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HOW DO WE REDUCE CRIME AND PRESERVE HUMAN DECENCY? THE ROLE OF LEADERSHIP IN POLICING FOR A DEMOCRATIC SOCIETY

Benjamin B. Tucker*

INTRODUCTION

The issue of crime reduction and prevention has been on the social, political, and economic agenda of modern America for more than a century.[1] During the final quarter of the twentieth century, a new cadre of well-educated and forward-thinking police leaders implemented innovative approaches to crime and other problems affecting the quality of life in communities across the country and sparked a revolution of sorts in policing strategy. We enter the new millennium having witnessed record and sustained reductions in serious crime and significant progress toward reinventing our police departments through a ground swell of innovation in policing centered on community-policing theories.

True progress, however, is in the eye of the beholder. Many in minority communities would question just how far we have come. During the last decade, this country experienced startling and disturbing displays of police brutality and corruption.[2] These incidents of misconduct have prompted vigorous inquiry into policing

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1. For example, Theodore Roosevelt, faced with slums, a rising crime rate, and a corrupt police force, "brought a reforming zeal to the New York City Police Commission in 1895 and set the standard for the modern NYPD." POLICE DEP'T OF THE CITY OF N.Y., WHO WE ARE, *at* http://ci.nyc.ny.us/html/whoweare.html.

2. Consider, for example, the cases of Abner Louima, Amadou Diallo, and Patrick Dorismond. *E.g.*, Editorial, *New York's Police Commissioner*, N.Y. TIMES, Aug. 10, 2000, at A20 (discussing how the police torture of Abner Louima and the shootings of two unarmed black men, Amadou Diallo and Patrick Dorismond, "raised questions about training, reporting of violations and the expansion of independent street crime units . . .").

practices across the United States. The United States Commission on Civil Rights has investigated whether the New York City Police Department is engaging in "a pattern or practice of conduct . . . that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States."[3] According to some commentators:

> Unquestionably, policing in the United States is under extensive criticism today. Its credibility is under major attack and nearly every month another incident involving excessive force or corruption receives national coverage. The excessive force incidents have been particularly damaging to the image and reputation of law enforcement in this free and democratic society.[4]

Allegations of racial profiling, perjury by police officials, and other patterns and practices suggestive of police misconduct reveal the grim reality that our society remains in crisis with respect to police-community relations. All of this threatens to undermine the "progressive changes that have taken place . . . dealing with [the] structure and function [of police organizations,] . . . technological advances, and those involved with the recent emphasis on integrity and ethics."[5] Indeed, strained relations between the police and minority communities have historically been among the most well-documented and difficult urban problems to solve. The problem has been especially acute in the relationship between the police and the African American community, and more recently has manifested itself in similar ways between the police and the Hispanic community.

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3. 42 U.S.C. § 14141 (2000). The United States Commission on Civil Rights, originally created under the Civil Rights Act of 1957, is an independent, bipartisan fact-finding agency of the Executive Branch. For information on the Commission, see http://www.usccr.gov/index.html. The Civil Rights Act of 1983 established a new Commission. *Id.* In August 2000, the Commission released a report entitled *Police Practices and Civil Rights in New York City* based on a May 26, 1999 hearing on the impact of police practices on civil rights in the community. Letter from Mary Frances Berry, Chairperson, Unites States Commission on Civil Rights, to The President, The President of the Senate, and the Speaker of the House of Representatives, http://www.usccr.gov/nypolprc/tran.htm. The Commission expressed "a strong interest in studying the methods used by the city to balance crime fighting with the exercise of appropriate restraint, particularly following the highly publicized tragedies involving Abner Louima and Amadou Diallo." *Id.* For a response by the New York City Police Department, see *N.Y.P.D. Response to the Draft Report of the United States Commission on Civil Rights—Police Practices and Civil Rights in New York City, available at* http://www.ci.nyc.ny.us/html/nypd/pdf/dclm/execsumm.pdf.

4. CLEMENS BARTOLLAS & LARRY D. HAHN, POLICING IN AMERICA 341 (1999).

5. *Id.*

Significant data exist regarding citizens' attitudes toward police. Although the findings have been consistent, they have not been favorable. Analyzing public opinion polls conducted since the 1960s, Tuch and Weitzer found that well publicized incidents of police brutality temporarily lead to lessened support for police on both a local and national level.[6] Although both blacks' and whites' views are affected, blacks' support of the police is more likely to erode; and "well publicized brutality incidents have greater longevity for blacks and Latinos than for whites."[7] Others have shown that significant differences exist in the attitudes toward the police of various racial and ethnic groups. For example, Samuel Walker, analyzing Bureau of Justice statistics, notes that while 22% of African Americans had "very little or no confidence in the police," only 9% of whites agreed.[8] Polls focusing on Hispanics as a distinct group have determined that their views "fall somewhere between those of whites and African Americans."[9] In September 2000, a survey of city residents, commissioned by the New York City Council, offered further insight into "the city's paradoxical relationship with its police force . . . ."[10] The poll revealed:

