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CIVILIAN OVERSIGHT

DC Review Board Addresses Bicycle Stops

The District of Columbia's Police Complaints Board (PCB) recently issued a report about perceived police bias in pretextual stops of bicycle riders. The report, in response to complaints filed with the Office of Police Complaints, describes a pretextual stop as occurring "when an officer asserts a (typically minor) violation as grounds for a stop that truly involves an ulterior agenda on the part of the officer." According to the board, the complaints share similar elements: "The complainant—often a black male—riding an unregistered bike draws the attention of the subject officer who has in some cases had prior knowledge of the complainant through past dealings." The report states that current MPD practices in relation to bicycle registration regulations "allow for selective enforcement and pretextual stops," and, therefore, invite perceptions of biased policing.

The mandatory registration rule requires a person to register his or her bicycle, which must bear a serial number, registration tag, and a registration plate. Violators can be fined and their bicycles impounded. Yet the Metropolitan Police Department (MPD) does not itself conform to the rules; when the MPD registers a bicycle, it places a sticker, rather than a tag or plate, on a part of the bike not easily visible, so as to not be noticed by thieves or detract from appearance. With the registration sticker placed on the underside of the frame, an officer's explanation for stopping an individual because the officer suspects the bicycle is not registered does not appear plausible on its face. The PCB also said the department spends almost no time training officers or recruits on the scope of the law regarding registration requirements.

With the exception of Montgomery County (MD), DC's neighboring jurisdictions have voluntary, rather

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than mandatory, registration programs. "Given the interconnected nature of the metropolitan area," said the report, "the District's anomalous registration regulations seem impractical. Instead of protecting citizens, the law may be confusing them."

The PCB report recommended the council eliminate mandatory registration "[f]or the sake of MPD's relationship with the community, and for the sake of uniform application of the law." The board also recommended the MPD improve officer training, inform the public about bicycle regulations through an outreach campaign, and collect and analyze bicycle stop data in order to assess potential biased policing practices. The full PCB report can be accessed online at www.policecomplaints.dc.gov.

CONSENT DECREES/ MEMORANDA OF AGREEMENT

PG County Completes First Year of Monitoring

The Independent Monitor Team for Prince George's County's January 2004 memorandum of agreement (MOA) with the U.S. Justice Department has released its fourth quarterly report assessing MOA compliance by the county and its police department. The Justice Department began investigating the Prince George's County Police Department (PGPD) in 2000 for an alleged pattern or practice of excessive force. The agreement that resulted focuses on use-of-force reporting, investigation, and review; officer training and supervision; and personnel management. The Independent Monitor Team (AG-IMT), led by Eduardo Gonzalez and the Alexandria Group of MPRI, reviewed all 67 MOA requirements for the quarter ending June 16, 2005. (A separate 2004 consent decree, among the county, the PGPD, and the Justice Department, focuses on the PGPD Canine Section, and compliance is monitored by the Justice Department itself.)

The AG-IMT established two compliance phases for the PGPD. Phase I requires policy development and any necessary training; Phase II requires department-wide implementation of the policy in accordance with MOA measurements. By quarter's end, the PGPD was found in Phase I compliance with 43 requirements, while Phase I compliance was pending

for 14 requirements. The PGPD was not in compliance with ten Phase I requirements, and no compliance has yet been achieved on any Phase II requirement.

The report commended the PGPD for progress in developing general orders. The department established committees to revamp the PGPD policy manual, yet the Monitor did express concern that the revised use-of-force general policies “continue to lack organization and therefore do not provide sufficiently clear direction for officers and supervisors in the field.”

The Monitor praised the PGPD for crisis intervention training at the police academy, which features a two-hour “Patrol Response to Mentally Ill Persons” training to be provided during 2005 to all sworn personnel at or below the rank of lieutenant. The department also developed a booklet and pocket guide that provides officers with strategies for dealing with individuals with mental illness. During the quarter, the department began providing officers with 24-hour support from the Mobile Crisis Team (MCT), staffed by mental health professionals to respond to incidents involving individuals believed to be mentally ill, but the Monitor cautioned that few incident reports mentioned the MCT’s presence on scene and recommended officers better document resources utilized in incidents in order to assess how well the partnership is working.

The full Monitor report and other documents can be accessed online at www.goprincegeorgescounty.com/Government/PublicSafety/Police/progress.asp?h=20&s=&n=230.

RACIAL PROFILING

Study Finds No Systematic Bias or Profiling

Washington State University researchers released their final report on traffic stop data collected by the Washington State Patrol (WSP). Researchers said they had “not found any evidence of systematic, statewide, actual profiling, or purposeful discrimination or malice toward racial minorities” after analyzing more than 1.2 million contacts initiated by WSP troopers (also called “self-initiated” contacts) between November 1, 2002, and June 30, 2004. The study broke down racial groups into whites, blacks, Native Americans, Hispanics, Asians, and East Indians.

Given the many variables for determining the existence of any bias-based policing, the study compared self-initiated WSP contacts from each of the department’s 40 autonomous patrol areas (APAs) to separate “archival” benchmarks, including:

- Population characteristics of the patrol areas
- Contacts initiated due to radar and aircraft identification of speeders
- Contacts initiated because of traffic accident involvement

Using a standard that differences of five percent or greater indicate substantively significant disparities, the report found that compared to the patrol areas’ resident populations (adjusted for differences in driver populations), blacks and Hispanics were each over-represented in all traffic stops by more than five percent in only one of the 40 APAs; neither Native Americans nor Asians were over-represented in any.

