



FROM POLICE FORCES TO POLICE SERVICES

A New Framework for Policing in the U.S.

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PRELIMINARY STATEMENT

Mission of the Crime Commission: A non-partisan non-profit organization working to make criminal justice and public safety policies and practices more effective through innovation, research, and education. The Commission is tasked with developing and implementing innovative ideas to reduce the most extreme forms of violence. The Crime Commission's multi-disciplinary staff - including behaviorists, criminal justice experts, researchers and data scientists - develop new, cross-disciplinary approaches to violence reduction. The Commission works closely with numerous violence reduction community-based partners, as well as closely with government. From new methods to reduce illegal guns and gun violence, to highly specialized career development training and placement for hard to place youth, to the use of technology to reduce violence, the Commission relentlessly seeks to understand the scope and causes of violence and new ways to make communities safer.

EXECUTIVE SUMMARY

The crisis around police legitimacy requires our full collective efforts to resolve. Its impact is immediate, troubling, drives a deeper wedge between police and communities and is disruptive of crime reduction and prevention. No one benefits. We are seeing sharp rises in shootings and murders, and legislative bodies reducing funding to police agencies - the very agencies charged with crime reduction.

Yet, notwithstanding how serious and pronounced the intensity of the current debate, there is something eerily familiar with this crisis: that we have been here before, that serious complaints about police behavior are not new but rather seem to recycle every few years. It is the reoccurring nature of these issues that must compel us to think in bold and new ways, to try a new orientation of policing that breaks the cycle of excessively aggressive policing. Aggressive policing harms those it affects and is disruptive to healthy relationships with communities. It destabilizes the relationship between police and the public, resulting in a loss of legitimacy. We must rebuild that trust, allowing us to focus on the good work of police while ferreting out that which does not work and is harmful. The recent protests, sparked by the barbaric killing of George Floyd and others, ironically occurring when crime was at a relatively low point, demonstrates how much dissatisfaction there is with police. Policing in America today carries the heavy burden of a racist past, that carries through to today. Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Alton Sterling, Philando Castile, Stephon Clark, Breonna Taylor, George Floyd, and multiple more, were all killed at the hands of police.

Historically and today, police in America have been thought of as police forces. Nomenclature that embraces the notion that force, both physical and psychological, is the primary tool through which compliance with the law and compliance with the directions of police officers is to be achieved. Framing as a police force undoubtedly has an impact both on how the agency carries out its mission and how individual officers conduct themselves.

We propose to change the paradigm in policing in America by reorienting police away from being police forces and toward becoming police services; a much different orientation toward the public.

For such a large-scale change to be effective, it cannot just be a change of words over substance. Policing itself and the culture of policing must change. Such a change will require sustained and clear leadership at the political, police, union, officer and community levels. Such a change will not occur quickly, but nothing worth achieving is ever achieved quickly. The task will be hard but can be done.

In this paper, we describe not only some of the fundamentals of a police service, but invite leadership to think boldly about how else to accomplish this change.

We also describe specific steps that police agencies can take immediately that will not only begin the transformation of converting a police force into a police service, but will also address the immediate crisis faced by policing.

We are currently faced with a twin crisis: sharp increases in shooting and murder rates, and a crisis of police legitimacy. This dual crisis, although incredibly troubling, presents the opportunity for a much-needed transcendent change in modern policing: shifting from a police *force* to a *police service* and thus restoring the trust between police and communities, especially communities of color. Critically, we must reduce crime on the one hand, while simultaneously reforming the culture and practice of policing. In creating this transcendent change, there are six broad areas that must be addressed: the role of implicit bias and explicit racism; recruitment and psychological screening; front line supervision; police discipline and early warning systems; metrics; and using Compstat to incentivize best practices. Implemented collectively, reforms in these six areas would take any police force a long way down the path of converting to a police service, all working to address and combat instances of aggressive policing that might be associated with an overly aggressive police *force*.

Force will always be a part of policing. In line with the guardian versus warrior debate, the challenge is to not let the force aspects of policing dominate the culture of policing. The force paradigm incorporates an “us versus them” mentality. When one is a member of a “force,” the approach to problem-solving and relation to civilians can be strained. It becomes less about building relationships and more about enforcing the law. Moreover, individuals attracted to policing as a force may have enforcement as a primary goal as opposed to a service mentality. Militarization only makes this problem worse.

Police as a “service” is a different orientation. Enforcing the law will always be a core component of police agencies. But how we enforce the law in a “police service” could be thought of quite differently.

In a police service, the law is enforced side by side with the community. In a police force, compliance is often achieved through aggressive actions, whereas in a police service compliance can be achieved by leveraging established relationships or through officers trained and skilled in persuasion as a first choice. A police service will make efforts to recruit individuals with a broad range of critical skills. Conflict resolution skills, mental health training, restorative justice practices and other state-of-the-art techniques could all become part of the standard operating practice in a “police service.”

A police service will create different career pathways for individuals of different skills, which in turn will enable police agencies to think of new approaches to policing. It is one thing to think of crime reduction when your personnel are all essentially enforcers. It is quite another thing to think of crime reduction when your personnel possess a diverse range of skills. As part of a police service, multi-disciplinary teams would enhance crime fighting and build strong community partnerships. For instance, police units comprised of traditional enforcers partnered with those who are trained in conflict resolution, community problem-solving, mental health, substance abuse etc. could walk the streets and be dispatched to crime scenes.

Change is hard; especially in tradition bound entities, symbolism matters. If both political leadership and police leadership - throughout the ranks - embrace the idea and tenaciously look for ways to stress service over force, change will occur.

We suggest a series of reforms that would lay the foundation for shifting from a police force to an effective police service. Implemented collectively, these reforms also work to combat the problem of aggressive policing. Aggressive policing occurs when police officers respond to civilians in a manner that simultaneously is disrespectful and contains an element of actual or threatened force that is disproportionate to what is situationally required. Aggressive policing erodes trust and therefore legitimacy of the police. Aggressive policing can also be tied in with the issue of implicit bias in policing and the harmful and sometimes devastating effects that this can have on individuals and communities. The problem of aggressive policing and the role of implicit bias - as well as explicit racism - must be understood, accepted and addressed.

