000.tb00893.x.
- Ito, T., & Urland, G. (2005). The influence of processing objectives on the perception of faces: An ERP study of race and gender perception. *Cognitive, Affective & Behavioral Neuroscience, 5*, 21 – 36. doi: 10.3758/CABN.5.1.21.
- Johnson, B. D., Van Wingerden, S., & Nieuwebeerta, P. (2010). Sentencing homicide offenders in the Netherlands: Offender, victim, and situational influences in criminal punishment. *Criminology: An Interdisciplinary Journal, 48*(4), 981 – 1018. doi: 10.1111/j.1745-9125.2010.00210.x.
- Judd, C. M., McClelland, G. H., & Ryan, C. R. (2008). *Data analysis: a model comparison approach* (2nd ed.). New York: Routledge.
- Kang, J. (2012). The missing quadrants of anti-discrimination: Going beyond the “prejudice polygraph”. *Journal of Social Issues, 68*(2), 314 – 327. doi: 10.1111/j.1540-4560.2011.01750.x
- Locke, H. G. (1996). *The color of law and the issue of color: Race and the abuse of police power*. New Haven: Yale University Press.
- MacDonald, J. M., Kaminski, R. J., Alpert, G. P., & Tennenbaum, A. N. (2001). The temporal relationship between police killings of civilians and criminal homicide: A refined version of the danger-perception theory. *Crime & Delinquency, 47*(2), 155 – 172. doi: 10.1177/0011128701047002001.
- Martinez, R. (2007). Incorporating latinos and immigrants into policing research. *Criminology & Public Policy, 6*, 57 – 64.
- Mendoza, S. A., Gollwitzer, P. M., & Amodio, D. M. (2010). Reducing the expression of implicit stereotypes: Reflexive control through implementation intentions. *Personality and Social Psychology Bulletin, 36*(4), 512 – 523. doi: 10.1177/0146167210362789.
- Parker, R. N. (1989). Poverty, subculture of violence, and type of homicide. *Social Forces, 67*, 983 – 1007. doi: 10.2307/2579711.
- Peruche, B., & Plant, E. (2006). The correlates of law enforcement officers’ automatic and controlled race-based responses to criminal suspects. *Basic and Applied Social Psychology, 28*(2), 193 – 199. doi: 10.1207/s15324834basp2802_9.
- Peterson, R., & Krivo, L. (2005). Macrostructural analyses of race, ethnicity, and violent crime: Recent lessons and new directions for research. *Annual Review of Sociology, 31*, 331 – 356. doi: 10.1146/annurev.soc.31.041304.122308.
- Plant, E., & Peruche, B. (2005). The consequences of race for police officers’ responses to criminal suspects. *Psychological Science, 16*(3), 180 – 183.
- Program, Uniform Crime Reports (2007). Retrieved from http://www.fbi.gov/ucr/cius2007/offenses/violent_crime/index.html on June 29, 2009.
- Reisig, M., McCluskey, J., Mastrofski, S., & Terrill, W. (2004). Suspect disrespect toward the police. *Justice Quarterly, 21*(2), 241 – 268. doi: 10.1080/07418820400095801.

- Rosnow, R. L., & Rosenthal, R. (1989). Definition and interpretation of interaction effects. *Psychological Bulletin*, *105*(1), 143 – 146. doi: 10.1037//0033-2909.105.1.143.
- Sampson, R. J., & Lauritsen, J. L. (1997). Racial and ethnic disparities in crime and criminal justice in the United States. *Ethnicity, Crime, and Immigration*, *21*, 311 – 374. doi: 10.1086/449253.
- Schade, T. V., Burns, G. H., & Morrison, G. (1989). Armed confrontations: Police shooting performance in threatening environments. *American Journal of Police*, *8*, 31 – 48.
- Smith, M. D. (1992). Variations in correlates of race-specific urban homicide rates. *Journal of Contemporary Criminal Justice*, *8*(2), 137 – 149. doi: 10.1177/104398629200800206.
- Trawalter, S., Todd, A., Baird, A., & Richeson, J. (2008). Attending to threat: Race-based patterns of selective attention. *Journal of Experimental Social Psychology*, *44*(5), 1322 – 1327. doi: 10.1016/j.jesp.2008.03.006.
- Turk, A. T. (1969). *Criminality and legal order*. Chicago: Rand McNally.
- U.S. Census Bureau (2000). Retrieved from <http://www.census.gov/main/www/cen2000.html> on August 9, 2007.
- U.S. Census Bureau (2008). An older and more diverse nation by midcentury.
- U.S. Department of Justice (2001). Policing and homicide, 1976 – 98: Justifiable homicide by police, police officers murdered by felons: Bureau of Justice Statistics.
- Wittenbrink, B., Judd, C., & Park, B. (1997). Evidence for racial prejudice at the implicit level and its relationship with questionnaire measures. *Journal of Personality and Social Psychology*, *72*(2), 262 – 274. doi: 10.1037/0022-3514.72.2.262.
- Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence*. London: Social Science Paperbacks.

MELODY S. SADLER is an Assistant Professor of Psychology at San Diego State University. Her interests include topics in social and quantitative psychology. Her research has examined the emotional and cognitive underpinnings of prejudice based on race/ethnicity, mental health status, gender, and sexual orientation.

JOSHUA CORRELL is an Assistant Professor at the University of Chicago. His work focuses on stereotyping, with particular emphasis on the association between racial outgroups and threat, including the effects of racial cues on attention, face processing, and defensive behavior. He also studies the psychological value of group membership.

BERNADETTE PARK is Professor of Psychology and Neuroscience at the University of Colorado. Her research interests broadly defined concern stereotyping and intergroup relations, and person perception and impression formation. She has participated in collaborative work on the role of race in decisions to shoot armed and unarmed targets, and in particular how expertise can facilitate cognitive control over such decisions. In more recent work, she has examined implicit role associations between gender, parenting, and career roles, arguing that the stereotypic content of these roles leads women to experience them in a conflicting and oppositional manner, much more so than men. She is currently examining the effects of such conflicts in the self-concept for decisions about whether to stay or to leave professional careers.

CHARLES M. JUDD is College Professor of Distinction in the Department of Psychology and Neuroscience at the University of Colorado. He is the past editor of the *Journal of Experimental Social Psychology* and the *Journal of Personality and Social Psychology*. His interests lie broadly in social cognition and judgment. He has also published extensively on data analytic methods for the behavioral sciences.



Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
-----------------------------	--------------------------------------	---	---	---	---	---	---	---	---	--

Fugitive Slave Act 1850

Sec 1	Sec 2	Sec 3	Sec 4	Sec 5	Sec 6	Sec 7	Sec 8	Sec 9	Sec 10
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	------------------------

Section 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the persons who have been, or may hereafter be, appointed commissioners, in virtue of any act of Congress, by the Circuit Courts of the United States, and Who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace, or other magistrate of any of the United States, may exercise in respect to offenders for any crime or offense against the United States, by arresting, imprisoning, or bailing the same under and by the virtue of the thirty-third section of the act of the twenty-fourth of September seventeen hundred and eighty-nine, entitled "An Act to establish the judicial courts of the United States" shall be, and are hereby, authorized and required to exercise and discharge all the powers and duties conferred by this act.

Section 2

And be it further enacted, That the Superior Court of each organized Territory of the United States shall have the same power to appoint commissioners to take acknowledgments of bail and affidavits, and to take depositions of witnesses in civil causes, which is now possessed by the Circuit Court of the United States; and all commissioners who shall hereafter be appointed for such purposes by the Superior Court of any organized Territory of the United States, shall possess all the powers, and exercise all the duties, conferred by law upon the commissioners appointed by the Circuit Courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this act.

Section 3

And be it further enacted, That the Circuit Courts of the United States shall from time to time enlarge the number of the commissioners, with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this act.

Section 4

And be it further enacted, That the commissioners above named shall have concurrent jurisdiction with the judges of the Circuit and District Courts of the United States, in their respective circuits and districts within the several States, and the judges of the Superior Courts of the Territories, severally and collectively, in term-time and vacation; shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such persons may have escaped or fled.

Section 5

And be it further enacted, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped: and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the [Constitution of the United States](#) and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or posse comitatus of the proper county, when necessary to ensure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, any where in the State within which they are issued.

Section 6

And be it further enacted, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first [fourth] section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

Section 7

And be it further enacted, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt, in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offence may have been committed.

Section 8

And be it further enacted, That the marshals, their deputies, and the clerks of the said District and Territorial Courts, shall be paid, for their services, the like fees as may be allowed for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in whole by such claimant, his or her agent or attorney; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid, in either case, by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioner for the arrest and detention of fugitives from service or labor as aforesaid, shall also be entitled to a fee of five dollars each for each person he or they may arrest, and take before any commissioner as aforesaid, at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them; such as attending at the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioners; and, in general, for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises, such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents or attorneys, whether such supposed fugitives from service or labor be ordered to be delivered to such claimant by the final determination of such commissioner or not.

Section 9

And be it further enacted, That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

Section 10

And be it further enacted, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced in any other State, Territory, or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other office, authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants or fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: Provided, That nothing herein contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid. But in its absence the claim shall be heard and determined upon other satisfactory proofs, competent in law.

Approved, September 18, 1850.

Source:
United States Statutes at Large

[19th Century Page](#) | [Statutes Page](#) | [Statutes Concerning Slavery Page](#)

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
-----------------------------	--------------------------------------	---	---	---	---	---	---	---	---	--

© 2008 Lillian Goldman Law Library
127 Wall Street, New Haven, CT 06511.

[Avalon Statement of Purpose](#) | [Accessibility at Yale](#) | [Contact Us](#) | [Yale Law Library](#) | [University Library](#) | [Yale Law School](#) | [Search Morris](#) | [Search Orbis](#)

The Wayback Machine - <https://web.archive.org/web/20090923082639/http://www.ushistory.org:80/president...>



[The President's House](#)

[HOME HISTORY SLAVERY 1947-PRESENT](#)
[PROJECT IN THE NEWS WRITE US LINKS](#)

Fugitive Slave Act of 1793

An Act respecting fugitives from justice, and persons escaping from the service of their masters.

Be it enacted, &c., That, whenever the Executive authority of any State in the Union, or of either of the Territories Northwest or South of the river Ohio, shall demand any person as a fugitive from justice, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the executive authority of the State or Territory to which such person shall have fled, to cause him or her arrest to be given to the Executive authority making such demand, or to the agent when he shall appear; but, if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged: and all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

SEC. 2. *And be it further enacted*, That any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the State or Territory from which he or she shall have fled. And if any person or persons shall, by force, set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

SEC. 3. *And be it also enacted*, That when a person held to labor in any of the United States, or in either of the Territories on the Northwest or South of the river Ohio, under the laws thereof, shall escape into any other part of the said States or Territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any Judge of the Circuit or District Courts of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such Judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested, doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

SEC. 4. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given and declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any Court proper to try the same, saving moreover to the person claiming such labor or service his right of action for or on account of the said injuries, or either of them.

Approved [signed into law by President George Washington], February 12, 1793.

Source:

Proceedings and Debates of the House of Representatives of the United States at the Second Session of the Second Congress, Begun at the City of Philadelphia, November 5, 1792., "Annals of Congress, 2nd Congress, 2nd Session (November 5, 1792 to March 2, 1793)," Pages 1414-15

<http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName;=003/llac003.db&recNum;=702>



[ushistory.org homepage](http://ushistory.org)

Interested in using a picture? Some text? [click here](#).

To contact the webmaster, [click here](#)

Copyright ©2001-2009 by the [Independence Hall Association](#), electronically publishing as [ushistory.org](#).

The IHA is a nonprofit organization in Philadelphia, Pennsylvania, founded in 1942.

On the Internet since July 4, 1995.



Pending process. year, respectively. And all writs, process, and proceedings returnable to the terms of either of said courts, as now fixed by law, shall be deemed returnable, and shall be continued to the terms of said courts, respectively, as fixed by this act: *Provided*, That all executions, processes, or orders issued from the district court of any district in this act mentioned, in cases transferred to the circuit court, and in part executed, shall be regarded as having been issued from the circuit court to which each particular case is transferred, and shall be returned thereto. And no writ of execution or other final process, or power exercised, or proceeding had in accordance with law to enforce any judgment or decree shall be affected by reason of the transfer directed by this act.

APPROVED, June 27, 1864.

June 28, 1864. CHAP. CLXVI. — *An Act to repeal the Fugitive Slave Act of eighteen hundred and fifty, and all Acts and Parts of Acts for the Rendition of Fugitive Slaves.*

Repeal of acts for the rendition of fugitive slaves. 1793, ch. 7, §§ 3, 4, Vol. i. p. 302. 1850, ch. 60. Vol. ix. p. 462.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections three and four of an act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," passed February twelve, seventeen hundred and ninety-three, and an act entitled "An act to amend, and supplementary to, the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' passed February twelve, seventeen hundred and ninety-three," passed September, eighteen hundred and fifty, be, and the same are hereby, repealed.

APPROVED, June 28, 1864.

June 28, 1864. CHAP. CLXVII. — *An Act to provide for the Improvement of the Grounds of the Government Hospital for the Insane by an Exchange of Land.*

Exchange of land for government hospital for the insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to deed to John Perkins a portion of the extreme south point or angle of the farm of the Government Hospital for the Insane, in exchange for two acres of land, more or less, now owned and occupied by the said Perkins, and situated near the middle of that side of the hospital farm which fronts upon the public roads: *Provided*, That not more than three acres are given for one contained in the last described piece of land belonging to the said Perkins: *And provided, further*, That the said Perkins is able to give, and does give, to the United States a good and sufficient title to the piece of land now owned and occupied by him.

Expenses of moving dwelling-house, &c.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior is further authorized to defray the expenses of moving the dwelling-house on the present Perkins tract to the tract exchanged for it, and of digging and walling a well, out of any appropriation already made, or that may be made, for enclosing the grounds of the hospital.

APPROVED, June 28, 1864.

June 28, 1864. CHAP. CLXVIII. — *An Act to provide for the Repair and Preservation of certain Public Works of the United States.*

Appropriation to preserve certain public works on northern lakes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the treasury not otherwise appropriated, the sum of two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War, in protecting the commerce of the lakes by causing the public works connected with the harbors on Lakes Champlain, Ontario, Erie, St. Clair, Huron, Michigan, and Superior, to be repaired and made useful for purposes of commerce and navigation, so far as the same, in his judgment, may be necessary.

A2376 Barron Same as [S 3548](#) SANDERS

Criminal Procedure Law

TITLE....Requires grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force to be conducted in open, contemporaneous public hearings

01/19/21 referred to codes

BARRON, VANEL, WILLIAMS, COOK, O'DONNELL, PERRY, J. RIVERA, TAYLOR, GLICK, JACKSON, FORREST; M-S: De La Rosa, Hyndman

Amd §190.55, CP L

Requires grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force to be conducted in open, contemporaneous public hearings.

STATE OF NEW YORK

2376

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. BARRON, VANEL, WILLIAMS, COOK, O'DONNELL, PERRY, J. RIVERA, TAYLOR, GLICK -- Multi-Sponsored by -- M. of A. DE LA ROSA, HYNDMAN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian to be conducted in open, contemporaneous public hearings; prohibiting indictment of a police or peace officer involved in a shooting or an incident involving excessive use of force by way of an indictment by information; and requiring a district attorney who declines to pursue an indictment of police or peace officers to provide a report explaining his or her decision

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 190.55 of the criminal procedure
2 law is amended to read as follows:

3 1. (a) A grand jury may hear and examine evidence concerning the
4 alleged commission of any offense prosecutable in the courts of the
5 county, and concerning any misconduct, nonfeasance or neglect in public
6 office by a public servant, whether criminal or otherwise.

7 (b) Grand jury proceedings for police officers or peace officers
8 involved in a shooting or excessive use of force that led or leads to
9 the death or personal injury of an unarmed civilian shall be conducted
10 in open, contemporaneous public hearings.

11 (c) A district attorney charged with investigating police officers or
12 peace officers involved in a shooting or excessive use of force that led
13 or leads to the death or personal injury of an unarmed civilian shall
14 not seek indictment of the defendant officers by way of an indictment by
15 information.

16 (d) A district attorney who declines to pursue an indictment of police
17 officers or peace officers involved in a shooting or excessive use of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD00307-01-1

1 force that led or leads to the death or personal injury of an unarmed
2 civilian shall produce a detailed report that describes how they reached
3 such decision.

4 § 2. This act shall take effect on the thirtieth day after it shall
5 have become a law.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A2376

SPONSOR: Barron

TITLE OF BILL:

An act to amend the criminal procedure law, in relation to requiring grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian to be conducted in open, contemporaneous public hearings; prohibiting indictment of a police or peace officer involved in a shooting or an incident involving excessive use of force by way of an indictment by information; and requiring a district attorney who declines to pursue an indictment of police or peace officers to provide a report explaining his or her decision

PURPOSE OR GENERAL IDEA OF BILL:

This bill would require grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force to be conducted in open, contemporaneous public hearings.

SUMMARY OF PROVISIONS:

Section 1. Subdivision 1 of section 190.55 of the criminal procedure law is amended to read as follows: (a) A grand jury may hear and examine evidence concerning the alleged commission or any offense prosecutable in the courts of the county, and concerning any misconduct, nonfeasance or neglect in public office by a public servant, whether criminal or otherwise. Grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian shall be conducted in open, contemporaneous public hearings. A district attorney charged with investigating police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian shall not seek indictment of the defendant officers by way of an indictment by information. A district attorney who declines to pursue an indictment of police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian shall produce a detailed report that describes how they reached such decision.

DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):

JUSTIFICATION:

This bill would require grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force to be conducted in open, contemporaneous public hearings.

PRIOR LEGISLATIVE HISTORY:

08/12/15 referred to codes

08/24/15 amend (t) and recommit to codes

08/24/15 print number 8364a

01/06/16 referred to codes

06/06/16 held for consideration in codes

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

EFFECTIVE DATE:

This act shall take effect on the thirtieth day after it shall have become a law.

A1184 Buttenschon Same as **S 341** PERSAUD

Executive Law

TITLE...Requires the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for police, firefighters, correction officers and first responders

01/07/21 referred to governmental operations

BUTTENSCHON, GUNTHER, WOERNER, THIELE, GRIFFIN, GOTTFRIED, HYNDMAN, GALEF,
BARRETT

Add §214-g, Exec L; add §208-i, amd §204-d, Gen Muni L; add §155-a, Town L; add §22-b, Cor L; amd §3002,
Pub Health L

Requires the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for state police officers and municipal police officers and sheriffs, members of fire departments and companies, corrections officers, first responders, emergency medical technicians and advanced emergency medical technicians.

STATE OF NEW YORK

1184

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BUTTENSCHON, GUNTHER, WOERNER, THIELE, GRIFFIN, GOTTFRIED, HYNDMAN, GALEF, BARRETT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the general municipal law and the town law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curriculums for state police officers and municipal police officers and sheriffs; to amend the general municipal law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for members of fire departments and companies; to amend the correction law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for correction officers; and to amend the public health law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for first responders, emergency medical technicians and advanced emergency medical technicians

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 214-g
2 to read as follows:

3 § 214-g. Training. 1. The superintendent shall establish policies and
4 procedures requiring that state police basic training and pre-employment
5 course curricula include training in the areas of diversity and inclu-
6 sion, including training pertaining to appropriate sensitivity to issues
7 of race, ethnicity, gender, sexual orientation, religion, age and disa-
8 bilities. Such training shall comprise not less than twenty percent of
9 the basic training and pre-employment course training curricula. Diver-
10 sity training shall be provided by an accredited educator and/or trainer
11 approved by the superintendent of the state police.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02221-01-1

1 2. The superintendent of the state police shall provide information
2 pertaining to such policies and procedures to municipal law enforcement
3 agencies and departments, fire departments, the department of
4 corrections and community supervision and the department of health for
5 implementation of such curricula by such agencies and departments.

6 3. The superintendent of the state police shall promulgate rules and
7 regulations necessary to effectuate the provisions of this section.

8 § 2. The general municipal law is amended by adding a new section
9 208-i to read as follows:

10 § 208-i. Mandatory police officer diversity training. The chief offi-
11 cer of every police department and sheriff's office in the state shall
12 establish and implement basic training and pre-employment course curric-
13 ula for all members of such office or department and for all current and
14 new officer employees in accordance with the diversity policies and
15 procedures established pursuant to section two hundred fourteen-g of the
16 executive law.

17 § 3. Section 204-d of the general municipal law, as amended by section
18 44 of part B of chapter 56 of the laws of 2010, is amended to read as
19 follows:

20 § 204-d. Duties of the fire chief. 1. The fire chief of any fire
21 department or company shall, in addition to any other duties assigned to
22 him by law or contract, to the extent reasonably possible determine or
23 cause to be determined the cause of each fire or explosion which the
24 fire department or company has been called to suppress. He shall file
25 with the office of fire prevention and control a report containing such
26 determination and any additional information required by such office
27 regarding the fire or explosion. The report shall be in the form desig-
28 nated by such office. He shall contact or cause to be contacted the
29 appropriate investigatory authority if he has reason to believe the fire
30 or explosion is of incendiary or suspicious origin. For all fires that
31 are suspected to have been ignited by a cigarette, within fourteen days
32 after completing the investigation into such fire, the fire chief shall
33 forward to the office of fire prevention and control information detail-
34 ing, to the extent possible: (a) the specific brand and style of the
35 cigarette suspected of having ignited such fire; (b) whether the ciga-
36 rette package was marked as required by subdivision six of section one
37 hundred fifty-six-c of the executive law; and (c) the location and
38 manner in which such cigarette was purchased.

39 2. The fire chief of any fire department or company in the state shall
40 establish and implement basic training and pre-employment course curric-
41 ula for all members of such fire department or company and for all
42 current and new employees in accordance with the diversity policies and
43 procedures established pursuant to section two hundred fourteen-g of the
44 executive law.

45 § 4. The town law is amended by adding a new section 155-a to read as
46 follows:

47 § 155-a. Mandatory police officer diversity training. The chief offi-
48 cer of every police department in the state shall establish and imple-
49 ment basic training and pre-employment course curricula for all members
50 of such office and for all current and new officer employees in accord-
51 ance with the diversity policies and procedures established pursuant to
52 section two hundred fourteen-g of the executive law.

53 § 5. The correction law is amended by adding a new section 22-b to
54 read as follows:

55 § 22-b. Mandatory correction officer diversity training. The commis-
56 sioner shall establish and implement basic training and pre-employment

1 course curricula for all members of the department and for all current
2 and new officer employees in accordance with the diversity policies and
3 procedures established pursuant to section two hundred fourteen-g of the
4 executive law.

5 § 6. Section 3002 of the public health law is amended by adding a new
6 subdivision 2-c to read as follows:

7 2-c. The commissioner, in consultation with the state emergency
8 medical services council, shall establish and implement basic training
9 and pre-employment course curricula for all current first responders,
10 emergency medical technicians and advanced emergency medical technicians
11 and for all new first responders, emergency medical technicians and
12 advanced emergency medical technicians in accordance with the diversity
13 policies and procedures established pursuant to section two hundred
14 fourteen-g of the executive law.

15 § 7. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A1184

SPONSOR: Buttenschon

TITLE OF BILL:

An act to amend the executive law, the general municipal law and the town law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curriculums for state police officers and municipal police officers and sheriffs; to amend the general municipal law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for members of fire departments and companies; to amend the correction law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for correction officers; and to amend the public health law, in relation to requiring the inclusion of diversity and inclusion training in the basic training and pre-employment course curricula for first responders, emergency medical technicians and advanced emergency medical technicians

PURPOSE OR GENERAL IDEA OF BILL:

This legislation would mandate all first responder training courses (including those for municipal police officers, State Police, corrections officers, firefighters, and EMS) to require that 20 percent of the overall content and courses required for these professions consist of diversity and inclusion training. These trainings should specifically focus on biases related to race, ethnicity, gender, sexual orientation, religion, age, and disability, special needs, among others.

SUMMARY OF PROVISIONS:

Section 1 adds a new section 214-g to the executive law requiring the Superintendent of the State Police to establish policies and procedures, requiring training courses for the New York State Police to include training in the areas of diversity and inclusion, including specific training pertaining to sensitivity to issues of race, ethnicity, gender, sexual orientation, religion, age, and disability, special needs, among others. The section also sets forth that training curricula on this matter will not compromise less than 20 percent of the course curriculum.

Section 2-6 adds a section to the general municipal law, the town law, the correction law, and the public health law mandating municipal police officer, firefighter, corrections officer, first responders, emergency medical technicians and advanced emergency medical technicians training courses implement the same training requirements as found in section 214-g of the executive law.

Section 7 sets forth the effective date.

JUSTIFICATION:

Currently, the various state agencies that oversee training courses only require minimal hours of diversity and inclusion training throughout the entire course. This means that these individuals could spend only approximately 3 percent of their training focused on issues related to race, ethnicity, gender, sexual orientation, religion, age, special needs and disability. According to a 2016 U.S. Department of Justice, Bureau of Justice Statistics bulletin: "State and Local Law Enforcement Training Academies, 2013", police officers typically receive about 131 hours on firearm skills and self defense; 40 hours on community policing strategies (up from 8 hours in 2006); but only 12 hours on cultural diversity and human relations and 9 hours on mediation and conflict management.

Additional training will not only assist in handling racial biases, but countless other situations that our first responders and corrections officers find themselves in during their careers, including mental health crises, interactions with the LGBTQ community, and domestic and sexual abuse cases, as a few examples.

PRIOR LEGISLATIVE HISTORY:

2019-2020: A.10601 - Referred to Governmental Operations / S.8579 - Referred to Rules

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

S4434 MAY Same as [A 1278](#) Magnarelli

ON FILE: 02/04/21 Civil Service Law

TITLE....Relates to removing police officer discipline from collective bargaining in municipalities in the state

02/04/21 REFERRED TO CIVIL SERVICE AND PENSIONS

MAY

Add §204-b, Civ Serv L

Removes police officer discipline from collective bargaining in municipalities in the state.

STATE OF NEW YORK

4434

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to removing police officer discipline from collective bargaining in the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new section
2 204-b to read as follows:

3 § 204-b. Disciplinary practices for police officers. 1. Notwithstand-
4 ing any inconsistent provision of law to the contrary, including but not
5 limited to, sections two hundred through two hundred fifteen of this
6 article or decisions regarding such subject matter, all matters relating
7 to the discipline of police officers, including but not limited to,
8 matters relating to investigations, hearing procedures or penalty deter-
9 minations, shall be a prohibited subject of bargaining between the muni-
10 cipality and such municipality's law enforcement labor employee organ-
11 izations. Such matters are expressly removed from the scope of
12 collective bargaining. Any collective bargaining agreement or portion
13 thereof, or custom or practice related to matters of police discipline
14 between the municipality and such municipality's law enforcement employ-
15 ee organizations inconsistent with the provisions of this section are
16 hereby declared to be void. All matters of police discipline are hereby
17 reserved for determination by the municipality.

18 2. Sections seventy-five and seventy-six of this chapter shall not be
19 applicable with respect to all matters relating to law enforcement
20 personnel in municipalities in the state.

21 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01829-01-1

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S4434

SPONSOR: MAY

TITLE OF BILL:

An act to amend the civil service law, in relation to removing police officer discipline from collective bargaining in the state

PURPOSE:

To clarify that police discipline procedures in the State of New York are a prohibited subject of collective bargaining.

SUMMARY OF PROVISIONS:

Section 1: Adds new section 204-b to the Civil Service Law removing police officer discipline as a subject of collective bargaining. Additionally, it states that sections 75 and 76 of the Civil Service is no longer applicable in police discipline matters.

Section 2: Establishes the effective date.

JUSTIFICATION:

In the City of New York/Town of Orangetown, 6 NY.3d 563 (2006), the NY Court of Appeals held that police discipline is a prohibited subject of collective bargaining. In that decision, the Court indicated a strong public policy in favor of placing police disciplinary matters under the sole control of the municipality. In a subsequent case, Matter of Sche-nectady, 30 N.Y.3d 109 (2017), the Court also held police discipline is a prohibited subject of bargaining in cities where the Second Class Cities Law applies.

This matter remains the subject of litigation between municipalities and police departments with interpretations varying among the Supreme Courts and Appellate Divisions. This bill will ensure that municipalities can retain authority over police discipline to ensure that cases are adjudicated in an open and transparent manner and will provide consistency throughout the state.

LEGISLATIVE HISTORY:

2019-2020 - S.8678 (May) Referred to Rules /A.10754 Rules (Magnarelli)
Referred to Government Employees

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:
Immediately.

A2662 Bichotte Hermelyn Same as **S 583** BENJAMIN

Executive Law

TITLE....Prohibits law enforcement officers from using racial and ethnic profiling

01/19/21 referred to codes

02/09/21 reported

02/11/21 advanced to third reading cal.106

BICHOTTE HERMELYN, PEOPLES-STOKES, AUBRY, GOTTFRIED, WALKER, COOK, PERRY, PRETLOW, DINOWITZ, HEVESI, L. ROSENTHAL, REYES, ZEBROWSKI, BARRETT, SIMON, DICKENS, ROZIC, BARNWELL, O'DONNELL, EPSTEIN, COLTON, RICHARDSON, HUNTER, RODRIGUEZ, SEAWRIGHT, GLICK, WILLIAMS, TAYLOR, VANEL, OTIS, NIOU, BRONSON, CARROLL, CRUZ, DE LA ROSA, HYNDMAN, JACOBSON, NOLAN, PICHARDO, RAMOS, STECK, THIELE, KIM, FRONTUS, ZINERMAN

Add §837-w, Exec L

Prohibits police officers from using racial and ethnic profiling; requires that a procedure be established for the taking and review of complaints against police officers for racial and ethnic profiling; allows an action for injunctive relief and/or damages to be brought against a law enforcement agency, any agent of a law enforcement agency and the supervisor of an agent.

STATE OF NEW YORK

2662

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. BICHOTTE HERMELYN, PEOPLES-STOKES, AUBRY, GOTTFRIED, WALKER, COOK, PERRY, PRETLOW, DINOWITZ, HEVESI, L. ROSENTHAL, REYES, ZEBROWSKI, BARRETT, SIMON, DICKENS, ROZIC, BARNWELL, O'DONNELL, EPSTEIN, COLTON, RICHARDSON, HUNTER, RODRIGUEZ, SEAWRIGHT, GLICK, WILLIAMS, TAYLOR, VANEL, OTIS, NIOU, BRONSON, CARROLL, CRUZ, DE LA ROSA, HYNDMAN, JACOBSON, McDONOUGH, NOLAN, PICHARDO, RAMOS, STECK, THIELE, KIM, FRONTUS -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to ethnic or racial profiling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Ethnic and racial profiling. 1. For the purposes of this
4 section:

5 (a) "Law enforcement agency" means an agency established by the state
6 or a unit of local government engaged in the prevention, detection, or
7 investigation of violations of criminal law.

8 (b) "Law enforcement officer" means a police officer or peace officer,
9 as defined in subdivisions thirty-three and thirty-four of section 1.20
10 of the criminal procedure law, employed by a law enforcement agency.

11 (c) "Racial or ethnic profiling" means the practice of a law enforce-
12 ment agent or agency, relying, to any degree, on actual or perceived
13 race, color, ethnicity, national origin or religion in selecting which
14 individual or location to subject to routine or spontaneous investigato-
15 ry activities or in deciding upon the scope and substance of law
16 enforcement activity following the initial investigatory procedure,
17 except when there is trustworthy information, relevant to the locality
18 and timeframe, that links a specific person or location with a partic-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD04957-01-1

1 ular characteristic described in this paragraph to an identified criminal
2 incident or scheme.

3 (d) "Routine or spontaneous investigatory activities" means the
4 following activities by a law enforcement agent:

5 (i) Interviews;

6 (ii) Traffic stops;

7 (iii) Pedestrian stops;

8 (iv) Frisks and other types of body searches;

9 (v) Consensual or nonconsensual searches of persons, property or
10 possessions (including vehicles) of individuals;

11 (vi) Data collection and analysis, assessments and investigations; and

12 (vii) Inspections and interviews.

13 2. Every law enforcement agency and every law enforcement officer
14 shall be prohibited from engaging in racial or ethnic profiling.

15 3. Every law enforcement agency shall promulgate and adopt a written
16 policy which prohibits racial or ethnic profiling. In addition, each
17 such agency shall promulgate and adopt procedures for the review and the
18 taking of corrective action with respect to complaints by individuals
19 who allege that they have been the subject of racial or ethnic profil-
20 ing. A copy of each such complaint received pursuant to this section and
21 written notification of the review and disposition of such complaint
22 shall be promptly provided by such agency to the division.

23 4. Each law enforcement agency shall, using a form to be determined
24 by the division, record and retain the following information with
25 respect to law enforcement officers employed by such agency:

26 (a) the number of persons stopped as a result of a motor vehicle stop
27 for traffic violations and the number of persons stopped as a result of
28 a routine or spontaneous law enforcement activity as defined in this
29 section;

30 (b) the characteristics of race, color, ethnicity, national origin or
31 religion of each such person, provided the identification of such char-
32 acteristics shall be based on the observation and perception of the
33 officer responsible for reporting the stop and the information shall not
34 be required to be provided by the person stopped;

35 (c) if a vehicle was stopped, the number of individuals in the stopped
36 motor vehicle;

37 (d) the nature of the alleged violation that resulted in the stop or
38 the basis for the conduct that resulted in the individual being stopped;

39 (e) whether a pat down or frisk was conducted and, if so, the result
40 of the pat down or frisk;

41 (f) whether a search was conducted and, if so, the result of the
42 search;

43 (g) if a search was conducted, whether the search was of a person, a
44 person's property, and/or a person's vehicle, and whether the search was
45 conducted pursuant to consent and if not, the basis for conducting the
46 search including any alleged criminal behavior that justified the
47 search;

48 (h) whether an inventory search of such person's impounded vehicle was
49 conducted;

50 (i) whether a warning or citation was issued;

51 (j) whether an arrest was made and for what charge or charges;

52 (k) the approximate duration of the stop; and

53 (l) the time and location of the stop.

54 5. Every law enforcement agency shall compile the information set
55 forth in subdivision four of this section for the calendar year into a
56 report to the division. The format of such report shall be determined by

1 the division. The report shall be submitted to the division no later
2 than March first of the following calendar year.

3 6. The division, in consultation with the attorney general, shall
4 develop and promulgate:

5 (a) A form in both printed and electronic format, to be used by law
6 enforcement officers to record the information listed in subdivision
7 four of this section; and

8 (b) A form to be used to report complaints pursuant to subdivision
9 three of this section by individuals who believe they have been
10 subjected to racial or ethnic profiling.

11 7. Every law enforcement agency shall promptly make available to the
12 attorney general, upon demand and notice, the documents required to be
13 produced and promulgated pursuant to subdivisions three, four and five
14 of this section.

15 8. Every law enforcement agency shall furnish all data/information
16 collected pursuant to subdivision four of this section to the division.
17 The division shall develop and implement a plan for a computerized data
18 system for public viewing of such data and shall publish an annual
19 report on data collected for the governor, the legislature, and the
20 public on law enforcement stops. Information released shall not reveal
21 the identity of any individual.

22 9. The attorney general may bring an action on behalf of the people
23 for injunctive relief and/or damages against a law enforcement agency
24 that is engaging in or has engaged in an act or acts of racial profiling
25 in a court having jurisdiction to issue such relief. The court may award
26 costs and reasonable attorney fees to the attorney general who prevails
27 in such an action.

28 10. In addition to a cause of action brought pursuant to subdivision
29 nine of this section, an individual who has been the subject of an act
30 or acts of racial profiling may bring an action for injunctive relief
31 and/or damages against a law enforcement agency that is engaged in or
32 has engaged in an act or acts of racial profiling. The court may award
33 costs and reasonable attorney fees to a plaintiff who prevails in such
34 an action.

35 11. Nothing in this section shall be construed as diminishing or abro-
36 gating any right, remedy or cause of action which an individual who has
37 been subject to racial or ethnic profiling may have pursuant to any
38 other provision of law.

39 § 2. This act shall take effect immediately; provided that:

40 1. the provisions of subdivision 4 of section 837-w of the executive
41 law as added by section one of this act shall take effect on the ninety-
42 eth day after it shall have become a law; and

43 2. the provisions of subdivision 6 of section 837-w of the executive
44 law as added by section one of this act shall take effect on the sixti-
45 eth day after it shall have become a law.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A2662

SPONSOR: Bichotte Hermelyn

TITLE OF BILL:

An act to amend the executive law, in relation to ethnic or racial profiling

PURPOSE OR GENERAL IDEA OF BILL:

The proposed legislation prohibits law enforcement officers from using racial and ethnic profiling establishes a collection of data on stops and creates a course of action based on racial or ethnic profiling.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 would amend the executive law by creating a new section 837-t; Subdivision one would contain definitions.

Subdivision two would prohibit law enforcement agencies and law enforcement officers from engaging in racial or ethnic profiling.

Subdivision three would require every law enforcement agency to promulgate and adopt an anti-racial profiling policy as well as procedures for reviewing complaints of racial or ethnic profiling. A copy of each complaint and a written summary of the disposition would be required to be forwarded to the division of criminal justice services.

Subdivision four would require each law enforcement agency to collect and maintain data with respect to their civilian interactions while conducting routine and spontaneous investigatory activities.

Subdivision five would require every law enforcement agency to compile the data collected and forward an annual report to the division of criminal justice services by March 1st of each year. Subdivision six would require the division of criminal justice services in consultation with the Attorney General to promulgate necessary forms for the police agencies to use in their data collection.

Subdivision seven would require every law enforcement agency to make documents required by this bill available to the Attorney General upon notice and demand.

Subdivision eight would require every law enforcement agency to provide all the collected data required by this proposal be made available to the division of criminal justice services. The division would then implement a computerized data system for public viewing of such data and would publish an annual report on law enforcement stops without revealing the identity of any individuals.

Subdivisions nine and ten would provide a right of action for injunctive relief and/or for damages to be brought by a private citizen who has

been the victim of racial profiling or by the Attorney General on behalf of the people against a law enforcement agency that has engaged in racial or ethnic profiling.

Subdivision eleven would establish that this section does not diminish or abrogate any other right, remedy or cause of action which an individual who has been the subject of racial profiling may have. Section 2 - contains the effective date.

JUSTIFICATION:

The unconstitutional use of race or ethnicity as criteria has become the focus of many civil and human rights groups. The practice is commonly known as "racial profiling." Blacks, Hispanics, Muslims, and other minority groups have long been victims of biased and unjustified stops by law enforcement officers. This consequently has had a corrosive effect on the relations between police and the minority communities and is of no benefit in reducing crime. In the first three quarters of 2016 (January - September), New Yorkers were stopped by the police 10,171 times. The demographics of those stopped were as follows: 54 percent were black (5,401), 29 percent were Latino (2,944), and 10 percent were white (1,042). Ultimately 76 percent of these stops (7,758) did not result in an arrest and the individual was innocent. These statistics show the racial bias inherent in police stops and this practice's ultimate ineffectiveness.

The issue of racial profiling has gained national attention as courts have recently found law enforcement agencies to be engaging in unconstitutional practices. The Center for Constitutional Rights filed the federal class action lawsuit Floyd, et al. v. City of New York, et al. against the City of New York to challenge the New York Police Department's practices of racial profiling and unconstitutional stop and frisks of New York City residents. The named plaintiffs in the case David Floyd, David Ourlicht, Lalit Clarkson, and Deon Dennis - represent the thousands of primarily Black and Latino New Yorkers who have been stopped without any cause on the way to work or home from school, in front of their house, or just walking down the street. In a historic ruling on August 12, 2013, following a nine-week trial, a federal judge found the New York City Police Department liable for a pattern and practice of racial profiling and unconstitutional stops. Under a new administration, the City agreed to drop its appeal and begin the joint remedial process ordered by the court.

The Floyd case stems from the landmark racial profiling case, Daniels, et al. v. City of New York, et al., which led to the disbanding of the infamous Street Crime Unit and a settlement with the City in 2003. The Daniels settlement agreement required the NYPD to maintain a written racial profiling policy that complies with the United States and New York State constitutions and to provide stop-and-frisk data to CCR on a quarterly basis from 2003 through 2007.

Despite these significant cases, racial profiling is still a practice that is rampantly engaged in by law enforcement agencies across the state. In light of such circumstances, it has become paramount for New York to address the issue of racial profiling before it further continues to undermine the collaborative relationship between communities of color and New York law enforcement officers. This legislation aims to resolve the problem by prohibiting police officers from using racial and ethnic profiling, by establishing policies and procedures to collect data on racial and ethnic profiling and by establishing a statewide public data base containing the collected data which will promote law enforcement integrity as well as to promote community support, particularly minority communities, for law enforcement officers.

PRIOR LEGISLATIVE HISTORY:

2019-20: A4615-A; Passed assembly
2017-18: A4879; Referred to Rules
2015-2016: A 3949 Passed Assembly
2013-2014: A.2941 Passed Assembly
2011-2012; A.2288 Passed Assembly
2010: A.1676A Passed Assembly
2009 A.1676 Passed Assembly
2007 A.627 Passed Assembly
2005-06 A.2456A Passed Assembly
2003-04 A.11542 Passed Assembly

FISCAL IMPLICATIONS:

Related to the promulgation of regulations, the collection of data, the publishing of an annual report and the establishment of the public data base.

EFFECTIVE DATE:

This act shall take effect immediately, with subdivision 4 taking effect in 90 days and subdivision 6 taking effect in 60.

A3809 Ramos Same as [S 2186](#) SEPULVEDA

Executive Law

TITLE....Requires police officers to report the misconduct of a police officer

01/28/21 referred to governmental operations

RAMOS, O'DONNELL, JACKSON, MEEKS

Amd §837, add §837-w, Exec L

Requires police officers to report the misconduct of a police officer; requires the division of criminal justice to establish a protocol to be followed by police agencies when handling and recording mandatory reports of misconduct by a police officer.

STATE OF NEW YORK

3809

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. RAMOS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring police officers to report the misconduct of a police officer and requiring the division of criminal justice to establish a protocol to be followed by police agencies when handling and recording mandatory reports of misconduct by a police officer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 837 of the executive law is amended by adding a new
2 subdivision 23 to read as follows:

3 23. Promulgate a standardized and detailed written protocol to be
4 followed by police agencies for the handling and recording of mandatory
5 reports of misconduct by a police officer as required pursuant to
6 section eight hundred thirty-seven-w of this article. The protocol shall
7 include provisions protecting police officers who are mandated to report
8 misconduct from retaliation against such officer as a result of filing
9 such report. The division shall also promulgate a standardized "officer
10 misconduct incident report form" for use by police agencies in the
11 reporting, recording and investigation of all alleged incidents of offi-
12 cer misconduct, regardless of whether an arrest is made as a result of
13 such investigation. Such form shall be prepared in multiple parts, one
14 of which shall be immediately forwarded to the division, and shall
15 include designated spaces for: the recordation of the results of the
16 investigation by the police agency and the basis for any action taken;
17 the recordation of the reporting officer's allegations of misconduct;
18 and immediately thereunder a space on which the reporting officer shall
19 sign and verify his or her allegations. Such protocol shall include
20 provisions regarding the failure to report misconduct which, notwith-
21 standing any provision of a labor contract to the contrary, shall
22 authorize the police agency to terminate from employment and/or bring

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD06634-01-1

1 criminal charges against the officer who failed to report the miscon-
2 duct.

3 § 2. The executive law is amended by adding a new section 837-w to
4 read as follows:

5 § 837-w. Mandatory reporting of misconduct. Every police officer shall
6 be required to report in accordance with this section when he or she has
7 reasonable cause to suspect that a police officer, acting in his or her
8 professional or official capacity, has used excessive force or otherwise
9 acted with misconduct. Whenever such officer is required to report under
10 this section, he or she shall immediately notify his or her police agen-
11 cy, which then shall be responsible to forward such report to the divi-
12 sion and to follow the protocol established by the division pursuant to
13 subdivision twenty-three of section eight hundred thirty-seven of this
14 article.

15 § 3. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A3809

SPONSOR: Ramos

TITLE OF BILL:

An act to amend the executive law, in relation to requiring police officers to report the misconduct of a police officer and requiring the division of criminal justice to establish a protocol to be followed by police agencies when handling and recording mandatory reports of misconduct by a police officer

PURPOSE OR GENERAL IDEA OF BILL:

Requiring police officers to report incidents of wrongdoing by a police officer and requiring DCJ to institute practices to be followed by police agencies when managing and logging such mandated reports of misconduct by a police officer.

SUMMARY OF PROVISIONS:

Section 1 amends section 837 of the executive law by adding a new subdivision 23 which calls for a standardized and detailed written protocol to be followed by police agencies handling and recording of mandatory reports of misconduct by a police officer. It shall include provisions protecting police officers that are mandated to report misconduct from retaliation against such officer as a result of filing such report. DCJ is to also promulgate an "officer misconduct incident report form" for use by police agencies in the reporting, recoding and investigation of alleged incidents of officer misconduct, regardless if an arrest is made due to the investigation.

The form is to be prepared in multiple parts one of which shall be immediately forwarded to the division. The protocols shall include provision regarding failing to report misconduct and shall authorize the police agency to terminate employment and/or bring criminal charges against the officer who failed to report the misconduct.

Section 2 adds a new section 837-w requires that every police officer shall report incidents of misconduct when they have reasonable cause to suspect that a police officer, acting in their official capacity, has used excessive force or otherwise acted with misconduct. Whenever such officer is required to report misconduct, they shall immediately notify their policy agency, which then shall be responsible to forward the report to DCJ and follow the protocols established by the division.

JUSTIFICATION:

Incidents of police misconduct is a systemic problem. Although many police misconduct complaints are lodged by civilians, the well-known "code of silence" among police officers which implies an informal rule among them not to report on their fellow officer's mistakes, misconducts

or crimes; lends to less police officers reporting incidents of misconduct of their peers. This legislation-would make it mandatory for police officers to report misconduct by a fellow police officer. Failing to do could result in employment termination and/or criminal charges brought against the officer who failed to report the misconduct.

PRIOR LEGISLATIVE HISTORY:

A.10597 of 2020: referred to governmental operations

EFFECTIVE DATE:

This act shall take effect immediately.



State of New York

Executive Chamber

No. 203

EXECUTIVE ORDER

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

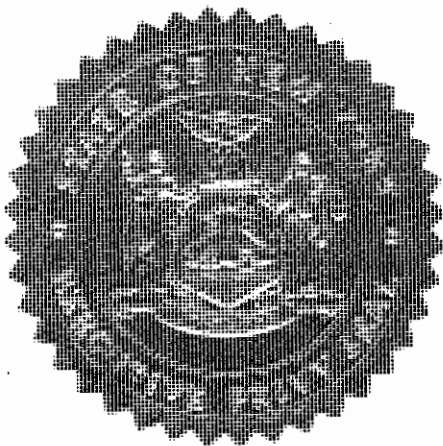
The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.



G I V E N under my hand and the Privy Seal of the
State in the City of Albany this
twelfth day of June in the year two
thousand twenty.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "Mr. C", written over a horizontal line.

Secretary to the Governor

A handwritten signature in black ink, appearing to read "Andrew M. Cuomo", written over a horizontal line.



State of New York
Executive Chamber
Albany 12224

Andrew M. Cuomo
GOVERNOR

August 17, 2020

Dear Chief Executives, Police Chiefs, and Sheriffs:

Many communities all across the country are dealing with issues concerning their police departments. The millions of people who gathered in protest, even in the midst of a public health crisis, made that clear. The situation is unsustainable for all.

Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.

While the conflict is real and the issues are complicated, we know in New York that denial or avoidance is not a successful strategy. To that end, on June 12, 2020, I signed an Executive Order requiring each local government in the State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such a plan.

To ensure these plans are developed through an inclusive process, I called for the New York State Police Reform and Reinvention Collaborative. With more than 500 law enforcement agencies in our large and diverse state, there is no “one size fits all” solution. To rebuild the police-community relationship, each local government must convene stakeholders for a fact-based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the police. Policies must be developed to allow the police to do their jobs to protect the public and these policies must meet with the local communities’ acceptance.

“Collaborative” is the key word. It would be a mistake to frame these discussions as an adversarial process or an effort to impose top-down solutions. Issues must be aired but solutions must be crafted. The collaborative process should:

- Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it, and;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021.

I urge everyone to begin these discussions immediately. Restoring the relationship between the community and the police is in everyone's best interest, and conversation may be required to enable each stakeholder to understand others’ points of view. Time is short.

Local elected officials are the natural position to convene the process. If the local electeds are unable or unwilling to manage the collaborative, the state can select an appropriate convener for that jurisdiction.

Change is hard. But change is necessary if we are to grow. The tension must be resolved. Order and public safety must be ensured. I am excited by the possibilities and I am hopeful that this time of crisis will evolve into a moment of creativity and progress. It is normal to make adjustments to fit changing values and circumstances.

We are addressing the COVID crisis by acknowledging the problem, having productive dialogue and by working together. Let’s do the same here.

This is an opportunity to reinvent law enforcement for the 21st century.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Cuomo". The signature is fluid and cursive, with a large initial "A" and "C".

ANDREW M. CUOMO

117TH CONGRESS
1ST SESSION

H. R. 1280

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2021

Ms. BASS (for herself, Mr. NADLER, Ms. JACKSON LEE, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. CLARK of Massachusetts, Mr. JEFFRIES, Mr. AGUILAR, Ms. LEE of California, Ms. LOFGREN, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. DEUTCH, Mr. CICILLINE, Mr. SWALWELL, Mr. LIEU, Mr. RASKIN, Ms. JAYAPAL, Mrs. DEMINGS, Mr. CORREA, Ms. GARCIA of Texas, Mr. NEGUSE, Mrs. MCBATH, Mr. STANTON, Ms. DEAN, Ms. ESCOBAR, Mr. JONES, Ms. ROSS, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BARRAGA 'N, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BOURDEAUX, Mr. BOWMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN, Ms. BROWNLEY, Mr. BUTTERFIELD, Mr. CARBAJAL, Mr. CA 'RDENAS, Mr. CARSON, Mr. CARTWRIGHT, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. CLARKE of New York, Mr. CLEAVER, Mrs. WATSON COLEMAN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. CROW, Mr. DANNY K. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELBENE, Mr. DESAULNIER, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Ms. LEGER FERNANDEZ, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Ms. FUDGE, Mr. GALLEGO, Mr. GARAMENDI, Mr. GARCIA of Illinois, Mr. GREEN of Texas, Ms. HAALAND, Mr. HASTINGS, Mrs. HAYES, Mr. HORSFORD, Ms. HOULAHAN, Mr. HUFFMAN, Ms. JACOBS of California, Ms. JOHNSON of Texas, Mr. KAHELE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Mr. LEVIN of Michigan, Mr. LEVIN of California, Mr. LOWENTHAL, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MANNING, Ms.

MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNER-
NEY, Mr. MEEKS, Ms. MENG, Mr. MFUME, Ms. MOOREof Wisconsin, Mr.
MORELLE, Mr. MOULTON, Mr. MRVAN, Mrs. NAPOLITANO, Mr. NEAL,
Ms. NORTON, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PA-
NETTA, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Ms.

PLASKETT, Mr. POCAN, Mr. PRICE of North Carolina, Miss RICE of New York, Ms. BLUNTROCHESTER, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. DAVIDSCOTT of Georgia, Ms. SEWELL, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. LYNCH, Ms. STEVENS, Ms. STRICKLAND, Mr. SUOZZI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mr. TORRES of New York, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VARGAS, Mr. VEASEY, Ms. VELA'ZQUEZ, Ms. WASSERMANSCHULTZ, Ms. WATERS, Mr. WELCH, Ms. WILD, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. YARMUTH, Ms. CHU, Mr. BERA, Ms. DELAURO, Mr. SIRES, Mr. RUPPERSBERGER, Mr. GRIJALVA, Ms. WEXTON, Ms. KAPTUR, Mr. NORCROSS, Ms. DAVIDS of Kansas, Mr. ALLRED, Mrs. AXNE, Mr. HIGGINS of New York, Ms. NEWMAN, Mr. THOMPSON of California, Mr. KEATING, Mr. SABLAN, Mr. GOMEZ, Mr. RYAN, and Mr. DELGADO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the

“George Floyd Justice in Policing Act of 2021”.

6(b) TABLE OF CONTENTS.—The table of contents for

7this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—POLICE ACCOUNTABILITY

□HR 1280 IH

Subtitle A—Holding Police Accountable in the Courts

- Sec. 101. Deprivation of rights under color of law.
- Sec. 102. Qualified immunity reform.
- Sec. 103. Pattern and practice investigations.
- Sec. 104. Independent investigations.

Subtitle B—Law Enforcement Trust and Integrity Act

- Sec. 111. Short title.
- Sec. 112. Definitions.
- Sec. 113. Accreditation of law enforcement agencies.
- Sec. 114. Law enforcement grants.
- Sec. 115. Attorney General to conduct study.
- Sec. 116. Authorization of appropriations.
- Sec. 117. National task force on law enforcement oversight.
- Sec. 118. Federal data collection on law enforcement practices.

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

- Sec. 201. Establishment of National Police Misconduct Registry.
- Sec. 202. Certification requirements for hiring of law enforcement officers.

Subtitle B—PRIDE Act

- Sec. 221. Short title.
- Sec. 222. Definitions.
- Sec. 223. Use of force reporting.
- Sec. 224. Use of force data reporting.
- Sec. 225. Compliance with reporting requirements.
- Sec. 226. Federal law enforcement reporting.
- Sec. 227. Authorization of appropriations.

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

- Sec. 301. Short title.
- Sec. 302. Definitions.

PART I—PROHIBITION OF RACIAL PROFILING

- Sec. 311. Prohibition.
- Sec. 312. Enforcement.

PART II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 321. Policies to eliminate racial profiling.

PARTIII—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND
LOCAL LAW ENFORCEMENT AGENCIES

Sec. 331. Policies required for grants.

Sec. 332. Involvement of Attorney General.

Sec. 333. Data collection demonstration project.

Sec. 334. Development of best practices.

□ **HR 1280 IH**

Sec. 335. Authorization of appropriations.

PARTIV—DATACOLLECTION

Sec. 341. Attorney General to issue regulations.

Sec. 342. Publication of data.

Sec. 343. Limitations on publication of data.

PARTV—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL
PROFILING IN THE UNITED STATES

Sec. 351. Attorney General to issue regulations and reports.

Subtitle B—Additional Reforms

Sec. 361. Training on racial bias and duty to intervene.

Sec. 362. Ban on no-knock warrants in drug cases.

Sec. 363. Incentivizing banning of chokeholds and carotid holds.

Sec. 364. PEACE Act.

Sec. 365. Stop Militarizing Law Enforcement Act.

Sec. 366. Public safety innovation grants.

Subtitle C—Law Enforcement Body Cameras

PART1—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

Sec. 371. Short title.

Sec. 372. Requirements for Federal law enforcement officers regarding the use
of body cameras.

Sec. 373. Patrol vehicles with in-car video recording cameras.

Sec. 374. Facial recognition technology.

Sec. 375. GAO study.

Sec. 376. Regulations.

Sec. 377. Rule of construction.

PART2—POLICE CAMERA ACT

Sec. 381. Short title.

Sec. 382. Law enforcement body-worn camera requirements.

TITLE IV—CLOSING THE LAW ENFORCEMENT CONSENT
LOOPHOLE

Sec. 401. Short title.

Sec. 402. Prohibition on engaging in sexual acts while acting under color of
law.

Sec. 403. Enactment of laws penalizing engaging in sexual acts while acting
under color of law.

Sec. 404. Reports to Congress.

Sec. 405. Definition.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.
Sec. 502. Savings clause.

□HR 1280 IH

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) BYRNE GRANT PROGRAM.—The term

4 “Byrne grant program” means any grant program

5 under subpart 1 of part E of title I of the Omnibus

6 Crime Control and Safe Streets Act of 1968 (34

7 U.S.C. 10151 et seq.), without regard to whether

8 the funds are characterized as being made available

9 under the Edward Byrne Memorial State and Local

10 Law Enforcement Assistance Programs, the Local

Government Law Enforcement Block Grants Pro-11

gram, the Edward Byrne Memorial Justice Assist-12

13 ance Grant Program, or otherwise.

14 (2) COPS GRANT PROGRAM.—The term “COPS

grant program” means the grant program author-15

16 ized under section 1701 of title I of the Omnibus

17 Crime Control and Safe Streets Act of 1968 (34

18 U.S.C. 10381).

19 (3) FEDERAL LAW ENFORCEMENT AGENCY.—

20 The term “Federal law enforcement agency” means

any agency of the United States authorized to en-21

22 gage in or supervise the prevention, detection, inves-
23 tigation, or prosecution of any violation of Federal
24 criminal law.

25 (4) FEDERAL LAW ENFORCEMENT OFFICER.—

26 The term “Federal law enforcement officer” has the

□ HR 1280 IH

1 meaning given the term in section 115 of title 18,
2 United States Code.

3 (5) INDIAN TRIBE.—The term “Indian Tribe”
4 has the meaning given the term “Indian tribe” in
5 section 901 of title I of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (34 U.S.C. 10251).

7 (6) LOCAL LAW ENFORCEMENT OFFICER.—The
8 term “local law enforcement officer” means any offi-
9 cer, agent, or employee of a State or unit of local
10 government authorized by law or by a government
11 agency to engage in or supervise the prevention, de-
12 tection, or investigation of any violation of criminal
13 law.

14 (7) STATE.—The term “State” has the mean-
15 ing given the term in section 901 of title I of the
16 Omnibus Crime Control and Safe Streets Act of
17 1968 (34 U.S.C. 10251).

18 (8) TRIBAL LAW ENFORCEMENT OFFICER.—
19 The term “tribal law enforcement officer” means
20 any officer, agent, or employee of an Indian tribe, or
21 the Bureau of Indian Affairs, authorized by law or

22by a government agency to engage in or supervise
the prevention, detection, or investigation of any vio-23
24lation of criminal law.

□HR 1280 IH

1(9) UNIT OF LOCAL GOVERNMENT.—The term
2“unit of local government” has the meaning given
3the term in section 901 of title I of the Omnibus
4Crime Control and Safe Streets Act of 1968 (34
5U.S.C. 10251).

6(10) DEADLY FORCE.—The term “deadly
7force” means that force which a reasonable person
8would consider likely to cause death or serious bodily
9harm, including—

10(A) the discharge of a firearm;

(B) a maneuver that restricts blood or oxy-11
12gen flow to the brain, including chokeholds,
13strangleholds, neck restraints, neckholds, and
14carotid artery restraints; and

15(C) multiple discharges of an electronic
16control weapon.

17(11) USE OF FORCE.—The term “use of force”
18includes—

19(A) the use of a firearm, electronic control
20weapon, explosive device, chemical agent (such
21as pepper spray), baton, impact projectile, blunt

22instrument, hand, fist, foot, canine, or vehicle

23against an individual;

(B) the use of a weapon, including a per-24

25sonal body weapon, chemical agent, impact

□HR 1280 IH

1 weapon, extended range impact weapon, sonic
 2 weapon, sensory weapon, conducted energy de-2
 3 vice, or firearm, against an individual; or
 4 (C) any intentional pointing of a firearm
 5 at an individual.

(12) LESS LETHAL FORCE.—The term “less le-6
 7 thal force” means any degree of force that is not
 8 likely to cause death or serious bodily injury.

9 (13) FACIAL RECOGNITION.—The term “facial
 10 recognition” means an automated or semiautomated
 11 process that analyzes biometric data of an individual
 12 from video footage to identify or assist in identifying
 13 an individual.

14 **TITLE I—POLICE**

15 **ACCOUNTABILITY**

16 **Subtitle A—Holding Police**

17 **Accountable in the Courts**

18 **SEC. 101. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.**

19 Section 242 of title 18, United States Code, is
 20 amended—

(1) by striking “willfully” and inserting “know-21
22ingly or recklessly”;
23(2) by striking “, or may be sentenced to
24death”; and

□HR 1280 IH

1(3) by adding at the end the following: “For
2purposes of this section, an act shall be considered
3to have resulted in death if the act was a substantial
4factor contributing to the death of the person.”.

5SEC. 102. QUALIFIED IMMUNITY REFORM.

6Section 1979 of the Revised Statutes of the United
7States (42 U.S.C. 1983) is amended by adding at the end
8the following: “It shall not be a defense or immunity in
9any action brought under this section against a local law
10enforcement officer (as such term is defined in section 2
11of the George Floyd Justice in Policing Act of 2021), or
12in any action under any source of law against a Federal
13investigative or law enforcement officer (as such term is
14defined in section 2680(h) of title 28, United States
15Code), that—

16“(1) the defendant was acting in good faith, or
17that the defendant believed, reasonably or otherwise,
18that his or her conduct was lawful at the time when
19the conduct was committed; or

“ (2) the rights, privileges, or immunities se-20
21cured by the Constitution and laws were not clearly

22established at the time of their deprivation by the
23defendant, or that at such time, the state of the law
was otherwise such that the defendant could not rea-24

□HR 1280 IH

1sonably have been expected to know whether his or
2her conduct was lawful.”.

3**SEC. 103. PATTERN AND PRACTICE INVESTIGATIONS.**

4(a) **SUBPOENAAUTHORITY.**—Section 210401 of the
5Violent Crime Control and Law Enforcement Act of 1994
6(34 U.S.C. 12601) is amended—

(1) in subsection (a), by inserting “, by pros-7
ecutors,” after “conduct by law enforcement offi-8
9cers”;

10(2) in subsection (b), by striking “paragraph
11(1)” and inserting “subsection (a)”;

12(3) by adding at the end the following:

13“(c) **SUBPOENAAUTHORITY.**—In carrying out the
authority in subsection (b), the Attorney General may re-14
quire by subpoena the production of all information, docu-15
16ments, reports, answers, records, accounts, papers, and
17other data in any medium (including electronically stored
information), as well as any tangible thing and documen-18
19tary evidence, and the attendance and testimony of wit-
nesses necessary in the performance of the Attorney Gen-20
21eral under subsection (b). Such a subpoena, in the case

22of contumacy or refusal to obey, shall be enforceable by
23order of any appropriate district court of the United
24States.

HR 1280 IH

“(d) CIVIL ACTION BY STATE ATTORNEYS GEN-1

2ERAL.—Whenever it shall appear to the attorney general

3of any State, or such other official as a State may des-3
4ignate, that a violation of subsection (a) has occurred
5within their State, the State attorney general or official,
6in the name of the State, may bring a civil action in the
7appropriate district court of the United States to obtain
8appropriate equitable and declaratory relief to eliminate
9the pattern or practice. In carrying out the authority in
10this subsection, the State attorney general or official shall
11have the same subpoena authority as is available to the
12Attorney General under subsection (c).

“(e) RULE OF CONSTRUCTION.—Nothing in this sec-13

14tion may be construed to limit the authority of the Attor-14
15ney General under subsection (b) in any case in which a
16State attorney general has brought a civil action under
17subsection (d).

18“(f) REPORTING REQUIREMENTS.—On the date that

19is one year after the enactment of the George Floyd Jus-19
20tice in Policing Act of 2021, and annually thereafter, the
21Civil Rights Division of the Department of Justice shall

22make publicly available on an internet website a report

23on, during the previous year—

24“(1) the number of preliminary investigations

25of violations of subsection (a) that were commenced;

□HR 1280 IH

1“(2) the number of preliminary investigations
2of violations of subsection (a) that were resolved;
3and

4“(3) the status of any pending investigations of
5violations of subsection (a).”.

6(b) GRANTPROGRAM.—

(1) GRANTS AUTHORIZED.—The Attorney Gen-7
8eral may award a grant to a State to assist the

State in conducting pattern and practice investiga-9
10tions under section 210401(d) of the Violent Crime
11Control and Law Enforcement Act of 1994 (34
12U.S.C. 12601).

13(2) APPLICATION.—A State seeking a grant
14under paragraph (1) shall submit an application in

such form, at such time, and containing such infor-15
16mation as the Attorney General may require.

(3) FUNDING.—There are authorized to be ap-17
18propriated \$100,000,000 to the Attorney General for
19each of fiscal years 2022 through 2024 to carry out
20this subsection.

21(c) DATA ON EXCESSIVE USE OF FORCE.—Section

210402 of the Violent Crime Control and Law Enforce-22
23ment Act of 1994 (34 U.S.C. 12602) is amended—
24(1) in subsection (a)—

□HR 1280 IH

1(A) by striking “The Attorney General”

2and inserting the following:

3“(1) FEDERAL COLLECTION OF DATA.—The

4Attorney General”; and

5(B) by adding at the end the following:

“(2) STATE COLLECTION OF DATA.—The attor-6

7ney general of a State may, through appropriate

8means, acquire data about the use of excessive force

9by law enforcement officers and such data may be

used by the attorney general in conducting investiga-10

tions under section 210401. This data may not con-11

12tain any information that may reveal the identity of

13the victim or any law enforcement officer.”; and

(2) by amending subsection (b) to read as fol-14

15lows:

16“(b) LIMITATION ON USE OF DATA ACQUIRED BY

THE ATTORNEY GENERAL.—Data acquired under sub-17

18section (a)(1) shall be used only for research or statistical

19purposes and may not contain any information that may

20reveal the identity of the victim or any law enforcement

21officer.”.

(d) ENFORCEMENT OF PATTERN OR PRACTICE RE-22

23 LIEF.—Beginning in the first fiscal year that begins after

24 the date that is one year after the date of enactment of

25 this Act, a State or unit of local government that receives

□ HR 1280 IH

1 funds under the Byrne grant program or the COPS grant
2 program during a fiscal year may not make available any
3 amount of such funds to a local law enforcement agency
4 if that local law enforcement agency enters into or renews
5 any contractual arrangement, including a collective bar-
6 gaining agreement with a labor organization, that—
7 (1) would prevent the Attorney General from
8 seeking or enforcing equitable or declaratory relief
9 against a law enforcement agency engaging in a pat-
10 tern or practice of unconstitutional misconduct; or
11 (2) conflicts with any terms or conditions con-
12 tained in a consent decree.

13 **SEC. 104. INDEPENDENT INVESTIGATIONS.**

14 (a) **IN GENERAL.**—

15 (1) **DEFINITIONS.**—In this subsection:

16 (A) **INDEPENDENT INVESTIGATION.**—The

17 term “independent investigation” means a

18 criminal investigation or prosecution of a law

enforcement officer’s use of deadly force, in-19

20 cluding one or more of the following:

21 (i) Using an agency or civilian review

22board that investigates and independently

23reviews all allegations of use of deadly

force made against law enforcement offi-24

25cers in the jurisdiction.

□HR 1280 IH

1(ii) Assigning of the attorney general
2of the State in which the alleged use of
3deadly force was committed to conduct the
4criminal investigation and prosecution.

5(iii) Adopting a procedure under
which an independent prosecutor is as-6
7signed to investigate and prosecute the
8case, including a procedure under which an

automatic referral is made to an inde-9
10pendent prosecutor appointed and overseen
11by the attorney general of the State in
12which the alleged use of deadly force was
13committed.

14(iv) Adopting a procedure under
which an independent prosecutor is as-15
16signed to investigate and prosecute the
17case.

18(v) Having law enforcement agencies
agree to and implement memoranda of un-19
20derstanding with other law enforcement
agencies under which the other law en-21

22forcement agencies—

(I) shall conduct the criminal in-23

24vestigation into the alleged use of

25deadly force; and

□HR 1280 IH

(II) upon conclusion of the criminal investigation, shall file a report with the attorney general of the State containing a determination regarding whether—

(aa) the use of deadly force was appropriate; and

(bb) any action should be taken by the attorney general of the State.

(vi) Any substantially similar procedure to ensure impartiality in the investigation or prosecution.

(B) INDEPENDENT INVESTIGATION OF

LAW ENFORCEMENT STATUTE.—The term

“independent investigation of law enforcement

statute” means a statute requiring an independent investigation in a criminal matter in which—

(i) one or more of the possible defendants is a law enforcement officer;

22(ii) one or more of the alleged offenses
23involves the law enforcement officer's use
24of deadly force in the course of carrying
25out that officer's duty; and

□HR 1280 IH

1(iii) the non-Federal law enforcement
2officer’s use of deadly force resulted in a
3death or injury.

4(C) INDEPENDENT PROSECUTOR.—The
5 term “independent prosecutor” means, with re-5
6spect to a criminal investigation or prosecution
7of a law enforcement officer’s use of deadly
8force, a prosecutor who—
9(i) does not oversee or regularly rely
10on the law enforcement agency by which
11 the law enforcement officer under inves-11
12tigation is employed; and
13 (ii) would not be involved in the pros-13
14 ecution in the ordinary course of that pros-14
15ecutor’s duties.

16(2) GRANT PROGRAM.—The Attorney General
17may award grants to eligible States and Indian
18 Tribes to assist in implementing an independent in-18
19vestigation of law enforcement statute.

20(3) ELIGIBILITY.—To be eligible for a grant
21under this subsection, a State or Indian Tribe shall

22have in effect an independent investigation of law

23enforcement statute.

24(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the At-25

□HR 1280 IH

1torney General \$750,000,000 for fiscal years 2022
2through 2024 to carry out this subsection.

(b) COPS GRANTPROGRAMUSED FORCIVILIANRE-3

4VIEWBOARDS.—Part Q of title I of the of the Omnibus

5Crime Control and Safe Streets Act of 1968 (34 U.S.C.

610381 et seq.) is amended—

7(1) in section 1701(b) (34 U.S.C. 10381(b))—

8(A) by redesignating paragraphs (22) and

9(23) as paragraphs (23) and (24), respectively;

10(B) in paragraph (23), as so redesignated,

11by striking “(21)” and inserting “(22)”; and

12(C) by inserting after paragraph (21) the

13following:

14“(22) to develop best practices for and to create

15civilian review boards;” and

(2) in section 1709 (34 U.S.C. 10389), by add-16

17ing at the end the following:

“(8) ‘civilian review board’ means an adminis-18

19trative entity that investigates civilian complaints

20against law enforcement officers and—

“(A) is independent and adequately fund-21

22ed;

“(B) has investigatory authority and sub-23

24poena power;

□HR 1280 IH

“(C) has representative community diver-1
2sity;
3“(D) has policy making authority;
“(E) provides advocates for civilian com-4
5plainants;
6“(F) may conduct hearings; and
“(G) conducts statistical studies on pre-7
8vailing complaint trends.”.

9**Subtitle B—Law Enforcement**

10**Trust and Integrity Act**

11**SEC. 111. SHORT TITLE.**

12This subtitle may be cited as the “Law Enforcement
13Trust and Integrity Act of 2021”.

14**SEC. 112. DEFINITIONS.**

15In this subtitle:

16**(1) COMMUNITY-BASED ORGANIZATION.**—The
17term “community-based organization” means a
18grassroots organization that monitors the issue of
19police misconduct and that has a local or national
presence and membership, such as the National As-20

21society for the Advancement of Colored People
22(NAACP), the American Civil Liberties Union
23(ACLU), UnidosUS, the National Urban League,
24the National Congress of American Indians, or the

□HR 1280 IH

1 National Asian Pacific American Legal Consortium
2 (NAPALC).

(2) LAW ENFORCEMENT ACCREDITATION ORGA-3

NIZATION.—The term “law enforcement accredita-4
tion organization” means a professional law enforce-5
ment organization involved in the development of
standards of accreditation for law enforcement agen-7
cies at the national, State, regional, or Tribal level,
9 such as the Commission on Accreditation for Law
10 Enforcement Agencies (CALEA).

11 (3) LAW ENFORCEMENT AGENCY.—The term

“law enforcement agency” means a State, local, In-12
13 dian tribal, or campus public agency engaged in the
14 prevention, detection, investigation, prosecution, or
15 adjudication of violations of criminal laws.

(4) PROFESSIONAL LAW ENFORCEMENT ASSO-16

17 CIATION.—The term “professional law enforcement
18 association” means a law enforcement membership
19 association that works for the needs of Federal,
State, local, or Indian tribal law enforcement agen-20

21 cies and with the civilian community on matters of

22common interest, such as the Hispanic American
23Police Command Officers Association (HAPCOA),
24the National Asian Pacific Officers Association
25(NAPOA), the National Black Police Association

□HR 1280 IH

(NBPA), the National Latino Peace Officers Association (NLPOA), the National Organization of Black Law Enforcement Executives (NOBLE), Women in Law Enforcement, the Native American Law Enforcement Association (NALEA), the International Association of Chiefs of Police (IACP), the National Sheriffs' Association (NSA), the Fraternal Order of Police (FOP), or the National Association of School Resource Officers.

(5) PROFESSIONAL CIVILIAN OVERSIGHT ORGANIZATION-10

ORGANIZATION.—The term “professional civilian oversight organization” means a membership organization formed to address and advance civilian oversight of law enforcement and whose members are from Federal, State, regional, local, or Tribal organizations that review issues or complaints against law enforcement agencies or officers, such as the National Association for Civilian Oversight of Law Enforcement (NACOLE).

SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGENCIES-20

AGENCIES.

22(a) STANDARDS.—

23(1) INITIAL ANALYSIS.—The Attorney General

shall perform an initial analysis of existing accredi-24
25tation standards and methodology developed by law

□HR 1280 IH

1 enforcement accreditation organizations nationwide,
2 including national, State, regional, and Tribal ac-2
3 creditation organizations. Such an analysis shall in-3
4 clude a review of the recommendations of the Final
5 Report of the President’s Taskforce on 21st Century
6 Policing, issued by the Department of Justice, in
7 May 2015.

8(2) DEVELOPMENT OF UNIFORM STANDARDS.—

9 After completion of the initial review and analysis
10 under paragraph (1), the Attorney General shall—

11 (A) recommend, in consultation with law
12 enforcement accreditation organizations and
13 community-based organizations, the adoption of
14 additional standards that will result in greater
15 community accountability of law enforcement
16 agencies and an increased focus on policing
17 with a guardian mentality, including standards
18 relating to—

19 (i) early warning systems and related

20 intervention programs;

21 (ii) use of force procedures;

22(iii) civilian review procedures;

23(iv) traffic and pedestrian stop and

24search procedures;

25(v) data collection and transparency;

□HR 1280 IH

(vi) administrative due process re-

quirements;

(vii) video monitoring technology;

(viii) youth justice and school safety;

and

(ix) recruitment, hiring, and training;

and

(B) recommend additional areas for the

development of national standards for the ac-

creditation of law enforcement agencies in con-

sultation with existing law enforcement accredi-

tation organizations, professional law enforce-

ment associations, labor organizations, commu-

nity-based organizations, and professional civil-

ian oversight organizations.

(3) CONTINUING ACCREDITATION PROCESS.—

The Attorney General shall adopt policies and proce-

dures to partner with law enforcement accreditation

organizations, professional law enforcement associa-

tions, labor organizations, community-based organi-

zations, and professional civilian oversight organiza-

22tions to—

23(A) continue the development of further

accreditation standards consistent with para-24

25graph (2); and

□HR 1280 IH

1(B) encourage the pursuit of accreditation
of Federal, State, local, and Tribal law enforce-2
ment agencies by certified law enforcement ac-3
4creditation organizations.

5(b) USE OFFUNDSREQUIREMENTS.—Section
6502(a) of title I of the Omnibus Crime Control and Safe
7Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by
8adding at the end the following:

9“(7) An assurance that, for each fiscal year
10covered by an application, the applicant will use not
11less than 5 percent of the total amount of the grant
12award for the fiscal year to assist law enforcement
13agencies of the applicant, including campus public
14safety departments, gain or maintain accreditation
from certified law enforcement accreditation organi-15
16zations in accordance with section 113 of the Law
17Enforcement Trust and Integrity Act of 2021.”.

18(c) ELIGIBILITY FORCERTAINGRANTFUNDS.—The
19Attorney General shall, as appropriate and consistent with
applicable law, allocate Department of Justice discre-20
tionary grant funding only to States or units of local gov-21

22ernment that require law enforcement agencies of that
23State or unit of local government to gain and maintain
24accreditation from certified law enforcement accreditation
25organizations in accordance with this section.

□HR 1280 IH

1 SEC. 114. LAW ENFORCEMENT GRANTS.

2 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
 3 of title I of the Omnibus Crime Control and Safe Streets
 4 Act of 1968 (34 U.S.C. 10153(a)), as amended by section

5 113, is amended by adding at the end the following:

6 “(8) An assurance that, for each fiscal year

7 covered by an application, the applicant will use not

8 less than 5 percent of the total amount of the grant

award for the fiscal year to study and implement ef-9

10 effective management, training, recruiting, hiring, and

oversight standards and programs to promote effec-11

12 tive community and problem solving strategies for

13 law enforcement agencies in accordance with section

14 114 of the Law Enforcement Trust and Integrity

15 Act of 2021.”.

(b) **GRANT PROGRAM FOR COMMUNITY ORGANIZA-16**

TIONS.—The Attorney General may make grants to com-17

18 munity-based organizations to study and implement—

19 (1) effective management, training, recruiting,

20 hiring, and oversight standards and programs to

21 promote effective community and problem solving

22strategies for law enforcement agencies; or
23(2) effective strategies and solutions to public
safety, including strategies that do not rely on Fed-24
25eral and local law enforcement agency responses.

HR 1280 IH

1(c) USE OFFFUNDS.—Grant amounts described in
2paragraph (8) of section 502(a) of title I of the Omnibus
3Crime Control and Safe Streets Act of 1968 (34 U.S.C.
410153(a)), as added by subsection (a) of this section, and
5grant amounts awarded under subsection (b) shall be used
6to—

(1) study management and operations stand-7
ards for law enforcement agencies, including stand-8
ards relating to administrative due process, resi-9
10dency requirements, compensation and benefits, use
of force, racial profiling, early warning and interven-11
tion systems, youth justice, school safety, civilian re-12
13view boards or analogous procedures, or research
14into the effectiveness of existing programs, projects,
15or other activities designed to address misconduct;
16and

(2) develop pilot programs and implement effec-17
tive standards and programs in the areas of train-18
19ing, hiring and recruitment, and oversight that are
designed to improve management and address mis-20
21conduct by law enforcement officers.

(d) COMPONENTS OF PILOT PROGRAM.—A pilot program developed under subsection (c)(2) shall include implementation of the following:

□ HR 1280 IH

1(1) TRAINING.—The implementation of policies,
2practices, and procedures addressing training and
3instruction to comply with accreditation standards in
4the areas of—
5(A) the use of deadly force, less lethal
6force, and de-escalation tactics and techniques;
7(B) investigation of officer misconduct and
8practices and procedures for referring to pros-
9cuting authorities allegations of officer use of
10excessive force or racial profiling;
11(C) disproportionate contact by law en-
12forcement with minority communities;
13(D) tactical and defensive strategy;
14(E) arrests, searches, and restraint;
15(F) professional verbal communications
16with civilians;
17(G) interactions with—
18(i) youth;
19(ii) individuals with disabilities;
20(iii) individuals with limited English
21proficiency; and

22(iv) multi-cultural communities;

23(H) proper traffic, pedestrian, and other

24enforcement stops; and

□HR 1280 IH

(I) community relations and bias awareness.

3(2) RECRUITMENT, HIRING, RETENTION, AND
PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-4

5CERS.—Policies, procedures, and practices for—

6(A) the hiring and recruitment of diverse
7law enforcement officers who are representative
8of the communities they serve;

(B) the development of selection, pro-9
motion, educational, background, and psycho-10
11logical standards that comport with title VII of
12the Civil Rights Act of 1964 (42 U.S.C. 2000e
13et seq.); and
14(C) initiatives to encourage residency in
15the jurisdiction served by the law enforcement
16agency and continuing education.

(3) OVERSIGHT.—Complaint procedures, in-17
18cluding the establishment of civilian review boards or
19analogous procedures for jurisdictions across a range
of sizes and agency configurations, complaint proce-20
21dures by community-based organizations, early

22warning systems and related intervention programs,

23video monitoring technology, data collection and

transparency, and administrative due process re-24

□HR 1280 IH

1 requirements inherent to complaint procedures for
2 members of the public and law enforcement.

3 (4) YOUTH JUSTICE AND SCHOOL SAFETY.—

4 Uniform standards on youth justice and school safe-
5 ty that include best practices for law enforcement
6 interaction and communication with children and
7 youth, taking into consideration adolescent develop-
8 ment and any disability, including—

9 (A) the right to effective and timely notifi-
10 cation of a parent or legal guardian of any law
11 enforcement interaction, regardless of the immi-
12

13 gration status of the individuals involved; and

14 (B) the creation of positive school climates
15 by improving school conditions for learning
16 by—

17 (i) eliminating school-based arrests

18 and referrals to law enforcement;

19 (ii) using evidence-based preventative

20 measures and alternatives to school-based

21 arrests and referrals to law enforcement,

such as restorative justice and healing

22practices; and

(iii) using school-wide positive behav-23

24ioral interventions and supports.

□HR 1280 IH

(5) VICTIM SERVICES.—Counseling services, including psychological counseling, for individuals and communities impacted by law enforcement misconduct.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Attorney General may provide technical assistance to States and community-based organizations in furtherance of the purposes of this section.

(2) MODELS FOR REDUCTION OF LAW ENFORCEMENT MISCONDUCT.—The technical assistance provided by the Attorney General may include the development of models for States and community-based organizations to reduce law enforcement officer misconduct. Any development of such models shall be in consultation with community-based organizations.

(f) USE OF COMPONENTS.—The Attorney General may use any component or components of the Department of Justice in carrying out this section.

(g) APPLICATIONS.—An application for a grant

22under subsection (b) shall be submitted in such form, and
23contain such information, as the Attorney General may
24prescribe by rule.

25(h) PERFORMANCEEVALUATION.—

□HR 1280 IH

1(1) MONITORING COMPONENTS.—

2(A) IN GENERAL.—Each program, project,
3 or activity funded under this section shall con-3
4 tain a monitoring component, which shall be de-4
5 veloped pursuant to rules made by the Attorney
6 General.

7(B) REQUIREMENT.—Each monitoring
8 component required under subparagraph (A)
9 shall include systematic identification and col-9
10 lection of data about activities, accomplish-10
11 ments, and programs throughout the duration
12 of the program, project, or activity and presen-12
13 tation of such data in a usable form.

14(2) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Selected grant recipi-15
16 ents shall be evaluated on the local level or as
17 part of a national evaluation, pursuant to rules
18 made by the Attorney General.

(B) REQUIREMENTS.—An evaluation con-19
20 ducted under subparagraph (A) may include
21 independent audits of police behavior and other

assessments of individual program implementa-22
tions. For community-based organizations in se-23
lected jurisdictions that are able to support out-24
25come evaluations, the effectiveness of funded

□HR 1280 IH

programs, projects, and activities may be re-1
2quired.

