

SPECIAL REPORT

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# Policing in America: Midsize Departments as Laboratories of Police Innovation

The Honorable Edwin Meese III and John G. Malcolm

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# *Policing in America: Midsize Departments as Laboratories of Police Innovation*

*The Honorable Edwin Meese III and John G. Malcolm*

**I**t is a time of change and transition for many in America's law enforcement community. Across much of the nation, police and sheriffs find themselves on the front lines of the opioid crisis, struggling to deal with the scope of the epidemic and the new challenges and dangers to officers it presents. At the same time, communities are increasingly turning to law enforcement officials to address other issues, such as dealing with disruptive or downright violent individuals suffering from mental illness, placing still further demands on these departments.

Tackling these diverse and multitudinous missions without compromising community safety is often a difficult proposition, particularly in light of the budgetary and resource constraints many law enforcement agencies face. All the while, police and sheriffs are facing internal pressures as experienced officers retire and departments work to attract young, talented recruits and diversify their ranks. Those tasks are made all the more difficult by persistent narratives in mainstream and social media that paint policing as "systemically racist"—and which have the effect of encouraging antipathy towards the profession. What is needed now are thoughtful, innovative approaches to tackling these challenges.

In this effort, America's midsize police departments and sheriffs' offices are helping to lead the way. These agencies are large enough to test solutions applicable to much larger departments, but small enough to remain agile and adaptable in the face of changing circumstances, making them well-suited to serving as laboratories of innovation. Recent history bears this out. Some midsize departments have discovered creative means of overcoming funding limitations to properly equip their officers. Law enforcement leaders have developed new programs for community outreach and engagement, which have built trust and eased tensions within their jurisdictions. Some have demonstrated the value of better educating their officers on history—including the undisputed fact that many agencies once enforced racist laws (or neutral laws in a discriminatory manner)—to build empathy and reduce tensions with members of the community. And departments are increasingly training officers in tactics and techniques to de-escalate confrontational situations, as well as employing new technologies—such as data-driven policing, body-worn cameras, and even drones—to improve their operations.

With these issues in mind, in January 2018, The Heritage Foundation convened its second Policing

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The summit was attended by some of the nation's leading and most experienced law enforcement professionals. Above is a list of summit participants. Some requested anonymity and are, consequently, not listed here.

Strategy Summit. While the 2017 summit focused on the major cities' police and the nation's largest departments, this summit brought together a diverse group of leaders from midsize law enforcement agencies across the country, along with representatives from national law enforcement organizations, police unions, and professionals with extensive federal, state, and local experience. As was the case with the first Policing Strategy Summit, this meeting had three principal objectives:

1. Identify the most pressing problems that law enforcement agencies face today, including the breakdown in trust, adequacy of training, proper use of new technologies, media and community relations, and the gathering and sharing of data;
2. Identify the best practices and most innovative approaches that law enforcement authorities are employing to address these problems and combat crime;
3. Identify the most effective means of communicating with public and political leaders, building trust and improving police–community relations, and bringing the needs and concerns of police agencies to the attention of federal officials.

The following represents the proceedings of the Policing Strategy Summit. It does not necessarily reflect the views of specific attendees or organizations, but seeks to capture the wide-ranging discussion that took place at the summit.

### **Midsize Police Departments: Laboratories of Policing Innovation**

- There was a consensus among attendees that midsize law enforcement agencies are uniquely positioned to play a role as laboratories of policing innovation, being both large enough to test innovative solutions applicable to the profession as a whole and small enough to remain sleek, agile, and adaptable in the face of changing circumstances. As such, midsize departments can play a vital role in testing and formulating policing best practices.
- Midsize agencies may also be better positioned than larger agencies to more easily achieve inter-departmental coordination, allowing for projects to tap into resources from across the department. Ownership of projects may also be more easily accomplished in smaller departments.

### **Addressing Resource Constraints**

- Law enforcement agencies face regular resource and budgetary constraints. Attendees shared some of their creative and successful solutions to address this.
  - Many indicated their departments have had great success working with nonprofits and forming public–private partnerships to obtain funds needed to purchase equipment. Police foundations were noted as being particularly important sources of support.
  - Some departments have seen success in locating partner organizations and entities to help supply critical resources, such as Nalaxone (an opioid reversal drug) for officers to carry while on duty.
  - Attendees noted that in some situations, educational campaigns may be required to explain to the public why police need additional resources. Police unions and fraternal organizations can be valuable partners for departments considering such a strategy.
  - Purchasing surplus and, where appropriate, used equipment can allow departments to reach cost-savings goals without sacrificing necessary gear. The federal government's "1033 Program," which provides surplus military equipment to police departments, is an avenue to obtain critical equipment that has already been paid for by taxpayers. Participants acknowledged the controversy surrounding the program, though many indicated it stemmed from disproportionate media coverage focused on the misuse of military-type equipment. In reality, most 1033-derived equipment is not used improperly or in military fashion. Departments should consider countering these misconceptions by introducing

their communities to the equipment they receive through the program—for example, at parades or similar venues—to familiarize them with it before using it to respond to a situation. Additionally, criminals are increasingly using military tactics, thereby making military-type equipment a valuable law enforcement asset.

- The adoption of new technologies by large departments—body-worn cameras, for instance—can lead to public and media pressure on small and midsize agencies to follow suit. Often these new technologies and programs carry tremendous fiscal and personnel-related costs that exacerbate resource constraints. Indeed, some attendees reported that manpower is the biggest cost of adopting a new technology.
- Personnel are a resource, as well. Departments must be sufficiently staffed, so that officers can take time from their regular duties to engage in critical training.

## Training

- Attendees generally agreed that officer training needs to be reassessed and improved upon.
  - Participants discussed a potential new model for initial officer training, which would see new recruits complete the initial 10–24 weeks of training, then be paired with experienced officers for training in the field, followed by a return to the classroom for additional seminar training. The model has the potential benefit of allowing officers to experience firsthand the value of their classroom training in the field, as well as afford them the opportunity to debrief following their field training.
  - Several attendees pointed out that some ideal training programs, such as scenario-based training, are cost-prohibitive for smaller agencies.
  - Given the unique decentralization of American policing and the lack of an appetite for consolidation, some attendees proposed a regional approach to police training that would help to defray the burden.
- The Bureau of Justice Assistance program was also singled out as a source of support to departments across the country looking to improve training.
- Some attendees noted that many younger officers have little understanding of the lived experiences and inherited perspectives of minority communities. Providing officers with training that includes civic education could help to build empathy and a better understanding of history, in order to improve police–community relations.
- One primary goal of training should be to reduce instances of violent confrontations between law enforcement officials and members of the community, while recognizing that some dangerous situations are unavoidable.
  - Attendees agreed that officers need to be trained in an array of response options beyond lethal force to address diverse threats—for example, an unarmed individual attempting a gun grab.
  - Departments should also consider “tactical repositioning” and “tactical pause” training, which incorporates lessons learned in military contexts to teach officers to determine when it is tactically sound to engage, as opposed to retreat or take cover, and that these latter options do not amount to “cowardice,” although some officers perceive it this way. It was suggested that pairing such training with de-escalation training may help to convince skeptical officers of its merit.
  - Participants expressed divergent views on the relative benefits of hiring former military personnel. For some, veterans are seen as bringing a wealth of experience, knowledge, and personal discipline to the force; more receptive to training; and, owing to their combat experience, less likely to use excessive force. Others expressed opposing views, noting difficulties in “untraining” them of military habits and a potentially deleterious focus on neutralizing a threat rather than mitigating and avoiding a potential situation.