Addressing the role of implicit bias in policing through trainings and interventions, illuminating how unconscious biases manifest in our every day decision-making, including on the job, is an important step. Implicit biases affect everyone and are by no means unique to police. For a police service, the reduction of quick, harmful decisions based on unconscious biases rather than facts, is crucial. Bringing awareness to the existence and role of implicit biases may help officers to temper their dangerous effects. Trainings are not the only way of addressing the issue of implicit biases, and trainings that are currently in use need improving. There are a variety of interventions that have shown to be effective in this area. A simple and effective way to decrease racial bias is through non-negative engagements with out-group members. This inter-group contact might be mandated as part of trainings, through community policing strategies, and so forth, all under the support and example set by front-line supervisors. More research is needed in this area, including to determine the best training strategies and interventions. Finally, despite the fiery rhetoric that has accompanied some of the recent protests, neighborhoods still want to see a police presence. Visible policing offers a measure of reassurance and a documented deterrent impact on crime. What communities do not want is police officers harassing or profiling individuals on the basis of race, or police officers criminalizing non-criminal behavior. Police presence is only considered a good thing if the actions of the police are not aggressive and do not inappropriately target individuals based on race.

Recruitment and Psychological Screening. Policing is both physically and mentally exhausting work. Rigorous psychological screening prior to hiring could help to determine whether candidates are stable and suitable for a job in policing - a job that requires split-second, consequential decisions. This may be an important step to address a culture of aggressive policing. We suggest that - rather than merely focusing on the negative traits that we want to weed out - we should implement testing that identifies positive attributes that we hope to see in a police service, such as strong interpersonal and problem-solving skills. Screening should take place on intake and periodically throughout an officer's career. Screening could be effective in weeding out bad traits, including explicit and implicit racism, recruiting in positive traits, and

help to identify officers who may be experiencing mental health issues such as depression or suicidal ideations, and get them the help they need.

Recruitment of officers to a police service should work to hire officers reflective of the communities that they serve, including across race and gender. Multiple studies have found that more diverse and reflective police departments are more effective. We need to increase the number and retention of female officers, minority officers, and especially Black officers, who are underrepresented in most departments. Improving gender and racial diversity, in all ranks of the police, is an important component of changing the culture of police departments.

Front-line supervisors are key in leading the way and setting the example for the behaviors that we expect to see from officers in a police service, making these reforms a reality. The sergeants and lieutenants who interact with patrol officers all day have the greatest chance to shape police attitudes by both stopping errant behaviors and encouraging good practices. Additionally, sergeants and lieutenants are key to who gets promoted and why; supervisory positions should be awarded to officers who demonstrate positive attributes, such as the role of conflict resolution over force and the ability and willingness to intervene in wrongful police actions, especially inappropriate use of force, amongst other areas of skill and dedication to the job. Once promoted, the example that these individuals set for other officers is crucial to achieving the necessary cultural change within a department. Importantly, officers and front-line supervisors alike must be evaluated and held accountable.

Police Discipline and Early Warning Systems. Public accountability of the police is an important aspect of maintaining legitimacy. In reforming the police, the role of police discipline and early warning systems is vital. There is a delicate balance to be struck when encouraging police officers to be creative in their crime fighting; going too far can result in the violation of norms and safeguards. We should encourage creative policing, but when violations do happen, it is important to address such misconduct in an appropriate manner. Critically, noticing a pattern of misconduct allows for early intervention. In furtherance of reforms to enhance accountability and early warning systems, there are five areas to address: deterrence; civilian oversight; qualified immunity; an early warning system; and the role of the DOJ civil rights division. For deterrence to be an effective component in discouraging misconduct, predictability and speed of discipline, coupled with transparency and fairness, must form a central part of the culture of policing. Civilian oversight is a constant reminder that police agencies serve the public, and can help to shape reforms and keep agencies accountable. While local police agencies should continue to be permitted to design and implement their own disciplinary systems, there are certain elements of police discipline that require attention at both the federal and state level. In particular, qualified immunity must be addressed. While the law should not be so onerous that every transgression results in a litigation, nor can the law be so protective of police that almost no transgression can result in remedial litigation. Good faith is an important concept to restore to this arena. A robust early warning system provides police managers with notice of patterns of conduct that are likely indicative of future serious misconduct. As such, early

warning systems should be considered a core part of maintaining discipline, and may mitigate the chances of costly litigation being filed against police agencies for police misconduct. Finally, restoring the authority of the DOJ Civil Rights Division to pursue systemic issues within agencies is an important oversight function, most commonly pursued via federal consent decrees. Used properly by a police agency, a consent decree can also provide a goal(s) around which police leadership can rally its rank and file.

Metrics are one of the fastest ways to achieve lasting police reform, and must be reevaluated to reflect changes that we hope to see in a police service. While it is easy to measure arrests or summons or crime reduction, it is more difficult to measure things like community problem-solving, but it can and must be done. Experience tells us that developing the right measures is an important driver of institutional change. Deciding what is to be measured should be a two-step process. First, the police agency must engage in a strategic process to determine what values should drive the agency. Second, metrics must be designed that will not only generate usable data that will help an agency understand its progress, but will also provide guidance to police officers about how they should conduct themselves. Task forces should be developed to this end. Additionally, consideration should be given to measuring units within agencies, incentivizing individuals to be responsible for the whole, and vice versa.

Reimagining the powerful Compstat management process to promote and measure the agency's progress toward becoming a police service would be instrumental. Tangible steps could include collecting data around the reduction of aggressive policing and implicit bias, and developing a uniform set of metrics to measure police performance across a range of indices in furtherance of a shift from a police force to a service. This would be a monumental change in the culture of policing.

These reforms, implemented collectively and thoughtfully, could create the transcendent change needed to reimagine police forces to police services.