(3) PERIODIC REVIEW AND REPORTS.—The At-3
torney General may require a grant recipient to sub-4
5mit biannually to the Attorney General the results of
the monitoring and evaluations required under para-6
graphs (1) and (2) and such other data and infor-7
8mation as the Attorney General determines to be
9necessary.

10(i) REVOCATION ORSUSPENSION OFFUNDING.—If
11the Attorney General determines, as a result of monitoring
12under subsection (h) or otherwise, that a grant recipient
13under the Byrne grant program or under subsection (b)
14is not in substantial compliance with the requirements of
15this section, the Attorney General may revoke or suspend
16funding of that grant, in whole or in part.

(j) CIVILIANREVIEWBOARDDEFINED.—In this sec-17
tion, the term “civilian review board” means an adminis-18
19trative entity that investigates civilian complaints against
20law enforcement officers and—
21(1) is independent and adequately funded;

22(2) has investigatory authority and subpoena

23power;

24(3) has representative community diversity;

25(4) has policy making authority;

HR 1280 IH

1(5) provides advocates for civilian complainants;

2(6) may conduct hearings; and

3(7) conducts statistical studies on prevailing

4complaint trends.

5(k) AUTHORIZATION OF APPROPRIATIONS.—There

6are authorized to be appropriated to the Attorney General

7\$25,000,000 for fiscal year 2022 to carry out the grant

8program authorized under subsection (b).

9SEC. 115. ATTORNEY GENERAL TO CONDUCT STUDY.

10(a) STUDY.—

11(1) IN GENERAL.—The Attorney General shall

conduct a nationwide study of the prevalence and ef-12

13fect of any law, rule, or procedure that allows a law

enforcement officer to delay the response to ques-14

tions posed by a local internal affairs officer, or re-15

view board on the investigative integrity and pros-16

17ecution of law enforcement misconduct, including

18pre-interview warnings and termination policies.

19(2) INITIAL ANALYSIS.—The Attorney General

20shall perform an initial analysis of existing State

21laws, rules, and procedures to determine whether, at

22a threshold level, the effect of the type of law, rule,
23or procedure that raises material investigatory issues
24that could impair or hinder a prompt and thorough

□HR 1280 IH

investigation of possible misconduct, including criminal
conduct.

(3) DATA COLLECTION.—After completion of

the initial analysis under paragraph (2), and considering

material investigatory issues, the Attorney

General shall gather additional data nationwide on

similar laws, rules, and procedures from a representative

and statistically significant sample of jurisdictions,

to determine whether such laws, rules, and

procedures raise such material investigatory issues.

(b) REPORTING.—

(1) INITIAL ANALYSIS.—Not later than 120

days after the date of the enactment of this Act, the

Attorney General shall—

(A) submit to Congress a report containing

the results of the initial analysis conducted

under subsection (a)(2);

(B) make the report submitted under sub-

paragraph (A) available to the public; and

(C) identify the jurisdictions for which the

study described in subsection (a)(3) is to be

22conducted.

23(2) DATA COLLECTED.—Not later than 2 years

after the date of the enactment of this Act, the At-24

25orney General shall submit to Congress a report

□HR 1280 IH

1 containing the results of the data collected under
2 this section and publish the report in the Federal
3 Register.

4 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for fiscal
6 year 2022, in addition to any other sums authorized to
7 be appropriated—

(1) \$25,000,000 for additional expenses relat-8
ing to the enforcement of section 210401 of the Vio-9
10 lent Crime Control and Law Enforcement Act of
11 1994 (34 U.S.C. 12601), criminal enforcement
12 under sections 241 and 242 of title 18, United
13 States Code, and administrative enforcement by the
14 Department of Justice of such sections, including
compliance with consent decrees or judgments en-15
16 tered into under such section 210401; and
17 (2) \$3,300,000 for additional expenses related
18 to conflict resolution by the Department of Justice's
19 Community Relations Service.

20 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**

21 **OVERSIGHT.**

22(a) ESTABLISHMENT.—There is established within
23the Department of Justice a task force to be known as
the Task Force on Law Enforcement Oversight (herein-24
25after in this section referred to as the “Task Force”).

□HR 1280 IH

(b) COMPOSITION.—The Task Force shall be composed of individuals appointed by the Attorney General, who shall appoint not less than 1 individual from each of the following:

(1) The Special Litigation Section of the Civil Rights Division.

(2) The Criminal Section of the Civil Rights Division.

(3) The Federal Coordination and Compliance Section of the Civil Rights Division.

(4) The Employment Litigation Section of the Civil Rights Division.

(5) The Disability Rights Section of the Civil Rights Division.

(6) The Office of Justice Programs.

(7) The Office of Community Oriented Policing Services (COPS).

(8) The Corruption/Civil Rights Section of the Federal Bureau of Investigation.

(9) The Community Relations Service.

(10) The Office of Tribal Justice.

22(11) The unit within the Department of Justice

23assigned as a liaison for civilian review boards.

24(c) POWERS AND DUTIES.—The Task Force shall

25consult with professional law enforcement associations,

□HR 1280 IH

1 labor organizations, and community-based organizations
2 to coordinate the process of the detection and referral of
3 complaints regarding incidents of alleged law enforcement
4 misconduct.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated \$5,000,000 for each fis-
7 cal year to carry out this section.

8 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-
9 MENT PRACTICES.**

10 (a) AGENCY STORE REPORT.—Each Federal, State,
11 Tribal, and local law enforcement agency shall report data
12 of the practices enumerated in subsection (c) of that agen-
13 cy to the Attorney General.

14 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
15 NICITY, AND GENDER.—For each practice enumerated in
16 subsection (c), the reporting law enforcement agency shall
17 provide a breakdown of the numbers of incidents of that
18 practice by race, ethnicity, age, and gender of the officers
19 of the agency and of members of the public involved in
20 the practice.

(c) PRACTICES TO BE REPORTED ON.—The prac-21

22times to be reported on are the following:

23(1) Traffic violation stops.

24(2) Pedestrian stops.

25(3) Frisk and body searches.

□HR 1280 IH

1(4) Instances where law enforcement officers
2used deadly force, including—

(A) a description of when and where dead-3
4ly force was used, and whether it resulted in
5death;

6(B) a description of deadly force directed
against an officer and whether it resulted in in-7
8jury or death; and

(C) the law enforcement agency's justifica-9
tion for use of deadly force, if the agency deter-10
11mines it was justified.

12(d) RETENTION OF DATA.—Each law enforcement
13agency required to report data under this section shall
14maintain records relating to any matter reported for not
15less than 4 years after those records are created.

16(e) PENALTY FOR STATES FAILING TO REPORT AS
17REQUIRED.—

18(1) IN GENERAL.—For any fiscal year, a State
19shall not receive any amount that would otherwise
20be allocated to that State under section 505(a) of
21title I of the Omnibus Crime Control and Safe

22Streets Act of 1968 (34 U.S.C. 10156(a)), or any

23amount from any other law enforcement assistance

24program of the Department of Justice, unless the

State has ensured, to the satisfaction of the Attor-25

HR 1280 IH

ney General, that the State and each local law en-1
 forcement agency of the State is in substantial com-2
 3pliance with the requirements of this section.

4(2) REALLOCATION.—Amounts not allocated by
 5reason of this subsection shall be reallocated to
 6States not disqualified by failure to comply with this
 7section.

(f) REGULATIONS.—The Attorney General shall pre-8
 9scribe regulations to carry out this section.

TITLE II—POLICING TRANS-10

11 PARENENCY THROUGH DATA

12 Subtitle A—National Police

13 Misconduct Registry

SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-14

15 CONDUCT REGISTRY.

16(a) IN GENERAL.—Not later than 180 days after the
 17date of enactment of this Act, the Attorney General shall

establish a National Police Misconduct Registry to be com-18
 19piled and maintained by the Department of Justice.

(b) CONTENTS OF REGISTRY.—The Registry re-20

21quired to be established under subsection (a) shall contain
22the following data with respect to all Federal and local
23law enforcement officers:

(1) Each complaint filed against a law enforce-24
25ment officer, aggregated by—

HR 1280 IH

(A) complaints that were found to be credible or that resulted in disciplinary action against the law enforcement officer,

disaggregated by whether the complaint involved a use of force or racial profiling (as such term is defined in section 302);

(B) complaints that are pending review,

disaggregated by whether the complaint involved a use of force or racial profiling; and

(C) complaints for which the law enforcement officer was exonerated or that were determined to be unfounded or not sustained,

disaggregated by whether the complaint involved a use of force or racial profiling.

(2) Discipline records, disaggregated by whether the complaint involved a use of force or racial profiling.

(3) Termination records, the reason for each termination, disaggregated by whether the complaint involved a use of force or racial profiling.

(4) Records of certification in accordance with

22section 202.

23(5) Records of lawsuits against law enforcement

24officers and settlements of such lawsuits.

HR 1280 IH

1(6) Instances where a law enforcement officer
2resigns or retires while under active investigation re-2
3lated to the use of force.

(c) FEDERAL AGENCY REPORTING REQUIRE-4
5MENTS.—Not later than 1 year after the date of enact-5
6ment of this Act, and every 6 months thereafter, the head
7of each Federal law enforcement agency shall submit to
8the Attorney General the information described in sub-8
9section (b).

10(d) STATE AND LOCAL LAW ENFORCEMENT AGENCY

11REPORTING REQUIREMENTS.—Beginning in the first fis-11
12cal year that begins after the date that is one year after
13the date of enactment of this Act and each fiscal year
14thereafter in which a State receives funds under the Byrne
15grant program, the State shall, once every 180 days, sub-15
16mit to the Attorney General the information described in
17subsection (b) for the State and each local law enforce-17
18ment agency within the State.

19(e) PUBLIC AVAILABILITY OF REGISTRY.—

20(1) IN GENERAL.—In establishing the Registry
21required under subsection (a), the Attorney General

22shall make the Registry available to the public on an
internet website of the Attorney General in a man-23
24ner that allows members of the public to search for
25an individual law enforcement officer's records of

□HR 1280 IH

1 misconduct, as described in subsection (b), involving
2 a use of force or racial profiling.

3(2) PRIVACY PROTECTIONS.—Nothing in this
4 subsection shall be construed to supersede the re-4
5 requirements or limitations under section 552a of title
6 5, United States Code (commonly known as the
7 “Privacy Act of 1974”).

8 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**
9 **LAW ENFORCEMENT OFFICERS.**

10(a) IN GENERAL.— Beginning in the first fiscal year
11 that begins after the date that is one year after the date
12 of the enactment of this Act, a State or unit of local gov-12
13 ernment, other than an Indian Tribe, may not receive
14 funds under the Byrne grant program for that fiscal year
15 if, on the day before the first day of the fiscal year, the
16 State or unit of local government has not—
17 (1) submitted to the Attorney General evidence
18 that the State or unit of local government has a cer-18
19 tification and decertification program for purposes
20 of employment as a law enforcement officer in that
21 State or unit of local government that is consistent

22with the rules made under subsection (c); and

(2) submitted to the National Police Mis-23

24conduct Registry established under section 201

records demonstrating that all law enforcement offi-25

□HR 1280 IH

1cers of the State or unit of local government have
2completed all State certification requirements during
3the 1-year period preceding the fiscal year.

4(b) AVAILABILITY OF INFORMATION.—The Attorney
5General shall make available to law enforcement agencies
6all information in the registry under section 201 for pur-
7poses of compliance with the certification and decertifica-
8tion programs described in subsection (a)(1) and consid-
9ering applications for employment.

10(c) RULES.—The Attorney General shall make rules
11to carry out this section and section 201, including uni-
12form reporting standards.

13**Subtitle B—PRIDE Act**

14SEC. 221. SHORT TITLE.

15This subtitle may be cited as the “Police Reporting
16Information, Data, and Evidence Act of 2021” or the
17“PRIDE Act of 2021”.

18SEC. 222. DEFINITIONS.

19In this subtitle:

20(1) LOCAL EDUCATIONAL AGENCY.—The term

21 “local educational agency” has the meaning given

the term in section 8101 of the Elementary and Sec-22

23ondary Education Act of 1965 (20 U.S.C. 7801).

24(2) LOCAL LAW ENFORCEMENT OFFICER.—The

term “local law enforcement officer” has the mean-25

□HR 1280 IH

ling given the term in section 2, and includes a
 2school resource officer.

(3) SCHOOL.—The term “school” means an ele-3
 4mentary school or secondary school (as those terms
 5are defined in section 8101 of the Elementary and
 6Secondary Education Act of 1965 (20 U.S.C.
 77801)).

8(4) SCHOOL RESOURCE OFFICER.—The term
 “school resource officer” means a sworn law enforce-9
 10ment officer who is—

(A) assigned by the employing law enforce-11
 12ment agency to a local educational agency or
 13school;
 14(B) contracting with a local educational
 15agency or school; or
 16(C) employed by a local educational agency
 17or school.

18**SEC. 223. USE OF FORCE REPORTING.**

19(a) **REPORTING REQUIREMENTS.**—

20(1) **IN GENERAL.**—Beginning in the first fiscal
 21year that begins after the date that is one year after

22the date of enactment of this Act and each fiscal
year thereafter in which a State or Indian Tribe re-23
24ceives funds under a Byrne grant program, the
25State or Indian Tribe shall—

□HR 1280 IH

1(A) report to the Attorney General, on a
quarterly basis and pursuant to guidelines es-2
3established by the Attorney General, information
4regarding—

5(i) any incident involving the use of
6deadly force against a civilian by—

(I) a local law enforcement offi-7
8cer who is employed by the State or
9by a unit of local government in the
10State; or

(II) a tribal law enforcement offi-11
12cer who is employed by the Indian
13Tribe;

14(ii) any incident involving the shooting
15of a local law enforcement officer or tribal
16law enforcement officer described in clause
17(i) by a civilian;

18(iii) any incident involving the death
19or arrest of a local law enforcement officer
20or tribal law enforcement officer;

21(iv) any incident during which use of

22force by or against a local law enforcement

officer or tribal law enforcement officer de-23

24scribed in clause (i) occurs, which is not

25reported under clause (i), (ii), or (iii);

HR 1280 IH

1(v) deaths in custody; and

(vi) uses of force in arrests and book-2

3ing;

4(B) establish a system and a set of policies

to ensure that all use of force incidents are re-5

ported by local law enforcement officers or trib-6

7al law enforcement officers; and

8(C) submit to the Attorney General a plan

for the collection of data required to be re-9

ported under this section, including any modi-10

fications to a previously submitted data collec-11

12tion plan.

13(2) REPORT INFORMATION REQUIRED.—

14(A) IN GENERAL.—The report required

under paragraph (1)(A) shall contain informa-15

16tion that includes, at a minimum—

(i) the national origin, sex, race, eth-17

18nicity, age, disability, English language

proficiency, and housing status of each ci-19

vilian against whom a local law enforce-20

ment officer or tribal law enforcement offi-21

22cer used force;

(ii) the date, time, and location, in-23

24cluding whether it was on school grounds,

25and the zip code, of the incident and

HR 1280 IH

whether the jurisdiction in which the incident occurred allows for the open-carry or concealed-carry of a firearm;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the reason force was used;

(vi) a description of any injuries sustained as a result of the incident;

(vii) the number of officers involved in the incident;

(viii) the number of civilians involved in the incident; and

(ix) a brief description regarding the circumstances surrounding the incident, which shall include information on—

(I) the type of force used by all involved persons;

22(II) the legitimate police objective

23necessitating the use of force;

24(III) the resistance encountered

25by each local law enforcement officer

HR 1280 IH

or tribal law enforcement officer involved in the incident;

(IV) the efforts by local law enforcement officers or tribal law

enforcement officers to—

(aa) de-escalate the situation

in order to avoid the use of force;

or

(bb) minimize the level of

force used; and

(V) if applicable, the reason why

efforts described in subclause (IV)

were not attempted.

(B) INCIDENTS REPORTED UNDER DEATH

IN CUSTODY REPORTING ACT.—A State or Indian

Tribes is not required to include in a report

under subsection (a)(1) an incident reported by

the State or Indian Tribe in accordance with

section 104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (34

U.S.C. 12104(a)(2)).

(C) RETENTION OF DATA.—Each law en-22

23forcement agency required to report data under

24this section shall maintain records relating to

□HR 1280 IH

1 any matter so reportable for not less than 4
2 years after those records are created.

3 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
4 later than 1 year after the date of enactment of this
5 Act, and each year thereafter, each State or Indian
6 Tribe described in paragraph (1) shall—

 (A) conduct an audit of the use of force in-7
 cident reporting system required to be estab-8
9 lished under paragraph (1)(B); and

 (B) submit a report to the Attorney Gen-10
 eral on the audit conducted under subpara-11
12 graph (A).

 (4) COMPLIANCE PROCEDURE.—Prior to sub-13
14 mitting a report under paragraph (1)(A), the State
 or Indian Tribe submitting such report shall com-15
 pare the information compiled to be reported pursu-16
17 ant to clause (i) of paragraph (1)(A) to publicly
 available sources, and shall revise such report to in-18
19 clude any incident determined to be missing from
20 the report based on such comparison. Failure to
21 comply with the procedures described in the previous

22sentence shall be considered a failure to comply with
23the requirements of this section.

24(b) INELIGIBILITY FOR FUNDS.—

□HR 1280 IH

1(1) IN GENERAL.—For any fiscal year in which
2 a State or Indian Tribe fails to comply with this sec-2
3tion, the State or Indian Tribe, at the discretion of
4the Attorney General, shall be subject to not more
5than a 10-percent reduction of the funds that would
6otherwise be allocated for that fiscal year to the
7State or Indian Tribe under a Byrne grant program.

8(2) REALLOCATION.—Amounts not allocated
9under a Byrne grant program in accordance with
10paragraph (1) to a State for failure to comply with
11this section shall be reallocated under the Byrne
12 grant program to States that have not failed to com-12
13ply with this section.

(3) INFORMATION REGARDING SCHOOL RE-14
15SOURCE OFFICERS.—The State or Indian Tribe shall
16ensure that all schools and local educational agencies
17within the jurisdiction of the State or Indian Tribe
18 provide the State or Indian Tribe with the informa-18
19tion needed regarding school resource officers to
20comply with this section.

21(c) PUBLICAVAILABILITY OFDATA.—

22(1) IN GENERAL.—Not later than 1 year after
23the date of enactment of this Act, and each year
24thereafter, the Attorney General shall publish, and
25make available to the public, a report containing the

□HR 1280 IH

1 data reported to the Attorney General under this
2 section.

3 (2) PRIVACY PROTECTIONS.—Nothing in this

4 subsection shall be construed to supersede the re-4
5 requirements or limitations under section 552a of title
6 5, United States Code (commonly known as the
7 “Privacy Act of 1974”).

8 (d) GUIDANCE.—Not later than 180 days after the
9 date of enactment of this Act, the Attorney General, in
10 coordination with the Director of the Federal Bureau of

11 Investigation, shall issue guidance on best practices relat-11
12 ing to establishing standard data collection systems that
13 capture the information required to be reported under sub-13
14 section (a)(2), which shall include standard and consistent
15 definitions for terms.

16 **SEC. 224. USE OF FORCE DATA REPORTING.**

17 (a) TECHNICAL ASSISTANCE GRANTS AUTHOR-17

18 IZED.—The Attorney General may make grants to eligible

19 law enforcement agencies to be used for the activities de-19
20 scribed in subsection (c).

21 (b) ELIGIBILITY.—In order to be eligible to receive

22a grant under this section a law enforcement agency

23shall—

HR 1280 IH

(1) be a tribal law enforcement agency or be located in a State that receives funds under a Byrne grant program;

(2) employ not more than 100 local or tribal law enforcement officers;

(3) demonstrate that the use of force policy for local law enforcement officers or tribal law enforcement officers employed by the law enforcement agency is publicly available; and

(4) establish and maintain a complaint system that—

(A) may be used by members of the public to report incidents of use of force to the law enforcement agency;

(B) makes all information collected publicly searchable and available; and

(C) provides information on the status of an investigation related to a use of force complaint.

(c) ACTIVITIES DESCRIBED.—A grant made under this section may be used by a law enforcement agency

22for—

23(1) the cost of assisting the State or Indian

24Tribe in which the law enforcement agency is located

HR 1280 IH

in complying with the reporting requirements described in section 223;

(2) the cost of establishing necessary systems required to investigate and report incidents as required under subsection (b)(4);

(3) public awareness campaigns designed to gain information from the public on use of force by or against local and tribal law enforcement officers, including shootings, which may include tip lines, hotlines, and public service announcements; and

(4) use of force training for law enforcement agencies and personnel, including training on de-escalation, implicit bias, crisis intervention techniques, and adolescent development.

SEC. 225. COMPLIANCE WITH REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under this subtitle to determine whether each State or Indian Tribe described in section 223(a)(1) is in compliance with the requirements of

22this subtitle.

23(b) CONSISTENCY IN DATAREPORTING.—

24(1) IN GENERAL.—Any data reported under

25this subtitle shall be collected and reported—

□HR 1280 IH

1(A) in a manner consistent with existing
2programs of the Department of Justice that
3collect data on local law enforcement officer en-3
4counters with civilians; and

5(B) in a manner consistent with civil rights
6laws for distribution of information to the pub-6
7lic.

8(2) GUIDELINES.—Not later than 1 year after
9the date of enactment of this Act, the Attorney Gen-9
10eral shall—

11(A) issue guidelines on the reporting re-11
12quirement under section 223; and
13(B) seek public comment before finalizing
14the guidelines required under subparagraph
15(A).

16**SEC. 226. FEDERAL LAW ENFORCEMENT REPORTING.**

17The head of each Federal law enforcement agency
18shall submit to the Attorney General, on a quarterly basis
19and pursuant to guidelines established by the Attorney
20General, the information required to be reported by a
21State or Indian Tribe under section 223.

22SEC. 227. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attor-23
24ney General such sums as are necessary to carry out this
25subtitle.

HR 1280 IH

1 TITLE III—IMPROVING POLICE

2 TRAINING AND POLICIES

3 Subtitle A—End Racial and

4 Religious Profiling Act

5 SEC. 301. SHORT TITLE.

6 This subtitle may be cited as the “End Racial and
7 Religious Profiling Act of 2021” or “ERRPA”.

8 SEC. 302. DEFINITIONS.

9 In this subtitle:

10 (1) COVERED PROGRAM.—The term “covered
11 program” means any program or activity funded in
12 whole or in part with funds made available under—
13 (A) a Byrne grant program; and
14 (B) the COPS grant program, except that
15 no program, project, or other activity specified
16 in section 1701(b)(13) of part Q of title I of the
17 Omnibus Crime Control and Safe Streets Act of
18 1968 (34 U.S.C. 10381 et seq.) shall be a cov-18
19 ered program under this paragraph.

(2) GOVERNMENTAL BODY.—The term “govern-20

21mental body” means any department, agency, special
22purpose district, or other instrumentality of Federal,
23State, local, or Indian Tribal government.

24(3) HIT RATE.—The term “hit rate” means the
percentage of stops and searches in which a law en-25

1 enforcement agent finds drugs, a gun, or something
2 else that leads to an arrest. The hit rate is cal-2
3 culated by dividing the total number of searches by
4 the number of searches that yield contraband. The
5 hit rate is complementary to the rate of false stops.

6(4) LAW ENFORCEMENT AGENCY.—The term
7 “law enforcement agency” means any Federal,

8 State, or local public agency engaged in the preven-8
9 tion, detection, or investigation of violations of crimi-9
10 nal, immigration, or customs laws.

11(5) LAW ENFORCEMENT AGENT.—The term

12 “law enforcement agent” means any Federal, State,
13 or local official responsible for enforcing criminal,

14 immigration, or customs laws, including police offi-14
15 cers and other agents of a law enforcement agency.

16(6) RACIAL PROFILING.—

17(A) IN GENERAL.—The term “racial

18 profiling” means the practice of a law enforce-18
19 ment agent or agency relying, to any degree, on

20 actual or perceived race, ethnicity, national ori-20
21 gin, religion, gender, gender identity, or sexual

orientation in selecting which individual to sub-22
ject to routine or spontaneous investigatory ac-23
tivities or in deciding upon the scope and sub-24
25stance of law enforcement activity following the

□HR 1280 IH

1initial investigatory procedure, except when
2there is trustworthy information, relevant to the
3locality and timeframe, that links a person with
4a particular characteristic described in this
5paragraph to an identified criminal incident or
6scheme.

(B) EXCEPTION.—For purposes of sub-7
8paragraph (A), a tribal law enforcement officer
exercising law enforcement authority within In-9
10dian country, as that term is defined in section
111151 of title 18, United States Code, is not
12considered to be racial profiling with respect to
13making key jurisdictional determinations that
are necessarily tied to reliance on actual or per-14
15ceived race, ethnicity, or tribal affiliation.

16(7) ROUTINE OR SPONTANEOUS INVESTIGATORY

ACTIVITIES.—The term “routine or spontaneous in-17
18vestigatory activities” means the following activities
19by a law enforcement agent:

20(A) Interviews.

21(B) Traffic stops.

22(C) Pedestrian stops.

23(D) Frisks and other types of body

24searches.

□HR 1280 IH

1(E) Consensual or nonconsensual searches

of the persons, property, or possessions (including vehicles) of individuals using any form of public or private transportation, including motorists and pedestrians.

(F) Data collection and analysis, assessments, and predicated investigations.

8(G) Inspections and interviews of entrants

into the United States that are more extensive than those customarily carried out.

(H) Immigration-related workplace investigations.

13(I) Such other types of law enforcement

encounters compiled for or by the Federal Bureau of Investigation or the Department of Justice Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term “reasonable request” means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary disclosure

22sure of personal information; or

(C) would place a severe burden on the re-23

24sources of the law enforcement agency given its

25size.

□HR 1280 IH

1 PART I—PROHIBITION OF RACIAL PROFILING

2 SEC. 311. PROHIBITION.

3 No law enforcement agent or law enforcement agency
4 shall engage in racial profiling.

5 SEC. 312. ENFORCEMENT.

6 (a) REMEDY.—The United States, or an individual
7 injured by racial profiling, may enforce this part in a civil
8 action for declaratory or injunctive relief, filed either in
9 a State court of general jurisdiction or in a district court
10 of the United States.

11 (b) PARTIES.—In any action brought under this part,
12 relief may be obtained against—

13 (1) any governmental body that employed any
14 law enforcement agent who engaged in racial
15 profiling;

 (2) any agent of such body who engaged in ra-16
17 cial profiling; and

18 (3) any person with supervisory authority over
19 such agent.

20 (c) NATURE OF PROOF.—Proof that the routine or
21 spontaneous investigatory activities of law enforcement

22agents in a jurisdiction have had a disparate impact on
23individuals with a particular characteristic described in
24section 302(6) shall constitute prima facie evidence of a
25violation of this part.

□HR 1280 IH

1(d) ATTORNEY'S FEES.—In any action or proceeding
2to enforce this part against any governmental body, the
3court may allow a prevailing plaintiff, other than the
4United States, reasonable attorney's fees as part of the
5costs, and may include expert fees as part of the attorney's
6fee. The term "prevailing plaintiff" means a plaintiff that
 substantially prevails pursuant to a judicial or administra-7
 tive judgment or order, or an enforceable written agree-8
9ment.

10PART II—PROGRAMS TO ELIMINATE RACIAL

11 PROFILING BY FEDERAL LAW ENFORCE-

12MENT AGENCIES

13SEC. 321. POLICIES TO ELIMINATE RACIAL PROFILING.

14(a) IN GENERAL.—Federal law enforcement agencies
15shall—

16(1) maintain adequate policies and procedures

17designed to eliminate racial profiling; and

18(2) cease existing practices that permit racial

19profiling.

 (b) POLICIES.—The policies and procedures de-20
21scribed in subsection (a)(1) shall include—

22(1) a prohibition on racial profiling;

23(2) training on racial profiling issues as part of

24Federal law enforcement training;

HR 1280 IH

1(3) the collection of data in accordance with the
 2regulations issued by the Attorney General under
 3section 341;

4(4) procedures for receiving, investigating, and
 responding meaningfully to complaints alleging ra-5
 6cial profiling by law enforcement agents; and

 (5) any other policies and procedures the Attor-7
 8ney General determines to be necessary to eliminate
 9racial profiling by Federal law enforcement agencies.

10PART III—PROGRAMS TO ELIMINATE RACIAL

PROFILING BY STATE AND LOCAL LAW EN-11

12FORCEMENT AGENCIES

13SEC. 331. POLICIES REQUIRED FOR GRANTS.

14(a) IN GENERAL.—An application by a State or a
 unit of local government for funding under a covered pro-15
 16gram shall include a certification that such State, unit of
 17local government, and any law enforcement agency to
 18which it will distribute funds—

19(1) maintains adequate policies and procedures
 20designed to eliminate racial profiling; and

21(2) has eliminated any existing practices that

22 permit or encourage racial profiling.

(b) POLICIES.—The policies and procedures de-23
24 scribed in subsection (a)(1) shall include—
25 (1) a prohibition on racial profiling;

□ HR 1280 IH

1(2) training on racial profiling issues as part of
2law enforcement training;

3(3) the collection of data in accordance with the
4regulations issued by the Attorney General under
5section 341; and

6(4) participation in an administrative complaint
7procedure or independent audit program that meets
8the requirements of section 332.

9(c) EFFECTIVEDATE.—This section shall take effect
1012 months after the date of enactment of this Act.

11**SEC. 332. INVOLVEMENT OF ATTORNEY GENERAL.**

12(a) REGULATIONS.—

13(1) IN GENERAL.—Not later than 6 months

after the date of enactment of this Act and in con-14

15sultation with stakeholders, including Federal, State,

16and local law enforcement agencies and community,

17professional, research, and civil rights organizations,

18the Attorney General shall issue regulations for the

19operation of administrative complaint procedures

20and independent audit programs to ensure that such

procedures and programs provide an appropriate re-21

22 response to allegations of racial profiling by law enforcement
23 agents or agencies.

24(2) GUIDELINES.—The regulations issued
25 under paragraph (1) shall contain guidelines that

□HR 1280 IH

1 ensure the fairness, effectiveness, and independence
2 of the administrative complaint procedures and inde-2
3 pendent auditor programs.

(b) NONCOMPLIANCE.—If the Attorney General de-4
5 termines that the recipient of a grant from any covered
6 program is not in compliance with the requirements of sec-6
7 tion 331 or the regulations issued under subsection (a),
8 the Attorney General shall withhold, in whole or in part
9 (at the discretion of the Attorney General), funds for one
10 or more grants to the recipient under the covered pro-10
11 gram, until the recipient establishes compliance.

12 (c) PRIVATE PARTIES.—The Attorney General shall
13 provide notice and an opportunity for private parties to
14 present evidence to the Attorney General that a recipient
15 of a grant from any covered program is not in compliance
16 with the requirements of this part.

17 **SEC. 333. DATA COLLECTION DEMONSTRATION PROJECT.**

18 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA
19 COLLECTION.—

20 (1) IN GENERAL.—The Attorney General may,
21 through competitive grants or contracts, carry out a

2-year demonstration project for the purpose of de-22
23veloping and implementing data collection programs
on the hit rates for stops and searches by law en-24
25forcement agencies. The data collected shall be

□HR 1280 IH

1 disaggregated by race, ethnicity, national origin,
2 gender, and religion.

(2) NUMBER OF GRANTS.—The Attorney Gen-3
4 eral shall provide not more than 5 grants or con-4
5 tracts under this section.

6(3) ELIGIBLE GRANTEES.—Grants or contracts
7 under this section shall be awarded to law enforce-7
8 ment agencies that serve communities where there is
9 a significant concentration of racial or ethnic minori-9
10 ties and that are not already collecting data volun-10
11 tarily.

12(b) REQUIRED ACTIVITIES.—Activities carried out
13 with a grant under this section shall include—

(1) developing a data collection tool and report-14
15 ing the compiled data to the Attorney General; and
16(2) training of law enforcement personnel on
17 data collection, particularly for data collection on hit
18 rates for stops and searches.

19(c) EVALUATION.—Not later than 3 years after the
20 date of enactment of this Act, the Attorney General shall
21 enter into a contract with an institution of higher edu-21

22cation (as defined in section 101 of the Higher Education

Act of 1965 (20 U.S.C. 1001)) to analyze the data col-23
24lected by each of the grantees funded under this section.

□HR 1280 IH

1(d) AUTHORIZATION OF APPROPRIATIONS.—There
2are authorized to be appropriated to carry out activities
3under this section—

4(1) \$5,000,000, over a 2-year period, to carry
5out the demonstration program under subsection
6(a); and

7(2) \$500,000 to carry out the evaluation under
8subsection (c).

9**SEC. 334. DEVELOPMENT OF BEST PRACTICES.**

10(a) USE OF FUNDS REQUIREMENT.—Section 502(a)
11of title I of the Omnibus Crime Control and Safe Streets
12Act of 1968 (34 U.S.C. 10153(a)), as amended by sections
113 and 114, is amended by adding at the end the fol-13
14lowing:

15“(9) An assurance that, for each fiscal year
16covered by an application, the applicant will use not
17less than 10 percent of the total amount of the
18grant award for the fiscal year to develop and imple-18
19ment best practice devices and systems to eliminate
20racial profiling in accordance with section 334 of the
21End Racial and Religious Profiling Act of 2021.”.

22(b) DEVELOPMENT OF BEST PRACTICES.—Grant
23 amounts described in paragraph (9) of section 502(a) of
24 title I of the Omnibus Crime Control and Safe Streets Act
25 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)

□ HR 1280 IH

of this section, shall be for programs that include the following:

(1) The development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) The acquisition and use of technology to facilitate the accurate collection and analysis of data.

(3) The development and acquisition of feedback systems and technologies that identify law enforcement agents or units of agents engaged in, or at risk of engaging in, racial profiling or other misconduct.

(4) The establishment and maintenance of an administrative complaint procedure or independent auditor program.

SEC. 335. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this part.

PART IV—DATA COLLECTION

SEC. 341. ATTORNEY GENERAL TO ISSUE REGULATIONS.

22(a) REGULATIONS.—Not later than 6 months after
23the date of enactment of this Act, the Attorney General,
24in consultation with stakeholders, including Federal,
25State, and local law enforcement agencies and community,

□HR 1280 IH

1 professional, research, and civil rights organizations, shall
2 issue regulations for the collection and compilation of data
3 under sections 321 and 331.

4 (b) REQUIREMENTS.—The regulations issued under
5 subsection (a) shall—

6 (1) provide for the collection of data on all rou-
7 tine and spontaneous investigatory activities;

8 (2) provide that the data collected shall—

9 (A) be disaggregated by race, ethnicity, na-
10 tional origin, gender, disability, and religion;

11 (B) include the date, time, and location of
12 such investigatory activities;

13 (C) include detail sufficient to permit an
14 analysis of whether a law enforcement agency is
15 engaging in racial profiling; and

16 (D) not include personally identifiable in-
17 formation;

18 (3) provide that a standardized form shall be
19 made available to law enforcement agencies for the
20 submission of collected data to the Department of
21 Justice;

22(4) provide that law enforcement agencies shall
compile data on the standardized form made avail-23
24able under paragraph (3), and submit the form to

□HR 1280 IH

1the Civil Rights Division and the Department of
2Justice Bureau of Justice Statistics;
3(5) provide that law enforcement agencies shall
4maintain all data collected under this subtitle for not
5less than 4 years;
6(6) include guidelines for setting comparative
7benchmarks, consistent with best practices, against
8which collected data shall be measured;

(7) provide that the Department of Justice Bu-9
10reau of Justice Statistics shall—
11(A) analyze the data for any statistically
12significant disparities, including—
13(i) disparities in the percentage of
14drivers or pedestrians stopped relative to
15the proportion of the population passing
16through the neighborhood;
17(ii) disparities in the hit rate; and
18(iii) disparities in the frequency of
searches performed on racial or ethnic mi-19
20nority drivers and the frequency of
21searches performed on nonminority drivers;

22and

23(B) not later than 3 years after the date

of enactment of this Act, and annually there-24

25after—

□HR 1280 IH

1(i) prepare a report regarding the
2findings of the analysis conducted under
3subparagraph (A);
4(ii) provide such report to Congress;
5and
6(iii) make such report available to the
7public, including on a website of the De-7
8partment of Justice, and in accordance
9with accessibility standards under the
10Americans with Disabilities Act of 1990
11(42 U.S.C. 12101 et seq.); and
12(8) protect the privacy of individuals whose
13data is collected by—
14(A) limiting the use of the data collected
15under this subtitle to the purposes set forth in
16this subtitle;
17(B) except as otherwise provided in this
18subtitle, limiting access to the data collected
19under this subtitle to those Federal, State, or
20local employees or agents who require such ac-20
21cess in order to fulfill the purposes for the data

22set forth in this subtitle;

(C) requiring contractors or other non-23

24governmental agents who are permitted access

25to the data collected under this subtitle to sign

□HR 1280 IH

use agreements incorporating the use and dis-1
2closure restrictions set forth in subparagraph
3(A); and
4(D) requiring the maintenance of adequate
5 security measures to prevent unauthorized ac-5
6cess to the data collected under this subtitle.

7**SEC. 342. PUBLICATION OF DATA.**

8The Director of the Bureau of Justice Statistics of
9the Department of Justice shall provide to Congress and
10make available to the public, together with each annual
11 report described in section 341, the data collected pursu-11
12ant to this subtitle, excluding any personally identifiable
13information described in section 343.

14**SEC. 343. LIMITATIONS ON PUBLICATION OF DATA.**

The name or identifying information of a law enforce-15
16ment agent, complainant, or any other individual involved
17in any activity for which data is collected and compiled
18under this subtitle shall not be—
19(1) released to the public;
20(2) disclosed to any person, except for—
21(A) such disclosures as are necessary to

22 comply with this subtitle;

23(B) disclosures of information regarding a

24 particular person to that person; or

25(C) disclosures pursuant to litigation; or

HR 1280 IH

1(3) subject to disclosure under section 552 of
2title 5, United States Code (commonly known as the
3Freedom of Information Act), except for disclosures
4of information regarding a particular person to that
5person.

**PART V—DEPARTMENT OF JUSTICE REGULA-6
7TIONS AND REPORTS ON RACIAL PROFILING
8IN THE UNITED STATES**

**9SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS
10AND REPORTS.**

(a) REGULATIONS.—In addition to the regulations re-11
12quired under sections 333 and 341, the Attorney General
13shall issue such other regulations as the Attorney General
14determines are necessary to implement this subtitle.

15(b) REPORTS.—

16(1) IN GENERAL.—Not later than 2 years after
17the date of enactment of this Act, and annually
18thereafter, the Attorney General shall submit to

Congress a report on racial profiling by law enforce-19
20ment agencies.

21(2) SCOPE.—Each report submitted under

22paragraph (1) shall include—

(A) a summary of data collected under sec-23

24tions 321(b)(3) and 331(b)(3) and from any

□HR 1280 IH

1 other reliable source of information regarding
 2 racial profiling in the United States;
 3 (B) a discussion of the findings in the
 4 most recent report prepared by the Department
 5 of Justice Bureau of Justice Statistics under
 6 section 341(b)(7);

(C) the status of the adoption and imple-7
 8 mentation of policies and procedures by Federal
 9 law enforcement agencies under section 321
 10 and by the State and local law enforcement
 11 agencies under sections 331 and 332; and
 12 (D) a description of any other policies and
 13 procedures that the Attorney General believes
 14 would facilitate the elimination of racial
 15 profiling.

16 **Subtitle B—Additional Reforms**

17 **SEC. 361. TRAINING ON RACIAL BIAS AND DUTY TO INTER-**

18 **VE.**

(a) **IN GENERAL.**—The Attorney General shall estab-19
 20 lish—

(1) a training program for law enforcement of-21
ficers to cover racial profiling, implicit bias, and pro-22
23cedural justice; and

(2) a clear duty for Federal law enforcement of-24
ficers to intervene in cases where another law en-25

□HR 1280 IH

1 enforcement officer is using excessive force against a
 2 civilian, and establish a training program that covers
 3 the duty to intervene.

(b) MANDATORY TRAINING FOR FEDERAL LAW EN-4

5 FORCEMENT OFFICERS.—The head of each Federal law

6 enforcement agency shall require each Federal law en-6
 7 enforcement officer employed by the agency to complete the
 8 training programs established under subsection (a).

(c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-9

10 ginning in the first fiscal year that begins after the date
 11 that is one year after the date of enactment of this Act,
 12 a State or unit of local government may not receive funds
 13 under the Byrne grant program for a fiscal year if, on
 14 the day before the first day of the fiscal year, the State

or unit of local government does not require each law en-15
 16 enforcement officer in the State or unit of local government
 to complete the training programs established under sub-17
 18 section (a).

(d) GRANT TO TRAIN LAW ENFORCEMENT OFFI-19

20 CERS ON USE OF FORCE.—Section 501(a)(1) of title I of

21 the Omnibus Crime Control and Safe Streets Act of 1968

22(34 U.S.C. 10152(a)(1)) is amended by adding at the end
23the following:

HR 1280 IH

“(I) Training programs for law enforcement officers, including training programs on use of force and a duty to intervene.”.

SEC. 362. BAN ON NO-KNOCK WARRANTS IN DRUG CASES.

(a) BAN ON FEDERAL WARRANTS IN DRUG CASES.—

Section 509 of the Controlled Substances Act (21 U.S.C. 879) is amended by adding at the end the following: “A search warrant authorized under this section shall require that a law enforcement officer execute the search warrant

only after providing notice of his or her authority and purpose.”.

(b) LIMITATION ON ELIGIBILITY FOR FUNDS.—

Beginning in the first fiscal year that begins after the date that is one year after the date of enactment of this Act, a State or unit of local government may not receive funds under the COPS grant program for a fiscal year if, on the day before the first day of the fiscal year, the State or unit of local government does not have in effect a law that prohibits the issuance of a no-knock warrant in a drug case.

(c) DEFINITION.—In this section, the term “no-

knock warrant” means a warrant that allows a law en-22
23forcement officer to enter a property without requiring the
24law enforcement officer to announce the presence of the

□HR 1280 IH

law enforcement officer or the intention of the law enforce-1
2ment officer to enter the property.

3**SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**
4**CAROTID HOLDS.**

5(a) **DEFINITION.**—In this section, the term
6“chokehold or carotid hold” means the application of any
7pressure to the throat or windpipe, the use of maneuvers
8that restrict blood or oxygen flow to the brain, or carotid
9artery restraints that prevent or hinder breathing or re-
10duce intake of air of an individual.

(b) **LIMITATION ON ELIGIBILITY FOR FUNDS.**—Be-11
12ginning in the first fiscal year that begins after the date
13that is one year after the date of enactment of this Act,
14a State or unit of local government may not receive funds
15under the Byrne grant program or the COPS grant pro-
16gram for a fiscal year if, on the day before the first day
17of the fiscal year, the State or unit of local government
18does not have in effect a law that prohibits law enforce-
19ment officers in the State or unit of local government from
20using a chokehold or carotid hold.

21(c) **CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.**—

22(1) SHORT TITLE.—This subsection may be
23cited as the “Eric Garner Excessive Use of Force
24Prevention Act”.

□HR 1280 IH

(2) CHOKEHOLDS AS CIVIL RIGHTS VIOLA-1

2TIONS.—Section 242 of title 18, United States Code,

3as amended by section 101, is amended by adding

4at the end the following: “For the purposes of this

5section, the application of any pressure to the throat

6or windpipe, use of maneuvers that restrict blood or

7oxygen flow to the brain, or carotid artery restraints

8which prevent or hinder breathing or reduce intake

9of air is a punishment, pain, or penalty.”.

10SEC. 364. PEACE ACT.

11(a) SHORTTITLE.—This section may be cited as the

12“Police Exercising Absolute Care With Everyone Act of

132021” or the “PEACE Act of 2021”.

(b) USE OFFORCE BYFEDERALLAWENFORCE-14

15MENTOFFICERS.—

16(1) DEFINITIONS.—In this subsection:

(A) DEESCALATION TACTICS AND TECH-17

18NIQUES.—The term “deescalation tactics and

techniques” means proactive actions and ap-19

proaches used by a Federal law enforcement of-20

21ficer to stabilize the situation so that more

22time, options, and resources are available to

gain a person's voluntary compliance and re-23

duce or eliminate the need to use force, includ-24

ing verbal persuasion, warnings, tactical tech-25

□HR 1280 IH

1niques, slowing down the pace of an incident,
2waiting out a subject, creating distance between
the officer and the threat, and requesting addi-3
4tional resources to resolve the incident.

5(B) NECESSARY.—The term “necessary”

means that another reasonable Federal law en-6
7forcement officer would objectively conclude,
8under the totality of the circumstances, that
9there was no reasonable alternative to the use
10of force.

11(C) REASONABLE ALTERNATIVES.—

(i) IN GENERAL.—The term “reason-12
able alternatives” means tactics and meth-13
ods used by a Federal law enforcement of-14
15ficer to effectuate an arrest that do not
16unreasonably increase the risk posed to the
17law enforcement officer or another person,
18including verbal communication, distance,
warnings, deescalation tactics and tech-19
20niques, tactical repositioning, and other
21tactics and techniques intended to stabilize

22the situation and reduce the immediacy of

the risk so that more time, options, and re-23

24sources can be called upon to resolve the

25situation without the use of force.

□HR 1280 IH

1(ii) DEADLY FORCE.—With respect to

2 the use of deadly force, the term “reason-
3 able alternatives” includes the use of less
4 lethal force.

5(D) TOTALITY OF THE CIRCUMSTANCES.—

6The term “totality of the circumstances” means

7 all credible facts known to the Federal law en-
8 forcement officer leading up to and at the time
9 of the use of force, including the actions of the
10 person against whom the Federal law enforce-
11 ment officer uses such force and the actions of
12 the Federal law enforcement officer.

13(2) PROHIBITION ON LESS LETHAL FORCE.—A

14 Federal law enforcement officer may not use any
15 less lethal force unless—

16(A) the form of less lethal force used is

17 necessary and proportional in order to effec-
18 tuate an arrest of a person who the officer has
19 probable cause to believe has committed a
20 criminal offense; and

21(B) reasonable alternatives to the use of

the form of less lethal force have been ex-22

23hausted.

HR 1280 IH

1(3) PROHIBITION ON DEADLY USE OF FORCE.—

2A Federal law enforcement officer may not use

3deadly force against a person unless—

(A) the form of deadly force used is nec-4

5essary, as a last resort, to prevent imminent

6and serious bodily injury or death to the officer

7or another person;

(B) the use of the form of deadly force cre-8

ates no substantial risk of injury to a third per-9

10son; and

11(C) reasonable alternatives to the use of

12the form of deadly force have been exhausted.

(4) REQUIREMENT TO GIVE VERBAL WARN-13

14ING.—When feasible, prior to using force against a

person, a Federal law enforcement officer shall iden-15

16tify himself or herself as a Federal law enforcement

17officer, and issue a verbal warning to the person

that the Federal law enforcement officer seeks to ap-18

19prehend, which shall—

(A) include a request that the person sur-20

21render to the law enforcement officer; and

(B) notify the person that the law enforce-22
23ment officer will use force against the person if
24the person resists arrest or flees.

HR 1280 IH

1(5) GUIDANCE ON USE OF FORCE.—Not later

2than 120 days after the date of enactment of this

Act, the Attorney General, in consultation with im-3

pacted persons, communities, and organizations, in-4

cluding representatives of civil and human rights or-5

ganizations, victims of police use of force, and rep-6

7representatives of law enforcement associations, shall

provide guidance to Federal law enforcement agen-8

9cies on—

(A) the types of less lethal force and dead-10

11ly force that are prohibited under paragraphs

12(2) and (3); and

13(B) how a Federal law enforcement officer

14can—

15(i) assess whether the use of force is

16appropriate and necessary; and

17(ii) use the least amount of force

18when interacting with—

19(I) pregnant individuals;

20(II) children and youth under 21

21years of age;

22(III) elderly persons;

(IV) persons with mental, behav-23
ioral, or physical disabilities or im-24

25pairments;

□HR 1280 IH

(V) persons experiencing perceptual or cognitive impairments due to use of alcohol, narcotics, hallucinogens, or other drugs;

(VI) persons suffering from a serious medical condition; and
(VII) persons with limited English proficiency.

(6) TRAINING.—The Attorney General shall provide training to Federal law enforcement officers on interacting people described in subclauses (I) through (VII) of paragraph (5)(B)(ii).

(7) LIMITATION ON JUSTIFICATION DEFENSE.—

(A) IN GENERAL.—Chapter 51 of title 18,

United States Code, is amended by adding at the end the following:

“§ 1123. Limitation on justification defense for Federal law enforcement officers

(a) IN GENERAL.—It is not a defense to an offense

under section 1111 or 1112 that the use of less lethal

22force or deadly force by a Federal law enforcement officer

23was justified if—

HR 1280 IH

1“(1) that officer’s use of use of such force was
2inconsistent with section 364(b) of the George Floyd
3Justice in Policing Act of 2021; or

4“(2) that officer’s gross negligence, leading up
5to and at the time of the use of force, contributed
6to the necessity of the use of such force.

7“(b) DEFINITIONS.—In this section—

8“(1) the terms ‘deadly force’ and ‘less lethal
9force’ have the meanings given such terms in section
102 and section 364 of the George Floyd Justice in
11Policing Act of 2021; and

12“(2) the term ‘Federal law enforcement officer’
13has the meaning given such term in section 115.”.

14(B) CLERICAL AMENDMENT.—The table of
15sections for chapter 51 of title 18, United
16States Code, is amended by inserting after the
17item relating to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement offi-
cers.”.

18(c) LIMITATION ON THERECEIPT OFFUNDSUNDER

19THEEDWARDBYRNEMEMORIALJUSTICEASSISTANCE

20GRANTPROGRAM.—

(1) LIMITATION.—A State or unit of local gov-21
ernment, other than an Indian Tribe, may not re-22
ceive funds that the State or unit of local govern-23
24ment would otherwise receive under a Byrne grant

□HR 1280 IH

1 program for a fiscal year if, on the day before the
2 first day of the fiscal year, the State or unit of local
3 government does not have in effect a law that is con-3
4 sistent with subsection (b) of this section and section
5 1123 of title 18, United States Code, as determined
6 by the Attorney General.

7 (2) SUBSEQUENT ENACTMENT.—

8 (A) IN GENERAL.—If funds described in
9 paragraph (1) are withheld from a State or unit
10 of local government pursuant to paragraph (1)
11 for 1 or more fiscal years, and the State or unit
12 of local government enacts or puts in place a
13 law described in paragraph (1), and dem-13
14 onstrates substantial efforts to enforce such
15 law, subject to subparagraph (B), the State or
16 unit of local government shall be eligible, in the
17 fiscal year after the fiscal year during which the
18 State or unit of local government demonstrates
19 such substantial efforts, to receive the total
20 amount that the State or unit of local govern-20

21 ment would have received during each fiscal

22year for which funds were withheld.

23(B) LIMIT ON AMOUNT OF PRIOR YEAR

24FUNDS.—A State or unit of local government

25may not receive funds under subparagraph (A)

□HR 1280 IH

1 in an amount that is more than the amount
2 withheld from the State or unit of local govern-2
3 ment during the 5-fiscal-year period before the
4 fiscal year during which funds are received
5 under subparagraph (A).

6(3) GUIDANCE.—Not later than 120 days after
7 the date of enactment of this Act, the Attorney Gen-7
8 eral, in consultation with impacted persons, commu-8
9 nities, and organizations, including representatives
10 of civil and human rights organizations, individuals
11 against whom a law enforcement officer used force,
12 and representatives of law enforcement associations,
13 shall make guidance available to States and units of
14 local government on the criteria that the Attorney
15 General will use in determining whether the State or
16 unit of local government has in place a law described
17 in paragraph (1).

18(4) APPLICATION.—This subsection shall apply
19 to the first fiscal year that begins after the date that
20 is 1 year after the date of the enactment of this Act,
21 and each fiscal year thereafter.

22SEC. 365. STOP MILITARIZING LAW ENFORCEMENT ACT.

(a) FINDINGS.—Congress makes the following findings:

□HR 1280 IH

1(1) Under section 2576a of title 10, United

States Code, the Department of Defense is author-2
ized to provide excess property to local law enforce-3
ment agencies. The Defense Logistics Agency, ad-4
ministers such section by operating the Law En-5
6forcement Support Office program.

(2) New and used material, including mine-re-7
sistant ambush-protected vehicles and weapons de-8
termined by the Department of Defense to be “mili-9
10tary grade” are transferred to Federal, Tribal,
11State, and local law enforcement agencies through
12the program.

13(3) As a result local law enforcement agencies,
including police and sheriff’s departments, are ac-14
quiring this material for use in their normal oper-15
16ations.

(4) As a result of the wars in Iraq and Afghani-17
18stan, military equipment purchased for, and used in,
19those wars has become excess property and has been
20made available for transfer to local and Federal law
21enforcement agencies.

22(5) In Fiscal Year 2017, \$504,000,000 worth
23of property was transferred to law enforcement
24agencies.

□HR 1280 IH

(6) More than \$6,800,000,000 worth of weapons and equipment have been transferred to police organizations in all 50 States and four territories through the program.

(7) In May 2012, the Defense Logistics Agency instituted a moratorium on weapons transfers through the program after reports of missing equipment and inappropriate weapons transfers.

(8) Though the moratorium was widely publicized, it was lifted in October 2013 without adequate safeguards.

(9) On January 16, 2015, President Barack Obama issued Executive Order 13688 to better coordinate and regulate the federal transfer of military weapons and equipment to State, local, and Tribal law enforcement agencies.

(10) In July, 2017, the Government Accountability Office reported that the program's internal controls were inadequate to prevent fraudulent applicants' access to the program.

(11) On August, 28, 2017, President Donald

22 Trump rescinded Executive Order 13688 despite a
23 July 2017 Government Accountability Office report
24 finding deficiencies with the administration of the
25 1033 program.

□ HR 1280 IH

1(12) As a result, Federal, State, and local law
 2 enforcement departments across the country are eli-2
 3gible again to acquire free “military-grade” weapons
 4and equipment that could be used inappropriately
 5during policing efforts in which people and taxpayers
 6could be harmed.

7(13) The Department of Defense categorizes
 8 equipment eligible for transfer under the 1033 pro-8
 9 gram as “controlled” and “un-controlled” equip-9
 10 ment. “Controlled equipment” includes weapons, ex-10
 11plosives such as flash-bang grenades, mine-resistant
 12 ambush-protected vehicles, long-range acoustic de-12
 13 vices, aircraft capable of being modified to carry ar-13
 14mament that are combat coded, and silencers,
 15among other military grade items.

16(b) LIMITATION ON DEPARTMENT OF DEFENSE

TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-17

18FORCEMENT AGENCIES.—

19(1) IN GENERAL.—Section 2576a of title 10,

20United States Code, is amended—

21(A) in subsection (a)—

22(i) in paragraph (1)(A), by striking

“counterdrug, counterterrorism, and bor-23

24der security activities” and inserting

25“counterterrorism”; and

□HR 1280 IH

1(ii) in paragraph (2), by striking “,

the Director of National Drug Control Pol-2

3icy,”;

4(B) in subsection (b)—

5(i) in paragraph (5), by striking

6“and” at the end;

7(ii) in paragraph (6), by striking the

8period and inserting a semicolon; and

(iii) by adding at the end the fol-9

10lowing new paragraphs:

11“(7) the recipient submits to the Department of

12Defense a description of how the recipient expects to

13use the property;

14“(8) the recipient certifies to the Department of

15Defense that if the recipient determines that the

16property is surplus to the needs of the recipient, the

17recipient will return the property to the Department

18of Defense;

19“(9) with respect to a recipient that is not a

Federal agency, the recipient certifies to the Depart-20

21ment of Defense that the recipient notified the local

22community of the request for personal property

23under this section by—

24“(A) publishing a notice of such request on

25a publicly accessible Internet website;

□HR 1280 IH

“(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

“(C) ensuring that such notices were available to the local community for a period of not less than 30 days; and

“(10) the recipient has received the approval of the city council or other local governing body to acquire the personal property sought under this section.”;

(C) by striking subsection (d);

(D) by redesignating subsections (e) and

(f) as subsections (o) and (p), respectively; and

(E) by inserting after subsection (c) the

following new subsections:

“(d) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each Federal or State agency to which the Secretary has transferred property under this section—

“(A) has provided to the Secretary documenta-

22tion accounting for all controlled property, including
arms and ammunition, that the Secretary has trans-23
24ferred to the agency, including any item described in
25subsection (f) so transferred before the date of the

□HR 1280 IH

1enactment of the George Floyd Justice in Policing
2Act of 2021; and

“(B) with respect to a non-Federal agency, car-3
ried out each of paragraphs (5) through (8) of sub-4
5section (b).

6“(2) If the Secretary does not provide a certification
7under paragraph (1) for a Federal or State agency, the
8Secretary may not transfer additional property to that
9agency under this section.

“(e) ANNUALREPORT ONEXCESSPROPERTY.—Be-10
11fore making any property available for transfer under this
12section, the Secretary shall annually submit to Congress
13a description of the property to be transferred together
14with a certification that the transfer of the property would
15not violate this section or any other provision of law.

“(f) LIMITATIONS ONTRANSFERS.—(1) The Sec-16
17retary may not transfer to Federal, Tribal, State, or local
18law enforcement agencies the following under this section:
19“(A) Firearms, ammunition, bayonets, grenade
20launchers, grenades (including stun and flash-bang),
21and explosives.

22“(B) Vehicles, except for passenger automobiles
23(as such term is defined in section 32901(a)(18) of
24title 49, United States Code) and bucket trucks.
25“(C) Drones.

□HR 1280 IH

1“(D) Controlled aircraft that—

2“(i) are combat configured or combat

3coded; or

4“(ii) have no established commercial flight

5application.

6“(E) Silencers.

7“(F) Long-range acoustic devices.

8“(G) Items in the Federal Supply Class of

9banned items.

10“(2) The Secretary may not require, as a condition

11of a transfer under this section, that a Federal or State

agency demonstrate the use of any small arms or ammuni-12

13tion.

14“(3) The limitations under this subsection shall also

15apply with respect to the transfer of previously transferred

16property of the Department of Defense from one Federal

17or State agency to another such agency.

18“(4)(A) The Secretary may waive the applicability of

19paragraph (1) to a vehicle described in subparagraph (B)

20of such paragraph (other than a mine-resistant ambush-

21protected vehicle), if the Secretary determines that such

22a waiver is necessary for disaster or rescue purposes or
23for another purpose where life and public safety are at
risk, as demonstrated by the proposed recipient of the ve-24
25hicle.

□HR 1280 IH

“(B) If the Secretary issues a waiver under subpara-1
2graph (A), the Secretary shall—

3“(i) submit to Congress notice of the waiver,
4and post such notice on a public Internet website of
5the Department, by not later than 30 days after the
6date on which the waiver is issued; and

7“(ii) require, as a condition of the waiver, that
8the recipient of the vehicle for which the waiver is
9issued provides public notice of the waiver and the

transfer, including the type of vehicle and the pur-10
11pose for which it is transferred, in the jurisdiction
12where the recipient is located by not later than 30
13days after the date on which the waiver is issued.

14“(5) The Secretary may provide for an exemption to
15the limitation under subparagraph (D) of paragraph (1)

in the case of parts for aircraft described in such subpara-16
17graph that are transferred as part of regular maintenance
18of aircraft in an existing fleet.

19“(6) The Secretary shall require, as a condition of
any transfer of property under this section, that the Fed-20
21eral or State agency that receives the property shall return

22the property to the Secretary if the agency—

“(A) is investigated by the Department of Jus-23

24tice for any violation of civil liberties; or

□HR 1280 IH

1“(B) is otherwise found to have engaged in
2widespread abuses of civil liberties.

3“(g) CONDITIONS FOREXTENSION OFPROGRAM.—

4 Notwithstanding any other provision of law, amounts au-4
5thorized to be appropriated or otherwise made available
6for any fiscal year may not be obligated or expended to

7 carry out this section unless the Secretary submits to Con-7
8gress certification that for the preceding fiscal year that—

9 “(1) each Federal or State agency that has re-9
10 ceived controlled property transferred under this sec-10
11tion has—

12 “(A) demonstrated 100 percent account-12
13ability for all such property, in accordance with

14paragraph (2) or (3), as applicable; or

15“(B) been suspended from the program

16pursuant to paragraph (4);

17“(2) with respect to each non-Federal agency

18 that has received controlled property under this sec-18
19tion, the State coordinator responsible for each such

20agency has verified that the coordinator or an agent

21 of the coordinator has conducted an in-person inven-21

22tory of the property transferred to the agency and
23that 100 percent of such property was accounted for
24during the inventory or that the agency has been

HR 1280 IH

1suspended from the program pursuant to paragraph
2(4);

3“(3) with respect to each Federal agency that
4has received controlled property under this section,
5the Secretary of Defense or an agent of the Sec-5
6retary has conducted an in-person inventory of the
7property transferred to the agency and that 100 per-7
8cent of such property was accounted for during the
9inventory or that the agency has been suspended
10from the program pursuant to paragraph (4);

“(4) the eligibility of any agency that has re-11
12ceived controlled property under this section for
13which 100 percent of the property was not ac-13
14counted for during an inventory described in para-14
15graph (1) or (2), as applicable, to receive any prop-15
16erty transferred under this section has been sus-16
17pended; and

18“(5) each State coordinator has certified, for
19each non-Federal agency located in the State for
20which the State coordinator is responsible that—

“(A) the agency has complied with all re-21

22quirements under this section; or
23“(B) the eligibility of the agency to receive
24property transferred under this section has been
25suspended; and

HR 1280 IH

1“(6) the Secretary of Defense has certified, for
 2each Federal agency that has received property
 3under this section that—

4“(A) the agency has complied with all re-
 5quirements under this section; or

6“(B) the eligibility of the agency to receive
 7property transferred under this section has been
 8suspended.

9“(h) PROHIBITION ON OWNERSHIP OF CONTROLLED

10PROPERTY.—A Federal or State agency that receives con-
 11trolled property under this section may not take ownership
 12of the property.

13“(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
 14GRADES.—Not later than 30 days before downgrading the

15classification of any item of personal property from con-
 16trolled or Federal Supply Class, the Secretary shall submit
 17to Congress notice of the proposed downgrade.

18“(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
 19IZATION.—Before the Defense Logistics Agency author-

20izes the recipient of property transferred under this sec-
 21tion to cannibalize the property, the Secretary shall submit

22to Congress notice of such authorization, including the
23name of the recipient requesting the authorization, the
24purpose of the proposed cannibalization, and the type of
25property proposed to be cannibalized.

□HR 1280 IH

1“(k) QUARTERLY REPORTS ON USE OF CONTROLLED
2EQUIPMENT.—Not later than 30 days after the last day
3of a fiscal quarter, the Secretary shall submit to Congress
4a report on any uses of controlled property transferred
5under this section during that fiscal quarter.

6“(1) REPORTS TO CONGRESS.—Not later than 30
7days after the last day of a fiscal year, the Secretary shall
submit to Congress a report on the following for the pre-8
9ceding fiscal year:

“(1) The percentage of equipment lost by re-10
11ipients of property transferred under this section,
12including specific information about the type of
13property lost, the monetary value of such property,
14and the recipient that lost the property.

15“(2) The transfer of any new (condition code
16A) property transferred under this section, including
17specific information about the type of property, the
18recipient of the property, the monetary value of each
19item of the property, and the total monetary value
20of all such property transferred during the fiscal
21year.”.

22(2) EFFECTIVE DATE.—The amendments made
23by paragraph (1) shall apply with respect to any
transfer of property made after the date of the en-24
25actment of this Act.

HR 1280 IH

1 SEC. 366. PUBLIC SAFETY INNOVATION GRANTS.

2 (a) BYRNE GRANTS USED FOR LOCAL TASK FORCES

3 ON PUBLIC SAFETY INNOVATION.—Section 501(a) of the

4 Omnibus Crime Control and Safe Streets Act of 1968 (34

5 U.S.C. 10151(a)), as amended by this Act, is further

6 amended by adding at the end the following:

7 “(3) LOCAL TASK FORCES ON PUBLIC SAFETY

8 INNOVATION.—

9 “(A) IN GENERAL.—A law enforcement

10 program under paragraph (1)(A) may include

11 the development of best practices for and the

creation of local task forces on public safety in-12

13 novation, charged with exploring and developing

14 new strategies for public safety, including non-

15 law enforcement strategies.

16 “(B) DEFINITION.—The term ‘local task

force on public safety innovation’ means an ad-17

18 ministrative entity, created from partnerships

19 between community-based organizations and

other local stakeholders, that may develop inno-20

vative law enforcement and non-law enforce-21

22ment strategies to enhance just and equitable
23public safety, repair breaches of trust between
24law enforcement agencies and the community
25they pledge to serve, and enhance accountability
26of law enforcement officers.”.

□HR 1280 IH

1(b) CRISISINTERVENTIONTEAMS.—Section 501(c)
2of title I of the Omnibus Crime Control and Safe Streets
3Act of 1968 (34 U.S.C. 10152(c)) is amended by adding
4at the end the following:

5“(3) In the case of crisis intervention teams
funded under subsection (a)(1)(H), a program as-6
7essment under this subsection shall contain a report
8on best practices for crisis intervention.”.

9(c) USE OFCOPS GRANTPROGRAMTOHIRELAW
10ENFORCEMENTOFFICERSWHOARERESIDENTS OF THE
11COMMUNITIESTHEYSERVE.—Section 1701(b) of title I
12of the Omnibus Crime Control and Safe Streets Act of
131968 (34 U.S.C. 10381(b)), as amended by this Act, is
14further amended—

15(1) by redesignating paragraphs (23) and (24)
16as paragraphs (26) and (27), respectively;
17(2) in paragraph (26), as so redesignated, by
18striking “(22)” and inserting “(25)”; and

(3) by inserting after paragraph (22) the fol-19
20lowing:

“(23) to recruit, hire, incentivize, retain, de-21

velop, and train new, additional career law enforce-22
23ment officers or current law enforcement officers
24who are willing to relocate to communities—

□HR 1280 IH

1“(A) where there are poor or fragmented
2relationships between police and residents of the
3community, or where there are high incidents of
4crime; and

5“(B) that are the communities that the law
6enforcement officers serve, or that are in close
7proximity to the communities that the law en-
8forcement officers serve;

“(24) to collect data on the number of law en-
9forcement officers who are willing to relocate to the
10communities where they serve, and whether such law
11enforcement officer relocations have impacted crime
12in such communities;

14“(25) to develop and publicly report strategies
15and timelines to recruit, hire, promote, retain, de-
16velop, and train a diverse and inclusive law enforce-
17ment workforce, consistent with merit system prin-
18ciples and applicable law;”.

19**Subtitle C—Law Enforcement Body**

20**Cameras**

21PART 1—FEDERAL POLICE CAMERA AND

22ACCOUNTABILITY ACT

23SEC. 371. SHORT TITLE.

This part may be cited as the “Federal Police Cam-24
25era and Accountability Act”.

□HR 1280 IH

**SEC. 372. REQUIREMENTS FOR FEDERAL LAW ENFORCE-1
2MENT OFFICERS REGARDING THE USE OF
3BODY CAMERAS.**

4(a) **DEFINITIONS.**—In this section:

(1) **MINOR.**—The term “minor” means any in-5
6dividual under 18 years of age.

7(2) **SUBJECT OF THE VIDEO FOOTAGE.**—The
8term “subject of the video footage”—

(A) means any identifiable Federal law en-9
10forcement officer or any identifiable suspect,
11victim, detainee, conversant, injured party, or
12other similarly situated person who appears on
13the body camera recording; and

(B) does not include people who only inci-14
15dentally appear on the recording.

(3) **VIDEO FOOTAGE.**—The term “video foot-16
17age” means any images or audio recorded by a body
18camera.

19(b) **REQUIREMENT TO WEAR BODY CAMERA.**—

(1) **IN GENERAL.**—Federal law enforcement of-20
21ficers shall wear a body camera.

22(2) REQUIREMENT FOR BODY CAMERA.—A

23body camera required under paragraph (1) shall—

24(A) have a field of view at least as broad

25as the officer’s vision; and

□HR 1280 IH

1(B) be worn in a manner that maximizes
2the camera's ability to capture video footage of
3the officer's activities.

4(c) REQUIREMENT TO ACTIVATE.—

(1) IN GENERAL.—Both the video and audio re-5
6cording functions of the body camera shall be acti-6
7vated whenever a Federal law enforcement officer is
8responding to a call for service or at the initiation
9of any other law enforcement or investigative stop
10(as such term is defined in section 373) between a
11Federal law enforcement officer and a member of
12the public, except that when an immediate threat to
13the officer's life or safety makes activating the cam-13
14era impossible or dangerous, the officer shall acti-14
15vate the camera at the first reasonable opportunity
16to do so.

17(2) ALLOWABLE DEACTIVATION.—The body
18camera shall not be deactivated until the stop has
19fully concluded and the Federal law enforcement of-19
20ficer leaves the scene.

21(d) NOTIFICATION OF SUBJECT OF RECORDING.—A

22Federal law enforcement officer who is wearing a body
23camera shall notify any subject of the recording that he
24or she is being recorded by a body camera as close to the
25inception of the stop as is reasonably possible.

□HR 1280 IH

1(e) REQUIREMENTS.—Notwithstanding subsection 2(c), the following shall apply to the use of a body camera:

(1) Prior to entering a private residence with-3
4out a warrant or in non-exigent circumstances, a
Federal law enforcement officer shall ask the occu-5
6pant if the occupant wants the officer to discontinue
use of the officer’s body camera. If the occupant re-7
8sponds affirmatively, the Federal law enforcement
9officer shall immediately discontinue use of the body
10camera.

11(2) When interacting with an apparent crime
12victim, a Federal law enforcement officer shall, as
13soon as practicable, ask the apparent crime victim if
the apparent crime victim wants the officer to dis-14
continue use of the officer’s body camera. If the ap-15
parent crime victim responds affirmatively, the Fed-16
eral law enforcement officer shall immediately dis-17
18continue use of the body camera.

19(3) When interacting with a person seeking to
20anonymously report a crime or assist in an ongoing
law enforcement investigation, a Federal law en-21

22forcement officer shall, as soon as practicable, ask
the person seeking to remain anonymous, if the per-23
24son seeking to remain anonymous wants the officer
25to discontinue use of the officer's body camera. If

□HR 1280 IH

1 the person seeking to remain anonymous responds
2 affirmatively, the Federal law enforcement officer
3 shall immediately discontinue use of the body cam-
4 era.

5 (f) RECORDING OF OFFER TO DISCONTINUE USE

6 OF BODY CAMERA.—Each offer of a Federal law enforce-
7 ment officer to discontinue the use of a body camera made
8 pursuant to subsection (e), and the responses thereto,
9 shall be recorded by the body camera prior to dis-
10 continuing use of the body camera.

11 (g) LIMITATIONS ON USE OF BODY CAMERA.—Body

12 cameras shall not be used to gather intelligence informa-
13 tion based on First Amendment protected speech, associa-
14 tions, or religion, or to record activity that is unrelated
15 to a response to a call for service or a law enforcement
16 or investigative stop between a law enforcement officer
17 and a member of the public, and shall not be equipped
18 with or employ any facial recognition technologies.

19 (h) EXCEPTIONS.—Federal law enforcement offi-
20 cers—

21 (1) shall not be required to use body cameras

22during investigative or enforcement stops with the

23public in the case that—

HR 1280 IH

1(A) recording would risk the safety of a
confidential informant, citizen informant, or un-2
3dercover officer;
4(B) recording would pose a serious risk to
5national security; or
6(C) the officer is a military police officer,
7a member of the United States Army Criminal
8Investigation Command, or a protective detail
9assigned to a Federal or foreign official while
10performing his or her duties; and
11(2) shall not activate a body camera while on
the grounds of any public, private or parochial ele-12
mentary or secondary school, except when respond-13
14ing to an imminent threat to life or health.

15(i) RETENTION OFFOOTAGE.—

16(1) IN GENERAL.—Body camera video footage
17shall be retained by the law enforcement agency that
employs the officer whose camera captured the foot-18
19age, or an authorized agent thereof, for 6 months
20after the date it was recorded, after which time such
21footage shall be permanently deleted.

22(2) RIGHT TO INSPECT.—During the 6-month
retention period described in paragraph (1), the following persons shall have the right to inspect the
body camera footage:

□HR 1280 IH

1(A) Any person who is a subject of body
2camera video footage, and their designated legal
3counsel.

4(B) A parent or legal guardian of a minor
5subject of body camera video footage, and their
6designated legal counsel.

(C) The spouse, next of kin, or legally au-7
8thorized designee of a deceased subject of body
9camera video footage, and their designated legal
10counsel.

11(D) A Federal law enforcement officer
12whose body camera recorded the video footage,
13and their designated legal counsel, subject to
14the limitations and restrictions in this part.

15(E) The superior officer of a Federal law
enforcement officer whose body camera re-16
corded the video footage, subject to the limita-17
18tions and restrictions in this part.

(F) Any defense counsel who claims, pur-19
suant to a written affidavit, to have a reason-20
able basis for believing a video may contain evi-21

22dence that exculpates a client.

23(3) LIMITATION.—The right to inspect subject

24to subsection (j)(1) shall not include the right to

possess a copy of the body camera video footage, un-25

□HR 1280 IH

less the release of the body camera footage is otherwise authorized by this part or by another applicable law. When a body camera fails to capture some or all of the audio or video of an incident due to malfunction, displacement of camera, or any other cause, any audio or video footage that is captured shall be treated the same as any other body camera audio or video footage under this part.

(j) ADDITIONAL RETENTION REQUIREMENTS.—Notwithstanding the retention and deletion requirements in subsection (i), the following shall apply to body camera video footage under this part:

(1) Body camera video footage shall be automatically retained for not less than 3 years if the video footage captures an interaction or event involving—

(A) any use of force; or

(B) an stop about which a complaint has been registered by a subject of the video footage.

(2) Body camera video footage shall be retained

22for not less than 3 years if a longer retention period

23is voluntarily requested by—

24(A) the Federal law enforcement officer

25whose body camera recorded the video footage,

□HR 1280 IH

if that officer reasonably asserts the video foot-1
2age has evidentiary or exculpatory value in an
3ongoing investigation;
4(B) any Federal law enforcement officer
 who is a subject of the video footage, if that of-5
6ficer reasonably asserts the video footage has
7evidentiary or exculpatory value;
8(C) any superior officer of a Federal law
 enforcement officer whose body camera re-9
10corded the video footage or who is a subject of
 the video footage, if that superior officer rea-11
 sonably asserts the video footage has evi-12
13dentiary or exculpatory value;
14(D) any Federal law enforcement officer, if
15the video footage is being retained solely and
16exclusively for police training purposes;
17(E) any member of the public who is a
18subject of the video footage;
19(F) any parent or legal guardian of a
20minor who is a subject of the video footage; or
21(G) a deceased subject's spouse, next of

22kin, or legally authorized designee.

(k) PUBLICREVIEW.—For purposes of subpara-23
24graphs (E), (F), and (G) of subsection (j)(2), any member
25of the public who is a subject of video footage, the parent

□HR 1280 IH

1 or legal guardian of a minor who is a subject of the video
2 footage, or a deceased subject's next of kin or legally au-2
3 thorized designee, shall be permitted to review the specific
4 video footage in question in order to make a determination
5 as to whether they will voluntarily request it be subjected
6 to a minimum 3-year retention period.

7 (1) DISCLOSURE.—

8 (1) IN GENERAL.—Except as provided in para-8
9 graph (2), all video footage of an interaction or
10 event captured by a body camera, if that interaction
11 or event is identified with reasonable specificity and
12 requested by a member of the public, shall be pro-12
13 vided to the person or entity making the request in
14 accordance with the procedures for requesting and
15 providing government records set forth in the section
16 552a of title 5, United States Code.

17 (2) EXCEPTIONS.—The following categories of
18 video footage shall not be released to the public in
19 the absence of express written permission from the
20 non-law enforcement subjects of the video footage:

(A) Video footage not subject to a min-21

imum 3-year retention period pursuant to sub-22
23section (j).

(B) Video footage that is subject to a min-24
imum 3-year retention period solely and exclu-25

□HR 1280 IH

1sively pursuant to paragraph (1)(B) or (2) of
2subsection (j).

3(3) PRIORITY OF REQUESTS.—Notwithstanding
4any time periods established for acknowledging and
5responding to records requests in section 552a of
6title 5, United States Code, responses to requests for
7video footage that is subject to a minimum 3-year
8retention period pursuant to subsection (j)(1)(A),
9where a subject of the video footage is recorded
10being killed, shot by a firearm, or grievously injured,
11shall be prioritized and, if approved, the requested
12video footage shall be provided as expeditiously as
13possible, but in no circumstances later than 5 days
14following receipt of the request.

15(4) USE OF REDACTION TECHNOLOGY.—

16(A) IN GENERAL.—Whenever doing so is
17necessary to protect personal privacy, the right
18to a fair trial, the identity of a confidential
19source or crime victim, or the life or physical
20safety of any person appearing in video footage,
21redaction technology may be used to obscure

the face and other personally identifying char-22
23acteristics of that person, including the tone of
24the person's voice, provided the redaction does
25not interfere with a viewer's ability to fully,

□HR 1280 IH

1 completely, and accurately comprehend the
2 events captured on the video footage.

(B) REQUIREMENTS.—The following re-3
4 requirements shall apply to redactions under sub-4
5 paragraph (A):

6 (i) When redaction is performed on
7 video footage pursuant to this paragraph,
8 an unedited, original version of the video
9 footage shall be retained pursuant to the
10 requirements of subsections (i) and (j).

11 (ii) Except pursuant to the rules for
12 the redaction of video footage set forth in

13 this subsection or where it is otherwise ex-13
14 pressly authorized by this Act, no other ed-14
15 iting or alteration of video footage, includ-15
16 ing a reduction of the video footage's reso-16
17 lution, shall be permitted.

18 (m) PROHIBITED WITHHOLDING OF FOOTAGE.—

19 Body camera video footage may not be withheld from the
20 public on the basis that it is an investigatory record or

was compiled for law enforcement purposes where any per-21

22son under investigation or whose conduct is under review
23is a police officer or other law enforcement employee and
24the video footage relates to that person's conduct in their
25official capacity.

HR 1280 IH

(n) ADMISSIBILITY.—Any video footage retained beyond 6 months solely and exclusively pursuant to subsection (j)(2)(D) shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.

(o) CONFIDENTIALITY.—No government agency or official, or law enforcement agency, officer, or official may publicly disclose, release, or share body camera video footage unless—

(1) doing so is expressly authorized pursuant to this part or another applicable law; or

(2) the video footage is subject to public release pursuant to subsection (l), and not exempted from public release pursuant to subsection (l)(1).

(p) LIMITATION ON FEDERAL LAW ENFORCEMENT

OFFICER VIEWING OF BODY CAMERA FOOTAGE.—No

Federal law enforcement officer shall review or receive an

accounting of any body camera video footage that is sub-

ject to a minimum 3-year retention period pursuant to

subsection (j)(1) prior to completing any required initial

reports, statements, and interviews regarding the recorded

event, unless doing so is necessary, while in the field, to

22address an immediate threat to life or safety.

23(q) ADDITIONAL LIMITATIONS.—Video footage may

24not be—

HR 1280 IH

1(1) in the case of footage that is not subject to
2a minimum 3-year retention period, viewed by any
3superior officer of a Federal law enforcement officer
4whose body camera recorded the footage absent a
5specific allegation of misconduct; or
6(2) divulged or used by any law enforcement
7agency for any commercial or other non-law enforce-
8ment purpose.

9(r) THIRDPARTYMAINTENANCE OFFOOTAGE.—

10Where a law enforcement agency authorizes a third party
11to act as its agent in maintaining body camera footage,
12the agent shall not be permitted to independently access,
13view, or alter any video footage, except to delete videos
14as required by law or agency retention policies.

15(s) ENFORCEMENT.—

(1) IN GENERAL.—If any Federal law enforce-16
17ment officer, or any employee or agent of a Federal
18law enforcement agency fails to adhere to the re-
19cording or retention requirements contained in this
20part, intentionally interferes with a body camera's
21ability to accurately capture video footage, or other-

22wise manipulates the video footage captured by a
23body camera during or after its operation—

□HR 1280 IH

1(A) appropriate disciplinary action shall be
2taken against the individual officer, employee,
3or agent;

4(B) a rebuttable evidentiary presumption
shall be adopted in favor of a criminal defend-5
ant who reasonably asserts that exculpatory evi-6
7dence was destroyed or not captured; and

8(C) a rebuttable evidentiary presumption
9shall be adopted on behalf of a civil plaintiff
suing the Government, a Federal law enforce-10
ment agency, or a Federal law enforcement offi-11
cer for damages based on misconduct who rea-12
13sonably asserts that evidence supporting their
14claim was destroyed or not captured.

15(2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

16The disciplinary action requirement and rebuttable
17presumptions described in paragraph (1) may be
18overcome by contrary evidence or proof of exigent
19circumstances that made compliance impossible.

20(t) USE OFFORCEINVESTIGATIONS.—In the case
21that a Federal law enforcement officer equipped with a

22body camera is involved in, a witness to, or within viewable
sight range of either the use of force by another law en-23
24forcement officer that results in a death, the use of force
by another law enforcement officer, during which the dis-25

□HR 1280 IH

1 charge of a firearm results in an injury, or the conduct
2 of another law enforcement officer that becomes the sub-2
3 ject of a criminal investigation—

4 (1) the law enforcement agency that employs
5 the law enforcement officer, or the agency or depart-5
6 ment conducting the related criminal investigation,
7 as appropriate, shall promptly take possession of the
8 body camera, and shall maintain such camera, and
9 any data on such camera, in accordance with the ap-9
10 plicable rules governing the preservation of evidence;

11 (2) a copy of the data on such body camera
12 shall be made in accordance with prevailing forensic
13 standards for data collection and reproduction; and
14 (3) such copied data shall be made available to
15 the public in accordance with subsection (1).

(u) LIMITATION ON USE OF FOOTAGE AS EVIDENCE

17 DENCE.—Any body camera video footage recorded by a
18 Federal law enforcement officer that violates this part or
19 any other applicable law may not be offered as evidence
20 by any government entity, agency, department, prosecu-20
21 torial office, or any other subdivision thereof in any crimi-21

22nal or civil action or proceeding against any member of
23the public.

(v) PUBLICATION OF AGENCY POLICIES.—Any Federal
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

□HR 1280 IH

1 regarding body cameras, their use, or the video footage
2 therefrom that is adopted by a Federal agency or depart-
3 ment, shall be made publicly available on that agency's
4 website.

