

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

Future of Community Oriented Policing Submitted Oral & Written Testimony Received by February 24, 2015 Presented Alphabetically by Last Name

Primary Source Documents

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

Note:

*Oral presenters who submitted written testimony

**Invited written testimony

Oral Presenters Who Submitted Written Testimony:

1. Goff, Phillip: Associate Professor-University of California, Los Angeles
2. McDonnell, Jim: Sheriff-Los Angeles County
3. Sherman, Lawrence: Wolfson Professor of Criminology/ Distinguished University Professor-University of Cambridge/University of Maryland
4. Travis, Jeremy: President of John Jay College of Criminal Justice-City University of New York

Invited Written Testimony Submitted by February 24, 2015

1. Harvard Kennedy School

Biography:

Phillip Atiba Goff

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Dr. Goff is an Associate Professor of Social Psychology at the University of California, Los Angeles, on sabbatical leave this year as a Visiting Scholar at the Harvard Kennedy School. He is the co-founder and president of the Center for Policing Equity (policingequity.org), and an expert in contemporary forms of racial bias and discrimination, as well as the intersections of race and gender. His current work includes the National Justice Database—the first national-level database tracking police officer behaviors such as stops, use of force, and officer-involved shooting—a project he spearheads with Jack Glaser, Steven Raphael, and Amanda Geller. Dr. Goff has also conducted work exploring the ways in which racial prejudice is not a necessary precondition for racial discrimination. That is, despite the common belief that discrimination stems naturally from implicit or explicit prejudiced attitudes, his research demonstrates that contextual factors can cause racially unequal outcomes. His model of evidence-based approaches to justice has been supported by The National Science Foundation, Department of Justice, Kellogg Foundation, Open Society Foundations, The Atlantic Philanthropies, William T. Grant Foundation, the COPS Office, Major Cities Chiefs, the NAACP LDF, NIMH, SPSSI, the Woodrow Wilson Foundation, the Ford Foundation, and the Mellon Foundation, among others. Most recently, Dr. Goff led the CPE in becoming one of three Principal Investigators (with researchers from Yale and John Jay College) for the Department of Justice's new National Initiative for Building Community Trust and Justice.

I'm honored to be here, and thank you to the committee for all the days, nights, and weekends you have dedicated to this important responsibility. For the past decade, my work as a researcher and president of the Center for Policing Equity has sought to bridge gaps between social science laboratories and the laboratories for democracy that American citizens and law enforcement negotiate daily. Today, I want to talk with you about the need for a stronger evidence base in policing and for further incorporation of social science in using that base to ensure fairness in criminal justice, particularly in the area of race.

As a scientist, it bothers me when there is an important question that lacks a satisfactory answer. And I have never felt more bothered by it than I did late night in September of 2008 while writing a piece on racial disparities in policing. I was searching for statistics on racial disparities in police use of force, hoping to use them as examples. So, I checked the usual places. Not finding data there, I tasked the staff researchers at the Russell Sage Foundation with helping me. Eventually, I did what many of us do when we are stuck on a problem. I called my mother. A reference librarian for more than two decades, neither she, nor I, nor anyone else I turned to could find national data on police use of force. All of us here now know that the reason for this is that such data are neither gathered nor reported. There are no national data on police stops. There are no national data on police use of force. There are no national data on police behavior.

What bothered me about this episode, however, was not only the embarrassing lack of information on something as important as the number of people police stop in a given year. It was also that the data we were missing were data on human behavior—something that social scientists know far more about than most policy-relevant domains. So, today, as

I argue that social science can aid in building an evidence base for a more just law enforcement, I want to give at least three examples of areas we would treat differently in police reform if we took social science insights about human behavior seriously.

First, social science reveals that the ways we engage with others are often more about how they make us feel about ourselves than about how we feel about them. In close relationships research, this means that we are more likely to commit to someone who makes us feel good about ourselves than to someone we initially find attractive. And in the work of Jennifer Richeson, Nicole Shelton, Jacquie Vorauer, and myself, we see that concerns with appearing prejudiced are often more predictive of negative interactions than actual prejudice. What that would mean, if we took it seriously in policing, is that our trainings and policy recommendations would not only consider procedural justice from the perspective of community response—but also from the perspective of officers. That is, officers' need to feel legitimate is a critical component of positive community interactions, and police/community policies should reflect that.

Second, social scientists have known for nearly a century that attitudes predict about 10% of behaviors—at best. This means that neutralizing racial prejudice, whether implicit or explicit, would never neutralize the problem of discriminatory behavior. Addressing the other 90% of behavior is no less important. But how can this be done?

This brings me to my third social science insight: often situations are far more powerful predictors of behavior than character. For instance, simply changing the number of people in a room, the conversation topic, or the amount of time individuals feel they have to finish a task can fundamentally change the quality of an interaction. What this means if

we take it seriously in policing is that policy matters at least as much as training. That means we need to identify the policies that provoke situations conducive to fairness and the ones that permit bias. And it means we need to adjust policies accordingly.

At the CPE, our goal has been to take these insights seriously and provide law enforcement and the communities they protect with tools to create an evidence base to promote fairness in policing. In cities from Las Vegas to Denver, from Toronto to San Jose, we see that working backwards from behavior, it is possible to use social science methods to create metrics capable of tracking objectionable inequality and to use social science collaborations as levers for social change. In other words, when done properly, research collaborations can produce both actionable information and an opportunity for traditional adversaries to establish common ground.

The most notable success of this model to date is the problem that led me here. The National Justice Database is an initiative designed to measure police stops, use of force, and psychological profiles across North America. With early commitments from departments that service more than 25% of the United States—and with the number of departments expected to grow—this database will be the largest collection of information on police behavior in our nation's history. It will allow for researchers to ask basic questions of “how much, how often, how well, and how severely?” And it will allow for the translation from science labs to the labs of our democracy.

However, just as important as the research and practice insights the Justice Database promises to reveal is the way it came about. Despite over a quarter century of effort by legislators and civil liberties organizations dedicated to creating national

benchmarks, even progressive voices in law enforcement have often pushed back against federal efforts to collect data on police behavior. This stemmed, in part, from executives' reasonable concerns that they would be blamed for the results of data analyses before being given an opportunity to improve upon them and that the best analyses would not be conducted. However, armed with a few protections and objective scientists, it was those same chiefs that asked CPE to put the database together in the summer of 2011. This demonstrates the ways in which researchers can play the honest broker that law enforcement, communities, and advocates have long demanded.

So what, concretely, would I ask this Task Force to recommend in light of these promising observations? Again, I would ask them to consider three things. First, I would ask that the Task Force encourage federal funding agencies such as the National Science Foundation, National Institutes of Health, and Department of Justice to expand support for national data collection efforts on fairness in policing such as the Justice Database. As Attorney General Holder recently said, it is "unacceptable" that we do not have the data, and we cannot ensure our values without it. Second, I would ask the Task Force to encourage federal stakeholders to facilitate more opportunities for law enforcement and communities to learn from social scientists and vice versa as the field is growing rapidly. We have seen far too little racial and policing literacy in our nation's public dialogue these past six months, and the public hunger for action can be fed—in part—by sharing information on how we move forward. Third, and finally, I would ask the Task Force to recommend expanding technical and financial assistance to law enforcement departments that want to benefit from the growth of evidence-based approaches to fairness, but lack the means to follow through on their intentions. CPE does not accept money from our policing

partners. Even still, we frequently receive queries from departments that cannot afford to task an officer with the responsibilities of a project liaison. If we expect law enforcement to take leadership towards justice, I would hope we can provide the necessary support once they have identified the will and the means to do so.

