

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Officer Safety and Wellness **Submitted Public Comment Received by February 24, 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 Officer Safety and Wellness. Four 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 Officer Safety and Wellness:

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2. Patterson, George: Associate Professor-City University of New York
3. Pickens, William (Email)
4. Vinik, Nina: Program Director-The Joyce Foundation



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Written Statement of

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Public Interest Directorate

On behalf of the

American Psychological Association for

President's Task Force on 21st Century Policing

February 17, 2015

Commissioner Ramsey, Ms. Robinson, and members of the Task Force, thank you for the opportunity to submit comments on behalf of the nearly 130,000 members and affiliates of the American Psychological Association (APA). APA is the largest scientific and professional organization representing psychology in the United States and is the world's largest association of psychologists. Comprised of researchers, educators, clinicians, consultants, and students, our association works to advance psychology as a science, a profession, and as a means of promoting health, education, and human welfare.

APA has long been committed to human rights and to ensuring that bias based on ethnicity, race, gender and gender identity, age, disability status, and sexual orientation is eliminated from government policies and actions. To that end our association has issued a variety of policy statements and supported federal policies to eliminate ethnic and racial discrimination, racial profiling, and supporting full access of all Americans to the benefits of our society.

APA is committed to policies that ensure that all Americans are treated fairly under the law. Psychological research can provide insights to better understand these issues and inform possible remedies. Our comments will highlight the importance of psychological research in building positive relationship between police and communities of color as well as providing support to those in law enforcement.

First, APA would like to thank the Task Force for already recognizing the contribution of psychology and social and behavioral science. The testimony of Jennifer Eberhardt, PhD and Tom Tyler, PhD, JD highlights the importance of psychological research on perception, implicit bias, and equitable policing on police departments and the communities they serve. Our statement is based on their work and that of other psychologists. The Task Force clearly understands that collaboration between psychologists and other behavioral scientists and law enforcement are essential for resolving these problems. Deputy Chief Alexander, a member of the Task Force, with long service in law enforcement and who holds a doctorate in psychology clearly personifies that cross-fertilization.

Psychological research can provide direction for law enforcement efforts to reduce crime and increase community trust. In recent years, there have been repeated instances of violent conflicts between police and civilians, most recently involving police officers and people of color. Events such as Ferguson, MO, and Staten Island, NY reflect a relationship between the police and particular communities that is characterized by mutual mistrust. The police are suspicious of the members of the community, while members of the community have low levels of trust in the motives of the police. Public distrust of the police is important because research shows that low trust leads to high conflict.

Public mistrust of the police has been reinforced in recent years as the "broken windows" approach to policing has gained ascendancy. Under this approach, the police seek to maintain order by focusing upon confronting, questioning, searching, and arresting large numbers of civilians on the street who are committing minor crimes. The broken windows model of policing justifies the widespread practice of repeatedly stopping, questioning, frisking, and often

detaining and arresting members of the community, in particular the African-American and Latino communities, in an effort to reduce crime. The police in many cities have dropped any pretext of stopping only those who are actually involved in criminal activity, however minor. Instead, they repeatedly stop innocent community residents on the streets and through their actions create fear, which they believe deters criminal behavior. While the police defend their current practices as necessary, these practices have not been shown to lower the rate of crime.

Research shows that a key factor shaping whether people obey the law is whether they trust the law and legal authorities. Studies of the police indicate that whether people break the law and commit crimes is more strongly shaped by whether people trust the police than by whether people believe that they are likely to be caught and punished if they break the law. Distrust also makes controlling crime more difficult because it lowers the willingness of community members to help the police solve crimes or identify criminals. In the absence of trust, events of this type too often escalate to violence. Lacking faith in the intentions of the authorities, people give in to expressions of frustration and anger. As was demonstrated in Ferguson, it is difficult to foster trust after such events have occurred, if the police have not worked to develop relationships and build trust in advance.

