

SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



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PERF to Update CED Guidelines As First in a Series of Projects for COPS Office

PERF, WITH THE SUPPORT OF THE FEDERAL OFFICE of Community Oriented Policing Services (COPS), is launching a major initiative to provide police chiefs and other law enforcement executives and government policymakers with timely and practical recommendations for addressing the policing profession's most challenging issues.

PERF will convene executive sessions and develop corresponding white papers to help police executives provide leadership on current and emerging problems.

Our first effort will be to update the guidelines on CEDs (Conducted Energy Devices, such as Tasers®) that PERF developed with the COPS Office in 2005. Recent developments have caused many agencies to question whether they should further restrict the use of CEDs.

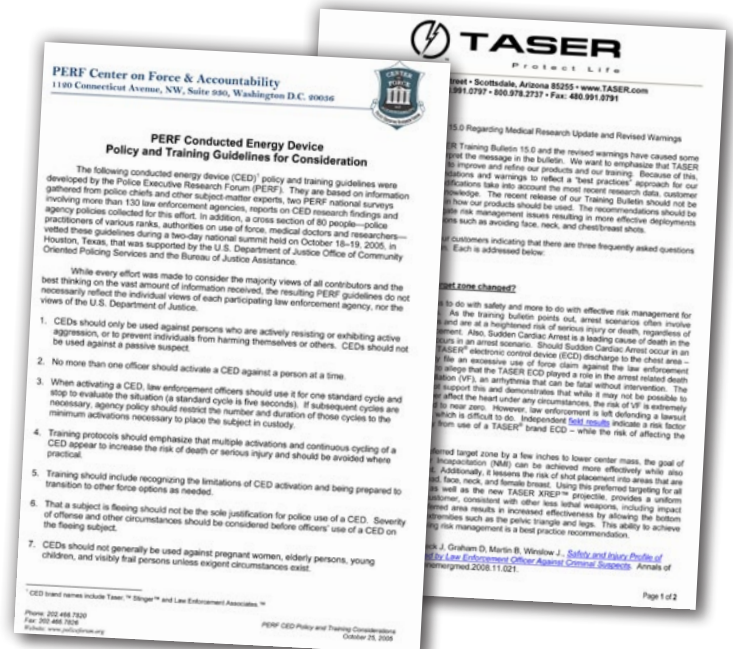
For example, Taser International recently issued a training bulletin changing its recommended target area from "center of mass" (the chest area) to "lower-center of mass" (the abdominal area). The company said the reason for this change "has less to do with safety and more to do with effective risk management for law enforcement agencies" in cases where a person subjected to a CED activation dies. Taser International said that research does *not* support the proposition that use of Tasers can result in cardiac arrest, but moving the preferred target zone away from the chest will make it less likely that a police department will be sued in cases where the subject dies. The company acknowledged that arrest situations are often "fast-moving and dynamic" and that "exact shot placements" will not always be possible, and it stressed that Tasers® still can be aimed at the chest area, but said that "when possible," the preferred area should be lower on the body.

However, because police officers are generally trained to fire weapons at "center of mass," the Taser International advisory has prompted questions about whether their product has suddenly become more complicated for police to use.

(The Taser advisory can be found here: <http://www.taser.com/training/Documents/Training%20Memo%20with%20Training%20Bulletin%20and%20Warnings.pdf>.)

FEDERAL APPEALS COURT DENIES OFFICER IMMUNITY FOR UNREASONABLE USE OF A TASER

In another development, the Ninth Circuit U.S. Court of Appeals ruled that a Coronado, Calif. police officer may be held liable for injuries suffered by a man he subjected to a CED activation, because the use of the CED violated the subject's Constitutional right to be free from excessive force. >> continued on page 11



LEFT: PERF's 2005 CED Guidelines

RIGHT: TASER International Training Bulletin

Chief Jack Harris in the Eye of the Storm On Arizona Immigration Law

By Chuck Wexler

PERF WAS IN THE NEWS LAST WEEK REGARDING A meeting that we helped to arrange between 10 police chiefs and Attorney General Eric Holder regarding the new Arizona immigration law.

This meeting came from discussions with Phoenix Chief Jack Harris, who was thrust into the epicenter of the immigration enforcement issue on April 23 when Arizona Gov. Jan Brewer signed S.B. 1070 into law.

Like other chiefs in Arizona, Jack has been working on the immigration issue for years. Back in 2007, Jack participated in a PERF Immigration Summit, and he's quoted in our report describing the common-sense approach that most PERF members have taken in defining how far local police should go to enforce federal immigration law.

"We go after violent criminals who are illegal immigrants," Jack said. "If you're a landscaper going to work every day, we don't arrest you and turn you over to ICE, even with a traffic stop. But if you're a criminal, you're going to jail, and if you happen to be illegal, you'll be turned over to ICE and deported."

I think there is general agreement that Arizona has struggled with the impact of illegal immigration more than most other states. Phoenix has had many kidnappings related to smuggling of human beings and drugs, and in 2008 a young Phoenix police officer was killed by a drunk driver who was in the United States illegally. Jack Harris also has had to deal with Maricopa County Sheriff Joe Arpaio, who calls himself "America's Toughest Sheriff" on a variety of issues, including immigration.

