

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Building Trust & Legitimacy **Submitted Written Testimony Received by January 13, 2015** **Presented Alphabetically by Last Name** **Primary Source Documents**

G-N

This document contains all Primary Sources for testimony and public comment submitted to the Task Force for the first listening session on Building Trust & Legitimacy. Ninety-three documents are broken into three sections compiled alphabetically by last name when available or by the name of the organization when not provided. This document contains submissions ending in G-N. A complete list of submissions for A-Z is also provided as an easy reference when looking for specific names or organizations.

Note:

*Oral presenters who submitted written testimony

**Invited written testimony

***Written public testimony

Primary Source Documents G-N

1. **Garcia, Ethan** – Youth Specialist, Identity Inc.
2. **Gerhardstein, Al**- Civil Rights Attorney**
3. **Ginyard, Fred** – Organizing Director, FIERCE***
4. **Graham, Aaron** – Rev., The District Church**
5. **Green, Virgil** – Chief, Future America National Crime Solution Commission***
6. **Greenburg, Sheldon** – Professor, Johns Hopkins University**
7. **Haas, Robert** – Chief Commissioner, Cambridge Police Department (MA)**
8. **Hayes, Louis** – Police Officer, Ret.***
9. **Herring, Maulin Chris** – Trainer/Consultant, Public Safety***
10. **Ifill, Sherilynn** - President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.*
11. **Ingram, Janaye** – Executive Director, National Action Network (NAN)**
12. **Jones-Brown, Delores** – Professor, Department of Law Police Science and Criminal Justice Administration***
13. **Kaufman, Keith** – Captain, Hawthorne Police Department (LA County)**
14. **Knee, Stanley** – Chief, Austin Police Department***

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15. **Kumar, Maria Teresa** - President and CEO, Voto Latino*
16. **Kunard, Laura** – Senior Research Scientist, CNA Corporation**
17. **Lauter, Deborah** – Director of Civil Rights, Anti-Defamation League**
18. **Lumpkin, Bruce** - **
19. **Major County Sheriff's Association****
20. **Masterson, Mike** – Chief, Boise Police Department**
21. **McCauley, R. Paul** – Police Officer/Educator, Academy of Criminal Justice Sciences***
22. **McDevitt, Jack** – Dean, College of Social Studies and Humanities, Northwestern University**
23. **McMurray, Harvey** – Chair, Department of Criminal Justice, North Carolina Central University***
24. **Medlock, Harold** – Chief, Fayetteville Police Department**
25. **Mellis, Doug** – Chief, MCOA***
26. **Moe, Charlene** – Program Coordinator, Center for Public and Safety and Justice, University of Illinois
27. **Murphy, Laura** - Director, ACLU Washington Legislative Office*
28. **Myers, Richard** – Chief, Newport News Police Department**
29. **Nash, Toye** – Sgt. Phoenix Police Department***
30. **National Association of Counties****
31. **National Association of Police Organizations****
32. **National Organization of Black Law Enforcement Executives (NOBLE)**
33. **National Sheriff's Association**
34. **Nutter, Michael** - Mayor, City of Philadelphia*

FOR REFERENCE

Primary Source Documents A-F

1. **Abraham, Robert** – Chair, Gang Resistance Education & Training (GREAT)***
2. **Agnew, Philipp** – Executive Director, Dream Defenders***
3. **Alpert, Geoffrey** – University of South Carolina**
4. **American Friends Service Committee*****
5. **Amnesty International*****
6. **Bande, Monifa** – Communities United for Police Reform***
7. **Beary, Richard** - President, International Association of Chiefs of Police*
8. **Berman, Greg** – Center for Court Innovation***
9. **Blackwell, Angela** – Founder/CEO, Policy Link***
10. **Buchner, Brian** - President, National Association for Civilian Oversight of Law Enforcement (NACOLE)**
11. **Buerman, Jim** – President, Police Foundation**
12. **CALEA*****

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13. **Campbell, Melanie** – President and CEO, National Coalition on Black Civic Participation**
14. **Canady, Mo** – Executive Director, National Association of School Resource Officers (NASRO)**
15. **Canterbury, Chuck** - President, National Fraternal Order of Police*
16. **Carter, Hugh** – Adjunct Professor, Department of Rowan University**
17. **Chavis Simmons, Kami**- Professor of Law and Director of Criminal Justice Program, Wake Forest University School of Law**
18. **Coffield, Faye** – CJ Federal Task Force***
19. **Color of Change*****
20. **Corson Lake, Jill** – Director, Parsons New School for Design New York***
21. **Couper, David** – Retired Chief of Police, Minneapolis Police Department***
22. **Darakshan, Raja** – Program Manager, Washington Peace Center**
23. **Dellums Commission: National Collaboration for Health Equity*****
24. **deLone, Madeline** – Executive Director, The Innocence Project***
25. **Eisen, Lauren-Brooke** – Council Justice Program, NYU School of Law***
26. **Evangelical Lutheran Church of America****
27. **Fachner, George** – CNA Corporation***
28. **Fagan, Jeffrey** – Professor of Law, Columbia Law School***
29. **Fridell, Lorie, Ph.D.**, Associate Professor of Criminology at the University of South Florida***
30. **Ford, Johnny** – Mayor, Alabama Conference of Black Mayors***

Primary Source Documents G-N

31. **Garcia, Ethan** – Youth Specialist, Identity Inc.
32. **Gerhardstein, Al**- Civil Rights Attorney**
33. **Ginyard, Fred** – Organizing Director, FIERCE***
34. **Graham, Aaron** – Rev., The District Church**
35. **Green, Virgil** – Chief, Future America National Crime Solution Commission***
36. **Greenburg, Sheldon** – Professor, Johns Hopkins University**
37. **Haas, Robert** – Chief Commissioner, Cambridge Police Department (MA)**
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39. **Herring, Maulin Chris** – Trainer/Consultant, Public Safety***
40. **Ifill, Sherilynn** - President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.*
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62. **National Organization of Black Law Enforcement Executives (NOBLE)**
63. **National Sheriff's Association**
64. **Nutter, Michael** - Mayor, City of Philadelphia*

Primary Source Documents O-Z

65. **Ogletree, Charles** - Harvard Law School Jesse Climenko Professor of Law, and Executive Director of the Charles Hamilton Houston Institute for Race and Justice*
66. **O'Connor, Barbara** – President, National Association of Women Law Enforcement Executives
67. **O'Neill, Patricia** – CEO/Executive Producer, Not in Our Town
68. **Pasco, James** – Executive Director, National Fraternal Order of Police***
69. **Peralta, Andrew** - President, National Latino Police Officers Association*
70. **Perez, Carmen** - The Gathering for Justice and Justice League of NYC*
71. **Perry, David** – President, International Association of Campus Law Enforcement Administrators (ICLEA)**
72. **PICO National Network****
73. **Price, Megan** - Director, School for Conflict Analysis and Resolution, George Mason University**
74. **Rawlings-Blake, Stephanie** - Mayor, City of Baltimore*

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75. **Razer, Tess** – Teacher, Brooklyn, NY***
76. **Reddy, Vikrant** - Senior Policy Analyst, Texas Public Policy Foundation*
77. **Rosenbaum, Dennis** – Professor, University of Illinois at Chicago**
78. **Ryan, Julia** – Community Safety Initiative Director, LISC***
79. **Skiba, Russell** - Indiana University Center for Evaluation and Education**
80. **Skogan, Wesley** – Professor, Institute for Policy Research Northwestern University**
81. **St. Germain, Jim** -Co-founder of Preparing Leaders of Tomorrow, Inc. (PLOT)*
82. **Santa Fe College and Police Department**
83. **Stoudt, Brett** – Professor, John Jay College of Criminal Justice***
84. **Stoudt, Brett** – Public Science Project, Morris Justice Project, Research for Fair Policing***
85. **Streetwise & Safe*****
86. **Team Kids*****
87. **Turner, Nicholas** – President and Director, Vera Institute of Justice**
88. **Tyler, Tom** - Macklin Fleming Professor of Law and Professor of Psychology, Yale University*
89. **Unnever, James** – Professor of Criminology, University of South Florida**
90. **Walker, Samuel** -Professor Emeritus of Criminal Justice, University of Nebraska at Omaha*
91. **Warren, Vincent** – Executive Director, Center for Constitutional Rights***
92. **Weinstein, Barbara** – Associate Director, Religious Action Center of Reform Judaism***
93. **Winkler, Jim** - President and General Secretary, National Council of Churches of Christ in the USA*

January 7, 2015

To Whom It May Concern:

This document serves as my testimony on the topic of building trust and legitimacy for The President's Task Force on 21st Century Policing. With the recent tension among communities and law enforcement, I feel this is a great step in the right direction to ease those negative feelings that police officers are having to face on a daily basis inside their communities. The recommendations I am suggesting involve improving police and youth relations and hiring a diverse workforce to build a culture of transparency.

The juvenile justice system involves early investment with our youth to give them a better chance at life. There should be a strong concentration on helping underserved and minority youth and their families succeed instead of just holding them accountable for when they fail. The juvenile justice system sits at the intersection of our failures to combat poverty and educate our children. I believe our communities would be stronger and safer if we devote in our youth.

I was once a troubled youth. I know how important it is to build strong relationships amongst young people and law enforcement. I have personally experienced this first hand. I have attended police conferences where I have been the guest speaker and have addressed this issue. I share about how the relationship I had with a police officer impacted my life in a positive way. He empowered and encouraged me to change my life around. He believed in me even when my own family did not. Many young people are faced with the same circumstances; where the only support they have is not family. Sometimes it only takes a mentor of some type to make a difference in a young person's life. Even after twenty years since our first encounter, I still have a good relationship with this officer.

We need to see more of this today. The majority of juveniles that enter the justice system are youth that come from poor communities. Law enforcement needs to focus on those areas and build stronger relationships with these communities. These communities need to feel that they can trust police officers. This includes getting involved in community events and showing and maintaining a strong presence there. More involvement in the schools in those areas is also very important. They need to engage with these communities and build the rapport necessary to make those communities feel safe. I feel this is a good start to move towards the path of improving police and youth relations.

I currently work as Youth Services Specialist for a Non-profit organization, Identity, Inc. At Identity, we provide programs and services for youth in Montgomery County, MD to help them achieve a sense confidence, connection, and control over their future. The goals are to reverse the negative trends affecting young people such as teen pregnancy, school truancy, low academic achievement, and gang involvement. We empower youth to become leaders in their communities

by building upon their protective factors and reducing risk factors. We also work towards improving the health and well-being of youth and their families through direct services and linkages to other social service providers. Law enforcement needs to establish a relationship with community organizations such as Identity, Inc. If they work together it will enhance the chances of decreasing the numbers of youth entering the juvenile justice system.

Another important point is for law enforcement to hire a diverse workforce in order to build a culture of transparency. Police officers should have the culture competency to work in communities where there are large minority populations. These communities need for police to speak their languages. Communication plays a key role in avoiding misunderstanding amongst the public and the police. Solid communication and cultural competency between police and communities gives a sense of understanding and makes it comfortable for people to not be afraid of the police.

It would also be beneficial for law enforcement to provide culturally appropriate social emotional support services. This includes a collaborative network with community organizations that provide these services. In some cases, these services are provided to communities at no cost. If these programs do not exist in certain communities, funding and sponsorship should be requested from any resource available for this purpose. These are concerns that deserve the proper investments.

These are only two items that need immediate attention to building trust and legitimacy for The President's Task Force on 21st Century Policing. There are many more but I feel this is a good place to start. I hope that this testimony can be taken into consideration to start this process and make it an effective practice amongst all law enforcement agencies.

Recommendations to the President's Task Force to Strengthen Public Trust, Improve Police Accountability and Improve Public Safety

By Al Gerhardstein, Civil Rights Attorney
432 Walnut Street, Suite 400
Cincinnati, OH 45202
513.621.9100
agerhardstein@gbfirm.com, www.gbfirm.com

I sue cops. For 38 years my docket has been crowded with excessive force, false arrest, racial profiling and cases challenging other abuses. We accomplished significant police reform in Cincinnati under a court order, *In re Cincinnati Policing*, 209 F.R.D.395 (S.D. OH. 2002).

Twelve years later we have embraced our reforms in policies, training, performance metrics and public education.

A. Actions by State and Local Agencies That Will Build Transparency and Trust

- **Reserve arrest and prosecution for serious threats to safety.** "Broken windows" is a bad strategy that makes criminals of people involved in minor transgressions. Let's save arrest and prosecution for the truly serious offenders. At the same time, let's do problem solving which engages multiple stakeholders around discrete problems – such as specific locations that become magnets for disorder. For each of those locations we gather the neighbors, tenants, property owners, public health agencies, traffic authorities, etc. with the police. Creative solutions emerge to stop crime at its core. We are doing this in Cincinnati, and it works.
- **Reject enforcement strategies that disproportionately impact people of color.** Stop-and-frisk campaigns harass law-abiding black and brown citizens without contributing to public safety. The hit rate on guns and contraband is extremely low and the strategy turns the public against the police. The federal court in New York was right to order major reform of stop and frisk, and other communities should follow that lead.

- **Ensure adequate policies and training.** I see many cities with bad policies and training. Often, training in use of tasers, response to mentally ill people, and “shoot/don’t shoot” is deeply deficient. This is a huge disservice to the officers and the public. This is particularly true in small towns. We need clear mandates for licensed law enforcement officers on what academies must teach and what must be included in recertification. Paper tests must be supplemented with validated scenario based training to truly prepare officers for the field and to keep them updated.
- **Hold officers accountable under criminal law *and administratively*.** Many have written about the need for a thorough, independent criminal investigation whenever an officer kills a member of the public. But what about discipline? This is the easiest to do but in my experience the most universally ignored. Even if the officer is not indicted, if he or she violated department policy and training, the officer should still be disciplined. Cruiser and body-worn videocams enhance supervision and allow helpful random audits of officer conduct. In any other well-run business, work rules are strictly enforced. Police officers should not get a pass.

B. Actions by the President and Congress

- **Hold officers accountable in civil cases.** Officers who violate civil rights must be liable to their victims in damages just like other wrongdoers. Accountability for excessive force is undermined by defenses like “qualified immunity” that protect police officers from judgments when they violate the law. It was created by judges but can and should be repealed by Congress.
- **Hold local government accountable under ordinary agency law.** If a pedestrian is run over by a delivery van, the delivery company is liable for the driver’s misconduct under

ordinary agency principles. If an unarmed citizen is the victim of excessive force, the city that employs the police officer is *not* liable unless city policies directly caused the officer's misconduct or the city was "deliberately indifferent" to a pattern of repeated failures in training and supervision. This standard discourages cities from implementing adequate training and supervision. Federal legislation should impose agency liability on local government.

- **Capture all the facts about excessive force.** The Death in Custody Reporting Act, signed last month requires that law enforcement programs report the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison. This is long overdue. Reporting should be extended to officer-involved shootings and tasings that cause serious injury and not just death.
- **Allow lawsuits based on disparate racial impact.** Under Title VII, employers are liable if they impose unfair job requirements that have an adverse impact on a particular race. We need to use the same theory to correct racial injustice within the law enforcement system. Many law enforcement strategies result in criminal justice sanctions imposed disproportionately on people of color. These discrepancies also appear in school discipline. Legislation should fix this serious problem.

C. **Dialogue and Collaboration at all levels.**

I work in Cincinnati but rarely sue the city or its officers anymore. Why? Because many of the ideas in this testimony have taken root in Cincinnati, Ohio where we have engaged in an ongoing police-community dialogue for more than 12 years. That's right: community members, police union representatives and police administration regularly talk together as we seek continued reform based on our 2002 Collaborative Agreement. Trust comes slowly, but it does come when

citizens walk in the shoes of an officer facing terrifying moments and when officers walk in the shoes of people of color who feel over-policed.

What did we do in Cincinnati that may serve as a model for other communities?

First, we listened. We surveyed everyone and thousands contributed ideas for reform. We hosted small group discussions. We held community forums. We started with eight stakeholder groups and identified five consensus goals to which everyone – police officers, community residents, business representatives, clergy, youth, etc. – agreed:

First Goal: Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving

Second Goal: Build Relationships of Respect, Cooperation and Trust Within and Between Police and Communities

Third Goal: Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD

Fourth Goal: Ensure Fair, Equitable, and Courteous Treatment for All

Fifth Goal: Create Methods to Establish the Public's Understanding of Police Policies and Procedures and Recognition of Exceptional Service in an Effort to Foster Support for the Police

Second, we committed to a court enforced collaborative agreement that detailed the path toward implementing these five goals. At the table we had the City administration, the police union, the community and the DOJ. We agreed to implement problem solving; install cameras in all cruisers; monitor the videos of police – community interactions; reform use of force policies and investigations; upgrade mental health interactions; establish an early warning system; eliminate bias in policing; establish a citizen complaint authority with independent investigators and subpoena power; and survey the citizens regularly on our progress.

Third, we made sure that the court ordered reforms were translated into policies and procedures; that the policies were then fully translated into the training materials and modules; and that the training was reinforced with the performance and promotion standards.

Fourth, when court supervision ended we established a working group from the same diverse stakeholders who continue to meet regularly with the City manager and police administration to ensure that the reforms continue and that changes that are needed get implemented.

Fifth, we have maintained a diverse law enforcement workforce with approximately 1/3 African American and nearly 1/4 female.

Cincinnati is not perfect. But we have an inclusive structure through which we can confront and resolve problems that arise. Citizens, police union representatives, police administration, and other stakeholders are still at the table twelve years later. Still engaged. Citizens do not feel “occupied” by the police. Crime abatement strategies are much more creative and effective than simply making arrests. Come and speak with us. I encourage anyone to speak with those who have worked for years on reform in Cincinnati including but not limited to Reverend Damon Lynch III, Iris Roley, Margaret Fox, Don Hardin, and FOP President Kathy Harrell.



A testimony from FIERCE for the President's Task Force on 21st Century Policing

Contact: Fred Ginyard, Organizing Director. fred@fierceny.org

Fabulous Independent Educated Radical for Community Empowerment, FIERCE, is a membership-based organization *building the leadership and power of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth of color* in New York City. We develop politically conscious leaders who are invested in improving ourselves and our communities through youth-led campaigns, leadership development programs, and cultural expression through arts and media. FIERCE is dedicated to cultivating the next generation of social justice movement leaders who are dedicated to ending all forms of oppression.

FIERCE was founded in 2000 in direct response to the NYPD killing of Amadou Diallo and the implementation of Broken Window Policing policies in the West Village. Over FIERCE's fifteen years of working with LGBTQ Youth of Color, we have heard countless stories of LGBTQ Youth being harassed by police officers. In 2012, the NYPD's 6th Precinct -which covers the West Village where FIERCE organizes- aggressively increased stop-and-frisks by 23% - the largest percentage increase in the whole of NYC. The New York Civil Liberties Union 2012 "Stop and Frisk" report found that while only 8% of the residents in the 6th Precinct area are black and Latino, an astounding 83.5% of all police stops were of blacks and Latinos. This striking statistic is indicative of the disproportionate profiling of communities of color who frequent the West Village and hidden in these statistics is the experience of LGBTQ youth of color. This targeting is a result of the discriminatory perception that these youth do not belong in the area they are in, a perception based on the intersecting factors of age, race, gender identity and expression, class and individual status as homeless or marginally housed. The racial and gender profiling of LGBTQ Youth of Color as well as heavy enforcement of 'Quality of Life' Laws' place LGBTQ youth in a cycle of poverty and criminalization.

In 1994, New York City Mayor Rudy Giuliani implemented Quality of life laws in New York City. Quality of Life laws take minor acts of misbehavior, i.e. taking up more than one seat on a public bench, blocking a sidewalk, public urination, and excessive noise, into a criminal act. These laws have made it a crime to be homeless and poor. According to the 2002 report by Picture the Homeless, "Pattern and Practice: Systemic Violations of the Civil Rights of Homeless New Yorkers by the NYPD,"¹ 81% of people interviewed said they were harassed by NYPD Officers for being homeless, 63% of respondents reported being stopped and frisked for no reason, and 61% reported being issued a summons or being arrested for doing things because they were homeless.

Given the disproportionately high rate of criminalizing interactions with law enforcement that the homeless community faces, it is important to note that LGBTQ youth make up an estimated 40 percent of the homeless population in New York City. While this data is specific to New York City, homelessness was reported as the top issue impacting LGBTQ youth in FIERCE's 2014 national report "Moving Up Fighting Back: Creating A Path To LGBTQ Youth Liberation." The report highlighted the top issues directly impacting LGBTQ youth across the country and reported data from a national survey FIERCE conducted that collected responses from 249 individuals spanning 58 organizations and 34 states across the United States. Survey participants listed the criminalization of

¹ http://www.picturethehomeless.org/Documents/Reports/Pattern_and_Practice_Civil%20Rights_Report_2002.pdf

LGBTQ youth as the second highest critical issue impacting LGBTQ youth.² **It is important to note that youth expressed concerns over being criminalized for being homeless.** In 2010, only 5 states in the United States (New Jersey, Maine, Utah, Washington, and Oregon) did not impose status offenses on runaway and homeless youth. Status offenses are any act that is punishable by law. Through this report and FIERCE's national work, we know that the issue of discriminatory policing is having a negative impact on the everyday lives of LGBTQ youth across the country. Approximately 300,000 gay and transgender youth are arrested and/or detained each year, of which more than 60 percent are black or Latino. Though gay and transgender youth represent just 5 percent to 7 percent of the nation's overall youth population, they compose 13 percent to 15 percent of those currently in the juvenile justice system.³ LGBTQ youth are often forced to leave physically, mentally, and emotionally abusive environments like their home or school, only to face further harassment from the police. It is unsurprising that almost half the LGBTQ youth in a recent survey were uncomfortable seeking police assistance when they needed it.⁴

We offer the following Recommendation to the Task Force:

- 1. End Discriminatory Policing Practices**
 - a. End the use of Broken Windows Theory to create and implement police policy
 - b. End the use of Quality of Life Laws
- 2. End the Criminalization of Runaway and Homeless LGBTQ Youth**
 - a. End the use of Status Offense to criminalize runaway and homeless LGBTQ youth
- 3. Federal Oversight and Transparency of Policing Practices**
 - a. Establish independent federal oversight committee on policing practices
 - b. Ensure local police data and stats are open to the public and disaggregated by age, race, gender, geographic location
- 4. Increase resources and access to safe spaces and employment opportunities for LGBTQ Youth**
 - a. Increase funding for services and beds for homeless youth
 - b. Re-authorize the Federal Runaway and Homeless Youth Act with non-discrimination policy mandate
 - c. Increase the number of slots available for youth in job development programs. Ensure that all slots have adopted similar state employment non-discrimination policies to protect LGBTQ youth.

² http://www.fiercencyc.org/sites/default/files/docs/MoveUpFightBackReport_Final.pdf

³ <https://www.americanprogress.org/issues/lgbt/report/2012/06/29/11730/the-unfair-criminalization-of-gay-and-transgender-youth/>

⁴ http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf

To: President Barack Obama & The Task Force on 21st Century Policing
From: Rev. Dr. Aaron Graham – Lead Pastor
Subject: Moving from Integration to Reconciliation
Date: January 6, 2015

Thanks to the great sacrifices by the abolitionists of the 19th Century and the civil rights leaders of the 20th Century, our country has made tremendous progress with race relations. There is much to celebrate and be thankful for. Yet there is much work to be done as racism still persists.

The mission before us in the 21st Century is to move from integration to reconciliation. This was the vision Dr. Martin Luther King, Jr. cast when he talked about the beloved community. Integration was important, but ultimately we had to change the way we live together as a people. The end goal was not simply to pass the Civil Rights and the Voting Rights Acts, as important as these were. Reconciliation was the larger vision, and this remains our challenge and our mission today.

The mistrust happening across our country between races, and between the community and the police breaks the heart of God. It breaks God's heart because it is not how God designed us to function as a people or society. God is in the reconciling business, because the Bible is one story from beginning to end of God putting his family back together. This must be our mission today: to see our American family put back together.

The Need for Bold Leadership

There is a hunger and a yearning in our country for bold leadership to address the needs of racial reconciliation. Yet many of us in leadership positions feel like our hands are tied in leading such diverse groups of people. Some will think we are talking about race too much and taking us backward, while others will think we are not talking about it enough.

Because of the fear of further polarization, many have settled for a more pragmatic approach to social change, rather than the bold type of leadership that can speak to hearts and minds. Yes, we must see and work for tangible policy change, for good policy has the power to restrain the evil and injustice at hand. However, what our country needs in this quest toward racial reconciliation is much deeper than just legislative change alone. It must be rooted in a vision of who we are becoming as people.

We need our President to find his moral voice again. To be willing to take whatever political risk necessary to look the American people in the eye and inspire us to make the sacrifices needed to live up to our founding principles. To speak to the moral contradictions of our time, such as our espoused belief that all people are created equally and yet the denial of this belief by our actions. We need leadership to acknowledge where we continue to fall short, and ask all of us to make the shared sacrifices necessary to achieve the future we desire.



More specifically, we need bold leadership that: a) casts a vision for racial reconciliation, b) practices the politics of repentance, c) creates partnerships between clergy and police, and d) leads by example.

Cast a Vision for Racial Reconciliation

The vision for reconciliation must go deeper than the ones currently being offered today. Too often when faith is talked about in the political or legislative context, it is used instrumentally. Faith becomes a means to an end, and in this case, justice or inclusion being the highest goal or end. The problem is when the vision for reconciliation is limited to “diversity” or “inclusion” alone, it does not go far enough. It easily becomes another way groups contend for more power, failing to offer a vision any higher than promoting one’s own ethnicity, gender, or culture as the end in itself. Instead, we need to speak to the hearts and minds of people by casting a vision of who we are called to be as a people, and seeing reconciliation as a means to that larger vision. Shared sacrifice will be made when we rise above the current polarizations and are given a vision of reconciliation that is worth giving our entire lives to.

Practice the Politics of Repentance

If we do *not* practice the politics of repentance on both sides of the aisle people may be coerced to change but they will never be truly transformed. The oppressed will become the next oppressor. We must see hearts and minds transformed if we want to see true long-term racial reconciliation.

President Obama said in our meeting at the White House, “If something is true but not acknowledged, it is hard to do anything.” The first step is to acknowledge. For the white community, the first step it is to acknowledge that racism still exists and must be addressed. For law enforcement, it is to acknowledge that many citizens do not feel safe in their own communities, even with police presence. We must acknowledge our racist history as a country and confront the reality that racial bias still persists today. Even if it is only a minority of officers who are demonstrating racial bias today, it is still happening, and it brings up an ugly history for us as a nation, where racism was the norm.

We need to come together as police commissioners, officers, and pastors, to acknowledge our sins and commit to moving forward in partnership and in real relationships built around trust. We need to organize listening tours where different local communities hear the experiences of the African American community both historically and today. And then we need to fully acknowledge and repent for the ways our actions and beliefs, particularly in the white community, have led to such immense suffering and discrimination.

In South Africa, Nelson Mandela and Desmond Tutu did not simply protest, but also worked to shape a beloved community around repentance, forgiveness, and peace. Like Dr. Martin Luther King they saw the importance of rooting reconciliation within the



church, arguing that justice without communion and fellowship leads us to forget our story of faith – a story that is rooted in the promise of reconciliation and forgiveness.

Create Partnerships Between Clergy & Police

The 10-Point Coalition in Boston serves as a great example of what community policing can achieve when it is done in partnership with the local faith community. The strategy in Boston focused on having clergy and police partner together to make home visits among the city's highest-risk youth in efforts to prevent violence and crime. Clergy worked to offer community support and counsel, while the police travel with the clergy to ensure safety. We need to step up our policing strategies in partnership with the faith community in every major city throughout America. Having clergy more intentionally involved can help ease some of the tension that often exists between the community and the police.

Lead by Example on the Local Level

The vision for racial reconciliation should not just be talked about, but must be demonstrated tangibly on the local level. We must remember our policies will be no better than our ability to live them out on a personal and community level.

We must commit ourselves to the long-term work of cultivating multi-cultural expressions of the faith that facilitate heart change. These local communities serve as tangible expressions of what we long to see in our nation. The good news is that this is already happening as younger urban congregations are becoming increasingly diverse. We must lift up these examples of churches, local neighborhood associations, and police squads that are working and worshipping together across racial and political lines.

We need to organize events that “show” and not simply “tell” our country what reconciliation looks like. We need to provide the media with good stories to tell about local communities and police working together so that America does not think that these isolated stories of division are the norm.

Conclusion

As we move forward, let's ensure our 21st Century policing strategies are not confined to incremental policy change but include a bold vision for how we are to live together as a reconciled people. As leaders let's come together and practice the politics of repentance, fully acknowledging what has gone wrong so that we can move forward in full trust. Let's create strategic partnerships between clergy and law enforcement that can help ease community tensions while also targeting the highest risk youth with social services. Finally, let's show our country what reconciliation looks like by intentionally lifting up the success stories of faith communities, neighborhood institutions, and police departments who are practicing reconciliation at the local level.



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FUTURE AMERICA NATIONAL CRIME SOLUTION COMMISSION

Chairman: Chief Virgil (Babatu) Green
Boley Police Department
309 S. Pecan Street
Boley, Oklahoma 74829
chiefgreen@sbcglobal.net

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HOW DOES HUMACULTURE INTERDICT AND BREAK THE CYCLE OF CRIME?

Part 1: The science and the scientist

Humaculture is the science of understanding what happens to the baby from conception through birth and its subsequent exposure to culture. It tells you who a baby is; what the capacity of the baby is at birth; what happened to the baby socially; and how the baby can make adjustments to align with its capacity.

Dr. Nkosi Ajanaku, Esq., created Humaculture. The word dates back to the middle 1980s and the science of it was created in 1973. Humaculture provides a format to talk scientifically about a baby's evolution from Homo sapiens to human being.

Part 2: What is slavery?

Slavery in America is the basic problem that Dr. Ajanaku discovered in 1973 in Durham, NC. Dr. Ajanaku, internally researching his inside self, came to realize that slavery was the hidden and driving force that shaped his total life from infancy to 38 years of age. He realized that slavery exists today as well as it did in 1619; it just exists today in many new forms. Slavery is a survival tactic that people go into. An overwhelming force causes individuals to choose this survival tactic rather than putting their lives on the line to live at the level of their inherent capacity as Homo sapiens. That survival way of life becomes institutional as it did in this country. It continues to be reinforced and extended through language that guides the habitual behavior.

Part 3: Understanding the problem-situation of crime.

The starting point is to determine what crime is and where it comes from.

Crime extends from the good boy/bad boy culture that rules our neighborhoods. This culture has a historical trail that tracks back to the slave plantations. Our communities always have featured brothers who were "in the house with the master." Historically, those close to the master were the "good boys."

Today, the “good boys” go on to college and later become corrections officials, human service department administrators, etc. Those with high school degrees and diplomas generally become policemen, firemen and factory workers.

There also is the big pool of school dropouts. The large dropout rates reflect that the school serves to cull the children and pull them away from the community.

This scenario is not one that the people desire or would have designed had they known the facts. It is complicated by the fact that the individual houses in the community have no substantive connection, which means the people cannot talk beyond differences and resolve issues.

With the cycle of crime, the “bad boys” become the heroes in the community. They know everything that is happening in the community. The “good boys” leave the community and the children are raised up among the “bad boys” that remain.

The “bad boys” dominate and have their own “economic system.” The situation leaves the neighborhood, city, county, and nation wide open for drugs, gangs, etc. This is the source of crime.

The quest of the “bad boys” is to get what they need and they don’t have the skills to do that in socially acceptable ways. So they make illegal moves and you can’t stop that with normal patrols through the neighborhood.

Part 4: Interdicting: Breaking the Cycle of Crime

NOTE: Scientists eradicated the scourge of the boll weevil by identifying its reproductive cycle and injecting chemicals (science) to disrupt the cycle.

Humaculture allows us to interrupt the reproductive cycle of crime. It arms us with a new education program that equips law enforcement officers and officials with a new way of looking at law enforcement. In their new role, police officers become part of the community.

Missing from the community is a cadre of intelligent people who know how to take research and create a model community with an education program for all the children; an education program relevant to the lives and needs of the community. The police, who have early and ongoing contact with the children, are envisioned as the building block for this team. The staff and scientists employed by the Future America National Crime Solution Commission would teach the police all they need to know to handle the new role.

Here are some key steps to the success of this model-neighborhood approach:

- Envision education as a community process that is ongoing 24-7.
- Make use of a curriculum that teaches children how to stick with each other; how to plan for the future; and how to make education relevant to the future.
- Recruit police to live and work in the neighborhood to make sure the neighborhood is healthy and that things go according to the community plan.
- They will know all the children and provide insulation for the teachers as part of a team designed to raise babies.
- Convert the current training manual to one on how to be successful in the neighborhood using FANCSC research materials and tools.

Part 5: Summary

- After-the-fact (of crime) normal police work won't touch the source of crime.
- FANCSC's before-the-fact (of crime) approach is a new mindset.
- Humaculture science makes it easy to see some key facts about the community that have not been easy to see before now.
- Recruit police to handle the Humaculture research.
- Train the police to be the anchoring part of a team assembled to take care of babies and to make sure the community is healthy mentally and physically.
- Coordinate the community plan and the new role for police through an Office of Innovation that is manned by at least one person. Make use of specially designed New Knowledge Forums to begin the community's re-education on the team approach to raising babies.
- With insulation and support, FANCSC's scientists can turn its proposal into a practical reality in 12 months. That includes laying the foundation for a Wall-Street sized for-profit and non-profit corporation that becomes the dominant voice in America relative to converting poverty into wealth and gang-bangers into socially-accepted entrepreneurs.

