NEW ERA

OF

PUBLIC

SAFETY

A GUIDE TO FAIR, SAFE, AND EFFECTIVE
COMMUNITY POLICING

1

COMMUNITY POLICING

High-profile police shootings of unarmed Black men and other incidents of police misconduct, coupled with heavy enforcement of low-level offenses, have eroded trust in law enforcement in many communities — and especially in communities of color. This lack of trust strains police-community relationships and undermines public safety, but trust can be restored and safety improved with community policing.

Community policing is a process in which police departments actively build meaningful relationships with community members to improve public safety and advance community goals. It puts the community's voice at the center of decision-making processes and ensures that it is reflected in departmental policies, practices, training, resource allocation, and accountability systems.[1]

Community policing does not mean simply delegating a handful of officers to show up at local events. It is an approach to law enforcement that is adopted and implemented across departments by all officers at all levels. Nor does community policing mean saturating neighborhoods with officers so they can get to know residents — only to increase law enforcement activity (such as stops, frisks, tickets, and arrests). Officers should get to know residents

of the communities they police, but they should engage with them to understand how to best approach dealing with problems.

Community policing is grounded in the fact that police departments and communities with strong ties are better able to work together to support public safety and community wellbeing.[2] It builds trust with communities, aligns with community values, and prioritizes community engagement. And it applies the principles of procedural justice (the way in which officers and departments treat the people with whom they interact) to all aspects of policing. Ultimately, it strengthens policing, improves safety, and enhances democracy.

The Final Report of the President's Task Force on 21st Century Policing (the President's Task Force Report) establishes community policing as a pillar of trust between police and the communities they serve.[3] The concept of community policing, however, is often misunderstood and misapplied — and doesn't fully capture the deep and sustained role that communities can and should play in policing. This chapter aims to establish a unifying philosophy of community policing that can be uniformly implemented in all departments across the nation.

RECOMMENDED BEST PRACTICES

To practice community policing, departments should work with communities to:

1.1

Support local resolutions that embrace and require community policing as the key operational philosophy.

1.2

Commit to community policing in mission statements, strategic plans, and leadership development programs.

1.3

Commit sufficient resources to implement community policing.

1.4

Embrace procedural justice as a guiding principle that informs policies, practices, and training.

1.5

Reconcile with the community.

1.6

Give communities a direct, ongoing say in police practices.

1.7

Develop performance measures that reflect the principles of community engagement, collaboration, problem-solving, and trust-building.

1.8

Give officers ample time to engage with community members and solve community problems.

1.9

Build understanding of the societal causes and consequences of social problems.

1.10

Implement policies for encounters with people with limited English proficiency.

1.11

End the use of police in schools as a solution to student discipline.

1.12

Prohibit officers from asking people about their sexual orientation or immigration status.

THE HISTORY OF COMMUNITY POLICING

Police departments have not been around since the nation's founding. In colonial times, volunteer "night watchmen" were responsible for maintaining order and "controlling" slaves.[4] In 1838, Boston created the first publicly funded, organized police department, and other cities followed.[5] In the South, early police departments continued to focus on the preservation of slavery, as slave patrols apprehended runaway enslaved people and prevented revolts, according to crime historian Gary Potter.[6] This emphasis continued during Reconstruction, as local sheriffs used their power to enforce racial segregation.[7]

By the 1930s, officers were "professionalized" and narrowed their focus to crime control and criminal apprehension.[8] Technological advances, like the patrol car and radio dispatch, physically separated officers from their communities. Instead of immersing themselves in their communities, officers began to drive around to answer calls, which weakened relationships and ultimately undermined public safety. During this period, police officers continued to be a source of oppression for Black communities through the enforcement of "Black Codes" — laws restricting the rights of Black people — and Jim Crow laws, which mandated racial segregation.

In the 1950s, civil rights activists organized to end legal discrimination, but they faced strong opposition — including from law enforcement. This police function grew increasingly problematic, as it widened the distance — both physical and psychological — between officers and community members. In response to civil unrest in the 1960s, President Johnson formed two presidential commissions — the President's Commission on Law Enforcement and Administration of Justice (the Crime Commission) and the National Advisory Commission on Civil Disorders (the Kerner Commission) — to improve law enforcement practices and reform the criminal justice system.

Both noted the divide between communities and the police. The Crime Commission argued that "[p]olice agencies cannot preserve the public peace and control crime unless the public participates more fully than it does now in law enforcement."[9] In the initial draft of their report, the Kerner Commission's social scientists concluded that the country was deeply divided along racial lines, with law enforcement as a "symbol and enforcer of white power."[10] The bipartisan commission, however, ordered the scientists to change the report, and the final draft submitted to the president watered down its criticism of police.[11]

It wasn't until decades later that community policing began to crystalize into a clear philosophy. In 1989, Lee Brown, the first Black chief of a major city department

(Houston's), vividly described the approach that came to be known as community policing. He said police should recognize "the merits of community involvement" and decentralize authority to allow officers to "interact with residents on a routine basis and keep them informed[.]"[12] He also encouraged "power-sharing" to enable community members to participate in decisions about policing.[13]

The concept of community policing took hold in the early 1990s and has since been adopted by hundreds of departments — but not in the same way.[14] Indeed, community policing programs vary widely in their approach; some treat community policy as a philosophy that underscores all enforcement activities, while others treat it as a set of discrete and discretionary programs and practices.

