THE PRESIDENT'S TASK FORCE ON
21ST CENTURY POLICING

Building Trust & Legitimacy
Submitted Written Testimony Received by January 13, 2015

Primary Source Documents
Including Invited and Public Testimony

Presented Alphabetically by Last Name

O-Z

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 O-Z. 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 O-Z

1. **Ogletree, Charles** - Harvard Law School Jesse Climenko Professor of Law, and Executive Director of the Charles Hamilton Houston Institute for Race and Justice*
2. **O'Connor, Barbara** – President, National Association of Women Law Enforcement Executives
3. **O'Neill, Patricia** – CEO/Executive Producer, Not in Our Town
4. **Pasco, James** – Executive Director, National Fraternal Order of Police***
5. **Peralta, Andrew** - President, National Latino Police Officers Association*
6. **Perez, Carmen** - The Gathering for Justice and Justice League of NYC*
7. **Perry, David** – President, International Association of Campus Law Enforcement Administrators (ICLEA)**
8. **PICO National Network**

9. **Price, Megan** - Director, School for Conflict Analysis and Resolution, George Mason University**
10. **Rawlings-Blake, Stephanie** - Mayor, City of Baltimore*
11. **Razer, Tess** – Teacher, Brooklyn, NY***
12. **Reddy, Vikrant** - Senior Policy Analyst, Texas Public Policy Foundation*
13. **Rosenbaum, Dennis** – Professor, University of Illinois at Chicago**
14. **Ryan, Julia** – Community Safety Initiative Director, LISC***
15. **Skiba, Russell** - Indiana University Center for Evaluation and Education**
16. **Skogan, Wesley** – Professor, Institute for Policy Research Northwestern University**
17. **St. Germain, Jim** -Co-founder of Preparing Leaders of Tomorrow, Inc. (PLOT)*
18. **Santa Fe College and Police Department**
19. **Stoudt, Brett** – Professor, John Jay College of Criminal Justice***
20. **Stoudt, Brett** – Public Science Project, Morris Justice Project, Research for Fair Policing***
21. **Streetwise & Safe***
22. **Team Kids***
23. **Turner, Nicholas** – President and Director, Vera Institute of Justice**
24. **Tyler, Tom** - Macklin Fleming Professor of Law and Professor of Psychology, Yale University*
25. **Unnever, James** – Professor of Criminology, University of South Florida**
26. **Walker, Samuel** -Professor Emeritus of Criminal Justice, University of Nebraska at Omaha*
27. **Warren, Vincent** – Executive Director, Center for Constitutional Rights***
28. **Weinstein, Barbara** – Associate Director, Religious Action Center of Reform Judaism***
29. **Winkler, Jim** - President and General Secretary, National Council of Churches of Christ in the USA*

FOR REFERENCE

All Primary Source Documents
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. **Bandele, 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. **Bueerman, Jim** – President, Police Foundation**
12. **CALEA***
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)**
38. **Hayes, Louis** – Police Officer, Ret.***
39. **Herring, Maulin Chris** – Trainer/Consultant, Public Safety***
40. **Ifill, Sherilynn** - President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.*
41. **Ingram, Janaye** – Executive Director, National Action Network (NAN)**

42. **Jones-Brown, Delores** – Professor, Department of Law Police Science and Criminal Justice Administration***
43. **Kaufman, Keith** – Captain, Hawthorne Police Department (LA County)**
44. **Knee, Stanley** – Chief, Austin Police Department***
45. **Kumar, Maria Teresa** - President and CEO, Voto Latino*
46. **Kunard, Laura** – Senior Research Scientist, CNA Corporation**
47. **Lauter, Deborah** – Director of Civil Rights, Anti-Defamation League**
48. **Lumpkin, Bruce -** **
49. **Major County Sheriff's Association****
50. **Masterson, Mike** – Chief, Boise Police Department**
51. **McCauley, R. Paul** – Police Officer/Educator, Academy of Criminal Justice Sciences***
52. **McDevitt, Jack** – Dean, College of Social Studies and Humanities, Northwestern University**
53. **McMurray, Harvey** – Chair, Department of Criminal Justice, North Carolina Central University***
54. **Medlock, Harold** – Chief, Fayetteville Police Department**
55. **Mellis, Doug** – Chief, MCOPA***
56. **Moe, Charlene** – Program Coordinator, Center for Public and Safety and Justice, University of Illinois
57. **Murphy, Laura** - Director, ACLU Washington Legislative Office*
58. **Myers, Richard** – Chief, Newport News Police Department**
59. **Nash, Toye** – Sgt. Phoenix Police Department***
60. **National Association of Counties****
61. **National Association of Police Organizations****
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)**

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73. **Price, Megan** - Director, School for Conflict Analysis and Resolution, George Mason University**
74. **Rawlings-Blake, Stephanie** - Mayor, City of Baltimore*
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**
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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*

OPINION | CHARLES J. OGLETREE JR. AND DAVID J. HARRIS

More than 'enough is enough'

JONATHAN WIGGS/GLOBE STAFF

'Black Lives Matter' protesters gather in a park near near Dudley Square Tuesday.

By Charles J. Ogletree Jr. and David J. Harris | DECEMBER 17, 2014

LAST WEEK thousands of demonstrators in Greater Boston and throughout the nation voiced their outrage at the decision of two grand juries not to indict white police officers in the deaths of unarmed black men, as well as the corruption and bias embedded in our law enforcement system.

As veterans of civil rights struggles spanning nearly a half century, we felt heartened by the reemergence of young people as a force for change. Indeed, we experienced the collective refrain of "Enough is enough" as sweet music. But even as we nodded in agreement, we found ourselves asking a few follow-up questions: When is enough not enough? When are rage and protest necessary, but not sufficient? How do we transform "enough is enough" into "we demand more?" There can be more protest, for as long as necessary, but there also needs to be more concrete action to advocate for fundamental shifts in the design and delivery of public services, here in Massachusetts and nationally.

CONTINUE READING BELOW ▼

At the Houston Institute, we use shorthand to describe such a shift: "community justice." It is a call for the active participation of communities that have, for too long, been largely dismissed in policy discussions that directly affect their health and well-being. It demands eliminating and replacing incentives in our justice system that reward arrests and overzealous prosecutions. For example, federal funds have encouraged police departments to concentrate on things like marijuana possession; doing so has not only fueled our astronomical rates of incarceration, but also the racial disparities that characterize our prison population. These incentives create the conditions under which police view entire communities with distrust or worse, and community inhabitants feel like they are under the rule of an occupying army, together fueling a cycle of incarceration, isolation, and alienation.

This system is not only wasteful and deeply harmful, it is also woefully outdated. It is as if we have been riding on an old bike with balloon tires and one speed even though we have far more sophisticated vehicles at our disposal. Imagine a public safety vehicle as a 21-speed bike, with enough flexibility to traverse any terrain. The larger sprockets represent enlightened and evidence-based programs that help communities to flourish, such as drug treatment, workforce

development, innovative education, and comprehensive health care; the smaller sprockets represent different pieces of the formal justice system, including restorative justice, ankle bracelets, drug courts, probation and — as a final resort — prison. And, just as is true for the bike, the two sets of sprockets cannot be separated. Prisoners need to be linked to educational opportunities or drug treatment while serving sentences so that they will be ready for reentry to the community upon release. "Corrections" needs to rehabilitate rather than isolate and punish exclusively.

So how do we get from where we are today to community justice? First, we have to acknowledge and confront our own biases, individually and collectively. Recent work by Harvard Professor Mahzarin Banaji suggests that our biases can operate as much to favor those like us or for whom we have positive associations as they may operate against the "other." This would certainly seem to be the case in terms of our habitual exclusion of certain communities in policy debates. For example, several years ago, the Massachusetts Legislature debated "three strikes" legislation that would mandate life in prison the third time a person commits a felony. Despite almost unanimous opposition from legislators of color to a bill that would disproportionately affect their constituents, the bill passed. It was as if the rest of the Legislature literally could not hear those voices.

CONTINUE READING IT BELOW ▼

View Story

Opinion: Deeper issues with modern justice

The system destroys a community that has historically suffered under institutionalized subordination.

**Ward Sutton: Where race relations
stand in America**

Second, as the elder generation, we need to look to history to guide us. Indeed, we can't move forward without revisiting our past. More than 150 years ago, in the infamous Dred Scott decision of 1857, the Supreme Court declared that a black man had no rights that a white was obligated to observe. It was a denial of both black humanity and black citizenship. Today, that decision is regarded as a stain and an abomination. And yet, aren't traces of the same sentiments present in the seeming speed with which police officers shoot at young black men, in the way they tend to view black boys as adults, or in the animal imagery used by Darren Wilson to describe his encounter with Michael Brown? Until we acknowledge these links, we will never be able to overcome them.

Almost 100 years after Dred Scott, Charles Hamilton Houston — probably the most influential and least well-known civil rights lawyers of the 20th century — devoted himself to using the law to end racial discrimination and segregation. Houston was advised by his law professors to be more cautious and to focus on smaller, incremental goals. Fortunately, he ignored that advice and crafted the litigation strategy that yielded the unanimous Supreme Court decision Brown v. Board of Education, even though he died before he could see that strategy argued successfully in court. As we all know, it took years of continued struggle before the promise of Brown was memorialized in the civil rights laws of the 1960s.

As a nation, we have this habit of denying our own past, and of lulling ourselves into believing that every corrective step is the final step. That's not how progress happens. There are leaps forward, periods of relative stability, and retrenchment. But our leaps forward are often precipitated by crisis, setbacks, and even bloodshed. That's where we stand today. Our task is to make sure that the tragedies of Michael Brown, Eric Garner, and all of the other young men and women of color who have been unjustly killed and harmed by our current system become the impetus to push back hard against that system.

In Massachusetts, the stars are favorably aligned to produce real change. We have new leadership in Boston, in the State House, and in the Legislature. We have a growing grassroots movement advocating to reduce our prison population, end counter-productive mandatory minimum sentences, and reconsider the entire "tough on crime" era. The Houston Institute stands ready to contribute to these statewide efforts to develop and implement a new model for social service delivery, and to breathe life into the notion of community justice. We also call upon our the leaders of the region's universities to harness the tremendous amount of expertise within their midst to serve the needs of our communities. We need to lock arms with our students, as well as the thousands of people taking to the streets across the country, and demand not just an end to the status quo, but the beginning of something "more."

Related:

• Ward Sutton: Where race relations stand in America

• Editorial: Grand jury lets Eric Garner's killer off the hook

• Nancy Gertner: There will be more Fergusons

• Editorial: Michael Brown's death was a failure of the Ferguson police

Charles J. Ogletree Jr. is a professor at Harvard Law School and founding and executive director of the Charles Hamilton Houston Institute for Race and Justice. David Harris is managing director of the institute.

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NAWLEE
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Enforcement Executives
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NAWLEE Testimony
President's Task Force on 21st Century Policing
Submitted on January 9, 2015

"Building Trust and Legitimacy"

We appreciate this opportunity to share on behalf of our members, our views on this topic for consideration by the Task Force.

Our members represent federal, state, county, local, and university law enforcement agencies. The focus of the organization is on the issues effecting the profession at the chief executive level.

The National Association of Women Law Enforcement Executives (NAWLEE) is the first organization established to address the unique needs of women holding senior management positions in law enforcement. In our 20th year, the organization currently has over 500 members. Women make up approximately 12% of law enforcement officers across the United States and just fewer than 2% are Chiefs of Police or top administrators of their organizations.

Our general purpose is to promote the ideals and principles of women executives in law enforcement; to conduct seminars to train and educate women executives in law enforcement; including but not limited to the areas of leadership, management, and administration; to provide a forum for the exchange of information concerning law enforcement and generally fostering effective law enforcement practices.

While our focus is on women in law enforcement, our voice is on all key issues of policing and the impact our agencies can make within our communities.

NAWLEE enthusiastically embraces any opportunity to be involved in the President's Task Force on 21st Century Policing. NAWLEE members are situated across the United States, as

well as internationally. As an organization we have much to offer in providing information on issues affecting the law enforcement community. NAWLEE can offer the perspectives of our members' expertise in research as well as congressional testimony on issues related to law enforcement and women in law enforcement.

Hiring a Diverse Workforce

It has been known by us and many others, that in order to best police a certain area, the diversity of a police force should be representative of the community they serve. The national average of women in policing is approximately 12% based on a study by NAWLEE and the IACP in 2013.

Recommendations

Target women and minorities as part of the recruitment process. Traditional advertising for these roles most likely needs to be changed.

There should also be a mix of officer roles highlighted in any recruiting activity to ensure that not only will those you are targeting see the wide variety of responsibilities (the job is more than just chasing criminals), and the general public will as well. This will help enhance the image issues an agency may have and further support the image of police as guardians and the ones you can count on to help when needed no matter what.

It is imperative that organizations place emphasis on skills such as empathy, compassion and communication. These skills are often overlooked in the hiring process and yet the emphasis on influencing others into compliance can often be the very thing that prevents the officer from having to use force.

NAWLEE also recommends the Task Force commission a study exploring the impact of women law enforcement officers in lowering the amount of force used, the number of citizen's complaints, and the overall impact women have in law enforcement. In addition, the study should also review the barriers in place, which prevent women from entering the police force. Some examples include, but are not limited to, the appropriate physical fitness standards.

Building Trust

As with any relationship, trust evolves over time and is based on actions not words alone. In doing so, we must keep in mind that most of our citizens will only come in contact with a police officer during a situation which is not a favorable one. Either this person has been the victim of a crime, is committing an offense, or is receiving something as basic as a traffic citation. Therefore, regardless of the professionalism displayed during the contact, the citizen may not have a favorable view of the police.

While it may take years to build an environment of trust and respect for our officers and our agencies, it can, as we have seen all too often, be destroyed in one quick moment. Often

such a result is due to perceptions not reality. Perceptions can "become" real to many people, which makes the job of policing more difficult.

<u>*Recommendation*</u>

Appropriate training for all new sworn personnel must be established to indoctrinate each one into the reasoning and need for trust to be considered one of the most important tenets of their job. Ways to best earn trust should be integrated into the training.

Defining the Role of the Police in a Democratic Society

For many years, police have been guardians of the public. Over the decades the political rhetoric of the *War on Crime*, the *War on Drugs*, and the *War on Terrorism* has driven the police to assume a warrior psychology and persona.

Advanced weaponry common on the street today with increased lethality, is being used in schools, churches, and businesses and the police justifiably must have the equipment and technology to respond. Unfortunately the warrior perception is strengthened from these incidents, which are less common than the day-to-day work. Our police officers need to always be seen, by the citizens they serve and protect, as the "good guys". Good guys you can always turn towards and who are always there when any problem arises.

<u>*Recommendation*</u>

Use "Guardians" as the term and images of our officers. End the use of the term "war", and begin branding the term "Guardians" into the policing culture.

Community Engagement and Dialogue

Community Oriented Policing works very well.

The relationship between the police and community cannot improve unless they "get to know" one another. Trust cannot be built when the community only sees the police when something has gone wrong. Time and effort to connect must be spent in times of peace so when there is a crisis, the citizens of the community, know their police force and their honorable intentions.

It helps police officers to have a better perspective of the community needs and it helps the community develop a greater trust and understanding of police officers. It creates partnerships with the community, working towards common goals of problem solving, reducing crime, and making the community a safer environment to live, work, and play.

<u>*Recommendations*</u>

While this may sound obvious, we must ensure the dialogue is open to everyone in the

community that is interested and it truly is a dialogue. Community meetings and other discussions with citizens and organizations must provide ample time for listening by police officials.

Citizen surveys are another way to learn what communities need or are truly expecting from the police. Clearly results from these surveys alone cannot drive the operations of the department, but the insights gained may be surprising and help guide more resources into an area that has added demands for service, that may not have been considered a priority.

Improving Police and Youth Relations

One of the benefits of true community engagement is the enhancement of relationships with all of the "stakeholders". The relationships with our youth are especially important as we have an opportunity to help mentor and steer them away from a future of crime.

In addition, by building these relationships, we can improve not only our investigations by having more people open up about what they have witnessed, but can also prevent some crimes that may be in the planning stages.

Recommendations

We must encourage our personnel to volunteer in youth related activities beyond only the police sponsored initiatives. Sport is an excellent avenue to work with and play with our younger members of the community. There are other activities as well where we can serve as mentors and be seen as part of their world, not as an outsider there only to enforce laws.

In addition to encouraging individual volunteerism, agencies should consider department "sponsored" activities in the community. Our sports leagues, corporations, and other civic-minded organizations organize events and activities and our agencies can seek to join them whether it is building a playground or other community service projects.

Police Leadership Development

There are leadership development courses and other training programs currently in existence and such an emphasis is vital to the health of the agency and the community. However, more can be done. In addition, the programs and courses that exist currently may not be affordable for many agencies.

A disheartening fact is that women make up less than 2% of Chiefs of Police or top administrators in law enforcement organizations across the country.

Recommendations

Leaders are found and needed in all areas of an organization, not just at the command staff levels. There should be an opportunity to send all levels to training. Leadership must be

taught during our academies and in-service training should also be available.

There is also a need for proper supervision training.

We must also look to private/public partnerships where our personnel can learn from others such as corporate leaders as many of the management issues are similar in nature.

Women must be given more opportunities for career development by targeting more women for more of the operational leadership roles and not only ones which do not allow that person to gain the necessary experience to lead the agency.

In conclusion, NAWLEE recognizes that Congressional support is necessary to recruit, retain and advance women to executive level positions in law enforcement. Currently, women make up only 12% of law enforcement personnel in the United States. Even more disheartening is that women make up less than 2% of Chiefs of Police or top administrators in law enforcement organizations across the country.

The creation of a commission that follows in the footsteps of the 1965 Presidential Commission on Law Enforcement and the Administration of Justice, that produced over 200 recommendations, marked the beginning of a change in our methods for dealing with crime and the public, and built the framework for effective law enforcement and public safety initiatives that have been in place for the last forty years.

In conducting this critical review, the Commission will have many opportunities to examine and develop recommendations addressing the broad range of new and emerging challenges that confront law enforcement today; from cyber-crime to non-traditional organized crime, from violent street gangs to homeland security, and many other new responsibilities.

NAWLEE also supports the review to assess and advance women in law enforcement and the substantial benefits that diverse organizations bring to the communities we serve.

We would welcome the opportunity to discuss any of our recommendations further with the Task Force to share specific methods of implementation.

Sincerely,

Barbara R. O´Connor

Barbara R. O'Connor, J.D.
President of the National Association of Women Law Enforcement Executives
Chief of Police
University of Connecticut

Comments on Building Trust and Legitimacy
Submitted to the President's Task Force on 21st Century Policing
By Patrice O'Neill, CEO/Executive Producer: Not In Our Town
January 9, 2015

Thank you for this opportunity to make recommendations on building trust and fostering strong relationships between local law enforcement and the communities they serve, while promoting effective crime reduction.

My name is Patrice O'Neill, CEO and Executive Producer for Not In Our Town. Our nonprofit organization has spent 20 years documenting stories of community response to hate violence, and leading proactive efforts to address its root causes. Since 2012, Not In Our Town has partnered with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) on *The Safe, Inclusive Communities Initiative*.

I grew up in Ferguson, MO. It's painful to have the name of my town be synonymous with the racial divide that still festers in our country. While deep divisions remain about the cause of Michael Brown's tragic killing, what undeniably surfaced in Ferguson was anger over the systemic racism that is reflected more broadly in our nation's communities. The turmoil that started in my hometown and that has now spread to other cities has been hard to watch, but **you can't solve a problem you don't acknowledge**.

A recent *Washington Post/ABC News* poll found that only 10 percent of black Americans believe blacks and other minorities receive equal treatment with whites in the criminal justice system. In contrast, roughly half of all white Americans say the races are treated equally.[1] These are troubling statistics, but through two decades of work on anti-intolerance campaigns, I know we can do better: We can make change, if we engage and motivate communities and the leaders who serve them.

The following testimony emerges from our experience with communities across the country. Since the origins of Not In Our Town, we have seen that facing the problem of hate and intolerance is the first step in confronting it.

"Silence is Acceptance:" A Police Chief Leads his City to Solve a Crime Problem, Together
Our project grew out of a 1995 landmark PBS documentary, *Not In Our Town*, a story from Billings, MT about everyday citizens taking a stand to stop hate crimes.[2]

Wayne Inman, the new police chief in Billings, was looking to bring community policing practices to his city. At the same time, he was confronted with a rash of hate crimes. Inman knew that law enforcement officials needed community help in fighting these crimes, born from deep social rifts. He began encouraging the entire community to take action. "Silence is acceptance," he said.

When skinheads showed up at services of a small African American church to intimidate the congregation, members of other faith groups began attending as well, ultimately pushing the skinheads away. Later, a brick was thrown through the window of a six-year-old Jewish boy who had placed a menorah in his window for Hanukkah. Inman urged people in the town to

stand together again. To show their support of the Jewish community, 10,000 people hung paper menorahs in their windows that holiday season.

These were the first of many examples documented by Not In Our Town over the next two decades showing law enforcement agencies, community leaders, and everyday citizens working side by side to stamp out hate.

At Not In Our Town, we know that everyone plays a role in creating safe and inclusive communities. In this testimony, we outline five recommendations, supported by stories from local communities, which we believe are useful at this critical time in our country:

1. Strengthen Community Engagement to Foster Inclusion
Seeing law enforcement as allies in preventing hate violence and promoting safety for all inspires more involvement from everyone in the community.

After a white supremacist shot and killed six worshippers at a Sikh temple in Oak Creek, Wisconsin, a police lieutenant, who survived 15 gunshot wounds defending the temple, formed a close bond with Sikh leaders, creating trust and empowering community members to become more involved at the civic level. The town's police chief joined with the mayor and other local leaders, including the American Legion post, to reach out to their Sikh neighbors and bridge differences.

But law enforcement agencies don't need the occurrence of a hate crime to stand with their communities. Many cities have taken proactive efforts to address bullying and intolerance before they turn into violence. In Marshalltown, Iowa, the publisher of the *Marshalltown Times Republican* launched a Not In Our Town effort, convening the mayor, police chief, educators, immigrant groups, and other local leaders. The group has hosted events and awareness campaigns, inspiring Marshalltown residents to sign a pledge to stand up to hate and bullying.[3]

This kind of action can build valuable relationships for law enforcement and lead to crime prevention. For example, Marshalltown students active in the Not In Our School club went to the principal when one of their friends said he planned to bring a gun to school and attack other students. The high school principal reported that the club empowered youth to take action themselves and trust in adults. The school reached the student's parents, averting a potential tragedy. Students saw their principal, police chief, and other local leaders encouraging them to stand up for themselves and others. Building such trust takes time and effort, but it can bring about real change.

2. Improve Hate Crime Reporting
Hate crimes are the most violent manifestation of bigotry that exists in our communities, often just below the surface.

Every year in America, over 200,000 hate crimes are committed. The vast majority of these go unreported and uninvestigated. The Bureau of Justice Statistics estimates that nearly two out of three hate crimes are never reported to police.[4] And even fewer are reported to the FBI, the body responsible for tracking hate crime incidents nationally. In 2013, only 5,928 hate crimes were reported by local law enforcement to the FBI.[5]

The dramatic gap in hate crime reporting is directly related to the breakdown of trust between targeted communities and law enforcement, often rooted in fear and ineffective communication. Public awareness of hate crime laws remains a persistent problem; and law enforcement officials, judges, juries, and victims often fail to recognize the need to report and prosecute these crimes. And yet, hate crimes—which can range from acts of vandalism to assault or murder—not only injure and traumatize victims; they also send a message of intimidation to the community. As a result, entire groups can become fearful and discouraged from participating in civic life.

In 2008, seven local high school students were charged with the brutal killing of an Ecuadorean immigrant who had lived in Suffolk County, NY. When Not In Our Town went to document the aftermath, we found a community where attacks on immigrants were an open secret. High schoolers knew that their peers participated in attacks they called "beaner hopping." In a confession to police after the crime, one of the perpetrators admitted that once a week a group of young men would drive the streets of their Long Island village "looking for Mexicans to beat up."[6]

After the killing, dozens of new reports of violence surfaced overnight, and fear spread in Latino communities not only in New York, but also across the country. A Department of Justice report on the Suffolk County Police Department's handling of hate crimes outlines the breaks in the system. This report's recommendations should be heeded by all agencies.[7]

To improve hate crime reporting, training around recognizing and reporting hate crimes should be mandatory for all law enforcement agencies, especially those receiving federal support for community policing programs. To support these efforts, agencies should work with vetted civilian volunteers who can perform the following functions: Work with community groups as a liaison on hate and bias reporting; report on law enforcement/community disputes (including excessive use of force or harassment); and be a point of contact for reporting and support for hate crime victims.

3. Seek Opportunities to Reduce Tensions and Address Implicit Bias
Implicit bias is a problem for everyone, including law enforcement officers. Because officers must make life-or-death, split-second decisions, training on bias and implicit bias is especially critical.

During the week of Michael Brown's funeral last year, Not In Our Town filmed a summit of the Ferguson Youth Initiative.[8] This group of mostly African American youth, sponsored by a local nonprofit, includes volunteers and youth who are doing community service to work off tickets or other misdemeanor charges. The group came together to draft recommendations for law enforcement and the city of Ferguson on how to improve relationships.

What these youth wanted was straightforward: They asked to be treated with respect, to not be approached in an aggressive manner, to not be targeted as criminals when walking down the street with friends. They wanted face-to-face opportunities with officers in situations that weren't charged, like sports activities or community projects.

Listening to and engaging with youth, like those in the Ferguson Youth Initiative, offers a path to recognizing and moving past bias, and implementing the kind of community policing that builds trust. A 2012 study by Patricia Devine details how becoming aware of implicit bias is the first

step in the process of defeating it.[9] Jennifer Eberhardt, Stanford University researcher and MacArthur "genius" grantee works with agencies to distinguish implicit bias from "old-fashioned" racism.[10] Practices such as greater contact with the community, inclusive hiring, empathetic perspective taking, and anti-stereotype training are all steps to address this problem.

4. Strengthen the Relationship between Youth and School Resource Officers
Government officials should work with educators to elevate the promising practices of School Resource Officer (SRO) programs.

When best utilized, SRO programs can greatly contribute to safe and inclusive school environments. With additional training in adolescent development and stereotype reduction, officers can be better prepared for prevention and responding effectively in a crisis.

School Resource Officer Moses Robinson of Rochester, NY builds trust with youth holistically.[11] He draws from his own experience growing up in foster homes and seeks to mentor teenagers while being a positive role model for them. After racial tensions led to fights between youth from different ethnic groups in 2014, Robinson brought in the DOJ COPS *West Side Story* theater project to help youth build bridges of intercultural understanding. Robinson also coordinates with a community task force examining issues of racial equity, which is developing a new district-wide Student Discipline Policy.

Robinson's story exemplifies how law enforcement officers, especially those on campus, can divert rather than pave the path to prison by supporting youth and creating a positive climate where all students feel safe and able to learn.

5. Improve Data Collection Research and Transparency
Law enforcement agencies working with research institutions can help bring transparency and clarity to policies and practices in the field.[12]

What if we could have better predictors of hate crimes, or measure bias and inequity in a community? With better hate crime reporting, could we have seen a pattern of attacks against immigrants in Suffolk County, before a man lost his life? What if we had access to a constellation of data from a community like Ferguson, where African Americans represent over 70 percent of the population but less than six percent of the police force, and where only one African American elected leader holds office? Would more context help to understand and proactively address deeper issues of inequity and the community's distrust of police?

Data and transparency around police accountability is also key to addressing issues of mistrust. Researchers estimate that an average of 400 civilians are killed by police each year, but these numbers are based on voluntary reports by law enforcement agencies to the FBI.[13] Mandatory reporting on the use of deadly force would contribute to transparency.

Further, a national reporting protocol and requirement for law enforcement misconduct complaints would make it easier for agencies, local officials, and citizens to review patterns and hold their agencies accountable.

From police accountability to closing the national hate crime reporting gap, to measuring effective community policing and engagement programs, improved data gathering could prove

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transformative towards bridging racial divides and building trust between law enforcement and all people in this country.

Conclusion

From a wounded officer in Oak Creek, to youth in Ferguson, and a police chief in Billings, real change is being led by individuals who recognize the need to connect and close the wounds caused by intolerance, distrust, and hate. Through the brave acts of these citizens and communities, we progress as a society.

However, if our goal is safer, more inclusive communities for all, we need more than individual or small group action—**widespread change requires concerted institutional efforts**. The recommendations we have presented here are meant to outline some needed steps that government and law enforcement officials, on both the national and local levels, can take to address these social fissures.

Because if we've learned one thing during our 20 years of organizing and listening to people on the ground, it's that **you can't secure a community unless you engage them**.

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[4] Hate Crime Victimization, 2004–2012 - Statistical Tables, Bureau of Justice Statistics, Feb. 2014: http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4883

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[11] "Moses Robinson: School Resource Officer, Rochester New York," Not In Our Town COPS Profile: https://www.niot.org/cops/profiles/moses-robinson-school-resource-officer-rochester-ny

[12] See UCLA's Center for Policing Equity: http://cpe.psych.ucla.edu/

[13] "Nobody Knows How Many Americans the Police Kill Each Year," by Reuben Fischer-Baum, *Five-Thirty-Eight,* Aug. 19, 2014: http://fivethirtyeight.com/features/how-many-americans-the-police-kill-each-year/

NATIONAL
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CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

6 January 2015

Chief Charles H. Ramsey
Co-Chairman
President's Task Force on 21st Century Policing
Office of Community Oriented Policing Services
U.S. Department of Justice
145 N Street, NE
Washington, D.C. 20530

Ms. Laurie O. Robinson
Co-Chairman
President's Task Force on 21st Century Policing
Office of Community Oriented Policing Services
U.S. Department of Justice
145 N Street, NE
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Dear Chief Ramsey and Ms. Robinson,

I would like to begin by thanking you both for your service as co-chairmen of the President's
Task Force on 21st Century Policing. I believe the President made an excellent decision in
naming you both to lead this effort. The Fraternal Order of Police is proud to support you in this
effort and we have confidence in your leadership.

I also would like to thank you for your outreach to the FOP. As you know, we are very
disappointed that the Task Force does not have any rank-and-file officers as members and I hope
that this oversight will not prove damaging to the overall effort. I am happy to bring the critical
perspective of the rank-and-file officer to the Task Force.

Defining the role of the police in a democratic society
Law enforcement in the U.S. is highly decentralized. According to a 2008 census of law
enforcement, agencies with fewer than 10 officers comprise 53% of the approximately 18,000
police agencies, but employ only 6% of all officers. The largest police departments, representing
just 5% of the total number of agencies, employ 61% of all police officers.

Smaller and less well-funded departments cannot provide the same range of law enforcement
services as larger and better funded departments. Departments also have widely varying hiring
and initial training requirements–there are nearly 650 different police training academies across
the country. This poses communication challenges between agencies, particularly with
operations that cross jurisdictional boundaries and involve agencies with differing levels of
resources. The FOP believes that it is essential that training be re-emphasized and fully funded at
every policing level.

Law enforcement officers are peace officers and the heart of the law enforcement mission is
policing in such a way as to maintain and defend the peace and freedoms we enjoy in the United

States. The theory and strategy of community oriented policing is critical, and effective police management and leadership of this strategy is the key to its success. Community-oriented policing is a labor intensive undertaking–it cannot be rejuvenated with the reduced number of officers on the streets today. Here again the FOP strongly believes that community-oriented policing efforts should be fully supported and funded at every level of government.

Law enforcement leaders must lead by example and be held accountable for their actions and the actions of their department. All too often, the blame for law enforcement managerial failures is unfairly laid at the feet of the officers on the street.

Building a culture of transparency
It is the rank-and-file officer serving in our streets and neighborhoods who contribute most to the collective perception about the agencies and its employees, but it is the law enforcement leadership that establishes the culture of the organization. Transparent, fair, and impartial practices between the police and the community should be an extension of just and unbiased internal practices between police management and the rank-and-file.

Hiring a diverse workforce
Obviously, police managers are responsible for recruiting, training and retaining good police officers. It is surprising to me, however, that so few are held accountable for these decisions.

Hiring policies should begin by identifying the needs of the agency and the community. The process must begin by building a profile–as comprehensive as is practicable–of the officer they want to serve in their ranks.

