

Recommendations Submitted to the City of Durham City Council

By the City of Durham Human Relations Commission

April 23, 2014

In October, 2013, Mayor William V. Bell requested the Human Relations Commission conduct a review of allegations of racial bias and racial profiling brought by citizens against the Durham Police Department. The Commission held a series of public hearings over a period of six months.

Based on our research, supported by testimony from Durham citizens, we found the existence of racial bias and profiling present in the Durham Police Department practices. After hearing from representatives of the Durham Police Department, community advocacy groups, and individual citizens the Durham Human Relations Commission proposes the following recommendations in response to Mayor Bell's original request.

The Commission divided the recommendations into the topical areas that surfaced during the review. Those areas include: racial profiling and bias, communications and outreach, Durham Police Department policies, police stop and consent searches, Durham Police Department training, diversion programs, Citizen Police Review Board, complaints and internal affairs, and general recommendations.

### **Communications and Community Outreach**

The Durham Police Department needs to completely revamp their approach to Public Relations. Durham police participate in many positive community activities, much of it on a volunteer basis. We feel increasing the visibility of this community-building and engagement will give citizens a greater understanding and appreciation of the positive work of the Durham Police Department.

- We recommend the Durham Police Department regularly publicize their involvement in the community and neighborhoods via media outlets such as the local newspaper, Durham Police Department website, social media, etc.

The Durham Police Department currently engages with the community during Partners against Crime (PAC) meetings and the Citizens Police Academy. These are two examples that can help improve public relations, yet are not well attended by Durham citizens. PAC meetings provide the community opportunities to discuss their concerns with the Durham Police Department. The Citizens Police Academy offers citizens the opportunity to learn about the services provided by the department and gain a better understanding of police practices.

- We recommend City Council find ways to increase awareness and improve attendance at PAC meetings.
- We recommend the Durham Police Department put more emphasis on promoting the Citizens Police Academy.
- We recommend the Durham Police Department recruit from the community of Durham to create a pipeline to employment with the Durham Police Department.

### **Durham Police Department Policies**

The mental health of our officers is important to the city, the citizens, and the Commission.

- We recommend psychiatric evaluations for all officers and employees of the Durham Police Department are required once every three years.

Current policy allows officers the ability to disable the camera in their vehicle. This camera serves as a record of interactions between the Durham Police Department and citizens.

- We recommend that the vehicle camera remain operating at all times. Officers should not be allowed to disable the camera.
- We recommend digital copies of these recordings be maintained no less than 180 days.

### **Police Stops and Consent Searches**

During our public hearings, citizens often reported issues and voiced complaints about their interactions with the Durham Police Department. Although circumstances vary between police stops, we feel these recommendations can help improve the interactions between citizens and officers. Improving communication should help deter future issues.

- We recommend the Durham Police Department communicate to citizens why they are being stopped or detained. The reason should be documented by the Durham Police Department in a form that is reviewable by the citizen.
- We recommend that a written form be required for all consent searches. This form must be signed by the citizen/detainee and should be available in English and Spanish.
- We recommend the Durham Police Department require all officers to document with an incident report any encounter that requires a search of the person or property. This report should include a reason for the stop and search.
- We recommend supervisors and possibly professional standards review these reports for any irregularities.
- We recommend the Durham Police Department ensure that the traffic stop data is reviewed quarterly to track any irregularities. Should the data show unusual trends, it should be reported to the Chief of Police and reviewed by qualified independent analysts. Any reports should be made available to City Council for review within a reasonable time.

### **Durham Police Department Training**

While the Durham Police Department currently conducts extensive training, we believe there is room for improvement.

Understanding racial and cultural differences is important to creating an inclusive community and city. It is also important to recognize and properly address citizens experiencing mental health and other crises whenever possible.

- We recommend that the Durham Police Department collaborate with a national independent training organization, approved by the City Manager and City Council, to create and implement a Racial Equity training program for Durham police officers.
- We recommend that racial equity, mental health, and crisis intervention training be made part of new recruit training.
- We recommend the Durham Police Department enhance their mental health and crisis intervention training for those officers who interact regularly with the community.