President's Task Force on 21st Century Policing Building Trust and Legitimacy

Testimony submitted by Sheldon Greenberg, Johns Hopkins University

Thank you for the opportunity to submit testimony to the President's Task Force on 21st Century Policing. I am Sheldon Greenberg, Professor in the Johns Hopkins University, School of Education, Division of Public Safety Leadership. For 18 years, I led the Johns Hopkins University Police Executive Leadership Program. Graduates of the program have served as chiefs and sheriffs in over 80 jurisdictions nationwide in addition to serving in other leadership roles in local, state, and federal public safety agencies. I am a former Associate Director of the Police Executive Research Forum and officer and member of the command staff of the Howard County (MD) Police Department.

The following testimony addresses the areas of review cited by the Task Force. The testimony offers a brief statement on the issues, followed by recommendations. As needed, additional information will be made available on each of the following.

Defining the role of the police in a democratic society

Defining the role of police in a democratic society is a complex undertaking, requiring more time than allotted to the Task Force on 21st Century Policing.

Recommendation: A fresh look at the role of police patrol officer in the United States is needed. Establish a President's Commission on Police, similar to the Commission on Law Enforcement and the Administration of Justice of the late 1960's (President's Commission, 1967), focused primarily on police (independent of courts and corrections), staffed and given 24 months to meet its charge.

Police officers do not learn about the Constitution, which they swear to uphold when taking their oath of office. Rather, they are taught Constitutional Law which is court opinion.

Recommendation: Teach police officers (recruit and in-service) about the Constitution of the United States. Require officers to read the Constitution and provide them with meaningful background on its history and intent. Provide model curricula.

Recommendation: Compel police academies to teach to the oath of office by reviewing its purpose and the commitment and responsibility it imposes on the individual.

Building a culture of transparency

A missing element in community oriented policing is awareness of "community." Police officers are not taught about the elements essential to community viability.

One factor influencing the "disconnect" between front line officers and the neighborhoods they serve is a weakly-defined "end product." What should result in the community if police officers are infinitely successful in doing their job? Without focus on a tangible end product, officers tend to conduct the process of policing without achieving its purpose.

Recommendation: Define and publicize the intended “end product.” Paint a clear picture of what should result – what neighborhoods and communities should be – when police officers are successful in doing their job. Provide tangibles that sworn and civilian personnel and members of the community can understand and work toward. Provide guidance to agencies in how to advance toward the intended outcome.

Recommendation: Establish model curricula for police officers and civilian personnel on what makes a successful neighborhood, poor or wealthy, and how they directly influence community success and sustainability.

Police and sheriffs’ departments convey success in terms of “absence of negatives” and simple statistical change. Traditional methods of declaring success – crime down, fewer crashes, reductions in overtime – have little value to people in neighborhoods, particularly those who live in fear of harm due to crime.

Recommendation: Develop guidelines for police executives on how to demonstrate success and value to the community based on indicators that have meaning to people. Consider how the police positively impact essentials to community viability such as sustained small businesses, neighborhood stability, access to mass transit, use of recreational facilities, minimally impeded traffic flow, increased attendance at school, access to health care, and attention to vulnerable populations.

Recommendation: Present information on police agency value and successes in three languages – internal, external, and political. Recognize that the information conveyed to one group may have little value to and credibility with the others

Hiring a diverse workforce

The selection process, including the background investigation, is designed to provide police departments with the “least worst” entry-level employees. Applicants with the fewest negatives in their history are hired. Minimal attention is given to hiring “the best.” The system eliminates potentially excellent candidates who may have committed minor violations of law in the past.

Recommendation: Rethink the hiring process, especially the background investigation. While eliminating the negatives is essential, restructure the process to focus equally on an individual’s traits, potential, and commitment to serve.

Recommendation: Advance the Community Service Officer (CSO) program. (Tatum, 1977) Consider young people 18-21 years of age who may have committed minor violations to serve in this role. CSOs work in the community (different from traditional cadets) handling minor calls for service and performing other duties to relieve patrol officers to tend to higher priority crime resolution and problem solving. If they serve well, CSOs advance to the police academy at age 21.

A study conducted at Johns Hopkins University (Division of Public Safety Leadership) showed that police recruiting web sites overemphasize specialty units (SWAT, aviation, forensics, K-9), convey photos of white males in these roles, and minimize uniformed patrol. The messages conveyed to potential applicants, particularly women and minority candidates, are not subtle.

Recommendation: Review recruiting materials and web sites to showcase a diverse workforce, primarily in uniformed patrol.

Returning veterans and career changers have increased the average age of entry into policing; yet, recruiting efforts tend to treat all potential applicants the same. A 21-year old applicant has different needs and expectations than a 32-year old career-changer. Career stages are as distinct as life cycles.

Recommendation: To improve hiring and retention, provide recruiters, academy instructors, and supervisors with the training and guides to interact with employees based on career stage or cycles.

Law enforcement is one of the few professions in which people can enter employment with no prior preparation or demonstrated commitment. It diminishes the field to those who committed themselves and worked to prepare for a career of service.

Recommendation: “Raise the bar” for entry to attract the best potential applicants to police service, including women and minorities. Require applicants to demonstrate that they have taken steps to prepare themselves for entry into the field – degree, college courses, noncredit courses, volunteerism or other type of community service, internships, related work experience, etc.

Procedural justice

People convey criticism about the slow investigative process and lack of follow up regarding complaints they file against officers. Excuses for delays based on requirements of the Police Officers Bill of Rights or other mandates provide little solace to those who filed complaints.

Recommendation: Make it a priority to provide feedback on a routine basis to people who file complaints against officers. As indefinite as the information may be (due to process, policy, or law), regular feedback to people who file complaints may reduce perceptions that the police department is withholding information or biased in its investigation. Retired officers can manage the feedback process.

Recommendation: Establish guidelines for releasing general information about internal affairs cases, internally and externally, without violating law or rules governing protection of the accused. Routinely publicize data on the number and type of complaints filed against officers and outcomes of the investigations.

People need the opportunity to have legitimate input to their police. Soliciting citizen input to police service is conducted well by some agencies, but haphazardly by most.

Recommendation: Establish and increased number of citizen advisory panels. Establish citizen advisory panels on patrol, training, narcotics, districts and precincts, internal affairs (not a review board), and other major and highly-visible functions. At advisory panel meetings, allow for genuine exchange of information rather than “information dump” on the police department’s initiatives. Rely on members of the advisory panels to take the “pulse” of the community and share it.

Racial reconciliation

Issues of race are issues of human rights, dignity, and respect.

Recommendation: Compel all police agencies to adopt human rights standards, such as put forth by the United Nations, and develop a local human rights doctrine. (United Nations, 2004)

The quality and value of courses on race and minority relations are challenged by many officers.

Recommendation: When teaching or discussing issues of race and ethnicity with police, be specific. Minimize hyperbole and “in your face” training. Dissect issues into their finest form, focus on tangibles, be clear on the needed corrective steps, and provide the “how to’s.”

The issue of race-based and ethnicity-based “profiling” lingers, frustrating members of minority communities and the majority of police officers who treat people fairly. Addressing the issue requires more than the compiling of statistics.

Recommendation: To advance the dialogue, cease using the term “profiling.” Instead, use the terms “inappropriate profiling,” which is always wrong and must be eliminated, and “appropriate profiling,” which is essential to the job of policing.

Recommendation: Assess patrol officer perceptions about arrest and traffic quotas. Assess how supervisors and commanders directly or inadvertently pressure and evaluate officers regarding number of arrests, citations, and stops.

There is a perception in poor and minority communities that police officers do not provide the same degree of attention to calls for service and follow up investigations as occurs in predominantly white and economically-advantaged communities.

Recommendation: Police agencies should routinely review call for service data and reports to compare the time spent and the quality of response provided in poor and minority communities to middle class, upper class, and white communities. If discrepancies are identified, action should be taken to determine cause and take corrective action.

In many agencies, patrol officers wear BDU’s (battle dress uniforms) or similar SWAT-looking attire. BDUs are aggressive looking, offensive to some, particularly in minority neighborhoods, and worn sloppily by too many officers.

Recommendation: Eliminate BDU’s as the patrol officers’ uniform-of-the-day and return to more professional uniforms.

Community engagement and dialogue

Excessive or unwarranted fear is influenced by people’s values, experience, environment, and relationships. People who live in fear are less inclined to engage with the police or involve themselves in community endeavors. Rhetoric about crime by political and police officials may purposefully or inadvertently exacerbate fear. Police leaders and front line officers rarely learn about fear and how to manage it.

Recommendation: Require all sworn officers and civilian employees to learn about fear (causes, prevention, perpetuation, reduction). Designate a member of the command staff (or district or precinct) as the agency’s “fear manager” with the charge to take the pulse of fear in the community, particularly during an escalating crime situation or crisis, and initiate fear reduction tactics.

Generally, success and failure, including dealing with potentially volatile situations, occur on the front line at the point of contact between a patrol officer and another person or a group of officers and group of people. The majority of patrol officers manage contacts with people exceptionally well. A small percentage of officers are repeatedly sarcastic, cynical, and disrespectful, creating anger and volatility and driving a wedge between the police and people in the community.

Recommendation: Shift attention from “police-community relations” to “patrol officer-neighborhood relations.” Teach officers to convey messages. Script them in how to de-escalate tensions, reinforce positives in the community, and what to say and avoid saying in certain situations and calls for service.

Recommendation: Teach patrol officers how to prepare and present when called to participate in a neighborhood event or meeting. Provide them with scripted messages to aid in their preparation.

Political and police leaders routinely exclaim they cannot achieve their desired goals without community partnerships; yet, few leaders are taught how to conduct them. As such, some partnerships are little more than “show and tell” endeavors.

Recommendation: Move beyond assumption that agency leaders know how to conduct partnerships. Teach police leaders how to establish, manage, assess, and sustain or end partnerships. Provide guides. Minimize rhetoric that partnerships are the answer to all ills.

Recommendation: Use the term “people” instead of “the public” to personalize and humanize discussion.

Police leadership development

Leadership is not a verb. It is an outcome resulting from a wide range of activities and interactions. Leadership theory, while important, is not balanced in police training programs with the “how to’s” needed to do the job well.

The quality of police leadership development in the United States varies considerably. Law enforcement is one of the only professions in which personnel receive training in leadership skills and job requirements after they are promoted.

Recommendation: Conduct a series of conferences that bring together the top leadership development programs in the nation (FBI National Academy, Senior Management Institute for Police, IACP’s Leadership in Police Organizations, Law Enforcement Management Institute of Texas, POLEX/Penn State Justice and Safety Institute, Johns Hopkins University Division of Public Safety Leadership, Caruth Police Institute, California Command College, Northwestern University, and others) to address issues in police leadership development and recommend goals and standards to be embraced by police departments and colleges and universities.

Recommendation: Rethink the role of police academies with the goal of advancing basic and in-service training from the traditional focus on orientation and familiarity to improved practice and mastery.

Recommendation: Establish a National Police Academy (parallel to the National Fire Academy) to advance consistency, provide standards, and support state and local efforts to develop police leaders. The National Police Academy should support improved training at all levels to include recruit, in-service, supervisor, executive, and civilian.

Other Information

The journeyman/apprentice relationship in law enforcement once provided new officers with exposure to senior officers' experience and intuition in handling situations, particularly potentially volatile and dangerous encounters. Today, inexperienced officers with as little as one year on the job are being required to serve as field training officers (FTOs) to new recruits.

Recommendation: Rethink FTO programs. Require at least three years of service before someone may apply to serve as an FTO. Make the position of FTO one to which officers aspire.

The nature of response to a call for service often is determined by the quality of information shared and the demeanor of dispatchers. Patrol officers often approach calmly, casually, cautiously, angrily, tense, or fearfully based on the information provided to them before they arrive at a scene.

Recommendation: Tend to "point of contact" interaction, focusing on the role of call-taker, dispatcher, and desk officer (lobby, walk-in). Routinely assess information gathering protocols, demeanor at initial point of contact, and quality (accuracy, timeliness, tone of voice) of information conveyed to patrol officers.

In recent decades, police agencies have become highly specialized and over "task forced," minimizing the role and comprehensive engagement of front line patrol officers.

Recommendation: Compel patrol officers to engage more fully in conducting quality preliminary and follow up investigations and minimize their actual or perceived role as "scene sitters" who await the involvement of specialists. Elevate the role and the people's perception of patrol officers as skilled and fully-engaged professionals.

Closing

There is much more to be shared in regard to these and other issues. I welcome the opportunity to support the efforts of the Task Force in any way. My contact information is as follows:

Sheldon Greenberg, Ph.D., Johns Hopkins University, School of Education, Division of Public Safety Leadership, office phone – 410-516-9863, cell phone – 410-227-8523, email – Greenberg@jhu.edu.

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Redefining Policing in America

Submitted: **Robert C. Haas, Police Commissioner**
Cambridge (MA) Police Department

As is the case with all forms of sociological systems, things as we know them are subject to change and evolve. As society becomes more complex, those social systems in place that provide the underpinnings and basis of our societal structures will also become more increasingly complex. This is particularly true of the evolution of policing in this country. Police departments across this country have been expected to evolve and reform its approaches as to how it responds to its own communal expectations and demands. In part, the type of policing that we see taking place, albeit derived from the very same origins has taken on a myriad of approaches and individualistic styles that manifest themselves differently from one community to another. We do see some regional similarities, however even neighboring departments have their own differences, even if it resembles subtle differences in how policing is performed.

Policing has become increasing more complex, and the demands placed on policing have grown exponentially. All of these changes have taken place despite the primal mission of the police, which has been to focus primarily on the notions of public safety and public order. I would argue that along the way, the primary policing mission has changed substantially, and yet we continue to build reform upon the same fundamental constructs, which does not really fit with what communal demands and expectations that present themselves as challenges to modern policing. Arguably, public safety and public order only represents a portion of the overall mission of policing (varying in scope and magnitude depending upon the jurisdiction).

What is also undeniable is policing has always been confronted by seemingly conflicting or contradicting role expectations. As policing has become more complex, so have these contradictory roles. Police officers are expected to intervene and interact with people in any number of situations and varying circumstances. Given these complexities and what is often considered to be unpredictable interactions, officers are trained to take on a defensive posture that is often misunderstood or misinterpreted as being aloof and hostile. Quite often the refrain that is often cited as the justification for these tactics is the belief that there is nothing more important than to have officers return to their families safely at the end of their tours of duty. There is no doubt that policing has its own inherent dangers, and all too often we see police officers who are confronted by extremely dangerous, if not lethal confrontations, however given the complexities that our officers face, it seems that this justification for the police to maintain this distance and disconnection with the communities they serve has in part served to enhance and widen the divide of mistrust and suspicion between both the police and communities. This is particularly among those communities where social disorder, violence, and harm are the greatest.

One of the most insidious paradoxical phenomena we see in many of our cities and towns, evolve around the relationship between the police and those segments of the communities that in reality have the greatest reliance upon the police. It is within those communities that suffer the greatest social harms where there is a tendency for the greatest level of mistrust and resentment of the police. The marginalization of these communities and neighborhoods has evolved over decades. Overlay this with the life experiences of those who are currently living in these communities and neighborhoods, along with those who have had negative interactions with police, and you begin to understand the complexity of a very strained relationship.

What is truly the greatest injustice is that the police have the potential and ability to alter and in fact positively impact the overall quality of those residents who presently live in neighborhoods where they do not feel safe, where they don't feel or believe they have the same rights and liberties of those who live in the predominant and larger segments of the community. There is a general feeling and rightfully so, of living in a "no man's land" of isolation between those who create the greatest social harm and those who are charged to protect and serve them.

I would argue that this social condition, in part, is compounded by the way policing is currently being administered in many places. I would also argue that the current course that we are taking with respect to the way we see our role and mission in our respective communities greatly contributes and further reinforces the strained relationship that exists between the police and those very communities who are so reliant upon the police in keeping them safe and greatly benefit from what the police can provide in the sense of social justice and a sense of wellbeing.

What we have witnessed as a result of the Ferguson, MO and New York City grand jury decisions as to the culpability of the police in exercising those special powers for which they have been entrusted are only flashpoints of much deep seeded levels of resentment, mistrust and fear of a criminal justice system that has served only to further victimize them. Attempts to alter those relationships will not be achieved through the conventional approaches that are currently being employed by a system that has failed to improve the social conditions under which so many find themselves, in our improvised communities, those communities of our newest residents who have been exposed to much worse in other places. What social mechanism has the greatest direct and visible impact to alter those conditions and perceptions? I would argue the police under a very different set of fundamental philosophical underpinnings have the greatest potential to begin such a social reform.

Some of the current solutions, such as the use of body cameras by the police and having greater diversity within police forces only serve to deepen the divide between those communities who already mistrust the police and the police themselves. The message being conveyed by those advocating for the use of this technological "fixe" or change in hiring practices alone to the current state of affairs is belied with false promises that will only serve to convey what we already know

that exists as the current state of affairs. It is a solution that is layered upon a flawed notion of what the role of the police in those communities, who see the police as a necessary evil.

What needs to change is how we as police administrators think about how the police should become a positive and social force that promotes a greater sense of social wellbeing and social justice. There are larger systemic governmental aspects that need to change as well, but the police are the ones who have the most visible and direct connection to those neighborhoods who have been underserved, unjustly or poorly served. Much of this begins with how we define our fundamental philosophical mission within our respective communities and as a profession as a whole. Are we merely charged with the responsibility of providing protection, crime suppression, and the enforcement of our laws, or does our profession have a greater calling of providing a greater purpose and more essential mission of the protection of individual rights and protections? Do we have a professional obligation and responsibility to ensure that all facets of our community are guaranteed basic liberties that are free of real or perceived disparities?

These reforms require a fundamental shift in the way we think about the role and mission of the police. We know that police officers have been officially granted special powers that allow them to legally abridge the rights and protections of those who are believed to have engaged in transgressions against our communities, to include the awesome authority of deadly force if warranted under very specific circumstances.

I would argue that the police have a much broader mandate with respect to achieving social justice, wellbeing and reform. Relying upon the traditional methods of policing, to include the occasional communities will not achieve building a trusting and mutually reliant relationship between the police and those communities feeling disenfranchised. It is the police that have the dexterity and mobility to begin an outreach that will begin changes of decades of mistrust and alienation. It requires the police to have the ability to differentiate between the vast majority of the community who desire a sense of wellbeing and safety, and those relatively few who create the social harm. It speaks to the police to have the ability to deal with various segments of the population who are the most vulnerable and providing safeguards and protections that go beyond the singular role of enforcing the law through conventional practices.

All of these reforms require fundamental changes in how we train and orient our officers to the larger social responsibilities they bear in how they go about exercising the discretionary authority that has been afforded to them. It suggests rethinking about how we inform and reinforce what it means to engage in fair and impartial policing. How do officers understand their decision-making cannot be shaped or clouded by unintended biases that we all possess, and a mechanism that quickly identifies those officers who may be engaging in disparate practices (whether implicit and explicit biases)?

It means moving policing toward the incorporation of an expanded role that no longer exists as a stand-alone entity of social justice, but one that greatly relies upon other community and service-provider partners. It speaks to identifying those characteristics and traits among those coming into the policing profession, not simply as first responders, but social service responders that goes far beyond the tenets of enforcing the law and serving the community. In order to engage in this wholesale change, it requires fundamental changes in terms of how we think about the role and responsibilities of the police in the 21st Century. It requires the police to understand that simply moving forward without acknowledging and addressing the grievances of the past will not provide the foundation for a collaborative basis in which to build a future standing of trust and mutual respect.

Given the special powers that have been bestowed upon the police, there must be a willingness to provide greater transparency in the way the police carry out the business of social justice. There needs to be a willingness to build upon the competency of the officers who are called upon to engage in very challenging situations, which may involve inherent dangers to them. How the police respond with a certain degree of assurance in which they can adequately protect themselves without alienating the public is essential to demonstrating that the police can operate in an atmosphere that does not amplify the mistrust and fear that their presence often imparts.

Aside from providing officers with this very different orientation, administrators also have an obligation to ensure their officers receive similar treatment internally. All too often, most internal sanctions against officers are punitive in nature and ineffective in educating or reforming errant behavior. There is certainly a need to have disciplinary sanctions for those acts that are sufficiently egregious to warrant a response, but what other methods would prove to be most effective in reorienting officers with respect to their obligations and responsibilities. Alternative approaches, such as mediation, interventions or other forms of retraining would serve as being more instructive. It requires administrators to establish internal benchmarks and measures that identify how officers exercise their discretionary authority, identifying potential disparities in how enforcement is carried out, and a system of assessing how officers conduct themselves with members of the public. Simply reassuring the public that officers don't engage in bias or disparate treatment achieves the level of transparency and the assurances that the public wants to see.

Given the nature of these special powers that are afforded to the police, particularly as it relates to the use of force and deadly force, does the current system provide for the most effective way in evaluating appropriateness of such force? The application of the grand jury approach attempts conventional laws to very special circumstances, requiring the prosecutor who normally brings evidence to support an indictment to a process that now is designed to be more neutral requiring a lay jury to apply practices afforded to the police that no other citizen possesses. Wouldn't it make sense for a special body to assess the application of the use of

deadly force by the police that both reassures the public of a fair and impartial process and affords the proper protections to the officer who makes the decision of taking a human life?

Fundamentally, the process in which the police engage the public during every encounter should strive to achieve a level of legitimacy that promotes the notion that officers are always acting in the best interest of the community and the individual who an officer may engage. Under the concept of procedural justice there needs to be a fundamental belief that even though the officer has a right to interfere in a person's liberty (under the appropriate circumstances), the officer has an obligation to treat all people with a level of dignity that conveys the underlying reasons why the officer may have taken such official actions. All too often, an officer will engage in a lawful encounter, but does not provide an opportunity to allow a clear understanding as to its purpose, often leaving those to rely upon their past experiences to draw upon their own personal life experiences to assess the legitimacy and fairness of the interaction. People want and need to trust that the police are acting in the best interest of the community and those who they encounter. Although there may be some disagreement as to the steps an officer may take, whenever possible, there needs to be an understanding that the officer is operating from a place of fairness and impartiality.

There must be a dramatic shift in how the police see their role and mission within the community and to all facets of the community. I would argue that we need to respond to all facets of the community, including those who may transgress against the community, that require a greater obligation on the part of the police to offset the future reoccurrence of social harm without using "broad brush" tactics for a singular purpose. It would seem how we respond to those who do engage in such transgression and work toward their re-integration back into the community, is indicative of a fundamental shift in terms of how we see the police operating in a manner that is consistent with impartiality and equity values of our profession.

In thinking about policing in the 21st Century, it requires universal change in how we instruct our officers in their role within the entire community, and not merely to those who have the wherewithal to set the expectations of the policing. All segments of the community must have a voice that shapes how the police are to operate where they are viewed as a legitimate social force. It speaks to an evolutionary change in terms of how we think about, and realizing that in order to make these fundamental changes, there also needs to be an active outreach on the part of the police to begin to establish and rebuild upon decades of mistrust and suspicion. There needs to be an acknowledgment that the police play a particularly important role in changing the current state of affairs.

----- Forwarded message -----

From: **Louis Hayes, Jr.**

Date: Tue, Jan 13, 2015 at 4:20 PM

Subject: Q for panel

To: Comment@taskforceonpolicing.us

We in **policing** can do better. We can hold ourselves to a standard higher than law. But we need REALISTIC training in mental health situations, risk assessment and management, incident strategy, and non-criminal interventions. As a trend we need to be slowing ourselves down in incident response - to gather more information, analyze that information, make better decisions, and act more deliberately. This mindset alone can fix so many of the concerns that our community members raise about **police** search, seizure, **force**, and intrusion.

We also need the public to understand :

- the differences in law and policy
- how human psychological factors are at play in these stressful events
- justice system at large.

These misunderstandings and misperceptions multiply the perceived awfulness of these tragedies.

Louis Hayes, Police Officer and trainer

--

Louis Hayes, Jr.

Strategist

The Virtus Group, Inc.

www.virtusleadership.com

lou@virtusleadership.com

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On Fri, 1/9/15, Maulin Herring wrote:

Subject: Strategy for Consideration

To: "Comment@taskforceonpolicing.us" <Comment@taskforceonpolicing.us>

Date: Friday, January 9, 2015, 9:28 PM

More attention should be given to changing Black Males historic negative perception of police by developing groups of men to then go out and begin changing the perceptions of other Black Men. This should be done based on relevant doctrines of select organizations and groups (ex. faiths, fraternities, lodges).

Black Men must hear more about and encouraged to get involved with collaborative programs with law enforcement that impact policy and strengthen relationships. Examples include; police athletic leagues, citizen police academies, mentoring programs, officer hiring boards, officer promotion boards, etc.)

Local Law Enforcement agencies must commit to long-term community engagement plans that include:

Elected Official Commitment

Public Departments Commitment (parks and recreation, public works, planning, community development, etc.)

Law Enforcement Organization Assessment for Community Engagement Preparedness (Complaint Reporting/Tracking, Early Warning, Performance Appraisal Systems, Patrol Deployment, etc.)

Community Wide Strategy Meeting That Leads To Working Groups Based On: Community Strengths, Community Challenges and Community Opportunities

Public TV Black Forums Issues Program: <http://www.unctv.org/content/bif/current>

My recent dissertation completion for the Doctor of Ministry Program: Black Men, Police and the Church:

A Christ Solution for the New Millennium.



**Statement by the
NAACP Legal Defense and Educational Fund, Inc.
Before the President's Task Force on 21st Century
Policing**

January 13, 2015

I. Introduction

The NAACP Legal Defense & Educational Fund, Inc. (LDF) welcomes this opportunity to address the President’s Task Force on 21st Century Policing (the “Task Force”) regarding the critical need to strengthen public trust and foster strong relationships and mutual respect between local law enforcement and the communities they protect, while also promoting effective crime reduction. LDF is the nation’s oldest civil rights legal organization. Since its founding by Thurgood Marshall in 1940, LDF has relied on the Constitution, as well as federal and state civil rights laws, to pursue equality and justice for African Americans and other people of color. Because LDF has continuously engaged in litigation and policy advocacy designed to eliminate the pernicious influence of racial bias in all stages of America’s criminal justice system, its testimony is the product of decades of research and experience.

Last year, the longstanding problem of police abuse and excessive force in communities of color came to a head.¹ From Michael Brown’s tragic death in Ferguson, Missouri to Eric Garner’s painful death on Staten Island, New York at the hands of the police, to countless incidents of lethal and excessive force exercised by law enforcement against African Americans nationwide, we witnessed an epidemic of police violence. This horrific series of brutal incidents is neither isolated nor new.² It is, instead, emblematic of a shameful and longstanding national pattern of violence and mistreatment of African Americans by the police. This culture of abuse certainly reflects deeply rooted deficiencies in law enforcement policies, practices, accountability structures, training, and transparency. More importantly, however, it betrays an ethos of explicit and implicit racial bias in policing.³ Because these problems combine with lethal effect, the immediate acknowledgement and amelioration of these law enforcement shortcomings are essential.

LDF has already called upon the Department of Justice (DOJ) to use its authority and substantial resources to address the unjustified use of lethal and excessive force by law enforcement against African Americans.⁴ In doing so, we contend that federal financial support for local police departments through various federal grant programs must comply with the requirements of Title VI of the Civil Rights Act of 1964, which requires the DOJ to ensure that federally funded programs are administered free of discrimination.⁵ This obligation compels the DOJ to properly assess and ultimately ensure that law enforcement recipients of federal funding have taken affirmative steps to eliminate bias in policing practices.⁶ LDF also presented testimony before Congress calling for federal reforms to ensure police accountability, the demilitarization of local law enforcement, and the elimination of government-sponsored military-style equipment in public schools.⁷ Finally, LDF

joined other national civil and human rights organizations in seeking comprehensive policing reforms.⁸

LDF remains engaged in efforts to ensure that its prior requests are implemented. LDF's testimony before this Task Force complements those efforts with a focus on the ways law enforcement can: promote and achieve accountability among officers and departments; improve training that results in better police practices; and ensure transparency such that the factors which contribute to police violence in communities of color can be promptly identified and eliminated.⁹ LDF believes that these and any other reforms must be complemented by a clear, meaningful, and honest effort to acknowledge and address the racial bias which far too often defines interactions between police and communities. It is our hope that the proposals offered here will improve community-police relationships, help promote racial fairness, and facilitate a much-needed transformation in the culture of policing, resulting in law enforcement practices that are bias-free, respectful, and professional.

II. Accountability in Policing

LDF recommends that the Task Force take appropriate steps to ensure that:

- All police departments have clear, state of the art policies and guidelines governing: all forms of police use of force; the respectful treatment of people in routine encounters on the street; the improper use of race and ethnicity in police actions, including, but not limited to street encounters, traffic stops, and arrests;¹⁰
- All police departments collect, and make available to the public, data related to race and police-citizen encounters, including statistical information on racial disparities in traffic stops, street encounters, arrests, and use of force incidents;
- All police departments develop and maintain procedures for the prompt, thorough, and fair investigation of any and all allegations of officer misconduct;
- Independent investigative and prosecutorial authorities are available to address any and all potential violations of civil rights and criminal laws by members of law enforcement;
- All police departments impose appropriate discipline, including termination, where unlawful or inappropriate physical violence or other misconduct is confirmed;
- All police departments implement Early Intervention Systems to identify and correct patterns of problematic officer conduct.

Accountability is necessary to ensure that police officers and police departments are held responsible for their improper and unlawful behavior. Thus,

the development and implementation of clear and publicly disseminated policies and guidelines for police organizations and individual officers involved in critical incidents regarding the life, safety, and equal treatment of all people—regardless of race—are essential.

Accountability also requires clarity about the scope and frequency of problems with police departments and officers. The collection and public dissemination of data that quantifies not only civilian arrest rates, but also the rates of police violence, police shootings, police misconduct, racial disparities in police-civilian interactions, and rates of racial discrimination (and other) complaints is critical. At present, these types of data are unreliably collected in a piecemeal fashion. This effort is undermined by varied reporting standards and police departments that do not provide data.¹¹ As a result, our collective concerns with policing are largely informed by media reports and anecdotal evidence, instead of hard data that is consistent across law enforcement agencies.

The policies recommended above are effective only to the extent that they are consistently enforced. Meaningful enforcement requires the prompt and thorough investigation, correction, and punishment of any and all officer misconduct and improper racial disproportionalities. First-line supervisors, internal affairs units, and professional standards units must thoroughly review officer conduct and make fair and transparent findings.¹² In instances when police misconduct may violate the criminal law, those cases should be immediately referred to investigatory and prosecutorial authorities that are wholly independent of the local prosecuting attorney's office.¹³ When officer violations are identified, appropriate discipline—whether intra-departmental, or through the criminal justice system—must follow. The settlements reached by the DOJ's Civil Rights Division with local law enforcement agencies provide a useful model of appropriate investigation and discipline procedures.¹⁴

Early Intervention Systems (EIS) serve as an important element of a comprehensive accountability system.¹⁵ An EIS permits the identification of officers with problematic patterns of performance and enforcement—such as citizen complaints about inappropriate use of force and racial bias—and the immediate provision of necessary ameliorative interventions such as training and counseling. An EIS can identify and correct officer performance problems before they develop into the lethal, violent, or otherwise serious concerns.

III. Law Enforcement Training

LDF recommends that the Task Force takes appropriate steps to ensure that:

- All police departments train their officers on explicit and implicit racial bias, the appropriate use of force, de-escalation techniques, and the proper and courteous treatment of youth and individuals with mental health concerns;
- All law enforcement training programs reflect the best practices and remain informed by contemporary developments in social science and psychology;
- All police departments put in place measures to ensure that training is effective and responsive to the issues encountered by police.

The current crisis in police-community relations makes clear that training must focus squarely on explicit and implicit racial bias, the use of force, de-escalation techniques, and the appropriate engagement with youth and those who exhibit mental health concerns.

False and negative attitudes and opinions about race are embedded in American culture, and inevitably affect law enforcement culture. Experience and science confirm the fact that race shapes and informs the manner in which law enforcement officers respond to encounters with civilians, such that routine interactions can be—and are—transformed into lethal confrontations.¹⁶ Numerous African-American police officers have spoken publicly about the culture of racial bias and fear that exists within police departments.¹⁷ Similarly, President Obama has recognized that there is a “gulf of mistrust” between local communities and law enforcement,¹⁸ and that young men of color are “left behind and seen only as objects of fear.”¹⁹ This common knowledge and experience is confirmed by research, including studies showing that police perceive African-American boys and young adults as both older and more culpable than their white peers.²⁰ Thus, it is sad but not surprising that 2014’s rash of police shootings overwhelmingly involved young African-American males.

Such attitudes and biases must be acknowledged and confronted in order to be eliminated. Thus, law enforcement training must be informed by social scientists, psychologists, and other experts on the science of bias in order to curtail the pernicious influence of racial bias in policing.²¹ Likewise, training that provides clear guidance on a police officer’s use of force, teaches de-escalation tactics, and offers workable methods for interacting with youth and individuals with mental illness must be implemented to effectively reduce the likelihood of a harmful police encounter. Police department training units should regularly survey other law enforcement agencies, the recommendations of professional associations, social scientists and other experts in the field to stay abreast of the best practices. Finally, measures must also be put in place to ensure that the training is effective, and addresses issues regularly encountered by law enforcement officers.

IV. Transparency in Policing

LDF recommends that the Task Force take appropriate measures to ensure that:

- Police departments provide mechanisms for civilian oversight of police;

- Police departments regularly collect, analyze and publicly release data on use of force, officer involved shootings and homicides of civilians, and other complaints, including allegations of racial bias and discrimination;
- Police departments make public their policies and practices regarding the use of force in police-civilian encounters and provide ample opportunity for public comment and input into policy and practice documents.