5 (w) RULE OF CONSTRUCTION.—Nothing in this part
6 shall be construed to preempt any laws governing the
7 maintenance, production, and destruction of evidence in
8 criminal investigations and prosecutions.

SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORD-

10 ING CAMERAS.

11 (a) DEFINITIONS.—In this section:

(1) AUDIO RECORDING.—The term “audio re-12
13 cording” means the recorded conversation between a
14 Federal law enforcement officer and a second party.

(2) EMERGENCY LIGHTS.—The term “emer-15
16 gency lights” means oscillating, rotating, or flashing
17 lights on patrol vehicles.

18 (3) ENFORCEMENT OR INVESTIGATIVE STOP.—

19 The term “enforcement or investigative stop” means

an action by a Federal law enforcement officer in re-20

lation to enforcement and investigation duties, in-21

22cluding traffic stops, pedestrian stops, abandoned

23vehicle contacts, motorist assists, commercial motor

24vehicle stops, roadside safety checks, requests for

□HR 1280 IH

identification, or responses to requests for emergency assistance.

(4) IN-CAR VIDEO CAMERA.—The term “in-car video camera” means a video camera located in a patrol vehicle.

(5) IN-CAR VIDEO CAMERA RECORDING EQUIPMENT.—The term “in-car video camera recording equipment” means a video camera recording system located in a patrol vehicle consisting of a camera assembly, recording mechanism, and an in-car video recording medium.

(6) RECORDING.—The term “recording” means the process of capturing data or information stored on a recording medium as required under this section.

(7) RECORDING MEDIUM.—The term “recording medium” means any recording medium for the retention and playback of recorded audio and video including VHS, DVD, hard drive, solid state, digital, or flash memory technology.

(8) WIRELESS MICROPHONE.—The term “wire-

22less microphone” means a device worn by a Federal
23law enforcement officer or any other equipment used
24to record conversations between the officer and a

□HR 1280 IH

second party and transmitted to the recording equipment.

3(b) REQUIREMENTS.—

(1) IN GENERAL.—Each Federal law enforcement agency shall install in-car video camera recording equipment in all patrol vehicles with a recording medium capable of recording for a period of 10 hours or more and capable of making audio recordings with the assistance of a wireless microphone.

10(2) RECORDING EQUIPMENT REQUIREMENTS.—

In-car video camera recording equipment with a recording medium capable of recording for a period of 10 hours or more shall record activities—

(A) whenever a patrol vehicle is assigned to patrol duty;

(B) outside a patrol vehicle whenever—

(i) a Federal law enforcement officer assigned that patrol vehicle is conducting an enforcement or investigative stop;

(ii) patrol vehicle emergency lights are activated or would otherwise be activated if

22not for the need to conceal the presence of

23law enforcement; or

(iii) an officer reasonably believes re-24
cording may assist with prosecution, en-25

□HR 1280 IH

hance safety, or for any other lawful pur-1
2pose; and
3(C) inside the vehicle when transporting an
4arrestee or when an officer reasonably believes
5recording may assist with prosecution, enhance
6safety, or for any other lawful purpose.

7(3) REQUIREMENTS FOR RECORDING.—

(A) IN GENERAL.—A Federal law enforce-8
ment officer shall begin recording for an en-9
10forcement or investigative stop when the officer
11determines an enforcement stop is necessary
12and shall continue until the enforcement action
has been completed and the subject of the en-13
14forcement or investigative stop or the officer
15has left the scene.

(B) ACTIVATION WITH LIGHTS.—A Fed-16
eral law enforcement officer shall begin record-17
ing when patrol vehicle emergency lights are ac-18
tivated or when they would otherwise be acti-19
20vated if not for the need to conceal the presence
21of law enforcement, and shall continue until the

reason for the activation ceases to exist, regard-22

23less of whether the emergency lights are no

24longer activated.

□HR 1280 IH

1(C) PERMISSIBLE RECORDING.—A Federal
2law enforcement officer may begin recording if
3the officer reasonably believes recording may
4assist with prosecution, enhance safety, or for
5any other lawful purpose; and shall continue
6until the reason for recording ceases to exist.

7(4) ENFORCEMENT OR INVESTIGATIVE

8STOPS.—A Federal law enforcement officer shall

9record any enforcement or investigative stop. Audio
10recording shall terminate upon release of the violator
and prior to initiating a separate criminal investiga-11
12tion.

13(c) RETENTION OF RECORDINGS.—Recordings made
14on in-car video camera recording medium shall be retained
for a storage period of at least 90 days. Under no cir-15
cumstances shall any recording made on in-car video cam-16
17era recording medium be altered or erased prior to the
expiration of the designated storage period. Upon comple-18
19tion of the storage period, the recording medium may be
20erased and reissued for operational use unless otherwise
ordered or if designated for evidentiary or training pur-21

22poses.

23(d) ACCESSIBILITY OF RECORDINGS.—Audio or video

24recordings made pursuant to this section shall be available

25under the applicable provisions of section 552a of title 5,

□HR 1280 IH

1 United States Code. Only recorded portions of the audio
2 recording or video recording medium applicable to the re-2
3 quest will be available for inspection or copying.

(e) MAINTENANCE REQUIRED.—The agency shall en-4
5 sure proper care and maintenance of in-car video camera
6 recording equipment and recording medium. An officer op-6
7 erating a patrol vehicle must immediately document and
8 notify the appropriate person of any technical difficulties,
9 failures, or problems with the in-car video camera record-9
10 ing equipment or recording medium. Upon receiving no-10
11 tice, every reasonable effort shall be made to correct and
12 repair any of the in-car video camera recording equipment
13 or recording medium and determine if it is in the public
14 interest to permit the use of the patrol vehicle.

15 **SEC. 374. FACIAL RECOGNITION TECHNOLOGY.**

16 No camera or recording device authorized or required
17 to be used under this part may be equipped with or employ
18 facial recognition technology, and footage from such a
19 camera or recording device may not be subjected to facial
20 recognition technology.

21 **SEC. 375. GAO STUDY.**

22Not later than 1 year after the date of enactment

23of this Act, the Comptroller General of the United States

24shall conduct a study on Federal law enforcement officer

HR 1280 IH

1 training, vehicle pursuits, use of force, and interaction
2 with citizens, and submit a report on such study to—
3 (1) the Committees on the Judiciary of the
4 House of Representatives and of the Senate;
5 (2) the Committee on Oversight and Reform of
6 the House of Representatives; and
7 (3) the Committee on Homeland Security and
8 Governmental Affairs of the Senate.

9 **SEC. 376. REGULATIONS.**

10 Not later than 6 months after the date of the enact-
11 ment of this Act, the Attorney General shall issue such
12 final regulations as are necessary to carry out this part.

13 **SEC. 377. RULE OF CONSTRUCTION.**

14 Nothing in this part shall be construed to impose any
15 requirement on a Federal law enforcement officer outside
16 of the course of carrying out that officer's duty.

17 **PART 2—POLICE CAMERA ACT**

18 **SEC. 381. SHORT TITLE.**

19 This part may be cited as the “Police Creating Ac-
20 countability by Making Effective Recording Available Act
21 of 2021” or the “Police CAMERA Act of 2021”.

SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA RE-22

23 REQUIREMENTS.

24(a) USE OF FUNDS REQUIREMENT.—Section 502(a)

25 of title I of the Omnibus Crime Control and Safe Streets

HR 1280 IH

1 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
2 2334, is amended by adding at the end the following:

3 “(10) An assurance that, for each fiscal year
4 covered by an application, the applicant will use not
5 less than 5 percent of the total amount of the grant
6 award for the fiscal year to develop policies and pro-
7 tocols in compliance with part OO.”.

8 (b) REQUIREMENTS.—Title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
10 et seq.) is amended by adding at the end the following:

11 **“PART OO—LAW ENFORCEMENT BODY-WORN
12 CAMERAS AND RECORDED DATA**

13 **“SEC. 3051. USE OF GRANT FUNDS.**

14 **“(a) IN GENERAL.—**Grant amounts described in
15 paragraph (10) of section 502(a) of this title—

16 **“(1) shall be used—**

**“(A) to purchase or lease body-worn cam-17
 eras for use by State, local, and tribal law en-18
19forcement officers (as defined in section 2503);**

**“(B) for expenses related to the implemen-20
21tation of a body-worn camera program in order**

22to deter excessive force, improve accountability
and transparency of use of force by law enforce-23
ment officers, assist in responding to com-24

□HR 1280 IH

1plaints against law enforcement officers, and

2improve evidence collection; and

3“(C) to implement policies or procedures to

comply with the requirements described in sub-4

5section (b); and

“(2) may not be used for expenses related to fa-6

7cial recognition technology.

8“(b) REQUIREMENTS.—A recipient of a grant under

9subpart 1 of part E of this title shall—

“(1) establish policies and procedures in accord-10

11ance with the requirements described in subsection

12(c) before law enforcement officers use of body-worn

13cameras;

“(2) adopt recorded data collection and reten-14

15tion protocols as described in subsection (d) before

16law enforcement officers use of body-worn cameras;

17“(3) make the policies and protocols described

18in paragraphs (1) and (2) available to the public;

19and

20“(4) comply with the requirements for use of

21recorded data under subsection (f).

“(c) REQUIRED POLICIES AND PROCEDURES.—A re-22

23 recipient of a grant under subpart 1 of part E of this title

24 shall—

□ HR 1280 IH

1“(1) develop with community input and publish

2for public view policies and protocols for—

3“(A) the safe and effective use of body-

4worn cameras;

“(B) the secure storage, handling, and de-5

6struction of recorded data collected by body-

7worn cameras;

8“(C) protecting the privacy rights of any

9individual who may be recorded by a body-worn

10camera;

“(D) the release of any recorded data col-11

12lected by a body-worn camera in accordance

13with the open records laws, if any, of the State;

14and

15“(E) making recorded data available to

prosecutors, defense attorneys, and other offi-16

cers of the court in accordance with subpara-17

18graph (E); and

19“(2) conduct periodic evaluations of the security

20of the storage and handling of the body-worn camera

21data.

“(d) RECORDED DATA COLLECTION AND RETENTION-22

PROTOCOL.—The recorded data collection and retention-23
24tion protocol described in this paragraph is a protocol
25that—

□HR 1280 IH

1“(1) requires—

2“(A) a law enforcement officer who is

wearing a body-worn camera to provide an ex-3

planation if an activity that is required to be re-4

corded by the body-worn camera is not re-5

6corded;

7“(B) a law enforcement officer who is

8wearing a body-worn camera to obtain consent

9to be recorded from a crime victim or witness

10before interviewing the victim or witness;

“(C) the collection of recorded data unre-11

12lated to a legitimate law enforcement purpose

13be minimized to the greatest extent practicable;

14“(D) the system used to store recorded

15data collected by body-worn cameras to log all

viewing, modification, or deletion of stored re-16

corded data and to prevent, to the greatest ex-17

18tent practicable, the unauthorized access or dis-18

19closure of stored recorded data;

“(E) any law enforcement officer be pro-20

21hibited from accessing the stored data without

22an authorized purpose; and

23“(F) the law enforcement agency to collect

24and report statistical data on—

□HR 1280 IH

1“(i) incidences of use of force,
2disaggregated by race, ethnicity, gender,
3and age of the victim;

4“(ii) the number of complaints filed
5against law enforcement officers;

6“(iii) the disposition of complaints
7filed against law enforcement officers;

8“(iv) the number of times camera
9footage is used for evidence collection in
10investigations of crimes; and

11“(v) any other additional statistical
12data that the Director determines should
13be collected and reported;

14“(2) allows an individual to file a complaint
with a law enforcement agency relating to the im-15
16proper use of body-worn cameras; and

“(3) complies with any other requirements es-17
18established by the Director.

“(e) REPORTING.—Statistical data required to be col-19
20lected under subsection (d)(1)(D) shall be reported to the
21Director, who shall—

22“(1) establish a standardized reporting system
23for statistical data collected under this program; and
24“(2) establish a national database of statistical
25data recorded under this program.

□HR 1280 IH

1“(f) USE OR TRANSFER OF RECORDED DATA.—

2“(1) IN GENERAL.—Recorded data collected by

an entity receiving a grant under a grant under sub-3

part 1 of part E of this title from a body-worn cam-4

era shall be used only in internal and external inves-5

6tigations of misconduct by a law enforcement agency

or officer, if there is reasonable suspicion that a re-7

8cording contains evidence of a crime, or for limited

9training purposes. The Director shall establish rules

10to ensure that the recorded data is used only for the

11purposes described in this paragraph.

12“(2) PROHIBITION ON TRANSFER.—Except as

13provided in paragraph (3), an entity receiving a

14grant under subpart 1 of part E of this title may

not transfer any recorded data collected by the enti-15

ty from a body-worn camera to another law enforce-16

17ment or intelligence agency.

18“(3) EXCEPTIONS.—

“(A) CRIMINAL INVESTIGATION.—An enti-19

20ty receiving a grant under subpart 1 of part E

21of this title may transfer recorded data collected

by the entity from a body-worn camera to an-22

23other law enforcement agency or intelligence

24agency for use in a criminal investigation if the

requesting law enforcement or intelligence agen-25

HR 1280 IH

1cy has reasonable suspicion that the requested
2data contains evidence relating to the crime
3being investigated.

“(B) CIVIL RIGHTS CLAIMS.—An entity re-4
5ceiving a grant under subpart 1 of part E of
6this title may transfer recorded data collected
7by the law enforcement agency from a body-
worn camera to another law enforcement agen-8
9cy for use in an investigation of the violation of
10any right, privilege, or immunity secured or
11protected by the Constitution or laws of the
12United States.

13“(g) AUDIT ANDASSESSMENT.—

14“(1) IN GENERAL.—Not later than 2 years
15after the date of enactment of this part, the Director
16of the Office of Audit, Assessment, and Management
17shall perform an assessment of the use of funds
18under this section and the policies and protocols of
19the grantees.

20“(2) REPORTS.—Not later than September 1 of
each year, beginning 2 years after the date of enact-21

22ment of this part, each recipient of a grant under
23subpart 1 of part E of this title shall submit to the
24Director of the Office of Audit, Assessment, and
25Management a report that—

□HR 1280 IH

1“(A) describes the progress of the body-

2worn camera program; and

3“(B) contains recommendations on ways in

4which the Federal Government, States, and

5units of local government can further support

6the implementation of the program.

7“(3) REVIEW.—The Director of the Office of

8Audit, Assessment, and Management shall evaluate

9the policies and protocols of the grantees and take

such steps as the Director of the Office of Audit, As-10

11ssessment, and Management determines necessary to

12ensure compliance with the program.

13“**SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT.**

14“(a) **INGENERAL.**—The Director shall establish and

maintain a body-worn camera training toolkit for law en-15

16forcement agencies, academia, and other relevant entities

17to provide training and technical assistance, including best

practices for implementation, model policies and proce-18

19dures, and research materials.

“(b) **MECHANISM.**—In establishing the toolkit re-20

quired to under subsection (a), the Director may consoli-21

date research, practices, templates, and tools that been de-22
23veloped by expert and law enforcement agencies across the
24country.

□HR 1280 IH

1“SEC. 3053. STUDY.

2“(a) IN GENERAL.—Not later than 2 years after the
3date of enactment of the Police CAMERA Act of 2021,
4the Director shall conduct a study on—

5“(1) the efficacy of body-worn cameras in deter-
6ring excessive force by law enforcement officers;

7“(2) the impact of body-worn cameras on the
8accountability and transparency of the use of force
9by law enforcement officers;

10“(3) the impact of body-worn cameras on re-
11sponses to and adjudications of complaints of exces-
12sive force;

13“(4) the effect of the use of body-worn cameras
14on the safety of law enforcement officers on patrol;

15“(5) the effect of the use of body-worn cameras
16on public safety;

17“(6) the impact of body-worn cameras on evi-
18dence collection for criminal investigations;

19“(7) issues relating to the secure storage and
20handling of recorded data from the body-worn cam-
21eras;

22“(8) issues relating to the privacy of individuals
23and officers recorded on body-worn cameras;
24“(9) issues relating to the constitutional rights
25of individuals on whom facial recognition technology
26is used;

□HR 1280 IH

1“(10) issues relating to limitations on the use
2of facial recognition technology;

3“(11) issues relating to the public’s access to
4body-worn camera footage;

5“(12) the need for proper training of law en-5
6forcement officers that use body-worn cameras;

7“(13) best practices in the development of pro-7
8tocols for the safe and effective use of body-worn
9cameras;

10“(14) a review of law enforcement agencies that
11found body-worn cameras to be unhelpful in the op-11
12erations of the agencies; and

13“(15) any other factors that the Director deter-13
14mines are relevant in evaluating the efficacy of body-
15worn cameras.

16“(b) REPORT.—Not later than 180 days after the
17date on which the study required under subsection (a) is
18completed, the Director shall submit to Congress a report
19on the study, which shall include any policy recommenda-19
20tions that the Director considers appropriate.”.

HR 1280 IH

1 **TITLE IV—CLOSING THE LAW**

2 **ENFORCEMENT CONSENT**

3 **LOOPHOLE**

4 **SEC. 401. SHORT TITLE.**

This title may be cited as the “Closing the Law En-5
6forcement Consent Loophole Act of 2021”.

7 **SEC. 402. PROHIBITION ON ENGAGING IN SEXUAL ACTS**

8 **WHILE ACTING UNDER COLOR OF LAW.**

9 (a) **IN GENERAL.**—Section 2243 of title 18, United
10 States Code, is amended—

11 (1) in the section heading, by adding at the end

12 the following: “**or by any person acting**

13 **under color of law**”;

14 (2) by redesignating subsections (c) and (d) as

15 subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the fol-16

17 lowing:

18 “(c) **OF AN INDIVIDUAL BY ANY PERSON ACTING**

19 **UNDER COLOR OF LAW.**—

20 “(1) **IN GENERAL.**—Whoever, acting under

21color of law, knowingly engages in a sexual act with
22an individual, including an individual who is under
arrest, in detention, or otherwise in the actual cus-23
24tody of any Federal law enforcement officer, shall be

□HR 1280 IH

1 fined under this title, imprisoned not more than 15
2 years, or both.

3“(2) DEFINITION.—In this subsection, the term

4 ‘sexual act’ has the meaning given the term in sec-4
5 tion 2246.”; and

6(4) in subsection (d), as so redesignated, by

7 adding at the end the following:

8“(3) In a prosecution under subsection (c), it is not

9 a defense that the other individual consented to the sexual
10 act.”.

11(b) DEFINITION.—Section 2246 of title 18, United

12 States Code, is amended—

13(1) in paragraph (5), by striking “and” at the

14 end;

15(2) in paragraph (6), by striking the period at

16 the end and inserting “; and”; and

17 (3) by inserting after paragraph (6) the fol-17

18 lowing:

19“(7) the term ‘Federal law enforcement officer’

20 has the meaning given the term in section 115.”.

21(c) CLERICAL AMENDMENT.—The table of sections

22for chapter 109A of title 18, United States Code, is

23amended by amending the item related to section 2243

24to read as follows:

“2243. Sexual abuse of a minor or ward or by any person acting under color
of law.”.

□HR 1280 IH

1 SEC. 403. ENACTMENT OF LAWS PENALIZING ENGAGING IN

2 SEXUAL ACTS WHILE ACTING UNDER COLOR

3 OF LAW.

4 (a) IN GENERAL.—Beginning in the first fiscal year

5 that begins after the date that is one year after the date

6 of enactment of this Act, in the case of a State or unit

of local government that does not have in effect a law de-7

scribed in subsection (b), if that State or unit of local gov-8

9 ernment that would otherwise receive funds under the

COPS grant program, that State or unit of local govern-10

11 ment shall not be eligible to receive such funds. In the

12 case of a multi-jurisdictional or regional consortium, if any

member of that consortium is a State or unit of local gov-13

14 ernment that does not have in effect a law described in

15 subsection (b), if that consortium would otherwise receive

16 funds under the COPS grant program, that consortium

17 shall not be eligible to receive such funds.

18 (b) DESCRIPTION OF LAW.—A law described in this

19 subsection is a law that—

20 (1) makes it a criminal offense for any person

21 acting under color of law of the State or unit of local

government to engage in a sexual act with an indi-22
23vidual, including an individual who is under arrest,
24in detention, or otherwise in the actual custody of
25any law enforcement officer; and

□HR 1280 IH

1(2) prohibits a person charged with an offense
2described in paragraph (1) from asserting the con-2
3sent of the other individual as a defense.

4(c) REPORTING REQUIREMENT.—A State or unit of
5local government that receives a grant under the COPS
6grant program shall submit to the Attorney General, on
7an annual basis, information on—

(1) the number of reports made to law enforce-8
9ment agencies in that State or unit of local govern-9
10ment regarding persons engaging in a sexual act
11while acting under color of law during the previous
12year; and
13(2) the disposition of each case in which sexual
14misconduct by a person acting under color of law
15was reported during the previous year.

16**SEC. 404. REPORTS TO CONGRESS.**

17(a) REPORT BY ATTORNEY GENERAL.—Not later
18than 1 year after the date of enactment of this Act, and
19each year thereafter, the Attorney General shall submit
20to Congress a report containing—

21(1) the information required to be reported to

22the Attorney General under section 403(b); and

23(2) information on—

24(A) the number of reports made, during

25the previous year, to Federal law enforcement

HR 1280 IH

1 agencies regarding persons engaging in a sexual
2 act while acting under color of law; and
3 (B) the disposition of each case in which
4 sexual misconduct by a person acting under
5 color of law was reported.

6 (b) REPORT BY GAO.—Not later than 1 year after
7 the date of enactment of this Act, and each year there-
8 after, the Comptroller General of the United States shall
9 submit to Congress a report on any violations of section
10 2243(c) of title 18, United States Code, as amended by
11 section 402, committed during the 1-year period covered
12 by the report.

13 **SEC. 405. DEFINITION.**

14 In this title, the term “sexual act” has the meaning
15 given the term in section 2246 of title 18, United States
16 Code.

17 **TITLE V—MISCELLANEOUS**

18 **PROVISIONS**

19 **SEC. 501. SEVERABILITY.**

20 If any provision of this Act, or the application of such

21a provision to any person or circumstance, is held to be
unconstitutional, the remainder of this Act and the appli-22
cation of the remaining provisions of this Act to any per-23
24son or circumstance shall not be affected thereby.

HR 1280 IH

1 SEC. 502. SAVINGS CLAUSE.

2 Nothing in this Act shall be construed—

3 (1) to limit legal or administrative remedies

4 under section 1979 of the Revised Statutes of the

5 United States (42 U.S.C. 1983), section 210401 of

6 the Violent Crime Control and Law Enforcement

Act of 1994 (34 U.S.C. 12601), title I of the Omni-7

8 bus Crime Control and Safe Streets Act of 1968 (34

9 U.S.C. 10101 et seq.), or title VI of the Civil Rights

10 Act of 1964 (42 U.S.C. 2000d et seq.);

11 (2) to affect any Federal, State, or Tribal law

that applies to an Indian Tribe because of the polit-12

13 ical status of the Tribe; or

(3) to waive the sovereign immunity of an In-14

15 dian Tribe without the consent of the Tribe.

Æ

HR 1280 IH

LAURA CURRAN
NASSAU COUNTY EXECUTIVE



OFFICE OF THE COUNTY EXECUTIVE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING

VIA ELECTRONIC MAIL

March 23, 2021

Director Robert F. Mujica, Jr.
New York State Division of Budget
State Capital Building
Albany, NY 12210

Dear Director Mujica:

I am pleased to forward Nassau County's fully adopted and executed Resolution No. 33-2021, which approves the amended Nassau County Police Reform and Reinvention Plan (the "EO 203 Plan") submitted to the Legislature as Clerk Item No. 64-21. Further, I have enclosed a completed Plan Certification Form.

The EO 203 Plan represents many months of a multi-pronged collaborative effort by my office and the Police Department with community stakeholders through the Police and Community Trust ("PACT") initiative, the Community Collaborative Task Force ("CCT"), and the Police Commissioner's Community Council ("CCC"), as well as a substantial number of separate community meetings and virtual town halls. In addition, there were several meetings before the County Legislature to discuss the plan, including a special meeting held on February 24, 2021, at which Long Island Advocates for Police Accountability ("LIAFPA") presented an alternative plan to the County's updated plan. The County Executive's Office addressed follow up questions with LIAFPA on March 10, 2021.

A PACT meeting was held on March 11, 2021 to review additional amendments to the County's EO 203 Plan. As a result of the ongoing community input process, on March 12, 2021, an amended Clerk Item 64-21 was filed for approval.

On March 15, 2021, the Public Safety Committee reconvened to hold a hearing on amended Clerk Item 64-21. After the hearing on March 15, 2021, the Nassau County Legislature filed with the Clerk of the Legislature certain recommended changes to the EO 203 Plan.

I accepted these recommendations and formally incorporated them into the EO 203 Plan that was ultimately approved in the resolution adopted by the Legislature on March 22, 2021.

I am grateful to all those who persevered these many months to make this comprehensive reform Plan a reality. I want to emphasize that improving police procedures, transparency and the relationship between the police and the community is a continuous process to which my Administration remains committed. I am confident this Plan represents an important milestone in enhancing the Police Department's

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurran@nassaucountyny.gov

community-oriented policing strategies, improving transparency as well as trust and communication between the Department and the communities it polices. Nassau County is committed to achieving the EO 203 goal of reducing racial disparities while maintaining Nassau County's status as one of the safest communities in the United States.

Sincerely,



Laura Curran

cc: Clerk of the Nassau County Legislature

Enclosures: Resolution, Plan and Certification

STATE OF NEW YORK }
COUNTY OF NASSAU }

ss.:

Issued to: COMPTROLLER/TREASURER

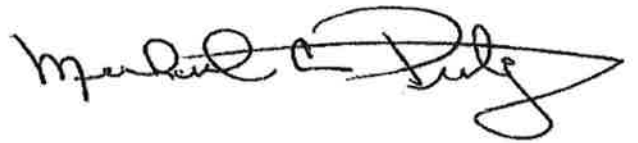
I, MICHAEL C. PULITZER, *Clerk Of the Legislature of the County of Nassau*, do hereby certify that the foregoing is a true and correct copy of the original Resolution 33-2021 duly passed by the Nassau County Legislature, Mineola, New York, on Monday, March 22, 2021 and approved by the County Executive on Tuesday, March 23, 2021 and on file in my office and recorded in the record of proceedings of the Nassau County Legislature and is the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Nassau County Legislature

This 23 rd day of March,

21

in the Year two thousand and _____.



Clerk of the Legislature

*County of Nassau
Thirteenth Legislature*

RESOLUTION NO. 33 - 2021

A RESOLUTION to adopt the Amended Nassau County Police Reform and Reinvention Plan

APPROVED AS TO FORM
[Signature]
Deputy County Attorney

**Passed by Nassau County Legislature on
3-22-2021 A voice vote was taken with 19
Legislators present.
Voting: aye 16, nay 3, abstained 0, recused 0
Became a resolution on 3-23-2021
With the approval of the County Executive**

WHEREAS, on June 12, 2020, Governor Cuomo issued Executive Order No. 203, directing local governments with a police agency to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and to develop a plan to improve such deployments, strategies, policies, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color, and to convene the head of the local police agency and stakeholders in the community to develop such plan; and

WHEREAS, Governor Cuomo directed that such plan consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New

York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program; and

WHEREAS, the County Executive convened the Nassau County Police and Community Trust Initiative ("PACT"), and the Community Collaborative Task Force ("CCT") and the Police Commissioner constituted the Commissioner's Community Council ("CCC") and the County held a series virtual town halls for the purpose of conducting such a comprehensive review and formulating a plan in furtherance of the purposes of Governor's Executive Order No. 203;

WHEREAS, over 120 public input sessions and written proposals submitted by the residents and community stakeholders were received by these groups as well as through other means over a seven-month period and were carefully considered during this process; and

WHEREAS, as a result of this comprehensive collaborative process, a proposed plan was developed which covered all the areas mandated by Executive Order No. 203 as well as other matters; and

WHEREAS, a public hearing was held on the proposed plan before the full Legislature on February 24, 2021, at which representatives of various police reform and civil liberties interest groups testified, and presented comments on the proposed plan and made alternative proposals; and

WHEREAS, the County Executive and Legislature have fully considered this testimony and as a result, certain amendments have been made to the proposed plan; and

WHEREAS, such amended plan has the following three main corner stones for Police Reform and Reinvention: (i) Robust Community-Oriented Policing; (ii) Transparency; and (iii) Accountability;

NOW THEREFORE, BE IT RESOLVED by the Nassau County Legislature that Nassau County adopts the Amended Nassau County Police Reform and Reinvention Plan.

APPROVED


County Executive

Date 3-23-21

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, Laura Curran, as the Chief Executive of Nassau County
(the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Laura Curran

Name



Signature

Nassau County Executive

Title

March 23, 2021

Date

S1619 SANDERS No Same as

ON FILE: 01/14/21 Policemen

TITLE....Mandates police officers to safely intervene when such officer observes another police officer using excessive force

01/14/21 REFERRED TO FINANCE

SANDERS

Mandates that any police officer that is present and observes another police officer using force that is clearly excessive to safely intervene to prevent the use of such excessive force and report to the supervisor.

STATE OF NEW YORK

1619

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT mandating police officers to safely intervene when such officer is present and observes another police officer using excessive force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Notwithstanding any provisions of law to the contrary, any
2 police officer that is present and observes another police officer using
3 force that is clearly excessive or beyond what is objectively reasonable
4 under the circumstances shall be required, when in a position to do so,
5 to safely intervene to prevent the use of such excessive force. In all
6 instances where excessive force is used, observed by another police
7 officer or another police officer had to intervene, the officer shall
8 promptly report the use, observation and intervention of excessive force
9 to the supervisor.
10 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD05960-01-1

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1619

SPONSOR: SANDERS

TITLE OF BILL:

An act mandating police officers to safely intervene when such officer is present and observes another police officer using excessive force

PURPOSE:

This bill would mandate police officers to safely intervene when such officer is present and observes another police officer using excessive force

SUMMARY OF PROVISIONS:

Section 1 provides that any police officer that is present and observes another police officer using force that is clearly excessive or beyond what is objectively reasonable under the circumstances shall be required, when in a position to do so, to safely intervene to prevent the use of such excessive force. In all instances where excessive force is used, observed by another police officer or another police officer had to intervene, the officer shall promptly report the use, observation and intervention of excessive force to the supervisor.

Section 2 establishes the effective date.

JUSTIFICATION:

George Floyd was killed May 25, 2020 in Minneapolis, Minnesota during an arrest. Mr. Floyd, an African-American, died after being arrested by Derek Chauvin, a white Minneapolis police officer, who kept his knee on the side of Floyd's neck for 8 minutes and 46 seconds. Furthermore, 2 minutes and 53 seconds of that time occurred after Floyd became unresponsive, according to the criminal complaint for murder against Chauvin. Three other police officers participated in the arrest. Three police officers pinned the unarmed, handcuffed Floyd on the ground while another officer stood nearby. This arrest was caught on video.

By mandating police officers to safely intervene when such officer is present and observes another police officer using excessive force, which this bill does, police officers might have been more likely to intervene in a situation like the George Floyd case.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:
Immediately

S2794 SANDERS No Same as
ON FILE: 01/25/21 Executive Law
TITLE....Establishes a statewide law enforcement officer misconduct database
01/25/21 REFERRED TO CODES

SANDERS

Add §837-w, Exec L

Directs the division of criminal justice services to establish a statewide public database covering every local police department, each county sheriff's office, the division of the state police and every agency that employs a peace officer in this state, which shall compile the names of any police or peace officer who has had his or her employment terminated due to misconduct.

STATE OF NEW YORK

2794

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing a statewide law enforcement officer misconduct database

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Statewide law enforcement officer misconduct database.
4 Notwithstanding any provision of law to the contrary, the division shall
5 establish a statewide public database covering every local police
6 department, each county sheriff's office, the division of the state
7 police and every agency that employs a peace officer in this state,
8 which shall compile the names of any police or peace officer who has had
9 his or her employment terminated due to misconduct, including but not
10 limited to domestic violence, sexual violence, assault and harassment,
11 any criminal offense against a minor, excessive use of force, any
12 violation of 18 U.S.C. 242, perjury, falsifying a police report or
13 planting and destroying evidence, and deadly physical assault; as well
14 as any termination or complaints against such officer. The chief of
15 every police department, each county sheriff, the superintendent of
16 state police and the person in charge of every agency that employs a
17 peace officer in this state shall report to the division, in a form and
18 manner as defined in regulations by the division, all information neces-
19 sary to compile and maintain the database established pursuant to this
20 section.

21 § 2. This act shall take effect on the ninetieth day after it shall
22 have become a law. Effective immediately, the addition, amendment
23 and/or repeal of any rule or regulation necessary for the implementation
24 of this act on its effective date are authorized to be made and
25 completed on or before such effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD06070-01-1

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S2794

SPONSOR: SANDERS

TITLE OF BILL:

An act to amend the executive law, in relation to establishing a state-wide law enforcement officer misconduct database

PURPOSE OR GENERAL IDEA OF BILL:

This bill would establish a public statewide law enforcement officer misconduct database under the New York State Division of Criminal Justice.

SUMMARY OF SPECIFIC PROVISIONS:

Section One. The State Division of Criminal Justice shall establish a statewide public database that would cover all police agencies in New York State, which would compile the names of officers who have had their employment terminated due to misconduct, including but not limited to domestic violence, sexual violence, assault and harassment, criminal offense against minors, excessive use of force, violation of 18 U.S.C. § 242; perjury, falsifying a police report or planting and destroying evidence, and deadly physical assault; as well as terminations and complaints against the officers.

Section 2. Effective Date

JUSTIFICATION:

George Floyd was killed May 25, 2020 in Minneapolis, Minnesota during an arrest. Mr. Floyd, an African-American, died after being arrested by Derek Chauvin, a white Minneapolis police officer, who kept his knee on the side of Floyd's neck for 8 minutes and 46 seconds.

Furthermore, 2 minutes and 53 seconds of that time occurred after Floyd became unresponsive, according to the criminal complaint for murder against Chauvin. Three other police officers participated in the arrest. Three police officers pinned the unarmed, handcuffed Floyd on the ground while another officer stood nearby. This arrest was caught on video.

In the wake of the death of Lloyd George, the public has a right to know which police officers have had their licenses revoked for misconduct. Similar to the International Association of Directors of Law Enforcement Standards and Training's National Decertification Index, this legislation would establish a public statewide law enforcement officer misconduct database under the New York State Division of Criminal Justice.

PRIOR LEGISLATIVE HISTORY:

New bill

FISCAL IMPLICATIONS:

a Minimal

EFFECTIVE DATE:

This act shall take effect immediately.

LAURA CURRAN
NASSAU COUNTY EXECUTIVE



OFFICE OF THE COUNTY EXECUTIVE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING

VIA ELECTRONIC MAIL

March 23, 2021

Director Robert F. Mujica, Jr.
New York State Division of Budget
State Capital Building
Albany, NY 12210

Dear Director Mujica:

I am pleased to forward Nassau County's fully adopted and executed Resolution No. 33-2021, which approves the amended Nassau County Police Reform and Reinvention Plan (the "EO 203 Plan") submitted to the Legislature as Clerk Item No. 64-21. Further, I have enclosed a completed Plan Certification Form.

The EO 203 Plan represents many months of a multi-pronged collaborative effort by my office and the Police Department with community stakeholders through the Police and Community Trust ("PACT") initiative, the Community Collaborative Task Force ("CCT"), and the Police Commissioner's Community Council ("CCC"), as well as a substantial number of separate community meetings and virtual town halls. In addition, there were several meetings before the County Legislature to discuss the plan, including a special meeting held on February 24, 2021, at which Long Island Advocates for Police Accountability ("LIAFPA") presented an alternative plan to the County's updated plan. The County Executive's Office addressed follow up questions with LIAFPA on March 10, 2021.

A PACT meeting was held on March 11, 2021 to review additional amendments to the County's EO 203 Plan. As a result of the ongoing community input process, on March 12, 2021, an amended Clerk Item 64-21 was filed for approval.

On March 15, 2021, the Public Safety Committee reconvened to hold a hearing on amended Clerk Item 64-21. After the hearing on March 15, 2021, the Nassau County Legislature filed with the Clerk of the Legislature certain recommended changes to the EO 203 Plan.

I accepted these recommendations and formally incorporated them into the EO 203 Plan that was ultimately approved in the resolution adopted by the Legislature on March 22, 2021.

I am grateful to all those who persevered these many months to make this comprehensive reform Plan a reality. I want to emphasize that improving police procedures, transparency and the relationship between the police and the community is a continuous process to which my Administration remains committed. I am confident this Plan represents an important milestone in enhancing the Police Department's

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurran@nassaucountyny.gov

community-oriented policing strategies, improving transparency as well as trust and communication between the Department and the communities it polices. Nassau County is committed to achieving the EO 203 goal of reducing racial disparities while maintaining Nassau County's status as one of the safest communities in the United States.

Sincerely,



Laura Curran

cc: Clerk of the Nassau County Legislature

Enclosures: Resolution, Plan and Certification

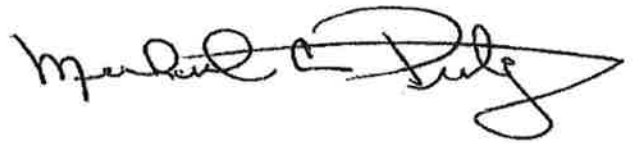
STATE OF NEW YORK }
COUNTY OF NASSAU }

ss.:

Issued to: COMPTROLLER/TREASURER

I, MICHAEL C. PULITZER, *Clerk Of the Legislature of the County of Nassau*, do hereby certify that the foregoing is a true and correct copy of the original Resolution 33-2021 duly passed by the Nassau County Legislature, Mineola, New York, on Monday, March 22, 2021 and approved by the County Executive on Tuesday, March 23, 2021 and on file in my office and recorded in the record of proceedings of the Nassau County Legislature and is the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Nassau County Legislature
This 23 rd day of March,
21
in the Year two thousand and _____.



Clerk of the Legislature

*County of Nassau
Thirteenth Legislature*

RESOLUTION NO. 33 - 2021

A RESOLUTION to adopt the Amended Nassau County Police Reform and Reinvention Plan

APPROVED AS TO FORM
[Signature]
Deputy County Attorney

**Passed by Nassau County Legislature on
3-22-2021 A voice vote was taken with 19
Legislators present.
Voting: aye 16, nay 3, abstained 0, recused 0
Became a resolution on 3-23-2021
With the approval of the County Executive**

WHEREAS, on June 12, 2020, Governor Cuomo issued Executive Order No. 203, directing local governments with a police agency to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and to develop a plan to improve such deployments, strategies, policies, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color, and to convene the head of the local police agency and stakeholders in the community to develop such plan; and

WHEREAS, Governor Cuomo directed that such plan consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New

York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program; and

WHEREAS, the County Executive convened the Nassau County Police and Community Trust Initiative ("PACT"), and the Community Collaborative Task Force ("CCT") and the Police Commissioner constituted the Commissioner's Community Council ("CCC") and the County held a series virtual town halls for the purpose of conducting such a comprehensive review and formulating a plan in furtherance of the purposes of Governor's Executive Order No. 203;

WHEREAS, over 120 public input sessions and written proposals submitted by the residents and community stakeholders were received by these groups as well as through other means over a seven-month period and were carefully considered during this process; and

WHEREAS, as a result of this comprehensive collaborative process, a proposed plan was developed which covered all the areas mandated by Executive Order No. 203 as well as other matters; and

WHEREAS, a public hearing was held on the proposed plan before the full Legislature on February 24, 2021, at which representatives of various police reform and civil liberties interest groups testified, and presented comments on the proposed plan and made alternative proposals; and

WHEREAS, the County Executive and Legislature have fully considered this testimony and as a result, certain amendments have been made to the proposed plan; and

WHEREAS, such amended plan has the following three main corner stones for Police Reform and Reinvention: (i) Robust Community-Oriented Policing; (ii) Transparency; and (iii) Accountability;

NOW THEREFORE, BE IT RESOLVED by the Nassau County Legislature that Nassau County adopts the Amended Nassau County Police Reform and Reinvention Plan.

APPROVED


County Executive

Date 3-23-21

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, Laura Curran, as the Chief Executive of Nassau County
(the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Laura Curran

Name



Signature

Nassau County Executive

Title

March 23, 2021

Date



POLICE REFORM EO203

Laura Curran
County Executive

Patrick J. Ryder
Police Commissioner

Table of Contents

Public Comment Cover Letter	1
Acknowledgment	2
Introduction	3
Legislative Hearings	4
EO203 Mandates	9
Topic 1: Department Staffing and Recruitment	
Review	10
Promotions	10
Recruitment	11
Evaluations and Awards	12
Modifications, Modernizations and Innovations	12
Topic 2: Training	
Review	13
NCPD Academy – Recruit Training	13
Use of Force	13
Vehicle Stops	14
Procedural Justice	14
Implicit Bias Awareness Training	15
Hate Crimes	15
De-Escalation	16
Problem-Oriented and Hot Spot Policing.....	16
Mental Health	17
Modifications, Modernizations and Innovations	17
New Annual In-Service Training	17
Yearly Bias Training and Exam	18
Topic 3: Use of Force	
Review	18
Use of Physical Force	18
Use of Deadly Physical Force	20
Reporting	20
Tracking	21
Modifications, Modernizations and Innovations	22
Topic 4: Body Cameras	
Review	23
Topic 5: Vehicle Stops	
Review	24
Tracking and Reporting	24
Pretextual Car Stops	24
Informal Quotas	24
Failure to Pay Fees and/or Fines	24
High Speed Pursuits	24
No-Knock Warrants	24
Modifications, Modernizations and Innovations	25

Topic 6:	Procedural Justice, Systemic Racial Bias and Racial Justice in Policing	
	Review	26
	Procedural Justice	26
	Systemic Racial Bias and Racial Justice in Policing	27
	Modifications, Modernizations and Innovations	28
	Procedural Justice	28
	Young Adult Council (YAC)	28
	Language Access Plan	28
	Systemic Racial Bias and Racial Justice in Policing	29
	Appearance Tickets in Lieu of Arrest	29
	Summons and Field Stop Tracking	29
Topic 7:	Implicit Bias Awareness Training	
	Review	30
	Modifications, Modernizations and Innovations	31
Topic 8:	Hate Crimes	
	Review	32
	Modifications, Modernizations and Innovations	33
	Prohibited Race-Based 911 Calls	34
Topic 9:	De-Escalation Training and Practices	
	Review	35
	Modifications, Modernizations and Innovations	36
Topic 10:	Law Enforcement Assisted Diversion Programs (LEADS)	
	Review	36
	Modifications, Modernizations and Innovations	37
	Operation Natalie	37
	Youth Police Initiative (YPI)	38
Topic 11:	Restorative Justice	
	Review	38
	Modifications, Modernizations and Innovations	39
Topic 12:	Community-Based Outreach and Conflict Resolution	
	Review	40
	Modifications, Modernizations and Innovations	43
Topic 13:	Problem-Oriented and Hot Spot Policing	
	Review	45
	Problem-Oriented Policing	45
	Hot Spot Policing	46
	Broken Windows and Stop, Question and Possibly Frisk	48
	Modifications, Modernizations and Innovations	49
Topic 14:	Focused Deterrence	
	Review	50
	Modifications, Modernizations and Innovations	50
Topic 15:	Crime Prevention Through Environmental Design	
	Review	51
	Modifications, Modernizations and Innovations	51
Topic 16:	Violence Prevention and Reduction Interventions	
	Review	52
	Modifications, Modernizations and Innovations	53

Topic 17:	Model Policies and Standards	
	Review	54
Topic 18:	Complaint Tracking	
	Review	55
	Modifications, Modernizations and Innovations	57
Topic 19:	Communications Bureau and 911	
	Review	58
	Modifications, Modernizations and Innovations	59
Topic 20:	Mental Health and Homelessness	
	Review	59
	Mental Health	59
	Substance Abuse	59
	Hostage Negotiation Team	60
	Homelessness	60
	Modifications, Modernizations and Innovations	60
Topic 21:	Crowd Control	
	Review	63
	Modifications, Modernizations and Innovations	64
Topic 22:	Supporting Officer Well-Being	
	Review	65
	Modifications, Modernizations and Innovations	65
Topic 23:	Transparency	
	Review	66
	Modifications, Modernizations and Innovations	66
Summary of Recommendations		67
	Diversity in Department Staffing.....	68
	Training	71
	Complaints	72
	Immigration and Limited English Proficiency	74
	Systemic Racial Bias and Implicit Bias	76
	Transparency	77
	Community Outreach	79
	Hate Crimes	82
	Mental Health	82
	Other Community Recommendations	83
Conclusion		86
Executive Summary		87

PUBLIC COMMENT COVER LETTER

The draft being presented for public comment follows a period of collaboration with community stakeholders and representatives. However, it is imperative that the County receive input on our plan for police reform and reinvention from as many Nassau County residents as we can reach.

Meaningful reform will only be accomplished if our citizens take the time to review this plan and submit any suggestions, comments or recommendations to the County for consideration. Please help spread the word that our draft police reform plan is now available for public review and comment. Let your neighbors, friends, co-workers, and family members know that Nassau County wants to hear from them on the important issue of police reform.

Comments and feedback can be submitted via email to EO203@NassauCountyNY.Gov and through the following link: <https://forms.nassaucountyny.gov/contact/agencies/ce/203comment.php>.

A link to this document and all reports generated by the Nassau County Police Department in accordance with NYS Executive Order 203 is available below:

<https://www.nassaucountyny.gov/EO203>

The public comment period has concluded on February 5th (see public announcements attached hereto as Exhibit A). The Nassau County Police Department has reviewed the suggestions from the community and added a Summary of Recommendation Section herein. This section lists the proposals and indicates the community group that submitted the recommendation. NCPD's response to the recommendations are classified by: accepted, considered, denied and existing policy modified with community input. Further details on the NCPD response are provided for the suggestion as well as a reference to any related topic for further information (when applicable).

ACKNOWLEDGMENT

Nassau County Executive Curran and Police Commissioner Ryder would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the NCPD that resulted in the formation of this plan.

An outline of the Executive Order 203 meetings is provided below. For further details on each meeting please refer to Exhibit A annexed hereto.

County Executive / Police Commissioner Community Meetings

June 8, 11, 16, 18, 19, 22, 23
July 1, 2, 7, 9, 16, 21, 22, 30
August 5, 6, 10, 11, 12, 18, 19, 20, 25, 26, 27
August 6
September 17
October 8, 22
November 12, 19
December 2, 7, 17, 30
January 14, 2021

Community Collaborative Task Force (CCT)

October 22, 29
November 5, 12, 17
December 1, 15, 22, 28

EO 203 Listening Sessions

January 22, 29
February 2

Commissioner Community Council (CCC)

August 12, 19, 20, 26
September 24
October 20
December 8, 22

Virtual Town Halls

October 14, 21, 28
November 9, 18, 24
December 3, 9, 15, 22

Introduction

The Office of the Nassau County Executive and the Nassau County Police Department submits this plan pursuant to NYS Executive Order 203 (hereinafter “EO203”). This plan was developed after a comprehensive review of police force deployments, strategies, policies, procedures and practices through consultation with community stakeholders. This plan will enable the Nassau County Police Department to continue its robust community-oriented policing strategies while working towards further reducing racial disparities in policing.

In accordance with the mandates of EO203 and the guidance provided by NYS relating to the Executive Order, Nassau County engaged in a collaborative effort with community stakeholders through several different forums. First, Nassau County Executive Laura Curran established the Police and Community Trust initiative (PACT) and the Community Collaborative Task Force (CCT). Next, the County Executive hosted town halls to address issues related to police reform. Similarly, Nassau County Police Commissioner Patrick J. Ryder, through the Commissioner’s Community Council (CCC) also addressed issues raised by the community which are now included in this plan. Nassau County also established an EO203 webpage which contains pertinent information, data and statistics. In accordance with EO203 and in acknowledgment of community requests, these reports will be posted on the Department webpage bi-annually. Additionally, the webpage contains a link to an email address which can be utilized by county residents to send suggestions, concerns or ideas relating to police reform. Each of these forums provided a means by which the County was able to gather valuable input from our residents for consideration when drafting this plan.

The NCPD participated in this collaborative effort while conducting a full review of department policies and procedures. As a result of the input from our community, the NCPD has made modifications to its policies and procedures as outlined herein. This plan reflects Nassau County and the NCPD’s commitment to serving all the people of our community both equally and fairly. As reflected herein, the NCPD has, in many instances, addressed the issues presented in the NYS guidance relating to transparency and racial disparity prior to the promulgation of EO203. Nevertheless, although Nassau County has been in many ways ahead of other jurisdictions in regard to the relationships between the NCPD and our residents, we know we can do more. The County is committed to fostering trust, fairness, and legitimacy while working towards reducing racial disparities.

Recent events which have led to unrest in our country have made it clear that law enforcement, community members, and elected officials must work together to build mutual trust and respect. The County and the NCPD acknowledge that this important work does not end with the submission of this document but rather must be an ongoing effort to continuously improve relations between the NCPD and the communities the Department serves.

Legislative Hearings

On January 7, 2021, the County Executive released a Police Reform EO 203 Draft Plan for public comment and on February 15, 2021, filed an updated EO 203 Plan as Clerk Item 64-21, a Resolution to adopt the Nassau County Police Reform and Reinvention Plan.

The Nassau County Legislature commenced a Special Meeting on February 24, 2021 regarding the updated EO 203 Plan and received input from Long Island Advocates for Police Accountability (“LIAFPA”). Specifically, there was a full presentation of the LIAFPA’s People’s Plan, an alternative plan to the County’s updated plan. The County Executive’s Office addressed follow up questions with LIAFPA on March 10, 2021.

An additional PACT meeting was held on March 11, 2021 to review additional amendments to the County’s EO 203 Plan. As a result of the ongoing community input process, on March 12, 2021 an amended Clerk Item 64-21 was filed for approval.

On March 15, 2021, the Public Safety Committee reconvened to hold a hearing on amended Clerk Item 64-21. The item was approved by Legislative Committees including Public Safety, Finance and Rules. After the hearing on March 15, 2021, the Nassau County Legislature filed with the Clerk of the Legislature its input on the EO 203 Plan.

The County Executive accepts these recommendations as set forth in the Clerk Item which follows and amends the EO 203 Plan that is to be approved by Clerk Item 64-21, a Resolution to adopt the amended Nassau County Police Reform and Reinvention Plan.

64-21

AMENDMENT 2

RECEIVED
NASSAU COUNTY
CLERK OF SUPERIOR COURT

Amendment in the Nature of a Substitution – Clerk Item #64-21

MAR 15 10 56

Narrative Description of Additions of the Legislative Majority Delegation for the Nassau County Police Reform Plan

Executive Order 203 requires the Nassau County Police Department to review its policies, practices, strategies and procedures and develop a plan for improvement by working with the communities it serves to address racial bias and disproportionate policing in communities of color.

Pursuant to this order, the County Executive and the Commissioner of Police established the Police and Community Trust Initiative (PACT) and Community Collaborative Task Force (CCT), and worked with the Commissioner's Community Council (CCC) to provide forums for stakeholder participation and assist in the creation of police reform plan.

On January 7, 2021, the County Executive released a draft Police Reform plan for public comment and on February 15th filed Clerk Item 64-21, a Resolution to adopt the Nassau County Police Reform and Reinvention Plan.

After additional stakeholder meetings conducted by the Commissioner of Police and County Executive, on March 12, 2021 an amended Clerk Item 64-21 was filed for approval.

The following amendments are indicated in the nature of a substitution and shall append the "Police Reform EO203" plan that is to be approved by Clerk Item 64-21, a Resolution to adopt the Nassau County Police Reform and Reinvention Plan:

Staffing and Recruitment:

To assist those that are interested in pursuing a career in Nassau County law enforcement, the Nassau County Police Department (NCPD) shall offer free online or in person police and civilian exam preparatory courses. The NCPD shall develop practices and procedures to recruit a more diverse police force, which shall include a study of measures employed in other police departments. The commissioner shall present the plan to the Public Safety Committee within six months of adoption of the Police Reform EO203 plan.

Body Cameras:

Consistent with the legal obligation of Nassau County to collectively bargain the terms and conditions for the implementation of a body camera program, the NCPD shall review guidelines and protocols adopted by other municipalities that have implemented body cameras and shall provide a report to the Public Safety Committee within six months of adoption of the Police Reform EO203 plan.

Crime Prevention through Environmental Design:

The NCPD shall assess data as to locations of recurrent criminal activity and shall make recommendations for capital projects to enhance the safety of those areas.

A capital project shall be added to the Nassau County Capital Plan to provide funding and resources for the enhancement of public areas to reduce opportunities and incidences of crime.

Model Policies and Standards Review:

NCPD policies shall be annually reviewed and updated as necessary by the NCPD with summary updates on policy updates and changes reported to the Nassau County Legislature.

Community Contact and Resident Surveys:

Nassau County shall conduct surveys of the communities served by the NCPD and of victims and complainants that have had contact with the NCPD in the month prior to being surveyed.

Contact Surveys shall be designed to measure how satisfied people are with how they have been treated by police and how police responded to their issues. Such surveys shall also request data on an individual's experience with language assistance.

Language Access:

The NCPD shall take the following steps to improve services to Limited English Proficiency ("LEP") communities:

- Adopt policies and procedures to allow the NCPD to, as much as possible, provide timely and meaningful access to all LEP community member in encounters with the NCPD.
- Provide training and distribute policies to all department personnel on how to effectively communicate with LEP community members.
- Recruit, hire and train bilingual officers and test their proficiency level.
- Translate vital documents.
- Make forms available to residents in the languages spoken by substantial numbers of Nassau residents.

Nassau County Mobile Crisis Team and 911 Tiered Response:

The "EO203 Police Reform" plan adopts a tiered response model in concert with the Nassau County Mobile Crisis Response Team. The NCPD shall conduct a study to evaluate the structure of this tiered response, its efficacy, and make recommendations for improvement. The NCPD shall present its report to the Public Safety Committee within six months of adoption of the Police Reform EO203 plan.

Biannual Reporting: The Commissioner of Police shall, at a public hearing at least twice a year, brief the Legislature on the progress of the NCPD on its implementation of and compliance with the "EO203 Police Reform" plan. Such briefing shall include a presentation of all statistical data identified and gathered pursuant to the "EO203 Police Reform" plan. All information provided to the Legislature pursuant to this hearing shall be posted to the official website.

911 Call Centers: The county shall undertake the following steps:

- Evaluate current staffing to determine if it is sufficient to meet the needs.
- Implement specific training requirements and enhance the call script of 911 call-takers to elicit information relating to potential behavioral health crisis.
- Ensure that at all times there is available access to behavioral health professionals to provide guidance if necessary.
- Integrate bilingual dispatchers into 911 call centers.

NASSAU COUNTY POLICE DEPARTMENT

Established on April 16, 1925, the Nassau County Police Department began with fifty-five (55) Deputy Sheriffs and one (1) Fingerprint Expert. Servicing the citizens of Nassau County for nearly a century, the Department now has two-thousand five-hundred (2,500) sworn members and one-thousand two-hundred fifteen (1,215) civilian employees. The NCPD is comprised of three major divisions: Patrol Division, Support Division, and Detective Division.

It is important to note that within Nassau County there are two (2) cities and eighteen (18) villages which maintain their own police departments. Although the NCPD will assist those jurisdictions when needed (i.e. assistance is generally provided on most serious felonies), the day-to-day operations, which includes routine patrol and traffic enforcement, are the responsibility of those departments. Those departments are as follows:

Centre Island, Floral Park, Freeport, Garden City, Glen Cove, Great Neck Estates, Hempstead, Kensington, Kings Point, Lake Success, Long Beach, Lynbrook, Malverne, Muttontown, Old Brookville, Old Westbury, Oyster Bay Cove, Port Washington, Rockville Centre and Sands Point.

Considered one of the country's largest police agencies, with a territorial jurisdiction that covers approximately four-hundred fifty-six (456) square miles, the Nassau County Police Department safeguards a population of nearly one-million four-hundred thousand (1,400,000) people. Founded on the ideals of integrity, loyalty, fairness, and excellence, the NCPD is a service-oriented police department that places the concept of community at the heart of its philosophy.

Community Oriented Policing and Public Trust

As a service-oriented department, the NCPD has a long history of strong relationships with the communities it serves. The NCPD is proud of the work it does to develop and maintain these relationships as they are key in keeping an open line of communication between the Department and the members of the community.

The NCPD demonstrates its presence in our neighborhoods and the Department's commitments to our residents in many ways. Some examples include:

- NCPD Open House
- Backpack give-away
- Bicycle safety demonstrations
- School programs (anti-bullying, anti-gang initiative, Police Youth Academy, and the Police Activity League)
- Youth Police Initiative – new 2020
- Informational seminars (scams directed at senior citizens, and holiday shopping)
- Young Adult Council (YAC) – new 2020
- The GREAT Program – reintroduced into CA educational course curriculum in 2019
- The Law Enforcement Explorer Program
- Drug awareness and prevention programs
- Citizens Police Academy (CPA)
- Commissioner's Community Council (CCC)

By engaging in these programs and activities, the NCPD is provided with an opportunity for positive interactions with various members of our community.

In 1968, famed sociologist and Harvard professor James Q. Wilson in his renowned book, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*, deemed the NCPD an exemplary force. Through the years, the NCPD has continued to strengthen and expand its community partnerships. In September 2020, U.S. News and World Report named Nassau County as the safest community in the United States.¹ The NCPD's Community Oriented Policing model is a key component in our county being honored with this designation. The NCPD is grateful for the assistance of community partners in keeping our county safe and our residents protected. The brave men and women of the NCPD are committed to ensuring that every community in Nassau County is a safe place to live and work.

EO203 Mandates

EO203 suggests the County considers several evidence-based policing reform strategies. In addition to these strategies, the NCPD recognized the need to reevaluate additional procedures as well as address additional topics mentioned in the NYS Reform and Reinvention Collaborative Guide. Each topic is listed below and discussed in subsequent sections.

1. Department Staffing and Recruitment
2. Officer Training
3. Use of Force Policies
4. Body Worn Cameras
5. Vehicle Stops
6. Procedural Justice, Systemic Racial Bias and Racial Justice in Policing
7. Implicit Bias Awareness
8. Hate Crimes
9. De-Escalation Training and Practices
10. Law Enforcement Assisted Diversion Programs
11. Restorative Justice Practices
12. Community-Based Outreach and Conflict Resolutions
13. Problem-Oriented and Hot Spot Policing
14. Focused Deterrence
15. Crime Prevention Through Environmental Design
16. Violence Prevention and Reduction Interventions
17. Model Policies and Standards
18. Complaint Tracking
19. Communications Bureau and 911
20. Mental Health and Homelessness
21. Crowd Control
22. Supporting Officer Well-Being
23. Transparency

¹ <https://www.usnews.com/news/healthiest-communities/slideshows/safest-counties-in-america?slide=21>

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State, the NCPD has conducted a comprehensive review of its policies and procedures. After collaborating with community stakeholders as described above, receiving input from members of our community, the NCPD has proposed several modifications to its policies and procedures. This plan contains a review of both the specific topics listed in EO203 as well as the additional topics suggested in the NYS guidance or identified by NCPD through self-evaluation and acknowledging the issues presented by community representatives at EO203 meetings.

The plan includes a “review” of current NCPD policies, procedures and strategies related to each topic. Following the “review”, the plan will describe any “modifications, modernizations, and innovations”, some of which were implemented prior to EO203, and others are a result of collaboration with community stakeholders. The topics were reviewed by the NCPD in an effort to strengthen its relationship with the communities and reduce racial disparities. Each section incorporates key questions and insights for consideration provided in the guidance issued by NYS relating to EO203. Many of the issues addressed in the NYS guidance are interwoven throughout different topics. Accordingly, where necessary, this plan will cross-reference information as needed.

Topic 1:

Department Staffing and Recruitment

Review:

The NCPD consists of two-thousand five-hundred (2,500) sworn members and one-thousand two-hundred fifteen (1,215) civilians. Of those civilians, four-hundred thirty-four (434) are school crossing guards. The NCPD has systematically decreased the number of sworn members for several years by using civilian employees in all areas where sworn members are not needed. Among the NCPD units which have civilianized positions are the following: Intelligence Section, Communications Bureau, Ambulance Bureau, Personnel and Accounting Bureau, and across all Divisions where clerical staff is needed for administrative duties. For the demographics of NCPD Department staffing, refer to Exhibit AI annexed hereto.

Promotions:

- The qualifications for Office of Commissioner of Police are contained in section 8-2.0 of the Nassau County Administrative Code. The Commissioner of Police is selected by the County Executive and confirmed by the Nassau County Legislature.
- The ranks below the Commissioner of Police are generally governed by Civil Service Lists. Nassau County Civil Service administers tests for the titles of Police Officer, Sergeant, Lieutenant, and Captain. Following those exams, Civil Service establishes a list based upon the scores, ranking the highest scoring candidate first on the list for selection.
- Above the rank of Captain, individuals are selected for higher ranks by the Commissioner of Police. These higher ranks include: Deputy Inspector, Inspector, Deputy Chief, Assistant Chief, Division Chief, Chief of Department, and Deputy Commissioner. Members holding these titles are considered the Commissioner’s Executive Staff and are responsible for managing major

commands, precincts and divisions within the Police Department. The Commissioner, in accordance with section 8-4.0 of the Nassau County Administrative Code, has the ultimate authority in selecting his Executive Staff.

- The Commissioner bases his selection for these ranks upon the needs of the Department and the needs of the communities being served by the particular individual. The Commissioner consults with other members of his Executive Staff, community representatives and stakeholders depending on the particular position being filled.
- While productivity of a candidate is one factor considered for the promotion, there are no hard or fast numbers that are used for promotional purposes that would cause ticketing or arrests to be misused in the community in order to achieve promotion. The Commissioner endeavors to use community input especially when the promotion affects specific communities and their needs.

Recruitment:

- The Police Department and the Civil Service Commission continuously works with the communities in Nassau County (as well as adjoining counties) to recruit a diverse group of candidates, which represent the diverse population of Nassau County (see Topic 12, Community-Based Outreach).
- The County will commit to setting up meetings with the Nassau County Civil Service Commission over the course of the next six months to develop a plan for enhanced diversity and inclusion in the recruitment of applicants, which may require suggested amendments to Civil Service law, rules and regulations. Any reforms will be publicized.
- In an effort to create a more diverse Department, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department's website, distributing pamphlets, utilizing social media platforms, and engaging the youth in the community.
- Individuals interested in becoming a police officer may sign up to take the next police officer exam by calling 1-800-RECRUIT. A recorded message provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test. The message also provides applicants to another phone number should they wish to speak with an NCPD officer about joining the Department.
- Interested individuals can also obtain information about upcoming tests through the NCPD website or by scanning the QR code provided on informational pamphlets distributed in the community.
- Community Affairs also handles the ongoing recruitment efforts undertaken by the Department. Members of Community Affairs partner with local schools and universities as well as large shopping/meeting centers throughout Nassau County and the surrounding areas in order to recruit candidates for various positions in the NCPD (i.e. police officer, crossing guard, explorer). The recruitment effort has a specific focus on diversifying the Department to mirror the community it serves.

- Community Affairs regularly hosts career day informational sessions. At these meetings, Community Affairs officers go into middle schools and high schools and talk about job opportunities within the NCPD. These career days allow the NCPD to interact with young people and answer any questions they may have about a career in law enforcement.
- Even when there is no entrance exam scheduled, Community Affairs continues its recruitment efforts for interested candidates (pre-registration) and maintains a database of individuals to contact when a test date is announced. The Department also announces all entrance exams on its social media accounts.
- Individuals who would like to pre-register for the next exam can scan the QR code provided in the “Meet the NCPD” paper (annexed hereto as Exhibit B).
- Community members of low-income communities who may not be able to afford exam registration and application fees are encouraged to apply for fee waivers. A waiver of application fee will be allowed if you are unemployed and primarily responsible for the support of a household. In addition, a waiver of application fee will be allowed if you are determined eligible for Medicaid, or receiving Supplemental Security Income payments, or public assistance (temporary assistance for needy families/family assistance or Safety Net Assistance) or are certified Job Training Partnership Act/Workforce Investment Act eligible through a state or local social service agency. When prompted to submit the application processing fee, choose the fee waiver option and follow the directions regarding downloading and submitting the required fee waiver form.

Evaluations and Awards:

- Officers are informed of commendation letters they receive from members of the public who contact the NCPD to express their gratitude for some action that was taken. Those letters are also added to the member’s personnel file. This helps advance the NCPD’s goals of being a service-oriented department.
- Officers do receive awards from various civic organizations.
- It is also important to note that additional points are added to promotional exams for certain life-saving situations and meritorious actions. The NCPD Awards Committee convenes quarterly and reviews submissions of recommendations for these awards.
- Lesser awards, such as Command Recognition, which do not carry any additional promotional points, may also be awarded. Members are nominated for such awards by their supervisors.

Modifications, Modernizations and Innovations:

- The NCPD has implemented a mentoring program which matches applicants with mentors at the NCPD. This initiative is facilitated by the fraternal organizations of the NCPD which include: Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Columbia Police Association of Nassau, Nassau County Association of Women Police, Police Emerald Society of Nassau County, Holy Name Society and Shomrim Society of Nassau

County. Applicants can contact the fraternal organization they feel will be best suited to provide guidance in their application process.

- The community recommended to add questions on department employment applications to determine racial bias or implicit bias. The NCPD accepted this suggestion and added two (2) questions related to biases to the application:
 - Is there any race, religion, ethnicity, gender, gender identity, sexual orientation, or physical appearance that you consider inferior to you?
 - Do you believe that racial profiling by law enforcement is a useful tool?
- In addition to the aforementioned questions, the Department has enhanced implicit bias awareness training for recruits and during in-service training, to identify and address any possible unconscious bias.
- In furtherance of our mission to serve and protect the people of Nassau County, and to provide safety and an improved quality of life in our communities through excellence in policing, we strive to create a department that contains a broad range of diversity including race, gender, religion, language, sexual orientation, life experience and social background. The Department has instituted a Diversity and Recruitment Team. This team consists of a Chairman, the NCPD Chief of Department and sixteen (16) members who represent each precinct, specialty squads, civilians and the Detective Division. The NCPD is committed to improving effectiveness and understanding in our interactions with all communities and providing police service that is fair, respectful, compassionate and promotes equality.

Topic 2:

Training

Review

NCPD Academy – Recruit Training

Specific areas of training will be addressed throughout this plan. This section will provide a general overview of the training provided to members of the NCPD and address training on topics specified in the NYS guidance:

- The Nassau County Police Department Academy is governed by the New York State Division of Criminal Justice Services Law Enforcement Agency Accreditation Program. The NCPD Academy staff utilizes NYS curriculum which requires six-hundred ninety-nine (699) hours in training, in addition to the NCPD's four-hundred (400) hours of supplemental training. NYS provides evidence-based curriculum and scenario training.
- The quality and efficacy of the Department's training programs is assured by utilizing state certified curricula and conducting an annual review by academy staff.

Use of Force

- New York State Department of Criminal Justice Services (DCJS) mandates that police academies provide eleven (11) hours of instruction on use of force. The NCPD exceeds that requirement by providing nineteen (19) hours of academy instruction, including eight (8) hours of reality-based training using “simunitions.”
- “Simunition” rounds, which are akin to paintballs, are fired from guns to mimic scenarios where an officer may be confronted with an individual armed with a gun.
- In the 8-hour reality-based training, academy staff devises various training scenarios where officers are confronted with situations that may or may not require force. These scenarios allow the academy staff to assess whether the appropriate amount of force is applied given the situation. The academy staff base their scenarios off scenes the new officers will confront on a daily basis (i.e. traffic stops, domestic violence calls, and disturbances).
- Observing new officers in this environment during these scenarios allows the academy staff to evaluate the new officers’ ability to balance both their safety and the individual’s safety without resorting to unnecessary force.
- After use of force training, recruits take a Use of Force Exam. All recruits must receive a perfect score. If a perfect score is not achieved after three (3) retries the recruit’s employment is terminated.

Vehicle Stops

- Police officers are trained to conduct vehicle stops for many reasons. Primary among those are to prevent traffic accidents, allow for an orderly and expeditious flow of traffic, and for regulatory/administrative purposes (i.e. violations of the NYS Vehicle and Traffic Law).
- Types of traffic stops are for traffic or criminal offenses, high risk situations, or potential investigative stops that are initiated when there is reasonable suspicion that a felony or penal misdemeanor is being committed, has been committed, or is about to be committed. Officers are trained to never initiate based on race, gender, ethnic origin, age, sexual orientation, religion, or financial status.

Procedural Justice

- The police academy stresses the importance of enhancing trust in the community, the use of language skills, the study of police behavior and interaction with police and how mannerisms of interactions shape the public’s view of police.
- The Nassau County Police Department’s Procedural Justice Course is ten (10) hours long and exceeds the NYS DCJS’ mandated two (2) hours. The Procedural Justice Course includes sections on de-escalation and professional communication.

- In order to make forward progress towards procedural justice and police legitimacy, the NCPD Academy instills the Four Pillars of Procedural Justice² in Officers. These four (4) principles are:
 - Fair in process
 - Transparent in actions
 - Providing opportunity for voice
 - Being impartial in decision making
- The opportunity for the citizen to make arguments and present evidence should occur before the officer decides how they are going to resolve the encounter.
- It is imperative to remain neutral in order to achieve impartial decision making. Officers are trained in consistency in decision making and that decisions need to be reasoned, objective and factually driven.
- Officers are trained regarding transparency and openness with rules and procedures. Members are instructed to secure the situation, then explain the reason for their presence.
- As reviewed in many topics at the police academy, the importance of being sensitive to cultural differences and being empathetic to a person's situation is continuously emphasized.

Implicit Bias Awareness Training

- Training and exposing police officers to the existence of unconscious bias is believed to help reduce and manage implicit bias.
- The Nassau County Police Department educates our recruits about implicit bias for a total of sixteen (16) hours. NCPD exceeds the NYS DCJS mandate by three (3) hours.
 - Eight (8) hours are spent on decision making which incorporates concepts of implicit bias including how to reduce stereotypical ideology and subconscious biases.
 - Eight (8) hours of training is spent on cultural diversity.
- Members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers address new recruits about their community's experience with police officers and the role these officers will be undertaking as guardians of that community. The following community groups represented during these lectures are: African American, Korean American, Hispanic, Sikh, Jewish, Islamic/Hindu/Muslim, and LGBTQ.
- Different scenarios are presented by means of roleplay to simulate potential community interactions.

² <https://cops.usdoj.gov/prodceduraljustice>

- In response to the call for police reform, in June of 2020, the NCPD Police Academy added an additional eight (8) hours of newly expanded training addressing anti-bias, morality, ethical awareness and cultural diversity. This supplementary eight (8) hour training will occur just prior to recruit graduation. The academy staff stresses ethical and moral courage and the importance of holding each other accountable for their actions.
- African American studies (in partnership with NCCC), Black History in Policing, and Gender Studies

Hate Crimes

- The NCPD Academy complies with the NYS Guidelines for hate crime training. Hate crime curriculum is incorporated into several lesson plans throughout the academy.
- The Police Academy teaches officers that the NCPD has a zero-tolerance policy regarding hate crimes and bias incidents. Officers are instructed to identify these incidents, initiate proper reporting procedures, and make the necessary notifications to appropriate special units and, if necessary, members of the community that have a vested interest in these situations.
- All newly promoted supervisors are required to attend a refresher course on hate crimes.

De-Escalation

- Although DCJS does not specifically require training in de-escalation techniques, the NCPD provides an eight (8) hour course dedicated to de-escalation training. De-escalation is incorporated into other areas of recruit training. Topics included in de-escalation training are:
 - active listening,
 - the principle of impartiality,
 - the concept of verbal judo for effective communication (as discussed in the book *Verbal Judo: The Gentle Art of Persuasion* by George J. Thompson),
 - speaking persuasively,
 - techniques on remaining calm and in control of situations.
- Although police recruits receive extensive de-escalation training in the academy, there is only so much that can be learned in a controlled environment. Accordingly, all new NCPD police officers are assigned to shadow an experienced officer. This experienced officer is carefully selected based on his/her length of service with the NCPD, past performance record, and the officer's ability to mentor and guide new officers. These Field Training Officers (FTO) take great pride in passing on their knowledge and experience to the next generation of officers. It is with these FTO where new police officers witness the real-world application of de-escalation techniques and the benefits it provides to both the officer and the individual. These new officers also get to see how experienced officers interact with individuals from diverse communities and gain their trust and respect. These FTO play a critical role in the shape and future of the NCPD.

Problem-Oriented and Hot Spot Policing

- The Nassau County Police Academy instructs recruits on the methods of Problem-Oriented Policing in a two (2) hour course encompassing the value of community-oriented policing and problem solving.

- The NCPD incorporates the basic principles of hot spot policing into a three (3) hour course on intelligence-led policing.

Mental Health

- Recruits of the Nassau County Police Academy undergo twenty (20) hours of NYS DCJS Mental Health curriculum. This course trains recruits in identifying behavioral signs of emotional distress, how to effectively communicate with an emotionally disturbed/mentally ill person, and to help people with mental illnesses connect to resources. This curriculum uses roleplay for reality-based training by simulating scenarios involving people in crisis.
- In addition to the DCJS Mental Health course, the NCPD academy addresses mental health training in other courses such as: crisis intervention, de-escalation, professional communication, hostage negotiation, autism awareness, and interview and verbal skills.
- Members of Nassau County Police Department's Emergency Services Unit (ESU) receive an extensive five (5) day mental aided training in addition to the training described above. ESU Members train to subdue a mental aided with the minimal use of force necessary. ESU works in collaboration with other members present at the scene, which includes officers, supervisors, police medics, the Bureau of Special Operations (if the aided is armed with a firearm), and, when necessary, the Hostage Negotiation Team.

Modifications, Modernizations and Innovations:

New Annual In-Service Training

To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the Nassau County Police Department formulated an innovative in-service training curriculum. The new ten (10) hour in-service lesson plan is attached as Exhibit C for the public's reference. The core lessons are outlined below:

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal (NYS Civil Rights Law §50-a), NYS Civil Rights Law §79-p Right to Monitor, Establishment of the Law Enforcement Misconduct Office, as well as any other legal revisions or updates which must be brought to the attention of the Members of the NCPD.
- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting and priority of life discussion
- De-escalation, maintaining control over oneself, the five universal truths to human interaction, communication, active listening, and the principles of impartiality
- Procedural justice, police legitimacy and the benefits thereof
- Ethical and moral courage and the duty to intercede/intervene
- Fundamental crisis intervention, indicators of emotional stress, communication, and treatment, recovery and resources
- Implicit bias, implicit/preference, explicit/conscious preference and confirmation bias

- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve

Community stakeholders have recommended bringing in outside instructors and speakers for in-service training. During implicit bias awareness recruit training, members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. It was suggested this training continue during in-service training. The NCPD Academy Staff will incorporate guest instructors and speakers into the yearly in-service training.

Pretextual traffic stops is a topic covered during NCPD academy instruction. As per community recommendation, a review of the pretextual stop laws will be added to the curriculum of in-service training to ensure this type of enforcement is being applied correctly and fairly.

The Department understands the importance of respectful communication and engagement with members of the community who have disabilities. The NCPD has added disability etiquette to the curriculum of recruit training and in-service training. By informing officers on how to respectfully interact with disabled community members, both parties will be more comfortable by avoiding awkward situations and reducing confusion.

Yearly Bias Training and Exam

Similar to the sexual harassment and hazardous materials training, all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

Topic 3:

Use of Force

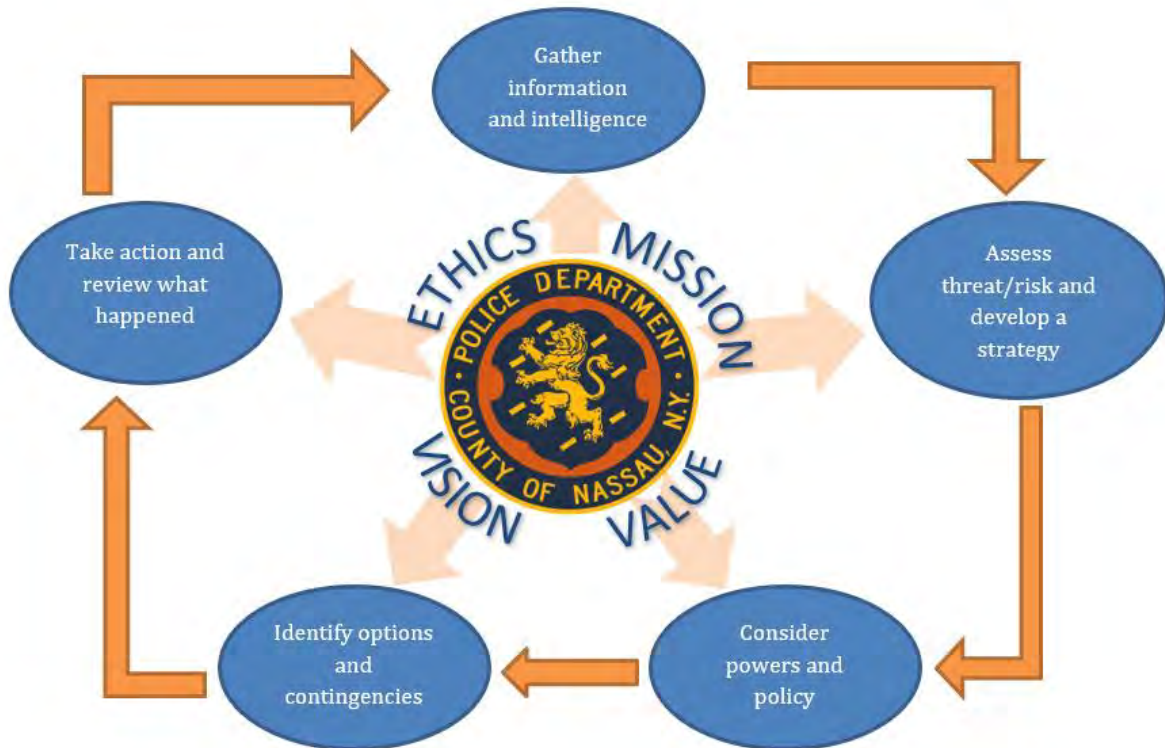
Review:

Use of Physical Force:

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community itself. When faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of the Nassau County Police Department shall be those principles set forth, as well as the paramount objective of reverence for the sanctity of human life. In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. Force is authorized when reasonably believed to be necessary:

- to effect a lawful arrest or detention;
- to prevent the escape of a person from custody;
- or in defense of one's self or another.

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force to dissipate a particular threat and/or resistance. Officers are trained to assess these fluid situations for totality of circumstances and determine the level of force necessary or appropriate for each instance and adjust the level of force accordingly.



To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the threat or resistance posed by the suspect;
3. the potential for injury to citizens, officers, and suspects;
4. the risk or attempt of the suspect to escape;
5. the knowledge, training, and experience of the officer;
6. officer/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member's decision to use force in a particular situation, including the type and degree of force, should exhibit a rational and constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the following:

- gathering of information;
- assessment of the overall situation;
- consideration of police powers and department policy;
- identification of available option;
- determination of a suitable course of action;
- continuous reassessment.

Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are duty bound to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm. Members of the Department who observe another member using force that exceeds the use of what is objectively reasonable shall promptly report these observations to his/her supervisor. In every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy.

- NCPD Policy 4000 states that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used.

The NCPD prohibits the use of force except when legally authorized. Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures. Therefore, the use of force for punitive or retaliatory reasons is strictly prohibited.

Force shall not be used by a Member of the Department against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

Use of Deadly Physical Force:

A Member of the Department is only justified in using deadly force when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury,
2. and the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the Member or to others.

The basis for such a determination depends on the totality of circumstances. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly force, the external circumstances that formulated his or her decision to utilize deadly force, as well as the factors that led to the conclusion that the Member's life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly force was objectively reasonable. When feasible, Members of the Department shall provide a verbal warning prior to the use of deadly physical force.

The NCPD generally prohibits the firing of rounds at or from moving vehicles unless the deadly force being used against the officer is other than the vehicle itself. Every incident where an officer fires their weapon at a moving vehicle is fully investigated pursuant to the Department's use of force policy.

Reporting:

- Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Following involvement in any such incident, members are

required to complete PDCN Form 258, the Use of Force Report (annexed hereto as Exhibit D). Use of force incidents are reviewed by the Deadly Use of Force Review Board.

- The Deadly Use of Force Review Board was established to evaluate and report findings on incidents involving the use of deadly force. This five (5) person board is comprised of the Chief of Department (chairman), Chief of Detectives, Chief of Patrol, the Counsel to the Commissioner, and Deputy Chief chosen by the chairman. This board is responsible for reviewing, investigating, evaluating and making recommendations to the Commissioner of Police for all incidents involving the following use of deadly force by a Member of the Department:
 - An intentional firearm discharge at a human being, or
 - An unintentional firearm discharge causing injury to another, or
 - The use of force, intentional or otherwise, causing serious physical injury or death to another, or
 - Any other incident involving the use of force for which the Chief of Department directs a review.
- A Deadly Use of Force Team was created and responds to all use of force incidents that meet the aforementioned criterion. The Deadly Use of Force Team conducts a full investigation into the circumstances surrounding the shooting and generate a report submitted to the Commissioner of Police. Thereafter, if warranted, discipline and/or retraining occur.
- In addition to the Deadly Use of Force Review Board, deadly use of force incidents are also reviewed by Division Chiefs, Commanding Officers and Police Academy Staff.
- The NCPD is cognizant of the importance of collecting and maintaining data related to use of force incidents in order to identify possible trends, identify areas where training may need to be expanded or supplemented, and have the ability to provide this information to the community.

Tracking:

- The use of force reports will be examined to determine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.
- The NCPD requires the monitoring of any officer who has received three (3) or more civilian complaints within a twelve (12) month period.
- Nassau County Police Department's use of force reporting requirement is more rigorous than that required by New York State.
- Precinct Commanding Officers conduct a monthly review of use of force reports to determine if there appears to be any disparities.
- If an officer has a high number of use of force complaints, an internal review is conducted with possible disciplinary action. If the review deems the incident criminal, an external review is conducted by the District Attorney's Office. As of April 1, 2021, the Attorney General will have the right to review and investigate all matters of excessive force.