Even leaders who express a commitment to community policing sometimes view it as separate and distinct from "real" law enforcement. Some delegate the task of cultivating community relationships to a handful of officers and assign others to patrolling streets and responding to calls. To be clear, community policing is not the responsibility of a few officers; it is an approach that all officers should take in their work. It is rooted in the idea that all members of police departments — from new recruits to chief executives — should work in partnership with communities to define community problems and coproduce solutions to public safety.

BENEFITS AND CHALLENGES OF COMMUNITY POLICING

A large body of evidence shows that people in communities that have collaborative partnerships with police feel safer.[15] Positive relationships also encourage cooperation and improve neighborhood safety. Research shows that foot patrols — police officers who patrol neighborhood "beats" on foot rather than by car — improve community life. To quote one study, foot patrols "reduced fear, increased citizen satisfaction with police, improved police attitudes toward citizens, and increased the morale and job satisfaction of police[.]"[16]

Research also suggests that officers solve more crime by gathering and sharing information with community members. "If information about crimes and criminals could be obtained from citizens by police … investigative and other units could

significantly increase their effect on crime."[17] In other words, when communities and police departments trust each other and interact positively, public safety improves because people are more likely to cooperate with police to address problems.

Community trust and confidence in police lay the foundation of community policing.[18] Police tactics that disproportionately and negatively affect certain communities, especially those of color,[19] erode trust and confidence in police, fray police-community relationships, and impede criminal investigations.[20] Cultural differences and language barriers also contribute to misunderstanding and distrust.[21] Officers should understand that they earn trust — and can restore it — through actions that reflect the principles of community policing.

BEST PRACTICES IN COMMUNITY POLICING

Many departments have implemented community policing models in recent decades, shedding light on how they can best be adopted and implemented.[22] To practice community policing, departments should work with communities to:

RECOMMENDATION 1.1
SUPPORT LOCAL RESOLUTIONS THAT EMBRACE AND REQUIRE COMMUNITY POLICING AS THE KEY OPERATIONAL PHILOSOPHY.

Mayors, city council members, and other community officials set priorities for police departments and should commit their municipalities to the principles of community policing. Community members should advocate for government resolutions and/or ballot initiatives that embrace community policing, and they should require departments to adopt it as an operational philosophy.

In Columbia City, Missouri, city officials passed a resolution declaring "support for community oriented policing" and developed a citywide program to implement it in the Columbia Police Department.[23] This type of resolution is a good starting point for those seeking to meaningfully implement community policing. Seeing the resolution through to implementation and designing an optimal model of community policing require ongoing collaboration between communities, police departments, and municipalities.

RECOMMENDATION 1.2
COMMIT TO COMMUNITY POLICING IN MISSION STATEMENTS, STRATEGIC PLANS, AND LEADERSHIP DEVELOPMENT PROGRAMS.

Department leaders should partner with community members to establish an overriding mission statement and a strategic plan that integrates community policing into all operations. These documents should articulate the vision, goals, and objectives of community policing and include measurable outcomes across the department.[24] Research suggests successful implementation of community policing depends on mission statements that include it.[25]

Many departments articulate their commitment to community policing in their mission statements. For example, the Dover (New Jersey) Police Department's mission is "to promote a partnership between the community, businesses, government, the media, and law enforcement designed to reduce crime and improve the overall quality of life while encouraging the community to determine its own needs through the exchange of ideas and problem solving techniques[.]"[26]

The Belmont (Massachusetts) Police Department, meanwhile, works "in partnership with all citizens of our community in the delivery of police services, raising the quality of life for all[,]" and recognizes that police and the community should have a better relationship to problem-solve together.[27] The Glendora (California) Police Department states the department's values related to community policing, such as: "human life and the dignity of all persons;" "honest and ethical behavior by all members of the department;" and "sensitivity in our interaction with others as the key to maintaining public support and trust."[28]

Strategic plans should also be created in coordination with community leaders and lay out strategies for achieving community goals. The International Association of Chiefs of Police (IACP) has noted that the philosophy of community policing "calls for police and community cooperation to determine the problems and desires of the community and develop a strategy of partnership that will address those needs."[29]

The Durham (New Hampshire) Police Department sought community input and worked with community members to determine the direction of the department.[30] By treating its constituents as customers, the department was able to identify community goals and improve relationships.[31] Department and community leaders should also create processes to evaluate the effectiveness of community policing strategies and determine whether they accomplish their goals.[32]

To make community policing the foundation of day-to-day operations, department leaders should explore ways to instill its values in officers from the beginning of their careers. In Washington, D.C., the Metropolitan Police Department (MPD) partnered with Georgetown Law's Program on Innovative Policing to create the Police for Tomorrow Fellowship Program. The program helps new officers bond with the communities they serve, which supports effective and impartial policing.[33]

Fellows learn about important community issues and participate in workshops covering everything from race and criminal justice to the history and demographics of local communities.[34] During the two-year program, fellows work with a community organization or community members to develop a project to benefit the community.[35] The program — the first of its kind in the country — is designed to create leaders within the MPD who embrace and exhibit the values of community policing. It is an innovative model for providing new officers with opportunities to engage and work with the communities they serve.

