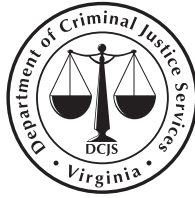



Blueprints for Change: Criminal Justice Policy Issues in Virginia



Virginia Department of Criminal Justice Services
www.dcjs.virginia.gov

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The Department of Criminal Justice Services (DCJS) is the state criminal justice planning agency in Virginia and is responsible for administering state and federal funds dedicated to improving state and local criminal justice practices, preventing crime and delinquency, and ensuring services to crime victims.

In its role as a planning agency, the Department convened six policy sessions over a two day period in May, 2007. The facilitated sessions explored six different leading edge criminal justice issues, chosen by the Department. Each three-hour session brought together a multidisciplinary group of executive-level participants who were selected because of their knowledge of the issue and their ability to advance the discussion of public policy related to the issue.

The discussions in these sessions, and the recommendations that emerged, are recorded in these policy papers.

In publishing these papers, DCJS hopes that they will stimulate further discussions by state and local decision makers and will provide useful guidance for making substantive statutory change where necessary, as well as for decisions on funding, and policy and program development.

The 2007 Blueprints for Change: Criminal Justice Policy Issues in Virginia documents are:

Canine Training and Law Enforcement

Data Mining and Regional Networks as an Investigative Tool: Administrative and Policy Considerations

Evidence-Based Practices in Community Corrections

Sexual Assault Policies in Virginia Law Enforcement Agencies

Using Technology to Guard Against Bias in Policing

Virginia's Response to the JJDP Act's Sight & Sound Separation Requirement

**For additional information on these documents, please visit the
Department of Criminal Justice Services website at: www.dcjs.virginia.gov**

Using Technology to Guard Against Bias in Policing



Bias in policing has been an issue of concern to law enforcement agencies and to society throughout the history of organized law enforcement in America, but especially in the last several decades. Over time, the definition of bias in policing has evolved from “racial profiling” to systemic discrimination within the entire criminal justice system. As our society has become more diverse and the definition of diversity has grown beyond race, the issue has become even more complex. Additionally, uncertainty at the federal policy level concerning homeland security and privacy rights has blurred the lines of what constitutes discriminatory law enforcement practices and what must be done to ensure the safety of citizens. Although, bias in policing has been described by some as a problem of perception, evidence does exist that suggests public policy must be developed with an awareness of the potential for real or perceived impacts of bias in policing.

Law enforcement agencies have applied a number of approaches to address bias in policing. Traditionally, cultural sensitivity training and community surveys have been used to increase officer awareness of cultural differences, cultural sensitivities, and communication concerns. Various levels of disciplinary action have also been used in cases where evidence existed to support allegations of biased policing activity. In recent years, data collection and early warning programs have been implemented as a means of proactively identifying bias in individual police officer behavior. Despite these efforts, the perception of bias in policing persists in many segments of our population and in many communities.

The United States Department of Justice, Office of Justice Programs funds grant programs that have allowed law enforcement agencies to procure and employ technology to address bias in policing. To this end, agencies across the country have used palm pilots, in-car cameras and traffic stop data collection as devices and strategies to reduce racial profiling and create a culture of integrity in policing. And although these tools have audibly, visually, and sometimes statistically documented contact between police and citizens, they do not always provide a clear picture of the issues influencing the interactions. As a result, their existence has caused a need for additional policy conversation with regard to the broader policy issues regarding this subject.

Disturbingly, recent reports such as the one involving the New York City police officers shooting to death an unarmed African American male who was leaving a local club after his bachelor party continue to spark debate about bias in policing and racial profiling. Often these debates fail to address the true policy issues, and their sensationalized reporting further divide competing interest groups due to emotional appeal rather than fact.

The Blueprints for Change policy meeting provided an opportunity to proactively approach this subject and discuss policy issues related to the utilization of technology to address biased policing within the Commonwealth of Virginia. This session was facilitated for the Department of Criminal Justice Services (DCJS) by Mary Savage, Director of Security for John Tyler Community College, Chester, Virginia.



POLICY/RESEARCH QUESTIONS

This policy group explored possibilities provided by technological advances and discussed their impact on the issue of bias in policing. Included in this policy discussion were professionals with differing backgrounds, roles and responsibilities from within the criminal justice system, as well as community-based practitioners and those with an academic perspective of the issue.

Participants focused their attention on several aspects of technology-based applications, but began the discussion by defining police bias. This included a discussion on how to identify police bias and currently applied strategies to address it. Secondly, the policy discussion group specifically identified relevant technology being used and the associated level of its effectiveness in preventing, reducing, or eliminating bias. Thirdly, efforts were made to identify other forms of technology available in other professional venues that could be applied or developed to address bias in policing. This included conversations on how it could be implemented and how to evaluate the effectiveness of new strategies. Additionally, the group was asked to discuss how to improve the usefulness of information obtained to impact biased policing. Lastly, the group addressed how technology, data and information can be used for the purposes of education, accountability, documentation and enhancing the culture of integrity within the criminal justice community.



DISCUSSION

Prior to the discussion, subject matter experts presented information to the participants. Major Daniel Goodall of the Richmond City Police Department, a well known Virginia instructor and lecturer on this topic, presented an overview on bias in policing. He stated that the definition of bias can take on different foci, including race, gender, sexual orientation, religion, etc. Major Goodall spoke of a number of tools available to law enforcement agencies to help protect the community from bias. Examples included the in-car camera, computers, management oversight via records management and data mining. He noted that the concepts of problem-solving, community-oriented policing and focused-based policing can be utilized to address bias in policing.

