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The John F. Finn Institute  
for Public Safety, Inc.

**City of Poughkeepsie Police  
Reform and Reinvention Plan:  
A Review and Implications**

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The John F. Finn Institute for Public Safety, Inc., is an independent, not-for-profit and non-partisan corporation, whose work is dedicated to the development of criminal justice strategies, programs, and practices that are effective, lawful, and procedurally fair, through the application of social science findings and methods. The Institute conducts social research on matters of public safety and security – crime, public disorder, and the management of criminal justice agencies and partnerships – in collaboration with municipal, county, state, and federal criminal justice agencies, and for their direct benefit. The findings of the Institute’s research are also disseminated through other media to criminal justice professionals, academicians, elected public officials, and other interested parties, so that those findings may contribute to a broader body of knowledge about criminal justice and to the practical application of those findings in other settings.

The Finn Institute was established in 2007, building on a set of collaborative projects and relationships with criminal justice agencies dating to 1998. The first of those projects, for which we partnered with the Albany Police Department (APD), was initiated by John Finn, who was at that time the sergeant who commanded the APD’s Juvenile Unit. Later promoted to lieutenant and assigned to the department’s Administrative Services Bureau, he spearheaded efforts to implement problem-oriented policing, and to develop an institutional capability for analysis that would support problem-solving. The APD’s capacity for applying social science methods and results thereupon expanded exponentially, based on Lt. Finn’s appreciation for the value of research, his keen aptitude for analysis, and his vision of policing, which entailed the formulation of proactive, data-driven, and – as needed – unconventional strategies to address problems of public safety. Lt. Finn was fatally shot in the line of duty in 2003. The Institute that bears his name honors his life and career by fostering the more effective use of research and analysis within criminal justice agencies, just as Lt. Finn did in the APD.

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## Introduction

In June, 2020, New York Governor Andrew Cuomo signed Executive Order (EO) 203. The EO mandated that every local government with a police agency conduct a “comprehensive review” of police “deployments, strategies, policies, procedures, and practices,” and on that basis develop a plan for improvements that would “foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.” In conducting the review, the EO directs localities to consult with stakeholders, and to consider evidence-based policing strategies. Pursuant to the EO, the City of Poughkeepsie’s Police Reform and Modernization Collaborative issued its report in February of 2021. On February 18, Mayor Rolison asked the Finn Institute to review the report and provide comments. This report summarizes the results of our review.

For our review, we considered the report of the Collaborative, the recommendations of the Procedural Justice Committee,<sup>1</sup> the findings of a community survey administered in 2019,<sup>2</sup> and selected policies of the City of Poughkeepsie Police Department (CPPD).<sup>3</sup> We also capitalized on reviews of extant research that we previously performed for reform and reinvention initiatives in other cities, which we summarize below. Given the abbreviated time frame for our undertaking, we would not purport to have conducted an extensive review of CPPD’s current strategies, policies, etc., and we did not conduct analysis on the basis of which we could estimate and assess racial and ethnic disparities in CPPD enforcement.

We summarize our assessment in the pages that follow, organized in terms of (1) desired outcomes, to address the strategies that contribute to the outcomes, and (2) institutional infrastructure, to address the internal and external structures that facilitate the achievement of those outcomes. We begin with building trust, and address the role of procedural justice at street-, neighborhood-, and leadership-levels. We then consider violence and crime reduction, and the forms that the evidence- or research-based strategies of hot spots policing, focused deterrence, and street outreach take in Poughkeepsie. We turn thereafter to practices that conserve the use of police authority as a resource, including especially practices that minimize police involvement in

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<sup>1</sup> <https://cityofpoughkeepsie.com/policecollaborativeplan/2020/12/21/procedural-justice-committee-releases-recommendations-regarding-governors-executive-order-on-police-reforms/>

<sup>2</sup> The survey was administered by mail, with 389 responses from among 3800 to whom questionnaires were sent, and it covered a number of topics, including physical and social disorder, awareness of crime, fear of crime/self-protection, quality of life in the neighborhood and city, willingness to cooperate with law enforcement, perceptions of police accountability, responsiveness, and procedural justice generally. For 149 respondents who reporting having contact with police, the survey also addressed procedural justice in the contact. See [https://cityofpoughkeepsie.com/wp-content/files/police/ProceduralJustice\\_survey\\_results.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/ProceduralJustice_survey_results.pdf)

<sup>3</sup> [https://cityofpoughkeepsie.com/wp-content/files/police/CPPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPPD_policy.pdf)

reducing the demand for illicit drugs or in resolving situations marked by individuals in mental or emotional distress. We consider internal structures, including policies that govern police use of physical force, and those that govern investigatory and traffic stops, and training on various topics, including procedural justice, implicit bias, and de-escalation. Finally, we consider external oversight. In each section, we first present our summary of pertinent research findings, and then (in a subsection on Poughkeepsie) address the potential implications for CPPD.<sup>4</sup>

## Building Trust

The President’s Task Force on 21<sup>st</sup> Century Policing recommended that “police and sheriff’s departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.”<sup>5</sup> The President’s Task Force recommendation is based on a substantial body of research findings, which show a strong *association* between procedural justice and police legitimacy. Similarly, the “workbook” distributed by the governor’s office to guide the reform and reinvention efforts across New York State places procedural justice at the center of police-community interactions.<sup>6</sup>

The actions of any authority – a boss in a workplace, a teacher, a judge, or a police officer – can be characterized in terms of procedural justice. Procedural justice is widely thought to consist of four elements:<sup>7</sup>

- Voice, or participation: people believe that they should be given an opportunity to tell their side of a story, explain their situation, and communicate their views.
- Quality of interpersonal treatment: people believe that they should be treated with dignity and respect.
- Trustworthy motives: people believe that authorities should care about their well-being and consider their needs and concerns.
- Neutrality: people believe that decisions should be made evenhandedly and with proper consideration of objective facts, and they draw inferences about neutrality when authorities explain their decisions and justify and account for their actions.

Research holds that procedural justice is instrumental in strengthening public trust and confidence in police and, through that, a sense of duty or obligation to obey the law.

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<sup>4</sup> We regret that the subsections specific to Poughkeepsie are limited by the time and materials available for our review.

<sup>5</sup> The President’s Task Force on 21<sup>st</sup> Century Policing, *Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing* (Washington: Office of Community Oriented Policing Services, 2015).

<sup>6</sup> New York State, *New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens* (Albany, NY: Author, 2020).

<sup>7</sup> See, e.g., Tom R. Tyler, “Enhancing Police Legitimacy,” *Annals of the American Academy of Political and Social Science* 593 (2004):84-99.

The stock of public trust can be built through procedural justice, but it can also be depleted through procedural injustice.

We believe that it's useful to think about procedural justice in police-community engagement at three levels:

- on the street level, as officers interact with citizens with whom they have contact, e.g., providing assistance, taking accident reports, investigating crimes, or taking enforcement actions;
- at the neighborhood level, as police engage with neighborhood associations and other community organizations, addressing neighborhood concerns and solving neighborhood problems; and
- at the leadership level, as police executives engage with formal and informal community leaders, and the community at large.

We address each of these levels as points of entry for reform.

### *Procedural Justice at the Street Level*

At the street level, one line of thinking about reform holds that by following the principles of procedural justice – in allowing citizens voice, treating them with dignity and respect, and so forth – officers can build trust and confidence among the members of the public with whom they individually interact. In this way, presumably, officers can “create” legitimacy.<sup>8</sup> This would call for police departments to take steps to encourage such procedurally just policing, through training, executive exhortation, and other managerial controls. The President’s Task Force also advised police agencies to adhere to the principles of procedural justice in their treatment of officers, on the assumption that by doing so, they will foster a commitment to treating citizens with procedural justice.

Few would dispute that any public authority figure should act with procedural justice whenever it is possible to do so. Procedural justice at the street level is of intrinsic value. However, the evidence of the instrumental value of procedural justice in “creating” police legitimacy is limited.<sup>9</sup> Extant research provides weak support for the hypothesis that increases in the procedural justice with which police officers act in their encounters with citizens will produce corresponding increases in the procedural justice

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<sup>8</sup> National Research Council, *Fairness and Effectiveness in Policing: The Evidence*. Committee to Review Research on Police Policy and Practices, Wesley Skogan and Kathleen Frydl (eds.), Committee on Law and Justice, Division of Behavioral and Social and Behavioral Sciences and Education (Washington, DC: National Academies Press, 2004).

<sup>9</sup> See Daniel S. Nagin and Cody W. Telep, “Procedural Justice and Legal Compliance: A Revisionist Perspective,” *Criminology & Public Policy* (2020).

that citizens experience, and in turn yield increases in public trust and confidence in police.

Although attitudes toward the police *correlate* with citizens' subjective experiences with the police in individual contacts, the correlation reflects reciprocal causal effects: satisfaction with individual contacts affects more global attitudes toward the police, *and* more global attitudes toward the police shape the perceived quality of police performance in individual police-citizen encounters.<sup>10</sup> Most of the research that reports on this correlation is based on cross-sectional surveys, which are administered at a single point in time, and so it is unable to disentangle these reciprocal effects. Multi-wave panel surveys, which provide for interviewing the same respondents at two (or more) points in time, allow researchers to estimate each of the reciprocal effects. Such panel studies find that a substantial fraction of the correlation reflects the effect of more general attitudes toward the police on judgments about the quality of citizens' individual contacts with the police. That is, citizens' subjective experiences are shaped by their prior attitudes much more than their experiences shape their subsequent attitudes. Global attitudes tend to be stable, and they have strong effects on citizens' interpretations of their experiences.

To our knowledge, the most direct examination of the effect of officers' procedural justice on citizens' judgments about procedural justice is our study of Schenectady.<sup>11</sup> We conducted a survey of people who had previous contacts with Schenectady police, sampling from among people who called for service, people who were field interviewed (most of them having been stopped), and people who were arrested. We sampled on a semi-monthly basis for 18 months, from mid-July, 2011, through mid-January, 2013, completing interviews by phone with 1,800 people. For a sample of completed interviews, we obtained copies of the video and audio recordings of the incidents captured by the police department's in-car cameras, and from those recordings, trained observers systematically coded elements of the police-citizen interactions. The survey and observational data allowed us to directly compare citizens' reported judgments about procedural justice in their contacts with independent measures of the procedural justice with which officers acted.

We found that, overall, the procedural justice with which officers acted (as coded by independent observers) explained no more than a small fraction (12 percent) of the variation in citizens' judgments. Our findings raise questions about the extent to which

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<sup>10</sup> Steven G. Brandl, James Frank, Robert E. Worden, and Timothy S. Bynum, "Global and Specific Attitudes Toward the Police: Disentangling the Relationship," *Justice Quarterly* 11 (1994): 119-134; Dennis P. Rosenbaum, Amie M. Schuck, Sandra K. Costello, Darnell F. Hawkins, and Marianne K. Ring, "Attitudes toward the Police: The Effects of Direct and Vicarious Experience," *Police Quarterly* 8 (2005): 343-365; Tom R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990).

<sup>11</sup> See Robert E. Worden and Sarah J. McLean, *Mirage of Police Reform: Procedural Justice and Police Legitimacy* (Berkeley: University of California Press, 2017).

procedural justice at the street level is perceived by citizens and can, therefore, affect the public's trust in the police. Based on our study and other research, we doubt that procedural justice in police-citizen interactions can significantly raise levels of police legitimacy, even though procedurally just policing is the right thing for officers to do.

### Poughkeepsie

The 2019 survey of Poughkeepsie residents inquired about perceptions of street-level procedural justice, among the 149 respondents who reported a contact with police. Respondents characterized the nature of their contacts as due to (1) having been victimized (19 percent), (2) having (possibly) witnessed a crime (30 percent), (3) being stopped by police (8 percent), (4) being arrested (1 respondent), or (5) a social or casual contact (45 percent). (Percentages sum to more than 100 percent because multiple reasons for a contact could be cited.) Across four procedural justice items, 62 to 71 percent responded favorably – i.e., that police treated them fairly or very fairly, were respectful or very respectful, listened to their concerns, and explained what they were doing. Across the same items, 14 to 25 percent responded unfavorably. In addition, 70 percent were satisfied or very satisfied with how police treated them (15 percent were not satisfied), 64 percent believed that they received the right outcome by the law (22 percent believed that they did not), and 57 percent were satisfied with the outcome (25 percent were not).

This sample of people with police contact was derived from a survey of residents and, given the response rate, is of modest size, but information of this kind is and can be quite useful. Contact surveys are conducted periodically or episodically in some communities. They can be done by sampling directly from police records, as we have done in several cities, and they can sample from different types of contacts (calls for service, stops, arrests).<sup>12</sup> For many years it has been the case that the least expensive survey modalities yield the lowest response rates; we believe, however, that periodic or rolling contact surveys can be done economically and nevertheless generate samples that support informative analysis.<sup>13</sup> Though survey responses should not be construed as valid indicators of police conduct, they are a valuable source of information about citizens' perceptions and subjective experiences – more valid and reliable, certainly, than citizen complaints or public commendations.<sup>14</sup> We would urge any city to consider including as a part of its agenda for reform a plan to survey people who have police

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<sup>12</sup> For example, see Worden and McLean, *Mirage of Police Reform*; and Robert E. Worden, *Contacts with Syracuse Police: Citizens' Assessments*, Report to the Syracuse Police Department (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2020).

