

Introduction: The Crisis in Policing

These are tumultuous times for policing in America. Thanks in part to the almost ubiquitous presence of video cameras, the American public has recently had the chance to see the very best and the very worst of police conduct.

At the scene of the Boston Marathon bombings on April 15, 2013, Boston police officers and other emergency workers instinctively ran toward the site of the explosions to help the injured and take control of the scene, even while nobody knew how many more bombs there might be. Video footage made plain to all the classic courage of first responders reacting to a traumatic situation with professional discipline and putting their own lives at risk for the sake of the public they serve.

Three days later, on April 18, MIT patrol officer Sean Collier was shot dead in his patrol car by bombing suspects Dzhokhar and Tamerlan Tsarnaev, who were apparently seeking to acquire weapons and perhaps provoke a major confrontation with police. In an extraordinary display of public appreciation for police offi-

cers and the dangers they face on a daily basis, more than 10,000 people attended Officer Collier's funeral.

On April 19 Tamerlan Tsarnaev was killed during a gun battle with police in the streets of Watertown, Massachusetts. He had been shot several times by police and then run over by his brother, who was fleeing in a stolen SUV. One MBTA police officer was shot and nearly died from blood loss. The surviving brother, Dzhokhar Tsarnaev, was found later hiding in a boat in the backyard of a Watertown home and apprehended.

Scores of law enforcement officers from federal, state, and local agencies had flooded into the area and cooperated in the search. When it was all over, local residents—who had voluntarily heeded the police request to “shelter in place”—emerged from their homes, gathered on street corners, and spontaneously applauded as buses full of law enforcement officers passed by.

During that week in April 2013, nobody seemed to have anything but praise for the courageous and selfless way police conducted themselves in the face of those extraordinary dangers.

But 2014 and 2015 brought to public attention a series of incidents, many of them video-recorded on the cellphones of passersby, that appalled the public, astonished many, and raised troubling questions about the quality and nature of policing in America. Several incidents involving the deaths of unarmed black men at the hands of white police officers, albeit in different jurisdictions, came in quick enough succession to be perceived as a pattern and to prompt national debate.

The pattern was pretty much established after two high-profile incidents just three weeks apart: the death of Michael Brown in Ferguson, Missouri, and of Eric Garner in New York City. Public concern over the issues raised drew commentary from the president, led to the establishment of a presidential task force, resulted in investigations of patterns of police conduct by the Department of Justice's Civil Rights Division, and

spawned protests against police violence—particularly against minorities—that spread across the nation far beyond the cities directly involved.

As soon as the pattern was established, every subsequent incident where police used force then drew unprecedented levels of public and media scrutiny as the public searched for answers to some very basic questions: Do police regularly abuse their powers and use excessive force? How widespread is such abuse? How much is it targeted on minority and poor communities? Why can police not be held accountable even in those instances when their actions appear patently criminal?

New York City, July 2014

On July 17, 2014, Eric Garner died after being detained in Staten Island by officers of the New York Police Department. His arrest (for selling cigarettes illegally on the street) was captured on video, and appeared to show Garner being held in a chokehold for about fifteen seconds and being brought to the ground. The use of chokeholds contravenes NYPD policy. Once on the ground he complains repeatedly, “I can’t breathe,” but the video shows no signs of police providing or calling for medical assistance. Garner died shortly afterward, and the New York City Medical Examiner’s Office concluded that Garner, who suffered from asthma, died partly as a result of the chokehold. Eric Garner was black, and a father of six.

Ferguson, Missouri, August 2014

On August 9, 2014, Michael Brown, an eighteen-year-old black man, was shot dead in Ferguson, Missouri, by a white police of-

ficer, Darren Wilson. This incident was not recorded on video. Brown was unarmed when he was stopped by Wilson. In defense of his own actions, Officer Wilson stated he feared for his own life when Brown reached for his (Officer Wilson's) weapon. Wilson subsequently resigned from the police department. No charges were brought against him as a result of the local investigation into the shooting or as a result of a second investigation conducted by the Department of Justice.

Each of these incidents produced its own curious aftermath. In New York, Mayor Bill de Blasio publicly expressed his concerns about police violence and sympathy for the protesters. He told how he had advised his own biracial son to “take special care” any time he interacted with police, which the police unions interpreted as suggesting police were dangerous and to be feared. The unions lambasted the mayor for failing to support them adequately, and hundreds of NYPD officers later turned their backs on the mayor during the funerals of two NYPD officers ambushed and killed in December 2014.¹

In the days following the death of Michael Brown, protests in Ferguson turned violent and images of police in riot gear using armored personnel carriers and other military-style equipment fueled public perceptions of police as militaristic, armies of occupation, ruthlessly crushing both protest and criticism in the name of crime control.

Other incidents followed quickly, reinforcing public perception of an alarming pattern.

Cleveland, Ohio, November 2014

On November 22, 2014, a twelve-year-old African American boy, Tamir Rice, was shot dead by police in a city park in Cleveland, Ohio, while playing with a toy gun. Two police officers,

Timothy Loehmann and Frank Garmback, were responding to a public complaint of a “male sitting on a swing and pointing a gun at people.” Rice was shot dead by Officer Loehmann within two seconds of the patrol car arriving on the scene. The officers reported that Rice had failed to respond to their shouted warnings, and had “reached toward a gun in his waistband.” Multiple witnesses contradicted this account in their grand jury testimony, and video evidence makes clear Rice had no time to react at all to any warnings that might have been given, as he appeared to be shot even before the police car had come to a halt.

Under a rarely used Ohio law, activists and community leaders appealed directly to the Cleveland Municipal Court for the officers to be arrested and indicted. Presiding judge Ronald B. Adrine, having reviewed the video evidence, found probable cause to charge Officer Loehmann with murder and his partner with negligent homicide.² Whether the officers will be charged, and with what offenses, depends on the outcome of a grand jury investigation.

North Charleston, South Carolina, April 2015

On April 4, 2015, a black man, Walter Scott, was shot dead by North Charleston police officer Michael Slager following a routine traffic stop for a defective brake light. Scott fled on foot, possibly because he was afraid of going to jail for failing to make child support payments.³ A video taken by a bystander captured the later stages of the foot pursuit and clearly showed Officer Slager discharging eight rounds from his service weapon as Scott was running away from him. Five of the bullets hit Scott, who died at the scene.

