Community Trust in Law Enforcement

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Summary

Community Trust in Law Enforcement is one of a series of papers prepared by the Institute of Public Policy as briefing materials for the Ferguson Commission during the summer of 2015. It is published here for the benefit of a broader audience.

- Recent events have called attention to the relationship between law enforcement and the communities they serve.

- Racial disparities in policing, non-representative police departments, and police use of force add to the complicated relationship between police and the public, undermining minority trust of police.

- Racial profiling, and other proactive styles of policing, have contributed to racial disparities that persist today.

Policing and the Community

Racial Perceptions of the Police

Minority and white populations generally have different interactions with police (Tyler, 2001). Results from a 2014 Gallup poll show that 59 percent of white Americans have high levels of trust in police compared to just 37 percent of black Americans (Newport, 2014). Blacks are also less likely to say police officers have high or very high levels of honesty and ethics compared to whites (45 percent vs. 59 percent; Newport, 2014). These perceptions can carry over, especially when there is actual or perceived disproportionate police contact with members of minority communities.

The Missouri Attorney General recently published a report on the number of vehicle stops that took place in 2014 (Attorney General Chris Koster, 2014). In addition to the number of vehicle stops, the report also gave information on the number of searches, arrests and the racial differences of these interactions with police. Across Missouri, blacks are about 75 percent more likely than whites to be stopped. Blacks and Hispanics are more than 70 percent more likely than whites to be searched and more than 90 percent more likely than whites to be arrested after a stop. Blacks and Hispanics, however, are less likely than whites to be found with contraband (Attorney General Chris Koster, 2014). Figure 1 gives an overview of police interactions with minority populations at traffic stops, compared to whites.

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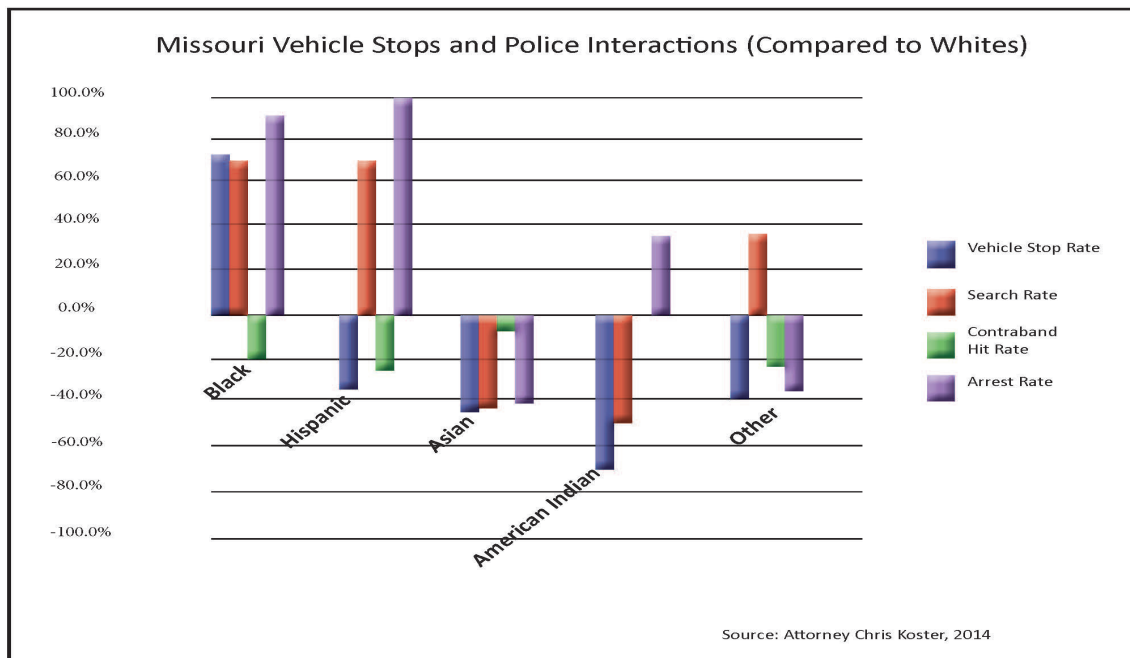
Figure 1: Missouri Vehicle Stops and Police Interactions (Compared to Whites)

