Community Policing and Crime Reduction
Submitted Oral & Written Testimony Received by February 14, 2015
Presented Alphabetically by Last Name

Primary Source Documents

This document contains all Primary Sources for oral and invited written testimony submitted to the Task Force for the listening session on Community Policing and Crime Reduction. Nineteen documents are compiled alphabetically by last name when available or by the name of the organization when not provided. A complete list of submissions for A-Z is provided as an easy reference when looking for specific names or organizations.

Note:
*Oral presenters who submitted written testimony
**Invited written testimony

Oral Presenters Who Submitted Written Testimony:

1. Bethel, Kevin: Deputy Police Commissioner-Philadelphia Police Department
2. Blackwell, Jeffrey: Chief-Cincinnati Police Department
3. Brown, Jeff: RECAP (Rebuilding Every City Around Peace)
4. Coleman, Delilah: Member-Navajo Nation (Senior at Flagstaff High School)
5. Crawford, Dwayne: Executive Director-National Organization of Black Law Enforcement Executives (NOBLE)
6. Geller, Bill: Director-Geller & Associates
7. Gonzales, Jose: Alumnus-Foster Care and Crossover Youth
8. Hansford, Justin: Assistant Professor of Law-Saint Louis University School of Law
9. Jones, Melissa: Senior Program Officer-Boston's Local Initiatives Support Corporation
10. Jones-Brown, Delores: Professor-John Jay College of Criminal Justice, CUNY
11. Luckey, Jamecia: Youth Conference Committee Member-Cocoa, Florida Police Athletic League
12. Magnus, Chris: Chief-Richmond Police Department
13. Peart, Nicholas: Staff Member-The Brotherhood-Sister Sol/(Class member, Floyd, et al. v. City of New York, et al.)
14. Rosenbaum, Dennis: Professor-University of Illinois at Chicago
15. Skogan, Wesley G.: Professor-Northwestern University
16. Smith, Cecil: Chief-Sanford Police Department
17. Thomson, J. Scott: Chief-Camden County Police Department

THE PRESIDENT'S TASK FORCE ON
21ST CENTURY POLICING

Invited Written Testimony Submitted by February 14, 2015

1. Tijerina, Don: President-Hispanic American Police Command Officers Association
2. Valdes, Javier: Executive Director-Make the Road New York

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

Kevin Bethel,
Deputy Commissioner of Patrol Operations
Philadelphia Police Department
Subject: Program to address the School-to-prison pipeline

February 13, 2015

Commissioner Ramsey, Professor Robinson, and members of the Task Force on 21st Century Policing, first let me thank you for giving me the opportunity to testify today on the work we are doing centered around what we've come to know as the School to Prison Pipeline in the City of Philadelphia. We all agree that safety in and around our schools across the country is paramount, however, zero-tolerance that results in children being arrested for minor offenses does not contribute to maintaining a safe environment. It does contribute to the disparity in arrests (disproportionate numbers of students of color are arrested), and unnecessarily exposing students to the trauma of arrest. Lastly, the collateral consequences of arrest stay with the student into adulthood potentially effecting future employment and causing numerous other negative hurdles.

To derail any school-to-prison pipeline, the Philadelphia Police Department, collaborated with the critical stakeholders surrounding this critical issue. The Philadelphia Police Department, Philadelphia Department of Human Services (DHS), the School District, the District Attorney's Office, Philadelphia Family Court, and other stakeholders implemented a responsible and innovative Police Diversion Program. Philadelphia Police and schools are changing the management of students who have committed delinquent acts on or near Philadelphia school premises. Stakeholders agree that it is in the best interest of students and community members that certain summary and misdemeanor delinquent acts be handled by the school system, in conjunction with supportive services, without the filing of a delinquency complaint with the Court. By linking youth with community-based services, police are able to divert appropriate low-risk youth from

arrest and formal delinquency processing while connecting youth and families with necessary services.

Youth are referred to the nearest community-based DHS Intensive Prevention Services (IPS) program. IPS programs provide comprehensive, intensive early intervention programming for youth exhibiting high risk or at-risk behaviors. The community-based IPS programs core components include:

- Academic Support
- Social & Emotional Competency Building
- Mentoring
- Recreation
- Work Ready Programming
- Community Service/Engagement
- Parental Involvement

The School District currently enrolls approximately 142,000 students in grades pre K-12 with an overwhelming majority of students coming from low-income families (more than 87% qualify for free or reduced price lunch) and historically underserved racial minorities (more than 71% are African American or Latino). In the 2013-2014 school year, there were 7,569 serious incidents that resulted in 33,041 suspensions and 1,555 arrests. The five most common violations were fighting (1,628), assaulting another student (1,231), disorderly conduct resulting in injury (1,009), disrupting class (963) and verbal threats (477).

The Philadelphia Police Department developed the School Diversion Program after discerning that too many youth were unnecessarily arrested and referred to the Court system for low level acts. In cases where school principals and other administrators turn to the police department to use arrest and juvenile justice referral as a disciplinary action, the negative consequences for students can be significant. Although the School District removed its zero tolerance policies in 2012, we have continued to work with the District and its officials to use the School Diversion Program as a means of keeping

students out of the juvenile justice system, and away from any negative consequences that could arise from contact with the system.

How does the Police School Diversion process work? When a delinquent act occurs in school, School Police first contact the Philadelphia Police Department. The responding PPD officer reviews school records, and conducts interviews with the involved individuals, the child's teacher and counselor or advisor. Based on the information gathered, the PPD officer calls the Diversion Intake Center (staffed by Police and DHS Social Workers) who determines whether or not the student is eligible for diversion. Youth are eligible for the Delinquency Diversion program if they are over the age of 10, have no previous juvenile record (previous not guilty or withdrawn offenses included) and have committed certain offenses for which diversion is appropriate.

Within 72 hours of the alleged delinquent act, a DHS Diversion Social Worker makes a visit to the student's home and assesses the student with regards to risk factors such as alienation, rebelliousness, association with peers who engage in delinquency, bullying behavior, parental incarceration, and a favorable attitude towards delinquent behavior; and alcohol and/or drug abuse. The DHS worker then speaks with the child and the parent/caregiver to identify any physical, psychological, emotional, familial, social and/or educational issues that may exist within the home and develops interventions to address them. Youth are then referred to one of six (6) community-based Intensive Prevention Services (IPS) program. Families that fail to participate are visited by police personnel to explain the purpose of the program and the importance of the family and student participating.

Since the start of the school year on September 9, 2014, 267 students have been diverted under the School Diversion Program. A total of 332 students have been diverted since we rolled out in all of the program's 214 schools in May, 2014. The racial breakdown is as follows: African American (74%), Hispanic (16%), White (9%), Asian (1%). Moreover, the School District under the direction of

Superintendent Dr. William Hite has fully embraced the program. Through our combined efforts the arrest for the school year to date is down -57 percent from **846 arrests last year to 363** arrests as of January 31, 2015.

Recently, the Department with the support of our Family Court applied for and was awarded a School Justice Collaboration Program grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) titled, ***"Keeping Kids in School and out of Court"*** grant. This award allows us to further enhance the program by providing Communication and Conflict Resolution for all the sworn/non-sworn school police officers and principals.   Good Shepherd Mediation who will conduct this training are also on retainer in order to provide mediation services, as needed, to youth and teachers. The final component of the grant enabled us to expand the analysis of the School Diversion program. Dr. Naomi E. Goldstein and her research team from the Department of Psychology at Drexel University (Philadelphia) will examine the effectiveness of the program and its impact within individual schools and for Individual youth.

In closing, there has already been testimony at these sessions about procedural justice (at times called procedural fairness).   How fair can it be that prior to instituting our program, a ten year old child who walked into our school with a pair of scissors in his book bag would be arrested, taken to a processing location, fingerprinted and photographed.   How fair can it be that a teenager caught with marijuana and self medicating herself due to a traumatic event is arrested and processed in the same manner. Law enforcement can no longer be an extension of discipline; zero-tolerance can no longer be our charge when dealing with many of our young people in our schools. We can no longer ignore the fact that arrests in our schools across the nation are disproportionate, affecting students of color at a significantly higher rate. Many of these students come from impoverished communities and bring with them the trauma and difficulties these environments create.   If we are to gain true legitimacy in communities across the country and put procedural justice into action, I submit that joining in

collaboration with local, state and federal partners to attack the school to prison pipeline must be one of our top priorities. Thank you for again for the honor of speaking to you today. I am happy to answer any questions you may have.

Testimony of **Chief Jeffrey Blackwell**, Cincinnati Police Chief

Honorable members of the taskforce: My name is Jeffrey Blackwell and I am the Police Chief of the Cincinnati Police Department in Cincinnati Ohio. In recent years, the Cincinnati Police Department (CPD) has become recognized as the standard in major city policing both nationally and globally. This status has evolved from the department's willingness to try new approaches in providing policing services designed to improve community safety and quality of life while at the same time delivering constitutionally equitable services to the entire community. Our commitment to innovative problem solving approaches and initiatives to reduce violence are further solidified through our participation in the "Collaborative Agreement" (CA), which also includes the provisions contained in the Memorandum of Agreement (MOA) agreed to with the Department of Justice in 2002. The purposes of the CA are to resolve social conflict, to improve community-police relationships, to reduce crime and disorder, and to fully resolve all of the pending claims that arose from the litigation filings alleging excessive force, racial profiling, and abuse of authority. The parties recognized that there was considerable friction between the department and the minority community. The ultimate goal of the CA was to reduce that friction and foster a safer community where mutual trust and respect is enhanced among citizens and police officers .The CA reflected the following goals adopted by over 3500 respondents through the feedback process developed by the parties:

1. Police Officers and Community Members will become Proactive Partners in Community Problem Solving.

2. To build Relationships of Respect, Cooperation and Trust within and between Police and Communities.

3. Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD.

4. Ensure Fair, Equitable and Courteous treatment for all.

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

I list the aforementioned information regarding the state of policing and of the conflict existing in Cincinnati in 2001 to demonstrate where we were as a community and the pivot that took place, with tremendous work amongst thousands of concerned stakeholders that had us rise from this low point and grow steadily into a premier police agency in this country. In fact, since the conclusion of the terms and conditions of the CA in 2007, the Cincinnati Police Department has continued to "live by" the framework established in 2002 and has made significant progress in the following areas:

- **Use of Force Policies/Training**—Use of force policies were revised, training developed, and use of force protocols improved;

- **Deadly Force**. The use of deadly force by CPD members against African American citizens and all others has been dramatically reduced;

- **Injuries to Citizens.** Injuries to citizens during arrests have been dramatically reduced;

- **Injuries to Police Officers.** Injuries to Police Officers during arrests have been dramatically reduced;

- **Mentally Ill interactions**. Response to mentally citizens have improved due to training and deployment of Mental Health Response Teams;

- **Citizens Complaint Authority**. Officers are more accountable through investigations by the 'outside' Citizens Complaint Authority.

- **Videotaped Traffic Stops and Contact Cards**. Traffic stops are taped through in-car video cameras mounted in every patrol car and field contact cards are completed with traffic stop data that is analyzed routinely;

- **Employee Traffic Solutions System**. Nineteen types of officer conduct, performance, and activity are carefully tracked and evaluated regularly through a comprehensive tracking system;

- **Publicized Police Policies**. Police policies and crime statistics are available and accessible to the public;

- **Community Police Partnering Center**. The Greater Cincinnati Foundation founded Better Together Cincinnati, a funding collaboration of major corporate and nonprofit foundations throughout the region, which secured 5 million dollars in initial private funding to establish the Community Police Partnering Center. The Center is hosted by the Urban League of greater Cincinnati, which is represented on the Board along with the ACLU, the City, Fraternal Order of Police, NAACP, and other community representatives; and

- **Cincinnati Initiative to Reduce Violence.** Beginning in 2006, the parties have supported the establishment of violence reduction efforts using problem-solving principles including Ceasefire, and Cincinnati Initiative to Reduce Violence (CIRV).

So as I digressed 13 years in order to explain "where we were", I did so to illustrate the great changes and strides for excellence made by the Cincinnati Police Department to transform our agency. So as we are here today giving testimony regarding Police-Community Relations, Constitutional Policing, etc., it is well understood that the deliverability of police services in America needs to change. The relationships between communities of color and police agencies have been a strained one for generations. Many societal issues and ingrained impediments have contributed to this "relationship chasm" and made difficult any sustainable improvements. Historical racism in America, poor police training and oversight, as well as the over-reliance on inefficient and archaic police enforcement strategies and models, increasing urban poverty and joblessness, urban-core gentrification, declining "moral voice" levels and decreasing diversity in law enforcement ranks have all played a role in the fracture between police and people of color in this country. Additionally, the increasing amount of video footage capturing instances of critical misconduct and abuse of authority, have stalled or even "push backed" appreciable and often hard fought gains in this critical arena. For "What affects us anywhere, affects us EVERYWHERE in policing.

Communities across America have struggled with the complexities imbued with improving cultural relationships. Some of these communities are large metropolitan areas with diverse populations. These areas are faced with a dichotomy of interests insomuch as fear and authority largely have driven police practices while changing demographic have seen emerging 'pockets' of people literally screaming for fairer police treatment, inclusion, and equitable service deliverability.

Crime and the 'fear of crime' drive many police intervention strategies. The emergence of data-driven statistical analytics is pushing police agencies into a more "focused" approach which at times minimizes or ignores the "human component" and other interactive factors that create synergy and 'buy-in' from interested, and sometimes desperate community stakeholders.

This factor has increasingly negative consequences in communities of color and other diverse areas that have emerged in impactful numbers. It is in these circumstances that police agencies can improve short-term and long-term results by minimizing and even eliminating barriers; real or perceived, and develop meaningful relationships that inspire collective cultural competence and in doing so, increase the probability of intangible yet sustainable engagement and synergy that lead to safer, collaborative, harmonious communities.

Three things that are essential in this quest are:

1. **Trust (Relationships)**

2. **Collaboration (Authentic)**

3. **Transparency (Department-wide)**

[From here I will infuse some of Cincinnati's programs and connective anchors that have worked for us and will work for other communities]

Chief Jeffrey Blackwell—Cincinnati Police Chief

COMMUNITY POLICING IN THE AGE OF FERGUSON

Introduction

My name is Rev. Jeffrey Brown, and I am the President of Rebuilding Every City Around Peace (RECAP), a national initiative that mobilizes faith groups in cities across the United States to end the era of gang-violence and restore neighborhoods to peace. RECAP is a continuation of the collaborative violence reduction work created in Boston, MA, where law enforcement leaders worked closely with faith-based partners such as the Boston Ten Point Coalition. Using the lessons learned from the Boston model, RECAP helps faith-based communities:

- Build coalitions between entities such as police, courts, community organizations, and other faith-based organizations specifically around critical public safety concerns;
- Create cultures of trust, with the goal of sharing information and resources within these coalitions; and
- Use proven principles and methods to combat and eventually neutralize the current culture of violence with a culture of peace, and provide alternatives to promote healthy communities. It will also repair the relationships between inner-city communities and public safety stakeholders.

Context

The results of today's culture of urban violence, puts an ever-increasing burden on both the human and economic resources of America's cities and towns. When adolescents become involved in youth gang life, they set in motion a "life cycle" of human tragedy and economic hardship to their communities. Every act of violence brings human costs to victims and their families, and dollar costs to the public sector -- in addition to the loss of youths' potential benefits to their families, community, and the overall economy that flows from time spent wastefully in prison, rather than productively in high school, college, and the workplace.

Each cycle of increased adolescent violence forces cities to use more of their limited resources to create an ever larger and more visible police presence in urban neighborhoods -- fueling a parent's fear that their child may be suspected of crimes they did not commit, or arrested for trivial offenses. This action continues to build mistrust between the community and law enforcement. Increased arrests and prosecutions mandate increases in funding for the criminal

justice system; increases school drop-out rates as youth are imprisoned; and saddles more families with the costs of legal defense. As the cycle continues, so do increases in the costs of incarceration and probation, social services, and educational and job placement services for former prisoners. As parolees find legitimate work options limited or nonexistent, many eventually return to gang life, and the cycle begins again.

Cities and municipalities continue to struggle with ways in which they can effectively address public safety issues. Many urban law enforcement agencies now admit that they cannot "arrest", "prosecute" or "incarcerate" their cities out of their eras of violence. ***What is needed to break the cycle is a collaborative approach, with a strong, balanced community component that shares the lead in yielding measurable, tangible results in violence reduction.***

Why Churches Are Important in the Public Safety Equation

The church is the most long-standing, positive and stable institution in any given community that has been plagued with violence. Families utilize the resources of the church for support and strength when trauma occurs, and for moral and spiritual guidance as they move forward from traumatic events. Church leaders understand the urban context and leaders can be found to represent the various ethnic cultures, helping to create bottom up solutions accepted by the community. This facilitates buy-in as the solutions and requested engagement in solving the problem is not coming from outside of the community. Churches generate a volunteer pool of individuals who will work for the cause long after media attention leaves, or when finances wane. Members will do the work because their motivation for success is tied to their belief structure. Also church collaborations add up to a reliable leadership block that will speak on behalf of the community. Because a leader's participation will be based on a "calling", the larger community of color will listen and give due consideration. Finally among the roots to violence in a community (social, economic, educational, even judicial), there are also moral and spiritual roots to be addressed. Towards that end, churches are best positioned to address the ethical issues raised at the street level. The inclusion of churches is an essential element in any comprehensive law enforcement strategy. Because no community can survive without law enforcement, it is therefore important for churches to partner with police, probation and court agencies as they develop their community outreach strategies. What we have done is use violence as a catalyst to create a collation, which not only reduces violence but improves police community relations, changing the culture of a community, which has a lasting impact on public safety and health.

The key aspects of the faith-based model are:

- Partners with law enforcement, the courts and corrections
- Involves transformation at the community and individual level
- Creates community-based coalition and collaboration
- Addresses the moral and spiritual aspects of violence and community policing
- Includes both short-term crisis intervention and long term transformation

- Partners with families to help transform both individuals and communities

Recommendations

My recommendations for good community policing to be revived in cities across the country are based on the recent activity in Boston since the infamous grand jury verdicts in Ferguson, MO and New York City. Every law enforcement agency in the country was on alert during this time, based on well-founded fears of rioting and mayhem that could erupt in reaction to the verdicts. Boston, despite its history of racial unrest, handled the situation in a very different way. In anticipation of the Ferguson verdict, Police Commissioner Evans held a number of emergency meetings with area black clergy gathering ideas and advice on how to move forward in case of protests. Strategy meetings were convened in the city coordinated by the Mayor's cabinet and elected officials. After the verdicts were rendered, area clergy held a number of forums city-wide in churches, giving residents a chance to freely express their thoughts and frustrations, to ask the uncomfortable questions around race and policing and present ideas in a constructive way. Law enforcement officials also attended to respond or be available to answer questions. When two police officers in New York City were tragically gunned down, prompting a wave of pro-police protests and responses in white sections of Boston, black clergy convened a prayer service bringing police brass and young protest leaders together to "reset the terms of engagement", and establish informal relationships between the groups to establish back-channel relationships. The result, Boston's response to the Michael Brown and Eric Garner verdicts was different than Ferguson, MO and New York City.