I began by saying that, as a scientist, an important question without a satisfactory answer is anathema. I do not believe that social science is the satisfactory answer to America's questions about policing in a democratic society. But I do believe it offers a means of identifying many of those answers—both in substance and in process. I hope the Task Force will see fit to provide more opportunities for us to keep working towards them together.

Thank you for your time.

Testimony before the 21st Century Policing Task Force
Los Angeles County Sheriff Jim McDonnell
February 24, 2015

Introduction

Commissioner Ramsey, Professor Robinson, my fellow Angeleno Ms. Rice, and other distinguished Task Force members, thank you for the opportunity to participate in your important work and address you today. It is a particular pleasure to be joining on the panel my friend Commissioner Bill Bratton, as well as distinguished scholars and leading criminal justice system leaders such as Phil Goff, Larry Sherman and Jeremy Travis.

As you can likely tell, I hail from one of America's oldest great cities, Boston. I have spent most of my life and career, however, in one of our nation's youngest metropolitan areas, Los Angeles, where I was recently sworn in as the 32nd Sheriff and the first person in over a century to be elected to that position from outside of the Los Angeles Sheriff's Department.

My parents were immigrants (from Ireland) and provided me with an example of the rich multicultural fabric that makes up our great nation. I grew up in a working class neighborhood, with a deep appreciation for the value of hard work and education.

I came to Los Angeles nearly 34 years ago with little more than a dream and an abiding desire to protect and serve the community. For 29 years, I wore the uniform and badge of the LAPD, holding every rank up to second-in-command and (at that time) reporting to Commissioner Bratton — one of the finest law enforcement leaders in the country. In nearly three decades at the LAPD, including some deeply challenging times in Los Angeles' history, I learned about crime and its causes, effective policing responses and the vital importance of policing *with* and not merely *in* the community we serve.

Five years ago I was offered the opportunity to serve as the Police Chief for the City of Long Beach, the second largest city in LA County. I had the honor to serve in that capacity until November of last year, when LA County's voters elected me as their new Sheriff.

On December 1, 2014, I took command of a law enforcement agency facing many challenges. Past troubled leadership, serious allegations of excessive force and corruption, and a culture among some that failed to address misconduct or discipline wrongdoers had, for too long, eroded community trust and cast a cloud over the many dedicated and hard working men and women in our department. I also took command of an agency that has flown below the radar for years, not always appropriately acknowledged for its cutting edge work and deep institutional expertise. I have seen firsthand in these past two months incredible resilience and a strong desire to move beyond past problems and assume a place of well-deserved prominence and respect.

So, I speak to you today as both a new Sheriff with an agenda driven by the need for change, and as someone who has become fiercely proud of the organization I now lead. I know that this department has the ability and the talent to lead law enforcement nationally in so many of the vitally important areas that your Task Force is considering. And I know that we can and *should* be second to none in rebuilding community trust and modeling best law enforcement practices.

Los Angeles and the LASD

Los Angeles County spans over 4,700 square miles, with a population of over 10 million people, living in 88 independent cities and within enormous unincorporated urban, mountain, desert and island areas.

With this massive geographic starting point, it is not surprising that the Los Angeles Sheriff's Department ("LASD") is the largest sheriff's department in the country and the second-largest policing agency in the nation, behind only Commissioner Bratton's NYPD. In addition to our unincorporated areas, we police 42 of LA's 88 cities and also protect the safety of our County's 1,909-mile transit system, a court system that is the largest in the nation, as well as a massive community college system. We run an immense bus network to accommodate the many people we transport from Custody to courts to outlying facilities and also run the nation's largest jail system. We provide extensive detective, rescue, training and other services for LA County and many other cities and agencies operating in the County. With this expansive reach and coverage, the LASD is potentially the most complex law enforcement agency in the world.

The Focus of Today's Remarks

In my remarks to you today, I want to focus *not* on the challenges of managing a large and complex law enforcement organization, but rather on what it has taught us about the challenges and opportunities facing policing today. While there are clearly areas where we need additional resources and support, we are equally in need of fresh thinking and new strategies that can enable us to approach the job of policing in different ways and learn from each other as we do so.

At LASD we are looking at emerging priorities in law enforcement and the need to refocus resources on current challenges including cybercrime, child sex trafficking, transnational gangs, and homeland security. Today, however, I have been asked to focus on the unique role of LASD as not simply a massive law enforcement agency, but also as an agency that runs the largest jail system and largest mental health facility in the nation. I do, however, welcome the opportunity to address other areas that may be of interest to the Task Force in any follow up questions.

Running the Nation's Largest Jail System

The LA County jail system provides housing for up to 20,000 inmates at any given time in seven facilities that extend as far as 50 miles away from each other. We have over ten thousand people circulating in and out of our facilities every month, with roughly half serving sentences and the other half being housed pre-trial. All inmates receive legally mandated medical care in our facilities.

We are facing many challenges in our jails, which I saw firsthand a few years ago as a member of a citizens' commission appointed to investigate jail conditions and allegations of abuse. We manage a jail population that includes rival gang members, inmates of varying security and threat levels, LGBT inmates and more. Most of our facilities are antiquated and poor management in the past resulted in unacceptable inmate abuse. Recidivism rates are far too high.

Many of the inmates in our charge need to be separated from society. But many are also there because society has left them behind. They are among the 20 percent of our inmates who are committing crimes due to untreated mental illness or substance abuse or because they cannot

afford to make bail. For too long and for too many, jail has become a default placement. And too often, it is merely the latest step in a cycle that, upon release, repeats itself. Too many people leave jail more damaged than when they came in. *None of us* benefits from this state of affairs.

While I have seen these many challenges, I have also seen how far we have come in improving conditions in our jails despite daily hurdles and intolerable physical facilities. In Los Angeles, we have come to see custody as an *opportunity* to break the cycle. We are embracing education-based programs that enabled over 300 inmates to secure high school graduation diplomas over the past year; we are developing (in partnership with our Attorney General's Office) a "back on track" program that will provide intensive in-custody and reentry programming in a collaborative approach involving education institutions, case managers, probation and non-profit providers. We are also partnering with the Department of Veterans Affairs, increasing drug treatment programs, and targeting the homeless population for housing assistance.

These efforts are happening *despite* the environment in which we work, not *because* of it. Yet we can and we must do more. But we can't get there alone. We need federal help in developing:

1. Support for building **correctional treatment facilities**, rather than jails where we simply warehouse offenders – Federal funding streams need to help us address, for those who need to be removed from society, the panoply of substance abuse, mental health and health concerns they bring with them into our jails.
2. Resources to **expand education and vocational training** within the custody environment – The only way we can truly break the justice system cycle for many is by helping them build the skill set to end up on a better and different path upon release.
3. **Flexible funding streams** that can enable us to address the medical and mental health concerns of those in our charge in the most effective and least restrictive manner.
4. **New strategies** that can **embed principles of community-based policing** in a custodial setting – We are exploring with the COPS Office an innovative pilot that will enable us to train inmates and deputies on how to manage conflict through community-based policing approaches.
5. Support for efforts, as Assistant Attorney General Vanita Gupta spoke about last week, to design a **bail system** which is more equitable for those charged with crimes and also for taxpayers who often bear the cost of unnecessary pre-trial incarceration.
6. **Reentry planning and system coordination** that can help us break through bureaucratic walls and existing obstacles and provide a better pathway to housing, vocational and other resources for those leaving our charge and returning to our communities.