Officers should understand that they earn trust — and can restore it — through actions that reflect the principles of community policing.
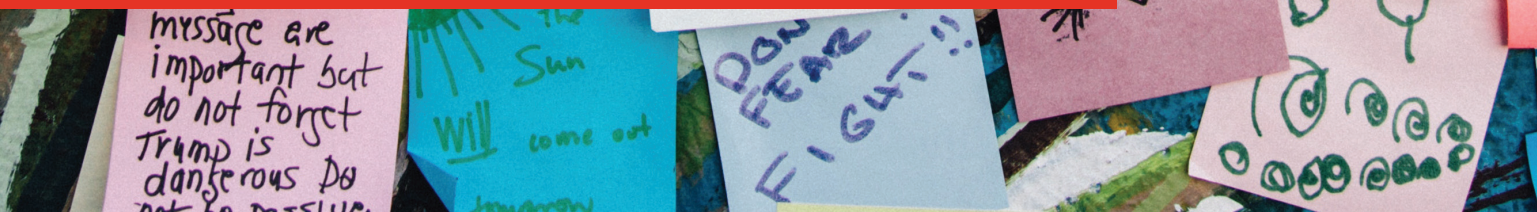
RECOMMENDATION 1.3 COMMIT SUFFICIENT RESOURCES TO IMPLEMENT COMMUNITY POLICING.

A community policing model may require changes in departments' staffing levels, deployment patterns, and the like, which can require cutting costs, raising additional funds, and/or using resources more efficiently. Studies suggest that insufficient resources and/or inefficient resource allocation block effective implementation of community policing initiatives.[36]

Fortunately, departments don't necessarily need additional funds to implement community policing initiatives; they may be able to secure adequate funding by reallocating or reinvesting existing resources. As such, government bodies that oversee police departments and department leadership should ensure that departments are using resources efficiently to promote community policing and that they are allocated equitably across neighborhoods served by departments.

In addition to advocating for more funding for community policing initiatives, community members should advocate for investment in social and community services that improve public safety, such as after-school programs, street lighting, and homeless shelters.

RECOMMENDATION 1.4
EMBRACE PROCEDURAL JUSTICE AS A GUIDING PRINCIPLE THAT INFORMS POLICIES, PRACTICES, AND TRAINING.

Procedural justice refers to the way that police and police departments treat the people with whom they interact. It reflects the fact that people assess police legitimacy based on how they are treated rather than on the outcomes of interactions.[37] External procedural justice concerns officers' interactions with the community. When people are treated fairly and with respect, they are more likely to comply with the law and cooperate with police, thereby improving public and officer safety.[38] Police departments should integrate external procedural justice into all interactions with the public.

Internal procedural justice concerns actions within departments, including the involvement of officers in the development of policies and training. This includes (1) engaging communities in the development and review of policies and (2) training new recruits, officers, and supervisors in impartial policing, implicit bias, and cultural competency. Research shows that internal procedural justice is central to external procedural justice.[39] When officers feel they are treated fairly, their job performance, wellbeing, and relationships with communities improve.[40] For this reason, leaders should infuse procedural justice throughout department operations to motivate officers to embrace it. (For more detail, see Chapter 9.)

RECOMMENDATION 1.5
RECONCILE WITH THE COMMUNITY.

To rebuild trust, departments should acknowledge the long and complex history between communities of color and police officers. Police-community reconciliation is a process that opens communication between communities and police; both engage each other to openly discuss the damage that policing has caused communities historically, to air grievances, and to address the narratives that interfere with efforts to improve public safety.[41]

The National Initiative for Building Community Trust and Justice created a reconciliation model to improve police-community relations.[42] In this model, departments recognize past harms (e.g., police violence during the civil rights movement); listen to community stakeholders; and explicitly commit to advancing a set of core ideas that govern policing.[43] This involves investigating the causes of breakdowns in trust; engaging face-to-face to understand the experiences that shape police and community narratives; identifying specific policy changes to improve relationships; and creating a formal body for carrying out changes.[44]

Gary, Indiana, is one of the initiative's six pilot sites; as of 2017, all sworn officers at the Gary Police Department had been trained in procedural justice.[45] The department began the reconciliation process by holding listening sessions with various community stakeholders, including youth, intimate partner violence survivors, and residents who live in neighborhoods with high crime and incarceration rates.[46] The sessions initiated a process to overcome distrust and to work together to develop policies that represent a shared vision of public safety.

RECOMMENDATION 1.6
GIVE COMMUNITIES A DIRECT, ONGOING SAY IN POLICE PRACTICES.

The cornerstone of community policing is an authentic, cooperative relationship between police departments and the communities they serve. Many leaders reduce community policing to outreach efforts, such as basketball games with community members or "coffee with a cop." While valuable, these efforts won't effect change on their own.[47] As previously noted, community policing is not merely a series of programs or initiatives; it is an overarching philosophy that hinges on community involvement in departments' decision-making processes. To incorporate community input and collaboration, departments should work with communities to:

Maintain and optimize a range of community partnerships. A central tenet of community policing is that community members play a key role in public safety.[48] As such, police leaders and officers should actively partner with the community to "coproduce" public safety.[49] This means community members and officers need opportunities to work together to identify community problems and develop strategies to address them.

When developing a community policing model, many departments start by "power mapping" (*i.e.*, identifying and getting to

know) community organizations, businesses, and leaders.[50] This helps department leaders understand where community relationships are strong, where they are weak, and where there are opportunities to connect. It also helps ensure that officers interact with people who don't regularly engage with the department (which gives them a fuller perspective on community needs and preferences).

