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## HOW FREE MARKET PRINCIPLES CAN IMPROVE POLICING PAST 2021

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### INTRODUCTION

**E**ight minutes. It took less than eight minutes for what should have been a mundane law enforcement encounter to lead to series of actions that ultimately resulted in a civilian's death.<sup>1</sup> The world watched a police officer—someone who swore an oath to serve and protect—put his knee on the neck of George Floyd, a 46-year-old Black father, and dismiss his urgent warnings that he could not breathe. And the fragile trust between law enforcement and many in the communities they serve further disintegrated. While 56 percent of white adults surveyed in a Gallup poll shortly after Floyd's death reported having "quite a lot" or a "great deal" of confidence in American law enforcement, only 19 percent of Black adults could say the same.<sup>2</sup>

1. "George Floyd: What happened in the final moments of his life," BBC News, July 16, 2020. <https://www.bbc.com/news/world-us-canada-52861726>.

2. Jeffrey M. Jones, "Black, White Adults' Confidence Diverges Most on Police," Gallup, Aug. 12, 2020. <https://news.gallup.com/poll/317114/black-white-adults-confidence-diverges-police.aspx>.

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Millions gathered to protest in cities and towns across the United States, with the late civil rights icon Congressman John Lewis stating: "There may be some setbacks, there may be people who will stand in our way, but we will not go back. We've come too far, and we're not going to give up now."<sup>3</sup> For Lewis and other members of the Black community, Floyd's death was not an anecdotal, exceptional account of injustice; rather, it reflected decades—nay centuries—of lived experiences of mistreatment by police and the criminal justice system writ large. George Floyd is far from the only Black American on the list of people killed by police: Eric Garner, Breonna Taylor, Michael Brown, Tamir Scott and other names fill out the legacy of police violence. Surveys have repeatedly shown that Black Americans have vastly different experiences with, and thus perceptions of, police.<sup>4</sup> And numerous academic studies have revealed statistically significant racial differences in several areas of police decision-making, even when controlling for a robust set of factors—although determining the impetus for and solutions to address these disparities is often more complex.<sup>5</sup>

3. Larry Buchanan et al., "Black Lives Matter May Be the Largest Movement in U.S. History," *The New York Times*, July 3, 2020. <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>; Scott Stump, "Rep. John Lewis says Martin Luther King Jr. would be 'very pleased' with protests," *Today*, June 4, 2020. <https://www.today.com/news/rep-john-lewis-reflects-protests-over-george-floyd-s-death-t183286>.

4. Drew DeSilver et al., "10 things we know about race and policing in the U.S.," Pew Research Center, June 3, 2020. <https://www.pewresearch.org/fact-tank/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/>; Camille Loyd, "For Black Americans, 41% of Police Encounters Not Positive," Gallup, July 30, 2020. <https://news.gallup.com/poll/316247/black-americans-police-encounters-not-positive.aspx>.

5. Felipe Goncalves and Emily Weisburst, "Economics Research on Racial Disparities in Policing," Econofact, June 16, 2020. <https://econofact.org/economic-research-on-racial-disparities-in-policing>.

To be clear, while use of force and other police actions disproportionately impact Black Americans, they are not the only demographic group who encounter police and stand to gain from improvements to policing practices. Latinos, Native Americans and Alaskan Natives are also disproportionately impacted by some police actions.<sup>6</sup> And the sheer scope of Americans impacted by police decision-making underscores the need for goals which improve total police efficacy as well as reduce racial inequalities where they exist. According to the “Fatal Force” database, at least 968 Hispanic Americans, 1,387 Black Americans and 2,658 white Americans have been killed by police since the beginning of 2015.<sup>7</sup> And in 2019 alone, over 1.1 million Hispanic Americans, 1.8 million Black Americans, and almost 4.7 million white Americans were arrested.<sup>8</sup> Millions more Americans encounter police after becoming a victim of crime or calling for police services.<sup>9</sup> Therefore, thoughtful improvements to the ways police departments serve and protect local residents have the potential to positively impact virtually every person in America.

Police departments also stand to benefit from reforms. According to the most recently published survey data from the Bureau of Justice Statistics, an estimated 2 percent of the 61 million U.S. residents in 2018 who experienced contact with police reported experiencing a nonfatal threat of or use of force.<sup>10</sup> This means that the overwhelming majority of contacts with police result in neither a threat or use of force. Yet a use-of-force incident gone awry can understandably result in years of mistrust and large legal liabilities; and 2 percent of people still equates to over a million experiences of threatened or realized force.<sup>11</sup> To uphold the mission of law enforcement, and to restore police legitimacy and collaborative relationships with residents, it is important to prevent these incidents from occurring. Likewise, police departments are regularly asked to take on social ser-

vice responsibilities for which they are not well-trained or equipped—for example, responding to the mentally ill, to adolescents misbehaving in schools and to those who have issues with substance-abuse or addiction.<sup>12</sup> They stand to benefit from reforms which clarify their responsibilities according to their unique skills and training.

Accordingly, this paper seeks to lay out a pragmatic case for how to improve policing past 2020 by applying free market management principles: namely, the development of a strong mission and vision that promotes community health and safety; improving the flow of knowledge throughout an organization; revising responsibilities and using incentives to promote ideal behavior. Each section provides one or two policy recommendations that stem from these larger principles.

## PROMOTING COMMUNITY HEALTH AND SAFETY

Mission and vision statements are two bedrocks in any organization’s long-term success.<sup>13</sup> Mission statements tell employees and the public what the purpose and core duties of an organization are and can be helpful tools to guide strategic planning and decision-making. Vision statements, meanwhile, are an articulation of the desired future state of an organization and the world around it.

The mission of policing has long been summarized as: “To protect and to serve.” The Los Angeles Police Department first adopted this motto for their academy recruits in 1955.<sup>14</sup> Two years later, the International Association of the Chiefs of Police established the “Law Enforcement Code of Ethics,” which detailed a more descriptive version of the phrase in its first paragraph:

As a law enforcement officer, my fundamental duty is *to serve* the community; *to safeguard* lives and property, *to protect* the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and *to respect* the constitutional rights of all to liberty, equality, and justice [emphasis added].<sup>15</sup>

6. Frank Edwards et al., “Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex,” *Proceedings of the National Academy of Sciences*, 116:34 (Aug. 20, 2019), pp. 16793-16798. <https://www.pnas.org/content/116/34/16793>; Erika Harrell and Elizabeth Davis, “Contacts Between Police and the Public, 2018,” Bureau of Justice Statistics, December 2020, p. 7. <https://www.bjs.gov/content/pub/pdf/cbpp18st.pdf>.

7. See, e.g., Julie Tate et al., “Fatal Force,” *The Washington Post*, updated Nov. 24, 2020. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database>.

8. Federal Bureau of Investigation, “2019: Crime in the United States,” U.S. Dept. of Justice, 2020. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-43>.

9. *Ibid*; See, e.g., Rachel Morgan and Jennifer Truman, “Criminal Victimization, 2019,” Bureau of Justice Statistics, September 2020. <https://www.bjs.gov/content/pub/pdf/cv19.pdf>; Harrell and Davis, p. 3. <https://www.bjs.gov/content/pub/pdf/cbpp18st.pdf>.

