Revamping Police/Urban Community/ Youth Relations by Recognizing the Errors of the Past and Moving Towards Building Relationships

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REVAMPING POLICE/URBAN COMMUNITY/YOUTH RELATIONS BY RECOGNIZING THE ERRORS OF THE PAST AND MOVING TOWARDS BUILDING RELATIONSHIPS

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I. TO FIX WHAT’S BROKEN WE MUST REFLECT ON THE HISTORICAL CONTEXT THAT ORIGINALLY CREATED POLICE FORCES

Background:

Policing in America, the land of the free, has undergone a transformation since the first police departments were formed. But it seems as though the changes have come full circle and the original purpose of the police has reemerged if you go far enough back in history. Modern police departments were born from slave patrols and night watches, which by no surprise, were designed to control the behaviors of minority ethnic groups.\(^1\) For instance, in New England settlers assigned Indian Constables to police Native Americans and in St. Louis the police were founded to protect residents from Native Americans as well.\(^2\) In the South, many police departments began as slave patrols.\(^3\)

Slave patrols served as a means to maintain economic order and to assist wealthy landowners to recover and punish those who they considered their property.\(^4\) In modern times, the police are viewed as enforcers of the law. Yet, that was also the case going back to 1689-1865 when over 130 slave statutes were enacted.\(^5\) It was not limited to the South either, northern

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\(^2\) Id.


\(^4\) Id.

\(^5\) Kappeler, supra note 1.
colonies, such as Connecticut and New York, enacted laws criminalizing and controlling slaves as well. Then there was Congress that also passed fugitive slave laws allowing the detention and return of escaped slaves, in 1793 and 1850.

[T]he literature clearly establishes that a legally sanctioned law enforcement system existed in America before the Civil War for the express purpose of controlling the slave population and protecting the interests of slave owners. The similarities between the slave patrols and modern American policing are too major to dismiss or ignore. Hence, the slave patrol should be considered a forerunner of modern American law enforcement.

The color of someone’s skin is not the ultimate factor in determining whether a person can be a victim of racial prejudice but having fair skin has clearly made it easier for certain ethnic minorities, such as the Irish, to assimilate into mainstream America. But that does not come as easily to people of color for obvious reasons. Due to slavery, African-Americans specifically have historically been targets of mistreatment. Using patrollers to seize runaway slaves pioneered formal police forces, especially in the South. Even after the Civil Rights Act of 1964 was passed this devastating legacy continued to play a role in policing. For some, police harassment simply meant racial profiling, but for others it meant being beaten or murdered by those hired to protect and serve. The issue is whether police in the 21st century still believe subconsciously or not that their duty is to protect white people from people of color, specifically African-Americans. That mindset would explain why a disproportionately high numbers of black people are killed, beaten, and arrested by police in major urban cities of America, and why in 2014 more black people died at the hands of police than in the September 11 terrorist attacks.

6 Id.
7 Id.
10 Id.
11 Id.
12 Id.
13 Id.
Despite its turbulent past, there are instances historically in which the police got it right. Previously, police forces consisted of small staffs of officers living in the communities they policed, but now that number is closer to hundreds or even thousands and often times these officers do not reside in the cities they police.\textsuperscript{15} Sir Robert Peel’s Principles of Policing, which guided the first modern police departments stated that policing needs to address crime and disorder.\textsuperscript{16} Disorder refers to non-criminal activities or situations that are perceived as negatively affecting the quality of life (noise, homeless persons, abandoned vehicles, etc.).\textsuperscript{17} As populations grew so did police departments and new means of policing were developed that were thought to be more effective or at least efficient.\textsuperscript{18} Most of the new police strategies focused less on disorder and more on crime, i.e. patrol cars, rapid response, and investigative units.\textsuperscript{19} Walking beats became a relic of the past and patrolling areas by car became its replacement.\textsuperscript{20} Unfortunately, what resulted was police having less one-on-one contact and conversations with members of the community. Relationships with residents were no longer being fostered.

In addition to these advancements the growing de facto segregation in the 19\textsuperscript{th} and 20\textsuperscript{th} centuries created large, predominantly minority, urban populations. From the 1960s onwards, arose an urban youth more politically aware of their constitutional rights, more culturally aware of their racial and ethnic identity, and police who live apart from the areas they are hired to serve, leaving youth feeling distrust and estranged from the police.