> [T]hat residents unequivocally appreciate the department's role in rolling back crime but are suspicious of its tactics, its attitudes and its commitment to disciplining brutal or corrupt officers. The poll also found that the department had significantly greater support from white residents than from blacks or Hispanics, many of whom reported being afraid or concerned when approached by the police.[11]

By almost any measure, people of color feel a lack of trust in and respect for, as well as a high level of fear of, the police. One need only recall the string of high-profile cases involving police encounters with blacks and Hispanics resulting in death or serious injury to the citizens.[12] These incidents eroded the general public's confidence in the police, while specifically raising the level of tension in police-minority community contacts. At the same time, the

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6. Steven A. Tuch & Ronald Weitzer, *Racial Differences in Attitudes Toward the Police*, 61 PUB. OPINION Q. 642, 647-48 (1997).

7. *Id.*

8. SAMUEL WALKER, THE POLICE IN AMERICA: AN INTRODUCTION 215 (3d ed. 1999) (citing BUREAU OF JUSTICE STATISTICS, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 1995, at 133 (1996)).

9. *Id.*

10. C. J. Chivers, *Approval and Wariness in Poll on Police*, N.Y. TIMES, Sept. 15, 2000, at B9.

11. *Id.*

12. *See supra* note 2.

police feel that they are often under-appreciated by the community and that any public scrutiny of their actions is undeserved. These conditions do not bode well for the future of police-community relations in our country.

However, without greatly improved police-community relations, the significant reductions in crime we have achieved, especially those gains driven by community-policing strategies, will not be sustained. Continuing to institutionalize police department reforms and successful policing strategies, and strengthening police-community relations, will require innovative and sustained police and political leadership.

WHAT HISTORY HAS TAUGHT US

Little more than thirty years have passed since I joined the ranks of the New York City Police Department. The Knapp Commission was about to begin its investigation into police corruption, sparked by allegations made by police officer Frank Serpico, who broke the "blue wall of silence."[13] Crime was on the rise and would reach record highs before finally leveling off almost twenty years later.

It was November 1969, and a year before, the Omnibus Crime Control and Safe Streets Act of 1968[14] was passed by Congress to address the rise in crime. Among its formidable contributions, the Act established the Law Enforcement Assistance Administration ("LEAA"). LEAA was charged with implementing a comprehensive program of aid to state and local criminal justice agencies, with a particular emphasis on street crime and riot control. In 1973, a report published by the American Bar Association, *Standards Relating to the Urban Police Function,* offered further insights into the complex role of police in our society.[15] It noted "that police officers were primarily peacekeepers rather than crime fighters: They spent most of their time maintaining order rather than fighting crime."[16] From that point forward, the face of policing in our urban centers, and to a lesser extent in other areas of the country, would change forever.

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13. WHITMAN KNAPP, KNAPP COMMISSION REPORT ON POLICE CORRUPTION (1972).

14. Pub. L. No. 90-351, 82 Stat. 197 (codified in scattered section of 18 U.S.C. and 42 U.S.C.).

15. WALKER, *supra* note 8, at 35-36 (citing AM. BAR ASS'N, STANDARDS RELATING TO THE URBAN POLICE FUNCTION (2d ed. 1980)).

16. *Id.*

This transformation was driven by recommendations from appointed bodies such as the President's Commission on Law Enforcement and Administration of Justice, and its report, *The Challenge of Crime in a Free Society*,[17] as well as the National Advisory Commission on Civil Disorders, and its "Kerner Commission" report[18] and the National Commission on the Causes and Prevention of Violence.[19] These reports highlighted problems with the way police departments were run and the manner in which they carried out policing functions. The reports noted, among other things, that the police had "[p]aid too little attention to effective organization[; g]iven inadequate attention to community issues and concerns[; n]ot seriously considered preventive or less coercive strategies to deal with civil disorder and[; n]ot explored alternative strategies to deal with violence."[20] Moreover, they suggested that police needed to affect changes in "[t]he quality of police personnel[; t]he quality of officer preparation and training[; t]he management structure within law enforcement agencies[; h]ow the police relate to the community[; h]ow the police deliver services to the community and[; h]ow the police define their responsibilities."[21]

In response to these criticisms, some police administrators and managers began to look for solutions to problems and answers to questions that now challenged their traditional policing practices. Motivated to meet the challenge and further driven by the anti-crime initiatives of the Johnson, Nixon, and Ford administrations—and supported by significant federal funding from LEAA—police

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17. PRESIDENT'S COMM'N ON LAW ENFORCEMENT & ADMIN. OF JUSTICE, U.S. DEP'T OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY (1967).

