

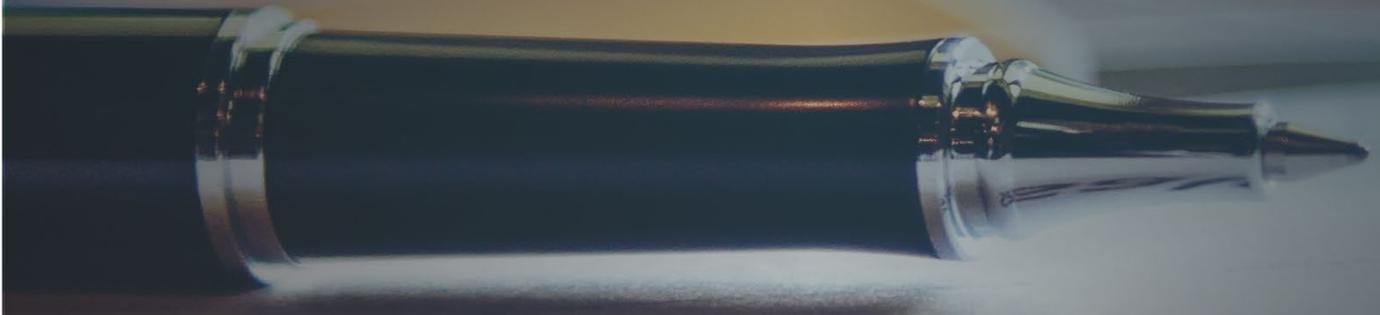
Protecting What Matters

*Administrative Policy and Data Review
of the Arlington County Police Department*

Conducted on Behalf of Arlington County, Virginia

FINAL REPORT

October 4, 2021



 HILLARD HEINTZE

A Jensen Hughes Company

October 4, 2021

Ms. MinhChau Corr
Acting Arlington County Attorney
2100 Clarendon Boulevard
Suite 403
Arlington, Virginia 22201

Dear Ms. Corr:

Please find attached our final report detailing the results of our administrative policy and data review of the Arlington County Police Department (ACPD). We reviewed six key policy areas and training, as necessary, to compare the ACPD's policies to national best practices. During our review, the ACPD was in the process of initiating improvement efforts in conjunction with the Police Practices Group (PPG). As such, the Department may have updated some policies before we finalized this report.

Overall, we found the ACPD's policies and procedures that we reviewed to be sound, and we commend the Department's efforts to improve. In our review, we identified opportunities for the ACPD to enhance its policies to align with best practices and to be more accountable to the community through transparency and data accessibility.

Additionally, we determined that the ACPD's internal training is well constructed and has a logical flow that aligns with its training goals and objectives. The ACPD should adapt this model for other areas of officer training, such as for trainings related to bias, inclusion and community engagement, and for its leadership development process.

We are happy to discuss our findings and recommendations in further detail. Thank you for trusting us with this critical engagement.

Sincerely,
Hillard Heintze, a Jensen Hughes Company



Robert L. Davis
Practice Lead and Senior Vice President
Law Enforcement Consulting



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Executive Summary

Assignment

In response to national events involving policing and racial justice, the Arlington County Board asked the County Manager to lead a review of the Arlington County Police Department's (ACPD) policies and practices to ensure the Department follows current policing best practices and is making strides to continue building trust between the police and the community.

In July 2020, the County Manager contacted Hillard Heintze to request an assessment of the ACPD's policies in key areas to assist in the creation of a police practices group process for future public safety policy reviews. Specifically, Mr. Schwartz requested Hillard Heintze assess the ACPD's policies and practices related to:

- + Use of Force
- + Training and Supervision
- + Cameras
- + Recruitment and Retention
- + Internal Affairs
- + Data and Statistics

Actions Taken

During our review of the ACPD's policies, practices and data, the Hillard Heintze assessment team performed the following tasks.

- + Reviewed the Department's policies, data, training, and processes in the identified areas.
- + Interviewed key ACPD personnel.
- + Solicited community feedback and input during community dialogue and feedback sessions.
- + Collected community feedback on the ACPD's policies through an ACPD and County transparency portal.¹
- + Met with officers and command staff to solicit feedback on policies and process improvements.
- + Summarized our findings and recommendations into a final draft report.

¹ <https://departments.arlingtonva.us/cmo/police-practices-work-group/>



We conducted this review at the same time that the Police Practices Group (PPG) was reviewing the ACPD's policies and procedures. The PPG's review included policy alternatives related to civilian oversight, the ACPD's role in providing mental health services and traffic enforcement, and alternative avenues for dispute resolution. Based on input from the PPG and Hillard Heintze, the ACPD revised many policies and practices during the assessments and while we were developing this final report.

The Hillard Heintze Team

Hillard Heintze, a Jensen Hughes company, is one of the leading law enforcement and public safety consulting firms in the United States and the world. Since 2004, we have helped drive critical advancements in public safety at the international, federal, state and local levels that are changing how police departments view and execute their missions and collaborate with communities to keep residents safe and officers fulfilled and secure in their careers.

In addition to guiding dozens of agencies, our team has helped foster the critical advancements in policing called for in the Final Report of the President's Task Force on 21st Century Policing. We also served as the U.S. Department of Justice's sole service provider for the Community Oriented Policing Services (COPS) Office Collaborative Reform Initiative for Technical Assistance (CRI-TA). As subject matter experts, we developed the seminal U.S. Department of Justice COPS Office's publication, "Law Enforcement Best Practices – Lessons Learned from the Field," a guide for modern police reforms throughout the United States. The biographies of our team members who contributed to this engagement are in **Appendix B**.



Key Findings

1. The ACPD is a professional police department that aspires to better serve its community.

The Department has some innovative programs that garner support from the community and county stakeholders. The ACPD has received feedback on the community sentiment surveys, which the county conducts, indicating over 85 percent of community members are satisfied with the quality of police services.²

2. Although the ACPD's standards for recruitment and background checks largely align with those at most police departments, the ACPD does not have a formal written recruitment policy or recruitment strategy.

The ACPD has successfully increased the diversity of the agency over its last 100 hires. The creation of a formal recruitment policy and plan could further aid the ACPD's attempts to move the Department in a direction aligned with its overall vision, mission and goals, as well as with the community's needs.

3. The ACPD reviewed and amended its use-of-force policy in alignment with national best practices.

Directive 538.04 has many elements that are best practices for use-of-force policies. Directive 538.04 now stresses the sanctity of human life, emphasizes de-escalation and explains the duty to intervene. During the assessment process, the ACPD revisited its directive to ensure it not only meets the minimum requirements, but that it aligns with community expectations and addresses the next stage of progressive policing.

4. Most ACPD's policies are visible to the public, and the Department has multiple mechanisms through which the public can provide feedback.

The ACPD sets a high standard for behavior and accountability for itself, which it demonstrates by how officers interact with the community. The Department's Complaint Processing and Investigations policies and procedures are consistent with accepted practices for conducting internal complaints and community-driven complaints. The ACPD also makes it possible for individuals to file complaints online, making the process more accessible to the community

² <https://departments.arlingtonva.us/cmo/resident-satisfaction-survey-2018-results/>



5. The ACPD could leverage more effectively the data it collects to evaluate its performance on a consistent basis and to identify opportunities for improvement.

The ACPD complies with the State of Virginia's laws regarding how the Department collects data. The ACPD compiles the data it collects annually, produces a report with relevant information and posts it on the Department's website for the public to review. The Department also shares this data with the community in meetings and gatherings, as requested. The ACPD should leverage this data more effectively to evaluate its performance and identify areas that should be adjusted in a policy directive or standard operating procedure (SOP). Currently, the Department only proactively analyzes its data when prompted by a situation that necessitates a deeper analysis, such as disparities in traffic stops or when a request is made from the public. The ACPD should create a data collection and annual analysis policy that drives how it collects, uses and reviews data to enhance transparency.

6. The ACPD's focus on training is commendable and could be enhanced with the creation of training plans and policies for promotions and special assignments.

Overall, the ACPD makes training a priority, and its leaders allocate the appropriate time, money and resources for it. The Department provides training well beyond the minimum state-mandated hours required for new officers, offers annual in-service training and complies with other state mandates for officer training. The ACPD also offers educational incentives for officers to further their education beyond the 60 college credit hours required to become an ACPD officer. The ACPD allows officers to request training and approves most training requests, as long as they are relatable to the requestor's job or future assignments. Providing training designed to assist those seeking promotion to higher ranks or opportunities for special assignments would also enhance the Department's training offerings and help to support the development and expertise of its personnel. However, the ACPD would benefit from developing an annual training plan and conducting annual gap analysis to ensure training is operationalized appropriately in the field.

7. The ACPD has an opportunity to improve its bias-related training beyond the minimum requirements, as well as engage the Arlington community in providing input on the Department's training.

The ACPD is compliant with the state-mandated two hours of annual training regarding cultural competency and bias and allows its officers to request external training. Recently, the ACPD took a positive step in creating new soft skills training program that is designed to enhance community engagement and interaction. The ACPD should continue to engage the broader Arlington community and its officers to identify and enhance training on cultural competence and bias in its yearly in-service training curricula



8. The Department's policies for body-worn cameras (BWC), in-car cameras and interview room cameras are in line with best practices.

The ACPD enacted its BWC policies in June 2021. Our initial review of those policies revealed they are in line with best practices. Before deploying the BWCs, the Department engaged the community on its program and policies, which is also a best practice.

We also reviewed policies related to in-car cameras and interview room cameras and noted that those policies are consistent with generally accepted practices.

9. The ACPD should enhance its policies regarding foot and vehicle pursuits.

The Department should develop an independent written policy on foot pursuits and ensure its training and policy align and build on what is initially taught at the academy. Additionally, the ACPD should more clearly express the danger of vehicular pursuits in its current pursuit policy, including why they should be used sparingly and the circumstances upon which one should occur. During the assessment process, the ACPD implemented a new foot pursuit policy.

10. The ACPD does not have a clear policy on how it works with the community to jointly identify the types of data that it shares with the public.

The ACPD does not publicize or promote data access through any form of dashboarding for community access or accountability. Although the ACPD uses social media and a webpage to provide valuable information, the Department should improve the sites to include additional data types, reports in several languages, data publication and success stories. The ACPD complies with the data collection and reporting requirements of the Virginia Community Policing Act and should be commended for going above and beyond the Act's requirements in their data collection efforts.



01 *Internal Affairs*

Methodology

The U.S. Department of Justice publication “Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement” notes the importance of internal affairs in building and maintaining trust between the police and the communities they serve.³ Internal affairs also plays a vital role in rebuilding trust after an employee engages in misconduct. However, as stated in the publication, a level of trust must exist before such an incident occurs:

“Building and maintaining community trust is the cornerstone of successful policing and law enforcement. The building and maintenance of trust takes a great deal of continuous effort. Unfortunately, the ethical work of thousands of local law enforcement officers is easily undone by the actions of one unethical officer. Often, the indictment of one seems like an indictment of all. Once misconduct occurs, the Internal Affairs function of the law enforcement agency becomes the primary method of reassuring the community that the police can and will aggressively address and resolve unethical behavior. In short, the integrity of the police will always dictate the level of community trust.”

