

President's Task Force on 21st Century Policing
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Thank you to the members of the President's Task Force on 21st Century Policing for the opportunity to submit written testimony on the topic of building trust and legitimacy between law enforcement agencies and the communities they serve.

The Vera Institute of Justice is an independent, nonpartisan, nonprofit center for justice policy and practice, with offices in New York City, Washington, DC, Los Angeles, and New Orleans. Since 1961, Vera has combined expertise in research, technical assistance, and demonstration projects to help develop justice systems that are fairer, more humane, and more effective for everyone.

Vera's History on Policing

Vera has a long history of working with law enforcement to build positive and productive relationships with community members. In 1967, in response to an increase of incidents in which white officers shot and killed black youth, Vera worked with the New York Police Department (NYPD) to draft stricter guidelines for the use of deadly force. Two years later, after nationwide urban riots, Vera designed procedures to minimize violence against and by police officers. Our intensive collaboration with the NYPD on the Community Patrol Officer Program (CPOP) in the 1980s established a number of community beats that were patrolled by officers who, in addition to their public safety duties, worked closely with community members to address local issues and develop crime-prevention strategies. CPOP became a recognized community-policing model for the nation.

More recently, Vera has studied the impact of the NYPD's stop, question, and frisk practice on young people in heavily-patrolled New York City communities. It has also worked to bridge the gap that can exist between law enforcement officers and the ethnic, racial, and religious community members they serve through the Department of Justice Office of Community Oriented Policing Services-funded Engaging Police in Immigrant Communities project—a national project to identify and assess promising law enforcement practices that cultivate trust and collaboration with immigrant communities—and the forthcoming United Communities project, which aims to improve local law enforcement relations with Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities. In addition to information about these vulnerable groups and the challenges they face in accessing police protection and partnering in community policing initiatives, law enforcement has sought out Vera's assistance in practically and tactically overcoming language barriers, reading cultural cues, and responding to immigrant crime victims.

Background

In the quest for lower crime rates, many of the values of community policing seem to have been put aside. Now-ascendant strategies in American policing are organized around arresting large numbers of people for low-level crimes and the wide-scale use of punitive interventions, such as stop, question, and frisk, particularly in New York City.¹ In contrast to the goal of community policing—achieving public safety by enhancing trust and through problem-solving—the large scale focus on low-level offenses has often caused the opposite effect.

There is no consensus that a link exists between “broken-windows” policing and the sharp reduction in crime rates in recent decades.² Instead, we have correctional institutions and courtrooms clogged with people charged with low-level, nonviolent crimes and for whom a criminal record may hurt their chances of getting a job, obtaining public housing, securing financial aid for college, or any number of restrictions or exclusions. Because the rate of bookings has increased since the mid 1990s, a person is more likely to go to jail after being arrested than he or she was 30 years ago.³

The cost that is being paid outweighs the unverified benefits that proactive punitive interventions promise. One only needs to explore the results of Vera’s study into the impact of the NYPD’s stop, question, and frisk policy to see how every stop eroded the trust between law enforcement and the young people affected.⁴ The study surveyed samples of teenagers and young adults from highly-patrolled, high-crime areas of New York City, and found that respondents who had recently been stopped were less willing to report crimes, even when they themselves were the victim. Less than half of respondents said they would be comfortable seeking help from the police if they were in trouble, and only one in four respondents said they would be willing to report someone whom they believe had committed a crime.

This is the legacy of policing and policies that encourage high volumes of arrest for low-level, nonviolent offenses and a volume of negative interactions short of arrest: a disconnect between law enforcement and the communities they are sworn to protect in what should be a shared mission to build stronger, safer, and healthier communities. Although conventional belief might suggest otherwise, these policies have yet to be conclusively tied to safer cities and neighborhoods, but they contribute to massive, unconstructive distrust and to financial burdens and family hardships that help perpetuate cycles of poverty and unfulfilled potential.

Perhaps the most important thing this Task Force can do is encourage brave leadership willing to experiment with a philosophy of fewer arrests, summonses, and intrusions in the name of crime prevention. Such leadership exists, as Vera’s recent work with law enforcement leaders demonstrates.