Modifications, Modernizations and Innovations:

- In 2016, the NCPD conducted a comprehensive review of its use of force policies and procedures and created the NCPD Use of Force Reference Guide. This guide compiles use of force policies, rules, procedures and forms into one source. Pursuant to EO203, the NCPD has self-audited the Use of Force Guide and made any necessary updates. (Use of Force Reference Guide annexed hereto as Exhibit E)
- On June 16, 2020 the NCPD issued Legal Bureau Bulletin 20-004 notifying our members of the new law, Aggravated Strangulation New York State Penal Law § 121.13-a. Department Administrative Order 20-015 was issued on June 25, 2020 which serves to remind department members that the Carotid Restraint or “Chokehold” is not an authorized use of force technique except in situations where deadly physical force is being used against a Member of the Department or another. (The Legal Bureau Bulletin and Administrative Order is annexed hereto as Exhibits F and G)
- The Department will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used, and a breakdown by community. The Use of Force Report is posted on the Nassau County’s webpage available for public review. (<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>)
- As detailed in the succeeding section, the NCPD will be implementing a body worn camera program this year. This will be an additional tool used to evaluate incidents involving use of force and will offer an additional layer of transparency relating to interactions between NCPD members and members of the community.
- Members of the Commissioner’s Executive Staff will be holding quarterly meetings with the Office of the County Attorney to discuss pending litigation, settlements and verdicts. Cases involving allegations of Use of Force will be included in these meetings. This will allow the NCPD to monitor these cases for any trends within a particular unit or bureau or by a specific officer.
- The new police academy will help to improve use of force training as the facility will allow for more hands-on training and role playing. The new academy is located in the center of the County on the campus of the diverse Nassau County Community College. The NCPD and the NCCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.
- As of April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, excessive force, criminal activity and other unlawful actions. Details of the creation of this Investigative Office can be found on NYS Executive Law Section 75 and 70-B (attached hereto as Exhibits AJ and AK respectively).
 - Senator Parker’s justification for the law: The recent history of police disciplinary secrecy, discriminatory practices in policing, and the current widespread pattern of police violence have justifiably convinced a large segment of the public that significant improvements to police disciplinary transparency and police oversight are needed. A

strong, independent office with the power to monitor and investigate misconduct within law enforcement agencies is an important element to restore confidence in law enforcement and verify that the confidence is warranted. The Law Enforcement Misconduct Investigative Office improves the existing systems by providing broad jurisdiction, independence, and extra scrutiny where existing systems may be failing. Police agencies in New York State each have different internal affairs and civilian oversight bodies. These bodies' authority to act on different types of complaints vary as well. This can make it hard for civilians to know who to complain to, whether their complaint will be heard, or whether the agency they are complaining to is independent and can be trusted. The Office created in this law can handle complaints statewide about any agency because it exists independent of these agencies and the government units they answer to.

Topic 4:

Body Cameras

Review:

Nassau County has retained the services of a consultant, RedLand Strategies, to serve as an advisor to the Police Body-Worn Camera Program. RedLand will coordinate the concerns of key stakeholders such as our community, county departments, and our police unions to ensure the successful development and implementation of the overall program. The Nassau County Police Department and the Shared Services Department will work with the consultant to identify best practices for body-worn camera features and functionality to produce specifications for the procurement of body-worn camera equipment. The County intends to proceed with a formal solicitation from vendors registered on New York State Office of General Services (OGS) contract that meet Nassau's criteria for a Police Body-Worn Camera Program. Officer training and implementation of the Program are scheduled to begin in late 2021.

With the implementation of the Body Worn Camera Program, the NCPD will have the ability to audit a portion of encounters (such as transgender interactions, mental aided calls, traffic stops, etc.) to assess and ensure officers are acting in a manner consistent with the Department's mission and values.

Topic 5:

Vehicle Stops

The issue of traffic stops and associated data was the topic of much discussion during meetings with community stakeholders. A PACT member who attended CCT meetings expressed his concerns regarding vehicle stops by saying they are "not only...the single most frequent interaction that people on Long Island have with the police but it is vulnerable to discrimination both actual and implied". It is evident from our collaboration with the community, that this topic is of utmost importance to our residents. Accordingly, this section is dedicated to the issue.

Review:

Tracking and Reporting

The NCPD utilizes the NYS TraCS system when issuing traffic summonses. This application does not provide the necessary fields to record and collect demographic data. As a result, when community representatives requested a statistical analysis on historical data, the report was inconclusive. (Our neighboring jurisdiction, Suffolk County, has been collecting traffic stop demographic data pursuant to a court-ordered consent decree.)

Pretextual Car Stops

The Department's Legal Bureau issued Legal Bulletin 09-006 (attached hereto as Exhibit H) which provides an overview of car stops, including pretextual stops. This bulletin advises that pretextual car stops are held to be constitutional but officers must have probable cause of a Vehicle and Traffic Law (VTL) violation to do so. The NCPD uses pretextual stops in compliance with the Supreme Court. All stops are done with reasonable suspicion and probable cause and are initiated based on a Vehicle and Traffic Law Infraction. The collection of traffic stop data will be analyzed to ensure there are no racial disparities.

Informal Quotas

Quotas are illegal. The Nassau County Police Department does not hold its members to any sort of quota, informal or otherwise.

Failure to Pay Fees and/or Fines

The guidance provided by New York State suggests some police departments create debtors' prison and prioritize revenue-generation at the expense of civil rights. The Police Department does not issue arrest warrants for failure to pay fees or fines. This is a function of the courts (criminal or traffic). Officers have discretion to issue a ticket or warning based on a number of factors to include:

- nature of the infraction,
- the rate of violations and accidents at high frequency accident locations,
- complaints from the public regarding persistent traffic violations,
- other variables including enforcement efforts directed as a result of traffic analysis.

High Speed Pursuits

As per the NYS guidance, the community is concerned of the risks involved with high speed pursuits. The Nassau County Police Department has Department Policy OPS 6460 in regards to vehicle pursuits (annexed hereto as Exhibit I). NCPD recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the public, police officers, and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself.

No-Knock Warrants

No Knock Warrants are issued by the courts and signed by a Judge after sworn affidavits by law enforcement are reviewed and it is determined that the risk of giving notice prior to entry presents a

substantial risk to the safety of all involved in the execution of the warrant, including the public, subject and law enforcement. Internally, the NCPD requires a level of approval by the Chief of Department and the Police Commissioner. The Nassau County Police Department takes the use of No Knock Warrants very serious and provides members that would be involved in this type of entry with extensive training, instilling the need for a very high level of discipline. The Nassau County Police Department has a strict review process, at the level of the Chief of Department, which is completed prior to requesting a No Knock Warrant from the courts.

Modifications, Modernizations and Innovations:

- Recognizing the concern and aligning with the recommendations of our community stakeholders, the NCPD is making improvements to traffic summons recording and collection of demographics.
 - The NCPD Information Technology Unit in conjunction with New York State Police, implemented changes to the NYS TraCS system and race and ethnicity data will now be recorded to the NCPD Special Order discussed below.
- The NCPD was made aware of community concerns involving the questioning of ethnicity leading to immigration inquiries. The Department also acknowledges the importance of recording demographic data to address the community concern for proper transparency reporting. In recognizing both community concerns (immigrant confidentiality and demographic recording for fair policing), during traffic stops, field stops, and non-enforcement encounters, officers will not ask the public their race or ethnicity. Demographic data will be recorded based on an officer's observations (apparent race). As per Department Policy POL 4101 (attached hereto as Exhibit K), the Nassau County Police Department will not inquire into any person's immigration status.
- To demonstrate the Department's commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community, NCPD Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020 (annexed herein as Exhibit J). This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops. Officers are also required to record a disposition code indicating if:
 - summons(es) issued,
 - warning issued,
 - no police action was taken,
 - interview conducted,
 - a case report was generated,
 - an arrest was made.
- During community meetings, stakeholders suggested Nassau County record traffic and field stops in ways similar to Suffolk County. As of January 2021, the NCPD implemented the necessary changes to the records management system in order to record demographic data.
 - The Department has moved away from inputting demographic data as free text into the CAD system. The NCPD record management system, PremierOne, has been updated to include a traffic stop module. Department Notification 21-007 and Department

Procedure OPS 6452 were issued informing Department Members of the changes to PremierOne and proper traffic stop data collection (attached hereto as Exhibits AC and AD). This module has the ability to capture the following data:

- General stop data: Officer information, location, reason and duration of the stop, type of patrol, if summonses were issued to a corporation, date, and time.
 - Summons and violation information: Number of equipment violation summonses issues, total number of summonses issued, note if the vehicle was searched, why it was searched and the outcome of the search, if force was used during the stop, if canine responded, if the individual was asked to exit the vehicle, if the individual was searched and the outcome of the search, if they were restrained, arrested or interviewed, and a disposition.
 - Data collected on individual(s) stopped: Indicate if person(s) is driver or passenger, name, date of birth, age, gender and apparent race/ethnicity.
- After collecting the data as described above, the NCPD will release a bi-annual statistical report on summons. This report will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. The Summons Report is posted on the Nassau County's webpage available for public review.
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>
 - By recording demographic data for summonses, the NCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all. Training will be an expansion on the courses already provided as outlined in the Training section (Topic 1) of this document.

Topic 6:

Procedural Justice, Systemic Racial Bias and Racial Justice in Policing

Review:

Procedural Justice

The Nassau County Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. NCPD has established long-lasting community partnerships to foster public confidence in the police and in its ability to safeguard the communities it serves.

- Police legitimacy exists when the public views the police as authorized to exercise power to maintain social order, manage conflicts, and solve problems in the community.

- The ability to maintain procedural justice directly impacts the public's willingness to defer to the authority of law enforcement and reaffirms their belief that police actions are morally justified and appropriate.
- When officers are perceived as legitimate, there is less resistance to their actions and greater potential for cooperation making officers more effective at policing.
- Officers reduce racial disparities and build trust by promoting engagement over enforcement.

Respect is an active process of engaging people from all backgrounds in a non-judgmental manner. Respectful treatment is practiced to increase our awareness and effectiveness. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected.

Systemic Racial Bias and Racial Justice in Policing

NCPD Department Policy 4103 regarding racial profiling became a part of the Department's Police Operations Manual in 2002 (attached here to as Exhibit K).

- The NCPD does not condone racial profiling and Members of the Department will not engage in racial profiling.
- Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department.

Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links a specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Officers are trained in the inherent dangers of conscious and unconscious bias and prejudice that could affect decision-making. Discriminatory or bias-based stops, searches and arrests are strictly prohibited.

NCPD Policy 4403 was established to ensure respect for individual dignity (annexed hereto as Exhibit K).

- Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law.
- Respect for individual dignity is an obligation that all Department Members must consider in their daily contacts with the community.
- The Police Department is committed to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

Initial contact protocol is covered in the NCPD Article 5 (Standards of Conduct), Rule 6 (Respect) (attached here to as Exhibit L) which directs:

- Members of the Department to be respectful in their contact with Superior Officers and all other persons within and without the police department

- Members will give their rank, name, shield number, and command to any person who requests same
- Members will give the rank, name, shield number, and command of another Member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining the same

Modifications, Modernizations and Innovations

Procedural Justice

Young Adult Council (YAC)

The community suggested the Nassau County Police Department engage young adults in their communities to build stronger relationships between adolescents, their neighborhoods and officers. The Department concurred and initiated a Young Adult Council (YAC) in every precinct.

- Each council will contain a minimum of six (6) members between the ages of seventeen (17) and twenty-three (23) with different social views such as community leaders, law enforcement explorers and other influencers who impact other young adults in their communities.
- These YACs contain members from a cross section of each of the diverse communities that make up each of Nassau's eight (8) precincts.
- The selection of the YAC guest speakers is determined at the precinct level. Members of the community who are invited to speak adequately represents the demographics of those precincts' respective jurisdictions.
- The YAC has been meeting monthly since October. These meetings will continue to aid the NCPD in understanding the needs of these individuals and how the NCPD can meet those needs. The YAC members are the future of our County and our country and it is imperative their voice is heard.

Language Access Plan

The NCPD ensures the members of our community with limited English proficiency have equal access to all services provided by the Department. In 2019, the Nassau County Police Department implemented the Language Access Plan. The Language Access Plan is annexed hereto as Exhibit M.

- In a continued effort to enhance communication with our community, all NCPD patrol cars were issued iPhones to create easy access to the Language Line.
- The Language Line Application gives the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other.
- During 2020, Language Line was called over seven-thousand six-hundred and fifty-nine times (7,659) to assist with communication. (Language Line statistics provided as Exhibit AH)
 - The top three languages utilized were Spanish, Mandarin and Creole.
- The Language Line provides a sign language option for residents who are hard of hearing.

- The NCPD will be publicizing a bi-annual Language Line report.
- It is Nassau Police Department Policy not to inquire about the immigration status of crime victims, crime witnesses and anyone who calls or approaches officers to seek assistance.
- The NCPD is also in the process of introducing a text-to-911 program.

Systemic Racial Bias and Racial Justice in Policing

Appearance Tickets in Lieu of Arrest for Marijuana Offenses and Petit Larcenies

Community representatives have expressed concerns over members of minority communities being incarcerated for petty offenses simply because they do not have the ability to post bail while individuals arrested for the same crimes from non-minority communities post bail and do not spend any time incarcerated for the same offense. This issue has been addressed in large part by the recent bail reform legislation. However, the NCPD has codified this policy by way of Department Policy OPS 2133, Marijuana/THC Offenses Field Processing and Department Policy, OPS 2132 (attached hereto as Exhibit N). This policy directs officers to issue an appearance ticket for a marijuana offense at the place of occurrence.

- Legal Bureau Bulletin 19-004 informed our Members of the changes in NYS law regarding Unlawful Possession of Marijuana. This bulletin is annexed hereto as Exhibit O.
- The NCPD decided to expound upon this process to include Petit Larcenies by issuing Department Policy, OPS 2132, Petit Larceny Field Processing (attached hereto as Exhibit P)
- It is NCPD policy to ensure the proper processing of both offenses in a safe and efficient manner.

Summons and Field Stop Tracking

As stated in the Vehicle Stop section (Topic 5), the NCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped.

- Department Special Order was implemented and directs officers to collect demographic data during traffic and field stops. (Special Order 20-047, Field Stop Data Collection annexed hereto as Exhibit J).
- By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

Implicit Bias Awareness Training

It is imperative NCPD Officers are more accepting and respectful to everyone's principles and lifestyles. Respectful language, thoughtful and intentional dialogue, and consistent involvement, both formal and informal, during community engagements helps to ensure relationships of trust between police and the communities we serve.

Review:

Diversity training that addresses implicit or unconscious bias can help individuals manage and minimize its effect by increasing awareness and ensuring respectful encounters both inside the organization and with communities.

- Members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers talk with new recruits about their community's experience with police officers and the role these officers will be undertaking as guardians of that community. These speakers include faith-based leaders and community activists. They emphasize to new officers the impact their actions have on those communities and ways to positively interact with residents. This insight helps NCPD Members to understand cultural differences and how an officer's actions might be perceived by a particular community. This interaction and discourse are invaluable in the training of NCPD's new officers.
- Citizens from the following community groups have attended this portion of training:
 - African American
 - Korean American
 - Hispanic
 - Sikh
 - Islamic/Hindu/Muslim
 - LGBTQ
 - Gender Equality
- Suggestions presented by the aforementioned speakers are incorporated into the academy curriculum by a training coordinator.

The NCPD Community Affairs Unit assists in creating videos which are used for training NCPD Members in regards to implicit bias. These videos are also made available to the public.

- One video titled, "Every Contact Matters" is intended to guide police officers in their interactions with community members. The video also demonstrates how current interactions between officers and members of the community impact future police-community relations. This video is shown at the academy to the recruits and during in-service training. This video is accessible by utilizing this link: (<https://www.pdcn.org/>) and selecting "multimedia".

- Another video created by Community Affairs titled, “Hate-Crossing the Line” is an anti-hate educational program directed towards middle school age children. This was created with input from law enforcement, human rights experts, as well as educators in the area of civil rights and hate crimes. This video is accessible by utilizing this link: (<https://www.pdcn.org/>) and selecting “multimedia”.

Modifications, Modernizations and Innovations:

- As previously covered in the Training section of this document (Topic 1), all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.
- In response to community concerns voiced during our EO203 engagements, Community Affairs is currently working on a new video titled, “Respect and Responsibility”. This video is a community information project designed to demonstrate the effect of a perceived negative encounter with a police officer by a member of the community. The video also provides information on how the community can report these incidents. Once completed, this video will be shown to NCPD members during in-service training and is expected to be widely publicized in schools and on the NCPD’s social media platforms.
- Through discussions with community stakeholders, the NCPD was made aware of the need to address police encounters with transgender residents. The Department has issued Department Procedure OPS 4245 titled “Encounters with Transgender Persons” (attached here to as Exhibit AE). This procedure specifically states officers are to be respectful during encounters with a person believed to be a transgender person.
 - The National Center for Transgender Equality issued a report on Nassau County “Failing to Protect and Serve” because the NCPD did not have any available Transgender policies. During the time of publication, the Department’s transgender policies and procedures were in progress and not yet on-line. The above-mentioned Department Procedure has been ordered and 4 additional policies/procedure have been updated to be inclusive of our transgender communities.
 - The Department recognizes the importance of educating Members on proper and respectful treatment of transgender persons. A member of the transgender community has been lecturing recruits on this topic for over four (4) years.
 - Transgender Arrests:
 - The arrestee’s gender, as per government identification, as well as the arrestee’s gender identity, if stated, will be recorded in arrest paperwork.
 - If the arrestee states a preferred name, address the arrestee as such. The preferred name will be noted as an “aka”.

- Officers are to inform arrestee that it is the policy of the Department to conduct same-sex searches as per the gender indicated on the government identification, unless the arrestee requests otherwise. If the arrestee requests an officer of a specific gender to conduct the search, the Desk Officer assigns a Member of the Force of the requested gender, if available.
- As outlined in many sections of this document, the NCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training.

Topic 8:

Hate Crimes

Review:

The Nassau County Police Department is committed to identifying, investigating and prosecuting hate crimes.

- It is NCPD Policy that a supervisor is dispatched to any call where a hate crime is alleged to have occurred (refer to OPS 8130 annexed hereto as Exhibit Q). In Nassau County, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated.
- The Office of Chief of Detectives assigns a control number to all bias incidents/hate crimes and maintains daily, weekly, monthly and annual statistics. These incidents are categorized by the type of bias:
 - Race and ethnicity
 - National origin and ancestry
 - Gender
 - Religion and religious practice
 - Age
 - Disability
 - Sexual orientation
- The bias incident/hate crime data is reviewed and monitored by the Department Bias Crime Coordinator within the Office of Chief of Detectives. This data is shared monthly with the Chief of Department, District Attorney’s Office, New York State Division of Criminal Justice Services (DCJS) and Anti-Defamation League.
- Detectives investigating hate crimes will research prior bias incidents and hate crimes to determine if there is a discernable pattern or commonalities.
 - The Department emphasizes the importance of reporting crimes and acknowledges that discrepancies in hate crime data maintained by the Department compared to cases tracked by community stakeholders could occur due to the unwillingness of the victims to come forward. The NCPD will communicate with community representatives to address any instances in which victims may be afraid to report a crime.

- By engaging the public through positive community interactions, the NCPD hopes to further gain the public's confidence and trust to alert the Department of potential hate crimes. With the help of the community, the NCPD can respond quickly to hate crimes and apprehend suspects.
- Community Affairs consistently educates the community on bias incidents and hate crimes. Teenagers from throughout the County volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.

Modifications, Modernizations and Innovations:

- The NCPD has implemented a Precinct Bias Crime Coordinator in every precinct. Previously, the Department only had a Department Bias Crime Coordinator. The precinct-level coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The precinct coordinator will report to and collaborate with the Department coordinator to determine any County-wide patterns.
- Reports containing hate crime data are released to DCJS on a monthly basis. The Department will be issuing a bi-annual Bias Incident and Hate Crime Report for public review. This report will breakdown bias incidents and hate crimes reported to the NCPD categorized by bias. A sample of this report is attached hereto as Exhibit R.
- The Department has updated the Bias Incidents/Hate Crime Department Procedure OPS 8130 (annexed hereto as Exhibit Q). Some of the implemented changes are outlined below:
 - Ethnicity and gender expression have been added as a type of bias and a human right.
 - In determining if a bias/hate crime has been committed, the Police Officer will consider the following (in addition to what was previously considered):
 - If any of the following was found in possession of the suspect and/or near the scene of the incident which are indicative of or represent a hate group or other evidence of bias against the victim's group:
 - any offensive symbols or words,
 - tattoos, clothing, paraphernalia or jewelry suggesting identification by the suspect(s) with an organized hate group,
 - hate literature,
 - spray cans,
 - biased symbolic objects, such as swastikas and crosses
 - The presence of social media activity for evidence of bias motivation
 - Evidence that the victim is the only person of a particular group among others present or the victim is from a different racial, national origin, religious group than the suspect
 - If certain areas of the victim's body were target by the suspect(s)

- The existence of dual motivation by a suspect, such as a suspect looking to commit robberies but specifically targeting elderly victims
 - Multiple incidents occurring in a short time period involving victims of the same identifiable group
 - The proximity of the incident to an establishment that could be associated with one of the protected categories included in the hate crime law
- If evidence of an inflammatory nature cannot be physically removed, after it has been properly documented for investigatory purposes, the owner of the property will be contacted to ensure that the graffiti is removed as soon as possible.
 - Hate crime offenses have been updated to include specified degrees of: Strangulation, Criminal Sexual Act and Coercion.

Prohibited Race-Based 911 Calls

Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.

A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relief in law or equity.

- Legal Bulletin 20-004 (attached hereto as Exhibit S), was issued notifying the Members of the Police Department of this new law. This information will be included during in-service training to further educate the Department members who may in turn educate members of the public who could fall victim to such conduct.
- Race-based 911 calls may be part of a course of conduct that is considered a hate crime or at the least, falsely reporting an incident. While a 911 call taker would be unable to establish if the call is a falsely reported incident, the police officer or detective assigned to the call will conduct an investigation to determine whether a crime has been committed.
- In an effort to eliminate race-based 911 calls, the NCPD has added the modus operandi code of "Race Based False 911". By adding this MO code, it permits an officer who takes a report, or an officer or detective who makes an arrest, to add this MO code if it applies to the incident thereby enabling the Department to track these incidents and easily research incidents should they occur.

De-Escalation Training and Practices

De-escalation practices are integral in NCPD's training and ideology. Through effective communication and techniques, officers are trained to resolve situations which might otherwise escalate towards violence, to a successful, non-violent conclusion. De-escalation enhances the safety of police officers and the public.

Review:

As articulated previously in the Training section of this document (Topic 1), the NCPD recognizes the importance of de-escalation in safeguarding citizens as well as officers. The NCPD Police Academy training includes an eight (8) hour course dedicated to de-escalation techniques. DCJS does not require the academy to have a specified de-escalation curriculum. In addition to the eight (8) hour course, de-escalation is interwoven into many topics covered throughout the NCPD Academy courses.

During the de-escalation course, recruits are taught Dr. George Thompson's Five Universal Truths of Human Interaction:

- People feel the need to be respected
- People would rather be asked than told
- People have a desire to know why
- People prefer to have options instead of threats
- People want to have a second chance

De-escalation requires the ability to be not only a persuasive speaker, but also an active and engaged listener. To be an active listener, an officer must:

- be open and unbiased,
- listen to all of what is conveyed (verbal and non-verbal),
- interpret the meaning,
- respond appropriately free of judgment

De-escalating situations into successful interactions requires officers to assess, engage, and resolve.

- Assessment of a situation is one of the most vital aspects of response to a situation. Officers are given very limited information prior to responding to a call and therefore, the initial assessment is extremely important.
- Engaging in a situation is the most critical part of conflict resolution. Officers must control themselves and free their minds of anger, fear, judgment and ego so they can respond without outside influence.
- Resolution is where the encounter will end, whether good or bad. If the officer can maintain control of the situation and themselves, a successful conclusion is a near guarantee. In all situations, it is imperative officers respond and not react.

Modifications, Modernization and Innovations:

- The Nassau County Police Department is ahead of the curve when it comes to de-escalation training and practices. All use of force incidents are reviewed to ensure de-escalation techniques were utilized if possible. The success of de-escalation training and practices is gauged through the review of use of force reports and heeding suggestions from the community.
- The NCPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be incorporated into future de-escalation training.
- De-escalation is a topic covered in the new in-service training curriculum. By reviewing de-escalation annually, it ensures officers are trained in the most current and effective techniques.
- In situations where de-escalation was not successful and force is necessary, the data is collected and reported bi-annually, as discussed in the Use of Force section of this document (Topic 3).

Topic 10:

Law Enforcement Assisted Diversion Programs (LEADS)

As stated in the NYS Guidance, diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct. Indeed, education and/or drug or mental health treatment may provide a better alternative for both the individual and the community. LEADS assists in avoiding unnecessary justice system involvement of people who participate in these programs.

Review:

The NCPD Community Affairs Unit has many Law-Enforcement Assisted Diversion Programs:

- Bullying/Cyber Bullying Program: Community Affairs conducts trainings at schools and youth centers in regards to all forms of bullying.
- Bias Crime/Hate Crime Training: In Nassau County, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated. Community Affairs consistently trains members of the community on bias and hate crimes. Teenagers from throughout the County volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.
- Drug Awareness and Prevention Programs:
 - To address the crisis of alcohol and drug abuse in Nassau County, Community Affairs is a member of the Heroin Prevention Task Force. The task force's mission is to form partnerships with community and government agencies dedicated to reducing the demand for illicit drugs in our communities.

- To further NCPD's drug awareness and prevention efforts, Community Affairs presents thorough vaping and nicotine addiction presentations.
- Additional drug awareness and prevention programs are mentioned in the Community-Based Outreach and Conflict Resolution section (Topic 12).
- Bicycle Safety Demonstrations: Community Affairs hosts demonstrations for bicyclists to learn about the use of safety equipment when riding and the applicable laws.
- Other various crime prevention trainings include, but are not limited to, internet safety, identity theft, child safety, senior citizen safety, and scams targeting the elderly.

The success of these trainings and programs has led to a significant increase of community requests for additional training sessions. Community Affairs is continuously creating and updating our training presentations and tools to reflect the present concerns of the public.

The NCPD coordinates with the Nassau County District Attorney's Office with regard to alternative prosecutions and resources. The Nassau County District Attorney's Office offers the following diversion programs:

- mental health court,
- misdemeanor drug treatment court,
- Treatment Alternative Plea Part (TAPP),
- Drug Treatment Alternative to Prison (DTAP),
- Veteran's treatment court.

Diversion programs help the defendant rectify their behavior, which resulted in arrest, and provides the opportunity to avoid prosecution. To enhance diversion, the District Attorney's Office and the NCPD meet and discuss suggestions in arrest processing. ECAB's Early Case Assessment Bureau coordinates monthly and make recommendations based on their observations.

Modifications, Modernizations and Innovations:

Operation Natalie

The opioid epidemic reached its peak in Nassau County during 2016. The Nassau County Police Department identified the need for a strategy to combat the opioid epidemic and subsequently developed a multi-pronged approach, known as Operation Natalie:

- Awareness: identifying the communities most profoundly impacted by the opioid crisis and notifying residents about the Department's efforts to combat drug addiction and crime
- Education: informing the public about the ways they can protect themselves, how to recognize the signs of drug abuse, and what treatment resources are available
- Enforcement: deploying resources to communities experiencing the effects of the opioid crisis and increased property crime

- Diversion: coordinating with the District Attorney's Office to find comprehensive alternative-prosecution options for individuals who are arrested and suffer from substance abuse
- Treatment: providing residents with a list of county resources as well as access to treatment and recovery specialists
- After Care Visits: following up with individuals who have suffered an overdose and providing them with the opportunity to directly connect with treatment services

Communities hit hardest by the opioid epidemic are identified and resources are deployed to those locations, focusing on enforcement, education, and awareness. The primary goals of the initiative are to create an open dialogue with residents, reduce crime, and address the impact the opioid crisis has on the community. An alternative prosecution option is provided to those who are arrested and suffer from substance abuse. Alternative prosecution, through the aforementioned diversion programs, is an integral part of the NCPD and the Nassau County District Attorney's Office strategy because it created the potential for a more positive outcome from these arrests.

The Youth Police Initiative (YPI)

The Nassau County Police Department, in conjunction with community leaders, saw the opportunity for diversion by addressing the at-risk youth in the community. The Youth Police Initiative, (YPI) is focused on bringing together at-risk youth, who have a negative perception of police, with the local beat officers. The primary objectives of the program include:

- addressing misperceptions,
- repairing relationships,
- and reestablishing trust between youth and the police

YPI teach young adults the skills to constructively resolve conflicts with authority which require efforts from both youth and law enforcement. The YPI also teaches police officers to step out of their cars and have genuine conversations. By creating an open dialogue between the NCPD and the youth in our communities, the YPI will ultimately breakdown existing barriers, stereotypes, and biases. Through honest communication and positive experiences fostered by the YPI, the NCPD strengthens police-youth relations in lasting ways.

Topic 11:

Restorative Justice

Restorative justice seeks to change an offender's behavior by educating him/her on the deleterious consequences that his/her actions have on the community and the victim. The purpose of justice is to restore the victim, the community and the offender so that they all may be integrated back into, and enhance the community.

Review:

Restorative justice can be achieved by utilizing diversion courts such as alcohol and drug diversion as well as after care visits and the SAFE program and center for victims of abuse.

- The Nassau County Special Victims Squad works in tandem with the Safe Center. The Safe Center is the Nassau County Advocacy Agency that serves children and adult victims of family violence and sexual abuse.
- Special Victim Detectives attend trauma-informed investigative training which teaches detectives how to not re-victimize survivors/victims of sexual assault during the course of their investigation.
- If feasible, when arresting perpetrators of domestic violence, victims are informed by officers of their ability to have the case seen concurrently in criminal and family court. Family court may allow mediation between the parties as part of a resolution to the case.
- All domestic case reports are reviewed. Cases that might require resources beyond law enforcement capabilities are referred to the Safe Center. A Safe Center Advocate may reach out to the victim and offer further assistance.

In recognition of offender rights and avoiding the tendency towards incarceration-minded policing, in 2016, the NCPD instituted a new Appearance Ticket Protocol as previously mentioned in the Procedural Justice, Systemic Racial Bias and Racial Justice in Policing section (Topic 6). In lieu of jailing offenders for offenses involving Marijuana and Larcenies, offenders are issued Appearance Tickets.

NCPD members have been extensively trained on alternative dispute resolutions. It is respectfully submitted that restorative justice is somewhat similar to arbitration; however, the focus in restorative justice is on the harm inflicted and holding the offender accountable for their actions.

- Although never formally labeled as restorative justice in training segments or discussed as such, the NCPD engages in restorative justice on a daily basis by acting as an arbitrator between parties.
- For example, the NCPD may receive a 911 call for a dispute involving neighbors. When arriving at the scene of the dispute, our officers are trained to defuse the situation and interview both neighbors separately to investigate what transpired and determine if any crime was committed. During the investigation, the NCPD makes sure to inform both parties of the allegations each have made against each other and the harm each of their corresponding actions are having on one another. A solution is then devised to avoid further disputes. Although not always successful, this type of mediation is generally beneficial in avoiding future conflict between the neighbors.

Modifications, Modernizations and Innovations:

The Nassau County Police Department participates in the NYS DCJS Gun Violence Elimination (GIVE) Program and Grant Incentive. One of the many GIVE initiatives is to assist in reintegrating individuals into society.

- Reintegrating is achieved through collaboration with state agencies such as Probation and the Department of Corrections as well as supporting the work of the Community Partnership Program (CPP).

- The CPP employs former gang members as outreach workers to engage with groups and individuals involved in gang related activities. CPP workers assist people with efforts such as tattoo removal, job training and parenting workshops for individuals who leave gang life and want to become more involved in the lives of their children.
- As a GIVE partner, the Nassau County District Attorney's Office requested funding through the GIVE Initiative to hire a social worker to meet with at-risk youth and individuals who are integrating into society after involvement in gang and gun violence. With the assistance of a social worker, these individuals will be aware of the availability and accessibility of services (educational, vocational, social and mental health) as well as the support needed to navigate through these services. Social workers will advocate for these individuals, supporting, protecting and encouraging them through times when they may feel vulnerable and alone.

Topic 12:

Community-Based Outreach and Conflict Resolution

Addressing the particular needs of the communities through the police department promotes community engagement to foster trust, fairness and legitimacy. Increasing the availability of police officers in the community puts a focus on growing and strengthening community relationships to provide more comprehensive services and responds to citizens in a geographic area. Community-based outreach and conflict resolution allows police agencies to provide education to the communities to increase crime awareness, advise of services offered, and enhance collaboration and trust through proactive outreach.

Review:

- Nassau County Police Department Policy 4410 (attached hereto as Exhibit K) was enacted in October 1998 and requires the Police Department to act as a liaison with community groups. Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The NCPD maintains an active role in community affairs through frequent and regular contact between precinct commanding officers and various civic organizations, and community groups in the geographic area of the precinct.
- The Nassau County Police Department Community Affairs Unit plays a critical role in achieving the Department's goals against crime by strengthening community relationships and trust.
 - The NCPD Community Affairs unit is comprised of five (5) Supervisors, fifty (50) Police Officers and four (4) Civilians.
 - The main objective of the Community Affairs Unit is to promote and enhance collaborative decision making between the Department and the communities we serve regarding policing strategies.
 - This office is responsible for formulating projects to meet the special needs within each community and developing and maintaining programs specifically tailored to each community.

- Community Affairs assists and collaborates with precinct commands with respect to matters of community concern.
- The Community Oriented Police Enforcement Unit (COPE) uses crime data and information to guide their policing activities toward high-frequency offenders and locations.
 - COPE is comprised of two (2) Supervisors and twenty (20) Police Officers.
 - These members work closely with the community to enhance police-community relations, actively address problems in a community before a crime occurs, and improve the quality-of-life, and traffic safety in the communities we serve. These tasks are achieved through specialized patrols, activities, and initiatives all of which further the Department's mission.
- In April 2018, the Commissioner's Community Council (CCC) was developed. This council represents the nineteen (19) Nassau legislative districts. Each district is equally represented on the CCC. The CCC was formed in an effort to enhance the way communities' needs and concerns are addressed by the Department. The CCC works in collaboration with all of the Department's community policing models and evidence-based policing strategies, including Community Affairs, Problem-Oriented Police Officers (POP) and the COPE Unit. The objectives of the Commissioner's Community Council include the following:
 - recognizing the increasing societal challenges communities are facing throughout Nassau County,
 - reinforcing trust and appreciation for our diverse population,
 - and demonstrating police support of neighborhood needs and concerns.
- The Department further engages the community through bike patrols while riding through parks and preserves and with all-terrain vehicles while patrolling Nassau's beaches. While engaged in these activities, the officers will either look for individuals to interact with or respond when flagged down by an individual. These officers will then engage in a discussion with these individuals on the role the NCPD plays in their communities and will relay any concerns they have on a particular topic to the unit responsible for handling that issue.
- The GREAT Program is an evidence-based program that has been around for over 30 years. The goal of the program is to provide life skills to students to help them avoid in engaging in destructive and violent behavior. This program is targeted towards middle and elementary school children. Further information on the GREAT Program can be found in the Focused Deterrence section (Topic 14).
- The Law Enforcement Explorers Program enables young people between the ages of 14 and 21 to become responsible individuals by teaching positive character traits, career development, leadership, and life skills so they can make ethical choices and achieve their full potential.
 - Participants in the Law Enforcement Explorers program reside within Nassau County and reflect Nassau County's diverse community.
 - NCPD Explorers travel throughout the United States for competitions and events.

- The NCPD offers several drug awareness and prevention programs in addition to those discussed in the LEADS section of this document (Topic 10):
 - The Too Good for Drugs Program is a school-based prevention program developed for all grade levels, kindergarten through high school. The main focus of the program is drug prevention. Kindergarteners through 8th graders are taught the following skills: emotional competency, resistance to peer pressure, goal setting, and good decision-making. High school students are taught how to reduce risk factors and enhance protective measures concerning alcohol, tobacco, and other drug use.
 - The Community Affairs Unit helped to produce a substance abuse video titled “Impact” in collaboration with public and private agencies. This video has been distributed to all public, private and parochial schools throughout Nassau County to address alcohol and substance abuse by trying to reach young people before they make destructive decisions.
 - Community Affairs also hosts events such as “The NCPD Takes Down Drugs”. These events pair sports and athletics with drug awareness and prevention seminars. These events are always well attended and garner significant media coverage. To further NCPD’s drug awareness and prevention efforts, Community Affairs presents thorough vaping and nicotine addiction presentations.
- Also mentioned in the LEADS section (Topic 10), the Youth Police Initiative (YPI), is a program designed to build trust between the NCPD and at-risk youth who may have a negative perception of police. The goal of this initiative is to engage in an open dialogue and to allow the at-risk youth to express their concerns with policing in their community as well as exposing them to positive role models.
- Another form of community-based outreach is the Nassau County Police Activity League (PAL). PAL’s purpose is to operate youth clubs and provide team sports, crafts, educational and other programs for all boys and girls in Nassau County. The goal is to prevent juvenile delinquency and steer children clear from gang activity and aid in the positive interaction of police officers and youth. PAL seeks to create life-long friendships among the youth of Nassau’s diverse communities. PAL believes in its creed that “it’s better to build youth than mend adults”. Nassau County’s PAL is comprised of one (1) supervisor and twelve (12) police officers.
- Nassau County Police Department partners with our communities through the Citizens Police Academy (CPA). The goal of this program is to reduce crime through education and to educate the public on the role police officers serve within our diverse communities. The Citizens Police Academy is a fifteen (15) week program; each week is three (3) hours of interactive training for a total of forty-five (45) hours of instruction. By providing attendees with insight into the police department’s policies and tactics, the NCPD hopes that these individuals will understand the vital role the NCPD plays in our society and the challenges the NCPD faces. This understanding will hopefully lead to strengthening our partnership with the communities we serve. The Citizens Police Academy is organized and hosted by the police academy staff. Topics taught in the CPA are:

- deadly physical force,
 - decision-making,
 - professional communications,
 - Asset Forfeiture and Intelligence,
 - investigative techniques,
 - department structure,
 - defensive tactics,
 - Bureau of Special Operations,
 - and Mounted Unit.
- The Nassau County Police Academy hosts the Police Youth Academy (PYA). The PYA is an eight (8) hour course geared towards at-risk high school students. The PYA seeks to stop gang recruitment in high-risk communities through education. The course is designed to provide an in-depth look into the NCPD. The majority of the students who attend the PYA are from school districts in socioeconomically challenged neighborhoods. Over one-thousand eight-hundred (1,800) students have successfully completed the PYA. The PYA is a means to foster enhanced communication and relationships through training and education. This course is also used to assist the NCPD with diversity in its recruitment efforts, as students report more favorable impressions of police officers after completing the course, and having a better understanding of department policies and procedures.
- The People’s Plan requests the removal of School Resource Officers and all officer involvement from the Nassau County School Districts. The safety of our children is in the hands of the superintendents and school boards. The NCPD will not remove presence in schools unless instructed to do so by those responsible for our children’s safety.
 - The NCPD has six (6) School Resource Officers. They are in three (3) districts at the request of the superintendents and school boards. The SRO’s functions on school property is through the approval of the superintendents.
 - With the approval of all superintendents, Homeland Security, COPE and POP Officers work closely with all 56 districts. These officers are involved with matters of:
 - School Safety
 - Security Assessments
 - Education and Awareness Programs

Modifications, Modernizations and Innovations:

- NCPD Patrol Division Administrative Order, PDAO 12-008, 002 (annexed hereto as Exhibit T) encourages police officers to engage with all members of the community through “Park, Walk and Talk.” As the name implies, a “Park, Walk, and Talk” is when an officer exits their post car and walks through the community they patrol to get to know the members of that community and their concerns. The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
 - During some of these interactions, officers may request businesses and places of worship, to complete Infrastructure Forms (a sample form is attached hereto as Exhibit U). The information recorded on Infrastructure Forms is entered into a database

maintained by the NCPD Intelligence Section. In the event of an emergency, or if the Department needs to contact business owners for any reason, the NCPD uses the Infrastructure Database. By collecting and maintaining this database, the NCPD is able to demonstrate its commitment not only to the personal safety of our residents but also to their businesses and places of worship.

- As a result of a suggestion from a member of the CCC, the NCPD has realigned our Community Oriented Police Enforcement (COPE) Unit. Originally, COPE reported directly to the Office of the Commissioner of Police. As per Department Order 20-020 (annexed hereto as Exhibit V), effective on July 27, 2020, COPE is now a part of the Community Affairs Unit. This re-structuring reflects the NCPD's position that it is important to have COPE officers work alongside the members assigned to Community Affairs. These officers also work closely with precinct POP Officers.
- This year, as a result of input from the community, PAL programs were added to Lawrence, Elmont and Roosevelt.
- The members of PACT and CCT were given the opportunity to view a video created by the community group "Men of Elmont". In this video, young men provided insight on their interactions with the police. One young man pointed out that since he has never been in trouble or arrested, he has never had any interaction with the police. He stated that he should not have to break the law in order to get to know the officers who work in his community. A common suggestion at town hall meetings was for more positive interactions with the Department.
 - The NCPD agrees that increased interaction between the police and the community in positive situations is one of the strongest tools for building bridges and creating trust between officers and residents. Accordingly, subsequent to the opening of the new police academy this summer, the NCPD will host PAL sponsored community sporting events, barbeques, and additional education and awareness programs (provided COVID restrictions allow).
- As previously discussed in a town hall meeting, the NCPD will be implementing a new bike patrol program in Roosevelt referred to as "Cops on Bikes". Officers whose demographics parallel those in Roosevelt, have been selected and trained on patrolling while on bicycles. Increasing police presence in a non-enforcement capacity creates a more approachable environment to foster trust and build relationships.

Problem-Oriented and Hot Spot Policing

Problem-oriented policing (POP) replaces primarily reactive, incident-driven policies with strategies that proactively identify underlying issues that can be targeted to alleviate crime at its roots.

Review:

Problem-Oriented Policing

The concept of Problem-Oriented Policing (POP) has been successfully integrated into NCPD policing strategies for decades. Nassau County Police Department has twenty-four (24) designated POP Officers. These officers work with the community to identify and coordinate a response to problems that range from minor public nuisances and quality of life issues to serious criminal actions.

- POP Officers work with precinct Commanding Officers and attend community meetings. These meetings provide a forum for the community to address the Commanding Officer, POP Officers and Patrol Division Executive Staff.
- POP Officers are tasked with community outreach to civic groups, schools, community-based outreach associations and any other stakeholders within each command. These officers are an additional resource and steady point of contact for the community to address their concerns.
- The NCPD utilizes the “SARA” model (Scanning, Analysis, Response, and Assessment) to work with the community to develop a customized plan to address that community’s problems. Using this model, POP officers will identify potential matters of concern for the community, analyze the issue using a variety of data sources, design and implement response strategies, and assess the success of those strategies. This model requires that officers work closely with citizens to address crime concerns and quality-of-life issues.³
- POP Officers look beyond traditional policing strategies and consider other possible approaches for addressing crime and community issues. The approaches POP Officers initiate can take on many different forms depending on community need and the crime being addressed.
- At this time, POP Officers do not have a permanent presence in schools, however, they are available to school districts and are in frequent and constant contact. At the beginning of each school year, POP officers meet with the principal of each school within their precinct and they introduce themselves and offer their services with any criminal matter the school may experience. POP officers generally wear soft uniforms when engaging in these interactions or assisting the school with a potentially criminal matter.

³ <https://cops.usdoj.gov/problemsolving>

Hot Spot Policing

The NCPD has utilized the concept of hot spot policing as a basis for its model of “Intelligence-Led Policing”, which model was studied and explained by Jerry H. Ratcliffe in his book *Intelligence-Led Policing*. In his book, Ratcliffe defines “Intelligence-Led Policing” as the effective and efficient use of resources driven by data. According to Ratcliffe, the premise of hot spot policing is a focus on “High Visibility Intermittent Random Policing” (HVIRP) of small geographical areas that are experiencing high volumes of crime. The Intelligence-Led Policing Model is at the core of the NCPD’s commitment to community-oriented policing.

- The identification of “hot spots” is done through intelligence gathering and crime analysis. One of the components of Intelligence-Led Policing includes obtaining information (intelligence) from the community. In doing so, the NCPD is able to engage the community in its efforts to reduce crime in a particular area or neighborhood. This approach is taken so that members of the community will support the police presence as there is a mutual goal of addressing and eliminating specific criminal activity. Examples of how information is gathered from the community include:
 - Community meetings
 - 911 Calls
 - Crime Stoppers
 - Engaging the public on social media platforms
 - Park, Walk, and Talk
 - Confidential informants
 - Community complaints
- Once intelligence is procured and analyzed, each precinct has a monthly meeting between the Commanding Officer and Intelligence Analyst to identify precinct hot spots. Once the geographical location and anticipated crime type is identified, the NCPD will deploy the resources needed based on the type of anticipated activity. The objective of this policing model is to prevent crime activity. In the event a crime does occur, the resources which were deployed to the community will assist the NCPD in its investigation.
 - The type of resources utilized may change depending on the type of crime. Some available resources are:
 - directed patrol assignments,
 - the use of license plate readers,
 - electronic signage,
 - vehicle and traffic law enforcement,
 - licensed premise checks,
 - social media notifications,
 - using Law Enforcement Explorers to distribute informative pamphlets to community members

- For example, through analysis of firearm-related crime and the identification of a subset of underlying issues, the Intelligence Unit develops crime maps to include where violent crimes are committed and the residences of gang members. This information is then overlaid with other crime data such as the sale of narcotics (note: there has been an increased focus on the nexus between gun violence and narcotics sales). The key drivers of crime in these hot spot areas are gang-related violence, narco-trafficking, and the vicinity to the residence of impact players, which are individuals currently involved in gangs and gun crime that are directly involved in shootings and gang recruitment identified through intelligence analysis.
- Nassau County's steady reduction in violent crime trends and the low volume of community complaints is a direct result of its use of Intelligence-Led policing.
- To augment investigations, the NCPD utilizes various forms of technology such as cameras, license plate readers, and ShotSpotter units.
 - License plate readers are deployed in areas with high firearm activity. Data collected by the license plate readers can be used to help identify individuals that were in the vicinity of a shooting.
 - ShotSpotter technology detects, locates and alerts the Department to instances of gunfire in less than 60 seconds of its occurrence. ShotSpotter triangulates the location of gunfire and then alerts Communications Bureau to dispatch units to that location. A notification is also made to the Intelligence Unit. A sound clip of the shooting is recorded and played to confirm the presence of gunfire and helps in determining if automatic weapons were used and the number of shooters involved. The Gang Unit and the NCPD Executive staff have the ShotSpotter Application on their cell phones to ensure a Gang Unit Member responds to a shooting in gang-prone communities. Patrol cars have become mobile precincts, equipped with computers to allow immediate access to ShotSpotter and briefings as well as input intelligence and key information directly from the field.
- The NYS guidance brings to light the public's concern surrounding the use of technology and the maintenance of data it acquires.
 - The procurement and adoption of new technology is centralized through the Intelligence Section. An official request for the utilization of technology must be submitted to the Intelligence Unit. Only members of this unit have access to such technology. A case report number and the requestor's name and rank are recorded for every inquiry. Any results produced are returned to the requestor. The integrity of intelligence is key and the Intelligence Unit is held to a high standard.
 - The NCPD is aware of risks in using novel technologies. This is why the Department does not have a facial recognition program.
 - The effectiveness of each technology is studied by the Department and is analyzed for potential biases.

- Sensitive electronic data collected through the use of technology is protected by means congruent with industry standards by the Information Technology Unit.

Broken Windows and Stop, Question and Possibly Frisk

The NCPD has a long history of community policing. One of the most important components of community policing is enforcing a high standard for quality of life. By fixing and correcting smaller crimes and infractions (i.e. criminal mischief such as broken windows), it will in turn decrease and deter larger crimes from being committed. We teach our members the rules in conducting an investigative stop in accordance with the provisions provided in the Criminal Procedure Law (CPL) 140.50 (annexed hereto as Exhibit W).

- The Nassau County Police Department instructs officers to conduct investigational field stops. We operate on the standard of proof of reasonable suspicion.
 - Reasonable suspicion is defined as a quantum of knowledge sufficient to induce an ordinary prudent and cautious man under the circumstances to believe criminal activity is at hand. This standard is reached through an officers training and experience and is based on a number of factors that are observed by the officer to get him to conduct a field stop. Factors to establish suspicion for an evidence-based stop are:
 - high crime area,
 - time of day,
 - day of week,
 - season,
 - sights and sounds,
 - proximity to scene,
 - presence at scene,
 - carrying objects associated with criminal activity,
 - clothing or disguises,
 - description,
 - furtive gestures,
 - change of direction or flight,
 - unusual nervousness,
 - independent knowledge,
 - training and experience,
 - evasive, false and/or inconsistent statements
- In order for an officer to frisk a field stop subject, the officer must reasonably suspect he is in danger of physical injury. Officers can frisk for weapons and only weapons during this encounter unless the subject gives consent to search for evidence. Frisk of an individual is never automatic and only undertaken to pat down for items that can harm officers.
 - Any evidence that may be found at this stage, would be suppressed and not permitted into court and therefore not permitted to be used to arrest said individual.

- All demographic data recorded during field stops is incorporated into a Field Stop Data Report. This report will be issued bi-annually detailing field stops by location, top summons categories, gender, and race. This report is available on Nassau County’s website:
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>

Modifications, Modernizations and Innovations:

- As discussed in previous sections, Vehicle Stops and Systemic Racial Bias (Topics 5 and 6), Department Special Order 20-047 Field Stop Data Collection was issued on September 25, 2020 (attached hereto as Exhibit J). This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.
- In 2002, the NCPD initiated “Nass-Stat”, which is based on the “CompStat” model used and created by the New York City Police Department. In 2012, Nass-Stat became “Strat-Com” (Strategic Communication).
 - Strat-Com is an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This model incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes. It also directly correlates to the integration of other evidence-based approaches, which allows the Nassau County Police Department to utilize civilian Intelligence Analysts to complete comprehensive in-depth analysis of the underlying problems and people involved in criminal activity.
 - Analysis conducted on a daily, weekly and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
 - For example, Strat-Com might reveal that commercial burglaries of cell phone stores are occurring throughout Nassau County at around midnight. Specialized units will then be tasked with devising a plan to address this crime condition. Those units have the benefit of knowing the type of store being targeted and the time when it generally occurs. As such, they can carefully target their efforts at apprehending the suspects without ensnaring large segments of the community who are unconnected to this crime pattern.
- The NCPD has been utilizing evidenced-based approaches through Intelligence-Led policing, problem-oriented policing and hot spot policing models since 2010. The NCPD’s success in safeguarding the residents of Nassau County through the implementation of these strategies is validated by the “Safest County in America” designation.
- The opening of the new NCPD Police Academy will enable the Department to better utilize technology and more effectively engage the public through events listed in the Community-Outreach section of this document (Topic 12).

Focused Deterrence

The state's guidance defines "focused deterrence" as a strategy whereby officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members. The purpose of focused deterrence is to alter the opportunities for crime in order to deter motivated offenders.

Review:

- One of the ways the Nassau County Police Department participates in focused deterrence is through the Gang Resistance Education and Training Program (GREAT). This program, which is evidence-based and an effective gang and violence prevention tool, is built around the school system and is a law enforcement officer-instructed classroom curriculum.
 - GREAT is intended as an immunization against delinquency, youth violence, and gang membership for children in years immediately before the prime ages for gang inductions and aberrant behavior.
 - NCPD has thirty (30) officers trained to teach the GREAT Program syllabus. These lessons focus on providing life skills to students to help them avoid resorting to delinquent behavior and violence to solve problems.

Modifications, Modernizations and Innovations:

- The Intelligence Unit began to identify known offenders for each precinct. An analysis of persistent offenders in high crime areas are considered along with other factors. Individuals who meet the criteria are designated top offenders for each jurisdiction. Other factors include:
 - numerous and/or recent felony arrests,
 - major crime arrests,
 - arrests for crimes including weapons and reckless endangerment,
 - and gang affiliations.
- In order to ensure focused deterrence practices are enforced equally in all communities, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer of each precinct. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.
- To involve the community in the NCPD's focused deterrence efforts, focused deterrence strategies will be added to the Civilian Police Academy and the Youth Police Academy. Any feedback from attendees will be incorporated into the focused deterrence segment of in-service training.
- To affirm NCPD Officers exercise the best practices in implementing proper focused deterrence, this topic will be covered during the newly expanded yearly in-service training outlined in the Training section (Topic 1).

Crime Prevention Through Environmental Design (CPTED)

The concept of Crime Prevention Through Environmental Design (CPTED) is that crime is a man-made hazard which can be resisted through quality design.

Review:

- This strategy addresses the relationship between the physical environment and the incidence of crime. Crime prevention through environmental design considers the themes of:
 - visibility,
 - territoriality,
 - cohesion,
 - accessibility,
 - attractiveness,
 - connectivity,
 - and community culture and their impact on crime.
- CPTED prevents crime by designing a physical environment which deters offenders.⁴
- The NCPD assesses and creates plans for various community locations to help reduce or prevent crimes from occurring. Included in these plans are environmental design considerations including but not limited to:
 - lighting,
 - landscaping,
 - signs,
 - sidewalks,
 - ordinances,
 - community cleanups,
 - and pathways.
- The Nassau County Police Department has strategically placed a total of sixty-two (62) police booths throughout Nassau County. The use of the booths assists in demonstrating a police presence within a community.

Modifications, Modernizations and Innovations:

In furtherance of its efforts to foster trust, fairness and legitimacy, the NCPD will work with community stakeholders to map and photograph CPTED concerns and present their findings to community members

⁴<https://www.ncpc.org/resources/home-neighborhood-safety/crime-prevention-through-environmental-design-training-program/>

and coalition groups. Once community buy-in has been achieved, the NCPD can work with the public to correct the CPTED concerns.

Topic 16:

Violence Prevention and Reduction Interventions

Violence prevention and reduction interventions is the theory that focusing on prevention, intervention, and suppression, reduces crime. This model calls for police departments to proactively address potential criminal activity by facilitating or participating in community programs and connecting high risk individuals with needed services and other forms of community engagement.⁵

Review:

- The Nassau County Police Department believes one of the most effective ways to prevent violence is to address it with the youth in Nassau County communities. By guiding and mentoring young men and women, the NCPD hopes to help them become upstanding citizens who steer clear of criminal activity and violent behavior. Examples of these mentoring programs include: the GREAT Program, mentioned in the Focused Deterrence section (Topic 14), as well as the Community Affairs Anti-Bullying Program.
 - The NCPD Community Affairs Unit conducts presentations at local schools to discuss the different forms of bullying: name calling, physical harm, spreading bad rumors, ostracizing, teasing in a mean way, and ganging up on someone. These programs seek to increase awareness about bullying and decrease the number of bullying incidents through diversion and intervention.
- The Nassau County Police Department understands that victims of domestic violence are a vulnerable population who are susceptible to escalating levels of violence at the hands of their loved ones. As such, the NCPD has a zero-tolerance policy for any and all instances of domestic violence.
 - If it is determined that any misdemeanor crime has been committed in a domestic situation, an arrest must be made regardless of whether the victim requests such arrest. This policy is more restrictive than state law requires under Criminal Procedure Law § 140.10.
 - It is also worth noting that even in situations that do not arise to a level of arrest, any gun, including rifles and shotguns, that are found in the residence are temporarily removed by the NCPD until a full investigation can determine if it is safe to return them.
 - This proactive gun removal policy is also used in situations where a student makes a threat of violence in a school setting.

⁵<https://everytownresearch.org/report/community-led-public-safety-strategies/>

- When a shooting incident occurs in Nassau County, the Investigating Detective reports details of the shooting location, person(s) involved, possible subject descriptions, vehicles involved, and a descriptive narrative of the event to the Commissioner of Police, Executive Staff, Intelligence Unit, Gang Unit and other key units.
 - The Intelligence Unit produces a comprehensive workup on the location of the shooting event and individuals involved in order to quickly identify whether the location or persons are part of a pattern or a larger underlying criminal enterprise.
 - It is also imperative to determine if the individuals involved have gang affiliations or if the shooting location is a known gang location.
 - Knowledge, understanding and analysis of the people involved, conditions present at the shooting location, and events associated with the shooting is critical in solving the crime but also in preventing possible retaliation.
 - The intelligence and evidence gathered during the course of the investigation aids in enhancing prosecution, therefore, holds individuals responsible for their violent crimes while also impeding their ability to commit additional crimes in the future.
- In an effort to reduce gun violence in Nassau County, a gun buy back program was implemented. This program began in 2008 and continues today (limited with COVID restrictions). It provides the opportunity to get guns out of Nassau communities before they fall into the wrong hands. The gun buy back offers a cash incentive: \$200 for handguns, \$100 for rifles, \$400 for assault rifles, paid for by NCPD and NCDA Asset Forfeiture funds. No proof of ownership is required, no identification necessary, no questions asked. Nassau County wanted to offer the public opportunities to properly and safely remove firearms from their homes. Since 2008, twenty-one (21) gun buy back programs have been completed, and a total of four thousand five hundred nineteen (4,519) firearms have been recovered.

Modifications, Modernizations and Innovations:

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCDA's office with intelligence workups which identifies violent crime top offenders. These workups identify past violent criminal activity, self-admitted criminal activity, gang affiliations, police contact and past drug use/sales.
 - Although these workups have limited value for the purposes of arraignment, they still provide tremendous investigatory value.
 - Results of these investigations continue to offer solid evidence, which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders.
 - The NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of the gun and gang violence.

- As mentioned in prior sections, the NCPD participates in the NYS DCJS Gun Involved Violence Elimination (GIVE) program and grant incentive. The GIVE initiative is integral in Nassau County’s continued effort to prevent and reduce violent crime. This initiative focuses on an appropriate balance of street level enforcement, community engagement, youth education and intelligence-based strategies. The NCPD takes a proactive approach by identifying and targeting the underlying issues associated with Nassau County’s violent crime through strategies that include the four (4) core elements of GIVE: people, places, alignment and engagement.
 - The NCPD collects a great deal of information, such as the identification of individuals who possess, sell or use illegal firearms, the location of gun stashes, the threat of gun violence by individuals or groups, and the proactive collection of ballistics and DNA for the purposes of pattern and/or offender identification.
 - The Department instituted a firearm tracking initiative entitled Tracking All Guns (TAG). This allows the Department to track cases, arrests, serial numbers, gun types, makes and models, dates, locations, circumstances and times of recoveries, crime guns, and other gun related data.
 - The GIVE Program and the NCPD violent crime strategy is reviewed regularly. This assessment is critical to ensure the Department is focusing resources in the right locations in the most effective and efficient way possible.
- In 2019, a physical altercation between minors gained national press coverage. This incident took place in Oceanside and two (2) participants were stabbed. In response, Community Affairs offers violence prevention and bystander responsibility trainings. There is empirical data that suggests bystander intervention campaigns are successful in increasing the notion that persons witnessing a crime or incident should get help from others and call 911.

Topic 17:

Model Policies and Standards

Review

- In cases where policies or procedures are determined to be outdated or deficient, IAU recommends review by the Procedure Development Unit of the Professional Standards Bureau.
- The Nassau County Police Department has entered into a Participation Agreement with New York State Division of Criminal Justice Services for the New York State Law Enforcement Agency Accreditation Program. The Nassau County Police Department, as part of the accreditation process, will have their policies, procedures and standards reviewed by this independent agency to ensure their policies, procedures and standards are up to date with the latest policing models.

Complaint Tracking

The Nassau County Police Department holds its members to a high standard of professionalism as reflected in Article 5 of the NCPD Department Rules, Standards of Conduct (annexed hereto as Exhibit L). In furtherance of its commitment to this mission, the Department established the Professional Standards Bureau, which reports directly to the Commissioner of Police.

Review:

The Internal Affairs Unit (IAU), within the Professional Standards Bureau, is responsible for the complete investigation of civilian complaints, which is an essential function to ensure compliance with established rules, ethical standards, and Department policies and procedures.

- All allegations of misconduct are investigated pursuant to NCPD ADM 1211 Civilian Complaint investigations (annexed hereto as Exhibit X). The complaint process is available on the NCPD Website and on printed materials available for distribution.
- Civilian complaints may be filed in several ways:
 - through the NCPD website <http://forms.nassaucountyny.gov/agencies/PD/compliment.php>
 - through email to precinct email addresses
 - by phone by directly calling the Internal Affairs Unit's 24/7 hotline at (516) 573-7120
 - in person at any police precinct, twenty-four (24) hours a day, seven (7) days a week
 - the Nassau County Office of Crime Victim Advocate is developing a (24) hours a day, seven (7) days a week crime victim hotline, which will be (516)571-1598
- Anonymous complaints are accepted and complaints will be taken from anyone, with or without a connection or direct relationship to the incident.
- Civilian complaints are documented using the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules, and other.
- Complaints are provided with a civilian complaint number for their records and tracking purposes. Investigative findings are provided to complainants who choose to provide their contact information.
- Within three (3) business days of filing a complaint, complainants are contacted by a supervisor to acknowledge receipt of the complaint and establish contact information.
- If the complaint involves alleged criminality, the matter is referred to the District Attorney's Office for an investigation and possible criminal prosecution prior to any NCPD administrative proceeding.
- Investigative findings are categorized as follows:

- Founded- Substantial evidence exists to corroborate the allegations against an officer.
 - Unfounded- Witnesses and evidence, clearly and unequivocally, establishes that the allegation by the complainant is untrue, fabricated, or a distortion of the facts.
 - Undetermined- Insufficient evidence is available to either prove or disprove the allegation.
 - Exonerated- The incident did occur; however, the actions of the member were justified, lawful and proper.
- The Commissioner of Police, pursuant to section 8-13.0 of the Nassau County Administrative Code has the authority to discipline a member of the force by:
 1. Reprimand/retrain;
 2. Fine;
 3. Suspension, with or without pay;
 4. Dismissal or removal from the force;
 5. Reducing him to a grade below that in which he was serving if he was above the rank of a police officer.
 - IAU maintains the Department’s Early Intervention System (EIS). This proactive system provides supervisors with data-based analysis to identify members who may need additional monitoring, supervisory involvement, or employee assistance. Members with a designated number of complaints within a twelve-month period trigger an automatic alert that requires mandatory follow-up by a supervisor within thirty (30) days.
 - Nassau County Police Department Manual, Article 5, Standards of Conduct, Rule 1, Dedication to Duty (attached hereto as Exhibit L), addresses the reporting of officer misconduct by other officers.
 - Members of the Department will report, immediately, to a Superior Officer in the Command having jurisdiction, any delinquency, dereliction of duty, violation of the Department Rules, conduct disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a Superior Officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.
 - Additionally, Rule 5, Keeping Supervisors Informed (annexed hereto as Exhibit L), from the same Article 5, articulates that Members of the Department will keep their Supervisors informed of every important matter and of any action taken pertaining to those matters. Important matters include the following:
 - a Member of the Department who appears unfit for duty,
 - a serious complaint against a Member of the Department,
 - important messages,
 - and matters that require the attention of a Supervisor.

- All recently promoted sergeants are required to attend a month-long training session at the academy. At this supervisor training, all new sergeants are informed of “respondeat superior” liability, which simply means that they will likely be held responsible for the actions of their subordinates. Accordingly, they are urged to respond to all calls where there is the potential for misconduct or risk personal liability and/or department discipline thereafter.
- As per Civilian Complaint Investigations Department Procedure 1211 (attached hereto as Exhibit X) officer who encounters a member of the community who wishes to file a complaint, must contact a supervisor who is to report to the scene. It is the supervisor’s responsibility to inform the complainant of complaint filing procedures and provide them with the Department pamphlet containing instructions on submitting a compliment or complaint.
- All complaint investigations now have a thirty (30) day completion requirement unless a valid reason is given for an extension.

Modifications, Modernizations and Innovations:

- The NCPD has updated its webpage to allow individuals to attach a video or other documentary evidence along with the submission of a complaint.
- The Department will be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint. The Department webpage allows the submission of complaints in multiple languages. Community members who wish to call in a complaint in a language other than English can utilize language line.
- In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law. Legal Bulletin 20-003 (attached hereto as Exhibit Y), was issued notifying the Members of the Department, the change to the law. The Police Department’s Deputy Commanding Officer of Legal Bureau, as the Record Access Officer, has been tasked with providing the appropriate information to the public when requested.
- As a result of the repeal of Civil Rights Law 50-a and in the interest of transparency, the NCPD will issue a bi-annual report on civilian complaints. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided. The details of founded findings will be included in the unlawful conduct category. Refer to the NCPD Complaint Reporting and Findings Report (annexed hereto as Exhibit Z).
- As mentioned previously in the Use of Force section (Topic 3), beginning April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse. Details of the creation of this Investigative Office can be found on NYS Executive Law Section 75 and 70-B (attached hereto as Exhibits AJ and AK respectively).

- Community stakeholders recommended making complaint process cards to distribute to the public. In response, the NCPD has added complaint and compliment instructions to the Department pamphlet “What to Do When Stopped by Police” (attached hereto as Exhibit AF). These pamphlets provide instruction on multiple ways to file a complaint with the department. In the event a community member inquires in regards to filing a complaint, a supply of pamphlets in English and Spanish will be kept in every RMP and all county facilities. Civilian Complaint Investigation Department Procedure 1211 (annexed hereto as Exhibit X), commands officers to provide complainant with the aforementioned pamphlet. Pamphlets in additional languages will be available on the Department webpage.
- In accordance with a community recommendation, the NCPD Commissioner’s Executive Staff and the Office of the County Attorney will coordinate and hold quarterly meetings to discuss pending litigation, settlements and verdicts.

Topic 19:

Communications Bureau and 911

Review:

- In 2019, the Nassau County Police Department received over four-hundred five-thousand (405,000) calls for service. Over fifty-five percent (55%) of calls were classified into the following categories:
 - medical assistance (including request for ambulance, aided calls and well checks): over ninety-five thousand (95,000) calls;
 - auto accidents: over eighty-one thousand (81,000) calls;
 - disturbances: over thirty-thousand (30,000) calls; and
 - domestic incidents: over nineteen-thousand (19,000) calls.
- The NCPD Communications Bureau receives and dispatches calls for service relating to medical emergencies. Unlike most police departments, the NCPD employs one-hundred forty-one (141) full-time paramedics and has a fleet of ambulances ready to respond to all medical emergencies throughout Nassau County. An integral part of that response is the Nassau County Police Officers who are certified first responders and who respond alongside the paramedics to all medical emergency calls. Oftentimes, our police officers are the first ones to arrive at the scene of a medical emergency and are tasked with providing life-saving measures until the paramedic can arrive and the patient can be safely transported to a hospital.
- As a service-oriented department, the NCPD responds to any and all requests for assistance. For example, a request by an elderly individual to be lifted from the floor to the bed will be handled by a member of the NCPD. A neighbor having an issue with another neighbor will also be handled by the NCPD. Indeed, there is no assignment that is too big or small for the NCPD.

Modifications, Modernizations and Innovations:

- Communications Bureau will be attending additional training in regards to call intake and recognizing signs and symptoms of callers in crisis.

Topic 20:

Mental Health and Homelessness

Review:

Mental Health

- Nassau County Police Department Mental Aided Persons Department Policy OPS 1155 (attached hereto as Exhibit AA), state that the Nassau County Police Department is to assist mental aided persons who need assistance and to ensure officers render necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability.
- The “Mobile Crisis Outreach Team” (MCT) is notified of all instances involving a situation where a person is experiencing a mental health crisis. MCT is a unit composed of mental health professionals who provide on-site intervention and evaluation for community members and their families.
- The NCPD response to a mental aided call includes the responding police officer, a patrol supervisor, and a NCPD Ambulance at the scene. In situations where the mental aided exhibits violent behavior and the situation is likely to result in serious harm, personnel from the Emergency Services Unit (ESU) will respond as well.
- NCPD Officers are trained to assess situations involving individuals experiencing a mental health issue and obtain background information including:
 - the individual’s mental and medical history,
 - prescription or illegal drug use
 - The circumstances which led to the call to 911
 - The individual’s behavior prior to police arrival
 - The individual’s past violent behavior.
- If the officers at the scene reach a determination that the individual is a threat to himself/herself or others, the officers will transport the person, by ambulance, to a hospital for a medical evaluation and treatment.
- If it is determined that the individual is not a threat to himself/herself or others, and transport to a hospital is not necessary, the officers at the scene will reach out to or provide referrals to resources such as MCT, the National Alliance on Mental Illness, 211, and the National Suicide Prevention Lifeline.

Substance Abuse

- As certified first responders, Nassau County Police Officers are trained to respond to all opioid overdose requests for assistance. In most circumstances, our police officers are generally the

first members to respond to the scene of an overdose. Police Officers, in accordance with their training, render first aid, including the administration of NARCAN, to the overdose victim until the Police Medic arrives to the scene and takes over for the patient's care. All overdose calls require a supervisor to respond and an investigation to be conducted by a detective. Nassau County Health and Human Services is also apprised of each and every overdose call. It is worth noting that pursuant to New York's Good Samaritan Law (Penal Law § 220.78) all individuals and witnesses who request emergency assistance will not be arrested for possessing small amounts of drugs or drug paraphernalia. The NCPD always takes great care to inform all witnesses and, if possible, the aided of this provision and the necessity of knowing what drugs the aided ingested so that proper care and treatment can be administered.

Hostage Negotiation Team

- When an encounter with a mental aided involves a suicidal person, a barricaded individual, or persons held against their will, the Nassau County Police Department Hostage Negotiation Team (HNT) may be assigned. The role of the HNT is outlined in Hostage Incident/Barricaded Person Department Policy OPS 12600 (annexed hereto as Exhibit AB). The HNT will respond when a trained negotiator is needed at a scene.
- The HNT is comprised of experienced, specially trained members of the NCPD. The HNT is composed of members of different ranks assigned to various units/bureaus within the NCPD. The average law enforcement experience of a crisis/ hostage negotiator is currently twenty (20) years. Members assigned to the HNT undergo initial training with the Federal Bureau of Investigation's Crisis Negotiation Team and participate in mandated annual in-service training. Members of the HNT also attend training in other jurisdictions where they obtain up-to-date information, techniques, and strategies used to successfully diffuse and resolve crisis/hostage incidents. HNT Negotiators conduct department-wide in-service training with recruits, active force members, Communications Bureau Operators, and outside agencies on topics such as de-escalation, crisis communication, rapport building, and verbal threat assessment.

Homelessness

- NCPD Members are trained on interacting with homeless persons and identifying those who require additional necessary treatment.
- During the winter months, all Department Members are reminded of the Nassau County Department of Health and Human Services' "Warm Bed" project, which is an outreach program offering anyone without shelter housing for a night without stipulation. Members are directed to apprise all homeless individuals they encounter of such services and, where appropriate, transport the homeless person to a shelter.

Modifications, Modernizations and Innovations

Nassau County Mobile Crisis Team

The Nassau County Mobile Crisis Team (MCT) was established in 1985 with the vision to be a community resource that is accessible and available to all Nassau County residents to assist in providing behavioral health crisis intervention services that are evidence based, trauma informed, and recovery oriented. The primary objective of the MCT is, whenever possible, to maintain clients in their natural environment via

the use of safety plans, crisis stabilization, emotional support, family support, etc. Therefore, the following recommendations are made to the police response on calls for assistance for a those in mental health crisis.

Tiered Response Model

There are many parallels between the People’s Plan mental health section and Nassau County’s Mental Health Response Plan. Some similarities include enhancing mental health training for communications bureau 911 call-takers, utilizing a script when a caller seems to be experiencing a mental health crisis, and the proposition of a stabilization plan with a recommendation for a Behavioral Health Crisis Stabilization Center. The Mental Health Response Plan was created with the input and consultation of mental health professionals from the Department of Human Services Office of Mental Health, the NCPD as well as community stakeholders. For further discussion on these topics, refer to the Mental Health Response Plan (Exhibit AG).

Review of the People’s Plan revealed the proposal for a tiered response to calls for mental health. The NCPD recognizes and accepts this recommendation as an effective way to ensure an appropriate level of response. The Department will adapt a tiered response with some modifications:

- Tier 1: Public education and awareness

Through informing the community of available mental health programs and call centers, members of the public experiencing mental crisis can seek direct and relevant assistance rather than calling 911. The NCPD will utilize social media, pamphleting, and other methods of dissemination to inform the community of outreach such as the Nassau C.A.R.E.S. Application, the 24/7 Mental Health and Substance Use Helpline, Nassau County Mobile Crisis Intervention Team, Long Island Crisis Center, and facilities equipped for mental health assistance.

If tier 1 is surpassed, and an individual decides to call 911 to assist with a mental health crisis, CB Operators will utilize protocols for identifying a “mental aided” call. The CB Operator training will build upon their existing protocols. The CB Operators will inquire;

1. Is the person in danger of hurting themselves or others right now?
2. Is the person violent or aggressive right now? (Ex. Physically assaulting another, threatening another, damaging property or hurting an animal)
3. Does the person have a weapon or have access to a weapon right now?

- Tier 2: CB telephonic referral to MCT, no police response

911 call-taker will link MCT to the 911 call. MCT will confirm they are on the line and CB call-taker will disconnect. MCT will provide CB with a disposition for the call: no further action required, or MCT will follow-up with appointment.

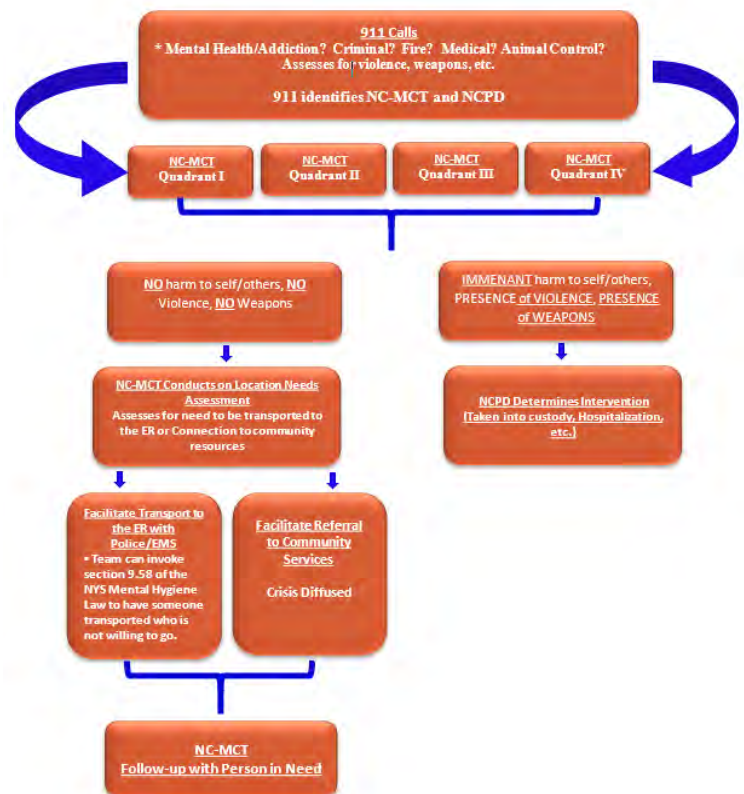
- Tier 3: Dual Response, police and MCT simultaneous response

When it is apparent from the 911 call that that a person is **violent** or **aggressive** and has or has **access to a weapon**, NCPD will respond as is necessary to resolve the incident and the Mobile Crisis Team will respond for consultation. In ***non-criminal*** and ***non-violent calls***, police officers will defer to the MCT, allow the MCT to assess the person in crisis and resolve the event in the best interest of the individual.

Clinical assessment of a person experiencing a mental health issue will not be made by law enforcement. Instead, it will be conducted by an experienced mental health professional from the Mobile Crisis Team. The Mobile Crisis Teams are staffed by professional mental health professionals from cooperating mental health agencies. They are Master’s Level Clinicians, Care Coordinators and Clinical Coordinators. The MCT will make the mental health assessment and determine the level of care best suited; it will be in partnership with the person in need and their family.

By expanding the prominence of the MCT, Nassau County residents will have improved chances of access to mental health and addiction treatment services. The NC-MCT will offer the following services:

- ✓ Crisis Counseling
- ✓ Mental Status Assessment
- ✓ Risk Assessment and Reduction
- ✓ Suicide Prevention
- ✓ Intervention
- ✓ Conflict Resolution
- ✓ Mediation
- ✓ Referral to community resources
- ✓ Coordination
- ✓ Follow-up



- The Nassau County Mobile Crisis Team will expand staff and the hours of operations. Based on the data provided by NCPD the hours of operations should change to (8am-12am) seven days a week as this is when most calls are made to 911. Nassau County will add an additional five teams to ensure that all non-violent “mental aided” calls have a team readily available to respond. Nassau County provides Mobile Crisis Team services through nonprofit providers. This modification offers the providers that are most familiar with the patient population and County resources the opportunity to provide expanded services hours.
 - Calls for assistance received after midnight will be handled by a non-profit Mental Health Provider. The County currently contracts with the Long Island Crisis Center for these services and will continue to use a non-profit organization for these services. The MCT will handle follow up care, referrals and care management as appropriate.
- Strengthened collaboration with the Psychiatric Emergency Department at NuHealth-Nassau University Medical Center and all other County hospitals is essential. Dialogue between NUMC and the Nassau County Office of MH, CD & DD has begun and will continue to discuss how best to improve discharge plans to include follow-up by the MCT.

- The adjacent table reflects a budget proposal to expand the NC-MCT to ensure that response coverage is available throughout the County. It involves adding two additional staff to the 227-Talk Helpline. This staff would be added to the County workforce through the Civil Service hiring process. Expansion of the NC-MCT by adding five teams for a total of ten clinicians, two care coordinators and one Clinical Coordinator. Adding MCTs requires expanding existing provider contracts. Private Mental Health Providers currently staff the MCTs and this will continue. Lastly, the County will expand funding to the Long Island Crisis Center’s existing contract for two additional staff to handle the evening and overnight calls.

Alternative Approaches to Mental Health Response Proposed Budget			
Partnerships	Current Budget	Expansion Budget Option	Comment
Nassau County Office of Mental Health, Chemical Dependency & Developmental Disabilities (227Talk Helpline)	OMH State Aid=\$202,186 County Fund=\$119,668	\$200,000.00	Expansion consists of 2 additional staff for 227-Talk Helpline
South Shore Child Guidance Center/EPIC	OMH State Aid=\$724,806	\$1,580,587 (Include travel and IT equipment)	Expansion consists of 5 additional Team with 2 clinicians each (10 clinicians), 2 care coordinators and 1 Clinical Coordinator. Total is 13 additional staff.
Long Island Crisis Center	OMH State Aid=101,278 County Fund=\$252,808	\$150,000	Expansion consists of 2 additional staff
Total Cost	\$1,400,746.00	\$1,930,587	

- Executive Order 203, has given Nassau County the opportunity to evaluate how to strengthen collaborative partnerships with Nassau County Police. By instituting a dual 911 response protocol for the mobile crisis team and police, expanding the MCTs and strengthening collaborations with hospitals, Nassau County will provide appropriate crisis interventions services to a person experiencing a mental health crisis, decrease re-traumatization, and improve a family’s access to care.

Topic 21:

Crowd Control

It is the policy of the Nassau County Police Department to protect individual rights related to assembly and free speech, effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

Review:

- This summer, in the wake of George Floyd’s death, Nassau County experienced unprecedented protests. There were close to 300 protests that took place this year and the NCPD was responsible for ensuring and respecting protesters’ First Amendment rights while maintaining public safety. The leadership of the NCPD reached out to all protest organizers and informed them of the measures the NCPD would take to ensure their safety and expressed the NCPD’s commitment to keeping an open line of communication should the organizers experience any issues. This cooperative environment allowed the NCPD to handle these protests involving tens of thousands of protesters with fewer than fifteen (15) arrests and no intentional property damage.

- The Nassau County Police Department Members assigned to the protests exhibited professionalism and restraint due to their understanding and application of de-escalation techniques, utilizing verbal judo, active listening and persuasive speaking to maintain control.
- Specialized units such as the Mounted Unit, Bureau of Special Operations and Bike Units train together to more effectively manage large scale events.
 - The Nassau County Police Department’s Bureau of Special Operations (BSO) is the Department’s highly trained tactical team. BSO is responsible for selective crime enforcement in high incidence areas as well as specialized patrol and prevention activities to meet particular crime patterns. BSO is also the County’s primary tactical unit. Members chosen for assignment to the BSO have consistently demonstrated high levels of self-initiated activity, the ability to be a leader, and use good judgment while assigned to other commands. Officers are expected to possess and maintain excellent physical fitness as well excellent firearms proficiency. Following an eight (8) week tactical and plainclothes patrol training course, BSO personnel are assigned to two-officer plainclothes patrol duties in unmarked, non-descript vehicles.
 - BSO is responsible for Special Weapons and Tactics assignments. These include the execution of high-risk search warrants, search and apprehension of violent and armed perpetrators, response to armed and barricaded subjects and some hostage situations. Other tactical assignments may include assignments to special events, crowd control situations, dignitary protection and escorts, and tactical vigilance patrols.
 - The NCPD has a very conservative policy regarding the deployment of the BSO Tactical Team and search warrants. The number of court approved search warrant executions by our tactical unit in the last three (3) years have been minimal.
- The Nassau County Police Department does not utilize surplus military equipment for crowd control. The only surplus military equipment obtained through the NYS Military Program 1033 are the high-water vehicles used during natural disasters.

Modifications, Modernizations and Innovations:

- Historically, crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring; today the NCPD prefers to rely upon pre-operational planning, communication and collaboration, when possible, to achieve public safety and protect civil liberties.
- It is the vision for the future of the Department and the community:
 - to maintain and enhance the confidence and trust of the people we serve,
 - continually strengthen and expand the partnerships between the police and the community,
 - maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies and,

- strive to effectively resolve problems of the communities we serve while protecting life and property.

Topic 22:

Supporting NCPD Member Well-Being

As stated in the NYS Guidance, law enforcement is inherently a physically and emotionally dangerous job. Nassau County is committed to supporting and promoting the physical, emotional, and mental wellness of the men and women of the NCPD.

