

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Community Policing and Crime Reduction Submitted Public Comment Received by February 14, 2015 Presented Alphabetically by Last Name

Primary Source Documents

This document contains all Primary Sources for public comment submitted to the Task Force for the listening session on Community Policing and Crime Reduction. Eleven 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: Submissions marked (email) are contained in the combined list of emails submitted not as a separate document.

Public Comment for Community Policing and Crime Reduction:

1. Babeu, Paul: Sheriff/ Vice President-Pinal County Sheriff's Office/Arizona Sheriff's Association
2. Brooklyn Defender Services
Center for Popular Democracy
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defense Project
Latino Justice
Make the Road New York
National Day Laborer Organizing Network
National Immigration Law Center
New Sanctuary Coalition of New York
Northern Manhattan Coalition for Immigrant Rights
Northwest Immigrant Rights Project
Southern Poverty Law Center
The Bronx Defenders
3. Charkoudian, Lori: Executive Director-Community Mediation Maryland
4. Clark, Ralph: President/CEO-SST Inc.
5. Fernandez, Mai: Executive Director-National Center for Victims of Crime
6. Gierach, James: Executive Board Vice Chairman-Law Enforcement Against Prohibition (LEAP)

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

7. Henderson, Wade & Zirkin, Nancy: President/ Executive Vice President-The Leadership Conference on Civil and Human Rights
8. Jeffers, Melanie
9. Marquis, Baron: Member-Riverside Church NYC
10. Neri, Rebecca & Berryman, Anthony: PhD Students-UCLA Improvement by Design Research Group
11. Roessler, Edwin: Chief of Police-Fairfax County Police Department



Pinal County Sheriff's Office

February 6, 2015

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, D.C. 20530

Re: *21st Century Policing*

21st Century Policing Task Force Members,

Pinal County is 5,370 square miles and is the third largest County in Arizona. Pinal County has 420,000 residents of which over 200,000 reside in unincorporated areas where my office provides the primary law enforcement service. In addition to serving as the Sheriff, I also serve on the Board of Directors for the National Sheriffs' Association (NSA) and Vice-President of the Arizona Sheriffs' Association (ASA). My written testimony consists of the official oral and written representations of the NSA on this issue.

Thank you for holding the upcoming listening sessions here in Phoenix, Arizona. As there is no currently-serving Sheriff on the Task Force, the forum plays a critical role in providing the public with the insights, experiences, and perspectives from our nation's Sheriffs.

Sheriffs are unique in a number of ways:

- First, we are the only democratically-elected law enforcement leaders in the country – with each Sheriff serving as the chief law enforcement officer of their respective county or parish;
- As a result, the Office of Sheriff is the law enforcement agency most directly accountable to the public they serve;
- Sheriffs are the only law enforcement officers in the nation that provide the full line of criminal justice services; including corrections, through the operation of our jails; and
- Lastly, Sheriffs hold a wide variety of policing and public safety responsibilities, due to the diverse geographic and demographic makeup of our counties. Sheriffs across the country represent remote, rural areas, as well as more densely populated, urban areas.

All of these responsibilities and experiences allow us to provide a unique set of observations regarding the key issues identified by the Task Force.

We should begin with your mission from the President: *“To identify best practices and ...make recommendations...on how policing practices can promote effective crime reduction while building public trust.”*

971 Jason Lopez Circle Building C * P.O. Box 867 * Florence, AZ 85132
Main (520) 866-6800 * Fax (520) 866-5195 * TDD (520) 866-5111

While this has become a topic of national concern, police-community relationships are not managed at the national level. Police-community relationships are local. The bond between law enforcement and the public varies greatly across the country – agency by agency.

From the context of my own experience in Pinal County, a very diverse county with 420,000 residents. Our population is growing and demographics are changing every day. We have 13 separate law enforcement agencies including 3 of which that are tribal – each with its own set of relationships with their respective communities.

In some, the dynamics between law enforcement and the community are excellent. Unfortunately, in other communities, the dynamics are not as positive – and work needs to be done to restore relationships from decades of deep distrust.

For all involved, the best time to build trust is:

- Before the warrant sweep.
- Before the traffic stop.
- Before the drug search warrant.
- Before the 911 call.

We should develop, maintain, and invest in these relationships at the local level and focus on specific goals and basic elements on both sides of the equation:

1. Well-trained deputies and police officers -
 - Who are reflective of the community we serve;
 - Who are properly equipped, compensated, and supported;
 - Who are accountable for their actions;
 - Who respect and protect the privacy and civil liberties of all residents; and
 - Who understand their role to be one of public service.
2. Engaged community members and leaders -
 - Who actively participate in the development of policies;
 - Who promote and assist in the education of community members about police practices and our criminal justice system;
 - Who facilitate constructive and meaningful review of policies or practices that violate community standards; and
 - Who partner with us in their businesses, schools, neighborhoods, and places of worship, to build strong, vibrant, and resilient communities.
3. Chief law enforcement officers -
 - Who are accountable to the residents directly through their own elections, or indirectly through elected officials like mayors or city councilmembers;
 - Who facilitate direct participation on the part of community members and leaders via commissions, advisory groups, boards, or roundtables;

- Who listen for insight and direction from the community about policing policies and practices that best serve the residents; and
- Who are willing to break through the status quo by engaging diverse communities through recruiting and targeted outreach to opinion leaders.

Your recommendations should support and further these goals – with the most important goal being to build communities of trust through agencies that are reflective of the communities we serve.

Again as a local example - over the past 8 years, the Pinal Sheriff's County Office has improved our diversity through actively recruiting minorities and military veterans – as most agencies have - but we still have a long way to go. Measuring diversity in the workforce is only one way to quantify progress. The other measurement is community participation in the development of our practices and policies, and also community involvement in an advisory capacity to our Agency.

To strengthen law enforcement-community relations, we must better highlight the challenges and dangers for our officers and deputies: 121 officers died in the line of duty in 2014, 47 of those officers were killed by gunfire, and 50,000 of our officers are assaulted every year.

Our jobs are filled with uncertainty, violence, and hostility. Training and incident review go a long way in establishing best practices and preparedness. However, in real life, things can change in a heartbeat – things that even the best training can't account for.

For most Americans, the officer on patrol is the most direct and visible point of contact to the entire criminal justice system. But law enforcement is only one part of the system – we enforce the laws. We don't write them and we don't define sentencing guidelines. Police-community relations in every town or city could be improved with a better understanding of the criminal justice system and through a greater public awareness of the constitutionally-limited "*role of police in a democratic society.*"

When we act to enforce our laws, it is in support of public order and public safety – in service to the residents. Fulfilling our Oath of Office means more than respect; we protect the privacy and civil liberties of all residents, in addition to their safety. For me, and for Sheriffs across this great country, this is how we define the role of police in a democratic society. For us, this is what it means to serve and protect.

The nation's Sheriffs also offer several recommendations – and raise additional concerns that need to be addressed in the context of 21st Century Policing:

1. National initiatives from the Department of Justice (DOJ), through the Community Oriented Policing Services (COPS) designed to strengthen police-community bonds should be analyzed, enhanced, and cross-applied to other areas experiencing similar problems. These efforts should focus on greater participation by our citizens in reserve police officer programs or organizations like the National Citizens Police Academy Association (NCPAA) and advocating resident interaction to gain a more personal stake in community safety;
2. We suggest more routine interaction between schools and police, particularly in distressed areas. Local school districts could coordinate educational visits to police departments, fostering interest in the law enforcement profession at an earlier age;

971 Jason Lopez Circle Building C * P.O. Box 867 * Florence, AZ 85132
Main (520) 866-6800 * Fax (520) 866-5195 * TDD (520) 866-5111

3. The Sheriffs recommend a national educational effort to increase public awareness of the law enforcement profession and the criminal justice system. Understanding the experience and variety of criminality across the country will help to shed light on the current status of relations in our respective communities.

We want residents to understand why law enforcement officers use certain equipment and tactics, or ask the public to comply with certain procedures. These tools and tactics serve a purpose: To protect the officer and to enhance the safety of the public – including the safety of individuals undergoing arrest or detention. Understanding this could help mitigate confrontation, and reduce confusion and escalation on both the part of the officer and the public; and

4. Finally, Sheriffs emphasize the need for stable and consistent funding for programs and initiatives designed to assist State and local law enforcement, for example:
 - Mentally Ill Offender Treatment and Crime Reduction Act;
 - Byrne Memorial Justice Assistance Grant;
 - Community Oriented Policing Services (COPS); and
 - State Criminal Alien Assistance Program (SCAAP).

Changes from year to year in these programs can disrupt our workforce hiring, community initiatives, training, equipment, technology, administrative efficiency, counseling services – all necessary to ensure a modern and effective police force.

In closing, Sheriffs are essential partners in any effort to increase the trust and confidence of the American people in our criminal justice system. Sheriffs hope that forums like this will lead to open discussions between law enforcement leaders, community members and opinion leaders – including policymakers in Washington, D.C.

Respectfully,



Paul Babeu, Sheriff
Pinal County, Arizona
Vice President of the Arizona Sheriff's Association

February 17, 2015

Sign on letter urging the President's Task Force on 21st Century Policing to recommend disentangling civil immigration information from federal criminal database checks by: (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 enforcement purposes.

Dear Task Force Members:

The undersigned organizations, representing and advocating for immigrants' rights across the country, urge you to recommend that civil immigration information be disentangled from federal criminal database checks to permit local policing to focus on public safety without being dragged into immigration enforcement.

The Bush Administration's strategic choice to involve local police in the systematic enforcement targeting routine civil immigration violations continues to affect communities today through the entanglement of civil immigration enforcement with the two core federal criminal databases utilized by local police officers. This entanglement relies on the inclusion of civil immigration files in the National Crime Information Center (NCIC) database maintained by the Federal Bureau of Investigation (FBI) and on the Department of Homeland Security's (DHS) Secure Communities (S-Comm) program, created in 2008. S-Comm, which continues today, rebranded as the Priority Enforcement Program (PEP), reroutes regular criminal fingerprint checks as part of local officers' booking processes through DHS for immigration enforcement purposes. These programs are explained in greater detail in the attached testimony of Javier Valdes, Executive Director of Make the Road New York, to the Task Force.

Federal involvement of local officers in immigration enforcement through the NCIC database and S-Comm/PEP have been a significant obstacle to community policing efforts, by:

- **Driving a Wedge between Immigrant Communities and Local Police.** Many immigrants avoid contact with the police for fear that they themselves or their families and friends may become subject to immigration enforcement. This is a result of the police being perceived as a gateway to immigration detention and deportation.
- **Incentivizing Racial profiling.** By using local agencies to enforce federal civil immigration laws, the federal government is inviting unscrupulous local officers to engage in racially and ethnically motivated stops and arrests as a pretext to trigger federal immigration enforcement actions.
- **Diverting Scarce Crime Fighting Resources.** 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.
- **Violating the Constitution and Exposing Localities to Liability.** Local police are generally not permitted, under federal law, to engage in civil immigration arrests. Arrests

triggered by NCIC hits, and through the S-Comm and PEP programs, are generally not supported by probable cause and thus violate the Fourth Amendment. Accordingly, these programs expose local police to significant liability and immigrant communities to unconstitutional arrests.

We therefore ask the President's Task Force on 21st Century Policing to recommend that civil immigration information be removed from the FBI's NCIC database and that the FBI cease redirecting criminal fingerprint inquiries to DHS through the S-Comm and PEP programs.

Sincerely,

Brooklyn Defender Services
Center for Popular Democracy
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defense Project
LatinoJustice
Make the Road New York
National Day Laborer Organizing Network
National Immigration Law Center
New Sanctuary Coalition of New York
Northern Manhattan Coalition for Immigrant Rights
Northwest Immigrant Rights Project
Southern Poverty Law Center
The Bronx Defenders

Testimony of Lorig Charkoudian, Ph.D.
Executive Director, Community Mediation Maryland
President’s Task Force on 21ST Century Policing
Community Policing & Crime Reduction
February 13, 2015, Phoenix, AZ

Commissioner Ramsey and Professor Robinson, and distinguished Task Force Members, my name is Lorig Charkoudian and I am the Executive Director of Community Mediation Maryland (CMM). CMM is a nonprofit organization dedicated to advancing collaborative conflict resolution in Maryland through educating the public, providing training and quality assurance, conducting research, and creatively applying mediation to social challenges. My written testimony focuses on two propositions: (1) Community mediation centers support resolution of disputes between community members (neighbors, family, businesses), at the community level. When law enforcement officers refer cases to community mediation, people involved can resolve their conflicts in a sustainable way that builds relationships. This enables law enforcement to connect people with community resources and be early intervention “problem-solvers” rather than just enforcers. (2) Community mediation centers can and do mediate complaints against police officers. Unlike the traditional method of addressing allegations of police misconduct, this resident—police mediation allows for community members and officers to build understanding around what happened in the situation, creating bridges between law enforcement and the community. Both forms of mediation (intra—community and resident—police) reduce community strife, increase mutual understanding, and prevent violence by legitimizing police authority in the community.¹ Therefore, CMM urges the Task Force on 21st Century Policing to recommend that President Obama propose federal funding incentives for state and local police departments to implement community mediation alternatives to traditional police department complaint handling procedures. Such funding could be administered through the Community Oriented Policing Services (COPS) office within the Department of Justice.