The representative organization or bargaining unit can provide invaluable help in developing this profile. The rank-and-file officers on the beat know what it takes to get the job done in terms of functional skills and temperament.

In addition, the community can assist in developing that program. Community organizations and others can and should have real input into developing the profile. "What do you look for in a police officer?" is a legitimate question and the input of the community can be very helpful. While the community would obviously not control the hiring process, it would help build the bonds of trust between the community and the agency because it gives them a stake in the outcome. Community input can also help agencies identify their diversity needs.

With respect to ensuring diversity, agencies must be careful that their recruitment efforts do not engage in "diversity for diversity's sake." Compromising good qualities that officers need to be effective in the field in exchange for gender or racial identity is a mistake. That being said, a diverse agency whose composition reflects and is representative of the community it serves will make that agency more effective. To build trust and cooperation officers should feel as though they are a part of the community and the community should feel that their agency and the officers in its ranks are responsive to their needs because they are also part of the community.

Law enforcement as a profession and the communities they serve should greatly increase their efforts to hold law enforcement managers accountable for their decisions. This includes hiring, training, asset deployment and relationship with the community and its leaders. Low crime rates and high clearance rates are no longer enough. The rank-and-file officer will naturally follow the example of their leaders. The leadership of an agency has a tremendous impact on morale, an important consideration for retaining good officer, and on the agency's effectiveness.

Law enforcement officers acknowledge that individual officers will have their actions scrutinized, especially in "use of force" situations. Sadly, the media will sometimes inflame public passions and exacerbate the community situation. It is important to remember and to demonstrate our faith in and commitment to due process. Due process must be unaffected by negative media coverage, threats of criminal activity, mass violence or other retribution by the public.

It is also important to recognize the role of the agency's leadership in the aftermath of such incidents. Rank-and-file officers do not make decisions as to how an agency responds to demonstrations or other public protests. They do not deploy any assets in response to the protestors and rioters--that is the decision of the leadership of that agency. Yet it still seems that rank-and-file officers bear the brunt of the backlash against the response ordered by an agency's command staff.

Law enforcement as a profession needs to start focusing on leadership training for command staff and leaders. Given their greater visibility and authority, it is of much greater importance to the success of the law enforcement mission and earning/maintaining the trust of the community. When discussing "attitudes/cultural competency/communication skills" and "interpersonal skills," we cannot omit the greater need for these abilities to be developed at the command level.

Good leaders also affect retention. Officers who are happy will remain with their department, thus keeping up morale and building a sense of commitment to the community, the department and their brother officers. This is impossible if there is a toxic or hostile relationship between the leadership of the agency and the leadership of the rank-and-file's representative organization and/or bargaining unit. Comity in labor-management relations is a critical part of keeping good officers.

Another important component is the support of political and elected leaders, particularly in times of crisis. Media personalities often speak out irresponsibly, inflaming passions and widening the gap of trust between the government's most visible personnel–police officers–without repercussion. Political leadership has a greater responsibility and can be held accountable at the ballot box. If they cannot be vocally supportive of the officers and the agency, they should, at the minimum, support due process and focus on restoring–not eroding–the public trust in the agency. A spirited defense of good officers who have done the right thing is essential to recruit and maintain good officers. There must be push-back against unwarranted or uninformed criticism. Officers must feel secure when they make a tough decision that is correct. They must know that they will be supported by leadership.

Procedural justice
For the last two decades policing has become more effective because agencies are both better equipped and better organized to fight crime. Our nation's crime rates, particularly violent crimes, are at historic lows. Yet, while policing has become more effective, the public's assessment of them and confidence in them has remained flat and, in certain communities, confidence has declined.

One explanation might be that the public cares much more about how police interact with them than they care about crime rates. Procedural justice, as a concept, must be based on treating people with dignity and respect, being neutral and transparent in decision-making. Police leaders should embrace this concept, particularly within their own organization. By establishing trust first between law enforcement executives and the rank-and-file officers, officers can then re-establish trust with the communities they protect.

Racial reconciliation
Like many of the issues presented here, reconciliation between police and the community must begin with law enforcement executives. Gulfs between communities and the police may be a result of the direct experiences and the historical memory a community holds with respect to police interaction and treatment. This is true for law enforcement as well, which holds its own collective memory and impressions of direct experiences and interactions with the communities they serve. If there is a lack of trust, the goal of public safety becomes that much harder for the police to achieve.

In addition, members of the community, especially community leaders, media personalities and other policy-makers and opinion-shapers should take care not to tear down the reputation of officers or agencies or allow their own bias to negatively impact the community as a whole. This is especially critical on matters of public safety. If those who have the trust of the public then abuse that trust by actively undermining the trust and confidence of the community in legitimate authority and law enforcement agency, public safety suffers.

Community engagement and dialogue
Positive interactions with the community can build trust and establish relationships. Good leadership is a key component of community relations, but this is also an area where rank-and-file organizations like the FOP can contribute as well. Police Athletic Leagues (PAL), Boys and Girls Clubs, Shop-with-a-Cop programs, Big Brother, Big Sister programs, Police Explorers and other public service and volunteer programs enable officers to show that they are truly members of the communities they serve.

Improving police and youth relations
Many of the programs mentioned above are positive ways that a police agency can interact with our nation's youth. The Police Explorer program in particular is a great form of outreach for youth.

Police leadership development

Police leaders are quick to cite the need for more training when a rank-and-file officer does not perform well. Yet, in many of these dysfunctional agencies, law enforcement executives are not held accountable for their actions. It is ironic but important to note that it is not the officers themselves who did not provide the training, it is very same leaders who criticized the lack of training who should have provided it.

Ideally, leadership training should start in the recruit training program. Leadership skills should be included with the other topics covered in annual in-service training whenever possible. Following this stair-step approach, an agency may wish to include more leadership-related topics as officers progress up through the ranks of the department. This is done sporadically now in courses geared toward promotions, such as First Line Supervisor or Patrol Sergeant, but as rank increases, the level and depth of leadership training the officer accesses should rise as well.

Organizations like the FOP can be of aid on this point as well. The FOP holds an annual and widely attended seminar entitled "Leadership Matters" and other police organizations have also developed leadership training programs. In addition, the representative organization and/or collective bargaining unit can be a real source of an agency's future leadership.
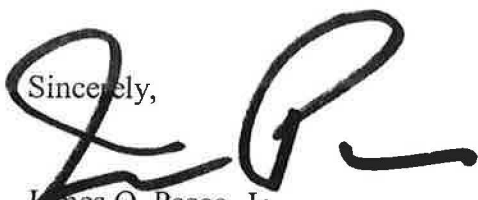
Unless an agency and the community are willing to hold police leadership accountable, it is difficult for departments to overcome resistance to change.

The role of police unions (and line officers) in building trust

We believe that a vibrant and dynamic union of law enforcement officers is critical to an agency's effectiveness. Studies have shown that public safety agencies who enjoy collective bargaining rights have better officer safety records than those without.

Police agencies that have fair and impartial policies, practices and procedures which respect and protect officers' due process rights will have high morale and be more effective in carrying out the law enforcement mission. Officers should know that their union is there to help them. Police executives who have good relationships with their unions will be more effective managers. After all, how can we earn the trust of the communities unless police executives trust their officers and officers trust their leadership. In New York City, we are seeing a very clear display about what happens if an agency loses faith in its political leadership.

I will conclude by thanking you again for seeking out the perspective of the rank-and-file officer. Please know that National President Canterbury and the more than 330,000 members of the Fraternal Order of Police are eager to participate and assist you and the other members of the Task Force. Please do not hesitate to contact me if I can be of any additional assistance.

Sincerely,

James O. Pasco, Jr.
Executive Director

BUILDING PUBLIC TRUST AND LEGITIMACY

The Mission of the NLPOA is to eliminate prejudice and discrimination in the Criminal Justice System (particularly Law Enforcement); to create a fraternal / professional association that provides support, advocacy, personal and professional development to its members; to prevent and reduce juvenile delinquency; and to lessen neighborhood tension in minority communities through awareness and role modeling.

STRENGTHENING PUBLIC TRUST THROUGH POSITIVE COMMUNITY CONTACT AND RELATIONSHIPS

Relationships

The National Latino Peace Officers Association (NLPOA) founded in 1974, recognized very early the impact positive relationships between law enforcement and communities can have. Our core values and goals have been centered on this concept. Promoting equality and professionalism in law enforcement, recruiting minorities into law enforcement, bridging the gap between minorities and law enforcement has been our focus.

As budgets become more and more strained, police departments must learn to use other resources to accomplish their mission of providing a safe and secure community. Associations such as the NLPOA, can be the tip of the spear in creating positive community relationships, especially in those predominately African American and Latino neighborhoods. Although the NLPOA is a Latino founded organization and comprised mostly of Latinos, we do not discriminate, our membership is open and our community efforts cross all borders.

There are several areas our chapters usually address with the same tactics, fostering relationships with the community, community engagement & dialogue, and improving police and youth relations. First, we have realized since the 70's that actual engagement is the key, policies do not fix problems, actual dialogue and contact do. We also have understood that early positive contact between police and youth is essential. Children and juveniles, whom are tomorrow's adults quicker than we think, need to see police in a positive light. This is accomplished by working through grade schools to conduct such activities such as book readings, drug awareness, cadet programs, mentorship programs and scholarship programs. Annual charity events are also used to reach out to the less fortunate. The NLPOA has programs such as Christmas en el Barrio, Three Kings etc. in which thousands of dollars are raised using a community policing concept that uses an AHOC committee comprised of four to five businesses, other police agencies and a county commissioner in charge of the school district we are looking to reach. Each year a different school is selected and every child regardless of race, grades kindergarten through fifth grade receives a toy for Christmas. These tactics place us face to face with business in the community, local government, less than fortunate children and their parents, and school officials to foster good relations, community engagement, while improving the image of police in the eyes of the public and children.

As stated above we also, pour thousands of dollars toward scholarships for those looking to attend college. Many chapters have developed professional screening methods and select students who have a chance to succeed but who need that little extra to get over the hump. We also engage in leadership summits as instructors for high school students. Those looking to graduate can see and hear from a police officer in their community speak about the career and the leadership challenges they face. It also allows the students to see someone like them in the position already; this is powerful in allowing a child to believe they can be a police officer also. For adult outreach many agencies already have citizen academies and are starting Hispanic Citizen Academies as well. Many of our members are solicited to participate in these bilingual academies in an attempt to reach out to the community and educate them in policing.

Lastly, the NLPOA has recognized the lack of trust between first generation Hispanics and police. Many come from areas where the police are as corrupt as the criminals. This has led to many of them being victimized by their own people, because they know they will not go to the police out of fear they are corrupt, or of fear of being deported. However, we do know many go to church on Sunday, and have respect for their priests and

pastors. Holding one day retreats in a partnership with the parish's, providing a platform where a sheriff, chief etc. can come and speak to the congregation about the department and how the department is there to protect and serve them is pays huge dividends. The day also consists of brainstorming sessions in small mixed groups of parish and police where concerns are listed, and a debrief format is utilized where the concerns can be openly spoken about and addressed.   People want to feel they are being heard and this is a good way to reach out and listen while utilizing community leaders such as priests and pastors to gain trust and develop legitimacy in those hard to reach areas.

Racial Reconciliation

Recent events in Ferguson and in New York clearly show there is plenty of healing still needed in areas of the country. Whether it's Hispanics or African Americans, police agencies must understand they cannot continue to operate in the same manner. Training in racial profiling, ingraining the "sanctity of human life" into use of force training, fair and impartial police training, Interpersonal Communication and Inclusive Leadership can all go a long way in creating awareness to the many challenges a department faces. Training can arm police with tools of understanding, rather than fear. We always say, if you train an officer on it, they will use it. If the only training they receive is in the physical, such as weapons, and weaponless defense, then it is no mystery as to why a beating or shooting takes place when the officer is confronted with a hostile situation. As Lt. Grossman states "we don't rise to the occasion in an emergency, we sink to the level of our training". Once an understanding is gained then you can begin to heal old wounds. The above mentioned community events can serve as a vehicle to promote positive contact and interaction.

Additionally, there must be an effort to connect with community leaders in the event of a shooting, command staff can walk the area and speak with neighbors and those effected by the shooting. This can help to relieve tensions and show the community the department values life and is truly regretful the situation had to turn out as it did. If the officer is as fault accountability must be swift and transparent.

Hiring a Diverse Workforce

Many complaints have been heard by the NLPOA on this topic from various parts of the country. As the economy hit a down turn those areas of the department deemed non-essential were cut or eliminated. Recruiting sections were some of the first to be cut back. Unfortunately, many were reduced to one person. Regardless of the race of the one individual or gender, it is still not a true representation of the population. Young children or those looking to get into careers such as police need to be able to see themselves in that position. If you are white and only see black recruiters, or Latino or female and only see white, it will be hard for a person to imagine themselves as an officer.   If a department is truly committed to a diverse work force, then there must be appropriate racial representation at the recruitment level. The mistake is to believe positions applied for will always be there. Each time a position is filled it is filled for 20 – 30 years depending upon the department. The NLPOA isn't suggesting hiring any race for the sake of hiring, obviously you want quality over quantity. However, there must be some incentive to attract qualified candidates equally and recruiting is the initial mechanism for attracting equality.

Police Leadership and Development

Police leadership and development has been relatively the same over the twenty six years of my career. An officer gains experience on the street then after a while decides to promote and begins to read some leadership books or take some classes. The problem as we all know, is that in this field you do not enter a widget maker. You enter a leader and a person in charge. It is at this beginning level where first contact is made with the public and the point of greatest liability. There needs to be a greater emphasis at this lower level on leadership and emotional intelligence training. It's essential as leaders of departments bring new ideas to their troops such as community policing, that the troops have the training and education necessary to understand the concepts. Classes promoted by the DOJ and COPS office such as Fair and Impartial Policing are on the right track. Additional topics such as inclusive leadership and emotional intelligence are gaining favor as well. In either case the focus must be at the point of greatest liability, the officer level waiting till they are ready to promote is too late.

Conclusion

There are many ideas to solve cultural problems and prevent another Ferguson. These ideas need only be consolidated. Many minority organizations and associations such as the NLPOA have been leading the way in this area for some time, but without the support of many departments the benefits are isolated. The NLPOA has its own budget and resources, a department can benefit greatly by supporting and attending many of our events. Our membership is open to any race and the communities we benefit are also diverse.

Research has shown that departments that do not mirror their populations tend to have more problems than those that do. For example a department in Ferguson where the population is predominately African-American should have a police department that mirrors those demographics. Departments that remain all white or predominately all white even when the demographics of the neighborhood have changed is setting itself up for failure and for conflict. Police departments tend to be slow to change and the easiest way to facilitate change is to change the recruiting officers. If a department does not have a balance of different races and ethnic backgrounds in the department the best way is to start with that balance in the recruiting office.

We at the NLPOA strive to eliminate prejudice and discrimination and are committed to working with the local, state and federal government to do our part and help our neighborhood and government to be a better place to live and work. We realize that the community is the eyes and ears of the department and we cannot be successful as law enforcement without our eyes and ears. We work for the community and when we have their support in what we do we can be very successful. We appreciate the opportunity, and look forward to working on solutions with the DOJ and COPS office to solve our nations policing problems. In the past our issues were over looked and our concerns were not listened to. We are very appreciative that our input is being solicited and that we may be able to be a part of the solution to bringing about peace in our communities.

Executive Summary and Recommendations

Enactment of federal legislation outlawing the use of race and ethnic background as a sole criterion for law enforcement in the practice of law enforcement and traffic enforcement.

Require all states to monitor and apply sanctions to departments that violate enforcing traffic and arrest enforcement to races and ethnic groups at greater rates than their population percentages.

The requirement for all law enforcement to have at least four hours of racial profiling training every four years along with training in cultural diversity and include racial and ethnic sensitivity training and provide sanctions for those agencies and officers that do not attend this training.

Initiate early warning tracking on all law enforcement officers who enforce traffic and arrest laws to minorities at

a rate greater than their population census rates.

Require and provide sanctions to all law enforcement agencies to ensure that they screen out through the use of psychological screening any law enforcement officer who shows signs of racial and ethnic insensitivity.

Require all law enforcement agencies to have a written policy against the use of racial profiling and sanctions for any officer who violates the policy.

Require by federal law that when a law enforcement officer makes a stop that it be documented on their worksheet including all information on the stop such as the date, location, reason, race, gender, and ethic background. All law enforcement should seek out how to change public perception on racial profiling and demonstrate compliance with constitutional requirements.

Thank you,

Andrew P. Peralta, National President

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The President's Task Force on 21st Century Policing
Tuesday, January 13, 2015
The Newseum at 9:00am

Testimony by Carmen Perez

1. Carmen introduces herself, gives brief description of The Gathering for Justice and Justice League NYC
2. Carmen talks a little about growing up in Oxnard, California in a Black and Latino community with strained relationships with law enforcement
3. Carmen describes her professional history working inside prisons and with formerly and currently detained juveniles, along with her current work with Justice League
4. Brief overview of Justice League's activities over the past month
5. Outline Justice League "demands" that have federal implications (see below)
6. End Testimony

- We believe that transparency and accountability is key to reform. We the people have a right to the publication of data on police practices and police abuses including but not limited to data on deaths in police custody, cases of police brutality, data on policies like search and seizures, stops, arrests, and detention practices.

- We believe that the appointment of a Special Prosecutor in cases of police brutality and excessive use of force, including deadly force, should be automatic. We can eliminate the politicization of these kinds of cases by creating a standard by which the SP appointment is guaranteed.

- We believe that legislation should be drafted to clarify the rules of engagement between the police and the community and to make illegal the use of lethal force, including the chokehold, except to protect against serious, imminent physical injury to the officers or the public. Currently in counties like New York, the chokehold is against department policy, but it is not a criminal offense.

- We believe there should be comprehensive new training programs implemented across the country for ALL officers – to include Crisis Intervention Training, Harm Reduction and Cultural Identity Training, and De-Escalation Skill Training – to eliminate racial bias and police brutality. In San Antonio, Texas, Crisis Intervention Training has been hugely successful, leading to serious reduction in incarceration rates, especially among mentally-ill individuals, who make up a large percentage of the current US prison population.

- We are calling for an end to the criminalization of young people in the US school system. The "school-to-prison pipeline" targets primarily youth of color and has

created a generation of young people growing up incarcerated. Some important reforms in this area would include the removal of "resource officers" or "safety officers" from schools, which would significantly reduce the numbers of juveniles in detention.

- Further, we believe that Decentralization is an important key to repairing the trust between individuals and law enforcement in black and brown communities. When police officers serve in the communities in which they live, violence and abuses go down, public safety goes up, and trust is built.

- Finally, Carmen will outline her plans for a Federal Mandate on System-wide Accountability for Juvenile and Criminal Justice Systems.

**International Association of Campus
Law Enforcement Administrators, Inc. (IACLEA)**

David L. Perry, President

<u>**Testimony**</u>

President's Task Force on 21st Century Policing

Thank you for the opportunity to submit testimony on behalf of the 1,200 colleges and universities and 2,000 individual members of the International Association of Campus Law Enforcement Administrators, Inc. (IACLEA). We are preparing a more detailed report with specific recommendations in cooperation with the IACP University/College Police Section and the National Center for Campus Public Safety. We will submit this report to the Task Force prior to its January 30, 2015 deadline.

In response to the Task Force mandate, IACLEA, the IACP and the National Center disseminated an online survey to identify current practices employed by campus public safety agencies which foster strong relationships between law enforcement and the communities we serve.

Here are some of the highlights of this survey:

- 51.8 percent of responding agencies said they use specific and articulable recruitment and selection strategies for identifying officer candidates who are highly aligned with community policing philosophies and practices. Among the practices are: pre-interview written supplemental in which the candidate explains his or her community volunteering or community interactions prior to applying to the police department; interview questions that evaluate community-oriented policing knowledge and commitment, and evaluating candidates in part on their view of customer service as it relates to public safety. Other techniques include a traditional panel interview with community-oriented policing questions, emotional intelligence, written exercise and role play scenario.
- 62.5 percent of responding agencies said they have a formal training program that includes components of community policing, bias-free policing, and de-escalation strategies. Examples include one agency that requires all officers to attend a selected training program of which many are designed to focus on community policing, diversity and problem solving abilities. Another agency requires recruits attending the training academy to develop and implement community outreach projects as part of their training curriculum. All of this agency's training focuses on de-escalation and over the past four years this agency has reduced use of force by 65 percent.

- 60.7 percent of respondents said their agency has an outreach program that has been effective in reducing fear and mistrust and building cohesion between the campus community and the police or public safety department. Examples include a quarterly community "Coffee with the Chief" program, officer bicycle patrols, a campus safety committee that meets regularly, a ResCop program in which officers talk to students who live in the residents halls, ride along's and educational outreach programs. One agency mentioned it has a Community Relations unit whose specific function is outreach and educational programming for the campus and surrounding community. Another uses a Liaison Officers program in which each patrol officer is assigned a primary and secondary building and they devote their efforts into building an active community within the tenants of those facilities on an academic health center campus. In addition to completing annual community surveys, each officer completes two citizen contact cards per month, in which the community member is asked, "Do you feel safe on campus?" There is room on the form for an explanation. In our experience these types of programs are fairly typical on college campuses.
- 89.3 percent of responding agencies said they emphasize community engagement in their operations. Techniques for fostering community engagement include assigning officers to specific areas and groups to provide programming, encouraging foot patrols and bike patrols, various safety programs, involving key stakeholders in problem resolution, involvement by officers on various campus committees and councils, assignment of officers as resource officers in residence halls, academic building and organizations to establish proactive relationships, and community relations units.
- 87.5 percent of respondents reported that their campus public safety department regularly meets with faculty, staff and student groups. These programs include meetings with student and faculty groups, participation in threat assessment teams, pedestrian safety working groups, open forums, presentations on campus safety topics, housing crime prevention programs and other outreach efforts.

In addition to these survey results, IACLEA member agencies shared some of the programs that have been most effective in promoting community engagement and community policing. These include:

- Safe Santa Fe Program, implemented by the Santa Fe College Police Department in Gainesville, FL. Recognized by IACLEA with its 2013 Innovations in Community Oriented Policing Award, the Safe Santa Fe Program has five key platforms: branding and messaging, community policing partnerships, professional development, technology and hardware, and expansion and flexibility. As an example of community policing partnerships, the Santa Fe College Police

Department has conducted Safe Santa Fe training with students and most notably regularly attends weekly student government meetings. Some of its most effective internal partnerships have involved greater awareness of crime detection and reporting by facilities staff, an often overlooked unit of eyes and ears on the campus. Other formalized partnerships began in 2012 with training to groups such as new employees, adjunct faculty, student affairs, staff on satellite campuses and the displaced homemaker program. Santa Fe College has formal mutual aid agreements with five law enforcement agencies and the State's Attorney's Office, as well as informal agreements with other agencies. It offers the popular Rape Aggression Defense (RAD) course several times a year, free of charge and open to women on and off campus.

- Wake Forest University in Winston-Salem, NC, offers a program called Deliberative Dialogue. Sponsored by the Campus Life Division, this innovative program provides a forum for students, faculty, and staff to engage in moderated discussion about issues of central importance to the campus community. One of the most recent dialogues covered include diversity and inclusion. http://clde.wfu.edu/deliberative-dialogue/

- Wake Forest has also formed a bias response team with the support of its senior leadership, the Division of Campus Life and the Office of Diversity & Inclusion. This program is intended to facilitate the development and implementation of a campus-wide bias incident response system. Students, faculty and staff are encouraged to use this system to report bias-related incidents they have witnessed or experienced. http://reportbias.wfu.edu/

- Another agency reports that its officers attend LGBT and Diversity Club meetings so they get to know the concerns of others and the members of these groups get to know the police.

- Florida State University reports that it has several programs to promote community engagement, but the most effective component is the officers' daily actions to create opportunities for positive engagement with members of the community.

- Bike and foot patrols, adopt an officer programs, Coffee with the Chief, assigned patrols in residence halls, and even serving late night breakfast before final exams were also mentioned as effective programs to promote community engagement and community policing.

RECOMMENDATIONS

- Incorporate into officer recruitment and employment interviews specific strategies, techniques and practices that ensure candidates possess community policing skills and are familiar with the concepts of community oriented policing.
- Include components of bias-free policing and de-escalation strategies into officer training programs. At the policy level, adopt standards similar to IACLEA's Accreditation

Standard 4.1.3. Bias-Based Profiling Prohibited, which involves a written directive barring officers from engaging in bias-based enforcement activity.

- Create or expand partnerships with community groups and key stakeholders in the community to ensure effective ongoing communication and mutual understanding. There are numerous examples in campus policing of partnerships with groups in the university community and the community at large that ensure effective outreach and communication to promote mutual understanding and respect.

- Incorporate a community oriented policing philosophy at all levels of a law enforcement agency. One of the most effective strategies for building public trust and community engagement is the adoption by law enforcement agencies of a community policing philosophy. Community policing is defined as "a philosophy that promotes organizational strategies, which support the systemic use of partnerships and problem-solving techniques to pro-actively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime." ("Community Policing Defined," COPS Office). Community policing is an integral part of the philosophy of most U.S. campus public safety departments.

- Sponsor Town Hall meetings with the community to de-mystify law enforcement and solicit feedback on current problems in the community with the goal to bring together stakeholders to solve these problems.

- Hold "Coffee with the Chief" sessions with key officials in the community to build trust and cohesion.

- Consider where feasible assigning officers to defined patrol areas and train them to interact in a positive manner with the community.

- Develop a comprehensive program to support community relations and engagement. A good example is the Community Relations Initiative developed by Trinity University in San Antonio, TX. IACLEA recognized this program with its Innovations in Community Oriented Policing Award in 2014. In developing its program, Trinity University identified these objectives: educate police staff on the principles of community policing, market the new and innovative police department to the community, and implement programming to support the needs of the community through community interaction. The university police department's self-directed work team, known as the "Community Awareness and Resource Team" or CART, has connected with the campus community. The university sponsors crime prevention initiatives, including a residence life meet and greet at the opening of the fall semester, student appreciation days, sexual assault awareness training, theft prevention programs, and alcohol awareness campaigns.

CONCLUSION

IACLEA commends the Task Force for its commitment and dedication to the goal of enhancing 21st Century Policing. We believe the answer to building community engagement lies in a commitment to build trust though outreach, education, mutual respect, and effective two-way communication. The principles of community oriented policing should be an integral part

of officer training and law enforcement agency policies and practices. While we recognize the implementation of community policing entails the allocation of resources, the benefits in engendering trust and community engagement are well worth the price.

IACLEA intends to submit a more detailed report in cooperation with the IACP University and College Police Section and the National Center for Campus Public Safety before the January 30, 2015 deadline. Here are some **resources** that may be helpful to the Task Force:

Campus Community Policing at Historically Black Colleges and Universities: A Guidebook for Law Enforcement and Community Representatives, COPS Office
http://ric-zai-inc.com/Publications/cops-w0712-pub.pdf

IACLEA Accreditation Standards
http://www.iaclea.org/visitors/professionaldevelopment/accreditation/documents/IACLEAStandardsManual-Ed1.2-Aug2014.pdf

Michigan State University
http://police.msu.edu/field-services-bureau/uniform-division/community-policing/

University of Michigan
http://police.umich.edu/?s=tcop

Boston University
http://www.bumc.bu.edu/publicsafety/crimepreventionandeducation/policing/

University of Illinois
http://dps.illinois.edu/universitypolice/crimeprevention.html

Richard Stockton College of New Jersey
http://intraweb.stockton.edu/eyos/page.cfm?siteID=48&pageID=16

University of California, Irvine
http://www.police.uci.edu/safety/community_policing.html

Tufts University Police
http://publicsafety.tufts.edu/police/community-policing/

Buffalo State University SUNY
http://police.buffalostate.edu/community-policing

Winthrop University
http://www.winthrop.edu/police/default.aspx?id=20387

Rutgers University
http://rupd.rutgers.edu/units.shtml

Georgetown University
http://police.georgetown.edu/programs

PICO RECOMMENDATIONS FOR STOPPING POLICE ABUSE AND IMPROVING POLICE/COMMUNITY RELATIONSHIPS

As the largest faith based community organizing network in the country, we are heartbroken by the killing of Michael Brown by a police officer and by the subsequent police violence against non-violent peaceful protestors, including mothers and children and clergy and journalists in Ferguson.

The Live Free Campaign of the PICO National Network seeks to create communities in which all people – regardless of race – are able to move through the world as valued human beings, with equal opportunity and freedom from violence and unjust incarceration. Congregations in 18 states and 200 cities are partnering to build these communities across the country.

Sadly, we know that this is not an isolated incident. People of color are subject to widespread police violence on daily basis. In October of 2013 Andy Lopez, 13 was gunned down as he walked across a field carrying a pellet gun. On July 17th, Eric Garner was choked to death by a police officer after breaking up a fight in Staten Island, New York. And again, on August 5th, at a Walmart store in Beavercreek, Ohio police killed John Crawford, apparently after mistaking a toy gun he was holding for the real thing.

Racial profiling, over-policing, and the militarization of the police have made acts of police brutality pervasive in our nation. This reality is a direct result of implicit bias that infects police policy and practice across the country. The popular myth that men of color are more likely to be involved in drug use or gang violence is in direct conflict with what we have found on a daily basis through our Ceasefire work. Through data driven problem analysis of police records, it has been proven time and time again that the drivers of violence in communities only make up 1% of the community population.

Given both the lack of accountability of police departments and other local, state and federal law enforcement agencies for police misconduct and the fact that these tactics do not work in reducing crime, there are several opportunities for the Department of Justice to increase transparency and hold police departments accountable for police misconduct. The recommendations below come from the Hand Up, Don't Shoot Coalition and the Center for Popular Democracy.

Recommendations:

1. Condition all Federal Law Enforcement funding to include the mandate found in the *Violent Crime Control and Law Enforcement Act* requiring annual reporting about the use of excessive force by local, state and federal law enforcement.

2. Ask DOJ to undertake an extensive and comprehensive investigation into the systemic abuses by police departments and make specific recommendations for police training and community engagement strategies.

3. Ask that the Department of Justice condition Byrne JAG funding and other grants to state and local law enforcement agencies on adoption of recommended training and community involvement strategies, a first step could be to condition dollars specifically for cities currently or previously under DOJ investigation.

We have also included the petition circulated by the Dream Defenders and support the following policy demands listed in that petition.

1. The avoidable shooting and killing or otherwise murdering of an unarmed citizen who does not have an outstanding warrant for a violent crime should be a federal offense.

2. Choke holds and chest compressions by police (what the coroner lists as the official cause of death for Eric Garner) should be federally banned.

3. All police officers must wear forward-facing body cameras while on duty. They cost just $99 and are having a significant, positive impact in several cities around the United States and the world. Turning them off should warrant immediate termination.

4. A trusted 3rd party business should monitor and store all videos from forward facing cameras.

5. Suspensions for violations of any of the above offenses should be UNPAID. If a third party review board clears the officer, the back pay, which could sit in escrow could be given back to the officer. If found guilty, the money in escrow should be given to prevent further police violence.

6. All murders by police must be investigated, immediately so, by a trusted and unbiased third party. It is not sufficient for the police, who are like a family, to investigate a murder by one of their own.

7. Convictions for the above offenses should have their own set of mandatory minimum penalties. The men who killed Diallo, Bell, Grant, Carter, Garner, and others all walk free while over 1,000,000 non violent offenders are currently incarcerated in American prisons.

Below are some important reflections from interviews with young people and clergy when asked about the nexus between gun violence, criminalization and police-community relationships:

Finding the Nexus: Policing, Criminal Justice Reform & Gun Violence Prevention

1. **How would you describe the impact of gun violence for communities of color?** *The impact of gun violence for communities of color is best summed up in my mind as **cascading traumas**. The vulnerability of black bodies has been a consistently historical burden for black*

families to carry and endure since our forced relocation to the United States in slavery and our subsequent dehumanization through legalized oppression. The lethality of guns in my lifetime has become the singular expression and source of trauma for black people in my communities of ministry and service. The reality is that not only death is caused by guns, but even survivors of gun violence are forced to carry within their person the trauma of hot metal, ripping through their flesh, by another human being, often not prosecuted or removed from their community, is the cascading nature of trauma. The compounding nature also of this trauma is the persistent grief and mourning most community members are faced with for victims and perpetrators of gun violence. Given the frequency and volume of gun violence, there is never a time in my communities of ministry and service where we are not in mourning for the loss of lives. It is a heavy burden to carry.

