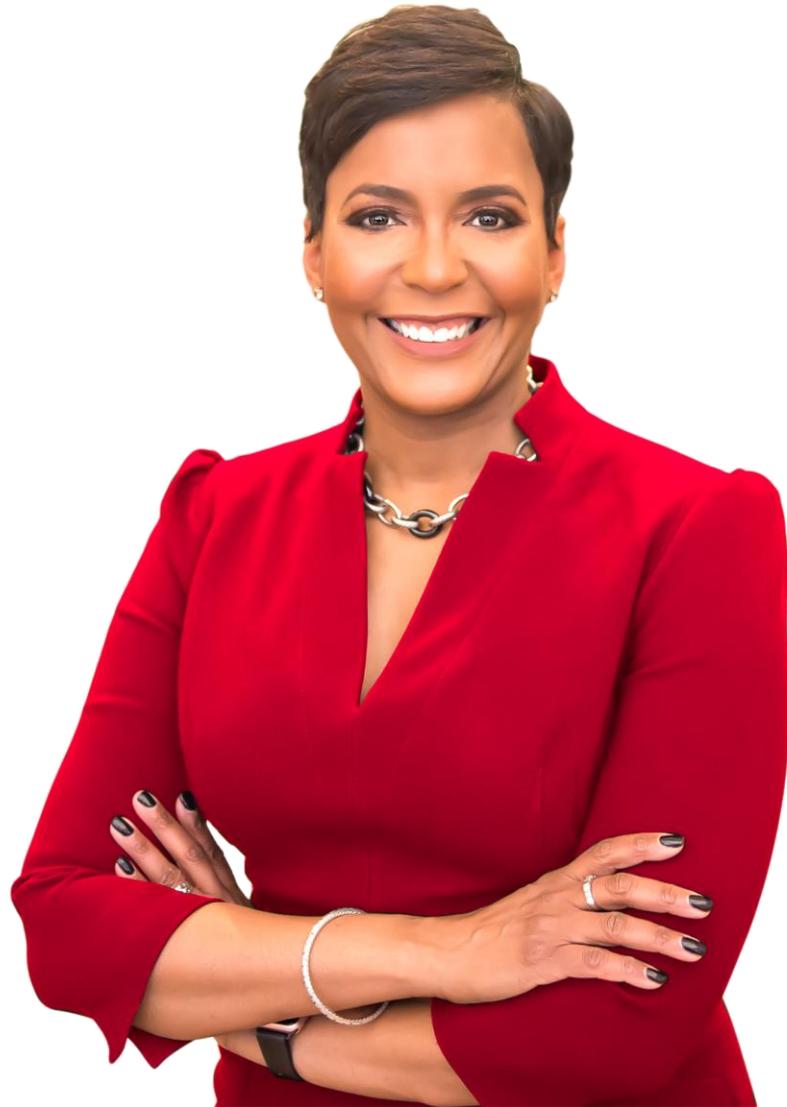


Bottoms Administration

Police Use of Force Advisory Council

Meeting #2 | June 16, 2020





Update by Mayor Keisha Lance Bottoms



For today's discussion

Agenda

Process & legislative update

Context on Atlanta Use of Force

Focus group discussions

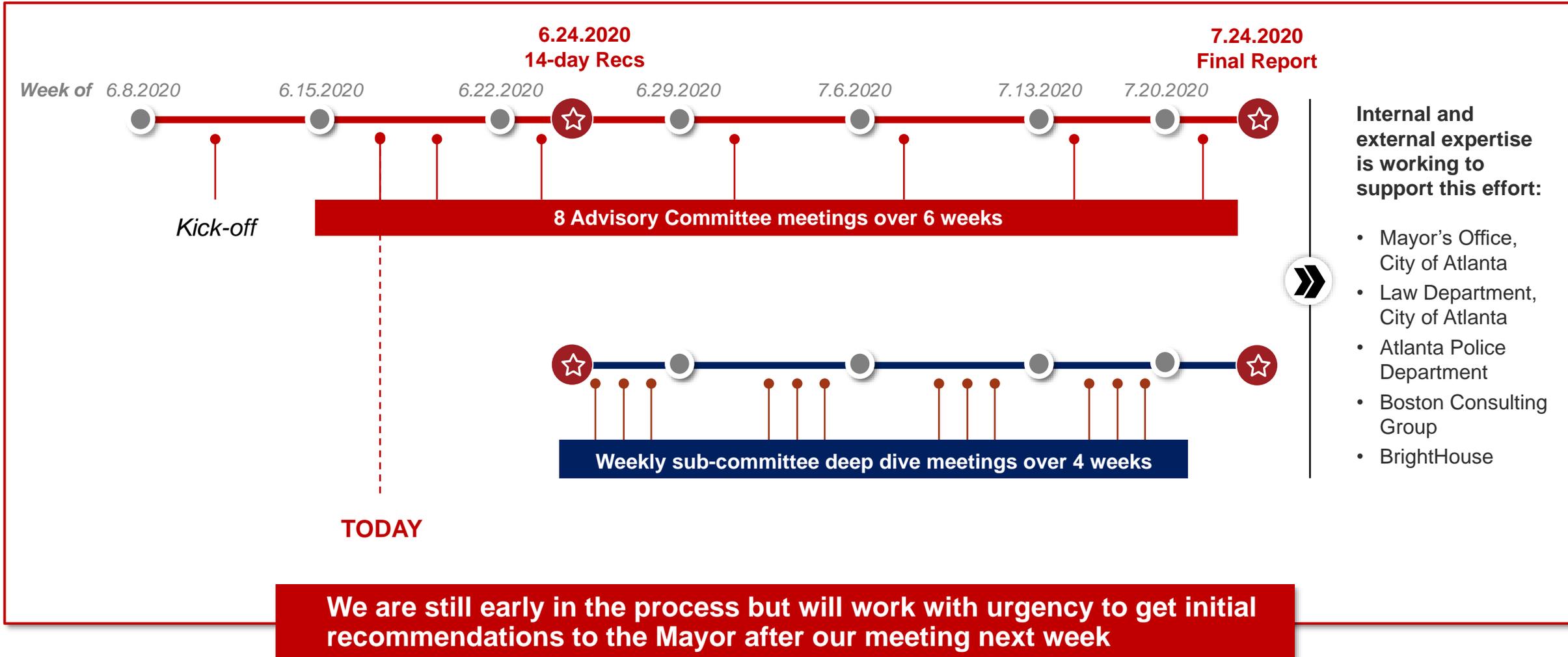
Next steps



Process update



We are in week 2 and will start centering on 14-day recommendations and target topics for 45-day findings