10. Harrell and Davis, p. 5. <https://www.bjs.gov/content/pub/pdf/cbpp18st.pdf>.

11. Brad Heath, “Baltimore police stopped noticing crime after Freddie Gray’s death. A wave of killings followed.” *USA Today*, July 12, 2018. <https://www.usatoday.com/story/news/nation/2018/07/12/baltimore-police-not-noticing-crime-after-freddie-gray-wave-killings-followed/744741002>; J. David Goodman, “Eric Garner Case Is Settled by New York City for \$5.9 Million,” *The New York Times*, June 13, 2015. <https://www.nytimes.com/2015/07/14/nyregion/eric-garner-case-is-settled-by-new-york-city-for-5-9-million.html>.

12. Arthur Rizer and Jonathan Haggerty, “The Medicalization of the Police,” *The American Interest* 14:1 (June 14, 2018). <https://www.the-american-interest.com/2018/06/14/the-medicalization-of-the-police>.

13. Akeem Taiwo et al., “Vision and Mission in Organization: Myth or Heuristic Device?” *International Journal of Business and Management* 4:3 (March 2016), pp. 127-132. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3122445](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3122445).

14. “The Origin of the LAPD Motto,” Los Angeles Police Department, last accessed Jan. 11, 2021. [https://www.lapdonline.org/history\\_of\\_the\\_lapd/content\\_basic\\_view/1128](https://www.lapdonline.org/history_of_the_lapd/content_basic_view/1128).

15. “Law Enforcement Code of Ethics,” International Association of the Chiefs of Police, last accessed Jan. 11, 2021. <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>.

Today, variations of this phrasing continue to be popularized in police departments' mission statements.<sup>16</sup>

Meanwhile, the long-term vision for police forces often includes themes of safety, fairness, and community trust and collaboration. The New York City Police Department's vision is "to foster a safe and fair City...and solve the problems that create crime and disorder through an interdependent relationship between the people and its police..."<sup>17</sup> On a similar note, the Atlanta Police Department's vision is to be "a source of pride for the residents of Atlanta...recognized for our professionalism, integrity and service to our communities."<sup>18</sup>

Many police mission or vision statements are not *prima facie* defective, yet they often fail to account for one of the greatest collateral consequences of a mission focused solely on short-term safety and enforcement: harms to community health.<sup>19</sup>

Examples of these harms abound. No-knock warrants in which police can enter a building without declaring their presence may have been intended to aid police drug busts and prevent the destruction of evidence. However, they also resulted in the deaths of 26-year-old Breonna Taylor, seven-year-old Aiyana Stanley-Jones and 57-year-old Alberta Spruill, among others.<sup>20</sup> Likewise, encouraging police officers to increase arrests rather than partner with community members to establish robust alternatives to arrest (also known as "diversion options") may prevent crime in the short-term through incapacitation. Yet it may simultaneously bring greater harm to community health by failing to reduce the likelihood of recidivism.<sup>21</sup> Law enforcement diversion programs can produce lower re-arrest rates and better outcomes than "status quo" arrest or detention responses. An evaluation of Seattle's Law Enforcement Assisted Diversion (LEAD) Initiative, one of the most renowned police diversion options, found that individuals participating in the ini-

tiative were 60 percent less likely to be arrested in the six months following their entry into the program than those not in the program.<sup>22</sup>

In addition, the harms to community health may extend far past one officer or civilian due to broader harms to police legitimacy. One example of this is shown in poor stop and frisk practices. Preliminary research of New York City data suggests that a higher rate of police stops are associated with increased neighborhood use of 311 non-emergency services.<sup>23</sup> However, when the proportion of neighborhood police stops that include a search or use of force but do not result in an arrest increases, there is a reduction in resident use of 311 services.<sup>24</sup> Likewise, another scholarly analysis of New York City data found that individuals were more likely to report negative health outcomes such as diabetes or high blood pressure when they lived in areas in which pedestrian stops were more likely to include frisking.<sup>25</sup> And a study published in 2014 found that young men who experienced more intrusive police stops were more likely to report symptoms of post-traumatic stress disorder (PTSD).<sup>26</sup> If they perceived their encounter with police to be procedurally just, this association decreased, but still remained statistically significant.<sup>27</sup>

Use of force incidents have similarly dynamic outcomes. A 2020 working paper suggests that students living within half a mile of a police killing are more likely to struggle with absenteeism immediately following the death, see their grade point average (GPA) drop and be diagnosed with an emotional disturbance the next year.<sup>28</sup> The same study found that youth exposed to a police killing as a freshman in high school were less likely to graduate and enroll in higher education.<sup>29</sup> Outcomes were even worse when the individual killed by the officer was unarmed, and the effects on student outcomes were stronger than exposures to criminal homicides.<sup>30</sup> The author reports these findings were driven

16. See, e.g., "Mission Statement, Vision Statement & Core Values," Sonora Police Department, last accessed Jan. 11, 2021. <https://www.sonorapd.com/mission-statement>; "General Order G01-01: Vision, Mission Statement, And Core Values," Chicago Police Department, May 21, 2019. [http://directives.chicagopolice.org/CPDSergeant-Exam\\_2019/directives/data/a7a57bf0-12e6d379-71512-e6d5-9e3d1c3316a9aa46.html?owndapi=](http://directives.chicagopolice.org/CPDSergeant-Exam_2019/directives/data/a7a57bf0-12e6d379-71512-e6d5-9e3d1c3316a9aa46.html?owndapi=); "MPDC: Mission and Value Statement," Metropolitan Police Department, last accessed Jan. 11, 2021. <https://mpdc.dc.gov/page/mpdc-mission-and-value-statement>.

17. "Mission," New York City Police Department, last accessed Jan. 11, 2021. <https://www1.nyc.gov/site/nypd/about/about-nypd/mission.page>

18. "Mission, Vision, Core Values," Atlanta Police Department, last accessed Jan. 11, 2021. <https://www.atlantapd.org/about-apd/mission-statement>.

19. See, e.g., Richard Goodman et al., "What is 'community health'? Examining the meaning of an evolving field in public health," *Preventive Medicine* 67: Sup. 1 (2014), pp. S58-S61. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC571402>.

20. Eric Foster, "Death and heartbreak caused by 'no-knock' warrants are impossible to justify," *Cleveland Plain Dealer*, June 17, 2020. <https://www.cleveland.com/opinion/2020/06/death-and-heartbreak-caused-by-no-knock-warrants-are-impossible-to-justify-eric-foster.html>.

21. Susan Collins et al., "Seattle's Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes," *Evaluation and Program Planning* 64 (2017), pp. 49-56. <https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f44eed992eaff402f88ddb4a649a9f5e6.pdf>.

22. *Ibid.*

23. Amy Lerman and Vesla Weaver, "Staying out of Sight? Concentrated Policing and Local Political Action," *Annals of the American Academy of Political and Social Science* 651 (January 2014), pp. 215-217. <https://journals.sagepub.com/doi/abs/10.1177/0002716213503085?journalCode=anna>.