Transparency is a necessary component of any police department effort to build and maintain community trust and cooperation. Thus, citizen oversight of law enforcement, the public release of policing data, and the public availability of police policy and procedure manuals have helped to foster productive dialogue and improve relationships between communities and police.²²

Citizen oversight, often in the form of an auditor, monitor, or inspector general, allows for civilian review of law enforcement policies, procedures, and practices. They routinely examine a range of issues, including the deployment of canine units, standards in police-citizen encounters, the investigation of police misconduct, and trends in civil suits against the department. The review typically concludes with a public reporting of recommendations, in order to enhance transparency and improve police practices.²³

As detailed above, the public release of data related to race and policing is a critical component of any effort to improve police-community relations.²⁴ Public access to data on police-citizen encounters and use of lethal and excessive force—with particular attention paid to race—would provide greater insight into the character and nature of citizen complaints against police so that specific trends can be identified and addressed in a comprehensive and productive manner.

Finally, a number of police departments nationwide make their policy and procedure manuals publicly available. This fosters community understanding and trust by informing people about the policies that guide police actions. These efforts should be complemented by public input when a department is considering a significant policy revision. Thus, a police department should convene community forums to provide the public with the opportunity to comment and make recommendations for revisions.

V. Conclusion

Our recommendations, which focus on accountability, training, and transparency, are informed by an overarching concern with racial bias and the dire need to eliminate its influence on policing. It is our hope that the reform measures outlined in this submission will prove useful to the Task Force as it engages in the critically important work of improving the relationship between law enforcement and the communities they protect and serve.

Endnotes

¹ Indeed, 2014 saw an unprecedented rash of police violence against African Americans. For example, on July 1, 2014, Marlene Pinnock, a 51-year-old unarmed, African-American woman was brutally beaten by a California Highway Patrol officer. Richard Winton, Kate Mather, & Joseph Serna, *Woman videotaped in CHP beating was walking into traffic, report says*, L.A. Times, July 28, 2014, <http://www.latimes.com/local/lanow/la-me-ln-woman-punched-chp-20140728-story.html>. On August 5, 2014, John Crawford III, a 22-year-old African-American man was killed by police while holding a pellet rifle in an Ohio Wal-Mart. Steve Bennis & Eric Robinette, *Man police shot in Walmart killed over fake gun, family says*, Dayton Daily News, Aug. 6, 2014, <http://www.daytondailynews.com/news/news/man-police-shot-in-walmart-killed-over-fake-gun-fa/ngw77/>. On August 11, 2014, Ezell Ford, an unarmed 25-year-old African-American man was shot to death by a Los Angeles Police Department officer. Thomas Johnson, *Ezell Ford: The mentally ill black man killed by the LAPD two days after Michael Brown's death*, The Washington Post, Aug. 15, 2014, <http://www.washingtonpost.com/news/morning-mix/wp/2014/08/15/ezell-ford-the-mentally-ill-black-man-killed-by-the-lapd-two-days-after-michael-browns-death/>. On November 20, 2014, Akai Gurley, an unarmed African-American man, was shot and killed by a New York Police Department officer in Brooklyn, New York. Michael Wilson, *Officer's Errant Shot Kills Unarmed Brooklyn Man*, N.Y. Times, Nov. 21, 2014, <http://www.nytimes.com/2014/11/22/nyregion/new-york-police-officer-fatally-shoots-brooklyn-man.html>. And on November 22, 2014, Tamir Rice, a 12-year-old African-American boy, was shot to death by Cleveland, Ohio police officers as he played with a toy gun at a park near his home. German Lopez, *Cleveland police shot and killed black 12-year-old Tamir Rice as he carried a toy gun*, Vox, Jan. 8, 2015, <http://www.vox.com/2014/11/24/7275297/tamir-rice-police-shooting>.

² See Ryan Gabrielson, Ryann Grochowski Jones & Eric Sagara, *Deadly Force, in Black and White*, ProPublica, Oct. 10, 2014, <http://www.propublica.org/article/deadly-force-in-black-and-white>; Christopher Mathias & Carly Schwartz, *The NYPD Has a Long History of Killing Unarmed Black Men*, July 18, 2014, http://www.huffingtonpost.com/2014/07/18/killed-by-the-nypd-black-men_n_5600045.html; Rich Juzwiak & Aleksander Chan, *Unarmed People of Color Killed by Police 1999-2014*, Dec. 8, 2014, <http://gawker.com/unarmed-people-of-color-killed-by-police-1999-2014-1666672349>

³ Cheryl Staats et al., *State of the Science: Implicit Bias Review*, Kirwan Inst., 2013, at 36-45, available at http://www.issuelab.org/resource/state_of_the_science_implicit_bias_review_2013. Phillip Atiba Goff, Matthew Christian Jackson, Carmen Marie Culotta, Brooke Allison Lewis Di Leone & Natalie Ann DiTomasso, *The Essence of Innocence:*

Consequences of Dehumanizing Black Children, 540 (Feb. 24, 2014), <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

⁴ LDF has also asked DOJ to (1) undertake a comprehensive and thorough review of police-involved assaults and killings; (2) provide strong financial incentives for racial bias training and avoiding the use of force; (3) hold police officers and departments accountable to the full extent of federal criminal and civil rights statutes; and (4) encourage the use of police officer body-worn cameras. See Letter from Sherrilyn Ifill to Att’y Gen. Eric Holder Re: Use of Excessive Force by Police, (Aug. 14, 2014), http://www.naacpldf.org/files/case_issue/8-14-2014%20Letter%20to%20AG%20Holder%20re%20use%20of%20excessive%20force%20by%20police.pdf.

⁵ 42 U.S.C. §§ 2000d - 2000d-7, states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be . . . subjected to discrimination under any program . . . receiving Federal financial assistance.” Accordingly, 28 C.F.R. § 42.105-09 places an affirmative obligation on DOJ to ensure that recipients of federal funding are not engaged in discrimination and to conduct periodic reviews to ensure compliance with Title VI antidiscrimination mandate. A failure to comply with these provisions may result in the suspension or termination of federal funding. *Id.* at § 42.108.

⁶ Pursuant to 28 C.F.R § 42.101, no program or activity receiving financial assistance from the DOJ may engage in racial discrimination. It follows, therefore, that law enforcement agencies receiving federal funds through the JAG program may not subject any person to discrimination based on race, color, or national origin.

⁷ See *Oversight of Federal Programs for Equipping State and Local Law Enforcement Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 113th Cong. 1-9 (2014) (statement of the NAACP Legal Defense & Educational Fund, Inc.), available at <http://www.naacpldf.org/press-release/ldf-urges-senate-committee-curb-militarization-state-and-local-police-and-impose-struct>; Testimony by the NAACP Legal Defense and Educational Fund, Inc. Before the United States Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, Hearing on the State of Civil and Human Rights in the United States, Dec. 9, 2014, available at <http://www.naacpldf.org/press-release/ldf-urges-senate-committee-curb-militarization-state-and-local-police-and-impose-struct>.

⁸ Among the reforms called for were: review and reporting of racial profiling practices; review and reporting of stop and frisk, search, and arrest practices; updating the 2003 DOJ Guidance Regarding the Use of Race by Federal Law

Enforcement Agencies; elimination of “broken windows” policing, which encourages aggressive responses to minor offenses; and the promotion of community-based policing. *A Unified Statement of Action to Promote Reform and Stop Police Abuse*, NAACP Legal Defense & Educational Fund, Inc., (Aug. 18, 2014), www.naacpldf.org/files/case_issue/Black%20Leaders%20Joint%20Statement%20-%208-18_0.pdf.

⁹ Dr. Samuel Walker, an emeritus professor from the University of Nebraska-Omaha, and a nationally recognized expert on police reform and accountability, made valuable contributions to the recommendations contained in this testimony.

¹⁰ A Model Policy on the use of race in policing can be found in Lorie Fridell et al., *Racially Biased Policing: A Principle Response* 51-53 (2001).

¹¹ See Wesely Lowery, *How many police shootings a year? No one knows*, The Washington Post, Sept. 8, 2014, <http://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>; Naomi Shavin, *Our Government Has No Idea How Often Police Get Violent With Civilians*, New Republic, Aug. 25, 2014, <http://www.newrepublic.com/article/119192/police-use-force-stats-us-are-incomplete-and-unreliable>; Radley Balko, *Why Are There No Good Data On Police Use of Force?*, Huffington Post, Feb. 10 2013, http://www.huffingtonpost.com/radley-balko/why-is-there-no-good-data_b_2278013.html.

¹² Notably, achieving this goal requires that police departments properly train, supervise, and hold accountable first-line supervisors.

¹³ In the wake of the grand jury’s failure to indict the officer responsible for Eric Garner’s death, New York Attorney General Eric T. Schneiderman requested that New York Governor Andrew Cuomo issue an interim executive order directing the Office of the Attorney General to investigate and, if necessary, prosecute cases involving unarmed civilians killed by law enforcement officers. Press Release, N.Y. State Office of the Att’y Gen., Att’y Gen. Eric Schneiderman Requests Executive Order To Restore Public Confidence In Criminal Justice System (Dec. 8, 2014), <http://www.ag.ny.gov/press-release/ag-schneiderman-requests-executive-order-restore-public-confidence-criminal-justice>. See also Editorial, *A Crisis of Confidence in Prosecutors*, Dec. 8, 2014, <http://www.nytimes.com/2014/12/09/opinion/a-crisis-of-confidence-in-prosecutors.html>.

¹⁴ Settlements by the Special Litigation Section of the Civil Rights Division are available at: <http://www.justice.gov/crt/about/spl/findsettle.php#police>. The DOJ’s settlement with the City of Albuquerque and agreement in principle with the

Newark Police Department exemplify effective investigative protocols and procedures.

¹⁵ See U.S. Dep't of Justice, *Principles for Promoting Police Integrity*, Nat'l Criminal Justice Reference Serv., 10 (Jan. 2001), <https://www.ncjrs.gov/pdffiles1/ojp/186189.pdf> (describing components of an Early Intervention System); see also Samuel Walker, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide*, U.S. Dep't of Justice, 1-162 (2003), <http://www.cops.usdoj.gov/Publications/e07032003.pdf>.

¹⁶ The fact that race influences policing is widely accepted. See generally L. Song Richardson & Phillip Atiba Goff, *Interrogating Racial Violence*, 12 Ohio St. J. Crim. L. 115 (2014); L. Song Richardson, *Arrest Efficiency and the Fourth Amendment*, 95 Minn. L. Rev. 2035, 2052 (2011) (“Based on the science, it is reasonable to conclude that the police target, stop, and search blacks more often than whites based upon the operation of implicit biases.”) Bernard Harcourt, *Henry Louis Gates and Racial Profiling: What's the Problem?* (John M. Olin Law & Econ., Working Paper No. 482, 2009), available at <http://ssrn.com/abstract=1474809>; Cynthia Lum, Ph.D., *Does the “Race of Places” Influence Police Officer Decision Making?*, Nat'l Criminal Justice Reference Serv., 58 (Dec. 2009), <https://www.ncjrs.gov/pdffiles1/nij/grants/231931.pdf>; Robert A. Brown & James Frank, *Race and Officer Decision Making: Examining Differences in Arrest Outcomes between Black and White Officers*, 23 ACJS 97 (2006), available at <http://www.uncfsu.edu/Documents/Criminal-Justice/Brown2.pdf>.

¹⁷ For example, an African-American female police officer in St. Louis discussed how her white colleagues stereotype and fear African Americans and noted that “their rationale, perception and interpretation of the issues are so far-fetched.” Aleem Maqbool, *African-American Police Officer: Ferguson ‘Heart Wrenching,’* BBC News, Aug. 25, 2014, <http://www.bbc.com/news/world-us-canada-28890068>; see also *Reddit Hudson Being a Cop Showed me Just how Racist and Violent the Police Are. There’s Only One Fix*, The Washington Post, Dec. 6, 2014, <http://www.washingtonpost.com/posteverything/wp/2014/12/06/i-was-a-st-louis-cop-my-peers-were-racist-and-violent-and-theres-only-one-fix/>

¹⁸ *Few Say Police Forces Nationally Do Well in Treating Races Equally*, Pew Research Ctr. (Aug. 25, 2014), <http://www.people-press.org/2014/08/25/few-say-police-forces-nationally-do-well-in-treating-races-equally/>; see also Noah Gordon, *Americans’ Deep Racial Divide on Trusting the Police*, The Atlantic (Aug. 20, 2014, 3:11 PM) <http://www.theatlantic.com/politics/archive/2014/08/americans-deep-racial-divide-on-trusting-the-police/378848/> (detailing public polling data that

reveals African-American distrust of police); Frank Newport, *Gallup Review: Black and White Attitudes Toward Police*, Aug. 20, 2014, http://www.gallup.com/poll/175088/gallup-review-black-white-attitudes-toward-police.aspx?utm_source=tagrssl&utm_medium=rss&utm_campaign=syndication&utm_reader=feedly (polling data demonstrates that African Americans “have significantly lower levels of confidence in the police as an institution, and lower assessments of the honesty and ethics of police officers specifically.”).

¹⁹ Transcript, “Obama’s remarks on Ferguson, Mo. and Iraq,” *The Washington Post*, Aug. 18, 2014, http://www.washingtonpost.com/politics/running-transcript-obamas-remarks-on-ferguson-mo-and-iraq/2014/08/18/ed29d07a-2713-11e4-86ca-6f03cbd15c1a_story.html.

²⁰ See Phillip Goff et al. *The Essence of Innocence: Consequences of Dehumanizing Black Children*, *J. of Psychol. & Soc. Psychol.*, Am. Psychological Assoc. 526-45 (2014), <http://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

²¹ See note 16 *supra*; Chris Mooney, *The Science of Why Cops Shoot Young Black Men*, *Mother Jones*, Dec. 1, 2014, <http://www.motherjones.com/politics/2014/11/science-of-racism-prejudice>. Several organizations focus specifically on the science of bias and provide training to law enforcement. See Project Implicit, <http://projectimplicit.net/index.html> (last visited Jan. 9, 2015); Center for Policing Equity, University of California Los Angeles, <http://cpe.psych.ucla.edu/> (last visited Jan. 9, 2015).

²² See Stephanos Bibas, *Transparency and Participation in Criminal Procedure*, 81 *N.Y.U. L. Rev.* 911, 958 (2006) (describing ways that public rulemaking and data can enhance trust between police and the community)

²³ The role of external citizen oversight is discussed in Samuel Walker and Carol Archbold, *The New World of Police Accountability*, 2nd ed. (Newbury Park, CA: Sage, 2014).

²⁴ To preserve the privacy of both citizens and officers, the data need only be presented in summary form, such as a chart or table that lists the number of citizen complaints received, the number of complaints in the various categories (excessive force, offensive language, etc.), and the outcomes of the complaint investigations within each category (thus, indicating, for example, the percentage of force complaints sustained in favor of the complainant).



National Action Network
Reverend Al Sharpton, President & Founder
Reverend W. Franklyn Richardson, Chairman of the Board
Janaye Ingram, National Executive Director

Statement for the Record
Submitted By
National Action Network (NAN)
Proposed Recommendations for
“The Task Force on 21st Century Policing”

National Action Network (NAN) is pleased to submit a statement for the record reflecting our recommendations on policing reforms to the Task Force on 21st Century Policing. NAN is one of the leading civil rights organizations in the nation with over 80 chapters throughout the United States. Founded in 1991 by Reverend Al Sharpton, NAN works within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency and equal opportunities for all people regardless of race, religion, nationality or gender. Since our founding, NAN has been heavily involved with police brutality cases and has fought hard to address policing reform in cities and states across the nation. Over the years, we have kept that sense of accountability in regards to policing as part of the fabric of our organization, even as we have broadened our focus to a variety of issues including education, voting rights, health care, housing and the economy, among others.

NAN stands firmly on the front lines of justice. As a membership organization, we are often one of the first places our members will turn when they experience an injustice - including a negative experience with police. Over the years, we have fought against racial profiling cases like the New Jersey Four, in which three of four minority men were shot by New Jersey State Troopers. The work on the case helped to add “racial profiling” to the lexicon of many Americans and led to reforms in the policies and practices within that state. NAN also worked on the case of Abner Louima, a man sodomized by police after an incident at a nightclub, with the family in the case of Amadou Diallo, an unarmed man who was fatally shot 19 times and fired upon over 40 times as he withdrew his wallet, on behalf of the family of Sean Bell, a man who was killed the night before his wedding after an altercation at a nightclub, and we have worked on many cases in between and since. It is because of our unique position that we are able to offer insights and guidance on how policing can be reformed to best address the needs of the communities that officers are charged to “protect and serve”.

Special Prosecutor

Throughout our various experiences in cases of police misconduct, excessive force and racial profiling, when the need arises to prosecute, there have been some cases that are treated



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fairly, while other cases are entered into unfairly and the prosecutor has his or her own bias that impacts the case. In the most recent cases of Michael Brown and Eric Garner, cases with which we are involved, there has been doubt cast upon the prosecutors who presented the cases to the grand juries. Much of the doubt centers on the ability of prosecutors to bring forth a case against police officers who they work so closely with. In order to preserve the impartiality needed for all involved to feel as though they are receiving a fair trial, **NAN believes a special prosecutor must be put in place when bringing cases against police officers.**

There is precedent for special prosecutors for cases involving the police. Specifically, in New York where NAN is headquartered, Governor Nelson Rockefeller created a special prosecutor to deal with police corruption in 1973 at the recommendation of the 1972 Knapp Commission. The position was dissolved in 1990 due to lack of fundingⁱ. After the dissolution, there were several calls for the position to be reinstated. Those calls are coming again, and not just in New York, but across the country. With the newest opportunity to present our recommendations to this task force, NAN again raises the need to have a special prosecutor in cases involving police.

Policing Policy & Militarization of Police

The broken windows policing policy that has begun to permeate communities across the country is at the heart of some of the deaths and shootings that we are seeing nationally. The constant regulating and monitoring of minor infractions in order to prevent major crimes can heighten the perception that a certain community or members of a community are more “criminal” than others. As stated in the Community Oriented Policing Services (COPS) division of the US Department of Justice January 2009 issue of Community Policing Dispatch, “the notion of broken windows...at times...have been misunderstood, misapplied and often viewed outside the context of community policing.” The article further states, “just as many have inaccurately reduced community policing to community relations, others have incorrectly reduced broken windows to merely zero tolerance or order enforcement policies with little regard for community concerns and outcomes. In fact...broken windows stresses the importance of including communities in the change process, with the primary goal being the development of informal social control mechanisms within the communities in question and not merely increased enforcement of minor offenses.”ⁱⁱⁱ However, we have seen just what the COPS article says broken windows policing is not – specifically, that there is merely greater enforcement of minor infractions without the benefit of including or engaging communities in the process of creating a safer society.



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Reverend Al Sharpton, President & Founder
Reverend W. Franklyn Richardson, Chairman of the Board
Janaye Ingram, National Executive Director*

Beyond the broken windows policy, there is the militarization of police – both in equipment and personnel. The amount of military style weaponry present in our communities was something that went widely undetected by many until the Brown shooting in Ferguson. It is an issue when a police department whose motto is to “protect and serve” feels the need to go to war with the community in which their duty lies. Yet to be extensively studied, but what we are interested in understanding further is the reinvention of military personnel into police officers. While the skills are transferable and while we understand that in some ways the jobs are similar, the mindset of a police officer and a military officer are different. The former should be part of the community, interested in creating safe spaces and seeing community members as allies in that effort unless a crime is committed. Military personnel are typically not part of the community and are often entrenched in enemy territory. There is little to no trust of the surrounding community. The difference, ultimately, is a mindset of war and an enemy approach in enemy territory versus the mindset of collaborative partnership in creating a safe neighborhood. Because of this, **NAN believes that we must bring forward the principles of community policing and investment by officers as equal partners in building trust.** NAN is an organization that is trusted among our members and some in the broader community and can act as a conduit of establishing that trust. **We recommend that police forces engage local community based organizations like ours to serve as a unifying force in the effort to begin the process of trust building and reform.**

Accountability Measures

NAN has seen that there is a lack of accountability related to tracking use of force by police. This is a challenge for organizations and other police who want to hold bad officers or departments responsible for their misconduct. It’s a challenge when trying to address excessive force or brutality through reforms. Data helps to paint an accurate portrait. There is no reporting of use of force data recorded and available that reflects use of force by race, gender, ethnicity, religion, or sexual preference. **We believe there must be a national database that accounts for all cases of use of force by police** – not only those cases resulting in death, but all cases.

Through NAN’s work on these issues, we believe that **there must be broader training of police officers to focus on issues of cultural and community competency, that police must be trained to deal with the disabled and mentally ill communities and there must be wide and sweeping implicit and explicit bias training.** **The training that police receive must also be ongoing.** The cultural competency training should underscore the culture of the people within the



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Janaye Ingram, National Executive Director

community – who they are, their experiences and their challenges. For example, understanding that the LGBTQ community have negative experiences with police based on their sexuality, or Black people in this country have had negative experiences with police based historically on race and structures of discrimination is crucial in establishing a better relationship with the community. But also, police should focus on the culture of the broader community and how the community functions within itself to understand how the community will best relate as a whole to the police.

Best Practices

NAN has worked on policing issues for over two decades. Because of that work, we know that not all police are partaking in negative actions and in fact, there are many good officers. We understand the nature of bureaucracy and believe there are police departments and/or divisions within a specific department that can offer best practices to address excessive force, police misconduct and other issues of errant behavior. **NAN suggests the task force create a guide of best practices and possibly enlist these model officers to be trainers to help guide others.**

NAN looks forward to the final report by the Task Force and would like to offer ourselves as a resource. We recognize the wealth of knowledge and expertise on the panel and see this as a huge opportunity to create real reforms that will address what we have seen for far too long. We thank you for your time, consideration and most importantly the opportunity to submit these recommendations.

ⁱ John J. Kenney, “New York Needs Special Prosecutor’s Office for Police Cases,” New York Times, April 12, 1993 (<http://www.nytimes.com/1993/04/12/opinion/l-new-york-needs-special-prosecutor-s-office-for-police-cases-039593.html>).

ⁱⁱ Matthew C. Sheider, Ph.D., *Community Policing Nugget: Broken Windows and Community Policing*, Community Policing Dispatch, Volume 2, Issue 1, January 2009, (http://www.cops.usdoj.gov/html/dispatch/January_2009/nugget.htm).

Neighborhood Policing: A Path to Safe, Respectful and Effective Policing

**Submitted by Delores Jones-Brown, J.D., Ph.D.
Professor, Department of Law Police Science and Criminal Justice Administration
Founding Director, Center on Race, Crime and Justice
John Jay College of Criminal Justice
City University of New York**

To: The President's Task Force on 21st Century Policing

January 9, 2015

The following paragraphs contain excerpts from a report pending release by the John Jay College of Criminal Justice, Center on Race, Crime and Justice. Please do not use or quote without permission.

Neighborhoods with higher rates of “street” crime tend to be impoverished, socially isolated and populated by residents with minimal access to quality education or legitimate employment. Nonetheless, a minority of such residents engage in serious crime. Identifying and controlling that minority while protecting, serving and respecting the constitutional rights of all (including the criminally involved) has become the biggest policing challenge in major cities.

Between 1991 and 2010, the city of San Diego, enjoyed substantial reductions in violent crime (see pages 4 and 5) and sustained those reductions without resorting to arrest-based policing like broken windows (BWP) or the aggressive use of stop and frisk (SQF). The crime decline in San Diego exceeded that of other major cities, including New York.ⁱ

For example, between 1991 and 1998, when NYC's homicide rate declined by 70.6 percent, the homicide rate in San Diego declined by 76.4 percent. When NYC's robbery rate declined by 60.1 percent, the robbery rate in San Diego declined by 62.6%. After the 1990s, crime continued to decline in San Diego, with overallⁱⁱ violent crime decreasing by 27% between 2002 and 2012 compared to a 19% reduction in NYC.ⁱⁱⁱ

By using “neighborhood policing” (NP), the San Diego police department (SDPD) managed to keep crime low without increasing the number of arrests^{iv}; without substantially increasing the number of sworn officers^v; and, without increasing the volume of citizen complaints.^{vi} What SDPD has identified as “neighborhood policing” is a form of “community policing”--“problem oriented policing” that allows police departments to tailor policing *service* and *enforcement techniques* to the unique needs of distinct neighborhoods. Its strength lies in utilizing the voices of neighborhood residences in both identifying crime problems and making decisions about how best to address such problems once they have been jointly identified.

NP acknowledges the role that community members can play in producing public safety and values the input that different neighborhood residents provide, not just those who are business owners, property owners, church-goers or the employed. Under NP, neighborhood residents

are co-producers of public safety within their community, not merely the recipients of decisions made by the police agency.^{vii}

NP involves the co-production of public safety through the following ideas, actions and activities:

- ▶ Shared responsibility between police and community for identifying and solving crime and disorder problems
- ▶ Creating police and community problem-solving partnerships
- ▶ Information sharing between police and community
- ▶ Police working with residents to address crime and disorder problems
- ▶ Collaborating with public and private agencies for solution resources
- ▶ Supporting neighborhood watch/citizen patrols as problem identifiers, reporters and crime preventers
- ▶ Use of civil remedies and building code enforcement abatement nuisances such as drug houses and other property used for illegal activity
- ▶ Collaboration with community organizations and local business groups to clean up, close down, or redesign specific locations/properties that repeatedly attract crime
- ▶ Recruitment and utilization of volunteers in varied crime prevention and victim assistance services
- ▶ Use of technology to keep patrol officers up to date on crime *and* calls for service data^{viii}

Unlike BWP, NP does not rely on arrests as its primary means to control or reduce crime. Unlike SQF, high levels of random coercive police/civilian contact are not required before crime reduction occurs. Because neighborhood policing is not wedded to beliefs about the crime-reduction capabilities of a particular policing tactic or technique, it leaves room for the utilization of different approaches to address different crime-related problems and the simultaneous utilization and crediting of multiple approaches.

Neighborhood Policing and Evidence-based Policing

San Diego's NP model includes some aspects of each of the following six policing approaches that have been identified as effective crime reduction strategies through evaluation research:

- ▶ Problem-oriented policing^{ix}
- ▶ Hot spots policing^x
- ▶ Focused deterrence^{xi}
- ▶ Street workers^{xii}
- ▶ Crime Prevention through Environmental Design (CPTED)^{xiii}
- ▶ Procedural Justice^{xiv}

Rather than being wedded to a particular tactic, NP mandates that police and community work together to determine which approaches might be implemented in ways most feasible and tolerable to both police and community. Tailoring policing and other modes of public safety production to fit the needs, capabilities and competencies of police-community collaboratives is extremely important, but may require a trial and error process. Approaches that are highly

thought of and which may demonstrate a high degree of success in one location may not be a good fit for another. Focused deterrence (also known as the Boston ceasefire model), for example, has been credited with significant reductions in gun violence, gang violence, domestic violence and drug crime in some locations but was not found to have much impact in Newark, New Jersey and could not garner enough participation in some communities in the United Kingdom. The use of street workers, a major component of the Chicago Ceasefire approach, has sometimes been criticized for inadequate training and supervision of the workers, but the practice has been successfully implemented in New York recently^{xv} and during the 1980s^{xvi}.

Because neighborhood residents are at the center of police work under the NP model, police legitimacy, transparency and accountability are an embedded part of the relationship. In addition to San Diego, neighborhood policing models have been used in Seattle, Green Bay and Burbank and some departments in Illinois, Massachusetts and Washington State.

Recommendation

Mandate the piloting of neighborhood policing in urban police departments:

NP can be piloted in one or more of precincts/districts, evaluated, adjusted and expanded. Most jurisdictions have some structures in place, such as community liaison's and periodic community meetings that should facilitate the implementation process.

The implementation of NP will require the police department to share its power with the public. This collaboration should reduce the possible collateral consequences associated with policing strategies as the community will have its own best interest in mind and knows the nuances and complexities of residential life in ways that the police may not. NP requires abandoning paternalistic one-size-fits all approaches and tailoring police service to the self-identified needs of those who live in the neighborhoods.

A neighborhood policing approach offers the best way forward to maintain public safety, provide constitutional policing and heal the current divide between police departments and neighborhoods that need policing services most.

Homicide and robbery rates between 1991 and 1998:

	Homicide	Robbery
New York City	-70.6 percent	-60.1 percent
San Diego	-76.4 percent	-62.6 percent
Boston	-69.3 percent	-50.2 percent
Los Angeles	-59.3 percent	-60.9 percent
Houston	-61.3 percent	-48.5 percent

Source: Bernard Harcourt, "Policing Disorder," *Boston Review*, April/May 2002 (available here: <http://bostonreview.net/BR27.2/harcourt.html>)

Homicide and robbery rates between 1999 and 2010:

	Homicide	Robbery
New York City	-37 percent	-50 percent
San Diego	-52 percent	-14 percent
Boston	+110 percent	-29 percent
Los Angeles	-33 percent	-27 percent
Houston	-3 percent	-2.5 percent

Analysis of data from the *Uniform Crime Reports* 1999-2010 by Kevin Moran, doctoral candidate, Graduate Center, City University of New York.

ⁱ Prior to current investigations, SDPD was an award-winning department for police community relations under three consecutive chiefs--Burgreen, Sanders and Lansdowne.

ⁱⁱ Homicides, robberies, forcible rapes and aggravated assaults

ⁱⁱⁱ FBI Uniform Crime Reports 2009-2012.

^{iv} between 1993 and 1996, arrests fell by 15 percent in San Diego while increasing by 23 percent in NYC (Judy Greene, 1999., *Zero Tolerance: A Case Study in Police Policies and Practices in New York City. Crime and Delinquency* Vol. 45 (183, 184),

^v Between 1993 and 1996, New York experienced an overall 37.4 percent reduction in Crime and increased the number of sworn officers by 39.5 percent. San Diego experienced a comparable reduction in crime (36.8%) but increased its police force by only 6.2% (Judy Greene, 1999.) After 2000, San Diego continued to have roughly three times fewer police officers than NYC (1.6 per 1,000 residents versus 4.6).

^{vi} Ibid, Greene, 1999, 184. This was not the case for NYC were civil suits became the largest City pay out for governmental departments.

^{vii} Under its neighborhood policing strategy, SDPD made substantial use of citizen volunteers, training roughly 1,000 residents who performed an array of crime-prevention and victim-assistance services.

^{viii} Ibid Greene, 1999, 182-183.

^{ix} David Weisburd, Cody W. Telep, Joshua C. Hinkle & John E. Eck: The Effects of Problem-Oriented Policing on Crime and Disorder. A Campbell Collaboration systematic review 2008.

^x Anthony Braga, Andrew Papachristos, and David Hureau: The Effects of Hot Spots Policing on Crime. A Campbell Collaboration systematic review 2012.

^{xi} Anthony Braga and David Weisburd: The Effects of "Pulling Levers" Focused Deterrence Strategies on Crime. A Campbell Collaboration systematic review 2012.

^{xii} Wesley Skogan, Susan Hartnett, Natalie Bump, and Jill Dubois: Evaluation of Chicago Ceasefire. U.S. Department of Justice, National Institute of Justice, 2009.

^{xiii} Paul Michael Cozens, Greg Saville, David Hillier, (2005) "Crime prevention through environmental design (CPTED): a review and modern bibliography", Property Management, Vol. 23 Iss: 5, pp.328 – 356.

^{xiv} Lorraine Mazerolle, Sarah Bennett, Jacqueline Davis, Elise Sargeant, and Matthew Manning: Legitimacy in Policing: A Systematic Review. A Campbell Collaboration systematic review 2013.

^{xv} See Jim Dwyer's NYT's article ['No Shootings or Killings for 363 Days, but the Fight Is Far From Over'](#)

^{xvi} See Judith Greene and Kevin Pranis's Justice Policy Institute [paper](#).

One Cup at a Time

by

Captain Keith Kauffman

**Hawthorne Police Department
Los Angeles County, California**

January 9th, 2015

One Cup at a Time

I immediately profiled the man as he walked through the door. My 21 years of policing were drawn to the subtleties of his exaggerated gait and the story told in the gaze of his hardened face focused on my uniform. The fading ink on his neck just visible above the collar and the choice and fit of his clothing further heightened my awareness, harkening back to a time 17 years prior when similar observations and the subsequent incident that followed gave me that extra fraction of a second and the gift of a long career. In the second or two it took me to compile the data, he had done the same; hair, eyes, fit of the uniform, hash marks on the sleeve, medals, bars on the collar. Few people in America realize that good cops and good criminals rarely, if ever, rely on race to profile one another.

“Hey Captain, I thought I’d bring my 4-year-old daughter in to meet a policeman.” We shook hands and then both smiled when our community affairs dog Scottie picked up a teddy bear out of his goodie box and delivered it to the awestruck girl. The difference today was that we were not meeting on the streets, but rather inside a McDonald’s during our *Coffee with a Cop* event. A few minutes later he waved me over and I could sense the reservation and hesitation in his voice as he asked if it would be okay to take a picture of his daughter and I together, classifying his request with, “she really loves the police.”

Removing the barriers, eliminating the agenda, and meeting on mutual turf is why the *Coffee with a Cop* concept works. Community engagement and dialogue must be mutual. Law enforcement has got it wrong for so many years. Town hall meetings, community events, invitations to the police station, the pancake breakfast at the church, council meetings, and neighborhood watch meetings all have one thing in common; the same people attend them. Our community stakeholders are some of our most valuable assets, but we already know who they are and by and large, they already support the police. Law enforcement needs to focus our attention on the 90 percent of people in our communities that don’t have regular police contact and who have framed their perception of our agency or officers based on things

they have heard from friends or seen in the media. That 90 percent do not get stopped and rarely ever call. When asked specifically about their contact with the police, many will have to go back years to that one time when they got pulled over. That's why every contact we make counts. That simple wave and smile, or gesture of opening a door may be the only thing a person can go by when forming their personal opinion of law enforcement. Let's face it, most people don't have a couple of hours to kill at a town hall meeting and even if they do go, most aren't willing to voice their concern or ask their question in front of the group. But if I meet up with you on your terms, at your local cafe, and ease into the conversation while offering up a cup of coffee, we might just get somewhere meaningful in just a couple of minutes. Forget about anyone's agenda and let's talk about the weather, football, hobbies, our children, or whatever else pops up. Build the relationship instead of focusing on a topic. Real community members talking with *their* local line level law enforcement officers, learning what's actually behind the badge, and building trust along the way; one cup at a time.

