

Relational Policing

“Focusing the Presidential Debate”

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Introduction

For the past 34 years, I have had the great honor and privilege of being a police officer. During that time, I have watched my profession evolve. The evolution of policing in America has impacted our strategies to reduce crime, maintain safe and healthy communities, and improve our relationships with those whom we are sworn to serve.

One important aspect of this evolution that has profoundly impacted policing in America is the broader concept of what has been termed “Community Policing” and within it, the notion of problem solving, and how both police departments and their communities contribute to the development of positive-long term relationships and a collaborative effort to identify solutions to the on-going problems that communities face each day.

From my perspective, community policing is about engaging police and citizens in a relationship that is aimed at addressing community needs and problems, reducing crime and the fear of crime, the implementation of long term and sustainable strategies that result in safer communities, and an overall improvement in the quality of an individual’s life and the lives of their family. Indeed, community policing has been a guiding force for American policing for decades. Yet, events that have occurred across our nation over the past year have caused some to question whether the underlying principles of community policing and the importance of police-citizen relationships remain a priority in how police officers and their agencies go about their important work.

It is neither my purpose, nor my intent, to confirm or dispel whether the police have fallen short as to the relationship they share with those whom they serve. Rather, I wish to underscore the importance of what I have branded as “relational policing” and how it intersects with the broader concept of police legitimacy; a concept that has been at the forefront of policing for the past several years and one that is critical to restoring the public’s trust and confidence where those crucial elements have been compromised.

At 21, I walked the streets of west Baltimore, patrolled the stairwells, hallways, and courtyards of the George Murphy and Lexington Terrace public housing projects, and somehow found a way to recognize the importance of engaging people, developing relationships, and getting to really know those people who made up the place where I came to work each and every day. For

me, those “*relationships*” were as important to my work as the technical skills I had been taught and the various tools that occupied both my gun belt and the accessories I had at my disposal within the cock pit of a police car. Community policing was real and its benefits were obvious to me.

Many years later, I have come to believe that there has emerged an ever growing fracture in the relationship between the police and the communities that they serve. I say this not as a criticism aimed at either of the parties, but rather as a firm belief that the tragedies that have occurred across our nation that were the result from police and citizen interactions gone bad, and the manner in which people have reacted to those tragedies, have threatened both the quality of relationships and police legitimacy.

Support for my belief can be found in countless media reports, civil rights claims, and Department of Justice investigations which have resulted in Memorandums of Agreement and Consent judgments aimed at reforming police policy, practice, training, supervision, and the investigation of both force and misconduct. Further evidence can be found in my own experiences as a police practices expert and trainer. It is in that regard that I share the following story.

A few years ago, I was reviewing images taken from an “in-car” video camera system that was related to a civil rights claim filed by the family member of a man who had been shot by a police officer. I had been retained by Plaintiff’s counsel to offer an opinion as to whether the actions taken by the officer were contrary to generally accepted law enforcement practice or practices at the time of the incident. In the moments that followed the officer’s decision to fire their weapon, large numbers of people rushed to the outer perimeters that had been established by the officers on the scene. Within minutes of the shooting, the crowd grew larger and became increasingly more disruptive and threatening to the many officers who had been dispatched there. As I continued to watch and listen to the chaos that had erupted in a matter of minutes, I could not help but question whether the reaction of this hostile crowd was less about this specific tragic and life-changing event, and more about the absence of police legitimacy and the systemic breakdown of police and community relations in that community, and perhaps in the broader context of that city.

As America watched civil disobedience and violence unfold in Ferguson, Missouri last fall, I once again found myself asking the question of when and under what circumstances the relationship between the police and those who called Ferguson their home began to deteriorate. When did the fracture occur and why wasn’t it detected by those with both the authority and the obligation to mend it so that trust, communication, and relationship would not diminish into non-existence?

Undoubtedly, Ferguson is just one example of what can happen when division occurs between the police and their constituents. It is, however, an example that played out not only in Ferguson but in other communities across America that too began to experience the consequences of what may occur when police and community relationships become fractured.

Not a single day passed during those destructive days that citizens in my own community didn't ask the question of whether the events unfolding in Ferguson could happen in our city. The answer, I suppose, is largely dependent upon the strength and value of the relationships that are the foundation of community policing. In my opinion, the concept of community policing will not remain a part of the fabric of American law enforcement unless relationship is restored, and trust and communication finds their way back into those places where they diminished and became non-existent.

The question is how do we get there, and how can those relationships be sustained.

