

SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



SAVE THE DATE!
PERF Annual Meeting
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The Evolution of Community Policing: The Case for Procedural Justice

By Bernard Melekian and Ellen Scrivner, Ph.D.

THE EVOLUTION OF LAW ENFORCEMENT IN THE United States over the last 40 years has been nothing short of remarkable. American policing is currently served by officers who are better trained, better equipped, and more diverse than at any time in our history. Crime is at record lows, and has been for nearly a decade.

Outreach to historically disenfranchised communities and a commitment to community policing have become the order of the day. Yet even in the most progressive of jurisdictions, it will take only one incident to seemingly undo years of hard work. The question must be raised: Why do some incidents appear to diminish trust in the police and, in many cases, produce a willingness to believe even the most outlandish version of events? The response to that question may rest in the confluence of community policing and procedural justice.

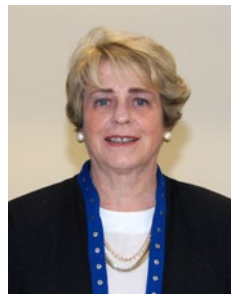
At the core of community policing is the premise that effective policing is a result of strong relationships between individual officers and the people they serve. It posits that the police in our communities control violent crime, maintain their authority, keep officers safe, and still exercise their authority in ways that the community accepts as legitimate. Police officers across the country do this every day through their use of operational procedures that build trust and confidence within the community and which foster compliance with the law. They do it by exercising Procedural Justice.

COPS OFFICE AND NIJ ROUNDTABLE: TURNING PROCEDURAL JUSTICE INTO OPERATIONAL REALITIES

In August 2010, a group of police chiefs and other practitioners gathered in Washington, D.C. to discuss Procedural Justice and how it contributes to police legitimacy and values-based policing.



Bernard Melekian



Ellen Scrivner

In a Roundtable convened by the COPS Office and the National Institute of Justice (NIJ), Procedural Justice was defined by NYU Professor Tom Tyler as exercising police authority in neutral and unbiased ways, and treating people fairly, with courtesy and respect. According to Professor Tyler, it comes down to three issues: building

trust and confidence in the police; a willingness to defer to police authority; and a belief that police actions are morally correct and appropriate. The challenge to the group was to begin the process of turning academic concepts into operational realities.

The concept of procedural justice posits that most people obey the law not as a result of an internal cost-benefit analysis (i.e., what will it cost me to disobey the law; or what will it benefit me to obey it) but because they perceive

both the law and the law-enforcers to be legitimate.

Legitimacy is defined as the belief that laws are made and enforced through a process that is transparent, balanced, and objectively fair. Tyler's research shows that when people have experiences in which they see police authority as legitimate, they are more likely to comply with the law and to work with the police to keep their communities safe. Within that context, there is little question that Procedural Justice can contribute to the safety and economic viability of communities, and can facilitate the community's efforts to deal with longstanding and difficult issues such as race, immigration, and outreach to disenfranchised groups, as well as the newer threats of potential terrorist activities.

So, if Procedural Justice is so great, why isn't everyone embracing it? The following themes of the Roundtable discussion provide some answers to that question.

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Thank You for All You Do for PERF

By Chuck Ramsey, PERF President and Philadelphia Commissioner of Police
and Chuck Wexler, PERF Executive Director

AS WE GET INTO THE HOLIDAY SEASON, WE WOULD like to take a moment to thank all PERF members for your tremendous involvement in everything we do.

Because two of PERF's most basic missions are to facilitate the advancement of policing as a profession and to help develop best practices in policing, we simply require the active involvement of our members to get anything done. Without the constant information and advice we receive from our member police executives, how would we know what the most important issues are in policing and what needs to be done about them?

None of this is news to anyone; PERF has always been a member-driven organization. But as PERF's President and Executive Director, what we are particularly thankful for right now is that our PERF members have managed to maintain this high level of involvement in PERF activities even though you are all struggling with unprecedented challenges because of the economic crisis. We understand that you are unusually busy with budget negotiations and efforts to devise the least harmful way of implementing budget cuts, and managing all of the significant changes in your operations that budget cuts are causing.


