

# **Sand Springs Police Department**



## **Policing Plan 2016**

**By  
Michael S. Carter – Chief of Police**

# Introduction

There has been a national discussion in the United States that has focused on race, bias and social injustice. Our involvement in this topic started when the Department of Justice released a report on Ferguson MO. in March of 2015, and we started planning on what we could do to improve our community based on their findings. This discussion has been reignited by several officer involved shootings by police officers that have drawn questions from the minority community and the killing and wounding of officers across the nation. It is my desire to look at this discussion and how it relates to the City of Sand Springs. We need to identify what we can do as a City and a department to better ourselves and avoid some of the pitfalls that we have seen across the country.

To this end, I would put forward this premise about our community as it relates to the national discussion; "While race has not played a significant factor in policing/judicial problems in the City of Sand Springs; unintentionally, economic disparity may play a significant role in unequal consequences of violations of the law by people in Sand Springs". With that being said, if even one person feels that they were subject to racial bias by the Sand Springs Police Department, it is OUR responsibility to take steps to better that situation and take steps to make sure we alleviate that concern in the future.

In the matter of racial bias, we have received very few complaints from those citizens who are of color and some of the things proposed later in this document can mitigate the chances that we will have a problem in the future. It is my belief that part of the reason that we do not have many complaints from the minority community is the character of the department; the other is the small number of people who fit into that demographic within Sand Springs. Latest census statistics show Sand Springs as having 2.4% African American and 3.4% Hispanic with the remaining being White, Native American or other. It is my personal belief that some of the feeling of disenfranchisement and persecution of people of color may be exacerbated by poverty, which people of color make up a disproportionate segment of that demographic.

It is also my belief that when a segment of our society, such as economically disadvantaged, feel that they are oppressed or they feel that they do not have the wherewithal to rise above any problems that they have had in the criminal justice system, some will either choose not to participate or will physically and violently resist. If we keep people in jail for minor traffic offenses because they cannot pay the bond amounts for release, it can and sometimes does lead to a spiral that can impact a person for a long time. If a person loses their employment because they were not able to go to work as a result of an arrest, then it becomes much harder for them to pay the very fines we expect them to pay.

Another segment of our community that must be addressed through this initiative is those with mental illness. It is important to treat mental health issues as a medical care situation and to lessen the possibility of potential for violent conflict with the individual. Training and policies must be used to guide officers' actions in this area.

Lastly, officers must be supported in the duties they perform. If an individual seeks to resist or become violent in a criminal way against a police officer, then our system needs to make sure that this behavior is corrected in the most effective and definitive way possible.

If our community adopts the assertions above as fact, then the question becomes what have we done about it, and what can we do in the future to fix problems that still exist.

The following concepts have either been adopted, or are recommendations to be considered for future adoption.

# What have we already accomplished?

## **Body Cameras**

The Sand Springs Police Department has been using body cameras for approximately 8 years now. This has been accomplished at much expense to our city, but has been fully embraced by our officers. It is now the norm and will continue to be used as a preventative measure against misconduct by citizens and officers. All parties tend to act better when under the eye of a camera. When an officer violates policies or is guilty of misconduct, they will be disciplined or even prosecuted if appropriate. If a citizen files a false complaint on an officer with malice or reckless disregard for the truth, they will be prosecuted.

## **Officers Give More Warnings**

In 2015/2016, the Sand Springs Police Department has greatly increased the amount of warnings that are given in relation to the total number of traffic stops. This again is to highlight to citizens that our role in law enforcement is to improve safety for everyone, not act as de facto tax collectors for the city or state. This has been embraced by our officers and they have increased the amount of warnings.

## **Training**

### **Crisis Intervention Team Training (CIT)**

Currently approximately 1/3 of Sand Springs officers have been trained in advanced mental health techniques through the Crisis Intervention Team (CIT) model of police response to mental health situations. It is expected by the first quarter of 2017, that **all** Sand Springs Patrol Officers will be trained in this system.

### **Fair and Impartial Policing Training**

The Sand Springs Police Department has two instructors who attended the Fair and Impartial Policing Train the Trainer that was sponsored by the COPS office of the Department of Justice. This training will allow the Sand Springs Police Department to train **all** officers in anti-bias policing. The training centers on the concept that all people have some implicit bias. If this is understood, it may be controlled to lessen the chance that it will be a factor in the policing decisions made by an officer.

