

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

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A RESPECTFUL POLICING INITIATIVE

1. I am Samuel Walker, Professor Emeritus of Criminal Justice at the University of Nebraska at Omaha. I would like to thank the Task Force for this opportunity to submit written testimony with recommendations.¹
2. My professional expertise is in the area of police accountability. I am the author of 14 books on police accountability, policing, crime policy, and civil liberties. My most recent book is *The New World of Police Accountability* (2nd ed., with Carol Archbold, 2014).² I am also the author of Justice Department reports on *Early Intervention Systems for Law Enforcement Agencies* (2003)³ and *Mediating Citizen Complaints Against Police Officers* (2002).⁴
3. My testimony involves a proposal for A RESPECTFUL POLICING INITIATIVE, with accompanying recommendations for implementation
4. The context of my proposal involves the tragic events in Ferguson, Missouri, and Staten Island, New York, in 2014. Public reaction to those events has focused on citizen deaths at the hands of police officers and the grand jury investigations of those deaths. My proposal seeks to broaden the discussion to include routine, day-in, day-out policing, and specifically encounters that involve disrespectful and offensive language by police officers toward community residents.

5. Many people may think that disrespectful and offensive language is relatively trivial when compared with officer-involved deaths. I argue that, to the contrary, it is extremely important because of its pervasiveness, its impact on police-community relations, and its special impact on communities of color.
6. There is ample evidence that on a routine basis police officers in this country use disrespectful and offensive language in encounters with people on the street. That language includes racial, ethnic, and gender slurs; common vulgarities; and other expressions of disrespect. It was widely reported, for example, that the initial encounter between Officer Wilson and Mr. Brown in Ferguson began with Officer Wilson using a common vulgarity to order him to get onto the sidewalk.⁵
7. Verbal disrespect was an issue in the police-community relations crisis of the 1960s.⁶ The problem was evidently not corrected then, and so it continues today. Official data on citizen complaints indicate that verbal disrespect, including racial and ethnic slurs, in 2013 represented 17 percent of all citizen complaints in San Jose, California;⁷ as many as 26 percent in Washington, DC;⁸ and over 40 percent in New York City (this figure is ambiguous because of the classification system used by the New York City Civilian Complaint Review Board).⁹ Moreover, these data undoubtedly represent only a small fraction of all incidents of disrespectful and offensive language. Research has consistently found that citizens who feel mistreated by the police file formal complaints in only a small percentage of such incidents.¹⁰
8. The adverse consequences of disrespectful and offensive language include: (a) personal psychological injury to the member of the community involved; (b) creating over time a pervasive distrust of the police among those people most often the target of such language, particularly communities of color; (c) often provoking in particular encounters hostility toward the officer, leading to an escalation of the encounter into more aggressive behavior on the part

of both parties. Tragically, some of those escalated incidents result in the unnecessary use of force by the officer, including even the use of deadly force; (d) undermining standards of professionalism in the police department as officers learn by experience that they will not be disciplined for such conduct.

9. As the above paragraph indicates, disrespectful and offensive language by police officers is the antithesis of the principle of de-escalation. De-escalation is now recognized as an important strategy for reducing unnecessary police use of force.¹¹ Ending disrespectful and offensive language, therefore, would help to reduce the incidence of police use of force.
10. My principal recommendation to the Task Force is that the U.S. Department of Justice should take the lead in developing a RESPECTFUL POLICING INITIATIVE. The Department has several different units, with different mandates and resources, which can contribute to this initiative. The RESPECTFUL POLICING INITIATIVE would involve mandatory annual in-service training for all law enforcement officers in the United States on respectful and professional language.
11. Annual in-service training is well-established among law enforcement agencies, and the recommendation here can be readily incorporated into those existing programs.
12. A relevant model for this recommendation is the “Perishable Skills” in-service training program by the California Police Officer Standards and Training (POST) agency. In that program, all sworn officers in the state must receive 12 hours of in-service training at least once every two years, with 4 hours each devoted to Arrest and Control; Driver Training/Awareness or Driving Simulator; and Tactical Firearms or Force Options Simulator.¹² The California program recognizes that some of the particularly important aspects of policing officers need annual or at least biannual in-service training.
13. The major challenge for the RESPECTFUL POLICING INITIATIVE involves how to ensure that all law enforcement agencies adopt it. My second recommendation, therefore, is that the

Department of Justice make federal funds from the Department contingent upon a certification that a law enforcement is requiring mandatory in-service training for all of its officers on respectful policing.

