



**Evaluation of April 13, 2018 Defiant
Trespass Arrest at a Philadelphia
Starbucks**

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Philadelphia Police Advisory Commission

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Overview:

The incident at the Starbucks located at 18th and Spruce Streets has sparked a national conversation about race, and more specifically, how Black people are treated in comparison to White people while engaging in similar, benign behavior. For Philadelphians, the incident has forced us all to evaluate our biases, think critically about how we treat one another, and begin to explore how we utilize the police overall. For the Philadelphia Police Department (PPD), the dilemma is unique and poses several questions. What do officers do when strict adherence to policy produces a negative or optically negative outcome? How does the department handle being weaponized by the public? How does the department grapple with the notion that race played an integral part in the outcome of this incident? As part of a multi-faceted and multi-agency response to the arrests that occurred at Starbucks by the City of Philadelphia Government, the Police Advisory Commission was tasked with evaluating the PPD's role in the arrests and finding a path forward.

On April 13, 2018, at 18th and Spruce Streets in Philadelphia, two Black men walked into a Starbucks coffee shop for a business meeting. One of the men asked the manager to use the restroom and was told it was for paying customers only. While both men sat to wait for an associate to join them, the Starbucks manager approached the men and asked them to make a purchase or leave. The men declined to leave and the police were called to the scene. Three officers, along with a Sergeant who was called for back-up, arrived. As seen by video evidence and witnessed by other Starbucks patrons, both men and the officers who arrived at the scene were calm during the interaction. Police asked the men to leave, the men again refused, and when the impasse was noticed by other patrons, a bystander began to record the interaction on video. Consequently, the video that was posted online went viral, and the whole world watched as two Black men were arrested by Philadelphia Police for what was the ubiquitous and innocuous act of sitting in Starbucks and waiting for a colleague.

Sources of information:

A. Official PPD Description:

The following account of the incident is derived from an initial Philadelphia Police Department description of the event and provides an overview of the incident as initially viewed by the PPD, the identifiers of the participants have been redacted.

“On April 13, 2018, at approximately 5:18pm, 9th District officers were dispatched to the Starbucks Coffee Shop at 1801 Spruce St. Three, 9th District Officers arrived and met the manager of the Starbucks, who relayed that two males that were seated in the store were causing a disruption and wanted them to leave but they refused. She continued to explain that they had come in and asked to use the bathroom but were denied as they were not paying customers. They then sat down and began cursing. She then asked if they were going to make a purchase but refused. She then explained that it was the store policy that in order to stay in the shop, they would have to purchase something, and if not, they would have to leave. After this was unsuccessful, she called the police because at this point, the males were becoming loud and uncooperative.

The officers then asked if they still wanted these males to leave which the manager said yes. The officers approached the males and Officer #1 explained why they were there and that they had to leave per the request of store management. One of the males then stated, “We ain’t got to go anywhere.” “Cops don’t know the laws.” “Y’all make \$45,000 a year.” “You’re nobody.” At that point, Officer #1 explained that if they did not comply, they were going to be arrested to which one of the males stated, “You ain’t arresting me, I’ll walk out of here when I’m ready.” The officers then radioed for back-up and the males were arrested. A Sergeant arrived on location as the males were being led outside and was informed of what took place.

Once inside the 9th District, Officers #1, #2, and #3, completed the Preliminary Arraignment Reporting System (PARS) data and all the required paperwork. The case was declined by the Charging Unit due to Incomplete Discovery or Insufficient Evidence, and the males were released from custody at approximately 1:30 AM. The males were charged by the officers with “Defiant Trespass” (Misdemeanor 1 or M1), which the statute dictated to be the proper charging (CC2614). Central Detective Division was not assigned to the case.”

B. Officer Interviews:

To conduct a thorough analysis of the arrests at Starbucks, the Police Advisory Commission interviewed the three responding officers, along with the Sergeant who responded to the call for back up. Interviews took place in the presence of counsel and a representative from the Fraternal Order of Police (FOP). The interviews revealed that all three officers agreed with the basic facts of the incident as relayed above. In addition to questioning officers about the facts of the case, the Police Advisory Commission also asked officers to describe their impressions and reactions to the incident overall. Lastly, due to the aftermath of the arrests, officers were also asked about lessons learned from the incident. The following depicts a summary of the officer interviews:

Officers reported receiving a call about a “group of males causing a disturbance” and responded accordingly. None of the officers found the language or description used by police dispatch to have escalated their expectations regarding what they may be facing upon arrival to the scene. The officers noted that despite the way the description may sound to a civilian, to an officer it is a general call for officers to respond and assess what is happening at the scene.

Upon arriving at Starbucks, the officers spoke to the manager and were apprised of her version of events. They then approached the men. The officers all agreed that the men were asked to leave three times. The officers also agreed that they felt that the men were calm, but verbally disrespectful and condescending towards the officers. They described a very matter of fact conversation. After the third request to leave and after the crowd became vocal, officers called for backup and then affected an arrest. All the officers questioned believed they had followed Department policy and indicated that if the opportunity arose, they would have done the same thing over again without changing anything about the interaction.

During initial conversations with the Police Advisory Commission, officers reported that they did not believe race was a factor. However, the idea that race was a factor was obvious and undeniable to the majority of other people the Police Advisory Commission engaged. Therefore, the Police Advisory Commission attempted to understand how officers might have reacted if they were confronted with obvious racism. Towards this end, during the interviews, officers were given numerous scenarios like the incident, but with a more racially obvious motive. Most of the officers agreed that if a racial component existed in the interaction, their tactics would have changed and may have impacted the outcome. Interestingly, the greatest impact on the officers’ tactics occurs if the racial component is observed directly and can be obviously gleaned from the complainant statements. Conversely, an officer’s approach seems to not be impacted when a bystander or potential target of investigation points it out to them. Specifically, all officers were asked how they might have reacted if the facts of

this case were the same, except that the Starbucks manager directly told them that she wanted the “two N-words” sitting in the café removed versus saying she wanted the “two men removed.” Universally, the officers stated that this would have changed how they moved forward. Some officers reported they would admonish the manager, while others reported they would slow down and re-assess the situation.