Although published more than a decade ago, this simple observation – a police department’s integrity dictates the level of community trust – remains prescient and true. Department leadership must sufficiently support internal affairs, and leadership must fully and genuinely invest in all aspects of an internal affairs investigation, including process, transparency, outcomes and remediation.

We compared the ACPD’s internal affairs processes to the U.S. Department of Justice Community Oriented Policing Services publication “U.S. Department of Justice, Law Enforcement Best Practices: Lessons Learned from the Field” to determine best practices. We will refer to this document as the Best Practices Guide throughout this report.⁴ The Best Practices Guide draws from academic research, government publications and practitioner input.

Comparison to Best Practices

Internal Affairs Philosophy

The ACPD Directive 551.02 states the Department’s internal investigation process philosophy:

³ <https://cops.usdoj.gov/RIC/Publications/cops-w0724-pub.pdf>

⁴ U.S. Department of Justice Community Oriented Policing Services, “U.S. Department of Justice, Law Enforcement Best Practices: Lessons Learned from the Field,” Washington, D.C., 2019.



“It is the policy of the Arlington County Police Department to provide citizens with a fair and effective avenue for redress of their legitimate complaints against department employees, to protect employees from false charges of misconduct or wrongdoing, and to provide accused employees with due process safeguards. To maintain the integrity of the department and its employees, and to ensure the ability of sworn officers to present evidence in court, the department will take appropriate action regarding employees who have violated laws, ordinances, and department rules and regulations; to dismiss employees who prove to be unfit for police work; and to dismiss unjustified or not sustained allegations against innocent employees.”

This section aligns with the recommendation in the Best Practices Guide that states law enforcement agencies should develop and publish a clear philosophy for their internal affairs investigations.

Complaint Investigation Process

Complaint Intake

Directive 551.02 Complaint Processing and Investigations outlines the procedure for receiving complaints and the process for conducting and completing investigations following the receipt of a complaint against an ACPD employee. It assigns the following responsibilities to the Office of Professional Responsibility (OPR):

- + Supervise and/or control the investigation of alleged or suspected misconduct.
- + Conduct other investigations as the Chief of Police assigns.
- + Maintain the confidentiality of the internal affairs investigations and records.
- + Advise the Chief of Police of possible personnel action, up to and including termination, that results from internal affairs investigations.

The ACPD’s “Internal Affairs Investigative Guidance,” dated November 2013, describes the processes supervisors should follow during an internal investigation and provides the forms they need to implement during an investigation. However, the “Internal Affairs Investigative Guidance” document does not reference Directive 551.02 and vice versa. The ACPD should update this document and ensure that it appropriately cross-references the relevant directives.

The Best Practices Guide recommends that law enforcement agencies adopt an open and accessible complaint registry system with multiple access points and ways to file complaints. The Department should provide clear instructions in policy on filing a complaint.

Consistent with best practices, the ACPD provides the public with numerous ways to submit complaints. The ACPD accepts complaints in person, by mail, phone, fax or email. The Department will investigate complaints from anonymous sources if the complaint contains sufficient factual information to warrant an investigation.



Investigation Assignment

The OPR investigates complaints alleging criminal activity, use of excessive force, discrimination, sexual harassment or other issues as the Chief of Police assigns. Unit or section supervisors investigate complaints about an employee's appearance, demeanor, use of ACPD equipment, dereliction of duty and propriety of an employee's action. The appropriate division or section commander reviews complaints regarding topics not specified above. The OPR reviews all completed investigations.

The Best Practices Guide recommends that an agency ensures its written policies clearly state who will conduct internal investigations and who will oversee the investigator.

Per the Best Practices Guide recommendation, the ACPD's Directive 551.02 designates three tiers to classify complaints from most to least serious offenses. The OPR conducts the most serious complaints, and unit or section supervisors conduct the least serious. This division of investigation responsibilities aligns with common practices. Involving supervisors in complaint investigations lightens the load for the OPR and ensures supervisors understand misconduct issues in the field so they may mitigate similar issues in the future.

Although, the ACPD's policy does not clearly state supervisors' responsibilities regarding reviewing and approving investigations, the Department provides a mechanism for supervisory oversight of these investigations. However, ACPD leadership may want to consider adding language to Directive 551.02 that clearly states the supervisors' responsibilities during this process.

Complaints against Senior Level Officers

The ACPD's directives do not indicate that the Department has a process to investigate complaints against command staff members. The ACPD should consider amending current policies to state clearly that a qualified external entity will conduct the investigation to avoid putting subordinate ACPD officers in the difficult position of reviewing superior officers' conduct. Although the Department may receive such complaints infrequently, it is a best practice to have a formal policy and procedures in place.

Notification of Complaint Status

Section III.B.5 of Directive 551.02 states that the ACPD must keep the complainant apprised of the investigation status:

"Each complaint will be acknowledged (via letter, telephone, or e-mail). The complainant will be informed of the individual investigating the complaint; the complainant will be kept informed of the status of the investigation; and the complainant will be informed of the final disposition of the complaint, including the fact that corrective or disciplinary action was taken by the department."



Keeping the complainant apprised of the investigation's progress is consistent with best practices for law enforcement agencies.

Cooperation with Investigators

Directive 551.02 states that employees who are the subject of a complaint investigation must cooperate with investigators. However, the policy states that if the employee is subject to criminal charges, the ACPD does not require that the employee provide information that may later be used against the employee in support of a criminal charge unless they sign a waiver of rights. This is consistent with generally accepted practices for police internal investigations.

Timelines

Directive 551.02 requires that investigators must complete all investigations within 30 days unless the Chief of Police grants an extension.

The Best Practices Guide notes that law enforcement agencies should complete investigations and impose corrective actions in a timely manner and that their policies and standard operating procedures should clearly describe the time allotted for each stage of the investigation. We commend the ACPD for clearly establishing timeframes in its directives and for mandating the completion of investigations within 30 days, which is a fast turnaround for a busy department.

Dispositions

After investigating a complaint, the investigator renders one of the following dispositions:

- + **Sustained:** Sufficient evidence supports the allegation to justify a conclusion of guilt based on a preponderance of evidence standard.
- + **Not Sustained:** Evidence is insufficient to prove or disprove the allegation.
- + **Exonerated:** The incident occurred but was lawful and properly executed.
- + **Unfounded:** The allegation is false, or the action did not involve a police employee.

Progressive Discipline

We reviewed the ACPD's Progressive Discipline Guidelines table, which displays offenses; an explanation of the offenses; and the range of disciplinary actions for a first, second, or third offense. The Best Practices Guide recommends using a disciplinary matrix to promote fairness and consistency when assigning corrective action. The disciplinary matrix matches a disciplinary outcome to key data points, such as the seriousness of the misconduct and the subject member's personal history and tenure with the agency. The primary goal of using the disciplinary matrix is to set a disciplinary standard for the organization and to correct employees' behavior in a manner consistent with the agency's mission and guiding principles.



Although the ACPD has a Progressive Discipline Guidelines table, we could not determine if it is available to the public or ACPD employees. The ACPD should publish the table on its website for public consumption and on its employee intranet.

Directive 551.02 III.C. 1 and 2 specifies the offenses that the ACPD deems “most serious” (Tier 1) and “serious” (Tier 2). However, it appears the offenses specified in the policy (e.g., sexual harassment, discrimination) and the categories in the Progressive Discipline Guidelines table do not coordinate. For example, the Progressive Discipline Guidelines table does not list sexual harassment or discrimination. To adhere to best practices, the ACPD should include the most serious categories of misconduct (e.g., sexual harassment, discrimination, excessive force) in Directive 551.02 and the Progressive Discipline Guidelines.

Transparency

To restore, build and maintain trust between police departments and the communities they serve, police must be willing to provide an accessible and transparent complaint processing and accountability system. The ACPD has taken commendable steps to keep the public informed of misconduct complaint data and to make information about filing a complaint publicly accessible. However, they can further enhance this process.

The ACPD published the 2019 OPR Annual Report and the ACPD data report on its website. Both reports include statistical information on the number of complaints filed. They also distinguish between citizen complaints and Department-initiated complaints, complaints per officer per call for service, racially biased complaints, use-of-force reviews and investigations, excessive force complaints, officer-involved shootings, and general information about the nature and type of complaints substantiated. In addition, the reports compare the current data to the data from the previous year and provide historical data for the prior five years. Publishing complaint and use-of-force data is a best practice. We applaud the ACPD for proactively making this information available.

Although the newly created Community Oversight Board should improve the ACPD’s transparency about the complaint process, we recommend the following to improve the Department’s transparency with the public:

- + The public is particularly interested in how police departments handle complaints, especially racial bias complaints and allegations of use of force. We recommend that the Department provide more information outlining investigative steps associated with investigating racial bias and use-of-force complaints and the decision-making process used to determine whether to handle a complaint formally or informally.
- + The OPR Annual Report and the ACPD Data Report are in the form of memoranda for the Chief and Command Staff, respectively. We recommend the ACPD reformat these reports as reports to the public, rather than just the Chief and command staff.



- + The OPR Annual Report should include information about the Department's adherence to internal timelines. This will provide another opportunity to assess efficiency and demonstrate the ACPD's commitment to timely and thoroughly resolving complaints
- + The OPR Annual Report should provide more specific complaint types to provide a more detailed picture of complaints, help identify patterns or trends and assess whether certain complaints increase or decrease over time. For example, rather than "conduct unbecoming," specify the nature of the conduct, such as profanity or sleeping on duty.
- + The Department should provide context for dispositions that did not result in a sustained finding. For example, explain that complaints of profanity often lack independent corroborating evidence and thus are often not sustained, or show that in use-of-force incidents, the investigation determined that the subject engaged in combative behavior.

The ACPD homepage is well constructed and has useful resources and reference materials for the community. The homepage has a Quick Links section with tabs, including one that directs the user to the Office of Professional Standards, where the user can follow the instructions to file a misconduct complaint or officer compliment.

Locating the Department's Policies and Procedures on the website, including Directive 551.02: Complaint Processing & Investigations, presents challenges. Searching for the ACPD's policies and directives from within the Department's website is cumbersome and not intuitive. We recommend adding a quick link on the ACPD homepage to the Department's Written Directives Manual and Memorandums of Understanding.

Alternative Dispute Resolution

Although not addressed in policy, the ACPD could consider using alternative dispute resolution methods to resolve internal and external complaints. Mediation is one such alternative practice that has recently become more common. As described in the Best Practices Guide:⁵

"A face-to-face meeting between a subject member and a complainant in the presence of a neutral third party can assist in resolving complaints and is often preferable to having the complaint disposed of as not sustained, meaning the complaint could not be proved or disproved. However, for mediation to be meaningful, both the law enforcement official and the community member should agree to participate."