Yesterday, Mayor Bottoms moved forward with an Administrative Order to address urgent concerns related to Use of Force

"The task force on policing convened last week, then we had the shooting of Brooks. The committee continues to work but it is clear we do not have another minute, day or hour to waste. And, so, I am signing some administrative orders calling on our COO to coordinate with our interim chief to come up with reforms on use-of-force policy." – Mayor Bottoms (June 15, 2020)

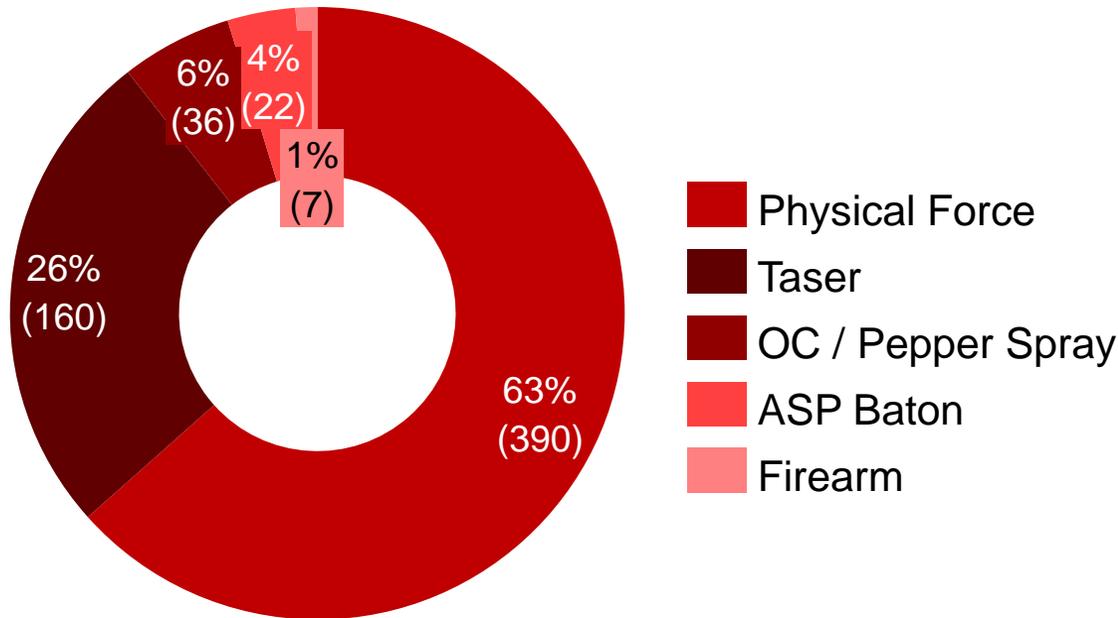
The Mayor's Administrative Order has two key components