- Attendees emphasized that training must strike the right balance between the personal safety of an officer and the safety of the community. The first duty of an officer is to protect the community, and, consequently, he must be willing to put himself in harm's way when a situation necessitates doing so. Officers making personal safety their paramount concern are less effective in the field, may not engage with hostile targets in dangerous situations, and ultimately leave their communities more at risk. Meanwhile, it is the responsibility of departments to support officers with effective training, equipment, and back-up to minimize that risk—though it should be made clear, particularly to prospective police recruits, that risk is inherent to the profession and cannot be eliminated.
- Police departments may find value in gathering additional data on police use of force. Such data could be used to help counter accusations of excessive violence on the part of police, among other purposes.

### Police–Community Relations

- Attendees stressed the importance of building and maintaining trust between departments and the communities they serve. A critical component of this is “good, old-fashioned policing,” which ensures that officers know, and are known by, members of the community.
  - Attendees stressed the importance of establishing relationships with community leaders and organizations, as they can become allies to police departments. Police leaders should not wait to build the necessary relationships when a tragedy, such as a shooting, occurs; rather, they should begin that process as soon as the opportunity arises. Participants noted successes in coalition efforts, including partnerships with mental health professionals, community advocacy groups, rehabilitation groups, faith-based organizations, and others.
  - Outreach efforts are crucial to creating trust between law enforcement agencies and the community—and can pay dividends when navigating critical incidents. Attendees provided several examples from their own departments of positive and creative engagement programs developed or utilized by their departments.
- **High-Five Fridays.** Many departments across the country have participated in this outreach effort with their local schools. Officers gather to high-five kids as they go into schools, offering support and words of encouragement before kids start their day. This simple one-on-one interaction in a non-enforcement scenario delivers two principle benefits: Youth are able to engage with their local police in a positive way, and police participation in a fun, uplifting activity can re-energize officers.
  - **Coffee With a Cop.** With the goal to “improve trust and build relationships—one cup of coffee at a time,” this community-policing effort sees departments partner with a local business to bring community members and law enforcement officers together in a neutral environment to discuss issues that are important to them and get to know one another.<sup>1</sup>
  - **Walk and Talk.** This program sees police officers, often alongside other city government officials, knock on doors and visit businesses: (1) to interact with owners and patrons; (2) to provide residents with an opportunity to express concerns and ask questions of their local police; and (3) for officers and communities to get to know one another.
  - **Cuts and Conversations with the Chief.** A program employed by the Spartanburg Police Department (South Carolina), this series is designed to bring the police chief together with the community in casual settings, such as barber shops, to discuss issues of importance.<sup>2</sup>
  - **Law & Your Community Program.** A nationally-recognized hands-on interactive training program for young people ages 13–18, it was developed by the National Organization of Black Law Enforcement Executives to improve communications with law enforcement officers and understanding of their federal, state, and local laws. The program includes educating youth on citizenship, the law, and how to respond during interactions with law enforcement.<sup>3</sup>

- **Tomorrows Program.** Developed by the Bellevue, Washington, Police Department, the program involves a series of workshops designed to bring together diverse sets of community residents and stakeholders to address specific topics, as well as the creation of Police Advisory Councils to provide guidance to the chief. The program’s goal is to build inroads and establish trust with Bellevue’s diverse community, including groups that typically have little contact with the police.<sup>4</sup>
  - **The Comprehensive Gang Model.** In the 1980s, the Office of Juvenile Justice and Delinquency Prevention developed a successful five-pronged strategy to address gang-involved youth and their families.<sup>5</sup>
- Media remain the primary tool for explaining to the public what police do and why they do it—and are therefore a crucial component to police–community relations. The media afford departments a means to “market” themselves to the community, proactively building positive impressions rather than allowing events to define their image—particularly in an environment where a single mistake can make national news. Despite the critical importance of effective media engagement, agencies often struggle in this area. Attendees discussed various ways to improve the situation, including by providing officers with media training and devoting resources to media engagement.
- Attendees also discussed a number of policing practices that have caused or created tension between departments and communities, such as “Stop, Question, and Frisk.”
  - Despite recent politicization and litigation surrounding it, many attendees expressed their belief that stop, question, and frisk is an incredibly effective law enforcement tool and deterrent to crime. They noted that the practice has a long history, dating back to the 1960s, when a stop was referred to as a “field interrogation.” Officers would interview individuals and record their names, addresses, and other relevant information. This tool was helpful in placing a car or person near the location of a particular crime.
  - New York City presented a recent case study in the use of Stop, Question, and Frisk as a law enforcement tactic. The tactic was used aggressively in New York City and, for political purposes, was marketed as a means of being “tough on crime.” This led to confusion and ultimately to a backlash that exacerbated racial tensions. In response, the city recently abandoned its aggressive Stop, Question, and Frisk practice, presenting an apparent conundrum: Many anticipated a resultant rise in crime, however, the city saw a decline in its homicide rates, even as the number of *Terry* stops fell from a high of 685,000 in 2011 to only 12,400 in 2016.<sup>6</sup>
  - New York City’s use of “pinpoint policing”—a method that identifies pockets of criminal activity and concentrates law enforcement activities and resources there—was presented as a potential explanation.
  - As an added benefit, utilizing this method of policing helps departments avoid alienating and angering minority communities. As evidence, Chicago was presented as an example of a city that did not employ pinpoint policing. Despite sharp drops in the homicide rate, communities were still upset because they were also concerned about their daily treatment by law enforcement officers.
- Civil asset forfeiture is another commonly used tool that has created tension between police and communities—as well as between police and organizations ordinarily very supportive of the law enforcement community. Attendees noted that the tool is useful, and there is a powerful interest within the law enforcement community to take funds suspected of being drug proceeds off the streets. However, abuses—including departments illicitly using the tool principally as a funding mechanism—have led to an understandable backlash. Attendees welcomed the need for transparency but noted that reform legislation may, in the eyes of law enforcement officials, go too far.

### Race Relations

- Attendees pointed out that police have made tremendous progress addressing racial divides and

combating a lack of trust between departments and minority communities. However, there was broad agreement that more remains to be done and that continued improvement requires that the profession acknowledge its own “checkered past,” including prior injustices, such as the enforcement of racially discriminatory laws. Doing so requires engaging in difficult conversations both within police departments and between police and the community. It is incumbent upon law enforcement leaders to ensure that these conversations happen.

- Participants noted that this tends to be a greater struggle for young officers, who may see race-related programs and training as furthering the false narrative that all police officers are racist. Several recommended countering this through education—for example, teaching officers about the civil rights era and emphasizing that this period is a lived experience for many community residents. Attendees urged that such conversations should not be framed as attempts to lay blame, but rather to provide a historical context on which to build empathy and understanding.
- Attendees discussed various ways in which their departments are working to improve race relations.
  - Outreach efforts, such as police–youth dialogues, provide opportunities for constructive conversations. In these settings, police officers and members of the community can candidly discuss thoughts and concerns, resolve misunderstandings, and improve trust.
  - Developing relationships between police leaders and trusted community-based organizations, such as church groups and the NAACP, can help facilitate community trust and communication. This can be vital in the midst of critical incidents, such as an officer-involved shooting.