A Road-Map to Restoring Trust

This past May, the President's Task Force on 21st Century Policing published their findings and recommendations that were largely prompted by the events in Ferguson, Missouri. And while those tragic events may have served as a contributing force behind the work of the President's Task Force, I also believe that the need to heal broken relationships between police and citizens that have emerged over time in communities large and small across America also served as a catalyst behind the efforts of the Task Force.

While I don't believe it does much good to place blame for the circumstances that led to unrest, unrest that in some cases became violent and destructive, I do believe that it is important that law enforcement leaders re-commit to examining the policies and practices that impact the manner in which we go about our work to improve police and community relationships, while at the same time sustaining safe and healthy communities. To that end, each and every policy, practice, and operational strategy must be examined and a determination must be made as to how those policies and practices impact our ability to create and sustain a safe community, and at the same time keep the elements of communication, trust, and transparency intact.

In an effort to illustrate how a particular policing strategy may have the unintended consequence of creating mistrust within a community without serving any real value to public safety, I offer the following only as example.

From time to time, police officers have *consensual* encounters with citizens that do not trigger constitutional protections. Some of these encounters may be instrumental in confirming or dispelling a suspicion of crime, the facts of which may fall below the legal standards of reasonable suspicion or probable cause. During the course of these encounters officers may seek, and oftentimes receive, permission to conduct searches of citizens and their property. Sometimes those searches result in the recovery of evidence or contraband, yet oftentimes these intrusions result in nothing and the interaction ends with a citizen questioning whether they had been treated fairly. Not only does the strategy that I have described yield a very small return on investment (and even then rarely) it may well have the effect of alienating members of the community whose trust police are so desperately seeking to regain.

To be clear, I am not calling into question the legality of such a practice, nor am I advocating that law enforcement agencies abandon strategies that are constitutionally permissible. I am, however, suggesting that we begin to view the constitution as the floor and not the ceiling as we review these practices. While a policing strategy may be constitutionally permissible, it may not be the most productive strategy to deploy when balanced against the needs and expectations of the community, particularly when the relationship between police and the community is troubled.

The idea of “building trust” is necessary to restoring life to community policing. Restoring trust where it has diminished, or even disappeared, requires a commitment to examine the manner in which policing services are provided to a community. Evaluating existing policies and policing strategies against evidence based best practices, coupled with the collection and examination of relevant data are important first steps in achieving what is envisioned by the 21st Century Task Force report. Yet, both require fiscal and human capacity that is complimented by both robust data systems and the technical assistance and expertise to examine practices and interpret the data.

The President’s Task Force report and recommendations provide a substantive road-map as we move forward in an effort to make procedural justice part of each and every practice that we undertake while at the same time taking steps to restore legitimacy in the communities that we serve. It will be the obligation of our next President to affirmatively assist law enforcement leadership in implementing the recommendations set out in the 21st Century policing report. This requires a commitment that encompasses both funding and technical assistance in the area of policy development, data analysis, and training. It also requires a commitment to adequately staff and fund agencies within the federal government that have the resources that can assist local law enforcement agencies in the evaluation and adoption of best practices.

Managing Police Reform and Achieving a Relational Policing Environment

I have previously referenced the Department of Justice and their role in police reform in America Today. A brief history as to how that role has developed may be helpful in understanding the complexity of reform and the resources that are required to bring about change.

In addition to state law claims and federal statutes that provide remedies for police misconduct that may result in the midst of reform efforts, Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994 authorizes the Attorney General of the United States to bring a civil action against a municipality and its police department to “*obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.*”¹

The United States Department of Justice has entered into “Consent Decrees” and/or “Memorandums of Agreement” with a host of law enforcement agencies across the country. These agreements have arisen either as a result of litigation, or due to the presence patterns, practices, and customs of unconstitutional conduct on the part of a municipality, its police

¹ Id.

department, or the officers who serve on behalf of the department and the municipality. Each of these agreements set out a number of terms and conditions that are monitored throughout their duration. Perhaps the most instructive aspects of those agreements focus on areas of policy, training, supervision and the investigation of misconduct and the use of force. All of these broad areas directly impact procedural justice and legitimacy, and effect police and community relationships.

In a broad sense, the ultimate goal of these settlement agreements is to “*provide for the expeditious implementation of remedial measures, to promote the use of the best available practices and procedures for police management, and to resolve the United States’ claims without resorting to adversarial litigation.*”²

I believe the elements of these collaborative agreements, coupled with the substantive road map that is provided by the Presidents 21st Century Policing Report, can be invaluable to bringing about the reform that is necessary to heal fractured relationships and restore public trust and legitimacy in communities where it has been lost. There are several federal agencies that have the ability to assist local law enforcement agencies with the technical assistance necessary to replicate the best practices set out in the settlement agreements and that have assisted many localities in the area of police reform and community collaboration.