18. NAT'L. ADVISORY COMM'N ON CIVIL DISORDER, REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS (1968). The Commission is popularly known as the "Kerner Commission," named after its Chair, Governor Otto Kerner.

19. DAVID L. CARTER & LOUIS RADELET, THE POLICE AND THE COMMUNITY 55 (6th ed. 1999) (citing NAT'L COMM'N ON CAUSES AND PREVENTION OF VIOLENCE, LAW AND ORDER RECONSIDERED 292 (1969) [hereinafter CARTER & RADELET],

> [There] is an evident inability of the police, as presently organized, manned [*sic*] financed, equipped, and led, to meet effectively any of the demands and expectations placed on them by the public. These inadequacies are evidenced in their inability to prevent a crime; their declining record in solving crimes known to them; their sluggish response to and indifferent investigation of all but major crimes or those involving important persons, businesses or institutions. Particularly evident is the inability to deal effectively with crime in minority-populated ghettos for reasons, which involve [considering] minority group attitudes and non-cooperation as important as police attitudes, facilities, and efficiency.

Id.

20. CARTER & RADELET, *supra* note 19, at 55.

21. *Id.* at 55.

leaders began to implement changes. Thus, in the 1970s and 1980s, police departments in a number of large[22] and small cities[23] began to experiment with new ways of providing police services and fighting crime.

Research flourished and played a critical role in helping law enforcement officers test traditional assumptions about police operations, organization, management, and deployment. Findings from key studies including the *Kansas City Preventive Patrol Experiment (1974)*,[24] the *Kansas City Response Time Experiment (1976)*,[25] the *Newark Foot Patrol Experiment*,[26] and the *Newport News Problem-Oriented Policing* studies in the 1980s[27] were all extremely useful to law enforcement officials.

But perhaps the most important driving force behind effective change and the improvement of management, administration, and operations in policing has been the leadership of more progressive police administrators who understood the importance and value of exploring new crime-prevention and crime-fighting strategies. In addition to funding provided by the federal government, these police chiefs and command staff received financial support for these reform efforts from such professional organizations as the Police

22. Richard A. Leo, *The Impact of Miranda Revisited*, 86 J. CRIM. L. & CRIMINOL-OGY 621, 637 (1996) (noting that what people call "big city" police departments typically serve 100,000 people or more).

23. Lewis D. Solomon, *Local Currency: A Legal And Policy Analysis*, 5 KAN. J.L. & PUB. POL'Y 59, 71 (1996) ("[S]mall cities (in the range of 50,000 - 100,000) typically outperform larger ones in a number of social variables, including crime, health, mental illness, recreation, education, and higher participation in cultural matters.").

24. CARTER & RADELET, *supra* note 19, at 87 (citing GEORGE L KELLING ET AL., THE KANSAS CITY PREVENTIVE EXPERIMENT: TECHNICAL REPORT (1974)).

25. CARTER & RADELET, *supra* note 19, at 87 (citing KANSAS CITY, MISSOURI POLICE DEP'T., RESPONSE TIME ANALYSIS: EXECUTIVE SUMMARY (1977)).

26. CARTER & RADALET, *supra* note 19, at 88 (citing GEORGE L. KELLING, PO-LICE FOUNDATION, THE NEWARK FOOT PATROL EXPERIMENT (1981)).

27. CARTER & RADALET, *supra* note 19, at 88 (citing JOHN ECK & WILLIAM SPEL-MAN ET AL., PROBLEM SOLVING: PROBLEM ORIENTED POLICING IN NEWPORT NEWS (1987)).

Foundation,[28] the Police Executive Research Forum,[29] and the International Association of Chiefs of Police.[30]

The "reform period" in policing,[31] which began in the 1930s, had clearly stagnated as we entered the 1970s. However, the 1970s marked a rebirth of reform and a transition to a more community-based mode of operation. Many felt significant excitement and high expectations about the future of policing because of this transition.

CHANGE FOR THE BETTER

Over the next thirty years, law enforcement would undergo great progress and development on several levels within the policing profession. The composition and practices of police departments would begin to change.

A. Racial Diversity of Police Departments Increases

Civil rights advocates, who had long expressed concern over the limited representation of minorities in urban police departments, would witness positive shifts in the racial composition of police departments. By 1993, the majority of officers in Detroit, Washington, D.C., and Atlanta were African American.[32] By the same time

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28. The Police Foundation was established in 1970 with assistance from the Ford Foundation. From 1970 through 1990, the Police Foundation sponsored what would be some of the most significant police research in the history of policing in this country. *E.g.*, CMTY. POLICING CONSORTIUM, ABOUT THE CONSORTIUM, *at* http://www.communitypolicing.org/about1.html (last visited Nov. 24, 2000).