How can the police build trust? A number of studies consistently show that the most important factors related to public evaluations of the police are whether they believe that the police are exercising their authority fairly. This means that police are not making decisions about who to stop based upon race; that they are willing to listen to people when they stop them; that they apply the law consistently and without prejudice; and that they take time to explain the reasons for their actions. Most importantly, the police need to treat people in the community with respect and courtesy.

Going forward, psychological research indicates that effective strategies to prevent events such as those that occurred in Ferguson, MO, include: collaborative police-community partnerships, procedurally fair applications of the law, community outreach activities, including community education; recruitment strategies to ensure that the police department reflects the demographics of the community, and training to reduce police and community stereotypes.

These policies are present in community oriented policing, which exemplifies a philosophy that addresses public safety by promoting organizational strategies that support systematic collaborative partnerships to engage in problem solving. This approach stresses law enforcement activities such as community outreach, communication, and participation. These types of activities emphasize police and community partnerships and dialogue.

Equally important, communities must recognize the challenges facing police and the stress and dangers they face. Beginning during the selection phase, initial training for officers, and continued through in-service, roll-call, supervisor and management training, it is beneficial to incorporate behavioral health concepts and information about coping methods, responding to stress, as well as supporting others (e.g. family and friends) within the police community. Such training helps prepare new officers for the demands of their career, encourages existing officers

to utilize tools and resources to deal with on-going challenges, and reminds supervisors and managers to focus on the well-being of their employees. It is very useful to have the psychologist/behavioral health specialists who provide services to the agency involved in the trainings, so that they are familiar to the employees and knowledgeable about the workings of the agency.

For example, Lorraine Greene, PhD is a police psychologist who served as the first manager of the Nashville police department's behavioral health services division. With her involvement and the support of the department leadership a variety of initiatives were launched to improve police-community relations. Initiatives included surveying community members and holding focus groups of police officers, local residents and researchers. The data collected was then used to create training for police and citizens, as well, which lead to better mutual understanding. In addition, Dr. Greene has collaborated with fellow police psychologist Ellen Kirschman, PhD to develop resources for families of police officers including mental health information and access to online family support services. Increasing the emotional supports available to police offices, reducing stress experienced by families and improving morale and reducing burn-out can lead to better policing and potentially reduce conflictual police-community encounters.

Recommendations

APA recommends that law enforcement agencies increase the number of mental health professionals on staff. Mental and behavioral health professionals can provide training and resources to help identify and diffuse potential conflicts between law enforcement and the community. They are also skilled in identifying and addressing issues affecting police officers and staff including stress and trauma and family support and education. Recognizing the challenges of 21st Century policing for law enforcement personal can reduce the stress of policing and improve the ability of police to respond to community challenges.

To that end, law enforcement agencies can benefit from involving highly knowledgeable and skilled police and public safety psychologists as part of multidisciplinary teams to address the needs of implementing constitutional policing through police reform. Whether hiring the right people, training them appropriately, providing wellness services, or engaging in a range of organizational transformations that increase transparency and accountability to the community, psychologists' professional expertise and research evidence may prove particularly valuable to those agencies mandated to make change in accordance with a DOJ Consent Decree or Memorandum of Agreement. Or, to those agencies that seek to implement police reforms in order to create stronger organizations devoted to policing within the rule of law with respect for the constitutional rights of all people in communities across the country. These relationships can take the form of private/public partnerships between mental health organizations in the public and private sector and local law enforcement. These partnerships can develop best practices for addressing community and police relations that can be disseminated widely across the nation to police departments and mental health facilities.

In closing, knowledge gained from psychological research can be used to address community concerns about the police while providing support and training to law enforcement. APA and the psychological community stand ready to work with the task force and the administration on these important issues.

If you have any questions or comments, please feel free to contact Stefanie Reeves, MA, Senior Legislative and Federal Affairs Officer (sreeves@apa.org) or Judith M. Glassgold, PsyD, Associate Executive Director (jglassgold@apa.org) in APA's Public Interest Government Relations Office.