<sup>13</sup> For a recent contact survey, we sampled from police records and sent texts to would-be respondents, directing them to a web-based survey. See Sarah J. McLean, Kenan M. Worden, and Robert E. Worden, *Community Perceptions of the Suffolk County Police Department* (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2021).

<sup>14</sup> Officers' behavior can be measured and/or assessed through body-worn camera recordings.

contacts. Survey results could be summarized for the community as a whole and/or for specific types of contacts, and to assess their implications for the delivery of police services and outreach efforts.

### *Community Policing and Problem-Solving*

Community policing is a demonstrably effective strategy for building trust, even (and especially) among populations that have historically tended to distrust police. When conceived and implemented properly, community policing provides procedural justice at the level of neighborhoods. Community policing is best conceived as a *strategic* innovation that calls for a reorientation of the police mission and associated changes throughout the agency – in the distribution of authority through the chain of command; practices of recruitment, training, and supervision; and the permeability of the organization to its community environment. It is not a program to be appended to a police department alongside its other operations, nor is it merely cops on bikes, foot, or horses, or simply participation in community events or coffee with a cop. Community policing might include such deployment of police personnel and outreach, but as elements of a much broader strategy. It is labor-intensive, and so it is not inexpensive. In its best form, it is not only a police initiative, but rather a *city* initiative. Proper implementation is demanding, as one might expect of a reform that has a significant impact.

Mission reorientation means addressing community concerns and priorities. In what has been called the reform era of policing, the more conventional police emphasis on more serious offenses gives way to attending to a broader range of public safety issues, particularly disorder and fear of crime. Research in the 1970s and 1980s showed that fear of crime is tied more closely to *disorder* than to crime. Some disorders are physical in nature: abandoned buildings, vacant lots, or graffiti. Other kinds of disorder are social: street drug dealing, public drinking, or panhandling. All of these disorders are conditions that residents experience day in and day out, and they interpret them, we now know, as *signs of crime*. Disorder detracts from residents' quality of life as they circumscribe their activities, limit their use of public amenities, and even withdraw into their homes. Under community policing, police treat disorder – quality of life issues – as higher priorities, because they are priorities for communities. The breadth of the police role renders police, as one scholar put it, "an agency of municipal government housing a multitude of functions," not merely a law enforcement agency.<sup>15</sup>

Moreover, community policing goes beyond a focus on individual incidents, to which police can devise only temporary solutions. Community policing includes as a major element problem-oriented policing (POP), which is designed to address

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<sup>15</sup> Herman Goldstein, *Policing a Free Society* (Cambridge, MA: Ballinger, 1977).

underlying problems of which individual incidents are merely symptoms. When police are “incident-driven,” they respond to and handle incidents one by one. Burglaries, larcenies, disputes of many kinds, public disturbances, persons acting erratically – all or many such incidents may require the presence of police. Problem-oriented policing does not replace but rather supplements police handling of such individual incidents. “Problems” in this context consist of multiple incidents that have common elements – the same or similar types of criminal or disorderly behavior, similar types of places or proximate places, perpetrators with comparable motivations and/or backgrounds (e.g., criminal histories, gang affiliations), etc.

POP can be practiced by police with little input from the community, but as a feature of community policing, POP is firmly grounded in community engagement. Police and the community scan to identify “problems” that multiple incidents represent, and they collaboratively analyze the problems with a view toward the conditions that contribute to or facilitate the incidents. POP is not concerned with “root causes,” the likes of which are beyond the capacity of police and community partners to change in the near-term, but rather contributing factors that police and community interventions can alter. The “crime triangle” is a useful tool in this process: based on the premise that a “crime or disorder results when (1) likely offenders and (2) suitable targets come together in (3) time and space, in the absence of capable guardians for that target.”<sup>16</sup> Preventive actions may address any of the three factors, or sides of the triangle. With the results of such analysis in hand, POP calls for the formulation of responses that address the conditions. Responses could involve enforcement, but often entail other kinds of interventions, in addition to or instead of enforcement. At its best, POP represents a public health approach to public safety issues.

The Gainesville (FL) police offer an illustrative – and exemplary – application of problem-oriented policing.<sup>17</sup> Having suffered an increase in convenience store robberies, police undertook an analysis that revealed that 96 percent of Gainesville convenience stores had been robbed in preceding five years. Examining the patterns of robbery events in incident report narratives, they found that 92 percent of convenience store robberies occurred with a single clerk on duty. By interviewing incarcerated offenders who had been convicted of robbing convenience stores, they learned that robbers regarded a second clerk as a deterrent. Police recommended that the city council adopt an ordinance requiring two clerks on duty at night. The ordinance was passed, and in the next six months, convenience store robberies dropped by 65 percent.

POP applies not only to crime patterns but to other neighborhood problems as well, including disorders. Not every problem-solving effort needs to be so extensive as

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<sup>16</sup> ASC Center for Problem-Oriented Policing, <https://popcenter.asu.edu/content/problem-analysis-triangle-0>

<sup>17</sup> Herman Goldstein, *Problem-Oriented Policing* (New York: McGraw-Hill, 1990).

that in Gainesville, and they need not involve legislative action. Responses may require enforcement but often involve – in addition or instead – non-enforcement responses.

Charlotte Gill and her colleagues conducted a systematic review of community policing evaluations.<sup>18</sup> They found that community policing was defined in many different ways, and typically as a program rather than a strategy. Many police departments that claim to have adopted community policing have adopted only a faint version of it, and the fidelity with which the adopted form was implemented varied. The hypothesized impacts of community policing extended across a range of outcomes, one of which, illogically, is crime. It seems that we reflexively assess police strategies in terms of their crime control role, but we should not assess community policing only or primarily in terms of its crime reduction impacts.

Gill, et al. evaluated community policing as it was practiced by the agencies subject to evaluation research, not community policing at its best. Their search yielded 25 studies that satisfied their minimum criteria for scientific rigor. Across these studies, and despite the fact that most were not “model” community policing initiatives, the findings indicate that community policing was effective in improving public attitudes toward police and reducing perceived disorder. Feelings of safety also increased, though the effect did not reach statistical significance.<sup>19</sup>

Arguably, the best example of community policing can be found in a long-term evaluation of the Chicago Alternative Policing Strategy (CAPS), from 1993 to 2004.<sup>20</sup> CAPS was initiated by Chicago’s mayor, and the mayor “owned” the initiative, in that he took steps to ensure that other agencies coordinated with the police department to address community concerns. He thereby ensured a level of interagency cooperation that is not normal in many places. Thus when neighborhoods directed police attention to issues that called for action by, say, sanitation or public works, the issues were referred to the appropriate city agency, and the agency followed up.

Over time – it was neither quick nor easy – the Chicago Police Department (CPD) effected many changes to support community policing. Community policing requires mechanisms of public engagement, and the public needs an opportunity structure for involvement. CPD engaged the community in monthly beat meetings. Problems vary from neighborhood to neighborhood, and policing must vary with them, which implies that authority must reside at the local-level. Insofar as a “turf orientation” fosters

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<sup>18</sup> Charlotte Gill, David Weisburd, Cody W. Telep, Zoe Vitter, and Trevor Bennett, “Community- Oriented Policing to Reduce Crime, Disorder and Fear and Increase Satisfaction and Legitimacy among Citizens: A Systematic Review,” *Journal of Experimental Criminology* 10 (2014): 399–428.

<sup>19</sup> However, Weisburd and Eck report that some forms of community policing have been found to reduce fear. See David Weisburd and John E. Eck, “What Can Police Do to Reduce Crime, Disorder, and Fear?” *Annals of the American Academy of Political and Social Science* 593 (2004): 42–65.

<sup>20</sup> Wesley G. Skogan, *Police and Community in Chicago* (New York: Oxford University Press, 2006).

knowledge and attachment among the officers assigned to neighborhoods, stable assignments and a high level of beat integrity in dispatching patrol units to calls for service are desirable, albeit challenging, to put into practice. CPD trained officers and community members in problem-solving, and in many of Chicago's beats, problem-solving was practiced fairly well.<sup>21</sup>

Skogan's long-term, comprehensive evaluation of CAPS showed that it was largely successful, especially in predominantly Black neighborhoods.<sup>22</sup> Residents' perceptions of physical decay and disorder as neighborhood problems – such as graffiti, abandoned cars, abandoned buildings, trash and junk – all improved. Their perceptions of social disorders – disruptions around schools, public drinking, or groups of people loitering – improved some. As police and other agencies effectively addressed physical and social disorders, or signs of crime in residents' minds, we would expect to see residents' fear of crime decrease, which the evaluation confirmed. Finally, attitudes toward police improved – that is, police legitimacy increased in African-American and White neighborhoods. Residents' assessments of police performance increased, as did their judgments about the responsiveness and demeanor of police. Values on a quality-of-service index went up.

Community policing is procedural justice at a neighborhood level. It gives the community voice concerning its problems and accords respect to community priorities. It reflects police concern for community well-being. It is also effective insofar as multi-faceted responses to identified problems are more successful. Community policing can work when it is conceived and implemented as a strategic innovation.

CAPS was never formally discontinued, but it shriveled due to changing executive priorities.<sup>23</sup> Now Chicago is mounting a new community policing initiative. The clear lesson from the CAPS experience is that community policing requires on-going administrative commitment and support.

As we noted above, many agencies' implementation of community policing has been much less ambitious. Many agencies report that acquiring the resources needed for community policing was a major challenge. In 2006, Mastrofski et al. (2007) surveyed the 566 county and municipal police agencies with at least 100 sworn officers, and among the 355 responding agencies, more than half (52.7%) reported that "getting sufficient resources to do community policing right" had been "very" or "extremely"

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<sup>21</sup> Wesley G. Skogan, Susan M. Hartnett, Jill DuBois, Jennifer T. Comey, Marianne Kaiser, and Justine H. Lovig, *Problem Solving in Practice: Implementing Community Policing in Chicago* (Washington: National Institute of Justice, 2000), <http://www.ncjrs.org/pdffiles1/nij/179556.pdf>.

<sup>22</sup> CAPS was not nearly so successful in Hispanic beats, where cultural and language barriers formed obstacles that were not overcome by 2004.

<sup>23</sup> Wesley G. Skogan, "Why Reforms Fail," *Policing & Society* 18 (2008): 23-34.

challenging.<sup>24</sup> Less than one-third (30.7%) reported that they had been very or extremely successful on that score.

Moreover, the operation of community policing cannot rest on police alone. Other agencies have a part to play in addressing neighborhood problems. Coordinating with those agencies and securing their cooperation is essential in fulfilling community expectations. CAPS was a city initiative, and not only an initiative by CPD, which surely enhanced inter-agency coordination and cooperation. Of course the community has a vital part to play in coproducing community safety, and community participation is often especially challenging in the neighborhoods most in need.

### Poughkeepsie

CPPD reactivated its community policing unit in April, 2019, with two community policing officers deployed to focus on the Main Street corridor. A third officer was added in June of 2020, who works as needed in any area of the City, and a fourth officer was added in August, 2020, to focus on the business district in and around Main Street. The Behavioral Evaluation and Assistance Team (BEAT) was formed to address concerns relating to homelessness, loitering, panhandling, substance abuse and other quality of life issues. Working with a civilian intensive case manager, two officers attend to people with mental health needs in order to facilitate access to appropriate services.

The community policing officers practice POP using the SARA model – scanning, analysis, response, and assessment. The Crime Analysis Unit contributes to the analysis phase of problem-solving, and among the responses of which the officers can avail themselves are those that are commonly associated with crime prevention through environmental design (CPTED, discussed below). Moreover, a response plan is prepared, which includes explicit designations of the partners and their respective responsibilities.

It may be that the practice of community policing and POP by CPPD adheres to all of the principles that extant research would highlight as keys to effective implementation, but we should stress several of them on which the report is (understandably) silent. First, problem-solving can be performed by the police acting on problems that police identify; problem-solving as an element of community policing requires that police address problems about which the community is concerned. Thus it is imperative that CPPD ensure that its engagement with neighborhood residents and other stakeholders (such as business operators) allow and encourage bi-directional communication about neighborhood concerns. Scanning can and should be based both on information internal to CPPD, such as officers' observations or call-for-service data, and on community input. Individual interactions between officers – on foot, bicycle, or in vehicles – and community members are a valuable conduit, especially insofar as the incoming information is systematically shared with other personnel with operational

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<sup>24</sup> Stephen D. Mastrofski, James J. Willis, and Tammy Rinehart Kochel, "The Challenges of Implementing Community Policing in the United States," *Policing* 1 (2007): 223-234.

responsibilities. Engagement with collectivities, such as neighborhood associations, is also valuable. The community would, ideally, remain informed about the analysis, response, and assessment phases of problem-solving, and may even contribute to and participate in them.