## Immigration

- Participants discussed the issue of immigration at length—particularly the consequences it poses for their agencies and missions. Many criticized the overly politicized nature of the issue and noted

that police frequently are “caught in the middle,” torn between concerns that heightened immigration enforcement will create barriers between police and communities and the demands of federal authorities to cooperate or risk the loss of federal grant funding.

- Many attendees advocated a stronger role for police in federal decision making surrounding immigration, particularly where those decisions impose costs and burdens on law enforcement agencies. Participants asserted that, to date, many decisions have created unnecessary tensions between local and federal authorities, which risk bleeding over into other critical areas, such as joint task forces.
- Many indicated that they view immigration enforcement as properly addressed at the federal level. They expressed great concern that reliance on local law enforcement to address illegal immigration could damage vital relationships between police and immigrant communities. In particular, participants cited concerns that immigrant communities may opt not to report crime for fear of subsequent deportation, and that criminals could use this fear as leverage to silence victims and discourage cooperation with the police. Some participants asserted their belief that these fears were overblown, noting that Immigration and Customs Enforcement’s (ICE) deportation priorities typically do not extend to low-level offenders, much less every arrestee.
- On similar grounds, attendees were critical of ICE detainers, which request that a particular illegal alien be held by local officials for an additional 48 hours after they would otherwise be released. In addition to harming police–community relations, these detainers can create resource and liability concerns for local agencies.
- The group also discussed the limitations of agency budgets and resources and the frequent need to prioritize non-immigration enforcement. Police executives need to have a free hand to make these decisions.
- The term “sanctuary city” has become synonymous with the immigration debate, but attendees

sought clarity regarding what the term means and how it is applied. Though official documentation cites 8 U.S. Code § 1373, imprecise and charged rhetoric has created a much broader impression of what cities must do in the immigration context to avoid being labeled a sanctuary city. State and local law enforcement can and should collaborate and partner with federal immigration enforcement officials, especially to remove violent illegal aliens, but policies should be carefully crafted and implemented so as not to be at the expense of current community-policing efforts.

### **Technology, Tools, and Data-Driven Policing**

- Police Use of New Technologies
  - Many new and emerging technologies being implemented within law enforcement agencies are aimed at improving the ability of officers to respond to situations and protect communities. Attendees discussed the benefits of some of these new tools, as well as the difficulties in keeping pace with criminals' use of new technology.
  - A number of new and emerging technologies have tremendous potential for police departments. ShotSpotter allows departments to rapidly track and triangulate gunfire.<sup>7</sup> FirstNet permits law enforcement and first responders from various agencies and jurisdictions to communicate with one another.<sup>8</sup> Unmanned Aerial Systems, or drones, may be used to augment or replace police helicopters, which are more expensive and more dangerous to operate.
  - Departments can also leverage a variety of existing technologies—social media and security cameras, for example—to help locate and track down criminal suspects. These technologies may be particularly helpful in tracking suspects in property crime cases. Departments and cities should consider taking advantage of programs like Safe Streets, an FBI program enabling FBI Field Divisions to sponsor task forces with local FBI agents, local law enforcement investigators, and federal and state prosecutors to eliminate threats to, and violence in, communities across the country.<sup>9</sup>
- New technology programs often engender public concerns and risk a backlash if these concerns are not addressed. The successful implementation of new technology relies heavily on public trust. Drones, for example, are hampered by many state laws that impose restrictions on their use, as well as public concerns over police surveillance.
- Departments should also be aware of the potential for unintended consequences and be prepared to address them. One attendee raised the issue of the consequences of body-worn cameras for the spouses of officers, who can see the dangers of the profession as never before. To address this, his department has begun incorporating families in officer debriefings following officer-involved shootings.
- While much attention is focused on new technologies, departments and governments cannot ignore basic technology infrastructure—e-mail, records, and computer-aided dispatch systems. There is little political gain to investing in these areas, but they are vital to police performance. Attendees suggested this is one issue where federal assistance through Bureau of Justice Assistance is crucial.
- Countering New Technology
  - Attendees also discussed the myriad challenges posed by emerging and rapidly changing technologies, which afford criminals new ways to avoid detection.<sup>10</sup>
  - Encrypted messaging is complicating local police narcotics operations, making it more difficult to monitor drug-related communications. This technology is increasingly becoming a major challenge for law enforcement, preventing them from gathering key evidence. All attendees agreed that it is paramount that law enforcement be able to gain access to encrypted phones when necessary for public safety. Many expressed dissatisfaction at legislators' inability or unwillingness to provide the requisite legal authority to do so.

- Many jurisdictions are beginning to see drones used for nefarious purposes, such as ferrying narcotics and other contraband items into correctional facilities. Law enforcement is nonetheless limited in terms of how it can respond to these new threats.
- Cybercrime is a rapidly developing threat that many police departments are struggling to address. Few communities fully appreciate the scale of cybercrime. It now accounts for more dollar-loss than *all* street crime combined. In one illustrative incident in 2013 targeting ATM machines, \$45 million was stolen in a 10-hour period—more than the total losses from all “traditional” bank robberies in the United States for a full year.<sup>11</sup>
- Due to the nature of the modern Internet, police departments are now forced to confront a variety of criminal actions perpetrated by suspects worldwide, raising serious jurisdictional questions.
- Many attendees observed that police departments move too slowly to keep up with the rapid—and accelerating—evolution in cybercrime. Effective solutions may require public-private partnerships.

#### ■ COMPSTAT<sup>12</sup> and Real-Time Data

- Attendees generally agreed that real-time crime data is an indispensable tool for modern police departments. The ability to possess and disseminate real-time data to patrol officers substantially improves response time, leads to better planning and resource allocation, and enhances the ability of police chiefs to hold their patrol commanders accountable.<sup>13</sup>
- It is important for department leaders to broach this technology with the media and the public in a sensitive way. Some terminology, such as “predictive policing,” has negatively influenced how people view this technology. Police should be aware of these perceptions and use terms that better illustrate the purpose of the technology, such as “smart policing.”

- Implementing real-time data and analytics, and using the technology to its fullest, will require agencies to have sound basic technology infrastructure—for example, modern computers, communication programs, and filing systems.

#### ■ Crime Reporting Systems

- Some departments are changing how they report crime data, switching from the Uniform Crime Reporting (UCR) format, which records only the most serious offenses, to the newer Incident Based Reporting system, which includes more offenses and provides a more complete picture of crime in a particular jurisdiction.
- Attendees cautioned that the switch can produce unusual results. For example, owing to the more expansive reporting of the new system, crime may appear to spike year-over-year. Similarly, because not all departments are transitioning to Incident Based Reporting, those that do may appear to have crime rates considerably higher than those that do not. If not communicated correctly, this can negatively and incorrectly influence public, government, and media perceptions of crime in the community.
- Attendees believed that most agencies recognize that UCR reporting is outdated and flawed, but it is the only system currently used for analytics. Also, some police departments are required by consent decree to collect data that may not be helpful for analytics yet impose significant costs. Thus, there is room for changes in crime reporting that could enable better analysis of crime and policing.

#### The Drug Crisis

- Attendees unanimously agreed that the opioid epidemic is of paramount national concern, and addressing it must be a top law enforcement priority. The stakes are high: In 2016, more Americans were lost to opioids and heroin than were lost during the entire Vietnam War.<sup>14</sup> In some communities, drug overdoses have become the leading cause of death, exceeding car crashes and cancer.