- 1 Implement **immediate Use of Force reforms** to existing policies largely aligned to national best practices
- 2 Retaining police training and response **expertise to support deep dives** into changes and new SOP development



Overview of APD Use of Force (2019 Report)

Use of Force reports by type of force



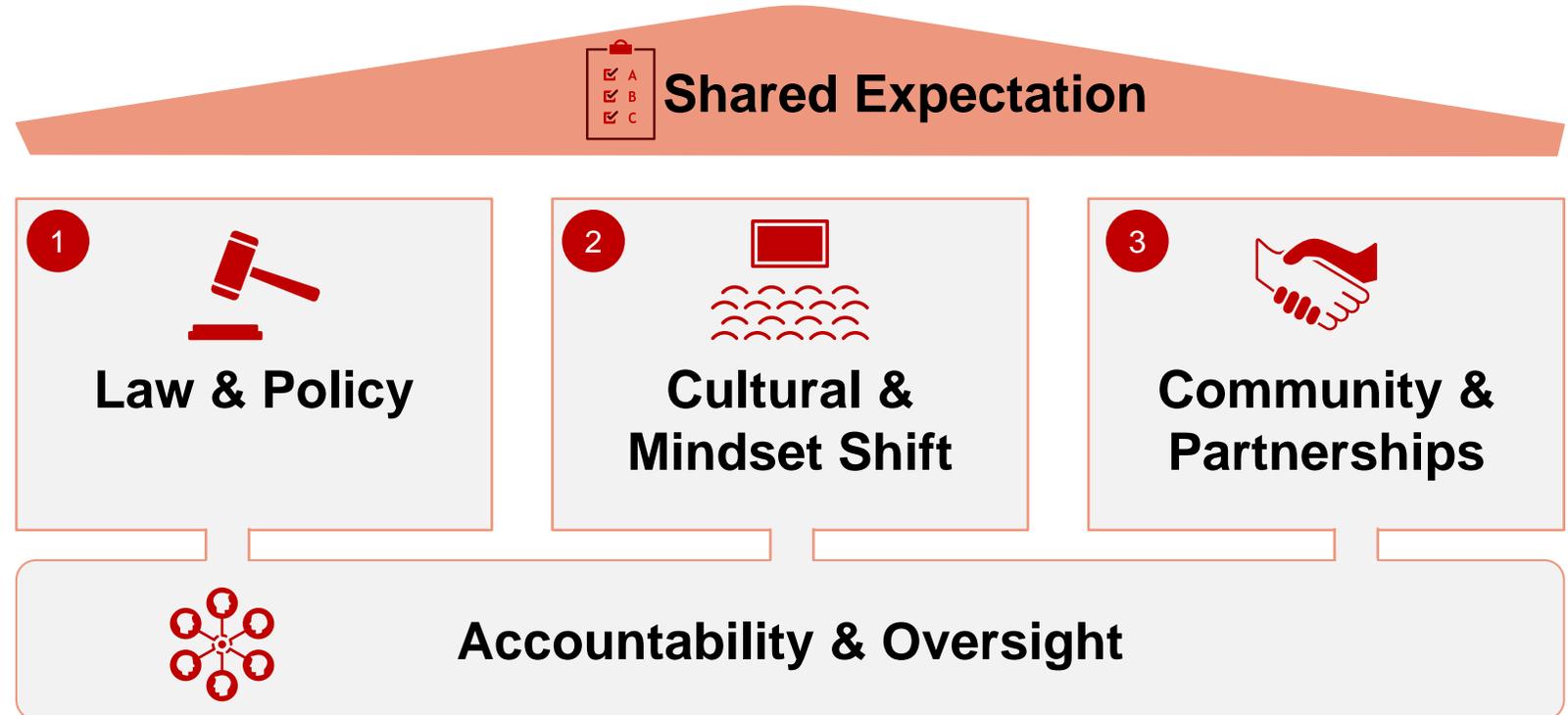
Total Use of Force reports: 615

Summary of key UoF statistics

- **Force was used in 2.0% of arrests** (31,080 arrests; 615 Uses of Force)
- **12 officers received remedial training** for excessive Use of Force (7 for Taser, 2 Firearm, 1 Baton, 1 OC, 1 Physical)
- **11 officers were involved in a weapon discharge** (3 incidents not directed at people, property, or animals)
- Office of Professional Standards (OPS) handled **14 cases of potential unreasonable or necessary force and 3 citizen complaints**
- **Video footage was captured for 94% of incidents** – uncaptured cases were directed to OPS for further review / investigation



3 primary focus areas to shape our recommendation

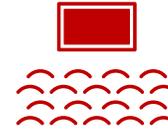




Key themes are emerging from our Focus Areas and 50+ actions collected from the group



Law & Policy



Cultural & Mindset Shift



Community & Partnerships

Where Atlanta currently stands

- SOP already prohibits strangleholds & chokeholds, warning shots
- Recent administrative order will make further changes requiring de-escalation, duty to intervene, no shooting on moving vehicles

- Early warning system since 2016 identifies officers that show signs of excessive UoF
- De-escalation training currently included in training curriculum
- Explorer program provides positive exposure for youth to law enforcement

- Atlanta Citizen Review Board (ACRB, est. 2007) has subpoena power, makes recs. to APD Chief
- Existing initiatives: pre-arrest diversion program, at-promise youth center

Emerging opportunities

- Re-evaluate use of force continuum: further restricting deadly force, firearms policy
- Require verbal warnings
- Expand reporting requirements and public transparency

- Revise police oath to emphasize shifting to guardian mindset instead of warrior
- Create officer award that recognizes excellence in community policing
- Require annual procedural justice, implicit bias, cultural competency training

- Add additional power to ACRB: mandate deadlines for Chief response, escalation / review procedures
- Expand initiatives to all neighborhoods
- Restrict police response to violent and/or criminal acts



Key discussion topics to explore in breakout sessions

Expected impact of action

