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Police & Community: Strengthening Legitimacy

Testimony to the President's Task
Force on 21st Century Policing

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Based in New York City, the Center for Court Innovation is an independent, non-partisan, non-profit organization that seeks to reform the justice system by creating operating programs that test new ideas, by performing original research, and by providing technical assistance to reformers around the world.

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Police & Community: Strengthening Legitimacy

On behalf of the Center for Court Innovation, we are honored to submit this testimony to the President's Task Force on 21st Century Policing.

The Center for Court Innovation has been engaged in reforming the justice system for more than twenty years. Starting with the award-winning Midtown Community Court in 1993, the Center for Court Innovation has created a range of demonstration projects in New York and New Jersey that have attempted to reengineer the relationship between justice agencies and crime-plagued communities, including low-income neighborhoods and communities of color.¹

Many of these projects have been documented to improve public trust in justice while at the same time reducing crime and the use of incarceration. For example, approval ratings of local police in Brooklyn have increased more than three fold since the Red Hook Community Justice Center opened, while community-level crime rates and individual recidivism rates have significantly declined.²

This testimony attempts to spell out some of the lessons that we have learned over the past two decades—both from our own experiments and from our research into others' efforts—that might be relevant to the current conversation about how to bolster police legitimacy and improve police-community relations. Here are nine ideas worthy of consideration.

1. Spread community justice

The Center for Court Innovation has created community court projects in a variety of New York City neighborhoods, including midtown Manhattan, Harlem, the Bronx, Brownsville, and Red Hook, Brooklyn. (There are several dozen community courts outside of New York as well.) Each of these projects is unique, but most focus on creating alternatives to incarceration for misdemeanor offenses. And they all share a goal of engaging the public in doing justice and restoring local trust in government. Police typically play a significant role in the planning and implementation of community courts. Moreover, the availability of social services and case management in a trusted location provides police with additional tools for dealing with street problems and tricky populations—a place to bring in troubled teens or mentally-ill homeless people without necessarily making an arrest.

The National Center for State Courts recently conducted an independent evaluation of the Red Hook Community Justice Center that documented that the project was able to change the behavior of offenders (reducing reoffending by adult defendants by 10 percent and juvenile defendants by 20 percent) because it significantly improved perceptions of legitimacy.³ A Rand Corporation evaluation of the San Francisco Community Justice Center also documented reductions in recidivism.⁴

Given these kinds of results, local jurisdictions should be encouraged to create community justice centers, particularly in neighborhoods with high crime rates and low rates of public trust in justice. It also makes sense to appropriate funding to the US Department of Justice's Bureau of Justice Assistance to seed local experiments in community justice.

2. Promote procedural justice

All of the Center for Court Innovation's operating programs have attempted to advance the idea of procedural justice.⁵ Rather than processing cases like widgets in a factory, we have encouraged justice system players (attorneys, clerks, judges, court officers, etc.) to treat defendants as individuals.⁶ This includes communicating in plain English (rather than using abbreviations and legal shorthand), making eye contact, offering clear explanations of the rationale for official decisions, and providing opportunities for defendants to tell their side of the story, both in and out of the courtroom. (For example, we have created a peacemaking program that uses a non-adversarial approach adopted from Native American traditions to resolve selected cases.)

One defendant interviewed by independent evaluators from the National Center for State Courts compared his experience at the Red Hook Community Justice Center to the conventional criminal court in Brooklyn this way:

I went to Brooklyn Criminal Court before Red Hook. [It was a] horrible place, horrible. I wouldn't wish that place on my enemy. Red Hook is 100 times better.... [The Red Hook judge] allows you to speak...he likes to interact and get your opinion. I don't get the feeling that he's one of those judges that looks down on people. To me, he's fair, I'll put it that way. The court officers treat you like a person too, not like that other court over there. I learned that there's two different types of ways that courts treat people. You have these obnoxious goons and then you have those that look at you like, ok, you made a mistake.

The importance of procedural justice is underlined by the multi-site drug court evaluation, a National Institute of Justice study conducted by the Center for Court Innovation, the Urban Institute, and RTI

International that compared defendants in 23 drug courts with those in six conventional courts.⁷ The study documented reductions in substance abuse and reoffending among drug court participants. The strongest predictor of reduced future criminality was the attitude of defendants towards the judge—drug court participants were more likely to view their judge positively and thus more likely to be law-abiding.

Building on this research suggesting that procedural justice makes a difference, we worked with the US Department of Justice’s Bureau of Justice Assistance and the National Judicial College to develop and pilot a procedural justice training curriculum for judges and other court personnel.⁸ It would be a worthwhile investment to create similar training regimens for police departments around the country to improve the communication skills of officers as they tackle some of the most common types of interactions with the public, including making traffic/street stops, interviewing witnesses, and providing security at large community events.