Community policing requires departments to facilitate and promote a wide range of community partnerships.[51] This means developing long-term, sustained relationships not only with the organizations that are easiest to reach or the community stakeholders who are most supportive of law enforcement. It also means reaching out to communities and organizations that are skeptical of law enforcement, have not traditionally engaged with police departments or officers, or that may be outside of a department's comfort zone.

Leaders and officers should also <u>not</u> assume that self-appointed community leaders speak for the whole community. Community policing means getting to know communities well enough to understand who plays <u>true</u> leadership roles — not only those who call themselves leaders. Some communities, especially marginalized ones, don't have delegated representatives who speak on their behalf or resources that enable people to get involved in community life. Departments need strategies to hear from and engage with <u>all</u> types of leaders.

After power mapping comes relationship-building. Leaders and officers should hold targeted community outreach programs to connect with all segments of the community, especially marginalized ones, such as racial, ethnic, religious, immigrant, and LGBTQ communities, and people with disabilities or limited English proficiency (LEP).[52] Leaders should formally track these efforts so they can develop a comprehensive understanding of existing assets and strategic initiatives across the community.

End "broken windows policing" and other models that emphasize quantity over quality. Departments should collaborate with communities to identify community problems and develop strategies to improve safety while also respecting concerns about over- and underpolicing.

Some communities, especially marginalized ones, are underpoliced, in that they lack adequate police attention to crime and services to prevent and address it. To address these concerns, department leaders should adopt strategies to improve response times in communities while continuing to ensure that officers stay on their beats. Again, this requires that departments work with communities and elected officials to prioritize and reallocate services to make community policing models work. A natural response to long call times is to hire more officers. Rather than solely focusing on increasing staff, though, communities and departments should assess how officers spend their time to determine whether it is possible to reset priorities.

At the same time, some communities, and again, often marginalized ones, experience overpolicing due to hyper-enforcement of low-level offenses and over-utilization of traffic and pedestrian stops. Under the "broken windows" theory of policing, minor offenses — such as drinking alcohol in public and not paying for public transit — create a sense of social disorder that begets more serious offenses; under this theory, cracking down on minor offenses mitigates the conditions that lead to serious crime.[53]

Police departments across the nation bought in to this theory in the 1980s and began to make high volumes of low-level arrests. In the 1990s, this strategy gave way to more aggressive models, such as "order-maintenance policing."[54] Under these models, departments poured resources into specific communities — mainly communities of color — and aggressively enforced low-level offenses by dramatically increasing the number of stops, searches, citations (i.e., tickets), and arrests.

Ultimately, the "broken windows" theory and its progeny — including "stop-and-frisk" (when police temporarily detain people and pat down their outer clothing based on suspected criminal activity) — have been discredited. Indeed, when the New York Police Department (NYPD) ended its aggressive use of stop-and-frisk practices in New York City, it saw no increases in crime.[55] The increased enforcement activity eroded police-community relations and heightened distrust of police in communities that were disproportionately and unfairly targeted.

Departments can move away from aggressive enforcement by deprioritizing enforcement of nonviolent, minor offenses and adopting other community policing strategies. They can also implement deflection programs, which refer people with substance use disorders, mental health problems, and other conditions to service providers rather than arresting them. (For more detail, see Chapter 5.)

Communities might urge legislators to decriminalize some types of minor offenses, such as marijuana possession.[56] To be clear, fixing the proverbial broken windows, cleaning up neighborhood blight, and addressing the social conditions and disparities that contribute to these issues

are important, but these problems can and should be addressed through community-based responses.

Tailor policing strategies to meet the needs of specific neighborhoods. The community's voice should inform all aspects of department operations, from how departments are structured to how officers use their time. Department leaders should seek community members' concerns and desires when devising policing strategies, and community members should be able to provide input when policies are created and revised. Engaging community members in these processes improves understanding of policing and increases community buy-in to police policies and practices.

Communities and their constituent parts (neighborhoods, subcommunities, and micro-communities) have overarching values and concerns about police performance as well as specific needs and expectations. Seattle and Philadelphia recently established formal plans targeting specific policing initiatives and approaches in different neighborhoods.[57] Seattle's Micro-Community Policing Plans are "based on the premise that public safety

can be enhanced and crime reduced through collaborative police-community attention to distinctive needs of … neighborhoods with focused crime control, crime prevention, and quality of life strategies on neighborhood-specific priorities."[58] Community engagement and feedback enable the department to better understand crime (and the perception of crime) than do crime data alone and allow it to structure policing services to serve communities' specific needs.[59]

Seek community feedback and respond to input. Community policing only works when communities have a direct, ongoing voice in how they are policed. Community "voice" and participation occur at the neighborhood and city levels. Departments that seek community voice enhance police legitimacy and strengthen democracy.