29. The Police Executive Research Forum ("PERF") is a national organization of police executives representing larger jurisdictions. Its mission is to improve the professional quality of police services through the use of research and development. PERF is based in Washington, D.C. *Id.*

30. The International Association of Chiefs of Police is a professional organization of top law enforcement executives from the United States and abroad. It facilitates "the exchange of information among police administrators [and promotes] the highest standards of performance and conduct within the police profession." *Id.*

31. The "reform period" refers to the period in American policing which marked the efforts of police administrators to move away from police corruption towards the professionalization of policing. It was prompted by the findings and recommendations of the National Commission on Law Observance and Enforcement, also known as the Wickersham Commission. REPORT OF THE NAT'L COMM'N ON LAW OBSERVANCE & ENFORCEMENT RELATIVE TO THE FACTS AS TO THE ENFORCEMENT, THE BENEFITS, AND THE ABUSES UNDER THE PROHIBITION LAWS, BOTH BEFORE AND SINCE THE ADOPTION OF THE EIGHTEENTH AMENDMENT TO THE CONSTITUTION, ENFORCEMENT OF THE PROHIBITION LAWS IN THE UNITED STATES, H.R. Doc No. 722 (3d Sess. 1931) (discussing the abuses arising from the enforcement of Prohibition laws). Police administrators placed strong emphasis on training and focused on making the police more efficient in their crime fighting efforts.

32. WALKER, *supra* note 8, at 37.

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in Miami, 47.7% of the police force was Hispanic, while African Americans constituted 17.4% of that force.[33] Furthermore, African Americans moved into important leadership roles as police chiefs in cities such as New York City, Los Angeles, Atlanta, Chicago, and Houston.[34]

B. Women Rise Through the Ranks

Women, who were historically underrepresented in policing, increased their numbers in police departments due to the passage of the 1964 Civil Rights Act, which prohibited employment discrimination on the basis of sex.[35] Today, women represent about 13% of police officers in big city departments.[36] Female officers are now assigned the same duties as male officers, including routine patrol duties. Additionally, departments have tried to eliminate many of the barriers to recruiting women,[37] and as a result, women have risen to the highest levels of policing. For example, a former student of mine, a recruit in the New York City Police Academy class of 1979, is now an assistant chief and former patrol borough commander in the Bronx. I like to think that, in some small way, she and her fellow recruits were influenced during their careers by my insistence that the police officer's role is not simply to enforce the letter of the law, but to temper application of the law with common sense, respect, and consideration for the people he or she serves.

C. Training Improves

Police training has advanced, with entry-level training growing from 300 hours in the 1960s to more than 1000 hours in many departments by the 1990s.[38] At the same time, many departments have instituted field training as an adjunct to their traditional academy training, offering practical, hands-on guidance by experienced officers to new recruits.[39]

Of critical importance, new policies and procedures were instituted to check police behavior on the street. Police departments developed standard operating procedures to shape and control the exercise of police discretion. This policy shift was prompted by an

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33. *Id.*
34. *Id.*
35. Civil Rights Act of 1964, 42 U.S.C. § 20003-2(a) (1999) (enacted July 2, 1964).
36. WALKER, *supra* note 8, at 37 (citing SUSAN E. MARTIN, THE POLICE FOUND., WOMEN ON THE MOVE: THE STATUS OF WOMEN IN POLICING (1990)).
37. WALKER, *supra* note 8, at 37.
38. *Id.*
39. *Id.*

increase in lawsuits and driven significantly by Supreme Court decisions on such police practices as search and seizure[40] and interrogations,[41] but also by protests from the minority community concerning police misconduct, particularly the use of deadly force.[42] For example, an innovative policy instituted in 1972 by the New York City Police Department reduced firearms discharges by officers by 30%, a significant decrease in the use of deadly force.[43] Over the next decade, as police departments in other cities adopted similar policies, the national rate of citizens shot and killed by police decreased by 50%.[44]

D. Overcoming Institutional Resistance to Change

However, police unions made strides as well, and "by the 1970s . . . had established themselves as a powerful force in American policing."[45] Many officers felt "angry and alienated over Supreme Court rulings, criticisms by civil rights groups, poor salaries and benefits, and arbitrary disciplinary practices by police chiefs."[46] Unions secured salary and benefits increases for officers and won grievance procedures to protect officers' rights during disciplinary

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40. *E.g.*, Terry v. Ohio, 392 U.S. 1 (1968). *Terry* confirmed that courts must guard against harassing behavior that violates Fourth Amendment protections against unreasonable search and seizure, and that, whenever practical, police must obtain prior judicial approval of searches and seizures through the warrant procedure. *Id.* at 15-21. However, *Terry* also permits police, when using proper procedure, to conduct limited searches of suspects' outer clothing as a means of discovering if the suspect has weapons that might be used to assault the officer. *Id.* at 27, 30.