\textsuperscript{15} Andrew Stelzer, Commuting Cops, THE LIFE OF THE LAW (Sept. 8, 2015), http://www.lifeofthelaw.org/2015/09/commuting-cops/.
\textsuperscript{18} Id.
\textsuperscript{19} Id.
\textsuperscript{20} Id.
II. POSITIVE COMMUNITY RELATIONSHIPS CANNOT BE BUILT ON LIES, THEREFORE THE POLICE HAVE TO COME CLEAN

Investigations by the Wall Street Journal and FiveThirtyEight uncovered that police failed to report hundreds of police killings annually. All they could do was provide rough estimates. The Killed by Police Facebook page, which keeps a running tally of victims killed by police has listed 1,450 deaths since May 1, 2013 which averages to about three per day, one every eight hours, or 1,100 a year. Although, these numbers do not differentiate between justified and unjustified shootings, the point is they are tremendously different than the low numbers (400 according to the FBI) we have been spoon fed. As Americans, we should have what many European countries have, documentation for every killing committed by the police. Germany and Finland have national databases in which every shot fired by the police is documented. Additionally, these databases include basic demographics, like age, gender, and race, and do not categorize the killings as being justified or not. At the center of the Black Lives Matter focus are the deaths of unarmed black people killed by police. The Huffington Post identified seventy-seven individuals shot by police from January 1st 2015 to October 31st 2015. Thirty-six percent of these victims were black men. The pattern exists when we broaden the number to 189 which include deaths of those in custody of the police, by police tasers and police vehicles. These statistics show that the distrust of police has been earned and as long as urban youth feel as if they are being blamed and shamed for feeling vulnerable in police encounters, there will not be progress. The lack of data on shootings by police cannot continue; it has to be rectified for there to be legitimacy in the plight of the police being respected in urban communities.

24 See id.
25 Id.
26 Id.
27 Id.
28 Id.
III. YOUTH GUN VIOLENCE HAS TO BE ADDRESSED IN ORDER FOR THE RELATIONSHIPS WITH POLICE TO IMPROVE.

Jumping to the 21st century, fifty-four percent of the 33,000 Americans killed with guns per year are young people under thirty years old. Young people disproportionately perpetuate gun violence on others because of how accessible guns are due to lax laws in some states. The lives of the trigger-puller and the victim are often forever changed. Yet despite the devastating role guns play in the deaths of America’s youth, less than 2 million public health research dollars are spent to address the causes of this epidemic, while $21 million research dollars were allocated to headaches. The disproportion continues. In 2010, sixty-five percent of gun murder victims between the ages of fifteen and twenty-four were black. The young men in the aforementioned age group are 4.5 times more likely to be killed by a gun than similarly aged white males. Although these numbers are stark, we cannot overlook the 33,519 other young people that were shot, but happened to survive their injuries in 2010. Unfortunately, we are left to speculate on how many of those survivors have decided to carry a gun for protection.

All these statistics show that we are in the midst of a crisis in which not enough is being done. Police need to be at the forefront to decrease gun deaths among young people. Prevention is key; playing catch-up with the “bad guys” does not cut it. As long as the youth gun violence trend continues there will continue to be too many situations in which police are inclined to use deadly force when confronting urban youth. These situations derail efforts made to improve communities to be overhauled by bad-apple police officers while unidentified shooters are running rampant.

31 Id.
34 Id.
stealing the lives of even younger people, children, young innocent children.

Community-Oriented Policing:

To resolve these issues police leaders need to embrace “community-oriented policing” to make police part of the community and not an enforcer that sees members of the community as targets or threats. In community-oriented policing the police engage the community to solve problems that affect the environment where crime, disorder, violence, and drug abuse prosper. A partnership would need to be developed between the police and the community. The partnership would work together in determining what type of people should become police. They would work to make sure the police force is diverse and representative of the people living in the community being served. It is dangerous for everyone involved when various segments of the community hold negative feelings and perceptions of police, especially after the death of Trayvon Martin, and all the other unjust deaths of black men and women by police in the past three years.

Improvements in the relationship between the police, youth, and people of color can only be accomplished through a mutually beneficial partnership based on the communities’ needs. The preferred relationship between police and urban youth would consist of a positive partnership including police, youth, parents, community and business leadership, schools, clergy, social media, and traditional media focused on preventing and resolving problems of crime and disorder based on mutual respect, collaboration, and cooperation. To attain this mutually beneficial relationship youth leaders, community leaders, and police executives must work as a team. There are numerous actions police departments can take to reduce the division between police and urban youth.