- The crisis has not hit the nation uniformly. Geographically, its impact has been concentrated on the East Coast. Demographically, several attendees noted that Caucasian working-class populations and older addicts were the first and most severely hit by the crisis before it began spreading unpredictably. Attendees strongly encouraged all states and law enforcement agencies, even those thus far relatively unaffected, to proactively develop plans to address the crisis.<sup>15</sup>
- Combatting this crisis is a challenge requiring a systematic and unconventional law enforcement response that targets both supply and demand. Such a response must be coordinated across multiple government agencies. The Joint Terrorism Task Force is a useful model, one that could potentially allow traditional law enforcement entities—the Drug Enforcement Administration, other federal agencies, and state and local offices—to coordinate with other organizations, including medical bodies, such as state boards of medical examiners and the National Association of Regional Councils.<sup>16</sup>
- Several participants observed that the crisis has changed the nature of policing.
  - During the crack cocaine epidemic of the 1980s, the major challenge confronting law enforcement officials was the violence associated with drug dealing. In the present crisis, overdoses have trumped drug-related violence, prompting many departments to train their officers in the administration of Naloxone. Simply responding to the ever-expanding population of addicts is a Herculean task for officers.
  - Attendees noted that the opioid crisis is better thought of as a “poly-drug crisis.” Many overdose victims have multiple drugs in their system: Fentanyl and Carfentanil are driving spikes in fatal overdoses; relatively cheap heroin is now being distributed across many cities. All of these developments have fatal consequences.
  - Increasingly, police officers in hard-hit communities are expressing greater concern over the risk of accidental needle sticks or exposure

to Fentanyl than they are with involvement in a violent incident. Departments must address the changing landscape of threats to officers, including by providing relevant training and safety equipment.

- Several attendees noted that fraud is an emerging challenge in the opioid treatment space, with some “sober living” centers going so far as to reintroduce addicts to drugs as a means of ensuring their programs continues to receive money.

### **The Expansive, Changing Role of Police in Communities**

- Police now play a multitude of roles in communities, serving as health officers, executing community interventions, and even doing house visits to get addicts into rehab. To effectively manage this diverse mission, departments need partnerships through schools, health departments, and other agencies, and must develop a strategy for addressing these threats going forward.
- Mental health is a major challenge confronting policing. Attendees were critical of the demands placed on law enforcement’s resources and time and noted that a significant portion of violent police-citizen interactions arise from mental-health-related incidents. Some attendees advocated devoting additional funding for mental health issues as a means of dealing with the problem while freeing law enforcement agencies to better address other challenges. Attendees also noted the issue is linked to the drug crisis, owing to the problem of self-medication.
- Given the rapidly changing challenges confronting law enforcement officials, attendees recommended re-establishing a National Criminal Justice Commission. The commission that was established during the 1960s executed a comprehensive review of the criminal justice system, creating a benchmark that informed two decades of law enforcement policy. Several measures currently pending before Congress would establish a new commission.<sup>17</sup> Participants also noted the President has authority to create a panel without an act of Congress.

- Attendees discussed the possibility of federal law enforcement agencies devoting resources to identifying the worst-of-the-worst offenders, prosecuting them under federal law, and seeking federal mandatory minimum sentences. Such a policy would help to free up resources for state and local law enforcement agencies while keeping the “worst-of-the-worst” off the streets, owing to the fact that federal inmates serve at least 85 percent of their sentences.
- Federal mandatory minimum sentences are helpful in targeting this category of offender, and some attendees noted that mandatory minimum penalties suffer from a detrimental misunderstanding of their function—namely, that they are used to lock up low-level, non-violent offenders, specifically drug offenders. In reality, current mandatory minimum sentences and enhancements, under 18 U.S. Code § 924(c), for carrying or using a firearm in furtherance of a violent or drug-trafficking crime, exist not to incarcerate low-level offenders but to target worst-of-the-worst violent offenders.

### **The Changing Makeup of the Police**

- Policing as a profession is undergoing a transition, as police forces work to recruit and integrate younger and more diverse cohorts of officers into their agencies—a task which is complicated by anti-police rhetoric that often seeks to paint police as “the new bad guys.” This often makes it difficult for departments to recruit competent young officers and retain those already on the force.
- Generational
  - Police officers from the baby-boomer generation are retiring and phasing out of police forces, often at a rate that outpaces new recruitment. One chief’s department has consequently modified the retirement program to incentivize older cops to remain on the force to help train new recruits and pass on valuable institutional knowledge.
  - Younger generations of police officers often have different work priorities and values compared to their predecessors. As a general rule, millennials have demonstrated a completely

different approach to retention and job promotion and do not anticipate a lifelong career in policing. They often adopt a “what are you doing to keep me here?” attitude. These generational traits must be taken into account when marketing positions.

- Some attendees noted that many millennial recruits lack the life and communications skills that baby boomers had when they joined the force in the 1960s, thereby presenting unique training challenges.
- Nevertheless, many participants pointed to numerous advantages that younger officers are bringing to the table in addressing the complexities of policing. Millennials are often more adept than older officers at navigating the intricacies of modern policing, including technological, legal, and social issues. They are eager to bring fresh ideas and new approaches to the table; departments should be open to this and capitalize on the unique talents of millennial officers.

- Structural

- Departments should consider developing incentive structures that reward positive actions in the field. In practice, supervising officers can have a positive impact on police practices, morale, and culture with even small incentives—not necessarily compensation—if they let officers know that they are appreciated and will be recognized for their contributions.

- Racial

- Attendees agreed that police departments across the country have made progress on racial issues. However, they acknowledged that more work remains to be done in hiring a sufficiently diverse workforce that reflects, and can be more sensitive to concerns within, the communities they serve. Hiring a diverse workforce brings a breadth of experiences, skills, education, and perspectives that can be leveraged to improve police–citizen interactions. It is incumbent upon police leaders to rebut the notion that diversifying police forces requires lowering hiring and promotion standards.

- Attendees agreed that the racial composition of a police force need not exactly match the racial composition of the community, but a police department should be broadly representative of the community it serves. When setting targets for racial composition of police forces, several attendees cautioned that departments need to be realistic. The target should be to have a diverse force that represents the percentages of potentially hireable members of the community, not the total demographic breakdown, since many residents are ineligible to become police officers due to race-neutral factors such as age.
  - Several attendees noted particular difficulties stemming from cultural factors in efforts to recruit and promote minority officers—for example, antipathy towards police, a strong impulse towards non-police professions, or a community desire for representation only in certain police positions. Attendees recommended developing relationships within the community and encouraging them to advocate for young people to apply to, and seek promotion in, their police departments.
  - Diversity goals often run headlong into budget constraints limiting the number of new officers that can be hired and recruited. One creative solution: Utilize a department’s natural retirement and attrition rate to bring in qualified minority recruits and diversify departments.
- The Honorable Edwin Meese III was the 75th Attorney General of the United States and currently is the Ronald Reagan Distinguished Fellow Emeritus at The Heritage Foundation. John G. Malcolm is Vice President for the Institute for Constitutional Government, Director of the Edwin Meese III Center for Legal and Judicial Studies, and Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow at The Heritage Foundation.*

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15. The Police Executive Research Forum has provided 10 recommendations to police departments for combating the opioid crisis: (1) Equip officers with Naloxone; (2) Collect data on the “who, how, when, and where” of fatal drug overdoses; (3) Adopt early warning systems to use the data to develop systems for detecting the onset of a community opioid crisis; (4) Use COMPSTAT principles as a methodology for addressing the opioid crisis (i.e., NYC’s RxStat system); (5) Get users into treatment; (6) Provide drug treatment in jails; (7) Adopt clear strategies for enforcement and prosecution; (8) Focus on prevention by educating the public about risks; (9) Work with partners including social services, public health agencies, etc.; and (10) Encourage safety for officers. *Ibid.*
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## Challenges Facing Law Enforcement in the 21st Century

*Alonzo Thompson*

The challenges facing law enforcement in the 21st century are numerous and varied, depending upon whether it is a local, state, or federal entity. Domestic terrorism, gangs, illegal narcotics, gun violence, cybercrime, social media, behavioral health, and highway-safety issues pose significant challenges for law enforcement at all levels—and this is not an all-inclusive list by any means.

