



# Recommendations to the City of Oklahoma City

21CP Solutions

November 2021

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## I. INTRODUCTION

### A. Scope

21CP was contracted by the City of Oklahoma City to: “engage[], analy[ze], and form[] recommendations regarding specific law enforcement practices and related topics,” “to provide reports to the Mayor’s Task Force, the Oklahoma City Working Group, and the City Council of Oklahoma City summarizing the analysis of existing community and police department conditions, describing the analysis of best practices conducted, and making recommendations for best practices to be adopted by the City of Oklahoma City,” in relation to the topics described below:

1. Law Enforcement De-escalation Policy
2. Independent Law Enforcement Accountability to the Community
3. Law Enforcement Training in Crisis Response
4. Alternative Response to Mental Health Calls
5. Law Enforcement Focus on Youth Outreach
6. Creation of a Neighborhood Safety/Violence Interruption Program
7. Police Officer access to Mental Health Services<sup>1</sup>
8. Expansion of Law Enforcement Homeless Outreach Initiatives

As such, this work was not a wide-ranging comprehensive assessment of the Oklahoma City Police Department and its practices, but a more targeted examination of the eight topic areas and community engagement with respect to those issues of focus. 21CP therefore did not examine individual use of force cases, including officer-involved shootings, internal affairs cases in practice, or any other audit of how police activity occurred in practice. Even as this did not prevent 21CP from examining overall dynamics and formulating specific recommendations, a clear caveat to the scope of this report is that it is not grounded in a systematic assessment of how OKCPD performs across officers, cases, or incidents.

Although we believe that our assessment provides sufficient grounds for specific recommendations rooted in best practices, we are not from Oklahoma City. Travel restrictions related to the COVID-19 pandemic also prevented 21CP from spending the type of on-the-ground, in-person time with community we would have liked – and the team’s two visits to OKC confirmed the value of direct interaction. It is entirely

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<sup>1</sup> Topics 6 and 7 were studied by independent consultants. 21CP is expected to review the reports of those other consultants and make recommendations as necessary.

possible, if not probable, that these and other limits to our approach, may have led us to overlook details, miss nuance, or bypass some areas of importance. As such, we relied heavily on those who participated in this process and 21CP shared initial recommendations with the Task Force, the Working Group, OKCPD, and city leadership to ensure that our evaluation was not misstating or missing important facts.

21CP also observes that the Oklahoma City community is not alone in confronting significant issues and concerns surrounding the role, actions, and performance of police. Indeed, 21CP has conducted other reviews, evaluations, and assessments of other police agencies addressing similar issues. Perhaps unsurprisingly, given the shared challenges that communities and police departments face, some of the recommendations we propose for OKC are the same. Even where we make common recommendations – and in some places in this report discuss the logic and rationale for those recommendations using the same language, similar examples, or parallel references as in reports for other communities – they are made because of the particular realities and findings surfaced during our engagement with Oklahoma City stakeholders.

As 21CP routinely observes, we do not, and this report does not, have all the answers. For that matter, it is unlikely that any one of Oklahoma City’s stakeholders alone have all of the answers. Instead, the purpose of this report is to identify methods, based on all the engagement, discussions, and review, within the topic areas selected for review, by which the OKC community, OKCPD, elected officials, and other stakeholders might promote ever-more inclusive, equitable, effective, and just public safety in OKC.

## **B. Approach**

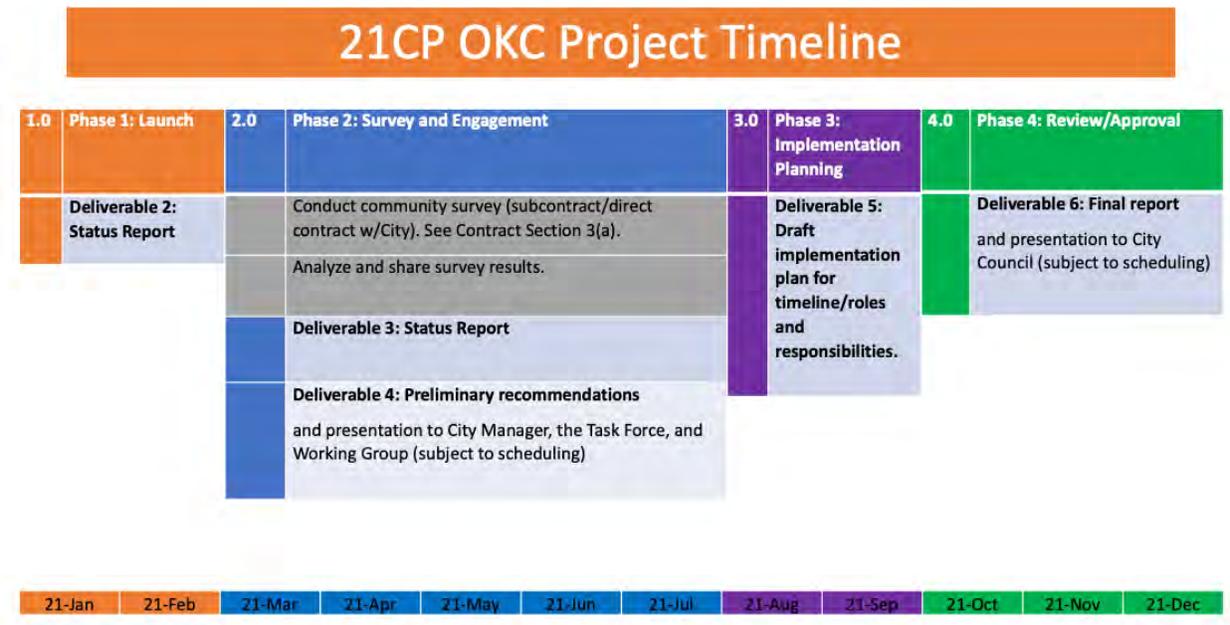
21CP’s engagement with OKC divided this work into four phases. **Phase One** was principally targeted at gathering initial information from the City, Oklahoma City Law Enforcement Policy Task Force (“Task Force”), Oklahoma City Community Policing Working Group (“Working Group”), and the City’s internal Oversight Committee; having initial meetings with key stakeholders in those same groups; and gathering names and contacts of community groups to begin the outreach scheduled in Phase Two.

During **Phase Two**, 21CP reviewed current policies and practices of the OKC Police Department, conducted extensive engagement with community groups, the Task

Force, the Working Group, and the City, and worked on developing the community survey with the ETC Institute, a national, but Kansas-based survey firm with extensive experience in public safety research.

**Phase Three** was a development phase, in which 21CP reviewed the recommendations against City budget process, available community resources, considered the cost benefit analysis, and assessed barriers to implementation of the recommendations. This work was done principally with City stakeholders, including the City Manager’s Office, OKCPD, and the legal department. Additionally, the engagement with the Task Force, the Working Group, and other community stakeholders continued during this phase.

**Phase Four** is the delivery and presentation of this report.



***Working Group, Task Force, and Oversight Committee engagement***

The Oklahoma Working Group, Task Force, and Oversight Committees were the primary touch points for 21CP to understand the concerns of OKC communities and identify additional community groups to be included in the conversation. Since the project kickoff on January 8, 2021, the 21CP team facilitated Task Force meetings, Working Group meetings, and has met regularly with the Oversight Committee. Focused one-on-one conversations with most of the Task Force and Working Group Members also occurred, which were helpful at getting a deeper perspective into the issues outside a group setting. With the encouragement of 21CP, the City developed

a web-based “[landing page](#)” to provide information and updates on the policing work being done in OKC.

**Task Force.** Responding to the Task Force decision to create space for community perspectives on the Task Force agenda, 21CP has coordinated presentations by community members and reform practitioners at the Task Force to provide substantive context and information. The presentations have been balanced with the need to present on project status and updates and move the process forward towards solutions.

Based on a 21CP survey of the Task Force members to define priority topics, two Task Force subcommittees were formed – Accountability and De-escalation – and met regularly. These smaller groups allowed for more time for individuals to speak and we heard valuable input from members who did not often choose to speak at the full Task Force. 21CP reviewed “themes” in both areas that were drawn from the subcommittees and overall community engagement that formed the basis of some of the recommendations and sought input on the initial recommendations during Task Force meetings and a general request for feedback until October 15, 2021.

**Working Group.** The Working Group met regularly during 21CP’s engagement with OKC and has provided guidance and areas of focus to 21CP. Each member was polled about their interest to meet twice a month as opposed to monthly, and consensus was they would prefer to meet twice monthly – a decision that intensified the engagement but did not necessarily accelerate it. The members were also asked to dive into their ideas around various topics of the Working Group, sharing key insights and early ideas for problem solving and community policing. Working Group members gave 21CP suggestions for critical community members to meet with the engagement as well as stakeholder groups and valued community-based organizations.

The Working Group addressed each of their six subjects to identify early recommendations in each space, including a priority and feasibility exercise to identify “low hanging fruit.” The Working Group was very focused on moving beyond debate to solutions. They were quick to offer solutions and specifically address their feasibility for the City by seeking out suggestions for OKC that encompass community policing and care in public safety over the “standard” reforms that may not best serve the OKC community.

Like the Task Force, the Working Group requested or was offered presentations to learn about critical topics, best practices and the current state of Oklahoma City with

respect to their various areas of focus. Similarly, 21CP presented the initial recommendations to the Working Group with a request for feedback by October 15, 2021, to inform the final recommendations in this report.

**Oversight Committee.** The Oversight Committee served as a backstop to the City to ensure that 21CP is on task – what is generally referred to as Project Management Quality Assurance (PMQA) – and to be the point for the City on providing names and contacts of community groups for outreach. As such, 21CP has regularly reported out to the Oversight Committee and received suggestions on community groups for further outreach efforts.

Overall, this project has eight categories for review, the first two of which are being reviewed by the Task Force and the last six by the Working Group. Police Officer Access to Mental Health Services was primarily reviewed by Code4, an independent consulting group and the Expansion of Law Enforcement Homeless Outreach Initiatives was part of a separate Mayor’s Task Force; 21CP was asked to review the outcomes of these processes and make recommendations as necessary.

<b>Task Force</b>	Law Enforcement De-escalation Policy	
	Independent Law Enforcement Accountability to the Community	
	Law Enforcement Training in Crisis Response	<b>Working Group</b>
	Alternative Response to Mental Health Calls	
	Law Enforcement Focus on Youth Outreach	
	Neighborhood Safety/Violence Interruption Program	
<b>Code4</b>	Police Officer access to Mental Health Services	
<b>Homelessness Task Force</b>	Expansion of Law Enforcement Homeless Outreach Initiatives	

There is overlap between the areas and as is always the case, issues in policing do not necessarily lend themselves to discrete categories. Throughout this report, 21CP identifies which of the priority areas each recommendation addresses in order to cross-reference the effects of the recommendations.

## **II. ENGAGEMENT**

Community Engagement is complex and there are differing perspectives about the form and content of how such engagement should be managed. Coming into this project, 21CP was asked to “[i]dentify with the assistance of City staff, the Task Force, and Working Group all community groups necessary to meet and confer with to learn and review current community and law enforcement conditions” and that the Oversight Committee would “provide names and contact information for group contacts. These contacts will be provided as a resource for effective outreach to these groups.”<sup>2</sup> Based on these contract provisions, 21CP surveyed the Task Force, discussed this necessary support for referrals with the Working Group, and asked the Oversight Committee for specific contacts. Members of each proposed community groups for 21CP to contact and 21CP began that outreach to those groups.

However, as the interviews began, it became clear that the provided contacts would be insufficient for adequate engagement and 21CP began to develop its own list of potential contacts and planned a Town Hall event to “shake the trees” to identify others for direct engagement. Additionally, 21CP asked members of the Task Force, the Working Group, and the Oversight Committee to hold listening sessions with their memberships, which generated some engagement.

### **A. Community**

First and foremost, we begin this section with thanks. Thank you to all who have given their time, energy, and voices to this important work. Thank you to all who are exhausted by “engagement,” but persist. And thank you to those who have taken the chance that this process might lead to better results for OKC. We also begin this section with a clear acknowledgement of scope. We were asked to examine eight discrete issues and what we heard from the community went far beyond those topics. While we attempt to capture as much as possible from community voices to support and guide the recommendations, inevitably there are some narratives that we simply cannot capture in these pages. This does not mean we were not listening, but only

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<sup>2</sup> Professional Services Contract.

that what we heard could fill a book and we are tasked with crafting actionable recommendations in a digestible format here to best serve OKC moving forward.

In addition to the engagement with the Task Force, Working Group, and Oversight Committee, 21CP participated in and hosted several virtual events. In April, 21CP hosted a Virtual Town Hall that was attended by over 150 people. Based on contacts obtained through that engagement, 21CP engaged with members of the self-described activist community.

Previously, 21CP participated in a Town Hall event sponsored by the OK Justice Circle, that was attended by over 70 community members. We scheduled four faith-based Town Hall meetings to engage with the faith-based community, to gain their insights.

21C, participated in “Reimagine Community Policing Listening Session,” held by OKC Councilman James Cooper and State Representative Mauree Turner. 21CP presented to the 100+ attendees at the Breaking Bread breakfast on the centennial of the Tulsa Race Massacre and facilitated a breakout session on police and race dynamics at the same event. 21CP traveled in-person to OKC twice, the first to hold one-on-one meetings with community and Task Force members and an in-person Task Force Accountability Subcommittee meeting at Kindred Spirits eatery to discuss future public forums. The second visit to OKC provided in-person, public, sessions of the Accountability and De-escalation Subcommittees, as well as direct engagement with the City and OKCPD.

Overall, 21CP conducted more than twenty listening sessions that have included well over one hundred people. Additionally, we have spoken with hundreds of individuals<sup>3</sup>, including community members writ large, Council Members, State Representatives, Task Force members, Working Group Members, and members of the Oversight

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<sup>3</sup> Where this report discusses community feedback or views, the sentiments addressed are those that appeared to resonate across at least several individuals. The report cites, characterizes, and sometimes quotes stakeholder participants. To ensure candid discussions and to preserve the confidentiality of participants who sometimes shared sensitive or traumatic experiences, 21CP did not log the identities of who said what during our stakeholder engagement. Their affiliations were recorded, for context, and the specific contents of what they said. Accordingly, this report refers to particular stakeholders in generic ways – as “an officer,” “a community member,” or the like. For these purposes, balancing privacy – which we respect – with the strong interest in thanking those who have contributed their time, falls on the side of not naming names. Those who shared their story – thank you.

committee, as well as members of the police department. We have talked with representatives from BIPOC, LGBTQ, Latinx, Indigenous, Deaf or hard of hearing, School and Youth communities.<sup>4</sup> We have also spoken with mental health professionals, homeless advocates, and other community organizers/activists.

Additionally, the [voicesofokc@21cpsolutions.com](mailto:voicesofokc@21cpsolutions.com) email portal and the voice mail set up at (405) 203-0759 ultimately received over 89 substantive comments in topic areas including:

- Alternative Response to Mental Health Crisis
- Officer bias
- Creation of a Neighborhood Safety/Violence Interruption Program
- Homelessness
- De-escalation
- Youth Outreach
- Officer Wellness
- Procedural Justice
- Appreciation
- General interest in participating in listening sessions

We responded to those that contacted us and met with many community leaders as a result. In most conversations, we asked participating stakeholders about whether there were other individuals or organizations with whom we should speak. Speaking with many of those community referrals helped expand the scope of the diversity of participating stakeholders through the process.

The individuals who spoke with us wanted to speak with us, making participation voluntary and self-selecting. Some chose not to speak with us. Participants were not randomly selected, and the views of participants in our community conversations may or may not be reflective of OKC as a whole. Additionally, although we had a number of conversations, our process did not endeavor to talk with a statistically-significant number of OKC stakeholders. Consequently, it is nearly certain that some important

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<sup>4</sup> We have endeavored to use the preferred term for each group of people when identifying demographics, and we intend to show respect to all people in this report. However, where there are terms used in specific documents, quotes, or uses, we adopt the term used in those materials. Additionally, there is not always agreement within a group as to the preferred language, in which cases we do our best. Finally, we are not perfect and may use phrasing that is less than ideal and, as such, always welcome feedback to our writing to be more inclusive and respectful.

views did not surface in our engagement simply because of the number of individuals and stakeholders with whom we were able to engage.

At the same time, however, the stakeholders who did engage with us were able to describe their experiences and histories with respect to policing in OKC. A number of the issues, concerns, suggestions, and ideas that individuals raised aligned with those of other participants. Because we heard substantial overlap and common themes across a number of conversations, we are confident that this report, and its recommendations, acknowledges, incorporates, or reflects the outlook of at least some material part of the OKC community beyond the Task Force and Working Group. However, community engagement is a commitment, not a process, and will require more inclusive, sustained, and comprehensive community engagement than our evaluation encompassed.

## **B. OKC Police Department**

21CP sent document requests to the police department to begin discovery on how current policies, systems, and protocols are currently configured and operating. The department designated a single point of contact, which was a great help to this process and has facilitated the response to the initial requests. The department produced over 1,800 documents to 21CP and continues to supplement on a rolling basis. Of note, 1,429 of those documents are trainings, policies, and certifications relating to de-escalation.

Following up on the information requests, 21CP also completed interviews with key department personnel in the areas of Use of Force and De-escalation; Use of Force Screening Committee; Internal Affairs and review boards; Technology and Data Analysis; Officer Wellness; School Resource Officers, Crisis Intervention, and Youth Outreach. We also discussed the themes presented to the Task Force on potential recommendations around De-escalation and Oversight with Command Staff and the Chief.

The OKCPD police department cooperated with us completely during this assessment and we appreciate their engagement and open-mindedness during what were sometimes difficult conversations.

### **C. Mayor’s Task Force on Homelessness**

21CP met with members of OKC Homeless Services, who provided 21CP with the work to date of the Mayor’s Task Force on Homelessness and discussed the current state of engagement with their research consultant. The City also provided 21CP with community contacts at organizations supporting the homeless. The Working Group received information about the ongoing work to address homelessness by the Mayor’s Task Force, with the prevailing message that homelessness should not primarily be a policing issue.

### **D. Officer Wellness Systems**

21CP was provided the wellness assessment by Code4, reviewed the report, and discussed with the Working Group. Additionally, as discussed above, 21CP interviewed personnel at the OKCPD about their wellness support systems and their response to the Code4 report. OKCPD also presented their work in this area to the Working Group, which generated good discussions.