24. *Ibid.*

25. Abigail Sewell and Kevin Jefferson, "Collateral Damage: The Health Effects of Invasive Police Encounters in New York City," *Journal of Urban Health* 93 (January 2016), pp. 42-67. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4824697>.

26. Amanda Geller et al., "Aggressive Policing and the Mental Health of Young Urban Men," *American Journal of Public Health* 104:12 (December 2014), pp. 2321-2327. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139>.

27. *Ibid.*

28. Desmond Ang, "The Effects of Police Violence on Inner-City Students: Faculty Research Working Paper Series," Harvard Kennedy School, June 2020, pp. 3-5. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3625082](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3625082).

29. *Ibid.*

30. *Ibid.*

solely by changes in outcomes among Black and Hispanic youth exposed to police killings of other Black or Hispanic individuals: “The pattern of effects is consistent with large racial differences in concerns about use of force and police legitimacy.”<sup>31</sup> Qualitative research suggests both nearby and even distant national police shootings can shape some young Black males’ perceptions of the police and their own safety in proximity to them.<sup>32</sup> At the other end of the spectrum, threats to officer health and safety can spill over into the community. A study published in 2019 found that officers who had a peer injured while on the job were more likely to use force themselves in a small window of time following the injury.<sup>33</sup>

Preventing and responding to crime should always be police agencies’ greatest concern. But that does not mean agencies should forsake their duty to pause, assess and evaluate the indirect and direct consequences of all possible courses of action. As noted by the President’s Task Force on 21<sup>st</sup> Century Policing: “Crime reduction is not self-justifying. Overly aggressive law enforcement strategies can potentially harm communities and do lasting damage to public trust...”<sup>34</sup>

## POLICY RECOMMENDATIONS

### Amend Mission and Vision Statements to Consider Community Health

Given the far-reaching impact of police practices on community health outcomes, police departments should amend their mission and vision statements, and thus encourage reforms to practice. Likewise, the Law Enforcement Code of Ethics should be amended, with at least one law enforcement officer suggesting it reflect a policing version of medicine’s Hippocratic oath.<sup>35</sup> Changes could encourage law enforcement officers to recognize the deleterious side effects of overprescribing some policing strategies, respect the human dignity of all, seek out evidence-based practices and focus on crime prevention.<sup>36</sup>

31. *Ibid.*, p. 4.

32. Raja Stagers-Hakim, “The nation’s unprotected children and the ghost of Mike Brown, or the impact of national police killings on the health and social development of African American boys,” *Journal of Human Behavior in the Social Environment* 26:3-4 (2016), pp. 394-396. <https://www.tandfonline.com/doi/abs/10.1080/10911359.2015.1132864>; Jocelyn Smith Lee and Michael Robinson, “That’s My Number One Fear in Life. It’s the Police”: Examining Young Black Men’s Exposures to Trauma and Loss Resulting From Police Violence and Police Killings,” *Journal of Black Psychology* 45:3 (2019), pp. 143-184. <https://journals.sagepub.com/doi/full/10.1177/0095798419865152>.

33. Justin Holz, “Spillover Effects in Police Use of Force,” Institute for Law and Economics, Dec. 19, 2019, p. 31. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3519968](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3519968).

34. 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,” Office of Community Oriented Policing Services, 2015, p. 16. [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

35. Sgt. Jeremiah Jonson, “A Hippocratic Oath for Policing,” The Police Foundation, last accessed Jan. 13, 2021. <https://www.policefoundation.org/a-hippocratic-oath-for-policing>.

36. *Ibid.*

The Chicago Police Department presents one positive example of this. As of Dec. 31, 2020, their new community policing mission and vision statement reads:

Department strategies [sic] will mitigate problems that impact a community’s sense of security and quality of life. The strategy contributes to solving problems that impact health and wellbeing in the community or addresses safety issues of concern to the neighborhood.<sup>37</sup>

To be clear, the inclusion of community health in police department vision and mission statements does not mean police should become more involved in areas of practice in which they have little expertise. Rather it should encourage police departments to recognize all of the consequences associated with their actions and to use their comparative advantage, in collaboration with other community actors, to meet these challenges. A natural outflow of this change might be the establishment of more police diversion options or revised arrest protocols which seek to avoid the trauma associated with young children witnessing an arrest. It may also mean amendments to the departmental use of force policies and processes to emphasize respect for life, crime prevention and human dignity. Finally, it could mean a greater emphasis on connecting victims of crime to trauma-responsive services and providing pathways toward victim and community restoration outside of the criminal court process.

### Align Recruitment and Professional Development Efforts with Community Health

A focus on improving community health while improving public safety necessitates a realignment of recruitment strategies. Fortunately, some agencies have already taken the lead in this area. In order to test commitment to service and the ability to communicate with the public, Michigan’s Kalamazoo Department of Public Safety has potential recruits partake in ride-alongs with officers during which they speak with community members.<sup>38</sup> Oregon’s Washington County Sheriff’s Office intentionally amended their interview panel to screen for character traits like empathy, resilience and decision-making.<sup>39</sup> Departments may also consider a candidate’s history of volunteering in the community as evidence of service orientation.<sup>40</sup>

37. “General Order G02-03: Community Policing Mission and Vision,” Chicago Police Department, Dec. 31, 2020. <http://directives.chicagopolice.org/directives/data/a7a57be2-1287e496-14312-87ee-0b2547654e93669f.html>.

38. *Ibid.* p. 8.

39. Greg Friese, “12 police recruitment ideas every agency should consider,” *Police1*, Oct. 30, 2019. <https://www.police1.com/police-recruiting/articles/12-police-recruitment-ideas-every-agency-should-consider-1ivBi09ZG6buFvFv>.

40. Morrison, p. 8. <https://cops.usdoj.gov/ric/Publications/cops-w0831-pub.pdf>.



However, simply hiring the right people is not enough. Agencies must also demonstrate and uplift their priorities throughout police training and professional development practices. While the literature on what forms of police training are effective is somewhat nascent, procedural justice training provides one promising opportunity to meet the dual goals of community health and safety. A recent randomized controlled trial in Seattle found that officers randomly assigned to receive a procedural justice training were less likely to rely on an arrest to resolve an incident or to be involved in a use-of-force incident in the six weeks following when compared to those who did not receive the training.<sup>41</sup> Relatedly, a study of a procedural justice training program for Chicago Police Department officers found that fewer civilian complaints were levied against participating officers and officers were less likely to use force following the training.<sup>42</sup> Other similar training programs have also been found to increase positive community perceptions of police.<sup>43</sup>

Coaching and performance management should include opportunities to encourage and assess officer and department impacts on community health. Police officers and leadership should be able to frankly discuss and brainstorm ways to improve upon current practice with community health in mind. Agencies should amend daily or weekly scoring sheets used by Field Training Officers (FTOs) to track probationary officers' performance to include items and comments around the probate's impact on community health. Likewise, FTOs and police academy staff should be graded and rewarded by supervisors on their legacy of modeling the department's mission and vision for their reports and based on their trainees' performance. After all, research suggests that allegations of officer misconduct following field training can be at least partly explained by their field training officer.<sup>44</sup> And some research suggests academy teaching can explain a portion of a probate's performance while under an FTO.<sup>45</sup>

Promotional exams and assessments can include questions and exercises that gauge the candidate's experience promoting health and safety while on the force. A recent study on police misconduct among London's Metropolitan Police Service found that a 10 percent increase in prior misconduct among one's peers was directly related to an increase in that officer's misconduct by 8 percent.<sup>46</sup> Investing in and empowering law enforcement officers and leaders to model the agency's mission and vision is critical to ensuring earlier academy training and recruitment measures are not overcast by poor police culture or management.