All this was possible, in part, because of Boston Police Department's long-standing community policing strategy, and its relationships with local faith groups. Some recommendations:

1. ***An effective community policing strategy should include strong faith-based or community-based partnerships.*** Boston Police has enjoyed a long-standing relationship with black clergy, in particular the Boston Ten Point Coalition, working together on gang violence issues. This in turn has extended an "umbrella of legitimacy" to the department. Because of the effort of both groups to develop a shared understanding of street life (eg. Small number of youth drive bulk of violent crime, many can benefit from prevention/intervention strategies, agreement that small number need to be taken off the streets), BPD was able to successfully build a platform of intervention, prevention education and suppression that acknowledges the faith group as a trusted partner.

2. ***Faith-Based and Community Partnerships deliver a needed "moral voice" that strengthens community policing efforts***. The leaders in these institutions (clergy, sports coaches, Boys and Girls Club leaders, etc.) convey the collective sentiment that violence will not be tolerated, which helps blunt criticism towards law enforcement's approach to suppression.

3. ***Supporting faith-based and community based programming for high-risk youth builds***

trust. Many organizations are committed to providing avenues to connect disenfranchised youth to opportunities and services. When they are actively supported by law enforcement (by participation in activities, aiding in fund-raising, etc.), it strengthens the perception that the partnerships themselves are of value to the police.

Appendix Research

- "Boston Officials Urge Peace Following Ferguson Decision"
  http://www.whdh.com/story/27473540/boston-officials-urge-peace-respect-following-ferguson-decision

- "Impassioned crowds take to the Streets in Boston"
  http://www.bostonglobe.com/metro/2014/11/26/boston-ferguson-protestors-want-leaders-listen-not-speak/zfXLeKLlBEppDJipHThyqN/story.html

- "BPD works hard to show that Boston is not Ferguson"
  http://www.bostonherald.com/news_opinion/columnists/peter_gelzinis/2014/11/gelzinis_bpd_works_hard_to_show_that_boston_is_not

- "BPD, Walsh join activists in Prayer Service"
  http://www.bostonglobe.com/metro/2014/12/30/walsh-bpd-officials-join-activists-prayer-service-roxbury/S0Z7H6Gp7LttYUsXNaj3ZK/story.html

- Braga, Anthony A. and Christopher Winship. 2009. "What Can Cities Do to Prevent Serious Youth Violence?" *Criminal Justice Matters*, 75 (1): 35 – 37.

- Braga, Anthony and Brunson, Rod. "We Trust You, But Not That Much" Examining Police-Black Clergy Partnerships to Reduce Youth Violence. Justice Quarterly, 2013
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On the fourth of July, the typical all-American family is indulging in barbeque cuisine and enjoying the booming sounds of fireworks. This picturesque scene is very different and oversimplified compared to a resident of the Navajo reservation's perspective. The fourth of July is a time for rampant drinking and increased domestic violence disputes, creating an unsafe and unhealthy environment for many of today's Navajo youth. Unfortunately, this is where the pattern begins. The children exposed to this toxic environment are the least likely to graduate[1] and are more likely to have their own substance abuse problems[2] or they are the resilient ones and continue to strive for an education and leave the reservation.

On the 27,000 sq. foot Navajo reservation, home for over 175,000 Navajos of the 300,000 enrolled tribal members where youth are the majority[3]. A land where bootlegging and alcoholism is the social norm[4] and is expected to be the main event rather than a family game of football. It is a land where many children do not know their parents or are subject to negligent abuse because their grandparents are too far along in age to properly care or understand today's delinquent behavior[5]. As you can tell, due to the high and extensive amounts of poverty and substance abuse, children are often relocated to relatives' homes due to the implementation of the Indian Child Welfare Act[6] or become wards of the state[7] when no living relative will take on the responsibility or cannot be found fit for care. This was never the traditional way of life.

What one must understand about Native American and First Nation reservations in general is how sheltered these remote and isolated communities are. Internet and cell phone reception is growing slowly but surely. However, this does not mean that all citizens are aware and update with the latest information. With the increasing developments of synthetic drugs, prescription drugs dependency, and gang violence[8]. Many are not sure what the warning signs are for substance and domestic abuse. For example, gang affiliation is an increasing problem on

the reservation – in 2009, the Navajo Nation alone was home to 225 gangs[9] and steadily growing as more conflicts become apparent. But many families are not sure what a gang really is or of the dangers of being involved with a gang member before a family member is murdered or brutally beaten, but what if this had been reported? Would things have been different before it was too late?

Unfortunately, many crimes go unreported and lead to no arrests. There are many factors in contribution to why this occurs but I believe reasons are primarily due to economic and financial reasoning. Families do not want the financial burden that incarceration and trial brings as well as, the fear of not knowing the outcome is another. In many instances – the abuser (domestic or substance) is the main provider of the families' income. Families with little to get by with are afraid to have any or all income stop. Or in some instances, the tribal police much less, city police cannot reach them in time for proper action. I hear of cases where the nearest town is two to five hours away. If you can imagine the potential damage done in that wide window of time, you would be able to understand why the police are not heavily relied on. Tribal police enforcements cover a 70 mile radius on a single shift, much of the time – they patrol alone[10]. In border towns, there are instances where we don't know which police force has jurisdiction. It can make it scary to report a crime because of the potential runaround. The amount of confusion and uncertainty on these border towns and reservation communities cause the numbers of Native youth at risk of incarceration to increase with no real solutions being given to stop this growing epidemic.

Due to the shortage in staffing over a large and rural area, there have been instances of officer shootings and cold case murders or kidnappings[11]. Tragedies are beginning to plague the

reservations faster than students are able to graduate and receive an education to bring home solutions to prevent these disasters.

That is why I propose that all Native youth be given classes on public safety and police education. The idea of giving these children someone to lean on in times of crisis to avoid the loss of loved one or their own lives is the biggest gift of all. I also propose that tribal and city police work together on an initiative to increase the number of law enforcers on reservations to keep isolated communities safe. I suggest the implementation of brotherhood cooperative that would bring in officers from city areas for an allotted amount of time before replacements from the tribal cadet school can take over. But the most important solution would be to teach Native youth how to be safe – education and prevention on substance abuse and domestic violence while promoting healthy living while staying in touch with traditional teachings[12]. Increasing incarcerations is not the solution, if anything – it allows the problem to stay permanent and never allow room for growth. If in the event a Native youth is arrested and forced to spend time in jail, I suggest the implantation of traditional practices and educational opportunities while incarcerated – ceremonies, sweat lodges, and potentially those of the Native American Church[13]. However, being aligned with your traditions may help spiritually. Native youth are already at risk of dropping out before being arrested, which is why I also suggest tutoring sessions for minor offenders to expose them to new opportunities that will motivate and encourage a productive lifestyle.

Personally, I was the child during the Fourth of July parties who dreaded and witnessed the next family argument. I've seen this pattern all too much in life through my cousins and their families. But I stand here today not as a drop out statistic or a former juvenile detention alumni. I stand here as voice for the silent and for the future generations to say – you do not have to end up

like our parents before us. You will prosper and succeed because entropy of the mind does not stem from being born a second class citizen but rather, being out of touch with yourself and your roots. Stay proud of your heritage and learn about the resources around you – every way in has a way out.

Endnotes

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Testimony

National Organization of Black Law Enforcement Executives (NOBLE)

Before the President Barack H. Obama Task Force on 21st Century Policing

February 8, 2015

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

My name is Dwayne Crawford and I am the Executive Director of NOBLE. It is an honor for myself and NOBLE to provide written testimony on specific recommendations for the task force to consider in the area of Using Community Policing to Restore Trust.

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

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

Secondly, through these solutions, we are able to further the hopes and dreams of many of our forefathers in realizing true Civil Rights and Human Rights as stated in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

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

Task Force Recommendation

It is our recommendation that the law enforcement community adopt community policing as the philosophy of policing in the U.S. and that it can be a critical tool in restoring trust.

Key components of Community Policing Implementation:

- Community policing if implemented correctly should allow officers to demonstrate their support for the community they have sworn to protect and serve. Residents and officers are allies.

- The police agency should mirror the racial composition of the community it serves. It is our recommendation that law enforcement enhance its recruitment methods. If a department's recruiting methods aren't resulting in a diverse force, they should form relationships with local and national private-sector organizations that are doing it well. There are numerous diverse hiring best practices.

- Training in cultural sensitivity and critical thinking are crucial to an officer's performance. You cannot be an effective or ethical officer if you cannot think critically-that is, being able to gather and process information to guide decision-making that directly affects behavior. Community policing demands that officers interact with people who live or work in neighborhoods that they patrol. Officers should be trained to communicate with people, solve community problems, and develop an appreciation of cultural and ethnic differences. Superiors should

continually evaluate their officers' command of these skills, much as they would the use of firearms, defensive tactics and knowledge of relevant laws and regulations, and continued refresher training should be provided when needed. If an officer consistently shows to be lacking in these areas, commanders should seriously consider terminating that officer.

- A trusting, collaborative relationship with the community requires police department transparency. Communities want to know that their concerns are being heard and addressed, and many communities are creating neighborhood advisory committees that provide direct feedback to police officials on the effect of police policies, programming, and messaging. Developing trust also means increasing the amount of time the police department and community - both in the form of groups and individuals on the street -- spend together. The more time together, the better each understands the other. Some options: regular community-based forums, department community advisory committees, activities for families in the local police department during the year, and a requirement that officers reside in the communities they serve. These activities need to be supported by the top brass, as the only way for this to work is through a top-down commitment.

- NOBLE recommends post incident updates occur shortly after occurrences. These updates should be in main stream media and social media. Dissemination should also include locations in communities that may not be 'main stream' such as barbershops, beauty shops, local stores and other gathering points.

- Lastly, it is imperative that through community policing the community is educated on both Law Literacy & Law Enforcement. NOBLE has launched a pilot program entitled "The Law and Your Community" through funding from the Department of Justice – COPS Agency. The program's aim is to develop trust and understanding between law enforcement and the community. The Law & Your Community is an interactive training program for young people ages 13-18 designed to improve their communications with law enforcement officers and their understanding of their federal, state and local laws.

References

Dr. Lee P. Brown, (2014). Op-Ed: Our Nation Needs Community Policing

Dr. Cedric L. Alexander, (2014). Op-Ed: How To Build A More Sensitive Cop

NOBLE U.S. Senate Testimony, (2014).

NOBLE Testimony– President Obama Task Force on 21st Century Policing, (2015)

Dwayne A. Crawford Biography

Dwayne A. Crawford, *Executive Director*, National Organization of Black Law Enforcement Executives (NOBLE) is a successful business executive with over 25 years of Fortune 500 and non-profit professional experience. He is responsible for overseeing the External and Internal activities of NOBLE. He is a strong leader with expertise and skills in team building, motivational training, managing/directing, and mentoring.

Dwayne has a proven track record of delivering double-digit growth earnings while spearheading significant organizational change. He has experience in general management, sales, marketing, operations, finance, and union labor relations in the following industries: electronics, financial services, medical devices, computer technology and non-profit.

A native of Philadelphia, Pennsylvania, Dwayne Crawford earned a Bachelor of Science degree from Hampton University and a Masters degree in Marketing and Finance from New York University, Stern School of Business. He is also a Graduate of the Bank of New York Corporate Management Program, Credit Training.

His level of competence has landed him senior management positions with National Organization of Black Law Enforcement Executives, Executive Director; 100 Black Men of America, Inc., Senior Vice President; 100 Black Men of America, Inc., Chief Operating Officer; ADT Security Services, Inc., Director of Sales and Marketing (Revenue $325M); ADT Security Services, Inc., General Manager (Revenue $80M); and Bank of New York Regional Manager (Deposits $840M and Loans $100M).

Mr. Crawford's leadership excellence has been chronicled in Who's Who in Black Atlanta, Nationwide Register's Who's Who in Executives and Businesses, and he's a part of the International Who's Who of Professional Management. He is committed to lending his time, talent and resources to the benefit of others. As such, Mr. Crawford is a part of the American Red Cross National Diversity Advisory Council, Delta Air Lines Curator Board of Directors, Nicholas House Board of Directors, 100 Black Men of North Metro, Inc. Board of Directors, and The Ervin Academy Board of Directors. He is also Chairman of the Atlanta U.S. Army Board of Advisors.

Accordingly, Mr. Crawford has received numerous awards and recognition and civic citations including, but not limited to Atlanta Business League Men of Influence, Atlanta Consumer Choice Award for Business Excellence, the United Way "Top 10 Corporate Per Capita Award", and Outstanding Young Men of America. He is a proud member of Alpha Phi Alpha Fraternity, Inc.

Dwayne is married to Kathy and the father of two daughters, Taylor and Kayla and one son, Andre.

Expanded Statement of Bill Geller to

The President's Task Force on 21st Century Policing,
Listening Session on Community Policing and Crime Reduction

Phoenix, Arizona
February 13, 2015

ORAL TESTIMONY

After 40 years of working with police, community organizations, government agencies, civil rights advocates and researchers on a variety of police-community challenges, I have reached a few conclusions that I hope will help you strengthen policing in our free society. My conclusions highlight some less obvious capabilities that police have or could develop and which they can use to powerfully bolster community-improvement efforts. I recommend that this Task Force identify effective ways to motivate police to use such capabilities to help communities help themselves. Here are some of my conclusions:

1. It is feasible to police communities in a way that helps reduce crime, disorder and fear and honors cherished liberties.
2. Police can *catalyze* community action that will build safer, fairer, more livable neighborhoods.
3. Such "catalytic policing" involves supporting community members and organizations who are already working hard to improve the livability, safety and fairness of the neighborhood.
4. Arresting criminals is one way to arrest community decline, but police have other problem-solving options. For example, they can help community groups overcome program implementation obstacles; vouch for the community groups with government agencies, potential funders, opinion leaders and others who can make or break the groups' success; and invest tangible resources to enhance the community groups' impact on neighborhood well-being.
5. Some of the capabilities police can deploy are their intimate knowledge of community assets and liabilities; their credibility among government decision-makers; their "can-do" attitude and creativity in working around bureaucratic obstacles; and their ability to nonviolently influence people to behave in ways that bolster community well-being.
6. Catalyzing community-led progress often puts police in *supportive* roles in which the traditional police "command presence" is unhelpful. Cops' brains and hearts may be more useful than their guns and badges. Police and community groups may need to invent ways to teach and learn from each other about how to get things done to improve communities. They need a generosity of spirit that includes using mistakes and setbacks as building blocks to success rather than excuses to walk away from the collaboration.

What might come off as heavy-handed tactics by police when they operate *independently* can be seen instead as nurturing, empathetic, trust-building investments in helping communities improve themselves if police act as *community-endorsed* collaborators. And when collaborative initiatives help squelch long-standing neighborhood crime problems, police often feel new trust in community organizations and new job satisfaction.

Let me illustrate my conclusions with a particular type of police-community collaboration. For the past 20 years, my colleague Lisa Belsky and I have conducted field studies of the transformative community impact of partnerships between police and local community developers. We have worked with police-community developer partnerships in many cities and have written two books (including 8 case studies) about a strategy we've called "building our way out of crime." In this strategy, community-endorsed physical redevelopment of blighted, disinvested neighborhoods improves quality of life and cuts crime—without significant gentrification.

The 8 collaborations we documented are exemplars of how *government can catalyze capable community organizations by behaving in a respectful, strategic manner that puts government in service to community-led initiatives*. These 8 collaborations produced crime drops ranging from 70% to above 90%—declines that lasted for years. Community improvements included replacing or repurposing crime-generating properties with better housing, commerce, social services and amenities. Properties that once ruined neighborhoods were transformed into generators of safety, vitality and community pride. Our case studies were in Charlotte, Minneapolis, Portland (Oregon), Providence, Richmond (Virginia), Sacramento, San Diego, and Washington, DC.

In these cities, participants told us the transformations would not have occurred but for the police-community developer partnerships. And participants did not attribute crime drops to displacement of crime and poor people to other neighborhoods.

My final observation is about building police-community trust. I think durable trust comes *not* when cops and community members who distrust each other *sit and* *talk* about distrust but when they *take action* together that solves daunting crime problems. Trust is a valuable *by-product* of collective pride in a job well done by people who were brave and dedicated enough to suspend their skepticism and work across the police-community divide to accomplish something important that neither could have done acting alone.

ADDITIONAL INFORMATION

1. **EVIDENCE FOR MY CONCLUSIONS.** The evidence about police-community developer partnerships on which my testimony draws is published in two books, developed with U.S. Department of Justice grants (from the Office of Community Oriented Policing Services and the Bureau of Justice Assistance):

   - Geller, Bill and Lisa Belsky (2012) *Building Our Way Out of Crime: The Transformative Power of Police-Community Developer Partnerships.* Glenview, IL: Geller & Associates (foreword by Bill Bratton and Paul Grogan); and
   - Geller, Bill and Lisa Belsky (2014) *Building Our Way Out of Crime: Evidence from 8 Cities.* Glenview, IL: Geller & Associates (foreword by Darrel W. Stephens and Andrew Ditton)

2. **FIELD WORK SUPPORTS THESE RECOMMENDATIONS**. My conclusions and recommendations for transformative working relationships between police and capable community organizations also draw on two decades of practice working in the field with police-community developer partnerships. Much of that field work was done as part of the Community Safety Initiative of the Local Initiatives Support Corporation (LISC). LISC is the nation's largest community development intermediary. When I worked for the Police Executive Research Forum (PERF) in the 1990s, Belsky and I co-founded the Community Safety Initiative.

3. **BUILDING T.R.U.S.T.** The following graphic suggests "the building blocks of trust" in robust police-community developer partnerships. It appears on pg. 251 of my 2012 book on this subject. The graphic reinforces the point that lasting trust between cops and community members has come not from talking about their distrust but from taking a chance to work together, striving against difficult challenges, and enjoying the collective pride of their accomplishments. I would be happy to share with the Task Force real stories of community

members, years after a successful collaborations, vouching for police officers' characters when those officers faced career challenges. The trust I have observed is deep and durable.
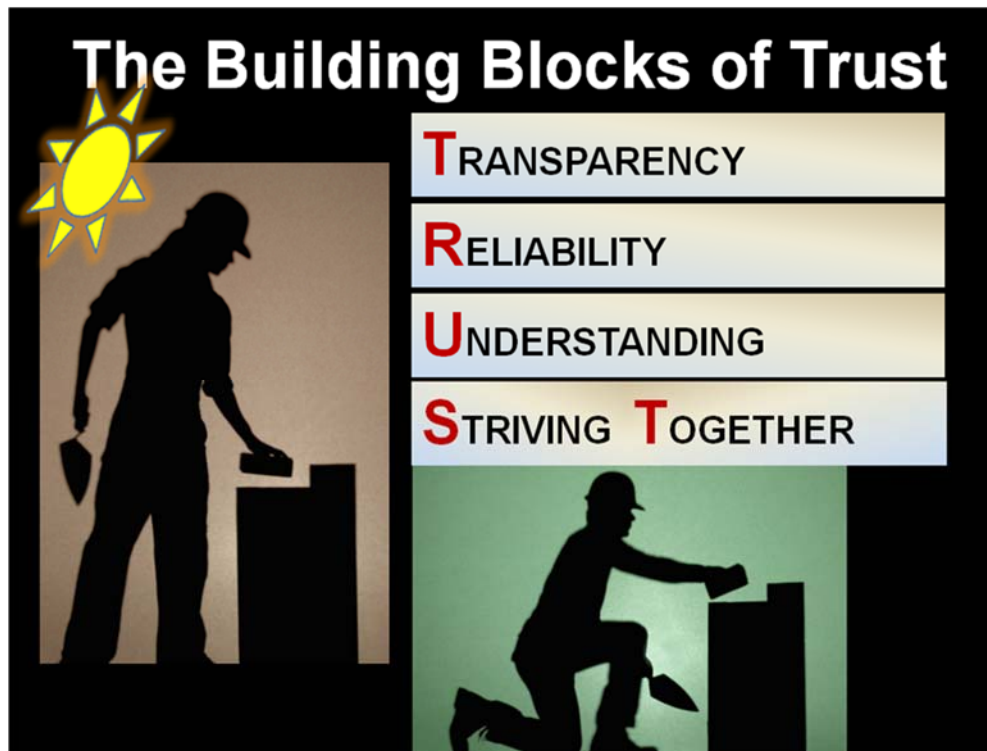

Figure 40. Police and communities who forge close working relationships can build trust by building their way out of crime. Good partners are transparent, reliable and understanding in their dealings with each other. Fundamentally, their trust is built incrementally as they strive together to overcome the odds and accomplish something each values highly. (Graphic © 2011 by Bill Geller)

4. **L. ANTHONY SUTIN CIVIC IMAGINATION AWARD.** The U.S. Department of Justice's Office of Community Oriented Policing Services honored the trust-building, crime-cutting, community-building benefits of police-community developer partnerships in 2011 by naming a police-developer team from Providence, Rhode Island (Lt. Dean Isabella and community developer Frank Shea) as the inaugural winners of the L. Anthony Sutin Civic Imagination Award. The team's accomplishments included sustained crime drops, a more livable neighborhood, and reduced demand for police services as neighborhood assets supplanted crime-generating properties.