41. *E.g.*, Miranda v. Arizona, 384 U.S. 436 (1966) (holding that statements obtained from defendants during incommunicado interrogation in police-dominated atmosphere, without full warning of constitutional rights, were presumptively compelled and therefore inadmissible as having been obtained in violation of Fifth Amendment privilege against self-incrimination). *Miranda* also indicated what law enforcement could do to overcome this presumption of coercion: the giving and conscientious heeding of a set of four warnings. *Id.* at 467-72. Although Congress challenged *Miranda* by establishing voluntariness as the touchstone of the admissibility of confessions in federal court, 18 U.S.C. § 3501 (2000), *Miranda* was recently upheld by *Dickerson v. United States*, 530 U.S. 428 (2000) (holding that *Miranda* announced a constitutional decision of the Court that Congress could not supersede by statute).

42. Former New York City Police Officer James J. Fyfe's research made particularly noteworthy progress with respect to the use of deadly force. *See, e.g.*, JEROME H. SKOLNICK & JAMES J. FYFE, ABOVE THE LAW: POLICE AND THE EXCESSIVE USE OF FORCE (1993); James J. Fyfe, *Who Shoots?–A Look at Officer, Race and Police Shooting*, 9 J. POLICE SCI. & ADMIN. 367 (1981).

43. WALKER, *supra* note 8, at 38 (citing James J. Fyfe, *Administrative Interventions on Police Shooting Discretion: An Empirical Analysis*, 7 J. CRIM. JUST. 309 (1979)).

44. WALKER, *supra* note 8, at 38.

45. *Id.* (citing HERVEY A. JURIS & PETER FEUILLE, POLICE UNIONS (1973)).

46. WALKER, *supra* note 8, at 38.

hearings.[47] These unions, with their new power within the profession, made police reformers uneasy because unions tended to "resist innovations and [become] particularly hostile to attempts to improve police-community relations."[48]

Notwithstanding their growing influence and enormous impact on police administration, police unions did not fare well in their battle to avoid the onset of the citizen review process.

E.   Citizen Review

Civil rights groups favored citizen review of police actions in order to address concerns "that minority citizens were the victims of systemic police abuse and that police departments did not investigate complaints or discipline officers."[49]

While serving as assistant director of the New York City Police Department Civilian Complaint Review Board ("CCRB"), I had the opportunity to witness personally the Patrolmen's Benevolent Association's ("PBA") opposition to change. I had been appointed by then Police Commissioner Robert J. McGuire, on the eve of the first in a series of congressional hearings, examining charges of police brutality.[50] For the next three-and-one-half years, working as principal deputy to Charles J. Adams, the executive director, I helped to revise management practices and policies, and to strengthen the investigations process. We met strong opposition from the PBA even though we kept its leadership informed of prospective changes in board policy that had an impact on their members. On more than one occasion, we prevailed in our efforts to exercise our management prerogative to implement policies, such as making available to precinct commanding officers the CCRB records of certain officers under their command for whom they were accountable. Although the establishment of citizen oversight of police practices was slow, it grew steadily through the 1970s and 1980s, and by the 1990s, a citizen review process existed in many of our big cities.

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47. *Id.*

48. WALKER, *supra* note 8, at 38.

49. *Id.* at 39.

50. Representative John Conyers Jr., then chair of the House Subcommittee on Criminal Justice, conducted hearings on police brutality in New York in November 1983. *E.g.*, Sam Roberts, *Koch Defends Police at Hearing on Brutality*, N.Y. TIMES, Nov. 29, 1983, at A1.

A CRITICAL INNOVATION: THE RISE OF COMMUNITY POLICING

The rise of community-policing strategies in the last two decades of the twentieth century is the most important and promising new development in policing for a democratic society. There is little doubt that by the 1980s, the police profession found itself adrift. It was still reeling from the cumulative effects of the 1960s: the civil rights movement; the assassinations of President John F. Kennedy, Dr. Martin Luther King, and Senator Robert F. Kennedy; riots in inner-city communities across the country; protests against the Vietnam War; and landmark Supreme Court decisions redefining police policy and procedures. This period of social upheaval was followed by the 1970s, during which research findings such as the *Kansas City Preventive Patrol Experiment*[51] shattered the long standing assumption that random police patrols deterred crime. Policing had become "an occupation in search of a [new] strategy."[52]

By the 1980s, that strategy had arrived in the form of community policing. The community-policing philosophy is grounded in the thesis that officers who shed their traditional crime-fighter role, and work more closely with neighborhood citizens to develop programs and strategies to solve problems, can more effectively address crime and related issues affecting the community. Hence, community partnership and problem solving took center stage as the new core strategy.