Perhaps the most obvious resource within the Department of Justice that has played, and will continue to play an important role in assisting local law enforcement in the development and implementation of best policing practices, is the Office of Community Oriented Policing. Since its creation, the COPS office has been a critical partner that has provided local law enforcement with both the funding and the technical assistance necessary to carry out important law enforcement initiatives aimed at ensuring safer communities and stronger police and community relationships. In my opinion there has never been a time when the expertise of the COPS office has been so greatly needed at a local level.

In addition to the traditional services offered by the COPS office, those provided by the Department of Justice Community Relations Service are especially useful to local law enforcement.

Title 42, USC, Section 2000g-1 establishes the functions of the United States Department of Justice Community Relations Service:

It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its

² Id., quoting United States of America v. City of Los Angeles, Consent Decree (2001).

services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

This service has been an invaluable resource to communities and police departments both in the aftermath of events that have resulted in large scale unrest, as well as to those that have taken proactive steps to strengthen police and community relationships. The skills and technical assistance provided by the service is of tremendous value to law enforcement and community leaders and has been instrumental in bringing parties who are at odds together with the goal of restoring order and relationship and fostering a collaborative spirit aimed towards long term, positive, and sustainable police and community relationships. Thus, it is imperative that this important asset to both law enforcement and the community have the appropriate capacity to adequately assist police departments in developing strategies around *building trust and legitimacy* as well as to assist in the implementation of those strategies and to measure their outcomes.

This raises an important question for our next President who will inherit both the substance and the spirit of the work undertaken by the 21st Century Policing Task Force; what commitment will be made to ensure that federal agencies tasked with providing technical assistance, funding, and logistical support will have the capacity to deliver the services necessary to localities in order that they may implement these important pillars? In short, will the task force recommendations remain a national priority and will that priority be supported at the highest positions of our federal government?

The effectiveness of a police agency is oftentimes measured not only by the quality of persons who are recruited into their ranks, but by the quality of the *training and education* that those officers receive. Much emphasis has been placed on training officers in the area of enhanced communications skills, to include, among other things using verbal skills to de-escalate situations that may arise on the street and oftentimes result in the use of force.

In addition to enhanced communications skills, there has been a focus on training that pertains to *impartial policing, bias awareness, situational decision making, and the appropriate use of force.*³ Having served in municipal law enforcement for over thirty-four years, twenty of which were in a command level capacity, I can attest to the fact that during times of fiscal crisis departmental training budgets are often diminished to meet emergent operational needs. To ensure that the task force recommendations are fully implemented adequate funds must be available to localities to ensure that they can obtain the best possible training in the areas such as impartial policing, implicit bias, effective communication skills, and the reasonable and appropriate application of force.

In years past, the COPS office along with other federal partners, have made available funds to support such training initiatives. In order to ensure that the recommendations of the 21st Century Task Force take root in agencies nationwide and that the principles behind those recommendations are embedded in police culture the assets must be in place and easily accessible to localities to support this important initiative. These assets include, but are not

³ See, Virginia Attorney General Mark R. Herring's "white paper" on the 21st Century Policing Initiative.

limited to, adequate funding to support the cost of such training, and standardized curriculum based on evidence based practices.

The Role of Training and Supervision in Relational Policing

Both the vision and mission of a police agency is articulated through the manner in which officers go about their work. That work is first and foremost guided by Constitutional principles and other applicable laws. However, an officer's work is also guided by both departmental *policy and oversight*. Policies are the mechanism by which an officer knows how their duties are to be performed. Yet, it is not enough that a police agency have comprehensive and responsive policies to guide an officer's work, there must be mechanisms in place that ensure that those policies are being administered in a fair and impartial manner, and certainly in a manner that is consistent with our Constitution. When those policies are set aside, ignored, or otherwise compromised, unconstitutional patterns and practices begin to evolve and police legitimacy is threatened.

The mechanism that is typically administered to ensure consistent application of good police policy and practice is the concept of supervision. In fact, supervision is the most practical and immediate of management tools to determine whether the policies and practices of the department are being administered in a manner that is fair and impartial and consistent with law. Therefore, it is critical that front line supervisors have adequate training and access to resources in order that they may properly perform their duties and ensure that the officers under the watch are honoring the commitment that they have made when they assumed their important public duties.

