Contents

1. Digest

  Discretion and Diversion in Albany's LEAD Program
  Inconsistency in the Use of Misdemeanor Arrests
  The Effect of Prior Police Contact on Victimization Reporting
  The Co-Responder Model of Policing People with Mental Health Issues
  The Effects of Body-Worn Cameras on Police Activity and Civilian Encounters
  Youth Diversion Program to Prevent Delinquent Behavior

Endnotes
Digest

*Emerging Issues in American Policing* is a quarterly digest intended for police-practitioners and community members that presents innovations in the field of policing from the leading academic journals and research publications. Please forward any questions or suggestions to EmergingIssuesPolicing@vera.org.

Discretion and Diversion in Albany’s LEAD Program

An initial evaluation of Albany Police Department’s Law Enforcement Assisted Diversion (LEAD) program shows that officers make discretionary decisions about whether or not to refer an individual to LEAD.

Albany, NY became the third city—following Seattle, WA in 2011 and Santa Fe, NM in 2014—to implement a Law Enforcement Assisted Diversion (LEAD) program. The program allows police officers to use their discretion and divert individuals in at-risk populations (e.g. those who are homeless, those with mental illness, or those who struggle with substance use) from being charged with low-grade offenses. Instead of experiencing criminal prosecution, individuals are referred to public health and social support services designed to improve their living conditions.

To provide a greater understanding of the effectiveness and functioning of pre-arrest and pre-booking diversion programs, researchers at the John F. Finn Institute for Public Safety and the University of Albany conducted an evaluation of LEAD-eligible cases with the Albany Police Department (APD). The authors monitored how offense type, demographics of potential participants, and officer opinions may influence officers’ discretionary decisions to divert individuals. To do this, the researchers analyzed APD’s arrest and diversion records from April 2016 through March 2017, in addition to conducting a survey of 182 officers and in-depth interviews with 50 officers.

Results showed that only 43 out of 543 LEAD-eligible cases—or less than 8 percent—were diverted by APD officers to public health and social support services. The researchers note that diversions may be contingent upon how much a suspect cooperates with the police, whether the complainant wishes to see the person prosecuted, and officers’ attitudes about diversion and the LEAD program. Notably, the researchers found that two-thirds of the surveyed APD officers held less favorable attitudes towards LEAD. These attitudes were primarily related to the belief that LEAD creates additional work for officers beyond the scope of policing, along with skepticism around the program’s ability to successfully treat drug addiction and abuse. The findings from this study suggest that without officer buy-in, the benefits of programs such as LEAD may be limited. As such, agencies may benefit from
Inconsistency in the Use of Misdemeanor Arrests

A study by researchers at George Mason University revealed that misdemeanor arrests may be driven by “broken-windows” policing instead of common crime rate indicators.

Broken windows policing is a technique that some police departments implement to combat high crime rates. According to the theory, an increase in misdemeanor arrests will prevent serious violent crimes from occurring because of the notion that public disorder and nuisances attract more serious crime. Broken windows policing, however, may result in over-policing of local communities through aggressive arrest practices for low-level violations.

Researchers from George Mason University examined police agencies’ arrest trends from 1990 to 2013 in order to determine if the jurisdiction’s social, economic, or crime-related characteristics (i.e. high crime rates for serious offenses, poverty, ethnic and racial composition, population density, and percentage of the population that is foreign-born) drove arrests for nonviolent offenses and the likelihood of police departments adopting the “broken windows” approach. Using the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Database, the researchers analyzed misdemeanor arrest rates across 105 police departments that have at least 500 sworn officers. They selected large agencies because bigger police departments are more likely to have higher numbers of both serious crime and misdemeanor arrests.