Introduction

Numerous job conditions contribute to worker stress according to the latest report published by the National Institute for Occupational Safety and Health (NIOSH, 1999) which is the branch of the U.S. Department of Health and Human Services charged with conducting research and providing recommendations focused on preventing work-related illnesses and injuries. These conditions include: work tasks, management style, interpersonal relationships, roles, career concerns and the job environment itself. The report also emphasizes that work stress can lead to cardiovascular disease, musculoskeletal disorders, psychological disorders, injuries, suicide, cancer, and impaired immune function.

Recent estimates that describe the economic impact of work stress in the U.S. are scarce (Kalia, 2002). A dated estimate places the economic costs of worker stress for U.S. employers at \$200 billion. These costs arise from worker absenteeism, reduced productivity, the costs associated with worker turnover, workers' compensation for stress-related injuries and health insurance (Maxon, 1999).

Police officers are an occupational group at risk for work related stress injuries. Some researchers have asserted that policing is among the most stressful of all occupations (Terry, 1981), whereas others have reported that stress is lower among police officers than other occupations (Brown & Campbell, 1994). The American Stress Institute (ASI) avoids categorizing occupations as most and least stressful. However, ASI observes that in major U.S. cities such as Los Angeles and New York, a coronary episode experienced by a police officer while on or off duty is classified as a work related injury. Therefore the officer is entitled to receive workers' compensation (AIS, n.d). Given the role and functions of police officers, and the harmful effects of stress, it is worthwhile to examine the effectiveness of stress management interventions intended to reduce the effects of stress.

Law Enforcement Stress and Wellness

Research investigating the causes and symptoms of law enforcement stress, and the development of interventions to prevent and treat stress gained momentum in the mid to late 20th century (Waters & Ussery, 2007).

Stress affects police officers' job performance and personal relationships (Burke, 1993; Finn & Tomz, 1997; Wilson, Tinker, Becker & Logan, 2001). Researchers have investigated three types of stress outcomes that police officers and recruits experience: (1) physiological; (2) psychological, and (3) behavioral. Stinchcomb (2004) defined physiological outcomes as headaches, stomachaches, backaches, ulcers, and heart attacks; and psychological outcomes as anxiety, depression, flashbacks, and panic attacks. Examples of behavioral outcomes include drinking alcohol, the number of complaints filed by community residents, and ratings of work performance. Researchers have also associated stress among police officers with job burnout, depression, substance abuse, marital problems and suicide (Anshel, 2000; Biggam, Power, & MacDonald, 1997; Brandt, 1993; Brown, Cooper, & Kirkcaldy, 1996; Burke & Deszca, 1986; Cooper & Davidson, 1987; Janik & Kravitz, 1994; Kirkcaldy, Cooper, & Ruffalo, 1995; Lennings, 1995; Violanti, 1995).

Amaranto, Steinberg, Castellano, and Mitchell (2003) emphasized the need to address stress as a method to prevent officer misconduct. Finn and Tomz (1997) recognized that stress can negatively affect the law enforcement organization due to lawsuits resulting from officers' performance. Furthermore, shiftwork (Amendola et al., 2011; Violanti et al., 2009), job satisfaction (Manzoni & Eisner, 2006; Martelli, Waters, & Martelli, 1989), and the organizational environment (Cooper, Davidson, & Robinson, 1982; Gudjonsson & Adlam, 1985) are all associated with officer stress. Moreover, officers' exposure to stressors varies based on individual characteristics such as age, rank, years of police experience, gender and race (Violanti & Aron, 1995), and personality type and coping (Kirmeyer & Diamond, 1985; Lau, Hem, Berg, Ekeberg, & Torgersen, 2006).

Numerous categorizations identifying the sources of stress for police officers are found in the literature and researchers have utilized similar approaches (Coman & Evans, 1991). For example, Wexler and Logan (1983) identified external stressors, organizational stressors, task-related stressors, and life stressors. Finn and Tomz (1997) describe four categories of law enforcement stress: (1) the law enforcement organization (e.g., lack of input into organizational decision making), (2) police work (e.g., dangerous assignments), (3) working in the criminal justice system and with the public (e.g., officers perceptions of working in an ineffective criminal justice system and negative images of officers depicted in the media), and (4) life stressors that occur in officers' personal lives (e.g., purchasing a new home). Similarly, Eisenberg (as cited in Finn & Tomz, 1997) identified: (1) intra-organizational practices and characteristics, (2) inter-organizational practices and characteristics, (3) criminal justice system practices and characteristics, (4) public practices and characteristics, and (5) police work in general. Taken as a whole, these categorizations are comparable.