2. **What do you see as the major sources of violence in communities of color?** *Structural Racism; American culture is saturated with violence and guns; The accessibility of guns in urban America; Unresolved Trauma, Anger, Fear & Pain, Intersecting with Poverty & Hopelessness; Underfunded Violence Prevention Programs; The Drug War, Over policing and State Sanctioned Violence Against Black Communtiies*

3. **What role do guns play in violence in communities of color?** *Geoffrey Canada has a great book entitled, "Fist, Stick, Knife, Gun", which talks about the escalating nature of violence in black communities, which is reinforced largely through socialization and structural racism. Guns represent the highest and most lethal expression of power in vulnerable communities, particularly when social and civic institutions of family, justice and opportunity abandon communities. In my youth, guns were neither as prevalent nor used as a solution to daily conflicts. The presence of guns in many cases has made lethal violence to easy of a possibility for minor offenses. It has cheapened and diminished the value of life. And has made flashpoints of anger and rage too often permanent tragedies rather than temporary crises which with time can be overcome.*

4. **What do you see as the primary response(s) to gun violence in communities of color?**
   a. Who is primarily tasked with carrying out this response? *Every community has responders that fill certain roles. I think there are Healers (clergy, firefighters, medical professionals, maternal elders, girlfriends/wives/aunts/sisters, surviving friends), Peacemakers (clergy, street outreach workers, health workers, sometimes law enforcement), Enforcers (police officers, parole officers, district attorneys, judges), Escalators (rival firearm offenders, violent groups, police officers)*
   b. Describe the impact of this response on:
      i. Gun violence – *Most responses to gun violence reinforce the trauma of communities. The fracturing of human relationships resulting from both lethal and non-lethal instances of gun violence is permanent, leaving high levels of anxiety, distrust and often paranoia. When the first responders are often enforcers or escalators, the effect is exacerbation and not de-escalation. This dynamic often means there is little to no space for healing or peacemaking, which creates a cycle of fear, retaliation and unresolved anger.*

ii. Communities of color – *Our experience has shown us how Healers and Peacemakers can actually unite communities around shared pain and create conditions for resolution and repair. By using spiritual practices, art, restorative justice practices and other strategies that are culturally relevant and led by communities of color, the response can be meaningful and impactful. When the responses are imposed, lacking empathy and heavy handed, the pain and trauma is more pronounced and long lasting.*

iii. Police-community relations – *In my experience, the greatest accelerator of police-community relations is the way police respond to incidents of gun violence. I have seen too many instances when police are seen laughing, smiling and joking at the scenes of deadly shootings. I have also seen expressions of anger and violence by police officers towards community members who are grieving or trying to gather information in the aftermath of shootings. The relationships between law enforcement and community members are often determined in the most tense and painful spaces, as well as the most constructive and problem solving spaces. So how we respond to these tragedies and how we create spaces where we can collectively and collaboratively solve these problems are the biggest factors in improving police community relationships.*

c. What are the primary roadblocks to reducing gun violence? Are there agencies or organizations or policies that are preventing effective responses? How and why are they opposed? *I believe the primary roadblock to reducing gun violence is the lack resources, which is a sign of the fundamental lack of value people and institutions in every segment of our society assign to black bodies. The Black Lives Matter movement is an effort that began as a cultural pride declaration post-Trayvon Martin to galvanize black pride/value among black communities. The public awareness of police violence in the past six months has brought this mantra into the mainstream as both an intra-racial declaration and a national political demand to our social, civic, justice and political systems. It seems to me that law enforcement agencies and the larger criminal justice system have an inherent bias against black bodies that is often unconscious but still very concrete. A good book to read on this is Khalil Gibran Muhammad's The Condemnation of Blackness. I also believe there is a political disincentive for Progressives/Democrats to champion these issues due to their concern for being soft on crime, their largely White leadership structure who care little for black suffering beyond political expedience and an underdeveloped racial analysis that accounts for implicit bias and racial anxiety. I have found the Conservative/Republican political posture to be easier to organize and respond to given their clear assumptions about black issues. Without political leverage and champions, social agencies and justice structures in our country will remain unresponsive and ineffective. Policies like stop and frisk, broken windows theory, racial profiling, felon disenfranchisement, police abuse, excessive force and militarized policing are examples of policies that get in the way of progress. The greatest organizational obstacle is police unions. There resistance to police reform, violence prevention strategies, restorative justice practices, and other 21st century police ideas maintain racist police practices and structures which breed lawlessness and vigilantism in black communities manifested as gangs and violent groups.*

Because the 21ˢᵗ century policing tactics, strategies and lessons are applied with little requirement, incentivizing and accountability, the scaling up of what works is inadequate. The technical assistance is underveloped and underfunded. And police chiefs are often left to their own experiences and training, often grounded in a period of the 1980s/1990s Tough on Crime philosophy of police terror and violence. With more resources, political accountability and professional incentives, I believe the field of policing could accelerate.

5. **What do you see as the most promising strategies for reducing gun violence in minority communities without increasing disproportionate minority contact with the criminal justice system or compromising community-police trust?** *My singular recommendation for reducing gun violence in urban communities is the violence reduction strategies known as the Boston Ceasefire Model. It has gone through several iterations, but its most powerful and core assumptions remain. A very small number (less than 0.5%) of a cities population drive over 60% of gun violence. These incidents are largely driven by group conflicts and require a collaboration of community members, clergy, police, social services, district attorneys, federal prosecutors, job and education programs, street outreach workers and the formerly incarcerated to work in synergy to provide off ramps and interventions for those caught in these cycles. The components of these strategies are often implemented individually and while they provide varying levels of success or failure, the collaborative approach has consistently reduced gun violence, reduced number of folks going to jail and accelerated community and police relationships.*

6. **Are there any other things you think we should know about the intersection between policing strategies, racial justice and gun violence?** *I believe the most critical intersection is the groundbreaking work of Jennifer Eberhart, Phil Goff, Tracey Meares and our growing network of colleagues who have figured out a way to collapse the implicit bias, violence reduction strategies, community organizing, procedural justice and police legitimacy trainings. The attached paper by Ted Heinrich is an important contribution, summary and framework that have informed how we do our work. I encourage you to read it and take the lessons learned there to heart. The moment we are in with growing anti-police sentiment is palpable. The backlash against racial justice and gains in the era of Obama is real. And while we are seeing reductions across the country in gun related crimes, the loss of life in black communities is still too high, traumatic and often left to black communities to solve on our own. The intersectionality of these issues can work to change these assumptions of who is responsible and how can we move forward with collaboration, resources, leadership and strategies.*

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Testimony of the Insight Conflict Resolution Program
To the Task Force on 21st Century Policing
RECOMMENDING **Insight Policing** as a procedurally just policing practice that builds
community trust and police legitimacy
January 9, 2015

The Insight Conflict Resolution Program recommends that the Task Force on 21st Century Policing recommend scaling up and evaluating Insight Policing as a procedurally just policing practice that helps officers in the field predict and prevent crime while building trust and legitimacy.

Insight Policing

Insight policing is a policing practice that was developed between 2012-2014 through the Retaliatory Violence Insight Project (RVIP) in partnership with the police departments of Lowell, MA and Memphis, TN, both Smart Policing sites. RVIP was developed as a demonstration project and funded by the Bureau of Justice Assistance (BJA) as part of its larger effort to foster innovative and effective approaches to predicting and preventing crimes of retaliatory violence and homicide.[1]

RVIP discovered that when police officers augment their standard law enforcement training with the conceptual and practical skills associated with the Insight approach to conflict analysis and resolution – or as we have come to say, when they are trained in Insight policing – they become favorably positioned in the course of their regular duties to ameliorate two linked and seemingly intractable problems of law enforcement: retaliatory violence and police legitimacy.[2]

What favorably positions officers who have been trained in Insight policing to ameliorate these problems is Insight policing's demonstration that criminal behavior—from retaliatory homicide to insubordination toward a police officer—is often at the same time conflict behavior. When officers can use their keen ability to be attentive to the environmental and visual cues that indicate threat and probable cause of criminal behavior to be attentive to the behavioral cues of conflict behavior, a set of relevant questions opens up for them that enables them to engage with

community members on their own terms, meaning in terms of the community member's own self-understanding and decision making. When officers are able to engage with community members on their own terms, they are able to deescalate high tension situations, delink the threat that they pose as officers of the law, and enforce the law and prevent crime with legitimacy.[3]

RVIP collected both quantitative and qualitative data on the effectiveness of its trainings. In quantitative data, 80% of officers either agreed or strongly agreed that training in Insight policing enhanced their ability to recognize that retaliatory crime is also conflict behavior. 80% either agreed or strongly agreed that the training developed their ability to defuse the feelings of threat animating conflict between citizens. 80% either agreed or strongly agreed that the training enhanced their ability to defuse the feelings of threat citizens have about their encounters with police officers. And, 75% of officers either agreed or strongly agreed that:

- they had found Insight policing skills useful in their work as police officers
- they found citizens to be more cooperative when they used Insight policing
- they would like to become more proficient in Insight policing.[4]

In qualitative data conducted approximately one year after the training to assess its longer term impacts, officers reported the positive impact of Insight policing during routine, but often contentious, policing activities: warrant pick-ups, traffic-stops, responding to shots fired, and the like. In particular, they reported enhanced legitimacy as law enforcement officials as evinced by:

- an enhanced ability to deescalate contentious encounters
- increased cooperation and compliance on the part of community members,
- more precise decision-making on their own part, and
- a reduction in unnecessary or preventable arrests.

They also recommended that Insight policing be institutionalized and integrated into their respective police academies and in-service training programs.[5]

Two Examples of the Impact of Insight Policing

To illustrate the difference that Insight policing has made for officers, below are two examples of how it has affected their police practice, particularly in garnering the cooperation of community members. For, it is well known that in order to successfully investigate, prosecute and close criminal cases, cooperation is key. A constant refrain among officers is that "talking to people solves cases." One of the greatest obstacles to solving cases of retaliatory violence,

however, is the unwillingness of community members to cooperate in investigations because of a lack of trust.

One night, three Memphis police officers who had been trained in Insight policing were called to respond to a shooting. When they arrived at the scene, they found a group of young men congregated at the back of a house that had received multiple hits in a drive by shooting. The young men refused to tell them anything about the incident. The officers reported that if they had they followed their usual practice, they would have hand-cuffed the young men and taken them to the police station for possible booking on probable cause of gang-related activity. They said their goal in handling the situation this way would have been twofold: on the one hand, to use their leverage as law enforcement officers to coax some useful information about the crime from the young men, and on the other, to keep them temporarily off the streets in order to suppress the possibility of retaliation. Instead, however, the officers refrained from arresting the young men and responded to their recalcitrance by asking a series of targeted questions characteristic of Insight policing.

Their training in Insight policing enabled these officers to recognize the subtle but important difference between asking questions designed to solve a crime and asking questions designed to address the conflicts that spontaneously arise between themselves and community members in the course of their duty. They began by asking questions aimed at getting the information they needed to solve the crime:

"What did you see?"

"What can you tell us about the shooting?"

"Who do you think might have done this?"

It didn't take the officers long to learn that the young men had decided to stonewall them, and that as a result, they faced a decision of their own. How were they going to respond to this repudiation of their authority as officers of the law? As noted above, they could have called upon the legal powers vested in them as police officers and taken the young men into custody. Instead, they decided to shift the focus of their investigative curiosity from obtaining details about the shooting to understanding the motivation for the conflict behavior evinced by the young men.

"So it seems you've decided the best thing to do here is not to talk to us about the shooting. Do I have that right?" Upon receiving wry confirmation of this assessment, the officers pursued a line of questions aimed at discovering how the young men arrived at this decision.

"What makes keeping information from us the best thing to do here?"

"What are you worried might happen if you talk to us?"

"What are you hoping to achieve by acting this way?"

Needless to say, it triggered feelings of threat in the young men to experience police officers rolling up on them in the aftermath of a drive-by shooting, and they spontaneously adopted a defended, hostile, and uncooperative stance. However, when they experienced these same police officers being curious about them on their own terms, these young men not only found their expectations confounded and their sense of threat mitigated; they also found themselves spontaneously pondering the relative merits of their decision to stonewall the officers. This release of their inner curiosity about their own decision in turn freed them to imagine a wider range of possible responses – including the response of talking to the officers about what had happened. Indeed, the officers reported that during the course of this encounter, the young men changed their minds about being uncooperative and decided instead to volunteer critical information about the shooting. This in turn enabled the officers to apprehend the shooter later that evening.

In another case of noncooperation, an officer detailed to serve a warrant on a man wanted in connection with murder reported a similar experience. While looking for the man, the officer reported that he and his partner come across the brothers of the wanted man. As he put it, the brothers "were real uncooperative with us." However, when the officer used his Insight policing skills to inquire into the reason for their conflict behavior, he discovered that the "guys had had a bad experience with the police, where the police just immediately arrested them without hearing their side of anything, without taking the time to find out what was going on… And they thought it was the same way with this situation." By wondering about their concerns and by hearing them out, the officer was able to defuse the brothers' concern that they were about to be arrested. As a result, the brothers changed their minds about being aggressively uncooperative and their conflict with the officers dissolved. As the officer described it, he was able to "talk to them and win their trust over so that they eventually turned their own brother in for the murders that he had committed." The officer expressed amazement that the brothers were willing to bring him and his partner directly to their brother, and that when they did, he willingly surrendered. There was no fight and no struggle. The officer stressed that this "kind of cooperation doesn't happen very often. Not unless you really listen to the story." His Insight policing skills had helped him to do so.

Officers in Memphis and in Lowell are recognizing the value of Insight policing skills, especially in situations that otherwise could easily escalate. According to officer reports, Insight policing "is helping keep [us] stress free" and "keeps things from blowing up real bad." Officers are noticing that they are less reactive to the conflict behavior of the community members they encounter, are more curious and are listening more. "The biggest difference I notice as a result of the training," commented one officer, "is that I have more of a listening ear. I allow the other party to express themselves. It's a more positive interaction." Another remarked: "with the Insight training we gained the opportunity to ask more questions rather than just assume." Being curious, listening and not assuming "is helping in enforcement," commented another. "Once we understand what is motivating people, and see that the decisions people make are logical, we ask, is there more? What is it? And how can I help change this?"

RVIP collected dozens of examples of Insight policing, documented in its final report to BJA, that show how Insight policing skills augment the policing skills of officers to enforce the law and prevent crime while building trust and bolstering legitimacy. The key is recognizing when behavior that could be criminal is also conflict behavior.

Recommendations

While RVIP formally closed out in July 2014, interest in Insight policing is growing. Conversations are in process with the police department of Montclair, NJ and there has been interest from police departments in Northern Virginia, Washington, DC and Richmond, CA.

In order to serve the need, we must

- Bring Insight policing to scale
- Develop an officer train-the-trainer program to make Insight policing a sustainable component of agency practice
- Evaluate the impact of Insight policing on officers and police agencies
- Evaluate the impact of Insight policing on community trust and police legitimacy

There are many useful programs that build trust between police and the community. However, as one officer put it, "relationship building becomes tricky when we have to enforce the law with people who we've built trust with."[6] Insight policing provides a practical set of skills that enables officers to defuse and transform the conflicts with community members that so often arise over the legitimacy of their authority in the course of their ordinary policing activities, opening the way for procedurally just law enforcement and effective crime prevention.

[1] BJA National Initiatives: Enhancing Law Enforcement FY 2011 OMB No. 1121-0329. Grant # 2011-DG-BX-0011.

[2] The connection between retaliatory crime and police legitimacy is illuminated by Kubrin and Weitzer, who positively correlate high crime in structurally disadvantaged neighborhoods to retaliatory crime and Kane and Samuel, who show that retaliation is rooted in marginalization from and mistrust in mainstream justice. Meares and Fagan, Papachristos, Meares and Fagan, and Luna, follow Tyler as they further demonstrate the marginalizing effect of suppression on perceptions of police legitimacy and decisions to comply with the law. C. E. Kubrin and R. Weitzer, "Retaliatory Homicide: Concentrated Disadvantage and Neighborhood Culture," *Social Problems* 50, no. 2 (2003): 157–80. Robert J. Kane, "Compromised Police Legitimacy as a Predictor of Violent Crime in Structurally Disadvantaged Communities," *Criminology* 43, no. 2 (2005): 469–498. Laurie Samuel, "Retaliatory Homicide: The Impact of a Lack of Faith in the Police on Violence" (presented at the American Sociological Association, Montreal, 2006). Tracey L. Meares and Jeffrey Fagan, "Punishment, Deterrence and Social Control: The Paradox of Punishment in Minority Communities," *Ohio State Journal of Criminal Law* 6, no. 173 (2008). Andrew Papachristos, Tracey L. Meares, and Jeffrey Fagan, "Why Do Criminals Obey the Law? The Influence of Legitimacy and Social Networks on Active Gun Offenders," *The Journal of Criminal Law & Criminology* 102, no. 2 (2012): 397–440. Erik Luna, "The Use of Force in Minority Communities: A Case for Institutional Design," *Law Enforcement Executive Forum* (May 2003): 58–68. Tom R. Tyler, *Why People Obey the Law* (New Haven: Yale University Press, 1990).

[3] Mazerolle et al., demonstrates that police legitimacy is enhanced when police-citizen encounters are accompanied by procedurally just dialogue. Lorraine Mazerolle et al., "Legitimacy in Policing: A Systematic Review," *Campbell Crime and Justice* 9, no. 1 (February 1, 2013), http://campbellcollaboration.org/lib/project/141/.

[4] See RVIP's July 2013 bi-annual report for a complete reporting of training evaluations.

[5] See RVIP's 2014 final technical report for complete reporting of interview evaluations.

WRITTEN TESTIMONY BEFORE PRESIDENT OBAMA'S TASK FORCE ON 21ST CENTURY POLICING:

Thank you for the opportunity to speak today at this first public listening session of the President's Task Force on 21st Century Policing. Thank you to the Task Force co-chairs, as well as my fellow panelists, Mayors Johnson, Nutter and Landrieu.

Today's topic on building trust and legitimacy are at the forefront of what we have been working to improve in Baltimore, and I am eager to share some of our successes, as well as how the federal government can be a partner in some of the initiatives we are working to implement moving forward.

Over the past several months, we have all seen where the need to build trust between communities of color and law enforcement is an area in need of constant attention. We must remain vigilant in our quest to ensure that our police officers are respectful and accountable – while maintaining our focus on providing safe communities for residents, businesses and visitors.

Baltimore has made tremendous progress in reducing violent crime, but we still struggle to repair the breach between community and police. Four years ago, Baltimore City reached a pivotal moment in our city's crime fight when for the first time in many years our year end homicide number was less than 200.

As I toured many communities, I expected residents to feel good about the progress being made and acknowledge that Baltimore was turning a corner in the decade's long history of violence that had plagued our city for generations.

Instead, I heard that while residents acknowledged the significance of the homicide reductions, they were equally concerned about the tactics used by police officers in order to achieve the crime reductions we were experiencing.

Four years later, Baltimore is in a much better place with finding the right balance between being tough on crime and building bridges of trust with the community.

In 2014, Baltimore experienced a 10 percent decline in homicides, as well as a drop in every major crime category – shootings, robberies and burglaries. We have seen significant decreases in the number of excessive force complaints and lawsuits filed against police, while at the same time more residents are reaching out to law enforcement with helpful tips to take violent criminals off the streets. We have demonstrated that Baltimore can learn from its past.

Previously, Baltimore had experienced decreases in crime, yet many neighborhoods felt under siege due to high numbers of arrests. Recent statistics show us striking a better balance, and

police-community relations improving as a result. This past year, we achieved both reductions in violent crime as well as reductions in the number of arrests made.

In 2015, my Administration will continue to work aggressively at ridding our streets of violence and building better relationships between police and the community. We will implement our new police schedule to put more cops on the street during peak periods of crime. We will work in partnership with the Department of Justice's COPS Program to bring additional transparency and accountability to policing, as well as implement a thoughtful and comprehensive police body camera program.

The federal government can be a strong partner in our efforts in build better relationships between the police and community. A good start is a focus on better training for our police officers. They need to learn more than the logistics of policing, but also the broader significance of their role in our society.

My administration has focused police interactions with the community on three core principles – impartiality, legitimacy and procedural justice – and training for the entire department centers on those principles. Our department is adding ethics lessons and situational training exercises – more opportunities for officers to get hands on experience in the proper ways to work with members of the community. The goal is building the belief in every officer that a safe neighborhood can't be achieved without the trust and confidence that comes from community engagement.

But there's more to be done when it comes to training. Our police commanders are constantly seeking additional dollars, both to develop best practices and to then teach those practices to our officers and our developing leaders. If there is any place where the federal government and U.S. Department of Justice could produce a tangible impact on our officers and our efforts, it would be to provide more resources in this area.

Additional grant funding should also be made available to help local jurisdictions expand their internal affairs divisions to better hold law enforcement accountable when they act unlawfully. One of Baltimore's strategic goals is to have Internal Affairs comprised entirely of supervisors. This creates a higher level of accountability in the investigations and ensures that officers are being held accountable for their actions. Having grant funding pay for those positions would expedite that process.

A key focus should also include better utilizing technology to build trust with local communities. Body cameras are the next step in policing. To purchase, issue, maintain, and replace body cameras will be expensive. The bigger expense will be the storage of all the data they record. It is no longer a luxury, but a necessity to hold bad officers accountable and to defend good officers from false accusations. Body cameras are a necessary tool for restoring public trust and something I know the Obama Administration has indicated a commitment too. Having access to the federal funding set aside for the cameras will help Baltimore become one of the first major cities to implement a program city-wide.

Let me conclude by reiterating the deep appreciation and admiration that I have for all of the men and women who work so hard to create safe communities in Baltimore. I know that they face tremendous challenges, and I know the vast majority of them agree that dignity and respect are at the core of strong community policing. Thank you for the opportunity to share our experiences in Baltimore. I look forward to answering any questions.

Hi,

My name is Tess Raser, I'm a 25 year old teacher in Brooklyn, NY, and I received your information from my friend, Lucas Turner-Owens. I have been very active in community organizing in New York and in the Black Lives Matter movement. I've also been working closely with a lot of parents who have lost their children to police violence.

Here are some ideas I have on policing.

Police Training

-Police chiefs, captains, leaders, etc. should be elected by a board of community members.

-Police training needs to be more rigorous (a model for that, is how teacher training has changed). This training should NOT be costly, as police are frequently working class people who should not be burdened with costly training.

-Police training should not just be tactical. Police need to learn about the communities they serve, the communities' historical relationships with the police, it should be philosophical and focused on policing as a means of supporting and working on behalf of communities.

-Currently in NYC most police are trained to shoot at the chest, stomach and head. Instead, police would be taught to shoot at the legs to avoid fatalities, but this would be seen as a very, last resort.

Community Involvement

-The police would answer to the community. All community members are to hold police accountable. We've been handing out whistles to community members so that they can blow the whistle on everyday police brutality and bullying tactics. The whistles are empowering, as community members will start to blow their whistle once they hear one being blown, and they give people a voice who are scared of the police. Ideally, the police would respect these whistles as an alarm to them not as confrontational.

-There would be community boards focused on police accountability and the police would have to answer to these boards--reports on arrests, stops. So that were not abusing their power to arrest. This would be the opposite of quotas checks.

-There would be community mediating groups (like the Interrupters in Chicago) who would be on call to mediate and deescalate violence between gang members or just any community members. The police's first response would be to use these groups as mediators before any use of violence and aggression.

-The police would not ever have military-grade weapons or equipment.

-The police would serve communities from which they come. Similar to school districting, police members should come from their communities so that they feel a greater sense of obligation to the care of the community.

-In violent situations, the police would sooner risk their own lives before using deadly force.

Policing

-Stop and Frisks and Broken Windows policing would end.

-Arrests would only be made when they were absolutely necessary.

-The mentally ill and homeless would be helped by the police who would have departments just focused on finding shelters, free rehabilitation clinics, and free mental health care for these people who they serve. These costs would possibly have to come from the police.

Police Accountability in their Use of Violence

-If ever a police officer killed anyone (suspect, someone running away, in a struggle, a witness, anyone!) there would be no grand jury case to decide whether or not the case should be brought to trial. The officer would immediately be brought to trial. That officer would immediately lose his weapon and badge.

-Reparations would be paid to all families who are victims of police violence at the expense of the police department, in every case.

 -All current officers who have murdered people will be fired, jailed and made to pay reparations of those families (this includes people murdered in police care. For example:

        -NYPD officer Louis Rivera who murdered Malcolm Ferguson in 2000

        -NYPD officer Daniel Pantaleo who murdered Eric Garner in 2014.

        -Detroit officer Joseph Weekley who murdered Aiyana Stanley Jones in   2014.

Thanks,

Tess Raser

Prepared Testimony of Vikrant P. Reddy

Senior Policy Analyst, Texas Public Policy Foundation

Before the President's Task Force on 21st-Century Policing

January 13, 2015

Members of the Task Force, thank you for the opportunity to appear before you today to discuss this important issue. My name is Vikrant P. Reddy, and I am a senior policy analyst in the Center for Effective Justice at the Texas Public Policy Foundation. TPPF's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers with academically sound research and outreach. We seek to advance these goals in several different policy areas. My work concerns research and advocacy in the area of criminal justice.

We are here today because of several high-profile interactions between police officers and civilians that have resulted in tragic civilian deaths. This task force exists, in part, to recommend policy reforms that will produce fewer police-civilian interactions that result in death or serious bodily injury.

The most obvious way to have fewer police-civilian interactions that result in injury is, of course, to have fewer police-civilian interactions, period. To this end, one of the most significant things that federal, state, and local governments can do to improve policing is scale back the extraordinary number of criminal laws in America.

When the U.S. Constitution was ratified, it provided for three federal criminal offenses: treason, counterfeiting, and piracy.[1] Today, there are approximately 5,000 federal criminal laws scattered throughout the U.S. Code.[2] These are separate from the approximately 300,000 agency regulations that carry criminal penalties.[3] There are also thousands more crimes at the state and local level. In my home state of Texas, approximately 1,300 criminal offenses are located outside of the state penal code.[4] This includes eleven separate felonies relating to oyster harvesting.[5]

What happens when police officers observe people committing these "crimes?" Yale Law Professor Stephen Carter says that he advises his "first-year students never to support a law they are not willing to kill to enforce … [because] the police go armed to enforce the will of the state, and if you resist, they might kill you."[6]

This seems common sense. Some crimes will be noticed by the police. The police are going to enforce the prohibition against those crimes by confronting offenders, perhaps seeking to make an arrest. In a small number of cases, these confrontations will become violent, and in a very small number of cases, these violent confrontations will result in death. This is inevitable.

That is why policymakers more often need to ask themselves Professor Carter's question before passing new criminal laws: is this a law that I would be willing to kill to enforce? Americans are generally

willing to kill to enforce traditional criminal laws, such as those against murder, rape, and robbery. It is difficult to find many Americans, however, who would be willing to kill enforce oyster harvesting violations.

In the sad case of Eric Garner of Staten Island, for instance, Mr. Garner was killed during a police confrontation that arose from his underlying crime of selling untaxed, individual cigarettes, rather than packs, on a street corner. Selling individual cigarettes—colloquially called "loosies"—is a crime in New York. This criminal law was almost certainly passed in order to crack down on the profit incentive created by New York's onerous cigarette taxes. (Individuals can purchase cigarettes cheaply in low-tax states and then sell them in New York for a profit.) The New York cigarette tax, in turn, was probably passed with the laudable goal of reducing smoking among New Yorkers.

Nevertheless, as well-intentioned as the goal may have been, I doubt that many policymakers asked themselves: 'Is this a law that I am willing to kill to enforce?' Had they done so, I suspect that the law—however well-intentioned—would not have passed. Policy-makers cannot pass laws of this sort, and then imply that they did not expect police officers to enforce them. That makes a mockery of the rule of law.

To some extent, policy-makers can limit police-civilian confrontations by passing laws that are enforced through citations, rather than arrests. (In Texas, for instance, we have a Class C misdemeanor classification for crimes for which officers have the discretion simply to write tickets.) While I strongly encourage policy-makers to look for opportunities like this, I want to caution that it will not be a panacea. A small number of offenders will repeatedly ignore citations, and at some point, an arrest will need to be made. Again, a small number of these arrests will become violent, with tragic results.

For this reason, policymakers should focus, first and foremost, on identifying crimes that can be eliminated altogether—not merely reclassified.

I also want to take a moment to discuss how this recommendation might help improve police morale and the trust between police officers and civilians.

A county attorney in Texas once told me that people who dream of becoming prosecutors do not spend their days in law school dreaming about prosecuting petty crimes. They dream of prosecuting murderers, rapists, and drug kingpins. Those are the cases that bring them professional renown and personal satisfaction.

I suspect the same thing holds for police officers. I doubt that young men and women training to become officers are dreaming of arresting people for selling "loosies" or for harvesting oysters at the wrong time of day. I imagine that they want to find and arrest murderers, rapists, and drug kingpins. Let police officers prioritize their time and energy on fighting serious crimes, and I think you will find that police officers develop better morale.

I think you will also find that this will lead to police officers developing better relationships with the people in the communities that they are policing. Few people perceive police officers to be unreasonably harassing their neighbors when officers make arrests for violent crimes, or theft, or property destruction. They do perceive harassment, however, when officers make arrests for actions that historically never would have been considered crimes. This perception of harassment leads to a diminution of trust, and this diminution of trust could have significant public safety consequences. Individuals should trust police officers enough to alert them about serious crimes. That may not happen if an individual is resentful of the police presence in his or her neighborhood.

Finally, I want to say something about "broken windows" policing and other law enforcement strategies that focus on targeting low-level crimes. These policies should generally be continued—and there is absolutely nothing inconsistent about advocating for both broken windows policing and the reversal of overcriminalization.

Some crimes, while they may be "low-level," are legitimate crimes—in the sense that they carry moral blameworthiness, have directly identifiable victims, and would traditionally have been recognized as criminal acts—and police officers should certainly enforce the law against these crimes. Graffiti is an excellent example. Graffiti is perhaps a "low-level" crime in the sense that it does not involve violence. Nevertheless, graffiti is the destruction of someone else's property, and law enforcement should not ignore it.

When police officers in New York City began taking graffiti—and other similar crimes—more seriously in the 1990s, crime rates began a rapid decline. It is also worth noting that, according to the Vera Institute for Justice, incarceration also declined in New York.[7] It would be incorrect to assume that "broken windows" policing was responsible for the entirety of the crime and incarceration decline, but it seems sensible to argue that the policy was responsible for at least a portion of the decline. On the metrics Americans care about the most—reducing crime and reducing incarceration—Broken Windows worked.

The only respect in which Broken Windows has been problematic is that it may have eroded the trust that some individuals have in police officers. We can solve this problem without getting rid of Broken Windows altogether. The solution is to reduce the number of crimes.

Issuing a citation—or in rare instances, making an arrest—for graffiti is a legitimate use of police power, and in the long run, it will result in less crime and less incarceration. On the other hand, halting adults from selling individual cigarettes to other adults is a less legitimate exercise of power. Because of the erosion of trust that such policing produces, it is not clear that crime rates and incarceration are significantly affected. The only thing that is clear is that such policies are an invitation to police-civilian confrontations—some of which will end with tragedy.

To conclude, I want to let the task force know that we are aware of the complexity of this problem. There may be modifications to police procedure that could result in fewer tragedies when police confront civilians. I will leave it to others, however, to present some of these ideas, as this is not a focus our research. My goal today is to explain not what the police officers need to do—and not even what the civilians need to do—but rather what the policy-makers need to do. Policy-makers must bear some culpability for the recent tragedies that have drawn worldwide media attention.

We will see some progress in police-civilian relations if policy-makers recognize their role in these confrontations, and if they more often ask themselves Professor Carter's question before proposing or voting on new crimes: 'Am I willing to kill to enforce this law?'

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[1] Edwin Meese, III, "The Constitution and Crime," *Washington Times*, Sep. 15, 2010.