While this paper focuses on police reform, we would be remiss if we failed to note that America's continuing addiction to illegal guns, and zero action from the US Congress to stem the flow of illegal guns, has an outsized impact on violence in America. With all of the data that has been published about illegal guns and crime, it is at this point simply a proposition too plain to be disputed that if there was one thing that government was to do to stem the flow of violence, it would be to develop a sustained focus on illegal guns.

Layout of the Paper

In this paper, we seek to advance two goals: **reducing crime**, especially shootings and murder, and simultaneously **reforming** the police. Specifically, we argue there is a need for a transcendent shift - from a police **force** to a police **service**, working to address the overarching problem of aggressive policing.

TABLE OF CONTENTS

1. INTRODUCTORY STATEMENT	.09
2. REDUCE AND REFORM	.10
2A. Reduce	.10
2B. Reform	.11
2C. Where should we focus our efforts?	.12
2D. Police Service not Police Force	.13
3. ADDRESSING THE ROLE OF IMPLICIT BIAS IN POLICING	.15
3A. How does implicit bias manifest in policing?	.16
3B. What can be done?	.16
3C. Police Visibility	.17
4. RECRUITMENT AND PSYCHOLOGICAL SCREENING	.18
4A. Screen in/Screen out	.18
4B. Mitigating Implicit Bias	.18
4C. Reflect the Community Served	.19
5. FRONT LINE SUPERVISION	.20
6. POLICE DISCIPLINE AND EARLY WARNING SYSTEMS	.21
6A. Deterrence	.21
6B. Civilian Oversight	.21
6C. Qualified Immunity	.21
6D. Early Warning System	.22
6E. Role of the DOJ Civil Rights Division	.22
7. METRICS	.23
7A. Measuring Unit Performance	.23
8. COMPSTAT	.24

1

INTRODUCTORY STATEMENT

New York City, like many other cities across the country, is faced with a twin crisis: sharp increases in shooting and murder rates and a crisis of police legitimacy. There has been a 102% increase in the number of shooting victims this year.¹ Other cities are similarly struggling. From May to June 2020, homicides in 20 major US cities² increased by 37%, led by Chicago, Philadelphia and Milwaukee.³ Simultaneously, the nation is confronted with an acute crisis of police legitimacy. Unleashed by the barbaric killing of George Floyd, longstanding grievances against the police resulted in months of protests. In the wake of the protests, many cities have heeded the call to “defund” the police and have reduced police budgets. But, importantly and more broadly, the crisis of police legitimacy has led to a call for wide sweeping reforms of policing, as well as the broader criminal justice system.

Policing in the US has achieved historic and sustained declines in crime in recent years. According to FBI data, the violent crime rate in the US fell 51% between 1993 and 2018.⁴ As a result, thousands of lives have been saved. All have benefitted from safer neighborhoods, including communities of color. Even as safety has improved, we have experienced a steady erosion of public trust in policing, driven by racial disparities within the system, over-incarceration and the use of excessive force. Trust by the community is fundamental to successful policing. Without it, combatting crime is made all the more difficult and efforts to reduce the fear of crime are replaced by fear of police. It is unhealthy for communities and police alike. We are at a pivotal moment.



37% INCREASE

in homicides in 20 major US cities, led by Chicago, Philadelphia and Milwaukee

102% INCREASE

IN THE NUMBER OF shooting victims this year



¹ <https://www.insider.com/murder-shooting-count-up-high-unchartered-waters-new-york-2020-10>

² https://cdn.ymaws.com/counciloncj.org/resource/collection/D26974EF-0F75-4BDE-ADE7-86DA0741DC49/Impact_Report_-_Crime.pdf

³ <https://www.cnn.com/2020/09/21/us/new-york-gun-violence/index.html>

⁴ <https://www.pewresearch.org/fact-tank/2019/10/17/facts-about-crime-in-the-u-s/>

Many have argued that with the sharp rise in shootings, focus should be strictly on crime reduction and not on reform. This is a false choice. We must do both simultaneously.

2A. REDUCE

We must respond quickly and effectively to the sharp rise in shootings and murders. Too many lives are at stake in already fragile cities shaken by Covid-19 and its economic impact. The Crime Commission has called for a laser-like focus on illegal guns by police, prosecutors, and courts. We must send a clear and unequivocal message that illegal gun possession will receive a certain and swift response from the police and criminal justice system. This message must be reinforced by steady and committed government action.

We also stress that long-term violent crime reductions can only be achieved by understanding and then addressing some of the drivers of crime. Understanding why crime exists is complex, but not a total mystery. Although our world looks different today in the midst of COVID-19, fighting for the simple day to day existence is not a new concept for lower-income communities with high levels of violence. Everyday is not promised for many. While vastly underappreciated, for many young people in lower income communities simply knowing where they are going to sleep each night or when their next meal will be can be a challenge. Coupling the lack of resources to meet basic needs with the trauma of witnessing and losing loved ones to gun violence, it is understandable why many feel survival is an everyday fight. In order to understand why some communities experience worse living conditions than others, it is imperative to understand decades of neglect and the impact of systemic racism. Is it a coincidence that violent crime is most often the highest in the poorest neighborhoods?

Opportunity and access to resources are not distributed equally in this country. Lower income communities of color are often not given the necessary resources to easily meet their basic needs or even feel safe in their communities. Communities not only feel the strain from the lack of resources, but continuously receive messaging that they are not worthy to receive such services. Communities feel a sense of hopelessness, not a brighter future. COVID-19 has only exacerbated the feeling of hopelessness by heightening these already existing inequalities. The limited opportunities that were accessible to lower income communities are no longer in existence, and food insecurity and homelessness are on the rise. Furthermore, communities are experiencing even higher levels of continuous trauma from watching their communities ravaged by COVID-19. As a consequence, survival feels like an ever-growing fight, feelings of hopelessness are on the rise, and crime is consequentially increasing. The Crime Commission strongly endorses substantial resources being directed toward addressing these issues.

Focusing on reducing violent crime, however, does not mean we should suspend all discussions of reform; it is critically important that the reform effort continue to achieve demonstrable success.

