

06-10-2020 Town Council Meeting Responses to Council Questions #2

ITEM #1: Update on Town's Policing Protocols and Community Assistance Initiatives

Council Question:

Since 2011, CHPD has undergone some changes, with respect to racial bias training, body cameras, creation of a citizens' academy and other changes. What are all of the changes which CHPD undergone in the training of officers and their protocols over the past decade, in response to public concerns about fair, equitable and compassionate policing? It may be helpful here to present a timeline.

Staff Response:

As a Town, we have often offered training and workshops related to diversity and inclusion in the workplace. And, national events (and some here locally) have influenced the direction and focus for that training. For example, over the years diversity training was replaced by fair and impartial policing training after the killing of Michael Brown. We were beginning to explore body worn cameras when the events in Ferguson pushed that technology forward on a national level. Out of this, more conversations and training were held around procedural justice and fair and impartial policing. While these were not new concepts to us, the need to implement and make some policy changes were evident at that time. Additionally, Council formed our Community Policing Advisory Committee and we developed our Community Police Academy in an effort to improve our community connections. Both of these resulted from the community's interest in more access to the police department and a desire for enhanced transparency.

Council Question:

Can we have a description on what has happened over the past decade that precipitated these changes?

Staff Response:

Please see above.

Council Question:

What does the racial bias training entail, and who undergoes this training?

Staff Response:

CHPD Policy 1-6 mandates that we provide fair and impartial training to all new recruits and periodic updates to veteran officers. We accomplish this in a variety of ways, varying depending on the availability of new training programs. In 2015, we hosted a county-wide train the trainer class on the subject of Fair and Impartial Policing. This training was taught by a nationally

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recognized professor named Dr. Lori Fridell of the University of South Florida. We sent 7 CHPD employees to this class to be able to deliver this training to all our employees.

We have also contracted with trainers outside our organization. The Dispute Settlement Center has helped deliver material centered on de-escalation and fair and impartial policing. We have also contracted with an area firm to provide Community Organizers Helping Officers Restore Trust (COHORT) training to all CHPD employees. This training brought community members and officers together to engage in honest conversations about their experiences. Finally, we have sent a number of our employees through the Racial Equity Institute's training.

We have also been involved in developing and implementing training for all Town employees. In early 2018, the Diversity, Equity, Inclusion steering committee was established with employees from across the organization. Police representatives served as part of the steering committee. The goal of the steering committee was to develop a diversity and inclusion plan that would establish goals and direction for diversity engagement for all employees and provide them with tools and skills to embrace diversity and equity using the town's RESPECT values. The steering committee worked with VISIONS INC. to lead the diversity, equity, and inclusion initiative, engage in skill-building and organization development and to provide input, ideas, implementation, and feedback in DEI efforts.

In 2019, we were invited to join the Government Alliance on Race and Equity Cohort Team. GARE is a national network of governments working to achieve racial equity and advance opportunities for all. Fifteen town staff members formed a team, to participate in a capacity building opportunity for city and county governments working to achieve racial equity and advancing racial equity by addressing institutional and structural racism. The GARE program is being piloted with Housing and Community and Police.

Council Question:

How does CHPD compare to other jurisdictions in North Carolina with respect to these changes?

Staff Response:

Since much of the training we have undertaken is not required by the State, we are not aware of any database that would allow us to compare to other jurisdictions in this area. However, we know that the fair and impartial policing training has been brought to many North Carolina communities.

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Council Question:

What kind of community engagement has happened involving Chapel Hill police over past decade?

Staff Response:

Our thinking has always been that the philosophies imbedded in Community Oriented Policing and our ability to protect and serve members of our community is directly related to our ability to build trust and to maintain strong community partnerships. It is our expectation that each officer embraces this philosophy and that it is reflected in their conduct and activity. We have two supervisors assigned to our patrol division whose full-time responsibilities are to organize community events and coordinate the inclusion of our officers at these events. As a result, our officers participated in over 160 community events over the last year and continue to participate on varying committees and programs such as Safe Kids Orange County, Building Integrated Communities, Refugee Community Partnership, Community Coalition, El Centro, Orange County Gun Safety Team, OC diversion Program OC-PAD, and the National Co-Responder Conference/Committee. Additionally, we have worked with groups such as Justice in Action to enhance our work on reviewing traffic stops, creating a fair and impartial policy and enhancing our racial bias and diversity training.