We learn more about the problem of police violence and how it can persist and might be covered up when a video only surfaces

after some significant delay. That allows time for the police to provide their account of the incident before the video evidence is available, and possibly before they even know that any video recording exists. In the case of Walter Scott's death, it took more than two days before the video became available to authorities. Feidin Santana, who captured the shooting on his cellphone camera, initially kept quiet about the video, fearing retribution, but was angered when he heard the police account of the incident and made the recording available to Scott's family and to the media.⁴

Presumably Officer Slager, in providing his initial account of the incident, had no idea that any video existed. He claimed that Scott, during a scuffle, reached for the Taser on his (Officer Slager's) belt, and that he (Slager), therefore, felt his own life was in danger. He immediately gave an explanation over the police radio—"Shots fired and the subject is down; he took my Taser"—knowing that such transmissions are recorded, hence, putting his story on the record.⁵

Without the video evidence, that story might well have stood. But the video became public on April 7, showing Slager repeatedly firing at Scott as he ran away, and Slager was arrested within a few hours and charged with murder.

The video of Scott's shooting immediately went viral, of course, along with the revelations about Slager's original and clearly false account. For the general public, the case raises serious concerns about other police incidents not captured on video, where there is little or no objective evidence about what happened, and where officers provide similar justifications for shooting an unarmed person. How often do stories such as Slager's get told? What chance is there that investigations into officer-involved shootings—typically conducted by detectives from the same department (that is, by the involved officer's own colleagues)—will actually establish the truth? How widespread is the practice of lying to conceal police abuse of force?

It would be interesting to know some basic facts and figures. For instance, how many times a year do American police officers shoot unarmed suspects and subsequently justify their actions by claiming they felt their own life was in immediate danger, either because the suspect appeared to be about to pull something out of a pocket or, in the course of a scuffle, the suspect seemed to be reaching for the officer's own weapon? In the absence of witnesses or video evidence or contradictory forensic evidence, such accounts are unlikely to be refuted. Such incidents would normally end up classified as justifiable homicides—or, to use the peculiar language of the police profession, as “good shootings.”⁶

The fact of the matter is that we have no idea how often this happens, as the United States does not gather any reliable national statistics on officer-involved shootings, or on other deaths at the hands of police, or on deaths that occur in police custody. Federal databases exist, but submission of those data by law enforcement agencies remains voluntary and is, consequently, acknowledged to be woefully incomplete.⁷

Why can the United States not produce reliable statistics on the number of civilians shot and killed by police? The usual explanations point to the difficulty of categorizing incidents in sufficiently consistent ways to make the figures meaningful, as well as the cost and difficulties involved in gathering data from the roughly 18,000 law enforcement agencies that operate in America. But it seems incongruous that the U.S. federal government manages to report annually and nationwide (through the Uniform Crime Reports) on matters such as burglaries, larcenies, robberies, and sexual assaults—where all the same definitional complexities and data collection difficulties apply—but they cannot do the same when it comes to officer-involved shootings despite the fact that these events are much less numerous, somewhat easier to define, and much more significant.

In an attempt to fill the information vacuum, the *Washington Post* began compiling a database of every fatal shooting by police in 2015, as well as of every officer killed by gunfire in the line of duty. The study focused only on fatal shootings, and, therefore, did not include other deaths at the hands of police, or deaths in police custody, or nonfatal shootings. Even so, the *Post*'s tally as of December 24, 2015, was 965, which equates to roughly 2.7 people shot dead by police, on average, per day.⁸ This is more than double the rate revealed by the official statistics compiled at the federal level for previous years. Analysis conducted by the *Washington Post* showed that at least 243 (25 percent) of the 965 shot dead showed signs of mental illness at the time they died at the hands of police.⁹

The *Guardian* newspaper, which also tracked the number of people killed by U.S. police in 2015 (whether by shooting or otherwise), showed a year-end tally of 1,134. According to the *Guardian*'s crowd-sourced information, 1,010 of these deaths were by gunshot. Their analysis also showed black people were killed by police at more than double the rate for whites and Hispanics/Latinos. Of the African Americans killed by police, 25 percent were unarmed, while 17 percent of the whites killed were unarmed.¹⁰

According to the *Washington Post*'s analysis of 385 police shootings that occurred during the first five months of 2015, officers had been charged in only three cases. Officer Slager in North Charleston was one of these. In all three cases that led to indictments against police officers, video evidence had surfaced that showed officers shooting suspects during or at the end of pursuits on foot.¹¹

In a different study using multiyear data, the *Washington Post* examined the rate at which police officers were charged as a result of fatal shootings. They found only fifty-four cases where officers had been charged since 2005, representing a tiny fraction of the thousands of police shooting incidents that had occurred in a decade.¹²

The *Post*'s analysis showed that in most of the cases where prosecutors did press charges the victim was unarmed, and there were also "other factors that made the case exceptional, including: a victim shot in the back, a video recording of the incident, incriminating testimony from other officers, or allegations of a cover-up."¹³ According to prosecutors interviewed by the *Post*, to charge a police officer requires "compelling proof that at the time of the shooting the victim posed no threat either to the officer or to bystanders." Absent one of these exceptional factors, it seems generally impossible to disprove officers' claims that they felt themselves endangered. According to Philip Stinson, one of the criminologists working with the *Post* on the study, "To charge an officer in a fatal shooting, it takes something so egregious, so over the top that it cannot be explained in any rational way."¹⁴

Even where individual killings are justified, the patterns of practice that result in so many deaths can still be alarming. Ronald L. Davis, head of the Department of Justice's Office of Community Oriented Policing Services, told the *Post* reporters, "We have to get beyond what is legal and start focusing on what is preventable. Most [police shootings] are preventable."¹⁵ According to the Department of Justice, "The shooting of unarmed people who pose no threat is disturbingly common."¹⁶

The President's Task Force on 21st Century Policing, which released its final report in May 2015, addressed the need for reliable data on police use of force and the need to bolster the credibility and independence of investigations into use-of-force incidents. With respect to the gathering of data, the task force noted the existence of voluntary reporting programs on arrest-related and in-custody deaths, but recommended mandating law enforcement agencies to "collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody death."¹⁷

The task force also recommended mandating “external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, and in-custody deaths.”¹⁸

Baltimore, April 2015

On April 12, 2015, Baltimore police arrested Freddie Carlos Gray Jr., a twenty-five-year-old African American man. Gray had run away from police, even though the police did not know why. They gave chase and apprehended him, alleging that he was in possession of an illegal switchblade. The arrest itself was videotaped by bystanders, but did not appear violent. Gray was handcuffed and transported to a police station in a van without being secured by a seatbelt as departmental policy requires. At the end of the trip, Gray was in a coma and was taken to a trauma center. He died on April 19 from spinal cord injuries. Six Baltimore police officers were immediately suspended and have since been criminally charged with various counts relating to Gray’s death.