Arpaio states on his government website that he has been "profiled in over 2,000 U.S. and foreign newspapers, magazines, and TV news programs." Jack Harris, on the other hand, is a self-effacing guy who does not seek out news media attention.

But when the Arizona legislature approved S.B. 1070, Jack believed that the law went too far and that he needed to step forward and issue a warning about the damage that he believes will result—not just in Arizona, but in the other states that are considering legislation modeled on the Arizona law.

I'd like to point out that taking this stand is a profile in political courage, because some opinion polls in Arizona and nationwide show a 70-percent approval rating for the Arizona law.

Jack and I began talking about assembling some other police chiefs nationwide to join Arizona chiefs in describing the national implications of laws like this. Over the last 20 years, we have gone from the rhetoric of community policing to the reality of community policing—police departments building a reservoir of trust and engaging with their communities. It is that partnership between the police and their communities that is endangered by the Arizona immigration law, which by its very nature is creating fear in immigrant communities. Even immigrants who are in the United States legally are afraid that they will be singled out by the police.

That is just one of the arguments that Jack and other police chiefs have made against the Arizona law. (For other analyses, see the press clips about our meeting cited on page 10.)

After Jack and I discussed this several times, we put in a call to the Attorney General Eric Holder's office, asking if he would be willing to meet with a number of police chiefs regarding the immigration issue. One hour later, I got word: The Attorney General thought that was a great idea.

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ABOVE: Attorney General Holder chats with police chiefs following the meeting.



LEFT: The press briefing following the meeting with Attorney General Holder

Attorney General Eric Holder Keynotes PERF Annual Meeting

FOLLOWING IS AN ABRIDGED VERSION OF ATTORNEY General Eric Holder's address to participants at PERF's 2010 Annual Meeting in Philadelphia on April 15:

Let me thank my friend, Chuck Wexler, for inviting me to join you. It's good to be with you all. And it's great to be back in the same city, however briefly, with my old friend, Commissioner Chuck Ramsey. When I served as Deputy Attorney General, I had the chance to work closely with Chief Ramsey. It's no exaggeration to say that his tenure as D.C.'s police chief transformed our nation's capital. He had the guts it required, not only to achieve measurable results in combating crime, but also to reform, modernize, and strengthen the District's police department. And here in Philadelphia, he's achieving the same results.

Today, we've come together to consider ways to make this type of success not just possible, but probable. PERF's commitment to this work is clear. Over the years, I've been privileged to work with many of you, and I've had the pleasure of watching this organization expand its membership, its outreach, its research and its impact. PERF has become a leading voice in establishing policies to reduce officer-involved shootings, to increase diversity in your ranks, and to bring a renewed focus on accountability and transparency within your departments.

By advocating for cutting-edge tools and new technologies, as well as a return to fundamental community policing strategies, you've succeeded in combating violent crime across the country. Simply put, the people in this room have helped bring policing in the United States to a new and remarkable level. And the historic drop we have seen in the nation's crime rates are a function of policies you have espoused.

This work, like all good police work, is not done in isolation. It's done in partnership. By seeking more ways to work together, I know we build on what you've achieved. And I believe we succeed in meeting our shared goals.

For the Department of Justice, establishing the key goals for this year and beyond began with a straightforward objective: to get back to basics. Of course, our top priority is protecting our national security and the safety of all Americans. But we are also focused on law enforcement's fundamental duties of fighting crime, protecting civil rights, preserving the environment and ensuring fairness in our markets. In the months ahead, we also plan to put special emphasis on initiatives aimed at tackling economic crime, international organized crime, youth violence and the exploitation of children.

These projects, too, can only be effective if we engage our law enforcement partners. You are the first, and often best, antennas for detecting fraud, trafficking and violence. You are on the front lines. You know what works. You know what doesn't. And, quite frankly, we rely on the information and expertise that only you can provide.

In particular, we'll be soliciting your assistance in our reinvigorated drug enforcement efforts—work that is driving an enhanced focus on Mexico and on our Southwest border. Some of you work along our Southwest border. You know, as surely as I

do, that we simply cannot afford to ignore the problem of illegal immigration. That's why we are working to ensure that the federal government lives up to its responsibility to create and enforce effective immigration laws.

President Obama has signaled his commitment to comprehensive immigration reform. And the administration has taken important steps forward in working with the potential architects of the Senate's immigration legislation and with leaders at the grassroots level. I know PERF has been a part of this process, offering both research and insights on the unique challenges our broken immigration system poses for law enforcement. Your participation is important. And your perspectives will be critical in helping the administration find a workable solution for the millions who are in our country without lawful status.

As we encourage and pursue reforms, the Department will continue to focus on two key goals: fulfilling our obligation to enforce current immigration laws; and honoring our commitment to safeguard civil rights. However, effective enforcement alone will not be sufficient to solve current problems. We also need to gain the cooperation of the communities in which illegal immigrants, and others who violate the law, settle. This, of course, is achieved by the fair treatment of community residents.