An important technology based resource that can be used to compliment effective supervision in monitoring the performance of officers (as well as to detect emerging trends that may prove problematic for both the officer and agency and threaten legitimacy and positive police and community relationships) is the Early Intervention System. Since the early 1980s, many large police departments across the United States began to establish tracking systems that systematically identify patterns of behavior of individual officers.⁴ However, if all the system does is track data without analysis or action it cannot be effective at preventing future misconduct and ensuring that departmental policies and practices are being carried out in accordance with the expectations of the community.⁵

Many of the settlement agreements previously mentioned include requirements concerning the collection of data related to high risk critical tasks. Oftentimes, this data is captured within Early Intervention Systems or other records management systems. The collection and analysis of this important data can be useful to supervisors and policy makers, but it can also be useful in reporting information back out to the community about issues of public concern; issues related to citizen complaints, uses of force, vehicle pursuits, and a host of other areas.⁶ Balancing the release of such information between a police department's interest in protecting it and the community's interest in receiving it is an important public policy

⁴ See, *Early Intervention Systems for Law Enforcement*, by Steve Rothlein, PATC, LLRMI, 2006.

⁵ Id.

⁶ The manner in which this information is released, as well as the content of such information, may be subject to state law provisions pertaining to Public Disclosure and Freedom of Information Acts.

discussion for law enforcement leadership. Data collection, integration, analysis, and dissemination will undoubtedly be a part of how police agencies define strategies, deploy resources, develop policies, and construct ways in which to be more transparent, and thus more accountable, to the people that they serve.

While systems, processes, and strategies are necessary elements to reforming policing practices in America, people will always remain our greatest asset toward reform. It is the police officer interacting with those whom they serve, building trust, breaking down barriers to communication, and collaboratively figuring out the best way in which to make neighborhoods safer so that broader communities become healthier places to live, work, and visit. The answer to how we place more officers in neighborhoods in order to build trust and form collaborative partnerships, while at the same time preserving order and ensuring a safe and healthy environment, is not necessarily complicated but does require a willingness to rethink how police resources are deployed, acknowledging that this may require increased staffing which in turn may require increased funding. It also requires a good understanding of how differential police response model can improve the efficiency of police services while keeping officers on the street and engaged with the citizens they serve.

I believe that one of the principle goals of implementing differential police response is to reduce dispatched calls for service thus creating discretionary time for officers to engage citizens, identify problems in the places they work, and collaborate to develop long term and sustainable problem-solving strategies that meet the community's expectations and effectively address the problems that they helped to identify.

Some common examples of differential police response methods include, but are certainly not limited to, use of on-line and telephone methods to report certain property crimes that don't require the processing or recovery of evidence, and minor incidents which have historically resulted in the dispatch of an officer. In October of 1996, the Baltimore Police Department in partnership with the COPS office, and AT&T implemented the nation's first three-digit non-emergency number, 3-1-1. This alternative method by which to report urgent but non-emergent events reduced calls from the departments heavily overloaded emergency communications system.

3-1-1 was a progressive step towards differential police response that eventually caused local governments to re-think how they captured, tracked, and assigned citizen complaints and referrals, not just for the police, but for a host of government service providers. From a law enforcement perspective, it was a progressive step in acknowledging that we need to be more thoughtful and creative in finding ways to get more officers away from chasing calls and back out in the neighborhoods interfacing with people and doing true relational policing.

There has never been a time when this is more important for our nation.

Conclusion

Not so long ago I invited Retired Raleigh-Durham Police Chief Harry Dolan to speak to my officers about the importance of communication in the way police officers interact with the community they serve. During his visit, the chief had occasion to have dinner with a young police sergeant in my agency who has committed his life to public service. In the midst of their talk, Harry said something to the young man that caught him by surprise but has forever changed the way he will think about his future and the future of policing in our country; “Bobby”, he said, “*We’ve never been stronger as a profession.*”

The challenges facing cities across America, the fractured relationships between police and citizens, and the focused attempts to reform the manner in which police agencies and police officers go about their important work present tremendous opportunities for our officers and our communities. What one may characterize as conflict has the potential of leading us to restoration; restoration of trust, confidence, hope, and ultimately relationship. Firmly rooted within a plan for such restoration is the reality that relationships are, in fact, the very essence of community policing, and the most necessary of components to make the 21st Century Task Force recommendations a reality that will make communities safer and forge a greater, long term, and more sustainable relationship between the police and the communities they serve.