Protests over Gray’s death in Baltimore were mostly peaceful, but turned violent the day of his funeral and resulted in millions of dollars’ worth of looting, property damage, and destruction within the city. The violence was short-lived, however (partly due to the imposition of a citywide curfew and influx of substantial law-enforcement assistance), and appears in retrospect largely attributable to the coordinated actions of opportunistic high-school kids intent on looting and capitalizing on the unrest. Some of the criminal opportunism seems to have been highly targeted. During the rioting, thirty-seven pharmacies in Baltimore were entered, and oxycodone availability on the streets reached unprecedented levels shortly thereafter.

Baltimore's police commissioner, Anthony Batts, who had been brought in from Oakland in 2012 to reform the Baltimore Police Department, asked the Department of Justice to come in and conduct a systematic review of Baltimore's departmental policies and practices.

The fact that the Department of Justice has the power to examine and intervene in the practices of local police departments is a curious legacy of the videotaped beating of Rodney King by the Los Angeles Police Department in March 1991. The Crime Control and Law Enforcement Act of 1994 contains a provision inserted as a result of the reforming efforts of Representative Henry Waxman of California. This provision makes it illegal to "engage in a pattern or practice of conduct by law enforcement officers [or other officials within the criminal justice system] that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States."¹⁹

The 1994 act also grants the attorney general of the United States, given reasonable cause to believe that such a violation has occurred, the right to intervene "to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice." Over the last twenty years, this provision has provided the foundation for federal intervention into local policing issues and the imposition of consent decrees on numerous major city police departments, especially when infringements of constitutional rights are alleged. It provides an important opportunity for national values and constitutional rights to be reasserted when local police management conceals patterns of abuse or fails to control officers' conduct, when departmental culture stifles or defeats local reform efforts, or, for that matter, when local leaders completely lose their moral bearings.

Department of Justice Investigation, Ferguson, Missouri

There are occasions, apparently, when local police and city officials have completely lost their moral bearings. The Civil Rights Division of the Department of Justice conducted an investigation into the Ferguson Police Department in the wake of Michael Brown's death and the subsequent decision by a St. Louis County grand jury in November 2014 not to bring charges against Officer Darren Wilson.

The Department of Justice investigation found insufficient evidence to bring civil rights violations against Wilson, but its broader inquiry into the policies and practices of the Ferguson Police Department was absolutely devastating. The publication of a 102-page report on March 4, 2015, led within a few days to the firing of the municipal court clerk and the resignations of the city manager, the municipal court judge, the police chief, and two other police supervisors.²⁰ The fallout from the inquiry continued with a petition submitted on May 28, 2015, to recall the mayor of Ferguson, which, if it had been successful, would have forced an early mayoral election. The petition was filed by a citizens protest group, Ground Level Support, directly in response to the shooting death and the findings of the federal inquiry. The protest group came twenty-seven valid signatures short of the 1,814 required (15 percent of the city's registered voters) to trigger a recall, and, on that basis, the St. Louis County Board of Election Commissioners ultimately rejected the petition.

The Department of Justice report makes compelling and disturbing reading. It lays bare a policing operation totally focused on the wrong mission and exercising little or no control over the means used to achieve the goals set for that mission.

For observers of American policing (and, in particular, of troubled police departments), the Department of Justice report contains two major surprises. Not so much the racism, corrup-

tion, and patterns of excessive force that the federal investigators uncovered. That such phenomena persist in some departments is sad indeed, but no great surprise. The first real surprise is what motivated the Ferguson police staff. For many American police departments, the primary imperative is to show a reduction in reported crime rates. That mission—controlling crime—would strike most members of the public as an appropriate one for any police department to embrace.

What drove the Ferguson police department was revenue raising, a mission that was accomplished through aggressive use of traffic citations and other municipal code violations. Enforcement was often concentrated on minorities and vulnerable segments of the population. According to the report, city officials made maximizing revenue the priority for Ferguson's law enforcement activity, completely distorting the character of the police department:

Ferguson's law enforcement practices are shaped by the City's focus on revenue rather than by public safety needs. This emphasis on revenue has compromised the institutional character of Ferguson's police department, contributing to a pattern of unconstitutional policing, and has also shaped its municipal court, leading to procedures that raise due process concerns and inflict unnecessary harm on members of the Ferguson community.

City officials exerted constant pressure on police executives to generate more revenue through enforcement, and the pressure was transmitted all the way down through the ranks:

The importance of focusing on revenue generation is communicated to FPD officers. Ferguson police officers from all ranks told us [federal investigators] that revenue generation is stressed heavily within the police department, and that the

message comes from City leadership. . . . Officer evaluations and promotions depend to an inordinate degree on “productivity,” meaning the number of citations issued.

This emphasis dominated the department’s approach to law enforcement:

Patrol assignments and schedules are geared toward aggressive enforcement of Ferguson’s municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation.

The focus on revenue also distorted the purpose and values of the municipal court:

Ferguson has allowed its focus on revenue generation to fundamentally compromise the role of Ferguson’s municipal court. The municipal court does not act as a neutral arbiter of the law or a check on unlawful police conduct. Instead, the court primarily uses its judicial authority as the means to compel the payment of fines and fees that advance the City’s financial interests. This has led to court practices that violate the Fourteenth Amendment’s due process and equal protection requirements. The court’s practices also impose unnecessary harm, overwhelmingly on African American individuals, and run counter to public safety.

Normally one would expect the court to act as a check on the use of force by police and on the appropriateness of enforcement activities. In Ferguson, however, the municipal court operated as a subunit of the police department. The courtroom itself was physically located within the police station, and court staff reported to the chief of police. The court and police acted in partnership to maximize revenues.

The report describes how a powerful and singular focus on maximizing revenue was accompanied by loose controls on means:

FPD has communicated to officers not only that they must focus on bringing in revenue, but that the department has little concern with how officers do this. FPD's weak systems of supervision, review, and accountability . . . have sent a potent message to officers that their violations of law and policy will be tolerated, provided that officers continue to be "productive" in making arrests and writing citations. Where officers fail to meet productivity goals, supervisors have been instructed to alter officer assignments or impose discipline.