IV. POLICIES, PROGRAMS, AND STRATEGIES TO ACHIEVE THE PREFERRED RELATIONSHIP

Revamping Policies and Procedures:

Policy is a guide to the thinking and actions of those who are responsible for making the decision. Departmental policies have to be assessed with the objective of cultivating police/urban youth relations. Procedures are the
actual instructions on how officers are supposed to accomplish the departmental policies. The department procedures have to be reviewed as well to guarantee that they support the development of this preferred relationship of police/urban relations. This is referred to as a preferred relationship and not an ideal relationship because the term ideal has a connotation of being perfect, not realistic, theoretical, and in essence unattainable. The suggestions being made are realistic, are attainable, and can succeed in an imperfect world. That is why this is a preferred relationship.

Furthermore, the reviews of department policies and procedures in conjunction with the creation of more effective policies and procedures as it relates to the police/urban youth relationship (i.e., allocation of officers’ time in non-incident contacts) should be undertaken as cooperative actions by local youth and police leaders. These better policies and procedures can be adopted by the police executive and community leaders working to find what is and has worked in comparable communities. There is no need to constantly reinvent the wheel or rely on trial and error when there are statistics and studies that demonstrate what has been working and what has not. With an average of two people being shot by police every day in 2015 through July 10\textsuperscript{th} across the United States, there is clearly something broken in the system and the nation cannot afford to continue to have the body count increase as police departments try to scramble post-police-involved shootings instead of having practices that prevent such incidences in the first place.\footnote{Wesley Lowery, \textit{There have been 500 people shot and killed by police in the U.S. so far in 2015}, \textit{The Washington Post} (July 10, 2015), \url{http://www.washingtonpost.com/news/post-nation/wp/2015/07/10/there-have-been-500-people-shot-and-killed-by-police-in-the-u-s-so-far-in-2015/}.} It is unacceptable when a police officer’s practices and tactics lead to the creation of a situation in which excessive force must be used to ensure his safety.\footnote{“His” is and will be used as the pronoun since it is predominantly male officers involved in these cases of excessive force.}

Although police officers belong to unions, it is unacceptable for the unions to continue to blindly support the police officers that have acted in a way that is contrary to their department’s policies and procedures.\footnote{Samuel Walker, \textit{The Neglect Of Police Unions: Exploring One Of The Most Important Areas Of American Policing}, 9 POLICE PRACTICE & RESEARCH: AN INT’L J. 95, 102 (2008) (explaining that police unions can negatively impact the discipline and accountability of police officers by reinforcing norms of police subculture, such as the refusal of officers to testify against other officers accused of misconduct).} If the police department is in disagreement with an officer’s performance they need to make it clear to the public that that is the case. There should be no
reason for the community to feel as if the police will always be protected by their badge despite violating the policies, procedures, and the law.\textsuperscript{39} Having to deal with police officers that violate their department’s policies and procedures is more likely to happen when the wrong person is in the position of being a police officer in the first place.\textsuperscript{40}

\textit{Recruitment and Selection:}

As with everything, there is a wide range of opinions on the issue of who is best suited to become a police officer, but there are several areas believed to be important as they relate to violence between the police and the community.\textsuperscript{41} The following factors should be incorporated into overall consideration of the type of individual recruited and selected to be police officers that can reasonably be expected to develop positive relationships with youth:

\begin{itemize}
  \item Recruit people of color from the community to reflect the community being served (it is understood that it is unconstitutional to require that police live in the city that they work but it can still be a factor weighed in the process).
  \item Recruit candidates with college training to ensure a more professional police force.
  \item Take steps to ensure candidates are psychologically suited to handle the requirements of the job. (Just because someone served as a soldier does not mean one can effectively serve as a police officer)
  \item Monitor recruiting practices for effectiveness in obtaining desired candidates.
  \item Use lie detectors/stress tests.
  \item Review selection procedures for criteria not related to policing.
  \item Have layperson community member/s on the board making the final decision on whether someone should be on the board.
\end{itemize}

\textsuperscript{39} \textit{Id.} (noting that in some states, police union contracts include provisions that inhibit procedures for investigations of allegations of misconduct).

\textsuperscript{40} Michael D. White & Gipsy Escobar, \textit{Making Good Cops In The Twenty-First Century: Emerging Issues For The Effective Recruitment, Selection And Training Of Police In The United States And Abroad,} 22 INT’L REV. OF LAW, COMPUTERS & TECH. 119, 120 (2008) (noting that recruitment, selection and training have become ‘front-burner’ issues for police departments around the world in large part because of significant changes in the philosophy and nature of policing, higher expectations by their constituencies, and because of continuing efforts at professionalization).

\textsuperscript{41} \textit{Id.} at 131-32.
Check references. (If the person has worked as a police officer look into their file.)