Racial Impacts of Proactive Policing

Since the 1970's, policing practices have tended to focus on reducing crime in selected areas, often leading to disproportionate contact between the police and minority communities. Three approaches, with perceived negative impacts, have been prevalent:

Racial Profiling: Racial profiling or racially-biased policing are practices where police inappropriately target people for suspicion of a crime due to their race, ethnicity, religion or national origin (National Institute of Justice, 2013; Fridell et al., 2001). Racial profiling stems largely from efforts during the War on Drugs, where profiling was a way of identifying drug couriers on the assumption that some groups are more likely to engage in certain crimes than others (Glaser, 2014). However, racial profiling has also been shown to be a result of racial bias (Glaser, 2014).

Stop and Frisk: The stop and frisk practice stemmed from a 1968 Supreme Court ruling, Terry v. Ohio, which allowed police to stop and frisk someone if there was reasonable suspicion of a crime (McDonald, 1977). Police officers were empowered to stop and interrogate a citizen whom they suspected had committed or was planning to commit a crime. Research has shown that blacks and Hispanics had largely been the target of this practice (Gau & Brunson, 2010; NYCLU, 2015) and its widespread use was a significant factor in community-police estrangement (Gau & Brunson, 2010). The practice was found to be unconstitutional in August 2013 (Floyd vs. The City of New York, 2013).

Broken Windows: The idea behind this approach is that if a broken window is not replaced, people will feel free to break other windows. By analogy, the theory suggests that overlooking minor

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crimes encourages more criminal behavior, often of a more serious nature. "Broken windows" policing leads to intense police focus in neighborhoods where undesirable activity takes place and zero-tolerance of even minor offenses (Wilson & Kelling, 1982). Critics have found that this style of policing disproportionately impacts poor and minority communities without necessarily reducing disorder—and therefore may lead to racial profiling in these neighborhoods (Meares, 2015). The practice was found to be unconstitutional in August, 2013 (Floyd vs. The City of New York, 2013).

Efforts to Improve Community Relations
There have been many concerted efforts to find ways to improve relations between law enforcement and communities, particularly those of color.

Civilian Oversight Boards: Kansas City, Missouri established a civilian oversight board in the 1970's (Kaste, 2015). While police initially opposed this initiative, eventually they accepted the idea of an independent entity reviewing complaints and now there are more than 200 civilian oversight boards nationwide. Additionally, civilian review boards are often required as a measure for compliance when a city's police department is reviewed by the Department of Justice, or any other federal agency (Kaste, 2015).

Community Policing: Community Policing was developed as a method of engaging police officers more directly and consistently in communities and restoring community confidence in law enforcement. Kansas City was a key player in the innovation of a community-oriented style of policing arising from their team-policing and preventive patrol experiments (Berlin, 2013). The tenets of Community Policing include *community partnerships* (improved collaborative relations between the community and the police), and *organizational transformation* (structural and cultural changes within the department to support partnerships and a proactive problem-solving approach) (COPS, 2014).

Racial and Ethnic Representativeness of Police Personnel
Research has shown that representation of the community within a public agency improves perceived legitimacy of the agency as well as outcomes for minority populations (e.g. Donohue & Levitt, 2001; Theobald & Haider-Markel, 2009; Wilkins & Keiser, 2001). The national composition of law enforcement agencies, while improving, is still not representative of the racial and ethnic minority population in the United States (Reaves, 2015). The US Commission on Civil Rights noted that law enforcement personnel do not reflect the communities they serve, and that efforts to achieve and sustain diversity have been undermined by claims of sexual and racial harassment, pay disparity, low job satisfaction, and discriminatory section processes (US Commission on Civil Rights, 2000).