Hispanics were the only minority group found to be over-represented by five percent or more when trooper-initiated contacts were compared with radar- and aircraft-initiated contacts. In other words, stops made by troopers who might be able to identify a driver’s race did not disproportionately involve minorities—except for Hispanics—when compared to stops made using this racially “blind” measure (radar- and aircraft-initiated contacts) of driving quality and quantity. This comparison did show that Hispanics were over-represented in statistically significant percentages in seven APAs—a disparity the report said deserved the WSP’s and its district commanders’ attention. Another benchmark considered racially “blind”—involvement in accidents—showed no group was over-represented when trooper-initiated contacts were compared to contacts from accidents.

The study’s most serious concern was that blacks, Hispanics, and Native Americans were disproportionately subjected to searches at higher rates as compared to whites. Also, data showed that all minority groups were more likely to receive citations than were whites in a majority of APAs. However, the study revealed that black drivers had a higher “average violation seriousness score” than did whites in 36 APAs, while Native Americans and Hispanics had higher average scores than whites in all 40 areas. The full report can be accessed online at www.wsp.wa.gov/reports/wsu_2005_report.pdf.

ACADEMIC RESEARCH

The article, “Can Effective Policing Also Be Respectful? Two Examples in the South Bronx,” which appears in the June issue of *Police Quarterly*, examines the relationship between aggressive policing tactics and citizen complaints of misconduct. The authors of the study, Robert C. Davis, Pedro Mateu-Gelabert, and Joel Miller, set out to test if vigorous enforcement efforts to control crime by the New York City Police Department (NYPD) were associated with changes in the level of citizen complaints.

The study examined levels of citizen complaints across two NYPD precincts, the 42nd and 44th, between 1993 and 1998. During this time period, the NYPD began to more aggressively enforce statutes aimed at “quality-of-life” offenses, improve intelligence gathering, and increase the number of arrests. The 42nd and 44th precincts were the focus of the study because throughout this period they experienced declines in crime similar to the entire city but did not experience an increase in citizen complaints, unlike the average for the rest of the department. According to the authors, “[b]y 1998, civilian complaints in the 42nd and 44th precincts were 54 percent and 64 percent, respectively, below their 1993 levels, whereas citywide, the number of complaints was up by 39 percent.” The study tested three main hypotheses: (1) The reduction [in complaints] was due to a decrease in enforcement actions; (2) the reduction [in complaints] was due to changing community composition; and, (3) the reduction [in complaints] was due to precinct management.

To evaluate the reasons behind the decline in complaints in the two precincts, the authors, with the help of the NYPD and the New York City Civilian Complaint Review Board, analyzed data on crime complaints, civilian complaints, and enforcement actions. They also interviewed a sample of 26 police officers, including commanding officers, integrity control officers, training sergeants, other supervisors, community affairs officers, and officers on the civilian complaint recidivist list from each precinct. Also interviewed were instructors from the police academy, a sergeant from the employee management division, a transit division commanding officer, and community members.

The results indicate that the decline in these two specific precincts was in part related to precinct management. In 1997, amidst concerns about citizen perceptions of the police, the NYPD implemented the courtesy, professionalism, and respect policy (CPR). While this policy was implemented department-wide, the two commanding officers in the 42nd and 44th precincts frequently reinforced department CPR training and administered regular ongoing CPR training. The commanding officers also administered the departmental monitoring programs for officers who received multiple civilian complaints or force complaints. The authors note that the precinct commanders attached “real consequences to receiving civilian complaints.”

According to the authors, the precincts’ management style was associated with the decline in complaints, thus supporting the researchers’ third hypothesis. The first two hypotheses, however, were not proven: there were no indications of a decrease in enforcement efforts because arrests during that time did not decline; and the researchers could not establish that a shift in demographic composition of these communities was responsible for any significant change in the level of citizen complaints. *Police Quarterly*, June 2005, Vol. 8, No. 2.

COMMUNITY POLICING

Study Looks at COPS’ Impact on Crime

The U.S. House of Representatives’ Committee on the Judiciary asked the U.S. Government Accountability Office (GAO) to evaluate the impact of Office of

Community Oriented Policing Services (COPS) grants on the “decline in crime that occurred during the 1990s.” In evaluating the impact, the GAO looked at where COPS grant money was allocated in relation to where crime was occurring; the extent to which grants were connected to changes in policing practices such

as proactive problem identification and intervention, community policing, and crime mapping; and if the grants increased the number of sworn officers, who in turn contributed to the crime decrease.

The GAO's *Interim Report on the Effects of COPS Funds on the Decline in Crime during the 1990s* notes the U.S. Department of Justice began giving local law enforcement agencies community policing grants at the end of 1993, eventually totaling \$7.3 billion, most of which had been spent by 2001. In virtually the same period from 1994 to 2001, violent crimes per 100,000 persons decreased by 29 percent. "While the less than 1 percent of total local law enforcement expenditures contributed by COPS funds during this period is unlikely in itself to have generated the 29 percent decrease in the violent crime rate," the report said, "the questions of whether and, if so how much, the roughly \$5 billion in COPS expenditures contributed to the decline in crime merit attention."

Determining COPS grants' contribution to the decline in crime is complicated by many factors, said the GAO. The decline began before the first COPS grants were made. Additionally, 82 percent of the 13,133 agencies whose data were analyzed for the report had received at least one COPS grant, limiting the number of agencies not receiving grants that could be used for comparisons.