I. Intra-Community Mediation Between Residents

All (18) CMM centers and most community mediation centers in the country will accept referrals from police. In some areas the police work closely with the centers and refer significant

¹ Cook, Nancy. “Creating Friendlier Police Departments,” Feb. 7, 2015, National Journal, 10 (citing Task Force Member Tracey Meares and her Yale Law School colleague, Tom Tyler, for the proposition that police exercise of “legitimate authority” helps fight crime because “residents are more likely to report incidents and assist in investigations if they respect the police’s authority.”).

numbers of cases, really impacting the way conflicts are handled in the community. In other areas, police have the ability to make referrals, but don't make many. In these cases, it would be helpful to build a stronger relationship between the police and community mediation center, including training for police and implementing more formal referral processes.

Charkoudian (2010) finds that participants in cases which were mediated through community mediation and state's attorney mediation programs are likely to decrease their use of court and law enforcement services after mediation compared to participants in cases which were not mediated.² Another study, with significant referrals from criminal justice system, measured the change in calls to the police department before and after mediation and compared this to a control group that did not mediate. Charkoudian (2005) reports an average decrease of 8.53 calls to the Baltimore City Police Department in the six months after mediation for each case that was mediated compared to cases that were not mediated.³ In both Charkoudian studies, the findings hold true even after accounting for possible selection bias.

II. Resolving Resident—Police Mediation Disputes

The data support our view that in appropriate cases all parties are better served by voluntary community mediation of resident complaints concerning police misconduct than by the traditional model relying exclusively upon internal affairs investigations.

A. The Traditional Model for Handling Resident—Police Complaints

Under the traditional model, an internal affairs department investigates a resident complaint and command staff determines findings.⁴ In this way, internal affairs “serves as an internal control mechanism” that departments may use to manage police behavior.⁵ Questions abound “concerning the difficulty of proving misconduct” but, until recently, “there were simply no alternatives for dealing with citizen complaints.” Complainants and police officers, alike, are generally dissatisfied with the traditional method. Officers bemoan the delays associated with internal affairs

² Charkoudian, Lorig. “Giving Police and Courts a Break: The Effect of Community Mediation on Decreasing the Use of Police and Court Resources.” *Conflict Resolution Quarterly*, 2010, 28(2), 142-155.

³ Charkoudian, Lorig. “A Quantitative Analysis of the Effectiveness of Community Mediation in Decreasing Repeat Police Calls for Service,” *Conflict Resolution Quarterly*, 2005, 23 (1), 87-98.

⁴ Proctor, Jon, et al. “Discourteous Cops and Unruly Citizens: Mediation Can Help,” *Community Policing Dispatch*, 2009, 2 (3).

⁵ *Id.*

investigations. In many jurisdictions, the officer can neither be promoted nor “work off-duty details” during the pendency of an internal affairs investigation.⁶ Residents, on the other hand, view the complaint process as a black hole from which a decision eventually emerges but they lack any visibility into the investigative process. In short, the traditional method often results in a lose—lose situation.

B. The Community Mediation Model for Resident—Police Complaints

As illustrated more fully below, there is a growing realization that community mediation can be safely employed to resolve citizen—police complaints. The CMM Center in Calvert County, Maryland collaborates with the local sheriff’s office to mediate resident allegations of deputy misconduct. Operation True Perspective (OTP) is a partnership between the Calvert County Maryland Sheriff’s Office and the Community Mediation Center – Calvert (CMCC), a 501(c)(3), nonprofit organization, which provides free conflict resolution services. Created in 2011, OTP affords citizens and sheriff’s deputies an opportunity to mediate when a resident files a complaint about a deputy.

The partnership enables the community and police to come together in a productive setting, to learn from each other’s perspectives, and to more effectively resolve conflicts. Appropriate resident complaint conflict resolution through mediation benefits both the community and police by facilitating and enhancing a better understanding of the others’ perspective, thus, fostering compassion, respect, and trust between parties.

When a resident files a complaint, the complaint is reviewed by the Sheriff’s Office of Professional Standards to determine if the issue is appropriate for mediation. The Sheriff’s office contacts the citizen and the deputy to inform them of the potential for voluntary mediation. If both parties are willing to mediate then the case is referred to the CMCC to schedule and conduct the mediation using highly trained, skilled volunteer mediators.

The mediation is confidential and is conducted by highly trained neutral mediators skilled at facilitating a conversation between differing parties. The neutral, confidential, setting allows all participants to share additional information which often results in everyone becoming clearer about

⁶ See e.g., Martin, Naomi. “For People Filing Complaints Against New Orleans Police, Mediation Now an Option,” Oct. 8, 2014, The Times-Picayune.

the interaction resulting in the complaint. Outcomes often result in apology and increased understanding.

Upon completion of the mediation, the mediators advise the CCSO that the mediation took place, but under no circumstances will substantive information about the content or outcome of the mediation be shared. A small number of mediations have been conducted since the inception of OTP, and they have been successful. This is the only such partnership in the state of Maryland but we hope to expand it to CMM's 17 other centers.

While it is the sole such program in Maryland, OTP is not the only resident—police mediation program in the United States. Such mediation programs are even beginning to take root in the South. Last year, CMM was invited to provide the New Orleans, Louisiana Office of the Independent Police Monitor (OIPM) with technical assistance in standing up its new mediation program to address resident complaints alleging “unprofessionalism, discourtesy or neglect of duty[.]”⁷ We willingly answered the call. Each of the 20 mediators serving in the program has completed 40 hours of conflict resolution courses. Mediators “come from a range of backgrounds and include lawyers, social workers and educators.”⁸ While there is still insufficient evidence to evaluate the OIPM mediation program, anecdotal accounts from a representative of the Fraternal Order of Police appear promising.⁹

Perhaps the strongest evidence in support of citizen—police community mediation comes from Colorado. The Denver, CO Office of the Independent Monitor (OIM) “implemented a citizen/police mediation program” in the fall of 2005 that, by March 2009, had “completed more than 150 mediations.”¹⁰ The OIM elected to deploy surveys developed by outside researchers to compare citizen and officer satisfaction data contrasting the traditional complaint resolution process with complaints handled through mediation. The findings are quite telling: “Mediation participants—both officers and complainants—have statistically higher rates of satisfaction for both outcome and process compared to the traditional complaint-handling method.”¹¹ These evaluative findings led

⁷ Martin, Naomi. “For People Filing Complaints Against New Orleans Police, Mediation Now an Option,” Oct. 8, 2014, The Times-Picayune.

⁸ *Id.*

⁹ *Id.*

¹⁰ Proctor, Jon, et al. “Discourteous Cops and Unruly Citizens: Mediation Can Help,” Community Policing Dispatch, 2009, 2 (3).

¹¹ *Id.*

the OIM to “strongly recommend that police departments develop and implement citizen—police mediation programs” because such programs tend to “increase complainant and officer satisfaction, lower complaint rates, and improve case timeliness.”¹² In short, community mediation can take the lose—lose scenario often associated with the traditional method of complaint handling and convert it into a quicker process in which all parties come away feeling better served.

Conclusion

CMM appreciates the opportunity to provide testimony in support of using community mediation to resolve citizen—police complaints. I urge the Task Force on 21ST Century Policing to recommend the President, acting through the Attorney General, use COPS grants to facilitate additional programs at the state and local level.

I welcome any questions that the Task Force may have for the record.

¹² *Id.*

**Submission to the Taskforce on 21st Century Policing
For the Listening Session on
Community Policing & Crime Reduction
February 13, 2015**

**Helping Police to Reduce Urban Gun Violence and Rebuild Ties
To Local Communities: How Technology Can Play a Critical Role**

By Ralph A. Clark, President & CEO, SST Inc.

Urban gun crime violence is a widespread issue affecting over 2,000 cities of every size and demographic here in the United States. Based on the current, measureable data from the Centers for Disease Control, there were 11,068 homicides committed with a firearm in 2011 in the U.S.ⁱ which works out to 30.3 deaths every day. While many people are killed each year by firearms, even more are injured non-fatally. In 2008, there were 78,622 nonfatal firearm injuries in the United States, 73% of which were the result of interpersonal violenceⁱⁱ.

We are just beginning to understand the immense scale and costly consequences of gun violence. The inconvenient truth is that gun violence is much larger than what can be measured in homicides and gunshot victims. Confirmed gunfire rates in several cities have been measured at up to 500-1000 incidents per square mile per year. At those rates, even when there are no physically harmed victims, gunfire represents the real “possibility” of being shot and killed. This everyday constant exposure to violence can have a profound effect, especially on children. Researchⁱⁱⁱ has shown that kids exposed to gun violence, or who witness violence, can suffer PTSD symptoms^{iv} that result in permanent brain damage. This fact suggests that whatever investments we are making as a society in education and other developmental activities for our children in these urban war zones are significantly diluted.

Law enforcement has traditionally measured gun violence in terms of homicides, gunshot wounds and 9-1-1 calls, but now we know that those are just a small part of the story. Recent research has confirmed that the communities most affected by illegal gunfire are least likely to call it in. With fewer than 1 in 5 shooting incidents reported to 9-1-1, gun crime is vastly underreported in the United States. [See [ShotSpotter 2013 National Gunfire Index](#)^v] Even when calls are made (often 3-5 minutes after the shooting event) police often waste valuable time and resources in their patrol car driving block by block looking for evidence they will likely not find. In addition, the dispatching of officers to a potential active shooting situation, without all available intelligence, can be a threat to officer safety.

Technology Helps Facilitate Effective Community Policing

The good news is that technology, along with smart policing, can provide much more situational awareness and help address these challenges to public and officer safety. Real time gunfire intelligence combined with precise and rapid law enforcement response can substantially improve the effectiveness of any gun violence reduction strategy. Providing better and faster response times to these typically underserved communities also increases ties and collaboration between local law enforcement and the communities they serve – the ultimate goal of community policing.

Wide area acoustic-based gunshot detection technology, such as ShotSpotter, has been deployed in over 90 cities in the U.S. and overseas. ShotSpotter technology is currently deployed in cities as diverse as Birmingham, AL, Boston, Detroit, Miami Gardens, FL, Milwaukee, Oakland, and Washington, D.C. Many of the cities using ShotSpotter have realized that it is not only an effective tool in reducing gun violence but, as importantly, for rebuilding ties to their local communities. It is through community trust and collaboration that local law enforcement can isolate and deter the few shooters who are disproportionately responsible for the majority of gun violence.

ShotSpotter takes the guess work out of where shots were fired and ends community speculation about who called in the shots. As a result, police show up faster and yet no one is deemed a “snitch” because it was the technology, not an individual, who presumably called it in. Interestingly, in many communities, the combination of community policing and ShotSpotter actually increased the calls to 9-1-1; for example, in Nassau County, NY, calls now come in for 90% of all shots fired.

When police leverage the technology along with best practices and community engagement, communities see sustainably reduced gunfire and have a chance to heal and grow. With fewer shots fired, community residents often feel more comfortable being outside, attending events in nearby parks (sometimes sponsored by the local police), and talking to their neighbors. For example, in East Palo Alto, CA, then Chief Ron Davis was able to institute popular “fitness classes” in a local park. Local citizens expressed their appreciation: "Before I would just stay inside and play video games and watch TV." ^{vi}

Gunshot detection technology also gives police the tools they need to respond more safely, and to collect shell casings and other critical evidence, thus building community confidence in law enforcement’s effectiveness and abilities. ShotSpotter instantly notifies officers of gunshot crimes in progress with real-time data delivered to dispatch centers, officers’ laptops, and smart phones. That

means, in a typical incident captured by ShotSpotter sensors, the officers dispatched will know if the shots were fired in front of or behind a house, on the roof, or from a moving vehicle. It also greatly increases the odds that they will encounter one of the shooters and/or a victim in need of assistance, and related shell casing that NIBIN can then analyze.

We have seen community members benefit from creative policing, in conjunction with the use of technology in other locations as well. For example, in South Bend, IN, the police use ShotSpotter technology in key sections of the city, and thus in real time know when and where and how many times a gun has been fired. Their tactical response to gunfire now includes taking the extra step of knocking on doors in the area where the gunshot occurred, checking whether the residents are okay. This is an easy way for local police, in a safe way, to rebuild rapport with city residents.

In the end, the real time intelligence provided to law enforcement by this technology helps them to offer a higher quality of service to many underserved communities and, as a result, develop stronger support and collaboration in deterring and preventing future gun crimes.

Technology is Critical in Reducing Gun Violence

ShotSpotter issued its first annual research report in April 2014. The [2013 National Gunfire Index](#)^{vii} summarized 2013 gunfire in ShotSpotter-covered areas. Last fall, we published our first comparative report which highlighted the change in gunfire rates between the first half of 2013 and the first half of 2014. In order to make a meaningful comparison, we selected a subset of 31 of the 56 cities that maintained continuous ShotSpotter coverage throughout both periods to ensure a proper comparison. Overall, the number of gunfire incidents decreased significantly, by 20.6% from 14,703 to 11,675 shooting incidents. The frequency and density of shootings per square mile was also down 27.2%, from 149.1 shooting incidents per square mile to 108.5 per square mile for the six month period in the cities analyzed.