Review:

- The NCPD Office of Health and Welfare reports directly to the Commissioner of Police. Law Enforcement leadership is made aware of current trends, both physically and emotionally, of the department's members.
- Confidential meetings and counseling with licensed social workers are available to members of the NCPD through the Employee Assistance Office. At times, officers can be mandated to Employee Assistance by supervisors.
- The Department utilizes the Nassau Cares Application on all departmental phones and encourages officers to add the site to their personal phones to have instant access to references for help for a variety of concerns.
- During the course of a career in law enforcement, an officer will likely be exposed to a traumatic event (i.e. death of a child, mass casualty incident, etc.). Traumatic events are covered by the NCPD Peer Support Team who respond to scenes and/or hospitals and other locations as needed. This team is available twenty-four (24) hours a day, seven (7) days a week.
- The Department understands the stress level of an Officer could be correlated with the length of a shift. Nassau County Police Department's Officer Charts are negotiated by the unions and County. NCPD observes a nine (9) hour rule which states, once a Member signs off-duty, they are not permitted to sign on-duty for a minimum of nine (9) hours. This rule promotes officer wellness by ensuring NCPD members have adequate time to rest and recharge between tours.

Modifications, Modernizations and Innovations:

- The Nassau County Police Department Wellness Committee was established in November of 2018 to coordinate the efforts of the Employee Assistance Office and Peer Support Group.
 - This committee consists of department representatives from Medical Administration Office, Legal Bureau, Employee Assistance Office, Police Benevolent Association, Superior Officers Association, Detectives Association, Police Academy and Pastor Derek Garcia. The Committee meets monthly to discuss and implement initiatives to support members' physical and mental wellbeing.

- The Wellness committee hosts health-related voluntary seminars and training sessions. Additionally, they recommend current issues and topics to be covered during mandatory in-service training.

Topic 23:

Transparency

Review:

The community has expressed interest in various categories of police department reporting. Previously, the NCPD reported crime statistics on the Department webpage, all other request for statistics needed to be requested through a Freedom of Information Law (FOIL) request.

Nassau County Police Department Policy 4401 (annexed hereto as Exhibit K), discusses “Openness in Operations”. The Department views openness in matters of public interest an issue of importance. The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with consideration for maintaining the confidentiality of certain department records. In addition, the Department strives to make known its policies and objectives.

Modifications, Modernizations and Innovations:

- In recognition of fostering trust and fairness through police reform, as mentioned in prior sections and summarized below, NCPD will be publicizing data and issuing reports to be posted on the Department’s website:
 - Use of Force- The NCPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used and a breakdown by community. The Use of Force Report is posted on the Nassau County’s webpage available for public review:
<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>
 - Civilian Complaints- Bi-annual report will include the percentage of civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and other. Statistical data for founded findings in the unlawful conduct category will be disclosed. This report is posted on the Nassau County website:
<https://www.nassaucountyny.gov/DocumentCenter/View/30496/IAU-Reporting-Data-?bidId>
 - Crime Statistics- Monthly major crime statistics are posted on the Department’s website. Data is available county-wide and broken down by precinct. Major crime categories are murder, rape, criminal sexual act, sexual abuse, robbery other, robbery commercial, assault felony, burglary residence, burglary other, stolen vehicle, grand larceny and all other crime reports. These statistics are available here:
<https://www.pdcn.org/DocumentCenter/View/556>

- Arrest Statistics- Arrest data is disclosed in a bi-annual report on Nassau County’s website. The report includes arrest demographics, top five crimes that result in arrest, and top arrest communities. This report is posted on the Nassau County website: <https://www.nassaucountyny.gov/DocumentCenter/View/30754/Arrest-Data?bidId>
 - Summons and Field Stop Data- A report will be issued bi-annually detailing summonses issued by location, top summons categories, gender, and race. This report is available on Nassau County’s website: <https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>
 - Bias Incidents/Hate Crimes- This bi-annual report will breakdown bias incidents and hate crimes reported to the NCPD categorized by bias. A sample of this report is attached hereto as Exhibit R.
- The NCPD has recently shared their in-service training curriculum with representatives from Nassau County Office of Minority Affairs and received positive feedback. The NCPD values community input and released the new in-service training lesson plan (attached hereto as Exhibit C).
 - The People’s Plan has requested the NCPD to report in compliance with the NYS STAT Act. STAT Act Legislature was passed requiring the NYS Courts to disclose the demographic of persons arrested for misdemeanors and violations. The Department agrees to report in conformity with the STAT Act.
 - The People’s Plan has suggested the Public Safety Committee become more active and engaged in the oversight of the Police Department. The Legislature can request private sessions with the Police Commissioner. To expand upon public safety oversight, and involving the community in policing, Precinct Commanding Officers or a designee attends hundreds of community meetings every year. The NCPD discloses community specific crime statistics at these meetings.

Summary of

Recommendations

Below is a review of recommendations posed by the community during meetings and forums. Each proposal indicates the community group that made the recommendation, NCPD’s response to each recommendation, and details of action taken or plans to implement change.

Within the Summary of Recommendations, you will find 90 recommendations, broken down into ten (10) categories. Those ten (10) categories are listed below.

Of the 99 recommendations, a summary of the NCPD responses are as follows:

- 48- Accepted
- 29- Existing policy, modified with community input
- 16- Considered
- 6- Not accepted

In addition, to the community meetings and forums, Nassau County also received 154 emails, which were sent to the County EO 203 mailbox. Of those emails:

97 emails were positive remarks supporting the Nassau County EO 203 Reform Response.

15 emails were the identical emails sent by different people.

42 emails involved questions and recommendation, many of which are addressed below.

Diversity in Department Staffing and Recruitment

- 1. Recommendation:** Mentoring program
Suggested by: Nassau County Fraternal Organizations
NCPD Response: Accepted and implemented
Details: Upon enrollment or pre-registration for the NCPD Police Exam, applicants will receive a mentorship letter. This letter lists the fraternal organizations participating in the mentorship program. Applicants can contact the fraternal organization they feel will be best suited to provide guidance in their application process. For the list of participating fraternal organizations, refer to the Department Staffing and Recruitment Section (Topic 1).
- 2. Recommendation:** Creation of Diversity Team
Suggested by: PACT, CCT and CCC
NCPD Response: Accepted and implemented
Details: In furtherance of our mission to serve and protect the people of Nassau County, and to provide safety and an improved quality of life in our communities through excellence in policing, we strive to create a department that contains a broad range of diversity including race, gender, religion, language, sexual orientation, life experience and social background. The Department has instituted a Diversity and Recruitment Team. This team consists of a Chairman, the NCPD Chief of Department and sixteen (16) members who represent each precinct, specialty squads, civilians and the Detective Division. The NCPD is committed to improving effectiveness and understanding in our interactions with all communities and providing police service that is fair, respectful, compassionate and promotes equality. For more information on improvements to NCPD recruitment efforts, refer to Department Staffing and Recruitment Section (Topic 1).
- 3. Recommendation:** Civil service points awarded on police exam for proficiency in another language
Suggested by: PACT
NCPD Response: Considered and under review with Civil Service Commission
Details: The NCPD has no authority to implement changes to Civil Service. To make changes to the Police Exam scoring system, the NCPD will discuss this recommendation with Civil Service. For more information on improvements to NCPD recruitment efforts, refer to Department Staffing and Recruitment Section (Topic 1).
- 4. Recommendation:** Recruitment cadet program
Suggested by: PACT, NCPD Chiefs and community meetings
NCPD Response: Considered with modifications
Details: The NCPD does not have authority to reform Police Exam grading. At this time, the NCPD is unable to award exam points for a cadet program. The Department can incorporate the benefits of a cadet program into the Law Enforcement Explorer Program to help familiarize participants with policing duties and operations. For further details on recruitment, refer to the Department Staffing and Recruitment Section (Topic 1).

5. **Recommendation:** Police exam early online registration QR code
Suggested by: NCPD Fraternal Organizations and community meetings
NCPD Response: Accepted and implemented
Details: A QR code has been added to recruitment informational pamphlets distributed in the community. The link provides the user with upcoming police exam information as well a form to pre-register for the exam. Further details on recruitment are available in the Department Staffing and Recruitment Section (Topic 1).

6. **Recommendation:** Have “police specialists”, designated officers specialize in specific areas of policing
Suggested by: Community member via County EO203 email
NCPD Response: Already implemented
Details: The Department has officers and detectives that specialize in particular areas of policing. At times, these officers receive focused training to enhance their expertise. Officers in specialized units and positions have expressed interest in working and/or have experience in these areas of enforcement.

7. **Recommendation:** NCPD has to diversify their officers (specifically: people of color, Hispanic, Latinos, people who are bilingual, and females)
Suggested by: Community meetings, PACT, CCC, CCT, community members via County EO203 email, community members at listening sessions, and the People’s Plan
NCPD Response: Accepted and implemented
Details: The NCPD has implemented several modifications and modernizations to the recruitment process in our endeavor to create a more diverse Department. These efforts include the mentoring program and the creation of the Diversity Team. Refer to Department Staffing Section (Topic 1) for further details on all newly initiated recruitment undertakings.

8. **Recommendation:** Application and exam fees should be waived for low income community member who may not be able to afford the fees
Suggested by: Community member at listening session
NCPD Response: Already implemented
Details: A fee waiver may be requested under certain circumstances. A waiver of application fee will be allowed if you are unemployed and primarily responsible for the support of a household. In addition, a waiver of application fee will be allowed if you are determined eligible for Medicaid, or receiving Supplemental Security Income payments, or public assistance (temporary assistance for needy families/family assistance or Safety Net Assistance) or are certified Job Training Partnership Act/Workforce Investment Act eligible through a state or local social service agency. When prompted to submit the application processing fee, choose the fee waiver option and follow the directions regarding downloading and submitting the required fee waiver form.

9. **Recommendation:** There should be an auxiliary police program that leads to full employment
Suggested by: Community members at listening session
NCPD Response: Accepted and under review
Details: Members of the NCPD Auxiliary Police Program are encouraged to take the police exam. Historically, some auxiliary officers have been hired by the Department. Currently, auxiliary officers are not offered any additional points on the police exam. This recommendation has been referred to Civil Service.

10. **Recommendation:** Police should inform the communities of color about all the special units and details so that young people understand the opportunities within the Department.
- Suggested by:** Community members at listening session
- NCPD Response:** Accepted and implemented
- Details:** The NCPD informs the public of Specialized Department Units and details through programs such as the Citizens Police Academy, NCPD Open House and the Police Youth Academy. For further information, refer to the Community-Based Outreach and Conflict Resolution Section (Topic 12).
11. **Recommendation:** Utilize BOCES to expose Latinos and African Americans to policing as a career and implement a BOCES police officer introductory course and use as points towards police exam
- Suggested by:** Community members at listening session
- NCPD Response:** Considered and modified
- Details:** Community Affairs reaches out to BOCES during recruitment efforts. Any recommendations involving points on police exam will be forwarded to civil service.
12. **Recommendation:** Add a language proficiency test to the PD application to allow numerous bilingual officers to be hired
- Suggested by:** Community members at listening session
- NCPD Response:** Considered and referred
- Details:** Changes to the Police Department Applications and Examinations must be implemented by Civil Service. This recommendation has been referred to Civil Service.
13. **Recommendation:** Hiring bilingual staff must be a priority both in civilian aspects and police officers
- Suggested by:** Community members at listening session
- NCPD Response:** Considered and referred
- Details:** This recommendation has been referred to Civil Service.
14. **Recommendation:** An outside consulting company should handle the entire applicant processing procedure
- Suggested by:** CCT
- NCPD Response:** Considered for discussion with NCPD and Civil Service
- Details:** Exams are administered by Civil Service and hiring processes is done collaboratively with the NCPD.
15. **Recommendation:** Creation of a joint Criminal Justice Associate degree that includes civilian police training to encourage local students to apply to be a police officer.
- Suggested by:** CCT
- NCPD Response:** Considered and under review
- Details:** The NCPD is working with Nassau County Community College towards creating this type of program. With the impending opening of the new police academy, the NCPD and the NCCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.

16. **Recommendation:** Discontinue the use of polygraph during hiring process
Suggested by: CCT
NCPD Response: Considered and referred
Details: The issuance of a polygraph during the hiring process is a matter of Civil Service. This recommendation has been forwarded to Civil Service.

Training

17. **Recommendation:** Yearly online anti-bias training and exam
Suggested by: PACT, CCT, CCC
NCPD Response: Accepted and implemented
Details: All sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction and must pass an exam.
18. **Recommendation:** Bring outside instructors and speakers for in-service training
Suggested by: PACT, People's Plan
NCPD Response: Existing policy, modified with community input
Details: During implicit bias awareness training, members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives (as discussed in Topic 2, the Training Section). Community stakeholders feel as though this training should be reoccurring. The NCPD Academy Staff will incorporate guest instructors and speakers into the yearly in-service training curriculum.
19. **Recommendation:** Pre-textual stop training
Suggested by: PACT
NCPD Response: Accepted and implemented
Details: Pretextual traffic stops is a topic covered during NCPD academy instruction. A review of the pretextual stop laws will be added to the curriculum of in-service training to ensure this type of enforcement is being applied correctly and fairly. Refer to Vehicle Stops Section (Topic 5) for more information on Pretextual Car Stops.
20. **Recommendation:** New curriculum for yearly in-service training
Suggested by: PACT, CCT, CCC and community meetings
NCPD Response: Accepted and implemented
Details: To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the NCPD formulated an innovative in-service training curriculum. The lesson plan is attached hereto as Exhibit C. The core lessons are outlines in the Training Section (Topic 2).
21. **Recommendation:** To teach officers "disability etiquette" and how to handle different situations involving those with disabilities. Police should be made aware and trained to interact better with disabled people, autistic people and the hearing impaired.
Suggested by: Community member via County EO203 email, community members at listening session
NCPD Response: Existing policy, modified with community input
Details: The Department understands the importance of respectful communication and engagement with members of the community who have disabilities. The NCPD has added disability etiquette to the curriculum of recruit training and in-service training. Informing officers on how to respectfully interact with disabled community members will help reduce confusion and both parties will be more comfortable during interactions.

22. **Recommendation:** Police must increase implicit bias training and cultural awareness. Officers need to learn and understand the cultures of the communities they serve.
- Suggested by:** Community members at listening session
- NCPD Response:** Existing policy, modified with community input
- Details:** The NCPD has implemented many modifications and modernizations in these areas during recruit training and in the newly expanded in-service training. For details on this training, refer to the Training Section (Topic 2).
23. **Recommendation:** Better management of Patrol Officers
- Suggested by:** Community member at listening session
- NCPD Response:** Existing policy, modified with community input
- Details:** The NCPD Academy is continuously reviewing supervisor curriculum to ensure the most current training practices are being utilized. Self-auditing ensures the most modern curriculum is implemented and ensures supervisors are properly trained and hold their officers accountable.
24. **Recommendation:** Training on leadership should be made transparent to the community
- Suggested by:** Community members at listening session
- NCPD Response:** Accepted and in progress
- Details:** State training polices are public and available open source. Supervisor training curriculum at NCPD Academy will be made public.
25. **Recommendation:** Realign the training division of the NCPD so it is entirely represented by a civilian Deputy Commissioner
- Suggested by:** CCT
- NCPD Response:** Not accepted for inclusion in the plan
- Details:** The Nassau County Police Department Academy is governed by the New York State Division of Criminal Justice Services Law Enforcement Agency Accreditation Program. NYS DCJS Municipal Police Training Council (MPTC) certified all NYS Police Trainers.
26. **Recommendation:** Civilian trainers be brought in specifically in the areas of mental illness to teach in the police academy
- Suggested by:** CCT
- NCPD Response:** Existing policy, modified with community input
- Details:** The NCPD Academy already has civilians, the Mobile Crisis Outreach Team, to supplement the Mental Health curriculum.

Complaints

27. **Recommendation:** Complaint process card
- Suggested by:** PACT and community meetings
- NCPD Response:** Accepted with modifications
- Details:** The NCPD has added complaint and compliment instructions to the Department pamphlet “What to Do When Stopped by the Police” (attached hereto as Exhibit AF). These pamphlets provide instruction on multiple ways to file a complaint with the department. In the event a community member inquires in regards to filing a complaint, a supply of pamphlets in English and Spanish will be kept in every RMP and all county facilities. Civilian Complaint Investigations Department Procedure 1211 (annexed hereto as Exhibit X), commands officers to

provide complainant with the aforementioned pamphlet. Pamphlets in additional languages will be available on the department webpage.

28. **Recommendation:** Update the NCPD webpage to allow attachments for video or other documentary evidence along with the submission of a complaint
- Suggested by:** PACT and CCT
- NCPD Response:** Accepted and implemented
- Details:** When submitting a complaint on the department website, the filer is now able to add an attachment. For more details on filing complaints, refer to the Complaint Tracking Section (Topic 18)
29. **Recommendation:** Ability to make complaint in multiple languages
- Suggested by:** PACT and NCPD Hispanic Association
- NCPD Response:** Accepted and implemented
- Details:** The Department webpage allows the submission of complaints in multiple languages. Community members who wish to call in a complaint in a language other than English can utilize language line. See Complaint Tracking Section (Topic 18) for further details on filing complaints.
30. **Recommendation:** No matter where and when a complaint is made, a supervisor must respond to take report.
- Suggested by:** PACT and Community suggestion
- NCPD Response:** Existing policy, modified with community input
- Details:** As per Civilian Complaint Investigations Department Procedure 1211 (attached hereto as Exhibit X) an officer who encounters a member of the community who wishes to file a complaint, must contact a supervisor who is to report to the scene. It is the supervisor's responsibility to inform the complainant of complaint filing procedures and must take report at scene unless civilian wants to review options, Supervisor provide them with the Department pamphlet containing instructions on submitting a compliment or complaint.
31. **Recommendation:** Civilian Complaint Review Board
- Suggested by:** PACT, CCT and People's Plan
- NCPD Response:** Considered and under review
- Details:** NCPD has enhanced the ability to file a complaint. Complaints are reviewed at a supervisory level, by Professional Standards and Internal Affairs Bureau. If the allegations require further investigation, cases are also reviewed by the District Attorney Political Corruption Unit, and as of April 1, 2021, the Attorney General's Law Enforcement Misconduct Office. For further details on NCPD's civilian complaint procedures refer to the Complaint Tracking Section (Topic 18).
32. **Recommendation:** Commissioner's Executive Staff and Office of the County Attorney to hold quarterly meetings to discuss pending litigation, settlements and verdicts.
- Suggested by:** PACT
- NCPD Response:** Accepted and implemented
- Details:** NCPD and County Attorney will coordinate

33. **Recommendation:** There should be a way for residents to make anonymous complaints against an officer
Suggested by: Community members at listening sessions
NCPD Response: Existing policy, modified with community input
Details: The NCPD will accept anonymous complaints in any form, written, emailed and called in. Reports will also be taken from anyone whether or not they have a connection or direct relationship to the incident.
34. **Recommendation:** The complaint website should be more user friendly
Suggested by: Community meetings
NCPD Response: Existing policy, modified with community input
Details: The NCPD civilian complaint webpage has been modernized to be more user friendly. The user is now able to add attachments to complaints and can make complaints in multiple languages. For more information on modifications made to civilian complaints, refer to the Complaint Tracking Section (Topic 18)
35. **Recommendation:** Require officers to have personal liability insurance
Suggested by: People's Plan
NCPD Response: Not accepted for inclusion in the plan
Details: This is not a topic mandated by EO203

Immigration and Limited English Proficiency

36. **Recommendation:** Officers to not inquire into the public's ethnicity or immigration status
Suggested by: PACT
NCPD Response: Accepted and implemented
Details: Community members have raised concerns regarding the inquiry of ethnicity leading to immigration status questioning. The recording of demographic data is imperative for proper transparency reporting. In recognizing both community concerns (immigrant confidentiality and demographic recording for fair policing), during traffic stops, field stops and non-enforcement encounters, officers will not ask the public their race or ethnicity. Demographic data will be recorded based on an officer's observations (apparent race). For more information on the recording of demographic data for traffic and field stop reporting, refer to the Vehicle Stops Section (Topic 5).
37. **Recommendation:** Addition of Police Activity League Programs in Elmont, Roosevelt, and Lawrence
Suggested by: Lawrence, Elmont and Roosevelt Community Meetings and PACT
NCPD Response: Accepted and implemented
Details: The NCPD added PAL Programs in Elmont, Roosevelt and Lawrence as per community request. For information on PAL Programs refer to Community-Based Outreach and Conflict Resolution Section (Topic 12).
38. **Recommendation:** Language Access Plan
Suggested by: New York Civil Liberties Union (NYCLU)
NCPD Response: Existing policy, modified with community input
Details: The NCPD ensures the members of our community with limited English proficiency have equal access to all services provided by the Department. In 2019, the NCPD implemented the Language Access Plan. To enhance communication with our community, all patrol cars were issued iPhones to create easy access to the Language Line. The Language Line Application allows the citizen to video conference with an interpreter to ensure both parties can properly

articulate themselves and understand each other. For more information on the Language Access Plan, refer to Procedural Justice, Systemic Racial Bias and Racial Justice in Policing Section (Topic 6).

39. **Recommendation:** Transparency with Language Line use
Suggested by: Community members at listening session
NCPD Response: Accepted and implemented
Details: The NCPD will disclose language line use in a report issued to the public bi-annually.
40. **Recommendation:** Issue small Spanish language weeklies to inform the community
Suggested by: Community members at listening session
NCPD Response: Considered and under review
Details: The NCPD is considering implementing a steady notification of current police events in Spanish language to the community. Content, frequency and method of delivery is under review.
41. **Recommendation:** There should be a follow-up survey to use the language line to assess how the user was helped or not helped by language line
Suggested by: Community members at listening session
NCPD Response: Accepted with modifications
Details: The NCPD monitors and conducts monthly reviews of language line usage. The Department will be issuing a bi-annual language line report. If a community member has a complaint (or compliment) regarding Language Line, they can file a NCPD civilian complaint.
42. **Recommendation:** Language line should not take the place of utilizing bilingual police officers or staff to interpret when a person calls police, especially in an emergency.
Suggested by: Community members at listening session
NCPD Response: Accepted and implemented
Details: The NCPD uses bilingual officers as often we can, language line is used in routine scenarios and during emergent, time sensitive situations where waiting for an officer to reasons isn't appropriate.
43. **Recommendation:** There should be informational programs on police for communities done in Spanish language on an ongoing basis to explain the role of police, certain local laws and also the rights of residents with regards to interactions with police
Suggested by: Community members at listening sessions
NCPD Response: Accepted and implemented
Details: The NCPD will issue informative bulletins in both English and Spanish languages, such as the "What to Do When Stopped by Police" pamphlet posted on the department webpage. POP and COPE Officers and Community Affairs will coordinate these meetings.

Systemic Racial Bias and Implicit Bias

44. **Recommendation:** Additional questions on application for employment to determine racial bias or implicit bias.
- Suggested by:** Nassau County Office of Minority Affairs, NCPD Guardians and PACT
- NCPD Response:** Accepted and implemented
- Details:** The NCPD has added two (2) questions related to bias on the application for employment. For a breakdown of the questions and additional information on recruitment, see section on Department Staffing and Recruitment (Topic 1).
45. **Recommendation:** NCPD should cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation
- Suggested by:** LGBTQ Community, Nassau County Guardians, PACT and CCC
- NCPD Response:** Existing policy, modified with community input
- Details:** The Commanding Officers of each precinct have frequent (monthly at minimum) community meetings giving the public an opportunity to address these concerns. The Commanding Officers have been made aware of these community concerns and will be sure to open the floor for discussions on cultural differences.
46. **Recommendation:** LGTBQ domestic violence should be treated the same way as heterosexual relationships
- Suggested by:** Community meetings
- NCPD Response:** Existing policy, modified with community input
- Details:** All calls for domestics are to be treated fairly and equally. To reinforce this, this concern will be addressed during the newly expanded yearly in-service training.
47. **Recommendation:** To determine biases, officers should have to take a test via roleplay (not written) because racist tendencies will come out during interactions
- Suggested by:** Community meetings
- NCPD Response:** Existing training, modified with community input
- Details:** Incorporated into both recruit and in-service training, a diversity of role play scenarios are utilized to assess individuals' abilities to tactically and professionally resolve the incident. During the assessment and review, any indications of inherent bias which may be observed are addressed and additional training on cultural sensitivity and conflict resolution are provided.
48. **Recommendation:** NCPD needs to make improvements in regards to their relationship with the LGBTQ community as they feel as they are treated with a lack of sensitivity and victims of hate crimes are not considered with the fervor as other biases.
- Suggested by:** Community meetings
- NCPD Response:** Existing policy, modified with community input
- Details:** In recognition of this recommendation, the NCPD has made many amendments to the Bias Incidents/Hate Crimes Department Procedure (attached hereto as Exhibit Q). Gender expression or identity has been added as a human right and a type of bias. Definitions have been added for gender, gender expression, gender identity and sexual orientation to educate officers on proper terminology. For an outline of all changes made in this Department Procedure, please refer to the Hate Crimes Section (Topic 8).

Transparency

49. **Recommendation:** Traffic stop data collection
Suggested by: PACT, CCT, CCC and People’s Plan
NCPD Response: Accepted and implemented
Details: The NCPD has made improvements to traffic summons recording and collection of demographics. A Department Order was issued ordering officers to record observed gender and race/ethnicity of the person(s) subject to field stops and traffic stops. A Department Procedure was issued instructing the proper recording of demographic data using NCPD’s record management system. The demographics recorded will be used to create bi-annual reports on summons and field stop data. For more information on the recording and collection of demographic data, refer to the Vehicle Stop Section (Topic 5).
50. **Recommendation:** Body worn and dashboard cameras
Suggested by: PACT and CCT
NCPD Response: Accepted and in progress
Details: The County has committed to commencing a Body Worn Camera, and a Dashboard Camera Program will be considered, allowing for complete transparency in police interactions. The Nassau County Police Department and the Shared Services Department will work with a consultant to identify the best practices for body worn and dashboard camera features and functionality to produce specifications for the procurement of body worn camera equipment. The NCPD will review body worn and dashboard cameras processes to ensure what is best for the public and officer safety is implemented. See the Body Cameras Section (Topic 4) for more information.
51. **Recommendation:** Officers should not get paid to wear body cameras
Suggested by: PACT
NCPD Response: Considered
Details: Any wages are subject to collective bargaining
52. **Recommendation:** NCPD to issue a bi-annual Use of Force Report
Suggested by: PACT, CCT and People’s Plan
NCPD Response: Accepted and implemented
Details: The Department will issue a bi-annual Use of Force Report which will include statistics on event circumstances, demographics, type of force used, and a breakdown by community. This report will be posted on the Department webpage. For more information on use of force tracking and reporting, refer to the Use of Force Section (Topic 3).
53. **Recommendation:** Have body worn camera footage made public, when available, unless it affects or jeopardizes the investigation.
Suggested by: CCC
NCPD Response: Considered and under review
Details: Body Worn Camera program is in progress. Policies and procedures will be developed before the program is implemented in late fall 2021.
54. **Recommendation:** Crime data to be broken-down down further by community
Suggested by: CCC
NCPD Response: Accepted with modifications
Details: Crime statistics are presented by precinct. For a crime data specific to a certain community, a Freedom of Information (FOIL) request can be made. Crime statistics by community are presented by precinct Commanding Officers and/or other precinct staff at community meetings.

55. **Recommendation:** FOIL Requests must be responded to in a timely fashion
Suggested by: Community members in listening session
NCPD Response: Already implemented
Details: FOIL requests are received, acknowledged, and processed in accordance with Article 6 of the New York State Public Officers Law (POL). As provided in POL § 89, requests are responded to in a reasonable time depending on the circumstances of the request. The NCPD will look into the FOIL expediting process to ensure requests are completed in an effective and timely manner.
56. **Recommendation:** Pass the Right to Know Act
Suggested by: People’s Plan
NCPD Response: Accepted with modifications
Details: NCPD Officers clearly display their name and shield numbers on their outermost garments. Officers are trained to verbally provide their name, rank, and the reason for the traffic stop. Officers will provide civilians with the “What to Do When Stopped by Police” pamphlet. This pamphlet provides the community with phone numbers for headquarters, Internal Affairs, all precincts, the DA’s office, the Human Rights Commissioner and the NYS Attorney General’s Office. If the civilian wishes to file a complaint, instructions on doing so are also published on this flyer. Through the information provided on this pamphlet, the community will be able to reach out to the appropriate department/unit to answer any questions they may have. Through the implementation of the Body Worn Camera Program, any actions during a traffic stop that are challenged can be reviewed.
57. **Recommendation:** NCPD reporting to be in compliance with the NY STAT Act
Suggested by: People’s Plan
NCPD Response: Accepted
Details: The NCPD agrees to report in compliance with the STAT act. For further details refer to Transparency Section (Topic 23).
58. **Recommendation:** Public Safety Committee Oversight
Suggested by: People’s Plan
NCPD Response: Already existing, modified with community input
Details: The Legislature can request private sessions with the Police Commissioner. To expand upon public safety oversight, and involving the community in policing, Precinct Commanding Officers or a designee attends hundreds of community meetings every year. The NCPD discloses community specific crime statistics at these meetings.
59. **Recommendation:** Written consent for searches
Suggested by: People’s Plan
NCPD Response: Existing policy, modified with community input
Details: The NCPD acknowledges this request and trains officers in proper laws of stop, question and possibly frisk. Officers obtain a signature for consent to search if circumstances allow and once the scene is secured. Through the implementation of the Body Worn Camera Program, verbal consents will be recorded.
60. **Recommendation:** Community surveys
Suggested by: People’s Plan
NCPD Response: Accepted
Details: The NCPD agrees surveying the community is a great idea. Orchestrating a survey on ourselves would be a conflict of interest. If the County implements a community survey program the Department is prepared for full cooperation.

Community Outreach

61. **Recommendation:** Realign the Community Oriented Police Enforcement (COPE) Unit to report to Community Affairs.
- Suggested by:** NCPD Chiefs
- NCPD Response:** Existing policy, modified with community input
- Details:** As of July 2020, COPE is now a part of the Community Affairs Unit. This re-structuring reflects the NCPD’s position that it is important to have COPE officers work alongside the members assigned to Community Affairs. For more information on the COPE Unit, refer to the Community-Based Outreach and Conflict Resolution Section (Topic 12).
62. **Recommendation:** Increase in non-enforcement, positive interactions and engagements with the community. Have officers get out of their patrol cars and walk the community.
- Suggested by:** Community meetings, community members at listening session
- NCPD Response:** Existing policy, modified with community input
- Details:** To help build stronger relationships between the community and the police, the Department concurs with this recommendation and the need to increase the number of positive interactions with the communities the NCPD serves. Through the enhancement of the POP Unit, the realignment of COPE, implementing Park, Walk and Talk, and the many community programs outlined in the Community-Based Outreach Section (Topic 12), the NCPD hopes to reach more community members in an informal, non-enforcement capacity.
63. **Recommendation:** Educate the public on the effect of a perceived negative encounter with the police.
- Suggested by:** Community meetings
- NCPD Response:** Accepted and implemented
- Details:** Community Affairs is currently working on a new video titled, “Respect and Responsibility”. This video is a community information project designed to demonstrate the effect of a perceived negative encounter with a police officer by a member of the community. The video also provides information on how the community can report these incidents. Once completed, this video will be shown to NCPD members during in-service training and is expected to be widely publicized in schools and on the NCPD’s social media platforms.
64. **Recommendation:** Young Adult Council (YAC)
- Suggested by:** Men of Elmont
- NCPD Response:** Accepted and implemented
- Details:** To build stronger relationships between adolescents, their neighborhoods, and officers, the NCPD formed a Young Adult Council in every precinct. YAC meetings aid the NCPD in understanding the needs of the youth in Nassau’s communities and how the NCPD can meet those needs. Further details on YAC can be found in the Procedural Justice, Systemic Racial Bias and Racial Justice in Policing Section (Topic 6).
65. **Recommendation:** Bike patrol program in Roosevelt called “Cops on Bikes”
- Suggested by:** PACT and CCC
- NCPD Response:** Accepted and implemented
- Details:** Uniformed officers on bicycles will be patrolling Nassau County communities, inclusive of Roosevelt neighborhoods. As requested, diverse, uniformed officers will patrol the Roosevelt neighborhood.

66. **Recommendation:** Focused deterrence strategies will be added to the Civilian Police Academy and the Police Youth Academy
- Suggested by:** CCC
- NCPD Response:** Existing policy, modified with community input
- Details:** Focused deterrence is covered during police academy instruction. To educate the community, this topic will be covered during the Civilian Police Academy and the Youth Police Academy.
67. **Recommendation:** More frequent meetings with precinct Commanding Officers and the CCC
- Suggested by:** Community member via County EO203 email
- NCPD Response:** Existing policy, modified with community input
- Details:** The NCPD Precinct Commanding Officers are encouraged to attend CCC and Young Adult Council (YAC) meeting, as well as town halls and community meetings within their jurisdictions. Due to COVID restrictions, meetings have not been as frequent as years past, however once regular meetings are implemented again, Commanding Officers and precinct POP Officers will be in attendance, when possible.
68. **Recommendation:** Increase POP to forty (40) officers and eight (8) civilians
- Suggested by:** CCC
- NCPD Response:** Accepted with modifications
- Details:** The NCPD POP Unit has grown from eight (8) officers to twenty-four (24) in the last two (2) years. Now that COPE officers are assigned to Community Affairs, that adds a supplementary twenty (20) officers to assist with POP functions.
69. **Recommendation:** Police need to find more positive ways to interact with young people
- Suggested by:** Community members at listening session
- NCPD Response:** Existing policy, modified with community input
- Details:** The NCPD has implemented many ways for officers to interact with the youth in the communities we serve. NCPD Open House, Backpack giveaways, Community Affairs school programs, Youth Police Initiative, Young Adult Council, Law Enforcement Explorer Program, Police Activity League, NCPD Takes Down drugs, Police Youth Academy, and other community events are all examples in which the NCPD engages our youth. For further details on the aforementioned programs, refer to section Community-Based Outreach and Conflict Resolution (Topic 12).
70. **Recommendation:** Police Officers should engage with the public in some of the community Facebook groups
- Suggested by:** Community members at listening session
- NCPD Response:** Accepted and implemented
- Details:** The Department engages the community through many social media platforms, such as: Facebook, Instagram, Twitter and Neighbors by Ring. The Department's social media platforms will interact with community Facebook groups that are not private. At times, the NCPD will directly contact the administrators of private community Facebook groups when the Department wants to inform them of crime or issues that directly effect that community and request them to post flyers and bulletins to inform those particular communities.

71. **Recommendation:** Police officers should establish a program at the community Library and read to kids once a month
Suggested by: Community members at listening session
NCPD Response: Accepted with modifications
Details: The Department will attend Children Library programs when requested. NCPD has participated in such programs in the past. POP Officers and the Commissioner of Police have read to children during library programs.
72. **Recommendation:** Police should organize a community bike ride program and ride bikes with young people through the communities they patrol
Suggested by: Community members at listening session
NCPD Response: Accepted with modifications
Details: During the school year, NCPD hosts a bike riding event at Safety Town. Safety Town is a fabricated town located in Eisenhower Park where teach children about bicycle safety and traffic laws.
73. **Recommendation:** Police should organize [Sport] Tournaments and play games against community teams. Non-profit organization and corporations could sponsor events
Suggested by: Community member at listening session
NCPD Response: Accepted with modifications
Details: Similar events have taken place in the past involving the Commissioner of Police and the Police Activity League. If a community member is interested in hosting/organizing an event, they can reach out to Community Affairs to make plans for future events.
74. **Recommendation:** National Night Out should be a more regular event and should be attended by patrol officers
Suggested by: Community members at listening session
NCPD Response: Existing policy, modified with community input
Details: When requested by the community, the Department will host additional events. The event is hosted and attended by officers, local politicians and community members who volunteer their time.
75. **Recommendation:** Patrol Officers should attend High School Graduations and other school events to show support for children’s accomplishments
Suggested by: Community members at listening session
NCPD Response: Existing policy, modified with community input
Details: Moving forward, NCPD presence at high school graduations and other school events in support of the youth in our communities will be increased.
76. **Recommendation:** Bringing PAL back to the community is a good thing and should be continued
Suggested by: Community members at listening sessions
NCPD Response: Accepted and implemented
Details: The NCPD plans on continuing PAL Programs and has recently expanded to three (3) additional communities. For further information on what NCPD PAL programs offer, refer to Exhibit B, the Meet the NCPD.

77. **Recommendation:** Removal of SROs and prohibit all officer’s interactions with schools.
Suggested by: People’s Plan
NCPD Response: Not accepted for inclusion in the plan
Details: The safety of our children is in the hands of the superintendents and school boards. The NCPD will not remove presence in schools unless instructed to do so by those responsible for our children’s safety.

Hate Crimes

78. **Recommendation:** Precinct Bias Crime Coordinator in every precinct
Suggested by: NCPD
NCPD Response: Existing policy, modified with community input
Details: The NCPD has implemented a Precinct Bias Crime Coordinator in every precinct. The precinct-level coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The precinct coordinator will report to and collaborate with the Department Bias Crime Coordinator to determine any County-wide patterns. See Hate Crimes Section (Topic 8) for more information.
79. **Recommendation:** Bi-annual Bias Incident and Hate Crime Report for public review
Suggested by: Nassau County Minority Affairs, Jewish Community Relations and Jewish Defense League
NCPD Response: Accepted and implemented
Details: The Department will be issuing a bi-annual Bias Incident and Hate Crime Report for public review. This report will breakdown bias incidents and hate crimes reported to the NCPD categorized by bias. See Hate Crimes Section (Topic 8) for more information.

Mental Health

80. **Recommendation:** Training for Communication Bureau on mental health call intake
Suggested by: PACT and CCC
NCPD Response: Accepted and in progress
Details: Communication Bureau Operators will receive additional training on fielding mental health calls. The Nassau County Mental Health Response is under review at the County Legislature. For more information on NCPD policies and procedures on mental health, refer to the Mental Health and Homelessness Section (Topic 20).
81. **Recommendation:** Supervisor to respond to all calls for person(s) experiencing mental health crisis
Suggested by: PACT and CCC
NCPD Response: Existing policy, modified with community input
Details: The NCPD has updated the Department Policy in responding to calls for mental health. In addition to assigning two (2) police officers and a department ambulance, CB assigns a Patrol Supervisor as well. The Nassau County Mental Health Response is under review at the County Legislature. For more information on NCPD policies and procedures on mental health, refer to the Mental Health and Homelessness Section (Topic 20).

82. **Recommendation:** Communications Bureau Operations to utilize a script when a caller appears to be under distress.
Suggested by: PACT
NCPD Response: Accepted and implemented
Details: 911 Call Takers have been provided with a script to guide them while communicating with a caller who appears to be under mental distress. The caller’s response to the questions posed by CB Operators will determine the response required. For further script details and the Departments response procedure, refer to Mental Health and Homelessness Section (Topic 20). The Nassau County Mental Health Response is under review at the County Legislature.
83. **Recommendation:** Utilize a tiered response for mental health calls for service
Suggested by: People’s Plan
NCPD Response: Accepted with modifications
Details: The NCPD recognizes this recommendation as an effective way to ensure an appropriate level of response. The Department will adapt a tiered response with some modifications: Tier 1 – Public Education and Awareness, Tier 2 – CB telephonic referral to MCT (no police response), Tier 3 – Dual Response (police and MCT simultaneous response). For further information on the tiered response, please refer to Mental Health and Homelessness Section (Topic 20).

Other Community Recommendations:

84. **Recommendation:** Monthly PACT meeting to monitor reforms
Suggested by: PACT
NCPD Response: Accepted and implemented
Details: To hold the NCPD accountable to the promised modifications, modernizations and innovations of police reform, the PACT will meet monthly to monitor reform progress and to ensure the Department is maintaining these changes.
85. **Recommendation:** To incorporate the word “equality” into the Department’s mission statement
Suggested by: NCPD Guardians
NCPD Response: Accepted and implemented
Details: The NCPD mission statement promotes the value of LIFE (loyalty, integrity, fairness and excellence) among all members in their interactions with the community. The NCPD Mission Statement has been revised to include “equality” and now reads: to serve the people of Nassau County and to provide safety, equality, and an improved quality of life in our communities through excellence in policing.
86. **Recommendation:** Expansion of Pact
Suggested by: Community members via County EO203 email
NCPD Response: Considered and under review
Details: The community feels as though PACT should be expanded to include more community members. This recommendation is under review by the Chair of the PACT Committee.

87. **Recommendation:** Charging should be the sole discretion of the DA
Suggested by: PACT
NCPD Response: Considered for further discussion
Details: The Early Case Assessment Bureau (ECAB) was started by former District Attorney Kathleen Rice and formed by NCPD Commissioner of Police James Lawrence in late 2006. ECAB's primary responsibility is to assess and analyze charges at the arrest stage of a criminal prosecution. ECAB coordinates with the Nassau County Police Department to ensure that every arrest made is legally sufficient and proper charges are filed with the court. ECAB is a twenty-four (24) hour staffed desk collocated at NCPD headquarters. This allows for around-the-clock communication between the District Attorney's staff and members of the Department. The NCPD has decided to continue with this hybrid approach. The initial observations and assessment of the officers at the scene are imperative in helping to determine a proper charge.
88. **Recommendation:** Victims of crimes should be immediately directed to Safe Haven and away from the community where crime occurred. Mental health counselors should be made available to crime victims and witnesses
Suggested by: Community members at listening session
NCPD Response: Accepted and implemented
Details: Victims of violent crimes, such as domestic assaults and sexual assaults are directed to Safe Haven and are encouraged to utilize Nassau C.A.R.E.S. for available mental health resources.
89. **Recommendation:** 911 Data should be audited and reported
Suggested by: Community members at listening session
NCPD Response: Accepted with modifications
Details: NCPD 911 call data is collected, analyzed and audited and reported internally. In recognition of privacy concerns, only statistical data will be publicized bi-annually.
90. **Recommendation:** The Department should offer mental health counseling for its officers in a manner that doesn't stigmatize an officer seeking counseling
Suggested by: Community members at listening session
NCPD Response: Existing policy, modified with community input
Details: NCPD Employee Assistance Office holds confidential meetings and counseling with licensed social workers for member of the NCPD (sworn and civilian) and their families. The NCPD has implemented a Wellness Committee to coordinate efforts with Employee Assistance and the Peer Support Group. For more information on mental health resources available to NCPD Members, refer to section Supporting NCPD Member Well-Being (Topic 22).
91. **Recommendation:** Zoom recordings should be made available to the Legislature
Suggested by: Community members at listening session
NCPD Response: Not accepted for inclusion in the plan
Details: The zoom recording of community meetings are private closed sessions. Due to individuals' right to privacy, these meetings cannot be made public.
92. **Recommendation:** More sensitivity on how young people who make mistakes are treated by police when an arrest must be made. There need to be a different process for immigrant youth. There needs to be more formal youth intervention partnerships with police for troubled youth.
Suggested by: Community members at listening session
NCPD Response: Considered and modified
Details: The NCPD focuses on educating the youth to avoid these situations. The NCPD offers many programs in which police can interact with the youth in our communities. The

programs include and are not limited to: Police Youth Academy, Youth Police Initiative, Young Adult Council, and Law Enforcement Explorer Program. Further details on these programs is available in the Community-Based Outreach and Conflict Resolution Section (Topic 12).

93. **Recommendation:** Police officer involvement in evictions
Suggested by: Community members at listening sessions
NCPD Response: Accepted and referred
Details: The NCPD understands the frustrations community members face during the eviction process. It's important for the community to know, evictions are not a function of the Nassau County Police Department, it is the responsibility of the Sheriff's department. The NCPD may be called to the scene of tenant/landlord disputes in which the disposition is a referral to Landlord Tenant Court for resolution. The Department ensures the community that landlords have no right to turn off power or heat in an occupied rental property. Any recommendations from the community in regards to evictions have been referred to the Sheriff's department.
94. **Recommendation:** Equal distribution of traffic cameras in all communities
Suggested by: CCT
NCPD Response: Not accepted for inclusion in the plan
Details: Nassau County utilizes only red-light cameras, not speed cameras. All red-light cameras locations are chosen by the Department of Traffic Management and is determined by high traffic areas.
95. **Recommendation:** Majority of traffic stops are benign and do not require an armed law enforcement officer to engage and escalate a situation. Summonses should be done through an unarmed civilian agency.
Suggested by: CCT
NCPD Response: Not accepted for inclusion in the plan
Details: The most dangerous responsibility a police officer has is to conduct traffic stops. There is no way to know if a traffic stop can become something more than a traffic violation.
96. **Recommendation:** The use of uniformed and armed police officers is considered intimidating to people in a mental health crisis as it implies criminal behavior.
Suggested by: Community meetings
NCPD Response: Accepted and implemented
Details: The NCPD is aware of the value of having a mental health professional at these scenes and is working on establishing a "dual response" model with the Mobile Crisis Unit. 911 Call takers will utilize a script while communicating with someone in mental crisis. Based on the answers provided by the caller, the CB Operator may conference in Mobile Crisis. Mobile Crisis can tell the 911 call taker to hang up and Mobile Crisis will assume control of the call. For further details refer to Mental Health and Homeless Section (Topic 20).
97. **Recommendation:** Nassau does not devote enough resources from the HHS Budget to prevent acute issue and incidents of mental health that end up in a 911 call.
Suggested by: Community meetings
NCPD Response: Considered and under review
Details: In June of 2020, Legislation was passed to form a committee to review best practices in response to mental health in Nassau County. The committee is comprised of members of the NCPD, Department of Human Services Office of Mental Health and Community Stakeholders. This committee presented their proposal to the County Legislature and is awaiting

their review. For more information on this topic, please refer to the proposal annexed hereto as Exhibit AG.

98. **Recommendation:** Use of force or tasers needs to be evaluated when it comes time for an Officer's promotion
- Suggested by:** Community meetings
- NCPD Response:** Existing policy, modified with community input
- Details:** When considering an officer for promotion, all of their reports are considered, inclusive of use of force reports.
99. **Recommendation:** Staffing and Recruitment, Body Cameras, Crime Prevention through Environmental Design, Model Policies and Standards Review, Community Contact and Resident Surveys, Language Access, Nassau County Mobile Crisis Team and 911 Tiered Response, Biannual Reporting and 911 Call Centers
- Suggested by:** Nassau County Legislature
- NCPD Response:** Accepted, policies to be modified based upon input
- Details:** Recommendations suggested based upon Legislative Hearings that included community input. See page of Plan for further details.

Conclusion

The NYS Guidance asked that the Department plan include how success is measured. In many ways, the NCPD has achieved success through the engagement with our community stakeholders. Nassau County and the NCPD will continue to monitor and measure the success of this plan by reviewing data, expanding and modifying our training and by listening to the community.

To hold the NCPD accountable to the promised modifications, modernizations and innovations of police reform, the PACT will continue to meet monthly to monitor reform progress and to ensure the Department is maintaining these changes. PACT will continue to keep the community dialogue open and address concerns.

Following its comprehensive review of policies and procedures while engaging with members of the community on issues which relate to police reform and strengthening trust, the NCPD has re-defined its definition of duty and the Department's Mission to read as follows (*changes in bold print*):

With equity before the law, it is the Nassau County Police Department's duty, at all times of the day and night, **to uphold trust, fairness and sustained legitimacy**, protect life and property, prevent crime, detect and arrest offenders, preserve the public peace, and enforce all laws and ordinances over which the Police Department has jurisdiction.

It is Nassau County Police Department's mission to serve the people of Nassau County and to provide safety, equality, and an improved quality of life in our communities through excellence in policing.

Executive Summary

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State, the NCPD has conducted a comprehensive review of its policies and procedures. After collaborating with community stakeholders as described above, receiving input from members of our community, the NCPD has proposed several modifications to its policies and procedures.

Department Staffing:

- The NCPD has implemented a mentoring program which matches applicants with mentors at the NCPD. This initiative is facilitated by the fraternal organizations of the NCPD which include: Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Columbia Police Association of Nassau, Nassau County Association of Women Police, Police Emerald Society of Nassau County, Holy Name Society, and Shomrim Society of Nassau County. Applicants can contact the fraternal organization they feel will be best suited to provide guidance in their application process.
- The community recommended to add questions on department employment applications to determine racial bias or implicit bias. The NCPD accepted this suggestion and added eight (8) questions related to biases to the application:
 - Is there any race, religion, ethnicity, gender, gender identity, sexual orientation, or physical appearance that you consider inferior to you?
 - Do you believe that racial profiling by law enforcement is a useful tool?
- In addition to the aforementioned questions, the Department has enhanced implicit bias awareness training in recruits and during in-service training, to identify and address any possible unconscious bias.
- In furtherance of our mission to serve and protect the people of Nassau County, and to provide safety and an improved quality of life in our communities through excellence in policing, we strive to create a department that contains a broad range of diversity including race, gender, religion, language, sexual orientation, life experience and social background. The Department has instituted a Diversity and Recruitment Team. This team consists of a Chairman, the NCPD Chief of Department and sixteen (16) members who represent each precinct, specialty squads, civilians and the Detective Division. The NCPD is committed to improving effectiveness and understanding in our interactions with all communities and providing police service that is fair, respectful, compassionate and promotes equality.
- The County will commit to setting up meetings with the Nassau County Civil Service Commission over the course of the next six months to develop a plan for enhanced diversity and inclusion in the recruitment of applicants, which may require suggested amendments to Civil Service law, rules and regulations. Any reforms will be publicized.

Training:

New Annual In-Service Training

To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the Nassau County Police Department formulated an innovative in-service training curriculum.

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal (NYS Civil Rights Law §50-a), NYS Civil Rights Law §79-p Right to Monitor, Establishment of the Law Enforcement Misconduct Office, as well as any other legal revisions or updates which must be brought to the attention of the Members of the NCPD.
- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting and priority of life discussion
- De-escalation, maintaining control over oneself, the five universal truths to human interaction, communication, active listening, and the principles of impartiality
- Procedural justice, police legitimacy and the benefits thereof
- Ethical and moral courage and the duty to intercede/intervene
- Fundamental crisis intervention, indicators of emotional stress, communication, and treatment, recovery and resources
- Implicit bias, implicit/preference, explicit/conscious preference and confirmation bias
- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve

Community stakeholders have recommended bringing in outside instructors and speakers for in-service training. During implicit bias awareness recruit training, members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. It was suggested this training continue during in-service training. The NCPD Academy Staff will incorporate guest instructors and speakers into the yearly in-service training.

Pretextual traffic stops is a topic covered during NCPD academy instruction. As per community recommendation, a review of the pretextual stop laws will be added to the curriculum of in-service training to ensure this type of enforcement is being applied correctly and fairly.

Yearly Bias Training and Exam

Similar to the sexual harassment and hazardous materials training, all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

Use of Force

- The NCPD has self-audited the Use of Force Reference Guide and made any necessary updates.
- Department Administrative Order 20-015 was issued on June 25, 2020 to remind department members that the Carotid Restraint or “Chokehold” is not an authorized use of force technique except in situations where deadly physical force is being asserted to a Member of the Department or another.
- The department will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used, and a breakdown by community. The Use of Force Report is posted on the Nassau County’s webpage available for public review.
- The NCPD will be implementing a body worn camera program this year. This will be an additional tool used to evaluate incidents involving use of force and will offer an additional layer of transparency relating to interactions between NCPD members and members of the community.
- Members of the Commissioner’s Executive Staff will be holding quarterly meetings with the Office of the County Attorney to discuss pending litigation, settlements and verdicts. Cases involving allegations of Use of Force will be included in these meetings. This will allow the NCPD to monitor these cases for any trends within a particular unit or bureau or by a specific officer.
- The new police academy will help to improve use of force training as the facility will allow for more hands-on training and role playing. The new academy is located in the center of the County on the campus of the diverse Nassau County Community College. The NCPD and the NCCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.
- As of April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, excessive force, criminal activity and other unlawful actions.

Body Cameras

- It is anticipated that the NCPD will be implementing a body worn camera program this year. Nassau County and the NCPD has contracted with an advisor to assist with the implementation of this program. The County is still reviewing vendors and contacting other law enforcement agencies to obtain further insight on their experiences with their vendors.
- The Department, in conjunction with the advisor, will review all best practices provided by the Major Cities Chiefs Association and adapt those practices to implement a program that best serves the police department and the residents of Nassau County.
- With the implementation of the Body Worn Camera Program, the NCPD will have the ability to audit a portion of encounters (such as transgender interactions, mental aided calls, traffic stops,

etc.) to assess and ensure officers are acting in a manner consistent with the Department's mission and values.

Vehicle Stops

- The NCPD is making improvements to traffic summons recording and collection of demographics. The NCPD Information Technology Unit in conjunction with New York State Police, implemented changes to the NYS TraCS system and race and ethnicity data will now be recorded.
- The NCPD was made aware of community concerns involving the questioning of ethnicity leading to immigration inquiries. The Department also acknowledges the importance of recording demographic data to address the community concern for proper transparency reporting. In recognizing both community concerns (immigrant confidentiality and demographic recording for fair policing), during traffic stops, field stops, and non-enforcement encounters, officers will not ask the public their race or ethnicity. Demographic data will be recorded based on an officer's observations (apparent race). As per Department Policy POL 4101 (attached hereto as Exhibit K), the Nassau County Police Department will not inquire into any person's immigration status".
- NCPD Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020 commanding officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops. Officers are also required to record a disposition code indicating if the person(s) stopped were:
 - summons(es) issued,
 - warning issued,
 - no police action was taken,
 - interview conducted,
 - a case report was generated,
 - an arrest was made.
- During community meetings, stakeholders suggested Nassau County record traffic and field stops in ways similar to Suffolk County. As of January 2021, the NCPD implemented the necessary changes to the records management system in order to record demographic data.
 - The Department has moved away from inputting demographic data as free text into the CAD system. The NCPD record management system, PremierOne, has been updated to include a traffic stop module. Department Notification 21-007 and Department Procedure OPS 6452 were issued informing Department Members of the changes to PremierOne and proper traffic stop data collection (attached hereto as Exhibits AC and AD). This module has the ability to capture the following data:
 - General stop data: Officer information, location, reason and duration of the stop, type of patrol, if summonses were issued to a corporation, date, and time.
 - Summons and violation information: Number of equipment violation summonses issues, total number of summonses issued, note if the vehicle was searched, why it was searched and the outcome of the search, if force was used during the stop, if canine responded, if the individual was asked to exit the vehicle, if the

individual was searched and the outcome of the search, if they were restrained, arrested or interviewed, and a disposition.

- Date collected on individual(s) stopped: Indicate if person(s) is driver or passenger, name, date of birth, age, gender and apparent race/ethnicity.
- After collecting the data as described above, the NCPD will release a bi-annual statistical report on summons. This report will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. The Summons Report is posted on the Nassau County's webpage available for public review.
- By recording demographic data for summonses, the NCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all.

Procedural Justice, Systemic Racial Bias and Racial Justice in Policing

Procedural Justice

Young Adult Council (YAC)

- The initiated a Young Adult Council (YAC) in every precinct.
 - Each council will contain a minimum of six (6) members between the ages of seventeen (17) and twenty-three (23) with different social views such as community leaders, law enforcement explorers and other influencers who impact other young adults in their communities.
 - These YACs contain members from a cross section of each of the diverse communities that make up each of Nassau's eight (8) precincts.
 - The selection of the YAC guest speakers is determined at the precinct level. Members of the community who are invited to speak adequately represents the demographics of those precincts' respective jurisdictions.
 - The YAC has been meeting monthly since October. These meetings will continue to aid the NCPD in understanding the needs of these individuals and how the NCPD can meet those needs. The YAC members are the future of our County and our country and it is imperative their voice is heard.

Language Access Plan

In 2019, the Nassau County Police Department implemented the Language Access Plan.

- In a continued effort to enhance communication with our community, all NCPD patrol cars were issued iPhones to create easy access to the language line.
- The Language Line Application gives the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other.
- The Language Line provides a sign language option for residents who are hard of hearing.
- The Department will be publicizing a bi-annual Language Line report.

- The NCPD is also in the process of introducing a text-to-911 program.

Systemic Racial Bias and Racial Justice in Policing

Appearance Tickets in Lieu of Arrest for Marijuana Offenses and Petit Larcenies

- One of NCPD's law enforcement strategies is to reduce racial disparities is to issue appearance tickets in lieu of arrests for marijuana offenses. NCPD Department Policy OPS 2133 Marijuana/THC Offenses Field Processing and OPS 2132 Petit Larceny Field Processing, directs officers to issue an appearance ticket for a marijuana and petit larceny offenses at the place of occurrence.

Summons and Field Stop Tracking

- The NCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped.
 - Department Special Order 20-047, Field Stop Data Collection was implemented and directs officers to collect demographic data during traffic and field stops.
 - By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

Implicit Bias Awareness Training

- All sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.
- Community Affairs is currently working on a new video titled, "Respect and Responsibility". This video is a community information project designed to demonstrate the effect of a perceived negative encounter with a police officer by a member of the community. The video also provides information on how the community can report these incidents. Once completed, this video will be shown to NCPD members during in-service training and is expected to be widely publicized in schools and on the NCPD's social media platforms.
- Through discussions with community stakeholders, the NCPD was made aware of the need to address police encounters with transgender residents. The Department has issued Department Procedure OPS 4245 titled "Encounters with Transgender Persons" (attached here to as Exhibit AE). This procedure specifically states officers are to be respectful during encounters with a person believed to be a transgender person.
 - The National Center for Transgender Equality issued a report on Nassau County "Failing to Protect and Serve" because the NCPD did not have any available Transgender policies. During the time of publication, the Department's transgender policies and procedures were in progress and not yet on-line. The above-mentioned Department Procedure has been ordered and 4 additional policies/procedure have been updated to be inclusive of our transgender communities.

- The Department recognizes the importance of educating Members on proper and respectful treatment of transgender persons. A member of the transgender community has been lecturing recruits on this topic for over four (4) years.
- Transgender Arrests:
 - The arrestee’s gender, as per government identification, as well as the arrestee’s gender identity, if stated, will be recorded in arrest paperwork.
 - If the arrestee states a preferred name, address the arrestee as such. The preferred name will be noted as an “aka”.
 - Officers are to inform arrestee that it is the policy of the Department to conduct same-sex searches as per the gender indicated on the government identification, unless the arrestee requests otherwise. If the arrestee requests an officer of a specific gender to conduct the search, the Desk Officer assigns a Member of the Force of the requested gender, if available.
- The NCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training.

Hate Crimes

- The NCPD has implemented a Precinct Bias Crime Coordinator in every precinct. Previously, the Department only had a Department Bias Crime Coordinator. The precinct-level coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The precinct coordinator will report to and collaborate with the Department coordinator to determine any County-wide patterns.
- The Department has updated the Bias Incidents/Hate Crime Department Procedure OPS 8130 (annexed hereto as Exhibit Q). Some of the implemented changes are outlined below:
 - Ethnicity and gender expression have been added as a type of bias and a human right.
 - In determining if a bias/hate crime has been committed, the Police Officer will consider the following (in addition to what was previously considered):
 - If an any of the following was found in possession of the suspect and/or near the scene of the incident which are indicative of or represent a hate group or other evidence of bias against the victim’s group:
 - any offensive symbols or words,
 - tattoos, clothing, paraphernalia or jewelry suggesting identification by the suspect(s) with an organized hate group,
 - hate literature,
 - spray cans,
 - biased symbolic objects, such as swastikas and crosses

- The presence of social media activity for evidence of bias motivation
 - Evidence that the victim is the only person of a particular group among others present or the victim is from a different racial, national origin, religious group than the suspect
 - If certain areas of the victim's body were target by the suspect(s)
 - The existence of dual motivation by a suspect, such as a suspect looking to commit robberies but specifically targeting elderly victims
 - Multiple incidents occurring in a short time period involving victims of the same identifiable group
 - The proximity of the incident to an establishment that could be associated with one of the protected categories included in the hate crime law
- If evidence of an inflammatory nature cannot be physically removed, after it has been properly documented for investigatory purposes, the owner of the property will be contacted to ensure that the graffiti is removed as soon as possible.
 - Hate crime offenses have been updated to include specified degrees of: Strangulation, Criminal Sexual Act and Coercion.

Prohibited Race-Based 911 Calls

- Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.
- A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relieve in law or equity.
 - Legal Bulletin 20-004 was issued notifying the Members of the Police Department of this new law.
 - In an effort to eliminate race-based 911 calls, the NCPD has added the modus operandi code of "Race Based False 911". By adding this MO code, it permits an officer who takes a report, or an officer or detective who makes an arrest, to add this MO code if it applies to the incident thereby enabling the Department to track these incidents and easily research incidents should they occur.

De-Escalation Training and Practices

- All use of force incidents are reviewed to ensure de-escalation techniques were utilized if possible. The success of de-escalation training and practices is gauged though the review of use of force reports and heeding suggestions from the community.

- The NCPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be incorporated into future de-escalation training.
- De-escalation is a topic covered in the new in-service training curriculum. By reviewing de-escalation annually, it ensures officers are trained in the most current and effective techniques.
- In situations where de-escalation was not successful and force is necessary, the data is collected and reported bi-annually.

Law-Enforcement Assisted Diversion Programs (LEADS)

- The Nassau County Police Department, in conjunction with community leaders, saw the opportunity for diversion by addressing the at-risk youth in the community. The Youth Police Initiative, (YPI) is focused on bringing together at-risk youth, who have a negative perception of police, with the local beat officers.
- The Nassau County Police Department recognized the need for a strategy to combat the opioid epidemic. The multi-faceted, five-prong approach known as Operation Natalie was created. Through awareness, education, enforcement, diversion, treatment and after care visits concentrated in the communities hardest hit by the opioid epidemic, the County began to see a decrease in fatal and non-fatal overdoses. The primary goals of this initiative is to create an open dialogue with residents, reduce crime, and address the impact the opioid crisis has on the community.

Restorative Justice Practices

- The Nassau County Police Department participates in the NYS DCJS Gun Violence Elimination (GIVE) Program and Grant Incentive. One of the many GIVE initiatives is to assist in reintegrating individuals into society.
 - Reintegrating is achieved through collaboration with state agencies such as Probation and the Department of Corrections as well as supporting the work of the Community Partnership Program (CPP).
 - The CPP employs former gang members as outreach workers to engage with groups and individuals involved in gang related activities. CPP workers assist people with efforts such as tattoo removal, job training and parenting workshops for individuals who leave gang life and want become more involved in the lives of their children.
 - As a GIVE partner, the Nassau County District Attorney's Office requested funding through the GIVE Initiative to hire a social worker to meet with at-risk youth and individuals who are integrating into society after involvement in gang and gun violence. With the assistance of a social worker, these individuals will be aware of the availability and accessibility of services (educational, vocational, social and mental health) as well as the support needed to navigate through these services. Social workers will advocate for these individuals, supporting, protecting and encouraging them through times when they may feel vulnerable and alone.

Community-Based Outreach and Conflict Resolution

- NCPD Patrol Division Administrative Order, PDAO 12-008, 002 encourages police officers to engage with all members of the community through “Park, Walk and Talk.” The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
 - During some of these interactions, officers may request businesses and places of worship, to complete Infrastructure Forms. The information recorded on Infrastructure Forms is entered into a database maintained by the NCPD Intelligence Section. In the event of an emergency, or if the Department needs to contact business owners for any reason, the NCPD uses the Infrastructure Database. By collecting and maintaining this database, the NCPD is able to demonstrate its commitment not only to the personal safety of our residents but also to their businesses and places of worship.
- The NCPD has realigned our Community Oriented Police Enforcement (COPE) Unit. Originally, COPE reported directly to the Office of the Commissioner of Police. As per Department Order 20-020, effective on July 27, 2020, COPE is now a part of the Community Affairs Unit. This restructuring reflects the NCPD’s position that it is important to have COPE officers work alongside the members assigned to Community Affairs. These officers also work closely with precinct POP Officers.
- This year, as a result of input from the community, PAL programs were added to Lawrence, Elmont and Roosevelt.
 - The NCPD agrees that increased interaction between the police and the community in positive situations is one of the strongest tools for building bridges and creating trust between officers and residents. Accordingly, subsequent to the opening of the new police academy this summer, the NCPD will host PAL sponsored community sporting events, barbeques, and additional education and awareness programs (provided COVID restrictions allow).
- The NCPD will be implementing a new bike patrol program in Roosevelt referred to as “Cops on Bikes”. Officers whose demographics parallel those in Roosevelt, have been selected and trained on patrolling while on bicycles.

Problem-Oriented Policing and Hot Spot Policing

- Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020. This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the Department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.
- In 2002, the NCPD initiated “Nass-Stat”, which is based on the “CompStat” model used and created by the New York City Police Department. In 2012, Nass-Stat became “Strat-Com” (Strategic Communication).
 - Strat-Com is an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This model incorporates many tenets of the

Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes. It also directly correlates to the integration of other evidence-based approaches, which allows the Nassau County Police Department to utilize civilian intelligence analysts to complete comprehensive in-depth analysis of the underlying problems and people involved in criminal activity.

- Analysis conducted on a daily, weekly and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
- The opening of the new NCPD Police Academy will enable the Department to better utilize technology and more effectively engage the public by hosting various events and programs.

Focused Deterrence

- The Intelligence Unit began to identify known offenders for each precinct. An analysis of persistent offenders in high crime areas are considered along with other factors. Individuals who meet the criteria are designated top offenders for each jurisdiction.
- In order to ensure focused deterrence practices are enforced equally in all communities, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer of each precinct. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.
- To involve the community in the NCPD's focused deterrence efforts, focused deterrence strategies will be added to the Civilian Police Academy and the Youth Police Academy. Any feedback from attendees will be incorporated into the focused deterrence segment of in-service training.

Crime Prevention Through Environmental Design (CPTED)

- In furtherance of its efforts to foster trust, fairness and legitimacy, the NCPD will work with community stakeholders to map and photograph CPTED concerns and present their findings to community members and coalition groups. Once community buy-in has been achieved, the NCPD can work with the public to correct the CPTED concerns.

Violence Prevention and Reduction Interventions

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCDA's office with intelligence workups which identifies violent crime top offenders. These workups identify past violent criminal activity, self-admitted criminal activity, gang affiliations, police contact and past drug use/sales.
 - Results of these investigations continue to offer solid evidence, which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders.

- The NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of the gun and gang violence.
- The NCPD participates in the NYS DCJS Gun Involved Violence Elimination (GIVE) program and grant incentive. The GIVE initiative is integral in Nassau County's continued effort to prevent and reduce violent crime. This initiative focuses on an appropriate balance of street level enforcement, community engagement, youth education and intelligence-based strategies. The NCPD takes a proactive approach by identifying and targeting the underlying issues associated with Nassau County's violent crime through strategies that include the four (4) core elements of GIVE: people, places, alignment and engagement.
 - The NCPD collects a great deal of information, such as the identification of individuals who possess, sell or use illegal firearms, the location of gun stashes, the threat of gun violence by individuals or groups, and the proactive collection of ballistics and DNA for the purposes of pattern and/or offender identification.
 - The Department instituted a firearm tracking initiative entitled Tracking All Guns (TAG). This allows the Department to track cases, arrests, serial numbers, types, makes and models of guns, dates, locations, circumstances and times of the recoveries, crime guns, and other gun related data.
 - The GIVE Program and the NCPD violent crime strategy is reviewed regularly. This assessment is critical to ensure the Department is focusing resources in the right locations in the most effective and efficient way possible.
- In 2019, a physical altercation between minors gained national press coverage. This incident took place in Oceanside and two (2) participants were stabbed. In response, Community Affairs offers violence prevention and bystander responsibility trainings. There is empirical data that suggests bystander intervention campaigns are successful in increasing the notion that persons witnessing a crime or incident should get help from others and call 911.

Complaint Tracking

- The NCPD has updated its webpage to allow individuals to attach a video or other documentary evidence along with the submission of a complaint.
- The Department will be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint. The Department webpage allows the submission of complaints in multiple languages. Community members who wish to call in a complaint in a language other than English can utilize language line.
- In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law. Legal Bulletin 20-003, was issued notifying the Members of the Department, the change to the law. The Police Department's Deputy Commanding Officer of Legal Bureau, as the Record

Access Officer, has been tasked with providing the appropriate information to the public when requested.

- As a result of the repeal of Civil Rights Law 50-a and in the interest of transparency, the NCPD will issue a bi-annual report on civilian complaints. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided. The details of founded findings will be included in the unlawful conduct category.
- Beginning April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.
- Community stakeholders recommended making complaint process cards to distribute to the public. In response, the NCPD has added complaint and compliment instructions to the Department pamphlet “What to Do When Stopped by Police” (attached hereto as Exhibit AF). These pamphlets provide instruction on multiple ways to file a complaint with the department. In the event a community member inquires in regards to filing a complaint, a supply of pamphlets in English and Spanish will be kept in every RMP and all county facilities. Civilian Complaint Investigation Department Procedure 1211 (annexed hereto as Exhibit X), commands officers to provide complainant with the aforementioned pamphlet. Pamphlets in additional languages will be available on the Department webpage.
- In accordance with a community recommendation, the NCPD Commissioner’s Executive Staff and the Office of the County Attorney will coordinate and hold quarterly meetings to discuss pending litigation, settlements and verdicts.

Mental Health and Homelessness

Nassau County Mobile Crisis Team

The Nassau County Mobile Crisis Team (MCT) was established in 1985 with the vision to be a community resource that is accessible and available to all Nassau County residents to assist in providing behavioral health crisis intervention services that are evidence based, trauma informed, and recovery oriented. The primary objective of the MCT is, whenever possible, to maintain clients in their natural environment via the use of safety plans, crisis stabilization, emotional support, family support, etc. Therefore, the following recommendations are made to the police response on calls for assistance for a those in mental health crisis.

Tiered Response Model

There are many parallels between the People’s Plan mental health section and Nassau County’s Mental Health Response Plan. Some similarities include enhancing mental health training for communications bureau 911 call-takers, utilizing a script when a caller seems to be experiencing a mental health crisis, and the proposition of a stabilization plan with a recommendation for a Behavioral Health Crisis Stabilization Center. The Mental Health Response Plan was created with the input and consultation of mental health professionals from the Department of Human Services Office of Mental Health, the NCPD as well as

community stakeholders. For further discussion on these topics, refer to the Mental Health Response Plan (Exhibit AG).

Review of the People's Plan revealed the proposal for a tiered response to calls for mental health. The NCPD recognizes and accepts this recommendation as an effective way to ensure an appropriate level of response. The Department will adapt a tiered response with some modifications:

- Tier 1: Public education and awareness

Through informing the community of available mental health programs and call centers, members of the public experiencing mental crisis can seek direct and relevant assistance rather than calling 911. The NCPD will utilize social media, pamphleting, and other methods of dissemination to inform the community of outreach such as the Nassau C.A.R.E.S. Application, the 24/7 Mental Health and Substance Use Helpline, Nassau County Mobile Crisis Intervention Team, Long Island Crisis Center, and facilities equipped for mental health assistance.

If tier 1 is surpassed, and an individual decides to call 911 to assist with a mental health crisis, CB Operators will utilize protocols for identifying a "mental aided" call. The CB Operator training will build upon their existing protocols. The CB Operators will inquire;

1. Is the person in danger of hurting themselves or others right now?
2. Is the person violent or aggressive right now? (Ex. Physically assaulting another, threatening another, damaging property or hurting an animal)
3. Does the person have a weapon or have access to a weapon right now?

- Tier 2: CB telephonic referral to MCT, no police response

911 call-taker will link MCT to the 911 call. MCT will confirm they are on the line and CB call-taker will disconnect. MCT will provide CB with a disposition for the call: no further action required, or MCT will follow-up with appointment.

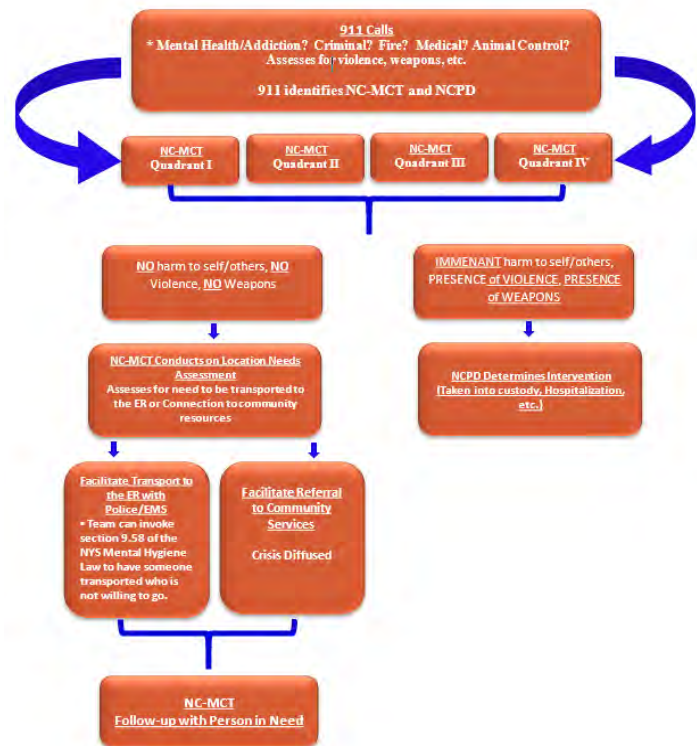
- Tier 3: Dual Response, police and MCT simultaneous response

When it is apparent from the 911 call that that a person is **violent** or **aggressive** and has or has **access to a weapon**, NCPD will respond as is necessary to resolve the incident and the Mobile Crisis Team will respond for consultation. In *non-criminal* and *non-violent calls*, police officers will defer to the MCT, allow the MCT to assess the person in crisis and resolve the event in the best interest of the individual.

Clinical assessment of a person experiencing a mental health issue will not be made by law enforcement. Instead, it will be conducted by an experienced mental health professional from the Mobile Crisis Team. The Mobile Crisis Teams are staffed by professional mental health professionals from cooperating mental health agencies. They are Master’s Level Clinicians, Care Coordinators and Clinical Coordinators. The MCT will make the mental health assessment and determine the level of care best suited; it will be in partnership with the person in need and their family.

By expanding the prominence of the MCT, Nassau County residents will have improved chances of access to mental health and addiction treatment services. The NC-MCT will offer the following services:

- | | |
|---------------------------------|-----------------------------------|
| ✓ Crisis Counseling | ✓ Conflict Resolution |
| ✓ Mental Status Assessment | ✓ Mediation |
| ✓ Risk Assessment and Reduction | ✓ Referral to community resources |
| ✓ Suicide Prevention | ✓ Coordination |
| ✓ Intervention | ✓ Follow-up |



- The Nassau County Mobile Crisis Team will expand staff and the hours of operations. Based on the data provided by NCPD the hours of operations should change to (8am-12am) seven days a week as this is when most calls are made to 911. Nassau County will add an additional five teams to ensure that all non-violent “mental aided” calls have a team readily available to respond. Nassau County provides Mobile Crisis Team services through nonprofit providers. This modification offers the providers that are most familiar with the patient population and County resources the opportunity to provide expanded services hours.
 - Calls for assistance received after midnight will be handled by a non-profit Mental Health Provider. The County currently contracts with the Long Island Crisis Center for these services and will continue to use a non-profit organization for these services. The MCT will handle follow up care, referrals and care management as appropriate.
- Strengthened collaboration with the Psychiatric Emergency Department at NuHealth-Nassau University Medical Center and all other County hospitals is essential. Dialogue between NUMC and the Nassau County Office of MH, CD & DD has begun and will continue to discuss how best to improve discharge plans to include follow-up by the MCT.

- The adjacent table reflects a budget proposal to expand the NC-MCT to ensure that response coverage is available throughout the County. It involves adding two additional staff to the 227-Talk Helpline. This staff would be added to the County workforce through the Civil Service hiring process. Expansion of the NC-MCT by adding five teams for a total of ten clinicians, two care coordinators and one Clinical Coordinator. Adding MCTs requires expanding existing provider contracts. Private Mental Health Providers currently staff the MCTs and this will continue. Lastly, the County will expand funding to the Long Island Crisis Center’s existing contract for two additional staff to handle the evening and overnight calls.

Alternative Approaches to Mental Health Response Proposed Budget			
Partnerships	Current Budget	Expansion Budget Option	Comment
Nassau County Office of Mental Health, Chemical Dependency & Developmental Disabilities (227Talk Helpline)	OMH State Aid=\$202,186 County Fund=\$119,668	\$200,000.00	Expansion consists of 2 additional staff for 227-Talk Helpline
South Shore Child Guidance Center/EPIC	OMH State Aid=\$724,806	\$1,580,587 (Include travel and IT equipment)	Expansion consists of 5 additional Team with 2 clinicians each (10 clinicians), 2 care coordinators and 1 Clinical Coordinator. Total is 13 additional staff.
Long Island Crisis Center	OMH State Aid=101,278 County Fund=\$252,808	\$150,000	Expansion consists of 2 additional staff
Total Cost	\$1,400,746.00	\$1,930,587	

- Executive Order 203, has given Nassau County the opportunity to evaluate how to strengthen collaborative partnerships with Nassau County Police. By instituting a dual 911 response protocol for the mobile crisis team and police, expanding the MCTs and strengthening collaborations with hospitals, Nassau County will provide appropriate crisis interventions services to a person experiencing a mental health crisis, decrease re-traumatization, and improve a family’s access to care.

Crowd Control

- Historically, crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring; today we prefer to rely upon pre-operational planning, communication and collaboration, when possible, to achieve public safety and protect civil liberties.
- It is our vision for the future of the Department and the community, to maintain and enhance the confidence and trust of the people we serve. Continually strengthen and expand the partnerships between the police and the communities we serve. Maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies. Strive to effectively resolve problems of the communities we serve while protecting life and property.

Supporting NCPD Member Well-Being

- The Nassau County Police Department Wellness Committee was established in November of 2018 to coordinate the efforts of the Employee Assistance Office and Peer Support Group.
 - This Committee consists of department representatives from Medical Administration Office, Legal Bureau, Employee Assistance Office, Police Benevolent Association, Superior Officers Association, Detectives Association, Police Academy and Pastor Derek Garcia.

The Committee meets monthly to discuss and implement initiatives to support members' physical and mental wellbeing.

- The Wellness Committee hosts health-related voluntary seminars and training sessions. Additionally, they recommend current issues and topics to be covered during mandatory in-service training.

Transparency

- In recognition of fostering trust and fairness through police reform, as mentioned in prior sections and summarized below, NCPD will be publicizing data and issuing reports to be posted on the Department's website:
 - Use of Force- The NCPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used and a breakdown by community. The Use of Force Report is posted on the Nassau County's webpage available for public review:
<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>
 - Civilian Complaints- Bi-annual report will include the percentage of civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and other. Founded findings statistical data in the unlawful conduct category will be disclosed. This report is posted on the Nassau County website:
<https://www.nassaucountyny.gov/DocumentCenter/View/30496/IAU-Reporting-Data-?bidId>
 - Crime Statistics- Monthly major crime statistics are posted on the Department's website. Data is available county-wide and broken down by precinct. Major crime categories are murder, rape, criminal sexual act, sexual abuse, robbery other, robbery commercial, assault felony, burglary residence, burglary other, stolen vehicle, grand larceny and all other crime reports. These statistics are available here:
<https://www.pdcn.org/DocumentCenter/View/556>
 - Arrest Statistics- Arrest data is disclosed in a bi-annual report on Nassau County's website. The report includes arrest demographics, top five crimes that result in arrest, and top arrest communities. This report is posted on the Nassau County website:
<https://www.nassaucountyny.gov/DocumentCenter/View/30754/Arrest-Data?bidId>
 - Summons and Field Stop Data- A report will be issued bi-annually detailing summonses issued by location, top summons categories, gender, and race. This report is available on Nassau County's website:
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>

- The NCPD has recently shared our in-service training curriculum with representatives from Nassau County Office of Minority Affairs and received positive feedback. The NCPD values community input and released the new in-service training lesson plan.
- The People’s Plan has requested the NCPD to report in compliance with the NYS STAT Act. STAT Act Legislature was passed requiring the NYS Courts to disclose the demographic of persons arrested for misdemeanors and violations. The Department agrees to report in conformity with the STAT Act.
- The People’s Plan has suggested the Public Safety Committee become more active and engaged in the oversight of the Police Department. The Legislature can request private sessions with the Police Commissioner. To expand upon public safety oversight, and involving the community in policing, Precinct Commanding Officers or a designee attends hundreds of community meetings every year. The NCPD discloses community specific crime statistics at these meetings.