14. As mentioned earlier, since virtually all law enforcement agencies in the U.S. already conduct annual in-service training, incorporating the RESPECTFUL POLICING INITIATIVE training into those programs can be achieved without major delay or disruption.
15. My third recommendation is that the Department of Justice should take the lead in developing a model respectful policing training curriculum. The Bureau of Justice Assistance (BJA) is the appropriate agency for this effort. The training curriculum should be developed in collaboration with law enforcement agencies, law enforcement professional associations, including recognized collective bargaining organizations, and appropriate experts from outside of law enforcement to ensure that it represents best practices regarding content, length, and instructional methods.
16. My fourth recommendation is that the Department of Justice should develop a recommended model policy on respectful policing. There is today a well-established practice of model policy development in American law enforcement.¹³ The model policy should be developed through a series of working conferences with representatives from law enforcement agencies, professional associations, including recognized collective bargaining organizations, and experts from outside of law enforcement.

In conclusion, disrespectful and offensive language by police officers toward community residents is a pervasive and serious problem in American policing, with a number of serious adverse consequences, particularly on communities of color. Curbing this problem will go a long way toward building community trust in the police and in the process reducing many more serious problems

such as the improper use of force by police officers. The Department of Justice should take the lead in addressing this problem by embracing the RESPECTFUL POLICING INITIATIVE recommended in this Statement. The Department of Justice should require mandatory annual in-service training in respectful policing as a condition for receiving federal funds, and also take the lead in developing both a model training curriculum and a model policy on respectful policing.

¹ Professor Walker's work can be examined at <http://samuelwalker.net/>

² Samuel Walker and Carol Archbold, *The New World of Police Accountability*, 2nd ed. (Newbury Park, CA: Sage, 2014).

³ Samuel Walker, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide* (Washington, DC: Department of Justice, 2003). <http://www.cops.usdoj.gov/Publications/e07032003.pdf>

⁴ Samuel Walker, Carol Archbold, Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders* (Washington, DC: Department of Justice, 2002). <http://www.cops.usdoj.gov/pdf/e04021486web.pdf>.

⁵ This author's commentary on Officer Wilson's words is available at Sam Walker, "Let's Get the 'F' Word Out of Ferguson," <http://samuelwalker.net/wp-content/uploads/2014/11/LETS-GET-THE-F-WORD-OUT3.pdf> There is, of course some dispute over the actions of Officer Wilson in the events of August 9, 2014. But as this Statement argues, even if Officer Wilson did not utter the exact vulgarity in question, the data on verbal disrespect, as indicated by citizen complaints, is a serious national problem.

⁶ National Advisory Commission on Civil Disorders, [The Kerner Commission], *Report* (New York: Bantam Books, 1968).

⁷ San Jose Independent Police Auditor, *2013 IPA Year End Report* (April 2014), p. 31. <http://www.sanjoseca.gov/DocumentCenter/View/29599>

⁸ District of Columbia, Office of Police Complaints, *Annual Report: Fiscal Year 2013* (March 2014, p. 33. <http://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/2013%20Annual%20Report%20OPC.pdf>.

⁹ New York City Civilian Complaint Review Board, *2013 Report* (March 2014), p. 7. Among all complaints received, 38 percent were in the category of Discourtesy and 8 percent were in the category of Offensive Language, for a combined total of 46 percent. http://www.nyc.gov/html/ccrb/downloads/pdf/CCRB%20Annual_2013.pdf

¹⁰ The research on citizen complaints is reviewed in Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth, 2001).

¹¹ Police Executive Research Forum, *An Integrated Approach to De-escalation and Minimizing Use of Force* (Washington, DC: Police Executive Research Forum, 2012). http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf

¹² California Commission on Police Officer Standards and Training, "Perishable Skills Program." <https://www.post.ca.gov/perishable-skills-program.aspx>

¹³ See, for example, the model policy on the use of electronic control devices: <http://cops.usdoj.gov/Publications/e021111339-PERF-ECWGb.pdf>