

Re-imagining Public Safety: Prevent Harm and Lead with the Truth

A five-step policy plan for policing in America

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LEADERSHIP IN EQUITY THROUGH EXCELLENCE IN RESEARCH

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A FOUNDATION FOR RE-IMAGINING PUBLIC SAFETY

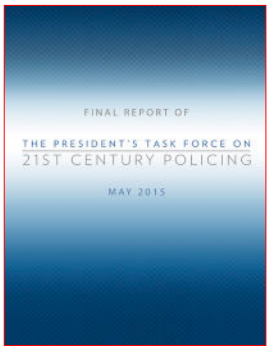
For more than a decade, the authors of this document have been scholars and thought leaders of police reform. We have served as members of presidential task forces, led national initiatives to build trust in the police, developed groundbreaking police trainings, created revolutionary data analytic techniques for police accountability, and studied the history of racism and incarceration in the United States. As contributors and collaborators on a series of task force, research, and policy reports, our expertise and subsequent publications serve as a significant foundation for re-imagining public safety.

What follows is an articulation of the five key policies that our experience and research reveal as the most critical to advancing public safety in America. Rather than a summary or laundry list, we offer these five recommendations as the fundamental next steps. Each makes the rest of the policies we have collectively endorsed easier, more likely, and more effective. In other words, these are the five steps that we believe can do the most work towards turning a just public safety system from a goal to a reality.

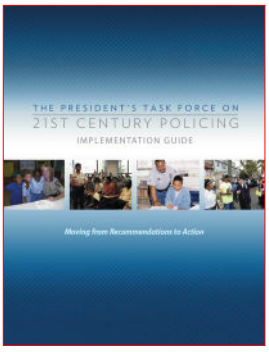
The work to which we have contributed collectively represents a near exhaustive list of best practices in reforming and re-imagining policing. Consequently, we recommend individuals review the following documents for a comprehensive list of national policing policy recommendations. We cite these documents throughout our current policy recommendations and have made them available on our websites.



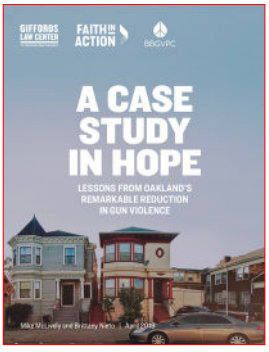
National Initiative evaluation



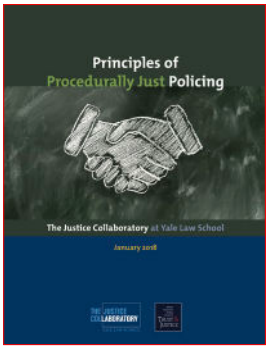
21st Century Task Force on Policing



21st Century Task Force, implementation



Giffords Case Study for Hope



Principles of Just Policing



Legitimacy and Procedural Justice: A New Element of Police Leadership

FOREWORD

There are three ideas that currently organize America's response to crime and the criminal justice system:

1. **"Get tough" approaches that focus on deterrence**. Policymakers have implemented harsh, punitive laws designed to promote compliance through fear.

2. **Crime reduction**. Policies that promote strategies to reduce crime rates rather than pro-social investments to prevent crime.

3. **Harm reduction**. Recently reformers have focused on approaches to limit the harm of existing criminal justice institutions, such as reducing the number of people who go to prison and jail or decreasing deadly or excessive use of force by police.

We have developed an approach to advancing policing that stands in contrast to these ideas. We advocate for enhancing popular legitimacy and implementing models that promote assessing, maintaining and fostering public trust.

Our approach is the foundation of a conversation about a just and safe system. Three goals are important:

1. **Encourage voluntary compliance through the promotion of trust and legitimacy**, rather than compliance through fear of punishment.

2. **Safety is key**. Public safety and crime prevention require focusing on institutions outside of the current traditional punishment and policing paradigm. True safety and security depend upon social supports such as education, health, and housing.

3. **Community development and reconciliation**, is necessary to undo past trauma and will achieve more benefits than merely reducing the harm of existing institutions. Structural changes and reconciliatory initiatives that recognize the victimization of individuals who reside in neighborhoods as well as the harms to the whole community can prevent these harms from happening again and build capacity for communities to flourish.

We must move the conversation concerning police reform away from archaic and worn out crime control strategies (including implementing better or more humane ways to carry out the older vision) and instead invest in building trust and legitimacy in the system as a whole. This approach we know results in voluntarily compliance with legal authority, more cooperation with authorities, and more engagement with them.