Nonetheless, the GAO report did find a correlation between increases in COPS-funded officers and decreases in the rates of total index crimes, violent crimes, and property crimes in agencies serving 10,000 or more individuals. This correlation remained even after researchers controlled for other factors that could affect crime, including socio-economic and demographic changes, increased incarceration and sentences, other federal grant programs, and changes in state-level programs such as welfare.

The GAO estimated that nationwide from 1998 to 2000, COPS grants accounted for 1.5 percent of all local law enforcement expenditures. Estimated crime reductions due to COPS grants in 1998 came approximately to eight percent of the total decline in index crimes and 13 percent of the total decline in violent crimes from their 1993 levels.

In studying the effectiveness of the grants, the GAO found that COPS gave about half of its grant money

to agencies policing populations of more than 150,000 and half to agencies policing fewer people. The requirement to allocate money based on population may have weakened COPS' impact on crime, said the report, since crime is not necessarily related to population, and "...funds might not necessarily be allocated in relation to the volume of crime." Fifty-three percent of grant funding went to agencies serving populations under 150,000 persons, but these agencies "accounted for about 38 percent of violent crimes reported to the police." Larger increases in new policing practices were reported in agencies receiving COPS grants than in those that did not. The full GAO report can be accessed online at www.gao.gov/new.items/d05699r.pdf.

STANDARDS & TRAINING

Sheriff Article Urges Improved Stun Gun Training

A recent issue of *Sheriff*, a publication of the National Sheriff's Association, included a special report on simulated training for Tasers and other stun guns. *10 Guidelines for Use of Stun Guns in Simulated Training Environments* explains that increased deployment of stun guns over the last few years requires thorough officer training on such weapons. "New equipment, no matter how effective, is useless unless the operator completely understands its function, application, and related procedures and policies," writes the author. He writes that the answer to providing "adequate initial and recurrent training" to officers on Tasers and stun guns lies in scenario-based training that simulates real-life situations and environments.

The first guideline says that agencies selecting a cost effective, simulated training system should use electronic stun weapons with "the look, feel and functionality of the actual stun gun model that is being deployed...." Training weapons should allow for reloading during a scenario since the chance "of missing a moving target with at least one [Taser] probe is very real." Weapon hits should also mimic real stun guns; a training system should require that both infrared lasers, in the place of probes, hit within target zones since the circuits of stun guns used in the field are not completed if only one electrical probe hits.

Scenarios in the simulation training must utilize realistic incidents with a variety of possible and

appropriate use-of-force options, writes the author. The presentation of scenarios with only “‘shoot/don’t shoot’ exercises for use of the stun gun... may give officers the false belief that the TASER technology is the correct force option for all encounters.” The training must allow for other objectives, “such as reloading, transitions to and from the stun weapon, and approach.” More information can be accessed online at www.sheriffs.org. Brown, Todd R. “10 Guidelines for Use of Stun Guns in Simulated Training Environments.” *Sheriff Magazine*. Brown is currently the chief trainer for IES Interactive Training.

NEWS BRIEFS

Officials Criticized for Handling of BJS Report

When the U.S. Justice Department’s Bureau of Justice Statistics (BJS) published *Contacts between Police and the Public: Findings from the 2002 National Survey* this past April, the publication was released without a press release about its findings and with little media coverage. More recently, the study stirred controversy when it was reported that tensions arose between BJS Director Lawrence A. Greenfeld and his political supervisors over its findings of racial disparities in police traffic stops. Greenfeld’s supervisors reportedly told him to delete the description regarding disparities in the study’s draft press release—an order Greenfeld refused to follow. As a result, no press release came out with the publication.

Greenfeld, who came to the BJS in 1982 and was appointed director in 2001 by President Bush, reportedly will transfer to a lower position in a different federal agency. According to reports, BJS employees claim Greenfeld has been demoted because of the dispute, an assertion upon which neither White House nor Justice Department officials have commented.

As PARC reported in its May 2005 newsletter, the BJS study found that whites, blacks, and Hispanics are stopped at roughly the same rate—8.7, 9.1, and 8.6 percent, respectively. However, blacks and Hispanics were more likely than whites to experience a threat or use of force during traffic stops. The two groups were also more likely than whites to be physically searched or to have their vehicles searched. Blacks were 11 percent of drivers police stopped but 22.5

percent of drivers searched. Hispanics were 9.5 percent of drivers stopped but 21.7 percent of those searched. Whites, on the other hand, were less likely to be searched than their percentage of all drivers would indicate. The full BJS report can be accessed online at www.ojp.usdoj.gov/bjs/pubal/p2.htm.

Departments Turn to Online Police Reports

Residents in Palm Springs (CA) and Anchorage (AL) are now being asked by local law enforcement to file their own police reports online for certain non-emergency incidents. The Palm Springs Police Department (PSPD), expects the new online reporting system to save money, as well as allowing for greater police presence in the community and faster responses to emergency situations. The department estimates it will not only receive 4,000 fewer calls but also save more than \$200,000 during the program’s first year, said reports. The Anchorage Police Department (APD) hopes to reduce a portion of its approximately 15,000 annual phoned-in crime reports and shorten the waiting time for residents who prefer filing reports over the telephone.