Mr. Joe Cecconi, a Senior Scientist of the Directed Energy Research Program Office at the National Institute of Justice, gave a presentation on some of the forms of technology that are currently being used by law enforcement. He also presented some forms of technology that are still in the research and development stages. Mr. Cecconi noted that one focus area in the development of tools for law enforcement is on less-lethal weapons that protect the safety of officers, suspects and bystanders and reduce the number of injuries during encounters. He also noted that the development of appropriate policies and procedures is an important component in this process.

Participants pointed out that it is difficult to define bias in policing because bias can cover so many different areas. They thought it was important for the group to make a distinction between warranted and unwarranted assumptions in arriving at a working definition of bias to ensure everyone was actually discussing the same thing. The distinction was made between conscious and unconscious bias, where conscious bias would include malice and engaging in negative behavior for personal reasons. Unconscious bias would include bias based upon cultural issues and lack of awareness. The Virginia Association of Chiefs of Police and Virginia Sheriffs' Association have sought to assist law enforcement agencies in the development of policies related to training personnel to be sensitive not only to what they can and cannot do legally but also what they can and cannot do professionally and ethically. Additionally, cultural diversity training standards are now included in the state-mandated basic law enforcement training that all Virginia law enforcement officers receive.

Participants agreed that in-car cameras are the most readily recognized form of technology that is being used to address bias in policing. This technology has been used to protect both citizens and officers alike. There are documented instances of the use of this technology where bias has been alleged, that either substantiated citizen complaints or helped clear officers of allegations of wrong doing. Additionally, in-car camera recordings have assisted in successful apprehension and identification of criminal suspects.

Law enforcement participants pointed out that one source of technology that had been neglected in the discussion was the use of the polygraph. It was noted that polygraphs can be used as an effective tool in the hiring process to identify candidates with a predisposition to bias as well as an investigative tool in the investigation of complaints. There was some concern expressed about the effectiveness of polygraph usage when officers believe their actions are not of a biased nature. There was also concern expressed that there is opposition to the use of polygraphs. The group agreed that the legislature should be encouraged to allow law enforcement to retain the use of polygraphs for this purpose.

Participants also noted that while new and existing technology may be available to address bias in policing, that it is not readily accessible to all agencies. Some agencies with greater resources are better able to avail themselves of newer and better technology, but many other agencies lack the budgetary means. It was suggested that funding sources be identified so that more agencies could take advantage of the technology that is available.

Several other forms of technology that have been developed within the past 30 years were also identified, although not all of them were perceived to have utility in addressing issues of bias in policing. Some of these included:

- Blackberries and Palm Pilots for recording traffic stop information and recording officers' activities
- Computers (including laptops) for taking reports, checking on vehicles, and recording officers' daily activities
- Global Positioning Systems (GPS) to determine officer vehicle locations and for reconstructing accident scenes
- Cell phones that can use GPS signals to locate missing persons
- Geo-Spatial Web Applications that allow citizens to access government information
- Traffic Monitoring Systems/License Plate Readers that monitor traffic flow and/or read license plates to identify stolen cars and wanted persons
- Voice Activated Command technology that operates equipment by verbal signals to reduce necessary physical manipulations of equipment by officers who are driving while using such equipment



CONCLUSIONS AND RECOMMENDATIONS

Participants agreed that in most cases law enforcement agencies are employing a variety of strategies and available technology, yet there is still the potential for bias in decision-making and actions. There was consensus that the one element that cannot be removed is the human factor, regardless of the amount of technology that is employed. It was agreed that the best solution requires a combination of partnerships, training and technology. The group made the following recommendations for action.

1. The Virginia Association of Chiefs of Police and the Virginia Sheriffs' Association should continue to assist police and sheriffs' departments in developing appropriate and targeted policies and training for their officers in legal and professional obligations as they relate to bias in policing.

2. Law enforcement agencies should develop a process by which individuals can seek remedies if they encounter a malicious officer or incident of bias.
3. Agencies should develop policies for review and retention of data recorded on in-car cameras that enhance their usefulness as a deterrent to bias and assure their availability when needed in specific cases.
4. Law enforcement agencies should form partnerships to promote trust-building with the community that includes cross-cultural training, opportunities for positive police and community interactions, and increased communication through e-mail, newsletters and community meetings.
5. Law enforcement agencies should be encouraged to utilize citizen academies to foster better relations and understanding between the community and local law enforcement agencies.
6. Criminal justice organizations should advise the General Assembly of the importance of retaining polygraph technology as a resource for law enforcement agencies in the screening of personnel and in criminal investigations.
7. Government at all levels should provide and seek funding resources so that more agencies can access technology to address bias in policing.

The Department of Criminal Justice Services can:

- Seek appropriate federal grant funding to support identified efforts at the state and local level, including grants to assist law enforcement agencies and criminal justice training academies in establishing policy and training guidelines.
- Assure through its regulatory responsibilities that bias in policing and cultural diversity are addressed in law enforcement minimum training and in-service training standards.
- Seek funding to support technological innovation and development that addresses issues of bias and cultural diversity awareness in localities that identify these needs.
- Assist agencies to develop specific policies that address aspects of the bias in policing issue, including hiring and retention, citizen complaint procedures, internal investigations, implementation of community policing strategies and philosophy, law enforcement accreditation, and professional ethics.
- Provide technical assistance to local law enforcement agencies seeking to survey their communities to identify divisive issues and address diversity needs.



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