Solid empirical support for community policing is found in the seminal article, *The Police and Neighborhood Safety: Broken Windows*.[53] Authors James Q. Wilson and George L. Kelling explained that foot patrol had only limited deterrent effect on crime.[54] The research also suggested that police could not fight crime by themselves but were very dependent upon citizens for information.[55] Furthermore, police could reduce fear by concentrating on less serious quality of life problems.[56] The nearly universal acceptance of this theory in academia set the stage for police chiefs, elected offi-

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51. COMMUNITY POLICING: CLASSICAL READINGS 49 (Willard Oliver, ed. 2000).

52. George L. Kelling, *Forward* to COMMUNITY POLICING: CLASSICAL READINGS, at ix (Willard Oliver, ed. 2000).

53. James Q. Wilson & George L. Kelling, *The Police and Neighborhood Safety: Broken Windows*, ATLANTIC MONTHLY, Mar. 1982, at 29-38.

54. *Id.* at 29.

55. *Id.* at 34-35 (describing situations in which citizens pass along information about neighborhood crimes to officers engaged in community policing).

56. *Id.* at 32-33 (describing the effect of disorder in the streets on the community's fear of crime).

cials, and community leaders to act, implementing community policing strategies that appeared to offer meaningful solutions to endemic problems and concerns that had previously seemed insurmountable.

From the perspective of police leaders, the "Broken Windows" rationale is clearly rooted in the lessons of the past quarter century. Changes in demographics and strains on limited police budgets in the face of increasing violence and drug use in neighborhoods were a major inducement for government and citizens alike to share the responsibility for keeping communities safe. As a driver of change, community policing shared the spotlight with Herman Goldstein's concept of "Problem Oriented Policing," which asserts that instead of treating crime and disorder as general categories, the police should identify and focus on specific problems such as chronic alcoholics in the neighborhood, or abandoned buildings that served as drug houses.[57]

A number of police departments around the country embraced community policing and set about testing various strategies based on the theory. Each of them adopted the spirit and tenor of the philosophy, yet explored its own way of assessing problems and implementing solutions. By the late 1980s, community-based policing had caught on and was generating a renewed confidence throughout the profession. George Kelling correctly argued that "a quiet revolution is reshaping American policing."[58] Indeed, a new era had begun. What Kelling termed a "quiet revolution" soon counted among its revolutionaries law enforcement officials from departments in the smallest villages and the largest of big cities. In addition, the five principal professional police organizations—the International Association of Chiefs of Police ("IACP"), the National Organization of Black Law Enforcement Executives ("NOBLE"), the National Sheriffs Association ("NSA"), the Police Executive Research Forum ("PERF"), and the Police Foundation—also saw the potential of community policing.[59] Even as many in the policing profession found it difficult to move away from what had been the traditional reactive crime fighting role,

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57. Herman Goldstein, *Improving Policing: A Problem-Oriented Approach*, 25 CRIME & DELINQUENCY 236, 244-47 (1979).

58. George L. Kelling, *Police and Communities: The Quiet Revolution*, in COMMUNITY POLICING 60 (Willard Oliver ed. 1988).

59. The Community Policing Consortium, a partnership of these five organizations, was created and funded in 1993 by the U.S. Department of Justice, Bureau of Justice Assistance ("BJA"). Responsibility for the Consortium was transferred from BJA to the Office of Community Oriented Policing Services ("COPS") in 1995.

other, more visionary police leaders saw the opportunity for police to become more proactive, working in partnership with the community to find solutions to the underlying causes of crime.

The Community Policing Consortium offered the following perspective with respect to the scope of community policing:

> Community policing is democracy in action. It requires the active participation of local government, civic and business leaders, public and private agencies, residents, churches, schools, and hospitals. All who share a concern for the welfare of the neighborhood should bear responsibility for safeguarding that welfare .... [R]esearch reveal[s] that community institutions are the first line of defense against disorder and crime .... Thus it is essential that the police work closely with all facets of the community to identify concerns and to find the most effective solutions.[60]

Over the past one hundred years, "American police departments changed from inefficient and corrupt political enterprises to enterprises with a nonpartisan professional mission."[61] There have been significant "improvements in personnel standards and systems of accountability, including the values of due process and equal protection" during the last thirty years.[62] The experience of the past decades has produced a vast amount of research about policing and has promoted a "new candor about police discretion and about the limits of the police's ability to control crime."[63] There is now no question that "police [today] are remarkably open to innovation and experimentation."[64]

While these changes were occurring in police departments, a number of mayors, city managers, and community groups began to recognize the advantages for community-based collaboration offered by community policing. There are myriad instances in which the support from one or more of these three groups has validated the importance of community policing and problem solving in local neighborhoods. Notable examples include Madison, Wisconsin, where Police Chief David C. Couper pioneered the restructuring of his department, placing strong emphasis on organizational change through leadership and training designed, among other things, to