This gun-related data highlights the effective role that gunshot detection technology is playing in making communities safer. For example:

In Washington, D.C., where ShotSpotter covers more than 17 square miles of the city, the rate of gunfire incidents has declined by more than 40 percent in recent years. Although the homicide rates in Washington have seen a slight uptick in the past two years, they are still drastically lower than even 10 or 20 years ago^{viii}. In a [Washington Post article from November 2013](#)^{ix}, Police Chief Cathy

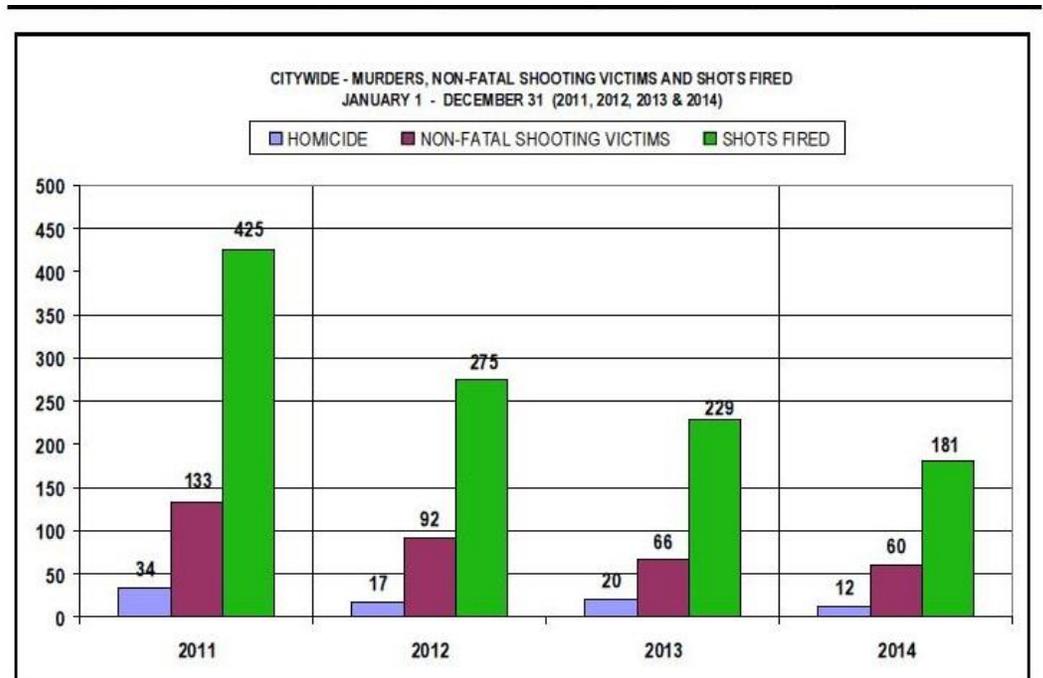
Lanier said, “It is a valuable tool that provides almost instantaneous alerts that allow officers to be dispatched quicker for the sound of gunshots.... It has also been instrumental in determining crime trends and establishing information in investigations.”

In Camden, NJ, gunfire incidents are down more than 45% in 2014 compared to 2013. In a [CBS investigation](#), Kris van Cleave reported from Camden, N.J., that the ShotSpotter technology is real and making a difference in a community with a long history of gun violence. Camden, NJ Assistant Chief Orlando Cuevas says police response times are down from over 9 minutes to as low as 30 seconds, and calls that a “game changer” that has helped to cut the number of shootings and homicides in half over the last two years.

In Denver, where ShotSpotter was first deployed last month, [police saw results in the first 24 hours](#)^x it was activated. ShotSpotter alerted the police when shots rang out in the 3100 block of North Williams Street, northeast of downtown. When officers arrived, they discovered multiple shell casings on the ground. Officers learned where the suspects were hiding, arrested three men with outstanding warrants, and also recovered a gun.

In New Haven, CT, where they’ve been using ShotSpotter since 2011, shootings are down 57%, and homicides are down 65%. (See chart below). This is possible because the police are getting timely and accurate information.

“Knowing exactly where the shooting happened, how many shots were fired, how many guns are involved, whether the shooter was moving or not,” says Chief Esserman, “that’s a powerful tool. It allows us to respond to calls quickly and accurately even when no one is shot, and it helps us to effectively prosecute the bad guys”.



Courtesy of the New Haven, Conn Dept. of Police Service © 2015

Key Recommendations on How the Federal Government Can Use Technology to Help Rebuild Community Ties:

1. Research and fund technologies that will improve response times to shootings and other serious crimes. By utilizing innovative technologies, lives can be saved, community members see more effective responses, and the risk of being labeled a “snitch” is reduced if a local resident talks to the police. Increased federal funding dedicated to the deployment of proven technology, and the effective collection and analysis of data, will be funding well spent.
2. Provide training to local police agencies on how to institute community policing “best practices” in collaboration with body cameras, gunshot detection systems, and other technology. Ideally, the federal government could gather and share these best practices. ShotSpotter did a well-regarded webinar last year on how to respond to “active shooters^{xi}.” This and other topics could be explored more broadly.
3. Maximize the use of data generated by newer technologies to guide law enforcement policy and practice. While ShotSpotter has begun to collect and analyze its own robust data, there is a lot more that could be done with this data, including looking at national patterns of gunshots fired and homicides and overlaying the gunfire data set with other big data to correlate patterns and outcomes. This data could also be used to ensure that federal law enforcement and social services programming are deployed most effectively. For example, the Children Exposed to Violence program funds and social service funds, such as Headstart, could be targeted to serve children and youth in neighborhoods with confirmed high levels of shootings.
4. If ShotSpotter or other gunshot detection systems are deployed in a city, the federal government should ensure that the local police agency is connected to the NIBIN network which analyzes shell casings. ShotSpotter is engaged in a pilot project in Denver, CO focused on this approach and preliminary results are very strong that this will be an effective collaboration. That means more crimes scenes will be connected and more criminals will be arrested.

When communities see higher levels of service quality from law enforcement in response to gun violence they are more engaged and willing to collaborate with their local police to deter and prevent more gun crimes. That keeps both the police and local residents safer and helps communities thrive.

ⁱ http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/violent-crime/violentcrimemain_final.pdf

ⁱⁱ Firearm & Injury Center at Penn, ficap@uphs.upenn.edu (Version 2011).

ⁱⁱⁱ <http://blog.metrotrends.org/2014/09/everyday-violence-gunfire-dc-schools/>

^{iv} <http://datatools.urban.org/Features/raising-the-voices-of-gun-violence/>

^v <http://shotspotter.com/system/content/uploads/2013NGI-eBook.pdf>

^{vi} *E. Palo Alto Article* <http://abc7news.com/archive/9011712/>

^{viii} *"Homicides up in District, ending five years of declines,"* Washington Post, Dec. 31, 2013.

^{ix} http://www.washingtonpost.com/investigations/shotspotter-detection-system-documents-39000-shooting-incidents-in-the-district/2013/11/02/055f8e9c-2ab1-11e3-8ade-a1f23cda135e_story.html

^x <http://denver.cbslocal.com/video/11022299-shotspotter-device-paying-off-already-for-denver-police/>

^{xi} <http://www.shotspotter.com/events/webinar/best-practices-learn-how-to-advance-active-shooter-respon>

January 29, 2015

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

Dear Professor Robinson and Commissioner Ramsey:

I was pleased to hear about the establishment of the President's Task Force on 21st Century Policing. A Task Force of such high visibility under your leadership will ultimately produce the kind of recommendations that will truly improve local relationships with law enforcement, increase confidence in police departments and keep citizens safe.

As the Executive Director of the National Center for Victims of Crime (National Center), the nation's leading resource and advocacy organization for crime victims and those who serve them, we are also considering this issue. The National Center is interested in working to increase trust between law enforcement and communities of color in an effort to change the perception many crime victims have of the police and to encourage victims to come forward and access resources. Too many victims suffer in silence.

My interest in serving crime victims came through my experience as a former prosecutor where I worked with individuals who sought justice through the criminal justice system. While in certain circumstances the system clearly helped victims rebuild their lives, more often than not it seemed that the actions taken by police and prosecutors were in direct opposition to what the victims expressed they needed to recover. At the National Center, our work with crime victims has taught us that victims must be involved in the process. Law enforcement has a job to do, however oftentimes the focus was on the investigation and prosecution of a case rather than listening to a victim to inform and determine the best course of action. What I experienced was a missing connection between law enforcement and crime victims. That is, there was not enough effort put into establishing a relationship. The result was often a lack of trust between the two parties and no one was satisfied.

After my time at the prosecutor's office, I worked at the Department of Justice, Office of Justice Programs proudly serving under Professor Robinson's leadership. There I helped design community based programs that strived to create strong relationships between law enforcement and the communities they served. I then went on to work at The Latin American Youth Center, a community based organization in Washington D.C. The Youth Center was founded by Latino immigrants and provides services to youth in the Columbia Heights neighborhood. Columbia Heights is in the midst of a transformation; however in the late 1990's and early 2000's it was a struggling neighborhood with high crime rates. The vast majority of the population was African-American and Latino youth. My experiences at the Youth Center proved that it is all about relationships. That trust between law enforcement and the community is built through small actions, active participation and continued presence in the communities they serve.

In the summer of 1999, the Youth Center held a party on a Friday night celebrating the end of the school year. Young people entered and exited the building, hanging out around its entrance. At around 8:00pm, as the Youth Center's staff was asking the youth to leave and were directing them out of the facility, a spray of bullets came across the outside courtyard. One staff member was shot in the leg and seven youth were grazed by bullets. The organization, its staff and youth were traumatized. A place that was once a safe haven for young people became a gang battle zone.

The police took an initial report and when asked by staff what they were going to do, the police responded by saying, "what does it matter, don't you guys house felons in here anyway?" The police assumed that the Youth Center was part of the problem because it was a place where young people congregated. They never asked what went on in the

building or bothered to find out what services and programs were offered. Similarly, however, staff never invited police into the building or bothered to have a conversation with the officers who patrolled the neighborhood.

My work at OJP taught me that there was a better way for the Youth Center to interact with police. As a result, several staff, board members and I went to see Mayor Williams. The Mayor understood that we needed assistance and asked Chief Ramsey to assist. Chief Ramsey designated police patrols to stand in front of the Youth Center for the next week. That first step by the Chief commenced a wonderful relationship between the youth and the staff at the Youth Center with the police in the neighborhood.

We invited the officers to experience the Youth Center's activities and programs. We offered the police a place to come in out of the cold and a place to go to the bathroom when they were on patrol. When we had a party we informed the police beforehand and officers were sent to patrol the building. While they were patrolling we fed them. The young people knew, confided and trusted the police who came around the Youth Center. These seemingly small courtesies and expressions of kindness made such a difference.

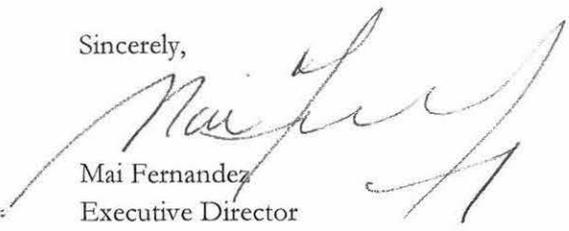
In an effort to emulate what was going on at the Youth Center, other community based staff began creating relationships with the local police. Although the Youth Center did not have any more violent incidents, in the years that followed, Latino-gang related homicides rose precipitously. After an execution style murder, the police and community came together and formed a strategy to address the problem establishing the Gang Intervention Partnership (GIP).

The primary goal of the GIP program was to eliminate or significantly reduce gang related homicides and other forms of gang related violence in the Columbia Heights/Shaw neighborhoods. The core strategies and activities were as follows: to conduct intensive and targeted police work and build strong police/community partnerships; provide targeted outreach to gang-related youth and their family members; educate parents and community members; improve and expand access to services critical to diversion and family strengthening; and build capacity.

The result of the partnership was significant. There were no Latino gang-related homicides in the District of Columbia from 2003 to 2006. I have attached the evaluation of the GIP program with my comments. As noteworthy as results of the GIP program were, the strategies could not have been implemented if a previous relationship between the police and the community did not exist. Through small gestures, and open communication a relationship of trust was created between the police and the community. That trust created a successful and legitimate crime reduction program.

I conclude my comments by asking you to review the evaluation of the GIP program as I believe it is a model program. As you both know, addressing this problem begins by building and enhancing relationships in the community. If communities do not trust police it is because they don't know them. An officer will be much less likely to use force against a youth he or she knows, or in a community he or she understands. We must work together as a society to create these relationships. It is the first step towards safety for all of us. I welcome the opportunity to testify in person and/or provide additional information to the Task Force.

Sincerely,


Mai Fernandez
Executive Director

PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Statement of JAMES E. GIERACH of LEAP

Honorable Co-chairs Charles Ramsey and Laurie Robinson and Taskforce Members:

One Taskforce Recommendation

LEAP has only one recommendation for this Taskforce:

Call upon Congress and the President to End the War on Drugs. Call upon them to jointly push for an Amendment of the Three United Nations Drug-Control Treaties¹ that serve as Fountainhead for the World War on Drugs. Call upon them to replace the Criminalization and Incarceration Model of Drug Control with a System of Legalized, Controlled and Regulated Drug Markets, making Drugs primarily a Health Problem and Not a Law Enforcement One. And Call upon them to introduce a new Drug Policy Paradigm Based upon Individual Freedom, Human Rights, Harm Reduction, Accessible Medications, Economic Development, Fundamental Fairness, Racial Equality and Respect for the Law, Its Enforcers and One Another.

The LEAP Organization

My name is Jim Gierach. I am a former assistant state's attorney of Cook County, delegate to the Sixth Illinois Constitutional Convention 1970 and now a director and former acting Board Chairman of LEAP, Law Enforcement Against Prohibition. LEAP is an international, nonprofit organization with "consultative status" received from the United Nations regarding illicit drugs. I am also the draftsman of LEAP's "[Proposed Amendment of UN Drug Treaties – 2014](#)."²

LEAP is an organization composed of currently serving and former soldiers in the war on drugs – police, prosecutors, judges, federal agents, undercover narcotics officers and other criminal justice professionals. After decades of service in the front lines of the war on drugs, we, individually and collectively as an organization, now oppose it. We do so not because drugs are good, but because the war on drugs is worse.