Officers' violations of law and policy, according to the report, included the following:

- Stopping people without reasonable suspicion
- Using unreasonable force
- Interfering with a member of the public's right to record police activities
- Making enforcement decisions based on an individual's demeanor, language, or expression
- Overreacting to challenges and verbal slights ("contempt of cop" cases)
- Engaging in patterns of excessive force, often during stops or arrests that had no basis in law, and sometimes in ways that were punitive or retaliatory
- Arresting people without probable cause, including instances when they were engaging in protected conduct such as talking back to officers, recording public policing activities, or lawfully protesting perceived injustices
- Arresting people simply for failing to obey officers' orders, when those orders had no legal basis or justification

- Releasing canines on unarmed suspects, without first attempting to use other methods less likely to cause injury
- Using unnecessary force against vulnerable groups such as those with mental illnesses or cognitive disabilities, and juveniles

The report also found evidence of blatant racism expressed in e-mail messages sent through the official e-mail system. Court supervisors and FPD commanders had participated in the exchanges. Investigators found that the burden of oppressive policing was borne disproportionately by African American members of the community, including more than 90 percent of instances involving uses of force.

Of course, such a distorted style of policing could only survive if the department had ways of suppressing complaints and dissent. Federal investigators noted that the Ferguson Police Department frequently failed to respond to public complaints of officer misconduct, that members of the public were often discouraged from lodging complaints, that complaints made were often not recorded, that officers' accounts were automatically believed when in conflict with other witnesses, and that little serious investigation into allegations of abuse took place.

The second striking feature of the Department of Justice report is that the recommendations for the reform of the Ferguson Police Department focus on ideas that have been around for at least thirty-five years! According to the report, getting the Ferguson Police Department back on track would require nothing less than a complete transformation: "Addressing the deeply embedded constitutional deficiencies we found demands an entire reorientation of law enforcement in Ferguson. The City must replace revenue-driven policing with a system grounded in the principles of community policing and police legitimacy, in

which people are equally protected and treated with compassion, regardless of race.”

The report’s recommendation section stresses the implementation of community and problem-oriented policing as the basis for fundamental transformation: the top priority, to “implement a robust system of true community policing,” shifting from “policing to raise revenue to policing in partnership with the entire Ferguson community.” The report urged the Ferguson Police Department to “develop and put into action a policy and detailed plan for comprehensive implementation of community policing and problem-solving principles” and to “conduct outreach and involve the entire community in developing and implementing this plan.”

How could this be, in 2015? The concepts of community-oriented and problem-oriented policing were developed more than thirty years ago, and had become generally accepted by the end of the 1980s as the model for improving policing. These two ideas are simple enough to state, and well known throughout the policing world.

Community policing exploits the power of partnerships, with police and the community working collaboratively to establish priorities within the public safety mission, and working together to deal with the crime problems and other issues nominated as priorities by the community.

Problem-oriented policing, which was championed by Professor Herman Goldstein from the 1960s onward, exploits the power of thought and analysis. Its central tenet is simple: police become more effective if they can identify and deal with the underlying issues that generate crime and other public safety concerns, rather than continuing to respond to individual incidents and violations after the fact and one by one.

Community policing and problem-oriented policing are dif-

ferent ideas, but entirely complementary. There is no conflict between them. Most departments that embrace one end up, quite naturally, embracing the other also.

But what happened to these ideas? How is it that the Department of Justice found it necessary to recommend these ideas in Ferguson, Missouri, roughly thirty years after they had—at least in theory—been adopted as standard doctrine for modern policing?

One explanation might be that these ideas had never reached small-town departments in certain rural areas, and that Ferguson was outside the mainstream and way behind the times. A second explanation might be that the damage to policing in Ferguson was done by the department's dominant performance imperative, with the drive to maximize revenues essentially squeezing out every other dimension of policing quality.

But a third potential explanation is much more disturbing and has much broader ramifications. Maybe these ideas never really took root. Maybe small-town departments, who thought they knew their communities, imagined that they were doing community policing anyway and that implementation was only a challenge for big-city departments.

Perhaps the development of community policing and problem-oriented policing was thrown off track more broadly by other pressures acting on the police profession or by conflicting prescriptions for reform. Maybe these fundamental and potentially transformative concepts never reached maturity. Maybe, in some departments, the organizational culture impeded or defeated the efforts of reform-minded leaders. Perhaps some police departments adopted the rhetoric but failed at implementation, or got stuck in some rut by implementing simplistic substitutes.

The question is important for the entire profession: what happened to community and problem-oriented policing? The Ferguson report certainly raises the question by recommending

these ideas as potentially transformative now, in 2015, so long after many in the profession might have assumed they had been completely assimilated into modern police practice. The Ferguson report cannot answer that question, because it is completely and appropriately focused on Ferguson. To probe the issue we would need to look much more broadly across the profession and see what forms the implementation of community and problem-oriented policing have taken and what levels of maturity they have achieved.

Given the current attention to incidents involving the deaths of black men at the hands of police, it might also be useful to see what connection there might be between the specific incidents that occur and the forms or versions of community and problem-oriented policing that the relevant departments had implemented.

New York

New York City, of course, is nothing like Ferguson, Missouri, and their police departments seem poles apart. The New York Police Department has an authorized uniform strength of 34,450 officers, to Ferguson's fifty-four. The NYPD is the largest municipal police force within the United States and has the full range of specialist functions and technical means at its disposal. It has played a prominent role in counterterrorism, and its Intelligence Division and Counter-Terrorism Bureau has officers stationed abroad in eleven different cities.

Representatives of the NYPD, including commissioners, have long been centrally involved in national debates about policing strategy. So it is definitely not the case that the ideas of community and problem-oriented policing could have passed New York by. Indeed, the various leadership teams of the NYPD have

embraced the concept of community policing since Ben Ward (commissioner from 1984 to 1989) introduced the idea to the department.

So what similarities might exist between the death of Michael Brown in Ferguson in August 2014 and the death of Eric Garner just three weeks earlier in Staten Island? The two incidents are clearly connected in the public mind, each perceived as part of a larger pattern of police brutality focused disproportionately on minorities. In subsequent demonstrations around the country, protesters used a mixture of placards with the words “I can’t breathe” (Eric Garner’s repeated complaint before he died), “Hands up; don’t shoot” (based on one witness account that Michael Brown was shot while holding his hands up in surrender), and “Black lives matter.”

Both incidents involved unarmed black men dying at the hands of the police. Neither Brown’s nor Garner’s death resulted in the indictment of the officers involved, which, according to poll data, was perceived by nearly all African Americans as an injustice in both cases.²¹

But do these two cases have any more in common than that? What else would the NYPD—the largest of big-city departments in the United States—have in common with Ferguson, which is much more typical of small-town and rural America? Big-city police get much more public scrutiny than their rural counterparts and, thus, might be generally expected to be more restrained and more accountable. The NYPD is certainly regarded in policing circles as a modern and professional policing operation. It has also been the source of several significant innovations in policing, such as the CompStat process, first implemented in New York in 1994 and widely emulated elsewhere throughout the policing world, not just in the United States.

