

The BJA Executive Session on

Police Leadership

2016

The BJA Executive Session on Police Leadership is a multi-year endeavor started in 2010 with the goal of developing innovative thinking that would help create police leaders uniquely qualified to meet the challenges of a changing public safety landscape.

In support of an integrated approach to creating safe and viable communities across America, the project directors recruited 20+ principals from a range of disciplines. The principals, in turn, led national field teams of practitioners focused on the work of policing and the organization of the future.

To gain new insights on leadership, the *BJA Executive Session on Police Leadership* engaged police chiefs in documenting their own paths and invited leaders to participate in various audio and video forums to tell their stories and discuss the future of policing and police leadership.

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The principals are supported in their work by a team that includes project co-directors Darrel W. Stephens and Nancy McKeon, and BJA Senior Policy Advisor Steve Edwards.

Creating Community Relationships That Will Survive Controversial Uses of Force¹

by
Darrel W. Stephens

The public grants police officers the authority to use necessary force in making arrests, to protect the public and themselves. That authority is limited by law and policy that police agencies develop to guide this critical area of discretion. Use of force policy and practice has also been greatly influenced by civil litigation – one of the most significant cases was the 1985 US Supreme Court *Tennessee v. Garner* - in which parameters for shooting at fleeing felons were established. Inevitably when the police use deadly or physical force that comes to the attention of the public there are questions from the community about the appropriateness of the force. When a life is lost or there are significant injuries, the intensity of the questions increases. Multiple uses of force incidents in a short period of time may also heighten tensions between the police and community.

¹ This is a revised and updated piece that was originally published in *Strategies for Resolving Conflict and Minimizing Use of Force*. Police Executive Research Forum, Washington, D.C. 2007.

It is well documented that police use of force – especially deadly force – has been the flash-point for a number of civil disturbances in urban communities since the 1960s. Recently we have seen civil unrest in Milwaukee and Charlotte following deadly force incidents. Yet there have been many more occasions where controversial shootings by police officers have created community tension but have not led to civil unrest. There are a number of factors that influence whether a controversial police shooting will lead to civil unrest, but one of the most important is the relationship the police have developed with the community. From my experience and observations over the years, in most cases if the relationship is generally positive and there is some level of trust, a foundation exists to resolve community concerns without violence.

Police executives face a number of challenges in dealing with controversial uses of force. First, police executives must be able to demonstrate to the community that force is used only when necessary and that when it is used, only to the extent required to bring the situation under control. They must also show they are accountable to the public for its use. Second, police executives must demonstrate support for police officers that have used appropriate force in a manner consistent with established policy. Third, when the force used was not consistent with policy, mistakes must be acknowledged as soon as possible and officers held accountable. And finally, they must be able to accomplish the first three steps in ways that do not negatively impact subsequent disciplinary action, criminal or civil litigation that follows the incident. Meeting these challenges is very difficult under the best of circumstances and nearly impossible if relationships with the community are poor and there is insufficient trust to give police the time to complete the investigation that will be the basis for demonstrating the police are accountable for their authority to use force.

Handling use of force incidents has become even more difficult for police executives over the past 5 – 10 years with the pervasiveness of video from public and private cameras and social media platforms to share these images with the world. More recently, live streaming of and bystander commentary on officer involved shooting incidents have added to the body of information that must be sorted out in deciding if the use of force is justified. It is not unusual for video images and commentary to be widely shared before police have even had the opportunity to process the scene.

I have learned some basic principles about developing trust from working in a number of communities over the years in both crisis and non-crisis situations. I believe that these principles will help police executives develop relationships that will survive the controversial use of force incident as well as provide the foundation for more effective policing. These principles include:

- **Trusting relationships cannot be developed in a crisis.** Although a crisis may provide an opportunity to begin the development of a relationship that can grow into trust, it obviously is not the best environment for the first introduction to an important community leader. For new chiefs and particularly those new to the community, it is important to systematically reach out to community leaders and make every effort to introduce themselves within the first six months of their tenure. Developing relationships with community leaders requires police executives invest time, seek out opportunities to meet, and begin laying the groundwork for a productive relationship.