5. **ROBUST PARTNERSHIPS CAN REDUCE DEMAND FOR POLICE SERVICE.** Our case study of Providence, Rhode Island, documented the long-term impact of a collaboration on demands for police service. *Before* the police-community developer intervention (redevelopment planned with and supported by police) the revitalization target area accounted for 24.7% of the entire Olneyville neighborhood's calls for service per year. *After* the redevelopment, that area accounted for only 7.5% of the neighborhood's calls for service. (The revitalization area was 7.8% of the neighborhood's geographic area.)

6. **SUPPORT FOR THESE RECOMMENDATIONS FROM THOUGHT LEADERS.** The recommendations in the two *Building Our Way Out of Cri*me books have been endorsed by

leaders in policing, community development, urban governance, public policy and academia.

- ***Organizational support*** has come from the International Association of Chiefs of Police and the National Sheriffs' Association (both associations adopted formal resolutions in 2011 calling on their members to implement robust police-community developer partnerships) and from the Major Cities Chiefs Association (Executive Director Darrel Stephens commended and provided the *Building Our Way Out of Crime* books to each of the nation's major city police chiefs).
- ***Individual support*** has come from Prof. George Kelling, civil rights attorney Connie Rice, NYPD Commissioner Bill Bratton, journalist Alex Kotlowitz, community development leader Paul Grogan, Prof. David M. Kennedy, Prof. Herman Goldstein, Chief Theron Bowman, Prof. and civil rights activist James Forman, Jr., Prof. Wesley Skogan, current and former mayors (R.T. Rybak, Jr. and David Cicilline), and Prof. Tom Tyler, and others.

The following quotes illustrate some of this support:

"For decades, urban policies undermined or destroyed neighborhoods. Regardless of their intentions, policies ranging from deinstitutionalization of the mentally ill, to school bussing, to urban renewal, to highway construction, slowly but seemingly inevitably undid the quality of urban life. Geller and Belsky in *Building Our Way* provide a blueprint for, and examples of, police/developer collaborations to restore demoralized and destroyed neighborhoods. Certainly the efforts reduced crime and enhanced public safety—in a big way. But as important, they restored the spirit and vitality of urban life. *Building* is a singularly important contribution to our growing literature on crime prevention and urban development."
   —Professor **George L. Kelling**, Senior Fellow at the Manhattan Institute and Fellow at the Harvard Kennedy School of Government

"For those of us in the community reclamation business, *Building Our Way Out of Crime* opens a critical door to the creativity, unlikely alliances, and resources that are unique to the building-development sector. Geller and Belsky add indispensable tools and a fresh approach to the business of safety and revitalization. *Building Our Way Out of Crime* is a must for large-scale, holistic change that lasts."
   — **Connie Rice**, civil rights attorney and Co-Director, Advancement Project; author of *Power Concedes Nothing*

"Modern day policing has advanced far beyond the almost exclusive dependence on quick responses; investigations, arrests and prosecutions; and more intensive use of expensive, highly-trained personnel on poorly defined patrol missions. With increased analysis, police professionals today deeply probe the many factors that contribute to the behaviors they are called on to handle, and commit to involvement in a wide range of creative, ambitious projects that prevent crime from occurring in the first instance. Very high among the multitude of new responses are those that involve police engagement with communities, with other governmental agencies and with the private sector. In the most sophisticated blend of these responses, Bill Geller and Lisa Belsky have aided police in developing a model that is committed to literally rebuilding entire communities, uniquely distinguished by the involvement and retention of the existing community structure rather than its re-placement. Their new publication, *Building Our Way Out of Crime*, offers, through a series

of striking case studies, a comprehensive summary of the important work they have been doing in contributing toward a much larger repertoire of effective, preventive responses from which the police can choose in fulfilling their complex role in a democratic society."
  —**Herman Goldstein**, Professor Emeritus, University of Wisconsin Law School; author of *Policing a Free Society* and *Problem-Oriented Policing*

"For more than two-dozen lonely years, the police have led community-oriented crime reduction efforts. While many other public servants have worked toward achieving safe communities, each discipline has largely operated within its own silo. Bill Geller and Lisa Belsky ironically demonstrate that 'building' best occurs after destruction—of silos and egos. This skillful presentation of crime-reducing community 'building' efforts is a worthy anchor for common unity amongst police, urban design, planning and development officials, political leaders, economic development professionals and other community stakeholders. What a marvelous job of modeling profoundly synergistic and bedrock-solid police-developer partnerships!"
  — **Theron "T" Bowman**, Ph.D., Chief (ret.), Arlington, Texas, Police Department

"A highly readable and thoroughly convincing analysis of how cities, non-profits, traditional real estate developers, police and the community can come together to tackle crime and disorder close to its roots—in the character and quality of residential neighborhoods and their commercial corridors. The book describes how practical people developed a list of strong and effective solutions to the problems that need solving in American cities. Fascinating case studies detail how careful problem analysis identified high-leverage targets for redevelopment; how key actors raised the funds necessary to follow through on their vision; the fit between the problems that were identified and the development plan; and the various ways in which police helped plan and served as effective advocates for the projects. Crime and service call data document the over-time impact of their collective efforts."
  —**Wesley G. Skogan**, Professor of Political Science and the Institute for Policy Research Northwestern University, author of *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*

Building Our Way Out of Crime is "a new investment strategy for criminal justice" in America's cities.
  —**David N. Cicilline**, U.S. Representative (D-R.I.); former Mayor, Providence (R.I.)

"Scholars have become increasingly aware of the importance of active public en-gagement in both policing and promoting communities. The nature of the relationship between the police and the community is central to encouraging such public engagement and, hence, to economic and social vitality. This timely book outlines models for police partnerships as well as providing examples of cities that have successfully leveraged such partnerships into economic and social development. The ideas presented here will be of interest not only to those trying to encourage community development but also to anyone thinking about the future of policing."
  —**Tom Tyler**, Author of *Why People Obey the Law*; Professor, Department of Psychology, New York University and Professor, Yale Law School

<u>Biography</u>

Jose Gonzales, native to the Phoenix area, is a 20 year old alumnus of foster care that spent some of his youth in the juvenile justice system. He is currently under supervision of Child Protective Services. He has recently accepted a position as a Case Manager in a local group home. Jose feels strongly that his experiences have allowed him to better understand the struggles of youth in the child welfare and juvenile justice systems, with the ultimate goal of providing support in developing a positive future for system involved youth.

<u>Testimony</u>

I want to thank the members of the 21st Century Task Force on Policing for allowing me to present testimony today.

Speaking from the heart is very important to me. I come to you today to share my experiences and struggles, as they relate to the child welfare and juvenile justice system. Providing some background is important, as it has shaped me into who I am today.

I am a life-long resident of Maricopa County.

I first ran away when I was 7 years old, at about the same time my father passed away. His death didn't have a big impact on me because he never played a role in my life. He was absent – simply never there. I got involved with drug use, and at age 9, I went to jail for smoking marijuana. I made some bad decisions as a young boy. One time, my brother and I decided to throw rocks at passing cars from a freeway overpass. Unfortunately, one of the rocks hit a young kid in the passenger's seat of a passing car and severely injured him. This reckless and criminal act resulted in me being placed on probation, for which I violated on numerous occasions. I got involved with a gang. These actions resulted in my spending a time in a juvenile detention facility, as well as three months at a Boys Ranch.

This is just a part of my story. It is important that you understand the family support structure that existed for me as a young person. Growing up in a single parent family as one of five kids, my mother struggled with how to best support us. As rowdy kids, my siblings and I would get us kicked out of apartments on a regular basis. Living in hotels on and off for several years, my mother would do whatever she had to get money to provide for us- so we would have a hotel room to call home for the night. Living in a hotel with my mom and four siblings and two dogs and her boyfriend was a challenge, to say the least.

Needless to say, I have had a fair amount of interaction with law enforcement in my youth. Some has been very positive. Like the time that a School Resource Officer got me involved in an after school club. Officer Bill D. helped me stop being a bad kid- assisted with after school activities. He sought me out to be a part of a club that included all sorts of youth- athletes, academics, and helped me gain confidence in reaching out to other social circles beyond my troubled community.

The important idea I'd like to convey is that approach is everything. Coming from a lot of trauma in my past, it is important that law enforcement be sensitive to the issues that can exist in a young person's life.

An example of an approach that was not so positive is when I was 6 or 7 years old, cops slammed my older brother down on the ground for mischief – he ended up with scratches on his face. The tough part was not that part, but the fact that he was calling us little bastards, as well as many other bad words. This is very hurtful.

Another issue I see is the fact that I am always approached by officers with a mindset of "what is quickest way to get me down." Admittedly, I am a big guy that could be imposing. However, officers always have their hand on their gun most of the time when they are in my presence.

The main recommendation I have would be for law enforcement to work to be more respectful of individuals they are engaged with. I want to be treated with respect and fairness, and not be looked at as a criminal, but as a productive member of the community.

I just want everyone to hear me heart to heart, not just in one ear and out the other because there are a lot of other young adults out there just like me that are trying to better themselves.

I have a lot of family currently in prison, including two of my brothers, six cousins, and two uncles. One of my cousins is serving a life sentence without the possibility of parole for murder. Other family members float in and out of the justice system and some are still under custody of Child Protective Services. I, myself, am under the custody of CPS until next week, when I turn 21. I have a young daughter now, and I want to support her in a way that I wasn't supported. My experiences have allowed me to provide positive support to many that I come in contact with.

I have recently accepted a position as a Case Manager in a local group home. I feel strongly that my experiences have allowed me to better understand the struggles of youth in the child welfare and juvenile justice systems, and offer support to them in a positive and meaningful way.

I thank you for taking time to hear my thoughts and wish you much success in the development of your task force recommendations to the President.
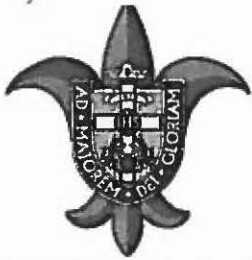
**SAINT LOUIS
UNIVERSITY**

February 12, 2015

President's Task Force on 21st Century Policing
US Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530
via email PolicingTaskForce@usdoj.gov

Dear Co-Chairs Ramsey and Robinson, and members of the Task Force:

Thank you for the opportunity to testify at the fourth public listening session on the topics of
Community Policing and Crime Reduction. I am a law professor at Saint Louis University
School of Law. I teach Human Rights Law, Racism and the Law, and beginning this fall I will
be teaching Constitutional Law as well. I am also a member of the Ferguson Legal Defense
Committee, and I have been involved in the demonstrations as a protester, organizer, legal
observer, and policy advocate.

After testifying alongside Mike Brown's parents and Ferguson activists on the world stage
before the United Nations in Geneva, the responses from UN officials made it apparent that the
state of policing and the criminal justice system in the United States has damaged America's
moral standing, not just amongst Black and Brown communities in the United States, but in the
eyes of many nations around the world. During the hearing, multiple Committee members
questioned the United States government delegation with shock about its failure to put into place
effective accountability mechanisms or ensure equal application of the law. After the hearing,
the UN Committee Against Torture officially expressed its concern about the "numerous reports
of police brutality and excessive use of force by law enforcement officials, in particular against
persons belonging to certain ethnic groups."[i] It also expressed its "deep concern" about "the
frequent and recurrent shootings or fatal pursuits by the police of unarmed black individuals" and
it noted the "alleged difficulties of holding police officers and their employers accountable for
abuses."[ii] The U.S. is expected to answer these concerns in the coming months pursuant to the
treaty compliance review process.

The UN is right to be appalled. This misconduct takes place in the context of a combined state
and federal prison and jail population that is nearly 43 % Black, in a nation that is only 13%
Black overall.[iii] The United States currently has 5% of the world's populace, but 25% of the
world's inmates.[iv] The incarceration rate of 750 inmates per every 100,000 citizens is nearly 8
times the rate of Russia, China, Iran, or Germany.[v] Even worse, this high rate of imprisonment is
blatantly racialized. The United States imprisons more of its Black community than South
Africa did at the height of Aparthied.[vi] In light of the additional revelation by the Malcolm X
Grassroots Movement that a Black person is summarily executed by police every 28 hours, it is

clear that our racial justice system has manufactured a racial ticking time bomb.[vii] This bomb is now on the verge of explosion in light of the killings of Trayvon Martin, Mike Brown, Eric Garner, Tamir Rice and others. In light of the justice demanding demonstrations in over 200 cities across the country in 2014, we can predict that we likely have not yet seen the worst of the social unrest that will be caused by our failing criminal justice system.

I hope that this testimony and that submitted by others will provide you with enough information to recommend meaningful changes to the President of the United States, changes significant enough to prevent a racial explosion. In fact, I remain hopeful that the United States can become a beacon for human rights and democracy around the world. For this to happen, our policing and criminal justice community must become a force for justice, not injustice, and healing, not racial division, in our lifetimes.

In this short testimony, I plan to address the role of community policing in creating public trust in law enforcement.

The Long Road to Community Policing

Although no universal definition of community policing exists, the Office of Community Oriented Policing Services (COPS) within the United States Department of Justice describes community policing as "a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime."[viii] Some have looked to community policing as a panacea, arguing that if police departments around the country decide to install community policing today, they could immediately create public trust in law enforcement. This view of community policing as a panacea is false.

Police departments throughout the country have proven themselves to be secretive, militarized, and implicitly (and sometimes explicitly) racialized organizations that harbor an "us vs. them" mentality in their relationship to Black and Brown communities. Based purely on the data, it would be completely unreasonable, and even irresponsible, for these communities to engage in partnerships with policing organizations that see them as enemies in some sort of imaginary war. The language of "restoring trust" inaccurately suggests that the basis for our survival instinct rests on unschooled emotion, or emerges from a relationship dynamic that should alter with a well-mannered gesture. To the contrary, for decades now police in the United States have proven, statically, that a Black man faces the prospect of unprovoked assault when engaged in any minor interaction with a police officer. Whether the Black man is a tenured Harvard professor on his way home like Skip Gates, or a teenager on cusp of college on his way home like Mike Brown, it matters not.

In the context of this legacy, the shooting to death of Mike Brown, who was stopped for jay-walking, and the choking to death of Eric Garner, who was stopped for selling loose cigarettes, were fresh cuts in an old wound. The task force should acknowledge that community policing, and the trust it necessarily demands, can only become a reality on the heels of a fundamental shift in the role of policing in our society. I would analogize it to a four step process:

2

Step 1: Crawl: End the hostile, racialized, militarized war on black and brown communities

In many instances, bald and ugly racial aggression animates policing policy towards minority communities. Black police officers themselves have admitted that racial aggression permeates their work environment and they experience racial profiling when they themselves are not on duty.[ix] In Saint Louis, racial profiling statistics have consistently demonstrated a pattern of discriminatory policing, where not only are some citizens targeted for police stops based on race, but police are given ticket quotas that serve to fund major segments of municipal budget.[x]

Police departments often explicitly reject community policing practices in order to engage in "hot spot" policing. They use military language and talk of waging a "war" on drugs. They use SWAT teams to executive search warrants in low-level drug investigations.[xi] Many departments continue to recruit former military veterans without retraining them to properly engage with community members in a non-military setting. Some have PTSD and think they are on the streets of Iraq when they are on the streets where our loved ones live. Some see every person of color in these neighborhoods not as citizens but as targets or enemy soldiers where they have to kill them first or be killed. We saw this demonstrated recently in Miami, Florida, where police unapologetically used the faces of Black men from the community as target practice in their training modules.[xii] We must conclude that the community oriented policing services division of the department of justice has not effectively imbued its vision of community policing into police departments around the country.

This warlike mentality is then reinforced by programs like the Federal government's 1033 program, which redirects excess military equipment like assault rifles and mine resistant tanks to local law enforcement agencies upon request with little oversight. The militarized mindset this equipment nurtures has an impact on day to day policing. Where no reasonable adult would believe that a fleeing figure who has been shot is coming their way, or a nearly strangled person is about to unleash force, a soldier on the battlefield must always veer on the side of killing because they constantly are engaged with enemy soldiers who are trying to kill them. In the context of stereotypes of black criminality, military policing facilitates perceptions of the black body as a perpetual threat and a constant candidate for indiscriminate killing.

Recommendations:
-Condition DOJ Funding and Police Department Operation Capacity on the end of Racial Profiling: Serious proposals to end harmful practices by government agencies attach funding penalties, a licensing procedure that includes the loss of licenses for individuals and departments, or the merger of departments as consequences for the lack of compliance. No one has yet proposed this type of firm commitment to ending racial profiling in the United States. No more empty platitudes. Only firm financial and operational penalties will end this immoral behavior.
-End the 1033 Program: Giving police high level military equipment without training promotes irresponsible usage. The alternative of training police to use the deluge of military equipment they receive serves to further inculcate the militarized culture of an occupying army at war with citizenry they plan to attack. The mass transfer of this military equipment to state and local police should simply end. If police have the equipment, they will use it, no matter how much you train them.

3

Step 2: Walk: Adopt basic norms of transparency and violence prevention

In light of the behavior noted above, too often police departments cultivate a culture of secrecy. This misguided approach prizes loyalty above all other norms of morality. Police unions in particular have played a corrosive role in tarnishing relationships with community members. In New York a police union official openly declared war on citizens.[xiii] In Saint Louis, a police union official as recently as late January appeared at a community meeting wearing an "I am Darren Wilson" wristband.[xiv] In both instances, union officials identified any oversight or questioning of police practice as a direct attack on them, and they threatened to retaliate.

To the contrary, the creation of trust requires transparency and accountability, specifically in regards to the racialized police violence. It would be irrational for communities to trust that law enforcement has ended decades old practices of aggression without the provision of data to provide proof, or new use of force practices to provide assurance.