## IMPROVING POLICING KNOWLEDGE

Having the right knowledge and flow of information throughout an organization and to their customers is vital to any organization's success. Police chiefs report using data for a range of activities, including to "assess department performance, make budget decisions, make deployment and tactical decisions, respond to inquiries, and compare [their services and outcomes] with other jurisdictions."<sup>47</sup> Third-party researchers need access to data to study the efficacy of current decision-making and policy changes. And community residents can use data to guide their decisions at the voting booth and to inform their agenda-setting for their police department and policymakers.

Police operate in the same life and death landscape as many medical professionals; however, medical professionals benefit from large investments in research and data collection, while law enforcement agencies operate in a data and research vacuum. Due to variable state reporting requirements and a lack of political will, policing data collection all too often reflects simple topline summaries of crime events or police decision-making. Data collection around police-initiated traffic stops presents one example of this. Depending on the state, officers may not have to legally report the age, gender or race/ethnicity of a person stopped during a traffic encounter—or even the reason, outcome or identification number of the officer involved in the stop.<sup>48</sup> The decentralized data management used by 911 dispatch services is another example of this: since jurisdictions categorize call types differently, widescale analysis of police calls for service

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41. Emily Owens et al., "Can You Build a Better Cop? Experimental Evidence on Supervision, Training and Policing in the Community," *Criminology and Public Policy* 17:1 (2018), pp. 41-87. <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12337>.

42. George Wood et al., "Procedural justice training reduces police use of force and complaints against officers," *PNAS* 117:18 (2020), pp. 9815-9821. <https://www.pnas.org/content/117/18/9815/tab-article-info>.

43. Abhijit Banerjee et al., "Can Institutions Be Reformed From Within? Evidence from a Randomized Experiment with the Rajasthan Police," *Massachusetts Institute of Technology Department of Economics Working Paper Series* No. 12-04, Feb. 24, 2010, p. 27. <https://dspace.mit.edu/bitstream/handle/1721.1/71550/Banerjee12-04.pdf?sequence=>.

44. Ryan M. Getty et al., "How Far from the Tree Does the Apple Fall? Field Training Officers, Their Trainees, and Allegations of Misconduct," *Crime & Delinquency* 62:6 (2014), pp. 821, 831-33. [https://www.researchgate.net/publication/274453141\\_How\\_Far\\_From\\_the\\_Tree\\_Does\\_the\\_Apple\\_Fall\\_Field\\_Training\\_Officers\\_Their\\_Trainees\\_and\\_Allegations\\_of\\_Misconduct](https://www.researchgate.net/publication/274453141_How_Far_From_the_Tree_Does_the_Apple_Fall_Field_Training_Officers_Their_Trainees_and_Allegations_of_Misconduct).

45. Cary Caro, "Predicting State Police Officer Performance in the Field Training Officer Program: What Can We Learn from the Cadet's Performance in the Training Academy?" *American Journal of Criminal Justice* 36:4 (2011), pp. 367. [https://www.researchgate.net/profile/Cary\\_Caro/publication/238497768\\_Predicting\\_State\\_Police\\_Officer\\_Performance\\_in\\_the\\_Field\\_Training\\_Officer\\_Program\\_What\\_Can\\_We\\_Learn\\_from\\_the\\_Cadet's\\_Performance\\_in\\_the\\_Training\\_Academy/links/576823d308aef9750b0f9a7b.pdf](https://www.researchgate.net/profile/Cary_Caro/publication/238497768_Predicting_State_Police_Officer_Performance_in_the_Field_Training_Officer_Program_What_Can_We_Learn_from_the_Cadet's_Performance_in_the_Training_Academy/links/576823d308aef9750b0f9a7b.pdf).

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46. Edika Quispe-Torreblanca and Neil Stewart, "Causal Peer Effects in Police Misconduct," *Nature Human Behavior* 3:8 (2019), pp. 797-807. <https://wayback.archive-it.org/org-467/20200807115144/http://eureka.sbs.ox.ac.uk/7372/1/Causal%20peer%20effects%20in%20police%20misconduct.pdf>.

47. Lisa Wagner, "Use of Data in Police Departments: A Survey of Police Chiefs and Data Analysts," Justice Research and Statistics Association, May 2005, p. 14. [https://www.jrsa.org/pubs/reports/improving-crime-data/improving-crime-data\\_full.pdf](https://www.jrsa.org/pubs/reports/improving-crime-data/improving-crime-data_full.pdf).

48. Amanda Essex, "State Trends in Law Enforcement Legislation, 2014-2017," National Conference of State Legislatures, August 2018, p. 3. [https://www.ncsl.org/documents/ci/StateTrends\\_LawEnforcement\\_final.pdf](https://www.ncsl.org/documents/ci/StateTrends_LawEnforcement_final.pdf); "It's Time to Start Collection Stop Data: A Case for Comprehensive Statewide Legislation," The Policing Project, Sept. 30, 2019. <https://www.policingproject.org/news-main/2019/9/27/its-time-to-start-collecting-stop-data-a-case-for-comprehensive-statewide-legislation>.

is extremely difficult.<sup>49</sup> As a result, research on this subject is limited and focused on several jurisdictions at a time.

Meanwhile, nationally collected, publicly reported information on policing is infrequent or extremely limited in scope—the Department of Justice’s new “Use of Force Data Collection Program” only collects information on instances of force which result in death or bodily injury and instances of force involving discharging a gun at or toward someone.<sup>50</sup> But these instances are just the tip of the spear when it comes to use of force: this does not account for a push, tackle or kick. The power of this information is hampered further by voluntary reporting—only 41 percent of police agencies participated in data collection in the program’s first year.<sup>51</sup> While other data collection efforts through the Bureau of Justice Statistics’ Public-Police Contact survey help fill in the gaps of information around less lethal uses of force, the national reports following the surveys are only published every few years, preventing timely use.<sup>52</sup> In contrast, Missouri’s 96 percent reporting rate for police traffic stops suggests states which attach penalties or incentives to promote data collection and compilation are able to gather more robust datasets.<sup>53</sup> To encourage reporting, Missouri passed legislation requiring the Attorney General’s Office to gather and report all law enforcement traffic stops in Missouri each year; agencies who do not submit their data by the deadline can have their state funding withheld by the Governor.<sup>54</sup>

Without reliable data collection and evaluation, law enforcement agencies are left to focus on inquiries centered around where crime occurs or what type of crimes were committed rather than questioning and assessing the impact of current policing practices and opportunities to do better. Lack of publicly available data also prevents departments from establishing a culture of transparency with their community that rewards honesty, progress and experimentation at the margins. Even the most entrepreneurial officers and advocates are left guessing what works and forced to rely more on anecdotes than statistical facts. In addition, external researchers and academics face high barriers to entry, which

prevents timely analysis and policy changes. And policymakers are left with less reliable information to make informed decisions.