The Coffee with a Cop Concept

In 2011, the Hawthorne Police Department in Los Angeles, CA, had a renewed focus on community oriented policing, and the result was a restructuring of personnel and resources. The creation of a Special Operations Bureau centered on the Community Affairs Unit was the formula of our success. Our officers were sent out with a couple of general directives: No more Band Aids on problems, and "put us on the map" by sharing ideas and working with our partners in law enforcement. Sergeant Chris Cognac was put in charge of the community affairs unit, and he selected Detective John Dixon following an internal interview process. Detective Dixon talked about finding a way to mitigate the tensions between our community and our police department. His idea was to go directly to the people and sit down with them for a few minutes over coffee. He and Chris recruited the manager of a local McDonald's, and we held our first *Coffee with a Cop*. It started off a bit slow and I remember sitting there alone at a table and thinking, "This isn't working too well." Finally realizing that the uniform is a natural barrier, we started moving around the restaurant, serving coffee and sitting and chatting with the

community. The response was phenomenal and we slowly learned from our mistakes and started to figure out how to make it work better.

Sgt. Cognac wrote an article on the concept that was published in a Department of Justice Community Oriented Policing Services (DOJ COPS) newsletter, *The Dispatch*, and our phones starting ringing off the hook with other agencies wanting information on how to host their own *Coffee with a Cop*. We partnered up with the Center for Public Safety and Justice at the University of Illinois with the vision of developing a curriculum and teaching the program to law enforcement agencies across the country. The COPS office funded the grant for nearly \$400,000 and the concept was taken nationally, taking us to ten different regions in the United States where we trained hundreds of law enforcement officials.

In less than two years over 1000 agencies have hosted events and those are only the ones we know about that have registered their event on www.coffeewithacop.com. Almost every agency that starts the program continues to host events with regularity within their communities, putting the impact of positive police community contacts in the hundreds of thousands. Here is a snapshot of just those agencies that have reported their events on the website:

<http://www.coffeewithacop.com/events-map>



It should also be noted that the concept has been so successful in bridging the gap between law enforcement and the community that it has now taken hold in Canada, Nigeria, and Australia.

Community Engagement and Dialog

By travelling the United States and watching these events unfold in all different types of communities, we have learned some valuable lessons. First, the diversity of agencies and their policing styles is America's unique strength. In general, law enforcement is the same everywhere, but each agency has adapted their culture to best fit their community. If we could share that institutional knowledge from agency to agency, state to state, we would all benefit from understanding how to positively affect the slightly different needs each community has that go beyond mere safety and security. Second, an amazing side effect of *Coffee with a Cop* materialized when we began to see a positive change in the attitude of line level police officers and deputies. They need it just as much as the community does. I've seen firsthand how powerful it can be when we allow our officers to speak with people after we have removed the barriers of the radio call, police car, police station, or agenda. It helps every one of us remember why we put the badge on in the first place. I will be the first to admit that we have failed our police officers and deputies by exposing them to countless negative contacts, call after call, shift after shift, and year after year. It's no wonder some see policing as an "us versus them" game whose main focus is the potential to end in a deadly conflict. I want to be perfectly clear in stating that I believe it is crucial for law enforcement leaders to consider creating an environment without barriers and the stresses of day to day policing where officers can speak candidly to the real members of the community, and build relationships that earn trust, ultimately resulting in problem solving. This is the only way for an agency to see an *organizational transformation* into a truly community oriented policing philosophy.

Recommendations and Conclusion

The *Coffee with a Cop* concept sounds so simple. Show up at a restaurant or café, serve your citizens some coffee, and talk about anything that comes up. The challenge is that you would be surprised how difficult that can be for many police officers. Training is needed to deprogram the need to stand in a

position of advantage, use a demeanor focused on command presence, or only talk about ‘the facts’. I’ve witnessed a 10-year veteran be completely terrified about just walking up to a nice couple seated in a booth at a local Cracker Barrel because he didn’t know what to say. It may sound ridiculous but it is an ugly truth that lurks in American policing because of how we are taught and trained from day one. If the importance of community relations with the police is not trained and taught from the beginning in our academies and department training programs, we will continue to fight an uphill battle, especially when many agencies decide to mend relations and focus on building trust only *after* tragedy has already struck. American law enforcement is based on policing citizens that are willing to accept the authority of the badge. Law enforcement must rely on the American people as the force multiplier for the good, moral and just. We must train our new officers on the importance of positive community contacts and strategies like *Coffee with a Cop* to build relationships and trust. Law enforcement leaders need to ensure we spend some time creating an environment without barriers where this positive community engagement and dialog can occur rather than allowing an officer to go from call to call for years at a time.

“Of course you can take a picture of us,” I told the girl’s father. I don’t know what he did with it and I don’t really care. What I care about it is setting up the next generation of police officers and community members for success. We have to sit down face to face, be transparent and speak the truth in more than 144 characters. It has taken a long time for me to realize that the irrational negativity displayed by certain people is because of the badge and uniform and not the person. Law enforcement spends the majority of its time on the criminal element in society and I applaud our men and women who put themselves into harm’s way daily to protect the innocent and bring the lawbreakers to justice. One part of the future of 21st century policing should be to devote more time to the community members we don’t know, who don’t break the law, and create an environment that will allow our line level officers to build relationships and trust, even if we do it *one cup at a time*.

----- Forwarded message -----

From: **Knee, Stanley L.** <slKnee@seton.org>

Date: Tue, Jan 13, 2015 at 2:43 PM

Subject: National standards for policing

To: "comment@taskforceonpolicing.us" <comment@taskforceonpolicing.us>

Cc: "cwexler@policeforum.org" <cwexler@policeforum.org>, "austinchief7@yahoo.com" <austinchief7@yahoo.com>

I have served in law enforcement for 39 years, 19 as a chief of police in three cities, the last 9 as chief of police in Austin Texas. My career began in 1969 and ran through 2006 when I retired and travelled to Afghanistan to work with the Afghanistan National Police. I have been privileged to see policing make great progress in protecting the public from those that would do them harm and improve the quality of their lives.

As I watched the recent events unfold I realized that it was time for major changes in the way police departments hire, train, equip police officers and equally important, develop good leaders that can focus on building community trust and leading the professional men and women of their departments.

In the interest of time, I will not write a thesis on this topic but simply hit some high points. ***It is time for the development, funding and implementation of local law enforcement standards at the National level.***

For decades we have seen how properly developed federal standards have led to safer air flights, cars and work place safety. Our roads are safer because federal standards regarding vehicle safety devices, and drinking and driving blood /alcohol limits. There is virtually no industry including law enforcement that has not been touched by well thought out standards. Unfortunately for local police departments these standards are developed without input from local law enforcement leaders and are usually imposed as a result of a DOJ investigation of a department.

Currently most states have peace officer standards and training departments that set minimum standards in a number of areas such as pre-employment testing, academy curriculum, and enforce state post academy training requirements passed by state legislatures. These agencies were developed and training standards mandated because of flaws perceived by the state in local funding and resources provided to their departments. I would suggest that we have not gone far enough in setting and funding the high standards required of policing in the 21st century.

Recommendations

1. The Office of Community Oriented Policing with input from local law enforcement, scholars and elected officials develop standards for hiring, equipping and training, both new officers, and for supervisors, managers chiefs of police. In order to receive any federal criminal justice funds these standards would have to be adopted by the state.

- The COPS Office fund regional training centers throughout the country to provide no cost instruction to law enforcement personnel from agencies seeking to meet these standards

- Of special interest is training for supervisors, managers and chiefs of police that provide them with skills and a forum for a review of best practices developed by other agencies
- COPS re-establish the educational assistance program offsetting the cost of law enforcement officers attending college similar to the benefit given our military

2. The Office of Community Oriented Policing set standards for and assist with funding forensic science laboratories used by law enforcement.

Law enforcement understands the importance of forensic science in proving the guilt or innocence of individuals. We have also been saddened by local budgets that do not provide funding for the analysis of rape kits and other scientific work on evidence or providing for laboratories that can properly analyze evidence. There are also instances of falsification of results, improper storage of evidence rendering it useless for scientific work. These standards and the dollars that would go with them would significantly increase law enforcements ability to prevent crime and bring those responsible to justice.

We often forget about the struggles of community police departments that have virtually no funds for training, who must drive vehicles with over 150,00 miles on them, cannot get funds to build a proper evidence area, and so forth. We need to rethink the concept of localized independent police departments that because of limited funding cannot be as well trained and resourced. Every chief will tell you stories of budget conflicts where they could not obtain funding to move their department forward to meet the challenges of our changing responsibilities. The establishment of well thought out standards required by the state would go a huge way towards making America safer and police and community as one.

I would ask this committee to not just recommend incremental solutions, rather look to helping local policedepartments improve themselves by setting clear and effective standards.

Stanley L. Knee
Austin Chief of police (RET)
Director of Security
Seton healthcare Family
Austinchief7@yahoo.com
slknee@seton.org
[512 917 4108](tel:5129174108)



Testimony of
María Teresa Kumar
President and CEO, Voto Latino

Submitted to the President's Task Force on 21st Century Policing

Tuesday, January 13, 2015

Introduction

Thank you, members of the task force, for inviting me to speak today on behalf of Voto Latino, a national, nonpartisan organization working to empower Latino Millennials to claim a better future through civic participation, issue advocacy, and leadership.

The topic of this listening session, “**Building Trust and Legitimacy**” between police agencies and local communities, is of critical importance to Latinos in the U.S. While recent high-profile confrontations between civilians and police have directly affected members of the African-American community, the Latino community also has a painful history with law enforcement agencies. This history includes the deaths of men like Andy Lopez, Alex Nieto, Manuel Diaz, Joel Acevedo, and Cesar Cruzⁱ – young Latinos who were killed at the hands of law enforcement in the past two years alone—the recent immigration enforcement practices of a rogue Arizona sheriff, and well-documented racial profiling cases that stretch from Connecticut to California.ⁱⁱ

Latinos respect the fact that police put their lives on the line every single day to serve and protect our communities. Police officers, like all of us, deserve to come home and be with their families at the end of each day.

As part of Voto Latino’s efforts to unite diverse communities, we reached out to our audience via social media, SMS, and email to provide feedback on how to improve relations between law enforcement and the communities they serve. We received more than 430 responses in less than 24 hours, which tells us this is an issue important to our community and one on which they *want* to be engaged. While we received a diverse array of comments, a few common themes emerged.

Role of Police

First and foremost is how our community views the role of law enforcement. One young Latino in Texas said the role of law enforcement is “to serve and protect the people, regardless of race, age, gender, or sexual preference. Another Latina in Colorado added, “The role of police in our society should be one where they *are* community members... where they can fully protect and serve.” A poll released last month by the W.K. Kellogg Foundation (WKKF) and conducted by *Latino Decisions*

supports this view, indicating that 84% of Latino adults agree that police are there to protect them and their families.ⁱⁱⁱ

However, the *Latino Decisions* poll also shows 68% of Latino adults worry law enforcement authorities will use excessive force against them. And it is very difficult to cultivate a relationship of trust between a fearful population and police. In our Voto Latino questionnaire, more than half of respondents indicated they, or someone close to them, had previously experienced harassment from the police. Most disturbingly, many of the respondents who had *not* experienced harassment qualified this by saying, “No, I’ve never been harassed; but I am white.”

This expectation, that minorities should not be surprised when they are harassed and non-minorities are safe from police intimidation, is disturbing. Case after case has been documented of racial profiling and police brutality against the Latino community.^{iv} Racism, xenophobia, and increased concerns about undocumented immigrants are to blame, even though today, U.S.-born Latinos account for 60% of the growth in the Latino population.^v There is a perception among non-Latinos that Latinos are presumed to be immigrants, and immigrants are presumed to be undocumented until proven otherwise.^{vi} This has led Latinos’ fear of racial profiling to extend to immigration agents, as well as traditional law enforcement police officers. This fear and mistrust severely hinder law enforcement officers’ ability to protect communities, and clearly, this needs to change.

The Voto Latino audience’s suggestions to resolve some of these issues included increased interaction between police and community members, diversity and cultural sensitivity trainings, demilitarization of our police forces, use of body cameras, and more. Our recommendations for the Task Force are summarized below.

Familiarity With Communities Served

RECOMMENDATIONS

- **Decouple policing from immigration enforcement. Eliminate Secure Communities.** This is the single, clearest policy that can strengthen relations between law enforcement and the Latino community. Having police officers act as de facto immigration officers is detrimental to public safety, because

undocumented immigrants are reticent to call the police or cooperate in investigations for fear of deportation.

- **Police officers should live in the communities they serve.** As with other groups, Latinos say that officers can earn the public's trust by *being* members of our communities, including being required to live in the jurisdictions they serve.
- **Hire from a diverse pool of applicants.** Most Voto Latino respondents favored hiring from a diverse pool of applicants to help bridge the trust gap between law enforcement and community members.
- **Diversity and cultural sensitivity trainings.** Improved – and more frequent – diversity and cultural sensitivity trainings should be implemented in police departments across the country.
- **Increased police involvement in community events and gatherings.** Police should also be more involved in neighborhood events – local fairs, sporting events, community gatherings, school assemblies, town hall meetings, etc. – as community participants.
- **Use social media to communicate with the public.** Social media is a platform that can be leveraged to improve communication between police departments and community members.
- **Training in community outreach best practices.** Officers should receive training in community outreach best practices so they know how to interact with *all* members of a community, regardless of race, gender, economic status, or sexual orientation.
- **Revise educational requirements for ranking officers.** Another recommendation is to raise the educational education requirements for police officers. At minimum, ranking officers should have an Associate's degree from an accredited college or university, with course study in sociology, communications, psychology, anthropology, and diversity. Better educated officers will be better prepared to interact with all members of our community in a respectful, humane manner.

Internal Institutional Reforms

RECOMMENDATIONS

- **Revise existing policies.** Existing policies should be revised to screen for institutional racism and cultural bias.
- **Revise training and curriculum at police academies.** Training practices and curriculum at police academies should be reviewed to make sure our officers are trained to meet the needs of our diverse 21st century communities. This includes cross-cultural training.
- **Advise the use of violence *only* as a last resort.** Many who provided feedback to Voto Latino and stated they previously experienced police harassment said law enforcement officials should be trained in nonviolent problem-solving tactics. Violence should only be used as a last resort.

- **Demilitarize police departments nationwide.** We strongly urge the demilitarization of our police departments. Most officers, especially those with neighborhood beats, have no need to be armed with military-grade weapons.
- **Institute review of police actions by a third-party agency.** Law enforcement officials should be held accountable for their actions by an independent third-party agency. Along this line, maintain a reporting database to track *who* police stop and *why* to better assess patterns in racial profiling.

Use of Body Cameras ***RECOMMENDATIONS***

- **Officers should use body cameras with audio at all times.** The use of body cameras with audio – a tool already in use by some police departments was highlighted. When asked if police officers should be required to wear body cameras on the job, the overwhelming majority (80%) of Voto Latino respondents said yes, but there were many concerns. Many cited the Eric Garner case in Brooklyn, where a video recording of the incident was taken, but neither the video nor the rule prohibiting chokeholds were enough to ensure the application of justice. Other respondents cited concerns about police officers’ ability to turn the devices on and off, saying body cameras would only be effective if they are required to be in use at all times. Other concerns included the high capital costs as well as the intrusion on privacy. Overall, however, our audience believed that body cameras would benefit law enforcement and civilians as one element of an overall program to improve relations.

Conclusion

As both the *Latino Decisions* poll and the feedback from the Voto Latino audience showed, Latinos understand and appreciate the role of police in our society. But immigrant Latinos, specifically, are reluctant to engage with law enforcement for fear they, or family members and friends, may be deported even after interacting with police in a positive way.

Across the nation, we are seeing efforts by local police to reach out to Latino communities. In Anaheim, CA, where protests and rioting broke out in 2012 after two separate, deadly police shootings of Latino men, the city with a majority Latino population hired its first-ever Hispanic police chief last year.^{vii} Greater political representation of Latinos at City Hall is also promised, following voter approval last November of single-member districts instead of at-large seats on the City Council.^{viii}

In Las Vegas, Metro police are expanding the “Hispanic Citizens Academy,” a 7-year program conducted in Spanish – proof of citizenship is not required – to improve relations with the Latino community. Similar efforts are underway in other cities.^{ix} Our respondents also shared many success stories of different types of community and police interactions that helped foster trust and relationships, including safety trainings, youth activities, and community fundraisers. Local efforts like these are highly laudable, but they are not enough. Unfortunately, campaigns by conservative city councils, state legislatures and members of Congress to continue programs like **Secure Communities**, or to propose legislation that makes local police responsible for immigration enforcement, do much more harm than good and are opposed by police chiefs in major U.S. cities.^x

This Task Force’s promise is that this conversation is not one of “us” versus “them” but one of community building with law enforcement, academics, elected leaders, and the communities they serve. My hope is to continue to work towards solving what is clearly a problem so our streets are safer and our communities are stronger.

ⁱ NCLR Action Fund. "[Racial Profiling to Death.](#)" *Huffington Post*. Aug. 19, 2014

ⁱⁱ Nitle, Nadra Kareem. "[Latinos on the Receiving End of Racial Profiling and Police Brutality.](#)" Accessed Jan. 7, 2015.

ⁱⁱⁱ "[Poll of Latino Families Finds Optimism Despite Many Obstacles.](#)" W.K. Kellogg Foundation. Nov. 12, 2014.

^{iv} Nitle, Nadra Kareem. "[Latinos on the Receiving End of Racial Profiling and Police Brutality.](#)" Accessed Jan. 7, 2015.

^v Krogstad, Jens Manuel and Mark Hugo Lopez. "[Hispanic Nativity Shift.](#)" *Pew Research: Hispanic Trends Project*. Apr. 20, 2014.

^{vi} Lilley, Sandra. "[Poll: 1 out of 3 Americans inaccurately think most Hispanics are undocumented.](#)" *NBC Latino*. Sep. 12, 2012

^{vii} Martinez, Michael and Jaqueline Hurtado. "[Two years after riots against cops, Anaheim gets its first Latino police chief,](#)" *CNN*, Feb. 1, 2014

^{viii} Aguilar, Erika. "[Anaheim Voters Choose Single Member Districts.](#)" *Southern California Public Radio*. Nov. 6, 2014

^{ix} Valley, Jackie. "[Police Seek to Strengthen Bonds With Hispanic Community.](#)" *Las Vegas Sun*. Apr. 8, 2011.

^x [Letter to Speaker Boehner and Leader Pelosi](#) from the *Major Cities Chiefs Police Association (MCCA)*, the *National Organization of Black Law Enforcement Executives (NOBLE)*, the *Police Executive Research Forum (PERF)*. Oct. 1, 2013

Testimony for the President's Task Force on 21st Century Policing

Testimony of Laura L. Kunard, Ph.D., Senior Research Scientist, CNA Corporation, Arlington, VA and Chicago, IL | former Director, Center for Public Safety and Justice, University of Illinois, Springfield, IL | kunardl@cna.org | 312-208-5260

Topic areas selected: *Procedural justice and Community engagement and dialogue*

Trust between the public and the institution of policing has eroded over several decades. Over this long period of time, the police have become detached from those they serve as technology, specialization, and surveillance-oriented tactics have distanced police from their constituents. Trust must be repaired, and it can be. Collaborative partnerships between police officers and members of the communities they serve are critically important. Police must rely upon the public in order to achieve optimal levels of safety; trust and respect are essential to effective partnerships. We have strayed from this model of collaborative public safety in our nation.

Even in highly functioning organizations problems can exist. This testimony does not argue that all police officers or all police organizations are in need of drastic improvement. We have simply now reached the point at which the problem of mistrust is getting in the way of our shared goal of public safety. We must return to a model of collaborative public safety and shared responsibility through improving law enforcement efforts to engage the community and through the conscious practice of procedural justice.

Community members and police officials agree that the trust between the police and the community is dwindling. Part of the reason for this is deeply rooted in the culture of American policing – a culture that engenders suspicion and mistrust, and that in many ways promotes the distancing of officers from the public. Another part of the reason is rooted in wider American culture – a culture in which old wounds have not yet healed, and in which racism and class-based

biases exist. All Americans subscribe to stereotypes to some degree and we are all influenced by our implicit biases. We all make assumptions and jump to conclusions. While the responsibility for rebuilding trust does not rest solely with police officers (an equal share clearly rests with the public), police by nature of their leadership positions are often expected to take the first steps and set the example. Indeed, that *is* what Americans expect as evidenced by the chorus of voices around the country in recent months and years.

Police understand that public safety is a shared responsibility and most officers acknowledge their need for the public's help to do their jobs effectively. Building and maintaining mutually respectful partnerships is paramount to our nation's public safety efforts. Embracing the philosophy of community policing and the related concept of procedural justice is the right place to begin rebuilding trust. We must focus on the complicated relationship between attitudes and behavior, the culture of policing and the psychology of human interactions.

Procedural justice is one half of the larger concept of organizational justice, the other half being distributive justice. Procedural justice clearly addresses the *processes* of justice, such as the tone of a conversation, or a respectful attitude, while distributive justice addresses the *distribution of things* – in the case of policing, things like traffic tickets, promotions and rides to the hospital. Research demonstrates that procedural justice often matters more to people than distributive justice. Professor Tom Tyler has noted that the perception of unfair or unequal treatment “is the single most important source of popular dissatisfaction with the American legal system.”¹ In other words, if a police officer treats a resident with respect while issuing a traffic ticket, the resident will often feel satisfied with the encounter. If a police officer issues a traffic ticket while using rude language, the resident will come away doubly dissatisfied: upset about the ticket, but even more upset about the interaction. The work of Tyler and others consistently

demonstrates the power of police to shape not only the opinions of the people they interact with in any given moment, but also the power to shape the public's opinions of the criminal justice system overall.ⁱⁱ Public opinion bears directly on levels of trust and affects behavior.

Procedural justice is often defined by four main “pillars”: (1) fairness and consistency of rule application; (2) voice and representation in the process; (3) transparency and openness of process; and (4) impartiality and unbiased decision making. When thinking about a typical police-resident interaction, the four pillars are easy to identify. Voice is especially important; as human beings, we all want to be heard, especially during interactions with authority figures like police officers. Listening and seeking to understand are shared responsibilities among police officers and residents in every situation.

Listening and striving for quality interactions with the public is foundational to police engaging the community in public safety initiatives. Quality interactions promote trust and respect between officers and the public. Further, research indicates that *informal* contacts with police go far to shape residents' perceptions of officers' demeanor and opinions of police overall. In fact, positive “informal contacts with police also lessened the negative impact of residents' formal contacts with police (such as being arrested or questioned by police).”ⁱⁱⁱ Engaging the community through informal contacts builds trust, enhances dialogue and leads to positive formal interactions.

There are countless underutilized community engagement strategies for police agencies to choose from, including town hall forums, community advisory groups, citizen police academies, neighborhood block club meetings, and community picnics to name a few. These situations allow for meaningful conversations, building trust and maintaining relationships. Two strategies that have made headlines in recent years are Officer Friendly programs and Coffee

with a Cop programs. The tried and true Officer Friendly program is an excellent example of community engagement as it targets future adult residents, the community's youth. While many Officer Friendly programs occur in schools^{iv}, they may also be held in community centers, Boys and Girls Clubs or faith-based venues. Participating officers, who spend time talking about bicycle safety or Halloween trick-or-treating, meet children and teens in non-threatening environments to talk informally about safety issues. The officers reveal their humanity and begin shaping the public's ever-evolving opinions of the police.

Like Officer Friendly programs, the concept of police officers sharing a cup of coffee with community residents is not new. The concept has been revitalized recently thanks to COPS, which sponsored a national training initiative to encourage law enforcement agencies around the country to initiate Coffee with a Cop^v programs. The community feedback from the project was overwhelmingly positive, as was the feedback from participating officers. One officer commented, "Coffee with a Cop events are great! The citizens love the personal interactions and, the officers get re-ignited to serve."^{vi} Building partnerships one cup of coffee at a time may seem like a small step, but it is exactly how incremental culture change occurs.

Recommendations: I have argued above that the problems facing American policing today exist primarily within behavior, culture and attitudes. While not easy or expedient, we do know how to change them. Evidence suggests that the two principal avenues for changing attitudes are training and exposure.

Training for police and community: For the last several years I have been honored to work on the COPS Procedural Justice initiative, which focuses on formal classroom training and educational podcasts, webinars and publications aimed at police officers and community members alike. Clarifying expectations about interactions between the public and the police is

important; procedural justice training focuses upon setting those expectations. Widespread training at all levels of law enforcement on procedural justice is necessary.

Increasing understanding of social and cognitive psychology among officers is also important. Fair and Impartial Policing Training (FIP), also sponsored by COPS, should also be made available nationwide. Teaching officers to recognize and understand bias is effective; research indicates that simply knowing about implicit bias and its potentially harmful effects on judgment and behavior may prompt individuals to pursue corrective action.^{vii} Another effective training tool can be found in Harvard University's Project Implicit.^{viii} Integrating the project's interactive tests which focus on implicit social cognition into training for police officers and communities would be revealing, encouraging the levels of honest dialogue needed at this moment in history. These specialized training curricula go hand-in-hand with community policing training, which was prevalent throughout the country in the 1990s. The basic tenants of partnerships, problem solving and organizational transformation are more relevant than ever. There is a need for this training throughout the nation – for both police officers and community members.

Exposure or informal interactions between police and community: Psychological research clearly demonstrates that the most effective – and only effective – manner in which to combat stereotypes, bias and racism is exposure. In other words, familiarity breeds respect. As noted above, findings about exposure dissipating prejudice are robust. Researchers in psychology and criminology alike direct us to conclude that meetings, working groups and neighborhood picnics alike are important for police to build trust with the public. Programs such as citizen police academies, community advisory groups, Coffee with a Cop and Officer Friendly programs go far in building the types of trusting partnerships necessary for the pursuit of American public safety.

ⁱ Jason Sunshine & Tom R. Tyler. 2003. "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing." *Law and Society Review*, Vol. 37: 513-548.

ⁱⁱ Sherman, LW. 2002. "Trust and confidence in criminal justice." *National Institute of Justice Journal*.

ⁱⁱⁱ Maxson, Cheryl, Karen Hennigan & David C. Sloane. 2003. "Factors That Influence Public Opinions of the Police." *NIJ Research for Practice*.

^{iv} Sweeney, Annie and Angie Leventis Lourgou. 2010. "Officer Friendly back on city beat: Englewood area reinstating program for kids and cops." *Chicago Tribune*, 1/21/10.

^v Please see www.coffewithacop.com for more information.

^{vi} Open-ended survey response from evaluation conducted by the Center for Public Safety and Justice, University of Illinois.

^{vii} Zebrowitz, LA, White, B., and Wieneke, K. 2008. "Mere Exposure and Racial Prejudice: Exposure to Other-Race Faces Increases Liking for Strangers of That Race." *Social Cognition*, 26, 3: 259-275.

^{viii} Please see <https://implicit.harvard.edu/implicit> for more information.

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January 9, 2015

President's Task Force on Policing in the 21st Century
Office of Community Oriented Policing Services
U.S. Department of Justice
145 N. Street, NE – 11th Floor
Washington, DC 20530

Dear Commissioner Ramsey, Professor Robinson, and Members of the Task Force:

We write to provide the views of the Anti-Defamation League (ADL) on policing practices that can promote effective crime reduction while building public trust and collaborative relationships between law enforcement officials and the communities they serve and protect. In this submission, we will focus on three of the many ways which we believe can help build public trust: (1) training and engagement to strengthen law enforcement's connection to the communities it serves; (2) underscoring the importance of an effective response to bias-motivated crimes and (3) curbing the school-to-prison pipeline. We look forward to other opportunities to contribute to the Task Force's important work in the weeks to come.

The Anti-Defamation League

The Anti-Defamation League, founded in 1913, is one of the nation's most respected civil rights organizations. In the past 10 years, ADL has trained well over 100,000 federal, state and local law enforcement personnel on hate crimes, extremism, domestic terrorism, ethics and core values at our national training programs or through our network of 27 regional offices. As a leading civil rights and advocacy organization, with vast experience in working with law enforcement, we are uniquely positioned to assist in addressing issues affecting the relationship and trust of law enforcement and the people and communities they serve.

ADL is the leading organization in combating hate crimes. The model statute on hate crimes we created more than 30 years ago has been enacted in 45 states and the District of Columbia. ADL chaired the coalition of more than 200 organizations, including law enforcement, which helped secure the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. ADL is a respected leader in coalition building in support of strong police-community relations.

The Role of Law Enforcement in America

The men and women who go into law enforcement have chosen a singularly difficult calling. They shoulder significant responsibilities, including enforcing our nation's laws, preserving the peace, and preventing and responding to crime and terrorism. They are given powers that are entrusted to few others in our society – the authority to use force (even lethal force) and to deprive people of their freedoms. They are expected to run toward danger, quell violence, to make split-second decisions about the use of force. They risk their lives to protect ours.

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But what makes their calling especially challenging is the essential requirement that they carry out these responsibilities within the framework of our country's democratic principles and values, without abusing their extraordinary powers or violating individual rights and our Constitution. The role of law enforcement in our democracy revolves around the relationship of police to the people they serve. Policing in a democracy is about dealing with people. In every encounter – from the most routine to the most violent and extreme – police officers are expected to treat people they meet in accord with our nation's principles and values: with fairness and equality, respect and dignity.

If police are perceived as treating any segment of the population unfairly, trust in law enforcement is eroded and the ability of the police to do its work is impaired. Mistrust results in unwillingness to cooperate in investigations, to report crime, or to turn to police for protection. Mistrust is exacerbated when law enforcement agencies' primary interaction with the community is through arrests and anti-crime operations. Without ongoing community engagement, negative perceptions and even hostility to police will go unchecked. Pluralism is one of the guiding principles of our nation, and fostering diversity in law enforcement agencies is recognized within the profession as a critical component of police forces in democracies. Mistrust significantly undermines efforts to recruit from the very communities underrepresented in law enforcement.

The work of this Task Force is especially timely because of two recent grand jury decisions not to indict white police officers who were involved in the killing of unarmed black men. Those cases, in Ferguson, Missouri and Staten Island, New York, are neither unique nor typical, but they have sparked serious questions related to race and fairness in the American criminal justice system, and they highlight the need for proactive efforts to build trust, respect, and greater engagement between law enforcement agencies and the communities they serve.

We have come a long way since the infamous images of police officers using dogs, fire hoses and billy clubs against peaceful civil rights protestors. Law enforcement today is held to a very high standard, namely, that there can be no separation between the behavior of police and our national principles and values. There is need for deeper community engagement and training for law enforcement personnel and community members to address profiling, bias – and perceptions of bias – and to ensure equal procedural justice.

As Attorney General Holder said, “racial profiling by law enforcement is not only wrong, it is misguided and ineffective – because it can mistakenly focus investigative efforts, waste precious resources and, ultimately, undermine the public trust.”¹ Biased police practices are “unfair, promote mistrust of law enforcement, and perpetuate negative and harmful stereotypes.”²

Training and Community Engagement to Build Trust and Legitimacy

Education and training that strengthens the understanding of law enforcement values and connection to the people they serve must be given the highest priority. For the past fifteen years, ADL has played a significant role in working with law enforcement to increase understanding of the role they play in our democracy. In 1998, Charles H. Ramsey, then the newly-appointed Chief of Police of the Washington, DC Metropolitan Police Department, asked ADL to work with the United States Holocaust Memorial Museum to create a training program for his recruits using the history of the Holocaust as a foundation for increasing officers' understanding of their relationship to the people they serve and their role as protectors of individual rights and the Constitution.

This culminated in the launch of the *Law Enforcement and Society* (LEAS) program. LEAS examines how police build trust with the members of the community, the dangers of seeing the world in terms of “them versus us,” and the checks and balances that prevent police from abusing their power. The

session culminates with a discussion of central role of core values and behaviors for law enforcement. To date, LEAS has reached over 95,000 law enforcement professionals from the Immigration and Customs Enforcement, United States Secret Service, the United States Marshals Service, the Bureau of Alcohol, Tobacco, Fire Arms and Explosives, DEA, DC Metropolitan Police Department, and Philadelphia Police Department. The enormous demand for Law Enforcement and Society reflects both the impact and effectiveness of the program, and its educational approach. *LEAS* is affirmative. It trains participants to aspire to the highest standards and core values of their profession and to understand that their identity as law enforcement professionals is fused to their role as protectors of the people they serve and of our national values.

The Importance of an Effective Response to Hate Crimes

Bias crimes are designed to intimidate the victim and the victim's community, leaving them feeling fearful, isolated, vulnerable, and unprotected by the law. These crimes demand significant attention because of their special impact. By making members of minority communities fearful, angry, and suspicious of other groups – and of the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities. ADL is recognized as the leading organization on hate crimes in legislation and advocacy, victim assistance, and training – at the forefront of national and state efforts to train law enforcement officials and civic leaders to deter and counteract hate crimes.

Police have come to recognize the significant benefits to law enforcement and the community of tracking hate crime, as well as preventing and responding to them. In partnership with community-based organizations, civic leaders and law enforcement officials can advance police-community relations by demonstrating a commitment to be both tough on hate crime perpetrators and the special needs of hate crime victims.

One important way in which law enforcement's response to hate crimes can be improved is through enhanced data collection. Since 1990, the FBI has been charged with collecting and publishing hate crime data from the nation's 18,000 law enforcement agencies. By compiling statistics and charting the geographic distribution of these crimes, police officials may be in a position to discern patterns and anticipate an increase in racial tensions in a given jurisdiction. The FBI released its 2013 HCSA data³ (the most recent data available) in December, 2014.