Officers were then asked about the role of discretion in policing. Most of the officers reported feeling comfortable with their decision-making and the process they undertook. For example, in the Starbucks incident, the officers arrived, confirmed the allegation with the complainant, made three requests for the two targets to leave thus confirming the elements of the crime, and then arrested the men. All officers felt comfortable that the targets were given ample opportunity to avoid arrest, and relied on the situational and policy basics to guide them. When asked about how they could have further explored the situation, perhaps changing the eventual outcome, most of the officers believed that nothing could have been done. The officers suggested that they did not have the discretion to avoid arrest and expressed frustration that when they did make an arrest, they later discovered the complainant would not cooperate. In response to the fallout of the incident, the officers reported feeling that businesses and citizens should consider the consequences of calling the police, before the call is made. Officers further stated that once a call is made, a complainant should follow through in the aftermath of an arrest. For context, in this matter, both the manager and Starbucks declined to prosecute or continue with the complaint post-arrest. The officers seemed to feel especially wronged by this and seemed to believe this was unfair to them.

C. Witness Interviews:

Several witnesses and participants who were at the incident were invited to speak with the Police Advisory Commission to tell their stories and offer insights into the incident from their perspective. Unfortunately, all but one witness declined to speak with the Police Advisory Commission. The following is a summary of the participating witness’ interview:

The witness was present in the café and agreed with the basic facts of the case as presented elsewhere in this report and in the media. Prior to the arrival of the police, the witness did not observe any disturbance and noted no interaction between the two Black men and the Starbucks manager. Upon arrival, the witness recalled the police being calm, professional, and generally non-threatening during the interaction. The witness also recounted the two Black men offering no resistance and presenting no threat to the officers during their interaction.

The witness who self-identified as White, reported often sitting in Starbucks without making a purchase, and believed the incident was racially motivated. The witness also felt that the police were

being unwittingly used as an instrument of bias, conscious or unconscious, and were put in an unfair position.

D. Additional Sources of Evidence Reviewed:

- Media reports of the incident from various outlets.
- Veteran police officers who evaluated the available video and offered insight.
- Four angles of store video, capturing much of the incident provided by Starbucks.

Community Conversations:

Following the arrests at Starbucks, the police Advisory Commission has had numerous individual conversations, attended three community conversations focused on this topic, and participated in two meetings with advocacy groups. The starkly consistent aspect of the response to these arrests was that they were deeply painful not because they occurred, but because they were a symptom of a much larger problem of racism in the City and across the country. Many citizens shared their feedback regarding this incident; however it would be disingenuous to suggest that there was simply one perspective regarding who was at fault. While some people blamed the two men for failing to leave when asked, most people, especially persons familiar with Starbucks, blamed both the Police Department and Starbucks for the outcome of the situation. Regardless of which organization people blamed the most, the focus seemed to be on the idea that this incident would not have occurred if the young men in question were White. Additionally, people have focused on the fact that the response from the police would have also been different if the young men in question were White. Persons who spoke up during these conversations all recounted anecdotal incidents where they felt the race of the two men was a determining factor in the decision-making of a police officer or a person who decided to contact a police officer. Collectively, the response in these meetings was that the Starbucks arrests were not a unique or isolated incident.

Analysis and Recommendations:

Recommendation 1: The PPD should accept that racism has a profound effect on what drives citizen and police contact, and should incorporate consistent, anti-racist practice, incident review and training into the Philadelphia Police Department.

Recommendation 1.2: The PPD should specifically request that training proposals include anti-racist principles such as a structural competency framework and can additionally infuse examples based in the City of Philadelphia.

Recommendation 1.3: The PPD should enlist a capable evaluator to determine the efficacy of the training and practice on a yearly basis.

Recommendation 1.4: Anti-racist training should include district-level supervisors to ensure they are amenable to district-level change and comfortable with addressing these topics while supervising officers.

Recommendation 1.5: Anti-racist PPD training should include factual evidence, officer testimonials, and role playing to increase effectiveness of outcomes.

The Police Advisory Commission recommends a training which focuses not only on implicit bias but on systemic racism as the root cause of implicit bias. This training should focus on the root cause of implicit bias, and include how officers can actively work to dismantle racism and other systemic oppressions to ensure they are not used as tools to perpetuate oppression. Given the fact that Philadelphia is a unique city with a unique history, the training should also include elements of the history of Philadelphia as well as the history of the Philadelphia Police Department's failures and progress related to racism and oppression. Furthermore, it would be beneficial for the training to include a discussion on how police have been used to perpetuate racism despite the ongoing and laudable reform efforts. In a broader context, other disciplines such as law, medicine, psychology, and social work include diligent conversations of the history, including the very recent history, of their professions as it relates to race and racism. Instilling these practices within the training and the incident review process of the PPD is vital to policing in the 21st century.

The Police Advisory Commission discussed the lack of anti-racist principles in Police trainings with two national experts who train police officers on implicit bias. Both experts identified the fact that training police officers has required them to first ensure the topic was palatable to police executives, as

well as rank and file officers. They reported the need to change words and creatively market the training as a use of force exercise to not offend or “turn off” police officers and police leaders. In these discussions, experts also identified how much more impactful or useful a training on implicit bias would be if it included an in-depth review of racism and anti-racism. Moreover, others suggested that a focus on anti-racist training such as “Undoing Racism” delivered by the *People’s Institute for Survival and Beyond* may be more effective than an implicit bias training.

The conversations with experienced police trainers might explain why even though other professions consistently discuss race within their ranks, police generally do not. Trainers almost universally resist discussing this topic with police because they do not believe police leaders and officers will accept the conversation. Assuming the Philadelphia Police Department believes its rank and file officers can digest such training, the Police Advisory Commission also recommends that any formal request for proposals include a specific request that anti-racist elements be embedded in the training. The effectiveness of the implicit bias training that is currently mandated to police officers is unknown. This is because the Police Department and academics have not yet worked together to assess the effectiveness of the trainings. The Police Advisory Commission recommends that the Police Department enlist and empower researchers to discuss a randomized control trial or some other rigorous assessment of the training.

Racism in 2018:

Racism has been a constant in the history of the United States. Since their inception, police officers have been utilized by policy makers and citizens to perpetuate and exacerbate racial discrimination in addition to other social ills. This includes their role as a slave patrol, their role enforcing segregation and their role in the expansion of mass incarceration. Despite this history, policing in this country and in Philadelphia has evolved a great deal over the past several decades. This evolution includes efforts led by Police leaders such as Charles Ramsey and the current Police Commissioner, Richard Ross, to reduce arrests and increase diversion. While much progress has been made, the weight of history and the changing nature of discrimination requires a new approach to policing. In the past, signs and ordinances denied Black people the right to enter establishments and be served. As racism has evolved, neutral laws can be manipulated to the same end. The weaponization of police due to racial animus or other reasons must be addressed by the Police Department, citizens, and business owners. On April 13, 2018, a Starbucks employee called the police on two Black men for

engaging in behavior that is common for a Starbucks café. While discerning the internal motivation of the manager's call is not possible, what it looked and felt like to the targeted men was clear. The men felt they were asked to leave because of their race, and this was an essential element of the situation officers encountered when they arrived at Starbucks shortly after the call.