## POLICY RECOMMENDATION

### Improve Data Collection, Third-Party Evaluation and Public Transparency

Thankfully, the last decade or so has seen considerable improvement in data collection and dissemination at the local level. Consider that over 140 law enforcement agencies have shared open data with The Police Data Initiative, a “community of practice” that includes police leaders, tech experts, and scholars working collaboratively with communities to better promote public safety by increasing trust, accountability and innovation.<sup>55</sup> In support of the Initiative, the National Police Foundation recently catalogued a series of best practices around data collection and data sharing, noting these and other department case studies.<sup>56</sup> Local level agencies would be smart to follow these models and adopt similar capabilities.

For example, The Portland Police Bureau went through a thoughtful process to develop open data responsive to stakeholder needs, privacy concerns and user feedback; now residents and researchers are able to digest monthly neighborhood crime information and download the data for further analysis.<sup>57</sup> The South Bend Police Department now has a Transparency Hub which, among other things, showcases a dashboard with the total annual calls for service, cases, arrests, use of force incidents and use of force complaints. With one click, South Bend residents can quickly see the percentage of interactions with police that resulted in a use of force or community complaint in 2019 (0.06 percent and 0.01 percent, respectively).<sup>58</sup> Residents and police officers are also able to view community commendations of police officers or the police department, in general.<sup>59</sup>

In the wake of a renewed national conversation around policing, the demand and support for reliable, usable data at the state and national level has also grown. According to the National Conference of State Legislators’ (NCSL) legislative

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49. S. Rebecca Neusteter et al., “Understanding Police Enforcement: A Multicity 911 Analysis,” Vera Institute for Justice, September 2020, pp. 30-39. <https://www.vera.org/downloads/publications/understanding-police-enforcement-911-analysis.pdf>.

50. Nathan James and Kristin Finklea, *Programs to Collect Data on Law Enforcement Activities: Overview and Issues*, Congressional Research Service, July 6, 2020, p. 6. <https://fas.org/sgp/crs/misc/R46443.pdf>.

51. Federal Bureau of Investigation, “FBI Releases 2019 Participation Data for the National Use-of-Force Data Collection,” Press Release, July 27, 2020. <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2019-participation-data-for-the-national-use-of-force-data-collection>.

52. See, e.g., Harrell and Davis, p. 5. <https://www.bjs.gov/content/pub/pdf/cbpp18st.pdf>.

53. “2019 Vehicle Stops Executive Summary,” Offices of Eric Schmitt Missouri Attorney General, last accessed Jan. 4, 2021. <https://www.ago.mo.gov/home/vehicle-stops-report/2019-executive-summary#findings>

54. *Ibid.*

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55. “About,” The Police Data Initiative, 2017. <https://www.policedatainitiative.org/about>; Police Foundation, “Part 1: Open Data and Policing: A Five-Part Guide to Best Practices,” Office of Community-Oriented Policing Services, 2018, p. iv. [https://www.policefoundation.org/wp-content/uploads/2018/10/OpenDataPolicingPt1\\_DevelopingOpenDatasets.pdf](https://www.policefoundation.org/wp-content/uploads/2018/10/OpenDataPolicingPt1_DevelopingOpenDatasets.pdf).

56. Police Foundation, pp. 1-9. [https://www.policefoundation.org/wp-content/uploads/2018/10/OpenDataPolicingPt1\\_DevelopingOpenDatasets.pdf](https://www.policefoundation.org/wp-content/uploads/2018/10/OpenDataPolicingPt1_DevelopingOpenDatasets.pdf).

57. *Ibid.*, pp. 3-5.

58. James Mueller, “Interactions, Complaints, And Investigations Dashboard,” South Bend, Indiana, last accessed Jan. 13, 2021. <https://southbendin.gov/transparency-and-performance/police-transparency-hub/sbpd-compliments-and-complaints-data>.

59. *Ibid.*

tracker, over 200 pieces of legislation and executive policy related to policing oversight and data have been filed, with at least 27 bills enacted.<sup>60</sup> At the federal level, both Democrat-led and Republican-led policing legislation introduced in summer 2020 included comprehensive provisions around data collection.<sup>61</sup> Practices like root-cause analysis, in which stakeholders identify not just the circumstances of an incident but also all of the choices leading up to the incident, can aid police officers and leaders in preventing lethal uses of force and other tragedies from occurring.<sup>62</sup>

In 2021, state and federal legislators alike can support the collection and development of knowledge by passing legislation which standardizes data collection and storage at the state and national level and empowers local, state and federal data reporting capabilities to encourage its use. When developing legislation, policymakers should follow in the footsteps of local leaders and coordinate with community members, researchers, legal representatives, and technology and data specialists, to ensure data is collected and shared properly with practical utility.

## REVISING POLICE RESPONSIBILITIES

The modern-day police officer has become a first-responder to both the mundane and most severe societal ills. Data analysis of several jurisdictions' 911 calls for police service suggests non-emergency calls take up a significant portion of police attention.<sup>63</sup> Fragmented public health systems often put police in the driver's seat during crises involving individuals struggling with mental illness or addiction.<sup>64</sup> At the same time, a new age of terrorism and homeland security threats has prompted many agencies to move around their resources to focus on counter-terrorism.<sup>65</sup> All of these demands have put law enforcement officers in an untenable position. As summarized by Chicago Police Superintendent David Brown: "We're asking cops to do too much in this country...

every societal failure, we put it off on the cops to solve."<sup>66</sup>

Police resources and capacity are finite. Any added duty runs the risk of diverting police time and resources from the areas in which police officers have the largest comparative advantage and impact on public safety. Analysis by the Vera Institute for Justice found that in places like Camden, New Jersey, as little as 30 percent of calls for service may be related to an actual crime.<sup>67</sup> A national survey found that responding to and transporting people with mental illness accounted for 10 percent of responding law enforcement agencies' budgets in 2017.<sup>68</sup> In total, survey respondents reported that responding to calls regarding or transporting mentally ill individuals took up 21 percent of staff time.<sup>69</sup> Meanwhile, the Federal Bureau of Investigation's national crime estimates from 2019 suggest that less than 46 percent of violent crimes are cleared due to an arrest or exceptional means.<sup>70</sup>

Even worse, failing to recognize and invest in the competency of other actors rather than police can result in long-lasting damage to members of the community. Police are not mental health, child development or addiction experts. In recent years, there have been instances of police arresting a six-year-old after a temper tantrum, and numerous escalations of mental health crises, with some ultimately resulting in seemingly avoidable deaths or "suicide by cop."<sup>71</sup> According to estimates developed by the Treatment Advocacy Center, individuals with a serious, untreated mental illness are up to 16 times more likely to be killed following a police interaction compared to those without one.<sup>72</sup> A better response would be to revise police responsibilities entirely so officers are not dealing with community nuisances and the experts who are trained to equip to de-escalate mental health crises or to respond to normal childhood misbehavior are leading the way.