Second, officers should be trained to perform POP and other community policing functions (such as organizing and moderating community meetings). Third, notwithstanding the motivation and competencies of the officers on the ground, supervisory personnel should ensure that proper attention is given to problems identified by the community, analysis is of an appropriate scope, response plans are prepared and implemented, and assessment is completed.

Fourth, experience with problem-solving indicates that "... drawing on a wide array of non-law-enforcement tactics can be effective in reducing crime and disorder."<sup>25</sup> Thus efforts should be made to ensure that responses incorporate, as feasible and applicable, a range of approaches beyond police presence or enforcement. Experience with problem-solving, even in agencies that are very supportive, show that robust problem-solving requires that police climb a learning curve, and that officers may be overly reliant on enforcement tactics with which they are familiar.<sup>26</sup> As the reform and reinvention process moves from planning to implementation, stock should be taken of the range of responses that are identified and executed to ensure that optimal advantage is taken of non-enforcement approaches.

The Procedural Justice Committee recommends adding similar patrols to other neighborhoods, especially those with high levels of crime and relatively low levels of trust. That will of course require either a reallocation of personnel resources or additional personnel.<sup>27</sup>

The 2019 survey of residents offers some clues to the perceived level of CPPD engagement with the community. Nearly half (46 percent) agreed that the police are responsive to community concerns; 23 percent disagreed, and the remainder (31 percent) neither agreed nor disagreed. Forty-five percent agreed that the police prioritized problems most important to the community, while 24 percent disagreed and 31 percent neither agreed nor disagreed. Thirty-eight percent agreed that police often or always use community input to develop solutions to community issues, while 31 percent said that police rarely or never do so, and the remainder expressed no view.

From these survey results, it appears particularly important that CPPD expand its efforts to engage more closely with the community. Current engagement efforts include foot and bike patrols and community events and presentations, yet they do not

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<sup>25</sup> Weisburd and Eck, "What Can Police Do to Reduce Crime, Disorder, and Fear?", p. 59.

<sup>26</sup> Gary Cordner and Elizabeth Perkins Biebel, "Problem-Oriented Policing in Practice," *Criminology & Public Policy* 4 (2005): 155-180.

<sup>27</sup> We note that CPPD had 89 full-time sworn in 2019, down from 107 in 2007 (<https://data.ny.gov/Public-Safety/Law-Enforcement-Personnel-by-Agency-Beginning-2007/khn9-hhpq>).

suffice to meet community members' expectations. It could be that the form, the dosage, or both need to be expanded and amplified.

The plan to conduct outreach in each of the City's eight wards and hold meetings with stakeholders in each ward on a virtual platform is one means of expanding the channels of communication, enabling community members to share their concerns, identify problems on which police and the community can work collaboratively to solve, formulate responses, and assess progress. Community engagement can be challenged by low levels of public involvement, which is often skewed in favor of home owners, older residents, and those of higher socioeconomic status, but engagement is critical to building public trust.

### *Executive Engagement with the Community*

Several years ago, we conducted interviews with formal and informal leaders in Capital District cities, in an effort to ascertain the primary forces that shape their judgments about the respective police departments and its leadership.<sup>28</sup> We describe here the broad themes that emerged from the interviews. They echo the community-level elements of procedural justice to which the President's Task Force alluded in its report.

Reflecting the procedural justice concept of voice, the extent to which the department creates or participates in opportunities to engage with community members is a powerful force in shaping leaders' views. Examples include pop-up BBQs and movie nights, police involvement in athletic leagues, civilian police academies, and attending and participating in community meetings. Informal forms of engagement by all ranks of the department, such as taking time to stop, talk, and listen to people in the community, are also valued. Community stakeholders interpret these formal and informal engagements as signaling genuine attempts by the police to hear community concerns and become acquainted with the people they serve. They appear to have a "humanizing" effect.

The community assesses accessibility partially by the ease with which community leaders can interact with higher-ranking department members as needed and not limiting access to scheduled community engagement events or to the department's timetable. Local examples of accessibility included: command staff who shared their cell phone number, responded promptly and personally to emails, agreed to informal meeting requests, and proactively called or emailed community leaders to obtain their input. Our research shows that this more personal, one-on-one communication and outreach by chiefs and their command staff members resonates very strongly with

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<sup>28</sup> Sarah J. McLean, Robert E. Worden, Caitlin Wilkens, and Danielle Reynolds, "Building Police Legitimacy: Foundations of Sovereigns' Trust," unpublished working paper (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2018).

community leaders. While it is a powerful force in shaping views, we have found that chiefs' willingness and ability to engage in this leadership style vary.

Departments whose policies, operations, and decision-making are generally transparent are more likely to be trusted. Making crime data readily available and broken down at the neighborhood level, sharing police activities, posting policies and annual reports on the Internet, and hosting information sessions to explain programs and policies to the community promote transparency.

The community assesses the leadership of the department based on formal programs. Community leaders consider the extent to which program priorities align with the community's perceived needs and preferences. Department leaders should take deliberate steps to raise awareness about the programs and policies they have in place, which speaks further to transparency. Where chiefs have established trusted connections with informal and formal community leaders, those leaders can share the positive steps the department is taking with the larger community to develop and build a bank of trust. Programmatic initiatives have at least some capacity to generate trust and confidence in the police, even among those who have reservations about the extent to which the front line embraces those initiatives.

Community leaders also assess their local police department's legitimacy by comparing it with departments across the nation. In doing so, they reported at that time that Capital District police departments fared quite well. Community leaders take notice of the alignment between the command staff's posture and that of the officers responsible for carrying out programs and policies.

### Poughkeepsie

With respect to these dimensions of executive- and departmental-level procedural justice, we note that CPPD policies are accessible online. We gather that uniformed officers (and perhaps others) are equipped with body-worn cameras, with prescribed activation consistent with that in New York State's model policy.<sup>29</sup> Further, as the Collaborative's report explains, officers must by law identify themselves to members of the public with whom they interact, and policy requires that officers provide "notice of reasons behind their encounters with the police."

The Procedural Justice Committee recommended additional measures to enhance transparency: the release of camera recordings to the public relating to incidents that have raised concerns about the propriety of police action; and maximizing transparency in police discipline. On the former, we would note only the restrictions on

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<sup>29</sup> New York State Municipal Police Training Council, *Body-Worn Camera Model Policy* (Albany, NY: Division of Criminal Justice Services, 2015). The model policy of the International Association of Chiefs of Police (IACP) prescribes activation in a much broader set of circumstances: "... all contacts with citizens in the performance of official duties," with limited and specific exceptions. See International Association of Chiefs of Police, *Body-Worn Cameras: Model Policy* (Arlington, VA: Author, 2014), p. 1.

release in CPPD Policy 804, especially those that relate to interference with investigations.

CPPD engages with the community in many forms, including events such as apple cider harvest, free fishing exposition, a holiday pie drive, and candy cane/Christmas presentation, as well as programmatic structures, such as the Police Athletic League. In addition, many community partners are able to contact CPPD command staff directly, by cell phone or e-mail, in emergencies or under normal circumstances.<sup>30</sup>

### *Workforce Diversity*

The diversity of the police department workforce plays a part in shaping community leaders' views of legitimacy. Some degree of legitimacy is granted based on how the community perceives the department's leadership as meaningfully working to promote diversity, even if those efforts are not entirely successful.

The underrepresentation of Blacks and Hispanics in the police workforce is the rule rather than the exception in American police departments.<sup>31</sup> Increasing diversity has been quite challenging, and research offers few clues to how the challenge can be met. One review of research observed that "Available literature on best practices in hiring and retention is almost entirely based on expert opinions, anecdotal accounts, and limited descriptive research, not scientific evaluation."<sup>32</sup> One recent study concluded that, "Taken together, this literature suggests that while some progress has been made, it is not clear what factors best predict success in achieving greater racial and ethnic representation within a policing workforce."<sup>33</sup>

### Poughkeepsie

CPPD will design a Pathway to Policing Program, which begins in high school and include college coursework in students' senior year, and a no-cost civil service test preparation course. The Procedural Justice Committee expressed its approval of a revision of the civil service college credit requirement, to allow new officers five years to fulfill the requirement, which could well be expected to open the application process to

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<sup>30</sup> Correspondence with Captain Richard Wilson, March 11, 2021.

<sup>31</sup> Mike Maciag, "Where Police Don't Mirror Communities and Why It Matters," *Governing* (August 28, 2015), <https://www.governing.com/archive/gov-police-department-diversity.html>.

<sup>32</sup> Cynthia Lum, Christopher S. Koper, Charlotte Gill, Julie Hibdon, Cody Telep, and Laurie Robinson, *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities* (Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University; Alexandria, VA: International Association of Chiefs of Police, 2016), p. 15. Also see Jeremy M. Wilson, Erin Dalton, Charles Scheer, and Clifford A. Grammich, *Police Recruitment and Retention for the New Millennium: The State of Knowledge* (Santa Monica, CA: RAND Corporation, 2010).

<sup>33</sup> Jeffrey Nowacki, Joseph A. Schafer and Julie Hibdon, "Workforce Diversity in Police Hiring: The Influence of Organizational Characteristics," *Justice Evaluation Journal* (2020), p. 4.

a more racially and ethnically diverse pool. The Committee also recommended a “city preferred list,” a reduction in the distance from the city at which officers may reside, and that CPPD partner with organizations that have a “close connection to diverse populations.”

### *Organizational Justice*

One presumptively key element of the procedural justice model is the “organizational justice” with which police departments treat officers. This may entail the establishment of internal structures, procedures, and practices that better ensure that officers are treated fairly by the organization. Some empirical evidence shows that officers’ perceptions of the organizational justice with which a police agency operates is associated with their views of the agency’s legitimacy, and legitimacy is in turn associated with officers’ conformity to organizational regulations.<sup>34</sup> Some evidence suggests that officers’ judgments about organizational justice are associated with their receptivity to community policing.<sup>35</sup> A recent meta-analysis reported a “sizable relationship” between organizational justice and work outcomes among criminal justice personnel.<sup>36</sup> That is, if these correlations reflect causal relationships, then we would infer that when police agencies treat officers justly, the officers will be more likely to obey its policies and regulations, and embrace reforms – including community policing – adopted by the agencies. This evidence is consistent with a claim made long ago that police officers’ treatment of citizens is influenced by police department’s treatment of its officers.<sup>37</sup>

Research on organizational justice has at least two dimensions along which judgments about fairness are made by members of an organization. Distributive justice concerns the equity with which rewards – assignments, promotions, opportunities to earn overtime – and sanctions – penalties for misconduct – are distributed among organizational members (Colquitt, 2001).<sup>38</sup> Procedural justice consists of the now-familiar aspects of the process by which outcomes are reached. In police departments,

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<sup>34</sup> Tom R. Tyler, Patrick E. Callahan, and Jeffrey Frost, “Armed and Dangerous (?): Motivating Rule Adherence among Agents of Social Control.” *Law & Society Review* 41 (2007): 457-492; Scott E. Wolfe and Alex R. Piquero, “Organizational Justice and Police Misconduct,” *Criminal Justice and Behavior* 38 (2011): 332-353.

<sup>35</sup> Andy Myhill and Ben Bradford, “Overcoming Cop Culture? Organizational Justice and Police Officers’ Attitudes toward the Public,” *Policing: An International Journal* 36 (2013): 338-356

<sup>36</sup> Scott E. Wolfe and Spencer G. Lawson, “The Organizational Justice Effect Among Criminal Justice Employees: A Meta-Analysis,” *Criminology* 58 (2020): 619-644.

<sup>37</sup> Dorothy Guyot, *Policing as Though People Matter* (Philadelphia: Temple University Press, 1991).

<sup>38</sup> Jason A. Colquitt, “On the Dimensionality of Organizational Justice: A Construct Validation of a Measure.” *Journal of Applied Psychology* 86 (2001): 386-400.

procedural justice turns on “the perception held by officers that they are being treated fairly and respectfully by those in authority positions; that they have some input and control over decision making in their work environment; that they are kept informed of, and given explanations for, the decisions that affect their lives; that management cares about their welfare and can be trusted to defend them when they are unjustly treated; and that they have opportunities for professional growth and job enrichment.”<sup>39</sup>

This evidence rests on cross-sectional surveys of officers, in a single agency or in multiple agencies, from which only very tentative causal inferences are warranted.<sup>40</sup> (It may be that officers’ perceptions of organizational justice are as weakly connected to the actual administrative practices of police departments as citizens’ perceptions of procedural justice are to the behaviors of police officers.) Until and unless evidence contradicts these hypothesized influences, we should regard them as plausible. In any case, altering the internal structures of police departments to better conform with principles of procedural justice may well have many benefits not limited to improvements in legitimacy and officer performance.

