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# Strengthening Trust Between Police and the Public in an Era of Increasing Transparency

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RAND Office of External Affairs

CT-440

October 2015

Testimony presented before the House Republican Policy Committee Law Enforcement Task Force on October 6, 2015

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Published 2015 by the RAND Corporation  
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**Brian A. Jackson<sup>1</sup>**  
**The RAND Corporation**

***Strengthening Trust Between Police and the Public in an Era of Increasing Transparency<sup>2</sup>***

**Before the Republican Policy Committee  
Law Enforcement Task Force  
United States House of Representatives**

**October 6, 2015**

Chairmen Messer and Reichert, and members of the Task Force, thank you for inviting me to speak to you this afternoon on such an important issue for the country.

Events in recent months—including deaths of citizens as a result of police use of force and targeted killings of police officers in the line of duty—have focused national attention on the relationship between the police and the public they serve. While many communities enjoy a strong and productive relationship between police and the community, in others profound fractures exist—especially between law enforcement and minority or economically disadvantaged communities. The challenges we face today did not originate in the tragic events of the past few months. Our history includes events and behaviors in which the public can find good reason to believe that police will not treat them fairly, but law enforcement officers can also find reason to not trust members of the public out of safety and other concerns.<sup>3</sup> This dichotomy has echoed through the rhetoric used by both law enforcement and its critics in recent months, with the apparent chasm it creates increasing the temperature of public discussion and making it more difficult to identify a path forward. In my view, that path is partly about the public trusting police, but it is also about the police trusting the public. To trust and respect each other is a two-way street, and it is unlikely that the problems we face today can be solved without some distance traveled on both sides.

These events are happening at the same time that changes in the information environment—driven in large part by new information technology, the Internet, and social media—create new challenges. Tensions between police and some communities go back far before the Internet

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<sup>1</sup> The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research. This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors.

<sup>2</sup> This testimony is available for free download at <http://www.rand.org/pubs/testimonies/CT440.html>.

<sup>3</sup> For a summary of these two perspectives, see International Association of Chiefs of Police, "IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust," January 2015, pp. 5–8.

revolution, but the changes that revolution has brought with it simultaneously emphasize the need to strengthen police-community trust and make it more complex to do so. Information technology has affected the practice of policing in many ways,<sup>4</sup> but, for the public, it has created the potential for new awareness of how police—from the department to the individual officer level—are doing their jobs. Video footage of police officers in action can spread far and wide on the Internet. Round-the-clock media coverage of situations like those in Ferguson, Missouri, or Baltimore, Maryland, makes images of police responding under very demanding circumstances immediately and broadly available. Consent decrees that have involved the release of increasingly detailed datasets on how some departments function have made deeper and more authoritative information available to the public on policing strategies, tactics, and their effects on members of the public. This changed information environment has increased the transparency of policing—and the consequences of that increase, for the criminal justice process, for the public at large, and for police officers and organizations, are still in the early stages of playing out.

Therefore, the country today faces the compound challenge of improving relationships between police departments—and the criminal justice system more broadly—and diverse communities in this evolving information environment. Today, I set my remarks in the foundation of what is known about building mutual trust, legitimacy, and respect between police and the public, but focus on the challenge of doing so in today's information environment—where I believe there are opportunities for Congress and action at the national level to help move the country forward.

### **The Challenge of Building and Maintaining Police-Community Trust**

The relationship between police departments and the communities they serve and protect has been the focus of study in criminology and related fields for decades.<sup>5</sup> That work means that we understand why that relationship is important—when the public trust and respect police they are more likely to call on them for help, to cooperate with them in critical situations, and work together to solve community problems—and the value of a strong relationship for both police officers and citizens. We understand why it is tough to build and maintain: even under the best of circumstances, the role of police means that they interact with citizens at their most vulnerable, must contend with stressful and volatile situations, and may have to take actions that every individual involved is unlikely to view positively. The uncertainty embedded in police-citizen

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<sup>4</sup> Brian A. Jackson, Victoria A. Greenfield, Andrew R. Morral, and John S. Hollywood, *Police Department Investments in Information Technology Systems: Challenges Assessing Their Payoff*, Santa Monica, Calif.: RAND Corporation, RR-569-NIJ, 2014. As of April 15, 2015: [http://www.rand.org/pubs/research\\_reports/RR569.html](http://www.rand.org/pubs/research_reports/RR569.html)