The racial/ethnic minority population in the United States is about 37 percent (US Census Bureau, 2015), while currently about 27 percent of officers are of a racial or ethnic minority (up from 15 percent in 1987; Reaves, 2015). In Missouri, calls have also been made for local police agencies to report employment statistics to POST (Peace Officer Standards & Training) so their level of community representation can be assessed (Attorney General Chris Koster's Roundtable on Representative Policing, 2014; Police Executive Research Forum, 2015). Ferguson's population is 67 percent African-American (US Census Bureau, 2015) but African-American law enforcement officers comprise only 11 percent of the Ferguson Police Department (LEMAS, 2007).

Aggravating Factors

Police Use of Force and Militarization

Due to the death of unarmed Americans at the hands of police , use of force has been increasingly discussed in localities across the United States.[1] Reliable data documenting police use of lethal force, or use of force in general, are difficult to find and a comprehensive national tabulation does not exist (Wines 2014).[2]   The Guardian (2015), through their own investigative reporting, found that minorities comprise nearly half of those killed by police and more than 60 percent of minorities killed by police were unarmed. In 2015 alone (January–May), 464 people were killed by police, of which, 102 were unarmed (about 22 percent). Of the unarmed victims, 32 percent were black, 25 percent Hispanic/Latino and 15 percent were white (The Guardian 2015).

In cities where police use of force led to the death of an individual, investigators found that officers used excessive force, violating the Constitution (e.g. US Department of Justice 2015).[3] The Department of Justice report recommended agencies increase community partnerships and local policing (e.g. President's Task Force on 21st Century Policing 2015; US Department of Justice 2015).

Use of force by local police also includes the use of military equipment by local police officers. The availability and use of military equipment was highlighted after it was used to disperse protestors in Ferguson following the shooting of Michael Brown. Since the 1990s, local police departments have been able to acquire surplus military equipment as part of the Department of Defense 1033 program (H.R. 2461 1989). In Missouri, state and local law enforcement agencies are eligible to apply for excess Department of Defense property if: "the department's primary function is the enforcement of applicable Federal, State, and local laws and its compensated law enforcement officers have powers of arrest and apprehension" (MO Dept. of Public Safety 2015). The property available "can consist of, but is not limited to, lockers, desks, computers, generators, bedding, clothing, boots, field gear, flex cuffs, weapons, four-wheel drive vehicles, watercraft, and aircraft" and is available at no charge, aside from shipping (MO Dept. of Public Safety 2015).

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[1]*Some examples of these recent instances of excessive use of force by police include the July, 2014 death of Eric Garner by choke hold; the August, 2014 death of Mike Brown in Ferguson, Missouri; John Crawford in an Ohio Walmart, and then the death of 12 year old Tamir Rice in Cleveland, Ohio in November 2014 and the May 2015 death of Freddy Gray while in police custody in Baltimore, MA.*

[2]*What is available includes investigative reporting from the Guardian newspaper and an independent compilation of dates and names (http://www.killedbypolice.net/kbp2014.html).*

[3] *This information is based on Department of Justice investigations of the Cleveland, Albuquerque and Ferguson Police Departments (US District Court for the District of New Mexico, 2014; US Attorney's Office Northern District of Ohio, 2014; US Department of Justice, 2015).*

In January 2015, President Obama signed Executive Order 13688 calling for more oversight and control of federal support to local law enforcement regarding equipment acquisition (Law Enforcement Equipment Working Group 2015). In addition, multiple members of Congress have introduced bills to limit or curtail the availability of military equipment to local law enforcement agencies.

Policing as Municipal Revenue

Another issue dividing the citizens and law enforcement is the use of fines and tickets as a primary source of revenue for municipalities (Deere, Raasch & Kohler, 2015). The US Department of Justice (2015) report on the Ferguson Police Department documented these practices and found that policing for revenue undermines community trust of the police and is not carried out with the intention to increase public safety. Additionally, the Department of Justice found that this use of policing impacts all aspects of officer actions. For example, laws are more aggressively enforced; constituents are seen as sources of revenue for potential offenses; and as a result, officers use increased force when their authority is not followed as desired (US Department of Justice, 2015). Investigators also found that this style of policing led to increased stops without reasonable cause.

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