We encourage you to approach all of these issues from a similar theoretical framework and leverage strategies where there is a strong evidence base.

That's why, in advance of the 2020 presidential election, we are offering a five-step policy plan to advance policing in America while simultaneously rebuilding public trust.

FOUR PRINCIPLES

Four principles should guide the development of a policy plan for policing in America.

Safety

The central goal of the criminal justice system must be to increase cooperation and trust between individuals and the state, not merely to achieve crime reduction. People feel safe when they are free from personal victimization *and* government overreach. We must transform the goal of criminal justice. The **best evidence shows that building a strong partnership between policing agencies and the communities** they serve is the **basis of effective violence reduction strategies**. Building a stronger partnership between the police and the community requires that we focus on how the public views the fairness of police and other state actors. As the 2015 President's Task Force on 21st Century Policing concluded, building trust and nurturing legitimacy on both sides of the police-citizen divide is the necessary foundation of a policy strategy.

Dignity

Criminal justice exposure is fundamentally linked to underlying inequalities in distributions of wealth and power; it burdens the same neighborhoods that have been weighed down by inadequate housing, failing schools, food insecurity, lead poisoning, and so on—often for generations. People must be treated with dignity and respected as citizens. To build a legitimate system we need to invest in resources that prevent people from becoming entangled in the criminal justice system, such as mental health assistance, substance abuse treatment, and public health more generally Communities should be our focus. **New York City has committed to this approach** with an innovative action plan for neighborhood safety.

Parsimony

We must draw down the concentration of criminal justice exposure that itself can become criminogenic. Public safety professionals should seek to reduce contact to the minimum necessary in order to secure safe communities. Crime reduction is not self-justifying. However, we must also recognize that merely reducing exposure is not the same as creating thriving communities – safety and dignity must be our lodestars.

Equity

Our reforms need to be driven by data that will allow us to identify racial inequities in the criminal justice system and create frameworks for remedying long standing disparities.

Our metrics must track more than punitive outcomes (such as arrests and convictions). We must advocate for metrics that capture how and *if* justice is carried out with proper regard for equity, transparency and human dignity. This is possible, for example, through perceptions of police legitimacy, and the consequent willingness of citizens to follow the law and cooperate with police officers. We owe it to both the community and law enforcement to measure what matters.

KEY TERMS

Legitimacy

Legitimacy is a relative term that denotes the extent to which a police department is perceived as morally just, honest, and worthy of peoples' trust and confidence. Legitimacy in policing is not a program, policy or initiative but rather a measure of people's perceptions of trust or distrust in a department and its officers.

Procedural justice

Procedural justice is the way police interact fairly with the public, and how those interactions shape the public's views of the police, their willingness to obey the law, and their engagement in co-producing public safety in their neighborhoods.

Pro-social outcomes

Pro-social outcomes are the result of processes and behaviors which benefit communities in general as opposed to specific individuals. Pro-social outcomes depend on behaviors that are desirable and beneficial to society like working with neighbors to manage common problems.

Reconciliation

Reconciliation or frank engagements between minority communities and law enforcement to address historical tensions, grievances, and misconceptions that contribute to mutual mistrust and misunderstanding and prevent police and communities from working together. This work is often referred to as transitional justice.

FIVE-STEP POLICY ACTION PLAN

SET A NEW STANDARD

Law enforcement should focus on building public trust. Toward this end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices.

The fact that public trust in police has not increased even while crime has plummeted over the last thirty years is a key indication that we took a wrong turn. Derrick Johnson, the President and CEO of the NAACP recently wrote of a growing awareness about the importance of community perceptions to effective policing. He explained that law enforcement agencies have created partnerships to engage in dialogue with community leaders after numerous legitimacy crises episodes have shown us that "police officers cannot do their jobs well without positive relationships within the communities they serve." The central goal of the criminal justice system must be to increase cooperation and trust between individuals and the state.

President Obama's 2014 project, The National Initiative for Building Community Trust and Justice, was recently evaluated and shown a statistically significant impact among police officers and communities in six cities (Gary, IN; Birmingham, AL; Stockton, CA; Minneapolis, MN; Fort Worth, TX; and Pittsburgh, PA). The full evaluation, as well as context on the additional principal members and their roles in the larger National Initiative Project is available **here**. For the National Initiative, the Justice Collaboratory and Center for Policing Equity, produced a new, holistic, three-day training that covers procedural justice and mind science for police officers. This training includes the *Principles of Procedurally Just Policing* – a guide for police departments that seek comprehensive change and wish to incorporate procedural justice as a foundational principle running through all of their policies.