Addressing the Unique Needs and Concerns of the Mentally Ill

One of law enforcement's biggest challenges today stems from how we interact with and manage the needs of those who are dealing with mental illness. Our jails in LA County house over 3,500 inmates (from 17 to 21% of our total jail population) in need of mental health services and we are running what amounts to the largest mental health facility in the nation. Roughly 70% of our mentally ill inmate population are in our jail pending trial due to lack of resources in the community and approximately 30% of the mentally ill are in custody for non-serious, non-violent and non-sex related offenses. We have around 300 inmates in need of inpatient mental health treatment, but have only 40 licensed beds. Over 95% of the mentally ill also suffer from addiction disorders and over 80% are homeless or lack stable housing upon release.

Jails were not built as treatment centers or with long term treatment in mind. Moreover, in California, and in particular in Los Angeles County, the mentally ill population has the highest recidivism rate of any offender group, averaging roughly a 73-75% return rate within a three year period. In short, jail is the worst possible place to house or attempt to treat the mentally ill. We simply cannot cope with a complex population that could be better served in a different setting, where more effective and efficient strategies would not only be more humane, but also better advance public safety.

We are similarly ill equipped to address the challenges of this population in patrol. Patrol personnel lack the requisite mental health training and we have a dearth of Mental Evaluation (or "MET") Teams and community supports to help deputies properly handle and deescalate contacts with mentally ill persons. In 2013, nearly 40% of all use of force incidents involved individuals suffering from mental illness and in too many cases we "arrest" our way out of these encounters rather than diverting individuals to the community treatment and care they need.

The strategies that can enable us to change this paradigm exist and are in place in pieces around the nation, but have yet to be brought to scale throughout the country. We need:

1. **Resources to support crisis intervention ("CIT") training** so deputies working the streets (as well as within Custody) know how to identify and respond to individuals with mental disorders and, wherever possible, divert entry into the justice system.
2. **Support for MET teams** where we pair deputies with mental health clinicians and create a comprehensive response to those in crisis. In LA these teams are few and far between – often they operate only during business hours and can be as much as an hour away from a critical incident.
3. Support for **community-based resource centers** with multidisciplinary treatment in a therapeutic environment that avoids incarceration. These models exist elsewhere and, in the long run, result in improved outcomes as well as fiscal savings.
4. **A new paradigm** with strategies that focus on **alternatives to incarceration** – including mental health courts and other diversion strategies.

For too long, jailing the mentally ill has somehow passed as an acceptable way of keeping out of sight and out of mind human beings who need our help. Our jails should be the last resort, rather than our first response. As someone who became a police officer to help people, I see a population and a public who need our help on this issue. I believe we must prepare law enforcement to address the needs of this population, rather than continuing to perpetuate failure.

Addressing the Impact of Trauma and Investing in our Next Generation

Finally, it is my view that an officer's public safety role must, necessarily, go beyond enforcement. For generations, police have responded to violence, arrested the suspect, and ignored the family and trauma left behind. So many of our youth -- particularly those in urban communities -- are exposed to a level of violence equivalent to that of a war zone. While the young person or victim of trauma may not have been physically struck by a bullet, we know that their brains are permanently damaged by exposure to violence.

Law enforcement needs to strengthen communities so that they are and *feel* safe. Taking guns off the streets is important, but so is having an officer nearby at all times to reduce the likelihood someone will *use* a gun in the first instance. Safe tactics are important, but so is a thorough and

fair investigation, which results in just convictions and fortifies faith in the justice system. We must realize that law enforcement's responsibility does not end when the yellow tape comes down; violent crime has many victims and we must do more to support them. We should be tough on crime but also provide options for children and teens at risk of, or already heading down, the wrong path.

There is a saying that up until the third grade you are learning to read, and after that time you are reading to learn. But, if a community is unsafe, if children are not well-supported, if their schools are inadequate or discipline practices overly punitive, and they have not learned to read by as young as the third grade, they are behind. Many will never catch up and we then too often see the predictable justice system results that have brought us together here today.

With these challenges in mind:

1. We must better **understand the needs of the traumatized communities** in which we operate and recognize that *every interaction* we have shapes the future, both of individuals and of our community.
2. Law enforcement must be **trained on how to interact on the street with young people and those who are trauma-impacted**. We need to **tailor law enforcement responses to the needs, age and characteristics of the individual**.
3. We need to help create and support an **environment in which our children can learn, develop and thrive** and move away from punitive discipline approaches that push young people out of schools and into our justice system.

As Sheriff, my job is to ensure we do a better job making *all parts* of our community safer. But it is also my job to tell you that we cannot do it alone -- that other parts of our system need more help, none more so than our schools. And that every dollar and bit of creatively harnessed energy not spent investing in our children through our schools and a supportive education environment is spent many times over through the price we all pay when individuals end up in our criminal justice system.

Closing

In 1776 our Founding Fathers wisely wrote that to "preserve" our nation's precious hard-fought rights, "governments are instituted among men, deriving their just powers from the consent of the governed." As this timeless message reminds us, whatever authority we have as a government is granted to us, and derived from, those in our community.

Community-oriented policing is not something we do on the side or to satisfy critics -- it is how a well-run police department operates. But it is also a two-way street. While we must explain to the public what we are doing and why, we must also communicate with them about the challenges we are facing and our needs. And we must *all* engage in responsible and respectful dialogue in regard to these challenges and how we can do better.

Peace officers are type-A personalities. We don't like asking for help. But to do what is expected of us in today's challenging times, we need help. And I am here before you today to say that I, for one, welcome it.

Thank you for your work, your wisdom, and your help. I welcome any questions you may have.

Statement to the Presidential Task Force on 21st Century Policing, February 24, 2015

Lawrence W. Sherman

Wolfson Professor of Criminology, University of Cambridge and
Distinguished University Professor, University of Maryland

Reducing Deadly Force in US Policing: A View From England and Wales¹

The FBI reports that, in 2013, at least 461 people were killed by US police in *justifiable* homicides. Estimates from news media reports suggest the number was over 1,000.² In the same time period, a comprehensive count in England and Wales by its Independent Police Complaints Commission reported that the number of people killed by police in 2013 was zero.³ The FBI reports that 27 US police were victims of homicide in the line of duty in 2013; the number of homicides against police officers in England and Wales that year was one.⁴

The vast US-UK difference in deadly force by and against police was not due to a lack of confrontations in which police had legal powers to kill. In London alone in 2012, police sent authorized firearms officers to 2,451 incidents, including 634 direct threats to life, and seized 416 firearms.⁵ The reason London's police killed no one in these events is the result of an infrastructure of institutions and policies that is completely lacking in US policing.

This infrastructure operates *not* at a nation-state level (equivalent to the US federal government), but at the level of one of three state-like entities within the UK: Northern Ireland, Scotland, and England & Wales (E&W). Much like a US state, E&W has numerous locally-controlled police agencies of different sizes. Since 2012, 42 out of its 43 local agencies have been governed by an elected Police and Crime Commissioner (PCC). Each PCC can allocate resources and set locally-driven priorities. But they are all required to meet standards set and monitored by the E&W infrastructure. This infrastructure is described here as a model for possible translation to *state* government in the US, although with support from the national level, which in England includes a cabinet Minister called the "Home Secretary," whose closest American equivalent is the Attorney General of the United States.