Training:

Once the best candidates are selected to become police officers the focus is on their training because it has a significant impact on all aspects of police service delivery and is of critical importance in managing police/urban youth relations. Better approaches in training and empowerment to implement the training are required. In the United States, police training averages nineteen weeks, while in other countries it can last over two years. Currently, American police academies devote an average of sixty hours to firearms training but only eight hours to mediation and conflict management. This is troublesome because although being a police officer is dangerous, these trainings focus on how being complacent leads to their death, and the off-putting saying, “it’s better to be judged by twelve than to be carried out by six.” As a result, hyper-vigilant officers too often react with excessive force before adequately analyzing potential threats. Systematically overestimating the risks they face is a problem born from training that needs to be overhauled. After 63,000,000 police encounters in a year, 0.09 percent result in police being assaulted, 0.02 percent are injured, and 0.000008 percent are killed. Good police training would put the risks in perspective. Therefore, in addition to lengthening police academy training, in-service and academy training should consider implementing:

- Cultural awareness courses which demonstrate how an officer can recognize and effectively interact with diverse cultural groups and their points of view concerning police, authority, communications, etc.
- Courses on the emotional, psychological, and physiological aspects of using force.
- Contact skills (people skills) in which officers are trained in

42 Karabel, supra note 23.
43 WE OWN THE NIGHT (Columbia Pictures 2007).
45 Id.
46 Id.
developing community relationships and partnerships.

- Communication skills courses in which officers are given alternatives to traditional authoritarian communication patterns.
- Conflict resolution and negotiation skills in which officers are trained to use alternative dispute resolution without the use of arrest or force.
- Training programs in which new recruits work in schools, community centers, or youth advocacy programs for a specified period.

Assignments:

The duties of patrol officers need to be examined and where necessary changes should be made to include assignments and time for each officer to be involved in normal everyday contact with youth. It is with this non-incident contact that urban youth gain respect for and confidence in their local police department. There are police that are known to even visit and check-in on those youth they have arrested and are detained in a detention center not to get incriminating information, to intimidate or annoy them but just to see how they are holding up, give them some words of encouragement, and ultimately show them that they care. That visit from the officer may be the only visit they get. That has no choice but to leave a lasting impact on the youth.

Program Models:

Numerous models of proactive contact to improve police/urban youth relations already exist. One thing each policy, program, or model has in common is that the parties involved (police, youth, and community) have reached a consensus: the issue of police/urban youth relations must be addressed. The key to success of any of these models is the mutual cooperation of each party in a solution.

Police Department Programs:

Safe Havens: Programs in which police establish a permanent or visual stationary presence (i.e. in a community center or a recreational facility) at
which there are services such as: counseling, educational, or recreational activities. These substations could even operate at/or near housing projects. Officers could participate in youth athletic activities, visit schools, mentor and co-sponsor family/youth oriented social activities.

Leadership: Police can partner up with a youth commission composed of over twenty youth members elected by their peers and appointed by the Mayor to meet regularly with the Chief of police to address issues of concern to youth.

Employment/Partnership: Through programs that already exist in Cleveland, such as Future Connections or Youth Opportunities Unlimited, police departments can employ city youths to work along with police in recreational, educational, and safety programs throughout the summer.

Problem Solving: The youth and police of Seattle, Washington, produced RESPECT, a handbook distributed to police and youth, focusing on the police and youth approaches to loitering and traffic stops.

Mentoring: Police in Cleveland, can work with 3Rs (Rights, Responsibilities, and Realities) or with CHOICES (a program started by the National Black Prosecutors Association), both are programs that ultimately aim to encourage students’ roles as law abiding citizens. The 3Rs was honored among the Association’s diversity programs receiving the First Annual Raymond Pace and Sadie Tanner Mossell Alexander Award for Excellence in Pipeline Diversity from the American Bar Association Presidential Advisory Council on Diversity in the Profession in 2009. The 3Rs has also received the Ohio State Bar Foundation 2008 Outstanding Program Award, the LexisNexis National Community Outreach Award in 2007 and the American Bar Association Partnership Award in 2007.

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52 Id.
Officers through programs or on their own could informally meet with youth to talk, listen, and serve as mentors. An Adopt-A-Student program can be created to target at risk youth and provide them with a police officer as a mentor.