In fact, there are some deeply significant similarities between the NYPD and the Ferguson Police Department. The NYPD,

as in Ferguson, is strongly driven by one key performance imperative, powerfully driven from the top of the organization, and producing performance pressures that cascade all the way down through the ranks. The key performance imperative in Ferguson was to maximize revenues from code enforcement. The key performance imperative for the NYPD, since the introduction of CompStat in 1994, has been to reduce the city's crime rate. Specifically, to reduce the *serious* crime rate, with emphasis placed on offenses classified as Part 1 crimes under the Uniform Crime Reporting system.

What the NYPD's CompStat system has done, for roughly twenty years, is place extraordinary pressure on precinct commanders to drive down the crime rates within their precincts. Of course the *reported* serious crime rate might be quite different from the *actual* crime rate, given the fact that a significant proportion of crimes committed are not reported to police. In fact, what NYPD's CompStat system really focuses on is the *recorded* serious crime rate, which—given opportunities for misclassification of crimes and manipulation of statistics—might be much different from the *reported* crime rate.

Strange as it may sound, even though the NYPD and the Ferguson Police Department had settled on quite different central imperatives, the fact that they each had a single central imperative, strongly emphasized and highly quantitative in nature, leads both departments into similarly dangerous waters. A dominant focus on one dimension of performance suppresses other legitimate concerns. A focus on ends, if not matched by effective controls on means, can lead to behaviors that are unwise, risky, or illegal. Officers who perform well in achieving numerical goals may be rewarded or promoted even when the legitimacy or legality of the means they use to get those results is questionable. The organizational culture might even end up making heroes and heroines of those “prepared to do whatever it takes” to hit

ambitious targets and make their bosses and organizations look good.

This phenomenon is by no means limited to policing. It has long been recognized within both private sector and public management literature as a potentially corrupting influence, producing organizational deviance of various kinds. Diane Vaughan, who has studied many forms of organizational misconduct, says that trouble arises when the social context puts greater emphasis on achieving the ends than on restricting the means.²²

Elsewhere I have described and analyzed this class of organizational behavior problems under the label *performance-enhancing risks*.²³ My main concern in writing about them was to stress that, with this dynamic in play, the specific instance of malfeasance that comes to light, however serious, is usually not the real problem. Investigators naturally focus on the specific incident, but that one instance is often just a small clue that there might be a much larger and systematic pattern of abuse, and that we will never affect or transform the behavior of the offending organization until we understand what is really happening inside it, what motivates the improper behaviors, and what mechanisms are being used to shield the improper conduct from outside scrutiny or intervention.

If a police organization applies relentless pressure on its officers to maximize revenues (as in Ferguson), or to lower the recorded crime rate (as in the NYPD), but no counterbalancing controls are imposed on methods, the use of force, fairness in targeting, or integrity in reporting, from the public's perspective the resulting organizational behaviors can be ineffective, inappropriate, and potentially disastrous.

In the NYPD the means to be employed to drive down crime were not left to chance. When the CompStat system was introduced to the NYPD in 1994, the organization specified not only the central goal but also the principal methods to be used within

the precincts. “Aggressive street order maintenance” became the order of the day, with street officers demonstrating “zero tolerance” for minor infractions.

The theory—sometimes dubbed Broken Windows policing—was that the imposition of order through attention to minor incivilities and misdemeanors would lead in time to a lowering of the serious crime rate. The label *Broken Windows* stems from research published by Wilson and Kelling in 1982, which showed that visible damage to buildings, if left unattended, tended over time to attract higher rates of criminal damage.²⁴ Windows left broken and other signs of neglect seemed sufficient to communicate to potential offenders that nobody cared.

There is no convincing research that demonstrates a link between aggressive enforcement of minor offenses and subsequent impact on serious crime rates. So the NYPD’s prevailing operational doctrine has been based on a rather tenuous logical extension of the original Broken Windows research. Many scholars are skeptical about the link, and worried that the costs of such an aggressive policing style outweigh the benefits. In commentary offered after the riots in Baltimore, Bruce Western points out important historical parallels and questions the developments of policing strategy in the interim:

In 1967, the National Advisory Commission on Civil Disorders reviewed the events of the previous summer. Detroit, Newark, and over a dozen other cities had struggled with intense episodes of violence and disorder. The disturbances were typically sparked by interactions with police, they began in African American inner-city neighborhoods, and young black men were often in the forefront of the confrontations with police and national guardsmen. . . . Over the next four decades . . . conditions deteriorated in many of America’s inner cities even as a new get-tough-on-crime politics—

which included very little compassion—became the national policy and a staple of political wisdom for both parties . . . many cities adopted “quality of life policing,” making large numbers of arrests for minor infractions on the theory that this would prevent more serious crime. The research evidence for this theory is mixed at best. Certainly many jurisdictions significantly reduced crime rates without vastly increasing the number of misdemeanor arrests.²⁵

If pressed to justify this aggressive, enforcement-centric, zero-tolerance style of policing, the NYPD story is that this is community policing—this is what the community wants; this is what communities are asking the NYPD to provide.

Really? This approach has led to massive numbers of arrests and stop-and-frisk campaigns disproportionately focused within poor minority neighborhoods. It makes enforcement the default answer to almost every problem. Just like officers in Ferguson, NYPD officers are constantly monitored for their enforcement productivity. In New York City, even in 2015, officers’ arrests, citations, stops, and other enforcement activities are tallied daily, weekly, and monthly.

The day Eric Garner died, he was selling loose cigarettes on the street, posing no physical threat to anyone. They were “bootlegged” cigarettes, brought into the city without paying the substantial taxes that New York City imposes on cigarettes. Roughly three-quarters of the cigarettes smoked within the city are bootlegged.²⁶ Nevertheless, selling them on the street is a misdemeanor and, for NYPD officers, arresting Garner would *count*. One more offense recorded; one more arrest made. As it is, Garner died surrounded by NYPD officers, and the video that enraged the public shows rapid escalation of the incident, rough handling, what appeared to many viewers to be the use of a chokehold (which would be contrary to NYPD policy), and a

failure to attend to Garner's need for medical attention as he lay gasping for breath on the ground.

The public should be concerned by the incident. But it is important also to delve deeply into the organizational dynamics that underlie the incident. That is precisely what the Department of Justice did in the inquiry into Ferguson and what makes their report so valuable and compelling. Although the inquiry was sparked by the shooting death of Michael Brown, the incident itself is not the focus of their inquiry. Rather, they thoroughly and systematically peel away the layers of the organization, revealing the purposes, culture, beliefs, attitudes, managerial systems, and operational behaviors that constituted the character of policing in Ferguson.

