

Recommendations to the  
City Council on Allegations  
of Racial Bias and Racial  
Profiling within the Durham  
Police Department

Durham Human Relations Commission  
May 22, 2014

# Human Relations Commissioners

- ▶ Ricky Hart, Chair
- ▶ Phil Seib, Vice Chair
- ▶ Charmey Joy Morgan
- ▶ Annice Fisher
- ▶ Norris Wicker
- ▶ Geraldine Robinson
- ▶ Richard Ford
- ▶ Jacob Kliatchko
- ▶ Caren Maene
- ▶ Ashley Taylor
- ▶ Girija Mahajan
- ▶ Susan Austin
- ▶ Misty Odell
- ▶ Ian Kipp
- ▶ Jeffrey Clark

# Overview

- ▶ In September of 2013, Mayor William V. Bell requested that the Human Relations Commission conduct a review of allegations of racial bias and racial profiling brought by citizens against the Durham Police Department. The Commission held a series of public hearings over a period of six months.

# Recommendations for Discussion

- ▶ Communications and Outreach
- ▶ Durham Police Department Policies
- ▶ Police Stops and Consent Searches
- ▶ Durham Police Department Training
- ▶ Diversion Programs
- ▶ Citizen Police Review Board
- ▶ Complaints and Internal Affairs
- ▶ General Recommendations

# Communications and Outreach

- ▶ We recommend that the Durham Police Department regularly publicize their involvement in the community and neighborhoods via media outlets such as the local newspaper, Durham Police Department website, social media, etc.
- ▶ We recommend that the City Council find ways to increase awareness and improve attendance at PAC meetings.
- ▶ We recommend that the Durham Police Department put more emphasis on promoting the Citizens Police Academy.
- ▶ We recommend the Durham Police Department recruit from the community of Durham to create a pipeline to employment with the Durham Police Department.

# Durham Police Department Policies

- ▶ We recommend psychiatric evaluations for all officers and employees of the Durham Police Department are required once every three years.
- ▶ We recommend that the vehicle camera remain operating at all times. Officers should not be allowed to disable the camera.
- ▶ We recommend digital copies of these recordings be maintained no less than 180 days.

# Police Stops and Consent Searches

- ▶ We recommend the Durham Police Department communicate to citizens why they are being stopped or detained. The reason should be documented by the Durham Police Department in a form that is reviewable by the citizen.
- ▶ We recommend that a written form be required for all consent searches. This form must be signed by the citizen/detainee and should be available in English and Spanish.
- ▶ We recommend the Durham Police Department require all officers to document with an incident report any encounter that requires a search of the person or property. This report should include a reason for the stop and search.

# Police Stops and Consent Searches

- ▶ We recommend supervisors and possibly professional standards review these reports for any irregularities.
- ▶ We recommend the Durham Police Department ensure that the traffic stop data is reviewed quarterly to track any irregularities. Should the data show unusual trends, it should be reported to the Chief of Police and reviewed by qualified independent analysts. Any reports should be made available to City Council for review within a reasonable time.

# Durham Police Department Training

- ▶ We recommend that the Durham Police Department collaborate with a national independent training organization, approved by the City Manager and City Council, to create and implement a Racial Equity training program for Durham police officers.
- ▶ We recommend that racial equity, mental health, and crisis intervention training be made part of new recruit training.
- ▶ We recommend the Durham Police Department enhance their mental health and crisis intervention training for those officers who interact regularly with the community.

# Durham Police Department Training

- ▶ We recommend the Durham Police Department job performance evaluation include a review of stop/search data for irregularities in conduct and policy.
- ▶ We recommend a yearly training needs analysis in order to make any adjustments necessary to meet the needs of the community.

# Diversion Programs

- ▶ We recommend the City of Durham reach out to municipalities, such as the City of Seattle, WA, to make inquiries about their initiatives regarding making marijuana arrest a low priority.
- ▶ We recommend the City of Durham review the data and recommend whether to implement a similar initiative to the City Council.

# Citizen Police Review Board

- ▶ We recommend that City Council move to an alternate model where the complaints themselves, rather than the Internal Affairs review process, undergo investigation by the Citizens Police Review Board. (Reference: Nacole.org Models of Civilian Oversight in the United States: Similarities, Differences, Expectations and Resources)
- ▶ We recommend City Council annually brings in a representative from The National Association for Civilian Oversight of Law Enforcement (NACOLE) to provide best practices training for the Citizens Police Review Board.

# Citizen Police Review Board

- ▶ We recommend City Council have oversight of the Citizens Police Review Board, including appointment of Citizens Police Review Board members. City Council should designate a staff attorney to advise the Citizens Police Review Board.
- ▶ We recommend some members of the Citizens Police Review Board be appointed and selected through the PAC organizations that closely follow police procedures. By changing the make-up of the Citizens Police Review Board to require PAC district representation, we can ensure all geographical areas within the City of Durham are represented.

# Citizen Police Review Board

- ▶ We recommend the time allowed to appeal to the Citizens Police Review Board be extended to 30 working days after documented receipt of the Internal Affairs response.
- ▶ We recommend the complainant have 60 days to gather information, documents, evidence, etc. to submit to the Citizens Police Review Board.
- ▶ We recommend the Citizens Police Review Board appeal complaint form be made available in electronic form and a link to this form should be placed on the City of Durham Human Relations Commission web page.
- ▶ We recommend the Citizens Police Review Board report any findings of unethical behaviors towards citizens and if merited, disciplinary action be taken. The findings should be reported to the appropriate entity.

# Complaints and Internal Affairs

- ▶ We recommend Complaint Forms be available to complete online, and allow for electronic submission with tracking and receipt of complaint form.
- ▶ We recommend the Durham Police Department institute a policy that provides citizens whose complaints have been sustained with a more timely and substantive response than the current practice.
- ▶ We recommend a policy that ensures complaints of retaliation are properly investigated.
- ▶ We recommend the Citizens Police Review Board investigate whether there has been retaliation by Durham Police Department officers against citizens who have filed complaints.

# General Recommendations

- ▶ We recommend the Durham Police Department strengthen accountability, both internal and external, regarding racial profiling and bias with the use of measurable benchmarks.
- ▶ We recommend the City of Durham partner with the Human Relations Commission and outside organizations (Fostering Alternative Drug Enforcement, National Association for the Advancement of Colored People, Southern Coalition for Social Justice, etc.) to promote a comprehensive program to educate the citizens of their rights in regards to police stops, searches, and their avenues of redress.
- ▶ We recommend the Durham Police Department, as all other governmental departments in the City of Durham, complete a strategic plan, which includes community-policing initiatives.

# Summary

- ▶ Based on our research, supported by testimony from Durham citizens, we found the existence of racial bias and profiling present in the Durham Police Department practices.