The arriving officers performed their duties reasonably and within policy. Despite that truth, the event as depicted by Mayor Kenney, “appears to exemplify what racial discrimination looks like in 2018.” While policies are the rules of policing, practice and customs are the art, thus implementation is vital to success of policy. The elements of a crime in the *Pennsylvania Crimes Code* are specific and can be memorized, but sentencing is where the subtlety and nuance of events combines with fact to become justice. It is in these opposite ends of policing and the criminal justice system where judgment, discretion, wisdom, and fairness are supposed to provide a check on the dispassionate application of the law. The Starbucks incident shows us what will happen when a well-intentioned officer attempts to figure out in real time what they can do about a situation. It also shows us that as a City and Police Department, we should be empowering our police officers to think critically, be knowledgeable, curious, and explore what should be done to promote justice.

Although the officers in this incident attempted de-escalation, they did so without curiosity and without a consideration of history, oppression, and racism. They confirmed the allegation of asking to use the bathroom without making a purchase and refusing to leave, offered the two men three opportunities to leave, and made an arrest. The officers did not attempt to discern why these men would passively prefer arrest, which is a tactic commonly used to protest. They also did not notice or pursue the fact that the men were not being disruptive when they arrived, in contrast to the Starbucks manager's allegations. The officers did not pursue why the men refused to leave, or why they were asked to leave a café, where the defining characteristic is that people sit around for hours at a time, while spending little to no money. Additionally, the officers were purportedly trying so hard to ignore race that they did not consider race being a factor in the incident even when bystanders in the café were shouting it at them. Regardless of the intentions of the manager, the two men clearly believed their predicament was racially motivated and were not going to move for that reason. The police failed to notice or consider this.

The officers' interviews shed some light on to what made this oversight possible. It was evident that the officers generally felt comfortable following the basic constraints of the law and policy. Factors that informed their decision-making had to be overt, as evidenced by the fact that when the situation was repositioned in a more distinctly racial way on the front end of the interaction, most of the officers agreed their tactics would have changed. Trying to understand the aspects of the interaction

that were subtler seemed not outside of the officers' ability, but outside of what they felt was their authority or responsibility. From the officers' interviews, it was evident that they did not feel supported by their administration or the public if they were curious, considered the nuance of the situation and used their discretion to de-escalate the incident. As a result, the officers relied on what they perceived as the path least likely to result in admonition. Edward Flynn, former Milwaukee Police Chief stated, "In the world of policing, it is far safer to *fail conventionally* than it is to innovate." This was further validated by the incident at Starbucks. Officers who felt more empowered, supported, and better trained in cultural and historical context may have found an alternative outcome in this situation.

Not Seeing Race:

As previously noted, the officers interviewed in response to this matter reported that they do not see race, nor do they believe race is or should be a factor in this matter or any of their decision-making. This ideology ignores the fact that race and racism are social constructs ingrained into society. This thought process is especially problematic for public facing Government employees, agents of the criminal justice system, or social service workers. However, in Philadelphia, where poverty, police-initiated stops, arrests, and overall contact with the criminal justice system are disproportionate, it is unacceptable that police officers are not acutely aware of race, racism, and the police's role in perpetuating those issues.

While the Philadelphia Police Department currently has mandatory training for their officers centered around implicit bias, this training is not necessarily effective in preparing officers to understand the complexity of race and racism. The central issue of concern with implicit bias trainings as they currently exist is the lack of discussion and training around the root cause of implicit bias. The implicit bias training that the Police Advisory Commission is aware of, discusses bias as if it mystically appeared. This is problematic because it fails to recognize the deeply rooted history of racism and White supremacy in this country, state, and City.

After the incident at Starbucks, the consensus with many outliers is that the Philadelphia Police Department was used as a tool by someone who was motivated by bias or racism. Many police officers and police leaders suggested this to the Police Advisory Commission. If the Department does accept this suggestion as a general principal or possibility, then it must also accept that a training which focuses only on a police officer's implicit bias will not prepare officers to combat or identify systemic racism which is embedded in the actions, policies, and practices of the City and its many systems.

Without this knowledge, it seems reasonable that an officer might truly believe their efforts to ignore or otherwise not see race will prevent a racist outcome. Since this is wholly untrue, the Police Department should make every effort to train officers and supervisors to be prepared to police around this reality.

Role of Leadership:

As noted above, the officers in this matter all believe that they should not be considering the influence of race in any situation. However, officers also indicated the belief that if a person has overtly racist motives, they should reconsider if and how to move forward with their complaint. The Police Advisory Commission also interviewed higher ranking officers at the PPD regarding this incident. One police leader in the chain of command of the responding officers was asked if they believed that officers should consider how race may influence or motivate a complaint. Like the previously interviewed lower ranking officers, this person indicated that they do not believe officers should be considering the role race might play in complaints. However, when offered the same scenario posed to their subordinate officers, they had a different response. As noted, the scenario offered was the same as the incident at Starbucks, however in the Police Advisory Commission's fictionalized scenario, the manager requests that the "two N-words" be removed from the café. The high-ranking police leader accepted that the use of a racial slur is an indication of a racist motivation but stated it should still not matter. They stated that as long as the person making the complaint was legally in the right, their response as an officer should not change. This point of view is unacceptable and extremely problematic for a person in a leadership position.

As discussed, the officers in this matter and the immediate supervisor at the scene performed their duties within policy. However, they claimed to not be able to see race, and assessed the situation without considering racism as a possible factor. Given the opinion of at least one of their leaders and general police training, this is unsurprising. The Philadelphia Police Department should use this incident to consider what role leadership plays in the decision making of the officers.