The Purpose of This Book

It would be much better not to have to wait for some tragic incident to occur, for scandals to unfold, for heads to roll, and for public protests to turn into riots. It would be much better for police and public alike to make sure we are clear what style of policing we should expect and how close we are in practice to getting it. We should not have to wait for tragedies to occur before we can address those questions. This volume, like the Ferguson report, aims to look beneath the surface and identify the dynamics and ideas that currently drive policing.

Chapter 2 tackles directly the question of what constitutes success. What are the dimensions of police performance that count? What dangers emerge when a police department allows one specific performance imperative to dominate the agenda? How can balance be restored, and a more rounded sense of service quality developed?

Chapter 3 examines the development of community and

problem-oriented policing and the variety of forms that have emerged. What has prevented them from maturing? What events or conflicting ideas have thrown them off track? What is needed to get them back on track, and how can their unfulfilled promise be realized?

Chapter 4 explores the forms of analytic and research support required to sustain a fully versatile version of problem-oriented policing, and makes the case that problem-oriented policing is unlikely to reach maturity unless police develop a clearer vision of the analytic support they should be seeking, and analysts and researchers are poised to deliver it. This chapter examines the forms of support traditionally provided to the policing profession by the academic disciplines of criminology and social science, and argues that the nature of research support provided thus far, while valuable, leaves much to be desired. This chapter shows that the current criminological research agenda—focused heavily on program evaluation and “evidence-based policing”—is not only insufficient, but may on occasion stand in the way of operational problem solving.

Chapter 5 looks more carefully at one of the inevitable realities of twenty-first-century policing: the requirement for public police to cooperate effectively with the ubiquitous and ever-growing private-police and security industry. In the United States public safety is provided through a complex patchwork of small organizations—some public, some private, many specialized—as well as through major city, state, and federal law enforcement agencies. The extraordinary growth of private and auxiliary security provision raises obvious public concerns about training standards, levels of professionalism, varieties of motivations, and public accountability.

It was a Cincinnati police officer—Ray Tensing—who shot dead an unarmed black motorist, Samuel Dubose, in Cincinnati on July 19, 2015. Officer Tensing had pulled Dubose

over for failure to display a front license plate. After some conversation, Dubose attempted to drive away. Tensing claimed that he was being dragged along by Dubose's vehicle and had to shoot.²⁷ Video evidence from the officer's body camera seemed to contradict that account, and Officer Tensing was subsequently indicted for murder. In announcing the indictment, Hamilton County prosecutor Joe Deters described the incident as "a senseless, asinine shooting."

This event adds one more to the tally of unarmed black men shot dead by white officers. It also adds one more to the much smaller tally of occasions where video evidence undermines an officer's initial justification for a shooting and an indictment for murder follows. But it also raises many questions about the role and powers of campus police, especially as the incident occurred in a public street about one mile away from the campus and the driver involved had no connection to the university. In fact, the University of Cincinnati Police Department, which has seventy-two sworn officers, is a fully accredited police department and its officers have full police powers and receive the standard level of training set out by the Ohio Peace Officer Training Commission (which sets standards for police training across the state of Ohio).²⁸ Nevertheless, public concerns remain about the various ways in which small departments focused closely on the interests of particular communities (in this instance a university) might differ in their motivation and level of experience from regular public police departments and what manner of controls over their conduct might be needed to protect broader public interests.

Chapter 5 addresses these issues in detail. It stresses the inevitability and benefits of collaboration, but urges caution and the exercise of careful judgment when private motivations and narrower agendas impinge on the provision of public safety.

Chapter 6 makes the case that the law enforcement profes-

sion, which has historically tended to be quite isolated, has a great deal in common with a much broader range of governmental organizations (particularly social regulators). All security and social regulatory agencies—including the Coast Guard, environmental protection, customs, immigration, tax, occupational safety and health, and many others—are likewise concerned with controlling risks, reducing harm, and solving problems; and they all use the coercive power of the state to achieve their public purposes. All such agencies have to grapple with common issues: controlling abuses of regulatory power, managing discretion, expanding and managing their compliance tool kit, controlling harmful behaviors and promoting desirable ones, learning the art of problem solving, defining the nature of analytic support, and understanding the role of enforcement in the context of harm reduction (rather than purely investigative) operations. All such agencies have their own analogues for community-oriented and problem-oriented strategies, even though they use different vocabulary to describe these ideas. This chapter makes the case that the police profession could learn much from this broader community and could advance its own strategic development by joining in the wider conversations about regulatory practice and effective risk control.

By focusing on these matters, this volume addresses those aspects of police reform that are truly international in nature and affect the continuing development of policing worldwide. The most obvious audience for this book, therefore, includes anyone and everyone who is concerned about the quality of policing in a democracy. Clearly this includes the police profession itself, but extends far beyond it.

I very much hope the issues raised here will attract a different and broader audience, as well. Chapter 6 makes the case that the police profession has much in common with a broad range of other government agencies, and could learn a great deal

by recognizing that and joining in the broader debates about risk-control and harm reduction techniques. But this learning can go both ways. All public agencies with risk-control responsibilities, especially those that use the coercive power of the state in delivering protection, confront all the issues addressed here. They all have to grapple with performance measurement in the context of risk control, and will have little difficulty translating the lessons of chapter 2 into their own setting. Chapter 3 will provide them with an opportunity to consider their own organization's maturity when it comes to constructive engagement with regulated communities, and with the challenges of institutionalizing a mature risk-based (or problem-oriented) approach. All agencies in the risk-control business need to think through the nature of analytic and research support they need, and the benefits and perils of cooperative engagement with multiple parties and across different sectors. Chapters 4 and 5, therefore, raise issues central to regulatory practice and public management more generally.

This book does not delve deeply into those problems that are specifically or especially American. Not because these are unimportant; indeed, they are profoundly important. More because so many others are already paying an enormous amount of attention to these particular issues. I am quite interested in broadening the review of policing theory and strategy in a way that will allow the rest of the policing and regulatory world to learn from America's current crisis without being able to write it all off as a distinctively American set of problems.

For sure, the current spate of high-profile incidents reflects two critical issues that are especially American. First, the persistent and pervasive issues of race in American society, given the long and painful history of racial conflict and struggles over civil rights. Second, the extraordinary levels of police violence, which put American police "off the charts" when compared with their

First World counterparts.²⁹ These two American issues intersect when police violence appears concentrated on minority groups.

