



# THE MAYOR'S COMMUNITY AND POLICE RELATIONS TASK FORCE

Phase 1

JULY 2016

Since May 2015, Mayor Toni N. Harp's Community and Police Relations Task Force has worked to address community/police relations in New Haven, in an effort to improve community-based policing in three meaningful ways: (1) Assessment and Evaluation; (2) Policies and Procedures; and (3) Recommendations to improve community/police relations.



## PART ONE

The Mayor's Community and Police Relations Task Force (hereinafter, the Task Force) Findings and Recommendations Concerning Relevant New Haven Police Department (NHPD) General Orders (G.O.'s) and Charter Sections in Four Areas: force, control, cameras and recording, and recourse mechanisms for civilians. Further Discussion of G.O.'s and Their Formatting and Content.

### I. GENERAL ORDERS CONCERNING USE OF FORCE

#### A. G.O. 7.06, *Use of Conducted Electrical Weapons*

##### i. FINDINGS

1. While New Haven's taser policy appears to be consistent with other jurisdictions across the country, it also appears not to recognize emerging evidence. There is a growing consensus within the medical and legal communities that police officers should wait *at least* one (1) hour after a suspect has been tasered prior to interviewing them, and asking whether they wish to waive their *Miranda v. Arizona* rights. New research demonstrates that being tasered can cause short-term changes in a person's ability to process auditory information.<sup>1</sup>

##### ii. RECOMMENDATIONS

1. After a taser is used on a suspect, police should wait, depending on professional judgment and/or medical assessment, *at least* one (1) hour until they attempt to interview a suspect and ask whether they wish to waive their *Miranda* warnings.
  - a. In situations where an individual is lucid and able to knowingly make a decision to waive their *Miranda* rights or be interrogated, the "professional judgment and/or medical assessment" clause provides law enforcement the opportunity to sidestep the one-

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<sup>1</sup> WNPR CT, "Tasers: A Viable Alternative to Lethal Force?" (2015), available at <http://wnpr.org/post/tasers-viable-alternative-lethal-force>



have acted unreasonably. The aim of this suggestion is to decrease, as much as possible, the use of fatal force, especially in situations where such force is unnecessary and/or unreasonable.

**C. G.O. 300, Use of Force**

**i. FINDINGS**

1. G.O. 300 does not offer unique guidance to officers evaluating potential use-of-force situations that involve members of vulnerable populations—such as children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others. Use of physical control equipment and techniques against these populations can undermine public trust.<sup>2</sup>
2. Training on use of force does not currently place a heavy enough emphasis on alternatives to force and arrest.
3. External and transparent reviews of complaints regarding use of force increase fairness and the public sense of justice.
4. Record-keeping for fatal use of force situations is required. However, information on non-fatal use of force is less consistently tracked and made available.
5. Consistent and detailed filing on police-civilian interactions that involve use of force can better protect both officers and civilians.
6. In several instances where an officer's use of force has attracted national attention and criticism or investigation, other officers on the scene had done little to intervene. Officers working together to assess proper use of force would better protect both officers and civilians.

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<sup>2</sup> U.S. Department of Justice, "Final Report of the President's Task Force on 21<sup>st</sup> Century Policing" (2015), available at [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf). Hereinafter, The President's Task Force on 21<sup>st</sup> Century Policing.



Workgroup recommended that all officers be required to file reports on use of force incidents by the end of their shift, provided the officers are not disabled.<sup>4</sup> (2) Creating a checklist for officers to use when filing a report so that all necessary details are included.

6. In addition to the G.O. on Use of Force, an additional G.O. should outline accompanying officers' "duty to intervene"<sup>5</sup> and/or report when another officer is using or has used force, lethal or not.
  - a. Officers who witness inappropriate use of force by another officer should be required to intervene.
  - b. Officers in the situation outlined above should be required to report the incident and fellow officer in question.