Police officers also experience traumatic incidents such as the death of an officer in the line of duty or responding to hostage situations (Brown & Campbell, 1994; Reese, Horn & Dunning, 1991; Paton & Violanti, 1996). Patterson (2001) suggested that traumatic incidents should be reconceptualized as an additional category of stress because these incidents have the potential to negatively affect psychological and physical well-being and often require specialized mental health interventions. Such interventions often include approaches to diagnosis and treat PTSD.

Hurrell and Murphy (1996) summarized the goals of three types of stress prevention interventions. The aims of primary prevention interventions are to reduce environmental conditions in the workplace that cause stress. These interventions are more costly than other types of interventions and require organizational change. For example, the lack of participation in decision-making is a source of worker stress. Increasing participation in the decision-making process can reduce stress but requires organizational changes such that workers are given opportunities for greater participation. These considerations make them less feasible for some organizations to implement than secondary or tertiary interventions. Secondary prevention interventions aim to change employees' responses to stress. Providing stress management interventions to employees is an example. Finally, tertiary prevention interventions provide services to employees who are experiencing stress symptoms prior to participating in the intervention. For instance an employee assistance program (EAP). In order of frequency,

organizations provide tertiary prevention interventions most frequently, followed by secondary prevention interventions, and primary prevention interventions less frequently (Murphy, 1988).

Stress management interventions provided to police officers and police recruits are commonly categorized in two areas: (1) clinical interventions based on techniques such as psychological counseling, or (2) interventions aimed at improving coping strategies based on training or other methods using stress reduction techniques ranging from exercise to transcendental meditation (Stinchcomb, 2004).

The most common stress management interventions consist of training police officers to recognize signs of stress and improve coping strategies (On the Job, 2000; Sewell, 1999).

Available Evidence Based on Research Outcomes

The best available evidence for assessing stress management interventions is based on a meta-analysis of data collected before and after stress management interventions are given. Webster (2013) conducted a meta-analysis results that included 103 published and non-published studies investigating perceived stress among police officers. The studies were published within a 40 year period prior to conducting the review. Webster found that job assignment, exposure to work stress and coping had a moderate effect on perceived stress. The review results provide additional information about problematic issues found in the police stress literature. The measurement approaches among the primary studies were too varied to provide comparisons, and the average methodological quality among each of the studies was low. Webster concluded “The breadth and degree of missing data is staggering, the inconsistency of measurement substantial, and the shortage of methodologically rigorous studies disappointing” (p. 644).

In their study, Penalba et al. (2009) examined the effects of psychosocial interventions for preventing negative psychological outcomes among law enforcement personnel, and included randomized or quasi-randomized controlled studies, any law enforcement personnel employed in a military or law enforcement organization, any psychosocial intervention, reporting of the psychometric properties of the standardized instruments, and behavioral, psychological and physiological outcomes. The authors found the study participants, which included police officers and police recruits, interventions and outcomes were too varied to conduct a meta-analysis. Consequently, the authors did not conduct a meta-analysis and concluded that insufficient evidence supports intervention effectiveness.

My colleagues and I (Patterson, Chung, & Swan, 2013) conducted a meta-analysis of police stress management interventions and found insufficient evidence exists to support the effectiveness of stress management interventions for police officers and recruits. Our results are consistent with assertions that stress management interventions provided to police officers and recruits are predominantly secondary prevention interventions focused on improving individual responses to stress based on stress reduction techniques. Although secondary prevention interventions for police officers have been criticized for not addressing the organizational work environment as a source of stressors these interventions are more feasible and have the potential for use within law enforcement organizations.