The infrastructure of policing in the "state" of England and Wales that helps to maintain low levels of deadly force and high levels of police legitimacy includes the following:

- An Inspectorate of Constabulary, established in 1856 (<http://www.justiceinspectors.gov.uk/hmic/>), with authority to audit all aspects of all police departments at any time, much like the new independent Office of Inspector General for the New York City Police Department.⁶
- A system that selects, trains and certifies potential police chiefs (and assistant and deputy chiefs) before any English or Welsh police agency can appoint a chief officer.
- Legally mandatory "state" standards for police practices, including the Code of Ethics (<http://www.college.police.uk/What-we-do/Standards/Pages/standards-guidance.aspx>).

- A mandatory standard of extreme restraint in the use of deadly force, requiring proportionality in relation to the underlying purpose of using force. (<https://www.app.college.police.uk/app-content/armed-policing/armed-deployment/discharge-of-firearms/>)
- An Independent Police Complaints Commission, which can investigate any complaint against police of any police agency in England and Wales. (<https://www.ipcc.gov.uk/>)
- A register of police officers who have been dismissed from one police force and cannot be hired by any other police force in England and Wales (<http://www.college.police.uk/What-we-do/Ethics/Pages/Integrity-in-policing.aspx>).
- A minimum size of each local police agency of no less than 1000 employees.

This infrastructure is designed for a different system of government, but they provide rich food for thought about the US federal system, in which local police agencies and cities are legally a creation of strong states, with a minimal federal role. My testimony to this Presidential Task Force therefore translates the England-Wales police infrastructure into specific recommendations for each of the US Constitutional levels of government.

Recommendations for States.

1. **Inspector General of Police (IGP).** Each U.S. State should establish an office of Inspector General of Police, appointed by the Governor to serve a five-year term, empowered to visit, observe, review records, interview and audit all state, county and municipal police agencies Sheriff's Offices in the jurisdiction, issuing public reports on the degree to which each agency meets the standards required by the state's peace officer standards and training (POST) Boards. The IGP should also have the power the English Inspector had until recently to de-certify any police agency as failing to meet minimum standards of performance.
2. **Certification of Police Agencies.** Each state should require each police department in the state to be certified on the basis of a five-year IGP inspection. The IGP would also have the power to de-certify any police agency, at any time, on grounds of failing to meet minimum standards of performance, with its duties taken over by a county-wide or state-wide agency until such time as certification can be restored.
3. **Certification of Police Chief Executives.** Each state should establish a mechanism for certifying chief police executives (including sheriffs and commissioners), plus their deputy and assistant chief executives. If the US establishes a National Police College to train and examine candidates for certification (see point 8 below), states should adopt that method of certification as a means of strengthening a national police profession. States should also require continuing professional development of certified police executives, in order to maintain certification on the basis of a professional review every three years.
4. **Mandatory Standards.** Each state should empower (or in a few cases create) a peace officer standards and training (POST) board to set standards of police conduct,

procedures and ethics, based on research evidence on what works best to serve the public interest. These POST boards should (continue to) consist primarily of professionally certified chief police executives, appointed by the Governor. Each state board should be funded to operate a research arm to review and generate research that bears directly on producing best outcomes for legitimacy and public safety. The standards they set should include things police agencies and officers must and must not do, in recruitment, selection, training, appointment, promotion, crime analysis, strategic planning, supervision, discipline, evidence collection, use of video monitors and body-worn cameras and other technologies as they evolve. The standards must be announced with public consultation to assure transparency and due notice of the basis of all IGP inspections.

5. **Register of Dismissed Officers.** All states should follow the example of both Florida and England in establishing a register of all police officers who have ever been dismissed, who would be barred by law from ever being appointed a police officer in that state. If the Federal government elects to establish a national compilation of state and federal registers of dismissed officers, each state should contribute its list to the federal body for access strictly limited to policing agencies screening applicants for police officer posts.
6. **Independent Police Complaints Commission.** Each state should establish and fund a state-wide body to investigate complaints against police officers or agencies, allowing all agencies in the state to refer complaints to that body while requiring them to post the phone numbers, website or addresses to which complaints may be made. Members and a chair of the Commission should be appointed by the Governor to serve staggered terms extending beyond election years. State law should require that Commissions receive adequate funding to review, investigate, refer to prosecution, close or seek reconciliation of each complaint. The Commission should also have the power to dismiss a police officer from the profession, on the grounds of a serious breach of ethical standards set by the POST Board, even without regard to prosecution or conviction of a crime. Such dismissals would, by statute, take immediate effect, even pending any judicial review.
7. **Minimum Size of Police Agencies.** Whereas so many problems of organizational quality control are made worse by the tiny size of most local police agencies in the US; whereas less than 1 percent of 17,985 US police agencies meet the English minimum of 1,000 employees or more; whereas 73% of all US police agencies employed fewer than 25 people in 2008;⁷ therefore each state should establish a minimum requirement of 100 full-time equivalent employees in order for a state, county or local police agency to obtain or retain certification. Police agencies that fail to meet this standard upon its adoption should be given five years to arrange for a transition to mergers or substitution of police agencies in local jurisdictions so that all agencies can be large enough to assure quality control, merit-based appointments and promotions, and equal treatment of all citizens under a rule of law.

Recommendations for Federal Government

- 8. National College of Policing.** By executive order, the President of the United States (POTUS) should create a National College of Policing, empowered to accept fees for service paid by police agencies or individuals, that would train and assess experienced police professionals who meet admissions standards set by the Attorney General of the United States, who would also appoint the Board of Trustees of the College who would in turn appoint its Dean and faculty. The College would initially admit qualified applicants to a three-month residential course for potential police executives, concluding in an assessment center and examination that would certify qualified graduates to serve as chief police executives anywhere in the US. In the first five years after its creation, the National College of Policing (NCP) would allow all currently serving police executives in agencies of over 1000 employees to gain certification by assessment center only, without completing the course of study. The NCP would be required to include in its curriculum the major research evidence recommended by the National Institute of Justice as essential knowledge for preventing crime and maintaining the legitimacy of police institutions in a wide diversity of communities.
- 9. National Standards.** The NCP would also compile, publish and review standards for policing set by POST boards around the US, with an advisory board appointed by the Dean to select those standards endorsed by the NCP as *recommended* national standards. To the extent possible, these standards should be consistent with research evidence as summarized by the National Institute of Justice, even when the evidence may contradict state procedural laws.
- 10. Executive Order on Deadly Force.** The POTUS should issue an executive order to all federal law enforcement agencies requiring a British-style proportionality standard for the use of deadly force. The standard would not replace existing statutory or case law. It would impose a standard of care before entering into direct confrontation with suspects. The standard would hold that in situations in which there is a clear risk that use of deadly force might become necessary, but in which deadly force would be disproportionately severe in relation to the reason for engagement, the officer should delay a confrontation when it is possible to do so without posing an immediate and threat to life or limb. This order would be directly responsive to a wide range of recent cases in which police were legally justified in killing citizens, but where the underlying causes of the confrontation were so minor that the deaths shocked the conscience of the community and nation.
- 11. National Registry of Dismissed Officers.** The POTUS should issue an executive order for the Attorney General to establish and maintain a national registry of names and identification of persons dismissed for cause from the ranks of 120,000 federal law enforcement officials who work for the 73 federal law enforcement agencies.⁸ This registry should be accessible *only* to federal, state and local police agencies conducting background investigations prior to hiring police officers. The POTUS should also order that the Attorney General regularly obtain any and all state lists of police officers

dismissed for cause, adding those names to the National Register. Finally, the POTUS should direct that the Attorney General invest in improving ways to identify individuals with the same names and other identifiers, so that the unique identity of each dismissed person can be reliably established.