De-escalation:

A review of the de-escalation training for officers reflects that officers must assess the type of person they are dealing with and then attempt to de-escalate the situation whenever possible. The officers in the matter seemed to do an adequate job in their attempt to de-escalate. For approximately 10 minutes, the officers spent time talking to the men, seemingly ignored or moved through some insults made by the men and continued to direct the men to leave the store. The officers seemed to believe that their calm demeanor and body language were sufficient de-escalation efforts, because in many other cases, the tactics used have avoided arrests. While there is no expectation that every officer in every situation be perfect, or that any agreement on perfection exists, perhaps through no fault of their own, other aspects of their training were not utilized or attempted. Specifically, according to the de-escalation training provided by the Police Department, methods for de-escalation can include the following:

- Active listening: “Really attempt to hear, acknowledge and understand what a person is saying.”
- Acknowledgement: “Relaying that you understand what a person is feeling.”
- Allow for silence: According to the same training, officers are encouraged to allow for silence because it allows people time to process and consider decision making.
- Agree with valid points: “When attempting to diffuse someone’s anger, it is important to find the truth and agree with it.”
- Apologize when appropriate: A sincere apology for anything in the situation that was unjust.

While these specific points assume an ability for an officer to hear, understand, recognize, and consider a person’s perspective, officers noted during the interviews that they do not see race, nor do they consider race to be a factor. All officers acknowledged that in this case and in previous cases, the concept of racial discrimination was mentioned by subjects of police action and bystanders. However, they also noted that for the most part they dismissed these claims as untrue. When asked if they were trained on these subjects, the officers did acknowledge having received Reality-Based Training and implicit bias training. Nevertheless, when asked if they had considered the role of race in a systemic or atmospheric fashion, the officers reported believing this was too much to ask. It seems possible and perhaps likely that the officers responding to the incident at Starbucks might have been able to de-escalate the situation and avoid an arrest if their training had prepared them to decipher and understand the complicated and layered issues related to systemic racism.

Other Indications of a Need for Anti-Racist Training:

E. Car and Pedestrian Stops:

While the Philadelphia Police Department continues to improve the already impressive reduction of car and pedestrian stops, racial disparities persist. Department leaders and personnel discuss the reduction as a byproduct of a response to crime which also disproportionately occurs in impoverished minority communities. While the suggestion that disparate stops are driven by higher crime rates as opposed to racism may be reasonable, it is often unsatisfactory to community members and has been called into question by at least one local academic researcher. This seems to be because the relationship between poverty, crime, and racism is one that has been established. Moreover, the relationship between mass incarceration and other cascading problems which stem from police actions are also tied to race. A deeper understanding of this relationship may improve the discourse between police and communities around this topic.

F. Social Media:

On March 28, 2018, the Philadelphia Police Department posted a video on Facebook captioned with the words, “We love this city. We love its people. We are fighting every day to keep them safe.” In the video, the narrator suggests that despite the Police Department’s consistent love for the City, a narrative of the Philadelphia Police Department presumably led by the media has changed. The conclusion seems to be that an anti-police narrative is a significant part of the current strained relationship between the police and the community. This may be reasonable, however, considering the complicated history which exists, a video which concludes that, “somehow things changed” and therefore claims no responsibility, can easily be interpreted as public gaslighting of certain communities; specifically, Black and Brown communities.

G. Pew Research:

Anti-racist policing would involve a concerted effort to understand the institutional and systemic conditions which cause inequity based on race, and to actively work to oppose and undo those conditions. Based on many of the conversations with PPD officers and leadership, there seems to be a need to address officers’ lack of knowledge regarding issues of systemic and institutional racism so they can identify racism while policing the community. As evidenced by the Pew Research Center’s “*Behind the Badge*” survey of law enforcement officers in 2016, police officers were divided by race

over whether attaining equality in America requires more changes. The survey concluded that 92% of White officers believe the U.S. has made the changes needed to give Black people equal rights with White people, versus 29% of Black officers.¹ Further, Black officers in the Pew research poll are much less positive about local police-minority relations than White or Latino officers. While 60% of White and Latino officers view police relations with Black communities as “excellent or good,” only 32% of Black officers have the same view.² This troubling gap in how police officers perceive the realities of structural racism and the state of police relations with minority communities demonstrates the need for training to educate officers on the various structural forces that influence the lives, attitudes, and actions of Philadelphia residents; particularly, residents of color. Fortunately, despite these structural knowledge discrepancies among officers, officers do collectively demonstrate a willingness to learn more about minority communities to better do their jobs. Evidence shows 72% of police officers think it is very important for police officers to have detailed knowledge of the people, places, and cultures in the areas where they work.³ Anti-racist training will work to fill these knowledge gaps by delving into America’s past and assessing how the past impacts Philadelphia’s communities in the present. Equipping officers with this training can help them to more comprehensively assess situations, and to better engage with the communities they work in.

Obstacles to Implementing Training:

The Police Advisory Commission recognizes obstacles that must be overcome to effectively implement anti-racist training in the Philadelphia Police Department. As previously noted, these obstacles include a lack of receptiveness among officers and a fear among police training experts of not being hired if they proposed structurally-based racial training due to the lack of receptiveness among officers and police personnel. As the police are constantly under attack by the public and the media for accusations of racism, it would be understandable if police officers were reluctant to engage in anti-racist training. While the Police Advisory Commission has provided overall recommendations for the PPD throughout this report, the following recommendations are specific to the implementation of anti-racist training if implemented by the Philadelphia Police Department:

¹ Pew Research Center, “Behind the Badge,” January 11, 2017, available at:

https://assets.pewresearch.org/wp-content/uploads/sites/3/2017/01/06171402/Police-Report_FINAL_web.pdf

² *bid.*

³ *bid.*

Training Recommendation One: The Police Advisory Commission recommends that the PPD anti-racist training incorporates a structural competency framework.

Training Recommendation Two: The Police Advisory Commission recommends a PPD anti-racist training that incorporates as much explicitly factual evidence and scientific data as possible in its presentation to officers.

Training Recommendation Three: The Police Advisory Commission recommends that the PPD anti-racist training incorporates testimonials from PPD sworn officers discussing their own experiences with racial privilege and racial discrimination.

Training Recommendation Four: The Police Advisory Commission recommends that the PPD anti-racist training incorporates role-playing and scenario-based techniques with officers to improve efficacy.