Many cities are experimenting with models that amplify community perspectives on police operations. These range from formal community/civilian advisory boards that make recommendations about how to improve public safety to informal discussions between community members and the police. In New Orleans, police-community advisory boards,

comprising volunteer representatives from all city districts, make recommendations on public safety strategies, operations, resource deployment, and policies.[60] In the early 2000s, city officials in Anaheim, California, began working with city agencies to address problems facing the city and established permanent neighborhood councils to facilitate neighborhood problem-solving.[61] After officers began working with the neighborhood councils, neighborhood crime decreased 80 percent.[62]

But community input is needed on more than broad public safety priorities. As the President's Task Force Report recommends, communities need to collaborate with departments regarding specific policies, protocols, and procedures.[63] To truly coproduce public safety, department leaders should include community members in the development, implementation, and evaluation of policies and procedures in all areas of police operations, and especially in critical areas like the use of force.[64] One way to involve communities in police governance is to create spaces where community members can provide input on improving public safety. Such community meetings should be held in accessible locations and at varying times to accommodate work and family schedules.

Encourage communities to participate in the development and delivery of community policing training. Department leaders should train officers in the goals and methods of community policing, and community members should be directly involved in the development and delivery of

training. They can play advisory roles in the development of training curricula on topics such as de-escalation, crisis intervention, bias, procedural justice, cultural competency, and the history of the community.[65]

All officers should receive training on procedural justice, cross-cultural communication, cultural competency, implicit bias, and the history of the community.[66] Officers should also receive training on _why_ building relationships strengthens policing and public safety, including the concept of police legitimacy (i.e., the idea that communities that view the police as a legitimate source of public safety and protection are more likely to support and cooperate with them).[67] Studies find that officers who are trained in community policing are more inclined to embrace and implement it in their work.[68]

Training in community policing has been formally integrated into some police academies and institutes. In New Jersey, all officers receive enhanced training in cultural awareness and implicit bias through the Community-Law Enforcement Affirmative Relations (CLEAR) Continuing Education Institute.[69] Numerous organizations oversee this training, including the County Prosecutors' Association of New Jersey, the New Jersey State Police, the New Jersey Office of Law Enforcement Professional Standards, the New Jersey State Association of Chiefs of Police, and civic, faith-based, educational, and advocacy organizations.[70]

RECOMMENDATION 1.7
DEVELOP PERFORMANCE MEASURES THAT REFLECT THE PRINCIPLES OF COMMUNITY ENGAGEMENT, COLLABORATION, PROBLEM-SOLVING, AND TRUST-BUILDING.

Many police departments evaluate and promote officers in part on enforcement-based metrics, such as the number of stops and arrests they make, because these data are easily aggregated and scrutinized. Evaluating and promoting officers based on these metrics incentivizes these types of interactions. Tracking officers' positive interactions, such as helping residents solve problems or talking with local shop owners, is more difficult. Nevertheless, leaders can evaluate and promote officers based on community policing metrics. They can measure trust by tallying the number of compliments and complaints officers receive, and they can measure community engagement by counting the number of community events officers attend and actively engage in and, when possible, the number of new people officers speak with while on duty.

To evaluate entire departments, leaders can survey community members to track satisfaction with policing services. Because people are more likely to help police officers when they trust them, police leaders should also consider indicators of the quality of police-community relationships, such as rates of homicide clearance (the number of cases that end in a charge) and victim participation in criminal investigations. The volume of calls to tip lines may also indicate the public's willingness to cooperate with police (though departments should remember that witnesses may be reluctant to cooperate with police if they fear retaliation, especially in cases relating to intimate partner violence and gang activity).

RECOMMENDATION 1.8
GIVE OFFICERS AMPLE TIME TO ENGAGE WITH COMMUNITY MEMBERS AND SOLVE COMMUNITY PROBLEMS.

When implementing a community policing program, department leaders should consider logistics such as time and place. Officers need time to meaningfully engage with communities and should be assigned to the same general areas or neighborhoods so they can familiarize themselves with communities and build trust with community members. To support strong police-community relationships, departments should:

Assign officers to specific geographic areas or "beats." Assigning officers to specific neighborhoods enables them to develop an understanding of the areas they police, which can lead to better decision-making and more effective law enforcement. Officers who patrol defined geographic areas get to know residents and become familiar with neighborhoods. This helps reduce the effects of negative implicit bias; officers who are from or who know certain neighborhoods well are better able to differentiate between suspicious and everyday conduct.[71]

When officers have nuanced understandings of the culture and norms of neighborhoods, sub-communities, and micro-communities, and of the people who live there, they are less likely to rely on assumptions or biases when assessing and responding to suspicious behavior.[72] For this reason, leaders should assign officers to specific beats, and they should carefully consider decisions to reassign officers so as to avoid disrupting established relationships with community members.[73]

Another community policing strategy is to create incentives for officers to live in the communities they serve and consider community ties during recruitment and hiring processes.[74] The International Association of Chiefs of Police observes that "[h]aving some number of officers who live, shop, play, and/or have children in schools in the community they serve lends itself to creating strong community-police bonds."[75] Whether officers live in the communities they serve or patrol the same neighborhoods over time, community policing is most effective when "officers and community members share a sense of ownership of 'their neighborhood.'"[76]

Give officers ample time to engage in community policing and problem-solving. To work well, community policing approaches should be implemented departmentwide and should be central to all officers' duties. As noted above, many departments delegate community policing and engagement work to a handful of officers and assign the rest to traditional enforcement activities. Instead, leaders should give all officers opportunities to focus on community engagement.