Mediation can increase satisfaction among complainants, improve officer conduct and contribute to community policing goals through better community-police relations. Mediation focuses on understanding, problem solving and reconciliation. It benefits police officers who have the opportunity to explain their actions to citizens, as well as citizens who often gain greater satisfaction with the

⁵ U.S. Department of Justice Community Oriented Policing Services, "U.S. Department of Justice, Law Enforcement Best Practices: Lessons Learned from the Field," Washington, D.C., 2019.



complaint process.⁶ The PPG has recommended that the County fund community-based organizations to execute alternative dispute resolution programs to resolve matters between the ACPD member and aggrieved community members. Implementing a mediation program aligns with this request.

Recommendations

Rec. #	Recommendations
1.1	Make Directive 551.02 readily available on the ACPD homepage.
1.2	Ensure that Directive 551.02 clearly designates the command staff who are responsible for ensuring investigators adhere to the 30-day investigation completion policy. Establish an audit schedule for assessing the extent to which complaint investigations were completed within 30 days and if not, whether the required extension requests were complete, and whether there was timely notification of case disposition to the complainant. Add a section to the OPR Annual Report that details the results of this audit.
1.3	Add a description into Directive 551.02 describing how the Department investigates command-level personnel. Consider developing a memorandum of understanding with a neighboring department or contracting an external entity to conduct these investigations.
1.4	Include the most serious categories of misconduct (e.g., sexual harassment, discrimination, excessive force) in the Progressive Discipline Table.
1.5	Consider including a section in the ACPD Annual Report that addresses the disciplinary actions the Department took during the prior year. To the extent permitted by law, provide examples of complaint investigations that resulted in Shift Level Counseling/Contact Card, Letters of Corrective Action and Suspension.

⁶ Mediating Complaints Against Police Officers: A Guide for Police and Community Leaders. U.S. Department of Justice, Office of Community Oriented Policing. <https://cops.usdoj.gov/RIC/Publications/cops-w0725-pub.pdf>



02 Use of Force

Methodology

We compared ACPD Directive 538.04 to accepted best practices in the field based on the following sources:

- + **International Association of Chiefs of Police’s (IACP) “National Consensus Policy and Discussion Paper on Use of Force.”**⁷ The IACP developed this paper through a collaboration of 11 of the most significant law enforcement leadership and labor organizations in the U.S. The paper serves as a template for police departments to consider when developing and enhancing their use-of-force policies.
- + **The Policing Project at New York University School of Law’s use-of-force policy guidelines.**⁸ The Policing Project leveraged the insight of 50 experts from across the country to develop its guidelines. These experts included people who lost loved ones during interactions with police, prosecutors, police chiefs, policy experts, academics and advocates.
- + **Police Executive Research Forum’s (PERF) “Guiding Principles on Use of Force.”**⁹ PERF created the principles through research, field work and discussions with national police leaders and experts on use of force as part of its “Critical Issues in Policing” series.

Comparison to Best Practices

Our primary focus was the use-of-force policy as described in Directive 538.04. We also reviewed other directives including the Department’s Emergency Response Team (537.04), use of canines (537.06), use of a TASER conducted electrical weapon (CEW) (538.05) and active violence (538.06).

Deadly and Non-Deadly Force

Directive 538.04 clearly states when Department members are permitted to use deadly and non-deadly force:

“The application of deadly and non-deadly force by officers shall only be used to accomplish a lawful purpose and shall be delivered in a manner consistent with the provisions of law as well as requirements of this directive. Officers may use force to bring an incident or non-compliant suspect under control, detain or arrest a suspect, prevent an escape, and/or protect the lives or personal safety of themselves or others. However, the amount of force

⁷ <https://www.theiacp.org/resources/document/national-consensus-discussion-paper-on-use-of-force-and-consensus-policy>

⁸ <https://www.policingproject.org/use-of-force-policy-guidelines>

⁹ <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>



applied by officers shall be objectively reasonable in light of the facts and circumstances confronting them.”

The directive defines deadly force, less-lethal force, objective reasonableness, active counter measures and control holds.

Overall, we determined ACPD Directive 538.04 is generally consistent with PERF’s principles, and the policy created through the Policing Project at New York University School of Law. The ACPD’s directive is concise and reflects clear constitutional guidance to guide officers’ decision-making. Additionally, the ACPD’s standards for use of force, both deadly and less lethal, appropriately reflect those contained in the law and Supreme Court decisions *Graham v. Connor* and *Tennessee v. Garner*.

Chokeholds and Other Maneuvers

The ACPD recently amended Directive 538.04 to include chokeholds and lateral vascular neck restraints in its definition of neck restraints. The directive now prohibits the use of neck restraints, unless it is immediately necessary to protect the officer or another person from the threat of serious bodily injury or death.

Directive 538.04 is consistent with the “Consensus Policy” and the principles of reasonableness and proportionality espoused in the “Guiding Principles.” Other entities, such as the U.S. Conference of Mayors,¹⁰ recommend prohibiting chokeholds, strangleholds or any other carotid restraints unless deadly force is necessary. The ACPD’s directive is consistent with this guidance.

Reasonable Objectiveness

Directive 538.04 states when officers can use deadly and less-lethal uses of force and explains the standard of objective reasonableness. The directive requires officers to use the amount of force that is reasonable for the known circumstances. The standard in this directive is consistent with best practices.

Use and Display of Firearms

Directive 538.04 provides guidance on the use and display of firearms. The Department prohibits firing warning shots and firing at moving vehicles unless a vehicle’s occupant is using or threatening to use lethal force by some means other than the vehicle. An exception applies if the driver uses the vehicle in a manner intended to strike an officer or citizen and the officers have exhausted all reasonable means of defense and other reasonable defensive actions are not practical or available.

¹⁰ https://www.usmayors.org/wp-content/uploads/2020/08/20.55.USCM_.Police-Reform.Report.MEC_.pdf



The directive does not prohibit officers from unholstering or displaying their firearms when they reasonably anticipate needing access to their firearm quickly. According to the directive, an officer displaying their firearm is not deadly force, but when an officer points their firearm at an individual, the officer must document the circumstances in a case report or field investigation. Requiring documentation when reporting instances in which an officer points their firearm at an individual is consistent with the PERF's guiding principles.

Specialized Weapons

Directive 538.04 addresses the use of chemical agents, impact weapons, specialized weapons and other tactical devices and refers to Directive 538.05 for information about using a TASER Conducted Energy Weapon (CEW) (538.05). Directive 538.05 clearly states that the ACPD considers the use of TASER CEW to be non-deadly force and guides the use of the TASER CEW. Directive 538.05 states that officers may only deploy the TASER CEW "when other options or resources (distance, cover, additional officers, time, de-escalation techniques) are not available or impractical." Directive 538.04 now includes similar language regarding de-escalation.

Sanctity of Human Life

The IACP's "Consensus Policy" and PERF's "Guiding Principles" stress the importance of referring to the sanctity of human life in use-of-force policies. The "Guiding Principles" recommend that "the sanctity of human life should be at the heart of everything an agency does," and the "Consensus Policy" states that "it is the policy of this law enforcement agency to value and preserve human life." The ACPD recently strengthened its directive to emphasize the sanctity of human life.

Injuries and First Aid

Directive 538.04 requires that when an officer's use of force injures someone, the officer must offer or arrange medical attention for the injured individual as soon as practical. A previous version of the policy did not specifically require the officer to render first aid; however, the ACPD amended its policy to clarify the duty to provide first aid.

Law enforcement officers' goal is to protect human life. Both the "Consensus Policy" and the PERF principles recommend that law enforcement agencies require officers provide medical care to anyone who is injured or needs medical attention. The "Consensus Policy" states that officers should provide appropriate medical care consistent with their training. This medical training can include providing first aid or requesting emergency medical services or transportation to a medical facility.

Directive 538.04 now states "an officer shall provide appropriate aid consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility."



Duty to Intervene

In response to national dialogue about police departments requiring officers to intervene to prevent or stop the use of excessive force, the “Consensus Policy” recommends the following:

“An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.”

The “Guiding Principles” emphasize the duty to intervene, stating that officers need to prevent other officers from using excessive force. By adopting a clear duty to intervene, police departments encourage accountability for officers on the scene. In turn, this helps reduce instances of excessive use of force.

The ACPD adopted a Duty to Intervene policy in its rules and regulations (401.05) in 2020, and it strengthened Directive 538.04 in 2021 to establish that officers have a duty to intervene to prevent or stop the use of excessive force by another officer.

De-Escalation and Crisis Intervention Training

Both the “Guiding Principles” and the “Consensus Policy” recommend that police departments emphasize de-escalation. Police departments throughout the country are adding such an emphasis on de-escalation to their policies. During academy training for ACPD officers, instructors teach de-escalation as it relates to critical incidents and weaves the concept of de-escalation and ethics into courses about legal concerns, practical scenarios and use of force.

The ACPD trains officers on de-escalation techniques and recently amended Directive 538.04 to stress de-escalation as a formal policy. Since 2016, the ACPD has required new officers take a 40-hour Crisis Intervention Team (CIT) course within six months of completing field training. This course appropriately emphasizes de-escalation and its benefits when engaging people in crisis. Tenured officers are currently undergoing the training. The CIT course covers de-escalation skills that officers can apply regardless of a subject’s mental state. The Department provides other training related to de-escalation techniques to officers, including courses about effective communication, active listening, empathy, and using time and distancing to de-escalate situations whenever possible.

Reporting and Investigation

The “Consensus Policy” requires police departments document uses of force and investigate them pursuant to the agency’s policies. Directive 538.04 requires officers to document, and the Department to investigate, uses of force in which an officer used a firearm, chemical agent other weapon or vehicle, as well as instances in which a person is injured or death occurs, an arrestee or detainee alleges injury, the officer uses active countermeasures or the officer becomes aware of an allegation of excessive force. The directive does not require officers to report instances wherein the officer only uses passive restraint when handcuffing a person or uses control holds. It is appropriate not to



require reporting of all passive uses of force because doing so would divert supervisory and internal resources away from tracking, monitoring and investigating more serious uses of force.

Directive 538.07 Officer Involved Action Resulting in Death or Serious Bodily Injury provides guidance about investigations when an officer uses force that results in death or serious bodily injury. This directive includes the procedures for necessary notifications, scene management and assignment of a companion officer to support an involved officer. It also includes investigative requirements for preserving evidence and identifying witnesses. The directive covers both criminal and administrative investigations. It states that the ACPD must immediately remove officers from operational or enforcement-related public contact assignments pending a review of the incident.

If an officer discharges a firearm at a suspect or detainee, the ACPD places them on administrative leave and the officer must undergo an examination by a Department-appointed psychologist. The involved officer must also complete a Fitness for Duty evaluation before returning to full duty.

Supervisory Notification

As noted above, Directive 538.04 requires that officers notify supervisors when:

- + An officer uses a firearm, chemical agent or other police weapon.
- + An injury or death occurs.
- + An officer uses countermeasures.¹¹
- + An officer becomes aware of an allegation of excessive force involving another officer.