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66. "Dallas chief: 'We're asking cops to do too much,'" CBS News, July 11, 2016. <https://www.cbsnews.com/news/dallas-shooting-chief-david-brown-we-are-asking-cops-to-do-too-much/>.

67. Irwin and Pearl. <https://www.americanprogress.org/issues/criminal-justice/reports/2020/10/28/492492/community-responder-model>.

68. Treatment Advocacy Center, "The Role and Impact of Law Enforcement in Transporting Individuals with Severe Mental Illness, A National Survey," May 2019, p. 10. <https://www.treatmentadvocacycenter.org/storage/documents/Road-Runners.pdf>.

69. Ibid. p. 10.

70. Federal Bureau of Investigation "2019 Crime in the United States," U.S. Department of Justice, 2020. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/clearances>.

71. AJ Willingham, "A school officer is fired after arresting two 6-year-old children," CNN, Sept. 23, 2019. <https://www.cnn.com/2019/09/23/us/officer-arrested-children-6-8-suspended-orlando-trnd/index.html>; Jack Evans, "Mental illness and the police: Was a deadly Pasco shooting avoidable?" *Tampa Bay Times*, Aug. 26, 2020. <https://www.tampabay.com/news/pasco/2020/07/16/mental-illness-and-the-police-was-a-deadly-pasco-shooting-avoidable>.

72. Doris Fuller et al., "Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters," Treatment Advocacy Center, 2015, p. 12. <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.

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60. "Legislative Responses for Policing—State Bill Tracking Database," National Conference of State Legislators, Nov. 14, 2020. <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>.

61. James and Finklea, p. 6. <https://fas.org/sqp/crs/misc/R46443.pdf>.

62. James Anderson and Bob Harrison, "Transforming police officers from warriors to guardians--a systems approach to reduce police violence," *Cal Matters*, July 8, 2020. <https://calmatters.org/commentary/my-turn/2020/07/transforming-police-officers-from-warriors-to-guardians-a-systems-approach-to-reduce-police-violence>.

63. Amos Irwin and Betsy Pearl, "The Community Responder Model: How Cities Can Send the Right Responder to Every 911 Call," The Center for American Progress, Oct. 28, 2020. <https://www.americanprogress.org/issues/criminal-justice/reports/2020/10/28/492492/community-responder-model>.

64. Arthur Rizer and Jonathan Haggerty, "The Medicalization of the Police," *The American Interest*, June 14, 2018. <https://www.the-american-interest.com/2018/06/14/the-medicalization-of-the-police>.

65. Lois Davis et al., "Long-Term Effects of Law Enforcement's Post-9/11 Focus on Counterterrorism and Homeland Security," Rand Corporation, 2020, p. xix. <https://www.ncjrs.gov/pdffiles1/nij/grants/232791.pdf>.

## POLICY RECOMMENDATIONS

### Invest in Alternative Community Responder Models

Eugene, Oregon's Crisis Assistance Helping Out on the Streets (CAHOOTS) program, which diverts calls for service normally given to police to a mobile crisis intervention team, is now one of the most widely cited alternative community responder models. In 2019, CAHOOTS handled just under 19,000 calls for service as an alternative to the police—almost a fifth of all police calls for service.<sup>73</sup> Many of those calls involved smaller issues which can bog down police departments, such as transport needs or welfare checks.<sup>74</sup> But the CAHOOTS staffers also offer crisis counseling, suicide prevention, conflict resolution, substance abuse, housing assistance and resource referrals.<sup>75</sup> As a result of this role revision, the city saves millions of dollars in avoided costs annually.<sup>76</sup>

Eugene is not the only city to invest in this model. Denver's Support Team Assisted Response (STAR) program presents a more recent iteration. Similar to CAHOOTS, STAR diverts 911 calls for service around mental health, addiction and homelessness to a mental health team.<sup>77</sup> San Francisco's fire and health departments are also setting up street crisis response teams separate from the police to respond to behavioral crises and well-being checks.<sup>78</sup> And Berkeley, California, will be handing over police responsibility for traffic stops to unarmed civilians.<sup>79</sup> Localities would be wise to study and adopt similar models which empower specialized actors and scale back police responsibilities.

Robust community-based programs and services can offer an another alternative to law enforcement. Groups like Restorative Response Baltimore facilitative restorative justice conferencing to give involved parties a chance to heal and be a part of the accountability process following a crime.<sup>80</sup> To date, Restorative Response Baltimore reports about 95

percent of their conferences result in a collaborative agreement.<sup>81</sup>

### Limit the Role of Police in Educational Settings

There are no doubt times when a police presence on school grounds is prudent and helpful. Yet research suggests a police presence can also increase school discipline rates, child entrance into the justice system and racial disparities in the criminal justice system while negatively impacting educational outcomes.<sup>82</sup> Police officers placed in educational settings are often asked to walk a fine line between being a school disciplinarian, student counselor and fulfilling the duties of their badge. And they often operate with little knowledge of adolescent brain development and trauma and even less guidance from local and state policymakers.<sup>83</sup>

Both for the good of police departments and children, local and state lawmakers should seek to minimize police interactions in educational settings. This can be accomplished by limiting disciplinary interactions in memorandums of understanding agreed upon by police and school systems or via state legislation action.<sup>84</sup> For example, as part of their 2017 juvenile justice reform package, Utah legislators removed low-level misdemeanors and offenses like truancy and disruption from the juvenile court (and thus the police) jurisdiction if the acts happened on school grounds during school operating hours.<sup>85</sup> School initiatives which offer alternatives to law enforcement are another way to reduce police involvement within educational settings. A growing number of school systems are adopting restorative justice practices in which the young person and the person they harmed participate in a mediated conversation and collaborate on a plan to fix the harm. Others are investing in a more robust, thoughtful school responses to misbehavior.<sup>86</sup>

73. <https://www.eugene-or.gov/4508/CAHOOTS>.

74. Ryan Skiles, "CAHOOTS Program Analysis," Aug. 21, 2020, pp. 1-7. <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis>.

75. "CAHOOTS," last accessed Jan. 5, 2020. <https://whitebirdclinic.org/cahoots>.

76. <https://whitebirdclinic.org/cahoots>.

77. Jessica Porter, "New program diverts some 911 calls from police to a mental health team," The Denver Channel, July 2, 2020. <https://www.thedenverchannel.com/news/local-news/new-program-diverts-some-911-calls-from-police-to-a-mental-health-team>.

78. Eric Westervelt, "Removing Cops from Behavioral Crisis Calls: 'We Need To Change The Model,'" NPR, Oct. 19, 2020. <https://www.npr.org/2020/10/19/924146486/removing-cops-from-behavioral-crisis-calls-we-need-to-change-the-model>.