Both departments’ report forms request victim information and the date, time, location, and nature of the crime. The types of crime for which the self-reporting can be used in Palm Springs include: vandalism, vehicle tampering, theft, lost or stolen property, and harassing phone calls. There are exceptions: residents will not be permitted to self-report vandalism by a gang or identified suspect, thefts that are burglaries or where a suspect has been identified, harassing phone calls with an identified suspect, or any incident that is believed to be a hate crime. In Anchorage, in addition to the same crimes in Palm Springs, residents can self-report theft from a vehicle, identity theft, and fraud. The APD does not accept online reporting for any crimes in which there are known suspects.

Other law enforcement agencies, such as the San Jose Police Department, use an online form for the public to file reports. More information about PSPD and APD online self-reporting can be accessed online at www.pspd.com and www.muni.org/apd1/apd911.cfm. *Anchorage Daily News*, August 16, 2005; *Desert Sun*, July 8, 2005; *Los Angeles Times*, July 9, 2005; www.sjpd.org

Detroit Plans to Cut Officers, Reorganize

Detroit's most recent budget, approved by the city council earlier this summer, slates around \$54 million in police department cuts in order to help reduce the city's deficit, reports say. Mayor Kwame Kilpatrick and Detroit Police Department (DPD) Chief Ella Bully-Cummings considered options, including laying off 584 officers—a move they said would have met the full \$54 million figure but would risk public safety. Other options were a lay-off of a smaller number of officers (approximately 200) and consolidation of some DPD precincts into ones covering larger areas.

The reorganization plan the mayor and chief announced at the end of August will consolidate the twelve precincts the department currently operates into six district stations. The DPD will also lay off 150 of its roughly 2,600 officers, many from desk jobs no longer needed once the precincts merge. Chief Bully-Cummings said some sworn command personnel demoted in the reorganization will most likely retire, according to reports, which could alleviate a portion of possible additional lay-offs. The plan will move approximately 100 officers from desk to patrol assignments, while eliminating the department's aviation and mounted patrol units and combining such units as sex crimes and domestic violence. Finally, the chief said she will look into charging fees for providing security and human resources to sporting events and funeral processions.

Chief Bully-Cummings said the reorganization plan cuts DPD spending by \$20 million. It was subsequently reported that the plan could be undermined after a judge halted the demotions of 14 DPD inspectors and commanders. The department's budget reductions come at a time when the DPD is operating under federal scrutiny stemming from two U.S. Justice Department consent judgments requiring reforms. *Detroit Free Press*, August 5, 29, 30, and September 9, 2005; *Detroit News*, August 29, and 30, 2005; www.ci.detroit.mi.us/police/default.htm

INTERVIEW

Angela Arboleda is the Civil Rights Policy Analyst at the National Council of La Raza (NCLR)—the country's largest constituency-based national Hispanic organization and a leading Hispanic think tank in Washington, DC. She is responsible for civil rights and criminal justice policy analysis,



research, and issue advocacy. Ms. Arboleda focuses on juvenile justice, hate crimes, racial profiling, sentencing reform and re-entry issues, police brutality, and civil rights discrimination by state, local and federal law enforcement. Ms. Arboleda is a graduate of the Elliot School of International Affairs at George Washington University and has authored many publications, her most recent being Lost Opportunities: The Reality of Latinos



in the U.S. Criminal Justice System. Flavia Jimenez is NCLR's Immigration Policy Analyst. At NCLR, she is involved in comprehensive immigration policy reform. Ms. Jimenez has worked with homeless families as an attorney for the City of New York and also represented immigrant workers in their attempts to

recover unpaid wages. She graduated from Mary Washington College with a BA in International Affairs and holds a JD from New York Law School.

PARC sat down recently with Angela Arboleda and Flavia Jimenez to discuss their work on law enforcement issues affecting Hispanics.

PARC: *How and when was the National Council of La Raza (NCLR) founded? What is its mission?*

FJ: *The National Council of La Raza (NCLR) was founded in 1968. We are the largest Latino, non-partisan civil rights organization in the country, with over 300 affiliated non-profit organizations that work all over the country to serve the Latino community. Our mission is to reduce poverty and discrimination and to improve life opportunities for Latinos in the United States. By the way, we use the terms "Latino" and "Hispanic" interchangeably to refer collectively*

to Mexicans, Puerto Ricans, Cubans, Central and South Americans, and others of Spanish and Latin American descent. Hispanics can be of any race.

AA: Since NCLR started in Texas in the 1960s during the civil rights movement, it was primarily working on civil rights issues affecting Mexican Americans. In 1980, we moved to Washington DC. From that point on, we made a concerted effort to broaden the scope of the organization so that we now think of ourselves as a pan-Hispanic organization representing Latinos of all nationalities. This includes people from South, Central, and North America, as well as the Caribbean.

PARC: *What are your relevant professional backgrounds? What are your positions and what do you do at NCLR?*

FJ: I am an attorney, and I previously practiced employment and immigration law before coming to NCLR. I served the Latino community mainly in cases involving non-payment of wages. Here at NCLR, I am the Immigration Policy Analyst.

AA: I have a degree in International Affairs, with concentrations in Latin America and Women's Studies. I've been at NCLR for five years. Previously, I worked for the National Organization for Women and the Feminist Majority Foundation. I was also a labor organizer for the Service Employees International Union and for UNITE. I am NCLR's Civil Rights Policy Analyst and my primary focus is working on criminal and juvenile justice policy from a civil rights perspective.