If an above-mentioned situation occurs, a supervisor must respond to the scene, gather photos, ensure video or audio documentation is preserved, and complete a use-of-force review. Officer-involved actions that result in death or serious bodily injury are subject to Directive 538.07, which provides guidelines for responding to and investigating a critical incident involving the use of force resulting in serious bodily injury or death.

In all use-of-force situations, it is important for a policing agency to ensure appropriate oversight and supervisory notification. We found the ACPD's notification procedures to be consistent with best practices for critical incident investigations. We noted a technical ambiguity in Directive 538.04 that may cause confusion with respect to an officer's duty to notify a supervisor following the display (pointing) of a firearm. The "Use of Firearm" section of Directive 538.04 discusses the display of a firearm and states that officers must document pointing a firearm in a report. Because display (pointing) is captured under "Use of Firearm" and Directive 538.04 requires supervisory notification when an officer uses a firearm, officers may be uncertain if pointing a firearm requires notification to a supervisor as well. The ACPD should clarify this ambiguity within its policy and training.

¹¹ Techniques to gain control of or defend one's self and others from combative individuals, such as using hands, legs or feet to take an individual to the ground.



Recommendations

During the process of this policy review, the ACPD, informed by the PPG, spent significant effort revising its use-of-force policies to ensure that they were compliant with best practices and community expectations. As such, the ACPD has already incorporated the recommendations that the assessment team discussed with the ACPD and PPG. Therefore, we have no additional specific recommendations for this section.

However, as the use-of-force policy is relatively new, the ACPD should closely scrutinize use-of-force incidents, audit use-of-force training to ensure policy is operationalized on the street and ensure it has incorporated the new requirements into training.



03 Cameras

Methodology

The use of video and body-worn cameras by law enforcement agencies is commonplace and often required. We compared the ACPD's directive 517.08, Digital Evidence Management System to best and recommended practices, including those contained in:

- + PERF's "Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned"¹²
- + IACP's "Body Worn Cameras Model Policy"¹³

Some key issues and best practices regarding cameras include:

- + Limits an officers' discretion on when and where to record or not record
- + Privacy and other considerations regarding crime scenes, sensitive locations, victims, witnesses, patients and juveniles
- + Storage and retention
- + The review of recordings
- + The release of recordings to the public

Comparison to Best Practices

Cameras Systems in Use

According the ACPD's website, officers assigned to the Operations Division must "begin wearing body cameras and recording all dispatched calls for service, enforcement contacts and investigative contacts" as of December 16, 2020. According to the website, the body camera complements the Department's existing camera systems.

The ACPD operates three types of video camera systems:

- + Body-worn cameras (BWC) worn on an officer's outermost garment and capable of digital audio and video recordings that are uploaded to a cloud-based server.
- + In-car cameras (ICC) permanently installed in vehicles and capable of digital audio and video recordings that are uploaded to a secure cloud-based server. The ICC is integrated with the BWC.

¹² https://perf.memberclicks.net/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf

¹³ <https://www.theiacp.org/sites/default/files/all/b/BodyWornCamerasPolicy.pdf>



- + Interview room cameras (IRC) permanently installed in an interview room and capable of digital audio and video recordings that are uploaded to a secure cloud-based server.

Directive 517.08, Digital Evidence Management System (DEMS), was first issued in December 2020 to provide guidance and direction to align with the Department's initial deployment of BWCs. Directive 517.08 was amended again in June 2021 and remains in effect as of the writing of this report. The directive, which provides guidance on the use and retention of BWCs, ICC and IRC includes the following sections:

- + Definitions
- + Procedures
- + Officer responsibilities
- + Supervisor responsibilities
- + Recording requirements, including provisions for de-activation
- + Privacy restrictions
- + Provisions regarding review of footage by officers
- + Administrative oversight including rules regarding audits, access to videos, mandatory review, storage and retention

Issuance

Directive 517.08 makes clear that officers issued a BWC must wear it while on duty or while working County or Department police-related secondary employment. The directive does not describe which officer assignments (i.e., patrol, special investigations, warrant unit) will be issued a BWC. However, the policy does explain that officers who are not issued a BWC shall use a spare BWC, when available, to work patrol backfill or off-duty traffic enforcement. In "Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned,"¹⁴ the PERF recommends that police departments' BWC policies indicate which personnel are assigned or permitted to wear BWCs. Many departments require personnel who have contact with the public to wear BWCs. The ACPD is not clear as to who is required to wear a BWC. The Department should clarify in its directives who must wear BWCs.

¹⁴ https://perf.memberclicks.net/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf



Activation and Inspections

Directive 517.08 requires officers test their BWC and ICC systems before beginning their tour of duty. The testing process requires the officer to test the equipment and, if they discover a problem, they must immediately notify their supervisors. At the end of the shift, officers must tag their recordings and sign off from the system. They must also ensure that files securely uploaded.

For BWCs, Directive 517.08 requires officers to record investigative and enforcement contacts, as well as contacts specifically related to a call for service. Officers must activate the recording on receipt of or when on the way to respond to a call or, if not dispatched, upon arrival at any call for service or traffic stop. Officers should not deactivate the BWC system until the conclusion of the incident. If the entire contact is not recorded, the officer must provide a written and audible record explaining why the recording was not made, was interrupted or was terminated.

The ICC system automatically activates when an officer activates the emergency lights, the vehicle reaches 80 MPH or the vehicle accident sensor triggers. In addition, the directive requires operators to activate the recording during traffic stops, vehicle pursuits, emergency response, arrestee detention and transport and dispatched calls for service. This is consistent with PERF's recommendations that police department policies clearly explain which encounters officers must record. The directive also states that officers must activate IRCs before placing a suspect or defendant in an IRC-equipped room. This practice is consistent with accepted practices.

Overall, the ACPD's requirements related to the activation and inspection of BWC, IRC and ICC systems are consistent with best practices.

Deactivation

The ACPD's requirements for how and when officers should deactivate the BWC system provides additional accountability and is consistent with best practices. Also consistent with best practices, the ACPD directive regarding ICC only allows officers to deactivate the ICC when the event or incident has concluded.

Although the ACPD's directive about IRCs implies that officers should deactivate the system after concluding the interview, the Department should clearly delineate when an officer should deactivate the IRC. The policy should require officers only deactivate the IRC after the interview is over and the officer has removed the defendant or suspect from the interview room.

Supervisor Responsibilities and Review

The ACPD directive requires periodic reviews of the camera systems to ensure functionality and compliance with Department directives. For BWCs and ICCs, supervisors must conduct quarterly audits of videos from officers under their direct supervision to ensure compliance with this policy. The administrative oversight provisions of the policy allow supervisors, during their review of an incident,



to re-categorize a recorded incident if a complaint is made, a violation is discovered, an officer believes a complaint is made or video becomes associated with an administrative investigation. The policy is also clear that supervisors and/or the Office of Professional Responsibility must review officers' recordings while investigating administrative violations and during use-of-force investigations to ensure tagging, proper classification and retention.

Audits and supervisory review of camera footage are important accountability functions to ensure officers properly use a system. Many departments require supervisors to conduct random reviews to monitor officer performance. PERF also recommends that police departments consider conducting random reviews through an internal audit unit. Although the oversight provisions in Directive 517.08 are consistent with best practices, the ACPD should consider expanding the scope of supervisor review to go beyond review of compliance with the policy to include a review of officer performance, including identifying examples of exemplary performance and opportunities to improve officer performance or tactics.

Privacy Considerations

Although ACPD officers only activate the IRCs during interviews with suspects and defendants, they use BWCs and ICCs more broadly, and their use is governed by privacy requirements. The directive's restrictions on ICC recordings are minimal, requiring officers not to record when speaking with victims and witnesses to crimes who wish to protect their identity or when restricted by courthouse policies. As BWCs are more mobile than ICCs, the privacy restrictions are more detailed to protect other Department employees, recognize areas where a reasonable expectation of privacy exists and protect confidential informants.

According to the directive, ACPD officers with BWCs may elect not to capture footage when the recording would interfere with their ability to conduct an investigation and would be inappropriate due to the witness' physical condition, emotional or mental state, age or status as a victim of sexual assault or other sensitive circumstances. At their discretion, officers may inform a person that their actions are being recorded, but the ACPD does not require officers to discontinue recording at the request of anyone other than a supervisor. The ACPD requires officers who elect not to capture footage to document in an incident report the reasons for any full or partial de-activation. The officer's supervisor must review that decision to ensure it was appropriate and consistent with policy.

The ACPD should consider enhancing its directive to explicitly recognize that a reasonable expectation of privacy exists in residences. For example, the directive indicates that officers should not "record in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is required for the performance of official duties." The ACPD should consider clarifying that a reasonable expectation of privacy may exist in residences, and as such, a resident may object to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals.¹⁵ The ACPD does cover privacy issues in its BWC training

¹⁵ <https://www.theiacp.org/sites/default/files/all/b/BodyWornCamerasPolicy.pdf>



and includes provisions in its directive regarding where a reasonable expectation of privacy exists, including in a residence. Individuals subject to the recording may make a formal request to OPR that the recording be restricted from public release or deleted. In addition, BWC recordings that are not classified as evidence shall only be retained for 90 days.

The Department should consider clarifying that if a person has declined to be recorded, unless the recording is being made pursuant to an arrest or in search of the location or the individuals as suggested in the IACP's "BWC Considerations" document, the officer must stop the recording.

Officer Review

One of the more controversial issues related to camera systems is whether an officer can review video footage before completing an incident report. The IACP "BWC Considerations" recommend police departments consider allowing or even encouraging officers to view their own recordings during the investigation of a critical incident before writing a routine report or an administrative investigation.

PERF recommends police departments permit officers to review the video footage of an incident in which they were involved before making a statement. PERF believes such a review helps officers remember an incident more clearly and provides a more accurate record than an officer's recollection. PERF notes that stressful situations with many distractions are difficult for even trained observers to remember and officers will have to explain and account for their actions regardless of what the video footage shows.

For all camera systems, the ACPD allows officers to review the video footage in which they were involved before preparing a report or making a statement about the incident, which is consistent with accepted police practices. The ACPD does not permit officers to do so for an incident regarding an officer-involved action resulting in death or serious bodily injury. Police departments have different perspectives on allowing officers to review video footage before making statements about the incident.

Public Release of Recordings

The public release of police body-worn camera footage has been an emerging topic in police agencies and communities. Although broad public disclosure of body-worn camera footage can promote transparency and accountability, any policy regarding its release must also consider privacy concerns and the release of evidence if it is part of an ongoing investigation. The PERF recommends police departments "have clear and consistent protocols for releasing recorded data externally to the public and the news media."¹⁶ ACPD Directive 517.08 authorizes the chief to release any recordings, but it does not provide any guidance or create a public expectation as to what body-worn camera

¹⁶ <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>



footage the ACPD will release and under what circumstances. The ACPD's website further describes its video release policy as follows:

“ACPD recognizes that one of the many reasons the public is interested in adopting body worn cameras is to have a video recording of the circumstances surrounding incidents involving the police. While we recognize the need for transparency, any decision to release footage must consider the privacy interests of those captured on film (victims, reporting parties, witness, etc.) especially in locations where they have an expectation of privacy such as inside a residence or other sensitive locations. Additionally, any incident that would be protected under local, state or federal law (such as sexual assaults or incidents involving juveniles) must be protected. At the same time, the public's desire to know what happened in a particular incident must be balanced against the danger that the premature release of footage could interfere with an ongoing criminal investigation, bias potential jurors or impact the integrity of a future prosecution. When appropriate, the decision to release video evidence will be made in collaboration with the Commonwealth Attorney's Office. Any requests for audio/video recordings will be processed under the Freedom of Information Act.”