In sum, few systematic reviews have been conducted with law enforcement populations. Low quality or insufficient evidence exists to support stress management intervention effectiveness or the influence of job assignment and exposure to work stressors on perceived stress.

Recommendations

1. Rigorous outcome studies are needed not only to examine the effectiveness of stress management intervention on police officers' well-being, but also to develop consistent approaches for stress management interventions provided to this population.
2. Stress management interventions should target specific categories and types of stressors (i.e., traumatic incidents, organizational, operational or personal).
3. Develop approaches to gain more buy-in from law enforcement management, training staff and officers concerning stress management interventions.
4. Disseminate best practices and promising approaches to stress management interventions for law enforcement organizations.
5. Provide training to law enforcement training and instructional staff on the topic of stress management interventions for police officers.
6. Develop a series of training manuals with test questions, and pretest/posttest questionnaires based on reliable and valid training outcomes that will be made available to police instructors and trainers.

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Comments to The President's Task Force on 21th Century Policing

Submitted by:

The Joyce Foundation

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February 23, 2015

Introduction

The Joyce Foundation commends President Obama and the members of the Task Force on 21th Century Policing for their commitment to identifying best practices for reducing crime while building public trust. These issues are central to the Joyce Foundation's work in the Gun Violence Prevention program, where we focus on reducing gun crime and violence by supporting evidence-based policy reform, community engagement, and effective law enforcement strategies. We offer these comments and recommendations to bring attention to the issue of gun violence and its impact on communities of color as a critical element connecting the issues of policing and police-community relations. Policing, especially in urban areas, does not occur in a vacuum. Rather, police and other criminal justice system responses are the product of the conditions and circumstances faced by community members and the law enforcement officers who are sworn to protect them. To be sure, there are many underlying conditions that contribute to crime and community disengagement. In many cities across the country, those conditions include frequent gun crime and violence, fueled by weak gun laws that enable the free flow and easy availability of illegal firearms. In our view, a thoughtful discussion of 21st century policing and other criminal justice system reforms likewise cannot take place in a vacuum. The work of the Task Force is an important opportunity to acknowledge the impact of gun violence on police and the communities they serve; the need to reduce the easy availability of illegal guns; and the changes to policy and practice that will reduce gun crime, protect communities and police, and restore trust.

The Impact of Gun Violence on Communities of Color

In 2013, 16,121 Americans were victims of homicides. Sixty-nine percent of these were committed with firearms.¹ The impact of firearm homicide is felt disproportionately by communities of color. African Americans represent 13.2 percent of the population and 57 percent of firearm homicide victims. Teenagers and young adults suffer a particular impact from firearm violence. Homicide is the leading cause of death among African American men aged 15-24 and the second leading cause of death for Hispanic men and African American women 15-24. Young men of color are more than six times as likely to be victims of murder compared to their white peers.

African Americans are disproportionately represented as both homicide victims and offenders. While Blacks are six times more likely to be victims of homicide, they are almost eight times more likely to be offenders.² This certainly contributes to the racial burdens of incarceration. In 2012, African American

¹ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS).

² Bureau of Justice Statistics, "Homicide Trends in the United States, 1980-2008 (2011).

men were 6 times more likely to be incarcerated than white men; Hispanic men were 2.5 times more likely.³

A recent analysis by the Violence Policy Center of 2012 FBI data found 84 percent of Black homicide victims were shot and killed with guns.⁴ Of these, 76 percent were killed with handguns. The Violence Policy Center analyzed Black homicide rates by state, and found that Missouri ranked first as the state with the highest Black homicide victimization rate. Its rate of 34.98 per 100,000 was nearly double the national average for Black homicide victimization. Of course, Missouri was also the site of recent protests following the killing of Michael Brown by a Ferguson, Missouri police officer.