Another way of saying this is that community policing is generally seen as a police initiative, while popular **legitimacy—i.e. public trust**--is a criterion by which a police department can be judged and, evidence suggests, is judged every day by the people in the community. Trust guides community members when they decide whether to willingly defer to and accept police decisions and policies, and make their own judgments about the extent to which they are willing to work with the police to help them maintain order in the community. The Task Force report highlights the central role that the fairness in the way police exercise their authority plays in shaping popular legitimacy, as well as public behavior.

Law enforcement stakeholders who are taking leadership roles on the issue of legitimacy and procedural justice today incorporate these ideas in what they say to police officers, and in what they say to the public. They make these concepts part of their everyday thinking – as they plan police operations, develop policies, make speeches, hold community meetings, give news media interviews, and otherwise go about their work.

Importantly, if a commitment to legitimacy is going to be more than a talking point, law enforcement agencies must track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in a community affects public trust.

FACILITATE THE CULTURE CHANGE

The Federal Government should incentivize procedural justice efforts through a variety of programs and technical assistance funding through the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) and Bureau of Justice Assistance (BJA). There should be block grants that support police agency engagement in cultural realignment, transitional justice, and reconciliation initiatives.

The U.S. Department of Justice must support law enforcement in creating a new policing standard by providing technical assistance, promoting best practices, and incentivizing with grant funding – funding that is contingent on meeting new, procedurally just, benchmarks. This idea reflects Recommendation 7.3 of the **Task Force on 21st Century Policing**'s final report, which states the U.S. Department of Justice should charge itself with assisting law enforcement in addressing its current and future challenges. In doing this, the federal government shows their state and local partners that trust building is necessary work for police to transition from a formally oppressive to a newly legitimate authority. Similar efforts have been successful in Germany and **South Africa**.

The COPS office was created so that communities are empowered in the coproduction of their public safety. To support that mission, COPS must facilitate change at the local level by creating a National Policing Practices and Accountability Division within DOJ that provides increased technical assistance to evaluate policing practices. COPS should also provide technical assistance and funding to state training boards to help them meet new national benchmarks and best practices in training methodologies and content.

Finally, beyond financial support, the government can lead the charge in collecting new data that better reflects the values of procedural justice. This should be done by: supporting the establishment of a central repository for data concerning police use of force resulting in death, as well as in-custody deaths (for use by both community and police); providing local agencies with technical assistance and templates to conduct local citizen satisfaction surveys; compiling annual citizen satisfaction surveys; developing a national-level survey, as well as surveys for use by local agencies; and developing questions to be added to the National Crime Victimization Survey relating to citizen satisfaction with police agencies and public trust.

Our local law enforcement leaders have demonstrated the readiness and the need for this type of work, but they require federal support.

MEASURE WHAT MATTERS, AND MANAGE IT

For most law enforcement agencies around the world, COMPSTAT is a system that leverages data on crime to help police focus their patrol resources on their goal of reducing crime. This same process can be augmented with new pro-social measures used to hold departments accountable to their values of fairness, using a new version called COMPSTAT for Justice.

As law enforcement endeavors to adopt a new standard, and the government supports the shift through their leadership and funding, practitioners will need similarly novel accountability measures. That is, new management tools must ensure the changes preached during trainings are in fact lived on the streets.

COMPSTAT is a system that leverages data on crime to help police focus their patrol resources on their goal of reducing crime. This same process, however, can be used to hold departments accountable to their commitment to fair and equitable policing. As the prevailing management standard, COMPSTAT, falls short in capturing a comprehensive picture of public safety and community priorities. In other words, COMPSTAT is not measuring all that matters to law enforcement or communities.

It is possible to begin solving the problems of race and policing right now. **Center for Policing Equity** (CPE) has been working for a decade to build data-driven interventions such as their COMPSTAT for Justice, which measures police behaviors and holds officers accountable to the shared values in communities across the country.

In addition to crime data, COMPSTAT for Justice also tracks police stops, use of force data, and officer survey data. By combining these data with census data and other geographic markers, communities and departments can differentiate the portion of racial disparities police cannot control (e.g., poverty) and the portion they can (e.g., policies). These analyses empower police departments and communities to collaborate on next steps and strategies to reduce racial disparities that they can control. The process is scalable and effective.