[2] Testimony of Steven D. Benjamin on behalf of the National Association of Criminal Defense Lawyers before the House Committee on the Judiciary Overcriminalization Task Force Re: "The Crimes on the Books and Committee Jurisdiction," July 25, 2014, at 4-5.

[3] Id.

[4] Vikrant P. Reddy, *More Law, Less Justice: The Proliferation on Non-Traditional Crimes in the Texas Legal Code* (Texas Public Policy Foundation October 2014), 1.

[5] Chapter 76 of the Parks & Wildlife Code governs oysters, and section 76.118 assigns penalties for various oyster offenses. *See* TEX. PARKS CODE ANN. § 76.118 (Vernon 2011). If an offender has been found guilty on two or more

occasions in a five-year period of having violated sections 76.101 (Oyster Licenses Required), 76.107 (Sale of Sport Oysters Prohibited), 76.109 (Night Dredging Prohibited), or 76.116 (Oysters from Restricted Areas), then his third offense within that period is a felony. Ibid. Similarly, if an offender has been found guilty on just one prior occasion of having violated section 76.109 and section 76.116, then the offense is a felony. Notably, this figure, which was tabulated by my colleague Marc Levin of the Texas Public Policy Foundation, was rated as "mostly true" by the fact-checking organization Politifact. The fact-checkers only rated the figure as mostly true because they suggested that under a different counting methodology, the number of oyster crimes in Texas is actually *even higher* than the Texas Public Policy Foundation alleges: sixteen altogether. *See* W. Gardner Selby, "Scott Henson says Texas has 11 different felonies you can commit with an oyster," *Austin American-Statesman*, March 27, 2013.

[6] Stephen Carter, "Law Puts Us All in Same Danger as Eric Garner," Bloomberg View, Dec. 4, 2015.

[7] Michael P. Jacobson & James Austin, *How New York City Reduced Mass Incarceration: A Model for Change?* (Vera Institute for Justice January 2013).

President's Task Force on 21st Century Policing

Testimony by
Dennis P. Rosenbaum, Ph.D., Professor of Criminology, Law and Justice
Director, Center for Research in Law and Justice; Executive Director, National Police
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University of Illinois at Chicago

January 9, 2015

For students of history, the current crisis of legitimacy in policing and the need to restore public trust and confidence in minority communities is not a new phenomenon. It has been around since the beginning of organized policing in the United States, where the police served as instruments of society's desire for slavery, Jim Crow segregation, and continued discrimination in virtually as segments of life.[i] My first recommendation is to learn from that history and the many commissions that followed critical events. Racial reconciliation would be a good start, but the problem requires other actions as well.

We have also learned from history and experience that successful problem solving involves several steps: identify and accurately diagnose the problem; propose and implement strategies to fix it; evaluate the effectiveness of those strategies; and finally, revise the strategies based on feedback from the evaluation. (We often try to shortcut this process for convenience, politics, or lack of scientific knowledge, but we are not well served by such actions in the long run). To execute this optimal sequence of events means that we need to do our homework and work in partnership with others who bring special knowledge or experience to the table. One of the clear implications is that police leaders should work closely with the communities they serve to properly define the problem, but also work in partnership with police researchers who can offer a scientific, evidence-based approach to both defining and addressing the legitimacy problem.

As a researcher who has studied the police for many years, I am pleased to report that we now have an association devoted to building these types of partnerships. The Division of Policing within the American Society of Criminology was created in November of 2014 with the mission to "advance theory, knowledge, and practice in policing through rigorous research and evaluation." Speaking on behalf of the Division of Policing as the first elected Chair, we are committed to working with the President's Task Force and other groups to facilitate a dialogue among policing scholars, practitioners, policy makers, and community leaders.[ii]

August Vollmer, a police chief and professor who started the American Society of Criminology (under a different name) in the 1940s, focused on the application of science to the advancement of policing.[iii] Today, with guidance from Laurie Robinson, we have made great strides toward "evidence-based policing".[iv] The research community has made significant progress in determining what works (and what doesn't) in the realm of crime control and prevention. We have, however, spent very little time developing and evaluating programs to address the fundamental problem of fairness and legitimacy. The 2004 National Academies report emphasized the importance of police fairness in a

multicultural society[v], but since then, our actions have been timid at best. Granted, there is a substantial body of research on procedural justice[vi], but the translation of this work into police practice or new measures of police performance has been conspicuously absent.

Community policing was the last substantial reform effort to address public concerns about equity and fairness, and many of us wrote about the promise of this model in the late 1980s and early 1990s.[vii] The Office of Community Oriented Policing, created in 1994, has continued this promising tradition. So what went wrong? First, most police organizations failed to make the full organizational transition to this new model of policing and it was soon replaced in the news by computer-driven models of crime control and deployment that were more easily adopted by the traditional police culture and bureaucracy. In fact, many of us warned that new organizational pressures to achieve crime reduction results would exacerbate the problem of police-community relations in targeted neighborhoods,[viii] and that seems to have happened in some locations.

Second, the best examples of community policing in practice tended to focus on community engagement and neighborhood problem solving, but did not address the fundamental issue of negative one-on-one police encounters with persons of color or other vulnerable segments of society. This is the elephant in the community policing room. The Civil Rights Division of DOJ has addressed this problem repeatedly through consent decrees and other settlements stemming from a pattern or practice of excessive force against minorities, but with a few exceptions, leadership on this issue from the police and research communities has been lacking.

Thus, the time has come to turn our attention to factors other than crime control, such as the management and accountability of police organizations, police-community relations and police-community interactions. We also need to develop standardized measures of these processes, so that we can evaluate the level of change over time, determine what works, and create new measures of accountability. I address these briefly below –interactions with the community, management, and measurement.

Changing Interactions with the Community

When dealing with the community, clearly there is room for improvement with regard to transparency, accessibility, and engagement, as suggested by the Task Force. But research suggests that police legitimacy and public sentiment is often gained or lost the good old fashioned way – through the day-to-day interactions with the public. This is not the place to review a massive literature on procedural justice, but we must insist on fundamental change in the way the police interact with ordinary citizens and suspects. The media and politicians are obsessed with use of force issues, but tend to ignore the much more common complaints about police authority that may lead to force, such as being insensitive, rude, condescending, or humiliating to members of the community. In addition to advocating for respectful and unbiased policing (as suggested by procedural justice theory), "good cops" need to acquire a host of other social skills, and it is the responsibility of management and other stakeholders to see that this happens.

Our surveys of community members in more than 50 U.S. cities (funded by the National Institute of Justice) indicate that about three-quarters, on average, are satisfied with their recent encounter with a police officer. However, arguably, it is time to pay more attention to the one quarter than is unhappy with the police. Importantly, procedure justice during all of these contacts declines as agency size increases, as does the legitimacy of the agency (see charts attached). Thus, while jurisdictions like Ferguson exist, we need to pay special attention to larger cities and the dynamics that play out in these settings.

As we rethink officer preparedness, we need to relinquish the myth of the crime fighter. Most police work is <u>not</u> about fighting crime – it is about responding to emergencies, resolving conflicts, reducing disorder, controlling crowds, enforcing traffic laws, and dealing with a plethora of other problems that may lead to crime or force if not handled properly. Today, the police officer's job requires communicating with diverse groups of people – people of color, the LGBT community, victims of crime, the homeless, rebellious youth, and persons in altered states, whether facing a mental health crisis or abuse of alcohol or other drugs. These encounters require a great deal of interpersonal skill. Young officers on the street face difficult and ambiguous situations that can be a threat to their own safety and others around them. Officer discretion and decision making should not (and cannot) be eliminated, but should be shaped through education, training, rulemaking, supervision and discipline.

The job of policing is not only very difficult, but the expectations are very high. Vollmer made this point years ago: "The citizen expects police officers to have the wisdom of Solomon, the courage of David, the strength of Samson, the patience of Job, the leadership of Moses, the kindness of the Good Samaritan,… and finally, an intimate knowledge of every branch of the natural, biological and social sciences." The expectations are very high, but as a profession, frankly, not enough has been done to meet these expectations. Given the enormous demands of the job and the importance of the job, the best experts in the world should be involved in the recruitment, selection, and training of young police applicants.

Substantially more and deeper training is needed for new officers to fully understand and respond appropriately to a wide range of encounters. Innovative training on the dynamics of social interaction, communication, and conflict resolution is sorely needed in the profession. Interdisciplinary teams, including social scientists and community members, are not routinely involved in police training academies. Pedagogical models rarely go beyond "talking heads." Interactive scenarios tend to focus on arrest and control tactics, not on achieving social competence during encounters. Only on the shooting range do we see proficiency standards that must be met by officers. Proficiency should be required for de-escalation skills, exhibiting respect with hostile suspects, empathy and compassion for traumatized victims or persons having a mental health crisis, and many other interpersonal skills. When we begin to create standards in these areas and measure performance accordingly, the police culture will change and police legitimacy will improve.

Internal Change: Leadership, Management and Legitimacy

Leadership is critically important for establishing the mission and direction of the organization. Management should introduce cutting-edge policies regarding use of force, de-escalation, responding to mental health crises, and other critical areas of field performance. However, policies are meaningless without supervisory oversight, training, and new systems of performance monitoring (including early warning and intervention). Until officers realize there are real consequences for actions – both positive and negative – behavior will not change. This is a core scientific principle of human behavior management. Just as predictive policing and data analytics have been applied to identify at-risk and repeat offenders, the same technology should be applied to identify at-risk and problem officers. Prevention is much more cost effective than responding to lawsuits.

The community has spoken very clearly - they want to see police officers held accountable for their actions. Not every officer-involved shooting is justified and a transparent review process is key. But I can strongly recommend that discipline be fair and timely, otherwise the agency will lose the commitment of its police force and "de-policing" will occur. In our rush to make changes police officers should not be treated like pons in some large chess game. The same rules of human behavior that apply to the public apply to the police – they should be treated with respect by both management and the public, and given a voice in the change process. Innovation and change within the agency demands this type of treatment. Our national survey in 100 US cities found that, for police and sheriff departments with 600 or more sworn employees, more than half of the officers feel that the disciplinary process in their agency is unfair.[ix]

What we call "organizational justice" (procedural justice inside the agency) must be taken very seriously. We cannot expect significant reform in policing if senior executives are not trusted and respected by the rank and file. That is the definition of true leadership. Managers can achieve legitimacy by interacting with employees in fair and respectful ways, thus modeling the types of behavior they expect from officers during encounters with the public.

Leadership is also about changing the police culture by espousing values that align with respectful and constitutional policing and by changing the reward system. Too often the police culture informs rookies and other officers that a "good cop" is a combat warrior who must "win" and control every encounter, punish citizen non-compliance, and continuously hunt for "bad guys." Roughly 6 out of 10 officers in our national sample felt that "In certain areas of the city it is more useful to be aggressive than to be courteous." Good leadership can help employees assimilate values other than aggressiveness, control, and solidarity. There are many skills and values that need reinforcement, including fairness, respectfulness, honesty, compassion, cooperation, active listening, de-escalation skills, persuasiveness, problem solving, and social-emotional intelligence. When these are valued more highly in policing, police legitimacy will stabilize at a higher level.

Standardized Measurement

I have argued for some time that, at this moment in history, when equity and fairness in policing are considered as important as effectiveness, the measurement of these processes and outcomes is imperative."[x]   One of the best ways to change police organizations and police culture is to change the performance metrics. As a psychologist, I begin with the premise that all human behavior is shaped by rewards and punishments.

The National Police Research Platform, funded by the National Institute of Justice, is committed to developing a new set of metrics to measure organizational performance at the local level, including leadership, supervision, and street-level contacts with the public. The Platform also seeks to measure various aspects of police culture, from cynicism and solidarity to acceptance of diversity in the workforce. We strongly encourage the Task Force to learn from this work and seek ways to expand the Platform to a larger national sample of agencies. Standardized measurement is essential for measuring progress over time and testing innovation. Both employee and citizen surveys are included in the Platform (as well as existing agency and government data), and the survey items have been validated with dozens of agencies of different sizes and types. With a large sample of agencies, randomized control trials can be introduced and evaluated.

As August Vollmer observed in 1936, "No person in the community has more power to create respect for the government than an intelligent and sympathetic police officer." [xi] Therefore, we must do everything within our power to recruit and select the right people for the job, thoroughly train them in new styles of policing, mentor and supervise them in difficult situations, provide incentives and disincentives appropriately for specific behaviors vis-à-vis the community, provide a supportive, fair, and inspiring work enforcement, and provide routine feedback on standardized performance metrics. If we begin to hold officers accountable for the quality of service they can deliver to all members of the public, then can we expect that police organizations will generate sustainable public trust and legitimacy.

[The charts mentioned in this testimony can be located in the last endnote][xii]

i Williams, H., & Murphy, P. (1990). "The Evolving Strategy of Police: A Minority View." *Perspectives on Policing.* No. 13. National Institute of Justice, Office of Justice Programs.

ii To learn more about the Division of Policing, visit our new website (http://www.ascpolicing.org).

iii See Dr. Cody Telep's history of Vollmer and ASC on the Division of Policing website (above).

iv See Sherman, L. (1998). "Evidence Based Policing". *Ideas in American Policing* series. Washington, DC: Police Foundation. Also, see www.crimesolutions.gov and www.cebcp.org

v Skogan, Wesley G. and Kathleen Frydl (eds.,2004). *Fairness and effectiveness in policing: The evidence.* Committee to Review Research on Police Policy and Practices. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

vi See Tyler, T. R. (2003) Procedural justice, legitimacy, and the effective rule of law, in Tonry, M., (Ed.) Crime and Justice, 30, 431–505 (Chicago, IL: University of Chicago Press); Mazerolle, L., Bennett, S., Manning, M., Ferguson, P. & Sargeant, E. (2012a). Legitimacy in policing: A systematic review of procedural justice. Campbell Crime and Justice Group.

vii See Greene, Jack R. and Stephen D. Mastrofski (eds.,1988). Community policing: Rhetoric or reality? New York: Praeger. Rosenbaum, Dennis P. (ed.,1994). The challenge of community policing: Testing the promises. Newbury Park, CA: Sage.

viii Rosenbaum, D. P. (2006) "The Limits of Hot Spots Policing." In D. Weisburd & A. A. Braga (eds.), *Police Innovation: Contrasting perspectives.* pp. 245-263. Cambridge: Cambridge University Press.

ix Rosenbaum, D. P., McCarty, W. P., Mastrofski, S., & Fridell, L.A. (2014). "Organizational justice: Defining and measuring its impact on organizational commitment and rule violation in American policing." Paper presented at the annual meeting of the American Society of Criminology. San Francisco, CA. November.

x Rosenbaum, D. P. (2007). "Police Innovation Post 1980: Assessing Effectiveness and Equity Concerns in the Information Technology Era." *Institute for the Prevention of Crime Review,* 1: 11-44.

xi Vollmer, August (1936 reprinted in 1971), *The police and modern society.* Pp. 216; 222; Montclair, NJ: Patterson Smith

xii Charts below are based on preliminary survey data from 20,228 community respondents in 58 cities who had a recent contact with a police officer.

Overall Procedural Justice (Index)

Organizational Legitimacy
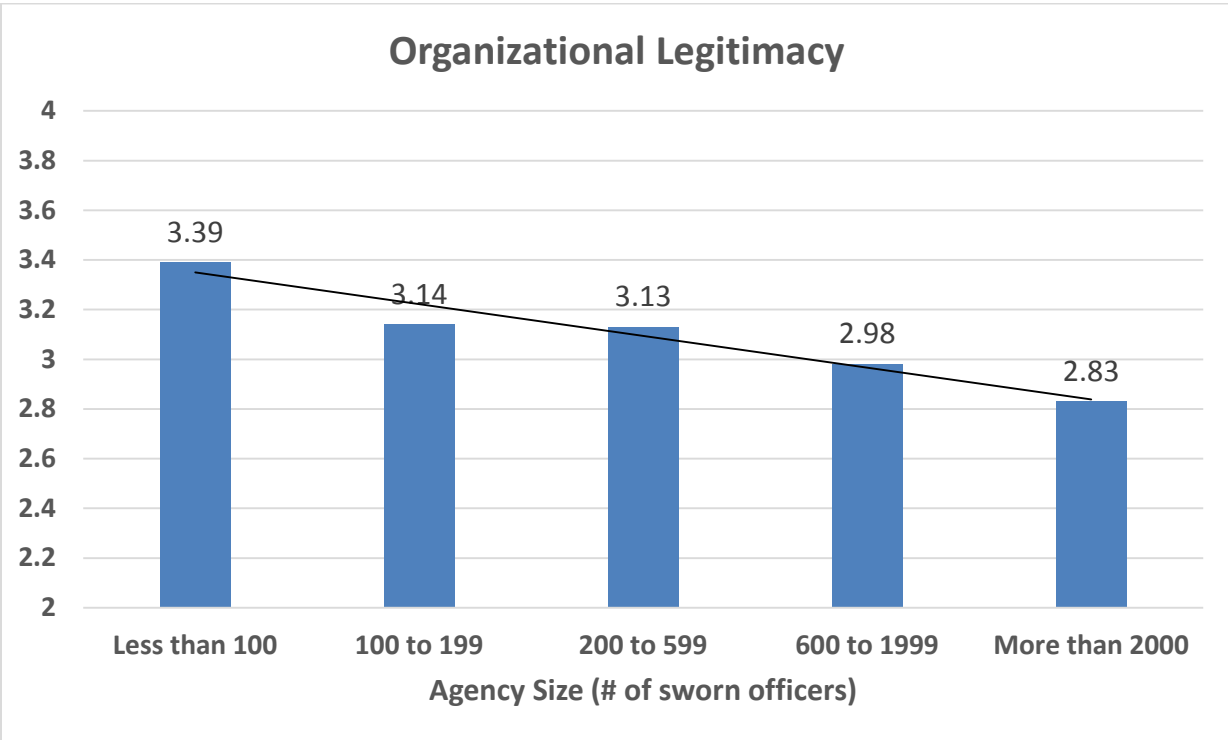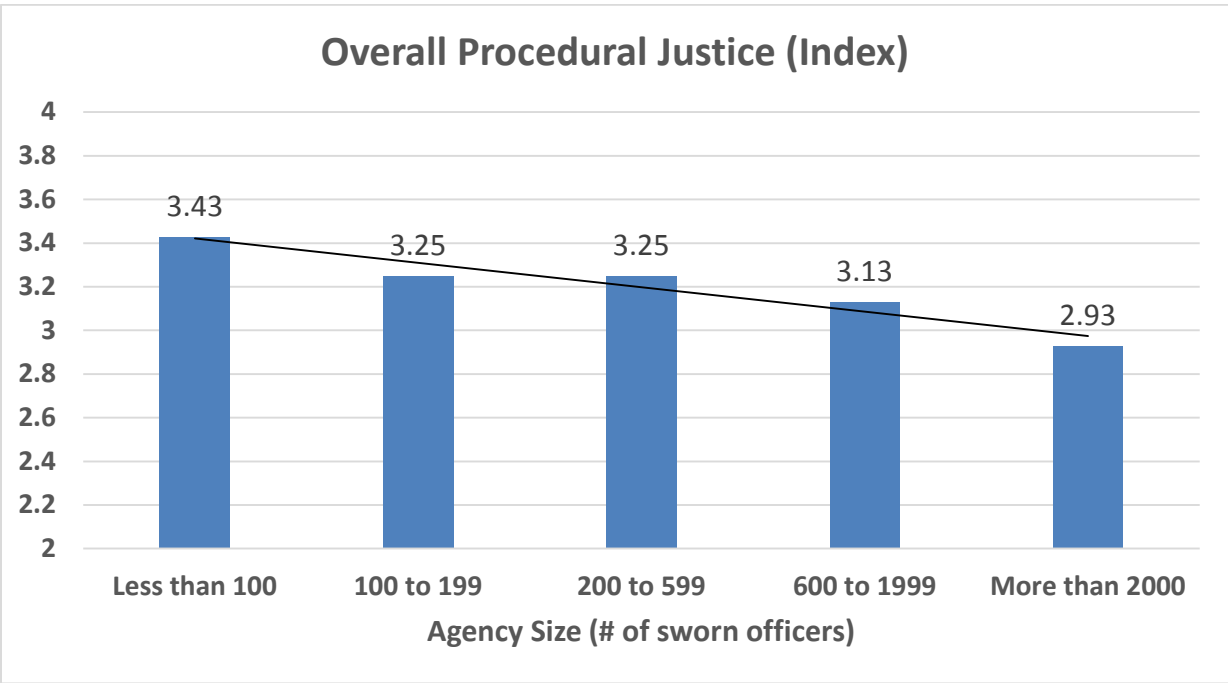
Attn:	President's Task Force on Policing in the 21st Century
	Office of Community Oriented Policing Services
	U.S. Department of Justice
	145 N Street, N.E. 11th Floor, Washington, DC 20530
Re:	Public Comments on Building Trust & Legitimacy
Submitted by:	The Local Initiatives Support Corporation (LISC)

Thank you for the opportunity to offer comments in advance of the first listening session of the President's Task Force on 21st Century Policing. The Local Initiatives Support Corporation (LISC) supports this effort to identify best practices for policing that help reduce crime while building public trust. We offer these comments based on our 20+ year history of fostering collaborative, results-oriented relationships between local law enforcement and low-income and minority communities around the country.

If you have any questions about our public comments, please contact Julia Ryan, Community Safety Initiative Director, at (212) 455-1618 or jryan@lisc.org.

ABOUT LISC
Established in 1979, LISC is one of the nation's largest non-profit community development support organizations, dedicated to helping community residents transform distressed neighborhoods into healthy places of choice and opportunity. With local offices in 30 cities and partners throughout Rural America, LISC mobilizes corporate, government and philanthropic support to provide local community development organizations with loans, grants and equity investments; local, statewide and national policy support; and technical and management assistance.

LISC's leadership in rebuilding neighborhoods challenged by crime and poverty has been well recognized by the White House. We have been particularly proud to contribute to the White House Neighborhood Revitalization Initiative in our role as the national technical assistance provider for the Byrne Criminal Justice Innovation Program since 2012.[i]

In that work and over our 35 year history, we have championed the power that community developers wield to reduce crime – by rehabilitating problem properties, by building collective efficacy among residents, and by creating economic opportunity in places where hope is in short supply. Our strategy for deploying those resources to complement progressive, evidence-informed law enforcement strategies has yielded sustained improvements in safety in cities as diverse as Los Angeles, Philadelphia, Boston, Jackson, Minneapolis, Milwaukee and Providence.

COMMENTS
We offer the following observations based upon two decades of experience working with police and community partners to improve safety and create both social and economic opportunity in distressed neighborhoods.

- **Building the capacity of trusted community groups in high crime neighborhoods is imperative to the success of community-oriented policing.**
  Communities with persistently high crime and violence are also often characterized by low social cohesion and collective efficacy.[ii] In LISC's experience, this is highly relevant to the mission of the Task Force. It is extraordinarily difficult for police to effectively and efficiently build collaborative relationships in neighborhoods that lack strong, locally credible organizations that mobilize and represent residents in dialogue with police. Building the capacity of trusted community groups in these neighborhoods is therefore imperative to make community-oriented policing work.

- **Adequately resourcing coordination of cross-sector partnerships is instrumental to bridging divides that may arise in challenged communities.**
  Building cross-sector partnerships between police and community organizations, as well as between police and other municipal agencies and non-profit service providers, is a worthwhile but resource-intensive endeavor. Good collaboration requires strong project management and political stewardship. Against a backdrop of distrust and disinvestment in communities, the stakes are high to ensure that cross-sector partnerships yield visible results. Providing adequate resources for the coordination of such partnerships is important. Over the last 20 years, LISC has invested in "safety coordinators" to address this need. Typically, these individuals are staff at non-profit organizations who are tasked with convening partners, developing workplans to address crime problems and facilitating mutual accountability. When tensions are high between residents and police, these coordinators have been instrumental to bridging divides to move concrete projects and programs forward. In the aftermath of crises, the relationships they have forged on both sides provide a solid foundation from which to pursue mutual assessment of challenges and pathways to reconciliation.

- **Investment in comprehensive efforts to address the interconnected challenges of high crime, high poverty neighborhoods is critical to strengthening communities and overcoming cynicism.**
  Concerns about police legitimacy in high crime, high poverty neighborhoods are related to community challenges that drive crime. Problems such as clustered vacant properties and blight, failing schools and unemployment are therefore also relevant to the Task Force's commitment to promote crime reduction while building public trust. Investment in comprehensive efforts that address the interconnected challenges of high crime, high poverty neighborhoods is important. In particular, programs such as Byrne Criminal Justice Innovation and others under the White House Neighborhood Revitalization Initiative are a critical step forward to strengthening communities holistically, creating an environment more conducive to collaborative community-police problem-solving and trust-building.

- **Support for data-driven and evidence-informed decision-making by law enforcement leaders and policymakers should champion efforts to meaningfully engage residents in program development, design and assessment.**
  The Obama Administration's commitment to supporting data-driven and evidence-informed programs in policing and criminal justice is important and should continue. In LISC's experience with BCJI and our Community Safety Initiative, we have observed that local leaders seeking to develop and implement responses to crime problems using data as well as input from residents often find that the two sources of information are inconsistent; residents' perceptions differ from what the data shows about where hot spots lie and what is driving crime. Navigating that disconnect poorly can fuel distrust between communities and police. Initiatives that recognize this complexity and provide time, funding and guidance to help local leaders manage it should be supported. The BCJI model offers one example for how local researchers and national technical assistance providers are aiding this work, by explicitly translating data for residents, developing their leadership skills and understanding of evidence-based practices, and involving them as key stakeholders in decision-making teams.

RECOMMENDATIONS

- **Expand federal support for comprehensive, neighborhood-based efforts to reduce crime and interconnected challenges of poverty and disinvestment in ways that champion collaborative problem-solving among community, law enforcement and local government leaders.** The Byrne Criminal Justice Innovation Program is an example of such an initiative for reasons cited above.

- **Expand opportunities for local law enforcement, particularly mid-level commanders and executives, to access training on how to build and sustain partnerships across sectors and with community leaders.** Investment by BJA in the "Developer + Police = Results" materials developed by LISC, by COPS in the *Building Our Way Out of Crime: The Transformative Power of Police – Community Developer Partnerships* book authored by Bill Geller and Lisa Belsky, and a forthcoming COPS/LISC curriculum on developer-police partnerships are examples.

- **Encourage accountability of local law enforcement to employ collaborative problem-solving methods, and to reward those officers who successfully build alliances or pursue non-traditional responses to crime problems in partnership with community groups.** Experiments with community-based Compstat and recognition by DOJ, IACP and Major Cities Chiefs of effective models are ways to support continued innovation in this area. In addition, the philanthropic leaders committed to My Brother's Keeper and related priorities could be encouraged to use their resources to celebrate best-practices and innovators, such as the way MetLife Foundation has honored and funded police leaders through its prestigious Community-Police Partnership Awards program for the last 14 years.[iii]

Thank you again for the opportunity to provide comment. LISC looks forward to continuing to contribute to the Task Force's important mission.

[i] The Byrne Criminal Justice Innovation Program (BCJI) is administered by the Bureau of Justice Assistance as part of the White House Neighborhood Revitalization Initiative. For more about BCJI and LISC's role, see www.lisc.org/bcji.

[ii] See work by Robert Sampson, including discussion in *Great American City: Chicago and the Enduring Neighborhood Effect* published in 2012 by University of Chicago Press.

[iii] Through the MetLife Foundation Community-Police Partnership Awards Program, LISC and MetLife Foundation have honored more than 100 partnerships between community groups and police which have yielded sustained crime reduction, increased trust and greater economic vitality in low-income and minority neighborhoods. For more information, see www.lisc.org/metlife.

January 9, 2015

Chief Ronald L. Davis
Executive Director
President's Task Force on 21st Century Policing

Dear Director Davis and Members of the Task Force:

Thank you for the opportunity to respond to the President's Task Force on 21st Century Policing on the topic of *building trust and legitimacy* for consideration by the task force. One topic that may seem less obvious in terms of police-community relationships is the issue of policing in schools. Yet in many communities, schools are a key point of contact between law enforcement and the community. In the context of the national dialogue engendered by the shootings at Sandy Hook, the federal government, states, and especially local school districts, have been wrestling with the appropriate role for police in the public schools.

Increasingly states have sought to place law enforcement in schools, particularly in urban settings, so that school age children are in regular contact with law enforcement. Yet states have not for most part institutionalized policies that promote accountability, transparency and effective training for law enforcement, especially developmentally appropriate training for interacting with the diverse student populations they encounter on a daily basis. The failure to provide clear guidelines that distinguish the role of law enforcement in school discipline and school safety matters may compromise the legal rights of children, and place our most vulnerable youth at risk of arrest or coming in contact with the juvenile justice system.

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Despite a rapid increase in the presence of police in schools, there have been very few studies of the effects and effectiveness of school-resource officers and other forms of law enforcement presence, making strong statements about the impact of school policing impossible. While school administrators are often positive about the presence of school resource officers, students, especially students of color, often see school-based police in a much more negative light. Some reports suggest that school police can be an effective element of a school safety program. Yet school policing has also been found to be associated with increases in school-based arrests for non-safety related behaviors, increased suspensions, and lower attendance, especially for students of color.

A school arrest is an important and often tragic first point of contact with the juvenile justice system for children and youth. It is a turning point that can alter the life course of a child, and constitute the difference between a successful transition to adulthood and a life course leading to deeper involvement in our justice systems. Appropriate training for school-based police across a number of key areas—youth and adolescent development; age-appropriate interactions and de-escalation techniques; trauma informed care; working with students with disabilities or mental health issues; understanding of and methods to reduce implicit bias; culturally responsive practices; and supportive social services or resources—can all help law enforcement exercise their discretion in a way that leads to positive results for our youth. In the absence of appropriate training and clarity with respect to the role of law enforcement in school settings, however, the potential for the increase of inappropriate or unnecessary school arrests is high, and the most recent data from the Civil Rights Data Collection show clearly that such arrests fall disproportionately on students of color.

In its noteworthy report, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* issued last January, the U.S. Department of Education provided a comprehensive guidance on the elements that need to be in place if police are to be a positive collaborator to help shape appropriate student behavior and school climate. That document emphasized the need for understanding that the appropriate role of law enforcement is safety rather than discipline; clear memoranda of understanding (MOU) between police departments and school systems outlining the appropriate role of law enforcement in school settings; extensive training of any police interacting in schools in distinguishing between safety-threatening and common disciplinary behaviors; training in basic childhood and adolescent development, age-appropriate responses, disability issues, and conflict resolution/de-escalation techniques; and the continuous collection and analysis of disaggregated data in order to avoid unintended consequences of law enforcement in schools.

As first responders, law enforcement should be trained to respond in coordination with educators to implement non-punitive interventions and supports that promote positive learning environments. Given the key and central contribution that school arrests may make to the school-to-prison pipeline, among the most important contributions that can be made at the federal level are to continue to a.) articulate and disseminate clear principles of training and collaboration for law enforcement presence in schools, b.) help provid resources to the states for cost effective training curriculum and materials and technical assistance, and c.) create incentives and accountability standards for states to undertake systemic change through appropriate training and collaboration.

For many children and youth, police in schools are not only first responders, but also the first point of contact with law enforcement, a contact that may influence their perceptions and interactions for years to come. Whether that contact is positive, based on mentoring and mutual respect, or negative, leading to alienation and even arrest, depends in large part

upon the support, resources, and incentives that can be provided to clarify the role of school police, ensure adequate training, and encourage the coordination of police with other educational professionals in developing comprehensive programs for school safety and a positive school climate.

Sincerely,

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Director, Equity Project at Indiana University

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How do You Get Procedural Justice? Train the Police!

Submitted to the President's Task Force on 21st Century Policing, January 2015

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Topic areas: Procedural Justice; Community Engagement and Dialogue

A very large body of research has demonstrated the importance of procedural justice in shaping the legitimacy of police in the eyes of the public. We know that the public is concerned that police decisions are made fairly and evenhandedly, that citizens are treated respectfully and given a chance to voice their views, and that officers are thought to abide by the rules that govern their behavior.

However, there has been almost no research at all regarding how the police can be encouraged to actually incorporate the principles of procedural justice in their routine interactions with the public.