So we appreciate your continued high level of involvement in PERF's projects. For example, we have had a busy year organizing meetings and conferences on particular issues—immigration enforcement, wireless broadband spectrum and the "D Block" issue, policing major events, the elements of police leadership, our meeting with Attorney General Holder about

the Arizona immigration law, the impact of the economic crisis, not to mention our Annual Meeting in Philadelphia and the Town Hall Meeting in Orlando.

And at every one of these events, we have received excellent participation, even though we know that most of you have suffered cutbacks in funding for any out-of-town travel, and that you certainly have work piling up back home any time you are able to take a day or two to attend a conference.

Similarly, we at PERF conduct a lot of surveys of our members to gauge what's happening on everything from gangs and guns to use of force and body armor technology. This year, some of you told us, "I would like to complete your survey, but the person who used to do this has been laid off." (And then a few days later, the completed survey still comes into our office, which tells us you took the trouble to find some way of getting it done.) So we continue to be pleased with the high response rate we get on our surveys, which is critically important to gathering the information we need to take on these important issues.

We are humbled by the strength of your commitment to advancing policing on a national basis, and we are grateful for everything you give to PERF. Lately, many chiefs have been saying that the economic crisis is causing fundamental, permanent changes in policing—so it is more important than ever that we pay close attention to what is happening and try to stay ahead of developments that affect what we do in policing.

We wish all of you a happy holiday season, and offer you our deepest thanks for everything you do for PERF. 



Strong Turnout at PERF's Town Hall Meeting

PERF'S TOWN HALL MEETING ON OCTOBER 24 IN Orlando attracted a large group of police chiefs, sheriffs, federal officials, and other law enforcement leaders who

discussed a variety of current issues in policing. Following is a small sample of photographs and commentary from the 2010 Town Hall:

Video Recording by Police Departments

RECENTLY RETIRED CHIEF ROB DAVIS, SAN JOSE: Video Is Here to Stay

San Jose was one of the first agencies to pilot-test the Axon cameras from TASER Corporation. From my perspective, they've been invaluable, because the overwhelming majority of our officers are doing exactly what they're supposed to be doing in the way we want them to do it. But if there are officers in our department doing bad stuff out there, the cameras also allow us to capture that.



My sense is that this is not going to go away. We need to figure out a way to get these cameras on our officers, because it's an officer safety issue. Another thing we found with the officers wearing these cameras in San Jose is that we got a much different attitude from some of the people in the streets when they realized they were being recorded. We had people yelling at our officers outside of the downtown nightclubs, telling them all about their mothers' genealogical history—until they saw the camera on the officer. And all of a sudden there's a lot of "Yes, sir. Yes, sir."

So I see that there are far more advantages to law enforcement having these cameras than there are negatives.

And one last point, I think that 5, 10, 15 years down the road, our officers will be wearing cameras that will give a peripheral view of what's taking place, and somebody back in the radio shop will be watching what these officers are doing and warning them, saying, "Look to your left, you're missing something," or "Look on your right, there's danger."

MILWAUKEE CHIEF ED FLYNN: Dashboard Video Can Help Calm the Community

We had three innocent citizens killed in two incidents of people fleeing the police less than 24 hours apart, and you know

how bad that can be. We examined the dash cameras, and it was clear in the first event that the officer turned on the lights and the driver began to pull over, but then sped off at an extraordinary rate of speed. The cruiser started to take off after them, but then shut the siren down, shut the lights off, and stopped the pursuit. And you could just barely see in the distance the impact of the vehicle crashing into somebody. The other incident was a stolen car at a gas station. Again, there was a squad inside the gas station, they recognized a car that was stolen and started to turn around to pull it over. The squad car no more than gets into the line of traffic, again with its camera on, and you see the crash.