Today, a growing body of research on procedural justice issues is showing us that legitimacy in the eyes of community members is central to effective policing. We're seeing that the outcome of police interactions matters far less to residents—and even to perpetrators—than the nature of these interactions. In other words, an arrest doesn't doom the law enforcement relationship with its public. But an unfortunate or unnecessarily heated interaction can. Assistant Attorney General Laurie Robinson and her team in the Office of Justice Programs are currently exploring this issue more deeply through their Evidence Integration Initiative. Within our COPS office, Director Barney Melekian has allocated resources to examine these issues more closely.

Protecting the safety of law enforcement, and those you serve, must always be a top priority for our nation's Justice Department. No one's summed up the reason why better than my friend, Chuck Ramsey. Two years ago, he told the Senate Judiciary Committee that, and I quote, "No community prospers or even survives long without safety. Safety is why people come together to govern themselves in the first place."

But supporting safety, as Chuck knows best, is about more than simply moving money out the door or putting more eyes on the streets. That's part of it, of course. But ultimately it's nothing without the work you do every day to build smarter police forces, not just larger ones. It's work you call "developing best practices." But I call it "leadership."

With your brothers and sisters in uniform, I hope you will build on this leadership in the days ahead. I hope you will continue your strong and essential partnership with the Justice Department. And I hope you will agree with me that, together, we can build a better America.

Thank you all very much.



Policing Experts Describe Advantages of Using Social Media

By Daniel Kanter

THIS PAST APRIL, TORONTO CHIEF OF POLICE BILL Blair received a distressing message from six of his trusted officers: he had “no friends and no followers.”

Fortunately, the officers were not using those words in a general way. “Friends” and “followers” are terms of art in the fast-growing world of social media. Blair’s officers had just returned from the Social Media in Law Enforcement (SMILE) Conference in Washington, D.C., and they were telling the Chief that the Toronto Police Service needed to take its social media profile up a notch.

Sites like Facebook, Twitter, and YouTube have seen their membership explode over the past five years, and police chiefs around the country are seeking ways to take advantage of these new tools. Chief Blair addressed this issue at the PERF Annual Meeting on a panel with Sacramento Police Chief Rick Braziel and Lauri Stevens, principal consultant and founder of ConnectedCops.net, a firm that provides advice on social media to police agencies. According to the panelists, social media sites offer law enforcement agencies powerful new opportunities for internal and external communications, as well as investigation and information-gathering. But proper training and education programs are necessary to avoid potential pitfalls.

The term “social media” refers to online services and media that are designed to be disseminated through social interaction. Social media sites and services allow users to communicate and to share images, links to other websites, videos, and other content over the Internet. Facebook, MySpace, LinkedIn, Twitter, and YouTube are some of the better-known social media platforms. While these sites were once seen as a hobby of the young, the power of social media in today’s world cannot be denied. Facebook alone now has more than 400 million active users worldwide.

What does this mean for a police executive? According to Chief Braziel, it means that chiefs need to become educated about this technology, and fast. “This is the first time in the history of our profession that the employees entering our agencies know more about a significant aspect of our jobs than we leaders do,” he said.

He encouraged his fellow chiefs to recognize the potential advantages an agency can gain by incorporating social media into its day-to-day operations. Chief Braziel and the other panelists made their case by sharing examples of ways their agencies and others have been effectively employing social media.

INTERNAL COMMUNICATIONS

Some departments have used social media to improve communication within their own agencies. For example, the Sacramento Police Department has established an internal Intranet site that allows department employees to communicate through a variety of different channels and forums. Chief Braziel called this “secured social networking,” since it is available only to those with access to the secure police department servers.

One of the most popular pages on the Sacramento Police Department Intranet is Chief Braziel’s blog, “The Chief’s Forum.” Here the chief posts his thoughts on recent events and administrative matters. The blog format gives all agency employees an opportunity not only to receive this information, but also to post public comments and questions, to which Chief Braziel can later respond.

This facilitation of a *two-way* interaction is one of the hallmarks of social media.

Sacramento’s secured social networking has also improved information-sharing among different divisions within the department. Chief Braziel noted that detectives are now frequently using the Intranet to request information from elsewhere in the department on their own accord. “Younger officers and detectives are sharing information now without us asking them to,” he observed. This, in turn, has led to an improvement in the attitude among younger officers. “It’s not about who’s getting the arrest anymore; it’s just about getting the bad guy off the street,” Braziel explained.

EXTERNAL COMMUNICATION

Most police departments that employ social media do so with an eye to improving communication with their communities. Chief



LEFT: Toronto Chief Police William Blair. MIDDLE: Lauri Stevens, founder of ConnectedCops.net. RIGHT: Sacramento Chief Rick Braziel.

Blair singled out the work of Constable Scott Mills in vastly improving the Toronto Police Service's Crime Stoppers community outreach through the use of social media sites.

Previously, the department had been submitting videos from crime scenes to the local evening news, hoping to receive tips from viewers. Constable Mills lobbied to put the videos on YouTube instead. He argued that the video clips were missing their intended audience, because the youth of Toronto generally don't watch the evening news. Chief Blair was reluctant, fearing that the department would be unable to "control" the video once it was put on the Internet. But he tried Constable Mills' idea, and within three weeks, the video had been viewed 400,000 times by users from all over the world. "We were inundated with tips," said Blair.