Recommendations

Improving police and youth relations – More effective responses and enhanced collaboration

Police officers are called upon to respond to a range of adolescent conduct, which clearly includes responding to the minority of youth who commit serious violent offenses, but also to those who come to the attention of law enforcement for low-level illegal behavior which can be characterized as youthful mistakes, as well as for “status offenses” like truancy and running away—behaviors which would not be illegal but for the person's status as a minor. Police need skills tailored to this full range of adolescent behavior in order to respond effectively. As Vera has learned through its research and

technical assistance to states and localities on a range of juvenile justice issues, youth charged with low-level and status offenses benefit from effective diversion to community-based social service responses. **Police can play a key role in linking youth and families to those options instead of turning to the courts.**

Police should also take steps to build bridges with young people to reestablish trust that may have eroded as a result of stop, question, and frisk policies, including:

- Vera found in its research on stop, question, and frisk in New York City that a number of young people felt threatened or intimidated by the officers who stopped them. **Existing training should be expanded upon to encourage respectful policing** that makes people feel they are treated fairly (including informing them of the reason for the stop), and emphasize strategies aimed at reducing the number of stops that escalate to the point where officers make threats and use physical force.
- **Collaborate with the predominately black and Hispanic/Latino communities** where stop and frisk has been concentrated to improve relationships by finding tangible strategies to put into practice. One 18-year-old black male interviewed as part of Vera's study said, "If you really want to protect, you need to become acquainted with the people in the neighborhood. You can't just patrol; you actually need to speak to people."
- **Partner with researchers** to better understand the costs and benefits of various proactive policing strategies as well as individual practices, such as stop and frisk. Enhanced data collection will improve law enforcement's ability to learn what works and what strategies and tactics to avoid or minimize.⁵

Community engagement and dialogue – Creating allies and improving communication

Consistent and proactive community engagement can go a long way toward building community trust in the police. These recommendations come out of what Vera learned through its forthcoming United Communities project, which included interviews with police officers and community members from cities with sizable AMEMSA communities.

- **All law enforcement agencies should be required to have community members who can formally serve as liaisons** and points of contact between the department and the community. These "go-to" people can provide important intelligence about the community, identify community-based resources, and broker alliances. A liaison does not necessarily have to be located in a police department, though having a sworn civilian law enforcement liaison gives an agency greater control in ensuring appropriate follow through. This should not be an option that is only exercised when there is funding.
- **Law enforcement agencies should actively interact with religious leaders.** In addition to being a rich resource for cultural and religious information, faith leaders can serve as gatekeepers to the larger community. Partnering with leaders of multiple faiths provides access to many different segments of a community and reduces reliance upon any single leader. In order to gain their trust, law enforcement should expect to meet with faith leaders on numerous occasions, and while this process will take time and involve some cross-education about each group's experiences and priorities, it can do a great deal to foster community trust.
- **Language barriers in policing should be proactively and consistently addressed** by law enforcement policies, training, and allocated resources. Police do not always fully understand the language access needs of many of our country's communities, both immigrant and U.S.-born. The consequences, however, can be severe, ranging from unprotected victims of crime to

unintended officer-involved shootings.⁶ The DOJ has devoted considerable attention to improving the state of language access among local law enforcement and has gone so far as to enter civil rights litigation dealing with law enforcement's failure to take reasonable steps to provide limited English proficient individuals with meaningful access to police protection and services.⁷ To support the efforts of the DOJ, state and local accreditation standards should include language access, and funding should be made available to agencies for use of low-cost interpretation and translation services.

Procedural justice – Enhance training to better serve multicultural and multilingual communities

As shown in Vera's work on the United Communities and Engaging Police in Immigrant Communities projects, greater trust and cooperation between law enforcement and communities grows more important every day, as our nation experiences rapidly changing demographics. In the last decade alone, more than two-thirds of U.S. states saw their foreign-born populations increase by at least 30 percent.⁸ A significant proportion of the growth is happening in areas that were once untouched by immigration, particularly in the suburbs, creating new challenges for police agencies.⁹

In addition, homeland security obligations have led to new responsibilities for local police. These tasks would benefit from increased trust and communication with members of ethnically and racially diverse communities, yet this is not happening to the extent that it should. Nationwide, many local law enforcement agencies need greater assistance to connect with, or overcome challenges to, developing community policing partnerships with these diverse, growing communities.

In particular, **police agencies, particularly those in new immigrant communities, need support to reallocate resources and upgrade their officers' training in order to better serve this growing population.** Policing experts and practitioners agree that law enforcement, like other professionals, respond best to technical assistance and training that is grounded in a peer-to-peer approach. Police want to learn from other police. There currently are no active efforts that guide the bulk of the nation's 18,000 law enforcement agencies in serving immigrant, refugee, and limited English proficient (LEP) communities through peer-to-peer guidance and policy development.

A peer-to-peer training and technical assistance model that brings evidence-based and/or research-informed programs, policies, practices, and methodologies to policing practitioners needs to be developed, tested, and implemented statewide through national channels. This training should cover two different "waves" of immigrants—those who have come to the U.S. recently and those who are becoming integrated into the rich fabric of this country. While the newcomers may face real and critical barriers in understanding the role of the police as a to-be trusted actor of the U.S. justice system, longer-settled immigrants may need assistance in the recognizing and reporting of crimes commonly experienced among immigrant populations, including robbery of day workers, work exploitation, and domestic violence.