- 12. Federal Funding Restriction.** The POTUS should direct that decisions on discretionary federal grants give preference to police agencies that adopt recommendations 13-16.

Recommendations for Local Governments

- 13. Standards on Deadly Force.** Each county or municipal government maintaining a police force should direct that organization to adopt Recommendation 10 above, the executive order on deadly force.
- 14. Certified Police Chiefs.** Each county or municipal government maintaining a police force should adopt statutes restricting appointment and retention of chief executive officers to persons who have been certified as qualified police executives by the National College of Policing.
- 15. National registry of dismissed officers.** Each county or municipal government maintaining a police force should adopt statutes requiring that organization to report the name and identification of each person dismissed from police service for cause to a local registry it will make available *only* to state, federal and local police agencies conducting background investigations prior to hiring police officers, or to a state or national registry that will make the names and identifiers equally accessible for the *sole purpose* of pre-employment screening of law enforcement candidates.
- 16. Merge local police forces.** Each county or municipal government should cooperate at a county or regional level to create police agencies with a minimum of 100 fulltime employees per force as soon as possible.

No recommendations, even if adopted, can completely eradicate the controversies over policing a free society. The US is not the UK, and (with 55 million people) England and Wales have more residents than any US state. There are also deep cultural reasons that the infrastructure of policing is so different in the two countries. But American policing in the 21st Century has achieved enough to look across the world, and consider whether some other systems might yield better results. This Task Force provides the American people with the first opportunity in a generation to think about whether fundamental changes in our structures of policing are needed. If the answer to that question is yes, then the next question is what changes to try. Few if any nations have achieved more public safety with less police use of force or deadly force than England and Wales. My recommendations are based on 45 years of working with US police agencies, 30 years of working with police in 25 other countries, and 15 years of helping to redesign the English infrastructure. The English system has produced by far the best results. It is the best bet we have for the 21st Century.

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¹ The author is grateful for comments on an earlier draft of this statement from HM Chief Inspector of Constabulary Sir Thomas Winsor and HM Chief Inspector of Constabulary (retired) Sir Denis O'Connor, Professors Lorraine Mazerolle, Peter Reuter, John Laub, Peter Grabosky, John Braithwaite, Heather Strang, Barak Ariel, and University of Maryland graduate students including Molly Slothower, Megan Collins, and Sumit Kumar, as well as several anonymous advisors.

² <http://fivethirtyeight.com/datalab/another-much-higher-count-of-police-homicides/>

³ Deaths During or Following Police Contact 2012-13 and 2013-14
https://www.ipcc.gov.uk/sites/default/files/Documents/research_stats/Deaths_Report2012-13.pdf
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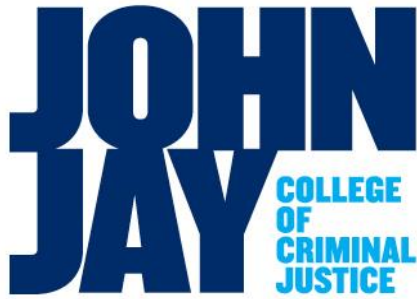
⁴ <http://www.fbi.gov/about-us/cjis/ucr/leoka/2013>

⁵ Statement of Martin Hewitt on behalf of the Commissioner of Police of the Metropolis to the Inquest Into the Death of Mark Duggan, September 6, 2013.

⁶ Created by Public Law 70 in 2013. <http://www.nyc.gov/html/oignypd/pages/home/home.shtml>

⁷ Census of State and Local Law Enforcement Agencies, 2008
<http://www.bjs.gov/content/pub/pdf/cslla08.pdf>

⁸ Census of Federal Law Enforcement Agencies 2008,
<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4372>



Testimony of

Jeremy Travis

**President of John Jay College of Criminal Justice
The City University of New York**

Before the

Task Force on 21st Century Policing

Created by

President Barack H. Obama

Panel on

“The Future of Community Policing”

February 24, 2015

Washington, D.C.

Co-chair Ramsey; co-chair Robinson; Members of the President's Task Force on 21st Century Policing

I am deeply honored by the invitation to speak with you this morning on the topic of "The Future of Community Policing" and to appear with the other distinguished members of this panel.

I applaud the decision of President Obama to create this Task Force at this time in our nation's history. As recent events have reminded us, there are few issues facing our country as important as the quality of the interactions between the police and the people they serve, in particular the relationships between the police and communities of color. The President's commitment has been reinforced by the leadership of Attorney General Holder and the powerful statement made recently by FBI Director James Comey. They have challenged the nation to seize this moment to move beyond individual incidents of police use of force and to rise above the passions and positions that too often divide us.

This morning I would like to highlight three topics that I respectfully commend to the attention of the Task Force. But first, I must offer my thanks to the officials of the Department of Justice for their vision in creating the National Initiative for Building Community Trust and Justice. I am honored to be associated with the team that was selected to carry out this vision – remarkable thought leaders at John Jay College (including Prof. David Kennedy, who previously testified before this panel), Yale Law School (including Task Force member Prof. Tracey Meares and her colleague Prof. Tom Tyler), UCLA (including my fellow panelist Prof. Philip Atiba Goff) and the Urban Institute (with a team led by Dr. Nancy LaVigne). We have embraced the challenge of working with five pilot sites around the country to infuse police practices and policies with the principles of procedural justice, implement training protocols based on research on implicit bias, and partner with police departments and communities to advance the processes of racial reconciliation. I know that I speak for my colleagues when I note that we are fully aware of, and humbled by, the complexity of this undertaking. We hope that these efforts will shed light on the issues under consideration by this Task Force and will, in time, develop a body of knowledge and professional practice that will promote better relationships between the police and the public, particularly in communities of color.

The Role of Higher Education in Advancing Professional Policing

Among the perspectives I bring to the issues facing this Task Force is that of a college president. So, my first recommendation is that the Task Force should seek to utilize the capabilities of the nation's universities to advance more effective policing practices. The college I am privileged to lead, John Jay College of Criminal Justice, was created 50 years ago at a time much like the present, when the nation was asking profound questions about the role of the police. Cities across America were reeling from riots and deep racial unrest. The Great Migration of blacks from our southern states to northern cities, from rural communities to highly segregated cities, still policed by largely white police departments had created a tinderbox of tensions and

resentments that erupted into race riots, often ignited by the deaths of young, unarmed African-American men at the hands of the police.

Presidential commissions were created to explore the nature of race relations, the role of the criminal justice system, and the dynamics of violent crime. Two themes ran through the recommendations of those commissions, both of which leverage the power of universities to improve policing. The first notion, revolutionary at the time, held that our country would be better served with more college-educated police officers. A college education would improve the critical thinking skills necessary to make wise use of discretion, and bring a broad understanding to the role of the police in our society. To accelerate this idea, a new federally funded scholarship program for police officers called LEAP (Law Enforcement Assistance Program) was created. A generation of police leaders now traces their understanding of the complex role of the police in our democracy to their LEAP-funded college educations. At the same time, universities around the country created criminal justice departments, designed academic programs in criminal justice, and actively recruited police officers as college students.