### **E. Community Survey**

After strategizing with the Crime and Justice Institute and reaching out to several possible partners to conduct the community survey, including the University of Oklahoma, the Lynn Institute, and Evolve Partners, 21CP recommended that the City contract with the ETC Institute to conduct the community survey.

The survey was designed to “gather input and feedback to better understand the expectations residents have regarding the Police Department and police interactions.”<sup>5</sup> The survey was mailed to a random sample of households in OKC, with a postage-paid envelope. The survey design targeted 1,200 completed surveys; ultimately, 1,644 households responded, from all Wards in OKC<sup>6</sup>. The survey was broken down by Ward, Race, and Age data across all questions.<sup>7</sup>

The survey instrument was designed to test overall perceptions of public safety, interactions with OKCPD, willingness to provide information to the police, and

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<sup>5</sup> 2021 Oklahoma City Police Services Survey Findings Report at ii.

<sup>6</sup> 2021 Oklahoma City Police Services Survey, Appendix A, GIS Maps.

<sup>7</sup> 2021 Oklahoma City Police Services Survey, Appendix B, Crosstabs.

specifically tested the popularity of several of the initial recommendations advanced by 21CP.

Specifically, the survey tested several recommendations related to de-escalation, including:

- 1) Increasing the number of police officers who are fully trained in Crisis Intervention Training
- 2) Creating a Crisis Intervention Committee
- 3) Increase Training for OKCPD leadership in mental health engagement
- 4) Increase training and public education on how to summon help for crisis events
- 5) Explore the use of Enhanced 911 services to allow residents of OKC to input information about their households directly.

Similarly, the survey tested accountability recommendations, including:

- 1) OKCPD should shorten the waiting period for interviewing officers who have been involved in an officer involved shooting or use of force incident.
- 2) OKCPD should prohibit officers from viewing video evidence before providing an interview in critical events, such as officer involved shootings.
- 3) OKCPD and the City of Oklahoma should actively begin public education processes that give citizens a clear understanding of how they may make a formal complaint against the OKCPD and its employees.

The results of the survey are woven into the discussion below, but the overall results were very supportive about OKCPD and how it is functioning. The vast majority of respondents indicated that they felt safe in their communities, that they would provide information to police about criminal activity, felt that officers were fair and unbiased in their contacts and explained the reasons for the contact, and a majority were satisfied with their interactions with OKCPD.<sup>8</sup>

None of these results were unexpected, and while OKCPD should be proud of this level of confidence overall, as discussed throughout this report, these findings do not tell the whole story. OKCPD cannot rest on the support of the majority - the department needs to continue to adapt its practices to develop the trust of the impacted minority, whose voices were central to much of our community engagement and the Task Force and Working Group themselves. Indeed, many people we spoke

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<sup>8</sup> Oklahoma City Police Services Survey at iii.

to indicated that there was less community engagement than existed in past years and that they hoped there would be a renewed commitment to listening to the community. 21CP did not attempt to validate the extent of community engagement and it may well be that COVID-19 was a driving factor in creating this sense of separation, but regardless – the sentiment was expressed too frequently to ignore.<sup>9</sup>

However, importantly, regardless of how supportive the survey results were for the police, an overwhelming majority supported reform efforts.

When respondents were asked their level of support for various accountability initiatives, 94% who had an opinion were “very supportive” or “supportive” of the OKCPD shortening the waiting period for interviewing officers who have been involved in an officer-involved shooting or use of force incident. Ninety-four percent (94%) who had an opinion were supportive of OKCPD and the City actively beginning public education processes that give citizens a clear understanding of how they may make a formal complaint against OKCPD and its employees. Ninety-two percent (92%) who had an opinion were supportive of OKCPD prohibiting officers from viewing video evidence before providing an interview in critical events, such as officer-involved shootings.<sup>10</sup>

This means that the community interest in changing how things are done by increasing accountability and finding alternative ways to provide community safety services, especially in response to behavioral health crisis, did not depend on pro-police or anti-police sentiment. Instead, the support for reform cut across all demographics, ages, and perspectives. *Our takeaway is that creating accountable, equitable community safety services is not a political issue – it’s a practical challenge and getting it right is important to all of OKC.*

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<sup>9</sup> Departmental data showed that in 2019, the department hosted 649 community events that were attended by 82,770 people from the community; in 2020 (during COVID-19) the department hosted 181 events in 2020 that were attended by 23,747 people. However, this data only reflects events hosted by the department.

<sup>10</sup> *Id.* at iv.

### III. ABOUT THE OKCPD

#### A. About OKCPD<sup>11</sup>

The Oklahoma City Police Department serves an area of almost 700 square miles, which is subdivided into “over 2,500 police reporting districts averaging ¼ mile in size.”<sup>12</sup> The department has almost 1235 officers and 304 civilian employees that serve in Patrol, “an Investigations Bureau, a Bike Patrol Unit, an Airport Police Unit, a Helicopter Unit, a Motorcycle Unit, a Canine unit, and a Lake Patrol Section.”<sup>13</sup>

The department reports staffing demographics as follows:

Personnel in 2020							Authorized Positions	
Race	Sworn			Civilian			Sworn	1,235
	Male	Female	% Sworn	Male	Female	Civilian	Civilian	304
White	833	106	81.6%	58	151	73.3%		
Black	63	9	6.3%	7	29	12.6%		
Hispanic	72	6	6.8%	3	8	3.9%		
Asian	10	1	1%	1	7	2.8%		
American Indian/ Alaska Native	44	4	4%	3	15	6.3%		
Native Hawaiian/Other Pacific Islander	1	0	.1%	0	1	.4%		
Unknown/Multiracial	1	1	.2	1	1	.7%		
<b>Totals</b>	<b>1,024</b>	<b>127</b>	<b>100%</b>	<b>73</b>	<b>212</b>	<b>100%</b>		
<b>Grand Totals</b>	<b>1,151</b>			<b>285</b>				

The department reports that it had 872,414 contacts with community members in 2020, which resulted in 13,702 custodial arrests, meaning that a person was taken into custody, but not necessarily ultimately charged with a crime.<sup>14</sup> Of those 872,414 contacts, the department reports 528 uses of force, meaning that .06 percent of contacts ended with a use of force. While it is not reported, if one assumes that a use of force ended with a custodial arrest (which not always the case), force would have

<sup>11</sup> For context, it is useful to present general data about the scope and activity of police officers in OKC. The information offered here is solely a summary of information in areas relevant to this report and relies on publicly available data, not an independent audit by 21CP.

<sup>12</sup> <https://www.okc.gov/departments/police/about-us>

<sup>13</sup> *Id.*

<sup>14</sup> <https://www.okc.gov/home/showpublisheddocument/25327> at 19.

been used in 3.8 percent of arrests. The department reports that just over ten percent of officer uses of force were found “not justified and inappropriate.”<sup>15</sup>

As reported by OKC:

Oklahoma City Police Department officers were involved in 11 shootings in 2020, six of which were fatal. All 11 subjects were male. Four officer-involved shootings involved a White person and seven involved a Black person.<sup>16</sup>

In the 2020 Annual Report, the department provides descriptions of these 11 officer-involved shootings as well as the three in-custody deaths in 2020.<sup>17</sup>

The department also reports a 58% increase in the number of mental health calls for service between 2014 and the present<sup>18</sup>, as presented below. The department does not present data about how many mental health calls resulted in use of force.

**Chart 1: Total Mental Health Calls Since 2014**

	2014	2015	2016	2017	2018	2019	2020	2021
<b>JAN</b>	979	1087	1276	1289	1520	1449	1726	1799
<b>FEB</b>	911	953	1264	1161	1304	1496	1680	1535
<b>MAR</b>	1056	1122	1436	1307	1496	1511	1672	2024
<b>APR</b>	1006	1058	1425	1413	1595	1499	1558	
<b>MAY</b>	1054	1141	1361	1593	1635	1755	1585	
<b>JUN</b>	1056	1104	1300	1416	1433	1628	1596	
<b>JUL</b>	1011	1090	1416	1439	1591	1658	1728	
<b>AUG</b>	1114	1107	1375	1474	1595	1662	1658	
<b>SEP</b>	1024	1179	1408	1417	1569	1815	1599	
<b>OCT</b>	1081	1137	1389	1413	1571	1709	1565	
<b>NOV</b>	945	1133	1296	1364	1315	1764	1491	
<b>DEC</b>	1061	1218	1235	1421	1409	1712	1623	
<b>TOTAL</b>	12,298	13,329	16,181	16,707	18,033	19,658	19,481	5,358
<b>YTD:</b>								

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 22.

<sup>17</sup> *Id.* at 23.

<sup>18</sup> Oklahoma City Police Department Crisis Intervention Team (CIT) Program Overview—April 2021

## B. CALEA Accreditation

OKCPD has been accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 2007 and was reaccredited in 2010, 2013, 2016, and 2020<sup>19</sup>. CALEA accreditation is important to OKCPD and the accreditation is highlighted on the department website<sup>20</sup>. To the extent that the CALEA framework and requirements help the Department focus and organize its operations, there is clear significance.

Even as accreditation may be beneficial in some regards, those benefits have limits. CALEA does not provide an agency with policies, procedures, or protocols – instead, it provides a mechanism for the Department to assess itself along many dimensions and for CALEA representatives to verify compliance with standards. Many CALEA standards relate to organizational, managerial, and administrative concerns like “personnel administration,” “detainee and court-related services,” and “auxiliary and technical services.”<sup>21</sup>

Ultimately, “CALEA provides agencies with a blueprint for ‘what, not how’”<sup>22</sup> – leaving police departments to determine for themselves the best ways for *how* to precisely address issues for their communities. The body does not certify the *effectiveness* of what a department like OKCPD is doing to realize the *outcomes* that its community wants. CALEA is a framework, not a prescription. A department’s assertion that something has been “CALEA-certified” does not necessarily mean that it aligns with best practices; that it is effective in realizing positive outcomes; or that it aligns with the values and needs of the community.

Further, departments must initiate the process, and they pay to proceed through accreditation. Research has reached mixed conclusions about the benefits of CALEA.<sup>23</sup>

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<sup>19</sup> <https://www.calea.org/calea-client-database>

<sup>20</sup> <https://www.okc.gov/departments/police/about-us/accreditation>

<sup>21</sup> Jim Burch, National Police Foundation, “CALEA Accreditation – A Platform for Excellence and Reform,” <https://www.policefoundation.org/calea-accreditation-a-platform-for-excellence-and-reform/> (last visited Mar. 8, 2021).

<sup>22</sup> Jim Burch, National Police Foundation, “CALEA Accreditation – A Platform for Excellence and Reform,” <https://www.policefoundation.org/calea-accreditation-a-platform-for-excellence-and-reform/> (last visited Mar. 8, 2021).

<sup>23</sup> See e.g., R.L. Snow, “Accreditation: A 21st Century Necessity?,” 40 *Law and Order* 84, 84 (1992); Manuel P. Teodoro & Adam J. Hughes, “Socializer or Signal?: How Agency

As such, while the accreditation process adds value, it is not a ceiling for OKCPD's efforts to provide its community with just, fair effective, and equitable public safety services. While CALEA is an excellent program for ensuring that policies and protocols in critical areas *are addressed*, the work of 21CP was focused on *how those areas are addressed*. Therefore, this report looks to best practices, the promising experiences of peer departments, research, evidence, data, and experiences in other communities, rather than assuming CALEA accreditation provides all of the answers.

### C. Recent Efforts in Evolution

Throughout this engagement, we have had regular discussions with Chief Gourley and others in OKCPD about topic areas that will impact the department and have found him open to new directions for his department. The department also impressed upon us the work they are doing to bring the department into the modern era. Nothing changes quickly and culture is always the final hurdle in organizational change, but we do want to recognize select recent efforts by the department to evolve, even though many of these changes are beyond our scope of review. Other recent improvements are discussed in other areas of this report.

- In 2019, OKCPD participated in the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) first responder pilot program in 2019 which allowed officers to leave naloxone kits with individuals who had experienced or witnessed an opioid overdose. Increasing the availability of naloxone in community can only serve to save lives.
- In late 2020, the Mission Statement, Core Values, and Vision Statement were updated (the last revision was in 1990) to reflect values of Integrity, Compassion, Accountability, Respect, Equity, and Community Relationships, Innovative Strategies, and Healthy, Well-Trained Officers. While these changes do not necessarily make any tangible change, they do serve to create discussion and reframe the commitments of leadership.
- In late 2020, OKCPD banned chokeholds by way of Chief's Directive 20-12, which reads:

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Accreditation Affects Organizational Culture," 72 *Public Administration Review* 583, 583 (2012); Stephen A. Baker, *Effects of Law Enforcement Accreditation: Officer Selection, Promotion, and Education* (1995); G.W. Cordner & G.L. Williams, "Community Policing and Accreditation: A Content Analysis of CALEA," in *Quantifying Quality in Policing* (Larry T. Hoover, ed.) (1996)).

*The use of any chokehold and/or neck restraint is not and will not be authorized by this department as an approved custody and/or control tactic. Officers shall not use any chokehold or restraint technique to the neck or throat area of persons they encounter.*

While the department should be given due credit for eliminating this tactic, OKCPD should ensure that this change be codified in the Use of Force policy itself, which we understand is the normal practice.<sup>24</sup>

- In early 2021, OKCPD Chief's Directive 21-02 reminding officers that:

*Sanctity of life must be the foundational principle that guides us through the complex situations we face. We must focus on what we can do to preserve life. We must ask ourselves what options or tactics are available that we can use to preserve life. Unfortunately, there will be situations where using deadly force on a person is necessary to preserve the life of another. There are vastly more circumstances where particular tactics can and must be applied to mitigate the need for deadly force. It is our responsibility to consider and use these tactics at the earliest moment possible. Doing so not only preserves all life to the greatest extent possible, it enhances safety in the difficult and challenging circumstances to which we respond.*

President Obama's Task Force on 21st Century Policing reported that "a clearly stated 'sanctity of life' philosophy must . . . be in the forefront of every officer's mind" and these principles are consistent with that guidance.<sup>25</sup> 21CP again encourages OKCPD to incorporate this language directly into the Use of Force Policy.

- In early, 2021, the department issued Chief's Directive 21-03 requiring announcement prior to the use of less lethal tools:

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<sup>24</sup> The department policy is to incorporate Chief's Directives into policy/procedure as soon as practical.

<sup>25</sup> *Final Report of the President's Task Force on 21st Century Policing* 19 (2015).

*Prior to deploying a less-lethal platform, less-lethal operators shall announce aloud (so that the involved person and any officers nearby could hear) their intention to deploy the less-lethal platform.*

This type of announcement helps to reduce confusion and the risk of “sympathetic fire,” and 21CP would expect that this admonition will be reinforced in training in the use of less-lethal tools.

- In May 2021, 21CP issued a preliminary recommendation that the “City and OKCPD develop a consistent policy for responsibly releasing video evidence in critical events, such as officer-involved shootings, at the earliest practical time.”<sup>26</sup>

In response, Chief’s Directive 21-06 mandated that:

*The Oklahoma City Police Department is dedicated to an informed public and maintaining an accurate context of police interactions with the public, specifically with critical incidents i.e., use of force, officer involved shootings, pursuits, and significant incidents initiating substantial public interest.*

*To further promote openness and accountability, the department is committed to releasing legally permissible body worn camera video from these instances within ten days of the incident, or in the case of an officer involved shooting, within ten days of the involved officer’s interview. The Department is committed to presenting objective information concerning these critical incidents.*

*The Chief reserves the discretion of expediting any release when necessary to maintain public confidence amidst speculations contrary to known facts.*

This directive was an excellent first step towards transparency and 21CP is gratified to see this recommendation implemented so rapidly. 21CP encourages

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<sup>26</sup> 21CP-OKC Transparency Memo, May 11, 2021.

the department to add the remaining elements of our recommendation when they incorporate this into policy:

1. Clear parameters for any statements by any member of the department to ensure that the statements are factual and do not pre-judge the incident;
2. A prohibition on releasing the criminal background of the subject, except as specifically relevant to the incident itself; and
3. A commitment to regularly update the public on developments in the investigation.

#### IV. RECOMMENDATIONS

##### A. Law Enforcement De-escalation Policy (De-escalation<sup>27</sup>)

At the outset, we note that the engagement called for an examination of de-escalation “policy.” This potentially narrow focus on the policy – which many stakeholders agreed appeared to be in alignment with best practices<sup>28</sup> – risked missing the point. In 21CP’s experience, there are often critical differences among what a department *says* that it does, what it *actually does*, and what it *should do*.

In our discussions, community members continually stressed the need for trauma-informed practices and training and many said that they do not believe there is a culture in OKCPD that values the sanctity of life or engages in harm reduction in every interaction, especially in BIPOC or marginalized communities. Some, including members of the indigenous community, view police as “harm creators” in the community, and emphasized that “cookie-cutter” approaches will not work. Many rejected the idea that police response could ever be successful if the design did not include deeper cultural understanding of the communities in OKC and their respective histories. One community member stated that “OKCPD simply has a pathology of armed response.”

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<sup>27</sup> Although this report is presented by topic area, many recommendations overlap and therefore we indicate the areas the recommendation addresses in parentheses.

<sup>28</sup> <https://www.okc.gov/departments/police/about-us/okcpd-policy-and-procedure-manual/8-can-t-wait>.

Additionally, concerns about racially disparate treatment from all communities of color were inseparable with comments about the need for de-escalation. While 21CP was not asked to assess the bias-free policing practices or training at OKCPD, effective communication, which is a hallmark of effective de-escalation, requires the ability to connect with people of different cultures and racial experiences. As one community member said, “[i]n OKC Black women need to feel comfortable calling the police. But we don’t call when we don’t feel safe unless we are about to die.” This sentiment was shared by some Latinx and Indigenous community members. Another said, “OKCPD, has a nurturing role within racism. Not everyone, but the buddy system and "good ole" boy system in OKC is a strong undercurrent that sets the tone for the lack of de-escalation.” Still another “[t]here is a general history with indigenous people and police based on broken agreement, broken treaties, and lies.” Some complained that they were stopped “while Black or Brown” and others reported being targeted for having tribal tags. Similar anecdotes could subsume this report, but the import is clear: there is an apparent lack of trust based on racial and cultural experiences with the police that needs to be repaired if community safety in OKC is to be perceived as legitimate.