Several of the papers in the recent *New Perspectives in Policing* series tackle issues of race directly. In “Race and Policing: An Agenda for Action,” David Bayley, Michael Davis, and Ronald Davis (currently head of the Community Oriented Policing Office at the Department of Justice) observe that race remains an “American dilemma,” especially for police, and they lay out a very broad agenda:

American police confront issues of race, daily, in almost everything they do. They confront race in the geographic distribution of criminality and the fear of crime as well as in assumptions about what criminals look like. They confront race in the suspicion and hostility of many young African American men they encounter on the street. They confront race in complaints from ethnic communities about being either over- or under-policed. They confront race in charges of racial profiling and unequal justice. And they confront race in decisions about hiring, promoting, and assigning police officers.³⁰

Another paper in the series, authored by Anthony Braga and Rod Brunson, examines the issue of black-on-black violence, exploring the statistical and demographic realities of the issue, the common misperceptions, the need for more careful disaggregation and analysis, the dangers of over- or under-policing in minority neighborhoods, and the damaging effect of political ideologies on a genuine search for remedies.³¹

With respect to levels of police violence, other advanced democracies also have their problems. But the levels of police violence in the United States, and sometimes the nature of it, seem both remarkable and appalling.

According to the monitoring now being conducted by the

Washington Post, police in America are currently shooting people dead at an average rate of just under three per day. In the United Kingdom, by contrast, in the five-year period 2010 through 2014, police killed a total of four people, for an average of just less than one *per year*.³² In the United Kingdom, of course, guns are not so freely available to the public and police are not routinely armed (except in Northern Ireland), so perhaps that is a misleading comparison. Canadian police, who do carry firearms routinely, killed an average of ten people per year in the same five-year period (2010–14).³³ As the *Guardian* newspaper notes, based on its own efforts to collate and catalogue police killings in the United States and elsewhere, on this count, “America is not an outlier . . . it is *the* outlier.”³⁴ German police killed six people in 2011 and seven in 2012. Australian police shot dead ninety-four people in a nineteen-year period (1992–2011). According to the *Guardian*’s tally, U.S. police shot dead ninety-seven people in just one month, March 2015.

America is also an outlier in terms of its liberal gun laws and in permitting open and concealed carrying of weapons. The U.S. homicide rate, also, is *the* outlier when compared with other First World countries. But even when the figures for deaths at the hands of police are corrected for population and for crime rates, American policing stands alone as uniquely lethal. Particularly distressing is the rate at which American police kill unarmed civilians, who, according to the *Guardian*’s 2015 statistics to date, represent roughly 22 percent of those killed by police.³⁵

Police violence is not limited, of course, to shootings. Video-taped beatings are surfacing with increasing regularity. Beatings can involve multiple officers standing over a suspect—who is already on the ground and handcuffed or otherwise restrained, no longer posing a physical threat—and punching and kicking them, hitting them with batons, radios, or guns, and for what seems a painfully long time, even for the viewers. We can all be

viewers now, thanks to YouTube and the frequency with which such incidents are video-recorded by bystanders or captured on police dash cams or by news helicopters hovering overhead. Videotaped beatings are especially distressing to watch because they make police appear brutal and cruel, and multiple officers appear to be acting that way in concert. In the United States a suspect “taking a beating” is perfectly ordinary police language. This infuriates the public and seems completely baffling to foreigners. Why should anyone ever “take a beating” from police in a modern civilization? Punishment is supposed to be handed out by the criminal justice system, not on the street. The very notion of “delivering a beating” is irreconcilable with the mandate to use minimum necessary force to effect an arrest.

So why does it happen? Many of the most publicized incidents occur at the end of a chase.³⁶ It doesn't seem to matter much whether the chase was motorized or on foot.

In one recent (April 9, 2015) and extraordinary case, San Bernardino County deputies beat a man, thirty-year-old Francis Jared Pusok, who fled into the Arizona desert, first by car and then on a stolen horse, when the deputies attempted to serve a warrant on him. Eventually, after a chase through the Deep Creek area of Apple Valley that involved more than a dozen officers, several police vehicles, and a police helicopter, the suspect fell off his horse, and appeared in the video to be Tased by one officer. What happened next was captured by a KNBC news helicopter hovering overhead. Pusok lay face down on the ground with his arms outstretched, as if in a posture of surrender. He was eventually surrounded by eleven deputies, who presumably thought it was a police helicopter overhead as they beat the man for about two minutes. According to KNBC's analysis of the videotape, they kicked him seventeen times, punched him thirty-seven times, and struck him with batons four times. Thirteen of the blows were to the head. When the beating was

done, Pusok lay motionless on the ground for forty-five minutes, during which time the deputies stood around but provided no medical attention.³⁷

To deliver a beating, or a “rough ride,” or some other form of physical punishment after a chase seems to be standard practice for some American police departments. The official responses, if and when such videotaped beatings become public, seem mealy-mouthed and inadequate, poor excuses for patently criminal conduct. “The officers were in a state of excitement.” “Their judgment was clouded by a rush of adrenalin.” “We have to review the circumstances carefully to understand the fuller context.” And remedies proposed include “clarifying policy” or “providing supplemental training.” But members of the public see the videos, and they know exactly what they see: American police, with alarming frequency, apparently acting with savage cruelty.

Of course we don’t know which is increasing: the underlying rate of police beatings or the rate of discovery and exposure to the public through video. Many in the police profession express their hope and belief that discipline is much improved compared with, say, fifty years ago. But the public perception, particularly in minority communities, is that these things have no place at all in American policing and yet they still happen with alarming frequency.

Some of the behaviors captured on video seem baffling. Why do officers behave that way? Are they evil men and women? Did they expect to behave that way when they joined up? Probably not, for the most part. More likely, they have been socialized into a set of beliefs—the subculture of policing—that tolerates, protects, and even promotes such practices.