### **Use of Force Training**

In 2015, **all** Sand Springs police officers attended use of force simulator training instructed by the Oklahoma Municipal Assurance Group. This training not only covered shoot-don't shoot simulations, but other use of force scenarios such as verbal intervention and less lethal. One topic that caught the officers' attention was using commands that placed officers and suspects at risk for a violent encounter by the very commands issued by the officer.

### **Verbal Skills Training**

The Sand Springs Police Department has taught a verbal skills class to our officers for many years. This training will be refreshed and **all** officers will be exposed to the training again by the first quarter of 2017. This training centers on conflict de-escalation and officer approachability. One criticism of law enforcement in Oklahoma that I believe to be valid is that we do not spend enough time training in verbal skills compared to that we spend in training of use of force.

### **Custody and Control Training**

It has been made mandatory for all Sand Springs Police Patrol Officers to attend annual training on the topic of custody and control techniques. This has helped to insure that our officers are trained and accomplished in these techniques so they may use the minimum force necessary to effect and arrest.

### **Firearms Training and Certification**

The Sand Springs Police Department requires all Sand Springs Police Officers to train and certify twice a year. This allows time to make sure that our officers skills are adequate, but also allows our instructors to train our officers on the department use of force policy. Our officers also are required to have a score of 84% on a more complicated course of fire for their qualifications, which is a higher standard than required by the State of Oklahoma.

### **Intermediate and Advanced Law Enforcement Certifications**

It will be the intent of the Sand Springs Police Department to have all officers participate in and achieve the certification levels offered by CLEET. This is a way of demonstrating to our community the dedication to training and excellence that this department has. Numerous members of our department have already achieved these distinctions.

### **Policy Manual**

The Sand Springs Police Department has adopted the Lexipol Policy Manual that has participating departments nationwide. This manual has been modified for the specifics of Sand Springs Police Operations. This gives us the advantage of having a manual that has policies vetted by other professionals and has standards that meet and/or exceed state and national standards.

Our department has made these policies available online for the publics' inspection as we believe that this document should be accessible as Open Record.

### **Complaint / Discipline Processes**

The Sand Springs Police Department has taken steps to make sure that citizens may file a complaint and that the complaint is investigated. We have new forms for the processing of complaints and a due processing tracking form that follows the officer through the discipline process. Discipline is how we maintain the standards at such a high level. While discipline is not an everyday occurrence, when it has been necessary our officers have been accepting of it. The police union has filed only one grievance in 23 years. The police department has also instituted both a special menu item on our phone system for Internal Affairs as well as an online form on our web site in which people can file a complaint or concern.

### **Business Cards and Officer Uniforms**

All Sand Springs Police Department officers have been issued business cards which identify them by name and badge number. These are to be given out on routine contacts as well as to anyone who wishes to file a complaint.

Our department has also intentionally kept a more formal appearance in our regular duty uniform. While the national trend has been to a dressed down daily uniform, we feel that the current uniform is more comfortable for public interaction and promotes the professional image that we wish to project.

### **Even Greater Transparency**

The Sand Springs Police Department has adopted a philosophy of transparency. In 2015, our officers had two shooting incidents, which were the first in over 17 years. In both occasions, details and video were released to the media in just three days. We have also adopted a policy that when a document is requested and electronically available, we do not charge a fee to citizens for requesting the open record, unless it is an extraordinary request with an unusual amount of staff time. We will also look for alternatives that allow for us to get as much correct information to the public as soon as possible. We have been averaging three days to release video to the press in instances of videos that contain use of force.

### **SWAT Operations – Suicidal Subjects**

The Sand Springs Police Department participates in a multi-jurisdictional SWAT team with the cities of Bixby and Sapulpa. The team is called South-West Area Tactical. One of the philosophies adopted by the team is a recommendation from the National Tactical Officer's Association in regard to suicidal subjects. This standard sets that outside of extenuating circumstances; the SWAT team will not respond or engage with a subject who is alone in a residence who has indicated they wish to end their own life. The department may have patrol officers monitor the situation, but will not escalate the situation. The SWAT team has a full complement of crisis negotiators which have received training in advanced levels of mental health. In the history of the team is they have not injured or killed any subject of a call out.

### **Community Outreach**

The Sand Springs Police Department has a philosophy of community involvement through positive contacts. One of the best ways to meet with groups of citizens is to meet with them in the context of Neighborhood Watch meetings. This allows for officers to hear first hand from our community about things that concern them. We will also look for other opportunities to interact with citizens. Social media will play a role in our outreach and can help educate citizens about the role law enforcement plays and limitations we may have.

One program that we will be starting in the future to compliment this philosophy is Talk and Pop with a Cop. This will be a series of meeting across our community that allows the public to speak with officers and other community leaders about our city.

