Race and Policing:
An Agenda for Action

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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. In short, race remains an "American dilemma," as Gunnar Myrdal famously observed in 1944 (Myrdal, 1944), especially and inescapably for today's police.

The importance of race in policing has been demonstrated in discussions held since 2008 at the Second Executive Session on Policing and Public Safety at Harvard University. At almost every session, race emerged as a troubling preoccupation for police executives. Although many suggestions for dealing with the issue were discussed, the Executive Session did not try to formulate policies to deal with the various

issues involving race. Concern about race seemed to become stalled in discussion rather than advancing to action. So, the authors of this article suggested to the Session members that we try to cull an agenda for action from the years of frank, insightful and sometimes passionate conversation. The Session readily agreed. These are the ideas we think are most promising in terms of what police executives might do to alleviate the problems of race in contemporary policing. They reflect what we have learned that might help the most. We alone are responsible for the contents of this agenda.

Readers should also understand that the agenda consists of suggestions, not directions. Although some of these ideas have been tried, few, if any, have been evaluated. Furthermore, many of them are controversial. We include them nonetheless in order to provoke thought, often explicitly acknowledging their shortcomings. We hope that this agenda will move discussions about race from anger and yearning to concrete action by police leaders, and beyond. This is also not a "scholarly" paper that cites and explores all the writing that has been done on the activities suggested. That is beyond our ability. Therefore, before following any of our leads, readers should do their homework. Others, often more experienced than we, have thought about these issues before.

The agenda is organized into two parts — Strategic Voice and Tactical Agency. Strategic Voice argues that problems of race in policing cannot be resolved by the police alone. Other people must help by understanding and ameliorating the social conditions that cause race to be associated with crime and hence become a dilemma for American policing. Rather than accepting these conditions as givens, police leaders with their powerful collective voice should actively call attention to what needs to be changed.

Tactical Agency outlines what the police can do on their own initiative to deal with the operational dilemmas of race — in the communities they serve and in their own organizations.

Strategic Voice

We believe there are two messages that police leaders must find the voice to deliver: (1) Police need to be supported by policies that address conditions causing criminality and disorder to be concentrated in particular places, especially in communities of color; and (2) police strategies must expand freedom and justice, not just provide safety.

Strategic Voice One

Police officers know, through hard-won experience, that crime is not randomly distributed in society. It is concentrated in particular places. Any good cop can drive immediately to the neighborhoods where crimes rates are the highest and 911 calls are most common. Most of the rest of their jurisdictions are virtually free of reported crime.

The problem is that the highest rates of violent crime are in minority neighborhoods — those where African Americans, Latinos and new immigrants live. This creates the impression that race or ethnicity is implicated in criminality and that serious crime in America is particularly a "black problem" (Braga and Brunson, 2014). However, this reasoning gets the causality backward. Race does not generate criminality but, rather, the circumstances that create compacted disadvantage for minority groups also create criminality. As the police who work in minority communities know, people of color are no more tolerant of crime and disorder than others. It also obscures the fact that minority people are more likely than the majority of white people to be victims of crime.

Police also know that their ability to reduce crime where it matters most, as in disadvantaged neighborhoods, is limited through both reactive law enforcement and proactive crime prevention programs. This is not to say that the police cannot do anything, although it is generally agreed that deterrence alone will not reduce crime for people most at risk from it. Police officers are often frustrated by what little they can achieve as they respond over and over to the same problems among the same people in the same places. They feel that they are only "a band-aid on a cancer."

So, our first recommendation is that police leaders call attention publicly to the conditions of economic and social disadvantage that generate crime and disorder and undermine the ability of communities to protect themselves. They should speak loudly about the connections they see in their own experience between serious crime and conditions of unemployment, poverty, truancy, education attrition, teen pregnancy, housing segregation, inadequate health care, crowded and unsanitary housing, homelessness, underfinanced public services, and a lack of civic amenities such as parks, public transportation and street lighting. They should say publicly, out loud, as one commentator said almost 40 years ago, that police can only "perform a holding operation until other institutions attack such problems with an array of resources" (Robinson, 1975: 278).

Of course, it is one thing to be critical of, even outraged by, persistent, self-perpetuating conditions associated with high crime rates. It is another to frame policies that will successfully remedy them. Doing this will take the finest minds the country has. All we can do is suggest the sorts of policy changes that should be considered:

1. Recognize that race endures as an issue in America, not just because people are prejudiced but also because they fail to support structural changes that equalize opportunity. Law enforcement should not be viewed as a morality play between good guys and bad guys. It is about circumstances that put people on different life courses. Police, black communities and even street gangs are, as David Kennedy (2011) has said:

   > all, all of them, in their own ways strong and aspirational and resilient. They are, all of them, dealing as best they can with a world they did not make. They are all doing profoundly destructive things without understanding what they do.