The Human Relations Commission feels it is important to evaluate changes, such as the implementation of new training programs, made within the department and determine whether these changes are effective.

- We recommend the Durham Police Department job performance evaluation include a review of stop/search data for irregularities in conduct and policy.
- We recommend a yearly training needs analysis in order to make any adjustments necessary to meet the needs of the community.

### **Diversion Programs**

The Human Relations Commission supports diversion programs for at-risk youth such as Judge Marcia Morey's, Misdemeanor Diversion Project which diverts youth from the court system for marijuana and other minor offenses. We support these programs to offer youth and others avenues to avoid a criminal record for low-level

marijuana offenses. At this time, we do not favor any action such as legalizing marijuana or putting it at the low end of police priorities.

- We recommend the City of Durham reach out to municipalities, such as the City of Seattle, WA, to make inquiries about their initiatives regarding making marijuana arrest a low priority.
- We recommend the City of Durham review the data and recommend whether to implement a similar initiative to the City Council.

### **Citizens Police Review Board (CPRB)**

The Human Relations Commission invested additional time to understand the process and purpose of the Citizens Police Review Board. Although the intention of the Board is admirable, the effectiveness of the Board requires improvement.

- We recommend that City Council move to an alternate model where the complaints themselves, rather than the Internal Affairs review process, undergo investigation by the Citizens Police Review Board. (Reference: Nacole.org Models of Civilian Oversight in the United States: Similarities, Differences, Expectations and Resources)
- We recommend City Council annually brings in a representative from The National Association for Civilian Oversight of Law Enforcement (NACOLE) to provide best practices training for the Citizens Police Review Board.
- We recommend City Council have oversight of the Citizens Police Review Board, including appointment of Citizens Police Review Board members. City Council should designate a staff attorney to advise the Citizens Police Review Board.
- We recommend some members of the Citizens Police Review Board be appointed and selected through the PAC organizations that closely follow police procedures. By changing the make-up of the Citizens Police Review Board to require PAC district representation, we can ensure all geographical areas within the City of Durham are represented.

When Internal Affairs (IA) does not sustain citizens' complaints, citizens have the opportunity to appeal to the Citizens Police Review Board. The amount of time allocated for the appeal and the availability of the report requires improvement.

- We recommend the time allowed to appeal to the Citizens Police Review Board be extended to 30 working days after documented receipt of the Internal Affairs response.
- We recommend the complainant have 60 days to gather information, documents, evidence, etc. to submit to the Citizens Police Review Board.
- We recommend the Citizens Police Review Board appeal complaint form be made available in electronic form and a link to this form should be placed on the City of Durham Human Relations Commission web page.
- We recommend the Citizens Police Review Board report any findings of unethical behaviors towards citizens and if merited, disciplinary action be taken. The findings should be reported to the appropriate entity.

### **Complaints and Internal Affairs**

The Commission believes the implementation of technological improvements can make the police complaint process less complicated and restrictive.

- We recommend Complaint Forms be available to complete online, and allow for electronic submission with tracking and receipt of complaint form.

- We recommend the Durham Police Department institute a policy that provides citizens whose complaints have been sustained with a more timely and substantive response than the current practice.

Durham citizens shared concerns of retaliation for making complaints against police officers. We feel it is necessary to take their concerns seriously.

- We recommend a policy that ensures complaints of retaliation are properly investigated.
- We recommend the Citizens Police Review Board investigate whether there has been retaliation by Durham Police Department officers against citizens who have filed complaints.

### **General Recommendations**

As a result of the open forums with the Durham Police Department and community advocacy groups we encourage the City Council to take the following steps to improve overall community and police relations.

- We recommend the Durham Police Department strengthen accountability, both internal and external, regarding racial profiling and bias with the use of measurable benchmarks.
- We recommend the City of Durham partner with the Human Relations Commission and outside organizations (Fostering Alternative Drug Enforcement, National Association for the Advancement of Colored People, Southern Coalition for Social Justice, etc.) to promote a comprehensive program to educate the citizens of their rights in regards to police stops, searches, and their avenues of redress.
- We recommend the Durham Police Department, as all other governmental departments in the City of Durham, complete a strategic plan, which includes community-policing initiatives.