In addition to those widely recognized concerns, there exist three pressing matters that demand our immediate attention, particularly at the local level: (1) community–police relations; (2) recruitment and retention; and (3) budgetary constraints. Our ability and capacity to respond appropriately and effectively to the aforementioned concerns are largely dependent upon how well we manage these three foundational issues.

### **Community Policing**

Highly publicized police–citizen encounters have gotten the attention of our nation. Increasingly, citizens are interested in how police departments operate and how decisions are made by law enforcement practitioners. Now more than ever, questions about police accountability, police training (use of force), and organizational culture (implicit bias or racial profiling) are common. As a result of this intense scrutiny, improving community–police relations is paramount. Even agencies, such as my own, that have traditionally valued and focused their efforts on community engagement must continually strive to strengthen those relationships and to build new ones. Pro-active and positive interactions during non-contentious times help build public trust. And employing procedural justice and greater transparency contribute to establishing public confidence.

Public safety is the entire community’s responsibility, and we will not be as responsive or as successful without strong collaborative partnerships. Acquiring and adhering to national accreditation standards, such as those developed by CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.) and/or a state accrediting body enhances police–community relations and subsequently improves public safety. Accreditation is expensive with regard to money, resources, and

time, and it is not a panacea. It is worth the investment, however, to build and bolster positive relationships that can, and often do, evolve into collaborative partnerships.

### **Recruitment and Retention**

With Baby Boomers retiring and shrinking applicant pools, recruiting and retention are a struggle for law enforcement agencies today. The inherent dangers of the profession and the intense scrutiny and harsh criticism it is undergoing discourage some from entering and/or remaining in law enforcement instead of pursuing more lucrative, less stressful, and safer careers.

Minority recruitment poses an even greater challenge due to the historic and current distrust of law enforcement in many communities of color. Recruiting and fielding a competent and diverse workforce that reflects the community it serves adds tremendous value to any jurisdiction. I readily acknowledge that it can be extremely difficult to meet that threshold due to distrust and/or disinterest in the profession. But I know from experience that it is attainable.

Regrettably, some law enforcement executives assert that they would have to lower hiring standards to diversify their respective workforces. I strongly disagree with that assertion. There are highly qualified and competent minority and women candidates in the job market. It is incumbent upon us to expand our recruiting practices and efforts. We have to be comprehensive in our outreach and engagement. Diversity does not happen by chance. It has to be intentional, like any recruitment: Seek competent candidates of all backgrounds and sell law enforcement as an appealing and viable career option.

The display of inclusiveness, but perhaps more importantly, the varied perspectives and ideas that one gains from a multi-racial, multi-ethnic, and multi-cultural staff are integral in formulating well-conceived policies and procedures, developing sound strategic plans, providing supervisory oversight, enhancing connectivity, and ultimately being more responsive to the citizenry. Service excellence and diversity are two of the most effective recruiting tools an agency can deploy.

Maintaining appropriate staffing levels is impacted not only by the challenges of recruiting and hiring new officers but also by the inability to retain existing personnel. Retention has been negatively impacted by tightening budgets that have resulted in stagnant wages, increased cost of employee benefits, and limited performance-based incentives and special skills pay. Admittedly, recruiting and retention are costly endeavors. We realize, however, that our people are our greatest asset. Therefore, we cannot make excuses. We must find a way.

### **Budgetary Constraints**

In a climate where government bodies are plagued with lingering economic woes and forced to make very difficult choices about their budgets, most police departments are underfunded. Consequently, it has become increasingly difficult to compete with “Corporate America” for qualified applicants and to retain experienced personnel. We also face the growing need to utilize advanced technologies, such as body-worn cameras, less-than-lethal weapons, integrated records management, and interoperable communications systems. Although the funds to purchase these technologies are often lacking, those tools are not niceties; they are necessities for policing in the 21st century.

Leaders must figure out how to integrate these technological advancements into their agencies with limited funding. Many law enforcement agencies have committed to equip their officers with body-worn cameras, which have expanded the opportunities to capture more of those critical police–citizen encounters. But this technology comes with a cost.

Additional funding from governmental sources will be needed not only for equipment, but also for training—such as implicit bias, de-escalation, use of force, and other related subject matters—that enhances the diversity consciousness of law enforcement professionals. Although the specific need(s) may vary, the challenge or dilemma is the same. There are increased scrutiny and greater expectations of police from the citizenry. Unfortunately, there are also fewer and/or inadequate resources and personnel to meet their demands. In the absence of government funding, private–public partnerships are becoming more prevalent to ensure that adequate service delivery is maintained.

### **Conclusion**

These issues must be addressed immediately. Enhancing community–police relations is fundamental to “local” law enforcement gathering information and proactively combating crime and terrorism. This includes building community partnerships to solve an array of societal problems. Recruiting and retaining law enforcement professionals at the local level will ensure that we have a highly trained and experienced workforce to provide police-related services and conduct complex investigations, whether they involve criminal activity, terrorism, or a nexus between the two. We need enhanced capabilities to handle current issues as efficiently as possible and to give us the time we need to look toward the future to anticipate and prepare for new crime trends and emerging opportunities.

—*Alonzo Thompson is Chief of Police for the City of Spartanburg, South Carolina.*

## National Organization of Black Law Enforcement Executives (NOBLE): Recommendations and Potential Solutions II

*The National Organization of Black Law Enforcement Executives*

NOBLE's<sup>1</sup> mission is to ensure equity in the administration of justice in the provision of public service to all communities and to serve as the conscience of law enforcement by being committed to justice by action. The seventh principal of Sir Robert Peel's "Principals of Policing" is to maintain at all times

a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.<sup>2</sup>

The following recommendations and potential solutions combine NOBLE's mission with Robert Peel's keen insight that to maintain real law and order you must not create an environment (whether perceived or real) in which the police are not part of the public (community). In the same vein, the community must feel a part of the police. It is NOBLE's opinion that President Donald Trump's Administration can achieve the goals and priorities that have been stated by Attorney General Jeff Sessions by placing the welfare of all communities equally with support for law enforcement in ongoing and future policies of the Department of Justice.

### **Trust and Legitimacy**

The law enforcement community should truly adopt a community philosophy, which can be a critical tool in restoring trust. Key components of community-policing implementation are:

- Allow officers to demonstrate support for their community and the conviction that residents and officers are allies.
- Work with communities through joint problem solving to address immediate and longer-term causes of crime, reduce crime, and improve quality of life.