Such internal structures and practices have not been commonly found (or perceived) in American police agencies. A survey conducted by the Pew Research Center generated descriptive findings on both distributive and procedural justice.<sup>41</sup> With respect to process, they found that slightly more than half (53%) of police officers perceive their agency’s disciplinary process to be unfair, and fewer than half (45%) said that they were asked for input on decisions that affected them. With respect to distributive justice, they found that nearly three-quarters (72%) of officers believe that officers who perform poorly in the field are not held accountable. Respondents varied in their perceptions of equal treatment. Fifty-four percent of Black officers, 19% of Hispanic officers, and just 1% of White officers reported that White officers are treated better than minorities. Forty-three percent of female officers, and 6% of male officers, reported that men are treated better than women.

As the findings from the Pew survey attest, room for improvement in officers’ perceptions of organizational justice exist. The questions are: (1) how police

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<sup>39</sup> Dennis P. Rosenbaum and William P. McCarty, “Organizational Justice and Officer ‘Buy In’ in American Policing,” *Policing: An International Journal* 40 (2017): 71-85. Colquitt concludes that procedural justice is best distinguished from “interactional” justice, which should be further broken down in terms of distinct dimensions of “interpersonal” and “informational” justice. See “On the Dimensionality of Organizational Justice.”

<sup>40</sup> Single-agency studies include Myhill and Bradford, “Overcoming Cop Culture? Organizational Justice and Police Officers’ Attitudes toward the Public”; and Nicole E. Haas, Maarten Van Craen, Wesley G. Skogan, and Diego M. Fleitas, “The Importance of Procedural Justice and Trust Inside a Police Organization,” *Criminology & Criminal Justice* 15 (2015): 442-463. Rosenbaum and McCarty analyzed data from 88 agencies; see “Organizational Justice and Officer ‘Buy In’ in American Policing.”

<sup>41</sup> Rich Morin, Kim Parker, Renee Stepler, and Andrew Mercer, *Behind the Badge* (Pew Research Center, 2017). Retrieved from <https://www.pewsocialtrends.org/2017/01/11/behind-the-badge/>.

departments can alter their structures and practices to inculcate a greater sense of distributive and procedural justice; (2) whether improved perceptions of organizational justice would yield dividends in street-level procedural justice; and (3) whether elevated levels of street-level procedural justice will raise levels of public trust.

### Poughkeepsie

As part of its commitment to procedural justice, CPPD conducted a survey of its sworn members regarding their perceptions of their treatment by the City and CPPD. These data formed the basis for a self-assessment by the command staff, with consideration of the implications for administrative and managerial practices. CPPD command staff report they have, on this basis, altered some past practices and have plans to continue making data-informed changes to internal practices.<sup>42</sup>

## **Control of Violence and Other Crime**

Crime and disorder are social problems endured disproportionately by Blacks and other people of color in the U.S. One analysis of data collected through the National Crime Victimization Survey (NCVS) showed that, in 2018, Black persons were 41 percent more likely than White, non-Hispanic persons to have been the victim of a serious crime, and Hispanic persons were 20 percent more likely.<sup>43</sup> Effective strategies and programs to reduce violence and other crimes may thus disproportionately benefit the marginalized communities in which crime is concentrated.

Police efforts to address this disparity in personal safety and security could potentially contribute to disparities in enforcement: in stops, searches, tickets, and arrests. This potential underscores the need to formulate and execute crime control strategies that focus as narrowly as possible on places and people at high risk of involvement in crime.

We have not had the occasion or opportunity to analyze the relative risks of victimization across racial and ethnic groups in Poughkeepsie, but we would note a relatively high level of gun violence in Poughkeepsie, especially for its size. Information that appears in the table below was initially compiled for our evaluation of New York

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<sup>42</sup> Correspondence with Captain Richard Wilson, March 11, 2021.

<sup>43</sup> Rachel E. Morgan and Barbara Ouderkerk, *Criminal Victimization, 2018* (Washington: Bureau of Justice Statistics, 2019), p. 19, table 20. Serious crime included completed rape or attempted rape, sexual assault with serious or minor injuries, completed forced sexual assault without injury, completed robbery, completed robbery without injury, attempted robbery with injury, attempted robbery without injury, completed aggravated assault with injury, attempted aggravated assault with a weapon, and threatened aggravated assault with a weapon.

State’s nonfatal shooting initiative, and is updated here.<sup>44</sup> It concentrates on shooting incidents, and displays for each of the selected jurisdictions rates of shootings per 10,000 population (in the far right column), and rates of shootings relative to police personnel (shootings per 10 officers). Rates of shootings in the City of Poughkeepsie were, in 2019, at about the median among these thirteen cities in New York State.

Rates of Shootings in Selected New York State Cities.

Police Department	2019 Sworn*	2019 Population**	Annual Shootings***	Shootings per 10 officers	Shootings per 10,000 population
Newburgh City PD	80	28,177	24	3.00	8.52
Buffalo City PD	729	255,284	205	2.81	8.03
Rochester City PD	738	205,695	159	2.15	7.73
Syracuse City PD	403	142,327	110	2.73	7.73
Niagara Falls City PD	146	47,720	21	1.44	4.40
Utica City PD	162	59,750	24	1.48	4.02
Albany City PD	293	96,460	38	1.30	3.94
Poughkeepsie City PD	89	30,515	12	1.35	3.93
Schenectady City PD	161	65,273	16	1.00	2.45
Troy City PD	128	49,154	11	0.86	2.24
Binghamton City PD	131	44,399	7	0.53	1.58
Kingston City PD	71	22,793	3	0.42	1.32
Yonkers City PD	598	200,370	25	0.42	1.25

\* Source: <https://www.criminaljustice.ny.gov/crimnet/ojsa/2019-le-personnel.pdf>

\*\* Source: United States Census

\*\*\* Source: <https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf> (July, 2020), computed five-year average, 2015-2019, rounded to nearest integer

### Hot Spots Policing

Criminological theory and research has identified a number of factors that shape the spatial distribution of crime, which tends to be concentrated in fairly small areas that

<sup>44</sup> Robert E. Worden, Hannah Cochran, and Sarah J. McLean, *Nonfatal Shooting Initiative Evaluation: First Interim Report*. Report to the New York State Division of Criminal Justice Services (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2018).

many have come to call crime hot spots.<sup>45</sup> Strategically focusing police resources on hot spots of crime has become a widely-accepted police tactic. A number of studies have shown persuasively that crime in such hot spots can be reduced to some extent through deploying police units to hot spots, and/or directing police patrol resources to hot spots.<sup>46</sup>

### Poughkeepsie

Hot spots policing in Poughkeepsie has, as a part of New York State's Gun Involved Violence Elimination (GIVE) initiative, focused on violent crime hot spots. We would offer two observations, without meaning to imply that CPPD's current practice of hot spots policing is in either respect deficient. First, the optimal geographic size of hot spots for the purpose of hot spots policing is not, to our knowledge, a matter on which evidence has accumulated. However, given findings that crime levels vary from block to block, at a "micro" level, over long periods of time, small, narrowly circumscribed hot spots may be presumptively desirable.<sup>47</sup> The more that policing concentrates on the areas that are demonstrably high-risk, the less likely that lower-risk areas are subject to policing that is unduly intensive. Second, some experience indicates that the potential detrimental effects of hot spots policing on public trust can be mitigated or averted through community outreach that explains what police will do and its rationale.<sup>48</sup>

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<sup>45</sup> On the spatial concentration of crime, see, e.g., John Eck, Ronald Clarke, and Rob Guerette, "Risky Facilities: Crime Concentration in Homogenous Sets of Establishments and Facilities," *Crime Prevention Studies* 21 (2007): 225-264; Lawrence Sherman, Patrick Gartin, and Michael Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology* 27 (1989): 27-55; William Spelman, "Criminal Careers of Public Places," *Crime Prevention Studies* 4 (1995): 115-144; David Weisburd, "The Law of Crime Concentration and the Criminology of Place," *Criminology* 53 (2015): 133-157.

<sup>46</sup> See Anthony A. Braga, Andrew V. Papachristos, and David M. Hureau, "The Effects of Hot Spots Policing on Crime: An Updated Systematic Review and Meta-Analysis," *Justice Quarterly* 31 (2014): 633-663; Elizabeth Groff, Jerry Ratcliffe, Cory Haberman, Evan Sorg, Nola Joyce, and Ralph Taylor, "Does What Police Do at Hot Spots Matter? The Philadelphia Policing Tactics Experiment," *Criminology* 53 (2015): 23-53; Richard Rosenfeld, Michael J. Deckard, and Emily Blackburn, "The Effects of Directed Patrol and Self-Initiated Enforcement on Firearm Violence: A Randomized Controlled Study of Hot Spot Policing," *Criminology* 52 (2014): 428-449; Lawrence Sherman and David Weisburd, "General Deterrent Effects of Police Patrol in Crime Hot Spots: A Randomized, Controlled Trial," *Justice Quarterly* 12 (1995): 625-648.

<sup>47</sup> See David Weisburd, Shawn D. Bushway, Cynthia Lum, and Sue-Ming Yang, "Trajectories of Crime at Places: A Longitudinal Study of Street Segments in the City of Seattle," *Criminology* 42 (2004): 283-322; Andrew P. Wheeler, Robert E. Worden, and Sarah J. McLean, "Replicating Group-Based Trajectory Models of Crime at Micro-Places in Albany, NY," *Journal of Quantitative Criminology* 32 (2016): 589-612.

<sup>48</sup> See James Shaw, "Community Policing Against Guns: Public Opinion of the Kansas City Gun Experiment," *Justice Quarterly* 12 (1995): 695-710; and Steven Chermak, Edmund F. McGarrell, and Alexander Weiss, "Citizen Perceptions of Aggressive Traffic Enforcement Strategies," *Justice Quarterly* 18 (2001): 365-391.

### *Focused Deterrence*

Focused deterrence – also known as “pulling levers” – strategies share a number of common components of hot spots policing, and follow the same general framework. Once a particular crime problem (such as gang-involved gun violence) is identified as the focus, an interagency working group first conducts research to identify offenders, gangs, and behavior patterns, and then frames a response designed to offer a range of sanctions – or levers to be pulled, as necessary – to deter offenders. The threats that these sanctions represent are communicated directly to identified offenders, through media described below. At the same time that this deterrence message is being delivered, community resources are focused on targeted offenders and groups to further induce a cessation of violent behavior. Such strategies are implemented by a multi-agency consortium to ensure that a variety of sanctions can be used against these chronic offenders, and also that a variety of services are available to them to facilitate the choice to desist from crime. Cincinnati’s initiative summarizes the pulling levers message succinctly: “We will help you if you let us, but we will stop you if you make us.”<sup>49</sup>

Focused deterrence strategies rest on the fundamental assumptions that offenders are rational, and that confronting offenders directly is the first step toward altering their perceptions of risk. They further assume that such direct communications may also reverberate through the informal communication network of offenders, especially if they are gang-involved.<sup>50</sup> The success of a pulling levers strategy depends on two factors: how well the response is tailored to the selected crime problem, and whether or not the promises that are made (regarding subsequent law enforcement crackdowns and access to social services) are kept. Offenders are able to quickly ascertain hollow threats and empty promises.

One focused deterrence strategy, now known as the Group Violence Intervention (GVI), focuses additional enforcement efforts on the small number of offenders who are responsible for a disproportionate share of gun violence, and particularly the members of gangs and other violent groups. Gang and other group members are directly warned of the enforcement regime: what will happen if gun violence occurs, and why – that the community wants the violence to stop. A key communication mechanism is a face-to-face meeting with group members, which is sometimes called a “call-in” or “offender notification forum.” When gun violence occurs and a member of a gang or group is responsible for it, the shooter is held individually accountable, as always through

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<sup>49</sup> Robin S. Engel, S. Gregory Baker, Marie S. Tillyer, John Eck, and Jessica Dunham, *The Implementation of the Cincinnati Initiative to Reduce Violence (CIRV): Year 1 Report* (Cincinnati: University of Cincinnati Policing Institute, 2008), p. 6

<sup>50</sup> Edmund F. McGarrell, Steven Chermak, Jeremy M. Wilson, and Nicholas Corsaro, “Reducing Homicide through a ‘Lever-Pulling’ Strategy,” *Justice Quarterly* 23 (2006): 214-231.

prosecution. In addition, the entire group is held collectively accountable for the gun violence of their members, as every legally available enforcement “lever” is pulled with respect to the members of that group. The prospect of such enforcement attention presumably prompts group members to exert informal social pressure on their associates to refrain from gun violence, thereby altering the group dynamics in socially beneficial ways. Group members are also invited to take advantage of services that can help them change their lives for the better, an invitation that offers a meaningful alternative for a better lifestyle choice.