PARC: *How is NCLR organized between its various offices and focus areas? How is NCLR funded? And how does your organization work to affect policymaking?*

AA: We have eight regional offices—in Chicago, Atlanta, Los Angeles, Phoenix, Puerto Rico, Sacramento, San Antonio, and now New York City. Our policy work stems from our headquarters in Washington, DC, although we also have policy offices in Sacramento and San Antonio. The other regional

offices serve as experts and resources for technical assistance (TA) for our affiliates, and they provide TA in different areas depending upon the needs of the community in their particular region. For example, our Los Angeles office specializes in education and healthcare, and our Chicago office specializes in workforce development.

As for funding, we are fortunate to have a diversified funding portfolio. We are funded primarily through foundation grants to do policy work. We also receive some government grants, corporate donations, as well as limited revenues from our membership.

We think of ourselves as the voice for 40 million Latinos living in the United States, and we give them a voice through advocacy, policy analysis, research, and legislative affairs here at the national office in Washington, DC. We have 20 full-time policy analysts

or advocates who walk the halls of Congress, the White House and different agencies to ensure that Latinos are not excluded from the political process. We try to change

laws not favorable to the Latino community and make new laws take into account the lives and realities of Latinos. We also have a technical assistance arm that provides expertise to NCLR's 300 affiliates.

PARC: *What would you say are the most pressing concerns facing Latinos in the areas of civil rights, criminal justice, and immigration? How does NCLR work to address these issues?*

FJ: I think that an underlying concern for Latinos is access to government and agencies that influence the criminal justice and immigration policies that then directly affect the community. By access, I mean participation and the results that are derived from the active engagement of Latinos. Our job is to bring to the forefront of policy discussions the Latino voice, the concerns of our community, and the role that we can play as a growing community and the largest minority in the United States.

AA: Specifically on justice system issues, youth violence and juvenile justice, particularly with regard

“Our job is to bring to the forefront of policy discussions the Latino voice, the concerns of our community, and the role that we can play as a growing community and the largest minority in the United States.”

to gang violence, are big areas of concern to NCLR. We're committed to doing more research and exploring these areas to the fullest extent. What we're seeing in the media is alarming, and the law enforcement response to gang violence is very mixed. We need to get a better handle on the situation so that the community stays safe and knows that there are a number of efforts both by community-based organizations and by law enforcement trying to alleviate youth violence. But this needs to be done locally in a joint effort between law enforcement, the community, the school system and the youth.

Another one of the most pressing concerns in our civil rights portfolio is the disproportionate reliance on incarceration. For many years, we thought that criminal and juvenile justice issues were not so relevant to the Latino community because we didn't have numbers available on incarceration. When the federal government and some states started disaggregating incarceration data, we learned that Latinos are, in fact, disproportionately represented in the federal criminal justice system. In 2004 when we were 13 percent of the population, we were 31 percent of the incarcerated population in the federal criminal justice system. Unfortunately, data is still not disaggregated in some states. Criminal justice systems in states with emerging Latino communities, such as Tennessee, North Carolina, and Alabama, are still just disaggregating their numbers by black and white, when in fact the 2000 census showed that the Latino community has grown exponentially in those places, and it's hard to believe that there are no Latinos in prisons or jails in those states.

PARC: *Have the terrorist attacks of September 11, 2001, affected Latinos' treatment by law enforcement? Are there any post-9/11 federal, state, or local policies with which you are particularly concerned?*

FJ: The response to September 11 has been an incredible challenge because unfortunately the attacks

were seen as an immigrant issue. The restrictions and lack of due process in decisions that have been made have influenced most of the Latinos who are not U.S. citizens. This includes anyone who has an application before immigration services or who has to adjust his or her status. We've seen that the punitive sort of legislation that has come about at the national level has been detrimental to our community because our community feels afraid to speak up because of any possible consequences to their immigration status.

In terms of local police enforcement of immigration laws, many people in the federal government think that this is a good idea to keep our country safe. We argue the opposite at NCLR. Community policing in the U.S. has worked very effectively in catching criminals by bringing forward witnesses who can testify against them. If the local police enforce immigration laws, then immigrant communities are not going to want to work with police officers to solve

"If the local police enforce immigration laws, then immigrant communities are not going to want to work with police officers to solve crimes and get criminals off the streets. Immigrants will be afraid to come forward.... When police talk about trying to catch terrorists, they should actually be trying to gain the trust of the community."

crimes and get criminals off the streets. Immigrants will be afraid to come forward. Domestic violence victims will be afraid to call the police if they are being beaten; they will never know if an officer will start asking them for

their immigration status. We could have a huge problem with victims of abuse basically jailed in their homes with batterers and afraid to seek help. When police talk about trying to catch terrorists, they should actually be trying to gain the trust of the community.

AA: In the wake of 9/11, law enforcement has increased reliance on the physical appearance of individuals as a means to apprehend terrorists. That's why there was an outcry from the Arab-American community. But the story that has gone untold is what has happened with Latinos and other people who could potentially look like individuals from the Middle East. There have been instances throughout the country in which Latinos have been targets of hate crimes and police abuse when they were perceived to be Arabs.

If law enforcement only relies on a person's appearance and not on good, tactical law enforcement information, police will be doing a huge disservice to public safety, as Flavia said, by breaking the trust between law enforcement and the community, when they really are stronger as partners.

PARC: Should local police be involved to any extent in the enforcement of immigration laws? Does the relationship between police and a Latino community change when local departments are involved in immigration enforcement?

AA: Community-police relations are broken as soon as powers of enforcing federal immigration laws are handed to local police officers. Local law enforcement officers do not want to enforce immigration laws. They understand that this added requirement is not only burdensome, but that they don't have the training, and that it makes their job more difficult because it turns their allies in the community away. The officers walking around neighborhoods and engaged in community policing understand how harmful the implementation of this new job requirement may be in keeping a community safe.