Recommendations:
-Create a National Federally Operated Database of Police Violence and Racial Profiling:
Currently, data on arrest rates, police-civilian interactions, racial discrimination, police complaints, and police involved shootings is unreliably collected in piecemeal fashion. The federal government should complete a comprehensive review of data collection practices by local law enforcement and develop a new federally operated data collection system that mandates annual reporting of this data.
-Create National Standards in Compliance with UN Human Rights Norms for the Use of Force: The Eighth United Nations Congress adopted its "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" in 1990.[xv] It states that law enforcement should not use firearms against people unless less extreme means are insufficient, and should not seek to kill people unless strictly unavoidable to prevent loss of life. It also states that force should not be used to disperse unlawful assemblies, or the least amount of force possible should be used. Police can rebuild trust by adopting norms like these which demonstrate that, even in Black and Brown communities, lives are valued and mechanisms are in place to protect the sanctity of life. Some other potential use of force standards could include:
> **-Disallow the use of deadly force for minor violations**[xvi]
> **-Provide the right to a hearing with any officer who uses force against a citizen**
> **-Mandate threat progression, de-escalation, and conflict resolution training**[xvii]
> **-Mandate personal liability insurance for police officers**[xviii]

Step 3: Run: Embrace Human Rights Policing as an Ideal

Policing will not transform until we hold ourselves to the highest standard of respect for the basic human dignity of all people. To that end, we must:

Articulate a Commitment to Human Rights, not just Crime Reduction. Currently, law enforcement measures of success prioritize crime reduction above all other values. In this context, law enforcement officials can declare broken windows poling a success when overall crime rates decline, even if less graffiti it comes at the cost of the ripping apart the ethical fabric of the society. Less marijuana use is measured as a success even if it comes at the cost of a

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broken generation, or a generation of black children with incarcerated parents. Also according to this logic, the killings of Mike Brown and Eric Garner were successful policing experiences, because it resulted in one less jay-walking incident or loose cigarette sale, notwithstanding the social strife these blunders caused. Instead, a human rights ideal would consider the impact of policies in people's lives, and use overall societal wellbeing as a measurement of success. **Create a DOJ operated fund to provide financial recompense and resources for rehabilitation for victims of police brutality.** Truth and reconciliation processes have been helpful in the human rights context when they provide for substantive recompense for individuals who have been wronged by state actors. A fund that provides support not only for families of victims killed by police, but for those who cannot afford civil litigation for non-deadly assaults should be established.

Step 4: Fly: Engage in Community Policing

Police often make the mistake of assuming that community policing calls for the expansion of the role of law enforcement in community life. Although interaction with community organizations and neighborhoods instill the community service ideals that ultimately provide the community policing model with promise, this occurs in the context of a culture where some communities are over policed, and others are not, often superficially based on "hot spot" rationales that serve as a proxy for racial targeting.

Without first explicitly embracing Human Rights as an ideal, many police cannot fathom what community policing would look like in practice, or they can embrace solutions that make the problem worse. However, valuing human rights, and not crime reduction alone, would entail:

The Repurposing of Federal Law Enforcement Funds to Support Community Based Alternatives to Incarceration. A true embrace of human rights norms would include support for restorative justice, know your rights, entrepreneurial and vocational skills training, robust civilian review boards, and amnesty programs to help community members flourish.

Conclusion

Upon our return from Geneva, we felt both legitimized by the international community, and saddened that we had to travel halfway across the world to have our dignity legitimized.
I end with this because any system which denies one's human rights denies one's humanity. Current police practices treat people in ways that fly in the face of all major faith traditions and basic notions of human dignity. And people around the world are not blind to this reality.

The culture of policing and mass incarceration in the United States has compromised the moral standing on the United States on the global stage. Ultimately policing is simply the tip of the spear— mass incarceration must be ended. The policing based recommendations contained in this short testimony, while not sufficient to ameliorate generations of targeted police violence and intimidation of communities of color may begin a process of healing.

Respectfully,

Justin Hansford

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[i] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/247/23/PDF/G1424723.pdf?OpenElement

[ii] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/247/23/PDF/G1424723.pdf?OpenElement

[iii] See http://www.bop.gov/about/statistics/statistics_inmate_race.jsp, http://www.naacp.org/pages/criminal-justice-fact-sheet

[iv] http://www.naacp.org/pages/criminal-justice-fact-sheet

[v] Michelle Alexander, *The New Jim Crow* 6 (2010).

[vi] *Id.*

[vii] https://mxgm.org/wp-content/uploads/2013/05/we-charge-genocide-FINAL.pdf

[viii] http://www.cops.usdoj.gov/Publications/e030917193-CP-Defined.pdf

[ix] http://www.reuters.com/article/2014/12/23/us-usa-police-nypd-race-insight-idUSKBN0K11EV20141223

[x] http://www.washingtonpost.com/news/the-watch/wp/2014/09/03/how-st-louis-county-missouri-profits-from-poverty/

[xi] https://www.aclu.org/war-comes-home-excessive-militarization-american-policing

[xii] http://www.usatoday.com/story/news/2015/01/15/miami-police-target_practice-mug-shots-blacks/21834491/

[xiii] http://www.theguardian.com/commentisfree/2014/dec/21/two-nypd-cops-killed-wartime-police-protesters

[xiv] http://www.dailymail.co.uk/news/article-2931020/Mass-brawl-erupts-City-Hall-meeting-discuss-civilian-oversight-Ferguson-police.html

[xv] http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

[xvi] http://www.washingtonpost.com/opinions/ending-excessive-police-force-starts-with-new-rules-of-engagement/2014/12/25/7fa379c0-8a1e-11e4-a085-34e9b9f09a58_story.html

[xvii] http://obs_stl.org/news/item/quality_policing_initiative-2

[xviii] https://cfppmpls.wordpress.com/the-details/

Attn:	President's Task Force on 21st Century Policing
	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 Community Policing and Crime Reduction
Submitted by:	The Local Initiatives Support Corporation (LISC)
Date:	February 9, 2015

The Local Initiatives Support Corporation (LISC) is honored that Melissa Jones, senior program officer with our Boston office, will testify at the fourth public listening session of the President's Task Force on 21st Century Policing on the topic of Community Policing and Crime Reduction. The following comments expound on her verbal testimony scheduled for February 13th in Phoenix.

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

About LISC

Established in 1979, LISC is the nation's largest non-profit community development support organization, 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.

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-based law enforcement strategies has yielded sustained improvements in safety in cities as diverse as Los Angeles, Philadelphia, Boston, Minneapolis, Milwaukee and Providence.

Recommendations: Reengineering Community Policing

LISC believes that community-oriented policing should be the dominant framework for policy and practice in police departments in the 21st Century. Our recommendations in this area are:

(A) Expand support for community policing programs and policies that emphasize collaborative problem-solving to improve community safety and vitality.
Community policing approaches should facilitate crime prevention and intervention, not just suppression. This is critical to help community members see police as allies as opposed to an occupying force, and to create more economically and socially stable neighborhoods.

Community policing approaches should also facilitate police problem-solving with agencies and organizations outside of the justice system. Our experience has shown that partnerships between police and strong community development groups in particular can help improve social connectivity and economic strength, both of which foster resilience against crime. The results of this kind of approach are documented in hundreds of case studies available in LISC's online Community Safety Resource Center (www.lisc.org/csi), and in the COPS book, *Building Our Way Out of Crime: The Transformative Power of Police-Community Developer Partnerships* by Bill Geller and Lisa Belsky.

(B) Expand resources for training police officers and community leaders in problem-solving methods and partnership-building.
Traditional police training does not necessarily prepare officers and commanders to engage in problem-solving and harness the resources of partner organizations to address crime. Investment in training, particularly for mid-level commanders and executives, on how to build and sustain partnerships across sectors and with community leaders is important, as is joint training for community leaders and police to establish a common language and methodology for examining crime problems.

LISC has worked with dozens of police departments using training materials on developer-police partnerships produced with support from BJA. In partnership with Gregory Saville of AlterNation LLC, we have run *SafeGrowth* courses in ten cities which have paired police officers with community developers, service providers, residents and other local leaders to tackle crime problems using expanded principles of Crime Prevention Through Environmental Design. Grounded in research on environmental criminology and collective efficacy, these efforts offer promising models for how we can create a common understanding and ownership of problem-solving across police and communities, with powerful results. A forthcoming LISC curriculum on developer-police partnerships (supported by COPS) will add to the library of products which warrant support for wider implementation.

Recommendations: Building Systems Partnerships

(C) Expand federal support for comprehensive, neighborhood-based efforts to reduce crime and interconnected challenges of poverty and disinvestment.
Problems such as clustered vacant properties and blight, failing schools and unemployment not only drive crime, but they also fuel the disillusionment and distrust of government that damage

efforts to build police legitimacy. Investment in comprehensive efforts that address the interconnected challenges of high crime, high poverty neighborhoods is critical. 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.

(D) *Integrate the efforts of agencies at the federal level to build the capacity of trusted community groups in high crime, high poverty neighborhoods.*
Communities with persistently high crime and violence are also often characterized by low social cohesion and collective efficacy. It is extraordinarily difficult for police to effectively and efficiently build collaborative relationships in such neighborhoods. Building the capacity of community groups – those that are trusted by residents and can serve as honest brokers in managing community-police relations – is therefore imperative to make community-oriented policing work. Many of the most effective programs in this arena, such as the Capacity Building for Community Development and Affordable Housing Program (HUD Section 4) or the Building Neighborhood Capacity Program (administered by BJA) require coordination at the federal level to ensure that robust funding is directed to the neighborhoods where police need them most.

(E) *Support meaningful engagement of community leaders in data-driven and evidence-informed decision-making by law enforcement leaders and policymakers.*
Research-informed and community-oriented decision-making need not be mutually exclusive. Police and other local officials need resources and support to help translate data and evidence such that community leaders can provide informed and productive guidance in selection of crime-fighting strategies for their neighborhoods. The Byrne Criminal Justice Innovation Program offers one example for how local researchers and law enforcement leaders are pursuing this approach by involving community groups and resident leaders as key stakeholders in decision-making teams working to reduce crime in long-term hot spots.

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

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Melissa Jones, Senior Program Officer, LISC
Bio for February 13th Listening Session Testimony

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Melissa Jones is a Senior Program Officer with the Boston office of the Local Initiatives Support Corporation, one of the nation's largest community development support organizations. She supports low-income neighborhoods throughout Boston in engaging residents and other community leaders to develop comprehensive Quality of Life Investment Plans that guide economic development, education, safety and health initiatives. In this role, Melissa has also supported community-police partnerships citywide, including several that have earned national recognition for how they have linked policing with neighbor organizing and problem property abatement, yielding results in the form of sustained crime reduction as well as enhanced community-police trust. Previously, Melissa served as the Community Transformation Director at Youth Uprising, East Oakland's largest youth development center, and in city government in

the Cities of Oakland and Alameda. Melissa holds a Masters in Public Administration from California State University, East Bay and a BA from Northeastern University. She is a Doctoral Candidate in Governance and Policy Analysis at United Nations University-MERIT and Maastricht Graduate School of Governance.

DELORES JONES-BROWN
PROFESSOR, DEPARTMENT OF LAW, POLICE SCIENCE &
CRIMINAL JUSTICE ADMINISTRATION
JOHN JAY COLLEGE OF CRIMINAL JUSTICE, CITY UNIVERSITY OF NEW YORK
FEBRUARY 13, 2015
NEIGHBORHOOD POLICING: A SAFE, RESPECTFUL AND EFFECTIVE
COMMUNITY POLICING STRATEGY

I am Delores Jones-Brown, Professor in the Department of Law, Police Science and Criminal Justice Administration at John Jay College of Criminal Justice, City University of New York and founder of the John Jay College Center on Race, Crime and Justice and a member of the executive board of the Center for Policing Equity. [i] I would like to thank the Task Force for this opportunity to submit written comments and to give oral testimony and recommendations.

My professional expertise is in the area of police-community relations, the impact of stop and frisk policing practices and the influence of race on police-community interactions. I am the author or co-editor of 4 books on race and the American criminal justice system and numerous book chapters, articles and legal commentaries on race and policing.

I come to today's session wearing several hats—as an academic researcher, as a legally trained intellectual, as a former prosecutor who worked closely with police officers, as an educator of sworn police officers for more than 25 years, as a scholar activist who has spent the last ten years or more working with and listening to community-based and grassroots organizations talk about what they want from police service in their communities; and as the mother of a African American teenage son, the wife of an African American male husband, and the sister of an African American male brother--all of whom I spend a great deal of time worrying whether they will have an encounter with the police that will leave them criminalized, hospitalized or deceased.

In my January 9th written comments, I recommended that urban police departments be mandated to pilot a "neighborhood policing" (NP) community policing strategy similar to that implemented in San Diego, California. During the period 1991 to 1998, this approach is credited with having produced greater reductions in violent crime than those achieved in New York City.[ii] Crime dropped in San Diego, and continues to remain low, without increasing the number of annual arrests[iii]; without substantially increasing the number of sworn officers[iv]; and, without increasing the volume of citizen complaints.[v]

This year, amid concerns about how police departments should and should not handle community protests, the San Diego police department organized a Martin Luther King Day march.[vi] This kind of police-sponsored event presents a unique trust-building opportunity that cannot adequately be assessed by quantitative measures. It also presents unique opportunities for qualitative research that explores the impact of such an event on both those who are policed and those who are doing the policing. Research questions might include inquiries into the department's motivation(s) for sponsoring such an event, its implementation strategy, potential impediments and how they were overcome. Surveys of both community members

and police personnel before, during and after such an event might provide valuable insight into the feasibility of such events as mechanisms for building mutual respect and cooperation.

As noted in my January 9th comments, "neighborhood policing" is a form of community policing that incorporates a problem solving or problem oriented approach. Problem oriented policing (POP) has been identified as one of the strongest evidence-based policing approaches[vii] but some policing scholars acknowledge that problem oriented policing may be an overused term and that many police departments' attempts to utilize what they identify as problem oriented policing fail for different reasons: including police agencies deciding, without community collaboration, the problem they want to address; or, favoring the use of a particular method.[viii]

Community members complain that, under some departments' implementation of POP, specific individuals or groups within the community are identified as problematic based on their status—e.g. immigrants, racial, ethnic or religious minorities, the poor,[ix] the young[x], or those with non-conforming gender identities[xi]. They also complain that police policy or individual officers decide to give some community voices greater priority than others, typically being more responsive to complaints from business owners, property owners, older adults, church-goers and the employed. The San Diego neighborhood policing approach reduces these risks by utilizing the voices of a wide array of neighborhood residences in both problem identification and solution development.

The neighborhood policing approach allows police departments to tailor policing *service* and *enforcement techniques* to the unique needs of distinct neighborhoods. Recognition of these unique needs requires more than computerized maps of calls for service or crime complaints. It requires the establishment of genuine relationships with many different kinds of community residents. In Detroit, under one chief, this meant police officers volunteering to mentor the children of incarcerated parents, to help break the cycle of intergenerational imprisonment.[xii] In Orlando it meant a chief going door to door to invite housing project residents to a meeting with her in their development's community room, with the ultimate purpose of successfully solving a triple homicide.[xiii] In Houston it meant establishing a time and means for residents to "chat with the chief" by phone to build relationships, increase crime reporting and clearance rates.[xiv] In Philadelphia, it meant the police partnering with a community development organization to help community residents reclaim a local park from drug dealers, after which the residents obtained grant funding to maintain the park on their own.[xv] In Salt Lake it meant the chief reaching out to the immigrant community to assure them that their immigration status would not interfere with their rights as crime victims.[xvi] In San Diego it meant utilizing hundreds of volunteers to facilitate the connection between the police department and community residents and to help connect residents to other non-police services.[xvii] Crime statistics are only one means of measuring the effectiveness of these relational policing approaches. Funded qualitative research is a necessity to help provide the evidence-base needed to insure that police departments are incentivized to continue or to implement similar approaches.

Neighborhood policing provides an opportunity for police departments to do things *with* residents in the co-production of public safety rather than doing things *to* or *for* them based on theories that emerge from outside their geographic, social and cultural boundaries. While much has been made of the police role in the crime declines in major cities over the past two decades, there has also been a significant growth in community-based anti-crime and anti-violence efforts. These community-based approaches are conceived of and implemented by civilians, typically civilians within or from high-crime and highly policed neighborhoods. Such approaches do not get their fair share of credit for addressing urban violence and their impact tends to be under-documented and unreported. Recent studies conducted by the John Jay College Research and Evaluation Center documented the existence of 25 such programs operating in New York City utilizing the Cure Violence approach, also known as Chicago Ceasefire. The research revealed that for the period 2010 to 2013 homicides were down 18 percent in neighborhoods with Cure Violence programs and up 69 percent in statistically matched neighborhoods without such programs.[xviii]

These programs rely on street workers or "violence interrupters"—typically ex-gang members or formerly incarcerated individuals-- rather than the police to reduce the risk that community residents, especially young people, will become involved in shootings and other serious crimes. In other New York neighborhoods, the police department utilizes the Boston Ceasefire model, also known as focused deterrence, to interdict gang and other criminal activity. Evaluation research has documented the effectiveness of both approaches in some locations. Though not totally independent of police support, the Cure Violence approach empowers community residents to police themselves. The focused deterrence approach involves interaction between the police and community residents but the ultimate power in the relationship lies with the police. A neighborhood policing strategy would allow community residents to determine which of these two approaches, if either, best fits its public safety needs and its desire for community autonomy.

Similarly, while in most major cities, policing resources tend to be deployed in areas that are highly populated by racial and ethnic groups of color; and, people of color (including Black police officers)[xix] are more likely to experience fatal use of force by police, there are few people of color who are identified as policing experts or academic researchers who specialize in the study of police practices. This imbalance in who studies policing and who gets policed contributes to gaps in our knowledge of how best to address recurring problems of biased perceptions about the dangerousness and criminality of people of color, especially in urban spaces.[xx]   Youth of color, and especially males, experience policing at higher rates than most other segments of the population but are rarely included in discussions about how best to effectively deliver policing services. The following five recommendations are intended to promote the goal of building community trust and justice and to give highly policed communities meaningful input to how they will be policed.

Recommendations

1) Provide federal funding to pilot neighborhood policing in urban police departments:
NP can be piloted in one or more precincts/districts served by applying police departments, then evaluated, adjusted and expanded. Most jurisdictions have some structures in place, such as community liaison's and periodic community meetings that should facilitate the implementation process.

2) Commission a "How To" Neighborhood Policing Manual and consulting team:
The police personnel[xxi] who implemented the community engagement techniques that have been pointed out in this testimony should be invited to join with a collection of community members (including those involved in community-based anti-violence programs), other police personnel and a diverse group of academics to prepare a report that documents their strategy for relationship building, the pros and cons of implementing the policing approach mentioned, the anticipated and achieved outcomes, the challenges and resistance faced, the means used to overcome those challenges, and recommendations and cautions for implementing the approach on a larger scale and/or in other jurisdictions. Issues regarding the sustainability of such efforts need also be addressed.

3) Provide federal funding for implementation and outcome evaluation research for the neighborhood policing pilots.

4) Mandate that each evaluation effort include a researcher of color as a principal investigator and include a mechanism for training junior faculty and students of color to conduct police practice and accountability research. A growing body of research has established the need or culturally competent professionals and researchers when addressing crucial social phenomena.[xxii]

5) Provide federal funding for a series of youth-led summits where urban youth report-back about the impact of neighborhood policing in their community.
These recommendations are put forth in the interest of producing sustained and sustainable change in urban policing and the policing of people of color in all settings.

