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Working Paper
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Summary
Remake the Police

a comprehensive strategy for police reform

**The Minneapolis Police Department Requires a Total Makeover
as do many other departments around the nation**

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DESIGN

A Strategy for Enduring Police Reform That Will Work for All of Us

There is widespread agreement on the need for substantive police reform to reduce excessive police racial bias and force, actual or perceived. The death of George Floyd has created opportunity for such reform. The goal is not just justice for George Floyd, it is justice for all.

Unfortunately, the discussion has become polarized between two sides: those who champion abolishing or underfunding the police in favor of some ill-defined public safety organization, which appears dangerous to the safety of our citizens; and those who advocate a grab-bag of well-intended token reforms which, because unlikely to produce any enduring change, seem more distraction than solution.

Such token reforms include numerous plausible measures such as no chokeholds, violence de-escalation, no traffic stops on minor pretexts, neighborhood watch groups, using counselors rather than police for non-violent situations, etc. etc. The trouble is that these are all piecemeal measures, and piecemeal measures almost never produce enduring change. States have enacted over 140 such piecemeal police oversight laws, yet nothing changes; police continue to kill roughly three Americans a day, disproportionately people of color, far more per capita than any other advanced nation. Decades of such piecemeal tinkering have produced no change.

The reason is that piecemeal measures miss the depth of the problem. Were the police system actually properly structured with proper incentives, it would need none of these measures. It would already be doing all the good ones on its own plus many others that would not even occur to outsiders, and doing them better than any outsiders or laws could direct or coerce.

The real problem is that the police system is *not* properly structured and rewarded internally or externally. None of these well-meant piecemeal measures materially change our current flawed policing approach. The problem nationwide is not a few bad apples nor simply accountability, it is a bad police system with an ineffective aggressive and racially biased policing approach that attracts bad apples and trains good apples in this bad approach. Piecemeal measures will not create a superior new policing approach nor stop aggressive officers from violating their intent. And under the current flawed policing structure these measures cannot be enforced by more than token gestures.

Thus we advocate a third approach, neither abolition nor piecemeal reforms. To achieve enduring reform will require fundamental restructuring of the police system to establish the proper structure and incentives. Two big transformative steps are necessary: Step 1) a total makeover in policing approach; and Step 2) a substantive makeover of police personnel. Piecemeal measures cannot do this. For brevity, we call this comprehensive approach the *Remake the Police* strategy.

Step 1 means a complete change from the flawed dominant approach to policing in this country ... self-glorifyingly called “warrior policing”... in favor of a new, superior approach called “procedural justice policing”. Warrior policing has been an abject failure. How do we know? We have vastly more police violence, racial bias and incarceration per capita than any other advanced nation, all of which eschew warrior policing. Six times more Americans per capita are killed by police (highly biased toward people of color even after adjusting for differences in crime rates) than the second-

place nation, and 10 to 20 times more than most of the rest. Yet we have no less crime and vastly more murder.

But the superior new procedural justice approach does not work without Step 2. This Step, the personnel makeover, means retaining and hiring only officers trained and deeply committed to the new approach and, equally important, removing from the force when retraining and discipline fail, all warrior-minded officers who refuse to change, who think the new approach weak and bunk and deliberately violate and seek to undermine it.

In the few places where both Steps have been taken, notably Camden NJ since 2012, the new procedural justice approach has empirically proven itself superior to the current warrior approach on every goal that we want for our police system: A) significant reduction in actual and perceived police violence and racial bias; B) significant reduction in crime and criminal violence; and C) significant improvement in community trust of the police, particularly by communities of color. *These are the goals that any proposed transformative policing reform must accomplish.* I remind us, these are not only the goals that racial justice advocates seek, they are the goals good officers seek.

To achieve these goals both of these big steps are necessary. One will not work without the other. The new procedural justice approach will not work ... has been tried here and failed ... if insubordinate officers can violate and undermine it, impervious to discipline or being removed from the force. Nor will blind personnel makeover alone produce enduring change; the department must know the new policing approach it intends to use, so that it knows how to remake its personnel.

The current flawed paradigm, warrior policing, conducts a “war on crime”. It is aggressive, adversarial, and militaristic. Warrior training is focused on intimidation and use of force. It trains police to stop any citizen on any pretext who “in the officer’s opinion” appears suspicious (which opens the door wide to concentrating on neighborhoods of color), and aggressively interrogate or search them for evidence of criminal behavior. And it drills police ... lecture after lecture, video after video ... that criminals may try to assassinate an officer at any moment, and they must shoot first at any perceived false move to protect their lives.

Thus the problem is not a few bad apples, nor is it just accountability. It a bad policing system that attracts bad apples and trains good apples in this bad approach. It cannot be supervised or disciplined into good behavior by piecemeal measures. It attracts macho, often racist, bullies who like to go to high crime areas and kick butt, whom good officers have little ability to restrain in practice. Even good officers get steeped in this warrior approach. And it makes almost impossible to remove officers for bad behavior and too often whitewashes bad behavior. If you doubt it, read official police incident reports around the nation before and after citizen videos come out (start with George Floyd!). It is citizen videos that have finally awakened whites, who experience little more than corrupt speed traps, to the enormity of excessive police violence, too often racially biased, across the country.