Because these systems are best regulated at the state level, candidates could encourage the use of data-driven interventions by endorsing block grants to states to implement interventions like COMPSTAT for Justice, arming communities with ways to measure what matters most to them.

RECONCILE PAST HARMS

Law enforcement agencies must aim to undo past trauma through structural changes and reconciliatory initiatives. These initiatives must recognize the dignity and victimization of individuals in their communities, redress and acknowledge violations, while aiming to prevent them from happening again.

In 2016, Terrence Cunningham, president of the International Association of Chiefs of Police, apologized at the group's annual conference for the historical mistreatment of communities of color, calling it a "dark side of our shared history" that must be recognized and overcome. Cunningham noted that police have historically been a face of oppression, enforcing laws that ensured legalized discrimination and denial of basic rights. These acknowledgements need to be backed up by deep, structural changes to policing and the criminal justice system. In the words of then New York City Policy Commissioner William Bratton in 2015: "As police, we must fix what we've done and what we continue to do wrong. It's ours to set right." Both Cunningham and Bratton suggest that there should be specific policies dictating an investment in communities that have been systematically marginalized and criminalized.

Reconciliation or transitional justice is a process that gives law enforcement and communities the tools to build trust and undo past trauma. It is rooted in accountability and redress for victims. **Ignoring massive abuses is an easy way out but it destroys the values on which any decent society can be built**. By putting victims and their dignity first, reconciliation signals the way forward for a renewed commitment to make sure ordinary citizens are safe in their own communities – safe from the abuses of their own authorities and effectively protected from violations by others.

In practice, reconciliation brings together police and residents in joint communication, research, and commitment to practical change to foster the mutual trust essential for effective public safety partnerships. It is an approach that has been successful in Germany and South Africa and is quickly gaining ground across America. In the six pilot sites of the National Initiative, police and communities are embarking on reconciliation processes as part of a systemic rethinking of public safety. The Stockton Police Department, in particular, has demonstrated what reconciliation can look like in practice. Since 2016, beginning with a framework created by the National Network for Safe Communities, Police Chief Eric Jones has held dozens of "listening sessions" with historically marginalized groups. During these meetings, law enforcement collects group concerns and individual narratives describing residents' interactions with police. The discussions are often followed by further research, or "fact finding" to produce a clear, objective account of the history that necessitated the reconciliation process in the first place.

There is evidence supporting the impact community-level organizations have on preventing crime. At the final implementation stage of the reconciliation process, police, community groups, and activists together develop concrete changes to policy and practice. Stockton is also leading in this way, by collaborating with a Community Advisory Board to review policy on an ongoing basis and implementing changes driven by community experiences and input.

CREATE A NATIONAL REVIEW BOARD

Apply a system-accident framework, similar to the National Transportation Safety Board, to help police agencies assess catastrophes after they happen. A framework where there is opportunity to provide change in operational systems rather than hold more individuals blameworthy. By evaluating police violence and general misconduct within this framework we are emphasizing the complexity of policing, rather than individual fault or blame as the root cause.

In policies one through four, we have presented a proactive and prosocial way of thinking about policing in America. Specifically, the way we can advance our communities through economic and social development while preventing crime. We have laid out a basic road map on how to transform the focus from traditional crime control strategies to investing in building trust, legitimacy, and voluntary compliance – all within the theoretical framework of procedural justice.

However, creating a national review board is the fifth and final step and incorporates the back-end accountability necessary to address catastrophes when the other initiatives fail. It creates a new theoretical framework to analyze police shootings, violence, and general misconduct. The goal of creating a National Review Board is to transition the conversation from individual blame to systems analysis. The employment of this strategy will help the police to be in a better frame of mind for the proactive policies we've previously outlined.

As Larry Sherman recently wrote, the current solution to reducing deadly use of force by police is a mix of public shaming and formal prosecution. This isn't working. We recommend a new policy perspective where a system-crash prevention approach applies lateral thinking from lessons learned about airplane crashes, surgical errors, nuclear power plant meltdowns, and other rare events in complex systems. This framework spotlights the rare combinations of risk factors and errors that can produce violent or fatal interactions with police, the prevention of which may need to vary widely between large and small communities.

There has been success reducing fatal police shootings when adopting this model.

APPENDIX

Talking Points for Presidential Candidates

It is our sincere hope that the 2020 Presidential candidates will feel emboldened by the ideas presented in this document. To that end, we've included a series of accessible talking points that synthesize our five-step policy plan for advancing policing in America.