NOTES

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[i] Housed at UCLA, the Center for Policing Equity (CPE) is a research consortium that promotes police transparency and accountability by facilitating innovative research collaborations between law enforcement agencies and empirical social scientists.

[ii] See Bernard Harcourt, "Policing Disorder," *Boston Review*, April/May 2002 (available at: http://bostonreview.net/BR27.2/harcourt.html)

[iii] Between 1993 and 1996, arrests fell by 15 percent in San Diego while increasing by 23 percent in NYC (Judy Greene, 1999., "Zero Tolerance: A Case Study in Police Policies and Practices in New York City". *Crime and Delinquency* Vol. 45 (183, 184). Between 1980 and 2013, misdemeanor arrests in New York City increased more than 246 percent. See Preeti Chauhan et al "Trends in Misdemeanor Arrests in New York" John Jay College of Criminal Justice, November 2014.

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

[v] Ibid, Greene, 1999, 184. This was not the case for NYC were civil suits became the largest City pay out for governmental departments. See John C. Liu, *City of New York Office of the Comptroller Claims Report Fiscal Year 2009.*

[vi] See Michael Rocha, January 17, 2015, "Marching Together for Peace and Unity" *U-T San Diego* at *http://www.utsandiego.com/news/2015/jan/17/mlk-peace-march-logan-heights-san-diego-police/*

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

[viii] See Dennis Kenny discussing the failures of POP at the Problem Oriented Policing Conference, Septenber 12, 2011, Seattle, Washington available at https://www.youtube.com/watch?v=9hBBXFplaaU

[ix] Including the homeless, panhandlers, squeegee men or residents of public housing.

[x] See Sean Gardiner "Report Finds Stop-And-Frisk focused on Black Youth, *The Wall Street Journal,* May 9, 2012 reporting that in 2011 the number of recorded stops for black males between the ages of 14 and 24 in New York City exceeded their number in the general population by nearly 10,000.; available at http://blogs.wsj.com/metropolis/2012/05/09/report-finds-stop-and-frisk-focused-on-black-youth/

[xi] See Beth Richie, 2012, *Arrested Justice: Black Women, Violence, and America's Prison Nation,* pps. 12-14.

[xii] Under former Detroit police chief, Ralph Godbee, Jr.

[xiii] Under former Orlando police chief, Val Demings

[xiv] Under current Houston police chief, Charles McClelland

[xv] North Philadephia's Rainbow de Colores Park in the police department's 25th district.

[xvi] Salt Lake City's current chief Chris Burbank

[xvii] Former San Diego chief, Jerry Sanders

[xviii] Butts, Jeffrey A., Kevin T. Wolff, Evan Misshula, and Sheyla Delgado (2015). "Effectiveness of the Cure Violence Model in New York City". [Research Brief 2015-01]. New York, NY: John Jay College of Criminal Justice, Research & Evaluation Center.

[xix] See New York State Task Force on Police-on-Police Shootings report *Reducing Inherent Danger* (2010).

[xx] See Jennifer Eberhardt et al, "Seeing Black: Race, Crime and Visual Processing," *Journal of Personality and Social Psychology,* Vol. 87, No. 6, 876-893.

[xxi] The fact that most have left policing does not make their work any less important and can provide them with the liberty of being more candid in their assessments and recommendations.

[xxii] See Delores Jones-Brown and Erica King-Toler, 2011, "The Significance of Race in Contemporary Urban Policing Policy," in *U.S. Criminal Justice Policy: A Contemporary Reader* edited by Karim Ismaili, pps. 39-41.

Jamecia Luckey

Cocoa Police Athletic League - Cocoa, Florida

I would recommend that the Task Force consider supporting programs that foster positive relationships between cops and kids, and that program is a national organization; the Police Athletic/ Activities League.

The Police Athletic League was founded in 1914. It is based on the conviction that young people - if they are reached early enough - can develop strong positive attitudes towards police officers in their journey through life toward the goal of maturity and good citizenship. The PAL program brings youth under the supervision and positive influence of a law enforcement agency and expands public awareness about the role of a police officer and the reinforcement of the responsible values and attitudes instilled in young people by their parents.

I'm not going to quote stats or tell you what you what research says about youth and law enforcement, I'm here to share my personal story. I will share how caring people from my community, which included law enforcement, helped save me from myself. The same organization has saved countless young people and has given them the tools to make good decisions.

Before I got involved with PAL, most of you would not believe that I was the most disobedient child anyone could have. I was always in trouble. I could never spend a whole week in school without getting into trouble or suspended. I was disrespectful not only to authority figures but also to my peers. I was failing because I was missing too many days from School. I felt like I wasn't smart enough. Why did I feel this way? Many adults, and some of my peers told me that I would never be anything in life; no one loved me or ever would. What hurt me the most was when a Pastor told me that I would never make it—that hurt me badly, so I shut everything and everybody out. I wanted to commit suicide.

After a few months of moping around, my mom decided to put me in the Summer Weed and Seed Youth Employment Training Program. I just knew it wasn't going to work out, but to my surprise, I liked the program. We learned how to fill out applications; how to dress appropriately, and how to interview for a job. They also covered life-skills, time management, and setting goals.

The second phase introduced me to the Cocoa Police Athletic League's Youth Directors Council; a youth leadership program. Through this experience, I started to gain faith that I was somebody and that I could be or do anything that I wanted. I did an 180-degree turnaround in School. I went from a D/F student to an A/B student and eventually I was making straight A's and helping out at my school. I got more involved in my community and learned how to give back as we were being taught in our Police Athletic League's Leadership Program. I refused to miss an event with our PAL Program, no matter what it took for me to get there. My hard work and determination paid off, and I was selected to attend the State Police Athletic League Youth Directors Conference. The Police Athletic League Youth Conference is a conference for youth, planned and coordinated by youth under the supervision of adults, many of whom are law enforcement officers. What I saw and experienced on stage was so amazing. At that very moment, I decided that I was going to be up on that stage the next year.

What I experienced were my peers from all over the State, expressing themselves, and no one was judging. We were encouraged just to be ourselves. After the conference, whenever anyone would ask about my trip, I would beam with pride because I had a new goal. I was committed to my local PAL. Doing what I had to do to get up on that that stage as part of the conference committee the next year, was all I could talk about, and it kept me focused. I worked the entire next year in our local program, alongside police officers and my advisors, cleaning homes of Veterans and the elderly, and working in the Weed and Seed Community

Garden. We attended the Youth Crime Prevention Summit and volunteered for National Night Out Against Crime, to name just a few things. It all paid off.

When you finally get there, it is the most intense training, that involves planning, coordinating, public speaking, and making presentations. The fellowship with my peers gave me the opportunity to share my story, and it felt good. To know something that I could say or do could help someone out that was in the same boat as me, just a year before I joined the Police Athletic/Activities League. It was an honor!

Now, that I have graduated High School and returned as a volunteer, I hear too often that the future of providing the same opportunities that I had are not as bright because of the lack of funding.   And, more and more in our communities, young people think that they are supposed to be at odds with the Police. They have no experience with law enforcement, except the negatives that they see in the media or hear about from friends and family members.

"Studies have shown that if a young person respects a police officer on the ball field, gym or classroom, the youth will likely come to respect the laws that police officers enforce. Such respect is beneficial to the youth, the police officer, the neighborhood and the business community". 1

There is a whole world out there and a lot of people who care and understand. I believe children have to be reached at an early age before they start to believe in all the negatives. Please help organizations like the Police Athletic League continue to fill the gaps between parents and schools.

1. National Police Athletic League

Chris Magnus, Chief of Police
Richmond Police Department
Richmond, California
Testimony

<u>Building Community Policing in Richmond, CA</u>

Richmond is an urban city of approximately 110,000 residents located 11 miles north of

Oakland. It was the site of the original Kaiser WWII shipyards and is now home to one

of the largest refineries on the west coast. It is a highly diverse community that is 40%

Latino, 27% Black; 17% White; and 14% Asian. 20% of Richmond residents live below

the poverty level and the unemployment rate is 17%.

Richmond has struggled with historically high rates of crime and has often been among

the nation's most violent cities, even when crime has decreased nationally. In 2004,

Richmond had 8,168 Part I crimes. In 2007, the city sustained 47 murders, most of which

involved firearms and occurred in public places. Public safety and a longstanding

distrust of the police, have been top concerns of residents for many years.

In response to these concerns, the Richmond community committed to addressing

violent crime as a public health crisis. City leaders recognized the need to influence

individual and community behavioral factors in the etiology and prevention of violence.

Like most public safety agencies a number of years ago (and even now), Richmond PD

believed it was practicing "community policing", although *quality* relationships between

most residents (especially residents of color) and police officers were largely non-existent or strained at best. Community policing was synonymous with "public relations" and a small, select group of officers did the majority of the department's community outreach. Since 2006, the department has made a number of changes to address these issues and build a more effective partnership with residents. These changes have not come easily or quickly because they have involved transforming culture within the police department, as well as in the community. Culture change takes time. It requires adaptive, not just technical leadership, and it's built around relationships and trust. It also requires an engaged top management team working together with shared goals, committed to achieving the same mission, that encourages cops and professional employees to achieve superior outcomes.

There have been multiple components involved in this change process, all which continue to require hard work, creativity, and commitment. Here are a few examples:

1. Assuring **all** officers, not just a select few, are doing community policing and neighborhood problem-solving. Every officer is expected to get to know the residents, businesses, community groups, churches, and schools on their beat. Cops are expected to work with these folks to identify and address public-safety challenges, including quality of life issues such as blight. Officers remain in the same beat or district for several years or more—which builds familiarity and trust.

2. Hiring, training, evaluating, and promoting officers <u>based on their ability and track-record in community engagement, not just traditional measures of policing</u>, such as arrests, tickets, or tactical skills. The department has hired a highly diverse group of

officers (60% non-white), many who are from Richmond. They have backgrounds

that include social work, volunteerism, civic involvement, and wide-ranging life

experiences. Officers receive training in communication skills, dealing with the

mentally ill, community resources, crisis intervention, crime prevention, diversity,

and Fair & Impartial policing. Officers receive feedback that specifically evaluates

their beat projects, connections with residents, and community policing skills. To be

promoted, officers are required to study and test successfully on materials that

focus on evolving police-community issues, best practices in crime-fighting,

partnering with diverse communities, and more. Officers desiring advancement

have to do more than "talk the talk"; they need to have "walked the walk"--which

includes having established credibility within their beats.

3. Insisting that public safety is a <u>shared responsibility</u> that requires a **partnership**

   between residents and police—rather than finger-pointing or sitting back and

   waiting for others to do the heavy-lifting. A few examples of innovative police-

   community partnerships in Richmond include:

   - An active and effective *Ceasefire* program that has helped reduce murders in

     the city to the lowest level in 30 years. Detectives meet regularly with

     representatives from faith-based and other groups to coordinate call-ins or

     home visits of individuals identified as being at high risk to commit shootings.

   - RPD is a lead partner in the *West County Family Justice Center*, a

     collaboration of service providers and advocacy groups providing a "one-stop

shop" of services for victims of domestic or sexual violence with a special focus on meeting the needs of underserved residents, including youth.

- The department has a nationally-recognized Daytime Curfew Program that involves officers picking up truant youth, conducting a detailed assessment of why they're not in school, and working with community partners to address these issues. Recidivism rates have consistently been 10% or less.

- Police participation in such diverse community activities as urban greening programs; park-building initiatives; ongoing *"Coffee with a Cop"* gatherings at various neighborhood businesses; youth programs that involve cops mentoring kids in a high-crime multi-family housing complexes; an annual Foster Care Youth Summit developed by RPD personnel attended by several hundred foster families; *"Unity in the Community"*—a series of meetings at schools in a predominately Latino neighborhood focused on policing issues identified by residents; are just a few of these initiatives.

Common threads woven throughout all of these changes have included a commitment to **accountability** (e.g., a more accessible/rigorous complaint process, follow-through on commitments and projects, etc.), **approachability** (e.g., getting cops out of cars, engaged at community events, being friendly, and recognizing the importance of demonstrating empathy), as well as **transparency** (e.g., providing access to the media, advocacy groups, and others to policy development, crime-fighting strategies, etc.).

At the end of 2014, Richmond had recorded a record low 5,115 Part I crimes, including 11 murders (a 30+year low). It cannot be overstated that this was not a result of any single quick or easy solution—<u>nor are we declaring *"Mission Accomplished"*</u>. We've had multiple challenges in Richmond, including limited personnel, tough labor issues, lengthy litigation, and a history of complex racial, political, and financial obstacles. All that said, if Richmond "can do it" (in the vernacular of *Rosie the Riveter*—a Richmond icon!) and achieve the outcomes we've gotten, we believe other cities can utilize similar strategies to build successful police-community partnerships.

Chris Magnus, Chief of Police
Richmond Police Department
Richmond, California

Nicholas Peart

February 2014

President's Task Force on 21st century policing

My name is Nicholas Peart. I am a 26 year old resident of New York City. I am currently working at an organization in Harlem called The Brotherhood/Sister-Sol. I've also been a strong Advocate for Police Reforms in my city. In 2013, I was a plaintiff in the class action Lawsuit, Floyd VS the City of New York. When I was 14, my mother told me not to panic if a police officer stopped me. Since my mother gave me this advice, I have sadly had numerous occasions to remember and consider her wisdom. My mother has since passed away and I have become parent and father to my three younger siblings. I have also become the face of the lawsuit challenging the NYPD's policy of stop and frisk.

A few years ago I was celebrating my 18th birthday with my cousin and a friend. We decided to walk to a nearby place to get some burgers; the restaurant was closed so we sat on the bench in the median strip that runs down the middle Broadway in New York City. We were talking, enjoying the evening when suddenly and out of nowhere squad cars surround us. A policeman yelled from the window "get on the ground" I was stunned and I was scared. I was on the

ground with a gun pointed at me. I couldn't see what was happening but I could feel a policeman's hand reaching into my pocket for my wallet, at gunpoint. They ran their hands through my shorts, my legs, and my behind. They asked me questions then the officers handed me my wallet back and wished me a "happy birthday" I was humiliated.

In 2011, I was on my way to the store when two police officers jumped out of an unmarked car and told me to stop and put my hands up against the wall, I complied. Without my permission they took my cell phone from my hand and one of the officers reached into my pocket and removed my wallet and keys. He looked through my wallet and then handcuffed me. The officer asked if I had just come out of a particular building, "No" I told them, I live next-door. They put me in a car, removed my shoes and went through my socks and asked if I had any marijuana in my possession and if so, I should let them know. They then took my keys and went into my building and tried to enter into my apartment. My terrified younger sibling tried to call me as they heard strangers trying to get in. I couldn't answer because the police had confiscated my phone. The police tried to use my keys to get into my apartment; they banged on the door but my siblings said only children were in the house, they left. The police came back downstairs and I was simply let go and I felt helpless.

The NYPD says the purpose of stop and frisk is to remove guns from the streets. Under the Law, the NYPD is supposed to have reasonable suspicion before stopping and frisking an Individual. Yet over the last decade of those stopped less than .1% had a gun and less than 5% were arrested. Nearly 4,000,000 stops have occurred in New York City in the last decade, with Nearly 700,000 stopped in 2012. 84% were black or Latino.

Unnecessary police interaction has become a rite of passage for far too many young people in this country; and the psychological consequences of unwarranted stops and frisks are damaging. Aggressive policing is alienating an entire generation of young people and has long-lasting effects on the community. I represent all those who have been stopped for no other reason than walking while black. Mothers of black and brown boys should not have to mentally prepare their sons to be harassed by people who are supposed to be there to protect them.

Recommendations/Solutions

Strengthening the relationship between the police and the community is imperative to the longevity of crime reduction in this country. It's of the essence to have a police force that will be willing to establish relationships with residents and also be open to community dialogue when it matters most. I encourage this task force to consider long-term systematic solutions where commanding officers

and community affairs officers are easily accessible. I hope to see officers on the beat and becoming a pivotal force in the community like they once were a time ago. There should be greater out reach to the community beyond partnering with a school or the local church, I envision community events where officers are transparent about the current climate of the communities they serve. I would recommend community affairs officers being more visible in big cities. We currently have a culture of reactive community policing, its time to have a pro-active approach to policing, where experienced police officers are bridging gaps and easing tensions. I envision a force where police officers understand the culture of the community as well as the socio-economic conditions young people face. I hope to also see more accountability for police misconduct. I would encourage strengthening government agencies like the civilian complaint review board. I am optimistic it would be a step forward in giving individuals a voice instead of being stonewalled. I hope police practices will change and that when I have children I won't need to pass along my mother's advice.

Strike up a Conversation, not an Interrogation:
The Respectful Engaged Policing (REP) Model

Testimony before the President's Task Force on 21st Century Policing
by
Dennis P. Rosenbaum, Ph.D.[i]
University of Illinois at Chicago

February 13, 2015

Dear members of the President's Task Force,

Thank you for this invitation to speak. Community policing has come a long way since 1994 when we published the book, *Community Policing: Testing the Promises[ii]*. The promise of this reform model lies in the potential to engage the community and give them a voice, to go beyond fighting crime to solving problems, and to give policing a local, neighborhood focus. We have made great strides since then, but we have failed to address the core problem of what goes on at the street level in the war on crime, drugs and guns. We have failed to acknowledge that the aggressive tactics for suppressing crime in hot spots (which has been quite effective by the way[iii]) has caused significant collateral damage in minority communities. As a result of saturation patrols, proactive stop-and-frisks, and increased arrests, young people of color retain only one image of the police and receive only one message from them – "We're tougher than you, we're suspicious of you, we're watching every move you make."

Briefly, I will propose a solution to this problem that, if taken seriously, could have a transformative effect on American policing. I will call it Respectful Engaged Patrol, or REP policing. This is a new version of foot patrol that includes a complete program of behavior change. REP policing not only acknowledges the positive aspects of hot spots policing and broken windows policing, but incorporates the key elements of community and problem oriented policing. The REP model encourages community engagement/voice and problem solving, while going further to incorporate new research on procedural justice and social proficiencies. The beauty of this approach is that it should simultaneously reduce crime and build community trust, while reducing the number of arrests, use of force complaints, disorder,

and fear of crime. No doubt, REP policing is being practiced by many officers today, but we need to take a more systematic approach if we expect to achieve widespread implementation. Here are the basic components:

Training: The REP policing would begin by thoroughly training officers in the social competencies required for effective human communication and rapport building. This includes everything from social etiquette and procedural justice to resolving interpersonal conflict. But this training cannot be the usual "talking heads" – new officers and veteran cops need to practice these techniques the same way they practice on the firing range – repeating the behaviors over and over until they have reached a level of proficiency. (To be clear, this training does not exist today!) Also, when searches are needed, the training should include effective communication strategies to ease the intrusiveness, including explanations for why the search is being requested. The training should cover implicit and explicit bias regarding race, gender, sexual orientation, religious and social class to avoid insensitive words and actions that are perceived as derogatory, demeaning or provocative. A version of Crisis Intervention Training must be included to help officers respond appropriately to person having a mental health crisis. Finally, this is the perfect opportunity to train officers in problem oriented policing in small geographic areas, which has been lost somewhere along the road of reform.