- Ensure fair and impartial policing through procedural justice based on four principles: (1) treating people with dignity and respect; (2) giving individuals "voice" during encounters; (3) being neutral and transparent in decision making; and (4) conveying trustworthy motives.
- Build community capital with the understanding that trust and legitimacy grow from positive interactions based on more than just enforcement interactions.
- Adopt the National Consensus Policy on Use of Force.<sup>3</sup>
- Enhance recruitment methods so that the police agency mirrors the demographic composition of the community it serves. If a department's recruiting methods are not resulting in a diverse force, they should form relationships with local and national private-sector organizations that are doing it well and adopt best practices for diverse hiring.
- Train officers to communicate effectively with the people they serve in order to solve community problems and develop an appreciation of cultural and ethnic differences. Superiors should continually evaluate their officers' command of these skills (much as they would the use of firearms, defensive tactics, and knowledge of relevant laws and regulations) and provide continued refresher training as needed. If an officer is consistently lacking in the cultural sensitivity and critical thinking necessary to be an effective or ethical officer, commanders should seriously consider terminating that officer.

### **Violent Crime**

Violence in urban communities is a public health issue with social and environmental contributors. Issues affecting urban violence and policing are best dealt with from a multifaceted approach; this means working collaboratively with community-based organizations, faith-based leaders, nonprofits, social

services partners, local government, police agencies, and public and private institutions to transform communities plagued by violence and lawlessness.

To manage urban violence within the community, law enforcement must embrace a balance of police strategies and tactics that includes community engagement, economic development, public awareness campaigns, community-based interventions, youth diversion programs, vocational training, recreational resources, and patrol-related enforcement. Internally, law enforcement agencies should focus on recruiting and selecting the right police candidates, training and promoting a multicultural department, ensuring equity in policy and practice, maintaining transparency during times of conflict, responding to civilian complaints, and purging any officer found in violation of the oath of office.

Primarily, NOBLE supports racial equity and procedural justice through constitutional policing under the 14th Amendment. Equal protection and civil rights are fundamental necessities that are inherent in ethical policing—and above all, promote positive relationships between the police and the communities they serve.

### Protests and Counter-Protests

When it comes to protests, it is incumbent upon law enforcement to understand that their presence is to facilitate a proper exercise of First Amendment rights, as well as secure safety for the protesters and the general public. Law enforcement should not *become* the issue when it comes to protests but instead be a peripheral presence, adhering to the standards of “protect and serve.”

NOBLE has published tips for counter-protests:

- Contact the local law enforcement agency to open a line of communication in advance of counter-protests.
- Designate a point of contact and request that the local law enforcement agency identify a point of contact for counter-demonstrators. Take affirmative steps to facilitate dialogue before, during, and after counter-protest activity.
- Meet with law enforcement in advance of counter-protests to plan safe routes, dispersal plans, and answer any questions you might have about police response.
- Maintain communication with officers throughout the event day and inform law enforcement about how to identify and contact organizers/monitors at the event (e.g., hats, shirts, armbands).
- Do not engage officers standing in a police line. If you need to communicate with an officer, go to the end of the police line (away from the center of the crowd) and ask to speak to a supervisor or the designated point of contact.

### The Law and Your Community Program

To improve communication between young people ages 13–18 and law enforcement officers, as well as youth understanding of federal, state, and local laws, NOBLE provides a nationally recognized, hands-on, interactive training program called the Law and Your Community. In 2015, NOBLE served over 4,000 youth and adults; in 2016, over 10,000 youth and adults; and in 2017, over 11,000 youth and adults.

Components of the program include the following:<sup>4</sup>

**Citizenship.** The primary purpose of this module is to provide a short but insightful education of how our representative democracy works and the role that citizens play in this system. Emphasis is placed on the power that citizens have to affect the direction of their government by being active participants in the electoral process. Additionally, the module shows why and how laws are made at the local, state, and national levels.

**Law Literacy.** The primary purpose is to increase participants’ knowledge base regarding common crimes with which teens and young adults often find themselves charged. A secondary purpose of the lesson is to influence decision making such that participants will avoid purposely or inadvertently engaging in criminal activity. The final purpose of the lesson is to help participants analyze, evaluate, and correct behavior that may lead to entanglement with the criminal justice system.

**Law Enforcement Engagement.** The first purpose is to educate participants on the proper ways to respond during encounters with law enforcement and how to handle police misconduct during and after the time the misconduct takes place. Second, we explore what community policing is and is not. Last, we will discuss the realities of working in law enforcement.

## Endnotes

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## Critical Thinking and Problem-Solving Skills: The Keys to Addressing Modern Policing Challenges

*Arif Alikhan*

What are the greatest challenges to policing today? Recruitment? Training? A lack of resources? Eroding public trust? All of the above?

In a recent gathering of police chiefs, county sheriffs, and other law enforcement officials, all of these issues, and several more, were raised as challenges facing police agencies throughout America today. Participants discussed the difficulty of finding, training, and retaining qualified police officers willing to take on the increasing responsibilities of modern-day policing and the intense public and media scrutiny of officers using physical, and sometimes deadly, force.

Eroding trust in governmental institutions, especially policing, has created a divide between some communities and police departments, making it difficult to form the partnerships necessary to reduce crime and increase safety. Moreover, many agencies continue to struggle without the financial resources to attract and retain qualified candidates, equip officers with modern tools and equipment, and provide the training necessary to deal with crime and terrorism. Police departments are also faced with addressing broader social challenges, including homelessness, mental health, and opioid addiction.

While many of these challenges are not new, the societal demands, instant media attention, and political reflexiveness further complicate efforts to address these issues. In addition, violent crime increases in some parts of the country have pushed police effectiveness into the public eye. All the while, police officers are facing increasingly difficult circumstances to perform their essential functions of protecting the communities they serve from crime and seeking justice for those who are victimized.

So how do we address these seemingly intractable and increasingly complex issues? How do police agencies strive to keep communities safe while meeting community expectations and strictly adhering to constitutional principles?

There are many programs that are often proposed and sometimes implemented to address many of these issues. For example, agencies have established specialized units to respond to people experiencing mental health crises, and agencies have increased

specialized training to recognize mental illness when responding to potentially violent encounters. In addition, many departments have implemented more restrictive use-of-force policies and mandated that officers use de-escalation techniques before using deadly force.

While these programmatic approaches are important, we must recognize that policing, at its core, requires entrusting officers with the discretion to make difficult and often consequential decisions. Officers must decide whether to stop a motorist for a traffic violation, search a suspect for weapons, take a person into custody, and, when necessary, use physical force. Restrictive policies may reduce an officer's discretion, but in the end the decision to act will always rest with officers in the field. Like any other decision, officers must rely on their ability to assess the situation and apply their training and experience. How officers exercise their inherent discretion, therefore, is often the most important aspect of policing today.

The best way to ensure that officers make good decisions in exercising this discretion is to develop an officer's critical-thinking and problem-solving skills. This requires organizations to create environments that encourage diversity of thought, creativity, self-reflection, and continuous improvement. Departments must recruit candidates who have diverse experiences and train them to assess circumstances and use critical-thinking skills to make well-informed decisions under difficult circumstances.

### **Problem Solving**

At its core, policing today is about solving problems both large and small. Each response to a domestic violence call, neighborhood dispute, or shoplifting suspect requires officers to use their training, experience, and problem-solving skills and make decisions based on what they know and understand. How to analyze and decide what actions are needed requires approaches from different perspectives. This is especially true when dealing with criminal patterns like a series of robberies, shootings, murders, or home burglaries. Solving crimes requires

officers and detectives who can analyze, communicate, and respond using diverse experiences—both personal and professional—and different techniques to put disparate information together, recognize patterns, and separate truth from deception.