"THE ABSENCE OF JUSTICE WILL CONTINUE TO CHALLENGE THE FAITH OF THE PEOPLE AND THE NOTION THAT LAW ENFORCEMENT IS MEANT TO PROTECT AND SERVE. ONLY AN UNMEASURABLE TRUTH ROOTED IN EQUITY, RESPECT, AND CARE FOR MANKIND WILL ENSURE JUSTICE."

- NATHANIEL HAMILTON,
BROTHER OF DONTRE HAMILTON AND
CO-FOUNDER OF THE COALITION FOR JUSTICE.

One challenge of community policing relates to time management. Most officers spend their shifts responding to (often backlogged) service calls, which leaves little time for community engagement. Leaders can work with community members to identify the types of calls that need police attention and develop community-based responses for those that don't. For example, a resident who complains about a neighbor who consistently plays loud music could be referred to a community mediation team. Leaders can also promote relationship-building by assigning officers to community police activities, as does the New York Police Department. Leaders there relieve officers from answering service calls for periods of time so they can spend time getting to know and working with the community.[77]

RECOMMENDATION 1.9
BUILD UNDERSTANDING OF THE SOCIETAL CAUSES AND CONSEQUENCES OF SOCIAL PROBLEMS.

Social problems are at the root of crime. To respond effectively, officers should understand the societal causes and consequences of social problems, such as poverty, unemployment, homelessness, poor mental health, substance use disorders, and the role of race in police-community relationships. Police officers alone cannot solve these complex problems, but they can use certain techniques to mitigate them. All police personnel should receive cultural competency and leadership training throughout their careers so they can understand the societal causes and consequences of crime and police-related solutions to it.

Elected officials — and society at large — are ultimately responsible for addressing social problems, but the unfortunate reality is that this responsibility often falls to police. An enforcement-only approach, of course, cannot adequately address complex problems, so leaders should create a departmental culture that understands these challenges and raises awareness of them. Department leaders should work with community members to develop approaches that go beyond citations and arrests, which fail to address the root causes of social problems (and, in fact, often result in repeat

offenses). In Tucson, Arizona, police leaders recognized that officers were repeatedly arresting the same individuals with substance use disorders. In response, they teamed up with a treatment provider and created a "deflection program" that allows people to receive treatment instead of jail time.[78] (For more detail, see Chapter 5.)

RECOMMENDATION 1.10
IMPLEMENT POLICIES FOR ENCOUNTERS WITH PEOPLE WITH LIMITED ENGLISH PROFICIENCY.

Community policing requires leaders and officers to effectively communicate with the communities they serve and implement policies to protect vulnerable community members. Language barriers complicate communications; some people may not know or understand their rights or be able to communicate with police officers. Individuals with limited English proficiency include people who don't speak English as a primary language, such as those who are immigrants; are Deaf or hard of hearing; have autism, are nonverbal, or have sensory or stimulation sensitivities.[79]

Most, if not all, departments serve LEP individuals and communities, but many officers, understandably, don't have the skills they need to engage with them. This raises safety concerns: If officers misperceive LEP individuals as noncompliant, they can marginalize entire communities. As indicated by federal law and the U.S. Department

of Justice (DOJ), departments should create policies and procedures to (1) ensure that community members aren't discriminated against based on their language ability or national origin; and (2) ensure meaningful access to police services.[80] Such policies allow officers to effectively communicate with LEP individuals, which increases engagement and cooperation and reduces misunderstanding.

Title II of the Americans with Disabilities Act (ADA) prohibits officers from discriminating against people with disabilities when delivering police services, such as receiving complaints and arresting and booking people.[81] Thus, departments should ensure that officers communicate as effectively with people with disabilities as they do with people without disabilities.[82] To meet the ADA's legal requirements,[83] officers should be trained to recognize disabilities and understand the unique needs of people with specific disabilities. Officers need disability competency training to recognize when people have "communication disabilities" and to be able to communicate effectively with them.

Departments should also hire people who speak American Sign Language (ASL) to communicate with Deaf and hard-of-hearing people;[84] these officers or interpreters can also serve people with developmental disabilities that interfere with their ability to communicate, such as people with autism who use ASL to communicate. Departments should also provide people who are Deaf and hard of hearing with communication aids and services if doing so does not pose an undue burden.[85]

Departments should assess communities to determine the need for language assistance services, such as bilingual officers, interpreters, and interpretation services, and they should consider hiring an LEP coordinator to oversee the provision of language assistance services.[86] Family members, especially children, should never interpret except in cases of emergency.[87]

Departments should also hire experts from the disability community to develop policies and programs;[88] engage people from the disability community in the development and delivery of trainings, including use-of-force training; and give officers one-on-one experience interacting with people with various types of disability during training.[89]

RECOMMENDATION 1.11
END THE USE OF POLICE IN SCHOOLS AS A SOLUTION TO STUDENT DISCIPLINE.