Implementation: REP trained officers would seek out opportunities for positive contact with people on the street, under the supervision of experienced trainers. Officers would engage the public, especially young people, with no immediate intention of investigating particular crimes or discerning criminal activity. They will develop rapport by shaking hands, sharing stories, talking sports, discussing social problems, and opening up about themselves. There are no shortcuts to developing rapport – the REP officers must invest many hours walking the beat and talking to people before they will be respected or trusted.

But the payoff will be substantial. When trust and rapport have been established, the officer will be empowered to be helpful to individuals in need and to prevent future crime and disorder. The REP officer will know the social ecology of the neighborhood, including which youth are innocent bystanders, which are at-risk of trouble, and which are the repeat trouble

makers. The officer will also be ready to engage in problem solving, identify local resources for building partnerships, and play a vital role in creating self-reliant neighborhoods.

Evaluation and Feedback: Now, for the big missing link in most programs - Individual and organizational change requires strong feedback loops that continually shape behavior. First, I am proposing that REP officers, as part of training, wear body cameras. Trainers will review the videos and meet with the REP officers weekly. In addition to positive reinforcement, trainers will point out specific response patterns where improvement is needed. Second, REP officers will use smart phones to collect contact information (name, phone number, location, and type of interaction, and other details) to build a knowledge base about the community and to generate a brief online customer satisfaction survey that can be completed with either smart and dumb phones. The survey data will provide quarterly or semi-annual feedback to officers on procedural justice-like behaviors from the citizen's perspective.[iv] These technology-based feedback systems will not only help to achieve the desired behaviors (e.g. interaction skills and problem solving skills) but offer a system of accountability for the department.

Closing Remarks: Foot patrol has been around since the beginning of organized policing in the United States. For more than a century, it was nasty and brutish exercise of authority. It was revisited in the 1980s as a form of community policing with some evidence that it could reduce fear of crime[v] and recently, has shown promise in Philadelphia as a tool for reducing violent crime[vi] . Now, in light of the Task Force's mission, we need to take foot patrol to the next level – going beyond aggressive enforcement to create more positive encounters with people on the streets. We need a more nuanced approach that offers different responses to different people, depending on the circumstances.

The potential benefits of Respectful Engaged Policing (REP) are numerous: First, we can begin the long process of restoring respect, trust, and police legitimacy in high crime neighborhoods by police actions "where the rubber meets the road." Second, REP officers should be able to engage in serious problem oriented policing that is not possible inside the squad car. REP officers should be able to break through the "no snitch" culture to gather the intelligence needed for solving violent crime, disorder and fear problems. Third, stop and frisk

will be use more judiciously as REP officers learn which individuals deserve more or less enforcement attention. Youth in particular will feel they are being treated more fairly and respectfully. This will result in more cooperation, less resistance, greater willingness to obey the law, fewer arrests, fewer lawsuits, more officer safety and more positive media coverage. Also, fewer juvenile arrests will decrease the criminogenic effects of contact with the criminal justice system and will reduce the massive system costs. Finally, as REP officers become more integrated into the community and feel more efficacious when practicing this new style of policing, they will experience greater job satisfaction, which in turn, will increase productivity.

Please give serious attention to building the type of training and management program outlined here. As a capstone project, this effort could include a randomized control trial in several US cities to demonstrate the utility of the REP model of community policing. We would be happy to work with the President's task force to create a team of leading police executives and researchers who are capable of building this new program.

THANK YOU.

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[i] Dennis P. Rosenbaum is Professor of Criminology, Law and Justice and Director of the Center for Research in Law and Justice at the University of Illinois at Chicago. He is also the Executive Director of the National Police Research Platform and Chair of the Division of Policing, American Society of Criminology.

[ii] D. P. Rosenbaum (1994). *The challenge of community policing: Testing the promises.* Thousand Oaks, CA: Sage.

[iii] Braga, Anthony A. 2007. Effects of Hot Spots Policing on Crime. A Campbell Collaboration systematic review. Available at: http://www.aic.gov.au/campbellcj/reviews/titles.html

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[v] Cordner, G. W. (1994). "Foot Patrol without Community Policing: Law and Order in Public Housing." In D. P. Rosenbaum (ed.) *The challenge of community policing: Testing the promises*. Thousand Oaks, CA: Sage.

[vi] Ratcliffe, J. H., Taniguchi, T., Groff, E. R., & Wood, J. D. (in press) "The Philadelphia Foot Patrol Experiment: A Randomized Controlled Trial of Police Patrol Effectiveness in Violent Crime Hotspots." *Criminology*.

Wesley G. Skogan
Professor of Political Science and
   the Institute for Policy Research
Northwestern University
skogan@northwestern.edu
www.skogan.org

What Happened to Community Policing?[1]

Community policing had its origins in the mid-1980s. This is quite old as "new thinking" about the police goes these days. But it may be the only idea in American policing that has legs – community-oriented policing has taken off across the world, reshaping public service in many democracies.

What is not clear is where community policing is on the agenda today.

The first problem is that **cities started going bust** in the wake of the Great Recession. The routine operations of police departments and sheriffs are almost entirely locally funded. When house prices dropped and retail sales slid, so did municipal revenues. By 2010, from half to three-quarters of police departments (this depends on the study) reported their budgets had been sliced, usually in the 5-8% range. Laying off officers is hard. Freezing vacancies, finding "fat," cutting programs, and refocusing staff priorities is less hard, so that is what many did.

Some argue that in a time of retrenchment policing must revert to its "core functions," and that could include jettisoning community policing. Certainly it is not hard to find stories of cities that disbanded their community policing units or closed their storefront offices. But as the years go by, this is short-sighted. We know that how police relate to the general public affects crime-fighting effectiveness. The police need people to cooperate with them, follow directions in moments of crisis, report crimes promptly, and step forwarded as witnesses and bystanders when they have something to contribute. In 2014, how many homicides did not get solved because "no snitching" was the rule among those who knew and even loved the victim?

The federal government has tried to play some part in fixing this problem. The Community Oriented Policing Services Office awarded $124 million to agencies across the country to hire or rehire officers for community policing posts. That's not much money, but finding and distributing even those dollars was very hard, and the program is only temporary.

A second factor implicated in declining attention to community policing was that **the innovation agenda space got pretty crowded.** In 1987 the alternative to community policing was the "professional" model of policing. It was under fire for encouraging aloofness and a "we-they"

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[1] Testimony presented at the February 13, 2015 meeting of the President's Task Force on 21st Century Policing, Phoenix Arizona.

gap between the police and the public. by the mid-1990s there was a flood of new ideas. Through the end of the 20-aughts, the list of ideas seemingly competing for police attention has grown to encompass problem oriented policing, procedural justice policing, predictive policing, intelligence oriented policing, hot spots policing, and metrics-driven policing. Anti-terror policing was added to the list as well. Boxing local agencies into immigration enforcement also did not help, for it often runs afoul of the community policing agenda.

I sympathize with the chiefs trying to sort through these proposals, deciding what is good and what they can afford. A useful trick is that some of these agendas speak to particular parts of the department, and can be pursued without being in competition. For example, procedural justice policing focuses on improving encounters with the public, as victims or speeders. Training on better ways to handle these encounters is what the rank and file needs. By contrast, community policing emphasizes working with neighborhood organizations, churches, schools and resident activists. This importantly involves district commanders, liaison officers, and even representatives of other city agencies that can speak to public concerns. Agencies can do more than one thing at a time.

There is plenty of support for community policing, among both the general public and the agencies. It is still difficult to find a town that does not claim to be doing community policing; no chief wants to be without some program she can point to. In many communities the voters and taxpayers expect this to be so. When you read about cities that have reluctantly cut visible community policing units, they always claim they will continue to do community policing anyway, because it is their agency's regular way of doing business. If there is good news here, it is that public support and even some remaining organizational infrastructure for community policing can be found in many cities. It may be possible to breath new life into it in relatively short order, if there is the political will.

Support for community policing is still alive in the trenches as well. Recently a group of researchers who make up NIJ's National Police Research Platform surveyed officers in a national sample of 84 police and sheriffs' offices. Almost 16,000 officers responded. We asked them what their agencies real priorities were, based on the messages they themselves were getting from the top. A majority of officers in more than 70 percent of the agencies reported they were getting the message to stick with community policing. The same survey also found that they thought this was a good idea. Well over 70 percent of the officers surveyed endorsed community policing themselves. This was a reminder that, by now, most officers have grown up with it. Most places can at least hope that it is part of their regular way of doing business.

Legitimacy is one of the most important products of policing. A decade ago a report from the National Academy of Sciences Press reminded us this important fact. The report described vast improvements that have taken place in policing. Police are more effective in fighting crime; they are less corrupt; they are better equipped; they are less likely to unlawfully shoot people; they are vastly more professional and sophisticated about what they are doing. But none of this shows up in public opinion. Public ratings of the police have not improved in 30-plus years. In the Gallup Poll, high respect for the police has dropped since the late 1960s, and is currently down from

then by 17 percentage points. The racial gap in these figures remains as large as ever. Either the public has not noticed all of the positive changes identified by the Academy report, or there are other things that they think are important too. And what they think is important – another way to describe "the public" is "the voters and taxpayers."

The events in Ferguson, Missouri and other places around the country are a reminder that the police need a legitimacy agenda too. Crime in this country dropped like a stone for two decades, but the drop has also not been enough to perk up public opinion. People also want their police to be responsive to the community problems that concern them, they want to know they can trust them to do the right thing, and they want reasonable treatment when their paths cross. 21st Century policing needs to speak to this agenda.

Maintaining Public Trust

Let me begin by saying the events which took place on February 26, 2012 involving Trayvon Martin and George Zimmerman was the preverbal "Straw that broke the camels back". Race relations in the City of Sanford had been a concern for a hundred years before this event occurred. The City of Sanford had faced many race related issues. Most notably:

- The all-white swimming pool in the downtown area was filled in with concrete to prevent blacks from swimming in it.
- Multiple beatings by police officers and police family members where there were failures to prosecute.
- Failing to follow through with the prosecution of crimes as they related to the African-American community.
- The Jackie Robinson Story (42) of being forced out of Sanford.
- Prior officer misconducted and shootings.
- Failure of City Hall to take action at times when information was brought to their attention.

So understandably, unresolved concerns from people of color had remained as an unlit fuse for many years. It took the circumstances surrounding this event to bring those issue to the surface. During this event, 15 to 20 thousand people from around the nation and world descended upon the City of Sanford in peaceful rallies and marches.

Changing the Perception

On April 1, 2013, 14 months following the death of Trayvon Martin, I took over as the Chief of Police at the Sanford Police Department. Within a short time, I quickly determined that the community's perception of the police was that of a divided department full of racist officers whose conduct was seen as acts of willful and wanton disregard of professional or courteous treatment. A perception that "Cowboys" were running the department without any accountability for their actions and a Command Staff/Administration who covered up the actions of the officers within the department.

What I began to realize was that the department was having its own share of internal issues which needed to be addressed. There was a lack of foundation, a lack of leadership, no true direction, no support system for the officer/employees and no desire to serve the community.

As an example, prior to my arrival, the Sanford Police Department experienced nine Police Chief changes in less than six years. In my opinion, seeing a continuous change in Police Command over a short amount of time created a great deal of the issues within the department.

What I also realize was that the internal conflicts were being carried over into the community. The disconnect within the departments command structure, the dis/mistrust among the officers,

the lack of leadership or accountability was worn on the sleeves of the officers when they engaged or disengaged with the community.

Therefore before reconnecting with the community and building a foundation to re-gain trust, we needed to address the issues within the department. Here's what we did:

- I set up an Employee Advisory Committee because the department did not have a conflict resolution plan in place to deal within internal issues.
- I created an open door policy to meet with the officers at any time.
- I would meet with the officers during their lunch; attend parties and celebration with employees which was not often done.
- We held the first ever Police Officer Memorial Ceremony.
- When citizens send e-mails regarding the good conduct of an officer, I share them with the entire department.
- We change the department's artifact from the recommendations made by the officers. (New Badges and Patches)
- We allowed the officers to make recommended changes within their areas of responsibilities, gave them the tools to accomplish those actions and allowed the time to improve their relationships with the community.
- We brought in the Department of Justice to conduct Ethics Training for all department personnel.
- We brought in training for law enforcement personnel on Fair and Impartial Policing through the Department of Justice. The goal was to train our personnel on how to overcome bias-based policing and we invited members of the community to attend some of this training.

Community Trust Building

Many disenfranchised members of the community strongly felt disrespected by the police and other government related entities. Sometimes "Where Words and Deeds" may have good intentions, there are times where it can be disruptive if viewed as disrespectful. I believe we all understand the "Golden Rule" to treat others like you want to be treated. We based our encounters on the "Platinum Rule" to treat others like THEY want to be treated! This way, you meet others' expectations, which may be different than your own.

My goal was to get into the community, to walk in the community, meet in the community, eat with the people within the community and become a fixture in the community. If you're not willing to take a chance on the community, they will not take a chance on you. Once a week we picked a neighborhood and did a "Walk and Talk." These are informal opportunities for Sanford residents to speak one-on-one with our agency's Command Staff /officers and ask questions about crime and quality-of-life issues in their neighborhoods. After which we would work with other department to address those concerns.

I learned that by spending time listening to the community for even five minutes, we began to rebuild trust; we opened lines of communication that had never existed and put the human face of policing in the community.

I also created "Sweet Tea with the Chief" which is an informal opportunity for Sanford residents to speak one-on-one with the Police Chief, Deputy Chief, Patrol Operations Captain and Strategic Services Captain about crime and quality-of-life issues in their neighborhoods. This monthly meeting provides two things:

- For the community it provided a continued venue to vent their concerns and get immediate answers to their questions.
- For us, the community meetings give us a venue to educate the community on the operational aspects of their police department.

Organizational Structure (Shared Services, Consolidation)

A major issue in every law enforcement agency is "Recruiting" personnel who reflect the community they are policing. Recruiting within our department had to change. We had to go out and look for those who reflect the community and recruit the best candidates from within those groups. The communities we focus on were Black, Hispanic, Muslim and Asian. The purpose of the newest diverse class of officers is to restore the community's trust and confidence within the department. In Sanford, all of our recruiting procedures have been overhauled to place a greater /higher focus on evaluating communication skills (high frequency task) through scenario based selections. We are now one of the most diverse law enforcement agencies in Central Florida in comparison to the demographics within our county and the size of our agency.

A Community Relations Unit and Neighborhood Response Unit were both created in 2013.

The mission of the Community Relations Unit is to foster, maintain and enhance the bonds/relationship between the Sanford Police Department and the culturally diverse public it serves. To create and implement community-based programs and to increase the knowledge and understanding about community based policing. The Unit is tasked with establishing, building, and sustaining relationships in all the communities within the City of Sanford.

Some of the programs we offer to the community include: A refocused Neighborhood Watch Program; the creation of the first Hispanic Outreach Program within Seminole County; refocused Elder Services; Burglary Prevention; Homeless and Mental Health Outreach and the Chaplains Program. The Community Relations Unit also serves as a liaison with the Black, Hispanic, Muslim and Asian leaders.

In addition to the Community Relations Unit, all officers are required to develop and maintain a working relationship and programs within their respective areas.

The Neighborhood Response Unit was created to combat violent crime within the City of Sanford. The unit is designed to supplement the day-to-day operations of uniform patrol officers by focusing primarily on violent crimes which demand more law enforcement attention than a normal patrol response. The mission of the Neighborhood Response Unit is: To address quality of life issues through intelligence gathering, surveillance techniques, other law enforcement resources, and proactive 'hot spot' policing, outlines the mission of the unit. A primary focus of the unit is to take a proactive approach to fighting and deterring street level criminal activity and utilize a variety of tactics to combat the issues. To list some of the primary street level activity such as: drug dealing, prostitution, gang related incidents, and targeting career criminals. The Community Relations Unit and the Neighborhood Response Unit work in separate but equal capacity dealing with community issues.

Building System Partnerships (both in and out of criminal justice systems)

A Blue Ribbon Panel was established to assess the strengths and challenges of the Police Department regarding community relationships. Twenty-three stakeholders representing a diverse broad cross section of the community sat on the panel. Over the course of six months, testimony was taken from the community and the Sanford Police Department's relationship with the community was researched.

The Panel developed strategies to strengthen relationships with the community based on inclusion, trust and mutual respect for each other's roles and responsibilities; strategies to promote and practice the use of effective communication that crosses racial, cultural, and ethnic barriers; and strategies to create a shared vision and common commitment to community policing and crime prevention.

Within 18 months, many - if not all - of the recommendations have been accomplished or have become programs which will remain as a continuous part of moving the Sanford Police Department and the City of Sanford forward.

Health Department: We developed programs to assist with mental, physical and social health needs within the community. Develop program to combat hunger, youth pregnancies and drug use/abuse throughout the community.

Recommendations

1) Changing the perception of law enforcement within the community and within the Law Enforcement Agency as well.
2) Transparency: In our day to day operations; In the Administration of internal and external investigation; the use of and procedures for the wearing and use of body worn camera systems.

3) Open the lines of communication: Providing the community with a platform to address issues and concerns. In Sanford, several monthly meetings take place which allows the community the opportunity to express their concerns. Examples:
   - Westside community meeting in which all department heads attend. The goal is to listen to the community concerns and to provide solutions to solve them.
   - Sanford's Pastors Connecting: Meet with the local leaders, clergy, chamber, and community activists to address issues and concern placed before them within the community
   - Monthly meeting with the Chief and Command Staff to address issue with the community. Fondly enough it's called Sweet Tea with the Chief.
   - Attending church services from different denominations and faiths.
4) Take the time to educate the community on the laws which affect them. How often do we hear the complaint that "I didn't know". A better educated community makes for a safer community.
5) Make yourself available to the community. Providing the community with an understanding of the direction the department is taking. Having breakfast, lunch and dinner within the community. Easier for smaller communities but none the less each officer should be doing the same.
6) Always expect the unexpected and get in front of the issue when they occur. We've seen what happens when we wait or prolong an issue before addressing it.
7) Internally: Address the concern within your organization before the community does. Ensuring that you are gut or fact checking your personnel before issues or unacceptable behaviors are displayed within the community.
8) Allowed the officer to make recommended changes within their areas of responsibilities, gave them the tools to accomplish those actions and the time to improve their relationships with the community.
9) Bring in the Department of Justice to conduct Ethics Training for all department personnel. Looking for free training which will help you protect your officers and the community. It is a win-win situation for both groups.
10) Bring in the training for law enforcement personnel on Fair and Impartial Policing through the Department of Justice. My entire department took part in this bias-based policing and operational functions. From the maintenance man to Chief, we all have some form of bias.
11) Inviting the community to take part in the training is a little uncomfortable at times but a necessary step in building trust, creating open dialogue and ensures that they understand how the laws work.
12) Work with the local Department of Health to determine the mental, social and physical health needs of the community. Establish programs to improve the quality of life for those most in need.

J. Scott Thomson
Chief of Police

**CAMDEN COUNTY
POLICE DEPARTMENT**

1 Police Plaza
800 Federal Street
Camden, NJ 08103
(856) 757-7487
Chief@CamdenCountyPD.org

"Service Before Self"

Co-Chairs Commissioner Charles Ramsey and Laurie Robinson thank you for the invitation to provide testimony for the President's Task Force on 21st Century Policing.

This is a watershed moment for American policing. **We must acknowledge the grievances of the public, take inventory of ourselves, be committed to redress, and invite the community to have a hand on the steering wheel as we seek a new destination.** If we assume a defensive stance and "circle the wagons" we risk losing the public's confidence.

