

# **COMMUNITIES UNITED FOR POLICE REFORM**

## **WRITTEN TESTIMONY OF KEESHAN HARLEY, COMMUNITIES UNITED FOR POLICE REFORM**

### **TO THE PRESIDENT'S TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING FEBRUARY 14, 2015 LISTENING SESSION ON TRAINING AND EDUCATION**

I would like to thank the President's Task Force on 21<sup>st</sup> Century Policing for inviting me to testify on behalf of Communities United for Police Reform (CPR) to this important panel on the training and education of police.

CPR is a New York-based campaign to end discriminatory and abusive policing practices. The diverse partners in this campaign, representing many of those unfairly targeted by police action and aggression, are working for systemic, policy and cultural change in the NYPD to promote safety while respecting the rights and dignity of all New Yorkers.

Our campaign has helped transform the local dialogue on policing and public safety, increased the knowledge and practice of civilians observing and documenting police misconduct to increase accountability and transparency, and built popular support to enact the Community Safety Act – two landmark laws that prohibited discriminatory police profiling and established New York City's first-ever NYPD inspector general.

Our work primarily focuses in New York, but we are aware that the challenges New York faces – and has faced for years – are ones that other communities across the nation must address as well. In that regard, we communicate and collaborate with organizations throughout the country to share useful lessons, learn from one another, and help to develop and implement concrete solutions that empower communities to improve safety and policing in local neighborhoods.

As a young Black 20-year-old man, first stopped by police at the age of 13 and stopped-and-frisked over 100 times since, I know firsthand the issues our communities face with respect to everyday interactions with police. I have been slammed against the wall, placed in handcuffs, yelled at and questioned by police in my city, while doing nothing wrong – whether on my way home from school or just walking in my neighborhood.

While the reported decrease in the number of stop-and-frisks in New York has fueled a popular perception that reform in this area has been accomplished, this is inconsistent with the sad reality in our neighborhoods. The hyper-aggressive policing that only certain communities – largely communities of color – face, just like stop-and-frisk, is still being experienced.

The treatment of members of our communities for activity as benign as riding a bike on the sidewalk can lead to heavy-handed enforcement, while it is ignored entirely in different

neighborhoods. This over-aggressive enforcement criminalizes our communities and these types of interactions too often are escalated by police officers into more forceful actions.

As I watch closely all that is happening across the country, it is hard to avoid thinking about my own interactions with the NYPD in my neighborhood of Bedford-Stuyvesant, Brooklyn and how they could have been fatal for no justifiable reason. The sheer number of these unnecessary interactions increased the probability.

The killings of Akai Gurley, Eric Garner and Ramarley Graham in New York, Mike Brown in Ferguson, Tamir Rice, Tanisha Anderson and John Crawford in Ohio, Jessie Hernandez in Denver, and so many others at the hands of police demonstrate the tragic consequences of systemic problems with police accountability and the disregard for Black and Brown lives.

The history of incidents like these occurring is long and painful. Some debate the role that the inadequate training and education of police officers plays in many of these cases. What is certain is that the systemic lack of timely and meaningful accountability in so many of these instances sends a training message. Unfortunately, the training message too often sent to officers from these incidents is that their departments and criminal justice system will treat them as above the law and reproach.

In New York City, again and again, it seems the training message has been that there will not be timely or meaningful consequences when the lives of unarmed Black and Latino New Yorkers are taken in police incidents. Formal police training and education sessions are close to useless if there is no accountability for non-compliance or their inadequacy.

This task force has an incredible opportunity to acknowledge and urgently confront the serious problems with policing in America that have resulted in a distrust of police departments and the criminal justice system.

The challenges we face are not those of a few individual bad apples, but are more systemic and structural in the way policing approaches, targets and treats certain communities – particularly low-income communities of color. This includes young people, LGBT people, women, people who are homeless, immigrants, low-wage workers, and people with psychiatric disabilities or in emotional distress. They have produced communal sentiments of alienation and resentment.

Black and Brown young people should not have to expect to be stopped by the police simply because of who we are and where we live, and our parents should not have to prepare us for it. For young people like me, the effect of being put on display by the police in our communities and to our neighbors over and over again is demoralizing, humiliating and only serves to fracture our communities. It criminalizes us to our neighbors, who may not have the appropriate context that we have done nothing wrong and assume the opposite, stigmatizing us as criminals or delinquents in our own communities.

The collective impact of these shared experiences has caused many to see the police as antagonist rather than as a beneficial service their tax dollars fund. It is why people become

less likely to call the police for help or to cooperate with them, even if it might be seen as in the interest of their safety.

The reality is that we constantly see increases in police activity in our neighborhoods, but rarely see an equal focus by our local governments to increase other critical services outside of law enforcement. Experiencing and witnessing the largest increased investment in our neighborhoods primarily to be on the law enforcement side has a negative cumulative impact on the conscious and subconscious self-perception within our communities. It also perpetuates a destructive cycle: we are criminalized through broken windows policing, sent into the criminal justice system, returned back into our community without adequate services and with the collateral consequences of criminal records, which is then used to further justify increasing the police presence and hyper-aggressive enforcement against us.