Warrior policing provides virtually no training in interpersonal skills when dealing with citizens and suspects in police encounters; no training in de-escalation of violence; no training in giving those stopped respect and voice, listening and exercising patience ... that you can talk to most people you

stop like a human being without losing authority or control (instead of mindlessly barking orders and rushing to arrest, take down and handcuff them as warrior training emphasizes). Worst, it provides no training in the high commitment that *all lives must come home safe* ... suspects and bystanders as well as officers. Indeed warrior policing regards such training and methods as “weak” and promotes mantras like “unshackle the police” and “control the battlespace”. They ignore its documented abject failure.

The new procedural justice approach is totally different. It trains and manages officers to be not only fully competent in the use of force when necessary, but equally, to 1) treat all people ... white or of color, rich or poor ... with equal dignity, respect, patience, and voice in all encounters; 2) to be neutral in decision-making and convey trustworthy motives; 3) to consistently de-escalate all unnecessary use of force; and 4) to high commitment and pride that *all* lives come back safe, not only officers but suspects and bystanders. Criminals are not the enemy, they are wayward citizens whom police are humanely committed to protect and serve like any citizen even as they firmly exercise enforcement. All these measures also build community trust, essential to police effectiveness.

The procedural justice approach is even more effective when combined with a complementary system of counselors collaborating with police on 911 calls. 20% of calls are non-violent situations such as mental health, drug, and domestic disputes requiring skills for which police have no training. The budget cuts in social services that have left these problems solely to police in so many communities are false economy. These complementary counselling systems not only save lives and help troubled people for whom police and jails are ineffective, they save substantial money. The police force of Eugene OR has employed such an approach with great success for over 30 years

Further, police work is highly stressful. Our officers must regularly deal at a moment’s notice with some of the worst human behavior and tragedy. Officer suicide and PTSD rates are excessive, and many fall into cynicism. All this is of great concern. If no professional sports team is without its sports psychologists, how much more should police departments not have readily available police psychologists to help officers deal with such daily, truly life-threatening stress.

Finally a word on qualified immunity. Because officers often face crises requiring snap decisions, they will frequently make errors, often disastrous and even fatal errors. They must have immunity in such situations, but only in such crisis situations. Courts properly will not and cannot second-guess officer decisions in such crises. But when the situation is not a crisis and there is time for deliberative decisions, then courts can and should second-guess officers who engage in criminally violent or biased behavior. On the other hand, the party that *can* make nuanced decisions about officer behavior even in crisis situations is the chief. If both Step 1 and Step 2 have been taken, then a chief committed to the new procedural justice approach who sees an officer with an incorrigible pattern of continually excessive violence or racial bias in crisis situations, particularly crises of his own making due his failure to deescalate, can remove that officer from the force. Yes, that officer may escape prosecution, but he at least will no longer be on the force working his harm. With a national data system, he should no longer be allowed on any police force.

Because the structure and incentives of a police system are sound when both Steps of the strategy are taken, no outside piecemeal measures are necessary. The system constantly seeks on its own to improve its performance on goals and methods. Those wishing more detail on all these issues of police reform can go to the Civic Caucus website: http://civiccaucus.org/discussions/2021/McClure-Walt_02-26-21.html

In Minneapolis we have made great progress on Step 1. We know the superiority of the new procedural justice approach and have even tried to adopt it, but without success.

We have failed because we have made almost no progress on Step 2. There are a variety of obstacles, many poorly understood and certainly none adequately addressed, that prevent the mayor and chief from removing insubordinate officers who seek to undermine any change from the warrior approach. Thousands of complaints have piled up at the Police Review Board, and the City has paid out millions to settle claims of excessive police force and brutality. And yet the offending officers remain on the force. For decades mayor after mayor, chief after chief have been unable to remove insubordinate and unfit officers.

Therefore what seems most needed now is a taskforce of experts who will identify these obstacles and propose both technical strategies to overcome them and political strategies to bring together the necessary legislators, judges, prosecutors, arbitrators, unions, activists, city and police officials, etc. who must work together to implement the technical fixes. Since the problem of removing insubordinate and unfit officers, while worst in Minneapolis, has shown up in other jurisdictions, perhaps the Governor in conjunction with private and public civic leaders of stature could convene such a task force. Perhaps a foundation could make such a taskforce their mission.

Until we have such a taskforce and can take Step 2 giving the mayor and chief real authority with teeth to remove insubordinate and offending officers, *there will be no police reform*. Do we have to wait for another George Floyd, another Philando Castile, another Daunte Wright, to go down before our private and public leaders mobilize the necessary steps to accomplish enduring police reform?

The public and all our private and public leaders need to understand that piecemeal police reform measures aren't enough ... indeed by themselves are virtually useless to effect real change ... that the entire police system must be properly remade in terms of both approach and personnel. Indeed, I am concerned that this thoroughgoing comprehensive "*Remake the Police*" strategy will get lost in a sea of the many proposed piecemeal measures. An aroused public must demand at the ballot box leaders who will *publicly commit* to the strategy and both its two big Steps ... remake the approach and remake the personnel ... required for substantive, enduring police reform. □

About the author: Dr. Walter McClure, Ph.D., is chair and a senior fellow of the Center for Policy Design.

About the Center: The Center for Policy Design is a non-profit, non-partisan policy research and design organization based in Saint Paul, Minnesota and working nationally that, using the theory and methods of Large System Architecture, develops and helps policymakers apply system redesign strategies for health care, public education, and other large systems in need of improved performance. [website: centerforpolicy.org] More information on the police reform strategy proposed here may be found on the publications page of our website under the Criminal Justice tab.