Today's problems, however, are much different than those officers faced just a few decades ago. Police officers must not only solve crimes but are tasked with responding to mental health crises, victims and suspects experiencing homelessness, and members of the public addicted to drugs—all with the backdrop of intense media and public scrutiny. These challenges require officers who have well-honed critical-thinking skills, insightful problem-solving abilities, and sound judgment. These skills, which may exist to varying degrees within organizations, are not necessarily prioritized when making decisions about hiring, promotions, or training and development. Moreover, little thought is given to how an organization itself can create an environment that enables both critical and creative thinking.

## Diversity

A diverse workforce is an important component of enhancing an organization's critical-thinking and problem-solving capabilities. Diversity, however, is often narrowly viewed as making the workforce racially and ethnically diverse so that the composition of the police agency mirrors the demographics of the community. This is understandable, given the long history of institutional racism by police agencies and other government entities against minority communities. Racial and ethnic diversity is critically important for minority communities to identify with their police force and to enable the organization to better understand and serve the communities within its jurisdiction.

So, what other type of diversity is needed to improve critical-thinking and problem-solving skills? Diversity should not stop at race, ethnicity, gender, or other immutable characteristics, but should also include varying backgrounds, experiences, and skills. Policing should seek to recruit individuals with varied educational backgrounds, skill sets, and personal family experiences. It is these types of diverse groups that will enrich the problem-solving capabilities of modern law enforcement officers.

Identity diversity, as it is sometimes called, has helped police agencies bridge the cultural and racial divides. It has also increased an organization's ability

to solve problems by leveraging the knowledge and perspectives of personnel with varying backgrounds and cultural experiences. The benefits of identity diversity increase when groups are also "functionally diverse," or diverse in how people view problems and how they go about solving them. In fact, studies have found that groups that have higher functional diversity outperform homogenous groups in solving complex problems.<sup>1</sup>

Functional diversity is increasingly important to address the challenges of modern policing because policing today is about solving complex social problems that either did not exist or were not the responsibility of law enforcement agencies in the past. Moreover, most non-police institutions of government are unable to deal with these social issues effectively, so they often fall within the immediate concern of the police.

Critical-thinking skills are also necessary to stay ahead of the increasingly complex issues of technology. Criminals use advances in technology to commit their crimes, and technological understanding has become essential for police personnel to gather digital evidence and solve these crimes. Technology has also become ubiquitous in the tools police officers must use in their patrol cars or on their equipment belts. Mobile-data terminals in patrol cars, body-worn video, data analytics, and mobile apps are in widespread use—and further expand the skills needed by a police workforce.

The need for diversity of thought is even more important with the additional complex social problems society has placed at the doorsteps of police departments. Homelessness, mental health crises, disaffected youth, poverty, and opioid addiction have become frontline issues for police officers throughout the country. These problems are increasing at alarming rates throughout communities and require social skills, expertise, and innovative thinking beyond what traditional policing and police training have required. The ability to think in new and innovative ways is the only way to solve problems on an incident-by-incident or systemic level by police officers and agencies.

Agencies should also look at ways to incentivize older and more experienced professionals to join the mix of 21-year-olds with limited life experiences who typically join police agencies. Older officers typically have more life experiences and varied professional backgrounds that can contribute to

the overall functional diversity of a police department. Structural disincentives, such as pension programs and seniority rules, often discourage otherwise qualified candidates from joining the policing profession, and local governments should examine ways to incentivize, rather than discourage, experienced candidates.

Departments must also emphasize sound decision making within a reasonable structure that does not stifle officers trying to increase safety and improve the welfare of the community. Enabling the time and space for critical thinking and improved decision making is essential. Policing often focuses on promulgating rules, procedures, and policies to restrict police behavior rather than training officers to make better-informed decisions within well-defined boundaries. Training tends to focus on order and uniform approaches to police encounters with little room for flexibility or innovation. This is further complicated by the conformist paramilitary nature of many police agencies.

Rarely are the circumstances of “routine” encounters the same. Every encounter will vary in numerous ways, including the who, what, where, when, and how of the incident. Human behavior is also inherently unpredictable, despite the attempt by most of us to rationalize and believe that police encounters are often routine or generic in nature. Police agencies, political leaders, and, most importantly, communities must be willing to trust officers to think and act with some independence within a solid framework on behalf of the principles and mission of the agency. Stifling structures and restrictions will limit the ability of an officer to solve complex social problems in ways that can avoid incarceration, criminalization, and the necessity of physical force.

Officers need the flexibility to use critical-thinking skills and to exercise judgment when using the police powers vested by the people in an officer. A decision to conduct a vehicle or pedestrian stop, search a person or home, issue a citation or make an arrest, and, of course, use force, requires officers to exercise judgment in real-time, dynamic circumstances. The knee-jerk reaction to poor decisions or mistakes by officers, however, stifles good decision making in the future by imposing rules and restrictions rather than focusing on training, tactics, and organizational dynamics that create better decision-making environments to prepare for fast-moving and dangerous encounters.

If we expect officers to use their diverse viewpoints, creativity, and problem-solving skills to safely resolve conflict, crime problems, or other social ills, neither the organization’s policies nor reactive laws will engender these important approaches. Instead, imposing absolute restrictions stifles critical thinking and exercising judgment. In addition, there must be a stronger societal understanding that mistakes will be made, and communities must trust officers to think and act independently on behalf of the community and organization.

Providing freedom and control are not zero-sum circumstances. Oscillating between extremes is both ineffective and counter-productive. The cost of mistakes, of course, can sometimes be high, but the costs of chronic ineffectiveness at dealing with real human suffering and seemingly intractable societal problems are even higher in the long run.

### **Accountability**

With freedom comes responsibility, and systems that measure accountability must be robust, transparent, and fair. While beyond the scope of this article, accountability systems created through the political influence of unions and special interests often restrict agencies from holding officers accountable. These systems must also change for police departments to provide sufficient discretion for officers to exercise their critical-thinking and decision-making skills within a clear framework while also ensuring that officers are appropriately held accountable for clear negligence or intentional misconduct.

Such frameworks must provide decision boundaries that prioritize standards of service and principled objectives such as, among other things, preserving life, treating people with respect, protecting the public from harm, and respecting the rights, privileges, and reasonable expectations of all people, regardless of status.

### **Unintended Consequences**

When police agencies apply proscriptive rules or absolute prohibitions with little or no discretion, there are often unintended consequences. For example, reactionary policies prohibiting officers from shooting at a moving vehicle—even when that vehicle poses an imminent threat of death or serious bodily injury—have created a restriction against using deadly force in vehicle-ramming incidents like those experienced in Nice, France, London, and New York City.

Generally, using deadly force against an imminent threat of death or serious bodily injury posed by a vehicle is permissible under the Constitution. Many departments, however, have implemented absolute prohibitions against shooting at a car unless the suspect poses a threat through means other than the vehicle. Under most existing policies, using deadly force against the attackers in ramming cases against pedestrians would be prohibited.<sup>2</sup> Several departments are now seeking to modify their policies to allow an officer to exercise the necessary discretion to use deadly force when the vehicle poses an imminent threat of death to the public.<sup>3</sup>

### Conclusion

The goal of a police agency must be to support and enable superior judgment in the moment and develop the critical-thinking skills to address complex

problems and fast-moving incidents. There must be checks and balances, of course, but such independent thinking will also improve a police agency's ability to react to any level of crisis.