We are not anti-police. We are against policing systems that devalue our lives and repeatedly mistreat us in daily interactions and holistically. Policing has failed our communities – failed to meet community needs for safety and accountability, failed to respect human dignity, and failed to acknowledge our humanity.

We offer three areas of recommendations with respect to police education and training: Reeducation on the Role of Policing; Transparency; and Education & Training with Accountability.

## **REEDUCATION ON THE ROLE OF POLICING**

In low-income communities of color – including amongst youth, immigrants, homeless, LGBT, women, people with disabilities – policing has increasingly been experienced as less of a public service for communities and instead as a dominating, occupying force on them. In places like New York City, where the police department is a paramilitary organization, this has a dramatically negative effect. Rather than perceiving the police as those who can provide assistance and protection, the police are often seen through the lens of excessively engaging residents in negative, disrespectful, humiliating and sometimes frightening daily interactions that make it hard for us to normally live and travel within our communities. Broken windows policing that only targets certain communities for hyper-aggressive enforcement of low-level infractions is a clear example, as it often criminalizes activity in one neighborhood or by a particular type of person even though that same activity is not questioned by law enforcement elsewhere and otherwise.

The hyper-aggressive paramilitary approach used in targeted neighborhoods increases the likelihood that these civilian-police interactions escalate – they can lead to officers demonstrating contempt, using disrespectful language, excessive force, or arrest on elevated charges. The consequences for communities and families can be severe, whether through criminalization that produces hardship or separation, or a general shift in attitudes about police.

**The role of police must be refocused through education and training to be attentive to serving communities accountably, rather than exerting control and power over them. It**

is critical that such a re-education be implemented at all levels – from the officer on patrol all the way up through police commissioners.

Consistent with this, education and training should **standardize use of force policies, seeking to eliminate excessive use of force and incentivize communication and tactics that are not based on force or humiliation.** Policies should begin with the assumption that force should be used only as an extreme last measure.

While a strong focus of any reorientation should be on a clear vision of service to people with respect for their humanity, this problem must also be addressed through a review of what performance measures incentivize. The modernization of policing that has promoted “data-driven policing,” like CompStat in New York, has deemphasized the importance of officers being in service to communities in which they are assigned to work. Instead it has encouraged racial and other discriminatory profiling, aggressive quota-driven activity in neighborhoods at all costs, using the fact that crime exists there as justification, as if those community members do not deserve the same respect and rights because they live in areas the police consider to be “high-crime.”

**Training of police departments and ongoing supervision and evaluation must emphasize and incentivize how well police officers positively interact with the communities they serve, not simply how many arrests they make or citations they give.**

## **TRANSPARENCY**

The lack of transparency in policing is a major factor that contributes to the broken trust between police and communities. It manifests itself in several ways, but there are two major components.

First, there are very few requirements for police departments to publicly report data or explain police policies and how they impact communities – not dissected by race, gender, age, etc. Reporting requirements on use of force, including deadly or excessive force, or deaths while in police custody, are too rare, and disciplinary procedures and records are too often shielded from public view.

Second, there is too often a general lack of transparency in the daily interactions between civilians and police. Police often don’t feel obligated to explain, or sometimes even identify, themselves when interacting with civilians despite the fact that they are public servants. The lack of this basic transparency during daily interactions – especially when those daily interactions are perceived as unjustified and disrespectful – only deepens the divide between police and the public.

Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. In New York City, CPR is advocating for a legislative package known as the Right to Know Act – one of the bills would require officers to identify themselves and explain their reason for engaging someone in law enforcement activity. The other bill would require officers to convey a person’s existing right to refuse a search in which

there is no legal basis – in the absence of this many civilians have been and continue to be unconstitutionally searched.

The education and training of police officers and departments must strongly convey and prioritize transparency, including substantial requirements for providing data and other critical information to the public.

**Police officers should be educated with initial training that is continually reinforced about the need for respect and transparency in their interactions with the public.**

Requirements that increase transparency and improve communication in the most common interactions civilians have with police, similar to the Right to Know Act in New York City, would help address the current crisis of confidence some communities have in the police.

**Federal funds for local police departments must come with stronger requirements for reporting on use of force (particularly excessive and deadly) and the disclosure of disciplinary action taken against officers.** Transparency regarding the data and disciplinary records of police departments is a critical component for the public's education and confidence in their police.

## **EDUCATION & TRAINING WITH ACCOUNTABILITY**

The lack of police accountability for police officers is one of the most critical reasons for mistrust in police and the criminal justice system. Officers are rarely held sufficiently accountable for misconduct, brutality or unjust deadly force against communities of color. The implicit education this provides to officers is that they are above the law and wrongdoing perpetrated against certain communities is tolerated. Reforms of education and training must reverse this by ensuring that officers are held accountable for abuses and misconduct in all communities.

Education and training for police officers are essential, but they are ineffective if officers are not held responsible for following them and if police leadership is not accountable for sufficient training. **Accountability must contain real consequences, because the costs to civilians are too often severe harm, including the loss of liberty and death.**