There is, on all sides, malice, craziness, and evil, but not much, it turns out, not much at all. There is, on all sides, a deep reservoir of core human decency. (p. 17)

2. Focus crime prevention programs on communities and neighborhoods, not just on individuals. In particular, improve physical environments, fix the famous "broken windows," and develop the capacity of communities to organize for the advancement of common interests, whether using their own resources or mobilizing wider public and private help.

3. Mobilize and coordinate all government services bearing on public safety rather than assigning responsibility exclusively to the police. If criminality is rooted in social conditions, especially chronic deprivations, then more than police action is required to prevent it. Effective crime prevention requires that all the resources of government — welfare, education, health, sanitation, recreation, public transport — be focused where criminality is concentrated. It requires whole-of-government planning and implementation.

Strategic Voice One may be sensible and righteous, but it poses risks for police. It puts them squarely into politics by challenging the policy shortcomings of the very governments that hired them. Furthermore, these brave words undermine what police chiefs promise and what the public expects from the police — safety represented by effective crime control.

They challenge the very raison d'etre of police. Although social policies undoubtedly contribute to crime, the police have been created precisely to minimize their effects.

Strategic Voice One is also out of sync with American public opinion about structural inequality, according to an NBC/*Wall Street Journal* poll in June 2013 (Blow, 2013). Asked to explain poverty in the U.S., most people (24 percent) blamed the individuals themselves, especially citing receipt of welfare that eroded individual initiative. Only 4 percent blamed "lack of government money." They did implicate unemployment (18 percent) and poor schooling (13 percent), although one wonders where they thought the remedies would come from, if not from government. The article concludes that "the stereotypes of poor people in the United States are among the most negative prejudices that we have … . It seems like Washington is a place without pity right now" (Blow, 2013). That these uncharitable views may be laced with racism goes without saying.

Scholars, too, have been complicit in fostering doubts about the efficacy of structural interventions. In his 1975 book, *Thinking About Crime,* James Q. Wilson argued that government was ill-equipped to remedy the root causes of crime, even if they could be identified with certainty (Wilson, 1975). He believed that public policy should focus on changing the incentives for crime by increasing the risk to offenders and lowering the relative rewards. Criminology in the following years seemed to follow his lead,

focusing more on exploring factors that facilitated criminality (such as "routine activity theory," Cohen and Felson, 1979) or changing criminal trajectories of individuals than on macrosocial correlates (Sampson, 2012). Advocates for structural reform have been very few (Currie, 2010). Intellectual predispositions, it would seem, may shape scholarship just as ideology does politics.

Asking police leaders to speak with Strategic Voice One is asking a lot. It requires them to articulate a larger vision of the social forces and structural factors linked to crime, even as they direct the everyday efforts of their police officers to address specific incidents of crime. As one member of the Executive Session said, "I feel like if we are going to be the canaries in the coal mine about this issue [race] from a macro level, we are going to really injure our ability to do any good at the micro level."

Strategic Voice Two

The primary purpose for which police have been created is to safeguard life and property. This should continue to be their operational focus because public safety is not only a human right; it is fundamental to any constructive social activity, including the kind of community reconstruction suggested by Strategic Voice One. Implementing this purpose is more complex in the United States, however, because public safety must be created in a particularly demanding way, namely, within a rule of law that protects individuals from unjustified intrusions of governmental power. American policing is not just about crime

fighting; it involves enhancing human freedom at the same time. Policing in America has two goals, both equally important (Manning, 2011).

Accordingly, we recommend that police leaders explain, publicly and repeatedly, what is involved in combining effective law enforcement with liberty. It begins with finding the voice to criticize criminal justice policies that produce high rates of black male incarceration, perceptions of racial profiling, unequal enforcement of drug laws, and justice outcomes affected by race and class.

But it goes farther. It requires police, through word and deed, to obtain the public's consent for their actions. Policing with consent is an old theme in the democratic police tradition. Sir Robert Peel, considered the founding father of modern Anglo-American policing (1829), is credited with formulating nine principles of policing, three of which involve policing with communities (CIVITAS, 2014):

- "To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect."

- "To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws."