In contrast, the OKCPD highlights its approach to de-escalation:

The Oklahoma City Police Department has had a formalized de-escalation procedure since 2017. This procedure requires the use of de-escalation on every use of force. De-escalation is evaluated independent from the use of force itself to determine if appropriate tactics were used to try and diffuse the situation.<sup>29</sup>

OKCPD has a strong de-escalation policy, which is mandatory, requires consideration of whether any non-compliance is due to medical, mental health, developmental, or communication issues, impairment due to drugs or alcohol, or behavioral or emotional crisis<sup>30</sup>. Several stakeholders found this fact frustrating, arguing that better outcomes should come from policies and training that are aligned with best practices. Communities want to see the effects of policy in action and many people we spoke with pointed to OKC’s position as the number two city nationally on the chart of “Rate of Police Killing per Population” on the Mapping Police Violence site.<sup>31</sup> Even as others

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<sup>29</sup> <https://www.okc.gov/departments/police/about-us/okcpd-policy-and-procedure-manual/8-can-t-wait>

<sup>30</sup> OKCPD 153.0

<sup>31</sup> <https://mappingpoliceviolence.org/cities>

debated the accuracy of the data, simply put, the City, the Police Department, and the community all believe OKC can and should do better.

But, de-escalation is not simply a policy or training. As discussed with the Task Force and Working Group, the concept of de-escalation should be thought of as a core philosophy and approach to engagement and core operations, rather than a policy that exists in a vacuum. Some of the recommendations below address the specific policy, but more overlap significantly with the Alternative Response to Mental Health calls and Training in Crisis Intervention sections below in an effort to drive towards comprehensively thoughtful policing.

Our recommendations below do not imply that the de-escalation policy is somehow holistically deficient or somehow unlawful – to the contrary, the policy is strong. To be clear, the recommendations in this report come from national best practices, not a legal determination of any sort. In fact, departments are not well-served by policies that operate on the “Constitutional floor” or simply provide requirements for legal sufficiency. Just because something is technically lawful does not mean that it should happen or be encouraged. Good policies should provide specific guidance to officers to act in a manner that keeps them well above any legal concerns and in alignment with department and community values. Instead, we strive to suggest policy recommendations that provide critical guidance to officers and transparency to the community, both of which enhance legitimacy.

**Recommendation No. 1. De-escalation should be elevated to the policy level to highlight it as a core department value. (De-escalation).**

The OKC Operations Manual is divided into Policies, Procedures, and Rules. Policies consist of “principles and values, which guide the performance of a Department activity. Policy is not a statement of what must be done in a particular situation; rather, it is a statement of guiding principles, which should be followed in activities, which are directed toward the attainment of Department objectives.”

A Procedure, “is a preferred and expected method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.” Finally, a Rule, “is a specific requirement or prohibition, which is stated to prevent deviations from policy or procedure.”

This form of guidance to officers is needlessly complex and contributes to the reason for the Department's six-hundred- and twenty-six-page Operations Manual. In practice, the distinctions between Policies, Procedures, and Rules appear muddy, with granular issues such as uniforms and restrictions on Secondary Employment placed at the Policy level. In contrast, de-escalation appears as a Procedure.

Although 21CP recommends globally that the Operations Manual be collapsed into clear policies that incorporate the value, purpose, and procedures on how to follow any given policy, at the very least de-escalation should be included as a core principle and value, which it is not. While functionally this may not matter as officers are accountable to all aspects of the Operations Manual, clearly designating de-escalation as the centerpiece of police engagements at the highest tier of standards under the Policy Manual sends a strong departmental signal, both internally and externally.

**Recommendation No. 2. OKCPD should revise its Use of Force policy to require officers to provide a warning, when safe and feasible, before using any force. (De-escalation).**

At present, OKCPD properly requires a warning, when circumstances permit, before using conducted energy weapons<sup>32</sup> (“CEW” or “Taser”) and before using deadly force.<sup>33</sup> However, there is no reason why OKCPD should not require a warning, when circumstances permit, prior to use of any force. This requirement would encourage clear communication as part of de-escalation efforts during every use of force. This recommendation would work in concert with the Chief's Directive to announce the use of less lethal force, which is primarily intended to ensure that all first responders know the tool is about to be used. Our intent here is to have officers inform the subject that force will be used so that the subject understands the consequences and has time to consider whether to comply.

The United States Supreme Court has predicated the use of deadly force against fleeing felony suspects on, “where feasible, some warning ha[ving] been given” by the officer.<sup>34</sup> This is consistent with United Nations Basic Principles on the Use of Force and Firearms and its provision that “when law enforcement is faced with an imminent threat of death or serious bodily injury, officers must,” among other things, “give a clear warning” unless doing so “would unduly place the law enforcement

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<sup>32</sup> OKCPD 151.0

<sup>33</sup> OKCPD 554.50.

<sup>34</sup> *Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985).

officers at risk,” would create a risk of death or serious harm to others, or would be “clearly inappropriate or pointless in the circumstances.”<sup>35</sup>

21CP observes here that some organizations and departments focus exclusively on the provision of warnings before the use of deadly force.<sup>36</sup> The importance and reasoning behind this requirement easily extends, however, to the application of all types of force – especially considering that the use of less-lethal force will typically correspond to less-severe threats and circumstances in which an officer has more time and ability to provide a warning and to determine whether the subject is complying with the warning before applying force. In other words, the feasibility of providing a warning may be substantially greater or more likely in situations involving less-significant applications of force than circumstances involving deadly force. Consequently, a more general rule that requires officers to issue a warning, whenever feasible, before using *any* force provides simpler and more straightforward guidance to officers and, ultimately, allows for such warnings to become more automatic in practice.

A number of police departments require a warning before any force is used, whether that force is lethal or less-lethal, severe, or comparatively less severe; some examples include:

- **Cleveland Division of Police** – “Where feasible, and to do so would not increase the danger to officers or others, officers shall issue a verbal warning to submit to their authority prior to the use of force.”<sup>37</sup>

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<sup>35</sup> Amnesty International, “Deadly Force: Police Use of Lethal Force in the United States” at 23 (2015) (summarizing UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990)).

<sup>36</sup> See, e.g., Campaign Zero, Model Use of Force Policy, Section II, <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf> (last accessed Jan. 13, 2021) (offering warnings as an alternative to physical force and requiring verbal warnings before deadly force but not expressly mandating warnings before the use of non-deadly force); Lexipol, *Police Use of Force: Safer Communities Through Sound Policies*, <https://useofforce.lexipol.com/law-enforcement/> (last visited Jan. 13, 2021) (noting a July 2020 amendment to Lexipol model policies seeking “to clarify that warnings should be used whenever reasonable before deploying deadly force”).

<sup>37</sup> Cleveland Division of Police, Use of Force: General, *available at* <https://static1.squarespace.com/static/5651f9b5e4b08f0af890bd13/t/582c54ac59cc685797341239/1479300270095/Dkt.+83--Use+of+Force+Policies+with+Exhibits.pdf>.

- **Northampton (Mass.) Police Department** – “When feasible, an officer will allow the subject an opportunity to comply with the officer’s verbal commands. A verbal warning is not required in circumstances where the officer has to make a split-second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.”<sup>38</sup>

**Recommendation No. 3. OKCPD should revise its Use of Force policy to include levels of reporting and review based on the severity of the use of force. By broadly categorizing uses of force, the department can ensure that appropriate resources are directed to critically reporting and reviewing each use of force incident. (De-escalation).**

This structure approximates the Type (or Level) I, II, III distinctions drawn by many departments, and there is no apparent need for the OKCPD to draft this policy from scratch. Federal Consent Decrees with the United States Department of Justice have commonly structured the categorization of use of force into levels of force, which helps ensure that proper levels of reporting and review occur depending on the severity of the use of force. Some examples include:

- **Cleveland Division of Police**

**Level 1 Use of Force:** Force that is reasonably likely to cause only transient pain and/or disorientation during its application as a means of gaining compliance, including pressure point compliance and joint manipulation techniques, but that is not reasonably expected to cause injury, does not result in an actual injury and does not result in a complaint of injury. It does not include escorting, touching, or handcuffing a subject with no or minimal resistance. Un-holstering a firearm and pointing it at a subject is reportable as a Level 1 use of force.

**Level 2 Use of Force:** Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Level 3 use of force. Level 2 includes the use of a CEW, including where a CEW is fired

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<sup>38</sup> Northampton (MA) Police Department, AOM Chapter 0-101.

at a subject but misses; OC Spray application; weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns); use of an impact weapon, except for a strike to the head, neck or face with an impact weapon; and any canine apprehension that involves contact.

**Level 3 Use of Force:** Force that includes uses of deadly force; uses of force resulting in death or serious physical harm; uses of force resulting in hospital admission due to a use of force injury; all neck holds; uses of force resulting in a loss of consciousness; canine bite; more than three applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers; a CEW application for longer than 15 seconds, whether continuous or consecutive; and any Level 2 use of force against a handcuffed subject.

- **Baltimore Police Department**

**Level 1 Use of Force** — Includes:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and pressure point compliance techniques. Force under this category is not reasonably expected to cause injury,
- Pointing a firearm, Less-Lethal Launcher, or CEW at a person,
- “Displaying the arc” with a CEW as a form of warning, and
- Forcible takedowns that do not result in actual injury or complaint of injury.

**Level 2 Use of Force** — Includes:

- Force that causes or could reasonably be expected to cause an injury greater than Temporary Pain or the use of

weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force:

- Discharge of a CEW in Drive-Stun or Probes Deployment, in the direction of a person, including where a CEW is fired at a person but misses,
- Use of OC spray or other Chemical Agents,
- Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,
- Discharge of a Less-Lethal Launcher/Munitions in the direction of a person,
- Canine-inflicted injuries that do not rise to a Level 3 Use of Force,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Striking of a person or a vehicle with a vehicle that does not rise to Level 3 Use of Force.

**Level 3 Use of Force — Includes:**

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges by a BPD member,
- Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different members,
- CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications,
- Uses of Force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, and
- Uses of Deadly Force/Lethal Force.

**Recommendation No. 4. The department should formalize and strengthen its Force Review Board to holistically review uses of force for lessons learned, including policy, training, supervision, and equipment, and de-escalation. (De-escalation/Accountability).**

Currently, OKCPD utilizes a Use of Force Screening Committee, which, as explained in the Operations Manual, is:

...responsible for reviewing all uses of force for compliance with written directives. The Use of Force Screening Committee is also responsible for reviewing all intentional uses of vehicles as force, such as instances of ramming. The Use of Force Screening Committee shall consist of three majors assigned by the Chief of Police on a rotating schedule<sup>39</sup>.

Notably, the department has demonstrated a commitment to examining de-escalation as part of the work of the Screening Committee. The department reports that:

A de-escalation review assesses whether an officer appropriately used de-escalation tactics and techniques during a given incident. Leadership can simultaneously identify and understand individual officers' use of de-escalation, and any patterns that reveal gaps in training, by reviewing the use of de-escalation.

In 2020, appropriate de-escalation tactics were applied in 470 out of 527 incidents, or 89.2% of the time. When de-escalation was deemed inappropriate and no other misconduct was identified, officers received a training review on de-escalation tactics and techniques. One officer received a written reprimand.<sup>40</sup>

Many departments fail to identify *any* failures to de-escalate, so while there is clear room for improvement in outcomes, the department should be lauded for taking the review of de-escalation seriously and regularly referring officers for re-training. Again, 21CP did not engage in any case reviews to fully appraise these efforts, but on the surface they look promising.

However, the department should formalize the Screening Committee process and ensure that representatives from disciplines such as dispatch, training, and crisis intervention are present and that the review process is not just policy compliance, but a complete review of the incident to find any lessons that might improve outcomes in future events. We understand that some of these disciplines are included in the current committee reviews, but they should be enshrined in policy to ensure consistency and continuity moving forward. This recommendation dovetails with the

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<sup>39</sup> OKCPD 160.40.

<sup>40</sup> <https://www.okc.gov/home/showpublisheddocument/25327> at 21.

division of force into logical “levels,” and many departments focus their use of force reviews on higher-level cases as well as some random sample of lower-level cases. For more serious uses of force, the department should also consider adding a non-voting civilian observer to witness the review and provide community perspectives.

Additionally, the department states:

If the committee finds the employee’s actions were anything other than unanimously justified and appropriate, the investigation is referred to the deputy chief of the affected bureau for disposition.<sup>41</sup>

Given the seriousness of any unjustified and inappropriate use of force, 21CP recommends that all such cases be rereferred to Professional Standards.

**Recommendation No. 5. OKCPD should partner with community groups to provide in-service roll call trainings to promote better cultural understanding. (De-escalation).**

Throughout our engagement with community, it is clear that there is a disconnect between community perspectives on policing and what the police believe themselves to be doing. While OKCPD has implicit bias training, many community members called for a “training on the impacts of institutional racism.” One noted that “implicit bias training does not deal with the systemic racism of policing. It does not deal with extensive patrol in minority communities, stricter punishment and harsher court treatment.” Several stressed that “understanding policing in history” is critical to de-escalation efforts and the ability to provide trauma-informed police-community interactions. And the historical and cultural disconnect is evidenced on the History of the OKCPD page on the website.<sup>42</sup> The first sentence reads:

With a single gunshot fired at noon on April 22, 1889, settlers raced into Indian Territory and staked their claim to what became Oklahoma City.<sup>43</sup>

While this language is not likely intended to cause harm, that is actually the point. The department needs to be intentional about how it presents itself – and to be fair, this issue is not unique to the Police Department as the whole City uses such

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<sup>41</sup> <https://www.okc.gov/home/showpublisheddocument/25327> at 18.

<sup>42</sup> <https://www.okc.gov/departments/police/about-us/history-of-the-okcpd>

<sup>43</sup> *Id.*

language – but framing the history of policing in OKC around “land runs,” in which indigenous peoples were forcibly relocated with catastrophic consequences for the tribes, especially high numbers of deaths, can only reinforce community distrust. 21CP is not qualified to provide the history here – but the presentation to the Task Force on Indigenous Community & Restorative Justice highlighted completely different indigenous perspectives on history. Other resources exist, such as the OKC Native American Student Services (NAAS) guide to accurate teaching of indigenous history.<sup>44</sup> Additionally, members of the Task Force Provide these types of trainings.

21CP does not imply that OKCPD should not be proud of landmarks in its development or its achievements. The Department has undoubtedly provided assistance to individuals who have been victimized or who have themselves in situations where they have been unable to help themselves. The point here is that there is a need to integrate varying and often complex historical perspectives of policing in OKC to increase police-community understanding.

The difficulty in crafting recommendations is that there is no known “History of Policing in OKC from the perspective of marginalized persons and those most impacted by police practices” training. However, throughout this process we heard presentations to the Task Force by community groups from diverse perspectives that were captured on video and are publicly available, but that information was not captured in a distilled training format to better inform cross-cultural understanding.

Many departments include the community in training development, especially in areas such as community policing, cultural awareness, and history.<sup>45</sup> There is a role for the reconfigured Community Advisory Board in organizing community voices to provide input into departmental training. As such 21CP recommends that OKC consider funding micro-grants to community voices to prepare trainings on their perspectives and how different diverse groups perceive and experience interactions with the police. The City could provide audio-visual resources to capture community perspectives and then present in short video segments to officers for better

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<sup>44</sup> 21CP does not mean to indicate that this is the correct resource. Indeed, the resource itself states: “The Quick Facts and Lessons have been developed and written from six years of teaching this material to students in the classroom. NASS understands that there may be some discrepancies from historians, authors and tribal members who are experts of Oklahoma history and our Oklahoma Tribes. The booklet is a living and breathing document that will continue to be changed and edited.” <https://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/130/OK%20History%20Booklet%202019%20From%20Trails%20to%20Truths.pdf>

<sup>45</sup> See e.g., <https://public.powerdms.com/BALTIMOREMD/documents/838764>

understanding. An example of such a presentation can be found [here](#).<sup>46</sup> Baltimore uses this [video](#)<sup>47</sup> as part of its history of policing portion of community policing training.

There is also a good opportunity within such training to remind officers of available resources. For example, a training on interactions with Deaf or non-English speaking community members could remind officers about interpreter resources and the process for obtaining access to such resources in the field. One community member provided several examples where Deaf interpreters were not utilized by police – and in fairness, not necessarily OKCPD – and stressed the need for training on such resources.

While there will inevitably be debates about who is the legitimate “voice of community,” using the reconstituted CAB structure to accept applications and make recommendations to the City about which community groups to include will provide some process to the decision-making. And, due to constraints on available training time and funding, the City should decide how many micro-grants to fund annually – ultimately quality should win out over quantity.

Finally, if the City chooses not to fund micro-grants, simply including the CAB in policy development will help inform and engage community voices to provide better training overall.

**Recommendation No. 6. OKCPD should provide publicly-facing aggregate statistics – in dashboard and raw format - of officer activities, including use of force. (De-escalation).**

Transparency was a concern for community. One community member said, “I think serious questions need to be asked about what they are measuring and if those measures are what demonstrates the kind of policing we want in our community.” As one high-ranking police official noted, “misinformation is part of the issue—we need to do a better job of telling our story and a better job being transparent.”

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<sup>46</sup> <https://www.thestranger.com/slog/2016/03/10/23694467/the-seattle-police-departments-new-transgender-training-video-is-very-good>

<sup>47</sup> <https://www.youtube.com/watch?v=O5FBjYqfoLM>

On its website, OKCPD provides its policy manual<sup>48</sup> (in a single PDF file), a community crime map and summary crime statistics<sup>49</sup>, and an outline of how OKC practices align with the 8 Can't Wait core principles<sup>50</sup>. The City provides information about emergency responses<sup>51</sup> and OKCPD facilities<sup>52</sup> on its Open Data Portal.

21CP recommends that OKCPD provide close to real-time data on core officer activities, like use of force and stops and searches, in addition to crime data. Peer agencies provide this level of transparency<sup>53</sup> and OKCPD should consider joining them. Additionally, as recommended elsewhere in this report, we recommend that OKCPD proactively publish data relating to internal affairs investigations.

OKCPD should work to favor transparency and openness with respect to its activities and performance so that it can partner with the community – in the ways that it wants – to advance public safety and community well-being.