Under Constable Mills' direction, the Toronto Police Service continues to use YouTube, and has expanded its presence to Facebook and Twitter. "He personally has increased CrimeStopper tips threefold," Blair said. "That's the impact of one guy who has been relentless in his use of social media. It is extraordinary."

Social media can also boost community relations by connecting law enforcement in a back-and-forth conversation with citizens over the Internet. The Sacramento Police Department has established a blog on its public website called "Ask Officer Michelle," in which citizens can post questions and receive a response from Officer Michelle Lazark, a member of the department's public information team. (Recent inquiries include a question about whether it is legal to tint car windows and a request for advice on dealing with hostile door-to-door solicitors.) The department also has a Facebook page where it can post announcements and photos from events, and receive feedback from Facebook users who become "fans" of the page. These simple innovations seem to be appreciated by an increasingly tech-savvy populace. Chief Braziel held a series of town hall meetings when he first arrived in Sacramento, and a persistent theme was the public's desire to be able to communicate electronically with the police. Social media make that connection.

GETTING FEEDBACK

The interactive dynamic of social media also provides a unique opportunity for police to determine whether their messages are received by their intended audiences. "It used to be very difficult to tell whether the information that we were sending out was being received or understood," said Chief Blair, whose department also has Twitter and Facebook pages. "But social media allow us to interact with people and gain a better understanding of whether they're getting our message and whether they're willing to work with us."

Social media sites can even help police know exactly with whom they are connecting. For example, Facebook provides a demographic breakdown of the users who visit your page. Of the Sacramento Police Department's Facebook "fans," 60 percent are ages 25 to 44; 25 percent are 45 or older, and—to Chief Braziel's surprise—a full 11 percent are 55 or older. This data allows the department to "market" the information it puts out, and to target specific demographics with their posts.

This direct line of communication to the community also allows a police department to gain control of its own image. Rather than relying on local news agencies to report on law enforcement affairs, a department can be proactive in disseminating that

information to the public via social media platforms. Chief Braziel said that his department has already begun the process of video-recording its own press conferences and putting them up online. "That way the public can see exactly what we said and did, instead of the edited version, which can be sensationalized," he explained.

INVESTIGATIONS

Departments have also found that social media sites can be very useful investigative tools. Public Facebook profiles can be troves of information on suspects, for example. For example, in some cities, people have used Twitter to quickly organize gatherings in public locations, which in some cases have ended in violence. By monitoring particular Twitter accounts (and in some cases interfering with that communication), law enforcement can try to stay a step ahead of these so-called "flash mobs." Some gangs have even filmed their exploits and uploaded them to YouTube, so targeted searching of that site can be effective for evidence-gathering, too.

Facebook also can be useful in investigations that aren't criminal in nature: Chief Blair noted that it is a great tool for performing background checks on incoming recruits.

WHAT TO WATCH OUT FOR

While the panel members were effusive about the benefits of social media for law enforcement, they also warned that these tools can create their share of problems if not carefully managed. To provide some examples of common missteps, Chief Blair referenced an article entitled "Top ten social networking tips for cops," by Dr. Richard Weinblatt, former director of the Institute of Public Safety at Central Ohio Technical College. The article cautions police officers to avoid posting any pictures online depicting themselves partying or showing off their firearms, and reminds them that any comments they make on the Internet can later be used by defense attorneys in court to undermine their credibility as witnesses. Most importantly, the article urges officers to be very careful about posting personal information online. "If we can look for bad guys on the Internet, the bad guys can look for our people on the Internet," Chief Blair warned.

The panelists said that these pitfalls can be avoided, or at least reduced, if the department provides training and education in the appropriate use of social media. For example, the Sacramento Police Department has both Academy classes and in-service training to teach employees the "do's and don'ts" of social media use. Online activity is also covered under the department's general behavior policy.

Chief Braziel said that the policy is quite succinct: "Don't put anything online that may—not will, but *may*—bring embarrassment to the Sacramento Police Department. It's that simple." Chief Blair said it's impossible to completely control the online presence of a department's employees, but said that "training is our best line of defense." Ms. Stevens agreed that agencies need to set clear guidelines, because younger recruits may come in expecting that anything is permissible online.

HOW TO GET STARTED

How should interested chiefs go about incorporating social media into their departments? Ms. Stevens strongly recommended mapping out a plan. "You need to step back and consider: What is your message? What are your goals? Whom do you want to reach?"

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Philadelphia Police and Temple University Collaborate on Groundbreaking Foot Patrol Study

By Daniel Kanter

THE FOOT PATROL HAS LONG BEEN A PART OF community policing efforts. However, due in part to studies from the 1970s and 1980s, many police executives have doubted its effectiveness as a crime-fighting tool: it was seen as a boon for community relations, but not a successful strategy to prevent crime. But a recent collaboration between the Philadelphia Police Department and the Department of Criminal Justice at Temple University has produced findings that call for a reexamination of the role that targeted foot patrols can play in reducing a city's violent crime.

The Philadelphia Foot Patrol Experiment was a randomized control trial—the strongest type of research design—testing the impact of targeted foot patrols on crime throughout the city. The Philadelphia Police Department devoted approximately 250 officers, mostly recent academy graduates, to patrol 60 violent crime hot spots across Philadelphia for three months in the summer of 2010.