2B. REFORM

As a guiding principle, we must apply the Hippocratic Oath to policing: the first thing is to do no harm. We must also understand that even the most vociferous critics of police share a common goal with police: to make communities safe and free from fear and disorder, and to support a vibrant relationship of trust and mutual support between police and communities. Communities, working hand in hand with police, to provide safety and to improve the quality of life in our communities is not an elusive goal. But, on the other hand, conditions imposed in the name of reform that unnecessarily restrict the ability of law enforcement to carry out its crucial tasks are counterproductive. We must strike the right balance.

Restoring legitimacy must be a core concern of any effort to reform policing. Police legitimacy in the eyes of members of our communities is based on:



Trust



Respectful interactions between police and members of the public, where members of the public are given the opportunity to be heard



Use of force only under warranted conditions



Accountability/oversight⁵

If there is a failing or disconnect in even one of these areas, legitimacy is diminished. Both individual police officers and police departments at large must actively work on upholding and improving all of these areas in an attempt to foster and enhance legitimacy. In the first instance, restoring legitimacy requires that the reform process itself be open, transparent, representative, and inclusive. The central ingredient of building legitimacy is that all perspectives, communities and police alike, as well as others, are not just represented but are fully heard. Critically, front-line police officers, not just police leadership, must be part of the process. It is very important that a police agency not only build legitimacy with the public, but also internal legitimacy with its own officers.

⁵Noppe, J., Verhage, A. and Van Damme, A. (2017), "Police legitimacy: an introduction", Policing: An International Journal, Vol. 40 No. 3, pp. 474-479. <https://doi.org/10.1108/PIJPSM-05-2017-0058>

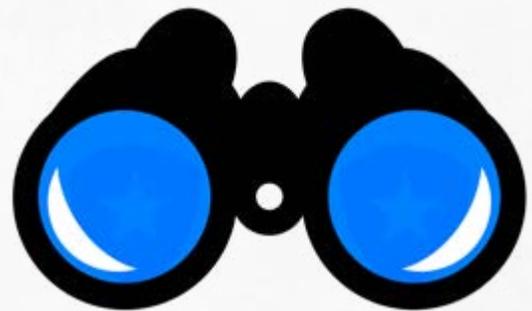
2C. WHERE SHOULD WE FOCUS OUR EFFORTS?

The broad-based subject of criminal justice reform is vast and far reaching. There is a never-ending array of important issues that should be addressed. This agenda focuses on police reform.

Like with criminal justice reform, there is a never-ending list of issues in the police reform arena that should be addressed. While meritorious, too wide a lens of reform runs the risk of not bringing into focus those key areas that the Crime Commission believes should be addressed to build meaningful, sustained reforms. We believe that transcendent change in the culture of policing away from a police *force* towards a police *service* will strengthen police legitimacy and improve police practice, leading to reduced neighborhood crime and healthier relationships between police and communities.

It should be noted that there are now many conversations around which activities that are currently within the jurisdiction of police should be moved to other agencies. Our view is that this should be a matter of local decision-making. The broad-based subject of criminal justice reform is vast and far reaching. There is a never-ending array of important issues that should be addressed. This agenda focuses on police reform.

FOCUSING ON



POLICE REFORM

2D. POLICE SERVICE NOT POLICE FORCE

The profession of policing in America traces its roots back to the mid-eighteenth century. It is a proud profession that has done much to promote public safety. Most police officers are dedicated individuals. We are indebted to them. This is not to underestimate the hardship and violence that some, especially Black individuals, have too often faced at the hands of police. While policing is dangerous work, some individuals have been subject to unjust aggressive policing, and fear the police as a danger in itself. At the same time, we must acknowledge the painful history of racism in American policing. For many Black Americans in particular, the police have often represented government oppression. A full accounting of the negative history between police and communities of color in the US is beyond the scope of this paper. We acknowledge that the problem is real and that, despite best efforts of reforms both inside and outside police departments in recent years, not enough progress has been made. At this point, real reform will require a change in the culture of policing.

Large shifts in cultural attitudes within organizations is not without precedent. Witness the United States military. The only profession more tradition bound and hierarchical than police is the US military. Yet the military has largely succeeded in racially integrating its forces and is moving to eliminate all consideration of gender orientation from a military career.⁶

A reorientation from police forces to police services would help spark needed change in the culture of policing.

Force will always be a part of policing. In line with the guardian versus warrior debate, but going beyond, the challenge is to not let the force aspects of policing dominate the culture of policing. The force paradigm incorporates an “us versus them” mentality. When one is a member of a “force,” the approach to problem-solving and relation to civilians can be strained. It becomes less about building relationships and more about enforcing the law. Moreover, individuals attracted to policing as a force may have enforcement as a primary goal as opposed to a service mentality. Militarization only makes this problem worse.

Police as a “service” is a different orientation. To be sure, enforcing the law will always be a core component of police agencies. But how we enforce the law in a “police service” could be thought of quite differently.

In a police service, the law is enforced side by side with the community. In a police force, compliance is often achieved through aggressive actions, whereas in a police service compliance can be achieved by leveraging established relationships or through officers trained and skilled in persuasion as a first choice. A police service will make efforts to recruit individuals with a broad range of critical skills. Conflict resolution skills, mental health training, restorative justice

⁶ A study looking at implicit social cognition (ISC) – that is, “the more automatic and less controllable attitudes and beliefs that one holds about different social groups,” which tend to be more resistant to change than explicit social attitudes and beliefs, found that even ISC is capable of significant long-term change. The research found, for example, that, “the fastest change over time is observed in implicit sexual orientation attitudes (Straight-good/Gay-bad), which have changed towards neutrality by 33 percent over the past decade. This is particularly noteworthy as anti-gay bias was initially among the strongest and is now among the weakest biases.” Additionally, “implicit race (White-good/Black-bad) and skintone attitudes (Light skin-good/Dark skin-bad) have changed towards neutrality by 17 and 15 percent, respectively.” (SOURCE: <https://www.umass.edu/employmentequity/do-implicit-attitudes-and-beliefs-change-over-long-term>).

practices and other state-of-the-art techniques could all become part of the standard operating practice in a “police service.”