- "To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and

that the public are the police, the police being only members of the public who are paid to give full[-]time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

These principles became meaningful at first through the encouragement of the public to contact police directly whenever something is wrong that needs authoritative intervention, such as the commission of crime. Operationally, this became the 911 dispatch system developed during the 20th century. The importance of public input in creating the police agenda was reaffirmed by the First Executive Session on Police and Public Safety, 1986–1992, but with a new wrinkle. Rather than having police work defined by individuals as well as the police themselves, the First Session stressed the importance of police consulting with, as well as mobilizing, communities with common interests. This was called community policing. Two of the recommendations were to create neighborhood advisory boards and for police officers to conduct periodic visits to individual homes and businesses. In effect, community policing introduced a new level of social organization into policing by consent — groups of individuals organized by interest and/or geography.

Together, 911 and community policing empowered the public to shape what police do through individual and neighborhood instigation. Through them, policing by consent became radically democratized. It shifted the authority for determining what police do away from formal government, represented by the police, and directly to the public. As a result, police in the United States and in other democratic countries became more than agents of government. They became the citizens' police (Bayley, 1985). "Consent" in democratic countries means more than acceptance by the public of what the police are doing; it also means the ability to shape that activity directly through personal contact. This represents a radical change in the relation of security institutions to the public — one that has become the distinguishing characteristic of democratic policing. Policing by consent, in this sense, exists in only a handful of countries worldwide.

Policing with consent has another dimension, one more recently discovered: namely, how the police act in their encounters with the public. Beginning in the early 1990s, Professor Tom Tyler showed that when people are treated by the police in ways they regard as respectful and fair, they are less likely to resist and more likely to conform to what the law requires (Tyler, 2006). Robert Peel, in fact, made much the same point in one of his nine principles of policing (CIVITAS, 2014):

> [Police should] seek and preserve public favour, not by pandering to public opinion[,] but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws[;] by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing[;] by ready

exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.

Tyler's research moved significantly beyond Peel's generalities by showing that police behavior, both in attitude and procedure, could improve law enforcement outcomes even with people who have violated the law. "Procedural justice," as he calls it, undercuts a common belief among police that authority has to be visibly demonstrated to actual and potential lawbreakers and that adhering to technicalities of legal procedure undermines deterrence. Procedural justice challenges the mindset that there are tradeoffs between effectiveness in controlling crime and observance of civil rights guaranteed by the Constitution.

Giving voice to policing by consent is probably less controversial than the social reforms of Strategic Voice One. Priorities in police work and the behavior of officers are ongoing topics of conversation within contemporary police agencies, well within the "police line of work." Moreover, police officers understand from their own experience the importance of having the public "on their side." Exercising "discretion" in applying the law is an accepted part of police professionalism. Police officers know that different folks need different strokes. The crucial question is, which folks?

At the same time, some of the issues embedded in policing with consent are controversial among police, and discussing them in public is not something they may be comfortable doing.

Responding to calls for service in a timely manner, for example, is enormously popular with the public and politicians alike. It is costly, however, and may divert resources that might be more effectively employed in proactive crime prevention. Some of the popular new strategies, such as predictive and hot spots policing, depend on analyses done by headquarters staff, not input from the public. Police may also know better, in some cases, about how to deal with particular forms of crime. Furthermore, police are increasingly expected to address not just crimes that affect individuals (street crime) but also crimes that affect the society as a whole, such as terrorism, drug markets, human trafficking and violent youth gangs. Within this crowded agenda, encouraging and facilitating direct public input may seem a luxury from a bygone age (Bayley and Nixon, 2010).

So, too, with procedural justice. Many police officers believe that respect comes from a display of authority. They believe that they are the best judges of people who are deserving of soft or hard treatment, and they resent having their decisions challenged. The public, too, is ambivalent about procedural justice. Many people believe strongly in being "tough on crime" and not "coddling criminals," and they are willing to excuse intrusive and punitive policing when they fear the crime is close at hand.

Selling procedural justice will be much easier in the abstract than in the particular. In areas experiencing high levels of violence, police and the public may doubt that procedural justice will gain enough consent, especially from

troublemakers, to improve safety significantly. Perhaps in those situations, consent is more likely to come from being "tough on crime" rather than from procedural justice (Tankebe, 2009). Issues like these are being explored and tested in a departmentwide training program developed by the Chicago Police Department in 2011. It has already been given to over 3,000 employees (Meares and Neyroud, 2015)

Finally, supporting policing by consent involves taking a stand on another development that is very controversial among police, namely, civilian review. In the U.S., racial minorities have repeatedly criticized the willingness of police agencies to investigate themselves. Their consent to be policed turns, to a considerable degree, on whether they believe police are being held to account. Civilian review is supposed to provide that assurance. Civilian review panels have been used to evaluate both the crime-control effectiveness of the police and the behavior of police in carrying out assigned duties.