Anthony Braga and his colleagues recently completed a meta-analysis of focused deterrence initiatives, including evaluations of twelve applications of the group violence intervention.<sup>51</sup> In addition to Boston’s pioneering Operation Ceasefire in the 1990s, evaluations have been conducted in: Indianapolis, Cincinnati, Lowell, Stockton, Los Angeles, Rochester, Boston (“Ceasefire II”), Chicago, New Orleans, Kansas City, and New Haven. Across the evaluations of GVI, Braga, et al., report an average effect size of 0.657, which can be interpreted as an effect of medium (0.5) to large (0.8) magnitude.<sup>52</sup>

### Poughkeepsie

CPPD has partnered with other agencies on focused deterrence targeting chronic offenders. Focused deterrence that adheres to the GVI model can be demanding on the partners to sustain, and though the research leaves questions about its long-term impacts, we believe that the effort to maintain a high level of fidelity to the model is a prudent investment.

The Intimate Partner Violence Intervention (IPVI) is also based on the principles of focused deterrence, though evidence has yet to accumulate on its effectiveness.

### *Situational Crime Prevention*

Situational crime prevention begins with the objective of reducing *opportunities* for crime and disorder. Based on an analysis of the circumstances associated with specific types of crime and disorder, it formulates modifications to the physical environment or its management designed to alter the opportunity structure for those behaviors. The principal ways by which situations can be modified to reduce the likelihood of offending are:

- increasing the difficulties of committing the offense;
- increasing the immediate risks of apprehension;

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<sup>51</sup> Anthony A. Braga, David Weisburd, and Brandon Turchan, “Focused Deterrence Strategies and Crime Control: An Updated Systematic review and Meta-Analysis of the Empirical Evidence,” *Criminology & Public Policy* 17 (2018): 205-250.

<sup>52</sup> On the interpretation of effect sizes, see Jacob Cohen, *Statistical Power Analysis for the Behavioral Sciences*, 2<sup>nd</sup> edition (Erlbaum: Hillsdale, NJ, 1988).

- reducing the rewards or benefits of the offense;
- removing excuses for offending that offenders may use to rationalize the offense; and
- reducing temptations and provocations to commit the offense.

According to Ronald Clarke, "... more than 250 evaluated successes of situational crime prevention have been reported, covering an increasingly wide array of crimes including terrorism and organized crimes."<sup>53</sup>

Crime prevention through environmental design (CPTED) shares these same concerns with opportunities for crime and disorder, concentrating on the respects in which features of the environment afford such opportunities. In any location, CPTED considers modifications of the building, the site, and the location, and how that place is managed and used. Somewhat more specifically, the modifications may involve: (1) controlling access (with fences, hedges, gates, or signage); (2) improving visibility (though lighting, landscape maintenance); or (3) defining ownership and encouraging the maintenance of territory (through signage, or maintenance that shows that some cares and is a sign of guardianship).

### Poughkeepsie

CPTED training and technical assistance was received in 2017, and CPTED is practiced in a "street-by=street" approach.

### *Street Outreach*

Cure Violence – originally known as CeaseFire-Chicago, first implemented by the Chicago Project for Violence Prevention (CPVP) in 1995 – applies what it characterizes as a public health approach to violence prevention.<sup>54</sup> That is, violence is viewed as a serious health threat in the same way that polio, smallpox, and HIV/AIDS is. The disease metaphor implies that the spread of violence can be interrupted. According to then-CPVP Executive Director Gary Slutkin, "punishment doesn't drive behavior. Copying and modeling and the social expectations of your peers is what drives your behavior."<sup>55</sup> A two-stage approach toward violence follows from this premise. First, Slutkin proposes to, as you would if you were fighting tuberculosis, "find those who are most infectious

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<sup>53</sup> Ronald V. Clarke, "The Theory and Practice of Situational Crime Prevention," in *Criminology and Criminal Justice*, Oxford Research Encyclopedia.

<sup>54</sup> For a comprehensive description and evaluation of CeaseFire-Chicago, see Wesley G. Skogan, Susan M. Harnett, Natalie Bump, and Jill DuBois, *Evaluation of CeaseFire-Chicago* (Chicago: Northwestern University Institute for Policy Research, 2008).

<sup>55</sup> Alex Kotlowitz, "Blocking the transmission of violence," *The New York Times Magazine* (May 4, 2008).

and stop the transmission. This means going after young men most likely to fire a gun and set off a spiral of further violence and try to stop them pulling the trigger. The longer-term aim, like treating AIDS, is to change the behavior of the whole group so that shooting (like unsafe sex) becomes unacceptable in the peer group, even gang communities."<sup>56</sup>

Evaluations of Cure Violence have produced mixed findings. Positive impacts were found in Chicago and Baltimore.<sup>57</sup> These findings have been challenged, however. Commenting on the Chicago evaluation, after a review of other evidence on Chicago CeaseFire, Fox and his colleagues allow that "... contrary to popular belief, the CeaseFire program may not have been as effective in reducing violence as first promoted."<sup>58</sup> Fox, et al. also raise questions about the effectiveness of the Baltimore program. Null findings were observed in Newark and New Orleans.<sup>59</sup>

Two cities' experiences with interventions based on the Cure Violence model are cautionary tales, however, inasmuch as the interventions appeared to have *detrimental* effects, yielding *higher* levels of violence. In their evaluation of Pittsburgh's One Vision One Life initiative, Wilson and Chermak (tentatively) attributed the negative outcomes there to the activities of the street workers, which served to make loosely-structured gangs more cohesive and to further challenge the legitimacy of local law enforcement.<sup>60</sup> Commenting on this finding, one noted gang expert raised questions about the wisdom of using former gang members in gang interventions.<sup>61</sup> A recent evaluation of the Phoenix Truce initiative found similarly detrimental effects; the authors speculate that, as in some other cities' experience, "street outreach can result in the unintended

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<sup>56</sup> Damian Whitworth, "Street violence is an infection. I can cure it," *The Times* (July 2, 2008). Available online at [http://women.timesonline.co.uk/tol/life\\_and\\_style/women/the\\_way\\_we\\_live/article4251027.ece](http://women.timesonline.co.uk/tol/life_and_style/women/the_way_we_live/article4251027.ece).

<sup>57</sup> See Skogan, et al., *Evaluation of Ceasefire-Chicago*; and Daniel W. Webster, Jennifer Mendel Whitehill, Jon S. Vernick, and Elizabeth M. Parker, *Evaluation of Baltimore's Safe Streets Program: Effects on Attitudes, Participants' Experiences, and Gun Violence* (Baltimore: Johns Hopkins Center for the Prevention of Youth Violence, 2012).

<sup>58</sup> See Andrew M. Fox, Charles M. Katz, David E. Choate, and E.C. Hedberg, "Evaluation of the Phoenix TRUCE Project: A Replication of Chicago CeaseFire," *Justice Quarterly* 32 (2015): 85-115.

<sup>59</sup> See Douglas J. Boyle, Jennifer L. Lanterman, Joseph E. Pascarella, and Chia-Cherng Cheng, "The Impact of Newark's Operation Ceasefire on Trauma Center Gunshot Wound Admissions," *Justice Research and Policy* 12 (2010): 105-123 (though we note that Newark's program was a peculiar hybrid of CureViolence and focused deterrence); and Eric McVey, Juan C. Duchesne, Siavash Sarlati, Michael O'Neal, Kelly Johnson, and Jennifer Avegno, "Operation CeaseFire-New Orleans: An Infectious Disease Model for Addressing Community Recidivism from Penetrating Trauma," *Journal of Trauma and Acute Care Surgery* 77 (2014): 123-128.

<sup>60</sup> Jeremy M. Wilson, and Steven Chermak, "Community-Driven Violence Reduction Programs: Examining Pittsburgh's One Vision One Life," *Criminology & Public Policy* 10 (2011), especially pp. 1016-1019.

<sup>61</sup> Malcolm W. Klein, "Comprehensive Gang and Violence Reduction Programs," *Criminology & Public Policy* 10 (2011): 1037-1044.

consequence of increasing neighborhood levels of gang membership and delinquency,” as the “assignment of caseworkers increased the local reputation of particular gangs, which helped to attract new members, and led to an increased gang problem ....”<sup>62</sup> More generally, street outreach workers are higher-risk employees than many: Fox et al. report that three of Baltimore’s five sites in its Safe Streets (Cure Violence) program were shut down within a short time. One of them was terminated after city officials “learned through local and federal law enforcement that a local street gang (the Black Guerilla Family) had infiltrated the program. Gang members, one of which was a gang leader, were working for the Union Hills Safe Streets site as outreach workers for the purpose of obtaining cover for their gang’s heroin distribution network ....”<sup>63</sup>

### Poughkeepsie

New York State has supported initiatives based on the Cure Violence model since 2009. In many jurisdictions in the state, they are called SNUG. Poughkeepsie implemented a SNUG initiative in 2017, with which CPPD partners.

The report of the Collaborative addresses a number of other violence prevention and reduction initiatives, such as Safe Passage and the Juvenile Intervention Task Force. We acknowledge these initiatives and recommendations relating to them, but we cannot at this time summarize research evidence that might inform deliberations about them. However, we can briefly address one program that has been in many places controversial: school resource officers. The advantages and disadvantages of school resource officer (SRO) programs have been debated. Research findings on the effects of SROs are mixed, though the best evidence appears to show that the presence of SROs increases the numbers of recorded violent, weapons, and drug offenses, and increases the severity of responses to minor offenses. However, “there is great variation across schools and districts in terms of the actual roles and responsibilities taken on by SROs,” such that the effects of SRO programs are likely contingent on local protocols and practices.<sup>64</sup> The tone of the Collaborative’s report emphasizes mediation and referral to services and supports rather than prosecution. The model in Poughkeepsie is reportedly a “hybrid,” which provides for direct communication between officers and school staff, with determinations made on a case-by-case basis about appropriate steps to minimize law enforcement action.<sup>65</sup> This suggests that the practice in Poughkeepsie may not have the effects detected in recent evaluations of SRO programs.

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<sup>62</sup> Fox, et al., “Evaluation of the Phoenix TRUCE Project,” *op cit*, p. 110.

<sup>63</sup> *Ibid.*, pp. 91-92.

<sup>64</sup> Denise C. Gottfredson, Scott Crosse, Zhiqun Tang, Erin L. Bauer, Michele A. Harmon, Carol A. Hagen, and Angela D. Greene, “Effects of School Resource Officers on School Crime and Responses to School Crime,” *Criminology & Public Policy* 19 (2020); p. 909.

<sup>65</sup> Correspondence with Captain Richard Wilson, March 11, 2021.

## *Conserving the Use of Coercive Authority*

### *Deflection & Alternatives to Arrest*

Police-led diversion – or deflection from the criminal process – is not new, but it has attracted renewed interest in the last several years. The opioid crisis has prompted a number of law enforcement agencies to develop or adopt innovative approaches to drug possession and/or offending driven by drug use. Such programs enable police agencies to better support the common and long-standing practice of discretionary non-enforcement; officers frequently opt not to invoke the law – making custodial arrests or issuing citations – even when they have the authority to do so. For example, Terrill and Paoline (2007) analyzed observational data on 729 police encounters with non-traffic suspects, for whom police had evidence presumptively sufficient to make an arrest. Most (94 percent) of these encounters involved less serious offenses. In nearly two-thirds of these cases, officers neither made an arrest nor issued a citation. Instead, officers warned suspects (in 32 percent), commanded or requested that the individual discontinue his/her behavior (17 percent), made referrals to third parties of an official (a mental health facility) or unofficial (family member) nature (12 percent), provided information or counsel (10 percent), or did nothing (11 percent).<sup>66</sup> Deflection programs facilitate connecting offenders who have behavioral health problems with services that may not only reduce their likelihood of offending but improve their quality of life.

The law enforcement assisted diversion (LEAD) program has achieved some prominence as a police-led diversion initiative. First conceived and implemented in Seattle in 2011, LEAD provides for the voluntary diversion of drug offenders from criminal prosecution to treatment in the community. In Seattle and other jurisdictions that have adopted LEAD programs in the years since, diversion is based on a harm reduction approach, targeting offenders whose criminality is driven by substance abuse. That is, the objective was not abstinence, but the mitigation of harms to the offenders, people in the offenders' lives, and the community. In Albany, LEAD provides for broader eligibility based not only on substance abuse, but also mental illness, homelessness, and chronic poverty, and on a much wider set of drug and non-drug charges. LEAD has been hailed as a program that can extricate repeat, low-level offenders from the "revolving door":

Despite policing efforts, drug users and dealers frequently cycle through the criminal justice system in what is sometimes referred to as a "revolving door." The traditional approach of incarceration and prosecution has not helped to deter this recidivism. .... There have thus been calls for innovative programs to engage these individuals so

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<sup>66</sup> William Terrill and Eugene A. Paoline, III, "Non-Arrest Decision Making in Police-Citizen Encounters," *Police Quarterly* 10 (2007): 308-331.

they may exit the revolving door. .... The primary aim of the LEAD program is to reduce criminal recidivism.<sup>67</sup>

Other program models exist. For example, Stop, Triage, Engage, Educate, and Rehabilitate (STEER), formed and implemented in Montgomery County, Maryland, links drug users to treatment. Montgomery County police officers may divert consenting drug-involved offenders to treatment through a community-based case manager – a “care coordinator” co-located in the police department – who meets the officer in the field. This is an “intervention contact.” Officers may also refer drug-involved individuals against whom police have no probable cause for an arrest in what STEER calls a “prevention contact.” STEER is designed for people with high need for drug treatment but low to moderate risk for crime. Referrals turn partly on structured assessments that officers administer in the field to assess criminogenic risk, and the care coordinator applies a substance use screen to assess treatment needs.<sup>68</sup>

None of the program models is evidence-based. Seattle’s LEAD program was evaluated in terms of outcomes, claiming a 58 percent reduction in recidivism.<sup>69</sup> The methodological weaknesses of that evaluation cast considerable doubt on that conclusion, however.<sup>70</sup> A more recent evaluation of Santa Fe’s LEAD program yielded at best mixed findings.<sup>71</sup>

### Poughkeepsie

CPPD already makes use of alternatives to arrest, as many agencies do, with referrals to services in lieu of custodial arrests in many instances. Police-led diversion programs can provide an additional option. The report of the Collaborative indicates that CPPD will “advance and promote” LEAD. We take it that LEAD is currently neither operating nor developing in Poughkeepsie.<sup>72</sup> If LEAD is the preferred programmatic form of police-led diversion, Poughkeepsie’s LEAD partners will need to formulate

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<sup>67</sup> Susan E. Collins, Heather S. Lonczak, and Seema L. Clifasefi, *LEAD Program Evaluation: Recidivism Report* (Seattle: University of Washington, 2015).