Although extremely complex and saddled with negative history that cannot be ignored, our current dilemma isn't a Gordian knot. The starting point is on a city street corner with a respectful interaction between a police officer on the beat and a member of that community.   These are the beginning variables in the equation of community policing. It is the most effective prescription to put us on the path of healing with our current affliction.   It is how one of the country's most unhealthy cities rapidly reversed course and with each passing day has a more promising prognosis.

In 2012, Camden, NJ, a city of 77,000 people that is 96% minority had 67 murders. This city had the dubious distinction of the highest rates in the nation for crime, poverty, and single parent households. The murder rate was 17 times the national average, eclipsing even the most violent third world countries.   Statistically speaking, it was arguably one of the most challenged cities in the United States of America.

On May 1, 2013, bold leaders from the city, county and state had the moral imperative to create a new police organization.   Some forecasted the social problems which drove violence were too deeply rooted and intractable for the police to have a measurable impact on crime.   We forged ahead knowing effective and sustainable public safety begins and ends with community policing.

Community policing cannot be a program, unit, strategy or tactic. It must be the core principle which lies at the foundation of a police department's culture. **Community policing is not an option, it's an affirmative obligation.**

The only way to significantly reduce fear, crime and disorder and then sustain these gains is to leverage the greatest force multiplier; the people of the community.   When police empower neighbors to feel safe enough to leave their homes, communities begin to hit tipping points in public safety as far more good people than trouble makers occupy the streets. The opportunity for flagrant crimes to be committed is now greatly diminished.

So how do police get people to take that leap of faith and venture onto their front steps or walk down their streets where criminals seemingly operate with a sense of impunity?   The answer in a single word is, TRUST.   The public must TRUST its police.   Police cannot afford to operate after-the-fact, attempting to solve crime seeking "just the facts".   This trust is communicated through our actions and not words. The only way trust is gained and built upon is through constant human contact. Classroom training for cultural sensitivity is critical as a

starting point, but understanding and empathy of another is experientially learned. **Police interactions with the people of the community can not only be limited to 911 emergency calls or during an investigation for an infraction of the law.** This must not be the lens through which we view and experience each other. Our contact must be consistent with concern, yet respectful and knowledgeable to people's right to ignore or decline interaction to non-investigatory dialogue. American cities will never be made safer through police tactics akin to militarization.

As little as 24 months ago, Camden had over 175 flagrant open air drug markets within its 9 square miles. Historically, we would attempt to arrest our way through this problem; ultimately causing more harm than repair and never achieving our objective. But now we've embraced our role as guardians and prevent drug dealing through walking beats and bicycle patrols. Soon parents let children play in front of their houses. Corners that once held narcotic buyers and sellers are now home to pickup games of street ball, foot races, and pushup competitions between the neighborhood cop and the kids. **The community is safer through less incarceration as we view handcuffs as a tool of last resort.**

When police are immersed in the community with constant dialogue and communication, we quickly learn of the issues that matter most to them. The problems that have been negatively defining their lives for years can be addressed in a meaningful way. **Police are must enforce the law _with_ the people and not unilaterally _upon_ them.**

This cannot be performed with a "zero-tolerance" mentality, nor ignoring the tenets of procedural justice and legitimacy. The community with whom we interact with are deserving of an explanation of our actions. Officers must be routinely trained and made aware of traditional habits that, albeit lawful, aggravate and drive apart community relations. Just because we can, doesn't always mean we should. **Procedural justice and police legitimacy should be integrated in the core curriculum at all police training academies and departmental in-service training.**

When violent crime escalates, police must proceed with a laser like focus on the criminals responsible and not broadly upon the community in which the crimes are occurring. **Law enforcement must smartly transition from "Hot Spots" to "Hot People"**. In laymen's terms, _we must fish with a spear and not a net_. The importance of this cannot be overstated and is central to most of the contention between minority communities and the police. Far too often, after an incident of violence, anxiety runs high bracing for the "protection" and heavy handed enforcement tactics that will soon sweep through their neighborhoods. **The police re-victimization polarizes the people we are trying to safe guard, while creating the concoction for a flash point.**

Last summer, Camden began to see the fruits of our outreach in a neighborhood that has historically high levels of gun violence and mistrust of the police. Then we experienced a spate of gang shootings. The fragility of our gains was evidenced by the immediate retraction of people back into their homes. So we took a different approach that was far more effective, cost efficient, and was a human investment that would return significant peace dividends. We hired Mr. Softee trucks onto the same street corners, giving away free cones of ice cream. The sweltering summer streets were immediately flooded with children and parents who connected with their neighborhood cop like never before. The sounds of gunshots and sirens were replaced with laughter and conversation; key ingredients in the recipe for trust.

Evidence based research, training, technology and intelligence has better educated and equipped today's police leaders to avoid the common pitfalls of the past. **Police must pivot from ineffective and damaging tactics to strategies that are work.** Anything less is policing malpractice.

Although we still have a lot more work to do, the progress thus far in Camden has been extremely promising. In less than 2 years, murders have been reduced by more than half. But more important than crime statistics is the enhanced sense of safety reported by our residents, business owners, visitors and children. The change is visceral. Most notable is a recent follow-up survey of middle school students that reported significantly feeling safer walking to and from school. Not coincidentally, test scores have increased as well. A rising tide lifts all boats.

The keystone to community policing is the interaction between the officer and neighborhood resident. Placing a badge upon one's chest does not inoculate them from the human conditions of bias, temper, vice, etc... . **Officers must be closely mentored, coached and monitored through training, supervision, and early warning systems.** If we frequently calibrate their moral compass and refine their interpersonal skills it's mutually beneficial in terms of health and safety for both officer and community. An E.W.S. is a safe guard to enable interventions before an issue becomes a crisis.

Finally, **it is critically important that police organizations do not solely measure their effectiveness by traditional outputs such as the Uniformed Crime Reports, arrests, tickets issued or people detained.** People measure safety by their ability to enjoy their front steps, walk to the corner store for a gallon of milk or allow their children to ride their bikes on the street.

In summation, here are the recommendations from the lessons learned in the transformation of Camden that apply to any challenged community:
- ✓ Building Trust between community and police is essential
- ✓ Police must interact with the community more than in times of crisis
- ✓ Arrest and incarceration need to be tools of last resort
- ✓ Procedural justice and police legitimacy must be core curriculum in an officer's training
- ✓ Focused deterrence lessens community victimization
- ✓ Ensure officer health/safety through mentoring, monitoring, and supervision
- ✓ The community's sense of safety is more valuable that statistical outputs

Thank you,

Police Chief J. Scott Thomson,

Camden County Police Department

February 13, 2015

TESTIMONY PROVIDED BY THE HISPANIC AMERICAN POLICE COMMAND
OFFICERS ASSOCIATION

The Hispanic American Police Command Officers Association (HAPCOA) in support
of the President's Task Force on 21st Century Policing provides the following
testimony at its fourth public listening session on the topic of Community Policing
and Crime Reduction.

Unfortunately, we were unable to appear in person to deliver this testimony before
the Task Force session held in Phoenix, AZ on Friday, February 13, 2015.

HAPCOA is a non-profit membership organization established in 1973, and is today
the oldest and largest association in the U.S. of Hispanic American command officers
from law enforcement and criminal justice agencies at the municipal, county, state
and federal levels. Our membership represents law enforcement agencies from
across the United States and Puerto Rico, many of whom are active in local chapters.
HAPCOA is a national organization with a local presence.

The mission of HAPCOA is to "empower the future of law enforcement" by assisting
law enforcement, criminal justice and community organizations nationwide in their
efforts to recruit, train and promote qualified Hispanic American men and women
committed to a career in the criminal justice arena and to communities in which
they serve and protect. Additionally, HAPCOA serves to assist in the promotion and
development of Hispanics in law enforcement and to serve as an advocate for
Hispanic law enforcement issues.

The changing demographics of the 21st Century within the United States brings to
the forefront the need for the Task Force to focus on building community trust,
constitutional policing, the reengineering of community policing, the building of
effective crime reduction and deployment strategies, improved organizational
structure, the building of partnerships, tactics and in respect to further research on
best practices as pertains to the emerging Hispanic community – nationwide.

Recommendations:

PUBLIC TRUST POLICING/REENGINEERING COMMUNITY POLICING AND PARTNERSHIPS

HAPCOA and DOJ, National Institute of Justice (NIJ) joined forces in 2002, to produce a video designed to foster closer relationships, trust and a spirit of sharing in the common goals of crime prevention and community safety between the Police and the Community. This video and accompanying document was entitled: Community Oriented Policing for the Hispanic Community ("Policia Orientado a la Comunidad") (https://www.ncjrs.gov/pdffiles1/nij/grants/194910.pdf)

HAPCOA recommends that we reorganize as a team (Task Force) and now produce an updated film that we can share with all law enforcement agencies and the communities that they serve. This new product will be produced in partnership with HAPCOA, members of the community, area law enforcement and funded by either COPS and/or NIJ.

HAPCOA is prepared to provide a copy of the video and accompanying brochure (in both English and Spanish) to all who attend its 2015 National Law Enforcement Training Symposium (November 2015).

The production of this product represents a reengineering of community policing, and an inclusion of community partnerships, as it also redefines the community as one that now includes an emerging Hispanic population (where before one might not have existed in the past), a community that is bilingual/bicultural, and younger. In doing so, we demonstrate law enforcements desire to build, regain, establish, and maintain the public trust.

ORGANIZATIONAL STRUCTURE

HAPCOA recommends that 21st Century Policing must embrace and include Hispanic Officers in command roles if indeed they intend on accomplishing a structure that understands and represents the community that it serves.

Recruitment of a qualified diverse law enforcement agency is now a given. Departments in communities with historically large Hispanic communities continue to actively recruit, train and include into their roll calls an increasing number of Hispanic Officers. The next step is to further train, mentor and promote qualified Hispanics into command level positions in all agencies, municipal, county, state and Federal Agencies.

The successful 21st Century Policing organizational structure will be able to proudly demonstrate a command structure that also reflects the community it serves.

BEST PRACTICES/TACTICAL OPERATIONS

HAPCOA recommends that best practices must also include the requirement of
Spanish speaking officers and their value as officers that maintain the public trust,
improve police reporting, and improve crime prevention and community safety.

HAPCOA also recommends the need to evaluate tactical operations that would
include Spanish language training and cultural sensitivity classes that would
enhance operational success and ensure the safety of tactical officers.

CONCLUSION

HAPCOA has for over 40 years prepared its members to take the lead and represent
the future of law enforcement in the communities that we serve. The community
that we serve in the 21st Century will now include the entire United States.

Enhancing law enforcements abilities to engage the emerging Hispanic community,
as partners in crime prevention and community safety will build public trust.
Building public trust also helps ensure officers safety.

Thank you,

Don Tijerina

Don Tijerina
President
Hispanic American Police Command Officers Association
PO Box 29626
Washington, DC 20017

We urge the Task Force to recommend disentangling civil immigration information from federal criminal database checks. This includes: (1) removing civil immigration information from the FBI's National Crime Information Center database and (2) halting the practice of redirecting routine FBI criminal fingerprint checks to DHS for civil immigration purposes.

Make the Road New York is the largest immigrant-based community organization in New York, with over 15,000 dues paying members. Our members hail primarily from countries throughout Latin America and have been deeply and negatively impacted by the entanglement of civil immigration enforcement with local criminal justice systems.

I. Overview

In 2001, the Bush Administration made the strategic choice to attempt to draw local police into the systematic enforcement of routine civil immigration violations.[1] This effort met with significant resistance from law enforcement leaders across the nation, who understood that if immigrant communities viewed local police as the gateway to immigration detention and deportation, such perception would be a significant obstacle to core community policing strategies.[2] Immigrant witnesses and victims of crimes would be hesitant to cooperate with police and that would make us all less safe.

Two of the primary vestiges of the Bush Administration's flawed strategy remain in place today in civil immigration enforcement's entanglement with the two core federal criminal databases utilized by local law enforcement. The first is the National Crime Information Center (NCIC) database maintained by the Federal Bureau of Investigation (FBI).[3] This is the database which officers routinely query (using name, date of birth, and similar identifying information) when they encounter someone during a traffic stop or on the street.[4] It was developed to ensure that a local officer in one jurisdiction would be able to quickly learn whether an individual she encounters is wanted for a serious crime in another jurisdiction. In 2002 the Bush Administration, without lawful authority, began entering civil immigration information regarding thousands of non-citizens into the NCIC database.[5] The strategy was meant to draft local officers into federal civil immigration enforcement activities. The result has been that local officers now routinely make civil immigration arrests when they encounter individuals whose names produce hits in the NCIC database. This has exacerbated the fear that immigrant communities feel towards local police and remains a significant impediment to effective community policing.

The second crucial entanglement between core federal criminal databases and civil immigration enforcement arose with the creation of Department of Homeland Security's (DHS) Secure Communities (S-Comm) program in 2008[6] and continues today with the rebranding of that program as the Priority Enforcement Program (PEP).[7] S-Comm, and now PEP, utilize criminal fingerprint inquiries, sent by local criminal justice agencies to the FBI as part of regular booking and similar processes, by redirecting those inquiries to DHS for civil immigration enforcement purposes. The S-Comm program created a firestorm of protest from immigrant communities, local law enforcement leaders, and local and state politicians across the country.[8] The program, the key feature of which remains in place with PEP, cemented the entanglement of local criminal justice systems with civil immigration enforcement. When S-Comm or PEP returns evidence of

a civil immigration violation, federal immigration agents attempt to obtain custody of the individual from the local law enforcement agency. Thus, S-Comm and PEP make local police the functional gateway to deportation. Federal officers have also used information obtained through these programs to raid immigrant families' homes and workplaces. S-Comm and PEP, like the NCIC program, has destroyed trust between local law enforcement and immigrant communities, undermined public safety and weakened community policing efforts.

Our recommendation is that immigration information be removed from the NCIC database and that the FBI cease to redirect criminal fingerprint inquiries to DHS.

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II.   **Background on the Entanglement of Civil Immigration Information and Federal Criminal Database Checks through NCIC Database, S-Comm and PEP**

    A. **NCIC**

The NCIC is a central database operated and maintained by the FBI, which state and local police access, generally prior to arrest, to learn if someone whom they have encountered is wanted for a serious criminal matter in another jurisdiction. This is the primary database that officers query hundreds of thousands of times per day during routine traffic stops.[9] A "hit" returned by NCIC generally results in an arrest by the local officer.[10] The NCIC contains, for example, records of arrest warrants, foreign fugitives, violent gang and terrorist organizations, and convicted sexual offenders.[11] As of 2002,[12] the Justice Department also began to enter information regarding certain suspected civil immigration violations into the NCIC as well.[13] Now, the NCIC contains three types of non-criminal administrative immigration hits: (1) persons with an outstanding removal order (many of which were entered in absentia without proper notice to the individuals), (2) persons who failed to complete the racially discriminatory special registration requirement instituted after September 11 targeting immigrants from predominantly Muslim countries, and (3) previously deported people with a felony conviction.[14]

An immigration "hit" occurs when a name or other identifying information entered in a search of the database produces a positive response.[15] In the case of a hit for one of the three types of civil immigration issues in the NCIC, the officer in the field is supposed to contact the Immigration and Customs Enforcement (ICE) agency's Law Enforcement Support Center (LESC) to verify the information turned up in the query to the NCIC.[16] The LESC will then instruct the officer whether it is requesting that the officer arrest the individual on a civil immigration charge for transfer to federal authorities. Many jurisdictions have official policies calling on officers to make arrests based on hits in the NCIC.[17] The inclusion of this civil immigration information can be confusing to local police, as these civil hits do not fall within the clear criminal enforcement authority of local police agencies. Further, local officers are not generally trained in this specialized area of law enforcement where their legal arrest authority is significantly narrower, as discussed in more detail in Section III (D) below.

The number of people incorrectly identified by NCIC as immigration violators is extremely high. One study found that the error rate in civil immigration entries in NCIC was over 40 percent.[18] This is not surprising, given the very high rate of errors generally contained in immigration files, a concern noted by the U.S. General Accountability Office.[19] Not only does the high error rate reveal systemic flaws in the immigration-related records entered into NCIC, it also suggests that police erroneously detain thousands of people, putting police at risk of legal liability, hindering community policing strategies, and diverting limited resources away from public safety work.

B. S-Comm & PEP

Secure Communities is an initiative of DHS launched by the Bush Administration in 2008.[20] It works by redirecting the routine fingerprint queries, sent by local police to the FBI, for civil immigration checks by DHS. Although it was promoted as a program that makes communities safer, the data has demonstrated that the program instead served as a dragnet enforcement scheme that targeted primarily non-criminals and low-level offenders.[21] The program's primary impact has been to break up families and communities through deportation and to undermine community policing efforts.

DHS has recently acknowledged the deep flaws in the S-Comm program.[22] However, instead of addressing the core problem with S-Comm—the entanglement of local law enforcement with federal civil immigration enforcement—DHS simply rebranded its program as PEP, while explicitly noting that the redirection of criminal fingerprint check to DHS would continue under the new program.[23] S-Comm/PEP has been a central component of the harmful entanglement between local criminal justice systems and federal law enforcement, and has thereby been a significant obstacle to community policing efforts. [24]

III.   How the Inclusion of Civil Immigration Information in Federal Criminal Databases Has Undermined Community Policing

The misuse of the NCIC database and the S-Comm and PEP programs have undermined public safety by deterring cooperation from immigrant victims and witnesses, diverting scarce resources from local policing priorities, facilitating racial profiling, and violating constitutional rights.