So neither incident could be called a pursuit. But the challenge always has been the tension between our relationship with the district attorney's office that is developing a case and sharing evidence with jury pools vs. the immediate demands from the public for accountability and an explanation. Getting up in front of the public and saying, "No, really it's OK" without offering evidence is a very difficult situation to be in.

So I decided to take a little bit of a risk, and it worked out, so I'll share this with you. I showed the video to our city council president and the President of our Urban League, which satisfied them that we were not at fault. And then I reached an agreement with the four local TV stations and the newspaper, saying I would allow them to *view* the tapes and they could report on what they saw, but they were not allowed to *record* what they saw. I had contacted the DA, who approved this concept. And it was very clear that within a day and a half, the news media interest began to abate significantly after they saw the video with their own eyes.

So sometimes there's a middle ground between having a conflict with the DA about releasing things to the public, and doing nothing.



LEFT: Indianapolis Metropolitan Police Chief Paul Ciesielski

MIDDLE: San Francisco Chief George Gascon

RIGHT: Salt Lake City Chief Chris Burbank

The Future of Compstat

Town Hall participants discussed how Compstat programs have changed over the years, what they will look like in the future—and whether they need to include meetings in which police commanders are aggressively grilled by their superiors:

NEWARK POLICE DIRECTOR GARRY MCCARTHY: Compstat Is Not as Contentious as It Was in the Past

I ran Compstat in New York City for seven years, and for five years before that, I was a precinct commander. In the early days, when Compstat was in its inception, yes, the meetings were very tense, and if you were to ask Bill Bratton about it today, he would say yes, we were changing the culture of the agency. He hit the agency with a bat, and guess what? It worked. But today it's not as contentious. We hold people accountable and we make people do their jobs.



I think it's important to understand that Compstat is not the answer to crime. It is a *vehicle* to figure out how to come up with solutions and ways to address crime. If you look at Compstat as the answer, it's going to fail. The bottom line is it's a vehicle to get there.

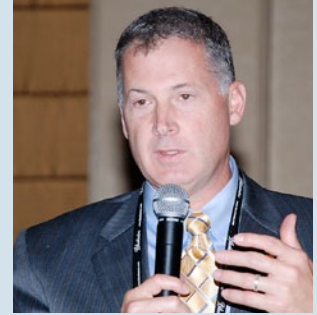
PHILADELPHIA DEPUTY COMMISSIONER RICHARD ROSS: Compstat Is a Way to Show What You're Doing Right

We do not have a contentious environment. However, if you don't show that you're on top of your crime, the Compstat meeting could get a little uncomfortable for you. I think there are some Commanders who seem to need this kind of feedback on occasion! But the lion's share of our staff sees it as an opportunity to showcase what they're doing great—and to give the Commissioner and the rest of command staff an opportunity to see who needs to be elevated. So I agree that Compstat should continue.



MINNEAPOLIS CHIEF TIM DOLAN: You Need to Push Compstat to Keep It Fresh

I think you have to change Compstat to keep it fresh, like everything else you do. You need to do little tweaks, make little changes. We've evolved to where we're doing a lot more predictive analysis. We look at what happened in the last week, but we're also asking each of them to do something about patterns we'll likely see in the coming week. We also make sure that investigations evolve, so that they're being held accountable in terms of what they're doing. We have a city attorney who's involved, talking about chronic offenders and so forth. As Chief Bratton would say, it's still about cops on dots, putting cops in the right place. But I think you also need to keep pushing it in new directions.



PHILADELPHIA COMMISSIONER CHUCK RAMSEY: Compstat Helps You Coordinate Everyone's Efforts

One of the primary things I've found from our Compstat is that it helps you make sure that all your resources are being coordinated. Often, especially in large departments, the more specialty units that you have, the cops may be doing good work but it's not necessarily what you need them to do, or what the district captain needs them to be doing. So people need to be on the same sheet of music. Compstat helps you identify what kind of support you need. What has narcotics done? What has the gang unit done? What do we have in Intel? Do we know who's responsible for these crimes?