79. Sam Levin, "California city moves to replay police with unarmed civilians for traffic stops," *The Guardian*, July 15, 2020. <https://www.theguardian.com/us-news/2020/jul/15/berkeley-police-california-unarmed-civilians-traffic-stops>.

80. "About Us," Restorative Response Baltimore, last accessed Jan. 13, 2021. <https://www.restorativeresponse.org>.

81. "The Impact of Community Conferencing," Restorative Response Baltimore, last accessed Jan. 13, 2021. <https://www.restorativeresponse.org/impact-of-community-conferencing>.

82. See, e.g., Ryan et al., p. 190. <https://files.eric.ed.gov/fulltext/EJ1163923.pdf>; Jason Nance, "Students, Police, and the School-To-Prison Pipeline," *Washington University Law Review* 93:4 (2016), pp. 967-73. [https://www.researchgate.net/publication/316459570\\_Students\\_Police\\_and\\_the\\_School-To-Prison\\_Pipeline](https://www.researchgate.net/publication/316459570_Students_Police_and_the_School-To-Prison_Pipeline); Emily Owens, "Testing the School-to-Prison Pipeline," *Journal of Policy Analysis and Management* 36:1 (2017), p. 34-35. <https://escholarship.org/content/qt0b8976wk/qt0b8976wk.pdf>; Office for Civil Rights, "2015-2016 Civil Rights Data Collection: School Climate and Survey," U.S. Dept. of Education, May 17, 2019, p. 3. <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

83. Nila Bala and Emily Mooney, "A Conservative Agenda to Improve Youth Policing in Schools," *R Street Policy Study* No. 196, March 2020, p. 3. <https://www.rstreet.org/wp-content/uploads/2020/03/Final-196-Youth-Policing-in-Schools.pdf>.

84. "New York City to limit circumstances when police officers can enter schools," WABC-TV, June 20, 2019. <https://abc7ny.com/5355191>.

85. "Utah's 2017 Juvenile Justice Reform Shows Early Promise," Pew Charitable Trusts, May 20, 2019. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/05/utahs-2017-juvenile-justice-reform-shows-early-promise>.

86. Bala and Mooney, p. 7. <https://www.rstreet.org/wp-content/uploads/2020/03/Final-196-Youth-Policing-in-Schools.pdf>.



## REALIGNING INCENTIVES

Incentives are one of the most basic tools in behavioral management. Whether financial, cultural or organizational, the right incentives can radically change the outcomes associated with policing—both at the individual and department level. The wrong ones can stall or impede progress toward department goals even when leadership or individual actors have the will for change.

A litany of research demonstrates that police officers are not exempt from this phenomenon. In one study in New Orleans, simple use of internal monitoring and incentives was linked to improved policing performance and, as a consequence, reduced crime.<sup>87</sup> In another paper, Dallas police officers were found to reduce arrests toward the conclusion of their shift and increase the quality of their arrests, particularly if they were working a second job—the incentive to get to home or to work overrode the draw to earn overtime pay.<sup>88</sup> A perceived increase in the penalty for policing errors via external monitoring following a police shooting and subsequent interventions may lead to a reduction in police arrests, particularly in cases in which officers have more opportunities to use their discretion, as was the case in Cincinnati following the 2001 death of an unarmed Black teenager.<sup>89</sup>

The difficult task for department leaders and state and federal policymakers lies in realigning policing incentives with the goals promoted in community mission and vision statements—namely, with duties that promote public safety and community health through crime prevention and effective crime responses. While far from an exhaustive list of changes, the recommendations below present two ideas for immediate change.

## POLICY RECOMMENDATIONS

### Incorporate Non-traditional Measures of Success into Evaluations and Incentive Systems

Due to their myriad responsibilities and activities, measuring the productivity and efficacy of police officers is a difficult task. Traditionally, police departments have been judged by the public and policymakers in accordance with changes in reported serious crimes, case clearance rates and response

times.<sup>90</sup> The number of arrests, searches and citations completed have also served as metrics for productivity—occasionally with formal or informal quotas for officers to hit. While these measures can be helpful sources of information, when taken to the extreme they can encourage uneconomic and potentially unethical decision-making. In 2017, The New York Police Department was ordered to pay a \$75 million settlement amid charges that officers issued 900,000 summonses absent any legal grounding in an effort to meet quotas.<sup>91</sup> Earlier, the city had faced allegations that officers were being punished for failing to fulfill lofty summonses quotas even after quotas were technically banned by the state.<sup>92</sup>

These traditional metrics also represent an incomplete picture of the reality of crime and crime prevention and do not account for to the more qualitative aspects of the job. Measuring success by reductions in reported crimes, for example, fails to recognize the large number of unreported crimes or the diverse array of factors which promote increased criminal activity.<sup>93</sup> Using this as a major metric sets up localities who invest in building better relationships with the community and encourage crime reporting for failure. It also puts the blame for crime on the shoulders of police, when other social systems—such as mental health and educational institutions—may also be part of the problem. Likewise, increasing stops or searches may result in an additional discovery of illegal activity, yet harm community perceptions of procedural justice if stops are not perceived to be legitimate.

To balance out these metrics and incentivize more out-of-the-box, customer-driven thinking, policing should also adopt nontraditional metrics of success with longer periods of measurement—such as the results of community satisfaction surveys and customer-focused surveys (customers, in this case, include both those arrested or charged and anyone impacted by their actions).<sup>94</sup> Once again, the Seattle Police Department (SPD) provides a good example of this. Although lacking reports from the last year, the SPD typically publishes a “Service Quality Update” which outlines feedback from a group of random people who have recently had an officer dispatched to them during a 911 call. The main survey measures include how individuals perceived officer services and

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87. See e.g. “Cheng Cheng and Wei Long, “Improving Police Services: Evidence from the French Quarter Task Force,” *Journal of Public Economics* 164 (2018), pp. 1-18. <https://www.sciencedirect.com/science/article/abs/pii/S0047272718300847?via%3Dihub>.

88. Aaron Chalfin and Felipe Gonclaves, “Collars for Dollars: Arrests and Police Overtime,” SSRN, October 15, 2020, pp. 33-34. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3712794](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3712794)

89. Lan Shi, “The limit of oversight in policing: Evidence from the 2001 Cincinnati riot,” *Journal of Public Economics* 93:1-2 (2009), p. 111. <https://www.sciencedirect.com/science/article/abs/pii/S0047272708001242>.

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90. Malcolm Sparrow, “Measuring Performance in a Modern Police Organization,” National Institute for Justice, 2015, pp. 2-4. <https://www.ncjrs.gov/pdffiles1/nij/248476.pdf>.

91. John Annese, “Judge finalizes \$75M settlement in class action against NYPD over summons quotas,” *New York Daily News*, June 13, 2017. <https://www.nydailynews.com/new-york/judge-finalizes-75m-deal-nypd-summons-quotas-lawsuit-article-1.3242402>.

92. Joseph Livingston, “Crime + Punishment Examines the Scourge of Police Quotas,” *The New Republic*, Aug. 30, 2018. <https://newrepublic.com/article/150963/crime-punishment-examines-scourge-police-quotas>.