A. Driving a Wedge between Immigrant Communities and Local Police

Assistance and cooperation from immigrant communities is especially important when the victim or witness of a crime is an immigrant or has immigrant family members. To protect public safety, to ensure equal enforcement of the law, and to allow local and state officers to do their jobs, witnesses and victims in immigrant communities must be encouraged to file reports and come forward with this information.[25] Many of Make the Road's members are undocumented or live in households with undocumented family members. We know from these members that they often perceive local police as the gateway to immigration detention and deportation—a perception driven by the misuse of NCIC and by the S-Comm and PEP programs. This perception leads immigrants to avoid contact with the police, for fear that they themselves or undocumented family members and friends may become subject to immigration enforcement.[26] This is particularly true in the domestic violence context, where victims desperately need and want police assistance but often will not call for help if they think such a call will trigger the deportation of their loved one.[27] Such a divide between the local police and immigrant groups results in increased crime against the immigrant community, creates a class of silent victims, and eliminates the potential for assistance from immigrants in solving crimes.[28] It is not just immigrant communities that have sounded the alarm on this issue.[29] The Major City Chiefs (MCC) have also recognized how entanglement with civil immigration enforcement makes local policing more difficult and undermines public safety.[30] That is why MCC has explicitly called for the removal of civil immigration information from federal criminal databases like NCIC.[31]

B. Diverting Scarce Crime Fighting Resources

The misuse of NCIC and the S-Comm and PEP programs derive from the Bush Administration's decision to use federal criminal databases to draft local police into the job of civil immigration enforcement as a "force multiplier" to supplement federal resources.[32] But the budgets and resources of local police agencies are not unlimited, and drafting them into civil immigration enforcement activities means less time and resources to spend on their core crime fighting mission.[33] Local police departments are not funded by the federal government to engage in civil immigration enforcement; every hour spent this way is an hour not spent protecting communities.[34] This, among other reasons, is why law enforcement leaders across the country have rejected entanglement with federal civil immigration enforcement.[35]

C. Incentivizing Racial Profiling

Local enforcement of immigration law also encourages and enables racial and ethnic profiling by local police departments and officers that harbor hostility toward immigrant communities.[36] The intersection of federal immigration and criminal databases creates an incentive for these officers and departments to profile individuals who appear Latino for pretextual traffic and street encounters, as an excuse to query NCIC for civil immigration enforcement purposes. Similarly, the S-Comm and PEP programs incentivize many officers to engage in pretextual arrests to enable them to run the individuals' fingerprints and thereby screen them for possible civil immigration violations. By using local agencies to enforce federal civil immigration laws, the federal government is inviting local officers to engage in racial profiling and to treat people perceived to be "foreign" differently. Immigration history and suspected or actual immigration status should not be a factor for local police decisions to arrest or detain persons.[37]

D. Violating the Constitution and Exposing Localities to Liability

1. Fourth Amendment Violations

Arrests based solely on NCIC hits are illegal because they do not establish the probable cause required to justify an arrest as set forth by the Fourth Amendment and the entries are not supported by a constitutionally sufficient warrant.[38] The FBI has been crystal clear on this point, publicly explaining that "a positive response from NCIC is *not probable cause* for an officer to take action."[39]

Similarly, the S-Comm and PEP programs result in the issuance of immigration detainers asking localities to, among other things, hold individuals beyond the time when they would otherwise be released for transfer to immigration detention.[40] But a number of recent federal court decisions make clear that localities can be, and have been, held liable for holding people on immigration detainers because these detainers also do not satisfy the Fourth Amendment.[41]

Moreover, the fact that civil immigration violations are included in the NCIC system creates confusion because these civil violations do not fall within the clear criminal enforcement authority of local police agencies under many state laws; this lays a trap for unwary officers who believe them to be valid criminal warrants.[42] Even if the Fourth Amendment violations could be resolved, many local police officers are restrained by state law from making civil immigration arrests.[43] As the International Association of Chiefs of Police has explained, an entry in the NCIC does not guarantee that the local officer has actual authority to take the person into

custody, and thus an officer's reliance upon a NCIC entry will not "cover" an illegal arrest based on a suspected civil violation if the officer has no civil arrest authority under state law.[44]

2. Congress and the Supreme Court have Limited Local Officers' Immigration Arrest Authority

The Supreme Court has recently explained that Congress has generally prohibited local police from making routine civil immigration arrests.[45] While there are criminal penalties associated with certain immigration violations, the majority of immigration offenses and proceedings are civil or administrative in nature.[46] As a general rule, it is not a crime for a removable non-citizen to remain present in the United States.[47] Local officials may make arrests based on civil infractions of federal immigration law *only* where specifically permitted by federal law.[48] Further, local officials' authority to even make arrests for *criminal* violations of federal immigration law rests on uncertain legal ground.[49] Thus, as the Maryland Attorney General has recently concluded, local officers are generally prohibited from making civil immigration arrests, even where the arrest is supported by probable cause and satisfies the Fourth Amendment.[50] Accordingly, the entanglement of civil immigration information in federal criminal databases has led, and will likely continue to lead, local officers to make civil immigration arrests in violation of federal law and Supreme Court rulings.

Given the complexity of immigration laws, it is extremely difficult for local police agencies to determine, first, if a person has violated immigration law, and, second, under what circumstances an officer has arrest authority for immigration violations.[51] The only way to protect officers from liability and community members from unlawful arrests is to remove the civil immigration information from NCIC and stop redirecting criminal fingerprint inquiries to DHS.

IV. Conclusion

It is thus our recommendation that the U.S. government remove the civil immigration information from NCIC and stop redirecting criminal fingerprint inquiries to DHS. The current entanglement significantly undermines community policing efforts. State and local police rely on the cooperation of all residents of the communities they serve and protect. Immigrant crime victims significant under-report crimes, and immigrant witnesses hesitate to cooperate with police when they fear deportation as a result of the current entanglement. Continuing such practices exposes local authorities to liability for civil violations, places immigrants at imminent risk of unlawful arrests, diverts scarce crime fighting resources, inhibits immigrants from accessing vital emergency government services such as police and fire protection, and compromises the privacy interests of immigrants.

Endnotes

[1] See Hannah Gladstein, et al., <u>Blurring The Lines: A Profile of State and Local Police Enforcement of Immigration Law Using the National Crime Information Center Database, 2002-2004</u>, Migration Policy Institute (2005).

[2] <u>See</u> Major City Chiefs of Police, <u>Immigration Committee Recommendations</u>, (June 2006), http://www.houstontx.gov/police/pdfs/mcc_position.pdf.

[3] Federal Bureau of Investigation (FBI), <u>National Crime Information Center</u>, http://www.fbi.gov/about-us/cjis/ncic.

[4] <u>Id.</u>

[5] In fiscal year 2013, the ICE office responsible for immigration-related files in the NCIC database entered 11,251 new records and maintained 300,487 records in the NCIC. ICE Office of Enforcement & Removal Operations, <u>Program Overview: FY 2013</u>, at 9, http://www.naco.org/legislation/policies/Documents/Justice%20and%20 Public%20Safety/Brian%20Acuna%20U%20S%20%20Immigration%20and%20Customs%20Enforcement,%20De partment%20of%20Homeland%20Security.pdf.

[6] <u>See</u> Secure Communities, U.S. Immigration and Customs Enforcement website, http://www.ice.gov/secure-communities.

[7] <u>See</u> Sec'y of Homeland Security Jeh Charles Johnson, <u>Secure Communities Memorandum</u> (November 20, 2014), http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

[8] <u>Id.</u>; Ginger Thompson & Sarah Cohen, <u>More Deportations Follow Minor Crimes, Records Show</u>, The New York Times (April 6, 2014), http://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html. For statements from several of the many law enforcement officials concerned about the impact of S-Comm on their community policing efforts, <u>see</u> <u>Restoring Community: A National Community Advisory Report on ICE's Failed "Secure Communities" Program</u> at 5-9, *available at* http://altopolimigra.com/documents/FINAL-Shadow-Report-regular-print.pdf. Further, as of 2015, at least 250 state and local jurisdictions have enacted policies restricting or prohibiting compliance with federal immigration detainer requests issued in relation to S-Comm. <u>See</u> Immigrant Legal Resource Center, <u>Immigration Enforcement</u>, http://www.ilrc.org/enforcement.

[9] Gladstein, et al., *supra* note 1, at 6.

[10] <u>See, e.g.</u>, Police Foundation, <u>Appendix O: Sample Police Department Policies on Immigration Enforcement</u>, <u>Houston Police Dep't Immigration Policy Questions & Answers</u>, *available at* http://www.policefoundation.org/sites/ g/files/g798246/f/Appendix%20O_0.pdf ("You will be arrested if it is confirmed that you have an NCIC and/or SETCIC warrant hit."); New York Police Dep't Patrol Guide 209-25, *available at* http://ksapublications.info/app/pg/PG209.pdf; Pennsylvania State Police, Administrative Regulations Version 4.7 §§ R, S, *available at* http://www.pccd.pa.gov/criminaljustice/advisory_boards/Documents/CLEAN_AR_2011.pdf; Wisconsin Dep't of Justice, <u>A Wisconsin Department of Justice Guide for Law Enforcement Contacts with Foreign Nationals</u>, at 3-4, *available at* http://www.doj.state.wi.us/sites/default/files/2008-news/le-guide-contact-foreign-nationals.pdf.

[11] <u>See</u> The NCIC Operating Manual (2000), Requirements for Inquiry, http://chesapeakesheriff.com/Log%20in%20 page/VCIN%20Manuals/NCIC-OP-MANUAL/Immigration_violator.htm.

[12] <u>See</u> National Immigration Forum, <u>Immigration Law Enforcement by State and Local Police</u> (2007), http://www.immigrationpolicy.org/sites/default/files/docs/EnforcementbyStateandLocalPolice-08-07.pdf.

[13] <u>See</u> The International Association of Chiefs of Police, July 2007 at 38-39, http://www.theiacp.org/Portals/0/pdfs/Publications/PoliceChiefsGuidetoImmigration.pdf.

[14] <u>See</u> The NCIC Operating Manual (2000), Criteria for Entry: http://chesapeakesheriff.com/Log in page/VCIN Manuals/NCIC-OP-MANUAL/Immigration_violator.htm - 1.2 CRITERIA FOR ENTRY.

[15] National Immigration Forum, *supra* note 12, at 5.

[16] <u>Id.</u> In fiscal year 2013, the LESC responded to 1,424,320 inquiries from state and local law enforcement agencies. ICE Office of Enforcement & Removal Operations, <u>Program Overview: FY 2013</u>, *supra* note 5, at 9.

[17] This is common among jurisdictions whose policies are publicly available. <u>See, e.g.</u>, Police Foundation, Houston Police Dep't, *supra* note 10 ("You will be arrested if it is confirmed that you have an NCIC and/or SETCIC warrant hit."); New York Police Dep't Patrol Guide § 209-25, *supra* note 10 (NYPD's policy asks officers in some circumstances to make arrests without even receiving LESC confirmation of the hit); Pennsylvania State Police, *supra* note 10; Wisconsin Dep't of Justice, *supra* note 10.

[18] "In conducting an analysis of the use of the NCIC immigration data by state and local police forces, the Migration Policy Institute (MPI) found that, from 2002-2004, of the 20,876 immigration hits from state and local agencies, the error rate was 42 percent." Gladstein, et al., *supra* note 1, at 12.

[19] Gladstein, et al., *supra* note 1, at 13.

[20] <u>See</u> Immigration & Customs Enforcement, <u>Secure Communities</u>, http://www.ice.gov/secure-communities.

[21] Transactional Records Access Clearinghouse, <u>Secure Communities and ICE Deportation: A Failed Program?</u>, http://trac.syr.edu/immigration/reports/349/ (finding that only 12 percent of people detained through S-Comm in fiscal year 2013 had been convicted of what ICE classifies as top priority offenses, and that as S-Comm expanded, the number of people deported who had any conviction other than for traffic or immigration violations actually declined); Markowitz, et al, <u>Secure Communities By The Numbers: An Analysis of Demographics and Due Process,</u> The Chief Justice Earl Warren Institute of Law and Social Policy, (October 2011), https://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

[22] "Governors, mayors, and state and local law enforcement officials around the country have increasingly refused to cooperate with the program, and many have issued executive orders or signed laws prohibiting such cooperation. A number of federal courts have rejected the authority of state and local law enforcement agencies to detain immigrants pursuant to federal detainers issued under the current Secure Communities program." Sec'y Johnson, *supra* note 7, at 1.

[23] See Sec'y Johnson, *supra* note 7, at 2 (PEP "will continue to rely on fingerprint-based biometric data submitted during bookings bvy state and local law enforcement agencies to the Federal Bureau of Investigation for criminal background checks").

[24] See The Editorial Board, <u>The 'Secure Communities' Illusion</u>, The New York Times (Sept. 5, 2014), http://www.nytimes.com/2014/09/06/opinion/the-secure-communities-illusion.html?_r=1; Pablo Alvarado, <u>Secure Communities: End it, Don't Mend it</u> (May 24, 2012), http://www.huffingtonpost.com/pablo-alvarado/secure-communities-end-it_b_1375814.html; Emily Creighton, <u>Do the President's New Immigration Policies Really Mark the End of Secure Communities?</u> (December, 20, 2014), http://immigrationimpact.com/2014/12/30/do-the-presidents-new-immigration-policies-really-mark-the-end-of-secure-communities/.

[25] See Major City Chiefs, *supra* note 2, at 5.

[26] <u>Ad-Hoc Congressional Hearing: Emerging Issues in Ending Violence Against Immigrant Women</u>, Testimony of Leslye Orloff, Legal Momentum, at 5, 12-14, February 10, 2011, *available at* http://www.legalmomentum.org/sites/default/files/reports/congressional-testimony.pdf.

[27] See, e.g., <u>id.</u>

[28] See Major City Chiefs, *supra* note 2, at 6; Orloff, *supra* note 26, at 5, 12-14.

[29] Major City Chiefs, *supra* note 2, at 6.

[30] <u>Id.</u>

[31] <u>Id.</u> at 10.

[32] Gladstein, et al., *supra* note 1, at 9.

[33] See Major City Chiefs, *supra* note 2, at 6.

[34] See Immigration and Nationality Act (INA) § Section 287(g), 8 U.S.C. § 1357(g) (2006), allowing state and local law enforcement agencies to enter into agreements with ICE authorizing local law enforcement officials to carry out, without reimbursement from the federal government, duties normally performed by federal immigration agents.

[35] See, e.g., <u>Restoring Community: A National Community Advisory Report on ICE's Failed "Secure Communities" Program</u>, *supra* note 8, at 5-9.

[36] See, e.g., J.J. Hensley, <u>Racial-Profiling Lawsuit Ruling: Judge Imposes Conditions on Arpaio, Sheriff's Office</u>, The Arizona Republic (Oct. 2, 2013), *available at* http://www.azcentral.com/news/articles/20131002sheriff-arpaio-racial-profile-lawsuit-ruling.html (detailing federal judge's order setting forth reforms required of Maricopa County, Arizona, Sheriff's Office as a remedy following court's prior ruling that "Sheriff Joe Arpaio's immigration-enforcement efforts had violated the constitutional rights of thousands of Latinos"); Southern Poverty Law Center, <u>Alabama's Shame</u>, at 9-10, *available at* http://www.splcenter.org/alabamas-shame-hb56-and-the-war-on-immigrants.

[37] See <u>United States v. Arizona</u>, 132 S. Ct. 2492, 2505 (2012).

[38] See FBI, *supra* note 3 ("a positive response from NCIC is not probable cause for an officer to take action.").

[39] <u>Id.</u> (emphasis added).

[40] See Sec'y Johnson, *supra* note 7, at 1. The memorandum states that the Priority Enforcement Program will be different from Secure Communities, but it is unclear how and whether it will be a constitutionally sufficient change.

[41] See, e.g., <u>Galarza v. Szalczyk</u>, 745 F.3d 634, 645 (3d Cir. 2014) (county could not avoid liability for unlawful detention by claiming federal immigration detainer required it to hold plaintiff); <u>United States v. Female Juvenile, A.F.S.</u>, 377 F.3d 27, 35 (1st Cir. 2004) (immigration detainer is not "an order of custody"); <u>Moreno v. Napolitano</u>, No. 11-c-5452, 2014 WL 4814776 (N.D. Ill. Sept. 29, 2014) (allowing plaintiffs' claim that immigration detainers were insufficient to establish probable cause to proceed); <u>Villars v. Kubiatoski</u>, --- F. Supp. 2d ----, No. 12-cv-4586, 2014 WL 1795631, at *6 (N.D. Ill. May 5, 2014) (denying defendants' motion to dismiss plaintiff's "allegations that they violated his Fourth Amendment and procedural and substantive due process rights" by holding him on an ICE

detainer); <u>Miranda-Olivares v. Clackamas County</u>, No. 3:12–cv–02317, 2014 WL 1414305, at 10-11 (D. Ore. Apr. 11, 2014) (county honoring an immigration detainer had held plaintiff without probable cause in violation of the Fourth Amendment); <u>Morales v. Chadbourne</u>, 996 F. Supp. 2d 19, 29 (D.R.I. 2014) ("The Court therefore determines that Ms. Morales has appropriately alleged that there was no probable cause for the state or federal governments to detain her."); <u>Uroza v. Salt Lake City</u>, No. 2:11-cv-713DAK, 2013 WL 653968, at 6-7 (D. Utah Feb. 21, 2013) (allowing to proceed plaintiff's Fourth Amendment claim based on being held on an immigration detainer); <u>Harvey v. City of New York</u>, No. 1:07-cv-00343 (E.D.N.Y.), Settlement Agreement, *available at* http://www.legalactioncenter.org/sites/default/files/docs/lac/Harvey%20v.%20City%20of%20NY%20Stip%20Dism issal%20and%20Settlement.pdf (New York City paid $145,000 to settle a lawsuit by a man wrongly held on ICE detainer).

[42] <u>See</u> Major City Chiefs, *supra* note 2, at 8.

[43] <u>See, e.g.,</u> Letter from American Civil Liberties Union of Colorado to Colorado County Sheriffs (April 29, 2014), *available at* http://static.aclu-co.org/wp-content/uploads/2014/04/ACLU-Letter-to-Colorado-Sheriffs.pdf ("A peace officer may make a warrantless arrest when he has probable cause to believe a crime was committed and probable cause to believe that the suspect committed it. Even in a case where an immigration detainer is actually based on probable cause to believe the subject is present in violation of the federal immigration laws, that status is not a crime under federal law . . . . When Colorado sheriffs rely on an immigration detainer to deprive a person of liberty, they act without lawful authority.") (citing Colo. Rev. Stat. § 16-3-102(1)(c)); International Municipal Lawyers' Asss'n, <u>Authority of Police to Arrest for Non-Criminal Immigration Violations</u>, at 4-5, http://www.imla.org/images/stories/ pdf/Events/2008Conference/papers91417/rodriguezpaper.pdf (citing Md. Code Ann. §§ 2-202(a, b, c), 2-203; <u>In re Calvin S.</u>, 175 Md. App. 516 (2007)); Wisconsin Dep't of Justice, *supra* note 10, at 3 ("Wisconsin law enforcement officers do not have the legal authority to enforce federal civil immigration status violations.").

[44] <u>See</u> The International Association of Chiefs of Police, *supra* note 13, at 39.

[45] <u>See</u> <u>United States v. Arizona</u>, 132 S. Ct. 2492 (2012).

[46] <u>Id.</u>

[47] <u>See</u> <u>INS v. Lopez–Mendoza</u>, 468 U.S. 1032, 1038 (1984).

[48] <u>See</u> <u>Santos v. Frederick County Bd. of Comm'rs</u>, 725 F.3d 451, 463-64 (4th Cir. 2013); <u>see e.g.</u>, 8 U.S.C. § 1357(g)(1) (permitting local enforcement of immigration law if the Attorney General has granted civil immigration enforcement authority to trained local officers through formal agreements); 8 U.S.C. § 1103(a)(10) (immigration arrest authority may be extended to local officers in the event of an "imminent mass influx of aliens off the coast of the United States"); 8 U.S.C. § 1252c(a) (immigration arrest authority may be extended to local officers to arrest and detain unlawfully present immigrants who were previously convicted of a felony in the U.S. and were deported and left the U.S. after being convicted, but *only* after the officers receive confirmation from federal authorities and *only* for long enough to allow federal authorities to take custody of the individual); 8 U.S.C. § 1324(c) (immigration arrest authority for bringing in and harboring certain aliens may be extended to local officers).

[49] <u>Santos</u>, 725 F.3d at 464 (explaining that the Supreme Court left open the question of whether local and state officers may prolong detention in order to investigate suspected violations of federal criminal immigration laws and citing <u>Arizona</u>, 132 S. Ct. 2492 at 2509) (emphasis added in text).

[50] Letter from Martin O' Malley, Governor of Maryland, to Gregg Hershberger, Sec'y of Pub. Safety & Corr. Servs. (Aug. 27, 2014).

[51] <u>See</u> Major City Chiefs, *supra* note 2, at 7; International Association of Chiefs of Police, *supra* note 13, at 13.