School discipline has traditionally fallen under the purview of teachers and administrators. But school districts are increasingly turning disciplinary matters over to school-based police[90] — police officers who are deployed to schools to improve safety and prevent crime, often under the mantle of community policing.[91] As the presence of police in schools has grown, students — and primarily students of color, students with disabilities,

and students who identify as LGBTQ — have increasingly been subject to arrest and excessive force for minor misbehavior or behavior that arises from a disability.[92] Police officers should have no role in student disciplinary matters, and school districts should limit school requests for police assistance.[93]

Antagonistic interactions between officers and students disrupt learning environments and violate the principles of community policing. Moreover, they funnel students into the criminal justice system, which has long-lasting negative consequences for individuals and society.[94] For these reasons, elected officials should end the use of police in disciplinary matters and instead invest in and prioritize hiring school counselors, mental health counselors, community intervention workers, and restorative justice coordinators to respond to student behavioral problems.[95] Teachers and school administrators should also receive training in de-escalation, mediation, and crisis intervention so they have the skills and techniques to respond appropriately to student misbehavior.[96]

Immigrant and undocumented youth are especially vulnerable to the presence of police in schools, and many face detention or deportation when police are involved in disciplinary matters. For this reason, communities should ask school districts that retain school police whether they share information with the U.S. Department of Homeland Security Office of Immigration and Customs Enforcement (ICE) or with state or federal gang taskforces, and they should ensure existing agreements between police departments and schools don't give officers access to student records.[97]

Departments, along with community members, should pressure school districts in their communities to use police in schools only for dealing with serious crimes that cannot be addressed by teachers and administrators, and to invest instead in effective, evidence-based strategies to respond to school discipline, including facilitating better communication between school staff and students, increased teacher training, peer mediation interventions, and educational and therapeutic approaches to ensure students feel physically and psychologically safe in school.[98] Decriminalizing age-appropriate student behavior, such as disruptive behavior in the classroom, and using alternatives to arrests, will end the school-to-prison pipeline.[99]

RECOMMENDATION 1.12
PROHIBIT OFFICERS FROM ASKING PEOPLE ABOUT THEIR SEXUAL ORIENTATION OR IMMIGRATION STATUS.

Effective law enforcement rests on a foundation of community support and cooperation. Officers and prosecutors rely on witnesses to report crimes, cooperate fully in investigations, and, when necessary, testify in court. Police departments are more effective when community members report potential criminal activity and summon aid when officers need help.

Trust depends on many factors, including community members' belief that officers value them and their safety and that they will not use information they provide for purposes outside of public safety. LGBTQ people should be assured that officers won't inquire about, record, or disclose information about their sexual orientation. The same principle applies to immigrant communities, where people may fear that reporting crimes or cooperating with police will lead to deportation or otherwise complicate life for themselves, their families, or neighbors. Departments should prohibit officers from asking people about their sexual orientation or immigrations status. Officers may record this information only if (1) people voluntarily provide it and (2) it relates to the incident (e.g., a potential hate crime).[100]

Such fears may cause people to underreport violent crimes, such as intimate partner violence or hate crimes. U.S. citizens and documented residents may share these fears, because many live with or know and are concerned about undocumented people. Eighty-five percent of immigrant households in the United States — and 10 percent of U.S. families with children — are "mixed-status," meaning that at least one member is a U.S. citizen and one is not.[101] A single police interaction that compromises a community member's immigration status can undo months and years of trust-building.[102] Additionally, some officers engage in racial and ethnic profiling to determine whether to report immigrants to ICE, which further erodes trust.[103]

To overcome fear and distrust, department leaders and state and local governments should prohibit officers from asking people about their immigration status.[104] This policy comports with Title 8, United States Code, Section 1373, which states that government entities such as police departments can't restrict officials from sharing immigration information with the U.S. Citizenship and Immigration Services. Section 1373 does not prohibit departments from adopting policies instructing officers not to inquire about immigration status.[105] In 2017, New York Gov. Andrew Cuomo issued an executive order prohibiting law enforcement officers from doing so unless they are investigating illegal criminal activity.[106] In 2018, the Orlando City Council passed a resolution barring questions about immigration status entirely.[107]

While law enforcement agencies often collaborate with federal authorities regarding matters of public safety (e.g., terrorism, drug and human trafficking, etc.), few have interest in or resources to devote to civil immigration matters, such as deportation proceedings. As of December 2018, more than a dozen cities and states had filed suit against the DOJ to challenge its efforts to condition congressionally authorized law enforcement grants on increased cooperation and information-sharing with federal immigration authorities.

In one suit, a federal judge ruled that the federal government could not block grants to Philadelphia because of its policy to turn immigrants over to federal authorities only when agents have a signed warrant.[108] This area of law is developing as cases like these work their way through the courts. Nonetheless, police departments still have the discretion to restrict when officers may ask members of the public about their immigration status. If departments wish to preserve or build trust among immigrant communities, they should limit inquiries to cases where immigrant status is directly relevant to the criminal investigation or prosecution.

Chapter 1

1   See Maya Harris West, Principal Author, Community Centered Policing: A Force for Change, Policy Link 1, 93 (2001), http://www.policylink.org/resources-tools/community-centered-policing-a-force-for-change (click "download pdf" link) (community policing opens departments to traditionally underrepresented communities, engages them as partners in problem-solving, and holds departments accountable to the communities they protect and serve). Dr. Tracie Keesee, Deputy Commissioner of Training for the New York City Police Department, describes the "co-production of public safety" as community-police partnerships that balance power to give both sides a voice in defining what their policing will look like. Natalie Aflalo, What Does Co-Production Of Public Safety Look Like?, Everyday Democracy (Mar. 9, 2017) https://www.everyday-democracy.org/news/what-does-co-production-public-safety-look; see also, Tracie Keesee, How Police and the Public Can Create Safer Neighborhoods Together, TED (June 2018) https://www.ted.com/talks/tracie_keesee_how_police_and_the_public_can_create_safer_neighborhoods_together/transcript?language=en ("You bring people into the space that come with separate expertise, and you also come with new ideas and lived experience, and you produce a new knowledge. And when you produce that new knowledge, and you apply this theory to public safety, you produce a new type of public safety. … It is called building relationships, literally one block at a time.").