- What impact (e.g., financial, procedural, etc.) will be realized from taking the action recommended?
- What is the relative size of the impact that each recommended action will yield (e.g., high, medium, low)?
- What stakeholders (e.g., APD, Mayor's office, City Council) are required to be able to achieve desired impact?

Timeline for execution

- Under what timeline should the recommendation be actioned? (i.e., 14-day rec – done quickly, 45-day rec – requires additional vetting, transformational effort – requires fundamental re-envisioning of current structures)

Capturing exhaustive commentary

- What aspects of the proposed recommended actions should be further refined? Why?
- Are there any additional recommended actions that should be included?



What we heard from you

Emerging focal points for Law & Policy



Conduct guidelines

Increase restrictions impacting Use of Force to minimize injury



Reporting & transparency

Improve stringency of and public access to Use of Force reporting

What we heard from you

Emerging Law & Policy recommended actions (I)



Theme	Recommended action	Where is ATL today?	Impact
Conduct guidelines	Ban chokeholds & strangleholds	● Chokeholds / strangleholds not permitted or taught	N/A
	! Require de-escalation	● 6/16 Administrative Order (AO) requires updates to de-escalation policy	High
	☆ Require warning before shooting	● Not currently addressed	High
	☆ Exhaust all alternatives before shooting	● SOP outlines when to use lethal force, but does not explicitly mandate "exhausting all non-lethal options" before using lethal force	High
	! Duty to intervene	● Supervisor obligated to intervene "when the conduct of any employee is contrary to the public interest or the good reputation or proper operation of the Department"; 6/16 AO requires more specific language on Use of Force	Medium
	! Ban shooting at moving vehicles	● Officers prohibited from firing firearms at fleeing vehicles; 6/16 AO requires additional restrictions on deadly force	Medium
	! Establish use of force continuum	● Guidelines in place, but potential to revisit policies on specific weapons (e.g., firearms) and further restrict use of deadly force; 6/16 AO requires revisiting guidelines on use of deadly force	Medium
	Ban no-knock warrants	● No-knock warrants only approvable by Major or higher rank; review underway to determine if current policy allows obtaining warrants with no-knock clauses	Medium
	Adopt Use of Force guidelines for vulnerable populations	● Policies in place for interacting with vulnerable groups, but not specific for Use of Force	Medium