Homicide is the most lethal outcome of gun violence. For every firearm homicide, there are more than three non-fatal shootings. While data on the impact by race of non-fatal gun violence are limited, a six-state analysis by the Urban Institute confirms the racial burden of non-fatal gun violence. In California, for example, more than 600 out of every 100,000 African American males 15-25 were victims of gunfire in 2010, compared to 40 out of every 100,000 white victims.⁵

Moreover, only about 61% of nonfatal firearm violence was reported to the police in 2007-11.⁶ Similarly, data from gunshot detection systems indicates that in some cities, only about 20% of gunfire is reported to police.⁷ The fact that many gun violence incidents go unreported suggests that society is underestimating the true burden of gun violence, and underscores the interconnectedness between police-community relations and gun violence.

Of course, the impact of gun violence in communities of color extends far beyond the immediate victims. Studies have documented a myriad of negative consequences of gun violence, including higher rates of post-traumatic stress disorder⁸, lower property values⁹, employment-related reentry barriers¹⁰, and limits on educational outcomes for children exposed to violence.¹¹

The Impact of Gun Violence on Law Enforcement

The task of responding to gun violence falls, in large part, on local police. Recovery of crime guns is a constant aspect of policing in the 21st century. In Chicago alone, for example, the Chicago Police Department recovered nearly 8,000 guns in 2013.¹² Because of the persistent flow of illegal weapons, taking these guns off the streets is, at best, a temporary fix. Chicago reports similar numbers of guns recovered year after year. While per capita rates vary, law enforcement agencies in other cities also report taking thousands of guns off the streets annually. The majority of recovered guns are handguns.

³ Bureau of Justice Statistics, "Correctional Populations in the United States, 2012".

⁴ Violence Policy Center, *Black Homicide Victimization in the United States: An Analysis of 2012 Policy Data* (2015).

⁵ Howell et al, *State Variation in Hospital Use and Cost of Firearm Assault Injury, 2010*, Urban Institute (2014).

⁶ Bureau of Justice Statistics, *Criminal Victimization 2013* (2014).

⁷ SST Shotspotter National Gunfire Index (2014).

⁸ Campbell and Schwarz, "Prevalence and Impact of Exposure to Interpersonal Violence among Suburban and Urban Middle School Students," *Pediatrics* (1996).

⁹ Shapiro and Hasset, *The Economic Benefits of Reducing Violent Crime: A Case Study of 8 American Cities*, Center for American Progress (2012).

¹⁰ National Institute of Justice, *Research on Reentry and Employment* (2013).

¹¹ Gabardino et al., "Mitigating the Effects of Gun Violence on Children and Youth, *The Future of Children* (2002).

¹² City of Chicago, *Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago* (2014).

The prevalence of guns, and especially concealable handguns, represents a direct threat to officer safety. According to data maintained by the National Law Enforcement Officers Memorial Fund, firearms-related incidents were the leading cause of death among law enforcement officers in 2014. Firearms-related fatalities accounted for 50 deaths, an increase of 56 percent from 2013. Ambushes were the leading circumstance of officer fatalities in firearms-related deaths. Of the 50 firearms-related fatalities in 2014, fifteen officers were shot and killed in ambush attacks, more than any other circumstance. Others were killed during disturbance calls, traffic stops, or while investigating suspicious persons or circumstances.¹³ Although firearm fatalities of law enforcement officers have declined from their peak in the 1970s, the risk of gun violence to officers remains a real and persistent threat. In addition to the fatal shootings, more than 2,000 law enforcement officers are assaulted with a firearm every year, according to the FBI.¹⁴

Law enforcement responses to the threat of gun crime and violence take many different forms, and a thorough review of these responses is beyond the scope of these comments. We note that many of these responses have come under increased scrutiny, with critics pointing to the racial disparities they impose and their tendency to undermine community-police trust. These responses include the aggressive use of “stop and frisk” tactics in New York City; calls for mandatory minimum sentences for those caught with illegal firearms; and use of lethal force to subdue offenders. In each instance, critics have noted the disproportionate impact these responses have on communities of color. In New York, a federal district court found that stop and frisk policies were used to stop Black or Hispanic suspects 83 percent of the time, whereas those groups accounted for only about half of the city’s population.¹⁵ The racial impact of mandatory minimum sentencing policies has been well documented.¹⁶

Use of lethal force by police is the most extreme response. Accurate data on use of force by police is difficult to obtain. In 2012, according to data compiled by the FBI, 410 Americans were “justifiably” killed by police—409 with guns. That figure may well be an underestimate.¹⁷

The pervasiveness of illegal guns creates the potential that any encounter between police and citizen could become an armed confrontation. While this does not justify racially disparate responses, or use of excessive force, it is foolish to ignore the heightened level of awareness and attention demanded in every encounter between officer and civilian, and the resulting impact on public trust.