<sup>5</sup> This literature is summarized in President's Task Force on 21st Century Policing, *Interim Report of the President's Task Force on 21st Century Policing*, Washington, D.C.: Office of Community Oriented Policing Services, 2015; International Association of Chiefs of Police, 2015; and Jackson, 2015.

interactions also challenges the relationship from the police point of view: though officers interacting with citizens courteously and respectfully is critically important, they must do so with the knowledge that seemingly routine interactions could escalate into threats to their or others' safety—requiring a rapid switch in mindset and approach.

However, even if it is difficult, the work that has been done means that we largely know what is needed to build that trust. The elements of what is required to do so have been brought together in the concept of *procedural justice*: that law enforcement organizations must demonstrate to the public they serve—both in word and deed—the fairness and impartiality of their processes; must treat individuals during those processes with dignity and respect; and must give the public the opportunity to participate, whether that means giving an individual a chance to explain their side of the story to the police officer standing in front of them or more macro-level public participation in law enforcement policymaking. Fully implementing these principles is not easy, as they have implications not just for communication with the public but for policing tactics, strategies, accountability, discipline, and other internal processes, but they provide a roadmap for building trust between law enforcement and the community. Research has even shown that applying these principles can build trust *even in situations where the outcome of an interaction with police is something that does not make citizens happy*—e.g., receiving a traffic ticket—if the process through which it happens is viewed as just. These principles are also integral in agency-level approaches, such as community policing, where building relationships with the public help both to educate citizens about the police and to educate the police about what the community needs them to do.

While these principles are understood, however, our recent experiences as a country have shown that we are far from implementing them universally and, for many communities, trust between police and the public is severely damaged or non-existent. This means that a steep climb will be required to first repair and then improve the relationship between such communities and police. It has also become clear—not unexpectedly—that even when trust is built, it can be fragile. Because of the nature of policing, critical incidents will arise that stress that trust—and whether a department's relationships with its citizens are strong enough to weather such an incident may only be known with certainty after the fact.<sup>6</sup> Furthermore, this steep climb must be done in an information environment that has the potential to increase these opportunities for creating stress in the relationship, even as it provides new avenues for police and the public to interact and communicate.

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<sup>6</sup> Personal communication with a police chief from a major metropolitan area, November 2014.

## Transparency and Police-Community Trust

While we understand a great deal about what is needed to build and maintain police-community trust, we are only in the early stages of understanding and navigating the effects that the new information environment can have on doing so. For example,

- *Video or photos of police officers doing their jobs—whether from an officer’s department-issued body camera or a citizen’s cell phone—can travel from one side of the country to the other extremely rapidly.* Recent experience has shown the power of such images to damage public views of the police—but also how positive images can strengthen them. Though there might have been a time when communication between police agencies and the public was done only by leaders or spokespeople at press conferences or the handful of incidents covered by the media, technology now means every interaction between an officer and citizen has the potential to be public rather than private, in practice making every officer a public information officer.
- *It is becoming more difficult to keep data out of public view, even if there is good reason to do so.* Because individuals in our system—whether citizens or law enforcement officers suspected of wrongdoing—are innocent until proven guilty, publicizing information about investigations or arrests can undermine the integrity of the justice process. In the current information environment, citizens often film and post videos of incidents without redacting the identities of individuals who may not have done anything wrong. How to protect the privacy of individuals is a major concern surrounding the use of police body cameras, since officers will capture images (potentially within private homes) in the course of their duties that the people involved would not want made public. The ability to collect and disseminate data has also altered the ability of police agencies to keep information on discipline and other processes within the department. Datasets and tools have been built to track the conduct of individual officers from departmental records or even using crowdsourcing from the public.<sup>7</sup>

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<sup>7</sup> For example,

- After the incidents in Ferguson, three teenagers developed a mobile app that allows citizens to rate their interactions with individual police officers. See Rebecca Borison, “Three Teenagers Created an App to Document Police Abuse,” *Business Insider*, August 15, 2014.
- The Legal Aid Society, a New York public defender organization, is building a database that collects information on allegations of police misconduct from a variety of sources. See Leon Neyfakh, “The Bad Cop Database,” *Slate*, February 13, 2015.