☆ Potential early actions ! Addressed in 6/16 Administrative Order

● Fully addressed ● Partially addressed ● Unaddressed

What we heard from you

Emerging Law & Policy recommended actions (II)



Theme	Recommended action	Where is ATL today?	Impact
Conduct guidelines (cont.)	Ban warning shots	● Already in place	N/A
	Ban use of transportation vehicles as a weapon	● "Striking of the suspect vehicle with a police vehicle" prohibited	Medium
	Maintain ban on vehicle pursuits	● Already in place	N/A
	Restrict police use of restraints to when subject is physically violent to self/others	● Current SOP restricts force / restraints to when they "ensure safety"; not explicitly to avoid "physical violence"	Low
Reporting & transparency	Require body cameras at all times	● 94% of UoF incidents in 2019 captured by body camera ● Incidents not captured on camera directed to Office of Professional Standards (OPS) for review	N/A
	Improve public access/release of body camera footage	● Body camera footage excluded from GA Open Records Act where there is a "reasonable expectation of privacy from disclosure"	Medium
	Require all force be reported	● Reports required when force is used, whenever firearm is discharged; no current requirement when force is threatened / firearm is pointed	Medium
	Mandate CVSA (Computer Voice Stress Analyzer) exam be given to officers in UoF investigations	● TBD	TBD
	Require immediate (e.g., within an hour) drug testing for officers whenever there is UoF incident requiring a report	● Not currently in place	TBD
	! Improve public access to Use of Force reports and analysis (i.e., available to public without open records request)	● 6/16 Administrative Order: "reporting for all uses of deadly force by a police officer must be reported to the Citizens Review Board"	Medium

! Addressed in 6/16 Administrative Order

● Fully addressed ● Partially addressed ● Unaddressed



What we heard from you

Emerging focal points for Cultural & Mindset Shift



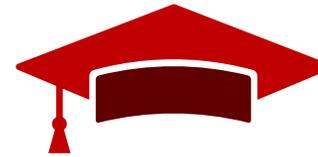
Culture building

Changing the tone and culture of APD to one focused on being a guardian to the community rather than a warrior



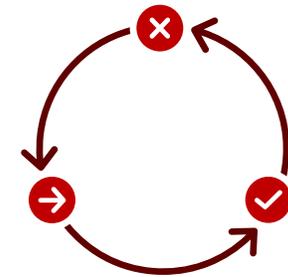
Recruitment

Evaluating the criteria and certifications required for acceptance into Atlanta law enforcement



Training & curriculum

Reviewing the training and the curriculum from which the training is deployed to make changes that will emphasize community policing standards



Career development cycle

Revising the review methodology and emphasis of critical skills that are highlighted as positive for the community

What we heard from you

Emerging Cultural & Mindset Shift recommended actions (I)



Theme	Recommended action	Where is ATL today?	Impact
Culture building	Revise mission, vision, core values and oath	<ul style="list-style-type: none"> ● Current oath of office does not mention this responsibility until the third paragraph leaving room to re-emphasis code of ethics & service to community 	High
	Mandate that officers have an ongoing obligation to review Department directives and trainings on use of force	<ul style="list-style-type: none"> ● Not currently addressed; no such language exists in the use of force SOP 	Medium
	Creation of an high APD award for excellence in community positive police work	<ul style="list-style-type: none"> ● Judge Arthur Kaplan Community Service Award & Beyond the Badge Award are closest awards offered w/ opportunity for specific community policing award 	Medium
	Provide mental health resources for officer	<ul style="list-style-type: none"> ● Appears to be assigned as a result of some disciplinary or non-disciplinary actions 	Medium
	Remove any restrictions that include nondisclosure agreements in civil settlements of use of force cases	<ul style="list-style-type: none"> ● Not currently addressed 	Low
	Create program to educate kids & build ties to community and rotate all officers through the programming (e.g., experience one day as a police officer)	<ul style="list-style-type: none"> ● APD explorer program in place give 15 – 21 year olds exposure to law enforcement; however, missing programming for younger age groups 	Medium
Recruit-ment	<ul style="list-style-type: none"> ★ Require more exhaustive background checks w/ attention to record of complaints from other agencies, social media sentiment, etc. 	<ul style="list-style-type: none"> ● Screen for history of contact with criminal justice system, but not complaints on-file from other agencies 	High
	Evaluate the mental health, fitness, and implicit of police recruits during hiring and onboarding process	<ul style="list-style-type: none"> ● Psychological interview performed after conditional offer; however, no Implicit Association Test (IAT) given 	Medium
	Require re-evaluations every year of the mental health and fitness of law enforcement officers	<ul style="list-style-type: none"> ● Not currently addressed 	Medium