Results indicated that the decision to use “broken windows” tactics differed largely by police department. Overall, more than one-third of the agencies did not experience any uptick in misdemeanor arrests whatsoever, while the remaining agencies did so at varying levels. Common indicators of criminal activity also failed to explain whether or not the police department enforced “zero-tolerance” policies, and the findings from this study suggest that the choice to implement broken windows tactics is made by individual agencies. Given research demonstrating that broken windows tactics are no better than other approaches at reducing crime and are more likely to reduce civilian trust and satisfaction with the police, the researchers recommend that tailored, location-based approaches which focus on crime deterrence, strengthening community relations, and conducting long-term problem-solving are promising alternatives to “broken windows” arrests.

The Effect of Prior Police Contact on Victimization Reporting
A recent study finds that an individual's perceptions of prior police contact may influence whether they decide to report a personal or household crime in the future.

Research has underscored the importance of the public's role in promoting public safety through crime reporting. Given that importance, researchers have tried to understand factors that influence people's decision to report crime. Toward that end, a researcher at the University of Missouri utilized 2002, 2008, and 2011 Police Contact Surveys and 2002-2014 National Crime Victimization Surveys to determine if prior in-person police encounters affect whether a victim will later report a personal or household crime. The author also considered the nature of the previous encounter (e.g., traffic stops, civilian-initiated contact) and the person's perception of the police contact.

The researcher found that victims of personal crimes who experienced invasive police contact, such as stop-and-frisk, or handcuffing, were less likely than other contact groups to notify police about personal crimes. The reporting of household crimes, however, varied depending on the type of prior face-to-face police interaction and whether civilians viewed this contact as fair. Households that experienced positive in-person interactions with police officers were 34 percent more likely than households with no prior police contact to report a crime. On the contrary, households with perceptions that prior police encounters were unjust were 50 percent less likely than households with no prior police contact to report a crime.

Results show that police tactics and the nature of a civilian encounter can significantly influence a victim's decision to cooperate with police in the future. Importantly, the research suggests that community members are more inclined to notify police officers of victimization and cooperate in an investigation if they viewed prior interactions as just. Given evidence that order-maintenance strategies—which target physical and social disorder using community problem solving—are effective in reducing crime, it is important for police agencies to consider using these strategies to foster positive civilian-police encounters. Community involvement in policing can assist in promoting perceptions of trust and legitimacy, which, in turn, can increase community-police cooperation.

The Co-Responder Model of Policing People with Mental Health Issues

Results from an evaluation of the Co-Responder Hot Spot Outreach Team (CHSOT) highlight the importance of collaborative efforts in implementing mental health interventions while policing hot spots.

Despite frequently encountering individuals with mental health illnesses, some police officers lack proper tools and training necessary to react accordingly. In response to this issue, researchers at the Center for Evidence-Based Crime Policy developed and piloted a program called the Co-Responder
Hot Spot Outreach Team (CHSOT) in 2015. \(10\) CHSOT paired officers from Baltimore City Police Department (BCPD) with mental health clinicians to determine if police officers and mental health officials could work together at four local hot spots—or areas with high concentrations of crime.

For 14 weeks, police officers and mental health clinicians visited Baltimore's local hot spots two times a week to practice problem-solving hotspot policing techniques and community policing. Visits included identifying any risks on the street, interacting with the local community by explaining the pilot program and offering information about mental health services. To evaluate the program's success, the researchers conducted observations, ride-alongs, and interviews with the officers and clinicians, as well as community members who encountered the program teams throughout the program's course.

Responses to the pilot program were mostly positive, and officers and clinicians expressed that most of the contacted community members were responsive and happy to engage with the teams, often disclosing struggles they were having with drug use and mental health. At the conclusion of the program, community feedback suggests the program has the potential to prevent crises, though future quantitative assessments of crime or crisis prevention outcomes are still necessary. Overall, these findings highlight the value of partnerships between local police agencies and clinicians and the capacity of these collaborations to inform a proactive approach to dealing with mental health problems in a community.

The Effects of Body-Worn Cameras on Police Activity and Civilian Encounters

The implementation of body-worn cameras (BWCs) in the Las Vegas Police Department has resulted in fewer civilian complaints and use of force reports.