What does the "War on Drugs" have to do with policing in the 21st Century and your Taskforce assignment? Everything.

Disrespect for the Law and Law Enforcement

As American street gangs prove daily, we cannot have safe streets and drug prohibition. It's one or the other but not both. With drug prohibition not only do we want for safe streets but there is also little *respect* for the *rule of law*, law enforcement and its mission. For example, when [7.4 percent](#)³ of the U.S. population violates an unpopular marijuana prohibition law monthly, no amount of improved *community policing*, better *training* or racially representative *hiring* can fix the problem. When competing drug gangs fight over lucrative drug turf and battle

police trying to stop their business operations, *violence* escalates, *guns* get bigger and deadlier, and people become “the enemy” and are treated as such, engendering disrespect. The *militarization* of local police and the use of ever-more force (battering rams, tanks, smoke and concussion grenades, assault weapons, etc.) make the police “the enemy” to people on the other-side-of-the-coin and their families, friends, neighbors and relatives, and militarization is the inevitable consequence of drug-war policing, again breeding disrespect. Likewise, in a drug-prohibition environment, *corruption* in the criminal justice system becomes more prevalent, and corruption is again anathema to respect for law enforcement officers, their mission and the law.

Constructively, American voters and state legislatures are changing bad drug laws that police have been asked to enforce for years, doing what the *U.S. Congress* has been unable to do: approve the *lawful* use of *medical marijuana* for the sick. In 23 states and the District of Columbia, voters have repudiated *federal* drug law, changed state law and rethought policing. Likewise, voter approval of the *recreational* use of marijuana in Colorado, Washington, Oregon and Alaska says something about the changing mission of policing. *Uruguay*, the first nation of the world to legalize the recreational use of marijuana, is saying the same thing as voters in these four American states. The lesson: people do not respect laws with which they fundamentally disagree.

How great is the public disrespect for American drug laws and drug-war policing? So great that the *judicial and executive branches* of government are attempting to minimize the harms caused by the prohibition laws enacted by the *legislative branch*, the *U.S. Congress*. “*Jury nullification*” seeks to avoid the harm of intolerant, drug prohibition laws aimed at nonviolent offenders and mandatory-minimum prisons sentences. Within the executive branch, on-the-other-hand, the U.S. Attorney General has administered, in effect, a form of “*executive nullification*” by admonishing assistant U.S. attorneys within the U.S. Department of Justice not to bring certain charges against nonviolent drug offenders to avoid the harm and injustice of those laws and applicable sentencing mandates.

Unfortunately, as America states and Uruguay lead the world out of The Drug-War Dark Ages, the [United States is being pressured](#)⁴ by the *United Nations* to get these four states back into prohibition line, as UN officials and agencies call upon Pres. Obama to smash state marijuana legalization. These developments underscore the need to reexamination the mission of American policing in the 21st Century to see where policing went “off the rails,” leading to Ferguson, police executions, national protests, examination of the grand jury process, police impunity, poor police-community relations, the alleged use of excessive force, the militarization of local police departments, and the creation of this Taskforce.

The Misdirected Policing Mission

Forever, it has been the time-honored police mission “*to serve and protect*” the public, but that mission has morphed into “*morality policing*,” where violent crime takes a back seat to *drug policing*. Drug-dealer profits and property are subject to seizure, civil forfeiture and a law-enforcement “split of the plunder,” nurturing mission temptation and “*policing for profit*.” In the process, the rate of solving violent crime has plummeted as more police are deployed to stop drug-dealing between consenting adults. The motivation for the deployment is, of course, to accomplish the typical *trilogy seizure* of cash, drugs and guns. Why? Because drugs are “bad”

and “against the law.” Maybe “yes” sometimes to the first notion but “no” for sure to the second because it should not be.

Cops aren't doctors, and abusing drug users have greater need for medical help than police help, though sometimes that too. The use of mind-altering substances was not a crime until America and the world made it one, and then with fickle selectivity and poor judgment. For example, once upon a time (c.1650), Sultan Murad IV of the Ottoman Empire made smoking tobacco a death penalty crime. In the 1920s and 1930s, American and other countries made it a crime to sell alcohol but Prohibition failed and regulated, legal sales displaced the Al Capone's and the gang business of that era. Before and after Prohibition, some people died of alcohol. In contrast, no one has ever died of a marijuana overdose yet some Americans are [serving life](#)⁵ sentences for pot crimes. Hundreds of thousands die from alcohol and tobacco each year, yet both of these mind-altering substances are outside the recreational-prohibition scope of UN drug treaties and the Controlled Substances Act (CSA). It is nonsensical and difficult to respect these senseless disparities, since drugs constitute a huge part of American policing and the problems assigned to the Taskforce for recommendation. Therefore, we must refresh our memories how we got to the so-called “War on Drugs,” resulting in widespread disrespect for the law and its enforcers.

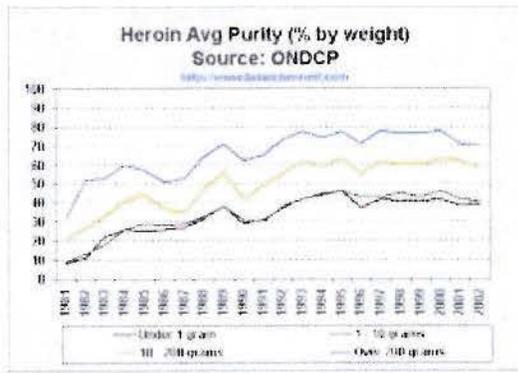
Some War on Drugs History

America has been fighting the “War on Drugs” with bipartisan political support since Pres. Richard Nixon declared it on June 17, 1971, and even earlier, dating from the U.S. Senate approval of the foundational United Nations treaty that effectively declared a “World War on Drugs” in 1961. The seminal treaty declaring that war is called, “The 1961 Single Convention on Narcotic Drugs” (*eff.* 12/13/64). Article 4 of that treaty provided that the initial [153 signatory and party nations](#)⁶ (now 186 nations) “shall” legislate and pass laws that criminalize the *recreational* use (use other than for *medical* or *scientific* purpose) of drugs from marijuana to heroin along with pages listing other drugs in treaty schedules.⁷ Every year, the UN drug prohibition list gets longer, according to the [Global Synthetic Drugs Assessment](#)⁸ with more than 100 news drugs invented the prior year and at a rate faster than authorities can add the newly invented drugs to UN prohibition lists.

Pursuant to its treaty obligation, “the [Controlled Substances Act \(CSA\)](#) was passed by the 91st United States Congress as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and signed into law by President Richard Nixon. The CSA is the federal U.S. drug policy under which the manufacture, importation, possession, use and distribution of certain substances is regulated. The Act also served as the national implementing legislation for the Single Convention on Narcotic Drugs.”⁹ Thus, the CSA criminalized consensual drug transactions even between consenting adults, [exploding America's prison population](#).¹⁰ In 1986, [the Anti-Drug Abuse Act of 1986](#)¹¹ was passed by the U.S. Congress. Among other things, these laws changed the system of federal supervised release from a rehabilitative system into a punitive system. The 1986 Act also prohibited controlled substance analogs. And the bill enacted new mandatory minimum sentences for drugs, including marijuana. When that was done, America had a [prison inmate population of 300,000](#),¹² not the current [2.2 million](#).¹³ When the CSA was passed, a kilo of cocaine or heroin was a “big” [drug bust](#),¹⁴ [crack cocaine](#)¹⁵ wasn't invented, [meth started getting “better,”](#)¹⁶ [ecstasy](#)¹⁷ (alias MDMA, first synthesized in 1912 by

Merck chemist Anton Köllisch) was not a problem and, as noted above, 100 new synthetic drugs created in just the last year did not exist.

At the outset of the drug war in 1971, the best American heroin was only two percent pure but now 80-percent pure heroin, and even 90 percent-pure heroin, is commonplace in America. Thank you “War on Drugs,” or rather “No thank you.”



What as police, politicians and parents have we done to American kids with drug war?

50 States and Local Law Enforcement Followed the Federal Lead

Soon 50 states followed the United States lead, and every state passed its localized version of the UN-mandated, federal prohibition drug laws with thousands of local police agencies to enforce [sumptuary prohibition laws](#).¹⁸ [Gangs](#)¹⁹ began to proliferate, [crime increased](#)²⁰ and political leaders rather than addressing neo-substance prohibition called for [tougher drug and crime penalties](#).²¹ [Pres. Clinton's 100,000-more-police "solution"](#),²² initially federally funded, was a popular response to burgeoning addict crime and turf-war crime caused by the war on drugs but by stepped the core issue, prohibition.

World Drug War

American with her money and international influence inside and outside the United Nations, spread her “War on Drugs” far and wide, annually certified “cooperating nations,” and through Plan Colombia and the Merida Initiative, bought the loyalty and fealty of other nations, including Columbia, Mexico and Afghanistan. But prohibited drugs continued to flow – stronger, cheaper and more available – as noted in the [Report of the Global Commission on Drug Policy](#).²³ World disrespect for the rule of law and its enforcers increased, as weekly [corruption](#) stories were featured in *Drug War Chronicle*, published by StoptheDrugWar.org, and crime and incarceration thrived internationally as it did in America. Prisons filled. New prisons were constructed, filled and crowded. Private-for-profit prisons emerged with government contracts guaranteeing certain occupancy rates.

Eventually, the “Land of the Free” became the “Prison Capital of the World” with the highest per capita rate of incarceration anywhere. Bill of Rights liberties and control over one’s own castle and one’s own body were subordinated to the new policing mission to “get the drugs, cash and guns.” In the “drug-free world” frustrated with endless violence, the public consented

or at least acquiesced to the subjugation of “others” by no-knock entries on warrant execution, drug-dog searches, cameras in the public way, metal detectors in the schools, random drug tests at school and work in the noble quest and greater good of a “drug-free-workplace, park and school.” The courts limited the sphere of “expected privacy,” okaying rampant “*informant policing*,” paid-informants and accomplice-satisfied probable cause, stop-and-frisk tactics, more gun-control, racial profiling if justified by any other reasoning. In a nutshell, what we see today is “Drug-War Policing” and a “Drug-Free World” in full bloom.

Drug-War Protagonists and the Drug-War Gravy Train

Some may disagree with the opinions expressed here on behalf of LEAP. The drug war tempts the “good guys” – law enforcement officers and others – to support a flagrantly failed prohibition and criminalization system, liking the financial rewards that accompany it. The rewards come in many forms, including, but not limited to, more police overtime pay, more police hires and promotions, seized and appropriated drug dealer cash, property, motor vehicles, airplanes, real estate and jewelry. It comes in the form of new police stations, bigger and better weaponry, 1033 programs, Tasers, new squad cars, vests, clothing and equipment. Often time, civil forfeiture practices and procedures following a drug raid, seizure, confiscation and government forfeiture of “drug dealer” properties handcuff citizens’ civil and constitutional protections without a criminal case ever brought, or conviction ever attained. Like Rodney Dangerfield, the War on Drugs “Gets no respect.”

Many industries – prisons, drug treatment, drug-testing, banking, drug selling, policing and academia – are benefiting financially from the war on drugs. Like the “bad guys,” the “good guys are riding the “drug-war gravy train.” We must not allow those financial interests to dissuade us from restoring the credibly and public trust in police officers who bravely and honorably work to serve and protect the public by restoring the traditional “serve and protect” policing mission and ending the drug-war perversion of it.

The drug-war story has brought us a crisis in policing and public support in some quarters that brings us here today. The leaders of policing and academia have offered and will offer their ideas regarding improved community policing, better training, more accountability, civilian review boards, grand jury reform, gentle policing, ending police impunity for misconduct, *ad infinitum*. Many recommendations by others may have merit and capacity for improved policing and better community relations.

However, it is the opinion of LEAP law-enforcers and LEAP criminal justice professionals that without the reform of U.S. and world drug policy, no proposed reform or set of reforms can stop the unending perversion of American values, virtues or right 21st Century policing. Thank you for your time and attention.