One key has to be training. It is necessary precursor to turning procedural justice concepts into practice. Policing is a human service profession that relies on hiring, supervision, discipline and training to a accomplish everything that they do, and all of those gears have to work in unison if they are to be effective. Until recently we knew virtually nothing about the short or long-term effects associated with police training of any type. However, recent studies conducted in partnership with two large police departments – Chicago and Greater Manchester – have revealed promising evidence of the effectiveness of training police in procedural justice.

The projects reflected two different organizational strategies. The Greater Manchester focused its training resources on a relatively small number of specialist officers, training 339 specialists for several days; Chicago spread its resources broadly, training more than 9,000 officers in considerably less depth. Most agencies will face a similar trade-off between scale and intensity when thinking about training, because it is expensive. The good news is that both strategies can work. Police in Chicago and Greater Manchester collaborated with researchers who conducted randomized experiments testing the impact of their procedural justice training, and the results of both studies were positive.

Chicago's training program was developed internally, by sworn members of the department's training staff. At the initiative of a new chief of police, members of the training staff worked with academics (at another university) to develop an outline for a training program. Based on this preliminary plan, the staff identified concepts and findings from the research literature that they could translate into training units. They used the Internet to locate video clips and images that

would illustrate key points. Their goal was to present procedural justice principles to officers as tactics that would encourage the public to recognize the police as a legitimate source of authority, resulting in improved officer safety, more compliance with their instructions, and greater cooperation from the public.

The training day was divided into five modules. Each featured lectures accompanied by PowerPoint© slides, video clips, and group exercises. Module 1 introduced the ideas of procedural justice and legitimacy, and how they intersect with the goals of policing. In the ensuing slides and discussion (which the trainers noted were based on research), procedural justice was defined as treating citizens fairly and with respect as human beings. Legitimacy was described as what the police receive in return: a public that views them as entitled to exercise authority in order to maintain order, manage conflicts, and resolve problems in the community. Module 2 featured a discussion of cynicism. This was added to the curriculum in response to issues that arose during the first month of training. A discussion topic was whether cynicism is actually "realism," or if it exaggerates the actual situation facing officers and serves to drive a wedge between them and the public. During this module, half of the table groups discussed and recorded their views on the question, "What does the community expect from police officers?" The other half of the table groups considered the question, "What do police officers expect from the community?" Module 3 included a more in-depth discussion of procedural justice, and featured research findings from Chicago as well as other cities that supported trainers' claims about the importance of the components of procedural justice.

Most slides also stressed one of the major selling points of the training day, which was that following these principles would ultimately benefit police officers by increasing citizen cooperation, encouraging the public to comply with police instructions, and maximizing officer safety. Module 4 began with a discussion of race and policing in historical context, both in Chicago and around the country. Near the end of Module 4 the trainers introduced the idea that there can be a "balance of trade" between police and the community. They argued that good encounters with the police are "deposits" and bad encounters are "withdrawals" from the account balance that they have developed with the community. The final module was a wrapping-up exercise. Participants viewed and discussed a video of a drug arrest in which the officer calmly, politely and successfully took both a street dealer and his customer into custody. Then, going around the room, each table made a statement about what they had learned in the class.

Chicago's training evaluation involved two studies. The short-term effects of training were assessed via a randomly controlled trial conducted at the training academy. Officers who had been trained for eight hours in the theory and practice of procedural justice were more likely to endorse the principles of respect, voice, neutrality and trust. Officers left the academy taking a different perspective on their relationship with the public. The long-term effects of training were monitored in a subsequent survey of officers conducted throughout the city. Officers who had already attended procedural justice training continued to be more supportive of three of the four procedural justice principles introduced in training, even after several months.

Training in Greater Manchester was driven by the perception that police there were not performing as well as similar forces in terms of how they were meeting the needs of crime victims. They began thinking about this as a "customer service" problem, but on reflection shifted their planning in directions suggested by research on procedural justice. They focused on strengthening officer's communication skills: how to introduce themselves and build rapport with victims, and how to identify their emotional as well as practical problems and to be responsive to them as well. They were taught to listen and respond rather than to automatically take charge, and to explain what they were doing and what the future might hold. The training used role-play exercises and "opportunities for self-reflection" as well as standard classroom teaching.

The evaluation in Manchester was seen as a pilot test for a later roll-out of force-wide training. In the pilot, officers were randomly assigned to treatment or control groups in order to determine the impact of training on the quality of interactions between the police and crime victims. The evaluation identified positive shifts on four of eight police attitudinal outcomes, and positive effects on trained officers' scores in role-playing exercises. The perceptions of crime victims who later were served by trained and control-group officers also improved on some measures.

Of course, training alone will not do the trick, because it is not a trick. Rather, it is one in the standard package of management tools that are used to steer employees in the direction of their organizations' goals. In the long term, monitoring, supervision and discipline also have to be part of the behavior change mix. Further, training will be more effective (perhaps only effective) where the policies and practices of the organization support and reward dealing with the public in procedurally just fashion. If an organization is not really aligned to support of what they say they want their officers to do, training will have little influence on their behavior. Leadership is certainly called for as well, and it is likely that command staff and middle managers need procedural justice training as much as anyone in the organization, but with an eye toward exercising its principles internally as they exhort the troops to be respectful externally.

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Role of police in a democratic society:

The role of police in a democratic society is to serve and protect communities with the concerns of the community being a primary objective. In order for policing to truly reflect democratic values, community involvement in the decision making process on how to police the communities is essential.

Hiring a diverse workforce:

A diverse workforce is unarguably an important aspect in the field of policing. It promotes a level of understanding and compassion that is crucial in a nation with an ever increasing diverse population. We can look at the city of Ferguson, Missouri as an extreme example of the failure of diversity; the racial demographic there is 67% African-American, yet African-Americans make up even less than 6% of the entire police force. This disproportion will certainly foster a deep level of misunderstanding in which innocuous actions can be perceived as threatening. However, the effectiveness of diversifying police departments in order to in strengthen department/ community relations can be seriously undermined by policies which force officers to aggressively enforce minor infractions, disproportionately targeting certain groups. However, we need more than diversity in police departments. It is too easy to put in minorities at the bottom or in select positions at or near the top. For instance, in the NYPD only 6.7% of Blacks are in the discretionary executive ranks; 10% are Hispanic; and 82% are White. Of those Blacks and Hispanics, they are typically in the senior "figure head" positions such as Chief of Community Affairs, First Deputy Commissioner, Chief of Housing. Key positions like Chief of Department, Deputy Commissioner of Operations and Chief of Detectives are typically held by White men. Meanwhile Blacks and Hispanics make up about 45% of line officers. So, diversity is not enough. ***We need minorities also in key positions with real power and influence within the police organizations***.

As seen in New York City, the "Broken Windows Theory," coupled with zero-tolerance policing, has led to mass incarceration of people of color for minor nonviolent offenses. Such policies strip away an officer's discretion and instead promote enforcement which incentivizes police conduct that is detrimental to good community relations. Minority officers are not immune to the cultural norms that unfortunately exist in police departments throughout the nation; they too are susceptible to the stereotypical belief that black males are predisposed to criminality.[1] Such a belief serves as a false justification for over-aggressive policing in certain neighborhoods, perpetuating the mistrust of the police in these neighborhoods. In addition, the "Broken Windows", "zero tolerance" or Stop, Question and Frisk are all symptomatic strategies of a police force that do not address the deeper institutionalized police processes that breathe life into these strategies that perpetuate taking an "as is" approach. Serious attention must be given to Performance Evaluation systems within a Police Department; Department and

nonofficial reward systems within a Police Department; data-driven performance management systems that have made policing a business reduced to quantifying all police citizen contacts that are deemed relevant, and any other systems that limit officers' discretion, dehumanize police citizen contacts; reward cops for good arrests but not for good problem solving; permitting cops to get overtime, a good detail; good performance evaluation; or a promotion. All these "systems" are one of the biggest challenges modern policing faces to promote real and meaningful change.

Procedural Justice & Police Leadership development:

Multiple studies have been conducted that empirically support the unfortunate fact that blacks and Latinos, particularly males, are perceived as dangerous criminals even when there is an absence of any wrongdoing. These sometimes subconscious beliefs are rooted in the blatantly racist past of our nation. Most Americans are unaware of how this gruesome past has shaped not only subconscious biased views but also the structure and culture of many of our nation's institutions-- in this case police force policies. ***I am fully convinced that the inclusion of Critical Race Theory in academy level training and at least bi-annually presented as a refresher will enlighten officers, resulting in a more competent police force***. Currently, what is provided to police recruits at the academy level is an education in multiculturalism which simply attempts to celebrate diversity by teaching recruits about different holidays, customs, cuisines, and contributions of varied groups to civilization. This sadly does little, if anything, in erasing subconscious biases.

The main principles of Critical Race Theory bring awareness to how white privilege, institutional discrimination, and blatant racism currently affect our society today. One of our nation's foremost academic institutions in the field of police education, John Jay College of Criminal Justice, City University of New York already provides such a course to NYPD members who are continuing their education. I have spoken to friends who are officers who told me that this course not only helped them learn the racial connection to policing in the United States, but also that it has helped them make better decisions on patrol, resulting in community satisfaction without sacrificing public safety. Sadly, with only less than 150 officers taking this course annually, the benefit from this knowledge will not make a dent in a department with over 30,000 members.

Ultimately, aggressive enforcement and poor community ties result in a severe blow to procedural justice. Rather than perceive the system as fair, people in certain communities feel it does not serve them, rather actually victimizes them. ***Changes must be made to current policies which have resulted in harsher sentencing for infractions by minorities who have been disproportionately arrested for the same infractions committed by their white counterparts***. This is an important step towards procedural justice. As the nation has recently witnessed in

highly publicized cases of police brutality, the lack of accountability by local prosecutors further deteriorates the principles of procedural justice. In addition, transparency in the grand jury process is needed in order to prevent possible bias in favor of officers involved in cases of brutality. Making the process somewhat more transparent to the public will assure those skeptical of the system that it is done in fairness, strengthening procedural justice.

In New York, a stop-and -frisk policy, which was believed to deter individuals from carrying weapons, knowing that they could be stopped at any time if the police deemed the individuals as "suspicious." This aggressive policing policy, however, was disproportionately pursued in minority communities, and a great majority of the stop and frisk victims were black and Hispanic. Judge Shira Scheindlin a federal judge sitting in the United State Southern District Court recognized this violation of civil rights of these groups and demanded an end to this policy and recommended the creation of an independent inspector. The New York City Council created the Office of Inspector General as part of the Department of Investigation with the Inspector General being appointed by the mayor. He or she has the responsibility of investigating and reviewing the policies and programs of the NYPD, and makes recommendations with the goal of protecting civil liberties and civil rights. ***More cities should create this position as a method to increase the community's confidence in the fairness of the policies pursued by the police department.***

Community engagement and dialogue:

Our police departments must include community residents at the table discussing how minority communities can be optimally policed. Currently, the relationship many departments have with community members who voice concerns with department policies is comparable to that of a parent refusing to consider a child's demands with the belief that the parent knows best. There is an ill-founded notion that we the people from the minority community want a lawless society. This notion is not only untrue, but even insulting to many of us. We understand the importance of law enforcement officials and the crucial role that they play in protecting those who are most vulnerable and that they must also protect themselves while attempting to protect those they serve. Community members do want to work with the police to ensure that our streets are safer and pleasant. We are simply asking that this is done the right way. Of course, this is not to say that it will be perfect--it will never be, and we are fully aware of this. However, one should never accept that public safety and innocent people's rights and their dignity are mutually exclusive.

Improving police and youth relations:

Many youngsters only encounter officers when they get into trouble. Having officers (not simply those assigned to community units) involved in regular community activities that include youngsters is crucial to positively changing that reality. Police officers should be present to celebrate the positive accomplishments of youths in the community--at community events, graduations, sports events, etc. Although, I have had those personal encounters with law enforcement officials, I purposely interviewed fifty adolescents on this particular issue. According to these youth this relationship can drastically improve if police officers are more respectful and less aggressive towards them. Their overall sentiment is that police officers mistreat them and the officer's tone and their manners disrespect the youth and are inflammatory. Just as officers need training in cultural differences, they must receive training specifically on how to deal with youth--the same way pediatricians are trained differently from general practitioners.

Departments throughout the nation must understand that adolescents have different perspectives and are not always aware of consequences. As a young man of color who grew up, and still resides, in an urban environment that is heavily policed, I have personally experienced many of the issues which I have discussed in this testimony. Public service was an obligation I felt I had; as a child I thought becoming a police officer would allow me to fulfill such an obligation. Unfortunately, the senseless and unjustifiable killing of Sean Bell in 2006, an unarmed black man, on the night before his wedding, and countless personal negative encounters with law enforcement officials as a teenager changed my perception. However, I have also had many positive encounters with police officers that now have compelled me to appreciate the profession and its difficult demands—as well as friendships with officers who truly serve and protect with respect and dignity.

Role of police unions (and line officers) in building trust:

Currently, municipal police unions are the fastest- growing and perhaps the most powerful labor unions in America today. These unions face a distinct conflict of interest; they are responsible for protecting their members' interests at the expense of the public's interest. Police unions are obligated to protect officers from the same laws that they have a duty to enforce. They attempt to shield their members from wrongdoings that is their job to hold the public accountable for. As one can imagine, such a notion does not sit well with the public; it creates a deep-level of distrust and sense of hypocrisy within the community.

Police unions do have a legitimate purpose; no one wants officers to be recruited on the basis of favoritism or nepotism. However, no one wants the unions to use their power to abuse the rights of individuals in the community. ***A good counterforce to help protect police unions from***

exerting their influence in a way harmful to the community is the existence of civilian complaint boards, and these boards must have real power. In New York City these boards have been in existence a long time.

Racial Reconciliation:

Reconciliation of races is a much larger concept than just the police vs. the communities they serve. A beginning to this reconciliation I believe is an in depth awareness of the history of the racism that has existed in the United States, and this has to be more clearly delineated in our schools' curriculums. In essence, all the recommendations I have made in the preceding pages are setting our country on the path toward this reconciliation. This is a goal that we all aspire to, but recognize that it will take a great effort to achieve: Hopefully implementation of these recommendations will lead us forward to these goals.

Santa Fe College and the Santa Fe College Police Department

Gainesville, Florida

Safe Santa Fe Initiative

Executive Summary: The Santa Fe College Police Department implemented the community policing "**Safe Santa Fe"** program in 2012. The Safe Santa Fe initiative has five (5) key aspects including branding and messaging, community policing partnerships, professional development, technology and hardware, and program expansion and flexibility.

The SF College Safe Santa Fe Initiative:

Safe Santa Fe is the term used to describe almost all programs and efforts that are carried out by the Police Department. The **Safe Santa Fe** title is designed to ensure that all students, faculty, staff and visitors at the College are routinely and habitually thinking about safety, appropriately concerned about security and engaging in crime prevention practices in ways that will reduce crime over the years to come.

The *Safe Santa Fe* series of initiatives relies on effective multiple partnerships, innovative and cutting-edge crime prevention and outstanding service.

Safe Santa Fe has five (5) key platforms:

1. **Branding and messaging**. The Safe Santa Fe title and logo appears consistently in all programs, presentations, messages and printed materials. The most common aspects of branding and messaging are:
    o "CampusWatch" : A series of staff training conducted to diverse areas of the College on many topics that relate to safety and security. At present, CampusWatch training programs have been presented to over 300 personnel at the College.
    o Signage. Safe Santa Fe "CampusWatch" signs have been placed all over every SF College campus and includes the emergency number, branding, and CampusWatch logo.
    o Daily and Weekly messaging. The College prints an electronic newsletter daily to all staff and weekly to all students. The Police Department uses these media for frequent messages. Examples: Safe spring break practices, securing the campus, parking and other rules enforcement, and weapons on campus.
    o Social media. The College website, Facebook, twitter and all forms of traditional print and television media feature SF College and specifically safety messages prominently.
2. **Community policing partnerships.** Critical to leveraging safe practices campus-wide.
    o Internal staff: Some of the most effective internal partners has involved greater awareness of crime detection and reporting by facilities staff, often an overlooked large group of extra "eyes and ears" on campuses. Other formalized partnerships began in

2012 with training to groups such as new employees, adjunct faculty, student affairs, staff on satellite campuses and the displaced homemaker program.

- o Students: The SF College PD has conducted Safe Santa Fe training with students and most notably regularly attends the weekly Student Government meeting. All ranks of personnel attend and it is a formal and informal way to ensure that communication are two-way, timely and direct. Frequent attendance at SG has resulted in very positive feedback. Another example of student partnerships – training to two classes of mentally and physically challenged students entitled " Adults with disabilities and personal safety." This vulnerable population had never received this type of training before and will help them keep themselves safe.
- o Campus vendors: The PD has strong partnerships and regular dialogue with large vendors on campus in order to increase crime prevention. These include, for example, the food court with three restaurants and campus bookstore. Formalized theft and crime prevention training was completed with all bookstore staff.
- o Apartment complexes: The largest campus of the College is surrounded by three apartment complexes with a high percentage of students and staff. Police Department personnel have contacts with all management and have regularly distributed crime bulletins and obtained information from them. In one case, distribution of a picture of a burglar resulted in management immediately identifying the offender and charges being filed just a few days later.
- o External law enforcement partners: SF College has formal mutual aid agreements with five area law enforcement agencies and the State Attorney's Office and informal agreements with other smaller agencies. The main agencies which have jurisdiction for SF College campuses share police reports on students and staff and crime analysis information. One example of mutual aid – When a well-publicized abduction occurred on the campus, both the Alachua County Sheriff's Office and University of Florida Police Department provided uniformed law enforcement personnel on SF College properties at no charge as additional safety, security and reassurance to the SF College community for two weeks. They worked side by side with SF College police officers.
- o RAD: The nationally popular Rape Aggression Defense course is offered several times a year for free and is open to women on and off campus. The Alachua County Sheriff's Office coordinates the very popular course with SF College PD and one other law enforcement agency. This innovative and intense class averages over 15 women per class and empowers women which in turn will reduce their likelihood of crime victimization.

3. **Professional Development**. A college can only be safe and secure if the law enforcement personnel who are a part of that fabric are professionally trained and equipped. Training strengthens relationships with the organizations that provide the development and trust and credibility by others knowing that their police officers and agency personnel are "up to the task."

   - o Training provided to personnel has put SF College on the forefront of law enforcement expertise in a variety of areas compared to other community college institutions. Even

in a small agency, the Police Department has taken advantage of a tremendous amount of training provided locally and regionally. This includes training as diverse as field training officer to 4 personnel, development of a field training program, combat medic AKA trauma response training, radar, interviews and interrogations, and forensic phone investigations. The Department has an in-house firearms and driving instructor.

- o Critical incident response: 10 members of the agency have attended CIT (Crisis Intervention Team) training. In August, 2012, most of the agency participated in a large scale "active shooter" scenario, building clearing and judgmental shooting response training day. It included representatives from 4 other law enforcement agencies and approximately 30 role players. This training was published as a photo-pictorial in the online edition of Campus Safety Magazine for 2012.
- o Dispatch center: In 2012, SF College converted from a police dispatch center utilizing 2 full-time dispatchers and temporary part-time "temp-force" personnel to 5 full time dispatchers and an office supervisor who is also certified as a dispatcher according to State requirements. All dispatchers meet state certification.

4. **Technology and hardware**– A tool that Colleges must possess in order to have effective comprehensive crime prevention and crime deterrence.

- o Surveillance. Via increased camera systems. Prior to 2012, the College had stand alone closed circuit surveillance on two satellite campuses and a privately owned system in the bookstore on the NW campus. A large scale pilot program resulted in installation of over 50 cameras in one quadrant of the NW campus as well as around 2 buildings and in the food court. This pilot program has been extremely successful, extremely well received, and was requested by students and staff. This pilot project has been integral in arrests for carrying a concealed firearm, grand theft auto, and burglary and grand theft in the food court amongst others. Two other prominent socially busy areas of the College have recently installed camera surveillance systems and are monitoring them and reporting problems to the police
- o Hardware / Key protocols. Most of the College is on a key based system. While this is not advanced technologically, key authority / issuance / tracking protocols have been strengthened to create long term incremental improvements to College security. In partnership with the College Senate (representatives from faculty and staff), a partnership project in development and discussion is interior door locks in classrooms.
- o Ad-hoc surveillance committee – Collaboration between Facilities, Human Resources and Risk Management, Information Technology, Police and Legal is developing infrastructure plans for long term security projects, working on a second surveillance project in another large area of the College and attempting to develop a standardized plan for further surveillance requests and projects.

5. **Safe Santa Fe program 2012 expansion and flexibility**. The Police Department conducts topics tailored to the needs of the College community.

- o "Safe Santa Fe Days" – New initiative in the beginning of the Fall, 2012 semester. Each day during the week, tabling, brochures, literature and a different student group partner helped emphasize safety and security at the College. A newly designed bookmark with

QR code linked to safety was provided as well as many other forms of information and a small survey asking students about their awareness of the Police Department was done prior to receiving pizza. College student partners included My Brothers Keeper (Aka MBK for black males), Student Government, Student Life and the satellite campuses. This event will be duplicated at the beginning of Fall, 2013 so that students receive multiple messages at the beginning of the semester and are thinking actively about crime prevention.

- Alcohol Awareness Week in the Fall and Spring Break Safety in the Spring – Large scale events coordinated by the SF College Counseling Center. Involves multiple law enforcement agencies and resources like K-9, traffic teams, a mounted unit, as well as other community organizations such as the Partners in Prevention of Substance Abuse (PIPSA) and the military.
- Tailored specific training programs: Mentioned elsewhere several times in this document. More recent police training to other staff at SF College has included workplace violence, active shooter response, dealing with disruption, relationships, theft prevention, CampusWatch and general safety and security overviews.

Santa Fe College and the Santa Fe College Police Department takes safety and security seriously. This Police Department is one of only four Florida College System community colleges with a full-time on campus police department out of 28 institutions. SF College was the first public Florida community college with a sworn police force. At 17 fully sworn members, 1 security officer, and full-time dispatchers, front desk and support personnel, the police department is responsible for a voluminous amount of duties related to the College amongst its 25 total personnel.

The Safe Santa Fe initiative will continue to be the flagship title of an array of community policing efforts designed to ensure a safe and secure learning environment for all students, faculty, staff and visitors.

Dear Distinguished Task Force Committee Members:

We submit this written comment to President Obama's Task Force on 21st Century Policing to be included in the first listening session on Building Trust and Legitimacy. We write as members and on behalf of two community-university research partnerships in New York City (NYC): The Morris Justice Project (MJP) and Researchers for Fair Policing (RFP). The massive mobilization of street protestors throughout NYC after the Staten Island grand jury's decision not to indict Officer Daniel Pantaleo was no surprise to us. For the past four years our research has consistently documented the erosion of legitimacy and trust between communities of color and the New York Police Department (NYPD). Based on our community-based research, this commentary argues that while rebuilding trust and legitimacy are crucial steps in promoting community safety, *what we need to create lasting and effective change is structural overhaul of the criminal justice system and a reframing of what we mean by "community safety."*

We will begin with a brief description of our studies and present in more depth our primary findings. We will then describe four key considerations that have emerged from these participatory research projects in NYC. They are briefly as follows:

- *Investing in community development is an important strategy for police reform.*
- *The everyday experience of policing impacts the whole community.*
- *Repairing trust between individuals, communities, and police requires addressing systemic racism in policing practices and policies.*
- *Communities of color must be included in a democratic process of influence and oversight on how they are policed.*

Overview of the Research

The Public Science Project (www.publicscienceproject.org) at The Graduate Center of the City University of New York is a collective of professors, students, lawyers, artists, and organizers who have conducted participatory community-based research on educational inequity, community change, and criminal justice for nearly 20 years. We are well known for our work doing community-based participatory research on policing *with* (rather then on or for) the communities most affected by this issue. Our proposed recommendations are based on our most recent and comprehensive studies in two of New York's most heavily policed neighborhoods.

***The Morris Justice Project* (MJP)** documented the experiences with and attitudes toward policing in a 42-block neighborhood just east of Yankee Stadium in the South Bronx. Conducted collaboratively with neighborhood residents, the study, which began in 2011, features a participatory survey constructed entirely by the MJP collective that systematically sampled 1,030 members of the community. Other methods of the study included interviews, focus groups, and on-the-street research activities designed to qualitatively enrich our understanding of the survey findings[i] [ii] [iii].

***Researchers for Fair Policing* (RFP),** a collaboration with youth from Make the Road New York, began the following year in 2012 also with the purpose of understanding experiences with and attitudes of

police but this time with a specific focus on youth. We collectively designed a survey that was systematically distributed in NYC schools as well as online. 1,084 surveys were collected from youth ages 14-25. Other methods included focus groups and a research archive that included writing, art, documentary shorts and video interviews/testimonials.

Both of these intergenerational studies, relied on rigorously conducted quantitative and qualitative methodologies, were deeply collaborative, were motivated by a desire to understand New Yorkers' everyday experiences of being policed and to envision what "fair policing" might look like in our neighborhoods. Our research documents the human impact of NYPD's long history of Broken Windows policing, offers new relevant findings about police-community relations, and identifies key considerations for rethinking police reform.

Key Findings

- **Communities of color report experiencing persistent and aggressive policing.**

"The officer said, 'You ain't got no rights, you're a nig*er.' He took my arm and put it behind my back, pressed me up against the wall, took my hand over my head, searched my bag, everything. He zipped my bag open. He just shuffled through the contents, he took some stuff out. It was upsetting. I'm not a criminal. I'm not a bad person...It made me feel less than human like I was less than a person, like I was still three-fourths of a person."

For nearly two decades the NYPD has been practicing a style of policing that focuses on minor offenses and misdemeanors arrests. Often referred to as "order-maintenance" or "zero tolerance" or "Broken Windows" policing, it relies on the frequent use of surveillance practices such as "stop and frisks", asking for ID, or preventing people to publically assemble (asking them to "move along").[iv] By removing what is understood as "disorder", the NYPD argues these techniques maintain order and prevent incidents of serious crime. In fact, there is little scientific evidence demonstrating that these practices prevent serious crime.[v] Many researchers, lawyers and some commissioners of large police forces have convincingly enumerated the flaws in this logic.[vi] [vii] [viii]

In 2011, the year the MJP study began, the NYPD recorded almost 700,000 police stops citywide (nearly all – 88% - had done nothing wrong) and 4,882 stops were recorded in just the 42-block radius we studied. In our neighborhood, 80% of the stops involved frisks, and nearly 15% involved searches. These stops amounted to very little considering the disruption and sense of violation they caused. In total, 59% of the stops involved physical force and of those stops involving physical force, nearly all of them (91%) were innocent - in other words resulted in neither an arrested nor a summons. In fact, according to the NYPD's own numbers only .12% (8) of guns, .82% (40) of knives or cutting instruments, and 1.5% (75) of contraband were recovered from the almost 5,000 stops. The NYPD had a better "success" rate with half the stops in a comparably sized though much whiter and wealthier Manhattan neighborhood close to New York University.

Our surveys confirmed this level of police contact and gave us insight into how frequent, violent, and disrespectful these encounters are for many residents living in "high crime" neighborhoods (See table below. Short explanations for the numbers are provided in the table). Not only do aggressive policing strategies like these erode individual freedoms, they eat away at residents' ability to connect with each other, to socialize, and build community.

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Morris Justice Survey*	*Percentages reflect youth and adult experiences in the year prior to the time participants took the survey in 2011 or 2012. **Percentages reflect youth experiences from 2010 to 2013 or 2014	Researchers for Fair Policing Survey**
The following two rows provide data about **witnessing police activity** and provide an indication how common police activity is in the respondents' communities.	
91%	% who witnessed someone getting stopped by police in the neighborhood	88%
66%	% who witnessed family or friends stopped by police in the neighborhood	71%
The following four rows provide data about **personal experiences of police surveillance** and provide an indication of both the variation and regularity of this level of police scrutiny.	
69%	% stopped by police at least once	52%
82%	If stopped, % stopped by police more than once	76%
50%	% asked to show identification in or just outside their apartment	27%
60%	% asked to move by police	58%
The following four rows provide data about the proportion of **people stopped by police within marginalized categories** and provide evidence that this is not only a young black male issue.	
47%	% women who were stopped by police	39%
69%	% identified as LGBTQ who were stopped by police	52%
70%	% undocumented who were stopped by police	43%
74%	% recently homeless who were stopped by police	73%
The following three rows provide data about the **types of negative contact** with police and provide evidence for strained police-community relationships among some residents.	
37%	% who were spoken to disrespectfully by police	31%
24%	% who experienced extreme physical force by police	20%
8%	% who experienced inappropriate sexual harassment/violence	9%
The final five rows provide data for the **desire to help police as well as seek police for help** and provide evidence for weak community-police relationships among some residents	
32%	% who said they *did not* call police for help in fear they would make the problem worse	--
44%	% who said if something happened they would *unlikely* call the police for help	--
20%	% who said they *could have* helped police solve a crime/find a suspect but chose not to	--
40%	% who said if a situation arises in the future they would *unlikely* help solve a crime/find a suspect.	--
33%	% who say they *would not call* police if they saw a crime	--

- ***Communities of color express mistrust, fear, and anger towards the NYPD.***

"I wouldn't call them for any issues I had. I'd be afraid they'd raid my apartment before they even came to solve an issue. I'd be afraid they'd run through my building and tear it up. They have before. So the police, honestly, make me feel afraid."

In NYC, aggressive policing is disproportionately practiced in communities of color and commonly understood within these communities as discriminatory and abusive.[ix] [x] The police are in the hallways of their apartment buildings, in schools, subway stations, and streets. One participant observed, *"They target blacks and they target Latinos. Sometimes I see 30-40 police around this neighborhood, and they're just harassing everybody they could find."* People report fearing involvement with the criminal justice system every time they set foot outside their apartment door, whether its to go to work, spend times with loved ones, or run an errand to a store or bank. One youth participant stated, *"It makes me feel like I shouldn't even come outside anymore if I'm just gonna get harassed by a policeman that's supposed to be protecting me."*

There is awareness that policing is not uniform and equitable across the City, and residents ask reasonable questions like, "Why is it considered disorder when people drink alcohol on a South Bronx stoop but not when they drink alcohol on a blanket in Central Park?" Our surveys captured some of these negative sentiments towards the NYPD (See the tables below. Short explanations for the numbers are provided in the table)

Morris Justice Survey		Researchers for Fair Policing Survey
The following six rows provide data on attitudes about **abuse of power and authority** and help provide evidence for lack of legitimacy by many residents.		
66% (8.4% believe police use power wisely)	% who believe police abuse power	65%
--	% who feel the police discriminate	66%
45% (17% believe police work in their best interest)	% who feel police do not work in their best interest	--
54% (14% believe the police are fair)	% who feel police are unfair	50%
63%	% who feel targeted by police	84%
60%	% who feel that when people get stopped they usually did noting wrong	59%

Morris Justice Survey		Researchers for Fair Policing Survey
The following six rows provide data on attitudes about **diminished trust and respect** and help provide evidence for a weakened sense of legitimacy by many residents.		
46% (25% have a lot of respect for police)	% who feel little respect for police	--
48% (14% believe police are honest)	% who feel police are dishonest	55%
42% (20% believe police prevent problems)	% who feel police create problems	50%
52% (15% believe police are trustworthy)	% who feel police are untrustworthy	50%
--	% who feel police are poor role models	48%
--	% who feel dissatisfied with police's job	57%

Unfavorable attitudes like these were commonly reported in our studies, revealing tenuous community-police relationships. This type of policing renders whole neighborhoods suspect by criminalizing everyday activities.[xi] As one person told us in the survey, *"[e]veryone is not doing crime. We live here, we socialize here, and we shouldn't have to be forced to stay in the house if we are from here."* Or, *"Don't judge me. You should live here cause if you don't you're already looking at me like the enemy."* Across our research, youth and adults describe the heavy toll aggressive policing has taken both on individuals and communities.[xii] Participants in our studies repeatedly expressed a deep frustration with police and a strong desire for change. As one youth participant suggested, *"You're here to protect and serve, not protect and beat me down and if I could change one thing as far as the police go, it would be to teach them to be more tolerant of people...learn some sensitivity learn to treat people as people ... regardless whether you're innocent or not. That's something that really, really needs to be implemented."* There is a palpable desire for police reform - often with explicit calls to address structural racism, increase community involvement in police oversight, and promote alternative forms of community safety.