To the department's credit, during the pendency of this assessment, the department greatly expanded its reporting on use of force and Professional Standards statistics in its annual report,<sup>54</sup> including type, frequency, and dispositions.<sup>55</sup> This is an excellent first step in transparency, but ultimately annual reports are static and cannot, by their nature, be presented in real-time.

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<sup>48</sup> <https://www.okc.gov/departments/police/okcpd-policy-and-procedure-manual>

<sup>49</sup> <https://www.okc.gov/departments/police/crime-prevention-data/crime-stats>

<sup>50</sup> <https://www.okc.gov/departments/police/about-us/okcpd-policy-and-procedure-manual/8-can-t-wait>

<sup>51</sup>

<https://data.okc.gov/portal/page/viewer?datasetName=Emergency%20Responses&view=map>

<sup>52</sup>

<https://data.okc.gov/portal/page/viewer?datasetName=Police%20Briefing%20Stations&view=map>

<sup>53</sup> Seattle Police Department, Information & Data, Use of Force Data, *Use of Force Dashboard* <https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard>; see also Seattle Police Department, Information & Data, Crisis Contacts Data, *Crisis Contact Dashboard*, <https://www.seattle.gov/police/information-and-data/crisis-contacts/crisis-contact-dashboard> (last visited Nov. 8, 2021).

<sup>54</sup> <https://www.okc.gov/home/showpublisheddocument/25327> at 18-20.

<sup>55</sup> Ultimately, OKCPD found that of the 527 use of force investigations, 89.4% were “justified and appropriate.” While 21CP did not conduct a use of force case review, the 10% of cases found out of policy is consistent with many other department's reviews and ultimately is encouraging. Clearly, there is room for improvement, but the first step is honestly identifying problematic cases. While we did not audit this work and cannot comment systemically or on any individual case, it seems that OKCPD is not “sweeping everything under the rug.”

Ideally, OKCPD would push data directly from systems of record automatically to dashboards that present such data and also provide data in summary format to “crowd source” research on trends. Both the community and the City would benefit from such opportunities.

**Recommendation No. 7. OKCPD should prohibit officers from viewing video evidence before providing an interview in critical events, such as officer-involved shootings. This change needs to be balanced with an understanding that what any officer perceived will not match up perfectly with video evidence. (De-escalation).**

In the wake of more departments, including OKCPD, adopting body-worn camera (“BWC”) technology, different views have emerged as to whether departments should make video captured of a given incident or interaction available to officers before writing a police report, providing an interview, or otherwise giving an official account of what occurred. Some departments expressly allow officers to view video prior to providing a statement. Others require that officers provide a statement or submit to an interview before reviewing any external evidence.

21CP observes here that officers reviewing footage of a force incident before making a statement risks exposure to aspects of the incident that they might not have seen or experienced at the time or could not recall, which can negatively “affect the ability of investigators to assess the officer’s contemporaneous appraisal of the circumstances which led him or her to take the actions under investigation.”<sup>56</sup>

Regardless of whether some officers might try to “get their story straight” to conform with what was captured on video, many well-intentioned officers not otherwise inclined to align their accounts with video evidence might nonetheless have their recollections unduly swayed or altered by the information they learn, after the fact, from reviewing video.<sup>57</sup> In short, officers viewing videos before providing their

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<sup>56</sup> New York City Dep’t of Investigation and Office of the Inspector Gen. for the NYPD (OIG-NYPD), *Body-Worn Cameras in NYC: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability* 28 (July 2015).

<sup>57</sup> See, e.g., P. Sedlmeier & S. Jaeger, “The Impact of Post-Event Information on Study-Related Memories,” 15 *Memory* 70 (2007) (noting that being subject to “post-event information” about an experienced event increases the likelihood that an individual’s memory will be “anchored” in that after-the-fact information); Cecilie Ihlebaek, et al, “Memory for a Staged Criminal Event Witnessed Live and on Video,” 11 *Memory* 319, 319 (2003) (finding that viewing an incident on video does not enhance the ability to recall additional information).

statement risks compromising the integrity of officer interviews and reducing the overall integrity of the investigation – as well as the public’s confidence in the investigation being full, fair, and unbiased. It should be noted that use of force subjects and other civilians generally are not able to review video of an incident prior to being interviewed.

According to many police executives, the primary benefit to officer review is that it allows officers to recall events more clearly, which helps get to the truth of what really happened. Some police executives, on the other hand, said that it is better for an officer’s statement to reflect what he or she perceived during the event, rather than what the camera footage revealed.

However, both police reform advocates and some police defense attorneys argue that capturing a perceptual statement before an officer views any evidence, including video, is best practice. For example, in the Seattle Federal Consent Decree, the Federal Court-approved policy allows officers to view video prior to writing criminal or low-level use of force reports, but prohibits review prior to being interviewed in serious use of force cases, thereby striking a balance between efficiency and accuracy in reporting and the benefits of capturing an officer’s “perception of what occurred.”<sup>58</sup> However, the Court expressly recognized that “there will inevitably be inconsistencies between reports written before and after review of BWV due to the inherent limits of human perception and memory.”<sup>59</sup> As such, any policy restricting officer’s ability to review BWC evidence must include a clear statement that inconsistencies are expected and that not all discrepancies between video and officer recall and reporting implies dishonesty.

In the community survey, ninety-two of people who responded were supportive of this recommendation. Black/African American (86%); Native American/Alaskan Native (88%); Asian (80%); White (88%); Latinx (77%); and Other (80%).

**Recommendation No. 8. OKCPD should eliminate the waiting period for interviewing officers who have been involved in an officer involved shooting or critical incident. Ideally, officers would be interviewed before end of shift in most circumstances, but consideration should be made for the health and well-being of the officer. (De-escalation).**

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<sup>58</sup> 12-cv-1282 (JLR), Dkt. No. 390.

<sup>59</sup> *Id.* at 7.

Per current practice, OKCPD officers involved in a critical incident such as an Officer-Involved Shooting are not interviewed for 48 hours. Many departments have adopted similar practices. This procedure of waiting for a defined period after a critical incident before interviewing an officer about what happened appears to be based on the concept that memory improves with one to two sleep cycles. However, the basis of this claim is somewhat elusive.

In 2018, the International Association of Police updated its guidelines recommending that:

While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, whenever feasible, officers should have some recovery time before providing a full formal statement. Depending on the nature of the incident, the demands on the agency, and the emotional and physical status of the officers, this can range from a few hours to several days. An officer's mental and physical wellness are dependent upon sufficient sleep, and thus officers will often benefit from at least one sleep cycle prior to being interviewed. [3,4,5,6,7] Providing a secure setting, insulated from the press and curious coworkers, is important during the interview process.

This guideline therefore does not suggest a 48-hour waiting period – instead, it recommends “some recovery time,” between a few hours to several days based on a variety of circumstances.

Additionally, the IACP guideline states that “officers will often benefit from at least one sleep cycle prior to being interviewed,” citing five sources. However, none of those sources provide any research on the benefits of sleep or sleep cycles on the accuracy or integrity of witness statements or interviews.<sup>60</sup>

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<sup>60</sup> *Id.* (Rest and Eyewitness Memory Recall R. Edward Geiselman, Ph.D. American Journal of Forensic Psychology, Volume 28, Issue 2, 2010 / 1 (researching *lack of sleep* on cognitive functioning for witness statements); Diekelmann, S., Landolt, H.P., Lahl, O., Born, J., & Wagner, U. (2008). Sleep loss produces false memories. *PLoS ONE*, 3(10), e3512. <https://doi.org/10.1371/journal.pone.0003512> (*Sleep deprivation* at retrieval, *but not sleep following learning*, critically enhanced false memories of theme words. This effect was abolished by caffeine administration prior to retrieval); Ellenbogen, J.M., Hulbert, J.D., Stickgold, R., Dinges, D.F. & Thompson-Schill, S.L. (2006). Interfering with theories of sleep and memory: Sleep, declarative memory, and associative interference. *Current Biology*,

One recent study attempted to measure the effect of sleep on memory consolidation for the purpose of witness statements – and police officer statements in particular. In the experiment, officers were subjected to stress (either simulated active shooter scenarios or a simulated terrorist attack). Half of the officers wrote a report immediately and then were interviewed three days later. The other half was only interviewed three days later.<sup>61</sup> The study found that

*[T]he deputies’ memories remained sharper when asked to recount the incident immediately after it occurred, compared with the deputies who were not asked until a few days had passed. Additionally, the memories of individuals asked to share their recollections immediately after the incident improved slightly in their second report.<sup>62</sup>*

Ultimately, “the major lesson from this pilot study” was that officers “recalled the threat variables better than environmental factors, and they remembered them best immediately after the incident.”<sup>63</sup>

This research suggests that interviewing officers immediately or as soon as possible after a critical event would be the most accurate and that the interview itself would serve to help later recall. However, the researchers, recognizing that “officers and civilians alike experience perceptual and memory distortions after these incidents,” concluded:

To this end, it might be best for agency protocol to allow for case-by-case flexibility when determining the timing and structure of interviews following an OIS. Investigators must remain sensitive to personnel who have just experienced one of the most traumatic events in the life of a police officer but also strive to obtain the most accurate information possible about the incident.

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16(13), 1290-1294 (sleep *protects declarative memories* from subsequent associative interference); van der Helm, E., Gujar, N., Nishida, M., & Walker, M. P. (2011). Sleep-dependent facilitation of episodic memory details. *PLoS ONE*, 6(11), e27421 (subjects studied two lists of 50 words and then were assigned to Nap or No-Nap groups; the subjects who had a 120-minute nap had better recall at six hours).

<sup>61</sup> <https://leb.fbi.gov/articles/featured-articles/working-toward-the-truth-in-officer-involved-shootings>

<sup>62</sup> *Id.* (emphasis added).

<sup>63</sup> *Id.*

This recommendation dovetails with other research in this area:

- “If the witness is in apparent shock, is incoherent, sweating, or pacing, then obtain some basic elements from the witness to begin the investigation and return for a full investigative interview later. Otherwise, conduct the full interview as soon as possible before the retrieval environment has changed and memory has faded.”<sup>64</sup>
- “A recorded post-incident interview (or debriefing, or report) should be conducted as soon as reasonably possible after a critical incident. This should be a quick narrative review of what occurred, and it should be remembered that it is very likely a subject (officer, victim, or bystander) will not remember the majority of events that occurred in the incident.

After the first sleep period (generally 24 hours later) the subject should be interviewed again, and the subject can be expected to remember the majority of the details regarding the incident and to refine many of the fine points. In the case of law enforcement officers a written report at this time may be appropriate, and it should be understood that the officer may add significantly to his or her earlier statements.”<sup>65</sup>

Therefore, while the available research suggests that the 48-waiting period serves no purpose for memory consolidation and in fact, may weaken long-term recall, there is, in contrast, extensive research on the impact of stress, especially during critical events like officer-involved shootings on memory loss, perceptual distortions, and disassociation, which interviewers should be trained to explore.<sup>66</sup>

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<sup>64</sup> Rest and Eyewitness Memory Recall R. Edward Geiselman, Ph.D. American Journal of Forensic Psychology, Volume 28, Issue 2, 2010 / 1.

<sup>65</sup> Grossman, D. & Siddle, B.K., *Critical Incident Amnesia: The Physiological Basis and Implications of memory Loss During Extreme Survival Situations*. The Firearms Instructor: The Official Journal of the International Association of Law Enforcement Firearms Instructors, Issue 31/Aug 2001.

<sup>66</sup> *Id.* (citing Matthew Sharpes, *Processing Under Pressure: Stress, Memory and Decision-Making in Law Enforcement* (Flushing, NY: Looseleaf Law Publications, 2009); *AELE Monthly Law Journal*, “Administrative Investigations of Police Shootings and Other Critical

21CP recommends that OKCPD modify its practices to interview officers involved in shootings or other critical events by end of shift in order to preserve their perceptions of what occurred. However, as with any witness or victim, a trauma-informed approach to the interview should be paramount. Sacrificing the well-being of the officer for expeditious information is counterproductive. As such, if the officer exhibits symptoms of trauma or has been awake for an extended period of time at the time of the interview, research and best practices suggest waiting for some period of time before interviewing the officers.

Skeptics may raise concerns that officers will always claim trauma to avoid interviews. First, in 21CP's experience, officers are often eager to tell what happened – in fact, many often have a need to do so. Second, detectives should be trained to detect malingering, and ultimately, policy should give the final call to the department whether to proceed. Finally, investigators should get supervisory approval before releasing the officer, document with particularity the precise reasons for not conducting the interview before end of shift, and proceed with the interview at the first reasonable opportunity.

Ninety-four percent of people who responded to this issue in the community survey were supportive of this recommendation. Support did not vary significantly by race: Black/African American (92%); Native American/Alaskan Native (91%); Asian (94%); White (88%); Latinx (91%); and Other (88%).

**Recommendation No. 9. The OKCPD and the City Council should consider increasing the budgeted numbers of officers trained in CIT based on the frequency of calls for service that require that form of response. (De-escalation/Alternative Response).**

There was a lot of discussion at the Task Force and Working Group about the number of fully trained CIT officers available to the Department and how they are deployed within the districts. While all officers receive 24 hours of mental health training<sup>67</sup> with two-hour annual refresher training, the 40-hour class is more specialized and

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Incidents: Officer Statements and Use-of-Force Reports Part Two: The Basics," <http://www.aele.org/law/2008FPAUG/2008-8MLJ201.pdf> (accessed November 6, 2021)).

<sup>67</sup> Many departments only offer an eight-hour mental health "first aid" class to all officers, so the expansion to 24 hours is already closing the gap between all officers and CIT officers.

comprehensive. Some were concerned about the “premium pay” associated with CIT officers and there was discussion about the current 158 authorized CIT positions (not all of which are filled).

In presentations, OKCPD noted that CIT International recommends 20-25% of the department be CIT officers; however, in follow-up discussions, OKCPD clarified that this was a floor, not a ceiling, and that having more CIT officers could only benefit the department and the community. There was acknowledgement from some stakeholders that forcing unwilling officers to become CIT officers would be counterproductive (although others noted that officers unwilling to pursue this skill may not be appropriate officers for the 21<sup>st</sup> Century). However, there were some that argued that all who want to be CIT officers should have the opportunity. Ultimately, the most-voiced resistance to training additional officers was budgetary as current union agreements provide premium pay for CIT officers.

21CP agrees that training would increase public safety and de-escalation through appropriate law enforcement mental health response to those in crisis. Additionally, while there are other recommendations regarding alternative response to mental health calls, until those responses are scaled, it is likely that a police response will be the default until such time as comprehensive 24/7 alternative responses can be created. Moreover, we are unaware of any alternative response model that sends civilians to potentially or actually violent incidents – not training the police can only lead to less sophisticated responses in the most violent cases. As for the budget consequences, we think the money is well-spent in this space.

Finally, in the community survey, ninety-four percent of people who responded were supportive of this recommendation. The racial breakdown of support was Black/African American (95%); Native American/Alaskan Native (90%); Asian (93%); White (89%); Latinx (91%); and Other (90%).

**Recommendation No. 10. The City should consider preference points for new applicants to the Department with mental health experience, certifications, or degrees, or social work experience (De-escalation /Crisis Training/Alternative Responses).**

We heard concerns from members of the community, the Task Force, and the Working Group, that OKCPD should focus carefully on *who* they hire for policing. Indeed, the

evolving role of police demands that departments consider both the skills and makeup of their officers and plan for the resources needed in the future.<sup>68</sup>

The most effective law enforcement agencies of the future will be those that seek out and embrace the next generations of officers, and will adjust their organizational models and practices to adapt to the changing dynamics of policing.<sup>69</sup>

Most departments in the United States have hiring preference points based on military service; some also apply military preference points for promotions. Some departments have used hiring preference points to help attract the skills or attributes desired for incoming officers. For example, the Philadelphia Police Department has preference points for education, non-English language skills, Philadelphia residency, military service, or participation in the Police Explorers Cadet Program.<sup>70</sup> The City of Milwaukee provides preference points in police officer hiring for criminal justice, law enforcement, or police science degrees.<sup>71</sup> The King County Sheriff's Office (WA) added Peace Corps experience preference points.<sup>72</sup>

In 2017, the City of Seattle passed an ordinance that holistically changed the preference point system in order to target those employees best suited to modern policing:

SPD shall use preference points in hiring sworn employees who are multi-lingual and/or have work experience or educational background providing important skills needed in modern policing, such as experience working with diverse communities, and social work, mental health or domestic violence counseling, or other similar work or community service backgrounds.<sup>73</sup>

What is important here is that OKC define those desirable qualities for police officers – emphasizing the role of service, problem solving, and communication – and tailor

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<sup>68</sup> *The Workforce Crisis, and What Police Agencies Are Doing About It*, Police Executive Research Forum, September 2019 at 12-13.

<sup>69</sup> *Id.* at 11.

<sup>70</sup> <https://joinphillypd.com/preference-points>

<sup>71</sup> <https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Rules/FPCRules.pdf>

<sup>72</sup> <https://kingcounty.gov/depts/sheriff/careers/deputy/hiring-process.aspx>

<sup>73</sup> <http://seattle.legistar.com/LegislationDetail.aspx?ID=3041612&GUID=189886AB-6C46-438A-AB56-DA45AE4FCD7B&FullText=1>

its hiring strategies to attract officers with those qualities. Specifically providing preference points in hiring is a clear, measurable way to achieve that goal.

**Recommendation No. 11. The City should consider creating a Crisis Intervention Committee to focus on mental health response city-wide to address ongoing needs of the OKC community. (De-escalation/Crisis Training/Alternative Responses).**

Several jurisdictions have benefited from the creation of a multi-disciplinary and interagency advisory committee composed of regional mental and behavioral health experts, social service providers, clinicians, community advocates, academics, other law enforcement agencies, the judiciary, and other stakeholders in the mental health/crisis areas, to coordinate efforts to address these regional issues.<sup>74</sup>

As set forth in the Seattle Police Manual:

The purpose of the CIC is to build an effective regional crisis incident response built upon best practices, innovation and experience. The CIC works in cooperation with the Department to make sure that crisis intervention training and policies are consistent with legal standards, best practices and community expectations. The intent is to include representatives of entities that can assist the Department in achieving the purpose of the CIC. These entities will come from several categories: city and county government (including law enforcement agencies and line patrol officers), mental health professionals and advocates, academia, and others deemed appropriate.<sup>75</sup>

This committee should include those who best understand the detailed working of social support systems and are in the best position to inform processes based on what will work in practice. While there should always be room for vision, this committee must be practical and highly pragmatic.