Unfortunately, more than 80 cities with populations over 100,000 either did not participate in the FBI 2013 data collection program or affirmatively reported zero (0) hate crimes. That is an unacceptably-high level of non-participation. As FBI Director James B. Comey said at the 2014 ADL Leadership Summit, "We must continue to impress upon our state and local counterparts in every jurisdiction the need to track and report hate crime. It is not something we can ignore or sweep under the rug."⁴

Studies by the National Organization of Black Law Enforcement Executives (NOBLE) and others have revealed that some of the most likely targets of hate violence are the least likely to report these crimes to the police.⁵ In addition to cultural and language barriers, some immigrant victims, for example, fear reprisals or deportation if incidents are reported. Many new Americans come from countries in which residents would never call the police – especially if they were in trouble. Gay, lesbian, and transgender victims, facing hostility, discrimination, and, possibly, family pressures, may also be reluctant to come forward to report these crimes.

While bigotry cannot be outlawed, comprehensive participation in the FBI HCSA data collection program, adoption of comprehensive hate crime prevention polices, ongoing training on these polices and relevant laws, and effective enforcement strategies can demonstrate commitment to community

engagement and deterring and preventing this deeply-impactful criminal behavior. Victims are much more likely to trust the police, report a hate crime, and cooperate in the investigation if they know hate crime prevention policies and reporting systems are in place.

Curbing the School to Prison Pipeline

A top priority for the Anti-Defamation League is working to create safe, inclusive schools and communities and to ensure that all students have access to equal educational opportunities.⁶ Sixty years after the U.S. Supreme Court issued a landmark decision in *Brown v. Board of Education*⁷ desegregating America's schools, the promise of education equity in the United States remains unfulfilled. Today black and Latino students are approximately twice as likely as their white peers to drop out of high school.⁸ There are many factors that contribute to the persistent achievement gap, but school suspensions and expulsions are among the best predictors of which students will drop out of school. Studies have concluded that African American students tend to receive harsher punishment for less serious behavior, and are more often punished for subjective offenses, such as "loitering" or "disrespect."⁹ Data from the Department of Education's Civil Rights Data Collection Program confirms that African American students are three times as likely to be suspended or expelled as white students.¹⁰

Dropping out of school has lasting, irreparable consequences affecting students' employment possibilities, earning potential, and increase their likelihood to become involved with the criminal justice system. One study found that rates of incarceration for young adults who dropped out of high school were more than 63 times higher than rates of incarceration for young adults with college degrees.¹¹ This cycle of suspensions and expulsions that leads to students dropping out of school, which in turn leads to increased likelihood of incarceration, has become known as the "school-to-prison pipeline."

In January 2014, the Departments of Justice and Education jointly issued landmark guidance¹² urging schools to "clearly define and formalize roles and areas of responsibility... with school resource officers and other security or law enforcement personnel,"¹³ and to create a written memorandum of understanding formalizing those roles and responsibilities with appropriate law enforcement agencies. Schools that have moved away from zero tolerance policies and from using school resource officers (SROs) as primary disciplinarians have seen remarkable results.

As School Resource Officers (SRO) increasingly become first-line disciplinarians, diversity and anti-bias training, like a program ADL piloted for San Diego SRO's, becomes critical to help stem the number of students being channeled into the juvenile justice system.

Recommendations:

- Congress and the Administration should seize this extraordinary teachable moment to commit to a national conversation about racism, the nature of bias and implicit bias, about building trust in police-community relations.
- The Department of Justice and the COPS Office should work with ADL and the US Holocaust Memorial Museum to expand LEAS training to selected jurisdictions.
- Promote the Department of Justice revised and updated federal profiling guidance for law enforcement¹⁴, which expands protection on the basis of gender, national origin, religion, sexual orientation, and gender identity. This demonstrates the government's commitment to ensuring that law enforcement conduct their activities in an unbiased manner.

- Congress should support the Department of Justice and Department of Education's efforts to dismantle the school-to-prison pipeline to close the achievement gap in schools.
- Congress and the Administration should support outreach programs to promote an inclusive and diverse police force that better reflects the racial, ethnic, and religious communities it serves.
- With funding from Congress, the FBI, the Justice Department, and US Attorneys should incentivize police participation in the FBI's HCSA data collection program through national recognition, targeted funding, matching grants for HCSA-related training, and replication of effective programs.

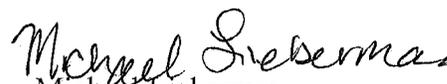
While this submission focuses on three key areas, other initiatives worthy of consideration include, cultural competency and diversity training for the police; effective implementation of the Administration's guidance on profiling; appointments of separate, independent special prosecutors to try cases against police; expanded data collection on the death of persons arrested or incarcerated, administrative and legislative proposals to tighten standards and expand training on military-style equipment for police, and proposals to expand federal criminal civil rights jurisdiction and oversight over allegations of excessive use of force by police officers.

We commend the President for establishing this Task Force and look forward to the important contributions you will make in addressing the significant challenges we face.

Sincerely,


Deborah M. Lauter
Director, Civil Rights


David C. Friedman
Director, Law Enforcement Initiatives


Michael Lieberman
Washington Counsel

¹ <http://www.justice.gov/opa/pr/attorney-general-holder-announces-federal-law-enforcement-agencies-adopt-stricter-policies>

² <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>

³ *About Hate Crimes Statistics*, 2013, Fed. Bureau of Investigation (2013), <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013>

⁴ <http://www.fbi.gov/news/speeches/the-fbi-and-the-adl-working-toward-a-world-without-hate>

⁵ *Racial and Religious Violence: A Model Law Enforcement Response*, National Organization of Black Law Enforcement Executives (NOBLE), September 1985 at 36.

⁶ Over the past decade, the League has emerged as a principal national resource developing education and advocacy tools to prevent prejudice and bigotry. ADL has built on award-winning anti-bias education and training initiatives, including the A WORLD OF DIFFERENCE® Institute, <http://www.adl.org/education-outreach/anti-bias-education/c/a-world-of-difference.html>, to craft innovative programming and advocacy to address bullying and its pernicious electronic form known as cyberbullying.

⁷ *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

⁸ Mary C. Stetser & Robert Stillwell, *Public High School Four-Year On-Time Graduation Rates and Event Dropout Rates: School Years 2010-11 and 201-12*, U.S. Dep't of Educ. (Apr. 2014), <http://nces.ed.gov/pubs2014/2014391.pdf>

⁹ Russel J. Skiba, et al., "Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline," *School Psychology Review* 40, No. 1, 86-7 (2011), available at <http://www.indiana.edu/~equity/docs/Skiba%20et%20al%20Race%20is%20Not%20Neutral%202011.pdf>.

¹⁰ *Civil Rights Data Collection Data Snapshot: School Discipline*, U.S. Dep't of Educ. Office of Civil Rights (March 2014), <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.

¹¹ Andrew Sum, et. al., *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Taxpayers* (Oct. 2009), available at http://www.northeastern.edu/clms/wp-content/uploads/The_Consequences_of_Dropping_Out_of_High_School.pdf

¹² *Joint 'Dear Colleague Letter*, U.S. Dep't of Justice & U.S. Dep't of Educ. (Jan. 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

¹³ *Id.*

¹⁴ <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>

Improving Police and Youth Interaction

1. Recruitment efforts should focus on men and women that have a history of working with youth. We need to stop recruiting SWAT type officers and focus on officers with proven people skills
2. Cadets should be trained on the teen brain. Scenario based training should be applied as done in our CIT training.
3. Youth interaction should be added to the Field Training curriculum.
4. All officers should receive annual youth interactions training that follow the CIT model. Special pins/certificates should be awarded to officers that receive additional training.
5. Sergeants should be trained on how to coach, guide, and reward good youth interactions by their officers.
6. Scenarios involving youth and the police should be on all future Sergeant Assessment Exams.
7. Lieutenants should develop evaluation instruments that measure positive youth and police interactions.
8. Captains should allow their supervisors and officers (on-duty) to attend youth activities at their local middle school and high school.
9. Chiefs should invite local educators/principals to attend quarterly crime strategy meetings (compstat).
10. Dispatchers should receive special training on how to handle calls that involve youth and their caregivers. They should take time to listen and be able to redirect the call so officers will be dispatched.
11. Juvenile investigators should receive additional pay and take home cars for working with juveniles.
12. Officers should stop and visit students at the bus stops and occasionally ride the school bus with them.
13. Police departments need to find creative ways to interact with their most at-risk youth; alternative schools, juvenile institutions, etc. Programs like TAPS Academy and TAPS Clubs should be budgeted accordingly.
14. The Chief should be awarded overtime money to implement youth intervention programs in their community. Many police department have cut youth interaction programs out of their budget because it is seen as a "nice to do" program and not a "must do program".

Thank you for this awesome opportunity to share my thoughts with the Committee. If you have any questions please contact me by phone [\(713\) 471-6515](tel:7134716515) or by email (TXLumpkins@aol.com)

Written Testimony by the Major County Sheriffs' Association to the White House Task Force on 21st Century Policing

The Major County Sheriffs' Association (MCSA) appreciates the opportunity to participate in the first public listening session hosted by the President's Task Force on 21st Century Policing, and to contribute ideas and concerns shared by Sheriffs from across the country. MCSA represents our Nation's largest counties, those with populations of half of a million citizens or more. Collectively, MCSA represents over 100 million Americans, meaning that we serve and protect roughly one third of the American public. Sheriffs are unique within the law enforcement community for a number of reasons, not the least of which is the fact that we are the *only elected* law enforcement leaders in the Nation, thus making us directly accountable and answerable to the communities we serve. Because of this special position, Sheriffs communicate closely with the public on all issues of key importance, including the topics that the President's Task Force has been charged with examining.

A number of recent incidents have occurred in several parts of the country that have raised public concern regarding the state of modern law enforcement and criminal justice in the United States. The most prominent of these incidents – in Ferguson, Missouri and New York City – have drawn attention to a range of issues, from race relations and community-police dynamics to the types of equipment and tactics used by law enforcement to do their jobs. These incidents have captured the attention of the American public and have generated significant debate, on all bands of the political spectrum. However, MCSA and many in law enforcement have been increasingly concerned that a handful of issues have been vocally elevated while other topics have been obscured or even marginalized. Moreover, MCSA is concerned that these two incidents have come to typify the rule in policing across the country, when in fact, they are the exception. Finally, we are also concerned that these specific incidents – as important as they may be individually – are being used as a *casus belli* to enact sweeping reforms that may not be warranted based on the record of facts, reporting data and statistics.

One specific area that has received significant attention over the past several months is the current state of relations between the public and law enforcement. This area of '*community engagement and dialogue*' is one that MCSA understands very well, simply given the position of Sheriffs in their communities. Sheriffs have a firsthand understanding of the importance of positive community relations and the role that such relations play in solving crime and building safer communities. While MCSA cannot speak on behalf of other law enforcement organizations, we are confident that all members and agencies within the law enforcement community value and desire positive interaction with their communities as well. The job of effective and positive law enforcement simply could not be done without strong support from the public.

A fundamental cornerstone of democratic society is the rule of law and maintaining trust between the public and government, particularly individuals and agencies sworn to enforce the law. That said, any improvement in this area cannot occur in a vacuum and will necessarily involve a bilateral commitment from both law enforcement and the community. It is also important to note that all communities are different, and that the bond between law enforcement and the general public varies greatly across the country. In some areas, the dynamics between

law enforcement and the communities they serve are excellent, where the interaction between police and the citizenry is very positive and where confrontational incidents are seldom occurrences. In other communities, the same cannot be said – which is a strong indicator that any breakdown between the community and law enforcement is not solely due to the actions of those wearing a badge. Any serious national conversation on this topic needs to recognize these facts. Moving ahead, solutions to foster improved relations between community and law enforcement should be locally designed and implemented if they are to have any chance of real and lasting success. Also, efforts to create “third-party” or national oversight efforts over State and local departments are strongly opposed, in that in all cases law enforcement is already overseen by locally-elected officials. Moving oversight to the Federal level reduces accessibility and accountability within the police community, and complicates efforts to build transparency, increase communication and enhance public trust and interaction with law enforcement authorities.

Strengthening relations between law enforcement and the community must also include a more robust effort to highlight the challenges and dangers of the law enforcement profession. Quite frankly, there is not enough informed public awareness regarding the daily life of the average officer on patrol, including the uncertainties they face, the potential for hostilities and violence, and the often life-impacting decisions they have to make on the spot without warning. Examples make the point. While the public may generally be aware of numerous details regarding the Ferguson and Eric Garner incidents, they may not be as readily aware of how many police officers died in the line of duty in 2014. That number is 118, roughly one officer every three days, 47 of whom were killed by gunfire.ⁱ Additionally, since 2004, at least 50,000 officers have been assaulted annually.ⁱⁱ Police appear to be guarded and even edgy because they often have no idea of who or what they are facing. If a more concerted effort were made to highlight these realities, perhaps a more accurate appreciation of the inherent difficulties of law enforcement can be achieved and a better balance restored on all current topics regarding police and community.

In fact, a greater awareness of what law enforcement officers deal with on a regular basis would also give the public a better understanding of *why* law enforcement officers use certain equipment, employ certain tactics or ask the public to comply with certain procedures. Simply, the procedures and equipment used by law enforcement primarily serve a purpose: *to protect the officer and to enhance the safety of the public, including the safety of individuals undergoing arrest or detention.* Enhanced public awareness of procedures would actually help to mitigate confrontation between law enforcement and the public, and would reduce confusion, prevent mistakes, misunderstandings and incident escalation, on either the part of the officer or the public. Even during the most common policing interactions where procedural compliance occurs – like a driver being asked to place their hands on the steering wheel during a traffic stop – these procedures are done with safety in mind. The uncertainties of what law enforcement officers might face on the job – from individuals under the influence of narcotics, to violent repeat offenders, to persons suffering from mental health disorders – requires elevated precaution.

Also, many of the inaccuracies and misperceptions regarding the so-called “militarization of police” would be corrected and debunked with more complete knowledge of *why* law enforcement use certain equipment in certain situations. Law enforcement agencies must operate according to a “hope for best but prepared for worst” approach – an unfortunate, but necessary

reality. They do not have the unrealistic luxury of knowing every threat that lies behind each door or resides in each car on the road. Even when provided with a degree of operational foresight, law enforcement officers often still have limited tactical visibility when responding to a call or situation. This fact automatically requires law enforcement to approach potentially dangerous situations with every precaution – tool or tactic – they have at their disposal. Regardless of what it looks like, every single piece of gear used by law enforcement exists either for officer safety or to quickly neutralize threats with appropriate force and minimum collateral impact, thus protecting the larger public. On a final note related to equipment, one idea recently advanced to enhance transparency and to strengthen public-law enforcement relations is more widespread use of body cameras by police. MCSA understands the value of these devices, but key concerns must be addressed moving forth – law enforcement agencies must be protected or exempted from frivolous FOIA requests that add considerable administrative burden. Policymakers also need to understand the ramifications of camera use regarding privacy rights (like when officers enter domiciles), and other concerns, like the protection of confidential informants throughout the course of specific investigations.

Another topic under the rubric of law enforcement-community relations is the need for better awareness and understanding of *how* the entire criminal justice system works, and what the responsibilities of each component of the system are. This is critically important to address for one reason: For the average American, the law enforcement officer on patrol is the most direct, visible and recognizable point of contact between the citizenry and the entire criminal justice system. But law enforcement officers are *only one part* of the system. Yes, law enforcement officers have a sworn duty to enforce the laws. However, those laws are created by legislatures composed of people elected by the public. Therefore, if the public has a problem with a law – or its purpose, validity or the impact of its enforcement – the police officer on patrol is not the ultimate or appropriate individual to consult or confront. In fact, recent incidents questioned by the public could have been clarified and the outcomes better understood *if* the public had a more thorough and accurate understanding of how the system works.

A renewed national conversation on the importance of civics is certainly beyond the scope of this document, however necessary and timely it may be. Yet, these are the fundamental problems that underlie many of the frustrations shared by both the law enforcement community and the general public. The solution to all of these informational challenges – to include greater awareness of daily policing challenges, and better understanding of both police procedure and how the criminal justice system works – is not the responsibility of one entity. On one hand, it requires greater and clearer communication on the part of law enforcement leaders across the Nation. On the other, it also requires national leaders with a louder, wider-reaching pulpit to reinforce the positive messaging by law enforcement professionals at the State and local levels.

The solution for many of the current problems regarding relations between law enforcement (and more accurately, the entire criminal justice system) and the public, is not easy. The right approach rarely is. That said, law enforcement cannot continue to be a convenient target for “reform” when the common underlying factors that ultimately contribute to crime and delinquency (drug use, failing education, poor job prospects and unemployment, erosion of values, gaps in mental health services and cultural tolerance of criminal behavior) – and often manifest themselves in tragedy – continue to go unfixed or unaddressed.

MCSA recognizes that there are specific areas that could be addressed to improve policing and community relations in America – some of which are covered in this document. And, there are specific programs and policies that should undergo review and assessment. However, we believe that reforms, when needed, should be conducted in a focused and surgical manner, so that specific areas requiring attention can be addressed swiftly and completely. Conversely, we do not believe that sweeping, “one-size-fits-all” reforms are conducive to truly fixing problems within the Nation’s criminal justice system. “Broad-bush” reform attempts often fall short of accomplishing their intended goals, miss the complexities of local communities and expend precious resources on areas that don’t necessarily require attention. High profile pundits, academics and national political figures have suggested that perceived problems can only be rectified if the law enforcement community at large undergoes substantial change – not simple adjustments, but sweeping reforms across the system.

We believe these calls are unwarranted, simply because the numbers and statistics regarding policing across the country do not indicate that extralegal abuse, misfeasance or malfeasance by law enforcement constitutes a trend, much less a norm. While law enforcement officers must approach every situation carefully and assume worst case scenarios, the overwhelming majority of routine contacts between law enforcement and the public end with a relatively peaceful solution. Furthermore, the vast majority of contacts between law enforcement and suspects where there is an arrest do not result in death. In fact, according to recent statistics from the U.S. Department of Justice, from 2003 through 2009, a total of 4,813 deaths were reported to the Bureau of Justice Statistics’ (BJS) Arrest-Related Deaths (ARD) program. During that same six-year period, the Federal Bureau of Investigation estimated nearly 98 million arrests occurring in the United States, meaning that 99.9998% of arrests *did not* result in death.ⁱⁱⁱ

Furthermore, while the job of law enforcement remains a profession of danger and uncertainty, data shows that policing reforms already undertaken over the past several decades have had significant positive effect on criminality in America. Crime rates across the country – especially violent crime – continue on a downward trend from peak levels in the early 90’s. Most recently, the BJS report on Criminal Victimization for 2013 (dated September 2014) indicates that the rate of violent crime declined slightly from 26.1 victimizations per 1,000 persons in 2012 to 23.2 per 1,000 in 2013.^{iv} Of course, mistakes will be made from time to time, and no system is perfect, but these and other data suggest that the system is working and that law enforcement across the nation is conducted in a professional, proper, constitutional, effective and efficient manner.

With a focus on community engagement and dialogue – MCSA would like to offer several ideas and recommendations moving forward. Of note, one of the key focus areas identified by the Task Force – *‘improving police and youth relations’* – is actually an important part of community engagement and dialogue. Here, improving police and youth relations could be done with something as simple as more routine school visits, particularly in distressed areas, where students can interact with local law enforcement in a more regular manner; trust and relationships would be established over time. Coordination with local school districts to conduct educational visits to police departments may be another way to foster positive relations with law enforcement at earlier ages. Visits could be designed so that different age groups can observe different aspects

of policing, making such visits more effective with different age cohorts and perhaps fostering interest in the law enforcement profession at an earlier age.

A broad recommendation to promote community engagement would be to conduct analysis of specific areas or jurisdictions where past efforts conducted to strengthen community bonds could be cross-applied to other areas experiencing similar problems, essentially serving as a model for replication across the country. Once a basis of trends and patterns is established – complete with lessons learned – best practices could be created for wider distribution. A modeling effort would likely come with some cost – but if specific departments had the ability to participate, collect and disseminate the data, certain Federal grant dollars could be used to facilitate the effort, particularly if such efforts were conducted in support of a Federally-led reform initiative. It is important to note that several programs and initiatives exist to promote greater interaction between law enforcement and the community and that strengthening these efforts may be a logical first step to wider progress. For example, the Neighborhood Watch program, sponsored by the National Sheriffs' Association (NSA), already works to build bridges between community and police. Participation in reserve police officer programs or organizations like the National Citizens Police Academy Association (NCPAA) are additional and valuable ways that allow the average citizen to interact more closely with law enforcement.

Finally, MCSA would recommend that a national discussion be undertaken to help increase public awareness of what the job of law enforcement truly entails. This could be done in a number of ways – but the primary aim would be to help the American citizen better understand what law enforcement officers encounter on a regular basis. The need for this conversation to occur at the national level is simply because of the reach and position of influence of national leaders. In these discussions, national leaders need to reiterate, with specifics, the realities of law enforcement as they work to protect and serve the public; these realities may not be appealing, but they need to be heard. Additionally, a greater highlighting of the criminal dynamics resident in certain communities needs to happen, simply because all areas are different and the nature of community-policing relations is going to change significantly based on local dynamics. Also, understanding the diversity of criminality across the Nation will help to clarify why relations between law enforcement and certain communities are the way they are. In the end, the law enforcement community has the information – as we are in our communities on a daily basis – but we need stronger leadership at the national level to help communicate that data to the American public.

MCSA offers the President's Task Force on 21st Century Policing these insights and suggestions hoping to add a degree of thought and clarity to this set of concerns. We are sensitive to the complexities of these issues, but we also recognize that finding true and complete solutions to these challenges will involve a comprehensive and shared effort. MCSA will always be concerned with policy-making based on expediency. This is not because quick and easy solutions don't exist, but because truly solving problems for the long term involves a focused effort that addresses systemic causes, not just surface level symptoms. We hope this effort will help strengthen the bonds between law enforcement agencies and the communities their officers are sworn to protect – and to provide the American public with a greater sense of what the average law enforcement professional confronts and contends with on a daily basis.

End Notes

ⁱ <http://www.odmp.org/search/year?year=2014>

ⁱⁱ <http://www.nleomf.org/facts/officer-fatalities-data/daifacts.html>

ⁱⁱⁱ <http://www.bjs.gov/content/pub/pdf/ard0309st.pdf>

^{iv} <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5111>

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Boise Idaho Police Chief Mike Masterson

Thank you for the opportunity to submit remarks on the important work you are tasked with. I believe what we are seeing is not systemic but isolated incidents. Still, this review can and should be a powerful voice in creating and implementing inclusive policing philosophies and strategies influencing how we lead the men and women of our organizations, *essential to both officer and public safety.*

Priority: Train Police Leaders to Value, Understand and Implement the Inclusive Strategies of Community Policing.

Train Police leaders in Quality Police Leadership that:

- Sets the values for the agency, establishing a structure and culture where those values are understood and embraced internally, allowing them to be carried out externally.
- Conveys the very unique values and requirements of policing amid the freedoms built into our democratic society including the importance of adhering to constitutional constraints and a respect for diversity and equal treatment.
- Embraces change from the inside out, the bottom up, emphasizing participation and true respect for the dignity and professionalism of individual officers and their ability to contribute to improving the end product of policing, contributing to fairness and effectiveness, for building trust through inclusive approaches to community problem solving and, in the process, for reducing the dependence on arrest and prosecution and it's ever-present-potential for the use of force.
- The value of this training should be recognized, promoted and offered, even required at all levels the law enforcement profession, from academics to academies to professional organizations and affiliations.

Leaders in all police agencies regardless of size, location, political or economic constraints, must embrace these values themselves then be able to effectively create and nurture a work environment that shares, trains and engrains these values

to each member. Only then can expect to see officers exhibit these values within the communities we serve.

The trust officers have in themselves and their abilities, in their fellow officers and in their leadership is the most effective way WE can earn the trust of our communities. In my 38 years of policing two of America's perennial safest cities and best places to live, Madison Wisconsin and Boise Idaho, I have found the only effective formula for successful community policing is to effect fundamental change inside of the organization first.

My foundation in this philosophy began in 1987 with the introduction of Quality Leadership [Madison Wisconsin, Experimental Policing District, Police Foundation], a transformational change in our profession. This initiative focused on empowering employees at all levels of the organization by emphasizing the importance of relationships, influencing their beliefs and values and thus, their behaviors. Then Madison, Wisconsin Police Chief David Couper recognized if leaders didn't listen to and value employee's suggestions on improving the workplace how could officers be expected to listen to citizens for solving community problems.

The 12 Principles of Quality Leadership emphasizes the importance of knowing customer needs, focuses on continuous improvement of systems, processes and services, and involvement of employees in decisions that minimizes the use of coercive power while maximizing the use of data in making decisions.

There is synergy in combining Quality Leadership with Leadership in a Police Organization (LPO) training. LPO is the underlying behavioral science of the leadership philosophy which has been refined and endorsed by the International Association of Chiefs of Police. It further evolved in 2009 when the IACP achieved a goal of creating a division to focus on leadership training, research and information sharing to law enforcement.[iv] .

LPO is the process of influencing human behavior to achieve organizational goals that serve the public. These "lessons" support the "values" of Quality Leadership. Quality Leadership is the art; LPOSM is the science.

Our society and our profession must commit to building leaders with philosophies that prepare our organizations for today, tomorrow and beyond; to provide current and future police leaders with both the science and the art of Quality Leadership; to instill in leaders the genuine desire to place others before themselves and spend time helping others develop their own leadership competencies, and transferring the values of service, trust, caring and concern. Integrity becomes the bond you have with the people you lead and it is that leader trust factor that people will continue to invest in you despite occasional missteps.

Priority: Include Union leadership in determining best policing strategies for our communities.

- Unions should be embraced as partners, not adversaries.
- Bringing Union leadership into discussions on department management illustrates commitment to the inclusive participation model both inside and outside the department.

For nearly three decades I have served on department executive teams with a union president. The only time the union president has recused themselves is during discussion on personnel or similar issues. The union leader hears everything else and has a voice in examining processes and improving department operations. This is an important step in an inclusive leadership philosophy that extends beyond the department bringing all to the table for a voice in community solutions and improving livability.

Priority: Instill in police organizations a true commitment to Community Policing; creating relationships and building community partnerships based on trust, consistent fairness and open, thoughtful, unbiased communication, all elements essential to community support which enhances public and officer safety.

- At its core, creating beneficial relationships and establishing community partners is based on trust, created by a consistent pattern of respectful interaction and open communication.
- Community policing and inclusive problem solving initiatives are exemplary models to be shared and replicated across the nation. When officers build long-term relationships with the communities within our community, they are more approachable to the citizens they serve. These relationships foster more frequent and improved communication and build a sense of communities working together toward solutions as opposed to “policing” a population. Officers, community groups, businesses and neighbors have created community policing initiatives that have been extremely successful in many communities fostering meaningful relationships able to address the many needs of our diverse communities. This begins with an understanding we serve many unique communities within our community and then a commitment to reach out to include those unique or special populations into our problem solving community.
- Recommit funding for the Problem Oriented Policing Center as a way to infuse these strategies into nationwide policing models.

These concepts are not new. We have had many able and dedicated professionals over the last three decades examine what policing should look like in America. However promising, these commission’s findings, including philosophies like those listed above, have had just limited success as their recommendations were not made part of a comprehensive expectation for law enforcement as a profession. Please consider

looking into the “rear view mirror” and the work of other dedicated commissions as I believe many of those recommendations are sound and have resulted in proven successes for the police leaders who adopted them.

^[iii] Leadership in a Police Organization (LPOSM) is the process of influencing human behavior to achieve organizational goals that serve the public while developing individuals, teams, and the organization for future service. **Pg xi**

^[iv] Rosser, Cecelia, Developing Leaders through Leadership in Police Organizations, The Police Chief, February 2012.

----- Forwarded message -----

From: **R. Paul McCauley**

Date: Tue, Jan 13, 2015 at 1:50 PM

Subject: Comment please and thank you

To: comment@taskforceonpolicing.us

I have served as a police officer, trainer, educator, researcher, consultant, and an expert in some 1,000 litigations in state and federal courts, (United States and Canada) over 40 years. I am convinced that many of the answers to the continuing and current national questions will be found in the very **basics** starting with policy formulation (ex. clarifying that not all written directives are policies and are not mere procedural guidelines-discretionary) and the attendant officer and supervisory training (acquisition of skills). As a former Marine I know many policies-procedures are written in blood and compliance with “minor/basic” points is mandatory.

Finally, if the basic premise of “Broken Windows” is applicable to community “**quality-of-life**,” it is equally applicable to the police service itself. The police service must not accept minor police officer misconduct but rather it must actively address basic “**quality-of-police life**” factors—a key role of the first line supervisor. It is becoming clearer that, if not addressed by management, minor police operational misconduct, such as calling a citizen a mother f-----r, not carrying flashlights during daylight hours, approaching an armed suspect without using available cover, not wearing the uniform hat as a means of announcing police presence, or multiple officers acting independently rather than as a coordinated team with a lead officer “communicating-giving direction” can and have created major incidents and patterns of misconduct including the unnecessary use of force and even deadly force. Success is in THE BASICS.

--

R. PAUL MCCAULEY, PH.D, FACFE

PROFESSOR EMERITUS OF CRIMINOLOGY

PAST PRESIDENT ACADEMY OF CRIMINAL JUSTICE SCIENCES



Northeastern University

College of Social Sciences and Humanities

January 2, 2015

Statement by Associate Dean Jack McDevitt
College of Social Studies and Humanities
Northeastern University
Boston Ma

Dear Members of the President's Task Force on 21st Century Policing

My Background

My name is Jack McDevitt and I am the Associate Dean for Research and Graduate Studies in the College of Social Studies and Humanities at Northeastern University in Boston Ma. I also serve as the Director of the Institute on Race and Justice at Northeastern University. I have been conducting research about the role of police in a diversity society for the past 36 years. Specifically, I have done research on the death penalty and race, hate crimes including the role of police in identifying and investigating these crimes, racial profiling where I have reviewed records from more than 1,000 police agencies, police accountability, the role of diversity in policing, and most recently the role police in combatting human trafficking.

Defining the role of police in a democratic society.

As Egon Bittner noted in 1970, police are in a unique position in our society as a group enthused with the power to use force. However, with this power comes a equally important set of responsibilities to only use that power in a fair and equitable manner. The public's belief that the police are acting in a fair manner is essential if the police are going to receive the support from their community and without the support the police a will have no mandate to enforce the laws. It is

just this essential question that the Presidents commission will be grappling with.

Building a culture of transparency

Transparency has become a bit of an overused buzzword recently but it is essential for police agencies if they are to maintain and grow trust between members of their agency and members of their community. In this regard transparency refers to ways officers conduct their business and rationale for various law enforcement practices and policies becoming more visible to the public. This has been an area of controversy for some time as police departments seek to keep some tactics private (e.g. specific investigative strategies) and consequently fail to allow the public to see the policies and rationale for these tactics.

Through years of research on police and community I have found that one of the best ways for a law enforcement agency to be truly transparent to the community is to share data on the actions of officers. Police departments maintain huge amounts of data on crime, calls for service and arrests but much less data on the actions of their officers. The area of racial profiling is one illustration. Before the late 1990s and the controversy around patterns of traffic stops very few agencies collected data on who was stopped by their officers, why they were stopped and the outcome of the stop. During the 2000s more than 4,000 agencies began to collect data on traffic stops. In many states and municipalities this data was shared with the community and served as a springboard for conversation about how traffic laws were being enforced. In most jurisdictions having data allowed community members to see for themselves how laws were being enforced and moved the conversation from anecdotes of being stopped unfairly at some point in the past to policy questions about how laws should be enforced. Unfortunately traffic enforcement is not the only area where data is not being collected or if collected is not being shared with the community some of these areas include use of force, internal and external allegations of misconduct with outcome information, hiring and promotion to name a few.

Recommendation:

- Data on police performance should be collected and with proper protection for the confidentiality of officers, be shared with the public.
- A DOJ initiative should be developed to identify best practices for collecting and disseminating police performance indicators.

Community Engagement and Dialogue

One of the challenges that law enforcement agencies face when attempting to engage in a community dialogue around race and community diversity issues is that they announce a meeting and few people attend. Many police officials conclude from this that race is not a concern in their community. The real reason for a lack of participation may be a combination of factors like public belief that the police are doing this for public relations not to really understand the concerns of the community or a belief that nothing will really change so why waste my time attending.

We at the Institute on Race and Justice have found that with a small amount of preparation law enforcement agencies can get an audience and begin a very fruitful conversation about race and their community. If the local law enforcement officials follow a few simple steps they can begin a more successful dialogue.

- Do not hold the initial meeting at the police department hold it in a community setting
- Law Enforcement should ask if they can address a community group (such as the Urban league NAACP La Raza) as a part of their regular meeting
- Begin the conversation asking people to share their stories about interactions with the police good and bad
- Do not be defensive, the people telling their stories most often are not blaming the officers in the room for what happened they simply want to be heard
- At the end of the meeting ask what those who attended would like the next steps to be people are reasonable and often simply want to continue the conversation.

Hiring a diverse workforce

Hiring a diverse workforce is difficult and takes a great deal of outreach and effort. Most young people of color have never considered a career in law enforcement and the recent events involving police shootings have not helped the situation. Young men and women need to be recruited into policing and told what a rewarding career it can be. One strategy that has been effective in some communities is to involve beat level cops as recruiters. If a young person is approached by a police officer they know because she patrols their

neighborhood, serves a school resource officer, or functions as a liaison to a group where they are a member the young person may hear the officer in a different way. In addition a number of communities have experimented with virtual academies or mentoring or coaching programs for recruits of color (and other recruits) to help them before and as they progress through the recruit academy.