A police service will create different career pathways for individuals of different skills, which in turn will enable police agencies to think of new approaches to policing. It is one thing to think of crime reduction when your personnel are all essentially enforcers. It is quite another thing to think of crime reduction when your personnel possess a diverse range of skills.

Multi-disciplinary teams would enhance crime fighting and build strong community partnerships. For instance, police units comprised of traditional enforcers partnered with those who are trained in conflict resolution, community problem-solving, mental health, substance abuse etc. could walk the streets and be dispatched to crime scenes.

Importantly, over time, individuals possessing a broader range of skills will move into command positions where they would exert significant influence over the manner in which the police conduct themselves.

Many police agencies have begun to recognize the value of different skillsets being used in problem-solving. Some agencies, notably the NYPD, have made partnership with the community a priority via its neighborhood policing programs.

Thinking of police agencies as police services as opposed to police forces is not new. One of the most iconic police agencies in the world is the London MPS, the Metropolitan Police Service. Police services also exist in Europe and Canada.

For many, the creation of the NY Police Service would seem like a simple name change with little chance of having an impact, an example of words over substance. Others will see it as an aspirational idea divorced from the real world of policing. Maybe, but we do not think so. Change is hard; especially in tradition bound entities, symbolism matters. If both political leadership and police leadership - throughout the ranks - embrace the idea and tenaciously look for ways to stress service over force, change will occur.

To truly become a police service, a variety of underlying reform components are needed.

- 1. Addressing the role of implicit bias in policing**
- 2. Recruitment and Psychological Screening**
- 3. Front Line supervision**
- 4. Police Discipline and Early Warning Systems**
- 5. Metrics**
- 6. Compstat**

Addressing and reforming these areas form the basis of creating a truly legitimate and effective police service, as well as addressing many of the issues that police currently face.

Far too often, police personnel regard conversations about implicit bias as a veiled, or even not so veiled, accusation of racism. There is much work to be done to ensure individuals understand that implicit bias is not an accusation of racism.

Implicit bias is present in all aspects of life; we all have implicit bias. Police officers are no different. Implicit bias in policing occurs when police officers subconsciously take an action based on the race of an individual that the officers might not otherwise take if the individual was of a different race. Implicit bias is an unconscious reaction to a situation. Openly and honestly accepting this makes addressing it easier. Addressing and trying to rectify implicit bias in policing is a necessary step in shifting from, at times an aggressive, police force, to a police service.

A 2020 report by the Public Safety Lab at New York University found greater instances of police misconduct in neighborhoods with higher percentages of Black residents. Moreover, the report found misconduct associated with excessive stops by the police. As the report argues, “these findings suggest a need for policy makers to address excess stops, misconduct being committed by those officers with the largest number of misconduct complaints, and excess misconduct in the precincts with the largest percentages of Black residents.”⁷ Of deep concern is the disparity in the number of Black people fatally shot by police. In 2019, African-Americans accounted for 23.4% of fatal police shootings, even though they made up only 13.4% of the population. Conversely, Whites accounted for 36.8% of fatal police shootings but made up 60.4% of the population.⁸ Policing in America today carries the heavy burden of a racist past,⁹ that carries through to today. Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Alton Sterling, Philando Castile, Stephon Clark, Breonna Taylor, George Floyd, and multiple more, were all killed at the hands of police. Honestly and directly confronting implicit bias and explicit racism will take US policing a major step forward. We must “own” the history and reality of racism in American policing.

In 2019, African-Americans accounted for 23.4% of fatal police shootings, even though they made up only 13.4% of the population.

7 https://static1.squarespace.com/static/5984aae4e58c62ee930f614a/t/5f73512fd4670d519780febcb/1601392946271/PSL_CCRB_Report.pdf

8 <https://www.bbc.com/news/world-us-canada-52877678>, Source: US census bureau and Statista.com 2019.

9 Some examples of this disturbing history of police racism are as follows: 1) Slave patrols: Policing in southern slave-holding states had roots in slave patrols. These ‘patrols’ were made up of white volunteers with a mission to forcefully (and violently) enforce laws relating to slavery, find and return enslaved people who had escaped, crush enslaved people uprisings, find and punish families who were sheltering slaves, and so forth. These slave patrols began in South Carolina in the early 1700s. 2) 1920s Race Riots, “The Red Summer”: In the summer of 1919, a 17-year old Black boy, Eugene Williams, was stoned to death by White people for unknowingly swimming in the segregated white section of Lake Michigan. Black people in Chicago rose up in protest as a response to this racist killing and White people attacked them in response. More than 500 people were injured and 38 were killed. The city set up a commission to determine the causes of the violence and found that the police participated in the racist mob attacking Black people. As explained by Khalil Muhammad, a professor of history, race and public policy at Harvard, “when the police officers had the choice to protect black people from white mob violence, they chose to either aid and abet white mobs or to disarm black people or to arrest them.” Then, in 1921, White mobs torched Tulsa - Oklahoma’s Black business district - known as “Black Wall Street.” Local police were complicit in this act and allowed it. Approximately 300 people were killed and almost all of the city’s Black population were left homeless. 3) 1960s Violent Suppression of the Civil Rights Movement: In 1963, Martin Luther King Jr. and the Southern Christian Leadership Conference marched in Birmingham, Alabama. They were protesting segregation, demanding the desegregation of stores, public restrooms, restaurants and drinking fountains. The then Birmingham Commissioner of Public Safety, Eugene “Bull” Connor, ordered police officers and firefighters to turn dogs and firehouses on nonviolent protestors, many of them children.

3A. HOW DOES IMPLICIT BIAS MANIFEST IN POLICING?

Implicit biases influence judgments and decisions with very real effects on policing, such as when police are trying to decipher what is happening in an ambiguous situation.¹⁰ These situations are ever present in policing. Moreover, it has been widely studied that several implicit biases link social groups and races to violence and crime. Race-crime stereotypes and race-weapon associations are particularly concerning for policing. “Eberhardt, Goff, Purdie, and Davies (2004) demonstrated that both police officers and college students identify crime-related objects more easily after seeing (subliminally) Black faces, that they pay more attention to Black faces after activation of the concept of crime, and that both of these biases tend to be greater when the faces are those that have been judged to be more representative of Black Americans as a social group.”¹¹ This is clearly hugely problematic in terms of unconscious racist policing. Additionally, race-weapon association research is particularly relevant given the disparities in lethal force by police against non-Whites.