- *The public has tools to build and analyze datasets on criminal justice by themselves—with or without governmental action.* Early in the debate after the events in Ferguson, Missouri, the absence of federal data on fatalities as a result of police use of force was central.<sup>8</sup> While steps to address the shortfall were discussed,<sup>9</sup> members of the public and press didn't wait—they acted to fill the void by collecting their own data.<sup>10</sup> These efforts to build datasets empower the public to do its own analysis of policing activities, but also require navigating issues of data and analytical quality in policy debate.

Police departments are still in the early stages of understanding and responding to these changes. Since our country has approximately 18,000 individual police agencies, it is unsurprising that we have seen steps taken in response that are very diverse. In some cases, efforts have been made to try to resist the tide of these changes—for example, seeking to limit media coverage of incidents or restrict the ability of individuals to photograph police officers.<sup>11</sup> Such strategies are problematic—even when driven by legitimate motivations of protecting privacy or protecting the integrity of the criminal justice process—and are likely to become more difficult to pursue over time. If the end goal is building and maintaining public trust, they also have the potential to directly undermine progress in and of themselves. At the other end of the spectrum, there are departments moving in the direction of major transparency, seeking to engage with their communities in social media, and to release data and even officer-worn video.<sup>12</sup> Such strategies have their own complications and complexities. However, in an era where technological and societal forces are pushing toward more, rather than less, transparency, strategies that seek to get in front of the trend rather than attempt to resist it would appear more sustainable over the long term.

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<sup>8</sup> Wesley Lowery, “How Many Police Shootings a Year? No One Knows,” *Washington Post*, September 8, 2014.

<sup>9</sup> Mark Berman, “Holder: We Need Better Data on Police Shootings and Officer Deaths,” *Washington Post*, January 15, 2015.

<sup>10</sup> For example,

- Kyle Wagner, “We’re Compiling Every Police-Involved Shooting in America. Help Us,” blog post, *Regressing*, August 20, 2014. As of April 15, 2015: <http://regressing.deadspin.com/were-compiling-every-police-involved-shooting-in-america-1624180387>
- Kimberly Kindy, “Fatal Police Shootings in 2015 Approaching 400 Nationwide,” *Washington Post*, May 30, 2015.

<sup>11</sup> For example, see discussion in Olga Khazan, “Any American Can Take Any Police Officer’s Photo,” *The Atlantic*, August 14, 2014.

<sup>12</sup> For example, see Jon Fingas, “Seattle Police Get Help Publishing Body Camera Videos Online,” *Engadget.com*, November 24, 2014; or Luke Broadwater and Mark Puente, “City Police Cases Will Go Online; Baltimore to Publish Outcomes of Misconduct Suits Involving Officers,” *Baltimore Sun*, November 14, 2014.

If police agencies must operate in an environment of significantly greater transparency, what are the implications of these shifts for building trust between police agencies and the public? Recent events suggest several:

- The relationships between departments and the public will be tested more frequently—by every controversial video posted by a citizen or published analysis of newly available data questioning the effects of policing strategies—so police departments will have to be prepared. Such testing could be beneficial, giving departments opportunities to strengthen their relationships with their communities, but also risk locking police leadership into a near-permanent state of crisis management.
- The role of the individual police officer is changing—in a world where every police-citizen interaction may be on video, every officer’s behavior matters and could have citywide or even national implications every day. Given the challenging situations officers deal with in the line of duty, this is a major challenge and has significant training implications and other needs to support officers in their increasingly complex role.
- We need to know more about the types of information and data that both police leaders and the public need to navigate the police-public relationship in this new era. The speed of the Internet and social media means that traditional ways for police leaders to get a reading of their communities’ views—e.g., periodic phone surveys—may be too slow to inform their decisionmaking. Similarly, in a time when public trust is low and information provided by police departments may be viewed with suspicion,<sup>13</sup> understanding how to implement transparency *effectively* is critically important.