Those opportunities come in many different ways – community events where leaders are present is one of the best ways to make an initial introduction, provide a business card and an invitation for a longer conversation at a later time. The larger the community, the more difficult it is to develop these relationships so it is important that responsibility for establishing positive relationships be shared with people throughout the organization – Deputy Chiefs, patrol commanders and officers assigned to neighborhoods. Although social media is not a substitute for personal contact, it can be used to allow people in the community to learn more about the chief.

- **Trust comes from relationships that have been established over a period of time.** Relationship building takes time and continuous attention. It is also important to recognize that trust can grow over time even without direct contact. Community leaders are influenced by opinions of other leaders and people in the community. Goodwill can carry over from one community leader to another as they talk about their interactions with police executives. They are also influenced by media reports of how police executives handle situations in which they may not be directly involved and by employees in the department they may have known for years. Community leaders, like employees in the department, colleagues in government and the business community, develop impressions over time based on what they see a police executive do – or not do – in a variety of situations.
- **Institutional trust cannot be developed and maintained without individual trust.** Trust in the police department comes from trusting the individuals in it, from the executive offices to the patrol car. Community surveys tell us impressions of police are most influenced by personal interactions with officers followed by the stories they hear from family and friends. My experience suggests that the negative impressions have the most lasting impacts. Therefore, experiences with police employees must be consistent with what people hear police executives say. Employees throughout the department must understand that each and every citizen interaction leaves an impression. Developing trust in the police department comes from the hundreds of daily individual interactions with citizens and neighborhood leaders that form partnerships.
- **Trust is a two way street.** To be trusted, one must be willing to trust. It is sometimes difficult for police executives to trust members of the community and for community leaders to trust them. There is risk to both parties in developing a relationship of trust. It may require that information important to understanding a particular situation that cannot be shared with the general public be shared privately. If the information is handled appropriately it helps define the level of trust and the nature of the relationship going forward.
- **Trust can be lost much quicker than it can be gained.** In the words of Warren Buffett, “It takes 20 years to build a reputation and five minutes to ruin it.” Trust may not be lost over one incident but it can be lost very quickly if police executives do not pay attention to the relationships and the foundation on which they were built. A change in direction or policy without a discussion or communication with community leaders could influence the level of trust enjoyed in the relationship.

Certainly, it is better for everyone when police executives have the opportunity to develop relationships with community leaders before a controversial use of force occurs. While it is not always possible, particularly for the new police chief from outside the community, there are several steps a police chief can take even when there are good relationships that will help manage a controversial use of force in a way that helps minimize negative outcomes and impressions.

First, particularly in cases when a life has been lost from a shooting, **I believe it is very important that the chief respond to the scene.** That is the best way to demonstrate the importance of the incident, show concern for the officers involved as well as the victim and family. The role of the chief is not to personally direct the investigation but to represent the face of the department in dealing with impact on the community and the officers involved when a life has been lost at the hands of the police. The chief must maintain the critical balance between ensuring an objective investigation of the circumstances of the incident is completed and support for the officers involved.

Second, **the communication process must begin immediately.** In today's world, information on officer-involved shootings shows up on the Internet almost instantaneously. In the July 2016 officer shooting of Philando Castile in Falcon Heights, Minnesota, his girlfriend began live streaming video right after he was shot. The video showed her talking to the officer who could be seen standing at the driver's side window with his weapon drawn as she described what happened.² There are very few significant events the police are involved in that do not come to the attention of the traditional news media as well as the expanded Internet news sources. While some cases are captured as they happen, others come to the public's attention so quickly; media and bystanders are often on the scene before the chief arrives.

The chief must ensure the appropriate notifications are made – mayor, city manager, council members and community leaders. At this stage there are usually many more questions than answers so the notifications will not include much beyond the fact that an incident occurred and is under investigation. These are important notifications because many people in the community that have questions about the incident will contact political and community leaders to express opinions and to obtain information.

Third, it is very important that **the chief work to provide as much information to the community as soon as practical.** This is a difficult area for the police chief. Most of the people involved with the investigation – detectives and prosecutors – are predisposed toward limiting the amount of information released. City attorneys and police legal staff generally sees the situation in pretty much the same way. The chief must take care to not harm the investigation, but it is clear that controversy and tension about a use of force situation cannot be addressed if the department is not sharing the information they can about the situation. In many cases it is not necessary to go into too much detail about the case under investigation – but shootings where the person was not armed, involve minorities, video images that have been released or narratives on the Internet or through news media will require more information. It is also essential to talk about the investigative process, the department policy and the circumstances and frequency in which force is used.