Furthermore it's important to understand the make-up of the Latino community. The Latino community is a mixed-status community. We cannot separate those people who are out of status from those who are in status. In a Latino family, we might have a mother and a father who have permanent residency, children who are citizens, and a cousin who may be here undocumented. Latinos will not want to serve on juries, participate in investigations, call 9-1-1 when they are being battered by a spouse, or report youth when they are looting, stealing, or doing drugs in the street if the first question Latinos are going to get from police is: "Okay, thanks for telling me about this crack dealer. Now let me see your green card." Residents will not call the police next time around.

PARC: NCLR has raised concerns about racial profiling by the police. How does your group recommend that this issue be addressed, at the local, state, or federal level? Are there particular agencies that have done a good job on this topic?

AA: NCLR opposes racial profiling, and we define racial profiling as the use of race, ethnicity, national origin, or religion by law enforcement as a predictor

of criminality. We have a very clear position against racial profiling because history has taught us that we ourselves have been victims. We were very encouraged by President Bush when he said in his first year that he was committed to eliminating racial profiling. Former Attorney General John Ashcroft echoed Mr. Bush's commitment. The U.S. Department of Justice later issued a guidance banning racial profiling by federal law enforcement agencies, a very good step in the right direction, but still insufficient since some local and state law enforcement also engage in racial profiling. And so we have been working for the last several years to implement a racial profiling law—the End Racial Profiling Act—to make sure that racial profiling is banned at the local, state, and federal level, and that law enforcement officers are receiving training and better equipment so that they can do their job better without undermining anyone's civil rights. We are committed to seeing the passage and implementation of this bill, and we hope that Mr. Bush stands strong in his commitment to eliminate racial profiling.

NCLR works on these kinds of laws through advocacy. This includes letters to Congress from community-based service providers, visits to elected officials and discussions with law enforcement. There are approximately 19 states that have voluntarily banned racial profiling. In addition, we have some proactive police departments that have voluntarily adopted anti-racial profiling stances and have implemented traffic stop data collection programs. The data collection is a great management tool and accountability measure for law enforcement. Former San Diego Police Chief David Bejarano was one of the pioneers to address this issue. He saw the importance of data collection on traffic stops and searches as an effective management tool for his department. Recently, the U.S. Department of Justice has been criticized for the way it quietly and reluctantly released a Bureau of Justice Statistics report containing data on racial profiling. The report says that while people of different races may be stopped more or less in accordance with their proportion of the population, some races are subjected disproportionately to arrest and use of force after a stop. It also says that the hit-rate for the contraband, drugs, or weapons found in the vehicles of people of color does not merit the suspicion or the number of stops.

FJ: In terms of immigration, racial profiling is troubling because in order to determine whether or not a person might be undocumented, officers would have to make a determination based on the person's race or national origin. The question about immigration status is one that is complicated by cities and localities clearly faced with issues of immigrant integration; but they cannot just assume that they can provide training to a police officer so that the officer can determine whether or not a person is documented, you simply cannot tell just by looking at someone. The federal immigration code has been likened to the federal tax code in its complexity. Having a police officer asking for documentation status would cause enormous problems.

AA: Racial profiling does not keep our community safe; it is ineffective policing. It only provides a false sense of protection and safety. Relying on race, ethnicity, national origin, or religion to predict criminality is very different from saying that law enforcement cannot use these characteristics as a factor in trying to determine who is and is not a suspect. In New Jersey we heard about African-American men stopped on Interstate 95 because police were going after a man of Jamaican origin, with dreadlocks, driving a red sport car. That description does not fit a man who is bald and driving a 1980 Chevy but is African American. We need to make sure that race, ethnicity, national origin, or religion are only but one of many descriptors for a suspect. These should not be used as a pretext to stop people just because they look "suspicious."

PARC: *Many police departments have made efforts to enhance diversity among sworn and civilian personnel to increase representation of minorities and women. How do you think law enforcement agencies are doing on this front in relation to representation of Latinos? Are there examples of departments that have been successful in ensuring that officers or sheriff's deputies better reflect the communities they serve?*

AA: I think there has been a recognition generally by law enforcement and particularly among some departments about the need to hire more Latino officers. Law enforcement personnel should reflect the community that they're keeping safe. I know that the NYPD had a problem and is doing much better, as is the LAPD. The Metropolitan Police Department here in DC was doing a horrible job until a few years ago when NCLR was pressuring it due to the Latino community's exponential growth in the District. The department had no Spanish speaker answering 9-1-1 calls and only one Spanish-speaking operator picking up non-emergency service calls. Mayor Anthony Williams and Police Chief Charles Ramsey understood that they needed to fulfill their duties to protect the lives of all residents of the District of Columbia and not just those residents who could speak English. As a result the MPD recruited, hired, and relocated 50 police officers from Puerto Rico. This was a great first step. However, to import law enforcement officers from Puerto Rico into an all Salvadoran community caused tensions and troubles in the Latino community.