<sup>68</sup> *Focus on Innovation: Montgomery County STEER*, <http://www.addictionpolicy.org/single-post/STEERprogram>. Also see Jac Charlier, “Want to Reduce Drugs in Your Community? You Might Want to Deflect Instead of Arrest,” *The Police Chief* (September 2015): 30-31.

<sup>69</sup> Susan E. Collins, Heather S. Lonczak, and Seema L. Clifasefi, *LEAD Program Evaluation: Recidivism Report*. Seattle: University of Washington, 2015.

<sup>70</sup> Robin S. Engel, Robert E. Worden, Nicholas Corsaro, Hannah D. McManus, Danielle L. Reynolds, Hannah Cochran, Gabrielle T. Isaza, and Jennifer Calnon Cherkaskas, *The Power to Arrest: Lessons from Research* (New York: Springer, 2019).

<sup>71</sup> New Mexico Sentencing Commission, *Santa Fe Law Enforcement Assisted Diversion (LEAD): An Analysis of the Pilot Phase Outcomes* (Albuquerque: Author, 2018).

<sup>72</sup> The website of the LEAD National Support Bureau (<https://www.leadbureau.org/>) lists jurisdictions that are operating, launching, developing, or exploring LEAD. As of February 26, 2021, Poughkeepsie does not appear in any list.

operating guidelines, including the range of charges that are eligible for diversion and other eligibility criteria, and train and gain the buy-in of patrol officers.<sup>73</sup> They will also need to secure the case management resources (comparable, we suspect, to the intensive case management that is now a component of BEAT) needed in order to link clients to the existing service infrastructure.

### *Responding to People in Mental Crisis*

The virtues of non-traditional (i.e., not enforcement-driven) responses to persons with mental illness are in 2021 well-recognized. Three models for alternative responses have been predominant: a police-based specialized response; a police-based specialized mental health response; and a mental health-based specialized mental health response.<sup>74</sup>

Crisis intervention teams (CIT) provide for training police officers so that they are better able to recognize and respond effectively to persons with mental illness, and to be more aware of mental health treatment resources. Improved recognition and communication skills are thought to enable officers to de-escalate situations and reduce the likelihood that officers make arrests or use force. The evidence on the effectiveness of CIT training is mixed.

Mobile crisis teams (MCT) provide for civilian mental health workers who co-respond when requested by police. Mental health specialists draw on a broader and deeper knowledge of mental illnesses and their symptoms, enabling them to better fit their response to the situation. Unfortunately, the evidence on the effectiveness of MCTs is quite limited and weak.

Centralized crisis response provides for an assessment site at which police can drop off persons exhibiting acute symptoms of mental illness. The sites include streamlined intake procedures and no-refusal policies. Officers are able to return to patrol quickly, while clients receive emergency psychiatric assessment and stabilization, whereupon they are referred for mental health services.

### Poughkeepsie

CPPD officers have received CIT training, as discussed below, as well as training in a variety of other topics that relate to interactions with persons with mental illness (see p. 11 of the report of the Collaborative). CPPD houses a full-time intensive case manager, who works with Behavioral Evaluation and Assistance Team. Moreover, the Dutchess County Crisis Stabilization Center is a site to which police can transport persons in crisis, and is an asset.

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<sup>73</sup> On officers' receptivity, see Robert E. Worden and Sarah J. McLean, "Discretion and Diversion in Albany's LEAD Program," *Criminal Justice Policy Review* 29 (2018): 585-610.

<sup>74</sup> See Engel, et al., *The Power to Arrest*.

## Internal Structures

### *Policies Governing Use of Force*

To a substantial extent, the use of physical force by police is a response to the demands in their work environment, particularly the incidence with which citizens fail to comply with lawful police direction. Research on police use of force has generally found that the prevalence and severity of force is driven primarily by the nature and level of citizen resistance.<sup>75</sup> This is as it should be: force should be no greater than is required to overcome citizen resistance. Many police agencies have incorporated into their policies a use of force continuum, which juxtaposes kind and level of force to be executed by police against the kind and level of resistance displayed by a citizen. Such continua rest on the basic principle that force should be proportional to resistance. Though use of force continua have been widely used, no consensus has emerged on the placement of types of force relative to one another, or to forms of resistance. A 2006 survey of more than 650 agencies found that 80 percent included a continuum in their policies.<sup>76</sup>

Very little evidence has accumulated on the efficacy of policy in regulating officers' use of force, and no particular use of force policy can be said to be evidence-based. Terrill and Paoline found, in an analysis of three police departments, the lowest incidence of force in the department with the most restrictive use of force policy. In Cincinnati, police use of force decreased 46 percent between 2002 and 2012, following reforms – including, but not limited to, changes in use of force policy – mandated by a federal court.<sup>77</sup> Similarly, use of force by Portland (OR) police dropped following reforms in that city, though as in Cincinnati, the evidence does not permit us to isolate the effects of policy changes from the effects of other contemporaneous reforms.<sup>78</sup>

More recently, statements about use of force policy make it clear that decisions about force are and should be based on many factors, including resistance. For example, in April 2016, the International Association of Chiefs of Police and the Fraternal

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<sup>75</sup> See, e.g., Joel H. Garner, Christopher D. Maxwell, and Cedrick Heraux, "Characteristics Associated with the Prevalence and Severity of Force Used by the Police," *Justice Quarterly* 19 (2002): 705-746; Geoffrey P. Alpert and Roger G. Dunham, *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (New York: Cambridge University Press, 2004); William Terrill, "Police Use of Force: A Transactional Approach," *Justice Quarterly* 22 (2005): 107-138.

<sup>76</sup> William Terrill and Eugene A. Paoline, III, "Examining Less Lethal Force Policy and the Force Continuum: Results from a National Use-of-Force Study," *Police Quarterly* 16 (2013): 38-65.

<sup>77</sup> Joshua M. Chanin, "Examining the Sustainability of Pattern or Practice Police Misconduct Reform," *Police Quarterly* 18 (2015): 163-92. Also see Worden and McLean, *Mirage of Police Reform*, chap. 10.

<sup>78</sup> Timothy Prenzler, Tyler Cawthray, Louise Porter, and Geoffrey Alpert, "Reducing Public Complaints and Use of Force: The Portland Police Bureau Experience," *Journal of Criminological Research, Policy and Practice* 2 (2016): 260-273.

Order of Police convened a symposium to address the current state of policing, generally, and use of force, in particular. Several of the leading law enforcement leadership and labor organizations were invited to attend.<sup>79</sup> The goal was to form a consensus and synthesize the views of the participating organizations, from which a single document could be derived that would better inform individual agencies' policies. The document, the *National Consensus Policy on Use of Force*, was published in January 2017. Resistance is a part of the totality of the circumstances that officers are expected to evaluate.

The totality of the circumstances can include, but is not limited to, the immediate threat to the safety of the officer or others; whether the subject is actively resisting; the time available for the officer to make decisions in circumstances that are tense, uncertain, and rapidly evolving; the seriousness of the crime(s) involved; and whether the subject is attempting to evade or escape and the danger the subject poses to the community. Other factors may include prior law enforcement contacts with the subject or location; the number of officers versus the number of subjects; age, size, and relative strength of the subject versus the officer; specialized knowledge skill or abilities of the officer; injury or level of exhaustion of the officer; whether the subject appears to be affected by mental illness or under the influence of alcohol or other drugs; environmental factors such as lighting, terrain, radio communications, and crowd-related issues; and the subject's proximity to potential weapons.

New York State's model policy similarly identifies a number of factors that influence the reasonableness of force:<sup>80</sup>

- The severity of the crime or circumstance;
- The level and immediacy of threat or resistance posed by the suspect;
- The potential for injury to citizens, officers, and suspects;
- The risk or attempt of the suspect to escape;
- The knowledge, training, and experience of the officer;
- Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects; and
- Other environmental conditions or exigent circumstances.

The International Association of Chiefs of Police (IACP) asserts that "... it is essential that every law enforcement agency ensure and be able to document that its officers employ only the force that is objectively reasonable to effectively bring an

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<sup>79</sup> The other organizations included: the Association of State Criminal Investigative Agencies; the Commission on Accreditation for Law Enforcement Agencies; the Federal Law Enforcement Officers Association; the Hispanic American Police Command Officers Association; the International Association of Directors of Law Enforcement Standards and Training; the National Association of Police Organizations; the National Association of Women Law Enforcement Executives; the National Organization of Black Law Enforcement Executives; and the National Tactical Officers Association.

<sup>80</sup> New York State Municipal Police Training Council, Use of Force Model Policy (Albany: DCJS, 2020).

incident under control and only the level of force that a reasonably prudent officer would use under the same or similar circumstances.” More specifically, “The policy should ideally cover, with a few specific exceptions, the reporting of any use of force occurring while an officer is acting in their official law enforcement capacity,” to include physical force of various types (e.g., open-handed strikes, punches, or kicks), chemical force, impact force, electronics force, firearms force, and vehicular force.<sup>81</sup>

In assessing patterns of use of force, it is useful to juxtapose the level or severity of force used by police and the level of resistance that officers were required to overcome. Even though resistance is only part of the totality of the circumstances that officers should assess, police force relative to citizen resistance can be used to form a measure – the “force factor” – that is useful in describing broad patterns.<sup>82</sup> Use of force reporting like that described by the IACP would support such analysis, the findings of which can inform the further development of policy and training. Furthermore, when the use of force data are merged with other data – e.g., offense data captured in incident reports – they will allow for periodic analysis of racial and ethnic disparities. Ideally, in our view, such analysis would statistically control for as many of the factors in the totality of circumstances that properly influence officers’ use of force as possible. Propensity score matching or weighting would form a set of similarly situated incidents involving White subjects with which the incidents involving Black subjects could be directly compared, and from which inferences about bias could be drawn.

### Poughkeepsie

We would, therefore, urge CPPD to consider the development of a reporting mechanism that would capture information on a broader range of forms of force. Current CPPD policy is consistent with and meets New York State reporting requirements, which omit weaponless tactics (other than chokeholds or similar restraints) unless they result in serious injury or death. More inclusive reporting of force, including weaponless tactics, would enable periodic analysis that serves multiple purposes, as the IACP points out: “... the information collected can be used for a variety of purposes, not the least of which is to protect officers. For example, agencies are in a much better position to defend themselves against charges of excessive force if they can

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<sup>81</sup> IACP Law Enforcement Policy Center, *Reporting Use of Force: Concepts & Issues Paper* (Alexandria, VA: Author, 2017), pp. 2 & 3.

<sup>82</sup> Geoffrey P. Alpert and Roger G. Dunham, “The Force Factor: Measuring and Assessing Police Use of Force and Suspect Resistance,” in *Use of Force By Police: Overview of National and Local Data* (Washington: National Institute of Justice, 1999), pp. 45-60.  
<https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/ncjrs/176330-2.pdf>. This simple measure is not useful in making judgments about the propriety of force in any individual incident, which requires attention to the wider totality of circumstances.

document the types of situations in which their officers have used force,” and they can “more readily defuse charges that can tarnish officer and agency credibility within the community.”<sup>83</sup>

### *Policies Governing Search and Seizure*

Conventional police wisdom holds that proactive policing – that is, officer-initiated contacts with violators or suspicious persons – is an effective crime control tactic, and the findings of social research have, for the most part, supported this proposition. Studies using different methodologies with different strengths and weaknesses have found that the incidence of some types of crime declines, or is lower than one would otherwise predict, when and where the police frequently make traffic stops or investigatory (“Terry”) stops of vehicles and/or pedestrians.