Many U.S. police departments have started incorporating the use of body-worn cameras (BWCs) as a strategy to help improve community-police relations and interactions. However, because little evidence in this area exists, researchers conducted a study to examine the effects of BWCs on various measures of police performance. \(11\)

In the study, the Las Vegas Metropolitan Police Department (LVMPD) and an external research group partnered to evaluate the effects of BWCs on police behaviors (e.g., use of force). Four hundred and sixteen officers (approximately 16 percent of the department's sworn personnel) were placed into a randomized control trial (RCT—a research design where participants are chosen at random and separated by treatment and control groups; treatment in this case was the assignment to wear a body camera). Prior to the evaluation period, officers were required to complete a training on BWC logistics and functions. For the duration of one year, 218 officers wore BWCs while patrolling, while 198
officers did not.

The LVMPD provided the evaluation team with data on civilian complaints, police use-of-force incidents, and the police activities of both BWC-wearing and non-BWC-wearing officers. Findings from before and after the intervention show that civilian complaints for BWC-officers were resolved faster because of the availability of video footage. Additionally, officers with BWCs had fewer use-of-force reports and complaints compared to officers without BWCs. This study suggests that the use of BWCs in police departments can be helpful in de-escalating aggression and reducing the use of forceful tactics, a finding that is consistent with BWC research reported in prior digests demonstrating that BWC implementation was related to a reduction in use of force and complaints against officers. As such, BWCs can also assist in promoting trust between local community and police departments.

Youth Diversion Program to Prevent Delinquent Behavior

A review of studies on pre-court interventions involving police officers suggests that diversion programs reduce future delinquent behavior of low-risk youth compared to traditional court processing.

Because police officers serve as gatekeepers—ultimately deciding who enters the criminal justice system—it is important for officers to employ policing tactics that reduce harm and minimize future justice involvement for all civilians, but especially for young people. Given that early justice involvement has been found to be predictive of future offending, one way to improve youth justice outcomes is by employing pre-court interventions, which allow young people to avoid a criminal record by providing alternative interventions beyond formal juvenile justice processing. Despite the potential benefits of police diversion for juveniles, there is limited research comparing how diversionary processing differs from traditional processing.

To understand the effects of pre-court interventions by police officers, authors at the Campbell Collaboration conducted a systematic review of 19 studies of police diversion involving young people aged 12 to 17, who had little to no prior involvement with the criminal justice system. The authors examined three different types of pre-court interventions: traditional cautioning (e.g., a police officer formally reprimands a young person by explaining the consequences of their behavior), restorative cautioning (e.g., a guided discussion between the young person, affected parties, and victim), and final warning/reprimand programs (e.g., a referral to an agency and placement in a treatment program), all of which results in a young person avoiding a criminal record. The researchers found—that compared to traditional processing—young people who were diverted, regardless of the type of pre-court intervention, had a modest but significantly lower reoffending rate. Importantly, the results from this systematic review suggest that officer diversion tactics have positive effects on reducing the chance that a young person will reoffend. Thus, police departments, courts, and other
criminal justice entities should strongly consider employing pre-court interventions to address youth crime, especially given the minimal effort and cost associated with a number of the interventions (e.g., cautioning efforts).

Special Acknowledgements: The Policing Program would like to thank John Jay Fellows Darren Agboh, Cataydra Brown, and Kristyn Jones, and Policing Intern Libby Doyle, for their contributions to Emerging Issues Digest, Volume 5.

Endnotes

Discretion and Diversion in Albany's LEAD Program

2. For a brief overview of how police officers can benefit from diversion, see Erin Dostal Kuller, “How Police Benefit from Diversion Strategies,” Think Justice Blog, July 21, 2016, https://www.vera.org/blog/it-t-

Inconsistency in the Use of Misdemeanor Arrests


The Effect of Prior Police Contact on Victimization Reporting


The Co-Responder Model of Policing People with Mental Health Issues


The Effects of Body-Worn Cameras on Police Activity and Civilian Encounters


Youth Diversion Program to Prevent Delinquent Behavior