3B. WHAT CAN BE DONE?

It is widely understood that implicit biases are at play in policing. Many police departments utilize implicit bias trainings in an attempt to combat this issue. There is, however, a lack of compelling evidence to show that these trainings have long-term, meaningful impact on behavior. A study that looked at the impacts of implicit bias training at the NYPD found that even though the trainings resulted in more awareness of implicit bias and a desire to manage it, the trainings did not appear to significantly impact behavior. For example, when looking at enforcement actions in 2018, more than half of all people stopped were Black. When looking at law enforcement actions involving Black people, pre-training, the share of all stops was at 56%, frisks during stops at 58%, summonses at 52% and arrests at 47%. The same indicators post-training: the share of all stops was at 57%, frisks during stops at 60%, summonses at 52%, and arrests at 48%.^{12,13} This would suggest that implicit bias trainings, as they currently exist, do not necessarily result in significant behavior change. Implicit bias trainings should continue to be implemented, tested, evaluated and improved based on the findings.

Implicit bias trainings, however, are not the only way to combat implicit bias in policing. As Spencer, Charbonneau and Glaser explain, “one of the simplest, most reliable, and most powerful ways to reduce racial bias is to engage in non-negative contact with out-group members... for officers, intergroup contact occurring as part of training or other department-sanctioned

¹⁰ <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf>, pp. 51-53

¹¹ <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf> p. 54

¹² <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>

¹³ Source: Robert E. Worden, Sarah J. McLean, Robin S. Engel, Hannah Cochran, Nicholas Corsaro, Danielle Reynolds, Cynthia J. Najdowski and Gabrielle T. Isaza, 2020. “The Impacts of Implicit Bias Awareness Training in the NYPD.” IACP/UC Center for Police Research and Policy & John F. Finn Institute for Public Safety.

requirements with the clear support of supervisors may be most effective at reducing racial bias. Inter-group contact opportunities could come through partnering arrangements as well as the promotion of community-oriented policing practices (Gill, Weisburd, Telep, Vitter, & Bennett, 2014) that encourage positive interactions with members of the community.”¹⁴ In order to tackle the very real and complicated problem of implicit bias in policing, we should take a multifaceted approach, adopting various trainings and interventions that are supported by the research.

According to a report put out by the Department of Justice Bureau of Justice Statistics, police academy recruits spend approximately 111 hours on firearms training and self-defense, only 11 hours on cultural diversity/human relations, and a mere eight hours on mediation skills/conflict management.¹⁵ In changing the culture of policing away from a force to a service, we might consider rebalancing these priorities. This is not to undermine the importance of firearms training; such training is crucial to avoid unskilled and/or unnecessary use of deadly force. Rather, we must put a greater emphasis on conflict mediation and other non-law enforcement skills. In general, police recruits in the US spend less time in training academies than most in European countries. On average, basic US police training programs take approximately 21 weeks, compared to similar European programs that can last over three years.¹⁶

3C. POLICE VISIBILITY

Despite the fiery rhetoric that has accompanied some of the recent protests, neighborhoods across demographics still want to see a police presence. Visible policing offers a measure of reassurance and a documented deterrent impact on crime. As criminologist Daniel Nagin explains, police presence helps create, “a perception that apprehension risk is sufficiently high [such that] no crime is committed in the first place.”¹⁷ A 2019 Civic Analytics poll for Vox found that 60% of African Americans, 65% of Latinos, and 74% of Whites would like to see an increased number of police officers in high-crime areas.¹⁸ What communities do not want is police officers harassing or profiling individuals on the basis of race, or police officers criminalizing non-criminal behavior. Police presence is only considered a good thing if the actions of the police are not aggressive and do not inappropriately target individuals based on race.

¹⁴ <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf> p. 55

¹⁵ <https://www.bjs.gov/content/pub/pdf/slleta06.pdf>

¹⁶ <https://www.cfr.org/backgroundunder/how-police-compare-different-democracies>

¹⁷ Deterrence in the Twenty-First Century, Daniel S. Nagin, Crime and Justice

Vol. 42, No. 1, Crime and Justice in America 1975–2025 (August 2013), pp. 199–263 (65 pages): The University of Chicago Press. p 202

¹⁸ <https://www.theatlantic.com/ideas/archive/2020/06/how-police-brutality-gets-made/613030/>

4A. SCREEN IN/SCREEN OUT

Policing is both physically and mentally exhausting work. Most police departments require recruits to undergo psychological evaluation prior to hiring, but different localities use their discretion in determining the levels and rigor of screening. The commission that licenses police in California created a best practices manual that calls for at least two written tests: one designed to identify unstable mental tendencies, and one designed to assess suitability for a job in policing. Minneapolis, on the other hand, requires only one test focusing on the applicant's mental stability, not whether or not a candidate is psychologically suitable for the role.¹⁹ Rigorous psychological screening prior to hiring could help to determine whether candidates are stable and suitable for a job in policing – a job that requires split-second, consequential decisions. This may be an important step in addressing a culture of aggressive policing. More research is needed to understand and address the psychology of officers who behave in ways that undermine police legitimacy. Importantly, we must be sure to recognize, reject and remove racist recruits and officers. Individuals with extremist views and/or affiliations, such as white supremacy sympathizers, have no play in policing.

Rather than merely focusing on negative traits that we want to weed out, we should implement testing that identifies positive attributes that we hope to see in a police service, such as strong interpersonal and problem-solving skills. Washington D.C. and Baltimore have introduced such testing. Baltimore removed a test that focused on reading, writing and comprehension skills and replaced it with one that focuses on interpersonal skills. Baltimore surveyed and interviewed residents and police officers about the most important qualities that police should have, and found that interpersonal skills, honesty and commitment to service were the most frequently expressed responses across both groups.²⁰ The active screening in and recruitment of positive traits, as well as screening out negative traits, is just one component needed in reforming the police from force to a service.