James E. Gierach
Executive Board Vice Chairman
Law Enforcement Against Prohibition (LEAP)
Chicago, IL USA
1 (708) 951-1601

- 1 The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988
 2 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
 3 LEAP's "Proposed Amendment of United Nations Drug Treaties – 2014," [http://www.leap.cc/wp-](http://www.leap.cc/wp-content/uploads/2014/03/LEAP_UN_Treaty_Amendment_2.26.1421-1.pdf)
 4 "Study says Colorado has second-highest percentage of marijuana users in country,"
 5 <http://www.usnews.com/news/us/articles/2014/12/26/study-marijuana-use-has-increased-in-colorado>
 6 "UN Demands Obama Smash State Marijuana Legalization," 11/21/12,
 7 [http://www.thenewamerican.com/usnews/constitution/item/13716-un-demands-obama-smash-state-marijuana-](http://www.thenewamerican.com/usnews/constitution/item/13716-un-demands-obama-smash-state-marijuana-legalization)
 8 [http://www.huffingtonpost.com/2014/01/13/marijuana-](http://www.huffingtonpost.com/2014/01/13/marijuana-lifers_n_4578030.html)
 9 https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=vi-15&chapter=6&lang=en
 10 See Note 2, *supra*, page 1, footnote 2.
 11 Figure 3, page 4, graph reporting "Number of new psychoactive substances not under international control..."
 12 The Controlled Substances Act, Wikipedia, http://en.m.wikipedia.org/wiki/Controlled_Substances_Act
 13 "Watch how quickly the war on drugs changed America's prison population,"
 14 <http://www.businessinsider.com/how-the-war-on-drugs-changed-americas-prison-population-2014-4>
 15 The Anti-Drug Abuse Act of 1986, http://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1986
 16 United States Incarceration Rate, http://en.wikipedia.org/wiki/United_States_incarceration_rate
 17 "Five things everyone should know about US incarceration,"
 18 <http://www.aljazeera.com/indepth/opinion/2013/03/201332671936115766.html>
 19 "Judge Jim Gray on The Six Groups Who Benefit From Drug Prohibition," and discussing the relativity of "big
 20 drug busts" in central California, Reason TV (video, at 53 seconds), or kilos to tons.
 21 http://video.search.yahoo.com/video/play;_ylt=A0LEVvXjqrUUkgArYPxQt;_ylu=X3oDMTBsa3ZzMNbVBHNIYwNzYwRjb2xvA2JMQR2dGkAw-?p=judge+jim+gray&tnr=21&vid=559FCA65D7114ED0EBE559FCA65D7114ED0EBE&l=523&turl=http%3A%2F%2Fts1.mm.bing.net%2Fth%3Fid%3DUN.608023445189363272%26pid%3D15.1&rurl=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Db6t1EM4Onao&sig=11bmv129o&tt=b&tit=Judge+Jim+Gray+on+The+Six+Groups+Who+Benefit+From+Drug+...&sig=11qivdv0q&back=http%3A%2F%2Fus.yhs4.search.yahoo.com%2Fyhs%2Fsearch%3Fp%3Dvideo%2BJudge%2BJim%2BGray%26type%3Ddndstr%26param1%3D1%26param2%3Dcd%253D2XzuyEtN2Y1L1Qzu0DyEtA0DyB0EyD0CyDyEzzyCyEtN0D0Tzu0SyCzyztN1L2XzutBtFtBtCtAyEtCtAyBzytN1L1CzutCyD1B1P1R%2526cr%253D269594281%2526ir%253D15sec%2526lng%253Den%2526elcl%253Dus%2526a%253Ddndstr%2526uref%253Dg4%2526f%253D2%2526cat%253Dweb%2526ulng%253Den-US%25252Cen%25253Bq%25253D0.8%2526sid%253Ddd929539da9398d6de8a240c1f32b247%2526stpe%253Ddndstr%2526sesid%253Dd5035bd3dfbc7011c43e85760afd6f34%2526csr%253D0%2526ipblock%253D0%2526b%253Dchrome%2526bv%253D39.0.2171.99%2526os%253DWindows%25267%2526cc%253Dus%2526ip%253D108.86.220.242%2526pa%253Dmysearchdial%26hsimp%3Dyhs-fullyhosted_003%26hspar%3Dironsource%26ei%3DUTF-8&sigb=1jn4ja6qh&hspar=ironsource&hsimp=yhs-fullyhosted_003
 22 "Crack cocaine: a short story," Foundation for a Drug-Free World,
 23 <http://www.drugfreeworld.org/drugfacts/crackcocaine/a-short-history.html>
 24 "History of Methamphetamine," [http://www.drugfreeworld.org/drugfacts/crystalmeth/history-of-](http://www.drugfreeworld.org/drugfacts/crystalmeth/history-of-methamphetamine.html)
 25 [methamphetamine.html](http://www.drugfreeworld.org/drugfacts/crystalmeth/history-of-methamphetamine.html)
 26 MDMA, alias ecstasy, <http://en.wikipedia.org/wiki/MDMA>
 27 Prohibition of drugs, http://en.wikipedia.org/wiki/Prohibition_of_drugs
 28 In 2011, American had an estimated 1.4 million gang members, and drug tracking was a major source of their
 29 income. http://en.wikipedia.org/wiki/Gangs_in_the_United_States
 30 "Organized Crime and Prohibition," http://www.albany.edu/~wm731882/organized_crime1_final.html
 31 See Footnote 8, *supra*.
 32 "Clinton-Gore Administration, Record of Progress," [http://clinton5.nara.gov/WH/Accomplishments/eightyears-](http://clinton5.nara.gov/WH/Accomplishments/eightyears-06.html)
 33 [06.html](http://clinton5.nara.gov/WH/Accomplishments/eightyears-06.html)
 34 See LEAP Proposed UN Treaty Amendment, page two, *supra*, Note 2: "Principal among the many reasons for
 35 proposing this amendment is the indisputable fact that the prohibition, criminalization, single-voice, top-down,
 36 one-size-fits-all drug policy paradigm has failed for over fifty years. Powerful evidence of that failure is
 37 offered in the June 2011 Report of the Global Commission on Drug Policy and the annual reports of the
 38 Secretariat to the Commission on Narcotic Drugs, 2013 for example, regarding the "World situation with
 39 regard to drug abuse" (E/CN.7/2013/2) and "World situation with regard to drug trafficking"
 40 (E/CN.7/2013/4).

February 5, 2015



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
Comment@taskforceonpolicing.us

Submitted via e-mail

Dear Members of the Task Force:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we appreciate this opportunity to submit “written comments including proposed recommendations” relating to the importance of reforming current police practices and developing comprehensive measures for law enforcement accountability.¹ The Leadership Conference provides a powerful unified voice for the various constituencies of the coalition: persons of color, women, children, individuals with disabilities, gays and lesbians, older Americans, labor unions, major religious groups, civil libertarians, and human rights organizations. As discussed below, we believe that thoughtful policies, developed in public with the input of civil rights advocates and the local community, are essential to ensuring that state and local law enforcement practices enhance, rather than threaten, civil rights.

The Leadership Conference is deeply invested in promoting fair and lawful policies that further the goal of equality under law. For the past several decades, our laws have largely failed to ensure the justice that we all seek. Recent tragic events, such as the deaths of Michael Brown in Ferguson, Missouri, Eric Garner in New York City, and Tamir Rice in Cleveland, Ohio, highlight the systemic issues of police militarization and racial discrimination that persist at every stage of our justice system.

Moving forward, we must rebuild police-community trust and seek accountability for officers and departments that engage in civil and human rights violations. The Task Force’s listening session on “Policy and Oversight” is an important step toward meeting this goal. Our comments offer recommendations for enacting policies aimed at improving the system by revolutionizing police culture in ways that enhance accountability and community collaboration with law enforcement efforts, dispel racial biases, and combat excessive police militarization. In brief, in order to promote lawful, fair, and effective police practices and accountability measures, we urge the Task Force to:

- Eliminate “broken windows” policing and promote community-based policing;
- Implement a comprehensive federal review and reporting of police departments’ racial profiling and racially bias practices, as well as any related policies and trainings;
- Require racial bias training and guidance against the use of force for state and local law enforcement agencies that receive federal grants;

- Require police officer body-worn cameras to record every police-civilian encounter in accordance with appropriate protocols and policy requiring civilian notification and applicable laws, including during SWAT deployments;
- Take concrete steps to ensure that federal military weapons do not end up in the hands of local law enforcement and, if they do, to prevent the misuse of those weapons in communities of color;
- Promote greater and more effective community oversight over local law enforcement and policing tactics; and
- End discriminatory profiling among federal, state, and local law enforcement agencies.

I. Modern Police Culture Influences Law Enforcement Practices.

Traditionally, police culture is founded upon a collective set of attitudes and values shared by officers and their superiors to manage the unique circumstances of their work environment.ⁱⁱ However, recent perceptions of police culture have created an “Us versus Them” mentality between law enforcement and communities they serve and protect.ⁱⁱⁱ When police culture—or perceptions of police culture—perpetuate officer misconduct, law enforcement accountability is jeopardized.^{iv} This can spur suspicion of community members and fuel officer mistrust.

An example of this cycle involves the officer “Code of Silence.” This “Code” refers to an understood pact between officers and supervisors that results in concealing instances of wrongdoing.^v A recent report by the University of Illinois at Chicago found that police corruption is enabled by the perception of a “blue code of silence,” entrenched in a department culture where officers avoid reporting misconduct and criminal behavior by their colleagues.^{vi} The report notes that drug-law enforcement operations often blur the line between corruption and upstanding investigation, thus reinforcing a need for greater supervision and supervisor training.^{vii} A culture that succumbs to hiding individual misconduct inevitably fuels mistrust within communities and leads to law enforcement methods that are aimed at punishing community members, rather than enhancing public safety.

An example of an enforcement method that is fueled by a discriminatory police culture is the concept of “broken windows” policing. This theory hypothesizes that vigorous enforcement of low-level petty offenses leads to a reduction in more serious crime.^{viii} Despite a lack of evidence that this approach has contributed to declining crime rates, it has been accepted by many law enforcement departments.^{ix} However, broken windows policing is plagued by the use of discriminatory police practices, such as racially biased stop and frisks.^x These policies have isolated officers from community members and imposed tremendous costs on police-community relations.

Discriminatory police practices - like the Code of Silence and broken windows policing - work together to fuel officer misconduct and breed insecurity in surrounding communities.^{xi} Changes to police practices and department policies must be made to combat the “Us versus Them” mentality that has influenced society’s understanding of modern police culture. We encourage law enforcement officers and police departments to conduct thorough ethics training and implement consistent accountability measures. For example, departments can engage in on-the-ground community training to educate residents of their rights when dealing with law enforcement.^{xii}

In addition, state and local departments should establish civilian review boards to monitor local policing tactics. These review boards should include leaders from civil rights advocacy groups and civilians who

represent impacted communities.^{xiii} There should also be incentives for state and local law enforcement agencies to use federal funding streams to implement best practices in policing, including training for officers on implicit and explicit racial bias, implementing body and dash camera policies^{xiv}, and substituting “broken windows” policing practices with community-based policing models.^{xv}

Moreover, previously proposed legislation, like the Law Enforcement Trust and Integrity Act, are essential to ensuring uniform police practices throughout the United States. The Law Enforcement Trust and Integrity Act would require state and local law enforcement agencies to be certified through associations like The Commission on Accreditation for Law Enforcement Agencies (CALEA) and thus mandate compliance with requisite standards and policies.^{xvi} Currently, there are more than 18,000 state and local law enforcement agencies in the United States that may be accredited through a variety of programs, including state and local associations.^{xvii} We support the establishment of a federal mandate for uniform accreditation procedures and standards that could enforce and maintain a uniform body of standards for every agency.

Finally, departments across the country should work to develop quality engagement programs that deconstruct the racial and ethnic stereotypes that are pervasive throughout the United States. Specifically, state and local law enforcement should cultivate relationships with key community leaders in order to communicate information in a timely manner.^{xviii} Establishing a rapport between law enforcement officials and community members is a significant step toward reforming the state of police culture and rebuilding trust and collaboration in communities.

II. Racial Profiling is an Ineffective Law Enforcement Tool.

Modern policing is often plagued by discriminatory practices, like profiling. Racial or discriminatory profiling involves the unwarranted screening of certain groups of people assumed by the police and other law enforcement agents to be predisposed to criminal behavior.^{xix} More than a decade after President George W. Bush announced racial profiling is “wrong and we will end it in America,” communities of color across the country are still subjected to profiling in a variety of contexts.

Profiling is antithetical to the principles upon which our nation was founded, namely that “all men are created equal” and should be treated equally under the law, regardless of race, ethnicity, religion, national origin, gender, sexual orientation, or gender identity. Biased law enforcement practices primarily designed to impact certain groups are ineffective and often result in the destruction of civil liberties for everyone. Racial profiling makes us all less safe, by distracting law enforcement from the pursuit of individuals who pose serious threats to security.

Racial profiling also violates international standards against non-discrimination and undermines U.S. human rights obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights. Multiple international human rights bodies, including the United Nations Committee on the Elimination of Racial Discrimination, have raised concerns about the persistence of racial and ethnic profiling by U.S. law enforcement. In its 2014 concluding observations to the United States, the Committee stated “it remains concerned at the practice of racial profiling of racial or ethnic minorities by law enforcement officials.”^{xx}

Discrimination and racial disparities persist at every stage of the U.S. justice system, from policing to trial to sentencing. Police officers, whether federal, state, or local, exercise substantial discretion when

determining whether an individual's behavior is suspicious enough to warrant further investigation.^{xxi} Tragedies like the death of Michael Brown highlight the reality that military-style response by the local police to demonstrators, and allegations of racially biased law enforcement, are the result of longstanding and corrosive limitations on our nation's law enforcement policies that allow unlawful profiling to persist across the country.

Moreover, racial profiling is consistently shown to be an ineffective law enforcement tactic. It diverts police attention away from proven, more effective, evidence-based law enforcement techniques, thereby wasting police resources. For example, across the United States, traffic stops and "stops and frisks" are often used as a pretext for determining whether minority individuals are engaged in criminal activity. In 2011, the most recent year for which there is "stop and frisk" data, Black drivers were more likely than white drivers and Hispanic drivers to be searched by police during a traffic stop.^{xxii} Moreover, the data indicated that people of color, including African Americans and Latinos, are *no more likely*, and very often *less* likely, to have drugs or weapons than whites.^{xxiii} By relying on stereotypes rather than lawful investigative procedures, the lives of innocent people are needlessly harmed by law enforcement agencies and officials.