The results were impressive: areas that received foot patrols saw a relative 22-percent decrease in violent crime that summer. Even accounting for the displacement of crime to other areas, the study suggests that the foot patrols prevented 50 violent offenses from June to August.

Dr. Jerry Ratcliffe of Temple University presented the findings of the study at the 2010 PERF Annual Meeting in Philadelphia. He was joined on a panel by Deputy Commissioner Richard Ross and Chief Administrative Officer Nola Joyce of the Philadelphia Police Department. Deputy Commissioner Ross said he was “cautiously optimistic” about the study, adding that there had been skepticism among some commanders regarding the effectiveness of foot beats. “Many of them believed it was a feel-good thing,” he said. “The attitude was, ‘We’ll do it because the community wants it, but how much of an impact was it really going to have?’” That view was supported by the landmark Newark Foot Patrol Experiment of 1981, which determined that foot patrols were more

important for community relations than for crime reduction.

PLACING FOOT PATROL OFFICERS ON VIOLENT CRIME HOT SPOTS

Targeted foot patrols in Philadelphia originally had been explored by Commissioner Charles Ramsey during the summer of 2008. Foot beats throughout the city had been assigned to recent Academy graduates, and while the measures appeared to have an impact—the number of shootings fell that summer—it was impossible to determine exactly how effective they had been. As Dr. Ratcliffe explained, Philadelphia had been experiencing reductions in violent crime for several years; it was impossible to know whether the decrease in violence from the summer of 2008 was caused by the new foot patrols or was just part of a general trend of decreasing crime. “When we want to evaluate crime reduction strategies and find evidence that is robust enough [to demonstrate the effectiveness of a particular strategy], we need a more advanced mechanism,” he explained.

That mechanism was the Philadelphia Foot Patrol Experiment. In order to isolate the impact of the foot beats, the Temple researchers needed to compare the crime rates in areas that received foot patrols with similar areas that did not. To arrange this, Dr. Ratcliffe and his team examined the city's violent crime reports from 2006 to 2008 and ranked 120 total areas throughout Philadelphia by their levels of violence over



LEFT: Philadelphia Police Deputy Commissioner Richard Ross. RIGHT: Philadelphia Police Chief Administrative Officer Nola Joyce

that time. Each area contained about 15 street intersections and 1.3 miles of roads—suitable for a foot beat.

These areas were then split up into pairs based on comparable violence levels in a “two-by-two” manner. The Number 1 most violent site was paired with the second most violent site; the third most violent was paired with the fourth most violent, and so on. Within each pair, one site was chosen at random to receive a foot patrol, while the other served as a control area and received no special support. This way, researchers could compare an area with a foot patrol to a very similar area without a foot patrol; the difference in crime levels between the two would most likely be attributable to the presence of the foot beat.

The Philadelphia Police Department assigned 250 Academy graduates to walk the 60 selected foot beats in pairs, from Tuesday morning to Saturday night in two shifts (10 a.m. to 6 p.m., and 6 p.m. to 2 a.m.) from June to August of 2009. The patrol officers were provided with a criminal intelligence brief on their assigned area, and each beat was overseen by a veteran tactical officer to train and walk with the rookies. Many patrol officers took the opportunity to engage in community-oriented activities, such as interacting with community leaders and visiting child-care centers, in addition to regular police work.

The results were striking. The violent crime hot spots that received foot patrols experienced 85 fewer violent offenses, or a reduction of 22 percent compared to the control areas without patrols. The study examined the effect of displacement, a phenomenon in which criminal activity moves to wherever police are not concentrated, and determined that 35 additional crimes occurred in the “displacement areas” surrounding the foot beats. Even accounting for these displaced crimes, the foot patrols still prevented 50 violent crimes in the city of Philadelphia.



Dr. Jerry Ratcliffe of Temple University

CONNECTING WITH THE COMMUNITY

The impact of the foot beats was also felt in the community. “Connecting with people was an important piece of what we wanted to do with this project,” said Deputy Commissioner Ross. He cited an example in which he noticed two patrol officers talking to a 10-year-old girl. Curious about what they were talking about, Commissioner Ross called the officers over and found that they had been helping the girl with her homework.

When the experiment ended, Commissioner Ross fielded calls from concerned community members asking by name for the officers who had walked their neighborhood beat. This boost to community relations was another important advantage to employing foot beats. “It’s vital to connect with the public in order to really make a difference out there,” Commissioner Ross said.

Despite the reduction in crime and improvement in community relations, the experiment did not come without risks for the police department. The need for control areas meant that half of the city’s most violent areas did *not* receive foot patrols, even though the department suspected that the patrols might be effective at reducing crime. For example, within the pair of the city’s two most violent areas, the second most violent region was randomly selected to receive the patrol—meaning that the city’s single most violent area from the past three years did not receive the special attention. “Some of the areas and residents that could have benefitted from a local foot patrol did not receive one, so some of the violence that could have been prevented was not,” said Nola Joyce. “That’s a risk.” Dr. Ratcliffe praised the leadership of Philadelphia Mayor Michael Nutter and Commissioner Ramsey for supporting a strong scientific study in the face of pressure “to just put officers on the streets.”