John Jay College proudly traces its roots to that national commitment. After its first classes for 1,000 in-service police officers in the Police Academy, John Jay has evolved into a major liberal arts college with a global reach serving 15,000 students. We offer academic programs at the doctoral, masters and baccalaureate level. We have more than 400 full time faculty, including some of the nation's preeminent scholars on issues of crime, policing, race relations and justice. Since 1965, John Jay has produced 60,000 alumni who work as scientists in crime labs, judges on the bench, scholars of crime and justice, community organizers, professionals in emergency management, corrections and fire science, human rights activists, and of course law enforcement professionals in agencies ranging from the New York City Police Department, to the federal agencies, to police services in dozens of countries.

I tell this story not just as a matter of institutional pride, but rather as a foundation for a recommendation for your consideration. To advance the profession of policing, our government should invest in the education of police officers and police leaders. This profession needs individuals who have the critical thinking skills that come from a rigorous college education. But higher education is a very expensive commodity today. As public funding for public higher education has been cut sharply in recent years, the ability of young men and women to pursue a college degree has been constrained. It is a truism to state that college education is the seed corn for our nation's future. As we invest public dollars in science and technology, we also need to invest in the future of our law enforcement professionals. As we invest in college education for our returning veterans, we also need to invest in those who will keep us safe at home.ⁱ

The Role of Research in Advancing Effective Policing

A second theme from your predecessor presidential commissions also resonates today: The work of our police departments would benefit from research, statistical analysis of crime trends, and empirical understanding of the effectiveness of efforts to prevent and respond to crime. Building on those recommendations a half century ago, our federal government created the Law Enforcement Administration (now the Office of Justice Programs), and the research and statistics agencies of the Department of Justice (now the National Institute of Justice and the Bureau of Justice Statistics).

I was privileged to serve as Director of the National Institute of Justice in the Clinton Administration, working closely with your co-chair, former Assistant Attorney General Laurie Robinson and our Attorney General Janet Reno. This was the era of the 1994 Crime Act which made possible an unprecedented investment in research, particularly research on crime and the role of the police. I should point out that the modifier “unprecedented” must be understood in relationship to the previous investment in research on these critically important topics. The NIJ budget has always been dwarfed by the budget to the other science institutes of the federal government. Yet the late 1990s were the Golden Age of investment in research on crime, violence, policing, corrections, and drug abuse. We supported ground-breaking research on hotspots policing, tracing illegal gun trafficking, domestic violence, drug courts, community policing partnerships, and police integrity. As I look at the country’s understanding of those phenomena today, and the effectiveness of our response to the crime epidemic that prompted the passage of the 1994 Crime Act, I can see the value of that investment in research.

There is an unquenchable thirst these days among practitioners and policy-makers for research, data analysis, and evidence of effectiveness. At the same time, scholars in our universities, researchers in non-profit think-tanks, and analysts in our police departments are all eager to produce that knowledge; but meeting the demand requires funding. Certainly state and local governments can contribute, but this is quintessentially a federal role. So I would hope that this Task Force will recommend a significant, sustained, and strategic investment in research on policing, crime, public trust, and racial justice.

Today’s research agenda should be broader than that funded by the 1994 Crime Act. Today, we need an empirical understanding of the interactions between the police and the public. We should explore forthrightly the intersection of policing practices and race. Specific topics should be at the top of the list. For example, we should understand whether the practices that come under the heading of “proactive policing” are effective at reducing crime and what the costs are in terms of public trust, confidence in the police, and legitimacy. We should also explore the effectiveness of different policing tactics and then turn that research into new training curricula. The research agenda for the future should also include new national statistical surveys. Just as a previous generation pioneered the use of victimization surveys to explore the “dark figure” of unreported crime, federal leadership is needed today to develop reliable national measures of

police-citizen contact, with a particular deep examination of the interactions between the police and young men and women of color.

The Importance of Legitimacy, Procedural Justice and Racial Reconciliation

The title of today's panel is *The Future of Community Policing*. In my view, the development of the concept of community policing represented a milestone in the evolution of American policing. The community policing philosophy is grounded in three important aspirations: developing partnerships with the community, emphasizing problem-solving as the principal policing methodology, and embracing crime prevention as the mission of the police. These aspirations remain as powerful today as they have ever been. Over the years, we have strengthened these pillars with new technologies and concepts, such as the management innovation of CompStat, pioneering research on focused deterrence led by Prof. David Kennedy, new technologies, new data analytic techniques, and new tools of forensic science.

Yet a critical element of community policing has not received sufficient attention – the development of public confidence in the police. In fact, I would argue that we have lost ground on this important obligation to the citizens we serve. The critical next step is to make public trust as much a measure of police effectiveness as public safety. Without this, the aspiration of community policing will remain a hollow promise.

When Bill Bratton was sworn in as Police Commissioner a year ago, for his second stint at the helm of the NYPD, he made a profound observation. He said he was troubled by the realization that, although crime had been reduced to record lows, the public, particularly in communities of color, was angry at the police. Why he asked, had the public safety successes not translated into public confidence? His goal, he said, was to restore that public trust in the police.ⁱⁱ

Tackling this question is of paramount importance to the future of community policing. In meeting this challenge, we are aided by three powerful concepts – legitimacy, procedural justice and racial reconciliation, all of which lie at the heart of the National Initiative on Building Community Trust and Justice.

The concept of legitimacy holds that the police should strive to interact with the public in a way that promotes public confidence. More than a public opinion poll asking whether people like their police, this is the bedrock notion of democratic policing: The police do their work with the consent of those they police. Adherence to the demands of the legitimacy principle requires active engagement of the public in developing safety strategies, sharing power with community leaders, and adopting a posture of a true public servant: a police agency that is not authoritarian but recognizes that its authority comes from the people.

The concept of procedural justice is a close corollary of legitimacy. This concept, based on strong research, demonstrates the power of respectful policing. If the police explain the reasons for their actions, treat the citizen respectfully, and provide an opportunity for the citizen to ask

questions, two results follow: the respect for the law increases, even if the law enforcement action is negative; and the citizen is more likely to obey the law in the future.

The third concept that must be embraced to promote the promise of community policing is racial reconciliation. This is perhaps the most difficult, but I believe it is the most important. The nation's history is deeply intertwined with the legacy of slavery. Throughout that history, the law has been a weapon of oppression. We need only cite the Fugitive Slave Act, the black codes of the Jim Crow era, the practice of convict labor, the widespread practice of lynching as a substitute for adjudication recently documented by Task Force member Bryan Stevenson and the Equal Justice Initiative, and the judicial enforcement of restrictive covenants. Today, we live in an era of mass incarceration, when the law is once again an instrument of racial injustice. Let me illustrate with this simple statistic. For an African-American male high school dropout who was born between 1945 and 1949, the probability of serving at least a year in prison was 14.7 percent. A generation later, after the nation embarked on a four-fold increase in incarceration rates, that probability skyrocketed to 68 percent. Our criminal justice policies have done enormous harm to communities of color, particularly young male high school dropouts.