Conventional wisdom also holds that the crime control benefits of proactive policing may come at the price of police legitimacy, as stops may detract from public trust in the police. While social science evidence does not support strong causal inferences on this question, the experience of some cities – particularly New York City – underscores the imperative of carefully regulating the exercise of officers’ discretion in stops and post-stop actions, including frisks and searches. Police behavior must remain within Constitutional bounds, and it may not be based on racial or ethnic biases.

Police stops of citizens involve the exercise of police authority, and as Mark Moore observes, “All other things being equal, we would like the police to use the authority we grant them sparingly. .... In an important accounting sense, we have to recognize the grant of authority to the police as an asset, and count its use in police operations as a cost to be weighed against the benefits of lowering crime.”<sup>84</sup> Even when stops are effected within Constitutional requirements, they represent intrusions into citizens’ lives – social costs that should be borne at no more than socially optimal levels.

The law governing “Terry stops” is complex, so much so that it is likely that sometimes officers will unwittingly make legally insufficient stops.<sup>85</sup> Stops are occasions on which officers might further intrude unjustifiably, even if unintentionally, into citizens’ private affairs by conducting an improper search. Gould and Mastrofski found that searches were fairly infrequent – about one every ten hours in the field – but nearly one-third of the searches were unconstitutional. The officers most prone to conduct illegal searches were in general good cops whose searches were seen as “normal and

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<sup>83</sup> IACP Law Enforcement Policy Center, *Reporting Use of Force: Concepts & Issues Paper*, p. 2.

<sup>84</sup> Mark H. Moore, *Recognizing Value in Policing: The Challenge of Measuring Police Performance* (Washington, DC: Police Executive Research Forum, 2002), p. 23.

<sup>85</sup> Jeffrey Fagan, “Terry’s Original Sin,” *University of Chicago Legal Forum* 2016 (2016): 43-96.

necessary” in the war on drugs.<sup>86</sup> Gould and Mastrofski leave open – but could not empirically test – the possibility that some or much of the search-related misconduct was due to officers’ lack of knowledge about legal requirements. Other studies have shown that many officers do not have a good working knowledge of the legal rules that govern warrantless searches and seizures.<sup>87</sup>

In 2013, the district court ruled in *Floyd v. City of New York* that the NYPD’s practice of stop, question, and frisk was unconstitutional, violating the Fourth Amendment prohibition of unreasonable searches and seizures, and Fourteenth Amendment prohibition of discrimination based on race.<sup>88</sup> Disparities in stops and post-stop outcomes by the NYPD are well-documented; whether and to what extent the disparities stemmed from police bias has been contested. The influence of bias is difficult to isolate and discern, but it is an important question to address.

Many jurisdictions mandate that their officers complete reports on all such stops, including demographic information on the citizens whom they stop, the reasons for the stops and other actions that officers might take. The reports enable supervisors to review officers’ actions and take corrective steps as needed. Such data also form the foundation for analyses on the basis of which patterns of stops and post-stop outcomes can be evaluated for evidence of racial or ethnic bias. Satisfactory baselines or benchmarks are difficult to establish, but it is better to have the information available and seek a proper basis for interpreting it than to remain blind to the patterns.

### Poughkeepsie

CPPD does not, so far as we could determine, mandate reporting on all stops. The computer-aided dispatch (CAD) system likely includes records of officer-initiated events when officers notify the communications center, but the information captured in the CAD system is almost certainly limited. When CPPD officers stop drivers or pedestrians, they may complete a field interview report (FIR). Traffic stops may culminate in a uniform traffic ticket (UTT), which include no information about drivers’ race and ethnicity. Stops that do not eventuate in an arrest, appearance ticket, UTT, or FIR, leave only trace information in CAD. Thus there is currently no way to generate empirical evidence on racial and ethnic disparities in all CPPD stops, or in post-stop outcomes, such as frisks and searches.

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<sup>86</sup> Jon B. Gould and Stephen Mastrofski, “Suspect Searches: Assessing Police Behavior Under the U.S. Constitution,” *Criminology & Public Policy* 3 (2004): 315-361.

<sup>87</sup> See William C. Heffernan and Richard W. Lovely, “Evaluating the Fourth Amendment Exclusionary Rule: The Problem of Police Compliance with the Law,” *University of Michigan Journal of Law Reform* 24 (1991): 311-69; John Madison Memory and Barbara Smith, *Line Police Officer Knowledge of Search and Seizure Law: Results of an Exploratory Multi-City Test* (Columbia, SC: Authors, 1988).

<sup>88</sup> *Floyd et al. v. City of New York*, 08-CV-1034,

We would urge CPPD to consider the development of a reporting mechanism that would capture information on all traffic and investigatory stops including, in addition to narrative information about the incident, the gender, race, ethnicity, and age of the person(s) stopped, the date, time, and location, the reason for the stop, whether the person was frisked or searched and the reason(s) therefor, whether contraband was recovered, and the disposition of the stop (arrest, UTT, FIR, verbal warning). Reports on stops should be reviewed by supervisors to ensure that officers' stops and detentions are Constitutional, with corrective instruction provided as needed. Periodic analysis of the stop data should be conducted to assess racial and ethnic disparities for signs of bias; an acceptable benchmark (not the demographics of the residential population) should be applied.<sup>89</sup>

### *Training*

The effects of police training have been seldom estimated in systematic research. In 2000, a committee of experts formed by the National Research Council (NRC) took stock of research on police policies and practices. Their report, published in 2004, noted that the effects of training could be examined through either controlled experiments or non-experimental analyses with statistical controls, and concluded that "There are too few of either type of study available to shed light on the effects of training."<sup>90</sup> They added that "prior research has not taken into account the substantive content of the training, modes of instruction, the abilities of the instructors, the timing of the training, or the organizational support for reinforcing the objectives of the training program."<sup>91</sup>

By the time that the President's Task Force issued its report, which called for more training, the body of research on police training had not grown much. A review of the evidence base for the Task Force recommendations affirmed that the NRC Committee's characterization of the evidence on training effects remained accurate: "there is little or no evaluation evidence for most of the categories of training

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<sup>89</sup> See Roland Neil and Christopher Winship, "Methodological Challenges and Opportunities in Testing for Racial Discrimination," *Annual Review of Criminology* 2 (2019): 73–98; and Greg Ridgeway and John MacDonald, "Methods for Assessing Racially Biased Policing," in Stephen K. Rice and Michael D. White (eds), *Race, Ethnicity, and Policing: New and Essential Readings* (New York: NYU Press, 2010). Also see, e.g., Robert E. Worden, Sarah J. McLean and Andrew P. Wheeler, "Testing for Racial Profiling with the Veil-of-Darkness Method," *Police Quarterly* 15 (2012): 92–111; Robert E. Worden, Kenan M. Worden, and Hannah Cochran, *Traffic Stops by Suffolk County Police* (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2020).

<sup>90</sup> National Research Council, *Fairness and Effectiveness in Policing: The Evidence*, p. 142.

<sup>91</sup> *Ibid.*, p. 141.

recommended by the Task Force.”<sup>92</sup> In the last few years, though, several studies have expanded the base of evidence somewhat.

The National Initiative to Build Community Trust and Justice, a demonstration project funded by the Department of Justice, included training in procedural justice and implicit bias as two of its three core components in six pilot police departments. The evaluation found that the training had effects on officers’ knowledge; it did not examine behavioral outcomes.<sup>93</sup> Other evaluations of procedural justice training have detected some effects on beliefs and attitudes; one recent study detected behavioral impacts.<sup>94</sup> Our evaluation of implicit bias training in the New York City Police Department found that the training had moderate effects on officers’ awareness of and knowledge about implicit bias, small effects on officers’ attitudes about discrimination, and no detectable effects on disparities in enforcement.<sup>95</sup>

Lum, et al. summarized the evidence on crisis intervention team (CIT) training, which has been shown to have positive impacts on officers’ beliefs and attitudes relating to interactions with persons with mental illness. They also noted that a systematic review found “null overall effects” on arrests of and use of force on persons with mental illness.<sup>96</sup>

Training police in de-escalation is the subject of only recent research. Engel, McManus, and Herold conducted a systematic review of de-escalation training, reporting that “only one study evaluating a training explicitly designed to reduce officer

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<sup>92</sup> Cynthia Lum, et al., *An Evidence-Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities*, p. 34.

<sup>93</sup> Jesse Jannetta, Sino Esthappan, Jocelyn Fontaine, Mathew Lynch, and Nancy LaVigne, *Learning to Build Police-Community Trust* (Washington, DC: Urban Institute, 2019). Results varied from one department to the next, but the differences were only noted and not discussed further.

<sup>94</sup> Dennis P. Rosenbaum and Daniel S. Lawrence, *Teaching Respectful Police-Citizen Encounters and Good Decision Making: Results of a Randomized Control Trial with Police Recruits* (Chicago: National Police Research Platform, no date); Wesley G. Skogan, Maarten Van Craen, and Cari Hennessy, “Training Police for Procedural Justice,” *Journal of Experimental Criminology* 11 (2015): 319-334; Emma Antrobus, Ian Thompson, and Barak Ariel, “Procedural Justice Training for Police Recruits: Results of a Randomized Controlled Trial,” *Journal of Experimental Criminology* 15 (2019): 29-53; Mengyan Dai, “Training Police for Procedural Justice: An Evaluation of Officer Attitudes, Citizen Attitudes, and Police-Citizen Interactions,” *The Police Journal: Theory, Practice and Principles* (2020).

<sup>95</sup> Robert E. Worden, Sarah J. McLean, Robin S. Engel, Hannah Cochran, Nicholas Corsaro, Danielle Reynolds, Cynthia J. Najdowski, and Gabrielle T. Isaza, *The Impacts of Implicit Bias Awareness Training in the NYPD*, Report to the New York City Police Department (Cincinnati: IACP / UC Center for Police Research and Policy & the John F. Finn Institute for Public Safety, 2020).

<sup>96</sup> Lum, et al., *An Evidence-Assessment of the Recommendations of the President’s Task Force on 21st Century Policing*, p. 36. Also see Amy C. Watson, Victor C. Ottati, Melissa Morabito, Jeffrey Draine, Amy N. Kerr, and Beth Angell, “Outcomes of Police Contacts with Persons with Mental Illness: The Impact of CIT. *Administration and Policy in Mental Health and Mental Services Research* 37 (2010): 302-317.

use of force in their interactions with citizens was identified.<sup>97</sup> Most studies were of training in the fields of nursing and psychiatry. Since then (i.e., January of 2019), two evaluations have been completed. One, which examined training in social interaction – the Tact, Tactics, and Trust (T3) training program – found that though the training had positive effects on officers’ attitudes toward procedurally fair communication in police-citizen interactions, no effects on trainees’ use of force were detected.<sup>98</sup> The second study evaluated the delivery of the ICAT training by the Louisville Metro Police Department (LMPD). The Police Executive Research Forum (PERF) developed the ICAT (Integrating Communications, Assessment, and Tactics) curriculum.<sup>99</sup> The LMPD evaluation found not only changes in officers’ attitudes attributable to the training, but also impacts on officers’ use of force. Engel, et al. estimated that use of force decreased 26 percent, injuries to citizens decreased 26 percent, and injuries to officers decreased 36 percent.<sup>100</sup>

The United Kingdom’s College of Policing conducted an experimental evaluation of a pilot stop and search training program, delivered in six police forces. The impact evaluation found that the training: (1) marginally improved officers’ stop and search knowledge, which was already strong; (2) had a modest impact on officers’ attitudes; (3) affected officers’ anticipated, or hypothetical search decisions (based on responses to vignettes); and (4) had a small (but statistically insignificant) effect on officers’ recorded search rates, and no effect on racial/ethnic disparities in searches.<sup>101</sup>

Though we believe that most departments do not invest adequately in police training, we also believe that formal training curricula cannot by themselves fulfill public expectations for officers’ preparation to effectively resolve the situations that they are

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<sup>97</sup> Robin S. Engel, Hannah D. McManus, and Tamara D. Herold, *The Deafening Demand for De-escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform* (Cincinnati: IACP/UC Center for Police Research and Policy, 2019), p. 30.

<sup>98</sup> Scott Wolfe, Jeff Rojek, Kyle McLean, Geoffrey Alpert, “Social Interaction Training to Reduce Police Use of Force,” *The ANNALS of the American Academy of Political and Social Science* 687 (2020): 124-145; Kyle McLean, Scott E Wolfe, Jeff Rojek, Geoffrey P Alpert, Michael R Smith, “Randomized Controlled Trial of Social Interaction Police Training,” *Criminology & Public Policy* 19 (2020): 805-832.

<sup>99</sup> Police Executive Research Forum, *ICAT Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents* (Washington, DC: Police Executive Research Forum, 2016).

<sup>100</sup> Robin S. Engel, Nicholas Corsaro, Gabrielle T. Isaza, and Hannah D. McManus, *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings* (Cincinnati: IACP/UC Center for Police Research and Policy, 2020).

