Written Testimony Before the President's Taskforce on 21st Century Policing

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February 25, 2015

More than 250 years ago the Enlightenment philosopher Cesare Beccaria admonished that, "It is better to prevent crimes than punish them." I recently co-authored an essay with Cynthia Lum of George Mason University titled "Reinventing American Policing: A Six-Point Blueprint for the 21st Century." In it we lay out an ambitious blueprint for reorienting policing toward Becarria's goal and in so doing reducing both arrests and imprisonment. The blueprint also aims to advance another important objective of policing—maintenance of high levels of credibility and confidence in the police among the public they are sworn to protect. Both objectives form the bedrock of effective policing in a democratic society.

U.S. criminal justice policy of the past four decades institutionalized many characteristics of criminal justice system that we see today. For law enforcement, arrest became a central measure of performance and success and, in turn, imbedded into organizational culture, training, promotions, and assessments. Even ideas like "broken windows" policing (Wilson & Kelling, 1982) that were preventative in intent, were applied in ways that police knew best: zero tolerance and arrest for even the most minor of crimes (Martinez, 2011).

Reorienting police practices towards crime prevention and improving community trust and confidence requires important changes in the functions, values, and operations of law enforcement. The six-point blueprint that we lay out for achieving this re-orientation is grounded in decades of research and experience. It also reflects the evolution of expectations of policing in advanced democratic society. In this regard, two principles guide our blueprint:

> **Principle 1: Crime prevention—not arrests—is paramount.** Crimes averted, not arrests made, should be the primary metric for judging police success in meeting their objective to prevent crime and disorder.
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> **Principle 2: Citizen reaction matters.** Citizen response to the police and their tactics for preventing crime and improving public order matter independent of police effectiveness in these functions.

Principle 1 follows from Beccaria's observation that it is better to prevent crimes than to punish them. Punishment is costly to all involved—society at large which must pay for it, the individual who must endure it, and also the police whose time is diverted from their crime prevention function. While arrest plays a role in the crime prevention, arrest also signifies a failure of prevention; if a crime is prevented in the first place, so is the arrest and all of the ensuing costs of punishment (Nagin, Solow, and Lum, 2015).

Principle 1 does not suggest that police should stop making arrests. An important function of the police beside the prevention of crime is to bring perpetrators of crime to justice. Further, police cannot possibly prevent all crimes. However, over the past three decades a steady accumulation of evidence suggests that proactive prevention activities are more effective than reactive arrest in preventing crime. Proactive policing activities focus police efforts on those people, places, times, and situations that are at high risk of offending, victimization, or disorder. Proactive policing stands in sharp contrast to reactive approaches in that it tries to address problems before they beget further crimes through a wide variety of strategies that often do not emphasize arrest, especially for minor crimes. Thus, in this first principle, we suggest greater emphasis on proactive and preventative deployment strategies than arrest-based deployment strategies.

Principle 2 emphasizes that police in democracies are not only responsible for preventing crime but also for maintaining their credibility with all segments of the citizenry. The objective of maintaining citizens' trust and confidence means that the reaction of the citizenry to the police is important to judging their effectiveness independent of their success in preventing and solving crime. While citizen trust and confidence may facilitate police effectiveness in preventing crime, we treat trust and confidence as an independent criterion for judging their performance because the overriding objective of police should be to create a safe democratic society, not a safe police state.

In emphasizing the importance of citizens' confidence and trust in the police, we are fully cognizant that police-citizen encounters may be hostile through no fault of the police officer. These encounters may involve persons known to have committed serious crimes or who are in the process of committing a serious crime, and that encounters may involve real threats to the safety of police officers or innocent bystanders. However, even in these circumstances, the person who poses the threat or who is responsible for hostile interaction does not forfeit his or her status as a citizen even if his/her behavior provides a legal basis for arrest or even a lethal police response if necessary. Indeed, the "professionalization" of the police was to ensure that the response to perpetrators was not only lawful but also conducted with fairness and dignity.