Why does this history matter today? My colleague David Kennedy recently made the following observation: when the country reacts to the death of an unarmed African-American man at the hands of the police, white Americans talk about the incident – black Americans talk about history. Our country needs to focus on history in order to rise above the incident. Fortunately, we are now blessed with a new generation of police leaders, many of whom have testified before this Task Force, who understand the power of history. Our President, Attorney General, and FBI Director are speaking forthrightly about the power of the reality that law enforcement has too often, and for too long, been on the wrong side of the pursuit of racial justice. These leaders are willing to invoke that history as a necessary starting point in the effort to rebuild trust in our law enforcement institutions. This pursuit of racial understanding is an essential ingredient if we wish to bridge the divide between police and communities of color. The greatest legacy of this Task Force would be the explicit embrace of the historical imperative of a national process of racial reconciliation. It has already begun in communities around the country, often with law enforcement in the lead.

We can imagine a new form of community policing that takes seriously the creation of a new level of understanding between the police and communities of color. This will only happen, in my view, if we find ways to operationalize the concepts of legitimacy and procedural justice and start down the road of racial reconciliation.

Thank you for this opportunity to share these thoughts with the Task Force.

ⁱ In this regard, I commend New York City Mayor Bill de Blasio for his recent decision to invest \$10 million in expanding the Police Cadet Corps, a program that provides financial assistance and paid internship opportunities to young people who, upon completion of their baccalaureate degree, go to the head of the line for admission into the Police Academy. Since its creation thirty years ago, the Cadet Corps has established an exemplary track record by bringing hundreds of young people, a majority of whom come from minority groups, into the ranks of the NYPD. Years ago, Congress provided funding for a national version of this program. New funding today would leverage the power of the nation's universities to raise the quality of our police professionals.

ⁱⁱ The narrative of New York City illustrates the complexity of this challenge. Violent crime and property crime have dropped to record low levels. The rate of felony arrests has plummeted. Yet the experience of being policed has also changed dramatically. As felony arrests dropped, misdemeanor arrests increased by a factor of four over thirty years. During the past decade, the number of times the police stopped, questioned and sometimes frisked New Yorkers also increased dramatically, from 160,851 in 2003 to a peak of 685,724 in 2011. At the same time, during the past decade, the police issued approximately 540,000 summonses a year for minor offenses. These trends are undergoing important changes. The number of misdemeanor arrests fell by 9.5 percent between 2010 and 2013. Police stops plummeted in recent years and amounted to just 38,456 stops for the first three quarters of 2014. Summons activity has fallen off. Our city is engaged in a lively debate about these practices. A federal district judge held that the stop, question and frisk policies were unconstitutional. Our Mayor and Police Commissioner are taking steps to reduce misdemeanor arrests and summonses. Yet two questions hang in the air: Are these practices necessary to reduce crime? And do these interactions promote or undermine the confidence of the public, particularly young people, in the police? These are research questions that can be explored with appropriate federal funding.

Recommendations to the Presidential Task Force on 21st Century Policing Conclusions of a Student-Led Discussion Series at the Harvard Kennedy School

Introduction

In response to the call for submissions by the President's Task Force on 21st Century Policing, Harvard Kennedy School (HKS) students hosted a special series of four student-led discussions in February 2015, *'The Future of Policing'*, involving more than 100 students, academics, police professionals and community leaders. This paper is not an official submission from HKS, but a record of this discussion series.

Sparked by events in Ferguson, Staten Island and beyond last year, our discussions about improving trust in the police were diverse and wide-ranging. This paper does not cover all the areas we discussed, but, if there was broad consensus, the recommendation is included here. A draft was circulated for comment to all students who participated in the discussions, and was then reviewed by students with criminal justice expertise to cite research of note where appropriate. Our recommendations are distilled into four areas:

Rethinking the policing philosophy
Transforming police culture
Increasing transparency and accountability
Developing the evidence base in specific areas

Policing made up the bulk of discussion and comprises the body of this paper, but first we wish to outline two critical recommendations regarding non-police actors.

Galvanize other public agencies: The police represent just one agency in our complex social and criminal justice systems. Substantive and lasting change for the public good will only occur if other public agencies (such as social services, schools and local governments) reflect, review and reform alongside the police leaders, politicians, and community representatives who are currently seizing the initiative to improve public trust in policing.

Ensure politicians play a central role: Local, state and federal politicians must create the authorizing environment for police leaders to step beyond what they know, test new ideas, and work towards long-term improvement. The Task Force should hand over responsibility to a national commission or network of institutions that can oversee, support and drive change. Politicians must commit to monitoring progress and holding the police and community accountable. Only then will the momentum of change be maintained over the next decade.

Before we outline our recommendations for policing, we wish to recognize the tone and character of our conversations. HKS students sincerely appreciate police officers' work and dedication, facing the relentless challenge of striking a balance in trying - and often dangerous - situations. But trust in the police is a cornerstone of freedom, civil rights and fairness in democratic society,¹ and with this crisis in public trust comes the opportunity and momentum to learn and improve. HKS students wish to be a constructive and supportive resource for the Task Force now and in the coming months.

Rethinking the Policing Philosophy

If levels of public trust are to improve, a significant number of communities across the United States must witness – and participate in – a change in their police department’s approach to policing.

Pursue trust-based models of policing: ‘Community Policing’ must not just reduce crime and harm but also secure support, participation and constructive criticism from communities. Community Policing needs an in-depth review, as it varies considerably in its effectiveness: at best, it is community-driven activity throughout the department; at worst, it is a stale tick box exercise where community contact is limited to meetings with small panels. For the next generation, trust-based philosophies of policing should be piloted. Options include problem-oriented policing,² confidence-driven policing,³ community justice policing,⁴ or the “*rightful policing*” model⁵ based on the perceived fairness and justice of police encounters – these are philosophies worth developing or revisiting. The time is ripe for these trust-based models to be tried and tested. Of note, *police-community collaborations* with specific, shared objectives appear to be most valuable and effective.⁶

Adopt a Procedural Justice approach: The fairness and quality of their encounters with the police are important to people, even if they are unsatisfied with the outcome of the interaction.⁷ Procedural Justice, which advocates fairness and explanation of processes to improve trust in public service, has been around since the 1980s⁸ but the uptake by police departments has been sporadic. This is a missed opportunity.

Explanation and fairness should become central to the philosophy of policing.⁹ Innovation has a role to play here in understanding and explaining complex police processes and increasing the quality and volume of interactions with the public. Suggestions include transforming the much-criticized ‘cops in cars’ into police who *proactively engage* with people; not restricting but training officers to speak to community groups and the media; professionalizing the online interface for police to communicate with the public;¹⁰ and measuring officers on their ability to *communicate, problem solve and show compassion* in communities.¹¹

Build the social capital of the police: Police departments must build their social capital by immersing their greatest assets – officers and civilian staff - in the communities they serve.¹² The value derived from social capital in other sectors can bring lessons to policing.¹³ Policies prohibiting officers from *living where they work* should be reviewed. Police officers based in specific neighborhoods often move on too quickly: they should remain in their *community posts* for longer so relationships can grow (this may require departments to review their policing philosophy and recruitment policy). A certain number of days per quarter should be devoted to *community service*, so police employees become role models, leaders, coaches and mentors in their communities.

Open the debate about debt-oriented policing: Police should not play a role in local fines and fees collection systems, which raise a significant proportion of local government funding in some jurisdictions. Non-payment of fines for minor civil offenses often leads to arrest, and disproportionately applies to marginalized communities.¹⁴ Described as “debt-oriented policing”, collection of minor debts by the police should cease. This contributes to animosity between the police and civilians from the

communities where relations are most strained. To improve trust in policing, local governments and courts should ***transfer debt collection responsibility*** to an appropriate civil agency because the enforcement of minor indiscretions that are unrelated to criminality or public safety is unrelated to the core role of the police.