While there are several omissions and missed opportunities in the Department of Justice's 2014 Guidance for Federal Law Enforcement Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity,^{xxiv} the Guidance provides an example for state and local law enforcement agencies of unbiased law enforcement practices. In addition to utilizing this federal guidance, we believe state and local law enforcement, particularly agencies that receive grants, must be willing to undergo racial bias training against the use of force.^{xxv}

In addition, we applaud and support federal legislative efforts to prohibit profiling, such as the End Racial Profiling Act (ERPA). ERPA would prohibit profiling and mandate training for federal law enforcement officials on these issues. As a condition of receiving federal funding, state, local, and Indian tribal law enforcement agencies would be required to collect data on both routine and spontaneous investigatory activities. The Department of Justice would be authorized to provide grants to state and local law enforcement agencies for the development and implementation of best policing practices, such as technology integration, and other management protocols that discourage profiling.

The Task Force should encourage the administration to use its funding authority to require state and local police departments to report racially disproportionate policing, specifically by examining rates of stops, frisks, searches, and arrests by race.^{xxvi} This should also include timely federal review of police departments' data collection practices and capabilities. Establishing more comprehensive accountability mechanisms, like these data collection systems, can reduce the use of discriminatory policing tactics by state and local law enforcement, and inevitably enhance police-community relations and promote greater public safety.

III. Excessive Use of Force and Police Militarization.

The excessive use of force and militarization of law enforcement agencies are issues of grave concern to communities of color. Policing in the United States has become dangerously militarized, largely through federal programs that arm state and local agencies with weapons for use in law enforcement activities. The police response in Ferguson in the aftermath of the shooting death of Michael Brown brought national attention to the issue. The nation watched as peaceful protestors took to the streets to express

their sorrow over Michael Brown's death and police responded with armored vehicles, assault rifles, tear gas, and other military weapons and equipment. The country soon learned that such highly militarized responses were not limited to Ferguson. In fact, Special Weapons and Tactics (SWAT) teams have long been carrying out the so-called War on Drugs, though most often for low level drug offenses, in militarized fashion, which disproportionately affects minority communities.^{xxvii} Indeed, for drug investigations involving minorities, SWAT teams were twice as likely to force entry into an individual's home using violent tactics and equipment.^{xxviii}

The Department of Defense's excess property program, known as DoD 1033, provides surplus DoD military equipment to state and local civilian law enforcement agencies for use in counter-narcotics and counter-terrorism operations, and to enhance officer safety.^{xxix} Since the 1990s, DoD 1033 has provided more than \$5 billion of surplus military equipment to state and local agencies.^{xxx} During a September 9, 2014 Senate hearing, we learned that one-third of the equipment being transferred through the program is new.^{xxxi} Hearing witnesses also revealed a lack of communication and coordination between the Department of Defense and the other agencies providing funding to local agencies for military equipment.^{xxxii} Ultimately, the hearing raised more questions than it provided answers.

The shooting death of Michael Brown is but one instance in a long list of unexplained deaths that has raised significant questions about misconduct and excessive use of force by police officers. Federal, state, and local police continue to use force, and in particular, more deadly force, disproportionately against individuals and communities of color.^{xxxiii} Current available data indicates in 2012, an African American was shot and killed by police officers or security guards every 28 hours.^{xxxiv} Moreover, the National Police Misconduct Statistics and Reporting Project, run by the Cato Institute, reports that there were 4,861 unique reports of police misconduct that involved 6,613 sworn law enforcement officers and 6,826 alleged victims in 2010, the most recent year for which there are data.^{xxxv}

Though telling, these data are limited and do not provide a full picture of the scope of the problem. Currently, there is no federal requirement to collect data disaggregated by race on use of force or deaths of individuals not in the custody of law enforcement, illustrating the crucial need for systemic reform at the federal level to address these issues. It is imperative that state and local law enforcement officials be willing to correct this information gap by collecting reliable and comprehensive use of force data disaggregated by race.

Moreover, the Task Force should encourage the administration to use its federal funding authority to require state and local police departments to take necessary steps to reduce the use of deadly force and decrease instances of police misconduct. The administration recently announced several new initiatives to study these issues and provide recommendations for solutions, including the purchasing of body worn cameras for police in the field and the provision of more than \$200 million for better training of law enforcement officials.

Though a step in the right direction, there is more to be done to restore the confidence that so many have lost in our justice system and to address issues of police misconduct. Rather than relying on military-style weaponry, police departments should look at how officers can become adept at being responsive to community needs, and achieve consistency and continuity in the community, while simultaneously enforcing the law in more diplomatic ways.

IV. Conclusion.

We remain committed to working with the Task Force to ensure greater accountability and transparency, particularly for state and local police agencies receiving federal funds. It is more critical now than ever to implement practices that end the ability of state and local agencies to engage in civil and human rights violations and to continue to reward those agencies that adopt best practices.

We believe that the important protections described above represent a step toward establishing fair and effective law enforcement policies and oversight mechanisms, which are vital to rebuilding police-community trust and ensuring the effective administration of our country's justice system. We stand ready to work with you to ensure that the voices of the civil and human rights community are heard in this important, ongoing national conversation. If you have any questions about these comments, please contact Sakira Cook, Counsel, at 202-466-3311.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

ⁱ COPS Office, *Listening Session: Technology and Social Media*, <http://www.cops.usdoj.gov/Default.asp?Item=2768> (last visited Jan. 25, 2015).

ⁱⁱ William Terrill, Eugene A. Paoline III, & Peter K. Manning, *Police Culture and Coercion*, 41 *Northeastern Univ. Criminology L.J.* 1003, 1005 (2006).

ⁱⁱⁱ *Id.* at 1006.

^{iv} *Id.*

^v John Hagedorn et al, *Crime, Corruption and Cover-Ups in the Chicago Police Department*, UNIV. OF ILLINOIS ANTI-CORRUPTION REPORT, (Jan. 22, 2013), <http://pols.uic.edu/political-science/chicago-politics>.

^{vi} *Id.*

^{vii} *Id.*

^{viii} George L. Kelling & James Q. Wilson, *Broken Windows: The police and neighborhood safety*, THE ATLANTIC, Mar. 1, 1982.

^{ix} Taylor Pendergrass, *In New York, A Rogue Wave of Criminal Injustice*, ACLU, June 23, 2011, <https://www.aclu.org/blog/criminal-law-reform-racial-justice/new-york-rogue-wave-criminal-injustice>.

^x *Id.*

^{xi} *Id.*

^{xii} ACLU, *Joint Statement of Action to Promote Reform and Stop Police Abuse*, Aug. 18, 2014, <https://www.aclu.org/criminal-law-reform-racial-justice/joint-statement-action-promote-reform-and-stop-police-abuse>.

^{xiii} *Id.*

^{xiv} The Leadership Conference on Civil and Human Rights, *Letter to the President's Task Force on 21st Century Policing*, Jan 30, 2015, <http://www.civilrights.org/advocacy/letters/2015/21st-century-policing.html>.

^{xv} ACLU, *Joint Statement of Action to Promote Reform and Stop Police Abuse*, Aug. 18, 2014, <https://www.aclu.org/criminal-law-reform-racial-justice/joint-statement-action-promote-reform-and-stop-police-abuse>.

^{xvi} Law Enforcement Trust and Integrity Act of 2000, H.R. 3927, 106th Cong. § 1 (2000).

^{xvii} Brian A. Reaves, *Census of State and Local Law Enforcement Agencies 2008*, BUREAU OF JUSTICE STATISTICS, (July 26, 2011), <http://www.bjs.gov/index.cfm?ty=tp&tid=71>.

xviii *Id.*

xix *Id.*

xx Wade Henderson, Testimony on “21st Century Law Enforcement: How Smart Policing Targets Criminal Behavior,” The Leadership Conference on Civil and Human Rights (Nov. 4, 2011), <http://www.civilrights.org/advocacy/testimony/racial-profiling-henderson.html>.

xxi *Id.*

xxii Kara McCarthy, *Study Finds Some Racial Differences in Perceptions of Police Behavior During Contact with the Public*, BUREAU OF JUSTICE STATISTICS, (Sept. 24, 2013), <http://www.bjs.gov/content/pub/press/pbtss11rpal1pr.cfm>.

xxiii *Id.*

xxiv Dep’t of Justice, *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity*, Aug. 2014, <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>.

xxv ACLU, *Joint Statement of Action to Promote Reform and Stop Police Abuse*, Aug. 18, 2014, <https://www.aclu.org/criminal-law-reform-racial-justice/joint-statement-action-promote-reform-and-stop-police-abuse>.

xxvi *Id.*

xxvii Wade Henderson, Testimony on “21st Century Law Enforcement: How Smart Policing Targets Criminal Behavior,” The Leadership Conference on Civil and Human Rights (Nov. 4, 2011), <http://www.civilrights.org/advocacy/testimony/racial-profiling-henderson.html>.

xxviii ACLU, *War Comes Home: The Excessive Militarization of American Policing*, June 23, 2014, available at <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>.

xxix Def. Logistics Agency, *About the 1033 Program*, <http://www.dispositionservices.dla.mil/leso/Pages/default.aspx> (last accessed Feb. 2, 2015).

xxx *Id.*

xxxi Tim Devaney, *Senators blast DOD program that ‘militarized police,’* THE HILL, Sept. 9, 2014.

xxxii *Id.*

xxxiii Wade Henderson, Testimony on “21st Century Law Enforcement: How Smart Policing Targets Criminal Behavior,” The Leadership Conference on Civil and Human Rights (Nov. 4, 2011), <http://www.civilrights.org/advocacy/testimony/racial-profiling-henderson.html>.

xxxiv Kali Akuno, *Operation Ghetto Storm: 2012 Annual Report on the Extrajudicial Killings of 313 Black People by Police, Security Guards, and Vigilantes*, MALCOM X GRASSROOTS MOVEMENT, (April 2013), <https://mxgm.org/wp-content/uploads/2013/04/Operation-Ghetto-Storm.pdf>.

xxxv Nat’l Police Misconduct Reporting Project, *2010 Annual Report*, available at <http://www.policemisconduct.net/statistics/2010-annual-report/> (last accessed Feb. 2, 2015).

Tuesday December 30, 2014

Dear Mrs. Robinson,

Respectfully asking to you to consider my proposal for helping to bring positive change between Law Enforcement and the community:

My name is Melanie Adelina Jeffers. I have 15 years of experience in the field of human/social services and juvenile justice, primarily from working in a juvenile placement with male teenagers mainly from Philadelphia, PA. I am respectfully asking for your help, assistance, guidance and wealth of knowledge to bring my ideas to fruition. I hope to actively lead and/or be a pivotal part of the team that is established to bring this initiative to life.

My Idea is three-fold:

- A review and if necessary revisions to the current Law Enforcement Cultural Diversity Trainings. Law Enforcement having realistic insight, awareness, understanding and appreciation of the members of the community they work. Learning, understanding and appreciating the importance of culture, tradition and the unique ways and traits that make the community their community.
- The community receiving real knowledge, insight, education and awareness about the men and women of Law Enforcement, and understanding the reasons why being a member of Law Enforcement on a daily basis can be very difficult, very challenging and very dangerous, along with the days when Law Enforcement is rewarding and fulfilling. Law Enforcement is a life-long commitment to protect and serve.
- Educating community members to appropriately conduct themselves when interacting with Law Enforcement. Let's be real honest here, this works both ways. Asking how community members are looked at and treated by some Law Enforcement, and how do some community members look at and treat Law Enforcement?

My core ideas are very basic and simple:

- The necessity to establish effective ways to significantly reduce hostility directed at Law Enforcement by some community members. Equally important is the necessity to significantly reduce hostility toward the community by some Law Enforcement.
- Reducing fear and eliminating stereotypes. Community members should not be feared and lumped into or only seen as stereotypes by some Law Enforcement and vice versa. Identify all fears, stereotypes, derogatory names used, etc. and moving toward eliminating these and other barriers that hinder progress and change.
- Communities returning to the "It takes A Village" mentality. How many communities really know who is in their community? Utilizing the wealth of knowledge of community elders, church leaders and members, community leaders, teachers, parents etc. to bring the community back together.

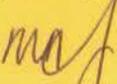
- Bottom line everyone having mutual respect for each other as people, as living and breathing human beings. Respecting each other for who we are, where we come from and for the jobs we do.

Again, I sincerely appreciate your time in reading my letter and proposal, and await your feedback, comments, phone call, email and scheduling of a meeting to discuss this further. Sincere thanks.

My contact number: [REDACTED]

My email: [REDACTED]

Respectfully submitted,



Melanie Adelina Jeffers

Baron S. Marquis
206-60 45th Rd
Bayside, NY 11361

February 10, 2015

President's Task Force on 21st Century Policing
Office of Community Oriented Policing Services
Director Ronald L. Davis
U.S. Department of Justice
145 N. Street, N.E. 11th Floor
Washington, DC 20530

Dear Director Davis:

I am a mature senior Blackman of Christian faith and a member of the Riverside Church in New York City. I am also a retired Detective with twenty three years of honorable service with the New York City Police Department. I would like to respectfully request that one of the listening sessions be scheduled in New York City? Urban cities have been where the problems of police brutality have manifested itself. It appears that the locations of your choice have been in rather sterile communities. The city of New York has been a breeding ground for these problems. The case of Eric Garner and other similar incidents are just a tip of the iceberg in this urban center.

How were the cities and subject matters selected? The subject matters appear to be rather abstract in retrospect to the problem of police and community relations. They don't appear to speak to the heart of the problem. The subject matters appear to address a hierarchal of needs that feed the law enforcement community. This is an approach that seems rather one dimensional in its design. I'm not certain if your task force will find the truth, if you're not seeking answers in the right place. Community Policing & Crime Reduction may be the only topic that will speak some truth to the powers of policing. *Recruiting, Screening and Selecting Personnel, Police Department Diversity, Labor & Race Relations, Civil Rights & Consent Decrees would be subjects pertinent to the New York social justice community.*

Please consider scheduling a mid-march listening session here in New York City? The Riverside Church Social Justice Commission would be delighted to co-sponsor such an event for the good of the neighborhood. We have developed a similar human relations workshop training model for promoting fellowship forums to address these issues. I am attaching a copy of the proposal for your consideration.