We need to be sensitized to the cultural differences that exist within the Latino community. Yes, we do share the Spanish language, but there are some clearly-defined cultural differences among the many

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countries of Latin America. However, as a result of the Spanish-speaking officers, we have seen that the Latino youth violence and gang problem in DC has been greatly reduced; we have not had any gang homicides for two years. That has

been, in part, due to the fact that there is a Latino anti-gang response unit staffed by Latino officers who can communicate with the youth, some of whom are creating a lot of havoc. The reduced gang violence is also a result of collaboration between Latino police officers and Latino community-based organizations. This is how community service providers and law enforcement work hand-in-hand to deter crime, and it speaks to the importance of having Latino law enforcement personnel, especially in areas where there is a significant or growing Latino population.

My question to law enforcement departments is this: How many Latino officers are there in Raleigh, North Carolina, or in Charlotte or Durham? How many in Concord? The 2000 Census revealed that the Latino population grew by almost 400 percent in North Carolina. We want to ensure that we are represented in law enforcement not only in traditional Latino states—California, Texas, Illinois, and New York, for example—but also in non-traditional Latino states like North Carolina, Alabama, Tennessee, and Iowa—places where Latinos are migrating in search of jobs and other opportunities.

PARC: *How else can more diverse police forces impact policing of Latino communities?*

AA: Keeping the community safe is the number one benefit of having a diverse police force because community residents see themselves reflected among police officers. When an officer looks and sounds like you, you feel much better and friendlier towards the officer. This has helped to deter crime and to catch criminals. But for those departments that do not have a strong Latino officer presence, my recommendation is to make sure that the departments engage in recruiting and hiring from within the community. Black, white, and Asian officers should be talking to Latino youth and mentoring teenage boys and girls so that they will consider joining the police force. And in law enforcement departments across the nation with significant numbers of Latinos in their communities, there must be cultural training. It would be great if all departments gave an incentive—a raise or extra leave—to officers who are bilingual or who become bilingual. Reward those officers who are bilingual and can connect with the Latino community.

A final suggestion is for officers to continue improving their understanding of cultural and language differences. Many times, the training that officers receive is very culturally or linguistically inappropriate. When officers then go out to the street, this training is the only thing they know, especially if

the officers did not grow up in diverse neighborhoods. The importance of such training has to come from the chief of police, saying that there is no tolerance for jokes against Latinos, any other race, women, or gays and lesbians. The chief needs to care and believe in the training and training materials, which must be culturally relevant. Also, the chief and other police leaders must make clear that they expect the training to be put into practice.

We realize that it takes time to hire Latino officers from within a community. Short of that, cross-pollination from different departments is desirable. What DC did, recruiting Puerto Rican officers to protect the Latino community, was a very honorable effort, and an excellent example for other departments.

PARC: *What are ways that police have, or should, overcome language barriers during encounters with individuals who speak Spanish and little, or no, English? Have you seen departments with examples of model policies and creative ways for dealing with language barriers in the communities they serve?*

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AA: The way to overcome language barriers is to prepare ahead of time. Law enforcement officers are known for good training ahead of time—on lethal and less-lethal equipment, and on how to respond in various situations. I encourage departments to do the same when it comes to language barriers. There must be someone bilingual who picks up 9-1-1 calls especially if your department is located in a community where there is a significant presence of Hispanics. There needs to be more officers patrolling the neighborhood who are able to communicate with the community, otherwise how are they supposed to keep us safe? And there needs to be language classes for officers who are not Latino, or who may be Latino but do not speak Spanish, to make sure that they can communicate with people in the community.

Reliance in situations on Spanish-speaking passers-by to translate is not acceptable. Police departments should not take that chance. Short of having Spanish-

speaking officers, departments need to hire interpreters, and those interpreters need to be available at all times. A problem we see every day is when a person in the street is trying to say, “My wife is screaming because she just burned her eye with boiling water. Please help her.” When the police come, they see the wife with a red eye and screaming bloody murder. The husband is trying to communicate, but the officers are wondering what happened and if it could be an instance of domestic violence. What is not understood is that this woman really needs an ambulance to take her to the hospital.

PARC: *A recent NCLR press release quoted NCLR President Janet Murguia as saying, “No community is more affected by the issue of gangs than the Latino community, and no community has a bigger stake in winning the fight against gang violence....” Do the anti-gang priorities of government and law enforcement differ from those of Latino communities?*

AA: Law enforcement, the Latino community, and NCLR are exactly on the same page—all of us want to stop gang violence, period. It directly affects the Latino community. With youth in rival Latino gangs or small groups within big gangs fighting against one another, gang violence really hits home for the Latino community. Where we differ is on the approach. Gang violence is a complex issue that merits a comprehensive solution. NCLR and the Latino community are interested in making sure that future generations of Latino youth never get involved in gangs. We also want to ensure that those kids involved in gangs have an escape, an alternative to that lifestyle and become productive members of society; and finally we also believe in punishment and suppression for those gang members who are committing violent, heinous crimes. Our approach is a comprehensive, three-pronged approach of prevention, intervention, and suppression. This is not very different from what some in law enforcement believe, specifically the U.S. Department of Justice and the Northern Virginia Regional Gang Task Force,

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which is a grouping of county and city law enforcement agencies in the greater DC metropolitan area.

Where we differ from some in law enforcement, including prosecutors, but especially from politicians, is that they sometimes turn to punishment, punishment, and more punishment. Locking up youth offenders and throwing away the key is not the solution. An approach that only involves punishment really does nothing to stop crime because it does nothing to stop the pipeline of young kids joining gangs. It is unrealistic to think that we can incarcerate gang violence.

What NCLR believes—and where we are in agreement with local law enforcement—is that gang violence needs to be dealt with at the local level, by local police departments, and not by federal law enforcement. After all, local police are the ones who have been dealing with this issue for a long time. Officers who patrol the streets every day know the community better, know where gangs are operating, and know

how to fight this crime. Local prosecution, local police intelligence, and local policing are what we need more of instead of federalizing gang violence.