The ACPD's explanation of its public disclosure of video and consultation with the Commonwealth Attorney's Office is appropriate. However, the ACPD should consider including this process for disclosing audio/video recordings in Directive 517.08, along with the criteria it uses to make the disclosure determination and the approach for redacting sensitive information.

Consistency with Virginia Department of Criminal Justice Services Model Policy

The State of Virginia recently passed a law requiring any law enforcement agency that deploys a BWC system to adopt and establish a written policy for operation of such system. The policy must “follow identified best practices and be consistent with Virginia Laws and Regulations, using as guidance the model policy established by the Department of Criminal Justice Services.”

Although the Virginia Department of Criminal Justice Services (DCJS) developed a model policy in 2015, it has not yet developed a model policy pursuant to the new law to our knowledge. Once the DCJS provides the new model policy, the ACPD should ensure its policy is compliant.



Recommendations

Rec. #	Recommendations
3.1	Ensure procedures clarify which personnel the ACPD has assigned or are permitted to wear BWCs and under what conditions.
3.2	Delineate when an officer should deactivate the IRC and under what circumstances, such as when a suspect or defendant consults with their attorney.
3.3	Consider clarifying the language in the Directive 517.08 to expand the scope of supervisory review of BWC footage beyond review of compliance with the policy but to also include review of officer performance including identifying examples of exemplary performance and opportunities for improving officer performance.
3.4	Consider amending Directive 517.08 to clarify that a reasonable expectation of privacy in residences may exist, and as such, officers should not use BWCs in a residence if a person has objected to be recorded, unless the recording is being made pursuant to an arrest or a search of the location or the individuals.
3.5	Consider amending Directive 517.08 to guide the ACPD's process for disclosing audio/video recordings, along with the criteria it uses to make the disclosure determination and the approach for redacting sensitive information.



04 *Recruitment and Retention*

Methodology

Police departments excel when they:

- + Hire talented personnel who reflect the community's diversity.
- + Build an organizational culture based on procedural justice and mentorship.
- + Provide transparent, merit-based and fair pathways to promote or transfer employees.¹⁷

A policing department's recruiting and retention policies help them build and retain both a qualified and competent workforce and a culture that encourages employees to remain with the agency and contribute over time. These policies help cultivate a workforce that respects and values individuals of varying races, genders, ethnicities and other identities. The national discourse about the necessity for public safety agencies' personnel to reflect the diversity of those in their communities underscores the importance of this goal. Building a diverse, qualified and competent workforce begins with intentional efforts to identify appropriate applicants.

We reviewed the following directives to assess the effectiveness and efficiency of the ACPD's recruitment and retention efforts:

- + 300.00 Organization and Administration
 - 340.32 Recruitment and Retention Unit
 - 320.44 Gay & Lesbian Liaison Team (GLLT)
 - 340.33 Training and Career Development Unit
 - 340.31 Human Resources Unit
- + 513.06 Career Development
- + 512.11 Promotional Process
- + 512.07 Performance Appraisals
- + 512.01 Educational Benefits
- + 513.01 Training

¹⁷ COPS, Law Enforcement Best Practices



Comparison to Best Practices

Recruitment and Hiring

The ACPD deploys several recruitment strategies such as:

- + **ACPD Website and Social Media:** A career tab on the Department's homepage is well labeled and accessible. It provides substantive information about the extrinsic benefits (e.g., compensation, work schedule, retirement) and intrinsic benefits that align with a candidate's personal values (e.g., Department's commitment to serve the public, support for officer wellness, professional development). Interested individuals can apply for positions directly from the website. The Department also posts job openings on social media platforms, such as Twitter and Facebook, and electronic hiring websites, such as Indeed.
- + **Community-Based Solicitation:** The ACPD displays hiring announcements at entertainment establishments and participates in job fairs. To enhance diversity in its applicant pool, the ACPD engages faith-based organizations, minority and ethnic community organizations, veteran organizations and institutions of higher learning, including historically Black colleges and universities (HBCUs).
- + **Ambassador Program:** The Department's Ambassador program creates additional opportunities to engage potential candidates. The Ambassador program directs its recruitment efforts to college students and veterans. This program identifies ACPD officers to serve as ambassadors to provide presentations to students and veterans about the ACPD and life as a police officer. The success of the Ambassador program has enabled the ACPD to host officer testing remotely on college campus, including the physical agility test.
- + **Financial Incentive:** The ACPD provides a hiring bonus to new recruits.

The ACPD's Recruitment and Retention Unit facilitates background checks of applicants and sets and monitors the Department's hiring goals. Although these are laudable efforts, the ACPD has not developed a formal, written strategic plan to guide these efforts

Many police departments have struggled to attract and ultimately hire people of color, women and other individuals who are traditionally underrepresented in policing. The President's Task Force on 21st Century Policing identified the need for law enforcement personnel who reflect the communities they serve. It noted that increased diversity is important to build trust with the community and to make a department "more open to reform, more willing to initiate cultural and systemic changes, and more responsive to residents they serve."¹⁸

¹⁸ President's Task Force on 21st Century Policing, Final Report



Agencies can optimize their ability to attract and hire a diverse group of high-quality applicants that reflect the diversity of the community they serve by developing a written strategic recruitment plan that clearly defines the agency's recruitment goal.¹⁹ The ACPD should memorialize its recruitment efforts into a written recruiting strategic plan that includes the existing recruiting initiatives.

The ACPD also should consider adding the following to the recruitment plan:

- + A recruitment goal of increasing the diversity of the Department across the spectrum of race, ethnicity, gender, age and sexual orientation that is also included in all print and electronic recruitment materials.
- + Engagement of the entire Department in its recruitment activities, such as providing information identifying how officers can participate in job fairs.
- + Qualifications and mandates for the successful completion of select training for all those formally involved in the recruitment process to ensure recruiters possess cultural competencies needed to attract and engage people with diverse backgrounds, are committed to community policing principles, reflect the values desired from applicants, and are knowledgeable of relevant employment laws.
- + A strategy that seeks proactivity in identifying candidates who share the ACPD's core values, particularly compassion, integrity, restraint and respect.

Barriers to diversity recruitment efforts have included "background investigations that treat all arrest and criminal convictions alike regardless of the type of offense or how recent the occurrence, or even screen out those voluntarily admitting to drug use alone (without any conviction)."²⁰ For instance, some policing agencies, including ACPD, use a process of "contextualizing" background check information to avoid automatic elimination of applicants from the screening and selection process.²¹ The ACPD should memorialize this process in the recommended recruitment plan.

We commend the ACPD for successfully increasing the number of women serving in sworn positions. As noted in "Transforming Law Enforcement by Changing the Face of Policing, 21st Century Policing: Guide to Recruiting, Hiring, Retaining and Promoting Women and Minorities," research has revealed that female officers are equally competent as their male counterparts, are less likely to use excessive force, and rely on communication and interpersonal skills to a greater degree.²²

The ACPD should memorialize in writing and include in its recruitment materials its comprehensive pregnancy policy to affirm support to sworn female personnel. Further, it should provide training and leadership development and establish partnerships with the National Association of Women Law Enforcement Executives (NAWLEE) and Women in Federal Law Enforcement. These efforts may

¹⁹ EEOC, *Advancing Diversity in Law Enforcement*

²⁰ *Ibid.*

²¹ *Ibid.*

²² WIFLE, *Transforming Law Enforcement*,
<https://wiflemembers.org/resources/ReadingRoom/ChangingtheFaceofPolicing.pdf>



bolster the ACPD's recruitment efforts and support in achieving the Department's goals of recruiting, hiring and retaining female officers.

The ACPD and the Police Practices Group (PPG) engaged in several conversations about the importance and benefit of increasing the Department's diversity representation. The ACPD can increase ownership and trust in the Department by partnering with the community to identify jointly desirable and relevant skills that officers should possess. The PPG has made clear that tailoring recruitment strategies that attract diverse candidates from Arlington County would help build trusting relationships with the community. The ACPD should continue to engage the PPG in the development of the Department's recruitment strategic plan to ensure it is tailored to attract candidates from within Arlington County.

Police departments' hiring practices are traditionally long and often burdensome. Desirable candidates may lose interest due to multiple testing phases, a lengthy background check and cumbersome personnel laws or union constraints. The "most effective recruitment and selection processes are those that are completed quickly and allow a candidate to move swiftly from application to employment decision."²³ We commend the ACPD for the timeliness of its hiring process, which lasts between two to five months. Consistent with best practice, the ACPD maintains periodic contact with interested candidates during the recruitment process. The ACPD should consider memorializing in its recruitment plan the importance of engaging candidates during the recruitment process, academy training and the FTO process to ensure they are integrating successfully to enhance retention efforts.

The ACPD's Gay and Lesbian Liaison Team (GLLT) has no stated role in the recruitment process but the relationships they have built have a positive impact on the ACPD's efforts to increase diversity. Police departments throughout the country are changing their policies and recruitment strategies to target the LGBTQ+ community. "The recruitment of LGBTQ+ people expand the demographic categories ... and strengthens our capacity for inclusion."²⁴ The ACPD's recruitment plan should memorialize its recruitment strategies that target LGBTQ+ communities and evaluate its operational policies to ensure it supports such individuals throughout their career.

Retention

The ACPD does not have a specific policy on retention of officers. However, the Department's directive on career development, ACPD 513.06, is designed to promote productive, efficient and effective job performance and to improve employees' overall job satisfaction. We found the Career Development program to be comprehensive and supportive of the staff's professional development and career advancement. Through this program, newly promoted supervisors and officers assigned to new units are provided training to position them to meet the requirements of their new assignment.

²³ IACP, Law Enforcement Recruitment Toolkit

²⁴ COPS, Law Enforcement Recruitment in the 21st Century



Surveys

The ACPD has disseminated surveys soliciting feedback from its officers about their perception of the Department's culture and facilitated exit surveys. Most recently, the ACPD surveyed recently hired officers to learn about their experience with the recruitment process and their experiences since joining the Department. These surveys align with best practices, as they help the ACPD to identify factors that influence why staff leave or remain with the Department. The ACPD should continue the practice of supporting member feedback. Some additional feedback worth soliciting may include, but is not limited to, inquiring about factors influencing and officer's decision to remain with the Department.

Tracking Applicant Progress

Police departments should track the progression of candidates during the application and testing process through to completion of the FTO program. Tracking when applicants choose to proceed no longer with the application process may identify if specific events or activities contributed to an individual's decision to separate. Developing a policy and/or process that requires capturing candidate/trainee "drop rate" from recruitment through the completion of the FTO program may also be insightful to the Department's retention efforts.