4B. MITIGATING IMPLICIT BIAS

The use of psychological screening may also help in combatting implicit bias. Although everybody has implicit biases, studies show that some personality dimensions can help temper these biases. Specifically, high executive functioning, emotional regulation and metacognitive abilities are traits that might be able to reduce implicit biases from affecting a person's behavior.^{21 22} Psychological screening could prove important both in hiring and at regular intervals throughout an officer's career. Additionally, mental health evaluations could prove life saving for police officers themselves. According to Blue H.E.L.P., 236 current or former officers died by suicide in 2019, up from 177 in 2018.²³ Efforts to reduce the stigma around mental health and receiving help could help to address suicide and depression among officers.

Not only should screening happen during the recruitment process, but it should also take place periodically throughout an officer's career. An individual may experience changes in

¹⁹ <https://www.apmreports.org/story/2017/12/14/minneapolis-police-recruits-psychological-testing>

²⁰ <https://www.governing.com/topics/public-justice-safety/gov-police-hiring-test-recruit-interpersonal-emotional-intelligence.html>

²¹ <https://www.apa.org/monitor/2020/10/cover-police-brutality>

²² https://psycnet.apa.org/record/2012-10387-000?_ga=2.44375596.925339305.1605465300-1827576628.1605465300

²³ <https://bluehelp.org/>

their mental health, psychological well-being or personality traits throughout their lifetime. The strain of the job itself can be a major contributing factor – policing is a high stress, and sometimes traumatic, job. According to some studies, Post Traumatic Stress Disorder (PTSD) affects 19 percent of police in the US,²⁴ and 34 percent suffer from symptoms associated with PTSD,²⁵ albeit without a formal diagnosis of the condition. The effects of PTSD can include: hyperarousal or hypervigilance; recklessness; lack of sleep or poor quality of sleep; decreased memory; re-living of traumatic events and triggering of traumatic events; decreased patience; and increased isolation.²⁶ Clearly, these factors can have negative effects on how an officer conducts themselves and their ability to perform their role responsibly. It is important to continue efforts within police departments to remove the stigma around mental health so that officers seek the help and treatment they need.

4C. REFLECT THE COMMUNITY SERVED

A police department should be reflective of the communities it serves, including by race and gender. Multiple studies have found that more diverse and reflective police departments are more effective.^{27 28} According to a New York Times analysis of federal data, “of 467 local police departments with at least 100 officers that reported data for both 2007 and 2016, more than two-thirds became whiter relative to their communities between those years.”²⁹ Even in departments that increase diversity, Black officers still tend to be less represented; increases in diversity tend to be due to increases in Hispanic and Asian-American officers and/or a decline in the number of white officers.³⁰ This is partially due to a lack of recruitment of Black officers, and partially due to the lack of ability to retain Black officers once hired. Gender is also unequally represented in police departments. According to Statista, in 2019 only 12.8 percent of full-time law enforcement offices were female, compared to 87.2 percent for males.³¹ Recruiting more women could have practical positive effects on police departments. According to Police Chief Magazine, “women have high levels of interpersonal communication skills, which translates into more effective practices in the field. Women are found to have a calming effect on male partners in high-stress and dangerous assignments, resulting in fewer police deaths. Higher levels of female representation are associated with organizations that emphasize community policing. Female police officers have a positive influence on the perceived job performance, trustworthiness, and fairness of a police agency...Female officers are less likely to use force, use excessive force, or be named in a lawsuit than male officers...Even though studies show that subjects use the same amount of force against female officers as against male officers, and in some cases, more force, female officers are more successful in defusing violent or aggressive behavior.”³² In sum, improving racial and gender diversity is an important component of changing the culture of police departments.

²⁴ <https://www.psychologytoday.com/us/blog/cop-doc/201811/cops-and-ptsd>

²⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6400077/>

²⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6400077/>

²⁷ <https://nij.ojp.gov/topics/articles/recruiting-and-retaining-women-police-officers-message-your-organization-sends>

²⁸ Sean A. Grennan, “Findings on the Role of Officer Gender in Violent Encounters with Citizens,” *Journal of Police Science and Administration* 15 no. 1 (1987): 78-85; Carole G. Garrison, Nancy Grant, and Kenneth McCormick, “Utilization of Police Women,” *Police Chief* 32 no. 7 (1998); and Kimberly A. Lonsway, *Hiring & Retaining More Women: The Advantages to Law Enforcement Agencies*, Los Angeles, CA: Feminist Majority Foundation, National Center for Women & Policing, 2000.

²⁹ <https://www.nytimes.com/interactive/2020/09/23/us/bureau-justice-statistics-race.html>

³⁰ <https://www.nytimes.com/interactive/2020/09/23/us/bureau-justice-statistics-race.html>

³¹ <https://www.statista.com/statistics/195324/gender-distribution-of-full-time-law-enforcement-employees-in-the-us/>

³² <https://www.policiechiefmagazine.org/women-in-policing/>

5. FRONT-LINE SUPERVISION

While much focus has been placed on police leadership, the ranks that have the greatest impact on police behavior are often front-line supervisors, those sergeants and lieutenants who interact with patrol officers all day long and have the greatest chance to shape police attitudes by both stopping errant behaviors and encouraging good practices. Sergeants and lieutenants are key to successful reform.

The standards by which police officers are promoted to sergeant and lieutenant must be examined to ensure that holding police officers accountable and standard setting are at the top of the list of required attributes.

The training for new promotes must stress:



the cultural values of the agencies



the centrality of service to the community



how to recognize the role of implicit bias and respond accordingly



the need to lead by example



the importance of holding police officers accountable for misbehavior



the role of conflict resolution over force



the duty of both supervisors and police officers to intervene in wrongful police actions, especially inappropriate use of force.

How sergeants and lieutenants are evaluated should be expanded to include measurements around how well they mentor police officers around the values of the agency, how they mitigate implicit bias, etc.

Public accountability of the police is an important aspect of maintaining legitimacy. There are many different forms of both police discipline and of civilian oversight. While each locality should design what works best for it, there are, however, certain core elements that should form a central part of any system meant to deter police misconduct.