Procedural Justice

Tom Tyler, Tracy Meers and others has done a wonderful job of demonstrating how Procedural Justice can improve police community relations. One thing that has worked at the Institute on Race and Justice is to involve experienced police officers in a conversation of how they might implement a more procedural justice approach to policing. Policing is a verbal field police like to talk with each other about what works. If offers talk to each other about how they might ask a person if they have questions about next steps, for example, and how they might respond if the person has questions it can be very helpful in implementing a procedural justice approach to policing.

Historically, relations between the law enforcement and the community at-large have been strained where underserved and minority populations are concerned. Strategically, a variety of efforts have been undertaken to better relations between the aforementioned groups to include a number of predecessors up to and including community policing. Unhappily, this conflict continues to fester. Ten years from now will at the same point, better or worse, and more importantly, why? The dearth of data in areas such as the spillover effects of police – community conflicts (whether police initiated or community initiated) threatens both public safety and public servants.

Question: Is there a recognized for a research agenda to address such issues as aforementioned? What might be done to ensure that HMIs (Historically Minority Institutions) are active participants in research and other aspects of better understanding and helping to bring resolution to these concerns?

Dr. Harvey McMurray
Chair, Department of Criminal Justice
North Carolina Central University
hmcmurray@ncu.edu
(919) 530-6280

Written Testimony for Chief Harold E. Medlock

Harold E. Medlock was appointed Chief of Police in February of 2013 for the North Carolina Fayetteville Police Department. He served as Deputy Chief of Police for Charlotte-Mecklenburg Police Department with more than 20 years of law enforcement experience. He also served as National Special Security Event (NSSE) Co-chair overseeing twenty-one NSSE local, state, and federal public safety organization sub-committees charged with producing the NSSE operations plan. Chief Medlock received his bachelor degree in Criminal Justice from Pfeiffer University and decided to further his education and obtained his MBA in 2002. He is a graduate of the FBI National Academy, the National Executive Institute and the Senior Management Institute for Police.

On behalf of the Fayetteville Police Department, I appreciate the opportunity offered by the President's Task Force for the invitation to provide my testimony and values on future improvements for all local law enforcement agencies.

Building a Culture on Transparency and Community Engagement and Dialogue

Enhancing Communication

I've realized that Fayetteville could have experienced an event similar to the one that occurred in Ferguson, Missouri. As a Police Chief, I'm aware of the impact cultural transparency and community engagement has on the relationship between citizens and law enforcement. It appears the Ferguson Police Department's response to the tragedy brought to light disparities between our communities and police departments. Additional incidents can be avoided if police departments use this incident as a learning tool, and a prevention measure. One could speculate that a lack of communication led to poor policing and cloudy transparency. We can't accurately account for the dialogue that initially took place between Officer White and Mr. Brown; but it is possible that a "misunderstanding" was involved. ¹A 2004 study conducted by the Massachusetts Bay Transit Authority consisted of officers recruiting police candidates from surrounding suburban neighborhoods to engage with youths in the urban community. The findings were shocking due to the number of frivolous arrests made and poor interactions between the urban youth and officers. This set the tone for Massachusetts Bay Transit Authority to invest in strategies for training officers on best practices for engaging with youth in the field. One of the strategies included an overview of how neurological changes occurring in teens' brains account for many of their "hard-to-police" behaviors. Officers learned how to establish authority using unconventional techniques, increase compliance from teens, and de-escalate volatile situations.

Culture Resemblance

Many police departments are designed to serve and protect the community. It is natural for citizens to not trust anyone or anything in which they do not possess any mutual links. The Merriam –Webster dictionary defines the word link as a “**connecting structure**”. In essence, a police department should have a connection that can be seen and experienced by the citizens they serve. The case of the Ferguson Police Department is not solely built on a “white officer shooting an unarmed black male”, but puzzling factors including the Ferguson Police Department’s demographics don’t provide an authentic picture of the community they serve. Reports have shown that less than 2% of the Ferguson Police Department’s workforce is African –Americans.

²Ferguson experienced a rapid change in their demographics over the years, as the percentage of African-Americans increased to 67%, leaving a population of Whites at 29%, and a population of 4% for unknown/other races. Even though the Ferguson Police Department is located near two historically black colleges, Harris-Stowe State University and Lincoln University of Missouri, the Ferguson Police Department failed to utilize the local colleges as a recruitment tool.

Community Policing

Ferguson also set an unwelcomed tone for an incident that left the community feeling unheard. The community did not see the sympathy or empathy in police officers after the tragic event unfolded, but rather riot gear to prevent their voices from being heard. The use of protective equipment and tactics should have been explained to the community. The community viewed the Ferguson Police Department as have taken a military approach to ensure their officers were protected. The delay in the Ferguson Police Department’s communication about the Michael Brown shooting left many police executives puzzled as it fueled an environment filled with confusion and hostility.

Recommendations for Building a culture of Transparency:

- **Training and Technical Assistance for Police Department be produced on the State Level:** Over the past few years, it has been proven that training conducted in the Basic Law Enforcement Training or standard in-service recertification is not sufficient. The training would focus on fair and impartial policing, community relations and police integrity.
- **Creating community dialogue:** Police Chiefs must meet regularly with community leaders, non-profit groups, local clergies and, agencies heads.
- **Creating transparency:** Police Chiefs must develop a practice of disseminating information about department activities and to discuss possible discipline issues. Must immediately disseminate information regarding officers involve incidents and controversial incidents.
- **Informing and educating the community:** Police Departments should open normal BLET and in-service training classes to community members and media and invite feedback from those who attend.

- **Eliminating basis.** Police Internal Review Boards should include a member from the City Human Resource of Community Relations Department to serve as a voting member of the departmental disciplinary hearings board.
- **Federal and State support in developing effective police-community partnerships:** Community policing represents a departure from familiar ways of operating for both the police and residents. It requires a policing perspective that goes beyond the standard law enforcement focus and a willingness to engage in nuts and bolts neighborhood problem solving. Effective partnerships also involve the willingness of community members to engage in constructive dialogue with the police. Through intentional efforts to build trust and collaborate, police and community members can act as catalysts and facilitators of activities to strengthen the community and increase safety. The violence prevention partnerships below are an example of this practice. Community partnerships must come from the agency head and must be instilled throughout the agency.

Improving Police and Youth Relations:

The Fayetteville Police Department took required steps to improving the relationship between the youth and police officers with programs such as Education Kids on Guns, Police Explorers and adopting the National Police Activities/Athletic League Program. Selecting officers with extensive experience working with youths, parents and community leaders to develop strategies to improve police/youth interactions through dialogues is essential to all relationship-building efforts. Creating training sessions for parents and youth, and the development of community oversight mechanisms has been a part in the success for this strategy and has been proven to work successfully.

In addition, building partnerships with local universities and faith based organizations often helps communities address conflict through research, assessment of the sources of conflict, and facilitating dialogues between communities and police. It is important to document the sources of conflict and developed approaches to reduce conflict through collective efforts, that are evidence based practices. A successful approached for improving youth relations between law enforcement officers should offer structured opportunities for police and youth to meet and work together.

Recommendations for Police Leadership and Youth Relations:

- **Officer Selection:** Officers that have a strong background with youths should be used as an advantage when starting or enhancing youth based-partnerships.
- **Developing Needed Programs:** Police Departments must ask for and receive recommendations from community organizations and faith based organizations on the needs of youths in the community. Actual implementation of recommended programs shows the community that you are listening.

Police Leadership Development

The primary goals of most law enforcement agencies are to reduce crime and protect the citizens. These issues are essential to the policing mission, but officers won't be effective in their mission if they lack the necessary training. Every officer should be equipped with leadership skills and advanced training to combat the tasks they've been assigned. Some would argue that advanced training should be reserved for command staff, or other highly ranked officers, but this line of thinking limits the strengths of an agency to its top executives. Patrol officers and detectives spend an enormous amount of time in the streets interacting with the public. We would fail these officers if we limited their training to the minimum courses mandated by the State. Three core areas should be evaluated as they have an impact on skill development: educational background, Basic Law Enforcement Training (BLET) curriculum, and in-service training. The Fayetteville Police Department recently implemented the Fair and Impartial Training (FIP) by Dr. Lorie Fridell, in addition, also permitting entry level staff members to attend training under organizations such as NOBLE, State Management Development Training, and the International Association of Chief of Police. We have seen a remarkable change in the leadership for the police department after incorporating these changes. Having changed the way the Fayetteville Police Department conducts or provides training opportunities to staff that interact with the community has contributed to the 20% decrease in overall citizen complaints and encountered no deadly use of force incidents in 2014.

Educational Background

An officer's ability to develop and exhibit exemplary leadership skills isn't defined by his or her pursuit of education beyond post-secondary school, but it speaks volumes about an officer's willingness to invest in himself. Studies have shown that approximately 16% of law enforcement agencies require an associate's degree, while only 4% require a four-year degree. In addition to the expenses incurred while pursuing a degree, a considerable amount of time and energy is involved. College graduates learned how to balance changing priorities and still remain focused on their overarching goal: graduation. Seeking a degree provides an opportunity to learn and view information from a different perspective, and the ability to think outside the box is a must for any police officer. A study conducted by Terril and Mastrofski in 2002 confirmed the notion that officers with a higher education degree were less likely not to use force. The notion was re-affirmed in 2007 study conducted by Terril and Paoline.

Basic Law Enforcement Training (BLET) Curriculum

Basic law enforcement training (BLET) provides the foundation for aspiring police officers. Most law enforcement agencies require their police candidates to complete BLET prior to becoming a sworn police officer. Courses in the BLET curriculum vary from state to state, but they are designed to encompass skills officers need to transition into the field. Much of this basic training is directed to allowing the majority of candidates to successfully complete training rather than identifying those who

are most able to handle the rigors of police work. BLET often focuses on the physical tactics rather than communication skills.

Tension to fill the Ranks

The BLET curriculum is often developed by state training professionals who are not connected directly to the fast changing needs of the profession. Police agency leaders must balance the tension of fielding the best, most qualified candidates to simply filling "the seat" of a police car.

In-Service Training

In-service training courses are designed to make sure post topics are covered during the course of a year. Courses are designed and approved at the state level, and courses are aimed at the lowest common denominator of students. Firearms qualifications, legal updates, juvenile topics, etc. are standard topics covered annually with individual agencies left to determine additional needed training of those required, but that decision is left up to the In-Service Coordinator of that agency.

Recommendations for Leadership Development:

- **Mandatory or encouraged educational requirement for all police officers, to include possession of at least an Associate's degree with Bachelor's degree preferred:** It is becoming critical that officers obtain the critical thinking and analytical skills needed to fulfill the role of a police officer. The inability to process information from a variety of perspectives limits an officer's ability to lead others.
- **Begin leadership training immediately:** Tomorrow's police leaders are today's recruits: Identifying those who demonstrate promising traits that are necessary to lead police agencies and begin mentoring and formulate training to allow them to develop. Training must be affordable and accessible for every agency.
- **Federal or State assistance for federal student loans:** Federal loans received by students who obtain a degree in the criminal justice or law enforcement field and who commit to serving on recognized law enforcement agency as a full-time sworn public safety officer for five years. It is important that we break down any barrier that does not encourage officers to obtain higher education in the criminal justice field due to limited financial resources.

President's Task Force on 21st Century Policing
Fayetteville Police Department
Harold E. Medlock
Written Testimony 2015

Endnotes:

[1] Strategies for Youth fact sheet, <http://strategiesforyouth.org/resources/facts/>.

[2] Ryan Gabrielson, Ryann Grochowski Jones and Eric Sagara, "Deadly Force, in Black and White," ProPublica, October 10, 2014, <http://www.propublica.org/article/deadly-force-in-black-and-white>.

MEMO

December 31, 2014

To: MCOPA Board of Directors; MPI Board of Directors, and Dean Jack McDevitt, Northeastern University
From: Chief Doug Mellis, President MCOPA and Chief Brian Kyes, President MMCCA
Re: **A Statewide “Blueprint for Excellence”**

Partnering with the appropriate federal funding agencies, the Massachusetts Chiefs of Police Association, as well as the Massachusetts Major City Chiefs Association, in cooperation with the Institute of Race and Justice (IRJ) at Northeastern University and the Municipal Police Institute, Inc. (the research and training affiliate of the Massachusetts Chiefs of Police Association), proposes to undertake the first of its kind comprehensive effort at identifying and adopting so-called law enforcement “best practices,” especially those focusing on building trust between the police and their communities, which can serve as a national model and likely supplement if not replace the traditional Consent Decree approach to addressing allegedly deficient police departments.

Based on a review of the literature published by the DOJ, NIJ, COPS Office, PERF, IACP, academic researchers and others, as well as the criteria used by the Department of Justice in drafting Consent Decrees with police departments that have allegedly fallen so far short of such best practices that federal intervention is needed, it is possible to develop a checklist for departments to use in evaluating their current policies and practices and coming up with a plan to address deficiencies. Unfortunately, most departments lack the time or skilled staff to undertake a comprehensive review. Even when some do, they often face serious challenges by way of lack of funding or political support needed to implement meaningful changes, never mind union opposition or minority community skepticism. Unless we adopt a different model, we will continue to have the DOJ move from one underperforming department to another, but rarely getting others to change their ways and learn from the experience of the targeted department. We propose making a commitment to identifying best practices and implementing them in municipal police departments across the state of Massachusetts.

Some of the elements of such a bold initiative include:

- *Independent Oversight*
- *Convene a Diverse Supervisory Group*
- *Identify “Best Practices”*
- *Assess Individual Departments*

- *Collect Meaningful Data on all Phases of Police Operations*
- *Mandatory Policies & Procedures*
- *Mandatory Training*
- *Provide for Permanent Funding*
- *Measure Outcomes*

Independent Oversight

Some type of oversight would be used, but avoiding some of the problems associated with some “monitors” and hopefully borrowing from lessons learned by the DOJ in its Consent Decree cases over the years. This group will include community representatives who are respected for their efforts at building trust between the local community and the police.

Convene a Diverse Advisory Group

The Institute of Race and Justice has convened several panels composed of representatives of law enforcement, community groups, social service and community activist organizations, academics, politicians and minority citizens for nearly the past two decades. The IRJ’s credibility with all these parties is essential for assuring participation. An Advisory Group containing members of these various committees and others will be assembled.

Identify “Best Practices”

This will start with identifying examples of departments in which “best practices” are taking place. This would include departments currently under or successfully concluded DOJ consent decrees. Where a review of literature or other documentation is not enough, some site visits and possibly data analysis may be needed.

Assess Individual Departments

Based on experience in Consent Decree cases, approximately two-dozen criteria will need to be analyzed to determine a department’s overall “fitness.” The Massachusetts Police Accreditation Commission (MASSPAC) which has for more than 20 years been performing services similar to CALEA, is a logical starting point for measuring the quality and quantity of policies and procedures department have adopted. Expanding on MASSPAC’s verification efforts, the IRJ and MPI will develop

ways to document actual implementation of such policies. Other criteria will require adopting new assessment tools ranging from data submission to on-site verification.

Collect Meaningful Data on all Phases of Police Operations

Both internal and external sources of data will be needed to understand how well a department is operating. While periodic spot checks will be needed during the implementation of this effort, it is important to leave departments with the tools to continue to measure their own conditions and document progress on a permanent basis.

One of the challenges the Supervisory Group will face is how data will be collected and what criteria or benchmarks will be used to determine a department's relationship to best practices. Understanding how to use data as a management tool will be an essential task for all parties.

Mandatory Policies & Procedures

Most police departments in Massachusetts have adopted policies and procedures based on the more than one hundred samples developed by the Municipal Police Institute (MPI) and updated approximately every 5 years for the past four decades. These policies meet MPAC Accreditation standards and reflect principles embodied in the IACP's Model Policies. Understandably, some adjustment for local circumstances, department size, union concerns and various local intangibles have produced variations. However, it is unlikely that we will find significant issues involving constitutionally deficient policies in any departments. To the extent that greater uniformity is needed in key areas, in connection with the legislature or state public safety officials, we will issue sample policies that a department is either free to adopt or required to submit their alternatives for approval to assure they contains all essential elements and are not lacking in any substantial area. The key will be developing a replicable mechanism by which we measure how well current policies are being implemented.

Mandatory Training

Coordinating policies and training will be one key outcome of this project. This is another reason why a statewide approach can produce greater results. While a few of the larger departments conduct their own academies and other training, Massachusetts has a state agency – the Municipal Police Training Committee [MPTC] – that is charged with training all municipal police officers (and others), providing recruit, in-service and specialized courses. The MPTC has done the best it could with nearly the lowest per officer training budget in the nation. It does not own a single academy, has no full-time trainers on staff, and has not updated its curriculum for nearly two decades. It is fair to assume that this project

will identify areas that with increased funding improvements can definitely be made.

Provide for Permanent Funding

Working with the Supervisory Group, especially key state legislators, the project must identify a realistic way to maintain the self-evaluation, policy updating and related training that are identified as essential to achieving and maintaining policing best practices.

Measure Outcomes

Much the same way as MPI has tried to evaluate its training efforts over the years, the IRJ will study whether the departments conducted and will continue to engage in a thorough self-evaluation, adopting proper policies, coordinating these with training, and making a difference in the lives of their citizenry. Objective measurements of crime statistics alone are not enough. Citizen surveys, measuring levels of trust, perceived bias, and commitment to true community policing principles will be needed.

RECOMMENDED ACTIONS

1. Review, discuss and adopt a resolution endorsing the principles outlined in this Memo by the MCOPA, MMCCA and MPI as soon as possible.
2. Direct the Executive Directors of the MCOPA and MPI to work with Dean McDevitt and the Chair of the MCOPA's "Blueprint for Excellence" Committee – Chief Erik Blake – and a co-chair to be appointed by the MMCCA, to explore funding options and a detailed implementation plan, to include engagement of the Massachusetts Major City Chiefs Association, the Municipal Police Training Committee, the Executive Office of Public Safety and Security, the State Police, the Massachusetts Police Accreditation Commission, the MACLEA, the IACP, community groups, legislators and others. A preliminary report should be submitted at the next MCOPA Board meeting, with monthly updates thereafter.

----- Forwarded message -----

From: **Moe, Charlene**

Date: Tue, Jan 13, 2015 at 4:12 PM

Subject: Recommendation

To: "comment@taskforceonpolicing.us" <comment@taskforceonpolicing.us>

Recommendation:

The restructure and reestablishment of the USDOJ COPS National Regional Institutes for Community Policing, an alliance once established to provide comprehensive guidance, trainings and resources to law enforcement agencies and communities across the nation through a coordinated strategy.

This recommendation supports and also provides a venue for many of the recommendation made today by panel members.

Charlene J. Moe

Center for Public Safety and Justice

Institute of Government and Public Affairs

University of Illinois

2930 Montvale Drive Suite B

Springfield, Illinois

Office [217-206-6049](tel:217-206-6049)

Cell [217-622-0393](tel:217-622-0393)

Fax [217-206-6063](tel:217-206-6063)

Toll Free [877-864-7427](tel:877-864-7427)

cedmi1@uis.edu

CPSJ.uis.edu

Seek Justice, Love Mercy, Walk Humbly



**Written Testimony of the
American Civil Liberties Union**

Laura W. Murphy
Director
ACLU Washington Legislative Office

Submitted to

**The President's Task Force on 21st Century Policing
Listening Session on Building Trust and Legitimacy**

**Tuesday, January 13, 2015, 9:00 a.m.
Newseum, 555 Pennsylvania Avenue, NW**

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. With more than a million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, DC, for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin. Consistent with this mission, I am honored to have this opportunity to provide testimony on building trust and legitimacy between law enforcement and the communities they serve.

Recent incidents across this country – from Los Angeles to Cleveland, and from Ferguson to New York City – offer an opportunity to change the culture of policing. This culture, as it currently exists in some cases, results in a relationship based on mistrust between law enforcement and our low income communities and communities of color. Such a culture results in police killing unarmed black men with little accountability. And such a culture generates rallying cries of “black lives matter.” The controversies of the past few months have focused on the errors and malfeasance of a few individuals – and that is a necessary process that must occur regardless of whether we agree with the specific results or not. But recent events, as tragic and controversial as they are, also provide America a sea-change opportunity to go beyond just dealing with a few bad apples and to reform and refresh an entire system. Fairness and justice demand that we seize this opportunity.

The State of Policing in the 21st Century

One only needs to paint a quick picture of the state of policing to understand the dire need for reform. First, there are local and federal incentives that instigate arrests. At the local level, cities across the country generate much of their revenue through court fines and fees, with those who can't pay subject to arrest and jail time. These debtors' prisons are found in cities like Ferguson, where the number of arrest warrants in 2013 – 33,000 – exceeded its population of 21,000. Most of the warrants were for driving violations.¹ At the federal level, arrests can be incentivized through the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) and other federal dollars that give the appearance that grant performance is tied to arrest statistics. Consequently, local law enforcement may target the easiest violators – low-level drug offenders – to increase their arrest numbers.²

Such a push for arrests has resulted in over-policing and biased policing of our most marginalized communities – communities of color and low income communities – often to carry out the so-called “War on Drugs.” In these communities, policing looks like racial profiling. In New York City, the number of stops of young black men in 2011 – 168,000 – exceeded the city's population of young black men – roughly 158,000.³ It looks like the racial profiling in Maricopa County, Arizona, where Latino drivers were up to nine times more likely to be stopped than whites in 2011.⁴ It looks like biased policing for low level drug offenses in the nation's capital, where 91% of those arrested for marijuana possession in 2010 were black.⁵ Policing in schools looks like the criminalization of youth of color and students with disabilities, who are disproportionately subjected to school-related arrests and pushed into the juvenile justice system.⁶

Policing looks like militarization – a grenade tossed into a crib critically injuring a sleeping child just to execute a search warrant for \$50 worth of drugs in small-town Cornelia, Georgia.⁷ It looks like big-brother surveillance where automated license plate readers record the whereabouts of millions each week in Los Angeles.⁸ Too often policing reinforces gender-bias, where officers refuse to enforce established laws against domestic and sexual violence, dismiss or misclassify such complaints, and ignore domestic and sexual abuses committed by officers within the force. And across this country, policing looks like excessive and deadly use of force, used against people of color, including children and the mentally ill. In recent months, policing looks like its most visible victims: Dontre Hamilton, Eric Garner, John Crawford, Michael Brown, Ezell Ford, and 12-year-old Tamir Rice.

Recommendations for Policing in a Democratic Society

This is not what policing in the 21st century should look like. As we determine best practices that will build trust and legitimacy between law enforcement and the communities they serve, the focus of this statement will be on solutions that will better define the role of police in a democratic society; build a culture of transparency; engage all community residents, including youth; and advance the pillars of procedural justice – respect, legitimacy, transparency, and fairness – that will ultimately result in law enforcement treating the communities they serve as they would want to be treated.

The recommendations put forward today are ones that state and local law enforcement can implement unilaterally. The Administration and Congress can support such local police reform through investigations and federal grant program requirements; and federal law enforcement agencies, including Customs and Border Protection and the FBI, must lead in implementing best practices.⁹ Just as this White House Task Force demonstrates, efforts must come from every level given the crisis this country is facing. The good news, however, is that there is no shortage of solutions; and the recommendations highlighted below are in no way exhaustive of the reforms that are needed. Police reforms have been considered for decades, and the ACLU's reports, litigation, and local and national advocacy attest to that. What we need now is nationwide implementation of these solutions.

Pay particular attention to consent decrees and other agreements in cities across the country – including Los Angeles, Seattle, Cincinnati, New Orleans, Newark, and New York City, as well as Puerto Rico. They offer explicit and precise examples of what police reform should look like.¹⁰ Because these detailed agreements are publicly available, no police department in this country should be confused about what model policing should look like. These agreements, several of which the ACLU was instrumental in constructing, offer guidance on the issues with which we are confronted today – a lack of data, biased policing, excessive and deadly use of force, and a mistrust between law enforcement and communities.

1. Police departments should collect and report data in a uniform manner and provide this data to a national federal database to build a culture of transparency.

Data collection and reporting is the easiest single thing any police department can do starting today. And it will offer the best depiction of what policing in the 21st century looks like

and allow the statistics to better shape tactics. It is emblematic of our inattention to the problems of policing when you realize that we know the number of hogs and pigs living on U.S. farms (66.1 million), but we do not know how many police shootings there are in a year.¹¹ Some numbers are available for fatal police shootings and the FBI Uniform Crime Report indicates that there were 461 justifiable homicides by law enforcement in 2013 – the highest in two decades.¹² However, these numbers fail to represent the complete universe of police killings because only a small number of police departments report this data. And with respect to stops and searches, only 17 states collect data.¹³

Police departments should collect data on stops, frisks, searches, citations, arrests, excessive uses of force, and justifiable homicides. Data should be collected and reported in a uniform manner and be publicly accessible. Additionally, this data should be submitted to a national federal database.

The 2012 New Orleans consent decree, which the ACLU of Louisiana described as “long-awaited improvements,”¹⁴ provides a model for data collection. The agreement requires the New Orleans Police Department (NOPD) to collect comprehensive data on all investigatory stops and searches. The data is subjected to supervisory review and the decree mandates that the department take appropriate action to address improper stops and searches. NOPD must issue a publicly accessible annual report summarizing, analyzing, and responding to the data.¹⁵ The NOPD also is required to strengthen its system of classifying and tracking domestic and sexual violence complaints.¹⁶ And in New York, one of the outcomes of the stop and frisk litigation is that New York Police Department (NYPD) officers must articulate the basis for a stop in narrative form rather than by checking boxes, which significantly improves the quality of the data collected.¹⁷

Additional recommendations for best practices to collect and report data include:

a. Police departments should publish electronic data on a quarterly basis about all stops, frisks, non-consensual searches, observations, and consensual interrogations and searches, including a breakdown by race, gender, age, outcome, and the officer’s basis for the encounter and action.¹⁸ Data collection and reporting should also be instituted for policing activity in schools.

b. Police departments should measure community safety and police-community relations with data on things such as the number of citizen complaints. Police departments should rely less on the raw numbers of stops, citations, summons, and arrests to measure their productivity and effectiveness.¹⁹

2. Police departments should prohibit racial profiling and gender bias to advance racial reconciliation.

Racial profiling and gender-biased policing cause targeted communities to mistrust the police. Such practices reduce public safety as communities are less likely to cooperate with police to address serious crime. Profiling leads to the aggressive enforcement of minor offenses in communities of color. Members of these communities, particularly youth, are then

disproportionally subjected to the criminal justice system. And gender-biased policing undermines confidence in the system and perpetuates sexual violence by discouraging victims from coming forward. Indeed, the two issues – racial and gender bias – are intertwined because few women of color who experience domestic or sexual violence will reach out to police when there is a history of brutality and profiling in their communities.

Police departments must adopt model policies that strictly prohibit law enforcement from profiling drivers, passengers, and pedestrians on the basis of race, ethnicity, national origin, sexual orientation, gender, and gender identity. Police departments must provide training to end discriminatory and biased policing; investigate complaints of racial profiling in a thorough and timely manner; and take appropriate disciplinary measures when police officers discriminate. Similarly, there should be policies on responding to domestic and sexual violence that address bias that women, particularly women of color, too often experience from law enforcement when reporting these crimes.

The 2013 Puerto Rico consent decree offers an approach to eradicating racial profiling and gender bias. It addresses the ACLU's concerns regarding biased policing against Dominican immigrants, Black Puerto Ricans, and victims of domestic and sexual violence.²⁰ The agreement provides comprehensive equal protection provisions that promote equitable, respectful, and bias-free police services. One provision makes the protection of civil rights a central part of the Puerto Rico Police Department (PRPD) mission. Officers must receive annual training on biased-free policing that includes community perspectives. The training includes identification of key decision points where prohibited discrimination can take effect at both the incident and operational planning levels.²¹

Additional recommendations for best practices to prohibit racial profiling include:

a. Police departments should establish explicit guidelines outlining the specific circumstances under which the Fourth Amendment permits a stop, frisk, and subsequent search, and train officers on the guidelines annually.²²

b. Police departments should provide documentation – i.e., a receipt – to any civilian involved in an interrogation, stop, frisk, or search, no matter whether it was consensual or not;²³ and those encounters that are consensual should be in accordance with model consent search policies²⁴ that may require written or video-recorded consent.²⁵

c. Police departments should adopt the policies and procedures articulated in the End Racial Profiling Act.²⁶

3. Police departments should adopt a comprehensive use of force policy, schedule routine and adequate training on that policy, and implement a review process for use of force incidents which advances procedural justice.

Excessive and deadly use of force, disproportionately against people and communities of color, drives today's conversation. Choking a man to death for allegedly selling untaxed

cigarettes is unacceptable. Shooting an unarmed teen to death for walking in the middle of the street is unacceptable. Killing a 12-year old child for playing with a toy gun is unacceptable.

All police departments should have a thorough use of force policy that emphasizes de-escalation techniques. There should be regular and proper training that includes officer certification on each type of weapon or force. A department should have an early intervention system in place to identify officers who present the greatest risk of using excessive force. And there should be a review process for use of force incidents that includes a force review board.

Consent decrees in Cincinnati, Los Angeles, Washington, D.C., and other cities have required early intervention systems. The Puerto Rico Police Department has developed policies that require officers to rely primarily on non-force techniques, use force only when necessary, and de-escalate the use of force at the earliest possible moment. PRPD and other jurisdictions have developed a policy on sharing use of force information with the public and the family members of civilians involved in a use of force incident. Uses of force are investigated by Force Investigation Teams comprised of specially trained people.²⁷ Departments in New York, Los Angeles, Philadelphia, and other cities have even implemented systems to make use-of-force reports available online.²⁸

Additional recommendations for best practices around use of force include:

a. Police departments should implement body-worn cameras with appropriate privacy protections and ensure that all camera policies are transparent to the public.²⁹

b. Police departments should make detailed use of force reports available online.

4. Police departments should enable oversight by a civilian review board to promote community policing and ensure community engagement and dialogue.

In many American cities, there is a disconnect between law enforcement and the communities they serve. Some observers point to an “us versus them” mentality as the cause for this disconnect. Though many police departments promote a community policing model, police-community relations often fall far short of that, lacking communication, trust, and accountability. A civilian review board is one response to this.

The ACLU described the 2002 collaborative agreement in Cincinnati as “engag[ing] both the police and everyday citizens to invest in the neighborhood and make their environment a better place for both groups.”³⁰ In addition to better community policing practices, like regular police foot patrols and weekly community meetings, the collaborative agreement established a citizen review board. The success of Cincinnati’s Citizen Complaint Authority³¹ arises out of due process for officers and community members, speedy results, independence from the police department, and transparency to the community.

Seattle’s memorandum of agreement which accompanies its consent decree also provides for a community police commission. The commission allows “Seattle’s diverse communities to participate in the implementation of the MOU and certain aspects of the Settlement Agreement,

and to promote greater transparency and public understanding of the Seattle Police Department.”³² The Community Police Commission (CPC) is made up of law enforcement, faith communities, minority, ethnic, and other community organizations, and youth groups. The success of this commission has resulted in the CPC becoming the permanent civilian oversight body for police accountability in the city.³³

Additional recommendations for best practices around a civilian review board include:

a. Police departments should empower a civilian review board with substantial authority, which could include subpoena power and independent disciplinary authority,³⁴ and civilian review boards should also accept complaints regarding school safety officers.

b. Police departments should charge its civilian review board with regularly analyzing data on a range of police department practices to determine if there are any unjustified racial disparities in enforcement practices.³⁵

Conclusion

America must seize this moment and address the troubled relationship between police and the communities they serve, particularly communities of color and low-income communities. The current culture of policing demands far-reaching and systemic reform and warrants national attention and investment. The President should be commended for establishing a Task Force on 21st Century Policing. And the Department of Justice should be recognized as well for organizing a series of listening sessions on this issue. Our efforts must go beyond dialogue and the ACLU looks forward to the recommendations and action items that will come out of the Task Force in March. We urge the Task Force to adopt the recommendations offered in this testimony.

¹ Joseph Shapiro, *In Ferguson, court fines and fees fuel anger*, NPR, Aug. 25, 2014, available at <http://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger>. The ACLU’s October 2010 report, *In For A Penny: The Rise of America’s Debtors’ Prisons*, further illustrates this issue and is available at http://www.aclu.org/files/assets/InForAPenny_web.pdf.

² The ACLU’s June 2013 report, *The War on Marijuana in Black and White*, recommends that the federal government not include marijuana possession arrests in its performance measures for Byrne JAG. The report is available at <https://www.aclu.org/sites/default/files/assets/1114413-mj-report-rfs-rell1.pdf>.

³ New York Civil Liberties Union, *Stop-And-Frisk 2011: NYCLU Briefing*, available at http://www.nyclu.org/files/publications/NYCLU_2011_Stop-and-Frisk_Report.pdf.

⁴ Richard A. Serrano and Ashley Powers, *Pattern of civil rights abuses alleged in Sheriff Joe Arpaio’s Maricopa County*, Dec. 15, 2011, available at <http://articles.latimes.com/2011/dec/15/nation/la-na-justice-sheriff-20111216>.

⁵ Hearing on District of Columbia’s “Marijuana Possession Decriminalization Amendment Act of 2014” Before the Subcomm. on Government Operations of the H. Comm. on Oversight & Government Reform, 113th Cong. 3 (2014) (statement of the ACLU), available at https://www.aclu.org/sites/default/files/assets/aclu_subcommittee_on_government_operations_2014.pdf.