Also, the committee does not need to be housed in the police department – in fact, many community perspectives would reject that idea – but it does need to include the

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<sup>74</sup> <https://www.adamhscc.org/about-us/current-initiatives/task-forces-and-coalitions/mental-health-response-advisory-committee-mhrac>;

<sup>75</sup> <https://www.seattle.gov/police-manual/title-16---patrol-operations/16110---crisis-intervention>

police department. This is designed as a group to work collaboratively with the department and informed stakeholders to design the most effective crisis response plan and then to continually refine that approach.

At the outset, this body could also serve to provide expert advice on the best form for the alternative response model for mental health calls as the City explores options. Also, cross-referencing the recommendation to strengthen the Force Review Board, a mental health provider from the committee mentioned above could be a part of the board to address crisis intervention.

Primary responsibilities of this committee should be:

- Work with the City to design and maintain the spectrum of response options for persons in crisis
- Develop and maintain a resource map of available options to refer individuals in crisis
- Enhance community connections with advocates and social service professionals, as well as provide for a seamless system of care for persons in crisis
- Review and validate the Department's CIT training

In the survey of community members, eighty-seven percent of people who responded were supportive of this recommendation. The racial breakdown was as follows: Black/African American (94%); Native American/Alaskan Native (90%); Asian (89%); White (85%); Latinx (86%); and Other (89%).

## **B. Independent Law Enforcement Accountability to the Community (Accountability)**

If there was one word spoken the most during this engagement, it was "accountability." It was also the least defined. Some community members said simply "we want accountability for officer misconduct," it was not clear whether that meant criminal prosecutions, disciplinary measures, or even some form of community reconciliation. Others, including members of the Indigenous communities, advocated for restorative practices like what they experience in their own cultural healing practices. There is much that could be said on the role of accountability that goes far beyond the scope of this report.

The task here was to specifically evaluate “independent law enforcement accountability to the community,” which most understood to mean civilian oversight. In our recommendations, however, we delve into issues around transparency of process for Professional Standards (Internal Affairs) at OKCPD and development of the Force Review Board, both of which are internal police processes. We do that because in order to have a robust civilian review, the original processes need to be well-defined and transparent.

The Civilian Oversight Sub-committee defined the approach to this work very well:

***What is the current problem of the CAB?***

Though accountability is critical when it comes to police misconduct for most Americans—and, by extension, OKC residents—a majority of our city’s residents know next-to-nothing about our existing OKCPD civilian oversight board, its purview, and its operating structure.

***Why is it a problem?***

Too many residents don’t know our existing board’s purview, how to serve, and how to access this committee to submit concerns. To enhance transparency, then—particularly considering local and national statistics re: police-involved shootings, cycles of crime, and the effects of generational poverty—we must address these three problems to enhance accountability to OKC residents.<sup>76</sup>

Given the inherent skepticism that many have to the notion of the police policing themselves on matters of misconduct, many jurisdictions use some mechanism of independent oversight. The National Association for Civilian Oversight of Law Enforcement identifies three major classes of oversight models: (1) an auditor/monitor model, which either “review[s] . . . the completeness and thoroughness of Internal Affairs investigations” or, alternatively, involves an outside individual or entity “monitoring . . . entire internal investigations from beginning to end” to ensure fairness, thoroughness, and consistency; (2) an investigative model, in which “[a] civilian[-]led agency investigates complaints of misconduct” themselves;

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<sup>76</sup> Civilian Oversight Subcommittee History, Principles and Recommendations, Task Force Accountability Subcommittee Recommendations Letter.

and (3) a review-focused model, in which “[a] civilian board or panel examines the quality of internal affairs and investigations.”<sup>77</sup>

To enhance community trust and confidence in the police and to alleviate the concerns of some community members about the legitimacy of police investigating police, OKC should strengthen its oversight mechanism for its internal investigations of officer performance. Some members of the Task Force have stated a preference for a civilian-led model, with primary authority to investigate complaints against police officers.<sup>78</sup> While not exclusive of a civilian-led investigatory model, 21CP does not recommend any model that will divest the Chief of Police of final disciplinary authority – ultimately, the Chief needs to be able to manage the police service, and the Chief must be held accountable for doing so.

OKC has civilian oversight in its Citizens Advisory Board (CAB), which is somewhat of a hybrid between the auditor/monitor model and the review-focused model, as the CAB is empowered to examine completed investigations and review investigative processes systemically. Specifically, the CAB’s responsibilities include:

1. Review the investigative process and results of completed departmental investigations of formal citizen complaints.
2. Review the investigative process and results of completed administrative investigations of complaints alleging excessive use of force or police brutality by a department employee.
3. Review the investigative process and results of any other incidents involving police department employees the board deems to be of public concern.
4. Provide comments, suggestions and recommendations to the chief of police on department police, procedure and rules.
5. Provide comments, suggestions and recommendations to the chief of police regarding the department's procedure for receiving, investigating and reviewing citizen complaints.
6. Convene or attend periodic public forums to establish an exchange with the community. Members of the community will be encouraged to express concerns or approval regarding the actions of the police department, and may request information on Citizens Advisory Board activities.

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<sup>77</sup> Office of the Police Monitor, City of Austin, Texas, *Preliminary Police Oversight Analysis 4* (2018), <http://www.austintexas.gov/edims/document.cfm?id=301093>.

<sup>78</sup> Civilian Oversight Subcommittee History, Principles and Recommendations, Task Force Accountability Subcommittee Recommendations Letter.

Based on its audit and review of departmental investigations, its review of investigative processes, or after developing suggestions and recommendations, the Board is empowered to:

[A]ddress recommendations and concerns, if any, to the chief of police in writing. The chief of police will consider the board's recommendations or concerns. Should any concerns remain unresolved after receiving a response from the chief of police, the board may request the matter be referred to the Office of the City Manager.<sup>79</sup>

Additionally, the CAB has a potentially significant role as a liaison with the community, and will:

1. Assist members of the police department in achieving a greater understanding of the nature and causes of community problems, with an emphasis on improving relations between the police department and the citizens of Oklahoma City.
2. Recommend methods to encourage and develop an active citizen-police partnership in the prevention of crime.
3. Work to strengthen and ensure, throughout the community, the application of equal protection under the law to all.
4. Promote public awareness of contemporary policing issues to which the police department must react.<sup>80</sup>

While the Task Force and Working Group were not satisfied with the current status of the CAB, there was a general sentiment that it was not necessary to recreate the wheel. Discussions were focused on transformation of the Board, not elimination of the CAB.

However, some believed the CAB should be an investigative board, with responsibility to directly investigate complaints against officers, coupled with subpoena powers. In particular, the Civilian Oversight Subcommittee presented a series of recommendations to improve the CAB, but reiterated “the subcommittee seeks ultimately to create a fully independent agency for accountability and transparency purposes and will continue diligent efforts to make the CAB

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<sup>79</sup> <https://www.okc.gov/departments/police/about-us/citizens-advisory-board>

<sup>80</sup> *Id.*

independent from OKCPD, with their own investigatory power, recommendation power, and subpoena power.”

An investigative model is a bold long-term goal for civilian oversight in OKC. While the benefits of such a model “can help rebuild the trust of the community-particularly in communities in which confidence in the police department’s ability to investigate itself has been compromised by a history of lackluster or inadequate investigations,” some weaknesses include “costs to run the program,” union resistance “to having non-police investigators conducting investigations,” and complex administrative changes.<sup>81</sup> In the feasibility discussions, the City identified some practical barriers to short-term implementation of such a model in OKC, although it is clear that an investigative model is *possible*.

First, while there is no direct prohibition to investigatory authority, as discussed at the Task Force and Working Group, a corollary to effective investigative authority is subpoena power. After feasibility discussions with the City, it does not appear that subpoena power can exist for the CAB without enabling legislation at the state level.<sup>82</sup> Specifically, where subpoena authority exists, it has been specifically granted. For example, the Insurance Commissioner is granted subpoena power through Okla. Stat. tit. 36 § 317, the Public Employees Relations Board has such authority through Okla. Stat. tit. 19 §901.30-2.1, and the Corporation Commission through Okla. Stat. tit. 165 §5-11.3. There is no enabling legislation for the CAB. As such, it appears that creating authority in state law is a prerequisite to exercising subpoena power.

Second, the City is concerned that untimely investigations will prevent imposition of discipline where it is required. The City notes that it has received several adverse arbitration awards reversing in whole or in part discipline issued to FOP members due to the length of time between the misconduct and the issuance of discipline, which arbitrators have found violated the employee’s rights to due process.

Independent investigation-focused agencies in large cities have also been plagued with budgetary and personnel limitations that have resulted in untimely investigations. The New York City CCRB has often been criticized for lack of timely investigations as well as efforts

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<sup>81</sup> [https://www.nacole.org/oversight\\_models](https://www.nacole.org/oversight_models)

<sup>82</sup> 21CP does not offer a legal opinion on this issue, but simply notes that the City’s legal perspective will guide the feasibility of implementing change in this area.

taken by that agency to reduce its workload through re-allocation of resources.<sup>83</sup>

Often, members of these boards are unpaid volunteers who simply cannot devote hours on end to clear back logs. This argument is more practical and does not suggest that an investigative model should not be done, but that if done, it would need to be done correctly and fully funded to be effective.

Third, the investigative model is by far the most expensive option. There are “significant costs and resources necessary to conduct competent, timely investigations, including large staffing requirements, as well as the complex organizational issues that can accompany the implementation of a stand-alone investigative oversight agency.”<sup>84</sup> Some of the investigative costs might be mitigated by reducing the investigations conducted by Professional Standards, but that would require a complete migration of investigations to civilian oversight.

Fourth, “police unions have also opposed the implementation of full investigatory oversight agencies, arguing that they will be biased against police officers.”<sup>85</sup> While we cannot speak for the union, there is no indication that the unions in OKC will differ from the national norm. As such, bargaining this issue will be a long-term proposition.

Finally, there is no evidence to support the proposition that a civilian investigative authority will lead to more sustained complaints or stronger discipline. As such,

“[s]ome researchers have argued that while the community may have great confidence in full investigative models initially, community confidence can wane over time if these models are perceived as not leading to the reforms promised during implementation.”<sup>86</sup>

Again, this is not argument against moving to an investigative model, but an argument for doing it right.

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<sup>83</sup> Civilian Oversight of Law Enforcement: Assessing the Evidence, Angelis, Rosenthal, Buchner (citing Clarke 2009).

<sup>84</sup> *Id.* (citing Finn 2001).

<sup>85</sup> *Id.* at 26 (citing King 2015).

<sup>86</sup> McDevitt et al. 2005: 5

21CP does not perceive that any of these barriers cannot be overcome with political will, community focus, and a dedication of significant funds and resources. If this is where the OKC community wants to go then these efforts should continue. 21CP's recommendations in the space are directed at what can happen, within discrete timelines, to improve Civilian Oversight in OKC. And there was not consensus among members of the Task Force and Working Group that an investigative model was the right direction. Without an all-in movement to make this happen at the community, City, and State level, it will not come to be.

That being said, 21CP is confident that the recommendations below will significantly improve the current state of civilian oversight in OKC.

**Recommendation No. 12. The City should provide the CAB with an administrative staff person to provide leadership, administration, research, and technical support to the CAB, including organizing, planning and coordinating all Board-related directives, programs, projects, services, and activities.**

As set forth above, the CAB has wide-ranging responsibilities, which include auditing, review, research, community engagement, and recommendations for improvement to police policies and practices. Both community members and members of OKCPD expressed concern that the CAB, which is a board comprised solely of volunteers, does not have the administrative capacity to manage all of its responsibilities. Currently, the CAB receives some administrative support from OKCPD, which while helpful to keep the processes on task, does not have great optics and is easily subject to skepticism. Providing staff support should also increase access to OKCPD records, which was a topic of concern at the Task Force.

21CP recommends that the City provide staff support for the CAB to ensure that it can meet its wide-ranging responsibilities, especially in a climate of increasing concern about police accountability.

**Recommendation No. 13. Oklahoma City should assess the membership design of the Citizens Advisory Board (CAB), including who sits on the CAB, the transparency of their appointments, and establish term limits. (Accountability).**

The Task Force received presentations from members of the CAB, who explained the current roles and limitations on the Board. While there was general appreciation for the work of the CAB and several noted that the CAB simply did not have the resources it needed to succeed, there was also criticism of the lack of transparency for appointments, concerns that some of the current members were “defenders of the status quo,” the lack of term limits, and a perception that despite the level of power granted even under the current Charter, the CAB was simply not exercising its power to maximal effect. Moreover, many expressed concern that the CAB’s membership did not reflect, and was not accountable to, many in the community.

Under the current structure, terms are indefinite for Board members in good standing although the appointment process can be triggered by vacancies or “expiration of the term of service members.” It is unclear whether term limits were originally contemplated, but they are not currently in effect. In fact, some Board members have been on the Board since its inception. While those member’s knowledge and experience contribute to the CAB greatly, that knowledge and experience should be passed down through training of new members and succession planning that includes staggered term-limits for members.

Appointments are made by the Board after an application, backgrounding, and interview process. The Board is comprised of not more than nine voting members and a police department representative, appointed by the Chief of Police, who is a non-voting member. Presumably this non-voting member is designed to provide technical assistance to the Board concerning police policies and practices.

While there was no consensus on the proper appointment procedure for the CAB, some suggested representative appointments by council members. Specifically, the Civilian Oversight Sub-committee recommended:

For a total of thirteen board members, we suggest a board member from each ward and creating five positions for special interest groups to include from the following: LGBTQ+, Civil Rights group (NAACP, ACLU, etc.), returning citizens, Native American, non-English dominate residents, disabled, veterans; the RFA process will gather nominations for special interest groups, where each city council ward nominates its representatives with appointments finalized and approved by City Council.

21CP does not take a specific position on the structure of the appointment of the CAB, but offers some comments for consideration. First, ward-based or similar representation is common in many jurisdictions and is generally well-received. Additionally, transparency in the appointment process is critical. The inclusion of special interest groups is a complicated proposition and the City should consider whether having such groups present and appear before the CAB is sufficient or whether they should actually have direct voting power, and if so, why other groups are not given similar access.

**Recommendation No. 14. The City should allow the CAB to publicly report on its activities and recommendations concerning policing policies, procedures, and rules, as well as changes to the department’s procedure for receiving, investigating, and reviewing “citizen” complaints.**

Currently, the CAB “[m]ay not release any written or oral report of any board activity to any individual or body other than to the Chief of Police or the Office of the City Manager. The C.A.B. Chairman may issue a press release utilizing appropriate legal guidance and notice to the non-voting member of the board.” This language is overly restrictive and is in conflict with the CAB’s mission to be a liaison with the community and help guide updates to policy and procedure.

While preserving confidentiality of personnel or individual investigations is important, best practice would be to *encourage* the CAB to report on its activities to include summary statistics, thematic issues, and “comments, suggestions and recommendations to the chief of police on department policy, procedure and rules,” “comments, suggestions and recommendations to the chief of police regarding the department's procedure for receiving, investigating and reviewing citizen complaints” and results of community forums. The CAB should be a focal point for community engagement and discussion about policing issues and any language that unnecessarily curtails their ability to be open and candid is counterproductive. As the CAB is primarily an advisory board, its true power is that of the bully pulpit in which it makes its recommendations publicly known and calls on the City and OKCPD to explain *why* they won’t accept recommendations.

**Recommendation No. 15. OKC should engage in a comprehensive education campaign to highlight the work and authority of the CAB. (Accountability).**

Many lamented that their constituents and members of the general community had no idea what the CAB was or what authority it had. As such, the City should breathe life into it with a strong information campaign.

This campaign should include a public education process that gives citizens a clear understanding of how they may make a formal complaint against the OKCPD and its employees.

Similarly, the CAB should publish regular updates on its activities and findings, including recommendations to OKCPD or the City. This work should be facilitated by the staff position recommended above.

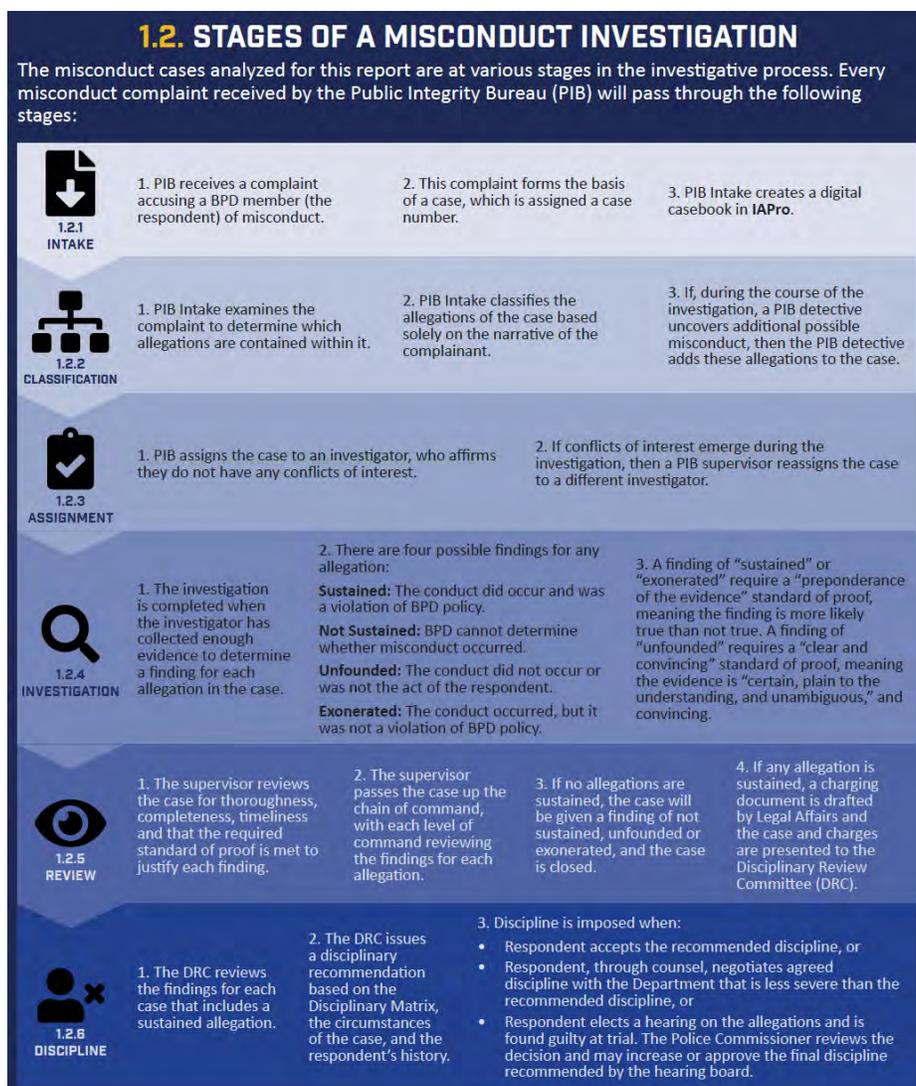
This recommendation was supported by ninety-four percent of respondents who opined on this issue. The racial breakdown was Black/African American (96%); Native American/Alaskan Native (88%); Asian (95%); White (84%); Latinx (84%); and Other (87%).