² Domonkske, C. and Chappell, B. July 7, 2016. NPR.org. <http://www.npr.org/sections/thetwo-way/2016/07/07/485066807/police-stop-ends-in-black-mans-death-aftermath-is-livestreamed-online-video>

The chief also must consider expressing regret over the loss of a life. This is sometimes difficult for police executives to do because it may be interpreted to mean the police have not acted properly. The reality is, however, that if the police must take a life in fulfilling their responsibilities it is a difficult situation for both the officers and the community. Expressing regret over the loss of a life demonstrates caring and compassion for everyone involved.

Getting in front of rumors that spread very quickly in the neighborhood and beyond is a critical element of the communication strategy. It is common for some to claim they witnessed the incident and tell a story that is designed to portray the police as being wrong. In some cases they just repeat what they have heard from others. The police may not be able to explain what happened in detail but they can certainly say what did not happen if the rumors have it all wrong.

Providing information to the community has become very complicated as it relates to video footage – more often than not there will be some video footage available from body cams, dash cams, private smartphones, business security systems or publicly deployed traffic and security cameras. The demand for releasing the footage will begin immediately.

This is a difficult decision with many issues for the police chief and local officials to consider. There is a clear need to balance the privacy of people who appear in the video and the integrity of investigation with the public's right to know. State public records laws and local policies vary considerably across America. Some states are very restrictive on when it can be released while others are open and many are in the process of developing policy. In recent months there have been a number of high-profile incidents – Chicago, Los Angeles, El Chico, Charlotte, Tulsa and others– where police have released footage of officer-involved shootings. Results have been mixed, not only because of the timing of the release of the video. It can be helpful when images are clear and camera positions capture the essential action. It can also do little to clear up questions when the images are not clear or position of the camera (s) does not provide a view of the interaction. In making the decision to release consideration must also be given to releasing footage that contains particularly graphic scenes – there is a difference between movies and television and real life. Does the public need to see a victim or a police officer take their dying breath?

Fourth, **the chief must spend time in the community talking about the incident** and other concerns the public may have about the police department. These are important opportunities for the chief to further develop relationships and trust within the community. They also allow the department to speak directly to people in community without the news media filter. Community meetings provide that direct contact. They also provide the chance for citizens to speak directly with police executives – in many cases what they have to say may not be about the specific incident but having their concern heard is important to them and their overall impression of the police. This is an important part of the process for reducing community tension and correcting misinformation that may be in the community about the incident.

Police executives cannot meet with everyone so it is important to use all of the communication tools available. Social media is a platform that can be effectively used to reach large numbers of people in the community and to receive feedback.

Finally, when the investigation is complete **the department must inform the community of the outcome**. These investigations should be a high priority for the department and completed as soon as possible. Even if several months have elapsed, a report must be made. This is critically important to long-term relationships, whether the use of force is determined to be unjustified or within the department’s policy. The community deserves as complete an explanation as the department can provide.

A high-profile incident that leads to tension in the community about what happened is not the best time to begin working on building a relationship. To the extent possible, that work must be done in advance. Handled with care and sensitivity, police executives can strengthen relationships and increase community confidence in the department. On the other hand, a police executive’s response that hides behind the investigation and fails to communicate can seriously damage community confidence in the department and its leadership. If the department is not officially telling the story of what happened it will be told by people in the community and unidentified sources within the department – neither of which generally have the best information on what took place. Openness and transparency should be the guiding principles in dealing with these situations.

Note: The principles on which to build relationships and the advice for managing after a controversial use of force are captured in two attachments to this article. The one-page attachments can be used for discussion, planning and training.

- *Attachment 1: Principles for Developing Trust*
- *Attachment 2: Advice for the Chief for Handling a Controversial Use of Force*

This paper was developed by the “Leaders on Today’s Issues” initiative of the BJA Executive Session on Police Leadership.

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