The questions for American police are not "whether" to allow civilian review but, instead, "when" and "how." More than 100 American cities have already developed some form of it. All Canadian provinces and all Australian states have; so, too, has Great Britain (Stenning, 2011; Walker, 2010). Civilian review is being advocated by both the United Nations and the U.S. government as fundamental to police reform in countries emerging from civil strife. For many people in democratic countries, civilian review is essential for ensuring that police are practicing procedural justice.

What is often not recognized in debates about civilian review is that it is not unidimensional. It varies from place to place in membership, powers and ambit of oversight. Some civilian review boards, for example, only evaluate the rigor with which the police receive, investigate and discipline allegations of misbehavior and then publish the results. Others have the power to oversee particular investigations and provide advice about them. Still others completely remove investigations and the determination of sanctions from police authority. Being either in favor or opposed to civilian review in principle is naive — especially when one considers that, in democratic countries, civilian review already occurs by elected officials, courts and the media. "Civilian review" may be new, but review by civilians is not.

In sum, speaking with Strategic Voice Two is easy to do in normative generalities. It fits America's democratic heritage. The difficulty comes in convincing police officers and the public that policing with consent improves the effectiveness of crime control. Scholars and many police officers believe that it does. Strategic Voice Two requires police leaders to participate in a public discussion about the importance of policing with consent in achieving public safety. In particular, it challenges them to discuss openly whether small encroachments on civil rights enhance public safety or, at the very least, to explain when exceptions are justified.

Tactical Agency

Police may do important things to address the dilemmas of race in policing without waiting for outside support in the form of either additional resources or progressive social policies. Indeed, many departments have courageously accepted the need to confront issues of race, instituting new programs and revising customary ways of doing business. We provide references to some active programs (see "References"). However, given the number and variety of American police agencies, the implementation of such actions has been uneven. To encourage and assist in reform, we make the following suggestions, drawing on the growing experience of police themselves and on the research by scholars. Our suggestions are divided into two parts — engaging the community and managing police agencies.

Engaging the Community

1. Reorient the culture of policing from going to war against lawbreakers to engaging with communities to help those at risk and in need. One way to do this is to take the time to educate police officers about the history of the communities to which they are assigned, stressing the fact that their inhabitants, especially the children, have no control over that history.

2. Embrace community policing as the primary strategy for policing. This is not an uncomplicated suggestion. Community policing has been consistently advocated as a philosophy applicable throughout policing (see, e.g., Bayley and Skolnick,

1988). Views differ considerably, however, about its programmatic elements (Maguire et al., 1997). As a result, officers have been confused about what it means for their work, frequently dismissing it with the comment, "community policing, whatever that means." For this reason, many officers have come to the conclusion that it was largely a matter of rhetoric, a flavor-of-the-month whose time had passed. Problem-oriented policing (POP), often associated with community-oriented policing, has enjoyed greater staying power precisely because it has a clear implementation program. POP quickly became identified as a set of activities — scanning, analysis, response and assessment — identified by the acronym SARA.

3. Police officers should develop the habit of explaining what they are doing whenever they act (Fridell et al., 2001). This is particularly important when an encounter has occurred as a result of the initiative of the police officer, especially when African Americans are the target.

4. Patrol supervisors should regularly assess how people contacted by the police feel about the treatment they received. This may be done systematically through surveys or by direct contact with individuals who have solicited help or have been contacted proactively.

5. A simple, user-friendly system for receiving complaints from the public about police behavior should be created. Its receptiveness should be tested periodically by sending civilians or plainclothes police officers to

file complaints. For example, the Charlotte-Mecklenburg police in North Carolina have created a website for filing complaints online (http://charmeck.org/city/charlotte/CMPD/Pages/Complaints.aspx).

6. Routinely collect and publish information about allegations of police misbehavior, the results of investigations into them, and their disciplinary outcomes. This kind of transparency is important for reassuring communities that police are serious about investigating and punishing misbehavior. It makes the issue of police discipline discussable publicly.