Recommendations

Rec. #	Recommendations
4.1	Develop a written strategic recruitment plan with clearly defined goals and objectives to optimize the Department's ability to attract and hire a diverse group of high-quality applicants who reflect the diversity of the community.
4.2	Establish partnerships with local and national professional organizations supporting minorities, females and other under-represented persons in law enforcement to) to bolster recruitment and retention efforts.
4.3	Continue to work with the PPG and others and explore ways to leverage their input in the Department's recruitment efforts to attract and hire a diverse applicant pool, particularly those within Arlington County.
4.4	Establish, in the Department's written strategic recruitment plan, a defined schedule within the recruitment and hiring process to keep applicants engaged and informed of the process' next steps, provide opportunities to attend community engagement events and to address any questions or concerns.
4.5	Continue to survey employees regularly and analyze the survey data to review and revise retention practices continually.



- 4.6** Develop a policy and/or a process that calculates the “drop rate” for recruitment through the FTO program to sustain the workforce representation. The policy must clearly state its goals, which include identifying critical points for data capture, monitoring and reporting.
- 4.7** Memorialize in writing and include in its recruitment materials the County's comprehensive pregnancy policy.



05 Training

Methodology

Training is one of the cornerstones of a successful police department. Most police departments provide academic, physical and practical training on a variety of topics that align with the U.S. Constitution, state laws, and other statutory or regulatory requirements that allow an officer to become a certified peace officer and then retain certification in the jurisdiction they serve. Each jurisdiction has nuanced requirements to accomplish that task, and the amount of required training hours necessary vary state by state.

However, most jurisdictions have an overarching body often referred to as Police Officer Standards and Training (POST) Commission, which outlines what the jurisdiction requires. In Virginia, that overarching body is the Virginia Department of Criminal Justice Services (DCJS). Each police department within Virginia must adhere to the DCJS' training requirements, which involves sending candidates to complete a minimum of 480 hours of Department-approved training and meet established performance outcomes from an accredited academy that covers, at a minimum, the following topics.

- + Professionalism
- + Legal issues
- + Communication
- + Patrol
- + Investigations
- + Defensive tactics and use of force
- + Driver training
- + Physical training
- + Weapons use

Most officers cannot officially start their jobs as fully certified peace officers without completing basic academy training.

Training is one of the most important ways officers demonstrate their understanding of their roles and responsibilities and how they should manifest those skills within the communities they serve. The approach to training should be strategic, not only to meet the legal requirements to maintain accreditation or certifications, but to expand officers' and supervisors' skills in areas that will allow them to evolve as public servants and be malleable to new and needed improvements in the field. Departments should not only keep up with the community sentiment, but they should also be mindful of the officers' perspectives and use data collected internally to help direct areas of growth and learning.



We reviewed the following ACPD directives that address or mention various aspects of training:

- + 513.01 Training
- + 513.02 Training for Civilian Public Safety Employees
- + 513.03 Specialized Training
- + 513.04 Advanced Training
- + 513.05 Roll Call
- + 513.06 Career Development
- + 340.22 Training and Career Development Unit
- + 340.23 Tactical Training Unit (TTU)
- + 407.24 Training and Education
- + 512.11 Promotional Process
- + 531.06 Biased Based Profiling (Section IV: Procedure (C) – Training)
- + 562.01 Records Retention and Disposal (Section II: Procedure (C) – Training Records)
- + 570.03 Crisis Intervention Team (CIT)

Comparison to Best Practices

Basic Academy Training

The ACPD conducts in-house training with its officers before they attend the basic academy and requires post-academy training to help educate the officers to the nuances of working in Arlington County.

In the ACPD's pre-academy program, over approximately two weeks, the Department covers topics such as physical fitness, legal topics, firearms, ethics, human resources, report writing, the Department's history, goals, mentoring and yoga.

As with most departments, the ACPD sends all newly hired officers to a basic academy as soon as a class is available. The regional academy for ACPD officers is the Northern Virginia Criminal Justice Training Academy (NVCJA), which normally offers academy classes throughout the year, starting in January and July. The NVCJA adapts the curriculum to comply with changes from the Virginia Legislature and is an accredited academy in the Commonwealth of Virginia.



To complete the academy successfully, candidates must complete 765 hours in the academy and pass each course with a minimum proficiency of 70 percent and/or pass written and practical tests in each of four modules: legal, patrol, criminal investigation and skills.²⁵ Each of these four modules has a sub-set of hours for individual topics.

- + Police administration (65 hours)
- + Criminal investigations (38 hours)
- + Legal (83 hours)
- + Patrol (199 hours)
- + Practical exercises (85 hours)
- + Skills (295 hours)

Once officers complete the basic police academy and they report to Arlington County, they take an additional post-academy training, which consists of more than 80 training hours that are specific to the County. They are also required to complete successfully the 16-week field training program in which officers work alongside a field training officer, who serves as their trainer, evaluator and mentor throughout the field training.

Upon successful completion of the NVCJA and all three internal phases (i.e., pre-academy, post-academy and field training), the candidate can become an ACPD officer and begin solo patrol. The hours put into developing a new officer at the ACPD go well beyond what the Commonwealth of Virginia requires and are a best practice.

In-Service and Discretionary Training

The Commonwealth of Virginia requirements pursuant to the provisions of subdivisions 1, 3, 4, 5, 7, 8 and 9 of § 9.1-102 of the Code of Virginia establishes the compulsory in-service training standards for law enforcement officers, which is currently a minimum of 40 hours of training annually in the following topics.

- + Cultural diversity (two hours)
- + Legal training (four hours)
- + Career development and elective training (34 hours)

The Virginia Code provides the departments a lot of discretion about how to meet the 40-hour annual requirements. We determined the ACPD complies with these minimal training requirements, but the Department could improve the effectiveness of its in-service training by creating a more robust training plan. Most progressive departments have an annual in-service training plan with a set curriculum during a designated period and an outline of courses that average 16 to 40 hours in length. All officers and command staff must complete the courses to ensure they have the same baseline understanding of critical topics to keep the Department informed and up to date on legal, regulatory, operational, cultural and tactical topics integral to a well-functioning organization.

²⁵ The NVCJA training hours are greater than the minimum amount of training hours required by DCJS.



The ACPD provides officers and command staff access to in-service training every year. The topics vary from year to year. The ACPD appears to prioritize those courses for in-house training to maintain the credentialing necessary to operate as an officer. The Department also offers training on topics unrelated to credentialing and encourages officers to request external training by completing a request form and submitting it through the chain of command for approval. Trainings offered to its supervisory staff include, but are not limited to, the FBI National Academy, FBI Law Enforcement Executive Development Seminar (LEEDs) and the Senior Management Institute for Police (SMIP). In addition to these training offerings, the ACPD should consider developing a structured career development and training program that includes in-service trainings for supervisors.

Overall, the ACPD makes training a priority and its leaders allocate appropriate time, money and resources to training. The ACPD issues a training calendar for all department members listing available training. That said, beyond the written structured training plan for new recruits, the FTO-specific training and CIT and tactical programs, the ACPD would benefit from developing a more structured approach to its ongoing training, which is memorialized into an annual training plan. The overall structured training plan should include clear goals and objectives for in-service training that are consistent for all officers and supervisors each year. The goals and objectives should explicitly establish required mandatory training and training hours, identify available discretionary training, establish training explicitly earmarked for supervisory staff and identify the course training cycles.

Implicit Bias Training

The ACPD's records show that its officers took the required two hours of training annually in 2017, 2018 and 2019. During those years, it categorized various courses under cultural or cultural diversity, some examples of which are listed below. The ACPD offered the courses in person and online. Each course was two hours, except for the last course, "New Age of Martyrdom," which was 24 hours over multiple days.

- + Middle Eastern Intelligence
- + Spanish on Patrol
- + Police One: Cultural Awareness and Diversity
- + Cultural Diversity
- + Police One: Generational Differences
- + Fair and Impartial Policing for Supervisors or Officers²⁶
- + Sikh American Cultural Awareness Training
- + Building Trust & Understanding Implicit Bias²⁷
- + Islam 101: Brief Introduction to Islam for Law Enforcement

²⁶ Covers both bias and implicit bias.

²⁷ Covers both bias and implicit bias.



+ New Age of Martyrdom

The Commonwealth of Virginia requires by statute that police departments have at least two hours of training in “cultural diversity.” According to the Virginia Code, this training must ensure sensitivity to and awareness of cultural diversity and the potential for biased policing. The Code does not further delineate what courses specifically fit into that definition; however, the DCJS must approve the courses offered. The Department provided training records indicating that from 2017 through 2019 officers cumulatively received 1,252 hours of cultural diversity training.

Although the ACPD complies with Virginia’s training requirements, the Department should have a structured written annual in-service training plan that articulates the underlying purpose and intent for the officers’ overall growth and development. This should build each year on the past; as it fulfills mandatory State requirements, it should also integrate needs identified by trends, themes or officers’ desires. The ACPD should develop a specific mechanism to measure satisfaction and training desires on an annual basis and adjust its offerings to reflect those needs.

Crisis Intervention Training

Crisis Intervention Training (CIT) is a program that teaches law enforcement personnel skills to work safely and effectively with people in crisis and to provide options beyond incarceration for people who have a mental illness. Officers work closely with the County’s Department of Human Services Crisis Intervention Center to connect individuals quickly with mental health professionals. The ACPD uses a co-responder model that partners with the Department of Human Services and other community resources to serve the community when calls for service are determined to involve a person in crisis.

The ACPD began training officers on the CIT model in 2008 and has continued to offer the nationally recognized 40-hour training multiple times each year to its officers and those from departments in the metropolitan area. Based on our review, the Department has trained close to 80 percent of its officers in CIT. Its website highlights many of the Department’s accomplishments in this area, including the following:

- + Seventy-five percent of ACPD patrol officers have taken CIT. CIT officers are available to assist with mental health emergencies on a 24-hour basis.
- + Arlington County’s CIT program currently conducts four 40-hour trainings per year.
- + Arlington’s CIT program has expanded to include other criminal justice partners who provide support to the police, including all of Arlington’s Emergency Communications Center (ECC) dispatchers.
- + Arlington has expanded CIT training for magistrates, to include criminal justice partners throughout the county with a CIT training for legal professionals.



Based on our review of the ACPD's training, the CIT was one of the most comprehensive. The Department has a well-developed process and a commitment to ensuring that officers participate. It also offers recognition and an award for individuals who have demonstrated outstanding use of CIT skills and techniques.

The ACPD has taken the CIT model to heart and embraces its values and has established networks and partnerships with organizations and advocates in the mental health field. This dedication was not only displayed in the materials but by officers themselves, many of whom shared their enthusiasm for continuing to explore the topic with the community. Expanding CIT or other concepts that can prepare the ACPD to serve more effectively those within their community living with mental illness or having a crisis is an important aspect of staying attuned to the changing dynamics of Arlington County. Based on our review, the ACPD was open to exploring other co-responder models and ways of partnering with the community to improve as needed.