PARC: *What do you advocate as appropriate law enforcement and/or criminal justice responses to gangs? Are there any police departments you would cite as having model policies in dealing with gangs? If so, what are those departments doing right?*

AA: As I mentioned, the District of Columbia is doing great work because the police have joined forces with the Latino community-based service providers. Boston has an amazing model—the Ceasefire program—which also combines law enforcement with community leaders and organizations to deter and fight crime. I know that Missouri, for example, has juvenile offenders serve time in their community as opposed to taking them out and making it hard for them to reintegrate after they have served their

sentences. There are promising approaches, but I don't think there is one that is the silver bullet. Different communities may respond differently to the same law enforcement approach for fighting gang violence. What have been proven to work are responses that involve the community, parents, youth, religious leaders, service providers, and definitely local law enforcement.

Cities need to make an investment in prevention, namely after-school activities. Schools also play a key role on this issue; they need to step up to the plate too. Poverty, lack of job opportunities and many more factors play into gang violence. Getting at the root cause of this problem is harder and more complicated than just locking up youth. Incarceration will only solve the problem momentarily. At NCLR, we like to think of long-lasting solutions.

PARC: *In several large cities, residents have become concerned about officer-involved shootings and other uses of force in which a disproportionate number of the subjects are Latino. Has NCLR expressed concern about police practices in specific jurisdictions or in general regarding alleged disproportionate police use of force against Latinos?*

AA: NCLR started its work in criminal justice by focusing on police use of force. Police brutality not only affects the African-American community disproportionately but also the Latino community. We have taken positions, written letters, and met with law enforcement departments when questionable use-of-force incidents have come to our attention. Law enforcement in general is a lot more conscientious about this kind of police action than it is in other areas. I know officers go through extensive training on use of force, but I get calls every month from individuals who allege they were physically mistreated by law enforcement personnel. Some of these allegations haven't been investigated or proven, but these incidents are nonetheless disconcerting for the Latino

community. Forty percent of the Latino community is foreign born, which means that many of the people in my community come directly from countries where police officers were crooked, not to be trusted, and dangerous. Latino immigrants come to the United States knowing that police officers here are different, that they are a friendly face and a safe haven for the community. It shatters this image when we hear and read about very painful instances of alleged police brutality or even humiliation because it is a complete disappointment to those who had envisioned they would be free from police abuse in this country.

PARC: *What do you see as emerging issues relating to criminal justice and law enforcement that will impact Latino residents in particular, and how do you think NCLR will address those issues?*

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AA: Racial profiling is a big issue. We see it as the first step to the disproportionate confinement of Latinos in the criminal and juvenile justice system. We need to put a stop to racial profiling practices.

We are also very concerned with the war on drugs and what this does to both the Latino and African-American communities. We know that the majority of Latinos serving federal prison terms are in for two reasons: drug-related offenses and immigration violations. A problem I foresee getting worse is the disproportionate incarceration of low-level, non-violent drug offenders who need treatment instead of incarceration.

What is also of growing concern is the transfer of youth offenders into the adult system. Studies have shown that youth are more likely to commit suicide if incarcerated among adults. They are also more likely to be sexually assaulted and physically injured. And it's also been proven that a youth is more likely to commit a crime after he or she has served a prison sentence, than is a kid who is in a gang but has not been incarcerated. Overzealous incarceration can actually create huge problems for the Latino

community and the nation as a whole. If we keep increasing incarceration rates, we are going to lose an entire generation of young men and women.

Finally, a lot of people coming out of prison, they are reentering society. Parole and police officers do not know what to do with these people. Two-thirds of these people who come out of prison will recidivate after three years in the community, and there are more than 630,000 people coming out of prison—not including county jails—every year. What tools are we providing to these people so that they don't commit more crimes? Where are they going? There are incredible barriers for people to reenter and reintegrate into society: they cannot vote, live in public housing, receive certain public benefits, or receive federal money for education. These barriers create a law enforcement problem. So what are police officers going to do when there is no safety net for people who must reintegrate? Police will have to go after the same guys they arrested two, three, five, or ten years ago. That is a mismanagement of public safety funds. And that does not keep our community safe.

CONFERENCES & MEETINGS

September 24-28, 2005 – International Association of Chiefs of Police, 112th Annual Conference, Miami, FL. Online at www.theiacp.org/

October 10-12, 2005 – Americans for Effective Law Enforcement, Police Civil Liability Seminar, Las Vegas, NV. Online at www.aele.org/Seminars.html

October 23-26, 2005 – National Association for Civilian Oversight of Law Enforcement, 11th Annual Conference, Miami, FL. Online at www.nacole.org

October 23-26, 2005 – International Association of Correctional Training Personnel, 21st Annual Conference, Nashville, TN. Online at www.iactp.org/conferences.htm

October 27-28, 2005 – Justice Research and Statistics Association; Bureau of Justice Statistics, National Crime and Statistics in the 21st Century: Using Data and Technology to Improve Justice, St. Petersburg, FL. Online at www.jrsa.org

November 16-19, 2005 – American Society of Criminology, 2005 Annual Meeting, Toronto, Canada. Online at www.asc41.com

November 16-19, 2005 – Commission on Accreditation for Law Enforcement Agencies, Fall Conference, Nashville, TN. Online at www.calea.org