Exhibits

- Exhibit A: NCPD Police Reforms Community Meetings and Public Announcements 106
- Exhibit B: Meet the NCPD 126
- Exhibit C: 2020 In-Service Lesson Plan 148
- Exhibit D: Form 258 Use of Force Report 157
- Exhibit E: NCPD Use of Force Reference Guide 160
- Exhibit F: Legal Bulletin 20-004 274
- Exhibit G: Admin. Order 20-015 Carotid Restraint 280
- Exhibit H: Legal Bulletin 09-006 281
- Exhibit I: Department Procedure OPS 6460 Vehicle Pursuit 287
- Exhibit J: Department Special Order 20-047 Field Stop Data Collection 295
- Exhibit K: Department Policy Police Operations POL 4000
 - POL 4101 Foreign Nationals and Undocumented Persons..... 298
 - POL 4103 Racial Profiling298
 - POL 4401 Openness of Operations 303
 - POL 4403 Respect for Individual Dignity 303
 - POL 4410 Liaison with Community Groups 303
- Exhibit L: Article 5 Standards of Conduct
 - Rule 1 Dedication to Duty 305
 - Rule 5 Keeping Supervisors Informed 306
 - Rule 6 Respect 306
- Exhibit M: The Language Access Plan 311
- Exhibit N: Marijuana/THC Offenses Processing Department Policy OPS 2133318
- Exhibit O: Legal Bulletin 19-004 319
- Exhibit P: Petit Larceny Field Processing Department Policy OPS 2132324
- Exhibit Q: Department Procedure OPS 8130 Bias Incidents/Hate Crimes325
- Exhibit R: Bias Incidents / Hate Crimes Report331
- Exhibit S: Legal Bulletin 20-004332
- Exhibit T: Admin. Order 20-002 Park, Walk, and Talk338
- Exhibit U: Infrastructure Form339
- Exhibit V: Admin. Order 20-020 Realignment of COPE340
- Exhibit W: Criminal Procedure Law 140.50341
- Exhibit X: Admin. Order 1211 Civilian Complaint Investigations 342
- Exhibit Y: Legal Bulletin 20-003351
- Exhibit Z: Complaint Reporting and Findings Report355
- Exhibit AA: Mental Aided Persons Department Policy OPS 1155368
- Exhibit AB: Hostage Incident/Barricaded Person Department Policy OPS 12600369
- Exhibit AC: Department Notification 21-007 PremierOne Traffic Stop Module370
- Exhibit AD: Department Procedure OPS 6452 Traffic Stop Data Collection371
- Exhibit AE: Department Procedure OPS 4245 Encounters with Transgender Persons373
- Exhibit AF: “What to Do When Stopped by Police” Pamphlet376
- Exhibit AG: Nassau County Mental Health Response378
- Exhibit AH: Language Line Usage Report403
- Exhibit AI: NCPD Roster Demographics Report404
- Exhibit AJ: NYS Executive Law Section 75412
- Exhibit AK: NYS Executive Law Section 70-B417

NCPD 'POLICE REFORMS' RELATED MEETINGS				
Date	Time	Groups/ Associations	Notes	Source
6/8/2020	0900	One God - One New York	In Attendance: Honorable Attorney Letitia James, Pastor Archbold Sr., 1st Lady Archbold, Mr. Dowling, Dr. Nemrioff, Patrick Jenkins Congressman Gregory Meeks, Ms Linan - Representing Senator Kamisky, N.C Executive Laura Curran, Commissioner Ryder, Risco Mention-Lewis, SCPD Commissioner, Casas, Legislator Abrahams, Re. Calvin Butts III, Pastor Garcia, Ambassador Malik NadeemAbid, Mr Ralph McDaniels, Dr Harkins	Commissioner Ryder
8/12/2020				
8/19/2020				
8/20/2020				
8/26/2020				
9/24/2020				
10/20/2020				
12/8/2020				
12/22/2020				
10/22/2020				
10/29/2020				
11/5/2020				
11/12/2020				
11/17/2020				
12/1/2020				
12/15/2020				
12/22/2020				
12/28/2020				
6/16/2020	1030	Freeport Clergy		Commissioner Ryder
6/16/2020	n/a	Meet with Superintendent of Westbury Mr. Budhai		Lt Holmes
6/18/2020	n/a	Meet with Principal of Park Ave Elementary School Mr. Chambers and Superintendent of Westbury Mr. Budhai		Lt Holmes
6/19/2020	n/a	Meet with Principal of Drexel Ave Elementary School Dr. Toledo and Superintendent of Westbury Mr. Budhai		Lt Holmes
6/22/2020	0900	One God - One New York	In Attendance: Honorable Attorney Letitia James, Pastor Archbold Sr., 1st Lady Archbold, Mr. Dowling, Dr. Nemrioff, Patrick Jenkins Congressman Gregory Meeks, Ms Linan - Representing Senator Kamisky, N.C Executive Laura Curran, Commissioner Ryder, Risco Mention-Lewis, SCPD Commissioner, Casas, Legislator Abrahams, Re. Calvin Butts III, Pastor Garcia, Ambassador Malik NadeemAbid, Mr Ralph McDaniels, Dr Harkins	Commissioner Ryder
6/23/2020	n/a	Meet with Assistant Principal of Westbury Middle School Dr. Baralis and Superintendent of Westbury Mr. Budhai		Lt Holmes
7/1/2020	1530	Bishop Rayomd Mackay Helping End Violence (H.E.V.N)		Commissioner Ryder
7/2/2020	1430	Zoom - with Kaplan and Elmont Residents		Commissioner Ryder
7/2/2020	1130	Guardians Meeting w/Smith, Palmer, Ieda McCullough		Commissioner Ryder
7/7/2020	n/a	Meet with Bishop Mackey (assist in delivery of computers to 100 Terrace Ave, Hempstead)		Lt Holmes
7/9/2020	n/a	Meet with Bishop Mackey (assist in delivery of computers to 100 Terrace Ave, Hempstead)		Lt Holmes
7/16/2020	1000	Zoom - with Elmont Community Jon Johnson		Commissioner Ryder
7/16/2020	1115	Guardians		Commissioner Ryder
7/16/2020	n/a	Heroin Task Force		Lt Holmes
7/21/2020	1100	Chaplains		Commissioner Ryder
7/22/2020	1000	Guardians, Shorim Society, LGBTQ, Womans Association		Commissioner Ryder
7/30/2020	1230	Guardians		Commissioner Ryder
7/30/2020	n/a	Heroin Task Force		Lt Holmes
8/5/2020	1300	Village and City Chiefs		Commissioner Ryder
8/5/2020	n/a	Meet with Lawrence Officials: Mayor of Lawrence Alex Edelman, Lawrence Village Administrator Ronald Goldman, President of Lawrence Civic Association Paris Popack, Met with HAFTR Executive Director Ari Solomon, Five Towns Community Center Executive Director: Met with Brent Hill, Executive Director of Inwood Community Center Meet with Cedarhurst Officials: HAFTR Principal Naomi Lippman, Met with Mayor of Cedarhurst Benjamin Weinstock, Met with JCC of the Great Five Towns Assistant Director: Stacey		Lt Holmes
8/6/2020	n/a	- Meet with Woodmere Officials: Rabbi Barry Dov Schwartz, Young Israel of Woodmere, Met with Congregation Sons of Israel, Rabbi Boruch Bender		Lt Holmes

Date	Time	Groups/ Associations	Notes	Source
8/10/2020	14700	Members of the Board 'Five Towns Community Center'	They are all members of the board for the center. In the meeting we discussed setting up PAL and how it would work in the neighborhood as well as some other issues that the have a concerns with. One of the things that came out of it as well is that we will be setting up a "town hall" meeting with the community in the next week or two to gather more input from the community.	Lt Holmes
8/11/2020	1755	Zoom - Meeting on Policing, NYS AD18 with Assemblywoman Taylor Darling		Commissioner Ryder
8/12/2020	0900	Food Drive @ Elmont Public Library	Community Affairs was in Elmont at the Elmont Public Library 700 Hempstead Turnpike for a food drive and we met with the community and discussed police reforms	Lt Holmes
8/18/2020	1530	Zoom - new LE-faith community project – National Faith & Blue Weekend w/USDOJ COPS/ with Commissioner Smith and C.A	Our nation's largest cities and counties need the leadership of the faith community to help find better ways for police and residents to relate to one another. Nearly every major national law enforcement professional and membership organization in the United States, the One Congregation One Precinct initiative (OneCOP), and the three entities in the federal government that deal most directly with local policing are jointly organizing a historic law enforcement-community outreach project. We need your involvement and we want to partner with the Nassau County Police Department in this endeavor.	1st Deputy Commissioner Smith
8/18/2020	1000	Island Harvest and Hicksville community members	CA worked at Food Drive and spoke to community members/food drive attendees about police reforms.	Sgt Pettenato
8/19/2020	1300	Meeting RE: Violence in Hempstead 2020	Attendance: Commissioner Ryder, 1st Deputy Comm Smith, Chief Palmer and Marcellus Morris	Commissioner Ryder
8/19/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissinr Casas
8/20/2020	0950	Bishop Mackey / Tabernacle of Joy	Bishop Mackey is out of town & he will contact us when he is back.	Sgt Pettenato
8/20/2020	1000	Douglas Mayers / NAACP of Roosevelt	CA sent an email to inform him that we would like to meet in the future to discuss police reform and recruiting for upcoming NCPD Exam	Sgt Pettenato
8/20/2020	1030	Chief Wint / Roosevelt Fire Dept.	Spoke about Recruiting Efforts Through The Fire Dept For NCPD Exam	Sgt Pettenato
8/20/2020	1120	John Williams / Roosevelt Chamber Of Commerce	Arranged to meet at 1500 and spoke about police reforms.	Sgt Pettenato
8/20/2020	1500	John Williams & Andreas Guilty / Roosevelt Chamber Of Commerce	CA spoke about issues concerning the Auxiliary Booth in Roosevelt on Washington Ave & Harts Ave. CA also spoke about the legislation that came down from Albany concerning Police Reform. We gave John Williams brochures about upcoming NCPD Exams as well as information about the NCPD Explorer Program.	Sgt Pettenato
8/20/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissinr Casas
8/25/2020	1900	Zoom - Lakeville Estates w/County Executive	Talking points requested	
8/25/2020	1200	Sadraine Gordon /Wal-Mart Valley Stream	NCPD Community Affairs was invited and attended Wal-Mart in Valley Stream to interact and speak with Associates during their International Culture and Flag Day event about community development and police reform.	
8/25/2020	0900	Yanira Chacon / St. Brigids Church (Westbury)	Called and sent email to St. Brigids church (Westbury) representative to speak with community leaders to speak about police reform.	
8/25/2020	0900	Sergio Argueta/ S.T.R.O.NG	Sent an email to inform him that we would like to meet in the future to discuss police reform and collaboration options with NCPD.	
8/26/2020	1200	The Sephardic Temple / Cedarhurst	Meet with religious leaders and spoke about police reform	
8/26/2020	1200	Hewlett Harbor Mayors Office	Meeting with representative of the village mayor's office and spoke about police reform.	
8/26/2020	1500	Online Youth Police Initiative	Zoom call to discuss YPI program going forward	
8/26/2020	1800	NCPD-Community Affairs / Police Headquarters	CCC meeting to discuss community concerns and possible solutions. As well as police reform.	
8/26/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissinr Casas
8/27/2020	1200	St. Barnabas Rectory / Bellmore	Meeting with Pastor Jeff Yildirmaz to discuss police reform.	
9/1/2020	1400	Massapequa Park Village Hall / Teresa Spinosa	Meeting with Village Mayor Teresa Spinosa and Village Administrator Linda Tuminello. Discussed Community Affairs programs and police reform.	
9/2/2020	1300	Police Reform Meeting w/County Executive		Commissioner Ryder
9/3/2020	1800	Town Hall Meeting, Five Towns Community Center	Community Affairs, P.A.L., Precinct C.O., P.O.P	
9/8/2020	1330	Bishop Raymond Mackay Helping End Violence (H.E.V.N)	Meeting w/Chief Johnson and Bishop Mackey, Lt Holmes	
9/9/2020	1100	In-service presentation to Minority Affairs	Deputy Smith, Chief Palmer, Insp Kaufman, Boccio, D.C.E Fox, Amy Flores, L.Chitty, F.Mozawalla, ET Simis, Mike Santeramo	
9/9/2020	1430	Mental Health Committee discussions	Com Smith, Chief Sewell, McCummings, D.C.E Fox, Chief Lack, Rose-Lauder, Katie Horst	
9/9/2020	1900	Zoom - JCRC and AIC Leaders	Jewish Community, Adam Novak, Mindy Pearlman	Building Bridges
9/10/2020	1300	Meeting with Fraternal Organizations Re: Police Reform and Initial Mentoring Program		
9/10/2020	1900	Zoom - Interfaith Community leaders forum on Police Reform	Jay Rosenbaum, D.C.E Fox, C.E Curran, Karen Contino, Mindy Maiman	
9/14/2020	1100	Nostrand Gardens (Uniondale and Hempstead) Civic Association Community Zoom Meeting	Discussed Community issues, police reform and future endeavors.	
9/15/2020	1200	Hesham Khafaga, Community Leader / Franklin Square	Discussed Community issues and police reform, future endeavors and ways to better the relationship with the pop officers.	Sgt Pettenato
9/16/2020	1000	Rev. Mestizo, Religious leader / Roosevelt	Discuss relationship with PD and Hispanic Evangelicals, and police reform.	Sgt Pettenato
9/22/2020	1600	Zoom - Delta Sigma Theta Sorority	Kiera Bryant	
9/23/2020	1900	PO Johannessen / Westbury	Explorer Program and Police Reform discussed via zoom meeting.	Sgt Pettenato
9/23/2020	1400	East Meadow / Westbury	Meeting with local Christian and Hispanic leader, spoke on police reform.	Sgt Pettenato
9/23/2020	1900	Farmingdale HS	Explorer Program recruitment and Police Reform discussed.	Sgt Pettenato
9/24/2020	1100	Westbury	Meeting with Local Islam leader Habeeb Ahmed.	Sgt Pettenato
9/24/2020	1800	EO203 with Latino Leader on Reimagining Policing	COP and Commanding Officers	Assist Commissinr Casas
9/29/2020	1300	Cedarhurst Village Hall	Meeting with Trustee Israel Wasser regarding police reform.	Sgt Pettenato
9/29/2020	1300	Zoom Meeting	Explorer zoom bi-weekly mtg (discussed police reform/scams).	Sgt Pettenato
10/5/2020	900	Westbury Our Lady of Hope School	Meeting with community leader regarding faith and blue event and police reform.	Sgt Pettenato
10/6/2020	1300	Police Commissioner Meeting with Clergy, Antioch Baptist Church, 94 James LL Burrell Ave., Hempstead	Attendees: Bishop Philip Elliott, Reverend Earl Thomas, Bishop Lionel Harvey, Bishop Ronald Carter, Reverend Dolores Miller, Commissioner Ryder	
10/6/2020	1430	East Rockaway/Hewlett Harbor	Discussed Community issues, police reform and future endeavors.	Sgt Pettenato
10/7/2020	1500	Elmont / Food Drive / Danilo Archobold	Zion Youth and Family community center food drive. Spoke about Police reform.	Sgt Pettenato
10/8/2020	1900	Oceanside Moms, Oceanside	Discussed community issues in general and issues unique to Oceanside residents. Presented information about forming a neighborhood watch. Discuss police reforms.	Sgt Pettenato

Date	Time	Groups/ Associations	Notes	Source
10/10/2020	1130	National Faith & Blue Weekend with Pastor Derek Garcia in East Meadow faithandblue.org	Along with community and faith leaders, NCPD hosted the Faith & Blue event and spoke on police reform as well as recruitment.	Sgt Pettenato
10/10/2020	1500	National Faith & Blue Weekend with Pastor Daryl in Westbury faithandblue.org	Along with community and faith leaders, NCPD hosted the Faith & Blue event and spoke on police reform as well as recruitment.	Sgt Pettenato
10/14/2020	1500	Zion Youth and Family community center, Elmont	Zion Youth and Family community center food drive. Spoke about police reform.	Sgt Pettenato
10/14/2020	1800	LGBTQ Community	David Kilmnick- LGBTQ Network	Assist Commissinr Casas
10/20/2020	0900	Sheila Moriarty, Bellerose Terrace Civic Association	Discussed police reform, as well as community relations.	Sgt Pettenato
10/20/2020	1530	Samuel Alboher, SUNY Farmingdale Student/Bellmore Resident	Discussed police reform, as well as community relations and transparency via the department website.	Sgt Pettenato
10/20/2020	1830	EO203 - Updates/Requesting Feedback Remimagining Policing	COP and Commanding Officers	Assist Commissinr Casas
10/21/2020	1500	Zion Youth and Family community center, Elmont	Zion Youth and Family community center food drive. Spoke about police reform.	Sgt Pettenato
10/22/2020	1130	Ella Portero / Roosevelt Children Academy	Spoke about community relations and police reform.	Sgt Pettenato
10/26/2020	1215	Zoom - Hispanic Affairs Advisory Council & Police Reform Virtual Meeting	County Executive & OHA Advisory Council	Commissioner Ryder
10/26/2020	1430	Zoom - Traffic Tickets	Meeting with Village Chiefs	Commissioner Ryder
10/27/2020	1200	Re: EO 203 & Police Reforms		
10/28/2020	1500	Zion Youth and Family community center, Elmont	Zion Youth and Family community center food drive. Spoke about police reform specifically in Elmont.	Sgt Pettenato
10/28/2020	1300	Professor Karen Tejada CCC member and activist for Hispanic community	Karen Tejada phone meeting regarding community relations and police reform.	Sgt Pettenato
11/2/2020	1400	Nostrand Gardens Civic Association	Community meeting addressing issues in Uniondale and upcoming events.	Sgt Pettenato
11/3/2020	1300	Mayor Moore / Inc. Village of Bellerose	Spoke about community relations and police reform.	Sgt Pettenato
11/9/2020	1800	Mental Health Part 1- Mental Health & Mobile Crisis Unit	Omayra Perez	Assist Commissinr Casas
11/30/2020	1400	National Actions Network w/ Jack Prophet	Discussion on Community Relations	
11/30/2020	1900	Zoom - Center on Addiction and Substance Abuse (CASA)	NS CASA Sector Meeting	
12/3/2020	1800	Diversity in Recruitment and Application Process	Detective Sergeant Aida McCullogh - Guardians	Assist Commissinr Casas
12/8/2020	1530	Jack Prophet, Andre Guilty		
12/8/2020	1800	EO203 - Updates Remimagining Policing Discuss Draft Plan	COP and Commanding Officers	Assist Commissinr Casas
12/16/2020	1400	Mental Health/NCPD 2 week Pilot discussion		
12/17/2020	1130	Mental Health Legislative Committee Meeting		
9/10/2020	1000	Telephone conference on Police Reform - Intel	D/Sgt Croly abnd Intel Analyst	
10/29/2020	1100	NCPD Police Academy	New sergeant school discussing police reforms and bias/hate crime legislation.	Sgt Pettenato
11/24/2020	1800	Complaints Process	Inspector Nick Stillman- Division Professional Standards	Assist Commissinr Casas
6/24/2020				
8/6/2020				
9/17/2020				
10/8/2020				
10/22/2020				
11/12/2020				
11/19/2020				
12/2/2020				
12/7/2020				
12/17/2020				
12/30/2020				
1/14/2021				
10/14/2020				
10/21/2020				
10/28/2020				
11/9/2020				
11/18/2020				
11/24/2020				
12/3/2020				
12/9/2020				
12/15/2020				
12/22/2020				
6/11/2020	n/a	Meet with Taiwanese Ambassador (donation of masks to Headquarters)		Lt Holmes
6/24/2020	1730	Police and Community Trust (PACT)		Commissioner Ryder
6/24/2020	n/a	PACT 1st Meeting with South Floral Park Mayor and Defense Attorney Geoffrey Prime (Co-Chair), President of Municipal Police Chiefs Association and Garden City Police Commissioner Kenneth Jackson, Hofstra Law School Professor and former Prosecutor Fred Klein, Student and Community Activist from Freeport representing all communities, Blair Baker, Student and Community Activist from Baldwin, Alexis Holt, Student and Community Activist from Hempstead, Travis Nelson		Lt Holmes
7/14/2020	1730	Police and Community Trust (PACT)		Commissioner Ryder
7/14/2020	n/a	PACT 2nd Meeting with South Floral Park Mayor and Defense Attorney Geoffrey Prime (Co-Chair), President of Municipal Police Chiefs Association and Garden City Police Commissioner Kenneth Jackson, Hofstra Law School Professor and former Prosecutor Fred Klein, Student and Community Activist from Freeport representing all communities, Blair Baker, Community Activist from Roosevelt, Tamica Cox, Student and Community Activist from Baldwin, Alexis Holt, Student and Community Activist from Hempstead, Travis Nelson, ADA Ali Ajamu		Lt Holmes

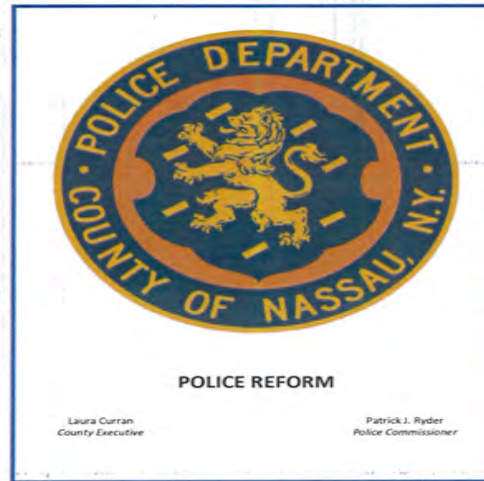
Date	Time	Groups/ Associations	Notes	Source
8/6/2020	1730	Police and Community Trust (PACT)	Open Dialogue	Commissioner Ryder
8/12/2020	1800	CCC Meeting #1	LD8, LD9, LD12, LD14, LD17	Commissioner Ryder
8/12/2020	1830	EO203 Remimagining Policing Overview and Q and A	COP and Commanding Officers	Assist Commissinr Casas
8/13/2020	0900	Zoom - Follow Up Discussion with Elmont Community Jon Johnson		Commissioner Ryder
8/19/2020	1800	CCC Meeting #2	LD 10, 11, 13, 15, 19	Commissioner Ryder
8/20/2020	1800	CCC Meeting #3	LD1, 2, 4, 5	Commissioner Ryder
8/26/2020	1800	CCC Meeting #4	LD 3, 6, 7, 16, 18	Commissioner Ryder
9/17/2020	1730	Police and Community Trust (PACT) 4th Meeting		
9/24/2020	1800	Zoom - Hispanic Community Leaders	Community Leaders and the NCPD Executive Staff, C.O., D.C.O	
10/8/2020	1300	Reform Meeting	Commissioner's Conference Room	
10/8/2020	1730	PACT Roundtable - Fifth Meeting		
10/14/2020	1800	Zoom - Police Reform (EO203) Town Hall #1	C.E., Commissioner, LGBTQ	
10/20/2020	1800	Zoom - CCC	C.E., D.C.E., Commissioner, Santeramo, A. Hornbuckle, Justine DiGiglio	Commissioner Ryder
10/21/2020	1800	Protecting Women Violence/ Kids	Safe Center of LI	Assist Commissinr Casas
10/22/2020	1730	PACT Roundtable - Sixth Meeting	1st Deputy Smith	
10/22/2020	1730	PACT Sixth Meeting	Theresa Sanders Urban League of LI	Assist Commissinr Casas
10/28/2020	1830	Urban League of Long Island/ PACT	Theresa Saunders President	Assist Commissinr Casas
11/12/2020	1730	PACT Roundtable - Seventh Meeting		
11/12/2020	1730	PACT 7th Meeting Application and Civil Service Review Process	Martha Krisel- Exec. Director Civil Service	Assist Commissinr Casas
11/18/2020	1800	Mental Health Part 2- Vulnerable Persons, Dementia, Mental Disability	Segreant Elizabeth Campos - Vulnerable & Missing Persons	Assist Commissinr Casas
11/19/2020	1730	PACT Roundtable - Eight Meeting		
11/19/2020	1730	PACT 8th Meeting Immigrant Communities and Interface with Police	Patrick Young ESQ- Hofstra Law	Assist Commissinr Casas
12/2/2020	1730	PACT 9th Meeting District Attorney's Office Interface Investigations with PD, Complaints	Asst District Attorney Staff - ADA Painter	Assist Commissinr Casas
12/7/2020	1730	Follow Up discussion on SOA Contracts Discussion	None	Assist Commissinr Casas
12/8/2020	1800	Zoom - CCC Members	Discussion on reform	
12/8/2020	1800	Zoom - CCC		
12/9/2020	1830	Zoom - Hicksville Chamber of Commerce - Commissioner to be Guest Speaker	Charlie Razenson	
12/9/2020	1800	Hate Crimes Process	Asst. Chief James Bartscherer	Assist Commissinr Casas
12/15/2020	1800	Young Men of Elmont and Project Hype	Students: Akinwale Agesin, Andrew Candio	Assist Commissinr Casas
12/17/2020	1730	PACT Roundtable - Tenth Meeting		
12/22/2020	1830	Zoom - CCC Members	Discussion on reform	
12/22/2020	1800	Recent Grads College Class of 2020	College Grads: Shuron Jackson Educator/ Activist	Assist Commissinr Casas
12/22/2020	1830	Updates and Timeline Discussion to Draft Plan	COP and Commanding Officers	Assist Commissinr Casas
12/30/2020	1730	PACT 11th Car Stops and Training	Highway Division- Inspector Kalin	Assist Commissinr Casas
1/14/2021	1730	PACT 12th Final Recommendations		Assist Commissinr Casas
Draft Plan Provided by County Executive's Office - Aug 18				
7/29/2020		Task - 13point plan briefing for administration/ Point Person Tatum	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
8/3/2020		Task - Possible announcement of 13 point plan/ Point Person Ryder, Communications	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Aug - Nov		Task - Continue engagement of Commissioner's Community Councils/ Point Person Ryder	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Aug - Nov		Task - PACT continues to meet with different groups/ Point Person Curran, Ryder	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Nov - Dec		Task - Draft plan compiled by PACT / Point Person - PACT (Geoffrey Prime)	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Dec		Task - Release of draft PACT plan / Point Person Curran, PACT, Communications	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Dec		Task - Mailer / Point Person Communications	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Dec - Jan 15th		Task - Online public meetings/ Point Person Curran, Ryder	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Jan 15 - Feb 15		Task - Finalize draft PACT Plan / Point Person PACT (Geoffrey Prime)	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	
Feb 15		Task - Submit PACT plan to Legislature / Point Person Katie Horst	Compliance w/NYS Executive Order 203 to Reinvent and Modernize Police Strategies and Programs	

EXECUTIVE ORDER 203: Police Reform



Nassau County
EO 203 Website

INPUT



INPUT



Nassau County
Legislative Hearings

INPUT



Nassau County
Listening Sessions

INPUT



Virtual Town Hall
Meetings

INPUT



INPUT



INPUT



TIMELINE FOR NASSAU COUNTY'S POLICE REFORM AND REINVENTION PLAN - EXECUTIVE ORDER 203 (EO 203)

January 2021

Release and Publish
Draft Plan

[VIEW HERE](#)

February 2021

Draft
Final
Plan

File Draft Final Plan with
Legislature for Hearings
and Approval Process

March 2021

EO 203 Plan
*must be
filed with NYS
by April 1st*

Public Comment On Draft Plan



LAURA CURRAN

NASSAU COUNTY EXECUTIVE

LIVE TOWN HALL



COUNTY EXECUTIVE
LAURA CURRAN

with Nassau County Police
Department Commissioner
PATRICK RYDER
and
LGBT Network President
DAVID KILMNICK



COMMISSIONER
PATRICK RYDER



PRESIDENT/CEO
DAVID KILMNICK, PHD, MSW

Wednesday, October 14 | 6:00PM

**WATCH LIVE
ON FACEBOOK:**



Facebook.com/NCExecutive



LAURA CURRAN

NASSAU COUNTY EXECUTIVE

LIVE TOWN HALL



COUNTY EXECUTIVE
LAURA CURRAN

A conversation about
**NYS EXECUTIVE ORDER
203 ON POLICING AND
MENTAL HEALTH**

PART II

JOINED BY:

NC OFFICE OF MENTAL HEALTH

OMAYRA PÉREZ

VULNERABLE ADULTS & MISSING PERSONS

DETECTIVE

ELIZABETH CAMPOS

Wednesday, November 18 | 6:00PM

**WATCH LIVE
ON FACEBOOK:**



Facebook.com/NCExecutive



LAURA CURRAN

NASSAU COUNTY EXECUTIVE

LIVE TOWN HALL



COUNTY EXECUTIVE
LAURA CURRAN

A conversation about
**NYS EXECUTIVE ORDER
203 AND THE
COMPLAINT PROCESS**

JOINED BY:

CHIEF OF DETECTIVES
KEECHANT SEWELL

INSPECTOR (PROFESSIONAL STANDARDS)
NICK STILLMAN

Tuesday, November 24 | 6:00PM

**WATCH LIVE
ON FACEBOOK:**



Facebook.com/NCExecutive



LAURA CURRAN

NASSAU COUNTY EXECUTIVE

LIVE TOWN HALL

— Joined by —



COUNTY EXECUTIVE
LAURA CURRAN

A conversation about
**HATE CRIMES
AND EO203 ON
REIMAGINING
POLICING**



BISHOP
**LIONEL
HARVEY**
Unified Long Island



DEPUTY CHIEF
**JAMES
BARTSCHERER**
Executive Officer Central Detectives

Wednesday, December 9 | 6:00PM

**WATCH LIVE
ON FACEBOOK:**



Facebook.com/NCExecutive



LAURA CURRAN

NASSAU COUNTY EXECUTIVE

LIVE TOWN HALL

— Joined by —



COUNTY EXECUTIVE
LAURA CURRAN

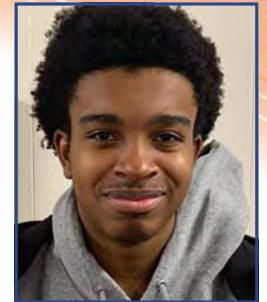
A conversation about
**EO203 AND
REIMAGINING
POLICING**



RETIRED NYPD DETECTIVE
**RAYMOND
RAMOS**
*Mentor
Project Hype Founder*



**AKINWALE
AGRESIN**
*Student
Young Men of Elmont*



**ANDREW
CANDIO**
*Student
Young Men of Elmont*

Tuesday, December 15 | 6:00PM

**WATCH LIVE
ON FACEBOOK:**



Facebook.com/NCExecutive



OFFICE OF THE COUNTY EXECUTIVE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING

December 21, 2020

Hon. Richard Nicoletto
Presiding Officer
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Hon. Kevan M. Abrahams
Minority Leader
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Dear Presiding Officer Nicoletto and Minority Leader Abrahams:

I am writing to share an update on the important work being done related to Executive Order 203 (EO 203) and the anticipated timeline for the County's submission of its Police Reform and Reinvention Plan (the Plan).

Nassau County began working on the EO 203 mandates weeks before the state issued its guidance in August 2020. Nassau County has been collaborating with community stakeholders and the highest-ranking members of the Nassau County Police Department in various forums consistently since EO 203 was issued. Those forums include meetings of the Police and Community Trust initiative (PACT), Community Collaborative Task Force (CCT), Town Halls, the Commissioner's Community Councils (CCC) and many community-based organizations. These meetings and town halls have focused on topics related to EO 203.

Importantly, Nassau County has established a dedicated "EO 203" website containing pertinent information and data which is available to the public. The County has also established and published a dedicated "EO 203" email address so that our residents can send comments, feedback and recommendations for the County plan.

By facilitating these meetings and town halls and establishing an EO webpage and email address, the County has ensured that there is a mechanism in place to obtain and collect community input and recommendations for incorporation into Nassau County's Plan.

As outlined in the state's guidance, there is a suggested workplan and timeline for finalizing the County's plan. Accordingly, the County intends to develop its plan by responding to the questions in the guidance. The timeline provided below will enable the County to meet the New York State deadline as of April 1, 2021, as mandated by EO 203.

Developing a Draft Plan: December 2020

- Following the collaborative efforts described above, the County began drafting a plan during the first week of December. The draft plan will evolve as we continue to meet with stakeholders and obtain input for the plan during this phase of the timeline.

Public Comment on the Draft Plan: January 7, 2021 – February 5, 2021

- The County will release its plan for public comment on or about January 7, 2021. The document will be available for public comment and review until February 5, 2021. The County will publish our draft plan on our EO 203 website for public viewing. Residents will have the ability to submit comments or suggestions to the County in a variety of ways including:
 - A link on the Nassau County EO 203 webpage:
 - <https://forms.nassaucountyny.gov/contact/agencies/ce/203comment.php>
 - Email to the Nassau County EO 203 email address:
 - EO203@NassauCountyNY.Gov
 - By mail to:
 - Assistant Commissioner Marianela Casas
 - 1550 Franklin Avenue
 - Mineola, New York 11501

Final Plan: February 6, 2021 – February 15, 2021

- At the close of the public comment period, the County will finalize the plan based on consideration of the comments and recommendations submitted during the public comment period. The County's final plan will be submitted to the Legislature for action.

Legislative Approval: February 15, 2021 – On or Before March 29, 2021

- Pursuant to EO 203, the County will submit its plan to the Legislature for ratification. The NYS guidance provides that the County must file the approved plan with New York State by April 1, 2021.

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurran@nassaucountyny.gov

Certification and Submission to New York State: On or Before April 1, 2021

- Pursuant to EO 203, Nassau County will submit its Police Reform and Reinvention Plan along with the required certification to the Director of the NYS Division of the Budget on or before April 1, 2021.

As outlined above, I am confident that Nassau County is on target to submit its plan pursuant to the mandates of EO203. We look forward to the submission of a plan to the Legislature and we believe it will be the result of hard work and a collaborative effort, which strengthens the relationship between the Nassau County Police Department and our residents.

Sincerely,



Laura Curran

cc: Hon. Siela Bynoe
Hon. Carrie Solages
Hon. Denise Ford
Hon. Debra Mule
Hon. C. William Gaylor
Hon. Howard Kopel
Hon. Vincent Muscarella
Hon. Ellen W. Birnbaum
Hon. Delia DeRiggi-Whitton
Hon. James Kennedy
Hon. Thomas McKevitt
Hon. Laura Schaefer
Hon. John Ferretti, Jr.
Hon. Arnold Drucker
Hon. Rose Marie Walker
Hon. Joshua Lafazan
Hon. Steven Rhoads

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurran@nassaucountyny.gov



LAURA CURRAN
NASSAU COUNTY EXECUTIVE

**Nassau County
Community Collaborative Task Force**

NYS Executive Order 203 Listening Session

We welcome your insights, experiences, voices and suggestions regarding police reform for Nassau County.

Information gathered from these sessions will be used to formulate recommendations for reform.

FIRST SESSION:

**Friday,
January 22nd
6:00pm – 9:00pm**

**Zoom meeting ID: 944 6587 2277
Passcode: Voices**

These zoom sessions will be recorded and not rebroadcast.

SECOND SESSION:

**Friday,
January 29th
6:00pm – 9:00pm**

**Zoom meeting ID: 975 9474 4802
Passcode: Speaking**

These zoom sessions will be recorded and not rebroadcast.

To submit recommendations for police reform or for additional information, please visit: www.nassaucountyny.gov/EO203

Multi-lingual assistance will be available.



LAURA CURRAN
NASSAU COUNTY EXECUTIVE



OFFICE OF THE COUNTY EXECUTIVE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING

January 7, 2021

Dear Members of PACT and CCT:

I am pleased to attach the first draft of the Nassau County Police Reform and Reinvention Plan, which was posted on the County's website today. This step ushers in the very important public comment phase which is a vital component in the completion of a final plan to be submitted to the state.

You may notice that the draft already incorporates suggestions and ideas which were raised during CCT and PACT meetings, as well as the virtual town halls. However, it is important to remember this is not a final product. The draft that has been posted is a living document that will change shape as your recommendations, and those of the public, are received.

My administration is aware of the hard work which has been undertaken by members of PACT and CCT. It has not gone unnoticed and I know it is not complete. It is my understanding that the CCT has planned public listening sessions and that both groups intend on submitting written recommendations and suggestions for consideration. It is crucial that this work continue and that your recommendations and input from the listening sessions are forwarded to the county during the public comment phase. In doing so, we can ensure that the final plan is representative of the collaboration which has taken place and addresses those issues which are important to our communities.

In addition to using the time which has been dedicated to the public comment phase to submit your recommendations, please also utilize this time to reach out to the members of our county that you have been advocating for. Ask them to review the draft and submit suggestions, comments and questions. It is essential that the County reach as many of our residents as possible to obtain their input for recommendations to be included in the final plan.

Nassau County is counting on your membership and our residents to help us complete our final plan. However, rest assured, this is not the final chapter of this all-important work. My administration, along with Commissioner Ryder, is committed to maintaining an on-going dialogue with community stakeholders to continue strengthening the relationship between the police and our residents.

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurren@nassaucountyny.gov

Thank you for the time, attention and work you have devoted to this project already and for your efforts going forward in transforming the draft posted today into a final plan submitted on behalf of all of the residents of our county.

Sincerely,



Laura Curran

encl: First Draft of the Nassau County Police Reform and Reinvention Plan



FOR IMMEDIATE RELEASE: January 7, 2021

CONTACT: press@nassaucountyny.gov

STATEMENT FROM COUNTY EXECUTIVE LAURA CURRAN

NASSAU COUNTY, NY – “Today marks another step in the County's process of following the Governor’s Executive Order 203, which requires the County Legislature to approve a plan by April. The first draft made public by the County today incorporates suggestions and ideas raised during the more than 60+ community meetings held by the County since June, including CCC, CCT, PACT, and virtual town halls. We now call on all county residents to provide input to improve public safety and reinforce trust between Police and the community. As we work towards a final plan, my Administration will remain guided by a balanced, transparent, and inclusive approach.”

###

LAURA CURRAN
NASSAU COUNTY EXECUTIVE



OFFICE OF THE COUNTY EXECUTIVE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING

January 14, 2021

VIA ELECTRONIC MAIL

Hon. Richard Nicoletto
Presiding Officer
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Hon. Kevan M. Abrahams
Minority Leader
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Dear Presiding Officer Nicoletto and Minority Leader Abrahams:

I am writing to follow up on the discussion of the County's first draft of the Police Reform and Reinvention Plan (Plan), pursuant to Executive Order 203 (EO203), at the public safety committee hearing on January 7, 2021. Following the hearing, the Plan was posted on the County's website at www.nassaucountyny.gov/EO203.

As you are aware, in a letter dated December 21, 2020, I informed you of our intention to post a draft plan on or about January 7, 2021. A public notice was received on January 4, 2021 that there would be a meeting of the Public Safety Committee on January 7, 2021. Accordingly, we asked the Police Department to have the first draft of the plan completed so it may be posted on January 7, 2021.

The first draft Plan lays out a framework of the Nassau County Police Department's strategies, policies, procedures and practices to inform the public of current policy, as well as departmental reforms. The Plan includes ideas and suggestions brought up during 60+ community meetings that included the Police and Community Trust initiative (PACT), Community Collaborative Task Force (CCT), Town Halls and the Commissioner's Community Councils (CCC) among others. However, it is important to emphasize that the EO203 process continues.

As referenced in the guidelines released by New York State, revision of the first draft Plan is a vital part of EO203. We have scheduled the time period between January 7, 2021 – February 5, 2021, for public comment and input submitted through the County website, followed by a 10-day period for plan revision and further meetings.

The County plans to file, for legislative approval, a resolution and the Plan on February 15, 2021, which will permit six weeks of legislative activity including final adoption and filing with New York State by March 31, 2021. My office pledges to work with the Legislature to continue to gather public input permitted by the legislative process and to amend the

1550 FRANKLIN AVENUE - MINEOLA, NEW YORK 11501 - 516-571-3131
lcurran@nassaucountyny.gov

Plan, as may be requested by the Legislature. Throughout the process any updates to the Plan will be posted on the County website.

Although the EO203 process began with my office, the Legislature's engagement and approval is paramount. It is vital that we continue to engage the public, and I commend Commissioner Ryder on his efforts to ensure that the Legislature's first hearing was meaningful. I remain confident that Nassau County is on target to submit its Plan pursuant to the mandates of EO203, and I look forward to working with the Legislature to approve a plan which strengthens the relationship between the Nassau County Police Department and our residents.

Sincerely,



Laura Curran

cc:

Hon. Siela A. Bynoe, Legislator
Hon. Carrié Solages, Legislator
Hon. Denise Ford, Legislator
Hon. Debra Mulé, Legislator
Hon. Clarence William Gaylor III, Legislator
Hon. Howard J. Kopel, Legislator
Hon. Vincent T. Muscarella, Legislator
Hon. Ellen W. Birnbaum, Legislator
Hon. Delia DeRiggi-Whitton, Legislator
Hon. James Kennedy, Legislator
Hon. Thomas McKeivitt, Legislator
Hon. Laura Schaefer, Legislator
Hon. John R. Ferretti Jr., Legislator
Hon. Arnold W. Drucker, Legislator
Hon. Rose-Marie Walker, Legislator
Hon. Joshua A. Lafazan, Legislator
Hon. Steven D. Rhoads, Legislator
Deputy County Executive Tatum Fox
Deputy County Executive Kyle-Rose Louder
Police Commissioner Patrick Ryder
PACT Members
CCT Members

The NCPD:

***Protecting and Partnering with our
Communities***



Established on April 16, 1925, the Nassau County Police Department began with 55 deputy sheriffs and one fingerprint expert. Serving the citizens of Nassau County for nearly a century, the Department now has over 2,500 sworn members and its jurisdiction covers approximately 453 square miles. Considered one of the country's largest police agencies, the Nassau County Police Department safeguards a population of more than 1.4 million people. Founded on the ideals of integrity, loyalty, fairness, and excellence, the NCPD is a service-oriented police department that places the concept of community at the heart of its philosophy.

Deemed an exemplary force by sociologist James Q. Wilson in 1968 in his study *Varieties of Police Behavior*, the Nassau County Police Department continually seeks to strengthen and expand its partnership with the communities it serves. Focused on maintaining and enhancing trust with the public, the Department effectively resolves community problems and continually reevaluates and modifies police policy. Comprised of eight precincts and three major divisions - the Patrol Division, the Support Division, and the Detective Division - the NCPD upholds public safety while exemplifying a service-oriented approach.

NCPD CARES ABOUT OUR COMMUNITIES

COMMUNITY AFFAIRS

Community Affairs plays a critical role in achieving the Department's goals against crime by strengthening community relationships and trust. Community Affairs is a unit that works in conjunction with all divisions of the Department to promote and enhance collaborative decision making between the Department and the communities we serve regarding policing services. With neighborhood-building as a focus, Community Affairs implements projects to meet special needs within each community and develops and maintains programs advantageous to those communities.



Nassau County PAL soccer game

Community Affairs offers numerous programs regarding crime prevention awareness, safety tips, bullying and quality of life issues. In addition to addressing matters of public safety, Community Affairs also provides young people with diversion and intervention



Nassau County Guardians basketball game

programs. These programs serve a dual purpose: they reduce youth-related crime and enrich the lives of participants. The NCPD provides all of these programs free of charge to the residents of Nassau County. Another important function of Community Affairs is overseeing recruitment for the Department and providing information to individuals interested in a career in law enforcement. In addition to community outreach and informational events, the creation of the mentorship program demonstrates the Department's commitment to inclusivity and diversity when it comes to recruitment.



RECRUITMENT



Community Affairs handles the ongoing recruitment efforts undertaken by the Department. In an effort to create a more diverse Department, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department website, distributing pamphlets and utilizing social media platforms. Members of Community Affairs partner with schools, universities, and shopping centers throughout Nassau County and the surrounding areas in order to recruit candidates for various positions (e.g.,

Police Officer, crossing guard, Explorer) in the NCPD. The recruitment effort has a specific focus on diversifying the Department to reflect the communities it serves.

Community Affairs regularly hosts career day-style meetings. At these meetings, Community Affairs Officers go into middle school and high schools and talk about job opportunities available within the NCPD, both as a sworn officer and as a civilian. These career days allow the NCPD to interact with young people and answer any questions they may have about a career in law enforcement.

When there is no entrance exam scheduled, Community Affairs still conducts recruitment for interested candidates through pre-registration and maintains a database of individuals to contact when a test date is announced. The Department has recruitment information published on its main website, social media accounts as well as posters and brochures. Up-to-date recruitment information is available by calling 1-800-RECRUIT.



MENTORSHIP PROGRAM

The NCPD started a mentorship program with its fraternal organizations to help police officer candidates succeed in the application and background investigation process. Candidates are offered the contact information of the fraternal organizations who will be providing information and assistance in navigating the challenges of the hiring process and police academy program. The Department Societies are: Columbia Police Association of Nassau, Nassau County Association of Women Police, Nassau County Guardians Association, Nassau County



Police Hispanic Society, LGBTQ of Nassau County, Police Emerald Society of Nassau County, Police Holy Name Society and Shomrim Society of Nassau County. If a prospective candidate cannot afford the application fee, the Department waives that fee due to economic hardship reasons.

WHO ARE THE MENTORS?

Columbia Police Association of Nassau: Fraternal organization comprised primarily of Department Members and other Nassau County law enforcement members of Italian heritage.

- Email: columbiami@pdcn.org

Nassau County Association of Women Police: Fraternal organization comprised primarily of female police officers within Nassau County.

- Email: ncawpmi@pdcn.org

Nassau County Guardians Association: The Guardian Association is comprised of African-American members, both sworn and civilian of the various law enforcement agencies within the County of Nassau.

- Email: ncguardiansmi@pdcn.org

Nassau County Police Hispanic Society: Fraternal organization comprised primarily of Department members and other Nassau County law enforcement members of Hispanic heritage.

- Email: ncpdhispanicmi@pdcn.org

LGTBQ+ of Nassau County: This society is not only for members who identify themselves as LGTBQ+, but also for members who support the community. With this society, we hope to support our LGTBQ members and our department's relationship with the Nassau County LGTBQ+ community.

- Email: lgtbqmi@pdcn.org

Police Emerald Society of Nassau County: Fraternal organization comprised primarily of Nassau County law enforcement members of Irish heritage.

- Email: emeraldami@pdcn.org

Police Holy Name Society: Fraternal organization comprised primarily of Nassau County law enforcement members of the Catholic faith.

- Email: policeholynome@pdcn.org

Shomrim Society of Nassau County: Religious organization comprised primarily of Nassau County law enforcement members of the Jewish faith.

Email: nassaushomrim@gmail.com

INTERESTED IN BECOMING A POLICE OFFICER?

NCPD TEST PRE-REGISTRATION

Questions?
Call Community Affairs
516-573-7360

Here are the ways you can find out more information:



- Call: 1-800-RECRUIT
- Click: www.pdcn.org/test
- Scan the QR code

HOW IT WORKS: Fill out the Test Pre-Registration Application Form – which can be accessed electronically via the website or the QR code – and submit it. Once the test is announced, the Department will utilize the information provided on the pre-registration form to contact the applicant. After the form is submitted, all applicants will receive a letter listing the participating Police Department societies and associations involving in the mentorship program. Members of these organizations will be ready and able to guide the applicant through the testing and hiring process. Should the applicant decide to participate in the mentoring program, they can contact the society in which they choose to seek guidance from.

COMMUNITY AFFAIRS - FAST FACTS

- Community Affairs is currently staffed by five (5) supervisors, three (3) lieutenants, two (2) sergeants, fifty (50) police officers, two (2) police service aides and two (2) clerks
- Community Affairs consists of a variety of units and programs that continually create positive and lasting impacts in Nassau County:
 - Community Oriented Police Enforcement (COPE)
 - Nassau County Police Athletic League (PAL)
 - Nassau County Law Enforcement Exploring Program
 - Gang Resistance Education and Training (GREAT) Program
 - Too Good For Drugs (TGFD)
 - Youth and Police Initiative (YPI)

Community Affairs consists of several units and programs, including but not limited to the following:

COMMUNITY ORIENTED POLICE ENFORCEMENT (COPE)

COPE is responsible for the initiation of specialized patrols, activities and initiatives to further the mission of the Department. In consultation with the Intelligence Unit, COPE uses crime data to guide their policing activities toward high-frequency offenders and locations. COPE collaborates with other Department units to address crime, including the Bureau of Special Operations (BSO), the Criminal Intelligence Rapid Response Team (CIRRT), and Homeland Security . As part of a comprehensive approach to solving community concerns, COPE also works with outside agencies such as probation and

parole. COPE officers work closely with Nassau residents to enhance police-community relations, improve quality-of-life and traffic safety, and proactively address community problems.

THE NASSAU COUNTY LAW ENFORCING PROGRAM

The Explorer Program is a law-enforcement career focused program for young men and women who are between the ages of 14 and 20 years old. The mission of the program is to enable young people to become responsible individuals by teaching positive character traits, career development, leadership and life skills in order to make smart decisions and achieve their full potential. The participants – known as Explorers – experience the rewards of a police career and test



Explorers (2008)

Law Enforcement Officers (2018)

their ability and commitment to improve the quality of life for the people of Nassau County. The program combines classroom training with hands-on role play activities, crime prevention initiatives, as well as other important activities all with a focus on community awareness and community building.



Interested in becoming an Explorer?!

<https://www.nclee.org/>

In addition to the education and training aspects of the program, NCPD Explorers travel throughout the United States for competitions and events. The drill team was awarded first place at the last four national contests. There are currently more than 300 active Explorers in the Nassau County Law Enforcement Exploring Program from all areas of Nassau County. Alumni members, who are former Explorers that have aged out of the program, often remain connected to the Explorers by becoming volunteers. The program has approximately 100 alumni who volunteer their time and services in numerous ways to help the program and current Explorers succeed.

In addition to the education and training aspects of the program, NCPD Explorers travel throughout the United States for competitions and events. The drill team was awarded first place at the last four national contests.



THE GANG RESISTANCE EDUCATION AND TRAINING PROGRAM (GREAT)

The GREAT Program is an evidence-based, national and international gang and violence prevention program that has been building trust between law enforcement and communities in Nassau County for almost thirty years. The primary objective of the program is prevention and is meant to counteract delinquency, youth violence, and gang membership. There is a heavy focus on providing life skills to

students to help them avoid resorting to delinquent behavior and violence to solve problems. The program includes a thirteen-lesson middle school curriculum, a six-lesson elementary school curriculum and a summer component. In many instances, the GREAT Program is the first significant interaction the students have with the police and it encourages the belief that the police are a valuable resource. GREAT is a nationally recognized program.

TOO GOOD FOR DRUGS (TGFD)

The Too Good for Drugs program is a school-based prevention program for kindergarten through 12th grade which builds on students' resiliency by teaching them how to be socially competent and independent problem solvers. Personnel are trained on how to implement the TGFD curriculum in their classrooms through a "train-the-trainer" program. Almost all school districts in Nassau County participate in the training program and were issued K-12 curriculum at no cost to the districts. The NCPD funds this program using asset forfeiture money.

YOUTH AND POLICE INITIATIVE (YPI)

The Youth Police Initiative is a program with the goal of building trust between the NCPD and the youth of Nassau County. YPI is focused on bringing together at-risk youth who have a negative perception of police with the local beat officers. The primary objectives of the program include: addressing misperceptions, repairing relationships and reestablishing trust between youth and the police. Recognizing that teaching young adults the skills to constructively resolve conflicts with authority requires efforts from both youth and law enforcement, the YPI also teaches police officers to step out of their cars and have genuine conversations. By creating an open dialogue between the NCPD and youth, the goal of the YPI is to ultimately break down existing barriers, stereotypes, and biases. Through honest communication and positive experiences fostered by the YPI, the NCPD strengthens police-youth relations in lasting ways.

NASSAU COUNTY POLICE ACTIVITY LEAGUE (PAL)

Created in 1940 by Nassau County's first Police Commissioner Abraham Skidmore in 1940, the Nassau County Police Boys Club served as the precursor to the Nassau County Police Activity

League (PAL) until 1987 when the organization was renamed. The mission statement of the Nassau County Police Activity League, which has remained unchanged since its inception, is to operate youth clubs and provide sports, crafts, educational and other programs of a

team and individual nature for all boys and girls in Nassau County, regardless of race, religion, income or disability. The primary objectives of PAL include: preventing juvenile delinquency, dissuading



1973 Police Boys Club go-kart event



1971 Inwood Police Boys Club basketball team

youth from engaging in gang activity, and creating a positive environment for police and community interaction.

PAL currently has 28 units, which span over 40 different communities in Nassau County and include more than 40,000 youth participants. PAL offers a variety of activities and programs which include, but are not limited to sports, crafts, and educational courses. The NCPD provides each PAL with Police Officers who assist with overseeing the unit and interact with the communities' youth. The Officers assigned to PAL not only foster positive public relations between the public and the police, but also serve as the conduit between members of the community. While the NCPD provides Officers to support the PAL units, it is more than 4,400 community volunteers who serve as coaches, staff, and administrators. Each volunteer is vetted and background checks are conducted to ensure safe and positive interactions within the community. Although created by the NCPD, the success of the PAL program is wholly dependent upon the dedication, enthusiasm, and efforts put forth by volunteers.



PAL - FAST FACTS

- PAL is a non-for-profit organization that is operated by an Executive Board, Board of Trustees and thousands of volunteers
- 31 PAL units currently represent over 40 different communities
- There are nearly 41,000 participants involved in Nassau County PAL
 - Any youth between the ages of 5 and 18 years of age (except for special needs exemptions) can register for any program with a unit in close proximity to their residence
- Each PAL unit is uniquely structured to suit the needs and goals of that particular community
- PAL has 11 Police Officers who serve as PAL directors and 1 Commanding Officer
- **NEW PAL PROGRAMS: INWOOD/5 TOWNS ELMONT ROOSEVELT**

PAL PROGRAMS

Archery	Computer Lessons	Ice Skating	Soccer	Wrestling
Arts & Crafts	Cricket	Jazz	Softball	Yoga
Badminton	Dance	Judo	Summer Camps	Zumba
Ballet	Deck Hockey	Karate	Special Needs	
Baseball	Drama	Kickline	Sports Clinics	
Basketball	Fencing	Kickball	Steam Stem	
Basketball Camp	Floor Hockey	Lacrosse	Tennis	
Bowling	Football	Painting	Tumbling	
Boxing	Flag Football	Riflery	Tutoring	
Cheerleading	Golf	Roller Hockey	Twirling	
Chess	Gymnastics	Sign Language	Volleyball	

NCPD TRAILBLAZERS



DENNIS ULMER: THE FIRST AFRICAN-AMERICAN POLICE OFFICER OF THE NCPD

In October 1946, Dennis Ulmer became the first African-American police officer in the Nassau County Police Department. Ulmer was a World War II veteran and had recently been discharged from the army when he joined the NCPD as a Patrolman in the 4th Precinct. Over the course of his 23 years with the Department, he rose through the ranks as a Detective, Sergeant, Lieutenant, and Detective Lieutenant and served as the Commanding Officer of the Main Office Squad and the Warrant Squad before retiring in 1969.

KATHLEEN REILLY: THE FIRST FEMALE POLICE OFFICER OF THE NCPD

Kathleen Reilly became the first female police officer in the NCPD in 1966. When she graduated from the academy, she was given "Policewoman Shield #1" and assigned to the Juvenile Aid Squad. In 1967, Kathleen made history again when she became the first woman to be promoted to Detective.



Detective Reilly was off-duty on Christmas night in 1967 and traveling on the Meadowbrook Parkway with her mother and fiancé when she stopped to assist a disabled motorist. Shortly after pulling over to help, she was struck and killed by another vehicle. Detective Reilly was the first female Nassau County police officer to be killed while in performance of police duties.

SPECIALTY UNITS OF THE NCPD

MEET MOUNTED UNIT

June 30, 1978, marked the first day of active duty for Nassau County Police Department's Mounted Unit. Recognized as the second largest mounted patrol in New York State, the unit began with six horses and now has twelve. Sworn members must complete approximately 6-9 months of training, while horses selected for the unit require 4-6 months of training.



Meet potbelly pig Peanut, the mascot of Mounted Unit! See what she's up to on Instagram: mu_peanut

Used primarily for crowd management, traffic control, prevention of street crime, and community relations, the Mounted Unit makes unique policing tactics possible. Maneuverability, and a higher vantage point are two examples of what sets Mounted apart from other units in the NCPD. Expect to see the members of the Mounted Unit and their equestrian partners at malls, beaches, concerts and various community events.



MARINE BUREAU & THE NAUTICAL MILES



Created in 1933, Marine Bureau has patrolled Nassau County's 225 square miles of marine district waterways and provided marine police service for more than seventy-nine years. Considered one of New York State's oldest marine police patrol agencies, Marine Bureau is headquartered at Bay Park and patrols 24 hours a day, 365 days a year. Marine Bureau also partners with the U.S. Coast Guard and other law enforcement agencies in securing New York City and the Port of New York. In addition to safeguarding the waterways, Marine Bureau developed the current training program utilized by all marine units in the tri-state area and its members are the leading instructors. Currently, there are 9

operational vessels in the fleet, with patrol and coverage continuously available on each shore. Marine 11, also known as the 9/11 Heroes boat, holds special significance for the Department as it was dedicated to first responders who lost their lives on that fateful day. Services provided by Marine Bureau include enforcement, homeland security, marine assistance, emergency service, search and rescue, firefighting and boating accident investigation.



Marine 11, also known as the 9/11 Heroes boat

MARINE WATCH PROGRAM

The Nassau County Police Marine Bureau has established a "Marine Watch" program to improve homeland security at vulnerable entities such as waterfront businesses, facilities, critical maritime infrastructure and other key marine resources on Long Island.



NPCD Marine Bureau Police Officers rescue a boxer stranded in the marsh in North Long Beach.

IN THE AIR WITH AVIATION BUREAU

Aviation Bureau was created in 1934 with a singular Sinson airplane that was gifted to the Department. After being grounded by World War II, the unit was revived in 1968 with the purchase of four helicopters, which would assist in medical evacuations and pursuits.



Aviation Bureau has significantly evolved over the years and, with the acquisition of two Bell 429 helicopters, is considered one of the most technologically advanced aviation units in the tri-state area. Currently there are three helicopters in the unit that operate 20 hours per day from 6 a.m. to 4 p.m. and 4 p.m. to 2 a.m. All members of the unit are sworn Police Officers who are recognized as Tactical Flight Officers and are trained both tactically and medically. There are typically two Tactical Flight Officers in

each helicopter and the unit performs operations such as surveillance flights, medical evacuations, and searches for Nassau County as well as other jurisdictions. Each year the Aviation Bureau performs approximately 150 medical evacuations and provides aerial assistance to more than 400 police incidents.



BUSINESS OF BSO (BUREAU OF SPECIAL OPERATIONS)

Created in 1976, the Bureau of Special Operations (BSO) is the tactical operations unit of the Nassau County Police Department. The unit, considered one of the Department's most prestigious, operates similarly to SWAT and is responsible for tactical responses to all critical incidents, such as barricades and hostage situations. BSO also provides county-wide anti-crime enforcement, protection details, and tactical support for high risk search warrants.





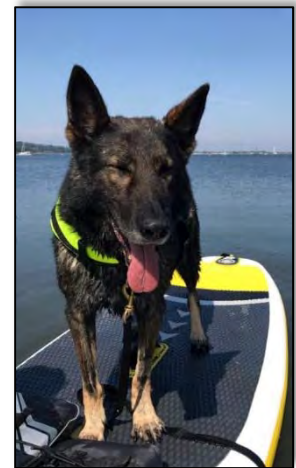
Responsible for ensuring public safety, anti-terrorism measures, apprehending dangerous individuals, and responding to critical incidents, acceptance into the Bureau of Special Operations is not easy. Applicants are required to meet the highest standards of marksmanship and physical fitness, as the demands placed on BSO members are substantial and continuous. Current members must continually train and re-certify in various tactical elements, demonstrating capability and dedication to the values of the unit.

KEEPING UP WITH K-9

Founded in 1983 by two Officers in the Highway Patrol Bureau, NCPD's K-9 Unit has 8 dogs who are trained in narcotics detection, explosives detection, tracking people, criminal apprehension, and evidence recovery. Officers in the unit and their K-9 partners not only work together, but live together. Canine applicants must go through a highly selective admission process and then complete a rigorous 6-month academy before becoming a member of the Department.



Before training begins, the Officer and their selected canine spend a few weeks together getting to know each other and creating a strong bond. The academy is not only a challenge for the canine, but the handler as well, as it is harder to train them than it is to train their four-legged partner. Every canine is trained in patrol but certified in only one specialty: narcotics or explosives detection. The Department currently has 5 narcotics and 3 explosives canines.



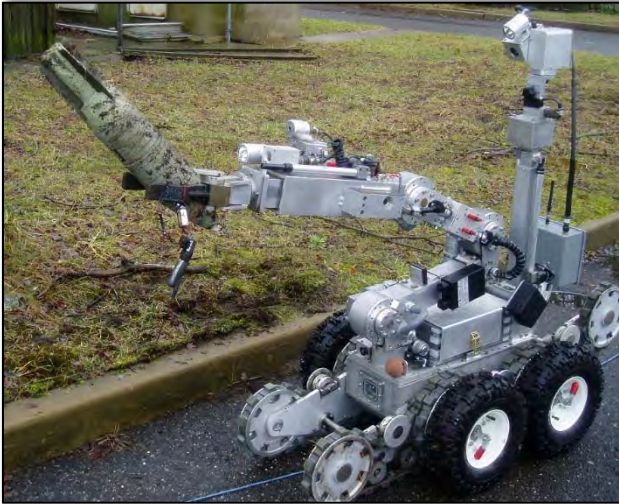
K-9 Fuzz enjoying retirement!

The NCPD receives all of their canines from Europe and each will typically retire after 10 years of service. Upon retirement, the

partnership continues as each canine is adopted by their handler. Whether its helping officers get illegal drugs off the streets, tracking suspects, finding people with cognitive impairments, or assisting with critical incidents, NCPD K-9 partners are an essential part of crime fighting and protecting the public.

ALL ABOUT ARSON BOMB (ABS)

Originally known as the Bureau of Public Safety upon its creation in 1928, the unit was later renamed the Bomb Squad 1973 and would ultimately become known as the Arson/Bomb Squad by 1992. The unit responds to approximately 450 fire investigations and more than 200 destructive device investigations each year. The Arson Bomb Squad also conducts joint investigations with other local, state, and federal



agencies including: the Nassau County Fire Marshal, the NY FBI Counterterrorism Office, the FBI Long Island Joint Terrorism Task Force, the Bureau of Alcohol Tobacco and Firearms, and other bomb squads. ABS Detectives receive extensive training and certifications in both NYS fire investigations and the Department of Justice Public Safety Bomb Technician program. Both certifications require ongoing annual training as well as knowledge and performance-based testing by outside agencies to ensure members meet the standards of these certifications. At their headquarters, the unit trains with mock up suspicious packages from assignments they responded to in the past as well as ones they have created.

The Arson Bomb Squad is responsible for analyzing, removing and safely disposing of suspicious packages. The unit uses various technologies to perform these responsibilities, one of which is known as the TCV or the Total Containment Vessel. The TCV is an investigatory staple as it allows ABS to safely transport explosive devices from call scenes to controlled locations where the suspicious item can be rendered safe and then analyze what remains as evidence. Other tools used by the unit include: digital radiography (x-ray capability), robots, radiation detection, explosive containment vessels and personal protective equipment. ABS robots, which are critical for safely removing suspicious packages, are equipped with special cameras, can see through wood or metal, and can climb up and down stairs. The bomb suit used by Detectives weights approximately 120 pounds and protects them from heat, fire, over-pressure, and fragmentation. The hazmat suits, which are worn during incidents where hazardous materials may be present, protect them from contact with unknown solids, liquids or gases. When the Arson Bomb Squad is not being called to emergency incidents, they are performing bomb sweeps for dignitary visits, gun range inspections, safety inspections of commercial fireworks shows, safe use of explosives at movie and television productions, and ensuring the safe disposal of fireworks, small ammunitions, and military/commercial explosives.



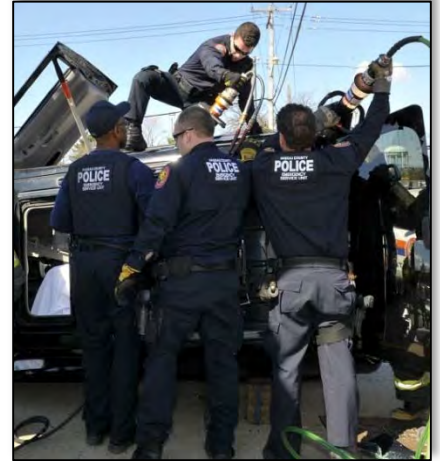
ESSENTIALS OF ESU (EMERGENCY SERVICES UNIT)

Originally founded in 1965 and known as the Special Services Bureau, the unit was renamed Emergency Services Unit in 1992 and assists units within the Department in a variety of ways. Responsible for covering all 453.2 square miles of Nassau County, ESU operates 24 hours a day, 7 days a week and has more than 40 Officers assigned to the unit. Every Emergency Service Police Officer has to undergo 1,054 hours of training which takes approximately 7 months to complete, before they are

allowed to wear the ESU patch and respond out to serve the residents of Nassau County.

ESU Officers receive departmental training, along with training from both state and federal agencies, making them the most highly trained officers within the NCPD. ESU is responsible for responding to a wide variety of incidents, including major events such as terrorist attacks, plane crashes and collapsed buildings. ESU assists not only NCPD units, but also aids other jurisdictions with: hazardous material emergencies, vehicle

extrications (Jaws of Life), animal control, emotionally disturbed individuals, elevator emergencies, high angle rescues, ice/surface water rescues, vehicle recovery, confined space rescues, active shooters, and tactical operations. ESU has roughly 40 specialty vehicles, some of which include heavy rescue trucks, rescue response trucks, armored vehicles, off road vehicles, hazmat response trucks, technical rescue response trucks, water vessels, and tow trucks. When called upon, the members of the Emergency Services Unit must be ready at a moment's notice to provide aid to any who may need it - in ways only they are capable of.



NCPD CONTACT LIST

First Precinct

900 Merrick Road, Baldwin, NY 11510

Phone #: (516) 573-6100

[First Precinct Email](#)

Second Precinct

7700 Jericho Tpke, Woodbury, NY 11797

Phone #: (516) 573-6200

[Second Precinct Email](#)

Third Precinct

214 Hillside Ave, Williston Park, NY 11596

Phone #: (516) 573-6300

[Third Precinct Email](#)

Fourth Precinct

1699 Broadway, Hewlett, NY 11557

Phone #: (516) 573-6400

[Fourth Precinct Email](#)

Fifth Precinct

1655 Dutch Broadway, Elmont, NY 11003

Phone #: (516) 573-6500

[Fifth Precinct Email](#)

Sixth Precinct

100 Community Dr E, Manhasset, NY 11030

Phone #: (516) 573-6600

[Sixth Precinct Email](#)

Seventh Precinct

3636 Merrick Road, Seaford, NY 11783

Phone #: (516) 573-6700

[Seventh Precinct Email](#)

Eighth Precinct

299 Hicksville Rd, Bethpage, NY 11714

Phone #: (516) 573-6800

[Eighth Precinct Email](#)

Nassau County Police Headquarters

1490 Franklin Avenue, Mineola, NY 11501

Phone #: (516) 573-8800

Community Affairs Unit

Phone #: (516) 573-7900

Internal Affairs Unit

Phone #: (516) 573-7120

If there is an EMERGENCY, please dial 911 immediately.

RECRUITMENT INFORMATION

NCPD TEST PRE-REGISTRATION

Questions?
Call Community Affairs
516-573-7360

Here are the ways you can find out more information about becoming a member of the Nassau County Police Department:



- Call: 1-800-RECRUIT
- Click: www.pdcn.org/test
- Scan the QR code

HOW IT WORKS: Fill out the Test Pre-Registration Application Form – which can be accessed electronically via the website or the QR code – and submit it. Once the test is announced, the Department will utilize the information provided on the pre-registration form to contact the applicant. After the form is submitted, all applicants will receive a letter listing the participating Police Department societies and associations involving in the mentorship program. Members of these organizations will be ready and able to guide the applicant through the testing and hiring process. Should the applicant decide to participate in the mentoring program, they can contact the society in which they choose to seek guidance from.

NCPD MENTORSHIP PROGRAM – CONTACT INFORMATION

Columbia Police Association of Nassau: Fraternal organization comprised primarily of Department Members and other Nassau County law enforcement members of Italian heritage.

- Email: columbiami@pdcn.org

Nassau County Association of Women Police: Fraternal organization comprised primarily of female police officers within Nassau County.

- Email: ncawpmi@pdcn.org

Nassau County Guardians Association: The Guardian Association is comprised of African-American members, both sworn and civilian of the various law enforcement agencies within the County of Nassau.

- Email: ncguardiansmi@pdcn.org

Nassau County Police Hispanic Society: Fraternal organization comprised primarily of Department members and other Nassau County law enforcement members of Hispanic heritage.

- Email: ncpdhispanicmi@pdcn.org

LGTBQ+ of Nassau County: This society is not only for members who identify themselves as LGBTQ+, but also for members who support the community. With this society, we hope to support our LGBTQ members and our department's relationship with the Nassau County LGBTQ+ community.

- Email: lgtbqmi@pdcn.org

Police Emerald Society of Nassau County: Fraternal organization comprised primarily of Nassau County law enforcement members of Irish heritage.

- Email: emeraldami@pdcn.org

Police Holy Name Society: Fraternal organization comprised primarily of Nassau County law enforcement members of the Catholic faith.

- Email: policeholyname@pdcn.org

Shomrim Society of Nassau County: Religious organization comprised primarily of Nassau County law enforcement members of the Jewish faith.

Email: nassaushomrim@gmail.com

PAL CONTACT INFORMATION

Baldwin PAL:

Harbor Elementary School
90 Hastings Street Baldwin, NY 11510
Baldwinpal.org 516-623-3111
P.O. Alvarado/Bob Cuccio

Bellmore PAL:

P.O. Box 363 Bellmore, NY 11710
Bellmorepal.org 516-679-5990
P.O. Kiser/Patty Caruso

Bethpage PAL:

428 Stewart Avenue Bethpage, NY 11714
Bethpagepal.com 516-942-4788
P.O. Bonagura/Gary Bretton

County Baseball:

2276 City Place Merrick, NY 11566
merrickpal.org 516-867-6275
P.O. Cardona, P.O. Innace/Margaret Reed

County Lacrosse:

167 Broadway Hicksville NY 11801
ncpallacrosse.com 516-640-1312
P.O. Alvarado/Perlungher/ Yvette Seeley

County Track:

167 Broadway Hicksville, NY 11801
nassaucountypal.org 516-573-2250
P.O. Kiser, P.O. Philip

East Meadow PAL:

Eisenhower Park Lannin Building Field 6
East Meadow, NY 11554
Eastmeadow.wordpress.com 516-865-2432
P.O. Perlungher/John Spirou

Elmont PAL: NEW OFFICE

167 S. Broadway, Hicksville, NY 11801
<http://elmontpal.website.sportssignup.com/>
P.O. Brown 516-573-2250

Farmingdale PAL:

31 North Front Street Farmingdale, NY 11735
Farmingdalepal.com 516-249-6825
P.O. Bonagura/Russ Cantazaro

Franklin Square/Elmont PAL:

957 Hempstead Turnpike
Franklin Square, NY 11010
Franklinsquareelmontpal.com 516-573-2250
P.O. Holquin/Richard McGrath

Great Neck PAL:

1 West Park Place Great Neck, NY 11023
Greatneckpal.com 516-482-7257
P.O. Volpe/Steve Kossover

Headquarters Activities Unit:

167 Broadway Hicksville, NY 11801
nassaucountypal.org 516-573-2250
P.O. Cardona/ Kim DiVittorio

Hicksville PAL:

167 Broadway Hicksville, NY 11801
Hicksvillepal.siplay.com 516-342-6056
P.O Alvarado/John Bentrewicz

Inwood/5 Towns PAL: NEW OFFICE

270 Lawrence Ave, Lawrence, NY 11559
<https://inwoodlawrencepal.sportssignup.com/>
P.O. Varela 516-573-2250

Island Park PAL:

P.O. Box 106 Inwood, NY 11096
Nassaucountypal.org 516-965-3287
P.O. Lajara/Kim Miller

Levittown PAL:

3000 Hempstead Turnpike Suite 403
Levittown, NY 11756
Levittownpal.org 516-579-7999
P.O. Pescatore/Mike Nelson

Manhasset PAL:

P.O. Box 551 Manhasset, NY 11030
Manhassetpal.com 516-573-2250
P.O. Volpe
Baseball/Brad Smith
Lacrosse/Frank Coughlin

Massapequa PAL:

510 Parkside Blvd., Massapequa, NY 11758
Massapequa.siplay.com 516-867-6279
P.O. Pescatore/Linda Vericchio

Merrick PAL:

2276 City Place Merrick, NY 11566
Merrickpal.org 516-867-6279
P.O. Kiser/Margaret Reed

Mineola/Williston Park/Roslyn PAL:

P.O. Box 284 Mineola, NY 11501
Mineolapal.org 516-655-8992
P.O. Bonagura/Bobby Redmond

New Hyde Park PAL:

375 Denton Avenue New Hyde Park, NY 11040
Newhydepark.siplay.com 516-248-2442
P.O. Cardona/Nick Caras

North Shore PAL:

P.O. Box 810 Glenwood Landing, NY 11547
P.O. Innace/Mike Levine

Oyster Bay/East Norwich PAL:

P.O. Box 396 Oyster Bay, NY 11771
Obenpal.sportssignup.com
P.O. Pescatore/Alex Ipiotis

Plainview/Syosset/Jericho/Old Bethpage PAL:

P.O. 203 Plainview, NY
Plainviewpal.com
P.O. Innace/Chris Kyriacou

Roosevelt PAL: NEW OFFICE

167 S. Broadway, Hicksville NY 11801
sean.gaddy@nassaucountypal.org
P.O. Gaddy 516-573-2250

South Hempstead PAL:

P.O. Box 1222 North Baldwin, NY 11510
nassaucountypal.org
P.O. Perlungher/George Kowalski

Special Needs PAL:

P.O. Box 158 Levittown, NY 11756
Specialneedspal.sportssignup.com 516-573-2250
P.O. Holguin/Frank Alfano, Tony Walker

Uniondale PAL:

P.O. Box 70 Uniondale, NY 11553
Uniondalepal.sportssignup.com
P.O. Philip/Michele Walker

Valley Stream/Five Towns/East Rockaway PAL:

P.O. Box 343 Valley Stream, NY 11580
Vspal.net
P.O. Lajara/Annette Gray

Wantagh/Seaford PAL:

P.O. Box 122 Wantagh, NY 1793
Wantaghseafordpal.org 516-783-8464
P.O. Philip/Bob Kennish

West Hempstead PAL:

817 Hempstead Turnpike, West Hempstead, NY
11552
westhempstead.org 516-458-5076
P.O. Perlungher/Robert Moser

Westbury/Carle Place PAL:

357 Rockland Street Westbury, NY 11590
westburycarleplacepal.siplay.com
516-750-8019
P.O. Lajara/Stephany Veli

Nassau County Police Department
Course Title: Re-Imagining Policing

Lesson Plan

Lesson Title:

Re-Imagining Policing – 2020

Section:

In-Service

Prepared by:

Police Officer Christopher Boccio

Approved by:

Inspector Robert Kaufmann

Instructor:

Police Officer Christopher Boccio

Method of presentation:

Computer

Date prepared:

01/01/2021

Duration:

10 hours

Instructional Objectives: This training module is integrated into various sections of the recruit training program. Upon completion each trainee, without reference to notes (from memory) unless stated otherwise with proficiency will be able to orally or in writing:

1. Identify topics of concern from Executive order #203.
2. Identify the purpose of the Executive order.
3. Define Aggravated Strangulation.
4. List when a claim of unlawful interference with recording law enforcement activity is established.
5. Describe the balance between police authority and responsibility pertaining to the use of force.
6. Recognize the circumstances that justify the use of physical force and the use of deadly physical force by police.
7. Describe the application of current case law that must be considered when judging the reasonableness of force.
8. List the elements of active listening
9. Define Communication
10. Define inter-personal communication as it applies to verbal and non-verbal skills.
11. Explain inter-personal communication as it applies to dealing with a non-compliant individual.
12. Explain inter-personal communication as it applies to achieving voluntary compliance with a previously non-compliant individual.
13. Define Police Legitimacy.
14. Define Procedural Justice.
15. Explain the benefits of Procedural Justice.
16. Name the two foundations of Procedural Justice.
17. Define Ethical and Moral Courage
18. List inhibitors to Ethical and Moral Courage.
19. Explain how to shift the mindset.
20. Explain the Duty to Intercede/Intervene.
21. Define Active vs. Passive Bystandership.
22. List the indicators of Emotional Stress.
23. Define MHL 9.41.
24. Describe and list the five steps in the behavioral change staircase.
25. List options for recovery, treatment, and services.
26. Define the two types of Bias.
27. List factors that enhance reliance on implicit bias.

28. Practice methods of interruption and override for implicit bias.
29. Define Leadership
30. Explain the difference between the “Finite and Infinite game”.

Instructor References:

NYS Penal Law
NYS CPL
NYS Executive Order #203
DCJS/NCPD Use of Force Manuals and Policy
NCPD De-Escalation program
DCJS Procedural Justice
NCPD Introduction to Policing/Contemporary Police Issues
DCJS Fundamental Crisis Intervention
“Blink” by Malcom Gladwell
“Beyond Bias: An Introduction to Implicit Bias” by Dushaw Hockett
“Thinking Fast and Slow” by Daniel Kahneman
“Verbal Judo – The Gentle Art of Persuasion” by Dr. George Thompson
“The 7 Habits of Highly Effective People” by Stephen Covey

Training Aid/Supplies/Equipment:

Whiteboard
PowerPoint
Handouts
Videos
Exercises

I. INTRODUCTION:

A. Self, background:

II. MOTIVATION:

A. The Nassau County Police Department is defined by service-oriented policing. A philosophy which includes full-service policing where the same officer patrols and works in the same area from a decentralized location working in a proactive partnership with the community it serves. Officers are encouraged to interact with the communities that they serve and to assist residents with any issues they may raise. Building trust within the community is the foundation for every action taken by officers. In order to enhance this trust, an emphasis on the importance of human dignity, professionalism that comes with wearing a police uniform, and de-escalation, which are concepts of self control and persuading someone to avoid antagonistic, hostile behavior and instead reach an amicable result with in most encounters without the overt use of force, is paramount.

III. INSTRUCTIONAL OBJECTIVES:

A. See cover sheet

IV. PRESENTATION:

A. Legal Updates

1. NYS Executive Order #203
2. NYS Penal Law Aggravated Strangulation
3. Disciplinary records CRL § 50A Repeal
4. Medical Attention
5. CVR 79-p Right to Monitor
6. Law Enforcement Misconduct Office
7. Office of Special Investigation
8. Miscellaneous
 - a. Loitering – masked in public repeal
 - b. CVR 19-n sub.2 – Bias related violence or intimidation

B. Use of Force

1. Definition review
 - a. Defense of Justification – Article 35 NYS Penal law
 - b. Objectively Reasonable – reasonable and necessity “Graham v. Connor”
 - c. Criminal Proceeding – NYS Penal Law
 - d. Civil Proceeding – Qualified immunity
 - e. Administrative Proceeding – Department Manual
2. Defining Reasonableness and Necessity
 - a. Articulate facts
 - b. Graham v. Connor
 - c. Tennessee v. Garner
3. Misuse of Force
 - a. Excessive Force

Any other relevant or looming legal updates that could be potentially added to these topics.

- b. Utilizing too little force
- 4. Case Studies
 - a. Utilize the most recent/relevant Supreme Court, 2nd circuit court of appeals, and NY Court of Appeals cases
- 5. Use of Force reporting
 - a. Legal misconceptions
 - b. Case report considerations
 - c. Department Manual and PDCN 258 form review
- 6. Priority of life discussion
 - a. Concepts of proportionality
 - b. Concepts of risk
 - c. Officer created jeopardy vs subject
- C. De-Escalation
 - 1. What is De-Escalation?
 - a. The ability to reduce the intensity of a conflict or potentially violent situation
 - b. Enhance police and public safety
 - c. Achieve positive outcomes for most situations
 - d. Reduce liability and complaints
 - e. Treating people professionally. Officers must treat everyone professionally because they are professionals. To do otherwise compromises the job at hand and gives people a chance to discredit officers using their own actions
 - f. Empathy – The ability to understand (not always sympathize) another's perspective, feelings, emotions
 - 2. Maintaining control over ourselves
 - a. Being in charge does not necessarily mean you are in control
 - b. Change your own thoughts and behaviors to affect the outcome of any situation
 - c. Understanding our emotions and views can be the cause of escalation. Therefore officers must remove personal beliefs and ego from the equation
 - 3. Five universal truths to human interaction
 - a. People feel the need to be respected
 - b. People would rather be asked than told
 - c. People have a desire to know why
 - d. People prefer to have options instead of threats
 - e. People want to have a second chance
 - 4. Communication
 - a. Verbal – actual words, content, chosen language
 - b. Non – verbal – body language, kinesics
 - c. Rhetoric – the art of effective or persuasive speaking or writing
 - a. Perspective

PDCN 258

Priority of life should be a practical discussion and less of a lecture portion. There will be some aspects of introducing concepts, but there needs to be feedback. Utilize videos of “lawful but awful” situations, questionable officer tactics and judgment

Verbal Judo by Dr George Thompson

- b. Audience
 - c. Voice
 - d. Purpose
 - e. Organization
5. Active Listening
- a. Elements of active listening
 - a. Be open and unbiased
 - b. Listen to all of what is being said
 - c. Interpret the meaning
 - d. Respond appropriately and free of judgment
 - e. Techniques – minimal encouragers, open ended questions, reflection, etc.
6. Principles of Impartiality
- a. Control the encounter, control over yourself
 - b. Respond and not reacting
 - c. Abstract depersonalization – people are not objects, do not dehumanize them
 - d. Say what you want as long as you do what I say
 - e. The last word is not what matters
 - f. Remove all ego
- D. Procedural Justice
1. Police Legitimacy
- a. The public view police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community
 - b. Legitimacy are measurements of the extent to which members of the public trust and have confidence in police, believe they are honest and competent, think they treat people fairly and with respect, and are willing to defer to law and authority
 - c. Recognition and understanding community perceptions
 - a. Acknowledgment of this perspective opens the door to better understanding
 - b. Success will rely on the way the community views and reacts to police
 - d. When legitimacy exists, the public views police as authorized to exercise power to maintain social order, manage conflicts, and solve problems. They are more likely to become actively involved in police/community partnerships
2. Benefits of Legitimacy and procedural justice
- a. Compliance with laws even without police presence
 - b. Compliance with directives
 - a. Power of control v. power of influence
 - c. Assistance – people are more willing to report crime, act as witnesses

Concepts that should be applied to every encounter when possible. The first portion of the lecture introduces methods, this portion needs to be skillfully applied using real life experience.

This section builds upon de-escalation and should be compared to service oriented policing. Utilize the PERF report from 2014 and introduce some hard numbers from the citizens of Nassau County. Weave it all together and show them that legitimacy, through service, is the way.

- d. Satisfaction – people are more satisfied with the encounter and more accepting of our decisions, even when the encounter is negative. The process is more important than the outcome
 - e. Rapport building
 - f. Consistent use means the potential for less use of force encounters
- E. Ethical and Moral Courage
1. Morally courageous individuals act upon their ethical values to help others during difficult ethical dilemmas, despite the adversity they may face in doing so
 2. Commitment to standing up for and acting upon ones ethical beliefs
 3. Inhibitors
 - a. Pluralistic ignorance
 - b. Diffusion of responsibility
 - c. Hesitation to cross boundaries
 - d. Fear
 - e. Absence of empathy
 - f. Perceived cost of helping
 - g. Lack of knowledge
 4. Conformity to the group
 - a. Obedience to fear or dire punishment
 - b. Obedience to authority
 - c. Adopting perspectives
 5. Shifting the mindset
 - a. Having tough conversations with each other
 - b. Living up to standards, values, and ethics
 - c. Constant learning and self reflection
 - d. Empathy and respect
 - e. Innate cognizance and manual override – aware that this needs to be something that won't immediately be automatic
 6. Duty to intercede/intervene
 - a. Intervening in situations which any member is conducting any act that is unethical, or violates law or policy
 - b. Other officers on scene may be perceiving a situation that another officer isn't.
 - c. Recognizing that officers are human and cannot possibly be expected to master all that they are called to do at one time
 - d. Ending the “Shut up and Listen” mentality
 - a. While it has merits in some situations, continuing to close our minds to new ideas, tactics, respect is an archaic method of learning.
 - b. Diffusion of responsibility

This section is not from Executive Order. This is a practical explanation of why officers tend to fall into bad habits, how together they can be overcome. Needs to be stressed that this is not a discipline situation, this is holding each other accountable and ensuring everyone does the job safely and the same way.