Over the past decade, we have worked with our community to provide information and data about policing decisions and outcomes and collaborated with community partners and Town-appointed advisory committees on identifying and implementing solutions to community issues and influencing strategic priorities and decisions. Some of these collaborations include participating in the open data portal, development of a quarterly report, providing community access to data using police2community software, receiving community input on strategic planning, development of a Community Policing Academy, policy and procedures advisement and development.

Council Question:

What progress has been made on the 8 “Can’t Wait” proposals?

Staff Response:

As of this writing, we are putting the finishing touches on policy edits that will bring our policy manual into compliance with the philosophies that are found in the #8cantwait project. We expect to have those policies disseminated to officers this week.

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Council Question:

What are the different personnel that comprise the Police Department?

Staff Response:

Sworn CHPD

Asian Males	2	2%
Black Male	14	14%
Black Female	2	2%
White Male	70	68%
White Female	9	9%
Hispanic Male	5	5%
	102	100%

Professional Staff CHPD

Black Male	1	4%
Black Female	4	17%
White Male	6	26%
White Female	12	53%
	23	100%

**Includes 5 Reserve Officers*

*** Also includes 12 Police Academy Cadets*

Council Question:

Before CPAC was created, had there been any discussion on the creation of a civilian review board? What was the nature of that discussion?

Staff Response:

In response to an original petition on April 28, 2008 to form a Civilian Review Board, the Council created a committee to make recommendations regarding the petition. The committee, comprised of community members and the petitioners, expressed a desire to have a forum through which citizens could provide input and insight into policy decisions that pertain to matters of public safety and quality of life. The Council explored seeking the legislative authority required to establish a civilian review board but ultimately established an advisory board or committee, comprised of citizens appointed by the Council, that would act in both an advisory capacity to Town Officials and serve as a liaison to the community. Accordingly, the Town's Community Police Advisory Community (CPAC) was established in March 2011.

Council Question:

Are there any statutory limitations regarding civilian review boards?

Staff Response:

In the 2009-2010 Session, Rep. Insko filed House Bill 834, "An Act to Amend the Charter of the Town of Chapel Hill to Allow the Town of Chapel Hill to Disclose Limited Personnel Information Concerning the Disposition of Disciplinary Charges Against Police Officers" at the request of Council. The request doesn't appear to have moved out of the first committee. This enabling

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legislation would be required to allow the Town to set up a police oversight board that would be able to participate in personnel-related matters involving employees. Without this legislation, the board would be able to function in an advisory capacity only.

Council Question:

What kind of de-escalation strategies does CHPD use?

Staff Response:

De-escalation is an over-arching principal in our scenario-based training, and it is built into our use of force-related policies, too. De-escalation training typically consists of traditional instruction coupled with roleplay scenarios emphasizing verbal de-escalation techniques. We also have an interactive video simulation console which allows officers to respond to a variety of scenarios and use the techniques to successfully resolve conflicts without resorting to force or other aggressive tactics. Last year, we partnered with the Dispute Settlement Center and they designed and delivered a mandatory training series focused on de-escalation for the entire department.

Council Question:

When is the next Community Policing Academy scheduled for?

Staff Response:

While we normally hold two sessions each year, the pandemic required that we cancel our spring session and we have not yet set a date for fall of 2020.

Council Question:

What is the current status of our community policing program? I believe in the past, we had dedicated community police officers and functions and at some point those functions were integrated into broader job descriptions. Is there budget currently set aside for community policing? Guidelines or metrics for community policing?

Staff Response:

Our thinking has always been that the philosophies imbedded in Community Oriented Policing shouldn't simply be held by officers in a special unit. Instead, these should be departmental philosophies that should be embraced and practiced by all employees. For many years, we had a Community Services Unit that was made up of four officers and John French (now the Director of the Hargraves Center). This unit coordinated and staffed many of our outreach efforts and events. In 2017, two Community Services employees retired and two others were promoted. Staffing shortages prevented us from filling these positions so we assigned the coordination of community events to a supervisor in our Patrol Division. Last year, we added an additional

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supervisor to this team and, together, they organize community events and coordinate the inclusion of other officers in them.