But the risks were well worth the end result, according to Nola Joyce. “There are risks, and there are costs, but knowing what works, and how it works, is important,” she said. Joyce offered this collaboration as a model for a successful partnership between researchers and law enforcement. Joyce stressed that even though researchers sometimes have different goals, cultures, and jargon, they can drive important change in the world of law enforcement. Police executives make life-changing decisions about resource allocation every day, she noted. “When you can make those decisions based on sound, valid research, you gain confidence in your decisions, and you convey that confidence. That’s why we [collaborate with researchers]: to support the decision-maker in making those difficult decisions,” she declared.

Certainly the decision-makers within the Philadelphia Police Department have taken this research to heart. Commissioner Ross declared, “As long as Commissioner Ramsey is here, we will continue foot beats in this city.”

For more information on the Philadelphia Foot Patrol Experiment, visit <http://www.temple.edu/cj/footpatrolproject>.



John Timoney and Jim Lewis Receive PERF Leadership Award; Richard Ross and Nola Joyce Chosen for Gary Hayes Award

FOUR POLICE LEADERS WERE HONORED ON APRIL 15 DURING PERF's 2010 Annual Meeting in Philadelphia. James M. Lewis and John F. Timoney received PERF's highest honor, the Leadership Award, and Nola Joyce and Richard Ross received the Gary P. Hayes Memorial Award.

The awards were presented to the honorees at a reception at the Comcast Center in Philadelphia.

LEADERSHIP AWARD

John Timoney, who recently retired as chief of police in Miami, began his policing career in New York City and later served as police commissioner in Philadelphia. James Lewis, who retired as chief of police in New Haven, Conn., previously served in the top post of the police departments in Grand Chute, Wis.; Appleton, Wis.; Pomona, Calif.; and Green Bay, Wis.

Chief Timoney was nominated for the Leadership Award by Assistant U.S. Attorney John Gallagher of Philadelphia and Gordon Wasserman, chairman of an international consulting firm specializing in the management of police agencies. Gallagher and Wasserman laid out their reasons in a three-page letter that began as follows:

"This year marks John Timoney's 43rd year in policing. He has served in every police rank from police cadet to top leadership positions in three major American cities. An examination of the life and career of John Timoney is, at the same time, an examination of the enormous successes and advancements made in the policing profession over these same decades. History will show that this is a golden era for policing and police leadership. History will also show that John Timoney has been at the forefront of the great progress made in how we police in a free society. We humbly recommend that PERF beat history to the punch and present John Timoney with its Leadership Award for 2010."

TOP RIGHT: PERF President Charles Ramsey presents the Leadership Award to John Timoney. Chief Charlie Deane in background.

BOTTOM RIGHT: Chief Rick Myers presents the Leadership Award to Chief Jim Lewis. Chief William Blair and Sir Hugh Orde in the background.



Chief George Gascón Joins PERF Board of Directors

PERF is pleased to announce that San Francisco Police Chief George Gascón has joined its Board of Directors. Gascón has been chief in San Francisco since August 2009. Previously, he served as chief in Mesa, Ariz. for three years, and before that, he served 28 years in the Los Angeles Police Department, where he rose through the ranks, becoming Assistant Chief and Director of the Office of Operations before joining the Mesa police.



Chief Gascón is known for his expertise in police accountability and training, use of force, Compstat programs, community policing, and other areas. He received a bachelor's degree in history from California State University, Long Beach, and a J.D. from Western State University. He is a graduate of the FBI's National Executive Institute and is a member of the Harvard University/Kennedy School of Government's Executive Session on Policing and Public Safety.

TOP RIGHT: PERF President Charles Ramsey (left) and Executive Director Chuck Wexler (far right) present the Gary P. Hayes Award to Richard Ross and Nola Joyce.

BOTTOM RIGHT: John Timoney and Jim Lewis accept the PERF Leadership Award. From left: Robert Lunney; Rick Myers; Charles Ramsey; Charlie Deane; John Timoney; William Blair; Jim Lewis; Sir Hugh Orde; Chuck Wexler; George Gascon.



The nomination of Chief Lewis for the Leadership Award was made by Appleton, Wis. Chief of Police David J. Walsh, who, noting Lewis's record of reforming the police departments in New Haven, Conn. and elsewhere, wrote:

“Chief Lewis has made outstanding contributions to the field of law enforcement for the past 39 years. He has been at the helm of six agencies in his career, and he is known in police circles for his clear vision, solid wisdom, and his level of integrity and standards. He has championed significant positive change within each agency he touched. He serves as a mentor for current police executives and staff members of all ranks across the country.”

(The full texts of both nomination letters are available on PERF's website at http://policeforum.org/upload/2010%20Leadership%20Award_387079993_4122010120653.pdf, see pp. 3–7.)

GARY HAYES AWARD

The 2010 Gary P. Hayes Award winners both serve in the Philadelphia Police Department—Richard Ross as deputy commissioner, and Nola Joyce as chief administrative officer. The Hayes Award recognizes their work in developing and implementing major crime reduction programs in Philadelphia, including work on Compstat, community policing, problem-solving, and foot patrol initiatives, which in just two years resulted in a 23-percent reduction in homicides, an 11-percent reduction in shootings, a 12-percent reduction in robberies, a 6-percent reduction in rapes, as well as reductions in property crimes.