## II. GENERAL ORDERS CONCERNING CONTROL, PROACTIVE AGGRESSION, AND PHYSICAL CONTACT

### A. G.O. 99-1, *Policy Regarding Traffic Stops*

#### i. FINDINGS

1. *The New York Times*<sup>6</sup> and the Connecticut Racial Profiling Prohibition Project<sup>7</sup> report that traffic stop and search records in Connecticut, and New Haven specifically, display wide racial disparities. Minorities are far more likely

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<sup>4</sup> Maryland General Assembly Department of Legislative Services, "Public Safety and Policing Workgroup Reports and Recommendations" (2016), available at <http://mgaleg.maryland.gov/Pubs/Committee/2016-PSP-Workgroup-Report.pdf>.

<sup>5</sup> For an example, see Philadelphia Police Department's Directive 22 and recommended amendments, as referenced: U.S. Department of Justice's Collaborative Reform Initiative, "An Assessment of Deadly Force in the Philadelphia Police Department" (2015), available at <http://ric-zai-inc.com/Publications/cops-w0753-pub.pdf>.

<sup>6</sup> Sharon LaFreniere and Andrew Lehren, "The Disproportionate Risks of Driving While Black" (2015), available at [http://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html?\\_r=0](http://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html?_r=0).

<sup>7</sup> CRP3, "April 2015 Traffic Stop Data Analysis and Findings" (2015), available at <http://www.ctrp3.org/reports/>.

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2. In a situation where a civilian is placed under formal custody by officers, officers should endeavor to ensure that the civilian's waiver of their *Miranda* rights is recorded.

**B. G.O. 311, *Citizen's Right to Video***

**i. FINDINGS**

1. There is an increased likelihood of photographs and videotaped recording of police activity by both police personnel and civilians.
2. Civilians are responsible for respectfully handling this right, and must not interfere with officer's lawful work, especially not in a way that endangers themselves, officers, or others.

**ii. RECOMMENDATIONS**

1. NHPD training should encourage respecting a citizen's right to video, as well as instruction on how to continue an arrest or other interaction while being recorded.
2. The City and NHPD might consider a collaborative training opportunity that includes both officers and civilians, in which both parties can discuss video recording of police-civilian interactions and responsible use of recording devices, including but not limited to phones and bodycams.

**IV. GENERAL ORDERS CONCERNING RECOURSE MECHANISMS FOR ANY WHO FEEL FORCE WAS UNNECESSARY, INAPPROPRIATE, AND UNREASONABLE**

**A. G.O. 2.08, *Civilian Complaints (2015)***

**i. FINDINGS**

1. Many, but not all, state and local agencies operate with the oversight or input of civilian police boards or commissions, often without direct police department employee input or involvement.



**V. FURTHER NOTES ON GENERAL ORDERS, FORMATTING, AND CONTENT**

**A. FINDINGS**

- i. The Task Force noted problems with formatting and content of G.O.'s. Since the G.O.'s employ "bullet points" instead of formal outline format, accurately communicating and referencing a specific subsection becomes difficult. The use of "bullet points" is especially problematic given the context of police action.
- ii. Regarding content, the Task Force found that the G.O.'s lack details on the broad Constitutional, national, and legal contexts that inform each order. The result is procedure that seems independent of rather than supplementary to United States law and principle.

**B. RECOMMENDATIONS**

- i. Using the District of Columbia's Metropolitan Police G.O.'s<sup>9</sup> as a model, the Task Force recommends reformatting New Haven's G.O.'s and adjusting language to include Constitutional and legal context for each order.
- ii. G.O.'s should follow standard outline format and use proper headings to allow clear referencing, communication, and logical progression.
- iii. Each G.O. should include references to related G.O.s, relevant local law, federal law, and Constitutional parameters. Furthermore, each G.O. should include a list of the G.O.'s that supersede it, preferably listed at the beginning of each G.O. text.

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<sup>9</sup> See D.C. Metropolitan Police Department, GO-901.07 Use of Force (2002), available at <http://mpdc.dc.gov/page/written-directives-general-orders>.