Sincerely,

Baron S. Marquis

PROPOSAL DIVINITY INTERVENTION

“A commission is a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation.” Mr. Dullah Omar, former Minister of Justice

This creative proposal is being submitted to The Riverside Church of New York City Social Justice Commission in hope that they will seek the bitter truth as it relates to the United States of America broken Criminal Justice System. The truth of human rights abuses must be acknowledged before reconciliation, reparation and rehabilitation in the form of healing can actually occur on the issue of Institutional racism.

In 1997, President Clinton talked to the nation about the problem this country had with race. And he wanted a national dialogue. The U.S. House of Representatives apologized for slavery in 2008 in the capital building that was built with slave labor, and for which the new Visitors’ Gallery will be known as Emancipation Hall. This country had an institution of slavery for 246 years and followed it with Jim Crow laws that denied people equal opportunity under the law. There was segregation in the south and other places in this country, at least through the year 1965 when civil rights laws were passed. There were separate water fountains for people, marked white and colored, there were restaurants, there were separate hotels, and there were job opportunities that were not available to African-Americans. There were theaters that were segregated.

It's hard to imagine, in 2015, that such a society existed and was sanctioned by law, that the laws of the nation provided for segregation and enforced slave fugitive slave laws. In fact, the history of slavery goes not just through the Emancipation Proclamation and the 13th, 14th, and 15th amendments to our constitution, but, that slavery existed up until about World War II, but it was a form of slavery where people were bought and sold for debts, it was slavery by another name. In a book called Slavery By Another Name by Douglass Blackman, a correspondent for the Wall Street Journal, when he talked about a convict leasing system in the south where in poor black men were routinely snatched up and tried on false petty or nonexistent charges by compliant courts, assessed some fine they could not afford, and then put into the servitude of an individual who bought them. This system continued up until World War II.

The fact is, slavery and Jim Crow are stains upon what is the greatest nation on the face of the earth and the greatest government ever conceived by man. But when we conceived this government and said all men were created equal we didn't in fact make all men equal, nor did we make women equal. We have worked to form a more perfect union, and part of forming a more perfect union is laws, and part of it is such as resolutions like we have before us today where we face up to our mistakes and we apologize, as anyone should apologize for things that were done in the past that were wrong. And we begin a dialogue that will hopefully lead us to a better understanding of where we are in America today and why certain conditions exist.

FORUM TITLE: "Fellowship Focus Groups"

PROBLEM:

Elevated tensions and conflict exist between the police, the Mayor, and communities of Color. All stakeholders experience feelings of not being appreciated, not being heard, and relentless attacks (real and perceived). The escalation of tensions threaten to further erode already troubled and rocky relationships and, all could benefit from opportunities to engage in spiritually guided conversations to explore the history of conflict and to develop educational insight that may lead to mediation and resolution.

PROPOSAL:

1. To conduct a series of forums that will enable police fraternal organizations to engage in conversations designed to address tensions and conflict following the loss of lives of Black youth and police officers;
2. To expand the conversations to include community leaders and individuals injured by explosive police encounters – civilians and uniform officers to discuss the circumstances of events leading to those injuries and the impact on their lives and careers;
3. To invite professionals, authors, and educators to analyze and interpret the historical context and social dynamics that give rise to the current police community conflict and the impact on outcomes for communities of Color and the police.

RATIONALE:

- To promote an affirmative response and intervention to conflict amongst stakeholders involved in the adversarial relationships that exist between the police and the community. The sanctuary of the church is best positioned to provide a safe haven that is conducive to healthy dialogues on the sensitive matter of police/community relations.

METHODOLOGY

- **Monthly Forums:** The Riverside Church Social Justice Commission will facilitate a series of monthly conversations designed to engage police and community groups on the topic of police reform. Retired Detective Baron Marquis and retired police officer, Dr. Sophie Charles will contribute as consultants on this project.
- **Quarterly Professional Presentations:** Experts, professionals, authors, and educators will provide theme-centered analysis on topics that provide a historical context and clarity on issues relevant to police/community relationships and the impact of police encounters that give rise to current outcomes for law enforcement and communities of Color. Proposed presenters to be determined.

With respect to criminal Justice reform, Dr. Cornell West suggests, "You cannot serve the people, if you do not love the people." "Blessed are the peacemakers, for they shall be called sons of God."

Youth as Researchers in a Police-Oriented Career and Technical Education (CTE) Program

Testimony to the President's Task Force on 21st Century Policing Listening Session: Training and Education

Submitted by Rebecca Neri and Anthony Berryman, UCLA PhD students and members of UCLA Improvement by Design Research Group co-advised by Dr. Louis Gomez and Dr. Kim Gomez

Overview of the Police Orientation Preparation Program (POPP)

The Police Orientation Preparation Program (POPP) began in 2009 as a one-semester program, aimed at exposing high school students to career opportunities in the Los Angeles Police Department (LAPD). Initially launching with 31 high school students from schools throughout the city, POPP expanded to a yearlong program with 48 students by its second year, having partnered with the Los Angeles Community College District (LACCD) to offer an associate's degree upon completion. At present, POPP is a two-year dual enrollment Career and Technical Education (CTE) program that operates in partnership with LAPD, LACCD, and the Los Angeles Unified School District (LAUSD). Students begin the program at the start of their senior year of high school, and complete it after their first year of community college.

Since its inception POPP has continued to expand the number of students it serves, and has increased emphasis on its tutoring program to meet the requirements of the associate's degree, which is a key element distinguishing POPP from other CTE programs. Students attend community college courses in the morning and receive tutoring in the afternoon, for these courses as well as for the COMPASS exam (which places students into either remedial or college-level courses, should they transfer to another college), and the LAPD written exam. It is located at the Ahmanson Training Center in Inglewood, California, which houses the main police cadet training center for LAPD. Each of the aforementioned partners has a full time representative on-site.

LAPD's investment in POPP is intended to foster a reciprocal relationship between the two institutions. POPP's overarching aim is to supply the department with prepared and qualified police officers who have the potential to improve community relations between LAPD and its diverse communities. For the department, POPP serves to prepare its students to excel within the Police Academy and pass the LAPD exam. This centers the physical training and police-related activities that are part of the everyday curriculum of POPP. In order to accomplish the aim of preparing its graduates to enter the academy, POPP offers Administrative Justice courses as well as General Education, physical training, and ethical guidance that culminates in completion of a Plan B Associate's degree, a security officer's Guard Card, and peace officer (POST) certification.

One of the program's greatest strengths stems from the scope of their recruitment efforts. Students are recruited from high schools throughout the greater Los Angeles area, creating a student body that is representative of the city's racial and economic diversity. Its current student body is approximately 60 percent male and 40 percent female; 85 percent Latino, 8 percent Black, 6 percent White, and 1 percent Asian/Pacific Islander. There are approximately 100 students currently in the program who range in age from 17 to 21 years of age. All students have expressed a strong desire to become LAPD officers, and have undergone extensive pre-screening and background checks based on the requirements of the LAPD. It is worth noting that these

students voluntarily leave their home school for their senior year of high school, sacrificing a traditional route to focus their attention on preparing for a career in law enforcement. That their day at POPP begins at 6 a.m. for physical training further speaks to the students' commitment.

POPP students are in a unique position to offer important insights for methods aimed at strengthening community policing. Nearly all students come to POPP from low-income communities of color that historically lack trust and relationships with law enforcement. They recognize that their racial, cultural, gender, and class backgrounds provide insights into "what [their] communities need, like someone who speaks another language or who just gets them better, and someone who treats them with respect even when they are messing up" (Student Focus Groups A, 4/14). At the same time, they recognize the inherent complexity of bridging their daily-lived experience as members of a community with their future careers as police officers. POPP students are addressing gaps in the assumption that increasing diversity alone will improve community-police relations. The tensions these students not only understand, but personally experience, offer unique and important insights on building trust with communities, and have implications for training and for increasing diversity in the police force that extend beyond just representation. The question that POPP now faces is: What type of training would allow this diverse group of future officers to investigate and explore how their personal backgrounds and knowledge of their communities can build community trust and faith in the role of police officers? It is with this in mind that we turn to Youth Participatory Action Research (YPAR).

What is Youth Participatory Action Research (YPAR)?

YPAR derives from a methodology known as Participatory Action Research, defined as a threefold exploration of the following: A) the collective investigation of a problem; B) reliance on indigenous knowledge to gain a richer understanding of a problem; and C) the desire to take individual and/or collective action to improve a problem (McIntyre, 2000, p. 128). The centering of youth as researchers, and identifying their roles in this methodology, necessarily varies across contexts. These roles include youth as subjects, youth as consultants, youth as partners, and youth as directors. Most commonly, youth act as partners in situations where adult researchers initiate a study and recruit youth to act as co-researchers, though in theory, "YPAR should allow youth to play the same substantive roles as adults in the creation, implementation, and dissemination of research" (Livingstone et al., 2014, p. 288).

Through YPAR, youth engage in the research process to investigate the problems of their lived experience by developing their own research questions, critically analyzing relevant literature and theory, designing a research study, collecting and analyzing data, and actively changing their communities and policy. Making this research actionable is a key feature of this methodology; as conducted by members of a given community, these youth researchers are committed to using their findings to mobilize their broader community to create substantive change. Significantly, the pedagogy of YPAR intersects with current community policing strategies such as the SARA method, investigating and prioritizing problems facing a community, and reciprocal dialogue with community members. It emboldens traditional police training by fostering a set of reflective, inquiry-based practices involved in social science research. The practice of students' reflections on modes of inquiry, data collection, analysis, and implications is embedded in each part of the research design. While all of the elements that make

up this methodology are too numerous to cover here, the following points provide the foundation for understanding the YPAR study within POPP:

1. *The subject of a YPAR study is based on student inquiry*, and is tied to their lived experiences: “They are invited and encouraged to draw on personal experiences and understandings in their analyses and to connect them to others’ experiences and to broader, more formal educational theories” (Rodriguez and Brown, 2009, p. 27).
2. *YPAR considers student knowledge as expert knowledge*, and relies on indigenous knowledge to provide a deeper understanding of the social, political, and historical contexts of the research, bringing new meaning to the development and analysis of research questions, methods, and findings.
3. *It is participatory and communal by definition*, but also recognizes differences between participants in creating an investigative and dialogic space to share their unique “experiential knowledge to conduct research on their own experiences, and act as agents of change in issues that impact them directly” (Bautista et al., 2013, pp. 3-4).
4. *An essential part of the YPAR framework is the adult-youth partnership*. Adult researchers in a YPAR study often act as “outside researchers,” “animators,” or “allies” who facilitate the collective transformation of common knowledge (Zeller-Beckerman, 2007, p. 318). It is important to note that adult partners exercise flexibility regarding projects or structure of studies, and offer critical examinations to establish reflection, design, and execution practices held to the same rigorous guidelines as adult-led academic research (Powers and Tiffany, 2006).

Youth Participatory Action Research at POPP

Research

The current YPAR project will last 15 weeks, with a focus on building trust and improving community-police relations. Beginning in September of 2015, YPAR will become embedded year-round in the curriculum of POPP; thus, each new cohort will participate in a YPAR project for the duration of his or her first year. For the present study, each research group will consist of six to seven students, with a total of nine groups. Three Ph.D. students in Urban Schooling (all former classroom teachers) at UCLA will facilitate the YPAR study and serve as co-researchers with the students. The LAPD Drill Instructors at POPP will also participate, to provide their own expertise and knowledge of policing and Los Angeles generally. Each group will work together to design and conduct every stage of the research process, which includes: developing research questions, reviewing relevant literature, developing a research design to collect and analyze data, interpreting and disseminating findings, and taking action. The action component is left open-ended, but could include a published report, a multi-media presentation, a policy brief, or a community event.

Critical Media Literacy

An important component of this YPAR study incorporates *critical media literacy*. Youth, often more immersed and therefore savvy in media culture than their teachers, engage in diverse forms of communication and expression. This youth knowledge offers increased opportunities for engagement, participation, contribution, and inclusion in research. A powerful and necessary set of questions emerges from this: How do students make sense of the representations of community-police relations they encounter on social media and in the news? What processes and

modes of inquiry might help them critically analyze these representations, in a way that does not further isolate members of the community and police officers? How can POPP students, as members of a community with intimate knowledge of policing philosophies, *create new meaning and representations*, at present and in their future careers? To answer these questions, students will engage in critical media literacy. This approach challenges the notions of a passive audience and, in a participatory manner, requires the students to engage in dialogue, meaning-making, negotiation, and the production of alternative narratives and texts with a focus on democratic participation and social change. On a weekly basis, each research group will be asked to democratically *identify and prioritize* the representations of community-police relations in the media. They will post their reflections and analysis on the research group's community blog. Students will also be asked to pick one of the blog posts to critically analyze using the Center for Media Literacy's *five deconstruction questions* (Critical Media Literacy, 2003), which include:

1. *All media messages are constructed. Who created this message?*
2. *Media messages are constructed using a creative language with its own rules. What creative techniques are used to attract my attention?*
3. *Different people experience the same media message differently. How might different people understand this message differently?*
4. *Media have embedded values and points of view. What values, lifestyles and points of view are represented in, or omitted from, this message?*
5. *Most media are organized to gain profit and/or power. Why is this message being sent?*

Digital Storytelling and Counternarratives

After completing the research process and engaging in critical media analysis, students will be able to produce *counternarratives*—alternative narratives that alter our understanding of dominant cultural narratives—of people of color who wish to serve their communities by becoming police officers. Common perceptions of police officers of color tend to fall into three categories: a) through mere representation, officers of color will automatically improve trust and relations with the community; b) officers of color are confused, conformists, or “sellouts”; c) officers of color enact harsher treatment on communities of color because they have something to prove, and are influenced by dominant discourses used in their training. Although all three of these ways of thinking about police officers of color have origins and reasoning that are important to consider, we rarely hear from the officers of color themselves about their desires to be police officers and the tensions they face in pursuing this career. In this current context—with increased attention to the diversity of law enforcement departments, along with calls for reengineering definitions of community policing—the counternarratives of POPP's students (most of whom are youth of color) will be powerful and extremely informative.