**Recommendation No. 16. OKCPD should increase transparency for Professional Standards investigations by providing a publicly-facing workflow and FAQ explaining the Internal Affairs process, timelines, communications, and should make the Professional Standards Annual Report publicly available.**

In response to our document requests, OKCPD provided Professional Standards Annual Reports from 2018 and 2019 that detailed the process and the outcomes for the year's investigations, but those reports were never made public. In the OKCPD 2020 Annual Report, the department took the step of providing such information publicly. OKCPD should go further to clarify exactly what the investigative processes are and what a member of the public should expect when they file a complaint, including what investigation will occur, what the possible outcomes could be, and when they will hear back from the department. The presentation of information could be simply text,<sup>87</sup> or it could be more comprehensively developed for ease of reading, such as this infographic developed by the Baltimore Police Department.

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<sup>87</sup> e.g., <https://riversideca.gov/rpd/about-contact/administration/support-services/internal-affairs>; <https://www.baltimorepolice.org/transparency/accountability/misconduct-discipline>.



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Additionally, while the information in the 2020 Annual Report is good, other departments provide much greater information relating to internal investigations in the interest of full transparency.<sup>89</sup>

**Recommendation No. 17. The City should facilitate the process of filing a complaint against officers by accepting complaints throughout the City and adding an electronic way to anonymously file a complaint, such as through a web form. (Accountability).**

<sup>88</sup> <https://www.baltimorepolice.org/transparency/accountability/misconduct-discipline>.

<sup>89</sup> Baltimore Police Department, Transparency, Accountability, *Misconduct & Discipline*, <https://www.baltimorepolice.org/transparency/misconduct-discipline> (last visited Mar. 13, 2021); Seattle Office of Police Accountability, News & Reports, *Closed Case Summaries*, <https://www.seattle.gov/opa/news-and-reports/closed-case-summaries> (last visited Mar. 13, 2021).

Currently, the complaint process is primarily conducted through Professional Standards at OKCPD, with a variety of methods for obtaining a complaint form:

Formal complaint forms, requiring the signature of the complainant may be taken 24-hours a day at any division, or at a police facility (including the Information Desk and Headquarters) and City Hall, regardless of where the alleged incident took place. Formal complaint forms are available on the department's website or may be mailed to citizens, if requested, and can be returned by mail or in person.<sup>90</sup>

The "Contact Us" page of the OKCPD website informs the public that they can obtain a complaint form at any precinct or download one directly.<sup>91</sup> Additionally, community members are instructed to call 911 to speak with a supervisor.

OKCPD should eliminate the practice of requiring a signature (which appears on every page of the complaint form) or an end affirmation, which can only raise concerns about retaliation for filing a complaint against an officer.

[I]t should be remembered that complainants and witnesses are usually not trained observers. What they observe and experience represents an individual, and therefore potentially limited, perspective on events. Statistically, most people do not like to complain and they encouraged what they experienced from their perspective without the worry of being punished if a formal investigation results in a finding that they were mistaken as to some of the facts.<sup>92</sup>

Second, the City should make the complaint form available at other City facilities and create a clear process that external complaints received by City Council, the Mayor's Office, the City Manager's Office, or any other city access point are all forwarded to Professional Standards to consolidate complaints and ensure they are reviewed.

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<sup>90</sup> 2019 Professional Standards Annual Report.

<sup>91</sup> <https://www.okc.gov/departments/police/contact-us>

<sup>92</sup> <https://www.nacole.org/complaints>

Finally, although anonymous complaints are permitted by OKCPD, which is good, doing so requires calling, mailing, or dropping off the filled PDF complaint form. There should be an on-line option to submit a complaint anonymously. In keeping with this concept, the end affirmation and signature line on every page of the complaint form should be removed. Requiring such affirmations raise concerns about retaliation for filing a complaint against an officer.

### **C. Law Enforcement Training in Crisis Response (Crisis Training)**

There was significant discussion, particularly in the Working Group, about the length and frequency of crisis response training. Similar to bias-free policing trainings, it is possible for CIT trainings to become formulaic and stale.

Additionally, there is the challenge of ensuring all officers are trained in the subject while also striving to provide new information for experts in the discipline to grow and develop. For example, one community member strongly advocated for additional training “to recognize the behavioral symptoms and characteristics of autism in children and adults” and developing “the necessary communications strategies and self-monitoring skills to keep confrontations from escalating to violence. That there is so much to cover and consider for an informed response, combined with the need to teach basics to the steady influx of raw recruits creates training complexities.

**Recommendation No. 18. OKCPD should develop a specific and comprehensive training plan for ensuring that CIT officers have sufficient support and training both in the short-term and throughout their careers. (De-escalation/Crisis Training/Alternative Responses/OSW).**

Discussions with the Reality Based Training Unit shed light on OKCPD’s recent approach to training and development. What started as a return to duty program (ensuring that officers are ready to resume work after a critical event, such as an officer-involved shooting), is becoming a scenario-based training unit focused on “de-escalation, mentally challenged individuals, duty to intervene, officer self-care, and sanctity of life.”

President Obama’s Task Force on 21st Century Policing emphasized the “need for realistic, scenario-based training to better manage interactions and minimize force . . . ”<sup>93</sup> As the Leadership Conference for Civil Rights has recommended, “[o]fficers

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<sup>93</sup> *Final Report of the President’s Task Force on 21st Century Policing* 52 (2015).

should practice, in interactive environments . . . de-escalation techniques and threat assessment strategies that account for implicit bias in decision-making.”<sup>94</sup> Rather than passively consuming information about law or policy, officers need the opportunity to learn, apply, and practice decision-making skills with realistic contexts. In the same way that continuing training for pilots puts them in flight simulators to practice the response to real-world flight scenarios,<sup>95</sup> effective law enforcement training presents real-world scenarios and asks officers to respond. Many practical strategies grounded in adult learning techniques are effective police instruction, including; verbal scenarios, group discussions analyzing officer performance from an incident captured on video, role playing, demonstration, group analysis of scenario performance, “teach-backs” in which students provide instruction to fellow students on designated topics, and many others.<sup>96</sup>

In 2020, the department implemented a Reality Based Training Unit, tasked with identifying, designing, and implementing any scenario-based training that will benefit officers. The RBT Unit designed a space at the Police Training Center in which officers could experience reality-based scenarios that focus on principles of de-escalation, sanctity of life, decision making, teamwork, and leadership. We are informed that in 2021, the RBT Unit plans to deliver at least eight-hours of Critical Skills and Decision-Making scenarios to over 300 officers and supervisors throughout the Operations Bureau. The unit is exploring sector level small team training, which will help supervisors and sector-level patrol units to train together and thereby learn their strengths and weaknesses. Such an approach is valuable, as often trainings draw from different sectors to preserve services to the public and therefore lose the team cohesion. OKCPD is using overlap days to keep teams together without compromising service.

The Reality Based Training Unit appears to be a strong start in the right direction for coordinating a comprehensive plan for de-escalation training.

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<sup>94</sup> The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 143 (2019).

<sup>95</sup> See, e.g., Marcel Bernard, “Real Learning Through Flight Simulation: The ABCs of ATDs,” FAA Safety Briefing (Sept./Oct. 2012), [https://www.faa.gov/news/safety\\_briefing/2012/media/SepOct2012ATD.pdf](https://www.faa.gov/news/safety_briefing/2012/media/SepOct2012ATD.pdf).

<sup>96</sup> NHI Instructor Development Course 1, 2, <https://www.nhi.fhwa.dot.gov/downloads/freebies/172/pr%20pre-course%20reading%20assignment.pdf> (last accessed Jan. 17, 2021).

## A. Alternative Response to Mental Health Calls (Alternative Response).

Alternative response options to police services run across a spectrum of possible service areas. Communities across the country are exploring the best systems for delivery of community safety services from upstream support for housing or food insecure individuals; proactive mental health, medical, and addiction/recovery services; alternative response to and diversion of low acuity crime; *and* responding to individuals in crisis and the best ways that police can help support successful outcomes. For purposes of this work we focused on public safety models for responding to individuals in acute crisis.

Dominant models include:

- The Crisis Intervention/“Memphis Model.” Officers receive training on responding to individuals in crisis, with some specially-trained “CIT officers” being specially dispatched to calls implicating behavioral health issues.<sup>97</sup> Steering committees of community stakeholders, including social service providers, clinicians, individuals of affected populations, and other community representatives, come together to discuss system-wide responses to mental health, substance abuse, and other behavioral issues. OKCPD utilizes this model for its CIT program.
- Community Co-Response. Officers and specially-trained clinicians or social workers respond to calls involving behavioral health issues. These non-sworn specialists and officers are specially dispatched as primary responders in situations that may involve individuals in crisis. “Thus, co-response teams go beyond training police officers by integrating officers

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<sup>97</sup> See, e.g., Amy C. Watson & Anjali J. Fulambarker, “The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners,” 8 *Best Practices in Mental Health* 71 (2012); University of Memphis, *CIT Center*, <http://www.cit.memphis.edu/overview.php?page=2> (last visited Jan. 27, 2021).

with trained professionals who specialize in behavioral health problems.”<sup>98</sup> Programs launched in Colorado<sup>99</sup> and Dallas<sup>100</sup> are examples.

- Primary Community Response/“CAHOOTS”/STAR Model. Social service providers or clinicians are dispatched in teams, without police, as the primary response to individuals in crisis where the call indicates that the individual is not posing a threat. Police are dispatched as and when these primary, community-based responders require such assistance. The City of Eugene, Oregon has for three decades dispatched “two-person teams consisting of a medic and a crisis worker who has substantial training and experience in the mental health field,” rather than immediately sending police, to “deal with a wide range of mental health-related crisis, including conflict resolution, welfare checks, suicide threats, and more . . . ,” which has been associated with positive outcomes and significant cost savings to the City.<sup>101</sup> Similarly, the Denver STAR pilot program uses a paramedic/mental health response team to respond to non-violent mental health calls<sup>102</sup>. New York City launched a similar program late last year, which has initial promising results.<sup>103</sup>
- Hybrid Models. Some jurisdictions opt for the “one size doesn’t fit all” approach and provide a suite of services intended to provide the most support for the most people. This year, the City of Albuquerque’s Community Safety Department launched a multi-tiered response that includes a co-responder model (mobile crisis response with clinicians and police), Behavioral Health Responders who “respond in person or by phone to requests for assistance with individuals experiencing issues with mental and behavioral health, inebriation, homelessness, addiction, chronic mental

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<sup>98</sup> Katie Bailey, et al, “Barriers and Facilitators to Implementing an Urban Co-Responding Police-Mental Health Team,” 6 *Health and Justice* 21, 22 (2018).

<sup>99</sup> Colorado Department of Human Services, *Co-Responder Programs*, <https://cdhs.colorado.gov/behavioral-health/co-responder> (last visited Mar. 6, 2021).

<sup>100</sup> Press Release, “Dallas Launches Coordinate Response Program for Behavioral Health Calls” (Jan. 22, 2018), <https://mmhpi.org/wp-content/uploads/2018/04/01.22-RIGHTCareTeam PressRelease FMT FINAL2.pdf>.

<sup>101</sup> White Bird Clinic, *What is Cahoots?* (Sept. 29, 2020), <https://whitebirdclinic.org/what-is-cahoots/>.

<sup>102</sup> <https://www.jsonline.com/story/news/local/milwaukee/2021/05/27/what-know-denvers-911-alternative-police-star-mental-health/5210500001/>

<sup>103</sup> <https://www.npr.org/2021/07/23/1019704823/police-mental-health-crisis-calls-new-york-city>

illness as well as other issues;” Community Responders who “respond to minor injuries or incapacitation, abandoned vehicles, non-injury accidents, needle pickups, or other calls for service in the community,” and a Street Outreach and Resource Coordination Team to respond to and coordinate services for persons experiencing homelessness.<sup>104</sup> Albuquerque chose not to contract these services, but instead created a new department of Community Safety and directly hired employees to do this work. Initially 56 staff were hired at a cost of \$7.5M, but the City intends to scale this project to 200 staff by end of 2022.<sup>105</sup>

As it appeared from discussions with OKC stakeholders that the critical discussion going forward is about *how* to create alternative responses to mental health and crisis calls, rather than *whether* to do so. There was clear consensus in every room that an alternative response structure was critical for OKC. And, of all the recommendations, this one was discussed with a sense of great urgency and many Task Force and Working Group members spent many hours of their time with community mental health experts, including late nights and weekends, considering the best path forward. One community member told us that “the number one issue facing OKC today is a need for alternative response to mental health crisis” and at the same time that “we need a police force that has the capability that they answer a crisis call and everyone goes home safe.” Many stressed the need for mental health professionals of color to be at the forefront of the response.

Both the Task Force and Working Group received presentations on the efficacy of the CAHOOTS/STAR models and discussions about that model, favoring a community-based, culturally competent, civilian response to mental health calls were the most prevalent.

As discussed elsewhere, the belief that all police response to mental health calls can be replaced by such an alternative response is inconsistent with the scope of such services. For example, the Denver STAR responds to seven call-types, which are screened to ensure that there is “no evidence based on the call received through Denver 911 of criminal activity, disturbance, weapons, threats, violence, injuries, or serious medical needs,” including:

- Assist

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<sup>104</sup> <https://www.cabq.gov/acs/our-response>

<sup>105</sup> 10/28/21 interview with Joshua Reeves.

- Intoxicated Person
- Suicidal Series
- Welfare Check
- Indecent Exposure
- Trespass Unwanted Person
- Syringe Disposal - HRAC<sup>106</sup>

During the STAR six-month pilot, the program responded to 748 calls for service during its service hours of Monday through Friday, 10:00a – 6:00p, and within the limited geographic area of the pilot.<sup>107</sup> However, Denver 911 recorded all STAR eligible calls even if the call “did not qualify for the pilot because of location, time of day, or availability of the van.”<sup>108</sup> This useful exercise provided data on what the program could look like if scaled to include all geographic areas, a 24/7 response, and sufficient resource capacity overall. Based on this analysis, there were 2,546 eligible calls during the pilot, representing possible diversion of 2.8% of the total 911 call load.<sup>109</sup>

An analysis of the CAHOOTS program, which responds to similar call types, but city-wide and 24/7, identified potential diversion rates of 5-8% for calls that police normally respond to, but importantly identified that the program was not only responding to traditional police calls, but actually filling a previously unfulfilled area of service.<sup>110</sup>

This is a positive finding, as it suggests that community services will be increased, but for those expecting that an alternative response program will offset the needs for police funding and services are likely to be disappointed. For 2020, Eugene Police Department had an overall budget of \$61,354,714, which increased in 2021 to \$66,946,862.<sup>111</sup> In contrast, CAHOOTS hovers around a \$1M budget.<sup>112</sup> However, reports claim that the program is run at a \$500k deficit and that the program is seeking a \$1.8M increase.<sup>113</sup> Similarly, the Denver Police Department’s budget is

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<sup>106</sup> [https://wp-denverite.s3.amazonaws.com/wp-content/uploads/sites/4/2021/02/STAR\\_Pilot\\_6\\_Month\\_Evaluation\\_FINAL-REPORT.pdf](https://wp-denverite.s3.amazonaws.com/wp-content/uploads/sites/4/2021/02/STAR_Pilot_6_Month_Evaluation_FINAL-REPORT.pdf)

<sup>107</sup> *Id.* at 1-2.

<sup>108</sup> *Id.* at 2.

<sup>109</sup> *Id.*

<sup>110</sup> <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis>

<sup>111</sup> <https://www.eugene-or.gov/4398/Eugene-Police-Funding>

<sup>112</sup> <https://www.eugene-or.gov/4508/CAHOOTS>

<sup>113</sup> <https://www.registerguard.com/story/news/2021/05/21/cahoots-eugene-community-safety-initiative-payroll-tax/5206234001/>

proposed to increase to \$245.9M in 2022, whereas the STAR program costs were increased to \$3.8M.<sup>114</sup>

21CP was provided with lists of community-based services, some in-patient and some out-patient, to consider as resources in this space. However, it is simply unknown whether any of the identified OKC resources has experience in direct response to persons in crisis or the capacity to provide 24/7 operations to support such an effort. This does not mean that those resources are inadequate, it simply means that more information is required.

As OKC considers the various models and requests more information as recommended below, it should not do so in a vacuum. Creation of the Crisis Intervention Committee, as also recommended, could create the brain-trust to bring pragmatic perspectives to help facilitate the development of the alternative response program that is suited to the needs of OKC communities, particularly marginalized communities.