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- iii. In addition to recommendations in Part One, Section IV of this document for civilian complaints, NHPD should use the official definition of community policing to develop a set of quality indicators for community policing. A survey on these quality indicators should go out each year to neighborhoods involved in community policing.
- iv. NHPD should develop programs that create opportunities for patrol officers to regularly interact with residents, faith leaders, and business leaders of all neighborhoods, not just some.
- v. NHPD should adopt policies and programs that address the needs of children and youth most at-risk for crime or violence, and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities.<sup>10</sup>
- vi. In order to keep youth in school and to keep them from criminal and violent behavior, NHPD should work with schools to encourage the creation of alternatives to student suspensions and expulsion through restorative justice, diversion, counseling, and family interventions.

## II. COMMUNITY MANAGEMENT TEAMS

### A. FINDINGS

- i. Community Management Teams ("CMTs") are not uniform.
- ii. Non-communication between City Hall and CMTs limits effectiveness.
- iii. CMTs lack training that would promote leadership, and provide useful knowledge and tools for navigating community-police relations.

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<sup>10</sup> Ibid.



broadly, these three issues disproportionately affect certain vulnerable communities, particularly immigrants. Protecting immigrants' legal rights, whether documented or not, must be a priority since immigrants often fear approaching police officers when they are victims of or witnesses to crimes.

## **B. RECOMMENDATIONS**

- i. The Task Force fully supports the creation of an office within NHPD dedicated solely to u-visas, which NHPD is allegedly already implementing.
- ii. To uphold New Haven's tradition of treating all residents, including immigrants of all legal statuses, with care and respect, NHPD officers should receive training on intercultural interaction, immigration law, and undocumented resident rights.
- iii. Generally, NHPD should work to build relationships based on trust with immigrant communities. This is central to overall public safety.<sup>11</sup>
- iv. NHPD and the Department of Labor (DOL) should work together to make clear to the public that the DOL is the initial contact for wage theft investigations, and that the NHPD becomes involved only at the DOL's request.
- v. NHPD should provide comprehensive training in First Amendment and protest rights to its officers.
- vi. The City might also consider writing a new G.O. regarding citizens' right to free speech, assembly, and protest that outlines expectations of civilians and police in these situations.
- vii. Following what was recommended above, in Part One, Section V, G.O.'s should include proper context of Constitutional rights and legal precedent in situations of protest.

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<sup>11</sup> Ibid.





the public about the importance of protecting law enforcement from undue harm.

- ii. Increase police officer pay to be competitive with nearby entities, such as Yale University Security, neighboring police jurisdictions and comparable cities.
- iii. The City might also consider special compensation for injured officers, provided the actions that led up to their injury were fully within the legal and ethical parameters established by the City and NHPD.
  1. Tax abatements or supplemental insurance policies might act as special compensation.
- iv. To prevent/stop high officer attrition, financial penalties should be imposed on officers who the City pays to train, and who leaves during their first five (5) years of service for employment at another law enforcement department of a different jurisdiction.
- v. NHPD should begin training new district managers and shift commanders well before a vacancy exists, to ensure seamless transitions; to maintain quality of service and relationships with communities and their management teams.
- vi. NHPD should clarify or establish clear internal policies regarding staffing and promotions.
- vii. NHPD should, by working with the Mayor's Office and the Board, implement a strategic plan.

## **V. COMMUNICATION & TRUST**

### **A. FINDINGS**

- i. The Task Force spent a great deal of time, internally and with the public, discussing communication practices and standards between the police and the public. Concerns around poor, infrequent, and/or inconsistent communication between NHPD and the general public arose often. Lack of communication leads to lack of trust in the community, a

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5. Encourage NHPD to seek positive press from local news sources, and more widely disseminate online articles from local, state, and national sources that speak highly of NHPD. These could also be featured on the NHPD webpage.
6. Strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.<sup>15</sup>

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<sup>15</sup> Ibid.