Training Recommendation One: Structural Competency

Structural competency is a concept utilized in the public health sphere. It is an understanding of patients' health issues as symptoms of overarching structural problems related to social infrastructures and institutions such as zoning laws, economic policies, school systems, and criminal law enforcement.⁴ The notion that community problems do not exist in a bubble, but instead are inherently interconnected with other social policies, underlies structural competency. The People's Institute for Survival and Beyond, an organization that provides anti-racist training programs, heavily incorporates principles of structural competency into its training model. The Institute's training model "provides education about disempowerment and systemic oppression, accountable leadership in communities and institutions, and organizing across racial lines for social transformation and self-determination," and "challenges all participants to be responsible, accountable and active in changing systems of oppression, yet avoids blaming individuals for consciously establishing or perpetuating them."⁵

⁴ Jonathan M. Metzl and Dorothy E. Roberts, "Structural Competency Meets Structural Racism: Race, Politics, and the Structure of Medical Knowledge," *Journal of Ethics*, September 2014, available at: <https://journalofethics.ama-assn.org/article/structural-competency-meets-structural-racism-race-politics-and-structure-medical-knowledge>

⁵ People's Institute for Survival and Beyond, "Understanding and Intervening Against Racism," available at: <http://www.pisab.org/programs/>

Therefore, this approach would not place any blame on current officers for those past actions or degrade their profession.

Training Recommendation Two: Factual Evidence and Scientific Data

To increase the credibility and reliability of the information being provided to police officers on structural racism, the Police Advisory Commission recommends that the PPD's anti-racist training heavily utilize factual accounts, as well as scientific research and data. In consultation with a police-training expert who has worked with the PPD in the past on trainings, the trainer recommended that the training be evidence based to increase officer receptiveness.⁶ If the information is scientific and clear-cut, it will be difficult for officers to ignore or deny it. Additionally, using more quantitative data that focuses on tangible outcomes, such as neighborhood income demographics or crime demographics, will further incentivize officers to accept the information being presented to them.⁷ In order to address the PPD's problematic past, a retired PPD leader recommended that the training include past prominent lawsuits against PPD, key cases from PPD's past that could have been prevented if anti-racist training had been in place, and other historical papers from the City's Records Department.⁸ Approaching this portion of the training from a liability-reduction perspective may also incentivize officers who were originally standoffish to buy into the training.

Training Recommendation Three: Officer Testimonials

The Police Advisory Commission recommends that the PPD's anti-racist training incorporate video testimonials of sworn PPD officers discussing their personal experiences with racial privilege and discrimination. Such testimonials would provide officers with surprisingly direct and close connections to the racial issues that many may feel they are far removed from. Including testimonials, and discussing discrimination and privilege will also compel officers to consider the role privilege

⁶, phone conversation with national trainer, July 16, 2018.

⁷ *id.*

⁸ Philadelphia Police Department leader, in-person meeting with author, June 25, 2018.

plays in their own lives. These types of testimonials from those within PPD can potentially open a space for dialogue about the power of racism and its current form in Philadelphia.

Training Recommendation Four: Role-Playing and Scenario-Based Exercises

When working with officers on applying the knowledge they have learned about structural racism towards specific policing actions or behavioral deliverables, the Police Advisory Commission recommends that the PPD’s anti-racist training use role-playing and scenario-based exercises with officer participants. Incorporating scenarios and role-playing into police training crucially transfers the training from strictly abstract to practice, as emphasized by the Rand Corporation’s, *Training the 21st Century Police Officer*:

“One way that training can best mimic the realities of the field is by integrating topic areas that are linked in real life. The officer who has been well trained and holds an integrated conception of the material he has learned is better able to recall and apply what he has learned during his service to the community. Being well prepared helps an individual improvise in resolving situations...⁹ scenario training offers the dual benefits of grounding instruction in the known while introducing the new, thereby allowing the student to synthesize information and function at his highest level of learning. Scenarios by their very nature require integration of topics. Traditional classroom instruction, by contrast, often deals with topics discretely, does not require hands-on practice, and thereby leaves information abstract and compartmentalized in the mind of the student.¹⁰”

Utilizing these scenario-based exercises will provide distinct connections to the real-life environments that police officers encounter daily, and thus more effectively compels officers to integrate what they learn into how they conduct themselves.

Regarding the power of role-playing in scenario-based exercises, Lois James, the Founding Director of Counter Bias Training Simulation™ for law enforcement officers, stresses that the training offers different policing situations which officers can analyze from every angle to discuss strategies. To do this, James suggests that officer participants practice adopting different perspectives within those policing scenarios. For example, analyzing a police interaction through the lens of a young Black

⁹ Glenn et. al., “Training the 21st Century Police Officer: Redefining Police Professionalism for the Los Angeles Police Department,” *Rand Corporation*, 2003, page 121, available at: https://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch5.pdf

¹⁰ *id.*

man being stopped, and discuss with their peers what the implications of that interaction could be for that man specifically, any bystanders, friends of the man, and his community as a whole depending on the officer's actions.¹¹ James also suggests showing videos of police encounters from fictional sources such as “*Dear White People*” on Netflix, to oblige officers to see the ways that their actions can possess lasting impacts and reverberate throughout communities. Such role-playing activities will bring officers outside of their own viewpoints and urge them to more fully consider what other individuals may experience and feel during police encounters. These types of exercises underscore to police the power of their own behavior in interactions and stress the importance of officers being accountable leaders in the communities they serve. It will be important to explain to officers that scenario exercises are not meant to justify the types of community behaviors that officers have deemed inappropriate, but instead are meant to provide officers with more nuanced understandings of where those responses may come from and equip them with the tools to spur change in future community responses through their own behavior as accountable leaders.

Recommendation 2: The PPD should consider an in-depth assessment of the current state of community policing and develop some assessments and expectations for Police Service Area (PSA) lieutenants to be guided by. The Police Advisory Commission would welcome the opportunity to work on this with the Police Department and community leaders.

Recommendation 2.1: The PPD should consider a centralized community policing Commanding Officer or Director. This person would be tasked with creating a culture which values and increases officer buy in to community policing at the street and district level.

Community Policing:

The PPD describes their community and neighborhood-based policing initiative in their 2015 report titled, “*The Philadelphia Police Department Moving into the 21st Century.*” The Department states how it will initiate “greater community contact” and therefore, “familiarity and involvement.” Despite this attempt to initiate greater community contact, the officers interviewed all stated that although the Starbucks location was known to them, they were unaware that people utilize the coffee shop inside their PSA for long periods of time, making a small purchase or no purchases at all.

¹¹ phone conversation with national expert, June 29th, 2018.