Recommendations

Rec. #	Recommendations
5.1	Create a written annual training plan for all levels within the Department that is supported by internal analysis of data and police officers' desires. To this end, conduct annual gap analyses to see in what areas officers may need refresher training and use post-training surveys and periodic inquiries with officers regarding what training they would like to see.
5.2	Establish a formal cross-functional training and curriculum committee that meets regularly to adjust training needs to ensure a balance of tactical and required courses with other courses to provide the Department with a career development path addressing additional specialized categories.
5.3	Enhance current supervisory training and create a supervisory training track that starts with sergeants and goes through the entire command ranks. Make it mandatory to complete within a certain time of attaining the rank.
5.4	Conduct pre- and post-assessments of the courses offered to measure effectiveness, just as one would with a course requiring a minimum proficiency.
5.5	Include curriculum in the ACPD's annual in-service training that helps ensure each officer has the basic understanding of the priority issues for the Department.



06 Pursuits

Methodology

Police vehicle pursuits are dangerous activities, which increase the risk of injury or death of police officers and the public, including the individual being pursued. Because of this, police departments have developed policies that compare the inherent danger of pursuits against the need to apprehend the fleeing driver. The IACP Law Enforcement Policy Center developed recommendations on vehicular pursuits for police departments regarding:

- + The decision and authorization to engage in a pursuit
- + When pursuits should be prohibited
- + The role and responsibilities of those involved in the pursuit, including communications and supervisory personnel
- + Procedures, tactics and resources
- + Termination of the pursuit
- + Interjurisdictional pursuits
- + Post-pursuit procedures and training²⁸

Similar to vehicle pursuits, foot pursuits can be inherently dangerous if not conducted with caution. Due to the dangers of a foot pursuit and the risk of injury to officers and others, police departments have adopted policies to establish a balance between protecting officers and the public during foot pursuits and law enforcement's duty to enforce the law and apprehend suspects.

The IACP published a concepts and issues paper²⁹ for police departments to consider when adopting a foot pursuit policy. These considerations for foot pursuits are similar to those related to vehicle pursuits. For example, the IACP recommends that police department personnel consider risk factors, define roles and responsibilities, provide tactics, explain supervisory responsibilities, note if and when a pursuit should be terminated, provide training and require after-action review.

Comparison to Best Practices

Vehicle Pursuits

The ACPD's pursuit policy is found in Directive 517.03. Generally, the policy addresses the considerations identified by the IACP; however, the ACPD may want to consider amending the policy to clarify the pursuit decision and to align with the IACP's recommendations. This ACPD directive establishes its policy as follows:

²⁸ <https://www.theiacp.org/resources/policy-center-resource/vehicular-pursuits>

²⁹ <https://www.theiacp.org/resources/policy-center-resource/foot-pursuits>



“Officers may engage in vehicle pursuits when necessary to apprehend criminal law violators. Officers and supervisors shall carefully evaluate the circumstances and apparent risks associated with each vehicle pursuit and shall not begin or continue a pursuit if the danger posed by the pursuit is unreasonable or outweighs the value of an immediate apprehension. An appropriate balance shall be struck between these competing duties.”

Although this statement appropriately speaks to the need to strike an appropriate balance, the ACPD may want to add a statement, similar to the sample in the IACP recommendations, that more clearly expresses the danger of vehicular pursuits. The sample IACP policy indicates, in part, “Vehicular pursuits present a danger to the public, officers, and suspects involved.” It may seem like a small change, but it expresses to the officers that they should not make a decision to pursue lightly.

Conditions Surrounding the Decision to Pursue

ACPD Directive 517.03 describes the conditions that affect the decision to pursue. These conditions include, but are not limited to:

- + Time of day
- + Traffic density
- + Zone characteristics
- + Roadway design
- + Road conditions
- + Weather
- + Visibility
- + Condition of the involved vehicles
- + Seriousness of the crime
- + Prospects for a later arrest by alternative means

The policy states that officers should assess these factors to identify the apparent risk of the pursuit and to compare that risk against the value of immediate apprehension. The risk conditions identified by the ACPD are appropriate, but the ACPD should consider adding the presence of others in the vehicle, especially minors, as an additional risk factor. As the IACP points out in its concepts and issues paper, the presence of other people in the fleeing vehicle “would normally lessen the justification for engagement in a pursuit but becomes a critical factor against continuation of a pursuit.”

Similarly, the ACPD policy identifies “prospects for a later arrest by alternative means” as a factor in determining whether to pursue a vehicle. The IACP recommendation goes further and suggests that officers refrain from undertaking pursuits when “the subject(s) can be identified with enough certainty



that they can be apprehended at a later time, unless greater danger would result.” The ACPD should consider adopting this or similar language.

Termination of Pursuits

For the ACPD, the decision to terminate a pursuit rests with the involved officer and/or the involved supervisor. Upon learning of a pursuit, the policy requires a watch commander or supervisor to monitor the pursuit, provide appropriate instructions to pursuing units, determine the basis for the pursuit and if continuation is appropriate, and order the termination of the pursuit if the supervisor believes the pursuit is unjustified or that the dangers outweigh the benefits. This is consistent with the IACP recommendations and ensures that supervisors, who are not a part of the emotionally charged incident, make termination decisions.

The IACP recommends agencies articulate procedures to follow after a decision to terminate a pursuit has been made. This could include turning off emergency equipment, informing communications personnel of the termination along with their location and mileage, or pulling over to the side of the road. These actions help to demonstrate clearly to all involved and the general public that the pursuit is over. The ACPD should consider adding this guidance about termination to its directive.

Documentation

The IACP considerations also discuss the need to document pursuits appropriately and conduct proper investigations if a pursuit results in a fatality, injury or serious property damage. The IACP also calls for agencies to review pursuit activity to evaluate operations and determine whether the Department should amend its pursuit policy, procedures or training. The ACPD requires the watch commander or supervisor to complete a vehicle pursuit review report and forward that report through the chain of command to the Office of Professional Responsibility (OPR) and the Chief of Police. The OPR reviews each pursuit report and annually reviews all pursuits to assess whether to address policy, training or equipment issues.

After-Action Meeting

At the conclusion of any administrative investigation or review following a pursuit, ACPD Directive 517.03 requires those involved in the incident to convene an after-action meeting to learn from the experience and determine how to achieve a better outcome or repeat the success in the future. These post-pursuit activities are a good practice and consistent with IACP considerations.

Foot Pursuits

ACPD officers receive initial training on foot pursuits at the basic academy. In June 2021, the ACPD issued its first directive governing foot pursuits. ACPD directive 539.01, Foot Pursuit, establishes as a matter of policy the dangers and risks associated with foot pursuits. The directive makes clear that officers and supervisors must evaluate each pursuit and not begin or continue a pursuit if the danger



posed is unreasonable or outweighs the value of immediate apprehension. Directive 539.01 addresses critical components identified by the IACP³⁰ to be included in a Foot Pursuit policy, specifically:

- + Criteria for the initiation and termination of a foot pursuit, including consideration of alternative tactics and risk factors
- + Establishment of authority to authorize the continuation or termination of a pursuit, including the duty to continually evaluate the risk to the public, subject pursued and officers
- + Establishing authority for coordinating the pursuit to a supervisor
- + Tactics an officer should employ when engaged in a foot pursuit

Recommendations

Rec. #	Recommendations
6.1	Consider adding a statement to the vehicle pursuits directive that more clearly expresses the danger of vehicular pursuits. Use the sample in the IACP recommendations as a baseline.
6.2	Add a risk factor regarding the presence of others in the vehicle, especially minors, to the vehicle pursuit directive.
6.3	Add guidance to the vehicle pursuit policy that explains how to demonstrate or signal that a pursuit clearly has ended, such as turning off all emergency equipment, informing communications personnel and/or pulling off to the side of the road.

³⁰ <https://www.theiacp.org/resources/policy-center-resource/foot-pursuits>



07 Data and Transparency

In this section, we assess the sufficiency of the ACPD's data collection practices and how the Department uses the data. We also analyze the Department's transparency initiatives and select enforcement practices to assess their impacts on people of color.

As law enforcement agencies move into the 21st century, data collection and public availability of that data are becoming increasingly important. Agencies must establish policing strategy, measure performance, and promote trust between the departments and the communities they serve. The Law Enforcement Executive's "Guide to Open Data" suggests that "making data publicly available allows law enforcement agencies to innovate their approaches to public safety and leverage community talent in the process."³¹ For instance, when a department collects and analyzes data on traffic stops, calls for service, arrests and response times, personnel can identify how and when to deploy staff resources, assess department and staff performance, assess officer performance, and identify training opportunities. Additionally, partnerships with the public can help the Department improve its data quality and create new tools to use data to help solve problems.

Capturing demographic data, such as race and gender, can help personnel identify departmental biases in their policing practices. For example, a recent national study found that in a dataset of nearly 100 million traffic stops across the U.S., police were about 20 percent more likely to stop Black drivers than white drivers relative to their share of the residential population.³² The Department should consider making public aggregate arrest, use-of-force and traffic stop data, including the race and gender of the officers and community members involved in the incident. Providing this information for public consumption shows the Department's willingness to be transparent with the communities they serve and helps to build, restore and maintain trust and confidence between the two.

The Virginia Community Policing Act (Act), effective as of July 1, 2020, prohibits law enforcement officers from engaging in biased policing. The Act also requires law enforcement agencies to collect data on traffic stops, including demographic information, and to submit the information to the Virginia Department of Criminal Justice Services.

Specifically, the Act mandates that police collect data on:

- + Race, ethnicity, age and gender
- + The reason for the stop
- + The location of the stop
- + If the police issued a warning, written citation or summons

³¹ <https://www.policefoundation.org/publication/law-enforcement-executives-guide-to-open-data/>

³² <https://www.nyu.edu/about/news-publications/news/2020/may/black-drivers-more-likely-to-be-stopped-by-police.html>



- + If the police arrested someone
- + If the police arrested or issued a warning, written citation or summons, whether they provided a warning or charged the person with a violation or crime
- + If the police searched the vehicle or the people involved

Methodology

We assessed how much data the ACPD has collected about officer enforcement activities and reviewed the Department's transparency practices. We then made recommendations to help the Department optimize its data collection and use and improve operational performance, public transparency, and legitimate policing practices. Our process included the following steps:

- + We assessed the Department's data collection practices and whether it complies with the Virginia Community Policing Act.
- + We reviewed the ACPD's published reports.
- + We reviewed the publicly available data on the ACPD's website and other social media outlets.
- + We reviewed and analyzed the ACPD enforcement data on racial and ethnic demographics.
- + We compared the ACPD's data collection and transparency efforts to national best practice standards.

Comparison to Best Practices

Data Collection Policy and Practices

Although the ACPD collects a significant amount of data, we did not find an ACPD policy or directive that specifically addresses why and how the Department should collect this data. However, Directive 522.01 notes that the Department submits monthly crime data to the National Incident Based Reporting System (NIBRS) to participate in the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. This policy notes that "participation in the NIBRS program promotes the development of good record keeping and aids in the effort to establish a state and national database of crime statistics."