★ Potential early actions

● Fully addressed ● Partially addressed ● Unaddressed

What we heard from you

Emerging Cultural & Mindset Shift recommended actions (II)



Theme	Recommended action	Where is ATL today?	Impact
Training & curriculum	☆ Provide officers with mandatory Use of Force training and recertification semi-annually at minimum	● Currently, use of force training is only conducted once a year	High
	☆ Provide officers with mandatory procedural justice training annually	● Procedural justice currently included as part of annual POST training as an elective course	High
	Provide officer with specialized Use of Force training regarding applying use of force to particular marginalized group	● Not currently addressed	High
	Provide implicit bias (E.g., training on safe interactions with LGBTQ individuals) & cultural competency training on an ongoing basis; at minimum semi-annually	● Cultural Awareness currently included as part of annual POST training as an elective course	Medium
	Provide communication & de-escalation training on an ongoing basis; at minimum quarterly	● Only 1 hr of training on "De-escalation options for gaining compliance"	High
	Officers should be specifically trained in how to interact with people with mental and physical disabilities who may be in crisis; at minimum semi-annually	● Not currently addressed	High
	Officers should be trained on safe interactions with members of the public who desire to film them	● Not currently addressed	Medium
	! Create ongoing weekly roll call de-escalation training; training should be scenario based nature	● 6/16 Administrative Order requires updates to training on de-escalation techniques	Medium
Career development cycle	☆ Use Department of Human Resources to audit APD hiring and promotional exams	● Not currently addressed	High
	Officer performance reviews should include de-escalation rating and put a greater weight towards de-escalation	● Not currently addressed, current annual performance review makes no mention of de-escalation	Medium
	Implement a robust Early Warning System that identifies officers with 2 or more use of force incidences	● Early Intervention and Early Warning System implemented in 2016	N/A

☆ Potential early actions ! Addressed in 6/16 Administrative Order

● Fully addressed ● Partially addressed ● Unaddressed



What we heard from you

Emerging focal points for Community Engagement & Partnerships



Community collaboration

Work with neighborhood residents, leaders to increase public safety & transparency



Community integration

Increase empathy & understanding, in-community residency/representation; explore "least harm" alternatives



What we heard from you

Emerging Community & Partnerships recommended actions (I/II)

Theme	Recommended action	Where is ATL today?	Impact
Community collaboration	Establish formal community/citizen advisory committees to assist in developing crime prevention strategies, provide input on policing issues	<ul style="list-style-type: none"> ● Atlanta Citizen Review Board (ACRB), established 2007 N/A 	
	<ul style="list-style-type: none"> ★ Strengthen investigatory powers of citizen review board e.g. subpoena ! subpoena 	<ul style="list-style-type: none"> ● ACRB has investigatory powers to subpoena; however, update policy language to <u>mandate</u> annual review/report on use of force, strict deadlines for Chief's response, escalation of misalignment on ACRB recommendations, APD policy reviews ● 6/16 Administrative Order: "reporting for all uses of deadly force" by officers must be reported to ACRB 	High
	Schedule regular town halls where all community members can interact with police and help influence programs and policy	<ul style="list-style-type: none"> ● Currently holds community town halls, but opportunity to hold events specific to policing 	Medium
	Create opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders e.g. shift patrolling time to strategic posts in community	<ul style="list-style-type: none"> ● Foot & mounted patrol, town halls, mini-precincts provide police presence in specific areas w/ opportunity to increase patrolling time, hold interactive events e.g. expos, community volunteering 	Low
	Invest in survey tools to regularly monitor community sentiment and publish results for the general public	<ul style="list-style-type: none"> ● Periodic surveys conducted further opportunity TBD (increased frequency, survey-based action) 	Medium
	Engage youth and communities in joint training with law enforcement via citizen academies, ride-alongs, problem solving teams, community action teams	<ul style="list-style-type: none"> ● APD citizen's police academy 	N/A