However, the officers reported that most of the time when they have responded to similar calls, people left without incident.

According to the information provided by the Philadelphia Police Department, there were fifty-three calls for service between March 15, 2017 and April 30, 2018. Thirty of the fifty-three calls made to the police were for “disturbances: disorderly crowd.” Five other calls were for “investigations of person(s).” Ultimately, over 66% of the calls for service involved an incident like the events which brought the police to Starbucks at 1801 Spruce Street on April 13, 2018. As noted, it is currently unclear what similarities or differences existed in these calls. Nevertheless, since the officers interviewed reported being routinely called and often resolving disputes by encouraging people to leave, it seems likely that a significant portion of these calls were very similar to the call for service on April 13, 2018. Additionally, it is unclear to the Police Advisory Commission if efforts were made by any involved officer to re-direct the Starbucks management and educate them on the appropriate time to call the police. What does remain clear is that most of the above reported police interactions did not result in arrests and the matters were resolved without incident. Consequently, any drastic policy changes that are being considered may be an overreaction with possible unintended consequences.

Police officers and police leaders who have discussed community policing suggest that the practice is excellent in some districts and lacking in others. They comment that this difference is sometimes driven by the unique circumstances in the community, but often represents a lack of officer or district leadership buy in. Officers suggest that a concept such as the importance of community policing is foreign to some and therefore the commitment to it suffers. Conversely, because the concept is important to other leaders, commitment under their command is stronger. Effectively, police personnel have suggested that many issues, especially community policing are most effective when a person in leadership positions makes it clear that it is a priority. The establishment of a higher ranking, Director of Community Policing would allow for a person who is dedicated to community policing to interact with community groups, increase officer and citizen interaction, and assess the effectiveness of community policing initiatives and efforts throughout the Department. Moreover, this leader could help effective measures spread and serve as a liaison to non-profit organizations and non-government organizations which can serve as partners in the community policing initiative.

Recommendation 3: The PPD should develop a clear and consistent communication strategy to educate the public regarding how and when 911 should be utilized.

Recommendation 4: The PPD should maintain clear and consistent communication with government and non-government stakeholders regarding how police should be used in the City.

Recommendation 4.1: The PPD should consider the establishment of a Director or Chief of External Affairs. This person should report directly to the Police Commission as well as engage with government and non-government organizations and leaders to proactively address policies, laws, and use of Police that may adversely affect the Police Department and or its relationship with the community.

Since the incident, the nation has been inundated with examples of how the police have been called to address issues which seem unnecessary and often racially motivated. Further, at least three of the incidents that caught the nation's attention occurred in Philadelphia. The significant take away is that police around the country are routinely utilized to perpetuate discrimination. Moreover, it is often police perspective, discretion, patience, and de-escalation skills that determine the direction of an incident. As a result, the PPD would be better served educating the public and their officers rather than attempting a policy solution.

To communicate with the public, PSA lieutenants and designated officers can begin to educate the public by delivering a centralized and tailored message. Additionally, in their neighborhood-based policing initiative, the PPD should make efforts to identify which people, businesses, or locations call police officers to solve problems that are beyond their scope. Those frequent utilizers should be proactively engaged and encouraged to re-consider when police are called.

Since these conversations are inherently nuanced and rely on an effective delivery, all officers should be offered a sample script regarding how to communicate when they believe a call for service is inappropriate, unnecessary, or a legitimately poor utilization of their services. Police supervisors should be encouraged to rehearse these interactions with officers.

Weaponization of Police:

The officers and sole witness interviewed for this report raised valid issues for the public and business owners to consider. For residents and businesses of the City, it is imperative to carefully consider when it is appropriate to call the police. The Police Advisory Commission and the PPD seem to agree that residents should recognize they relinquish authority and no longer control the outcome of

a situation after police officers arrive. Further, the Police Advisory Commission and PPD agree that de-escalation begins with person to person interactions. In this instance, it is evident that the interaction between the Starbucks manager and the two men was acrimonious from the very beginning, and matters escalated greatly before the police were called. Naturally, calling police officers to respond to this type of disagreement escalated the matter further. More attention should have been paid to problem solving without the use of police as personal security or problem solvers. Overall, it is imperative for businesses to take greater care in crafting policies that envision the downstream consequences of a 911 call and train their staff to understand their policies using a holistic viewpoint.

The weaponization of police officers cannot occur without officers allowing themselves to be manipulated or utilized for services outside of their charge. Despite the Police Department's current stance of being unfairly manipulated, they still allowed themselves to be used for similar incidents on numerous occasions in at least one year prior to the Starbucks incident. The summary of radio calls in the year prior indicate there were thirty-five other calls for service for incidents potentially like the one that occurred on April 13, 2018. Although it is unclear how many calls for service were for the same behavior, the officers suggested that historically they have responded to many similar calls at that location. Ultimately, despite current PPD concerns that Starbucks or the manager were weaponizing the police or utilizing the police as their personal security, PPD re-enforced the idea that this was an appropriate utilization of their authority, as they failed to correct the behavior on other occasions.

Communication with Police Leaders:

The Police Advisory Commission communicated with several current and former Philadelphia police leaders familiar with the enforcement within Center City. In this communication, these officers expressed frustration with a citywide response to the incident at Starbucks. They suggested that officers and police leaders have previously been scolded for not serving the business community. Specifically, they expressed that loiterers in Rittenhouse Square, and in or near the business establishments should be made to move on. These officers expressed issues with leaders of both government and non-government organizations for creating a culture where police are directed to have contact with people who are not committing crimes or are committing violations officers would not otherwise enforce in other areas of the City. The officers reported the belief that many officers do not want to be engaging in this type of work, as they believe inorganic contact with the police has a deleterious effect on police-community relations.

The Police Advisory Commission discussed this matter with a high-ranking City employee familiar with the interaction between City Government, business leaders, and the police over the last decade. This person acknowledged that in the past, different people with differing perspectives and interests have requested police be utilized to solve quality of life problems. They stated that most often, the rationale for these requests cite the presence of certain people and behaviors as detrimental to businesses and affecting the flow of commerce. They also agreed that if considered systemically, the police involvement in the enforcement of low level crime may have contributed to a climate where in 2018, officers were routinely called to serve businesses as they did during the incident at Starbucks.