David Couper was police chief in Madison, Wisconsin, for over twenty years and was much admired for his work in reforming that department. He resigned in 1993 to become an Epis-

copal priest and has since written three books about policing. He remains extremely active in advocating for a more civilized, humane, and accountable police profession. Major portions of his third book, *Arrested Development*, are autobiographical, and he writes frankly about the way things work within the profession. Based on his long experience, he describes the practice of using extra force when a suspect resists an arrest, runs from police, or fights with them:

Many departments have problems with officers using excessive force in these situations to punish offenders. When this is a department-wide problem and not just one particular officer's, it will usually be found that it is an accepted practice among the rank and file, and that officers *expect* their colleagues to use extra force in such situations. Of course, many departments look the other way when bad behavior happens, simply calling it understandable in a particular situation.³⁸

In a footnote, Couper adds:

For a good illustration, go to YouTube on the Internet and search “police brutality.” Within seconds, you’ll see a huge number of videos showing officers after a high-speed chase running up to the vehicle they’ve pursued and pummeling the driver. This wasn’t what they were taught to do and, no doubt, department rules prohibit such behavior—yet it happens because it’s simply what many police, as a subculture, do when a chase ends, or even when a person verbally abuses police. In all but the finest police departments there will be some kind of summary beating for those who disregard police authority—that is [those whom police refer to as] “assholes.”³⁹

According to the *Washington Post* study of 2015 fatal police shootings, dozens of people died while fleeing from police.

“Running is such a provocative act that police experts say there is a name for the injury officers inflict on suspects afterward: a ‘foot tax.’”⁴⁰

Others refer to “the code.” On July 12, 2000, Thomas Jones and two other suspects were beaten by Philadelphia police after a prolonged car chase. The beating was videotaped and subsequently became public. Fourteen officers were disciplined, but no criminal charges were laid against them.

Nine days after the incident, Christopher Cooper, a former Marine, a former Washington, D.C., metropolitan police officer, and, then, a lawyer, professor of criminal justice, and member of the board of directors of the National Black Police Association, wrote an op-ed piece for the *Philadelphia Inquirer*, which should be essential reading for anyone seeking to understand why beatings occur and why black men are so often the ones beaten. Cooper explains “the code”:

For many Americans not of color, what happened to Thomas Jones is an aberration. For people of color, in particular black people and Latinos, Jones’ beating is commonplace police behavior. Another group that knows it’s commonplace is police officers themselves.

Sadly, in our early tenure as cops, we are instructed on the “code” of the police subculture. These are norms that are almost always perverse. Two such norms were operable in the Jones mob attack. The first is that if a citizen runs from one of us, we are to beat him severely.

Another is that if a citizen physically hurts one of us, we are to hurt that citizen even more before we bring him to the station. And if that citizen has killed a cop, he shouldn’t make it to the station alive. This is well-documented in research literature about policing . . . and in public testimony by police officers.⁴¹

Cooper's article also stresses the importance of understanding the fundamental dynamics and culture operating within police organizations, rather than focusing on what is provable or not provable in terms of the facts relating to specific incidents of violence:

Prosecutors fail to realize that the police subculture provides justification for Jones-type beatings long before the beatings ever occur. It teaches police officers how to have a ready excuse to explain away bad behavior. Meanwhile, lay people—DAs, judges, and juries—are willing to accept authoritative versions of what happened on a police scene without question. Such automatic deference, coupled with lay ignorance of the police code, allows police brutality and racially discriminatory policing to flourish.⁴²

Christopher Cooper refers to officers who object to such practices or seek to intervene as “code violators,” but notes that “all too often, individual officers lack the courage to stand up to that code.”

Charles Ramsey, commissioner of police in Philadelphia and cochair of President Obama's Independent Task Force on 21st Century Policing, in his own Perspectives series paper, “The Challenge of Policing in a Democratic Society,” also talks about the need for officers to stand up against a subculture that still all too often condones violence and brutality. Ramsey recognizes the courage it takes:

What about the other officers, the bystanders, when a suspect takes a beating? What is running through those officers' heads? I would guess that there are some with a perverted sense of justice who think everything is fine and that this person deserves this treatment, and I suspect a considerable

number know it is not fine and they are deeply uncomfortable. But what will they do? Will they have the courage to intervene, to step forward, to challenge their colleagues, to do the right thing? Feeling uncomfortable will never be enough. This is a call to action.⁴³

Even David Couper admits that as a patrol officer he would not have turned in his police partner:

I . . . realized I was closer to the man I was paired with at work—my partner—than I was to the woman to whom I was married. I shared more of my thoughts, feelings, hopes, and dreams with him than I did with her. Each day at work, I trusted my partner with my life. And then I realized that if he did something wrong, I would no more give him up than I would my own mother.

This is the power of a subculture. . . . I had become a fully-fledged member of what sociologists call [a] subculture; a distinct group of people who have patterns of behavior and beliefs that set them apart from society as a whole.⁴⁴

Ramsey also notes that progress in rooting out such practices will remain slow unless profound changes occur in the ways whistleblowers or code violators are treated:

Our systems and organizational cultures often fail to support or reward that kind of courage. When an officer reports misconduct to internal affairs, what kind of reward does he or she get for such courage? Too often, it seems as if the incentives and reward structures are stacked against those who are on the side of right. Too often, those who speak up or say “no” end up ostracized and decide never to do that again—because of the way the department treats them, because of

the cost that the system imposes on them. At some point that has got to change if we expect reality to be different in ten or twenty years.⁴⁵

We must surely expect reality to be different in ten or twenty years. Hopefully the current crisis in American policing and continued public and judicial scrutiny of policing practices will mean we do not have to wait that long.

To move reforms along, though, it surely helps to be clear what that different reality should be. As the federal inquiry into the Ferguson Police Department shows, once you look past the specific incidents and search out the underlying forces and dynamics at work, one ends up hankering for something akin to a genuine and mature implementation of community and problem-oriented policing.

This book focuses deliberately on those issues that, while they may be reflected in the current American crisis, are not uniquely American. It is worth noting that these aspirations about the nature and quality of policing are by no means just American, either. Citizens of any mature democracy can expect and should demand police services that are responsive to their needs, tolerant of diversity, and skillful in unraveling and tackling crime and other community problems. They should expect and demand that police officers are decent, courteous, humane, sparing and skillful in the use of force, respectful of citizens' rights, disciplined, and professional. These are ordinary, reasonable expectations.

But whenever someone advocates for community policing, others object, pointing to the lack of convincing evidence in the research literature that community policing is effective in controlling crime. There are some rather clear reasons for that lack of evidence, including the fact that community policing in many departments has been mere rhetoric, and, even where commu-

nity policing has been implemented in ways that affect operations, the variations in form between departments are too great to permit reliable evaluation.⁴⁶

But more fundamentally, it seems that researchers ask the wrong question. If one regards crime control as the “bottom line of policing,” then one might assess policing styles and strategies solely in terms of how much they contribute to the singular purpose of reducing reported crime.

Community policing is not merely a device for controlling crime. Rather, effective crime control is just one component of community policing. Community policing is an end in itself. It is an entitlement. From a public perspective it is vital to work out, finally, how this model of policing can be delivered in a mature and sustainable way. The current crisis in American policing makes that much, at least, quite clear.