Transforming Police Culture

The culture within police departments shapes public trust in the police. There is debate about whether police officers should be seen as “***warriors***”, who go into combat against criminals when they start their shift, or as “***guardians***” of the community, who serve with the participation and support of the public.¹⁵ The apparent militarization of local police departments in recent years is the most visual expression of the warrior culture in policing.¹⁶ Police culture should shift towards the guardian model in order to be more effective in building positive relationships with communities. There are three key components of transforming police culture: recruitment and screening, training, and the measurement of officer performance.

Review police recruitment and screening: There should be greater effort to select the most appropriate people to be police officers. Standards and criteria for entry as a police officer should be reviewed and more closely aligned to the specific skills required. Research has identified consistent ***officer characteristics*** associated with incidents involving excessive use of force.¹⁷ Potential officers should be ***screened*** for these characteristics and the behavior patterns associated with aggression, escalation of conflict and unsound decision-making under pressure. Police departments should be aware of such characteristics, and ***monitor them regularly*** throughout an officer’s career, especially because the vast majority of officers experience trauma before or during their service.¹⁸ Officers recruited from military service should receive special training and support on how to adapt to community-based policing. ***Diversity*** of background and experience, particularly racial diversity, should be a recruitment priority.

Modernize training that is fit for purpose: There were numerous recommendations regarding police officer training. Currently, comprehensive training might be limited to an officer’s time at the police academy as a recruit. ***Ongoing training*** should be mandatory for all sworn law enforcement officers, akin to continuing education credits that lawyers must obtain.¹⁹ This training might contribute to a degree or formal qualification. Training courses should no longer be used as rewards for the most effective police officers because this leaves the least competent officers significantly under-trained. Police training should incorporate real-life simulations, and build on experiences that officers have encountered in previous incidents. ***De-escalation*** training should be a mandatory part of police academy training and part of their continued training.²⁰ Officers should be required to show progress on their de-escalation skills periodically during service. All officers should receive ***non-lethal use of force*** training.²¹

Reform the measurement of officer performance: Many police departments focus on output-oriented - rather than outcome-oriented - performance measures for police officers. Officers are measured according to the volume of tickets, stops or arrests they make. These are internal measures of work-rate that often have no direct link to the outcomes that benefit public safety.²² Driving police activity based on these crude output

metrics might be damaging public trust. Police departments should focus on the performance measures that have a ***direct impact on crime, safety and building trust***,²³ so arrests or traffic tickets are not the primary measures for frontline uniform officers. Outcomes such as conflict resolution, a formal warning, de-escalation or finding a missing child or resolving a mental health incident should also be measured, recognized and rewarded. Officers should be assessed on the quantity and quality of the outcome of their interventions (victim satisfaction, charge or prosecution of a suspect, a restorative justice resolution), rather than the intervention itself (searches, traffic tickets, arrests). The ***quality of officer interactions*** with complainants, suspects and members of the public should be based on procedural justice theory, including whether officers are civil and polite and communicate the reasons for their actions.²⁴

Increasing Transparency and Accountability

Police departments are rightly careful to restrict transparency to protect the rights and safety of individuals and the fairness of the criminal justice process. But, in this age of electronic information and access, police departments must seize the opportunity to challenge the public perception of a closed police culture, and transform police departments into a new generation of ***open, accessible and innovative agencies***.

Reform the investigation of police complaints: Given the history of corruption and the perception of a ‘closed’ police culture, departments investigating their own complaints is no longer appropriate. Independence and the very highest standards of integrity need to be *openly* demonstrated to fellow civilians. ***Alternatives to internal investigation*** include: the creation of a wholly independent police complaints investigation agency; a police complaints audit agency with enforcement powers; the distribution of police complaint investigations to other local departments to increase independence; and police prosecutions being referred to a non-local prosecutor or an independent inspector general.²⁵

Strengthen and formulate guidelines for civilian oversight: The value and authority of over 2,000 civilian oversight bodies vary across the country. In some jurisdictions, it is a powerful method to enhance active accountability by involving and informing the community. There should be a national review of oversight to measure the effectiveness of various approaches. The lack of research into the effectiveness of different civilian oversight models and practices limits understanding about what works.²⁶ Best practice should be shared nationally, specifically around how civilian oversight boards can ***communicate better*** with the public and how they can ***directly shape police department policy*** (as opposed to focusing on reviewing complaints). To maximize value, consistent guidelines should direct civilian oversight bodies, so they have the institutional authority to be drivers of change and not merely commentators or advisors.

Open an honest discussion about race: Police leaders must join FBI Director James Comey in speaking openly about racial prejudice. If they are to lead a major change in public trust, the police must openly acknowledge where racial bias exists in their departments. Comey’s speech offered a hopeful pathway to action: admission of a problem, then open discussion to develop understanding and seek solutions.²⁷ For example, terms like “institutional racism” or “structural racism” must be researched in depth to understand how and why it exists in police departments, so police leaders can

identify and attempt to reduce it more effectively. ***Implicit bias training*** should be a key component of police officer training throughout their service. Research shows implicit biases have a direct impact on people's actions (despite the fact that people aren't consciously aware of them).²⁸ Because of this research, implicit bias training has become widespread in many public and private sector agencies, and is incorporated into many educational programs at Harvard.²⁹

Developing the Evidence Base in Specific Areas

Students support those jurisdictions moving towards evidence-based policing. Using proven research of '***what works***', rather than making decisions and allocating resources without knowledge or understanding of the impact, supports a transparent, accountable model of policing. While recognizing the operational and political challenges of accurately gathering and analyzing data, three priority areas were emphasized.

Collect complete data on police use of force: The police community should strive to explain and reduce fatalities and injuries caused by police use of force. Data is the first step to addressing this challenge. ***National data on fatal and non-fatal police shootings*** are incomplete; police use of firearms and non-lethal alternatives are not, but should be, collated. Collection of such data will inform training models and standards, and will place the police use of force debate on a more solid footing.

Find out what works in schools: During our discussions, opinion was divided on whether it is effective or appropriate to have police officers in schools, which reflects the mixed research in this area.³⁰ However, there was agreement that if or when police officers are in schools, their main purpose should be to build trust between the community and the police, and ***to not criminalize young people***. A commitment to extensively review the evidence and best practice should guide strategy to both improve trust amongst young people and reduce high rates of suspension, expulsion and young people entering the criminal justice system.³¹

Review and reform Stop & Frisk: As the most controversial of all police tactics, it is time to conduct a ***wholesale review and reform***. Comprehensive collection and analysis of data to prove effectiveness is required to counter public distrust. In partnership with the communities most affected, innovative interactions must be tried and tested³². Suggestions include: ***limiting stops*** to specific known individuals or a specific high crime area; invoking Stop & Frisk powers in those limited circumstances, and requiring ***mandatory authorization*** of a senior officer, judge or even better the community; introducing obligatory electronic records for police and receipts for those stopped; creating a special ***Code of Conduct*** (aligned to Procedural Justice principles) that stipulates the information required to be provided by a police officer during a stop.³³ All police Stop & Frisk data should be made ***publicly available***. These data should be anonymized and relay the underlying reasons and circumstances behind the stops, not just the total number of stops conducted.

References & Endnotes

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