G.R.E.A.T.: Gang Resistance Education and Training is an effective evidence-based and gang and violence prevention program with law enforcement officer-instructed classroom curricula for students. The Program’s purpose is to prevent delinquency, youth violence, and gang membership. G.R.E.A.T has partnered with nationally recognized organizations, including the Boys & Girls Clubs of America, Families and Schools Together (FAST), and the National Association of Police Athletic/Activities Leagues, Inc. (PAL). Naturally, these partnerships create positive relationships among the community, parents, schools, and the criminal justice community. The Regional Training Centers provide training to sworn/certified law enforcement professionals to teach the G.R.E.A.T. curricula to elementary students, intermediate students, and to families.

There is evidence of the effectiveness of G.R.E.A.T. A field trial that concluded in 2012 randomly assigned classrooms to treatment and control conditions at thirty-one schools in seven demographically and geographically diverse cities representing a cross-section of the United States. According to the study’s investigators: “Our multicomponent evaluation found that the G.R.E.A.T. program is implemented as it is intended and has the intended program effects on youth gang membership and on a number of risk factors and social skills thought to be associated with gang membership. Results one year post-program showed a thirty-nine percent reduction in odds of gang joining among students who received the program compared to those who did not and an average of twenty-four percent reduction in odds of gang joining across the four years post-program.”

54 Id.
55 Id.
56 Id.
57 Id.
58 Id.
59 Id.
60 Finn-Aage Esbensen et al., Is G.R.E.A.T. Effective? Does the Program Prevent Gang Joining? Results From the National Evaluation of G.R.E.A.T, University of Missouri- St. Louis, Dep’t
V. HOW COMMUNITIES CAN IMPROVE POLICE/URBAN YOUTH RELATIONS

Identify Youth Leaders:

A leader is a person others listen to for advice, guidance, and information. Leaders among urban youth can be identified and recruited to participate in activities to improve the relationship between urban youth and the local police department.

Establish a Task Force on Police/Urban Youth Relations:

Organize a task force/community police commission to include police leaders, youth leaders, youth agency workers, representatives from local colleges or universities who are involved in youth related curriculum, representatives of local minority organizations, etc. The purpose of the taskforce/commission would be to develop and implement local programs and policies that will improve the relationship between the police and the community and its youth.

Symposium:

To have knowledgeable and well-informed leaders the taskforce/community police commission can organize a conference or symposium on police/urban youth relations. Symposium invitees can be given the opportunity to present papers and describe programs that support bettering the relationship between the police, community, and its youth. The networking and knowledge gained can provide a framework from which to work from. On April 25, 2014, the Partnership for a Safer Cleveland Symposium on Violence Prevention was held in Cleveland, Ohio.61 Police officers, prosecutors, probation officers, and community leaders were in attendance. But for a symposium such as this to be truly effective, more than a handful of police officers have to be present. Attendance by police officers has to be strongly encouraged/required for

these efforts to be worthwhile. Otherwise, this becomes a theoretical discussion instead of a guide to pragmatic approaches to prevent violence.

Share Findings and Promote Efforts:

Social media, traditional media coverage, participation from the police department’s community relations staff, and public appearance by members of the taskforce/community police commission can share the efforts being made to improve the relationship between the police, community, and its youth. Community and youth leaders have to get the police department and city leaders on board. Everyone must buy into the fact that these efforts will contribute to a safer and more peaceful community.

Conclusion:

Positive police relations with people of color and urban youth is a critical element in any city’s efforts to keep racial tensions to a minimum. Racial tensions increase with each publicized incident of excessive force used by police because people of color rally for justice and change while others come to the support of the police despite the role they played in the encounter. What may be a blue and non-blue issue becomes a white and black issue with people of color exclaiming, “Black Lives Matter,” and those supporting the police or denying there being any racial bias, undermining the cause with “All Lives Matter” as if the former slogan fails to encompass the same meaning. Given the volatile nature of race relations currently this element is crucial in preventing violence, the loss of property, and most importantly the loss of more lives. The ideas and programs present practical ways of upgrading the current relationship between police, urban communities, and its youth. The ultimate response to the issues we currently face is to include people living in the communities in the problem


solving process. As stated so eloquently by Attorney General Loretta Lynch:

We have a duty to insist that the law lives up to the enduring values that make this nation exceptional, not only in its word or intent, but in its execution. And we have an obligation to extend our hands to those who have been let down, left out and left behind in order to help build the more inclusive, more united and more just society that all Americans deserve.

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64 See Aleem Maqbool, *The U.S. Police Chief Fighting to End Racial Tension*, BBC NEWS (May 21, 2015), http://www.bbc.com/news/magazine-32816247 (discussing a police chief who has implemented policies that encourage police to engage with the communities they serve in an effort to minimize racial tensions).