<sup>101</sup> Joel Miller and Banos Alexandrou, *College of Policing Stop and Search Training Experiment: Impact Evaluation* (London: College of Policing, 2016); Joel Miller, Paul Quinton, Banos Alexandrou, and Daniel Packham, “Can Police Training Reduce Ethnic/Racial Disparities in Stop and Search? Evidence from a Multi-Site UK Trial,” *Criminology & Public Policy* 19 (2020): 1259-1287. Also see Chris Giacomantonio, Tal Jonathan-Zamir, Yael Litmanovitz, Ben Bradford, Matthew Davies, Lucy Strang, and Alex Sutherland, *College of Policing Stop and Search Training Experiment: Process Evaluation* (London: College of Policing, 2016).

called upon to address. Lum and her colleagues point to the challenge to any form of training in the “transfer” of learning into performance. Gaps between learning and performance “can be explained by a combination of learner (e.g., cognitive ability, motivation level), intervention (e.g., reinforcement, error-based examples, modeling), and work environment (e.g., peer and supervisor support, organizational culture) characteristics.”<sup>102</sup> Formal training must be reinforced and amplified in day-to-day practice.

### Poughkeepsie

CPPD has delivered training in procedural justice, using the same well-reputed curriculum used in the National Initiative, which was developed through a collaboration of the Yale University Law School and the Chicago Police Department. Procedural Justice and Police Legitimacy (“PJ1”) and Tactical Mindset (“PJ2”) have been rechristened Principled Policing. CPPD has also provided training in implicit bias awareness, as well as CIT training.

CPPD plans training in de-escalation beyond CIT training. It might be beneficial for CPPD to consider PERF’s ICAT curriculum, or portions thereof, as it further develops its de-escalation training.

## **External Oversight**

External or citizen oversight of the police is often taken to mean that civilians play a role in the review of complaints against the police. The fundamental rationale for “civilian review” has been that police cannot be trusted to investigate their own and hold them accountable: complainants would be discouraged; investigations would be conducted half-heartedly; complaint dispositions would be tilted against sustained findings; and thus the deterrent function that discipline should play would be undermined by procedures that made it unlikely for misconduct would be punished. The involvement of community members who are not police officers in the review of citizen complaints, advocates expect, would better ensure that the complaint intake process is receptive to complainants and that investigations are thorough, resulting in a higher rate of sustained complaints, and a correspondingly greater probability that officers would be sanctioned for misconduct. In addition, one might expect that complainants would have better experiences with the review process, and the public at large would have more trust in the complaint system.

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<sup>102</sup> Lum et al., *An Evidence-Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities*, p. 34.

Few of these expectations have been fulfilled by extant forms of citizen oversight.<sup>103</sup> In general, small fractions of complaints eventuate in a sustained finding, regardless of citizen oversight. When complaint allegations are not sustained, some instead result in exoneration; this means that the officer acted as the complaint claimed, but the action was proper, suggesting that the complaint was based on a misunderstanding of police procedure, or of what police may, must, or may not do. Some complaint allegations are “unfounded,” meaning that the evidence tends to show that the officer did not engage in the alleged conduct; this may indicate that the complainant misperceived or misrepresented the event. Finally, some complaints are not sustained because the preponderance of the evidence neither confirms nor disconfirms the allegation. Many such complaints involve an allegation by the complainant, a denial by the subject officer, and no corroborating evidence.

Citizen oversight has not altered these patterns. Nor does the evidence indicate that complainants find more satisfaction in complaint review when it includes a civilian role. Complainant satisfaction is strongly correlated with complaint outcomes; few complainants whose complaints are not sustained express satisfaction with the process. Some evidence indicates that citizen oversight fosters a somewhat greater faith in the process: among people who believe that they have a reason to complain, those who are aware that their city has a civilian review board are somewhat more likely to file a complaint.

A substantial proportion of people who have a complaint choose not to file a formal complaint and instead avail themselves of other options. Some call a police station and speak with a police supervisor. Some call the police chief’s office. Some contact an elected official. Some evidence indicates that the further a complaint

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<sup>103</sup> The body of empirical research on citizen oversight is rather modest. See, e.g., Michele Sviridoff and Jerome E. McElroy, *Processing Complaints Against Police in New York City: The Complainant’s Perspective* (New York: Vera Institute, 1989); Wayne Kerstetter, and Kenneth A. Rasinski, “Opening a Window into Police Internal Affairs: Impact of Procedural Justice Reform on Third-Party Attitudes,” *Social Justice Research* 7 (1994): 107-127; Douglas W. Perez, *Common Sense about Police Review* (Philadelphia: Temple University Press, 1994); Stephen Clarke, “Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How It Fails,” *Columbia Journal of Law and Social Problems* 43 (2009): 1-49; Joseph DeAngelis, “Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints,” *Police Quarterly* 12 (2009): 214-236; William Terrill and Jason Ingram, “Citizen Complaints Against the Police: An Eight City Examination,” *Police Quarterly* 19 (2016): 150-179; Robert E. Worden and Sarah J. McLean, *Citizen Oversight of the Albany Police*, 2010 (Albany, NY: The John F. Finn Institute for Public Safety, Inc., 2010), <https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/99/attachments/original/1458055985/4-Albany-Finn-Institute-Report.pdf?1458055985>; Robert E. Worden, Heidi S. Bonner and Sarah J. McLean, “Procedural Justice and Citizen Review of Complaints against the Police: Structure, Outcomes, and Complainants’ Subjective Experiences,” *Police Quarterly* 21 (2018): 77-108.

becomes involved in a formal, adjudicative process, the less likely s/he is to be satisfied with the process or the outcome.

Citizen oversight takes many different forms. A recent study by the National Association for Civilian Oversight of Law Enforcement (NACOLE) classified oversight agencies into one of three categories.<sup>104</sup> Investigation-focused oversight agencies provide for complaint investigations by civilian investigators who are independent of the police agency. The greater independence of the investigations may engender greater trust in the investigative findings, though they may also duplicate police (internal) investigations, thereby increasing the costs. DeAngelis, et al. add that “disillusionment among the public may develop overtime [sic] when community expectations for change are not met.”<sup>105</sup> Review-focused agencies typically focus on the quality of investigations by police investigators, and may request additional investigation. They often consist of a board comprised of volunteers. They are thus less costly, and may nevertheless enhance public trust in the complaint review process, though they enjoy less independence from the police. The third category includes agencies variously called auditors or monitors, which focus on *patterns* in the quality and outcomes of complaint investigations, and also perform systematic reviews of police policies, practices, or training, and make recommendations for change.

The auditor model is quite different in its systemic orientation, with less (or no) attention devoted to individual complaints. Samuel Walker, long a proponent of citizen oversight, noted that “An increasing number of observers argue that, even with sufficient powers and resources, an oversight agency that focuses only on the investigation of complaints will have little long-term impact on the overall quality of police services in the field.”<sup>106</sup> Walker sees more promise in the auditor model, which “focuses on the police organization, seeking to change policies and procedures in ways that will prevent future misconduct.”<sup>107</sup>

### Poughkeepsie

The Collaborative’s report refers to three cities’ oversight agencies – those in New York City, Chicago, and Baltimore – that exemplify two of the models described by the NACOLE publication: investigation- and review-focused oversight. The cost of an

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<sup>104</sup> Joseph DeAngelis, Richard Rosenthal, and Brian Buchner, *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models* (NACOLE, 2016). Also see Joseph DeAngelis, Richard Rosenthal, and Brian Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence* (NACOLE, 2016).

<sup>105</sup> *Ibid.*, p. 7.

<sup>106</sup> Samuel Walker, “The New Paradigm of Police Accountability: The U.S. Justice Department’s ‘Pattern or Practice’ Suits in Context,” *St. Louis University Public Law Review* 22 (2003), p. 24.

<sup>107</sup> *Ibid.*, p. 25. Also see Samuel Walker and Carol A. Archbold, *The New World of Police Accountability* (2<sup>nd</sup> ed.; Beverly Hill: Sage, 2013); and Debra Livingston, “The Unfulfilled Promise of Citizen Review,” *Ohio State Journal of Criminal Law* 1 (2004): 653-669.

investigation-focused oversight agency will be pronounced, relative to the number of complaints, in a city of Poughkeepsie's size. Furthermore, either model of oversight encompasses agencies that differ from one another on many specific dimensions.

Careful deliberation about the options should include an assessment of:

- the current process and its outcomes, including the proportions of complaints that are sustained, unfounded, exonerated, and not sustained;
- how the pattern of outcomes has been affected by the introduction of body cameras; and
- how – and how much – the pattern could be expected to change with either external investigations or only external review of internal investigations.

We would add that no matter the model of citizen oversight that Poughkeepsie adopts, a mediation program would be well worth considering. The outcomes of mediation can in some – perhaps many – cases be superior to those of a more formal, adjudicative process, which is not compatible with many complainants' objectives.<sup>108</sup>

## Conclusions

The City of Poughkeepsie's reform and reinvention efforts predate Executive Order 203. The report of the Collaborative highlights several reforms adopted by CPPD ahead of the Executive Order, and charts several paths of further reform that are compatible with extant research findings. Based on our review of current practice and extant literature, we would offer several observations whose consideration we believe will serve to strengthen the City's ongoing efforts.

First, Poughkeepsie's commitment to procedural justice is impressive. The steps that CPPD has taken to infuse principles of procedural justice into its operations, including procedural justice both internally (in managing its personnel) and externally (in training officers) bespeak this commitment. Notwithstanding the shortcomings of the scientific evidence on the trust-building effectiveness of "street-level" procedural justice, officers should nevertheless act with procedural justice in their contacts with citizens. Contact surveys would be a means of keeping CPPD's fingers on the pulse of citizens' judgments about procedural justice, and such surveys need not be prohibitively expensive to conduct on a regular basis.

Second, community policing is, we believe, procedural justice at a neighborhood level. It requires direct engagement with the community, so that community concerns are clearly expressed and neighborhood problems are identified on that basis. Responses to those problems should whenever feasible incorporate non-enforcement components, in addition to or instead of enforcement components. The demonstrated

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<sup>108</sup> See, e.g., Lonnie M. Schaible, Joseph DeAngelis, Brian Wolf, and Richard Rosenthal, "Denver's Citizen/Police Complaint Mediation Program: Officer and Complainant Satisfaction," *Criminal Justice Policy Review* 24 (2012): 626-650.

effects of community policing on public trust and quality of life should place it high on any reform agenda.

Third, procedural justice at the city level calls for maximum feasible transparency and access. Just as officers can be expected to give citizens “voice” on the street, and explain their actions to demonstrate neutrality, so too can department leaders be expected to give community members voice with respect to strategies, policies, practices, etc., and explain department practices to demonstrate neutrality. In this sense, reform is an on-going process.

Fourth, racial and ethnic disparities in personal safety and security are at the base of grievances concerning under-protection. Steps that promise to reduce disparities in personal safety and security may also detract from public trust, however. A delicate balance must be struck, which requires the application of crime reduction tactics as surgically as possible, narrowly focusing on high-risk places and people. Hot spots might optimally be quite small in area (e.g., street blocks). Hot spots policing should as much as possible incorporate efforts to keep the community informed about the nature and rationale for crime control measures.

Fifth, police-led diversion programs can support and extend the effects of officers’ day-to-day decisions to not take enforcement action, by further connecting police procedures and operations with the local infrastructure of services. Strong inter-agency collaboration is required. Poughkeepsie and Dutchess County appear to have a solid foundation of assets on which to optimize responses to people in mental or emotional crisis or distress.

Sixth, we see utility in the reporting and analysis of use of force and traffic/investigatory stops – utility that justifies the efforts required to perform these tasks. Only part of the value is in transparency. If it is true that “what gets measured, gets managed,” then the value of reporting and analysis goes well beyond transparency to internal management.

Seventh, the development of curricula in de-escalation training is a work in progress. Given the favorable findings from an evaluation of PERF’s ICAT curriculum, it or parts of it deserve consideration.

Eighth, citizen oversight promises to increase trust in the complaint review process. Choices about the form of oversight – investigation-focused or review-focused – must be carefully tailored to the community. Neither form is incompatible with mediation.

Finally, as much effort is required to form a plan that fulfills the requirements of the Executive Order, as Poughkeepsie’s does, a plan is a point of departure for the process of putting the plan into practice. Several elements of the plan, such as the establishment of citizen oversight, require further deliberation about the details (in the case of citizen oversight, the form and structural characteristics of the oversight agency). Other elements of the plan, such as de-escalation training, call for further development,

ideally guided by the evidence base, since police training remains, in 2020, open to charges that it is based more on pseudoscience than science.<sup>109</sup> In addition, the reform process may be an opportune time to subject existing programs and practices (such as the phases of problem-solving) to systematic assessments to ensure that they are realizing their full potential.

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<sup>109</sup> Kelly McLaughlin, "Police Training Programs Have a Pseudoscience Problem," *Insider* (June 17, 2020), <https://www.insider.com/police-training-programs-have-a-pseudoscience-problem-experts-say-2020-6>