As transparency of policing and criminal justice activities increases, additional effects will almost certainly appear—with implications not just for the relationship between police and the public, but for officer safety, costs of policing, and the integrity of the criminal justice process. As a result, action to support police agencies in adapting to this environment—above and beyond efforts to support broader fundamental improvement in police-community relationships—is needed.

### **Opportunities for Congress**

Throughout the debate of police-community relations in the wake of Ferguson and events that have followed, the fact that policing in the United States is local is frequently cited as a barrier to

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<sup>13</sup> For example, in federal consent decree processes, provision of information about policing and its outcomes is frequently one of the roles of the independent monitor.

action at the national level. In spite of local control of policing, Congress has important roles and opportunities to help provide tools and resources to help law enforcement and the public build sustainable trust in an environment of increasing transparency.

In approaching the fundamental shortfalls in trust between law enforcement and the community that exist in the country, there is a clear federal role and, therefore, actions that can be taken to support it. Particularly in areas where trust is deeply damaged—such as between minority communities and their police departments in some localities—there is value in an outside entity coming into the relationship to help craft a path forward. Sometimes this entry is through legal action, a consent decree and appointment of an independent police monitor. In other cases, the entry comes by invitation via the Department of Justice’s collaborative reform process, where departments can gain support and expertise to assist them. Though the success of external intervention is never assured, it can help overcome barriers to change within departments and build credibility in the eyes of external communities. Such interventions have been described as valuable by departments that have gone through them and have contributed to sustained changes in some areas.<sup>14</sup> Other ongoing federal efforts aimed at identifying and disseminating best practices across the country and the role of federal grant and other programs to encourage adoption of such best practices can contribute as well.

Although these types of federal activities have contributions to make, the complexities created by today’s information environment mean that additional and different actions are needed. This is particularly the case since police departments still face resource constraints due to ongoing pressures on state and local budgets, limiting their ability to adapt and innovate on their own. What is needed?

- *Better and more responsive tools to monitor the health of the relationship between police departments and the communities they serve.* Over the past approximately two decades, there have been major advances in police use of data, as departments have implemented CompStat programs to inform their management decisionmaking. CompStat uses near-term crime and other data to assess trends and support resource allocation and tactical decisions. Leaders need similar data on public attitudes to monitor the health of the relationship between police and the public—on a timeline that is rapid enough that the data can be used in decisionmaking.<sup>15</sup> Though some efforts are

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<sup>14</sup> See discussion in Police Executive Research Forum, *Civil Rights Investigations of Local Police: Lessons Learned*, Washington, D.C., 2013.

<sup>15</sup> This framing parallels that made in International Association of Chiefs of Police, 2015, p. 7–8: “Police success is measured in metrics such as arrests made, decreases in crime rates, and cases solved. Often times, political and departmental leaders judge police performance on the same. Alienation of segments of a

underway to begin to fill this shortfall,<sup>16</sup> more is needed—and tools that make it possible to collect this data at low cost are critical to minimize the requirement to trade-off such data collection against funding other critical criminal justice priorities. Federal research and development funding activities and technical assistance programs can make important contributions in supporting the development and adoption of the tools needed.

- *Supporting innovation to enable responsible expansion of police transparency and accountability.* Recent policy debate has focused on body cameras, but simply putting cameras on officers will not solve the challenges we face in police-public trust. While having footage available can be critical in the wake of an incident that resulted in injury or loss of life—limiting potential damage to trust—simply filming many interactions and storing the data is not enough to build trust on its own. Though release of such video could provide the public a fairer window into policing, doing so is only possible if tools to address privacy concerns are available. There are also the very beginnings of consensus on other fundamental issues around cameras, including policies about when they are used, how long data should be stored, and so on—which have important cost and other implications for individual departments.<sup>17</sup> In recent RAND work focused on criminal justice technology,<sup>18</sup> the need for tools to automatically redact video, to develop best-practice policies for use, and for innovation in data storage and analysis were raised by criminal justice practitioners in response to the new focus on broader use of body-worn cameras. In this case, the challenges are technological—requiring continued support of research efforts to develop what is needed.