Safety

IMPROVING LAW ENFORCEMENT OUTCOMES

- *"Cooperation with the law begins with trust in it and not fear of it." Goff, Philip A. "Oversights of Justice". 4/10/2017. HuffPost*
- *"The central goal of the criminal justice system must be to increase cooperation and trust between individuals and the state". "Justice Forward" The Justice Collaboratory at Yale Law School*
- *"Aspects of public infrastructure such as highways, street lighting, and clean water are public goods. Public safety is a public good and deserves the same investment." Meares, Tracey L. "Policing: A Public Good Gone Bad" 08/01/2017. Boston Review*
- *"Importantly, this has never been an "anti-police" value. We will mandate interventions to improve officer health." Goff, Philip A. "Oversights of Justice". 4/10/2017. HuffPost*
- *"There is a new benchmark for evaluating police practices, and it is the impact of a policy and practice upon perceived police legitimacy within the community." Legitimacy and Procedural Justice: A New Element of Police Leadership: A Report by the Police Executive Research Forum (PERF). March 2014*
- *"Legitimacy in policing is not a police program, initiative, or set of policies. It is a measure of success." (Legitimacy and Procedural Justice: A New Element of Police Leadership: A Report by the Police Executive Research Forum (PERF). March 2014)*
- *"Public safety is best when applied fairly." (Goff, Philip A. "Oversights of Justice". 4/10/2017. HuffPost)*

Dignity

IMPROVING LAW ENFORCEMENT OUTCOMES

- *"We must promote front-end policies that are pro-active in addressing the systemic issues."*
- *"We have reached a critical mass of awareness. Our communities are ready to take action and lead local criminal justice reform."*
- *"Neighborhood safety is about more than the absence of crime. It is about the opportunity for residents to call a neighborhood home, public spaces that are vibrant, well cared for and active, and shared trust between government and its constituents that allows for partnership at all levels."* **The Mayor's Action Plan for Neighborhood Safety**, *NYC Mayor's Office of Criminal Justice*
- *"City agencies need to reframe the concept of public safety by addressing the underlying drivers of crime."* **The Mayor's Action Plan for Neighborhood Safety**, *NYC Mayor's Office of Criminal Justice*
- *"Individual police officers are often unfamiliar with the history of their department or institution, especially as it concerns race relations. Most training academies don't teach the darker sides of policing history." Kuhn, S. and Lurie, S. "***American Police Must Own Their Racial Injustices***". 7/18/2018. The American Prospect*

Parsimony

REDUCING EXPOSURES TO THE SYSTEM

- *"When we ask people, who bear the burden of both crime and the state's response to it, we learn that people want something altogether different."*
- *"Police agencies must create policy with neighborhood residents, not for them."* **Importance of Police-Community Relationships and Resources for Further Reading**. *Community Relations Services Toolkit for Policing. U.S. Department of Justice*
- *"At the core of community policing is the premise that effective policing is a result of strong and positive relationships between officers and the people they serve." Meares, Tracey, Tyler, Tom, and Gardener, Jacob. "***Lawful or Fair? How Cops and Laypeople Perceive Good Policing***". The Journal of Criminal Law and Criminology Vol 105. Issue. 2 (2015)*

Equity

MEASUREMENT AND OUTCOMES

- *"Move beyond measuring crime and start measuring justice."* **Elizabeth Warren**
- *"Any pro-police agenda cannot omit the value of repairing damaged trust. When communities don't trust the police and are afraid of the police, then they will not and cannot work with police and within the law around issues in their own community."* ***"American Policing is Broken"*** Vox.
- *"It's not about blaming the pilot, it's about fixing the plane. Similarly, it's not about blaming a cop but about advancing public safety."*
- *"The fact that public trust in police has not increased even while crime has plummeted over the last thirty years is a key indication that we took a wrong turn." Meares, Tracey L. "***Policing: A Public Good Gone Bad***" 08/01/2017. Boston Review*
- *"Police agencies must create policy with neighborhood residents, not for them." Meares, Tracey L. "***Policing: A Public Good Gone Bad***" 08/01/2017. Boston Review*
- *"A commitment to preserving life, in concert with no longer treating crime reduction as the highest goal, will necessarily rewrite the aims of policing." "***Policing: A Public Good Gone Bad***" 08/01/2017. Boston Review*
- *"Valuing policing means we have to care enough to measure what police do."*