Key Considerations

Overall, our extensive research points to four key considerations that we believe the Task Force must take seriously as the hearings unfold.

1. **Investing in community development is an important strategy for police reform**. Public safety is not solely about policing and the criminal justice system. Public safety involves vibrant schools, living-wage

jobs, affordable housing, and overall socio-economic investment in low income and communities of color. Increased police surveillance and control does little to address the deeper roots of community safety. Our research demonstrates that people's experiences of aggressive policing in gentrifying (and still disinvested) NYC is connected with other experiences of racialized dispossession. At the same time that people of color are being policed on an everyday basis, rents are going up, families are being displaced from their neighborhoods, there are increases in school discipline and suspension rates, and stagnating low graduation rates, and few living-wage jobs. Aggressive policing contributes heavily to an overall feeling of dispossession, in other words that people no longer feel like they have rights to or ownership over their own communities. With this in mind, our research suggests that the "disorder" that Broken Windows policing seeks to contain are deep structural issues that would be best addressed within and by communities, using an assets-based approach to strengthening communities and building capacity.

2. **The everyday experience of policing impacts the whole community.** Policing is not only focused on young men of color, but experienced collectively as a community under siege. Our research demonstrates the intense police presence in the everyday spaces of people's lives, most importantly the home, school and neighborhood public spaces. Our research also shows the impact of policing upon family members, mothers who worry about their sons, little brothers & sisters watching their big brother handcuffed, grandmothers answering the door to the police, etc. The overpolicing of communities severs the fabric of community relationships and creates a hostile environment in neighborhood public and private spaces. At the same time, not only are young men of color targeted by the police, but also our research demonstrates the discriminatory policing of many other members of our communities, including LGBTQ (or trans-identified and gender nonconforming, gay, bisexual), young people, women, undocumented community members, homeless people, and Muslims.

3. **Repairing trust between individuals, communities, and police requires addressing systemic racism in policing practices and policies.** Our research demonstrates that communities of color desire nondiscriminatory, institutionally unbiased, and constitutionally sound policing on both an individual and structural level. It's not a matter of a "few bad apples" in the police force, or a few racist cops. Communities of color experience unfair policing as a public betrayal that is part of the ongoing and historical legacy of discrimination and structural marginality.

4. **Communities of color must be included in a democratic process of influence and oversight on how they are policed.** A process needs to be developed in tandem with new and existing structures to support community involvement in policing. Some of these structures already exist and need to be reformed to facilitate careful, meaningful citizen engagement in how their communities are policed. A first step includes revitalizing the broken Civilian Complaint Review Board (CCRB)[xiii]. A second step involves facilitating structured conversations that evoke higher levels of thinking on policing. It is not enough to simply hold town halls for community feedback sessions. There are a wealth of examples documenting successful and just community safety models. The involvement of key community members at the policy table, informed of these examples, must be a priority for the task force.

Conclusion

Poor communities of color have a long history of being underfunded, under-resourced, and seen as "problems." *They (We) are not the problem.* Poverty and crime are not written in their (our) DNA. The problem

lies in our political, legal, and public institutions. There are too many police in our schools, hallways, streets, and subway stations. People do not deserve to be suspected as potential criminals because of where they live or how they look. We believe it is important that police recognize and acknowledge how damaging their aggressive presence can be to the fabric of the communities they target. Summons and arrests for minor things, harassment, abuse, or murder at the hands of police should not go unrecognized as a form of community disorder. Discriminatory and abusive policing must end. False choices about safety must also end: it is not EITHER heavy police surveillance OR unsafe neighborhoods. We know better alternatives exist. We deserve safe communities AND a style of policing that allows everyone of us to go about our day with dignity and respect.

While people take to the streets in protest, the NYPD has also begun protesting. Turning their backs on the Mayor is one form but a more substantial form is the major reduction in police arrest and ticket activity over the last three weeks. This should be taken seriously as an unprecedented natural experiment on the effectiveness of Broken Windows policing. Thus far, the lack of increased crime provides further evidence that the human costs of this style of policing far outweigh its unsubstantiated benefits. Policing and the criminal justice system are in desperate need of reform throughout the country. The fabric of our democracy in the 21st century is at stake.

Sincerely,

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Dr. María Elena Torre, Director of the Public Science Project; faculty, The Graduate Center of the City University of New York
Dr. Caitlin Cahill, Assistant Professor, Pratt Institute

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and the many other members of the Morris Justice Project (www.morrisjusticeproject.org) and Researchers for Fair Policing (www.publicscienceproject.org)

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Presidents' Task Force on 21st Century Policing
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Improving Police & Youth Relations | LGBT Youth of Color
Submitted by: Streetwise and Safe

Streetwise and Safe (SAS) is a New York City organization dedicated to building the leadership, skills, and knowledge of LGBT youth of color who experience criminalization. We conduct "know your rights" workshops specifically tailored to LGBT youth of color where we share critical information about rights in the criminal legal system as well as strategies to increase safety and reduce the harms of interactions with police. SAS works to create opportunities for LGBT youth of color to claim a seat at policy discussion tables as full participants, speak out on their own behalf, act collectively to protect and advance their rights, and demand choices that allow them to maximize their safety, self-sufficiency, and self-determination.

Streetwise and Safe is an active and leading organization in police accountability advocacy efforts at the city, state, and national levels.

I. Introduction

In addition to experiencing many of the same profiling and discriminatory policing practices as other members of communities of color, American Indian and Alaska Native peoples, homeless and low-income communities and immigrants, LGBTQ youth of color often experience gender and sexuality-specific forms of racial profiling and poverty-based policing which require specific policy reforms.[i] Gender and sexuality based profiling often takes place in conjunction with and compounding profiling and discriminatory treatment based on race, color, ethnicity, national origin, tribal affiliation, religion, age, immigration status and housing status, among other determinants.

Over the past decade, law enforcement agents have consistently been among the top three categories of perpetrators of homophobic or transphobic violence against LGBT people reported to anti-violence organizations.[ii] Indeed, in a national survey of LGBT people, a quarter of respondents who had recently had in-person contact with police reported at least one type of misconduct or harassment, including profiling, false arrests, verbal or physical assault, or sexual harassment or assault. LGBT respondents of color and low-income respondents (37%) as well as transgender respondents (39%) were much more likely to report an experience of at least one type of misconduct or harassment.[iii] Between 20-40% of respondents reported verbal harassment or hostile attitudes, with higher percentages of reports among LGBT people of color, transgender and gender nonconforming people, low-income people and LGBT people under 30.[iv] LGBT people of color were five times more likely to be asked about their immigration status by law enforcement than white survey respondents.[v]

Another national survey found 22% of transgender people who interacted with police report harassment, 6% report physical assault, and 2% report being sexually assaulted by officers.[vi] In

New York City, LGB youth are more likely to experience negative verbal, physical, and legal contact with the police, and more than twice as likely to experience negative sexual contact in the preceding six months.[vii] In light of these statistics, it is not surprising that almost half of survey respondents were uncomfortable seeking police assistance.[viii] Indeed, experiences of police harassment and abuse often extend to circumstances under which LGBT youth and adults are seeking protection from violence. Nearly half of LGBT survivors of violence who seek help from police report misconduct.[ix]

Across the country, non-heterosexual youth are more likely to be stopped by the police and experience greater criminal justice sanctions not explained by greater involvement in violating the law or engaging in transgressive behavior.[x] LGBT people – particularly LGBT youth and people of color – experience pervasive profiling and discriminatory treatment by local, state and federal law enforcement agents based on actual or perceived sexual orientation, gender, gender identity or expression, or HIV status.[xi, xii, xiii] Improving police and youth relations necessarily requires addressing the concerns of these LGBT youth of color.

II. Recommendations

Pass and implement LGBT-inclusive anti-profiling measures

Within communities of color impacted by racial profiling and harassment at the hands of law enforcement are women and LGBT people of color, LGBT immigrants and low-income LGBT communities. In recent decades there has been increased awareness about how racial profiling impacts this group, and the unique experiences of LGBT people of color are increasingly integrated into wider discussions of racial profiling and discriminatory policing.[xiv] Be it harassment at the hands of local law enforcement to profiling of LBGT individuals by border patrol agents, LGBT youth of color experience profiling based on race, gender, gender identity, sexual orientation, and immigration status.

In a historic move, the U.S. Department of Justice recently expanded the ban on racial profiling by federal law enforcement agents to also bar the use of sexual orientation, gender, or gender identity, along with national origin and religion, to any degree in the initiation of law enforcement interactions. However, the revised guidance includes broad exceptions that dampen the effect of these important protections, including carve-outs for Customs and Border Patrol, Transportation Security Administration, and certain terror investigations, which are simply unacceptable.

We urge the Administration to expand these protections to reach all federal and federally funded law enforcement activities, including and especially those that target Muslim communities and take place at our borders, which until all too recently were closed to LGBT immigrants.

We also urge the Administration to work with Congress toward the passage of an End Racial Profiling Act that includes protections on the basis of gender, sexual orientation, and gender identity.

End the use of condoms as evidence of all prostitution-related crimes

One of the avenues through which LGBT youth of color experience harassment at the hands of law enforcement is police departments' use of condoms as evidence of prostitution-related

crimes. In a number of places across the country, police and prosecutors regularly engage in the practice of using or confiscating condoms on persons, their businesses, or as evidence of prostitution-related crimes.[xv] Confiscating or listing condoms as evidence of intent to engage in prostitution-related offenses is a gender- and sexuality-specific form of racial profiling resulting in the harassment of LGBT youth and adults of color, as well as women of color more generally, who are disproportionately profiled as trading sex.

Continued use of the mere possession or presence of condoms as evidence acts as a powerful incentive for LGBT youth not to carry condoms, as well as for exploiters to deny access to condoms to those they are exploiting – placing trafficking victims at even greater risk. The threat of arrest for possession or presence of condoms also creates a disincentive to sharing and distributing condoms among and to youth in the sex trades, putting their health and lives at risk.

We urge the Administration to work with the Department of Justice issue and publicize guidance condemning the reliance on mere possession or presence of condoms as evidence of intent to engage in criminal activity, and encouraging local law enforcement agencies to adopt policies prohibiting this practice.

Consistent with the resolution of the Presidential Advisory Commission on HIV/AIDS, we urge the administration to work with the Department of Justice and the Centers for Disease Control to develop, disseminate, publicize, and promote guidance to state lawmakers and prosecutors to adopt legislation and policies that would eliminate the practice of using possession or presence of condoms as the basis of criminal prosecutions or sentence enhancements.

Set nationwide standards for treatment of LGBT people in custody

Women and LGBT people in the custody of local law enforcement, including in police lock-ups, all to often experience unlawful searches and sexual assaults.[xvi] Sexual harassment, sexual assault, and rape take place in police cars and vans.[xvii] Searches conducted by police officers on the street or in police detention facilities for the purposes of assigning a gender to detainees based on anatomical features—or simply to ogle or humiliate transgender and gender non-conforming arrestees—are both constitutionally prohibited and widespread.[xviii] LGBT youth and adults often experience such unlawful and invasive searches as state-sanctioned sexual assaults.

We urge the Administration to work with the Department of Justice to aggressively pursue enforcement of existing PREA standards for police lock-ups, and to extend the definition of "lock-ups" contained in the PREA regulations to include police cars and other temporary locations of police detention. We also urge the Administration to work with the Department of Justice to amend PREA regulations to include an explicit prohibition on searches for the sole purpose of determining genital characteristics in police lock-ups.

Finally, the Department of Justice should promulgate guidance for local law enforcement agencies relating to placement, searches, and interactions with transgender and gender non-conforming individuals consistent with those contained in NOPD and PRPD consent decrees, and make adoption of policies consistent with the guidance a condition of receipt of Federal funding.

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Team Kids: Building Trust and Community Engagement

For 14 years, Team Kids has worked with police and fire departments, sheriff offices, and schools to redefine the role of police, build community engagement and dialogue, improve police and youth relations, and work to build trust among youth and community. Our work strengthens youths' developmental assets, protecting youth from high-risk behavior and promoting constructive behavior, and offers youth and police a positive, non-law enforcement interaction with one another through collaborative community engagement. In light of recent developments in our society, Team Kids offers recommendations and solutions to building trust among youth and children, families, and police departments across the country. Team Kids has impacted more than 90,000 students, and has worked with 8 police departments, 5 fire departments and 30 schools since its inception in 2001.

History and Background of Team Kids

In 2001 in Irvine, California, Team Kids piloted what would become its Team Kids Challenge. Here, 600 students at Vista Verde Elementary School saved the life of a young boy by raising awareness and ultimately more than $20,000 required to secure his flight to the Mayo Clinic for heart surgery. The success of this organic pilot program showed that children are capable of mobilizing their community. Today, Team Kids is an innovative, award-winning[1] nonprofit, built upon a powerful collaboration with law enforcement and led by an esteemed Board of Directors[2]. Since 2001, Team Kids has worked with police officers to empower students of diverse socioeconomic and ethnic backgrounds in Orange County, California, Los Angeles County and Arlington County, Virginia with expansion efforts in Maryland and Washington D.C.

Team Kids' flagship program, the Team Kids Challenge, is a five-week elementary school-based program that invites every student to engage in community collaboration with police officers, firefighters, educators, volunteers and Team Kids coaches to address serious issues, such as hunger, literacy and homelessness. Students from the highest grades lead the school in weekly service challenges addressing these issues, helping to promote and organize the school's collections efforts to raise funds and resources for charities and others in need. These leaders also plan and run a school-wide carnival to raise funds for a charity they democratically choose. Team Kids also participates in several community-wide programs to further its mission alongside police, throughout the year. Examples of these programs include the disaster relief

efforts of LemonAID and the Shop With a Cop event in which officers spend an intimate holiday evening with mothers and children from the local domestic violence shelter.

Based on our experience, we provide the Task Force the following recommendations to transform police-youth relations through collaborative community engagement, thereby building trust.

Recommendation 1: Improve Police-Youth Relations Through Positive One-on-One Interactions.

Positive, non-law enforcement interaction between youth and police can improve the way in which our youth and police perceive one another (Bradford et al. 2009; Broaddus et al. 2013; Goodrich et al. 2014).[3] Each year, Team Kids provides a positive one-on-one experience between police officers and the children and mothers residing in a local, confidential domestic violence shelter. In December of 2014, Team Kids held its 8th Annual Shop With a Cop, bringing together the residents of the Irvine-based Human Options and the Irvine Police Department under the roof of the Irvine City Hall for a festive, intimate holiday event. This year, 23 officers met with 32 children and 13 mothers from Human Options to get the children's holiday wish lists. The police officers shopped for the kids' toys while the mothers and children made crafts. The officers brought the toys to the children, played with the children and their toys, and sat down to dinner with the mothers and children. The significance of the event lies in the reality that these mothers and children had been through a recent traumatic experience and the last interaction they had with a police officer was the domestic violence call which involved arresting their respective husbands and fathers, and them subsequently being removed from their homes. This significance is witnessed in the anecdotal magic of the event: mothers' tears of joy in watching their children receive the toys from police; children opening up to police as they play with them and the toys the officers bought for them; cops, kids and moms sharing a meal together; smiles on the faces of the cops, kids and moms; sounds of laughter from the cops, kids and mom; and even the physical countenance of people forming trust with one another. This past December, one mother told our staff about her PTSD resulting from the years of endured abuse and stated "this is the first day in two years I have felt normal." This program is something that can be replicated in all communities where there are officers and domestic violence shelters.

Recommendation 2: Transform Youth-Police Relations and Build Trust Through School-wide Collaborative Community Engagement.

Bringing officers and youth together for community engagement furthers the positive transformation of youth-police relations by positively impacting youths' perceptions of their community, which is also positively correlated with their attitudes of police (Goodrich et al. 2014; Brennan et al. 2009). The Team Kids Challenge provides this opportunity and is particularly helpful, because youth and police work equally and cooperatively towards a common goal, which can wear down previously held stereotypes and help each respective group to humanize the other group (Broaddus et al. 2013).

The purpose of the Team Kids Challenge is to shift the youth-adult paradigm, particularly the youth-police paradigm. Police officers first come to elementary schools during school hours for a kickoff assembly. Team Kids coaches tell the children they are exactly the right age and size to help make the world a better place.[4] Then police explain what they do for the community and tell the children they cannot do it alone and that they need the children's help, thus placing the children on an equal playing field as partners in their work. Police and Team Kids coaches explain the weekly challenges the children will be taking on as a school-wide team.[5] Then police specifically ask the children, "Can we be on *your* team?," sending the ultimate message of the paradigm shift. During the assembly slideshow, police include a photograph of themselves outside of their uniform, engaged in activities outside of their active duty, to show the children that they are simply people just like the children.[6]

In many Team Kids Challenges, police help Team Kids coaches each week teach our upper grade leadership team about teamwork and charities, and help mentor the student-led efforts to create their carnival game booths for the school-wide carnival. Officers then attend the carnival and support the children by playing the games and positively reinforce the children's entrepreneurial creativity and philanthropic purpose.

The Team Kids Challenge is especially effective because of its all-inclusive engagement of our youngest citizens.[7] Team Kids gives police officers the opportunity to deliver messages of empowerment, strengthen the children's developmental assets[8] and build developmental relationships[9] with all children in our elementary schools.

Furthermore, through pre- and post-program survey and related data analysis, WestEd demonstrated that children participating in the Team Kids Challenge: developed stronger

feelings of self-efficacy; showed more confidence in their capacity to be a leader; increased awareness of and empathy for the needs of others; strengthened the desire to help others; and improved perceptions of being an important contributor to school and community.[10] Our officers are helping deliver these results to our youngest citizens.

Team Kids also qualitatively evaluates its program by having its youth participants submit reflection sheets after the program. Some of the most common reflections children report gaining or learning from the program are: making a difference in the world can be fun; it was easier to make a difference than they previously thought; just one person can make a difference, but also the benefit of teamwork; enjoyment of doing good for the community and others; and that specifically children can make a difference. Because of these foregoing positive outcomes of the Team Kids Challenge, our public safety partners recognize the value of the program in helping prevent high-risk behaviors and helping pave future of success for our youth. Law enforcement's continued support of the program is evident in their continued volunteer-based participation and the powerful words they have offered to Team Kids throughout the years.[11]

Recommendation 3: Reinforce Positive Youth-Police Relations and Community Trust with Community-wide Programs

Community-wide engagement programs bringing police and youth together on the same team will help build upon the positive youth-police relations established in the school-wide program, and continue to build community trust. With this guiding spirit, Team Kids delivers other community-wide programs throughout the year, a couple of which are highlighted here for example.

Founded in 2005 after Hurrican Katrina, the Team Kids LemonAID, our flagship community-wide project, empowers children to engage entire communities to help victims of natural disasters.[12] LemonAID mobilizes children to work alongside police to raise donations for those in need around the world, particularly after natural disasters and large-scales catastrophes. Local law enforcement partners issue a call to serve to children within their community and encourage them to register their LemonAID stand online at Team Kids' website. Local police agencies develop a route of all LemonAID Stands in their community, share the route during briefing, and then deploy units to stop at all stands to congratulate children for serving as compassionate leaders. This one-on-one interaction helps youth realize the powerful role they play within their communities, in partnership with their public safety heroes. All kids who

participate are presented with a certificate of participation on behalf of their community's police and fire departments. LemonAID can be mobilized in any community and invites children to serve across the country. Since 2005, more than $90,000 has been raised by children and donated to victims through Team Kids LemonAID stands held across the nation.[13]

Another powerful community-wide program, which builds positive youth relations and community trust, is the Team Kids 9-11 Day of Service. This event began in 2001 with the "Coast to Coast Friendship Chain," which consisted of a 2,000 students linking hands and saluting their community heroes. This event stretched a mile in distance physically, and sent a message of support from California to New York. Since that tragic day in September, Team Kids consistently hosts 9-11 Days of Service to bring youth together with police and firefighters in service. Events have included hosting a 9-11 Softball Tournament with kids, police, fire fighters and wounded warriors. Team Kids and law enforcement partners have also hosted community service events that mobilize youth to identify community issues, such as park clean ups and neighborhood food drives, to unite children and community heroes who protect them.

These consistent positive interactions with police and youth build upon the positive relationships already made in the school-based Team Kids Challenge and also make the youth-police interaction community-based, so that others become aware of the work the police and youth are accomplishing for community purposes. This creates a positive relational effect among police, youth and the broader community. Therefore, it is our belief that the Team Kids' programs, as detailed herein, and other youth development programs that bring police and youth together for community engagement-related activities, improve the relationship among youth, police and the community. Team Kids believes we need to continue to build trust among youth, police and our communities to ultimately strengthen these ties throughout the United States.

You can find more information about Team Kids on our website (www.teamkids.org), where we highlight our program, show our impact in short videos from students and police officers, and offer a solution to build trust by creating partnerships with schools, police and fire departments, and community members.

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[1] Team Kids was honored by California Attorney General Kamala Harris for meritorious service and powerful outcomes in 2011.

[2] **Executive Committee: Susan Holt,** Board President, Director, IUSD Family Resource Ctr.; **Craig Elliott,** Past Board President, Partner, LTI Investments; **Nestor Herrera,** Vice President, RE/MAX Premier Realty; **Joe Burke**, Fund Development/Marketing Chair, Community Leader; **Mike Hamel,** Public Safety Liaison , Deputy Chief - Irvine Police Department; **Ken Horner,** Program Committee Chair, IUSD Principal (ret); **Bethany La Flam, Esq.,** Finance and Compliance, Much Shelist, P.C.; **Sean Phillips**, Treasure, Regional VP, Wells Fargo; **Christine Schaubach,** Secretary, Community Leader; **Julie Hudash,** Founder/CEO, Team Kids.
General Board Members: John DeCero, President, California Republic Bank; **Dan Lubeck**,, Managing Director Solis Capital Partners; **Greg McKeown,** Division Chief, Orange County Fire Authority; **Blythe Persinger**, Regional Manager Starbucks; **Steve Muzzy**, Partner, MF Partners; **JoAnn Redden**, Director, Brand and Acquisition Marketing Cox Communications; **Michael Vishny**, Vice President and Chief Human Resources Officer Mentor Graphics; **Brett Wood**, Chairman Toyota Material Handling, U.S.A., Inc.; **Amy Yamashiro**, Education Research Scientist at the National Center for Education Statistics.
Advisory Council: Laura Baden, Investor; **Michael Cupps**, Investor; **Craig Elliott**, Investor, Past Board President, Chair, Advisory Council; **Bethany La Flam, Esq.**, Legal Council, Much Shelist, P.C. ,Former Board President; **David Maggard**, Chief of Police, Irvine Police Department; **Jim McDonnell**, Chief of Police, Long Beach Police Department; **Stephen McHale**, Fire Captain (ret), Orange County Fire Authority, Founding Board President; **John McLaughlin, Ed. D.,** Education Program Specialist and Federal Coordinator, U.S. Department of Education; **David Mihalik**, Deputy Police Chief (ret), Irvine Police Department, Former Board President; **Dr. Patrick K. Murphy**, Superintendent, Arlington County Schools; **Doug Scott**, Chief of Police, Arlington County Police Department; **Jelahn Stewart**, Assistant United States Attorney, Chief Victim Witness Assistance Unit, United States Attorney's Office for the District of Columbia; **Jack Toan**, Regional VP, Wells Fargo Foundation; **James Schwartz**, Chief, Arlington County Fire Department.

[3] Bradford et al. (2009) shows that positive police-youth interaction relates to youth's feelings of confidence in police and an overall positive attitude towards police, and also shows youths' negative perceptions of their community correlates with a negative perception of police. Broaddus et al. (2013) shows police and youth interaction guided by Allport's (1954) Intergroup Contact Theory (intergroup relations are improved when the group: shares equal status; work towards common goals; cooperate; and have the support of overarching authority) with other key programmatic factors (i.e., fun and engaging activities) positively affected their respective opinions of one another by humanizing the other and thereby wearing down previously held stereotypes of the other group.

Goodrich et al. (2014) offers a case study of a positive, non-law enforcement program between youth and police and finds a significant increase in the positive impact on youth's perception of police and approaches a significant impact on police perceptions of youth.

[4] This is particularly significant because this talking point is delivered directly after the children being asked if they've ever been told they are "too young or too little to do something." Anywhere from 90-100% of the children raise their hands showing they have been told they are too young or too little to do something. This message is given as an antidote to the disempowerment and disengagement to which children are often subjected.

[5] Challenges in the past have included (but are not limited to): bringing in 500 gently used shoes for a nearby homeless shelter, bringing 500 gently used towels and blankets for animal care facilities, writing 500 letters to deployed U.S. troops, and collecting 5 large trash bins of canned foods for local food pantries. In the majority of programs, the students far exceed the set challenges.

[6] Broaddus et al. (2013) apply the ICT First Optimal Condition (Allport 1954) of creating a sense of equality to its case study, wherein a key programmatic feature in conforming to this condition was the officers participating out of uniform to show they appeared, as one female student participating in the program notes, "just like regular people." (p. 54.).

[7] Every student in the participating school is invited to be a part of the weekly challenges and every student from the highest grade levels is invited to be a part of the Leadership Team. Therefore, unlike many other school-based programs that are merit-based or wherein children are otherwise selectively chosen to participate, TKC offers an all-inclusive participation opportunity for all students in the school.

[8] The Team Kids Challenge is based on the Search Institute's 40 Developmental Assets™ and the empirically-proven body of research that shows youth involved in community engagement programs are less likely to drop out of high school, less likely to engage in substance abuse, and less likely to be involved with violence and criminal behavior (Crooks et al. 2010; Search Institute's body of research on the 40 Developmental Assets).

[9] The Search Institute's latest body of research examines how caring adults can form meaningful relationships with youth that positively affect youth development (Search Institute, Sept. 2014). They do this by expressing care, challenging growth, providing support, sharing power and expanding possibilities for youth, all of which our police partners effectuate when delivering the Team Kids Challenge.

[10] Covering the 2002-2003 and 2003-2004 school years, pre-/post-program survey tools were administered to more than 440 students in seven elementary schools and one middle school. West Ed ran the statistical analysis of the collected data to come to the results. The results showed that students who participated in a Team Kids Challenge: Developed stronger feelings of self-efficacy; Showed more confidence in their capacity to be a leader; Increased awareness of and empathy for the needs of others; Strengthened the desire to help others; and improved perceptions of being an important contributor to school and community.

[11] Quotes from our law enforcement partners:
 "Team Kids' programs provide our young people with opportunities to learn about community, leadership, teamwork, compassion, and making healthy choices. This is prevention, as kids who feel connected to their community and are involved in positive social action are less likely to engage in destructive behavior. Team Kids' programs build self-respect—and respect for others in need."
Dave Maggard, Chief of Police, City of Irvine;
"I truly believe in the mission and vision of the Team Kids Challenge Program. It empowers our youth to get involved in helping others in need, while building compassion and strong leadership skills."
Jim McDonnell, then: Chief of Police, City of Long Beach, now: Sheriff of Los Angeles County; and
"Team Kids has helped me create positive ongoing relationships with students that have lasted years. These relationships have become a key element to my success as a school resource officer."
Deputy Clay Cranford, Orange County Sheriff's Department.

[12] Team Kids LemonAID was founded alongside, and named by, Irvine Deputy Police Chief Mike Hamel.

[13] In its first year, 1,200 youth hosted 220 homemade LemonAID stands, raising $11,700 for New Orleans residents affected by Hurricane Katrina. Since then, youth LemonAID stands have supported victims of California's wildfires and the earthquakes in Haiti and Japan, along with local causes. Following the devastation in Japan, kids from Hawaii to Maryland raised more than $43,000 in just 21 days for the American Red Cross.

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President's Task Force on 21st Century Policing
Written Testimony of Nicholas Turner
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January 9, 2015

Thank you to the members of the President's Task Force on 21st Century Policing for the opportunity to submit written testimony on the topic of building trust and legitimacy between law enforcement agencies and the communities they serve.

The Vera Institute of Justice is an independent, nonpartisan, nonprofit center for justice policy and practice, with offices in New York City, Washington, DC, Los Angeles, and New Orleans. Since 1961, Vera has combined expertise in research, technical assistance, and demonstration projects to help develop justice systems that are fairer, more humane, and more effective for everyone.

Vera's History on Policing

Vera has a long history of working with law enforcement to build positive and productive relationships with community members. In 1967, in response to an increase of incidents in which white officers shot and killed black youth, Vera worked with the New York Police Department (NYPD) to draft stricter guidelines for the use of deadly force. Two years later, after nationwide urban riots, Vera designed procedures to minimize violence against and by police officers. Our intensive collaboration with the NYPD on the Community Patrol Officer Program (CPOP) in the 1980s established a number of community beats that were patrolled by officers who, in addition to their public safety duties, worked closely with community members to address local issues and develop crime-prevention strategies. CPOP became a recognized community-policing model for the nation.

More recently, Vera has studied the impact of the NYPD's stop, question, and frisk practice on young people in heavily-patrolled New York City communities. It has also worked to bridge the gap that can exist between law enforcement officers and the ethnic, racial, and religious community members they serve through the Department of Justice Office of Community Oriented Policing Services-funded Engaging Police in Immigrant Communities project—a national project to identify and assess promising law enforcement practices that cultivate trust and collaboration with immigrant communities—and the forthcoming United Communities project, which aims to improve local law enforcement relations with Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities. In addition to information about these vulnerable groups and the challenges they face in accessing police protection and partnering in community policing initiatives, law enforcement has sought out Vera's assistance in practically and tactically overcoming language barriers, reading cultural cues, and responding to immigrant crime victims.

Background

In the quest for lower crime rates, many of the values of community policing seem to have been put aside. Now-ascendant strategies in American policing are organized around arresting large numbers of people for low-level crimes and the wide-scale use of punitive interventions, such as stop, question, and frisk, particularly in New York City.[1] In contrast to the goal of community policing—achieving public safety by enhancing trust and through problem-solving—the large scale focus on low-level offenses has often caused the opposite effect.

There is no consensus that a link exists between "broken-windows" policing and the sharp reduction in crime rates in recent decades.[2] Instead, we have correctional institutions and courtrooms clogged with people charged with low-level, nonviolent crimes and for whom a criminal record may hurt their chances of getting a job, obtaining public housing, securing financial aid for college, or any number of restrictions or exclusions. Because the rate of bookings has increased since the mid 1990s, a person is more likely to go to jail after being arrested than he or she was 30 years ago.[3]

The cost that is being paid outweighs the unverified benefits that proactive punitive interventions promise. One only needs to explore the results of Vera's study into the impact of the NYPD's stop, question, and frisk policy to see how every stop eroded the trust between law enforcement and the young people affected.[4] The study surveyed samples of teenagers and young adults from highly-patrolled, high-crime areas of New York City, and found that respondents who had recently been stopped were less willing to report crimes, even when they themselves were the victim. Less than half of respondents said they would be comfortable seeking help from the police if they were in trouble, and only one in four respondents said they would be willing to report someone whom they believe had committed a crime.

This is the legacy of policing and policies that encourage high volumes of arrest for low-level, nonviolent offenses and a volume of negative interactions short of arrest: a disconnect between law enforcement and the communities they are sworn to protect in what should be a shared mission to build stronger, safer, and healthier communities. Although conventional belief might suggest otherwise, these policies have yet to be conclusively tied to safer cities and neighborhoods, but they contribute to massive, unconstructive distrust and to financial burdens and family hardships that help perpetuate cycles of poverty and unfulfilled potential.

Perhaps the most important thing this Task Force can do is encourage brave leadership willing to experiment with a philosophy of fewer arrests, summonses, and intrusions in the name of crime prevention. Such leadership exists, as Vera's recent work with law enforcement leaders demonstrates.

Recommendations

Improving police and youth relations – More effective responses and enhanced collaboration

Police officers are called upon to respond to a range of adolescent conduct, which clearly includes responding to the minority of youth who commit serious violent offenses, but also to those who come to the attention of law enforcement for low-level illegal behavior which can be characterized as youthful mistakes, as well as for "status offenses" like truancy and running away—behaviors which would not be illegal but for the person's status as a minor. Police need skills tailored to this full range of adolescent behavior in order to respond effectively. As Vera has learned through its research and

technical assistance to states and localities on a range of juvenile justice issues, youth charged with low-level and status offenses benefit from effective diversion to community-based social service responses. **Police can play a key role in linking youth and families to those options instead of turning to the courts**.