★ Potential early actions ! Addressed in 6/16 Administrative Order

● Fully addressed ● Partially addressed ● Unaddressed



What we heard from you

Emerging Community & Partnerships recommended actions (II/II)

Theme	Recommended action	Where is ATL today?	Impact
Community integration	★ Adopt “least harm” resolution policies, such as diversion programs or warnings and citations in lieu of arrest for minor infractions	<ul style="list-style-type: none"> ● Pre-arrest diversion program in Midtown, @Promise youth center. Opportunity to incentivize & expand diversion program to all neighborhoods, restrict police response to violent and/or criminal events 	High
	★ Deploy appropriate professionals as team leads in response to crisis situations e.g. mental health, crisis counselors	<ul style="list-style-type: none"> ● Homeless Outreach Proactive Enforcement Team includes crisis intervention-trained officers. Opportunity to expand involvement of appropriate professionals to all mental health related crisis responses 	High
	Ensure consistent community presence; officers visible within the community for relationship building	<ul style="list-style-type: none"> ● APD mounted & foot patrol w/ opportunity to create resident officer programs 	Medium
	Mandate a strict residency program for patrolling officers: racial representation parity among patrolling officers in each community	<ul style="list-style-type: none"> ● Not currently addressed 	High
	Evaluate officers on their efforts to engage members of the community and the partnerships they build e.g. peer reviews, local surveys	<ul style="list-style-type: none"> ● Not currently addressed 	High
	Revise patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities	<ul style="list-style-type: none"> ● Foot patrol units present in specific areas Oppty: Allocate beats over longer lengths of time, e.g. 3 years 	Low
	Evaluate the efficacy of crisis intervention team approaches and hold agency leaders accountable for outcomes e.g. unnecessary escalation	<ul style="list-style-type: none"> ● Not currently addressed 	Medium

★ Potential early actions

● Fully addressed
 ● Partially addressed
 ● Unaddressed
 OFFICE OF MAYOR KEISHA LANCE BOTTOMS | 17



Appendix

Backup: APD SOP on Use of Deadly Force



Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date June 7, 2020		APD.SOP.3010 Use of Force
Applicable To: All sworn employees		Review Due: 2024
Approval Authority: Chief Erika Shields		
Signature: Signed by ES		Date Signed: 6/7/2020

4.2 Use of Deadly Force (CALEA 6th ed. Standard 4.2.1)

An employee may use deadly force to apprehend a suspected felon only when:

1. He or she reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury and when he or she reasonably believes that the suspect poses an immediate threat of serious bodily injury to the officer or others; or
2. When there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm (O.C.G.A. Section 17-4-20) and the employee reasonably believes that the suspect's escape would create a continuing danger of serious physical harm to any person.



Deep dive: Conduct guidelines “early actions”

Initiative	APD SOP Coverage	Potential adjustments for "best in class" SOP language
Require de-escalation	<p>● <i>No corresponding SOP provision</i></p>	<p>Prior to using physical, non-deadly and/or deadly force, all law enforcement officers must use proper de-escalation techniques to decrease the likelihood that law enforcement officers will resort to force and to increase the likelihood of cooperation between law enforcement officers and members of the public. [SFPD Policy, NOPD Policy]</p> <p>Law enforcement officers shall employ effective communication techniques to engage with individuals who are not compliant with orders by establishing rapport, using the appropriate voice intonation, asking questions and providing advice to defuse conflict and achieve voluntary compliance before resorting to force options. [SFPD Policy]</p> <p>Under no circumstances may a law enforcement officer use force on an individual for insolence, or for running away where the individual does not pose a current, active, and immediate threat to the safety of bystanders, other law enforcement officers, or the primary law enforcement officer. [Settlement Agreement between the U.S. DOJ and Cleveland PD]</p>
Require warning before shooting	<p>● <i>No corresponding SOP provision</i></p>	<p>Before using deadly force, officer shall, if reasonably possible, identify themselves and order the suspect to desist from unlawful activity. [Madison, WI]</p>
Exhaust all alternatives before shooting	<p>● Appropriate uses of firearms and deadly force outlined (e.g., APD.SOP.3010, 4.2)</p>	<p>Add explicit obligation to exhaust coverage before using deadly force: Where the circumstances permit, it is the employee's responsibility to first exhaust every reasonable means of employing the minimum amount of force, including the police employee's physical presence and verbal skills, before escalating to a more severe application of force. [Arlington, VA]</p>