Recommendations to Address the Availability and Impact of Illegal Guns

In light of these mutually reinforcing challenges, we stress that failure to address the prevalence of illegal guns and the resulting violence as part of an effort to improve 21st century policing and reform the criminal justice system would not only represent a missed opportunity, it would also will limit the impact of any other proposed reforms.

¹³ National Law Enforcement Memorial Fund, Preliminary 2014 Law Enforcement Officers Fatality Report.

¹⁴ 2013 Law Enforcement Officers Killed and Assaulted, Federal Bureau of Investigation.

¹⁵ *Floyd v. City of New York* (2013).

¹⁶ E.g. Starr and Rehavi, “Mandatory Sentencing and Racial Disparity: Assessing the Role of Prosecutors and the Effects of Booker,” *Yale Law Journal* (Oct. 2013).

¹⁷ Several news outlets and advocacy groups have attempted to quantify the racial impact of lethal use of force by police, but systematic data are not available. E.g. <http://www.motherjones.com/politics/2014/08/police-shootings-michael-brown-ferguson-black-men>

Weak gun laws enable the flow of illegal guns, make it easy for high-risk persons to obtain deadly weapons, and hamper the ability of law enforcement to curb illegal supply channels. Strengthening our gun laws and their enforcement – at the federal, state and local levels - to reduce the impact of gun violence should be an essential part of any comprehensive reform agenda aimed at reducing crime and improving community trust. We offer the following recommendations:

1. *Regulate the Secondary Market:* Bring the secondary market into the regulatory framework for firearms transfers by requiring every transfer to go through a licensed dealer, subject to a background check. Current law restricts who may purchase firearms, prohibiting certain high-risk groups including felons, minors, and persons with certain mental health histories. These restrictions are enforced at the point of sale, where licensed gun dealers are required to verify the would-be buyer's eligibility through a Brady background check. However, an estimated 40 percent of gun sales are unregulated¹⁸ – they are made by private sellers, and are not subject to the check. These sales occur at gun shows, over the internet, and in other person-to-person venues. These private transfers are a significant source of guns moving from the legal marketplace to illegal users with intent to commit violence.¹⁹ Subjecting every transfer to a background check at the point of sale would reduce the flow of illegal weapons.

2. *Focus on those at greatest risk of violence:* Regulating the secondary market and requiring background checks on all transfers would help reduce firearm availability to those persons currently prohibited by law from possessing them. But existing law fails to reach many persons who pose an increased risk of violence. Current law should be expanded to prohibit those persons who, based on evidence of risk, are known to be a greater threat, including persons with a history of violent misdemeanor offenses; persons with a history of drug and alcohol abuse; and persons under a domestic violence restraining order.²⁰ Using risk-based enforcement strategies to target those persons at higher risk of violence, such as the focused deterrence approach advanced by the [National Network for Safe Communities](#), likewise can prioritize law enforcement resources to those at highest risk while minimizing police contacts with other members of the community.

3. *Strengthen oversight of gun dealers:* Analysis of recovered crime guns indicates that a small number of gun dealers account for a disproportionate share of guns recovered in crime.²¹ Whether by virtue of negligent or reckless business practices that enable theft or straw purchases, or simply because high sales volume impairs compliance, certain dealers are a known source of crime guns. Research indicates that regular oversight by law enforcement reduces dealers' propensity to sell guns that are recovered in crime.²² Regular compliance inspections, public reporting of crime gun trace data, and security precautions including conducting background checks on employees, installing video cameras, and keeping guns locked up during off-hours, can improve safety and security and make it less likely that a dealer's guns will be diverted to the illegal market.