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60. CMTY. POLICING CONSORTIUM, UNDERSTANDING COMMUNITY POLICING: A FRAMEWORK FOR ACTION, TRACING THE ROOTS OF COMMUNITY POLICING, *at* http://www.communitypolicing.org/chap2fw.html.
61. WALKER, *supra* note 8, at 40.
62. *Id.*
63. *Id.*
64. *Id.* (quoting DAVID H. BAYLEY, POLICE FOR THE FUTURE 101 (1994)).

emphasize a customer orientation and focus toward citizens;[65] San Diego, California, where Police Chief Bob Burgreen introduced the problem-oriented approach to policing in the fall of 1989;[66] Seattle, Washington, where the police chief, supported by the newly elected mayor, became a partner in support of the South Seattle Crime Prevention Committee in its efforts to address public safety and crime related problems;[67] and Portland, Oregon, where Police Chief Tom Potter and citizen groups prevailed in getting the City Council to pass resolutions adopting community policing as the new approach to address the public safety concerns of neighborhoods and businesses.[68]

By 1992, the climate was right to reinforce the notion that community policing was a viable option in the attack on serious crime in the country. Crime was a prominent issue in the presidential campaign, and if the idea of putting 100,000 additional officers on the streets had strong appeal, then linking this idea to the community-policing philosophy was sure to be a winner among many police executives and academics interested in policing. Community groups seeking opportunities to work in partnership with the police applauded proposed federal legislation to support these ideas.

By the summer of 1994, President Clinton had succeeded in securing the passage of the Violent Crime Control and Law Enforcement Act of 1994,[69] from which the Office of Community Oriented Policing Services ("COPS") program was born. The COPS program had the following goals: (1) increase the number of officers deployed in American communities, (2) foster problem solving and interaction with communities by police officers, (3) encourage innovation in policing, and (4) develop new technologies for assisting in reducing crime and its consequences.[70] This was an ambitious undertaking, and the authorizing language creating the program would require the COPS office to accomplish these goals in just six years, with a budget of $8.8 billion.[71] The police were ready and COPS funding would serve as the catalyst for change.

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65. DANIEL E. LUNGREN, CRIME PREVENTION CTR., ATTORNEY GEN'S OFFICE, CALIFORNIA DEP'T OF JUSTICE, COMMUNITY ORIENTED POLICING & PROBLEM SOLVING 67 (1992).
66. *Id.* at 77.
67. *Id.* at 113.
68. *Id.* at 60.
69. 42 U.S.C. § 14141 (1994).
70. Jeffrey A. Roth & Joseph F. Ryan, *The COPS Program After 4 Years—National Evaluation*, RES. IN BRIEF (Nat'l Inst. of Just., Wash., D.C.), Aug. 2000, at 1.
71. "The 1994 Crime Act provided COPS with $8.8 billion and six years to fund the addition of community oriented policing officers and advance community policing

LESSONS FROM THE PAST CAN HELP US SURVIVE THE FUTURE

Six years have passed since the COPS office began providing resources to state and local police and sheriffs' departments. Crime rates have continued to hold at record lows.[72] The number of reported index crimes has declined by 16% nationwide since 1995.[73] One of the most visible and dramatic reductions in crime occurred in New York City. Mayor Giuliani, citing figures from the *Mayor's Management Report* for fiscal year 2000, noted that despite its status as the nation's largest city, New York ranked 165th in per capita crime among 217 cities with populations exceeding 100,000.[74] He noted further that crimes in the seven major categories fell 7.8%, continuing a pattern over the last eight years.[75]

However, although the crime data tell a positive story, one need only recall the brutal assault on Abner Louima, and the deaths of Amadou Diallo and Patrick Dorismond, to know that there is much work to be done. Indeed, as a colleague, Jeremy Travis, noted in a recent article, "[i]t is the best of times and worst of times for the New York Police Department."[76] Travis underscored the tenuous state of police-community relations, particularly police-minority relations, in New York City.[77] He offered, for the consideration of city leaders, lessons learned from "innovative studies tested" across the country on how they might help in addressing police-community tensions.[78] These included: (1) soliciting "the public's views of police performance through regular, independent surveys"; (2) "publish[ing] regular independent surveys of police

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nationwide." OFFICE OF CMTY. ORIENTED POLICING SERVS., ATTORNEY GENERAL'S REPORT TO CONGRESS 4 (Sept. 2000).

72. *See* FED. BUREAU OF INVESTIGATION, CRIME IN THE UNITES STATES 1998: UNIFORM CRIME REPORTS 6 (1999) (reporting that crime rates in 1998 were the lowest since 1973), *available at* http://www.fbi.gov/ucr/Cius_98/98crime/98cius01.pdf.