Police should also take steps to build bridges with young people to reestablish trust that may have eroded as a result of stop, question, and frisk policies, including:

- Vera found in its research on stop, question, and frisk in New York City that a number of young people felt threatened or intimidated by the officers who stopped them. **Existing training should be expanded upon to encourage respectful policing** that makes people feel they are treated fairly (including informing them of the reason for the stop), and emphasize strategies aimed at reducing the number of stops that escalate to the point where officers make threats and use physical force.
- **Collaborate with the predominately black and Hispanic/Latino communities** where stop and frisk has been concentrated to improve relationships by finding tangible strategies to put into practice. One 18-year-old black male interviewed as part of Vera's study said, "If you really want to protect, you need to become acquainted with the people in the neighborhood. You can't just patrol; you actually need to speak to people."
- **Partner with researchers** to better understand the costs and benefits of various proactive policing strategies as well as individual practices, such as stop and frisk. Enhanced data collection will improve law enforcement's ability to learn what works and what strategies and tactics to avoid or minimize.[5]

Community engagement and dialogue – Creating allies and improving communication

Consistent and proactive community engagement can go a long way toward building community trust in the police. These recommendations come out of what Vera learned through its forthcoming United Communities project, which included interviews with police officers and community members from cities with sizable AMEMSA communities.

- **All law enforcement agencies should be required to have community members who can formally serve as liaisons** and points of contact between the department and the community. These "go-to" people can provide important intelligence about the community, identify community-based resources, and broker alliances. A liaison does not necessarily have to be located in a police department, though having a sworn civilian law enforcement liaison gives an agency greater control in ensuring appropriate follow through. This should not be an option that is only exercised when there is funding.
- **Law enforcement agencies should actively interact with religious leaders.** In addition to being a rich resource for cultural and religious information, faith leaders can serve as gatekeepers to the larger community. Partnering with leaders of multiple faiths provides access to many different segments of a community and reduces reliance upon any single leader. In order to gain their trust, law enforcement should expect to meet with faith leaders on numerous occasions, and while this process will take time and involve some cross-education about each group's experiences and priorities, it can do a great deal to foster community trust.
- **Language barriers in policing should be proactively and consistently addressed** by law enforcement policies, training, and allocated resources. Police do not always fully understand the language access needs of many of our country's communities, both immigrant and U.S.-born. The consequences, however, can be severe, ranging from unprotected victims of crime to

unintended officer-involved shootings.[6] The DOJ has devoted considerable attention to improving the state of language access among local law enforcement and has gone so far as to enter civil rights litigation dealing with law enforcement's failure to take reasonable steps to provide limited English proficient individuals with meaningful access to police protection and services.[7] To support the efforts of the DOJ, state and local accreditation standards should include language access, and funding should be made available to agencies for use of low-cost interpretation and translation services.

Procedural justice – Enhance training to better serve multicultural and multilingual communities

As shown in Vera's work on the United Communities and Engaging Police in Immigrant Communities projects, greater trust and cooperation between law enforcement and communities grows more important every day, as our nation experiences rapidly changing demographics. In the last decade alone, more than two-thirds of U.S. states saw their foreign-born populations increase by at least 30 percent.[8] A significant proportion of the growth is happening in areas that were once untouched by immigration, particularly in the suburbs, creating new challenges for police agencies.[9]

In addition, homeland security obligations have led to new responsibilities for local police. These tasks would benefit from increased trust and communication with members of ethnically and racially diverse communities, yet this is not happening to the extent that it should. Nationwide, many local law enforcement agencies need greater assistance to connect with, or overcome challenges to, developing community policing partnerships with these diverse, growing communities.

In particular, **police agencies, particularly those in new immigrant communities, need support to reallocate resources and upgrade their officers' training in order to better serve this growing population.** Policing experts and practitioners agree that law enforcement, like other professionals, respond best to technical assistance and training that is grounded in a peer-to-peer approach. Police want to learn from other police. There currently are no active efforts that guide the bulk of the nation's 18,000 law enforcement agencies in serving immigrant, refugee, and limited English proficient (LEP) communities through peer-to-peer guidance and policy development.

A peer-to-peer training and technical assistance model that brings evidence-based and/or research-informed programs, policies, practices, and methodologies to policing practitioners needs to be developed, tested, and implemented statewide through national channels. This training should cover two different "waves" of immigrants—those who have come to the U.S. recently and those who are becoming integrated into the rich fabric of this country. While the newcomers may face real and critical barriers in understanding the role of the police as a to-be trusted actor of the U.S. justice system, longer-settled immigrants may need assistance in the recognizing and reporting of crimes commonly experienced among immigrant populations, including robbery of day workers, work exploitation, and domestic violence.

This model could be integrated into well-established procedural justice training that is penetrating the field through the Justice Department's National Initiative for Building Community Trust and Justice.

Defining the role of the police in a democratic society – Police as first responders

As first responders, police officers can reduce the justice system's overreliance on incarceration for people with substance use and mental health issues—while contributing to public health—by increasing

jail diversion and appropriately responding to behavioral health crises at the front door of the criminal justice systems.[10] The New York City Mayor's Task Force on Behavioral Health and Criminal Justice can be instructive for how jurisdictions can create recommendations for policy change and new initiatives based on the particular needs of their communities. These recommendations will reduce the reliance on the criminal justice system of people with behavioral health needs, reduce the negative impact of justice involvement on public health, and address the intimately connected racial disparities apparent in health and criminal justice outcomes.

- **Jurisdictions should institute pre-booking diversion programs** so police can better address the needs of a suspect with mental health and substance use issues**,** such as crisis intervention teams to properly handle emergency situations, outreach worker/police response teams, and community-based drop-off centers staffed by social service providers and mental health professionals.
- **Law enforcement around the country should integrate evidence-based harm reduction tools** into their regular practices, including naloxone distribution, to reduce the morbidity and mortality resulting from drug overdose.
- **Police officers should be knowledgeable about available alternatives to incarceration (ATIs) and arrest**, particularly for people with behavioral health needs. Police forces should work in consort with other criminal justice and public health agencies to create ATIs that fit the needs of their community.

Conclusion

In closing, I would like to thank the Task Force for offering the opportunity to provide written testimony. Please do not hesitate to contact us if the Vera Institute of Justice can provide further assistance.

[1] Preeti Chauhan, Adam G. Fera, Megan B. Welsh, Ervin Balazon, Evan Misshula, *Trends in Misdemeanor Arrest Rates in New York*. Report presented to the Citizens Crime Commission. (New York: John Jay College of Criminal Justice, 2014). http://www.jjay.cuny.edu/web_images/10_28_14_TOCFINAL.pdf (accessed January 9, 2015).

[2] Michael Tonry, "Why Crime Rates Are Falling Throughout the Western World" (October 27, 2014). *43 Crime & Justice, Forthcoming; Minnesota Legal Studies Research Paper No. 14-41*. http://ssrn.com/abstract=2520500 (accessed January 8, 2015); Center for Evidence-Based Crime Policy, "Broken Windows Policing," http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/broken-windows-policing/ (accessed January 9, 2015).

[3] Vera's calculation from: Bureau of Justice Statistics. "Arrest Data Analysis Tool," http://www.bjs.gov/arrests/resources/documents/adat_user_guide.pdf (accessed December 2, 2014).

[4] Jennifer Fratello, Andrés F. Rengifo, and Jennifer Trone, *Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications.* New York, NY: Vera Institute of Justice, 2013.

[5] See examples of these types of efforts at George Mason University Center for Evidence-Based Crime Policy website, http://cebcp.org/ evidence-based-policing/.

[6] Laura Gunderson, "Should Oregon police issue commands in Spanish when facing a suspect at gunpoint?" *The Oregonian*, December 16, 2014, http://www.oregonlive.com/pacific-northwest-news/index.ssf/2014/12/should_oregon_police_issue_com.html (accessed January 8, 2015).

[7] See U.S. Statement of Interest in Padilla v. City of New York, http://www.justice.gov/crt/about/spl/documents/padilla_soi_11-22-13.pdf (accessed January, 8, 2015).

[8] From table generated by Jeanne Batalova of the MPI Data Hub (Migration Policy Institute). Estimates for 1990 and 2000 are from the US Census Bureau, Summary File 3, 1990 and 2000 US Decennial Censuses; 2010 estimates are from the US Census Bureau's American Community Survey.

[9] Jill H. Wilson and Nicole Prchal Svajlenka, *Immigrants Continue to Disperse, with Fastest Growth in the Suburbs* (Washington, DC: The Brookings Institution, 2014). http://www.brookings.edu/research/papers/2014/10/29-immigrants-disperse-suburbs-wilson-svajlenka (accessed January 8, 2015).

[10] David Cloud. *On Life Support: Public Health in the Age of Mass Incarceration.* New York, NY: Vera Institute of Justice, 2014.

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

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Tuesday January 13, 2015

Every era presents the police, and the legal system more generally, with distinct issues. We are emerging from an historical period during which a key law enforcement concern was the control of violent crime. We should first remind ourselves that the backdrop of current policing models lies in the high levels of crime in the 1970's and 1980's, and the feelings of disorder and fear that these crime levels created in many American communities.[1]

Over the years the level of violent crime has declined[2], at least in part due to the police, while at the same time the police have generally become more professional and effective, as documented in the 2004 report of the National Academy of Sciences.[3] There is a lot to be proud of in American policing and in the role the police played in meeting the challenges of this earlier era.

Today, violent crime is at historically low levels and there is an opportunity to rethink the goals of policing as we move forward in the 21st century. In rethinking these goals, I believe that it is particularly important to focus attention on building public trust in the police, i.e. on issues of police legitimacy.

Why should police legitimacy be a central concern? During the same decades in which crime declined, public trust in the police has not generally increased in America. It has remained about the same, with only 50-60% of adult Americans expressing trust and confidence in the police. Further, there has been a large and persistent racial gap in trust, with African Americans 20-30% less likely to express trust in the police. This gap has not disappeared as the crime rate has fallen.[4] These low levels of trust have contributed to a series of racially tinged controversies about the actions of police officers, in incidents ranging from the Rodney King case in Los Angeles to the Eric Garner case in Staten Island.[5]

Given the currently low crime rates and resulting public feelings of greater safety, this is an ideal time to address the issue of police legitimacy and to make building trust and confidence a core objective of 21st century police policies and practices. Such a focus on public trust and confidence in the police need not undermine control crime efforts. Instead, building police legitimacy can be a different and, studies suggest, an equally or even more effective way to manage crime. Recent research reviews make clear both that aggressive, force based policing is at best minimally useful as a crime management strategy[6] and that building trust in the police, the courts and the law is more effective as a long-term crime control approach.[7] When people have greater trust in the police, they are more likely to both obey the law and cooperate with the police.[8] Legitimacy facilitates crime control both directly, because it lowers people's likelihood of committing crimes, and indirectly, because it increases public cooperation, which allows the police to achieve higher clearance rates.

A focus on legitimacy is not a new one for policing. During his early efforts to organize the police in London, Robert Peel famously talked about "policing by consent" and argued for the virtues of public support for police activities.[9] This theme has been a part of policing ever since that time. It was particularly prominent in America during the 20th century, when community policing policies were developed.[10]

Legitimacy based policing is further valuable because it facilitates the achievement of a broader set of community goals. One is to provide a framework for reshaping police forces to help address the current challenges facing American cities. As crime has ebbed, the need for a large and insular police force has declined, providing an opportunity to rethink the structure of police forces. Promoting legitimacy is first a path to building the type of cooperation with the public that allows for the co-policing of communities to maintain social order. Working closely with the community will allow police officers to more efficiently maintain the gains in crime control that have already been achieved, freeing up scarce public resources to meet other challenges.

Finally, models of policing for the 21st century should be based upon the recognition that "you cannot arrest your way out of crime." Crime control is dependent upon economic and social development. And a trusted police force is central to providing the background of reassurance that encourages the people in communities to join together to revitalize themselves socially and economically by motivating people to work in them, shop in them, go out for entertainment in them and otherwise actively participate in community life.[11] Fear of crime undermined communities in an earlier era; but today the police can help build communities by projecting safety and reassurance.

Fortunately, we know a lot about how to strengthen trust in the police. Research findings make it very clear that when the public's evaluations focus on whether they feel that the police - either police departments or individual police officers - are exercising their authority fairly.[12] This procedural justice finding has been widely replicated and suggests that people care both about whether the police make decisions fairly and whether they treat members of the public respectfully.[13]

In terms of fair decision making, the public wants to be listened to when policies are being created, as well as wanting to have an opportunity to state their case when dealing with individual police officers. They also want explanations for police actions that allow them to see that the police are acting in unbiased ways and in accordance with policies that connect to understandable and shared objectives.

In the case of quality of treatment people look for an acknowledgement of their needs and concerns and for evidence of sincere efforts to act on behalf of the community on the part of the police. The issue of respect has been particularly central to recent public controversy regarding the police, with people believing that the police treat members of the public, especially those belonging to minority groups, in demeaning, discourteous, and disrespectful ways. If people

believe that the police are fair, they trust them and they defer to their authority.[14] They also cooperate by reporting crime and criminals. And they are less likely to react to incidents such as those recently experienced in Ferguson and Staten Island with outrage and violence.[15] If the police are trusted, people are more likely to give them the benefit of a doubt, allowing the police time to investigate and respond to contentious police actions. Overall the public is willing to give trusted police greater discretion in their efforts to enforce the law.

These findings have clear policy implications. They suggest that policing can gain when every policy and practice implemented by the police is evaluated not only in terms of its crime control utility but also in terms of its perceived fairness. Every encounter with the public is a teachable moment, and police departments and officers should ask what they are teaching the public about the police.

This approach matters because it provides a new perspective on a series of issues that have created ongoing controversy, including racial profiling, broken windows policing, aggressive street stops, and police use of force.[16] In each case the public perception of and reaction to what the police are doing has become an issue in and of itself, beyond actual police actions. In today's media climate this appears inevitable, so the police need to ask in advance how their actions are likely to be viewed by the public, both those likely to have contact with officers and people in the community at large. The answer to this question should shape both what the police do and how they do it. In particular, when the police have reasons for taking actions that impact upon peoples' lives, they need to focus on taking those actions in ways that the public will experience as being fair.

Police officers need to be trained to recognize the importance of fair treatment as well as being provided with strategies for achieving the goal of strengthening public trust. Police training can enable commanders to identify policies that build trust and help officers on the street to know how to conduct themselves in ways that achieve the same goal. Such training is not only for the benefit of the public. Officers better trained in tactics for deescalating conflict and building trust are less likely to encounter resistance and hostility on the street, less likely to need to resort to the use of force and therefore more likely to be safe.

We need to evaluate policies themselves and think about how they are experienced by the public. For example, being repeatedly stopped by the police on the street or in a car leads people to question police policies, no matter how fairly the police officers involved are acting.[17] Again, the point is that when policies and practices are being evaluated the evaluation should include not only a consideration of the immediate impact of a policy on crime, but also the impact of that same policy on trust in the police, something which has a long term impact on crime.

Understanding the impact of police policies has become a particularly central issue in recent years because the police have increasingly sought to prevent crime through proactive policing. This approach brings the police into more frequent contact with the public, either through broken

windows approaches that focus on arrests for minor crimes or broad practices of police stops of citizens in search of drugs and guns. Research findings suggest that a long term consequence of these broader proactive police practices has been to undermine trust, and build hostility toward the police. This is especially true when the police engage of widespread stops of people who are not committing crimes. Additionally, arrests for minor crimes draw people into further contacts with the criminal justice system and those further contacts have the general effect of undermining people.[18]

The nature of police contacts is particularly important when the police are dealing with young people. Unfortunately, such contacts are frequent because young people are involved in a large number of the crimes that occur.[19] We know from research on adolescent development that young people lack the cognitive and emotion management skills needed to make good judgments about rule breaking.[20] Fortunately, almost all the adolescents who commit crimes go on to develop into law abiding adults if left alone.[21] On the other hand, contact with criminal justice authorities such as the police, the courts and the prison system diminishes the likelihood of such positive development and increases the probability of future criminal conduct.[22] Conversely, fair treatment builds legitimacy. Hence we particularly need to focus on the nature of police contact with adolescents.

These findings are counter to the arguments of the broken windows approach, which argues that minor crimes are the gateway to future major crimes.[23] However that argument itself ignores the literature on adolescent development, much of it aided by recent findings in neuroscience, which shows that adolescents' cognitive and emotional regulation abilities are not fully developed. As these individual capacities develop through maturation the frequency of law breaking behavior declines. This occurs irrespective of what the police do in response to crime.

Beyond juveniles there are several other groups who are important for the police. One is the general population of high crime neighborhoods. A key finding of recent research on crime is that even within high crime areas most violent crime is concentrated in a small proportion of the people who can be identified through techniques such as network analysis.[24] This means that in any area there is a large group of residents whose cooperation can be engaged through trust building strategies, while a small group of violent offenders is managed through surveillance and sanctioning. In such situations targeted strategies against violence are the most productive. Targeted police activity can lower the rate of particular crimes in chosen neighborhoods in the short term.[25]

Finally efforts to change the culture of policing need to focus on addressing police officers job related concerns.[26] Two such concerns are safety and health. As everyone in this room is aware, policing is a dangerous job and not only dangerous out on the street. The stress of policing leads to high levels of suicide, alcoholism, divorce and physical and mental health maladies. Being shot is unfortunately not the only risk that policing poses, although it may be the most visible.

The daily task of policing under sometimes dangerous and hostile conditions promotes stress which has broad negative consequences for the lives of officers.[27]

Interviews with police officers suggest that the same types of fairness that the public wants from them, police officers want from their commanders.[28] And, like members of the public, officers often feel that they do not receive basic fairness within their own station houses. Hence, it is also important to rethink the organization of police forces to give field officers more opportunities to express their views, better explanations of the goal of department policies, more transparent procedures for discipline and promotion, and more respectful treatment. If officers experience these types of fairness in their station houses they are then more likely to display them on the street.[29]

Why? Studies show that police officers who feel fairly treated do their jobs better[30]; have fewer of the symptoms of stress that medical studies link to problems with physical health and to alcoholism, divorce, and suicide[31]; are less likely to use force in their everyday interactions with the community; and are generally more likely to treat people in the community fairly. This style of policing, in turn, minimizes conflict and promotes both the acceptance of police authority and officer safety.[32]

In making the points that I have today, I have often referred to research findings. One of the most important recommendations that I have for the task force is that it endorse the argument that public policy should be evidence based. This argument is an important one in all areas of government but it is particularly important within policing. Evidence based criminology provides a research basis for evaluating policies and practices related to crime and to policing. In the case of legitimacy based policing there are a number of studies that support the points I am making today. But beyond the ideas discussed here, I strongly endorse the principle that policing be informed by empirical studies that tell us what works. The argument that a medicine has to be proven to work before it can be prescribed applies equally to a model of policing, regardless of who is advocating it. But for such research to be most useful we need to have a broader focus than just the crime rate. We also have to study what shapes legitimacy.

Beyond research the Federal government needs to support innovations in policing. Just as it promoted community policing during that era, the Federal government should promote legitimacy based policing by providing funds for training and for the additional costs associated with initiating such program, for example, costs associated with embedding officers in neighborhoods to create mutual trust and support.[33]

There is a much cited saying that a crisis is also an opportunity. While this is a turbulent time for American policing, it is also an occasion for rethinking the mission of our police in a 21st century society. Thank you for allowing me to provide you with ideas about how to achieve that goal.

Biography

Tom R. Tyler is the Macklin Fleming Professor of Law and Professor of Psychology at Yale University. His research explores the dynamics of authority in groups, organizations, and societies. In particular, he examines the role of judgments about the justice or injustice of group procedures in shaping legitimacy, compliance and cooperation. His work examines these psychological dynamics in the courts, with the police and in prisons. In each case he suggests the importance of encouraging legitimacy based approaches to the exercise of law and legal authority, with the goal of motivating self-regulatory behavior. This includes voluntary deference to legal authorities and acceptance of their decisions, as well as willing cooperation with efforts to manage social order. He has also studied the internal dynamics of legal institutions and argues for a similar approach to their design, emphasizing more participatory approaches to the organization of court systems and police departments. He is the author of several books, including *The social psychology of procedural justice* (1988); *Social justice in a diverse society* (1997); *Cooperation in groups* (2000); *Trust in the law* (2002); *Why people obey the law* (2006); and *Why people cooperate* (2011). He received his Ph.D. in social psychology from UCLA in 1978. Since then he has taught at Northwestern University; the University of California at Berkeley; and New York University.

[1] Bayley, D. & Nixon, C. (2010). *The changing environment for policing, 1985-2008*. Kennedy School of Government.

[2] Sourcebook of Criminal Justice Statistics Online." http://www.albany.edu/ sourcebook/ pdf/ t2122011.pdf

[3] Skogan,W. & Frydl, K. (2004). *Fairness and effectiveness in policing: The evidence*. National Academy of Science: National Research Council.

[4] Public views about the police have been surveyed by a variety of groups, including the Gallup Poll and the Pew Research Center. Results are available from those groups directly or through the Sourcebook of Criminal Justice Statistics Online." http://www.albany.edu/ sourcebook/ pdf/ t2122011.pdf.

[5] Studies conducted by the Pew Research Center indicate dramatically different understandings of each of these police related events. In each case African Americans were found to be much more skeptical of police neutrality and of the motivations of police officers than are Whites.

[6] Paternoster, R. (2006). How Much Do We Really Know About Criminal Deterrence? *Journal of Criminal Law and Criminology*. 100: 765-824; Pratt, Travis C., Francis T. Cullen, Kristie R. Blevens, Leah E. Daigle, and Tamara D. Madensen. (2008).The empirical status of deterrence theory: A meta-analysis. In *Taking stock: The status of criminological theory*, eds. Francis T. Cullen, John Paul Wright, and Kristie R. Blevins, 367–96. New Brunswick: Transaction Publishers, p. 383; McCluskey, J.D. (2003). *Police Requests for Compliance: Coercive and procedurally just tactics*. NY: LFB Scholarly Publishing.

[7] Tyler, T.R. (2009). Legitimacy and criminal justice: The benefits of self-regulation. *Ohio State Journal of Criminal Law*, 7, 307-359; Tyler, T.R. & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation and engagement. *Psychology, Public Policy and Law*, 20, 78-95.

[8] Fagan, J. & Piquero, A.R. (2007). Rational choice and developmental influences on recidivism among adolescent felony offenders. *Journal of Empirical Legal Studies*, 4(4), 715-748; Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P. & Tyler, T.R. (2012). Why do people comply with the law? Legitimacy and the influence of legal institutions. *British Journal of Criminology*, 52, 1051-1071; Jackson, J., Bradford, B., Stanko, B. & Hold, K. (2013). *Just authority?: Trust in the police in England and Wales*; Sunshine, J. & Tyler, T.R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law and Society Review*, 37, 513-548; Tyler, T.R. & Fagan, J. (2008). Why do people cooperate with the police? *Ohio State Journal of Criminal Law, 6,* 231-275; Tyler, T.R., Fagan, J. & Geller, A. (2014). Street stops and police legitimacy. *Journal of Empirical Legal Studies*, 11(4), 751-785.

[9] Lentz, S.A. & Chaires, R.H. (2007). The invention of Peel's principles: A study of policing "textbook" history. Journal of Criminal Justice, 35, 69-79.

[10] Fischer, C. (2014). *Leadership and procedural justice: A new element in police leadership.* Police Executive Research Forum.

[11] Kochel, T.R. (2012). Can police legitimacy promote collective efficacy? *Justice Quarterly*, 29(3), 384-419; Tyler, T.R. & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation and engagement. *Psychology, Public Policy and Law*, 20, 78-95.

[12] Brunson, R.K. & Gau, J.M. (2014). Race, place, and policing the inner-city. In M. Reisig & R.J. Kane (Eds.). *The Oxford Handbook of Police and Policing* (pp. 362-382). Oxford University Press; Dai, M., Frank, J. & Sun, I. (2011). Procedural justice during police-citizen encounters: The effects of process-based policing on citizen compliance and demeanor. *Journal of Criminal Justice*, 39, 159-168; Gau, J.M. & Brunson, R.K. (2010). Procedural justice and order maintenance policing. *Justice Quarterly*, 27, 255-279; Hinds, L. (2009). Youth, police legitimacy and informal contact. *Journal of Police and Criminal Psychology*, 24, 10-21; Jackson, J., Bradford, B., Stanko, B. & Hold, K. (2013). *Just authority?: Trust in the police in England and Wales*; Mazerolle, L., Bennett, S., Davis, J., Sargeant, E. & Manning, M. (2013a). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology*, 9, 245-274; Reisig, M.D. & Lloyd, C. (2009). Procedural justice, police legitimacy, and helping the police fight crime. *Police Quarterly*, 12(1), 42-62; Reisig, M.D., Tankebe, J. & Mesko, G. (2013). Compliance with the law in Slovenia: The role of procedural justice and police legitimacy. *European Journal of Criminal Policy Research*, 20, 259-276; Tyler, T.R. (2006). *Why people obey the law*. Princeton: Princeton University Press; Tyler, T.R. & Fagan, J. (2008). Why do people cooperate with the police? *Ohio State Journal of Criminal Law, 6,* 231-275; Tyler, T.R. & Huo, Y.J. (2002). *Trust in the law*. NY: Russell-Sage.

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[19] Brame, R., Turner, M.G., Paternoster, R. & Bushway, S.D. (2012). Cumulative prevalence of arrest from ages 8 to 23 in a National sample. *Pediatrics*, 129, 21-27.

[20] Steinberg, L. (2014). *Age of opportunity: Lessons from the new science of adolescence*. Boston: Houghton Mifflin Harcourt.

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[22] Petrosino, A., Guckenburg, S. & Turpin-Petrosino, C. (2010). *Formal system processing of juveniles: Effects on delinquency*. Campbell Collaborative Review.

[23] Kelling, G.L. & Wilson, J.W. (1982). Broken windows. *The Atlantic.*

[24] Papachristos, A., Braga, A. & Hureau, D. (in press). Social networks and the risk of gunshot injury. *Journal of Urban health.*

[25] The other smaller group that is of concern are the small group of persistent violent offenders. If the police have the trust of most of the people in the community they can target their resources toward that group. However, it should not be assumed that only the threat or the use of force matters. Recent studies by Tracey Meares, Andrew Papachristos and Jeffrey Fagan show that even those with a history of violence respond favorably to trust building strategies based upon respectful treatment. See Meares, T.L., Papachristos, A. & Fagan, J. (2007). Attention felons. *Journal of Empirical Legal Studies*, 4(2), 223-272; Papachristos, A.V., Meares, T. & and Fagan, J. (2007). Attention Felons: Evaluating Project Safe Neighborhoods in Chicago. *Journal of Empirical Legal Studies,* 4, 223-250; Papachristos, A.V., Meares, T.L., Fagan, J. (2012). Why do criminals obey the law? *Journal of Criminal Law and Criminology*, 102, 397-440.

[26] One concern the police have that is easy to address in that it is costless is for greater public recognition of their success in doing a difficult and often thankless job.

[27] Komarovskaya, I., Maguen, S., McCaslin, S.E., Metzler, T.J., Madan, A., Brown, A.D., Galatzer-Levy, I.R., Henn-Haase, C. and Marmar, C.R. (2011). The impact of killing and injuring others on mental health symptoms among police officers. *Journal of Psychiatric Research*, 45, 1332-1336; MacNair, R.M. (2002). Perpetration-induced traumatic stress in

combat veterans. *Peace and conflict: Journal of Peace Psychology*, 8, 63-71; Robinson, H.M., Sigman, M.R. & Wilson, J.P. (1997).
Duty related stressors and PTSD symptoms in suburban police officers. *Psychological Reports,* 81, 831-845.

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[30] Trinkner, R. & Tyler, T.R. (2015). *Justice from within: How procedural justice in police culture shapes the institution, the officer, and the community*. Unpublished manuscript, Yale Law School; Wolfe, S.E. & Piquero, A. (2011). Organizational justice and police misconduct. *Criminal Justice and Behavior*, 38, 332-353.

[31] Robbins, J.M., Ford, M.T. & Tetrick, L.E. (2012). Perceived unfairness and employee health: A meta-analytic integration. *Journal of Applied Psychology*, 97, 235-272.

[32] Belvedere, K., Worrall, J.L. & Tibbetts, S.G. (2005). Explaining suspect resistance in police-citizen encounters. *Criminal Justice Review*, 30(1), 30-44; McCluskey, J.D. (2003). *Police Requests for Compliance: Coercive and procedurally just tactics*. NY: LFB Scholarly Publishing.

[33] New Haven, for example, has new officers work within neighborhoods for their first year on the job. See Lips, E. & Swift, J. (1/3/2015). Homicides, violent crimes in New Haven down in 2014. New Haven Register.

Laurie Robinson
Co-Chair, Task Force on 21st Century Policing
Robinson Professor of Criminology, Law and Society
George Mason University

Dear Professor Robinson:

Pursuant to our email conversation, below are three succinct suggestions that the task force may consider as it moves forward. These suggestions are based on over 30 years of research and over 40 publications on the "racial divide". They are also derived from the recent publication of my book *A Theory of African American Offending: Race, Racism, and Crime* (Routledge, 2011; coauthor Shaun Gabbidon) and from my ongoing work on this topic with Frank Cullen of the University of Cincinnati.

My suggestions are based on the research that shows that a salient cause of African American offending is perceptions of racial discrimination. Perceived racial discrimination causes African Americans to experience oscillating feelings of anger-hostility-depression, all of which are key predictors of offending. The research also reveals that African Americans are particularly likely to offend if they believe that the police are racist. Studies indicate that perceptions of the legitimacy of the law are eroded when African Americans perceive that the police are racially biased. Thus, the research suggests that a factor that will significantly reduce the likelihood of offending among African Americans is a decrease in their perceptions of racial discrimination especially if it is perceived to emanate from the criminal justice system.

I am certain that the Task Force will generate numerous recommendations specifically related to how the criminal justice system can better police African American communities. These will focus on community policing with an emphasis on maintaining the highest level of procedural justice. The latter can be reinforced with the use of body cameras for the police.

I add three nuanced suggestions to those that the Task Force will likely compile on these general issues.

- First, a key to attenuating the racial divide between the criminal justice system and the African American community involves education. I suggest that police departments should develop, in conjunction with local universities, a course on *Race and the Criminal Justice System*. It should begin with an introduction to basic concepts such as race, ethnicity, prejudice, ethnocentrism, and the variegated forms of racism-racial discrimination. However, the focus of the course must center on how the African American community has developed a racialized worldview of the criminal justice system. This racialized worldview has resulted in deep 'pockets of legal cynicism' that enhance the probability that some African Americans will offend. This course should be mandatory for all police officers especially those that are assigned to police an African American community. Management can use the results of this course to make evidence-based decisions as to which individuals should be assigned to police an African American community. Those that were the most highly motivated and successful in the course could be assigned to police African American communities. The course could be offered

on-line and arranged in a series of modules for those officers who cannot take the in-class class.

- Second, there is a plethora of research that indicates that most people express some degree of racism. This can be overt, such as explicitly denying loans to an individual because they are black, or racist microaggressions, such as "talking down" to African American youth. Fortunately, there are valid and highly reliable methodological tools that are available to assess the degree to which individuals hold both explicit and implicit racist attitudes (e.g., see the research by Jennifer L. Eberhardt). As part of their training, it is recommended that all police officers undergo a battery of exams designed to reveal the degree to which they embrace racist attitudes. The purpose of these exams is twofold. First, they will expose officers to their potential racist attitudes with the intent that their awareness will allow them to more effectively curtail any discriminatory behavior. Second, management can use the results of these exams to make evidence-based decisions as to which individuals should be assigned to police African American communities.

- Third, my idea of community policing in African American communities is more extensive than getting the police out of their cars and actively walking the streets. To attenuate the racial divide the police must be perceived as agents whose intent is to empower the members of the African American community that they are policing. This can only be accomplished if the police, without an agenda of their own, go door to door and ask the members of the community what are their most salient issues and how they can be of service to resolving them. However, the solutions to the issues must be implemented quickly in order to build trust. There must be visible and tangible results. The resolution of these issues may require that the police work hand in hand with other city agencies.

I have limited my suggestions to three although I have others. The full implementation of these three suggestions should build a significantly higher degree of trust between African American communities and the criminal justice system.