And the other thing we always have to remember when we're putting "cops on dots" is that every dot represents a human being whose life has been forever changed because of crime. We need to see to it that we reduce the number of people who have been impacted by crime. That's really what it's all about—staying focused on our mission.



LEFT: Toronto Police Chief Bill Blair.

MIDDLE: Providence Chief Dean Esserman.

RIGHT: Duluth, MN Chief Gordon Ramsay

**KANSAS CITY, MO CHIEF JIM CORWIN:
Commanders Are Naturally Competitive**

Young commanders want to stand tall; they want to be able to show what they're made of. So slapping them around in a Compstat meeting does no good for our organization. They do that themselves because they're competitive by nature; they're high-octane folks. If you just let the reins go a little, you'll be surprised what your personnel will do for you.



**TOPEKA, KS CHIEF RONALD MILLER:
Compstat Is Alive and Well**

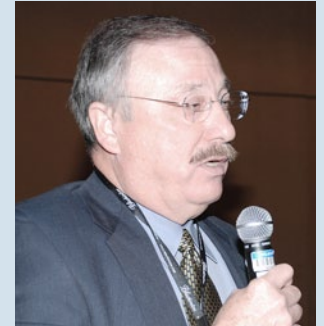
We're using Intelligence-Led Policing, crime analysis, and problem oriented policing to address crime. We're trying to attack crime where it is happening and trying to predict where it may happen next. We're sending crime analysts to training on the emerging methods of predictive analysis. We try and address two questions: Where is crime happening and what are we doing about it? That was the original concept



of Bill Bratton and Jack Maple using Compstat. No one wants to come out of those meetings embarrassed because they could not answer those questions, so they do what they need to do to be prepared. Compstat is alive and well and I don't see it going away anytime soon.

**NASHVILLE CHIEF STEVE ANDERSON:
Officers Get Their Guidance from What Happens in Compstat**

We do Compstat every week. I guess Compstat has gotten something of a bad name because of how it's been depicted in movies, but when I'm with business leaders, I talk about the fact that they don't operate their businesses without having staff meetings. Compstat is our version of a staff meeting. When I'm with the officers, the officers attribute most of the guidance that they get to things that occurred in Compstat. We don't need to yell at Compstat meetings; I hardly ever raise my voice. But there is peer pressure. People don't like to come to Compstat knowing that there's a question that they can't answer. I was field operations director before becoming chief, so I ran Compstat, and I spent a lot of time Wednesday and Thursday nights dreaming up questions that I figured couldn't be answered, because that would mean that everybody would dig a little harder. It's a good process, and we're sticking with it.



TOP ROW (LEFT TO RIGHT): Boston Deputy Superintendent Bill Casey; Montgomery County, MD Chief Tom Manger; Houston Chief Charles McClelland.


BOTTOM ROW: Mike Mason, Chief Security Officer, Verizon; Indianapolis Public Safety Director Frank Straub; Chicago Superintendent Jody Weis; U.S. Senate Sergeant at Arms Terry Gainer.

The View from OJP

ASSISTANT ATTORNEY GENERAL LAURIE ROBINSON: Police Lead the Way in Connecting Research to Practice

What we're trying to do now at the Office of Justice Programs is to marry research with practice. This is of great interest to Attorney General Holder, who believes in the practitioner/researcher partnership. As I talk to people at this meeting, I know that budget cuts and other challenges are on everybody's minds. But I think that among public administrators on the front lines right now,



there isn't any other group that is better equipped to be facing those challenges than the people in this room. We talk about this back at the Justice Department. You look across the criminal justice system, at corrections, probation, pretrial, and particularly the adjudicatory part of the system, and there is no other part of the justice system that is as on top of data-driven approaches and evidence-based approaches—and has been for years—than the police and police leaders in this room. When Ellen Scrivner of NIJ refers to you, she talks about the “royalty of policing in America”—that's her term, and she's right! You are the pioneers and the heroes of public administration in this country. 