The creation of a position charged with addressing external affairs will help the Police Department encourage other entities such as the Department of Probation, the Philadelphia Prison System, City Council or the District Attorney's Office to consider how their policies, practices, and initiatives might impact policing and public safety. Moreover, a position dedicated to external affairs can focus on relationship building with any organizations or stakeholders which may or may potentially have frayed relations with the PPD.

Recommendation 5: The PPD should encourage supervisory assessment of problem solving skills with a special focus on binary thinking and include training for these supervisors on binary or polar thinking if needed.

Customs:

The officers in this situation identified that typically when responding to defiant trespass cases, they explain that someone must leave or be arrested. Officers also highlighted that ordinarily they offer binary options because they believe those are the two possible resolutions to the conflict. When asked about the arrests at Starbucks, the officers repeated that these were the options and that they felt were appropriate. When the men did not take the option to leave, officers reported that they had no other choice but to arrest them. As evidenced by video, the arresting officer seemed to believe he was further constrained by his verbal statements that the men were under arrest. At one point during the incident, a friend of the men being arrested states the men will leave. Without addressing the men, who have yet to be handcuffed, the arresting officer states that leaving is no longer an option for them. When asked why the option to leave had been revoked prior to an arrest, the officer stated that an arrest exists prior to handcuffs being placed and that handcuffs are not the sole indicator of an arrest. As noted above and

in the Police Advisory Commission’s public statement, this is legally correct. While it is unclear if considering an assortment of options would have changed the outcome, it does seem that in this situation, the officer’s binary thinking in terms of options limited their ability to consider other issues. As noted, there is no suggestion that these officers were derelict in their duty or did not perform well, but this is an opportunity to carefully consider the granular decision-making process and attempt to improve future decision-making and problem solving.

Recommendation 6: The PPD should evaluate the Field Training Officer Program to ensure newly sworn officers receive the guidance and mentorship the program is intended to provide.

Recommendation 6.1 The PPD should assign exemplary officers to be field training officers and offer them increased compensation for this additional responsibility

Recommendation 6.2 Th PPD should consider a centralized Chief or Director of Field Training who can implement a robust program department wide.

Field Training:

During the officer interviews, the Police Advisory Commission noted that more than one of the officers had less than six months on the job. They were asked several questions regarding their overall training and field training. These officers were asked if they could identify their Field Development Supervisor or their Field Development Coordinator. Neither of the officers reported having contact with any supervisor who they considered a Field Training Officer or Field Development Coordinator. Instead, they described being assigned to work with a variety of officers. Officers were reluctant to answer whether some officers they worked with were the type of officer they wished to be, while other officers were not the type of officers they wished to be. However, one officer did acknowledge feeling that some of the officers he works with did handle situations the way he preferred, even though he never saw officers handle situations inappropriately. In conversations with other Police leaders, they expressed that some districts were much more advanced in their field training and mentoring than others were. While this is inevitable in many respects, the goal should be a uniformly high level of field training. Centralized attention to this may help highlight district specific issues which should be addressed in improving this program. Moreover, designation as a field training officer selected and

compensated by your supervisor may also increase buy in to this program as well as increase training quality.

Conclusion:

Although policing is a unique and difficult profession, it is not so unique that it cannot learn from other disciplines. Other disciplines engage in a purposefully critical review of the circumstances surrounding incidents and through education, ensure that those who join their ranks understand both the successes and missteps of their predecessors. Moreover, many other professions are embracing anti-racist trainings, practice, and policies. Infusing anti-racist principles into the operations of the Philadelphia Police Department may not only help prevent future incidents but can help officers in their day-to-day relationship building. While many interactions can be defused without an arrest, the absence of an arrest should not be confused with a satisfactory outcome for all involved. In a City with 26% of its residents living below poverty level,¹² and previous data showing as many as 20,000 people being stopped by police in 2017 without justifiable cause, with two of every five frisks occurring without cause,¹³ it is vital for the Philadelphia Police Department to undertake this training initiative, as it will likely lead the nation and create a best practice for training police officers. Ultimately, an anti-racist training initiative will assist with dispelling the myth that police are unwilling to discuss the complicated issue of race.

While this training is important, the PPD should make special efforts to ensure that its' current training is implemented effectively and that supervision meets expectations. The PPD should undertake efforts to assess community policing, field training, de-escalation training, binary thinking, and problem solving. The Police Advisory Commission along with experts inside and outside of the Police Department, should be asked to work together on these assessments and improvement plans. In hindsight, it seems that in the years and months leading up to this incident, some proactive messaging and conversation may have prevented the police from even making contact with these two, young men. As noted, the police were directed to have contact with people whom they otherwise

¹² A report from The Pew Charitable Trusts, April 2018, available at:

http://www.pewtrusts.org/-/media/assets/2018/04/philly_sotc_2018.pdf

¹³ ACLU Analysis of Philadelphia Police Stop and Frisk Data, January 2018, available at:

<https://www.aclupa.org/news/2018/01/08/analysis-philadelphia-police-stop-and-frisk-data-shows-illeg>

would not have had contacted. Although prior to the incident in question, police were called to the location on numerous occasions for a similar issue, it is unclear what messaging was delivered to reject the misuse of police by government and business leaders, and it seems that no messaging has been offered to the public on how the police should be utilized. The Police Department should lead on these policy and messaging issues. This seems especially necessary as Police will to bear the brunt of citizen dissatisfaction, even if their actions are often informed by larger systemic issues and prompted by others with their own implicit or explicit biases.



CITY OF PHILADELPHIA

Police Department
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA

Richard J. Ross, Jr.
Commissioner

October 12, 2018

Hans Menos
Executive Director
Police Advisory Commission
1515 Arch Street, 11th Floor
Philadelphia, PA 19107

Re: Evaluation of April 13, 2018 Defiant Trespass Arrest at a Philadelphia Starbucks

Dear Director Menos:

The Philadelphia Police Department has reviewed the above evaluation. First, let me say thank you for the effort and consideration that went into this document. It remains clear that you and your team at the Police Advisory Commission are committed to helping the Police Department provide the best possible service to all Philadelphians and visitors to the City.

The evaluation contains a large volume of material and insight. While I found value in reading the entire document, I am formatting this letter in response to the specific recommendations that you put forth.

Recommendation 1

The PPD cannot agree with the statement that racism has a profound effect on what drives citizen and police contact. Rather, we believe the profound effect on what drives citizen and police contact lies in criminal conduct and victimization. Citizens call and contact the police when they need help or a crime has occurred or is perceived to have occurred. We can agree that biases, whether implicit or explicit, may distort the fears and perception of some citizens who call the police to report crimes. However, the opening statement in this recommendation is overly broad and not supported in your report.