⁶ U.S. Department of Education-Office for Civil Rights, *Civil Rights Data Collection: Data Snapshot: School Discipline*, March 2014, available at <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>. Police departments should adopt the following policies to address the overcriminalization of youth and improve youth relations: (1) Police departments with personnel assigned to public schools should have minimal enforcement authority and should be held accountable for their actions by oversight mechanisms; (2) Authority over police in schools must be restored to school administrators; (3) The role of police personnel in schools must be limited to legitimate security concerns for children and educators; (4) Where school resource officers (SROs) are being used, SROs should not engage in school discipline; (5) Police personnel must be trained to function in accordance with

sound educational practices and to respect the differences between street and school environments; (6) Students, families, and educators must be given a meaningful mechanism to complain about wrongdoing by school-based police personnel; and (7) Annual evaluations of school safety practices should be conducted and practices with proven success should be adopted.

⁷ Todd C. Duncan, *Grand jury to review raid that disfigured Haberhsam toddler*, ATLANTA JOURNAL-CONSTITUTION, Sept. 9, 2014, available at <http://www.ajc.com/news/news/grand-jury-to-review-raid-that-disfigured-habersha/nhJsh/>.

⁸ Jason Henry, *ACLU: Southern California cops are putting spy tools in place quietly*, SAN GABRIEL VALLEY TRIBUNE, Nov. 15, 2014, available at <http://www.sgvtribune.com/social-affairs/20141115/aclu-southern-california-cops-are-putting-spy-tools-in-place-quietly>.

⁹ The Administration's commendable attention to policing must not neglect putting its own law enforcement house in order. Many of the recommendations elaborated here are sorely needed as reforms to federal police including CBP and the FBI. For example, body-worn cameras and a reformed complaints process are urgently required as a response to CBP's terrible track record of use of force and other abuses. And a complete ban on racial profiling must close ongoing loopholes allowing border enforcement and national security matters to be exempted. The following resources are supportive of this position: ACLU et al., *Recommendations to DHS to Improve Complaint Processing* (2014), available at

https://www.aclu.org/sites/default/files/assets/14_5_5_recommendations_to_dhs_to_improve_complaint_processing_final.pdf;

American Immigration Council, *No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse* (2014), available at <http://www.immigrationpolicy.org/special-reports/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>; Hearing on "Open Borders: The Impact of Presidential Amnesty on Border Security," Before the H. Comm. on Homeland Security, 113th Cong. (2014) (statement of ACLU, Southern Border Communities Coalition, and Northern Borders Coalition), available at

https://www.aclu.org/sites/default/files/assets/sbcc-aclu-nbc_statement_house_homeland_security_hearing_12-2-14.pdf;

Garrett M. Graff, *The Green Monster: How the Border Patrol became America's most out-of-control law enforcement agency*, POLITICO MAGAZINE, Nov./Dec. 2014, available at

<http://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220.html#.VHdurIfF8Wk>;

ACLU Response to Revised DOJ Guidance on the Use of Race by Federal Law Enforcement Agencies (Dec. 8, 2014), available at <https://www.aclu.org/criminal-law-reform-racial-justice/aclu-response-revised-doj-guidance-use-race-federal-law-enforceme>;

Chris Rickerd, *A Dangerous Precedent: Why Allow Racial Profiling at or Near the Border?*, ACLU BLOG OF RIGHTS, Dec. 8, 2014, available at <https://www.aclu.org/blog/immigrants-rights-racial-justice/dangerous-precedent-why-allow-racial-profiling-or-near-border>.

¹⁰ Consent decrees have been described as fundamental to reform and transforming police departments into "organizations committed to policing constitutionally and with legitimacy among the populations they serve." Joe Domanick, *Police reform's best tool: a federal consent decree*, THE CRIME REPORT, July 15, 2014, available at <http://www.thecrimereport.org/news/articles/2014-07-police-reforms-best-tool-a-federal-consent-decree>.

¹¹ Wesley Lowery, *How many police shootings a year? No one knows*, WASH. POST, Sept. 8, 2014, available at <http://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>; USDA National Agricultural Statistics Service, *U.S. Hogs and Pigs Inventory Up 2 Percent*, Dec. 23, 2014, available at http://www.nass.usda.gov/Newsroom/2014/12_23_2014.asp.

¹² Kevin Johnson, *Police killings highest in two decades*, USA TODAY, Nov. 11, 2014, available at <http://www.usatoday.com/story/news/nation/2014/11/11/police-killings-hundreds/18818663/>.

¹³ Ranjana Natarajan, *Racial profiling has destroyed public trust in police. Cops are exploiting our weak laws against it*, WASH. POST, Dec. 15, 2014, available at <http://www.washingtonpost.com/posteverything/wp/2014/12/15/racial-profiling-has-destroyed-public-trust-in-police-cops-are-exploiting-our-weak-laws-against-it/>.

¹⁴ Marjorie Esman, *Long-awaited improvements coming to New Orleans Police Department*, ACLU BLOG OF RIGHTS, July 26, 2012, available at <https://www.aclu.org/blog/criminal-law-reform-free-speech/long-awaited-improvements-coming-new-orleans-police-department>.

¹⁵ *U.S. v. City of New Orleans*, No. 12-1924, 42-44 (E.D. La. July 24, 2012), available at <http://www.nola.gov/getattachment/NOPD/About-Us/NOPD-Consent-Decree/NOPD-Consent-Decree-7-24-12.pdf/>.

¹⁶ *Id.* at 54-60.

¹⁷ *Floyd v. City of New York*, No. 08 Civ. 1034, 19 (S.D.N.Y. Aug. 12, 2013) available at <http://ccrjustice.org/files/Floyd-Remedy-Opinion-8-12-13.pdf>.

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- ¹⁸ ACLU of Boston, *Black, Brown and Targeted*, October 2014, 2, available at https://www.aclum.org/sites/all/files/images/education/stopandfrisk/black_brown_and_targeted_online.pdf.
- ¹⁹ ACLU, *The War on Marijuana in Black and White*, June 2013, 120, available at <http://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf>.
- ²⁰ Brief of the ACLU as *Amicus Curiae*, *U.S. v. Commonwealth of Puerto Rico and Puerto Rico Police Department*, No. 3:12-cv-2039, 3 (P.R. Apr. 1, 2013), available at https://www.aclu.org/files/assets/amicus_filed.pdf.
- ²¹ *U.S. v. Commonwealth of Puerto Rico and Puerto Rico Police Department*, No. 3:12-cv-2039, 38-39 (P.R. July 17, 2013) available at http://www.justice.gov/crt/about/spl/documents/prpd_agreement_7-17-13.pdf.
- ²² *Supra* note 19 at 118. Explicit guidelines on the Fourth Amendment are critical in various policing contexts, including trespass stops. Outcomes of a New York Civil Liberties Union (NYCLU) litigated case requires adoption of a policy addressing the limited circumstances under which NYPD officers can stop people outside of apartment buildings on suspicion of trespass inside the building, as well revisions to the NYPD training program on the legal standards concerning stop and frisk. *Ligon v. City of New York*, No. 12 Civ. 2274, 145-148 (S.D.N.Y. Jan. 8, 2013), available at http://www.nyclu.org/files/releases/CleanHallsRuling_1.8.13.pdf.
- ²³ *Supra* note 18 at 2.
- ²⁴ *Supra* note 19 at 118.
- ²⁵ *Supra* note 18 at 2.
- ²⁶ S. 1038, 113th Cong. (2013).
- ²⁷ *Supra* note 21 at 17-18.
- ²⁸ Rob Barry and Coulter Jones, *Hundreds of police killings are uncounted in federal stats*, WSJ, Dec. 3, 2014, available at <http://www.wsj.com/articles/hundreds-of-police-killings-are-uncounted-in-federal-statistics-1417577504>.
- ²⁹ Jay Stanley, *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All*, October 2013, available at https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras.pdf.
- ³⁰ American Civil Liberties Union of Ohio, *The Cincinnati Collaborative Agreement*, Feb. 5, 2013, available at <http://www.acluohio.org/issue-information/the-cincinnati-collaborative-agreement>.
- ³¹ Additional information about the Citizen Complaint Authority that was established in 2003 as a result of the Memorandum Agreement and the Collaborative Agreement can be found online at <http://www.cincinnati-oh.gov/ccia/citizen-complaint-authority/>.
- ³² Memorandum of Understanding Between the United States and the City of Seattle, July 27, 2012, 1-3, available at http://www.justice.gov/crt/about/spl/documents/spd_mou_7-27-12.pdf.
- ³³ Office of Mayor Ed Murray, *Murray and Community Leaders Announce Police Accountability Reforms*, Nov. 12, 2014, available at <http://murray.seattle.gov/murray-and-community-leaders-announce-police-accountability-reforms/>.
- ³⁴ The ACLU of New Jersey is pushing for a strong, independent civilian oversight body that would possess such authority. This recommendation builds upon a 2014 agreement between the Department of Justice (DOJ) and the Newark Police Department (NPD) to impose sweeping reforms within NPD. The agreement was reached in response to a DOJ investigation of NPD that was a result of a petition filed with DOJ by ACLU-NJ in September 2010 that documented more than 400 incidents of abuse and misconduct by NPD and called for DOJ oversight. ACLU of NJ, *Newark Community and Advocacy Organizations Welcome Opportunity for Reform of the Newark Police Department*, July 24, 2014, available at <https://www.aclu-nj.org/news/2014/07/24/newark-community-and-advocacy-organizations-welcome-opportun>. The agreement between DOJ and NPD is available online at https://www.aclu-nj.org/files/9714/0605/3147/NPD_Agreement_in_Principle.pdf.
- ³⁵ *Supra* note 19 at 122.

Co-Chairs Ramsey and Robinson, it is my distinct honor to provide written testimony for your first listening session on “building trust and legitimacy”. I have been a police chief for 30 of my 37 years in policing, and I continue to believe that the disconnect between the institution of policing and minorities, particularly the African-American community, remains an unresolved and volatile tension that must be addressed. As I have served across the Midwest (MI, IL, WI) and the West (CO) and now the Eastern Seaboard (VA), and in particular in my 11 months as Interim Chief following the Trayvon Martin homicide in Sanford, FL, I have gained a greater insight into this disconnect and how adversely it affects our ability to engage entire communities in crime prevention.

Trust is something that cannot be decreed, demanded, or declared. It must be earned, through actions and relationships. It has been my experience that the professional of policing in the U.S. has paid inadequate attention to:

- Developing strong, sustained relationships with constituency groups such as the faith community, minorities, youth, etc.
- Explaining the necessity (if, indeed, necessary) of various police tactics and methods premised on officer safety and investigative purposes.
- Overcoming historic barriers to effective communication and trust building with traditionally underserved and disenfranchised constituencies.
- Training officers to fully understand the historic concerns of racial disparities, and equipping them with the skills and tools needed to overcome that history.
- Establishing sustained relationships with community leaders who trust their police and stand up for them when they do the right things and do them right.

I do not presume to have all the answers or some divine vision into a quick cure for this lingering national malady. Anytime long term history has shaped cultural conditions, it requires a powerful new direction to produce a history of reform and success. However, the frequency with which these tensions are manifesting in public demonstrations, violence, and a deepening of the inherent mistrust argues for a comprehensive strategy for police and community leaders to pursue together. Here, then, are some strategies for your consideration.

- Procedural Justice should be widely taught to police officers as an important tool for officer safety and strengthening community trust.
 - Early research is trending that Procedural Justice in action results in lower injuries/deaths to both the police and citizens
 - Procedural Justice as a leadership strategy within agencies can be used to model and promulgate the model as an overall policing strategy.
- All police officers should regularly be taught and provided greater skills in de-escalation.

- Many of the most controversial police actions resulted from incidents in which officers had choices of escalation or de-escalation.
- Training such as the “Memphis Model” of Crisis Intervention Training has proven effective in providing effective policing for persons with mental health issues; similar tool sets can be helpful in de-escalating in all policing scenarios.
- Develop curriculum that incorporates the history of policing in America prior to the Civil Rights Era, illustrating how in some communities, the police were instruments of suppression. Training should further highlight the link between a police officer’s Oath of Office and policing in a democratic society and upholding the U.S. Constitution and Bill of Rights.
 - Many of the police officers being hired today have no sense of the history of American policing. Some agencies have followed the lead of this Committee’s Co-Chair Commissioner Ramsey and have their recruit classes receive the powerful program at the Holocaust Museum in D.C. pertaining to the role of police in a democratic society and what went wrong in Nazi Germany. A similar curriculum could be developed that reveals why so many African-American children today are raised in the U.S. to mistrust the police, be wary of police initiated violence, etc. Examples from a nationally developed curriculum could be augmented by contributions by local community elders.
 - The curriculum can also include examples of exemplary policing that has demonstrated outstanding leadership in defending civil rights of minorities and how this links to the U.S. Constitution and Bill of Rights.
 - Local community history, regional, and state aspects can augment the national curriculum. The training could be tailored for both recruits in police academy as well as In Service training for veteran officers.
- Advance and facilitate more widespread offering of existing training on policing in a fair and unbiased fashion.
 - The training developed under the leadership of the COPS Office by Dr. Lorie Fridell at the University of South Florida (Fair and Impartial Policing) is an excellent model that has been well accepted at agencies that have implemented the training.
 - USDOJ’s Community Relation Services (CRS) has a menu of available training that can be tailored to the needs of specific regions or agencies. Their various programs could be widely promulgated across the U.S. including the programs that include local community members as part of the interactive training experiences.
 - Agencies need to be strongly incentivized to provide comprehensive training in these areas throughout their entire agency.
- Community Relations Services (CRS) should be expanded and deployed more proactively
 - CRS has been pivotal in addressing emerging community crises, such as in Sanford, FL following the Martin homicide. Their community

reconciliation expertise and facilitation service was fundamental in sustaining community peace following the jury verdict on George Zimmerman.

- There is a total of approximately 50 employees for the entire staff of CRS, working out of a few regional offices. Such a staff cannot possibly provide training and proactive services to police chiefs and sheriffs across the country, making them more of a reactive service AFTER a community crisis has arisen. The U.S. government should consider expanding CRS in both size and mission, perhaps linking their offerings with the work of the COPS Office, as well as providing Technical Assistance such as that offered by DOJ-OJP's Diagnostic Center. [I had the privilege of participating in an expert team from the OJP's Diagnostic Center on a recent project assisting several troubled agencies with a history of corruption and ineffectiveness]. Funding for Technical Assistance such as this has been significantly curtailed.
- Results-based Best Practices should be widely adopted that provide full community engagement with local police agencies.
 - Example: At one agency, I had a series of advisory committees I met with quarterly, representing a wide variety of minority communities throughout the city, e.g. African-American pastors, LGBT leaders, Hispanic leaders, faith leaders, deaf and hard-of-hearing leaders, etc.
 - Example: Some agencies have developed minority review committees that can access information about controversial cases, to ensure community members that agencies are transparent within legal constraints.
 - Example: Some agencies have developed Crime Strategies that were largely driven by community participation, ensuring ongoing partnerships between community members and their police in higher crime areas.
- A template for highly effective Citizens Police Academies with funding support should be developed nationally.
 - Historically, many agencies have seen strong community support emerge from the alumni of their Citizens Academy. However, citizens attending typically already have a strong favorable impression of the police. Developing an augmented curriculum coupled with robust marketing and recruiting strategies could target community members with diminished trust for the police.
 - Alumni from Citizens Academies should provide an ongoing level of support for their local police, including recruiting for future academies, volunteer programs, etc.
- Volunteers in Policing should be significantly expanded nationally, with training and Best Practices widely promulgated.
 - Many police agencies limit the use of volunteers to minimal roles of a clerical nature.

- A more deeply engaged base of community volunteers, particularly a diverse group from throughout all segments of the community, will yield strong connections between residents and their police.
- Exemplary programs and technical assistance along with funding support should be provided to expand Volunteers in Policing.
- Leadership of the major police chief and sheriff associations, NAACP, Urban League, Dept. of Justice, and others should forge a concerted effort to develop a national template to responding to controversial police actions.
 - In the absence of a national template, local and national media often expand reporting of an incident beyond the abilities and awareness of local police and community leaders.
 - Developing a template and promulgating it similarly to the development of the National Incident Management System (NIMS) will increase consistency in response by all agencies in controversial police actions, provide uniform expectations for information dissemination, transparency, etc.
- A network of senior mentors for police chiefs and sheriffs should be developed to help provide guidance and feedback for police leaders who are in the midst of a controversial police action.
 - CRS may elect to incorporate veteran police leaders as part of their response teams following a crisis.
- Major national police chief and sheriff associations, the U.S. government, and other key stakeholders should initiate a strategic dialogue with key leaders of the national and regional media to discuss responsible reporting of police actions.
 - The competitive 24/7 news cycle has resulted in an insatiable pursuit of news at the local, regional and national level.
 - This competitive environment often results in uncontrolled growth of a story absent vetted facts. Following the Ferguson events, several national media outlets were reporting on the lack of self-restraint by the media as a whole, potentially fueling further unrest and violence.
- Best practices protocols for response and investigation of officer-involved shootings and other uses of force should be developed, including
 - Involving multiple agency personnel
 - Identifying ALL potential sources of evidence and witnesses
 - Recommendations for seeking outside assistance at both the investigative and prosecutorial review stages
 - When appropriate, including appropriately trained members of the minority community if the incident involves a minority
- A re-emphasis of the principles of Community Oriented/Problem-Solving Policing throughout the country can improve the level of trust with the police
 - COP/POP is premised on ownership by patrol officers of their “beats”. With that ownership comes stronger connection with the neighborhood residents, building trust and partnership.
 - COP involves a collaborative prioritization of police activities, driven by community needs and input.

In addition to these recommendations, the Committee should reflect on the polarization of American society today. This dynamic, while often cited at the political level, is expanding into polarization by race, ethnicity, religion, and even occupationally. Having served as a police officer since the late 1970's, today's "us against them" mentality forming within many of the police ranks harkens back to the dark days when the police were referred to as "pigs" and trust and partnership was only a lofty goal that lived mostly in academia. The recent demonstrations by thousands of police officers in New York City who quietly expressed discontent in the midst of their grief towards an elected leader are symptomatic of a profession on the edge of defensiveness. When one officer is perceived as rogue, all officers are called into question. The challenge of policing in America today requires that we hire the very best, train them exceptionally, provide them the technology and equipment that will maximize their abilities, and support them throughout our communities. As long as officers feel beleaguered and mistrusted, their service will be constrained. While my recommendations have focused on the police side of this equation, there is much work to do on the community side as well. Somehow, our national inability to put history behind us must change. Race relations and bias is not uniquely a police problem; racism and disparate opportunities permeate all aspects of our society. In fact, it has been my experience that despite the highly charged tension between the police and minorities, as a group, the police tend to be the strongest champions of our democratic freedoms and privileges.

I have long stated, the police, as an institution, are one of the most misunderstood minorities in our country. Whatever we can do to help the minority of policing better connect with other minorities, and particularly the African-American community, we will improve and reduce the tension. We don't trust who we don't know; it is far tougher to mistrust someone that we DO know well. This Committee can help foster a national expectation of growth and improvement in the critical relationships between the police and the communities we serve.

Thank you for the honor of providing this testimony. If I can be of further assistance, please do not hesitate to contact me.

Richard W. "Rick" Myers

Chief of Police

myersrw@nnva.gov

757-928-4305 (Office)

Newport News, VA 2014-current

Sanford, FL (Interim) 2012-2013

Colorado Springs, CO 2007-2012

Appleton, WI 1995-2007

Lisle, IL 1991-1995

Plymouth, MI 1985-1991

Atlas Twp/Goodrich, MI 1984

Police Officer various communities 1977-1984

----- Forwarded message -----

From: Toye Nash

Date: Tue, Jan 13, 2015 at 11:32 AM

Subject: Additional Considerations

To: "comment@taskforceonpolicing.us" <comment@taskforceonpolicing.us>

Members of the task force, SMEs and additional panel members,

Firstly, kudos to all of you for engaging in these efforts! In listening to many of the testimonies provided I'm hearing a common theme amongst those who represent law enforcement and those representing the community. I have been with my agency for almost 25 years, and as a African-American female I represent a minority within my agency, but I also identify with those mothers who have sons out in the community.

Although I believe all of the comments are hugely beneficial, I believe there needs to be more focus on behavioral studies within law enforcement profession. Dr. Kevin Gilmartin illustrated the behavioral shift that many officers experience in his publication "Emotional Survival in Law Enforcement." However, Dr. Alexander may be able to shed more light on the basic psychology principal of people being motivated by thier lowest psychological need.

As an expert in early intervention systems, what I have found is that officers too will act according to their most basic "behavioral need," some of these behaviors being hugely dysfunctional. That being said, if you enact policy reform, training and even elevated discipline initiatives to mitigate these behaviors, agencies are still missing the opportunity to address the "root cause" of the behaviors. Some of these dysfunctional behaviors manifest themselves differently within the law enforcement envioronment, and when you implement initiatives with the intent of "suppressing" the dysfunctional behaviors, what we are truely doing is setting the foundation for that behavior to be transferred into a different behavioral manifestation.

Basic psychology is that "people can only give others what they themselves have to give." If an officer comes in functioning with behaviors of distrust, anger, lack of empathy and compassion for others needs and rights, etc..., then that is the service they will provide not only to their communities they serve, but also fellow personnel, as an agent of the organization. Panel members such as Mr. St. Germain and Ms. Perez are indicative of those who bring their rich experiences to the forefront, which they have chosen to manifest as a positive, growth experience for them. We need more communications with people like this, but the truth of the matter is that not everyone processes those "rich experiences" in a positive way (officers included), which is the psychological break-down on both sides of the badge.

The recommendation I would pose to the task force is to expand research initiatives on early intervention systems from a behavioral stance. The DOJ includes these as a mandate condition for those law

enforcement agencies under consent decrees. Many more agencies have chosen to be proactive by implementing such systems voluntarily, but struggle in doing so due to lack of consistency in early intervention philosophies and practices.

Toye Nash, Sergeant
Phoenix Police Department
toye.nash@phoenix.gov
p: [602-261-8224](tel:602-261-8224)



**THE NATIONAL ASSOCIATION OF COUNTIES
WRITTEN TESTIMONY SUBMITTED FOR THE RECORD
PRESIDENT'S TASK FORCE ON
21ST CENTURY COMMUNITY POLICING
“BUILDING TRUST AND LEGITIMACY”**

Founded in 1935, the National Association of Counties (NACo) is the only national organization that represents the interests of county governments before Congress and federal agencies. NACo is pleased to submit recommendations to the President’s Task Force on 21st Century Community Policing on the topic of Building Trust and Legitimacy.

Counties play an instrumental role in our nation’s justice system. In the U.S., there are 3,105 county police and sheriff’s departments that ensure the safety and security of our nation’s citizens.ⁱ Each year, counties spend over \$70 billion on justice and public safety services, of which \$30.2 billion is spent on police and sheriff’s departments, \$23.3 billion on correctional facilities and \$16.7 billion on county courts and legal services.ⁱⁱ Annual county expenditures in the justice and public safety arena surpass investments in health (\$69.7 billion), transportation and infrastructure (\$52.2 billion) and county management (\$25.6 billion). As evidenced by the large investment in justice and public safety, counties recognize the importance of building and maintaining safe and secure communities.

The community policing philosophy is one that the NACo endorses and adopts as a way to achieve meaningful reductions in crime: “NACo enthusiastically supports community policing as a crime fighting strategy that encourages law enforcement to work in partnership with the community to prevent and seek solutions to problems in the criminal

justice system with systems integration principles and goals...community policing stresses the prevention of crime before it occurs. Core components of community policing include partnering with the community; problem solving; and transforming policing agencies to support and empower frontline officers, decentralize command and encourage innovative problem solving. ”ⁱⁱⁱ

Building upon these components, NACo recommends the following: To build trust and legitimacy between the law enforcement community and the community at large, NACo supports establishing:

- 1) Systems of transparency and a
- 2) Culture of collaboration and flexibility to implement creative community-based solutions.

RECOMMENDATION

Building Systems of Transparency: Law enforcement agencies should have written policy that specifies the role of police in the protection of constitutional guarantees, enforcement of law, and maintenance of public order while responding to the needs of the community.^{iv}

The control and improvement of crime are local concerns and as such, efforts to alleviate and prevent crime must begin at the local level.^v Sharing the vision and mission of local law enforcement with the local community is the first step to establish a trusting relationship with the community. County police and sheriff’s departments across the country have already developed public statements that reflect their goals and philosophies on law enforcement.

For example, the mission statement for the Cumberland County, N.C. sheriff’s office states: “We have adopted a philosophy of Community Oriented Law Enforcement working in partnership with citizens to develop policing services to meet the unique needs of the community, while assuring fairness, equal treatment and protection to all.”^{vi} Cumberland County’s Sheriff’s office further states in their vision statement: “The Cumberland County Sheriff’s Office vision for the future is to become a leader in Law Enforcement through **Partnerships** with the citizens we serve that promote crime prevention, mutual trust, and

strategies that [e]nsure a high standard quality of life. Our future vision of Community Oriented Policing is anchored by the idea of establishing and maintaining a **Partnership** with the community we serve.^{vii}

Similar to Cumberland County, N.C. the police department in Fairfax County, Va. identifies the community policing philosophy in their mission, vision and values statement. The Fairfax County Police Department additionally states in their values that they believe “[t]he police and the community share in the responsibility for crime control and public safety.”^{viii}

Through these simple statements, law enforcement in Cumberland and Fairfax counties have established a foundation of transparency by notifying the community of their law enforcement philosophy. Mission and vision statements like those of Cumberland and Fairfax County, establish expectations for conduct and form a basis on which the community policing practice can grow.

RECOMMENDATION

Building a Culture of Collaboration and Flexibility: Visible improvements in individual justice outcomes, built and sustained through strategic partnerships, can help build trust and legitimacy between law enforcement and the community at large.

To build trust and legitimacy between law enforcement and the community at large, NACo also recommends the formation of strategic partnerships that enhance organizational efficiencies and lead to improved justice outcomes such as diversion from incarceration to treatment and the reduction of recidivism.

For example, in 2002, Bexar County, Texas started exploring the idea of integrating healthcare, law enforcement and the judicial system to transform the way mental health services are delivered to offenders with low-level offenses and have a mental illness.^{ix} At the time, Bexar County’s jails were essentially becoming housing units for the mentally ill and those with substance abuse problems.^x In five years, the program evolved into a successful, coordinated delivery network that makes a tremendous impact on the treatment of the mentally ill in the criminal justice system of Bexar County/San Antonio,

Texas.^{xi} The partnership between the Bexar County Sheriff's Office, the San Antonio Police Department and the Center for Healthcare Services has resulted in the creation of the Restoration Center, a mental and physical care facilities that helps divert the mentally ill from incarceration to treatment. Currently, 18,000 people utilize the Restoration Center each year and Bexar County and San Antonio save more than \$10 million, annually, because of their collaborative efforts that replaced expensive jail and emergency room visits with community-based care.^{xii} Further, law enforcement personnel are required to undergo 40 hours of crisis intervention training, which helps officers identify and address the needs of the mental health consumer.^{xiii} This type of despecialization is crucial to establishing an organizational structure that fosters a community-centric approach to crime reduction.

The partnerships in Bexar County were possible because there was a culture of flexibility that allowed for creative problem solving. The Allegheny County Jail Collaborative (ACJC) is another great example of collaborative problem solving that reduces crime.^{xiv} The ACJC is a joint effort of the Allegheny County Jail, the Allegheny County Department of Human Services and the Allegheny County Health Department. The ACJC was established in 2000 with the goal of improving justice outcomes thereby increasing public safety while also achieving organizational efficiency.^{xv} ACJC partners include department managers as well as representatives from the court, probation/parole and an evaluation team. They meet regularly and work to plan all in-jail, transitional and post-release services. Early indicators demonstrated a 15 percent reduction in recidivism within the community.

Bexar County is a great example of the beneficial outcomes of strategic partnerships. When law enforcement partners with other organizations, the community takes note of the outcomes. Trust and legitimacy are built through these types of collaborative efforts between law enforcement and the community at large.

CONCLUSION

Counties practice community oriented policing because it results in meaningful reductions in crime. *Successful* community oriented policing depends upon trust and legitimacy which is cultivated through transparency, collaboration and flexibility to implement creative solutions. Counties across America are doing excellent work to reduce crime, increase efficiencies while also ensuring safe and secure communities. NACo stands

ready to support the efforts of the President’s Task Force on 21st Century Policing and welcomes the opportunity to engage with the Administration and other partners to promote trust and legitimacy between law enforcement and the community at large in order to achieve better justice outcomes and reductions in crime.

ⁱ Nat’l Ass’n of Counties, Why Counties Matter, (2012), http://www.naco.org/Counties/countiesdo/Pages/Why-Counties-Matter2_4.aspx.

ⁱⁱ Id.

ⁱⁱⁱ Nat’l Ass’n of Counties, The American County Platform and Resolutions 2014-2015, 104 (2014).

^{iv} Id. at 102.

^v Id.

^{vi} Cumberland County Sheriff’s Office, *available at* <http://www.cconc.org/pdfs/Mission%20Statement.pdf>.

^{vii} Id.

^{viii} Fairfax County Police Department, *available at* <http://www.fairfaxcounty.gov/police/inside-fcpd/pdf/missionvisiongoals.pdf>.

^{ix} Nat’l Ass’n of Counties, Blueprint for Success: The Bexar County Model: How to Set Up a Jail Diversion Program in Your Community (), *available at* <http://www.naco.org/programs/csd/Documents/Criminal%20Justice/Jail%20Diversion%20Forum%20Materials/Jail%20Diversion%20Toolkit.pdf>.

^x Id.

^{xi} Id.

^{xii} Jenny Gold, Mental Health Cops Help Reweave Social Safety Net in San Antonio (2014), *available at* <http://www.npr.org/blogs/health/2014/08/19/338895262/mental-health-cops-help-reweave-social-safety-net-in-san-antonio>.

^{xiii} Id.

^{xiv} Nat’l Ass’n of Counties, Reentry for Safer Communities: Effective County Practices in Jail to Community Transition Planning for Offenders with Mental Health and Substance Abuse Disorders (2008), *available at* <http://ojp.gov/newsroom/testimony/2009/reentrysafecommunity.pdf>.

^{xv} Id.



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

317 South Patrick Street ~ Alexandria, Virginia ~ 22314-3501

(703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

www.napo.org ~ Email: info@napo.org

Written Statement of the National Association of Police Organizations President's Task Force on 21st Century Policing

Topic: Building Trust and Legitimacy

January 13, 2015

Washington, D.C.

Introduction

This written statement is submitted at the request of the President's Task Force on 21st Century Policing for the official record, on behalf of the National Association of Police Organizations (NAPO). NAPO represents over 241,000 rank-and-file law enforcement officers from across the United States. NAPO is a coalition of police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action, and education.

NAPO has been asked by the task force's Executive Director to focus on one or more of the following areas:

- Defining the role of the police in a democratic society
- Building a culture of transparency
- Hiring a diverse workforce
- Procedural justice
- Racial reconciliation
- Community engagement and dialogue
- Improving police and youth relations
- Police leadership development
- The role of police unions (and line officers) in building trust

Recommendations have been requested to be clearly identified.

At the same time, the task force has limited the length of this written statement to no more than five pages, and thus our comments are of necessity brief and cannot do full justice to many of these important areas. **Recommendation: Increase both the page and time limits for written and oral testimony.**

Task Force Composition

NAPO appreciates the fact that one of our leaders, NAPO Treasurer, Mr. Sean Smoot, of the Illinois Police Benevolent and Protective Association, has been appointed to the President's Task Force on 21st Century Policing, and we are confident that our views will be taken into account. However, we are disappointed that Mr. Smoot is the only member of the task force who represents rank-and-file police officers. We have grave doubt that a task force which was created to provide recommendations to improve the relationship between police officers and the communities they serve can do so if it fails to include at least as many representatives of the rank-and-file perspective as it does chiefs of police, academics and community activists.

These officers work tirelessly to keep our communities safe and build trust with the citizens they serve. These officers, who are not presently sufficiently included in the makeup of the task force itself, have a greater stake in the outcome and recommendations of this task force than anyone else since, unlike any other group, they are both actors in the provision of law enforcement services, and citizens who rely on those same services in their own communities. No one else can make that claim. To artificially exclude the very people who know the most, suffer the most, and have the most to gain from an improved climate of respect for police bodes ill for the relevance and accuracy of any potential recommendations of this task force. The line officer's perspective must be better integrated into the actual deliberative process of the task force in order to achieve meaningful change. The task force should absolutely be expanded to include more representatives of the very men and women who are to be the subjects of its recommendations. Given the expected heavy emphasis by the task force on issues of legitimacy, inclusion, procedural justice and implicit bias, it would be ironic indeed to continue to exclude the persons most intrinsically involved in policing in the 21st century, the law enforcement officers themselves. **Recommendation: Increase the membership of the task force to include as many rank and file officers as chiefs, academicians and activists.**

Law Enforcement "Legitimacy"

The "legitimacy" of law enforcement can be defined with respect to different criteria. Is an agency legally constituted? If so, it is legitimate in that regard. Are officers properly licensed within their jurisdiction? If so, they are legitimate in that regard. Is the law being enforced properly enacted and promulgated? If so, its enforcement is legitimate. Is a defendant advised of the charges against him, allowed the assistance of legal counsel, proved guilty beyond a reasonable doubt? If so, his or her conviction is legitimate. Is a prisoner held in custody pursuant to the lawful order of a court of proper jurisdiction? If so, his or her incarceration is legitimate. But the issue of legitimacy as it is framed before this task force seems to be something else. Legitimacy in the present context seems to refer for its defining criterion to the subjective opinion of those who are arrested, charged, investigated: Those forced by police to comply with the law. These opinions can be of great importance and ought fairly to be included when reviewing American law enforcement, but they are less than half of what is needed to arrive at any reasoned judgment as to legitimacy of a given officer's or agency's actions. Equally important are the views and opinions of those who have enacted the laws. Perhaps even more important are the views of victims of crime, witnesses and survivors. Those assisted by police.