Finally, as OKC develops its solution in this area, the City should continue to collaborate with the 988 system that is being developed nationally and in Oklahoma to respond to mental health calls.<sup>115</sup> The program, which is planned to launch July 2022, purports to offer:

- 24/7 operation with licensed and certified mental health crisis specialists
- Follow-up calls utilizing certified peer recovery support specialists
- Connection and dispatch to local services and mobile crisis teams, including immediate communication and connection to 911, if needed
- 80% of callers will experience resolution of crisis after interacting with the 988 Helpline<sup>116</sup>

Ultimately, unless the development of OKC alternative responses is deconflicted with the 988 development, it is likely that both efforts will reach for the same mental health resources. Additionally, the state-level work may provide funding to offset local costs. As explained:

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<sup>114</sup> <https://denverite.com/2021/06/22/denvers-star-program-gets-tentative-1-million-to-expand-with-more-vans-longer-hours/>

<sup>115</sup> <https://oklahoma.gov/odmhsas/treatment/comprehensive-crisis-response.html>

<sup>116</sup> *Id.*

ODMHSAS is building a system to address the needs of Oklahomans when experiencing a psychiatric emergency. The Comprehensive Crisis Response system is funded by multiple sources to include state, federal, and reimbursement. This system is leveraging existing pieces in the community and follows national standards and best practices.<sup>117</sup>

**Recommendation No. 19. The City should issue a Request for Information to determine what community resources exist and what capacity they have for an alternative response model. (Alternative Responses).**

An RFI is the appropriate exploratory tool when you know the problem – we want an alternative to police responding to non-violent mental health calls – but are open to solutions to the identified problem.<sup>118</sup>

While 21CP was presented with a list of community resources as a great first step toward uplifting the needs voiced by community, the City needs to specifically identify the programmatic infrastructure to provide the comprehensive alternative response services needed in OKC. This process should be made in collaboration with – or primarily driven by – the Crisis Intervention Committee to ensure that real-world considerations are at the forefront of the process. Additionally, this process should be informed by the extensive work done by the Working Group, the Task Force, and other community members to date.

While we are recommending here that the City gather more information about service resource capacity, it needs to be done with a bias towards action. Process should not slow the development and delivery of an alternative response solution for OKC. And to be clear – issuance of an RFI and creation of the Crisis Intervention Committee can be done in parallel to avoid bottlenecks in this process.

Many noted however, that traditional RFP or RFI processes can disadvantage the very community organizations that should be responding to this inquiry – those that provide community-based, culturally competent resources, but may not be structured with the administrative systems to jump through City bureaucratic requirements. As such, while moving forward, the City should prioritize outreach to culturally competent organizations and facilitate the RFI process to ensure access to the

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<sup>117</sup> *Id.*

<sup>118</sup> <https://rfp360.com/rfi-rfp-rfq/>

process. Although, OKC does not have a formal preference structure for Minority or Women Owned Businesses or organizations with experience with BIPOC communities, the City should build such experience into the requirements of the RFP or RFI.

**Recommendation No. 20. As OKC potentially invests in a new records management system, part of the requirements should be that it connects to dispatch and allows for coordination to respond to mental health issues, identifying frequent callers and potential needs or specialized responses that they require (Alternative Response/Crisis Training/De-escalation).**

As OKCPD develops its Record Management System (RMS), which is currently planned, the Department and the City should ensure that gathering and tracking crisis data is fully baked into the new system. This information will help guide deployment needs and guide specific interactions by providing information before the police come into contact with an individual in crisis.

Currently OKCPD tracks crisis response, attempted suicide calls, and dispositions – whether an arrest or custodial intervention occurred. The copy we received was an Excel spreadsheet. While laudable, the level of detail that can be collected for crisis calls should be far greater. For example, tracking behavioral information for “frequent flyers” requiring mental health contacts can inform a thoughtful police approach. Knowing an individual’s service provider, their triggers, and methods of successful resolution is important for any responding officer. By recording behavioral responses rather than diagnoses, potential HIPPA entanglements can be avoided.

Additionally, OKC could consider creating a public-facing portal for families to enter information about problematic behavioral issues in the family. This could work similarly to the current OKC Storm Shelter Registry<sup>119</sup> and allow the public to enter family demographics and special needs into the system through a public database that would be linked to 911 dispatch so that when and if that family calls 911 there can already be useful response data in the system.

One community member clearly explained the need for this:

I am an OKC resident with a child that is non-verbal and has intellectual and developmental disabilities. I called OKCPD to ask if

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<sup>119</sup> <https://app.okc.gov/applications/stormshelter/Forms/Welcome.aspx>

they could put a note (they call it a “premise”) in their system that a non-verbal child with disabilities lives at my address. I was told that OKCPD can put a premise in their system to note if a particular address has weapons or a history of violence, but that my request for a does not fit their “criteria.” I find it interesting that OKCPD will put a premise in their system if it’s about protecting themselves, but not if it’s about a citizen concerned about protecting his child from the police.

And a community member alerted us to the fact that such a system exists locally in Norman, OK. The Special Needs Alert & Identification Program (S.A.Id):

allows parents, guardian or caregiver the opportunity to complete a simple information form that gives the Norman Police Department permission to create a specialized alert in our communication database. The S.A.Id alert defines the individual’s condition and/or needs to First Responders prior to them arriving to an incident to improve their response, interaction, and communication with the individual.<sup>120</sup>

The goal here is that all responders – police, alternative mental health, or co-responders – all have access to location and person specific information to guide the interaction to the best possible outcomes.

This recommendation was overwhelmingly supported in the public survey by ninety-two percent of people who responded; specifically Black/African American (93%); Native American/Alaskan Native (95%); Asian (97%); White (91%); Latinx (91%); and Other (85%).

**Recommendation No. 21. Community training/public education on how best to call for emergency needs in a mental health crisis in order to provide Dispatch and subsequently the law enforcement or first responder the best information to mitigate the problem upfront. (Alternative Response/Crisis Training/De-escalation).**

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<sup>120</sup> <https://www.normanok.gov/public-safety/police-department/community-outreach/special-needs-alert-identification-program>

As part of or separate from the above recommendations, a comprehensive community education plan can help people know what to expect with a police response and what information will be most useful for dispatch and responding officers.

This plan should include information for and be accessible to people with disabilities, people with limited English proficiency, and others with access and functional needs.

Ninety-four percent of respondents supported this recommendation. The racial breakdown was: Black/African American (95%); Native American/Alaskan Native (94%); Asian (99%); White (94%); Latinx (93%); and Other (92%).

**Recommendation No. 22. Consistent with the above, 911 dispatchers should continue training in crisis intervention, continue to have access to updated information on which officers are CIT, and regularly revisit their script protocols for crisis events to learn, along with the department, the best approaches based on outcomes. (Alternative Response/Crisis Training/De-escalation).**

#### **D. Law Enforcement Focus on Youth Outreach (Youth)**

Law enforcement engagement with youth is a critical component to any outreach or operations plan. This is an age where mentorship and coaching in the area of responsible decision making is critical. This is often too where a positive or negative interaction with police officers can have a long-lasting effect on a young person's psyche and future interaction with law enforcement, particularly in BIPOC communities and for persons with mental health challenges or physical disabilities. Especially considering the fear many young people have of law enforcement based on media coverage, or unfortunately, their own personal observation of police misconduct. Therefore, it is important that law enforcement is intentional in how it prepares its members to engage with youth. A first step is acknowledging and respecting their voice, which can be difficult for any adult, particularly one trained to command and control all situations. Departments must also ensure bias plays no role in their engagement.

**Recommendation No. 23. Create a Youth Advisory Board that has direct access to the Chief in monthly meetings. (Youth/Violence Interruption).**

The Youth Advisory Board can serve to define goals for department engagement with youth. Meetings should be in the community, as youth will not likely come to the

department, and representatives of OKCPD, up to and including Command Staff and the Chief, should regularly attend. This process could include youth dialogue circles on a regular basis in every district, with active OKCPD listening and supported by community-based mediation/facilitation.

**Recommendation No. 24. OKCPD should consider holding special sessions of the Community Police Academy for Youth. (Youth).**

**Recommendation No. 25. Ensure that current Youth Outreach Programs are funded, remain a department priority, and part of a public information effort. (Youth/Violence Interruption).**

In our discussions with community, there was little understanding of current efforts by the department to engage Youth. At the same time, the department is making extensive efforts to reach to Youth, including the Youth Enrichment Services (YES) program, formerly the Truancy Unit, that seeks more holistic solutions for kids struggling in school and the Family Awareness and Community Teamwork (FACT) program that targets gang violence.

We conclude there is a disconnect and OKCPD should increase awareness through an information campaign, continued engagement, and by ensuring the programs are funded and staffed so that the experience in the field matches the commitment on paper.

**Recommendation No. 26. OKCPD should update their current contracts with the School District to minimize the role of enforcement by School Resource Officers (“SROs”) and to provide overall clarity.**

Discussions about the role of SROs highlighted the divergent perspectives between the department and the community. Community members told 21CP about vigorous enforcement, often leading to citations to the families that could least afford them. Some reported that officers used force to enforce school disciplinary issues up to and including the use of pepper spray. One community member claimed that only two SROs are CIT trained and described an interaction in which an officer was “very quick to demonize the kids with no interest in building relationship.”

In contrast, the police department reported the success of the YES program, which started in 2018 and “provide[s] families immediate resources such as food, clothing,

and other basic living needs.”<sup>121</sup> The program came into being when officers realized many kids were missing school because of lice. They partnered with a local non-profit who funded lice kits to be handed out. Officers stressed that the key factor in truancy was poverty – “we are penalizing people for being poor” – and said their focus was now on helping kids sleeping on the floor, kids without adequate or clean clothing, and kids who were food insecure. Those officers that spoke with us said they just want to help children overcome barriers and get back into school, which has developed into the focus of YES. OKCPD also reported significant drops in truancy rates as a result of the shift to the YES program.

In an attempt to reconcile these perspectives, 21CP requested information on truancy enforcement and activity of SROs. The data for truancy citations dropped dramatically in 2018 and were almost non-existent in 2019-the present. The department points to the success of the YES program and the change in focus, but such effects are somewhat hard to separate from the impact of COVID-19 during the same time period. However, the steady decrease in truancy citations between 2016 and the present does suggest decreased reliance on citations for truancy.

School Year	Truancy Citations/ Reports Made	YES Service Contacts
School Year 2016-2017	469	
School Year 2017-2018	293	
School Year 2018-2019	191	
School Year 2019-2020	17	
School Year 2020-Current	1	1848

However, the activities of SROs do appear to be enforcement-based and it is clear that many arrests are made by SROs in any given year. The decreases in 2020-present are presumably attributable to COVID-19 as there was no other offered explanation.

School Year	2018-2019	2019-2020	2020-2021	2021-Present
Reports Taken	733	767	161	122
Misdemeanor Arrests	343	533	57	47
Felony Arrests	14	10	2	2
Fights with Arrests	102	173	26	26
Fights with NO Arrests	135	309	139	88
Truancy Citations	35	7	4	0

<sup>121</sup> Interviews with School Resource Officers.

Last, the SRO use of force also declined from 2018 to the present, and particularly with use of OC<sup>122</sup> spray (pepper spray). Without conducting an in-depth case review, we cannot say whether these uses of force were reasonable, necessary, or proportional, but use of pepper spray was more frequent than we would expect for SROs based on our experience. Moreover, best practices suggests that a focused review of SRO uses of force should be conducted in every case.<sup>123</sup> OKCPD should ensure that the Screening Committee reviews of SRO use of force are informed by the school context and that SRO supervisors are included in that process.

School Year	2018-2019	2019-2020	2020-2021	2021-Present
Use of Force Incidents	13	17	2	3
OC Spray	7	7	0	1

As such, 21CP received conflicting reports about the role of SROs, with some supporting expansion of the program and some demanding its elimination. 21CP cannot resolve that issue for OKC without significantly more information and, in particular, the ability observe SROs in the field to see how they interact with the students. That being said, OKC should revisit the reasons for SROs with the School District, clarify the specific role for SROs, and memorialize expectations in the contract or a Memorandum of Understanding (“MOU”) similar to the Model SRO MOU prepared by Case Western University in OH.<sup>124</sup>

The current contract states “the School District is desirous of acquiring uniformed Oklahoma City Police Officers to perform security and law enforcement duties upon school properties.”<sup>125</sup> The scope of “General School Security Services” includes:

The City will provide officers at designated high school and middle school sites for a total of eighteen (18) officers, to work with staff and students; to prevent improper conduct and trespassing; and, when appropriate, to make arrests and take into custody persons guilty of violating City ordinances or State laws, all in accordance with the Standard Operating Procedures,

<sup>122</sup> Oleoresin Capsicum.

<sup>123</sup> <https://www.nasro.org/clientuploads/legal%20articles/Excessive-Force-and-SRO-Liability-JOSS-Spring-2015.pdf> at 14.

<sup>124</sup> <https://case.edu/schubertcenter/sites/case.edu.schubertcenter/files/2020-04/OSROAs-Sample-MOU-Final-12-16.pdf>

<sup>125</sup> FY 2021 Contractual Agreement for the Provision of School Security for Independent School District No. 89 of Oklahoma County, Oklahoma.

Police Community Relations Unit, School Resources Program, as set forth in Attachment A(incorporated herein).

The contract primarily mandates enforcement and it does not address the working relationship between SROs and school administrators or

The City and the School District should restructure their contract or develop an MOU, in collaboration with students, parents, and other community stakeholders, to include:

- Clarity of SRO program goals
- Role of law enforcement in schools – *e.g.*, education, procedural justice, and safety
- Selection process for SROs in collaboration with school administrators
- Selection criteria for SROs including educational requirements, experience and interest in working with youth
- Training for SROs in crisis response, juvenile justice, child and adolescent development and psychology
- Prohibition on enforcing school disciplinary issues
- Reporting and data requirements
- Specific policies on how to conduct enforcement activities with students

Additionally, as the City develops an Alternative Response model generally, it should consider whether the SRO program would benefit from those same resources.

#### **E. Creation of a Neighborhood Safety/Violence Interruption Program (Violence Interruption)**

The Working Group received information on current programs and partnerships to combat violence and discussed OKC resources and options.

**Recommendation No. 27. The City should create an exploratory committee to vet community resources that have resources critical to violence intervenor programs as a core building block of their programming. (Youth/Violence Interruption).**

Combatting violence can be a very contentious place for law enforcement and communities of color. While everyone wants a safe neighborhood, aggressive tactics, allegations of unconstitutional policing, police involved shootings and over-

incarceration of people of color breeds distrust. Many crimes, particularly those that include violence, are solved by community members stepping forward with information. This cooperation decreases significantly when procedural justice is not a part of a department's core principles and shows up in operations. Given that this reciprocal relationship is a critical component to all law enforcement activities, many cities have turned to a model that acknowledges these realities. Many cities use models of "trusted" community members to engage and deescalate tensions to decrease violence. These programs are called violence interrupter programs. Where by community members, usually formerly criminally-involved, work to proactively stop violence before it happens by using their credibility in the community.

Street outreach is an important component of violence – especially gang-based violence – strategies, but defining the approach and the community capacity is critical.<sup>126</sup> Successful violence interruption programs do not always use the same combination of approaches and outreach activities, mentorship approaches, or case management approaches have had different efficacy in different jurisdictions. However, it is clear that best outcomes are achieved when the police, the community, and other resources work collaboratively in a combination of engagement, opportunities for Youth, and enforcement priorities.<sup>127</sup> As such, jurisdictions looking to establish violence interruption programs should focus on answering foundational questions<sup>128</sup>:

- **What is the specific purpose and the target audience of the outreach program?** Reduce Gang and/or Street Violence? Reduce gang membership? Connect at-risk youth to positive opportunities?
- **How will outreach be conducted?** Long-term relationship building and linking youth to prosocial services and activities? Conflict mediation and high-risk situations?
- **How is the program staffed?**

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<sup>126</sup> National Council on Crime and Delinquency, *Developing a Successful Street Outreach Program: Recommendations and Lessons Learned*, 2009; See also OPHS Violence Prevention Toolkit, 2019.

<sup>127</sup> OPHS.

<sup>128</sup> National Council on Crime and Delinquency, *Developing a Successful Street Outreach Program: Recommendations and Lessons Learned*, 2009.

- **What methods are used to recruit, hire, train, and retain staff?** Official and “neighborhood” background checks; drug testing; tolerance of misbehavior or recidivism on part of staff; hiring panels; willingness to work with law enforcement; workers safety; fair wage and benefits; apprenticeships and volunteering; management and supervision; training; passion and long-term commitment.
- **Which type of agency or organization should host a street outreach program?** Nonprofit, community, and grassroots organizations; city and county agencies; central agency, with workers located in CBOs in particular neighborhoods; faith-based organizations.
- **Which partnerships are essential, and how can they be developed and maintained?** Police Departments; probation, parole, and correctional facilities; schools; hospitals; community-based organizations/service agencies; faith-based organizations; business community.
- **What data will be collected and how will it be used and evaluated?**
- **How will funding be secured?**

Similar to our recommendations around community-based Alternatives to Mental Health calls, it is necessary to assess what resources exist and what community-based capacity there is to interrupt violence. The committee might consist of government representatives, including executive level and health and human services, two community-based organizations run by or assisting formerly incarcerated citizens, two service providers that serve communities with high levels of violence, representative of a hospital that cares for gunshot victims. The group should help determine the scope and purpose of any program, how long the program will be in effect, whether the program will directly engage in mediations, staffing requirements and qualifications, and what community-based resources exist to support this effort.

**Recommendation No. 28. Once the exploratory committee provides a program design, the City should issue an RFI to identify a resource. (Youth/Violence Interruption).**

## F. Police Officer access to Mental Health Services (OSW)

Policing can be a dangerous and unpredictable job. Officers are expected to respond to address situations that others have not been able to address themselves – and to resolve situations in which people are often at their worst or most vulnerable. Police Officers are called to handle problems and address people that the remainder of the social service fabric has forgotten, ignored, or left behind leaving officers at times to feel helpless and lost in the best way to serve the community.

As a result of performing their everyday duties, police officers can experience unique physical and mental stress.<sup>129</sup> For instance, in 2016, more officers died of suicide than any single cause of death in the line of duty – and almost as many died from suicide as all other causes combined.<sup>130</sup> Officers exhibit symptoms of post-traumatic stress disorder (PTSD) at a higher rate than the general population.<sup>131</sup>

Ongoing stress and trauma affect not just officers but their families and, indeed, the communities that they serve. Mental and physical health challenges often result in increased administrative costs from absenteeism, increased use of workers' compensation and sick days, and more frequent use of early retirement. Likewise, “[w]hen exhausted, officers are unable to effectively communicate with community members [this] may even incite agitation among them.”<sup>132</sup> “Officers who are equipped to handle stress at work and at home . . . are more likely to make better decisions on the job and have positive interactions with community members.”<sup>133</sup>

Given the importance of officer wellness, President Obama’s Task Force on 21st Century Policing recommended:

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<sup>129</sup> Deborah L. Spence, et al, *Law Enforcement Mental Health and Wellness Act: Report to Congress* (2019).