That aside, the PPD recognizes that racism exists and established clear policy in 2011 prohibiting racially biased policing. Specifically, officers are not to consider race and/or ethnicity of the suspect or person to be stopped in determining whether there is reasonable suspicion or probable cause sufficient to justify the investigation. Equally important, race and ethnicity is not to be used as a factor in any law enforcement investigation or provision or law enforcement services or any law enforcement decisions including stops, frisks, searches, consensual encounters and consent searches. While officers clearly take into account the reported race or ethnicity of a specific suspect, race and ethnicity can never be the used as the sole bases for probable cause or reasonable suspicion.

The PPD has a duty to respond to all calls for service, regardless of the motivations of the caller. However, the PPD also has a duty to ensure that its officers are not misused or exploited in this process and that individuals are not improperly arrested or detained based solely on race or ethnicity. Therefore, the PPD agrees to research anti-racist training that could aid officer's de-escalation and decision-making skills. However, implementation of such training will be dependent on locating the appropriate funding.

Recommendation 1.2

With respect to any training proposals requested on this subject matter, the PPD will review proposals from more than one vendor and will seek recommendations from other major city police departments and subject matter experts to determine national best practices surrounding this type of training.

Recommendation 1.3

The Chief Inspector of the Training and Education Bureau, who is also a certified instructor through the Municipal Police Officer Education and Training Commission (MPOETC), is currently responsible to evaluate the efficacy of all training programs. Therefore, the recommendation to enlist an evaluator is rejected.

Recommendation 1.4

Any training implemented on this subject matter will be made available to all PPD personnel. As such, all district-level supervisors will receive any training.

Recommendation 1.5

As mentioned in Recommendation 1.2, the PPD will review proposals from multiple vendors and will seek recommendations from other major city police departments and subject matter experts to determine national best practices surrounding this type of training, including the training modalities.

Training Recommendations one through four:

As mentioned above in Recommendation 1.2 and 1.5, with respect any anti-racist training proposals requested, the PPD will review each proposal and will seek recommendations from other major city police departments and subject matter experts to determine national best practices surrounding this type of training including the appropriate training modalities.

Recommendation 2

The PPD accepts this recommendation. The Police Service Area (PSA) is the foundation on which our neighborhood policing strategy is built. Therefore, a citywide review will be conducted to identify areas for improvement.

Recommendation 2.1

The PPD rejects this recommendation. As mentioned in Recommendation 2, the PSA is the foundation of the PPD's neighborhood policing strategy. Each and every neighborhood in Philadelphia is unique. Therefore, these communities are best served in a decentralized manner through the District Captains and PSA Lieutenants who know the people and communities in their geographical areas of responsibility.

Recommendation 3

PPD rejects this recommendation. While there is a responsibility and an effort made at other levels of government to inform citizens about alternatives to the 911 system, the PPD is not and cannot be tasked with this function. The PPD believes this recommendation is myopic in relation to the Starbucks incident and fails to recognize the evolution of policing, the 911 system and the needs of the communities we serve. Policing has evolved to much more than crime fighting and the 911 system has evolved into a lifeline for those in need of a variety of issues. How and when to use 911 is not as simple as your recommendation would have one believe. The services provided by the PPD far exceed responding to crimes in progress. The PPD fully understands that the 911 system is abused. However, mixed among the abuses are many calls for help that may seem trivial to some, but for the caller, the officers of the PPD are their last hope. The PPD believes that any messaging by the PPD of when people should or should not call 911 will have a chilling effect where people may be afraid or embarrassed to call the police. This message or the appearance of such a message would compromise the trust in the community that the PPD continually strives to improve.

Recommendation 4

The PPD rejects this recommendation based upon the same rationale identified above in Recommendation 3.

Recommendation 4.1

The PPD rejects this recommendation. The PAC appears to be unaware of the duties and responsibilities of the existing PPD Special Advisor's Office that directly reports to the Commissioner. The role of the Special Advisor is to provide advice and counsel the Commissioner and executive command on policies, procedures and the implication of laws and regulations with the sole purpose of continuously improving the PPD, which directly affects the communities we serve.

Recommendation 5

The PPD rejects this recommendation. With the goals of providing an alternative to arrests, the PPD has taken the initiative since 2007 to implement and continually expand the Crisis Intervention Training (CIT) program, which involves the diversion or deflection of individuals in crisis from the criminal justice system. The PPD is currently working with other City agencies and the Court to further expand this concept by implementing a Pre-Arrestment Diversion program for individuals identified as being severely mentally disabled. Lastly, in December of 2017, the PPD launched a Police Assisted Diversion (PAD) program diverting low-level offenders suffering from substance abuse disorders away from the criminal justice system and

towards the appropriate services. Thus, the PPD is actively seeking alternatives to arrest when safe to do so. Nonetheless, in many cases, there is no room for discretion to arrest by the responding officers. The more serious the crime, the less discretion an officer truly has in whether to arrest an individual. That aside, as mentioned above, the PPD has made substantial inroads into providing officers with alternatives to arrest in low-level offenses.

Recommendation 6

The PPD accepts this recommendation. Your report reveals an undesirable situation in regards to Field Training. You indicate, correctly, that variance in the quality of Field Training from district to district is inevitable. However, there is a minimum standard that must be maintained and the PPD recognizes the need to review this issue.

Recommendation 6.1

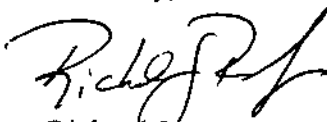
The PPD accepts this recommendation in principal. However, any change in class of assignment or increase in compensation is a term and condition of employment that must be negotiated between the City of Philadelphia and the Fraternal Order of Police.

Recommendation 6.2

PPD rejects this recommendation. The Field Training Program is a citywide policy and as such, it is the responsibility of each District Captain to ensure the policy is implemented correctly. The designation of a centralized Chief or Director of Field Training to oversee one policy is not practicable or feasible. The role of the Standards and Accountability Unit is to review and audit programs and policies to ensure the efficacy and compliance of such programs and policies.

Thank you again for the thoroughly detailed report and recommendations. While the PPD cannot accept all of your recommendations, there was value in discussing all of them, even those that were ultimately rejected.

Sincerely,



Richard J. Ross, Jr.
Commissioner