Although it is important to collect data that complies with NIBRS, the ACPD should consider supplementing Directive 522.01 with a clear description of how and why they collect this information, how they protect identifying information, how they will support open data and transparency, and how they will use the data to plan and manage police and safety operations. For example, we did not find specific language in the policies about the purpose of collecting data during traffic stops. The policies



should clearly state that the Department collects such data to combat racial, ethnic, class or other disparities, to improve Department performance and to build trust with the community.

In addition to crime data reported through NIBRS, the ACPD collects data per the requirements in the Virginia Community Policing Act. Although the Act only requires that the officers collect demographic data during traffic stops, the ACPD collects similar data during field interviews, which surpasses the Act requirements. We commend the ACPD for going above and beyond in their demographic collection efforts.

The ACPD can also use their data to evaluate officer performance. For example, ACPD Directive 531.06, Bias-Free Policing, prohibits officers from using race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socioeconomic status as a basis for traffic stops or other encounters. In other words, this statement appropriately prohibits bias-based policing.

The directive includes guidance on investigating allegations of bias-based policing. This includes a required annual administrative review, which the Office of Professional Responsibility (OPR) commander conducts, to ensure the Department does not engage in such practices. The directive says that the commander should use the citizen complaints that the OPR receives, results of citizen surveys and other communications on this topic to conduct the review. Although we agree that the commander should refer to these sources, we recommend adding a requirement to Directive 531.06 that states the commander should also review demographic data from traffic stops, use-of-force incidents, arrests and field interviews.

Additionally, many police departments analyze data such as traffic stops and use-of-force incidents to identify officers who may be stopping or using force against more people of color and those belonging to minority groups than other officers of similar experience and status, making them statistical outliers. Although this information does not necessarily indicate that the officer has committed any wrongdoing or demonstrated bias, we recommend the ACPD OPR commander analyze the Department data to identify those officers who are statistical outliers and conduct a further review of those officers' activities.

Collecting information about nonenforcement police encounters with the community is a growing trend. According to the final report of the President's Task Force on 21st Century Policing, "Law enforcement agencies should evaluate officers on their efforts to engage members of the community and the partnerships they build. Making this part of the performance evaluation process places an increased value on developing partnerships."

Most of the data the ACPD officers collect on their engagement with the public relate to enforcement information, such as the number of arrests or traffic stops an officer makes. The ACPD should consider collecting information about nonenforcement interactions with police officers, such as community engagement efforts by patrol officers. Department leadership can use this information to evaluate an individual officer's community engagement efforts and to assess the type of contact the



Department has with the community. When a department includes these behaviors as part of performance evaluations, many officers feel encouraged to increase their community engagement.

Transparency Efforts

The ACPD Annual Report

The ACPD's 2019 annual report includes crime and traffic statistics. The crime data spans 2015 through 2019 and includes the number of crimes and arrests, with the statistics organized based on the offense.

The traffic data for 2015 through 2019 categorizes traffic crashes by type and severity. The report also provides the 2019 year-end statistics on the total enforcement hours, number of tickets written and information on the Alcohol Safety Action Program (ASAP). Providing this information for the public is an important transparency effort and helps the community understand the ACPD's workload. It also helps build trust between the ACPD and the community. Although the annual report does not include demographic information about those the Department stopped or arrested, Department leadership includes this information in the "Arrest and Traffic Citation Demographic Elements" report.

2019 ACPD Arrests and Traffic Citation Demographic Elements Report

On July 1, 2020, the ACPD released the 2019 ACPD Arrests and Traffic Citation Demographic Elements report, which summarizes arrest and traffic data demographics for the year. The report provides detailed information about arrests and traffic citations and breaks down arrests by race, residency, age, offense and location. The report also includes demographic information on traffic citations and summons warnings including race and place of residence of the person stopped, as well as the location of the stop. We analyzed this data and compared it to Arlington County's population and other benchmarks to provide additional context for the data and to review potential disproportionality. We recommend that the ACPD regularly analyzes this data and publishes it for the public to provide additional context for enforcement activities.

Other Publicly Available Data

The ACPD leadership collects data on complaints against the officers, instances when officers use force, vehicle pursuits and calls for service. The Department publishes this information on the Office of Professional Standards page on the ACPD website, which is available to the public. Publishing this information is a best practice for improving community trust and the ACPD should continue to do so.

The Department leadership continues working to increase the information they share with the public. However, we recommend they seek input from the public about what data they want to see and how they want to access it.



The ACPD should regularly update the community about the Department's data transparency initiatives and its efforts to partner and build trust with the community. Community members can be helpful in reviewing and interpreting the data and determining its impact on the community. They can also make recommendations to address disparities in the arrest and traffic stop data.

Recommendations

Rec. #	Recommendations
7.1	Amend Directive 522.01 or create a new directive that clearly describes how and why the Department collects information, how it protects identifying information, how it will support open data and transparency, and how it will use the data to plan and manage police and safety operations.
7.2	Amend Directive 531.06 to require the OPR commander to review demographic data, including traffic stops, use of force, arrests and field interviews. Describe how the OPR commander can use this data as a source to identify potential bias and to understand if there are officers who are statistical outliers in need of early intervention.
7.3	Establish an ongoing process to engage regularly with community members in the review and interpretation of ACPD data to receive input into the Department's policing practices and how those practices impact the community.
7.4	Consider developing a policy that explains how to collect and share data and analysis regularly on traffic stops, arrests, use-of-force incidents and field stops. Compare the data to appropriate benchmarks rather than providing a limited comparison of general population data.
7.5	Continue efforts to develop a data dashboard for the ACPD's website to improve the public's access to the ACPD's data.
7.6	Consider collecting information about nonenforcement interactions, such as community policing efforts. Department leadership can use this information to evaluate individual officer's community engagement efforts and to assess the Department's overall community interaction.
7.7	Continue inviting community members to regular engagements with the Department to review ACPD data and to discuss how to strengthen data capture and reporting on police-community relations and enforcement interactions.



Appendix: Hillard Heintze Arlington County Police Department Team

Rob Davis, Senior Vice President and Practice Lead, Law Enforcement Consulting



Robert Davis is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Rob served in a variety of capacities during his 30 year-career with the San Jose Police Department, including as the Chief of Police for seven years. During his time as chief, Rob also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department, traveling on numerous occasions to Central and South America to provide training in community policing methods addressing gang prevention, intervention and suppression. Since retiring from San Jose, Rob has been involved in numerous assessments of police departments across the nation, including serving as the Project Director for Hillard Heintze's Department of Justice Collaborative Reform Initiative for Technical Assistance contract.

Marcia Thompson, Vice President, Law Enforcement Consulting



Marcia K. Thompson is an attorney and law enforcement practitioner with over 20 years working in the criminal justice field. As a Vice President within our Law Enforcement Consulting practice, she provides oversight, management and technical assistance on various law enforcement assessments, trainings and reviews. Marcia has served as a law enforcement administrator within the Department of Safety at the University of Chicago Police Department, where she oversaw professional standards, accreditation, compliance, training, records management, recruitment, field training, in-service training, leadership development, succession planning, community engagement, youth outreach and the community advisory committee in support of the university's transparency and inclusion initiative. Marcia is a Virginia Supreme Court certified mediator as well as a collaborative problem-solver, change management facilitator, and equal employment opportunity (EEO) and civil rights professional. For many years, Marcia has served as a federal fact finder, EEO counselor, trained EEO investigator and hearing officer, providing neutral hearings and drafting administrative appellate determinations.



Robert Boehmer, Esq., Vice President, Law Enforcement Consulting



Robert Boehmer is an experienced facilitator, trainer and public speaker, with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has been facilitating sessions for the Department of Homeland Security's Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve. As a Vice President in the Law Enforcement Consulting practice at Hillard Heintze, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.

Sydney Roberts, Senior Director, Law Enforcement Consulting



Sydney brings over three decades of experience to her role as Senior Consultant at Jensen Hughes. A proven leader in police accountability, Sydney has provided insight and guidance on civil and human rights matters impacting law enforcement, including illegal search and seizure, denial of counsel and officer-involved shootings. In addition to her career in law enforcement and police reform, Sydney has built and lead diverse and inclusive high-performance teams on multi-million-dollar enterprises in public safety, compliance and community advocacy.

Troy Coleman, Ph.D., Senior Advisor, Law Enforcement Consulting



Troy Coleman, Ph.D. is a leader, coach, mentor, human resources professional and industrial psychologist who develops leader success at all levels and industries. He applies strategic assessment results to engage direct dialogue and discovery to achieve targeted development goals and build self-awareness, situational awareness, self-control, emotional intelligence and key relationship management elements for influencing and leading others. He practices applying personal competencies to build leader presence, influence team cohesion and improve performance results. Troy holds memberships with the American Psychological Association (APA); the Association for Talent Development (ATD); the Society of Consulting Psychology; the Society for Industrial and Organizational Psychology (SIOP); the Society for Diversity; the Society for the Psychological Study of Culture, Ethnicity and Race; the International Coach Federation; International Public Management Association for Human Resources (IPMA HR); and the Society for Human Resource Management (SHRM). He earned a Ph.D. from the University of North Texas and Bachelor of Science and Master of Sciences degrees in commerce from Texas A&M University.



Jon Maskaly, Ph.D., Senior Subject-Matter Expert



Jon is an advanced expert in data collection, analysis and management. He has served at U.S. academic institutions including the University of Texas at Dallas, the University of Illinois at Chicago and East Carolina University. In his role at Hillard Heintze, Jon has worked on several police reform projects through the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) Collaborative Reform Initiative for Technical Assistance (CRI-TA). He was responsible for analyzing data related to fair-and-impartial policing; vulnerable victims; recruitment, hiring and retention; use of force cases; and traffic and pedestrian stops. In addition, Jon worked with agencies to develop the mentality and capacity to become organizations that are data-driven in their decision-making. He assisted in the development of strategic plans for transparent data and data management plans. He also offered training and assistance in accessing, auditing and querying data. Jon helped agencies develop systems, policies and audit plans for the effective maintenance of training records. He also assisted Professional Standards Units in developing abilities to look at data and understand the trends in the data.

Mark Giuffre, CFE, CAMS, CPP, Senior Director, Law Enforcement Consulting



With 30 years of experience serving in the U.S. Drug Enforcement Administration (DEA), Mark Giuffre is a globally recognized expert in narcotics investigations, interdiction, border security, transnational crime groups and synthetic opioids. He has developed and provided training programs and instruction to federal, state, local, tribal and foreign law enforcement officials. In addition, he is trained, experienced and certified in financial, fraud and asset forfeiture investigations. Mark retired as an Assistant Special Agent in Charge of the DEA Chicago Office where he was responsible for narcotics investigations, money laundering investigations, intelligence and enforcement in five Midwestern states. Earlier in his career, Mark was stationed at the American Embassy in Bangkok, Thailand for seven years, with travel and assignments to 37 other nations.