The parents of the lost child who was found alive should have the same input as the parents of the child killed while resisting arrest. The sexual assault victim treated with dignity and compassion should be heard just as much as the offender who alleges brutality and hostility. The survivors of the young person killed by a drunk driver, who in the midst of their grief are grateful that an officer was there to comfort the last moments of their loved one, have just as much right to have their opinions counted as the driver who feels he was unfairly pulled over because of his race. Finally, how to account for the opinions and views of those who are quietly satisfied with

their police? Who don't complain, but if they took the time at all to consider the matter, might well reflect that nothing bad happened today in my community because the police department and its officers are doing a good job?

Recommendation: Don't allow those who break the law, even violently, to define the legitimacy of law enforcement. Vastly broaden the base of those who define legitimacy to include those who encounter police in positive, non-criminal situations.

Building a Culture of Transparency

NAPO's member groups continue to work with their communities to introduce tools to increase transparency. Outreach, citizen police academies, and a vast and rapidly increasing use of social media are common. In addition, many of our member groups have worked on policies regarding officer-worn body cameras. Promotion of officer-worn body cameras has been grounded in the argument that these devices will increase transparency, decrease tensions between police and community members, and create a record of events. NAPO supports the aforementioned goals. However, appropriate expectations must be set for such tools. Equipping all officers with these tools will not be a cure-all for friction felt within communities. The technical limitations of cameras, just as with any other piece of technology, are real and significant. Differences between what the camera can capture and what the human eye sees can be great. Of even more importance, there is a great divide between what a camera can record and what the human mind can process at the time of a rapidly unfolding, life-threatening event. Not every, or even most, important factors can be caught on video. More than fifty years after the assassination of President Kennedy, we still argue about what "really happened" although the assassination itself was caught on film. Creating false expectations may well lead to increased tensions.

Moreover, instituting body camera requirements without discussing implications with law enforcement leadership (both chiefs and rank-and-file) will certainly lead to bad policy. Due to the intricacies involved, policies regarding such tools must be made on an agency-by-agency basis. The rank-and-file perspective must be accounted for – these are the individuals who will be wearing the cameras. And both the officers and the community members with whom they will interact need to understand the details involved, from privacy considerations, to storage costs, to FOIA requests, and beyond. Rank-and-file law enforcement is ready to work with political leaders to ease tensions and increase transparency through the use of such tools, but they must be involved in the process.

Recommendation: Educate the public about the limitations of cameras and other technology; involve rank-and-file officers in the decision to deploy cameras and the development of policy regarding their use.

Hiring a Diverse Workforce

NAPO believes that it is important to set the standards high and apply them impartially to ensure that the most highly qualified officers are recruited, hired, trained and deployed. The focus should be placed on removing barriers; however, NAPO does not support hiring quotas or assignments to neighborhoods based on race. It seems inherently offensive to assign officers to a particular beat or neighborhood based on race. Is one officer to be assigned to a rough or dangerous beat because his race is common in that neighborhood while another officer enjoys a plum assignment in a quiet and affluent neighborhood because her race matches that of those who live there? Even worse, the message is that a minority community can only trust a minority officer. And the fact that message is being conveyed by people at the highest level of governmental authority only reinforces it.

Recommendation: Set high expectations and standards for everyone and adhere to them. Increase outreach but don't reduce requirements. A highly qualified, engaged and diverse agency will be the result.

Community Engagement and Dialogue

NAPO continues to be a staunch advocate for the Community Oriented Policing Services (COPS) Program, especially the COPS Hiring Program. Law enforcement officials and the public recognize the benefits of putting more police on the street, and initiatives to place and maintain more officers in the field to engage in community policing and fight crime should be continued. Significant to this task force's charter, the COPS Program facilitates the development of cooperative relationships between officers and the communities they serve, which yields both increased public safety as well as public confidence in their police.

Recommendation: Strongly support additional federal resources for the COPS Hiring Program.

Police Leadership and Development

From the rank-and-file perspective, officers must know that they will be supported by their agency leadership and elected officials when they are forced to make tough decisions or enforce unpopular laws. This is especially important when officers are compelled to use force, even deadly force, against those who threaten them or innocent third parties.

It is important to consider political leadership's duty at all levels of government to publicly and continuously defend officers when they have correctly carried out their duties, even when the press, the electronic media, and protestors, falsely accuse the officer of misconduct. The officer on the street didn't enact the law, she didn't assign herself to that precinct or beat, he didn't chose to be dispatched to that disturbance. But he or she is there, and must act if the legitimate rights of peaceful and law-abiding citizens are to be secure. This does not mean that we do not

recognize and respect the rights of citizens to understand the duties of public servants, to criticize, and make changes when warranted. But, a timely and honest defense of officers who have done the right thing is essential to recruit, keep and develop good officers and leaders.

NAPO believes it is vital to the life of any police organization to develop and select leaders from the rank-and-file. Simply by virtue of the job they do, they understand better than anyone else many of the challenges that are faced in the communities they serve.

Finally, good leadership must be courageous enough to speak out publicly in defense of their officers, and this before a critical incident occurs. The steady drip, drip, drip of small lies eventually accumulates into an atmosphere where violent physical attacks on officers are no longer unthinkable. “Police unions breed corruption” is a lie. “You can’t get rid of bad cops” is a lie. “Police aren’t held accountable” is a lie. “Police want to kill people” is a lie. “Police who want a pension are greedy” is a lie. “Police are racist brutes” is a lie. But unless and until the recognized leadership of police agencies publicly disputes these lies, the damage is allowed to proceed. The public perception is increasingly tarnished and corroded, and eventually there’s no longer enough good will or trust in the bank to allow the peaceful resolution of a difficult case. Violence in the street is the foreseeable result, and it is the courageous leader who speaks up beforehand on behalf of his or her officers, who averts it.

Recommendation: Support leaders who publicly defend their officers. Nurture a culture where the public’s default view is that the police are ordinary men and women doing an extraordinarily difficult job, and still usually getting it right.

The Role of Police Unions in Building Trust

Unions play an important role in acclimating new officers. It is critical for management to effectively communicate goals and initiatives, as well as to understand the rank-and-file perspective. The mutual communication of these goals and perspectives can be most efficiently achieved through the medium of recognized unions and associations. It is difficult to build trust when unions and associations are demonized and belittled. If the union leadership were not accurately conveying the views of the officer on the street, they would be swiftly ousted by their own membership. It is therefore both wise and practical for agency management to recognize and work with the representatives of the rank-and-file officers who are actually carrying out the policies of the agency.

Recommendation: Encourage agency leaders and the public to recognize and take advantage of the benefits of police unions and associations.

Conclusion:

NAPO urges you to adopt the recommendations made above.

Testimony
National Organization of Black Law Enforcement Executives (NOBLE)
Before the President Barack H. Obama Task Force on 21st Century Policing
January 9, 2015

Co-Chairperson Charles H. Ramsey, Co-Chairperson Laurie O. Robinson, and members of the Task Force, we bring you greetings on behalf of the Executive Board and members of the National Organization of Black Law Enforcement Executives – NOBLE.

It is an honor for NOBLE to provide written testimony on specific recommendations for the task force to consider in the following areas:

- Defining the role of the police in a democratic society
- Building a culture of transparency
- Hiring a diverse workforce
- Procedural justice
- Racial reconciliation
- Community engagement and dialogue
- Improving police and youth relations
- Police leadership development
- The role of police unions (and line officers) in building trust

NOBLE’s testimony comes from the perspective of a Law Enforcement Organization that has been in existence for nearly 40 years. NOBLE has nearly 60 chapters and represents over 4,000 members worldwide that is comprised of chief executive officers and command-level law enforcement officials from federal, state, county, municipal law enforcement agencies, and criminal justice practitioners. NOBLE’s mission is to ensure EQUITY IN THE ADMINISTRATION OF JUSTICE in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to JUSTICE BY ACTION.

It is NOBLE’s position that this country has the unique opportunity through this task force to address the lack of trust and understanding of law enforcement by communities of color. It is imperative to every citizen that we collectively deploy solutions in the focus areas listed above to ensure that America is secure both domestically and internationally.

Policing in the 21st Century, as exemplified by the atypical human cataclysm playing out nationally, screams out for a plenary revisit of the fundamentals of policing in America. No longer will cliché such as the need for “Community Policing”, along with tepid proactive steps be enough to quench a disquiet and dubious public equipped with near nanosecond social media illustrations of alleged police misconduct. Clearly, the old paradigm is a receipt for continued failure and potential turmoil.

Purposeful or not, the vehement protests have stimulated the conscience of our nation and fueled an earnest diatribe on how police patrol the cities of America. The President's task force must seize the occasion with forceful and profound recommendations that impact all.

Task Force Recommendations

Defining the Role of the Police in a Democratic Society

A democratic society is defined as a government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. If one believes this to be true, then law enforcement, in particular the police, take an oath to protect and serve this very definition of a democratic society. More importantly, the police are protecting and serving the citizens that comprise the democratic society.

A recommendation by NOBLE is for the task force to establish a clear set of expectations and guidelines that define the accountability and oversight of police to and by ALL the American people.

Building a Culture of Transparency

Opacity is the trademark of the criminal justice system in most cities in the United States. Grand Juries, Interrogations, Arrest processing, and even failure to identify officers are examples of irritations that erode public confidence. The President's Task Force recommendations should highlight the need for the authentication of Police/Community contacts validated by the use of body cameras; interrogations corroborated by the use of videos; and the standard of non-dilatory release of facts in situations involving sensitive police involved shootings. Similarly, police disciplinary action, if warranted, be open for public review.

Hiring a Diverse Workforce

The challenge to hiring a diverse workforce in law enforcement is reflected by the faces of the organization's leadership. The key to diversity in law enforcement is visibility of diversity, opportunity to engage people on their terms, and opportunities to advance.

The success of hiring a diverse workforce in law enforcement is not different from the private sector. Over the years private organizations have learned their customer base

and market share has increased as their engagement of diversity increased. They increased the visibility of different faces and voices (ethnic backgrounds) at the executive conference table. Every different face around the executive table is a link to exponentially more networks. Law enforcement has been slow to grasp this fact and only discusses the concept when large-scale conflict erupts.

NOBLE provides the following recommendations:

- The law enforcement organization's materials and communications must suggest there are opportunities for the populations that would increase the organization's diversity.
- Diversity recruitment starts at the CEO and command level positions.
- An opportunity or challenge to hiring a diverse workforce can be found in the advancement of officers of color.
- A concerted effort has to be made to reach minority populations on their terms and where they reside. We must remember that law enforcement careers may not be a family tradition in key populations of interest.
- The critical element of a diverse workforce is retention. Your current workforce is your best recruiters for diversity or your organization's loudest critics.

Procedural Justice

A part of NOBLE's mission is to ensure the equity in the administration of justice. NOBLE recommends that the task force evaluate and address the perception of many that the application and enforcement of the law is not equitable and fair in all communities. A key part of this is the analysis of the entire criminal justice system to include transparency, rates of incarceration, policing, and fair sentencing.

Racial Reconciliation

The recent events in Ferguson, Missouri and in Staten Island, New York when combined with real and/or perceived attacks on civil rights legislation have created an environment where many people of color feel disenfranchised by their local and national governments. More importantly there is a pervasive belief (right or wrong) that the lives of minorities are of less value than that of their counterparts.

This combined with public statements and in some cases actions by key law enforcement stakeholders aimed at minimizing or discounting the above point of view only inflame the current environment.

A recommendation by NOBLE is that the task force look to integrate into its work a public dialogue with a goal of developing tangible next steps and bridges of understanding between various minority and majority organizations. A great starting point is a status update on the progress of President Barack Obama's – "My Brother's Keeper". For example: A key common community interest is *effective crime reduction*.

Community Engagement and Dialogue

It is critical that law enforcement leaders at the highest levels of state and national government engage in public dialogue as it relates to the recent events related to both the deaths of Michael Brown, Eric Garner, Tamir Rice as well as the killings of police officers Rafael Ramos and Wenjian Liu.

NOBLE proposes that a series of town halls be conducted in communities across the country aimed at law enforcement CEOs and community leaders addressing concerns of public trust while educating the public on what law enforcement is and is not.

It is imperative that the task force recommend solutions to address the delivery in some cases of inaccurate information that helps to create civic unrest that is not based on facts. To accomplish this, there needs to be a systematic understanding that the lack in some cases of transparency and communication by law enforcement authorities helps to create an environment of confusion and mistrust. As a result, the media outlets have become the authorities and educators on law enforcement.

Improving Police and Youth Relations

It is our recommendation that the law enforcement community adopt community policing as the philosophy of policing in the United States.

The model of policing where officers walk or stand on their "beat" or spend hours in their patrol cars without engaging the community is a relic that everyone understood for a long time was obsolete. Inexplicably it continues today. The President's Task Force recommendations should include strategies on changing the culture of law enforcement to be service oriented. But perhaps, the greatest obstacle to the accomplishment of a service oriented policing model is the failure to train officers on how to effectively use their most potent weapon, their voice. Thus, the recommendations should detail ways to vigorously train young officers in the art of verbally engaging the community. All future evaluations and advancements, civil service or not, should be considered in light of an officer's ability to engage the community and follow the principles of service oriented policing.

Secondly, it is NOBLE recommendation that the task force recommend a greater focus and priority for law enforcement to support youth based programs in the areas of Mentoring and Law Literacy. NOBLE acknowledges and thanks the Department of Justice Community Oriented Policing Services Office for the funding of its Law & Your Community Pilot Program which is an interactive training program for young people ages 13-18 designed to improve their communications with law enforcement officers and their understanding of their local, state and federal laws.

Police Leadership Development

The mantra of training is the logical consequence of inappropriate police action. However, oftentimes the focus of additional training is directed at the “Line” officer. Yet, the preeminent reason a police organization is dysfunctional or not, rests on the quality of supervision that police officers receive. Police organizations that have unfettered control of its officers are agencies with a scatter and unbalanced approach to the communities they serve.

NOBLE’s recommendation is that the task force should expound on the correlation between a professionally trained supervisory staff and positive community relations. In essence, someone must ensure that the policies, regulations and interactions designed for improving relations with the community are followed or at the least there are consequences for deficiencies. Thus with appropriate supervisory training, they can become appreciative of their vital role and learn the elements of how to be supervisors that understand the need for accountability.

The Role of Police Unions (and line officers) in Building Trust

Real and sustained reforms require on-going discussions, input and commitment from these critical stakeholders. They must understand that positive police/community relations hinge on their ability to support each other in this engagement that benefits all. That said, historically of all the stakeholders, Police Unions have been the most reticent. Consequently, the task force must develop guidelines that emphasize the critical importance of Police Unions input when municipalities or Police Organizations are crafting policies. Relationships with the Police and Community are not maintainable without “buy-in” from the Police Unions.



NATIONAL SHERIFFS' ASSOCIATION

WRITTEN TESTIMONY BY THE NATIONAL SHERIFFS' ASSOCIATION TO THE WHITE HOUSE TASK FORCE ON 21ST CENTURY POLICING

INTRODUCTION

The National Sheriffs' Association (NSA) submits that the Sheriffs of America are essential partners in any effort to increase the trust and confidence of the American people in our criminal justice system, and to improve policing in the 21st Century. The NSA represents 3,080 Sheriffs in the United States, almost all democratically elected by the people, and each one serves as the chief law enforcement officer of their respective county or parish. As a result, the Office of Sheriff is the law enforcement agency most directly accountable to the people we serve. Sheriffs also are the only law enforcement officers in the nation providing the full line of services, including Jail operations; this broad range of responsibilities allows us to provide a unique set of observations on the challenges of building trust and legitimacy with the people we serve.

Today I offer this testimony on behalf of the NSA, a non-partisan, non-profit organization dedicated to raising the level of professionalism in the areas of criminal justice and public safety.

THE CHALLENGES FACED BY OUR SYSTEM OF CRIMINAL JUSTICE TODAY

The problems facing our Criminal Justice system today are complex and have been decades in the making. To identify needed reforms or innovation first requires an honest assessment of where we are today. The following issues deserve your attention, to set the context for the discussion of Building Trust and Legitimacy:

1. Direct, stable, and sustainable sources of funding.

Every year, Chief Law Enforcement Officers across the nation struggle to develop and adopt a budget that meets the demands on their Agency. Grants come and go, formulas change, and the commitment to properly fund public safety is subject to trends. For example, the Crime Bill of 1994 added 100,000 police officers; funded school resource officers; violence against women programs; and crime victim initiatives which had a tremendous impact on community relations. After 9/11, much of this funding was redirected to Homeland Security, national security, intelligence gathering and information sharing, and fighting terrorism. The unintended consequence of this reprioritization was a growing distrust trust in the community, which had come to rely on the community policing programs.

Each year we make do with a mix of property tax funding, fines and fee revenue, and state and federal grants that often fail to include the cost of regular equipment upgrades and maintenance, and sufficient training and salary costs to properly develop and maintain our workforce. As a Task Force, your recommendations will not be complete without identifying the need for direct, stable, and sustainable sources of funding law enforcement.

Hiring a more diverse workforce is a goal in every Sheriff's Office in the nation. We are committed to better reflecting the communities we serve. However, a big challenge for us is retaining the folks we already have and providing for leadership development. This is a national trend. As a profession we are losing officers due to salary and pension issues; we are no longer as competitive in the marketplace as we once were.

Every year, State Legislatures, Congress, and Administrative Agencies pass additional mandates and new expectations for the performance of our duties, often without the funding to fully implement the additional officer training, supervision, and equipment requirements. The public has come to expect an extremely high level of training and professionalism from all of us in law enforcement, and we are committed to providing it, but often come up short without the funding to deliver on such high expectations.

2. Advancing technology.

Unmanned aerial vehicles (UAVs), body cameras, and license plate readers are all new and controversial, but not all agencies across the country can keep up with the equipment advancements and regular replacement, training, and upgrade costs for the advancements of the past ten years: 800 MHz radios, Mobile Data Computers, Records Management Systems, Next Generation 911, etc. Training to protect the privacy and civil rights of residents must be a necessary part of the funding and training for the rollout of all new technology. This issue alone has created a huge gap in trust between law enforcement and residents—who assume there are no limits to surveillance by police and inadequate protections for their privacy.

Violence and drugs in movies, television, easily accessible on the internet and in video games contribute to a more violent culture, and we have become numb to it. Young people are growing up isolated and captivated by violence, and we see more and more young people turning to extremism. This is clearly a problem well beyond what law enforcement alone can address but should be acknowledged by this Task Force.

The news cycle is no longer 24 hours or even 24 minutes. Livestream and social media have transformed the timing and the methods for communicating “news.” This can lead to the escalation of an otherwise minor incident and turn the routine into the very volatile. This is a huge new burden for every law enforcement agency and officer in the nation. We have no choice but to accept this new level of scrutiny and to prepare and train accordingly.

3. Systemic problems in the criminal justice system.

The law enforcement community is not above reproach, but public defenders, prosecutors, courts, and corrections professionals all contribute to mediocrity in a criminal justice system plagued by over-processing, a lack of accountability, lethargy, and delays. Victim's advocates have been a great addition to the system when they have the funding to rock the boat in cases that deserve heightened attention.

From over-criminalization to recidivism, we need to work swiftly to distinguish and implement a system that better distinguishes between what is addiction or bad behavior versus what is criminal conduct that warrants incarceration. We should entertain a full discussion on sentencing, sentencing alternatives, and providing the means and resources necessary for successful reintegration and transition.

According to the Center for Disease Control, more than one-quarter of all adults will suffer at some point in their lives from mental illness and half of them will go untreated. We see these folks on the streets, in homeless shelters, barricaded in homes, and in our jails. Without medication they are more likely to become unpredictable in their behavior or even violent. Since closing the nation's mental institutions, untreated mental illness has become a national crisis and more of these folks are cycling through our Jails and Prisons because there are so few alternatives. As a nation, and in each of our communities, we lack the capacity and capability to provide the resources needed. Law enforcement needs additional community resources, mental health beds, and alternatives to criminalizing mental illness.

Drug courts, DWI courts, mental health courts, veteran's courts, and juvenile and family courts have all grown out of the systemic need to deal with these underlying problems.

4. A fundamental misunderstanding regarding the role of local law enforcement.

Among all the law enforcement agencies across the country, local law enforcement is battling on the front lines in dealing with the consequences of immigration, combating human trafficking and illegal drugs, in preventing violent crime, in countering violent extremism and identifying threats to homeland security. Federal and state agencies may be our partners, and may provide some level of funding or even coordination, but it's the Sheriff's deputy that responds to the call about a shooting, it's the Sheriff's SWAT Team that responds to a barricaded suspect, it's the Sheriff's deputy that serves the high risk warrant, and it's the community engagement team officer that attends the vigils for victims of gun violence. It's the suspicious behavior that we document and report that leads to the federal terrorism investigation. Without local law enforcement on the front lines every day 24 hours a day, our families, schools, businesses, places of worship, and our entire nation would constantly be in danger.

Without 911 or first responders, without an operational Jail or court security, crime lab and investigators in our communities, there could be no criminal justice. It seems so obvious, but seems to be missing in our current national dialog. Perhaps it's a reflection of public sentiment, but our local, state, and federally elected leaders fundamentally misunderstand the role of local law enforcement and the challenges we face in meeting the demands and expectations of our residents. It has become *de rigueur* to attack law enforcement—especially to attack management and funding for law enforcement.

The American people have come to expect well-trained professional and well-equipped law enforcement in any crisis or emergency, but often misunderstand the real cost and challenge in continually being that prepared.

The federal government's inability to set clear direction often disrupts our work at the local level. Whether or not we agree with the President's policies on Border Security and Immigration, or Marijuana, the inconsistent enforcement of federal law has made our job more difficult because our residents have adopted different expectations regarding what is lawful and what is not. Confusion contributes to distrust when the "locals" are tasked with enforcing current state laws that are believed to be in conflict.

All that said, there are simple and straightforward answers for law enforcement in working to build trust and legitimacy: proper hiring practices, enhanced training, accountability, community policing, and education.

The role of law enforcement in this country is and has been defined by the Constitution and Laws of the United States as well as the constitution and laws of the individual states. Moreover, court decisions have further set forth the rules by which policing (including crime prevention) and the apprehension/adjudication of criminal defendants occur. Allegations of excessive use of force, racism, and prosecutorial bias are not new in our profession, but recent cases in Missouri and New York gave rise to a whole new precedent of "street justice." Months of national news interest stories and coverage combined with intense social media and angry residents created an extremely volatile environment all across the Country. While the Grand Jury process "worked," people were dissatisfied with the results. A national conversation about police community relations and this dissatisfaction is necessary and inevitable.

The best answer to this kind of dissatisfaction will include some combination of police-community education, improved transparency, additional diversity training, and community policing. Some agencies have more experience and need for this than others. The highly lauded COPS Program, initiated via grants and policy by the federal government, can point to many years and instances of success in reducing crime in communities during both Republican and Democratic Administrations and Congresses. The simplicity of this effort basically focused upon the idea of more police in communities hard hit by poverty and crime. It is ironic that more police officers were placed in the cities and communities that needed them the most and that funding for this highly successful program has all but been eliminated by the federal government in recent years.

The National Sheriffs' Association submits that law enforcement agencies in general, and in particular, Sheriffs' Offices are more transparent than ever and are almost certainly more transparent than most governmental agencies. Almost every law enforcement agency's website provides daily accounts of reported crimes and arrests. Also readily available are lists including photos and details of every inmate housed in local jails. These sites usually contain the date of arrest, charge, and amount of bail.

Operational transparency, such as the use of dashboard cameras and body cameras, is increasing rapidly. In addition, the universal availability of cell phones with video capability has resulted in many police encounters with citizens being photographically documented and even posted on social media sites for the world to see.

The NSA cautions that the current zeal for operational transparency and videography needs to take into account the privacy concerns of our residents as well. For example, officers respond to investigate many incidents which require a presence inside the homes of those both victimized by and those perpetrating domestic violence incidents. We also enter homes to investigate crimes, such as burglary and theft, as well as incidents involving welfare concerns of citizens. Concern for the privacy of victims, the inside of whose homes are being photographed, needs to be considered as well as the chilling effect the dissemination of such videography would cause on the reporting of such crimes. We simply should not victimize these citizens a second time as a result of their coming forward and reporting such incidents.

Transparency should mean more than determining whether or not our activities are properly documented and available to the public for purposes of accountability. We should strive to help residents in our communities understand that we work every day in service to them. We not only respect their Constitutional rights, and work to protect them and operate within the legal and process limitations set for us by our courts and policymakers. Community advisory boards and advisory groups should be included in agencies' policy development and they should be encouraged to learn about the agencies' operational protocols as liaisons to the broader community. Similarly, our Courts operate under the Rule of Law. To build trust, we should focus on educating residents about the role and responsibilities of courts and juries, and the constitutional rights and protections to which we are all entitled.

The Sheriffs of America strive to build and maintain a diverse workforce to ensure the community that policing will be fair and just. This Task Force needs to recognize and understand that the pre-employment testing of law enforcement recruits is possibly the most rigorous of all professions. Extensive testing and criminal background examination are the "rule" in the law enforcement hiring processes today. Current stringent federal laws preventing discrimination in the hiring, retention and termination of employees already constitute a constant and effective check and balance on the employment practices of law enforcement agencies.

Whether our residents trust their Sheriff and his/her deputies is determined long BEFORE the 911 call is made. Trusting relationships must be cultivated and nurtured. In order to do this, Community Policing programs and objectives have proven to be the most successful mechanism in achieving racial harmony between law enforcement officers and the community. The Nation's Sheriffs submit that the very programs that we have operated for decades, such as DARE and our own TRIAD (senior citizen's crime prevention) program should be models for achieving community confidence. The COPS Program has been perhaps the most successful community policing initiative in history.

Most of the Sheriffs of America maintain very successful youth initiatives. The wheel does not have to be re-invented. The wheel only has to be appropriately funded. DARE (Drug Abuse Resistance Education) is perhaps the best example of a successful program which most Sheriffs provide, usually out of their own budgets. This program introduces elementary students to possibly their first face-to-face relationship with a police officer. Today's program includes a science/study based process and goes far beyond the theory-based process of the past. These relationships can be very meaningful for a youngster and his DARE officer. We have seen it over and over. The sad truth is that many law

enforcement agencies across this country have had to cut discretionary programs such as DARE due to dwindling budgets.

Sheriffs also administer very successful programs, such as Explorer Posts—in conjunction with the Boy Scouts—as well as the Young Marine programs.

CONCLUSION

The 3080 Sheriffs of the United States are invested in the counties and parishes we protect. The National Sheriffs' Association appreciates the opportunity to provide input to this honorable task force. We would prefer to have a seat at the table through the appointment of an active sheriff to serve on this as well as other task forces and commissions so that we can provide continuous input on important policy decisions affecting and involving law enforcement and the American people.

The President's Task Force on 21st Century Policing

Public Listening Session: *Building Trust & Legitimacy*

Public Testimony prepared for Mayor Michael A. Nutter, Mayor, City of Philadelphia

Tuesday, January 13, 2015

Good afternoon to the Task Force co-chairs, Police Commissioner Ramsey and Professor Robinson, members of the Task Force and my fellow panelists, Mayors Johnson, Landrieu and Rawlings-Blake. It is an honor to testify before this task force on an issue of utmost concern and importance in America today: strengthening public trust and building strong relationships between local law enforcement and the communities they protect while also promoting crime reduction.

I have been Mayor of Philadelphia, my hometown, for more than seven years. In that time, my Administration has accomplished many things on behalf of and working with our citizens. I am proud of every step we have taken to improve the quality of life in our great city, but none more so than what we have done to increase the feeling of public safety on our streets by creating an environment of shared trust and values between police officers and residents.

I can't talk about our public safety strategy without talking about the approach I took to governing when I became Mayor in 2008. I came into office knowing that public safety would be the number one issue I needed to address because without it, none of my other goals – job creation, increased graduation rates, growing our population, attracting businesses – would be possible. I took this approach not only because ensuring public safety is one of the primary functions of a municipal government, but because my sixteen years serving on City Council reinforced for me the notion that no city can be great without mutual respect between government and citizens.

One of my first Administration appointments – save hiring a Director of Finance to put our City on fiscally solid ground – was our great Police Commissioner, Charles Ramsey. When I was searching for a Police Commissioner I looked at many candidates from across the country

knowing that I needed someone who shared my values and vision for a safer, smarter police force and city. The entire public safety team that was assembled, including Deputy Mayor for Public Safety and Chief of Staff Everett Gillison, Director of Public Safety Michael Resnick, Commissioner Ramsey and his Deputy Commissioners, has worked together for the last seven years to make this vision a reality. My emphasis on public safety as the number one priority is also why I declared a crime emergency in Philadelphia during my inaugural address, and why I asked Commissioner Ramsey to come up with a plan to increase safety on our streets within 30 days of that declaration. The Commissioner's plan has grown and evolved into a strategy that has reshaped how the job of policing is approached by our men and women in uniform and has ultimately made Philadelphia safer than it was.

Of course, 'safe' is a relative term – especially if you are a resident who heard gunfire outside their home last night – which means that our work will never be done. Furthermore, with 248 homicides in the city last year, we still have a long way to go. However, this number represents a 36% decrease in homicides since 2007, the year before we began our holistic approach to crime prevention, and in that time period we've also seen a dramatic reduction in shootings and all violent crime. It is because of these measurable statistics that I believe the City of Philadelphia has developed an effective, and more importantly, replicable approach to policing and community engagement – an approach which I will briefly share with you today, as well as my observations as a Mayor about what more can be done.

I grew up at 55th & Larchwood Avenue in West Philadelphia at a time when there was a great level of mistrust and tension between the Police Department and the communities which they were sworn to serve and protect – especially the black community. As a member of that community, when I became Mayor I knew in my heart that any cooperation or partnership between citizens and the police needed to be born out of an understanding of that history but with an emphasis moving forward.

We developed Philadelphia's version of a community policing strategy, which began with an examination of what 'good policing' meant to us. The police could not be seen as an occupying force, they could not ostracize or treat with contempt, and they could not whizz by in vehicles allowing for little or no interaction with residents. This type of hands-off policing did nothing to foster personal relationships or trust between police and citizens – both of which are crucial

elements to protecting lives and solving crimes. We wanted to bring about a universal understanding that as much as citizens rely on police to keep them safe, police rely on citizens for the information they need to do their jobs. There needed to be an end to ‘us vs. them’. As a government, our belief in working with the community led to listening to residents about their desires for their neighborhoods, which led us to our community policing strategy.

To build public trust in the integrity and professionalism of our police officers, we focused on the training officers received and our Administration’s communication with those officers. Training officers to engage respectfully with citizens creates confidence in both groups and goes further in producing a safe environment than any technology or equipment ever could. And just as important as good rapport between officers and citizens, we also needed trust and understanding between Administration leadership and rank-and-file officers. We found a partner in this effort in Fraternal Order of Police Lodge 5 President John McNesby. Acknowledging the difficult balancing act officers must perform when they go to work – the fine line they walk between being respectful and taking precautions to protect themselves – conveyed our Administration’s deep respect and admiration for the risk these men and women take every day when they put on their uniform, and at the same time, demonstrated our absolute intolerance for abusive, corrupt or illegal behavior from officers. Even in difficult economic and socially turbulent times, we have kept the lines of communication open with union leaders and our police force is stronger and more resilient for it.

Out of this new approach to training and leading our officers came inspiration to develop a new program, which was piloted with a group of young, technology-savvy officers dubbed ‘Listen First’. These officers went into the community they served not just when they were performing traditional law enforcement duties, but also to ask residents about neighborhood issues that remained unaddressed and if they could help the residents resolve them. The officers took pride in how they helped neighbors fix small issues like broken street lights, potholes and blighted lots, and residents began to see the officers as people who could help them create positive change – not just as uniforms that appeared when terrible events occurred.

This concept is not revolutionary, in fact, this is the way policing was done for many years decades ago. Somewhere along the way in American history, local police forces became almost

militarized in their missions and operations and the distance – both literal and figurative – between officers and citizens grew.

In Philadelphia, we saw a different way and wanted the best of both worlds: the old way of community-engaged policing could be married with modern uses of technology and metrics to measure success. Commissioner Ramsey reinstated foot patrols for all rookie officers and at the same time, we implemented GIS systems and used data to make decisions about staffing assignments. We created an entirely new, holistic approach to reducing crime with partners at every stage of the criminal justice process, including the District Attorney, the courts, the prison and parole system, and even the community development corporations and neighborhood townwatch organizations. This led to new City initiatives:

- PhillyRising, a community-engagement entity that reduces crime in the most dangerous neighborhoods in our city by providing residents with education about how to access City services,
- GunStat, a metrics-based partnership with the D.A.'s office to target the most dangerous offenders,
- and the Youth Violence Reduction Partnership and CeaseFire, both of which bring together citizens who have made mistakes and served their time with at-risk youth to hopefully intervene and put them on the right path.

With these new programs in place, we have continued to listen to the voices of our citizens and we have continued to learn from what the facts tell us. We know that the overwhelming majority of homicide victims and perpetrators in our city are young, black men, so I partnered with New Orleans Mayor Mitch Landrieu to form Cities United, which seeks to address this disparity and improve opportunities for young men of color – very similarly to President Obama's 'My Brother's Keeper' initiative, which I am proud to support and have already hosted a workshop for in Philadelphia. We have also formed a Youth Violence Prevention Collaborative, assisted by a grant and support from the United States Department of Justice, which partners the police, the courts, and social service agencies to review the entire youth justice system in Philadelphia and to institute changes to keep youth from falling into the devastating and hard-to-escape criminal justice cycle.

If I have learned anything as Mayor about how to ensure public safety in a large and diverse city like Philadelphia, it is that nothing can be accomplished without mutual respect and a sense of shared destiny – the idea that we are all in this together. I believe that this is how we will move forward as Nation into the world of 21st century policing under the leadership of President Obama and this Task Force. Thank you.