Recommendations and Implications of this research

Student-level

A YPAR framework serves a dual function: it develops the capabilities of youth to act as responsible and ethical agents, while also informing significant changes in practice at a policy or sub-policy level. While the former addresses the immediate condition of students, the effects of the latter emerge over time, and are intended to spread throughout an institution. At the individual student level, through engaging in a YPAR study they will build an investigative,

research-oriented set of skills that will strengthen their training in community policing strategies such as the SARA method. At the same time, YPAR provides a space for students to research how their roles as community members and their desire to become police officers can work in tandem to improve community-police relations. Through the act of participating in research and learning how to analyze their findings, students will have the opportunity to develop and contribute to a shared understanding of what community policing *is* at present, and possibly make recommendations for what it *should* be in the future. The explicit intention of the current YPAR study is that through their participation and development of reengineered understandings of community policing, these students will be empowered to act as leaders in the Police Academy, and later as LAPD officers.

Programmatic-level

Participatory Action Research (PAR) has several implications for police training and/or youth pre-training programs. To wit, PAR engages its participants in developing research questions and rigorous investigation skills. Representative of the experiences and needs of participant-researchers, these questions are defined by a need for action and are therefore, useful, meaningful, and democratizing. Additionally, a key component of the PAR approach is action. Therefore, participants would use the research process to collectively problem-solve, find answers for their research questions, and create new alternatives and strategies for important issues in policing. As PAR is a collective process, it is embedded in *dialogue and shared consensus* that requires participants from diverse backgrounds to reciprocally listen and learn from one another.

The success or failure of understanding how we might reengineer common conceptions of what community policing is, and what it should be, will require new modes of exploration. Similarly, the success or failure of diversifying a police force will take more than merely increasing the number of officers of color in a department. If we recognize the value in having a diverse police force, it follows that we must explore ways to respect, take seriously, and learn from this diversity. PAR offers a promising and innovative method to institutionalize a democratic dialogue between police officers and communities (as well as future officers in pre-training programs such as POPP). Finally, improving relations between police officers and youth, specifically youth of color, is one of the most pressing issues in policing, and this is especially true in racially and economically diverse urban centers such as Los Angeles. Engaging youth in processes, like YPAR, is one way for students to develop and express their capabilities as ethical agents, as well as empowering their voices towards contributing to the national discourse on how to reengineer, redefine, and strengthen community policing.

Work Cited

Bautista, M. A., Bertrand, M., Morrell, E., Scorza, D. A., & Matthews, C. (2013). Participatory Action Research and City Youth: Methodological Insights from the Council of Youth Research. *Teachers College Record*, 115(10).

Center for Media Literacy. (2003). CML MediaLit Kit: A framework for learning and teaching in a media age. Available from <http://www.medialit.org>

- Livingstone, A. M., Celemencki, J., & Calixte, M. (2014). Youth participatory action research and school improvement: The missing voices of black youth in Montreal. *Canadian Journal of Education/Revue canadienne de l'éducation*, 37(1), 283.
- McIntyre, A. (2000). Constructing meaning about violence, school, and community: Participatory action research with urban youth. *The Urban Review*, 32(2), 123-154.
- Powers, J. L., & Tiffany, J. S. (2006). Engaging youth in participatory research and evaluation. *Journal of Public Health Management and Practice*, 12, S79-S87.
- Rodríguez, L. F., & Brown, T. M. (2009). From voice to agency: Guiding principles for participatory action research with youth. *New directions for youth development*, 2009(123), 19-34.
- Zeller-Berkman, S. (2007). Peering in: A look into reflective practices in youth participatory action research. *Children Youth and Environments*, 17(2), 315-328.

"ENGAGEMENT"

Fairfax County is part of the Major Cities Chiefs and like the reality for all communities, regardless of size, diversity, wealth and socio-economic status; we continue to take positive risks to increase our engagement in a growing and diverse community. Fairfax County is an urbanizing jurisdiction with nearly 1.2 million residents over 400 square miles with a growing and thriving high-tech business sector, and some of the wealthiest neighborhoods in the United States. We also are a jurisdiction with a number of highly diverse communities with great levels of poverty. Our county has a premier services at all levels to include one of the top school systems in the nation in which more than one hundred and forty different languages are spoken at home.

In this challenging environment, the Fairfax County Police Department has identified a three-part strategy to engage the community, and build those vital relationships that will sustain efforts to maintain a working partnership between our Department and the people that we serve. The first part of the strategy involves the **establishment of a working partnership with the leaders of the many diverse communities** in the county to address an identified need. In this case, the impetus was the need of the department for assistance with diversity recruitment.

Upon being appointed the Chief of Police in the summer of 2013, I created the Chief's Council on Diversity Recruitment. We recognize the diversity gaps between the Police Department and the community and I made the following public statement: "The Police Department's diversity should mirror that of the community we serve and I am committed to achieving this goal. Fairfax County possesses a wealth of cultural diversity in addition to having excellent schools and other government services, all of which contribute to making Fairfax County a highly desirable place to live, work, play, and grow old."

The Council is comprised of several dozen diverse community leaders in Fairfax County who bring new networking opportunities to the Police Department in addition to providing the Department with valuable insights regarding the many cultures that make up our diverse communities. Through sustained engagement with these communities, the Department anticipates new and strengthened partnerships will help to increase diverse community representation in the sworn, civilian, and volunteer workforce.

Council members have received specialized training related to the following critical areas so they can more effectively guide the Police Department toward diversity goals. These training elements include:

- The history of the Department
- Operational & organizational structure of the Department
- Recruitment and hiring practices
- National and international best practices of law enforcement diversity recruitment by the International Association of Chiefs of Police

As I stated to the Council during the initial training, "This is your Police Department, it should be representative of your community, and I ask all of you to hold me, your Chief of Police, and all of us in the Department, accountable toward achieving the goal of having a Police Department which mirrors the community it serves." This statement is the key empowerment for the Council. In order to provide the Diversity Council with a mission, goals, and measures for success, I worked with the Council leadership to jointly develop and promulgate a strategic plan, the primary elements of which are as follows:

Council Mission Statement: *Guide and advise the Chief of Police and Police Department leadership team on how to achieve the Department's diversity recruitment goals.*

Goal #1: Provide Support to the Department's Efforts in Diversity Recruitment

Goal #2: Enhance Communication and Collaboration between the Department and the Diverse Communities in Fairfax County

These elements are linked directly to the related topical areas within the agency strategic plan, and all partners are in the process of working to develop ways and means to operationalize the stated goals, and to develop measures of success. Additionally, Council members are encouraged to become directly involved in a number of existing opportunities for community engagement with the Police Department, among which are:

- Police Explorer Posts
- Teen Police Academy
- Youth Summer Camps
- Citizen Police Academy
- Future Leaders in Women's Law Enforcement
- Police Cadets
- Volunteers in Police Service
- Auxiliary Police Officer Program
- Citizen Advisory Council
- Neighborhood Watch Program
- 2015 World Police & Fire Games (being hosted by Fairfax County)

The Chief's Council on Diversity Recruitment is clearly in-step with the Department's vision of "*ethical leadership through engagement with the community to prevent and fight crime, improve the culture of safety both internally and in the community, and to keep pace with urbanization*".

The second part of the overall community engagement strategy involves the need for police agencies to become part of the discussion by **actively inserting themselves into the broader community conversation**. In the case of Fairfax County, this opportunity presented itself with a public forum that was held at George Mason University on September 15, 2014. This forum was held in the wake of the unrest in Missouri, and was entitled "Ferguson and the Policing of Minority Communities". The agency

was invited through the interaction with a council member and president of the local chapter of the NAACP. We gladly accepted this invitation to dialog with the community and to hear the concerns and perceptions of the attendees.

During the forum, I spoke of the Fairfax County Police Department's vision and values, and our commitment to serve the community. I discussed our diversity efforts, particularly relating the information that I mentioned previously concerning the Diversity Council, and also listed the opportunities for engagement with the Department (also mentioned previously in this statement). I discussed various agency policies, and current outreach initiatives that we have underway. The Commander of our Administrative Support Bureau talked about our hiring process, and how our officers are trained from the Academy through Field Training and evaluated through a probationary period. The Commander of our Internal Affairs Bureau talked about how complaints from members of the community were handled and explained the disciplinary process for members of the Department. We all related anecdotal items from our prior experiences as field commanders in diverse communities.

The feedback that I received afterwards was that our participation in the forum was indeed a welcome contribution to the discussion. The tenor of many comments was that participants had few concerns about our agency specifically, but would have loved to hear from other police agencies that have historically had more contentious relationships with their communities. I noted that present at the event were some senior ranking officers from other departments in the area, who were in the audience wearing civilian attire. Speaking with one such officer in particular about what they thought of the event, I was told they admired how we stepped forward, but doubted their department would ever want to be as open in such an event for fear of being "attacked" by the issues.

My view is that police agencies have to make a special effort to reach out and be part of the discussion, even while risking placing ourselves in a position to reap public criticism. This dovetails into what I believe is the third part of a sustainable strategy, which is **continually engaging with all partners in an ongoing effort to build communities of trust**. This third prong builds on the previous two, by having the department actively engage with key partners, and reach out to participate in ongoing community discussion and action.

At the present time, the Fairfax County Police Department is engaging with the partnerships that we built through the Diversity Council to find and take advantage of opportunities for this active, ongoing community engagement. With the leadership of the President of our local branch of the NAACP, a working group of key diverse community leaders met this past December to initiate discussions on initiatives as we move forward. I, as Chief of Police attended and addressed questions specific to our role in the wake of the unrest generated in Ferguson and New York. Other public safety agencies are being brought into the community discussions, as well, for more holistic understanding of the roles of first responders in the communities.

Looking ahead, the key stakeholders in this effort are identifying specific neighborhood and community issues and related opportunities for direct engagement and broad-based discussion of positive, collective approaches to both immediate concerns, as well as long-standing problems. Ultimately, the goal is for all diverse communities to look at the Police Department (and all public safety agencies) as full partners in addressing their concerns, and not as adversaries to be avoided

or overcome. In short, it is about gaining and building on trust and mutual respect. We are making progress towards this state-of-affairs, but are admittedly only at the beginning of the process.

I would also like to point out how taking the above positive risks and creating police-community partnerships is leading to a broader discussion by our political leaders as noted in the following part of a quote to a reporter and the attached media release:

It was a pleasure speaking with you yesterday. Attached is the Press Release for the Communities of Trust that I spoke with you about yesterday. Please give me a call, if you have any additional questions

Now back to the Communities of Trust. The first meeting was held with Chairman Bulova on Dec 19. It was during this meeting that she appointed me to chair the committee. Although president of Fairfax NAACP, this is a county committee and I report to Chairman Bulova. Its purpose is to define ways in which community relations can be improved with our first responders (police, sheriff and fire departments). We are looking at training, not just for the first responders but for the community, community policing, outreach programs, community forums, internships and expansion of programs. The committee consists of representatives from different ethnic and faith groups.

You asked if there were issues with trust. Based upon a forum held recently, you could say there is. However, within the NAACP, we have not received any documented complaints. By documented I mean that we have a complaint form that must be completed and signed. This gives us permission to investigate. With the police department, we also require the individual to file a complaint with the police department for their investigation. Yes, we get calls, but nothing to follow-up with. We don't step out just because we receive a telephonic or email complaint.

Another thing I would like to point out is that in 2014 the FCPD Chief Roessler established the Chief's Diversity Council for Recruitment. This committee was designed to assist in the recruitment of minorities into the police department, mostly as officers but there are other positions. He also established the Executive Committee for Diversity. This committee was tasked with defining the strategic goals and objectives for the chief, in which he would be measured. Both committees are representative of the diversity in the county. I represent the NAACP on both committees.

I look forward to working with you in the future.

Shirley Ginwright
President
Fairfax County NAACP

In conclusion, I commend the work of the task force, and will assert again that success in redefining the policing mission for this century is critical. President Ginwright and I recommend that you consider the above models as best practices which can be immediately initiated by law enforcement agencies and elected officials in all communities. Furthermore, we recommend the sharing of best practices across the nation as we can help each other build upon successes to accomplish mutual goals in a cost free environment as knowledge sharing is budget neutral. Lastly, we need to impress upon our peers that it's all about a vision. The commitment to lead our profession toward the realization of the vision will be accomplished by strategic approaches including sharing of excellent best practice examples which will in turn support higher levels of police-community engagement. More engagement is the investment we shall make to create positive returns of gaining more public trust for our great profession.

Colonel Edwin C. Roessler, Jr.

Chief of Police, Fairfax County Police Department