3. Facilitate informal interactions between police and local residents

Our operating projects have employed a variety of formal mechanisms to engage local residents and justice system actors in meaningful joint work—advisory boards, community service projects, “call-in” forums, police-teen dialogues, etc. Police departments that have not created such mechanisms should be encouraged to do so.⁹

As important as it is to establish formal vehicles for community input, feedback, and partnership, our experience suggests that creating opportunities for positive, informal interactions between justice professionals and community residents is just as, if not more, meaningful. For example, our operating programs have launched a variety of unconventional activities—

holiday toy drives, little league baseball leagues, youth photography exhibits—where justice professionals have the chance to interact with local residents, particularly young people, in more informal settings. Informal interactions can help break down barriers, challenge misconceptions, and address tensions. Engaging police in these kinds of informal connections can go a long ways towards promoting healthier community relations and encouraging citizen involvement in the justice system (as witnesses, jurors, etc.).

4. Invest in alternatives to incarceration

While important, just creating opportunities for improved police-community interactions is not enough—simply continuing with business as usual in a kinder, gentler fashion will not result in changed attitudes toward the justice system. In particular, we must tackle the problem that hangs over the criminal justice system: the misuse of incarceration that has proceeded mostly unabated for more than a generation.

While the police are not, of course, responsible for mass incarceration, as the most visible representation of the justice system they bear the brunt of the ill will that mass incarceration has engendered. Efforts to improve police-community relations must be accompanied by serious efforts to reduce the use of local jails and prisons. The public must understand that the entire apparatus of the justice system is not designed to ensnare them in incarcerative settings, and that, to the contrary, jail and prison are viewed by justice professionals as a last resort, reserved for the most incorrigible and high-risk of offenders.

This means that local police should take pains to invest in crime-fighting strategies that do not lead to increased arrests. For example, we are currently working with the NYPD to create police diversion programs in several pilot precincts, providing line officers with an

opportunity to divert minor cases involving teenagers to community-based programs in lieu of formal case processing. We are also working with the COPS Office to assist local jurisdictions that are attempting to employ a public health approach to curb youth violence in distressed communities.¹⁰

Even as police are encouraged to look for new ways to reduce crime, we also must acknowledge that transforming police-community relations is not solely the responsibility of the police—prosecutors, judges, criminal justice policymakers, and elected officials must play a role as well as the system looks for meaningful alternatives to incarceration.

5. Foster buy-in at all levels of police departments

To the extent that we have had success in introducing new ideas to the New York judiciary over the past 20 years, this has been driven both by the support of judicial leadership (most notably, New York State Chief Judge Jonathan Lippman and his predecessor Judith Kaye) and by the engagement of dozens of judges who have actively sought out new ways of handling their daily caseloads. At the end of the day, successful implementation of any new idea always depends upon staff at the ground-level, be they social workers, judges, or police officers.¹¹ (One need look no further than the current arrest reductions in New York City to see the power that line officers can wield).

To transform the relationship between police and aggrieved communities will require buy-in at all levels of local police departments, from leadership to frontline officers. Our research suggests that reform efforts that take a top-down approach to change often end up failing.¹² Winning the hearts and minds of officers won't happen overnight and it won't happen on a timetable dictated by the politics of the moment – we should be

prepared to make a long-term investment in introducing ideas like procedural justice, racial reconciliation, and community engagement not just to police chiefs but to line officers as well.

6. Think about design

A whole host of environmental factors—the cleanliness of a waiting area, the language used on forms, the images used on signage—contribute to citizens' perceptions of the justice system. At our operating programs, we have tried to use design to advance the goal of improving public trust in justice.

For example, at the Midtown Community Court, we have designed the courthouse to be welcoming to the public while at the same time communicating respect for the law. The courtroom design includes the use of light finishes (rather than the dark wood that is typical in courthouses) and a judicial bench that is raised just enough to allow the judge to see eye-to-eye with most defendants (rather than looking down on the top of their heads). Perhaps most important, the facility's holding cells do not have any bars—specially treated glass is used instead. This year, we have also overhauled the public signage at the Red Hook Community Justice Center in an effort to improve comprehensibility and users' navigation of the building.¹³

Many of the ideas that we have tested in courts can be adapted to police uses. What do citizens experience when they first walk in the door of a local police precinct: a welcoming, informative sign or a tattered, poorly mimeographed reprimand? Are rules clearly posted and easy to read? When was the last time that commonly-used forms (e.g. summonses) were reviewed for comprehensibility? Is information provided in commonly spoken languages other than English? Are public areas clean and well-maintained? What kind of seating is provided for the public? Some

police precincts excel in these areas, but many do not. Police departments should be encouraged to use design (and to reach out to graphic designers, architects, communications experts and other consultants as appropriate) to support their programmatic goals.

7. Focus on victims

Experience tells us that if police do not handle victims with sensitivity, they can undermine justice system legitimacy. While all victims deserve special attention, in recent years, the Center for Court Innovation has attempted to focus on two populations in particular that have been underserved by the justice system.