### **Police Union Contract Provisions**

#### **Expanded definition of probation for new officers**

Having an adequate amount of time to evaluate new officers and have them as at will employees during that period reduces the potential of retaining a bad officer. This was not only supported by our local union, officers proposed the enhancement to make sure that they were only working with officers that will be good for our community. The contract language says:

*Probation Period shall consist of the following:*

- 1. 12 months from the date of initial hire if that person was already certified or achieves their certification from the CLEET Collegiate Officers Program.*
- 2. 12 months from the date of graduation from the police academy if employed by the City of Sand Springs while attending the academy.*

**Just cause for immediate suspension with or without pay of any officer arrested for a felony or excessive use of force, and the termination of said officer if bound over for trial.**

Many departments across the nation have been struggling with how to deal with officers who have been arrested for criminal offenses or who have used excessive force in dealing with suspects. This is exacerbated by the problem that it is not uncommon for the arbitrators of the Federal Mediation and Conciliation Service (FMCS) to leave that behavior unpunished and reverse dismissals. After discussing a particular egregious incident in another community that made national news, the police union and administration came together and formed a solution that keeps the integrity of the discipline process while insuring officer's fair and impartial due process. The contract language that our administration and our FOP Lodge have agreed states in part:

*To suspend, demote, discharge or take other appropriate disciplinary action against members of the Police Department for just cause in accordance with appropriate procedures as set out in Article 9 hereof or, in alternative thereto, the Personnel Policy and Procedures for employees of the City of Sand Springs. For purposes of this agreement, the parties stipulate and agree that in addition to what may otherwise constitute just cause, just cause shall exist for immediate suspension with or without pay, at the discretion of the Chief, of any Police Officer who has criminal charges filed against them for any felony or for any misdemeanor charge of assault and battery related to a claim of excessive use of force directed at a suspect or prisoner who is in the custody of the officer. Further upon a finding at a preliminary hearing that the Officer shall be bound over for trial, or upon a waiver of preliminary hearing without an immediate dismissal of the charges, just cause shall exist for termination. Upon acquittal or dismissal of charges, the Officer may be eligible for re-employment with the City with back pay and applicable benefits, at the discretion of the Police Chief;*

**The elimination of FMCS by adding a process that uses retired judges instead.**

As discussed above, it is not uncommon for the arbitrators of the Federal Mediation and Conciliation Service (FMCS) to leave that behavior unpunished and reverse dismissals that were made for unlawful or serious policy violations. The Sand Springs Police Department has been unique in our approach to this matter. Our philosophy is that if our judges are qualified enough to hear cases both criminal and civil, they are qualified to hear these types of arbitrations. The judges have a vested interest in our community would have an interest in seeing that an innocent officer is returned to duty and a problem officer receives appropriate discipline. This provision has only been needed one time and the officer was dismissed for "Incompetence" which is rare in the police community. In that case, the complaining party was the officer's fellow police officers. The contract language that our administration and our FOP Lodge have agreed states in part:

*The parties shall submit the matter to arbitration. The FOP shall submit a list of five retired Judges from the State of Oklahoma (Appellate, District, Associate, or Special) from Tulsa County and/or any County which shares a common border with Tulsa County, who shall be the proposed panel for selection. From said list, the City shall select one arbitrator.*

## **The right of officers to watch body camera footage before being asked to give a statement.**

There are those that would like to see body cameras be a “gotcha” moment for police officers. The opposite is true at the Sand Springs Police Department. We have agreed with our union that Body cameras are in place as a supplement for them to reveal the truth about a situation. Critics of this type of arrangement will often say that citizens do not get to see the video before making a statement, but that is not true. Citizens cannot be compelled to speak with police as a right of the constitution. Our officers are afforded the same rights as any other human being in the United States. Ultimately, what matters to the department and our community is the truth. This provision also is one of the things that make body cameras popular with our officers. The contract language that deals with this provision is as follows:

*All Police Officer’s shall have the right to view, listen to or obtain a copy of any video or audio recording produced by equipment worn or used by that officer on or off duty before making a statement or being interrogated in regard to a complaint or investigation. They may not have the right to view other recordings not made by the officer under investigation. The discretion to allow this will be that of the Chief of Police or his designee.*