Stanley Milgram experiment, “Ordinary Men” by Christopher Browning, “Crew Resource Management”

- e. Active vs. Passive bystandership
 - a. Assuming someone else will act
- 7. Risks of non intervention
 - a. Discipline
 - b. Stress or guilt
 - c. Systemic damage to policing
 - d. Criminal and civil liability
- F. Fundamental Crisis Intervention
 - 1. Indicators of emotional stress
 - a. Reading the scene – gather information and make an informed assessment
 - b. Environmental – look, listen, smell
 - c. Behavioral – physical appearance, body movements, reasons for behavior
 - d. Verbal – illogical thoughts, unusual speech, hostility, or excitement
 - 2. Communication
 - a. Identify emotionally distressed individuals
 - b. Slow down and gather information – sources, information to obtain,
 - c. Behavioral change staircase – The most important aspect of diffusing tense situations is trust. It is often overlooked, rapidly degraded, and situations will deteriorate without it. Creating a positive atmosphere is what will successfully conclude most encounters.
 - a. Active Listening – listening to understand
 - b. Empathy – communicating understanding
 - c. Rapport – establishing relationship
 - d. Influence – connect and direct through trust, empathy, and rapport.
 - e. Behavioral change
 - d. Obstacles to the staircase
 - a. Rapidly progressing
 - b. Omitting stages
 - c. Lack of skill/training
 - e. Keys to behavior change
 - a. Achieve positive relationship
 - b. Actively listening
 - c. Maintaining control over emotions
 - d. Be alert and dynamic
 - e. Practice
 - 3. Legal Issues
 - a. Voluntary transport with consent
 - a. Similar to medical transports
 - b. Involuntary admission – MHL 9.41
 - a. Appears to be mentally ill and is conducting themselves in a manner which is likely to

Legal issues – *Figueroa v. Mazza*, 825 F.3d 89, 106 (2nd cir. 2016)

Reference DCJS guide to fundamental crisis intervention

Mostly a review of De-escalation

- b. Changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve
- 2. Finite vs. Infinite Game
 - a. Finite players – why we lose when we play this way
 - b. Infinite Players – where we should fit in
 - c. How to assist in playing the infinite game
 - a. Just cause
 - b. Trust in each other
 - c. Worthy foil
 - d. Existential flex
 - e. Courage |

V. SUMMARY/COMPREHENSION CHECK:

A. |

POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK
USE OF FORCE REPORT

NOTE: IF AN INCIDENT INVOLVES THE USE OF A FIREARM, SUPERVISORS WILL COMPLETE PDCN FORM 470, DEADLY FORCE RESPONSE TEAM, FIREARM DISCHARGE INVESTIGATION REPORT

TYPE OF WEAPON/TECHNIQUE USED (Check all that apply): <input type="checkbox"/> PHYSICAL FORCE TECHNIQUE <input type="checkbox"/> DISPLAYED A FIREARM <input type="checkbox"/> OTHER					
INTERMEDIATE WEAPON: <input type="checkbox"/> BATON <input type="checkbox"/> CANINE <input type="checkbox"/> PROPELLED BEANBAG ROUND <input type="checkbox"/> OC SPRAY <input type="checkbox"/> ECD					

DATE OF INCIDENT	TIME OF INCIDENT	ARREST NO.	CASE REPORT NO.	PRECINCT OF OCCURRENCE	POST
------------------	------------------	------------	-----------------	------------------------	------

WEATHER CONDITIONS <input type="checkbox"/> SUN <input type="checkbox"/> CLOUDS <input type="checkbox"/> WIND <input type="checkbox"/> FOG	LIGHTING CONDITIONS INSIDE <input type="checkbox"/> UNLIGHTED	LIGHTING CONDITIONS OUTSIDE
<input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> OTHER (specify) _____	<input type="checkbox"/> GOOD <input type="checkbox"/> POOR <input type="checkbox"/> FLASHLIGHT USED	<input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK / DAWN <input type="checkbox"/> DARK

SUBJECT INFO.	UNDER WHAT CIRCUMSTANCES WAS THE SUBJECT CONFRONTED? <input type="checkbox"/> DWI <input type="checkbox"/> VTL STOP <input type="checkbox"/> FAMILY DISTURBANCE <input type="checkbox"/> NEIGHBOR DISPUTE <input type="checkbox"/> ARREST (describe) _____				
	<input type="checkbox"/> BUSINESS DISPUTE <input type="checkbox"/> ASSAULT ON OFFICER <input type="checkbox"/> ASSAULT ON CITIZEN <input type="checkbox"/> OTHER (explain) _____				
	ADDRESS / PLACE OF OCCURRENCE (Include exact location)			LOCATION TYPE	
	<input type="checkbox"/> INDOOR <input type="checkbox"/> IN VEHICLE		<input type="checkbox"/> OUTDOOR		
LAST NAME		FIRST	M.I.	DATE OF BIRTH	SEX
					<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
HEIGHT	WEIGHT	RACE <input type="checkbox"/> WHITE <input type="checkbox"/> ASIAN		ETHNICITY <input type="checkbox"/> HISPANIC	SUBJECT ARRESTED
		<input type="checkbox"/> BLACK <input type="checkbox"/> OTHER (specify) _____		<input type="checkbox"/> NON-HISPANIC	<input type="checkbox"/> YES <input type="checkbox"/> NO

MEMBER USING FORCE	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	ON DUTY <input type="checkbox"/> YES <input type="checkbox"/> NO
--------------------	------	-----------	-------	------------	---------	--

APPLICABLE CONDITIONS PRIOR TO USE OF FORCE (check all that apply):

<p>Subject's Actions:</p> <p>Passively Resistant <input type="checkbox"/></p> <p>Actively Resistant / Self-Destructive Behavior (includes imminent threats) .. <input type="checkbox"/></p> <p>Deadly Active (includes imminent threats) <input type="checkbox"/></p> <p>Weapon Reported to be Involved <input type="checkbox"/></p> <p>Type of Weapon _____</p> <p>Actual Weapon Involved <input type="checkbox"/></p> <p>(specify) _____</p> <p>Used/Discharged Firearm <input type="checkbox"/></p> <p>Used Other Weapon <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>(specify) _____</p> <p>Use of Force Necessary to:</p> <p>Control Subject <input type="checkbox"/></p> <p>Defend Self <input type="checkbox"/></p> <p>Defend Another <input type="checkbox"/></p> <p>Make Arrest <input type="checkbox"/></p> <p>Prevent Escape <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>(specify) _____</p>	<p>DID THE SUBJECT APPEAR TO BE UNDER THE INFLUENCE OF:</p> <p>Drugs <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Alcohol <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>DID THE SUBJECT APPEAR TO HAVE A MENTAL ILLNESS: <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>WAS THERE KNOWLEDGE OF:</p> <p>Prior Contact(s) <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Prior Criminal History ... <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>History of Violence <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>WAS WARNING GIVEN BEFORE USE OF FORCE: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT FEASIBLE</p> <p>ADDITIONAL INFORMATION: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---

DID USE OF FORCE RESULT IN: NO VISIBLE INJURY PHYSICAL PAIN PHYSICAL INJURY SERIOUS PHYSICAL INJURY DEATH

DID SUBJECT REQUEST MEDICAL TREATMENT <input type="checkbox"/> YES <input type="checkbox"/> NO	DID SUBJECT REQUEST MENTAL HEALTH TREATMENT <input type="checkbox"/> YES <input type="checkbox"/> NO	ASSESSED BY PM <input type="checkbox"/> YES <input type="checkbox"/> NO
---	---	--

TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO	IF TRANSPORTED, WHERE
---	------------------------------

AMBULANCE ASSIGNED	AMB. NO.	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND
--------------------	----------	------	-----------	-------	------------	---------

INTERMEDIATE WEAPON(S) USED (See Page 2 if OC Spray or ECD was used) INTERMEDIATE WEAPON(S) DISPLAYED BUT NOT USED

Baton * Canine ** Propelled Beanbag Round Other _____

* If baton used, indicate serial number: _____

** If canine used, indicate dog's name and shield number: _____

W 157 YES NO

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK
USE OF FORCE REPORT**

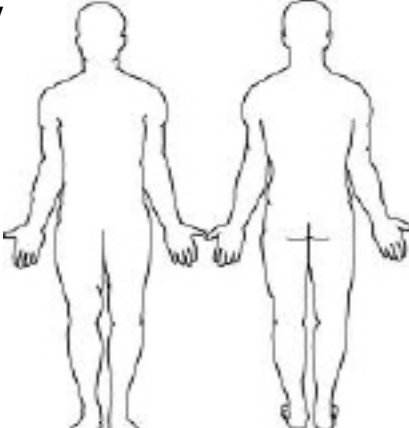
CASE REPORT NO:

MEMBER USING FORCE:

OLEORESIN CAPSICUM (OC) USED				<input type="checkbox"/> OC DISPLAYED BUT NOT USED	
OC SERIAL NO.	DISTANCE FROM SUBJECT WHEN SPRAYED (Feet)	<input type="checkbox"/> 3 - 5 <input type="checkbox"/> 6 - 8 <input type="checkbox"/> 9 - 11 <input type="checkbox"/> 12 - 15	NUMBER OF HALF-SECOND BURSTS SPRAYED	DURATION OF SPRAY (Seconds)	HOW LONG DID THE OC TAKE TO BECOME EFFECTIVE (Seconds)
WHERE WAS SUBJECT SPRAYED <input type="checkbox"/> EYES <input type="checkbox"/> NOSE <input type="checkbox"/> MOUTH <input type="checkbox"/> FOREHEAD		WAS FURTHER USE OF FORCE NECESSARY AFTER SPRAYING <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) _____		WAS OC EFFECTIVE <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain) _____	
WHAT WAS SUBJECT'S REACTION TO BEING SPRAYED <input type="checkbox"/> RETREATED <input type="checkbox"/> COVERED FACE <input type="checkbox"/> CONTINUED ACTIVITY <input type="checkbox"/> STOPPED ACTIVITY <input type="checkbox"/> DROPPED WEAPON <input type="checkbox"/> ASSAULTED OFFICER <input type="checkbox"/> CLOSED EYES <input type="checkbox"/> FELL TO GROUND <input type="checkbox"/> ANXIETY REACTION <input type="checkbox"/> OTHER (Describe) _____					
STEPS TAKEN TO DECONTAMINATE SUBJECT <input type="checkbox"/> COLD WATER <input type="checkbox"/> FRESH AIR <input type="checkbox"/> DEPT. AMBULANCE <input type="checkbox"/> HOSPITAL			HOW LONG BEFORE EFFECT OF OC DISSIPATED (Approx. Minutes) <input type="checkbox"/> 10 <input type="checkbox"/> 20 <input type="checkbox"/> 30 <input type="checkbox"/> 45 <input type="checkbox"/> 60 <input type="checkbox"/> 90 <input type="checkbox"/> > 90		
DESCRIPTION OF TREATMENT					

ELECTRONIC CONTROL DEVICE (ECD) USED				<input type="checkbox"/> ECD DISPLAYED BUT NOT USED	
ECD SERIAL NO.	NUMBER OF PROBES DISCHARGED	NUMBER OF HITS	DISTANCE FROM SUBJECT WHEN ECD WAS DEPLOYED (Feet)	DID OFFICER RELOAD AND DISCHARGE SECOND SET OF PROBES <input type="checkbox"/> YES <input type="checkbox"/> NO	
APPLICATION <input type="checkbox"/> DISPLAY <input type="checkbox"/> LASER PAINTING <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> PROBE DISCHARGE		LOCATION OF PROBES ON SUBJECT'S BODY		DID PROBES PENETRATE SKIN <input type="checkbox"/> YES <input type="checkbox"/> NO	
DESCRIBE SUBJECT'S CLOTHING			WAS THE ECD <input type="checkbox"/> VERY EFFECTIVE <input type="checkbox"/> EFFECTIVE <input type="checkbox"/> NOT EFFECTIVE <input type="checkbox"/> CONTACT NOT MADE		
IF NOT EFFECTIVE OR IF CONTACT NOT MADE, WHY <input type="checkbox"/> SUBJECT MOVED <input type="checkbox"/> MISSED <input type="checkbox"/> MALFUNCTION <input type="checkbox"/> ONE PROBE <input type="checkbox"/> HEAVY CLOTHING <input type="checkbox"/> CLOSE PROBE STRIKES <input type="checkbox"/> LOW MUSCLE MASS <input type="checkbox"/> OTHER _____					
SUBJECT'S REACTION TO					

PHYSICAL FORCE TECHNIQUE / OTHER WEAPON (check all that apply):		
PHYSICAL FORCE: <input type="checkbox"/> EMPTY HAND <input type="checkbox"/> MARTIAL ARTS TECHNIQUE <input type="checkbox"/> KICK <input type="checkbox"/> OTHER (specify) _____ <input type="checkbox"/> PUNCH _____	COMPLIANCE / CONTROL HOLD: <input type="checkbox"/> TWIST LOCK <input type="checkbox"/> TAKE DOWN <input type="checkbox"/> WRIST LOCK <input type="checkbox"/> OTHER (specify) _____ <input type="checkbox"/> PRESSURE POINT _____	<input type="checkbox"/> OTHER (specify and explain below)
W <input type="checkbox"/> YES <input type="checkbox"/> NO		

<p>SUBJECT'S INJURIES (indicate where on the body a given weapon/technique was applied)</p> <p>A = Intermediate Weapons (specify)</p> <p>B = Oleoresin Capsicum</p> <p>C = ECD - Drive Stun Only</p> <p>D = ECD - Contact Point</p> <p>E = Other</p> <p align="center">158</p>		<p>Check all that apply:</p> <p>None Visible <input type="checkbox"/></p> <p>Bruises. <input type="checkbox"/></p> <p>Abrasions. <input type="checkbox"/></p> <p>Lacerations <input type="checkbox"/></p> <p>Broken Bones <input type="checkbox"/></p> <p>Other (specify) <input type="checkbox"/></p> <p>_____</p>
---	---	--

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK
USE OF FORCE REPORT**

CASE REPORT NO:

MEMBER USING FORCE:

WERE ANY MEMBERS INJURED AT SCENE (include members who were exposed to OC) YES NO

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	INJURY NO.	HOW INJURED
1.						
2.						
3.						
4.						

ADDITIONAL MEMBERS AT SCENE YES NO

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND
1.				
2.				
3.				
4.				

ADDITIONAL COMMENTS / NARRATIVE

PREPARED BY	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	SQUAD	<input type="checkbox"/> UNIFORM <input type="checkbox"/> PLAINCLOTHES	<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY
--------------------	------	-----------	-------	------------	---------	-------	---	---

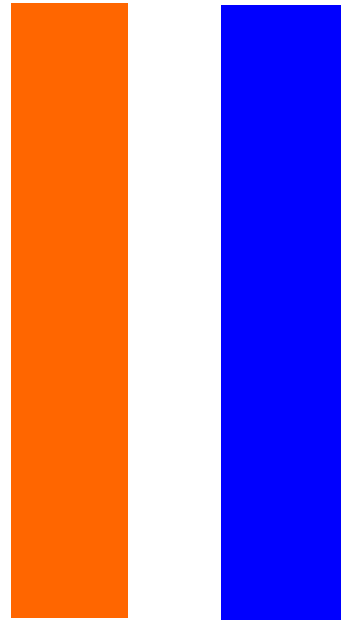
SUPERVISOR REVIEW	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

CO REVIEW	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

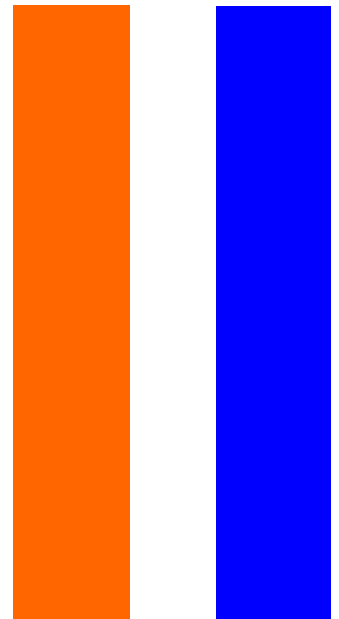
DIVISION CHIEF REVIEW	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

COD REVIEW	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

NASSAU COUNTY POLICE DEPARTMENT



Use of Force Reference Guide (Policies and Procedures)



**Patrick J. Ryder
Commissioner**



NASSAU COUNTY POLICE DEPARTMENT

USE OF FORCE

REFERENCE GUIDE

(Policies and Procedures)

The predominant responsibility of every Police Department is to provide safety for the citizens it serves. Enforcing the law, preventing and terminating the commission of crimes, conducting investigations and arresting criminal offenders are implicit duties in furtherance of this public safety objective. The use of force by police officers is necessary in certain situations while carrying out these duties. Police officers are authorized to employ reasonable levels of force in situations where the totality of the circumstances warrants such.

Recently, there has been an increase in attention and research on the use of force by police officers. Police Departments are obligated to periodically review and revise their policies and procedures to keep current with ever-changing technology, legal standards and court rulings, social issues and public perception.

This Department recognizes that training programs, policies, tactics, and recommendations for equipment are subject to change or revision when necessary. However, what has not and will not change are our core principles, namely to hold to the highest priority the safety of our officers and the public we serve, to respect the sanctity of human life and human dignity, and to enforce the law impartially. It is with this understanding that the Nassau County Police Department is publishing this Use of Force Reference Guide.

This Reference Guide is a compendium of the Department's current Use of Force policies, rules, procedures and forms, compiled into one source for ease of use and reference. All members are required to know and understand the policies and procedures set forth in this Reference Guide.

As always, the individual policies and procedures contained herein are also part of the Department Manual, which can be accessed via the Department Intranet.

The Use of Force Reference Guide is comprised of the following documents:

Department Policies:

- Policy 4200 Use of Force

Department Rules:

- Article 5 Standards of Conduct
- Article 8 Uniforms and Equipment
- Article 23 Police Operations

Department Procedures:

- ADM 1220 Unintentional Firearm Discharge
- ADM 1222 Deadly Force Review Board
- OPS 6210 Handling Diseased or Dangerous Animals
- OPS 6220 Stray and Dangerous Dogs
- OPS 6460 Vehicle Pursuit
- OPS 12410 Use of Force
- OPS 12420 Use of Deadly Physical Force
- OPS 12430 Use of Electronic Control Device (ECD)/Taser
- OPS 12440 Use of Intermediate Weapons
- OPS 12450 Use of Oleoresin Capsicum
- OPS 12460 Deadly Force Response Team
- OPS 12470 Rifle Deployment

Department Forms:

- PDCN Form 161 Unintentional Firearm Discharge Report
- PDCN Form 258 Use of Force Report
- PDCN Form 469 Animal Destruction Form
- PDCN Form 470 DFRT Firearm Discharge Investigation Report

Use of Force Glossary

The following section reviews and summarizes the significant changes to the Department's Use of Force policies and procedures.

- 1) *Department policy further emphasizes that when feasible and consistent with personal and public safety, Members should de-escalate the use of force once a particular threat and/or resistance has dissipated.*
- 2) *Force Members are reminded of Penal Law Article 121, Strangulation and Related Offenses, and in particular recently enacted Penal Law Section 121.13-a, Aggravated Strangulation, and that the carotid restraint, or "chokehold" is not an authorized use of force technique.*
- 3) *The slapper has been removed from the list of department-authorized equipment.*
[See Article 8, Uniforms and Equipment]
- 4) *The purpose and definition of the Deadly Force Review Board have been expanded to include any incident involving the use of force for which the Chief of Department directs a review.*
[See ADM 1222, Deadly Force Review Board]
- 5) *The Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) has offered its services and is available to assist the Department in virtually all issues involving animals. When handling stray dogs, or any diseased or dangerous animal, members will contact the appropriate Town Animal Shelter and will also contact the NCSPCA, whenever possible.*
[See OPS 6210, Handling Diseased or Dangerous Animals; and OPS 6220, Stray and Dangerous Dogs]
- 6) *OPS 12410, Use of Force, addresses use of force situations when physical force techniques are used (e.g., kicks, takedowns, compliance holds, etc.) rather than Department-issued equipment or weapons.*
- 7) *When deadly physical force is used, the Desk Officer or Tour Supervisor will notify the detective squad in the precinct of occurrence to respond and begin a preliminary investigation. The Precinct Squad Detective will confer with the Homicide Squad Detective Supervisor if the Homicide Squad has been assigned to investigate and is part of the Deadly Force Response Team.*
[See OPS 12420, Use of Deadly Physical Force; OPS 12460, Deadly Force Response Team]
- 8) *The ECD spark test is now a five second, rather than a one second, test.* [See OPS 12430, Use of ECD/Taser]

9) *OPS 12440, Use of Intermediate Weapons, had previously been titled Use of Impact Weapons.*

The Use of Intermediate Weapons procedure, by definition, has been expanded to include not only traditional impact weapons (e.g., police baton), but also ECDs and OC spray, the latter two addressed in separate procedures.

Additionally, the use of the propelled beanbag round and the deployment of canines are considered to be intermediate weapons and have been added to this procedure.

10) *Initiating the Mental Aided Persons procedure, if necessary and if practical, will be considered early on, prior to employing use of force.*

[See OPS 12410, Use of Force; OPS 12430, Use of ECD; OPS 12440, Use of Intermediate Weapons; OPS 12450, Use of Oleoresin Capsicum]

11) *Members will check a subject's condition, render aid, and initiate the Aided Cases procedure, as dictated by the criteria specified in the respective procedure, after employing use of force.*

[See OPS 12410, Use of Force; OPS 12420, Use of Deadly Physical Force; OPS 12430, Use of ECD; OPS 12440, Use of Intermediate Weapons; OPS 12450, Use of Oleoresin Capsicum]

12) *The duties of IAU and MAO personnel, when acting as part of the Deadly Force Response Team, have been more clearly described. IAU personnel will respond in cases where there appears to be significant deviation from Departmental policies and procedures. MAO personnel will respond in cases where involved officers appear unfit for duty.* [See OPS 12460, Deadly Force Response Team]

13) *PDCN Form 258, Use of Force Report, has been revised to reflect changes made to the Department's Use of Force procedures.*

Most notably, a section has been added to cite those cases when a physical force technique was used.

In addition, PDCN Form 258 will be completed in all situations during which a propelled beanbag round or a canine was deployed. Reporting on PDCN Form 258 in such cases does **not** preclude the member from completing any current command or departmental forms that a respective command may require.

14) *The Use of Force Glossary contains definitions of terms specific to and used primarily in association with use of force procedures.* This was created exclusively for the Use of Force Reference Guide.

The terms defined in the Use of Force Glossary are also included in the Department Manual Glossary.



Department Policies

SECTION TITLE

SECTION NUMBER

REVISION

Police Operations

POL 4000

11

POL 4000 Police Operations

POL 4001 Duty

In furtherance of the Department's Mission, it is the duty of the Police Department and the Members of the Force, at all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace, and enforce all laws and ordinances over which the Police Department has jurisdiction.

POL 4005 Cooperation Between Members

In order to fulfill our vision for the Department and its members, all Members of the Department need to cooperate with each other. When a Member obtains information which may be of value to a unit other than his own, he will report the facts to his Commanding Officer, who will transmit the information to the Command affected.

POL 4100 Enforcement

POL 4101 Foreign Nationals [See Glossary] and Undocumented Persons

Regardless of a person's legal status, all persons in Nassau County are required to abide by the local, state and federal laws currently in effect. The Nassau County Police Department will not inquire into any person's immigration status. This includes the immigration status of crime victims, witnesses, and anyone who calls the police seeking assistance.

POL 4103 Racial Profiling and/or Racial Bias

The Police Department does not condone racial profiling and/or racial bias and Members of the Department will not engage in racial profiling and/or racial bias. It is inconsistent with effective policing and equal protection of the law for all persons. Racial profiling and/or racial bias undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department. Even the perception of racial profiling and/or racial bias creates a distrust that discourages participation in the criminal justice system.

Racial profiling and/or racial bias occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search, an arrest or use of force. However, when an officer has information which links specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Discretion is at the core of a police officer's job and it permits innovative, flexible problem solving. However, it also provides opportunities for conscious and unconscious bias and prejudice that could affect decision-making. A Fourth Amendment basis to stop does not legitimize stops which are initiated essentially because of racial profiling and/or racial bias. Such stops can cause deep cynicism about fairness and the legitimacy of law enforcement and the judicial system.

POL 4200 Use of Force

Use of Force - Mission Statement

It is the policy of the Nassau County Police Department to care for the people and communities we serve, to respect human dignity, to protect the rights of all people and to be committed to fairness and respect in our interaction with the people we serve.

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community. Therefore, when faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of members of the Nassau County Police Department shall be those principles set forth above, as well as the paramount objective of reverence for the sanctity of human life.

EFFECTIVE DATE

PAGE

02/05/2021

1 of 7

Use of Force - General

Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures.

In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. In some cases it may be necessary to use force to bring a particular incident or person under control. In those situations, force is authorized when reasonably believed to be necessary to effect a lawful arrest or detention, to prevent the escape of a person from custody, or in defense of one's self or another. A member may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force once a particular threat and/or resistance has dissipated. The selection of appropriate force by a Member of the Department shall be based upon the totality of circumstances [See Glossary] present at the time such force is employed, taking into account the situational use of force training and guidelines provided by the Nassau County Police Department. A Member of the Department must be able to clearly explain his or her reason(s) for the use of force and the external circumstances that formulated his or her decision to utilize force in a given situation. To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the threat or resistance posed by the suspect;
3. the potential for injury to citizens, officers, and suspects;
4. the risk or attempt of the suspect to escape;
5. the knowledge, training, and experience of the officer;
6. officer/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member of the Department's decision to use force in a particular situation, including the type and degree of force, should exhibit a rational, constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the gathering of information, assessment of the overall situation, consideration of police powers and Department policy, identification of available options and the determination of a suitable course of action, as well as reviewing and re-assessing the situation.

It should be noted that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are obligated to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm. Conversely, members of law enforcement who fail to use force when warranted may endanger themselves, the community and fellow officers. As such, in every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy. Members of the Department who observe another member using force that exceeds the use of "objectively reasonable" shall promptly report these observations to his/her immediate supervisor.

Force shall not be used by a Member of the Department for the following reasons:

1. to extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
2. to coerce a confession from a subject in custody;
3. to obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purpose of scientific tests in lieu of a court order where required;
4. against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

Use of Deadly Physical Force

Deadly physical force [\[See Glossary\]](#) is only appropriate under circumstances where its use is justified and authorized by applicable federal and state law, and is in accordance with this policy and the rules and procedures set forth in the Operational Procedures Section of this Department Manual. Furthermore, a Member of the Department is only justified in using deadly physical force when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury, and
2. the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the member or to others.

The basis for such a determination depends on the totality of circumstances known or reasonably perceived by the Member of the Department at the time. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly physical force, the external circumstances that formulated his or her decision to utilize deadly physical force, as well as the factors that led to the conclusion that the member's life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly physical force was objectively reasonable. When feasible, Members of the Department shall provide a warning prior to the use of deadly physical force.

When faced with an individual who *only* poses a danger to himself or herself *and not* to other civilians or officers, Members of the Department are prohibited from using deadly physical force. In this case, Members of the Department should carefully consider the use of less-lethal options and exercise discretion to wait as long as necessary so the situation can be resolved peacefully.

Incidents involving the use of deadly physical force by Members of the Department are thoroughly reviewed by the Department on a case by case basis.

Use of Force – Reporting and Review

Members of the Department shall notify their immediate supervisor as soon as practicable of the involvement in the following use of force incidents:

1. incidents that result in physical injury;
2. incidents that a reasonable person would believe is likely to cause an injury;
3. incidents that result in a complaint of pain from the suspect other than complaints of minor discomfort from handcuffing;
4. incidents that result in the discharge of an Electronic Control Device (ECD) after being displayed; and
5. incidents that result in the discharge of a firearm at a subject.

Following involvement in any such incident, Members of the Department are required to complete PDCN Form 258, Use of Force Report, and submit it to their immediate supervisor.

A supervisor who is made aware of a use of force incident shall ensure the completion of PDCN Form 258 by all members engaging in reportable incidents. The completed form(s) will then be forwarded through the chain of command to the Chief of Department.

All members are required to know and understand the applicable policy, rules and procedures as set forth in this Department Manual, including the below-listed procedures and rules, with regard to the use of force:

- 1. Use of Force – OPS 12410,**
- 2. Use of Deadly Physical Force – OPS 12420,**
- 3. Use of Electronic Control Device (ECD)/Taser – OPS 12430,**
- 4. Use of Oleoresin Capsicum (OC) – OPS 12450,**
- 5. Use of Intermediate Weapons - OPS 12440,**
- 6. Deadly Force Response Team (DFRT) – OPS 12460,**
- 7. Rifle Deployment – OPS 12470**
- 8. Handling Diseased or Dangerous Animals – OPS 6210,**
- 9. Stray and Dangerous Dogs – OPS 6220,**
- 10. Vehicle Pursuit – OPS 6460,**
- 11. Unintentional Firearm Discharge – ADM 1220,**
- 12. Deadly Force Review Board – ADM 1222,**
- 13. Department Rules, Article 5 – Standards of Conduct,**
- 14. Department Rules, Article 8 – Uniforms and Equipment,**
- 15. Department Rules, Article 23 – Police Operations.**

All Members of the Department shall receive training and demonstrate their understanding of the proper application of force.

The Chief of Department, Chief of Detectives, Chief of Patrol and Commanding Officer of the Police Academy will review, on a quarterly basis, use of force incidents to examine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.

POL 4300 Investigations - Objectives

POL 4301 Domestic Incidents

Domestic violence is a complex social problem affecting families and households from all cultural and economic backgrounds. Offenses committed between family or household members are serious events. This is true regardless of the relationships, social status, or living arrangements of the persons involved. The policies and procedures of the Department are intended to protect victims of domestic violence, enforce laws, and prevent future violence.

In all domestic incidents, the police objective is to protect victims of domestic abuse. Protection is accomplished by making arrests when laws are violated. Failure to make these arrests may increase physical and emotional risks to victims. Members of the Department do not attempt to mediate domestic violence cases in lieu of court proceedings. Our policy is to arrest when there is reasonable cause to believe that an offense has been committed or that an order of protection has been violated. The determination of reasonable cause is not to be influenced by the domestic relationships of the parties involved.

Victims are often unable or unwilling to make decisions to arrest offenders. Police arrests remove the burden of those decisions from victims. Therefore, when police arrests can be made, the victims will not be requested or required to make civilian arrests. If a civilian arrest is the only option available, the victim is provided with information, assistance, and encouragement to cause and facilitate the lawful arrest.

At times, in a domestic context, a subject knowingly acts in a manner likely to be injurious to the physical, mental or moral, welfare of a child less than seventeen years old. An act that is specifically directed at a child may be in the form of abuse or neglect. In some cases, a subject perpetrates a violent act against a family member and a child

witnesses the act. Such circumstances where a child is exposed to violence may involve acts such as repeatedly punching a victim, dragging, strangling, throwing someone to the ground, assault or menacing with a weapon.

When responding to reports involving children, all members give careful consideration to the totality of circumstances, as they may affect children involved. The Police Department enforces applicable laws in these situations especially the charge of endangering the welfare of a child.

POL 4315 Bias Incidents

Bias incidents are defined as offenses against persons or property, which appear to be motivated, in whole or in part, by the race, religion, ethnic background, or sexual orientation of the victims. These offenses, whether violent or non-violent in nature, have a serious effect on victims and can destroy the quality of life in communities and, therefore, have no place in our society. The Police Department will use its resources to prevent these types of incidents and will take vigorous enforcement action against perpetrators of such acts.

The primary approach is prevention through education, by promoting instruction about the effects of bias acts on the victim, and the legal consequences for committing such acts. This instruction is conducted throughout the community we serve. Some programs, such as Students and Teachers Opposed to Prejudice (STOP) and Police Anti-Vandalism Education (PAVE) specifically target young people, in order to reduce the incidence of bias related crimes.

When preventive efforts fail, the Department will deal with violations by strictly enforcing applicable laws. The Detective Division is responsible for the investigation of bias crimes, and the Bias Crime Coordinator assists investigations, conducts analysis, develops intelligence, educates members of the Department, and acts as a liaison to the community and outside agencies on issues related to hate crimes.

POL 4316 Limited English Proficiency Persons

The Department recognizes the importance of maintaining a standard where effortless and accurate communication can be achieved between Members of the Department and Limited English Proficiency (LEP) persons. To aid in the process of police encounters with the LEP public, the department utilizes Department Interpreters who are proficient in secondary languages. This is accomplished through employee skills information furnished by Members of the Department representing their levels of proficiency, certification, accreditations, training, and pertinent experience.

Retaining the true message from the target audience's language is the aim of the interpreter. Conserving cultural terms and English words used by the LEP person is just one aspect in the process. Impartiality, confidentiality and professionalism in obtaining the facts are other elements of good interpretation. [\[See OPS 3132-A\]](#)

These objectives are further reached with in-service training provided to Members of the Department reinforcing the components of various encounters with LEP persons. In addition to in-service training, identification and recruiting of new hires for uniformed and civilian positions who are proficient and fluent in speaking and writing in secondary languages, is another method of enhancing the department's goal.

To further increase communications with LEP persons, public service announcements and alerts through the Nassau County Police Department's website are made available in Spanish in the same form as the English language equivalent in formats including print, website, text message, and pre-recorded cell phone messages.

POL 4400 Community and External Relations - Objectives

Favorable relations with the various communities in Nassau County are essential in order to effectively carry out the police mission. The preservation of good community relations is dependent upon positive interaction and communication between the people and their police. The Police Department continuously strives to maintain a climate in which police officers

can perform their duties with the acceptance, understanding, and cooperation of the public they serve.

POL 4401 Openness of Operations

The Department views openness in matters of public interest as an issue of importance. The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with consideration for maintaining the confidentiality of certain Department records. In addition, the Department strives to make known its policies and objectives.

POL 4402 Role of the Individual Officer

Positive community relations are best manifested in the numerous daily encounters between individual officers and the public. These contacts present the greatest opportunity for establishing and strengthening attitudes that foster cooperation and support. The Police Department endeavors to have each officer inspire respect for police officers as professionals, and the Department as a partner in the community, through positive public contacts that encourage cooperation and approval.

POL 4403 Respect For Individual Dignity

Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law. Respect for individual dignity is an obligation that all Department members must consider in their daily contacts with the public. The Police Department attempts to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

POL 4404 Responsiveness to the Community

The Department acknowledges its obligation to be responsive to the needs and problems of the many communities within its jurisdiction. The Police Department seeks to be attentive to the concerns of the community at all levels of the organization and to demonstrate a genuine interest in problems brought to the Department's attention by concerned individuals and groups.

POL 4405 Dignity of Mental Aided Persons

The policy of the Nassau County Police Department is to assist mental aided persons who need assistance. This includes rendering necessary aid or medical care in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability. The Nassau County Police Department is committed to treating people experiencing a mental health crisis with the same dignity and respect that we treat all medical emergencies. This process aligns with our ongoing commitment to problem solving, community partnerships and working collaboratively in ensuring proper mental health response and services are provided within Nassau County.

POL 4410 Liaison With Community Groups

Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The Police Department maintains an active role in community affairs through frequent and regular contacts between commanding officers and the various civic organizations and community groups in the areas of their responsibility.

POL 4500 Emergencies and Planned Events

The primary function of the Police Department is to protect human life and provide for the safety of the Nassau County community. The Department also strives to prevent and manage its response to threats and breaches to homeland security. Our involvement in planned events and response to emergency incidents at local and national levels, often involves coordination with other agencies. To that end, it is necessary to effectively communicate and work with other agencies to accomplish those objectives.

The National Incident Management System (NIMS) and the Incident Command System are used by this department for incidents including limited area disasters, hazardous materials incidents and weapons of mass destruction incidents.

POL 4501 National Incident Management System (NIMS)

The National Incident Management System (NIMS) incorporates common terminology and organizational structures familiar to all agencies nationwide. Through a variety of systems, protocols and technologies the Department can work together with other agencies and organizations to effectively and efficiently manage emergencies and planned events.

POL 4502 Incident Management

Police work involves many functions performed at incidents of varying sizes, levels of complexity, and degrees of danger. By using the Incident Command System, a flexible management system used to coordinate operations at incident scenes, the Department strives to prepare its members to handle any incident, large or small, planned or emergency, in a manner that will lead to a successful conclusion.

POL 4503 Limited Area Disasters

Limited area disasters are defined as incidents which cannot be controlled through the ordinary deployment of personnel. Effective disaster control operations are dependent upon the coordination and cooperation of police, fire, and various other public and private agencies that may be called upon to perform duties in conjunction with the occurrence. Some limited area disasters may require extraordinary measures such as a declaration of a state of emergency, made by the County Executive, or the activation of the emergency broadcast system. These incidents usually require a unified command. In accordance with the disaster control plan and in furtherance of the Department's mission, the Department and its members are committed to coordinating and cooperating with other agencies in managing limited area disasters.

POL 4504 Hazardous Material Incidents

Hazardous material incidents potentially pose significant and serious threats to public safety. The Department's response to hazardous material incidents is designed to minimize those threats to public safety while attempting to control the incident. Early assessment of the actual and potential threats to life, health, and environment will determine the necessary response to the incident. Some hazardous material incidents, due to size and scope of the incident, may be limited area disasters.

POL 4505 Weapons of Mass Destruction Incidents

The Department's overall response to weapons of mass destruction incidents includes duties and responsibilities in each of the five phases of law enforcement's response. The five phases are prevention, notification, response, recovery, and restoration. The response of police personnel as the first responders to scenes involving weapons of mass destruction and the actions those first responders take will determine the effectiveness of an overall plan of action to limit or contain the damage these weapons are designed to inflict.

The destructive power of a weapon of mass destruction is determined by three factors, the product, the container holding the product, and the environment in which the product is used or released. Police response, in particular during the notification and response phases, is important to limiting the potential destruction.



ARTICLE TITLE	SECTION NUMBER	REVISION
Standards of Conduct	ART 5	11

Rule 1. Dedication to Duty

1. Members of the Department will promptly and faithfully perform all of the duties of their positions and will not engage or agree to engage in any actions that may interfere with or impair the efficiency or operation of the Nassau County Police Department or any other governmental agency.
2. Members of the Department, whether on or off duty, will not engage in conduct unbecoming an officer or Member of the Department, or in any action which may be prejudicial to the good order and efficiency of the Police Department.
3. Members of the Department will first and foremost devote their time and attention to the service of the Department and will not engage in any other business, calling or conduct which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
4. Members of the Department will report, immediately, to a Superior Officer in the Command having jurisdiction, any delinquency, dereliction of duty, violation of the Department Rules, conduct, disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a superior officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.

Rule 2. Misconduct

Members of the Department *will not*:

1. engage in unlawful conduct, whether on or off duty.
2. make or submit or cause to be submitted a false official communication, record, or statement.
3. unjustifiably interfere with nor attempt to influence the lawful business of any person.
4. indulge in games of cards or chance while on duty.
5. litter with refuse any departmental property.
6. smoke in public while in uniform.

Rule 3. Fitness For Duty

1. Members of the Department will be fit for and subject to full duty at all times, except when on authorized leave or as otherwise directed by the Commissioner of Police.
 - a. Permanent physical or mental incapacity to perform police duties may be cause for separation from the Police Department.
2. Members of the Force must immediately notify the Department when they have a medical, psychological, or legal condition that may affect their right or ability to possess a firearm.

Rule 4. Obeying Orders

1. Members of the Department will promptly obey all lawful orders, instructions, directions, and requests of Superior Officers.
 - a. Orders from members assigned to the Office of Commissioner of Police, or the Office of a Deputy Commissioner, Chief of Department, or Division Chief, when so directed, will be deemed to be the orders of such members' superior and will be promptly obeyed as such.
 - b. Members of the Force must promptly surrender all firearms and Department identification possessed by them when ordered by a Superior Officer.
 - c. Members of the Department will respond to the Employee Assistance Office (EAO) when directed to do so by a Superior Officer.

EFFECTIVE DATE	PAGE
07/08/2016	1 of 6

2. Members of the Department will promptly obey all lawful orders, instructions, and directions of Department Police Surgeons.

Rule 5. Keeping Superiors Informed

1. Members of the Department will keep their Superiors informed of all important matters and of any action taken pertaining to those matters.
 - a. Important matters include the following:
 - 1) a Member of the Department who appears unfit for duty,
 - 2) a serious complaint against a Member of the Department,
 - 3) important messages,
 - 4) matters that require the attention of the Superior.
 - b. Members of the Department will immediately notify a supervisor upon receipt of a civilian complaint.
2. Members of the Department will, when engaging in any official action while off duty, report such action to their Commanding Officer as soon as practical.
3. Members of the Department will immediately report to their Commanding Officer if:
 - a. they are arrested, *or*
 - b. they are a defendant, respondent or other subject of any action or proceeding commenced in any federal, state or local court, charging the commission of a felony or a misdemeanor defined under New York or federal law or the law of any other state or jurisdiction or any other offense defined in the Penal Law.

Note: Details to be reported will include court, charges, and the place, date and time of any arrest.

4. Members of the Department receiving a written communication from the public concerning Police Department activity will, without unnecessary delay, deliver same to their Commanding Officer.
 - a. The member's Commanding Officer will promptly cause receipt of such to be acknowledged and take whatever other action is appropriate.
5. Members of the Force on patrol will report, without unnecessary delay, to the Desk Officer any condition or occurrence requiring attention, such as serious crimes, casualties, or unsafe public conditions.

Rule 6. Respect

1. Members of the Department will be respectful in their contact with Superior Officers and all other persons within and without the Police Department.
2. Members will give their rank, name, shield number, and command to any person who requests same.
3. Members will give the rank, name, shield number, and command of another Member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining same.

Rule 7. Intoxicants

1. No Member of the Department will indulge in intoxicants while in uniform. No Member of the Department will be unfit for duty by reason of intoxicants.
2. A Member of the Department will not bring or permit to be brought any intoxicant into a departmental building, booth, boat, vehicle, or aircraft, except in the performance of police duty, or when required for prompt administration under the personal direction of a physician.
3. Unless in the immediate performance of police duty or with the permission of the Commissioner of Police, a Member of the Department in uniform will not enter any premises used for the manufacture, storage, or shipping of intoxicants or any premises where an intoxicant is sold, except for the purpose of eating a meal in a duly licensed hotel or restaurant.
4. A Member of the Force is prohibited from being either directly or indirectly interested in the manufacture or sale of alcoholic beverages.

5. When a Member of the Department is authorized to consume alcohol during a special assignment, prior to resuming his normal duties, the member will notify a supervisor who will determine the member's fitness for duty and will direct the member accordingly.

Rule 8. Reporting For Duty

1. Members of the Department will report for duty as directed by competent authority.
2. Members will not report late for duty.
3. Members will not absent themselves without proper authorization.
4. Members will not exceed the meal period authorized by applicable labor agreement.
5. Members of the Department will sign on and off duty with their command.

Rule 9. Post Duties

1. Members of the Department who are performing patrol duty, assigned to a post [\[See Glossary\]](#), or are otherwise involved in the emergency operations of the Department will:
 - a. remain constantly alert and observant,
 - b. not hold unnecessary conversation while performing duties,
 - c. not enter vehicles, conveyances, or structures except in the performance of duties,
 - d. familiarize themselves with the post or duty to which assigned.
2. Members assigned to posts will proceed to the designated post or relieving point without unnecessary delay and:
 - a. inspect the post immediately,
 - b. note any condition requiring attention, and
 - c. take appropriate action.
3. Members assigned to a post with a police booth in his territory will ensure the following:
 - a. the booth is properly lighted during hours of darkness,
 - b. the national colors are properly displayed in accordance with Article 13, Rule 11.

Rule 10. Quitting Post

1. Members of the Department assigned to posts will not quit their posts except for official necessity, personal necessity, or meal period.
2. If required to quit his post for official necessity, a Member will:
 - a. enter in his memorandum book, as soon as circumstances permit,
 - 1) the time of leaving and reason,
 - 2) the time of returning to his post.
3. If required to quit his post for personal necessity, a Member will:
 - a. enter in his memorandum book, before quitting his post,
 - 1) the time of leaving and reason,
 - 2) the premises to be entered,
 - b. enter in his memorandum book the time of returning to his post.
4. Before quitting his post for meal period, a Member will request a meal period and await approval.
5. If assigned to a post required to be manned, a Member will:
 - a. request relief and await the relief before quitting his post,
 - b. at the end of his tour of duty, remain on duty until relieved.
 - 1) If no relief is present at the end of the tour, the Member will not quit his post and will communicate with his Desk Officer or Superior Officer and comply with the instructions received.
6. If assigned to a post with Departmental radio communications, a Member will communicate by radio the following:
 - a. his intention to quit his post, prior to leaving,
 - b. his return to post.

Rule 11. Departmental Business

A Member of the Department will treat as confidential the official business of the Police Department and information obtained by him by virtue of his official capacity. He will not talk for publication, be interviewed, make public speeches, or impart information relating to the official business of the Department to anyone, except:

1. Under the due process of law.
2. As directed, or with the permission of the Commissioner of Police.
3. As directed, by the Department Rules or Departmental Orders.
4. A representative of the Press, upon establishing his identity, may be advised of the current news, if the ends of justice are not thereby defeated or laws violated, and with permission of the Commissioner of Police or the Commanding Officer, Public Information Office.
5. A properly identified employee of the State of New York or the County of Nassau Civil Service Commissions or United States government may be furnished with information, in compliance with current law, which, in the opinion of the Commanding Officer, may be necessary to aid them in the investigation of applicants or as otherwise directed by the Chief of Department or Division Chief.
6. Information concerning persons arrested may be given by authorized members to properly identified representatives of organized law enforcement agencies, a Parole Commission, or Probation Department except that arrest information recorded in records and files which have been sealed in compliance with a Court Order may only be released by the Records Bureau and then only in accordance with the provisions of current law.
7. Members of the Force are prohibited from using any person as a confidential informant with whom they have had or currently have a familial, social or business relationship.
8. Members of the Force are prohibited from using contraband as a form of compensation to a confidential informant.

Rule 12. Police Business Outside County

1. Members of the Department will not leave the Counties of Nassau, Suffolk, or Westchester or the City of New York on police business except by authority of the Chief of Department or Division Chief. In the event of an emergency, when such authority cannot be obtained, Commanding Officers may grant permission to leave the County.
2. Members will not leave the County in uniform, in any event, except in close pursuit, extreme police emergency, or as otherwise directed by the Chief of Department or Division Chief. However, members residing in the City of New York, County of Westchester, or Suffolk County, may wear the uniform in traveling to and from authorized police duties and assignments.
3. Except in the case of urgent police necessity, Members will not cause any Departmental vehicles, vessels, aircraft, equipment, or Department owned animals to be removed from the County of Nassau without the express approval of his Commanding Officer.
4. Members of the Department will only use Non-Revenue E-Z Passes for official Police Department business.

Rule 13. Gratuity

Members of the Department will not ask for or receive or consent or agree to receive any emolument, gratuity, or reward or any promise of same, or any personal advantage; nor will they solicit, contribute, cause to be solicited, contributed, or paid, directly or indirectly, any money or valuable thing to be used in connection with a matter affecting the Department. The offering, selling, or giving of any tickets, objects, advertisements, or promises, directly or indirectly, personally or through any agent, by any Nassau County Police Department affiliated group or organization or individual member of this Department is prohibited, except if authorized, in writing, by the Commissioner of Police. This does not apply to membership, dues, assessments, etc., paid to authorized department organizations or other authorized purposes. Any checks, monies, awards,

gifts, etc., so received, will be immediately forwarded, through official channels, to the Office of Commissioner of Police with brief facts concerning same.

Rule 14. Financial Responsibility

1. Members of the Department will promptly pay just debts and will not incur liabilities which they are unable or unwilling to discharge.
2. Members of the Department will not incur a liability, chargeable against the County, without the approval of the Chief of Department or Division Chief.
3. No Member of the Department will sign any note or other instrument as co-maker, guarantor, or endorser, for any money borrowed by any other Member of the Department. This rule will not pertain to the member's immediate family.

Rule 15. Personal Appearance

Members of the Department will be neat and clean at all times while on duty. Personnel will comply with the following grooming standards. Commanding Officers may permit non-uniformed members to exceed these guidelines if the particular job assignment requires same for the duration thereof.

1. Uniformed Members - Male
 - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or lengths of hair which may be readily grabbed by a suspect or defendant.
 - b. Sideburns will be neatly trimmed, may extend to the bottom of the ear lobe, trimmed level therewith, and be not more than one and one-half inches wide at the base. In no event will such be so wide as to interfere with a proper seal when wearing a Scott Air Pac.
 - c. Neatly trimmed moustaches may be worn, which will not extend over the top of the upper lip, but which may extend outward or downward one-half inch beyond the corners of the mouth.
 - d. Beards and Goatees will not be permitted. A growth of whiskers will be permitted while on duty for medical reasons only when approved by the Chief Surgeon.
2. Uniformed Members - Female
 - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or length of hair which may be readily grabbed by a suspect or defendant.
 - 1) Hair longer than the above may be worn but must be pulled back away from the face and secured so that it does not touch the collar.
 - 2) Items used to hold hair up must blend with hair.
 - 3) Decorative articles may not be worn in hair.
 - b. Make Up, if worn, is to be worn in moderation while in uniform.
 - c. Black socks or black stockings are to be worn with the uniform.
 - d. Shoes to be worn, while in uniform, will:
 - 1) Be black, plain style, and low heel (not more than 2 inches).
 - 2) Not be platform type, open toe, or open heel.

3. Uniformed member may not wear any item of jewelry which constitutes a safety hazard.
 - a. Rings may be worn on only one finger of each hand while on duty.
 - b. The wearing of an earring or earrings will not be permitted.
4. Non-Uniformed Members
 - a. Will be neat and tidy at all times.
 - b. Extreme or exaggerated attire will not be permitted.
 - c. Hair will be neatly groomed.

Rule 16. Use of Force

1. Members of the Department will not use force except as provided by law.
2. Members of the Force will not use force except as provided by law.
3. A Member of the Department will notify a Supervisor, as soon as practical, whenever he uses deadly force.
4. Members of the Force will notify a Supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.

Rule 17. Discrimination in the Workplace

1. Members of the Department will not discriminate against another member, or participate in, or encourage behavior that constitutes discrimination.
2. Members of the Department will promptly report acts of discrimination they observe, or become aware of, to a supervisor.
3. Members of the Department will not disseminate any photograph, literature or other material that may create a hostile work environment.
4. Members are required to familiarize themselves with the current Nassau County Equal Employment Opportunity Policy.

Rule 18. Notification of Off-Duty Employment

1. Members of the Department are permitted to engage in off-duty employment, but will notify their Commanding Officer within 5 working days upon beginning such employment.
2. Members of the Department will not engage in off-duty employment which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
3. Members of the Department, while engaging in off-duty employment and for the purposes of that employment, will not use any Police Department equipment or access any information retained by the Department.
4. Members of the Department, while performing activities related to off-duty employment, will not: conduct themselves in a manner that would give the appearance that they are acting within the scope of their Nassau County Police Department employment, wear all or part of the Nassau County Police Department uniform, identify themselves as Members of the Nassau County Police Department or as Police Officers.

Rule 19. LIRR Police Ride Program

1. Members of the Force utilizing the LIRR Police Pass will comply with all conditions of use listed on the pass.



Uniforms and Equipment

ART 8

13

Rule 1. In an effort to provide uniform options for weather variances while still maintaining a uniform standard, Members of the Department will choose exclusively from the uniform options that are detailed below:

1. **Uniform of the Day** (All Year)

Police Officers and Sergeants:

- Long-sleeve blue shirt
- Mock-neck shirt or mock-neck dickey
- 6-pocket BDU pant

Lieutenants and above:

- Long-sleeve blue shirt
- 4-Pocket Pant (trousers)
- Blue tie, *or*
- Long-sleeve white shirt with black tie and Blouse

Captains and above:

May wear the Department sweater in conjunction with the shirt and tie, except at official ceremonies, parades, funerals, or when representing the Department at meetings or functions.

a. **Summer Option** (All Members from April 1 to November 1)
(Administrative Members All Year)

- Short-sleeve blue shirt
- Black T-shirt

Note: Members *not* on Patrol may wear a white T-shirt.

b. **Winter Option** (September 1 to June 1)

Police Officers, Sergeants and Lieutenants:

May wear the waist-length duty jacket.

Sergeants and above:

May wear the regulation white shirt with black tie and the waist-length duty jacket.

Captains and above:

May wear the administrative officer's overcoat.

All members may wear black leather gloves with either the waist-length duty jacket or the administrative officer's overcoat.

c. **Indoor Option**

All Members:

May wear the short-sleeved summer shirt when assigned to and performing duty indoors,
If a T-shirt is visible, it must be either black or white.

Lieutenants and Sergeants assigned as Desk Officers may wear the blouse with the white shirt and black tie while performing such duty.

2. Uniform of Detail (for Ceremonies, Funerals, Parades, and Other Details)

Police Officers:

4-pocket pant
Long-sleeve blue shirt
Blue tie
Dress Blouse
Uniform Cap
White gloves

Rank Appropriate for Detectives, Sergeants and above:

4-pocket pant
White shirt
Black tie
Dress Blouse
Uniform Cap
White gloves

3. Special Duty Uniform

A Special Duty Uniform will be worn by members of those units who the Commissioner of Police has determined perform duty assignments which make the wearing of the standard uniform impractical. Commanding Officers will request approval through the Office of Chief of Department (TOC) for articles of clothing that are deemed appropriate for their respective Commands.

Winter Option (September 1 to June 1)

May wear the waist-length duty jacket.

4. Civilian members in uniform will be guided accordingly.
5. Police Medics will wear a black T-shirt when wearing an open-collared uniform shirt.

Rule 2. Wearing the Uniform

1. Members of the Department will wear, at all times while on duty, such articles of uniform and equipment as prescribed by the Commissioner of Police.
 - a. Such articles, issued by the Uniform Section for their rank or position, will be maintained in a neat, clean, and serviceable condition.
 - b. The prescribed uniform will be worn only when necessary.
2. The uniform will be securely fastened.
3. No part of the uniform will be worn in conjunction with civilian clothing or unauthorized articles of clothing or accessories, except when traveling to and from work in a private vehicle in an off-duty status.
4. If wearing the blouse, the waist-length duty jacket, or the administrative officer's overcoat over a uniform, a member while indoors may remove the outer garment and properly affix the shield to the outermost garment.
5. Black shoes, suitable for police duty, and black socks will be worn at all times with the uniform.
6. A visible T-shirt will be black; however, members who are assigned to and are, in fact, performing duty indoors may opt to wear either a white or black T-shirt.

7. The uniform cap will be worn straight on the head with the visor centered directly over the nose. The knit cap may be worn in conjunction with the waist-length duty jacket from November 1 to April 1 each year.
8. Prescribed raincoats and adequate black waterproof footwear will be worn during inclement weather.
9. Gloves:
 - a. White cotton or woolen gloves will be worn while performing traffic duty when a member is wearing the winter option uniform.
 - b. Members assigned to operate motorcycles may wear plain black leather gauntlets during the operation of same and either plain black leather or Department-issued gloves with the summer option uniform.
10. A prescribed American Flag Bar or Pin may be worn on the uniform and affixed to the left lapel of the overcoat or blouse or centered above the shield and award bars.
11. A Member of the Department, when in uniform, may only wear a tie clasp prescribed by the Commissioner of Police.

Rule 3. Uniforms and Special Circumstances

1. Members of the Department, directed to report to the Office of any Officer of this Department above the rank of Lieutenant, or at the Departmental Trial Room, or to any court or hearing within the County of Nassau, New York, with regard to any Departmental matter, will do so in uniform, except members permitted to wear civilian clothing, or as otherwise directed.
2. Members of the Force above the rank of Lieutenant may wear civilian clothing when conducting an investigation or when the wearing of a uniform would be impractical.
3. A Member of the Force designated as Aide to the Commissioner, while in uniform, will wear a prescribed gold aide cord on the left shoulder when so directed by the Commissioner of Police.
4. Members of the Force designated as Adjutants, while in uniform, will wear a prescribed blue aide cord on the left shoulder when acting as Adjutants or as otherwise directed by the Chief of Department.
5. Chaplains may, at their option, wear the prescribed uniform to include the insignia of Inspector at Departmental functions. They will be guided by a reasonable application of the provisions of Article 8 of the Department Rules.
6. Commanding Officers may direct Members of the Department to wear coveralls or other prescribed work attire while performing duties that would cause the uniform to be soiled.
7. Members of Fleet Service Bureau, to include Bureau Director, Deputy Bureau Director, Police Automotive Supervisors, Police Automotive Mechanics and Automotive Servicers, will have with them their Department issued soft body armor while working at the Fleet Service Bureau, Precinct Garage or any other Department vehicle repair facility. These members will wear such soft body armor while on duty and operating or riding as a passenger in any Department vehicle traveling a public roadway.

Rule 4. Uniform Caps

1. Uniformed Members of the Force, with the rank of Lieutenant or below, and uniformed civilian Members of the Department will not be required to wear the prescribed uniform cap while on duty, except under the following circumstances:
 - a. while directing traffic or on crossing,
 - b. at special details and events,
 - c. at Departmental ceremonies,
 - d. as otherwise directed by the Commissioner of Police.
2. The above-mentioned uniformed members will have the prescribed uniform cap available to them at all times while on duty.
3. Members of the rank of Deputy Chief and above, while in uniform, will wear the prescribed cap with visor adorned with embroidered, raised, gold-leaf clusters.
4. The knit cap will not be worn in place of the uniform cap.
5. The Mouton cap is no longer authorized headwear.

Rule 5. Emblems of Rank

Members of the Force in uniform will wear on the prescribed uniform shirt, blouse, waist-length duty jacket, sweater, raincoat or administrative officer's overcoat, the prescribed insignia designating their rank, which has been issued by the Uniform Section.

1. Chief of Department: Four (4) prescribed gold stars, evenly spaced on each shoulder, as directed.
2. Chief of Patrol and Chief of Detectives: Three (3) prescribed gold stars, evenly spaced on each shoulder, as directed.
3. Assistant Chief: Two (2) prescribed gold stars, one (1) inch wide between points, on each shoulder, as directed.
4. Deputy Chief: One (1) prescribed gold star, centered, one on each shoulder, as directed.
5. Inspector: One (1) raised prescribed gold spread eagle, to be displayed with eagle's head toward collar facing forward, on each shoulder, as directed.
6. Deputy Inspector: One (1) raised prescribed gold maple leaf, stem facing outward, on each shoulder, as directed.
7. Captain: Two (2) raised prescribed gold bars, to be displayed on each shoulder parallel to shoulder seams, as directed.
8. Lieutenant: One (1) raised prescribed gold bar, to be displayed on each shoulder parallel to shoulder seams, on any outer garments, as directed:
 - a. Lieutenants, when wearing authorized shirts with shoulder patches, and all ranks above Lieutenant, when wearing the authorized blue, short-sleeved shirt with shoulder patches, will wear the prescribed emblem of rank on the collars.

- b. All ranks above Sergeant will wear on the prescribed uniform blouse the prescribed black braid one and one-quarter inches (1 1/4") wide, placed with its lower edge three and one-half inches (3 1/2") above the bottom of sleeve, and a black braid one and one-quarter inches (1 1/4") wide covering the outside vertical seam of the trousers.
9. Sergeant: Will wear on each sleeve, six (6) inches below the shoulder seam, a three (3) stripe chevron in the center of each sleeve, the upper point of the chevron to be in line with the lower point of the Departmental insignia, and a black braiding covering the outside vertical seam of the trousers.
10. Police Officer: Will wear a black braiding covering the outside vertical seam of the trousers.
11. Gold stripes to be added to riding breeches three-eighths of an inch (3/8") wide for the Mounted Unit, and one and one-quarter inches (1 1/4") wide for the Highway Patrol Bureau.

Rule 6. Uniform Patches

1. Members of the Department in uniform will wear the prescribed Departmental shoulder patch, issued by the Uniform Section, on the right and left sleeve of prescribed uniform shirts, blouse, waist-length duty jacket, sweater, or administrative officer's overcoat; the top center of such patch to be worn 1/2 inch below the shoulder seam and the lower point to be in line with center of the sleeve. No other patch will be worn except as authorized.
2. The cloth command patches listed below are the only authorized command insignia to be worn by Members of the Department. Authorized patches for specified units will be worn on the right breast of the blouse or shirt and will be displayed centered approximately one-half (1/2) of an inch above name plate. A corresponding small patch may be worn on issued work caps.
3. The following breast patches depicting the County Seal are authorized:
 - a. Police Medic
 - b. E.V.O.C.
 - c. Marine Bureau
 - d. Mounted Unit
 - e. Arson Squad
 - f. Bomb Squad
 - g. Aviation Bureau
 - h. Emergency Services
 - i. Crime Scene
 - j. Firearms Training
 - k. Canine Section
 - l. Fleet Service
 - m. Police Academy
 - n. Police Activity League
 - o. any other patches issued or approved by the Commissioner of Police
4. The shoulder emblems, issued by Uniform Section, for the following personnel will be worn directly below the Departmental shoulder patch on each sleeve on prescribed uniform shirts, sweaters, and duty jackets:
 - a. Parking Enforcement Aide
 - b. Police Service Aide

Rule 7. Shield

1. Members of the Force and those Members of the Department issued a shield will at all times carry said shield, unless unreasonable or impractical, and will not give or entrust their shields to any person without first being directed to do so by a Superior Officer of this Department.
2. When in uniform, members will wear the shield on the outermost garment over the left breast in the place provided. Such shield may be worn with a prescribed black leather police shield and award bar holder.
3. When in civilian clothes, members will display the shield on the outermost garment over the left breast while at the scene of a police emergency, as a prosecution witness before a Grand Jury or in court, and at any other time it is necessary for him to establish his official identity.
4. A Member of the Department will neither wear, use, display, nor have in his possession a police shield or other similar object, except as authorized by the Commissioner of Police.

Rule 8. Identification Card

1. PDCN Form 214, Personal Identification Card, is hereby authorized. These cards are issued to Members of the Department by direction of the Commissioner of Police. It will contain the name of this Department and of the member, indicating rank, serial number and expiration date. The card information and picture of the member will be on a plastic card as determined by the Commissioner of Police.
2. Members of the Department will carry their identification cards at all times, unless unreasonable or impractical.
3. Members of the Department will not allow their identification cards to be used by another person for any purpose.

Rule 9. Equipment

1. Members of the Force, on duty, will be equipped with the following regulation equipment in serviceable condition, unless otherwise directed:
 - a. Uniformed Force:
 - 1) A fully-loaded firearm authorized in Rule 10.
 - (a) Two (2) Department-issued 9mm or, if trained .40-caliber, magazines fully loaded with Department-issued cartridges to be carried in a Department-issued, double magazine pouch.
 - (b) Twelve (12) extra .38 special caliber, Department-issued cartridges if carrying revolvers.
 - 2) Holster and belt as prescribed by the Commissioner of Police
 - 3) Memorandum Book
 - 4) Ballpoint pen with black ink
 - 5) Police baton
 - 6) Handcuffs
 - 7) Traffic whistle
 - 8) Traffic Ticket Book - of type required
 - 9) Flashlight during hours of darkness
 - 10) Traffic signal box key
 - 11) Oleoresin Capsicum (OC), as authorized
 - 12) Knife

- 13) Tourniquet
 - 14) Reflective Traffic Safety Vest
 - 15) Key FOB
- b. Civilian Clothes:
- 1) A fully-loaded firearm authorized in Rule 10.
 - (a) One (1) Department-issued 9mm or, if trained .40-caliber, magazine fully loaded with Department-issued cartridges, to be carried in a Department-issued, single magazine pouch.
 - (b) If carrying a Glock 26 or Sig Sauer P239, an appropriate magazine, fully loaded, with 9mm Department-issued cartridges, and carried in an appropriate single magazine pouch.
 - (c) Six (6) extra .38 special caliber, Department-issued cartridges if carrying a revolver.
 - 2) Holster
 - 3) Police baton
 - 4) Flashlight during hours of darkness
 - 5) Oleoresin Capsicum (OC), as authorized
 - 6) Knife
 - 7) Ballpoint pen with black ink and paper for notes
 - 8) Handcuffs
 - 9) Key FOB
- c. Emergency Equipment:
- 1) Riot Helmet: Members of the Force, while on duty, will have their Departmental riot helmets readily available for use and will wear same when directed by competent authority.
 - 2) Soft Body Armor: Members of the Force and Members of the Emergency Ambulance Bureau (EAB), including Police Medics, Police Medic Supervisors, and Police Medic Coordinators, while on duty and engaged in patrol or field operations, must wear their Department-issued soft body armor. These members may be exempt from wearing soft body armor by the member's respective Division Chief, Chief of Department or Deputy Commissioner, if in the opinion of the Chief or Deputy Commissioner, the wearing of the protective vest would interfere with or be inappropriate for the member's specific duty or assignment.

All Members will have with them their Department-issued soft body armor while attending firearms training, and all Members, including firearms instructors, will wear said body armor while conducting or engaging in firearms training exercises.
 - 3) WMD/Personal Protection Equipment: Members of the Force, Police Medics, Police Medic Supervisors, and Police Medic Coordinators, while on duty, will have their Departmental WMD/Personal Protection Equipment readily available for use.
2. Police batons will be carried by Members of the Force, in uniform, whenever directed by Commanding Officers. The police baton will conform to regulation sample and will be carried in a belt-ring holder or prescribed holster.
 3. Members of the Department, while in uniform, will not carry anything but designated equipment, except in an emergency, when in the performance of police duty.

Rule 10. Authorized Firearms

Members of the Force are authorized to carry firearms, as follows:

1. Uniformed Force, on duty:
 - a. for Members who **have been trained** by the Firearms Training Unit (FTU) with a Department-issued, .40-caliber semiautomatic pistol, any of the following pistols:
 - 1) Sig Sauer P226,
 - 2) Sig Sauer P229.
 - b. for Members who **have not been trained** by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following Department-issued, 9mm semiautomatic pistols:
 - 1) Sig Sauer P226,
 - 2) Sig Sauer P228.
 - c. for Members who **have not completed** transitional training, any of the following revolvers, with 4-inch barrel, and capable of firing .38-caliber cartridges:
 - 1) Smith and Wesson, with safety bar,
 - 2) Colt, with hammer block safety,
 - 3) Dan Wesson, with transfer bar,
 - 4) Ruger, with transfer bar.
 - d. for Officers above the rank of Lieutenant, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
 - 1) Smith and Wesson, with safety bar,
 - 2) Colt, with hammer block safety,
 - 3) Dan Wesson, with transfer bar,
 - 4) Ruger, with transfer bar.
2. Civilian clothes, on duty:
 - a. for Members who **have been trained** by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following pistols:
 - 1) Sig Sauer P226,
 - 2) Sig Sauer P229.
 - b. for Members who **have not been trained** by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following Department-issued, 9mm semiautomatic pistols:
 - 1) Sig Sauer P226,
 - 2) Sig Sauer P228.
 - c. for members who **have not completed** transitional training, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
 - 1) Smith and Wesson, with safety bar,
 - 2) Colt, with hammer block safety,
 - 3) Dan Wesson, with transfer bar,
 - 4) Ruger, with transfer bar.
 - d. for members who are authorized by the Commissioner of Police **and** who have been trained by the FTU, any of the following:
 - 1) 9mm semi-automatic pistols:
 - a) Sig Sauer P239,
 - b) Glock 26, fitted with the New York trigger.

- 2) .40-caliber pistols:
 - a) Sig Sauer P224
 - b) Sig Sauer P239
 - c) Glock 27
- e. Commanding Officers have the authority, when approved by their appropriate Division Chief, to direct the carrying of a firearm by members in civilian clothes, as follows:
 - 1) a pistol described in Rule 10.2.c above,
 - 2) for members appointed *prior* 10/01/90 who were trained with revolvers, a revolver described in Rule 10.2.b above,
 - 3) for members appointed *after* 10/01/90 who have attended a one-day familiarization and qualification course at the FTU, a revolver described in Rule 10.2.b above.
3. Off duty:
 - a. for members who *have been trained* by the FTU with a Department-issued semiautomatic pistol, the following:
 - 1) Sig Sauer P226, DAK or DAO trigger, chambered in 9mm or .40 S&W
 - 2) Sig Sauer P228, DAO trigger, chambered in 9mm
 - 3) Sig Sauer P229, DAK or DAO trigger, chambered in 9mm or .40 S&W
 - 4) Sig Sauer P-224, DAK trigger, chambered in 9mm or .40 S&W
 - 5) Sig Sauer P-239, DAK or DAO trigger, chambered in 9mm or .40 S&W
 - 6) Sig Sauer P-320, chambered in 9mm or .40 S&W
 - 7) Sig Sauer P-365, chambered in 9mm
 - 8) Glock, semi-auto, safe action pistols, chambered in .380 Auto, 9mm or .40 S&W upon completion of the Glock class at FTU, excluding models 34 and 35
 - 9) Ruger LCP, chambered in .380 Auto
 - 10) Smith and Wesson 3913DAO
 - 11) Smith and Wesson 3914DAO
 - 12) Smith and Wesson 3953
 - 13) Smith and Wesson 5943
 - 14) Smith and Wesson 5946
 - 15) Smith and Wesson 6946
 - 16) Smith and Wesson M&P Pistols, chambered in 9mm or .40 S&W without external safety or magazine disconnect.
 - b. for members appointed *prior* 10/01/90, who were trained with revolvers, and members appointed *after* 10/01/90, who have attended a one-day familiarization and qualification course at the FTU, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
 - 1) Smith and Wesson, with safety bar,
 - 2) Colt, with hammer block safety,
 - 3) Dan Wesson, with transfer bar,
 - 4) Ruger, with transfer bar.
4. Members of the Force may carry the following weapons, while on duty, after having successfully completed the appropriate Department training course for their respective Commands *and* after receiving authorization to carry:
 - a. Rock River M-4 (R-4)
 - b. H&K UMP .40 (sub-machine gun)
 - c. Remington 870 shotgun
 - d. Benelli shotguns
 - e. Sig Sauer M400

5. Nonstandard firearms:
 - a. Members of the Force will only carry nonstandard firearms when authorized by the Chief of Department. [\[See ADM 6016\]](#)
 - b. Members of the Force approved to carry nonstandard firearms may carry such firearms on and off duty.

6. Carrying firearms:
 - a. Members of the Force will only carry firearms they are authorized to carry. **[See Rule 10, subd. 1,2,3,4,5]**
 - b. Members of the Force will carry a firearm while *on* duty.
 - c. Members of the Force may carry a backup firearm while on duty.
 - 1) A backup firearm is any firearm authorized for the member to carry as an off-duty or nonstandard firearm. **[See Rule 10, subd. 3, 5]**
 - d. Members of the Force may carry a firearm while *off* duty. When carrying a firearm off duty, Members of the Force will utilize a holster for their firearm unless exigent circumstances render that impractical.
 - e. Members of the Force will only carry ammunition that is issued by the Department.
 - f. Members of the Force, carrying any firearm, will fully load the firearm with the appropriate Department-issued ammunition.
 - g. Members of the Force will not make, or allow to be made, any modification to his on-duty or off-duty firearm, except modifications made by the FTU.
 - 1) Trigger shoes will not be permitted.

7. Rifles **[See Glossary]**
 - a. Rifle Trained Officers are authorized to carry or deploy only Department issued rifles and shotguns.
 - b. Rifle Trained Officers will deploy the rifle while wearing highly recognizable and visible police apparel, marked "POLICE".
 - c. Only authorized members of the Firearms Training Unit are authorized to modify and perform maintenance on rifles.
 - d. Rifles will only be used with ammunition and magazines approved and supplied by the Department and the rifle must be equipped with an identifying sleeve marked "POLICE".

Rule 11. Use of Equipment

1. Members of the Department will use Departmental vehicles, vessels, aircraft, equipment, and Department-owned animals only in the course of official business of the Police Department, County of Nassau, or when so authorized.
2. Members assigned to the Mounted Unit will not permit unauthorized persons to ride, handle, or otherwise have contact with a horse assigned to the Unit.
4. Members of the Department will use the Department-issued digital camera for Department business only.
5. Members of the Department, while on duty, are prohibited from utilizing any sUAS equipment not authorized by the Department.

Rule 12. Maintaining Equipment and Safety Standards

1. Members of the Department will exercise the utmost care in the handling of service weapons or in handling or guarding of any other firearm, explosive, or combustible.

2. Members are personally responsible for the proper and authorized use, cleanliness, serviceability, and proper safeguarding of their uniforms and equipment and any other Department property issued for or assigned to their use.
3. Members will immediately report to their Commanding Officers the loss of, damage to, or unserviceable condition of their uniforms and equipment or any other Departmental property issued for or assigned to their use.
4. Members will not alter police equipment by changing same, in any way, except in cases of emergency or as ordered by the Commissioner of Police.
5. A Member of the Department, while performing any task for which personal protective equipment has been issued in connection with the Right to Know/Hazard Communication Program, will wear or use such equipment.
6. Members of the Department will wear their prescribed uniform caps and reflective traffic safety vests in the following instances:
 - (a) when assigned to Radio Motor Patrol vehicles, marked and unmarked, while working on **limited or controlled access highways (Route 495, Route 135, all New York State Parkways)**,
 - (b) when conducting police activities at the scene of **motor vehicle crashes**,
 - (c) when **directing traffic, covering a pedestrian crossing, handling roadway lane closures, and/or removing debris from a roadway**.
 - (d) when in close proximity to moving traffic.
7. Members will keep their reflective traffic safety vests inside their vehicles to ensure easy access to the vest.
8. A Member of the Department will operate a Departmental vehicle in a careful and prudent manner and will be responsible for its proper care and condition.
9. A Member of the Department, when a passenger in or operator of a Departmental vehicle, vessel, aircraft, or equipment will comply with all existing vehicle safety standards and will use all installed vehicle safety devices and equipment in the vehicle.
10. Smoking or the use of E-cigarettes or vaporizer devices is prohibited while fueling vehicles.

Rule 13. Insignia for Departmental Recognition

1. Members of the Department who have been awarded a Departmental Recognition may wear the prescribed bar indicating the award received at all times while in uniform, except when wearing an overcoat or raincoat. More than one award in a single category will be shown by placing the appropriate numeral in the center portion of the bar.
2. Departmental Recognition bars will be worn horizontally, one-quarter inch above the shield, and centered. Departmental Recognition Bars may be worn in the following order of precedence, with the Marksmanship bar being centered one-quarter inch above the shield, and a one-quarter inch separation being maintained between each bar:
 - a. Approved American Flag Bars or Pins (top)
 - b. Medal of Valor
 - c. Medal of Distinguished Service
 - d. Medal of Commendation

- e. Meritorious Police Service Award
- f. Excellent Police Duty Award (blue field to wearer's left)
- g. Lifesaving Award
- h. Purple Heart
- i. Executive or Congressional Bar
- j. Military Service Bars
 - 1) United States Air Force
 - 2) United States Army
 - 3) United States Coast Guard
 - 4) United States Marine Corps
 - 5) United States Navy
- k. Award Bars issued prior to January 1, 1977
- l. Field Training Officer
- m. Physical Fitness Award Bar
- n. Super Storm Sandy Bar
- o. Presidential Debate Bar
- p. Non-Departmental Award Bars (as approved by Commissioner of Police)
 - 1) A Fraternal Organization Insignia Bar is considered to be a Non-Departmental Award Bar.
 - 2) Eligible members will wear only one (1) Fraternal Organization Insignia Bar at any given time.
- q. Marksmanship Bars
 - 1) Pistol Master
 - 2) Pistol Expert
 - 3) Pistol Sharpshooter
 - 4) Pistol Marksman

Rule 14. Personal Identification Bar

1. Members of the Department of the rank of Sergeant and above, Detectives, and civilian supervisors, when in uniform, will wear the Department-issued, gold-framed, black identification bar bearing their surname. All other Members of the Department, when in uniform, will wear the Department-issued, silver-framed, black identification bar bearing their surname.
2. The bar will be worn horizontally on the outermost garment, over the right breast, as follows:
 - a. When wearing a blouse, waist-length duty jacket, sweater or shirt, it will be placed at a position centered one-half inch above the right pocket flap.
 - b. The bar will not be worn on the uniform raincoat or overcoat.

Rule 15. Services Stripes and Stars

1. Sergeants and Police Officers who have served five (5) years in the Department will wear on the left sleeve only of the uniform duty jacket, blouse, and long-sleeved shirts a service stripe, which will consist of black felt with blue stripe outlined in white, 1 7/8 inch x 3/16 inch. Such service stripe will be centered on the left sleeve in line with the center of the County Patch, with the lower tip of the stripe four and one half (4 1/2) inches up from the cuff. A similar stripe will be added for each additional five (5) years of service and placed above the original stripe. Stripes will be 3/16 inch apart.
2. Police Medics, Police Medic Supervisors, Crossing Guards, and Parking Enforcement Aides who have served five (5) continuous years in the Department will wear a 3/4 inch gold embroidered star centered on the front of the left sleeve of

all uniform coats, 1/2 inch above the cuff, sleeve tab, or button. A similar star will be added for each additional five (5) years of service.

Rule 16. Firearms and Department Equipment

1. Commanding Officers will obtain firearms and Department equipment from members of their Commands who resign, retire, have expired, have been suspended, have been dismissed, or as otherwise directed by the Chief of Department, in the following manner:
 - a. immediately obtain all concealable firearms in the member's possession and invoice them to Property Bureau,
 - b. at an appropriate time, obtain all Departmental property, *and*
 - 1) invoice firearms, shield, and cap device to Property Bureau,
 - 2) inventory all other Departmental property, including soft body armor and Department Manual, to the Uniform Section,
 - c. may release weapons owned by the member to the member who is retiring, providing the following:
 - 1) the member has obtained a valid pistol license, *and*
 - 2) a check with Records Bureau confirms that the weapons to be released are included on the member's pistol license.
2. A Member of the Department who is granted a leave of absence of less than thirty (30) days, may retain his shield, identification card, and firearms to the same extent as if said member remained on active duty. Commanding Officers will obtain these items and invoice them to Property Bureau if the member requests it.
3. A Member of the Force who is granted a military leave of absence of 30 or more days will invoice his shield and handguns to Property Bureau prior to the beginning of his leave.

Rule 17. Concealable Firearms

1. Members of the Department will promptly report all concealable firearms acquired, owned, possessed, or disposed of by them by completing the fillable electronic New York State Police Acquisition or Disposition of Firearms [Form C \(NYS PPB-1 – C-Form\)](#). Upon completion of the fillable electronic form, it will be printed, signed, scanned and then be sent electronically both to PLSCForm@pdn.org and to member's Commanding Officer. Members should also retain a copy of said C-Form for their personal file. This must be completed within ten (10) days of such acquisition or disposition.
2. All acquisitions or dispositions of handguns have to go through a LICENSED GUN DEALER UNLESS they are from immediate family members as defined in the [NYS Safe Act](#) who either maintain an active pistol license or are active law enforcement. Verification will be conducted by Pistol License Section to ascertain if the firearm is registered. In the event the firearm is not registered, the Commanding Officer of the Pistol License Section will be responsible for advising the inquiring member of the proper procedure to be followed.
3. Members of the Force will apply for a Pistol License in New York State or the State of their residence prior to their termination of services and have all concealable firearms listed on the license. Retiring members of service may also produce their [Law Enforcement Officer Safety Act](#) (LEOSA) certification (HR-218) in place of a pistol license. If the retiring member of service is unable to apply and receive a Pistol

License in New York or the State where they will reside and does not have their LEOSA certification prior to their retirement date, they must bring all of their concealable firearms to the Commanding Officer of Pistol License Section to be invoiced to Property Bureau.

4. Long guns are not registered with Pistol Licensing. However, ALL transfers of long guns must be conducted through a Federal Firearms License Dealer where a NICS check will be performed prior to any sale or transfer. The only exception to a sale or transfer not requiring a NICS check is if the sale or transfer is between 'family members' as defined by [NYS Safe Act](#).



ARTICLE TITLE	SECTION NUMBER	REVISION
Police Operations	ART 23	6

Rule 1. Aided Cases

1. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.
2. Intoxicated persons, who do not require the continued service of a Department Police Medic (PM) and/or ambulance, will not be transported in Department Ambulances.
3. Members of the Department will not use any restraint technique during transport that dangerously inhibits a restrained person's breathing.
4. Only Members of the Department who are Trained Opioid Overdose Responders will administer an opioid antagonist.

Rule 2. Accidents

1. Members of the Force conducting an investigation at the scene of an auto accident will prepare MV-104A.
2. Members of the Force conducting an investigation at the scene of a boating accident will prepare NYS Form OPS-218 and the required supplemental report forms.

Rule 3. Domestic Incidents

1. Members of the Force will immediately notify their Commanding Officers when they have a temporary or permanent order of protection issued against them by any lawful authority.

Rule 4. LoJack Vehicle Recovery System

1. Only Members of the Force who have been formally trained on the LoJack System may use Department vehicles as tracking vehicles.
2. Members of the Force will not track a vehicle, using the LoJack System, outside of Nassau County without the approval of a Superior Officer.

Rule 5. Vehicle Pursuit

1. Only Members of the Force can initiate vehicle pursuits.
2. Members of the Force will not engage in a pursuit whenever non-force persons are in their vehicle.
3. Members of the Force will not engage in a pursuit while operating any of the following vehicles: an ambulance, a van, a utility or SUV-type vehicle that is *not* a pursuit vehicle. [\[See OPS 6460\]](#)
4. Members of the Force must use emergency lights and siren when engaged in a pursuit.
5. Only Members of the Force operating the Primary and Secondary Car will engage in actual pursuit.
6. Members of the Force must terminate a pursuit once the pursued vehicle drives *against* the flow of traffic on a controlled access highway.
7. Members of the Force will not use their vehicles to ram, make contact with, or otherwise force off the road, the vehicle being pursued.
8. Members of the Force will not utilize roadblocks during a pursuit.

Rule 6. Occupational Injuries and Illnesses

1. Members of the Department will not remove, alter, deface, or cover up chemical or hazard warning labels on any container.

Rule 7. Investigations

1. Members of the Department will not disturb or search the body of a fatal aided except by direction or authorization of the Medical Examiner.