The first population is young men of color. In an effort to address their unique needs, we have launched a special program in Crown Heights, Brooklyn, to help participants address trauma reactions and other difficulties that arise from the disproportionate amount of violence they experience as victims and witnesses. The second population that we have been working to serve better are victims of human trafficking, many of whom are arrested on prostitution charges. Here, we have been working with courts in New York to improve identification and to develop alternative sanctions so that victims do not end up being penalized with jail sentences and criminal convictions.

These are complicated populations to work with in many respects, including the fact that they often get arrested. In addition, many of these individuals resist being labelled as “victims.” Police departments would be well served to create special programs for such populations, including providing line officers with the latest research about the impacts of trauma on brain functioning and behavior.

8. Invest in research

Any significant new programs, protocols or practices employed by local police departments should be accompanied by an investment in research to document both the process of implementation and the impacts on community conditions and resident perceptions, with a particular focus on specific populations of interest (e.g. victims, teens, arrestees, immigrants, communities of color). In our experience, evaluation is a crucial tool in spreading new ideas to skeptical audiences—it is difficult to argue against programs that have been independently documented to be successful. Police departments should be encouraged to partner with local research institutions to conduct baseline survey research concerning the attitudes of community residents on the legitimacy of law enforcement and to evaluate new initiatives for possible replication. And the National Institute of Justice should be provided with the necessary funding to support new studies in this area.

9. Encourage innovation

Much of the current conversation about building trust between the police and local communities focuses on the need for more public accountability. There is also a need for more creativity.

A couple of years ago, the Center for Court Innovation conducted a national survey of criminal justice leaders in an effort to determine the extent to which criminal justice agencies were willing and able to engage in a process of trial and error.¹⁴ Several dozen police chiefs participated in the survey. While we learned that there was a great deal of interest among criminal justice leaders in learning about the latest research and evidence-based programs, we were also able to document some common obstacles to innovation. In addition to concerns about funding, among the most

common barriers cited were: “the stakes are too high to test brand-new ideas” and “trying new things could cost me my job if they are unsuccessful”.

While there are many promising strategies that police departments can employ to enhance legitimacy, the truth is that there is no off-the-shelf strategy that is guaranteed to build trust. It would be a shame if one of the results of the current focus on police-community relations was a hardening of police resistance to new ideas. Instead, we should encourage police departments to continue to experiment and to talk as openly as possible about the results of these experiments—this is the only way to build knowledge and tackle problems that have proven resistant to conventional solutions.¹⁵

Conclusion

The past generation has seen remarkable gains within the criminal justice system. Crime is down dramatically in many American cities. A variety of different interventions—community court, HOPE probation, Cure Violence, Compstat, cognitive behavioral therapy, motivational interviewing, drug court, focused deterrence, etc.—have been documented to reduce crime and change the behavior of offender populations. The field has gotten smarter about assessing risk and spreading evidence-based programs. All of these gains are imperiled, however, if the public does not view the criminal justice system as legitimate. This is the challenge that all of us who believe in the American justice system—not just police—must tackle in the months to come. We commend President Obama for convening the task force on 21st century policing and we look forward to seeing the results of your deliberations.

Endnotes

1. Based in New York City, the Center for Court Innovation is an independent, non-partisan, non-profit organization that seeks to reform the justice system by creating operating programs that test new ideas, by performing original research, and by providing technical assistance to reformers around the world. For more information, please visit www.courtinnovation.org. The Center for Court Innovation operates over two dozen demonstration projects in and around New York City. Current projects include: community justice programs (Bronx Community Solutions, Brooklyn Justice Initiatives, Brownsville Community Justice Center, Harlem Community Justice Center, Midtown Community Court, Newark Community Solutions, and the Red Hook Community Justice Center); youth justice projects (Queens Youth Justice Center, Staten Island Youth Justice Center, and Youth Justice Board); and Cure Violence replication efforts in Crown Heights and Bedford-Stuyvesant, Brooklyn, and in Morrisania and the South Bronx in the Bronx.
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7. Rossman, Shelli, et al. 2011. “The Multi-site Adult Drug Court Evaluation: Executive Summary.” Urban Institute. Available at <http://www.urban.org/publications/412353.html>.
8. The Center for Court Innovation has published several practitioner tools on the topic of procedural justice, available at www.courtinnovation.org/proceduraljustice.
9. With support from the US Department of Justice’s COPS Office, the Center for Court Innovation developed “Police-Youth Dialogues: A Toolkit,” a how-to guide for communities and stakeholders interested in using positive communication strategies to improve police-youth relations. Publication is forthcoming in 2015.
10. The Center for Court Innovation was recently awarded a grant to serve as the site coordinator, evaluator, and technical assistance provider for the jointly funded Minority Youth Violence Prevention project of the US Department of Justice’s COPS Office and the US Department of Health and Human Services’ Office of Minority Health. Nine sites have been selected nationally to implement youth violence prevention models utilizing partnerships between local public health agencies and law enforcement. For more information, see: <http://minorityhealth.hhs.gov/Blog/BlogPost.aspx?BlogID=26>.
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