4. *Improve law enforcement tools to interrupt the supply of illegal guns:* Law enforcement should focus its efforts on high risk gun offenders and the traffickers who supply them. However, gun trafficking is not a distinct crime under federal law, requiring prosecutors to allege a series of paperwork violations

¹⁸ Cook and Ludwig, "Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use" (1996).

¹⁹ E.g. Mayors Against Illegal Guns, "In the Business, Outside the Law" (2013).

²⁰ Consortium for Risk-Based Firearms Policy (2013).

²¹ Vernick and Webster, "Curtailing Dangerous Sales Practices by Licensed Firearm Dealers," in *Reducing Gun Violence in America* (2013).

²² *Id.*

for traffickers who buy weapons with the intent to sell them illegally. Likewise, these crimes carry relatively low penalties. This creates a disincentive to prosecute these cases. Defining gun trafficking as a federal crime, and increasing penalties on traffickers can improve law enforcement's ability to interdict these sources of crime guns. Similarly, many straw purchasers falsely claim that crime guns traced to them had been stolen. Holding gun owners accountable for failure to report stolen guns would create a deterrent to straw purchasing. Greater use of technology is also important to solve gun crimes, link multiple crimes to large suppliers, and crack down on trafficking. Agencies should be encouraged to enter all recovered ballistics information into NIBIN, and to use e-Trace to trace all recovered guns. The ATF, the lead federal agency tasked with enforcing our nation's firearms laws, is hampered by resource limitations and appropriations riders that curb its regulatory and enforcement authority.²³ Increasing resources for and removing restrictions on ATF is another important way to improve law enforcement's ability to reduce illegal weapons and the resulting crime and violence.

Law Enforcement and the Public Support Efforts to Reduce Gun Violence

Addressing the underlying problem of gun violence and the impact of illegal guns has broad support among the law enforcement community and the general public.

The threat to officer and community safety from gun violence has led several law enforcement groups to join together in an effort to address the problem of gun violence. The [National Law Enforcement Partnership to Prevent Gun Violence](#) is a coalition comprised of nine law enforcement leadership organizations: Commission on Accreditation for Law Enforcement Agencies, Inc., Hispanic American Police Command Officers Association, International Association of Campus Law Enforcement Administrators, International Association of Chiefs of Police, Major Cities Chiefs Association, National Association of Women Law Enforcement Executives, National Organization of Black Law Enforcement Executives, Police Executive Research Forum, and the Police Foundation. The Partnership shares a commitment to address the pervasive nature of gun violence and its horrific impact on communities across America, and calls on federal, state and local policy makers to "commit to closing gaps in the current regulatory system, including those that enable felons, minors, persons with mental illness, and other prohibited persons to access firearms, and those that allow the trafficking of illegal guns." The Partnership also states that the crisis of gun violence in the U.S. necessitates a sustained, coordinated, and collaborative effort involving citizens, elected officials, law enforcement, and the entire criminal justice system. [Prosecutors Against Gun Violence](#), a new bi-partisan coalition of local and state prosecutors, recently announced its support for a wide range of gun violence prevention principles, including universal background checks and measures to crack down on illegal weapons trafficking.

The public also overwhelmingly supports gun violence prevention measures. Research by the Johns Hopkins Bloomberg School of Public Health in 2013 found strong support for policies to expand background checks to all gun buyers (89 percent support), prohibit possession of firearms by high-risk persons (75 percent support), and increase oversight of gun dealers (85 percent support). Moreover, each of these policies is supported by a majority of gun owners.²⁴ This suggests an area of common ground between the public and law enforcement in their support for strengthening firearms policies, and an opportunity to bring police and community members together to develop priorities that will protect community and officer safety and build public trust.

²³ Stachelberg et al, "Blindfolded, and with One Hand Tied Behind the Back," Center for American Progress (2013).

²⁴ McGinty et al., *Public Opinion on Proposals to Strengthen U.S. Gun Laws*, in Reducing Gun Violence in America (2013).