In putting forth these two principles, we are also cognizant of the difficulty of what must be done to achieve them. The three functions of police that we have alluded to above—preventing crime; bringing the perpetrators of crime to justice; and maintaining their credibility and trust with the public they are sworn to protect—are each significant in their own right but also are highly dependent upon one another. If police are ineffective in the role of apprehending the perpetrators of crime, their effectiveness in their prevention role may be eroded. However, commitment of time and resources to apprehending the perpetrators of crime, particularly if they are minor, may come at the expense of the crime prevention function. While maintaining trust and credibility within the community is also tied to the ability of the police to prevent crime and bring perpetrators to justice, the same trust may be eroded when police spend too much time arresting individuals for minor crimes or stopping and frisking significant swaths of the population. However, recognition of the difficulty of what must be done to advance these principles should not be used as an excuse for dismissing their pursuit as quixotic.

A six-point blueprint for reinventing American policing

As discussed in the full essay crime clearance rates for serious crimes have remained largely unchanged for more than four decades despite large changes in the index crime rate over this period. In our judgment, opportunities for major improvements in crime solution rates and therefore in effectiveness in bringing the perpetrators of crime to justice are unlikely. Innovations in forensics and other technologies may ultimately produce significant improvements in solution rates, but we are skeptical of that happening anytime soon. Thus, the focus of our recommendations is on crime prevention and citizen confidence.

In brief the six blueprint items are:

1) Prioritize crime prevention over arrest

Arrests are costly to all involved—society, the police, and the person arrested. Even for arrests for serious crimes it is important that police broaden the organizational response to more than justifiable congratulation (assuming the arrestee is guilty) to asking the question: Is there anything that we, the police, could have done to prevent this crime from happening in the first place? Accordingly, we recommend that police focus their efforts, reforms, and resources on what we call sentinel-like activities that prevent crime and in so doing avert the need for arrest and all its ensuing costs (Nagin, Solow, & Lum, 2014).

2) Create and install systems that monitor citizen reactions to the police and routinely report results back to the public and also managing and line officers.

This blueprint item involves two important components, both in support of Principle 2. The first component is routinely, systematically, and rigorously surveying citizens on their reactions to the police in general and to specific tactics. The second component is to regularly report back to both citizens and officers the results of the survey and actions that will be taken to support favorable citizen responses and to remediate negative responses.

3) Reform training and redefine the "craft" of policing

The content of police training depends on what trainers and their agencies define as the "craft" of policing, which is shaped by beliefs and expectations of about the function, purpose, and methods of good policing. If officers are trained and socialized to believe arrest is the primary purpose of policing and its measure of success, then the craft of policing will emphasize and reward the skills and statistics associated with arrest. Similarly, if officers are trained and socialized to believe prevention and community welfare are important goals of policing in addition to the arrest of the perpetrators of serious crime, then the craft will be shaped by these expectations.

4) Recalibrate organizational incentives

Reinventing policing towards the above principles also requires altering organizational incentives. Rewards, promotions, incentives, and informal "pats on the back" shape the expectations and tendencies of both leaders and the rank and file. Thus, the metrics used for the judging performance from the line officer to the chief executive must include measures of knowledge of approaches for effective crime prevention and maintenance of citizen confidence and success in applying those approaches.

5) Incorporate the analysis of crime and citizen reaction into managerial practice

Advancement of blueprint Items 1 and 2 will require that all law enforcement officers from the patrol-level to the chief executive have access to analysis of crime location and trends and the effectiveness of police tactics. This will require a substantial beefing up of the resources committed to and the standing of crime analysis units within police departments. It will also require expanding their charge to collecting and monitoring data on citizen reaction to the police.

6) Strengthening national level research and evaluation

Just as advancement in medical practice depends on a robust system of medical research and dissemination with institutions such as the National Institutes of Health in the U.S. and the Medical Research Council in the U.K. at its core. A comparably robust infrastructure of research and dissemination on what works in policing is required to advance our blueprint.

References

Lum, Cynthia and Daniel S. Nagin. 2015. "Reinventing American Policing: A Six-Point Blueprint for the 21st Century." Working Paper.

Nagin, Daniel S., Robert Solow and Cynthia Lum. 2015. "Deterrence, Criminal Opportunities and the Police." *Criminology* DOI: 10.1111/1745-9125.12057.

Wilson, James Q., and George Kelling. 1982. "Broken Windows: The Police and Neighborhood Safety." *Atlantic Monthly* 249(3): 29-38.