There is a delicate balance to be struck between encouraging police officers to be creative in crime fighting and going too far resulting in violation of norms and safeguards. Society benefits when police officers view themselves as professionals. Professionals are given discretion to make decisions and to approach circumstances on an individual basis with the goal of reaching the best outcome. Overly prescriptive sets of rules that govern behavior on a minute level are counter-productive, limit the flexibility to extend leniency and build community trust, and diminish the professional characteristic that should be associated with policing. The disciplinary system should reflect these goals.

6A. DETERRENCE

Predictability and speed are core elements of a successful police discipline system. While there is a myriad of rules with which officers must comply, uneven and tardy enforcement coupled with adjudicatory processes that languish for years undermines deterrent impact. Police disciplinary systems also require transparency so that both the officers subject to discipline and the public are assured that the process is fair and speedy.

6B. CIVILIAN OVERSIGHT

Civilians should have a clear and respected role in police oversight. Civilian oversight is a constant reminder that police agencies serve the public. Too many agencies, however, resist civilian oversight. This is a mistake. As the British often say, “police serve only with the consent of the governed.” Civilian oversight provides transparency around police behavior and practices as well as a structured method for the public to be providing input into policing. It is an important element of reform.

6C. QUALIFIED IMMUNITY

While local police agencies should continue to be permitted to design and implement their own disciplinary systems, there are certain elements of police discipline that do require attention at both the federal and state level. In particular, qualified immunity must be addressed.

Federal law (42 U.S.C. section 1983) and a related US Supreme Court case, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* 403 U.S. 388 (1971) (commonly referred to as the *Bivens* case) provide a cause of action for individuals whose constitutional rights have been

violated by law enforcement. Successfully holding law enforcement personnel liable under these sections, however, is severely limited by the doctrine of qualified immunity. Under current case law, plaintiffs must meet an almost impossible burden of showing first that the defendant(s) violated a constitutional right and second, that the right was “clearly established.” In practice, the requirement of demonstrating a “clearly established” right is a nearly impossible burden to meet as it in effect requires showing that a nearly identical factual pattern had been previously litigated in order for the alleged offending officer (s) to be held civilly liable.

Many reform proposals have been introduced both at the federal and state level ranging from eliminating qualified immunity and any corresponding good faith or lack of notice defense to revising qualified immunity by providing that the complained of action was sanctioned by statute or regulation and the defendant believed his or her conduct was in conformance with the law.

Addressing qualified immunity, which must be done, presents the same delicate balance required of any discipline system for law enforcement; that is, putting law enforcement personnel on notice that certain conduct will not be tolerated without so restricting actions that law enforcement is paralyzed.

6D. EARLY WARNING SYSTEM

As deterrence is the ultimate goal of any worthwhile discipline system, a vital adjunct to a disciplinary system is a robust early warning system.

A robust early warning system provides police managers with notice of patterns of conduct that are likely indicative of future serious misconduct. Less than 10% of officers in most police forces get investigated for misconduct, but nearly 2,500 have been investigated on 10 or more charges.³³ For departments of a certain size, early warning systems should be considered a core part of maintaining police discipline. This form of risk management also mitigates the chances of costly litigation being filed against police agencies for police misconduct.

6E. ROLE OF THE DOJ CIVIL RIGHTS DIVISION

Restoring the authority of the DOJ Civil Rights Division to pursue systemic issues within agencies is an important oversight function, most commonly pursued via federal consent decrees. A well thought-out consent decree can provide a roadmap for change. Used properly by a police agency, a consent decree can also provide a goal(s) around which police leadership can rally its rank and file.

³³ <https://www.usatoday.com/in-depth/news/investigations/2019/04/24/usa-today-revealing-misconduct-records-police-cops/3223984002/>

Police agencies and police officers have become very accustomed to having their activity measured; so accustomed that one of the easiest ways to change behavior is to change the metrics. Measure the number of tickets or arrests in a given month and there will be a focus on tickets and arrests. Change the metrics and you change behavior.

Deciding what is to be measured should be a two-step process. First, the police agency must engage in a careful strategic process where it identifies the values that will drive the agency. What are its guiding principles? Amongst the highest will be crime reduction and community relations. Second, metrics must be designed that will not only generate usable data that will help an agency understand its progress toward achieving its strategic values, but will provide guidance to police officers about how they should conduct themselves. Put differently, if you inform police personnel that the quality of their interactions with the public will be measured, there is an excellent chance that the quality will improve.

Task forces should be formed to identify usable data inputs that will meaningfully measure agency progress toward being a service. While it is easy to measure arrests or summons or crime reduction, it is more difficult to measure things like community interaction and community problem solving. But it can be done and doing so is core to getting cops to improve public legitimacy.

7A. MEASURING UNIT PERFORMANCE

Consideration should also be given to measuring units contained within the police agency and possibly considering incentives for good unit performance. Measuring a unit incentivizes the whole to be responsible for the individual and the individual more responsible for the whole.

Compstat, a NYPD original idea, is now used almost universally throughout the US, as well as in many other countries. It is one of the single most important influences on both organizational and individual police behavior.

Reimagining Compstat to include reduction of excessive or aggressive policing and to identify and eliminate the impact of implicit bias would be a monumental change in the culture of policing. Its utility cannot be overestimated. More broadly, for a committed police agency, reorienting Compstat to promote and measure the agency's progress toward becoming a police service would be instrumental.

Many have argued that Compstat is best at measuring specific, objective indices of police activity - the number of summonses, arrests, guns seized, etc. - and that going beyond that to measure more subjective conduct is problematic. We disagree.

The private sector has become quite accomplished at measuring factors like customer satisfaction and the quality of an individual's performance. In a law firm, for instance, lawyers are measured not only on their production but also qualities like skill level, creative problem solving, client interaction, cooperation with colleagues, etc.

A uniform set of metrics should be developed to measure police performance and then the utilization of such indices be widely encouraged to the point of federal or state financial incentives to agencies for utilizing such measurements.