In 2008, Joyce and Ross helped devise a sweeping crime-fighting plan for Philadelphia, analyzing crime patterns, holding Town Hall Meetings, and surveying members of the Police Department to zero in on the key challenges. They found that nearly two-thirds of Philadelphia's homicides were concentrated in only nine of the city's 23 police districts, so the plan focused police officers and other resources on those locations.

Furthermore, they found that the Police Department's Compstat program had become stale. In Philadelphia, Compstat consisted of weekly presentations by various police districts or units about the crimes that had occurred during the previous 28 days. The program was reworked in order to focus on the

highest-crime districts, and to immediately analyze major crimes committed within the previous 24 hours, rather than 28 days.

A big part of the crime reduction plan involved pedestrian stops, which can help patrol officers get on top of local crime problems, but which can also aggravate police-community relations if they are not managed carefully. In order to reassure the community that Philadelphia police officers would not engage in any form of racial profiling, officers received refresher training to make sure they understood the laws governing pedestrian stops. As a result, pedestrian stops increased 58 percent in 2008, but complaints against officers rose only 4 percent.

The city's new anti-crime plan produced strong results; violent crime rates in the nine high-crime districts declined even more significantly than the citywide figures cited above. Murders dropped 26 percent in 2008 alone, and shootings declined 15 percent.

Ross and Joyce also took on a new challenge in 2009: a major research study of the effectiveness of foot patrols, conducted jointly by the Police Department and Temple University (see related article, page 6).

“Nola Joyce and Richard Ross have the characteristics of past winners of the Hayes Award—they are innovators and outside-the-box thinkers who are not afraid to question conventional thinking,” said PERF Executive Director Chuck Wexler. “We have been following their careers for years, and are pleased to have this opportunity to recognize their achievements.”


Once you've answered those questions, then decide which tools best fulfill those goals," she advised.

In March of this year, Stevens developed her own guide for departments looking to make use of social media, entitled "The C.O.P.P.S. Social Media Method for Cops." Her method revolves addressing several key considerations for a social media plan: citizens, objectives, plan, policy, and schedule. "You cannot jump into the world of social media like it's the wild wild West," she urged. "You need a well-rounded communications strategy."

Chief Blair encouraged his peers to recognize that these sites

constitute a phenomenon that's here to stay. "There's no stopping this," he said. "The numbers are extraordinary." Rather than fight the encroachment of social media into law enforcement, Blair and many of his peers have embraced it as a "new evolution in community policing."

Additional information: Lauri Stevens' C.O.P.P.S. Social Media Method for Cops: <http://connectedcops.net/?p=1634>.

Dr. Richard Weinblatt's "Top ten social networking tips for cops": <http://www.policeone.com/police-technology/articles/1877554-Top-10-social-networking-tips-for-cops/>. 

We identified a group of 10 chiefs who wanted to participate—starting with several from Arizona, and branching out to all parts of the country to get a representative sample of police chiefs. In addition to Jack Harris, they are: Tucson Chief Roberto Villaseñor; Sahuarita, AZ Chief John W. Harris (who serves as president of the Arizona Association of Chiefs of Police); Los Angeles Chief Charlie Beck; Philadelphia Commissioner Charles Ramsey; Houston Chief Charles McClelland; Minneapolis Chief Tim Dolan; San Jose, CA Chief Rob Davis; Salt Lake City Chief Chris Burbank; and Montgomery County, MD Chief Thomas Manger.


On May 25, these 10 chiefs convened at PERF's offices in Washington to plan for their meeting with Attorney General Holder at 9:00 the next morning. Each chief had comments to make about how they believe that laws like Arizona's will hurt policing.

Early the next morning, I got a call from Jack, and I could tell something was wrong from his tone of voice. "How are you doing?" I asked. "Not good," Jack said. "One of my officers was killed this morning. I need to go home right away; I won't be able to attend the meeting with the AG." Like other strong chiefs, Jack instinctively knows what to do; there was no question in his mind that he needed to fly home immediately to be with his officers.

So nine chiefs and I went to the U.S. Justice Department building for our hour-long meeting with the Attorney General. While the meeting was great, it was disappointing that Jack could not be with us, because he more than anyone else deserved to be there.

I believe I can speak for everyone in saying the meeting was very productive. We got the sense that the Attorney General was really trying to get to the bottom of these issues. Each police chief spoke for a few minutes about a particular aspect of the Arizona law, and the Attorney General peppered them with questions, trying to better understand their arguments. It was similar to a Supreme Court oral argument. At the end of the meeting, Mr. Holder thanked the chiefs and told them they had done a good job battling back his questions and giving him a real perspective on how this law will impact what they do across the country.

After the meeting, the chiefs held a news media briefing outside DOJ headquarters. Media interest in this story was intense. Scores of reporters showed up, and for the rest of the day PERF received far more calls and emails than it could handle from other reporters nationwide. Every news outlet from Fox News Channel to "Countdown with Keith Olbermann" wanted to interview the police chiefs. I found that encouraging—that the news media recognize the strong respect that police chiefs have in the community. Even though the immigration issue is controversial and has prompted some hate mail to PERF, not many have dared to challenge the credibility of our chiefs who spoke out on the Arizona law on March 26.