93. Sparrow. pp. 2-4. <https://www.ncjrs.gov/pdffiles1/nij/248476.pdf>.

94. Victoria Bekiempis, “Community Policing: How Do You Know If It’s Working?” *Newsweek*, July 4, 2015. <https://www.newsweek.com/community-policing-how-do-you-know-if-its-working-349533>.

questions on quality of service and overall feelings of safety.<sup>95</sup> In their September 2019 report, the overwhelming majority of individuals reported officers being professional, good listeners, understanding and informative.<sup>96</sup> Ideally, localities or states would also be able to fund local victimization surveys which can provide a more informative picture of all crime that is occurring and where opportunities to improve police services and reporting lie.

### Remove or Limit Financial Incentives that Distract from the Policing Mission

Police departments face severe resource and budget constraints when competing against other state and local actors, with pressure on all sides to do more with less. At the same time, police leaders know the simple truth is that they need individuals and resources to reduce crime.<sup>97</sup> As such, departments—and the individual officers within the department—are encouraged to engage in activity which can be more easily tied to some self-funding mechanism. When police behavior evolves to anticipate and count on those incentives, an individual’s priorities can become muddled.

One example of this is found in America’s use of civil asset forfeiture. A mechanism which allows the government to seize and keep assets connected to a crime or criminal activity, civil asset forfeiture has become one of policing’s most perverse incentives. Under the federal 1984 Comprehensive Crime Control Act (CCA), if state and local law enforcement agencies assist federal agencies in securing the assets, they are able to reap up to 80 percent of the proceeds from the sale of assets or from seized cash.<sup>98</sup> A report by the U.S. Commission on Civil Rights cited research delineating that 38 cities historically received 10 percent or more of their revenue from fines alone, with fines revenue in Saint Ann, Missouri composing 30 percent of the localities’ revenue.<sup>99</sup>

The theory behind asset forfeiture is that it would increase criminal deterrence by lowering the potential benefits to crime. There is some evidence that the equitable sharing statute did have that effect early on. One working paper esti-

mates the CCA forfeiture changes were associated with a 17 percent drop in nonviolent property crimes over eight years in areas in which police were newly able to keep more of their seizures due to CCA.<sup>100</sup> But the authors also estimate that drug crimes skyrocketed by nearly 37 percent over three of these years and traffic fatalities increased as well.<sup>101</sup> And studies with more recent data provide evidence that police departments able to retain revenue from civil asset forfeiture and fines who are facing fiscal distress are more likely to arrest Black and Hispanic Americans for drug and other low-level crimes rather than increase efficacy.<sup>102</sup> Removing the possibility of civil asset forfeiture or, at a bare minimum, having forfeited funds benefit the state general fund rather than individual localities may help protect against these impacts.

### CONCLUSION

Pain, protests and a pandemic have inspired the beginning stages of meaningful change in policing policy and practice. A poll from June 2020 found that a majority of Americans now strongly support requiring the use of body cameras, establishing clear use of force standards, requiring peer reporting of misconduct and penalizing officers who demonstrate racially biased policing.<sup>103</sup> Both Senate Republicans and House Democrats introduced comprehensive policing legislation in 2020, with the scope extending far past what was politically feasible in previous sessions.<sup>104</sup> Former President Trump took executive action over the summer with a goal of improving department certification and information-sharing and better addressing mental health, homelessness and addiction.<sup>105</sup> And many localities took quick action to improve police oversight and accountability and to scale back the police mandate to areas best within their comparative advantage.<sup>106</sup> At least 38 states introduced a total of well

95. “September 2019: Service Quality Update,” Seattle Police Department Research Report, Oct. 10, 2019, pp. 2-8. <https://www.seattle.gov/Documents/Departments/Police/Publications/CustomSurveyReportSep2019Final.pdf>.

96. *Ibid.*, p. 3.

97. See, e.g., Stephen Machin and Olivier Marie, “Crime and police resources: The street crime initiative.” *Journal of the European Economic Association* 9:4 (2011) pp. 678-701. <https://academic.oup.com/jeaa/article-abstract/9/4/678/2317141?redirectedFrom=fulltext>.

98. “Guide to Equitable Sharing for State, Local and Tribal Law Enforcement,” U.S. Department of Justice, July 2018, p.3. <https://www.justice.gov/criminal-afmls/file/794696/download>; [https://www.nber.org/system/files/working\\_papers/w23873/w23873.pdf](https://www.nber.org/system/files/working_papers/w23873/w23873.pdf).

99. “Targeted Fines and Fees Against Communities of Color,” U.S. Commission on Civil Rights, September 2017, p. 21. [https://www.usccr.gov/pubs/2017/Statutory\\_Enforcement\\_Report2017.pdf](https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf).

100. Shawn Kantor et al., “Civil Asset Forfeiture, Crime and Police Incentives: Evidence from the Comprehensive Crime Control Act,” *National Bureau of Economic Research Working Paper* No. 23873, p. 36. [https://www.nber.org/system/files/working\\_papers/w23873/w23873.pdf](https://www.nber.org/system/files/working_papers/w23873/w23873.pdf).

101. *Ibid.*

102. Michael Makowsky et al., “To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement,” *GMU Working Paper in Economics* No. 16-17, September 2018, p. 17. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2745000](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2745000).

103. Coleen Long and Hannah Fingerhut, “AP-NORC poll: Nearly all in US back criminal justice reform,” *The Associated Press*, June 23, 2020. <https://apnews.com/article/ffa4bc564afc4a90b02f455d8fdf03>.

104. Roge Karma, “Democrats are running on the most progressive police reform agenda in American history,” *Vox*, Sept. 8, 2020. <https://www.vox.com/21418125/biden-harris-pelosi-defund-the-police-criminal-justice-reform-2020>.

105. President Donald J. Trump, “Executive Order on Safe Policing and Safe Communities,” The White House, June 16, 2020. <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities>.

106. “After Weeks of Protest, a Look at Policy Changes in U.S. Policing,” Vera Institute for Justice, July 22, 2020. <https://www.vera.org/policy-changes-in-us-policing>.

over 700 pieces of policing legislation in 2020 following Floyd's death last May.<sup>107</sup> Yet much remains to be done.

During efforts to reform policing, policymakers and practitioners should take a page from the free market and review the application of basic principles of effective free market organizations. They should work collaboratively with their communities to gather feedback on and potentially amend police department vision and mission statements and then work to identify and promote the virtues and traits needed among lay officers and leadership to fulfill those agendas. In the meantime, they should invest in knowledge development and processes by ramping up data collection, analysis, research and public reporting, thereby, empowering both private and public actors with more information to solve challenges in the field. At the local and state level, policymakers can work with police to revise law enforcement responsibilities to better align with their goals and capabilities. Police are being asked to wear too many hats, and more successful outcomes may be obtained by passing some of those duties off to more experienced individuals. Finally, departmental, state and federal actors should question and realign the incentives given to both individual officers and local departments, particularly in areas of financial support and accountability.

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107. "Legislative Responses for Policing-State Bill Tracking Database," National Conference of State Legislators, Nov. 14, 2020. <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>.