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3   President's Task Force Report, supra note 2, at 1, 3.

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9   The President's Comm'n on Law Enf't and Admin. of Justice, The Challenge of Crime in a Free Society 100 (1967), https://www.ncjrs.gov/pdffiles1/nij/42.pdf.

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11   Lewis, supra note 10.

12   Lee P. Brown, Nat'l Inst. of Justice, U.S. Dep't of Justice, Community Policing: A Practical Guide for Police Officials 5 (Sept. 1989), https://www.ncjrs.gov/pdffiles1/nij/118001.pdf.

13   Id.

14   See Edward R. Maguire & Stephen D. Mastrofski, Patterns of Community Policing in the United States, 3 Police Q. 4, 5 (2000).

15   See, e.g., Michael D. Reisig & Roger B. Parks, Can Community Policing Help the Truly Disadvantaged?, 50 Crim. & Delinq. 139 (Apr. 2004); see also L.A. Police Dep't, Report of the L.A. Police Dep't on the Prevention and Elimination of Biased Policing 138 (Nov. 15, 2016) (recommending various tactics to reduce fear of crime and noting that "[m]aking people feel safe is a primary function of any police agency"), http://www.lapdpolicecom.lacity.org/111516/BPC_16-0391.pdf; VERA Inst. of Justice, U.S. Dep't of Justice, Cmty. Oriented Policing Servs., Police Perspectives: How to Support Trust Building in Your Agency 41 (2016) [hereinafter Police Perspectives: How to Support Trust Building in Your Agency] (recommending the development of community partnership programs in part to "provide community perspective" and make communities safer), https://storage.googleapis.com/vera-web-assets/downloads/Publications/police-perspectives-guidebook-series-building-trust-in-a-diverse-nation/legacy_downloads/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf.

16   Kelling & Moore, supra note 8, at 10.

17   Kelling & Moore, supra note 8, at 10.

18   President's Task Force Report, supra note 2, at 9-18.

19   President's Task Force Report, supra note 2, at 5, 9 (noting that "non-Whites have always had less confidence in law enforcement than Whites, likely because the poor and people of color have felt the greatest impact of mass incarceration, such that for too many poor citizens and people of color, arrest and imprisonment have become an inevitable and seemingly unavoidable part of the American experience") (internal quotations omitted)).

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83   Americans with Disabilities Act of 1990 Title II, 42 U.S.C. § 12132; Barbara Arnwine et. al, Civil Rights Coalition on Police Reform 1 (Aug. 18, 2014), https://lawyerscommittee.org/wp-content/uploads/2015/08/Civil-Rights-Coalition-on-Police-Reform-Resource-Packet.pdf.

84   See 45 Fed. Reg. 37630 (June 3, 1980), Analysis of Department of Justice Regulations 214 ("Law enforcement agencies should provide for the availability of qualified interpreters [certified where possible, by a recognized certification agency] to assist the agencies when dealing with hearing-impaired persons. ... It is the responsibility of the law enforcement agency to determine whether the hearing-impaired person uses American Sign Language or Signed English to communicate."), https://cdn.loc.gov/service/ll/fedreg/fr045/fr045108/fr045108.pdf.

85   Americans With Disabilities Act of 1990 Title II, 42 U.S.C. § 12132; **see also** U.S. Dep't of Justice, Civil Rights Div., Disability Rights Section, Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers (2006), https://www.ada.gov/lawenfcomm.htm.

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93   *See id.* at 77-78; Megan French-Marcelin & Sarah Hinger, Bullies in Blue: The Origins and Consequences of School Policing 33 (2017), https://www.aclu.org/report/bullies-blue-origins-and-consequences-school-policing.

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95   *Id.* at 33; Dignity in Schools Campaign, Counselors Not Cops: Ending the Regular Presence of Law Enforcement in Schools 2 (2016), http://dignityinschools.org/wp-content/uploads/2017/10/DSC_Counselors_Not_Cops_Recommendations-1.pdf; Advancement Project, *supra* note 90, at 61.

96   French-Marcelin & Hinger, *supra* note 93, at 33.

97   Advancement Project, The School-to-Deportation Pipeline, https://advancementproject.org/wp-content/uploads/2017/11/School-to-Deportation-Pipeline-Action-Kit-FINAL-compressed.pdf. In *Plyler v. Doe*, the Supreme Court held that school districts can't enforce measures that would discourage undocumented children from registering in school, prohibiting them from asking about immigration status. 457 U.S. 202, 220 (1982). School districts, therefore, are barred from sharing immigration information with federal immigration officials. Moriah Balingit, 'Astounding Ignorance of the Law': Civil Rights Groups Slam DeVos for Saying Schools Can Report Undocumented Students, Wash. Post (May 23, 2018), https://www.washingtonpost.com/news/education/wp/2018/05/23/astounding-ignorance-of-the-law-civil-rights-groups-slam-devos-for-saying-schools-can-report-undocumented-students/?utm_term=.a2ad330d2307.

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