<sup>130</sup> John M. Volanti, et al, “Law Enforcement Suicide: A National Analysis,” 15 *International Journal of Emergency Mental Health & Human Resilience* 289, 289 (2013).

<sup>131</sup> National Alliance on Mental Illness, Advocacy, Crisis Intervention, Law Enforcement Officers, <https://www.nami.org/Law-Enforcement-and-Mental-Health/Strengthening-Officer-Resilience> (last visited Mar. 3, 2021); Ellen Goldbaum, University of Buffalo, “Police Officer Stress Creates Significant Health Risks Compared to General Population, Study Finds,” (July 9, 2012), <http://www.buffalo.edu/news/releases/2012/07/13532.html>.

<sup>132</sup> Police Executive Research Forum, *Building and Sustaining an Officer Wellness Program: Lessons from the San Diego Police Department* 7 (2018).

<sup>133</sup> The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 312 (2019).

Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors. An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.<sup>134</sup>

Officer wellness can be supported through a variety of mechanisms within a police organization:

There is clearly a continuum of mental health and wellness strategies, programs . . . that begins with recruitment and hiring and goes through retirement. It includes proactive prevention and resiliency building; early interventions; critical incident response; treatment, reintegration; and ongoing support for officers, staff members, and their families.<sup>135</sup>

The City contracted with Code4, an independent consultant, to assess the sufficiency of OKCPD's Officer Safety and Wellness (OSW) programs. The assessment was delivered and OKC has taken the recommendations seriously and has started to implement a number of these recommendation. 21CP believes that at a high level, OKCPD is well-ahead of the national curve with its wellness programs and that the department is well-served by the Code4 assessment. As such, while we recommend that OKCPD continue its implementation, we also highlight some of the areas recommended by Code4 as priorities.

**Recommendation No. 29. OKCPD should continue to implement the Code4 recommendations in full. (OSW).**

The department has been making remarkable progress and there is strong leadership in the Officer Wellness Unit. However, some of the Code4 recommendations require time in development and implementation and on-going commitment in terms of

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<sup>134</sup> *Final Report of the President's Task Force on 21<sup>st</sup> Century Policing* 62 (2015).

<sup>135</sup> 21CP Solutions, U.S. Department of Justice, Office of Community Oriented Policing Services, *Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies* (2019), <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>.

funding and staffing. OKC should hold the course and fully implement the comprehensive plan.

**Recommendation No. 30. Require each member of Peer Support to complete a monthly stat sheet that documents number of contacts, type of service needed, referrals given, and any follow-up service. (OSW).**

This goal may be satisfied by the app being currently developed with the LEMHWA grant received by OKC in 2020. The app is currently in development and will serve as a real-time mental health support and services toolkit for officers

**Recommendation No. 31. OKCPD should formalize the recommendation for a Hospital Response Team. (OSW).**

The Department, in an effort to continue the positive growth of the Wellness Unit should document procedures for how to best respond during to a crisis in which an officer is injured. This does not require a policy, but at least a unit-based SOP setting out the best practices for hospital response and care. This will support continuity when inevitable unit transitions occur.

**Recommendation No. 32. Develop a comprehensive Post Critical Event Guide. (OSW).**

The Wellness Unit has a sophisticated response model to support officers involved in critical events. Their system is informed by best practices and has a clear pathway of offering officers' mental health first aid, physical health treatment, family notification, and resources for mental health care. While officers are provided with sheets about possible symptoms of PTSD, the officers and their families would be well served to receive a timeline and process guide to next steps – mandatory leave, fitness for duty, Reality- Based Training Unit (RBTU) training requirements, and investigations.

**Recommendation No. 33. Expand the number of fulltime Licensed Professional Counselors available to OKCPD staff members. (OSW).**

Nationally police departments from Los Angeles to Nashville have developed Wellness Units that also include the hiring of Licensed Professional Counselors (LPC) or Psychologists. Although, once seen as a necessity to the department to manage fitness for duty processes, today these important positions are more readily used as

an ongoing mechanism to provide continued mental health care for officers and their families. The LPC position can be used across a variety of operations inside the Department from managing private health data of officers on leave post a critical incident to being a emergency mental health first-aid responder to officers at the scene of an incident. LPC's also may serve as part of the interview team for an officer immediately following an incident and can be a resource touch for families should an officer be hospitalized or in critical condition. LPCs can also lead the Department in informed mental health response training, education around mental health calls and best practices in CIT intervention as well as academy training and family resource education that can provide a broader more holistic response to officer wellness in OKC.

As recommended by Code4, the Department should prioritize the LPC hire immediately with the hiring of at least two LPC position to manage the following:

1. Oversee the confidential management of the data mentioned in recommendation 29 to ensure adequate tracking
2. Serve as a primary responder to critical incidents and be a part of the mental health assessments of officer both during the emergency first aid session and in the days to follow after an incident

**Recommendation No. 34. Create an agency fitness program. (OSW).**

OKCPD should consider a comprehensive approach to supporting officer health, including a consistent policy pertaining to On-Duty Workouts and the possibility of an incentive program for maintaining health standards.

**Recommendation No. 35. Provide continued education and training for the OKC PD staff bi-annually with new and emerging issues and coping skills to grow officer wellness throughout the agency and to build mental resiliency in the OKCPD. (OSW).**

This training should include reminders of the existing resources, their commitment to confidentiality, and encouragement to use the wellness resources. Many anecdotes in the Code4 assessment indicated either ignorance of resources or an apprehension to use them – that must be overcome.

Additionally, officer safety and wellness best practices including tactical breathing, stress reduction and mental health first aid should be regularly presented as part of the on-going training plan.

### **G. Expansion of Law Enforcement Homeless Outreach Initiatives (Homelessness)**

The Mayor’s Task Force on Homelessness provided the final report to 21CP and the Working Group and presented their findings. As noted by one Working Group member, “there seems to be a need to have services better connected and the need for safer sheltering options,” which is consistent with our observations. A lack of mental health services – coupled with the often-co-occurring conditions of substance use disorder, homelessness, and other conditions of despair – has led to jurisdictions nationwide increasingly relying on police officers to serve as first responders to incidents of behavioral crisis. Discussions about homelessness overlap significantly with considerations of Community Policing and general feelings of safety and order in OKC. Overall, our recommendations around Alternative Responses to Mental Health Calls will apply to homeless response issues. For people experiencing homelessness and addiction or mental health issues, the Crisis Intervention Committee will be the best source of guidance for OKCPD and any police response, if warranted, will be in alignment with the crisis response. If there is a crime committed, especially a violent crime, a police response is warranted, but diversion into services is likely the proper disposition.

Fundamentally, homelessness is not a policing problem and expanding Law Enforcement Outreach is likely not the proper path. Instead, Working Group members discussed the expansion of the Homelessness Outreach Team (HOT), which works on cleanups in coordination with mental health providers. As OKC considers the implementation of an alternative response model, it would be prudent to consider how those resources might relate to homeless outreach.

**Recommendation No. 36. As OKCPD creates systemic training for crisis intervention, issues of homelessness should be incorporated to ensure officers are adequately aware of appropriate resources and departmental guidance on use of discretion for low-level offenses. (Crisis Training/Homelessness).**

**Recommendation No. 37. OKC should consider whether to modify ordinances for quality-of-life crimes to individuals experiencing homelessness. (Homelessness).**

In recommending consideration of the impacts of quality-of-life offenses on homeless populations, we are not suggesting that people experiencing homelessness are above the law in some way. Instead, we are recommending that criminal enforcement is likely not the best tool to achieve the outcomes the City wants – to get people housed and stabilized.

## **V. IMPLEMENTATION**

Consultant reports, such as this, are only valuable if they provide actionable recommendations and as part of Phase 3, 21CP reviewed the recommendations against City budget process, available community resources, considered the cost benefit analysis, and assessed barriers to implementation of the recommendations. The City Manager and OKCPD leadership have evidenced support for these recommendations and have said they are committed to moving them forward as expeditiously as possible. That being said, implementation will be a process, with budget, personnel, and other resource implications.

**Recommendation No. 38. OKC should hire a contract or permanent implementation manager to ensure sustained focus on these efforts and to serve as a point of contact during implementation.**

Implementation of recommendations on this scale are best served by dedicated staff, whose job is to focus on implementation, remove or resolve barriers, manage the process, and to inform both City leadership and the community about progress, concerns, and ultimately, achievements. To that end, 21CP recommends hiring or reassigning an implementation manager to shepherd the process. This person would serve as the dedicated point of contact for all interested stakeholders during implementation.

**Recommendation No. 39. The City should create an implementation portal to update the public on the timelines and progress of implementation of these recommendations.**

As part of the goal of keeping the community and other stakeholders informed on the progress and achievements of the implementation process, the City should create a

publicly-facing web portal to provide real time status updates and to serve as a two-way means of communication with community during implementation.

### **A. Fire and Police Arbitration Act and OKCPD Unions**

In 1977, the Oklahoma state legislature passed the Fire and Police Arbitration Act (FPAA). The FPAA declared it a matter of public policy that employees of municipal police and fire departments be given all rights to negotiate collectively with their employers over wages, hours and other working conditions in exchange for the right to strike. In short, police and fire employees gave up the right to collectively walk off the job if they were unhappy with the terms of their employment in exchange for the right to negotiate those terms. The FPAA also imposed a grievance process on municipal employers through which unions can challenge discipline or the imposition of new employer policies or procedures as well as a binding arbitration clause. Binding arbitration gives a third-party arbitrator the final say in disciplinary matters and interpretation of the terms of the collective bargaining agreement (CBA) negotiated between the parties. The CBA is the document that governs the relationship between a bargaining unit and employer.

The FPAA provides the framework for contract formation. First, the parties must meet and discuss any proposed changes to any existing contract between the parties in an attempt to reach mutual agreement. If the parties can't agree to the terms of the CBA on their own, the FPAA dictates that each party make a final Last Best Offer to be presented to a three-member panel during what is referred to as an interest arbitration hearing. That arbitration panel is composed of a neutral arbitrator and an arbitrator chosen by each side. After a presentation of each parties' last best offers to the arbitration panel, the panel must choose one based upon a defined set of criteria set forth in the FPAA. The panel cannot modify the offers but must choose one proposed agreement in total. The bargaining unit proposal or The City's. All or nothing. If the City's offer is chosen, it becomes the contract between the parties. If the union offer is chosen, The City Council may accept it as the contract between the parties or it may choose to submit both last offers to a vote of the registered voters of The City of Oklahoma City for selection as the contract between the parties.

As noted, "wages, hours and other working conditions" are subject to these processes. 21CP would do a great disservice to OKC if we were to guess which of these recommendations impacted wages, hours and other working conditions to the degree that requires bargaining. Similarly, while union representatives were part of the Task Force, they were passive and did not take any position on any of the

recommendations. Additionally, 21CP reached out to the union and had surface discussions, but no real information was provided about whether the unions would support or contest any specific recommendations.

Therefore, here we simply note that the bargaining obligation hovers in the background during the implementation of these recommendations. That being said, we observe that while these recommendations are important and will bring significant change, they are reasonable and are designed to benefit the officers of OKCPD as well as the OKC community.

### B. Timelines and Barriers to Implementation

The below chart sets out timelines based on **Short** (three to six months); **Medium** (Six months to one year); and **Long** (over a year) term projections.

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Short	1	De-escalation should be elevated to the policy level to highlight it as a core department value. (De-escalation).	Requires council vote		
Short	2	OKCPD should revise its Use of Force policy to require officers to provide a warning, when safe and feasible, before using <i>any force</i> . (De-escalation).	Requires council vote		
Medium	3	OKCPD should revise its Use of Force policy to include levels of reporting and review based on the severity of the use of force. By broadly categorizing uses of force, the department can ensure that appropriate resources are directed to critically reporting and reviewing each use of force incident. (De-escalation).	Requires council vote		

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Medium	4	The department should formalize and strengthen its Force Review Board to holistically review uses of force for lessons learned, including policy, training, supervision, and equipment, and de-escalation. (De-escalation/Accountability).			
Medium	5	OKCPD should partner with community groups to provide in-service roll call trainings to promote better cultural understanding. (De-escalation).		Micro-grants; videographer; coordinator	
Medium	6	OKCPD should provide publicly-facing aggregate statistics – in dashboard and raw format - of officer activities, including use of force. (De-escalation).	IT capacity		Will be enhanced by RMS upgrade
Medium	7	OKCPD should prohibit officers from viewing video evidence before providing an interview in critical events, such as officer-involved shootings. This change needs to be balanced with an understanding that what any officer perceived will not match up perfectly with video evidence. (De-escalation).	Requires council vote		

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Long	8	OKCPD should shorten the waiting period for interviewing officers who have been involved in an officer involved shooting or use of force incident. Ideally, officers would be interviewed before end of shift in most circumstances. (De-escalation).	Requires council vote		
Medium	9	The OKCPD and the City Council should consider increasing the budgeted numbers of officers trained in CIT based on the frequency of calls for service that require that form of response. (De-escalation/Alternative Response).		\$150/officer/month premium pay	
Long	10	The City should consider preference points for new applicants to the Department with mental health experience, certifications, or degrees, or social work experience (De-escalation /Crisis Training/Alternative Responses).	Requires council vote/civil service modification		
Medium	11	The City should consider creating a Crisis Intervention Committee to focus on mental health response city-wide to address ongoing needs of the OKC community. (De-escalation/Crisis Training/Alternative Responses).		Coordinator	Availability of community resources

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Medium	12	The City should provide the CAB with an administrative staff person to provide leadership, administration, research, and technical support to the CAB, including organizing, planning and coordinating all Board-related directives, programs, projects, services, and activities.		FTE	
Short	13	Oklahoma City should assess the membership design of the Citizens Advisory Board (CAB), including who sits on the CAB, the transparency of their appointments, and establish term limits. (Accountability).	Requires council vote		
Short	14	The City should allow the CAB to publicly report on its activities and recommendations concerning policing policies, procedures, and rules, as well as changes to the department's procedure for receiving, investigating, and reviewing "citizen" complaints.	Requires council vote		Rec. No. 12
Medium	15	OKC should engage in a comprehensive education campaign to highlight the work and authority of the CAB. (Accountability).			Recs. No. 12-14

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Short	16	OKCPD should increase transparency for Professional Standards investigations by providing a publicly-facing workflow and FAQ explaining the Internal Affairs process, timelines, communications, and should make the Professional Standards Annual Report publicly available.	IT capacity		
Short	17	The City should facilitate the process of filing a complaint against officers by accepting complaints throughout the City and adding an electronic way to anonymously file a complaint, such as through a web form. (Accountability).	IT Capacity Training capacity	FTE additions to training possibly required	
Medium	18	OKCPD should develop a specific and comprehensive training plan for ensuring that CIT officers have sufficient support and training both in the short-term and throughout their careers. (De-escalation/Crisis Training/Alternative Responses/OSW).			
Long	19	The City should issue a Request for Information to determine what community resources exist and what capacity they have for an alternative response model. (Alternative Responses).	IT capacity	RMS upgrade already budgeted	Crisis Intervention Committee

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Medium	20	As OKC potentially invests in a new records management system, part of the requirements should be that it connects to dispatch and allows for coordination to respond to mental health issues, identifying frequent callers and potential needs or specialized responses that they require (Alternative Response/Crisis Training/De-escalation).			
	21	Community training/public education on how best to call for emergency needs in a mental health crisis in order to provide Dispatch and subsequently the law enforcement or first responder the best information to mitigate the problem upfront. (Alternative Response/Crisis Training/De-escalation).			
Medium/ongoing	22	Consistent with the above, 911 dispatchers should continue training in crisis intervention, continue to have access to updated information on which officers are CIT, and regularly revisit their script protocols for crisis events to learn, along with the department, the best approaches based on outcomes. (Alternative Response/Crisis Training/De-escalation).		Coordinator	

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Short/ongoing	23	Create a Youth Advisory Board that has direct access to the Chief in monthly meetings. (Youth/Violence Interruption).			
Ongoing	24	OKCPD should consider holding special sessions of the Community Police Academy for Youth. (Youth).		Continuation of current commitments	
Medium	25	Ensure that current Youth Outreach Programs are funded, remain a department priority, and part of a public information effort. (Youth/Violence Interruption).		Coordinator	
	26	OKCPD should update their current contracts with the School District to minimize the role of enforcement by School Resource Officers (“SROs”) and to provide overall clarity.			
Long	27	The City should create an exploratory committee to vet community resources that have resources critical to violence intervenor programs as a core building block of their programming. (Youth/Violence Interruption).		Selection w/include contract costs	Rec. No. 25
Ongoing	28	Once the exploratory committee provides a program design, the City should issue an RFI to identify a resource. (Youth/Violence Interruption).		Continuation of current commitments	

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Short	29	OKCPD should continue to implement the Code4 recommendations in full. (OSW).			
Short	30	Require each member of Peer Support to complete a monthly stat sheet that documents number of contacts, type of service needed, referrals given, and any follow-up service. (OSW).			
Medium	31	OKCPD should formalize the recommendation for a Hospital Response Team. (OSW).			
Long	32	Develop a comprehensive Post Critical Event Guide. (OSW).		Increased contract costs	
Long	33	Expand the number of fulltime Licensed Professional Counselors available to OKCPD staff members. (OSW).			
Medium/ongoing	34	Create an agency fitness program. (OSW).		FTE additions to training possibly required	
Long	35	Provide continued education and training for the OKC PD staff bi-annually with new and emerging issues and coping skills to growth officer wellness throughout the agency and to build mental resiliency in the OKCPD. (OSW).			

Term	Rec.	Description	Potential Barriers	Budget	Dependencies
Long	36	As OKCPD creates systemic training for crisis intervention, issues of homelessness should be incorporated to ensure officers are adequately aware of appropriate resources and departmental guidance on use of discretion for low-level offenses. (Crisis Training/Homelessness).			
Long	37	OKC should consider whether to modify ordinances for quality-of-life crimes to individuals experiencing homelessness. (Homelessness).	Requires council vote		
Short/ongoing	38	OKC should hire a contract or permanent implementation manager to ensure sustained focus on these efforts and to serve as a point of contact during implementation.		FTE	
Short/ongoing	39	The City should create an implementation portal to update the public on the timelines and progress of implementation of these recommendations.	IT/communications capacity		



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