*The parties acknowledge there may be instances in which an individual employee may have a basis to allege that the document or video should not be “immediately” released. In order to fully protect the interest of the employee in those instances, to protect the interest of the public set forth in the Open Records Act, and to allow the City to have a clear direction of how to proceed, the City retains the management right to determine whether a record is subject to public disclosure, and any objection to disclosure should be made as soon as possible and may require legal action by the employee to delay or preclude disclosure. The City acknowledges and will uphold the confidentiality of employment records as allowed by the Open Records Act.*

## **A new program that allows for, “supervisory notices” to document both positive and negative performance of an employee.**

It is imperative for there to be an intermediary step that covers employee performance in the areas that do not rise to formal discipline and may be forgotten before an annual evaluation. The Supervisory process also recognizes and encourages positive behavior. This has been well received by our officers and supervisors and gives an officer a clear look at their performance in a time span closer to the event documented than to wait for annual evaluations. The contract language in reference to this program states:

*Documentation of ongoing employee performance may be taken care of through a SUPERVISORY NOTICE. This document will detail the officer’s deficiency/achievement on the prescribed form. This will be routed through the chain of command and be placed in a file to be held by the Human Resources Department after approval by the Chief of Police. This file will be kept separate from the normal personnel file. This notice will only be retained on file for 1 year and will be automatically purged. These notices may be used for documentation related to an officer’s evaluation. If the officer feels that the Supervisor Notice is not warranted, he may appeal this decision to the Chief of Police, whose decision will be final. For the purposes of this article, Supervisory notices are not considered discipline, but a management tool to keep employees and management aware of ongoing employee performance. They may be implemented for positive or negative performance.*

### **Support of our Police Officers**

One of the things our department is proud of is how we support our officers. We will continue to do so, and will ensure that they receive the best training available, equip them with the best tools that we have the resources for and make available to them progressive policies that utilize cutting edge philosophies to keep them aware of the best tactics. We will not forget that they are citizens just like the people they serve and will not reduce their constitutional rights and protections for the sake of political expediency.

## **What are our plans for the future?**

### **Traffic Fines and Increased Penalties for Failure to Appear.**

The Sand Springs Police Department has never worked on quotas or taken fine revenue into account as it relates to enforcement efforts. It is however an area that taken care to make sure that our fines are reasonable and some of the lowest in the metro area. Our city will continue to monitor this and take appropriate steps to minimize increases. If fines become so intrusive for minor infractions that people feel it is not within their ability to pay them, they may fail to appear at court. If a warrant is issued, that may lead to a person choosing to flee, resist arrest or assault an officer. Fines that are more affordable could lead to more people showing up for court, less warrants and less conflict between officers and citizens. This area was discussed in the DOJ report on Ferguson, MO. We have tried to adapt their findings to areas that we can help people have more confidence in their local government.

With the commitment made above, it needs to be enhanced with a program that would be another incentive for people to appear in court. With fines being kept to minimum levels, then we need to raise the penalty for failing to appear in court. This may take the form of adopting warrant fees that equate to the maximum fine allowed by state statute. This should incentivize the person to appear in court and decrease the chances that someone will be subject to an arrest warrant.

The information above should be explained in detail on the citation so that a person will understand the benefit of appearing in court. If they do, it will lessen the chance that an officer and a citizen are placed together in an arrest situation as well as decrease costs for our municipal court.

### **Give alternatives to fines**

In 2016 the Sand Springs Municipal Court went forward with a program to allow for alternatives to fines or jail time. It was initially met with limited success, but we will continue this effort to see if we can help reduce the strain from people with limited ability to pay fines. The initial program allowed for citizens to help at one of our local festivals and they received credit that reduced or eliminated their obligation to the city. Six people were referred to the program and 2 people took advantage of the program with the other 4 failing to appear. This does not mean that the program will not be successful, but that we need to look at different ways to insure compliance.

### **Give easy alternatives for recall of existing warrants**

The City of Sand Springs will look for ways to give people alternatives to take care of existing warrants. A program will be established to look at community service, time pay orders, and fine reduction if existing warrants are taken care of before law enforcement intervention takes place. We will also continue to allow for citizens who have warrants to voluntarily surrender at the Court Clerk's Office and make arrangements for court appearance, or to enter a plea at the window with a time pay order or community service agreement. This can be accomplished without fear of arrest by the police department.

### **Limit holding of arrested persons to 72 hours on open charges**

If a person is in the Sand Springs municipal jail on municipal open charges, they should be released upon oral recognizance within 72 hours as a matter of policy of the court. As previously discussed, we are being counter-productive towards justice if we hold someone in jail and they lose their employment. This reduces the ability of a person to pay their fines and may have other untold costs such as family strife, medical issues, etc. This is also a good program in our responsibility to use tax dollars more wisely.