This model could be integrated into well-established procedural justice training that is penetrating the field through the Justice Department's National Initiative for Building Community Trust and Justice.

Defining the role of the police in a democratic society – Police as first responders

As first responders, police officers can reduce the justice system's overreliance on incarceration for people with substance use and mental health issues—while contributing to public health—by increasing

jail diversion and appropriately responding to behavioral health crises at the front door of the criminal justice systems.¹⁰ The New York City Mayor's Task Force on Behavioral Health and Criminal Justice can be instructive for how jurisdictions can create recommendations for policy change and new initiatives based on the particular needs of their communities. These recommendations will reduce the reliance on the criminal justice system of people with behavioral health needs, reduce the negative impact of justice involvement on public health, and address the intimately connected racial disparities apparent in health and criminal justice outcomes.

- **Jurisdictions should institute pre-booking diversion programs** so police can better address the needs of a suspect with mental health and substance use issues, such as crisis intervention teams to properly handle emergency situations, outreach worker/police response teams, and community-based drop-off centers staffed by social service providers and mental health professionals.
- **Law enforcement around the country should integrate evidence-based harm reduction tools** into their regular practices, including naloxone distribution, to reduce the morbidity and mortality resulting from drug overdose.
- **Police officers should be knowledgeable about available alternatives to incarceration (ATIs) and arrest**, particularly for people with behavioral health needs. Police forces should work in consort with other criminal justice and public health agencies to create ATIs that fit the needs of their community.

Conclusion

In closing, I would like to thank the Task Force for offering the opportunity to provide written testimony. Please do not hesitate to contact us if the Vera Institute of Justice can provide further assistance.

¹ Preeti Chauhan, Adam G. Fera, Megan B. Welsh, Ervin Balazon, Evan Misshula, *Trends in Misdemeanor Arrest Rates in New York*. Report presented to the Citizens Crime Commission. (New York: John Jay College of Criminal Justice, 2014).

http://www.jjay.cuny.edu/web_images/10_28_14_TOCFINAL.pdf (accessed January 9, 2015).

² Michael Tonry, "Why Crime Rates Are Falling Throughout the Western World" (October 27, 2014). *43 Crime & Justice, Forthcoming; Minnesota Legal Studies Research Paper No. 14-41*.

<http://ssrn.com/abstract=2520500> (accessed January 8, 2015); Center for Evidence-Based Crime Policy, "Broken Windows Policing," <http://cebc.org/evidence-based-policing/what-works-in-policing/research-evidence-review/broken-windows-policing/> (accessed January 9, 2015).

³ Vera's calculation from: Bureau of Justice Statistics. "Arrest Data Analysis Tool,"

http://www.bjs.gov/arrests/resources/documents/adat_user_guide.pdf (accessed December 2, 2014).

⁴ Jennifer Fratello, Andrés F. Rengifo, and Jennifer Trone, *Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications*. New York, NY: Vera Institute of Justice, 2013.

⁵ See examples of these types of efforts at George Mason University Center for Evidence-Based Crime Policy website, <http://cebc.org/evidence-based-policing/>.

⁶ Laura Gunderson, "Should Oregon police issue commands in Spanish when facing a suspect at gunpoint?" *The Oregonian*, December 16, 2014, http://www.oregonlive.com/pacific-northwest-news/index.ssf/2014/12/should_oregon_police_issue_com.html (accessed January 8, 2015).

⁷ See U.S. Statement of Interest in *Padilla v. City of New York*,

http://www.justice.gov/crt/about/spl/documents/padilla_so_i_11-22-13.pdf (accessed January, 8, 2015).

⁸ From table generated by Jeanne Batalova of the MPI Data Hub (Migration Policy Institute). Estimates for 1990 and 2000 are from the US Census Bureau, Summary File 3, 1990 and 2000 US Decennial Censuses; 2010 estimates are from the US Census Bureau's American Community Survey.

⁹ Jill H. Wilson and Nicole Prchal Svajlenka, *Immigrants Continue to Disperse, with Fastest Growth in the Suburbs* (Washington, DC: The Brookings Institution, 2014).

<http://www.brookings.edu/research/papers/2014/10/29-immigrants-disperse-suburbs-wilson-svajlenka> (accessed January 8, 2015).

¹⁰ David Cloud. *On Life Support: Public Health in the Age of Mass Incarceration*. New York, NY: Vera Institute of Justice, 2014.