Our officers participated in over 160 community events over the last year and continue to participate on varying committees and programs such as Safe Kids Orange County, Building Integrated Communities, Government, Refugee Community Partnership, Community Coalition, El Centro, Orange County Gun Safety Team, OC Diversion Program OC-PAD, National Co-Responder Conference/Committee.

Council Question:

Can municipal government go beyond state regulations on policing? For example, the State's current standard for use of police force is "when reasonable". Could we change that locally to, for instance, "when necessary"?

Senior Legal Advisor Response:

While we can implement a higher or more stringent requirement than what has been provided by the State under G.S. 15A-401 or under the 4th Amendment, the standard should be easily defined so that officers understand what is expected and allowed and so we can develop clear training standards. The State used the standard "when reasonable" because it is consistent with the "objectively reasonable" standard provided by the courts as they have interpreted the use of force under the 4th amendment. Using subjective standards such as "when necessary" create inconsistency and an erosion of standards because officers would be able to determine based on their own individual assessment when force was necessary, rather than the facts and circumstances that were known at the time. We have seen some of the negative outcomes with similar subjective standards in some states' Stand Your Ground laws.

At the CHPD, we use the State standard as our starting point and provide more clarity through our Use of Force policy, which incorporates key elements such as a use of force continuum and instructions to warn, if at all possible, prior to using force. Officers also receive use of force training annually that incorporates biased policing and the use of simulated exercises to practice de-escalation consistent with our Use of Force policy. Additionally, officers also undergo training to assist them in dealing with special populations such as those experiencing trauma and mental health challenges. These scenario-based training opportunities, coupled with annual updates regarding the legal standards for using force, re-emphasize our expectation that the use of force is the last resort and that de-escalation is the safest and best strategy.

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Council Question:

How much of police budget goes towards our social workers, Crisis Unit, CAPA, and other community-oriented programs?

Staff Response:

We spend approximately \$500,000 annually in salary and benefits for our Crisis Unit staff and the officers who manage our community outreach responsibilities, which include serving as the staff liaison to the Criminal Justice Debt Fund and as partners on the Orange County Pre-Arrest Diversion program. Employees in these positions also coordinate our participation in community events (160 of them in 2019) and support our partnerships with local efforts including the Refugee Community Partnership, El Centro, the Town's Summer Youth Employment program, Faith ID, Board Member of National Alliance On Mental Illness (NAMI), Juvenile Crime Prevention Council, Orange County Behavioral Health Task Force, Familiar Faces Workgroup, Jail Mental Health Workgroup, Orange County Partnership to End Homelessness Leadership Team, and the Go Global NC law enforcement program <http://goqlobalnc.org/latino-initiative/>.

Council Question:

Do we have data on the percentage of calls that are mental health-related? De-escalation only?

Staff Response:

Calls that are dispatched as strictly mental health-related consistently comprise around 2% of total calls. However, we know that many calls for service have a mental health and/or substance use component, whether as the primary reason for the call or learned later while working with the community member. This information is difficult to track as calls for service are categorized by the nature of the call (i.e. domestic disturbance, trespass, suspicious person, etc.).

For example, a call for service reported as 'trespass' may involve a person who is connected with our Crisis Unit and is known to have a mental health or substance use disorder. While this would not be reflected in the police database as a mental health or a de-escalation call, our Crisis Unit would always have a role in its resolution.

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We recognize the importance of more accurately tracking this data and have applied for a grant through the [Justice and Mental Health Collaboration Program](#)¹ (JMHCP) which supports cross-system collaboration for individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. The grant would fund a software system for our Crisis Unit so we may more accurately identify number of contacts with individuals with mental illness and co-occurring substance use and mental health disorders regardless of the original call for service request.

Council Question:

Do we spend any money on military-grade weapons/equipment?