Employees should be at liberty to use sound judgment bounded within strategic priorities, the law, and ethical obligations. Trade-offs between freedom and control are usually seen as the tension between providing some autonomy to make decisions and the risk of consequential mistakes that are highly scrutinized—and often blown out of proportion—by the media. Rule-bound systems that reduce discretion also reduce the autonomy necessary to solve the challenging problems of modern society.

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## Endnotes

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2. Police Executive Research Forum, "Use-of-Force Policy and Practice Review of the Fairfax County Police Department," June 2015, <https://www.fairfaxcounty.gov/police/sites/police/files/assets/images/chief/policies/fairfax-county-police-dept-final-report-june19.pdf> (accessed July 7, 2018).
3. Peter Hermann, "Police in D.C., New York Revise Shooting Policies in Response to Vehicle Ramming Attacks," *Washington Post*, May 1, 2018, <https://wapo.st/2lwAiOR> (accessed July 7, 2018).

## The City of Bellevue's Tomorrows Program

*Stephen L. Mylett*

In April 2015, I was hired as Chief of Police for the City of Bellevue, Washington. I was fortunate in that I inherited a professional police department staffed with dedicated men and women who enjoyed a great relationship with the public. However, over a period of several years, the department had been the subject of several negative media stories that led to the department's image being tarnished. The scandals mostly involved inappropriate employee behavior during off-duty incidents. Additionally, internal communication was ineffective or absent, and the executive leadership team had a reputation of being disconnected and out of touch with the line staff.

As I took stock of my new agency—in order to get a clear picture of the current internal and external conditions—I embarked on a process to capture unadulterated firsthand information. One of the methods I employed was to conduct one-on-one confidential interviews with every member of the organization. In these interviews I asked a series of probing questions designed to provide a clear picture of what was needed in the organization in order to effectively serve our various stakeholders. I expanded the interviews to local elected officials, the city leadership team, members of the public, and I even interviewed the cleaning crew. This process took approximately six months to complete and included over 350 interviews. What emerged was the framework of the Bellevue Police Department's Tomorrows Program.

As I evaluated the data and findings, I realized that the department's needs fell into three categories: Community Connection, Process Improvement, and Employee Engagement and Recognition. As I pondered the needs of the agency, the vision was very clear to me: We must: (1) examine the past to identify successes, failures, and missed opportunities in order to better position the organization for success; (2) scrutinize current conditions to ensure we have learned from the past and have an eye toward tomorrow; and (3) look toward the future and imagine the possibilities. This three-part structure defines the Tomorrows Program.

The three preceding paragraphs contained the pronoun "I" quite a bit. The work leading up to

creating the vision for the agency was my responsibility, but the actual execution of the tasks to achieve the vision would need buy-in and support from many people. After establishing a shared vision with multiple stakeholder groups (agency personnel being the most important group), the actual work began. During the past three years, the agency has developed and enacted numerous programs and initiatives to achieve the vision and mission of both the police department and the City of Bellevue. Since 2015 the agency has implemented, commissioned, and/or established the following:

While each of the listed initiatives has yielded positive results, the two programs that have been the most impactful for both the public and the Bellevue Police Department are the Citizen Advisory Councils and the Sector Captain Program. These two community-focused programs have helped re-establish the police department's reputation and have brought the community and the police department much closer.

The Citizen Advisory Councils were created to take a demonstrable step toward building bridges between the police and the community based on trust and transparency. Upon the completion of the initial agency assessment, we discovered there were several under-represented groups living in the community, meaning they had very little, if any, relationship with the police department. Bellevue's foreign-born population has accounted for over 90 percent of the city's population growth since 2000, with some drivers of that growth being the thriving employment market and Bellevue's reputation for good schools, parks, and safe neighborhoods.

Over the course of a single year, we established six distinct Citizen Advisory Councils including African American, Muslim, Latino/Latina, LGBTQI, Asian/Pacific Islander, and Inter-Faith groups. Future councils will be established for under-represented youth and East European groups. The foundational mission of the councils is to help create and implement positive change in the delivery of police services, to dispel misinformation and build trust so that underreported crimes can be investigated, and to provide insight and guidance to the police chief on topics of importance.

## Policing Initiatives in the City of Bellevue Since 2015

### Community Connection

- Six Citizen Advisory Councils
- Sector Captain Program
- Town hall forums
- Safety forums
- Diversity initiative
- Community education
- Video blogs

### Process Improvement

- Self-directed work teams
- Intelligence Led Policing (COMPSTAT)
- Strategic plan development (work plan, scorecard, business plan)
- High performance organization model

- Reorganizing the police hierarchy
- Inspections unit
- Efficiency studies
- Communication plan
- Command Day

### Employee Engagement

- Employee Recognition Program
- Supervisor Development Program
- Mid-Manager Development Program
- Mentor Program
- Labor Relations
- Peer Support Program
- Employee Morale and Welfare Program

The councils meet every two to three months, and they (1) examine police practices and data; (2) hold town hall informational forums and community events; (3) arrange for positive interactions among students, parents, teachers, and police during events at the Bellevue School District; and (4) assist on other community-based projects. Currently, council members serve as ambassadors for the police department, assist the department with recruiting efforts, and visit patrol briefings to educate officers on community customs and needs. Councils also convene during times of turmoil to provide the chief with guidance and insight on how best to respond to the event. Examples of this include an arson at a Bellevue Mosque in January 2017 (and again in March 2018) and the deployment, in May 2017 of an electronic-controlled device (Taser) on an unarmed African American juvenile male. In both cases, members of the respective councils provided the chief with invaluable advice and guidance to address situations that impacted the community.

The Sector Captain Program was implemented in the fall of 2015 with the City of Bellevue being divided into three geographical areas or sectors—west, north, and south. Three of the four patrol captains are each responsible for a sector and are, for all intents and purposes, the “chiefs of police” for their sector. The captains apply the mission of the Bellevue Police Department—to reduce crime, reduce the fear of crime, and enhance the quality of life for all who call Bellevue their home—by collaboratively solving problems with local citizens.

An example of this in action involved a drug house in the Woodridge neighborhood that was a source of ongoing frustration for the neighbors, who perceived city government was not doing enough to shut down the house. In actuality, the city was taking significant steps to mitigate the situation, including an active drug investigation by the Narcotics Unit, abatement activities by Code Compliance, and outreach by neighborhood mediation. The problem was that no “one person” was in charge of the various city actions, which led the neighbors to think that there

was no strategy. The sector captain immediately took charge of the effort and developed a comprehensive response plan that involved all of the units—plus the King County Prosecutor’s Office and Puget Sound Energy to address the theft of electricity: The power to the house had been shut off, but the resident had bypassed the meter with car jumper cables.

Within three days, a search warrant was obtained, which enabled all enforcement arms of the city to enter the property, secure it, and condemn it as unfit for habitation. The homeowner was re-arrested on updated criminal charges and, while he was in custody, the bank took possession of the foreclosed property. The Sector Captain Program was off and running with this success story, and countless similar problems, city-wide, have since been mitigated. The sector captains are identified on our Internet page and on the NextDoor social media app, and our citizens now know whom to call when an ongoing issue crops up.

The Bellevue Police Department is staffed with talented, motivated, and passionate employees who are committed to making Bellevue a better place to live, work, and play. The culture of the police department continues to gain momentum on the pathway of community collaboration, trust, and resilience. The officers’ presence in the community brings comfort to our citizens and, through our outreach with the Citizen Advisory Councils and Sector Captain Programs, we are building bridges toward a self-sustaining partnership with all segments of our richly diverse community.

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