While cameras have been a recent focus, there are needs for innovation to support improvement in police-community relations in other areas as well. Oversight models and the ways that police departments respond to problematic incidents or officers are key to maintaining public trust, but there has been relatively little focus on how to improve their ability to do so while still meeting the needs of law enforcement agencies and officers.<sup>19</sup>

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community may be the *collateral consequences* of well-intentioned police practices intended to reach one view of ‘success’ in policing (such as reducing the crime rate)” (emphasis added).

<sup>16</sup> See, for example, Garry F. McCarthy and Dennis P. Rosenbaum, “From CompStat to RespectStat: Accountability for Respectful Policing,” *The Police Chief*, Vol. 82, August 2015, pp. 76–78.

<sup>17</sup> For a review, see Michael D. White, *Police Officer Body-Worn Cameras: Assessing the Evidence*, Washington, D.C.: Office of Community Oriented Policing Services, 2014.

<sup>18</sup> See RAND Justice, Infrastructure, and Environment, “Priority Criminal Justice Needs Initiative,” web page, undated. As of September 23, 2015:

<http://www.rand.org/jie/projects/priority-criminal-justice-needs.html>

<sup>19</sup> This concern was flagged by the National Research Council in its systematic 2004 examination of criminal justice issues (National Research Council, *Fairness and Effectiveness in Policing: The Evidence*, Washington, D.C.: National Academies Press, 2004). The President’s Task Force also called for citizen involvement in oversight in an “appropriate form and structure . . . to meet the needs of [the] community”

Federal grant, technical assistance, and research programs, in addition to federal research efforts to identify and disseminate best practices, can play key roles in stimulating innovation in these areas—particularly given fiscal constraints faced at the state and local level.

- *Making trusted data available at the national level to provide comparable information across police departments.* While making more data available to the public is a strategy for improving police-public trust in today’s environment, that strategy will work only if the data are trusted and tools are available to allow the public to use that data to draw accurate and fair conclusions about their police departments’ activities.<sup>20</sup> The value of standardized data across departments is important—given the diversity that exists across the thousands of police agencies in the United States—because it could make it possible for citizens to assess the performance of their department in a national context. Drawing good conclusions also requires quality data, collected the same way across the country—where the absence of data, for whatever reason, has the possibility to be interpreted as evidence of misbehavior and therefore itself undermine trust. As a result, in spite of the recent public and journalistic efforts to gather police data, support of national-level data collection from police departments (whether through the Bureau of Justice Statistics or other data collection efforts), and creating incentives in grant programs or other mechanisms to provide complete and accurate information, is important.

In the wake of Ferguson and the events that have followed, discussion regarding the implications for policing in the United States have been wide ranging. Concerns have been raised about the effectiveness of policing and the safety of police officers in today’s environment, and on the fairness and appropriateness of actions police have taken—including lethal actions—involving members of the public. Though often framed as opposing sides of the argument, considering police-public trust and the relationship between police departments and the citizens they serve breaks that apparent opposition. If the goal is trust, which is fundamental for police organizations in a democracy, we cannot view these goals as separate positions that are pro- and anti-police, or view them as unconnected to one another. Trust is a two-way street, and building respect is a mutual effort as well. While police agencies and the public might have different priorities and views about how much of each is enough, both get a vote on the appropriateness of the end state—and when we are talking about trust, it has to be a vote for yes on both sides.

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(President’s Task Force on 21st Century Policing, 2015, p. 93) emphasizing that there are still no simple or accepted “answers” as to the right modes and mechanisms for such oversight.

<sup>20</sup> The President’s Task Force had one recommendation on “technology-based community engagement” that spoke to this need (President’s Task Force on 21st Century Policing, 2015, Recommendation 3.5).

As a result, what steps should be taken to build police-community relations and trust is an issue on which the country needs and deserves a robust and well-informed policy debate—both now, in the situation we face today, and continuing into the future. Developing strategies to increase transparency of policing can provide the public with more information to educate that debate, and inform their judgments about incidents of concern that will invariably arise in the course of even the best-implemented policing strategies. More transparency could also help police agencies by providing a stronger foundation for building relationships with communities that, in turn, could help them police more effectively and more safely. However, transparency does not come without costs and complications, and national efforts to navigate or mitigate them can help the U.S. criminal justice system more effectively address both the present and the future.