Staff Response:

The Chapel Hill Police Department maintains a tactical response team. This is not a full-time assignment for its members. Rather, members are assigned to other jobs in the department but train together monthly to maintain specialized skills for high-risk situations. The team has access to a 1981 Dodge Peacekeeper armored car that was originally acquired as part of the Federal LESO (Law Enforcement Support Office) 1033 program. We receive no other military surplus equipment.

Council Question:

Have we explored having a civil review board in the past?

Staff Response:

In response to an original petition on April 28, 2008 to form a Civilian Review Board, the Council created a committee to make recommendations regarding the petition. The committee, comprised of community members and the petitioners, expressed a desire to have a forum through which citizens could provide input and insight into policy decisions that pertain to matters of public safety and quality of life. The Council explored seeking the legislative authority required to establish a civilian review board but ultimately established an advisory board or committee, comprised of citizens appointed by the Council, that would act in both an advisory capacity to Town Officials and serve as a liaison to the community. Accordingly, the Town's Community Police Advisory Committee (CPAC) was established in March 2011.

Since its inception, the CPAC has provided input to the Police Department during the development of our strategic plan. The CPAC also plays an important role in our community engagement. We also hold 2 Community Police Academies each year that the CPAC helps plan and annually provides input regarding its content and format. In an effort to enhance our community engagement efforts, we regularly include community members in our hiring and

¹ <https://bja.ojp.gov/program/justice-and-mental-health-collaboration-program-jmhcp/overview>

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promotional panels where they have direct input in hiring decisions as we evaluate candidates as prospective Guardians of the Hill.

Council Question:

Are police officer misconduct/complaint investigation results made public? Are police officer disciplinary actions made public?

Staff Response:

North Carolina's State Personnel Act (160A-168) determines what and when investigative results and disciplinary actions can be disclosed to the public. Pursuant to the Act, the type of disciplinary action taken, if any, is the determining factor regarding what is subject to public disclosure. For instance, if an investigation regarding police misconduct leads to either the suspension or demotion of an officer, those actions are public. However, the findings or results of the investigation are not. If we terminate an employee, the fact that they were terminated, along with the basis for the termination, is public record. Otherwise, the Act provides that the findings of the investigation remain confidential. Recognizing that our community is interested in the outcomes of such investigations despite the limitations of the law, we publish aggregate information about such actions in our quarterly report. These include the types of investigations and limited information about the outcomes.

Council Question:

What's the process for deciding to deploy an emergency responder vs an officer?

Staff Response:

*The Chapel Hill Police Crisis Unit provides 24-hour co-response with officers to persons in crisis situations. We believe that a crisis is self-defined and work with **any** community member who feels they are in a crisis. The Crisis Unit responds to a variety of situations which include:*

- Intimate partner or sexual violence*
- Victims of crimes (assault, burglary/home invasion, armed robbery, child abuse/assault)*
- Persons experiencing psychiatric emergencies or persistent mental health concerns*
- Situations requiring safety planning and lethality assessments (suicidal or homicidal subjects)*
- Runaway juveniles and missing persons*
- Hostages or barricaded persons*
- Traumas including fires, natural disasters, and accidents involving serious injury or death*

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- *Incidents involving multiple victims in need of debriefing, including first responders*
- *Stalking or harassment*
- *Death notifications*
- *Outreach to vulnerable persons*

The Chapel Hill Police Crisis Unit was established in 1973, and as a result, the co-response model is ingrained within the culture of CHPD and officers consistently request the assistance of the Crisis Unit. The Crisis Unit monitors the police radio throughout the day and offers assistance on calls where their skills would be useful. Officers also regularly recognize that many calls are best resolved with the assistance of (or solely by) our Crisis Unit. For instance, when completing outreach on Franklin Street to vulnerable community members who are often experiencing homelessness, the Crisis Unit does not request officer assistance. On the other hand, an active domestic would necessitate a joint response due to the safety concerns in responding to this type of situation. However, once the scene is secure, the Crisis Unit is able to meet with individuals without an officer present.

All of our front-line officers complete Crisis Intervention Training, which is an internationally recognized training program that helps persons with mental health and/or substance use issues access treatment rather than be placed in the criminal justice system.