

ACLU / NAACP RECOMMENDATIONS

Federal intervention can bring about real change. In this vein, we respectfully request that the DOJ appoint an independent monitor to oversee LVMPD and its implementation of fundamental structural change. The establishment of an independent monitor is an indispensable element in the transformation of the LVMPD, and one that will generate actual modifications and increase public confidence that real change has been effected. The monitor plays a critical and necessary watchdog role. (30-9)

Require that LVMPD develop and implement a new policy on the use of deadly force, modeled after policies in place in Portland, Los Angeles and New York City. The Police Assessment Resource Center (PARC) has recommended that the use of deadly force should be done only as a last resort. (Exhibit 4). Further, LVMPD should be required to adopt PARC's model on disengagement, which is in place in Denver. (Exhibit 5). As noted by the LVRJ, "This policy allows officers an alternative to forcing a fatal confrontation with someone who might be mentally ill or otherwise unable to understand police commands. Disengagement encourages officers to back off and find ways to de-escalate the situation, a mindset counter to most law enforcement training." (See footnote 11, page 16). Denver adopted this model after police fatally shot a mentally disabled teen in his kitchen.³³ Nonlethal tools permit officers to carry out their duties, with minimal harm. One retired police chief observed, "Officers are not justice on the street. We don't hand out justice. Justice is handed out by a judge and a jury." *Id.* (31,32-a)

Require the Use of Force Review Board to permit the participation of the independent monitor, who will issue public quarterly reports detailing the results of Board deliberations. The independent monitor will also refer policy concerns about an officer's tactical decisions to a separate Tactics Review Board made up of department tactical experts. As a matter of routine, the monitor should also examine and report on any possible racial motivations underlying the incident. This internal review process will enable the department to effectively determine if the officer violated policy and to learn from any mistakes³⁴. The Sheriff should also assign investigators to the Use of Force Board, who would possess the responsibility of providing direct reports to the Sheriff and the independent monitor. (32-b)

Collaborate with the District Attorney's Office, so that they conduct a thorough independent criminal review and investigation of any officer involved shooting, modeled on successful national programs. For example, Los Angeles sends the District Attorney Response Team (DART), a special unit of investigative district attorneys, to the scene of every officer involved shooting³⁵. Denver prosecutors investigate all shootings where a person is injured or killed, and then issue a letter describing their findings and intentions. This takes place within 30 days, typically. "The police case file, including video recordings of every officer and witness statement, is then opened for anyone to view." In Las Vegas, a Deputy District Attorney should be assigned to work with LVMPD's internal force investigation teams. Full transparency acts as the foundation for an effective system³⁶. (32,33-c)

Require that LVMPD collect, track and publicly & regularly disclose statistical data breaking down officer involved shootings, providing information on the age, gender, mental health status, and race of officers

and of shot suspects. Under the review and guidance of the independent monitor, the LVMPD should be required to release an annual comprehensive Use of Force report to the general public. (33-d)

Require rigorous cultural and racial awareness training for officers, as well as more thorough psychological screening in the recruitment and hiring of officers to test for racial biases, either conscious or unconscious. (33-e)

Require rigorous mental health awareness training for officers, so that they may better address situations where an individual's erratic behavior is attributable to his or her mental health challenges, and respond with de-escalation techniques, rather than excessive force. The training should include implementation of appropriate crisis intervention skills. (33-f)

Require that LVMPD implement a mandatory foot pursuit policy, that limits foot pursuit to the standards set by the International Association of Chiefs of Police (IACP), which strongly discourages solo foot pursuits and requires officers to stop if they lose sight of their target or lose contact with their partner, since 24% of all department shootings were preceded by a foot chase. (See footnote 6, page 3). As commentators have observed, "By restricting certain foot pursuits, police agencies can reinforce safe tactics and strategies that help minimize harm to their officers. That means backing off and using other resources, such as helicopters, dogs and extra manpower, to make the arrest." (See footnote 15, page 31).³⁷ (33,34-g)

Require mandatory cameras in patrol cars, and on officers, with immediate implementation in ZIP Codes with high numbers of officer involved shootings, and phased implementation in the rest of LVMPD's jurisdictional area. (34-h)

Any, and all, other remedies the DOJ deems appropriate to reform the practices of the LVMPD. (34-i)