### **If a person has more than two fail to appear warrants involving the same initial charge, space in a county facility should be purchased to hold them until the charge is adjudicated.**

If all of the avenues and concessions listed above are made available to a person and they still do not participate in clearing themselves of outstanding charges, they should be held until the charge is resolved. Continuing the cycle of arrest and release would only serve to place them and officers at risk of a violent encounter and/or waste resources. The City of Sand Springs should investigate the possibility of implementing this program.

### **Limit number of citations given on individual traffic stops**

One complaint that critics of law enforcement have about citations is that some officers will write a large amount of citations to a person. The Sand Springs Police Department will institute controls by policy that require supervisor approval when issuing more than three (3) citations to one individual. While there may be occasions that this is necessary, it should be the exception rather than the norm.

### **Modify how we budget fine revenue**

The city as an entity may reduce the perception of relying on revenue from citations by modification of how we budget this area. The city experiences other forms of unexpected revenue that come into the city's possessions, and until someone is convicted and the sentence from the court confirmed as a fine, no funds should be booked as a receivable. This allows all parties involved to understand that our philosophy is to use traffic stops for law enforcement purposes rather than a method for fine collection.

### **All resisting and assault and battery on a police officer charges will be charged as state offenses.**

If we make the allowances above for citizens to feel that they are safe, not oppressed by fines, and have an outlet to file truthful complaints, they have a duty to act as good citizens in return. While our department does not have a reputation of excessive force and we have taken steps to insure we do not in the future; it is incumbent upon our citizens to not resist, assault or otherwise hinder our officers. This must take the form of them complying and if they disagree with the charges placed on them or the overall conduct of an officer, they need to avail of themselves the ability to go to court for redress. If an officer encounters someone who does resist or assaults them, the officer will book the citizen to state court instead of the courtesy of remaining in municipal court. People need to understand that as a civil society, their response to an arrest they feel is unjust must be expressed within the judicial system, not during the arrest. We reject the notion that there is now a right of the public to resist a police officer while he/she is performing their sworn duty.

### **Include community members in monthly use of force/complaint reviews**

One of the things that the Sand Springs Police Department is most proud of is our relationship with the community. A great way for us to utilize this relationship is for us to involve our local ministerial alliance or other community representatives to act as independent monitors for the chief of police. These representatives would act as passive monitors in police use of force or complaint review boards and report any concerns to the Chief of Police. These representatives would receive some training in use of force policies before participating, so they make educated and informed opinions.

### **Use of Deadly Force Investigations**

The Sand Springs Police Department has adopted a philosophy that we will ask for an outside entity to participate in the criminal investigation of our use of deadly force when a suspect is injured or killed. We currently use the Oklahoma State Bureau of Investigation. This philosophy should be extended to include cases in which no injury or death occurs in the incident. We will seek to formalize this relationship with OSBI or another agency in the future.

### **Accreditation**

It is one of the major goals of the Sand Springs Police Department to achieve National or State Accreditation. This will help maintain standards set forth by an organization outside of the internal influence of our department and community. These standards are developed with input from a broad spectrum of perspectives.

### **Video of officers by citizens**

We will seek to produce materials that encourage people to feel that they can exercise their constitutional right to video officers in the performance of their duties, while encouraging people to stay a safe distance from officers to lessen the chance of a conflict or interference with the officers. We will also educate people that they can have access to copies of the videos from body cameras worn by the officers.

# Conclusion

While I am sure that some will disagree with some of the items outlined in this document, and others will feel that the provisions discussed will not go far enough to heal wounds that are long in the making; it is our intent to make a tangible effort at addressing situations that may lead to future problems. It is one thing for people to point out that the world is not a perfect place; it is another for an organization to step forward and show the leadership to try something for the benefit of all.

The men and women of the Sand Springs Police Department want to be leaders and to show not only our citizens, but other communities that small efforts can pay large dividends. If even one of these areas can make our community a better place to work and live, than it is incumbent upon us to try them. If a provision turns out to be less effective or have unintended consequences, we can always return to the status quo.

Above all, it is the intent of the Sand Springs Police Department to honor our mission statement which says:

*The Mission of the Sand Springs Police Department is the protection of constitutional rights, protection of lives, reduction of criminal activity and fostering of community partnerships. This shall be accomplished by each employee being empowered to provide the best service possible. Our relationship with the Citizens of Sand Springs shall be the foundation for this success. Our legacy within this community will be service with honor, treatment of people with dignity and dedication to excellence.*