Rule 8. Property and Evidence

1. Members of the Department who come into possession of illegal drugs are responsible for safeguarding them while in their possession.
2. Members of the Department will only possess illegal drugs in the lawful performance of their official duties in the following manner:
 - a. the routine Department handling, processing, or transporting of the drugs,
 - b. when given permission to do so by their Commanding Officer.
3. Members of the Department will use only the Department-issued digital camera when gathering digital image evidence or documenting a scene.

Rule 9. Records and Reporting

1. Members of the Department will not disclose information concerning criminal intelligence without a legitimate purpose.
2. Members of the Department will immediately report information concerning suspicious persons or places related to criminal enterprise, organized crime, vice, or drug activity.

Rule 10. Tactical Methods and Special Events

1. Members of the Department will not handle any bomb, suspected bomb, or suspicious package unless they are certified bomb technicians.
2. Members of the Department while off duty *will not carry* and *will secure* the Department-issued ECD except when traveling to and from work.
3. ECDs will only be used by Members of the Department who have completed training and have been authorized to use ECDs.
4. Personal Radiation Detectors will only be used by Members of the Department who have completed the Department of Homeland Security Personal Radiation Detector Course (PER 243).
5. Only Members of the Department who have completed the required training and possess a current Remote Pilot Certificate with a sUAS rating are authorized to operate a Department sUAS.

Rule 11. Inventory of Impounded Vehicles

Vehicles will be impounded when provided by law or whenever impoundment is necessary to safeguard a vehicle or its contents. It will be the duty of every member who impounds a vehicle to safeguard valuable personal property that may be contained in such vehicle. The following procedure will be employed in all cases in which a vehicle is impounded:

1. At time of impound, the member impounding the vehicle will inventory the contents of the vehicle and prepare Auto Impound Invoice, PDCN Form 94A. Any visible damage will be noted under miscellaneous on PDCN Form 94A.
2. In all cases in which an inventory is conducted, the officer performing such examination will, without unnecessary delay, make appropriate entries in his memorandum book. Whenever possible, this process will be executed in the presence of another Member of the Force or other responsible witness.
3. The scope of the inventory will extend only to those areas wherein it may reasonably be assumed that the operator or owner has left valuable personal property.
4. If personal property is discovered during an inventory and the property is of little value or the property is affixed to the vehicle or impracticable to remove, such property, unless otherwise directed, will be left in the vehicle; however, the tow car operator or garage custodian, as the case may be, will acknowledge the presence of the property in the vehicle by signing the memorandum book of the officer delivering the vehicle to him.

5. If it is necessary to remove valuable personal property from an impounded vehicle (i.e. expensive cameras or jewelry, money, doctor's equipment, etc.), the Desk Officer of the command wherein such property was removed will make appropriate entries in the Impound Book, attach PDCN Form 94A to the appropriate page of PDCN Form 94, and secure such property for release; if such property cannot be returned to the owner within a reasonable period of time, the Desk Officer, when applicable, or investigating member will invoice such property to the Property Bureau.

Rule 12. Traffic Stop Data Collection

1. All traffic stops and resultant interactions must be documented electronically.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

Unintentional Firearm Discharge

ADM 1220

1

POLICY

The policy of the Police Department is to record and investigate incidents when a member has discharged a firearm.

PURPOSE

To establish procedures for the reporting and investigating of an unintentional firearm discharge by a Member of the Force.

DEFINITIONS

Unintentional firearm discharge: the discharge of a firearm by a Member of the Force, which was not deliberate.

SCOPE

All Members of the Department.

SOURCES

PL §265.00. (Firearm definition)

RULES

1. Members of the Force will notify a Supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.

REPLACES

ADM 1220 Revision 0, dated 04/10/1998.

PROCEDURE

Member of the Force

1. *Notifies* the Desk Officer of the precinct of occurrence [See **Glossary**], when he has an unintentional firearm discharge. [See **Definition**]

Desk Officer

2. *Determines* if an injury resulted from the unintentional firearm discharge.
3. If an injury resulted, *initiates* the Use of Deadly Force procedure. [See **OPS 12420**] [End of Procedure]
4. If *no* injury resulted, *assigns* a supervisor to investigate the firearm [See **Glossary**] discharge incident.
5. *Notifies* the Commanding Officer.
6. If the Commanding Officer is unavailable, *initiates* the Administrative Duty Coverage procedure. [See **ADM 2010**]

Patrol Supervisor

7. *Responds* as directed and *investigates* the incident.
8. *Notifies* the Desk Officer and *initiates* the Use of Deadly Force procedure [See **OPS 12420**] if it is determined the incident involved the following:
 - a. intentional firearm discharge, *or*
 - b. unintentional firearm discharge and an injury resulted. [End of Procedure]
9. If the incident is determined to be an unintentional firearm discharge and no injury resulted:
 - a. *prepares* PDCN Form 161, Unintentional Firearm Discharge Report, *and*
 - b. *contacts* a Police Communications Operator Supervisor and *requests* the next firearm discharge incident number.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

07/01/2014

1 of 2

**Police
Communications
Operator Supervisor**

10. *Records* the information in the Firearm Discharge Control Book [See **Glossary**] and *issues* the next firearm discharge incident number.

Patrol Supervisor

11. *Prepares* a narrative report detailing the complete investigation.

12. *Forwards* PDCN Form 161 and the narrative report to his Commanding Officer.

Commanding Officer

13. *Reviews* PDCN Form 161 and the narrative report.

14. *Determines* if there are any violations of Department Rules.

15. *Completes* PDCN Form 161, noting:

- a. any significant issues,
- b. training or disciplinary needs.

16. *Photocopies* PDCN Form 161 and the narrative report.

17. *Forwards* the original PDCN Form 161 and narrative report to the Chief of Department (TOC).

Note: These reports should be forwarded as soon as possible after the preliminary investigation is complete.

18. *Retains* copies of PDCN Form 161 and the narrative report in the command.

Division Chief

19. *Reviews* PDCN Form 161 and the narrative report.

20. *Completes* PDCN Form 161.

Chief of Department

21. *Reviews* the incident and *reports* any significant issues to the Commissioner of Police.

**Office of Chief of
Department**

22. *Makes* data entries from information supplied on PDCN Form 161.

23. *Photocopies* PDCN Form 161, *and*

- a. *forwards* a copy to the Commanding Officer of Firearms Training Unit (FTU),
- b. *files* the original.

**FTU Commanding
Officer**

24. *Evaluates* the incident and *determines* if further training is necessary.

25. If further training is necessary,

- a. *prepares* a narrative report,
- b. *forwards* the narrative report to the Chief of Department (TOC).

Implicit Bias & Judges

How innate attitudes shape behavior, even on the bench



INTRODUCTION

- Objective
 - Learn what Implicit Bias is and how it might affect outcomes in the courtroom.
 - Learn how to identify and combat the effects of Implicit Bias in the courtroom.

An illustration of an iceberg floating in water. The tip of the iceberg is above the water line, while the much larger part of the iceberg is submerged below the water line. The water is represented by a light blue gradient, and the submerged part of the iceberg is a darker blue. The text is overlaid on the right side of the image.

What we think of as our conscious identity
is really just the **tip** of the iceberg ...

Conscious Level

Thoughts & perceptions
Conscious awareness

Preconscious/Subconscious level

Memories & shared knowledge

Unconscious Level

Where we store our fears; phobias; and unacceptable or unpleasant feelings, thoughts, urges, memories, such as feelings of pain, anxiety, or conflict

System 1 & System 2

Social scientists says that we have two systems used in thinking: **System 1** and **System 2**.

System 1 is *always running* without our knowledge—unknowingly, involuntarily. It is automatic and *fast*. System 1 is where our unconscious associations and snap judgments are made, where breathing and regulating body temperatures occurs, and more. System 1 is where our schemas live.

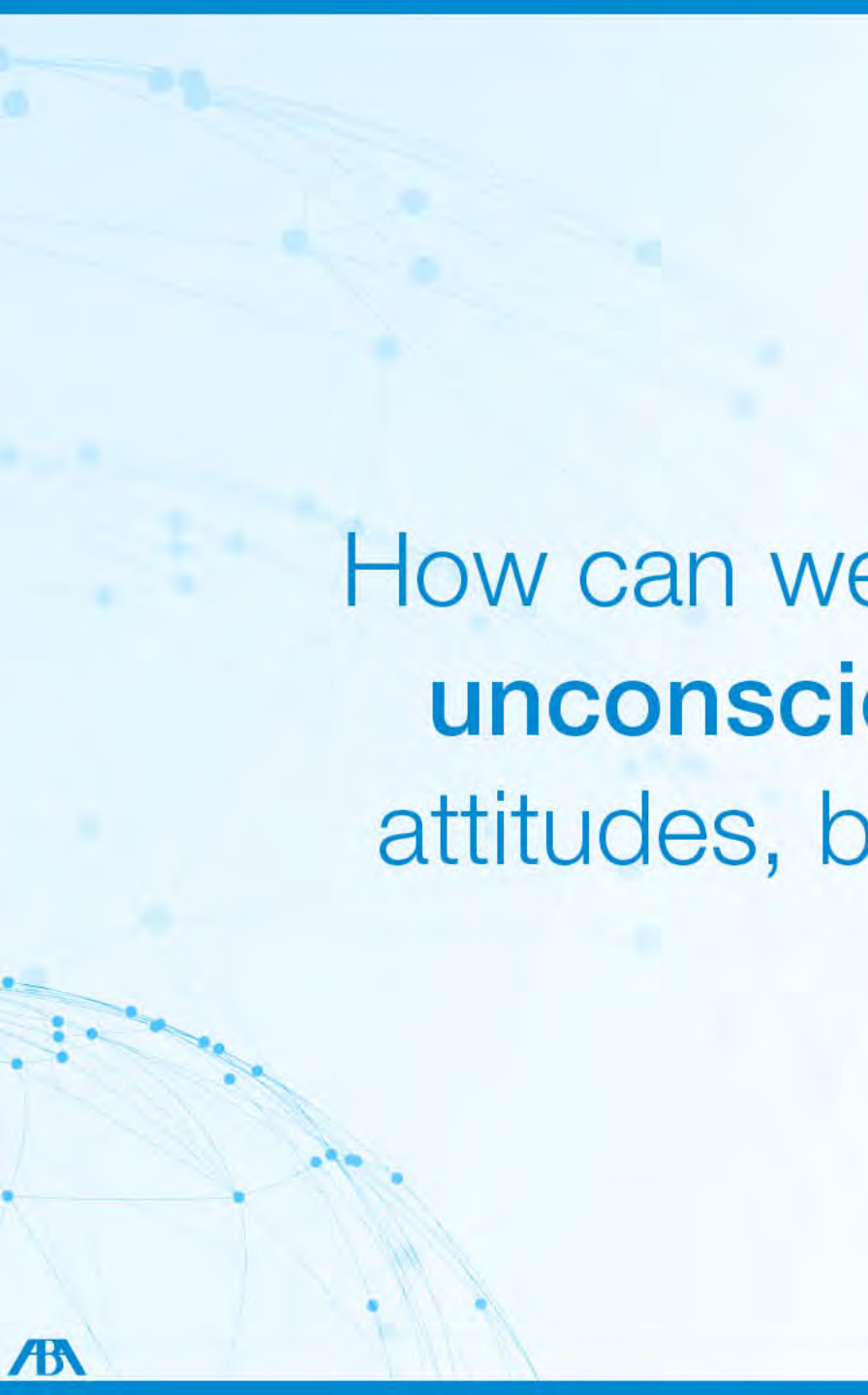
System 2, by contrast, is our conscious, deliberative mind. This is where we assess conflicting information and make complex judgments. We use this part of our brain consciously—and guess what? It is only 10 percent of our brain power, capability, and functioning. **TEN PERCENT!** This is also where our aspirations for acceptance and tolerance live.

This Work Is Focused on System 1: The Unconscious and Specifically, Our Implicit Biases

According to the Kirwan Institute,

“implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness.”

KIRWAN INSTIT. FOR THE STUDY OF RACE & ETHNICITY, UNDERSTANDING IMPLICIT BIAS 1, 1 (2015), available at <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>.

A decorative graphic in the top-left and bottom-left corners of the slide. It consists of a network of light blue lines connecting small blue dots, resembling a globe or a complex web structure. The lines are thin and the dots are small, creating a subtle background pattern.

How can we **become conscious of our unconscious (i.e., implicit)** feelings, attitudes, behaviors, and associations?

The IAT: The Implicit Association Test is a methodology that tells you something about your unconscious by your reaction time to words and categories.

EXAMPLE: If you are quicker at linking women with children than men with family obligations or faster at associating black and brown faces with good and pleasant words than white and light faces with good and pleasant words, this tells you something about attitudes that you may not have consciously thought you held.

There are many different kinds of tests you can take:

SKIN-TONE IAT

This IAT requires the ability to recognize light and dark-skinned faces. It often reveals an automatic preference for light-skin relative to dark-skin.

WEIGHT IAT

This IAT requires the ability to distinguish faces of people who are obese and people who are thin. It often reveals an automatic preference for thin people relative to fat people.

ASIAN IAT

This IAT requires the ability to recognize White and Asian-American faces, and images of places that are either American or Foreign in origin.

ARAB-MUSLIM IAT

This IAT requires the ability to distinguish names that are likely to belong to Arab-Muslims versus people of other nationalities or religions.

NATIVE IAT

This IAT requires the ability to recognize White and Native American faces in either classic or modern dress, and the names of places that are either American or Foreign in origin.

WEAPONS IAT

This IAT requires the ability to recognize White and Black faces, and images of weapons or harmless objects.

There are many different kinds of tests you can take:

GENDER-SCIENCE IAT

This IAT often reveals a relative link between liberal arts and females and between science and males.

AGE IAT

This IAT requires the ability to distinguish old from young faces. This test often indicates that Americans have automatic preference for young over old.

GENDER-CAREER IAT

This IAT often reveals a relative link between family and females and between career and males.

RELIGION IAT

This IAT requires some familiarity with religious terms from various world religions.

DISABILITY IAT

This IAT requires the ability to recognize symbols representing abled and disabled individuals.

RACE IAT

This IAT requires the ability to distinguish faces of European and African origin. It indicates that most Americans have an automatic preference for white over black.

SEXUALITY IAT

This IAT requires the ability to distinguish words and symbols representing gay and straight people. It often reveals an automatic preference for straight relative to gay people.

PRESIDENTS IAT

This IAT requires the ability to recognize photos of Barack Obama, and one or more previous Presidents.

Go ahead! TAKE A TEST.

<https://implicit.harvard.edu/implicit/takeatest.html>

Each test takes about six minutes. If you are interested in learning more about unconscious associations that you have, you have to start somewhere. The IAT is the best place to begin. (You could also take an MRI in a controlled lab, but that's a lot more work....)

Which ones did you take?
What did you learn?
Did you retake?
Are you troubled a bit by your associations?

If so, you are in the right place.

These slides, our video, and the readings in the bibliography are designed to help you learn more about troubling unconscious associations and how to catch them before you make decisions.

Schemas: How We Understand The World

Schemas are “mental concept[s] that inform[]” us “about what to expect from a variety of experiences and situations. Schemas are developed based on information provided by what one is exposed to and “then stored in memory.”

Schemas in Psychology: Definition, Types & Examples, STUDY.COM, <http://study.com/academy/lesson/schemas-in-psychology-definition-types-examples.html> (last updated 2016).

Broadly speaking, “a schema ...describes a pattern of thought or behavior that organizes categories of information and the relationships among them.”

Schema (Psychology), WIKIPEDIA, [https://en.wikipedia.org/wiki/Schema_\(psychology\)](https://en.wikipedia.org/wiki/Schema_(psychology)) (last updated 2016) (citing Paul DiMaggio, Culture and Cognition, 23 ANN. REV. SOC. 263 (Aug. 1997)).

Our Schemas Consist of: **Attitudes & Stereotypes**

ATTITUDE: An association between some concept (here, a cultural marker) and an evaluative valence, either positive or negative.

Examples: A woman wearing a hijab must be hiding something, or a woman wearing a hijab is respectful of her religion.

STEREOTYPE: An association between a concept and a trait.


Examples: Black people are criminals, girls are not good at math, etc.

Implicit Social Cognitions

“We naturally assign people into various social categories divided by salient and ...accessible traits such as age, gender, race,” skin color, disability, etc. (And science has proven that we begin to do some of this as early as six months old!)

And, so, “just as we ... have implicit cognitions that help us ... drive” and eat, we have implicit social cognitions that help us group and evaluate people based on our schemas.

JERRY KANG, NAT'L CTR. FOR STATE COURTS, IMPLICIT BIAS: A PRIMER FOR COURTS 1 (Aug. 2009), available at <http://jerrykang.net/research/2009-implicit-bias-primer-for-courts/>.

A background graphic consisting of a network of blue dots connected by thin lines, forming a complex web-like structure that is more dense on the left side and fades towards the right.

a **few** examples

of biases...

Racial Bias

- Complex and socially constructed
 - Stereotyping
 - Consequence of changing demographics and isolation
- Systemic
 - Often not overtly discriminatory individual acts
- Lived experience with racism and repeated perceptions of disparity
 - Affects sense of justice

JOE R. FEAGIN & MELVIN P. SIKES, LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE (1994).

Gender Bias

- Persistent, socially prescribed, “gendered” roles such as “natural” roles for women, i.e., caretakers
- Assumptions about nature and behavior
 - Often a consequence of archaic stereotypes, i.e., women are the weaker sex and thus must be looked after
- Policies and practices that continue to treat women differently, such as the persistent wage gap and a lack of paid family leave

Gender Bias Example

One experiment asks participants to evaluate two finalists for chief of police—one male and one female.

One finalist's profile “signaled book smart,” while the other “signaled streetwise.” The profiles were randomly switched between the two finalists during the experiment.

The man was chosen more often by all groups, regardless of which profile he had.

All attributes were considered more important when ascribed to the man.

Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 *UCLA L. REV.* 1124, 1156–57 (2009).

Gender Bias: Another Example

In *Blink*, Malcolm Gladwell relates the story of classical musicians and gender bias. There, orchestras were largely male with almost no female participation. As an experiment, one orchestra changed the audition structure to make them blind. This drastically increased the number of female players in classical ensembles, showing that there may have been an implicit gender bias at work.

The same has been shown to be true in service-sector employment, and there is a move toward trying to make law firm hiring “blind.”

MALCOLM GLADWELL, *BLINK: THE POWER OF THINKING WITHOUT THINKING* 273 (2005).

Disability Bias

IAT: The test presents positive and negative words coupled with pictures of a wheelchair, crutches, a man with a cane, and a seeing-eye dog, as well as drawings of a man running, a man skiing, and a crossing guard with a mother and child.

- The results showed **more** implicit bias than against race, gender, or sexual orientation. **Even among test takers with disabilities, there was a preference for able-bodied people.**
- Men showed a much stronger preference for the able-bodied than women. Older test takers also showed a stronger preference than younger folks for able-bodied people.

Dale Larson, Unconsciously Regarded As Disabled: Implicit Bias and the Regarded-As Prong of the Americans with Disabilities Act, 56 UCLA L. REV. 451, 476 (2008).

Sexual Orientation Bias

IAT: A preference for heterosexuals relative to homosexuals is observed in both heterosexual and bisexual respondents. Homosexual respondents display a preference for homosexuals.

Punishment: One recent study found that LGBT youths are likely to be punished more harshly than heterosexual youths in sexual activity cases. For example, a combination of two gay boys results in a more punitive response than any other gender combination when juveniles are engaged in a prosecutable sexual activity.

Jessica M. Salerno et al., Give the Kid a Break—But Only if He's Straight: Retributive Motives Drive Biases Against Gay Youth in Ambiguous Punishment Contexts, 20 PSYCHOL. PUB. POL'Y & L. 398, 405 (Nov. 2014).

Implicit Sexual Orientation Bias in Other Contexts

HEALTHCARE:

Research shows moderate to strong implicit preferences for heterosexual people over lesbian and gay people among heterosexual health-care providers.

Health-Care Providers Hold Biases Based on Sexual Orientation, Study Says, SCI. DAILY (July 16, 2015), <https://www.sciencedaily.com/releases/2015/07/150716180910.htm>.

EMPLOYMENT:

Only 1.9 percent of law firm lawyers are openly LGBT. Implicit bias may explain some of this low percentage.

J. Dalton Courson, Reality Check: Combating Implicit Bias, A.B.A.: LGBT LITIGATOR (Dec. 21, 2012), <http://apps.americanbar.org/litigation/committees/lgbt/articles/fall2012-1212-reality-check-combating-implicit-bias.html>.

The media plays into what gets sent & stored in our unconscious as well. Consider...



“Two residents wade through chest-deep water after **finding** bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana.”

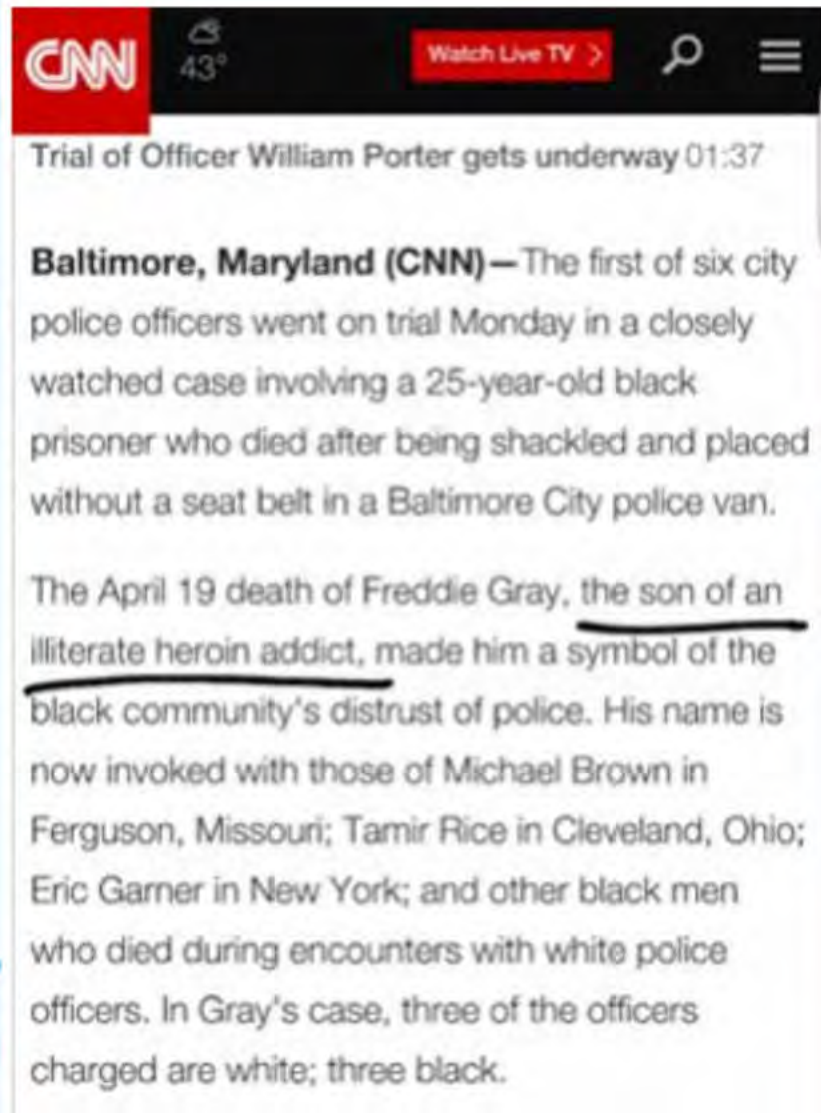
(AFP/Getty Images/
Chris Graythen)



“A young man walks through chest deep flood water after **looting** a grocery store in New Orleans on Tuesday.”

(AP/Dave Martin)

Compare:



CNN 43° Watch Live TV > 🔍 ☰

Trial of Officer William Porter gets underway 01:37

Baltimore, Maryland (CNN)—The first of six city police officers went on trial Monday in a closely watched case involving a 25-year-old black prisoner who died after being shackled and placed without a seat belt in a Baltimore City police van.

The April 19 death of Freddie Gray, the son of an illiterate heroin addict, made him a symbol of the black community's distrust of police. His name is now invoked with those of Michael Brown in Ferguson, Missouri; Tamir Rice in Cleveland, Ohio; Eric Garner in New York; and other black men who died during encounters with white police officers. In Gray's case, three of the officers charged are white; three black.

📅 December 1, 2015 by [Libby Anne](#) 🗨️ [Leave a Comment](#)

Have a look at how the New York Times [described Robert Dear](#), the Plan Parenthood shooter, in an article published over the weekend:

Suspect Lived Off the Grid but Left Trail of Disputes

By JULIE TURKEWITZ, RICHARD FAUSSET, ALAN BLINDER and BENJAMIN MUELLER

Acquaintances described Robert L. Dear Jr., who was arrested in a fatal rampage at a Planned Parenthood center in Colorado, as a **gentle loner** who occasionally unleashed violent acts toward neighbors and women he knew.

Is our intuition always right? Let's see...

The Cognitive Reflection Test is designed to see how much a person is guided by his or her intuition as opposed to purely deliberative thinking.

Cognitive Reflection Test (CRT)

The CRT is designed to distinguish between intuitive and deliberative processing:

1. A bat and ball cost \$1.10 in total. The bat costs \$1.00 more than the ball. How much does the ball cost?
2. If it takes 5 machines 5 minutes to make 5 widgets, how long would it take 100 machines to make 100 widgets?
3. In a lake, there is a patch of lily pads. Every day, the patch doubles in size. If it takes 48 days for the patch to cover the entire lake, how long would it take for the patch to cover half of the lake?

Shane Frederick, Cognitive Reflection and Decision Making, 19 J. ECON. PERSP. 25, 27 (2005).

Scoring the Slide Answers

1. The answer here is 5 cents. The intuitive answer is 10 cents, which would make the bat and ball combination cost \$1.20, not \$1.10.
2. The answer here is 5 minutes. The intuitive answer is 100 minutes—it is what most people answer just before reporting the question to be “easy.”
3. The answer here is 47 days. The intuitive answer is 24 days, which is what most people tend to answer. However, if the patch doubles in size every day and the lake is covered on day 48, then on day 47 the lake would have to be half-covered.

Shane Frederick, Cognitive Reflection and Decision Making, 19 J. ECON. PERSP. 25, 26–27 (2005).

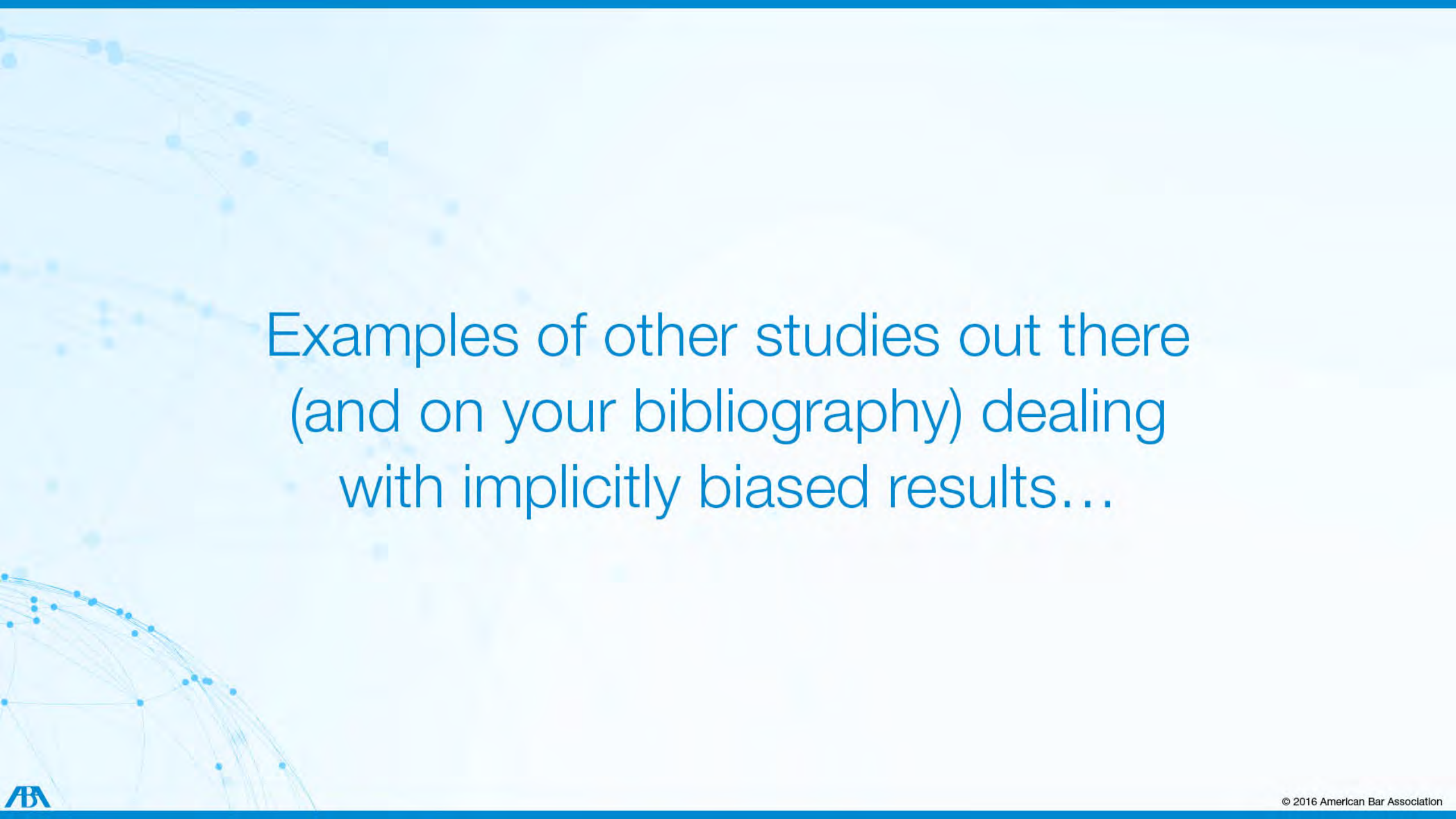
How'd you do!?

- Most people average only one correct answer, instead going “with their gut,” meaning impulse, and getting the answers wrong.
- Adults tend to perform particularly poorly on this test.
- Subjects who selected the “intuitive” responses were much more likely than those who answered correctly to report that the problems were **easy**.

The Judge Study

- After administering the CRT to 252 trial judges, one study found that judges obtained an average score of 1.23 out of 3.00, which is slightly higher than students at the University of Michigan (1.13) and slightly lower than the students at Harvard (1.43). (Students at MIT scored the highest at 2.18.)
- Judges who selected the intuitive, though incorrect, answers were just as likely to describe the questions as easy as the general population.
- The fact that about 1/3 of the judges suppressed their intuitions to deliberate, i.e., moved from System 1 to System 2 in real time, is a good place to start.

Chris Guthrie, Jeffrey J. Rachlinski & Andrew J. Wistrich, *Blinking on the Bench: How Judges Decide Cases*, 93 CORNELL L. REV. 1, 14–16 (2007–08).



Examples of other studies out there
(and on your bibliography) dealing
with implicitly biased results...

Ideal Litigators Study

Found test takers associate ***ideal litigators*** (***competence, skill, likeability***) as being white and male DESPITE EXPLICIT (conscious), strong beliefs that they held no such associations!

Jerry Kang et al., Are Ideal Litigators White?: Measuring the Myth of Colorblindness, 7 J. EMPIRICAL LEGAL STUD. 886 (2010).

Blacks and Sentencing Outcomes: Two Studies

- Dark skin, broad nose, big lips, and even hair (afro, dreadlocks) = harsher sentencing.

Jennifer L. Eberhardt et al., Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes, 17 PSYCHOL. SCI. 383, 383–84 (2006) (photos to the right are examples from the article).

- Consider another study out of Georgia concluding that blacks receive sentences that are 4.25 percent harsher than whites after controlling for types of crime. Dark-skinned black men received sentences 4.8 percent harsher than whites; light-skinned blacks received sentences that were not statistically significant.

Traci Burch, Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Sentencing, 12 J. EMPIRICAL LEGAL STUD. 395, 395 (SEPT. 2015).



The Presumption Of Innocence

Every defendant is innocent
until proven guilty.

Federal District Judge Mark Bennett asks: Do you really believe that?
Would you shake the defendant's hand and tell the jury that s/he is innocent?
Why not?

Mark W. Bennett, The Presumption of Innocence and Trial Court Judges:
Our Greatest Failing, 39 CHAMPION (Apr. 2015).

A background graphic consisting of a network of blue dots connected by thin, light blue lines, forming a complex web-like structure that is denser on the left side and fades towards the right.

We All Misremember Facts, Too...

Implicit Racial Bias and Forgotten Memory

Implicit Racial Bias Automatically Causes Most Fact Finders to **Misremember Case Facts** in **Racially Biased Ways**:

Participants read two unrelated stories: one about a fistfight and the second about an employee who was terminated. The independent variable was the race of the story protagonist.

Fight Story: William, a Caucasian; Tyronne, an African-American

Employment Termination Story: Brenda, a Caucasian; Keisha, an African-American

Justin D. Levinson, Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering, 57 DUKE L.J. 345, 391–94 (2007).

Implicit Racial Bias and Forgotten Memory: Study Results

Participants misremembered certain legally relevant and important facts in a racially biased manner:

- Participants who read about Tyronne recalled 80.2% of aggression facts.
- Participants who read about William recalled only 68.8% of aggression facts.
- Participants falsely remembered Brenda being Employee of the Month 17% of the time; but Keisha, only 10%

Justin D. Levinson, Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering, 57 DUKE L.J. 345, 399, 404 (2007).

We Also Interpret *Ambiguous Evidence* Differently, Depending on Skin Color



Implicit Racial Bias and Skin Tone

Subjects viewed a crime scene photo of a masked armed robber at a Mini Mart. The photo shows the forearm of the robber; half saw light skin, and half saw dark skin (see previous slide).

Subjects were then told 20 pieces of ambiguous evidence, e.g., the suspect was a Golden Gloves boxing champ, the suspect was left-handed, etc.

Justin D. Levinson & Danielle Young, *Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence*, 112 W. VA. L. REV. 307, 332–33 (2010).

Implicit Racial Bias and Skin Tone RESULTS:

1. Memory bias and explicit racial preference (Modern Racism Scale) were not correlated.
2. Those who saw dark skin saw ambiguous evidence significantly more probative of guilt (if the black suspect was right-handed, people assumed the suspect purposely changed hands to throw law enforcement off; but a white right-handed suspect was excluded as the likely robber since the person in the picture held the gun in the left hand).
3. Subjects found the dark-skinned defendant “more” guilty on a scale of 1 to 100.

Justin D. Levinson & Danielle Young, Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence, 112 W. VA. L. REV. 307, 337–38 (2010).

Other examples we should look out for...

EYEWITNESS TESTIMONY: Studies have shown that eyewitness testimony can become victim to implicit racial biases. For example, it is well-settled that people are much more accurate when identifying another member of their own race as opposed to someone of a different race. Additionally, in one study, when participants were subliminally primed with a black male face, they were quicker to distinguish a weapon out of static. When primed with a weapon, they were also quicker to see a black male face. This was true for both students and police officers.

Other examples we should look out for...

DEATH ROW: Seventy-seven percent of all death row inmates in the United States are minorities, whereas 75 percent of all federal judges are white and 68 percent are male. A whopping 30 percent of all executions stem from 15 individual counties, all in former Confederate states (i.e., LA, GA, SC, AL, MS, TX). Maybe even more importantly, a staggering 95 percent of elected prosecutors are white.

Amita Kelly, Does It Matter That 95 Percent of Elected Prosecutors Are White?, NPR (July 8, 2015), <http://www.npr.org/sections/itsallpolitics/2015/07/08/420913118/does-it-matter-that-95-of-elected-prosecutors-are-white>.

Consider, too...

DEHUMANIZATION BIAS: One study tested 176 mostly white, mostly male police officers for a “dehumanization bias” against black people by having them match photos of people with photos of big cats or apes. The study found a “statistically significant” occurrence of the dehumanization bias among white police officers in urban areas. Also, the officers with higher scores on the Dehumanization IAT were much more likely to have a record of excessive force complaints from black suspects.

Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 4 J. PERSONALITY & SOC. PSYCHOL. 526, 534–36 (2014).

Consider, too...

SHOOTER BIAS: Civilians, students, and police officers all respond much more quickly to a black figure with a gun than a white figure with a gun—and also tend to mistake harmless objects for guns in black hands more often than in white hands.

So, Back to the IAT: Judges, Implicit Bias, and Effect on Judgement

In a study, judges took the Race IAT as well as tests to determine whether implicit bias affected judgment. Some of the findings:

1. White judges showed strong implicit attitudes favoring white defendants over African-American defendants. The study showed a mixed preference among black judges.
2. White judges' IAT scores showed a statistically stronger white preference than did the scores of whites in the general population. Black judges' IAT scores were comparable to scores of blacks in the general population.
3. White judges who had a greater degree of implicit bias against African-Americans, as measured by the IAT, were harsher on defendants (who were never racially identified) when they had been primed with racially charged words.

Jeffrey Rachlinski et al., Does Unconscious Racial Bias Affect Trial Judges?,
84 NOTRE DAME L. REV 1195, 1210, 1216 (2009).

And what do judges think about whether they have implicit biases that might interfere with their decisionmaking?

A group of judges at a conference were asked to rate their ability “to avoid racial prejudice in decision making” as compared to other judges in the room.

ANSWER:

97% rated themselves in top half!

How can or should a judge address bias?

- Decisions about whether to address bias are affected by the following:
 - Whether inequality or disparity is recognized
 - Whether addressing it is seen as relevant to the court's work
- Does intentionality of bias matter?
 - Is it enough to be color blind or gender blind in practice? In the courts?

Combating Implicit Bias

- Awareness
 - Harvard Implicit Association Test (IAT)
- Insulating subjects of bias from its effects
 - Induce deliberation
- “Debiasing”
 - Increase diversity
 - Eliminate hostile environments and create positive environments
 - Focus on exposure and education

How is implicit bias operating in you, in others?

- Start considering every person of relevance to the matter before you in the courtroom:
 1. Yourself
 2. Prosecutor
 3. Defense Attorney
 4. Defendant
 5. Jurors
 6. Court Personnel

As a judge, you are *already looking out for bias*:

ABA MODEL CODE OF JUDICIAL CONDUCT Canon 2, R. 2.3: Bias, Prejudice, and Harassment

- (A) **A judge shall perform** the duties of judicial office, including administrative duties, *without bias or prejudice*.
- (B) **A judge shall not, *in the performance of judicial duties***, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and *shall not permit court staff, court officials, or others subject to the judge's direction and control to do so*.
- (C) *A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice*, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

Inducing Deliberation

Studies show that inducing deliberation is a key component to combating bias. How do we go about inducing deliberation?

- A “Kind” Environment

This means that “immediate, high-quality feedback” is available on the causes and consequences of errors from peers and trusted colleagues.

- Time

Time pressures present an enormous challenge, and the amount of time a judge has to make a decision can directly influence a reliance on intuition. Allotting more time for decision-making is likely to help induce deliberation.

Inducing Deliberation, cont.

- Opinion Writing

Writing more opinions could induce more deliberation by affording the chance to assess a decision carefully as well as justifying it in writing.

If writing the opinion is not feasible, maybe announce your reasoning out loud before having a clerk draft the opinion.

- Training and Feedback

Statistical training could be massively useful for judges as studies show that statistical training increases the likelihood that individuals will make rational, deliberative decisions.

Adopting a kind of interdistrict peer-review process could also, in theory, be largely beneficial for participating jurists

What Deliberation Might Look Like

“Entering the cultural imagination of the other”

–Raymond Carroll

“Down the rabbit hole”

–Lewis Carroll

GOALS:

Suspending conclusions & judgments

Enlarging & refracting understandings of how the world works

Suggesting inquiries for future understanding

- Sue Bryant & Jean Koh Peters, Five Habits for Cross-Cultural Lawyering, in RACE, CULTURE, PSYCHOLOGY, AND LAW 47 (Kimberly Holt Barrett & William H. George eds., 2005).

Exposure

- Exposure to varied groups and types also can help reduce bias. Following are some examples of exposure:
- Using countertypicals
 - ◆ MLK, Jr., and Charles Manson are countertypicals
 - ◆ Even this kind of tangential exposure has been shown to reduce implicit bias
 - ◆ Additionally, brief visualization exercises can change IAT scores.
 - ◆ Similarly, juxtaposing ordinary people with countertypical settings has also been shown to have an effect.
- Reducing homogeneity
- Identifying your own personal risk factors based on your own experiences, upbringing, age, religion, etc.
 - ◆ Tracking your performance and independent education have also been shown to reduce implicit bias.

Sexual Orientation and Gender Identity Discrimination

Would candor, i.e., making one's orientation known, reduce biases toward the LGBT community?

VIEW ONE: The candor literature suggests that rather than move away from negative views, courts and others will become increasingly committed to their initial intuitions and will rely explicitly on them.

Suzanne B. Goldberg, *Sticky Intuitions and the Future of Sexual Orientation Discrimination*, 57 *UCLA L. REV.* 1375, 1413–14 (June 2010).

VIEW TWO: Making sexual orientation salient can help jurors cognitively process and reject stereotypic assumptions about LGBT litigants.

Cynthia Lee, *The Gay Panic Defense*, 42 *U.C. DAVIS L. REV.* 471, 531 (Dec. 2008).

Making Sexual Orientation Salient

Making sexual orientation salient, i.e., known, could possibly help and be done through pretrial publicity, questions asked during voir dire, opening and closing statements, trial testimony, and jury instructions.

In the Matthew Shepard case, gay and lesbian groups made sexual orientation salient when they decried the killing as a hate crime based on the victim's sexual orientation. The result was a felony murder conviction, more severe than the manslaughter conviction that the defense team wanted.

Cynthia Lee, *The Gay Panic Defense*, 42 U.C. DAVIS L. REV. 471, 531 (Dec. 2008).

Why Not Just Be “Color Blind”?

Definition: Color blindness is a way of thinking that attempts to be “nonracial.” This means that a white person would actively attempt to treat everyone equally without regard to racial identities.

Attempting to be color blind puts us at intensified risk of adopting implicit biases because we are refusing to see and acknowledge things that are in front of us.

EDUARDO BONILLA-SILVA, RACISM WITHOUT RACISTS: BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN AMERICA 3 (4th ed. 2014).

The Problem With Being “Color Blind”

Color blindness is an attempt to act purely on intuition, i.e., to remove the onus of deliberation. The ultimate behavioral representation of revisionist thinking, color blindness allows the status quo to prevail. If one does not “see color,” it may become difficult to see real differences in treatment.

Example: Studies show that black Americans are killed at twelve times the rate of any other group in the developed world. African-Americans, generally, have the highest death rate and shortest survival time for most cancers of any racial or ethnic group in America.

Nate Silver, Black Americans Are Killed at 12 Times the Rate of People in Other Developed Countries, FIVETHIRTYEIGHT (June 18, 2015), <http://fivethirtyeight.com/datalab/black-americans-are-killed-at-12-times-the-rate-of-people-in-other-developed-countries/>.

The Big Picture

The *most important tool* in your toolbox is *your own awareness* of implicit bias as a reality — and your own motivation to make the unconscious, conscious.

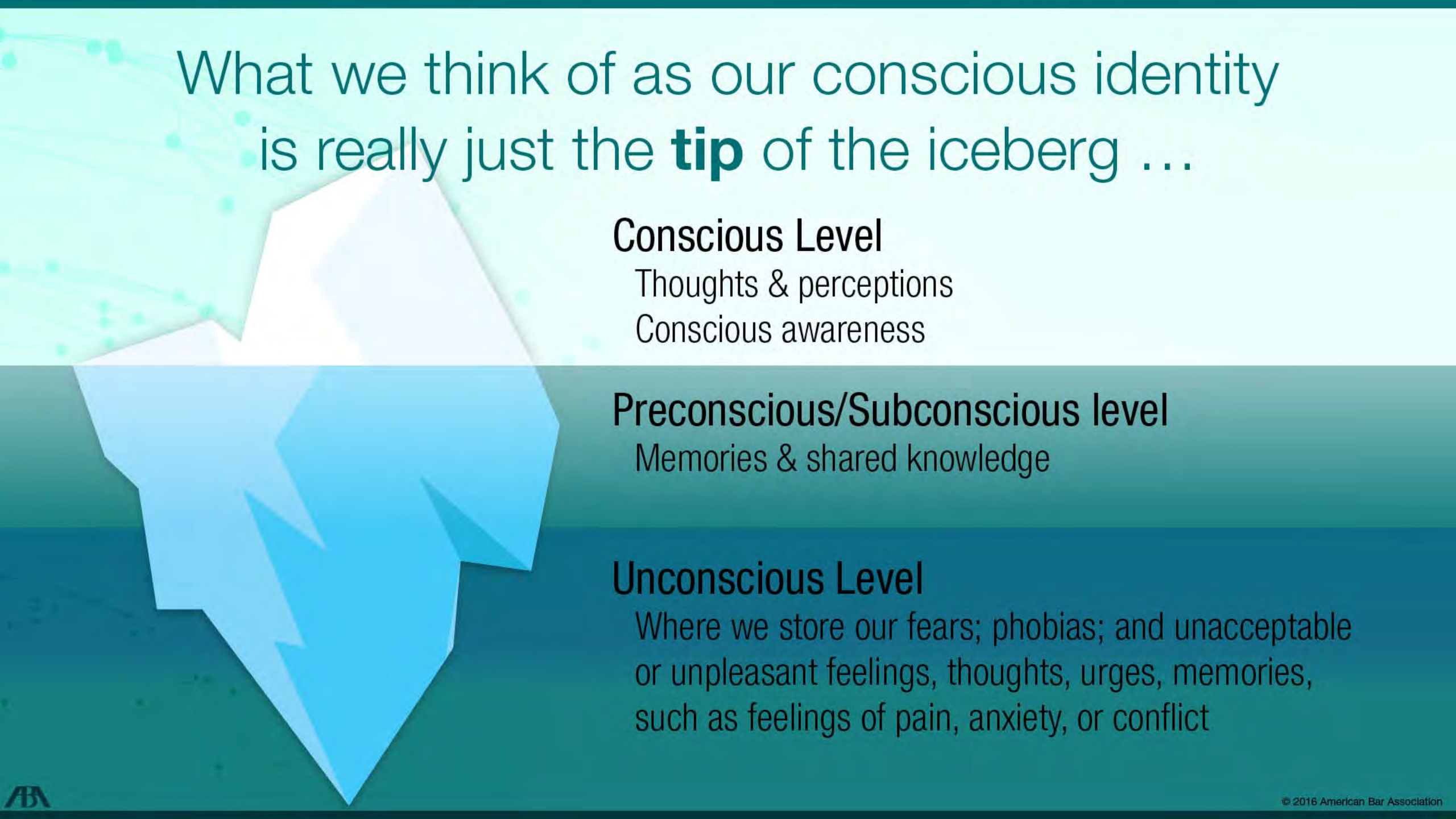
Implicit Bias & Prosecutors

How innate attitudes shape behavior and can distort justice



INTRODUCTION

- Objective
 - Learn what *implicit bias* is and how it might affect outcomes in the courtroom.
 - Learn how to identify and combat the effects of *implicit bias* in the decision to charge, in jury selection, in the calling of witnesses, in the offer and the acceptance of plea deals, in sentence recommendations and *in all aspects* of prosecuting cases

An iceberg is shown floating in water. The tip of the iceberg is above the water line, representing the conscious level. The much larger part of the iceberg is submerged below the water line, representing the preconscious and unconscious levels. The background is a light blue gradient with faint, glowing network-like patterns.

What we think of as our conscious identity
is really just the **tip** of the iceberg ...

Conscious Level

Thoughts & perceptions
Conscious awareness

Preconscious/Subconscious level

Memories & shared knowledge

Unconscious Level

Where we store our fears; phobias; and unacceptable or unpleasant feelings, thoughts, urges, memories, such as feelings of pain, anxiety, or conflict

System 1 & System 2

Social scientists say that we have two systems used in thinking: **System 1** and **System 2**.

System 1 is *always running* without our knowledge—unknowingly, involuntarily. It is automatic and *fast*. System 1 is where our unconscious associations and snap judgments are made, where breathing and regulating body temperatures occurs, and more. System 1 is where our schemas live.


System 2, by contrast, is our conscious, deliberative mind. This is where we assess conflicting information and make complex judgments. We use this part of our brain consciously—and guess what? It is only 10 percent of our brain power, capability, and functioning. **TEN PERCENT!** This is also where our aspirations for acceptance and tolerance live.

This Work Is Focused on System 1: The Unconscious and, Specifically, Our Implicit Biases

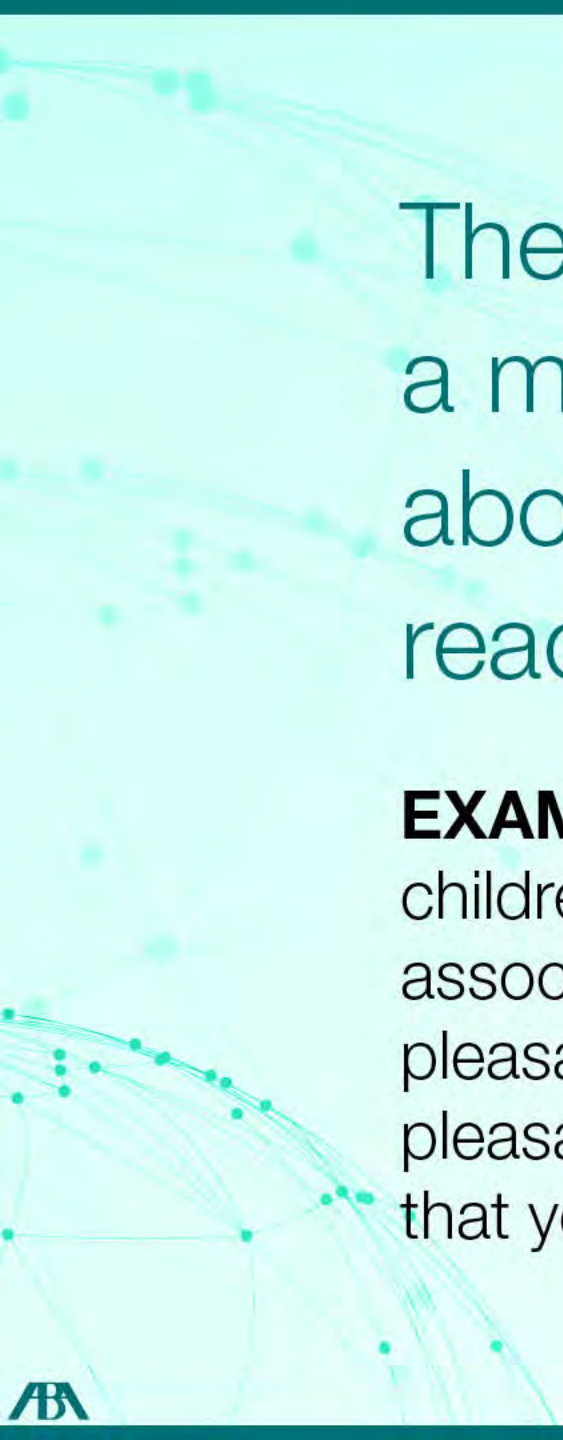
According to the Kirwan Institute,

“implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness.”

KIRWAN INSTIT. FOR THE STUDY OF RACE & ETHNICITY, UNDERSTANDING IMPLICIT BIAS 1, 1 (2015), available at <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>.

An abstract graphic in the top-left corner of the slide, consisting of a network of teal-colored dots connected by thin, curved lines, resembling a neural network or a data visualization. The dots and lines are scattered across the upper-left quadrant, fading out towards the center.

How can we **become conscious of our unconscious (i.e. implicit)** feelings, attitudes, behaviors, and associations?



The IAT: The Implicit Association Test is a methodology that tells you something about your unconscious by your reaction time to words and categories.

EXAMPLE: If you are quicker at linking women with children than men with family obligations or faster at associating black and brown faces with good and pleasant words than white and light faces with good and pleasant words, this tells you something about attitudes that you may not have consciously thought you held.

There are many different kinds of tests you can take:

SKIN-TONE IAT

This IAT requires the ability to recognize light and dark-skinned faces. It often reveals an automatic preference for light-skin relative to dark-skin.

WEIGHT IAT

This IAT requires the ability to distinguish faces of people who are obese and people who are thin. It often reveals an automatic preference for thin people relative to fat people.

ASIAN IAT

This IAT requires the ability to recognize White and Asian-American faces, and images of places that are either American or Foreign in origin.

ARAB-MUSLIM IAT

This IAT requires the ability to distinguish names that are likely to belong to Arab-Muslims versus people of other nationalities or religions.

NATIVE IAT

This IAT requires the ability to recognize White and Native American faces in either classic or modern dress, and the names of places that are either American or Foreign in origin.

WEAPONS IAT

This IAT requires the ability to recognize White and Black faces, and images of weapons or harmless objects.

There are many different kinds of tests you can take:

GENDER-SCIENCE IAT

This IAT often reveals a relative link between liberal arts and females and between science and males.

AGE IAT

This IAT requires the ability to distinguish old from young faces. This test often indicates that Americans have automatic preference for young over old.

GENDER-CAREER IAT

This IAT often reveals a relative link between family and females and between career and males.

RELIGION IAT

This IAT requires some familiarity with religious terms from various world religions.

DISABILITY IAT

This IAT requires the ability to recognize symbols representing abled and disabled individuals.

RACE IAT

This IAT requires the ability to distinguish faces of European and African origin. It indicates that most Americans have an automatic preference for white over black.

SEXUALITY IAT

This IAT requires the ability to distinguish words and symbols representing gay and straight people. It often reveals an automatic preference for straight relative to gay people.

PRESIDENTS IAT


This IAT requires the ability to recognize photos of Barack Obama, and one or more previous Presidents.

All tests can be accessed at PROJECT IMPLICIT, <https://implicit.harvard.edu/implicit/selectatest.html> (last updated 2011) (all test descriptions are quoted from the site).

Go ahead! TAKE A TEST.

<https://implicit.harvard.edu/implicit/takeatest.html>

Each test takes about six minutes. If you are interested in learning more about unconscious associations that you have, you have to start somewhere. The IAT is the best place to begin. (You could also take an MRI in a controlled lab, but that's a lot more work....)



Which ones did you take?
What did you learn?
Did you retake?
Are you troubled a bit by your associations?

If so, you are in the right place.

These slides, our video, and the readings in the bibliography are designed to help you learn more about troubling unconscious associations and how to catch them before you make decisions.

Schemas: How We Understand The World

Schemas are “mental concept[s] that inform[]” us “about what to expect from a variety of experiences and situations. Schemas are developed based on information provided by what one is exposed to and “then stored in memory.”

Schemas in Psychology: Definition, Types & Examples, STUDY.COM, <http://study.com/academy/lesson/schemas-in-psychology-definition-types-examples.html> (last updated 2016).

Broadly speaking, “a schema ...describes a pattern of thought or behavior that organizes categories of information and the relationships among them.”

Schema (Psychology), WIKIPEDIA, [https://en.wikipedia.org/wiki/Schema_\(psychology\)](https://en.wikipedia.org/wiki/Schema_(psychology)) (last updated 2016) (citing Paul DiMaggio, Culture and Cognition, 23 ANN. REV. SOC. 263 (Aug. 1997)).

Our schemas consist of **Attitudes & Stereotypes**

ATTITUDE: An association between some concept (here, a cultural marker) and an evaluative valence, either positive or negative.

Examples: A woman wearing a hijab must be hiding something, or a woman wearing a hijab is respectful of her religion.

STEREOTYPE: An association between a concept and a trait.


Examples: Black people are criminals, girls are not good at math, etc.

Implicit Social Cognitions

“We naturally assign people into various social categories divided by salient and ...accessible traits such as age, gender, race,” skin color, disability, etc. (And science has proven that we begin to do some of this as early as six months old!)

And, so, “just as we ... have implicit cognitions that help us ... drive” and eat, we have implicit social cognitions that help us group and evaluate people based on our schemas.

JERRY KANG, NAT'L CTR. FOR STATE COURTS, IMPLICIT BIAS: A PRIMER FOR COURTS 1 (Aug. 2009), available at <http://jerrykang.net/research/2009-implicit-bias-primer-for-courts/>.



a **few** examples

of biases...

Racial Bias

- Complex and socially constructed
 - Stereotyping
 - Consequence of changing demographics and isolation
- Systemic
 - Often not overtly discriminatory individual acts
- Lived experience with racism and repeated perceptions of disparity
 - Affects sense of justice

JOE R. FEAGIN & MELVIN P. SIKES, LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE (1994).

Gender Bias

- Persistent, socially prescribed, “gendered” roles such as “natural” roles for women, i.e., caretakers
- Assumptions about nature and behavior
 - Often a consequence of archaic stereotypes, i.e., women are the weaker sex and thus must be looked after
- Policies and practices that continue to treat women differently, such as the persistent wage gap and a lack of paid family leave

Gender Bias Example

One experiment asks participants to evaluate two finalists for chief of police—one male and one female.

One finalist's profile “signaled book smart,” while the other “signaled streetwise.” The profiles were randomly switched between the two finalists during the experiment.

The man was chosen more often by all groups, regardless of which profile he had.

All attributes were considered more important when ascribed to the man.

Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 *UCLA L. REV.* 1124, 1156–57 (2009).

Gender Bias: Another Example

In *Blink*, Malcolm Gladwell relates the story of classical musicians and gender bias. There, orchestras were largely male with almost no female participation. As an experiment, one orchestra changed the audition structure to make them blind. This drastically increased the number of female players in classical ensembles, showing that there may have been an implicit gender bias at work.

The same has been shown to be true in service-sector employment, and there is a move toward trying to make law firm hiring “blind.”

MALCOLM GLADWELL, *BLINK: THE POWER OF THINKING WITHOUT THINKING* 273 (2005).

Disability Bias

IAT: The test presents positive and negative words coupled with pictures of a wheelchair, crutches, a man with a cane, and a seeing-eye dog, as well as drawings of a man running, a man skiing, and a crossing guard with a mother and child.

- The results showed **more** implicit bias than against race, gender, or sexual orientation. **Even among test takers with disabilities, there was a preference for able-bodied people.**
- Men showed a much stronger preference for the able-bodied than women. Older test takers also showed a stronger preference than younger folks for able-bodied people.

Dale Larson, Unconsciously Regarded As Disabled: Implicit Bias and the Regarded-As Prong of the Americans with Disabilities Act, 56 UCLA L. REV. 451, 476 (2008).

Sexual Orientation Bias

IAT: A preference for heterosexuals relative to homosexuals is observed in both heterosexual and bisexual respondents. Homosexual respondents display a preference for homosexuals.

Punishment: One recent study found that LGBT youths are likely to be punished more harshly than heterosexual youths in sexual activity cases. For example, a combination of two gay boys results in a more punitive response than any other gender combination when juveniles are engaged in a prosecutable sexual activity.

Jessica M. Salerno et al., Give the Kid a Break—But Only if He's Straight: Retributive Motives Drive Biases Against Gay Youth in Ambiguous Punishment Contexts, 20 PSYCHOL. PUB. POL'Y & L. 398, 405 (Nov. 2014).

Implicit Sexual Orientation Bias in Other Contexts

HEALTHCARE:

Research shows moderate to strong implicit preferences for heterosexual people over lesbian and gay people among heterosexual health-care providers.

Health-Care Providers Hold Biases Based on Sexual Orientation, Study Says, SCI. DAILY (July 16, 2015), <https://www.sciencedaily.com/releases/2015/07/150716180910.htm>.

EMPLOYMENT:

Only 1.9 percent of law firm lawyers are openly LGBT. Implicit bias may explain some of this low percentage.

J. Dalton Courson, Reality Check: Combating Implicit Bias, A.B.A.: LGBT LITIGATOR (Dec. 21, 2012), <http://apps.americanbar.org/litigation/committees/lgbt/articles/fall2012-1212-reality-check-combating-implicit-bias.html>.

The media plays into what gets sent & stored in our unconscious as well. Consider...



“Two residents wade through chest-deep water after **finding** bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana.”

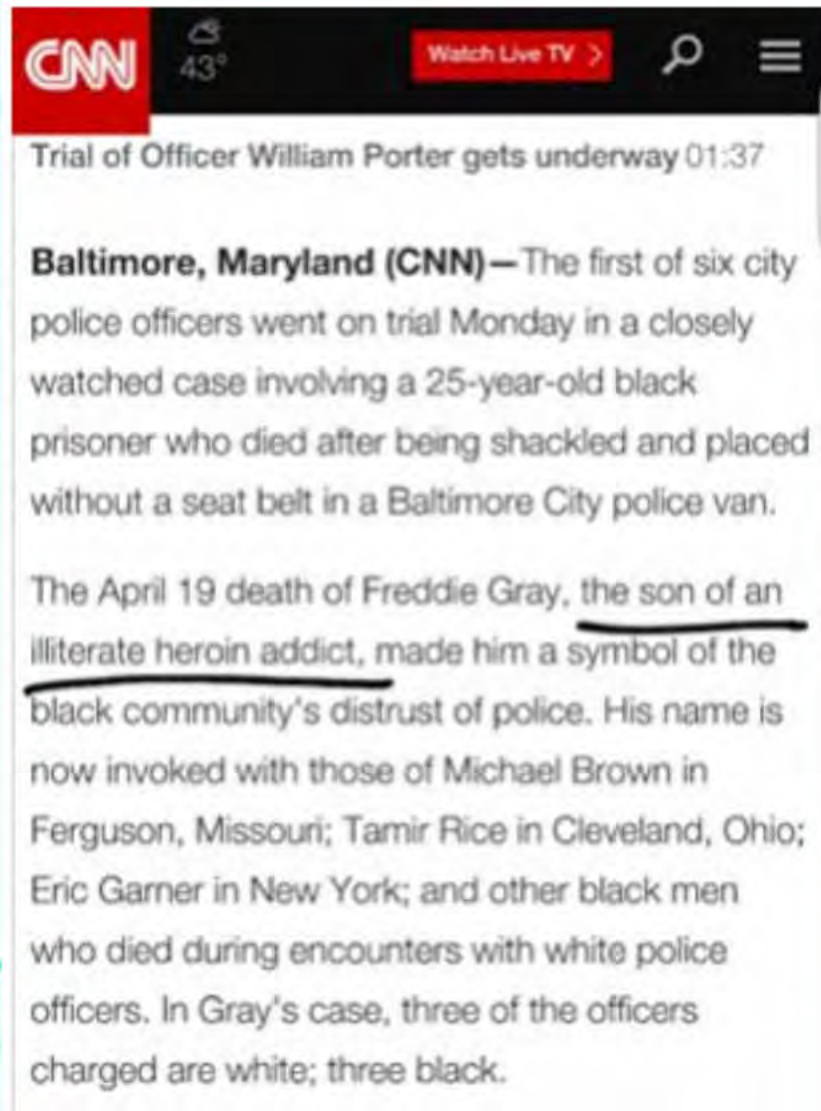
(AFP/Getty Images/
Chris Graythen)



“A young man walks through chest deep flood water after **looting** a grocery store in New Orleans on Tuesday.”

(AP/Dave Martin)

Compare:



The screenshot shows a mobile news article from CNN. At the top, there is a red bar with the CNN logo, a weather icon showing 43 degrees, a "Watch Live TV" button, and search and menu icons. Below the bar, a video player shows a video titled "Trial of Officer William Porter gets underway 01:37". The main text of the article begins with "Baltimore, Maryland (CNN)—The first of six city police officers went on trial Monday in a closely watched case involving a 25-year-old black prisoner who died after being shackled and placed without a seat belt in a Baltimore City police van." The second paragraph starts with "The April 19 death of Freddie Gray, the son of an illiterate heroin addict, made him a symbol of the black community's distrust of police. His name is now invoked with those of Michael Brown in Ferguson, Missouri; Tamir Rice in Cleveland, Ohio; Eric Garner in New York; and other black men who died during encounters with white police officers. In Gray's case, three of the officers charged are white; three black."

December 1, 2015 by [Libby Anne](#) [Leave a Comment](#)

Have a look at how the New York Times [described Robert Dear](#), the Plan Parenthood shooter, in an article published over the weekend:

Suspect Lived Off the Grid but Left Trail of Disputes

By JULIE TURKEWITZ, RICHARD FAUSSET, ALAN BLINDER and BENJAMIN MUELLER

Acquaintances described Robert L. Dear Jr., who was arrested in a fatal rampage at a Planned Parenthood center in Colorado, as a **gentle loner** who occasionally unleashed violent acts toward neighbors and women he knew.

Is our intuition always right? Let's see...

The Cognitive Reflection Test is designed to see how much a person is guided by his or her intuition as opposed to purely deliberative thinking.

Cognitive Reflection Test (CRT)

The CRT is designed to distinguish between intuitive and deliberative processing:

1. A bat and ball cost \$1.10 in total. The bat costs \$1.00 more than the ball. How much does the ball cost?
2. If it takes 5 machines 5 minutes to make 5 widgets, how long would it take 100 machines to make 100 widgets?
3. In a lake, there is a patch of lily pads. Every day, the patch doubles in size. If it takes 48 days for the patch to cover the entire lake, how long would it take for the patch to cover half of the lake?

Shane Frederick, Cognitive Reflection and Decision Making, 19 J. ECON. PERSP. 25, 27 (2005).

Scoring the Slide Answers

1. The answer here is 5 cents. The intuitive answer is 10 cents, which would make the bat and ball combination cost \$1.20, not \$1.10.
2. The answer here is 5 minutes. The intuitive answer is 100 minutes—it is what most people answer just before reporting the question to be “easy.”
3. The answer here is 47 days. The intuitive answer is 24 days, which is what most people tend to answer. However, if the patch doubles in size every day and the lake is covered on day 48, then on day 47 the lake would have to be half-covered.

Shane Frederick, Cognitive Reflection and Decision Making, 19 J. ECON. PERSP. 25, 26–27 (2005).

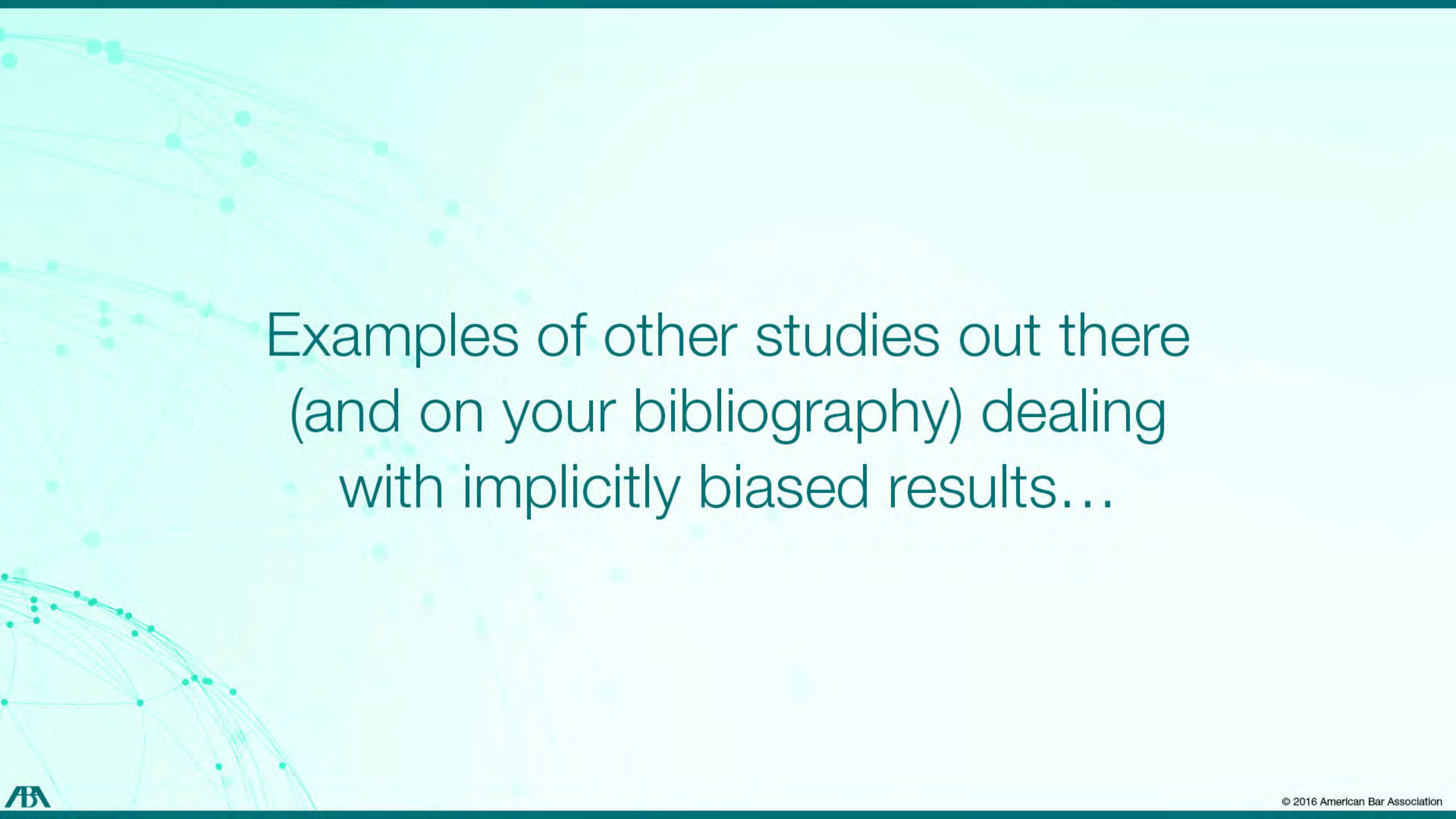
How'd you do!?

- Most people average only one correct answer, instead going “with their gut,” meaning impulse, and getting the answers wrong.
- Adults tend to perform particularly poorly on this test.
- Subjects who selected the “intuitive” responses were much more likely than those who answered correctly to report that the problems were **easy**.

The Judge Study

- After administering the CRT to 252 trial judges, one study found that judges obtained an average score of 1.23 out of 3.00, which is slightly higher than students at the University of Michigan (1.13) and slightly lower than the students at Harvard (1.43). (Students at MIT scored the highest at 2.18.)
- Judges who selected the intuitive, though incorrect, answers were just as likely to describe the questions as easy as the general population.
- The fact that about 1/3 of the judges suppressed their intuitions to deliberate, i.e., moved from System 1 to System 2 in real time, is a good place to start.

Chris Guthrie, Jeffrey J. Rachlinski & Andrew J. Wistrich, *Blinking on the Bench: How Judges Decide Cases*, 93 CORNELL L. REV. 1, 14–16 (2007–08).



Examples of other studies out there
(and on your bibliography) dealing
with implicitly biased results...

Ideal Litigators Study

Found test takers associate ***ideal litigators*** (***competence, skill, likeability***) as being white and male DESPITE EXPLICIT (conscious), strong beliefs that they held no such associations!

Jerry Kang et al., Are Ideal Litigators White?: Measuring the Myth of Colorblindness, 7 J. EMPIRICAL LEGAL STUD. 886 (2010).

Blacks and Sentencing Outcomes: Two Studies

- Dark skin, broad nose, big lips, and even hair (afro, dreadlocks) = harsher sentencing.

Jennifer L. Eberhardt et al., Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes, 17 PSYCHOL. SCI. 383, 383–84 (2006) (photos to the right are examples from the article).

- Consider another study out of Georgia concluding that blacks receive sentences that are 4.25 percent harsher than whites after controlling for types of crime. Dark-skinned black men received sentences 4.8 percent harsher than whites; light-skinned blacks received sentences that were not statistically significant.

Traci Burch, Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Sentencing, 12 J. EMPIRICAL LEGAL STUD. 395, 395 (SEPT. 2015).



The Presumption Of Innocence

Every defendant is innocent
until proven guilty.

Federal District Judge Mark Bennett asks: Do you really believe that?
Would you shake the defendant's hand and tell the jury that s/he is innocent?
Why not?

Mark W. Bennett, The Presumption of Innocence and Trial Court Judges:
Our Greatest Failing, 39 CHAMPION (Apr. 2015).



We All Misremember Facts, Too...

Implicit Racial Bias and Forgotten Memory

Implicit Racial Bias Automatically Causes Most Fact Finders to **Misremember Case Facts** in **Racially Biased Ways**:

Participants read two unrelated stories: one about a fistfight and the second about an employee who was terminated. The independent variable was the race of the story protagonist.

Fight Story: William, a Caucasian; Tyronne, an African-American

Employment Termination Story: Brenda, a Caucasian; Keisha, an African-American

Justin D. Levinson, Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering, 57 DUKE L.J. 345, 391–94 (2007).

Implicit Racial Bias and Forgotten Memory: Study Results

Participants misremembered certain legally relevant and important facts in a racially biased manner:

- Participants who read about Tyronne recalled 80.2% of aggression facts.
- Participants who read about William recalled only 68.8% of aggression facts.
- Participants falsely remembered Brenda being Employee of the Month 17% of the time; but Keisha, only 10%

Justin D. Levinson, *Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering*, 57 DUKE L.J. 345, 399, 404 (2007).

We Also Interpret *Ambiguous Evidence* Differently, Depending on Skin Color



Implicit Racial Bias and Skin Tone

Subjects viewed a crime scene photo of a masked armed robber at a Mini Mart. The photo shows the forearm of the robber; half saw light skin, and half saw dark skin (see previous slide).

Subjects were then told 20 pieces of ambiguous evidence, e.g., the suspect was a Golden Gloves boxing champ, the suspect was left-handed, etc.

Justin D. Levinson & Danielle Young, *Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence*, 112 W. VA. L. REV. 307, 332–33 (2010).

Implicit Racial Bias and Skin Tone RESULTS:

1. Memory bias and explicit racial preference (Modern Racism Scale) were not correlated.
2. Those who saw dark skin saw ambiguous evidence significantly more probative of guilt (if the black suspect was right-handed, people assumed the suspect purposely changed hands to throw law enforcement off; but a white right-handed suspect was excluded as the likely robber since the person in the picture held the gun in the left hand).
3. Subjects found the dark-skinned defendant “more” guilty on a scale of 1 to 100.

Justin D. Levinson & Danielle Young, Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence, 112 W. VA. L. REV. 307, 337–38 (2010).

Other examples we should look out for...

EYEWITNESS TESTIMONY: Studies have shown that eyewitness testimony can become victim to implicit racial biases. For example, it is well-settled that people are much more accurate when identifying another member of their own race as opposed to someone of a different race. Additionally, in one study, when participants were subliminally primed with a black male face, they were quicker to distinguish a weapon out of static. When primed with a weapon, they were also quicker to see a black male face. This was true for both students and police officers.

Other examples we should look out for...

DEATH ROW: Seventy-seven percent of all death row inmates in the United States are minorities, whereas 75 percent of all federal judges are white and 68 percent are male. A whopping 30 percent of all executions stem from 15 individual counties, all in former Confederate states (i.e., LA, GA, SC, AL, MS, TX). Maybe even more importantly, a staggering 95 percent of elected prosecutors are white.

Amita Kelly, Does It Matter That 95 Percent of Elected Prosecutors Are White?, NPR (July 8, 2015), <http://www.npr.org/sections/itsallpolitics/2015/07/08/420913118/does-it-matter-that-95-of-elected-prosecutors-are-white>.

Consider, too...

DEHUMANIZATION BIAS: One study tested 176 mostly white, mostly male police officers for a “dehumanization bias” against black people by having them match photos of people with photos of big cats or apes. The study found a “statistically significant” occurrence of the dehumanization bias among white police officers in urban areas. Also, the officers with higher scores on the Dehumanization IAT were much more likely to have a record of excessive force complaints from black suspects.

Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 4 J. PERSONALITY & SOC. PSYCHOL. 526, 534–36 (2014).

Consider, too...

SHOOTER BIAS: Civilians, students, and police officers all respond much more quickly to a black figure with a gun than a white figure with a gun—and also tend to mistake harmless objects for guns in black hands more often than in white hands.

How can or should a prosecutor address bias?

- Decisions about whether to address bias are affected by whether inequality or disparity is recognized and whether addressing it is seen as relevant to the court's work.
- Examples of relevant biases may include the following:
 - **Plea Bargaining:** Black and Hispanic defendants are more likely to be held without bail before trial and more likely to be offered plea bargains that include a prison sentence than white and Asian defendants.
 - **Jury Selection:** Prospective black jurors are stricken from the venire at a rate far disproportionate to potential jurors of other races.
 - **Charging Decisions:** When police officers were subliminally primed with words related to the category "black," they judged an adolescent's behavior as more dispositional, of greater culpability, and more likely to lead to recidivism than without the prime.
- Does intentionality of bias matter? Is it enough to be color blind or gender blind in practice? In the courts?

Combating Implicit Bias

- Awareness
 - Harvard Implicit Association Test (IAT)
- Insulating subjects of bias from its effects
 - Induce deliberation
- “Debiasing”
 - Increase diversity
 - Eliminate hostile environments and create positive environments
 - Focus on exposure and education

How is Implicit Bias Operating in you, in others?

- Start considering every person of relevance to the matter before you in the courtroom:
 1. Yourself
 2. Judge
 3. Prosecutor
 4. Defendant
 5. Jurors
 6. Court Personnel

As a prosecutor, you are *already looking out for bias...*

- ◆ “A **prosecutor** has the responsibility of a minister of justice and not simply that of an advocate.” MODEL RULES OF PROF’L CONDUCT R. 3.8 cmt. (Special Responsibilities of a Prosecutor) (emphasis added).
- ◆ “Each **United States attorney**, assistant United States attorney, and attorney appointed under section 543 of this title, before taking office, shall take an oath to execute faithfully his duties.” 28 U.S.C. § 544 (emphasis added).
- ◆ “The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern **impartially** is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that **justice shall be done.**” Berger v. United States, 295 U.S. 78, 88 (1935) (emphasis added).
- ◆ “I,, do solemnly promise and swear (or affirm), that I will faithfully, justly and **impartially** execute the duties of county prosecutor of this State, in and for the county of, to the best of my abilities and understanding.” N.J. STAN. ANN. § 2A:158-3 (emphasis added).

Inducing Deliberation

Studies show that inducing deliberation is a key component to combating bias. How do we go about inducing deliberation?

- A “Kind” Environment

This means that “immediate, high-quality feedback” is available on the causes and consequences of errors from peers and trusted colleagues.

- Time

Time pressures present an enormous challenge, and the amount of time that a judge has to make a decision can directly influence a reliance on intuition. Allotting more time for decision-making is likely to help induce deliberation.

Inducing Deliberation, cont.

- Opinion Writing

Writing more opinions could induce more deliberation by affording the chance to assess a decision carefully as well as justifying it in writing.

If writing the opinion is not feasible, maybe announce your reasoning out loud before having a clerk draft the opinion.

- Training and Feedback

Statistical training could be massively useful for judges as studies show that statistical training increases the likelihood that individuals will make rational, deliberative decisions.

Adopting a kind of interdistrict peer-review process could also, in theory, be largely beneficial for participating jurists

What Deliberation Might Look Like

“Entering the cultural imagination of the other”

–Raymond Carroll

“Down the rabbit hole”

–Lewis Carroll

GOALS:

Suspending conclusions & judgments

Enlarging & refracting understandings of how the world works

Suggesting inquiries for future understanding

Sue Bryant & Jean Koh Peters, Five Habits for Cross-Cultural Lawyering, in RACE, CULTURE, PSYCHOLOGY, AND LAW 47 (Kimberly Holt Barrett & William H. George eds., 2005).

Exposure

- Exposure to varied groups and types also can help reduce bias. Following are some examples of exposure:
- Using countertypicals
 - ◆ MLK, Jr., and Charles Manson are countertypicals
 - ◆ Even this kind of tangential exposure has been shown to reduce implicit bias
 - ◆ Additionally, brief visualization exercises can change IAT scores.
 - ◆ Similarly, juxtaposing ordinary people with countertypical settings has also been shown to have an effect.
- Reducing homogeneity
- Identifying your own personal risk factors based on your own experiences, upbringing, age, religion, etc.
 - ◆ Tracking your performance and independent education have also been shown to reduce implicit bias.

Sexual Orientation and Gender Identity Discrimination

Would candor, i.e., making one's orientation known, reduce biases toward the LGBT community?

VIEW ONE: The candor literature suggests that rather than move away from negative views, courts and others will become increasingly committed to their initial intuitions and will rely explicitly on them.

Suzanne B. Goldberg, *Sticky Intuitions and the Future of Sexual Orientation Discrimination*, 57 *UCLA L. REV.* 1375, 1413–14 (June 2010).

VIEW TWO: Making sexual orientation salient can help jurors cognitively process and reject stereotypic assumptions about LGBT litigants.

Cynthia Lee, *The Gay Panic Defense*, 42 *U.C. DAVIS L. REV.* 471, 531 (Dec. 2008).

Making Sexual Orientation Salient

Making sexual orientation salient, i.e., known, could possibly help and be done through pretrial publicity, questions asked during voir dire, opening and closing statements, trial testimony, and jury instructions.

In the Matthew Shepard case, gay and lesbian groups made sexual orientation salient when they decried the killing as a hate crime based on the victim's sexual orientation. The result was a felony murder conviction, more severe than the manslaughter conviction that the defense team wanted.

Cynthia Lee, *The Gay Panic Defense*, 42 U.C. DAVIS L. REV. 471, 531 (Dec. 2008).

Why Not Just Be “Color Blind”?

Definition: Color blindness is a way of thinking that attempts to be “nonracial.” This means that a white person would actively attempt to treat everyone equally without regard to racial identities.

Attempting to be color blind puts us at intensified risk of adopting implicit biases because we are refusing to see and acknowledge things that are in front of us.

EDUARDO BONILLA-SILVA, RACISM WITHOUT RACISTS: BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN AMERICA 3 (4th ed. 2014).

The Problem With Being “Color Blind”

Color blindness is an attempt to act purely on intuition, i.e., to remove the onus of deliberation. The ultimate behavioral representation of revisionist thinking, color blindness allows the status quo to prevail. If one does not “see color,” it may become difficult to see real differences in treatment.

Example: Studies show that black Americans are killed at twelve times the rate of any other group in the developed world. African-Americans, generally, have the highest death rate and shortest survival time for most cancers of any racial or ethnic group in America.

Nate Silver, Black Americans Are Killed at 12 Times the Rate of People in Other Developed Countries, FIVETHIRTYEIGHT (June 18, 2015), <http://fivethirtyeight.com/datalab/black-americans-are-killed-at-12-times-the-rate-of-people-in-other-developed-countries/>.

The Big Picture

The *most important tool* in your toolbox is *your own awareness* of implicit bias as a reality — and your own motivation to make the unconscious, conscious.