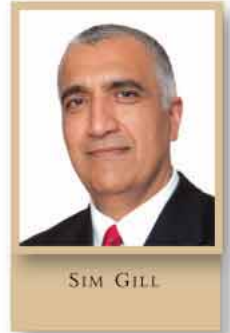


The PROSECUTOR

Use of Deadly Force by Law Enforcement: *Building Public Trust*



SIM GILL

BY SIM GILL

IT IS A NECESSARY CONVERSATION, not necessarily an easy one. The use of deadly force by law enforcement officers, in the course of their duties, has captured both national and local attention. It is an issue implicating a diverse set of concerns ranging from disproportionate targeting of minority populations to racial inequality, police tactics, training, militarization, criminal conduct, officer safety and the inherent dangerousness of policing. However, one common theme emerges: there is very little trust to go around from both citizens and law enforcement.

Perception is someone's reality even if it is not the whole truth. Perception also colors our thoughts, emotions and understanding. Perceptions must be addressed because often they have some influence on what people experience or believe. The perception that police cannot be trusted is detrimental to both the good police officers and their institutions and the citizens who feel alienated from them.

One solution may be to start viewing the issue as not the conduct of a particular officer but rather the failure of institutional accountability of which individual officers are a subset. Individuals of organizations behave and respond with the expectations of their institutions. A significant part of the problem may be addressed by examining the accountability and interactions of these institutions with citizens at various points of interaction.

What are the current checks and balances, the expectations and protocols in place that are making our public institutions accountable? In other words, have the institutions adopted protocols and practices that contribute to the loss of trust? If so, then what are they and what changes may be helpful at a macro level resulting in changes at the micro level of police officers?

The issues can be broken into categories of interactive contact. **First, is there contact at the initial presence in the**

community? How are police agencies interacting with their community? Is the contact always response driven or complaint oriented, or is there a concerted interaction at the ground level of community? Do officers reach out to their community beyond the staged photo-ops for the local press? What is both the quantity and quality of interaction when the cameras are not on? Is the interaction or outreach in safe environments or within the communities that feel alienated or marginalized? This contact is at a human level of interaction as institutional public service.

Second, when issues do arise what are the protocols in place to address them? How well are they shared with the public? Is it sufficient to say that agencies have internal affairs to address them? How does the agency interact with the complainant? Is the experience of the citizen viewed as an opportunity or a nuisance? That is, is it an opportunity to demonstrate access, respect and transparency to a citizen or is it a formality to endure, steps to go through, to get to the finish line because you must? The culture of an institution will be on display here and ultimately the validation of procedural fairness that most citizens crave.

Third, when an incident does happen that requires the use of deadly force, how does the police department react? Is it circling the wagons or is it exerting effort to get to the truth and to learn from it? How are agencies communicating what they learned from the incident? Citizens want to feel assured that future actions will not repeat the same mistakes. Regardless of the intent, what is actually being communicated to the community that feels rightfully concerned?

Fourth, what is the process by which the truth is ascertained? Is it objective, transparent and public? Are agencies self-investigating or are they investigated from outside to avoid conflict of interest claims? Or is the process private, shrouded in secrecy and not subject to public input or

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review? Is the process that is adopted subject to criticism, valid or not, and how is that being addressed?

Fifth, what is the level of accountability? Accountability can range from criminal prosecution to unjustified but not criminally chargeable, and from possible administrative actions for policy violations to justification and no action. If internal discipline is taken against an officer is it shared? There is also civil liability. How much has an institution paid out in a given year? How much of this is shared with the public and how much of it is subject to their input? How much of this is kept private and why? In some communities, civilian review boards fill this gap if they are appropriately empowered to act and have input.

Sixth, what is the process by which internal values, culture and trainings are implemented in an ongoing effort to continually self-monitor and share with the citizens the continued resolve to be more accountable to our community and its citizens? How invested does the community feel and how well are law enforcement agencies inviting participation? In almost every Department of Justice Civil Rights violations and recommendations this is often the most cited area of concern.

Each of the core issues articulated above can also apply to both the elected prosecutor and the prosecutor's office. For us at the Salt Lake County District Attorney's office,

this has also meant that we publish all of our findings, share them with our citizens and outline the analysis that led to our conclusions.

I realize that this is not a definitive list nor conclusive analysis but it does start to highlight the underlying issues and the work that is necessary to address the interactive challenges that exist. Ultimately, it implicates concerns about invested interactions that are viewed by citizens as procedurally fair eliciting institutional legitimacy. The challenge, of course, is that this is not merely a checklist but a continued effort that must cycle back upon itself perpetually for improvement.

The short list of interactive opportunities articulated above provides a critical point to build public trust that must be viewed holistically not in isolation. In communities where citizens felt involved, engaged, educated and able to access their public institutions, you find public trust in law enforcement and prosecution. They see the affirmative actions of their public institutions advocating their concerns and changing their internal protocols to address them. Otherwise, we have only distance and the lack of public trust that so often defines the perceptions of citizens alienated from their public institutions. Every interaction is an opportunity to build public trust and a good place to start.

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