I would like the opportunity to elaborate my suggestions in person to the Task Force once it convenes the hearings.

Thank you for your time and consideration,

James D. Unnever
Professor of Criminology
University of South Florida Sarasota Manatee

STATEMENT TO THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

SAMUEL WALKER

PROFESSOR EMERITUS OF CRIMINAL JUSTICE, UNIVERSITY OF NEBRASKA AT OMAHA

JANURY 6, 2015

A RESPECTFUL POLICING INITIATIVE

1. I am Samuel Walker, Professor Emeritus of Criminal Justice at the University of Nebraska at Omaha. I would like to thank the Task Force for this opportunity to submit written testimony with recommendations.[1]

2. My professional expertise is in the area of police accountability. I am the author of 14 books on police accountability, policing, crime policy, and civil liberties. My most recent book is *The New World of Police Accountability* (2nd ed., with Carol Archbold, 2014).[2] I am also the author of Justice Department reports on *Early Intervention Systems for Law Enforcement Agencies* (2003)[3] and *Mediating Citizen Complaints Against Police Officers* (2002).[4]

3. My testimony involves a proposal for A RESPECTFUL POLICING INITIATIVE, with accompanying recommendations for implementation

4. The context of my proposal involves the tragic events in Ferguson, Missouri, and Staten Island, New York, in 2014. Public reaction to those events has focused on citizen deaths at the hands of police officers and the grand jury investigations of those deaths. My proposal seeks to broaden the discussion to include routine, day-in, day-out policing, and specifically encounters that involve disrespectful and offensive language by police officers toward community residents.

5. Many people may think that disrespectful and offensive language is relatively trivial when compared with officer-involved deaths. I argue that, to the contrary, it is extremely important because of its pervasiveness, its impact on police-community relations, and its special impact on communities of color.

6. There is ample evidence that on a routine basis police officers in this country use disrespectful and offensive language in encounters with people on the street. That language includes racial, ethnic, and gender slurs; common vulgarities; and other expressions of disrespect. It was widely reported, for example, that the initial encounter between Officer Wilson and Mr. Brown in Ferguson began with Officer Wilson using a common vulgarity to order him to get onto the sidewalk.[5]

7. Verbal disrespect was an issue in the police-community relations crisis of the 1960s.[6] The problem was evidently not corrected then, and so it continues today. Official data on citizen complaints indicate that verbal disrespect, including racial and ethnic slurs, in 2013 represented 17 percent of all citizen complaints in San Jose, California;[7] as many as 26 percent in Washington, DC;[8] and over 40 percent in New York City (this figure is ambiguous because of the classification system used by the New York City Civilian Complaint Review Board).[9] Moreover, these data undoubtedly represent only a small fraction of all incidents of disrespectful and offensive language. Research has consistently found that citizens who feel mistreated by the police file formal complaints in only a small percentage of such incidents.[10]

8. The adverse consequences of disrespectful and offensive language include: (a) personal psychological injury to the member of the community involved; (b) creating over time a pervasive distrust of the police among those people most often the target of such language, particularly communities of color; (c) often provoking in particular encounters hostility toward the officer, leading to an escalation of the encounter into more aggressive behavior on the part

of both parties. Tragically, some of those escalated incidents result in the unnecessary use of force by the officer, including even the use of deadly force; (d) undermining standards of professionalism in the police department as officers learn by experience that they will not be disciplined for such conduct.

9. As the above paragraph indicates, disrespectful and offensive language by police officers is the antithesis of the principle of de-escalation. De-escalation is now recognized as an important strategy for reducing unnecessary police use of force.[11] Ending disrespectful and offensive language, therefore, would help to reduce the incidence of police use of force.

10. My principal recommendation to the Task Force is that the U.S. Department of Justice should take the lead in developing a RESPECTFUL POLICING INITIATIVE. The Departments has several different units, with different mandates and resources, which can contribute to this initiative. The RESPECTFUL POLICING INITIATIVE would involve mandatory annual in-service training for all law enforcement officers in the United States on respectful and professional language.

11. Annual in-service training is well-established among law enforcement agencies, and the recommendation here can be readily incorporated into those existing programs.

12. A relevant model for this recommendation is the "Perishable Skills" in-service training program by the California Police Officer Standards and Training (POST) agency. In that program, all sworn officers in the state must receive 12 hours of in-service training at least once every two years, with 4 hours each devoted to Arrest and Control; Driver Training/Awareness or Driving Simulator; and Tactical Firearms or Force Options Simulator.[12] The California program recognizes that some for particularly important aspects of policing officers need annual or at least biannual in-service training.

13. The major challenge for the RESPECTFUL POLICING INITIATIVE involves how to ensure that all law enforcement agencies adopt it. My second recommendation, therefore, is that the

Department of Justice <u>make federal funds from the Department contingent upon a certification</u> <u>that a law enforcement is requiring mandatory in-service training for all of its officers on</u> <u>respectful policing</u>.

14. As mentioned earlier, since virtually all law enforcement agencies in the U.S. already conduct annual in-service training, incorporating the RESPECTFUL POLICING INITIATIVE training into those programs can be achieved without major delay or disruption.

15. My <u>third recommendation</u> is that the Department of Justice should take the lead in <u>developing a</u> <u>model respectful policing training curriculum</u>. The Bureau of Justice Assistance (BJA) is the appropriate agency for this effort. The training curriculum should be developed in collaboration with law enforcement agencies, law enforcement professional associations, including recognized collective bargaining organizations, and appropriate experts from outside of law enforcement to ensure that it represents best practices regarding content, length, and instructional methods.

16. My <u>fourth recommendation</u> is that the Department of Justice should <u>develop a recommended</u> <u>model policy on respectful policing</u>. There is today a well-established practice of model policy development in American law enforcement.[13] The model policy should be developed through a series of working conferences with representatives from law enforcement agencies, professional associations, including recognized collective bargaining organizations, and experts from outside of law enforcement.

In conclusion, disrespectful and offensive language by police officers toward community residents is a pervasive and serious problem in American policing, with a number of serious adverse consequences, particularly on communities of color. Curbing this problem will go a long way toward building community trust in the police and in the process reducing many more serious problems

such as the improper use of force by police officers. The Department of Justice should take the lead in addressing this problem by embracing the RESPECTFUL POLICING INITIATIVE recommended in this Statement. The Department of Justice should require mandatory annual in-service training in respectful policing as a condition for receiving federal funds, and also take the lead in developing both a model training curriculum and a model policy on respectful policing.

[1] Professor Walker's work can be examined at http://samuelwalker.net/

[2] Samuel Walker and Carol Archbold, *The New World of Police Accountability*, 2nd ed. (Newbury Park, CA: Sage, 2014).

[3] Samuel Walker, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide* (Washington, DC: Department of Justice, 2003). http://www.cops.usdoj.gov/Publications/e07032003.pdf

[4] Samuel Walker, Carol Archbold, Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders* (Washington, DC: Department of Justice, 2002). http://www.cops.usdoj.gov/pdf/e04021486web.pdf.

[5] This author's commentary on Officer Wilson's words is available at Sam Walker, "Let's Get the 'F' Word Out of Ferguson," http://samuelwalker.net/wp-content/uploads/2014/11/LETS-GET-THE-F-WORD-OUT3.pdf There is, of course some dispute over the actions of Officer Wilson in the events of August 9, 2014. But as this Statement argues, even if Officer Wilson did not utter the exact vulgarity in question, the data on verbal disrespect, as indicated by citizen complaints, is a serious national problem.

[6] National Advisory Commission on Civil Disorders, [The Kerner Commission], *Report* (New York: Bantam Books, 1968).

[7] San Jose Independent Police Auditor, *2013 IPA Year End Report* (April 2014), p. 31. http://www.sanjoseca.gov/DocumentCenter/View/29599

[8] District of Columbia, Office of Police Complaints, *Annual Report: Fiscal Year 2013* (March 2014, p. 33. http://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/2013%20Annual%20Report%20OPC.pdf.

[9] New York City Civilian Complaint Review Board, *2013 Report* (March 2014), p. 7. Among all complaints received, 38 percent were in the category of Discourtesy and 8 percent were in the category of Offensive Language, for a combined total of 46 percent. http://www.nyc.gov/html/ccrb/downloads/pdf/CCRB%20Annual_2013.pdf

[10] The research on citizen complaints is reviewed in Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth, 2001).

[11] Police Executive Research Forum, *An Integrated Approach to De-escalation and Minimizing Use of Force* (Washington, DC: Police Executive Research Forum, 2012). http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf

[12] California Commission on Police Officer Standards and Training, "Perishable Skills Program." https://www.post.ca.gov/perishable-skills-program.aspx

[13] See, for example, the model policy on the use of electronic control devices: http://cops.usdoj.gov/Publications/e021111339-PERF-ECWGb.pdf

BUILDING TRUST AND LEGITIMACY:
LISTENING SESSION BEFORE THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

PUBLIC COMMENT OF THE CENTER FOR CONSTITUTIONAL RIGHTS
VINCENT WARREN, EXECUTIVE DIRECTOR

January 9, 2015

Task Force Members:

The Center for Constitutional Rights (CCR) would like to thank the Task Force on 21st Century Policing for holding this important listening session on "Building Trust & Legitimacy." This session comes at a critical moment and during an intense national debate on police violence, brutality and racial justice.

CCR is dedicated to advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. We have also successfully challenged unlawful and discriminatory policing practices in our advocacy, movement support and litigation work in New York, Ferguson and beyond.[i]

CCR welcomes the Task Force's engagement on what we see as a timely and necessary conversation on the future of policing, and we appreciate the opportunity to provide recommendations for reconciliation, trust-building and reform of policing practices and culture to better promote respect and dignity for the communities that police departments serve.

I. NEW YORK: A CLOSER LOOK

CCR would like to draw your attention to what we believe is a critical moment and opportunity for reform of the practices of the largest[ii] and most influential municipal police department in the country – the New York Police Department ("NYPD" or "the Department").[iii] Below we highlight recent developments as well as continued areas of concern.

a. Stops and Frisks

As the Task Force is likely well aware, between January 2004 and June 2012, the NYPD conducted over 4.4 million forcible pedestrian stops of New Yorkers, the vast majority of which, roughly 85%, were Black or Latino, even though these two groups represented only 52% of New York City's population. These statistics, obtained by to us through a court order, raised serious concerns about the discriminatory impact of this practice. Only approximately 10% of stops led to any further law enforcement action,[iv] which raised concerns about its efficacy as well.

CCR successfully challenged the NYPD's abusive stop and frisk practices in *Floyd v. the City of New York*,[v] as violations of the Fourth and Fourteenth Amendments of the U.S. Constitution. In August 2013, the United States District Court for the Southern District of New Yorkfound the NYPD liable for a widespread practice of unconstitutional and racially discriminatory stops.[vi]

i. *Court-Ordered Collaborative Process and Reforms Represent an Opportunity to Rebuild Trust, Collaboration and End Discriminatory Policing*

Following its ruling, the Court ordered the appointment of an independent monitor and facilitator to oversee a collaborative reform process, based upon a similar process which was successfully implemented in Cincinnati, Ohio over a decade ago. The collaborative process brings together affected communities, elected officials, police officer organizations, the *Floyd* plaintiffs, the NYPD, and other stakeholders to collaboratively develop specific reforms to the Department's stop and frisk practices.[vii] Community groups, labor organizations, elected officials and representatives of law enforcement officers of color organizations have declared their support for the reform process. Leading this process would be the monitor and facilitator who will ensure that reforms are developed in a timely fashion and then fully implemented by the Department.

We also believe that the collaborative process that is set to begin in New York will, as did the Cincinnati reform process before it, serve as a model to develop meaningful, lasting and credible reforms to municipal police departments across the country. Similar processes have been effective in reducing crime and police-involved shooting deaths, significantly improving relationships between police departments and the communities they police, and bringing discriminatory and other abusive law enforcement policies and practices into compliance with the law. We encourage the Task Force's endorsement of the collaborative process in New York moving forward.

Moreover, the NYPD was ordered to adopt "immediate reform" of policies concerning supervision, monitoring, training and discipline of officers related to stop-and-frisk and racial profiling. The details of these policy changes are to be developed by the Monitor in consultation with the lawyers representing the City and the Floyd plaintiffs, who will then submit them to the District Court as soon as possible for approval.

The Court also ordered the NYPD to institute a "pilot project" in which body-worn cameras are to be worn for one year by officers on patrol in the one precinct in each borough with the highest number of stops in 2012. In anticipation of this court-ordered pilot, the City of New York has on its own started outfitting a total of 54 officers, 9 in each of the aforementioned precincts and in

one housing police service area, who have volunteered to wear the body cameras, as a way to test the technology before launch of the larger court-ordered pilot program Importantly, this initial NYPD voluntary pilot does not replace the formally court-ordered pilot which will have protocols developed primarily by the Monitor in consultation with the City and Floyd plaintiffs, is mandatory, and will include a formal process for evaluating the effectiveness of the cameras at reducing unconstitutional police behavior.

b. Targeting of Arab, Muslim and South Asian Communities

Of equal concern to CCR and others in the New York police accountability community is another longstanding and overtly discriminatory NYPD policy and practice: the targeting of Arab, Muslim, and South Asian individuals, businesses, places of worship and entire neighborhoods for surveillance and "infiltration" — without any suspicion of criminal wrongdoing. The NYPD's surveillance program (hereinafter "Program") involves "human mapping" and mass surveillance of Muslim communities, and infiltration of mosques and Muslim student associations in the New York and New Jersey area. The Program expressly discriminates on the basis of religion and violates the U.S. Constitution. Notably, after more than a decade in existence, the Program has not yielded a single criminal lead,[viii] and has had serious negative consequences for the lives of those in Muslim communities: altering the way they practice their faith and interact with other community members, and creating a pervasive climate of fear, suspicion and stigmatization. The Program has been the subject of several legal challenges, including one filed by Muslim Advocates and CCR on behalf of Muslim communities in New Jersey, which is being heard Tuesday, January 13th by the United States Court of Appeals for the Third Circuit in Philadelphia.[ix]

c. Excessive Use of Force and Inadequate Disciplinary Systems

Additionally, excessive use of force by police continues to be a problem in New York, particularly in communities of color. Black people represent 55% of all alleged victims in civilian complaints received by the New York City Civilian Complaint Review Board (CCRB); another 24-27% is Hispanic.[x] Of all the complaints received by the CCRB, nearly half concern excessive or unnecessary use of force by the NYPD.[xi]

Furthermore, the existing disciplinary policies and procedures of the NYPD routinely fail to meaningfully punish and deter officers who are found to have committed misconduct, and rarely in proportion with the misconduct in question.[xii] While we are encouraged by Attorney General Holder's announcement of a civil rights investigation by the Department of Justice into the killing of Eric Garner, we would also strongly urge a reconsideration of existing internal departmental disciplinary policies and procedures which fail to hold officers accountable when they engage in misconduct, thereby perpetuating a culture of impunity within the NYPD.

d. Failures to Indict and hold Accountable: When Officers Kill

Repeat failures to criminally prosecute officers who engage in brutality through grand jury indictments,[xiii] and the recent immunity granted by the Richmond County District Attorney (Staten Island) during the grand jury process to several of the NYPD officers who participated in

the incident that resulted in the killing of Eric Garner – demonstrate a worrying lack of accountability or consequence for police misconduct.

There is a compelling need to independently investigate and prosecute incidents of lethal police violence. We believe New York Governor Cuomo should authorize New York State Attorney General Eric Scheiderman's call for his office to be granted the power to independently investigate lethal police violence. Such independence would be imperative in holding police accountable for their actions and help foster justice to the families of those killed, as well as help to deter future police violence.

II.   RECOMMENDATIONS

In the wake of the senseless execution of NYPD officers Wenjian Liu and Rafael Ramos, we note with great dismay the divisive attempts by police union leadership to exploit this tragedy and to blame New York City Mayor Bill deBlasioand, demonize the peaceful #BlackLivesMatter movement (which has demanded nothing more than justice, dignity and respect for all) and recent reports of deliberate work slowdowns by NYPD rank-and-file officers. We also note that respect is a two-way street and reckless blame-shifting by the police union will not serve this important national moment in which we need to recalibrate the relationship between police departments and the communities they are sworn to protect and serve. We believe the following recommendations and steps will help foster an environment where this can occur.

We recommend the following:

- Immediate DOJ investigation into the killing of Eric Garner and Ramarley Graham;
- Independent analysis of the NYPD's disciplinary policies and procedures and the strengthening of systems to ensure accountability;
- Passage of the Right to Know Act by the New York City Council;[xiv]
- New York State Governor's Veto of S7801/A9853;[xv]
- Granting of power to New York State Attorney General to independently investigate and prosecute incidents of lethal police violence;
- Ending of aggressive and discriminatory enforcement of misdemeanor criminal and other quality of life laws, commonly known as or "broken windows" policing ; and
- Support for and meaningful engagement by all stakeholders with the collaborative reform process in Floyd v. City of New York .

We also would encourage the Task Force to hold additional listening sessions to provide platforms for a growing chorus of experts who are questioning the efficacy of "broken windows" policing – with its overtly discriminatory focus on over-policing communities of color and lives of low income people – and community leaders in New York who can speak to the way that this style of policing contributes to the unfair harassment of the communities they come from. Far from a minor inconvenience, this so-called "broken windows" style of policing, can lead to serious collateral consequences and, as demonstrated by the case of Eric Garner in Staten Island, New York, tragically fatal ones as well.

In addition to the foregoing New York-specific recommendations, we also would like to draw the Task Force's attention towards areas where we must make improvement on a national level. Those include:

- Withdrawal of federal support and funding for municipal police departments who routinely engage in discriminatory practices;
- Ending the Department of Defense's 1033 program;
- Creation of a national database by the Department of Justice to track police shootings and other incidents of brutality and excessive use of force;
- Passage of the federal End Racial Profiling Act (ERPA); and
- End local, state and federal law enforcement's targeting of Arab, Muslim, and South Asian neighborhoods, businesses, mosques, schools, and organizations for surveillance, monitoring, and intelligence-gathering without particularized suspicion of wrongdoing.

III.   CONCLUSION

The time for changing the relationship between police and community is now. Such efforts need to create systems of accountability that are effective, promote justice and fairness, and build on a culture of transparency and meaningful systems of oversight.

We encourage the continued engagement by this Task Force to help define a new vision for policing. With a fresh commitment to enable cultural change, local police departments can take strong steps towards upholding the Constitution, promoting dignity and respect, and protecting everyone's lives.

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[i] CCR has traveled and provided legal and advocacy support to local activists in Ferguson, Missouri and helped coordinate legal support for protesters through the Ferguson Legal Defense Committee.

[ii] The NYPD's current uniformed strength is approximately 34,500. *See* http://www.nyc.gov/html/nypd/html/faq/faq_police.shtml

[iii] *See* The Center for Constitutional Rights, *Stopped, Seized and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices*, September 2013, available at: http://ccrjustice.org/learn-more/reports/stopped-seized-and-under-siege. *See also* U.N. Human Rights Committee, Concluding observations on the fourth periodic report of the United States of America, CCPR/C/USA/CO/4, April 22, 2014, ¶ 7, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=8&DocTypeID=5 (hereinafter "HRC 2014 Concluding Observations") (criticizing practices of the NYPD)

[iv] CCR, *Stopped, Seized and Under Siege*.

[v] Learn more about *Floyd v. the City of New York* at www.ccrjustice.org/floyd.

[vi] *See Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013) ("Liability Opinion")

[vii] *See Floyd v. City of New York*, 959 F. Supp. 2d 668 (S.D.N.Y. 2013) ("Remedial Opinion")

[viii] Adam Goldman & Matt Apuzzo, "NYPD: Muslim Spying Led to No Leads, Terror Cases," Associated Press, August 21, 2012, available: http://www.ap.org/Content/AP-In-The-News/2012/NYPD-Muslim-spying-led-to-no-leads-terror-cases.

[ix] Learn more about CCR's case, *Hassan v. the City of New York* at http:// www.ccrjustice.org/hassan. .

[x] Civilian Complaint Review Board, 2013 Annual Report, published March 14, 2014, available at: http://www.nyc.gov/html/ccrb/downloads/pdf/CCRB%20Annual_2013.pdf, page 8.

[xi] *Id*., pages 6-7.

[xii] Communities United for Police Reform, Priorities for the New NYPD Inspector General: Promoting Safety, Dignity and Rights for all New Yorkers, June 2014, pages 9-11, available at: http://changethenypd.org/resources/priorities-new-nypd-inspector-general-promoting-safety-dignity-and-rights-all-new-yorkers

[xiii] Madar, Chase, "Why It's Impossible to Indict a Cop: It's not just Ferguson-here's how the system protects police," THE NATION, November 24, 2014, available: http://www.thenation.com/article/190937/why-its-impossible-indict-cop

[xiv] Communities United for Police Reform, Right to Know Act: About the Legislation, accessed December 5, 2014, available: http://changethenypd.org/right-know-act

[xv] These bills would allow New York police unions to make police disciplinary policies subject to contract negotiations.

Testimony of Barbara Weinstein
Associate Director, Religious Action Center of Reform Judaism
The Task Force on 21st Century Policing
Task Force Listening Session: Building Trust & Legitimacy
Tuesday, 1/13/2015

On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes over 2000 Reform rabbis, I write to express our views relevant to the work of the task force on The Role of the U.S. Department of Justice Office of Community Policing Services.

Law enforcement officers who risk their lives each day to ensure public safety deserve the respect and appreciation of all Americans. Their work is challenging and the decisions they are forced to make are difficult. We are deeply concerned that incidents that undercut fairness and justice harm the credibility and efforts of law enforcement agencies and personnel and erode respect for law and justice in America more generally. Thus, even as we reaffirm our respect and appreciation for law enforcement, we acknowledge the long-standing structural injustices, particularly concerning race, that plague too much of our society including our criminal justice system.

Race and poverty play roles in determining who gets arrested, who gets a fair trial, and how those convicted are sentenced. There is an increasing perception that our nation has two criminal justice systems, separate and unequal: one for affluent whites and one for racial minorities and the poor. Foremost among the complaints are unequal application of the death penalty, police brutality, racial profiling, sentencing disparity, and structural discrimination in the juvenile justice system.

While the recent cases in cities across the United States involving the questionable use of deadly force by police differ, the common threads running through them dramatize ongoing challenges: economic, social, and racial factors that deny opportunities to individuals of color and erode families and communities; the violence plaguing too many low income communities and communities of color; the violence faced daily by law enforcement, leading some police to view too many in communities of color with suspicion and even hostility; and the different treatment that grand juries and prosecutors too often give to police versus civilian crime suspects. In order to address these structural inequalities, we must look to the roots of the problems and work to:

Define the role of police in a democratic society and hire a diverse workforce
We call for a return to the basic ideals of community policing in which police officers see themselves as community members and are integrated into the neighborhood and culture of their jurisdictions. To that end, police units and command staffs should, to the greatest extent possible, reflect the racial and ethnic diversity of the community they serve.

Build a culture of transparency

In order to truly address these problems, we must first fully understand them. The collection of accurate, nationwide data on police use of lethal force can help guide this work. Each city and community needs to review the data and must assess whether victims of law enforcement shootings are disproportionately people of color and if so, officials and civil society representatives must develop a public "action plan" to ameliorate such disparities.

More can also be done with new technologies, such as police body cameras that provide a recording of interactions with the public and can help to protect the interests of all parties. However, not only do these technologies need to be utilized but also the recordings must be accessible to the public in cases of accusations of unnecessary violence in order to increase transparency and trust within the community.

Ensure procedural justice
As Jews, we are inspired by the words of Leviticus (24:22), "There shall be one law for all of you." Members of law enforcement must also be accountable for their actions. Our grand jury system is in need of reform that reflects this principle. For example, the grand jury system should include the appointment of a special prosecutor in cases where police conduct is at issue.

Additionally, when appropriate to the size of a community and in cases of a clear, ongoing pattern of excessive police violence in general or against specific segments of the community, the efficacy of establishing a representative police review board with subpoena powers must be considered.

Promote racial reconciliation
Systemic change is needed urgently, including repairing broken relationships between minority communities and law enforcement. Racial profiling denies individuals the constitutional right of equal protection under the law and contributes to the damaging of community-police relations. Racial profiling also raises civil rights concerns, undermines the criminal justice system by diverting resources from pursuing actual criminal behavior, and reinforces false stereotypes, whether in the context of counterterrorism, street-level crime or immigration enforcement. While the Justice Department's new guidelines banning racial profiling by federal law enforcement officers are an important step, the guidelines do not directly apply to local law enforcement. It is imperative to end the use of racial profiling and mitigate racial disparities as applicable to arrests, prosecution and sentencing by police and judicial officials at the federal, state, local and tribal levels.

Community engagement and dialogue
Relationships within and across communities must be strengthened. State, local and municipal governments are key partners, especially working with representatives of the police, political leaders and civil society (including the religious community), to begin the process of healing. Faith communities can serve as places of unification and understanding, as they have many times in history, successfully bringing together diverse groups of people who sometimes disagree. We are encouraged that so many Reform congregations, including those in and around St. Louis, are engaged in such interfaith and

inter-coalitional efforts. They have joined together with clergy of all faiths to assist those in need, help quell violence, and provide spiritual support.

These actions can serve as a model for other houses of worship and communities, helping establish and sustain relationships with diverse racial, ethnic and economic sectors of their communities, participate in community-based dialogues pertaining to race and community-police relations, and work to enhance violence prevention and conflict resolution procedures.

Conclusion
We come to these issues rooted in Jewish tradition that teaches the very basic belief that all human beings are created *b'tselem Elohim* (in the Divine image), as it says in Genesis 1:27, "And God created humans in God's own image, in the image of God, God created them; male and female God created them." Regardless of context, discrimination and violence against any person arising from apathy, insensitivity, ignorance, fear, or hatred is inconsistent with this fundamental belief. We oppose discrimination and violence against all individuals and will continue to work toward the day when all people are treated equally, regardless of race, ethnicity, gender, religion, sexual orientation or gender identity.

Additionally, in Deuteronomy (16:20) we are commanded, *Tzedek, tzedek tirdof*, "Justice, justice you shall pursue." The sages explained that the word *tzedek* is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. We are also guided by the words of Leviticus (19:15), "You shall do no unrighteousness in judgment; you shalt not respect the person of the poor, nor favor the person of the mighty; but in righteousness shall you judge your neighbor." We remain committed to engaging in the pursuit of justice through just means, strengthening and improving our criminal justice system and the relationships between law enforcement and communities.

National Council of the Churches of Christ in the USA

Jim Winkler - President and General Secretary

Ronald L. Davis
Executive Director,
President's Task Force on 21st Century Policing

January 9th, 2015

RE: Written testimony on behalf of the National Council of Churches

Dear Ronald L. Davis,

Thank you for the opportunity to address this task force. Since its inception in 1950, the National Council of Churches of Christ in the USA has been the leading force for shared ecumenical witness among Christians in the United States. The NCC's 37 member communions – from a wide spectrum of Protestant, Anglican, Orthodox, Evangelical, historic African American and Living Peace churches – include 40 million persons in more than 100,000 local congregations in communities across the nation. The NCC has a history of addressing a variety of social justice issues. Periodically, however we will select priority issues that are of particular importance in society and for people of faith.

In November of 2013 the National Council of Churches Governing Board voted to make the issue of Mass Incarceration one of our top priorities. "Get tough" sentencing guidelines and the prolonged "War on Drugs" have contributed to the United States having the highest per capita incarceration rate in the world. Those imprisoned are disproportionately people of color (African American, Latino, etc.) According to Michelle Alexander, scholar and expert on mass incarceration, there are more African Americans under correctional control (i.e. in prison, jail, probation or parole) than the number of African Americans in slavery in 1850. These statistics reflect that mass incarceration and racial disparity in the application of laws is the civil rights issue of the 21st century.

We applaud the president for establishing the task force, in light of recent community, national and international unrest in response to excess force in policing and the misuse of prosecutorial discretion. Over criminalization and the militarization of local police departments has created a great chasm between the police and the communities they have pledged to serve and protect.

As people of faith we are not only concerned about these issues but we are intimately connected to them. Persons affiliated with the NCC through our member communions serve as prison and police chaplains, they are police and persons serving time, they are returning citizens and family members, they are victims and perpetrators, they are pastors and community leaders. In the past several months of civil unrest our faith leaders have been at the forefront of peaceful protest actions and providing pastoral care for the community.

One of the primary objectives of this task force is to look at ways of building trust and fostering collaborative relationships between local law enforcement and the communities they protect. We acknowledge that these are admirable goals but the United States' justice system is one of the most punitive in the world. A justice system predicated on punishment and retribution rather than rehabilitation and restitution destroys communities and families and makes reconciliation and healing almost impossible. A policing structure that sees the community in which it serves as a people to be controlled is destined to create the very system of distrust that the task force is seeking to address.

Additionally the task force is not addressing a major flaw in the criminal justice system that perpetuates the division between one who has been incarcerated and the rest of society. The current criminal justice system makes any criminal conviction an effective life sentence that impacts the individual, family and the community. The returning citizen is denied access to the right to vote, social service resources such as public housing and barred from many jobs; even after serving their time. This life sentence impacts the whole family resulting in a kind of generation to generation curse.

We acknowledge the limitations of the task force, however, inspired by the prophet Isaiah we join together with all stakeholders to work on the issues and serve as "repairers of the breach" and offer the following recommendations to the task force:

- **Overhaul the justice system such that the end goal is not primarily punishment but rather reconciliation and restoring balance**

    - **A justice system should address disruptions in the balance of society. Response to disruptions should be commensurate with the harm caused.**

    - **Incorporate conflict transformation training as part of police training and a standard alternative or additional option for addressing offenses and criminal infractions.**

    - **Reward police departments and officers for effective community policing strategies rather than arrest and ticketing quotas.**

- **Address the inherit racial disparity in the system**

    - **Mandatory training and continuing updates for all law enforcement on issues of cultural sensitivity, interaction with the mentally ill, and responding to sexual assaults.**

- Create a database for reporting police shootings, excessive force and death in custody - including demographics/profile. Make report available to public excluding names.

- Provide incentives for police departments that are culturally and ethnically diverse and also includes a cross section of faith traditions.

- Promote basic practices of transparency

  - In cases where there is a police shooting and criminal charges are possible, the case should not be handled by the local prosecutor. A special prosecutor should be appointed or a community panel of representative stakeholders should review the case.

  - Implement nationwide mandatory use of body cameras and provide federal funding for communities that cannot afford them.

  - Police officers who do not wear their badges must provide business card with name and badge number and face disciplinary action if they fail to provide such information.

- Address the militarization of the police department

  - The 1033 program should be revised to include more specific ways the equipment can and cannot be used. Military equipment should not be used against local communities exercising constitutional rights to protest.

  - Require police departments to provide a report on how and why equipment was used and include a criteria in which the equipment can be confiscated.

- Address the problem of over criminalization and the indiscriminate application of laws implemented by local police departments and the impact it has on communities and families

  - When one's time has been served for infractions against society he or she should be fully reintegrated into society.

  - Voting rights should be restored.

  - Returning citizens should be given access to social service resources that will help them acclimate to a life outside of jail and enhance the chance of success (i.e. access to jobs, social services, etc.).

National Council of the Churches of Christ in the USA

In closing I leave you with the words of the Rev. Dr. Martin Luther King, Jr.:

"We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. ... There is an invisible book of life that faithfully records our vigilance or our neglect. We still have a choice today: nonviolent coexistence or violent coannihilation. This may well be [humankind's] mankind's last chance to choose between chaos and community."

I pray that we choose community.

Sincerely,

Jim Winkler
President and General Secretary
National Council of the Churches

Resources

1. The Holy Bible, Isaiah 58:12 "And your ancient ruins shall be rebuilt; you shall raise up the foundations of many generations; you shall be called the repairer of the breach, the restorer of streets to dwell in." NRSV

2. Challenges to the Injustices of the Criminal Justice System, *Resolution adopted by the NCC Governing Board, November 10, 1979.*

3. Michelle Alexander, "The New Jim Crow: Mass Incarceration in the Age of Colorblindness", (The New Press: New York, NY 2010).

4. Martin Luther King, Jr., "Where Do We Go from Here: Chaos or Community?", (Beacon Press: Boston, Ma. 1967)