TOP ROW (LEFT TO RIGHT): Polk County, Iowa Sheriff Bill McCarthy; Detroit Chief Ralph Godbee; Tampa Chief Jane Castor.
MIDDLE ROW: Atlanta Chief George Turner; Former Sacramento Chief Art Venegas, President, Venco Inc.; ATF Deputy Director Kenneth Melson.
BOTTOM ROW: Former Minneapolis Chief and PERF President Bob Olson; FBI Deputy Director Tim Murphy.

ROUNDTABLE THEMES:

Internal Factors:

- Resistance to change is prevalent in most organizations. In policing, strategies that are not 9-1-1 driven will require a comprehensive change strategy to overcome significant resistance.
- Implementing strategic change is one thing. Sustaining it is quite another, and all too often gets linked to the tenure of a particular police executive. As such, changes risk becoming the flavor of the day.
- Changing station-house culture and creating new value-driven mindsets about what police do in the community, beyond arresting criminals, often is overridden by the most recent crisis.
- A longitudinal investment is needed in order for Procedural Justice to become a department value that is ingrained in the culture from the bottom up, and outlives the tenure of individual police leaders.
- Administrative policies and practices serve to model behavior for police officers. The principles of legitimacy must be practiced in the station-house as well as on the street. In other words, the agency must model the behavior it desires in officers.
- Recruiting and hiring the right people is a given but can be constrained by Human Resource factors. Once hired, however, training and first-line supervisors can shape officer behavior that is consistent with a procedurally just use of authority.

External Factors:

- There is a wide range of voices in the community, from the worried rich or constant complainers to those who dislike or fear the police. All may see police encounters differently, but Procedural Justice can cut across those differences and even the playing field.
- Regardless of the crime situation, when police are seen as a bigger threat than a neighborhood drug dealer, cooperation and compliance will be minimal.
- Policing people who do not like you is one thing, but fear of police is quite another. If there has been a culture of power and dominance associated with the police, then fear may be a response that needs to be worked with before you can get to

the point of establishing trust. Within that context, Procedural Justice differs significantly from the “confront and command” model of policing, which, while tactically effective, may generate distrust and a willingness to believe allegations about the police.

- Willingness to distrust and defame police organizations and to believe outrageous allegations is prevalent in many communities. Clearly, under those conditions Procedural Justice is about more than creating new levels of customer satisfaction. It is about explaining your actions, being consistent, and showing concern. Even then, there will still be people who willingly defame the police. That is the nature of the business.


GOING BEYOND THE ROUNDTABLE TALK

The following actions are planned to continue the dialogue and progress initiated in Washington.

- *The COPS Office will support the development of a Procedural Justice Curriculum designed for police executives and mid-level managers.*
- *COPS and NIJ will work together to take what we did in Washington to the field. We will embark on a series of listening sessions to discuss the principles of Procedural Justice at the local level through a series of meetings designed to operationalize Procedural Justice in the field.*
- *As part of a larger effort, COPS and NIJ will model the research-practitioner partnership by working collaboratively to combine action research and operational issues, particularly as related to Procedural Justice.*

SUMMARY AND CONCLUSIONS

Although the economy is clearly recovering, it is very unlikely that law enforcement budgets will go back to where they were before the recession. We continue to hear talk of the “new normal,” and for policing that may mean that the delivery of police services will look very different in 10 years from what we see today. Departments will be much more reliant on the communities they serve, procedures that foster compliance with the law will become even more critical, and Procedural Justice will be accepted as the way to do police business.

Bernard Melekian is the Director of the Office of Community Oriented Policing Services and has been a law enforcement professional for more than 30 years. Ellen Scrivner is the Deputy Director of the National Institute of Justice and has worked with law enforcement for 30 years. 



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