73. *E.g.*, FED. BUREAU OF INVESTIGATION, CRIME IN THE UNITES STATES 1999: UNIFORM CRIME REPORTS 7 fig.2.2 (2000) (showing a decrease in index crimes between 1995 and 1999 of 16.1%, and a decrease in the rate of index crimes per 100,000 inhabitants of 19.1%), *available at* http://www.fbi.gov/ucr/Cius_99/99crime/99cius.pdf. "The Crime Index is composed of selected offenses used to gauge fluctuations in the overall volume and rate of crime reported to law enforcement" and includes such offenses as murder, non-negligent manslaughter, forcible rape, robbery and aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft, and arson. *Id.*

74. Eric Lipton, *Giuliani Gives Status Report With Peaks And Few Dips*, N.Y. TIMES, Sept. 15, 2000, at B9.

75. *Id.*

76. Jeremy Travis, *Policing Police Misconduct: The next NYPD commissioner can learn from the best new tactics from across the nation*, N.Y. POST, Aug. 14, 2000, at 2.

77. *Id.*

78. *Id.*

officers to get a firm sense of officer morale and the pressures of the job"; (3) and [conducting] "ongoing, independent audits of critical police functions, including crime reports, enforcement actions and responses to 911 calls."[79]

Such suggestions, however, are valuable only to the extent that the leaders to whom they are directed are willing to acknowledge that a problem exists, are open to the possibilities for change, and are genuinely committed to resolution. I have worked with police chiefs and mayors alike who recognized that police-community tensions existed in their cities. They were dedicated to finding common ground and seeking lasting solutions with a view towards improving police-community relations.

It may sound like a cliché to state that one must lead by example. However, in my experience, it is absolutely essential that police administrators, mayors, and others in leadership roles do exactly that. It is not enough for leaders to hire more officers, buy better equipment, or improve technology. Our leaders must show that they have strong values, ethics, integrity, and respect for and commitment to all of the people they serve. At the same time, they must ensure that police officers and civilian workers in the agencies they lead are aware of the values the administrators hold, and know that everyone in the organization is expected to live by them.

Those in leadership positions must be sensitive to citizens' concerns as well. They must anticipate potential problems arising from the use of certain law enforcement strategies and police practices that may be viewed by segments of the community as having an adverse impact on them, thus eroding community support for the police. Leaders must be open to engaging in regular communication and candid discussions with the community on a regular basis and, most importantly, during times of crisis.

In his book, *Turnaround: How America's Top Cop Reversed the Crime Epidemic*, former New York City Police Commissioner William Bratton, who served during the early Giuliani administration, observed "[h]ow ironic [it would be] if the police, [who are] perceived in many neighborhoods to be part of the problem, turned out to be in the forefront of a movement toward understanding and resolution."[80] There is no irony in this statement at all. The police *must* take the lead in resolving these conflicts. As Bratton explains, "American policing can and must be an essential and signifi-

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79. *Id.*
80. WILLIAM BRATTON & PETER KNOBLER, TURNAROUND: HOW AMERICA'S TOP COP REVERSED THE CRIME EPIDEMIC 311 (1998).

cant force in addressing the issues of race and police behavior."[81] But to achieve these goals, "it is essential that police identify and train new leaders."[82] Moreover, the training should reinforce the notion that those who take the oath to serve have a duty to conduct themselves as professionals. We need a continuing commitment to changing both the formal and informal processes that influence the conduct of our police. I believe that the social contract between the public and the police requires nothing less.

We remain at a crossroads with respect to police-community relations and, in particular, police-minority relations, in New York City and elsewhere in this country. Extraordinary leadership and commitment, especially by police executives and police unions, will be required to improve relations with communities of color. But with the support of mayors, city managers, city councils, and others from the public and private sectors, police departments will be encouraged to seek and find solutions. Although we tend to focus on these issues at times of crisis, the problem is systemic, and it deserves focused and interdisciplinary attention from every sector of our community. We cannot afford to hope that the next crisis or tragedy resulting from a police-community interaction will happen in some other city, on some other leader's watch. The fact is that, while these incidents have geographic boundaries, the media ensures that reports of their occurrence reach us everywhere in real time. This has the effect of making localized crises national crises. The effect is cumulative, and each new event feeds and reinforces concerns that police conduct is largely motivated by racial and other biases, fueling a suspicion that police overreach in the name of legitimate law enforcement.

In the words of former New York City Police Department chief of personnel, my colleague and good friend Mike Julian, "We tell cops not do the wrong thing; we need to show them how to do the right thing."[83]

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81. *Id.* at 312.
82. *Id.*
83. *Id.* at 313.