So my hat is off to Jack Harris and to all of the chiefs who met with the Attorney General or who have spoken out on the immigration issue in other venues. Your communities are well served by police chiefs who are not afraid to speak the truth about laws that could reverse decades of progress in making America's communities safer. 

Following are a few of the major news media stories about the police chiefs' meeting with Attorney General Holder:

Washington Post: *Arizona immigration law will boost crime in U.S. cities, police chiefs say* <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/26/AR2010052601200.html>

USA Today: *Police coalition challenges Arizona law* http://www.usatoday.com/news/washington/2010-05-25-chiefs_N.htm

CBS News: *Police Chiefs Tell Holder: Arizona Law a Bad Move* http://www.cbsnews.com/8301-503544_162-20006052-503544.html

ABC News: *Police Chiefs Slam Arizona Immigration Law: "It's Very Divisive"*

<http://abcnews.go.com/Politics/police-chiefs-arizona-immigration-law-divisive-reduce-trust/story?id=10748847>

CNN: *Police chiefs warn of Arizona immigration law problems* <http://www.cnn.com/2010/CRIME/05/26/crime.us.police.arizona.law/?hpt=T2>

Associated Press: *Police chiefs voice concerns to AG about Ariz. law*

<http://www.google.com/hostednews/ap/article/ALeqM5jKVfYxH4wbJdoijU3S9P1SqICQ8QD9FUPM485>

Reuters: *Police vent to Holder on Arizona immigration law* <http://www.reuters.com/article/idUSTRE64P58T20100526?type=domesticNews>

BBC News: *US police chiefs pan Arizona immigration law* http://news.bbc.co.uk/2/hi/world/latin_america/10168989.stm

The December 28 ruling, in *Bryan v. McPherson*, has no legal force outside the 9th Circuit (California, Nevada, Arizona, Washington, Oregon, Idaho, Montana, Alaska, and Hawaii). But it was seen as significant because it could force some police departments to tighten their restrictions on use of CEDs. The case involved a man who was stopped for driving without wearing his seatbelt, who was having a “bad morning” and was frustrated with himself for forgetting to use his seatbelt and other problems he had had that morning, the court said. As the subject stood outside his car wearing only shorts and tennis shoes, growing increasingly agitated, the officer activated his Taser X26, which caused the man to fall onto the road, fracture four of his teeth, and sustain other injuries.

In order to evaluate the officer’s claim to immunity from lawsuit for his action, the 9th Circuit said its task was to “balance the amount of force applied against the need for that force.” In making that assessment, the court compared CEDs to other types of force, and held that the X26 Taser “intrudes upon the victim’s physiological functions and physical integrity in a way that other non-lethal uses of force do not.” For example, the court said, “while pepper spray causes an intense pain and acts upon the target’s physiology, the effects of the X26 are not limited to the target’s eyes or respiratory system.”

The officer’s use of the CED was not reasonable, the 9th Circuit concluded, considering that the subject was stopped for a minor traffic infraction and “did not pose an immediate threat to [the officer] or bystanders despite his unusual behavior.”

The court was not swayed by the officer’s claim that his use of the X26 was justified because he believed the subject may have been mentally ill. “To the contrary,” the court said, if the officer believed the subject was mentally disturbed, “he should have made greater effort to take control of the situation through less intrusive means.”

Thus, some legal observers have said that if the ruling is allowed to stand, police departments within the 9th Circuit will need to ensure that their CED policies do not allow for use of the devices to respond to passive resistance or other behavior that

does not involve an immediate threat to someone’s safety. Furthermore, federal appeals court rulings sometimes have an unofficial impact outside the states of their jurisdiction, as policymakers try to see which way a legal issue is trending and anticipate future court rulings.

The ruling can be found here: <http://www.ca9.uscourts.gov/datastore/opinions/2009/12/28/08-55622.pdf>.


These and other developments raise a host of questions for police agencies that have already deployed or are considering use of CEDs.

PERF’s 2005 CED guidelines are generally considered strong, and could be considered prescient in light of the 9th Circuit ruling. The very first of the 52 guidelines states that “CEDs should not be used against a passive subject,” and other guidelines provide that use of a CED should be weighed against the severity of the suspect’s offense, that officers should be aware of the possibility of a subject falling and injuring himself following a CED activation, and that when possible, officers should warn a suspect that he is about to be subjected to a CED activation. (The 9th Circuit said that one factor it considered in finding the officer’s CED activation unreasonable was that he failed to warn the subject.)

However, PERF believes that it is time to revisit its CED guidelines and update them as necessary to reflect the large amount of CED research that has been conducted since 2005, the experience of police departments that have deployed them, and other developments. PERF is grateful to the COPS Office for providing an opportunity to undertake this review. For further information or to become involved in this project, contact Jerry Murphy of PERF at gmurphy@policeforum.org.

ISSUE NUMBER 2: EARLY RELEASE OF PRISONERS

The second issue that PERF will examine in the COPS project will be the early release of prisoners that is occurring in a number of states due to budget shortfalls. The potential impact on public safety in cities and counties could be considerable, and PERF will aim to help police agencies understand this impact, as well as what they can do to minimize any harmful effects.

In addition to these two issues, PERF will address other issues as identified by the Director of the COPS Office. 



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