Managing the Organization

Police organizations are themselves microcosms of the community they serve, where larger societal issues have very real implications for running an effective organization. In order to make progress externally, the police need to improve race relations internally.

1. Officers in supervisory positions must demonstrate, by word and action, that protection of human rights should permeate all aspects of policing. Their performance in this regard should be part of their annual evaluations. In particular, supervisors at all levels must never tolerate attitudes (often revealed in denigrating language) that excuse differential treatment of particular groups, such as "We have to be tough with those people" and "Those people only respect force."

2. Managers must search out and confront racial and ethnic tensions among officers, especially perceptions by minorities that they have not received equitable treatment in assignments or promotions. Frank discussions with organizations representing minority officers can be very helpful.

3. In place of detailed regulations, statements of values should be developed that guide all aspects of policing that involve the public. Having clear statements about standards of behavior is necessary in order to empower supervisors in taking corrective action. As one participant at the Executive Session remarked, "It's easier to act your way to right thinking than to think your way to right acting." Right behavior is ensured when it is required by the immediate supervisors.

The Madison, Wis., police department pioneered this approach in the early 1980s. The Milwaukee Police Department has a detailed code of conduct specifying the department's mission, values and disciplinary guidelines. (See http://city.milwaukee.gov/police under "About MPD/Code of Conduct & Standard Operating Procedures").

4. Take time to explain the importance of neighborhood histories so that officers understand the people they will be dealing with. This is usually done through "cultural sensitivity" programs featuring presentations by members of racial and ethnic communities.

A better way is to show recruits what the world looks like from subcultural points of view. This can be done by assigning recruit officers to live among and with minority families for short periods of time or to serve as interns for neighborhood nonprofit organizations.

5. Develop procedures for evaluating whether officers engage effectively with communities, and reward them in recognizable ways.

6. Create early warning systems for detecting patterns of behavior, such as complaints filed against officers, that indicate potential vulnerabilities for the officer and the department. The primary purpose of such systems is not to punish but to provide counseling to officers so as to reduce their level of risk. The creation of such a system was a key recommendation in the 1997 consent decree between the U.S. Department of Justice and the Pittsburgh police department, and many other accords since then.

Conclusion

The purpose of this article has been to move the discussion about the dilemmas of race in policing from talk to action. Although we think these actions will help to ease tensions at the intersection of policing and race, race will remain difficult to talk about. However, at some point in the career of every senior officer, the need to do so will almost inevitably arise. It will occur when a white officer shoots a black man, when police of any color arrest distraught minority women amid a jeering crowd, and when crime-control activities in high-crime neighborhoods weigh more heavily on minority people. In situations like these, race becomes "the third rail" in discussions between police leaders and their communities, leading to an angry disconnect. Because of its sensitivity, therefore, police leaders should think carefully about what they should say when race-infused events occur.

The key is for police leaders to remember that they are not trying to change the minds of the people who are either irretrievably bigoted or already open-minded. Some people are attuned to expect prejudice in all dealings with the police, others reflexively defend the police and discount charges of unequal treatment, and still others wave the "bloody flag" of race for their own purposes. The target audience is not these, but the vast majority who know little about either policing or race. For these people, the discussion needs to move away from charge and countercharge to an understanding of what police work requires and what minority status compels with regard to treatment.

If approached with forethought and no small amount of courage, controversial race-implicated events should be seen as opportunities to develop new understandings and not just as inevitable public relations disasters. Police officials should not speak hastily before they have basic facts about what occurred. And they must be willing to "let the chips fall where they may" if mistakes, individual or organizational, have been made. This requires police leaders to do a tricky two-step — reassuring their officers that there will be

no rush to judgment while convincing minority communities that justice will be done.

Police officials should use these occasions to point out that confrontations between police and minorities do not arise primarily out of differences in values. Minority individuals, except for a few unredeemable criminals, want safety and order as much as the majority of people. Sadly, however, many minority individuals have been raised within a structure that limits their ability to have stable families, obtain necessary education, and be gainfully employed. Their culture is not at fault, but the circumstances into which they were born are.

On the other hand, most police officers are not prejudiced against minorities, although some are. Most act according to inherited understandings that focus enforcement attention on minority people, especially young males. Police officers are required to prevent crime by acting on suspicion within a society where many people, white as well as black, identify young, black males as likely threats and stereotype them as criminals.

Developing this kind of empathic voice in contemporary policing is a tall order. But words can shape events, creating new and more positive directions as scenarios unfold. In particular, they can diminish the perception that race is the sole or primary issue affecting police-minority relations.

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